

## Communications to the Editor

Lawrence W. Beer and Barrett L. McCormick have written in response to the "Forum on Universalism and Relativism in Asian Studies," *JAS* 50.1 (February 1991):29–83.

The summation by David Buck and the "Forum on Universalism and Relativism in Asian Studies" (*JAS*, February 1991) demonstrate the profound utility of Asian studies to the development of a global philosophical dialogue on great issues. More by the undramatic accumulation over decades of increasingly precise and perceptive studies of elements within Asia's diverse cultural systems than by awesome theories rooted in abstractions (Asian or non-Asian), Asianists have picked away at the task of revealing Asians as human beings to those of other regions. By taking the particulars of each culture with deadly seriousness (which carries no necessary implication of relativism), Asianists advocate a universalist humanism, i.e., each person is equal in value and meaning (whether those be transcendent or minimal in ultimate terms).

As the "Forum" bears out, perspectives can be skewed by a scholar's disciplinary origins as well as by cultural origins. As some other disciplines, law has its own peculiar set of culture-specific obstacles to crosscultural comprehension. Law is one of the few universals of civilization (i.e., community rules and legal processes and attitudes thereto, formally and informally manifested). I would suggest that American law, as an academic discipline and as a living reality, has an intricate inwardness that blocks proportionate U.S. participation in world legal discourse (e.g., the law of the sea and human rights law). On the other hand, within the American Asian studies community a small number of professionals play a disproportionately important liaison role in facilitating Asia's gradual inclusion in the world's law dialogue. Over the past twenty years, some of these scholars have served on the Association for Asian Studies Committee on Asian Law.

Like many other Americans, lawyers are so inward-looking that they use the term "West" when they mean the U.S. Perhaps no other legal culture matches that of the U.S. in idiosyncratic complexity, with its many thousands of sometimes overlapping federal, state, and local jurisdictions, each of these with its own highly defined rule-making authority and processes; a regime of rules, a "nomocracy." No wonder lawyers reign. An unrepeatable system, perhaps buttressing a relativist leaning. To make matters worse, compared to the ordinary educational practices of many countries in Asia and elsewhere, American college education egregiously neglects the study of law and the nation's own Constitution—even in this Bicentennial era. On the failure of the overwhelming majority of Political Science programs to require minimal familiarity with law, even of majors, see John Wahlke et al., "Political Science," in *Reports from the Fields: Project on Liberal Learning, Study-in-Depth and the Arts and Sciences Major*, Association of American Colleges, 1991:131–49. Moreover, in general, American government courses present the U.S. as if it were a separate planet, not one of many systems on earth. Law is studied primarily in law schools, themselves almost unique in the world as a type of educational institution. Even there, the few major legal traditions of the world, let alone the most influential of Asia's many cultural particularizations of these—for example, the crucial traditions

of civil law and Islamic law—are hardly introduced to the majority of students. And yet, expertise on the legal cultures and economic law of at least some Asian nations is increasingly important for Americans to cope successfully with the economic and political opportunities and challenges now arising in Asia.

In Asia, as in other regions, foreign legalism is routinely taught in the undergraduate curriculum, while in U.S. law schools, students are often indoctrinated into an implicitly nationalist and rigidly positivist version of common law, built on judicial precedents. Thus, legal education combines with U.S. legal culture to encourage mental isolation rather than more communication within the world law community. These problems are exacerbated by a rather bizarre but quiet certainty common among U.S. lawyers in international settings as they first interact with foreign counterparts: that the U.S. approach to law and legal process is the best available to humans, and that the American constitutionalist performance is the world's most impressive.

On the other hand, the American institution of judicial review—*independent courts with the authority to uphold individual rights even against public and private agencies, even democratically elected parliaments of great power*—has become part of constitutionalist practice or, at least, discourse in many Asian systems. More broadly, law now offers examples of a level of mutual understanding among professionals—*scholars, lawyers, judges*—of diverse legal traditions unimaginable a mere century ago. And a significantly growing, if numerically modest, number of American law schools, scholars, and lawyers are achieving the competence in an Asian legal system necessary to join the multinational dialogue, and to sort out the universalist or common elements in legal concepts and terms from those particular to a single Asian legal culture. Of course, there is a colonial, economic, and political background to the spreading mutual comprehension. Such immediate practical purposes as dealing with contracts, treaties, and statutes in international transactions require it. But a higher level of crosscultural communication is also developing in millions of such exchanges requiring legalistic precision.

