

Article

Syariah as Heterotopia: Responses from Muslim Women in Aceh, Indonesia

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Abstract: In this paper, I argue that the implementation of *syariah* is best understood as a heterotopia by women in Aceh, Indonesia. The current debates over the role of *syariah* for women in Acehnese society focus on either a secular human rights critique of non-liberal norms that restrict the rights and freedom of women or a religiously prescribed defense of communal norms that protect women and society. Based on interviews, I identify three variants of how women conceive of and inhabit *syariah* in Aceh. Two of these variants are underrepresented in the current academic literature on *syariah* in Aceh. Two key distinctions are drawn between blueprint and iconoclastic utopian thought and state-centric and non-state-centric models of political legitimacy. Rethinking *syariah* as a “socio-spatial dialectic” allows for all three variants of *syariah* existing simultaneously as a heterotopia in Acehnese society.

Keywords: Islamic law; politics; feminism; utopian thought; Southeast Asia; subjectivity

1. Introduction

The aim of this article is to further our understanding of how *syariah* in Aceh is inhabited, transformed, constructed, and deconstructed by women. Based on interviews conducted between 2009 and 2010, I observed that *syariah* was often described by women in Aceh as encompassing more than an individual’s responsibility to follow a set of legal codes or personal beliefs. They would often draw a distinction between the government’s implementation of *syariah* in Aceh and their lived experience of *syariah* within a Muslim community. However, this perspective has been marginalized in national

and international commentaries by governments, NGOs, and in the media. I argue that understanding and acknowledging these marginalized voices can contribute to an attempt to re-imagine the way we think of *syariah* not only in Aceh or in Southeast Asia, but in wider intra-faith religious debates over the compatibility of religious values and norms co-existing or at times superseding secular models of democratic governance.

The first step in allowing for this re-imagination is to recognize the inadequacy of appealing to hegemonic or counter-hegemonic discourses of *syariah* in Aceh. Hegemony refers to an indirect dominance in society of a set of values or norms through an implied consent without specifically acknowledging their predominance. In this case, the hegemonic discourse surrounding *syariah* in Aceh refers to equating *syariah* to a fixed codified system of judicial thought based on Shafi'i *fiqh* that is perceived as a legitimate source of divine law. The counter-hegemonic discourse refers to equating *syariah* to an illegitimate fixed legal code that is in conflict with an agreed upon set of universal Human Rights. Both hegemonic/counter-hegemonic discourses can be found in some of the interviews with respondents, in public discussions in the media, in governmental and non-governmental reports, and in recent academic debates. Notably, an expose on the hegemonic/counter-hegemonic discourses can be found in Michael Feener's recent book, *Shari'a and Social Engineering* [1]. Feener documents a tension between state actors and non-state actors over the legitimacy, significance, and effectiveness of the implementation of *syariah* in Aceh. The present study offers an alternative bottom up approach in comparison to Feener's top down perspective of *syariah* that moves beyond a state-centered blueprint utopia/dystopia binary.

In order to draw out the distinction between a flexible open-ended conception of *syariah* as an iconoclastic utopia and rigid closed-ended conceptions of *syariah* as a blueprint utopia/dystopia, it is beneficial to begin with a few clarifying remarks on the relationship between history, space, and time. In order to explain how *syariah* functions and is inhabited in Aceh, I argue that it is necessary to rethink the ontological assertions built into the prevailing paradigm within the social sciences of historical materialism that privileges the intersection of time and material locations in physical space over recognizing the existence of social phenomena forming equally real socio-spatial relationships. I argue that *syariah* in Aceh should be thought of as existing not only in historical material moments across time, but also in terms of a socio-spatial materialism that is constructed, deconstructed, and perpetuated through the production of social space. Therefore, *syariah* is better understood in terms of what Edward Soja identifies as a "triple dialectic" between "space, time and social being" ([2], p. 11). The explanatory power of using a triple dialectic approach is that it allows for increased flexibility and malleability of social phenomena that is otherwise implausible. Thinking of *syariah* as being formed, broken-down, and re-formed again by a dialectical relationship between space, time, and social being means that it cannot be reduced to a set of top-down government regulations or a set of agreed-upon social regulations that individuals choose to abide by or not. Instead, *syariah* ought to be conceived of ontologically in terms of a living, constantly evolving, malleable place that exists within the space of human relations.

In the third section, I apply the concept of a social-spatial dialectic to the stories and narratives of women I interviewed across different regencies in Aceh. In the interviews, I asked women in Aceh to explain how they understand *syariah* and whether their understanding of *syariah* is different from the way it is being implemented by the state. The expansion of the state's implementation of *syariah* from

family law to civil and criminal law originated with the passing of the national law no. 44 in 1999 that provided the province of Aceh increased autonomy, including allowing the provincial government to administer *syariah* in all aspects of daily life ([3], p. 209). While individual districts in other parts of Indonesia have been granted permission since 1999 to expand their enforcement of *syariah* through the current legal system, Aceh is the first province in Indonesia that has been given the autonomy to create a separate court system, a separate police force, and enforce *syariah* across an entire province. The Indonesian state's expansion of *syariah* in Aceh was done through the following steps: enacting a series of *qanun syariah*¹ (provincial bylaws) covering a range of prohibited social behaviors beginning in 2002, establishing *Mahkamah Syariah* (local Syariah Courts) in 2003, establishing the *Wilayatul Hisbah* (Syariah Police)² in 2005, and the widespread implementation of *syariah* through the newly created courts and an auxiliary police force beginning in 2006 [3–6].

Based on sixty-seven semi-structured interviews with women living in Aceh who self-identified as Acehnese, I identified three main perspectives on *syariah*: first, those who find the current state implementation of *syariah* to be consistent with their understanding (*syariah* as a blueprint utopia); second, those who find the current implementation to be inconsistent or antagonistic to their understanding (*syariah* as an state-centered iconoclastic utopia); and third, those who find the current implementation to be largely irrelevant but not necessarily inconsistent or antagonistic to their understanding (*syariah* as a communally-centered iconoclastic utopia). In regard to the third perspective, the question of whether the state is correctly or incorrectly implementing *syariah* appeared to be negligible in terms of its impact in their lives. According to this third group, the question is largely irrelevant because they view *syariah* as something that exists within the social space of the community rather than in disassociated relationships among autonomous individuals or between individuals and the state. I was unable to find a homogenous perspective based on demographics of the respondents (age, rural/urban, or level of education) except for the only demographic group in which some of the participants think of *syariah* in terms of a blueprint utopia were urban well-educated women under 27 years-old.

The concept of heterotopia aids in explaining the plurality of meanings and functions of *syariah* for women in Aceh. Heterotopia allows for thinking of *syariah* as something more than a dead space of

¹ The first qanun no. 10/2002 addressed a broad range of topics including increasing the jurisdiction of *Mahkamah Syariah* (the local Syariah Courts) and outlining the potential types of offenses (such as *hudud*—obligatory from the Qur'an, *qisas/diyat*—retribution/compensation for a death, and *ta'zir*—left to the discretion of the court) ([4], p. 157; [5], p. 6). The next qanun no. 11/2002 dealt with aspects of everyday life including following an Islamic dress code (covering the knees to the navel for men and all of the body except the hands and face for women) through enforcing the practice of *'aqida* (the right belief), *'ibada* (the right way to worship), and *syiar Islam* (the right symbols of Islam) ([6], p. 199; [7], p. 232). The governor of Aceh announced the official beginning of syariah implementation on March 4th 2003 after the Supreme Court ruled in favor of allowing provincial enforcement of syariah ([6], p. 199). Within a few months, three additional qanuns were passed prohibiting the consumption of *khamar* (alcoholic beverages) in no. 12/2003, prohibiting *maysir* (gambling) in no. 12/2003, and prohibiting *khalwat* (illicit relationships between men and women) in no. 14/2003 ([4], p. 158). For a recent summary of the history of *syariah* in Aceh from the perspective of the state, see Michael Feener's *Shari'a and Social Engineering in Aceh* ([1], chapters 2, 6–9).

² The translation of *wilayatul hisbah* as “syariah police” is based on its usage in the Indonesian language and the common reference to its interchangeable usage with *polisi syariah*, which literally translates as syariah police. Its usage is a departure from the original Arabic meaning of “provincial/governance in accordance with Islam”.

juristic legal code and arbitrary violence that is so readily adopted in academic circles, by NGO reports, and by the news media. In this paper, I argue that understanding *syariah* as a heterotopia through a socio-spatial dialectic allows for a richer conceptualization of women's agency to emerge, and opens the possibility of a localized-indigenous Muslim feminist politics to emerge in some rural communities of Aceh.

