

Sharia Law and the Politics of “Faith Control” in Brunei Darussalam

Dynamics of Socio-Legal Change in a Southeast Asian Sultanate

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Abstract

The government of Brunei is currently coming in for sharp criticism from international observers and human rights organizations for enforcing a far-reaching Sharia law reform which carries drastic maximum penalties such as stoning to death for religious offences. This article contextualizes Brunei’s approach to Islamic governance vis-à-vis its domestic discursive context. It ethnographically illustrates how religious policies are interrelated with normative changes in everyday life, particularly pertaining to long-established Malay cultural practices that have been outlawed and socially marginalized in recent years. However, although Brunei society is often portrayed as streamlined and docile, the state’s exercise of classificatory power does not simply determine social behaviour. Despite sophisticated disciplining strategies, some practices declared as deviant continue to persist, either concealed as everyday forms of resistance or creatively reframed and controlled by government institutions. It would, therefore, be inadequate to simplify the dynamics of socio-legal change in one-dimensional totalizing terms, despite undeniable tendencies of “Shariatization” in the post-independence era.

Keywords

Sharia politics, bureaucratized Islam, law, society, Malay culture, Brunei

Introduction

The government of Negara Brunei Darussalam (henceforth Brunei) is currently coming in for sharp criticism from international observers and human rights organizations for its decision to enforce the Syariah Penal Code Order 2013 (Perintah Kanun Hukuman Syariah 2013, henceforth SPCO 2013),

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which carries drastic maximum penalties ranging from stoning to death for offences like apostasy, adultery, homosexual intercourse and blasphemy. There is, however, surprisingly little substantial scholarly work that sheds light on the socio-legal complexities of the sultanate's Islamization policies.

The article¹ will first introduce some theoretical considerations on the classificatory power of state bureaucracies. It will then describe the discursive embeddedness and historical trajectory of Brunei's approach to Islamic governance, before outlining some of the SPCO 2013's most controversial provisions and demonstrating how the legal reform serves the government's and Islamic bureaucracy's power-political interests. Drawing on empirical data gathered in Brunei, the article will then explore how the sultanate's religious policies are intertwined with social changes, while the government's Sharia reforms simultaneously shape and reflect normative transformations in the sphere of Malay everyday life. To illustrate these socio-legal dynamics, certain long-established, but recently outlawed and socially marginalized, Muslim-Malay cultural practices, such as shrine worship, spirit beliefs, healing, and exorcism, will be scrutinized. While some of these practices continue today, they are either concealed as everyday forms of resistance or creatively reframed in Islamic terms and controlled by government institutions.

It is particularly, albeit not exclusively, the field of heterodox beliefs in the supernatural where the government's aspirations for ideological engineering and faith control (*kawalan akidah*) are stretched to their limits. The article therefore argues that totalizing portrayals of contemporary Brunei society as streamlined and docile (Mohamad Yusop 2007: 103) should be problematized. More specifically, it would be inappropriate to simplify the dynamics of socio-legal change in one-dimensional terms, despite undeniable tendencies of "Shariatization" in the post-Independence era.

Classificatory power and socio-legal change: conceptual considerations

As "calls for ethnographic exploration of the everyday workings of the state have grown louder" (Hoag 2011: 81) in recent years, state bureaucracies have become increasingly prominent subjects of anthropological inquiry.

¹ I would like to thank Matthew Walton, Stephen Druce and two anonymous reviewers for their very helpful comments, as well as Bruneian friends who provided foundational help during my fieldwork, but must remain anonymous. The paper also benefited from feedback received during a lecture at the Asian Studies Centre at St Antony's College, University of Oxford.

Instead of conceiving of them as purely administrative bodies primarily carrying out policies decided elsewhere in an objective and mechanical manner, several anthropologists have described bureaucracies as an “aspect of the modern state that makes the state function” and as a productive “arena for social life” (Bernstein / Mertz 2011: 7), agency and political action. They represent a “preeminent technology of power in the contemporary world”, able to “orchestrate numerous local contexts at once” (Heyman 1995: 262). State power characteristically includes the “bureaucratic imposition of simple categorical schemes on the world”, often coercively imposed, but often also countered by subversive attempts to challenge the bureaucracies’ “right to ‘define the situation’” (Graeber 2012: 105, 120). These categorical schemes resemble Bourdieu’s notion of the state’s “classificatory power”, implying that in addition to law enforcement the state also imposes classificatory principles on the social order through its authorized agencies (Bourdieu 1990: 136–137). Such agencies organize the population along discursive distinctions (e.g. class, gender, race/ethnicity) that are often legally compulsory (Bourdieu 1984: 476–477; 1991: 180–181). Although not mentioned by Bourdieu, these distinctions can – and in the case of Brunei do – include religious classificatory schemes such as “good believers” adhering to state-sponsored doctrines and “deviant” groups endangering the “true” faith. Many people internalize such ascriptions and an implied unequal status as natural even if it disadvantages them, but they may also “take the initiative by pursuing goals that bypass official control” (Heyman 1995: 261, 264), e.g. through a reflexive deconstruction of the genesis of hegemonic ideas (Bourdieu 1998: 40), or by various other means. State bureaucracies engaging in classificatory practices are therefore sites of *attempted* control, but no matter how powerful they are, the effects of these attempts need to be analytically distinguished from their intention and self-presentation.

This complex relationship between attempted control through the state’s classificatory power and diverse popular reactions to it will be explored in the context of bureaucratized Islam in contemporary Brunei. By investigating some of the government’s sanction-based Islamization and faith-purification policies vis-à-vis their societal impacts, I shall illustrate that although the exercise of classificatory power plays a key role in dynamics of socio-legal change, it does not simply *determine* social behaviour, as various marginalized spheres of non-compliance and creative counter-tactics continue to persist.

Islamic governance and national ideology in Brunei Darussalam

Brunei is the only country in Southeast Asia that has consistently been defined by its leaders as an Islamic state since independence in 1984, with no intra-government or non-state actors ever openly calling for a “secular” state (Siddique 1992; Abdul Latif 2003: 197, 2013: xxxiv). Situated on the north-western coast of Borneo and inhabited by only 420,000 inhabitants,² Brunei remains one of the region’s last bastions of almost uncontested non-democratic rule, and is currently the only ASEAN country that does not hold general elections and has no parliament³ and organized opposition actors. The present Sultan – Hassanal Bolkiah, who ascended throne in 1967 and was crowned in 1968 – holds the posts of prime minister, minister of defence, and minister of finance. In 2015, he appointed himself as minister of foreign affairs and trade, a post previously held by his brother Prince Mohamed Bolkiah for three decades.

The constitution of Brunei defines the Sunni Shafi’i legal school of Islam as the state’s religion and the Sultan as the “Head of the Islamic religion” (*ketua agama Islam*) (see Constitution of Brunei Darussalam, Preliminary and Part II, Articles 2, 3). The monarch is also seen as the “leader of Muslim believers” (*ulil amri*), and “Allah’s vice-regent on earth” (*Khalifah*), while “sovereignty is in Allah alone” (Abdul Latif 2003: 205, 210). Being officially considered a descendant of Prophet Muhammad further contributes to Hassanal Bolkiah’s Islamic legitimation. His constitutionally guaranteed and politically undisputed absolute executive powers are also justified on ethnic and primordialist grounds. Dating back to the 14th century, the royal family’s genealogy is framed as an essential element of an ethnic Malay, or more precisely Brunei Malay cultural tradition. Drawing upon these ethnic, cultural, historical and religious dimensions of legitimation, the Sultan and his clergy have declared an official “state ideology” – also described as “state concept” and “national philosophy” – called

² It is estimated that 100,000 of these are foreign workers. The population consists mainly of ethnic Malays (66 per cent); 78.8 per cent are officially Muslim. Religious minorities comprise Christians, Buddhists, Hindus, Sikhs, Taoists, Baha’is and animists. The state’s definition of “Malay” in Brunei partly differs from that in Malaysia. Since the Brunei Nationality Act of 1962, seven ethnic groups (*puak jati*) are considered indigenous and were designated as Malay, regardless of their religion. Of these only the “Brunei” and Kedayan speak Malay languages. The other five had previously been non-Malay groups and would not be considered as Malay in Malaysia. Politically, this classification has been important for the homogenization of the nation’s MIB culture vis-à-vis non-Malay elements.

