THE DYNAMIC OF EMPOWERMENT IN POST-AUTHORITARIAN INDONESIA

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Abstract:

Artikel ini mencoba mengkontekstualisasikan pemikiran John Courtney Murray tentang hukum kodrat dan pembicaraan publik sebagai unsur konstitutif bagi dinamika pemberdayaan (empowerment) dalam masyarakat pascaotoritarian, terutama Indonesia. Masyarakat pascaotoritarian ditandai dengan hibriditas antara struktur lama peninggalan rezim otoriter yang masih berjalan dan kuatnya aspirasi akan masyarakat yang lebih terbuka dan adil. Pemikiran Murray tentang hukum kodrat menjadi dasar epistemologis bagi penting dan mendesaknya aneka gerakan masyarakat berdaya, sekaligus membuka ruang bagi pentingnya pembicaraan publik antar berbagai kelompok masyarakat yang berbeda-beda untuk membangun konsensus bagi usaha-usaha membentuk struktur sosial baru yang lebih adil.

Key Words:

John Courtney Murray, empowerment, natural law, consensus, post-authoritarian

During the last decade there has been a wave of transition from the dictatorial regimes to newly democratic societies.[1] The fall of dictatorship does not guarantee that the newly elected government can maintain the spirit of reformation and persecute the past human right violator. In some countries (Uganda, Rwanda, Congo), it ends up in a new bloody tribal conflict. In this limbo situation, democratic transitions in many cases are shaped through an ongoing negotiation between all the conflicting parties toward making a more just and peaceful society. In order to make such negotiation succeed, civil society must organize itself so that it can have an adequate power to stand up, to challenge and to promote its aspirations. In other words, the dynamic of empowerment is continually needed after the fall of the dictator so that a democratic transition will not end up in a new societal calamity.

This paper intends to answer the following question: If empowerment is the most needed dynamic in post-authoritarian states to keep the process of democratic transition on the right track to a more just society, what is then the contribution of the Catholic tradition to be a part of such dynamic? In answering this question, I will draw inspiration from the writing of John Courtney Murray.

This paper consists of three parts. The first part provides the context of the Indonesian post-authoritarian state by using sociological and political analysis. In this part, I will show how Indonesian civil society tried to organize and reclaim the street as a means to communicate political message

and to push the official moguls to continue the unfinished agenda of democratic reform. From this context, the second part will talk about the dynamic of empowerment, drawing from Murray's work. There are three points we can draw from Murray. First, the foundation of empowerment is human capability to discern the truth because of its reason. Second, this capability is then manifested in civil conversation to attain the "growing-end of consensus". Third, civil associations are recognized as the key players beside the state in shaping the body politic. The last part is a synthesis of how Murray's work will be read in the given context and gives a fresh outlook on the dynamic of empowerment.

CONTEXT: NEW WINE IN OLD WINESKINS

Official Moguls in Post-Authoritarian Indonesia

Political studies show that the democratization process in post-authoritarian states has a unique character compared to more stable democratic societies. Some theorists define post-authoritarian states as "hybrid" states where authoritarianism and democracy work at the same time. Even though the authoritarian leader was trampled down, the legacy of the authoritarian system still exists especially in the state bureaucracy and its judiciary system. On the other hand, there are forceful aspirations for "free society" in the popular movement. This hybrid analysis shows how "the institution of power and mechanism of popular participation are shaped and maintained, or can be altered and challenged" in a specific context.[2] Defining post-authoritarian states as hybrid states also leads to analyzing the "differing relations of power and interest that underlie the way in which institutional frameworks of governance are distinctly shaped… the potential and actual contradictions through which they may be transformed at a given moment of history."[3]

In the context of post-authoritarian Indonesia, 18 years after the fall of Suharto regime with 35 years of mass-violation of human rights and fabrication of a cultural ghetto based on racism and religion, Indonesia still has to be patient with a long and circular process of democratic transition. One vivid example of back and forth movement in creating a democratic society is the anti-corruption movement. Thirty-five years of the Suharto regime has left Indonesia as the most corrupt nation in Asia, even worst than Vietnam.[4] The United Nation Research Institute for Social Development places Suharto as the most corrupt dictator in the world.[5] Ironically three years after his death, the Indonesian government gave him the title of national hero, the "Father of National Development". During the last six years, Indonesian Anti Corruption Task Force has saved $16 billion public funds.[6] This large saving comes only from 277 cases that mostly targeted small and middle level corruptors while leaving the top official moguls untouchable.[7]

Even though Indonesia has its first free House of Representatives in 1999 and first free presidential elections in 2004, there is no proof that this new democratic government can solve the problem of corruption. In most cases, the elected house representatives become the new official moguls. Seventy-three percent of the cases brought by the Anti Corruption Task Force relates to bureaucrats. The most dramatic setback in the anti-corruption movement happened in June 2012 when the House of Representatives proposed to amend certain juridical ad-hoc powers of the Indonesian Anti-Corruption Task Force. Corruption cases then become a turf card for political negotiation in the House of Representative and in selecting public officers. Some judges in the Anti-Corruption Task Force also are threatened and blackmailed every time they start investigations of the top-level moguls.