2. Heterotopia and Dystopia in Postcolonial Space

Since 1999, there have been heated debates on the national and international stages surrounding the legality and efficacy of the Acehese provincial government's implementation of *syariah*. These debates are often formulated as if *syariah* is either a hegemonic or a counter-hegemonic socio-political force in Acehese society [1]. This binary logic expressed through human rights reports from NGOs, statements from government officials, and media outlets presumes that *syariah* represents an appeal to a distant utopian future, but in reality *syariah* creates a dystopian reality in the present. This is usually framed in terms of a divide between insider (Muslim) and outsider (non-Muslim) perspectives; the former supposedly believe with certainty that *syariah* represents a utopian future that society is progressing toward and the latter believes with certainty that *syariah* represents a dystopia that society must avoid at all cost. A cogent example can be found in the December 2010 report entitled "Policing Morality: Abuses in the Application of Sharia in Aceh, Indonesia", in which Human Rights Watch describes the situation in Aceh in the following manner,

In its ideal form, supporters say, Sharia is a complete system of guidance on all matters in life, one that promotes charity, social welfare, and communal harmony. As applied in Aceh, however, two Sharia-inspired laws are denying many people—predominantly the poor, women, and youths—the right to make personal decisions central to the conduct of their lives and the expression of their faith, identity, and morals ([8], p. 10).

Human Rights Watch focuses on two particular *qanun syariah* (criminal legal codes in Aceh) no. 11/2002 covering *aqidah* (right belief), *ibadah* (ritual observance), and *syiar* (festivals), which is interpreted as including dress codes for men and women, and no. 14/2003 covering *khalwat* (illicit relationships between members of the opposite sex). The report emphasizes at several points that it "takes no position on Sharia law or on provisions that regulate the internal workings of Islam" while at the same time asserting that human rights law supersede all others ([8], p. 11). The Human Rights Watch report does not specifically state that *syariah* is incompatible with international human rights laws; however, it does challenge the legality and morality of the current enforcement of *syariah* in Aceh. One of the primary criticisms emerging from the report is when it states the following,

communities are encouraged to implement the prohibition against seclusion [khalwat] and to resolve allegations of seclusion in adat (customary law) dispute resolution mechanisms ([8], p. 32).

The explanation provided by Human Rights Watch is that it poses a direct challenge to the authority of the national secular laws that are in accordance with international human rights laws and treaties ([8], pp. 32, 50–60). The report goes on to cite grievous cases of physical and mental abuse, instances of torture, public humiliation, and a widespread denial of adequate protection or

representation from government officials. I argue that the underlying claim being made in this report is best interpreted that *syariah* is being appealed to in Aceh as a utopian future of a virtuous society; however, because it is based outside of the authority and legitimacy of the state, this utopian future becomes a dystopian reality in the present unless the state is willing to intervene through an accepted discourse of human rights. The Human Rights Watch report is portraying *syariah* in Aceh as being inherently misguided and illegitimate because of its religious (non-secular) foundations and because it poses a direct challenge to the authority and legitimacy of national and international legal theory. The problem with the Human Rights Watch's claim is that it presumes the authority and legitimacy of the Indonesian state in advance rather than investigating the actual relationship between the Indonesian state and the Acehense people. It presumes that the only legitimate form of political and moral agency is in the form of a secular-liberal subjectivity bounded within a nation-state. A purposefully stateless and non-liberal (but not necessarily illiberal) formation of political and moral agency is silenced within this universal claim to a Human Rights legal framework.

According to one prominent legal scholar and anthropologist, *syariah* has a long history of demonstrating adaptability and flexibility when applied across divergent cultural localities [9,10]. Rosen is quick to point out that "characterizations of justice in other cultures often reveal more about the analyst than the society under consideration", such as the preoccupation of many academics and practitioners in the Global North with supposedly universal concepts of "impartiality, fittingness, dialogue, efficiency, and rights" ([9], p. 153). In contrast, Rosen divides the essence of ethical norms and practices in *syariah* along three levels of meaning,

[one,] relationships among men [and women] toward God are reciprocal in nature, and justice exists where this reciprocity guides all interactions; [two,] justice is both a process and a result of equating otherwise dissimilar entities; and [three,] because relationships are highly contextual, justice is to be grasped through its multifarious enactments rather than as a single abstract principle...according to balanced, reciprocal obligations that reduce social chaos and facilitate even greater networks of indebtedness among those who develop their God-given reason to understand the divine word and the mundane world alike." ([9], p. 155).

It is along this third level of "highly contextual relationships" that it becomes possible to draw a connection between Rosen's discussion of an Islamic conception of divine justice ('*adl*'), as found in *syariah*, with Margaret Walker's "expressive collaborative approach" to ethical norms and practices as an alternative to the dominant liberal-secular (theoretical-judicial model of) ethics [9,11]. An expressive-collaborative approach to ethical norms and practices refers to an "investigation of morality as a socially embedded medium of mutual understanding and negotiation between people over their responsibility for things open to human care and response" ([11], p. 9). In contrast, a liberal-secular (theoretical-judicial approach to) ethics situates ethical theorizing along the level of an abstract space of pure "moral knowledge" of logical and systematic unity that can be verified and regulated through the application of the scientific method ([11], pp. 43–45). It is based on the pervasiveness of this "theoretical-judicial approach" to ethics that I am critical of claims to universality in a human rights legal framework. I argue that this approach to ethics limits justice ('*adl*') in Islam, as located in *syariah*, to what Walker describes as a "set of law-like moral principles or procedures for decision that is

intended to yield by deduction or instantiation...some determinate judgment for an agent in a given situation about what it is right, or at least morally justifiable, to do” ([11], pp. 42–43).

The origins of this marginalization within human rights law as a state-centered legal discourse emerged in the late 18th century as a key component in the Declaration of Independence during the American Revolution and thirteen years later in the Declaration of the Rights of Man and Citizen during the French Revolution ([12], pp. 15–19). There are three basic requirements for human rights laws: they have to be “*natural* (inherent in human beings); *equal* (the same for everyone); and *universal* (applicable everywhere)” ([12], p. 20). This can lead to the perception that Acehnese *adat*, which includes Acehnese interpretations of Islam, is illegitimate or unfit to be the basis for a shared morality because it does not meet these basic requirements by only applying to particular communities in Aceh, by being flexible and adaptable to local traditions, and by existing largely outside of the domain of a modern nation-state. In other words, human rights, as a legal and moral discourse, is dependent on what Talal Asad describes as,

a distinctive relation between state law and personal morality, such that religion became essentially a matter of (private) belief...the idea of religious toleration that helps to define a state as secular begins with the premise that because belief cannot be coerced, religion should be regarded by the political authorities with indifference as long as it remains within the private domain. ([13], p. 205).

It is this requirement of human rights to be enacted and legitimated within the framework of a state that is in conflict with localized and communal formations of *adat* and *syariah* in Aceh. While I personally agree with Human Rights Watch’s assertion that the documented instances of physical and mental abuse, torture, and sexual assault are immoral and detrimental to the people of Aceh, the methodological problem that I have with this report is its implicit claim that human rights through a state apparatus is the only path worth considering to justify this conclusion. Talal Asad explains the problem that I am describing more eloquently when he states,

My concern is not with cruelty as such but with how, in a secular system like human rights, responsibility is assigned for it. I point to the basic assumption about “the human” on which human rights stand: Nothing essential to a person’s human essence is violated if he or she suffers as a consequence of military action or of market manipulation from beyond his own state when that is permitted by international law...Yet the identification and application of human rights law has no meaning independent of the judicial instruments that belong to individual nation-states (or to several states bound by treaty) and the remedies that these institutions supply—and therefore of the individual’s civil status as a political subject. ([13], p. 129).

The contradiction Asad uncovers within human rights discourse applies to how Human Rights Watch readily assigns blame for the implementation of *syariah* and suggests the only viable solution is to enforce the existing national secular laws, while failing to recognize that the Indonesian state continues to be the primary source of violence, instability, and exploitation in the lives of many Acehnese people. Essentially, localized and communal formations of *adat* and *syariah* in Aceh are rendered meaningless from the standpoint of human rights and any sense of agency within them is

being denied meaning as well. There are several methodological problems with assuming a secular-liberal subjectivity that are inherent in human rights discourses since its codification in 1948 ([12], pp. 223–29). By assuming the primacy of a secular-liberal subjectivity in cross-cultural research, it inevitably positions the researcher (Human Rights Watch and myself) and the audience (you as the reader) in a privileged position of the disembodied “self” looking down on the “other” as those who are morally and politically inferior and in need of help [14]. I argue this discursive framework is detrimental when attempting to understand how women in Aceh are constructing, deconstructing, and inhabiting *syariah* in their daily lives.

It is worth noting that at the time when the Universal Declaration of Human Rights was adopted by the United Nations General Assembly on 10 December 1948, that Aceh was considered part of the Netherlands East Indies despite already declaring independence from the Netherlands three years prior. It was not until December 1949 that the Dutch and the United Nations in the following year officially recognized the sovereignty of an independent state from the former Dutch colony. From its inception, the Universal Declaration of Human Rights excluded certain peoples and, I would contend, legitimated acts of state violence in the name of establishing and maintaining human rights. A postcolonial feminist approach to *syariah* provides support for rejecting the imposition of a liberal-secular subjectivity through an international human rights discourse by bringing the legacies of colonialism and state-centered patriarchy to the forefront of the analysis.

