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BOSTON UNIVERSITY
GRADUATE SCHOOL OF ARTS AND SCIENCES

Dissertation

**DEVELOPMENTS OF MUSLIM JURISPRUDENCE
IN TWENTIETH CENTURY INDONESIA**

by

R. MICHAEL FEENER

B.A., University of Colorado, 1991
M.A., Boston University, 1995

Submitted in partial fulfillment of the
Requirements for the degree of
Doctor of Philosophy
1999

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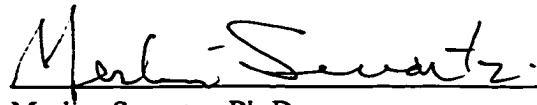
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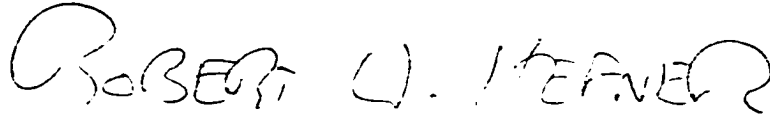
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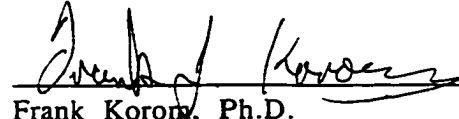
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**DEVELOPMENTS OF MUSLIM JURISPRUDENCE
IN TWENTIETH CENTURY INDONESIA**

(Order No.)

R. MICHAEL FEENER

Boston University Graduate School of Arts and Sciences. 1999

Major Professor: Merlin Swartz, Professor of Religious Studies

ABSTRACT

The profound social changes wrought by the advent of Modernity in the Muslim world have given rise to new voices claiming authority on religious issues. In Indonesia and elsewhere, such developments had a profound effect upon both the form and content of religious and legal debates. In the early decades of the twentieth-century radical reformists, such as A. Hassan and Moenawar Chalil, called for a new and reinvigorated exercise of independent jurisprudential reasoning (*ijtihad*) in order to bring Islam up to date with the rapid changes sweeping over society. The scripturalist orientation of these early reformers was later modified by Hasbi Ash Shiddieqy to include a wider range of scholarly authorities and elements of local tradition as potential sources for informing legal decisions. Hasbi elaborated his ideas in terms of the creation of a uniquely Indonesian 'school' of Islamic law. In this he followed the initiative of his contemporary, Hazairin, who had brought new perspectives from the Dutch academic tradition of legal studies to bear on the topic. Modern critical

approaches then came to take an important place in Indonesian discussions of Islamic legal theory as evidenced through the works of Nurcholish Madjid, Munawir Sjadzali, and Jalaluddin Rakhmat. To various degrees, these thinkers and many of their contemporaries also share a heightened appreciation of the tradition of Muslim scholarship that was largely dismissed by the earliest reformers. This has helped to create an environment in which new interpretations of this tradition could flourish, as evidenced in the popular works of such contemporary 'traditionalists' as Sahal Mahfudh, Ali Yafie, and Masdar Mas'udi. Collectively, all of these authors have contributed to the creation of a new corpus of Indonesian scholarship on Islamic legal theory that may be characterized by four defining elements: 1) the encouragement of *ijtihād*, 2) the consideration of local conditions in the way in which Divine law makes itself manifest, 3) a theoretical sophistication directed towards an historical understanding of the development of law in society, and 4) an appreciation of the traditional corpus of Islamic scholarship with a creative eye to ways in which it may serve to inform contemporary debates.

As there were many Reformers, so likewise many reformations;
every Countrey proceeding in a peculiar Method, according as
their nationall interest together with their constitution and
clime inclined them, some angrily and with extremitie, others
calmely, and with mediocrity, not rending, but easily dividing the
community, and leaving an honest possibility of a
reconciliation...

Sir Thomas Browne
Religio Medici

Preface

In studies of Islamic reform and resurgence in the contemporary world, there seems to have developed something of a consensus that the practical aims and orientations of most reformists have led the spokesmen for such movements to neglect more refined elaborations of their methodologies and epistemologies.¹ Thus while Sayyid Qutb's treatises may be examined primarily in terms of their political implications, and Pakistani works in the field of Islamic law might be seen primarily in terms of their institutional significance to the processes of codification and practical legal reform, Muslim attempts at the reconstruction of new, comprehensive intellectual orientations toward their tradition have been relatively under-studied.² This is unfortunate as work in this area of modern Muslim intellectual history may serve to make valuable contributions to our appreciation of the complex interactions of thought and literary form within the Islamic tradition as a whole.

¹ Such a position has been advanced in some of the most widely read treatments of this subject in international scholarship, including James Piscatori's *Islam in a World of Nation States*, where he writes: "It is not surprising, therefore, that the door is now far more open than ever it was, and this is what I mean by a major change occurring. The proponents of *ijtihad* have had one purpose in mind: to make Islam relevant to the demands of the modern world and, in this way, to defend against the West. In doing so, they have been concerned less with procedure and more with results. In consequence, it is not clear at all who can exercise *ijtihad*, when, or by what rules, even as important modifications of the law have taken place in its name. We are left to conclude that this 'new *ijtihad*' is more amorphous than the old one, but (and probably because of this) infinitely more permissive and available for use. In effect, what was seen as a privilege is now seen as a right." (Cambridge: University Press, 1986. pp. 8-9)

² Notable developments in this area can be found in the recent works of Ibrahim M. Abu-Rabi` (*Intellectual Origins of Islamic Resurgence in the Modern Arab World*. Albany: SUNY Press, 1996), Daniel Brown (*Rethinking Tradition in Modern Islamic Thought*. Cambridge: University Press, 1996), and Robert D. Lee (*Overcoming Tradition and Modernity: The Search for Islamic Authenticity*. Boulder: Westview Press, 1997).

As the understudied area of modern Muslim intellectual history in Indonesia is such a vast field, those entering into it in these early stages must be selective in what aspects of it will serve as their primary focus. Here I have chosen to concentrate attention specifically on developments relevant to the area of Islamic legal theory (Ar. *'usûl al-fiqh*), as jurisprudence has traditionally been regarded as the 'Queen of the sciences' throughout Muslim history.³ The selection of this area of focus, rather than say 'theology' (Ar. *kalâm*) or political and social thought, may seem anachronistic to some contemporary scholars. The reasons for this selection go beyond mere historical continuity, however. This is necessarily the case once one realizes that for some of the thinkers that we will be discussing in this study, jurisprudence is no longer central in their approach to Islamic thought.⁴ Nonetheless even in such cases their attitudes towards *fiqh* and the sciences of its formulation reveal an important aspect of these authors' orientations towards Islamic intellectual tradition as a whole; and thus provide a window into their more comprehensive worlds of thought. Furthermore, although

³ On the central position of legal scholarship in the tradition of medieval Muslim learning, see the works of George Makdisi: "Muslim Institutions of Learning in Eleventh-Century Baghdad." BSOAS, XIV (1961): 1-56; and "Law and Traditionalism in the Institutions of Learning of Medieval Islam." *Theology and Law in Islam*. Ed. Gustav. E. von Grunebaum. Wiesbaden: Otto Harrassowitz, 1971. pp. 75-88.

⁴ This is especially the case, for example, with Nurcholish Madjid and the generation of Muslim intellectuals associated with the *Pembaharuan* movement, which will be discussed in Chapter 4. These figures have made great contributions to the development of Islamicly-oriented social thought that has been described and analyzed by a contemporary scholars including Greg Barton (Barton, Greg. "The International Context of the Emergence of Islamic Neo Modernism in Indonesia." *Islam in the Indonesian Social Context*. Ed. M.C. Ricklefs. Clayton: Monash University Centre of Southeast Asian Studies, 1991. pp. 69-82; and "Neo-Modernism: A Vital Synthesis of Traditionalist and Modernist Islamic Thought in Indonesia." *Studia Islamika*. 2. 3 (1995): 1-75.) and Robert Hefner ("Islamization and Democratization in Indonesia," *Islam in an Era of Nation States*. Ed. Robert Hefner and Patricia Horvatic. Honolulu: University of Hawai'i Press, 1997. pp. 75-128; and *Civil Islam: Muslim Democrats and State Violence in Indonesia*. Princeton: University Press, (forthcoming).

Indonesian Muslim authors have produced works in a number of widely different fields of learning, nearly all of them have had at least something to say about *fiqh*. Thus Indonesian discussions on this area of Muslim thought provide a constant thread which can be traced through the evolution of public intellectual and religious discourse since the turn of the century.⁵

This being said, in order to provide some sense of coherence to the development of our discussions of Islamic legal thought in modern Indonesia, we will necessarily have to be somewhat narrow in the elements of each author's work that we single out for more detailed investigations. In some cases, perhaps, this may even result in a shift of relative emphasis away from some of a given author's most popularly known ideas to more specific aspects of his thought that have greater implications for the ongoing discourse on Islamic law through which all of these authors can be connected. In such cases reference will be made to these other areas of the author's interests, while refraining from detailed discussions of them for the sake of sustaining the coherence of this presentation.⁶ Likewise some reference will be made throughout this study to the political and social situation in which these authors functioned. However as there already exist a number of outstanding studies of these aspects of Islam in modern Indonesian history, the reader is

⁵ Needless to say, it also forms a link to the pre-modern tradition of Muslim scholarship in the Archipelago.

⁶ More detailed and comprehensive studies of a great number of modern Indonesian Muslim thinkers have been composed by several scholars as theses and dissertations for graduate programs at the IAIN and the Institute for Islamic Studies at McGill. A number of these are referred to over the course of the present study and may be consulted for more comprehensive presentations of the thought of individual authors. However in them little attempt has been made to link their specific subjects to wider intellectual developments in which they played a part. It is hoped that the present study will be able to make some progress in this direction.

referred to them for more detailed analysis of the social contexts for the intellectual developments that will be the primary focus of this study.⁷

Most of the major developments in nearly every area of Islamic thought in the twentieth century have been related to the renewed call for *ijtihād*, or independent jurisprudential reasoning. For most early reformers this involved a return directly to the primary scriptural sources of the tradition and to a certain extent sweeping aside the interpretations of the established schools of law in favor of new approaches that could better serve the needs of Muslims living in modern times. The problem, however, lay in determining exactly what was to replace the earlier methodologies and traditional rulings of the various schools. The ambitious enterprise to fill this gap has not yet reached its ultimate goal, but for nearly a century intensive efforts have been invested in it, resulting in some interesting experiments that have significantly impacted both the style and content of Muslim religious scholarship in the twentieth century.⁸

One important aspect of these developments has been the vast expansion of the corpus of Muslim scholarship drawn upon in twentieth century Indonesian discourse. The radical call for *ijtihād* and the transcending of traditional *madhhab* (Ar. 'school of Islamic law') boundaries led reformists to

⁷ In particular reference should be made to the outstanding studies of Andrée Feillard (*Islam et armée dans l'Indonésie contemporaine*. Paris: Editions l'Hartmann, 1995), and Robert Hefner (forthcoming). More generally on the history of modern Indonesia, the reader is directed to: Ricklefs, M.C. *A History of Modern Indonesia c. 1300 to the present*. Bloomington: Indiana University Press, 1993.

⁸ Such technical aspects of the development of Indonesian Islamic thought have not been adequately explored in a way which could relate them to the tradition of Islamic scholarship as a whole and its modern permutations elsewhere in the Muslim world. The present study will attempt to work toward such a presentation. It is hoped that this introductory work will serve to inform future studies of modern Muslim intellectual and social history; thus facilitating a more balanced appreciation of modern developments within this vast and internally complex tradition.

look beyond the limited canon of the later Shafi'ite texts which characterized traditional *pesantren* education in their reformulation of Islamic law and legal theory. These developments coincided with the rapid proliferation of print culture in the region, which made books from throughout the Muslim world more accessible than ever. In connection with this, many historians of Indonesian Islam have tended to repeat general statements about the influences of Muhammad Abduh and Rashid Rida, through the circulation of the popular periodical *al-Manar*, as the vehicles for the spread of Islamic reformism to Southeast Asia in the modern period. The presents study will demonstrate that this was merely one stream of influence that was at work in this process. In fact, the primacy of this factor may be seriously contested after consideration of the much wider body of texts which can be shown to have also spread to and been read in the Archipelago at the time: from Salafi Press editions of works by mediæval Hanbali scholars such as Ibn al-Jawzi to some of the hallmark texts of eighteenth-century Muslim thought by al-Dihlawi and al-Shawkani. To these sources were added a steady stream of others over the course of the century as the intellectual horizons of Indonesian Muslims expanded to explore a much wider world of thought filled with figures both Muslim and non.⁹ However these new influences were not simply accepted at face value but rather were creatively adapted to address the specific needs and concerns of Indonesians. This led in many cases to rather

⁹As we shall see in Chapter 1, these developments were inextricably linked with the expansion of print culture in the Archipelago, which in a way somewhat analogous to developments in early modern Europe, "made food for thought much more abundant and allowed mental energies to be more efficiently used." (Eisenstein, Elizabeth L. *The Printing Press as an Agent of Change: Communications and Cultural Transformations in Early-modern Europe*. Cambridge: Cambridge University Press, 1979. II: 688)

creative re-workings of this material into unique and imaginative interpretations.

In his widely read book, *The Failure of Political Islam*,¹⁰ Olivier Roy views the rise of 'New Intellectuals' in the Middle East in terms of the politicization of Islam into Islamist ideology. He and others have described the mutual antagonism existing between alternative spokesmen for Islam and the Muslims in the political contexts of various Middle Eastern states. The resultant picture is thus one of an apparently profound epistemological schism between the 'traditionally-trained' ulama and 'modern' intellectuals. Contemporary Indonesia, however, presents us with a radically different case. There, a heavy-handed government attempt at the de-politicization of organized Islam has led Muslim thinkers to channel their energies into areas other than that of party politics. One of the most striking of these is a lively public discourse on religious and legal issues that incorporates the perspectives and approaches of those claiming an authority to interpret Islamic tradition, both ulama and non. In the case of Indonesia, the divisions between these various types of Muslim religious authority are relatively more fluid than fixed, with at times considerable overlap between the thought of those considered to be "ulama" and "intellectual," respectively.

The movement towards the development of a more unified Indonesian Islamic discourse has rapidly gained momentum over the past two decades. The primary factor in this, however, has not been one of parallels in technical categorization, as had been the case in earlier periods of Islamic history.¹¹

¹⁰ Cambridge: Harvard University Press, 1994.

¹¹ When speaking of the 'unification of Islamic intellectual discourse,' one generally thinks of the parallel development of the various 'religious sciences' in the earlier periods of Muslim history. For example, the parallels between the categories of early Islamic jurisprudence and certain Arabic grammatical concepts have been highlighted by

Rather the increasingly integrated nature of contemporary Indonesian Muslim religious and intellectual discourse has been constructed under the rubric of 'contextualization.' (Ind. *Kontekstualisasi*) as an inclusivistic idiom of discussion. Of course, looking back at the history of Qur'anic exegesis, Muslim jurisprudence, or just about any intellectual endeavor we see that 'contextualization' is nothing new and actually comprises an integral aspect of all such activity. However what I am talking about here is not simply the application of a religious or intellectual canon to matters of more immediate concern, but rather the very self-conscious construction of a framework within which thinkers and religious leaders choose to work and communicate with each other. As we shall see, the fact that figures from such widely diverse backgrounds as the Dutch academic study of 'Customary Law,' 'traditional' Muslim learning, and the 'modern' social sciences can effectively discourse on substantive issues, rather than simply exchange criticism of each others' approach, demonstrates that *Kontekstualisasi*, in its contemporary Indonesian sense, is more than simply something that is done, but a broader concept with which to understand exactly what it is that people are doing when they think about religious texts and their relevance to their everyday lives.¹²

Michael Carter ("Les Origines de la grammaire arabe," *Revue des Études Islamiques*, 40 (1972): 69-97.) and thence other aspects of this latter discipline were also been linked to the historical development of Qur'anic exegesis (Versteegh, C. H. M. *Arabic Grammar and Qur'anic Exegesis in Early Islam*. Leiden: E.J. Brill, 1993). Elsewhere Norman Calder has demonstrated the centrality of Qur'anic exegesis to a number of other traditional disciplines including orthography, lexicology, theology, 'prophetic history' and even law. (Calder, Norman. "Tafsir from Tabari to Ibn Kathir: Problems in the description of a genre, illustrated with reference to the story of Abraham." *Approaches to the Qur'an*. Eds. G.R. Hawting and Abdul-Kader A. Shareef. London: Routledge, 1993. pp. 101-140).

¹² Over the past few decades acknowledgement of the importance of contextualizing the message of scripture has gained ground in a number of different circles, albeit under

Here we see ways in which the over-arching idiom of “Contextualization” in its various Indonesian renderings, has served to integrate discussions to accommodate voices coming from a number of considerably different perspectives into a common conversation. Just how much of this has had to do with the, until recently, relatively better economic conditions and progress of development in Indonesia as compared to Algeria and Afghanistan is one important factor that cannot be left unconsidered. Through the government system of education supported by its relative prosperity, the doors of social integration and upward mobility have until recently not been as tightly sealed as they have been in some other developing Muslim nations. Thus revolution in the political sense has not necessarily been the most appealing option for the expanding literate masses of Muslim Indonesians. With the overwhelming political, economic, and social changes affecting Indonesia over the past year, however, the context in

slightly different Indonesian idioms; including those of *Membumikan* (lit. ‘bringing down to earth’), as well as terms closer to English cognates such as *Kontekstualisasi*. It is clear that for various ideological reasons some more radical ‘reformists’ in the DDII, for example, might react against the *Pembaharuan* terminology often associated with ‘contextualized’ approaches. However if one looks for example at the written works of one of the intellectual leaders of this movement, Anwar Harjono, one sees that he too is concerned with establishing the relationship between what he sees as eternal Islamic values into the everyday lives of Indonesian Muslims. In fact, a significant part of his approach to this issue is based directly upon the work of his earlier dissertation advisor, Hazairin. Incidentally, Harjono adds here that if such a ‘legal consciousness’ (Ind. *kesadaran hukum*) is genuinely realized in society there will not be such a dire need for institutional enforcement of the Shari’a law by the governing power. (*Indonesia Kita: Pemikiran Berwawasan Iman-Islam*. Jakarta: Gema Insani Press, 1995. pp. 81-88). Thus some valid argument can be maintained for the use of Contextualization (in its broadest sense) as a inclusive idiom with which to describe current movements in Indonesian scholarship on Islamic legal theory. However, it should be added that such a claim in relation to intellectual formulation and scholarly practice is not always consistently reflected in public political discourse and action. In this sphere it is true that the current rise in ‘factionalism’ (Ind. *re-aliranisasi*) seems to flatly contradict the academic aspects of this issue. Nonetheless it would seem that acknowledging the intellectual dimensions of these developments may still be warranted as a means of raising the awareness of underlying ideas that may yet facilitate future reconciliation and creative cooperation in a future when political heads are less hot.

which these intellectual developments have taken place is once again radically changing, thus necessitating further rethinking and reformulation. Whatever the case may be, a survey of the intellectual developments of Indonesian Islam during this remarkable period represents an historically important documentation of the way in which dynamic religious ideas pass into drastically changed economic and political contexts.

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A Note on Transliteration

Rendering the technical terminology of Indonesian Islamic scholarship into English poses some unique challenges to Islamicists because of the preponderance of Arabic loan words into Bahasa Indonesia and other languages of the region. While the origin of these terms is Arabic, many have become commonplace in contemporary Indonesian and they are routinely printed in the Romanized form of this language using the contemporary Indonesian system of transliteration. When dealing with the uses of these terms in their Indonesian context, then, one is forced to decide whether to present them according to standards for the transliteration of Arabic words in international (read: Western) scholarship, or to simply give them in their more popular Indonesian form. There are both benefits and sacrifices regardless of the option chosen. Those who adopt the first are not only guilty of over-technicalizing their presentations, but also risk assuming that the terms they are dealing with necessarily imply all the same fields of meaning in Indonesian as they do in the original Arabic. This, however, is not always the case. Those who opt for the second method, on the other hand, are in danger of making their work less acceptable to other scholars who work on various aspects of Muslim societies outside of Southeast Asia.

In the study that follows I have opted for something of a middle course between these two poles, by using the Indonesianized Arabic terms in the form that they are presented in the text immediately under discussion.¹³ In other cases where the terms used are not yet in common Indonesian usage, they will be given in the text of this study according to a simplified scheme of Arabic transliteration for greater readability.¹⁴ For those interested in the technical aspects of the terminology used in these discussions, more accurate transliterations will be given for each term in its glossary entry at the end of this work. There the relevant terms will be presented with full diacriticals following the Arabic transliteration system used by the Middle East Studies Association (MESA).

¹³ An overview of transliteration of more technical Arabic terms into Bahasa Indonesia and their equivalents in various standard systems employed in international scholarship, see: Heijer, Johannes den & Ab Massier. *Pedoman Transliterasi Bahasa Arab*. Jakarta: INIS, 1992. While the title of this work is in Indonesian, the introductory texts explaining its methodology and the organization of the charts of transliterated words contained in it are all printed here both in Indonesian and English. For those scholars interested in the adaptation and transliteration of Arabic loan-words into the more general Malay-Indonesian vocabulary beyond those technical terms used in religious scholarship, see: Jones, Russell. *Arabic Loan-words in Indonesian: A Checklist of Words of Arabic and Persian Origin in Bahasa Indonesia and Traditional Malay, in the Reformed Spelling*. London: School of Oriental and African Studies, 1978.

¹⁴ That is without diacritical dots or other additional marks above and below consonants to mark characters in the Arabic alphabet for which there is no exact English equivalent (e.g. *Sad* and *Dad*). Long vowels in the original Arabic will be marked using a circumflex (ˆ). The Arabic letters ʾAyn and *Hamzah* will be transcribed as backwards (ʿ) and standard (‘) apostrophes, respectively.

Abbreviations

Ar.	Arabic
BKI	Bijdragen tot de Taal-, Land- en Volkenkunde
BSOAS	Bulletin of the School of Oriental and African Studies
Dt.	Dutch
HMI	Himpunan Mahasiswa Islam
IAIN	Institut Agama Islam Negeri
ICMI	Ikatan Cendekiawan Muslim se-Indonesia
Ind.	Indonesian
ILS	Islamic Law and Society
JMBRAS	Journal of the Malay Branch of the Royal Asiatic Society
Jp.	Japanese
JSBRAS	Journal of the Straits Branch of the Royal Asiatic Society
Jv.	Javanese
MIDEO	Mélanges de l'Institut Dominicain d'Études Orientales
NU	Nahdlatul Ulama
P3M	Perhimpunan Pengembangan Pesantren dan Masyarakat
PERSIS	Persatuan Islam
RMM	Revue du Monde Musulman

Chapter 1: Indonesian Society in Transition

The individual responsibility of the Muslim has been affected by the advent of Modernity in a specially complex way... Their old moral relationships were gradually undermined. But an expectation of the more inward 'democratic' virtues was one of the last and most difficult to develop.

Marshall G.S. Hodgson
Rethinking World History

Before heading directly into our discussion of developments in Islamic law in twentieth century Indonesia, it is necessary to first have some idea of the context out of which the leading characters in the debates arose. This context is a complex one, and describing it must involve at least some attempt to interpret the processes of 'modernization' as they hit the Archipelago with great force from the turn of the century onwards. The various processes involved in this great social transformation worked together to radically alter not only the physical and economic landscape of the region, but its intellectual and cultural vistas as well.

In recent years a number of scholars have remarked upon changes in the patterns of Muslim religious and cultural discourse in terms of the emergence of a class of "new Muslim intellectuals" who have come to challenge the position of the established *ulama* as authoritative interpreters of

Islamic tradition.¹ This development has been linked to aspects of Modernity such as educational reform and the spread of print culture.² In connection with this, the Indonesian sociologist Taufik Abdullah has remarked that, as literacy and print culture spread throughout the Muslim community, the discussion of issues previously restricted to the ranks of technically-trained *ulama*,

...invited the participation of a much larger audience. The spread of literacy and the translations of formerly esoteric texts have terminated the monopoly of the *ulama* in any religious discourse. Literacy and the growing importance of print culture have expanded the number of people who can directly conduct a dialogue with the texts.³

¹ This terminology should not be confused with Olivier Roy's (1994), designation of 'Islamist New Intellectuals' as it has been applied to a particular type of Islamic activists that developed during the 1960's and early 1970's. This group has tended to be characterized as lacking a solid intellectual foundation in the tradition of Islamic scholarship mastered by the *ulama* while at the same time struggling with an incomplete grasp of more 'modern' epistemologies. Here we will be using the term in a less pejorative sense to refer more generally to literate spokesman for Islamic tradition who base their approaches primarily on models adopted from the Western academic tradition as opposed to that of the 'traditionalist' *ulama*.

² 'Modernity' is an unruly concept and has attracted the attention of a number of theorists. While many might argue that while the three aspects of it mentioned here are important aspects of this phenomenon, other might also argue that my focus here neglects what is considered by some to be a defining principle of Modernity: the modern nation state. (See, for example: Greenfeld, Liah. *Nationalism: Five Roads to Modernity*. Cambridge: Harvard University Press, 1992) Indeed, a number of previous scholars dealing with this period of Indonesian history have oriented their work on some of this same data primarily from the standpoint of nationalism as an interpretive category (For such a treatment of the *Sarekat Islam* and other voluntary groups, see: Kahin, George McTurnan. *Nationalism and Revolution in Indonesia*. Ithaca: Cornell University Press, 1952. On the importance of the development of print culture for Indonesian nationalism: Adam. Ahmat B. *The Vernacular Press and the Emergence of Modern Indonesian Consciousness, 1855-1913*. Ithaca: Cornell University Southeast Asia Program, 1995). However the particular developments which will serve as the focus of our discussions in this study may also be seen within a broader framework of a global Islamic intellectual history in which nationalism per se does not appear to have been the only, or even the primary, factor in the advent of 'Modernity.' As the present author is not a sociologist by training and the primary aim of this study lies elsewhere, we will refrain from entering into any deeper discussion of it here.

³ Abdullah, Taufik. "The Formation of a New Paradigm: A Sketch on Contemporary Islamic Discourse" *Toward a New Paradigm: Recent Developments in Indonesian Islamic Thought*. Ed. Mark Woodward. Tempe: Arizona State University, 1996. p. 75.

This breaking of the monopoly on religious discourse previously maintained by the *ulama* made room for a new type of Muslim scholar to enter the field of debate, the “Muslim Intellectual” (Ind. *Cendekiawan Muslim*).

In Indonesia a number of new figures emerged offering alternative voices into public discussion of religious and social issues, thus creating a new ‘style’ of intellectual leadership⁴ for the community. Advocates of this new orientation were to become the most prominent Muslim figures in the country. One prominent representative of this new type of religious authority was Hamka (d.1982),⁵ who launched rather sharp attacks against the religious establishment of his day, even going so far as to accuse them of ‘usurping the rights of God’:

Religious leaders who formerly turned a blind eye toward their followers will take into consideration their intentions and wants. The intention of such leaders is only to increase their own positions, so that they may appear wise and educated... They merely prostrate themselves before the physical print of their texts, and not toward its spirit; to the letters and not their objective. Whoever goes against ‘religion’ as these scholars define it is in effect excommunicated. Thus these scholars come to dominate religion, usurping the Right of God...⁶

While critiquing what they viewed as the resigned and quietist behavior of some traditionalist *ulama*, many reformists called for scholars to take a more activist role in the affairs of the society in which they lived. In 1908, *al-Imam*

⁴ This English terminology is adapted from the Indonesian used in: Abdullah, Taufik. “Pola Kepemimpinan Islam di Indonesia.” *Islam dan Masyarakat: Pantulan Sejarah Indonesia*. Jakarta: LP3ES, 1987. pp. 54-87.

⁵ (the acronymic pen-name of Haji Abdul Malik Karim Amrullah) Hamka was one of the most prominent Southeast Asian Muslim writers of this century, and is remembered not only for his thirty volume *Tafsir al-Azhar*, but also for several novels, an immense mass of journalistic writing in several newspapers and magazines, and works of Islamic history and philosophy in addition to his writings on Sufism.

⁶ Hamka. *Tasauf Moderen*. Jakarta: Pustaka Panjimas, 1987. pp. 102-103; cited in Madjid, N. *Tradisi Islam: Peran dan Fungsinya dalam Pembangunan di Indonesia*. Jakarta, Paramadina 1997. p. 130.

published a Malay translation of an article by the Egyptian Azherite Shaykh Muhammad bin Ibrahim al-Hamdi, in which he wrote:

The function of the ulama is in no way whatsoever, confined to the mere teaching in the mosque and houses as at present. Their function ought to be socialized in a wider scope to be more comprehensively beneficial to the public. Their function is closely related to both the affairs of this world and that of the world to come.⁷

The implications of such developments have epistemological as well as social/ political implications, as Eickelman & Piscatori have noted. They observe that since the texts produced by these 'new intellectuals':

...often refer to published sources and provide arguments that invoke recognizable authorities, the implication is that the audience is familiar with the texts and the principles of citation. Not all in the audience can follow such arguments in detail, but they recognize the forms of authority. This form of argument may even be more important for religious leaders not primarily identified with traditional learning...⁸

This shift in the epistemological conceptions of authority marks the emergence of new paradigm which poses some new interpretive challenges both to Islamicists and to scholars of other fields dealing with the intellectual and cultural history of Muslim societies.⁹ Within the tradition itself, it has also created situations in which new influences from outside the traditional curriculum may enter into the developing debates and discussions in *fiqh* and

⁷ *Al-Imam* III, 2 (30 July, 1908) p. 37ff., reproduced in: Hamzah, Abu Bakar. *Al-Imam: Its role in Malay society, 1905-1908*. Kuala Lumpur: Pustaka Antara, 1991. pp. 190 ff.

⁸ Eickelman, Dale F. and James Piscatori. *Muslim Politics*. Princeton: University Press, 1996. p. 39.

⁹ One of the most widely read treatments of this subject in international scholarship is Olivier Roy's *The Failure of Political Islam* (Cambridge: Harvard University Press, 1994). While in his preface he makes it clear that he is not writing "about Islam in general," but rather about "contemporary Islamist movements," his treatment of "New Islamist Intellectuals," (pp. 89-106) has become a common referent in many subsequent studies of new Muslim intellectuals. However in general one must be very careful when attempting to apply his particular observations-- and the often problematic interpretations he gives them-- on various 'Islamist' movements in the Middle East with developments in contemporary Indonesia and elsewhere.

other areas. Thus the present study will also attempt to identify and to some extent analyze such influences wherever relevant in an attempt to develop a more subtle understanding of such transmissions than the model prevailing in international scholarship on the subject which seems content simply to identify Muhammad `Abduh and Rashid Rida as the key figures of 'Modernism' as it was adopted in the region and leave it at that.

The world of Muslim Southeast Asia was undergoing tremendous social, economic, cultural, and intellectual changes at the turn of the century. It was a time when a number of exterior influences, although long in evidence both from the West and various areas of the wider Muslim world itself, were becoming increasingly pronounced as they interacted with a complex array of local institutions to produce new expressions of Malay-Muslim culture.¹⁰ While these changes were many, some general pattern of their effects can be seen in the appearance of three new, or newly reformulated, institutions in Muslim Southeast Asia: the school, the voluntary organization, and the print media.

In more than a strictly calendrical sense, the turn of the twentieth century ushered the world of Muslim Southeast Asia into a new age. Although some progress in the three areas mentioned above was already being made before this, some poignantly timed events may serve as signs underscoring the significant changes which characterized this period. For instance, in 1899 the ruler of Riau, East Sumatra, YTM Muhammad Yusuf of Penyengat, died after

¹⁰ Here I use the term to refer to the dominant inter-island mode of Islamicate civilization that had spread throughout the archipelago in previous centuries. This of course had significant local variations while at the same time providing a sense of unity to the widely dispersed Muslim communities of the region.

a reign of forty-two years. During this time he was the local leader of the Naqsyabandiyah Sufi order and built up a library of over five hundred religious books collected from Mecca, Medina, India, and Cairo that were kept in the Penyengat Mosque.¹¹ In him one can see a very interesting type of transitional figure, one who was active in the reformist Sufi order which had been so influential during the previous century, but also one who was a local pioneer in the proliferation of print culture.¹²

¹¹ Matheson, Virginia. "Pulau Penyengat: Nineteenth Century Islamic Centre of Riau." *Archipel* 37 (1989): 162.

¹² This was not simply because of his establishment of a mosque library, but more for the ground he laid for the establishment of a printing press and publishing center on Pulau Penyengat. For by 'print culture' in the context of this study we are referring not simply to technological advances in book production over manuscript tradition, but rather in the broader complex of implications for this new technology for the social and epistemological dimensions of the transmission of knowledge. Thus the Indonesian case may be seen as a further comparative example to some of the earlier studies of analogous cases from Western Europe and New England. In her monumental study of the role of print in the historical development of European thought, Elizabeth Eisenstein has noted that print culture in this sense, "...not only transformed communications within the Commonwealth of Learning, but laid the basis for new confidence in human capacity to arrive at certain knowledge of the 'laws of Nature and of Nature's God.'" (*The Printing Press as an Agent of Change: Communications and Cultural Transformations in Early-modern Europe*. Cambridge: Cambridge University Press, 1979. II: 698). While the changes involved were not necessarily of the same kind in Indonesia as they were in Western Europe, they were of a somewhat similar order in their facilitation of a new more critical reflection on tradition and authority.

For more on print culture and the processes of intellectual transformation, see the works of Rudolf Hirsch: "Printing in France and Humanism, 1470-80." *The Library Quarterly*. XXX (1960): 111-123; and "Printing and the Spread of Humanism in Germany: The Example of Albrecht von Eyb." *Renaissance Men and Ideas*. Ed. Robert H. Schwoebel. New York: St. Martin's Press, 1971. pp. 24-37.) For more social and political studies of the place of print in 'modernization,' one can find some interesting essays in: Darnton, Robert and Daniel Roche, Eds. *Revolution in Print: The Press in France 1775-1800*. Berkeley: University of California Press, 1989. The need for a comprehensive understanding not only of the books produced, but the milieu in which they were distributed and read has been previously emphasized in a number of other studies, including: Altick, Richard D. *The English Common Reader: A Social History of the Mass Reading Public, 1800-1900*. Chicago: University of Chicago Press, 1957; and Lyons, Martyn. *Le Triomphe du livre: Une histoire sociologique de la lecture dans la France du XIXe siècle*. Paris: Promodis, 1987. More recently, differences in the elaboration of print culture in the European and American contexts have been remarked upon by David D. Hall in his: *Cultures of Print: Essays in the History of the Book*. Amherst: University of Massachusetts Press, 1996. Perhaps a more comparative investigation of this phenomenon

During the very same year, on Sumatra's other coast, Hadji Abdullah Ahmad (b. Padang Panjang, 1878) returned from a four-year period of study in Mecca. Back in his Minangkabau homeland, he began attacking tarekat and what he perceived as bid'ah in its local manifestations while becoming an agent for the distribution of reformist periodicals from Singapore (*al-Imam*) and Cairo (*al-Ittihâd*).¹³ Later in 1910 he founded his own monthly, *al-Munir*, at Padang. This journal also contained reformist and modernist ideas adapted from Singapore's *al-Imam* and was published until 1915.¹⁴ During this time, other West Sumatran students also returned to Southeast Asia from the Holy Land. One of them, Shaykh Taher Djalaluddin (b. Ampek Angkek, Bukittinggi, 1869)¹⁵ took up residence in Malaya rather than Minangkabau. He maintained direct contact with al-Azhar in Cairo and later made ideas current there known in Southeast Asia through his publication of the reformist journal *al-Imam* at Singapore.¹⁶ While another, Hadji Abdul Karim Amrullah,¹⁷ together with Hadji Abdullah Ahmad began teaching at *Surau Djembatan Besi* in Padang Panjang, where stress was laid on *ilmu alat* "mastery of the Arabic language and its various disciplines for the purpose of enabling the students to study the

extended beyond Western societies may reveal more clearly the dynamics at work in the transformative processes of print revolutions.

¹³Noer, Deliar. *The Modernist Muslim Movement in Indonesia: 1900-1942*. New York: Oxford University Press, 1973. pp. 38-39.

¹⁴Rusjdi. "Sedjarah Penerbitan Madjalah *al-Munir*:: Pelopor Pers Islam dengan Ajaran Moderen jang Dibawanja, *Gema Islam* I.1 (Jan. 1962): 22-25.

¹⁵He returned in 1906 after having spent twelve years in Mekka living with his cousin, Shaykh Ahmad Khatib al-Minangkabawi. (Ricklefs 1993: 169)

¹⁶Noer 1973: 33-35.

¹⁷a.k.a. Hadji Rasul, a student of Ahmad Khatib who returned from Mecca in 1906 to form the modernist *Thawalib* school of Padang Panjang. (Ricklefs 1993: 170) For more on Syekh Ahmad: Nazwar, Akhria. *Syekh Ahmad Khatib: Ilmuwan Islam di Permulaan Abad ini*. Jakarta: Pustaka Panjimas, 1983.

necessary books on their own..."¹⁸ This group of reform-minded Minangkabau Muslims actively opposed the traditional structures of their societies in a campaign of religious reform which struck directly at such institutions as organized Sufi orders (Ar. *turûq*/ Ind. *tarekat*) and the traditional systems of religious learning. For them, change in these areas was vitally linked to their new activities in the development of an active Muslim print culture; one in which the object was not simply to equip a mosque library with classic works of Muslim scholarship, but rather to create a new arena for public discussion of issues previously restricted to the ranks of traditionally-trained ulama.

The rise of voluntary institutions

Perhaps in direct response to the bureaucratized institutions of colonialism, or perhaps as a reflection of similar developments in other areas of the Muslim world, new kinds of 'voluntary associations' also began appearing throughout the Archipelago during the early decades of the twentieth century.¹⁹ These consisted of many types and covered a broad spectrum of social and ideological interests, ranging from literary and scientific clubs to labor and trade organizations,²⁰ educational collectives,²¹

¹⁸(Noer 1973: 44) Such an emphasis on the importance of Arabic for religious education was an important plank in the *Salafi* platform, as can be seen from an *al-Manâr* fatwa addressed to a Sumatran correspondent in 1910 (*al-Manâr* XII: 904/ cit. Laoust, Henri. "Le Réformisme Orthodoxe des 'Salafiya' et les Caractères Généraux de son Orientation Actuelle," *Revue des Études Islamiques* (1934): 205). For a study of one important Indonesian activist working in this area of reformed Arabic-language education, see: Didin, Syafruddin. "Mahmūd Yūnus wa itijâhâtuhu fî tajdîd ta'lim al-lughah al-'arabiyyah bi indūnisiyâ," *Studia Islamika* 2. 3 (1995): 173-198.

¹⁹ Most of these organizations developed around the expanding urban centers of that time, reflecting a general pattern linking 'urbanism' (or rather the development of larger towns) to Islamic reformism that has been highlighted with examples from Aceh in John Bowen's *Muslims through Discourse*. (Princeton: Princeton University Press, 1993)

²⁰ For example the *Hajatul Qulub* of West Java and the *Sarekat Dagang Islam*, both established in 1911.

²¹ For example the *Perkumpulan Sabun* associated with the *Sumatera Thawalib*.

and religious movements. These various institutions were remarkable for the fact that they created a new social space for personal action in the public sphere, and often served the dual purpose of establishing new arenas for action outside of traditional ones, thus allowing considerably greater freedom for individual action reinforced by a new source of communal (or sub-communal) support. In the case of some of the larger of these new organizations, new networks of supra-local communication and mobility were created²² which could then work together or compete with the more established systems such as that of the traditional ulama.²³ At this time, Muslims in many areas began organizing themselves along the lines of modern voluntary associations, although not always based upon a modernist or reformist ideological platform. One early example of such an organization was the West Javanese *Hajatul Qulub*, which was founded by Haji Abdulhamid in 1911. This educational and economic organization organized lectures and also attempted to establish a weaving enterprise to compete with Chinese traders. However because it often clashed with the latter, it was banned by the Dutch in

²² This was facilitated by a number of modern technical developments, including the increased availability of steamship travel in the Archipelago, which not only served to further develop inter-island commerce, but which also contributed to a substantial rise in the number of Southeast Asian Muslims performing the annual pilgrimage to Mecca (Ar. *hajj*). See: Vredenburg, J. "The Haddj: Some of its Features and Functions in Indonesia," *BKI* 118.1 (1962): 91-154. This essay has also appeared in Indonesian translation where it was published together with a number of related studies of various aspects of the Indonesian *hajj* (Dick Douwes and Nico Kaptein, Eds. *Indonesia dan Haji: Empat Karangan*. Jakarta: INIS, 1997).

²³ However this is not to say that these more established networks entirely passed away. In fact, in some ways they too were influenced by the emerging social patterns of modernity and integrated themselves within its structures. This can, for example, be seen in the development of the *Nahdatul Ulama* as an institutionalization of the already present networks of traditionalist *kyai*. (Dhofier, Zamakhsyari. *Tradisi Pesantren: Studi tentang Pandangan Hidup Kyai*. Jakarta: Lembaga Penelitian, Pendidikan dan Penerangan Ekonomi dan Sosial, 1982. pp. 100-134)

1915.²⁴ There were also other organizations with various combinations of religious and other interests such as the *Jami'yyat Khair* founded in July of 1905 by members of the Arab community at Batavia.²⁵ Like many other organizations emerging at this time, the *Jami'yyat Khair* placed considerable emphasis on education and print publication to promote its goals.²⁶

Aside from these smaller, local movements, the most significant large-scale organizations have their origins in the founding of the *Sarekat Dagang Islamiyah* (Islamic Commercial Union) by Tirtoadisurjo at Batavia in 1909.²⁷ Within a year the organization's first branch opened at Bogor, and thence expanded rapidly. In 1911 Tirtoadisurjo encouraged Haji Samanhudi to found a *Sarekat Dagang Islam* branch for batik traders in Surakarta, and thence the organization expanded and evolved into what was to become the nation-wide political party *Sarekat Islam* after the name of its branch in Surabaya was simplified by H.O.S. Tjokroaminoto the following year.²⁸ The ideological orientation of *Sarekat Islam* underwent a significant shift in 1915 when Haji Agus Salim joined the organization and introduced "Pan-Islam" and Modernism as its basis for politics.²⁹

²⁴ After 1916 the *Hajatul Qulub* continued its educational endeavors under the new name of *Persyarikatan Ulama*. (Noer 1973: 70-71)

²⁵ For more on the history of this organization, see: Mobini-Kesheh, Natalie. *The Hadrami Awakening: Community and Identity in the Netherlands Indies*. Monash University Ph.D. thesis, 1996; compte-rendu par Andrée Feillard, *La Transmission du Savoir dans le Monde Musulman Périphérique*. 17 (1997): 107-111.

²⁶ Mohamed Rafa'i. *Sejarah Islam*. Semarang: Wicaksana, 1985. p. 178/ cit. Hasbullah. *Sejarah Pendidikan Islam di Indonesia*. Jakarta: PT Raja Grafindo Persada, 1995. p. 92.

²⁷ For an account of the development of *Sarekat Islam* and its role in the emerging Indonesian nationalist movement, see: Kahin, George McTurnan. *Nationalism and Revolution in Indonesia*. Ithaca: Cornell University Press, 1952. pp. 65-70.

²⁸ Ricklefs, M.C. *A History of Modern Indonesia c. 1300 to the present*. Bloomington: Indiana University Press, 1993. pp. 166-173.

²⁹ An early sketch of the organization which makes particular reference to its activities in the areas of printing and publishing can be found in: Cabaton, A. "La <<Sarékát Islam>>," *Revue du Monde Musulman* 21 (1912): 348-356. For the text of the basic religious

The rise of such organizations active in the economic and later political spheres was paralleled in the area of more specifically religious concerns in 1912 with the founding of *Muhammadiyah* at Yogyakarta by K.H. Ahmad Dahlan.³⁰ Later, in 1925, Haji Rasul introduced the *Muhammadiyah* to West Sumatra,³¹ an area long-considered a pioneer region for such developments. There as far back as 1915, Bagindo Djamaluddin Rasjad had held public meetings in the city of Padang Panjang which stressed the necessity of "organization" to facilitate the advancement of religious and social causes. Some of the students of the local school, *Surau Djembatan Besi* took heart and established the *Perkumpulan Sabun* to provide for the everyday needs of students. This organization expanded and in 1918 became the *Sumatera Thuwallib*.³² Associated with this same group was the establishment of organized Islamic women's education in Padang Panjang (West Sumatra) with the opening of the *Diniyah Putri School* in 1915 by Zainuddin Labai al-Junusi.³³ This school was the first in the area to introduce a class-system, and an arranged curriculum including various subjects of "general knowledge," and

platform for this organization, see: "Reglement Umum Bagi Ummat Islam (jang didirikan atas usaha Partij S.I. Indonesia)" in Amelz. *H.O.S. Tjokroaminoto, Hidup dan Perjuangannya*. Jakarta: Bulan Bintang, n.d.. II: 87-142.

³⁰ Salam, Solichin. *K.H. Ahmad Dahlan, Reformer Islam Indonesia*. Jakarta, 1963. See also: Peacock, James L. "Dahlan and Rasul: Indonesian Muslim Reformers." *The Imagination of Reality: Essays in Southeast Asian Coherence Systems*. A.L. Becker and Aram A. Yengoyan, Eds. Norwood, NJ: ALEX Publishing, 1979. pp. 245-268. Five years later, K.H. Ahmad Dahlan also founded a women's division of the organization named *Aisyiyah*, see: Baried, Baroroh. "Une mouvement de femmes musulmanes: 'Aisyiyah,'" *Archipel* 13. (1977): 129-136.

³¹ Several English language studies of the *Muhammadiyah* have examined the history and structure of the organization from various perspectives, e.g.: Peacock, James L. *Muslim Puritans: Reforming Psychology in Southeast Asian Islam*. Berkeley: University of California Press, 1978; and Nakamura, Mitsuo. *The Crescent Arises over the Banyan Tree: A Study of the Muhammadiyah Movement in a Central Javanese Town*. Yogyakarta: Gadjah Madah University Press, 1983.

³² (Noer 1973: 45-46)

³³ (Ricklefs 1993: 170)

its structure seems to have been influenced by the founder's experience of study in Egypt.³⁴

Reformers from Minangkabau also expanded their activities by emigrating to other areas;³⁵ though it may be debated whether these modern developments were in any sense a continuation of the local tradition of *merantau*³⁶ or the broader Islamic pattern of *talab fi'l-`ilm*.³⁷ One early example of this can be found in the 1915 move of the Minangkabau Haji Ahmad who settled in Bengkulu as a trader and there began spreading teachings of a reformist nature in that city.³⁸ His initial efforts, however, were slow to bear significant fruit in the decades that followed and it was not until 1927 that an independent *Muhammadiyah* branch was established there; the same year that others were in the cities of Banjarmasin and Amuntai in Kalimantan.³⁹

In the years that followed, more local organizations began appearing in other areas of the Archipelago. Not all of these organizations, however, were primarily concerned with a program of reform; in fact, many new

³⁴ (Noer 1973: 41)

³⁵ One of the most far-flung examples of which being that of Ahmad Wahab, who after having spent a considerable amount of time studying in Mecca, was exiled by the Dutch for his political activities connected with *Sarekat Islam* and the *Muhammadiyah*. He then moved to Bangkok in 1926, learned Thai, and began teaching reformist thought in Yanawa, Dhonburi Bangkok-noi. (Scupin, Raymond. "Thai Muslims in Bangkok: Islam and Modernization in a Buddhist Society." Diss. University of California, Santa Barbara dissertation, 1978. p. 96)

³⁶ That is, leaving one's home village to establish one's self, financially and otherwise.

³⁷ (Ar. 'searching for knowledge'), the drive attributed first to collectors of Prophetic *hadith* and later to the wandering scholars of Medieval Islamdom, the phrase being ultimately attributed to the words of Muhammad himself in his call for believers to, "Seek knowledge, even as far as China." For more on the importance of this concept in Islamicate civilization: Rosenthal, Franz. *Knowledge Triumphant: The Concept of Knowledge in Medieval Islam*. Leiden: E.J. Brill, 1970. For the early development of patterns of travel and scholarship associated with hadith study: Juynboll, G. H. A. *Muslim Tradition: Studies in Chronology, Provenance, and Authorship of Early Hadith*. Cambridge: University Press, 1983. pp. 66-70.

³⁸Pijper, G.F. "Nieuwe godsdienstige denkbeelden in Benkoelen," *Fragmenta Islamica: Studien over het Islamisme in Nederlandsch-Indië*. Leiden: E.J. Brill, 1934. pp. 159ff.

³⁹(Noer 1973: 78)

organizations and associations were founded in direct opposition to such programs. For instance, in 1918, the *Comité voor het Javaansch Nationalisme* was formed to oppose Islamic reformist movements, which it viewed as a 'foreign import.'⁴⁰ In connection with our own immediate concerns, it may be noted that the activities of this organization interacted with developments in the legal sphere as they tended to adhere to an 'adat-law' legal orientation as opposed to one which devoted more significant attention to Islam and Muslim jurisprudence as a source of Indonesian national law.⁴¹

In response to this proliferation of reformist and other organizations, more traditionally-oriented ulama began to organize themselves into the *Nahdatul Ulama* (NU), founded in 1926 by K.H. Hasjim Asjari of Pesantren Jombang, East Java.⁴² This organization whose membership consisted for the most part of 'traditionally-minded' ulama, nonetheless saw the practical benefits of modern organizational models and attempted to adopt them to suit their own purposes. It soon, however, discovered that its orientation would not prevent cooperation with other, more reform-minded ones when faced with what it considered graver issues facing the Indonesian *Umat* as a whole. In fact, just one year after its establishment, the NU joined hands with the *Muhammadiyah* in opposing the spread of Ahamdiyyah teachings in

⁴⁰(Ricklefs 1993: 176)

⁴¹ In 1927, the Dutch colonial government recognized the prominence of *adat* over Islamic law as formal legal policy in the Basic Law of the East Indian colonies. (Lubis, Nur Ahmad Fadhil. "Institutionalization and the Unification of Islamic Courts under the New Order." *Studia Islamika* II.1, 1995: 38.) For more on the debates surrounding *adat* law in its relation to Islamic law in Indonesia, please see our discussion of the life and works of Dr. Hazairin in Chapter 3.

⁴²Aboebakar (Atjeh). *Sedjarah Hidup K.H. Wahid Hasjim dan Karangan Tersiar*. Jakarta: Panitia Buku Peringatan Alm. K.H.A. Wahid Hasjim, 1957. p. 109. For a collection of articles related to various aspects of this organization, see: Barton, Greg, and Greg Fealy, eds. *Nahdatul Ulama, Traditional Islam and Modernity in Indonesia*. Clayton: Monash Asia Institute, 1996.

Indonesia.⁴³ In more recent years, the ideological differences between these two organizations have faded to a considerable extent, allowing a much more fertile exchange of ideas between scholars of either association and facilitating a new level of discourse proceeding from a somewhat more homogenized idiom.⁴⁴

The NU is today the largest Muslim organization in the country, and most likely the entire world. While their appeal to the tradition of Muslim scholarship has been a mainstay of the organization from its very inception, in more recent years the organization has developed in some very non-traditional ways, due in part perhaps to its 'modernized' bureaucratic structure and the more recent influence of well-funded non-governmental organizations, many of which receive more funding from the West than from any other Muslim nation or organization. As we shall see, however, it has thus opened itself up in new ways allowing for some of its members to experiment with ideas on the cutting edge of Muslim legal and jurisprudential thought in Indonesia.

Although the practical programs implemented by these various organizations varied to a considerable extent, most of them involved themselves in a number of major spheres of activity, including the establishment of charitable facilities. Many also hoped to attract new

⁴³Benda, Harry J. *The Crescent and the Rising Sun: Indonesian Islam under the Japanese Occupation 1942-1945*. The Hague: W. van Hoeve LTD, 1958. p. 54.

⁴⁴On this more recent convergence of the agendas of *Muhammadiyah* and NU, see the discussions presented in: Yunahar Ilyas, et al., eds. *Muhammadiyah dan NU: Reorientasi Wasasan Keislaman*. Yogyakarta: Al-Muhsin, 1993. In speaking of such developments on the intellectual plane, however, we should not overlook the considerable political and ideological differences between these two organizations that continued to set them apart at times. In recent memory the most striking example of the divisions that continued to separate them may be the rather bitter rivalry that developed between Amien Rais (*Muhammadiyah*) and Abdurrahman Wahid (NU) over debates on religious pluralism and other issues in the early 1990's.

members and convey the messages of their respective platforms via the print media and education-- establishing schools and publishing houses to reach audiences much wider than was ever before possible. These developments are of fundamental importance to the history of nearly all aspects of Muslim religious, social, cultural, and intellectual history in the region. On a more specifically legal and jurisprudential level, many of these organizations also created special bodies within themselves concerned with the interpretation of Islamic law as they viewed it. In January of 1928, the congress of *Sarekat Islam* established the *Madjlis Ulama*, ostensibly as a general governing board for the Muslim community of Indonesia.⁴⁵ The same year also saw the establishment of the *Majlis Tarjih Muhammadiyah* as an institution for the exercise of "collective *ijtihâd*" (*ijtihâd jama`i*) in relation to matters of *'ibadah mahdah* (ritual prayer, almsgiving, the pilgrimage, &c.).⁴⁶ The NU also formed their own committees to determine the organization's stand on legal issues, and their decisions were broadcast through the networks of schools and media organs referred to above.⁴⁷

⁴⁵ (Noer 1973: 150)

⁴⁶ Jamil, Fathurrahman. "The Muhammadiyah and the Theory of Maqasid al-Shar'ah." *Studia Islamika* II.1 (1995): 59.

⁴⁷For a short note on the methodology employed by this body, see: Madaniy Malik. "Cara Pengambilan Hukum Islam dalam Bachtsul Masail Nahdlatul Ulama (Sebuah Alternatif Pengembangan).," *Aula: Majalah Nahdlatul Ulama* (Des. 1991): 53-63.

Education reform

Although there were long standing traditions of Islamic education in many areas of the archipelago,⁴⁸ the twentieth century introduced some major structural, curricular, and institutional innovations to the scene.⁴⁹ Accompanying the programs of several reformist movements and sometimes in competition with or opposition to colonial schools, was a new energy exerted in reforming (sometimes in the most literal sense of the world) the institutions of Muslim education in order to better serve the needs of members of this rapidly developing society.⁵⁰ Such reformulated educational activity was often a component of the modernist agenda in many Muslim societies, as has been noted by Fazlur Rahman:

In Muslim countries other than Turkey that were under direct or indirect Western colonial rule, Islam reasserted itself with a vengeance. First, as I indicated earlier, their peoples felt a much greater need to buttress their own identity away from the multiple colonial invasion--political, economic, intellectual, and moral--and hence proportionately emphasized their Islamicity. In several

⁴⁸For surveys of the institutions and curricula from some 'traditionalist' educational milieu, see: Berg, L.W.C. van der. "Het Mohammedaansche Godsdienstonderwijs of Java en Madoera en de daarbij gebruikte Arabische boeken." *Tijdschrift voor Indische Taal-, Land- en Volkenkunde* 31 (1886): 518-555; (Dhofier 1982); Bruinessen, Martin van. "Kitab Kuning: Books in Arabic script used in the Pesantren Milieu." *BKI* 146 (1990): 226-69; and Bruinessen, Martin van. "Pesantren and Kitab Kuning: Continuity and Change in a Tradition of Religious Learning." *Texts from the Islands: Oral and Written Traditions of Indonesia and the Malay World*. Ed. Wolfgang Marschall. Berne: University of Berne Institute of Ethnology, 1994. pp. 121-146.

⁴⁹The classic survey of educational developments in Indonesia is Mahmud Junus' *Sedjarah Pendidikan Islam di Indonesia* (Jakarta, 1960). A more recent study of the subject which places greater analytical emphasis on the processes of modernization is Professor Steenbrink's *Pesantren, Madrasah, Sekolah: Pendidikan Islam dalam Kurun Moderen* (Jakarta: LP3ES, 1986). The currently popular textbook on the subject used in Indonesia is Hasbullah's *Sejarah Pendidikan Islam di Indonesia* (Jakarta: PT Raja Grafindo Persada, 1995).

⁵⁰For a case study of such developments, see: Abdullah, Taufik. *Schools and Polititcs: The Kaum Muda Movement in West Sumatra 1927-1933*. Ithaca: Cornell University Press, 1971.

cases, notably in Indonesia, they set up their own educational institutions as distinguished from the public, colonial-government sponsored schools.⁵¹

These new schools were often integrally linked with wider developments in some of the other major institutional innovations associated with modernism, namely voluntary organizations and publishing/ print culture.⁵² It should also be noted that these innovations were influential far beyond the scope of reformist activities themselves, and as these new methods of instruction came to be imitated by other more 'traditionalist' institutions they produced some profound effects that may have been unforeseen by those who adopted them. In some parts of Southeast Asia, such changes in 'traditional' educational settings accompanied the introduction of print technology into that milieu. For example in 1908, Shaykh Abdul Wahab Babussalam established an Arabic-type printing press at Langkat (Sumatra). This was to become an important center of local publishing which printed a number of popular Malay books.⁵³ In this particular case we have an interesting illustration of the way in which the ease of mass-producing texts aided an expansion of the traditional corpus to include works of a very different type; combining recensions of well-established religious tracts such

⁵¹ (Rahman, F. *Islam and Modernity: Transformation of an Intellectual Tradition*. Chicago: University of Chicago Press 1982. pp. 54-55) Elsewhere Rahman notes that, "the political liberation of the Muslim lands has meant that Muslims attempt to rethink the problem of education in their overall efforts to reconstruct their societies." The post-colonial situation made the need for educational and other reform much more 'immediate'; and this can be seen as one of the great distinctions between 'Classical Modernism' and 'Contemporary Modernism.' (*Ibid.*, 84-85)

⁵² For example the student organizations and publishing enterprises associated with the *Sumatera Thawalib* and *Diniyah Putri* schools at Padang Panjang or the Salman mosque organization of ITB and the establishment of the Mizan press in 1983. The strong links between such new educational institutions and the fledgling publishing enterprises in neighboring Malaysia has already been highlighted by: Kassim, M. S. *The Malay Press and Socio-Economic Development*, Boston University MA thesis, 1979.

⁵³Said, H.A. Fuad. *Syekh Abdul Wahab, Tuan Guru Babussalam*. Medan: Pustaka Babussalam, 1983. p. 107.

as that on the "Twenty Attributes" of God (Ind. *Sifat Duapuluh*)⁵⁴ with news and discussions of the Russo-Japanese War. As Dale Eickelman has noted with regard to similar developments in the Middle East, "even when mass higher education is used to sustain old patterns of belief and authority, its very structure engenders new 'authoritative' ways of thinking about self, religion, and politics."⁵⁵

The wave of reformist activity that accompanied and in some ways produced many of these radical social changes was exceptionally pronounced in particular areas, perhaps most notably in West Sumatra. In the latter part of the nineteenth century, it was the West Sumatran born Syakh Ahmad Khatib (d. 1915), who held the position of Shafi'i Imam at Mecca.⁵⁶ Through him one can trace an historical continuum of reformist activism stretching from the Wahabi inspired Padri movement of the early nineteenth century⁵⁷ to the educational and publishing programs of Haji Rasul and other

⁵⁴ This standard doctrine of traditionalist Muslim scholarship was taught at *pesantren* and similar institutions throughout the archipelago, through a number of local language texts and commentaries from the *kitab kuning* corpus. See, for example: `Uthmân b. `Abd Allah b. `Aqîl b. Yahya., Ed. *Kitâb Sifat Duâ Pûluh*. Surabaya: Bungkul Indah, 1906. (in Jawi).

⁵⁵Eickelman, Dale. "Mass Higher Education and the Religious Imagination in Contemporary Arab Societies." *American Ethnologist* 19.4 (1992): 645.

⁵⁶ Khatib Nagari Ahmad b. `Abd al-Latif b. `Abd al-Rahman b. Imam `Abdullah b. Tuanku `Abd al-`Aziz, was born at Ampat Angkat, West Sumatra but at the age of eleven was taken by his father to Mecca for study. There he steadily rose in prominence, teaching at the Masjid al-Haram and authoring works in various fields of Islamic learning. See: Hamka. *Islam dan Adat Minangkabau*. Jakarta: Pustaka Panjimas, 1984. pp. 159-162; and Steenbrink, Karel A. *Beberapa aspek tentang Islam di Indonesia abad ke-19*. Jakarta: Bulan Bintang, 1984. pp. 139-148.

⁵⁷An extensive study of this movement with an analytical orientation toward socio-economic aspects can be found in: Dobbin, Christine. *Islamic Revivalism in a Changing Peasant Economy: Central Sumatra, 1784-1847*. London: Curzon Press, 1983. For a study focusing more on its specifically 'religious' aspects, see: Chambert-Loir, Henri. "Une Guerre wahhabite à Sumatra au XIXe siècle," *La Transmission du Savoir dans le Monde Musulman Périphérique* 13 (Mars 1993): 87-95. On the linkages between the Padris and later West Sumatran reformists, see: Rusjdi. "Generasi Terachir Keluarga Paderi." *Gema Islam* I.4 (1962). pp. 24-2;. and Rusjdi. "Generasi Terachir Keluarga Paderi (sambungan)." *Gema Islam* I.5 (1962). pp. 6, 28-30.

