RELIGION AND SOCIETY IN ASIA

Norshahril Saat

The State, Ulama and Islam in Malaysia and Indonesia

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To my beloved wife,
Sarina Mohamed Rasol

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Abbreviations and Acronyms

ABIM	Angkatan Belia Islam Malaysia (Islamic Youth Movement of Malaysia)
AGC	Attorney General's Chambers
AHFS	Australian Halal Food Services
AIC	Andalusia Islamic Centre
AKKBB	Aliansi Kebangsaan untuk Kebebasan Beragama dan Berkeyakinan (Nationalist Alliance for Religious Freedom and Belief)
Aliran	Persatuan Aliran Kesedaran Negara (National Awakening Movement)
Amanah	National Trust Party
AMLA	Administration of Muslim Law Act
ASB	Amanah Saham Bumiputera (Bumiputera Trust Fund)
ASM	Amanah Saham Nasional (National Trust Fund)
ASWJ	Ahlus Sunnah Wal Jamaah (Sunni Islam)
BAHEIS	Bahagian Hal Ehwal Islam (Islamic Affairs Division)
BAIS	Badan Intelijen Strategis (Indonesian Military Intelligence)
Bakorpakem	Badan Koordinasi Pengawas Aliran Kepercayaan Masyarakat (Coordinating Board for Monitoring Mystical Beliefs in Society)
BERSIH	Gabungan Pilihanraya Bersih dan Adil (Coalition for Free and Fair Elections)
BHNU	Badan Halal Nahdlatul Ulama (Nahdlatul Ulama Halal Body)
BN	Barisan Nasional (National Front)
BPH-DSN	Badan Pelaksana Harian Dewan Syariah Nasional (Executive Board of the National Shariah Board)
BPN2H	Badan Nasional Produk Halal (National Body of Halal Products)
BSM	Bible Society of Malaysia
BSN	Badan Standardisi Nasional (National Standardization Agency)
Darul Arqam	House of Arqam
DDII	Dewan Dakwah Islamiah Indonesia (Indonesian Islamic Dakwah Foundation)
Ditjen Haji	Direktorat Jeneral Penyelenggaraan Haji dan Umrah (Directorate for Haj and Umrah)
Ditjen Islam	Direktorat Jeneral Islam (Islamic Directorate)
DPR	Dewan Perwakilan Rakyat (Indonesian Legislative Assembly)
DPS	Dewan Pengawasan Shariah (Shariah Supervisory Board)
DSN-MUI	Dewan Syariah Nasional (National Shariah Board)
Forum Demokrasi	Democratic Forum
FPI	Front Pembela Islam (Islamic Defenders Front)
FUI	Forum Umat Islam (Islamic Forum)

GAM	Gerakan Aceh Merdeka (Free Aceh Movement)
Gerakan	Malaysian People's Movement Party
GNPF MUI	National Movement to Safeguard MUI Fatwa
Golkar	Golongan Karyawan (Party of Functional Groups)
GUPPI	Gabungan Usaha Perbaikan Pendidikan Islam (Coalition for the Improvement of Islamic Education)
HINDRAF	Hindu Rights Action Force
HTI	Hizbut Tahrir Indonesia (Liberation Party of Indonesia)
ICMI	Ikatan Cendekiawan Muslim Indonesia (Indonesia Association of Muslim Intellectuals)
IIUM	International Islamic University of Malaysia
IKIM	Institut Kefahaman Islam Malaysia (Malaysian Institute for Islamic Understanding)
ILMU	Ulama Muda UMNO (UMNO Ulama Youth)
INDAH	Institusi Dakwah dan Latihan Islam (Dakwah Institution and Training)
IRF	Islamic Renaissance Front
ISA	Internal Security Act
ISMA	Ikatan Muslimin Malaysia (Malaysia Muslim Network)
ISTAC	International Institute of Islamic Thought and Civilization
ITB	Bandung Institute of Technology
JAIN	Jabatan Agama Islam Negeri (State Islamic Religious Department)
JAIP	Jabatan Agama Islam Pahang (Pahang Islamic Religious Department)
JAIPK	Jabatan Agama Islam Perak (Perak Islamic Religious Department)
JAIS	Jabatan Agama Islam Selangor (Selangir Islamic Religious Department)
JAKIM	Jabatan Kemajuan Islam Malaysia (Department of Islamic Development Malaysia)
JATI	Jalur Tiga: Islam, Melayu dan Raja (Three Streams: Islam, Malays and Royalty)
JAWI	Jabatan Agama Islam Wilayah Persekutuan (Islamic Religious Department of the Federal Territories)
JIL	Jaringan Islam Liberal (Liberal Islam Network)
JKF-MKI	National Fatwa Committee [of the National Council for Islamic Religious Affairs Malaysia] (Jawatankuasa Fatwa Majlis Kebangsaan Bagi Hal Ehwal Ugama Islam Malaysia)
KAN	Komite Akreditasi Nasional (National Accreditation Committee)
Keadilan	Parti Keadilan Rakyat (People's Justice Party)
KEMENAG	Kementerian Agama Indonesia (Indonesian Religious Ministry)
KEN	Komite Ekonomi Nasional (National Economic Committee)
KLI	Komando Laskar Islam (Islamic Para-military Command)
Kosmos	Komunikasi Sosial (Social Communication) special joint committee

LDII	Lembaga Dakwah Islam Indonesia (Indonesian Institute of Islamic Preachers)
LDK	Lembaga Dakwah Kampus (Campus Dakwah Body)
LEPAI	Lembaga Penyelaras Pelajaran dan Pendidikan Agama Islam (Council for Standardisation of Islamic Teaching and Education)
LIPPI	Lembaga Penelitian dan Pengkajian (Islamic Research and Study Institute)
LPPOM-MUI	Lembaga Pengkajian Pangan, Obat-Obatan, dan Kosmetika Majelis Ulama Indonesia (Assessment Institute for Food, Drugs, and Cosmetics of the MUI)
MAAI	Majlis al Alami Lil Alimat al Muslimat Indonesia (Muslim Women Council of Indonesia)
MAIAMP	Majlis Agama Islam dan Adat Melayu Perak (Perak Council for Islam and Malay Culture)
MAIJ	Majlis Agama Islam Negeri Johor (Johor Islamic Religious Council)
MAIK	Majlis Agama Islam Kedah (Islamic Religious Council of Kedah)
MAIM	Majlis Agama Islam Melaka (Islamic Religious Council of Malacca)
MAIS	Majlis Agama Islam Selangor (Islamic Religious Council of Selangor)
MAIWP	Majlis Agama Islam Wilayah Persekutuan (Islamic Religious Council for Federal Territories)
MCA	Malaysian Chinese Association
MCCBCHST	Malaysian Consultative Council of Buddhism, Christianity, Hinduism, Sikhism, and Taoism
MIAI	Majlis Islam Ala Indonesia (Council of Indonesian Islam)
MIFC	Malaysia Pusat Kewangan Antarabangsa (Malaysia International Islamic Financial Centre)
MIHAS	Malaysia International Halal Showcase
MISG	Kumpulan Pengajian Islam Malaysia (Malaysian Islamic Study Group)
MKI	National Council for Islamic Religious Affairs Malaysia (Majlis Kebangsaan Bagi Hal Ehwal Ugama Islam Malaysia)
MMI	Majelis Mujahidin Indonesia (Indonesian Mujahidin Council)
MONAS	National Monument Indonesia
MP	Member of Parliament
MPR	Majelis Permusyuaratan Rakyat (People's Consultative Assembly)
MPS	Majlis Penasihat Shariah (Shariah Advisory Council)
MUI	Majelis Ulama Indonesia (Ulama Council of Indonesia)
MUIS	Majlis Ugama Islam Singapura (Islamic Religious Council of Singapore)
MUNAS	Musyawarah Nasional (National Assembly)
Musawah	Global Musawah Movement
NU	Nahdlatul Ulama (Revival of the Ulama)

Ormas	Organisasi kemasyarakatan (civil organisations)
Pancasila	Five Principles (Indonesia's state ideology)
PAP	People's Action Party
Parmusi	Partai Muslimin Indonesia (Indonesian Muslims Party)
PAS	Parti Islam Se Malaysia (Islamic Party of Malaysia)
PBBM	Parti Pribumi Bersatu Malaysia (Malaysian United Indigenous Party)
PDI	Partai Demokrasi Indonesia (Indonesia Democratic Party)
PDI-P	Partai Demokrasi Indonesia-Perjuangan (Indonesian Democratic Party of Struggle)
Perkasa	Pertubuhan Pribumi Perkasa Malaysia (Malaysian Glorious Indigenous Association)
PERKIM	Pertubuhan Kebajikan Islam Malaysia (Muslim Welfare Organization Malaysia)
PERSIS	Persatuan Islam Indonesia (Islamic Association in Indonesia)
PERTI	Pergerakan Tarbiyah Islamiyah (Islamic Preaching Movement)
PGI	Persekutuan Gereja-Gereja Indonesia (Communion of Churches Indonesia)
PHDI	Parisada Hindu Dharma (Indonesian Hinduism Society)
PK	Partai Keadilan
PKB	Partai Kebangkitan Bangsa (National Awakening Party)
PKR	Parti Keadilan Rakyat (People's Justice Party)
PKS	Partai Keadilan Sejahtera (Prosperous Justice Party)
PPP	Parti Persatuan Pembangunan (United Development Party)
PR	Pakatan Rakyat (Peoples' Alliance)
PSII	Partai Syarikat Islam Indonesia (Indonesian Sarekat Islam Party)
PUI	Persatuan Ulama Indonesia (Ulama Organisation Indonesia)
PUM	Persatuan Ulama Malaysia (Ulama Association Malaysia)
SBY	Susilo Bambang Yudhoyono
SC	Suruhanjaya Sekuriti Malaysia (Securities Commission Malaysia)
SHURA	Secretariat for Asia Assembly of Ulama
SIS	Sisters in Islam
SKB	Surat Keputusan Bersama (Joint Ministerial Decree)
SSB	Syariah Supervisory Board
SSM	Suruhanjaya Syarikat Malaysia (Companies Commission Malaysia)
SUARAM	Suara Rakyat Malaysia (The Voice of Malaysians)
TURUN	Gerakan Turun Kos Sara Hidup (Movement to Reduce Living Costs)
UiTM	Universiti Teknologi Mara (Mara Technological University)
UKM	Universiti Kebangsaan Malaysia (National University of Malaysia)
UM	Universiti Malaya
UMNO	United Malays National Organization

UPNM	University Pertahanan Nasional Malaysia (National Defence University of Malaysia)
USIM	Universiti Sains Islam Malaysia (Malaysian Islam and Science University)
USM	Universiti Sains Malaysia (University of Science, Malaysia)
WADAH	Wadah Pencerdasan Umat Malaysia (Platform for Malaysian Intellectualisation)
WHF	World Halal Foundation
YADIM	Yayasan Dakwah Islamiah Malaysia (Islamic Da'wah Foundation Malaysia)

A Note on Translation, Spelling, and Other Conventions

This book relies on primary materials that are written in the Malaysian and Indonesian language or are translations of *Quranic* verses and *Hadith* in Malay. Quotes and interviews originally written or spoken in the Malay language are translated into English by the author.