When International Monetary Fund (IMF) took control of the collapsed Indonesian economy in 1997, the key policies in their Structural Adjustment Program (SAP) were economic liberalization and political decentralization. IMF thought that by giving broader participation in economic and political activity–of course participation in the neo-liberal sense means privatizing state-owned companies- the movement toward democratic society and more stabile economic activity would be initiated faster.

However IMF forgot that without reforming the past bureaucratic regime, liberalization and decentralization become the new "legitimate" market for corruption.[8] Decentralization helps the former regime prey on any positions in the local government (governor, major) so that they can take control of budget allocation from the State with less criticism from the media, since the media tend to focus more on national issues than local issues.

Another challenge faced by post-authoritarian Indonesia is cultural and religious conflict. In the last ten years of his dictatorship, Suharto used many Islamic paramilitary groups to disorganize civil society by creating horizontal conflict and to repress any democratic movements. After the fall of Suharto, these paramilitary groups transform themselves and they operate through issues of Islamic piety, like the headscarf for women, censorship of pornographic, pushing Quranic literacy, Islamic solidarity with Palestinian and anti-United States movements. But, these paramilitary Islamic groups never stand up in the issue on corruption or to condemn the failure of public policy. Even though there are many objections from wider traditional Islamic community to these extremist groups, the state remains silent because the former regime benefits from their existence.

Taking Back the Street

Fortunately, such hybrid states also have other resources for transformation, namely civil society. Hadiz shows that during the last 35 years, the Suharto regime tried to exert total control toward civil society and to transform citizens into the obedient mass to the Father of National Development. He successfully disorganized and demobilized civil society, but he never succeeded in controlling it totally. Civil society does exist, but because of its disorganized character, Indonesian civil society fails "to embody organized interests that fundamentally challenge the persistence of predatory power…by promoting coherent rule of law or social justice agenda."[9]

Juliawan gives another point of view from his sociological studies on the popular movement after 1998. He shows that, despite a continuing powerful former regime bureaucracy, civil society is increasingly active.[10] Since the democratic channel fails to accommodate broader aspirations, the street becomes a new *agora* to express public interest. Demonstration as a form of street politics increases quantitatively and qualitatively. In the context of the labor movement, for example, labor is more organized, and therefore can force the state to halt an unjust law or to comply to their aspirations.[11] The labor movement has not yet become established as a political movement, but the dynamic beneath this movement resonates with other spheres of civil society and inspires them to use the street as a place to negotiate their cause. During the authoritarian Suharto period, public protest mainly refers to traditional political actors, like students or middle class social activist. In the post-Suharto era, public protests became broader with widely diverse causes, from associations like North Sumatra Punk Movement to Women Quran Recital Groups.[12] Protests routinely dramatized either *Pengadilan Jalanan* (Street Court) as a critique to the impotency of the formal juridical system in the face of corruption or the effigy of burial procession as a symbol of the death of conscience and a lament for any human right violations.[13]

The event of taking the street is itself a powerful symbol beyond any political calculations. Occupying the street is a bold manifestation that "the city is ours". With his historical analysis of the Indonesian cities' layout and democracy, Kusno notes that Suharto's tactic in disorganizing civil society is turning the ''revolutionary street into a space of discipline and fear where unlicensed activities were considered to be the embodiment of the forces of criminality upon which the police and military performed their roles.''[14] After 1998, protests have taken part in turning the space of the street into a site of political conversation again. Taking back the street is a political manifesto that the state is not the only actor who can navigate the movement of a nation.

The turning point of taking back the public space also happens in the informal farmer community meetings, called *musya-*

warah (town-hall meeting). The Suharto regime has abused this *musyawarah* and turned it into a monologue of political campaigning rather than a dialogue on the needs of a community. *Mufakat* (consensus) then is interpreted as one voice without difference, a union of heart of mind. Olken in his studies on the dynamic of farmer community meetings shows a promising pattern in farmers' ability to scrutinize local officials when they use public funding for agricultural activity. At this grass-roots level of politics, *musyawarah* becomes the place of negotiation between the farmer and their leader.[15]

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Drawing from this sociological and political analysis, I come to several conclusions:

First, as a hybrid state, there is an ongoing conflict between the former regime and the new aspiration to build a free and open society, and the direction of political change is the product of such tension. The former system still dominates the bureaucracy and uses a new and inexperienced democratic society to secure its interest. The inability to prosecute high-level moguls in corruption cases is a manifestation of the back and forth movement of the ancient regime in perpetuating their political agenda.

