Civil Society and Civil Society Organizations in Indonesia

By

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Contents

| Prefa | ace | v | |
|--------------------------------|--|-----|--|
| Abbi | reviations | vii | |
| Glos | sary of Indonesian words | vii | |
| 1. | The bloom of activism | 1 | |
| 2. | Speaking of civil society | 3 | |
| 3. | Political space? | 3 | |
| 4. | The New Order joins civil society | 5 | |
| 5. | Civil society and the private sphere | 6 | |
| 6. | Civil society and the new private sphere | 7 | |
| 7. | History of a popular term | 9 | |
| 8. | The public sphere historically | 11 | |
| 9. | Contemporary public spheres of influence | 13 | |
| 10. | State violence and civil society | 15 | |
| 11 | Civil society and social regression in Indonesia | 15 | |
| 12. | Containing development | 17 | |
| 13. | Containing development, containing politics | 18 | |
| 14. | The politics of containment revisited | 21 | |
| 15. | Security from what? | 24 | |
| Refe | References | | |
| Other papers in the SES Series | | | |

Preface

As Indonesia has struggled to recover from its dark and ugly period of devastation and repression, and from the "Asia crisis", it has moved into an era where new institutions are taking shape.

In 2000, the ILO's Socio-Economic Security Programme launched an ambitious project to take stock of the social and economic insecurities in the country, to assist our constituents and colleagues to devise new policies for reducing those insecurities and to promote universal social protection.

This paper is one of more than 20 that has emerged so far and is unlike all the others in that it focuses on those informal bodies that have emerged in the period of democratization.

> Guy Standing Director Socio-Economic Security Programme

Abbreviations

| CSO | Civil society organization | | |
|----------|---|--|--|
| FAOB | Forum Anti Orde Baru / Anti New Order Forum | | |
| FEER | Far Eastern Economic Review | | |
| FNPBI | Indonesian National Front for Worker Struggles | | |
| GERWANI | Womens' Rights Organization | | |
| GPK | Popular Youth Movement | | |
| INCREASE | Indonesian Centre for Reform and Social Emancipation | | |
| INFID | International Non-governmental organization Forum on Indonesian Development | | |
| JATAM | Jaringan Advokasi Tambang/Mining Advocacy Network | | |
| KONTRAS | Commission for Disappearances and Victims of Violence | | |
| KOPBUMI | Konsortium Pembela Buruh Migran Indonesia/Migrant Workers Organization | | |
| LBH-Bali | Indonesian Legal Aid Foundation, Bali Branch | | |
| LEKRA | Institute of Peoples' Culture | | |
| LMND | National Student League for Democracy | | |
| PRD | People's Democratic Party | | |
| USAID | United States Agency for International Aid | | |
| WAHLI | Coalition of Environmental Activists, Indonesia | | |
| YLBHI | National Legal Aid Association | | |
| YLKI | Consumer Rights Organization | | |

Glossary of Indonesian words

| Kapal Perempuan | Circle of Alternative Education for Women |
|------------------|---|
| Pelatihan gender | Gender training |
| Anti-Ordre Baru | Anti New Order |
| Sangkar emas | Golden cage |
| Azas kekeluargan | Family foundations |
| Harapan Kita | Our hopes |
| Pembantu | Helper |

1. The bloom of activism

In the hot front room of a small house in South Jakarta, four women of *Kapal Perempuan*, the Circle of Alternative Education for Women discuss their experiences doing *pelatihan gender* in Palembang and Lampung. In a weathered Dutch colonial house in another part of South Jakarta, an activist from the Commission for Disappearances and Victims of Violence (KONTRAS) uncovers the powerful hands behind the violence in Maluku and Papua. On low benches in the cool shade of Bali, young lawyers from LBH-Bali, a branch of the Indonesian Legal Aid Foundation, weigh strategies for villagers to reclaim stolen lands in the post-Suharto era. At the *anti-Ordre Baru* traffic post in front of Bung Karno University, an artist from the political arts collective (JAKER) distributes riotously illustrated pamphlets to cars, motorbikes, and *ojeks*. With the end of the formal power of the Suharto dictatorship, hundreds of small activist organizations and collectives have sprung up throughout Indonesia.¹

This paper describes the work of a number of these civil society organizations (CSOs) in Indonesia today, after Suharto, if not necessarily after Suhartoism.² We try to give a sense of some of the richness of this new activism, its variety, and its challenges in this period. We use our experiences with these CSOs to take a closer look at the term civil society, a term that we hear everywhere today in Indonesia when people talk about politics. A lot of faith is being placed in this idea of civil society. Foundation reports, bilateral aid guidelines, and academic websites are brimming with the term.³ If student protest and a collapsed economy brought down Suharto, it is civil society that is held out as the force that will bring down Suhartoism. With so much hope placed in the term and also so much certainty about its importance, we felt it was important to examine the term a little more closely, especially as it is used and understood in Indonesia. Of course, civil society is a term used globally today, but it is hard to find a place, other than Eastern Europe of a few years ago, where the term is used as fervently as in Indonesia. Yet even in Indonesia, as elsewhere, the term retains only a vague set of meanings. It is often defined negatively as not the state and not the economy, as if those spheres were easily defined by comparison. When it is defined positively, it is defined as a set of values or a dialogue nurtured away from the state and economy, but this notion of autonomy only begs the question. Not surprisingly then, we want to focus more on the political meaning of civil society, not the sociological one, or lack of one.⁴ In addition to democratization in Indonesia, civil society is also entrusted with the burden of ameliorating capitalist relations. In this vision, civil society will provide for the welfare and protection of those exploited by the class relations of rural and urban development in Indonesia. It will, in some versions, provide the socio-

³ This rhetorical explosion is now beyond summarizing but a good sense of its spread can be had by going on to one of the many civil society weblinks.

⁴ A good example of both the triumphalism of the term and its simultaneous ambivalence can be found in the introduction by Eberly (2000).

¹ A number of such organizations did exist during the late Suharto period and were instrumental in coordinating the protest that helped to bring down Suharto himself. There was also a history of often-individual acts of dissent under the New Order (Suharto's rule), and intermittent student uprisings. See also Westview (2000). Nonetheless the subsequent flowering should not be dismissed.

² The activists and students we interviewed insisted on the continuing centrality of Suhartoism, or what they often called New Order forces, to their ongoing battle, something that must seem obvious to everyone now with the rise of Megawati backed by New Order business and military forces. Richard Robison describes Suhartoism as "the alliance of State officials, political families and business cronies (that) survived his demise", and that not so much control as prey on the Indonesian people, making gangsterism more than a mere metaphorical description of them. "Comment: Megawati faces old order" in Australian Financial Review, July 25, 2001.

economic security the contemporary developing state is proscribed from providing. But are the politics of civil society sufficient to such tasks?

Examining the political meaning of civil society in Indonesia yields some surprising insights. We spent January to June of 2001 with activists in Jakarta and beyond, and we have written this critique of civil society in the first instance to them. In most cases we have also tried to let them speak for themselves about their strategies and goals. Our experience with them suggests that despite this common sense understanding of civil society as a separate place from the state and the economy and as the logical home of democratic values, it is possible that the term in Indonesia today is really a sangkar emas (golden cage) for socially progressive activism, if not a claw trap. Moreover, our findings indicate that despite the prevailing common understanding, much activism in Indonesia is already breaking the backbone of civil society. If this globally popular term meets its end, it may well be here in Indonesia. Such a fate for the term might well be a gift for the cause of social justice: using examples of this latter type of activism, we want to argue that the term civil society as it is promoted in Indonesia operates ultimately as a new politics of containment, and as such is a direct descendant of the anti-communism containment strategies of the past, both in Indonesia and in American foreign policy. Moreover, we want to insist that, contrary to the hegemonic view, the discourse of civil society is a statist discourse and leads to new kinds of statist practices and powers.⁵ Obviously, interpreting the brave and creative work of so-called civil society organizations in Indonesia in this way represents a challenge to the consensus among funders, policy-makers, nongovernmental organizations and academics. Although they do not always agree among themselves, all these makers of the hegemonic wisdom see civil society as anti-statist, and an opportunity for democratic politics to flower. We think the best of them are wrong and the worst reactionary.⁶ At any rate, they are being challenged, we suggest in this paper, not so much by us as by the social justice organizations that are breaking the golden cage of civil society discourse in Indonesia today. This challenge has important implications for the realization of socio-economic security for Indonesians, implications to which we return by way of conclusion.

Throughout the paper, we are going to relate the challenge to the term and its surrounding discourse as it emerges from the work of ten Indonesian CSOs. The paper will begin with two urgent confrontations: what we are calling the entry of the New Order into civil society, and the consolidation of the new private sphere. These confrontations mount daily now in Indonesia. Their circumstances also make the case for taking political language seriously, for seeing it as part of politics and not just as an academic description. Looking at these confrontations, we suggest there is not as much potential for democracy as is commonly promised in civil society discourse. To try to discover why, we take some space to recover the history of civil society thought, and its own challenges to trends like the entry of the New Order into civil society and the new private sphere. We speculate on why this history has been erased from civil society discourse today, especially in Indonesia. Then we reverse the field. We try to show how two challenges from Indonesian CSOs to what we call social regression and the politics of containment reveal the statism behind civil society discourse. We suggest finally that this new statism is in fact an

⁵ When we speak negatively of a statist power we are following Michael Hardt and Antonio Negri's sense of the constituted power of a state no longer animated by the constituent power of the population, or what Antonio Gramsci called statolatry, a rule of the state for the sake of its own power. Gramsci, like Lenin, conceived of a dialectical state. This position should not be confused with a naïve anti-statism often advocated by civil society proponents.