³ A Legislative Council which was suspended in 1984 was re-opened in 2004, albeit with no legislative powers. It plays only a consultative and advisory role, and the Sultan directly appoints most members.

Melayu Islam Beraja (lit. Malay Islamic monarchy), commonly referred to by its acronym “MIB”. Although the term MIB was first introduced by the Sultan in his Declaration of Independence speech on 1 January 1984, official discourse claims that it encapsulates the continuity of a six-centuries-old tradition. However, a discussion of MIB as an invented tradition and propagandistically exploited tool for modern nation-building goes beyond the scope of this article; this view has been well argued by distinguished non-Bruneian scholars (Braighlinn 1992; Gunn 1997; Lindsey / Steiner 2012; Fanselow 2014). Of the few Bruneian scholars who dare to write about Brunei politics, most are restricted by severe academic and political (self-)censorship (Kershaw 2003; U.S. Department of State 2013) and typically repeat the government’s positions in uncritical, often passionately patriotic terms. In contrast to the invented-tradition argument, local MIB scholars insist that although the acronym MIB may be new, it adequately sums up the very essence of the nation’s centuries-old character (Mohd Zain 1996: 45). Abdul Latif Ibrahim (2003, 2013) has repeatedly expressed his frustration with deconstructivist foreign analyses, which he perceives as ignorant, orientalist and possibly malicious misrepresentations of Brunei.

From the late 1980s onwards, the government began to propagate MIB more systematically and “with an unprecedented commitment” (Kershaw 2001: 127). Compulsory MIB classes are currently taught in all schools and institutions of higher learning and no Brunei citizen can graduate from the University of Brunei Darussalam without passing the MIB module. MIB is constantly referred to in official public life as the superior source of good citizenship and desirable ethics. The Sultan and members of the government as well as the private sector tirelessly emphasize how anything they do is in support of and rooted in MIB. Although each of MIB’s three pillars is sacrosanct, Islam is officially superior within the ideology’s triangle (Abdul Latif 2003: 206; Mohd Zain 1996: xi).

Eradicating political dissent: mechanisms of discourse control

The year 1962 was a decisive turning point in the history of modern Brunei, the trauma of which motivated the royal family to develop uncompromising strategies for eradicating any form of political dissent or unrestricted discourse that might undermine its powers. The People’s Party of Brunei (*Parti Rakyat Brunei*, PRB), a democratic movement that sought to reduce the Sultan’s powers and form a larger state of North Kalimantan, won the

first nation-wide elections⁴ with an overwhelming majority. Leaving aside the complex details (see Hussainmiya / Asbol 2014), Sultan Omar Ali Saifuddien III refused to accept the people's vote. This was followed by an armed rebellion, which was defeated with British help within two weeks. To restore security and its own position, the Sultan's government enacted harsh Emergency Laws, some of which are still in force today, and developed a framework for systematically de-politicizing the population. Some PRB members fled and sought to revive their movement from exile, but the group faded and finally disappeared (for a fascinating account of the exiled PRB leadership's last convulsions, see Kershaw 2011). Some imprisoned PRB members were eventually pardoned and reintegrated into society only after they formally pledged their allegiance to the Sultan. Brunei's second elections, held *pro forma* in 1962 (for less than a third of the Legislative Council's seats) was the last to date, with the exception of elections for the posts of heads of sub-districts (*penghulu mukim*) and village chiefs (*ketua kampong*). Nowadays there is not a single opposition⁵ or civil society group left, either locally or in exile, that openly criticizes the political status quo, let alone aspires to replace the government.

In addition to effectively minimizing civic participation and freedom of expression, the government provides strong incentives for loyalty. It employs almost 25 per cent⁶ of the working population and provides them with generous salaries and significant social security. Funded by the state's oil-wealth, the government maintains a welfare state in which citizens enjoy free health care and education, subsidized housing, and free pensions from the age of 60; they do not pay income tax. Tremendous investments have been made to modernize the country's infrastructure. In the Human Development Index 2014, Brunei ranked first among Muslim-majority countries worldwide and second in ASEAN (after Singapore). The royal family donates thousands of personal gifts to mark the end of Ramadan (see e.g. Brunei Times 2014a).

⁴ It was not a general election for governance of the country. The Constitution of 1959 stipulated that there would be elections for four District Councils with altogether 54 seats (in 1962, in several there was only one candidate who was from the PRB). Just 16 of the people elected for these seats would sit on the Legislative Council; however, the Legislative Council would be made up of 33 members, with the remaining 17 appointed by the Sultan. Furthermore, the Executive Council had no elected members. The Constitution, which was agreed between the Sultan and the British Government, thus ensured that the Legislative Council's elected members could never form a majority.

⁵ At present, the only political party is the National Democratic Party (NDP). Being heavily restricted, it considers its role as "advisory" and expresses unconditional support for the government.

⁶ In 2010 there were 46,600 civil servants in a labor force of about 190,000.

The Sultan is commonly portrayed as a caring monarch or benevolent ruler, a notion which rests on long-established principles of royal Malay authority, according to which “the Ruler must act justly to his subjects, and the subjects must be loyal to their Ruler” (cf. Kershaw 2001: 126).⁷ This idea is constantly re-actualized in local media, and many Brunei Malays indeed consider this reciprocal patron-client relationship an integral element of their culture. “Betraying” the Sultan through disobedience is considered an offence of the utmost seriousness and any criticism of the political system can potentially represent such betrayal. Considering the extensive surveillance and social control, both real and resembling the Foucauldian *panopticon* effect⁸ of constant fear, expressing dissenting political views can seriously endanger one’s material wealth and social status. As Kershaw (2001: 118) rightly notes, Brunei’s oil-wealth has enabled the state “to control the population”, and it has organized itself accordingly since the colonial era.

Local news media’s coverage of domestic politics is limited to the didactic dissemination of the government’s positions, with virtually zero space to question or criticize them. The government is largely successful in maintaining this situation even in the digital age. Two subversive online platforms (most notably BruneiTalk, provocatively advertised as “a forum of unexpected treasures”⁹), were quickly banned in 2003/4, followed by exemplary arrests and – by now ritualized – public warnings about the dangers of irresponsible social media use. The cyber-crackdown of 2003/4 led to the quick disappearance of any larger grouping of critical voices for years. Instead, Brunei saw the rise of patriotic weblogs supported by government incentives. Internet usage is monitored and various government agencies regularly identify cybercrime suspects, which in 2012, for example, included a person challenging MIB by expressing an atheist worldview on his weblog. To the author’s knowledge, there is currently only one large platform where more than a handful of people interactively discuss truly controversial positions. This app¹⁰, created by a young tech entrepreneur,

⁷ All translations by the author.

⁸ Foucault (1977: 204–205) transformed the *panopticon*, an architectural model for prisons in which prisoners can potentially be watched at any time, into “a generalizable [...] mechanism of power” and “political technology” of control in modern societies, wherein individuals regulate their everyday behaviour because they fear the *possibility* of observation (and punishment) at every moment, which contributes to the internalization of the ruling order.

⁹ The slogan mimics the government’s advertising slogan “Brunei – A Kingdom of Unexpected Treasures”.

¹⁰ To avoid harmful publicity, it is not named.

allows users to remain anonymous. Its founder, however, consulted with security services and discussed certain boundaries before launching the application, a common way of securing and legitimizing possibly controversial work in Brunei.

The Sultan's (well-mediatized) personality is another stabilizing factor. Even less conformist Bruneians often spare him from criticism, although they might argue he has bad advisors or is not sufficiently informed. The Sultan's frequent public appearances, often unannounced and typically including personal conversations with citizens, contribute to his advantageous image as a sacred leader and simultaneously a down-to-earth, jovial person. Other members of the royal family and government are not as spared from critical scrutiny, although it is a taboo to openly express such views outside of trusted circles.