Minangkabau reformers a century later.⁵⁸ At this time also an increasing number of Southeast Asian Muslim students were continuing their religious studies abroad, not only in the two holy cities of the Hijaz, but in Egypt as well, where al-Azhar was undergoing significant reform under the direction of Muhammad `Abduh and later Mahmud Shaltout.⁵⁹ It was there in Cairo that Hadji Abdullah Ahmad and Hadji Abdul Karim Amrullah (Hadji Rasul) receive honorary doctoral degrees in 1926;⁶⁰ an event which may be seen as part of the general openness of the Egyptian toward Muslim students from the Dutch East Indies as influenced by `Abd al-Aziz Jawis.⁶¹

At just about the same time, movements toward organization and educational reform were also beginning in the capitol of the Netherlands Indies. In July of 1905, the *Jam`iyyat Khair* was founded by members of the Arab community at Batavia, which set up an Arab school on modern lines. The *Jam`iyyat Khair* attracted activists and instructors from various parts of the Arab world, including Al-Hasjimi, an anti-French rebel from Tunis who arrived at Batavia in 1911 to teach at the *Jam`iyyat Khair* school. There he introduced sports and a scout movement, radical innovations for a Muslim school of that day. In the same year three other teachers arrived from abroad,

⁵⁸ See: Hamka. *Ajahku: Riwayat hidup Dr. Abd. Karim Amrullah dan perjuangan kaum agama*. Djakarta: Penerbit Widjaya, 1950; and *Riwayat Hidup dan Perjuangan 20 Ulama Besar Sumatera Barat*. Padang: Islamic Centre Sumatera Barat. 1981. p. 15.

⁵⁹ Botiveau, Bernard. "Note sur les étudiants indonésians présents à l'Université Al-Azhar du Caire." *Archipel* 40 (1990): 41. Recently more a extensive study of this has been undertaken by Mona Abaza. The results of her research have been published as: *Changing Images of Three Generations of Azharites in Indonesia*. Singapore: Institute of Southeast Asian Studies, 1993; and *Indonesian Students in Cairo: Islamic Education, Perceptions and Exchanges*. Paris: Cahier d'Archipel, 1994.

⁶⁰ See: Hamka. *Ajahku: Riwayat hidup Dr. Abd. Karim Amrullah dan perjuangan kaum agama*. Djakarta: Penerbit Widjaya, 1950. pp. 99, 102; and (Noer 1973: 39)

⁶¹ Johns, Anthony H. "Quranic Exegesis in the Malay World: In Search of a Profile." *Approaches to the History of the Interpretation of the Qur'an*. Ed. Andrew Rippin. Oxford: Clarendon Press, 1988. p. 274.

including: Shaikh Ahmad Soorkati (a modernist teacher from the Sudan), Sjech Muhammad Abdul Hamid of Mecca, and Sjech Muhammad Thaib of Morocco.⁶² The first of these, Shaikh Ahmad Soorkati, later went on to establish the *Jam'iyat al-Islam wal-Irshad* in 1915; a coed school which taught not only Arabic, but Malay and Dutch as well. This soon spread into a network of schools, located mostly in Java and attended largely by Arabs.⁶³ In the same year a Malay elementary school was also founded where general subjects were taught alongside religious ones; English was compulsory, but Dutch was not taught. At about the same time, such institutions were proliferating in various parts of Malaya as well. In 1908 Sjech Taher Djalaluddin established the *Al-Iqbal al-Islamijah* school at Singapore with the help of Radji Hadji Ali bin Ahmad.⁶⁴ In Kelantan, Shaykh Muhammad Yusuf (a.k.a. To' Kenali), returned home after nearly two decades of study in the Middle East to become active in promoting modern Islamic education.⁶⁵ After the establishment of the first *Pondok To' Kenali* in Kelantan, his widespread reputation attracted students from throughout Malaya, Sumatra, Patani, and Cambodia.⁶⁶

Within a decade of this, similar institutions began to spread to the 'Outer Islands' of the eastern Indonesian archipelago as well. In 1917, Haji Abdullah b. `Abd al-Rahman of Maros (South Sulawesi) returned home after ten years of study in Mecca to set up a reformist-oriented madrasah in Makassar.⁶⁷ Other

⁶² (Noer 1973: 58-59)

⁶³ (Ricklefs 1993: 170)

⁶⁴ However, the school was later transferred to Riau and continued under the supervision of the latter. (Noer 1973: 34)

⁶⁵ Johns, A.H. "From Coastal Settlement to Islamic School and City: Islamization in Sumatra, the Malay Peninsula, and Java," *Indonesia: The Making of a Culture*. Ed. James J. Fox. Canberra: Australian National University, 1980. p. 178.

⁶⁶ Andaya, Barbara Watson, and Leonard Andaya. *A History of Malaysia*. London: Macmillan, 1982. pp. 233-234.

⁶⁷ Pelras, Ch. "Religion, Tradition, and the Dynamics of Islamization in South Sulawesi." *Archipel* 29 (1985): 128.

institutions followed in places like West Kalimantan, where Haji `Abd al-Samad and Haji Muhammad Yusuf Saigon opened *Pesantren Saigonyah*, the first 'modern style' *pondok* in the area in 1925.⁶⁸ All of these changes however did not progress unimpeded, and during this same year the "Guru Ordinance" passed by the Dutch Netherlands Indies government attempted to tighten administrative control over Islamic education hitherto governed by the more lenient 1905 rulings. These measures were imposed upon settled *pesantren* teachers as well as traveling preachers (Ar./ Ind. *muballigh*) and reflected the colonial administration's growing concern over the resurgence of activist Islamic movements in their territories.⁶⁹

Of perhaps more enduring influence than these small-scale religious schools and itinerant teachers were the expanding networks of religious institutions sponsored by a number of increasingly powerful voluntary institutions. Some of these organizations made the establishment of new educational institutions a priority from the very start, such as the *Sumatera Thawalib* and the *Jami'yyat Khair* already mentioned above. We find another example of such an organization on a much wider scale in the *Muhammadiyah*, whose schools are widespread throughout most provinces of Indonesia today at levels ranging from the primary to that of universities.⁷⁰ Another extensive network of schools has been established by the more 'traditionalist' *Nahdlatul Ulama* (NU).⁷¹ On a smaller scale, a number of other organizations have also

⁶⁸Abdullah, Hj. W. Mohd. Shaghir. *Syeikh Muhammad Arsyad al Banjari: Pengarang Sablal Muhtadin*. Kuala Lumpur: Khazanah Fathaniyah, 1990. p. 49.

⁶⁹ (Benda 1958: 74)

⁷⁰Hamzah, Amir. *Pendidikan dan Pengajaran Muhammadiyah dalam Masa Pembaharuan Semesta*. Malang: Ken Mutia, 1965. For a concise summary of the *Muhammadiyah's* emphasis on education: (Hasbullah 1995: 94-105).

⁷¹Anam, Chairul. *Pertumbuhan dan Perkembangan Nahdlatul Ulama*. Solo: Jatayu, 1985/ cit. (Hasbullah 1995: 105-113)

put considerable efforts into the area of education. including: *al-Irsyad*, *al-Washliyyah*, *Perserikatan Ulama*, *Persatuan Islam* (PERSIS),⁷² and *Nahdlatul Wathan*.⁷³

The earlier movements for educational reform which began at the primary *madrasah* level had extended their efforts to include innovations in higher education by the middle part of the century, culminating in the establishment of a system of 'State Institutes for Islamic Studies' (IAIN) that has spread throughout the Archipelago in recent decades.⁷⁴ The earliest origins of these institutions seem to be from the Japanese war-time occupation of Indonesia, when the *Sekolah Tinggi Islam* (STI) was founded at Jakarta, under the initiative of Muhammad Hatta, K.H.A. Kahar Muzakir, K.H. Mas Mansjur, K.H.Fatchurrahman Kafrawi, and K.H. Faried Ma'ruf. During the revolution, this school was moved to Yogyakarta and renamed *University Islam Indonesia* which included four faculties: Religious Studies, Law, Economics, and Education. In 1950, the Religious Studies faculty of this institution was reorganized and renamed once again; becoming the *Perguruan Tinggi Agama Islam Negeri*.⁷⁵ This institution was founded with the mission of:

...providing higher education and becoming a center for the development and deepening of Islamic religious knowledge. In working toward this goal, it is also charged with laying down a foundation for the formation of moral and educated people who have an awareness of their responsibilities for the prosperity of Indonesian society and the world in general,

⁷² (Hasbullah 1995: 113-125)

⁷³ Abd al-Hayy, Nu'man, and Shahafari Ash'ari. *Organisasi Nahdlatul Wathan dan Perjuangan*. Pancor (Lombok): Penerbit NW, 1989. pp. 116-122.

⁷⁴ For a general history of the development of the IAIN system, see: Meuleman, Johan Hendrik, and Henri Chambert-Loir. "Les Instituts islamiques publics indonésiens," *Madrassa: La Transmission du Savoir dans le Monde Musulman*. Eds. Nicole Grandin and Marc Gaborieau. Paris: Éditions Arguments, 1997. pp. 199-216.

⁷⁵ *Peraturan Pemerintah* no. 34, tahun 1950/ cit. *Buku Tahunan IAIN 'Al-Djami'ah Al-Islamijah Al-Hukumijah' 1960-1962*. Jogjakarta: IAIN 'Al-Djami'ah Al-Islamijah Al-Hukumijah', 1962.

all upon the basis of Pancasila, culture, Indonesian nationality, and reality.⁷⁶

Over the following decade the importance of the PTAIN grew, as it was at that time the only significant concession granted to organized Islam during a period in which *Masjumi* and other Muslim institutions were on the defensive against Soekarno's leftward march. Through all of this the PTAIN continued to grow, and over the next few years underwent another name change and institutional restructuring dictated by further government pronouncements.⁷⁷ One of these specified appointments to a number of the highest administrative positions, which included such prominent Muslim figures as Tengku Mohamed Hasbi Ash Shiddieqy as dean of the Shar'ia Faculty.⁷⁸

Within a few years, other branches of the IAIN system began opening in other cities around the country. In October 1963, IAIN Ar-Raniri at Banda Aceh (Sumatra) was the third established in the IAIN system, after those of Yogyakarta and Jakarta were founded during March of the same year.⁷⁹ Over the years, facilities at various IAIN branches expanded to include post-graduate programs and a program called Study Purna Ulama that was inaugurated in 1978 to upgrade teaching staff for the Religious Sciences in an interdisciplinary format. Such programs were to have a marked effect on the kinds of religious scholars produced in Indonesia during the later twentieth century. In fact, one can see a marked shift in orientation of the institutes

⁷⁶ *Buku Tahunan*, 12.

⁷⁷ *Peraturan Presiden Republik Indonesia* no. 11 tahun, 1960; *Penetapan Menteri Agama* no. 43 tahun 1960; *Peraturan Menteri Agama* no. 15 tahun, 1961; *Penetapan Menteri Agama* no. 35, tahun 1960.

⁷⁸ *Penetapan Menteri Agama* no. 35, tahun 1960; *Buku Tahunan*, 21-22. An extensive discussion of Hasbi Ash Shiddieqy and his works can be found in Chapter 3, below.

⁷⁹ Mahmud, Said Ed. *15 Tahun Institut Agama Islam Negeri Jami'ah Ar-Raniry Darussalam Banda Aceh*. Banda Aceh: Panitia Harijadi ke-XV IAIN Jami'ah Ar-Raniry, 1978. p. 39-43.

from the earliest years when faculty were exchanged with Egypt⁸⁰ to the later period when IAIN began looking more to the West for training and methodological approaches. This started with the sending of trainees to McGill, Sydney, Madison, Leiden, and Germany in the 1970s⁸¹ and continues today on a much larger scale and in cooperation with such international partners as the Indonesian-Netherlands Islamic Studies project (INIS) and the Canadian Institute for International Development (CIDA). In our examinations of jurisprudential developments below, we will have the opportunity to note that although relatively few of the major figures that we will be discussing graduated from such institutions, their works often had a significant impact on the teaching at such schools. Thus the influence of the new legal models was spread rather rapidly through the cadres of civil servants and the middle class in general via this 'modern' institutional framework. While this new group of potential print consumers was not at this time particularly innovative in producing new works of their own, they were nonetheless receptive to the new approaches and orientations that came to characterize the major developments in twentieth-century Indonesian *fiqh*.

⁸⁰ 15 Tahun: 50-51, 114.

⁸¹ 15 Tahun: 134, 154.

Print culture

The third major innovation of this period was the proliferation and dissemination of print culture in the region. In the early twentieth century, print culture began to have an increasingly pronounced effect on the urban populations of the archipelago. Although there was some limited printing activity by Muslims in Southeast Asia prior to the turn of the century,⁸² large-scale printing enterprises, especially those producing periodicals, came several decades later.⁸³ Before this time, the majority of Arabic-script books available in the region were imported from the Middle East: Mecca,⁸⁴ Istanbul,⁸⁵ and especially Cairo.⁸⁶

⁸² For example the presses at Surabaya, Palembang, and Riau-Penyengat. See: Kaptein, Nico. "An Arab Printer in Surabaya, 1853." *BKI* 149 (1993): 356-2; Wall, H. von de. "Eene Inlandsche Drukkerij te Palembang." *Tijdschrift voor Indische Taal-, Lane- en Volkenkunde* 6 (1857): 193-198; and Putten, Jan van der. "Printing in Riau: Two Steps Toward Modernity." *BKI* 153, 4 (1997): 717-736.

⁸³ The first Jawi Script Malay periodical being *Jawi Peranakan*, a weekly published by a group of Indian Muslims at the Straits Settlements in 1876. Thereafter several others followed, including: *Nujun al-Fajr*, *Jajahan Melayu*, *Seri Perak*, *Sekolah Melayu*, &c. Most of these were however short-lived. For more on the history of Malay publishing, see: Birch, R.W. "The Vernacular Press in the Straits." *JSBRAS* 4 (1879): 51-55; Cabaton, A. "La Presse indigène aux Indes néerlandaises." *Revue du Monde Musulmane* 21 (1912): 330-348; Ahmad, Z.A. "Malay Journalism in Malaya." *JMBRAS* XIX.2 (1941): 244-50; Roff, W. R. *Sejarah Surat2 Khabar Melayu*. Pulau Pinang: Saudara Sinaran Berhad, 1967; Roff, W. R. *Bibliography of Malay and Arabic Periodicals published in the Straits Settlements and the Peninsular Malay States, 1876-1941*. London: Oxford University Press, 1972; (Kassim 1979); Hamidy, U. "Kegiatan percetakan dan penerbitan di Riau pada abad ke 19 dan awal abad ke 20." *Riau sebagai pusat bahasa dan kebudayaan Melayu*. Pekan Baru: Bumi Pustaka, 1983. pp. 67-77; Proudfoot, Ian. "A Formative Period in Malay Book Publishing." *JMBRAS* 59 (1986): 101-132; and *The Print Threshold in Malaysia*. Working Paper #88. Clayton: Monash University Center of Southeast Asian Studies, 1994; Gallop, A. T.. "Early Malay Printing, an Introduction to the British Library Collections." *JMBRAS* 63.1 (1990): 85-124; Hoogerwerf, E.J. *Persgeschiedenis van Indonesië tot 1942: Geannoteerde bibliographie*. Dordrecht: Foris Publications, 1990.

⁸⁴ Snouck Hurgronje, C. *Mekka in the Latter Part of the 19th Century*. Leiden: E.J. Brill, 1931. p. 271.

⁸⁵ Where works of scholars in the Malay *kitab* tradition were being seen through press by Tok Guru Wan Ahmad Patani. (Daud, Ismail Che. *Tokoh-tokoh Ulama` Semenanjung Malayu*. Kota Bharu: Majlis Ugama Islam dan Adat Istiadat Melayu Kelantan, 1992. p. 97)

The texts which continued to be printed at these centers for the Southeast Asian market became increasingly supplemented by more local publications. The amount of published material available in the region increased dramatically in the first decades of the twentieth century as a number of new periodicals began circulation in the region. Much of this was printed locally, although some continued to come from overseas, including the Hadramaut, for distribution in the Archipelago.⁸⁷ Many of these new publications served as organs for various Muslim reformist groups, the best known of which was *al-Imam*, published at Singapore from 1905-1908.⁸⁸

The first independent, i.e. non colonially-controlled, presses in the region were small lithographic presses, producing texts, both in Arabic⁸⁹, and in Malay⁹⁰ as well as in various local languages. Roff has noted a number of such hand-lithograph presses owned by *Jawi Peranakan* in late nineteenth century Singapore.⁹¹ Large-scale printing enterprises, especially those

⁸⁶Gonzalez-Quijano, Yves. "Le livre arabe dans les pays du subcontinent sud et sud-est asiatique." *Archipel* 40 (1990): 45.

⁸⁷ For more on this "emigrant press" see: El-Zine, M. A. Y. *Le Yemen et ses moyens d'information: Étude historique, politique, juridique sociale et critique-- 1872-1974*. Alger: Société Nationale d'Édition et de Diffusion 1978. pp. 98. 163-189.

⁸⁸There were also several other similar publications, many printed in Jawi script at various publishers throughout British Malaya and the Dutch East Indies, although Roman-script came sooner to dominate the publishing in the latter.

⁸⁹Kraemer, Hendrik. "La Presse arabe aux Indes néerlandaises." *Revue du Monde Musulman* 46 (1921): 214-219; Kaptien, Nico. "An Arab Printer in Surabaya in 1853." *BKI*. 149 (1993): 356-2; Mobini-Kesheh, N. "The Arab Periodicals of the Netherlands East Indies, 1914-1942." *BKI* 152.2 (1996): 236-256.

⁹⁰ These included the native presses at Pulau Penyegat and at Langkat under Syekh Abdul Wahab, among others, see: Matheson, Virginia. "Pulau Penyegat: Nineteenth Century Islamic Centre of Riau." *Archipel* 37 (1989): 153-172; and Said, H.A. Fuad. *Syekh Abdul Wahab, Tuan Guru Babussalam*. Medan: Pustaka Babussalam, 1983.

⁹¹ Roff, W.R. "The Malayo Muslim World of Singapore at the Close of the Nineteenth Century." *Journal of Asian Studies* 24.1 (1964): 84. More recently, Proudfoot has brilliantly illuminated the significance of the choice of lithography over print-type in early Muslim publishing as a reflection of aesthetic and cultural concerns in British India and elsewhere. (Proudfoot, Ian.. "Mass Producing Houris Moles, or Aesthetics and Choice of Technology in Early Muslim Book Printing," *Islam- Essays in Scripture, Thought and*

producing periodicals, came several decades later. The amount of published material available in the region increased dramatically in the first decades of the twentieth century as a number of new periodicals emerged as organs for various Muslim reformist groups, as was the case with *al-Imam*, mentioned above.⁹² Similar periodicals began appearing in various areas,⁹³ many of which drew their inspiration, and even a number of articles in translation, from the Egyptian reformist organ *al-Manar*.⁹⁴

The publishing activities of many reformers expanded in connection with a number of developing voluntary associations, as we have mentioned above.⁹⁵ It should be noted here that the three 'institutions of modernity' discussed above (voluntary associations, reformed education, and print culture) are in fact so integrally linked in this context that it is difficult to speak of any one of these phenomena in isolation from the others. Together they may be viewed as the legs of a triangle, each of which intersects with and supports the other two: voluntary organizations set up schools, which in turn produced an expanding readership for the organizations publications. Many

Society: A Festschrift in honour of Anthony H. Johns. Eds. Peter Riddell and Tony Street. Leiden: E.J. Brill, 1997. pp. 161-184.

⁹² Hamzah, Abu Bakar. *Al-Imam: Its role in Malay society, 1905-1908*. Kuala Lumpur: Pustaka Antara, 1991.

⁹³ e.g., *al-Munir* published by Hadji Abdullah Ahmad, with the assistance of Haji Abdul Karim Amrullah (Haji Rasul), among others, at Padang Panjang from 1911-1915. Rusjdi. "Sedjarah Penerbitan Madjalah al-Munir: Pelopor Pers Islam dengan Aliran Moderen jang dibawanja." *Gema Islam* I.1 (1962): 22-25.

⁹⁴ For a brief essay on the connection between these periodicals, see: Bluhm, J. "A Preliminary Statement on the Dialogue Established Between the Reform Magazine al-Manar and the Malayo-Indonesian World." *Indonesia Circle* (Nov. 1983): 35-42. For some idea of the general ideological orientation of this important publication, see: Massignon, L. "Liste des principaux articles de politique sociale et religieuse publiés dans al-Manar du Caire, de 1916 à 1920, suivie de quelques notes." *Revue du Monde Musulman* 38 (1920): 210-216.

⁹⁵ A parallel intersection of advances in print technology and education with the reformist project of the contemporary *Salafiyya* in Egypt has been commented upon in: Skovgaard-Petersen, Jakob. *Defining Islam for the Egyptian State: Muftis and Farwas of the Dar al-Iftâ*. Leiden: E.J. Brill, 1997. pp. 68-71.

new publications served to broadcast particular programs of certain organizations, and still others were designed with the specific intention of being used as curriculum for their own schools. Schools in turn drew on the financial and structural resources of a number of voluntary organizations and in turn facilitated the development of a population more familiar with the pedagogy and epistemological structures of print culture than with the more traditional oral milieu of *pesantren* education and its accompanying manuscript culture.

In a recent study of the social transformations which accompanied the development of print culture in Malaysia, Proudfoot has remarked that the shift from manuscripts to mass-produced printings brought about, "deep-seated changes tantamount to the creation of a new literature by the printing press."⁹⁶ While this remark was made with particular reference to literary texts previously regarded as courtly heirlooms, something of an extension of this phenomenon can be seen in the way that writings on Islamic law and jurisprudence were liberated from the closed circles of traditionalist religious scholars and made available and accessible to a much wider reading public. Such shifts of intended audience were often reflected in changes in the way that texts were presented. Ultimately these adjustments of form and organization impacted upon the epistemological structuring of the religious knowledge transmitted by these texts. As this occurred possibilities arose for new interpretations of the traditional corpus and thus modifications of form came to eventually affect changes in content as well.

⁹⁶Proudfoot, I. *The Print Threshold in Malaysia* (Working Paper #88). Clayton: Monash University Centre of Southeast Asian Studies, 1994. p. 47.

The early decades of the twentieth century witnessed a number of rather remarkable developments in Muslim intellectual history, as a result of which the very categories and structures of traditional religious authority were fundamentally changed. Such a development has had a significant impact upon not only social and cultural institutions, but also the forms and content of intellectual and legal debates. The present study aims to describe and analyze such developments as they have manifested themselves in discussions of Islamic law and legal theories in modern Indonesia.

All this being said we should, however, not be carried away with the novelty of the modern situation, for in it there are still traceable important threads of continuity that have run through centuries of Islamic history. Internal reform is part of a well-established dynamic visible throughout the history of various societies in the Muslim world. The great historian of Islamicate civilization Marshall Hodgson has called attention to the role of Hanbalism in this process,⁹⁷ as demonstrated in more particular instance by the studies of Henri Laoust on the legacy of Ibn Taymiyya and the Salafiyya movement.⁹⁸ More recently, scholars such as Voll have demonstrated that even during the eighteenth century (a period which Western students of Islam had long viewed as a period of decline) vigorous and indigenous

⁹⁷“...Hanbalism had never really been primarily a school of *fiqh* at all. It remained a comprehensive and essentially radical movement, which had elaborated its own *fiqh* in accordance with its own principles, but whose leaders were often unwilling to acknowledge the same kind of *taqlīd* as provided the institutional security of the other schools, and rejected the *ijmā'* tradition of the living community on principle. *Ijtihād* inquiry remained alive among the Hanbalis; each major teacher felt free to start afresh, according to the needs of his own time for reform in a puritan direction.” (Hodgson, Marshall G.S. *The Venture of Islam: Conscience and History in a World Civilization*. Chicago: University Press, 1974. III: 160)

⁹⁸Laoust, Henri. *Essai sur les Doctrines Sociales et Politiques de Takī-d-dīn Ahmad b. Taimīya, canoniste Hanbalite né à Harrân en 661/ 1262, mort à Damas en 728/1328*. Cairo: Imprimerie de l'Institut Français d'Archéologie Orientale, 1939.

movements of reform were active in a number of centers.⁹⁹ In the twentieth century such movements were influenced also by developments from outside the Muslim world, especially from the modern, industrialized West; and new dimensions were brought to bear on the older dynamic in the context of modernity.

The new dynamic of educational reform, voluntary group activity, and expanding print culture provided an environment in which new voices could gain the ascendancy to become a significant alternative to the previously established spokesman on religious and legal issues in society.¹⁰⁰ This newly-emerging type of Muslim intellectual launched its first attacks on the status quo in its most radical terms, striking at the very epistemological basis on which the old authority stood. As we shall see, these first radical critiques helped to pave the way of reform and reorientation that was to be continued by later writers and thinkers, often of a considerably more moderate orientation.

⁹⁹Voll, John Obert. *Islam: Continuity and Change in the Modern World*. Boulder: Westview Press, 1982.

¹⁰⁰For a comparative prospective on such developments in other Muslim societies, see: Robinson, F. "Technology and Religious Change: Islam and the Impact of Print." *Modern Asian Studies* 27.1 (1993): 229-251.

Chapter 2: The Open Gate of Ijtihâd

Novelty in religion is the heretical innovation against which our Prophet has cautioned us, and of which he informed us that it is the most evil of things.

Ibn Qudama (d. 1223)
Tahrîm al-Nazar fî Kutub Ahl al-Kalâm

Studies of the history of Islamic law and jurisprudence have long debated the question as to when, if ever, the “gate of *ijtihâd*” was closed.¹ While the fine points of chronology were occasionally disputed, there was until very recently something of a consensus that this did indeed occur and that the result was a prolonged period of ‘ankylose’ that was shaken into activity once again only in the modern period.² More recently, however, Wael Hallaq has demonstrated the historical continuity of *ijtihâd* throughout Islamic legal history as well as its significance to the development of both jurisprudence and positive law over the centuries.³ A number of studies have been devoted to the subject that have served to further our understanding of the *ijtihâd/ taqlîd* issue, especially in connection with the development of the

¹For a survey of general trends in English-language scholarship on the subject, see: Shaista P., Ali-Karamali, and Fiona Dunne. “The *Ijtihâd* Controversy.” *Arab Law Quarterly* 9 (1994): 238-257.

²A classic statement of this position being can be found in: Shacht, J. “Classicisme, traditionalisme et ankylose dans le loi religieuse de l’Islam.” *Classicisme et déclin culturel dans l’histoire de l’Islam*. Paris: G.-P. Maisonneuve, 1957. pp. 141-166.

³Hallaq, Wael B. “Was the Gate of *Ijtihâd* Closed?” *International Journal of Middle East Studies* 16 (1984): 3-41.

concept and historical formation of the *madhâhib* ('schools of law').⁴ While these studies and others have significantly advanced our understandings of the issue, they continue to share one critical problem with many pre-modern Muslim treatises on the subject: a confusion as to the various definitions of both *ijtihâd* and *taqlîd* as used by different authors in various periods and contexts. Recognizing this, Hallaq has called for more careful attention to terminological distinctions, a suggestion which the present study will attempt to heed as far as is possible.

In our discussion reference will be made to a number of twentieth-century Indonesian Muslim thinkers, all of whom spoke and wrote about *ijtihâd*, although not necessarily in the same way. In general we can say that most agreed that the practice of *ijtihâd* involved a measure of individual effort in arriving at legal decisions for cases in which no clear textual ruling was evident. Just how such efforts were to be channeled was the subject of considerable debate, ranging from advocacy of a direct return to the primary sources of the Qur'an and Sunnah to a more regulated application of the jurisprudential methods of one or more of the established *madhâhib*. It is the evolution of these discussions that comprise the object of study in the chapters that follow.

For most of its recorded history, Muslim education in Southeast Asia, as elsewhere in the Muslim world, was largely focused upon the study of jurisprudence (*fiqh*).⁵ In the traditional milieu of the *pesantren* and similar

⁴Hallaq, Wael B. "Introduction: Issues and Problems." *Islamic Law and Society* 3.2 (1996): 127. This essay introduces four articles on the subject appearing in a special issue of this journal which was subtitled, "*Ijtihâd and Taqlîd*."

⁵ The primacy of *fiqh* in pre-modern Muslim education has been emphasized by a number of scholars including George Makdisi, see: "Muslim Institutions of Learning in Eleventh-Century Baghdad," *BSOAS* 24 (1961): 1-56; "Law and Traditionalism in the Institutions of Learning of Medieval Islam," *Theology and Law in Islam* (G. E. von Grunebaum, ed).

institutions however,⁶ this study remained confined almost completely to areas of *furū'* or branch rulings rather than on *'usūl*, or the sources of law and methodological principles of jurisprudence.⁷ In such a setting most scholars and jurists tended to restrict themselves to rulings within the framework of the established Sunni schools of law, and especially the Shafi'i *madhhab*.⁸ Nonetheless, even before the turn of the twentieth-century we find evidence of some Southeast Asian ulama exploring the study of *usūl* and even exercising

Wiesbaden: Otto Harrassowitz, (1971). pp. 75-88; and "The Scholastic Method in Medieval Education: An Inquiry into its Origins in Law and Theology," *Speculum* 49 (1974): 640-661.

⁶ For a general introduction to the *pesantren* as an institution: Prabowo, Taufiq, and Claude Guillot. "Les *Pesantren* ou centres d'enseignement de l'Islam à Java." *Madrassa: La Transmission du Savoir dans le Monde Musulman*. Eds. Nicole Grandin and Marc Gaborieau. Paris: Éditions Arguments, 1997. pp. 185-198. For a survey of the traditional teaching materials used in this setting: Berg, L. W. C. van den. "Het Mohammedaansche Godsdienstonderwijs op Java en Madoera en de Daarbij Gebruikte Arabische Boeken." *Tijdschrift voor Indische Taal-, Land- en Volkenkunde* 31 (1886): 518-55.

⁷ The particular rulings of substantive are in Islam referred to as *furū'* and it is this area of specific rulings that has historically attracted the bulk of attention, not only from classical Muslim jurists, but from modern international scholarship as well. This has especially been the case in Indonesia where what secondary scholarship that exists on the subject has paid more attention to specific rulings of 'Islamic law' in areas such as marriage, inheritance, &c. while all but neglecting the theoretical and methodological structure of the legal theories behind them. Such approaches may have had their origins in the writings of Dutch colonial scholars who were more concerned with administrative affairs than Muslim intellectual history; as perhaps best illustrated in perhaps the classic work on this subject in which less than a dozen of its 400+ pages are dedicated to the area of *'usūl* and the remainder are concerned primarily with *furū'*. (Juynboll, Th. W. *Handleiding tot de Kennis van de Mohammedaansche Wet volgens de Leer der Sjāfi'itische School*. Leiden: E.J. Brill, 1930)

⁸ Named after Imam Ahmad b. Idris al-Shafi'i (d. 820). For a study of the development of this school: Melchert, Christopher. *The Formation of the Sunni Schools of Law, 9th-10th Centuries*. Leiden: E.J. Brill, 1997. A concise digest of the teachings of this school, especially as they were applied in the Netherlands East Indies, was compiled by Th. W. Juynboll (*Handleiding tot de Kennis van de Mohammedaansche Wet volgens de Leer der Sjāfi'itische School*. Leiden: E.J. Brill, 1930). More recently, however, a more sophisticated treatment of the writings of one of this school's classical authorities has been published by Bernard Weiss: *The Search for God's Law: Islamic Jurisprudence in the Writings of Sayf al-Din al-Amidi*. Salt Lake City: University of Utah Press, 1992.

some form of *ijtihād* for themselves.⁹ For instance, the Javanese scholar Mahfudh al-Termasi (d. 1338 H./ 1919) wrote a three volume work on *usûl* to complement his prolific publications on the science of *hadith*.¹⁰ However as al-Termasi was nonetheless very much part of the cultural and intellectual complex of what contemporary scholars refer to as 'traditionalism' and indeed his efforts in regard to the study of *usûl* seem to be of a different kind than that of the more recent figures who comprise the focus of the present study.¹¹

During the twentieth-century a new, more broad-based interest in the study of *usûl* and the pursuit of *ijtihād* emerged in the context of the development of the institutions of modernity described in the previous chapter.¹² Working in the milieu of newly reformed institutions of education, especially those sponsored by various new voluntary institutions, these new

⁹ For instance, Prof. van Bruinessen has called attention to the fact that there are copies of commentaries on al-Juwayni's (d. 1085) *al-Waraqât fî usûl al-fiqh* and al-Subki's *Jam' al-jawâmi'* in van Ronkel's 1913 catalog of the manuscript holdings at the Bataviaasch Genootschap van Kunsten en Wetenschappen. (Bruinessen, Martin van. "Kitab Kuning: Books in Arabic script used in the Pesantren Milieu." *BKI* 146 (1990): 226-69.) Cf. Ronkel, Ph. S. van. *Supplement to the Catalogue of the Arabic Manuscripts Preserved in the Museum of the Batavia Society of Arts and Science*. Batavia: Albrecht & Co., 1913)

¹⁰ For an extensive discussion of al-Termasi and a bibliography of his works: Abd. Rahman. *The Pesantren Architects and their Socio-Religious Teachings (1850-1950)*. Diss. University of California at Los Angeles, 1997. pp. 141-165.

¹¹ A general introduction to the world of traditionalist scholarship in Muslim Southeast Asia that was so profoundly challenged by the reformists of this period, can be gleaned from the works of Martin van Bruinessen, See: "Kitab Kuning: Books in Arabic script used in the Pesantren Milieu." *BKI* 146 (1990): 226-69; Bruinessen, Martin van. "Pesantren and Kitab Kuning: Continuity and Change in a Tradition of Religious Learning." *Texts from the Islands: Oral and Written Traditions of Indonesia and the Malay World*. Ed. Wolfgang Marschall. Berne: University of Berne Institute of Ethnology, 1994. pp. 121-146; and *Kitab Kuning, Pesantren, dan Tarekat: Tradisi-tradisi Islam di Indonesia*. Bandung: Mizan, 1995.

¹² Prof. van Bruinessen notes that works on *usûl* first began to attract wider attention by the *kaum muda* reformists in the 1920's. For instance, the reformist magazine *al-Ittifaq wa'l-iftiraq* contained numerous writings on *usul* which excerpted from such works as Shafi'i's *Risalah*, al-Suyuti's *al-Ashbâh wa'l-Naza'ir*, and Ibn Rushd's *Bidâyat al-Mujtahid*. (van Bruinessen 1990: 250) Cf. Schrieke, B.J.O. "Bijdrage tot de Bibliographie van de Huidige Godsdienstige te Sumatra's Westkust." *Tijdschrift voor het Bataviaasch Genootschap* 59 (1921): 298-300.

'print-ulama' evolved a significantly different orientation to and new format for their works; establishing a new paradigm of authority in Indonesian Islam.¹³ These developments had a formative impact upon developments in the study of law and jurisprudence over the course of the twentieth-century. In order to see how some of this came to be in the earlier decade of this century, we will examine the life and works of two major authors, both of whom were associated with PERSIS: Ahmad Hassan (d. 1958) and Moenawar Chalil (d. 1961). In this way it is hoped to get a better picture of the relationship of voluntary associations, educational reform, and print culture to the reform of Islamic religious and jurisprudential epistemology.

The *Persatuan Islam* (PERSIS) was founded at Bandung in September of 1923 as an organization to promote Islamic study and other activities. The leading figures of this organization were Haji Zamzam and Haji Muhammad Junus, both members of a Bandung's merchant class with serious interests in and commitments to Islamic education.¹⁴ This small group centered much of its early discussions on debating the reformist and modernist ideas that were spreading through the region at that time, as disseminated through publications such as *al-Manar* and *al-Imam* mentioned above. Less than a year later, however, a Singapore-born Muslim named A. Hassan joined the organization and his dominating presence initiated a fundamental change in the character of PERSIS.¹⁵ Under Hassan's influence, the formerly open and

¹³ A. Hassan, for example, completely rejected the institution of *ijazah* that was such a central part of traditional Muslim education. (*Soal-Jawab*, 1179)

¹⁴ Haji Zamzam had spent over three years studying at the *Dar al-'ulūm* at Mecca, and H. Muhammad Junus was known as a collector who owned a library of books on Islamic subjects. Federspiel, Howard M. *Persatuan Islam: Islamic Reform in Twentieth-century Indonesia*. Ithaca: Cornell University Press, 1970. p. 12.

¹⁵ Ahmad Hassan, also known as Hassan Bandung and later Hassan Bangil after his two adopted homes where he was a prominent teacher at the *Pesantren Persis*. A biography and analysis of Hassan's religious and jurisprudential thought can be found below.

ideologically mixed character of the organization was transformed into a more unified one with an uncompromising insistence on reformist principles.¹⁶ Thus PERSIS became known as an organization which claimed strict allegiance to the text of the Qur'an and reliable *hadith*, and sharply criticized those Muslims who accepted any other standards of religious authority beside these. This led them to launch a series of virulent public polemics against traditionalist Muslims who upheld a belief in the necessity of adherence to one of the four established *madhâhib* and the foundational authority of the imams of those schools.¹⁷

The target of PERSIS polemics was not limited to the *kaum tua* or traditionalist Muslims of this type, for the organization also attacked new 'sects' emerging at the time in Indonesia, including the *Ahmadiyyah Qadian*.¹⁸

¹⁶ In 1926, the more moderate members of PERSIS who did not agree with Hassan's strong reformism left to found their own organization, *Permufakatan Islam*. (Ricklefs 1993: 177)

¹⁷ Many of these traditionalists were associated with the national organization *Nahdlatul Ulama* (NU). At this time, however, most such ulama were not yet taking a very active part in the developing Latin-script print culture of the Indonesian language. Thus we do not have the extensive published sources for their refutations of Hassan's challenge that would help in a full reconstruction of the debates with more of a balance paid to arguments of both sides. In the early decades of this century, the ulama's publications still tended to be composed mostly in the Arabic script forms of the *kitab kuning* mentioned above. It was slightly later that perhaps the most widely-known national spokesman for such traditionalism, Siradjuddin Abbas, began to publish his works for wider distribution. For a sampling of Siradjuddin's views on matters of 'usûl and furû', respectively, see: Abbas, Siradjuddin. *Sejarah dan Keagungan Madzhab Syafi'i*. Jakarta: Pustaka Tarbiyah, 1966. pp. 35-117; and *40 Masalah Agama*. Jakarta: Pustaka Tarbiyah, 1972-1974. For an English-language study of this latter work, see: Federspiel, Howard. "The Endurance of Muslim Traditionalist Scholarship: An Analysis of the Writings of the Indonesian Scholar Siradjuddin Abbas." *Toward a New Paradigm: Recent Developments in Indonesian Islamic Thought*. Ed. Mark Woodward. Tempe: Arizona State University Program for Southeast Asian Studies, 1996. pp. 193-220.

¹⁸ On Ahmadiyyah in general: Smith, W.C. "Ahmadiyya." *EI2* I: 301-303. For its teachings, especially in relation to prophetology and some of its possible legislative consequences, please see: Friedmann, Yohanan. *Prophecy Continuous: Aspects of Ahmadi Religious Thought and Its Medieval Background*. Berkeley: University of California Press, 1989. For a short study of its early history in Indonesia and its conflicts with PERSIS and other Muslim groups, see: Pijper, G.F. "De Ahmadijah in Indonesia." *Bingkisan Budi: een bundel opstellen aan Dr. Phillipus Samuel van Ronkel door vrienden en leerlingen*

Eventually they also expanded to take on all whom they viewed as opponents of their own interpretation of Islam, including Communists and Christian groups. These polemics were carried out in a number of forums, including well-publicized and attended public debates between Hassan and representatives of his opponents.¹⁹ Often the contents of these debates were published alongside other articles designed to respond to perceived attacks on Islam in a journal published by PERSIS for precisely this reason, entitled *Pembela Islam* ("Defender of Islam"). This journal was in print from 1929 until 1933, and was later replaced by another title, *Al-Lisaan* in 1935.²⁰ *Pembela Islam* enjoyed a wide circulation reaching as far as Malaya and Thailand, and in this capacity, PERSIS seems to have found its niche within Southeast Asian Islam. At the second Al-Islam Congress held at Solo, Central Java from 2-7 May, 1939 it was announced that the Congress had appointed a commission headed by PERSIS to make continuous investigation into insults against Islam in general and to prepare any defense against them.²¹

aangeboden op zijn tachtigste verjaardag 1 Augustus 1950. Leiden: A.W. Sijtoff, 1950. pp. 247-254.

¹⁹ Such debates were popular forums with reformist Muslim groups outside of Indonesia as well. Decades earlier they had already been employed by members of the Deoband School in British India. (Metcalf, Barbara D. *Islamic Revival in British India: Deoband, 1860-1900*. Princeton: Princeton University Press, 1982. pp. 215ff.)

²⁰ Mughni, Syafiq A.. *Hassan Bandung: Pemikir Islam Radikal*. Surabaya: Bina Ilmu, 1980. p. 77.

²¹ (Noer 1973: 246) The feeling that Islam was under attack from a number of fronts was widespread in Indonesia earlier in this century, and to a certain extent continues to this day. It can be seen in the public reaction to attacks on the character of the Prophet in the popular media as far back as 1918, when the Surakarta publication *Djawi Hisworo* slandered Muhammad as a drunkard and opium smoker. This insult lead local Muslims to form an organization for the defense of their faith which they named *Tentara Kangjeng Nabi Muhammad*. (Ricklefs 1993: 176) Such responses to public insults and perceived threats also characterize much of the contents of *Media Dakwah*, a journal of limited circulation for members of the *Dewan Dakwah Islam Indonesia* which has remained in print for decades and continues to publish today, see: Liddle, R. William. "Media Dakwah Scripturalism: One Form of Islamic Political Thought and Action in New Order Indonesia." *Toward a New Paradigm: Recent Developments in Indonesian Islamic Thought*. Ed. Mark

In addition to the periodicals mentioned above, PERSIS published a number of others such as *al-Fatwa*, which was printed in Jawi script from 1931 and had subscribers in Sumatra, Kalimantan, and Malaya as well as Java.²² A considerable portion of the content of this and other PERSIS periodicals dealt with legal and jurisprudential issues and followed a precedent set for 'magazine *fatwas*'²³ established by earlier reformist periodicals such as *Al-Manar*; the famous organ of the ideas of Muhammad 'Abduh (d. 1905) and Rashid Rida (d. 1935).²⁴ The PERSIS press also produced a considerable number of works which disseminated its views on religious, social and even political issues in both Latin- and Arabic-script Malay/Indonesian as well as Sundanese and even a small number of English titles. Aside from these periodical publications, they also printed a number of larger works, many of them

Woodward. Tempe: Arizona State University Program for Southeast Asian Studies, 1996. pp. 323-356.

²² (Noer 1973: 91)

²³ On the place of such writings in the larger history of *fatwas* in Islamicate civilization, see: Masud, Muhammad Khalid, Brinkley Messick, and David S. Powers. "Muftis, *Fatwas*, and Islamic Legal Interpretation." *Islamic Legal Interpretation: Muftis and their Fatwas*. Cambridge: Harvard University Press, 1996. pp. 31-31.

²⁴ The relationship between *ifta'* and *ijtihad* will be discussed more below. Here however it should be mentioned that in addition to these popular-press *fatwa*, 'Abduh also used *fatwas* to advance his ideas in a more 'official' capacity while serving as Mufti of Egypt after his appointment to the position on 3 June, 1899. For most of the history of this office, it had been regarded largely as a consultative body to the government; but under 'Abduh's appointment it underwent a fundamental transformation which broadened itself to accept requests for legal decisions from individual Egyptian Muslims and their fellow believers throughout the world, and not just solicitations from other bureaus within the government. As Mufti, 'Abduh was endowed officially with the authority to issue *fatwas* that would be considered the final decision on a variety of matters, giving him the opportunity to exercise his own practice of *ijtihad* on a grand scale. Some of his more radical decisions received worldwide attention and influenced and inspired other jurists in a number of Muslim countries. An example of this is the famous 'Transvaal *Fatwa*' that was solicited by a Muslim of South Africa on the permissibility of, among other things, eating meat slaughtered in the name of God by the "People of the Book." See: Adams, Charles C. "Muhammad 'Abduh and the Transvaal *Fatwa*." *The MacDonald Presentation Volume*. Ed. William G. Shellabear, et al. Princeton: University Press, 1933. pp. 11-30. Hassan himself seems to have ruled according to this decision in one of his own *fatwas*, see: *Soal-Jawab*, 386.

written by A. Hassan himself. The works of PERSIS authors, especially those of A. Hassan and his colleague Moenawar Chalil were generally oriented more specifically toward matters of ritual practice (Ind. *ibadat*) than were the majority of such publications at the time, which tended to focus more on theological and social issues, albeit with a religious orientation.²⁵ In this, it appears that PERSIS may be seen as something of a pioneer, bringing a sense of the technicalities of jurisprudential debate out into the public forum and away from the monopolistic control formerly wielded by the formally-trained ulama.²⁶ One can see this new approach as helping to establish a new model of religious writing in modern Indonesian, one which has undergone dramatic developments over the course of this century. This has particularly been the case under the New Order atmosphere which has given an increasingly free-reign to the expression of specifically 'religious' ideas while at the same time severely curtailing political expression.²⁷

²⁵ Thus most previous studies of the development of reformist thought in Muslim Southeast Asia have tended to place great emphasis on the influence of Muhammad `Abduh; who, as Hallaq has noted, directed most of his efforts toward a revival of theology and not law. (Hallaq, Wael B. *A History of Islamic Legal Theories: An Introduction to Sunnī Usūl al-Fiqh*. Cambridge: University Press, 1997. pp. 212-224). Thus while there is no denying that `Abduh did enjoy considerable popularity in Southeast Asia, it would be unwise to simply attribute all elements of Islamic 'revivalism' here to this one source. For example, here such a prominent reformer as Hassan differs sharply with `Abduh in their respective emphases on law and jurisprudence.

²⁶ Part of this included the publication of *al-Boerhan*, a handbook of *fiqh* which appeared in Roman script Malay as well as Sundanese. While basic books on Muslim jurisprudence were common fare in the traditionalist *pesantren* milieu, such works did not include the kind of lengthy preface on *'usūl* that Hassan inserted into *al-Boerhan*. In fact, one could see this as most likely the first work on *'usūl* ever composed in Indonesian, and almost definitely the first one to appear in Sundanese.

²⁷ Robert Hefner has done some of the most important work on the emergence of this sphere of civil society in contemporary Indonesia: "Islam, State, and Civil Society: ICMI and the Struggle for the Indonesian Middle Class." *Indonesia* 36 (1993): 1-36; and "Islamization and Democratization in Indonesia." *Islam in an Era of Nation States*. Ed. Robert Hefner and Patricia Horvatic. Honolulu: University of Hawai'i Press, 1997. pp. 75-128.

Ahmad Hassan

Hassan b. Ahmad, later known as A. Hassan, was born at Singapore in 1887 where his father Ahmad was a reporter, writer and publisher of Tamil books and newspapers. His mother, Hajjah Muznah, was originally from Madras, but met her husband in Surabaya.²⁸ As a young boy Hassan was educated in the Qur'an and religious studies by his father, and later attended Malay and English schools in Singapore, although he never formally completed elementary school or any other more advanced level of formal education. He placed considerable emphasis on the study of languages, eventually gaining competence in Arabic, English, and Malay as well as his parents' native Tamil. After the fourth grade, however, he shifted his interest primarily to religious studies, which he pursued in a loosely-structured way with a number of prominent Singapore teachers until around 1910. From his

²⁸ Some biographers, however, claim that his mother was in fact a Javanese. Such minor point of detail vary from time to time in the sources available. The earliest attempt at a biography is probably that of of Roebaie Widjaya, who published a short article outlining the major points in Hassan's life during his subject's lifetime (Widjaya, Roebaie. "Biografia-- A. Hassan: Pengarang, Kritikus dan Debat Islam," *Hudjdjatul Islam* 1: 1 (August 1956): 35-41). From then on such short studies proliferated in various journals and one was even attached to a later edition of the the collection of "Questions and Answers" issued by PERSIS under the title *Soal-Jawab* (Hassan, A., et al. *Soal-Jawab tentang berbagai Masalah Agama*. Bandung, Diponegoro 1985. pp. 1266ff). Around the same time, short monographs also began to appear which included some summarized accounts of the general points of Hassan's religious and legal thought, including: (Mughni 1980); Anshari, H. Endang Saifuddin, and Syafiq A. Mugni. *A. Hassan: Wajah dan Wajah Seorang Mujtahid*. Bandung: Firma al-Muslimun, 1985). These drew to a certain extent on the earlier articles as synthesized by Federspiel in his McGill University dissertation, later published by Cornell (Federspiel, Howard M. *Persatuan Islam: Islamic Reform in Twentieth-century Indonesia*. Ithaca: Cornell Univeristy South East Asia Program, 1970). In recent years with the increased attention directed toward PERSIS and DDII figures such as M. Natsir, new works have appeared including a more recent McGill thesis dealing specifically with Hassan's legal thought (Minhaji, Akh. "Ahmad Hassan and Islamic Legal Reform in Indonesia, 1887-1958." Diss. McGill University, 1997), and a short monograph containing the biographies of five of the leading figures from the history of *Persatuan Islam*: (Wildan, Dadan. *Yang Da'i Yang Politikus: Hayat dan Perjuangan Lima Tokoh Persis*. Bandung: Rosdakarya, 1997). The present sketch is a synthesis derived from all of these sources, where in agreement; any major discrepancies between the various accounts are noted.

father, Hassan also learned the trade of letters, apprenticing informally in the printing/ publishing business and writing for newspapers and magazines in Singapore and Indonesia. By 1909 he was active for the journal *Utusan Melayu*, where his first major public position was a strong critique of the local *Tuan Kadli* (Muslim judge) who used to conduct investigations in a place where men and women were seated together. Such mixing of the sexes was viewed with horror by Hassan throughout his life and in reaction to it he made his first public criticism of the religious establishment.²⁹ It was a decision which resulted in his being temporarily prohibited from giving public lectures in his native Singapore.

In 1921, Hassan moved to Surabaya where he employed himself as a petty trader and in various other occupations. While he never achieved success in any of these businesses, he did profit from new contacts made there with several members of *Sarekat Islam*, including H.O.S. Cokroaminoto.³⁰ From Surabaya Hassan moved to Kediri, and then on to Bandung in 1925, where he met Haji Zamzam and others from the study circle of PERSIS. Upon joining the organization, he quickly rose through the ranks from teacher to one of the movement's most prominent figures. He also turned to writing once again, and became PERSIS' most prolific author and eventually the key spokesman of the entire organization. He wrote constantly to fill the pages of PERSIS periodicals such as *Pembela Islam*, and at the same time produced a

²⁹ This particular aspect of Hassan's character seems to have led him to certain inconsistencies in the application of his jurisprudential and interpretive methodology to certain issues concerning women. Examples of this include his rationalization of the permissibility of striking one's disobedient wife, his definition of those parts of a women's body that must remain covered, the presence of women at communal prayer, and his attempt to justify the story of Eve's creation from a rib. (*Soal-Jawab*, 1069, 87, 446, 1526)

³⁰ For an extensively documented biography of this influential Muslim activist, see: Amelz. H.O.S. Tjokroaminoto, *Hidup dan Perjuangannya*. Jakarta: Bulan Bintang, n.d.

considerable number of monographs, large and small.³¹ Most of these works were published on the organization's own press, where Hassan involved himself in every technical aspect of the writing, editing, printing, and binding processes.³² In 1941 Hassan moved along with this publishing enterprise to Bangil, East Java. There he also established the new *Pesantren PERSIS* school, whose administration was later taken over by his son, A. Qadir Hassan.³³ At Bangil, Hassan remained active in these educational and publishing activities for PERSIS until his death on 10 November, 1958. Hassan's publications were numerous and ranged across a wide variety of genres from traditional to modern. He translated older works and composed new ones in long-established disciplines of the Islamic religious sciences, such as *tafsîr* and *hadith* alongside his works in the more contemporary forms of 'magazine *fatwas*,' polemical pamphlets, and simple books of instruction. Over the next few pages, we will examine the contents of some of his major works which touch upon various aspects of Islamic legal theory (*usûl al-fiqh*).

Hassan's *Tafsîr al-Furqân* first appeared serially starting in 1928, and was finally published in complete form only in 1956.³⁴ The work may actually

³¹ For bibliographies of Hassan's works, see: (Federspiel 1970: 222-224); (Mughni 1980: 129-131); and (Minhaji 1997: 379-386).

³² Such a total immersion in the technical side of print culture must have had a remarkable effect on Hassan, for at time he even used its imagery to explain points of religious law and jurisprudence. e.g. in *al-Boerhan* xxxv-xxxvi, where he writes: "Just as in the printing of a book, one needs certain equipment such as block letters, a press, a trained printer, and so on. But the printer, the press, and the block letters do not become part of the book... [Thus] the ink and paper could be called *rukun* and other elements such as the printer, his press, and the block letters could be seen as *syarath*."

³³ His son also published a short monograph on *'usûl al-fiqh*, Abdul Qadir Hassan. *Ushul Fiqih*. Bangil: Yayasan al-Muslimun, 1992 (fourth printing). This work is largely a restatement of his father's principles and printed as an inexpensive paperback it is still widely available, especially through the distribution channels of *Media Da'wah*.

³⁴ Hassan, A. *Tafsîr al-Furqân*. Bangil: Dewan Da'wah Islamiyah Indonesia, 1986. The title which Hassan chose for his work is interesting in itself. In Arabic, *al-furqân* means, literally, "the criterion [between good and evil]" and has traditionally been used as a reference to the Qur'an itself. `Abduh elaborated on this term extensively in his own

be seen as more of a straight translation than work of *tafsîr* proper as what little non-literal interpretation there is comes only in the form of short footnotes.³⁵ Nonetheless it also contains a fairly lengthy preface in which the author outlines his method of interpretation in which he lays out a set of radical exegetical principles differing significantly from most works produced in Southeast Asia either before or since. This can be seen as an integral part of Hassan's larger project of throwing open the 'gate of *ijtihâd*'-- a movement which had a tremendous effect on subsequent generations of Indonesian Muslims even if they could not follow Hassan all the way to the same radical conclusions.

Over the course of Muslim intellectual history, the study of Qur'anic exegesis (*tafsîr*) has developed a number of sub-disciplines to facilitate the process of deriving relevant interpretations and legal rulings from the sacred text. Of considerable importance among these is that of *naskh*, or abrogation.³⁶ This has come to be understood as the means by which apparent contradictions in the revelation are reconciled by determining their relative chronological ordering. Scholars of the Qur'an have put forward a number of justifications for this, although most rely primarily on 2: 100/ 106: "Whatever *ayah* (Ar.

works of exegesis where he took it to refer to the faculty of reason (Jansen, J. J. G. *The Interpretation of the Koran in Modern Egypt*. Leiden: E.J. Brill, 1980. pp. 21-23). Hassan, however, uses it in the more direct sense of the absolute textual authority of the Qur'an in the determination of right and wrong.

³⁵The technical distinctions between *tafsîr* and translation have been intensely debated by traditional ulama and modern scholars alike. Hassan himself believed that the text of revelation was impossible to translate exactly, and thus labeled his own work in this area a '*tafsîr*.' Once freed from the burden of producing a perfect translation, Hassan can admit to occasionally departing from a literal rendering of the text when doing so would create an awkward expression in Malay/ Indonesian. However his program of making the fundamentals of the faith accessible to every believer then comes into conflict with his scripturalism as he warns his readers not to think that they can ever completely understand the Qur'an from any 'translation.' (*al-Furqân*: xi-xii)

³⁶On early conceptualization of *naskh*, see: (Hallaq 1997: 8); on its relation to *tarjih*, (*Ibid.*, 67ff.)

'sign' or 'Qur'anic verse') we cancel or cause to be forgotten, we reveal another, better one." From this, and following the rules of Arabic grammar, exegetes have termed the original, abrogated *ayah* as *mansûkh* and the subsequent, abrogating one as *nâsikh*.³⁷ Here, however, it has been debated as to what exactly is meant by *ayah*. While most scholars have come to understand this as referring to individual Qur'anic verses, some ulama have held that this term can also refer to entire revelations, thus for instance the revelation of the Qur'an can be seen as completely superseding that of the previous scriptures of Judaism and Christianity.³⁸ In the modern period, the most extreme form of such an interpretation was put forth by Sir Sayyid Ahmad Khan (d. 1898), who noted that over the centuries Muslim scholars have come to accept fewer and fewer verses as abrogated and thus felt justified to continue this process of reduction to zero.³⁹ In advancing his argument, he criticized the reliability of the *hadith* employed by the advocates of *naskh* and what he perceived as the "nonsensical arguments of the jurists."⁴⁰ While some other early-modern reformers, including Muhammad `Abduh, were not so

³⁷ Extensive studies of the development of the doctrine of abrogation and its place in the genres of *tafsir* and Islamic jurisprudence have been undertaken by John Burton: *The Collection of the Qur'an*. Cambridge: Cambridge University Press, 1977; and *The Sources of Islamic Law: Islamic Theories of Abrogation*. Edinburgh: Edinburgh University Press, 1990. This same author has also written the entry on the subject contained in the *New Encyclopedia of Islam*, which contains a useful general summary and bibliography. ("Naskh." *EI2* VII: 1009-1012)

³⁸ One statement of such a position can be found in the work of the medieval Shafi'ite jurist al-Amidi. (Weiss 1992: 503-550)

³⁹ "...at first the number of abrogated verses was thought to be more than five hundred; then, as Shah Wali-Allah has written in *Fawz al-Kabir*, al-Suyuti and others confined their number to twenty; then Shah Wali-Allah limited *naskh* (abrogation) to only five verses. When Sir Sayyid saw that the number of abrogated verses had been reduced from five hundred to five, he became convinced that nowhere in the Qur'an did *naskh* actually occur..." Altaf Husayn Hali. *Hayat-i Javad*. Kanpur: 1901. pp. 219-220/ cit. Hahn 1974: 124.

⁴⁰ Hahn, Ernest. "Sir Sayyid Ahmad Khan's 'The Controversy over Abrogation (in the Qur'an)': an Annotated Translation." *Muslim World* LXIV, 2 (1974): 124-133.

radical as Ahmad Khan,⁴¹ subsequent authors were more inclined to reject the theory of abrogation as applied to individual Qur'anic verses. For example, the radical Egyptian exegete Sayyid Qutb (d. 1966) attempted to reconcile verses seen by earlier authors as an example of abrogation (2: 173/8/ 5: 49/45) by arguing that they in fact each refer to different subjects.⁴² Hassan also proclaimed a total rejection of *naskh* as applied to verses of the Qur'an on the grounds that it would compromise the perfect qualities of the text.⁴³

Hassan was clear in his disavowal of the possibility of any one Qur'anic verse abrogating another in several of his writings, and not just his work of *tafsîr*.⁴⁴ All this served to further emphasize what he saw to be the integral connections between disciplines dealing with the primary sources of revelation and *fiqh* as a whole. Put in this wider context, it should be noted that Hassan's rejection of *naskh* did not entail the complete abandonment of the discipline of *asbâb al-nuzûl*; the 'occasions of revelation' used to determine the chronological ordering of verses in suspected cases of abrogation.⁴⁵ These

⁴¹ Jomier, J. *Le Commentaire Coranique du Manar: Tendances Modernes de l'Exégèse Coranique en Égypte*. Paris: Éditions G.-P. Masionneuve & Cie, 1954. p. 196.

⁴² See: Nayed, A.A. "The Radical Qur'anic Hermeneutics of Sayyid Qutb." *Islamic Studies* 31.3 (1992); and Baljon, J.M.S.. *Modern Muslim Koran Interpretation (1880-1960)*. Leiden: E.J. Brill, 1968. p. 49. However Qutb's contemporary countryman, Tantawi Jawhari seems to have interpreted it in light of some more general evolutionary principle: "Know that *al-mansûkh* and *al-nâsikh* belong to the greatest secrets and finest divine rays shining over humanity ; verily, both of them are a secret of progress... firstly God showed how night and day 'abrogate' each other and makes it clear that the difference in the (appearance of) arable land is the outcome of different seasons..." (*al-Jawâhir* I: 110/ cited in: Baljon 1968: 50) Such a broader treatment of the subject that extends the meaning of *naskh* well beyond the confines of the Qur'anic text itself can also be noted in the works of the later Indonesian Minister of Religious Affairs, Munawir Sjadzali, whose work will be discussed below in Chapter 4.

⁴³ "Those who say so [i.e. supporting the theory of *naskh*] are of shallow understanding and are too willing to diminish the dignity of the Qur'an." *Soal-Jawab*, 381. Strangely enough, however, Hassan elsewhere maintained that knowledge of *nâsikh-mansûkh* remains a requirement to be fulfilled by every would-be *mujtahid*. (*al-Boerhan*, xxxvii)

⁴⁴ For example, *al-Boerhan*, xiii, and *Soal-Jawab*, 379-383, as well as *al-Furqân*: xxxiv-vi.

