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The Social Life of Reconciliation: religion and the struggle for social justice in post-new order Indonesia[1]

Fadjar I. Thufail[2]

Abstract

Reconciliation became a catchword in the current human rights struggles across the globe. Countries that left their authoritarian pasts behind turn to reconciliation to find a better way of dealing with the legacy of human rights violations perpetrated by the former regimes. At the same time, human rights activists resort to reconciliation to circumvent the lingering restriction or limited capacity of the justice system in the post-authoritarian countries to carry out thorough investigations into past violence. Among legal practitioners, however, reconciliation has been widely used in the Alternative Dispute Resolution (ADR) process. As popular as a catchword in the transnational human rights movement, reconciliation is always embedded in the local political and ethical struggles for justice. In contrast to a commonly held assumption in the generic theory of globalisation, the transnational spread of the reconciliation discourse is hardly a generic process that results in similar forms. The encounter with political and ethical concerns constitutes a critical disjuncture that shapes plural reconciliation strategies and choices. This paper discusses the examples of two reconciliation forums in Indonesia to illustrate how critical disjuncture leads to a social life of reconciliation that addresses the political and the ethical concerns of the post-New Order Indonesian society. The first example is the Tanjung Priok *islah* reconciliation forum, and the second one is a reconciliation forum between the survivors of the 1965–1966 massacre and the former religious militia "Banser". The examples presented in this paper suggest that the social life of reconciliation in Indonesia strongly depends on religious conceptions of norms and social belonging.

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Introduction

Social scientists and legal scholars study reconciliation to learn how societies resolve disputes outside of the litigation process. Studies on dispute resolution and reconciliation have emphasised how reconciliations help restore harmony, deter retaliation, and, most importantly, offer an alternative method to the procedure of dispute resolution carried out as a part of the court settlement. Reconciliation is especially important to understand how the Alternative Dispute Resolution (ADR) approach works. My research, however, highlights a different dimension of reconciliation that the earlier legal anthropological studies paid little, if any, attention to. This paper wants to shed light on the religious and ethical dimensions of reconciliation, arguing for the need to contextualise the study on reconciliation in its historical, spatial, and cultural contexts.

The earlier work on ADR described reconciliation as one of the ADR methods that disputing individuals or groups of individuals choose to resolve matters outside of the courts (Barret and Barret 2004: xiv). While it demonstrated how people resort to reconciliation as a method to manage disputes, the focus on ADR overlooks the political and cultural contexts that drive people to opt for reconciliation instead of seeking a court ruling. The theories and research on ADR only suggest that disputing people choose ADR (reconciliation) because it is a less complicated and less costly alternative, and therefore more effective, than the judicial procedure (Sander 1995: 99). My project seeks to understand the political and the ethical dilemmas that emerge when people have to choose between pursuing dispute resolution through reconciliation and drawing on the state laws or international instruments to bring the disputes before the state court. The social life of reconciliation follows the trajectory of interpretive negotiation over the political and the ethical dilemmas people encounter when they look for alternatives to resolve the legacy of violent pasts.

My research maintains that the state – or individuals or groups claiming to represent state interests – is an indispensable party involved in reconciliation. The involvement of those representing state interests implies that reconciliation is appropriated to resolve conflicts that affect state or national politics. By examining what people in Indonesia call *rekonsiliasi politik* (political reconciliation) and comparing it to a similar process in other countries, my research sheds light on the shifting discourse of reconciliation as it emerges from the political and ethical dilemmas and as it enters the sphere of national politics. In other words, the research deals with the transnational proliferation of a practice called "reconciliation" as it is incorporated into the national political process to resolve the legacy of violent events, a process that involves state institutions or social groups affiliated with state interests. In this paper, I draw on Arjun Appadurai's (1996) concept of critical disjuncture to analyse the proliferation of the idea of "reconciliation" and its discursive shiftings and then use the concept to understand a specific constellation of political reconciliation in Indonesia.

Appadurai introduces the concept of critical disjuncture to challenge the generalising and generic assumption in the study of globalisation. The theory of globalisation suggests that the transnational spread of ideas should have produced a similar process and a comparable form everywhere. For instance, globalisation theorists say that the development of Asian capitalism has undergone a similar process as the one in Europe earlier. The same argument suggests a generic concept of nationalism, Europe being its birthplace, brought to different parts of the world by 19th century colonialism and early 20th century industrialisation (e.g. Anderson 1991). The generic theory of the transnational process would locate the origin of the reconciliation concept and discourse in a

particular place and assume that the transnational proliferation of the discourse would produce a similar form of reconciliation everywhere. However, reconciliation is a historical process. It emerges from the desire of a nation, a social group, or a person to overcome the legacy of violent pasts. The transnational traffic of reconciliation discourse encounters its critical disjuncture when state apparatuses, groups representing state interests, human rights activists, and violence victims appropriate the discourse of reconciliation to put an end to the legacy of state violence or to work through the memory of state violence.

I should also highlight that my interest rests less on analysing different forms of reconciliation than on *following the processes* that make reconciliation what it is, whichever form it takes. Therefore, it is important to elaborate on the historical and social contexts of critical disjuncture to learn about the process. The contexts involve contestation over identities of the parties, interests enacted, and procedures implemented in coming to terms with whichever idea of reconciliation that emerges in a particular historical moment in a certain country. I will then show that in the context of critical disjuncture in Indonesia, religion enters the interpretive contestation to shape the discourse of reconciliation.

Reconciliation: its first life as a discourse

Legal anthropologists demonstrated how certain societies prefer to resort to some sort of reconciliatory practices to resolve disputes over property rights, inheritance cases, or disputes between husband and wife. However, reconciliation as a political term employed to resolve state violence or communal conflicts emerged in the public only in the 1990s, although state violence, or violence committed in the name of state ideology, is as old as the concept of the state itself. Reconciliation as a political discourse to resolve conflicts between apparatuses of the state and civilians is a recent concept and practice linked to the changing function and expectation of the state as an arbiter of justice. I also want to underline that the function of the state as an arbiter of justice always changes after a period of massive violence or during a period of transition from an authoritarian regime. However, as the history of the reconciliation as a political discourse tells us, the change does not always invoke reconciliation. Although the displacement of state power results in the transformation of the state's political and judicial roles, it does not necessarily drive people to turn to reconciliation to manage their relation with the state. People, and in particular the victims of violence or political repression, hold a more immediate concern than seeking a peaceful settlement with alleged perpetrators.

Political regime change often results in the creation of an investigative commission examining past violence, although it often happens without necessarily being accompanied by more freedom or a greater respect toward the idea of human rights. The most blatant case has been Uganda. President Idi Amin created a commission of inquiry into missing people in 1974, only one year after he seized power. The commission failed to garner more awareness for human rights causes in Uganda, and, in fact, Idi Amin turned into one of the most ruthless political rulers in Africa (Hayner 2002: 51–52). The Ugandan example demonstrates that a commission of inquiry does not necessarily cover reconciliation or promote a stronger human rights community in the respective country. As the name of the Ugandan commission suggests – the Commission of Inquiry into the Disappearance of People – the commission's main concern was merely investigating and finding more information on the alleged involvement of the former regime in the disappearance of people.

Priscilla Hayner (2002: 305–306) listed six more commissions of inquiry created between 1982 and 1990 in Bolivia, Argentina, Uruguay, Zimbabwe, Uganda (post Idi Amin), and Nepal. Like the first Ugandan commission, the titles of these commissions suggest that they were created and conferred the authority to investigate and find solutions to resolve people's disappearances. In so doing, these commissions' work drew on legal authorities assigned to them by presidents or parliaments to function as ad-hoc commissions to investigate crimes conducted by state apparatuses. This status often set up the commissions against the state's security apparatuses, which disliked the idea that they could be indicted for a crime against humanity. Prior to the 1990s, political changes opened up limited alternatives, either by trying to resolve the abuses of past regimes in court or by simply forgetting any abuses past regimes had committed.