Institutionalizing truth and heresy: the bureaucratization of Islam

The government's approach to Islamic governance reflects its more general strategies of discourse-control, whereby any dissent that could undermine its authority is criminalized. Over the last few decades, the state has legally cemented its monopoly on any discussion of Islam. Alternative interpretations have been systematically silenced, as the religious bureaucracy has institutionalized a monolithic and legalistic understanding of Islam as the only acceptable Muslim truth, strengthened by sophisticated indoctrination mechanisms, material incentives and the threat of sanctions. Public Islamic teaching or preaching is strictly forbidden without a government licence; every imam is issued a certificate with the Sultan's seal and licences can be revoked at any time (Religious Council and Kadis Courts Act, Sections 129–131, henceforth RCKCA). Because the government seeks to eradicate any challenge to its classificatory "right to 'define the situation'" (Graeber 2012: 120), it is illegal to maintain mosques, give speeches, or publish materials related to Islam outside this tightly controlled framework.

In the absence of democratic institutions or an influential civil society, the Islamic bureaucracy has become the sultanate's most powerful political actor outside of the royal family. Government institutions are exclusively responsible for the definition, control and administration of Islam. They include, most notably, the Ministry of Religious Affairs, the State Mufti Department, the Religious Council and its Legal Committee (headed by the State Mufti), and the Islamic Da'wah Center. In its "advisory role" to the Sultan, the Religious Council is the "chief authority" in "all matters relating

to religion” (RCKCA, Section 38); its rulings are binding on all Muslims (RCKCA, Section 43) and there are no legal mechanisms for citizens to challenge them.

Since the 16th century, Sharia-inspired and customary law (codified as *Hukum Kanun Brunei* and *Hukum Resam*) have coexisted in the sultanate.¹¹ Islamic law has therefore been integral to social life for centuries (Black 2002: 2), although some meanings ascribed to it, and the extent of formalization, have changed over time. British Indirect Rule (1888–1959/1984¹²) gave rise to a more diversified codification of Islamic law, beginning with the Mohammedan Laws Enactment of 1912 and followed by numerous other laws and institution building (for excellent overviews see Iik 2009; Lindsey / Steiner 2012). British advisors seeking to help Brunei develop a “modern” (in the sense of systematic, codified and bureaucratic) religious administration encouraged these transformations. The Sultans were, at least on paper, granted autonomy in Islamic matters, which they used to consolidate their domestic power. Since independence, the Sharia law sector has been expanded, a process that served the absolute monarchy’s political interests and simultaneously resonated with increasing popular piety in Brunei and the region. From the late 1980s onwards, the government strongly emphasized its “commitment to making the Islamic (legal) system the most effective system in the country”, and it gradually widened the jurisdiction of Sharia courts (Black 2002: 108). This Shariatization of the legal landscape covered fields such as family law, adoption, evidence, arbitration mechanisms, as well as banking and finance (ibid.).

The year 1990 marked another key turning point, when the Sultan announced that all laws should “be brought in line with Islam” (Brunei Darussalam Newsletter 1990: 1) and formed a committee of Islamic scholars (*ulama*) to provide advice on how to realize his target. The public sale and consumption of alcohol was banned in 1991, the production and sale of pork was prohibited in 1992. Public entertainment became tightly restricted, and, as elders recall, some once popular practices like gambling during His Majesty’s public birthday festivities soon vanished.¹³ Compulsory Islamic

¹¹ Elements of Islamic criminal law reportedly existed in the pre-colonial period (Mahmud Seadon 1996: 99–100). *Hudud*-based chopping of thieves’ hands was practiced at least in a few documented cases. However, a late-16th century account, the Boxer Codex, also describes punishments that have little to do with Sharia sources.

¹² In 1888 Brunei became a British protectorate, followed by the British Residency (1906–1959). Between 1959 and independence in 1984, Brunei was internally self-governing, but Great Britain remained responsible for foreign affairs and external security.

¹³ Interview, Tutong, 24 September 2014.

teaching was intensified at all education levels, the Islamic bureaucracy was further expanded and parts of the government began to undergo an “Islamization of the agencies” (Abdul Latif 2003: 208; cf. de Vienne 2015: 142–143). A Bruneian lecturer informally explained that “in the 1990s, *everything* changed”: prayer rooms across the country were crowded as never before, many citizens sought to purify their everyday life of possibly “un-Islamic” elements (encouraged by government sermons and fatwas), and the government placed unprecedented emphasis on Islam as law, while Malay customs were critically reassessed. As MIB ideologue Abdul Latif Ibrahim (2003: 173) put it, “several forms of cultural manifestations which have pre-Islamic [...] elements have either been refined or gradually phased out to suit Islamic teachings”. Nevertheless, Sharia law remained applicable to Muslims only, whereas other laws including the penal code applied to all citizens. A dual system combining British-derived common law (with civil courts) and Islamic law (with Sharia courts) had existed since the colonial period, but its clear-cut separation was partly abandoned by the SPCO 2013.

Accommodating “God’s will” and the monarchy’s interests: the Syariah Penal Code Order 2013

With the SPCO 2013 (enacted in 2014), Brunei became the first ASEAN country to implement a strict form of Islamic penal code, including *hudud* (lit. limitations) punishments that are particularly controversial outside of Brunei and are characteristically desired by Islamist political movements. The SPCO contains maximum penalties such as stoning to death for offences like apostasy, adultery, homosexual intercourse, and blasphemy as well as the amputation of limbs for robbery or theft.

The first announcement of the SPCO in 2013 and its long preparation process went largely unnoticed beyond the sultanate’s shores until the first of the SPCO’s three stages was initiated in May 2014. Previously, international coverage of Brunei was mostly limited to the yellow press, where reports about the royal family, its rituals and marriages, car collections or scandals were presented in the colourful language of oriental fairy tales. Since May 2014, repetitive and often woefully uninformed news reports began to flood international media. Finding itself the object of unprecedented publicity, Brunei was criticized by (non-Bruneian) human rights groups more sharply than ever before. Most prominently, the United Nations High Commissioner of Human Rights criticized the SPCO 2013 for serious violations of international human rights law. American celebrities such as Jay Leno protested in front of a hotel in California owned by the Sultan,

with Fox News TV commenting “Welcome to the Hotel Sharia!”. For most journalists, the legal reform came out of the blue, as they lacked any understanding of its discursive and historical embeddedness, leading to crude theories as to why the Sultan suddenly chose to implement the Sharia.

Twenty years earlier, the Sultan had already announced plans to introduce an Islamic penal code.¹⁴ On 15 July 1996, Hassanal Bolkiah spoke unambiguously of a divine obligation to develop an Islamic Criminal Law Act (*akta undang-undang jenayah syariah*).¹⁵ He also appointed a working group of Sharia specialists to look into the matter, among them a scholar from Pakistan (Black 2010: 340–341; Abdul Latif 2003: 192). The increased attention to the Islamic penal code coincided with changes among the monarch’s religious advisors. In 1994, he appointed Mahmud Saedon Othman, an Al-Azhar-trained distinguished academic as a special Islamic legal expert.¹⁶ Citing a speech in which the monarch stated that “no law or constitution” can be “superior to, or truer than al-Quran”, Mahmud Saedon Othman published a text in 1996 suggesting that Brunei abandon the dual legal system in favour of a single Sharia structure that should also include an Islamic penal code, as it had supposedly existed in pre-colonial Brunei. Using a common strategy for legitimizing claims in absolute monarchies, he presented his position as His Majesty’s vision, adding that “immediate actions [...] must be taken without delay” (Mahmud Saedon 1996, 2008). Although Mahmud Saedon died in 2002, the text was translated into English and re-published by the Islamic Da’wah Centre in 2008, at which time the idea of implementing *hudud* laws enjoyed growing popularity. Mahmud Saedon’s “visionary” publication clearly contributed to paving the way for the SPCO’s realization two decades later and has for this reason repeatedly been cited by local media and pro-MIB academics since 2013. Other leaders of the Islamic bureaucracy had also long desired the SPCO, among them the powerful State Mufti Abdul Aziz Juned who was appointed in 1993 and was a key architect of the SPCO’s drafts; he now serves as one of its most passionate propagators.