⁴⁵ This is a sub-discipline of *tafsîr* that investigates the situations and contexts in which various verses were revealed. This aspect of Qur'anic interpretation has had a

'occasions' were largely determined by *hadith* reports, a subject which Hassan treated with great attention. Hassan used this sub-discipline of Qur'anic studies in order to determine the context in which various verses were revealed as an aid to determining their possible usage as a basis for legal rulings. As early and reliable specialized works on this subject were difficult to come by,⁴⁶ Hassan went back to the *hadith* reports themselves in order to enhance his understanding of verses used in his legal decisions. All this being said, Hassan maintained that such investigations of the 'occasion' on which a particular verse was revealed was not necessary in the case of all legal verses, as in general most could be understood simply by their clear meaning as stated in the text.⁴⁷

Another area in which the disciplines of Qur'anic exegesis and *hadith* study intersect is on the subject of *isra'iliyyât*.⁴⁸ Hassan characterizes such reports as, "excessive and extraneous reports from the Jews, most of which are weak and false." In connection with these we find an example of Hassan's use of *matn* criticism, a sub-discipline of technical *hadith* studies (see below). For in such cases Hassan admits that the chain of transmission (*isnâd*) of these *hadith* may appear sound, but the meaning expressed in the text of the *hadith*

distinguished position in the works of several Southeast Asian ulama, perhaps most notably with Syakh Nawawi Banten. In the margins to the Cairo edition of his Arabic-language work of *tafsîr* is printed the *Kitâb al-Wâjiz* of al-Wahidi, a scholar generally known for his work in this field. *Asbâb al-nuzûl* involves a logical aspect that makes it amenable to reformists as well as traditionalists and thus forms a significant bridge between the methodologies of both. See: Johns, Anthony H. "Quranic Exegesis in the Malay World: In Search of a Profile." *Approaches to the History of the Interpretation of the Qur'an*. Ed. Andrew Rippin. Oxford: Clarendon Press, 1988. pp. 257-287.

⁴⁶ There are some lost titles mentioned in Ibn Nadim's *Fihrist*, but the most popular work in this area is Jalal al-Din al-Suyuti's *Lubâb al-nuqûl fî asbâb al-nuzûl*. (Nöldeke, T. *Geschichte des Qorans*. Hildesheim: Georg Olms, 1961. II: 182-184) This work of Suyuti has often been included in editions of the *Tafsîr al-jalâlayn*, which has been something of a standard in *tafsîr* studies for Indonesian Muslim students.

⁴⁷ *al-Furqân*: xviii.

⁴⁸ For an introduction to this subject, see: Vajda, G. "Isrâ'iliyyât." *EI2*. IV: 211-212.

itself is often suspect, and thus in need of corroboration from a Qur'anic verse or sounder *hadith*. This is in accordance with Hassan's view that the Qur'an and sound *hadith* are never actually in conflict with each other or themselves. The two sources must be studied in a complimentary fashion, recognizing always the absolute priority of the Qur'an while at the same time recognizing the role of *hadith* texts in clarifying and making more precise some of the general statements in the Holy Book.⁴⁹

Although Hassan discussed *hadith* in many of his works, his most extensive efforts in this field may be seen in his translation and annotation of Ibn Hajar al-'Asqalani's *Bulūgh al-Marām*.⁵⁰ Although selections from this work's chapter on *salat* had been translated into Jawi as early as 1812 by the eminent Malay scholar Daud b. 'Abdullah Patani,⁵¹ Hassan's work was one of the few full-length Malay translations of a *hadith* work at the time of its publication. Since then it has remained one of the most popular works of its kind in Indonesia, going through numerous reprints.⁵² Hassan's translation of this work was part of his larger project which included not only bringing alternative works from the Islamic tradition into the standard corpus of works

⁴⁹*al-Furqān*: xix-xxi.

⁵⁰ Hassan, A. *Tarjamah Bulughul Maraam (Ibnu Hajar al 'Asqalani) Berikut Keterangan dan Penjelasannya*. Bangil: Pesantren Persatuan Islam, 1991.

⁵¹*Bulūgh al-Marām*. Makkah: Matba'ah al-mirriyah al-kâ'inah, 1310 H./ 1892-3. Snouck Hurgronje mentions this work in a report he addressed to the Resident of Lampung at Teluk Betung in 1897. (Snouck Hurgronje, C. *Ambtelijke Adviezen van C. Snouck Hurgronje: 1889-1936*. Ed. E. Adriaanse. 's-Gravenhage, Martinus Nijhoff/ Rijks Geschiedkundige Publicatiën, 1957. III: 2006.)

⁵² Also widely available in Indonesia is a translation of al-Sanâni's commentary on it: *Subul al-salâm sharh bulūgh al-marām min jama' 'adillat al-'Ahkâm*. (al-Shana'ani, Muhammad b. Ismail al-Khalani. *Subulus Salam: Hadits-hadits Hukum*. Surabaya: al-Ikhlâs, n.d.) In recent years translation projects to bring out nearly all of the classically established 'six books' of *hadith* collections have made the knowledge of prophetic tradition in Indonesia more widespread than ever before. Now even more commentaries on these works are making strong appearances in general bookstores, including: al-Zabîdi. *Ringkasan Shahih al-Bukhârî (Mukhtasar Sahih al-Bukhari)*. Bandung: Mizan, 1997.

used in Southeast Asia, but it was also a way to illustrate with concrete examples some of the classifications and interpretations of *hadith* which he had put forward elsewhere.

In his emphasis on the study of *hadith* as an integral part of the jurisprudential process, Hassan was engaged in a project which attracted the attention of reformists from throughout the Muslim world. Whereas for a considerable part of Muslim history, the specialized sub-disciplines associated with *hadith* study were not uniformly integrated into the more dominant general study of *fiqh*, in the modern period this seems to have undergone something of a change.⁵³ The renewed emphasis on the study of *hadith* was inextricably linked with calls for the extended exercise of an absolute *ijtihad* (Ar. *ijtihad mutlaq*) referring back directly to the primary sources: the Qur'an and Sunnah. In this way reformers could bypass the intermediate rulings on a given issue enshrined in the corpus of any particular *madhhab*. The revival of interest in *hadith* took various forms in different parts of the Muslim world, ranging from the radical posturing of public practice by the *Ahl i-Hadith* in South Asia⁵⁴ to the scholarly and popular polemics of Egypt in the earlier decades of this century.⁵⁵

Hassan devoted significant attention to the evaluation and classification of *hadith* in determining the possibility of using a given text as the basis for a legal ruling. In this he presents a scheme based upon that used by scholars

⁵³Brown, Daniel W. *Rethinking Tradition in Modern Islamic Thought*. Cambridge: University Press, 1996. pp. 111-112. For an example of the way in which *hadith* study did support pre-modern movements for religious reform: Voll, John O. "Hadith Scholars and Tariqahs: An Ulama Group in the 18th-century Haramayn and their Impact in the Islamic World." *Journal of Asian and African Studies* XV (1980):

⁵⁴(Metcalf 1982: 264-296)

⁵⁵ For an overview of these debates: Juynboll, G. H. A.. *The Authenticity of the Tradition Literature: Discussions in Modern Egypt*. Leiden: E.J. Brill, 1969.

before him in the science of *jarh wa ta'dil*.⁵⁶ For Hassan, this is no mere intellectual exercise as the whole point of such *hadith* scholarship is not the construction of an abstract typology. Instead the project of classifying particular *hadith* was intended to serve directly in the process of determining the value of a given text as a source for legal rulings. Hassan recognized three forms of Prophetic precedent in Muhammad's words, actions, and silent approval of the actions of his companions.⁵⁷

He categorized each individual *hadith* he discussed into a model well-established by previous scholars.⁵⁸ The major distinction made in this categorization is between those *hadith* which can be considered 'sound' (*SaHiH*) and those deemed 'weak' (*dha'if*). However, all sound *hadith* do not carry equal weight in Hassan's legal theory. He was careful to elaborate upon the various classes of sound *hadith*, and to show how each could be used as an indicator in the formation of legal decisions. For example, in the introduction to his collection of *fatwas*, Hassan breaks the category of *SaHiH hadith* into five classes: 1) *mutawatir*, 2) *shahih li-dzatihi*, 3) *shahih li-ghairihi*, 4) *hasan*

⁵⁶ Medieval Muslim authors produced a vast literature on this sub-discipline of *hadith* studies. Historically considerably more emphasis was laid on examining and critiquing a *hadith*'s chain of transmission (Ar. *isnād*) rather than the actual text transmitted (Ar. *matn*). Hassan did not seem to follow all of the contemporary developments of debates in this field, including such as those on the issue of the collective 'adāla (Ar. 'righteousness') of the Prophet's companions. Debates over this issue in Egypt and elsewhere often focused on the problematic figure of Abu Hurayrah as the most prolific of *hadith* transmitters. (Juynboll 1969: 55-99) Hassan, however, apparently had no problem in relating *hadith* from him without feeling that any further comment was necessary. (e.g. *al-Boerhan*, 23, *et passim*)

⁵⁷ *al-Boerhan*, vi. In the case of *hadith qudsi*, Hassan acknowledges that just over a hundred exist, and that they may be regarded as statements in which, "the comes from the Prophet, but the meaning comes from God." Hassan maintains that they must be evaluated by the same standards which he applies to all other *hadith*. (*Soal-Jawab*, 1457)

⁵⁸ For an example of such a classification of *hadith* in the service of traditional Muslim jurisprudence, (Hallaq 1997: 150).

li-dzatihi, and 5) *hasan li-ghairihi*.⁵⁹ Of these five classes Hassan considered the first four all usable in establishing a legal ruling, while the fifth could only be used in the case of 'lighter' decisions resulting in a ruling classed as *sunnah* (recommended), *makruh* (discouraged), or *mubah* (legally neutral).⁶⁰

Aside from this were those *hadith* reports classified as 'weak' (*dha'if*).⁶¹ Hassan maintained that no such *hadith* could be used as the basis for a legal ruling since there was no way to prove that they could be authenticated as having come from the Prophet, adding that anyone who would accept such texts as a valid legal indicator (Ar. *dalil*) could not be said to possess a healthy intellect. He noted that some ulama have used such texts, but that they may only be employed as supplementary supporting evidence, not possessing any validity in and of themselves as a primary basis for legal rulings.⁶² Hassan applied this scheme of classification to evaluate every *hadith* he dealt with in connection with various legal issues, even those already contained in the canonical collections considered most 'sound'.⁶³ In doing this, he made a point to note that while both Bukhari and Muslim were careful scholars by the standard of their day, there were nonetheless some reports contained in them

⁵⁹ That is: 1) that which is related by a sufficient number of transmitters so that a collective forgery can be considered impossible, 2) sound on the basis of its own *isnâd*, 3) an otherwise deficiently strong *hadith* made sound by some other supporting evidence, 4) acceptable on the basis of its own *isnâd*, and 5) an otherwise deficiently strong *hadith* made acceptable by some other supporting evidence. (*Soal-Jawab*, 16)

⁶⁰For an even more detailed breakdown of Hassan's classifications of *hadith*: *al-Boerhan*, vii-xiv.

⁶¹Like the sound *hadith*, Hassan classifies the weak ones into various types: *Soal-Jawab*, 17.

⁶²*Soal-Jawab*, 344.

⁶³i.e. The two *Sahih* of Bukhari and Muslim. In this he followed the pattern set by earlier reformers such as Rashid Rida, who also refused to accept traditions from these two collections without first investigating them for himself. (Juynboll 1969: 150-151)

that were either weak or disputed.⁶⁴ Furthermore he suggested that in these two revered compilations there were even some *hadith* whose import conflicted with the clear message of the Qur'an.⁶⁵

Thus far, what has been said of Hassan's evaluation of *hadith* has been based primarily on his examination of each text's *isnâd*, or chain of transmission. In this he was following a well-established procedure in Islamic scholarship which based their acceptance or rejection of reports upon their ultimate linkage back to the Prophet. However here Hassan went beyond this type of 'critical evaluation' to investigate more directly the content of particular reports. This is an example of *matn* criticism that, although theoretically acknowledged in the scholarly tradition of Islam, was little practiced in comparison to the 'science' of *asânid* (sing. *isnâd*).⁶⁶ Hassan evaluated each relevant text by two criteria: 1) the text of the report must not be abrogated by any later *hadith* or any Qur'anic verse, and 2) the *hadith* must not contradict any *hadith* that is stronger than itself or any verse of the Qur'an.⁶⁷ In thus emphasizing the harmony of the Qur'an and Sunnah,⁶⁸

⁶⁴ This was an opinion that is in no way unique to Hassan, as a number of much earlier reformists and Hanbali jurists have advanced similar positions. See, for example: Ibn al-Jawzi. *Kitâb al-Mawdû'ât*. Medina: Salafiya Press, 1386-88 H./ 1966-68.

⁶⁵ *Soal-Jawab*, 695.

⁶⁶ Once again the major exceptions to this can be found in the work of Hanbali scholars such as Ibn al-Jawzi (*op. cit.*). For more on the life and works of this scholar, see: Swartz, Merlin L. *Ibn al-Jawzî's Kitâb al-Qussâs wa'l-Mudhakkirîn*. Beirut: Dar El-Machreq Éditeurs, 1969. pp. 15-38. More recently this author's work has also been discussed in an extensive article by Angelika Hartmann ("Les Ambivalences d'un sermonnaire Hanbalite" Ibn al-Gawzi (m. en 597/1201), sa carrière et son ouvrage autographe, le *Kitâb al-Hawâtîm*." *Annales Islamologique*, 22 (1986): 51-115), and a more popular monograph by Hasan `Isa `Ali al-Hakim (*Ibn al-Jawzî*. Baghdad: Dar al-Shu'un al-Thaqafiyyah, 1988.). A thorough listing of Ibn al-Jawzi's prolific works can be found in: `Abd al-Hamid al-`Alwaji. *Mu'alafât Ibn al-Jawzî*. Baghdad: Dar al-Jumhuriyyah, 1975/ 1385H. I am grateful to Merlin Swartz for directing me to these latter references.

⁶⁷ *Soal-Jawab*., 696. Traditionally a number of *hadith* have been seen as, if not abrogating, at least superceding a clear Qur'anic injunction. Such is the case with the *hadith* advocating the penalty of stoning (*rajm*) for adulterers where the Qur'an stipulates a

Hassan was following in a general reformist pattern of reestablishing the preeminence of the Qur'an among the sources of law.⁶⁹

As a complement to his critical evaluation of *hadith* contained in the most established sources, Hassan also went beyond the corpus of works traditionally used by Southeast Asian ulama in his pursuit of reliable *hadith*.⁷⁰ For instance, in many of his writings, Hassan made rather extensive use of the *Nayl al-Awtâr* by the eighteenth-century Yemeni *mujtahid* al-Shawkani.⁷¹ This radical and rather idiosyncratic author began his career as a Zaydi Shi'a *'alim* in the service of the Imam at Sana'a, but later renounced exclusive allegiance to any one *madhhab* in favor of a more unrestricted exercise of *ijtihâd*.⁷² al-Shawkani's works came to play an important part in the widespread movements of reformism from the eighteenth-century onwards,⁷³ but attracted little attention from most of the traditionalist Shafi'i ulama of the

penalty of lashing (*al-Qur'an* 24: 2). This particular example became a heated public debate in Pakistan during the legal reforms under Zia al-Haq. (Brown 1996:135ff)

⁶⁸ *Soal-Jawab*, 20.

⁶⁹ (Brown 1996: 122) A point which Hassan also emphasized in his preface to *al-Furqân*: xxi.

⁷⁰ Such an openness to other sources even beyond traditional *madhhab* boundaries has been an important part of reformist thought throughout the Muslim world. (Skovgaard Petersen 1997: 180)

⁷¹ al-Shawkani, Muhammad b. Ali b. Muhammad. *Nayl al-'awTâr sharH muntaqâ l'akhbâr min 'aHâdith sayyad al-akhyâr*. Beirut: Dâr al-fikr, 1414 H./ 1994. This work is now also available in a full Indonesian translation.

⁷² Muhammad b. 'Ali al-Shawkani (1760-1832). In recent years, a number of secondary studies in Western languages have also appeared relating particularly to Shawkani's legal thought: Watt, W. M. "The Closing of the Door of Ijühâd." *Orientalia Hispanica: sive studia F.M. Pareja octogenario dictata*. Ed. J. M. Barral. Leiden: E.J. Brill, 1974, I: 675-678; Iik Arifin al-Mansurnoor. "Shawkani and the Closed Door of *Ijtihâd*," *Hamdard Islamicus* 11 (1988) pp. 57-65; and Haykel, B. "Al-Shawkani and the Jurisprudential Unity of Yemen." *Le Yémen, Passé et Present de l'Unité*. Ed. M. Tuchscherer. Aix-en-Provence: Édisud, 1988. pp. 53-66.

Many published editions of his works include short biographical and bibliographical introductions on the author, e.g.: al-Shawkani, Muhammad b. 'Ali. *Kitâb al-sayl al-jarâr al-mutadfiq 'ala hadâ'iq al-azhâr*. Ed. Muhammad Ibrahim Zayd. Beirut: Dar al-kitab al-'ilmiyyah, n.d. pp. 5-14.

⁷³ For example the Alusis of Baghdad and the Damascene Salafiyyah. (Commins 1990: 25)

Indonesian archipelago. Hassan, however, made use of a number of al-Shawkani's works, and through his citations and even partial translations of them helped to introduce a new stream of thought into the intellectual world of Southeast Asian Muslims. For example, Hassan includes al-Shawkani's work of Qur'anic exegesis, *Fath al-Qadir*, in the list of sources used in compiling his own *Tafsir al-Furqan*.⁷⁴ Elsewhere he even translated a lengthy section on *ijmâ'* from al-Shawkani's major work on *usûl al-fiqh* into Indonesian as supporting evidence for one of his *fatwas*.⁷⁵

Beside al-Shawkani, Hassan also drew on a number of other Muslim thinkers that were rarely included in the canon of the region's traditionalist Shafi'i scholars.⁷⁶ Even as far back as his early days in Surabaya, Hassan began studying Ibn Rushd's *Bidayat al-Mujtahid*; a work which compares the rulings of various schools, designed to serve as a reference for individual scholars in their pursuit of *ijtihad*.⁷⁷ Through his creative selection from such works, Hassan brought new perspectives into the Malay/ Indonesian

⁷⁴ *Fath al-qadîr al-jâmi` bayn fannî al-riwâyat wa al-darâyat min `ilm al-tafsîr*. Damascus: Dâr ibn kathîr, 1414H./ 1994.

⁷⁵ (*Soal-Jawab*, 1531-1550) The original work which Hassan translated from is: al-Shawkani, Muhammad b. `Ali. *Irshâd al-fuhûl ila tahqîq `ilm al-usûl*. Beirut: al-Thaqâfiyyah, 1414 H./ 1993. This text has also been published at Surabaya by Ahmad b. Sa'd b. Nu'man.

⁷⁶ In response to an enquiry on books recommended for study, Hassan suggested that one begin with the following: *Tafsir Ibn Kathir*, *Nayl al-awthar*, *Subûl al-salâm*, and the *Kitab bidâyat al-Mujtahid*. Beyond that Hassan wrote that the more advanced student could figure out on his own which works would be most relevant, adding that most of these were available in local bookstores. (*Soal-Jawab*, 1497)

⁷⁷ On this work in general and for an English translation of the introduction: Dutton, Yasin. "The Introduction to Ibn Rushd's *Bidayat al-Mujtahid*." *Islamic Law and Society* 1.2 (1994): 188-205. Recently this work also has been made available in a full Indonesian translation: Rusydi, Ibnu. *Bidayatul Mujtahid wa Nihayatul Muqtashid*. Jakarta (?): Trigenda Karya, 1997. The present writer's own Arabic copy of this work is a Singapore edition acquired in the Arab quarter near Surabaya's *Sunan Ampel* mosque. It is an older edition and quite likely that which Hassan would have had access to during his time there. (Muhammad b. Ahmad b. Muhammad b. Ahmad b. Rushd al-Qurtubî. *Bidayat al-Mujtahid*. Singapore: al-Haramayn, n.d.)

language discourse on Islamic issues and stimulated productive debates which continue in some ways to this day.⁷⁸

Beyond his particular works on various aspects of the Qur'an and *hadith*, Hassan attempted to place these two primary sources into the wider framework of a revitalized theory of *usûl al-fiqh*; something which he viewed as crucial for the revitalization of Islam in the lives of individual Muslims as well as Indonesian society as a whole. He wrote about issues of *usûl* in many of his works, but his most concentrated formulation of general principles appeared in the lengthy preface to the first volume of his work on *fiqh* entitled *al-Boerhan*, which was published in Sundanese translation as well as Latin-script Malay.⁷⁹ This was planned as a mutli-volume work covering various aspects of Islamic law and arranged according to the traditional organization of *fiqh* texts.⁸⁰ Most of the first volume, however, is comprised of an introductory essay on *usûl*.

Hassan dedicated so much attention to this area because he believed that by undertaking a critical study of the sources of law and the methods used to apply them, Muslims could free themselves from the shackles of blind *taqlîd* and purify their religion from unnecessary and even dangerous human innovations (*bid'ah*).⁸¹ He rejected *taqlîd* in the pejorative sense in which it

⁷⁸For instance, Akh Minhaji has noted that Hassan was considerably influence by the work of the fourteenth-century Maliki jurist Abu Ishaq Ibrahim al-Shatibi, especially in the conception of *bid'ah* elaborated in that author's *al-I'tisâm*. (Minhaji 1997: 181-183)

⁷⁹*Al-Boerhan*. Bandung: Persatuan Islam, 1928.

⁸⁰i.e. starting with the chapters on ritual purity and then working through other issues of *'ibâdât* in sequence before moving on to more 'worldly' matters. Hassan paid great attention to following this pattern, as can be seem for his apologetic footnote explaining the accidental transposition of the sections dealing with intention during rites of purification and the use of perfumes. (*al-Boerhan*, 73, n. 1)

⁸¹Here we should note that Hassan did recognize one type of *taqlîd* as valid, that being *taqlîd riwayat* or following the transmission of authoritative *hadith* texts. He contrasted this with the blind imitation in matters of understanding or thought (*taqlîd faham atau fikiran*), something which he associated with slavish adherence to one particular legal

was used in most reformist polemics and based this position on a number of Qur'anic verses.⁸² Furthermore he argued that even the imams of the *madhâhib* themselves forbade their followers to imitate them 'blindly,' a point which, as we shall see, was echoed by a number of other prominent Indonesian Muslim thinkers in the decades that followed.⁸³

The way to avoid *taqlîd* and *bid'ah* was of course *ijtihâd*, or the exercise of individual effort in deriving legal rulings from the texts of revelation.⁸⁴ Here the emphasis on adherence to the Qur'an and Sunnah is essential, as he sharply rejected the way in which some people confused the disciplined exercise of *ijtihâd* with the simple expression of personal opinion.⁸⁵ Thus stated, it became obvious that not all Muslims would be capable of carrying out such a task, lacking either the discipline or the qualifications required of a *mujtahid*.⁸⁶ Even then, however, Hassan refused to allow such people simply to follow *taqlîd*, rather he insisted that they practice *ittibâ'* (lit. 'following') of the Prophet and his companions.⁸⁷

school and strongly rejected. (*al-Boerhan*, xxxvii) On the subject of *bid'ah*: *Soal-Jawab*, 29.

⁸²*Bani Isra'il*: 36, and *al-Nahl*: 43. (*Soal-Jawab*, 1452) Elsewhere he goes so far as to equate those who follow *taqlîd* with the Jews and Christians accused of deifying their rabbis and priests. Such an interpretation in effect condemns them of *shirk* (idolatry), the one sin which many Muslims consider to be unforgivable. (*al-Boerhan*, xlii)

⁸³*Soal-Jawab*, 390.

⁸⁴As we shall see below, Hassan restricted the practice of *ijtihâd* strictly to questions on 'worldly matters' (*mu'amalât*). On questions of religious and ritual practice (*'ibâdât*) he allowed only a careful adherence to that which could clearly be established based upon the text of the Qur'an and the Sunnah. (*Soal-Jawab*, 91)

⁸⁵*al-Boerhan*, xxxvii/ *Soal-Jawab*, 22.

⁸⁶These were enumerated in: *al-Boerhan*, xxxvii.

⁸⁷(*Soal-Jawab*, 389) Hassan maintained that *ittibâ'* differed from *taqlîd* in that it implied more of a critical acceptance of the opinion of those regarded as being more familiar with the sources of law. Thus one who asked for a decision on some legal question was also obliged to ask for the proof text or other legal indicator upon which the decision was based.

In order for *bid'ah* to be recognized and thence eliminated was to check every practice against the touchstones of the Qur'an and Sunnah. For this reason Hassan devoted a substantial part of his writing to the reaffirmation of these sources as the primary foundation of all legal rulings. Hassan regarded the Qur'an as the first source of all law; a position that would not be disputed by other Muslims, but which Hassan nonetheless stressed with all the fervor of a dedicated reformist.⁸⁸ Likewise his extensive attention devoted to the classification and evaluation of *hadith* reports reveals the importance he placed on the Sunnah as an aid to interpreting and specifying the general rules set forth in the Qur'an.⁸⁹

Beyond these primary sources, however, Hassan had also to account for the various other legal conventions that had come to be established as 'sources of law' (*usûl*) in Sunni legal theory. In this he went back to scrutinize the foundations of such extra-scriptural sources and then reconstruct a methodology of jurisprudence which he considered to be more faithful to the Prophet's message as he understood it. Thus he attempted to find some ultimate grounding for such principles of legal theory within the Qur'an and Sunnah themselves. Once this was accomplished, Hassan argued, reference to any of these principles in and of themselves would be superfluous.⁹⁰ Conversely, any aspect of jurisprudential method that was not well established in the Qur'an or Sunnah (as Hassan understood them) was rejected from his scripturalist legal theory.

One example of this is *ijmâ'* (consensus). Ironically, the issue of consensus has been an aspect of Islamic legal theory upon which Muslim

⁸⁸*al-Boerhan*, v.

⁸⁹*al-Boerhan*, vi-vii.

⁹⁰e.g. in the case of his discussion of *ijmâ'* (consensus), *al-Boerhan*, xxi.

jurists have historically had considerable difficulty agreeing.⁹¹ In his discussions of *ijmâ`*, Hassan first breaks the idea of consensus down into two basic categories: 1) that of the Prophet's Companions, & 2) that of later ulama. As for the first, he recognizes it as a valid source of law, maintaining that their consensus must have been validated by Muhammad himself, either by direct precedent or silent approval.⁹² The second category is then further classified into two types: 1) that which is based on the Qur'an and Sunnah, & 2) that which is based upon the considerations, opinions and understandings of the ulama. Hassan recognizes the first of these, but not as being a source of law in its own right. For in such cases the ruling should be clear enough from the texts themselves.⁹³ The second type is more problematic for Hassan, who repeatedly expressed the view that mere opinion can never serve as a valid source of law.⁹⁴

Not content with merely writing off the arguments of the ulama in favor of such an understanding of *ijmâ`*, Hassan chose to investigate the basis for their arguments in the primary sources. Traditionally, many ulama have justified the use of *ijmâ`* as a source of law through reference to a number of similarly-worded *hadith*, the basic import of which is, "My community will never agree upon an error." Hassan admits that some variants of this *hadith* are transmitted with reliable *asânid* (sing. *isnâd*) and thus he turns to *matn* criticism in order to make his point. He argues that the basic idea of this *hadith* is that the community of the Prophet will not collectively do any

⁹¹On the subject of *ijmâ`* in Sunni legal theory, see: (Hallaq 1997: 75-81, *et passim*).

⁹²(*al-Boerhan*, xli; and *Soal-Jawab*, 23) It is interesting to note that even such 'traditionalist' Shafi'i ulama as al-Amidi (d. 1233) tended to rely almost exclusively on the consensus of the companions in their actual rulings, while at the same time at least theoretically acknowledging other types of *ijmâ`*. (Weiss 1992: 181-258)

⁹³*al-Boerhan*, xxi.

⁹⁴*Soal-Jawab*, 20.

wrong, since there will always be some among them who do what is right. From this it logically follows that at times all Muslims could be right, and at others some among them may be wrong, but they will never be completely wrong down to the very last believer.⁹⁵ Understanding it in this way Hassan concludes that this *hadith* simply cannot serve as a justification for *ijmā`* as a source of law, especially considering the difficulties involved in ascertaining if there was indeed total consensus throughout the relevant community, however that is defined.⁹⁶

Other texts put forward by advocates of *ijmā`* as a source of law prove more problematic for Hassan. An example of this is the phrase, “*ma ra’u al-muslimun hasanan fa huwa `ind Allah hasan,*” which Hassan renders as “Whatever is seen by the Muslims as good in matters concerning this world, is also looked upon as good by God.” In the case of this *hadith* he does not advance any further interpretation of the inner logic of the text, but rather simply inserts the words, “*tentang hal-hal keduniaan*” in order to make the reading more agreeable to his own agenda.⁹⁷ Thus he attempts to diffuse the possible consequences such a proof-text would have for his greater theory of *usūl al-fiqh* by simply removing it from the sphere of *‘ibādat*.⁹⁸ In doing this

⁹⁵*Soal-Jawab*, 1485.

⁹⁶In the history of Islamic legal theory, *ijmā`* has at times been limited to the class of scholars or mujtahids, and at others expanded to refer to the community of believers in general.

⁹⁷ (*Soal-Jawab*, 1492) The italics have been added to the above quotation to highlight Hassan’s own insertion into the text of an important qualification that is not present in the Arabic original.

⁹⁸Hassan’s critiques of various conceptions of *ijmā`* are discussed further in: Minhaji 1997: 141-152.

he maintains the more general scripturalist legal epistemology that was of such foundational importance to Hassan and his colleagues at PERSIS.⁹⁹

Another long-established, extra-scriptural source of law is *qiyās* (analogy), which is recognized to a certain extent as a source of law in all four of the Sunni *madhāhib*.¹⁰⁰ Hassan maintains that cases which may appear new and unprecedented can actually be referred back to the Qur'an if only the *mujtahid* is skillful enough to discover the appropriate ruling in the text. This investigation must be carried out according to specified criteria in order to maintain a fidelity to the text. In addition to this, every new exercise of *qiyās* must make its primary reference to the text of revelation itself, and not simply to an earlier product of analogy.¹⁰¹ Of course, as with the case of any exercise of *ijtihād*, Hassan limits such activity strictly to cases concerning *mu`amalāt*. Any such analogical accretion upon the realm of *`ibādāt* would be considered the most objectionable form of *bid`ah*.¹⁰²

The principles and individual rulings elaborated in *al-Boerhan* were much more popularly circulated through the more concrete forms in which they manifested themselves in Hassan's 'magazine *fatwas*.' Responding to popular demand, many of these *fatwas* were compiled into the four volumes of

⁹⁹For example Moenawar Chalil, who also strictly limited the use of *ijmā`* to matters of *mu`amalāt*. (*Kembali kepada Al Qur'an dan As-Sunnah*, 320-321) For more on Chalil's conception of *ijmā`*: (Hamim 1996: 158-167).

¹⁰⁰For a general overview of the place of *qiyās* in Sunni legal theory: (Hallaq 1997: 83-107).

¹⁰¹(*al-Boerhan*, xiv-xvii) Hassan himself distinguishes between two kinds of *qiyās*: 1) based in the source of law, and 2) based on the subject matter. For further discussion of this in English: (Minhaji 1997:126-163).

¹⁰²The distinction between *`ibādāt* and *mu`amalāt* is a central one in Islamic legal theory and demarcates the spheres of 'ritual practice' and 'worldly affairs,' respectively. Both of these areas come under the jurisdiction of the Shari'a in its widest sense, but cases within either of them are dealt with slightly differently, as there is generally speaking more flexibility in the formulation of new decisions in the sphere of *mu`amalāt* than in that of *`ibādāt*.

Soal-Jawab that have been reprinted numerous times and remain popular with Indonesian readers to this day.¹⁰³ In this collection, the *fatwas* are for the most part written by Hassan, although a number of them were also contributed by his PERSIS colleagues, including Mohammad Ma'sum and H. Mahmud Aziz. The subject matter is loosely arranged in a way similar to that of *fiqh* books, although not with the careful attention to order that we have seen in the case of *al-Boerhan*. The decisions presented in the various *fatwas* are often rather radical in their departure from traditionalist positions, thus reflecting Hassan's own reformed methodology of *usûl al-fiqh*.

Most editions of *Soal-Jawab* contain a lengthy preface in which Hassan elaborates the methodology employed in his *ifta'* that is, process of issuing a *fatwa*. Elsewhere he has also written on the etiquette of *istifta'*, or asking for a *fatwa*. For example in the treatise on *usûl* which precedes *al-Boerhan*, Hassan emphasizes that those requesting a *fatwa* may ask only for the ruling, "according to God and His Prophet," and not according to the teachings of any particular *madhhab*. Thus petitioned, the *mufti* must respond based directly upon his own reading of the Qur'an and Sunnah, or if no clear text is found there, to the *ijmâ'* of the companions. Only if there is no clear textual ruling in evidence is he allowed to base his decision on *qiyâs*.¹⁰⁴ This strictly hierarchical process is intended to guarantee certainty to the greatest extent possible, and in cases where a *mufti* feels uncomfortable basing his decision

¹⁰³The four-volume set has been continuously reprinted for over four decades and copies of it can be found in the private libraries of a great number of Indonesian Muslims, including many who are not necessarily members of PERSIS or affiliated with similar organization in any way.

¹⁰⁴(*al-Boerhan*, xli-xlii) As we have seen above, this *qiyâs* must be carefully based upon and governed by the texts of the Qur'an and Sunnah.

on an unsupported analogy, he must humbly admit that he does not know the correct ruling and allow the questioner to seek his answer elsewhere.¹⁰⁵

A significant number of the *fatwas* contained in *Soal-Jawab* concern themselves with matters of *'ibâdât*, and on such subjects Hassan maintains an adamant rejection of all religious practices for which a firm foundation cannot be found in the Qur'an and Sunnah. Any traditional observations lacking a clear scriptural precedent are to be regarded as *bid'ah* and subsequently abandoned. One example of Hassan's reaction to such practices comes in his *fatwa* on various aspects of the traditional celebration of Muhammad's birthday (*mawlid al-nabi*) in Indonesia. Questions concerning the legitimacy and regulation of *Mawlid* observances have long posed a problem to Muslim jurists of a reformist orientation. Despite their efforts, they have often been unable to overcome the popular enthusiasm for these traditions in many parts of the Muslim world.¹⁰⁶ In some cases the ulama have resorted to issuing ambiguous responses in order to avoid public reaction, as for example with the 1993 *fatwa* in *Majallat al-Azhar*.¹⁰⁷ Hassan, however, did not shy away from controversy and refused to compromise his position on the issue. Not only did he condemn the practice of standing up at a certain point

¹⁰⁵Such an emphasis on the *mufti*'s humility in admitting the limitations of his own knowledge is something frequently related about Hassan himself by many of his biographers. It has been noted elsewhere that this is an aspect of *ifta'* that has been particularly emphasized by many reformist *muftis* in Egypt and elsewhere in the twentieth-century. (Skovgaard-Petersen 1997)

¹⁰⁶For an overview of the development of these observances and the scholarly opinions on them in the pre-modern Arab world and Muslim West: Kaptein, N.J.G. *Muhammad's Birthday Festival*. Leiden: E.J. Brill, 1993. More recently he has published the text of a collection of Meccan *fatwas* that were published in Malay translation in the late nineteenth-century, some of which dealt with this same subject: *The Muhimmât al-Nafâ'is: A Bilingual Meccan Fatwa Collection for Indonesian Muslims from the End of the Nineteenth-century*. Jakarta: INIS, 1997. pp. 50-51/ 156, 58/ 160, 64/ 163.

¹⁰⁷Schussman, Aviva. "The Legitimacy and Nature of Mawlid al-Nabi (Analysis of a *Fatwa*)." *Islamic Law and Society* 5.2 (1998): 214-234.

in the recitation of a poem in praise of the Prophet, a subject which had long been a favorite with reformist polemicists,¹⁰⁸ but he also issued a more general ruling which discouraged the recitation of these texts in a ritual setting altogether.¹⁰⁹

While at first this appears as a simple matter of the application of Hassan's scripturalist position on matters of *'ibâdât*, there is something more to it, for over the course of the *fatwa* he also remarks that:

Reading a book in Arabic without understanding what is written in it is offensive to reason and prohibited by Religion [i.e. Islam], because Religion has been given to us in order to make us understand, not to make us more ignorant.¹¹⁰

Here we seem to have a reflection of Hassan's larger world-view and especially his rejection of the religious epistemology associated with traditional Muslim education in Southeast Asia. In the *pesantren* system, the Qur'an and other texts were read in Arabic, with the teachers sometimes providing partial translations, interpretations or summaries in Malay or the pupils' native language. Such a system was the complete antithesis of Hassan's own, partially auto-didactic, education which placed emphasis more on obtaining proficiency in the languages needed for further independent study. Seen in this light, Hassan's critique of one apparently 'irrational' religious practice

¹⁰⁸ (*Soal-Jawab*, 371-374) For more on the debates of this issue in the Indonesian context: Kaptein, N. "The Berdiri Mawlid issue among Indonesian Muslims in the Period from c. 1875 to 1930," *BKI* 149 (1993): 124-53.

¹⁰⁹ Hassan also advised against such practices in connection with the commemoration of any revered figure from the Muslim past, arguing that if one was truly intent on remembering the life and works of a particular person that the most appropriate tribute would simply be to write a sober biographical account of them which was designed to be read as would any other book. (*Soal-Jawab*, 1507-1510) This particular observation was made in a *fatwa* concerning the ritual recitation of the *manâqib* of the Sufi 'saint' (Ar. *wali*) `Abd al-Qâdir al-Jilânî; a formerly wide-spread practice in some areas of the Archipelago, see: Drewes, G. W. J., and Poerbatjaraka, R. Ng. *De Mirakelen van Abdoel-Kadir Djaelani*. Bandoeng: A.C. Nix & Co., 1938.

¹¹⁰*Soal-Jawab*, 374.

thus appears actually to support a much wider platform of religious reformism, including the movements for educational reform described in the previous chapter.

Aside from the *fatwas* on issues of religious practice per se, *Soal-Jawab* also includes decisions issued on some of the foremost social issues of his day, particularly those which became central to the religious and political debates between the reformists and their opposition.¹¹¹ These included, for example the 'Sayyid controversy.' The term *sayyid* was used to refer to those who claimed true descent from the line of the Prophet, and the debate thus involved the question of whether a female was allowed to marry a non-*sayyid*. Traditionally this had been prohibited under consideration that such descent marked one off as a member of a special group of Muslims with distinct rights and privileges. Most Muslim reformists in the Netherlands Indies rejected such traditional claims as having no sound basis in the Qur'an and Sunnah as well as for violating the basic Islamic principle of the equality of all believers before God.¹¹² Hassan was no exception to this, and in his *fatwa* on the subject accused those who would prohibit such 'intermarriage' of "forbidding what God has made lawful," a very serious charge in the tradition of Islamic law.¹¹³

Hassan's radical approach to the methodological issues underlying legal decision had a profound impact on developments in Indonesian Islam during the early part of this century. As a pioneer of a vigorous, 'public *ijtihād*' in modern Southeast Asia, he was a prominent proponent of bringing the discussion of Islamic religious and legal issues outside the walls of

¹¹¹For further discussions of some of Hassan's more important *fatwa*, see: Minhaji 1997: 200-290.

¹¹²For more on the *Sayyid* debate in the Netherlands Indies: Huub de Jonge. "Discord and Solidarity among the Arabs in the Netherlands East Indies," *Indonesia* 55 (1993): 73-90.

¹¹³*Soal-Jawab*, 581.

traditionalist *pesantren* and into the expanding national print-market.¹¹⁴ Many of those reading Hassan's popular columns may not have agreed with his particular stances on certain issues, but they were nonetheless attracted to the more general message of reform and the empowerment of rank and file Muslims, like this former tire vulcanizer from Singapore, to exercise *ijtihad*. Hassan's writings posed a genuine challenge which Muslims of the time felt compelled to address, regardless of their own orientations toward the tradition. Whereas many 'classical' modernists at the time were busy talking in the abstract of the need for *ijtihad* to be carried out, Hassan actually produced volumes of his own *ijtihad* and furthermore clarified the exact methods which he was using to reach his decision. Thus 'modernists' and 'traditionalists' alike were faced with having to define their positions vis-à-vis Hassan's radicalism and in the process significantly redefined themselves.

While some may argue that Hassan's overly stringent rulings on subjects like Islamic criminal law and the place of women in society were unacceptable to the majority of Indonesian Muslims, and because of this he may have alienated more people than he attracted, it is not in this area of particular *fatwas* that his influence was most significant.¹¹⁵ Rather what has made a much more considerable impact upon subsequent developments of Indonesian discourse on Islamic law was the attention Hassan placed on developing a clear methodology of *ijtihad* based upon an explicitly stated scriptural hermeneutic. With the publication of *al-Boerhan*, Hassan

¹¹⁴ Some of his works are still widely read and readily available throughout the Archipelago including his translation of and commentary on the *Bulughul Maraam*, his popular manual on proper performance of the ritual prayer (*Pengajaran Shalat*), and his four volume compilation of 'Questions and Answers' (*Soal-Jawab*).

¹¹⁵ Hassan particular rulings on a number of controversial issues have already been extensively discussed in English by Howard Federspiel (1970) and Akh. Minhaji (1997).

introduced the study of *'usûl al-fiqh* to the Indonesian Muslim community at large, and this is an aspect of Hassan's work that has been neglected by most historians commenting on his work. For while his 'blasting open of the gate of *ijtihad*' as sounded through his sometimes fiery *fatwas* was important, Hassan's contribution to the development of twentieth-century Indonesian Islamic discourse includes more than just this. For not only did he 'open' the gate of *ijtihad*, but he also attempted to demonstrate that any real reform would have to be accomplished through a comprehensive approach to scripture and its interpretation, rather than simply tinkering with out-dated and inconvenient legal rulings. Thus Hassan can be seen to have exercised a significant influence on Indonesian Islam that extends well beyond the limited circles of PERSIS alone.¹¹⁶

¹¹⁶Although some members of PERSIS do take a particular pride in maintaining Hassan's spirit of *ijtihad*. For example, in the 1996 (latest?) edition of *Pengajaran Shalat*, a notice is inserted on the last page which acknowledges that A. Hassan did not cover every aspect of the subject as a matter of course. Thus the editors of the *Majalah al-Muslimun* at Bangil openly solicit questions and suggestions to be considered in the preparation of subsequent editions. (Hassan, A. *Pengajaran Shalat: Cara Shalat beserta Dalil-dalil-nya*. Bangil: Pustaka Tamaam, 1996. p. 326) In addition to this, a number of significant authors and public figures have worked to continue the project of Hassan in the area of scripturalist reform, including his son Abdul Qadir Hassan and the leader of *Dewan Da'wah Islam Indonesia* (DDII), Anwar Harjono, see: Hefner, Robert W. "Print Islam: Mass Media and Ideological Rivalries among Indonesian Muslims." *Indonesia* 64 (1997): 77-104. For Hassan's influence on other prominent Indonesian Muslims of this century, including M. Natsir, see: (Minhaji 1997: 338-365). Hefner has also noted the role of Hassan in introducing Natsir to the writings of Maududi, thus introducing yet another stream of radicalism into the emerging Indonesian discourse on the relationship between Islam and government. (forthcoming: 229-230) For more on Maududi and his historical significance, see: Nasr, Seyyed Vali Reza. *The Vanguard of the Islamic Revolution: The Jama'at-i Islami of Pakistan*. Berkeley: University of California Press, 1994.

Moenawar Chalil

Moenawar Chalil was born into a family of traders and religious scholars at Kendal, Central Java in 1908.¹¹⁷ Like Hassan he began his religious education under his father, and then moved on to study under other prominent local religious teachers (Jv. *Kiyai*), including his uncle. However unlike Hassan, Chalil never combined this 'traditional' style of religious education with studies in a 'modern' style school. Instead his initiation into the world of modern institutions came when he joined the local branch of *Sarekat Islam* at the age of seventeen. There he became involved in some of the groups militant activities which eventually resulted in a government order for Chalil's exile to the political prison camp at Boven Digul, Irian Jaya/ West New Guinea.¹¹⁸ However due to his father's prominent local connections, the order was stayed in consideration that Chalil would be sent by his father to continue his religious studies in the Holy Cities of Arabia. He stayed there from 1926 to 1929 and is said to have come under the influence of *Wahhabi* teachings at that time.¹¹⁹ However, as no data is currently available on just

¹¹⁷ Published biographies of Moenawar Chalil are considerably rarer than those available for figures such as Hassan. Most of what has been written is in the form of short, unpublished papers in Indonesian. Thankfully, a great service has been done in this area by Dr. Thoha Hamim in his 1996 McGill University dissertation. The present biographical sketch is based largely on his reconstruction of events as outlined in Chapter 2, pp. 26-56. (Hamim, Thoha. "Moenawar Chalil's Reformist Thought: A Study of an Indonesian Religious Scholar (1908-1961)." Diss. McGill University, 1996.) Additional notes indicate references to wider contemporary events not provided in Dr. Hamim's study.

¹¹⁸ Many other religious and nationalist leaders were however unable to avoid serving time in this notorious outpost, including the leaders of *Permi* and PSII, Ijlas Jacob and Muchtar Lufti in the 1930's. (Ricklefs 1993: 191)

¹¹⁹ The *Wahhabis* have been extensively discussed in numerous places elsewhere and thus there is no need to repeat earlier statements here. For a concise overview in English: Waardenburg, J. "Puritans in Arabia: the Wahhâbi movement (18th-19th-century)." *The Quest for Purity: Dynamics of Puritan Movements*. Berlin: Mouton de Gruyter, 1988. For a study of the movement's religious and social teachings: Diffelen, R.W. van. *De Leer der Wahhabieten*. Leiden: E.J. Brill, 1927; and Schacht, J. "Zur Wahhabitischen Literatur," *Zeitschrift für Semitistik und verwandte Gebiete* 6 (1928): 200-213. The Wahhabis have been regarded as the impetus for a wide variety of reform movements from West Africa to

who his teachers in Arabia were or what circles he studied in there, it is difficult to verify the details exactly, but nonetheless it does appear that in the Hijaz he further immersed himself in reformist thought, continuing a development that he had perhaps already begun back in Central Java with other members of *Sarekat Islam*.

During his period of study in the Middle East, Chalil also began to gain a greater appreciation of the modernist writings of Muhammad `Abduh (1849-1905).¹²⁰ `Abduh argued that the reason for the sorry state of the Muslims in his day was that they had lost the pristine simplicity of their faith under a mass of outdated and unreasonable tradition that had shackled Muslims societies to a static or backward orientation; thus making them easily susceptible to conquest and exploitation by the modernized West. In order to move forward and revive the glory of the early days of Islam, `Abduh believed that Muslims had first to go back to the simple foundations of their faith; stripping away layer after layer of the popular practices and medieval scholasticism that had accrued upon the message of the Prophet and the practice of his companions.¹²¹

Southeast Asia over the past two centuries. However, convincing documentation for such an attribution has rarely been advanced alongside such claims. In this area, as in so many others connected with the study of Islam in Indonesia, much more critical study of the relevant texts and historical materials is needed.

¹²⁰ Some attempt at evaluating the formulation of a fusion of the ideologies of Wahhabism and Egyptian Modernism may have been undertaken by Chalil himself in a work entitled *Dua Sedjoli Pembangun Alam Islamy: Muhammad Abdul Wahhab dan Muhammad `Abduh*. Unfortunately the present author has only seen reference to this rare and difficult to locate work in secondary sources and has as yet been unable to examine the work itself. ("H. Moenawar Chalil," *Minggu Abadi*, 25 February 1960)

¹²¹ An overview of `Abduh's general understanding of this need for legal reform can be found in (Adams 1933: 190-195) and Kerr, Malcolm H. *Islamic reform; the political and legal theories of Muhammad Abduh and Rashid Rida*. Berkeley: University of California Press, 1966.

Such an agenda became one of the major principles of the *Salafi* movement.¹²² The *Salafiyyah* is actually a general term which has come to be used to refer to a number of different movements for reform operating in different parts of the Muslim world. The term is often used in connection with discussion of Rashid Rida's work, and with the platform of *al-Manar* in general.¹²³ There were, however, similar yet distinct *Salafi* movements centered elsewhere, such as that of Damascus.¹²⁴ The defining characteristic of the *Salafiyyah* was its insistence that once the essential body of Islamic practice was clearly and unambiguously defined, that this could then serve to dictate a uniform model of Islamic practice acceptable to all Muslims.¹²⁵ Adherents of the *Salafi* world-view of history believed that only when this was accomplished would Muslims see the end of internal disputes that characterized the divisions between existing schools of law, and all would constrain themselves to follow the clear and basic models of universal Muslim practice¹²⁶

¹²²For a general introduction to *Salafiyya*: Laoust, Henri. "Le Réformisme orthodoxe des 'Salafiya' et les caractères généraux de son orientation actuelle." *Revue des Études Islamiques* (1934): 175-224.

¹²³Hourani, Albert. *Arabic Thought in the Liberal Age: 1798-1939*. Cambridge: University Press, 1983. pp. 130-60, 222-244). For more on the specifically legal and jurisprudential aspects of Rashid Rida's thought: (Kerr 1966); and Brugman, J. *Het Beteekenis van het Mohammedansche Recht in het Hedendaagse Egypte*. 's-Gravenhage: Martinus Nijhoff, 1960.

¹²⁴ On the Damascene *Salafiyyah*: Commins, D. *The Salafi Islamic Reform Movement in Damascus*. Oxford: University Press, 1990.

¹²⁵For 'Abduh this implied the need for a more accessible presentation of Islamic teachings that could reach a wider audience of Muslims outside the traditionally closed circles of the ulama. For this reason he invested a significant part of his efforts into relating what he considered to be the essentials of the Islamic message in a form readable by the masses. (Adams 1933: 114)

¹²⁶ Of course, not everything could be defined down to last details in such a scheme, and so 'Abduh also acknowledged that in matters of detail over which even the companions of the Prophet seem to have differed from one another, some variation in contemporary practice was still permissible. He believed that in such cases of minor detail, individual believers would be free to investigate the practices and proofs supporting them advanced

After returning to Java, Chalil found employment in government service, and eventually became the head of the Ministry of Religious Affairs' district office in Semarang. His reformist sentiments, however, would not be compromised, and when they came into conflict with the terms of his government employment, he decided to resign his position rather than abandon his principles.¹²⁷ He continued his work in non-government religious organizations of a reformist/modernist orientation, especially the Muhammadiyah, for which he served as a teacher in its *Madrasah al-Wusta* and the *Majlis Tabligh*.¹²⁸ Also in Muhammadiyah he became a member of the *Majlis Tarjih Pusat*; an internal body organized to respond to the growing number of requests for *fatwas* advanced by Muhammadiyah members.¹²⁹ Chalil also served in similar positions of other similar *fatwa*-producing bodies,

by each of the four orthodox schools and decide for himself. Basing himself on 'Abduh's views on the subject as put forth in articles from *al-Manar* (IV: 287, 369, XXII: 184-185), Charles Adams concludes that: "Thus every Muslim would be exercising independent investigation (*ijtihad*) by choosing the method which he prefers; at the same time, he would be practicing acceptance on authority (*taqlid*) since he adopts the method from one of the four rites." (Adams 1933: 192) What he seems to be referring to here, in a rather roundabout way, is the practice of *talfiq*, or the eclectic method of choosing rulings between various different schools.

¹²⁷ One point upon which he seems to have differed from his colleagues in the ministry was in his attitude toward the authority of the traditional class of ulama. Although coming from this class himself, Chalil did not agree that all ulama should be respected and obeyed simply because of their social status. Rather he argued that their position should be evaluated in terms of the Qur'an and Sunnah, and only those who proved themselves according to these standards deserved to be considered as 'heirs of the Prophet." (Chalil, Moenawar. *Fungsi Ulama dalam Masyarakat dan Negara*. Jakarta: Bulan Bintang, 1957)

¹²⁸ An internal division of the Muhammadiyah which specialized in preparing Muslim preachers to carry out propagation of the organization's reformist views on Islam (*da'wah*). Also in the area of education, Chalil later served as advisor of the Center of Islamic Education (*Pusat Pendidikan Islam*).

¹²⁹ The Majlis Tarjih Muhammadiyah was founded during the 28th Muhammadiyah conference at Yogyakarta in 1928. (Asmuni, Abdul Rahman. *Majlis Tarjih Muhammadiyah*. Yogyakarta: IAIN Sunan Kalijaga, 1985) For more on the jurisprudential methodology followed by this body, see: Mulkhan, Abdul Munir. *Masalah-Masalah Teologi dan Fiqh dalam Tarjih Muhammadiyah*. Yogyakarta: SIPress, 1994; and Djamil, Fathurrahman. "The Muhammadiyah and the Theory of Maqasid al-Shari'ah," *Studia Islamika* II.1 (1995): 53-68.

including a term spent as the chair of the *Majlis Ulama PERSIS* and the *Majlis Shura Pusat* of Masjumi. In such capacities he was able to broadcast his views on legal issues broadly through these organizations' regular publications and other public announcements.¹³⁰

The use of print technology by reformist groups for propagation of their views and as a challenge to the established patterns of the transmission of knowledge at the hands of traditionalist ulama has already been mentioned above. Chalil continued to pursue such opportunities to broadcast the reformist message into new areas and venues. In 1935 he began publication of *Swara Islam*, which although not formally associated with PERSIS adopted a format quite similar to that of the organization's popular journals.¹³¹ It contained regular columns in a question-and-answer, format (*soal-jawab*) of 'magazine *fatwas*', polemical articles on various aspects of ritual practice, and transcriptions of Chalil's often sharp debates with various opponents, much like those of A. Hassan printed in *Pembela Islam*. What was different about *Swara Islam* was that it was published in Javanese, becoming quite possibly the first such journal of its kind in that language. Previously most such publications in the Archipelago were in either Arab-script or Latin-script Malay, although PERSIS did take the remarkable step of publishing a considerable amount of material in Sundanese. Javanese, however, was the local language with the largest number of native speakers in the Netherlands East Indies; many of whom tended to identify more closely with the traditionalist leadership of rural *pesantren* than the urban and mercantile

¹³⁰Chalil published frequently in the Masjumi daily *Abadi* and the journal *Hikmah*, edited by M. Natsir as well as many informally affiliated publications such as *Panji Masjarakat* which has had strong ties to the Muhammadiyah. For an extensive bibliography of Chalil's prolific writings: (Hamim 1996: 237-244).

¹³¹For more on *Swara Islam*, see: (Hamim 1996: 48ff).

reformist set. With the publication of *Swara Islam*, Chalil made a significant effort to advance the cause of Islamic reform among his fellow Javanese.

Aside from this, Chalil was also involved with another organization that played a significant, although as yet largely unrecognized role in the development of Muslim jurisprudence in twentieth-century Indonesia, the *Lajnah Ahli-ahli Hadith Indonesia*. Founded at Solo in June 1941 under the direction of Imam Ghozali along with other like-minded reformists such as Muhammad Ma'shum of PERSIS. The organization was not an overtly political one like Masjumi or a primarily social one emphasizing public service such as Muhammadiyah, rather it directed itself to the reform of religious learning by placing a renewed emphasis on the study of *hadith*. Chalil's activities with this organization reflect the prime importance that he placed on the Sunnah in his written works.¹³² This in turn could be seen as evidence that the influence of Muhammad 'Abduh on Chalil, as emphasized by Dr. Hamim, may have been more significantly tempered by the Sunnah-oriented later writings of Rashid Rida than has previously been appreciated.¹³³

The project of the revitalized *hadith* study as advocated by the *Lajnah* was of considerable importance for Chalil, who maintained that the faith of anyone who does not closely follow the sunnah of the Prophet will always be

¹³² *Kembali kepada Al Qur'an dan As-Sunnah*, 7-9, 73-75.

¹³³ Many discussions of Islam in twentieth-century Indonesia have tended to speak in rather vague terms of the influence of 'Egyptian modernism', without however giving adequate attention to explaining exactly what is meant by this. For example, it is often simply stated as fact that the teachings of Muhammad 'Abduh had a profound effect on developments here, especially through the circulation of *al-Manar* and the journals modeled on it that sprang up in Singapore, Sumatra, and Malaya. In connection with this it is often mentioned that editorship of *al-Manar* was largely in the hands of Rida, but few take the trouble to point out the significant differences distinguishing the respective thought of these two pillars of 'Egyptian modernism' and the possible consequences of these differences for their reception in Southeast Asia.

deficient.¹³⁴ If one looks at the history of Islamic education in Indonesia, one begins to perceive just how revolutionary such an idea was. As has been mentioned above, until quite recently *hadith* as such was rarely taught as part of the traditional *pesantren* curriculum except where specific traditions were incorporated into works of traditionalist *fiqh*. There was little primary research into the standard *hadith* compilations, and almost none of the critical studies of the texts and their transmitters known in the larger world of Muslim scholarship as *jarh wa ta'dil*. This revived attention to the texts of *hadith* as a direct source of law, rather than in their 'processed' form as part of scholastic tradition, reflects the shift in understanding of religious knowledge and authority effected by the reformists. No longer was it sufficient simply to rely on the rulings of the great medieval jurists of a particular school, but instead Muslims were obliged to determine rulings based on a direct interpretation of the primary sources: the Qur'an and the Sunnah as known through 'reliable' *hadith*. In the Arab Middle East, other reform movements produced new compendia of *fiqh* based on such a revitalized concept of Sunnah, the most popular one in Arabic being the *Fiqh al-Sunnah* of Sayyid Sabiq.¹³⁵ In Indonesia, a somewhat similar work appeared under the co-authorship of Imam Ghozali and Moenawar Chalil, entitled: *al-Fiqh al-Nabawwy: Fiqih Berdasar Atas Pimpinan Nabi s.a.w.*¹³⁶

Chalil continued this project in a more succinctly and thematically presented way in what is perhaps his signature work, *Kembali kepada Al Qur'an dan As-Sunnah* ("Return to the Qur'an and the Sunnah"), first

¹³⁴*Kembali kepada Al Qur'an dan As-Sunnah*, 60-63.

¹³⁵An edition which incorporates numerous 'corrections' of the *hadith* used in the text has also appeared in Indonesian translation: Sabiq, Sayyid. *Tarjamah dan Koreksi Fiqhus Sunnah*. Trans. M. Thalib. Bandung: Gema Risalah Press, 1996.

¹³⁶(18 vols.) Solo: Al-Ma'murijah, n.d.

published in 1956.¹³⁷ In the original author's preface to this work, Chalil makes it clear that he intended the work as a sequel to his *Biografi Empat Serangkai Imam Mazhab*,¹³⁸ as well as a prologue to a larger work of *fiqh*, presumably the *Fiqh al-Nabawwy. Kembali kepada Al Qur'an dan As-Sunnah* is divided into two major sections, the first of which consists of short chapters each of which focuses on a select few Qur'anic verses or *hadith* texts which explain the position of the Qur'an and Sunnah as the fundamental guides for belief and human conduct.¹³⁹ In the second section, chapters are devoted to establishing the Qur'an and *hadith* as the primary sources of law and defining their relationship to such extra-scriptural legal sources as *ijmā'* and *qiyās* within the context of debates on *ijtihād*, *taqlīd*, *ittibā'* and the related issues of *bid'ah* and adherence to one of the four orthodox *madhāhib*.

In one of these chapters, Chalil addresses the issue of *maslahah mursalah* or the consideration of public interest as a source of law.¹⁴⁰ In his general introduction to the subject, he emphasizes the importance of *munasabah* (suitability) and the 'five universals' (*kulliāt al-khams*)¹⁴¹ that must be used as a determination of the 'aims of the law' (*maqāsid al-*

¹³⁷Since then it has gone through at least ten reprints. References to this work throughout the present study are to: Moenawar Chalil. *Kembali kepada Al Qur'an dan As-Sunnah*. Jakarta: Bulan Bintang, 1996 (cetakan ke-10).

¹³⁸Moenawar Chalil. *Biografi Empat Serangkai Imam Mazhab*. Jakarta: Bulan Bintang, 1955. More will be said on this work below.

¹³⁹It should be noted that in this work Chalil himself explicitly emphasized the Qur'an remains the 'first source' of law; thus keeping with Hassan in the general reformist program of maintaining the prominence of the text above all else. (*Kembali kepada Al Qur'an dan As-Sunnah*, 14-17, 25-48) The Sunnah then serves to clarify and specify the rulings of the Qur'an in an established position as the 'second source' of law. (*Ibid.*: 192, 202-209)

¹⁴⁰What is meant here by consideration of public interest is a holistic approach that attempts to view all of Islamic law as a coherent system, and not just an exercise of personal opinion subject to contemporary fashions. On this conceptualization of *maslahah*, see: Santillana, David. *Istituzioni di diritto musulmano malichita con riguardo anche al sistema sciafita*. Rome: Istituto per l'Oriente, 1925. I: 71ff.