The plural forms of Arabic terms are mostly retained. The only exception is the term *ulama* (religious scholars). The term *ulama* in Arabic is the plural for *Alim*. However, in Malay usage, the term *ulama* refers to both singular and collective. Thus, *ulama* in this book refers to both singular and plural forms. The plural form of other Islamic terms will be indicated with an "s". Hence, the term *Shias* refers to the plural form for *Shia*, and *pesantrens* as the plural for *pesantren*. The plural for *mufti* is *muftis*.

The term *state* is widely used here. *State* in this study mainly refers to government. The Indonesian state refers to its central government. Provincial and district governments are *daerah*. Similarly, the Malaysian state refers to the federal government (Kerajaan Persekutuan). To avoid confusion, local governments or state legislatures (such as Johor, Pulau Pinang and Sarawak) are identified as "state (*negeri*) governments."

Non-English terms shall be *italised* when first introduced. However, subsequent use of the same terms will not be italised. The only exception to this rule is the term *negeri*, which will be italicised throughout the text. The term *negeri* is italicised to emphasise that I am referring to the local state.

Direct quotes will be indicated with double open and close inverted commas ("…") and quotes within a quote with single open and close inverted commas ('…'). Quotes with more than three lines will be indented.

The spelling *shariah* is used to refer to Islamic law instead of *syariah*, *syaria*, or *sharia*. However, these spellings are retained if they are originally used to refer to institutions or organisations such as Dewan Syariah Nasional and Syariah Supervisory Board.

Malay and Indonesian authors are identified by the first names, not their surnames. Hence, Farish A. Noor is cited as "Farish" rather than "Noor," and Chandra Muzaffar is as "Chandra" rather than "Muzaffar." However, Arabic names are treated the same manner as English names, and their family names are identified. For example, Syed Naquib Al-Attas is cited as "Al-Attas" in a way Andree Feillard is cited as "Feillard." Academic and religious titles are not attached to the names. Hence, Professor Nasaruddin

Umar will be identified as Nasaruddin Umar, and Kyai Haji Said Aqil Siroj will be identified as Said Aqil Siroj, and so on.

For Quranic translations, I refer to the text by Abdullah Yusof Ali, *The Meaning of the Holy Quran* (Kuala Lumpur: Islamic Book Trust, 1996). Where the translation is obtained directly from the interpretation from the religious elite themselves, these will be clearly indicated.

All monetary figures will be indicated in their original currencies for consistency. I will then convert figures into US dollars and indicate them in brackets as (US$).

Preface

Under authoritarian governments, bureaucrats or civil servants are generally perceived as those lacking independent judgement and practising group-think. Their primary role is to legitimise the ideology of ruling elites, deviating from their original mandate to be politically impartial. This book focuses on Islamic institutions in Indonesia and Malaysia that were formed or expanded under authoritarian settings of President Suharto and Prime Minister Mahathir Mohamed, respectively. How do the official ulama – Islamic religious scholars who serve in state-sponsored institutions – in the two countries behave when they function in state bureaucracies? In Indonesia, the main official ulama institution is the MUI (Ulama Council of Indonesia); but for Malaysia, official ulama function in at least one of the following institutions: the JKF-MKI (National Fatwa Committee); JAKIM (Department of Islamic Development Malaysia); and IKIM (Malaysian Institute for Islamic Understanding). This book looks at the state-ulama power dynamic, in particular, two processes. The first is "co-optation," which refers to states' attempts to neutralise ulama's influence. States invite ulama to participate in the religious bureaucracy and support their ideology and policies in return for rewards, status, and recognition. The second is "capture," which refers to ulama capitalising on their position in state institutions to strengthen their authority, to gain access to important political and economic networks, to lobby their personal or groups' agenda, and to push through agendas that are not necessarily those of the state which co-opted them.

There are two central questions in this book. First, as the Indonesian and Malaysia states strive to co-opt official ulama, in what ways have official ulama managed to capture parts of their respective states? Second, has the increase in political competition since the 1997 Asian financial crisis led to stronger or weaker capture by official ulama in both countries? In answering these questions, I engage with existing writings on Indonesian and Malaysian official ulama. These works have made two broad generalisations. First, official ulama are becoming more conservative and Islamist compared to their behaviour in the past. Second, they had been co-opted by the state during the authoritarian rules of Suharto and Mahathir, but MUI has been more assertive and powerful vis-à-vis their respective states in the competitive political environments after 1997.

The book also engages with theoretical debates in the field of comparative politics. It is particularly interested in interest-mediation models: pluralism,

corporatism, and state-in-society. It deploys the concept of *capture* as a way of building on Migdal's state-in-society approach, which is interested in states' and societies' construction of authority vis-à-vis one another. It demonstrates how official ulama can capitalise from their co-opted positions by influencing public policy in their favour; affecting appointments of state personnel; enhancing their authority to make religious, social, and political pronouncements; and accessing material and other resources to achieve personal material goals.

I argue that Suharto's and Mahathir's co-optation strategies shaped contemporary official ulama capture objectives. During the New Order period, MUI's role was limited to issuing fatwas and explaining national policies to the masses, and doing strictly what the government wanted. Since 1997, MUI wanted Indonesian laws to recognise its role in Islamic economics, halal certification, and public morality. In contrast, since the 1980s, the Mahathir government has entrusted Malaysian official ulama with these roles. The ulama had much wider scope for action and influence right from the start. However, since the Abdullah Badawi government (2003-2009) came to power, they have claimed the exclusive right to interpret the state's ideology, appealed for the right to define Islam, and sought to fulfil other material interests. The ulama made more inroads in their capture under the current Najib Razak government (2009-present), which has, in turn, implemented more Islamic policies than its predecessors.

I also contend that the Malaysian official ulama's capture of the state has proceeded much further than that of their Indonesian counterparts. Three modalities explain Malaysian ulama's relative success: they have a clear institutional role, a coherent ideology, and organisational unity. The Malaysian ulama have maximised their capture ability by successfully projecting themselves as the unassailable defenders of Islam, *Ketuanan Melayu* (Malay Supremacy), and the Malay rulers, paralleling the ideology of the ruling party, UMNO. The absence of these factors in MUI – a reflection of its organisational fragmentation – impeded its capture of the state as evidenced in its failed bid to monopolise the sharia economy, halal certification, and authority to define "deviants." However, MUI's persistence in lobbying for an alternative Islamic order, through promoting programmes such as sharia tourism, sharia cinema, and sharia entertainment, demonstrates a capture in progress, rather than a failed capture.

There are numerous people whose intellectual and moral support have inspired me to complete this book. First, I would like to thank my mentors, Associate Professor Greg Fealy, Professor Ed Aspinall, and Dr John Funston, for their constructive comments and guidance towards the completion of

this book. They have been extremely generous with their time, advising me, and reading my draft chapters. My family members, friends, and colleagues have been the source of my strength and inspiration. I would like to express my gratitude to my wife, Sarina Mohamed Rasol; my parents, Haji Saat Dawood and Hajjah Azizah Sahlan; and family members Norshahizal Saat and Siti Radiah Mohammad Shariff, for their continuous encouragement. I also wish to thank MUIS (Islamic Religious Council of Singapore) and the MUIS Academy staff, particularly Haji Mohammad Alami Musa, Haji Abdul Razak Maricar, and Dr Albakri Ahmad for supporting my academic studies.

Special thanks goes also to my mentors from the National University of Singapore (NUS): Associate Professor Noor Aisha Abdul Rahman, Dr Azhar Ibrahim, Dr Suriani Suratman, and Professor Syed Farid Alatas. I wish to also thank my former colleagues at the Australian National University (ANU), namely Dr Kimly Ngoun, Thuy Pham, Allison Ley, Ahmad Muhajir, Dr Syamsul Rijal, Obaidul Haque, Fajran Zain, and Brendan Forde for their moral support. Special thanks to Dr Faizal Musa for taking time to read parts of the drafts to this book. Not to forget are my colleagues at the ISEAS-Yusof Ishak Institute (Singapore), especially the Director, Mr Tan Chin Tiong, for all the intellectual engagements and support.

My field research would not have been possible without sponsorship from the Centre for the Study of Religion and Culture (CSRC), Universitas Islam Negeri Syarif Hidayatullah Jakarta; and the Academy of Malay Studies (APM), University Malaya. Therefore, I would like to acknowledge the help of Pak Irfan Abu Bakar (Director of CSRC) and Dr Zahir Ahmad (former Director of APM). Special mention also goes to the institutions I consulted: Majelis Ulama Indonesia (MUI), Nahdlatul Ulama (NU), Muhammadiyah Pusat, the Religious Ministry of Indonesia, and the various religious departments and councils in Malaysia. Staff from these institutions have been very generous in providing me with research materials and allowing me the use of their libraries. I also wish to thank the staff from the following libraries: National University of Singapore, Universiti Malaya, UIN-Syarif Hidayatullah Jakarta, and ISEAS-Yusof Ishak Institute, for facilitating my research work and gathering of materials.

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I would like to acknowledge the many kind people I interviewed. This research would not have been possible without their contribution and comments. I am deeply humbled by the hospitality given during my

fieldwork in Indonesia and Malaysia and I have benefited a lot through our conversations. During fieldwork, I have made many friends, and here I would like to record my appreciation to Muhammad Amiriskandar, Dr Marzuki Mohamad, and Datin Paduka Marina Mahathir for their hospitality during my stay in Kuala Lumpur, and Ustaz Akbar Kurniawan and Dr Faried Saenong in Indonesia. Lastly, I thank those who have extended their prayers for me, especially friends from Al-Muttaqin Mosque and Al-Mawaddah Mosque in Singapore.