¹⁴ Even before that, Sharia-based criminal offences existed under the RCKCA.

¹⁵ Citing his royal address from 1996, in 2011 the Sultan reaffirmed his plan and asked rhetorically: “Who are we to wait?” (Brunei Times 2011).

¹⁶ Mahmud Saedon Othman had been involved in the PRB movement as their Middle East representative before making a career in Islamic Studies at prestigious universities in Malaysia. The Sultan brought him back to Brunei and made him a high-ranking Islamic advisor. From 1999 to 2002 he also served as the University of Brunei Darussalam’s Vice-Chancellor.

The SPCO 2013 will be implemented in three stages. The first began in May 2014 and included 55 general offences (*ta'zir*, a Sharia category for offences that a legitimate ruler may himself define). Heavier punishments (*hudud* and *qisas*, both supposedly directly prescribed by Islamic sources), including stoning and amputations, will be enacted in the second and third stage, alongside other regulations such as compensation in the form of blood money (*diyat*), which will be implemented 12 and 24 months after the additional Syariah Courts Criminal Procedure Code (CPC) has been gazetted. The CPC will regulate the SPCO's enforcement procedures, particularly investigation and prosecution. As of late 2015, the CPC's drafting is reportedly nearly complete. The SPCO's gradual implementation is meant to "give the public and law enforcement time to get used to the new laws" (Brunei Times 2014c). Although *hudud* is included in the second phase, *hudud* death penalties will only become possible in the third.

The reform fundamentally changes Brunei's legal landscape. Non-Muslims can now also be punished under Sharia provisions, as each section distinguishes between any person and any Muslim. Brunei's dual system has therefore now been re-labelled as hybrid (HRRC 2015: 57).¹⁷ Any person, including a non-Muslim, can for example receive the death penalty or 30 years imprisonment for insulting Prophet Muhammad (SPCO 2013, Sections 110, 221). Repenting is, however, possible until the moment of punishment and would free the offender. Any person can be sentenced to death for homosexual and anal intercourse (SPCO 2013, Section 82). Only Muslims can be sentenced to death, whipping or jail for extramarital sex (Sections 68, 69), similar to Muslim apostates who refuse to repent, who declare themselves to be God or a prophet, and who deny the validity of *hadith* (Sections 107, 108, 109 111, 113–117).

The Sharia reform is an expression of the Islamic bureaucracy's classificatory power and simultaneously contributes to its further consolidation, as several of the SPCO's provisions strengthen the state's monopoly on defining Islam. Islamic teaching without permit and contempt of members of Sharia courts or the Islamic bureaucracy are now punishable by up to two years imprisonment (Sections 229, 230). Mocking or insulting Islamic laws or the State Mufti's fatwas can receive three years (Section 220), while spreading beliefs that are "contrary to Sharia law", as defined by the government, can result in up to five years' jail; publishing about Islam-related matters without a permit can also lead to jail time (Sections 207, 209, 213, 215, 229). Issuing "illegal fatwas" can be punished with two years in jail or

¹⁷ In addition, 209 amendments were made to previous laws. Remarkably early, Black (2010: 341) predicted a "merger" between the Sharia- and non-Sharia systems.

monetary fines. The only “legal” fatwas are those issued by the State Mufti or persons authorized by him (ibid., Section 228). Several of these offences existed previously under the RCKCA (cf. Lindsey / Steiner 2012), but the punishments have now been sharply increased and numerous additional offences have been added (for a detailed comparison, see HRRC 2015: 53ff.). Defenders of the SPCO stress that its harshest punishments are conditional on a high burden of proof and strict procedural conditions¹⁸ that make it very difficult to sentence anybody to stoning. Furthermore, it will still be possible to selectively apply the previous Penal Code instead of the SPCO 2013 under certain conditions that have yet to be delineated, possibly by the CRC. It is therefore possible, though not certain, that the SPCO’s most drastic provisions will be only symbolic, rather than actively applied (cynics, however, assume that occasional examples will be made of low-paid guest workers).

Brunei’s clergy categorically rejects foreign criticism. In 2014, the State Mufti argued that the SPCO would ultimately protect real (God-made) “human rights”, as opposed to fallible “man-made laws” (Müller, forthcoming). While more conciliatory voices argue that non-Muslim critics abroad are naturally “unable” to understand Islamic law, he condemned any criticism as “a new form of colonialism”, representing malicious “attempts to colonize our minds” (RTB1 2014, translated). Giving in to critics would result in a “deviation from Islam” and “anybody opposing God’s law” would be punished in the afterlife. He stresses that implementing God’s law would bring divine blessings: “Some Muslims abroad say Brunei will have even more oil following the reform”, he stated smilingly in a sermon, and added more seriously: “This is not impossible! [...Since the] Sultan did a lot to implement Islam, such as banning alcohol, God’s rewards can already be observed (*keberkatan sudah berlaku*)! [...] Elsewhere is chaos, social crises, crime, shootings everywhere, but not in Brunei!” He also mentioned an alleged absence of natural disasters vis-à-vis more disaster-prone countries in similar geographic settings, concluding that the SPCO 2013 “will bring even more protection, we must be grateful to our Sultan!” (RTB1 2014). The idea of Islamic law bringing blessings has also frequently been mentioned in the Sultan’s speeches. Foreign criticism is also delegitimized as “infidelity”. To substantiate this point, the MIB ideologue Abdul Latif Ibrahim (2013: xix, 109, translated) quoted a Qur’anic verse, *Surah al-Baqarah*, stating “never will the Jews or the Christians approve of you until you follow their

¹⁸ For details, see the author’s report in HRRC 2015: 71.

religion”. Bruneians should therefore “stop being apologetic” and “make the implementation of Islamic law our top priority at all levels”.

The SPCO 2013’s announcement led to unprecedented uncertainties. “Briefings” were organized to “educate” the public about the reform. This was unusual enough, as the government does not normally need to justify its policies. Forty thousand people (10 per cent of the population) have attended these briefings (Brunei Times 2014e). Nonetheless, and despite all “education”, a small but remarkable number of Bruneians critically discussed the legal reform online, mostly anonymously. When one person sent a non-conformist reader’s letter to a local newspaper, signed with his real name, the government reacted immediately. Although the author did not question the reform as such but had merely argued that caning rather than stoning was a sufficient Sharia punishment for adultery (Brunei Times 2013d), his case was used to send a clear, disciplining message to the public: A week after his letter was, surprisingly, printed by the *Borneo Bulletin*, the Ministry of Religious Affairs placed an article in the same newspaper elaborating on the indubitable theological foundations of stoning and “invited” the author to approach the Ministry for further “explanations” (Borneo Bulletin 2013). He was arrested shortly afterwards in a joint operation of intelligence and religious enforcement officers and charged with heresy under pre-SPCO Sharia law. He finally made a public “declaration of repentance” in front of religious officials, and agreed to attend “counselling” to “help him deepen his knowledge of Islam” (Brunei Times 2013c), and was pardoned. His declaration was the first of its kind, but similar repentance will become a more formalized procedure under the SPCO 2013.

Following the case, the Sultan and State Mufti spoke of an “anti-*hadith* movement”, as the letter’s author had argued that the Qur’an does not mention stoning and thus had ignored *hadith* sources (Brunei Times 2013a). At a speech given to Bruneian students abroad, the Sultan warned that an anti-*hadith* movement was secretly desecrating Sharia law. The State Mufti soon afterwards explained the alleged movement with reference to “liberalist” and “orientalist” ideologies that in their deviant nature would resemble the Khawarij, a pre-Islamic tribe that opposed the Shariah laws (Brunei Times 2013b). Notably, an “anti-*hadith* movement” is also a common theme in Islamist discourse in Malaysia, where it is used to demonize liberal Muslim thinkers.

