

## Tolerance of Minorities and Cultural Legitimacy: The Case of Pesantren Khusus Waria Al-Fattah Senin-Kamis Yogyakarta

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### Abstract

This paper discusses three main ideas; tolerance, pluralism, and cultural legitimacy. By taking Pesantren Khusus Waria Al-Fattah as the illustration, this article proposes an example of how a religious, political, social, and sexual marginalized community can live in harmony with other communities. In this paper, the author believed that pluralism means the legitimacy of all kinds of 'difference' instead of solely seen by the existence of difference itself. Furthermore, this article aims to provide information on the importance of the legitimacy of the culture (*cultural legitimacy*) which is driven by both elite and community in order to provide equal rights for its citizens, including those who considered as "other".

### Key Words:

pesantren waria; cultural legitimacy; tolerance; pluralism

### Abstrak

Tulisan ini membahas tiga ide utama, yaitu toleransi, pluralisme, dan legitimasi budaya. Dengan mengambil ilustrasi pondok pesantren khusus waria Al-Fattah, artikel ini mengemukakan contoh bagaimana suatu komunitas yang termarginalisasi secara religius, politik, sosial, dan seksual dapat menjalankan aktivitasnya di bawah perlindungan Kesultanan Yogyakarta dan didukung oleh sifat toleransi masyarakat Jawa. Dalam tulisan ini, penulis menggunakan pendekatan yang menyatakan bahwa pluralisme berarti legitimasi atas segala macam 'perbedaan' dan bukan hanya dilihat dari eksistensi perbedaan itu sendiri. Lebih lanjut artikel ini bertujuan memberikan informasi akan pentingnya legitimasi budaya (*cultural legitimacy*) baik yang didorong oleh elit maupun masyarakat dalam rangka memberikan hak-hak yang sama bagi warganya, termasuk mereka yang dianggap "liyan".

### Kata Kunci:

pesantren waria, legitimasi budaya, toleransi, pluralisme

## Introduction

Transgender (*waria*<sup>1</sup> in Indonesian term) is a subject that has had a great hold on the imagination of many postmodern scholars since controversies and debates on their identity. In Indonesia, discussions on *waria* were “missed” during the New Order era due to the transgender inconformity to national ideology<sup>2</sup>. Today, by the help of media and human rights equality awareness brought by Indonesian modernists and reformists, there are emerging discourses on *waria* in contemporary Indonesian society and citizenship.

Furthermore, relevant and extensive research had been conducted on issues pertaining Indonesian transvestites on issues regarding social exclusion (e.g. Koeswinarno 1997), HIV/AIDS (Koeswinarno 1989), and marginalized political identity (Boellstorff 2004). On the contrary, there is almost no literature work which can elucidate the (institutionalized) ‘piety movement’ of people who are socially, politically, and sexually excluded from the hegemonic heteronormative world. Thus, this study will move beyond the usual foci of transgender scholarship.

<sup>1</sup> *Waria* is the abbreviation from the terms *wanita-pria* (literally implies woman-man). This word was first introduced by Alamsyah, the Minister of Religious Affairs in 1970s, and then advocated by President Soeharto. This decision was caused by rejection from some Muslim groups for the use of the word *Wadam* to address transgenders and transsexuals because it means Hawa-Adam (eve-Adam). They considered it as inappropriate to call transgenders and transsexuals with the name of the Prophet Adam. Before the terms *waria* and *wadam*, some Indonesians called transgender and transsexuals as *banci*, which is believed stemming from Javanese ‘bandule cilik’ (small testicles) (Boelstorff 2004, 185). Until today, the word *banci* is still used in commercial media and in some societies as an expression of mockery for transgenders and transsexuals. In this essay, I employ the term *waria* to guide the readers that I analyze transgender people squarely within the Indonesian framewok, and not Western framework.

<sup>2</sup> for further information on internalized Soeharto’s ‘citizen-subject’ which requires men to be “masculine” and women to be “feminine” to be included in Indonesian citizenship discourses, see (Boellstorff 2004)

This paper explores three big ideas, viz. tolerance, pluralism, and legitimacy. Of chief concern is how many Yogyakartaese deal with ‘variations’ of genders and ways of learning and performing Islamic precepts and rituals. Moreover, this paper centers on such research questions: what are specific character and factors of Yogyakarta which render its inhabitant tolerant to *pesantren waria* (*pesantren* of transgenders and transsexuals)? And what is the role of Yogyakartaese Sultanate as the sole and supreme authority?

My standpoint in this study about interconnection between pluralism and legitimacy also resonates with that of Peletz (2006): that pluralism indicates the legitimation of ‘differences’ rather than only existing facts of differences per se.

To carry out this study, the author conducted five-month-fieldwork research in the *Pesantren Khusus Waria Al-Fattah Senin-Kamis* Yogyakarta. Much of the information here is also based upon interviews with 20 *warias* during the period of field research. Besides formal and informal interviewing and the study of printed materials, the writer spent a good deal of her time observing and participating in many kinds of activities held in the *Pesantren Waria*, especially *pengajian*, *arisan*, and interfaith dialogue.