Second, since the political system fails to respond to the deep aspiration for a free society, popular movements use the public space to communicate their political message and in many cases succeed in making the bureaucrat comply to their messages. But such revival is also threatened by horizontal conflict initiated by radical paramilitary groups. Horizontal conflict is designed to disorganize this rejuvenated civil society so that it cannot embody the commitment to social justice. The future of civil society is relying on its capability to strengthen co-operation among community members.

By looking closely at these two central points from sociological analysis, I conclude that a post-authoritarian society urgently needs a strong vision of empowerment. Too much focus on reforming the structure of the democratic system (for example: free elections, decentralization, reorganizing the juridical system, or even amending the constitution) will not lead to better results, since the ancient regime still has a very strong legacy of state bureaucracy. What the post-authoritarian state needs is a "bottom-up" movement, reviving the power of civil society, reclaiming the agora, organizing community so that the ancient regime will be forced to accommodate structural changes, and in the long run, will create a more just society.

From all this dynamic, I turn my attention to John Courtney Murray. Even though he does not talk directly of the concept of empowerment, this vision can be found beneath his ideas of religious freedom and the church-state relationship.

Maturity of a Citizen: A Legacy of Natural Law Tradition

Murray was convinced that "the doctrine of natural law has no Roman Catholic presuppositions. Its only presupposition is threefold: that man is intelligent; that reality is intelligible; and that reality, as gasped by intelligence, imposes on the will the obligation that it be obeyed in its demands for action or abstention."[16] Human intelligence can grasp the meaning of "good" and "evil" in their specific situation. Since one has the basic instrument to know "good" and "evil", therefore one knows what is to be done and avoided. Even if humans confront the complexity of reality, the basic human capacity to understand this complexity does not dissolve. Murray quotes Aquinas "since a rational soul is the proper form of man, there is in every man a natural inclination to act according to reason; and this is to act according to virtue."[17] Humanity of course is not an abstract notion for Murray, since humanity exists in history, and because of its historicity, the nature of man is susceptible of change. However history does not alter the basic structure of humanity, which is "every human has to meet himself, others and God."[18] Since humanity is always in the interrelationship, the structure of the ethical

a priori still exists because relationship will bring it to the question of good and evil.

What history with its contingency does to humanity is change the mode of communication and community in which this relationship emerges. New problems arise from a new mode of communication and a new experience of community. So, in Murray's point of view, in the new context of pluralism, the tradition of right reason emerges on two levels: on the level of the people at large and on the level of the clerks and the wise.

On the popular level, the tradition of right reason is present in the "wisdom, possessed almost intuitively in the form of a simple faith rather than an articulate philosophy."[19] Even this mode of reasoning is simple but it is capable to judge, direct and correct the mode of communication in the society, especially public policy-making. Murray gives an example of people in Alexandria with their simple intuitive judgments seeing the incomprehensibility of Arian doctrine, even before the intellectuals came to the definitive answer for this question. Beyond a precise, distinctive and sophisticated argument, the people at large can smell that there is something wrong about the situation and it should be corrected.

As shown by Leon Hooper in his scholarly work on the development of authorization principle, Murray is still in line with the Western liberal tradition that affirms the people as source of moral validation for civic institutions.[20] The people are governed because they consent to be governed; and they consent to be governed because in a true sense they govern themselves.[21] Even if the people cannot make the "careful inquiry", they "can grasp the reasonableness of the conclusions reached by the wise."[22] People will find a way to establish a firm justification of their consent because, as Aquinas said, they have "a rational soul" and will show the reasonableness of social activities in society. In Hooper's reading of Murray, people are "natural law practitioners". In his article about censorship, Murray shows his full-fledged affirmation of the "maturity" of the people to make a moral decision. When some groups in society want to impose a law of censorship, Murray rebuts that proposal by reminding them of the limits of government on a such topic. It is the role of the family to deal with such "censorship". This means that parents have the "maturity" to choose the best in education for their children. The tradition of right reason is manifest in their decision.

Since humans are endowed with reason to grasp the fundamental nature of relationship to themselves, others and God, humans must have a solid foundation to make moral judgments in given situations. Participation in a democratic society requires certain recognition of such maturity, affirmation for the capability to propose a reasonable decision to society. It is very interesting that many undemocratic societies operate in a different direction by presuming disbelief of the maturity of citizens to make political judgments. Many dictators use the language of *pater familias* as the protector of the stability of the state by acting as a father who takes care of his children.[23] A citizen in their mind is a child who needs guidance. As immature child, they have to obey the *pater familias* and be submissive to his oppressive policy because this policy is part of educating the children to attain maturity.

However, Murray thought that there could be a legitimate option for the state to perform as *pater familias* if level of education were low. Murray's idea then raises issues of what level of education and what kind of education which is needed. Nevertheless, I think Murray also will agree that civic education should be based on human freedom so that civic education would not turn out to be a tool to perpetuate dictatorial control of civil society. The absence of political freedom is the fundamental problem of authoritarian society. In this context, the representation of the state as *pater familias* would bring more troubles than solutions.