¹⁴¹That is, the protection of religion, life, private property, thought, and progeny.

shari'ah).¹⁴² In this Chalil makes reference to al-Shawkani's argument that while *maslahah mursalah* may be used as a method to guide one's investigations into a particular ruling, it may not serve as a source of law in and of itself.¹⁴³ He quotes rather extensively from al-Shawkani's *Irshād*, including that author's references to ulama like as al-Qarafī (d. 1285) and al-Juwayni (d. 1085) who recognized various considerations of *maslahah mursalah* in the Sunni *madhāhib*.¹⁴⁴ Chalil then goes on to cite examples in which the Prophet's companions decided upon certain cases by basing their rulings on considerations of public interest.¹⁴⁵ Furthermore drawing upon the writings on the subject by Najm al-Din Tufi (d. 1316), Chalil makes his case for the role of *maslahah* as a basis for legal rulings.¹⁴⁶ He is careful to add, however, that this holds valid only for cases dealing with *mu'amalāt*. For

¹⁴²For an overview of *maslahah* in Sunni legal theory. See: (Hallaq 1997: 112-113). A brief overview of the role of *maslahah* in informing decisions by *fatwā* councils in modern Indonesia, see: Nasution, Khoiruddin. "Maslahah and Its Application in Indonesian *Fatwā*." *Studia Islamika* III. 4 (1996): 103-136.

¹⁴³*Kembali Kepada al Qur-an dan As-Sunnah*, 257-258.

¹⁴⁴Cf. al-Shawkani, Muhammad b. Ali b. Muhammad. *Irshād al-fuhūl ila taḥqīq `ilm al-usūl*. Beirut: al-Thaqāfiyyah, 1414 H./ 1993. pp. 402-404.

¹⁴⁵For example, the compilation of the Qur'an and the establishment of the punishment of eighty lashes for those convicted of drinking wine. (*Kembali Kepada al Qur-an dan As-Sunnah*, 259-61) Here again, also Chalil cites only examples of cases which would be considered as dealing with *mu'amalat*, not *ibādāt*.

¹⁴⁶In the Shafi'i *madhhab*, *maslahah mursalah* is generally considered to be merely a subheading under the principle of *qiyās*. Some Hanbalis, however, *madhhab*, however, there has been a way to resolve this dilemma between textual foundations and contemporary considerations of *maslahah*. According to Tufi *maslahah* should take precedent over the text if there is a conflict between the two in all matters other than those strictly concerned with *ibādāt*. al-Tufi bases his entire argument upon the *hadith*, "No harm should be inflicted or reciprocated in Islam," (*la darar wa la dirar fi'l-Islam*). Thus in his view such issues are not a matter of a *nass* (authoritative text) conflicting with *maslahah*, but rather an issue between two texts. That is, the text immediately concerned and the above-quoted *hadith* which states that, "No harm should be inflicted or reciprocated in Islam." In such cases, al-Tufi maintains that the latter *hadith* should always take precedence, apparently not concerned with the larger issue of whether or not a verse of the Qur'an, legislative or otherwise, can be abrogated by a single *hadith*. For more on al-Tufi's theory of *maslahah* and its appropriation by modern-day Salafis: Kerr 1966: 80-86.

Chalil maintains, as does Hassan, that any such extra-scriptural legal source has no bearing upon issues concerning *ibâdât*. Any such modification to the rules explicitly established by God's revelation amounts to *bid'ah* and as such is strongly condemned.¹⁴⁷

In thus delineating the spheres of *'ibâdât* and *mu'amalât* in relation to the issue of *masalah mursalah*, Chalil reveals a reflection of the way in which he understands these same distinctions in the larger context of the issue of *ijtihâd* and *taqlîd*. Chalil agrees with his PERSIS colleagues that while the gate of *ijtihâd* remains always open, it is to be exercised only in cases dealing with *mu'amalât*.¹⁴⁸ *Ijti'hâd* may be exercised by anyone with the requisite ability to understand and interpret the texts within the context of *'usûl al-fiqh*; in fact it is necessary if Islam is to maintain its relevance to the lives of Muslims in changing times. For those who cannot fulfill the requirements of a *mujtahid*, Chalil advocates *ittiba'*, which he interprets as following the example of the Prophet and his companions and not that of the later jurists of any of the established schools.¹⁴⁹ Thus when asking for a *fatwa* they must be shown the Qur'anic verse or *hadith* texts upon which the mufti's decision is based. In this spirit of 'returning to the basic sources,' (*Kembali Kepada al Qur-an dan As-Sunnah*) every Muslim can be liberated from the shackles of *taqlîd* as it was understood by Chalil and the other PERSIS reformists.

The style of the chapters in the first section of *Kembali Kepada al Qur-an dan As-Sunnah* is that of interpretive essays of the kind that have come to

¹⁴⁷For more on Chalil's objections to *bid'ah* see: *Kembali Kepada al Qur-an dan As-Sunnah*, 276-281.

¹⁴⁸*Kembali Kepada al Qur-an dan As-Sunnah*, 373.

¹⁴⁹*Kembali Kepada al Qur-an dan As-Sunnah*, 376-378.

characterize a genre of 'thematical interpretations' of the Qur'an (*tafsîr maudhu'i*) that has become increasingly popular throughout the Muslim world in recent decades. This type of *tafsîr* interprets individual Qur'anic verses in terms of other related verses on a given topic (*bi'l-ma'thur*), rather than simply following the traditional verse-by-verse order of the Qur'anic text.¹⁵⁰ Thus for example under the rubric, "The Qur'an as the First Source of Law," he presents nine verses on the subject gleaned from various parts of the Qur'anic text, first in the original Arabic and then in Indonesian translation. Following this, he provides a more extensive commentary in which he establishes conceptual linkages between the various verses in order to establish a more balanced and complete interpretation of the Qur'anic statements on the subject.¹⁵¹

Chalil also intended to produce a work of *tafsîr* in Javanese which followed the more traditional verse-by-verse format (*tartîb al-ayât*). He began publishing sections of it in 1958, but it was unfortunately left uncompleted at the time of his death in 1961. By that time he had completed only his interpretation of the first *surah* of the Qur'an (*al-Fatihah*) and almost two-thirds of the second (*al-Baqarah*).¹⁵² Although following the traditional *tartîb al-ayât* approach in structuring his interpretations, Chalil's work of *tafsîr*

¹⁵⁰The practice of *tafsîr maudhu'i* in modern times was advocated by, among others, Shaykh Mahmud Shaltût (d. 1963), the former Rector of al-Azhar. More on him and his influence in Indonesia will be discussed in Chapter 3.

¹⁵¹(*Kembali Kepada al Qur-an dan As-Sunnah*, 14-17) In later sections of this same work, Chalil also employs the same type of methodology to groups of related *hadith* from the Prophet.

¹⁵²Moenawar Chalil. *Tafsîr Qur'an Hidaajatul-Rahmaan*. Solo: Ab. Siti Sjamsijah, 1958. For a discussion of this work in the context of Chalil wider interpretation of the Qur'an, see: (Hamim 1996: 81ff.) For an historical survey of the development of *tafsîr* in Indonesia, see: Feener, R. Michael. "Notes toward the History of Qur'anic Exegesis in Southeast Asia." *Studia Islamika* V.4 (1998).

nonetheless reveals his reformist orientation.¹⁵³ This is marked, for example, by his critical attention to the *hadith* chosen to aid in his interpretation and define the *asbâb al-nuzûi* of various verses.¹⁵⁴ Chalil repeatedly emphasized the need to recognize the significance of the gradual revelation of the Qur'an when attempting to interpret the text.¹⁵⁵ On the issue of *naskh*, however, Chalil flatly denies the possibility of any verse being abrogated by another or by any *hadith*.¹⁵⁶ For Chalil, any apparent contradiction between individual verses of the Qur'an is simply that: apparent. Any confusion on such matters may be resolved by conducting a more in-depth study of the text itself, as Chalil does in elaborating his various categories of the levels of command and prohibition contained in the Qur'an.¹⁵⁷

In his exegesis of the Qur'an, Chalil makes reference not only to *mufasssirun* who were long held in esteem by traditionalist scholars in Southeast Asia, but also to a number of other 'classical' sources previously seldom consulted in works of *tafsîr* produced and read in the region. Thus alongside references to al-Baydawi, al-Razi,¹⁵⁸ and the two Jalals¹⁵⁹ were added such innovative choices as the Mu'tazilite-influenced commentary of al-

¹⁵³In this respect his work could be compared with that of A. Hassan in *Tafsîr al-Furqân*.

¹⁵⁴For more on Chalil's Javanese *tafsîr*, see: (Hamim 1996: 81-111)

¹⁵⁵As repeatedly emphasized throughout his *Kelengkapan Tarich Nabi Muhammad s.a.w.* (Jakarta: Bulan Bintang, 1957)

¹⁵⁶This subject receives considerable attention in: *Al-Qur'an dari Masa ke Masa*.

¹⁵⁷*Kembali Kepada al Qur-an dan As-Sunnah*, 177-187.

¹⁵⁸The importance of al-Razi's *tafsîr* in the development of Indonesian Islam has been discussed in several places by Professor Johns, for example: "Quranic Exegesis in the Malay World: In Search of a Profile." *Approaches to the History of the Interpretation of the Qur'an*. Ed. A. Rippin. Oxford: Clarendon Press, 1988. pp. 257-287; and "On Qur'anic Exegetes and Exegesis." *Islam- Essays in Scripture, Thought and Society: A Festschrift in honour of Anthony H. Johns*. Eds. Peter Riddell and Tony. Street. Leiden: E.J. Brill, 1998. pp. 3-49.

¹⁵⁹i.e. the *Tafsîr al-Jalalayn* of Jalal al-Din `Abd al-Rahman al-Suyuti (d. 911/1505) and Jalal al-Din Muhammad al-Mahalli (d. 864/1459). The established place of all three of the above-mentioned works in the corpus of Qur'anic exegesis traditionally studied in Indonesia is discussed in: (Feener 1998).

Zamakshari and al-Shawkani's *Fath al-Qadir*.¹⁶⁰ In addition to this, he also clearly drew on the more modern works of Qur'anic exegesis by Muhammad `Abduh¹⁶¹ and Mustafa al-Maraghi.¹⁶² All of these influences and others have added a new vitality to the development tafsir in twentieth-century Indonesia that is unprecedented in the Muslim history of the Archipelago.

The general tone resulting from Chalil's various writings on the Qur'an could, applying the typology developed by Fazlur Rahman, be considered as 'classically modernist.' This involved much that he had adapted from `Abduh, including an openness to the role of Reason the interpretation of religious texts. However Chalil does not seem to have gone as far as `Abduh in this, as he always strove to keep any rational speculation within the bounds of conformity to the Qur'anic text and reliable *hadith*.¹⁶³ In this perhaps we may also note an influence of some of the later writings of Rashid Rida who retreated a bit from his Shaykh's enthusiasm for Reason and adopted a stance more in conformity with the clear texts of revelation.¹⁶⁴

¹⁶⁰Muhammad b. `Ali b. Muhammad al-Shawkani. *Fath al-qadir: al-jâmi' bayn fana al-riwâyat wa al-dirayat min `ilm al-tafsîr*, (5 vols.). Beirut: Dar al-fikr. 1393 H./ 1973.

¹⁶¹Goldziher, I. *Die Richtungen der islamischen Koranauslegung*. Leiden: E.J. Brill. 1920. pp. 310 ff; and (Jomier 1954).

¹⁶²Mustafa al-Maraghi (1881-1945) was a prominent Egyptian reformist and rector of al-Azhar from 1928-1929 (when he was dismissed by King Fu'ad, and reinstated from 1935-1945. He was well known for his work in education and his endorsement of the translation of the Qur'an into other languages. ("Maraghi." *The Oxford Encyclopedia of the Modern Islamic World*. Ed. John Esposito. III: 44-45.) In recent years Al-Maraghi's tafsîr has become extremely popular in Indonesia, especially through its widely available Indonesian translation, (al-Maragi, A. M. *Terjemah Tafsîr al-Maragi*. Semarang: Toha Putra, 1992).

¹⁶³On the extent to which `Abduh stimulated a revival of enthusiasm for advocating reason in religious discussions: Caspar, R. "Un aspect de la pensée musulmane moderne: le renouveau do mo'tazilisme." *Mélanges de l'Institut Dominicain d'Études Orientales* IV (1957): 141-201; and Khalid, Deltev. "Some Aspects of Neo-Mu'tazilism." *Islamic Studies* VIII (1969): 319-347. In Indonesia the most prominent advocate of such an orientation has been Harun Nasution, who in some ways took 'Neo-Mu'tazilism' even further than did `Abduh. (Nasution, Harun. *Islam Rasional: Gagasan dan Pemikiran*. Bandung: Mizan, 1995)

¹⁶⁴ In the bibliography attached to *Kembali Kepada al Qur-an dan As-Sunnah*, Chalil lists as a source Rida's *al-Wahdat al-Islamiyyah*, but not a single work by `Abduh.

Chalil undertook a critical evaluation of the sources of previous commentaries to bring out what he understood to be the correct and eternal message of the sacred text. For example, he went to considerable length to disentangle the verses themselves from the lush growth of traditionalist interpretations that had taken root on them over the centuries of Muslim scholarship. Here again we can perceive the influence of `Abduh, who has been criticized by one observer as merely calling for, "...the elimination of that which has been overcome by the spirit of progress, not the building up of a new thought world."¹⁶⁵ The same critic also notes, however, "that in doing so he has swept aside much that is good, and the remaining content of his ideas is much narrower than that of earlier times... Much that was thrown away will have to be taken up again."¹⁶⁶ Chalil, however, never went to the lengths that `Abduh did in this respect, as his links to the world of the Javanese *kyai* had served to instill in him a somewhat more appreciative attitude toward much of the classical heritage of Islamic learning.

Chalil continued to maintain a qualified respect for the authority of previous scholarship and interpretation. For all of his radical rhetoric of reform, Chalil remained convinced that the job of legislating in accordance with the Qur'an and Sunnah is best left to those with specialized training in the religious sciences who would balance the scriptural precepts contained therein with more general considerations of public interest (*maslahah*). Such a model of authority is one in which Chalil, with his background in the

¹⁶⁵Horten, M. "Muhammad `Abduh: sein Leben und seine theologisch-philosophische Gedankenwelt." *Beiträge zur Kenntniss des Orients* XIV (1917): 128. Quoted in Adams, Charles C. *Islam and Modernism in Egypt: A Study of the Modern Reform Movement Inaugurated by Muhammad `Abduh*. Cairo: The American University at Cairo, 1933/ reprint New York: Russell & Russell, 1968. p. 106.

¹⁶⁶Horten (*op. cit.*): 82-83.

tradition of Javano-Muslim scholarship that entitled him to use the title of *Kiyai*, would comfortably fit.¹⁶⁷ It is one in which would not appear to be as accommodating to Chalil's contemporary Hassan, with his limited formal education and checkered career as a printer, petty trader, and tireman.

Thus in Chalil we can see something of a tendency to moderate the extreme kind of reformism represented by Hassan; one which seems to have left a much more enduring, broad-based impression upon subsequent developments in Indonesian Islam. From the writings of Hassan to those of Chalil one can notice something of a shift in theological orientation which came to have significant consequences for emerging debates in the area of *fiqh* and *usûl al-fiqh*. For Chalil's scripturalism, unlike that of Hassan, was not necessarily that of everyman but rather one which was to be left in the hands of specialists, albeit not those of the traditionalist ulama.¹⁶⁸ Rather Chalil mapped out this territory for a new type of religious authority, one who had acquired a thorough knowledge of the sources but who was not bound by the framework of a particular *madhhab*. With the monopoly on religious knowledge thus broken, new voices were able to participate in the debates. However Chalil's rejection of the traditional structure of religious authority did not necessarily mean a rejection of all past scholarship. Rather such legacies could be constructively used in the formation of a new legal theory and a revitalization of the Shari'a that was responsive to the changing needs of the times.

¹⁶⁷For instance, in some places he tends to accept the authority of some later ulama as authoritative without conducting an investigation of their individual rulings himself. Thus we often read such statements as, "Imam Suyuti declares this *hadith* sound..." &c. in the course of his arguments.

¹⁶⁸The elitist tendencies of certain types of Salafism has been commented on extensively by Commins (1990).

Chalil's creative reorientation to the legacy of Muslim scholarship is most clearly reflected in his biographies of the Imams of the four established Sunni *madhâhib*.¹⁶⁹ In this work he emphasizes particularly those attributes of the imams which reflect reformist concerns: their love for and defense of the Qur'an and Sunnah, their courage in proclaiming the truth, and their forthrightness. Furthermore Chalil outlines each of the four schools' theories on the sources of law (Ar. *'usûl*) in order to emphasize that each of these *madhâhib* represents not a static body of rulings but rather a methodology through which one can derive legal rulings based primarily upon the Qur'an and Sunnah.¹⁷⁰ Thus Chalil argues that the way of the Imams is not *taqlid*, but rather following them in *ijtihâd*.¹⁷¹ In this way Chalil strives to balance an appreciation of the great Muslim scholars of the past with the reformist ideal of transcending the reified boundaries between the various *madhâhib* in the interest of Muslim unity.¹⁷²

¹⁶⁹Moenawar Chalil. *Biografi Empat Serangkai Imam Mazhab*. Jakarta: Bulan Bintang, 1955.

¹⁷⁰In this spirit of *ijtihâd* it seems that Chalil developed a particular appreciation for Hanbalism. He called for greater efforts to be made toward the publication of more works of Hanbali scholarship to be published so as to be more easily accessible to latter-day mujtahids. (*Biografi Empat Serangkai Imam Mazhab*, 289) The high regard in which a number of Middle Eastern *Salafis* held certain prominent Hanbali ulama has been discussed in: (Laoust 1934).

¹⁷¹*Biografi Empat Serangkai Imam Mazhab*, 194-195.

¹⁷²*Kembali Kepada al Qur-an dan As-Sunnah*, 378-383.

Chapter 3: Toward An Indonesian Madhhab

Ubi societas, ibi ius

Cicero

Over the first few decades following independence, a new struggle faced the fledgling nation of Indonesia; a struggle no longer for sovereignty in the face of colonial control, but rather an internal struggle to define the new nation for itself. In this area, conflicts between the Nationalists, Socialists, and institutionalized Islam were often most pronounced in debates over the constitutional basis for the State and the model of law promulgated by it.¹ For an understanding of the implications of this upon developments in twentieth-century Indonesian Muslim jurisprudence, we will first have to understand something of the position which Islamic law held under the Dutch colonial system and the Japanese occupational Government, as well as its permutations under both Soekarno and the New Order.

The legacy of Dutch colonial law weighed heavy upon the young Indonesian Republic, and to certain extent remains so today.² As Dutch colonial control over the Archipelago strengthened during the late

¹For translated selections from some of the leading figures in these debates, see: Feith, Herbert, and Lance Castles, Eds. *Indonesian Political Thinking, 1945-1965*. Ithaca: Cornell University Press, 1970.

²As can be seen most directly through the extensive legal materials compiled in: *De Wetboeken, Wetten en Verordeningen, Benevens de Grondwet van de Republiek Indonesië*. Jakarta: P.T. Ichtiar Baru – van Hoeve, 1992.

nineteenth and early twentieth centuries, a number of gifted Orientalist scholars were employed to advise the government on religious and 'native' affairs, the most prominent of them being C. Snouck Hurgronje.³ Snouck combined an expertise in Arabic and Islamic studies with an extensive knowledge of the languages and cultural conditions of Muslims from various parts of the Archipelago. His unique combination of qualifications was greatly appreciated by the Dutch colonial government, which he served in various capacities. In fact, his scholarly works were so integrally linked to his position as advisor to the colonial government that a clear and total separation of the two is almost impossible.⁴ Thus Snouck's advice on legal and administrative matters as well as his more scholarly writings should be seen within in the context of Dutch colonial administration at the time;⁵ a situation

³A number of studies have appeared which may serve those not familiar with Dutch as an introduction this scholar and his work, including: Cabaton, A. "L'Eseignement supérieur aux Indes néerlandaises et le professeur Dr. C. Snouck Hurgronje." *Revue du Monde Musulman* 12 (1910): 544-549; Drewes, G. W. J. "Snouck Hurgronje and the study of Islam." *BKI* 113 (1957): 1-15; Drewes, G. W. J. "Snouck Hurgronje: Pioneer in Islamic Studies." *Delta: A Review of Arts, Life, and Thought in the Netherlands I* (1958): 69-81; Waardenburg, J. *L'Islam dans le Miroir de l'Occident*. Paris: Mouton, 1962. His involvement in colonial policy during the Aceh War has, however, subsequently attracted substantial comment and criticism by both Indonesian and Western authors, e.g.: Wertheim, W.F. "Counter-insurgency Research at the Turn of the Century: Snouck Hurgronje and the Aceh War." *Sociologische Gids* 19 (1972): 320-328.

⁴Today the most popular of Snouck's works, ethnographies of Aceh and Mecca, are available in English translation (*The Achehnese*. Leyden: E.J. Brill, 1906; and *Mekka in the Latter Part of the 19th Century*. Leiden: E.J. Brill, 1931. *n.b.* The latter comprises only a partial translation from the second volume of the original work in German). Aside from these, however, his numerous shorter pieces on a number of issues have been collected into seven volumes and published as (*Verspreide Geschriften /Gesammelte Schriften*. Bonn: Kurt Schroeder Verlag, 1921-1927). Important statements of Snouck's views on *adatrecht* can be found in volume IV of this collection, as well as in *The Achehnese*.

⁵Snouck's position in these developments was quite complex as was intricately tied into not only into local developments and ideological fashions in the mother country, but also his own idiosyncratic views on the place of Islam and Muslims in a 'liberal' common culture with their colonizers. The present author is currently preparing a more detailed study of this problem in the development of Dutch Orientalism.

dominated by the emergence of the so-called 'Ethical System' (Dt. *Ethische politiek*) of administration for their East Indian colonies.⁶

Following Snouck,⁷ the founder of systematized *adat* law studies in the Netherlands, Cornelius van Vollenhoven,⁸ urged that greater attention be given to *adat* as a source of law in the pluralistic legal system of the Netherlands Indies.⁹ He contrasted this living law of the villages with what he characterized as, "lifeless Islamic school-law,"¹⁰ and sharply condemned the theories of scholars such as L.W.C. van den Berg (1845-1927) who maintained that Indonesians who professed to being Muslims thereby implicitly accept all the laws of their adopted faith at the time of conversion (*receptio in*

⁶On the 'Ethical System' see: Furnivall, J.S. *Netherlands India: A Study of Plural Economy*. Cambridge: University Press, 1967; Prince, Gé. "Dutch Economic Policy in Indonesia," *Economic Growth in Indonesia, 1820-1940*. Eds. Angus Maddison and Gé Prince. Dordrecht: Foris Publications, 1989. pp. 203-226; and Ricklefs, M.C. *A History of Modern Indonesia c. 1300 to the present*. Bloomington: Indiana University Press, 1993. pp. 151-62.

⁷Although van Vollenhoven repeatedly cited Snouck's work with enthusiastic approval, there existed considerable differences between the two scholars and at times one is led to wonder if the latter was at times annoyed by the former's rather naive understanding of Islamic law. Some of the most significant differences between these two poles of the "Leiden school" have been highlighted in: Benda, Harry J. *The Crescent and the Rising Sun: Indonesian Islam under the Japanese Occupation*. The Hague: W. van Hoeve LTD, 1958.

⁸This prolific author's system of *adatrecht* was most systematically laid out in the first two volumes of his *Het Adatrecht van Nederlansch-Indië* (Leiden: E.J. Brill, 1918 and 1931). Selections from this lengthy and difficult work have been translated into English by J.F. Holleman and published together with a helpful introduction on the subject by H.W.J. Sonius (*Van Vollenhoven on Indonesian Adat Law*. The Hague: Martinus Nijhoff, 1981). Van Vollenhoven's shorter essays on various aspects of Adat law in Indonesia have also been collected and published in the third volume, subtitled *Opstellen over Adatrecht: 1901-31* (Leiden: E.J. Brill, 1933), as well as in his *Miskeningen van het Adatrecht, Vier Voordrachten aan de Nederlandsche-Indische Bestuursacademie* (Leiden: E.J. Brill, 1909).

⁹In fact the name of the 'science' for which van Vollenhoven is famed to have pioneered (*adatrecht*) actually originated in an article written by Snouck in 1893. Van Vollenhoven acknowledged Snouck's role in the development of the study of *adat* law throughout his writings, perhaps most explicitly in: *De Ontdekking van het Adatrecht* (Leiden: E.J. Brill, 1928. pp. 106-110).

¹⁰(van Vollenhoven 1981: 18)

complexu).¹¹ In sharp contrast to what he regarded as the, “wholly erroneous supposition that law follows religion,” van Vollenhoven argued that, “indigenous law forms the bulk, and the scraps of religious law merely the incidentals, of *Adat Law*.”¹² During the late nineteenth and early twentieth centuries the academic disputes over the relative positions of different legal systems took on an increased administrative importance in developing an often bewilderingly pluralistic legal culture of Nederlands Indië.¹³ The conflicts arising between various jurisdictions eventually necessitated the development of yet another new field of study for Dutch academic jurists, a “conflict of laws theory” known as *intergentiel recht*.¹⁴

In 1927, under the influence of van Vollenhoven and his prominent students, the Dutch colonial government recognized the prominence of *adat* over Islamic law as formal legal policy in the Basic Law of the East Indian Colonies.¹⁵ With this came an increased institutionalization of the ‘academic’

¹¹van den Berg’s argument for the recognition of Islamic and other religious laws as binding for their native adherents was put forth in a number of important articles, including: “Mohammedaansch recht en adat.” *Het Regt in Nederlansch-Indië* 43 (1884): 137-155; “De afwijkingen van het Mohammedaansche familie- en erfrecht op Java en Madoera.” *BKI* 41 (1892): 454-512; and “Nalezing...” 45 (1895) 291-314. Van Vollenhoven makes references to Snouck’s ‘devastating’ critiques of van den Berg in (van Vollenhoven 1928: 111).

¹²(van Vollenhoven 1981: 8, 11)

¹³The pluralism of the Netherlands Indies’ legal system was formalized in 1847 with the enactment of the *Algemene Bepalingen van Wetgeving*, which divided the population into two groups on their legal status: Europeans and Natives. Subsequent amendments to this classification continued to revise this categorization to account for other groups such as the Chinese, Arab, and Indian immigrants who were classified as “Foreign Orientals” (*Dt. Vreemde Oosterlingen*). (Hooker 1978: 194-195)

¹⁴For an overview of this area of Dutch Colonial law, see: Hooker, M.B. *A Concise Legal History of Southeast Asia*. Oxford: Clarendon Press, 1978. pp. 187-213.

¹⁵Lubis, Nur Ahmad Fadhil. “Institutionalization and the Unification of Islamic Courts under the New Order.” *Studia Islamika* II.1 (1995): 38. This is not to say, however, that Islamic law disappeared completely from the court system under the Dutch colonial administration. In fact, something of a process of standardization of the structure of Islamic courts, and the legal materials to be interpreted and applied by them, was developed over the nineteenth and early twentieth centuries that came to serve as the

study of 'traditional' law (*adatrecht*),¹⁶ which was now geared toward training not only academics and advisors, but actual administrators of this law in the Dutch East Indian colonies.¹⁷ In this context van Vollenhoven's pupil Ter Haar continued his teacher's efforts toward a general systematization of *Adat Law* in addition to his own, more specific studies.¹⁸ Ter Haar also played in a role in the development of Indonesian *Adat Law* as the teacher to a number of important Indonesian students of that field. While many of these scholars came to play influential roles in the constitutional and legal debates in the young Indonesian republic, at least one of them, Hazairin, also became involved in discussions of Islamic law, in ways that would have perhaps scandalized his mentor.¹⁹

basic foundation of the Islamic religious court system in independent Indonesia. See: Mahadi. *Beberapa Tjetetan Tentang Peradilan Agama*. Medan: Fakultas Hukum USU, 1969. For more on the subsequent development of these institutions, see: Lev, Daniel. *Islamic Legal Courts in Indonesia*. Berkeley: University of California Press, 1972; (Lubis 1995); and (Abdillah, Masykuri. *Responses of Indonesian Muslim Intellectuals to the Concept of Democracy (1966-1993)*. Hamburg: Abera, 1997. pp. 25-63).

¹⁶ For an overview of the development of adat law studies and their place in the history of Dutch legal policy and administration in the Netherlands East Indies, see Hoebel and Schiller's introduction to (Ter Haar 1948: 1-43).

¹⁷ A short but incisive study of this phenomenon in English can be found in: Ellen, Roy. "The Development of Anthropology and Colonial Policy in the Netherlands: 1800-1960," *Journal of the History of the Behavioral Sciences* 12 (1976): 303-324. A more recent and richly detailed history of the men and institutions associated with the development of this academic-administrative complex can be found in: Fasseur, C. *De Indologen: Ambtenaren voor de Oost, 1825-1950*. Amsterdam: Bert Bakker, 1993.

¹⁸ For example: Ter Haar, B. *Het adatproces der inlanders*. 1915; "Adaterfrecht op Java: Rechtsvorming en Rechtstoepassing." *Indisch Tijdschrift van het Recht* 148 (1938): 201-239; *Adat Law in Indonesia*. Trans. E. Adamson Hoebel and A. Arthur Schiller. New York: Institute of Pacific Relations, 1948.

¹⁹ An extensive discussion of Hazairin's contributions to the development of Islamic legal theory in Indonesia can be found later in this chapter.

The mobilization of Indonesian Islam

The institutional dis-establishment of more professedly 'Islamic' law in several parts of the Archipelago gave rise to considerable resentment against the Dutch on the part of a number of ulama, particularly in Aceh, which had only recently come under direct Dutch control. Though Muslim reactions to the incursion of Dutch economic and political hegemony had long met resistance from Muslim leaders in parts of Indonesia, they now assumed more 'modernized' forms such as that of the *Persatuan Ulama-Ulama Seluruh Aceh* (PUSA), founded in 1939 by Mohammad Daud Beureu'eh.²⁰ Eventually this organization, evolved into a full-blown separatist movement against the new government and allied itself with the Darul Islam movements of West Java and South Sulawesi.²¹

Under such pressure, the Dutch made a number of important concessions to Islamic groups in 1940. These included the opening of a special *penghulu* training school at Tjibeureum, West Java, and appropriating funds to support indigent pilgrims in the Holy Land, as well as the issuing of a series of postage stamps with a charity surcharge for the benefit of Muhammadiyah. However, these measures appear to have been too little too late for many Muslims living under Dutch colonial rule, as the frustration and resentment felt by many Indonesian Muslims seems to have facilitated the relatively warm reception that the Japanese received upon first taking the Archipelago from

²⁰(Ricklefs 1993: 200)

²¹There was also a somewhat parallel movement developing in Southern Kalimantan at this time. For an overview of these various local *Darul Islam* movements, see: Dijk, C. van. *Rebellion Under the Banner of Islam: The Darul Islam Movement in Indonesia* (Verhandelingen van het Koninklijk Instituut voor Taal-, Land- en Volkenkunde 94). The Hague: Martinus Nijhoff, 1981.

Dutch control in the name of the “Great East Asian Co-Prosperity Sphere” (Jp. *Dai-tôa Kyôei-ken*).²²

Under the Japanese occupation, Indonesian Islam underwent remarkable changes in the area of structure and organization as more modern methods were employed for the maximum mobilization of the Muslim population.²³ For, as Professor Ricklefs has pointed out, while both the Dutch and the Japanese wanted to control Indonesia for their own interests, they went about it in very different ways. The Dutch were accustomed to imposing an “orderly quiet” on Muslim activities in their colonies, whereas the Japanese, strapped by imposing wartime demands for energy and resources, chose to administer through mass mobilization.²⁴ In 1941, for example, the *Majelis Islam A’la Indonesia* (MIAI) was established at Medan as a new center of *da’wah* activity.²⁵ The Japanese, unlike the Dutch, viewed such

²²The best study of developments in Indonesian Islam during the Japanese occupation remains: Benda, H. J. *The Crescent and the Rising Sun: Indonesian Islam under the Japanese Occupation 1942-1945*. The Hague: W. van Hoeve LTD, 1958. Further useful information on the organizational and mobilization policies of Japanese in Indonesia can be found in the selection of documents translated in: Benda, Harry J., James K. Irikura, and Koichi Kishi Eds. *Japanese Military Administration in Indonesia: Selected Documents*. New Haven: Yale University Southeast Asia Studies, 1965. (especially pp. 133-165)

²³ However, there were also other contemporary mobilizations of the Indonesian population at this time, including that of the Indonesian Communist Party (PKI). For more on these counter mobilizations, see: Lucas, Anton, Ed. *Local Opposition and Underground Resistance to the Japanese in Java, 1942-1945*. Melbourne: Monash University Centre of Southeast Asian Studies, 1986.

²⁴(Ricklefs 1993: 201) For more on the intricate relationship of the Japanese Occupational Administration and the religious leadership of Muslim Indonesia, see: Kobayashi Yasuko. “Kyai and the Japanese Military,” *Studia Islamika* IV.3 (1997): 65-98.

²⁵H.A. Djalil Muhammad and Haji Abdullah Syah, M.A, Eds. *Sejarah Da’wah Islamiyah dan Perkembangannya di Sumatera Utara*. Medan: Majelis Ulama Daerah Tk. I Propinsi Sumatera Utara, 1983. p. 347.

organizations as a potential asset, rather than a threat, to their administration of the Archipelago.²⁶

In December of 1942 Horie Choso, head of the Japanese occupational government's Department of Religion, invited thirty-two *kyai* to Jakarta with the intention of utilizing *pesantren* networks for mobilization and indoctrination under the Japanese occupational government.²⁷ Such overtures to the traditional Muslim leadership of Java and other areas continued over the following years of the occupation and succeeded in establishing closer linkages between Muslim religious leaders and the Japanese regional administration. One of the most visible manifestations of this development was an attempt to get a hold on rural uprisings in Java by posting of Hasjim Asjari and Wachid Hasjim as heads of the Office of Religious Affairs in 1944.²⁸ This father and son pair were the first two leaders of Indonesia's largest organization of 'traditionalist' Muslims, the *Nahdlatul Ulama* (NU), and their cooperation with the occupational government greatly

²⁶Despite such overtures to Islamic organizations, the Japanese occupational administration can in no way be seen as supporting specifically Muslim interests over others in the internal political constellations of the Archipelago at that time. In fact as the war drew to a close, the Japanese shifted policy increasingly toward favoring the 'secular' nationalists who dominated the Japanese-appointed 'Investigating committee for Preparatory Work for Indonesian Independence,' (Ind. *Badan Penyelidik Usaha Persiapan Kemerdekaan Indonesia*). See: (Ricklefs 1993: 207-211).

²⁷(Ricklefs 1993: 204)

²⁸(Ricklefs 1993: 207); Lombard, D. "Hasjim Asj'ari (Kiyayi Haji)." *Dictionnaire Biographique des Savants et Grandes Figures du Monde Musulman Peripherique, du XIXe siècle a nos jours*. Paris: CNRS/EHESS, 1992- (Hereafter *Dictionnaire Biographique*); and Khuluq, Latiful. "K.H. Asy'ari's Contribution to Indonesian Independence." *Studia Islamika* V. 1 (1998): 41-67. For more on the latter, see: Aboebakar, Ed. *Sedjarah Hidup K.H. Wahid Hasjim dan Karangan Tersiar*. Jakarta: Panitia Buku Peringatan Alm. K.H.A. Wahid Hasjim, 1957; and Achmad Zaini. *Kyai Abdul Wahid Hasyim: His Contribution to Muslim Educational Reform and Indonesian Nationalism during the Twentieth Century*. Yogyakarta: Titian Ilahi Press, 1998.

assisted the movement toward the mass mobilization of Muslim manpower during this period.²⁹

The Islamic groups which had been significantly strengthened through institutional support under the Japanese emerged from the war more powerful than they had been at any previous time under the Dutch. After the surrender of the Japanese, Muslim groups who had gained a more organized power base and more sophisticated political skills played an important role in the early formation of the independent Republic of Indonesia. On the very day of the bombings that led to the Japanese surrender (14 August 1945), Kartosuwirjo first proclaimed the Islamic State *Negara Islam Indonesia*,³⁰ and within a few months of the Japanese surrender, the Muslim umbrella organization *Masjumi* transformed itself into a political party at a meeting in Yogyakarta.³¹

Even before the Japanese surrender, however, Indonesian Muslims began to assert their political will. In June of 1945, the nine Members of Soekarno's Advisory Council came to a compromise on a draft for the Preamble to the Constitution that came to be known as the "Jakarta Charter" (*Piagam Djakarta*). This included the controversial clause that stated that the Republic is founded on a set of principles, the first of which being: "the belief in God, with the obligations for adherents of Islam to practice Islamic law..."³² These second clause of this phrasing was later struck from the preamble as a

²⁹Some of the advances made in this direction under the Japanese had an effect on the institutional character of the organization that remained with it through much of its political adventures under the Soekarno regime and the early years of the New Order.

³⁰Jackson, Karl D. *Traditional Authority, Islam, and Rebellion: A Study of Indonesian Political Behavior*. Berkeley: University of California Press, 1980. p. 9.

³¹7 Nov. 1945 (Boland 1982: 42).

³²"ke-Tuhanan, dengan kewadjiban mendjalankan sjari`at Islam bagi pemeluk-pemeluknja..." Yamin, Muhammad. *Naskah Persiapan Undang-undang Dasar 1945*. Jakarta, 1959-1960. I: 145. See also: (Boland 1982: 26, Appendix I). This phrase came to be referred to as the "Seven Words" in later constitutional debates.

compromise offered to the Christian populations of the eastern Archipelago. Many Muslims came to see this as a betrayal of their aspirations for true independence and the controversy over the legal status of the preamble as originally worded in the Indonesian constitutions was to play a significant part in political debates over the following decades.³³

As popular Muslim resentment mounted over the wording of the final version of the constitution's preamble and the Nationalist's general stance toward organized Muslim religious groups, the government of the new Republic realized that certain concessions would have to be made. One of the most significant of these came in January 1946 with the establishment of an Indonesian Ministry of Religious Affairs.³⁴ The organization of this administrative section actually grew out of the Office for Religious Affairs organized under the Japanese occupational government. However the movement for its continuation and incorporation into the state structure of independent Indonesia was rejected at first by the 'secular' Nationalists. Mounting pressure, however, convinced the Sjahrir cabinet to grant a major concession to Muslim interests in the form of a full government ministry under the direction of H.M. Rasjidi.³⁵ The Ministry of Religious Affairs was

³³ For a history of the debates over the constitutional status of this document, known as the Jakarta Charter, including extensive appendices containing relevant primary materials, see: Anshari, H. Endang Saifuddin. *Piagam Jakarta, 22 Juni 1945: Sebuah Konsensus Nasional tentang Dasar Negara Republik Indonesia (1945-1949)*. Jakarta: Gema Insani Press, 1997. A shorter version of this work in English can be found in the same authors 1976 MA Thesis from the McGill University Institute of Islamic Studies entitled "The Jakarta Charter of June 1945: A History of the Gentleman's Agreement between the Islamic and the Secular Nationalists in Modern Indonesia."

³⁴ For more on the history, organization and activities of the Ministry of Religious Affairs, see: Noer, Deliar. *The Administration of Islam in Indonesia*. Ithaca: Cornell Modern Indonesia Project, 1978; and (Boland 1982: 105-112).

³⁵ For more on Rasjidi's life and works, see: Ananda, Endang Basri, Ed. *70 Tahun Prof. Dr. H.M. Rasjidi*. Jakarta: Harian Umum Pelita, 1985; Azra, Azyumardi. "Guarding the Faith of the Ummah: The Religio-Intellectual Journey of Mohammad Rasjidi." *Studia Islamika* 1.2

established primarily as a concession to Muslim interests under the Soekarno regime. However in later years the official structure of the Ministry also came to include separate sections addressing the needs of Indonesia's various religious communities: Muslims, Catholics, Protestant Christians, and Hindu-Buddhists. Nonetheless, perhaps even more than its demographic qualifications would dictate, the Muslim section dominates all others and generally controls the Ministry itself. As the one foothold that the Muslims were granted in the administration of the Republic, its leaders turned the Ministry from a mere political concession into an active agent for the mobilization of Muslims and the further islamization of society.

Progress in this direction, however, did not proceed unimpeded, and over the years that followed, the Ministry of Religious Affairs faced significant challenges by the Ministries of Education and the Interior for shares of power under Soekarno's rule. Eventually, after a significant period of struggle, the Ministry of Religious Affairs managed to consolidate its power and came to interact in crucial ways with other ministries, especially those of Education and Justice.³⁶ Here one could note the subjugation of the (Islamic) religious court systems to the Ministry of Religious Affairs rather than the Ministry of Justice further complicated the already confusedly contradicting amalgam of legal systems operating in the country.³⁷ In addition to this, some

(1994): 87-120; and Feillard, Andrée. "Rasjidi, (Haji) Mohammad." *Dictionnaire Biographique I*: 34-36.

³⁶On the place of the Ministry of Religious Affairs in both local and national configurations of power during 1950s, see: Geertz, Clifford. *The Religion of Java*. Chicago: University of Chicago Press, 1960. pp. 200-214.

³⁷Lev, Daniel. *Islamic Legal Courts in Indonesia*. Berkeley: University of California Press, 1972. For more on the subsequent institutional development of Islamic law in the Indonesian national court structure, see: Arifin, Busthanul. *Pelebagaan Hukum Islam di Indonesia: Akar Sejarah, Hambatan dan Prospeknya*. Jakarta: Gema Insani Press, 1996; as well as the essays contained in: Ahmad, Amrullah, Ed. *Dimensi Hukum Islam dalam*

of the most important developments in the national educational scheme came to be placed directly under the control of the Ministry of Religious Affairs, even to the exclusion of involvement of the Ministry of Education.³⁸ One of the most striking examples of this may be seen in the establishment and expansion of the IAIN;³⁹ a process in which a very prominent role was played by one of the founding fathers of 'Indonesian *fiqh*,' Hasbi Ash Shiddieqy.

Hasbi Ash Shiddieqy

Hasbi was born on 10 March 1904 at Lhok Seumawe, Aceh to a family that claimed descent from the Prophet's close companion and first Caliph, Abu Bakr al-Siddiq (d. 634).⁴⁰ As a member of the Acehnese ulama-elite, Hasbi studied religious subjects first under his father and then under a number of

Sistem Hukum Nasional, Mengenai 65 Th. Prof. Dr. H. Busthanul Arifin, SH. Jakarta: Gema Insani Press, 1996. Another more sociologically oriented study of these developments can be found in: Bisri, Cik Hasan. *Peradilan Islam dalam Tata-nan Masyarakat Indonesia.* Bandung: PT Remaja Rosdakarya, 1997.

³⁸In April 1950, Educational By-Law no. 4 was passed which decreed that religious instruction was to be given in all state schools, and that the way in which such instruction was carried out was to be determined by the Ministry of Education in conjunction with the Ministry of Religious Affairs. (Boland 1982: 110)

³⁹For an overview of these developments, see: *Information on State Institute for Islamic Studies (IAIN).* Jakarta: Direktorat Pembinaan Perguruan Tinggi Agama Islam, Departemen Agama RI, 1988-1989. For a more critical history of this institution and the serious challenges faced by it in its earliest years: (Boland 1982: 85-105, 120-123). More on the subsequent development of the IAIN will be discussed in the next chapter.

⁴⁰Biographical materials are relatively plentiful for Hasbi, but most of the relevant information has been compiled into the major accounts produced by Yudian Wahyudi and Hasbi's son, Nourouzzaman Ash Shiddieqy (Shiddiqi, Nourouzzaman. "Muhammad Hasbi Ash Shiddieqy: Pembaruan Pemikiran Islam." *Jeram-Jeram Peradaban Muslim.* Yogyakarta: Pustaka Pelajar, 1996. pp. 217-253; *Fiqh Indonesia: Penggagas dan Gagasannya.* Yogyakarta: Pustaka Pelajar, 1995; and Yudian Wayhudi. "Hasbi's Theory of Ijtihād in the Context of Indonesian Fiqh." Diss. McGill University, 1993. pp. 12-23). The short biographical sketch that follows is drawn primarily from these sources unless otherwise indicated.

prominent local shaykhs at various pesantren.⁴¹ During his early studies, Hasbi's father forbade him to study the Latin alphabet, as he equated that script with the Dutch 'infidels.' Later, however, Hasbi asked one of his friends to teach it to him in order to escape from the disadvantages of illiteracy in this increasingly popular script.

After completing his studies in 1920, he returned home to Lhok Seumawe where he met one of the founders of the reformist journal *al-Imam* who had recently moved to Aceh from Singapore.⁴² Over time Hasbi grew increasingly attracted to reformist ideas and eventually decided to pursue them more systematically at the *al-Irsyad* school in Surabaya. In 1927, Hasbi formally joined al-Kalali's *Islam Menjadi Bersatu* and the following year he was appointed head of a new but short-lived *al-Irsyad* school of his own at Lhok Seumawe. Over the next few years, Hasbi became involved in an increasing number of reformist voluntary associations and educational institutions. In 1929 he became the head of the newly founded *al-Huda* school at Krueng Mane and in 1931 he was elected as the first leader of the local branch of the *Jong Islamiten Bond*. Just a few years later, however, he moved once again to the provincial capitol at Kutaradja and there attained high-level positions in the *Nadil Ishlahil Islami*, *Muhammadiyah*, and other reformist organizations. During this time he also taught at several local schools and eventually founded his own in 1940 under the name *Darul Irfan*.

⁴¹These included Teungku Chik Piyeung of Blang Kabu Geudong, the Teungku Chik of Blang Banyak Samakurok, Teungku Chik Idris of Tunjungan Samalanga and Teungku Chik Hasan of Krueng Kale.

⁴²This man, known as al-Kalali, was active in the establishment of the modernist organization *Islam Menjadi Bersatu* at Kutaradja (Banda Aceh) lent Salafi publications of the works of Ibn Taymiyya and Ibn al-Qayyim al-Jawziyya to Hasbi for further study.

During the war-time Japanese occupation of Indonesia, Hasbi assumed a number of significant posts in the *Maibkatra*⁴³ (Islamic Council for Support of Great East Asian Prosperity), the Religious Courts (Jp. *Shûkyô-kai*), the Acehese Regional Government Advisory Board (Jp. *Ache Shûsan-gikai*), the Sumatran Central Representative Body (Jp. *Sumatora Chûo-sangi-in*), and other administrative departments. After the Japanese surrender he was imprisoned by a Sumatran social revolutionary movement for over a year. Within a year of being released, however, he re-entered local politics. He quickly rose through the ranks of the local branch of *Masjumi* and later, on the national level, became a member of *Masjumi's* delegation to the Constituent Assembly in 1956. Throughout this time Hasbi remained active in more specifically religious organizations as well, most notably through his founding of a local branch of *PERSIS* at Lhok Seumawe.

While engaged in all of this organizational and educational work, Hasbi was also active in the mass media. In addition to acting as editor of the local Kutaradja publications *Soeara Atjeh* and *al-Islam* during the 1930's, Hasbi also authored regular columns on Islamic law and other subjects under the pseudonyms of Aboe Zoeharah and Ibnoelhoesein for *Pedoman Islam*. In the decades that followed, he continued to publish in a number of periodicals, following the model set by A. Hassan and other reformists before him. His writings regularly appeared in columns and assorted articles in a number of magazines, newspapers, and journals, including: *Pandji Islami*, *Lasjkar Islam*,

⁴³An abbreviation of the Indonesian, *Majelis Agama Islam untuk Bantuan Kemakmuran Asia Timur Raya*.

*Hikmah, Panji Masyarakat, Suara Muhammadiyah, Al-Jami'ah, and Sinar Darussalam.*⁴⁴

His most effective combination of religious and political activity was, however, that undertaken within the Indonesian system of State Islamic Colleges (*IAIN*), which began with his appointment as a lecturer at Yogyakarta in 1951. By 1960 he had risen in prominence within the system to the position of Dean of the Faculty of Shari'ah at Yogyakarta. He later also served in the same position for the *IAIN* branch established back in Aceh after 1962, and the Assistant Rector of *IAIN* Kalijaga in Yogya. Known as one of the elite 'Flying Professors' (*Dosen Terbang*)⁴⁵ of his day, Hasbi worked in various capacities at a number of *IAIN* campuses and served as the general coordinator for post-graduate courses in Islamic law for the *IAIN* staff. In these positions Hasbi was able to make a significant impression upon a generation of Indonesian Muslim religious scholars graduating from *IAINs* around the country as well as the numerous private universities with which Hasbi was affiliated to various degrees.⁴⁶

In addition to his administrative and direct teaching work at the *IAIN*, Hasbi also worked more than any other single Indonesian author toward the production of materials to be used in the curriculum of these institutions. Of his prolific publications, many of them were first conceived as the basis for

⁴⁴(Wayhudi 1993: 20)

⁴⁵For want of qualified personnel many early Indonesian universities shared expert faculty, who regularly commuted between cities throughout the Archipelago.

⁴⁶These included Al-Irsyad University and Cokroaminoto University in Surakarta, Universitas Islam Indonesia at Yogya, and the Universitas Sultan Agung at Semarang (*Ibid.*).

instruction in IAIN and other religious education institutions.⁴⁷ Many of Hasbi's writings have been reprinted multiple times since his death in 1975. Most recently, in 1997, the Semarang-based publisher Pustaka Rizki Putra reissued over a dozen of his most popular works in 'new editions' in which the language, spelling, and style have been updated to make them more accessible to contemporary Indonesian readers.⁴⁸

It was also through his connections with IAIN that Hasbi was able to considerably expand his horizons beyond the circles of Acehnese, and even Indonesian Ulama into contemporary developments in the wider Muslim world. For at this time the growing system of IAIN schools was being supported by Soekarno's government. During this time, and perhaps as a reflection of Soekarno's non-Bloc ideology and relationship with Gamal Abd al-Nasser, orientational parallels and institutional relationships developed between the IAIN and the reformed al-Azhar at Cairo.⁴⁹ One of the most public manifestations of this increasingly warm relationship may be seen in the exchange of prominent honorary doctorate degrees. In 1958, the prominent

⁴⁷A nearly complete bibliography can be found in (Shidiqi 1997: 220). There are listed some 73 titles, six dealing with *tafsîr*, eight with *hadith*, five with aspects of theology (*kalâm/ tawhîd*), 17 general subjects, and 36 on *fiqh* and related issues.

⁴⁸These editions enjoy a great national distribution and can be found in bookstores throughout the Archipelago. In the publishers preface to these volumes they acknowledge their cooperation with Hasbi's heirs to make this Semarang firm the, "trusted sole distributor" of his work. ("Pengantar dari Penerbit," *Pokok-pokok Pegangan Imam Mazhab*. Semarang: Pustaka Rizki Putra, 1997).

⁴⁹Mona Abaza has commented on the political dimensions of this phenomenon, writing: "Al-Azhar of Egypt was thus reformed and shaped so as to reflect the international Afro-Asiatic ideology and then the Masjumi in Indonesian went to far as to threaten Soekarno, they were banned, as had happened to the Muslim Brothers in Egypt." ("The Discourse on Islamic Fundamentalism in the Middle East and Southeast Asia: A Critical Perspective." *Sojourn* 6.2 (1991): 222-223. For more on the relationship between internationalist ideologies and the reformation of Muslim religious institutions in modern Egypt, see: Skovgaard-Petersen, J. *Defining Islam for the Egyptian State: Muftis and Fatwas of the Dar al-Ifta*. Leiden: E.J. Brill, 1997. pp. 189-193.

Indonesian author Hamka was awarded one from al-Azhar.⁵⁰ The same honor was reciprocally conferred on the rector of al-Azhar, Shaykh Mahmūd Shaltūt by the IAIN in 1962.⁵¹

The selection of Shaltut for this distinction reflects not only the political dimensions of Egyptian-Indonesian relations of the time, but also an affinity of religious orientation between the Azherite Shaykh and the administration of IAIN. In the presentation speech for this honorary degree, Shaltut was praised for being not only a *mufassir* and scholar of *fiqh*, but also as a 'sociologist' who was in touch with the problems of contemporary society and knew how to address them.⁵² As a prominent figure in the IAIN, Hasbi's particular attraction to Shaltut's ideas on both *tafsîr* and jurisprudence were reflected in much of his later work, and thence left an important impression upon subsequent developments in both of these fields of Muslim learning in Indonesia.⁵³

⁵⁰ More on his life and works can be found in the present author's forthcoming study of Hamka.

⁵¹ Jahja, Muchtar. "Pidato Promosi Doctor Honoris Causa oleh IAIN... Yogyakarta kepada Prof. Dr. Sjaich Mahmoud Shaltout. *Buku Tahunan Institut Agama Islam Negeri 'Al-Djami`ah Al-Islamijah Al-Hukumijah' 1960-1962*. Jogjakarta: IAIN 'Al-Djami`ah Al-Islamijah Al-Hukumijah,' 1962. pp. 109-127. For more on the life and works of Shaltūt, see: Lemke, Wolf-Dieter. *Mahmud Saltut (1893-1963) und die Reform der Azhar*. Frankfurt am Main, 1980; and Zebiri, K. *Mahmūd Shaltūt and Islamic Modernism*. Oxford: Clarendon Press, 1993.

⁵² Muchtar Jahja, "Pidato Promosi Doctor Honoris Causa oleh IAIN... Yogyakarta kepada Prof. Dr. Sjaich Mahmoud Shaltout," *Buku Tahunan Institut Agama Islam Negeri 'Al-Djami`ah Al-Islamijah Al-Hukumijah' 1960-1962*. Jogjakarta: Institut Agama Islam Negeri Al-Djami`ah Al-Islamijah Al-Hukumijah, 1962. p. 132. It is interesting to note here that during Shaltut's day, the *kulliyat usūl al-dīn* at al-Azhar began to include sociology as part of its standard curriculum. See: Jomier, Jacques. "Programme et orientation des études a la faculté de théologie d'Al-Azhar (kulliyat usūl al-dīn)," *Revue des Études Islamiques* 44 (1976): 253-272.

⁵³ See: Shaltut, Mahmud. *Al-Islām: 'Aqidah wa shari'ah*. Beirut: Dar al-Sharq, 1988. This work of Shaltut's has also been translated into Indonesian as: *Islam: Aqidah dan Syari'ah* (trans. Abdurrahman Zain). Jakarta: Pustaka Amani, 1986.

Before going directly into an examination of Hasbi's work, we should note one important point. Yudian Wahyudi has demonstrated that in his prolific production, Hasbi was occasionally "inconsistent" on a number of issues. One example of this can be found in his statements on the issue of *naskh*. Yudian notes that in the 1953 edition of his *Pengantar Hukum Islam*, Hasbi accepted the principle of abrogation and even considered the knowledge of this sub-field of *'usûl al-fiqh* as one of the requirements for becoming a *mujtahid*. In another writing from July of the same year, he seems to totally reverse this position to argue that there were in fact no instances of any verses being abrogated (*mansûkh*) in the text of the Qur'an. Then, years later, he seems to accept the possibility of abrogation once again in writings from 1967 and 1972, only to reject the same position in his 1974 work *Falsafah Hukum Islam*.⁵⁴

Such inconsistencies are not uncommon on a number of other issues dealt with in more than one place in Hasbi's writings, and unfortunately the chronological sequencing of his alternations on various positions is unable to be accounted in terms of a systematic development of his thought. At times Hasbi even seems to hold mutually opposite views even within the same text. For example, in his *tafsir* of *Surat Yusuf* in *al-Bayaan*, he seems at times to subscribe to mutually contradictory positions on *isra'iliyyat*. In connection with verses 15-18, he comments that:

For we Muslims, the Qur'an is the [only] source for the story of Joseph and his brothers. This is the version that we can trust. There are other variant stories found in the books of *tafsir*

⁵⁴(Wahyudi 1993: 21-22) Cf Ash Shiddieqy, Hasbi. *Falsafah Hukum Islam*. Jakarta: Bulan Bintang, 1975. pp. 78-79.

that draw upon the *isra'iliyyat* and commentaries from the Torah, but we cannot rely upon them...⁵⁵

Such a strong stance does not seem in accordance with his own use of such material, even in his *tafsir* of earlier sections of the same *surah*, where without citing his source he tells us that Jakob is also sometimes referred to as Isra'il. Hasbi is also somehow able to provide us with the names of Benjamin and his wife Rahil, who was the daughter of his aunt Laban, although this information is nowhere to be found within the actual Qur'anic text and which could only be supplied by traditions which many would consider *isra'illiyat*.

Considering such problems of consistency, it may prove impossible to determine with absolute certainty Hasbi's position on a particular topic. With all of these apparent inconsistencies and shortcomings, what value then can we ascribe to Hasbi's works in the history of modern Indonesian Islamic literature? Perhaps the most obvious is the service it rendered toward the vernacularization of classical and contemporary works of Islamic scholarship in Arabic; thereby making such writings more accessible to younger scholars without traditional training in the Islamic religious sciences. Here Hasbi made a valuable contribution to the development of Islamic law and legal theories in Indonesia by greatly expanding the canon of texts referred to in discussions on the subject. This has had a very important effect on later developments that has thus far received little attention from most scholars who tend settle for simplistic explanations of Indonesian reformism as a distant child of Muhammad `Abduh's thought. Furthermore, Hasbi used elements from this wider tradition of Islamic scholarship in the formulation of what he conceived

⁵⁵ *Yusuf* (12): 15-1/Cf. Ash-Shiddieqy, Hasbi. *Tafsir al-Qurānul Madjied 'An-Nur'*. Jakarta: Bulan Bintang, 1965. II: 125.

as a uniquely Indonesian approach to Islamic jurisprudence (Ind. *Fikih Indonesia*). This self-conscious local contextualization of the 'classical' tradition of Islamic legal scholarship was, as we shall see, to become an integral aspect of Indonesian Islamic thought in the later decades of the twentieth-century.

Problems of comprehensive consistency aside, there does remain throughout a dominant tone and general orientation that makes itself manifest in much of Hasbi's work. It is toward this that we will direct our comments here. His voluminous writings were conceived and produced in a context of complex academic and public developments to which they both responded and positively contributed. Much of this was connected with the systematization of the IAIN curriculum as it was evolving at the time. Through his involvement with the IAIN, Hasbi played an important role in the development of new materials for the teaching of Islamic religious subjects in a way that was thought relevant to the contemporary Indonesian situation. In these works, Hasbi drew on a wide variety of medieval and modern authorities in a conscious attempt to expand the corpus of Muslim scholarship studied in Indonesia. Among them, the most prominent influences visible in Hasbi's works are the twentieth-century Azherite reformists Muhammad Mustafa al-Maraghi (d. 1945), `Abd al-Wahhab al-Khallaf (d. 1956), and Mahmud Shaltut (d. 1963).⁵⁶

⁵⁶ For overviews of these figures and their works, see: Sonbol, Amira El Azhary. "Maraghi, Mustafa Al- (1881-1945)," *The Oxford Encyclopedia of the Modern Islamic World* (John L. Esposito, ed.). New York: Oxford University Press, 1995. III: 44-45; Sonbol, Amira El Azhary. "Shaltut, Mahmud (1893-1963)," *Ibid.* IV: 42-43; and Hallaq, Wael B. *A History of Islamic Legal Theories: An Introduction to Sunni Usul al-Fiqh*. Cambridge: University Press, 1997. pp. 220-224.

Hasbi authored over a dozen introductory text books and other Indonesian works on such subjects as jurisprudence, devotionism, and the Qur'anic sciences. In addition to this, Hasbi was also the author of much larger works on Qur'an and hadith, in this way perhaps following up on some of the work of earlier reformists such as Hassan and Chalil. In fact, Hasbi expended some of his grandest efforts in the field of tafsir, producing not only an introduction to such sub-disciplines as *naskh* and *asbab al-nuzul*,⁵⁷ but also two lengthy works of *tafsîr*, entitled *An-Nur*⁵⁸ and *Al Bayaan*, respectively.⁵⁹ In addition to a concern for Islamic reform, however, other motivations seem to have been at work as well; including those deriving from Hasbi's own involvement in the IAIN, as well as his nationalist sentiments. In the introduction to his *Tafsir al-Bayaan*, he explicitly states that his work was addressing a pressing need in society:

Indonesia is in need of the development of works of *tafsir* written in the language of national unity (Bahasa Indonesia). It is time for the proliferation of Islamic reading materials in Indonesian society, and for the creation of a work of *tafsir* in straightforward language that calls for readers to understand the verses of the Qur'an with the help of the text itself, as God has stated that one half of the Qur'an explains the other.⁶⁰

Working as he did through the expanding national system of IAIN, Hasbi framed the creation of such a new corpus of works on Islamic subjects squarely within the framework of developments in the field of education:

⁵⁷Ash Shiddieqy, Hasbi. *Ilmu-ilmu al-Qur'an: Media-media Pokok dalam Menafsirkan al-Qur'an*. Jakarta: Bulan Bintang, 1972.

⁵⁸Originally published in 1956. In this paper, all references are to the second edition of this work: Ash-Shiddieqy, H. *Tafsir al-Qur'anul Madjied 'An-Nur'*. Jakarta, Bulan Bintang 1965.

⁵⁹Hasbi himself saw this work as a revision of the translations in and a reworking of the commentary presented in his earlier work *An-Nur*. (*Tafsir Al Bayaan*. Yogyakarta, 1966. p. 7)

⁶⁰*Tafsir Al Bayaan*, 5.