In 1990, Chile pursued a different path to institute a commission with a mandate to investigate disappearances and recommend a peaceful solution that worked with state apparatuses and relatives of the disappeared. President Patricio Alywin created the National Commission on Truth and Reconciliation soon after he replaced General Augusto Pinochet. The commission was expected to investigate and gather information on torture, extrajudicial killings, and disappearances linked to the military and the leftist militia (Hayner 2002: 317). This was the first time a commission of inquiry was given the task to compensate the victims without going through a difficult trial process. However, the Chilean government failed to design a convincing programme of reparation and rehabilitation for the victims. The president only mentioned the need for "forgiveness and reconciliation" (Hayner 2002: 35–38), without going into detail explaining how the state should carry out the task. President Alywin directed his reconciliatory gesture toward the former apparatuses of the Pinochet regime and at the same time toward the regime's victims, requesting that both parties make sacrifices if they wanted to resolve the legacy of violence.

Chile introduced reconciliation as a non-judicial alternative to deal with the legacy of past human rights abuses two years earlier than the South African ANC-sponsored commission (1992) and five years earlier than the South African Truth and Reconciliation Commission (1995). The Chilean initiative also sparked a new direction in the transnational politics of human rights. While earlier human rights advocacy and policy always emphasised the primary and indispensable role of the courts to solve human rights violations and grant justice, Chile opted for a less popular mechanism or process outside the courts. Until that time, the most popular and high-profile reference for a procedure to deal with human rights violations had been the Nuremberg Trials. The Nuremberg Trials inspired later human rights trials, such as the Tokyo Trial that dealt with sexual slavery and mass rape committed by the Japanese Imperial Army during World War II.

Although Chile is the first country to incorporate the discourse of reconciliation into state politics, it was only after the establishment of the South African Truth and Reconciliation Commission (TRC) that reconciliation became an important idea in transnational human rights politics. As President Alywin put it, the reconciliation concept in the Chilean context stressed an ethic of "forgiveness". However, the President's rhetoric of ethics and the work of the Chilean commission received little support from religious authorities, institutions that always claim to serve as guardians of morality. The situation was different in South Africa. From the beginning, the South African TRC had received full and open support from the Catholic Church and from the Archbishop Desmond Tutu, who became chairman of the commission. The direct involvement of the religious institution and the religious leaders in the South African TRC strengthened the moral and ethical cause, which is central in the concept of reconciliation.

The South African TRC was a commission with the most complex mandates (Hayner 2002: 41). It had nearly unlimited investigative jurisdiction to gather as much information and as many testimonies as possible. Besides, the commission's work was supported by significant funding. The mandate endowed the TRC with the rights to proceed with its definition of reconciliation, and in so doing the TRC instituted a compulsory procedure that anyone should follow if one wants to employ the reconciliatory platform. I call this a 'platform', since reconciliation was actually difficult to realise in everyday life. As Martha Minow (1999) points out, it is not easy to ask people to forget any harm done on them and continue with their lives as if nothing happened. The TRC was mostly interested in constituting the platform for a peaceful coexistence, stressing the importance of maintaining racial harmony, which lies at the centre of the South African national ethics. The success story of the South African TRC in shaping a platform for a national reconciliation has inspired many activists and post-authoritarian governments around the world to emulate the initiative, despite the fact that racial conflicts still lingered in many parts of South Africa. The complexity of the mandates and the role of the TRC in shaping the platform for national ethics highlight a promise to find a better way to resolve social conflicts and past violence without involving judicial authority.

The South African TRC influenced subsequent TRCs created in Ecuador, Sierra Leone, East Timor, and Indonesia precisely because of the ability of the commission to address the judicial process and truth clarification simultaneously. The work of the South African TRC invoked a shared concern for national identity and national harmony, and in so doing the TRC introduced a meta-discursive theme presented beyond a narrative of historical evidence or legal rationality (Verdoolaege 2008). I would add that the South African TRC had also managed to incorporate the ethics of national belonging into the TRC agenda of truth clarification and reconciliation. The TRC drew on these ethics to shape the notion of reconciliation that existed beyond a particular realm of judicial inquiry or historical clarification. By incorporating ethics into the reconciliation project, the South African discourse of reconciliation entered a global network of ideas, taking part in the "ideascape" of human rights.[3] The ethical shaping elevates the South African reconciliation into a 'transportable' discourse later appropriated by reconciliation initiatives in other countries. The most important feature of this globalised discourse of reconciliation signifies a political concept of citizenship, which includes, among others, the identification with a cultural and ethnic identity and a subjective attachment to a particular conception of belonging.

Indonesia's Encounter with Reconciliation

The end of the authoritarian New Order regime in 1998 ushered in rapid and fundamental social, political, and institutional changes in Indonesia.[4] Indonesians enjoyed more freedom to voice their opinions and publicly criticise the government without facing immediate and harsh retaliation from security apparatuses. The other fundamental change was the decentralisation of state power and state governance. The president and central government no longer enjoyed the monopoly over legal, economic, and bureaucratic authorities. Although decentralisation does not always lead to more

[3] On "ideascape" see Appadurai (1996).

[4] "New Order", or *Orde Baru*, refers to the military regime of President Soeharto. He seized power in 1967 from President Soekarno through a constitutional coup d'état and since then had ruled the country by an authoritarian regime. He favoured economic development and suppressed political critique. Soeharto ruled for 32 years until a popular pro-democratic movement forced him to resign on May 21, 1998.

transparent governance or a more democratic decision-making process, the talk of decentralisation and public transparency no doubt marked the period of political and social transformation in post-New Order Indonesia.

Periode reformasi, or reform period, is the term Indonesians use to refer to the democratic struggle that began in the late 1990s and continues in post-1998. The general sense felt during the *periode reformasi* was that the state lost its power to terrorise and threaten its citizen, control its territory, limit people's movements, and prevent foreign ideas from entering the national boundaries. Prior to 1998, the regime exercised strict control over anything it perceived as 'foreign ideas' or 'foreign influences', and human rights were among them. This does not mean that human rights were new to the Indonesian public. Indonesians have taken part in the transnational transfer of human rights ideascape since long before the *reformasi* started, but at that time the government restricted the human rights issues that people could discuss in public. The military and the police would confront transgressions of this limited discursive space with prompt and harsh measures, many times involving extrajudicial violence. For instance, at the time labour rights were considered a sensitive topic and security apparatuses would immediately suppress any NGOs advocating labour rights. Another forbidden topic in pre-1998 was the discussion or advocacy of rights of former political prisoners, those detained by the regime for various reasons such as their involvement in the Indonesian Communist Party or Islamic activism. However, after the New Order regime finally crumbled in 1998, the state lost its control over these sensitive topics, now taken over by various ethnic and religious militia groups.

From 1997 until 2000, Indonesia witnessed the rapid proliferation of conflicts marked by ethnic or religious sentiments. The country experienced widespread communal conflicts, from massive violence with recurring patterns (Kalimantan, Moluccas, Aceh, Central Sulawesi) to sporadic violence caused by occasional disputes (Java, Papua, Sulawesi, Sumatra, and other places). The communal conflicts ensued from various situations, from large-scale military operations to localised disputes such as the dispute over the sound of a mosque's loudspeakers. Some analysts (e.g. Klinken 2007; Sidel 2006) argued that despite these contextual differences, the communal conflicts in Indonesia reveal a comparative causal pattern rooted in the inability of the state to govern local populations as a direct consequence of the transformation from a strong state to a weak state. However, I will argue that the structural explanation of the causal origin of local violence helps little to understand the capacity of conflicting parties to forge reconciliation *in spite of* the diminishing power of the state in post-New Order Indonesia.