*Analogously, and often more directly and consciously, human rights jurists draw together many elements of universal principle, indigenous and foreign legal concepts, and culture-specific legal processes while clarifying and assessing the precise nature of a human rights problem at a given time and place in Asia. Who tortured whom, when, and where? Who stopped the newsprint supply of a dissident newspaper, when, and how, as a means of suppression? What public or private agency caused the “disappearance” or assassination of a public figure or an ordinary citizen? What does the law, written and unwritten, say about such situations, and what do the community and government really do about it? What is the possibility of their doing anything about it, given the legal culture and the country’s formally established legal and constitutional standards? How does one assess all the above in the light of the International Bill of Human Rights (i.e., the 1948 United Nations Universal Declaration of Human Rights, the 1966 UN International Covenant on Economic, Social, and Cultural Rights and the International Covenant on Civil and Political Rights, in force for ratifying nations since 1976)?*

Association for Asian Studies scholars and Asian jurists interested in human rights and constitutionalism operate on universalist, not relativist, assumptions, whether or not they explicate their individual philosophies to themselves or others. Amnesty International, Asia Watch, and other monitoring groups attribute great inherent significance to each Asian human, which means something more than equality in humanness with non-Asians. Scholarship and advocacy regarding human rights in Asia fuse universalist humanism with transcultural legal technicalities in the

process of dealing with what is happening to a particular human right of one or many individuals in a given country at a specific time. The general is best understood in relation to the particular, and vice versa. "Relationalism" seems to reconcile the polarities of relativist and universalist modes of thought. As the December 1991 Bicentennial of the U.S. Bill of Rights ends the era that began in September 1987 with the Bicentennial of the signing of the U.S. Constitution, may I suggest that the AAS leadership consider a strong and relational stand both on behalf of human rights in Asia and on behalf of an undergraduate and postgraduate legal education in the U.S. that takes into account the existence of Asian and other foreign legal cultures. Could we not have a formal AAS policy statement on human rights in Asia? Might we not have an "AAS Human Rights Committee" or a subcommittee of the Committee on Asian Law which would draw on existing sources of information and occasionally recommend to the AAS membership a resolution or other actions with respect to a specific human rights situation in an Asian country? Far from resenting carefully modulated support for human rights as chauvinistic intrusion, the bulk of nonpolitical Asians and Asian professional colleagues would likely welcome a sign that, indeed, despite the weak U.S. record in some human rights areas and despite its legendary legal chauvinism, the U.S. includes some participants in the remaking of the world's map of laws and human rights practices.

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David Buck's introduction to the "Forum on Universalism and Relativism in Asian Studies" (*JAS* 50.1 (February):29–34) calls attention to important questions deserving careful consideration. Choosing the debate between relativism and universalism as the focus of your forum, however, obscures as well as clarifies. This debate points out how we can better understand other cultures with a sympathetic appreciation of their values, but cautions us against abandoning universal values. In other words, it encourages us to think about the value implications of our value choices and the practical consequences of our values for our scholarship. This dichotomy does not facilitate considering the material and practical consequences of the value choices of the societies we study. Such concerns have had a decisive impact on the relationship of Western values to Asian values.

The bias in Asian studies toward relativism is not just a reflection of the high value we place on understanding, but also reflects Western culture. Our rational and skeptical culture has undermined our belief in religion and other alleged universal standards of truth and justice. Liberalism preaches tolerance for diverse points of view. Many liberals encourage toleration and respect for even illiberal points of view. Relativism is only one more small step in the same direction.

Values are not all equivalent, though, and do make a difference. Western culture may leave us with few truths to believe, but it has proven very productive in material terms. Individual autonomy, legalism, and rational skepticism have proven a sturdy foundation for the development of technology. Liberalism is also well-suited to capitalism, which provides powerful incentives for employing technology to promote production, even when the new technology disrupts an entire community. Awash in material success, it is natural that Western intellectuals should regret the loss of such things as community and enchantment.

The problem has a different cast from the perspective of those who encounter Western civilization from the outside. With the advent of a world economy and a

global security system, all societies have to make choices about values in an aggressively competitive environment. Most people want to keep their own values. But failure to match the material success of liberalism and capitalism results in weakness and vulnerability. For example, despite the military success of the Chinese revolution and the establishment of a powerful and autonomous state, China still must come to grips with liberalism and capitalism. Even the best organized, most militant attempts to wall off the outside world and create an alternative moral universe—such as the Democratic People's Republic of Korea—have failed by most criteria. Most Asian societies have had to make difficult choices about what in their culture has to be abandoned to protect the rest.

Nineteenth-century liberalism is not a final answer and the poor and weak are not the only ones caught in such dilemmas. The innovative success of the Japanese and other newcomers yet to come inevitably presents the existing powers with the same old problems. Being wealthy and powerful has its advantages, but Americans, for example, must rethink the values of individuals and groups in organizational management and their attitude toward education or face dire consequences. At present, no society can be effectively shielded from the impact of the world market and all societies have to make difficult choices.