⁶ Among the better and more critical accounts are Ehrenberg (1999) and an essay by David Rieff in The Nation, though perhaps neither is as critical as it might be. The worst include John J. DiIulio, Jr. until recently George W. Bush's head of the new religious-civil society initiative, and famous for an article he authored calling oppressed young African-Americans "superpredators" (Becker, 2001).

opportunity for socially progressive activist politics to snap the bars of civil society discourse permanently, not by rejecting it, but by exceeding it.

2. Speaking of civil society

It is impossible to talk about politics in Indonesia today, impossible to talk about activism particularly, without referring to civil society. Its very ubiquity in political discourse belies the attempts to map it out neatly. For instance, civil society seems to provide the context for thinking about activism today in Indonesia, even to envelop it. Let us define for the moment activism as Indonesian CSOs have themselves defined it, as the pursuit of change for more social justice. Civil society is understood to be broader than this field of activism, including a lot of activity that does not advocate for change the way activism typically does. Civil society contains this activism but also includes other kinds of social and cultural activity that might be said to enrich society rather than change it (although in the long run this distinction might fade in significance). For instance, a Mandarin Education Centre teaching the language to some of Indonesia's seven million ethnic Chinese, most of whom have Indonesian names and do not speak any Chinese language, might appear a cultural activity, not specifically design to create change for social justice. But in a country where the secret police still have a "China desk" for their own Sino-Indonesian citizens, where many Chinese died in the bureaucratic mass murder of Leftists in 1965-1966, and where subsequently Chinese schools and lettering were banned, such a cultural activity becomes political.⁷ But there are other examples of social and cultural activities, like the well-known examples of the *boccie* and bowling clubs used by Robert Putnam and his researchers, that clearly aim to be apolitical, or in the language of communitarians (i.e. those espousing community as pivotal to all activity), to carry civic values and "human capital" without being political.

The term civil society therefore seems to encompass activism, to be broader than it is. But more than simply providing a context for activism, civil society also appears as the place where the values of activism are to be found. For communitarians, but perhaps for social movement theorists as well, all worthwhile values grow in the humus of civil society and activism arises out of it, a politicization of those values. Civil society is understood as the home of Enlightenment values like individualism, personal liberty (and property), and rationalism (if not secularism), and more politically, of human rights.⁸ Civil society organizations are then guardians of this treasure, and advocates for such values in the state and economy. The statement of the International NGO Forum on Indonesian Development (INFID), at its 12th Conference in 1999, embodies this idea: "First, civil society groups play a crucial role in reforming both state and capital; civil society needs political space to play this role in a proper way" (INFID, 1999).

3. Political space?

But how much political space does civil society really give the activist? It is true that space for activism was tightly controlled under Suharto's regime. But does the endorsement of civil society really help to open up this space for activism now? This is a question not easily asked in some quarters of Indonesia today, where the received wisdom is that the space of civil society is only limited by past repression and its lingering

⁷ For an idea of this Chinese cultural reawakening see Djalal (2001).

⁸ American civil society discourse is especially religious and therefore viewed as an appropriate model for Indonesia, taken to be also a religious society. For a good example of this genre see Yale scholar Stephen L. (1998).

elements, and where its potential for freedom and democracy seems to be taken for granted.⁹ It is a question we nonetheless feel is important. In Indonesia, the experience of institutions like the *azas kekeluargan*, the family foundations of Suharto, his family and circle of gangster capitalists led many to draw the lesson that the state invaded and perverted civil society through foundations such as these. As a result, today there is a clear desire to maintain a separation between civil society and the state, as the INFID statement implies. There is also much controversy about what kinds of assistance to accept from government, aid donors, and corporations. The implication is that civil society can be kept separate from "the state and capital," and that that is as it should be. And the hope is that, separate and autonomous, civil society will know no limits to its democratic value. Sometimes it is even implied that activists who stray from its field into other areas such as the state or the economy, risk losing or diluting these values, as if, like rare plants, such values cannot exist outside the environment of civil society. Again and again we heard from activists about colleagues who had crossed this line, as if it meant going over to the other side. Yet, on closer examination, this stance raises questions, and it is not clear to us that such a stance offers the maximum freedom for activists, or protection against the forces of reaction and fascism. For instance, would not such a separation also presumably disapprove of organization like GERWANI, the courageous women's rights organization that had ties to the Indonesian Communist Party of the 1960s, or perhaps disapprove of LEKRA, the Institute of Peoples' Culture, destroyed in 1965-1966, featuring Pramoedya Ananta Toer as its most famous member? And how are we to measure and judge such separations? How are we to ensure the purity of this civil society? If the Anti-Communist Alliance receives no government money, does this make murderous militia leader and ultra nationalist Eurico Guterres, its most notorious member, a part of civil society, the home of ideals of human rights and dignity?

For socially progressive activists in Indonesia, too much reliance on this concept without analysis might indeed prove dangerous as a political strategy. We even want to suggest that many elements of Suharto's New Order, once identified as part of the state or the economy, are today going through a process of joining civil society. Two examples illustrate this entering into civil society of reactionary and fascist forces. First, although Indonesia has a long history of militias, both civilian and military, the recent growth (or rebirth) of specifically anti-communist militias such as Gepak in Yogyakarta represents, at least in part, the reincarnation of *preman* as a civil society organization."¹⁰ *Preman* were the gangsters who formed the first line of discipline under the Suharto regime. Their job was similar to that of the "foot soldier" for the Mafia. They exhorted from the lowest level of businessman and from urban and peasant workers. They did small jobs of intimidation and brutality for local police and army officials. But most of all they watched out for dissent, any kind of dissent, but particularly political. Occasionally they went into business for themselves, rather than their masters, and turned up in shallow graves on the edge of towns. When the New Order fell from formal power, local citizens killed a number of these

⁹ This despite the newly drafted Foundation Law, which includes authoritarian clauses about the national interest, together with labour legislation. NGOs claim that the laws on foundations empower the government to intervene in the establishment of foundations (including the establishment of NGOs). This, they claim, is apparent in the clause requiring the establishment of a new foundation to be ratified by the Regional Chief of the Ministry of Justice in each province, as a representative of the Minister of Justice. "That (clause) is a means for the government to control social activities", said Afrizal Tjoetra, coordinator of the non-governmental organization coalition on the foundation laws (Tjoetra, 2001).

¹⁰ We leave aside here the recent revelations that the United States Government funded an earlier generation of anti-communist militias who, directed by the army and local landlords, conducted the bureaucratic mass murder of 1965-1966.

most intimate tormentors throughout Indonesia.¹¹ But over the next few years, they found a new role. As New Order capitalists, politicians, and religious leaders lost some of the direct protection of the state for their exploitation and domination (an exploitation and domination that largely continues in Indonesia), they began to encourage and fund the formation of new "privatized" civil society organizations. The new strength of students, organized workers, and activist CSOs in the post-Suharto era is thus to be checked by these anti-communist CSOs, continuing the work they once did for the state, and the military, but now in the autonomous zone of civil society.¹² A tragic example recently saw the tent of hunger strikers set alight, severely injuring students calling for the end of the Golkar party's charter. As the Green Left Weekly from Australia reported (August 2001),

"At 4am on July 22, a tent occupied by hunger strikers in the Sumatran town of Lampung was doused with petrol and set alight by thugs, suspected to be military personnel in plain clothes. Two of the hunger strikers, GPK (Popular Youth Movement) member Ardiansyah and JAKER cultural network member Sigit were hospitalised with severe burns to their bodies. Another two hunger strikers from the leftist People Democratic Party (PRD) and Agus from JAKER were also burned on the hands and legs. The hunger strike was part of a campaign organized by the FAOB, a broad pro-democracy coalition, against the return to power by the forces of Suharto's New Order dictatorship. The FAOB comprises 16 Lampung-based organizations including the PRD, GPK, JAKER, the local Catholic (PMKRI) and Protestant (GMKI) student organizations, and the National Student League for Democracy (LMND)."

In the past, police repression would probably have prevented the setting up of the tents, but with the advent of the new vigilante violence, it seems that progress is to be measured in terms of tragedies (Hinman, 2001).

4. The New Order joins civil society

A second example is less obvious but equally sinister. We visited a project of one of the family foundations, *Swa Prasidya Purna*. It was a paternalistically developed but now potentially self-reliant community for the disabled in South Jakarta, located in a large compound including buildings with light industries like printing presses, and housing facilities. The organization certainly saw the potential for self-reliance and independence. Swa Prasidya Purna was created in 1975 by the *Harapan Kita* Foundation, a foundation "belonging" to Mrs. Tien Suharto, the former Indonesian first lady. They recall, "before we became an independent organization, we were just being used as one of the New Order political tools and we did not get justice and our rights." With the end of the New Order regime, the family foundation had simply abandoned the community. It was struggling to survive and the question of who owned the land was preventing the in-house industries, which required outside orders, from operating. The courage of the community and its leader, Dinten Supriyadi, led them to insist that the facilities, which housed seventy families, should be given to them as a cooperative. They were holding out with very little means of subsistence other than the chickens wandering everywhere and the

¹¹ For a good account of the role of the *preman* in Indonesian society see the work of Tim Lindsey, director of the Asian Law Centre at the University of Melbourne. He wrote a two-part Opinion Editorial article in the Jakarta Post, Monday March 19 and 20, 2001 entitled "State Loses Control Over *Preman*."