Another important context was a proliferation of books and public discussions on the 1965–1966 massacre.[5] Memoirs written by former political detainees soon filled bookstore shelves. Public seminars mushroomed in many cities, featuring speakers from the ranks of the surviving political detainees. Shunned during the New Order era, the topic of the 1965–1966 massacre soon captured public attention to the extent that the Association of the Indonesian Historians (Masyarakat Sejarawan Indonesia) decided to revise school textbooks in order to include the topic in the school

[5] On September 30, 1965, an armed group kidnapped seven high-ranking military officers. Their bodies were found the next morning, dumped in a small pit in a suburb of Jakarta. The military soon claimed that the Indonesian Communist Party had been behind the killings. A few months later, a right-wing group of the Armed Forces launched a massive military operation in Java and Bali to hunt down the communists and their affiliates. The operation turned into a gross human rights violation when the military killed 500,000–750,000 people and threw hundred thousands more in jail without trials. The September 30 killings and the subsequent military operation are called the 1965–1966 tragedy.

curricula.[6] The Indonesian public began talking about *pelurusan sejarah* (straightening out history), an initiative to disclose much information previously suppressed by the New Order's narrative of national history. The general context that allowed the suppressed history of the 1965–1966 tragedy to re-emerge called for a different gesture to assess the past, in a sense also a different positionality from which Indonesians began to remember their own pasts (see Zurbuchen 2005).

Inspired by the desire to reassess the forgotten past, nongovernmental organisations, e.g. Elsam and Kontras,[7] started to advocate on behalf of the surviving political detainees and their relatives. The organisations proposed two major agendas. First, they wanted to unravel more detailed information on the role of state security apparatuses in the 1965–1966 extrajudicial killing. Second, they demanded that the state abolish political and social discrimination against the former detainees and rehabilitate their political and citizenship rights.[8] It was at this time that the human rights activists began discussing reconciliation, although they still disagreed on what reconciliation meant. Some acknowledged the importance of reconciliation to resolve the legacy of the 1965–1966 violence, however, they insisted that the state must first initiate a thorough investigation into the tragedy and establish ad-hoc human rights courts before reconciliation could proceed. They wanted an official public disclosure to inform people on what happened in 1965–1966. Others were more modest in presenting their demand. They considered human rights courts less a priority than the public acknowledgement by the current government on the involvement of the New Order military regime in the 1965–1966 violence. One survivor group emphasised political, social, and legal measures to end the discrimination they had suffered for three decades under the New Order rule and wanted to rehabilitate their social and political rights. Included in the demand was a request to eliminate the label "ET" or "Ex-Tapol" on their identity card. For years, the label represented a material and legal sign of the discrimination.

In 2000, President Abdurrachman Wahid offered, on behalf of the state, an apology to the former detainees for the suffering and discrimination they had experienced. Although the president acknowledged the suffering of the survivors and their families, he did not mention the military's alleged role in the massacres, nor did he push other state institutions to launch more detailed investigations. Despite that, the president's gesture and statement were very important and had a strong symbolic value. Abdurrachman Wahid was the most respected leader of the Nahdlatul Ulama (NU), an Islamic organisation whose youth wing, Barisan Serba Guna Ansor (Banser), assisted the military operation in 1965–1966. Therefore, the president's statement of apology represented not only the state but also the NU. Once again, the survivors had different opinions in responding to the president's gesture. Some appreciated Wahid for his honest gesture, for an unprecedented move to break the taboo of publically mentioning the 1965–1966 massacre, and for

[6] The New Order high school textbooks on the national history deliberately mentioned nothing of the 1965–1966 massacre. The school textbooks only told the story of the killings of the generals and celebrated the successful military operation to oust the 'danger' of communism.

[7] Elsam is one of the biggest and the most active human rights organisations in Indonesia. It was founded in 1993 in Jakarta, and over the first few years it focused mostly on labour rights. At the time, the New Order regime saw Elsam as a threat to its authoritarian rule. Since the late 1990s, Elsam concentrated more on political and legal rights and actively monitored the human rights situation in Indonesia. When the New Order ended, Elsam's role in the national and transnational advocacies increased, and its former director was elected Chairman of the National Commission on Human Rights (Komnas HAM) for the period of 2007–2012.

[8] The New Order regime issued a special identity card to former political detainees of the 1965–1966 tragedy. On the card, it reads "ET" or "Ex-Tapol", which literally means 'former political prisoner'. For someone with "ET" on the ID card, the access to state bureaucracy and facilities is severely limited. For example, they could not apply for civil service jobs, their access to bank credits or insurance was restricted, and their children could not enrol in state schools or public universities.

his willingness to indirectly acknowledge the involvement of the NU in the tragedy. Others, even appreciating the courageous move, still thought the apology was not enough alleging that the fact the president mentioned no concrete steps proved his gesture was no more than "lip service" and that he still faced strong resistance from the military. As the survivors, the NU and the former Banser members had different reactions to the statement. The former leaders of Banser immediately challenged Wahid, stating that such a statement was too premature as there still was no clear picture on what actually happened in 1965–1966 or whether they were 'guilty'. The silent majority, especially the younger generation of NU, supported Abdurrachman Wahid.

The human rights situation in Indonesia entered a new phase during 1999–2000, when a legal process commenced that would directly affect the politics of reconciliation in Indonesia. The first development was the enactment of the Law No. 39/1999 on Human Rights. Although Indonesia established a National Human Rights Commission (Komnas HAM) in 1993, it was only in 1999 that Indonesia eventually enacted the Law on Human Rights. The law itself is not exceptional or innovative. The provisions present only normative calls for upholding human rights values to strengthen a democratic society, without specifying proper mechanisms to carry out the task. It copies and translates the United Nations' Universal Declaration of Human Rights and the International Covenants on Civil and Political Rights, and offers no specific interpretation on or translation of the legal norms described in the UN instruments.

The other development was the enactment of the Law No. 26/2000 on Ad-Hoc Human Rights Courts. This law differs from the Law No. 39/1999 because it contains more specific provisions focusing on the need of and procedures for establishing ad-hoc human rights courts. The Law No. 26/2000 is particularly important concerning the state's stance on reconciliation. Reconciliation is not mentioned in Law No. 26/2000, which means that the state legal system only recognised the ad-hoc human rights courts as mechanisms to resolve human rights violations. The law clearly states that the ad-hoc human rights courts have no legal jurisdiction to cover violations from prior to the enactment of the law, which leaves the 1965–1966 massacre completely untouched.

Elsam called attention on the limitation of the juridical reach of Law No. 26/2000. The non-retroactive principle of the law means that human rights violations committed by the New Order state apparatuses cannot be brought to court and that the victims of the New Order violence cannot use the ad-hoc courts to reclaim their rights or request rehabilitation, compensation, or restitution. The NGO saw this significant limitation of the law could prevent the victims from claiming their rights and in so doing it could also weaken the post-authoritarian struggle for social justice. Elsam sought an alternative to overcome this limitation by proposing a concept for an Indonesian Truth and Reconciliation Commission, or *Komisi Kebenaran dan Rekonsiliasi* (KKR). The NGO prepared a draft of the KKR Law and submitted it to the Ministry of Justice and Human Rights, the institution that holds the constitutional right to prepare a draft and submit it for deliberations in parliament.

The struggle for the KKR Law took a long and winding road. The Ministry of Justice and Human Rights initially refused to accommodate Elsam's proposal and was reluctant to accept the draft. The Ministry argued that Law No. 39/1999 and Law No. 26/2000 were sufficient to serve as legal instruments to protect and strengthen human rights norms in Indonesia. Therefore, no additional law was necessary. Elsam did not relent. They countered the argument, explaining that the limitation of the juridical reach of Law No. 26/2000 had left a serious loophole in the Indonesian legal system in dealing with human rights issues. Elsam further argued that the country needed the

KKR Law to resolve human rights violations that happened before 2000. The Ministry of Justice and Human Rights eventually conceded Elsam's arguments, accepted the draft, and started their own process of drafting.