Although he strongly respects the importance of civil consent in political life, Murray also does not merely equate "*vox populi*" as "*vox dei*". He is also very careful

with "majority opinion" or "public opinion". The tradition of right reason is not self-evident. Murray uses the phrases "necessary observance", "careful inquiries", "subtle reflection". Intuitive wisdom is not enough. Murray defines "the intellectual" as not merely "an academic", but "the whole range of men and women equipped by formal education and training to take an intelligent interest in public affairs."[24] The dynamic of right reason is represented in the process of crafting reasonable law and prudent public policy.[25] It is the role of the wise to define "what justice is, and what the freedom of the people requires in changing circumstances."[26] The tradition of natural law in a pluralistic society is immanent in the dialectical relation between the people and the clerk.

From this section, we can conclude that—according to Murray—empowerment is a political recognition of citizens' capability to discern the best for their own life. This built-in capability is a patrimony of human reason to know the truth, to choose the right relation to "themselves, others and God", and to take responsibility for their action as mature persons. With her/his reason then a citizen can give consent (or dissent) to political life. Rational citizens can also interact with the wise and the clerk, so that their aspirations will be accommodated in the public policy. Citizens are empowered when they realize that they can judge, direct and correct the process of political life due to this inherent tradition of reason.

From Practitioner of Natural Law to Civil Conversation

From the previous section, we come to the conclusion that the tradition of right reason is the basic philosophical argument for empowerment. For Murray, the dynamic of reason is the dynamic of relationship, because reason will define what we should do in our relationships to "ourselves, others and God". In this wide web of interrelationships, human reason operates and initiates a kind of communication. At this point, the concept of "civil conversation" emerges. Murray takes the literal meaning of *conversatio* from its Latin root that is "living and talking together". Murray reclaims the Ciceronian tradition that defines civilization as formed by dialogue and conversation. From this conversation, the community becomes a political community.

Murray then specifies three areas of possible conversation in a pluralistic society. First, it is a conversation about public affairs in which society should make a decision about what is to be undertaken by the government. Second, there are conversations beyond the scope of government and not always related to lawmaking. These conversations focus on the quality of the common life. Third, the most difficult conversation is the consensus on a constitution. It is the hardest conversation because it will be the source of communal identity, "its entelechy, its sense of purpose as a collectivity organized for action in history."[27] These three areas of conversation are distinct in character but they are interrelated. The constitution that comes from conversation of the founding fathers will be the foundation -and limit- on possible discussion about the law and the quality of common life. Healthy conversation on the quality of common life will lead to a possible just public policy.

The antithetic characters of conversation are "the idiot" and the "barbarians". The idiot in its Greek root means "individual" and their sole attention is their own flourishing. The idiot becomes a threat to community, not because Murray dismiss the importance of autonomy but because "their exaggerated individualism had shut them off from a view of the organic nature of human community; their social atomism would permit no institutions or associations intermediate between the individual and the state."[28] To the idiot, there is no need for conversation, therefore there is no political community.

Who is the barbarian? He can be the one who wear "Brook Brothers suit and carry a ball-point pen with which to write his advertising copy."[29] The barbarian is the one who will "undermine rational standards of judgment, to corrupt the inherited intuitive wisdom by which the people have always lived, and to do this not by spreading new beliefs but by creating a climate of doubt and

bewilderment in which clarity about the larger aims of life is dimmed and self-confidence of the people is destroyed."[30] Murray laments that these barbarians now present themselves "beneath academic gown", "the clerk".

Murray's question is then "how many barbarian can it tolerate and still remain a civil; how many "idiots" can it include and still have a public life?"[31] In order to answer these questions, Murray looks back to Pius XII's concept of the establishment of peace. A city should be able "within the limits of the possible and the lawful, to promote everything that facilitates union and makes it more effective; to remove everything that disturbs it; to tolerate at times that which it is impossible to correct but which on the other hand must not be permitted to make shipwreck of the community from which a higher good is looked for."[32]

I think in this point Murray is getting more realistic on the role of public conversation in a pluralistic society. There are always the ones who will not want to engage in conversation; or worse, there are also the ones who abuse political life for their benefit. He is not naïve by dreaming of an ideal community without the presence of "the idiot and the barbarian". Community in his view is "neither a choir of angels nor a pack of wolves. It is simply the human community which, in proportion as it is civilized, strives to maintain itself in some small margin of safe distance from the chaos of barbarism."[33]

In order to face the possible chaos of barbarism, society should endorse the rule of law. He writes, "barbarism threatens when men cease to live together according to reason, embodied in law and custom, and incorporated in a web of institutions that sufficiently reveal rational influences, even though they are not, and can not be rational."[34] But, we can only make a reasonable law if society opens its door to many possible conversations. Like a circular movement, civil conversation is threatened by the presence of barbarism, but in order to repel this threat the only option is a firm commitment to the ongoing conversation. In this strong belief of the primacy of conversation in human society, Murray says, "civility dies with the death of the dialogue."[35]