¹² The most notorious recent example was the use of militia against participants of an international conference in Depok in June 2001, organized by the Asia Pacific People's Solidarity Network. First police raided and arrested overseas participants, putting them in jail on immigration changes that were later dropped. Then, the police alerted local militia leaders who attacked the conference site with swords, injuring a number of the remaining Indonesian participants. The conference's co-sponsors, FNPBI, PRD, and JAKKER likely provoked this reminder of the persistence of Suhartoism (Source: the authors' field notes). This is discussed further at the end of the paper.

resourcefulness of the people. As they put the problem, "they are underestimating disabled people (who) are capable of being taken on as partners. That is why most of them give us charity rather than take us as their business partner." But now even the charity had largely stopped and something else was taking its place. Several days before we met with the community, a man had left his card with the community's organizer. His card said he was from a human rights organization, and his organization was interested in helping the disabled in Indonesia. He was prepared to provide money for the land and to resettle the community outside the city. Further investigation revealed that he was an agent for one of Suharto's children, who wanted the very valuable land for development. As the community organizer told us, "groups/individuals using our misfortune as disabled people as a tool for their own interests" remain the greatest threat to their struggle for self-reliance and partnership and fake human rights CSOs were a new adaptation of the predator.

5. Civil society and the private sphere

These examples suggest that using the term civil society as if it has a specific meaning connected to specific values might not be a wise idea. Robert Putnam and other communitarian as well as "deliberative" democracy theorists¹³ recognize that civil society may allow the expression of anti-democratic values. Putnam's particular solution is to emphasize what he calls "bridging" social capital as opposed to "bonding" social capital. This is his attempt to make communitarianism more liberal by emphasizing what he calls weak ties, to protect against some of the ethnocentrism of strong bonds.¹⁴ But Putnam consistently underestimates the role of political economy in creating both kinds of social capital. For instance, he suggests that the white supremacists responsible for the worst act of domestic terrorism in the post-War United States suffered from strong ties. But strong ties are exactly what they teach you in the United States Army.¹⁵ Strong ties are also what they what they teach you in the Indonesian army, with the help of American and Australian advisors. They are what you learn in the Indonesian domestic capital class factions, as the foremost scholar of the Indonesian capital class, Richard Robison, records (Robison, 1986). It is hard to blame Indonesian CSOs for favouring a little solidarity, and some strong ties, in the face of the muscling into civil society of these opposing strong ties.

Indeed, the New Order joining civil society suggests that the struggle for social justice that CSOs like INFID would like to wage with "the state and capital" may instead have to be waged within civil society itself, or that, in effect, such struggles do not respect these boundaries. This idea of civil society as a place of struggle where the powers of the state and the economy show no respect for boundaries is much closer to the Italian political theorist Antonio Gramsci's understanding of the term, an understanding that has largely been lost, as we argue below. Gramsci was concerned that some of his fellow activists saw the power of the state as something separate from society. He was worried that they wanted to take over the government or take over the factory without realizing that the source of power for those institutions was rooted in society, and based on the way society

¹³ "More and more scholars are discussing this cluster of activities under the general heading of deliberation. Democratic deliberation, or the communicative processes whereby a democratic polity forms the opinions, interests, and preferences that will be expressed in acts of self-determination, is the seat of free citizenship". This is how political scientists Simone Chambers and Anne Costain define the deliberative democracy school of theory which, like the communitarian school, seems sure it can maintain a separate sphere for this activity, and that it should (Chambers and Costain, 2000, p. 11).

¹⁴ See opening chapter "Thinking About Social Change in America" in Robison (2000, pp. 15-28) and also see Putnam *et al.* (1993).

¹⁵ For a better account of the political economy and racial masculinities that have led to the so-called new white supremacy, see Gibson (1994).

as a whole was dominated by a few at the expense of the many, not just through brute force or money, but through ideas, religion, and culture. He felt that activists who ignored civil society, cordoned it off, or took it for granted would never win the struggle. Just as Tien or Tutup Suharto respected these boundaries neither in their family foundations in the past, nor in their human rights CSOs today, and just as Eurico Guterres respected no such boundary in his East Timor militia nor in his ACA, Gramsci suggested that activists could not allow themselves to accept such boundaries. It is interesting how far the term civil society has strayed from the way it is used by the most famous 20th century theorist of the term.

The term civil society in Indonesia today has left behind almost all its history of use. Given the country's history of repression, it is hardly surprising that the term is only allowed to operate there without reference to its origins. Nonetheless, in Indonesia in 2000, one could suddenly find at every airport newsagent, copies of Marx, Gramsci, and even separate volumes of Engels beside the rack of fashion magazines. Such was the thirst for this previously banned thinking. It is inspiring that there has been so much interest in tracking the origins of the term in Indonesia. Policy-makers from outside Indonesia have, however, apparently not shown any such curiosity although they cannot claim the same reasons for using it without reference to its origins. Yet for Indonesian activists today, the civil society these policy-makers are setting up is not just a matter of public conversations about politics, in editorials, seminars or site visits from grant-makers. It is also, and crucially, about what will be private and what will be public. The work of the migrant workers organization KOPBUMI, and of Yayasan Hotline Surabaya, confront precisely this task of defining the private sphere. As we will review below, it has always been the case that the public sphere as a manifestation of politics in civil society also creates the private sphere.¹⁶ But civil society discourse today in Indonesia is redrawing those lines.

6. Civil society and the new private sphere

The case of *Konsorsium Pembela Buruh Migran* Indonesia, (KOPBUMI) a new organization that coordinates the defence of migrant worker rights at home and abroad illustrates this. KOPBUMI has 66 member organizations in 14 regions and wants better legislation for workers who work abroad, mainly as domestics and in construction. It educates workers on their rights at home and abroad, and also, through its member organizations, develops ideas on maintaining and investing earnings from work abroad. As the coordinating agency for local organizations, KOPBUMI is at the forefront of advocacy work with the Indonesian and other governments, and with employers. To date, it has failed to obtain the legislation it wants to protect the workers whose interests it represents. KOPBUMI now includes "mass action" and "militancy" among its strategies. There are reasons it had to move beyond advocacy to this "militant mass action."

There are similarly reasons why *Yayasan* Hotline *Surbaya* had to move beyond advocacy to what it calls "winning solidarity". Hotline *Surabaya* began in 1989 as the social service bureau of a newspaper then changed into a foundation in 1992. Its twelve paid staff and 40 to 60 volunteers counsel sex workers in Indonesia's second largest city, Yogyakarta. Their strategy includes "encouraging the sex workers to have their own working group". And their goals include "a change in our insights on traditional patriarchal values that tend to disempower the women". And they add, "it is a big hope, and we are just trying to do something for the women who became sex workers, by working silently in empowering and strengthening them. (We) encourage the sex workers to be able to

¹⁶ Two well-argued theses about the connection between the state, its public space and powers, patriarchy and kinship (see MacKinnon, 1989, and more recently, Stevens, 1999).

organize themselves, to win solidarity among themselves". Hotline Surabaya is widely considered a model of effective outreach work that at the same time empowers its clients, and it has had to expand greatly since its founding, though still limited to Indonesia's second city.

When we visited them to learn about the work of these two organizations, it was clear that every day, they confront the questions of what is private and what is public, and how to politicize the private in order to achieve change and more justice. Private employers and private households exploited Indonesian overseas workers at will. Private households and private sexualities exploited sex workers at home even more. (It is obvious that with the financial collapse of the country and the conditionalities of international stewardship, there would be no championing of government-funded or government-run programs on rights education and rights enforcement). The organizations simply continue to hope for good laws to support civil society-funded and -run work in these areas.

This civil society substitution is itself problematic at the practical level of course, and worth mentioning, although these practicalities are not the subject of our paper. We are obviously more concerned with the ideological war leading to these problems. However it is worth noting how the tireless work of these particular CSOs illustrates the extent of the practical problems. Sexual exploitation is rife in Indonesia, including quite specific exploitation by Singaporeans, Australians, and nationals of the Middle Eastern Gulf States. Migrant workers, both international and national, number in hundreds of thousands. KOPBUMI, the only organization coordinating local work with these migrants, and Hotline Surbaya, the only service of its kind in Indonesia, have annual operating budgets of under a hundred thousand dollars. Even combined they would be a very small social service agency compare to those in the developed world. Though the organisations accomplish work far out of proportion to their budgets, the absurdity of civil society substituting itself for a welfare state with public health, education, and training programmes becomes glaring. Moreover, should a social service CSO arise with sufficient resources to undertake these, it is equally obvious that all the "problems" of welfare state programmes obsessing international fiscal stewards, including financial management, internal labour and efficiency issues, would return to any organization of the size and complexity as to be able to meet the massive needs of Indonesian society. Moreover, it is not clear how such an organization would be held accountable to the public, especially if its funding did not come from the Indonesian government. All of this supposes that CSOs could find sufficient funding to take on such social security and development functions in the first place.