“Deviant threats”: the politics of faith control

In contrast to most other Muslim-majority countries, there are rarely any public controversies about Islam-related questions (Iik 2002: 88). Without the heated discussions that accompany Islamization or secularization policies elsewhere, the government’s *ulama* have standardized their categorical schemes (Graeber 2012: 105) of Islam as the state’s official doctrine and outlawed the expression of any alternative views. Simultaneously, the bureaucracy has developed an institutionalized understanding of unacceptable “deviant teachings” (*ajaran sesat*). Any worldview that tolerates the co-existence of differing interpretations of Islam outside the narrow spectrum of Sunni Shafi’i MIB Islam is believed to violate authentic Sharia norms. The Sultan has repeatedly condemned religious pluralism and liberal Islam as “deviationism” that “will never be related to Brunei” (Müller, forthcoming), a position that his religious advisors have supported for decades.

In its exercise of classificatory power, the Islamic bureaucracy began identifying a growing corpus of “deviant teachings” as early as the 1960s. The list nowadays comprises the Shia, the Ahmadiyyah Muslim Jama’at (not to be confused with the Ahmadi Sufi order, also banned), Sufi groups such as the Naqsyabandiyah and Tariqat Mufarridiyyah, the Bahai, Silat Lintau, as well as the teachings of several foreign individuals (for a typical news article warning of deviant teachings, see Brunei Times 2014b). One group, al-Arqam, was banned in 1991, three years before it was more prominently banned in its country of origin, Malaysia. Remaining Arqam sympathizers have repeatedly been arrested for trying to spread their beliefs, most recently in 2013¹⁹. Some members of groups declared deviant have had to undergo counselling programmes. Beyond threatening the official doctrine and the pure faith (*aqidah*), alternative Islamic thinking is also construed as a security threat, as members of the government’s Faith Control Section (*Bahagian Kawalan Aqidah*, henceforth FCS)²⁰ explained to me. In September 2003, six Arqam members were detained under the Internal Security Act, which specifically targets threats to national security and public order. FCS officers also mentioned Shia Islam as a security issue to me. Wahabism, albeit vaguely defined, is banned, notwithstanding the government’s view of Saudi-Arabia as a role model in the successful implementation of Islamic penal code, intense consultation with members of Saudi Arabia’s Sharia judiciary during the drafting of the SPCO, and close diplomatic relations

¹⁹ Information provided by the Faith Control Section, Bandar Seri Begawan, October 2014.

²⁰ Although the term *aqidah* may more aptly be translated as “doctrine” rather than “faith”, English-language sources in Brunei regularly translate it as “faith”.

(HRRC 2015: 39–40). To protect Brunei from Wahabism, however, the government does not provide scholarships for students to study in Saudi-Arabia, and those who study there on their own budget are monitored afterwards.²¹ Clearly, the authorities are worried that non-MIB-controlled Islamic ideologies might lead Bruneians to question their government's legitimacy and "right to define the situation", even if, as in the case of Saudi-Arabia, they have some striking similarities with Brunei's brand of Islam.

Other deviant groups, such as Brunei's Bahai community (according to varying sources between 30 and 100 people), are considered lesser security threats. Founded among indigenous communities in a Tutong village in the early 1960s, a Bahai organization with 40 members, the Spiritual Assembly of the Bahais of Brunei, has been under investigation since 1970. In 1971 Bahai beliefs were declared deviant, *fatwas* issued in the following years stated that Muslims joining the Bahais are "leaving Islam" and becoming "infidels" (Norafan 2007: 14). The Bahai Assembly was dissolved, Bahais were banned from working in the public service, and, even today, Bahais are a popular topic in Brunei's anti-deviance literature.

Since independence, religious enforcement agencies, the police, and other security services have carried out the surveillance and persecution of intra-Islamic deviance with increasing intensity. One particularly interesting body in this regard is the FCS. Its first predecessor was founded in 1986, after an incident that was narrated to me in largely similar form by FCS members and an elderly villager who did not have anything to do with the government. In 1986, a child in Kampung Junjungan was possessed by an evil spirit, a rather common belief and phenomenon in the Malay world then and today. The child was supposedly able to "answer every question", which quickly attracted neighbours and later visitors even from distant regions, with people standing in line in front of the house. When the authorities became aware of this, they sent in Islamic scholars for an exorcism and decided that an institution based in the Ministry of Religious Affairs should be formed to deal with cases of black magic, consultations with demons, and deviance more generally. In the course of several organizational changes and renamings (e.g. in 1994 as *Unit Kawalan Aqidah dan Syariah*, lit. Unit for Faith and Sharia Control), the FCS's powers and capacities have gradually increased, particularly following a merger with the religious Investigation Unit (*Bahagian Penyiasatan*) in 2001. As of 2014, there were several sub-units, e.g. one focussing on Sufi orders (*tareqat*) and spiritualism (*ilmu kerohanian*),

²¹ Interview with FCS members, Bandar Seri Begawan, 18 October 2014.

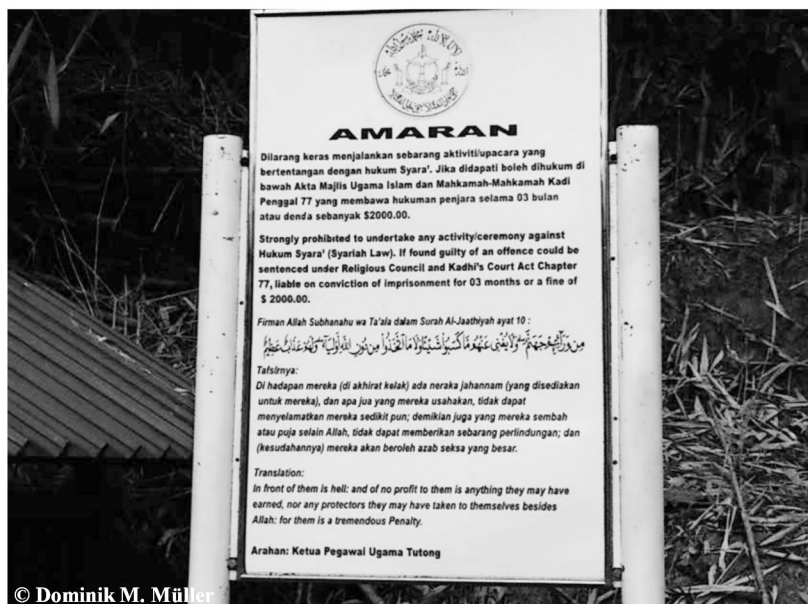
one for shamanism (*perbomohan*) and superstition (*khurafat*), another for observing “deviations from the faith and comparative religion” (*penyelewengan aqidah dan perbandingan agama*), administration, and one for surveillance and operations. Prior to 2014, the FCS’s legal basis had been the RCKCA. With the SPCO, the institution’s activities are now supported by a “better foundation”, as its director explained. The FCS maintains 24-hour hotlines for citizens to report suspicious activities (one national and three district numbers). Internal statistics provided by the FCS reveal that tip-offs have regularly led to arrests in recent years. Investigations include, for example, Islamic teaching without a licence (e.g. in 2014 by a Tablighi Jamaat member), a mosque operating without a licence (led by guest workers from Bangladesh), insults against Islam via Facebook and WhatsApp, a blogger advertising atheism, a Muslim showcasing a crucifix at his house, and Muslims not attending Friday prayers. The FCS’s sub-unit for education maintains an exhibition of confiscated materials, which school classes, office workers and other interested parties, including the grateful author, are occasionally invited to view. In late 2014, it was planned to integrate the FCS into an enlarged Religious Enforcement Section.

The government’s attempts to purify the faith have led to the repositioning of certain cultural practices that had long been central to Malay cultural life; two of these, shrine worship and *bomoh* practices, will be discussed in the following sections.