The process grew beyond Elsam's expectation. The Ministry of Justice and Human Rights eventually submitted a draft of the KKR Law to parliament, but the draft was almost entirely different from the one prepared earlier by Elsam. However, the NGO had no other choice than following the discussions in parliament to make sure that the draft passed the review committee and the KKR Law was enacted. The conceptual framework of the commission described in the state's draft turned out to be radically different from Elsam's version of the Truth and Reconciliation Commission. Elsam wanted the commission to exercise the same function and authority comparable to the one held by the South African Truth and Reconciliation Commission. They wanted the Indonesian commission to serve as an ad-hoc body to assist the state courts. Elsam proposed that the primary duty of the commission was to carry out impartial and fully authorised investigations by collecting information and testimonies. Only after the investigation was complete could the commission advise the human rights court on whether or not the case should be settled in court. However, the state's version of the KKR Law 'extended' the authority of the commission. The state's draft suggested that the Indonesian KKR could exercise the rights to grant amnesty and to offer pardon to alleged perpetrators of violence. Elsam saw this as a clandestine attempt to substitute the human rights courts with the KKR. In the parliamentary hearings, the NGO and the coalition of Indonesian human rights NGOs opposed this fundamental principle. But the parliament made no changes and Law No. 27 on the Indonesian Truth and Reconciliation Commission (UU KKR) was eventually enacted in 2004.

The coalition of Indonesian human rights NGOs saw a lingering danger that violence perpetrators could use the KKR to request a blanket amnesty and to avoid judicial processes of investigation, clarification, and court examination. Therefore, shortly after Law No. 27/2004 was enacted, the NGOs filed a request for a judicial review to the Constitutional Court. They wanted the court to declare a specific article in the law, which endowed the KKR with rights to handle amnesty requests and decide on compensation if the amnesty was granted, as unconstitutional. They argued that the article was contrary to the normative and legal principles of the Law on Human Rights and the Law on Ad-Hoc Human Rights Courts since it precluded the rights of the victims to learn about the truth. The Constitutional Court later issued a surprising verdict. Instead of annulling the disputed article, the court revoked the entire law. This legal decision surprised and confused the human rights NGOs, since it left them with no alternative legal mechanism other than the human rights courts. Even worse from the NGOs' standpoint, until 2007 the Ad-Hoc Human Rights Courts never issued any legal decision in favour of the NGOs' interests.

Human rights activists witnessed how the idea of a truth commission provoked a strong reaction from state officials, security apparatuses, and nationalist groups. Among the two central aspects of the truth commission, the element of truth-seeking (*pencarian kebenaran*) elicited more resistance than reconciliation (*rekonsiliasi*). Critics of the Indonesian KKR argue that privileging *pencarian kebenaran* over *rekonsiliasi* incurs the risk of hampering future reconciliation. People accused of committing violence would feel uneasy sitting together with their accusers and would be reluctant to discuss any peaceful settlement. The critics also refer to the discourse of *malu* (shame) in arguing that exposing past violence would *memalukan* (bring shame) to the alleged perpetrators. It would be more difficult to negotiate with someone when her or his pride had been violated

(*dipermalukan*) in public. This debate between the proponents and the critics of the KKR over the notion of *malu* demonstrates how the issues emotion and ethics differentiate the Indonesian reconciliation discourse from the one in other countries. For the Indonesian public, the recognition of proper social reputation frames intersubjective relations, and a critical part of this recognition is constituted by the language and the metaphors used in social interactions. In so doing, the discursive exchange of *malu* shapes subjectivities that people from both sides enact in the social relations of reconciliation.

The Indonesian legal sphere always comprised multiple legal norms and political interests of people representing different ethnic, religious, and ideological groups.[9] Since the early days of the republic, religion has been an indispensable part of Indonesian national politics. The debate over the inclusion of the Jakarta Chapter (*Piagam Jakarta*) in the Preamble of the 1945 Basic Constitution demonstrated the salient force of religious norms in shaping the legal sphere,[10] and the recent controversy over the *syariah*-informed bylaws attested to the persistent existence of religious interests in the post-New Order politics of law. However, we should not assume that religious norms affect the entire domain of state politics. In so doing, we would overlook how people negotiate particular aspects of religion that could or could not serve legal and political projects. The debate that takes place surrounding the Indonesian Truth and Reconciliation Commission has shown that the NGOs and the state legal institutions never mentioned how religion could shape truth-seeking or reconciliation norms and practices. Like religion, the debate over ethics is perceived as a discourse that should also be kept out of the domain of reconciliation.

Most human rights activists and legal scholars in Indonesia see human rights as a secular project. However, a limited number of human rights activists criticised this perspective, demonstrating that religion still animates public life in most Asian countries. As a consequence, religion affects human rights politics and the human rights struggle in one way or another. Nurcholish Madjid, a prominent Islamic scholar in Indonesia, often said that Islam should not be a deterrent to human rights. He argued that human rights norms and Qur'anic norms address the same concepts. One can find the talk of equality and respect of human dignity in the Qur'an even though the holy book does not call it "human rights." He emphasised that the Qur'an never encouraged people to commit violence in defending their faith and that it calls for respect and solidarity with those professing different beliefs.

Prior to 2000, the reconciliation initiative never drew on religious norms. When some NGOs stepped forward to represent the interests of surviving political detainees, they contended that reconciliation should be part of restorative justice. They perceived it as neither a normative nor an ethical project. However, with no alternative available for an official legal mechanism of restorative justice, the NGO activists had to look for a forum they could use to circumspect the limited jurisdiction of the ad-hoc human rights courts. This resembles a situation when the parties in dispute are 'shopping' for a forum they think suitable to their interests in ending or resolving the dispute (c.f. K. Benda-Beckmann 1981). In this process of shopping for a reconciliation forum, some parties appropriate the idea of reconciliation they have learned from other countries, and

[9] See F. von Benda-Beckmann and K. von Benda-Beckmann (2006) for a description and an analysis of a legal plural situation in Indonesia. They demonstrate how the Minangkabau legal sphere has always been constituted by interactions and contestations between *adat* norms, Islamic norms, and national legal norms. I add here that the plural legal situation can also take place *within* the national legal sphere.

[10] The debate was initiated by Muslim activists who wanted to include a statement in the Preamble that Islam was the official religion of the Indonesian state. The nationalists refused this 'religionisation' of the constitution. The Muslim group was defeated in the parliamentary debate, and the statement was eventually dropped.

some draw on their subjective understandings of what they consider the most important cultural or religious value for reconciliation. This negotiation between appropriating the transnational concepts of reconciliation and drawing on certain cultural or religious concepts has been part of the social life of reconciliation. It illustrates how reconciliation is contextualised and transformed into different forums, part of the process that Bertram Turner and Thomas Kirsch (2009) call "the permutation of order". To illustrate the process, in this paper I examine post-1998 reconciliation initiatives aiming to resolve the conflict between the military and Muslim activists in the 1984 Tanjung Priok massacre and between the Muslim militia and political detainees in the 1965–1966 tragedy.