Dr Norshahril Saat
September 2017

1 Introduction

The term *ulama* is mentioned in the Holy Quran twice and traditionally, the Muslim community regarded them as a group of Islamic scholars. A *hadith* recorded the Prophet Muhammad as saying the ulama were "heirs of the Prophet" (*waratsatul anbiya*). The ulama quote this hadith to identify themselves as authorities in religious matters, gatekeepers of religious learning, and guardians of the faith. As such, the ulama often present themselves as "custodians of an authoritative dogma, reproducers of an authoritative legacy, and interpreters of authoritative law" (Ghozzi, 2002, p. 317). Unlike Christianity, many Muslims do not regard the ulama as an ordained priesthood. In Catholicism, the religious structures are neatly separated from society, where ordained priests are considered mediators between God and human beings. While priests perform sacramental functions and intercession between God and man, this is generally not the case for the ulama. The ulama act as religious scholars who provide guidance on theological matters, and ideally, are autonomous from the state and ruling elites.[1]

Muslims distinguish ulama from other elites by virtue of their education. They identify ulama based on their training in Islamic disciplines or revealed knowledge. Religious science training can be received either earlier or later in their educational life.[2] The ulama's fields of study include law, exegesis, theology, and traditions of the Prophet. By nature of their training, the ulama function as jurists, theologians, grammarians, teachers, *mufassirin* or writers of *Quranic* commentary, and *muaddithin* or interpreters of *hadith* (Hussain, 2006). The ulama must have the ability to read and converse in

1 Although there is no priesthood in Islam, some Muslims do see the faith as having a clergy. Khuri (1987) argues that the concept of the clergy exists amongst some Shia circles (p. 293). Several Sufi groups, similarly, believe in the mystical powers of the saints (*wali*) and Sufi masters. Conversely, some Muslims do not include Sufi *syaikhs* as part of the ulama ranks (Green, 1978, p. 26). For the majority of Muslims, not only are the ulama ordinary human beings, they also remain a very fluid social category, and far from being a unified social class.

2 The notion of "Islamic disciplines" arose in the seventh and eighth centuries AD. The dichotomy between "Islamic" disciplines and "non-Islamic" (secular) disciplines did not exist during the time of the Prophet and his companions, who were largely very practical individuals. Islamic disciplines emerged as a reaction towards the early Abbasid caliphate's translation movement of books on philosophy, mathematics and physical sciences (Saeed, 2004, p. 16). The terms "Islamic" disciplines and "revealed" knowledge are highly contested. Hasan al-Turabi, for instance, would include chemists, engineers, economists, jurists, social scientists, natural scientists, public leaders, philosophers, and those who enlighten society as ulama, too (Al-Turabi, 1983). See also Hatina, 2009a

Arabic in order to interpret the Quran, hadith, and classical Islamic sources. They have the competency to deal with matters pertaining to religious beliefs, rituals, and ethical codes. Moreover, the Muslims regard ulama as the spiritual, moral, and intellectual custodians of Islam. Hence, ulama define problems falling within the sphere of religion and provide solutions based on what they deem divine law. In some Muslim societies, the ulama must not only receive training in a *madrasah* (traditional Islamic school), they must also take up appointments in offices deemed "religious." This has its precedence during the Ottoman caliphate, where those who studied in a *madrasah* and received an *ijazah* (diploma or degree) secured appointments as mosque functionaries, teachers or judges, could be regarded as ulama (Chambers, 1972, p. 33).

Muslims generally better regard ulama who functioned autonomous of states. In other words, the further the distance the ulama have from the state, the better society perceives them. Muslims fear the ulama's view are coloured by politics more than religion. In 2004, the prominent Islamic studies scholar, Abdullah Saeed, noted the general decline in "official" ulama's legitimacy. By official ulama, Saeed refers to religious scholars working in the bureaucracy or state-sponsored institutions. Saeed, who teaches in Australia, wrote, "The situation of the official ulama today [...] is perhaps worse than any time in Islamic history [...] it is a myth that the ulama today bestow substantial religious legitimacy on the modern nation state" (Saeed, 2004, p. 27).[3] According to him, the increase in states' control over Islamic institutions such as endowments, schools, and mosques has contributed to official ulama's decline in influence (Saeed, 2004, pp. 14, 22-24). Saeed's opinion is consistent with how some Islamic studies scholars perceive the ulama. They characterise official ulama as having been co-opted by the state. They also deem official ulama to be "rubber stamps" and "lackeys" of the ruling elites, surrendering independent theological judgement in exchange for material rewards and status.[4] These compromises contradict the ideal ascribed to ulama by the Prophet Muhammad, that they are religious scholars, guardians of the faith, heirs of the prophet, and voices of the *ummat* (religious community).

In the Middle East, it is doubtful whether official ulama can issue religious rulings independently of the state. For example, prominent Qatar-based

3 Turner (2008) also makes this argument, though he discusses the decline of both the official and non-official ulama's authority. Turner cites the rise of diaspora communities and the advent of new media as the reasons for ulama's decline.

4 See Bligh (1985), Kechichian (1986), Khuri (1987), and Ghozzi (2002).

jurist Yusof Al-Qardawi (b. 1926) questioned the ability of Al-Azhar ulama, including Sayyid Tantawi (1928-2010), to rule independently of the state (Skovgaard-Petersen, 1997, p. 186; 2009, p. 44).[5] Tantawi spent almost three decades as an official ulama: the Grand Mufti of Egypt (1986-1996) and the Rector of the Al-Azhar University (1996-2010). Al-Qardawi accused Tantawi as having been co-opted by then-President Hosni Mubarak to serve in state-sponsored institutions. Al-Qardawi preferred Muslim scholars to elect democratically the Rector of Al-Azhar University to serve the ummat (Bayoumi, 2010).[6] Al-Qardawi was not alone in criticising Tantawi's co-optation. Ebrahim Moosa, professor of Islamic studies, remarked that "Tantawi was not only pro-Western, he was often pro-authority and did his best to satisfy such authority, even if it meant that he had to cut corners with the body of ethical and moral rulings in Islamic teachings" (Graham, 2010).

The relationship between the ulama and the state is not only the subject of debate in the Middle East, but also in other parts of the Islamic world, including Southeast Asia. Two states that have majority Muslims, and the subjects of investigation of this book, are Indonesia and Malaysia. Does the perception of ulama as co-opted by the state apply to contemporary official ulama in Indonesia and Malaysia? This question is relevant especially since they were "strong" states for long periods in their recent history. Indonesia was under the military dictatorship of Suharto between 1966 and 1998; while Malaysia was under the semi-authoritarian Prime Minister Mahathir Mohamed between 1981 and 2003. Prominent religious elites in Malaysia and Indonesia have expressed their doubts about official ulama's autonomy. The late Nik Aziz Nik Mat (1931-2015), a Malaysian ulama and politician from PAS (Parti Islam se-Malaysia or Islamic Party of Malaysia), signalled his reservations about official ulama.[7] He felt that ulama should be dictating political affairs and not taking orders from ruling elites (*umara*), namely UMNO (United Malays National Organisation) politicians. Similarly, Said

5 The Egyptian state appoints the Grand Mufti of Egypt and the Rector of Al-Azhar University.

6 Similarly, the life stories of classical jurists challenging their despotic rulers evoke the standards of the ideal religious scholar. For instance, the Sunnis often hail classical jurist Ibn Hanbali (d. 855) as "protector of the faith." Ibn Hanbali chose imprisonment rather than altering his theological position as instructed by the authoritarian Abbasid Caliph Ma'mun (d. 833).

7 Interview with Nik Abdul Aziz Nik Mat, former Kelantan Chief Minister and Spiritual Guide (*mursyidul am*) of PAS, 7 April 2013. Nik Aziz shared his views on not wanting to be a mufti. He said, "I am continuing the task of the Prophet Muhammad, and not serving in institutions that form part of the colonial legacy." Nik Aziz was still the Chief Minister of Kelantan at interview. He stepped down after the general elections in May 2013, and passed away in February 2015.

Aqil Siroj, the General Chairman of Indonesia's largest Muslim organisation, NU (Nahdlatul Ulama or Revival of the Ulama), questioned official ulama's legitimacy. Referring to the MUI (Majelis Ulama Indonesia or Ulama Council of Indonesia), Said Aqil remarked:

> In the past, Suharto expected MUI to protect his authority. MUI represented many members from different organisations to defend Suharto. Now [after the downfall of Suharto], MUI functions differently. However, MUI is still part of the government, and obtains their budget from them. The genuine ulama, as defined in the Quran, are not from MUI, but from the *ormas* [*organisasi kemasyarakatan* or civil organisations] such as NU and Muhammadiyah.[8]

Said Aqil added, "Don't expect an institution under the government to expand. The state controls MUI. The ulama in NU are independent. The state does not control our thoughts. We are free to speak on matters based on our principles."[9]

This book compares the religious and political behaviour of the official ulama in contemporary Indonesia and Malaysia. The common perception of official ulama is that they surrender their authority to the states' ruling elites in exchange for status, prestige and salaries. However, recent scholarship on Islamic religious authority, such as Hatina (2009a) and Al-Atawneh (2009), have questioned the notion of official ulama as passive. These works suggest that official ulama are not as passive as perceived. Debates in comparative politics, which propose that the relationships between states and societal actors are complex, strengthen the need to rethink official ulama's behaviour. States may not be as dominant in society as co-optation theorists suggest. On the contrary, official ulama can transform into a dynamic social group utilising instruments entrusted to them by the state to: strengthen their own authority; fulfil their personal and material interests; and lobby for their personal or group's agenda that may counter the states' core values. Official ulama adopt strategies that amount to what I define as "capture."

8 NU and Muhammadiyah are two of the largest ormas (civil organisations) in Indonesia. All ormas have to register under the ormas regulation (RUU Ormas) Law No. 8/1985. Interview with Kiai Haji Said Aqil Siroj, Chairman of Nahdlatul Ulama (NU), 2 March 2013.

9 Interview with Kiai Haji Said Aqil Siroj, Chairman of Nahdlatul Ulama (NU), 2 March 2013. During the interview, he was very critical of MUI, despite being a member the MUI advisory board.

This book pursues two central questions. First, as the Indonesian and Malaysian states strive to co-opt official ulama; in what ways have the official ulama managed to capture parts of their respective states? Second, has the increase in political competition since the 1997 Asian financial crisis led to stronger or weaker state capture? In answering these questions, I engage with existing studies on official ulama in Indonesia and Malaysia as well as theoretical debates in the field of comparative politics, with a focus on a number of official ulama institutions at the national level. The state authorises these institutions to make religious pronouncements in the form of *fatwas* (Islamic legal opinions). For Indonesia, I focus on the MUI, which popular preachers, mosque leaders and religious teachers deem as Indonesia's Islamic legal authority. For Malaysia, I examine the JKF-MKI (National Fatwa Committee [of the National Council for Islamic Religious Affairs Malaysia] or Jawatankuasa Fatwa Majlis Kebangsaan Bagi Hal Ehwal Ugama Islam Malaysia),[10] JAKIM (Jabatan Kemajuan Islam Malaysia or Department of Islamic Development Malaysia), and IKIM (Institut Kefahaman Islam Malaysia or Malaysian Institute for Islamic Understanding). Throughout this book, the term *state* refers to the central government of Indonesia and the federal government of Malaysia. In the case of Indonesia, I refer to local governments as the *provinsi* (provincial) or the sub-provincial level *kabupaten/kota* (districts), while for the case of Malaysia, the local governments are referred to as the *kerajaan negeri* (state government).[11]

At the outset, I must emphasise MUI and JKF-MKI are not direct comparisons. The two institutions differ in terms of origins, functions, structure and their relations with regional branches, an issue I will deliberate in greater detail in Chapter 2. The level of funding the two institutions receive from their respective states also varies considerably, with JKF-MKI receiving from the Malaysian government multiple times more than MUI obtains from the Indonesian government. However, these differences do not invalidate comparing Indonesian and Malaysian official ulama and their institutions. First, the aspects selected for comparison are broadly similar; they include departments related to fatwa production, Islamic economics, halal certification, and public morality. Malaysia's JAKIM and

10 JKF-MKI is a department within a federal institution, MKI (Majlis Kebangsaan Bagi Hal Ehwal Ugama Islam Malaysia or Council for Islamic Religious Affairs Malaysia). While MKI oversees Islamic administration of the whole country, it is not an ulama institution. The Malaysian prime minister chairs the council. In contrast, the ulama makes up the membership of the JKF-MKI.