This presentation will review the background of the *Pesantren Waria*. The author will also discuss the special conditions that characterize the city of Yogyakarta which supports the existence of the *Pesantren Waria*, such as cultural legitimacy from Sultanate of Yogyakarta and local and religious tolerance.

For the purposes of my argument, accordingly, what is most relevant is the degree to which activities in this *pesantren waria* are recognized by society, religious leaders, and — most importantly local ruling elites — so that this ‘marginalized’ community can gain equal rights like their ‘conventional’

pesantren (exclusive for 'normal' Muslim women and men) counterparts, such as tolerance and protection. Therefore, in the Yogyakartaese context, I will scrutinize cultural legitimacy more than legal (state) legitimacy as one of factors give rise to the existence of the Pesantren Waria.

### The Background of the Pondok Pesantren Khusus Waria Al-Fattah Senin-Kamis

*Pesantren* have played a very pivotal role in the continuum of Indonesian traditional Islam (Dhofier 1999; Van Bruinessen 1995), revival of modernity combined with Islamic values (Lukens-Bull 2001), and role of Kyai as a 'cultural broker' (Geertz 1960). However, concerns for *Pesantren* are exclusively based on biological determinism (*i.e.* *pesantren* either for women, for men, or mixed-sexes). Until recent, there is no *Pesantren* for *waria* among more than 24,000 *pesantrens* in Indonesia<sup>3</sup>. Given the fact that three biggest Indonesian Islamic organizations — namely Nadlatul Ulama, Muhammadiyah, and MUI (State-based Indonesian Ulama Council) — classify *waria* as 'deviant' from heteronormative sexual orientation (*normal* in Indonesian term) and the shortage of concern from government to facilitate the spiritual need of lay Muslim *waria* community to learn about 'secure'<sup>4</sup> Islam,

this *Pesantren waria* fills a critical lacuna for many Indonesian Muslims.

When the first time I came to this *Pondok Pesantren Khusus Waria*, my *a priori* paradigm about what constitute the so-called 'Indonesian *pesantren*' was totally wrong. For Dhofier in his compelling work, *The Pesantren Tradition: the Role of the Kyai in the Maintenance of Traditional Islam*, the word *pesantren* stems from the word *santri*, with prefix *pe-* and suffix *-an*, thus literally meaning 'the place of *santri*'. Meanwhile, the term *pondok* — which literally means 'bamboo hut' stems from the made-of-bamboo-dormitory where *santri* (*pesantren*'s novice) inhabit. It might also originate Arabic term *funduq* which implies 'hotel or dormitory' (1999: 2-3). Accordingly, conventional<sup>5</sup> *pesantrens* that fit criteria from Dhofier possess such essential elements: *kyai* (the owner of and the most powerful man in the *pesantren*), *pondok* (dormitory for *santri*), *santri*, and traditional Islamic teaching.

By contrast, in this *pondok pesantren waria*, we will not find a big and wide dormitory whose many *santris* live there to learn 'normative Islam'. Nor did I meet a considerable numbers of students with some *kyai* and *ustadz* monitored their daily behavior and progress of study. Rather, I only found a small house which consists of small rooms

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Consequently, some Muslims will feel 'insecure' to do such religious rituals in such 'coercive' fashion. When this happens, the aim of religious rituals to be intimate with God can be challenged. In a more philosophical sense, Michel Foucault (1990, vol. 2: 27) names this 'coercion' as 'mode of subjectivation', that is 'the way in which the individual establishes his relation to the rule and recognizes himself as obligated to put it into practice'. In addition, the term 'secure' stems from emotional expression from all *warias* with whom I interviewed. They claimed that it is 'secure sentiment' (*perasaan nyaman*) which becomes their main reason to choose sarong or *mukena* while performing individual and communal *shalat* (*berjamaah*).

<sup>5</sup> conventional' here stands for 'following what is traditional or the way something has been done for a long time' (Oxford Advanced Learner Dictionary, 8<sup>th</sup> Edition, s.v. 'conventional').

<sup>3</sup> This is based on data from Ministry of Religious affairs ([http://republika.co.id:8080/koran/136/127418/Mengukuhkan\\_Peran\\_Pesantren](http://republika.co.id:8080/koran/136/127418/Mengukuhkan_Peran_Pesantren)) and interview with Mariani, the founder and leader of Pesantren Waria Al-Fattah Senin Kamis, Saturday, 12 December 2010.

<sup>4</sup> I use the term 'secure' here as a shorthand to describe Islam as *rahmatil lil alamin* (justice for all mankind) whose ritual practices can render its adherents feel 'secure' to get closer with God. By applying the adjective 'secure', I would also like to show that there is also adjective 'coercive' to portray how 'Islamic interpretations' can be monopolized and benefited by particular ruling elites, institutions, and persons to force other Muslims to follow their interpretations, including in performing some Islamic rituals, such as *shalat* and the veil.

located in Notoyudan, one of dense areas in Yogyakarta, with about ten *warias* praying *maghrib*<sup>6</sup> together. For me, this community is much more appropriate to be called as *pengajian* (religious congregation) than a *pesantren*. When I asked Mariani<sup>7</sup>, the founder and the head of this *pesantren*, why she called this *pengajian* as *pesantren*, she simply answered, 'Pesantren is a religious educational institution (*sekolah pendidikan agama*) where we are taught how to do *shalat*, to memorize *doa*, and to recitate Quran.' In my opinion, this means that there is a pious movement among *warias* in Yogyakarta despite their nocturnal life and *prima facie* stereotype from most members of the society regarding their 'deviant' comportment accommodated through this *pesantren*.