One example of why this approach is so problematic for even a descriptive analysis of *syariah* in Aceh is the attempt to account for the secular distinction drawn between civil and criminal laws that does not exist in Acehnese understandings of *syariah*. In the Human Rights Watch report on *syariah* in Aceh, the authors describe the phenomena of informal groups in the community assisting in the enforcement of and punishments for violating *syariah* as chaotic, disorderly, and as a form of vigilantism. What the authors do not consider is that for many Acehnese that I interviewed, *syariah* primarily involves communal obligations and responsibilities to others within the community, not to the state. By labeling communal (non-state) attempts to implement *syariah* in Aceh as “vigilantism”, Human Rights Watch is failing to take into account the myriad other contributing factors, such as the impact of the concomitant internationalization of the provincial economy, the unequal distribution of international aid after the tsunami, the remnants of thirty years of intermittent lawlessness and military rule by *fiat*, the decreasing significance of indigenous systems of governance, or the continuation of political corruption and lack of transparency since LoGA was signed in 2006 ([8], pp. 50–60).

Returning to the primary question of *syariah* as a utopia or dystopia in Aceh, the next step is to clarify what we mean by utopia and dystopia and what kind of moral and political agency is possible within each discursive framework. The English usage of utopia originates from Thomas More’s *Utopia* as an adaptation from Greek of the terms not, *οὐ*, a place, *τόπος*, being combined with a good/well, *εὖ*, place, *τόπος* ([15], p. 9; [16,17]). By More “turning nowhere into the good place”, utopia becomes a place that by definition cannot exist in the present and yet is considered the ideal state of social existence ([15], p. viii). Utopias are characteristically anticipatory futures that “are [illusionary] sites with no real place...they present society itself in a perfected form” ([18], p. 24). In contrast, dystopia did not emerge until the 20th century as an adaptation that applies the Latin prefix *dys-* to utopia as an indictment of a “utopia gone wrong” or the anticipation of the worst possible (anti-utopian) social arrangements in the future ([15], pp. viii–ix; [19]). In a recent survey of utopian thought, Russell

Jacoby traces a genealogy of utopian thought and its anti-utopian backlash from the Greek poet Hesiod to the 21st century and finds several peculiarities beginning with the works and life of Thomas More [19].

In *Utopia*, More describes the ideal society as being one free of “bitterness towards others” and in this future world it would be “an errant folly for anyone to enforce conformity with his own beliefs by means of threats or violence” in stark contrast to the divisive impact of the Protestant Reformation during More’s lifetime ([20], p. 74 cited in [19], p. 45). However, Jacoby warns that a purely textual analysis of More’s *Utopia* would be incomplete without taking into account the events of More’s life as an advocate of intolerance and violence towards heretics and reformers of the Church ([19], pp. 41–49). In his own words, More described himself as a “molester of thieves, murders, and heretics” ([21], p. 285; cited in [19], p. 46). It is in this contradiction between More’s “heavy-handed” intolerance during his later life and his earlier depiction of a future of social harmony in *Utopia* that Jacoby identifies as the beginning of an anti-utopian backlash that would eventually dominate the emerging secular-liberal political tradition ([19], p. 48).

In a recent article, Fatima Vieira argues that “neither utopia as a concept nor as a literary genre is moribund” and identifies three common misconceptions used to support anti-utopian discourses ([22], p. 21). The first misconception is that utopian literature has declined drastically over the past two centuries. She discredits this claim by pointing towards the continual adaptability of utopian literature and the recent example of a utopian literary genre that utilizes “the narrative construction of hyperfiction” or a sub-genre of “hyperutopia” found online in a web of blogs, discussion forums, and commentary ([22], p. 19). The second common misconception she identifies is the assertion that utopian thought is necessarily linked to what many liberal political theorists argued are the failed social projects of Marxism or Communism. Vieira dismisses this claim by pointing out that the assertion that Marxism and Communism are failed political ideologies is still widely disputed among scholars and by reminding the reader that utopian thought is by no means bound to Marxist/Communist conceptions of an ideal/just society ([22], p. 20). The third common misconception used to support recent anti-utopian discourses is, “paradoxically, connected with a very positive view of the possibilities of changing society, and was the result of the revival of utopian spirit that took place in the late 1960s and 1970s” based on the belief that “all of the material and intellectual forces that would enable change were already within the reach of man” ([22], p. 20). Vieira argues for a pragmatic conception of utopian thought and warns against the conflation “between utopia and political blueprints” that has turned the phrase “utopian vision of the future” into a pejorative statement ([22], p. 22).

Twentieth century liberal political theorists such as Karl Popper, Hannah Arendt, and Isaiah Berlin have continued this anti-utopian line of reasoning by arguing that utopian thought, especially in a Marxist/socialist form, leads to totalitarianism and constitutes an illegitimate radically evil ‘ideology’ for Arendt, “illiberalism” for Berlin, and “historicism” for Popper ([19], pp. 50–84). According to Jacoby, a common conceptual problem with each of these theorists is that they conflate two contradictory understandings of utopia and thus mistakenly correlate utopian thought as a whole with anti-utopian totalitarian movements during the 20th century. What each of these theorists are actually attacking is a fixed technologically driven deterministic model of utopia or what Jacoby labels a “blueprint utopia”, which is wholly different in nature to an open-ended indeterminate and idealistic model of utopia or an “iconoclastic” ([19], pp. 81–96). This difference is captured in Martin Buber’s critique of the misusages of the term utopia that “undertake to deliver a blueprint of the perfect social

order” rather than more accurate usages of utopia which embody the “true spirit of community” that can respond “to the needs, the stress, the demands of a situation” through human relationships and mutual cooperation ([23] cited in [19], pp. 95–96). It is iconoclastic utopias that are of primary concern in the second half of this essay.

Blueprint utopian thought and its dystopian counterpart function in somewhat similar ways in society by fomenting hegemonic and counter-hegemonic narratives. Hegemonic and counter-hegemonic narratives are ones that subsume all other explanations, be they individual or communal, into one overarching structural explanation of social phenomena. Hegemonic and counter-hegemonic discourses generally do not take the form of the inverse of the other, just as dystopias often revolve around the exploitation of one group for the benefit of another rather than representing a decline into all out disorder and conflict. They appeal to universalizable categories in order to catalog social identity and social space and thus create fixed essentializing categories that offer “at one end, a blindness towards diversity, and at the other end, the total disintegration of the category” ([24], p. 145). Feener’s recent work illustrates this distinction when he frames his analysis of *syariah* along the level of the state by privileging a narrative of social engineering at the expense of non-liberal and non-state-centric expressions of utopian thought [1].

Discourses over the implementation of *syariah* in Aceh are often presented in such terms [1,4–7]. According to many government officials and media reports, the implementation of *syariah* refers to the following of a blueprint in order to achieve a clear and comprehensive system of rules and regulations. While for many of the Acehnese women I interviewed, discussions surrounding the implementation of *syariah* were often prefaced with careful considerations of their relationships with others in the community, the importance of local customs, and the broader social aims behind implementing *syariah*.

While insights from Foucault and Natter and Jones help to recognize the inadequacy of limiting our theorization of *syariah* to either hegemonic or counter-hegemonic explanations, the work of Soja is beneficial in expanding how we understand space by challenging the epistemic foundations of “historicism” that privileges time, “as richness, life, dialectic” and treats space as being, “fixed, dead, undialectical” (Foucault cited in [2], p. 11). Historicism requires a constant reference to time as an overarching guide to the placement of all social occurrences and acts as “an overdeveloped historical contextualization of social life and social theory that actively submerges and peripheralizes the geographical or spatial imagination” ([2], p. 15). It is this marginalization of spatiality that is important to recognize in order to begin to consider *syariah* in iconoclastic utopian terms rather than as a blueprint utopia or dystopia. The solution that Soja provides is to re-conceptualize social phenomena as a triple dialectic between ‘space, time, and social being’ in order to “open up and recompose the territory of the historical imagination through a critical spatialization” ([2], p. 12). By constructing a synthesis between space, time, and social being, space and social being are lifted to the same level of analysis as social scientists normally hold time. The implementation of *syariah* in Aceh needs to be approached in a similar manner by focusing on how it is constructed and deconstructed relationally among Acehnese rather than trying to map out the government’s progress in codifying and enforcing *syariah* as a legal system through coercive force.

During interviews with women in rural areas of Aceh, the implementation *syariah* was often correlated to the implementation of *adat*. Several women described the practice of *gotong royong* (mutual/communal aid) as part of their village’s *adat* and as being consistent with *syariah*: “It is our

customary tradition to help each other plant paddy (rice) in the fields, if we don't have money to pay others. This tradition still exists... Well, those things that I mention we do when we come to our neighbors' *khenduri* (community feasts)" ([25], p. 11). *Khenduri* (sometimes spelled *kenduri*) are celebrations of important events such as a wedding, the birth of a child, the harvesting of rice or a young boy's circumcision and are seen as a way of redistributing wealth in the community ([26], pp. 95–96; [27], pp. 127–29). *Khenduri* and *gotong royong* are examples of how *syariah* is being constructed and inhabited by women in Aceh that challenge the dominant narrative of a state-centered *syariah* being implemented vertically as opposed to *syariah* being spread horizontally through mutually beneficial relationships within a community.

Space is normally thought of as fixed and always in reference to something else in time, e.g., time zones always referring back to Greenwich Mean Time or historical events happening before or after the start of the Common Era. It is by way of fixed categories that space has a tendency only to be seen as referent, just as the space of a person's identity has had a tendency to be viewed as an existing category that needs to be filled. For both concepts of space and identity, the interaction of a socio-spatial dialectic provides a way of visualizing the interstices or interconnectedness between the signifier and the signified. As space and identity are socially produced and act as an "object/sign system", there is "the potential for *tactical* refusal and resistance" such that they are inherently political as well ([2], pp. 150–51). It is within this socio-spatial dialectic that we can find alternatives to hegemonic and counter-hegemonic narratives.