11 Malaysia adopts the federal government structure. In Malaysia, the state government is commonly referred as *kerajaan negeri*.

IKIM are also analysed together with JKF-MKI, because the combined roles of these Malaysian institutions are comparable to those of MUI's in the aforementioned aspects. Second, the purpose of comparison is to understand the capture process in each of the two countries. The book demonstrates how ulama have used platforms provided to them by the state to influence the state. The very differences found in these institutions – in the form of funding, function, structure, membership – explain different types of capture, and how the ulama capitalises on the situation by being close to state officials and politicians.

Central to the book's argument is that, compared to their Indonesian counterparts, the Malaysian ulama can capitalise on co-optation and capture the state more effectively because their institutional roles are clearly defined. It will delineate the factors that make these contrasting state-official ulama relations in both countries later in this chapter.

Measuring co-optation and capture

I apply the concepts co-optation and capture to describe the dynamic between states and official ulama. Both concepts measure the ability of each group to influence, resist, and/or capitalise on one another. Co-optation refers to a state's strategy to neutralise oppositional voices, and to entrench its legitimacy in the eyes of its citizens (Bertocchi and Spagat, 2001; Gandhi and Przeworski, 2006; Selznick, 1948).[12] Selznick defines co-optation as a mechanism of adjustment, a process "of absorbing new elements into the leadership of policy-making or policy determining structure of organisation as a means of averting threats to its stability or existence" (cited in Krygier, 2012, p. 50; Selznick, 1948, p. 34).[13] This is not to deny that these new elements can also shape and influence policies, sometimes in ways that states do not anticipate, in a peaceful manner that does not counter the states' ideology. In co-optation, states cajole or discipline these new elements to abide by basic rules, and they expect these new elements to influence policies from "within" rather than external agitation such as mass demonstration, protest, or rebellion. In return, the state provides these new elements with rewards

12 Another study that has applied co-optation theory includes Bertocchi and Spagat (2001), which examines how unstable governments in post-communist states give large benefits to a large number of beneficiaries, whereas stable governments give large benefits to a small number.

13 Note the different usage of the terms *co-optation* and *co-option*. *Co-option* refers to the behaviour of the persons or groups who aligns himself/herself to the ruling elites. In contrast, *co-optation* refers to the process undertaken by the state.

and concessions that include, but are not limited to, salaries, contracts, and prestige.

I introduce the concept of capture to describe the possible ways societal actors capitalise on state co-optation. In political economy, the concept explains the ways firms shape business rules, fiscal and monetary policies, and regulations in their favour. Firms also seek to control legislative votes, to command key instruments of the state, to obtain favourable executive decrees and court decisions, and to establish important business connections. In capture, individuals, groups, and firms in both public and private sectors aim to shift laws, regulations, decrees, and other governmental policies to their own advantage (Yakovlev, 2006, p. 1036).

The concept of capture is applied to analyse official ulama's strategies to influence policies, laws, and distribution of resources. These strategies include directly lobbying politicians and civil servants, or indirectly influencing public opinion through fatwas and other religious advisories. The following ideal measurements are used to illustrate what constitutes official ulama's successful capture and state co-optation: first, the extent to which they influence state policies as opposed to legitimising them; second, the extent to which they influence the appointments of state personnel as opposed to the state determining them; third, the extent to which state religious bureaucracies and institutions enhance ulama's authority as opposed to undermining it; fourth, the extent to which they monopolise discourse or counter the interests of the state as opposed to opinions determined by the state; and fifth, the extent to which ulama are able to access resources that help them achieve goals apart from state-provided benefits and concessions. In reality, the co-optation and capture dynamic is not a zero-sum game. A successful capture does not always amount to a failed co-optation. Furthermore, the object of co-optation and capture may also be different for separate cases. Thus, one should measure the extent of co-optation or capture in relative terms: what actors aim to achieve and what they actually achieve.

The book refers to co-optation and capture as practices of states and societal actors, and this makes Migdal's work on the "state-in-society" approach relevant. Migdal emphasises that states and societies construct their authority vis-à-vis one another, and it is thus important to examine their practices to dominate the other instead of the images they portray. Through studying states' practices, one can observe their struggles in exercising dominance over their respective societies. These struggles also apply to states political scientists characterise as "strong." In Migdal's view, the state is not a "centralised, unified organisation establishing pre-eminence over

the population in a given territorial space" but rather every state's attempt to assert its power on society is bounded by limitations and resistance (Migdal, 2001a, p. 4). Migdal emphasises the factors that facilitate or hinder actors' influence. To build from Migdal's approach, I apply concepts of co-optation and capture to distinguish the practices of the states and official ulama, respectively.

Why "capture" as a theoretical framework?

Political scientists have devised several frameworks in studying state-society relations and this book applies the concept of capture after considering two other common approaches: pluralism and corporatism. Pluralism, as a school of thought, is based on the Western and European experience of democratisation and industrialisation. The underlying philosophy of pluralism is the rejection of the tyranny of the majority and it shares many of the principles of neo-classical economics: many vendors restrain other sellers from raising prices to consumers (Schwartz, 1998, p. 5). Schwartz argues that in the pluralist model, equally powerful and multiple sets of leaders exist, each of them commanding different political resources. Some may have control over voters and organisations, others control money and economic resources, and still others control mass media and public image (pp. 3-5). The pluralist model ensures conflicting interest groups are free to enter the public sphere, and since society is far too fractionalised, not one of these groups can dominate the public sphere.

Nevertheless, political scientists cannot agree on whether the pluralist model exists in reality, or only as an ideal. Does competition between interest groups, dispersed inequalities, and countervailing power – qualities of pluralism endorsed by proponents of the model – exist in reality? In truth, some interest groups are inevitably more powerful than others and the larger, powerful groups often succeed in carving out niches for themselves within public decision-making bodies. Powerful actors in society can mobilise their political and social values within institutions, and restrict public debate to issues they deem important. Taking the case of Islamic representation in Indonesia as an example, no other interest group matches the membership size, support, and resources of the mass-based organisations NU and Muhammadiyah. In Malaysia, political parties UMNO and PAS have been the most dominant actors in shaping the Islamic discourse since the 1950s. Thus, pluralism's assumption that barriers of entry are fluid is largely unrealistic when applied to the Indonesian and Malaysian context.

The pluralist model, therefore, is best seen as an "ideal" type when discussing interest-group politics in the current Indonesian and Malaysian context.[14]

Furthermore, interest groups have to work within the values and principles underlined by the well-organised, resource-rich groups. As Schwartz (1998) rightly points out, "the organised and active interests of small groups tend to triumph over the unorganised and unprotected interests of larger groups" (p. 8). In Indonesia and Malaysia, organised groups, such as Golkar (Golongan Karyawan or Party of Functional Groups), NU, Muhammadiyah, UMNO, and PAS are better placed than other groups to dominate the Islamic agenda. Organised groups with long histories tend to be more successful pushing their agendas than less organised ones. Thus, I perceive pluralism as too idealistic in its assumptions to be applied in Indonesia and Malaysia.

Corporatism, in many ways, presents a challenge to pluralism. Significant to this book, the model's assumptions bear the traits of strong states and co-optation. In 1974, Schmitter wrote a very influential essay – "Still the Century of Corporatism?" – refuting the proponents of the pluralist model. Schmitter defended the relevance of corporatism in modern-day polities by pointing out the model's different forms. According to Schmitter,

> Corporatism as a system of interest representation in which the constituent units are organised into a limited number of singular, compulsory, non-competitive, hierarchically ordered and functionally differentiated categories, recognized or licensed (if not created) by the state and granted a deliberate representational monopoly within their respective categories in exchange for observing certain controls on their selection of leaders and articulation of demands and supports. (Schmitter, 1974, p. 94)

The corporatist model is often associated with the presence of the strong state. Williamson's (1989) and Wiarda's (2009) elaboration of the concept confirms this. According to Williamson, "Corporatism involves the licensing, recognition, compulsory membership of designated categories. By and large, the state ensures controlled emergence, numerical limitation of interest organised groups" (p. 9). Similarly, Wiarda defines corporatism as

14 Even countries where pluralism is believed to have originated from, such as the US, cannot claim to have fully met all the assumptions of the model. In reality, there is never an equality of conflict as pointed out by the model. According to E.E. Schattschneider, all forms of political organisation are biased in promoting a particular kind of conflict and suppressing some other forms of conflict (cited in Schwartz, 1998, p. 6). Sharing this view, Williamson (1989) argues that dominant groups restrict the decision-making process to relatively innocuous issues and manage to exclude more fundamental issues those which defines the nature of the system itself (p. 57).

"a system of social and political organisation in which major societal and interest groups are integrated into the governmental system, often on a monopolistic basis or under state guidance, tutelage and control, to achieve coordinated national development" (p. 93).[15] Although Wiarda applies the model to Latin America and Northern Europe, he does not see corporatism as unique to these countries. The model's close association with the strong state makes it attractive for political scientists to match it with Indonesia and Malaysia during the non-competitive political environments under Suharto and Mahathir (Hadiz, 1994; Hsiao, 2001; King, 1977; MacIntyre, 1994; Milne, 1983; Porter, 2002). They applied the corporatist model in relation to the labour, agricultural, military, businesses and trade union sectors. The popularity of this framework is understandable given the dominance of the strong state or the developmental state theses in explaining the success of the Southeast Asian Tiger economies during the 1980s to the early 1990s.

In corporatism, the state accords "peak" organisations or associations, which act as its agents, representational monopoly over constituent members.[16] The state indirectly disciplines and controls the behaviour of the members, making them conform to the goals of the state. Only a "selected" few have the right to represent their interests to the state. Representation is, however, restricted to state-determined rules, values, and *modus operandi* because of the institutional, financial, and authoritative dependence upon the state.