To make dialogue live, there is no other way than to facilitate dissent. The function of dissent is "to solidify [consensus] and make it more conscious and articulate."[36] By giving a space for dissent, community members will be stimulated to public conversation, "bring it to refinement, and maintain it in its vital contact with new questions that are always arising under the pressure of constant social change."[37] When conversation means embracing the dissent position, then consensus is a process of "growing end". Dissent reveals the contingency of public consensus. Public consensus is always in the making, it "is never finished, complete and perfect, beyond need or possibility of further development…It must obey one or the other of the alternative laws of history, which are growth or decline, fuller integrity or disintegrity."[38] We can see here a Thomistic optimism of teleological process within Murray's civil discourse. Dissent will bring conversation to come to a point of equilibrium where all parties come to certain consensus.

Since conversation is a long and laborious journey, Murray sees that the willingness to engage in conversation requires a certain kind of virtue, which is civic friendship. This kind of friendship "is not hot and humid, like the climate of the animal kingdom. It lacks the cordial warmth of love and unreasoning loyalty that pervades the family. It is cool and dry, with the coolness and dryness that characterize good argument among informed and responsible men. Civic amity gives to this climate its vital quality. This form of friendship is a special kind of moral virtue, a thing of reason and intelligence, laboriously cultivated by the discipline of passion, prejudice, and narrow self-interest."[39] Although this kind of friendship is "cool and dry", members of the community still find their connection because they are "informed and responsible men". This informed and responsible person, according to Murray, should have only one passion in community, which is "the passion for justice". Human intelligence makes a person have a clear understanding of "what is due to the equal

citizen from the City and to the City from the citizenry according to the mode of their equality." If the members of the community have only a shared will to justice, then there is a ground for civic friendship. This civic friendship will lead to another "the ground of that unity which is called peace." Murray then argues "this unity, qualified by amity, is the highest good of the civil multitude and the perfection of its civility."

From this section, we can conclude that the second dynamic of empowerment is ongoing civil conversation about *res publica*. Since the tradition of reason operates at the level of the people and the clerk, civil conversation is a fundamental channel to relate these two different levels. Civil conversation is a manifestation of the people's ability to judge, direct and correct the democratic process. Since conversation happens in a pluralistic society, conversation should accommodate different opinions and dissent. Consensus is not a once-for-all historical moment, but a laborious process of growing-end. Dissenting opinions should be respected in the long journey to find the best consensus in society. In order to do so, society needs the virtue of civic friendship and to be shaped by the passion of justice. Civic friendship will regulate the tension within community, especially when the community has to engage with "the idiot and the barbarian." By fostering dialogue and conversation –even with the idiot and barbarian- peaceful society will be attained.

Empowerment in Body Politic

One major contribution from Murray to the discussion of church-state relationship is his extensive reflection on civil society as the new locus of moral good. Since the society becomes a new locus for such moral will and also the forum for moral deliberation, the danger in viewing the state as paternalistic can be eliminated. So the role of the state in civil society can be defined "as much state as necessary, as much freedom as possible. The necessities of social justice impose limits on freedom; the claims of freedom as the vital principle of public prosperity impose limits on authority."[40]

Murray's vision correlates with Jacques Maritain's distinction of society, community and the state.[41] According to Maritain, social life brings human beings together in two forms: society and community. While community is based on common identity, shared experience and feeling, society is arranged by reason to attain a common object. The whole dynamic of community and society is manifest in the body politic. Justice becomes the primary condition of the body politic, especially in organizing the interrelation between communities, or society with community. The state is part of body politic with specific duties to maintain the law, to promote the common welfare and public order. The state operates for the sake of the whole body politic.

Murray himself does not make a strict differentiation between community and society as Maritain did, but he takes the same position as Maritain that the body politic (which in Murray becomes civil society) is larger than the state. Murray writes "civil society is the highest societal form of human life; even the values that are called spiritual and moral are values by reason of their reference to society."[42] In his Leonine series, Murray draws the Gelasian diarchy as the foundation for the different but interrelated domains of power between the state and religious communities. The domain of the state is public order and the religious communities are in spiritual order. None of them have omnipotent power in civil society. For Murray, America with its "political stability" due to its first amendment exemplifies the jurisdictional difference between the state and other forms of association in civil society and how all parties should be related and cooperate for the common good of society.