Tanjung Priok Islah

In 1984, riots broke out in Tanjung Priok district in North Jakarta, provoked by a rumour that an army officer had entered a local mosque without taking his shoes off. Wearing shoes inside a mosque is a blatant show of disrespect and a direct affront to the Muslim community. They immediately reacted and demanded a public apology from the military district commander. But, instead of offering an apology, the district commander argued that the alleged army personnel was present at the mosque to investigate an illegal anti-*Pancasila* gathering,[11] and that he had taken his shoes off before entering the mosque. Whether or not he took his shoes off remained unclear.[12] What prompted a wider and more intense reaction was the subsequent arrest by the military of four prominent local religious leaders. The military accused them of planning a subversive movement, spreading a radical Islamic ideology, and provoking the Muslim community to protest against the state. The arrest incited widespread anger among the local Muslim community and bigger groups soon gathered at the mosque, demanding the military to release the four leaders. Since the military district commander denied the request, the crowd grew restless and started to march toward the military district headquarters. Like the shoe incident, the accounts of what happened after the crowd started moving are conflicting, but most witnesses corroborated that shoots were heard at the time when the military attempted to prevent the crowd from marching toward the district headquarters. A rapid assessment conducted by Amnesty International came to an estimate of more than 200 people killed (Amnesty International 1998). The number is difficult to confirm since most corpses disappeared, rumoured to have been dumped into the sea.

The New Order regime managed to suppress mentions of the Tanjung Priok tragedy for 15 years. The public only knew that in 1984 the military attempted to curb a "subversive" radical Islamic movement and that during the operation a small incident, killing five "radical Muslims", occurred. There were no further reports about the shooting, let alone the large number of missing persons. After the 1998 *reformasi*, the relatives of the missing people began to organise in order to break the public silence. NGO activists claim that the idea of organising the victims came directly from the Tanjung Priok people, a claim I found rather hard to accept. The NGOs, especially the Commission

[11] *Pancasila* is the Indonesian state ideology. It consists of five pillars: Belief in One God; Humanism; National Unity; Representative Democracy; and Social Justice. The New Order regime turned *Pancasila* into a fetish and used it to silence opposition by labelling them "anti-Pancasilaists". In the early 1980s, the state security apparatuses monitored an "anti-*Pancasila*" network of fundamentalist Muslims called the *usrah*. The apparatuses' version of the tragedy claimed that the regular gatherings held at the Tanjung Priok mosque were connected to the *usrah* movement.

[12] Some sources differ over this important fact. The investigation carried out by Amnesty International claimed that the military personnel desecrated the mosque, not only by wearing his shoes inside the mosque, but also by splashing dirty water on the mosque's wall (see Amnesty International 1998). The accused military officer testified in an ad-hoc human rights court claiming that he was aware of the proper respectful behaviour and therefore had taken his shoes off before entering the mosque.

for Missing Persons (Kontras) and Elsam, played a central role in facilitating the network, organising public rallies, issuing public statements about the tragedy, and calling for the government to reopen the case because they found that the previous investigation failed to do justice to the victims.

At the same time, General (retired) Try Sutrisno, the former Indonesian Military Commander, encouraged the military officers allegedly involved in the Tanjung Priok killing to establish direct contact with relatives of the disappeared. General Sutrisno and his colleagues expressed their interest in starting a dialogue with the Tanjung Priok victims. The people initially welcomed this contact, expecting the military would apologise, promise to bring the alleged gunmen to court, and offer an explanation on the whereabouts of the missing persons. General Sutrisno and his colleagues later arranged for and invited the people to a public gathering held at Sunda Kelapa Mosque in Central Jakarta on March 1, 2001. Again, I heard different accounts concerning who initiated the gathering. General Sutrisno stated in the media that several Tanjung Priok people approached him first and asked to facilitate a meeting with the former military district officers.[13] On the contrary, other people told me that the general called them first. Other people learned about the gathering only from those who had been in a regular contact with the general. Therefore, most people invited to the Sunda Kelapa Mosque claimed to have had no idea on why the meeting was held.

General Sutrisno called this meeting *islah*, and this term has often been mentioned in the media reports, human rights documents, and proceedings of the ad-hoc human rights courts. Derived from an Arabic word that literally means "to repair" or "to reform", in Indonesian *islah* suggests an ethical connotation of "repairing broken social ties". The word offers a different meaning than the one commonly understood in the Islamic world, the one which refers to the notion of *islah* as a reformation to return to *syariah* teaching and *syariah* law.[14] Although it is a common term widely applied to refer to a political reunion between formerly disputing groups, in Indonesia the word never suggests a call for *syariah* law. Therefore, in calling the gathering *islah*, General Sutrisno wanted to emphasise the moral and ethical connotation of the gathering as an attempt to repair a broken social relationship. However, the general's intention was not entirely clear to most participants of the gathering, and in fact some of them would have refused to attend had they known the meeting was intended as an *islah* gathering. These people insist that *islah* would be impossible without a clarification on what actually happened in 1984, a thorough investigation and an impartial trial, fair compensation, rehabilitation of their political rights, and, most importantly, information on what happened to the missing persons.

The *islah* gathering left much to be desired; no apology was offered, no explanation about the missing persons was given, and, even worse, the dialogue was not conducted on equal footing, as the military had promised. Participants and witnesses to the gathering were Nurcholish Madjid, a prominent and moderate Muslim scholar, and the Commander of the Jakarta Military Command with his staff. Besides the Tanjung Priok people, General Sutrisno was also present at the mosque, accompanied by former officers of the North Jakarta military district. The military dominated the

[13] When the incident took place, General Try Sutrisno was the Commander of the Jakarta Military Command. He might not have been involved directly in the shooting, but it is hard to believe his claims that he knew nothing about the incident. During the New Order period, the military had excessive power to monitor and intervene in public life, even more powerful than the police. We should, therefore, question the general's statement.

[14] See, for example, the agenda of the Yemeni Islah Party on: http://www.al-bab.com/yemen/pol/islah.htm (accessed on August 5, 2009)

floor and gave little time to the Tanjung Priok people to speak. The officers argued for the need to forget the troubled past and emphasised the normative and ethical value of building a peaceful future. They suggested *islah* to serve as a medium of reconciliation between the alleged military officers, the Muslim activists, and the families of the disappeared. General Sutrisno added that he would be willing to offer some financial assistance to those whose lives had been affected by the incident. He did not use the legal term "compensation" – Indonesian *kompensasi* – but rather talked about "financial help" (*bantuan keuangan*). The *islah* gathering was concluded by a ceremonial signing of the *Piagam Islah* (Islah Charter).

General Sutrisno's "financial help" offer provoked a controversy. He gave out two million rupiah (approx. 200 US Dollar) *tali kasih* (affection money) to the relatives of every missing person and to every political prisoner, but not everyone accepted the money. Those accepting the money said that they needed financial assistance to defray their daily expenses. Others claimed that although they had accepted the money, they did not simply forget the tragedy and kept on insisting on a thorough investigation into the shooting. The controversy intensified when people discovered that General Sutrisno also distributed motorcycles and trucks to help people who needed facilities to carry out their businesses. However, the vehicles never reached those who needed them. It turned out that some people sold the motorcycles and trucks, keeping the money for themselves.

The Islah Charter bears a legal seal (*materai*) and the stamp of a lawyer office. It resembles an official legal document, a letter of contract between two parties. The first group includes seven representatives of the Tanjung Priok community, and the second party consists of seven military officers.[15] The Commander of the Jakarta Military Command and Nurcholish Madjid also signed the document in their capacity as witnesses. The seal and the register number confer the Islah Charter its legal appearance, but instead of referring to existing state laws, the document draws on Qur'an verses. They are Sura 3 Al-i-Imran, Sura 8 Al-Anfal, and Sura 49 Al-Hujraat (included in the Islah Charter as below).[16]

> Qur'an Sura 3, Al-i-Imran, verse 103:
> "And hold fast by the covenant of Allah all together and be not disunited, and remember the favor of Allah on you when you were enemies, then He united your hearts so by His favor you became brethren, and you were on the brink of a pit of fire, then He saved you from it, thus does Allah make clear to you His communications that you may follow the right way"
>
> Qur'an Sura 8, Al-Anfal, verse 61:
> "And if they incline to peace, then incline to it and trust in Allah; surely He is the Hearing, the Knowing"
>
> Qur'an Sura 49, Al-Hujraat, verse 10:
> "The believers are but brethren, therefore make peace between your brethren and be careful of (your duty to) Allah that mercy may be had on you"

[15] The signatories from among the Tanjung Priok people were Syarifuddin Rambe, Ahmad Sahi, Syafwan Sulaeman, Nasrun HS, Asep Saprudin, Sudarso, and Siti Chotimah. The signatories from the military were Try Sutrisno, Sugeng Subroto, Pranowo, Soekarno, Rudolf A. Butar-Butar, Sriyanto, and H. Mattaoni. Out of the seven military personnel who signed the Islah Charter, only three – Pranowo, Rudolf A. Butar-Butar, and Sriyanto – were brought to the Ad-Hoc Human Rights Court on Tanjung Priok, together with eleven other people. The Supreme Court later acquitted all defendants.