Dynamics of socio-legal change: the case of shrine worshippers and healers

Keramat shrines have been worshipped in the Malay world for centuries (Skeat 1900). They can be graves, old trees, anthills, or waterfalls believed to contain powers and to be inhabited by spirits that can serve as mediators with God. Following the Islamic resurgence (*kebangkitan Islam*) in South-east Asia and its attempts to cleanse Islam of pre- or un-Islamic “contamination”, *keramat* worship was increasingly considered an illegitimate superstition (*khurafat*); many of the shrines described in earlier sources have been abandoned or have disappeared for various reasons (particularly in Malaysia, Brunei and Singapore, less so in Indonesia). In parts of Malaysia, religious authorities have even demolished *keramat* graves (Malaysiakini 2001) and the practice has declined among Malays following the popularization of the orthodox Islamic discourse since the 1980s. Some shrines remain in Brunei, but visiting them is nowadays illegal and frowned upon by large

FIGURE 1: *Keramat* shrine with a signboard carrying a warning by the Islamic authorities.



segments of the Malay society, a transformation that one of my interlocutors, in keeping with a widespread narrative, traced back to “better Islamic education since the 1990s”.

One widely known *keramat* shrine – a “grave containing powers” (*kubur yang berkat*) – is located in the Tutong district, right next to a highly frequented road in Kampung Pancur Papan, with a roof built over a stone, typical for such places. It is believed to be the grave of a respectable Arab missionary of prophetic descent (named Tuan Syarif / Tuan Sae), although there are at least two different stories about its origin. A Tutong resident recalled how ritual offerings were openly held in daylight until the early 2000s, sometimes even including the slaughter of animals, which today is hard to imagine at that place.²² Another Tutong resident’s weblog states that many people went there to worship (*permujaan*), to express wishes (*niat*), pay offerings in return for benefits (*membayar nazar*), burn candles, and

²² Interview, Tutong, 24 September 2014.

sacrifice food and drinks; the author claims to have personally witnessed a chicken being slaughtered there (Fotografi 2009). In the late 2000s, however, the authorities placed a sign next to the grave, warning that it is “strongly prohibited to undertake any activity/ceremony that contradicts Islamic law” (see Figure 1).

It further specifies a section of the RCKCA under which practices violating the Sharia were punishable by three months in jail or fines, adding a Qur’anic verse promising hellfire. Under the SPCO 2013 (Section 216), shrine worship can now even result in two years in jail and the maximum fine was raised from BND 2,000 to 8,000. The FCS director told me that following the legal reform the signboard would soon be updated by a district office. He also mentioned occasional surveillance activities at Tuan Syarif’s shrine in previous years. I saw fresh traces of worship practices (including incense sticks), and interlocutors from Tutong shared similar stories about how the shrine is still used. An elder from Tutong remembered how an Indonesian *kyai* (Islamic teacher) had conducted a ceremony there “a few years ago”. Others told me about people who still throw coins from their car windows onto the shrine; I indeed found several there in 2014.²³ However, the few individuals who still visit this shrine go there secretly at night or in the early morning. According to the FCS director, “for two or three years, it has become quiet there” which the signboard and surveillance helped to achieve.²⁴ Average citizens also make active

contributions: drivers passing by blow their horn when they see people at the shrine, as I was told and experienced myself twice. According to the above-mentioned local blogger, the authorities’ actions coincided with a rise of complaints by neighbours about frequent superstitious activities by irresponsible persons at the shrine that could damage the faith. These neighbours had repeatedly asked Tutong’s Islamic Office to take action (Fotografi 2009, quoting a concerned Panchor Papan resident from another weblog). This exemplifies how the authorities deviantization of *keramat* worship has not just been a one-directional top-down process, but resonates with popular compliance and normative changes within society, thereby constituting a complex process of socio-legal transformation.

²³ The practice of throwing coins on graves is also found in the Middle East. In Saudi Arabia the throwing of *qurush* (“coins”) has been banned under Wahabi doctrines (personal information from Ondřej Beránek), as is building domes/roofs over graves (Beránek / Tupek 2009).

²⁴ Interview, Bandar Seri Begawan, 18 October 2014. According to FCS representatives, prior to 2014 most offenders only received warnings, combined with an agreement to attend “counselling”.

Other, more hidden shrines are frequented more regularly. At one, situated under trees between a private garden and a riverbank in a Tutong village, people arrive at dusk and some even stay overnight, as a neighbour who tolerates the practice told me in 2014. The place, a large grave with a roof built over it, was full of traces of recent use, including candles, incense, unsmoked cigarettes, food and drinks offerings, and a “spirit bottle” (see Figure 2). At another grave, located in a private garden, the roof was removed not long ago (fragments were still there in 2014). The garden’s owners, one of whom is a descendant of the buried person, claimed to have no knowledge of worship activities, although she had more openly spoken with a Bruneian student in 2010 and admitted that it was still sometimes used by strangers at night. The relatively new culture of hiding and denial results from the fear of legal sanctions and social stigmatization, as the shrines are no longer part of the corpus of generally accepted Malay everyday culture.

FIGURE 2: Well-hidden *keramat* shrine in Tutong, still in use.



The FCS has made only a few arrests at shrines. In 2014, two individuals conducting worship practices at an anthill were identified; in 2010 a person had asked spirits at a graveyard for four-digit lottery numbers (a widely discussed practice); another Muslim was caught burning a candle, wooden sticks and spices for magic purposes at a grave (data provided by FCS). Most of the remaining worshippers have learned how to avoid being caught. I have heard credible narrations about other *keramat* places still in use, including a waterfall and a royal grave. Although the phenomenon continues to persist under the surface, it clearly happens to a much lesser extent among the young generation. Visiting these shrines primarily at night or in the early morning reflects some characteristics of what Scott (1985) has conceptualized as everyday forms of resistance in another context. Such resistance must not be confused with rebellion: It is shaped by a pragmatic adaptation to the ruling order and simultaneous refusal of normative compliance. This refusal finds expression in practices that circumvent or subvert the hegemonic order, in cautiously concealed forms without open confrontation.

The case of *keramat* shrines illustrates the connection between legal and socio-cultural changes: after a once normalized cultural practice was declared deviant by the government, it gradually became socially unacceptable and is now illegal under Sharia law, and punishments were increased following the latest reform. A similar development is evident in the case of *bomoh* (shamans/healers), who have been turned from central institutions of Malay culture into dubious, socially marginalized criminals.

The *bomoh* similarly have a long history in the Malay world (Skeat 1900). They were openly active in Brunei villages until at least the 1980s (cf. Funston 2006: 22). Their marginalization paralleled that of *keramat* worship and was effected by similar factors. Despite increasing pressure, they still exist, and many Bruneians admit to personally knowing a *bomoh*. Nevertheless, the government demonizes the *bomoh* practice as “a big sin” (Brunei Direct 2007). The public is frequently warned that *bomoh* practices are un-Islamic and illegal; 38 *bomoh* were detained following tip-offs in 2004, 55 in 2005 (HRRC 2015: 67). Later statistics give numbers between 4 and 14 arrests per year between 2009 and 2014, excluding cases under different FCS categories, such as the use of magic objects or shrine worship where “*bomoh* work” is also often involved (data provided by FCS, 2014). According to FCS estimates, there are still “probably hundreds of *bomoh*”, of which between 70 and 80 per cent are said to be foreigners, mainly Indonesians and Malaysians. Local *bomoh* are mostly elderly, in contrast to foreign ones that are “often in their 30s and 40s”.