In this interrelated sphere of associations and state, the role of the state is limited by the freedom of civil association. "If therefore any injury has been done, or threatens to be done to the interests of the community-the kind of injury which cannot otherwise be repaired or prevented-it is necessary for public authority to intervene."[43] Some theologians after Murray criticize his conservative stance especially on the limited role of government in social

economic activity. As Charles Curran said "Murray appears to overly restrict the role of the state. His criterion of public order is quite limited. He sees no economic problem that calls for greater state intervention . . . There can be no doubt that Murray is a political conservative with a view of a very limited state."[44]

However, Leon Hooper traced a more nuanced development in Murray on the intersection between the state and other associations in civil society. In the Leonine series, Murray differentiates the state-society relationship in economic activity and in cultural religious matters. Besides the principle of limited interference from the state in religious matters, in economic activity Murray proposes three other principles based on Leo XIII's *Rerum Novarum*. The first principle is intervention: the state should intervene in civil society by giving all necessary assistance according to the law. By this assistance, society will "grow spontaneously out of the very structure and administration of the state."[45] The second principle is essential action: the state should favor free association within society to promote the common good. The third principle "concerns the special duty of government to come to the aid of the "unhappy multitude, which has no security through resources of its own."[46]

All these four principles, according to Murray, are the key elements of subsidiarity. Subsidiarity should be based on the dialectic between limited interference on the one side and active empowerment on the other side. According to Murray, subsidiarity as proposed by Leo XIII is intended to fill the gap between socialism and *laissez-faire* policy. The question that Leo XIII wanted to answer is not "is there too much government?" but "is government promoting 'too much' or 'too little' the interest of a particular class or group."[47] The essential function of the state is not solely intervention (socialist theory) but "the promotion, protection, and vindication of a truly free, self-governing and ordered"[48] societal life. But, in promoting and protecting self-governance of free association, the state should act not merely like a watchman. It legitimate intervention is in promoting a just law, so that no particular group can gain much and other groups-especially "the unfortunate"- gain nothing. Just law will "enforce rights and responsibilities, promote an equitable distribution of property, achieve a rightful harmony of particular social interests, and look to a just balance of that power within society which is related to property."[49]

From this section we come to the third dynamic of empowerment, which is embodying the commitment of civil conversation in the body politic by giving wide room for as many civil associations to take part in the process to improve the quality of life in the polis. By distinguishing civil society from the state, as John Coleman notes, the authority of civil association is not derivative from the state.[50] It means the right for civil association is inherent in body politic. The role of the state then is defined by the principle of subsidiarity: recognizing the freedom of and giving necessary assistance to the growth of civil associations. With this freedom, civil associations can participate in envisioning the purpose of the body politic, which is the common good. Not all the problems of the common good should be handled by the state (as in the case of censorship) as far as it does not create public disorder. With the principle of subsidiarity, civil associations will be part of civil conversation through constitutional channels about the concretization of the common good. If such a channel is clogged, civil associations should be proactive in organizing civil action to open up the blockade for the sake of civil society.

EMPOWERING CIVIL SOCIETY IN POST-AUTHORITARIAN INDONESIA: A SYNTHESIS

What can we draw from Murray in our attempt to formulate the dynamic of empowerment of civil society in a post-authoritarian state? I propose four points for reflection on such a dynamic:

1. One philosophical foundation of empowerment is recognizing the human capability to make a credible moral judgment in a specific societal context. This capability is rooted in a

recognition of the tradition of reason that is present not only at the level of clerk and but also at popular civil society members. The readers of Murray's writings will feel instantly a deep respect for the maturity of ordinary citizens to take part in public life. This mature citizen is the practitioner of natural laws and with "intuition" on the good and evil, they can decide what kind of relationship should be built in their own community.

Empowerment, in my view, is based on such a deep respect and acknowledgment of human reason. The people are empowered because they realize that they are capable of understanding the movement of their community, capable of reclaiming the street, capable of concealing the hidden face of corruptive government. Empowerment happens because people know they can make a difference.[51]

2. Then we can ask: how does the dynamic at the level of the people correlate with the dynamic at the level of the clerk? How does the street relate to the congress? This answer is the second contribution of Murray: through civil conversation. After the citizens realize that they have power, and with that power they can take back the public space, then they will participate in social life and engage in public conversation. Civil conversation will bring all the different parties to engage in a growing end of consensus to deal with common problems in the society. As Murray said, civil conversation should range from public policy-making to the urgency of amending the constitution. Different opinions should be embraced by civil society as a part of the growing end of consensus. The dynamic of the farmer's *musyawarah* as the grass-roots manifestation of conversation should not look only at assent but also dissent. If only this grass-root level conversation could embrace different opinion, it will resonate to the conversation in the broader society. The reformation of a democratic system should begin and be based on this dynamic of conversation.

Conversation is also the only option to deal with "the idiot and the barbarian," as defined and used by Murray. The idiot could be the ignorant citizen who refuses to engage in the laborious project to establish a just society. But there are also "the dangerous idiot"—the paramilitary group affiliated with the former regime, who loves violence in promoting individualistic piety as a political divergent in reviving civil society—and "the corruptive idiot"—the official moguls who smuggle public funding to feed their unending hunger for luxurious life. Peaceful protest is a form of conversation when civil society must deal with these "dangerous and corruptive idiots". Peaceful protest has a double meaning in this context. First, a peaceful protest is a manifestation of civic friendship, especially to the victim of the violence conducted by the former regime with its fanatic paramilitary force. Public protest is a form of social anamnesis to help the whole society never to forget the victims. Second, protest is a form of public plea that justice should be respected and the truth should be pursued. One of the major obstacles to post-authoritarian states is impunity of the human right violator. Peaceful protest is a manifestation of public support in fighting impunity, demanding a just trial for the violator, and if possible, the proper restitution for the family members of the victims.