Connected with the development of Islamic institutions of higher learning in Indonesia... there is an active attention being directed toward the further spread and development of Islamic culture. This requires even further efforts to be directed toward the rendering of the Qur'an, the Sunnah of the Prophet, and other Islamic books into the national language.⁶¹

In the 1950's there was a marked increase in the production of *tafsir* works written in modern Indonesian with the Latin script, of which Hasbi's works are major examples.⁶² Of all the twentieth-century works of *tafsir* produced in Indonesian, Hasbi's *Tafsir an-Nur*, first published in 1956, seems to have attracted the most prominent attention in international scholarship.⁶³ Boland highly commended this work's "sober and scholarly" qualities, while Johns has discussed Hasbi's selective use of material from Middle Eastern Muslim modernists, noting that:

In the structuring of his discussion at least, there is clear influence of `Abduh's approach. But what of `Abduh has been put in, what has been left out? The moral lesson, and the defense of the *'isma* of the Prophet are clear. Ash-Shiddieqy has, however, omitted the... positivistic, deist type of rationalism, the account of the clear intelligence which brought the blind man to Muhammad in the first place, so important to `Abduh; and in *al-Falaq* he omits `Abduh's pericope on the relative character of evil "what is bad for you is good for the lion who devours you..."⁶⁴

⁶¹Ash-Shiddieqy, H. *Tafsir al-Qur'anul Madjied 'An-Nur'*. Jakarta: Bulan Bintang, 1965. I: 3.

⁶²For an overview of these developments, see: Feener, R. Michael. "Notes toward a History of Qur'anic Exegesis in Muslim Southeast Asia." *Studia Islamika* V. 4 (1998).

⁶³Boland, B.J. *The Struggle of Islam in Modern Indonesia* (Verhandelingen van het Koninklijk Instituut voor Taal-, Land- en Volkenkunde, 59) The Hague: Martinus Nijhoff, 1982. p. 201.

⁶⁴Johns, A.H. "Islam in the Malay World; An Exploratory Survey with some reference to Quranic exegesis." *Islam in Asia*. Ed. Raphael Israeli and Anthony H. Johns. Jerusalem: Magnes Press, 1984. II: 157.

There is however one important element of Hasbi's work not mentioned in Johns' overview; that being the predominant influence of the later Egyptian *mufasssir* al-Maraghi (d. 1945).⁶⁵ Hasbi seems to have admired al-Maraghi for his focus on the legal aspects of the Qur'an as well as for his conscious attempt to make his work more accessible through simplification of language and restricting his use of technical terms.⁶⁶ These two aspects of Maraghi's work fit extremely well with Hasbi's program to make the Qur'an and its message more accessible and immediately relevant to the lives of Muslims in his society.⁶⁷ Hasbi followed Maraghi's movement toward simplicity of language and conscious reduction of the use of technical terminology in order to make the work accessible to a larger audience.⁶⁸

The stylistic and other parallels between the two works were so close in many cases that some critics of the first edition of *Tafsir al-Nur* labeled it little more than an Indonesian translation of Maraghi's work.⁶⁹ The accusations of

⁶⁵ al-Maraghi, Mustafa. *Tafsir al-Marâghî*. Cairo: Mustafa al-Babi al-Halabi, 1946. Later translated into Bahasa Indonesia as: al-Maragi, A. M. *Terjemah Tafsir al-Maragi*. Semarang: Toha Putra, 1992.

⁶⁶ *Tafsir An-Nur*, 7-8 and 18.

⁶⁷ Maraghi's efforts to update the curriculum of Islamic religious education included a call for modern Muslim authors of textbooks to, "set forth the old learning in the new ways." (al-Maraghi. "A Defense of Reforms in Al-Azhar." *Muslim World* 19 (1929): 193/ Cit. Zebiri 1993: 19)

⁶⁸ e.g. in: al-Maraghi (*op. cit.*), 11-20; *Tafsir al-Nur* I: 5ff.

⁶⁹ Such accusations were refuted by Hasbi in the preface to the second edition of his work. (*al-Nur* I: 9-11). Here it is interesting to note the parallels between these charges of plagiarism and those addressed toward one of Hasbi's most prominent contemporaries, Hamka. Both of these men were reform-oriented autodidacts who were prolific in their production of works on Islamic religious subjects, and especially monumental works of *tafsir*. Such high-profile alternatives to the monopoly on religious learning previously held by those with a traditional religious education may have been seen as a threat to some who felt the need to respond with public criticisms and condemnations. Seen from another perspective, however, we realize that in the tradition of Muslim learning the incorporation of the work of previous scholars without necessarily documenting it was a well established practice. The idea that the standards for such 'borrowing' were now seen as being quite different may indicate something of the new ways in which ideas of textual authority and intellectual property were being reevaluated in the context of an expanding print culture.

plagiarizing al-Maraghi's *tafsîr* seem to be overstating the case to some extent, as within Hasbi's *tafsîr* one also finds interesting incorporations and combinations of other previous interpretations from Indonesia and beyond.⁷⁰ This kind of creative appropriation of elements from Islamic modernism and elsewhere has subsequently come to characterize other works of twentieth-century Indonesian Qur'an translation and commentary.

Another twentieth-century Egyptian reformer whose *tafsîr* served as an inspiration for Hasbi was Mahmud Shaltut.⁷¹ Shaltut's combination of emphases on interpreting the Qur'an on its own terms, addressing legal questions in his *tafsîr*, and accessibility appealed strongly to Hasbi. In fact what one observer has said of Shaltut could equally be applied to Hasbi; i.e., they both worked to, "demystify the Islamic disciplines of *fiqh* and *tafsîr* to make them more accessible to lay Muslims."⁷² However there are also important ways in which Hasbi differed from the interpretations of Shaltut, for instance in their respective regard for *tafsîr* 'ilmi or (rational science oriented exegesis). Whereas Shaltut expressed considerable reservations on

⁷⁰ For instance he cites not only such 'standard' works as that of al-Baydawi, but also the *Fath al-Qadir* of the radical eighteenth-century Yemeni *mujtahid* al-Shawkani. Other interesting sources employed by Hasbi in compiling his *tafsîr* include al-Tibi's *Hashiyyah tafsîr al-Zamakhshari* in addition to the original *Kashshaf*, Ibn 'Arabi's *Tafsîr Ahkamu'l Qur'an* as well as Wensinck's index to the hadith, *Miftah Kunuzis Sunnah*. Revelaling Hasbi's historiographical approach to the Islamic Religious sciences, he also cites Ibn Khaldun and even biographical dictionaries of earlier scholars such as al-Subki's Shafi'i *Tabaqât*.

⁷¹ Shaltut, Mahmud. *Tafsîr al-Qur'ân al-Karîm, al-'ajza' al-'ashra al-'ûlâ*. Cairo: Dar al-Qalam, 1960. This work is now also available in Indonesian translation as: *Tafsîr al-Quranul Karim (Pendekatan Syaltut dalam Menggali Esensi al-Quran)*. Bandung: Diponegoro, 1989. For more on Shaltut's *tafsîr*, see: Zebiri 1993: 128-180.

⁷² Before its publication as a book, this work was printed in the periodical *Risalat al-Islam*, a journal devoted to the "unifying of the denominations of Islam," (Ar. *at-Taqrîb bayn al-madhâhib*). (Zebiri 1993: 181) / Cf. (Jansen 1980: 14-15)

the usefulness of such an exercise,⁷³ Hasbi at times seemed to endorse it rather uncritically; as for example in his *tafsîr* of *surah al-Rahman* (55), and the first section of *surah al-Ra'd* (13).⁷⁴ In the former Hasbi claims that the descriptions of the “Two Easts” and the “Two Wests” actually prefigure modern models of the annual solar cycle and declinations; while in the latter he extols the way in which the Qur’anic verse relating that God created all things in pairs, male and female, as a scriptural starting point for the modern science of Biology.

After the Qur’an, of course, the next most important source of Islamic law is the Sunnah. In his works on this subject, Hasbi carefully ground the latter in the former, not only by scrutinizing the content for possible conflicts, but also by systematically demonstrating the Qur’anic statements which he saw as supporting the use of hadith as a source of law.⁷⁵ Likewise in his work of *tafsir*, he also lays down fairly stringent requirements for the use of hadith,⁷⁶ reflecting his earlier years of involvement with the radical

⁷³Shaltut’s primary reservations were based on the understanding that ‘Science’ is not a fixed body of facts, but rather an ongoing experimental method which should be constantly open to revision and correction. Such a provisional foundation for its theories was seen as being on a completely different scale from the eternal truths contained in the Qur’an. If the scientific understanding of a specific natural phenomenon changes on account of new experiments or observations, what then would be the consequences on earlier *tafsîr* that linked Qur’anic statements to previously held theories now viewed to be in error?

⁷⁴ *Al-Rahman* (55): 17/ *Tafsir al-Nur*, 116.

⁷⁵ i.e., 16: 44 and 64, 7: 156, 59: 47, 4:65, 3: 31-32 and 164, 4: 80, 24: 47-54 and 62, and 33: 36/ *Problematika Hadits sebagai Dasar Pembinaan Hukum Islam*. Jakarta: Bulan Bintang, 1964. p. 7.

⁷⁶The close intersections of *tafsîr* and hadith scholarship are of course nothing new to Hasbi’s work, but in fact characterize works in both areas from the earliest periods of Islamic textual production. (Speight, R. Marston. “The Function of *hadith* as Commentary on the Qur’ân, as seen in the Six Authoritative Collections.” *Approaches to the History of the Interpretation of the Qur’ân*. Ed. Andrew Rippin. Oxford: Clarendon Press, 1988. pp. 63-81)

reformist program of PERSIS. For instance, he recognizes the existence of *hadīth mutawâtir*, but only with the fulfillment of rather stringent requirements; i.e., that such a report must be found in all of the major collections with several distinct lines of transmission.⁷⁷ Hasbi regarded *hadīth al-mutawâtir*, *al-mashhûr*, and *al-'âhâdî al-sahîh*.⁷⁸ as sound bases for legal rulings as long as the text of either did not violate or contradict any firmly established Qur'anic proof.⁷⁹ Thus the Qur'an remained firmly established as the primary source of law, with hadith standing below it able only to specify (*taksîs*) or further explain general or ambiguous statements of the Qur'anic text.

In his advocacy of a more critical approach to the hadith as the basis for legal rulings, Hasbi drew upon an impressive selection of medieval and modern authorities.⁸⁰ In so doing he facilitated the further expansion of the corpus of hadith scholarship in Indonesia, an area of study that had received only minimal attention in the region before this century.⁸¹ While Hasbi dealt with the Sunnah in nearly everything he wrote, his most concentrated exploration of the study of hadith is presented in his *Sejarah dan Pengantar Ilmu Hadits*.⁸² This book, as its title indicates, is not only an introduction to

⁷⁷(Siddiqi 1997: 114) For more on Hasbi's understanding of hadith as a source of legal rulings, see: *Pengantar Ilmu Fiqh*, 177-182.

⁷⁸This last category of hadith refers to those reports delivered on only one line of transmission, and are sometimes also referred to in Arabic as *khâbar wâhid*. (*EI2* III: 25 and VII: 781)

⁷⁹The various classifications of hadith, as well as discussions of the various sub-disciplines concerned with their evaluation, are elaborated upon in *Sejarah dan Pengantar Ilmu Hadits*, 145-236, 326-343.

⁸⁰His sources range from works of the Hanbali scholar Ibn al-Jawzi (*Kitâb al-mawdû'ât*. Madina: Salafiya Press, 1386-88 H./1966-68) to al-Shawkani's *Nayl al-awtar*. Such references can be found throughout his *Sejarah dan Pengantar Ilmu Hadits*.

⁸¹Bruinessen, Martin van. "Kitab Kuning: Books in Arabic script used in the Pesantren Milieu." *BKI* (1990): 226-69.

⁸²Semarang: Pustaka Rizki Putra, 1997 (first published 1953).

hadith study, but a *history* of this discipline of Muslim scholarship. The focus on history is central for Hasbi, as he sees it as placing the development of the discipline in a perspective that appreciates its historical context for a better understanding its relationship to the present circumstances and its possible future development.⁸³ This reflects a much larger theme running throughout many of his works; i.e., a concern with presenting the historical development of Muslim scholarship in various fields. In doing this, Hasbi was able to open up Indonesian discussions of certain issues in ways that took into account a much wider array of Arabic textual sources from the whole range of Muslim history. At the same time he establishes the importance of viewing doctrinal and legal positions in light of the specific historical contexts that conditioned them; thus opening up the possibility of their reinterpretation in consideration of contemporary conditions.⁸⁴

In addition to this, there is another major aspect of Hasbi's writings on hadith that needs to be mentioned. Following the division of *'ibādāt* and *mu'amalāt*,⁸⁵ he also observed a basic and pervasive distinction between that which is essentially related to God and that concerned with human life on earth.⁸⁶ This was in turn reflected in his conception of the humanity of Muhammad in relation to his role as God's prophet. Here Hasbi distinguished

⁸³*Sejarah dan Pengantar Ilmu Hadits*, 24-25.

⁸⁴In addition to *Sejarah dan Pengantar Ilmu Hadits*, Hasbi also wrote similar handbook on the Qur'anic sciences (*Sejarah dan Pengantar Ilmu al-Qur'an/ Tafsir*) and jurisprudence (*Pengantar Ilmu Fiqh*) as well as lengthy biographies of the imams of the various legal schools, Sunni and Shi'a and even the Zahiris as represented by Ibn Hazm (*Pokok-pokok Pegangan Imam Mazhab*).

⁸⁵In one very telling discussion of this dichotomy, Hasbi actually refers to the second category as *adat* rather than *mu'amalāt*, at times apparently indiscriminately alternating his usage of these two terms. *Pengantar Ilmu Fiqh*, 20ff.

⁸⁶Such general distinctions between the realms of what might be termed in English the 'Eternal' and the 'Temporal,' respectively, are elaborated in: *Falsafah Hukum Islam*. Jakarta: Bulan Bintang, 1975. pp. 89 et passim.

between legally binding (*tashrī`*) and non-binding (*ghayr al-tashrī`*, or *al-irshād*) hadith. Hasbi supported this position in an argument based upon the oft-quoted hadith on the Prophet's mis-advice on date palm cultivation, which ends with the words, "you know better the affairs of this world."⁸⁷ Hasbi was able to separate Muhammad's statements and actions as a Prophet from those of his everyday life in the society of seventh-century Arabia. Through the establishment of this distinction, he could thus at once both do away with certain 'innovations' in religious practice,⁸⁸ while at the same time helping to free Indonesian Muslims from imitation of what he regarded as out-dated Arabic styles of dress, diet, personal hygiene, &c. Those hadith that Hasbi determined to be of continual, legally-binding relevance were collected into a multi-volume compilation entitled, *Koleksi Hadis-Hadis Hukum*.⁸⁹ Hasbi intended this as a secondary reference to his major handbook of substantive legal matters designed for use by students at the IAIN, as in the latter work he did not include the proof texts for his various positions on individual issues.⁹⁰

⁸⁷Several variants of this report are found in Hasbi's work (*Falsafah Hukum Islam*, 90-91). Interpretations of this text such as the one put forward by Hasbi have since come under considerable critique in the writings of Yusuf al-Qardhawi, whose works have in recent years enjoyed considerable popularity in Indonesian translation. See especially his: Qardhawi, Yusuf. *Fiqhul Ikhtilaf: Gerakan Perbedaan yang Dbolehkan dan Perpecahan yang Dilarang*. Trans. Aunur Rafiq Shaleh Tamhid. Jakarta: Robbani Press, 1995.

⁸⁸See his: *Kriteria antara Sunnah dan Bid'ah*. Jakarta: Bulan Bintang, 1967.

⁸⁹*Koleksi Hadis-hadis Hukum* (6 vols.). Jakarta: Yayasan Teungku Muhammad Hasbi Ash-Shiddiqi, 1994 (4th printing). The work was originally entitled *Al-Ahkaam (Hukum-hukum Fiqih Islam)*. Bandung: al-Ma'arif, 1951. In this text the relevant hadith are given in Arabic with and Indonesian translation and commentary.

⁹⁰*Hukum-hukum Fiqh Islam* (Semarang: Pustaka Rizki Putra, 1997). This work was first published in 1952 as *Pedoman Hukum Syar'y* (Jakarta: Pustaka Islam), the material of which was later rearranged to follow the more established organization of fiqh texts. This edition was entitled *Kitab Hukum-hukum Islam* (Jakarta: Bulan Bintang, 1960), by which name it was known for a decade before it's fourth printing when its named was established as *Hukum-hukum Fiqh Islam* for all subsequent printings.

Hasbi's views on hadith as a source of law followed in certain ways those of Shah Wali Allah al-Dihlawi,⁹¹ the renowned eighteenth-century Indian mystic, hadith scholar, and jurist.⁹² Shah Wali Allah maintained that to be a competent jurist, one must also be a qualified *muhaddith*, or scholar of hadith.⁹³ He also was one of the most prominent pre-modern expounders of such a distinction between the words and deeds of Muhammad as Prophet, and the routine behavior of his everyday life.⁹⁴ A similar distinction between the legally binding and merely customary elements of the Sunnah was later also

⁹¹More will be said of Dihlawi's influence on Hasbi below, especially in connection with the concept of *hikmah asrâr al-sharîah*. One of Hasbi's most sustained presentation on this aspect of his legal philosophy can be found in his *Kuliah Ibadah: Ibadah ditinjau dari segi Hukum dan Hikmah*. Jakarta: Bulan Bintang: 1954.

⁹²In the eighteenth-century there were important networks of scholars across the Muslim world which combined interests in mysticism, hadith scholarship, and legal reform in a complex that many modern scholars refer to as "Neo-Sufism." Neo-Sufism has begun to receive considerable attention over the past few decades, especially in studies dealing with an influential, international community of scholars involved in a renaissance of *hadith* studies, various 'Neo-Sufi' movements, and a renewed emphasis on *ijtihad*. Nonetheless our knowledge of the exact nature of the interplay of these various factors in eighteenth-century Islamic history remains limited. Some important efforts in developing our understanding of this dynamic can be found in the following works: Voll, J. "Muhammad Hayya al-Sindi and Muhammad ibn 'Abd al-Wahhab: An Analysis of an Intellectual Group in 18th Century Madina." *Bulletin of the School of Oriental and African Studies* XXXVII (1975); Voll, J. "Hadith Scholars and Tariqahs: An Ulama Group in the 18th Century Haramayn and their Impact in the Islamic World." *Journal of Asian and African Studies* XV (1980); Peters, R. "Idjtihad and Taqlid in 18th and 19th Century Islam." *Die Welt des Islams* XX.3-4 (1980): 131-145; Schulze, R. "Das Islamische Achtzehnte Jahrhundert: versuch einer historiographischen Kritik." *Die Welt des Islams* XXX (1990): 140-159; Peters, R. "Reinhard Schulze's Quest for an Islamic Enlightenment." *Die Welt des Islams* XXX (1990): 160-162; O'Fahey, R. S., and Bernd Radtke. "Neo-Sufism Reconsidered." *Der Islam* LXX.1 (1993): 52-87; Radtke, B. "Ijtihad and Neo-Sufism." *Asiatische Studien/ Études Asiatiques* XLVIII.3 (1994): 909-921. For more on the specific relevance of neo-Sufism for students of Southeast Asian history, see Azra, A. "The Transmission of Islamic Reformism to Indonesia: Networks of Middle Eastern and Malay-Indonesian 'Ulamâ' in the Seventeenth and Eighteenth Centuries." Diss. Columbia University, 1992. pp. 525-549.

⁹³Baljon, J.M.S. *Religion and Thought of Shâh Walî Allâh Dihlawî, 1703-1762*. Leiden: E.J. Brill, 1986. p. 152.

⁹⁴For more on Dihlawi's ideas on hadith, see: (Baljon 1986: 152-159).

maintained by Shaykh Shaltut,⁹⁵ and it is most likely that it is through this later reformer that Dihlawi's ideas were introduced to Hasbi and his Indonesian audience.⁹⁶

In the story of Hasbi's life and works we see many parallels existing between his activities and those of A. Hassan a generation earlier. Their involvement in various associations, education, and publishing show them working in a very similar milieu that is at the same time very different from that of traditional ulama. We find in fact that for at least some part of Hasbi's life, the content of Hassan's message as conveyed through *PERSIS* was attractive to Hasbi. Both men shared a similar concern with the condition of the Muslim community in their day and both strove to improve the situation through calls for a rethinking of religion and its place in society. However there were also fundamental differences. For Hassan, the solution to the dilemmas facing the Muslim community were to be found in a purified Islam, a religion stripped of all its illogical and scripturally-unfounded accretions. It was only in such a purified and simplified state that the Law of Islam could serve the interests of the Muslim community in modern times. However Hasbi felt that such a minimalist and scripturalist understanding of Islam would be unable to address the problems posed by the complexity of modern life in Indonesia.

⁹⁵(Zebiri 1993: 83)

⁹⁶A similar set of influences seems to be at work in Hasbi's ideas on the historical divergences of the established *madhâhib*, which echo the message of al-Dihlawi as well as Shaltut's *Muqâranah al-madhâhib*. Since Hasbi's day, both of these works have become more directly available in Indonesian translation. Al-Dihlawi's views on this matter in his *Al-Insâf fî bayân asbâb al-ikhtilaf* can be found in: Nafis, Abd. Wadud, and Darmanto Trans. *Sebab-sebab Munculnya Madzhab Fiqih*. Jakarta: Arista Brahmadyasa, 1996. More on Shaltut' influence on Hasbi will be discussed below.

True to his reformist background, Hasbi saw his works on Qur'an and hadith studies as integral steps toward the reform and revitalization of Islamic law. However another important part of this move toward a purification of revealed Law from the corruptions of human innovation involved the refutation of unthinking alliance to any one 'school of law' (*madhhab*). Hassan's rejection of this has already been discussed, but for Hasbi the rejection was not so total. His basic openness to exploring what was good in the writings of the various schools might be seen as an extension of the work of Moenawar Chalil in his *Biografi Empat Serangkai Imam Madzhab*. In fact, one of Hasbi's longest monographs, *Pokok-pokok Pegangan Imam Madhhab*, was of a very similar vein. From this more open historical perspective, Hasbi did not so much reject the positions of the older schools as to create a new openness toward them in all their variety. He seems to have believed that in the writings of the earlier jurists there was much still of value, and that contemporary Muslims could benefit if they were more open to a careful selection of previous rulings from a number of schools if those particular rulings could be seen to be relevant to the contemporary situation.

The practice of switching between the rulings of multiple law schools on particular topics is known in Arabic as *tafiiq*.⁹⁷ In the twentieth-century this legal device has been used extensively by those seeking the reform of

⁹⁷Perhaps the most enthusiastic proponent of this eclectic approach in twentieth-century Indonesia has been Ibrahim Hosen, who proposes a radical application of *tafiiq* in several of his essays, including: "Taqlid dan Ijtihad: Beberapa Pengertian Dasar," *Kontekstualisasi Doktrin Islam dalam Sejarah*. Ed. Budy Munawar-Rachman. Jakarta: Yayasan Paramadina, 1994. See also: Bakri, Hasbullah et al., Eds. *Prof. K.H. Ibrahim Hosen dan Pembaharuan Hukum Islam di Indonesia*. Jakarta: CV. Putra Harapan, 1990. More on Hosen's life and works will be presented in a forthcoming article by the present author.

Islamic law in many countries, especially in the area of family law.⁹⁸ Carrying out this activity to its fullest potential required a comprehensive knowledge of the rulings of the various *madhâhib*. This modern realization was by no means original to Hasbi. By his time it had already gained significant ground through the work of prominent reform-oriented scholars associated with al-Azhar such as Muhammad Mustafa al-Maraghi and Mahmud Shaltut.⁹⁹ Al-Maraghi called for a renewed *ijtihâd*, one that would work beyond the boundaries of any one of the established legal schools and thus overcome the limitations of sectarianism (*madhhabiyya*).¹⁰⁰ His work in this direction was continued by his successor Shaltut who reinvigorated the science of comparative Muslim legal studies with the publication of his *Muqâranat al-madhâhib fi'l-fiqh*.¹⁰¹ While this work drew on a tradition of Islamic legal literature extending back through Ibn Rushd to al-Tabari's *Kitâb ikhtilâf al-fuqahâ'*,¹⁰² Shaltut was also responding to a 'modern' movement

⁹⁸Anderson, J.N.D. "Recent Reforms in Family Law in the Arab World." *Zeitschrift für vergleichende Rechtswissenschaft* 65 (1963).

⁹⁹Shaltut is praised for not being an "*alim mazhabi*" but rather a scholar with a wider knowledge of many schools of law who is able to make well informed comparisons and critiques of their various positions on a given issue. (Mughtar Jahja, "Pidato Promosi Doctor Honoris Causa oleh IAIN... Yogyakarta kepada Prof. Dr. Sjaich Mahmoud Shaltout," *Buku Tahunan Institut Agama Islam Negeri 'Al-Djami`ah Al-Islamijah Al-Hukumijah' 1960-1962*. Jogjakarta: Institut Agama Islam Negeri Al-Djami`ah Al-Islamijah Al-Hukumijah, 1962. pp. 117 ff.)

¹⁰⁰al-Maraghi, Mustafa. *Al-ijtihâd fî al-Islâm*. Cairo: al-Maktab al-Fann, 1959.

¹⁰¹(in collaboration with Muhammad `Ali Sayis) Cairo: Matba`at Muhammad `Ali Subayh, 1953. This work was later translated into Indonesian as: *Perbandingan Mazhab dalam Masalah Fiqih*. Jakarta: Bulan Bintang, 1973. Shaltut's work in this area comprises a major part of his career, including not only the writing of the above-mentioned work, but also his twenty-five years of involvement in the *Jamâ`at al-taqrib bayna al-madhâhib* and the publication of its journal *Risâlat al-Islam*, which first printed Shaltut's tafsir in a series of regular installments. (Zebiri 1993: 24-26)

¹⁰² One must be careful, however, not to conflate works on the variation of legal rulings between various jurists and their schools with another sub-discipline also known as *ilm al-ikhtilâfât* that deals specifically with variations of the data in hadith reports of the

away from exclusive adherence to any particular school as promoted by Muhammad Abduh.¹⁰³ Furthermore Shaltut paid conscious attention to technical methodological and theoretical aspects of comparison which made his work significantly different from earlier compilations which often listed the various positions existing on an issue without extensive evaluation or analysis.¹⁰⁴

Hasbi himself wrote considerably on the comparison of Muslim legal schools, composing some of the earliest introductions to the subject ever written in Indonesian.¹⁰⁵ Many of these ideas are presented in terms of the biographies of the putative founders of the schools which he published in *Pokok-pokok Pegangan Imam-imam Mazhab*.¹⁰⁶ He also dealt with the subject more generally in two other monographs as well as in lengthy sections of his handbooks on Islamic law and legal philosophy.¹⁰⁷ Hasbi's work in this area seems to have pioneered a trend among a number of prominent Indonesian authors. One oft-reprinted work on the comparative laws of marriage, divorce, and inheritance in Islam has been published by the head of the *Indonesian*

Prophet's companions (*sahâbât*). For more on this distinction, see: Goldziher, Ignaz. *The Zahiris: Their Doctrine and Their History*. Leiden: E.J. Brill, 1971. pp. 210-211.

¹⁰³Abduh's own inspiration in turn seems to have come at least in part from works within the Hanbali tradition such as Ibn Qudama's *Mughnî*.

¹⁰⁴For an overview of Shaltut's work in this area, see: (Zebiri 1993: 95-99).

¹⁰⁵The parallels between Hasbi's works and those of Shaltut, Maraghi, and al-Khallaf that we have mentioned are not intended to convey the impression that Hasbi's publications are merely translations of earlier Egyptian reformism into Bahasa Indonesia. Rather they demonstrate Hasbi's openness to and familiarity with contemporary developments in other areas of the Muslim world which he attempted to integrate into Indonesian discussions. Cf. Jansen, J. J. G. *The Interpretation of the Koran in Modern Egypt*. Leiden: E.J. Brill, 1980. p. 9; (Baljon 1986: 8); and Hallaq, Wael B. *A History of Islamic Legal Theories: An Introduction to Sunni Usul al-Fiqh*. Cambridge: University Press, 1997. pp. 220-224.

¹⁰⁶Jakarta: Bulan Bintang, 1973.

¹⁰⁷*Pengantar Ilmu Perbandingan Mazhab*. Jakarta: Bulan Bintang, 1975; *Sebab-sebab Perbedaan Faham para Ulama dalam Menetapkan Hukum Islam*. Yogyakarta: n.d.

National Council of Ulama (MUI), Ibrahim Hosen.¹⁰⁸ More recently newer handbooks are being produced for IAIN students to update the earlier efforts in this area by Hasbi.¹⁰⁹ Even back in Hasbi's day, however there were other Indonesian authors active in this field. In 1956 Mahmud Yunus published a short handbook on Islamic marriage law according to the Shafi'i, Hanafi, Maliki, and Hanbali schools.¹¹⁰

Hasbi's work in the area of comparative *fiqh* is particularly interesting for the way in which it includes, after most presentations of the views of the various schools on a particular issue, a section on the *hikmah* (Ar. 'wisdom') behind the ruling.¹¹¹ Sometimes, in fact, the author goes further than simply indicating the Divine intention behind revealed law, but also comments on the 'wisdom' of such bureaucratic 'innovations' as the civil registration of marriages (*pendaftaran nikah/ kawin tercatat*). The intersection of considerations of the *hikmah* behind a law with a investigation into the differences between the various legal schools is reminiscent of some of the more prominent aspects of the legal thought of Shah Waliullah al-Dihlawi: whom as we have seen before may also have had some influence upon Hasbi.¹¹² Whatever the case, it seems that here we have one more example of

¹⁰⁸Hosen, Ibrahim. *Fiqh Perbandingan dalam masalah Nikah-Thalag-Rudjuk dan Hukum Kewarisan*. Jakarta: Yayasan Ihja 'Ulumuddin Indonesia, 1971.

¹⁰⁹Hasan, M. Ali. *Perbandingan Mazhab Fiqh*. Jakarta: PT Raja Grafindo Persada, 1997.

¹¹⁰Yunus, Mahmud. *Hukum Perkawinan dalam Islam menurut Mazhab Syafi'i, Hanafi, Maliki, Hanbali*. Jakarta: PT Hidakarya Agung, 1956. The apparent popularity of this work might be appreciated by noting the fact that it went through at least thirteen printings before 1991.

¹¹¹See: *Falsafah Hukum Islam*, 380-405; and *Pengantar Hukum Islam* (Semarang: Rizki Putra 1997) 122-124.

¹¹²Perhaps we should also mention here that al-Dihlawi's treatise on the differences between the *madhâhib*, entitled *Al-insâf fî bayân asbab al-ikhirilâf*, has been translated into Indonesian. (Ad-Dahlawi, Syah Waliyullah. *Sebab-sebab Munculnya Madzhab Fiqh*. Jakarta: Arista Brahmadyasa, n.d.)

the way in which eighteenth-century reform-oriented authors from elsewhere in the Muslim world came to have an increased effect on the development of religious and jurisprudential discourse in twentieth-century Indonesia. It reminds us once again that simply attributing anything 'modern' in Indonesian Islam to `Abduh and *al-Manar* does no justice to the complex developments of Muslim thought in Southeast Asia over the course of this century.

Even more than for his *tafsîr* or his works on hadith, however, Hasbi is known for his attempt at the creation of a distinctively Indonesian *fiqh*, or *Fikih Indonesia*. Hasbi's efforts toward this goal from an Islamic reformist perspective complemented the call for the establishment of an Indonesian 'National School of [Islamic] Law' (Ind. *Madzhab Nasional*) by the Dutch-trained Sumatran scholar of *Adat Law* Hazairin, whose work will be discussed below.¹¹³ Both Hasbi and Hazairin maintained that only by re-conceptualizing the approach to scripture and law in terms of the specific conditions of Indonesian society and the needs of Muslims living therein could Islam remain a vital force in the lives of believers. This required a rethinking of jurisprudence with a heightened awareness of the needs and conditions facing contemporary Indonesia and which at the same time would always refer to the Qur'an and the Sunnah as its ultimate sources. The raw materials for the creation of such a school were also to include considerations of local geography and culture, elaborated in the Arabic terms of *`urf* and *'adat* (Ind.

¹¹³The idea of this new 'National Madhhab' seems to have first been put forward in Hazairin's *Hukum Islam dan Masyarakat*, and then again in another work advocating his conception of an *adat*-based 'parental' system of marriage and inheritance, *Hukum Kekeluargaan Nasional*. With this latter idea, we see one of the most prominent proposed application of this new legal methodology; i.e., the consideration of local custom as a source of law. An extensive discussion of Hazairin's works can be found below.

adat),¹¹⁴ while at the same time drawing upon elements from the various *madhâhib*; not only that of al-Shafi'i, which has historically been the predominant school of law in Muslim Southeast Asia. Since Hasbi's day some further work on the potential of *'urf* as a source of law have been promoted by Ahmad Azhar Basyir.¹¹⁵

Hasbi's movement toward the creation of an Indonesian 'school of law' marks a significant turning point in his thought, and more generally in the development of Indonesian Islam. For although he was for a time involved in A. Hassan's organization PERSIS, he later departed from its strictly scripturalist stance.¹¹⁶ In his attempts to move beyond a mere deconstruction of established jurisprudence, he initiated the more constructive endeavor of finding ways in which the legal and moral precepts of the Qur'an were relevant to contemporary conditions and issues. In this sense, we might talk of a bi-directional movement in Hasbi's approach, one turning back toward the original sources in order to determine the essential message of the law, and the other reversing once again toward the contemporary situation in order to determine the correct interpretation and application of scriptural

¹¹⁴In general, it appears that Hasbi's ideas on *'urf* as a source of law draw heavily upon those of 'Abd al-Wahhab al-Khallaf, especially: *Masâdir al-tashrî' al-Islâmî fimâ lâ nass fîhî*. Cairo: Dar al-Kitab al-'Arabi, 1955; and *'Ilm usûl al-fiqh*. Cairo: Matba'ar al-NaSr, 1956.

¹¹⁵Like Hasbi, Basyir also draws heavily on the works of 'Abd al-Wahhab al-Khallaf in this area. See, for example his: *Hukum Adat bagi Umat Islam*. Yogyakarta: Nur Cahaya, 1983; and "Pokok-pokok Ijtihad dalam Hukum Islam," *Ijtihad dalam Sorotan*. Eds. Haidar Bagir and Syafiq Basri. Bandung: Penerbit Mizan, 1988. pp. 46-64. For a short introduction to Basyir's legal thought, see: Handaroh, Siti. "Hubungan antara Adat dan Maslahat: Studi tentang Pemikiran Ahman Azhar Basyir," *The Qur'an and Philosophical Reflections*. Yogyakarta: Titian Ilahi Press, 1998. pp. 3-26.

¹¹⁶e.g., in his: *Kriteria antara Sunnah dan Bid'ah* and *Penoetoeop Mulut*, which stridently attacked *bid'ah* in religious practice

precepts to particular cases and conditions. Here one might detect a slight foreshadowing of Fazlur Rahman's approach, which as we shall see was later to enjoy an enthusiastic acceptance in Indonesia and has contributed constructively to developments in legal theory in recent decades.¹¹⁷

One might say that whereas both Hassan and Hasbi called for a reinvigorated exercise of *ijtihād*, they understood the term in quite different ways. For Hassan, *ijtihād* was primarily a de-constructive exercise in which past (mis)interpretations of the law could be identified and done away with in the process of, to borrow Chalil's term, a return to the Qur'an and Sunnah. Hasbi understood fully the importance of this type of *ijtihād*, although he went beyond it to advocate that after the pure core of authentic law and teachings from the Qur'an and Sunnah had been established, that it was then the responsibility of the mujtahid to make those laws and teaching more directly relevant to the lives of Muslims living in his society. For Hasbi, the movement toward a purification of religious doctrine and law was only the first step in the process of making the law apply more directly to the contemporary situation. From there it would be necessary to take the further step of contextualizing the law into the current situation, which for his emerging nation meant, to some extent, "Indonesianizing" the discourse on Islamic law.

The formulation and application of this new Indonesian *fiqh* was to be undertaken through a reformulated process of 'collective *ijtihād*' which Hasbi elaborated in connection with his discussions of *ijmā'*. Writing in the context of debates over the nature of the relationship between Islam and the Indonesian State, Hasbi felt the need to distinguish between the *ijmā'* of the

¹¹⁷As we shall have occasion to discuss below in Chapter 4.

early Muslim community and that of his time.¹¹⁸ In doing this he maintained that older decisions based on consensus should be reviewed and that new legally-binding ones can continue to be made by a body of legislators in consultation (*shûrâ*); thus hoping to establish a more well-defined place for a progressive Islamic law in the modern Indonesian nation-state.¹¹⁹

Here we find an important intersection between Hasbi's ideas on legal theory and his more concrete institutional aspirations for the development of Islam in Indonesian society. His ideas on *shûrâ* in a modern, democratic context dovetailed with his intention that his program of reinvigorated *ijtihâd* was not intended for individual *mujtahids*, as advocated by earlier reformers. Rather Hasbi envisioned it as a model for *al-ijihad al-jamâ'i*, or 'collective *ijtihâd*,' or an organized body of the *ahl al-hall wa al-'aqd*,¹²⁰ the staffing for which would presumably come from the corps of IAIN graduates which he had such an influence in molding. For Hasbi this was the only way to guarantee against a further fracturing of the community and to provide for a unified legislation for the national government.¹²¹

Hasbi based his most general arguments in favor of the creation of an Indonesian system of *fiqh* upon his reading of the history of Muslim jurisprudence and its primary development in the first centuries of Islam in

¹¹⁸ *Asas Hukum Tata Negara Menurut Sjari'at Islam*. Yogyakarta: Matahari Masa, 1969. p. 37.

¹¹⁹ The technical ways in which Hasbi envisioned this working as well as the methodological dilemmas that this entailed are discussed in: (Wahyudi 1993: 60-63).

¹²⁰ (Ar. 'those who hold the power to loosen and bind') More generally this might be translated as, 'those in authority.' The imagery here is somewhat reminiscent of that found in the gospels as, "...whatever you bind on Earth will be bound in Heaven, and whatever you loose on Earth will be loosed in Heaven." (Matthew 18: 18).

¹²¹ *Falsafah Hukum Islam*, 329, 340.

the Middle East. He maintained that due to the context in which it initially developed, significant elements of Arab and Middle Eastern culture established themselves in classical theories of jurisprudence; thus making them de facto examples of an "Arab *fiqh*."¹²² Hasbi saw that the contemporary conditions in which Indonesian Muslims lived posed many new questions, and demanded new answers to old ones, thus necessitating a new and more immediately relevant approach to *fiqh*.¹²³ In some way perhaps, this could be seen as reflecting contemporary developments in the acceptance of *Adat Law* and at the same time foreshadowing the influence of Neo-Modernism and the evolution of IAIN.¹²⁴ This shift in paradigms however was more completely realized in the writing of the Islamically oriented scholar of *adat* law, Hazairin, whose work will be discussed below.

Hasbi's conceptualization of Indonesian *fiqh* rested upon his creative integration of various elements of Islamic legal theory with a consideration of the realities and complexities of his society. The various elements which he drew upon included: a reformist-inspired call for *ijtihād* and critical evaluation of hadith, an openness to the wider tradition of Muslim legal scholarship beyond the confines of any one particular madhhab, and an understanding of the importance of contextualizing legal principles and

¹²²Awareness of this problem continues to play role in the thought of more contemporary Indonesian thinkers as well. See, for example: Mudzhar, Atho'. "Fiqh dan Reaktualisasi Ajaran Islam," *Kontektualisasi Doktrin Islam dalam Sejarah*. Ed. Budhy Munawar-Rachman. Jakarta: Yayasan Wakaf Paramadina, 1994. p. 374. (369-377)

¹²³Cf. (Shiddiqi 1996: 132-133)

¹²⁴However this position opened Hasbi to criticism from certain circles, as in Indonesia and elsewhere the position of *urf* as a source of law was by no means taken for granted. In Egypt, for example, a minority of Qadis rejected custom outright, even in those cases where there existed no clear conflict with the Shari'a. (Shaham, Ron. *Family and the Courts in Modern Egypt: A Study Based on Decisions by the Shari'a Courts, 1900-1955*. Leiden: E.J. Brill, 1997. p. 230)

rulings into the actual situation of Muslims living in contemporary Indonesia. In this way he was able to build upon the initial impetus of reform initiated in Indonesia by Hassan and Chalil toward the more ambitious project of an intellectual reconstruction of Islamic tradition which was to address the needs and concerns of a rapidly changing Indonesian society.

Hazairin

At the forefront of Indonesian Muslim thinkers advocating a greater place for their religious law in the national constitution was Hazairin (d. 1975), a Dutch-trained scholar of *adat* law born in Bukit Tinggi in 1906 and raised mostly in the Southwest Sumatran town of Bengkulu.¹²⁵ Upon completion of his dissertation from the University of Indonesia in 1936, he spent three years at the same institution as a junior lecturer before being posted as a specialist on *adat* law and assistant to the courts in South Tapanuli (Sumatra). During the Japanese occupation he was also employed as an advisor on *adat* law for the interim government, and then later continued on in Tapanuli as head of the new National Court there for six months after Indonesian independence. During these years he authored some minor works in Dutch on the *Adat* of the Tapanuli region,¹²⁶ however his most influential

¹²⁵He actually completed his dissertation under the direction of Professor ter Haar, one of the most highly regarded scholars in the field. The work for this project focused upon the traditional law of the Rejang people inhabiting the hill districts inland of Bengkulu. (Hazairin. *De Redjang*. Batavia: Universitas Indonesia, 1936) The following biographical account draws largely upon that of Iskandar Ritonga in his 1995 thesis from IAIN Jakarta, "Pemikiran Hazairin tentang Pembaharuan Hukum Islam di Indonesia." pp. 14-37. Other information and anecdotes can be found in the memorial essays of Bismar Siregar, Hasbullah Bakry, Potan Arif Harahap, and S.M. Amin that are included in: Thalib, Sajuthi, Ed. *Pembaharuan Hukum Islam di Indonesia, in memoriam Prof. Mr. Dr. Hazairin*. Jakarta: Penerbit Universitas Indonesia, 1981.

¹²⁶ *De Gevolgen van de Huwelijksontbinding in Zuid Tapanuli and Reorganisatie van het Rechtswezen in Zuid Tapanuli*, Batavia: 1941. Later he was also to publish one piece in

work was still to come once he had adopted the newly emerging Indonesian national language to convey his ideas.

From his long posting in Tapanuli, Hazairin was transferred back to Bengkulu where he was appointed Resident from 1946-1950.¹²⁷ After this however he was called to Jakarta to fill a post as section head of the Civil Law division in the Ministry of Justice. There he also founded an Islamic University (Perguruan Tinggi Islam Djakarta, later Universitas Islam Djakarta) in 1951.¹²⁸ In the Capitol Hazairin became increasingly active in politics, becoming co-chairman of the 'Great Indonesia Party' (PIR)¹²⁹ and eventually Minister of Internal Affairs (1953-54). However, after his term of office was cut short due to the internal split of his supporting party, he was granted a series high-level positions in the Ministry of Justice (1954-59), and subsequently in Ministry of Education and Culture.

After his numerous frustrations in the political sphere, Hazairin turned once again toward academe, and accepted teaching positions in the fields of *Adat* Law as well as Islamic Law at the University of Indonesia and elsewhere. In 1960 he also became a member of the Curatorial Board of IAIN Syarif Hidayatullah, Jakarta. As the years progressed, Hazairin's attention seemed to turn more and more toward religious issues and their relation to his own specialized field of *adat* law. Here perhaps it should be noted that Hazairin

French ("Le Droit sur le Sol en Indonesie," 1952), before devoting himself to composing all of his remaining work in Bahasa Indonesia.

¹²⁷This city continues to display pride in their most famous native son, as evidenced by both the street and the university there which bear his name.

¹²⁸(Boland 1982: 118)

¹²⁹That is, the *Partai Indonesia Raya*, which he lead together with Wongsonegoro in the late 1940's. However later political differences lead to a decisive split between these two leading figures in the PIR. (Ritonga 1995: 20-22)

seems to have received little or no formal religious schooling in his youth.¹³⁰ Instead most of his knowledge of religious subjects came from self-study; and thus not under the tutelage of a teacher in the traditional Muslim milieu. In this, however, Hazairin differed significantly from reformist autodidacts of Hasbi's stripe. For Hazairin's individual aquirements of Islamic knowledge were integrated into the larger epistemological framework established by his formal training in *adat* law. This resulted in the increasing assimilation of idioms from both Western legal studies and ethnological investigations into public discourse on Islamic religious issues. This is a trend which, as we shall see, has had a most profound effect on Islamic intellectual and religious discourse in the later decades of the twentieth-century.

Despite his non-traditional background, Hazairin seems to have been respected as a man of considerable personal piety.¹³¹ In this he represented something of an anomaly in his time, a Dutch-trained legal scholar in the *adat* law tradition that nonetheless came to be considered as an advocate for the further islamization of law in Indonesia.¹³² Not being primarily a scholar of the Islamic religious sciences, Hazairin composed no works of *tafsir* or in any other such 'traditional' discipline. Instead he wrote works of a more general legal nature which were infused with an Islamic spirit. His claim to authority thus rested not on his credentials as an *'alim*, but rather his own personal

¹³⁰ (Ritonga 1995: 29)

¹³¹See, for example, the admiring essay of Bismar Siregar, "Prof. Mr. Dr. Hazairin Seorang Mujahid Penegak Hukum Berdasar Ke-Tuhanan Yang Maha Esa." *Renungan Hukum dan Iman*. Jakarta: Grafikatama Jaya, 1988. pp. 87-104.

¹³²Perhaps the only other major figure of this type was Notosusanto, who focused on the Islamic religious court system in his: *Organisasi dan Jurisprudensi Peradilan Agama di Indonesia*. Yogyakarta: Gadjah Mada, 1963.

commitment to Islam; a phenomenon for which Dale Eickelman has noted significant parallels in the modern Middle East.¹³³

As an outsider who dared to enter into discussions of Islamic law, Hazairin was criticized by the ulama (whose exclusive territory this traditionally was) for not fulfilling the technical requirements of a *mujtahid*. To such critiques, however, he was quick to respond by commenting regretfully on the present state of the Muslim community; blaming this on the way in which people have enslaved themselves to the thought of the ulama of the past and thus blocked their own direct access to the scripture and freeze its message in a setting no longer appropriate to contemporary contexts.¹³⁴ In November 1951, Hazairin inaugurated the Muslim College (Perguruan Tinggi Islam) at Jakarta with a speech entitled *Islamic Knowledge and Society*.¹³⁵ In this address, Hazairin put forward a distinction between 'knowing Islam' (being able to pray, &c.) and 'knowledge of Islam'; arguing that the latter must be actively pursued in specialized institutions such as the one at which he was speaking. For Hazairin saw the graduates of such institutions as providing the pool from which new *mujtahids* would develop; scholars educated not only in specifically religious subjects but also in modern sciences which would help them to better understand their religion in terms of the living realities of the society in which they lived. These would be the scholars whose work it would be to carrying out Hazairin's proposed project of a distinctly Indonesian

¹³³Eickelman, Dale F. "The Art of Memory: Islamic Education and Its Social Reproduction." *Comparative Studies in Society and History* 20 (1978): 485-516.

¹³⁴"Hukum Baru di Indonesia." *Tujuh Serangkai tentang Hukum*. Jakarta: Tintamas, 1974. pp. 135-7.

¹³⁵*Ilmu Pengetahuan Islam dan Masyarakat*. Jakarta: Yayasan Perguruan Tinggi/ Tintamas, 1951.

national madhhab.¹³⁶ Such scholars, Hazairin continued, were all but absent from the ranks of traditionally trained ulama, whom he considered generally unaware and often incapable of comprehending the complex social realities of twentieth-century Indonesia.

In another of his popular publications, *Demokrasi Pancasila*, Hazairin argued for the infusion an Islamic spirit into the State's formulation of Pancasila. In presenting his case, he went so far as to argue that the Indonesian phrase "*Ketuhanan yang Maha Esa*," was not the mere product of committee compromise involving Indonesian Christians, Hindus, and Chinese, but rather a translation of the Qur'anic phrase, "The One and only God."¹³⁷ Throughout the heated constitutional debates over the status of the Jakarta Charter (*Piagam Jakarta*) and its consequences for the State's relation to Islamic Law, Hazairin maintained that the National Constitution as a whole could not be separated from the 'spirit' which first animated it. For Hazairin this spirit was most succinctly expressed in the preamble as originally formulated.¹³⁸

It should be noted, however, that unlike many Muslim advocates of a stronger adherence to the 'seven words' of the Jakarta Charter, Hazairin was not in favor of the creation of a formally Islamic State. Rather, throughout his writings we find an apparent unwavering loyalty to *Pancasila*, at least as it

¹³⁶Coulson has noted, however, that in many parts of the Muslim world, such reforms in Islamic legal education have had the effect of further divorcing law from religion and making it the province of professional lawyers. (1969: 100).

¹³⁷(112: 1, and 2: 163) Cf. Hazairin. *Demokrasi Pancasila*. Jakarta: Tintamas, 1970. p. 58.

¹³⁸For an overview of Hazairin's position in these debates, see: (Anshari 1997: 129-143).

was being interpreted according to the changing fashions of his times.¹³⁹ In his monograph on National Family Law, for instance, Hazairin repeatedly emphasized his view that even the specifically Islamic elements of marriage and inheritance law were at base founded upon *Pancasila*.¹⁴⁰ Elsewhere he makes a point of emphasizing the fact that, although Muslims are a majority of the Indonesian population, the rights of citizens adhering to other faiths must continue to be respected.¹⁴¹ This emphasis on the development of Islam within the limits of personal behavior as removed from the sphere of political ideology and State structure may be seen as a reflection both of Hazairin's Dutch education and the evolution of New Order policy toward the place of Islam in Indonesian society.¹⁴²

Hazairin's role as an *adat* law scholar working toward the islamization of law in Indonesia has had a tremendous impact over subsequent developments. Following the discipline in which he was trained, Hazairin approached law from a perspective of cultural relativity, although not to the total extent of his Dutch teachers and colleagues. For many of them, cultural relativity became the primary basis for all of their legal theory, to the point that their definition of law has been characterized as a "sociological" one by one observer.¹⁴³ This approach to law influenced an entire generation of

¹³⁹For instance, during the early sixties when Soekarno's government was flirting increasingly closer to Marxism, Hazairin repeatedly referred to a, "Socialist Indonesian Society" (*masyarakat Sosialis Indonesia*). *Hukum Kekeluargaan Nasional*, 84.

¹⁴⁰*Hukum Kekeluargaan Nasional*, 30-31, *et passim*.

¹⁴¹e.g., *Ilmu Pengetahuan Islam dan Masyarakat*, 16 ; *Indonesia Satu Masdid*, 14.

¹⁴²On these later developments, see: Schwarz, Adam. *A Nation in Waiting: Indonesia in the 1990's*. Boulder: Westview Press, 1994. pp. 176-188; Ramage, Douglas E.. *Politics in Indonesia" Democracy, Islam, and the Ideology of Tolerance*. London: Routledge, 1995; and Hefner, Robert W. *Civil Islam: Muslim Democrats and State Violence in Indonesia*. Princeton: University Press, (forthcoming).

¹⁴³(Hooker 1978: 192)

jurists in the young Indonesian Republic and in some cases continues to comprise an element of Indonesian legal and intellectual culture to this day.

There were, however, two important motivations that tempered Hazairin's participation in the *adat* law school: Islam and Indonesian nationalism.¹⁴⁴ The first provided him with an absolute reference for moral and legal values which served as an ultimate anchor for the relative positions of the various traditional legal cultures of the Archipelago. However this still leaves the problem of the multiplicity of local adaptations and interpretations of the Shari'a, making a uniform administration of the country impossible. Where most of the Dutch and Dutch-trained scholars of *Adat* Law divided the Archipelago into nineteen separate "Culture Areas," Hazairin instead conceived as the entire nation as sharing a basic core of 'Indonesian' *adat*. Thus he could postulate single, overarching system of national law whose ultimate moral grounding proceeded from the eternally valid teachings of Islam, as they are interpreted according to the needs and conditions of Muslims living in contemporary Indonesia.¹⁴⁵

Through his studies of Cultural Anthropology and *Adat* Law, Hazairin attempted to understand the Qur'an from the perspective of the Indonesian Muslim context. From this developed the products of his own '*ijtihad*' which

¹⁴⁴Indonesian nationalism helped to differentiate early Indonesian jurists from their Dutch teachers and colleagues, however few of them combined such patriotism with a more developed commitment to Islam.

¹⁴⁵It should be noted, however, that this emphasis on Islam as the basic source of values informing a national legislation necessarily limited the extent to which it can actually be considered a total unification of Indonesian law. For Hazairin although there would be some 'nationalization' of Islamic law which transcended its various local *adat* interpretations, Muslims would still require certain areas of legislation that would deal with issues relevant to them in particular as Muslims. For more on this, see his *Demokrasi Pancasila*; for later Indonesian thoughts on the subject, see: (Abdillah 1997: 193).

were spread through the media of his popular lectures and writings.¹⁴⁶ In promoting his agenda of *ijtihad*, Hazairin also elaborated a critique of *taqlid*, in which he describes it as ‘blind imitation’ without any solid scriptural foundation and the conflation of adherence to Arabian custom with following Islamic law.¹⁴⁷ In the latter idea, there is a reflection of Hazairin’s specialized training in *adat* law with his discernment between *agama* and *adat* (religion and custom). He later also applied aspects of this methodology in reverse in the consideration of local custom (*urf*) as a source of law. The interesting point here is in the paradigmatic shift that occurred between Hazairin and the other figures whom we have discussed previously. Even Hasbi, writing at roughly the same time as Hazairin, tended to view such things in terms of the classical Islamic categories of *sunnah* and *bid’ah*.¹⁴⁸ Hazairin, however reformulated the issue in terms of “religion” (*agama*) and “custom” (*adat*), a shift in paradigms that not only reflected his own training in the Dutch colonial system, but also in a way prefigure something of the New Order’s then-emerging policy of sharply distinguishing between religious and cultural activities as opposed to participation in “practical politics.”¹⁴⁹

As both a personally pious Muslim and a professionally trained scholar of *adat* law, one of Hazairin’s main concerns centered on the relationship

¹⁴⁶(Ritonga 1995: 158)

¹⁴⁷*Hukum Islam dan Masyarakat*, 8.

¹⁴⁸This is a theme recurrent throughout his writings, but which is most coherently presented in: Hasbi Ash Shiddieqy. *Kriteria antara Sunnah dan Bid’ah*. Jakarta: Bulan Bintang, 1967..

¹⁴⁹This, however, should not be seen in any straightforward causal relationship, but rather in terms of the sort of “through the looking glass” transformations that characterize much of the Dutch colonial legacy in New Order politics and administration.

between religion and custom in the sphere of law.¹⁵⁰ This remained one of the primary interests of Hazairin throughout his career, and surfaces in a variety of rephrasings throughout his works, for instance in his *Indonesia Satu Masjid*, which he hoped would:

...serve to stimulate further thoughts and efforts toward the realization of our goal of, as far as is possible, bringing the structure of our national system into accord with the goals of an Islamic society for the Muslim peoples of Indonesia.¹⁵¹

Hazairin's personal sense of Islamic identity perhaps assumed its most visible manifestation in his advocacy of a greater role for Islam and its law in Indonesian society.¹⁵²

In his evaluation of the relative positions of Islam and *adat* in the overall system of law, Hazairin argued that religion was to be the measure of the validity of *adat* and not vice versa, as had been the case under Dutch colonial law and its 'Reception Theory.'¹⁵³ As a critic of Snouck Hurgronje's ideas, as they were maintained by both his Dutch and Indonesian disciples, Hazairin worked together with other legal scholars such as Mahadi and Basyir to discredit Reception Theory and remove its influence from the legal system of the independent Indonesian Republic. In fact, Hazairin went so far in his

¹⁵⁰ One of his early Indonesian language publications focused specifically on this problem, *Pergolakan Penjesuaian 'Adat kepada Hukum Islam*. Jakarta: Bulan Bintang, 1951.

¹⁵¹ Hazairin. *Indonesia Satu Masjid*. Jakarta: Bintang Bulan, 1952. p. 14.

¹⁵² In many places within his writings, Hazairin himself alludes to the importance of a personal commitment to his faith in the formulation of his ideas on law (e.g., *Hukum Kewarisan Bilateral*, 1).

¹⁵³ (*Hukum Kekeluargaan Nasional*, 14) That is, the acceptance of Islamic law as binding only to the extent that elements of it have been incorporated into the local system of customary law. The place of 'Reception Theory' in Dutch academic legal studies and colonial administration has been discussed in the first section of this chapter.

reaction against Reception Theory that he went well beyond a purely intellectual critique to label it as the, "theory of the Devil" (*Teori Iblis*).¹⁵⁴

Like Hasbi, Hazairin is also known for his plan to create a newly reformulated Islamic law, or more properly a new *madhhab* that would take greater account of the social and historical context of Indonesia in interpreting and implementing the law. Hazairin called for the formation of this new school of law, which he originally referred to as *Madzhab Nasional*,¹⁵⁵ even earlier than did Hasbi. The idea of this new 'National Madhhab' seems to have first been put forward in Hazairin's *Hukum Islam dan Masyarakat*, and then again in another work advocating his conception of an *adat*-based 'parental' system of marriage and inheritance, *Hukum Kekeluargaan Nasional*.¹⁵⁶ In this latter work, Hazairin acknowledges the more recent terminology of *Fikih Indonesia* as used by Hasbi in the rephrasing of the name of his own program as *Madzhab Indonesia*.

Both Hasbi and Hazairin agreed that the rulings of the new *madhhab* should be in conformity with the needs and conditions facing contemporary Indonesia but which at the same time would always refer to the Qur'an and the Sunnah of the Prophet as its ultimate sources. In addition to this, the raw materials for the creation of such a school were to include not only considerations of local geography and culture, but the juristic legacy of the established schools of Muslim jurisprudence. Of these, the new Indonesian *madhhab* would be based primarily upon the Shafi'i school, which has historically been the prominent school of law in most of the Archipelago.

¹⁵⁴*Ibid.*, 8.

¹⁵⁵The terminology here is in itself interesting as it reflects something of Hazairin's primarily nationalistic orientation toward Islamic law.

¹⁵⁶Jakarta: Tintamas, 1968 (second printing).

However to this foundation significant changes and revisions would have to be made in such areas as: *zakat* (almsgiving),¹⁵⁷ inheritance,¹⁵⁸ marriage and divorce.¹⁵⁹

The formation of a new Indonesian school of law would, of course, have been impossible without the exercise of a broad kind of *ijtihād*, something that was considerably easier to advocate in Indonesia after the pioneering work of A. Hassan and his colleagues from PERSIS. Although coming from a westernized academic background, Hazairin also shared some affinities with the Islamic reformist thought of autodidacts like Hassan and Hasbi Ash Shiddieqy.¹⁶⁰ In his introductory essay to a volume on Indonesian family law, he explicitly states that his views on the bilateral structure of Islamic inheritance law were based upon the Qur'an, and intended as a substitution for

¹⁵⁷ More recently, some of the most interesting and important work on *zakat* has been done by Masdar Farid Mas'udi, whose work will be discussed in Chapter 5. Indonesian marriage law has since the time of Hazairin been primarily an issue taken up by committees for the codification of Islamic law and collective 'fatwa boards' such as the para-governmental Majelis Ulama Indonesia. (Mudzhar, Mohamad Atho. *Fatwa-Fatwa Majelis Ulama Indonesia: Sebuah Studi tentang Pemikiran Hukum Islam di Indonesia, 1975-1988*. Jakarta: INIS, 1993.) Of these areas, however it was inheritance law that remains to this day Hazairin's signature field. For a background to the elaborate system on inheritance law elaborated in the corpus of classical Islam which Hazairin was critiquing in his call for a bilateral model of intestate succession, see: Cilaro, Agostino. *Dritto Ereditario Islamico delle Scuole Giuridiche Sunnite (Hanafita, Mâlikita, Sâfi'ita e Hanbalita) e delle Scuole Giuridiche Zaydita, Zâhirita e Ibâdita*. Roma: Istituto per l'Oriente C.A. Nallino, 1994. For critical studies of the Qur'anic origins of this system, see: Powers, David S. *Studies in Qur'an and Hadith: The Formation of the Islamic Law of Inheritance*. Berkeley: University of California Press, 1986; and Kimber, Richard. "The Qur'anic Law of Inheritance." *ILS* V.3 (1998): 291-325. For an anthropological study of more recent actual cases from Indonesia: Bowen, John R. "You May Not Give it Away": How Social Norms Shape Islamic Law in Contemporary Indonesian Jurisprudence." *ILS* V.3 (1998): 382-408.

¹⁵⁸ More will be said on Hazairin's thought on inheritance law below.

¹⁵⁹ For a wealth of statistical information on developments in Southeast Asian Muslim practice in marriage and divorce, and its relation to legal change, see: Jones, Gavin W. *Marriage and Divorce in Islamic Southeast Asia*. Kuala Lumpur: Oxford University Press, 1994.