[16] The Islah Charter includes the Indonesian translation of the Qur'an Suras. In this paper I use Muhammad Habib Shakir's English translation of the Qur'an. The Shakir translation can be found at http: //www.searchtruth.com (accessed on December 12, 2009).

The initiators of the Islah Charter included these verses with a particular political intention. The verses illustrate the politics of edition (cf. McGann 1991) enacted by the initiators to fulfil a certain social imagination. The initiators relied not only on the verses' literal meanings, but also on the histories behind the revelations of the Suras. The Sura Al-i-Imron and the Sura Al-Anfal refer to situations after the Battle of Badr when God, through the Prophet Muhammad, instructed the Muslims to learn moral virtues from their battle with the pagans and the Jews. The Sura Al-Hujraat contains a more general teaching for Muslims on how to behave properly according to the manners taught by God and the Prophet. The author of the Islah Charter paired the verses and included them in the Charter to highlight the significance of the Islah as an ethical project that must be emphasised and followed after a period of 'war' or conflicts.

The author of the Islah Charter actually made an ironic decision in citing the Qur'an verses.[17] Only several of the alleged officers and General Sutrisno are Muslims, the others are Christians. Therefore, the act to include the verses represents a discursive statement directed more at the Tanjung Priok people and signifies a legal authority of religion that the people should remember and acknowledge. At the same time, the verses locate the Islah Charter in a realm different from the official legal realm of the state. The verses signify the religious authority of the Qur'an and a community of believers (*ummat*) that the Tanjung Priok people and the military officers should uphold and obey. Sustaining the *ummat* is a moral and an ethical responsibility of the charter's signatories.

The Islah Charter clearly urges people to forget the traumatic past. It reminds them to be aware of any attempt to use their suffering and their memories of the traumatic past for a certain political interest. In addition, the Islah Charter also asks the government to rehabilitate and provide assistance to the former Tanjung Priok political prisoners and their families. The charter, however, does not specify why and how the government should rehabilitate the former prisoners and what specific assistance the government can provide. In other words, the charter employs the legal principles of 'rehabilitation' and 'restitution' without examining their legal reasoning and legal consequences. The entire process of *islah*, as indicated and summarised in the charter, drew on legal principles of authority, rehabilitation, and restitution. The *islah* reframes the principles of dispute resolution less with legal reasoning on justice and rights than with religious norms and ethics of brotherhood and solidarity. As such, the Islah Charter occupies an ambiguous position between the legal and the non-legal spheres and exemplifies a shadow document that is supposed to serve as an official legal document, and yet drawing its authority from religious norms instead of the state legal norm.

The Tanjung Priok *islah* illustrates how a reconciliatory practice generates a legal category. Prior to the ad-hoc human rights court on Tanjung Priok, the state legal system recognised no specific category for the victims of state violence. For example, victims of military violence or police torture could not bring their cases to state courts because the state legal code does not have a specific provision for institutional violence. Criminal courts were also an unlikely choice since it was difficult to establish criminal motives behind the acts of torture that were always interpreted as a state obligation. The 1998 political reform has opened an opportunity for nongovernmental organisations to introduce a new legal category of "violence victim" to the Indonesian legal system. The *islah* contributed to shaping this legal category, although the earlier stage of the *islah* involved

[17] I had no opportunity to identify the author of the charter. My sources only indicated that the author was military, and that he or she might have consulted Nurcholish Madjid in selecting the verses. Madjid passed away in 2005 due to illness.

no NGOs. Only later did NGOs help the anti-*islah* group to criticise the process. The NGOs defined the category 'victim', sharing experiences of suffering torture and missing relatives. Through this new legal category, the NGOs constituted a legal sphere around the figure of 'the victim', and this sphere merges different reconciliation practices, made possible by social networking and exchange of a common advocacy agenda.

The 1965–1966 Massacre

The major achievement in human rights politics in post-1998 Indonesia has been the creation of several ad-hoc human rights courts, including the Tanjung Priok Ad-Hoc Court. At the same time, the human rights trial of the Tanjung Priok case stirred up anxiety among the military officers, who wanted to avoid the human rights court. They drew up an *islah* reconciliation to settle the case outside of court. However, the achievement in the Tanjung Priok case, albeit a limited one, did not affect the struggle of the 1965–1966 survivors. Despite a partial investigation carried out recently by the National Commission on Human Rights, no ad-hoc human rights trial on the 1965–1966 tragedy was ever created. Unlike the perpetrators of the Tanjung Priok massacre, who faced a possibly immediate trial in an ad-hoc human rights court, neither the military nor the religious militia involved in the 1965–1966 tragedy feel the pressing need to pursue a reconciliatory approach despite the legacy of the violence that still lingers in the post-1998 period.

The New Order regime's biggest legacy of gross human rights violation started with the 1965–1966 anti-communist massacre. From October 1965 until mid-1966, the Armed Forces carried out a massive operation to "exterminate" (*membasmi*) communism and communists in Java, Sumatra, and Bali. The Armed Forces received help from *Barisan Serba Guna Ansor* (Banser), a militia group affiliated with the Nahdlatul Ulama Muslim organisation. The operation actually emerged from a latent political and ideological rivalry that had grown since the late 1950s between the right-wing faction of the Armed Forces and the Indonesian Communist Party. President Soekarno's left-leaning politics had galvanised the right-faction to stage "a creeping coup d'état" (*kudeta merangkak*). While the Armed Forces clearly wanted to secure political power, the involvement of the religious militia in the operation remains a topic of debate. Some argue that the economic interests of local *kyais* (Muslim religious teachers) to protect their land ownership against the Communist Party's land-reform programme had driven the Muslims to take part in the operation (Sulistyo 2000). Sources form inside the NU claim that the *kyais* and Banser had no choice other than supporting the military in an operation against people depicted as enemies of Islam. They believed in the military propaganda, convinced that the communists were atheists and therefore had no rights to live in the country.

Killing hundred thousands of people is obviously a gross human rights violation, but the most enduring legacy of the New Order regime's human rights abuse has been the discrimination against surviving political prisoners and their families. From 1967 until the late 1990s, the New Order regime imprisoned hundred thousands without trial, many of them died in concentration camp-like detention. When they were released from prison, the government imposed a discriminatory label *tahanan politik* (political prisoners) with a special mark inscribed on their identity cards. This label prevented them from accessing government bureaucracy and state facilities, and it affected not only the detainees but also their families. For example, at least until the mid-2000s their children could not enrol in public schools or public universities. In the aftermath of the 1998 *reformasi*, accounts of the 1965–1966 massacre, horrific stories of incarceration experiences, and testimonies of social

and political discrimination flourished in books, media reports, art exhibitions, film screenings, and academic seminars.