But even if we suppose that these funding problems could be overcome by fair share aid programs or international capital movement taxes or other such substitutes (remembering that the Republic of Indonesia never raised money from internal sources anyway), and that the management and accountability issues could be solved through new forms of government locally (requiring rethinking civil society-state boundaries), this work would still be formidable. This is because the state's withdrawal from whole areas of life reinforces the private character of these areas of exploitation. It is clearly harder for private citizens, even when functioning under the umbrella of CSOs to make a matter of public politics the privacy of other citizens, their households, sexual practices, and property. This is so partly because civil society accepts private property and private purpose as part of a wall against state intrusion. But often over-looked is the way the new private state reinforces private ownership and private purpose by setting an ideological atmosphere of privatisation. Today, the Indonesian state, far more than its stewards in the United States or Europe, is devoted to private purposes, not individual purposes as under Suharto, but rather the securing of appropriate conditions for private property and capital. Fiscal management and law and order are only nominally public but they are increasingly all that the Indonesian state does. It is no accident that they are not open to scrutiny as other welfare state programs might be. The Bank of Indonesia and the TNI, the Indonesian military, are permanently closed to public scrutiny. They protect private purpose and uphold privacy, tied to property and the patriarchal family, as the most important values of society.¹⁷

Under these circumstances, politicizing what is private, whether a business exploiting workers abroad, or a male head of household exploiting women sex workers and female members of his household, becomes even more difficult. KOPBUMI and Hotline *Surabaya* turn to militant mass action and winning solidarity when the state represents not so much an ally for politicizing the private, but an agent of privatisation. As long as civil society sees the private character of things as a value rather than a political creation subject to change and development, it will be a perfect complement to the private state. But there is no indication that Indonesian CSOs like KOPBUMI and Hotline *Surabaya* will be content with this arrangement. And looking at the history of civil society and the extension of the privatisation as a value, there is no good reason why these organizations should be content with it.

We have already suggested that civil society is not the separate sphere it is purported to be, and that indeed, with New Order forces joining civil society, acting as if it were is likely to be dangerous for Indonesian CSOs. Now we have suggested that the private character of the household, of property, and of purpose, also rely on the contradictory definition of civil society as home to both public and private values. Before addressing two more objections to the civil society discourse that Indonesian CSOs are raising in practice that it is a conduit for social regression and an extension of the politics of containment, it is worth considering the history of the way this term has been theorized. This history reveals a long record of transcending the problems of autonomy and privacy, a record that has been largely expunged from the current discourse, for reasons which we will also review in the chapter following this history.

7. History of a popular term

The term civil society is popular. We cannot blame activists for using it, even if we want to caution them over it. It is easy to be influenced by the term. As has been said before, it is certainly not scholarship alone that promotes the term in its new form. Both the International Monetary Fund and the Socialist International use the term approvingly. Rightists and Leftists simultaneously claim it for their own and advocate for a "healthy civil society" as the key to democracy. The Rightists, for instance, such as both Presidents George Bush Jr. and Bill Clinton, made frequent statements about civil society. They shared advisors like Amitai Etzioni and Robert Putnam, communitarians who see an end to conflict and to politics in civil society. The Rightist tilt of communitarianism was on display in a manifesto issued by twenty-four intellectuals and leaders in the United States entitled A Call to Civil Society: Why Democracy Needs Moral Truths. This document has been well critiqued by Mark Reinhardt for turning all politics into nostalgia, instead of "embracing the democratic energies immanent in our novel condition" (Reinhardt, 2000, pp. 95-144.114). Nonetheless, the Left also uses the language. Leading American progressive Cornel West joined those who signed this call. European social democrats suggest with increasing frequency that civil society networks can replace government, as in worker-funded pensions and other social security programs.

Again, it is not just politicians and international bureaucrats who circulate this term so heavily. Journalists also like the term. A free press is considered one of the important components of a healthy civil society. At a time when the press is arguably less free than

¹⁷ Michael E. Brown in his Production of Society explains how social life was calibrated to the logic of the market even before this turn to the private state.

ever, it is perhaps comforting for it to see itself in the positive light of this term. But not only is the press less free in numerous, well-documented ways, it is also less a part of civil society, as it is currently defined, than ever before. Owned mostly by huge corporations and featuring mainly "info-tainment" designed solely to win audiences and make money from advertisers, most newspapers, television stations and radio stations sit firmly in "capital" not in civil society. It comes as even less of a surprise that many intellectuals in the university systems around the globe also use the term, having discovered that it pleases the people in power. Nevertheless, many courageous and dedicated NGO workers also use the term, including those who will not sell themselves to the powerful. For them, the discourse on the importance of civil society is "good cover" for their work. As our interviews revealed, and as anyone who works with activists knows, this cover can be a matter of life and death, and it can also be the space needed not so much to develop civil society, as to struggle beyond it. At any rate, with the backing of scholars, journalists, and activists themselves, the term civil society circulates broadly in Indonesia. Its interest may go unexamined and its history untold, but this is not to deny its power today in Indonesia. Both interest and history deserve, however, investigation.

The term civil society first appears in Early Modern European political thought, in Rousseau, Hobbes, and Locke. Used by these political theorists, it is often placed in opposition to natural or unorganized society. Civil society referred to the organization of civilization, as opposed to what they viewed as barbarism, primitivism and the forces of the natural world. In the 19th century, Hegel began to use the term with more precision, and to develop it as a concept within his system of thought. He reduced the scope of the term civil society and gave it new purpose. As the contemporary political theorist Michael Hardt tells us, Hegel conceived of civil society as the place where people learned the ways of working and living together, and they could then put this knowledge to work in building a state (Hardt, 1995, pp. 27-44). Hegel combined the thinking of Locke and Rousseau in suggesting that the state was both a rational process undertaken by citizens, and something greater than the sum of those citizens. Hardt thus argues that Hegel saw civil society as a learning process occurring through the organization and cooperation of labour.

Marx saw that there were too many differences produced by people for this to work. The state would always fail to capture all those differences and desires, and therefore never make people happy. In an exploitative world, this would be even worse because those with more power would turn their differences and desires into the norm, using the state to help them and exploiting or excluding other people's differences and desires. His most direct statement on the limits of civil society is also at the same time a statement of the limits of the state as an agent of emancipation. In "On the Jewish Question" he notes that political freedom does not translate into freedom in the civil realm. He shows the way the civil realm is constituted by the political realm. Thus religious freedom in civil society is created by a law creating the right to practice religion. But at the same time, he notes that religion in the United States, where there is full separation of church and state, is very much a part of politics. Therefore to be liberated in the political realm is also not to be fully liberated. Civil society contains politics that cannot be reached by the state. At the same time, much of that politics is exploitative, according to Marx, and therefore a more comprehensive approach to politics must urgently be found. The state will not do, nor will civil society, he argued (Marx, 1978).

Antonio Gramsci, the greatest 20th century theorist of civil society, picked up where Marx left off, pointing out that not just the Hegelian state but all parts of society presented themselves as eternal and universal. He saw this at work in education, religion, language, and culture. Yet in reality all of these were social arrangements. Gramsci urged his fellow activists not to focus on the ideas in these areas of life, but on the social arrangements that made them dominant, made them able to present themselves in this way. He was afraid that an emphasis on fighting the ideas alone would always lead to disappointment because substituted ideas would go through the same process as the previously dominant ones.

Instead, institutions in society as a whole had to be taken over and fundamentally changed, so that ideas could come and go in a continual process of experimentation and enrichment that benefited all.

Activists at YLBHI, the national legal aid association, for instance have this notion and not a notion of mere advocacy in mind, in increasingly opening their legal offices to all forms of organizing. Rather than simply advocating for the universality of law, YLBHI is concentrating more and more on the social forces that make law, in government, universities, employment contracts and courts. We could say that this idea of altering fundamental social relations also motivates WAHLI, the coalition of environmental activists in Indonesia, in moving away from a model of advocacy and expertise based on current arrangement and current forms of knowledge towards a mass organisational form. YLBHI and WAHLI show signs of wanting a revolution in Indonesian civil society that would also consume the state, and perhaps lead to a better politics than either form can currently offer.

For both Marx and Gramsci, to accept a separate civil society and its arrangements is also to accept the state as an adequate political form. Indeed nations with a highly developed sense of civil society like the United States and Britain, who want to be models for others, have states that have grown larger and larger in their control of security and fiscal functions, requiring more labour from citizens, instating this labour.¹⁸ Could it be that the idea of civil society is actually a statist idea, one that ends up promoting a more powerful and remote state, running automatically - or in the case of states weaker than the US and Britain, run by others? To counter the growth of this private state, civil society advocates propose the public sphere.

8. The public sphere historically

Today's civil society discourse comes largely out of this idea of putting a check on the public sphere, rather than directly out of the more encompassing theories set out by Marx and Gramsci. The "original" public sphere was the work of a new business class in post-Enlightenment Europe. It was a place of newspapers and clubs, arts and music, and trade associations, removed from the royal court and the church where ideas could be expressed, specifically ideas that challenged their power. Businessmen created it, but it was about more than business. Some of this was conscious: businessmen wanted to assert their rights in politics and ideas. Some of it was however unconscious, a product of the new social arrangements created by new forms of capitalism. These men had to communicate with each other more and more as business changed and became more interdependent, more socialized. They wanted this separate space to protect themselves from the court and the church, and they tried to keep it by saying the space was eternal and universal, a matter of rights, human rights but also property rights, borrowing a kind of absolutist thinking from their adversaries and putting it to more demotic use. At the same time, there was one area where they wanted the continued involvement of the court and the church, and that was in keeping out of this new space workers, slaves, and women. This was achieved mostly by giving a separate set of rights to property, and thus to propertied people. This feat was specifically on display at the worlds most famous, enduring, and

¹⁸ For a discussion of the growing labour of the state see Stefano Harney (2002).

admired public sphere, the United States constitutional convention, known as the Continental Congress.¹⁹

Gradually this space permitted the return of workers, slaves and women, not to claim the society they produced, but through their labour and as consumers and voters. This was the impoverishment of the public sphere, but also it's labouring. And today? Let us look, for instance, at an organization started in 1971 in Indonesia, YLKI, and the major consumer rights organization in the country. Today it has twenty-nine full time workers at its headquarters in Jakarta and twenty-eight member organizations doing consumer rights work, with offices from West Timor, through Riau, to Kalimantan. It has been an important member of Consumers International since 1974, the largest NGO (non governmental organisation) network devoted to consumer rights in the world. YLKI began as a nationalist initiative to promote domestic products and domestic consumption. Soon it became involved in advocating for safety and quality in domestic products. By the 1990s, some twenty-five years after it's founding, it was in on the frontline of opposition to the Suharto regime. Today it speaks for "consumers being able to organize themselves to fight for their own rights" and "the growing of consumers' solidarity to protect their rights." This is an Indonesian tale of the public sphere. Excluded as workers, slaves, and women first by three hundred years of colonialism and then by a nationalist capitalist regime, with only a brief experiment in socialism in between, Indonesians were then called upon to participate as consumers. This model of choice after the fact encouraged new political demands along the same line. It was logical for a consumer rights organization in Indonesia to demand eventually that a market exist in politics too, and to demand that this political market meet recognised standards. But this is not the whole story in Indonesia, or in the career of the public sphere. The labour of consuming and voting emerged to produce a new notion of solidarity. No longer just individual choice, but a recognition of collective agency entered the public sphere. Suddenly much, which the public sphere was designed to defend - private ownership, choice, and individualism - is threatened in Indonesia by a radicalized consumer organization. But as YLKI itself admits, barriers still protect this public sphere and many consumers still act alone or remain dependent on advocates. Today, the public sphere, the manifestation of civil society, remains.