The words '*khusus waria*' (only for waria) themselves are for me very interesting because it deconstructs the deep-rooted social construction in the society about the exclusivity of the 'conventional' *pesantren* regarding identity and gender (*i.e.* boys, girls, men, women). I can say that there is no space left in conventional *pesantren* for *waria*. Moreover, the words '*Senin-Kamis*' (Monday-Thursday) added after the name of the *Pesantren Khusus Waria Al-Fattah* also worth scrutinizing because in the conventional *pesantren*, usually *santris* are required to stay in *pesantren* for years for the sake of 'ascetic life'. Mariani told me that the words

'*Senin-Kamis*' were days when all *santri waria* come to study about Islam from different *ustadz* (Muslim cleric) from *subuh* until afternoon. At present, when all *warias* become busier with their jobs, they only come once a week, that is Sunday night.

This *pesantren* was first formed after the 2007 destructive earthquake that caused many deadly victims, including *warias*. At that time, almost all lesbians, gays, and transvestites in Yogyakarta, either Muslims or Christians, gathered to pray together for the victims. Beside organizing interreligious prayer, Mariani and her best friend, Shinta (49), also raised donation for many *warias* all over Java<sup>8</sup>. After that, they bought food from that donation to be distributed to all victims irrespective of their religions. They used the rest of the money to organize a *pengajian* for every 35 days. Next, when they felt that such *pengajian* was not sufficient anymore to accommodate their spiritual need, they discussed the possibility to establish a *pondok pesantren khusus waria* with Kyai Haji Hamrolie. He is one of well-respected Muslim clerics in Yogyakarta who has his own *pengajian* with a considerable number of followers. He belongs to well-known Islamic family in Banjarmasin and Purwokerto. Interestingly, he is a well-educated preacher which succeeds in his religious, academic, and workforce life. He has a master degree from Malaysia and works as a lecturer on economic studies at Janabadra University, Yogyakarta. In addition, he is also an instructor of LP2ER (Lembaga Pengkajian dan Pendidikan Ekonomi Regional or Center of Regional Economic Education and Study) and a staff in the Regional Representative Assembly of Malawi District, Borneo Province (<http://mujahadah-alfatah.blogspot.com/2009/03/profil-singkat-khdrshamrolie-harunmsc.html>).

<sup>8</sup> This is based on the interview with Shinta, one of *warias* of *Pesantren Waria Al-Fattah Senin-Kamis*, 22 August 2010.

<sup>6</sup> Islam requires all Muslims to do 5-time-prayer (*shalat*), either individually or communally. Time for performing *shalat* are *subuh* (when sun rises, about 04.30-05.30 in the morning according to Indonesian zone time), *dhuhur* (midday, about 12.00-14.00 o'clock), *ashar* (in the afternoon, about 15.00-17.00 o'clock), *magrib* (when sun sets, about 18.00-19.00 PM), and *isyah* (after 19.00 PM).

<sup>7</sup> Mariani is a 50 year-old *waria* who has become a *waria* since she was very young. In this paper, instead of using the pronoun 's/he' and 'hir' for possessive pronoun that are commonly used in the query theory and analysis, I will only apply pronoun 'she' and possessive pronoun 'her' for the reason of respect for *waria's* identity and community.

Moreover, He is respected as the 'inspiration' of this *pesantren* since his open-mindedness to *waria* has inspired and fueled the erection of this *pesantren*. Before the existence of *pesantren waria*, he always welcomed Mariani as the only *waria* among 3000 other members of his *pengajian*. Mariani admires his wisdom a lot and therefore chose *Al-Fattah*, the name of *pengajian* of Kyai Haji Hamrolie, as the name for this *pesantren waria*. After that, he asked some of his students to become *ustadz* and *imam* in this *pesantren* that later educated *warias* about Islam, particularly how to do *shalat*. There were 25 *ustadz* in this *pesantren*, but today there are only three *ustadz* remains, namely Muiz, Isnaini, and Kholis.

This is the first time in Indonesian (and in Islamic world) history that *warias* are allowed to create their own religious institutionalized community which they name '*pondok pesantren khusus waria*'. I can say that the existence of this *pesantren* is a sort of 'everyday resistance' (Scott 1985) for the force of hegemonic 'Islamic' discourse in Indonesia that these *warias* do not conform to the (socially constructed) masculinity: if they want to learn Islamic religious values in the 'conventional' *pesantren*, they have to be 'healed' and behave in 'masculine' manner first<sup>9</sup>. It is merit attention that the erection of this '*pesantren*' is not because of mistreatment and rejection from members of either any *pengajian* (religious congregation) or *shalat jamaah* (communal prayer, usually in the mosque) in Indonesia because Mariani told me that she never faced such problems. Rather, as I have mentioned before, this *pesantren* has an agenda to teach Islamic tenets to other *warias* without making them feel insecure (or offensive). Surprisingly, her surrounding neighbors advocate this *pesantren* and always attend her invitation for commemorating Islamic important days,

such as *Mauludan* and *Isra Mi'raj*<sup>10</sup> through *pengajian* (religious congregation to discuss about or listen to sermons and Quranic verses about particular issues).