In 2000, President Abdurachman Wahid made a historic gesture when he offered an apology to the survivors of the tragedy, raising hope for social justice and the desire for national reconciliation. The president's gesture hardly pleased the right-wing military faction, the fundamentalist Muslims, or the nationalist groups outside of the military. The right-wing groups in Yogyakarta and Surakata joined to form *Forum Anti Komunis* (Anti-Communist Forum) and organise show-of-force rallies in the cities.[18] At the same time, Elsam, Kontras, and the Indonesian Legal Aid Foundation (Yayasan Lembaga Bantuan Hukum Indonesia or YLBHI) initiated contact with the former political prisoners and their relatives. Elsam launched a programme they called "road show", travelling to cities in Central Java, East Java, and Bali, where most political detainees live after they were released from prison. The NGO also assisted organisations of victims of state violence to build a network. Elsam's efforts culminated in a national gathering of victims of state violence (*Temu Korban Nasional*) held in Bogor in 2003.

The years 2000–2003 witnessed a wider opening of the political public sphere that allowed survivors of the New Order regime's violence to come forward and fight for their rights. At this time, the idea of reconciliation gained more support, even though some human rights activists remained in favour of a legal approach to bring the violence perpetrators before human rights courts. Elsam realised that the limited legal knowledge on human rights issues among Indonesian judicial officials, exacerbated by rampant corruption in the judicial institutions, hampered the survivors' efforts to pursue cases of human rights in state courts. In trying to avoid the constraints, Elsam opted to strengthen the reconciliatory approach while at the same time urging the judicial apparatuses to institute specific trainings in legal proceedings concerning human rights. In addition, the limited jurisdiction of the Law No. 26/2000 to deal with past violence left reconciliation as the most viable method to resolve cases that happened during the New Order rule (1966–1998). Elsam proposed a resolution through procedures carried out by the truth and reconciliation commission, since they thought litigation would be a more expensive and time-consuming strategy. Hard evidence on the 1965–1966 tragedy was inconclusive, and many perpetrators and victims have died or are already too old to testify. Elsam draws its advocacy policy to privilege reconciliation over litigation from the transitional justice programme adopted by the post-apartheid South African government. However, Elsam is not the only NGO favouring and emphasising a reconciliatory approach. An organisation in Yogyakarta (Central Java) developed an advocacy agenda to initiate contact between the surviving political prisoners and the former Banser militias.

Around 2000, young activists affiliated to the Nahdlatul Ulama (NU) created a nongovernmental organisation called Syarikat (*Masyarakat Santri untuk Kajian dan Advokasi Rakyat*). Syarikat wanted to bridge the existing social and communicative gap between former Banser militias, who were also members of the NU, and survivors of the 1965–1966 tragedy. The lingering and sensitive dispute required someone who was familiar with the tradition of the NU as a religious organisation, and only NU insiders knew the proper way to approach senior *kyais* without provoking their resentments, especially from those who allegedly supported the military operation. The *kyais* would

[18] This loose organisation comprises a combination of interest groups. The majority of them come from radical and fundamentalist organisations such as Laskar Jihad or Laskar Umat Islam Surakarta. Several younger generations of Banser militias take part in the Forum Anti Komunis, although their participation does not reflect the political stance of the Ansor, which always want to differentiate themselves from the radical and fundamentalist Muslims. The older generations of Banser take a more careful position by neither supporting nor condemning the Forum Anti Komunis.

respond less severely to NU people, even though they disagreed with the agenda of the young activists.

Syarikat's reconciliation efforts received assistance from the Asia Foundation.[19] The international funding agency supported Syarikat's newsletter "Ruas" and helped facilitate gatherings in many cities.[20] In 2003, Syarikat held "grass-root reconciliation meetings" (*pertemuan rekonsiliasi akar-rumput*) in Bondowoso (East Java) and Cirebon (West Java). They invited local NU *kyais* in East Java and in West Java, former members of Banser, and former political detainees. As a Syarikat activist explained to me, the meeting was to end the deep-seated resentment between Banser and the political detainees. The elderly survivors welcomed this intention, but the former Banser leaders, especially the late Kyai Jusuf Hasjim, retorted. He said that reconciliation talk could only take place between parties that had acknowledged their mistakes. He argued that the communists were guilty because in 1965–1966 they wanted to seize land owned by Islamic schools and mosques, and they never acknowledged their guilt. Other *kyais* expressed their suspicion about a "hidden agenda" behind the reconciliation initiative, because Syarikat had received funding from a foreign donor.

Syarikat adopted two major strategies in its reconciliation work. Firstly, they held gatherings such as those in Bondowoso and Cirebon. The gatherings actually received clandestine supports from many local NU leaders in East, Central, and West Java. Secondly, they published memoirs of selected former members of the Indonesian Communist Party who also happened to be prominent Islamic leaders in the 1960s. This later strategy sought to highlight the fact that there was no 'natural connection' between communism and atheism in Indonesia, as the New Order regime had claimed and which many Indonesians still believe. Syarikat also sought to question the military propaganda in associating the communist ideology in Indonesia with Soviet Communism or Chinese Communism. Conservative *kyais* often compare atheism to communism and in so doing justify their anti-communist stance as a religious calling. Syarikat intended to challenge this discourse by showing that being a communist was different from being an atheist. Syarikat's attempt to "deconstruct the misperception" turned out to be a difficult process and so far produced limited results.

At a reconciliation gathering in Purwokerto (Central Java) I attended in 2003, the dialogue turned into a heated debate when a young man in a black uniform and wearing a baseball cap with "ANSOR" (the name of the NU youth militia) written on the front took the floor. He introduced himself as a Banser member and began challenging Syarikat activists. He claimed to represent hundreds of Banser in town, those who still believed that the communists were atheists and that Syarikat's support for them meant a direct assault to Islam. Syarikat's leader countered him, explaining that no NU *kyais* ever questioned the activists' faith in Islam. Later that day, the Syarikat coordinator told me that colleagues from the NU often reacted harshly but no situation

[19] As of 2007, Syarikat changed its advocacy priority from issues related to national politics to those dealing more with local community development. A Syarikat activist told me that unless the organisation changed the priority, the Asia Foundation would withdraw its financial support. In fact, the foundation had ceased its financial assistance to Syarikat's reconciliation programme even earlier, before 2007.

[20] "Ruas" was a newsletter published twice a year by Syarikat and served as a medium of communication among the survivors and between the survivors and the general public. It ran a regular section of testimonies, in which survivors told their stories from before they were captured, while they were in prison, or after they were released. Syarikat distributed "Ruas" to victim organisations across the country, but did not sell it at bookstores. The limited circulation of the newsletter showed that "Ruas" was unable to perform a public education mission, an objective that Syarikat wanted to achieve by publishing the newsletter.

ever turned into physical attacks. He was more concerned about physical attacks by the radical groups or the conservatist Banser militias against the elder survivors.

Syarikat ceased their reconciliation work in early 2007 because of two major reasons. Since the legal effort to establish the Indonesian truth and reconciliation commission had failed, the Asia Foundation saw no strategic interest in continuing its support of the reconciliation programme.[21] In addition to that, the former Muslim members or adherents of the Indonesian Communist Party decided to stop appearing in public. The increasing activities of and pressures from the radical and fundamentalist Muslims terrorised the elder people and the police never took any action to protect them. In a few extreme cases, the survivors were isolated from the public by their families, who withdrew their memoirs from bookstores and prevented them from attending any victim gatherings. Syarikat's efforts to keep in touch with these people have been met with harsh, sometimes violent, responses from the family members. Since then, Syarikat ceased its reconciliation programme. Apparently, as of 2007, many Indonesian NGOs also abandoned their interests in promoting reconciliation projects in Indonesia.[22]

The Social Life of Reconciliation in Indonesia

This paper addresses a particular aspect of reconciliation as a practice to mediate tensions between state apparatuses and former political detainees. In so doing, this paper highlights only a limited part of the negotiations, which revolves around the predicaments of post-authoritarian state politics, one of which deals with resolving the anxious relations between the perpetrators and the victims of state violence. This paper pays a special attention to the consequences of reconciliation in shaping state politics and introduces state interests as a major discursive element in the practice of reconciliation. Although many of the issues negotiated in reconciliation also deal with matters beyond state politics, in this paper I focused mostly on how reconciliation addresses issues of violence and gross human rights violations committed in the realm of state politics and state interests.