Strange that a model for keeping businessmen in and keeping workers, slaves and women out should become the model for developing countries today. Strange that we permit these property rights to mingle with human rights in our discourse on the civil society. But there is no denying that the public sphere model is the model of civil society discourse.²⁰ Property rights function as a kind of positive power here.²¹ Who can be against more rights? Today governments and aid organizations prescribe such a sphere as the cure for corrupt governments, maldevelopment, and lack of democracy in many developing

²¹ Michel Foucault's term was part of his implicit criticism of civil society as anything other than constitutive of state-capitalist relations.

¹⁹ The best collection on the class politics of the United States Constitution: The United States Constitution: 200 years of anti-federalist, abolitionist, feminist, muckraking, progressive and especially socialist criticism (Ollman and Birnbaum, 1990).

²⁰ Even sophisticated scholarly assessments of the runaway use of the term tend both to neglect the embedded property rights in the sphere of civil society, and to limit the fluidity of spheres with the implications that they are eternally and meaningfully different. For example, see Blair Rutherford's work for IRDC, "Civil (Dis)Obedience and Social Development in the New Policy Agenda: Research Priorities for Analysing the Role of Civil Society Organizations in Social Policy Reform, with particular attention to Sub-Saharan Africa and Latin America." Working Paper Series of IDRC's Assessment of Social Policy Reforms (ASPR) Programme Initiative

countries. Rule of law, and rule of contract law, go hand in hand in this prescription.²² Of course, the public sphere today is supposed to be more inclusive. The works of Jurgen Habermas, Nancy Fraser, and other theorists of the public sphere advocate for a fully open public sphere in the belief that if citizens are given a place for full and unfettered communication they will choose a just course for society (Habermas, 1989; Fraser, 1989).²³ Why has this idea of civil society as a separate and permanent sphere, satisfying itself with the division of what Marx called political society and civil society, come to dominate our imagination, at the expense of the ideas of Gramsci, Marx, or even Hegel? Hegel who lived in the original bourgeois public sphere looked on it only as a phase on the way to the state, and never saw its separation from the economy and state as a political strategy and an ideological position used by political representatives of the business classes to gain power. And Gramsci plotted to transform this sphere and end its false autonomy.

9. Contemporary public spheres of influence

The reasons for this dominance of a historical civil society and public sphere discourse are many in Indonesia and beyond, beginning with the way scholars turned away from the longer history of how the term was theorized. Maybe it is not surprising that establishmentarian scholars, liberals and conservatives alike, ignore its theoretical origins. It is a threat to the stable categories that they hope to preserve, and by preserving gain some reward. Thus communitarian scholars writing about developed countries and policy scholars writing about developing countries act as if there was some mythical past in history of the public sphere, harking back to the small town public square or communal village life. The real history of brutal exclusion and absolutist hierarchy in such places is forgotten. Forgotten too are the struggles to create welfare states and national development states, struggles powered by the excluded and exploited, also absent in this fairy tale history. In the Indonesian context, the prominent scholar William Liddle is unfortunately an example of this establishmentarian wilful neglect, stating cavalierly in assessing President Adburrahman Wahid's (or affectionately known as 'Gus Dur') failure to embrace the supposedly self-evident truth that "despite the overwhelming Twentieth Century evidence that capitalist- style growth is the best foundation for shared prosperity in modern economies (Liddle, 2001).²⁴ Beyond Indonesia, the appeal of communitarian scholars for both United States Presidents Bush and Clinton and for British Prime Minister Tony Blair, and of those politicians for communitarian scholars, is too obvious to require elaboration. Perhaps more surprisingly, Leftist scholars have also turned their backs on the theoretical origins of civil society thought, even if sometimes they claim to be its inheritors. Jurgen

²² An obvious but still indicative example is USAID's statement...

²³ Especially Fraser's chapter on "What's Critical about Critical Theory: Habermas and Gender?"

²⁴ Liddle also suggests, somewhat perversely, that Sukarno was too easy on the military, "Demands by officers at central armed forces headquarters for a share in national power were acceded to in return for support of Sukarno's presidential leadership. This led to the entrenchment of officers in non-military posts and of the military as an institutionalized and-in its own eyes-legitimate political force. Subsequent events would seem to indicate that Sukarno's military and foreign enemies were powerful enough to take what was given. This completes the whitewash of Indonesian history as merely a series of bad policy decisions. The relevance of this latter comment to the argument being developed is unclear.

Habermas and his followers, and Ernesto Laclau, Chantal Mouffe and their followers are perhaps the most globally influential in this regard (Laclau and Mouffe, 1985).²⁵

In fairness to them, they do not approach the subject of civil society or the public sphere in the mercenary way that so many mainstream scholars do, as a defense of their own privileges and those of their nation-state. Their work is based on a perceived threat from the state, which comes in turn from experience with fascism and indirectly with Stalinism. This is worth mentioning in the context of Indonesia where it is easy to have the same impulse to quarantine the state, as Nicos Poulantzas once said, in a vain effort to keep its power from spreading. In this Leftist "anti-statist" reading, both Gramsci's writings and those of Michel Foucault become warnings about the way the state can spread beyond its boundaries. In reaction these Leftist scholars hold out the idea of a pure civil society or public sphere that can fend off the onslaught of the state. In other words they want neither to take over the state nor to be co-opted by it, and dream of a civil society that keeps its distance and develops democracy on its own terrain. Unfortunately this position, as Poulantzas (1975) noted, tends to leave the state and all its powers in the hands of others (to the extent that it does not insinuate itself in these movements anyway). There are a few exceptions to this retreat into civil society in Leftist scholarship. Michael Hardt and Antonio Negri for instance trace a power they call empire, finding it throughout what Hardt calls post-civil society (Hardt and Negri, 2000). Generally speaking, however, an autonomous civil society is the Leftist position, found for instance in development theory in the work of scholars at influential places like the Institute for Development Studies at Sussex University, U.K. and the Canadian International Development Research Centre. Unfortunately it fits pretty closely today with the position adopted by its establishmentarian counterpart.

The establishmentarian tradition is perhaps the tradition that has had the greatest impact on Indonesian social science, because of the pervasive influence of the American state in funding and channelling higher education in Indonesia in the past thirty years. As Timothy Mitchell argues persuasively, American Cold War political science developed its political systems theory to a point where it was forced to take into account virtually all aspects of social life to explain political behaviour. This was a consequence of its system's theoretical, functionalist, and Cold Warrior commitments. The first two commitments produced no results for the third and eventually the state was "brought back in" as a central focus for prediction and subversion, and probably as a more comfortable one for the sponsors. As Mitchell explains, political systems theory could establish no boundaries, taking everything in society as a key to understanding political behaviour and producing few winning predictions (Mitchell, 1999, pp. 76-97). But it did produce the Gramscian impression that (Leftist) politics could be hiding in any organization. This proved to be a murderous insight in Indonesia in the mid-1960s, when the state was brought back in and allowed to redefine any politics outside of it as either mere unrest or complete treason. New revelations from United States government documents that the US State Department inadvertently provided the list from which Suharto's forces murdered in 1965, and that even after realizing they had done so, suggested funding them further. These, perversely remind us that the attempt to contain politics has deep roots in anti-Communism. When political systems theory reached a certain point of futile paranoia, having found a Communist under every bed, it retreated to declaring the power of the state as the embodiment of the retaliating nation. Indonesia's story is that of an internal politics of containment, with a lot of external bloody hands. Not only is this the real history of the anti-Communist pogroms in Indonesia, as Hilmar Farid and others are now teaching us

²⁵ Laclau and Mouffe (1985) enjoyed wide influence in the late 1980's, spawning the development discourse school and a new generation of social movement literature among other effects. Perhaps their anti-statism is coincidental, but this period is also the period of consolidation of state power in Latin America.

with their new research, it is also the history that has given birth to the new politics of containment.²⁶ Now it is civil society and not the state, being called upon to contain politics, precisely because the state could not be relied upon to know its place. In Indonesia today, policy-makers are hoping that civil society will know its place. And if it does not, the state is still available to discipline it, as demonstrated in the most recent example of this return to reserved state power, the case of the Bandung 19, the students from the PRD (People's Democratic Party) jailed without formal charge in that university city.²⁷

10. State violence and civil society

When we look at important instances in scholarship where civil society did play a radicalizing role, it is not the choice of the consumer and voter that delineates this role but rather state violence that circumscribes it. The monumental work of African American political scientist Martin Kilson on the radical tradition among Black intellectuals in the United States, and the public sphere they created, makes good use of Black civil society as a necessary refuge and home of creative thinking in the face of the white supremacist American state in the 20th century.²⁸ Walter Stafford's mapping of the civil society of New York's people of colour in the face of the state's abandonment of social responsibility is another example from the United States of progressive politics made explicit through the term. The Social Text Collective in New York has produced a book on the public sphere and civil society that, in the work of George Yudice, attempts to radicalize the term based on its Latin American roots, or even tries, in the work of contemporary German Marxists Negt and Kluge, to proletarianize it (Robbins, 1993; Jameson, 1988; Yudice, 1995).