At the first time, there were more about 30 lesbians, gays, and transgenders participated in this *pesantren*, but today the members of this Islamic religious community only belong to transvestites from various regions in Indonesia living in Yogyakarta, without gays and lesbians. She explained further that it was caused by intense media coverage which rendered these gays and lesbians felt uncomfortable. Unlike transvestites, gays and lesbians tend to 'hide' their 'identities' from their heterosexual friends and families.

Sometimes members of *pesantren waria* visited graves (*ziarah kubur*) of *waria* in Yogyakarta to pray for them because usually they are never visited by their family's members. Mariani told me that if there is a *waria* died, all *waria* will gather in this *pesantren waria* to help her cleanse the corps (*memandikan jenazah*). During Ramadhan, these *warias* usually break the fasting (*buka puasa*) and pray *tarawih*<sup>11</sup> together with the neighbors of *Pesantren Waria* and the poor<sup>12</sup>. When Merapi eruption hit Yogyakarta in 2010, they distributed some food to shelters.

Today, to promote this *pesantren*, Mariani attended some seminars, workshops, and talk shows in radio. Many local,

<sup>9</sup> This is based on the interview with Mariani, 22 August 2010.

<sup>10</sup> *Mauludan* is the day when Prophet Mohammed was born and *Isra Miraj* is the moment when Prophet Mohammed did the night journey to visit Al-Aqsa mosque in Jerusalem and then ascended to heaven. In Yogyakarta, there is a ritual done by *Keraton* [Yogakartanese kingdom] to celebrate *mauludan* called *sekaten*, a sort of syncretism between Islamic teachings and Javanese mysticism.

<sup>11</sup> A communal prayer performed in mosques only during Ramadhan after *isya'* prayer.

<sup>12</sup> Of many big cities in Indonesia, Yogyakarta is the most famous one for its plural milieu since most of its inhabitants are well-educated and open-minded people which result in people's 'tolerance' to *waria* community (Koeswinarno 1997), including to *Pesantren Waria*. This fact is fueled by the endorsement of Yogyakarta principles on the application

national, and foreign journalists have broadcasted activities in this *pesantren*. Mariani said that journalist from abroad usually expressed their appreciation because they consider Indonesians as very tolerant. They cannot imagine whether they can build such *pesantren waria* in their countries.

### **A Place of the Invisibles or a Community for the Pious?**

It has been a truism that *waria* community in Indonesia is invisible in the eyes of government and society unless they can prove their *prestasi* (achievement) (see Boellstorff 2004). The term '*prestasi*' here highlights the positive contribution of *warias* in society, such as being activists in NGOs, promoting the danger of HIV/AIDS, helping victims or natural disaster, and so forth<sup>13</sup>. This word also points towards an expression of the ability of *warias* to demonstrate their piety amidst stigmas and beliefs of many people that they are wild (Indonesian, *liar*)<sup>14</sup>. In the reading of *pesantren waria*, the comprehension of piety paralleled the trajectory of individual commitment to experience a gradual ethical self-transformation which finally affects social relations and leads to the betterment of economy. Instances below provide potent evidence of their travails to have a new (publicly acknowledged) identity as a pious community.

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of "Human Rights Law in Relation to Sexual Orientation and Gender Identities" on 26 March 2007 whose objective is to respect human rights implementation regardless sexual orientation (O'Flaherty & Fisher 2008).

<sup>13</sup> Interview with Inez, 15 April 2011.

<sup>14</sup> This label appeared many times during my interview with some anonyms interlocutor when I conducted preliminary research on December. Besides, *ustadz* Maulidi explained to me that the existence of this *pesantren waria* can prevent *warias* working on street from becoming wild (taken from interview 21 April 2011).

### **1. Arisan: Saving Money and Maintaining Communal Harmony**

Clifford Geertz in 1953-1954 (1962) has remarkably conducted a research about the practice of *arisan* in Modjokuto, Eastern Java. He defines *arisan* as mutual help or cooperative endeavor, a kind of a small informal gathering whose goals are to maintain *rukun* (communal harmony) within the tradition of *gotong royong* (mutual assistance) as typical character of Indonesian nation. Based on his observation, there are several characteristics of *arisan*. First, its members meet every week and are required to give fixed sum of money as weekly contribution determined by agreement among its members. Second, an *arisan* possesses a small membership because it is exclusive. Third, as there is no staff, *arisan* is based on trust. Fourth, *arisan* is popular mainly among women. Fifth, members of *arisan* usually draw their money not by agreement but by lot. The last, *arisan* has objectives for both social solidarity and saving money.