Porter (2002) classifies the New Order state's management of Islamic interests as corporatist and MUI as the "peak" organisation representing Muslim interests.[17] He claims that MUI members can convey Muslims' interests to President Suharto through the Minister of Religious Affairs, and liaise directly with the military in a special joint committee, Social Communication (Kosmos), on religious issues related to national security (p. 78). This corporatist arrangement gives the impression that the state co-opted MUI members. According to Porter,

> Its tendency to issue fatwa and pronouncements in support of government policy measures left MUI exposed to accusations by independent ulama and Muslim intellectuals that it furnished religious opinions and viewpoints primarily in order to satisfy the regime's wishes. (2002, p. 78)

15 According to Wiarda (2009), the role of the state in this system, and its relation to the main corporate or societal interest groups, make up a political society.

16 Chalmers (1985) argues that corporatism starts with the state and defines group interests in terms of their relations with the state.

17 Nonetheless, Porter (2002) also suggests that there are varieties of corporatism (pp. 10-12).

I concur with Porter's opinion that MUI members issue fatwas to support the government. They issued these fatwas because the Suharto government stipulated their role was to support and translate the government's policies. There were, however, instances in which MUI's fatwas went against the New Order's wishes.

Nevertheless, recent studies on interest-group politics in China, Japan, and South Korea contest the assumption of associating corporatism with the strong state and co-optation. These challenges came from scholars who utilised the civil society paradigms and state-in-society models (to be discussed later). Extensive fieldwork, as well as analysing policy papers and official reports, enabled these scholars to understand the implicit and indirect challenges to state power, amidst perceived co-optation (Bian, 1997; Koo, 1993).[18] Even the proponents of corporatism point at the possibility of society playing a leading role vis-à-vis the state within corporatism as analysis moves away from the national to the sub-national (O'Donnell, 1977; Williamson, 2010). While corporatism at the national level focuses on the involvement of elite and key state actors and members of state institutions, studying the meso-level corporatism or micro-level corporatism gives a more nuanced picture of the nature of relations, particularly with the non-state sectors (Williamson, 1989, p. 146).[19]

Corporatism has become less fashionable in modelling interest mediation between state and society. Even the model's proponent, Wiarda (2009),

18 Criticisms of corporatism not only come from the proponents of the pluralist model, but also from the followers of the model as well. Challenges to corporatism have led to many of its proponents pointing out the model's different variants. Some remain sceptical about situating corporatism as a theory and believe that corporatism is mainly an aspect of the continuum of pluralism not to be treated as a theory on its own. Williamson (1989) argues that theorists of corporatism largely focus on theoretical and conceptual issues rather than the empirical findings (p. 66). Hence, he urged one to distinguish "descriptive" corporatism and "theoretical" corporatism – the former emphasises empirical data while the latter works on the level abstraction. Williamson's criticism is compelling when it amounts to the model being applied to Muslim interests.

19 Schmitter (1974) pointed out the need to move away from analysing corporatism as a state-led process. He distinguished societal corporatism from state corporatism. Societal corporatism refers to liberal and democratic arrangements whereas state corporatism refers to the more authoritarian context. Agreeing with Schmitter, Schwartz (1998) argues that "[t]he authoritarian state will attempt to enforce social peace by deliberately destroying incipient pluralism, repressing the autonomous articulation of subordinate class demands through the imposition of interest organisations from above" (p. 12). Corporatised interest groups can "lighten the load of parties, parliaments, and public servants and contribute to governability by aggregating demands as well as articulating them, formulating and implementing policies as well as lobbying them" (p. 12).

conceded that in the 1980s and 1990s corporatism went into decline (p. 100) because of the third wave of democratisation that began in Eastern Europe and Latin America, lowering of tariffs barriers and greater mobilisation as a result of the formation of the European Union, the end of the Cold War in 1989, the acceptance of the Washington Consensus, and globalisation (p. 100).

The model's decline has given way to the state-in-society approach proposed by Migdal. My classification of state-in-society as an "approach" is deliberate because it never attempts to function as a model, but depicts state-society relations as being more complex than pluralism and corporatism assumes. Migdal counters the stark-contrast portrayal of states as autonomous and effective on the one hand, and ineffective on the other. Migdal argues that the practices of the state must be distinguished from the idea of the state itself (2002, p. 70), where the state and society are not seen as dichotomous social entities.

Migdal contests the notion that states are the prime movers of macro-level societal change as corporatism scholars often portray them. He argues that domestic environments constrain the actions of states, often. "The autonomy of states, the slant of their policies, the preoccupying issues for their leaders, and their coherence," Migdal contends, "are greatly influenced by the societies in which they operate" (2002, p. 76). In return, states present opportunities and constraints that mould social organisations and structure society. Thus, the state-in-society approach does not mean the role of the state should be ignored, as the state has made a large imprint on the vision of society. Instead, the state remains a core analytical category, although scholars should not treat its authority as omnipotent (White, 2013, pp. 7-8). Based on Migdal's work, states are not as strong as what many assume they are. In line with Migdal's approach, Van Klinken and Barker's (2009) edited volume shows that the Indonesian state is not composed of static rulers in closed institutions, single, homogeneous and coherent entities. There are divisions and inherent contradictions within the state.

In sum, both the corporatist and state-in-society theories provide a sound theoretical basis for this book. For the case of Indonesia and Malaysia, the state-Islam dynamic is characterised by corporatism, at least during the Suharto and Mahathir years. Both the Indonesian and Malaysian states attempted to contain and channel religious dialogue into formalised structures. Mahathir, for instance, increased centralisation by giving more powers to federal-based Islamic institutions to control Islam, such as JAKIM (Maznah, 2010). A similar thinking ran through Suharto's formation of MUI in which the institution was promoted as the highest legitimate body to represent Muslim interests, above the larger mass-based organisations

NU and Muhammadiyah.[20] Nevertheless, the theoretical premises found in the state-in-society approach, which points out the relations between the state and society are not conspicuously dichotomous, and that the state and society may influence one another in many different ways, provokes one to re-think the general assumptions made in corporatism, especially its close association with the strong state and co-optation.

This book builds on the state-in-society approach (Migdal, 1988; Suzaina, 1999). According to Migdal, existing studies on state-society relations emphasise the image of the state. This is manifested in the corporatist and bureaucratic-authoritarian approach, where the state is portrayed as either "autonomous and effective, or hapless, and bumbling, unstable," and "ineffective in carrying out their grand designs" (Migdal, 2002, p. 68). Migdal distinguishes the "practices of the state" from the "idea of the state itself." Rather than seeing state and society as dichotomous social structures, Migdal's state-in-society approach depicts society as a combination of social organisations. According to Migdal, "Various formations, including the idea of the state as well as many others (may or may not include parts of the state) singly or in tandem offer individuals strategies of personal survival and, for some, strategies of upward mobility" (Migdal, 2001b, p. 49). More importantly, individuals' selection of a range of strategies depends on a variety of factors. They may either be coerced into making such decisions or be offered material or monetary incentives (Migdal, 2002, p. 70).

Migdal questions the notion that states are the prime movers of macro-level societal change, although he does not discount the state as continuing to be the most important social actor. He argues that the actions of states, often, are constrained by their domestic environment. Societies continue to shape the powers states have, the nature of their policies, and the issues of concern to the leaders. Migdal's approach in studying the "practices" of the state, rather than treating the state as a coherent, controlling organisation, has debunked the notion of strong state and passive society (White, 2013, p. 5). In other words, there can also be a situation where the society is relatively stronger than the state. As Migdal points out, state-society relations should not be seen as a zero-sum equation, with clear winners and losers (Migdal, 2001b, p. 20). Thus, applying the concept of capture is in line with Migdal's assertion that the state does not have a monopoly over rule-making. However, "co-optation" and "capture" are not a zero-sum game. The official ulama may

20 The desire to mediate the difference between the two rival organisations is seen in the unspoken arrangement where the chairmanship of MUI is rotated between the members of NU and Muhammadiyah.

be fulfilling their own interests and capturing the state while being co-opted. In addition, applying the concept of capture does not render corporatism and the state-in-society approaches irrelevant. The use of capture is only meant to investigate the deeper processes societal actors use to influence the state.

This book's findings support Migdal's assertion that the state is not as strong as scholars often assume. However, existing studies using Migdal's framework stop short of pointing out the limitations of the state without extending the analysis to the limitations of societal actors. In addition, scholars who apply Migdal's approach often conduct research in the peripheries of the state in order to demonstrate states' limitations. This book of ulama located within the state, and their behaviour vis-à-vis the state as autonomous actors, fills this theoretical gap, and extends Migdal's approach to accommodate the influence of societal forces on the state.

Despite the shortcomings on how Migdal's state-in-society approach has been applied in existing studies, his work informed my fieldwork strategy and data gathering. Mainly located in Jakarta and Kuala Lumpur between November 2012 and March 2016, my fieldwork largely consisted of interviewing official ulama from both countries. While this book focuses on the official ulama, the interviews also included academics, civil-society activists, politicians, non-official ulama, bureaucrats and cabinet ministers who closely interacted with ulama. The personalities selected have significant influence in the community by occupying important offices in the state, and, most importantly, are able to be informed due to close acquaintance with the events and meetings attended by the official ulama. Apart from these interviews, I had numerous conversations with the public, activists, and students in institutes of higher learning, and conducted participant observation in mosques. I also attended fatwa meetings, public forums (where the official ulama spoke), and conferences. My research also relies extensively on secondary data. Official comments and press releases published in the media were examined. Apart from examining academic works, theses, and newspaper reports, I also relied on online videos.

However, it has to be pointed out that most my findings in this book covers the period of 2012 to 2015. As far as possible, the book will incorporate ongoing developments in both countries in 2016 and 2017. The year 2015 was eventful for Indonesian Islamic organisations: MUI, NU, and Muhammadiyah held their congresses which elect new slate of leaders. For example, MUI elected a conservative Ma'ruf Amin as its Chairman, and NU elected him as the Rois Am. I also follow important developments in Indonesia between October and December 2016, in what is known as the Ahok controversy. The incumbent governor of Jakarta, Basuki Tjahaja Purnama (known as Ahok),

was accused of insulting Islam in one of his campaign speeches. He was running for re-election as governor in February 2017. His comments sparked a huge protest on 4 November and 2 December 2016, with some claimed up to 150,000, asking for him to step down and be charged under the country's blasphemy law. Religious organisations, including MUI, were dragged into this saga, and had meetings with President Joko Widodo. In the February polls, although Ahok obtained the highest number of votes ahead of two challengers, he did not secure a 50 per cent threshold. Hence, Ahok had to contest a second round in April 2017, which he lost to Anies Baswedan.