The concept of a "triple dialectic" helps to explain how social phenomena occur across a plane of space, time, and social being in a similar way to how we think of a past event occurring at a particular time and place. By considering social space as a triple dialectic, *syariah* can be thought of as existing other than or outside of blueprint utopian/dystopian (hegemonic/counter-hegemonic) discourses. One implication of this for understanding *syariah* in Aceh is the need to recognize the multiplicity of forms that *syariah* can inhabit and the interplay between these forms as an "alternate ordering" or heterotopia "based on a number of utopias that come to being in relation to a tension that exists within modern societies between ideas of freedom and ideas of control or discipline" ([15], pp. ix–x).

The term "heterotopia" originates from the prefix *έτερο* (hetero: different, abnormal, or other) combined with the Greek word *τοπια* (topia: place or landscape) and is most commonly used today as a medical term denoting a physiological 'displacement in position' between the abnormal and the normal [28]. Once the object of study is shifted to social phenomena, the meaning becomes opaque from a purely historical materialist perspective. For example, are we referring to an event at a particular time and place in which an individual's behaviors/actions are objectively being performed incorrectly or hold no significance to others? For the purposes of analyzing social phenomena, heterotopias are better approached through both spatial and historical materialisms as embodied spaces that, as Foucault states,

have the curious property of being in relation with all of the other sites, but in such a way as to suspect, neutralize, or invert the set of relations that they happen to designate, mirror, or reflect. These spaces...[are] real places—places that do exist and that are formed in the very founding of society—which are something like counter-sites, a kind of effectively

enacted utopia in which the real sites, all the other real sites that can be found within the culture, are simultaneously represented, contested, and inverted ([18], p. 24).

Foucault is arguing for a radical shift away from thinking of space in terms of sign posts along a linear chain of progressive events bound in time. Instead, heterotopia requires that space be thought of as places constructed and inhabited by social relationships that at times may correspond to a particular geographic location while at other times exist only in terms of a shared possibility or in a shared anticipation within a community. Foucault elaborates on this definition by providing six general characteristics of heterotopias: first, they are not exclusive to Western European societies and probably appear in some form in every society; second, they function differently over time, within a society, and across societies; third, they can integrate multiple and even contradictory sites into one place; fourth, they are usually connected to specific moments or spans of time that are disconnected from the present; fifth, they are constrained in such a way that entry is usually compulsory or based on the fulfillment of communal “rites and purifications”; and sixth, they often fulfill the role of making a mockery of the irrational compartmentalization of people’s lives or conversely by constructing a wholly-other/alternative space of possibility ([18], pp. 24–27). Each of these provides insight into how heterotopias function and hint at how they are distinguishable from blueprint utopias/dystopias. The benefit in recognizing *syariah* as a potential heterotopia is that it creates new avenues for conceptualizing *syariah* for Muslims and non-Muslims without falling into the trap of presuming a secular-liberal binary of a resistance/oppression model of agency.

In a recent study on the politics of identity and power in postcolonial space, Jane Jacobs conceptualizes lived postcolonial experiences as inhabiting spaces, both material and imagined, that are co-constitutive elements in the formation of the “cultural politics of place and identity” ([29], pp. 3–5). According to Jacobs, colonialism in all its forms not only appears “*in space*” but also “*through space*” and “*about space*” ([29], pp. 1–3). It is in “place-based struggles” that “signs, metaphors, and narratives” of resistance to (neo)colonialism can take place and it is in these underlining spaces that the application of a postcolonial discourse is the most beneficial ([29], pp. 1–3). It is from this radical approach to understanding space that Jacobs argues for a re-examination of how “the ‘real’ geographies of colonialism and postcolonialism” are constructed, deconstructed, and disseminated into people’s lives today ([29], pp. 2–3). She is arguing for a shift in conversation on the postcolonial by rejecting the assumption that a lived postcolonial experience can be compressed onto a “textualized landscape” that deemphasizes and reduces space to “a cultural politics of place” ([29], p. 9). It is at the past and present sites of colonial contact that Jacobs finds the ideological and practical imprints of colonialism. The uses of rationality in the spatial imaginary of colonialism and in the production of the Third World city are important concepts for Jacobs. As Jacobs points out, the social power relationships of colonialism did not end with the formal end of European colonialism; power inequalities continue to persist in a host of different ways and often the former colonized elites embody the role of colonizer for those in minority groups or living on the periphery of the state. For many of the women I interviewed in Aceh, this spatial imaginary of colonialism (presently thought to emanate from Jakarta) continues to be influential on how they perceive the significance of *syariah* in their lives. The Dutch East Indies administration viewed *syariah* as a threat and codified parts of *adat* across the archipelago into *hukum adat* (customary laws) as part of a “divide and rule strategy” ([30], pp. 157–58).

This contributes to the present populous support that *syariah* appears to have among most Acehnese. It is with this in mind that we now turn towards the main analysis of the interviews with women in Aceh.

3. Women's Voices: *Syariah* as Utopia, Dystopia and Heterotopia

At the beginning of 2009 and during the summer of 2010, I conducted a series of interviews with Acehnese women from different socio-economic statuses, different ages, educational levels, and from different locations across the East and West Coast of Aceh. Three distinguishable perspectives on *syariah* and its implementation in Aceh emerged from the interviews. Before arriving in Aceh, I brushed up on recent academic discussions of *syariah* in Aceh, numerous articles from the national and international media and Human Rights reports from NGOs stressing the detrimental effect that the implementation of *syariah* was having on women in Aceh [5,27,31–33]. These accounts are often framed in terms of religious fanaticism or Islam as a political ideology infringing upon the human rights of Acehnese people, especially women, followed by an assertion that *syariah* is inherently unjust and conflicts with basic human rights. Usually, pictures of a woman being caned or women looking nervous while being questioned by the *Wilayatul Hisbah* (*syariah* police) are scattered throughout these reports. In a recent speech in Indonesia, U.S. President Barack Obama only made one reference to *syariah* or Aceh by referring to the need for the “rights of citizens” to be “treated equality” in provinces such as “Aceh” so “that all Indonesians have equal rights” ([34], p. 4). The implicit claim that Aceh is lacking basic human rights is one that has been repeated over and over again in the media and one that is almost always linked to the implementation of *Syariah* law. In each of the following sub-sections, I present a different understanding of *syariah* as potential social spaces of heterotopia.

3.1. *Syariah* as a Blueprint Utopia

In contrast to the negative appraisal of *syariah* by international NGOs, such as Human Rights Watch, I found many younger women in Aceh were quite supportive of the state implementing *syariah* in their communities and described it as empowering for Acehnese women. They often explained this need for the local government to implement *syariah* as a reasonable and justified response to the behavior of some Acehnese women who are not following Islamic dress codes or social norms. As one engineering student states,

The norms prevailing within the communities bring even more shameful consequences to the wrongdoers than those of being imprisoned or fined. I personally think that *Syariah* Law implementation is good because our life will be more organized and directed. However, we often find Banda Aceh's women have not worn proper Islamic clothes to cover their bodies ([35], p. 10).

Participant 1 is describing *syariah* in hegemonic terms as being both fixed in its prescriptions and clear in its prolepsis of achieving an ideal existence as *ummah muslimah* (a community surrendered to God) in Aceh ([36], p. 59). The anticipatory element is further reinforced by linking *syariah* to a romanticized past of Acehnese resistance to Dutch colonialism and as a rejection of the present social inequalities in Aceh as not being Islamic. She continues,

Talking about Syariah Law we should look at our history. Cut Nyak Dhien was wearing a headscarf to cover her body. Although she did not literally cover all over her body (like women nowadays), but her dress code indicated that Acehnese women were known as polite...Acehnese people also strongly uphold their culture and traditions. That's why we can find customary laws here are stricter than state laws ([35], pp. 9–10).

By invoking Cut Nyak Dhien, she is suggesting that the current emphasis by the *Wilayatul Hisbah* (Syariah Police) on women's dress is a necessary and legitimate step in constructing a future society based on a blueprint utopian approach to *syariah*. Her emphasis on the need for the state to correctly and comprehensively implement *syariah* may have partially resulted from being part of the first living generation of Acehnese to have grown up with *syariah* implementation being sanctioned by the state. Later on in this paper a generational divide will become apparent from the interviews with women who were already adults when *syariah* first began to be implemented through the state, with the divide manifesting itself between those who approach *syariah* implementation as a blueprint utopia and those who approach it as an iconoclastic utopia. A second university student interviewed, Participant 2, originally came to study in Banda Aceh from a small village along the East Coast of Aceh, explains,

The implementation of syariah law serves as the real form of implementation of customary laws which have been ingrained into the Acehnese mind...implementing syariah law is one of the responsibilities of the people of Aceh. For me, I embrace this responsibility towards my religion...what I mean is that Syariah Law has been well put and it is our responsibility to God [Tuhan not Allah] to implement it...implementing Syariah Law is a choice for each Muslim. They can choose whether they implement it or not; this is their responsibility to implement the teachings of their religion. It is my personal responsibility ([35], pp. 11–12).