These descriptions of *arisan* are very well-suited to *arisan* as practiced in *pesantren waria*. Most of these *warias* work on the street and salon (although three of them are an activist, an English teacher, and a dance teacher) with minimum income. Moreover, the practice of *arisan*, as observed in this *pesantren*, can teach the participants how to save money through *arisan* which is more informal and easy to understand than banks or other institutions. Saving money is very important for working class people because of the unstable Indonesian economic condition and unavailability of public facilities (e.g. hospitals, schools, etc.) for the poor. In addition, this activity can also move these *warias* beyond prostitution. Usually, *arisan* among *warias* is conducted after the Magrib prayer and regular sermons, every Sunday evening. Many *warias*—either Muslims or non-Muslims, from inside or outside Yogyakarta—gathered to do *arisan*. However, given busy

activities and irregular income of some *warias*, members of weekly *arisan* in the Pesantren Waria are not fixed.

Furthermore, these *warias* can also strengthen their relationship regardless of religions or ethnicities by gathering each week to do *arisan* and to chit-chat about everything which has happened to them. Why maintaining communal harmony is important in a particular community like this *arisan*? Because, as put forward by Deeb (2006: 8), 'community' (*gemeinschaft*) means a group that is not united by origin or space, but by shared beliefs on a particular thing (i.e. their 'invisible' subject position in the Indonesian citizenship discourse, their low-class status, and stereotypes from the majority of Indonesian society). As *warias* are minority sexually and religiously<sup>15</sup>, strengthening the internal social tie within this 'exclusive' community is necessary to keep the members of *arisan*, which will also be the members of the *pesantren waria*. Hence, loosening some members can threaten the existence of the *pesantren*<sup>16</sup>. Next, according to my observation, I found out that the *arisan* was intentionally conducted communal prayer (*shalat jamaah*) and religious sermons so that many *warias* participate in those religious rituals, at least listening to what *ustadz* preaches. Even non-Muslim *warias* are encouraged to hear sermons since they promote positive messages of mutual respect and communal harmony between Muslims-non Muslims and *warias*-their neighbors. In the fol-

lowing explanations, I will show how sermons are important to both the making of *warias'* piety and promoting interfaith dialogue.

## 2. *Pengajian: Controlling Righteous Conduct through Sermons*

*Pengajian* is omnipresent in Indonesian Muslim lives and a salient part for their 'everyday religion'. Morris (1996) illustrates three characteristics of *pengajian*. First, in a *pengajian*, Muslims recite Quran. Second, since Qur'an is written in esoteric Arabic, translation is needed so that the members of *pengajian* can understand it better. Third, the *pengajian* leader, usually a man, scrutinizes and delivers Quranic text with sermon-style rather than discussion-style. In this sense, he must possess good knowledge about Islam and be able to memorize Qur'anic verses well because Qur'an is '... a body of precepts to be memorized, comprehended, and observed' (Geertz 1971: 73). Sometimes members of *pengajian* hold *yasinan*<sup>17</sup> as well.

However, *pengajian* is more than that. It is a place where one can get moral support to do ritual practices and to share one's daily experience from other members of *pengajian* in the realm of religion as long as one is consistent with one's *pengajian* membership and activities. With the regard of Mahmood's study, *pengajian* can function further, i.e. to ensure that the making of virtuous selfhood works on the right track by synchronizing regular bodily performativity with daily ethical comportment.

For example, one day during a regular weekly *pengajian*, *Ustadz* Maulidi preached about good intention coming from heart:

We have to judge somebody from one's heart instead of one's physical appearance [*dhohir* or *lahir*]. For example, when I wear *baju koko* [traditional clothing for Muslim men worn during prayer]...it could make me look like

<sup>15</sup> in the sense the way they perform Islamic religious rituals.

<sup>16</sup> There were some recurring discussions during my subsequent visits in this *pesantren*. At that time, there had been a conflict between two biggest *waria* organizations in Yogyakarta (which I cannot mention in this paper due to ethical consideration). As a consequence, some members of these organizations decided to leave their membership and join in *arisan* in the *pesantren* which they considered as 'neutral politically' (taken from my fieldwork notes, 23 April 2011). This means that keeping membership is very contingent for the sustainability of a given 'community'.

<sup>17</sup> Praying for dead relatives, neighbors, or friends by reading *yasin* verse from Qur'an together.

a good Muslim [*seakan-akan Islam*], yet in fact I had bad heart. On the other hand, there is also a person wearing messy clothes yet he/she is a kind-hearted. So, we have to be able to unite two potentials that we have, namely appearance and heart. Imam Syafii said, "Since it is difficult for human beings to judge someone's heart, they judge him/her based on his/her appearance". If someone has stolen something but his/her heart did not regard it as a stealing, what he/she did is indeed stealing. Thus, we have to make balance between appearance and heart... [I move to the end of the sermon] We can do what other people who identify themselves as "normal" [heteronormative] do [refers to good deeds]. So, we have to change ourselves into better persons<sup>18</sup>.

Suddenly, Yuni asked Ustadz Maulidi:

What if someone is very diligent in doing five-time prayer, but she has bad attitudes? Meanwhile there is another person who is not diligent in performing *shalat* yet she obeys Islamic values, such as not stealing, not fighting, not gossiping. What do you think about that?

Ustadz Maulidi answered:

It means that there is no balance between her rationality and spirituality. There is someone who has much knowledge about Qur'an yet she has weakness in her emotional capability. Meanwhile, there is also a person who is diligent in performing religious rituals but she does not have good emotion. So, we have to synchronize among rationality, behavior, and spirituality. It is a step-by-step process...through this *pesantren*.