Similarly, as I am finalising this book, Malaysia is gearing up for the general election, due August 2018. The country also witnessed several developments which could impact the original data gathered during my fieldwork. Most importantly is the breaking up of the opposition coalition Pakatan Rakyat, which saw PAS separating itself from DAP (Democratic Action Party). In another twist, the progressive faction in PAS broke away from to form another opposition party, Amanah (National Trust Party). Also, the former prime minister, Dr Mahathir Mohamed, broke ranks with UMNO and formed another opposition party, PBBM (Parti Pribumi Bersatu Malaysia or Malaysian United Indigenous Party). These developments are unlikely to change the actors view on official ulama and state capture, but they will have impact on political party movements and membership reconfigurations. Readers should anticipate an interviewee affiliated with a political party will jump ship to another party or organisation different from when the interview was originally conducted.

Measuring successful capture and co-optation

The concept of capture is in line with Migdal's approach of focusing on practices rather than on images of states and societies. It covers the ways in which societal actors (in this case official ulama) construct their authority in relation to the state. I define *capture* as the processes in which groups or individuals regulate or control key decision-making units in the state, which later can be used as avenues to influence laws, policies, decrees, regulation, and appointments. Capture is successful when firms can shape the rules of the game in their favour (Hellman, Jones, and Kaufmann, 2000, p. 5; Yakovlev, 2006; Stigler, 1971; Frye, 2002; Ganev, 2007).[21] Although the

21 Hellman, Jones, and Kaufmann (2005) distinguish state capture from influence and corruption. They define *influence* as an organization's capacity to have an impact on the formation

concept of capture is often associated with crony capitalism, it is not necessarily corrupt or illegal. Capture may be beneficial for the community. For instance, a person capturing the state may use the powers given to him to keep the ruling elites' authoritarian power in check. A person who captures the state may also influence policies that bring economic good for the religious community. Also, capture should not be equated with the desire to deceive the state. In some instances, a person who captures the state has the genuine desire to develop his community with the belief his actions are sanctioned by religious values.

The official ulama is considered to "capture the state" when they act in ways that are contrary to the state's wishes. They use the state's instruments to fulfil their own personal and material interests beyond what has been originally allocated as a result of co-optation. The ulama may also lobby for their own agenda which is different from the state's when they are originally co-opted to support the state's. This book applies the concept to include both the tangible and intangible aspects of policymaking. In other words, the ulama can influence policies, laws, and monetary and business contracts through direct communication with state officials, or they can do so through shaping the religious discourse and public opinion which can then put pressure on the state to alter their policies.

As mentioned earlier, several ideal-type measurements have been crafted to determine what constitutes successful capture and co-optation. The following five questions may serve as guides to determine the degree of capture. First, to what extent have the official ulama influenced state policies? Conversely, are official ulama legitimising state policies? Capture is deemed strong when the official ulama are able to change the initial policy positions of the state. One of the main challenges to measuring co-optation or capture is the difficulty attributing what or who triggers policy shifts. Furthermore, most of the discussions concerning state policies are undertaken under much secrecy and at the cabinet level. One way of bypassing this is to look at official ulama public statements, and see if there are significant government changes to comply with the ulama's requests. In contrast, co-optation is considered successful if the state is able to carry out their policies despite being urged by official ulama not to do so.

Second, are official ulama able to affect power relations through influencing the appointment of state personnel, or are these appointments

of basic rules without making any payments (influence may be exercised, for example, through interactions and meetings). On the other hand, they define *corruption* as making private payments to public officials to distort the prescribed implementation of official rules and policies.

already determined by the state? Capture is deemed strong when the official ulama are able to pressure the government to lobby members from the same organisations, families, friends, or cronies into important decision-making positions. In the same vein, official ulama can also pressure the government to appoint fellow ulama or allies to key positions within the religious bureaucracies. Co-optation is deemed strong when the state can resist official ulama requests to determine how appointments are carried out, or who should be appointed.

Third, can the state religious bureaucracies and institutions enhance official ulama's authority to make religious, social and political pronouncements that affect policies in those areas, or do these platforms constrain their ability to make independent religious rulings? If the official ulama are able to make religious rulings that are generally followed by the state and society, then capture is deemed successful. In contrast, if these state institutions restrict the ability of official ulama to make autonomous religious judgement, then co-optation remains strong.

Fourth, to what extent do ulama seek to dominate discourse or counter the interests of the state, or are the opinions expressed "scripted" and determined by the state? Capture is deemed strong if official ulama can exclusively determine what Islam is and what is not. It also means that their opinions cannot be challenged by the other ulama and even state officials. In contrast, co-optation is deemed strong when the official ulama only comply unquestioningly to the positions and statements undertaken by the state.

Fifth, to what extent do these state bureaucracies and institutions give the official ulama access to material and other resources that help them achieve other goals, apart from the material benefits already provided by the state for loyalty? One trait of co-optation is that official ulama legitimise and support the ideology of the state and they are rewarded for that. However, capture is deemed to be strong when the official ulama are able to set the terms and conditions on how much they are supposed to be rewarded. Capture is also deemed strong if they are able to use their positions of power to establish other networks than those originally intended by the state. These new networks have the potential to rival state ones.

However, there are limits to the concept of capture, given the subjectivity of measuring intent. In political economy, measuring intent is clear: interest groups infiltrate institutions with the aim to change and reverse policies for their own gain. Measuring intent is not as clear-cut in the case of the ulama because the fact that they may have different views to the state does not automatically mean capture. One way to overcome this limitation is to

consider ulama speaking against the basic parameters underlined by the state – its governing principles, the constitution, and ideology – as capture. For Indonesia, this parameter is Pancasila, and for Malaysia, Rukunegara. *Pancasila* is a Sanskrit term, where *panca* means five and *sila* means principles. It is the official ideology adopted by the Suharto government, which stands for: belief in Almighty God, the sovereignty of the people, national unity, social justice, and humanity. Rukunegara is the belief in God; loyalty to king and country; upholding the constitution; sovereignty of the law; and behaving well and morally. I consider these acts capture because the ulama did not conform to what the state expected them to do: to explain government's policies to the people.

Moreover, having ulama speaking against the government does not automatically constitute capture. In political economy, interest groups, business enterprises and policy makers also voice their disagreements with politicians, privately and publicly. To reiterate, the study only considers capture when ulama speak against the state with the explicit aim to monopolise the discourse or decision-making processes. These can be measured through their discourse and actions. For example, the ulama body can explicitly indicate in their media releases that the state includes their members in censorship boards. By doing so, they hope the state recognises their authority to define public morality. They could request the state to amend legislation to give ulama the authority to issue halal certificates. In another example, the ulama body demanded the government exclude rival groups or individuals from policymaking institutions.

Another limitation related to measuring intent is whether ulama are motivated by personal interests or religious interests. For example, do the ulama join state institutions to gain prestige, and earn a stable income, or do they feel they could forward their Islamisation agenda by obtaining state power? There is certainly no way of ascertaining these questions, but I am inclined to believe that both elements are present. In truth, I would argue that the ulama are capturing the state out of religious conviction more than fulfilling personal interests. The generation of official ulama today are raised in a social milieu that is anti-West. They believe Westernisation erodes Islamic dogmas, values, and culture by promoting hedonism, materialism, and liberalism. Some ulama equated Westernisation to Christianisation. It is unsurprising that their discourse is interested in developing Islamic societies that challenges the existing order by replacing with a pure Islamic one. The official ulama feel that the way to achieve this is to be part of state structures and Islamise them from within.

Both official ulama in Malaysia and Indonesia are trying to expand their powers – by capitalising on state co-optation and capturing the state – but from different starting points and with contrasting successes. I argue that Suharto's and Mahathir's co-optation strategies during the Islamic resurgence period (from the 1970s onwards) have shaped as well as constrained the degree to which the contemporary official ulama have been able to capture state institutions.[22] MUI's and the Malaysian official ulama's contrasting capture objectives demonstrate this. Suharto has limited the role of MUI to issuing fatwas and translating national policies, but it now wants to greatly expand this, pushing for Indonesian laws to recognise its role in Islamic economics, halal certification, and public morality. In contrast, the Mahathir government entrusted Malaysian official ulama with these roles. After Mahathir's retirement in 2003, Malaysian official ulama want to expand their authority by retaining the power arrangement during his rule. Yet, they also claim exclusive rights to interpret the state's ideology in their favour; seek to fulfil personal and group material interests beyond the extent originally allocated by the state; and appeal for the right to define Islam. The ulama generally have three areas of interests: they are individual, group, and the public. Nonetheless, I stress that these aims do not necessarily emerge out of their political, economic, or material interests, but genuine attempts to bring the state and ummat close to Islamic ideals.

When measured by their very own aims, as indicated in the official ulama's fatwas, writings, sermons and pronouncements, I contend that Malaysian official ulama's ability to capture the state is much greater than their Indonesian counterparts. In other words, MUI is struggling to achieve its objectives and facing an identity crisis in the post-New Order period. Three modalities of capture account for the Malaysian official ulama's relative strength: they have a clear institutional role; a coherent ideology; and organisational unity. Comparing official ulama's experience in the two countries also shows that there is little co-relation between capture and state strength. This contradicts many works that point to MUI's increasing strength and assertiveness after the fall of the New Order. Conversely, after the 1997 financial crisis, Malaysian official ulama have been successful in their capture even though there has been no regime change.

22 The Islamic resurgence movement will be discussed in Chapter 2. It is a period marked with rising piety and demands made by sections of the community for greater Islamisation in the public and private spheres.

Modalities of capture

The three modalities discussed below ably explain the contrasting outcomes of official ulama's capture. These variables are stronger in the Malaysian case than the Indonesian one. First, Malaysian state governments clearly recognise the roles of official ulama institutions in their administration of Islam enactments, more so than the Indonesian constitutional's recognition of official ulama.[23] The powers of the official ulama are limited to the religious councils of each state (*negeri*).[24] Nonetheless, when Mahathir became prime minister in 1981, his government undertook significant reforms that consolidated the powers of official ulama at the federal level.[25] In 1992, the government established IKIM, and later strengthened the powers of JAKIM in 1997. These federal institutions were accorded authority in areas such as halal certification, issuing standard sermons for Friday prayers, management of Haj pilgrims, research, and censorship. In contrast, the Suharto government did not accord MUI similar powers to these Malaysian institutions. Formed in 1975, MUI's main role was to translate the concepts of national development (Departemen Penerangan R. I., 1975). MUI's fatwas are not legally binding; the state and Muslim citizens can choose whether to heed them. During the New Order, MUI fatwas generally did not contradict state ideology. Moreover, the Religious Ministry (Kementerian Agama) continues to have executive power over important aspects of Islamic affairs such as Islamic education, Haj, research and training. As I will argue in this book, Suharto's and Mahathir's different treatments of official ulama shaped and constrained their capture aims and strategies up until today.