She describes *syariah* in terms of an individual choice or as her personal responsibility. She even used the generic term *Tuhan* (an essentially secular word for God) instead of the more common *Allah* during the interview. While she does acknowledge the significance of local customary laws, she relegates *adat* to being subordinate to the broader project of implementing *syariah* through the state. According to her, local customary laws happen to fit in with *syariah*, not the other way around. She is also critical of other Acehnese women who choose not to implement *syariah* within their own lives. This is in contrast to understanding *syariah* as a shared responsibility within a group, a communal (not personal) responsibility, and in specifically Islamic religious language. Participant 2's understanding of *syariah* deemphasizes the role of the community by privileging individual responsibility to the state and emphasizing the universality of *syariah* for all Muslims in all places at all times. In the following passage, she describes how the main impediment to achieving *syariah* through state implementation are Acehnese people themselves, mainly women, who need the state to intervene on their behalf because they failed to make the correct choice, according to Participant 2, on their own.

In Islam, there are things that are either allowed or not allowed; if we look at what happened now, many of these things are being violated. This includes corruption and dress codes. Perhaps, at the beginning, women are targeted. If the women are beginning to wear proper Islamic clothes, behave well, and do not breach other syariah laws, Syariah Law implementation will then be running well...Perhaps, syariah law implementation is first

aimed at women, for example the raids—raids against women wearing tight jeans. I think it is fine because these people [wilayatul hisbah officers] are trying to remind and lead us to the righteous path. In fact, they remind us to be a better being not encourage us to display our body but encourage us to wear proper Islamic clothes ([35], pp. 14–15).

She describes the implementation of *syariah* by the state as a necessity and a logical step towards achieving the long-term goal of social justice through social harmony implemented by the state. Some readers may instinctively want to conclude that Participant 2 is endorsing illiberal social values because she calls for the imposition of negative freedoms on women in Aceh. In contrast, I argue that making this sort of assumption is premature and in need of further interrogation. I interpret both Participant 1 and Participant 2 as essentially adopting a liberal-secular model of agency in a way that is empowering for them. While Participant 1 and Participant 2 fall into the category of viewing *syariah* as a blueprint model for achieving utopian social harmony, this does not mean that they are endorsing an illiberal vision of *syariah* or that they are in some way more prone to violence or intolerance than those who perceive of *syariah* as a dystopian blueprint for society. They embrace *syariah* as a part of an Acehnese identity and a legitimate part of civil and criminal laws that they personally can choose to follow. *Syariah* as a fixed codified body of law enforced by the state is appealing from their perspective, in part because of the promise of instilling order in a society dominated until recently by chaos and violence.

After finishing one of the interviews and getting ready to leave, one of the participants begins to tell me stories about what life was like during the conflict and how it was not uncommon to find a dead body lying on the side of the road in her village. She described how people were too scared to go near the body and give the person a proper burial out of fear of being labeled a *GPK-teroris* (*gerakan pengacau keamanan*: group of security troublemakers-terrorist) by the Indonesian military. Since life during the conflict was not the primary focus of the interviews, I did not specifically ask participants to tell me about their experiences during the conflict unless they had already brought it up in the conversation.

3.2. *Syariah as a Blueprint Dystopia or Iconoclastic Utopia*

From an outside observer's perspective, it is not difficult for me to imagine that thirty years of armed conflict with the government would leave many Acehnese distrustful of the government's plan to create a new police force to enforce the new *syariah qanuns* in Aceh. After the establishment of the *Wilayatul Hisbah* (Syariah Police) in 2005, several local NGOs focusing on human rights began to become more critical of *syariah* and especially of the *Wilayatul Hisbah* officers. This dystopic vision of *syariah* appeared to center on the *Wilayatul Hisbah* officers themselves. Several common criticisms of the *Wilayatul Hisbah* officers are that they are poorly trained, poorly organized, and arbitrarily implementing *syariah*. The night I first arrived in Banda Aceh in the summer of 2010, I was introduced to a woman who had a different perspective on the implementation of *syariah* from the participants quoted above. In the following passage, she describes her experience of being arrested and detained by *Wilayatul Hisbah* officers.

I was caught by the police syariah in Ulee Iheue harbor. I was eating corn with my friend and suddenly they [wilayatul hisbah] came in and because we are not Mahram [a person related to you that you cannot marry] we are supposed to, I mean, so, they took me to their office...I don't want to confess anything because I don't have any special relationship with him. But, they won't let me go unless I make that statement. So, I have to make that statement and sign the papers. [So they made you sign?] Yes, and this is at 2AM in the morning ([37], p. 5).

Participant 3 and her friend, a local journalist, were arrested at 9 p.m. in the evening and detained for five hours until they agreed to sign a confession before they would be allowed to leave the *Syariah* Police office. When I asked her what reason they gave for arresting her she explained,

They [wilayatul hisbah] said its khalwat—khalwat means when you were in—in a remote place with someone who is not your husband or wife. But there are lots of people around me that night. No, I was not alone. They did that because that night, it was recorded by Al-Jazeera. Yes, there was a cameraman that night. So, they caught how the implementation of Syariah law in Aceh ([37], p. 5).

Before allowing her to leave, the *Syariah* Police officers contacted her family about the incident and the next day they informed her employer as well. She described how both her family and co-workers blamed her for being arrested. Participant 3 is in her late thirties and is a divorced single parent of three children. For her and many other women I interviewed who were 29 or older, they were already adults when the calls for *syariah* to be implemented first began in 1999. While the state implementation of syariah through the *Wilayatul Hisbah* did not get off the ground until 2004, women's dress became a target of vigilante attacks in the summer of 1999 following a national campaign to allow the implement of *syariah* in Aceh. In the following passage, Participant 3 describes how the implementation of *Syariah* Law has affected her life,

I think—it's the wrong time to run syariah law here in Aceh right now, because the community is not stable. We just got our—say freedom and we still have many trauma[s] from the tsunami. And we have to—to put the rule of syariah law here? I think it's not important. There is [sic] a lot [of] thing[s] [that are] more important to do here in Aceh than use syariah law...I don't like this situation here in Aceh. Yes, they force woman to wear [a] veil. I don't [sic] wear [a] veil before syariah law. So [now], I have to do this. [you feel like you have to do this?] Yes, I have to do this but not for myself. It's because I have to follow that rule ([37], pp. 5–6).

Participant-3 describes the implementation of *syariah* in Aceh in terms of a blueprint utopia that turned into a dystopia and is having a negative impact on Acehnese women's lives. She states that “they [wilayatul hisbah] make good woman become bad woman” by appealing to a harsh and inflexible understanding of *syariah* ([37], p. 6). Instead of focusing on what she views as the more pressing social, political, and economic issues in post-conflict/post-tsunami Aceh, the state implementation of *syariah* has come to dominate public discussions of social justice in Aceh. Towards the end of the interview with Participant 3, I learned that she was originally at Ulee Iheue harbor that night to meet another friend, a lawyer, about helping one of her neighbors resolve a land dispute with

the military. She said she was the only person in her neighborhood that was willing to stand up to military abuses of power. Instead of being deterred by the experience of being arrested by the *Wilayatul Hisbah*, she described the experience as galvanizing for her to become more active and involved in her community with the aid of a local human rights NGO. According to her, *syariah* should not be implemented by the state and it is better understood as a personal code of ethics. She did, however, still express a positive view of *syariah* when it is not being implemented through the state.

In the next interview with Participant 4, a woman in her thirties who is a community activist in a rural village off the East Coast of Aceh, the interviewee explains how the implementation of *Syariah* Law has affected her,

Even if *Syariah* Law is not officially implemented, we have long been Muslims; we have recited shahadat [bearing witness that there is no God but Allah and Muhammad is His Messenger]. *Syariah* Law implementation brings no effects on me because I have long been a Muslim...We're already Muslims. For me, it is not *Syariah* Law implementation but people that make mistakes...It seems that *Syariah* Law is only for women. This is wrong. As a matter of fact, our religion doesn't teach this. I personally support *Syariah* Law Implementation but it should not be merely aimed at women ([38], pp. 5–6).

She describes the current implementation of *syariah* as being misguided and mismanaged by government officials. Instead of focusing on corruption, education or social welfare, she explains that *Wilayatul Hisbah* officers are primarily interested in targeting women's dress to give the appearance that *syariah* is visibly being implemented in Aceh. Several of the women interviewed described the targeting of women's dress as unusual in Aceh because wearing an "Arab style" *jilbab* (headscarf covering the hair, ears, and neck) and concealing the entire body was not common in Aceh until the late 1990s. It was not until 1991 that the Indonesian government finally lifted a ban on wearing a *jilbab* in schools and universities.