Note how the *ustadz* explained that a religious culprit has to do with one's bad compartment. In this sense, religious rituals could be devalued by imbalance between performance (*shalat*) and competence (social interactions). He also mentioned that this kind of 'technology of the self' can be pursued through gradual process facilitated by this *pesantren*. Moreover, on another occasion, he preached that *pesantren waria* can be an ae-

gis to perpetuate the sense of solidarity among Muslim *warias* to get the condition of *insan kamil* (perfect human beings through good characters) by telling if one has a mistake and supporting each other<sup>19</sup>. This means that the 'practices of virtues' are taught, inculcated, and even strengthened here.

### 3. *Interfaith Dialogue Coming Out From Closet: From Respecting Religious Others to Struggle for Recognition*

The word 'faith' from 'interfaith dialogue' is the core value of religion because, of which Martin Luther also spoke, "faith (*fides*) is essentially trust (*fidecia*)" (Berger 1981: 31). Concomitantly with this concept of "trust", Leonard Swidler proposes the "Ten Commandments in undertaking the interreligious and interideological dialogue" which emphasizes "the honest intention" (1983: 28). This means that our true intention in engaging in interreligious dialogue is not to undermine others' belief or to convert those who have faith in different religions, but rather to deepen our comprehension about other convictions.

At this time, many Indonesians are struggling with 'interfaith dialogue' due to the emergence of intolerance circumstance in many areas inspired by a monolithic interpretation of 'Islam' by the state and many Islamic organizations and legalized through SKB 3 Menteri (Joint Decree of three Indonesian Ministers) (cf. Howell 2011 for "delimited pluralism"). Further, the *fatwa* of MUI No.7 year 2005 stating that religious pluralism is *haram* (see Gillespie 2007; Munawar-Rahman 2010: Chapter V), and the rising of fundamentalism from particular radical groups, like FPI (Front Pembela Islam or Islamic Defender Front) and MMI (Majelis Mujahidin Indonesia or Indonesian Mujahiddin Council) have created conditions of intolerance, Meanwhile, *pesantren Waria*

<sup>18</sup> Taken from my records, 20 March 2011.

<sup>19</sup> Taken from my record, 23 April 2011.

has educated us what 'interfaith dialogue' really means. These *warias* even has shown us that 'faith' is beyond 'trust' through their daily interactions with other Christian *warias*. For them, *faith* means friendship and sharing.

For instance, Mariani once invited Christian *warias* and researchers to join *pengajian* that evening. Moreover, Ustadz Maulidi as preacher, did not distinguish Muslims and non-Muslims when he gave his sermons. First, he addressed both Muslims and non-Muslims. Second, he explicitly encouraged interfaith dialogue by respecting non-Muslims' God and religion instead of calling them 'kafir' (heathen) or trying to convert them. Lastly, he preferred *amar ma'ruf* (inviting Muslims to do goodness) rather than *nahi mungkar* (banning something considered as *haram*). He chose to tell a message about love in Islam rather than war, tortures after death, Zionism, or hatred which we can find in many sermons in mosques<sup>20</sup>.

As such, all Muslim *warias* are secure and are willing to hear every sermon. Meanwhile, for non-Muslim *warias*, preachings and activities in this *pesantren*, whose ulti-

mate objective is interfaith harmony, have transcended socioreligious differences.

Another significant point which I have to mention here is the public interfaith dialogue held 15 March 2011 in this *pesantren*. At that time, there were representatives from Muslim, Catholic, and Protestants leaders participated in this dialogue. It also involved its neighborhood (including the leader of that *kampong*), nuns, and female members of a particular *pengajian*. Many Christian and Muslim *warias* came from other cities all over Indonesia to take part in this important event. This is well-suited to what Maulidi addressed many times: Muslims have to solve a problem with non-Muslims with humanist dialogue (*mauidzo hasanah*) instead of anarchic ways<sup>21</sup>.

The realization of pluralism incorporates social, community, and religious relationship with the support and protection from local authority. Nonetheless, inviting religious and *kampong* leaders is political, and functions as a means to get gradual recognition for the existence of this *pesantren*. As pointed out by Maulidi, the government's ignorance towards this marginalized community equals violation of *fiqh daulah* coined by Yusuf Qardhawy, an Egyptian Muslim scholar. It is an Islamic principle which enables the state to intervene in religious and public dimension as long as it is beneficial to keep harmony in the society. It also obliges the state to give equal protection to all citizens, including minority people like these *warias*<sup>22</sup>.