¹⁶⁰ In fact Hazairin repeatedly cited Hassan's work on inheritance law, entitled *Al-Faraa'idl*, in his own discussions of the subject (e.g., *Hukum Kewarisan Bilateral*, 135).

the earlier held patrilineal model adhered to by the *Ahl al-sunnah wa'l-jama'ah*.¹⁶¹ It was this impulse toward reform that underpinned his more detailed system of reformulated Muslim family law for modern Indonesia.¹⁶²

For decades, a number of Middle Eastern Muslim countries had attempted to reform inheritance law by enlarging the shares of women and members of the nuclear family in relation to men and more distant relatives. However most of these were accomplished by casuistic constructions based on *talfiq* and reinterpretations of the notion of 'bequest' (Ar. *hibah*), rather than original and organic re-formulations.¹⁶³ Hazairin was somewhat bolder and broader in his approach; maintaining that the traditionally accepted preference for male agnate relatives in Islamic law was without clear textual precedent in the Qur'an. He went on further to argue that the position of most ulama who defended such a system of inheritance was based primarily on hadith and *ijma* arising out of the particular cultural context of early Arabia and thus not necessarily "suitable" for Indonesia.¹⁶⁴

¹⁶¹Hazairin. *Hukum Kekeluargaan Nasional*. Jakarta: Tintamas, 1962 (third printing, 1982). p. 2.

¹⁶²It should be noted here that the *ijtihād* that Hazairin proposed to serve in the reform and reinvigoration of Islamic law in Indonesia was not an individual matter but was rather, as for Hasbi, a collective endeavor to be undertaken by representatives of the community in an officially organized body having some determined relationship with the state. In his *Indonesia Satu Mesjid*, Hazairin first advocated utilization of local mosque structure in the formation of a unified *Dewan Fatwa* (Fatwa Council) to issue decisions on issues of religious law and serve as a parallel body to the government's Representative Assembly. (Hazairin. *Indonesia Satu Masjid*. Jakarta: Bintang Bulan, 1952) The present author is currently planning a separate study on the historical development of the concept of 'collective *ijtihād*' in modern Indonesia.

¹⁶³See Anderson, J.N.D.. "Recent Reforms in the Islamic Law of Inheritance." *International and Comparative Law Quarterly* 14 (1965): 349-365; Coulson, N.J. *Succession in the Muslim Family*. Cambridge: Cambridge University Press, 1971; and (Shaham 1997: 198)

¹⁶⁴*Hukum Islam dan Masyarakat*, 7-8.

In their formulations of the building blocks for an Indonesian *madhhab*, Hazairin and Hasbi differed in a number of significant ways that reflected their respective educational backgrounds. Hasbi immersed himself in the Arabic tradition of Muslim scholarship and approached the formation of an Indonesian *madhhab* in a way still related to the previously existing schools. In doing this he compiled the various opinions on different legal questions from a number of different schools; an approach that had a long pedigree in the Muslim sub-disciplines of *ikhtilâf* and *muqararat al-madhâhib*.¹⁶⁵ Hazairin, on the other hand, worked within the general framework of his training in positive law when putting forward his proposals concerning the reformulation of a national family law and the drafting of the *RUU Hukum Kekeularagaan*. His choice of areas on which to preserve and develop Islamic law in this legislation was in no way new, as it is in these same areas that Islamic law maintained its contracting influence in many Muslim societies of the Middle East and South Asia.¹⁶⁶

Hazairin's thoughts on and position in the development of the *RUU Hukum Perkawinan dan Hukum Kewarisan Nasional* are recorded in an appendix to his *Hukum Kekeluargaan Nasional*. It was also in this work that he

¹⁶⁵Although as we have seen they were substantially rejuvenated and reapplied in the modern era in the writing of Mahmud Shaltut and `Ali al-Sayis.

¹⁶⁶This may be seen as a case of last resistance to the penetration of foreign law into a society's legal system under the pressure of colonization and spreading hegemony of European legal models. Following the model of legal penetration developed by Paul Koschaker in *Europa und das römische Recht* (Munich: C.B. Beck'sche, 1966), Liebesny has applied a similar model to Middle Eastern societies in the modern period. In doing this he constructs a diagram to depict what he understands as the progressive sequence of areas influenced by foreign legal models and local resistance to such change. This is composed of concentric circles which from the outside inward run: 1) commercial law, 2) penal law, 3) real estate, 4) contracts and torts, 5) family law and inheritance. (Liebesny, Herbert J. *The Law of the Near and Middle East: Readings, Cases, and Materials*. Albany: SUNY Press, 1975. p. 56)

changed the name of his proposed 'school' of law from *Mazhab Nasional* to *Mazhab Indonesia*. This work dealt extensively with the reform of marriage law, and tended to seek increased legal protection for women in rulings on such issues as polygamy by invoking considerations of public interest (*istislâh*).¹⁶⁷ Despite the considerable attention that Hazairin directed toward this area, his most extensive work was concentrated in the area of inheritance law.¹⁶⁸ He discussed his ideas on this subject in a number of publications, including: *Hendak Kemana Hukum Islam, Hukum Kekeulargaan Nasional*, and *Perdebatan dalam Seminar Hukum Nasional tentang Fara'idh tahun 1963*. However they were most systematically laid out in his, *Hukum Kewarisan Bilateral Menurut al-Qur'an dan Hadith*.¹⁶⁹

Based upon his ethnologically-oriented study of *adat* law, Hazairin demonstrated that within Indonesia there were societies who based their inheritance customs upon three major types: patrilineal, matrilineal, and bilateral (or 'paternal'). He went on further to argue that a majority of Indonesian Muslim societies tended toward a bilateral organization, and thus such a system would best serve as the model for a new, unified system of

¹⁶⁷Hazairin. *Hukum Kekeluargaan Nasional, ditambah dengan Lembaran Kerja untuk Rancangan Undang-undang Hukum Kewarisan Nasional Republik Indonesia*. Jakarta: Tintamas, 1982.

¹⁶⁸ Islamic inheritance law (*'ilm al-fara'idh*) is a complex subject and one which becomes even more so in settings such as Indonesia, where strong cultural traditions of intestate estate transmission radically impact upon the ways and extent to which the prescriptions of *fiqh* are elaborated. For an in-depth study of the interactions between customary law, Islamic law, and colonial law in one Indonesian community, see: Benda-Beckmann, Franz von. *Property in Social Continuity: Continuity and Change in the Maintenance of Property Relationships through Time in Minangkabau, West Sumatra* (Verhandelingen van het Koninklijk Instituut voor Taal-, Land- en Volkenkunde, 86). The Hague: Martinus Nijhoff, 1979.

¹⁶⁹Yudian Wahydi informs us that, according to the publisher, this book is actually a combination of two of Hazairin's earlier works, *Hukum Kewarisan Bilateral Menurut al-Qur'an* and *Hukum Kewarisan Bilateral Menurut Hadith*.

Islamic inheritance law for the developing Indonesian nation. He then noted the discrepancies between such systems and the patrilineal model of Arabian society that had been so influential in the early formulation of Islamic inheritance law; thence continuing on to argue that the inclusion of certain elements of Arabian customary law was not part of the revealed Law, but simply an historical accident arising from the place and time in which God's last messenger lived.

Hazairin argued that in order for Islamic law to become realized as the actual "living law" of Indonesian society, it would have to be reinterpreted according to the actual cultural conditions there, and not according to some other foreign and historically distant situation. This led him to propose a reinterpretation of Islamic law based upon the clear, specific rulings and more general texts of the Qur'an and the Sunnah, while at the same time keeping an eye to the application of these scriptural sources in a society that included a 'parental' social inheritance structure. In short, what he proposed was the establishment of a new system of inheritance which understood and elaborated upon the scriptural precepts of the Qur'an and Sunnah in terms of a *bilateral*, rather than a patrilineal, model of kinship.

Hazairin's use of the term *bilateral* has led to some misunderstanding, especially by foreign scholars of Indonesian law and society.¹⁷⁰ Some have taken for granted that the concept necessarily implies equal shares of inheritance for both sons and daughters of the deceased,¹⁷¹ as opposed to the

¹⁷⁰For example in: Bowen, John R. "Legal Reasoning and Public Discourse in Indonesian Islam," *New Media and the Politics of Civil Society in the Muslim World*. Eds. Dale F. Eickelman and Jon W. Anderson. Bloomington: Indiana University Press, 1999.

¹⁷¹Hazairin maintained that such a system of *bilateral* or 'parental' inheritance was in effect only for non-Muslim Indonesians (*Hukum Kekeluargaan Nasional*, 102).

traditional Muslim system whereby daughters receive half-shares, or less, of those allocated to their brothers. However this is not the case. For Hazairin, the Qur'anic stipulation of differential shares to one's male and female children, respectively, was based upon a clear and authoritative scriptural foundation that could not be neglected or reasoned away.¹⁷² What could be reinterpreted was the extra-Qur'anic system that grew out of traditional Arabian social custom and thence came to be incorporated within the body of laws of inheritance according to the established Sunni schools.

Hazairin's ideas on the restructuring of Islamic inheritance law upon a bilateral model focused on these areas, as well as on other aspects of the system, such as how to distribute residual property after all of the scripturally-determined heirs had received their shares. One of Hazairin's most important contributions toward reform in the area of inheritance law lay specifically in connection with the 'substitutionary heirs' (Ind. *ahli waris pengganti*), which he based upon a rather original interpretation of *surah al-Nisâ'* (4): 33. In his interpretation of this verse, Hazairin understands the term *mawali* to refer to substitutionary heirs, a position that is unusual in the commentaries used among traditionalist Shafi'i ulama of Indonesia. Traditionally, the children of one of the deceased's daughters would be excluded from inheritance if their mother passed away before them, whereas the same did not apply to the children of the deceased's sons. Hazairin argued that such a system had no specific foundation in the text of the Qur'an itself,

¹⁷²Hazairin. *Hukum Kewarisan Bilateral Menurut Qur'an dan Hadith*. Jakarta: Tintamas, 1958 (sixth printing, 1982); and *Hukum Kekeluargaan Nasional*, 55-74.

but rather was a reflection of the traditional Arabian practice of favoring male agnates over other potential heirs.¹⁷³

Iskandar Ritonga has linked Hazairin's views on a more contextualized Islamic inheritance law with Harun Nasution's interpretation of the thought of Shah Waliullah al-Dihlawi, which once again signals a potential influence of this eighteenth-century reformist on modern Indonesian developments.¹⁷⁴ This influence, however, appears to be only an indirect one, as it is unlikely that Hazairin read any of al-Dihlawi's writings himself; he may indeed have only encountered these ideas through their relation in the works of Hasbi Ash Shiddieqy. One example of such a parallel between the writings of Hazairin and those of al-Dihlawi can be seen in the way that he calls attention to the classic corpus of fiqh texts which he characterizes as reflecting not the universal message of Islam, but the particular contexts in which they were composed.¹⁷⁵ Like al-Dihlawi, Hazairin concludes that the conflict over models of inheritance laws, "are not caused by [ambiguities] in the Holy Qur'an, but rather merely by differences between different [and fallible] human beings."¹⁷⁶

Once this approach had been established in the field of inheritance law, Hazairin attempted to extend its use in the campaign to assert the relevance of

¹⁷³*Hukum Kewarisan Bilateral*, 28ff./ Cf. Coulson, N. J. *Conflicts and Tensions in Islamic Jurisprudence*. Chicago: University of Chicago Press, 1969. p. 31.

¹⁷⁴(Ritonga 1995: 50) Cf. Nasution, Harun. *Pembaharuan dalam Islam*. Jakarta: Bulan Bintang, 1985. p. 22.

¹⁷⁵"Ilmu Pengetahuan Islam dan Masyarakat," *Tujuh Serangkai tentang Hukum*. Jakarta: Tintamas, 1974. pp. 109-120.

¹⁷⁶(Ritonga 1995: 146)

Islamic law to other areas, including criminal law (Ind. *hukum pidana*).¹⁷⁷ In this connection he devoted increased attention toward the problem of placing such 'Islamicized' law in the wider context of Indonesian National Law. In addition to his work on the islamization of the substance of law itself, Hazairin was also actively engaged with the development of the institutions that were to carry out this law in Indonesian society. This is an area of his work that has already received significant attention in international scholarship, and as the present study is concerned more with intellectual rather than institutional history, we will not go too deeply into the details of Hazairin's role in these developments here. Instead we will confine ourselves to a few remarks on the intersections of particular aspects of his legal thought with the development of associated social institutions.¹⁷⁸

Hazairin is sometimes thought of as contributing to the further development of Islamic religious courts in Indonesia.¹⁷⁹ However at certain times such as when the expansion of the *Shari'ah* courts to the South Sumatran city of Palembang was proposed, Hazairin responded with vocal objection.¹⁸⁰ In general, Hazairin tended to work more toward the codification of religious Islamic religious law, especially family law, that could be used in the 'civil' courts rather than in the further development of specifically religious courts. This may be seen as a reflection of his concern with resolving the challenges of the diversity of traditional Muslim jurisprudence in consideration of a new nationalistic unity able to transcend the differences

¹⁷⁷ *Hukum Pidana Islam Ditinjau dari Segi-segi, Dasar-dasar dan Azas-azas Tata Hukum Nasional* as well as "Negara Tanpa Penjara," included in *Tujuh Serangkai tentang Hukum*.

¹⁷⁸ It is of course obvious that ultimately these two spheres are inextricably intertwined, following a truism known since the time of Cicero.

¹⁷⁹ (Ritonga 1995: 110-119)

¹⁸⁰ (Lev 1972: 88); and (Noer 1978: 47-49).

between various legal schools. Hazairin maintained that a uniform legal system was necessary for the effective functioning of government as well as for the benefit of its citizens.¹⁸¹ Such an unification would also serve to abolish such colonially-inspired legal distinctions as “Java” and the “Outer Islands,” or “Native” (*Pribumi*) and “Foreign Oriental (*Vreemde Oosterlingen*).” The confusion of pluralistic jurisdictions for civil, *adat*, and religious courts more often served as an impediment rather than an instrument of justice, and some critics even viewed this fracturing of the legal system as a legacy of the Dutch colonial policy of *divide et impire*.¹⁸²

Hazairin’s legacy has been carried and further developed by some of his more prominent students. One of them, Sajuthi Thalib, has perhaps been the most prominent in further elaborating and implementing specific aspects of Hazairin’s legal thought. He is perhaps best known for his formulation of the theory known as *Receptio a Contrario*, which built upon Hazairin’s polemical critique of ‘Reception Theory’ in the field of *adat* law.¹⁸³ Furthermore he has also carried on Hazairin’s work toward the islamization of Indonesian family law, especially in the development of a bilateral inheritance structure.¹⁸⁴ In

¹⁸¹*Hukum Kekeluargaan Nasional*, 29-30.

¹⁸²Lukito, Ratno. “Islamic Law and the Colonial Encounter: The Experience of India and Indonesia.” Ed. Wahyudi. *The Dynamics of Islamic Civilization (Satu Dasawarsa Program Pembibitan, 1988-1998)*. Yogyakarta: Titian Ilahi Press, 1998. pp. 209-230.

¹⁸³Thalib, Sajuthi. *Receptio a Contrario (Hubungan Hukum Adat dengan Hukum Islam)*. Jakarta: Penerbit Academica, 1980.

¹⁸⁴Especially in two works that were compiled in connection with the new marriage laws no. 1/ 1974. Thalib, Sajuthi. *Hukum Kekeluargaan Nasional Berlaku bagi Imat Islam*. Jakarta: Penerbit Universitas Indonesia, 1974; and *Hukum Kewarisan Indonesia*. Jakarta: Bina Aksara, 1982. The fifth printing of the first of these works (1986) also contains relevant supplemental material including the *Peraturan Pemerintah* no. 9/ 1975 and *Peraturan Menteri Agama* no. 3/1975 which deals with the subject of marriage registration and procedure in the Religious Court system.

addition to this he was one of the first to call attention to the relatively widespread phenomenon of Indonesian Muslims choosing to not to divide the estates of their deceased according to Islamic inheritance law. Sajuthi argues that one of the primary reasons for this is that although they, as Muslims, wish to follow the Islamic law of inheritance they nonetheless cannot reconcile themselves to the Law as it is currently understood. Following the argument of both Hasbi and Hazairin, Sajuthi argues that many Indonesians feel that the traditional elaboration of Islamic inheritance law according to the partilineal model of Arabian social structure is not an appropriate reflection of realities in many Muslim societies of Indonesia.¹⁸⁵ In order to make Islamic inheritance law more relevant to the lives of Indonesian Muslims, he continues, the law must be reinterpreted and applied in accordance with a more familiar bilateral orientation as first elaborated by Hazairin.¹⁸⁶ Aside from being a continuation of Hazairin's work, one might also see this as something of a foreshadowing of Munawir Sjadzali's ideas on the 'Reactualization' of Islam, which will be discussed in the next chapter.

In a number of ways, Hazairin signaled important developments in Indonesian Islamic thought under the early period of the New Order. In fact, even earlier in the midst of Soekarno's reign when Muslim political parties comprised significant factors in national politics, Hazairin advocated a clear separation of politics (which he held should be the domain of parties in the National Assembly) and the development of legal and intellectual debates in

¹⁸⁵Thalib, Sajuthi. "Peranan Peradilan Agama dalam Pelaksanaan Syari'at Islam di Indonesia," *Lima Serangkai tentang Hukum*. Jakarta: Bina Aksara, 1983. p. 64.

¹⁸⁶Sajuthi Thalib. *Hukum Kewarisan Indonesia*. Jakarta: Bina Aksara, 1982.

the country's institutions of higher learning.¹⁸⁷ In doing this Hazairin seemed to reach a balance between recognition of *Pancasila* as the unifying ideology of the Indonesian State, and advocacy of the further islamization of family law for the country's Muslim population.¹⁸⁸ Here one can also see something of Hazairin's firm commitment to pluralism, which was to become a defining aspect of New Order intellectuals such as Nurcholish Madjid, whose work will be discussed in the next chapter.

¹⁸⁷*Ilmu Pengetahuan Islam dan Masyarakat*. Jakarta: Yayasan Perguruan Tinggi/ Tintamas, 1951. p. 15. See also his *Demokrasi Pancasila* (Jakarta: Tintamas, 1970).

¹⁸⁸*Ilmu Pengetahuan Islam dan Masyarakat*, 16.

Chapter 4: New Muslim Intellectuals and the 'Re-Actualization' of Islam in Indonesia

As religion and the civil laws should aim principally to make good citizens of men. one sees that when either of these departs from this end, the other should aim more toward it.

Montesquieu
De l'Esprit des Lois

The generation succeeding Hasbi and Hazairin had a new perspective on the relationship between Islam and the Indonesian State than did their seniors. After the turbulent toppling of Soekarno and the ultimate collapse of his ever-evolving ideological reinventions, many Muslims became weary of mass mobilization politics. Furthermore, in the early years of the New Order, the new government's drive to consolidate power resulted in a systematic political disenfranchisement of Muslim political parties and organizations. Outside the sphere of politics proper, however, significant changes were in the works, some of which were facilitated by the very success of the New Order's development agenda. Economic growth and the restructuring of the National educational system produced a burgeoning new class of literate Indonesian Muslims.¹ Hefner has noted that during the late 1970s and 1980s:

¹ Between 1965 and 1995, the general literacy rate in Indonesia rose from 40% to 90% of the country's population, and in many cases the local literacy rates were considerably higher in more heavily islamicized areas of the country (i.e., Aceh, West and South

The ranks of Indonesia's educated middle class expanded dramatically; new Muslim print media flourished; and Indonesia witnessed a remarkable Islamic resurgence."²

While this seems to have initially caught some of the New Order leadership off guard, by the end of this period an expanding Islamic revival had established itself securely on the national scene.

The growing, increasingly 'Islamicized' middle class who were among its major supporters were to become a significant factor in the nation's political and socio-cultural dynamics. Many of them were employed in the fields of education and government bureaucracy. Over the past three decades they contributed to the development of a broad movement for the 'Renewal' (Ind. *Pembaharuan*) of Islamic law and doctrine in order to make it more meaningful and beneficial for Muslims living in contemporary Indonesia.³ The origins of *Pembaharuan* have a complex history. A number of its foundational ideas on Islam and its role in society were first formulated within the context of the Limited Group discussions

Sumatra, and Priangan) than elsewhere. This great expansion of the potential reading public facilitated the rapid growth of the market for Muslim book and periodical publications. See: Hugo, Graeme J., et al. *The Demographic Dimension in Indonesian Development*. Singapore: Oxford University Press, 1987. pp. 60-67; and Hull, Terence H. and Jones, Gavin W. "Demographic Perspectives." *Indonesia's New Order: The Dynamics of Socio-Economic Transformation*. Ed. Hal Hill. Honolulu: University of Hawai'i Press, 1994. pp. 123-78.

² Hefner, Robert W. *Civil Islam: Muslim Democrats and State Violence in Indonesia*. Princeton: University Press, (forthcoming). p. 218. I am grateful to the author for allowing me the chance to read through this manuscript before publication.

³ On the origins and development of *Pembaharuan* in Indonesia, see: Barton, Greg. "The International Context of the Emergence of Islamic Neo Modernism in Indonesia." *Islam in the Indonesian Social Context*. Ed. M.C. Ricklefs. Clayton: Monash University Centre of Southeast Asian Studies, 1991. pp. 69-82. Hefner renders the term *Pembaharuan* as 'Renewal' and thence refers to supporters of this new orientation toward Islamic tradition as "Renewalists." In his own words this term is used, "generally to refer to all those in the Indonesian modernist camp who distanced themselves from the senior Masyumi leadership and sought to open Muslim thought to a new pluralism." (forthcoming: 217)

held from 1967-1971 at Yogyakarta under the direction of A. Mukti Ali.⁴ In these circles Djohan Effendi, Manshur Hamid, Dawam Rahardjo, and the late Ahmad Wahib (among others)⁵ were free to explore sometimes radical ideas in a search for new ways in which Islam could be interpreted and implemented with greater relevance to conditions in contemporary Indonesia.⁶ During the 1970s participants in these discussions and other younger activists have made significant contributions toward the more general development of what has been referred to as a "new Islamic intellectualism" in Indonesia.⁷

The debacles of Islamic party politics in the decade before the fall of Soekarno and the rise of the New Order left many Muslims disillusioned with such means to social transformation. In the aftermath of the trauma of the mid-1960s political turmoil, many of them began to look for alternative ways to participate in the New Order program of nation-building and national development.⁸ Out of this there eventually evolved more or less a consensus among most Muslim

⁴ Mukti Ali studied at McGill University (MA) and the University of Karachi, Pakistan (Ph.D.). He later held a number of positions in the Department of Religious Affairs before being appointed as Minister in 1971. His training in the area of Comparative Religions and his open, progressive approach also had an impact upon the development on the IAIN system during his period of involvement with it. A short biographical sketch can be found in: Federspiel, Howard. *Muslim Intellectuals and National Development in Indonesia*. Commack, NY: Nova Science Publishers, 1992. pp. 19-22. For more on his religious thought, see: Munhanif, Ali. "Islam and the Struggle for Religious Pluralism in Indonesia: A Political Reading of the Religious Thought of Mukti Ali." *Studia Islamika* III. 1 (1996): 79-126.

⁵ Other sometime participants in these discussions included: Syu'bah Asa, Saifullah Mahyudin, Djauhari Muhsin, Kuntowijoyo, Syamsuddin Abdullah, Muin Umar, Kamal Muchtar, Simuh, and Wadjiz Anwar. (Effendi, Bahtiar. "Islam and the State in Indonesia: Munawir Sjadzali and the development of a New Theological Underpinning of Political Islam." *Studia Islamika* II. 2 (1995): 102)

⁶ See, for example: Natsir, Ismed and Djohan Effendi, Eds. *Pergolakan Pemikiran Islam: Catatan Harian Ahmad Wahib*. Jakarta: LP3ES, 1981. For an English-language discussion and analysis of Wahib's writings, see: Johns, A. H.. An Islamic System of Islamic Values? Nucleus of a Debate in Contemporary Indonesia." *Islam and the Political Economy of Meaning*. Ed. W. R. Roff. London: Croon Helm, 1987. pp. 254-280.

⁷ (Effendi 1995: 102)

⁸ For an excellent summary of these developments, see: Hefner (forthcoming): 136-212.

groups that direct political action as it had been previously pursued by Islamic parties was no longer a feasible option under the New Order and thus new ways of participating in national development had to be envisioned.⁹ For many, a solution to this dilemma was to be found in an islamization of society pursued by means of a 'cultural' rather than an 'ideological' strategy.¹⁰ That is, rather than following the 'classically modernist' or 'reformist' program of advocating top-down social change through the action of political parties, focus was shifted toward the islamization of society more informally, primarily by imbuing individuals with Islamic values that would inform their actions in both the private and the public sphere.¹¹

⁹ Not all of the Muslim community in Indonesia were happy with these new understandings of the relationship of Islam and politics, as can be seen from some of the more radical reactions of the mid 1980s, including the bombing of the Borobudur temple and the riots of Tanjung Priok. (Ricklefs 1993: 307) Those involved in such actions have been characterized by some observers as "radical idealists." See: (Adnan 1990: 465-466), for more on the political context of these developments: Hefner (forthcoming): 253-258. Many of them channeled their energies into an all-encompassing project of *da'wah* which included a privileged place for Islamicly-inspired political activity. One of the most outspoken proponents of this view was Anwar Harjono, later head of the DDII. In 1968, Harjono received a Ph.D. from Universitas Islam Djakarta under the supervision of Hazairin and H.M. Rasjidi. A concise but telling statement of his ideas on the subject may be found in his definition of 'politics,' which he states as, "The art of the possible, plus the Will of God." (Harjono, Anwar. *Hukum Islam: Keluasan dan Keadilannya*. Jakarta: Bulan Bintang, 1968. p. 274.) For more on Harjono's political and legal thought, see: Harjono, Anwar. *Indonesia Kita: Pemikiran Berwawasan Iman-Islam*. Jakarta: Gema Insani Press, 1995. Biographical materials can be found in: Hakiem, Lukman. *Perjalanan Mencari Keadilan dan Persatuan: Biografi Dr. Anwar Harjono, SH*. Jakarta: Media Da'wah, 1993.

¹⁰ (Abdillah, Masykuri. *Responses of Indonesian Muslim Intellectuals to the Concept of Democracy (1966-1993)*. Hamburg: Abera, 1997. p.187) The structuralist approach is one that works by explicitly political means to bring about the total transformation of society so that it conforms to a holistic model of Islam "as a system (Ar. *nizâm*)." It is the basic orientation of most groups that are described as "Islamist" or "Fundamentalist" in the Middle East and Elsewhere. In Indonesia, such an approach has been advocated by the DDII as well as in earlier writings of Amien Rais. See, for example, the latter's: *Cakrawala Islam: Antara Cita dan Fakta*. Bandung: Mizan, 1987.

¹¹Nurcholish Madjid has recently re-addressed this topic with reference to the precedent of Mohammed Hatta, the first vice president of the Indonesian Republic under Soekarno. Here Madjid appreciatively restates Hatta's position that, through the pursuit of justice for the entire national community, the Muslims of Indonesia could realize the 'substantial ethical bases' of Islam without necessarily having to formally characterize their country as

In response to these movements toward a less overtly political opposition from organized Islam, the Indonesian government began to reevaluate its relationship to more self-consciously Muslim segments of society. In March 1985 the Indonesian Supreme Court and the Ministry of Religion launched a joint program aimed at facilitating the integration of the Islamic courts into the national judicial system.¹² This included attention to issues of legal codification and judicial procedure that had been neglected since 1970.¹³ These gestures, however, seem to contain a considerable ambiguity on the State's new relationship to Islam. On one hand, they display an something of an openness to including certain aspects of Islam into the structure of the State itself, while at the same time involving a strengthening of political control over Muslim institutions.¹⁴

Is this *perestroika* or hegemony? It appears actually to be neither wholly one nor the other. For while in some ways it assumes to continue the Dutch-

an 'Islamic State' (Ind. *Negara Islam*). His argument here is both interesting and compelling as it incorporates not only important aspects of Madjid's other writings on religious pluralism, but also something of an appreciation for the 'Sufi' background of one of Indonesia's most respected 'founding fathers.' See: "Islam dan Negara Islam: Pengalaman Mencari Titik-temu bagi Masyarakat Majemuk di Indonesia." *Agama Kemanusiaan*. pp. 3-22.

¹² Reflections on these developments can be found in the essays by Munawir Sjadzali, Muhammad Daud, and Bagir Manan published in: Praja, Juhaya S., Ed. *Hukum Islam di Indonesia: Pemikiran dan Praktek*. Bandung: PT Remaja Rosdakarya, 1991. pp. 41-154.

¹³Lubis, Nur Ahmad Fadhil. "Institutionalization and the Unification of Islamic Courts under the New Order." *Studia Islamika* II.1 (1995): 39.

¹⁴ Over the past decade, the New Order government's openness toward selective expressions of Islam has undergone a rather pronounced shift away from progressed in ways that were for many quite unexpected. For as early acceptance of more liberal, cultural forms of Islamic expression fostered the growth of a potentially dangerous democratic opposition, the Suharto regime turned toward the cultivation of more 'Neo Fundamentalist' sectors of the Muslim community such as those associated with the DDII. See: Hefner (forthcoming): 364ff.

established policy of discouraging independent forms of political Islam.¹⁵ it also allowed for new channels to develop through which a more informal islamization of Indonesian society might be pursued. In this latter direction it seems to have resulted in some rather significant social changes that were most likely unforeseen by the New Order architects of this orientation. For despite the attempts by the New Order State to manipulate public discourse on and expressions of Islam during this period, a number of intellectual developments have taken place which worked to create new areas of public discourse in which some have seen the seeds of an independent "Civil Society." As John Bowen has recently pointed out, a significant part of this discourse has focused on discussions of religion and law.¹⁶ In this chapter and the next we will examine the writings of some of the major figures involved in these debates over the past two decades.

Nurcholish Madjid

Perhaps the most prominent spokesman for the new movement for a 'Renewal' (Ind. *Pembaharuan*) of Islam has been Nurcholish Madjid. He was born in 1939 at Jombang, East Java, where he attended both public schools and *madrasah*.¹⁷ At the age of fourteen, he entered a local NU-affiliated *pesantren*, but after two years Madjid moved on to pursue further studies at the 'Modern

¹⁵ For a short overview of this aspect of the Dutch colonial legacy in independent Indonesia, see: Wertheim, W.F. "Politique Coloniale et Politique <<Néo-Coloniale>> à l'égard de l'Islam Indonésien." *Archipel* 46 (1993): 111-117.

¹⁶ Bowen, John R. "Qur'ân, Justice, Gender: Internal Debates in Indonesian Islamic Jurisprudence." *History of Religions* 38. 1 (1998): 52-78; and "'You May Not Give it Away': How Social Norms Shape Islamic Law in Contemporary Indonesian Jurisprudence." *Islamic Law and Society* 5. 3 (1998): 382-408.

¹⁷ The biographical sketch given here is based for the most part upon that found in: (Barton 1995: 13-17). Any material supplemental to that account has been referenced accordingly.

Pesantren' of Gontor.¹⁸ At this institution, emphasis was placed on training in English and Arabic, and Madjid's increasing proficiency in these languages gave him access to vast literatures that he has continued to explore ever since.

During the 1960s Madjid became increasingly active in a number of Muslim organizations, especially the Himpunan Mahasiswa Islam (HMI) for which he served as Chair from 1966-1971.¹⁹ In this position Madjid was sometimes referred to as the "young Natsir."²⁰ However he eventually developed in ways that his seniors could not have predicted as he became the most controversial proponent of a radical rethinking of Islam and its place in Indonesian society. In October-November 1968, Madjid visited the United States on the invitation of the State Department, and before returning to Indonesia, he also visited France, Turkey, Lebanon, Syria, Egypt, the Sudan, Saudi Arabia, Pakistan, and Iraq. Writing of these travels, Madjid admits to being impressed by his time in America. However he is quick to add that he felt that the development of his thought at this

¹⁸ For an early account of this institution, see: Castles, Lance. "Notes on the Islamic School at Gontor." *Indonesia* I (June 1966): 30-45. More comprehensive data on this school and its founder can be found in: Wiriyosukarto, Amir Hamzah, et al., Eds. *K.H. Imam Zarkasyi dari Gontor: Merintis Pesantren Modern*. Ponorogo: Gontor Press, 1996.

¹⁹ For more on the history of this organization and its role in socio-political developments in New Order Indonesia, see: Karim, M. Rusli. *HMI, MPO dalam Kemelut Modernisasi Politik di Indonesia*. Bandung: Mizan, 1997.

²⁰ Referring to Mohammad Natsir (1908-1933), one of the leading figures in *Masjumi* and later the *Dewan Da'wah Islamiyyah Indonesia* (DDII). See: Rosidi, Ajip. *M. Natsir: Sebuah Biografi*. Jakarta: Girimukti Pasaka, 1990. Several commemorative volumes have appeared in which a number of Muslim intellectuals have written on their appreciation of Natsir and his role in the history of Islam in Modern Indonesia. These include: Puar, Y. A., Ed. *Muhammad Natsir 70 Tahun: Kenang-kenangan Kehidupan dan Perjuangan*. Jakarta: Pustaka Antara, 1978; Anshari, Endang Saifuddin and Amien Rais, Eds. *Pak Natsir 80 Tahun: Pandangan dan Penilaian Generasi Muda*. Jakarta: Media Da'wah, 1988; Hakiem, Lukman, Ed. *Pemimpin Pulang: Rekaman Peristiwa Wafatnya M. Natsir*. Jakarta: Yayasan Piranti Ilmu, 1993; and Harjono, Anwar, Ed. *M. Natsir: Sumbangan dan Pemikirannya untuk Inodnesia*. Jakarta: Media Da'wah, 1995. A sample of Natsir's early writings on various topics can be found in the two volumes of his *Capita Selecta* (Bandung: W. van Hoeve, 1954 and Djakarta: Pustaka Pendis, 1957).

time was more heavily influenced by the meetings and discussions he shared with fellow Muslims during his visit to the Middle East.²¹

During this time Madjid developed on his own ideas for Islamic 'Renewal' that were in many ways parallel with those being formed at the same time in the circles of the Limited Group discussions mentioned above. In the early 1970s Madjid became most widely known for his controversial call for "*Sekularisasi*."²² By this term he intended to convey the idea that if Islam was to be reformed and thus made a more vital and dynamic part of Indonesian religious life, Muslims would have to examine their tradition critically with an eye towards 'de-sacralizing' out-moded human institutions that mistakenly came to be seen as Divinely-sanctioned ones. This would allow them to make clearer distinctions between the eternal message of revelation, and the human accretions on and interpretations of this as they had developed over time. In essence Madjid's ideas here could be seen as an understandable progression from the earlier *Salafi* reformism discussed in Chapter 2, and an accurate reflection of the work of Robert Bellah on which he drew.²³ However his use of the neologism '*Sekularisasi*' proved to be somewhat infelicitous as it failed to adequately anticipate the reactions of the wider Indonesian Community, who equated this with 'Secularism,' and opened him up to wide-scale public opprobrium.²⁴

²¹ "Sekapur Sirih." in: Pradoyo. *Sekularisasi dalam Polemik*. Jakarta: Grafiti Pers, 1993. pp. xv-xvi.

²² For an overview of Nurcholish's ideas on *Sekularisasi*, see: (Barton 1997: 18-24).

²³ One of Nurcholish' most basic positions is the essential compatibility of the eternal message of Islam and modern society. In support of this position, he draws heavily upon the works of Western scholars, including Bellah, in order to develop models which he sees as relevant to the contemporary Indonesian situation.

²⁴ Some of the most strident criticisms of Nurcholish's ideas were put forward in: Rasyidi, H.M. *Koreksi terhadap Drs. Nurcholish Madjid tentang Sekularisasi*. Jakarta: Bulan Bintang, 1977.

Over the period following his tenure as Chair of HMI, Madjid's thought began to find expression in a number of new ways. Perhaps the most public of these was through his editorship of the periodical *Mimbar Jakarta* (1971-1974), which was one of the earliest organs for the spread of *Pembaharuan* ideas to the general public. In 1973 Fazlur Rahman and Leonard Binder visited Indonesia seeking participants for an extended seminar to be held at the University of Chicago.²⁵ Binder eventually succeeded in recommending Madjid, who attended the seminar in 1976. During his time there Madjid was inspired to continue his studies at Chicago in a more formal capacity, and from 1978-1984 he studied under Fazlur Rahman, completing a dissertation on Ibn Taymiyya.²⁶

Madjid's orientation toward Islamic religious thought has been characterized by a number of observers as Neo Modernist, and thence associated with Fazlur Rahman's influence.²⁷ However while the impression of Rahman's thought upon Madjid and other advocates of *Pembaharuan* is evident, the stirrings of this movement were actually visible well before Madjid's time in Chicago. As has been noted by Greg Barton:

²⁵ Nurcholish' ideas seemed quite amenable with the interests of this scholar. See, for example: Binder, Leonard. *Islamic Liberalism: A Critique of Development Ideologies*. Chicago: University of Chicago Press, 1988. p. 210.

²⁶ (*Ibn Taymiyya on Kalam and Falsafa: A Problem of Reason and Revelation in Islam*) The tremendous influence that Rahman's thought has had upon developments in contemporary Indonesian Islam comes both through his prominent Indonesian students such as Nurcholish Madjid and the popularity of his works among students in the country's IAIN system of State Islamic Colleges, where they are popularly read in Indonesian translation (e.g.: Rahman, Fazlur *Tema Pokok Al-Qur'an*. Bandung: Penerbit Pustaka, 1983). Rahman's thought has also inspired a number of secondary studies in Indonesia which have been oft reprinted and widely read by IAIN students and others. See, for example: Amal, Taufik Adnan. *Islam dan Tantangan Modernitas: Studi atas Pemikiran Hukum Fazlur Rahman*. Bandung: Mizan, 1989 (6th printing 1996); and Mas'adi, Ghufron A. *Pemikiran Fazlur Rahman tentang Metodologi Pembaharuan Hukum Islam*. Jakarta: Rajawali Pers, 1997.

²⁷ See: Rahman, Fazlur. *Islamic Methodology in History*. Karachi: Central Institute of Islamic Research, 1965; and *Islam and Modernity: Transformation of an Intellectual Tradition*. Chicago: University of Chicago Press, 1982.

Fazlur Rahman was not, despite the strong congruence of his ideas with those of Madjid, Ahmad Djohan, *et al.*, the originator of Neo Modernism in Indonesia. The fundamentals of Indonesian Neo Modernism were established by late 1969. In 1970 *Pembaruan Pemikiran* emerged from a fiery public birth, and by late 1972, battle hardened after three years in the public arena it was already well developed. It was not until 1973, when he visited Indonesia for the first time, that Madjid and Djohan knew anything about Fazlur Rahman.²⁸

As a Neo Modernist, Madjid attempted to reevaluate Muslim tradition in a constructive reformulation that draws upon those aspects of it that seem most beneficial and relevant to the needs of contemporary society. As a sign of his appreciation of this tradition, Madjid acknowledges the place of classically trained *mujtahids* in Islamic history and the importance of their specialized training in the Islamic religious sciences. Nonetheless he also maintains that in the modern world more benefit can be had from expanding the circles of those engaging in *ijtihad* beyond the ranks of the ulama alone.²⁹ Thus it might be said that Madjid advanced the earlier movements of Moenawar Chalil and Hasbi Ash Shiddieqy toward a more sophisticated critical reception of various elements of Islamic learned tradition with an eye to integrating useful elements of it into contemporary discussions.³⁰

Madjid's thought has been more extensively discussed in English than that of any other contemporary Indonesian Muslim intellectual. Perhaps the first

²⁸ (Barton 1991: 81)

²⁹ Madjid, Nurcholish. "Taqlid dan Ijtihad: Masalah Kontinuitas dan Kreativitas dalam Memahami Pesan Agama." *Kontekstualisasi Doktrin Islam dalam Sejarah*. Jakarta: Yayasan Paramadina, 1994. pp. 346-349.

³⁰ This aspect of Nurcholish's approach is most obviously noted in his publication of translated excerpts from the writings of a number of classical Islamic thinkers in: *Khazanah Intelektual Muslim*. Jakarta: Bulan Bintang, 1984a.

significant treatment of his work in English is that of Muhammad Kemal Hassan.³¹ While this work may be helpful in supplying appendices of lengthy English translations of some of Madjid's essays, the excessively harsh and hostile interpretation which the author applies to them makes the overall tone of the book unbalanced and therefore it should be used only with caution. Much more appreciative and balanced summaries of Madjid's work can be found in Fachry Ali and Bahtiar Effendy's *Merambah Jalan Baru Islam*,³² as well as in the work of Greg Barton, who dealt with Madjid's thought in two lengthy articles published in the Jakarta-based *Studia Islamika*.³³ The role of Madjid and his thought in the social and political contexts of islamization and democratization in contemporary Indonesia has also been extensively discussed in recent works by Robert Hefner.³⁴

Madjid's impact upon intellectual developments in Indonesia has been a profound one that has done much to shape the context in which other writers focusing more specifically on Islamic law and legal theory work. Nonetheless, it should be noted here that Madjid's comments on matters of Islamic legal theory comprise only a fraction of his much larger corpus that is more concerned with wider issues than those of jurisprudence alone. In fact, much of his work has concentrated on broader themes, especially those of democratization and

³¹ Hassan, Muhammad Kamal. *Muslim Intellectual Responses to "New Order" Modernization in Indonesia*. Kuala Lumpur: Dewan Bahasa dan Pustaka, 1980.

³² Ali, Fachry and Bahtiar Effendy's *Merambah Jalan Baru Islam: Rekonstruksi Pemikiran Islam Indonesia Masa Orde Baru*. Bandung: Mizan, 1986. pp. 122-134.

³³ Barton, Greg. "Neo-Modernism: A Vital Synthesis of Traditionalist and Modernist Islamic Thought in Indonesia." *Studia Islamika*. 2. 3 (1995): 1-75; and "Indonesia's Nurcholish Madjid and Abdurrahman Wahid as Intellectual Ulama: The Meeting of Islamic Traditionalism and Modernism in Neo-Modernist Thought." *Studia Islamika*. IV. 1 (1997): 29-82.

³⁴ See especially his: "Islamization and Democratization in Indonesia." *Islam in an Era of Nation States*. Ed. Robert Hefner and Patricia Horvatich. Honolulu: University of Hawai'i Press, 1997. pp. 75-128; and *Civil Islam* (forthcoming): 253-265.

religious pluralism.³⁵ Some of Madjid's fundamental positions on the latter subject are based upon his re-reading of the meanings of the terms 'Islam,' 'Muslim,' and 'dîn' (Ar. often, but not always accurately rendered as 'religion') in the history of the Arabic language and Islamicate civilization.³⁶ While his open-ended and inclusivistic understandings of these terms do have some claims to legitimate historical and etymological justifications, they nonetheless provoked a considerable amount of public criticism from segments of the Community concerned more primarily with the maintenance of confessional boundaries than with more universalist underpinnings for an integrated national society.

While of critical importance for developments in both local and national politics, Madjid's conceptualization of religious pluralism is not the only concern of his rich and dynamic thought. In fact, Madjid himself has demonstrated that the issue of pluralism might be seen as but one aspect of his more fundamental project of bringing the universal truths of Islam into a more immediate and relevant dialogue with the temporal realm of contemporary Indonesian life.³⁷ Of these values, the most central ones informing Madjid's discussions of Islamic legal theory and related issues are those of justice³⁸ and an optimistic openness toward

³⁵See: Hefner, Robert W. "Modernity and the Challenge of Pluralism: Some Indonesian Lessons." *Studia Islamika*. II.4 (1995): 36-38; (Hefner 1997: 79-86); (Abdillah 1997: 123-125, and 151-152); and Hefner *Civil Islam* (forthcoming): 261-262, 439-440, *et passim*.

³⁶ His understandings of these key terms in the Muslim discourse of self-identity drew not only on the work in this area by W.C. Smith, but also on the writings of Ibn Taymiyya. See, for example, his essays: "Universalisme Islam dan Kosmopolitanisme Kebudayaan Islam." *Islam Doktrin dan Peradaban*. pp. 425-448; and "Islam di Indonesia: Masalah Ajaran Universal dan Lingkungan Budaya Lokal." *Islam Agama Kemanusiaan*. pp. x-xviii.

³⁷ See, for example, his essays: "Islamic Roots of Modern Pluralism, Indonesian Experience." *Studia Islamika*. I.1 (1994a): 67; and "Masalah Tradisi dan Inovasi Keislaman dalam Bidang Pemikiran, serta Tantangan dan Harapannya di Indonesia." *Islam Agama Kemanusiaan*. p. 44.

³⁸ See, for example: "Konsep-konsep Keadilan dalam al-Qur'an dan Kemungkinan Perwujudannya dalam Konteks Zaman Moderen." *Islam Doktrin dan Peradaban*. pp. 508-524.

the contributions of non-Muslim civilizations to the development of a more broadly cosmopolitan conceptualization of human society.³⁹ Thus recognizing that Madjid is not primarily a scholar of Islamic law, it is nonetheless important to note that he does touch upon a number of the issues which we have discussed in previous chapters.⁴⁰ For Madjid, justice and egalitarianism are fundamental principles underlying all aspects of Islam and especially its law.⁴¹ However, he criticizes the fact that historically *fiqh* has tended to emphasize the outer manifestations of actions as elaborated in incredible detail, rather than the inner meaning of the law.⁴² The terminology he uses here is suggestive of the *hikmah* (Ar. 'wisdom') that we have mentioned previously in connection with Hasbi Ash Shiddieqy; and in fact elsewhere Madjid comments extensively on the implications of the concept of *hikmah* for law more generally.⁴³

This concern with the inner meaning of the law has been regarded by some as revealing a 'Sufi' orientation; a point for which he was strongly criticized by

³⁹ In support of this, Madjid cites the historical precedents of the assimilation of Hellenistic, Persian, and Indian learning and culture into the development of Islamicate civilization during the early periods of its historical expansion. See: (Madjid 1994a: 68-69).

⁴⁰ See, for example: Madjid, Nurcholish. "Pandangan Kontemporer tentang Fiqh: Telaah Problematika Hukum Islam di Zaman Modern." *Kontekstualisasi Doktrin Islam dalam Sejarah*. Ed. Nurcholish Madjid. Jakarta: Yayasan Paramadina, 1994. pp. 386-388. This central concern with justice has also led Madjid to become a significant figure in the struggle for human rights in contemporary Indonesia. See: "Kesadaran tentang Hak-hak Asasi Manusia dan Usaha Peningkatannya." *Islam Agama Kemanusiaan*. pp. 203-214.

⁴¹ *Islam: Doktrin dan Peradaban: Sebuah Telaah Kritis tentang Masalah Keimanan, Kemanusiaan, dan Kemoderenan*. Jakarta: Yayasan Wakaf Paramadina, 1992. p. 247.

⁴² Here he recalls fondly what some historians have referred to as the 'Ghazalian synthesis' of theology, law and mysticism into a more holistic religious vision. (*Islam: Doktrin dan Peradaban*, 247)

⁴³ ("Konsep 'Hukum' dalam al-Qur'an" Antara Ketgaran Menegakkan Keadilan dan Kelembutan Rasa Kemanusiaan." *Islam Doktrin dan Peradaban*. pp. 312-327) In this essay Madjid links the Indonesian word *hukum* ('law') with the various meanings of its original Arabic root, h-k-m, including that of *hikmah*. In do doing he strives to emphasize the broader moral and ethical principles which underlie the law as a whole, as well as their relationship to an evolving conceptualization of scripture which binds together all the 'Peoples of the Book' (Ar. *ahl al-kitâb*); Jews, Christians, and Muslims.

H.M. Rasjidi and others.⁴⁴ However Madjid's openness towards certain mystical aspects of Islamic religiosity should not be viewed as a form of emotional escapism or elitist esotericism.⁴⁵ In fact much of what Madjid writes on the subject attempts to link a heightened spiritual awareness of the eternal truths of Islam to the more immediate social realities of contemporary Indonesian life.⁴⁶ The way in which he approaches this may not be 'Sufi' in the traditional sense, but here Madjid may still be seen as maintaining an openness to the spiritual dimensions of Islam that has long been characteristic of a number of Islamic thinkers who today might not be considered by most Muslims as 'mystics.'⁴⁷

Madjid's departure from the purely textual understanding of the Qur'an to a more comprehensive and integrated interpretation of revelation is directed towards maintaining the flexibility and dynamism of Islamic thought in a rapidly

⁴⁴ (Rasyidi 1977: 28)/ Cf. (Fachry and Effendy 1986: 140). More recently this aspect of Nurcholish' thought has been addressed by the polemics of Abdul Qadir Djaelani. See: *Menelusuri Kekeliruan Pembaharuan Pemikiran Islam Nurcholish Madjid*. Bandung: Penerbit Yadia, 1994: 212ff.

⁴⁵ Some of Nurcholish' more recent writings on Sufism and Islamic spirituality include: "Pendidikan Tasawuf dan Akhlak bagi Anak." *Masyarakat Religius*. Jakarta: Paramadina 1997. pp. 139-146; "Relevansi Kesufian Buya Hamka bagi Kehidupan Keagamaan di Indonesia." *Tradisi Islam: Peran dan Fungsinya dala Pembangunan di Indonesia*. Jakarta: Paramadina, 1997, 123-132; and *30 Sajian Ruhani: Renungan di Bulan Ramadhan*. Bandung: Mizan, 1998. His openness towards certain aspects of Islamic spirituality might be seen as part of a much broader opening to Sufism in Indonesia over the past few decades. See, for example: Arifin, Syamsul, et al. *Spiritualisasi Islam dan Peradaban Masa Depan*. Yogyakarta: SIPress, 1996; and Feener, R. Michael. "A Re-Examination of the Place of al-Hallâj in the Development of Southeast Asian Islam." *BKI* 154.4 (1998a): 585.

⁴⁶ See, for example his: "Reaktualisasi Nilai-nilai Kultural dan Spiritual dalam Proses Transformasi Masyarakat." *Islam Doktrin dan Peradaban*. Jakarta: Paramadina, 1992. pp. 574-611.

⁴⁷ This is particularly true of the thinker who was the focus of his University of Chicago dissertation, Ibn Taymiyya. Although here Madjid recognized the importance of the Sufi concept of *dhikr* (Ar. 'remembrance [of God]') in Ibn Taymiyya's thought, he did not integrate it fully into a discussion of this scholar's role in a long line of Hanbali shaykhs who combined scripturalist views of textual reasoning with an openness to Islamic mysticism. For more on this see the works of George Makdisi: "Ibn Taimiyya: A Sufi of the Qadariya Order." *American Journal of Arabic Studies*, I (1974): 118-129; and "The Hanbali School and Sufism." *Boletin de la Asociacion Espanola de Orientalistas*, XV (1979): 115-126.

changing world. He maintains that only by such a progressive understanding of the eternal truths of Islam can its purpose as a mercy for humankind be accomplished and sustained over the historical development of society.⁴⁸ While Madjid accepts *prima facie* that the Qur'an is the Word of God as revealed to Muhammad, he also emphasizes the fact that this message was revealed to the Prophet in seventh-century Arabia and therefore grounded in a particular social reality. As this is different from that in which the contemporary community lives, the task of the exegete becomes one of distilling from the particulars of that historically contextualized revelation the essential principles of the message that can then be 're-actualized' in ways more relevant to changing situations.⁴⁹

Madjid's ideas on Qur'anic interpretation have exerted a considerable influence on recent Indonesian exegetical exercises. His hermeneutic is one that has been described as 'radical' in comparison to earlier Muslim exegetes, however when viewed in conjunction with the developments of Indonesian Islam discussed above, they may be seen somewhat less novel.⁵⁰ In fact they might even be seen as something of a natural progression from the works of authors mentioned in previous chapters. For example, Hassan and the early radical reformers emphasized the importance of taking account of the immediate context of

⁴⁸ See, for example, his remarks on *nāsikh wa mansūkh* in: Madjid, Nurcholish. "Beberapa Renungan Tentang Kehidupan Keagamaan untuk Generasi Mendatang," *Ulumul Qur'an* IV.1 (1993): 4-25.

⁴⁹ Nurcholish also holds very similar ideas on the hadith and Sunnah, in which he distinguishes the individual, atomistic reports of particular Prophetic practices and utterances (hadith) from a more abstracted notion of the Sunnah which includes general principles of belief and ethical behavior. See his: "Pergeseran Pengertian 'Sunnah' ke 'Hadits': Implikasi dalam Pengembangan Syariah." *Kontekstualisasi Doktrin Islam dalam Sejarah*. Jakarta: Yayasan Paramadina, 1994. pp. 208-222.

⁵⁰ Greg Barton (1991: 73-4) notes that Nurcholish' view on the Qur'an is, "...from an outside (i.e., specifically a Western Post-Christian perspective) a very conservative one." However Barton does not mention any of the earlier Indonesian authors, such as Hasbi Ash Shiddieqy, whose works might be seen as pre-cursors to the evolution of Madjid's approach to the Qur'an.

revelation (Ar. *asbâb al-nuzûl*) in their new reinterpretations of Qur'anic verses. Hasbi directed more efforts toward re-contextualizing the eternal message of revelation in the realities of Indonesian society through his conceptualization of *Fikih Indonesia*.⁵¹ and Hazairin further developed this general idea by employing more of the 'Westernized' methodology of legal studies and ethnological investigation in his formulation of the 'living law' of society. Madjid develops such social-science based approaches even further in his construction of contextualized interpretations of Islamic religious texts.⁵²

As an advocate of the 'renewal' of Islamic thought, Madjid obviously places great importance on the concept of *ijtihâd*. In his discussions of the subject, Madjid is fond of citing the opinions of Muhammad Iqbal who viewed *ijtihâd* as the "principle of movement within Islam."⁵³ Madjid himself links the practice of *ijtihâd* with renewed investigations into the subject of *'usûl al-fiqh*, which he considers as being the dynamic area in which the principles of a new *ijtihâd* can be formulated. In his own words:

⁵¹ In fact, in doing this, both Hasbi and Nurcholish made use of the idea of the *hikmah* behind given laws and rulings, linking this concept in turn to the broader paradigm of *maqâsid al-Shari'ah*. (Madjid, Nurcholish. "Taqlid dan *Ijtihâd*: Masalah Kontinuitas dan Kreativitas dalam Memahami Pesan Agama." *Kontekstualisasi Doktrin Islam dalam Sejarah*, 434-436.

⁵² See for example: Madjid, Nurcholish. *Islam Doktrin dan Peradaban: Sebuah Telaah Kritis tentang Masalah Keimanan, Kemanusiaan, dan Kemoderenan*. Jakarta: Yayasan Wakaf Paramadina, 1992.

⁵³ (Iqbal, Muhammad. *The Reconstruction of Religious Thought in Islam*. London: Oxford University Press, 1934.) Iqbal's conception of the role of *ijtihâd* in Islamic history influenced many contemporary Indonesian advocates of *Pembaharuan*. See, for example: Bagir, Haidar. "Dua Bentuk Respon Atas Pembaruan Islam." *Ulumul Qur'an* IV. 1 (1993): 3. For more on the life and work of this important modern Muslim thinker, see: Schimmel, Annemarie. *Muhammad Iqbal, Prophetischer Poet und Philosoph*. Munich: E. Diederichs, 1989.

Ijtihād... means an intense and continuing effort to anticipate the new challenges brought about by the progress of history and the evolution of social life. This is why Iqbal refers to *ijtihād* as "the principle of movement within Islam," which is in itself identical with *Pembaharuan*.⁵⁴

This dynamic and evolving conceptualization of *ijtihād* is older than Iqbal, as Madjid himself has noted elsewhere. For he has also discussed a strikingly similar understanding of the nature of *ijtihād* at greater length in his dissertation on Ibn Taymiyya.⁵⁵

There Madjid elaborates upon this scholar's argument that the purpose of *ijtihād* is to establish rulings for new cases which arise out of the changing conditions of society and for which there is no clear scriptural precedent. This necessitates the careful use of *qiyās* (Ar. 'analogical reasoning') in order to supplement the specific statements on analogous issues mentioned in the texts of the Qur'an and the reliable traditions. Because of this fallible human element in the process of *ijtihād*, rulings established by this method may not be considered as absolute and definitive statements on a given issue. Rather they must always be seen as provisional positions that by their very nature need to be constantly refined and revised.⁵⁶ This understanding of the relation of jurisprudential reasoning to the progress of human development in history has exercised an

⁵⁴ (Madjid, Nurcholish. "Beberapa Renungan Tentang Kehidupan Keagamaan untuk Generasi Mendatang." *Ulumul Qur'an* IV. 1(1993): 4. 4-25) Such an equivocation of *ijtihād* with *Pembaharuan* has not gone un-criticized, especially by traditionally-trained ulama, as we shall have opportunity to discuss in the next chapter.

⁵⁵ "Ibn Taymiyya on Kalam and Falsafah: A Problem of Reason and Revelation in Islam." Diss. University of Chicago, 1984.

⁵⁶ (Madjid 1984: 227-228) However Madjid qualifies this appreciation of Ibn Taymiyya's views on *ijtihād* by voicing concerns as to what he perceives to be this scholar's 'wholesale adherence to tradition.' In this he seems to follow closely the views of his mentor Fazlur Rahman, although in doing so he tends to overlook some of the more critical aspects of Hanbali approaches to the hadith literature. (*Ibid.*, 233) Cf. Rahman, Fazlur. "Sunnah and Hadith." *Islamic Studies* I (June 1962): 1-36.

appeal on Madjid that has extended far beyond his dissertation to the more engaged scholarship and popular essays through which he continues to contribute to the intellectual development of Indonesian Islam.⁵⁷

As an example of such an active force of *ijtihād* in Islamic history, Madjid refers to the example of the second Caliph, `Umar b. al-Khattāb.⁵⁸ The importance of `Umar and his approach to *ijtihād* has been a major theme in contemporary Indonesian discussions of Islamic law over the past two decades. During this time `Umar's exercise of *ijtihād* has been brought into the spotlight by a number of other prominent Indonesian intellectuals, including the two-term Minister of Religious Affairs, Munawir Sjadzali, whose work will be discussed below.⁵⁹ In addition to a great number of essays and popular addresses, full

⁵⁷ See, for example: "Masalah Tradisi dan Inovasi Keislaman dalam Bidang Pemikiran, serta Tantangan dan Harapannya di Indonesia." *Islam Agama Kemanusiaan*. p. 63.

⁵⁸ In a relatively recent essay on *taqlīd* and *ijtihād* Madjid quotes extensively a letter from `Umar to his contemporary governor of Iraq, Abu Musa al-Ash'ari. He extracts from this document what he understands to be the five principle themes of the Caliph's thoughts on the issue: 1) authenticity, 2) development, 3) the progressive revision of existing legal decisions, 4) the conviction with which important decisions are executed, and 5) the necessity of sincere intention. Following this abstracted list, Madjid then contrasts the glory of such a paragon of progressivism with a sketch of later Islamic history that follows the well-known model of greatness and decline so often employed by Muslim reformists and Orientalists alike. (Madjid, Nurcholish. "Taqlid dan Ijtihad: Masalah Kontinuitas dan Kreativitas dalam Memahami Pesan Agama." *Kontekstualisasi Doktrin Islam dalam Sejarah*, 339-341) Earlier he had taken up the subject in his dissertation with particular reference to Ibn Taymiyya, although there more in connection with this figure's ideas on theology (Ar. *kalām*). In his comments on Ibn Taymiyya's use of *qiyās* and *ijtihād*, we a reflection of Nurcholish's own ideas on the subject; agreeing with Ibn Taymiyya on 'simplicity' of doctrine, but regretting the latter's wholesale acceptance of all prophetic tradition contained in the canonical 'six books' of hadith compilations. Nurcholish proposes that this shortcoming might be overcome by contemporary Muslims by making use of some of the benefits of "modern research on the history of Islam and its civilization." This of course has been a hallmark of Nurcholish' own writing and that of much Indonesian discourse on Islam over the past two decades. (Madjid, Nurcholish. *Ibn Taymiyya on Kalam and Falsafa: A Problem of Reason and Revelation in Islam*. University of Chicago Ph.D. dissertation, 1984. pp. 101-111, and 233-234)

⁵⁹ In fact, one of Nurcholish' articles on `Umar's exercise of *ijtihād* was also featured prominently in a special volume dedicated to debates over Sjadzali's ideas on *Reaktualisasi*. (Madjid, Nurcholish. "Pertimbangan Kemaslahatan dalam Menangkap Makna dan

monographs have also been produced in Indonesian which deal specifically with `Umar in relation to legal change.⁶⁰

In one of his essays, Madjid presents a nostalgic and imaginative reconstruction of the early days of Islam when the Prophet's Companions. (Ar. *sahabât*) and the generation that followed them (Ar. *tabi'un*) and the imams of the recognized *madhâhib* participated in vibrant, yet civil, legal and intellectual debates. Subsequent to this, however, he bemoans the fate of learning in later Islamic history. He cites as the most characteristic products of this later period the mass of summaries, commentaries and super-commentaries which comprise such an integral part of traditional Muslim scholarship.⁶¹ This criticism is both justifiable and understandable in the work of an engaged scholar like Madjid who is working actively for the renewal and reformulation of Islamic thought in his society. However as technical history it seems to rest to a certain extent upon an over-simplification of the complex dynamics of the transmission of religious knowledge in Islamicate civilization that does not take into account the subtle processes of selection and elaboration at work within it.⁶² For Madjid, however, the point behind the whole exercise is not the re-construction of academic history. Instead he is more concerned with using this historical sketch as a point of entrance into a discussion of more pressing contemporary concerns.

Semangat Ketentuan Keagamaan: Kasus *Ijtihâd* Umar bin al-Khattab." *Polemik Reaktualisasi Ajaran Islam*. Jakarta: Pustaka Panjimas, 1988. pp. 12-27.