As a practice aimed to resolve the tensions between state apparatuses and victims of state violence, reconciliation goes back to the 1990s when the Chilean government sought a proper way to end the cycle of friction between the military apparatuses and people affected by the former regime's policy of disappearing people. Although it remained political rhetoric with no concrete steps, the initiative of the Chilean government opened a new realm of the human rights discourse that up until that time had relied largely on the judicial process. Until the Chilean government introduced the idea, the post-conflict or post-authoritarian governments and civil societies often referred to the Nuremberg Trials as the appropriate model for resolving the legacy of violence and for bringing the responsible actors to justice. The Nuremberg model emphasised legal norms to prove individual responsibility in acts of human rights violation. Despite the fundamental critique that the Nuremberg Trials were no more a show-of-force by and for the victors, trials were the only accepted method until the 1990s to deal with human rights violations and war crimes.

[21] I had no chance to interview the Asia Foundation officers. A Syarikat activist offered this interpretation in one of our interview sessions.

[22] In late 2008, an Elsam activist told me that she and the organisation had seen no strategic interests in continuing with reconciliation in their recent advocacy agenda. Only if it strengthened Elsam's recent work on general legal reform in Indonesia would reconciliation again become an important topic to consider.

The Chilean initiative of reconciliation departed from the Nuremberg model. The Chilean reconciliation discourse drew attention to the moral and the ethical dimensions largely overlooked in the judicial processes drawing on the Nuremberg example. It demonstrated that, in order to confront past violence, the post-authoritarian Chilean state needed to conceive not only legal moves but also moral and ethical solutions. The Chilean concept of reconciliation sought to pursue this project, but with no success. It was the South African Truth and Reconciliation initiative that eventually managed to adopt this moral and ethical component into concrete reconciliation practices dealing with the relationship between state apparatuses and their victims. The South African TRC framed the moral and ethical issues as part of the politics of national citizenship.

The ability of the South African TRC to include the moral and ethical issues in their reconciliation concept depended less on the format of the reconciliation concept than on the background of the people on the Commission.[23] Archbishop Desmond Tutu was the chairman, and Alex Borraine, a lawyer and a former Methodist Minister (Verdoolaege 2008: 9), was the deputy chairman of the TRC. Borraine was the key person in the daily work of the TRC. Based on his experience in the TRC, Borraine later established the International Center of Transitional Justice, an international nongovernmental body based in New York, an institution that has a strong influence on the Indonesian initiative and concept of reconciliation. The involvement of important and high-profile religious figures strengthened the moral and ethical agenda of reconciliation, and at the same time it helped to invoke a shared understanding that any reconciliation concept should draw on moral and ethical norms rather than on state legal norms. As Christian religious leaders, Tutu and Borraine had drawn on Christian theology in emphasising the importance of moral values. Verdoolaege (2008), in her analysis of the South African TRC's testimonial hearings, showed how the TRC's discourses converged at a few moral themes such as forgiveness and remorse.

The South African TRC's moral and ethical framework served the social and political projects of the post-apartheid nation. As a social project, the moral and ethical framing had indeed been less successful to prevent more violence or conflicts, but as a state project it helped to convey an image of a united post-apartheid South African nationhood. The discrepancy between the social project and the state project revealed a critical disjuncture that emerged the moment when South Africa appropriated the idea of reconciliation and brought the interests of the South African state into a concrete political agenda. However, the moral and ethical component of reconciliation served not only specific interests of the South African state. Transformed into a concealed religious discourse, the moral and ethical themes of reconciliation drew attention from many countries that had just left their authoritarian regimes behind. In other words, the South African state's citizenship and nationhood project in fact shaped a transnational discourse that resonates with a similar concern in other countries, including Indonesia.

The post-1998 Indonesian reformation ushered in more political freedom but also exposed a fundamental dilemma in state politics that continues to haunt the contemporary Indonesian nation. The newly regained freedom of public speech resurrected sensitive and unresolved predicaments over the place of Islam in state politics (see Hefner 2000), and over the place of ethnic groups in the state's legal concept of citizenship. The dispute over social and political rights of former political detainees has been caught in the ongoing contestation over the role of Islamic religious

[23] Fiona Ross (2003) shows that reconciliation testimonies often disregarded women's perspectives. Women expressed their concern about re-traumatisation when they were forced to testify about rapes or other sexual harassments. However, the TRC insisted that giving testimonial accounts was an indispensable part of the TRC proceeding.

norms in shaping state politics and state ideology. The post-1998 projects of legal and cultural citizenship are rooted in the debates over what constitutes a national fold and how to properly situate a particular ethnic, racial, and political group within the fold. The first debate is a legal debate and the second one is an ethical and moral debate. This paper discusses the predicament of a proper way to incorporate the formerly neglected social group into the post-1998 national fold, and reconciliation offers the opportunity to accomplish the ethical project.

The 1984 Tanjung Priok killings occurred in the context of an emerging state's concern over a fundamentalist Muslim movement. Since the early 1980s Muslims had protested against the state's attempt to force every civil organisation to accept *Pancasila* as its only ideology. The New Order security apparatuses believed that the Tanjung Priok people supported the fundamentalist group, although an Amnesty International investigation showed that most victims had not had any connection to radical Muslim groups (Amnesty International 1998). The military resorted to *islah* (reconciliation) as a political move to avoid an ad-hoc human rights court, and at the same time to make a statement about an imagined national fold. In incorporating Qur'an verses that called for a peaceful resolution between enemies, the military used the *islah* forum to capitalise on a moderate view of Islam. In so doing, the military exploited the tension between the fundamentalist and the moderate Muslims to advance their interest and prevent the victims and the human rights activists from requesting a trial in an ad-hoc human rights court. This effort by the military failed since the ad-hoc human rights court on Tanjung Priok was created anyway. This paper highlights a critical disjuncture, which signifies the encounter between the transnational concept of reconciliation with its emphasis on the social ethic of forgiveness with the appropriation and contextualisation of reconciliation in the discourse of *islah* in post-1998 Indonesia.

When the military drew on the *islah* forum to present an image of good and moderate Muslims – an ironic choice considering that some of the military personnel are Christians – Syarikat initiated *rekonsiliasi akar rumput* (grass-root reconciliation) to question the imposed label of communist and *tahanan politik* (political prisoners) and to convey a statement that the political detainees were no less pious Muslims than the Banser people. To pursue its reconciliation agenda, Syarikat published memoirs of Muslim political detainees, and most importantly, arranged informal reconciliation gatherings between Banser and the survivors. While the *islah* forum drew its authority from the Qur'an verses, the Syarikat reconciliation relied on the authority of the local NU *kyais*, whom they often invited to the informal gatherings and who supported the initiative clandestinely. The Syarikat reconciliation exposes a critical disjuncture when appropriating the idea of reconciliation to reclaim survivors' social and political rights and at the same time addressing the ethical issue of bringing the survivors back into the national Muslim fold.

I argued in this paper that the social life of reconciliation is embedded in social practices, and the transnational spread of reconciliation hardly follows a generic or deterministic trajectory. Reconciliations emerge at critical disjunctures when the global ideascape of justice and rights encounters a specific political and social project in a country that just threw off its authoritarian past and is negotiating a different conceptual configuration of citizenship. I would like to highlight in this paper how the concept of reconciliation refers to plural 'issues' that do not always reiterate the transnational discourse, which perceives reconciliation as an alternative to a judicial process. In post-1998 Indonesia, the military and the organisation Syarikat appropriated and reworked the reconciliation idea, i.e. including religion to shape the ethical politics of national citizenry in the post-New Order period.

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