### Tolerant Society

How are these *santri warias* viewed within the social setting in which they live? Of many big cities in Indonesia, Yogyakarta is the most famous one for its pluralist milieu since most of its inhabitants are well-educated and open-minded people which results in people's 'tolerance' to *waria* community

<sup>20</sup> For example, one day when I prayed in a mosque, I heard the preacher talked about obligation for Muslim men to get involved in a war if they found any oppression over a Muslim community. Another day, I prayed in a different mosque and I heard the preacher told how Zionists tried to do genocide over Palestinians. Hirschkind (2001) also demonstrates that most cassette sermons in Egypt contain torments after death for those who did not obey Islamic orders when they were alive. Nonetheless, I never heard a sermon in mosques I visited that emphasizes love and respect others as a contingent recommended part in Islamic tenets. Inez, one of my *waria* interlocutor, also expressed her discontentment over several sermons of *pengajian* in her *kampong* that has caused disputes among family members because they aims at 'Islamic purification'. For instance, the preachers banned directly the ritual of *kondangan* (which is similar with *selamatan*) which is performed before Ramadhan. Upon doing this ritual, all guests and the host eat together and then pray together (based on interview with Inez, 15 April 2011).

<sup>21</sup> taken from my record, 6 March 2011.

<sup>22</sup> Based on interview 21 April 2011.

(Koeswinarno 1997), including to *pesantren waria*. The respect of Yogyakartaese to various kinds of 'differences' has attracted international scholars, experts, and activists to hold the conference entitled "Human Rights Law in Relation to Sexual Orientation and Gender Identities" in 2007 which is famous as Yogyakarta Principles (O' Flaherty & Fisher 2008). At that moment, imperial discourses were about human rights implementation regardless of sexual orientation.

In addition, Hardjowirogo (as quoted by Soehadha 2008: 22) remarked how the Javanese philosophy is the core of tolerance as follows:

The Javanese society, like what argued by Benedict Anderson, is famous with their tolerant society. The *tepa slira* principle is the essence of this concept. *Tepa slira* means try to put ourselves in others' shoes so that we can comprehend why they do something which is *different* with what we do.

The application of this concept is clearly seen in Yogyakarta. In fact, there is no religious and ethnic riots here (e.g. Ahmadis and non-Javanese are safe in this city). In 2000, there was a violent attack at an event conducted by gays and warias by Gerakan Pemuda Ka'bah (Ka'bah Youth Movement). However, this outbreak happened because of 'political homophobia' (see Boellstorff 2007) which are very different with the case of *pesantren waria* as a religious community with *prestasi*<sup>23</sup>.

In the context of *pesantren waria*, Mariani described that her surrounding neighbours fueled this community and always attended her invitation for commemorating Islamic important days, such as *Mauludan*<sup>24</sup> and *Isra Mi'raj*. They also participated in the first public interfaith dialogue

conducted by this *pesantren waria*. Tugiman, the leader of Kampong Notoyudan, gave a speech about the existence of this community in an event of interfaith dialogue held by the *pesantren waria*, 'human beings are only passed by in this world [*mampir ngombe*]. Thus, we have to maintain communal harmony (*rukun*), including respecting this *Pesantren Waria*<sup>25</sup>.

Magnis-Suseno (1997), based on the research of Hildred Geertz on Javanese social life, summarizes that Javanese tend to avoid conflict through *rukun* (social harmony) and maintaining the principle of respect. Philosophically speaking, *rukun* focuses on certain social behaviour instead of moral principles through absolute social regulation. This means that although one possesses one's own judgement concerning morality, one is bonded by existing social regulation and therefore is strongly expected (even obliged) to emulate that principle. In short, the realization of *rukun* requires the 'restriction of individual moral autonomy' since social cohesion is the paramount goal in Javanese society. Besides, *rukun* also reflects that 'Javanese find identity within the group' (*ibid.* pp. 82-83).

To my ears, Tugiman's statements echoed the past and foreshadowed the future. They demonstrate a metanarrative between ancient Javanese social values and seeds of future security rights to *waria* community, at least in kampong as the smallest cell of a nation-state. In other words, a philosophical thought will be useless without tangible supports from the society.

<sup>23</sup> Inez told me that as a *waria* living in Yogyakarta, she was never forced by thugs (*preman*) to give some money, unlike in Padang (interview with author, 15 April 2011).

<sup>24</sup> *Mauludan* is the day when Prophet Mohammad was born and *Isra Mi'raj* is the moment when Prophet

Mohammad did the night journey to visit Al-Aqsa mosque in Jerusalem and then ascended to heaven. In Yogyakarta, there is a ritual done by *Keraton* (Yogyakartaese kingdom) to celebrate *Mauludan* called *sekaten*, a sort of syncretism between Islamic teachings and Javanese mysticism.

<sup>25</sup> Taken from my record, 15 March 2011.

## Of Marginalization, Recognition, and Discourses

Another interesting fact is that although positive activities and events conducted by the *pesantren waria* are voluntarily, this does not mean that they are apolitical. According to my observation, *warias* in this *pesantren* also have 'hidden transcript': "discourse that takes place 'offstage', beyond direct observation of powerholders" (1990: 4). The term 'offstage' here indicates 'where subordinates may gather outside the intimidating gaze of power, a sharply dissonant political culture is possible' (*ibid.* p. 18). 'Hidden transcript' is a way when the dominated (*warias*) can challenge the domination (normative masculinities, rejections from most religious leaders, ignorance from the state) beyond open activism (*cf.* Peletz 2009).

For instance, during weekly *pengajian*, these *warias* can discuss freely about their subject position in Islam and other 'forbidden public discourse' with other *warias* (*e.g.* issues about prostitution). These discussions will be hard to discuss outside the *pesantren waria* due to *waria* 'incommensurability'<sup>26</sup> (Boellstorff 2007) with hegemonic Indonesian Muslim discourses.