In 2007, an exhibition was organized showcasing confiscated *bomoh* materials. Around the same time, two permanent anti-deviance exhibitions

were established, one by the FCS and one by the Islamic Da'wah Centre, both of which focus on *bomoh* practices and materials. According to an Islamic Da'wah Centre staff member, most local visitors are mainly interested in the *bomoh*- and sorcery-themed room and skip most other parts, reflecting the topic's popularity. Entitled "Objects leading to deviation from the faith" (translated), it provides rare insights into the rich (banned) material culture of *bomoh*, including various types of amulets/talismans (*azimat*), magic liquids, love and anti-love potions, clothes that supposedly make the wearer invincible (*baju kebal*), cooking pots with chants written on them believed to increase restaurants' business profits, powerful rings,²⁵ needles that give beauty to the wearer and a black powder to make humans invisible (Figure 3).²⁶ The exhibition's goal is to educate the public about the un-Islamicness of *bomoh* and the dangers of sorcery, not, in contrast to my initial expectation, disenchantment. The Centre's officer explained that some chants and magic actually worked. For example, he narrated how one of their high-ranking *ulama* had once tested an amulet for research purposes, finding that it made him indeed temporarily invincible. All showcased materials have therefore very carefully been cleansed by Islamic experts through suitable prayers. Nevertheless, people refuse to enter the *bomoh* materials room in the evening or at night, as apparently strange occurrences repeatedly happen and sounds come from the empty room. Even in orthodox, literal Islamist belief sorcery and *jinn* exist, because scriptural Sharia sources explicitly mention them. Accordingly, the rationalism of an Islamist scholar's purification efforts encounters its own paradoxes in the field of magic.²⁷

Another confiscated object is a deerskin showing Islamic calligraphy designed in the form of a sitting human. The exhibition's officer explained that many Bruneian families, notably including his own, had such a deerskin in their houses in the past as they had "insufficient Islamic knowledge".

The SPCO provides the government with even stronger legal instruments to fight such deviance. Unlike previous legislation, the new law contains sections explicitly mentioning sorcery and beliefs in supernatural

²⁵ When passing by the royal palace on a water taxi in 2013, the driver narrated rumours about the Sultan having a particularly powerful ring, exemplifying how deeply rooted such popular beliefs are.

²⁶ The FCS's separate exhibition documents how the photograph of a "sorcery victim" was wrapped in underpants and placed in a grave, from where the officers confiscated the evidence.

²⁷ It would be misleading to interpret such beliefs and their Sharia-based regulation solely as a reaction to the Brunei-specific Malay cultural context, as drastic anti-sorcery (Arabic *sihr / sha'wadha*) legislation also exists elsewhere, most notably in Saudi Arabia (BBC 2012).

powers. Anyone proven to have conducted or advertised black magic can be sentenced to five years in jail or fined BND 20,000 and sent to “counselling” (Section 208). Attempted murder by so-called black magic can be punished by ten years imprisonment, BND 40,000, or both (Section 153). Section 216 states that Muslims who worship “any person, place, nature or any object, thing or animal in any manner” contrary to Islamic law, e.g. by believing that objects or animals possess certain powers, increase wealth, heal diseases or bring good luck, can be sentenced to two years, a monetary fine, and “counselling” (Section 216). Another section stipulates that any Muslim who falsely “claims that he or any other person knows an event or a matter that is beyond human understanding or knowledge” and contradicts Islamic teachings can be imprisoned for 10 years, receive 40 strokes, “and the Court shall order him to repent” (Section 206b). Whether and how these improved laws will be applied in practice remains to be seen.

FIGURE 3: Confiscated *bomoh*-produced cooking pot.



Reinventing *bomoh* under state control: The rise of “Islamic Medicine”

Following the Islamic resurgence and the government’s Islamization programme since the 1980s, the term *bomoh* has had a negative connotation. People who still practise Muslim *bomoh* use various survival strategies: some operate in secrecy while others reinvent themselves in more “Islamic” terms. Some are less pejoratively known as *orang pandai* (also *orang pemandai*), literally a “knowledgeable person”. Although some claim *bomoh* might use black magic, whereas *orang pandai* are mainly protecting or healing, the distinction is not consistently used or clearly defined among Bruneians. From the FCS’ perspective, *orang pandai* are usually deviant as well, although their followers and customers tend to insist that what they do is permissible because they are not *bomoh*.²⁸

In 2014, I made contact with an *orang pandai*’s secretive circle. According to its members, who call themselves *anak buah* (“fruits”), it comprises 100 members and a smaller circle of core *anak buah*. The group’s leader has practised for more than 30 years and learned his knowledge (*ilmu*) from local teachers. In 2014, numerous patients visited his place daily from morning to late-night. Group members learning from and assisting him include academics, lawyers, housewives and even some government officials who hide their affiliation with the group. My interlocutors excitedly narrated how they witnessed their teacher’s spectacular miracles, which resembles what is commonly ascribed to *bomoh* (except black magic). Similarly, the group’s religio-political views are rarely compatible with the Islamic bureaucracy’s doctrines. Their leader has made the pilgrimage to Mecca (the Kaaba’s key keeper is allegedly his good friend), prays five times a day and has extensive knowledge of Islamic sources. Nevertheless, he told me that if asked what his religion is, he could not give any honest answer as any answer, such as Muslim, Christian or Hindu, would be divisive. His honest reply would thus be “just one breath”, symbolizing the unity of mankind.²⁹ Under the Islamic bureaucracy’s doctrines, this comes close to apostasy. One core-member described them as *tareqat*-like, and expressed his enthusiasm for the Sufi poet Rumi, adding that any institution between humans and God would contaminate the purity of Islam. He also criticized the government’s MIB indoctrination efforts and questioned the SPCO 2013 as a power-political instrument. The group’s leader, in contrast, is highly cautious about direct political statements. He also denied that his group is a

²⁸ Interview with FCS representatives, Bandar Seri Begawan, 18 October 2014.

²⁹ The same notion appears in a 13th century Rumi poem, “Only Breath”.

tareqat, which is not surprising considering that several Sufi groups are banned. His followers claim he has been repeatedly investigated and spies have been sent (“We know who they are.”³⁰); secrecy and his refusal to give his group any name or category may have contributed to his safety. What further protects him, his followers argue, is his emphasis that every service he offers is essentially rooted in Islamic sources (“basically just reciting the Qur’an”³¹). When it comes to more controversial supernatural practices, the group has a strict code of secrecy. The *anak buah* are placed in different “wider” and “inner” circles with different levels of access to the secret knowledge. Another protecting factor, they claim, are VIP clients and (ex-) group members that are found even at the highest echelons of the societal hierarchy. The leader is claimed to be a millionaire on account of the gifts he reportedly receives from grateful patients.

One survival tactic vis-à-vis anti-deviance policies targeting *bomoh* is discursive reframing. Some practices, such as the exorcism of spirit possession (*kerasukan*), have recently been re-conceptualized as “Islamic medicine”, *syifa*, and practiced “Sharia-compliant” under the control of government institutions. Exorcisms and other so-called religious forms of medical treatment can now be conducted by certified, state-approved Islamic healers, “a very new thing”, as one interlocutor commented.

Brunei’s *syifa* movement³² began in 2007, inspired by the non-state based Darussyifa (lit. House of *syifa*) of Malaysia. Haron Din (spiritual leader of Malaysia’s Islamist opposition party and former university lecturer in Islamic Studies), the Malaysian Darussyifa’s founder who regularly visits Brunei, inspired a group of Bruneians to seek government approval to establish their own Islamic medicine centre. In 2007, they established Darussyifa Warrafahah (henceforth Darussyifa, the spelling differs from Malaysia’s Darussyifa) and the centre has expanded dramatically. According to internal statistics, membership numbers went up from 38 in 2007 and 175 in 2008 to 597 in 2013. Not all members hold a healing certificate as it can only be obtained after passing the final examinations following a year-long structured work course (the contents of which are based on Haron Din’s writings and approved by Brunei’s Islamic authorities). The number of treatments grew from 500 in 2008 (including 339 “disturbances”, *gangguan*) to 5032 in 2013 (1820 disturbances). Disturbances, supposedly caused by “spirits” (*jinn*), affect individuals or buildings. In 2014, more than 50 per

³⁰ Interview with a group member, 2014.

³¹ Interview with a group member, 2014.