The debate between universalism and relativism does not capture these problems. I do not believe that we can confidently discern universal values. Values that succeed in the material world might not be at all attractive from a purely ethical point of view. Values that succeed in generating material success in one era may later become an impediment. But neither is relativism an adequate alternative. Relativism implies that all value systems are equivalent; they might be in a purely ethical realm, but not in the everyday material world. For better or worse, all of us, especially the poor and weak, spend most of our lives in a material world and have to make our choices accordingly.

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Leo Suryadinata has sent the following response to Donald K. Emmerson's review of his *Military Ascendancy and Political Culture: A Study of Indonesia's Golkar*, published in *JAS* 50.1 (February 1991):217–18:

Professor Donald Emmerson disagrees with me on my interpretation of Golkar. He is of the view that: (1) Golkar is merely an electoral machine; (2) Golkar is not a political party, unlike the PPP and the PDI; and (3) the expanded use of *abangan* is inappropriate.

Is Golkar an electoral machine? I do indeed agree that Golkar has functioned as an "electoral machine." As a matter of fact, I have argued that Golkar was "revitalized" because of the elections. However, unlike the "standard western view," I consider Golkar more than an electoral machine. Professor Emmerson seems to have missed my discussion on the origins of Golkar. Noting that there was no major party which could represent the interest of the *abangan* generals in the general elections, Sekber Golkar was "revitalized" (created). Therefore, Golkar was created not only to contest the elections in order to legitimize the military-dominated government, but it was also an expression of the *abangan* political culture. Golkar has often been used to defend this culture. Indeed, one can see that gradually Golkar is being used by the authorities to promote the *Pancasila* (defined as religious pluralism) ideology

in opposition to Political Islam. In fact, I have discussed at length how the government has utilized Golkar to push through “non-Islamic” bills such as the marriage bill, the five *Pancasila* bills, etc. Would these functions not be considered beyond those of an electoral machine?

Is Golkar a political party? Again, in my presentation I have discussed the origins and development of Golkar. The authorities have claimed that it is a “socio-political force,” and I have presented it as a “political organization” which has the characteristics of, and functions of, a “political party.” I am aware of the danger of using the term “political party” and have discussed the ambiguity of defining Golkar as a political party, but the problem in using the rigid Western definition of political parties is that most Indonesian groups would not qualify as political parties (the PPP and PDI included).

Professor Emerson also takes issue with me on the use of the *abangan* concept. He said that it should be confined to the Javanese and that my usage of the word *abangan* is almost beyond recognition because I have expanded the meaning of the term used by Clifford Geertz to include non-Javanese and occasionally non-Muslims as well. I also use this term to refer to *Pancasila* culture and, indeed, I have noted this in the book. I found the expansion of the concept useful to explain Golkar as an *abangan* and *Pancasila* political organization, because not only the Javanese *abangan* but also the non-Javanese nominal Muslims and non-Muslims have clustered around this “party,” differentiating themselves from the *santri* and “political Islam.” The *abangan* are the people who object to the establishment of an Islamic state or an Islam-based political order. I have argued in the book that one aspect of Indonesian politics can also be seen as a conflict between *Pancasila* (*abangan*) and “Political Islam” (*santri*). Would this be an “oversimplification” and/or “misunderstanding” of the terms “*abangan*” and “Golkar”? Or can it be a fresh look at an old concept and a new interpretation of Golkar, which had been “oversimplified and misunderstood” before?

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Donald K. Emerson replies as follows:

I am sorry that Leo Suryadinata feels I have misinterpreted his book, but nowhere in it did he define the term “political party.” In his response to my review, he writes that Golkar has the characteristics and functions of a party, and I am happy to agree, but how can I do so without knowing what in his judgment they are?

In his reply, Suryadinata appears to conclude that Golkar *is* a political party; if it walks and talks like a duck, it must be one. But in his book he concluded that “Golkar has *not* been transformed into a *genuine* political party” (p. 121; my italics). Instead, he concluded, Golkar has been turned into “a political party which is used as an electoral machine” and serves “to consolidate the non-Islamic political system.”

When he wrote the book, Suryadinata apparently believed that a “genuine” party must do more than win votes and consolidate a system. Again, I am willing to go along. But what are the missing things that Golkar would have to be or do in order to become a “genuine political party”? Or am I to conclude from Suryadinata’s letter, as opposed to his book, that Golkar already has met those unnamed criteria of authenticity?

If we are not explicit about such matters, we risk importing into our understanding of Indonesian politics terms whose connotations do not belong there. The Western-liberal notion of what a genuine political party should be, for example, is part of a larger vision of a democratic polity in which parties vie freely for public support. Indonesia fits this picture poorly; political competition there is sharply circumscribed. Yet neither does the country have a one-party system.