To criticize the term, then, is not to be against all these efforts and much less against Indonesian activists, courageous and dedicated people. Our critique, derived precisely from their efforts, is a critique of the popular way the term civil society is used today, in Indonesia and globally. It is a critique of what Gramsci called its common sense. By this he meant the way it has been able to establish itself as an obviously correct way to see the world. Gramsci noted that such terms are usually unexamined, but if they are, they generally support the worldview of the dominating class in society. Social geography is made by such worldviews, but in the same manner, these worldviews are constructed on the social formations of geography. In Indonesia, there is plenty to suggest that this popular way of seeing the world today is constraining for activism, and even stymieing the values the popular term civil society is supposed to nurture. Yet we want to suggest in what remains of this paper, that its more interesting power comes precisely from that which it denies, that which nonetheless it is always threatening to become, socialism. In the work of the five CSOs we introduce below, civil society meets its own surplus; the promise of what Marx called a society of producers.

11 Civil society and social regression in Indonesia

It is worth thinking about Indonesian civil society discourse against recent East European history to get some sense of what is at stake. It was said by many Western

²⁶ Hilmar Farid, "The Indonesian Army's Masks and Myths" on the Indonesia Alert website: http://www.indonesiaalert.org/Articles/01-02/farid.htm

²⁷ Hinmen, Green Left Weekly

²⁸ See Martin Kilson's forthcoming, The Making of Black Intellectuals.

experts that Eastern Europe and Russia had no civil society, and that that was why, as Communist societies, they had no freedom and no democracy. Few at the time were free enough of anti-Communist ideology to notice how illogical this statement was on its surface. If there was no civil society, who then carried out the revolutions that removed all these Communist governments? Later, recognizing this obvious contradiction, many of the same experts invented the idea that these governments had been "defeated by the West through the arms race" or by globalization and the need for new technology.²⁹ But this, of course, still makes no sense. If Communist governments were simply defeated by these forces and no civil society existed, then surely there would have been a void, and chaos, in these societies. In fact, there was remarkably little.³⁰ Western, anti-Communist experts were so focused on lone, persecuted dissenters, and so certain that communist society featured no social development and no civil society, that they not only missed the revolution, but failed to explain it logically afterwards.³¹ This is in part because the thing they called civil society, but what we in this context might call social development, did not come in the form of a sphere but rather as a tendency in the Soviet system, present in the state, army, industry, and elsewhere.

At any rate, these Western analysts went on to contribute to harmful social policy, destroying much of the very social development they had missed or denied in the first place. The social rights of housing, healthcare, education, women's rights and childcare, and the social principles of collective ownership and support for other peoples that sought to obtain the same rights and principles internationally, were not always realized in Eastern Europe and Russia, as Western experts never tire of pointing out. But this does not mean that people did not hold these values, or did not believe that these social rights or social principles were worth pursuing. Even today in Russia and much of Eastern Europe, many citizens still carry these values, believing that everyone should have housing, healthcare and enough food, not just at home but in other countries too. And they still believe that both the economy and the state should be used for these purposes. It is this social development of values and principles that the combination of shock therapy and current civil society discourse has attempted to destroy.

Out of the illogical and criminally negligent social analysis and social policy, an effective attack on social values was launched.³² Recalling this attempt to deny and destroy a high level of social development, we can see why it is relevant to Indonesia and to the strategy of socially progressive activists. It is unusual, we know, to talk about a high level of social development when talking about the Eastern European, but if we understand social development as the kind of values of socialized, cooperative and mutual aid that civil society thinkers themselves spearhead, the Soviet system should not be without interest to such thinkers. By comparison, neither Americans, nor increasingly Western Europeans, have this level of social development, this level of values in civil society. Americans have not developed their civil society to the point where people believe in a right to healthcare, housing, adequate food and a job. Europeans in some places did develop this far, but appear to have lost confidence in their development, and, like Eastern Europe, are regressing socially.

³⁰ Michael E. Brown and Randy Martin, "Left Futures" in Socialism and Democracy

³¹ Stefano Harney is grateful to Professor Harry Cliadakis of Pace University for sharing his insights in conversation on social development and its destruction in East Europe and the Balkans.

²⁹ At any rate, David Kotz and Fred Weir argue convincingly that there was no economic collapse as the result of technology lag or the arms race, and that the economy collapse with the end of the Soviet political system (Kotz and Weir, 1997).

³² The case for negligence is made by Lloyd (1996).

So how did the new Rightist governments in Eastern Europe and Russia, backed by Western experts, governments, and international agencies, cause these social values to regress? Well, we might say that they presented a picture of the world that made such values impossible. In this new picture, the Communist Party was accused of creating a state without end, thus killing off both political values and economic growth. In the post-Communist world, political values and economic growth were to be protected from this state-party. Economic growth was to be protected by a free market, meaning free from state intervention for non-market goals but not free from new globalized state regulation, and political values were to be protected in civil society, which was also to be free from state interference. New institutions were going to police these spheres, herding all politics into the sphere of civil society. But the people of Russia and East Europe soon discovered that some political values no longer belonged in this civil society. Social rights required state intervention in the economy and society. This was not allowed. Self-development principles required state intervention internationally. This was also not allowed. What was permitted were organizations advocating for civil liberties, human rights, clean government, etc. These organizations were encouraged to form networks linking each other's work. The links became a fence, which fence marked civil society off from the state and the economy. The wall came down, as the experts like to say, but the fence went up. And in Indonesia it went up soon after Suharto's fall from power too. By the time the country was ready for experts, the formula was tested. A free market, tempered by a healthy civil society and a small, chastised state was again proposed as the remedy. Governing institutions were to be kept in check until they could be renovated, in a distant future. This time the symptom was not borderless Communist government, but borderless crony capitalism. But the sickness was still judged to be the unhealthy blurring of politics and economics.

12. Containing development

In 1965 and 1966, Indonesia carried out specifically political mass murder in a way perhaps unprecedented in modern history for its scale and thoroughness.³³ In a deliberate and bureaucratic pattern, between half a million and one million people connected with the Left and especially with the Indonesian Communist Party (PKI) were systematically murdered by the state and its proxies.³⁴ The fact that we cannot estimate more accurately the casualties is testimony to the massive lies told about this period for thirty years thereafter and the completeness of the control that was established. This mass murder has meant that those leading the development of social rights and internationalist principles were almost completely eliminated. As a result, Indonesian history has little to offer in terms of social development, a hard truth. The internationalism was reduced to mere Cold War opportunism, and neither the socialism of Sukarno, about which, contrary to official historical memory he spoke often, nor the communism of the PKI, with its land reform, cooperative, arts and women's organization, survived this murderous period of class genocide. To read for instance the great American novelist Richard Wright's account of the Bandung Conference, The Colour Curtain, is to read the emergence of an internationalism of colour, standing "together against the rapaciousness of the West." And "turning to something positive... a sense of their combined strength" (Wright, 1996). Wright avoids being overly optimistic and reminds the reader today not to be overly

³³ Although there was also slaughter of those of Chinese descent, it is hard to find another example of mass murder on this scale that did not have chiefly ethnic or nationalist dimensions, or involve civil war. This slaughter was remarkable therefore in its political nature.

³⁴ See the previously cited work of Hilmar Farid for conclusive evidence of the bureaucratic and planned nature of this murder, contrary to New Order and Western standard accounts.

nostalgic. One principle of social development nonetheless survived and flourished under the New Order, however corrupted, and that was the principle of national economic development, which came into its own in the late Seventies and early Eighties.

Societal values of development in Indonesia were rooted in the anti-colonial struggle, in the analysis of colonial exploitation and underdevelopment, and in the recovery of older communal values mixed with a new spirit of socialism. National development as a social value included all this, and, under Sukarno, included many of the social values and internationalist principles (that gave rise for example to the Bandung Conference), which also survived in Soviet Russia. And it further included a belief that both state and economy should be put to work for this social value. (A view not popular in the United States, which went into a state of policy shock during the famous Bandung Conference, trying to kill Chinese leader Chou En Lai on his way there by blowing up a plane of innocents near Hong Kong.) Under the New Order and American friendship, only economic development survived, stripped of its other social components. We know this because when the revolution came in 1998, there was very little talk of these other values. The talk was of civil liberties, like freedom of the press and freedom of association - understandably, when these seem so widespread elsewhere and are denied in Indonesia; and the talk was of how corruption had stalled national development. Social rights and internationalism did not survive the mass murder of 1965-1966 and the New Order as general social values. In this sense, Indonesia is different from Russia and Eastern Europe.