One of the startling realities that became apparent to me within the first few weeks of arriving in Aceh is the inconsistency and seemingly randomness of the enforcement of an Islamic dress code. On several occasions, I observed the *Wilayatul Hisbah* conducting raids or sweeps on street corners or on public beaches. However, on the way to and from the *Wilayatul Hisbah* office they would drive past numerous women not wearing a *jilbab* or wearing tight jeans without stopping. It seemed clear from my perspective as an outside observer that women in Aceh by and large did not follow the dress code supposedly being enforced by the *Wilayatul Hisbah*. The authority of the state in terms of enforcing a dress code appears to stretch no further than ten meters from the *Wilayatul Hisbah* office door and along certain highly patrolled corridors in the city. At one point, Participant 4 became angry after listening to an imam on *Baiturrahman* (a local radio station) preaching that, "WH [*Wilayatul Hisbah*] should not only deal with dress codes for women but also other daily matters" ([38], p. 6). She was irritated that *syariah* was being limited to superficial issues in the community,

Syariah Law is a universal thing and it doesn't discriminate. It doesn't merely, for example, aim/stone those who are dating or committing adultery...Yes, that should be one of their tasks. They should not only aim at people who are dating; what about those who don't perform prayers five-time-a-day? WH should conduct socialization activities in their own community first. WH personnel also committed adultery in the toilet [a reference to a

well-publicized case of rape by WH officers in January 2010]. So, how could they act as moral police for the community? They should be trained and educated prior to being deployed in the community. They should get adequate education before they can judge other people. They should deal with their personal issues first ([38], pp. 6–7).

The current state of implementation of *syariah* for Participant 4 runs counter to what she describes as the true purpose of *syariah*, or what I argue represents an iconoclastic utopian understanding of *syariah*. In the village she lives in, they do not have local *wilayatul hisbah* officers that regularly patrol the area. Instead, the national police often take over this role. Her criticism of *Wilayatul Hisbah* is largely based on news coverage, first-hand accounts from other women in her village, and from her semi-monthly trips into the capital city, Banda Aceh. For less than 20,000 rupiah (about \$2) she can catch a ride on a minibus to Banda Aceh and stay the night with relatives in the city. Participant 4 describes the current implementation of *syariah* in terms of a blueprint utopia turned into a dystopia but one that should be reformed as an iconoclastic utopian understanding of *syariah* that is concerned with the greater principles (*maqasid syairah*) behind implementing *syariah*.

3.3. *Syariah as Iconoclastic Utopia*

A third understanding of *syariah* comes primarily from women interviewed in the rural mountainous areas in the interior of Aceh. One of the main differences for people living in these mountainous regions is that they did not receive the development aid that poured into Aceh from national or international donors after the tsunami because they live just outside of the zone affected by the tsunami. However, the mountainous areas were directly affected by the conflict more than the coastal regions and women in particular were left out of reconciliation process resulting from the 2005 MoU-Helsinki. Logistically, it was difficult for me to arrange interviews outside of urban centers; especially in regencies further away from the capital Banda Aceh. I had visited my father-in-law's village in Pidie Jaya on a previous trip to Aceh in 2009, so I initially focused on arranging interviews in rural areas along the East Coast of Aceh. I was able to finally arrange for a set of interviews in more remote areas with the help of a woman I interviewed in Banda Aceh, but who was also from Pidie and knew my father-in-law's village. I could not have done this without her help. She offered to come with me and invited me to her home in Pidie as well as arranged for me to meet with several women further out in the country. I asked her if she could introduce me to three or four women to potentially interview, but when I arrived, there were nine women who had traveled several hours from villages even further out in the country to meet me. I only had about two hours before we had to head back to return the rental car, so I ended up conducting the interviews in small groups, three at a time. It would have been better to do the interviews individually but the circumstances would not allow it.

I asked the first group of women I interviewed about how the implementation of *Syariah* Law has affected their lives. The initial response from one of the more senior women, Participant 5 was “What do you mean?” followed by “I don't think so—nope (we don't have)” any changes in *syariah* ([39], p. 13). A second woman in the group, Participant 6 explained “*Syariah* Law implementation is only about taking care of those [women] wearing tight clothes and short skirts...I don't have a problem with that because I don't wear such tight or un-Islamic clothes” ([39], p. 14). The three women in this group ranged in age from their mid-twenties to mid-thirties to early-forties and wore relatively plain clothes.

When I asked the group more directly, “is the implementation of *Syariah* Law a good thing or not?” Participant 5 responded “I would say it’s good” followed by Participant 6 commenting “it should be good”, “because they ban Muslim women from wearing tight clothes” added Participant 5 ([39], p. 15).

At the time, I was not able to follow what Participant 6 tried to ask at the end of the conversation about *syariah*. Later on when transcribing the interviews I discovered she had asked “why doesn’t he ask about my time in the jungle where one of my children died?” and when I did not respond to the question she added “well, we should be talking about it” ([39], p. 15). What is striking after reading through the complete transcription is how insignificant the state implementation of *syariah* appears to be for many of the women I interviewed in rural areas of Aceh. They seemed baffled as to why I was asking questions about *Wilayatul Hisbah* and the state’s implementation of *syariah* when every woman in the group had lost their home and at least one family member during the conflict. At the same time, they did not express ill feelings or disapproval of *syariah* in their community but just seemed to express the idea that it did not seem to be a problem for them.

Instead of continuing down the list of my questions, they wanted to shift the conversation towards the financial problems that they have faced since the conflict ended and the lack of national and international aid in their village that was supposedly distributed across Aceh. Participant 5 began, “we wish that we women can open a business. We would like to continue our previous businesses but we don’t have money to resume our business activities. The government just ignores us” and Participant 6 added: “we got nothing from the government; we will surely not get anything if we wait for the government” ([39], p. 17). The distrust of the government and the disillusion with the male leadership of GAM (Free Aceh Movement) emerged as a common theme in these interviews.

All of the women I interviewed that day identified themselves as *Inong Balee* (war widows/ex-combatants of GAM) and because of this, the conflict had a far greater impact on their lives than the tsunami or the state implementation of *syariah*. During the conflict, many of the women I interviewed describe the poor living conditions in the jungle when they were in hiding from the Indonesian military and the police. They described how their houses were burnt down by the military and everyone I interviewed had lost at least one immediate family member, a husband, or a child because of the conflict. Several women I interviewed that day described how their husbands ‘disappeared’ during the conflict and they are still searching for the location of their bodies. For these women, the state implementation of *syariah* did not appear to represent either a utopian or a dystopian future. Rather, their responses focused on a lack of support from the state for basic needs (food, shelter, and education for their children) and how maintaining local customs (*adat*), including a communally-centered *syariah* and practices such as *gotong royong* (mutual aid), have had a more positive impact on their community.

In the next group of three women (Participant 8, Participant 9, and Participant 10), I began by holding off with my usual list of questions to give them a chance to steer the conversation to what was really important to them before shifting back to the predefined interview topics. Although I did not know until later the full extent to which the first group was unhappy with the focus of the conversation, I did pick-up on that they wanted to discuss other topics besides women’s involvement in the community and *syariah*. The second group consisted of participants ranging from thirty to forty-five years of age. The first ten minutes of the interview focused on the increasing hardship being placed on women in rural communities in Aceh and the lack of access to adequate housing, jobs, and job training. All three women described how hard their lives were during the conflict and how life is still

difficult since the signing of the MoU-Helsinki. When I began to redirect the conversation to the implementation of *syariah*, I received very similar responses to the first group. The initial response was from Participant 8 “*Syariah* Law umm=” with a long pause followed by Participant 9 chiming in “We are not impacted at all, right? We have already dressed like this even before Sharia Law was officially implemented [*So, no impact?*] nope (we don’t have)” ([25], p. 9).

Then when I asked if there were any positive changes in their villages since the implementation of *Syariah* Law, Participant 9 replied “No, nothing changes (not much of anything)” followed by Participant 10 “(for a woman) nothing changes” ([25], p. 10). Participant 9 continued “Nope (we don’t have changes); the conflict had forced me to stop attending my classes at the university. I now want to resume my college education but I am not able to pay the fees. My child is attending a *Persantren* (Islamic boarding school) and I have to have money for him too” ([25], p. 10).

The final group (Participant 11, Participant 12, and Participant 13) expressed similar views of indifference towards the state implementation of *Syariah* Law for themselves. However, when the conversation shifted to discussing the practical benefits of implementing *syariah* Participant 11 added,

Yes, we like them (*wilayatul hisbah*) because they’re doing something good—In the past, our teenage girls could freely roam everywhere they wanted to. *Syariah* implementation has helped discipline them—I think it’s good. We’re no longer afraid when our teenage girls go out...we used to prevent our teenage girls from coming out of the house [during the conflict] ([40], p. 11).

What is interesting about Participant 11’s comment is the emphasis she places on the present practical benefits of implementing *syariah* rather than focusing on the potential future benefits that we saw earlier from Participant 1 and Participant 2. One potential factor for this difference is the financial disparity between these two groups and the lack of economic opportunities available for the *Inong Balee* I interviewed. In the next section, I return to the question of space and how *syariah* is being socially produced in Aceh.