If Western-democratic terminology misleads, should we approach Golkar through the Leninist model of what a political party can be? Not at all. Golkar is not permanently mobilized and it lacks the tight cellular structure typical of Leninist parties, not to mention its anticommunism and indifference to whatever passes for a proletariat in Indonesia.

If Golkar is neither liberal nor Leninist, will an Asian model work better? Not necessarily. In Japan, the ruling party has retained power since its formation in 1955. Similarly in Indonesia under the New Order, the incumbency of Golkar has never been interrupted. Is Golkar then a tropical version of the Liberal Democratic Party (LDP)? No. Golkar is not a ruling party. Insofar as any institution rules Indonesia, it is the military. In Japan, whoever has headed the LDP has headed the government. Golkar has not been a comparable escalator to power. Soeharto having remained president of Indonesia since 1968, power at the top has not been transferred at all.

One may speculate that in the eventual transition to a post-Soeharto era, Golkar will become a genuine ruling party in the sense that whomever it selects to lead it will become president of the country. But the army will not lightly relinquish its own power to decide. Consider the anger in the officer corps over retired General Sudharmono's rise to the vice presidency. As head of Golkar, he managed to boost its share of the vote in the 1987 election to an unprecedented 73 percent. Army leaders were more surprised than pleased at this success because it raised the spectre of Golkar's becoming a power base outside their control. Subsequent efforts by the army to redomesticate the organization suggest that Golkar will not soon acquire a truly ruling role.

In light of all these ways in which Golkar has not conformed to expectations of what a "genuine" political party should be, the conventional wisdom that Suryadinata challenges still seems reasonable to me; that over the course of its life under the New Order, Golkar has served mainly—not only, but mainly—to support the electoral and legislative facades behind which power has been kept in other hands. I am willing to call an organization whose chief duty has been the sustaining of these facades either a genuine political party or a fake one, but not without first specifying the difference.

If Suryadinata fails to say what he means by "political party," his definition of *abangan* is all too clear: *abangan* = nominal Muslim = *Pancasila* = people who oppose the formation of an Islamic state. But some nominal Muslims are critical of *Pancasila*, and some of the people who object to an Islamic state are not nominal Muslims at all but non-Muslims (Christians, for example). By reducing the rich complexity of Indonesian politics to one binary opposition, Suryadinata impoverishes his account.

In August 1991, Golkar began processing names of candidates who might run under its banner in the May 1992 election. Among those cited in the press (*Tempo*, 3 August 1991, p. 21) were Tanri Abeng, Aburizal Bakrie, Nurcholish Madjid, Kosim Nurzaha, Anthony Salim, and Sofyan Wanandi. Not one of these well-known Indonesians is *abangan* in the conventional sense of that term, because he is not a Javanese, or not a Muslim, or takes Islam too seriously to be a nominal Muslim.

By redefining *abangan* to supercede ethnicity, Suryadinata eliminates the first inconsistency, but not the second or third.

In his book and his reply, Suryadinata acknowledges that such Indonesians have been attracted to Golkar. But to imply that in supporting Golkar they become *abangan* by virtue of “object[ing] to the establishment of an Islamic state” (reply) is to confuse political affiliation with cultural identity; to overlook the option of supporting the secular-Christian PDI, whose aversion to political Islam exceeds Golkar’s; to ignore the fact that many people support Golkar for reasons that have nothing to do with fear of an Islamic state; and to fail to understand that some of those who support Golkar are believing and practicing Muslims.

To imply that a genuine as opposed to a nominal Muslim must necessarily desire an Islamic state is to deny the self-identifications of millions of Indonesians who consider themselves good Muslims, and who may perform most or even all of the five core obligations (declaration, prayer, fasting, alms, pilgrimage), but who do not want Indonesians to be made to obey Islamic laws. Confusing political with pious Muslims obscures the diversity of political views that pious Muslims can have and the variety of ways in which political Muslims can express and define their piety.

More and more in recent years, Golkar and its sponsoring regime have accommodated Muslim sensitivities and agendas. In his book, Suryadinata defended his thesis—that Golkar expresses *abangan* culture—against such evidence by stressing the ability of *abangan* persons and organizations “to become ‘Islamic’ while the basic ‘Javanese’ is retained” (book, p. 130). But it is inconsistent for an author who has defined *abangan* explicitly in transethnic terms to cite “Javanese” as basic to what *abangan* really means. As for what “Javanese” means, or how “Islamic” Golkar would have to get before losing its “Javanese”—on these matters Suryadinata is unforthcoming.

As I wrote in my review, *Military Ascendancy and Political Culture* is an informative book. It could have been improved had its author been more aware that his categories might be problematic. Perhaps I am mistaken, but I find them so.

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