13. Containing development, containing politics

But the remedy, now well established, is the same. Indonesia is to have a free and open economy, a small, non-interventionist state, and a robust civil society, to use one of the favoured adjectives. It is acknowledged that some parts of the state might be important, hence the oft-repeated phrase, "good governance", but in the absence of such goodness, no national government is better than "bad" national government.³⁵ What will happen under this regime to the social value of national development? Pretty much the same thing that has happened to social rights and internationalism in the other great laboratory of civil society building. The value will be choked off, with nowhere to go. Using the state to preserve it is off-limits, because the economy must be free. Perhaps civil society in Indonesia can advocate for national development, as in Russia it might advocate for free housing for all. But if the rules say no state programs, because they are corrupt or they give the state too much power and this leads to dictatorship, and if the rules say no interfering with the economy, no taxing it, because it has to be free to make profits, it is hard to see how this advocacy will be effective.

Still, looking at two Indonesian CSOs not content with such advocacy, we can say that the injunction to contain politics in the sphere of civil society is not followed to the letter in Indonesia today. For example, JATAM, a coalition dedicated in the first instance to a moratorium on mining in Indonesian is nothing if not interventionist in its approach. Sixty percent of all Indonesian land has been contracted by the government to mining and energy interests. JATAM describes its work thus: "Jaringan Advokasi Tambang/Mining Advocacy Network is a network of non-governmental organizations and community organizations working together for the same goal of advocating mining issues in Indonesia. It is a network organization established as a result of the Friends of the Earth

³⁵ This last conceit is the contribution of neo-institutionalists who combine a willingness to acknowledge the role of the state in development with a zealous anti-corruption passion that often seems to negate the first stance.

Indonesia's mining advocacy workshop held in Banjarmasin, South Kalimantan in 1995. 45 participants attended the workshop from all corners of Indonesia, including members of Taratak (West Sumatra), LPLH (Aceh), LEWIM (South Kalimantan) and Tanah Merdeka Foundation (Free Earth Foundation, Palu) and also four foreign NGO activists. They all recognized the need for a mining advocacy network upon witnessing countless incidents of communities in Indonesia, specifically indigenous communities, bearing a disproportionate share of negative environmental and social consequences from the mining, oil and gas industry". JATAM works in numerous areas in Indonesia and on several mining issues. INCO, Newmont, Unocal, and Rio Tinto are among the transnational mining and energy corporations, whose environmentally destructive practices have been uncovered by the JATAM coalition, cooperating with local communities and activists. JATAM's position is essentially: nationalization without government, with worker-community control at the local level and national control at the international level, while being simultaneously hostile to the national state in Indonesia. This is logical given the way that the centralized state has denied local communities any share of the wealth, using the token amounts paid by the international mining corporations controlling these operations for its own purposes. But it is a confusing position to civil society advocates, as demonstrated by the way the United States Agency for International Development (USAID) was wrong-footed in its interaction with JATAM. USAID awarded JATAM funding as a civil society organization, one that was to advocate for more responsible mining and more local involvement. Instead JATAM went on the offensive against United States mining interests in North Sulawesi and Kalimantan, making the environmental degradation and foreign-control central issues in a local campaign of organizing and educating people living near the mines and working in them.³⁶ In this spirit of development, JATAM soon announced it would accept no more funding from bilateral aid organizations tied to national governments, a relief to USAID which was coming under pressure from this particular American-owned offender. Suddenly the fence created for civil society activists seemed not able to hold in JATAM's activism.

The groundbreaking work of LBH-Bali on property rights questions the very foundation upon which such a fence might be erected. Insisting that the courts should now be used as intended to settle rival claims on land, LBH-Bali is bringing suit against many members of the gangster bourgeoisie of the Suharto era who swindled or seized land in Bali, including Tommy Suharto, the dictator's thuggish, fugitive son. The idea that the courts would hear such cases is in itself somewhat novel, given their long period of service to these same gangsters. And although there is an even more radical and suppressed history of land redistribution advocacy by the PKI, under the circumstances, LBH-Bali's work is remarkable, not least because it shakes the ground on which the fence of civil society is now supposed to stand.

Civil society discourse supports sustainable tourism, community-corporate partnerships, and local human resource development. But all of these incorporate the assumption of an open market in land that forms the contours of property rights. Such property rights are reinforced by the new rights language of civil society, which, as we have recounted, has historically mingled property rights with human rights. At the same time, the new civil society discourse's supposed lack of history, contributes to a lack of history about such property rights. In Bali, the new starting point uncovers a saga that has very little to do with a universality of either human or property rights, and very much to do with expropriation and primitive accumulation. Civil society discourse starts with a respect for property rights that makes investigation that much more difficult. Yet at the same time, the obvious artificiality of this line seen from a historical perspective is an occasion to

³⁶ More on this campaign and many others can be found at JATAM's excellent website, www.jatam.org

question property rights in general as anything more than historical. LBH-Bali is doing precisely this.

National development remains a part of social development while taking on new forms in these two organizations. Other forms of development, though not widely socialized in Indonesia, are also emerging. The work of another CSO we interviewed, *Kapal Perempuan*, testifies to this. *Kapal Perempuan* is a remarkable organization run by women activists who foster the "development of critical consciousness in Indonesian society, particularly among women, through conducting alternative education". They "create critical discourses by publishing alternative writings" and plan to "develop access to information for women by creating documentation and information centres" throughout Indonesia. They see themselves as "developing a movement" of critical consciousness among women, and they take a great interest in the work of Paolo Friere and critical consciousness efforts elsewhere in the world. Although creative women's organizations like *Kapal* are often used around the globe by civil society discourse advocates to promote their cause, *Kapal's* boldness fits in poorly with current attitudes underlying civil society discourse.

These are exemplified for instance in the theories of political scientist Benjamin Barber, whose book, Jihad Versus McWorld, promotes his idea of strong democracy. He restates his political position at the end of this book saying, "we are governed best when we live in several spheres, each with its own rules and benefits, and none wholly dominated by another. The political domain is "sovereign" to be sure, but this means only that it regulates the many domains of a free plural society in a fashion that preserves their respective autonomies... Only a democratic polity has an interest in and the power to preserve autonomy in the several realms." He states his case in response to what he sees as a threat to one of those realms, "the autonomy of civil society and its cultural and spiritual domains" (Barber, 1996, p. 296). It is interesting that, like almost all the major contemporary theorists of democracy, Barber does not see the present disruption in the national society as an opportunity for something better, he sees it only as a threat. Not invention but reinvention is the theme. As a result, theorists such as he have trouble seeing what might be new in front of them. This is in part due to the particular artificiality of their nostalgia, which as we have suggested, is one that denies certain kinds of social development. Some developments simply do not register.

This myopia also arises because of a system-preservation orientation that regards the new as a task of integration rather than a source of inspiration. So, for instance, prominent political theorist David Held's writings on globalization are dominated by the preoccupation with how to reconstitute regulations on a global scale, how to make the present democratic geography large enough to cover the globe, his globalization thereby striking a tone both of nostalgia and of the Cold War. Held is searching for new global regulations to integrate the local and the international in a third phase of democracy.³⁷ Yet the purpose of this is to regulate what are considered the accomplishments of democracy already in place, a reckoning which, when combined with their nostalgia, misses not only much of what might come next but also much of what is here already.

In contrast, *Kapal* has little to preserve, little to extend, and much to gain from taking every new development as a platform for something more. So, for instance, not just religious tolerance but religious dissent was the subject of a recent book of autobiographies brought out by the group. Their brave work in what might be described as feminist theology stirred up controversy and hopes. *Kapal* published a book of life stories of

³⁷ David Held is typical of the other impulses in democracy theory to find a new regulatory system like the old one Barber laments, only bigger and better. See for instance Held (2000, pp.420-430).

women struggling with their religious faith, expressing doubts, desires, and politics in a way not published in Indonesia in thirty years. They are a small group whose impact is far larger than their numbers, and they cannot keep the book in print, such is the demand. Their own community -- and the communities of women they help to create when they travel to do their workshops, workshops that often last weeks and involve living with local women -- do not concern themselves with preserving a democracy or defining one, but instead tend to think of such arrangements as platforms for new forms of consciousness and new ways of living together. Fights for social programmes oriented to families and women in this process become precisely such platforms, and not ends in themselves to be defended. But of course, to surpass Barber and Held's democracy (a system that in practice permitted many democratic nations to support even the most bloody aspects of the Suharto regime), would raise the spectre of socialism, and with it, the ghoul of anti-communism, the dark side of contemporary democracy theory and its companion - civil society.³⁸

14. The politics of containment revisited

We have stated that civil society may not be home to all social values after all. It seems that the fence around civil society promoted by its current discourse to keep out the intrusive state or the profit motive, might also keep out certain social values. But, finally perhaps, this fence may be better understood as the construction of state and market, rather than as a bulwark against these forces. International business on the whole would rather deal with a CSO over labour rights or the environment, than with a government ministry. It is true that Indonesian government ministries on the whole are ineffective in regulating industries, and that Indonesian CSOs are very often extraordinarily effective, especially for their size and resources. But international business perceives more of a potential threat from government than from civil society. After all, it is more difficult to imagine even the most vibrant CSO network in Indonesia nationalizing the natural gas industry, and international business cannot be blamed for believing its own propaganda about the proper place of CSOs, even if organizations like JATAM persistently challenge this propaganda. Overall, international business is happy to hold up the civil society fence from its side.

It is also true that the Indonesia business classes perhaps have some of their own reasons for liking the term. These classes, together with what Ben Anderson calls Indonesia's *qui peut* middle classes, pampered by *pembantu* and protected by *brimob* under authoritarian rule, see in civil society a non-political term. They fear the political, even its discussion, more than anything else today. But ultimately neither these silent business classes nor their international counterparts so fluent in the language of rights can hold up the fence without recourse to force.