Second, the Malaysian official ulama are better at aligning their interests around the ideology of the ruling elites compared to those from MUI. The Malaysian ulama claim to be the defenders of the five principles of the Rukunegara. Defending the Rukunegara is crucial for Malaysian ulama, as it

23 This clear demarcation is derived from British colonialism. The separation of powers between the state, Malay rulers, and official ulama at the federal level, and the state (*negeri*) levels, started during the colonial era. This arrangement continued after Malaya gained independence in 1957. For a discussion on the Malayan constitution prior to Malayan independence, see Fernando (2006) and Abdul Aziz (2013).

24 Article 3 of the Malaysian Federal Constitution stipulates that Islam is the religion of the federation. The administration of Islam is a state (*negeri*) matter. The Malay rulers are the heads of Islam of their respective states (*negeri*).

25 In 1988, the shariah court system was empowered, enlarged, and equipped with an administration independent from the Islamic religious councils and the Office of the Mufti (Maznah, Zarizana, and Sim, 2009, pp. 65-66). From 1988, the civil courts could not hear cases related to Muslim family laws and religious matters, which fall under the jurisdiction of the shariah courts.

legitimises the very institutions they occupy. They are also ardent supporters of UMNO's ideology. UMNO slogans *Ketuanan Melayu* (Malay Supremacy), *Wawasan 2020* (Vision 2020), *Islam Hadhari* (Islamic Civilisation), and *Islam Wasatiyyah* (Moderate Islam) feature regularly in their sermons, writings and discourse. Those same ulama also rely on the patronage of the Malay rulers to assert their authority. In contrast, MUI was unable to use the Indonesian state's ideology Pancasila to its advantage. The religiously neutral philosophy underlying Pancasila restricted MUI from using Islam as a rallying point to align its interest with the state's. Though vague, Pancasila constrains Indonesians from advancing their interests on religious grounds. In fact, even today, some MUI members want to adopt shariah as the organisation's ideology. According to MUI secretary, Ustaz Isa Anshary, "MUI has a general principle [*pedoman dasar*]. Compare Pancasila and Islam, Islam is bigger."[26]

Third, the capacity of the Malaysian official ulama to exercise collective responsibility and elite cohesion is better than their Indonesian MUI counterparts. Malaysian official ulama unite when dealing with the state. This ulama unity was evident during the latter part of the Abdullah Badawi government (2003-2009) and the current Najib Razak government (2009-present). The official ulama also have the option of co-operating with UMNO, and/or the Malay rulers, and even the opposition, depending on which circumstances favoured them. In contrast, orientation and ideological differences among MUI members weakened the institution's ability to capture. Members with different religious outlooks, aims, and interests influence the organisation in different ways. Frequently, there is public disagreement between MUI leaders. Internal rivalry and bickering has also weakened the institution.

I present my argument and the three types of capture above with several qualifications. I acknowledge that there are other possible intervening variables that contribute to the co-optation/capture dynamic in both countries. These factors include *inter alia* contrasting political cultures, geography and population sizes. Yet, these stark demographic and geographical differences should not hinder comparison of both countries, since the focus here is on actors and institutions at the national level of both countries. In addition, the presence of the Malay rulers gave Malaysian ulama another equally powerful patron able to counterbalance the state's influence. Monarchical institutions survived in Malaysia but not in Indonesia, except Yogyakarta province, where the Sultan of Yogyakarta is automatically the governor.[27] The nine

26 Interview with Isa Anshary, MUI Secretary, 6 December 2012.

27 The province of Solo also has a sultan, but he acts more as a symbolic ruler than having any political power.

Malay rulers remain the titular heads of Islam and Malay culture of their state (*negeri*), and their institutions were retained during British colonial rule (Amoroso, 2014).[28] The British retained the traditional monarchical system in line with its indirect rule policy. It took charge of the political and economic administration of its colony, leaving the sensitive positions of religion and Malay culture under the charge of the traditional Malay rulers. Hence, there is another layer of authority in Malaysia, the Malay rulers, when it comes to the administration of Islam. They are the pre-eminent authority and final arbiter on religion in the country. There are no alternative patrons available to MUI, because NU and Muhammadiyah tend to see MUI as a rival. It has to rely on society's support to offset the state's influence.

I am also not implying that the Malaysia ulama's case is a complete success and MUI's an utter failure. The objectives and strategies of co-optation and capture differ in both countries.[29] Here, Jessop's (2008) "strategic-relational" approach is relevant in understanding the contrasting strategies states adopt in response to society. The Malaysian ulama's success is measured in relative terms in comparison to MUI's. Thus, Indonesian and Malaysian official ulama capture should be analysed as an ongoing process. However, the bigger interest in understanding co-optation and capture processes is how these processes affect governance and discourse. Understanding these processes would allow me to re-visit existing conclusions made in the literature about official ulama.

This book sheds light on the role ulama play in contemporary society. Some scholars undertake normative approaches to understand ulama's role in modern societies. Zaman (2005), for instance, associated ulama as agents of social change and custodians of Islamic tradition. Other authors demonstrate the various roles ulama play. Authors in the edited volume *Varieties of Religious Authority: Changes and Challenges in 20th Century Indonesian Islam* map out how ulama's authority can manifest in different forms (Azyumardi, Van Dijk, and Kaptein, 2010). In this book, I focus on how ulama negotiate the roles states assign to them. It asks if ulama are constrained by being part of state structures and whether can influence religious discourse.

Understanding religious authority cannot be separated from analysing Islamic ideas, orientation, and thought, because it is necessary in

28 Being titular and symbolic heads does not mean their power is these areas are insignificant for there are instances where they speak in ways that symbolise their leadership and power in these areas.

29 I refer to Jessop's "strategic-relational" approach in understanding the contrasting strategies states adopt in response to society. See Jessop, 2008.

conceptualising how official ulama construct their authority against the state and the ummat. Debatably, the more pious or conservative the society, the more powerful the official ulama. States need to listen to the sentiments at the grassroots, which also explains why Suharto and Mahathir implemented major Islamic policies during the Islamic resurgence. Failure to listen to the masses would galvanise them to work closely with the opposition and NGOs. Moreover, discussing the role of ideas, orientation and thought is relevant because scholars are becoming increasingly concerned about the rising conservatism in Indonesia and Malaysia, especially how it affects religious minorities (for example, Chandra, 2002; Farish, 2005; Feillard and Madinier, 2011; Hefner, 2011, p. 282; Van Bruinessen, 2013). These minority groups included the Ahmadiyahs, Shiahs, Christians, Catholics, liberals and those who converted out of Islam. Scholars of Indonesia are concerned about attacks and discrimination towards minorities. Similarly, scholars of Malaysia have expressed concerns about the intolerance of Malaysian Muslims, for example, banning the use of the word "Allah" by non-Muslims, the declaration that Shias are deviants; and the forbidding of marriages between Muslims and non-Muslims (Maznah, Zarizana, and Sim, 2009; Norshahril, 2014).

However, I am also concerned with the role of the official ulama in this rise of societal conservatism. They are either reflecting the growing conservatism in the community and hence being in touch with its opinion; if I apply Riaz's view (2008, p. 38), they are the ones shaping the consciousness and ideas of the religious community. I reiterate my position that in capture, the official ulama are not necessarily fulfilling their material and economic interests; some genuinely believe that Islamisation is beneficial for the ummat. On the other hand, official ulama are pragmatists. They can switch between conservative and progressive ideas depending on whichever circumstances benefit them (Mannheim, 1986).[30]

Comparing Indonesia and Malaysia

Given the two countries' proximity and shared history, political scientists, economists and sociologists are attracted to comparative studies on Indonesia and Malaysia (some examples are Alatas, 1997; Hadiz and Teik, 2011; Pepinsky, 2009; Preston, 2012; Ufen, 2009). Geddes (1990), however, cautions against selecting cases for comparison based on dependent variables

30 Olle (2009) made a similar argument.

(or conclusions). Selecting cases based on dependent variables, Geddes warns, biases our findings (p. 149). Delineating common denominators underlying cases with similar outcomes may ignore the fact that the same denominators can also exist in cases with different outcomes. Therefore, I avoid selecting cases based on the conclusions made by existing literature. Had I relied on the existing literature (to be discussed later in the book), I would have concluded that MUI's capture had been more successful than the JKF-MKI, and I would have designed my fieldwork to look for factors that contribute MUI's success and Malaysian official ulama's failures.

Instead, I selected Indonesia and Malaysia as case studies based on what I see as plausible independent variables that could explain contemporary official ulama's behaviour, without discounting other variables. One plausible variable is how different regime types empower ulama institutions. MUI was formed under an authoritarian, repressive government while the Malaysian ulama institutions were established under a pseudo-authoritarian government. Suharto did not accord Indonesian official ulama institutions powers and sought to maintain the country's religiously neutral philosophy Pancasila. Evidently, Indonesia's banking regulations did not specify MUI's role until 2008. After struggling for almost a decade, it was only in 2014 that MUI's role in halal certification is formally recognised by the state and DPR (Dewan Perwakilan Rakyat or Indonesian Legislative Assembly). In contrast, Mahathir delegated a substantial amount of power to these official ulama institutions. His government either created new institutions (such as IKIM) or empowered existing ones (JKF-MKI and JAKIM). JAKIM was elevated to undertake most of the state's Islamic administration: including halal certification, Islamic banking and finance, censorship, and issuing the list of religious speakers for federal mosques, and for *ceramah* (sermon) schedules.

The reasons for the two states' differential treatment of official ulama will be explored in Chapter 3. In summary, Mahathir had to make more concessions to official ulama than Suharto. In the 1970s, there were already numerous channels for ulama to oppose the state in Malaysia but few in Indonesia. In Malaysia, the ulama had PAS to voice their opposition to the state; and while in Indonesia ulama had the PPP (Partai Persatuan Pembangunan or United Development Party) as a political vehicle to oppose the state, the party was weakened by internal conflicts (to be discussed in Chapter 4). Suharto ensured that PPP remained weak by constantly intervening in its internal affairs, threatening to cut its funding if it opposed the government, and marginalising outspoken ulama in the party.

These contrasting strategies stand out from the many similarities both cases share. Both governments were strong and efficient states; had to

respond to global Islamic resurgence movement from the 1970s onwards; experienced splits within the ruling elite in the 1980s; co-opted ulama, influential Islamic intellectuals, and activists to support their industrialisation and nation-building objectives; built institutions and implemented state-led Islamisation policies; and were generally weakened after the 1997 Asian financial crisis.[31]

Because I see Suharto's and Mahathir's policies as making important contributions to contemporary ulama's behaviour, re-visiting both countries' last 40 years of history is important to understand why Suharto and Mahathir accorded these roles and powers to ulama institutions.[32] Covering the last four decades is by no means treating centuries of Islamisation and colonialism of the Malays less significant. My approach is in line with what Pierson (2003) refers to as "slow-moving" processes, where the impact of social processes can be observed only in the long run (p. 189). According to Pierson, since many important social processes take considerable time to unfold, researchers may ignore many important variables if they attempt to explain causality by only observing recent events (p. 178). The Suharto and Mahathir years are critical junctures that shape state-ulama relations in contemporary Indonesia and Malaysia.