⁶⁰ See, for example: Nuruddin, Amiur. *Ijtihâd `Umar Ibn al-Khattâb: Studi tentang Perubahan Hukum dalam Islam*. Jakarta: Rajawali Pers, 1987.

⁶¹ Madjid, Nurcholish. "Tradisi Syarah dan Hasyiyah dalam *Fiqh* dan Masalah Stagnasi Pemikiran Hukum Islam." *Kontekstualisasi Doktrin Islam dalam Sejarah*, 311-318.

⁶² For a much more nuanced and detailed approach to this material, see the collection of studies on the traditional transmission of Islamic religious knowledge in: Vajda, George. *La Transmission du Savoir en Islam (VIIe-XVIIIe siècles)*. London: Variorum, 1983.

Historical consciousness in Islam is something to which Madjid and other *Pembaharuan* thinkers attach great importance.⁶³ This has led to something of a renaissance of interest in and the publication of 'classical' works of Muslim learning from both within and without Indonesia.⁶⁴ One of Madjid's first Indonesian monographs published upon his return from Chicago was his *Khazanah Intelektual Muslim*, an anthology of translated excerpts from some of the great authors of Muslim history.⁶⁵ Furthermore many of Madjid's essays begin with an historical introduction to the problem that will be discussed, and every attempt is made to present the religious message of Islam in historically contextualized forms.⁶⁶ Such an historical approach to Islamic religious thought is often connected with Neo Modernism. However, as we have seen, there have been in Indonesia certain clearly established modern precedents for such an historically informed approach to religious issues in the work of earlier reformers such as Moenawar Chalil and Hasbi Ash Shiddieqy.⁶⁷ Under the influence of Madjid, this more general historical orientation merged with other aspects of modern academic Islamic Studies and the social sciences to form a movement known in Indonesia as *Kontekstualisasi*. This self-consciously contextualizing

⁶³ Anwar, M. Syafi'i. "Sosiologi Pembaruan Pemikiran Islam Nurcholish Madjid." *Ulumul Qur'an* IV. 1 (1993): 49.

⁶⁴ See, for example: Hasan, Ahmad Rifa'i, Ed. *Warisan Intelektual Islam Indonesia*. Bandung: Mizan, 1987. For a secondary study of the place of some of this material in the intellectual and religious dimensions of contemporary Indonesian Islam, see: Feener, R. Michael. "Shaykh Yusuf and the Appreciation of Muslim 'Saints' in Modern Indonesia." *Islam Studies* (forthcoming).

⁶⁵ Jakarta: Bulan Bintang, 1984.

⁶⁶ See, for example, the essays contained in his *Kaki Langit Peradaban Islam* (Jakarta: Paramadina, 1997).

⁶⁷ Elsewhere in the Muslim world movement in this direction can also be observed, for instance in the work of Ahmad Amin (d. 1954). This Egyptian author's trilogy on Islamic history was oriented toward a greater project of religious, social and educational reform. At least one volume of this series has been translated into Indonesian as: *Fajar Islam: Mengupas perkembangan pikiran di kalangan Umat Islam sejak masa Nabi saw. sampai akhir masa Umawiy*. Jakarta (?), 1967.

approach has become one of the central elements in a broader Indonesian discourse on *ijtihād* since the 1970s.⁶⁸

An historical emphasis more specifically connected with the field of jurisprudence can be found in Madjid's views on the specialized sub-disciplines of *nāsikh wa mansūkh* (Ar. 'the abrogator and the abrogated') and *asbāb al-nuzūl* (Ar. 'the occasions of revelation') as methods of early 'historical criticism' in traditional Muslim scholarship.⁶⁹ Madjid argues that in these 'sciences' are precedents for further attempts at historical contextualization of the sources of law following more 'modern' methodologies. Beyond this, Madjid also praises various pillars of the classical tradition for their high historical consciousness, including al-Shafi'i, the putative founder of the *madhhab* to which most Indonesian traditionalists adhere.⁷⁰

Another important aspect of Madjid's conceptions of Islamic history is his account of the early development of the various 'schools of law' (Ar. *madhāhib*). Here Madjid, like Chalil and Hasbi before him, strongly emphasizes that the eponymous imams of these schools do not seem to have themselves intended the establishment of closed systems of law. His point here is not only to rectify a popular historical assumption, but also to strengthen his argument in favor of an understanding of *madhhab* as methodology. In his own words:

⁶⁸ Feener, R. Michael. "Tafsīr, Fiqh, and Contextualization in 20th Century Indonesia." paper presented at the American Academy of Religion (AAR) Annual Meeting in Orlando, FL, November 1998. A revised version of this is currently in preparation for publication in the journal, *Religion*

⁶⁹ Both of these sub-disciplines have been introduced in Chapter 2, where they were discussed in connection with A. Hassan and Moenawar Chalil's approaches to Qur'anic exegesis.

⁷⁰ The historical development of al-Shafi'i's thought is also evoked by Munawir Sjadzali, who repeatedly mentions the differences between his 'earlier' and 'later' teachings (Ar. *qawl al-qadīm* and *qawl al-jadīd*). See, for example his: "Dinamika dan Vitalitas Hukum Islam." *Panji Masyarakat*, 459 (1985): 25-28.

What we call the Shafi'i *madhhab* is not actually the teachings of Imam al-Shafi'i *an sich*, but rather a more general pattern of thought that follows a 'Shafi'ite methodology' even where in particulars Shafi'i himself might not agree with certain rulings. This is what is meant by '*madhhab*,' a unified methodology that grows and develops over time; departing from the intellectual efforts of an individual, although not necessarily from the individual after whom the school is named.⁷¹

In this Madjid begins to explore an alternative definition of *madhhab*. This dynamic understanding of *madhhab* is one that has been largely obscured for the last few centuries, but it is one that has become increasingly appreciated by modern Indonesian authors writing on Islamic legal theory.⁷²

Over the past three decades, advocates of *Pembaharuan* and those sympathetic to Madjid's ideas expressed themselves not only in print through the burgeoning media of periodical and book publishing, but also through speeches, seminars, and presentations at public events. Madjid himself used such forms to broadcast some of his theories, most noticeably perhaps in his now infamous address on *Sekularisasi*. In 1986, Madjid established a new forum for the exchange and expression of new ideas on religion and society known as the *Paramadina* foundation. While *Paramadina* publicly proclaimed its orientation toward the middle class, its links to the Indonesian elite were clear from the start.⁷³ The association of a growing number of elites with a self-proclaimed

⁷¹Madjid, Nurcholish. "Tradisi Syarah dan Hasyiyah dalam *Fiqh* dan Masalah Stagnasi Pemikiran Hukum Islam." *Kontekstualisasi Doktrin Islam dalam Sejarah*, 312.

⁷²This is true not only of thinkers associated with *Pembaharuan*, but also by an increasing number of figures associated with the 'traditionalist' NU. Madjid himself refers to these developments appreciatively in one of his recent essays, see: "Reorientasi Wawasan Pemikiran Keislaman: Mencari Alternatif Bentuk Peran Tepat Umat Islam Indonesia di Abad ke-21." *Islam Agama Kemanusiaan*. pp. 84-85. These developments will be discussed at length in Chapter 5.

⁷³ On the elite connections of *Paramadina*, see: Hefner (forthcoming): 276.

da'wah orientation is a prime example of what has been described as the 'greening' of the late New Order; a phenomenon in which Indonesian Muslims from nearly every level of government have begun to feel more comfortable with public expressions of their increasingly self-conscious Muslim identity.⁷⁴

Munawir Sjadzali

One of the most prominent participants in the early discussions at Paramadina was the then Minister of Religious Affairs, Munawir Sjadzali. He was born in Klaten in 1925 and educated at Islamic schools in Central Java. In the 1950s he entered the Indonesian foreign service where he was particularly active in assignments to a number of countries in the Arab Middle East. He also served in London and Washington while taking degrees from Exeter and Georgetown, where he wrote an MA thesis on Muslim politics in Indonesia.⁷⁵ Upon returning to Indonesia, he lectured on related topics at IAIN Jakarta before his appointment as Minister of Religious Affairs in 1983.⁷⁶

Under his direction as Minister, the IAIN underwent some pronounced changes that were intended to redefine its legal status in the national Ministries of Education and Religious Affairs, as well as to enhance its curriculum and pedagogical approaches in ways more amenable to the needs of contemporary

⁷⁴ *Da'wah* in Southeast Asia takes many forms, and one should not necessarily apply the politicized associations of this term as it is used in other contexts to all manifestations of it in Indonesia. For an outstanding study of some of the contemporary religious and cultural dimensions of this phenomenon, see: Gade, Anna M. *Learning to Recite the Qur'an in Modern Indonesia*. University of Chicago dissertation, 1999.

⁷⁵ *Indonesia's Muslim Parties and their Political Concepts* (1959).

⁷⁶ Sjadzali, Munawir. "Dari Lembah Kemiskinan." *Kontekstualisasi Ajaran Islam: 70 Tahun Prof. Dr. H. Munawir Sjadzali*. Eds. Muhammad Wahyuni Nafis, et al. Jakarta: Paramadina, 1995. pp. 1-118.

Indonesian society.⁷⁷ By the time of Sjadzali's tenure as Minister, Hasbi and Hazairin's efforts in developing Islamic higher education in Indonesia even further expanded the Muslim reading public of potential participants in debates over issues of religion, law and society. Some of the most influential developments in this area were taking place within the growing system of IAIN campuses throughout the country.⁷⁸ Over the years, facilities at various IAIN branches expanded to include post-graduate studies and other programs to upgrade the skills of the teaching staff for the Religious Sciences (Ar. *'ulûm al-dîn*) in an interdisciplinary format.

In formulating his program for further development of the IAIN, Sjadzali appealed to outside experts for their input on the present state of the system and suggestions for improvement. The two most prominent such advisors were Muslim scholars whose disciplines and approaches were largely forged under a Western model of higher education: Sherif Mardin and Fazlur Rahman. Both of them visited Indonesia in the summer of 1985, when they toured a number of IAIN campuses before submitting reports to the Minister of Religious Affairs. The main thrust of both their reports was advocating a greater openness to Western academic approaches in order to promote further studies toward a "critical religious history of Islam."⁷⁹

This advice was followed, to an extent, and such programs had a marked effect on the kinds of religious scholars produced in Indonesia during the later

⁷⁷Muchtarom, Zaini. "Kebijakan Pendidikan Islam di Departemen Agama." *Kontekstualisasi Ajaran Islam: 70 Tahun Prof. Dr. H. Munawir Sjadzali*. Eds. Muhamad Wahyuni Nafis et al. Jakarta: Yayasan Wakaf Paramadina, 1995. pp.. 516-532.

⁷⁸ For a report on the state and development of IAIN during Sjadzali's tenure as Minister, see: *Information on State Institute for Islamic Studies (IAIN)*. Jakarta: Departemen Agama RI, 1988/ 1989.

⁷⁹ For the English text of Rahman's report, see: (Muchtarom 1995: 520-523).

twentieth century. In fact a marked shift in the orientation of IAIN can be observed between the earlier years when faculty were being exchanged with Egypt⁸⁰ to the later period when IAIN began looking more to the West for training and methodological approaches.⁸¹ This started with the sending of trainees to the United States, Canada, Europe, and Australia in the 1970s, but greatly increased during the 1980s under Sjadzali's tenure as Minister. It continues today on a large scale and in cooperation with such international partners as the Indonesian-Netherlands Islamic Studies project (INIS) and the Canadian Institute for International Development (CIDA).⁸²

The changes of orientation at the IAIN and the ascendancy of development ideology under the New Order were integral to the creation of a new corps of intelligentsia that approached religious questions from a viewpoint radically different from that of the ulama before them.⁸³ Many of these 'new intellectuals'

⁸⁰ Mahmud, Said, et al. Eds. *15 Tahun Institut Agama Islam Negeri Jami'ah Ar-Raniry Darussalam Banda Aceh*. Banda Aceh: Panitia Harijadi ke-XV IAIN Jami'ah Ar-Raniry, 1978. pp. 50-51, 114. These changes were directly noted by members of the Indonesian student community in Cairo who voiced their concerns over these developments in an article published in the popular Indonesian news weekly *Tempo*. See: "IAIN Beralih Kiblat?" No. 40. Th. XV (30 November, 1985). For more on the Indonesian Muslims students of Cairo, see: Abaza, Mona. *Changing Images of Three Generations of Azharites in Indonesia*. Singapore: Institute of Southeast Asian Studies, 1993; Abaza, Mona. *Indonesian Students in Cairo: Islamic Education, Perceptions and Exchanges*. Paris: Cahier d'Archipel, 1994; and Feener, R. Michael. "The Community of Southeast Asian Students at al-Azhar." unpublished paper presented at The American Research Center in Egypt's *Cairo, City of Islam* Seminar, August 1995.

⁸¹ This shift in orientation of the IAIN under Sjadzali's terms as Minister of Religious affairs continues to be regretted by the Jakarta-based leadership of the *Dewan Da'wah Islamiyah Indonesia (DDII)* and others. See: Hefner (forthcoming): 242-243.

⁸² The number of Indonesian student at the McGill Institute for Islamic Studies is so large now that they publish their own official handbook for new colleagues which includes information on everything from the application process and class registration to the basic needs of getting settled in a new city and cultural environment. (Minhaji, Akh. and Iskandar Arnel. *Petunjuk Praktis Belajar di Institute of Islamic Studies, McGill University, Montreal, Kanada*. Yogyakarta: Permika, 1997)

⁸³ A number of them actually directed their studies of religion specifically toward its possible relationship to development theory. This has been most visible in the vast proliferation of books and articles concerned with the "Islamic work ethic," (Ind. *etos kerja*

had advanced training in such fields as communications, economics, and the social sciences. Some even held advanced degrees in Islamic Studies from universities in Europe and North America. The influence of these returning students has been a profound one in the transmission and translation of some of the approaches and conceptual categories from the academic study of religion, and especially Islamic Studies, into the mainstream of Indonesian public religious discussions.⁸⁴

Far more than for his work on the reform of the IAIN, however, Sjadzali is known for his ideas on the "Re-actualization" (Ind. *Reaktualisasi*) of Islamic law.⁸⁵ In September 1987, he laid out his ideas on the subject, and especially his

Islam) over the past two decades. One of the classic statements of this type can be found in: Madjid, Nurcholish. "Masalah Etos Kerja di Indonesia dan Kemungkinan Pengembangan dari Sudut Pandangan Ajaran Islam." *Islam Doktrin dan Peradaban*. Jakarta: Yayasan Wakaf Paramadina, 1992. This was also one of the central themes of the second *Festival Istiqlal* held in Jakarta during 1995. The four volumes of compiled speeches and articles from this event contain numerous pieces on the subject, see: Mahasin, Aswab et al., Eds. *Ruh Islam dalam Budaya Bangsa*. Jakarta: Yayasan Festival Istiqlal, 1996.

⁸⁴ In the field of Islamic law, one important thinker who has advised a number of Indonesian students at McGill, and whose influence is starting to be noticed within Indonesia is Wael Hallaq. See: Minhaji, Akh. "Kontribusi Dr. Wael B. Hallaq dalam Kajian Hukum Islam." *Pengalaman Belajar Islam di Kanada*. Ed. Yudian W. Asmin. Yogyakarta: Permika and Titian Ilahi, 1997. pp. 115-142. For one former student's reflections on the experiences of studying Islamic law at both McGill and the IAIN, see: Lukito, Ratno. "Studi Hukum Islam antara IAIN dan McGill." *Ibid.*, 143-164.

⁸⁵ One common version of the text in which he publicly proclaimed his program can be found in: Sjadzali, Munawir. "Reaktualisasi Ajaran Islam." *Polemik Reaktualisasi Ajaran Islam*. Jakarta: Pustaka Panjimas, 1988. pp. 1-11. This text is also available in: Praja, Juhaya S., Ed. *Hukum Islam di Indonesia: Perkembangan dan Pembentukan*. Bandung: PT Remaja Rosdakarya, 1991. pp. 83-94. It appears, however, that the Minister had already tried these ideas out on audiences abroad before publishing them to a wider Indonesian public. In December 1985, he attended an international Seminar on "Shari'ah and Codification" at Colombo, Sri Lanka in which he outlined his interpretation of Islamic law as being "dynamic and adaptable" in nature. This paper was essentially an English version of his basic statement on the 'Re-actualization' (Ind. *Reaktualisasi*) of Islam that will be discussed further below. (Sjadzali, Munawir. "Syariah: A Dynamic Legal System." reprinted in: *Islam: Realitas Bar dan Orientasi Masa Depan Bangsa*. Jakarta: Universitas Indonesia Press, 1993. pp. 9-15.

'contextual' hermeneutic,⁸⁶ to the President. Suharto approved and advised the Minister to, "Use the IAIN to produce (*mencetak*) scholars who will agree with your way of understanding."⁸⁷ The government's concern with the success of *Reaktualisasi* was more than purely academic, as Sjadzali himself acknowledges that his ideas on this were first put forward simultaneously and in conjunction with the launch of the government's project for the compilation of Islamic law.⁸⁸ The program was backed by a number of prominent figures from government circles, including the MUI. The Chair of this organization, Ibrahim Hosen, provided a public endorsement of the Minister's program by publishing an extensive commentary on (or rather 'apology' for) *Reaktualisasi* that attempts to support its various positions with extensive Arabic quotations from the classical corpus of *fiqh* scholarship.⁸⁹

Sjadzali's ideas on *Reaktualisasi* were launched in a paper presented for discussion at *Paramadina*, whence they were spread to the Indonesian public at

⁸⁶ Sjadzali, Munawir. "*Ijtihād* dan Kemaslahatan Umat." *Ijtihād dalam Sorotan*. Eds. Haidar Bagir dan Syafiq Basri. Bandung: Penerbit Mizan, 1988. p. 121-122.

⁸⁷ The verb choice in this sentence is quite telling; as the Indonesian *mencetak* literally means to 'stamp out' in the sense of printing copies. (Sjadzali 1995: 97)

⁸⁸ (*Ibid.*, 95) Later, in 1989, there was a major reformation of the Muslim religious court system in Indonesia as part of a broader phenomenon of New Order governmental concessions to Muslim interests during the 1980s and 1990s. For an overview of these developments, see: (Abdillah 1997: 25-63). Along with these measures came a new official compilation of 'Islamic law' covering the areas under the jurisdiction of these courts: marriage, inheritance, and pious foundations (Ind. *wakaf*/ Ar. *waqf*). As Minister of Religious Affairs, Sjadzali wrote the preface to this new compilation that was published for national distribution, see: *Kompilasi Hukum Islam di Indonesia*. Jakarta. Departemen Agama RI, 1995/1996. Editions of the text of this compilation were also published in Arabic and English editions: *Jami' al-akhām al-islāmiyyah bi Indūnisiyya*. Jakarta: Wazārat al-sh'ūn al-dīniyyah, 1995/ 1416 H.; and *The Compilation of Islamic Laws in Indonesia*. Jakarta: The Department of Religious Affairs, 1996/1997.

⁸⁹Hosen, Ibrahim. "Beberapa Catatan Tentang Reaktualisasi Hukum Islam." *Kontekstualisasi Ajaran Islam: 70 Tahun Prof. Dr. H. Munawir Sjadzali* (Muhammad Wahyuni Nafis, et al., ed.). Jakarta: Paramadina, 1995. pp. 251-284.

large, accompanied by considerable controversy.⁹⁰ Sjadzali's elaborations on the subject depart from his observations that a significant number of Indonesian Muslims, including some who might be considered as the most pious or knowledgeable interpreters of the tradition, chose to neglect certain aspects of Islamic law in their everyday practice. In connection with this, Sjadzali noted that in areas such as bank interest, inheritance, and laws concerning slavery, legal prescriptions considered to be 'out of date' or impracticable in contemporary society were often simply ignored. He then began to speculate on the possible consequences of such a phenomenon if it were left to develop unchecked; would a piecemeal abandonment of individual legal precepts eventually lead to the dissolution of Islam as a meaningful force in the lives of Muslims? In response to this question Sjadzali argued that maintaining the relevance of Islam and its message in contemporary society required a "re-actualization" (Ind. *Reaktualisasi*) of Islamic law.

Sjadzali centered his initial proposals for *Reaktualisasi* on the three issues of bank interest, slavery and inheritance law mentioned above.⁹¹ For example he viewed the various verses referring to slavery in the text of the Qur'an to be now obsolete, as contemporary society has realized the negative aspects of this institution and abolished it, thus making any Qur'anic statements on the

⁹⁰ Somewhat similar ideas had been proclaimed even during the 1970s by Nurcholish Madjid under the rubric of "*Revitalisasi*." Some of its basic themes such as the advocacy of a contextual, rather than purely 'textual' reading of the Qur'an have persisted in modified forms even after the upsurge of public criticism toward the Minister's proposals; as can be found, for example in Syafruddin Prawiranegara's ideas on *Reinterpretasi*. (Prawiranegara, Syafruddin. "Reinterpretasi sebagai Dasar Reaktualisasi Ajaran-ajaran Islam." *Polemik Reaktualisasi Ajaran Islam*. Jakarta: Pustaka Panjimas, 1988. pp. 28-42)

⁹¹ An overview of the main issues addressed in Sjadzali's program of *Reaktualisasi* in comparative perspective can be found in: Mudzhar, Atho. "Letak Gagasan Reaktualisasi Hukum Islam Munawir Sjadzali di Dunia Islam." *Kontekstualisasi Ajaran Islam: 70 Tahun Prof. Dr. H. Munawir Sjadzali*. Eds. Muhammad Wahyuni Nafis, et al. Jakarta: Paramadina, 1995. pp. 311-320.

treatment, marriage, and manumission of slaves in effect dead letters.⁹² He also points out, however, that Muhammad did not pronounce a total abolition of slavery during his lifetime on account of his consideration of public reaction to what would have been perceived as such a radical proposal at the time. Sjadzali then asks, "If the Prophet himself regarded public opinion and practice as a valid consideration in such legal matters, should not we, as the Prophet's community (Ind. *Umat*) learn from the wisdom of our great exemplar?"⁹³

Responses to Sjadzali's positions on the individual issues discussed in his proposals for *Reaktualisasi* varied widely; from a majority support for his ideas concerning the formal and final abolition of slavery, to strident criticism for his views on the position of women in society. For, while the ruling on slavery was largely in accordance with the majority of Muslim sympathies, other positions which Sjadzali arrived at in similar ways did not. Perhaps the most controversial of these was his advocacy of a simple 1:1 ratio of males to females in matters of inheritance, which swept aside the standing verses of revelation which call for a ratio of 2 : 1.⁹⁴ Here, as with the verses on slavery, Sjadzali was willing to simply overlook Qur'anic proof-texts when they seemed out of concert with contemporary ideas of justice.⁹⁵ Such an apparently cavalier attitude toward what

⁹² First of all is the problem of methodological consistency vis-à-vis his public stances on such hallmark issues as slavery and polygamy. Here Sjadzali appears logically consistent in his discouragement of both, although this caused some confusion to critics reacting to him.

⁹³ Sjadzali, Munawir. "*Ijtihâd* dan Kemaslahatan Umat," *Ijtihâd dalam Sorotan*. Eds. Haidar Bagir and Syafiq Basri. Bandung: Penerbit Mizan, 1988. p. 120-121.

⁹⁴ A position that he maintained in later publications even after his tenure as Minister of Religious Affairs. See: Sjadzali, Munawir. *Ijtihâd Kemanusiaan*. Jakarta: Yayasan Paramadina, 1997. p. 7.

⁹⁵ Bahtiar Effendi has called attention to the fact that what is primarily at issue here is not the individual points of inheritance law &c., but rather the 'theological underpinnings' of his approach to scriptural interpretation; i.e., that he feels justified in simply ignoring or rationalizing away any, "Qur'anic stipulations... which are no longer compatible with the demands of the present era." (Effendi 1995: 110) A more indirect critique of the problems associated with Sjadzali's Qur'anic hermeneutics can be found in: Shihab, M. Quraish.

many would view as a clear scriptural statement on the issue opened his program of *Reaktualisasi* up to criticism from traditionalist ulama and scripturalist reformers alike.

Sjadzali characterized his approach to the interpretation of the Qur'an as *kontekstual*, as distinguished from the purely textual approaches of the classical exegetes. In this he might be grouped along with other writers who have established contextualized approaches as the dominant theme in the modern Indonesian literature of Qur'anic interpretation.⁹⁶ There are several ways, however, in which Sjadzali's reading of the sacred text differs significantly from that employed by authors whose primary work is more specialized in the study of *tafsir* proper. For his approach to deriving relevant and meaningful laws from scriptural texts relied heavily upon a radical understanding of the principle of *naskh* (Ar. 'abrogation') in the Qur'an.⁹⁷ He took great liberties with the sub-discipline of Qur'anic studies known as *nāsikh wa mansūkh* and extended its pertinence far beyond what would have been considered acceptable to scholars more firmly grounded in classical Muslim learning.⁹⁸ The critiques he received

"Reaktualisasi dan Kritik." *Kontekstualisasi Ajaran Islam: 70 Tahun Prof. Dr. H. Munawir Sjadzali*. Eds. Muhammad Wahyuni Nafis, et al. Jakarta: Paramadina, 1995. pp. 321-332.

⁹⁶ See, for example: Amal, Taufik Adnan and Syamsu Rizal Panggabean. *Tafsir Kontekstual Al-Qur'an: Sebuah Kerangka Konseptual*. Bandung: Mizan, 1989; and the enormously popular: Shihab, M. Quraish. "*Membumikan*" *Al-Qur'an: Fungsi dan Peran Wahyu dalam Kehidupan Masyarakat*. Bandung: Mizan, 1992 (15th printing, 1997).

⁹⁷ See, for example: Sjadzali, Munawir. "*Ijtihād dan Kemaslahatan Umat*." *Ijtihād dalam Sorotan*. Eds. Haidar Bagir and Syafiq Basri. Bandung: Penerbit Mizan, 1988. pp. 118-119.

⁹⁸ The authorities which Sjadzali draws upon to arrive at his radical understanding of *naskh* are overwhelmingly modern. While he begins the defense of his position with a rather *fiqh* reference to the existence of *naskh* in the Qur'an taking from the classical commentator Ibn Kathir, all of the other authorities upon which he draws are moderns: Rashid Rida, Mustafa al-Maraghi, and Sayyid Qutb and their interpretation of *al-Baqarah* (2): 106. Though all the opinions he cites acknowledge the possibility of the law changing over time, the statements are here taken to have meanings which these earlier reformers would never have intended. For Sjadzali uses them to support the possibility of abandoning 'clear' (Ar. *qat'i*) Qur'anic texts themselves when they appear in conflict with

from the ulama on this point were compounded by those coming from reformist circles who saw Sjadzali's extremely liberal application of *naskh* to be detrimental to their scripturalist views.⁹⁹

As we have seen in earlier chapters, the principle of *naskh* had become established as a way of reconciling apparently contradictory statements in the Qur'an by positing a model of progressive revelation. This interpretive device implicitly assumed an evolution and perfection of the message over the course of Muhammad's prophetic career. Established consensus has determined that this progressive revelation reached its culminating conclusion just prior to Muhammad's death in 632, marking the 'seal' (Ar. *khatm*) on a long history of monotheistic prophecy. Thus while Muslim legal scholars over the centuries employed the principle of *naskh* to derive rulings from among differing verses revealed during the Prophet's life, no attempt was made to propose that Qur'anic verses could be 'abrogated' (Ar. *mansûkh*) by subsequent historical developments. Indeed, such an approach would seem to directly contradict the firmly held Muslim conviction that, as the eternal word of God, the Qur'an must be accepted in its entirety.

Traditionally when changes in the law were felt necessary the approach was, as we have seen, to re-interpret existing verses, rather than the outright rejection of texts considered to be firmly established as part of God's revelation. Sjadzali, however, offered his own radical re-interpretation of the very verse used

the needs of the times. In his own words, "Thus it is clear that not everything contained in the Qur'an has to be applied universally..." (Sjadzali, Munawir. "*Ijtihād* dan Kemaslahatan Umat," *Ijtihād dalam Sorotan*. Eds. Haidar Bagir and Syafiq Basri. Bandung: Penerbit Mizan, 1988. p. 117)

⁹⁹ Some of the reactions provoked by Sjadzali's ideas are included in two published collections: *Polemik Reaktualisasi Ajaran Islam*. Jakarta: Pustaka Panjimas, 1988; and *Ijtihād dalam Sorotan*. Eds. Haidar Bagir and Syafiq Basri. Bandung: Penerbit Mizan, 1988.

by traditionalist scholarship to support *naskh*¹⁰⁰ in order to justify overlooking or neglecting Qur'anic injunctions which he sees as incommensurate with contemporary social needs and conceptions of justice. In support of his program for the radical application of *ijtihād* Sjadzali, like Madjid took, as his exemplar `Umar, the second Caliph.¹⁰¹ He explained `Umar's departures from literal meaning of scriptural texts as a means of better realizing the intention (Ar. *maqsūd*) behind the law. In order to do this, one must depart from a purely 'textual' understanding and instead search for the 'spirit' (Ind. *jiwa*) of the verse in question.¹⁰² For Sjadzali, the study of *'usūl al-fiqh* should optimally lead to a new understanding of the law in terms of its ultimate goal, which is justice.¹⁰³ This is to be achieved through an extensive use of reason as a means of interpreting how exactly justice is to be achieved in a changing society.¹⁰⁴

Sjadzali's novel understanding of *naskh* has been most cogently and extensively criticized in Ahmad Husnan's monograph, *Hukum Islam Tidak*

¹⁰⁰ That is, *al-baqarah* (2): 106. See: "Ijtihād dan Kemaslahatan Umat," 124-5.

¹⁰¹ This theme continued to occupy Sjadzali even after his term as Minister of Religious Affairs, see: Sjadzali, Munawir. *Ijtihād Kemanusiaan*. Jakarta: Yayasan Paramadina, 1997. pp. 37-43.

¹⁰² "Ijtihād dan Kemaslahatan Umat," 122.

¹⁰³ Zein, Satria Effendi M. "Munawir Sjadzali dan Reaktualisasi Hukum Islam di Indonesia." *Kontekstualisasi Ajaran Islam: 70 Tahun Prof. Dr. H. Munawir Sjadzali*. Eds. Muhammad Wahyuni Nafis, et al. Jakarta: Paramadina, 1995. pp. 292-295 (285-299)

¹⁰⁴ Sjadzali's extensive use of reason in religious interpretation was perhaps less jarring to the Indonesian Muslim public at large due to the earlier pioneering work of his senior contemporary Harun Nasution. While Nasution's primary work was concerned with matters of theology rather than jurisprudence, its general orientation (and that of his many students from IAIN Jakarta) has created over the past two decades something of a modern renaissance of Neo-Mu'tazili rationalism in Indonesia. For a collection of Nasution's essays on the subject, see: *Islam Rasional: Gagasan dan Pemikiran*. Bandung: Mizan, 1995. For secondary studies of this phenomenon, see: Muzani, Saiful. "Mu'tazilah Theology and the Modernization of the Indonesian Muslim Community." *Studia Islamika* I.1 (1994): 93-131; & Martin, Richard C. and Mark Woodward, with Dwi S. Atmaja. *Defenders of Reason in Islam: Mu'tazilism from Medieval School to Modern Symbol*. Oxford: One World, 1997.

Mengenal Reaktualisasi.¹⁰⁵ There after demonstrating the great liberties taken by Sjadzali with the established processes of Muslim textual interpretation, he characterizes the 'sloppy reasoning' of *Reaktualisasi* as 'immature and brutal.' Husnan's refutation of Sjadzali draws heavily on the work of the eighteenth century Yemeni mujtahids al-Shawkani and al-Sana'ani as well as the Indonesian works of A. Hassan; thus demonstrating the continuing influence of this earlier Indonesian author in contemporary debates.¹⁰⁶ Ali Yafie, a prominent NU 'alim from South Sulawesi, has also offered criticism of Sjadzali's use of *naskh*, but in a somewhat more traditionalist idiom; stating that there is no occurrence of *naskh* after the death of the Prophet. Furthermore, Ali Yafie puts forward the more general critique that the scope of *ijtihād*, including the kind here proposed by Sjadzali, is limited strictly to matters of *mu'âmalât* (worldly affairs) where there is no clear textual statement on a given matter.¹⁰⁷ Ali Yafie's ideas on *ijtihād* will be discussed at greater length below in Chapter 5.

Sjadzali's ideas highlight a number of significant themes in the history of Islamic legal thought in twentieth century Indonesia. In some ways, it may serve as an illustration of the potential consequences of the processes described in the first chapter which served to open debates on Islamic legal issues up to a much wider range of participants, many of whom had little familiarity with the tradition of Muslim textual reasoning. It may also be seen as the continuation of an increasing emphasis on considerations of public interest (Ar. *istislâh*), taken to

¹⁰⁵ Husnan, Ahmad. *Hukum Islam Tidak Mengenal Reaktualisasi*. Solo: CV. Pustaka Mantiq, 1989.

¹⁰⁶ The influence of al-Shawkani and al-Sana'ni on Hassan's reformist thought have already been discussed above in Chapter 2.

¹⁰⁷ Yafie, Ali. "Antara Ketentuan dan Kenyataan." *Polemik Reaktualisasi Ajaran Islam* Ed. Iqbal Abdurrauf Saimima. Jakarta: Pustaka Panjimas, 1988. pp. 92-102/ Cf. (Abdillah 1997: 215)

their most radical extreme. Several key aspects of his program for *Reaktualisasi* are shared more generally with other Indonesian advocates of Islamic religious 'Renewal' (Ind. *Pembaharuan*). One of the most central of these is found in their shared concern for history and its importance for a contextualized interpretation of law in society. Sjadzali sees the development of Islamic law as a reflection of the historical realities which the Muslim community has faced over the last 1,400 years. This history is important and must be taken account of in reformulations of law that can continue to develop in accordance with the course of a society's progress.¹⁰⁸

Like Madjid and the *Pembaharuan* thinkers, Sjadzali also maintains a significant place for the role of reason in the interpretation of religious texts. There is, however, one significant qualification that signals a considerable distinction between the views of Sjadzali as a Minister of the New Order government and his colleagues employed in Academia and various non-governmental organizations. For Sjadzali, the exercise of reason in religious and legal matters must not come into conflict with a more fundamental concern for stability of the social order. Thus Sjadzali argues that the use of reason in the re-interpretation of religious texts is not the right of individual thinkers, but rather something that must be carried out collectively by a recognized and responsible body.¹⁰⁹ This, he argues, is the only guarantee against anarchy and safeguard of the unity of the Muslim community (Ind. *Umat*) and the Indonesian nation (Ind. *Bangsa*).¹¹⁰ This concern with the integrity of the existing state is revealed

¹⁰⁸ Sjadzali, Munawir. "Ijtihād dan Kemaslahatan Umat," *Ijtihād dalam Sorotan*. Eds Haidar Bagir and Syafiq Basri. Bandung: Penerbit Mizan, 1988. p. 117.

¹⁰⁹ Sjadzali, Munawir. *Ijtihād Kemanusiaan*. Jakarta: Yayasan Paramadina, 1997. pp. 50-54, 76.

¹¹⁰ ("Ijtihād dan Kemaslahatan Umat": 125) A more sophisticated statement on the value of collective *ijtihad* that nonetheless leaves open the possibility for individual legal reasoning

especially clearly in what is perhaps a slip of the pen in one of his more recent publications. There, in referring once again to `Umar as an exemplary *mujtahid*, he states, "In the historical development of Islamic law and doctrine, one finds many *rulers* (Ind. *penguasa*) who were courageous enough to institute policies that were not in accordance with a literal reading of the Qur'anic text or the hadith reports."¹¹¹

That Sjadzali postulates *ijtihad* as the realm of worldly rulers rather than that of the ulama or, more generally, jurists and other thinkers is a very revealing insight into some of the political realities informing Sjadzali's works on Islamic legal theory. Here it should be kept in mind that in first putting forward his ideas on *Reaktualisasi*, Sjadzali was not speaking as an ulama or a Muslim public intellectual but rather as the Minister of Religious Affairs: a position which carries with it important considerations of State policy that impinge upon his more intellectualized religious concerns.¹¹² Thus aside from its position in the intellectual development of Indonesian Muslim discourse, *Reaktualisasi* should also be seen in relation to the political context of increasing openness toward a de-politicized 'cultural' Islam by the late New Order government.¹¹³ Sjadzali

and an alternative to blanket submission to a governing body with certain vested interests can be found in: Adam, Muchtar. "*Ijtihad*: Antara Teks dan Konteks." *Ijtihad dalam Sorotan*. Eds. Haidar Bagir and Syafiq Basri. Bandung: Penerbit Mizan, 1988. pp. 127-147.

¹¹¹ Sjadzali, Munawir. *Ijtihad Kemanusiaan*. Jakarta: Yayasan Paramadina, 1997. p. 57.

¹¹² It should be noted that in the legal foundation of the department of Religion itself, its duties are specifically linked to "developments in the field of religion" which interact with more general governmental functions. (Cf. Susunan Organisasi Departemen, no. 159, *Himpunan Peraturan Perundang-undangan Republik Indonesia*. Jakarta: P.T. Ichtiar Baru van Hoeve, 1992. p. 193)

¹¹³ Some aspects of this include a heightened appreciation of 'Islamic' art and architecture, see: O'Neill, Hugh. "Islamic Architecture under the New Order." *Culture and Society in New Order Indonesia*. Ed. Virginia Matheson Hooker. Kuala Lumpur: Oxford University Press, 1993. pp. 151-165; and George, Kenneth M. "Designs on Indonesia's Muslim Communities." *The Journal of Asian Studies* 57. 3 (August 1998): 693-713.

himself remarked on this, noting that. "Suharto has only allowed greater government attention to Islam because he perceives that most Muslims no longer question *Pancasila*."¹¹⁴

Sjadzali's ideas on *Reaktualisasi* had very real political implications for the New Order government as they provided a model for interpreting Islamic law that could be easily reconciled with the exigencies of the development program toward which the State was primarily oriented.¹¹⁵ One clear example of this can be found in the Minister's remarks to an international conference on Islam and population issues held at Cairo in 1987. There Sjadzali boasted of the way in which Indonesian ulama have helped to provide legitimation for government birth control programs through the issuance of fatwas on the subject by the national *Majelis Ulama Indonesia* (MUI).¹¹⁶ Elsewhere in numerous public speeches and printed essays, he also stressed the compatibility of Islamic ideals with modern development.¹¹⁷ Thus through the various programs with which his Ministry was involved, Sjadzali attempted to demonstrate on behalf of the New Order that a

¹¹⁴Ramage, Douglas E.. *Politics in Indonesia" Democracy, Islam, and the Ideology of Tolerance*. London: Routledge, 1995. p. 188.

¹¹⁵See, for example: Sjadzali, Munawir. "Relevansi Hukum Keluarga Islam dengan Kebutuhan Masa Kini." *Dimensi Hukum Islam dalam Sistem Hukum Nasional*. Eds. Amrullah Ahmad, et al. Jakarta: Gema Insani Pres, 1996. pp. 223-226.

¹¹⁶ Sjadzali, Munawir. "The Role of Muslim Religious Leaders (Ulama) in the Solution of the Population Problem." *Islam: Realitas Baru dan Orientasi Masa Depan Bangsa*. Jakarta: Universitas Indonesia Press, 1993a. pp. 67- 73. In this particular case the MUI first issued a fatwa legalizing birth control in general, but prohibiting the use of IUD's as it could possibly involve the situation in which a non-*muhrim* male doctor would have to look at a woman's *aurah* for the initial procedure. However this ruling of the MUI was later reversed after the government determined that the IUD was the most effective and least expensive of their birth control options. For more on such politically informed MUI fatwa decisions, see: Mudzhar, Mohammad Atho. *Fatwa-Fatwas Majelis Ulama Indonesia: Sebuah Studi tentang Pemikiran Hukum Islam di Indonesia, 1975-1988*. Jakarta: INIS, 1993.

¹¹⁷ See, for example, the essays: "Asas Pancasila, Aspirasi Umat Islam, dan Masa Depan Bangsa," (1986); "Wawasan Perjuangan Muslim Indonesia," (1990); and "Beberapa Keberhasilan Pemerintah Orde Baru, Khususnya Kabinet Pembangunan V dalam Pembangunan Bidang Agama," (1992), all of which are reprinted in: *Islam: Realitas Baru dan Orientasi Masa Depan Bangsa*. Jakarta: Universitas Indonesia Press, 1993.

great deal of social and religious progress for the Muslim community could be made once Islam had disassociated itself from the 'dangerous and distracting' realm of party politics.¹¹⁸

The influence of Sjadzali's political positions on his conceptualization of *Reaktualisasi* should not be underestimated. The most substantial presentation of his understanding of the relationship between Islam and the State can be found in his *Islam dan Tata Negara*.¹¹⁹ This work was originally composed as a textbook for students in the classes on 'Political Law in Islam,' that he taught at IAIN Jakarta.¹²⁰ In it Sjadzali recounts the political history of the Prophet's administration of the early community (Ar. *ummah*) as well as that of the 'Rightly Guided Caliphs' (Ar. *al-Khulafâ' al-Râshidûn*). Following this, Sjadzali gives an overview of important figures in the history of Islamic political thought from the medieval and modern periods, as well as sketches of the political systems of some 'sectarian' interpretations of Islam (e.g., Shi'ism, Kharijism, and Mu'tazilism) and a number of contemporary Muslim countries such as Saudi Arabia, Egypt, Turkey, and Pakistan.

Of all of these various interpretations of Islam and politics, however, Sjadzali himself seems to agree most closely not with any of the 'classical' statements on the subject, but rather with the views of modern Egyptian author,

¹¹⁸ As he most directly claims in: "Aspirasi Umat Islam Terpenuhi tanpa Partai Islam." *Islam: Realitas Baru dan Orientasi Masa Depan Bangsa*. Jakarta: Universitas Indonesia Press, 1993b. pp. 61-66. In the closing section of this essay, Sjadzali quotes with enthusiastic acceptance Nurcholish Madjid's slogan, "Islam yes, Islamic Party no!"

¹¹⁹ Sjadzali, Munawir. *Islam dan Tata Negara: Ajaran, Sejarah, dan Pemikiran*. Jakarta: Universitas Indonesia Press, 1990. This work has since become available in English translation as: *Islam and Governmental System* (Jakarta: INIS, 1991).

¹²⁰ Sjadzali's role in the promotion of the study of Islamic political thought at IAIN and among Indonesian students abroad has resulted in a considerable amount of theses and dissertations on particular cases from Indonesia and throughout the Muslim world. For a collection of works by some of these students, see: Mulyati, Sri et al. *Islam and Development: A Politico-Religious Response*. Montreal: Permika, 1997.

Muhammad Husayn Haykal.¹²¹ For Haykal's assertion that Islam established no particular new form of government and his emphasis basic principles and values over the minutiae of legalistic rulings seemed well suited to the New Order's vision of a de-politicized Islam. Thus drawing upon Haykal, Sjadzali argued that there was no obstacle to the full realization of Islam for believers living within the structure of the *Pancasila* State.¹²²

Beyond the political implications of his *Reaktualisasi* program, Sjadzali has also left something of an intellectual legacy to Indonesian Islam. For, as Professor Lubis has noted, the movement for a 'Re-actualization' of Islam in Indonesia has stimulated the production of:

...new kinds of literature and revised classical works in neglected fields. Books on Qur'anic exegesis, the collections and commentaries on Prophetic Traditions, works on legal theories, legal maxims, and philosophy came into prominence. The comparative works among not only the four surviving authoritative Sunni *madhhab*, but also others, were becoming more popular.¹²³

In previous chapters we have already made mention of several Indonesian authors who have included historical discussions of Zahirite and Shi'ite law and legal

¹²¹ This earlier twentieth century Egyptian author is perhaps best known for his biography of Muhammad (*Hayat Muhammad*, Cairo: Dar al-Ma'arif, 1935), a work which became available in Indonesian translation in 1972, and has since gone through at least 21 reprints. Haykal's political thought was never formally published during his lifetime. His notes on the subject were published posthumously by his son under the title, *al-Ambratûriyyah al-Islamiyyah wa'l-amâkin al-muqaddasah fî'l-sharq al-awsat*. The sections of this work relevant to our discussions are now more easily available as: Haykal, Muhammad Husayn. *Al-Hukûmah al-Islamiyyah*. Cairo: Dar al-Ma'arif, 1983.

¹²² As one observer has noted, "With these theologico-political underpinnings, Sjadzali, like many other proponents of the new Islamic intellectualism and activism is actually advancing a 'middle way' of Islamic political theorizing." (Effendi 1995: 115) Such an orientation was maintained by Sjadzali's successor as Minister of Religious affairs, Tarmizi Tahir, who advanced his ideas on the subject in numerous Indonesian speeches and essays, as well as an English-language monograph: *Aspiring for the Middle Path: Religious Harmony in Indonesia*. Jakarta: CENSIS, 1997.

¹²³ (Lubis 1997: 53)

theory. However we will now direct our attention toward the most outspoken advocate of the incorporation of elements of Shi'ite thought into contemporary Indonesian Islamic intellectual discourse, Jalaluddin Rakhmat.

Jalaluddin Rakhmat

Jalaluddin Rakhmat was born in 1949 at Bandung, West Java, where he later attended Universitas Padjadjaran. After graduation he taught at local middle schools while also serving a number of higher administrative positions for the regional branch of Muhammadiyah.¹²⁴ In 1982 he received an MS in Communications from Iowa State University for a thesis entitled, *A Model for the Study of Mass Media Effects on Political Leaders*. Upon his return to Indonesia, he took a position as lecturer in Communications at his Bandung *alma mater*. At the same time he became increasingly prominent as a popular preacher (Ar./Ind. *da'i*) and lecturer on Islamic topics at other local campuses, including the prestigious Bandung Technology Institute (ITB) and the local branch of IAIN (Gunung Jati).¹²⁵ Aside from these appointments, he remains active in his local mosque

¹²⁴ i.e. Ketua Majelis Pendidikan, Pengajaran, dan Kebudayaan (MPPK) Muhammadiyah Kodya Bandung, and Wakil Ketua Majelis Tabligh Muhammadiyah Cabang Jawa Barat.

¹²⁵ Rakhmat has been characterized by one observer as a "Moderate Idealist," in a scheme of classification that groups him along with such figures as Imaduddin and Amien Rais. According to Zifirdaus Adnan, Muslims of this stripe accept *Pancasila* (at least provisionally) while differing on interpretations of the role of Islam in contemporary Indonesian society from those associated with the *Pembaharuan* movement. For while the 'Renewalists' have fostered closer links with the State and other high-level social institutions, the 'Moderate Idealists' tend to direct the *da'wah* imperative more toward society at large. This appeal to the religiosity of the masses fits well not only with the populism of Imaduddin and Rais, but also with Rakhmat's Shi'ite proclivities; influenced as they are by an understanding of Islam as an "ideology of liberation." (Adnan, Zifirdaus. "Islamic Religion: Yes, Islamic Ideology: No! Islam and the State Indonesia." *State and Civil Society in Indonesia*. Ed. Arief Budiman. Clayton: Monash Papers on Southeast Asia, 1990. pp. 464-465. Movements inspired by *Gerakan Salman* on the campus of ITB have been characterized by others as advocating a 're-idealization' (Ind. *Reidealisasi*) of Islam, see: (Fachry and Effendy 1986: 308-309).

organization (*Dewan Keluarga Masjid al-Munawwarah*) and the *Yayasan Tazkiya Sejati* 'Sufi Study Center' at Jakarta.

Since 1988 he also served as head of the *Yayasan Muthahhari* at Bandung.¹²⁶ This Institute offers a number of local services, including a well known school which supplements the standard national curriculum with vocational, computer training, and English language study in addition to Arabic and Islamic subjects. Beyond this, however, it is more famous for the reputation it has gained through accusations of being a center of Shi'ite instruction and propaganda.¹²⁷ When questioned on these allegations in the popular news weekly *Gatra*, Rakhmat evasively answered, "We study all of religion, one cannot say whether it is Sunni or Shi'a."¹²⁸ Here as elsewhere, Rakhmat attempts to evade a decisive statement on the issue by referring to his past connections to the *Muhammadiyah*. While it is true that Rakhmat's public involvement in Islamic issues had its origins in a more general modernist/ reformist milieu, his thought later developed in specific ways that set him apart from the majority of public intellectuals of that orientation.¹²⁹

¹²⁶ DI Jalan Kampus II Kiaracondong.

¹²⁷ While it may seem curious to some that Rakhmat is so prominently active in both Sufi and Shi'ite organizations, this may not actually be as unusual as might be thought. Rakhmat himself offers a statement on what he sees as the relationship between these two approaches to Islam in his essay, "Tasawuf dalam Perspektif Syi'ah." *Islam Alternatif*. 259-270. In this essay he cites the work of Seyyed Hossein Nasr, whose work has long focused on the more esoteric and mystical dimensions of Shi'ite thought.

¹²⁸ "Mereka yang Dituding Syiah," and "Saya Bingung, Apa Saya Syiah." *Gatra* 47/III (11 Oktober 1997). Rakhmat is perhaps the most prominent figure in what might be referred to as a growing Shi'ite movement in Indonesia. For information on some of the institutions that have developed in connection with this, see: Nurujulianti and Arief Subhan. "Lembaga-lembaga Syi'ah di Indonesia." *Ulumul Qur'an* VI. 4 (1995): 20-26.

¹²⁹ Rakhmat describes his own progression from being a 'Modernist' of the Muhammadiyah stripe to a self-described 'Neo Modernist.' This transformation is explained as being related to a growing realization that the charges of *bid'ah* that were being launched by various reformists against their fellow believers was not based on any objective stance toward the scriptural sources of Islam, but rather upon differing interpretations of the corpus. Therefore the criticisms launched by the classical modernists were in fact not the

Rakhmat's numerous publications include titles on his technical field of specialization (Communications) as well as Islamic religious subjects. While our present discussion will focus specifically on his works of the latter type, it should at least be noted that his background in Communications may be partly responsible for his considerable success as a popular preacher and author. Whatever the case, Rakhmat's approach is not simply a wholesale takeover of Western-based Communications theory, for he selectively applies certain concepts from this 'science' into a self-described Islamic framework.¹³⁰ In some places, Rakhmat even attempts to merge modern methods of communication with more established Islamicate patterns of preaching with a particularly Sufi spin.¹³¹ For instance in his essay, "Para Da'i versus Globalisasi." Rakhmat first identifies what he sees as a number of specific crises facing individuals in a rapidly developing society. In response to this, he prescribes to preachers (Ind./ Ar. *Da'i*) as "doctors to the soul," the following advice:

Perhaps preachers could take a lesson from the methods of the Sufis. Their spiritual exercises, for instance, could be used as 'therapeutic devices.' For *Da'i*, in addition to being educators are also 'Doctors of the Soul' and their patients are the victims of Globalization.¹³²

absolute condemnations which they purported to be, but instead amplified statements of personal or scholarly opinion. Rakhmat claims to have overcome such a narrowness of view through more extensive reading of the traditional sources and an increased appreciation of their variety and richness. This is, as we have seen, one of the defining aspects of Neo-Modernism and one which has contributed significantly to the evolution of Rakhmat's thought. (Rakhmat, Jalaluddin. *Menjawab Soal-soal Islam Kontemporer*. Bandung: Mizan 1998. pp. 207-209)

¹³⁰Utilizing what he has learned as a student of modern Communications, Rakhmat has been quite successful in spreading his ideas in a number of very effective ways. For a sample of Rakhmat's blend of Islamic religious propagation and modern communications theory, see the essays collected in: Jalaluddin Rakhmat. (*Catatan Kang Jalal: Visi Media, Politik, dan Pendidikan*. Bandung: PT Remaja Rosdakarya, 1997.)

¹³¹ See, for example, his: *Membuka Tirai Kegaiban*. Bandung: Mizan, 1994.

¹³² (*Islam Aktual*, 70-71) Merlin Swartz has informed me that the reference to preachers as "Doctors of the Soul" has a well-established precedent in medieval Muslim homiletics and

Rakhmat's appreciation of a more spiritualized orientation toward Islam may be seen as part of a broader movement for a new appreciation of Sufism in modern Indonesia. As noted above, Nurcholish Madjid has written on this subject, as have a number of other prominent Muslim intellectuals over the past two decades.¹³³ Where earlier modernist reformers were often unsparingly harsh in their criticisms of Sufi practices, some contemporary Indonesian authors are now willing to reconsider even the traditional 'orders' (Ar. *turûq*) as positive agents of social change.¹³⁴ Rakhmat himself argues for such a point in an oft-reprinted 1985 campus lecture on 'Sufism and Poverty.' There he questions the idea that mysticism is a source of passivity and fatalism in Islam, arguing instead that Sufism can in fact be seen as a potential source of "dynamism and [even] militancy."¹³⁵

In addition to such general essays on religious issues, Rakhmat has also authored works in more specialized disciplines of Muslim scholarship, including Qur'anic exegesis.¹³⁶ In this area, Rakhmat adopts the method of interpreting

can frequently be found, for example, in the works of Ibn al-Jawzi. (personal communication, 1999) This observation is particularly interesting in consideration of Rakhmat's formal training in communications and his interest in the literary heritage of Islamic scholarship. While the similarity in language may be mere coincidence, there is also the possibility that it might reveal something of an influence of this tradition of classical Muslim rhetoric in modern Indonesia. Determining which of these is the case might be an interesting area for future research.

¹³³ See, for example: "Tasawuf sebagai Inti Keberagamaan." *Pesantren* II. 3 (1985): 3-9. Even the premier rationalist of modern Indonesian Islam, Harun Nasution, has publicly acknowledged the importance of a deeper spiritualism in modern life while at the same time criticizing what he sees as the excesses of traditional Sufi organizations. (Nasution, Harun. "Tasawuf." *Kontektualisasi Doktrin Islam dalam Sejarah*. Ed. Budhy Munawar-Rachman. Jakarta: Yayasan Wakaf Paramadina, 1994. pp. 161-180.

¹³⁴ Abdurrahman, Moeslim. "Kesyahduan Sufi dalam Transformasi Sosial: Suatu Pengamatan Perkembangan Tarket." *Pesantren* II. 3 (1985): 49-59.

¹³⁵ *Islam Alternatif*, 98.

¹³⁶ Around the month of Ramadhan, 1413 H. (February/ March 1993), Rakhmat authored a series of articles for the ICMI-affiliated daily *Republika* on subjects related to various Qur'anic verses. These articles were later compiled into book form and published as: *Tafsir Bil Ma'tsur: Pesan Moral Alquran*. (Rakhmat, J. *Tafsir Bil Ma'tsur: Pesan Moral Alquran*.

verses primarily in terms of other related ones from the Qur'an itself,¹³⁷ with material from the Sunnah used as a further means of clarification.¹³⁸ He employs this methodology not in one long work of *tafsîr* following the order of verses as found in the standard text of the Qur'an (Ar. *tartîb al-ayât*), but rather topically (Ar. *tafsîr maudhu'i*) in the form of reflections on the 'moral message' contained in individual verses. In Rakhmat's work we find the convergence of a number of trends popular in contemporary Indonesia, including the concern with the 'spirit' or 'intention' behind various religious texts (Ar. *nusûs*) and the legal rulings derived from them.¹³⁹

Rakhmat supports in theory the idea of a 'contextualized' interpretation of the Qur'an, but remarks that those engaged in this sort of work generally lack familiarity with a sufficient number of reference sources.¹⁴⁰ Likewise their manipulation of certain methodological aspects of *'usûl al-fiqh* seems at times

Bandung: PT Remaja Rosdakarya, 1993/ revised edition 1994.) Unfortunately both of these editions were only of the first volume, and despite extensive searches the present author has been unable to determine whether subsequent volumes have ever seen print.

¹³⁷This might be seen as the utilization of the popular interpretive principle found in the contemporary context of 'holistic' approaches to the Qur'an.

¹³⁸This is done especially in connection with hadith relating to the *asbâb al-nuzûl* (Ar. 'occasions of revelation'). Rakhmat takes as his primary reference Jalal al-Din al-Suyut's *al-Durr al-Mansthur fî tafsîr bi al-ma'thûr* and thus bases his interpretations of various verses upon information supplied in other verses or in hadith reports which he considers sound. Rakhmat complains of the way in which many modern exegetes who have attempted this end up following not the spirit of the Qur'an itself, but rather the agenda of their own theoretical and ideological orientations. In order to avoid such pitfalls, Rakhmat proposes paying more diligent attention to the Sunnah in the interpretation of various verses; basing this itself upon a report from Ibn `Abbas that `Ali instructed him to do so.

¹³⁹This orientation toward the interpretation of authoritative religious texts in context has been adopted by numerous prominent Indonesian Muslim thinkers who employ various terminology in their discussions. The meanings or intention behind a particular text are referred to variously in Arabic as *maqâsid* (sing. *maqsûd*), *haqiqat* or *asrâr* (sing. *sirr*); depending on the particular usage and background of the author concerned. These authors in turn draw upon a number of established Muslim scholars for their point of departure including al-Shatibi (d. 790 H./ 1388), and Shah Waliullah al-Dihlawi (d. 1176 H./ 1763). For more on such trends in modern Indonesian *tafsîr*, see: Feener, R. Michael. "Notes toward a History of Qur'anic Exegesis in Southeast Asia." *Studia Islamika* V.4 (1998).

¹⁴⁰ *Tafsîr Bil Ma'tsur*, vi.

directed toward circumventing particular textual rulings rather than establishing their actual meaning and relevance. Rakhmat has addressed particular criticism toward those whose evocation of *istislâh* leads to a rejection or neglect of clear textual statements on issues such as inheritance shares.¹⁴¹ Thus in selecting the various hadith to be employed in his work of *tafsîr*, Rakhmat employs the three qualifications of authenticity, relevance, and “actuality” (Ind. *Aktualitas*).¹⁴² One particularly interesting aspect of his statements on the use of hadith as a source of law can be seen in his criteria for *isnâd* criticism and verification. For in this Rakhmat tends to follow the Ja’fari (Shi’ite) school in rejecting hadith texts transmitted by a number of the Prophet’s companions whom they regard as unreliable or antagonistic toward members of the Prophet’s household in the line of ‘Ali b. Abi Talib (Ar. *Ahl al-bayt*).¹⁴³

¹⁴¹ Munawir Sjadzali’s program of *Reaktualisasi* is not mentioned by name here, but the implication is crystal clear. Rakhmat, Jalaluddin. “*Ijtihâd: Sulit diperlakukan, tetapi Perlu.*” *Ijtihâd dalam Sorotan*. Bandung: Mizan, 1988. p. 175. See also: Rakhmat, Jalaluddin. “Dari Sunnah ke Hadits, atau Sebaliknya.” *Kontekstualisasi Doktrin Islam dalam Sejarah*. Ed. Budhy Munawar-Rachman. Jakarta: Yayasan Wakaf Paramadina, 1994a. pp. 224-236. Much of this article is in fact a critique and argument for the inversion of Rahman’s model described as described in his *Islamic Methodology in History*.

¹⁴² He defines this last criterion as “a connection between moral message and the current situation of the Ummah.” The terminology here reflects both the title and the substance of one of his earlier books, entitled *Islam Aktual*, which will be discussed below. The idea of ‘moral message’ contained in it, however, deserves our attention here as it becomes a primary organizational principle for Rakhmat’s *tafsîr*. For it is these moral messages that become the defining focus of each of the short essays first published serially in *Republika* and later compiled into this work of *tafsîr*. The first volume contains 32 ‘chapters,’ each averaging about 3-4 pages, on such subjects as: “How to Behave in Academic Meetings,” and “Business Relations,” to “Respecting History.” These very pragmatic foci are balanced with more cosmological ruminations on the Last Day and the Inhabitants of Paradise in order to establish their importance in the moral order of God’s universe.

¹⁴³ These include: Mu’awiyah, Amr b. al-‘As, and Abu Hurayrah. (*Islam Alternatif*, 237) Here we should note, however that Rakhmat’s rejection of hadith related to Abu Hurayrah is on somewhat different grounds than that of some of the Egyptian ‘Sunni’ reformists mentioned in Chapter 2. For an introduction to Shi’ite understandings of the hadith literature, see: Tabataba’i, ‘Allamah and S.M. Waris Hasan. “The Shi’i Interpretation of Hadith Literature.” *Shi’ism: Doctrines, Thought, and Spirituality*. Eds. Hamid Dabashi et al. Albany: SUNY Press, 1988. pp. 34-43.

Rakhmat's views on the interpretation of scripture have important consequences for his understanding of Islamic jurisprudence. In a review of current trends toward Islamic reformism, Rakhmat divides their approaches to *fiqh* into two general types: Scripturalism and Liberalism.¹⁴⁴ He then offers a critique of the former based mostly upon the perceived 'logocentrism' of such an approach.¹⁴⁵ Rakhmat's critiques also include a remark on the way in which scripturalism excludes the mystical experience from its conception of religion:

Scripturalism pushes the mystical experience to the margins of religious life. The Sufis, who try and capture the inner meaning of the Qur'anic texts, are deemed to be heretics. Religious practices that are not explicitly delineated in scripture are seen as 'blameworthy innovations' (Ar. *bid'ah*). By marginalizing the mystical, the scripturalists have done away with emotional religious experiences; their followers can no longer enjoy religion and thus some of them are left spiritually unsatisfied.¹⁴⁶

Aside from mysticism another alternative to strict scripturalism can be found in an appeal to reason and the rationalized interpretation of religious texts. Rakhmat

¹⁴⁴ Rakhmat, Jalaluddin. "Tinjauan Kritis atas Sejarah *Fiqh*: Dari *Fiqh* al-Khulafa' al-Rasyidin Hingga Madzhab Liberalisme." *Kontektualisasi Doktrin Islam dalam Sejarah*, 251-310.