What we must now call the civil society politics of containment amounts to more than the mere reconstitution of New Order forces, or the growing influence of international capital, although both are implicated in Indonesia. Civil society may contain politics, against the social development of people. This is not to deny the more difficult conditions through which it has had to exist -- for example, we cited the apartheid conditions imposed on Black Americans, where, as recorded by Martin Kilson, a radical tradition took refuge in civil society; but it is to say that civil society, for all the voluntarism of its proponents, has often been subject to a politics of containment much more direct and power hungry than the mere containment of politics. The containment of politics is violated more often by the state than by civil society, since what is produced, as social development becomes

³⁸ Fred Halliday notes that the head of Amnesty International proclaimed his organization a product of the Cold War, shocking many of its members (Halliday, 2000. pp. 431-441).

both a threat and a source of wealth, to be directed away from self-valorisation and back into capitalist circulation (Negri, 1991). As much of Indonesian social development breaks out of bounds, the state raids such self-valorisation.

This politics of containment has two further dimensions in Indonesia. They are brought to the surface by two CSOs whose work is among the most dangerous and revolutionary in Indonesia today, no small accomplishment given the worthy competition. Through the work of FNPBI, the new trade union movement, we run up against the true statism of civil society discourse and the necessity of the state raid. As with any cage, it turns out that the golden cage of civil society has guards. The state should not be understood here as the final arbiter of civil society in Indonesia, so much as its predator on behalf of capital. This fact is forced to the surface by the bold presence of FNPBI described below.

In an article titled "Defiant Indonesian Labour Leader Forges Ahead" a reporter from the Far Eastern Economic Review (FEER) begins by noting that "the big pink and white Amnesty International poster on her office wall probably says it all: "Hands Off Dita Sari" (McBeth, 2001). Sari is the symbol of FNPBI, the one of most prominent political prisoners at the end of the Suharto regime, but only the most visible of the many dedicated young women and men who have created a fiercely independent and pro-worker union. As one staff worker summarized to us, sounding almost surprised that we had to be told, FNPBI's political approach is that "there is capital and there is labour and their interests are always opposed". FNPBI has "22,000 members (about half of whom pay dues) in 14 provinces across Java, Sumatra, Sulawesi, Kalimantan and Bali. Most are women working in factories producing textiles, shoes, food and beverages. But Dita Sari's has just taken maritime workers into her fold and she makes no secret of her ambition to build as big a union as possible. "In interviews, FNPBI organizers describe their principles as "mass organizing, criticizing current labour laws, encouraging workers to found a workers' organization that is democratic, radical, and independent" (McBeth, 2001).

FNPBI is as much a social movement as a service union, to use American labourist terms. It was part of a coalition that put together a conference of international labour solidarity, the first of its kind in the post-Suharto era. Dozens of labour and political activists from around the world, from France through Pakistan to New Zealand, joined eighty activists from FNPBI, the People's Democratic Party (PRD) and several student, artist, and peasant collectives for a five-day conference sponsored by an umbrella group brought together to create the conference called INCREASE, the Indonesian Centre for Reform and Social Emancipation. From the beginning of the conference, on June 6th, 2001, plain-clothes police lingered in the unused spaces of the Sawangan Golf Inn in Depok, West Java, where the conference was being held and where many were staying. In the midst of proceedings on June 8th, police armed with shotguns burst into the conference hall, arresting 32 participants from overseas and eight Indonesians, in what became international news of the persistence of Suhartoism.³⁹ These participants were detained for several days, the first night in jail and thereafter under house arrest, until international pressure and lack of support for the police from Gus Dur's foreign ministry permitted their release. The fate of a number of the Indonesians who organized the Asia-Pacific Labour Solidarity Conference, subtitled 'The People's Struggle Against Neoliberalism and Militarism in Asia-Pacific', was worse. It was widely reported "police had used a civilian militia group -- the Ka'bah Youth Force (AMK) -- to beat and injure the Asia-Pacific conference participants with swords. Participants confirmed that sword-wielding thugs

³⁹ See for instance Rochfort (2001).

had been brought in to attack several of the Indonesian activists after the foreigners were taken.⁴⁰ We confirmed all of this ourselves in subsequent interviews.

On the one hand, compared to the communal bloodshed in Kalimantan or Sulawesi for instance, created by the policy of forced internal migration and stoked by local landlords, or the war for independence in Aceh, fuelled by the exploitation of its local gas resources by Jakarta, this violence was relatively mild. But the fact that the conference provoked such a response, from central police authorities and from a militia rumoured to be linked to a national political party, suggests that civil society discourse cannot alone contain civil society. It also suggests that the very international cooperation represented by labour of many of those represented by FNPBI is something that recalls an earlier internationalism, but this time on a mass scale. Indonesian power structures want this new internationalism when it is called globalization, but not when it is called solidarity. The raid provoked international outcry and national embarrassment. Solidarity must be devalued, by raiding if necessary, but the aim of these raids is not so much to destroy, as to contain and redirect as globalization. This may not help activists facing sword-wielding militia of course, but it suggests that forces of Suhartoism will have to find new forms for the state raid. It is an open question whether the state will find this form and be able to redirect rather than destroy the globalization Indonesian capital needs. The crisis in the politics of containment is therefore an opening for solidarity in Indonesia and beyond. Next to these issues, civil society discourse appears too genteel to confront Suhartoism, and too unsophisticated to integrate a new forming of state raiding. It cannot answer the question of why such a raid was necessary, other than to say it is wrong. But that does not mean the question goes unanswered.

At the same time it is unclear whether the state, in the very action of raiding across the artificial boundaries of civil society, does not itself surface the question of communism. After all, what is this thing against which the state is now mobilized to seize and control, if not a larger society of producers waking from slumber in Indonesia today? The work of KONTRAS illustrates finally that the politics of containment is both necessary and inadequate, like the previous politics of containment of the Cold War, and indeed simply *is* that politics.

The work of KONTRAS (Komisi untuk Orang Hilang dan Korban Tindak Kekerasan), the Commission for Disappearances and Victims of Violence, moreover, contributes to making the question of the state raid even more provocative. KONTRAS has two prongs to its work. First it agitates and organises to demand investigations of police killings and disappearances of students, environmentalists, labour organisers, and journalists from the 1980's and 1990's, as well as pressing for inquiries into the most infamous cases, from the death of labour leader Marsinah at the hands of her employer and his thugs, to the Trisakti murders of student demonstrators by police special forces. Second, it is involved in forensic digs and community memory recovery of the 1965-1966 bureaucratic mass murders. They take community testimonies, lobbying the local government to permit digs, and work with forensic experts and activists on the sites.⁴¹ What comes out of this work are revelations about the large numbers of suspect lists from which military personnel were working, including a United States Embassy list; the large number of victims killed after having been taken into custody; and the collaboration of local landowners and religious leaders. The picture that emerges is one of a very purposeful and deliberate state-led pogrom of dissent, operating over months, planned and executed with bureaucratic thoroughness. In other words, this was hardly the mass hysteria

⁴⁰ This information is from the Indonesian internet investigative news service, www.Laksamana.com

⁴¹ More on KONTRAS can be found at their Bahasa Indonesian site www.desaparacidos/kontras.org

and internecine fighting portrayed by Suhartoist historians and Cold War allies in the West. In effect, the state systematically eliminated civil society. KONTRAS also draws a connection through its work to the 1980's and 1990's where more widely understood state terror again contained civil society. This extends to its precarious work exposing extrajudicial killings of activists in Acceh and West Papua today. Perhaps the central and most provocative question raised by KONTRAS then is not how to check state power, as civil society discourse would emphasize, but what did civil society become in Indonesia in the 1960's that provoked such a sustained and organized destruction? When this question raised by KONTRAS is placed alongside the question raised by FNPBI, as they frequently are in solidarity work, civil society is left to ponder not just why the state was intervening, but what it was raiding. In other words, FNPBI raises the spectre that the question KONTRAS surfaces may not be simply a historical one, but a present one.

With KONTRAS and FNPBI, civil society discourse confronts actually existing civil society and confronts the possibility that its own plenitude, its own multitude, is precisely want it was designed to prevent.

15. Security from what?

There are many more organizations worth knowing in Indonesia, for rewards they bring in terms of solidarity, inspiration, and insight. These range from other internally generated organizations such as the Urban Poor Consortium and Indonesia Corruption Watch, through South East Asian regional organizations such as Focus on the Global South, to international environmental and food security NGOs at work in Indonesia. We believe they nonetheless demonstrate a general pattern of development of the forces of Indonesian society. And this permits us to return to the capacity of civil society organizations in the realm of socio-economic security.

Beyond the model of the watchdog agency -- which, as we have seen is not in practice a model that is willing to respect the borders of civil society -- there is the model of the service organization, replacing the government agency in everything from food security, through employment training and public health, to environmental regulation. We are not able in this paper to examine this model in practice in Indonesia, because outside of private schools and private hospitals, there are no CSOs operating on a scale of service capable of being judged against a government ministry's abilities or performance. But we can raise a political point about this model of the CSO as service organization in a web of socioeconomic security. If what we have analyzed has any validity, there is a real question in Indonesia as to how large and powerful any CSO can grow, given the way they interrogate boundaries of the state and the economy. There are certainly examples from the United States of docile service CSOs, but little indication that this is the direction service CSOs in Indonesia will take. The politics of containment and the new state raid that will undoubtedly seek to redirect such large scale indigenous CSOs away from the surplus of sociality that can lead to socialism, cannot be predicted. They will take shape in response to the first experiments in such large scale CSOs, perhaps in the case of the environmental organization WAHLI, or indeed with FNPBI. In that case, society may once again be forced to acknowledge socialism, we hope with less tragic results.

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