The book underlines two vital contexts that explain the co-optation/capture dynamic: first, the Islamic resurgence movement of the 1970s to the 1990s; second, the Asian financial crisis in 1997 to the present. Since the 1970s, there has indeed been a marked shift in religious orientation amongst the ummat (religious community) towards conservatism. This shift has resulted in a global Islamic resurgence movement (see, for example, Chandra, 1987; Nagata, 1984; Zainah, 1987). Islamic resurgence refers to the endeavour by groups to "re-establish Islamic values, Islamic practices, Islamic institutions, Islamic laws, indeed Islam in its entirety, in the lives of the Muslims everywhere" (Chandra, 1987, p. 2). These groups sought to "re-create an Islamic ethos and an Islamic social order guided by the Quran and the Sunnah, in line with the Quranic ideal that 'Islam is a way of life' or *ad-deen*" (Chandra, 1987, p. 2). This phenomenon shows the

31 I do not deny that the degree of these similarities varies. For example, Malaysia was not as authoritarian as Indonesia. Islamic resurgence influenced Malaysia greater than Indonesia. In addition, after the Asian financial crisis, UMNO remained in power while the Golkar collapsed.

32 Even though the book focuses on the history of both countries since the 1970s, I do not discount the significance of historical events throughout the last century and how they contributed to the contemporary official ulama institutions. For comprehensive account of the history of Indonesia and Malaysia, see Andaya (2001), Azyumardi (2006), Gullick (1969), Pringle (2010), and Ricklefs (2008).

interconnectedness of global Islamic discourse with those in Indonesia and Malaysia. Understanding Islamic resurgence and the actors involved during that period is important in examining contemporary capture. From the 1990s, these actors were part of the religious leadership and continued to be so after the departure of Suharto and Mahathir. Reading the discourse of resurgence actors – such as leaders of *dakwah* (the call to spread the message of Islam) groups, university lecturers, and ulama – is important as they reflect the broader capture aims of the contemporary official ulama to Islamise the current state.

Understanding continuity and change in state-official ulama relations would be unsatisfactory without explicating the significance of the Asian financial crisis in 1997. The Asian financial crisis significantly altered the political landscape of Indonesia and Malaysia. With Indonesia's economy devastated during the crisis, student protests contributed to the downfall of Suharto's 32-year rule. It was also during the Asian financial crisis that Mahathir sacked his popular deputy Anwar Ibrahim, which triggered the *reformasi* movement and mass protests that divided Malaysians at a scale unprecedented during Mahathir's rule (Weiss, 2006).[33] Ultimately, the Asian financial crisis contributed to the more competitive political environment of both countries in the subsequent years, though Indonesia faced this earlier than Malaysia. This transformation shaped the conclusions scholars make about the relationship between official ulama and the states in both countries. In a snapshot, scholars portray the Malaysian ulama as continuing to act as passive agents of UMNO because no regime change occurred (Hamayotsu, 2005; Shiozaki, 2010). MUI, on the other hand, has been portrayed as becoming more assertive towards the Indonesian state and society compared its behaviour during the New Order (Moch Nur, 2005; Nadirsyah, 2004). Instead, this book maintains that they have overstated MUI's influence in the religious domain, and understated the Malaysian ulama's powers to influence the state.

This book focuses on post-Suharto Indonesia (after 1998) and post-Mahathir Malaysia (after 2003). For Indonesia, I am referring to the presidencies of Bacharuddin Jusuf Habibie (1998-1999), Abdurrahman Wahid (1999-2001), Megawati Sukarnoputri (2001-2004), Susilo Bambang Yudhoyono (2004 to 2014), and Joko Widodo (2014 onwards). In Malaysia, the book shall be limited to the prime ministerships of Abdullah Ahmad Badawi (2003-2009) and Najib Abdul Razak (2009 onwards). During this period, both states

33 Anwar's dismissal divided UMNO more greatly compared to the party's crisis in 1987, when Mahathir was challenged by Tengku Razaleigh Hamzah for the UMNO presidency.

experienced a more competitive political environment compared to the years under Suharto and Mahathir. Political competition was further enhanced as a result of the Asian financial crisis in 1997. In Indonesia, the student protests led to Suharto's resignation and the weakening of Golkar. In Malaysia, the sacking of the deputy prime minister, Anwar Ibrahim, eroded support for UMNO.

Nevertheless, my reference to both countries as experiencing more political competition does not imply that they are transitioning to post-authoritarianism in the same manner. Indonesia has undergone a regime change and transition from an authoritarian state to a more democratic state (Weatherbee, 2002). Malaysia, on the other hand, has neither been highly authoritarian, except during the 21 months under the National Operations Council after the 1969 racial riots, nor democratic (Crouch, 1996, p. 30).[34] Malaysian elections are competitive, and they are held once in every five years though Malaysia continues to witness the uninterrupted rule of UMNO since 1957. However, since 2006, UMNO has weakened, and is less popular than it was in the 1980s and 1990s. The 2008 general election saw, for the first time, the failure of the ruling BN (Barisan Nasional or National Front) coalition to regain a two-thirds majority in the federal parliament. For BN to lose five states in one election to the opposition is also unprecedented in Malaysia's history. BN did not recover in the 2013 general election, where it failed to obtain 50 per cent of the popular vote, and once again failed to obtain a two-thirds majority in parliament. However, a relatively weakened UMNO does not mean that Malaysia has become less authoritarian. Malaysia can still be regarded as what Case (2004) terms as a "pseudo-democracy" and what Ufen (2009, p. 320) describes as an "electorally competitive authoritarian regime." Hence, the phrase "more competitive political environments" is more accurate in describing the political situation in both the Indonesian and Malaysian states today.

Book outline

This chapter has outlined the basic premise of the book: the dynamics of co-optation and capture of the state and official ulama. Scholars in the field of Islamic studies generally accept the notion of official ulama co-optation. This book explores how comparative politics concepts, particularly interest-mediation models, can be applied here to provide an alternative

34 Parliament was re-convened in February 1971.

interpretation of official ulama behaviour. Characterising religious institutions as interest groups is not novel. Warner's (2000) *Confessions of an Interest Group: The Catholic Church and Political Parties in Europe* describes how churches across Europe behaving like any other interest groups articulating needs, mobilising voters, establishing alliances with political parties and state elites in order to entrench their influence in society.[35] How can these models be aptly applied to the Indonesian and Malaysian official ulama? How useful are these models in explaining the co-optation/capture dynamics of state-official ulama relations? These are the questions that will be dealt throughout this book, with special focus on MUI and Malaysian muftis.

Chapter 2 defines the ulama institutions in both Malaysia and Indonesia and discusses the roles, structure and evolution of these institutions by focusing on their contemporary status, and sets up the discussion for Chapter 4 and Chapter 5 that draws out the significance of these institutions' origins. It focuses on MUI in the case of Indonesia, and on JKF-MKI, JAKIM, and IKIM in the case of Malaysia. The chapter acknowledges that official ulama institutions in Indonesia and Malaysia have many differences. However, in demonstrating co-optation/capture dynamics in both countries, the chapter makes a case why MUI on the one hand, and JKF-MKI, JAKIM, and IKIM on the other hand, are comparable cases.

Chapter 3 describes the political and social context that contributed to Suharto's and Mahathir's co-optation policies. The chapter deliberates on the Islamic resurgence movement that was marked by a shift in the religious outlook of the Muslims. During this period, there was a rise in piety in both Indonesia and Malaysia. This chapter also examines the different religious cleavages in both countries. Indonesian Muslims are divided into the traditionalists and modernists, while Malaysian Muslims are divided into ethno-nationalists and Islamists. Generally, traditionalists argue that Muslims should follow the four classical Islamic jurists Hanafi, Maliki, Hanbali, and Shafie, whereas modernists contend that religious teachings should consider the contemporary context. Ethno-nationalists emphasise the cultural aspects of religious traditions while Islamists desire a return to the Islamic "golden age" and are anti-cultural in their religious outlook. Discussing these cleavages is important in understanding why Suharto and Mahathir devised the co-optation strategies the ways they did.

35 In her book, Warner (2000) argues that the Catholic Church behaves like an interest group akin to a "firm in a market seeking a supplier of goods" (p. 4). She controversially applies the rational-choice theory or cost-benefit analysis in characterising the behaviour of the Catholic Church.

The chapter then explores the different ways Suharto and Mahathir managed Islamic resurgence and other threats to their authority in the 1980s and 1990s. In the 1970s, Suharto aimed to neutralise the traditionalists, and, in the 1980s, sought to counterbalance the military. His co-optation instruments include the creation of PPP, MUI, and ICMI (Ikatan Cendekiawan Muslim Indonesia or Indonesia Association of Muslim Intellectuals). Mahathir, on the other hand, strengthened traditional religious institutions and built new ones to subdue challenges from a more Islamist PAS. The federal government undertook "soft" Islamisation programmes – such as establishing Islamic banks, Islamic universities, and strengthening Islamic bureaucracies – as well as empowering the official ulama. I contend that these varying co-optation strategies affected the official ulama's ability for capture in the twenty-first century. The main argument of this chapter is that Suharto did not empower the ulama the way Mahathir did, and this impacted the official ulama's behaviour later. I classify Suharto's co-optation as symbolic institutionalism and Mahathir's as substantive institutionalism.

Chapter 4 assesses MUI's success in capturing the post-Suharto state. I highlight that MUI in contemporary Indonesia continues to function under the shadow of the New Order. The Suharto government defined and confined the powers of MUI. In addition, MUI's internal fragmentation hinders its quest for capture. Apart from the success of the DSN-MUI (Dewan Shariah Nasional or National Shariah Board) to be recognised by the state to oversee the countries' Islamic banking and finance, MUI's attempts to stamp its authority on other domains such as halal certification, Islamic tourism, and formal recognition as an Islamic "watchdog" for deviant and immoral practices remain unsuccessful.

Chapter 5 examines the religious and political behaviour of the Malaysian official ulama and highlights their success in capturing the state. Although they function under their respective Malay sultan in each state (*negeri*), they are intolerant of attempts to weaken their institutions both internally and externally. The muftis inherited stronger and more powerful institutions because of Mahathir's Islamisation policies. This chapter demonstrates how the Malaysian official ulama preserve their powers by championing the ideology of *Ketuanan Melayu* (or Malay Supremacy, held by UMNO and Malay royalty) and an ethno-centric and exclusivist form of religious conservatism.

Chapter 6 concludes by recapping several points in comparison to the two states. It also summarises how the book contributes to existing works on the ulama in Southeast Asia, as well as the broader theoretical debates in comparative politics. It ends with an examination of future trends in the religious discourse in Indonesia and Malaysia.