3. Because of his project in securing the freedom of religion, Murray can be interpreted as very minimalist in supporting active intervention by the state, as shown by Charles Curran's critique. However, as shown by Leon Hooper, Murray's question is not "is there too much government?" but "is government promoting 'too much' or 'too little' the interests of a particular class or group." Besides that criticism, Murray also brings a strong vision for the future reflection on the role of many

possible players in a democratic society. The state is no longer omnipresent and omnipotent, especially in the context of the post-authoritarian body politic. When state is still coopted by the former regime, the only source for reformation is in the hands of free civil associations. The role of the state then, as Murray has said, is to give wide space for civil associations to grow and participate in a public conversation on the quality of life of the city and public policy. Though Murray does not mention it, I think he would agree that the other key player besides civil associations is non-government organizations, either at the local or the international level, secular or faith based organizations. NGOs can play an important role as the middle-man, playing between state-society, initiating a topic or concern for discussion in the public space. As Juliawan has shown in his study of labor movements during post-authoritarian Indonesia, to coordinate such a massive movement in many cities when there are no strong labor unions, it is the role of the NGO to find a connection between labor and to initiate conversation on how we should react to an unjust labor law. The more the post-authoritarian body politic finds actress/actor in democratic movement, the bigger probability for that society to move toward a more "free society". In this very point, the Indonesian Catholic church with its well-respected educational system could contribute in preparing the conditions for the young members of society to engage and collaborate with others from various traditions in the long and laborious process of democratization.

4. The challenge ahead is finding the way to realize these three dynamics of empowerment especially when the former regime still holds significant power. To perform such a big task, post-authoritarian Indonesia also needs some institutional guarantees so that the dynamic of empowerment can be present or at least will not fade away due to the horizontal conflict. Civil conversation should not substitute for institutional reform but it should support and complement it. Public protest or street-level politics is not the ultimate end. It's just a mean to achieve the long-term goals, which are the transformation of post-authoritarian institution into a more just society. Without such goals, public protest can easy slide into public anarchy. However, to find such institutional guarantees, there is no other option for post-Indonesian society than a deep commitment to the wider and peaceful conversation in civil society. The ability to engage in civil conversation is the only option left in this post-authoritarian state, and this option should be taken so that the hope for a free society finally will be realized.

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ENDNOTES:

[1] This paper was presented at international conference "*Doing Triple-Dialogue: Challenges and Opportunities in Indonesia and India*," Vidyajyoti College of Theology, New Delhi, India, August 29 – September 1, 2016.

[2] Ariel Heryanto and Vedi R. Hadiz, "Post-Authoritarian Indonesia: A Comparative Southeast Asian Perspective," *Critical Asian Studies* 37, no. 2 (2005): 253.

[3] Ariel Heryanto and Vedi R. Hadiz, "Post-Authoritarian Indonesia:..., 253.

[4] Reuters, "Indonesia most corrupt of key Asian nations—PERC, http://in.reuters.com/article/2010/03/08/idINIndia-46740620100308 (accessed Aug 1, 2016).

[5] Nelson J.V.B. Querijero and Ronnie V. Amorado, "Transnational Civil Society Movements: The State of Anticorruption Efforts", http://www.un-risd.org/80256B3C005BCCF9/search/1404746209E9AC08C12572300035F650?OpenDocument (accessed Aug 1, 2016).

[6] This saved fund is more than enough to provide free housing for two million, free rice for 23 million people in two years, and free education in primary and secondary schools for 64 million children. Dony Muhardiansyah, "Strategi Pemberantasan Korupsi" (Strategy in Anti-Corruption Movement), http://www.ti.or.id/media/documents/2011/12/01/p/r/presentasi_kpk.pdf (accessed Aug 1, 2016).

[7] Michael Johnston proposes 4 syndromes of corruption. The first is *the influence market*: corruption that involves efforts on the part of private interest to rent access and influence within well-institutionalized policy process. The second is *the elite cartel*: a kind of self-sustaining corruption among political, economic, military, or ethnic and communal networks. The third is *the elites oligarch and clan*: a corruption that takes place in a risky, and sometimes violent, setting of rapidly expanding economic and political opportunities and weak institutions. The forth is *the official moguls*: a government officials or their protégés who plunder an economy with impunity. In Johnston's analysis, the Indonesian syndrome of corruption can be categorized as official moguls, because in most cases it involves bribery and the misuse of public funds by government officials. Michael Johnston, *Syndromes of Corruption*: *Wealth, Power and Democracy* (New York: Cambridge University Press, 2005), 3.

[8] Vedi R. Hadiz, "Reorganizing political power in Indonesia: a reconstruction of so-called 'democratic transitions'," *The Pacific Review* 16, no.4 (2003), 602.