There is also another case when members of the *pesantren waria* tried to get public recognition 'indirectly' via interfaith dialogue on 15 March 2011. At that time, they invited several religious leaders which represent Muslim (*Ustadz Muiz*), Protestant (Father Kris), and Catholic (Father Nur Hadi) communities. There were also nuns from the Pantecostal Church Badran and female

members of *Pengajian* Notoyudan. They all agreed to support the *pesantren waria*, at least by giving them Islamic or Christian teaching without ignoring their subject position as *warias*<sup>27</sup>. Given the fact that most interpretations of Abrahamic religions are hostile to transvestites (and even called them as 'disease'), this recognition is significant for *warias*.

## Cultural Legitimacy from Sultanate of Yogyakarta

Furthermore, recognition and tolerance from society and religious leaders must be perfected by legitimacy from ruling elites as the holder of authority. Mariani told me that she felt grateful and revealed that the FPI (the Islamic Defender front)<sup>28</sup> has never attacked this *waria* religious community since the existence of the *pesantren waria* two years ago. At that time, I thought that it might due to the tolerance from FPI Yogyakarta. However, I was wrong. *Ustadz Maulidi*, in a conversation in his house, revealed that legitimacy from Yogyakarta Sultanate had protected this community from any problems with FPI. He continued that although the legitimacy is not in the form of juridico-legal discourse, Yogyakarta royal members often invited Mariani and other *warias* from the *pesantren waria* in formal events. In addition, the land where the *pesantren waria* located belongs to Gusti Dorodjatun, one of famous royal family members. Regarding *warias* working as street singers (*pengamen*), *Maulidi* explained that according to local policy, these *warias* are supposed to be arrested because they can be regarded as 'mak-

<sup>26</sup> Povinelli (2001, as quoted by Boellstorff 2007) coined the term 'incommensurability' to describe the limitation of cultural translation. For instance, if one wants to discuss about transvestite, should they call them *waria*, *banci*, *khuntsa*, hermaphrodite, or *mukhannas*, or homosexuals? Because every 'labeling' has different impacts on the discourse. This 'incommensurability' is the cause why discourses on LGBT (Lesbians, Gays, Bisexuals, and Transgenders) are 'lost' in works of most Indonesianists, such as Hefner, Woodward, Mulder, Lombard, Ricklefs, Beatty, and so on.

<sup>27</sup> Taken from my record, 15 March 2011.

<sup>28</sup> A quasi-military group which claim that their (violent) actions are grounded upon 'Islamic teachings'. Less control and weak authority from Indonesian government and police towards FPI render them free to be 'moral police', by means that they can attack brutally anything (*waria* community, bars, night clubs, etc.) that is not conform to (their version of) 'syariah'. FPI branches are omnipresent in Java with a large number of followers.

ing people on the street feel uncomfortable' (*mengganggu ketertiban umum*). However, we can still find many of them in many areas of Yogyakarta. Thus, he concluded that this *waria* activity can happen because of the protection from Gusti Dorodjatun<sup>29</sup>.

As argues by Clovis and Jamakalani, "recognition and respect are embodied in the construct of legitimacy" (1985: 259). Given the fact that Sultan is axis mundi in Yogyakarta, his positive contribution and protection to *Pesantren Waria* merits appreciation because these attitudes will be followed by his people. In addition, I contend that 'legitimacy' does not always relate to law. Recognition from society, religious leaders, and local authority like I have demonstrated in my above-mentioned explanations can also be an effective form of 'cultural legitimacy'.

### Conclusion

This article deals with pluralism in Javanese socio-cultural setting. My analysis has shown that both differences and the tangled robust power of relationship between tolerance society and cultural legitimacy from Yogyakarta Sultanate have created pluralist setting in Yogyakarta hitherto. This logic would entail legal, economic, and psychological support from the state, relevant local authority and society, while simultaneously linking to contextual religious discourses in order to get more respect for Indonesian transvestite's rights. In short, the argument in this section is based on three principal claims. First, as points out by Peletz (2009), gender variations *inter alia* need to be fueled by legitimacy and protection from government, including local one. Second, the society also takes an important role in creat-

<sup>29</sup> Due to the limitation of research period and bureaucracy complexity, I could not interview Gusti Dorodjatun to explore and to get more facts about supports from Yogyakarta Sultanate for both the *pesantren waria* and other *waria* communities in Yogyakarta.

ing gender pluralist setting. Henceforth, principles and entrenched philosophy on respecting others held by local society determine the degree of accepting 'gender pluralism'. However, it bears noting that in Indonesian context, *waria* community can be tolerated, either by ruling elites or society as long as they can demonstrate their *prestasi*. As such, this paper, which is grounded upon anthropological research and cut across disciplinary boundaries, has offered a new perspective on how religious revival among transgender community articulates with cultural legitimacy, identity, and local belonging in Yogyakarta.

I do believe that open-mindedness will provoke conscious and conscientious commitments for the sake of a better, more mature, and more just society which transcends temporal and spatial terrain, just like the case study of *Pesantren Waria* that I have shown above.

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