3.4. The Social Production of *Syariah*: *Syariah* as a Heterotopia

One of the most revealing experiences for me about the contradictory ways in which *syariah* is being socially produced by women in Aceh came from two interviews with a local *Wilayatul Hisbah* Commander and a female *Wilayatul Hisbah* Officer under his command. I have argued earlier in this essay that *syariah* existed in Aceh before the formation of the *Wilayatul Hisbah* in 2004. However, the presence of *Wilayatul Hisbah* as a government institution with police officers, office buildings, check points, and daily patrols has had a significant impact on the socio-spatial configuration of *syariah* in Aceh. In the remainder of this section, I argue that the implementation of *syariah* by the *Wilayatul Hisbah*, along with the reports by women in Aceh presented in the previous three sections, produce a particular kind of socio-spatial relationship that is consistent with Foucault’s and Soja’s description of a heterotopia. While the interviews with one *Wilayatul Hisbah* Commander and one *Wilayatul Hisbah* Officer are not enough evidence to draw generalizable conclusions about the *Wilayatul Hisbah* for the entire province of Aceh, they do provide insights into how some *Wilayatul Hisbah* Officers are engaged in the socio-spatial production of *syariah* in Aceh.

Before arriving in Aceh, I had planned on interviewing several *Wilayatul Hisbah* officers and their commanders from different regencies across Aceh. Unfortunately, this was not possible and I was able to arrange only two interviews with *Wilayatul Hisbah* officers. I had several meetings scheduled with the *Wilayatul Hisbah* commander for the capital city, Banda Aceh, but they were always postponed at the last minute. I was able to observe *Wilayatul Hisbah* patrols and checkpoints in various locations across Aceh. A *Wilayatul Hisbah* patrol consists of targeting a location in the community where people are suspected of being in violation of *syariah*, such as dimly lit cafes where young people hangout at night or the beaches, and checking for one of the four main violations of *syariah*. The four primary *syariah* violations regulated by the *Wilayatul Hisbah* are the following: the consumption of alcoholic beverages (*khamar*), gambling (*maysir*), illicit relationships between men and women (*khalwat*), and adhering to the right belief/worship/symbols of Islam (*'aqīdal 'ibāda/syiar Islam*) which in practice is often limited to the appropriate dress for men (covering the knees to the navel) and for women (all of the body except the hands and face). A *Wilayatul Hisbah* checkpoint targets high traffic areas, such as a busy intersection or entrance to an outdoor market, and focuses primarily on checking for violations of the Islamic dress code while still keeping a look out for other more serious violations.

On the way to an interview at a *Wilayatul Hisbah* office, I observed that a majority of the women I saw on the road and in the shops nearby were not observing this policy. Most women were wearing a *jilbab* (headscarf) and long sleeves, although some had on short sleeves as it was a very hot day, but very few women had on long skirts or a full upper-body *jilbab*, one that drapes over the shoulders down to the waist. This was the case all the way up to the door of the *Wilayatul Hisbah* office, where I was greeted warmly by several of the *Wilayatul Hisbah* officers and taken in to the commander's office. I began by asking Participant 14, the *Wilayatul Hisbah* Commander, about his background and how he came to be in his current position. Participant 14 explained that he was appointed by the Regent and his educational background is in public service. He had several years of experience working for city government. Interestingly, he did not describe himself as having any formal qualifications or advanced study in Islamic jurisprudence. I was surprised because there are many Islamic colleges and universities in Aceh that offer programs on *syariat Islam* (Islamic jurisprudence) and *da'wa* (inviting others/proselytizing Islam). Presumably, it would not be difficult to find graduates of these programs to fill such positions or at least provide an advisory capacity for local *Wilayatul Hisbah* offices. This was not the case. The head of the *Wilayatul Hisbah* in this particular city was trained in Public Service and appeared to run the *Wilayatul Hisbah* office similar to any other department in the local government.

Participant 14 began the interview by explaining the mission and scope of the *Wilayatul Hisbah* in the city,

Right now in Aceh actually with *syariat Islam* we have four programs: about how to prevent gambling, how to prevent adultery, how to prevent alcohol consumption, and how to educate Muslims about their religion. Therefore, there are four programs in Aceh but in this (regency) our Bupati has a program to ask the people (in this city) to wear Islamic clothes. ([41], pp. 3–4).

We can see Muslim people—like girls or women wearing clothes like in Christianity...there is no *jilbab*, they wear sexy clothes maybe...tight [clothes] yeah, so our

Bupati asks [Wilayatul Hisbah for] a program to make our people—Muslim people (in this city) wear Muslim clothes. ([41], p. 4).

It is interesting to note that he frames the problem as one of a growing Christian influence coming from NGO workers and international aid programs after the tsunami. Similar fashion trends exist in other urban parts of Indonesia, but they do not appear to have the same level of stigma as being un-Islamic, especially when most of the women I observed were still wearing some version of a *jilbab* (headscarf). I asked the Participant 14 if this program is mainly focusing on women wearing Islamic dress or does this focus on men as well. He responded by explaining,

Yes, about the dress—they are the same. Women and men are the same, but we can see more of the—mistakes/errors (*kesalahan*) with women, it is a women's issue. Because we see men right now, the clothes they wear are what Islam requires...but women they forget maybe or they are not ready yet to wear Islamic clothes. So, the focus in the program is still on women. The challenge/defiance (*tantangan*) is a woman's issue...women think clothes and dress are a personal issue. So, that is the challenge. ([41], pp. 4–5).

When I pressed Participant 14 further about recent allegations in the local news that *Wilayatul Hisbah* officers had confiscated and destroyed women's clothes, he explained that,

Until right now, we still patrol areas that we believe that we can control. We do not cut their [women's] pants or something like that, we do not do that. But, we give information. In Islam, we have a law on how to wear clothes...So, when we patrol and we find women or men are not wearing Islamic clothes, we stop them and give them information. We take their IDs and we ask them to go home, change their clothes, and after they change their clothes come back to that location. And get back their IDs. So, we do not pressure them. We do not cut their clothes. We do not do something like that, but we do still try to be persuasive. ([41], p. 6).

Participant 14 is responding to several accounts published in the local media that have accused the *Wilayatul Hisbah* of doing more than giving advice (for a conflicting account see [1], pp. 194–97). None of the women I interviewed in that city could confirm if they had witnessed blue jeans being confiscated and destroyed. However, one woman I spoke with at a local market, who unfortunately did not have the time to sit down for a formal interview, did express anger at the *Wilayatul Hisbah* for destroying her blue jeans that were very expensive and hard to replace since local shops are banned from selling them in the city.

The implementation of *syariah* by the *Wilayatul Hisbah* appears to be sporadic and uneven across the city. It is almost as if the kind of *syariah* being implemented by the *Wilayatul Hisbah* is so different from what is commonly practiced throughout the city that the state's implementation of *syariah* moves along with the *Wilayatul Hisbah* patrols and checkpoints. Based on my observations, once the *Wilayatul Hisbah* officers left a location the state's implementation of *syariah* evaporated. These observations of the implementation of *syariah* are consistent with the way that Foucault described a heterotopia. To recall, Foucault theorized that the six characteristics of a heterotopia are as follows: first, they are not exclusive to Western European societies and probably appear in some form in every society; second, they function differently over time, within a society, and across societies;

third, they can integrate multiple and even contradictory sites into one place; fourth, they are usually connected to specific moments or spans of time that are disconnected from the present; fifth, they are constrained in such a way that entry is usually compulsory or based on the fulfillment of communal “rites and purifications”; and sixth, they often fulfill the role of making a mockery of the irrational compartmentalization of people’s lives or conversely by constructing a wholly-other/alternative space of possibility ([18], pp. 24–27). The *Wilayatul Hisbah*’s implementation of *syariah* in this city appears to fulfill, at least partially, each of these requirements. When I asked Participant-14 if he thought the program has been successful so far, he replied by explaining:

We cannot say it is successful right now because there are so many challenges from women in society. There are so many challenges from NGOs that say this is a human rights issue. They say the government should not be involved so deeply in society—in the community with this issue about dress and clothes because it is a personal issue. We still try to be persuasive. We still give information, we share information—we hope they can understand why we are doing this. We did not make this program to cause people trouble—because we want to protect women from abuse. There are so many problems from boys and girls that have illicit relationships (*zinā*). And then they have a child and are killed by their parents because they are not married yet. So, we want to protect them from making that mistake. ([41], pp. 7–8).

There are many contradictory lines of thought embedded within this passage, including several patriarchal assumptions regarding culpability, communal responsibilities, and human nature. His response seems to imply that one of the ethical goals of the current program is to discourage young people from having pre-marital sex by wearing more Islamic (less revealing) clothes. Further, this passage suggests that the Participant 14 believes women hold a greater amount of responsibility than men in the community for engaging in illicit sexual relationships (*zinā*) and as such, women have to be protected from this moral attribute as part of human nature. While these patriarchal narratives are framed as a justification for the implementation of *syariah*, I interpret his response as potentially having more to do with a crisis of modernity in an increasingly globalized city rather than his statement representing a unique characteristic of the implementation of *syariah* in Aceh. One of the reasons I interpret his response in this way is because the *Wilayatul Hisbah*’s enforcement of *syariah* began to grow dramatically at the same time as the conflict was coming to a close in 2005. For the first time in many years, a sense of establishing social order to the chaos caused by the conflict became a real possibility in Aceh. Restrictions on life inside of Aceh were lifted and travel to Aceh opened up nationally and globally during this period.