³² *Syifa* means “healing”.

cent of treated disturbances had affected government buildings and private houses (statistics provided by Darusysyifa, October 2014). Darusysyifa distinguishes three categories of medical problems: 1. physical (e.g. headache, flu, migraine); 2. spiritual or emotional (e.g. insomnia, family/neighbourhood problems, worries about safety, or a weak spirit); and 3. disturbances caused by *jinn* Muslim *jinn* and particularly infidel *jinn*) or sorcery (*sihir/ilmu ghaib*), black magic (*ilmu hitam*), and *bomoh*-style poisoning.

At Darusysyifa's centre, it is not unusual to have 10 or more patients being treated simultaneously in separate rooms, as I observed in October 2014 (Figure 4). Initially, the group only had a small house and, as a co-founder narrated, "spirits" would sometimes "jump from one body to the next" during exorcisms.³³ One of the founders, however, won a local bank's prize competition, called "What is Your Wish?" (worth BND 100,000) and used the money to build a larger clinic. Treatment is free and all healers work voluntarily, sometimes into the early morning. Patients can "choose whether they wish to make a donation", a sentence I had heard verbatim before from and about *bomoh/orang pandai* in Brunei and Singapore. The centre receives large donations and also sells self-produced Islamic health products. Among them are herbal medicines and water that has been exposed to Darusysyifa members' collective prayers (*dizikirkan*; packages are labelled respectively), a very successful product.

It is noteworthy that reading Qur'anic verses into water is also common among *bomoh*, but Darusysyifa insists that it is only their own method that is properly Islamic. Some *bomoh*, Darusysyifa members argue, would not even know that their practices involve demonic forces. Some individuals were *bomoh* before they attended Darusysyifa's courses and now want to cleanse their work of un-Islamic elements and may also be attracted by Darusysyifa's legitimizing capacities. A member of an educational institution shared with me how her father had once been a *bomoh* healer ("only in the family"), but stopped and attended a *syifa* course.

As the FCS' director told me, not all certificate holders entirely abandon their previous methods. In one case, a male Darusysyifa practitioner sexually molested a female patient – usually only women are allowed to treat women – and claimed afterwards he had been possessed by *jinn*. The FCS also identified a *bomoh* who falsely claimed to be a Darusysyifa healer. Leaving aside such transgressions, it is clear that Darusysyifa can provide legal security and social recognition for (ex-)practitioners in a field that is increasingly delegitimized and outlawed. It could be argued that Darusysyifa

³³ Interview, Bandar Seri Begawan, 11 October 2014.

presents a case of creative discursive resignification in line with parameters set by the Islamic bureaucracy, although Darusysyifa members and government clergy would strongly disagree that there are any similarities between their work and the healing conducted by *bomoh*.

FIGURE 4: Certified Islamic healer conducting an exorcism at Darisysyifa Centre.



Even government institutions and high-ranking dignitaries use Darusysyifa's services, some of whom had earlier been rumoured to consult with *bomoh*. Darusysyifa has, for example, conducted a large-scale cleansing at a notoriously haunted building of the Ministry of Defence (BRIDEX Centre), in return for which Darusysyifa received permission to use it for a conference. Darusysyifa members also told me that they treated buildings at the University of Brunei Darussalam and that a national hospital regularly calls Darusysyifa to cleanse rooms, which is also documented in pictures on Darusysyifa's webpage (2011). In 2014 an incident of mass hysteria occurred at an all-girls Arabic School that had to be closed for a day, as "around 15 students [...] were affected by disturbances" (Brunei Times 2014d). Darusysyifa sources told me how more than 10 of its exorcists cleansed the school's premises, a job that in the past would have been assigned to a reputable *bomoh*. Darusysyifa has also been involved in events of highest diplomatic significance, details of which the author was asked not to publish. Mention that Prince Abdul Malik once served as Darusysyifa's patron must therefore suffice to illustrate its elite support and prestige.

As Darusysyifa's case demonstrates, the politics of exorcism in Brunei are shaped by the government's attempts to exorcise politics from the country, inasmuch as they reflect the sultanate's characteristic mechanisms of discourse control. Operating under formalized government control serves to legitimize any Islam-related (and in fact any other public) activity, as the government has effectively outlawed uncontrolled, autonomous subjects that might not conform to official doctrines. Simultaneously, Darusysyifa presents a case of an uneven, paradoxical continuation of a tradition declared to be deviant, albeit in a discursively reframed form. Its practitioners have creatively adapted to the MIB regime's rules of behaviour and submitted to the government's classificatory power, but have, at the same time, created some limited space for agency.

Concluding remarks

Brunei's Islamization policies since the 1980s have been inseparably intertwined with socio-cultural transformations, and the MIB state's exercise of classificatory power has triggered far-reaching changes in the normativities of everyday life. But the dynamics of socio-legal change are not entirely uncontested, and the state's hegemonic stipulations do not simply determine social behaviour. Despite their tireless efforts to control faith and the powerful legal and bureaucratic resources behind them, the government's Islamic authorities have not entirely succeeded in eradicating practices declared

deviant. As the continued persistence of shrine worship, *bomoh* practices, secretive Sufi-inspired communities deploying creative survival tactics, and the creation of the Darusysyifa as a way of re-legitimizing controversial practices through a government-recognized system demonstrate, there are still marginalized spheres of creative agency, everyday resistance and rejection of normative compliance that defy a totalizing, one-dimensional portrayal of Brunei society as docile and streamlined. Taking these forms of agency seriously and acknowledging the diversity of reactions to the ruling order can help us to develop a more complex picture of law and society in contemporary Brunei than the sultanate's common stereotypical portrayal would suggest. While Brunei's Islamization programme deserves far more scholarly attention than it has received to date, it is important not to confuse its official doctrines and the government's underlying strategies with their impact at the micro-level. Although both levels are inextricably linked, they need to be distinguished analytically. The described dynamics of socio-legal change, with top-down and bottom-up processes interacting in complex ways, cannot be captured analytically by one-directional explanations assuming a clearly identifiable cause-and-effect relationship. From my anthropological point of view, we can at best develop partial perspectives on this essentially messy process, a project to which the present article seeks to contribute.

In historical analysis, Brunei illustrates the capacity for inexorable further consolidation once a protecting power has effectively handed absolute power to the successor regime, at least given the enormous material resources over which the Brunei state disposes. Although the empowerment and expansion of Sharia law in Brunei is locally presented, and might be interpreted academically, as an attempt at post-colonial emancipation, it cannot evade its colonial imprint of modern legalism and bureaucratization, thus presenting a case of uneven, paradoxical continuity. By advising the sultanate on the systematic codification, institutionalization and diversification of its administration of Islam, the British helped to create the institutional and ideational substrate from which the later Shariatization, including the latest legal reform, eventually emerged. Islam became translated into the modern language of bureaucratic legalism, which still continues to shape the post-colonial state's exercise of classificatory power today, as manifested in its sanction-based policies of standardizing truth and deviance.

Considering the political priority given to Islamization policies, and leaving aside sincere beliefs in accumulating divine blessings in this world and the afterlife for realizing God's legislative will, we may ask who benefits from Brunei's expansion of Sharia law? The Sultan and his political system are the clearest winners, as the SPCO further consolidates their (literally and figuratively) unquestionable power and divine legitimation. Simul-

taneously, the SPCO gives to the Islamic bureaucracy what many of its representatives had long hoped for and devoutly believe in, thereby ensuring their support, while simultaneously further cementing the state *ulama*'s monopoly and socio-political influence. In addition, pleasing other pious-minded segments of the population is power-politically beneficial as well, particularly as it pertains to the growing group of persons with educational backgrounds in Islamic Studies. Widening the state's Islamic sector creates further employment opportunities, which helps to integrate and control them. The SPCO enjoys striking support at Brunei's Islamic University UNISSA (Universiti Islam Sultan Sharif Ali), which indicates that refusing to enforce *hudud* laws, even if implemented merely at a symbolic level, might have led to ideologically deep-rooted discontent among this influential segment of society. Whether intentional or not, the Sultan's legal Islamization policies may take the wind out of a potential future Islamist opposition's sails, as they are likely to ensure that no future opposition movement will emerge out of the ideational repertoire of political Islamism, at least not for the time being.

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