[9] Vedi R. Hadiz, "Reorganizing political power…", 594.

[10] Benny Hari Juliawan, "Street-level Politics: Labour Protests in Post-authoritarian Indonesia", *Journal of Contemporary Asia* 41, no. 3 (2011), 349-370.

[11] Examples of these dynamic are: a) the mass mobilization of thousands of workers in many cities across the country in May and June 2001, which managed to force the government to reinstate the pro-labor ministerial decree (Labor Ministerial Decree No.150/2000) on firing and severance payment, b) worker strikes in the record numbers in April and May 2006; they succeeded in halting the government's proposal to revise the Manpower Law (Law No.13/2003).

[12] It is very striking to recall that the first public demonstration leading to Suharto's fall was not initiated by the student activists but by a women group, namely *Suara Ibu Peduli* (A Voice of Concerned Mothers) in mid-February 1998. This group protested unaffordable milk prices due to 1997 economic crises, and then followed by student movements across the country.

[13] Ibid., 359.

[14] Kusno, Abidin, *Behind the Postcolonial: Architecture, Urban Space and Political Cultures in Indonesia* (London: Routledge, 2000), 103.

[15] Benjamin A. Olken, "Monitoring Corruption: Evidence from Field Experiment in Indonesia", http://www.nber.org/papers/w11753 (accessed Aug 1, 2016).

[16] John Courtney Murray, *We Hold These Truths: Catholic Reflections on the American Proposition* (Maryland: Rowman & Littlefield, 2005), 111.

[17] John Courtney Murray, *We Hold These Truths*:…, 113.

[18] John Courtney Murray, *We Hold These Truths*:…, 113.

[19] John Courtney Murray, *We Hold These Truths*:…, 92.

[20] J. Leon Hooper, *The Ethic of Discourse* (Washington: Georgetown University Press, 1986), 98.

[21] Murray, *We Hold These Truths*, 49.

[22] Murray, *We Hold These Truths*, 120.

[23] Saya S. Shiraishi, *The Young Heroes: The Indonesian Family in Politics*, (Ithaca, NY: Cornell University Press, 1997).

[24] Saya S. Shiraishi, *The Young Heroes:*…, 86.

[25] Roberto Araujo argues that Murray's background as the son of a Scottish-American lawyer gives an important aspect to his social thinking on the rule of law in governing a society of ordered liberty. Robert John Araujo, "John Courtney Murray, SJ: A Citizen of Two Cities", *Loyola University of Chicago Law Journal*, 41, no. 1 (2010), 2.

[26] Murray, *We Hold These Truths*, 121.

[27] Murray, *We Hold These Truths*, 26.

[28] Murray, *We Hold These Truths*, 52.

[29] Murray, *We Hold These Truths*, 29.

[30] Murray, *We Hold These Truths*, 29.

[31] Murray, *We Hold These Truths*, 117.

[32] Murray, *We Hold These Truths*, 72.

[33] Murray, *We Hold These Truths*, 261.

[34] Murray, *We Hold These Truths*, 30.

[35] Murray, *We Hold These Truths*, 31.

[36] Murray, *We Hold These Truths*, 89.

[37] Murray, *We Hold These Truths*, 89.

[38] David Hollenbach, "Public Theology in America: Some Questions for Catholicism After John Courtney Murray," *Theological Studies* 37 (1976), 293-294.

[39] Murray, *We Hold These Truths*, 25.

[40] John Courtney Murray, "Leo XIII: Two concepts of Government", *Theological Studies* 14 (1953): 551-567.

[41] Jacques Maritain, *Man and The State*, (Washington: The Catholic University of America Press, 1998), 1-27.

[42] Murray, *We Hold These Truths*, 65.

[43] Murray, *Leo XIII: Two concepts of Government*, 552.

[44] Charles E. Curran, American Catholic Social Ethics: Twentieth Century Approaches, cited in John F. Quinn, "We hold these truths at Fifty: John Courtney Murray's Contested Legacy", *American Catholic Studies* 122, no. 3 (2011), 47.

[45] Murray, *Leo XIII: Two concepts of Government*, 552.

[46] Murray, *Leo XIII: Two concepts of Government*, 553.

[47] Murray, *Leo XIII: Two concepts of Government,* 559.

[48] Murray, *Leo XIII: Two concepts of Government,* 560.

[49] Murray, *Leo XIII: Two concepts of Government,* 559.

[50] John A. Coleman, "Vision and Praxis in American Theology: Orentes Brownson, John A. Ryan, and John Courtney Murray", *Theological Studies* 37 (1976): 35-37.

[51] I think the experience of empowerment itself is "contagious". The dynamic of civil movements in Middle East shows this pattern: from small country of Tunisia spread through out regions with their own issues, challenges and dynamics. Contagiousness of empowerment also highlights the necessity of conversations, not only within a community but also between communities, in the process of liberation.

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