Participant 14 draws a further connection between a perceived lack of general knowledge about Islam and how some Muslims in this city have such little knowledge about Islam that they have converted to Christianity. He describes the situation as the following:

We can see how Acehnese people change after the tsunami. When the NGOs started coming to Aceh and people from other countries came to Aceh. We know that most of them are not Muslim people. There are so many social problems in Aceh because we know that some of our people, Acehnese people, don’t know better about Islam...They do not know better about Islam, so NGOs come into their society, into their community. They

give information about Christianity—about another religion compared to Islam. So, because people don't know Islam and foreigners—strangers compare Islam to Christianity, they, the Acehnese, can think that Christianity is better than Islam. That is why until now we have a problem that there are people in Aceh who have been converted to Christianity. ([41], pp. 10–11).

To provide some context, it was only a few days prior to my arrival in that city that a small group of Christian missionaries were escorted out of the city based on the accusation that they had coerced a Muslim woman to convert to Christianity. As a general social rule in Indonesia, Christian groups are not allowed to proselytize to Muslims and Muslims are discouraged from proselytizing to Christian Indonesians. In contrast, it is generally acceptable for Christians and Muslims to proselytize to Indonesians that have not already adopted Christianity or Islam. After the interview finished with Participant 14, I requested to interview one of the female *Wilayatul Hisbah* officers. I was directed to interview one of the new recruits who had joined only a few months prior. I was interested in finding out more about why she joined the *Wilayatul Hisbah* and how *Wilayatul Hisbah* officers determine if something or someone is violating *syariah*.

Participant 15 was in her mid-twenties and was originally from the local community. She moved to Banda Aceh to study law at the state university in Aceh, Syiah Kuala University or *Unsyiah* for short. It is important to note that Participant 15's degree from Unsyiah was in Indonesian secular law, not Islamic law. When I asked her how she ended up working for the *Wilayatul Hisbah*, she explained:

I think my intention was no different from any of the other graduates who wanted to find a job after graduation. I did not just apply for a position at the Wilayatul Hisbah office but also for other [government] positions. But, I ended up being here. I guess it is my destiny. However, I like working here. If I did not like being here, I would simply withdraw myself. ([42], p. 3).

It is my understanding that it is less prestigious to work for the *Wilayatul Hisbah* office than for many of the other government offices, as well as less pay. However, any government job is still competitive because of the stability it provides and the high level of unemployment across Indonesia. Participant 15's answer did seem to insinuate that working for the *Wilayatul Hisbah* was not her first choice, but she appeared to be comfortable in her job. She described her basic duties as a *Wilayatul Hisbah* officer in the following passage.

Our duties and responsibilities have been pretty much set up for us in the log book; we follow such instructions. Furthermore, we also conduct surveillance activities against potential Syariah Law violations. So far, I have not been deployed to any of the surrounding villages. I have only been involved in surveillance activities in and around the city. I mainly conduct surveillance activities. If we find any violators, we will brief them as well as provide suggestions on site. ([42], p. 4).

At this point, I shifted the conversation to the numerous potential *syariah* violations that I witnessed earlier that day on the way to the *Wilayatul Hisbah* office. I asked her “as you're a Syariah Police officer, how would you respond to such violations?” She explained,

We would do something. We would first greet and warm them; we would also ask why are they not wearing Islamic clothes? We brief, advise, and warn them to not repeat it in the future. So far, we have only conveyed our message orally...People respond to our advice differently; some accept it but others reject it. We are only trying to convey the message [of Islam] and it is up to them whether or not they change. Based on Qanun (locally made laws) No. 11 [2002], WH's main job is to 'educate.' ([42], pp. 5–6).

I pressed Participant 15 further on what *Wilayatul Hisbah* officers would do if they found someone committing a more serious violation such as gambling or drinking alcohol. I asked her if she would take them in for questioning for such violations. She responded by describing several possible scenarios,

Actually, WH will process cases reported by the people or found during regular patrols. Usually, the local people will bring Syariah Law violators to our office and we will then begin the legal proceeding against such violations. If we find any unmarried couple sitting too close together during our daytime patrols, we will ask them to return to their respective homes. However, we will take them in if we prove that they have committed sexual activities on site. ([42], p. 7).

I wanted to know more about how *Wilayatul Hisbah* officers determine if a violation occurred in the first place. So, I asked Participant 15 what I thought would be a straightforward question, what is the basis for determining if Syariah Law has been violated? She did not understand my question, so I rephrased it as what kind of training did you receive about *syariah* when you became a *Wilayatul Hisbah* officer? She paused for a minute and then replied that "such training was not held but perhaps it will be held in the future; generally we are only briefed about WH" ([42], p. 8; see [1], pp. 222–28). When I asked her if there was an official manual or *TUPOKSI* (duties and responsibilities) for *Wilayatul Hisbah* officers, she responded,

Do you mean individually? Or, do you mean the manual that is attached to the wall? A personal version of the manual is not yet available. ([42], p. 9).

She gestured toward two posters on the wall behind her that lists the tasks, authority, vision, and mission of the *Wilayatul Hisbah* for this particular city. The first poster describes the *Wilayatul Hisbah* as having the authority and tasked to prevent, counsel, reprimand, and prohibit anyone in the community from violating *syariah*. The second poster describes the vision of the *Wilayatul Hisbah* as promoting peace, public order, and community spirit. The *Wilayatul Hisbah* mission is to realize the implementation of *syariah* through partnerships with community leaders, religious leaders (*ulama*), and government officials. I had expected Participant 15 or another one of the *Wilayatul Hisbah* officers sitting nearby to indicate the Qur'an or a maybe a *tafsir* (commentary on the Qur'an) as the basis for determining how to implement *syariah*. All of the usual guides and sacred Islamic texts found in mosques, universities, and other centers of religious learning in Aceh appeared to be disconnected (possibly absent) from the actual implementation of *syariah* by *Wilayatul Hisbah* officers.

At the time, I found it striking that no one in the *Wilayatul Hisbah* office made a reference to the Qur'an, *hadith* (saying/deeds of the Prophet), or *tafsir* (commentary on the Qur'an) when I asked about the basis for implementing *syariah*. In contrast, the average person on the street would likely say *syariah* is based on the Qur'an or the teachings of the Prophet. Towards the end of the interview, I

asked Participant 15 if she thought there were any problems with the current implementation of *syariah*. She explained the current situation as,

Syariah Law implementation needs the support of both the people and the government. This support is very important. I do not think that there is any problem with [Wilayatul Hisbah's] implementation of *Syariah* Law; the problem is with the people. ([42], p. 11).

There is a sharp contrast between the conception of *syariah* that Participant 14 and Participant 15 are actively trying to produce in Aceh and the *syariah* that is being produced and inhabited by the women interviewed earlier in this section. In both cases, women's bodies in public locations such as outdoor markets, on the street, and at recreational spaces such as at beaches are being defined through contradictory manifestations of *syariah* in a socio-spatial materialism that resembles what Foucault and Soja identify as a heterotopia. The significance of identifying the social production of *syariah* as a heterotopia is that it affords women the flexibility to recognize contradictory visions of political engagement along a spectrum of embodied relational practices and values. In the same location, *syariah* can be constructed simultaneously as a blueprint utopia/dystopia, a state-centered iconoclastic utopia, and a communally-centered utopia from the perspective of differently positioned women in Aceh.

4. Conclusions

The role of *syariah* in the lives of women in Aceh is not as simple as being wholly empowering or disempowering as it is often portrayed to be in NGO reports, from government officials, and in the media. One of the main conceptual problems with activists, politicians, and journalists attempting to explain *syariah* continues to be the assumption that it is not problematic to superimpose a liberal-secular model of agency onto Acehnese women. This is most commonly expressed through the discourse of human rights laws that are in theory universally valid across all people at all times. The problem is that it is no longer a discussion of human rights per se, in terms of a flexible and adaptive approach to an egalitarian communal ethic; rather, it is formulated as a judicial-theoretical system of laws bounded by a nation-state model of governance that is openly antagonistic to a local communal ethic that is not state-centric [43]. According to the Acehnese women I interviewed, the implementation of *syariah* represents both the solution to and part of the cause of the Indonesian state's illegitimacy as a source of social morality and stability.

Syariah can be thought of as a heterotopia for women in Aceh because it is a socially constructed relational space that is inhabited in a multitude of ways and is constantly in a state of flux. The women I interviewed in Aceh describe their lived experience of *syariah* as ranging from a state-centered space of coercive veiling and homosocial normativity to an individually empowering space of equality through veiling and mutual respect in the community to a shared-space of a relational ethic that adapts to a particular communities norms and values. The socio-spatial dialectic aids in subverting the hegemonic discourses originating from superimposing a secular-liberal subjectivity that inhibits activists, politicians, and the media from recognizing the iconoclastic utopian vision of *syariah* as expressed by most of the Acehnese women I interviewed. *Syariah* should not be thought of as either a blueprint utopian ideal or dystopian nightmare; instead, it is actively constructed and inhabited in iconoclastic utopian terms that have the potential to form alternative ways of being. The potential for a

localized-indigenous Muslim feminist politics to emerge in rural communities in Aceh becomes a possibility when *syariah* is constructed as an egalitarian space for social justice that can allow for a communal moral economy rather than individualistic economy based in self-interests.

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Abbreviations

LoGA: National law no. 11/2006 on the governance of Aceh;
MoU-Helsinki: 2005 Memorandum of Understanding.

Conflicts of Interest

The author declares no conflict of interest.

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