¹⁴⁵ Here Rakhmat draws upon the work of Mohammed Arkoun. The writings of this contemporary Muslim thinker are just beginning to have a significant effect on developments in Indonesia thanks to recent translations from the original French into English (e.g., *Rethinking Islam: Common Questions, Uncommon Answers*. Boulder: Westview Press, 1994a) and Indonesian (*Nalar Islami dan Nalar Modern: Berbagai Tantangan dan Jalan Baru*. Jakarta: INIS, 1994). In addition to this, interviews with Arkoun have appeared in Indonesian periodicals such as *Ummat*, and a number of Indonesian-language studies of Arkoun's work have been published in recent years, including: Meuleman, Johan Hendrik, Ed. *Tradisi, Kemoderenan dan Metamodernisme: Memperbincangkan Pemikiran Mohammed Arkoun*. Yogyakarta: LKiS, 1996; and Putro, Suadi. *Mohammed Arkoun tentang Islam dan Modernitas*. Jakarta: Yayasan Wakaf Paramadina, 1998.

¹⁴⁶ ("Tinjauan Kritis atas Sejarah *Fiqh*." *op cit.*, 288-289) Here one is tempted to see the influence of Hamka's conceptions of "Modern Sufism" and its emphasis on the quality of *Bahagia* ("Happiness"). See: Hamka. *Tasauf Modern*. Jakarta: Bulan Bintang, 1983.

sometimes adopts this approach as well, especially when dealing with issues involving the acceptance of the current theories and discoveries from modern science. In such cases, his interpretations are often based upon a broad rationalism and an overarching concern for social justice.¹⁴⁷

Rakhmat is careful to note, however, that the above critiques of and departures from scripturalism are in no way intended as a defense of liberalism.¹⁴⁸ Thus he criticizes figures such as Fazlur Rahman and Ibrahim Hosen for their apparent preoccupation with the “spirit of the text,” sometimes to the expense of its clear outward meaning. Rakhmat attempts to trace the history of this ‘flawed’ approach to the earliest period of Islam and in so doing places its earliest origins in the hands of his favorite whipping boy `Umar.¹⁴⁹ In summary Rakhmat states:

This brief overview of the history of the *madhhab* `Umari reveals three defining characteristics: (1) it focuses attention almost exclusively on the Qur'an, (2) it tends to emphasize *ra'y* [personal opinion] over the Sunnah, and (3) it stresses the concept of *maqâsid al-shar'iah* with too little connection to the clear and outward meaning of the Qur'anic text.¹⁵⁰

¹⁴⁷ This is evident not only in his work of *tafsîr*, but also in some of his comments on the Sunnah and his answers to questions dealing with various aspects of family planning. See, for example: *Menjawab*, 68, 141-142, and 192.

¹⁴⁸ (“Tinjauan Kritis atas Sejarah *Fiqh*.” *op cit.*, 289) For instance, Rakhmat supports many practices generally associated with more radical Muslim groups such as the full-face veil for women (Ind. *cadar*). His justification for such positions relies not upon any clear scriptural precedent, but rather on grounds of what he refers to as *ihtiyât* (Ar. ‘caution’), a kind of rationalized reformulation of the principle of “the blocking of the means” (Ar. *sadd al-dhara'i*). See: *Menjawab*, 157-158, *et passim*.

¹⁴⁹ See, for example: Rakhmat, Jalaluddin. “*Ijtihâd*: Sulit diperlakukan, tetapi Perlu,” *Ijtihâd dalam Sorotan*. Bandung: Mizan, 1988. pp. 184-186. In much of Rakhmat's writing, `Umar is portrayed as a rash, overbearing despot who was known to neglect the tradition of the Prophet in cases where it best suited his own ends. Such harsh criticism of a figure who is considered by many to be an early hero of Islam is often associated with a Shi'ite point of view which regards `Umar, and the other caliphs before `Ali as usurpers.

¹⁵⁰ (“Tinjauan Kritis atas Sejarah *Fiqh*.” *op cit.*, 293) Elsewhere Rakhmat gives a much more abbreviated historical sketch of the development of *fiqh* in which he generally divides developments along the lines of two general trends: that of `Umar who placed *ra'y* over

Such a sharp criticism of a figure so important in the historicist legitimations of both the *Pembaharuan* and *Reaktualisasi* programs may appear to put Rakhmat at a total remove from such forms of reformism. However this is not completely the case.

In fact, in several of Rakhmat's other essays, one finds a number of significant similarities between his ideas and those of Nurcholish Madjid.¹⁵¹ For instance both authors have devoted a significant amount of energy to producing historical sketches of the development of *fiqh*¹⁵² and other aspects of Islam designed to show the origins of sectarian splits within the Community. Here they both agree with the basic conclusion that, "it is clearly absurd... to absolutize the claims of one [Islamic] religious sect over another."¹⁵³ In such intersections of vision lies the potential for further cooperation toward the future development of Islamic thought in Indonesia.

textual proofs, and that of `Ali who stuck more closely to the scriptural sources. He refers to these two groups as the *Manhaj Iraqi* (`*Umari*) and the *Manhaj Hijazi* (`*Alawi*), respectively. See: Rakhmat, Jalaluddin. "Sistem Pengambilan Hukum oleh Aimmatu al-Madzahib (Tanggapan atas Ceramah K.H. Ali Yafie)." *Kontroversi Pemikiran Islam di Indonesia*. Eds. Muhtar Gandaatmadja et al. Bandung: PT Remaja Rosdakarya, 1990 (reprinted 1993). pp. 21-24.

¹⁵¹ See, for example, Rakhmat's essays: "Konsep *Asbab al-Nuzul* dan Relevansinya bagi Pandangan Historis Segi-segi Tertentu Ajaran Keagamaan." pp. 24-41; "Masalah Ta'wil sebagai Metodologi Penafsiran al-Qur'an." pp. 11-23; and "Tradisi Syarah dan Hasyiyah dalam *Fiqh* dan Masalah Stagnasi Pemikiran Hukum Islam." pp. 311-318. These could be compared to those of Nurcholish in the same volume: Madjid, Nurcholish. "Sejarah Awal Penyusunan dan Pembakuan Hukum Islam." *Kontekstualisasi Doktrin Islam dalam Sejarah*, 237-520/ Cf. *Islam: Doktrin dan Peradaban: Sebuah Telaah Kritis tentang Masalah Keimanan, Kemanusiaan, dan Kemoderenan*. Jakarta: Yayasan Wakaf Paramadina, 1992. 238ff.

¹⁵² ("Tinjauan Kritis atas Sejarah *Fiqh*." *op cit.*, 278-279)

¹⁵³ Madjid, Nurcholish. "Skisme Dalam Islam: Tinjauan Singkat Secara Kritis-Historis Proses Dini Perpecahan Sosial-Keagamaan Islam." *Kontekstualisasi Doktrin Islam dalam Sejarah*. Jakarta: Yayasan Paramadina, 1994. pp. 687.

Rakhmat also shares with the *Pembaharuan* thinkers a common concern for the study of Islamic law in its historical contexts. In a lengthy article on the history of Muslim jurisprudence, Rakhmat undertakes a critical review of the development of *fiqh*, from the death of the Prophet to the present. Over the course of this survey, Rakhmat discusses of a number of legal schools, including a number of historical *madhâhib* that have fallen into oblivion since the ‘canonization’ of the currently recognized schools. He concludes that these other schools did not survive simply because they were not supported by those in power at that time (Ind. *Penguasa*).¹⁵⁴ This of course ties in with Rakhmat’s larger theme of the role of “politics” in the fragmentation and degradation of the *Umat*.¹⁵⁵ Rakhmat proposes that the Community be re-united in a spirit of *ukhuwwah* (Ar. “brotherhood”). He claims that a greater unity of the *Umat* could be achieved through the lessening of “*madhhab* consciousness,” and that this can be facilitated by an increased historical awareness of the fact that the differences between various schools have been aggravated and manipulated to serve political ends.¹⁵⁶ He uses various examples in illustration of this point going all the way back to the original split between the Sunni and Shi`a.¹⁵⁷

In the area of Islamic law Rakhmat’s emphasis on *ukhuwwah* is most clearly reflected in his position on *talfiq*, or the eclectic method of drawing upon the

¹⁵⁴(*Ibid.*, 268) This seems to echo some of his previous critiques of “*madhhab* consciousness,” in: *Islam Aktual: Refleksi-Sosial Seorang Cendekiawan Muslim* (Bandung: Mizan, 1991 p. 22).

¹⁵⁵ *Islam Aktual*, 22-24.

¹⁵⁶ Although this should come as no great surprise, he seems to think that acknowledging this fact is a major step in the greater unification of the Community.

¹⁵⁷ *Islam Aktual*, 22-24.

rulings of different legal schools. Here he calls attention first to the intention (Ar. *niyya*) behind the decision to switch from school to school in performing one's religious duties. If one does so simply to lighten the burden of performing their obligatory religious acts, then *talfiq* is forbidden as it arrogates one to the position of *mujtahid* simply in order to follow one's own selfish proclivities.¹⁵⁸ If, on the other hand, one adopts the practices of another legal school because one happens to be in a community where he or she is in the minority, than switching to following the practice of the majority is not only permitted, but required in order to avoid schism in the community and to advance the cause of *ukhuwwah Islamiyyah*.¹⁵⁹

Rakhmat proposes that one way in which the Community could be united would be in a spirit of *ukhuwwah* (Ar. "brotherhood") under the aegis of what he refers to as the *Mazhab Ali*.¹⁶⁰ However he is careful to differentiate what he means by this understanding of the *Mazhab Ali* from *Shi'ism* more generally. He claims that not all Shi'ites are of the *Mazhab Ali*, and that what distinguishes a Muslim as belonging to this group is his or her faith and actions in the broadest sense, rather than any particular points of doctrine or ritual. In support of this

¹⁵⁸ This is in direct contrast to the well-known position of one of Rakhmat's older contemporaries, Ibrahim Hosen, who argues that lightening one's load of religious duties through the employment of *talfiq* is completely permissible. See: Hosen, Ibrahim. "Memecahkan Permasalahan Hukum Baru." *Ijtihad dalam Sorotan*. Eds. Haidar Bagir and Syafiq Basri. Bandung: Mizan, 1988. pp. 23-45.

¹⁵⁹ Jalaluddin Rakhmat. *Menjawab Soal-Soal Islam Kontemporer*. Bandung: Mizan, 1998. pp. 158-159. It should perhaps be noted here that Ayatullah Khomeini himself held a very similar position on this issue.

¹⁶⁰ (*Islam Aktual*, 36) Elsewhere Rakhmat refers to followers of this approach as the *kaum Alawi* or "Alid group." ("Tinjauan Kritis atas Sejarah Fiqh: Dari Fiqh al-Khulafa' al-Rasyidin Hingga Madzhab Liberalisme." *Kontekstualisasi Doktrin Islam dalam Sejarah*. Ed. Budhy Munawar-Rachman. Jakarta: Yayasan Wakaf Paramadina, 1994. p. 273)

Rakhmat quotes from `Ali himself as well as the sixth Shi'ite Imam Ja'far al-Sadiq in defining a true follower of the *Ahl al-bayt* (Ar. 'people of the [Prophet's] family') as one who, through both moral character and ethical behavior, is an "ornament to their faith, and does not simply take their faith as an ornament."¹⁶¹ Thus while drawing on pre-eminent Shi'ite authorities, Rakhmat is careful to distance himself from popular Indonesian understandings of Shi'ism in its narrowly sectarian sense.

Nonetheless it could be argued that one of the most characteristic features of Rakhmat's religious thought is his affinity for Shi'ism and its modern interpretations.¹⁶² The question as to whether Rakhmat is or is not "a Shi'ite" is complex, and one which the present author feels reluctant to answer definitively. In his written works and public lectures Rakhmat has often defended such 'typically Shi'ite' doctrines as the occultation (Ar. *ghaib*) of the twelfth Imam and the belief that Fatimah's spiritual purity was physically evidenced by her freedom from the 'defilement' of menstruation.¹⁶³

This being said, it is important to keep in mind that Rakhmat is no simple sectarian. For the works of Islamic scholarship upon which he draws in the formulation of his own ideas includes a greater number of more generally Sunni

¹⁶¹ *Mejawab*, 239-240.

¹⁶² For an overview of contemporary Shi'ism, see: (Momen 1985: 246-299). More detailed studies of some of the most influential Shi'ite thinkers in modern times include: Nayed, A.A. "The Unitary Qur'anic Hermeneutics of Muhammad Baqir al-Sadr." *Islamic Studies* 31.4 (1992); Mallat, Chibli. *The Renewal of Islamic Law: Muhammad Baqer as-Sadr, Najaf and the Shi'i International*. Cambridge: Cambridge University Press, 1993; Norton, Richard A. "Musa al-Sadr." *Pioneers of Islamic Revival*. Ed. Ali Rahnama. London: Zed Books, 1994. pp.184-207; and Abu-Rabi', Ibrahim M. "Toward an Islamic Liberation Theology: Muhammad Husayn Fadlallah and the Principles of Shi'i Resurgence." *Intellectual Origins of Islamic Resurgence in the Modern Arab World*. Albany: SUNY Press, 1996.

authors than specifically Shi'ite ones. A simple review of his textual citations and bibliographies reveal a wide range of sources that includes the works of such established Sunni scholars as al-Ghazali, al-Suyuti, and Ibn al-Qayyim alongside modern Shi'ite authors like Baqir al-Sadr and Ali Shari'ati. Thus while Rakhmat's thought has been deeply influenced by certain aspects of Shi'ism, it would be misleading to simply label him as a 'Shi'ite thinker.' In any case determinations as to Rakhmat's sectarian status are better left to members of the communities directly concerned than outside academic observers.

As perceived Shi'ite leanings would have been a serious political liability in the New Order after the 1979 Iranian revolution. Rakhmat intentionally downplayed the more radical political rhetoric of this in favor of a more intellectualized elaboration of Shi'ite ideas on social justice, law, and society.¹⁶⁴ Like many other governments of countries with a large Muslim population, the New Order has been somewhat uncomfortable with the possibility of a spread of post-revolutionary Iranian preaching among their citizens.¹⁶⁵ During the 1980s

¹⁶³ See, for example: *Menjawab*, 249-265.

¹⁶⁴ Rakhmat seems to have been especially attracted by what he perceived as the 'this worldly' orientation of Shi'ism and its concern for the rights and dignity of the oppressed classes. Rakhmat sees this as reflected not only in scholarly texts, but also popular devotional practices such as the mourning rites for Husayn b. `Ali (*Islam Aktual*, 243-258). For a further elaboration upon the social meanings of commemorations of Husayn's martyrdom written by one of Lebanon's most prominent Shi'ite scholars, see: Muhammad, Mahdi Shams al-Din. *The Rising of al-Husayn: Its Impact on the Consciousness of Muslim Society*. Trans. I.K.A. Howard. London: The Muhammadi Trust, 1985. Some parts of Indonesia have their own traditions for Muharram observances, but none seem to display the kind of intense focus on redemptive suffering that has been observed in similar celebrations in Iran and South Asia. See: Feener, R. Michael. *Tabot: Muharram Observances in Bengkulu, Sumatra*. M.A. Thesis. Boston University, 1995.

¹⁶⁵ One observer in the early 1980s noted that Indonesian affinities for the rhetoric of the Iranian revolution were generally not directed toward particular aspects of Shi'ism such as the role of religious leadership for the imams. Rather what seemed to be attractive to a

several radical preachers were persecuted for their alleged links with an international Shi'ite network.¹⁶⁶ By the end of that decade, however, the publication of works associated with Shi'ite thinkers such as Khomeini and Ali Shariati began expanding considerably without significant government restriction. A variety of houses ranging from the radical Media Da'wah to the more moderate Mizan of Bandung have taken to the publication of translations of works by these authors and secondary works deriving from them.¹⁶⁷ It is the latter mentioned publisher that has become the primary sponsor of Rakhmat's work, giving this Shi'ite inspired local author access to an extensive nation-wide audience.¹⁶⁸

Rakhmat's first public statements on Shi'ism were put forward in a number of campus lectures, some of which were eventually published together in a volume entitled *Islam Alternatif*.¹⁶⁹ These lectures comprise some of the most

number of young Indonesian Muslims was, "its demonstration that popular will united under the banner of Islam could overcome a despotism backed by military might and Western favour." (McVey, Ruth. "Faith as the Outsider: Islam in Indonesian Politics." *Islam in the Political Process*. Ed. James P. Piscatori. Cambridge: Cambridge University Press, 1983. p. 220)

¹⁶⁶ Mehden, Fred von der. *Two Worlds of Islam: Interaction between Southeast Asia and the Middle East*. Gainesville: University Press of Florida, 1993. p. 68/ Cf. *Indonesia: Muslims on Trial*. London: Tapol, 1987. 81ff.

¹⁶⁷ Examples of such publications include: Ali Syari'ati. *Islam Agama Protes*. Trans. Satrio Pinandito. Jakarta: Pustaka Hidayah, 1993.

¹⁶⁸ Another way in which a greater unity of the *Umat* is being achieved is through the higher levels of education and increased amount of information from around the world that has become available to the Indonesian Muslim community through Globalization. As an example of the way in which this works, he points to the number of works by Muslim scholars from other countries and adhering to other schools of law that are now widely read by Indonesian Muslims who have traditionally been of the Shafi'i *madhhab*. (*Islam Aktual*, 22) This even further expands the corpus of recognized religious authorities referenced in contemporary Indonesian Islamic discourse and further facilitates the practice of *talfiq* on a broader scale.

¹⁶⁹ Jalaluddin Rakhmat. *Islam Alternatif: Ceramah-Ceramah di Kampus*. Bandung: Mizan, 1986 (5th printing, 1993). pp. 242-258.

prominent public endorsements of Shi'ism to be found in modern Indonesia.¹⁷⁰ In them he has helped to introduce other new streams of contemporary Islamic thought into Indonesian-language discussions of Islamic law and related issues. Rakhmat contends that the inclusion of Shi'ite, as well as Zahirite, arguments into the evolving discourse on *ijtihād* could make some valuable contributions to the further development of Islamic legal theory in Indonesia.

Rakhmat maintains the need for a continuous exercise of *ijtihād* in order to allow Muslims to adapt themselves to the constantly changing needs of society. However he does not believe that simply anyone is qualified for such an undertaking. Perhaps due to his Shi'ite proclivities, Rakhmat holds that *ijtihād* may only be exercised by those possessing the proper prerequisites. However, although acknowledging that there are certain requirements that must be fulfilled to exercise *ijtihād*, Rakhmat does not despair that such an accomplishment is unattainable, for as the title of one of his essays reads, "ijtihād is Difficult to Carry Out, but Necessary."¹⁷¹ Rakhmat's basic position on the issue of *ijtihād* then might be summed up as: "*Ijtihād* for the Ulama, and *taqlīd* for the masses."¹⁷² In this the young Shi'i-inspired reformist seems to share some common ground with the traditionalist Shafi'i-trained scholars of the *Nahdlatul Ulama* (NU). It is

¹⁷⁰ It should be noted that several scholars have debated the separate question of the existence of some elements of Shi'ism in various areas of the Archipelago in pre-modern times. See, for example: Baried, B. "Le Shi'isme en Indonesie." *Archipel*, 15 (1978): 65-84.

¹⁷¹ Rakhmat, Jalaluddin. "Ijtihad: Sulit diperlakukan, tetapi Perlu." *Ijtihād dalam Sorotan*. Bandung: Mizan, 1988. pp. 173-201.

¹⁷² Rakhmat, Jalaluddin. "Skisma dalam Islam: Sebuah Telaah Ulang." *Kontekstualisasi Doktrin Islam dalam Sejarah*. Ed. Budhy Munawar-Rachman. Jakarta: Yayasan Wakaf Paramadina, 1994. p. 706. This position, however, does not seem to restrain Rakhmat himself from acting in something of the capacity of *Mufti* in response to religious and social questions posed to him. For some of Rakhmat's own remarks to the effect that he is not a *fiqh* (scholar trained in Islamic jurisprudence), see: *Menjawab*, 147, 158-164, 240; and *Islam Alternatif*, 255.

toward the writings of some of the most widely-read contemporary authors from this latter group that we will direct our attention in the next chapter.

Chapter 5: The 'New Ulama'

"...The teacher then leads the student back over the discipline a second time. He gives him instruction in it on a higher level. He no longer gives a summary but full commentaries and explanations. He mentions to him the existing differences of opinion and the form these differences take all the way through to the end of the discipline under consideration. Thus the scholarly habit is improved."

Ibn Khaldun
al-Muqaddimah

In the 1980s many Indonesian Muslims developed a new appreciation of *Pesantren* tradition that may be seen as a reflection of the more generally positive Neo Modernist orientation toward the 'classical' heritage of Islam. As we have noted in previous chapters, earlier reformers were sometimes sharply critical not only of adherence to traditionally established rulings in Islamic law (Ar. *taqlīd*), but also of the traditionalist ulama who upheld them. However supporters of Indonesia's emerging Neo Modernist movement gradually developed a more subtle appreciation of the tradition of Muslim scholarship and the methods used by the ulama to interpret and implement it.¹

¹ Likewise during this period the 'traditionalist' NU began to experience a considerable influence from reformist-inspired teachings. This was at least in part a result of the changes in curriculum and approach at State-sponsored religious schools after the NU lost its hold on the top positions of the Ministry of Religious Affairs in 1971. (Feillard, Andrée. "Traditionalist Islam and the State in Indonesia: The Road to Legitimacy and Renewal." *Islam in an Era of Nation States: Politics and Religious Renewal in Muslim Southeast Asia*. Eds. Robert W. Hefner and Patricia Horvatich. Honolulu: University of Hawai'i Press, 1997. p. 143) The confluence of these two tendencies have led one observer

The intellectual and jurisprudential aspects of these developments will be discussed at length below, however before that can be done, we must first recall something of the broader context in which they arose.²

The NU was the last major Muslim party surviving from the pre-war 'période idéologique' in which intellectuals played a more prominent role in political organizations.³ Throughout the struggle for independence and the first twenty years of the Republic, the NU had been a loyal supporter of Soekarno, even through much of his flirtation with Socialism and Communism. However this pattern of cooperation was considerably altered with the fall of Soekarno and the rise of the New Order. From the tensions over the 1972 Marriage Bill to the NU parliamentary walkout in 1978,⁴ relations between the political wing of the NU and the New Order government were significantly strained. However after a period of protracted and increasingly bitter struggle the organization formally accepted the State's mandate of monoloyalty (Ind. *asas tunggal*) to *Pancasila* as the official ideology of the Indonesian State in 1984.⁵ However this should not be taken for a simple

to remark that in contemporary Indonesia it is hard to find either any 'pure modernists' or 'pure traditionalists.' (Abdillah, Masykuri. *Responses of Indonesian Muslim Intellectuals to the Concept of Democracy (1966-1993)*. Hamburg: Abera, 1997. pp. 16-17, and 217-218)

² The particular ways in which certain axioms (Ar. *qawâ'id*) of Islamic legal thought were incorporated into the official positions of the organization on political issues is discussed at length in: Haidar, M. Ali. *Nahdatul Ulama dan Islam di Indonesia: Pendekatan Fikih dalam Politik*. Jakarta: PT Gramedia Pustaka Utama, 1998.

³ Taufik Abdullah. "Les Intellectuels et la débat idéologique." *L'Indonesie Contemporaine vue par ses Intellectuels*. Ed. Marcel Bonneff. Paris: Cahier d'Archipel, 1994. p. 98.

⁴ The issues that sparked this gesture of resistance concerned proposals for the recognition of Javanese mystical movements (Ind. *Kepercayaan/ Kebatinan*) as legitimate belief systems and the establishment of required national courses for the propagation of *Pancasila* as the official State ideology. (Feillard 1995: 152-153)

⁵ Although the government had long attempted the enforcement of a 'law of monoloyalty' (Ind. *asas tunggal*), the final acceptance of this government-ordered position came only in 1984. Prof. Feillard sees in this decision the indication of a new orientation for the NU that focused on a more 'bottom-up' approach the Islamization of Indonesian society, rather than political strategizing for the formal control of the State. This willingness to work for

submission to governmental demands, as some of the principle forces behind this decision regarded the move as a strategic shift that would allow the NU to carry out its agenda in more effective ways.⁶

This move was orchestrated under the banner of a "return to the original design (Ar. *khittah*) of the organization's 1926 founding."⁷ Once accomplished, the NU's relationship to the New Order government grew increasingly warm and, as a result of this, a significant amount of new subsidies were provided for *madrasah* and *pesantren* education, especially during the 1990's.⁸ In exchange for these benefits, some NU institutions had to agreed to allow for a non-NU teachers within their walls. Beyond this were also a number of more general compromises⁹ in which at least some of the more politically-oriented figures within NU were willing to lend their support

the islamization of the Indonesian state within the existing framework of New Order state institutions can be seen as yet another instance of the continuing convergence of the orientations of the 'traditionalist' ulama and the new Muslim intellectuals of contemporary Indonesia. There were, however, a number of earlier calls for the abandonment of party politics and a "return to the original design (Ind. *khittah*)" of the NU's 1926 founding, and movements for an 'Islamization par le bas' within NU since the 1950's. One of the most public of these came from Kyai Achyat Chalimi at the 1959 NU congress in Jakarta. In 1966, following Suharto's pronouncement on the legal position of the Jakarta Charter, the NU leadership decided not to protest outright, but rather to press for a more 'Islamicized' interpretation of *Pancasila*. (Feillard 1995: 87, 94, 157, 311-313) For an overview of various Muslim reactions to this New Order policy, see: Ismail, Faisal. "Pancasila as the Sole Basis for All Political Parties and for All Mass Organizations: An Account of Muslim Responses." *Studia Islamika* III. 4 (1996): 1-92.

⁶ (Feillard 1995: 193-196)

⁷ In recent years a number of important studies of this have appeared, and the reader is referred to them for more in-depth discussions. See: van Bruinessen, Martin. *NU: Tradisi, Relasi-relasi Kuasa, dan Pencarian Wacana Baru*. Yogyakarta: LKiS, 1994a; (Feillard 1995); & Barton, Greg and Greg Fealy, Eds. *Nahdatul Ulama: Traditional Islam and Modernity in Indonesia*. Clayton: Monash Asia Institute, 1996. The complete text of this last title is also available on-line at the web-site set up by the NU-affiliate branch in Cairo. (<http://www.muslims.net/KMNU>)

⁸ (Feillard 1995: 225-229) In Indonesian this is referred to as *Keluarga Berencana*, or KB.

⁹ However this was by no means the case across the board in all NU schools, as in a number of them the *kyai* opposed such aid from the government when it was perceived to be an infringement upon their own independent administration. (*Ibid.*, 229-231)

to government development programs, including those considered religiously controversial such as Family Planning.¹⁰ In general, however the shift in organizational orientation that accompanied the 'Return to the *Khittah*' allowed the NU to redirect its energies into more productive channels, especially in the area of education.

The reorientation of the NU's primary focus away from party politics and into religious and social activities allowed for something of a re-ascendancy of the ulama who originally represented the organization's core constituents. Since the 1984 NU acceptance of *Pancasila* as its sole ideological foundation, a new spirit of open inquiry into religious questions grew within the younger ranks of the organization.¹¹ Thus while the NU has long been considered as representing adherents to a more 'traditionalist' Islam, this characterization must be qualified considerably. For although the NU continues to place considerable emphasis on the tradition of Muslim scholarship and the importance of following the jurisprudence of one of the

¹⁰ One of the most prominent public supporters of this program from NU circles has been Ali Yafie. See, for example, his essay: "Doktrin *Fiqh* dalam Program Kependudukan." *Teologi Sosial: Telaah Kritis Persoalan Agama dan Kemanusiaan*. Yogyakarta: LKPSM, 1997. pp. 29-40. An extensive discussion of Ali Yafie's work can be found below.

¹¹ Many of the contemporary scholars working in this area have worked to convey something of the intellectual depth and dynamism of thinkers associated with this 'traditionalist' organization. As Martin van Bruinessen has written, "Ironically, in the late 20th century, traditionalist ulama often appear more flexible than the spokesmen for reformist Islam, many of whom have not evolved beyond the positions taken at the beginning of this century." (Bruinessen, Martin van. "Traditions for the Future: The Reconstruction of Traditionalist Discourse within NU." *Nahdatul Ulama: Traditional Islam and Modernity in Indonesia*. Eds. Greg Barton and Greg Fealy. Clayton: Monash Asia Institute, 1996. pp. 163-189.

established Sunni *madhâhib*,¹² in doing this they have nonetheless, “thoroughly transformed that tradition in the twentieth century.”¹³

The developments taking shape within the ranks of the NU involved a conscious re-evaluation of the traditional corpus of Muslim scholarship with an eye to establishing its relevance to contemporary needs.¹⁴ This has centered around a reconstruction of the idea of Islamic tradition which in contemporary Indonesian is commonly referred to as *Aswaja*; an acronym for the Islam of the *Ahl al-Sunnah Wa'l-Jama'ah*.¹⁵ In recent years, the NU has articulated the need, for the first time, to produce a systematic statement of what exactly this means, and in 1995 the central leadership of the organization passed a decision to compile a ‘handbook’ of *Aswaja*.¹⁶ The changes within the NU at this time coincided serendipitously with a renewed interest in the canon of established Muslim scholarship by thinkers outside of the organization. In

¹² Such an importance placed upon the works of previous scholars and exegetes is also maintained in contemporary formulations of the NU orientations toward *Aswaja*. See, for example: (Muzadi 1994: 19).

¹³ Hefner, Robert W. *Civil Islam: Muslim Democrats and State Violence in Indonesia*. Princeton: University Press, (forthcoming). p. 190.

¹⁴ Some observers have suggested that some aspects of contemporary Indonesian thought in this area have been influenced by models of Liberation Theology from Latin America, especially in the views of Abdurrahman Wahid. See, for example: Ali, Fachry and Bahtiar Effendi. *Merambah Jalan Baru Islam: Rekonstruksi Pemikiran Islam Indonesia Masa Orde Baru*. Bandung: Mizan, 1986. pp. 186-191. More direct linkages between the orientation of P3M and Roman Catholic liberation theologians have been demonstrated in: Bull, Ronald A.L. “Metaphorical Aspects of Indonesian Islamic Discourse about Development.” *Toward a New Paradigm: Recent Developments in Indonesian Islamic Thought*. Ed. Mark R. Woodward. Tempe: Arizona State University Program for Southeast Asian Studies, 1996. pp. 265-290. Recently a more extensive and direct attempt to elaborate an ‘Islamic Liberation Theology’ has been undertaken by some members of the Muslim community in South Africa. See: Esack, Farid. *Qur'an, Liberation, & Pluralism: An Islamic Perspective of Interreligious Solidarity Against Oppression*. Oxford: One World, 1997.

¹⁵ (Ar. ‘the People of the Tradition of the Prophet and his Community’) On the place of the concept of *tawassuth* in the NU’s formulation of this, see: Muzadi, A. Muchith. *NU dan Fiqh Kontesktual*. Yogyakarta: LPKSM NU DIY, 1994. p. 18.

¹⁶ For an account of the process in which this was set into motion, see: “Upaya Membakukan Buku dan Membukukan Baku *Aswaja*.” *Aula: Majalah Nahdatul Ulama*, XIX. 3 (March 1997): 12-22.

fact it may be that these developments within the NU were actually facilitated by the development of a growing appreciation of the traditional corpus of Muslim scholarship by Indonesian Neo-Modernists, as they came to recognize the shortcomings of 'classical modernism' and were searching for new sources of depth and authenticity in their approach to Islam.¹⁷

One of the most productive areas in which the development of NU's 'progressive traditionalism' has taken place is in the 'study circles' or *halqah* discussions supervised by ulama such as Sahal Mahfudh.¹⁸ One of the primary ideas to emerge from these discussions is that of a new understanding of *taqlid* in the sense of adherence to a tradition of scholarship, rather than merely an acceptance of particular established legal rulings. The younger NU scholars participating in these *halqah* discussions advocated a more sophisticated understanding of the 'program' (Ar. *manhaj*) or 'method of analysis' which these texts established for jurisprudential reasoning.¹⁹ Some of the ideas formulated in such study groups have had repercussions felt well outside of their small circles. For instance the 1991 National Congress of the NU held at Bandar Lampung, Sumatra, included special forums dedicated to the discussion of new methodologies in legal interpretation for the organization.²⁰ Many of

¹⁷ One observer who has commented upon similar reasons for the recent 'Aswaja movement' within NU is Thoha Hamim: "Doktrin dan Tantangan Aswaja." *Aula: Majalah Nahdlatul Ulama*, XIX, 3 (March 1997): 58-62. For more of an overview on the recent developments of religious and legal thought in some NU circles, see: Baso, Ahmad. "Melawan Tekanan Agama: Wacana Baru Pemikiran Fiqih NU." *Wacana Baru Fiqih Sosial*. Eds. Jamal D. Rahman et al. Bandung: Mizan, 1997. pp. 131-143. For a critical survey of modern Muslim approaches to the dilemma of 'authenticity' from a selection of prominent, non-Indonesian thinkers, see: Lee, Robert D. *Overcoming Tradition and Modernity: The Search for Islamic Authenticity*. Boulder: Westview Press, 1997.

¹⁸ Hairus Salim & Nuruddin Amin. "*Ijtihād dalam Tindakan*." (Introduction to Sahal Mahfudh) *Nuansa Fiqih Sosial*. Yogyakarta: LKiS, 1994. p. viii.

¹⁹ (van Bruinessen 1994a: 223-225)

²⁰ For overviews of these discussions and the jurisprudential programs that were suggested in them, see: Madaniy, A. Malik. "Cara Pengambilan Keputusan Hukum Islam dalam Bachtsul Masail Nahdlatul Ulama (Sebuah Alternatif Pengembangan)." *Aula: Majalah*

these ideas originally arose out of the *halqah* under the direction of figures such as Sahal Mahfudh and Masdar Mas'udi.²¹

Sahal Mahfudh

As has been mentioned above, one of the figures most actively involved in the development of these progressive *halqah* has been Sahal Mahfudh. He was born in 1937 at Kajen, Central Java, to a family with long-established ties to the networks of traditionalist Javanese Ulama. After studying in a number of *pesantren* in both Central and East Java, he furthered his education through three years of study at Mecca. In 1963 he returned home where he replaced his father as head of the local *pesantren* at Kajen. There he became one of the first local *kyai* to involve himself in educational reforms and other progressive activities relatively unusual for the rural *kyai* of that time.

In 1983, Mahfudh joined the 'Assembly of Twenty-four' (Ind. *Majelis 24*) established by Abdurrahman Wahid²² and other prominent figures from NU to discuss changes necessary for the future development of the organization.²³ As he matured into a *kyai* in his own right, Mahfudh became increasingly active within local branches of NU and by the mid 1980's he had

Nahdatul Ulama XIII, 12 (December 1991): 53-63; & "Ijtihād dalam Kemantapan Hidup Bermadzhab (Dari Halqah-halqah di *Pesantren* sampai dengan Munas Alim Ulama NU di Bandar Lampung)." *al-Jamiah* 51 (1993): 21-33.

²¹ The work of Masdar Farid Mas'udi will be discussed at length later in this chapter.

²² Wahid has, since the 1970s been one of the most visible national promoters of a 'cultural' rather than 'structural' orientation towards Islam in Indonesia. See, for example, his: *Muslim di Tengah Pergumulan*. Jakarta: Lappenas, 1981. For a short statement of his views more specifically on the subject of Islamic Law: "Pengaruh Perubahan Sosial Pada Perkembangan Hukum Islam." *Aula: Majalah Nahdatul Ulama*. XVII. 3 (Maret 1995): 34-46.

²³ The members of this group unanimously agreed that the past political adventures of NU had been an energy-draining distraction and that now what was needed was conscious return to the original design (*khittah*) of their founding with its emphasis on religious and social function. (van Bruinessen 1996: 182)

risen through the ranks to become Chair of the Central Board of Ulama. Since 1992 he has held the office of Vice Chair of the organization at large.²⁴ However some of his most important work has been related to his involvement with the *halqah* 'study circles' and their exploration of the possibilities for re-evaluating *fiqh* in relation to contemporary social concerns.²⁵

Mahfudh' background in the NU *pesantren* milieu provides him with a greater command of the classical sources of Islam, and their medieval and later commentaries, than has been the case with most of the figures discussed in previous chapters. While the general trend noted thus far has been toward abandoning adherence to any one of the established schools of Sunni jurisprudence,²⁶ in the works of Sahal Mahfudh we find a newly reconceived and enthusiastic evaluation of *madhhab* methodology as a coherent discipline of scholarship and textual analysis. While many earlier writers had called for the exercise of an often ill-defined *ijtihad*, Mahfudh emphasizes the importance of the disciplined reasoning found within the established schools of Islamic law. Following such a discipline requires a thorough knowledge of its sources, including the established methods of interpretation and textual reasoning.²⁷ Thus he calls for a more 'self-conscious' adherence to *madhhab* methodology in order to foster a deeper historical sense of Muslim tradition

²⁴ *Rois Syuriah* PBNU and *Wakil Rois Aam*, respectively. (van Bruinessen 1994a: 214, 296)

²⁵ One of the younger participants in these *halqah* discussions that worked closely with Mahfudh is Masdar Farid Mas'udi whose work will be discussed below.

²⁶ As seen, for instance, in Jalaluddin Rakhmat's advocacy of a move beyond 'madhhab consciousness.'

²⁷ Examples of the way in which Islamic religious texts have been used by NU *kyai* to arrive at particular rulings can be found in: Masyhuri, A. Aziz, Ed. *Masalah Keagamaan: Hasil Muktamar dan Munas Ulama NU kesatu 1926 s/d kedua puluh sembilan 1994*. Surabaya: PP RMI & Dinamika Press, 1997. While the primary title of this work is in Indonesian, the bulk of its actual text is in Arabic, largely in the form of quotations from the proof-texts cited.

and instill a more disciplined approach to jurisprudential reasoning.²⁸ This is an orientation which has come to gain more and more acceptance in the contemporary NU, as a number of 'progressive traditionalists' now make more sophisticated efforts to distinguish adherence to a particular *madhhab* methodology from the sort of 'blind imitation' (Ar. *taqlid a'ma*) criticized by many reformists.

In relation to this, Mahfudh addresses the question as to whether most NU *kyai* actually follow the methodology of the Shafi'i school or whether they are adherents in name only.²⁹ He recognizes that the works of al-Shafi'i are still read and taught, but unfortunately his methodology is not consistently applied to problems as they arise.³⁰ In order to accomplish this, the classical texts through which this methodology is studied must be "contextualized." This coincides with his broader thoughts on the traditional corpus of Muslim scholarship in general (Ind. *kitab kuning*). According to Mahfudh, the *kitab kuning* should continue to be used, although less 'legalistically' than they have been in the past. He characterizes the traditional study of these materials as merely "*tekstual*" as opposed to "*kontekstual*"; that is, emphasizing the technical minutiae of their contents rather than the broader theological and epistemological contexts in which they are situated.³¹ In this sense Mahfudh

²⁸ See, for example: Muzadi, A. Muchith. *NU dan Fiqh Kontesktual*. Yogyakarta: LPKSM NU DIY, 1994. p. 52-57.

²⁹ Mahfudh, KH. MA. Sahal. *Nuansa Fiqih Sosial*. Yogyakarta: Lembaga Kajian Islam dan Sosial (LKIS), 1994. p. 29.

³⁰ This, however, raises the question as to how much of the Shafi'i school's methodology is actually attributable to its eponymous founder. For a critical study of the place of al-Shafi'i in the development of the methodology of Islamic legal theory, see: Hallaq, Wael B. "Was al-Shafi'i the Master Architect of Islamic Jurisprudence?" *International Journal of Middle East Studies* 25 (1993): 587-605.

³¹ *Nuansa Fiqih Sosial*, 268ff.

envisions the possibility of these materials being studied by modern scholars in addition to the ulama. In his own words:

These texts will attract the attention not only of the traditional religious scholars -- who as of late have grown reluctant to open them -- but also of whoever intends to study the sources of Islamic thought.³²

Mahfudh repeatedly stresses the need for the integration of other sciences into *fiqh* to arrive at a more contextualized approach to problems. He advocates that this be done through cooperation and dialogue between ulama, "scientists" and non-ulama NU intellectuals.³³ It is hoped that this will serve to restore what he sees as having traditionally been one of the greatest strengths of the *Aswaja*: the balance between *'aql* (Ar. 'reason') and *naql* (Ar. transmitted [religious] knowledge). Mahfudh maintains that through such cooperation NU might remain "moderate and accommodative" and thus better able to serve society during its future development.³⁴

In recent years Mahfudh' ideas have begun to attract wider attention beyond NU circles and to take a significant place in public discussions on Islamic legal and religious issues. His most significant publication thus far has been his *Nuansa Fiqih Sosial*, which represents a collection of public addresses and essays previously appearing in various media.³⁵ In addition to this, Mahfudh' more detailed writings on particular religious issues have also

³² (*Ibid.*, 23) In recent years Mahfudh has been involved, along with Masdar Mas'udi, in promoting study groups of non-NU scholars interested in the study of *kitab kuning*. (van Bruinessen 1994a: 228ff.)

³³ *Nuansa Fiqih Sosial*, 32, 205, & 270.

³⁴ *Ibid.*, 189.

³⁵ The dates given for the individual pieces contained in this collection range from throughout the decade prior to the book's publication; i.e., since the mid-1980's when Mahfudh began to involve himself with the younger *santris* who formed some of the first *halqah* of the type mentioned above.

been published in a weekly 'question and answer' (Ind. *soal-jawab*) column for a popular Semarang-based newspaper.³⁶ The central theme, however, is clear throughout his work, and that is the need for a thorough but appreciative re-evaluation of the tradition of *fiqh* scholarship so as to maintain its relevance to the lives of Muslims in contemporary society.

Mahfudh contends that the true integration of *fiqh* into society involves more than simply "bringing things up to date"; as if *fiqh* were some concrete corpus that simply needs tinkering with here and there. Thus *fiqh* should not be thought of as "a second [closed body of] scripture beside the Qur'an," but rather as a dynamic "counter discourse." Mahfudh argues that through such a "living" conceptualization of *fiqh*, society can become more deeply infused with the spirit of (Ind. *terjiwai*) the principles behind it.³⁷ One such principal that Mahfudh employs extensively throughout his work is that of *istislâh* (Ar. 'consideration of public interest') as a source of law.

As a traditionalist scholar trained in the Shafi'i *madhhab*, Mahfudh realizes that traditionally his school has not taken this legal indicator into account to the extent that it has been in the other established Sunni schools.³⁸ However he carefully addresses this issue by means of an examination of its potential place within the established methodological parameters of the Shafi'i

³⁶ Here he might be seen as acting in something of the capacity of a 'Media *Mufti*' and continues in a tradition of public scholarship first mentioned in this study with reference to A. Hassan and the PERSIS reformists. However the roots of this modern phenomenon are well established in the history of *istiftâ'* (Ar. 'asking for a fatwa') as one of the basic institutions of 'living law' in Muslim societies. The present author is currently planning a study on the development of this institution in Indonesian history.

³⁷ *Nuansa Fiqih Sosial*, 23-24, 314.

³⁸ In recent years a number of younger scholars associated with NU have devoted significant efforts toward the elaboration of new understandings of *istislâh*. See, for example, the essays devoted to this subject by Ust. Nuruddin Marbu Banjar Al-Makky, Mukhlash Hasyim, Chariri Ma'mun, and Ahmad Nadhif Mudjib & Afifuddin Harisah in the January, 1996 electronic edition of the journal *Nuansa*. (<http://www.muslims.net/KMNU>)

madhhab. There he prefaces his discussion by noting that in considering public interest (Ind. *mashlahah*) as a legal indicator, one is necessarily drawn into the process of Contextualization. Thus in considering cases in which there is no clear textual statement -- and in which the established analogical rulings based upon a pre-determined *illah* (Ar. 'ratio legis') are of no clear benefit -- the jurist is allowed to take the particulars of a given, exceptional case into account in terms of the broader axioms of. "Avoiding that which is damaging before working toward a benefit," and "the benefit which is immediately apparent must take precedence over that which is not yet clear."³⁹ In this way he attempts to demonstrate that within even within the textual traditions of the Shafi'i school there are established methods by which the eternal law of God can be contextualized to meet the ever-changing needs of society.

One example of Mahfudh' use of *istislâh* in the contextualization of *fiqh* can be found in his opinions on the proper distribution of *zakat* (Ar. 'mandatory religious almsgiving').⁴⁰ Most ulama agree that a portion of the *zakat* should be spent in 'the Way of God' (Ind. *sabilillah*).⁴¹ Most define this in terms of a military struggle for the cause of Islam, but Mahfudh follows the

³⁹Ar. <<Dar`u al-mafâsid muqaddam `ala jalb al-masâlih,>> and <<al-maslâhah al-muhaqqaqah muqaddamah `ala al-maslâhah al-mutawahhamah,>> respectively. See: *Nuansa Fiqih Sosial*, 43-45.

⁴⁰ For instance, Mahfudh writes of the need for a *bayt al-mal* (Ar. 'zakat treasury') and for *kyai* to understand taxation and to take a part in its collection and distribution. (*Nuansa Fiqih Sosial* 128-129, 148, & 168ff.) See also the interview with Sahal Mahfudh on the function and legitimacy of the pseudo-governmental 'Body for the Collection of Zakat, *Infraq*, and *Sadaqat* (BAZIS), on the web at: (<http://www.bazisdki.go.id/wawancara/ulama.htm>)

⁴¹ This originally Arabic terminology has had a considerably militant meaning in many of its occurrences in Indonesian Islamic history. One is most immediately reminded to its use during the Aceh war with the Dutch, and the literary products associated with the resistance, see: Snouck Hurgronje, C. *The Acehnese*. Trans. A.W.S. O`Sullivan). Leiden: E.J. Brill, 1906.

example of Ahmad b. Hanbal (d. 241 H./ 883) in advocating that the money set aside for *sabilillah* be spent on the construction of *madrasah*, mosques, bridges, and other public facilities.⁴² He writes that in order for *zakat* to maintain its relevance, what is needed is a broader definition of *sabilillah*, "...one that is not limited to war alone, for if we agree to understand this term with a wider meaning, anything related to the public welfare may be included within the category of *sabilillah*."⁴³ The wide interpretation of *istislâh* here goes somewhat beyond that which Imam Ahmad would have considered acceptable and approaches the more open-ended understanding of the concept often associated with the later Hanbali scholar al-Tufî (d. 716 H./ 1316), whose work we have already discussed above in Chapter 2. Mahfudh' remarks on the broader social and ethical dimensions of *zakat* prefigure in some important ways the ideas of Masdar Mas'udi on the same subject, as we shall see below.

Another important aspect of Mahfudh' appreciation of traditionalist approaches to Islamic religious issues can be found in his remarks on Sufism.⁴⁴ This should not be surprising as, in traditionalist circles throughout the Muslim world, jurisprudence and mysticism have both been seen as

⁴²Here we find an example of how Mahfudh, a traditionally trained Shafi'i jurist, is nonetheless open to ideas and opinions of other jurisprudential schools. He remarks somewhat hopefully on the fact that works by figures of other *madhâhib* are slowly beginning to find a place in some *pesantren* libraries. (*Nuansa Fiqih Sosial*, 28)

⁴³ *Nuansa Fiqih Sosial*, 149.

⁴⁴ While not mentioning many by name, Mahfudh seems well acquainted with many of the predominant themes in this genre as illustrated by his passing references to *insan kamil* (the "perfect man") and *alam arwah* (the realm of spirits) both of which are common in Sufi discourse and are found in discussions of the "Seven Grades of Being"; a doctrine which is today unpopular but was once a very prominent one on Java and elsewhere in Indonesia. See: Johns, A.H. *The Gift Addressed to the Spirit of the Prophet*. Canberra: Australian National University, 1965; & Feener, R. Michael. "Sufism and the State in Buton." unpublished paper presented at the *Trade and Agrarian Change in the Indian Ocean Region Symposium*, Yale University, 1995b.

integral parts of the Muslim educational curriculum. This has also been the case in Indonesia, where it has been noted that, "En Indonésie, il n'y avait pas d'opposition entre les oulémas spécialistes du *fiqh* (jurisprudence Islamique) et les oulémas proches du soufisme (*tasawuf*)."⁴⁵ Throughout his work, Mahfudh comments on the continued relevance of Sufism to modern life.⁴⁶ Thus when he speaks of Sufism he means an engaged style of Islamic mysticism concerned with social virtues and not simply an esoteric form of spiritual escapism. This is subtly illustrated by the way in which, when referring to the sources of this tradition, Mahfudh is careful to point out the fact that a particular work is "an ancient Sufi text, and not a text of ancient Sufism."⁴⁷

For Mahfudh, an important part of the relevance of Sufism to the contemporary situation lies in its emphasis on the 'spiritual' dimensions of religious life, for this can serve to add valuable perspective to our actions in more 'worldly' spheres of activity. At a seminar commemorating the *mi'raj*,⁴⁸ Mahfudh noted a tendency among some young students toward the over-rationalization of religious discussions:

This is often the case because of the tendency for those untrained in the religious sciences, but possessing knowledge in some other discipline, to prefer investigating religious questions according to a strictly logical approach similar to that used in their own specialized field of education. Thus due to the recent advances of science and technology, many of them will only accept positions -- including even religious ones-- that can be rationally demonstrated... However much this

⁴⁵ (Feillard 1995: 23)

⁴⁶ *Nuansa Fiqh Sosial*, 80, *et passim*.

⁴⁷ (*Ibid.*, 69) The original Indonesian text reads, "kitab kuno sufisme (bukan kitab sufisme kuno)."

⁴⁸ The *mi'raj* is the Prophet's "night journey" from Medina to Jerusalem, and thence to the Seventh Heaven where he came into unprecedented proximity to God. For a study on the commemoration of this event in Indonesia during the earlier part of the century, see: Pijper, G.F. "Mi'radj," *Fragmenta Islamica: Studien over het Islamisme in Nederlandsch-Indië*. Leiden: E.J. Brill, 1934. pp. 125-58.

may be the case, humans will never be able to comprehend the true meaning of the *mi'raj* by means of reason alone.⁴⁹

Mahfudh insists that by limiting our understanding of such events to the realm of reason alone we are really missing the point of the *mi'raj* as a sign of God's Greatness that transcends the limits of time, space and reason.⁵⁰

In explaining the contextual relationship of *fiqh* to other aspects of community life, Mahfudh repeatedly reminds his readers that the first two institutions built by Muhammad at Medina were the mosque and the marketplace.⁵¹ According to Mahfudh this shows that the Prophet was keenly aware of the need to balance the concerns of this world with those of the world to come.⁵² He points out, for example, that even in 'classical' Islamic thought, a scholar of *fiqh* was required to "understand questions pertaining to both God and the world."⁵³ Mahfudh argues that solutions for the pressing issues facing Indonesian society today must take into account both religious and 'technical' aspects of the problem in order to insure the well being of the community in this world and the next.

One of the major institutions in which balanced solutions to both religious and worldly problems might be fruitfully pursued is the *pesantren*.

⁴⁹ *Nuansa Fiqih Sosial*, 74.

⁵⁰ This being said, however, Mahfudh maintains his distance from contemporary forms of Sufi spirituality affiliated with the recent rise in popularity of charismatic 'living saints' in Indonesian Islam (e.g., Gus Miek/ Kyai Hamim Jazuli) and other manifestations of mystical experience which he sees as deviations from his conception of 'True' Sufism. (Feillard 1995: 267-268)

⁵¹ e.g., *Nuansa Fiqih Sosial*, 158 *et passim*.

⁵² Such an orientation toward the Prophet's life has become increasingly popular in the Muslim world since the rise of the *Sirat* movement in nineteenth century South Asia. See: Schimmel, Annemarie. *And Muhammad is His Messenger: The Veneration of the Prophet in Islamic Piety*. Chapel Hill: University of North Carolina Press, 1985. pp. 231-234.

⁵³ As maintained, for example, by al-Ghazali in his *'Ihya' ulûm al-dîn*. See: *Nuansa Fiqih Sosial*, 315.

Mahfudh writes that *pesantren* have traditionally been a place of *tafaqquh fi al-dîn*, (Ar. 'religious understanding). He then warns us that here *dîn* should not be defined too narrowly as simply "religion."⁵⁴ For Mahfudh prefers to understand this term in the broader sense of, "the set of Divine directives that urge anyone with a healthy sense of reason to do the right thing for themselves in this world and the next."⁵⁵ Unfortunately, Mahfudh continues, one of the great problems facing many religious scholars today is that they are unacquainted with contemporary social developments and thus unable to provide meaningful advice for the community facing them. Mahfudh worries that this is resulting in an ever-increasing 'isolation' of religious knowledge from the discussion of contemporary social issues. Thus he urges his fellow ulama to better equip themselves to deal with the issues which face the community today and not to be content to simply leave certain issues up to 'secular' intellectuals. For, as he has noted elsewhere, the solutions for the pressing issues facing Indonesian society today must take into account both religious and 'technical' aspects of the problem in order to insure the well being of the community in this world and the next.

Nonetheless Mahfudh maintains that while one must take into account both the 'religious' and 'technical' aspects of the contemporary situation, it is also important not to conflate them. He argues that while both of these areas are integral facts of life in the modern world, the methodology applied to their respective questions remains distinct. Thus Mahfudh attempts to differentiate

⁵⁴A much more difficult problem than it would seem. For one extensive discussion of the relationship between *dîn* and modern Western conceptions of "religion," see: Smith, Wilfrid Cantwell. *The Meaning and End of Religion*. New York: Macmillan, 1963. In Indonesia attempts at the further elaboration of Smith's position on this issue have been undertaken by Nurcholish Madjid. See, for example, his: "Universalisme Islam dan Kosmopolitanisme Kebudayaan Islam." *Islam Doktrin dan Peradaban*. pp. 425-448

⁵⁵*Nuansa Fiqih Sosial*, 315.

Pembaharuan or 'Renewal' from *ijtihad* as a technical term in the sciences of Muslim jurisprudence. He writes:

The term '*Pembaharuan fiqh*' is actually not quite accurate because the axioms of *'usul al-fiqh* remain relevant as methodological directives even today, and do not need to be changed. Thus a more accurate term might be the 'development' (Ind. *pengembangan*) of *fiqh* which follows the established axioms of the discipline while working toward more contextualized understandings.⁵⁶

Mahfudh explores *fiqh* not as an abstract theoretical discipline, but as an integrated approach to questions important to the community in everyday life. Thus the flexible and dynamic potential of its methodology must be constantly developed in order to maintain its continued relevance in the future. As an example of this, he refers to the case of the Prophet's injunction to "be fruitful and multiply." Mahfudh argues that in this era of over-population, these words should not be interpreted literally, but rather on a deeper level in which the 'increase' should be thought of in qualitative rather than quantitative terms.⁵⁷

Despite such positions, Mahfudh resists the temptation to lend his knowledge of *fiqh* to direct support of government development programs such as Family Planning &c. Rather he maintains that the best way for the NU to remain 'integrative and accommodative' is to focus its energies into more

⁵⁶ *Ibid.*, 49.

⁵⁷ (*Ibid.*, 22) Here one finds yet another point of contact between Mahfudh' thought and that of the *Pembaharuan* thinkers. For a parallel distinction between the quantity and quality of the Muslim community has been emphasized by Nurcholish Madjid in relation to his critique of the preoccupation of some Indonesian Muslims with the formalistic institutionalization of Islam rather than with the realization of core values. (Madjid, Nurcholish. "Keharusan Pembaharuan Pemikiran Islam dan Maslah Integrasi Umat." *Islam, Kemoderenan dan Keindonesiaan*. Bandung: Mizan, 1987. pp. 205-206)

productive areas than that of 'practical' politics.⁵⁸ However he also remains firm in his convictions as a *kyai* and maintains that such a stance does not imply abject accommodationism and in no case should it be allowed to the extent that the NU ulama become a mere rubber stamp for religiously legitimizing government policies.⁵⁹ Here and elsewhere he reveals something of a distaste for direct political participation, vividly illustrated in his observation that politics is like chewing gum. "...it is habit-forming and those already hooked on it will continue to chew long after its flavor is gone."⁶⁰ However there are a number of Mahfudh' contemporaries within NU that do not regard 'practical politics' with the same disdain and who are more comfortable in the role of participant in State-directed development programs. One of the most prominent figures of this type in contemporary Indonesia is Ali Yafie, to whose work we shall now direct our attention.

Ali Yafie

Ali Yafie was born into an established family of Muslim religious scholars at Donggala, Central Sulawesi, in 1928.⁶¹ After completing rudimentary studies in religious subjects with his father, he was sent to a number of prestigious *pesantren* in various parts of South Sulawesi.⁶² During

⁵⁸ (Ind. *politik praktis*), as this concept has been constructed and elaborated upon in the political discourse of New Order 'Newspeak.'

⁵⁹ In this connection note should be made of Mahfudh' close support of Abdurrahman Wahid in the latter's principled opposition to New Order authoritarianism.

⁶⁰ *Ibid.*, 170.

⁶¹ This biographical sketch is based largely upon that found in the recent *festschrift* published in commemoration of Ali Yafie's seventieth birthday: Rahman, Jamal D, Ed. "Biografi dan Visi Seorang Ulama." *Wacana Baru Fiqih Sosial: 70 Tahun K.H. Ali Yafie*. Bandung, Mizan, 1997. pp. 3-48.

⁶² His grandfather, Shaykh `Abd al-Hafiz Bugis was a prominent teacher in the *masjid al-harâm* at Mecca together with Nawawi Banten and Ahmad Khatib al-Minangkabawi. He left a considerable library of religious and particularly *fiqh* texts to his son, Muhammad Yafie and eventually to his grandson. Muhammad Yafie was an itinerant teacher in *pesantren*

this time Yafie was inspired by the political developments of the struggle for Indonesian independence, especially through his reading of periodicals published by the *Majelis Islam A'la Indonesia* (MIAI) under the leadership of K.H. Wahid Hasyim.⁶³ When the Japanese occupation put an end to the Dutch domination of the Archipelago, Yafie accepted a position as a preacher (Ar./Ind. *Muballigh*) under the *Jam'iyah Islamiyyah* formed by the occupational government.

After the war he went to Pare-Pare where he worked in the recently formed *Dar al-Da'wah wa'l-Irshad* (DDI) under his former teacher Shaykh Firdaus and the renowned Buginese `alim, Shaykh `Abd al-Rahman Ambo' Dalle (d. 1997). In Pare-Pare, Yafie also became involved and increasingly active in the NU, and through this organization became first active in government as a member of the local assembly (DPRD) in 1953.⁶⁴ From 1959-1962 he also served as judge for the Muslim Religious Court at Ujung Pandang, followed by a three year term as inspector for the religious court system of Eastern Indonesia.⁶⁵ In 1965 he was appointed Dean of IAIN Alauddin (Ujung Pandang), where he

circles who maintained his independence from the colonial government by refusing several offers to become a *Qadi* (Ar. 'government appointed judge of Islamic law'). He taught his son Ali Arabic grammar in the traditional method of wrote memorization.

⁶³ Ali Yafie's nationalist sentiments do not seem to have dimmed any since then, and at least up until the end of Suharto's regime he repeated his appreciation of the independent Indonesian government that had been first granted legitimacy in a fatwa from the founder of the NU, Hasjim Asj'ari. In fact, Yafie even attempts to downplay the historical tensions between the NU and the New Order government by describing the history of the past four decades as one of ongoing cooperation between Indonesian `ulama and the government. See, for example: Yafie, Ali. "Pengertian Wali al-Amr dan Problematika Hubungan Ulama dan Umara." *Kontekstualisasi Doktrin Islam dalam Sejarah*. Ed. Budhy Munawar-Rachman. Jakarta: Yayasan Paramadina, 1994. pp. 595-605.

⁶⁴ He later went on to become a member of the Peoples' Assembly (DPR), where he served until 1987.

⁶⁵ Yafie's concern for the continuing development of the Muslim court system in Indonesia is evidenced in a number of his recent writings, including: Yafie, Ali. "Antara Ketentuan dan Kenyataan," *Polemik Reaktualisasi Ajaran Islam*. Ed. Iqbal Abdurrauf Saimima. Jakarta: Pustaka Panjimas, 1988. pp. 92-102.

remained until advancing his activities on to the national stage in 1971. At that time he attended the general congress (Ind. *Muktamar*) of the NU in Surabaya, where he was elected as Chair of the ulama council (Ind. *Rois Syuriah*). Over time, however, Yafie became increasingly associated with the 'political' wing of NU under the direction of Idham Chalid.⁶⁶ At the 1989 NU *Muktamar* in Krapyak he was elected vice-president under Kyai Achmad Siddiq, and assumed leadership after the latter's death in 1991. Soon after that, however he withdrew from the PBNU due to differences of opinion with Abdurrahman Wahid.⁶⁷ However while distancing himself from Wahid and those in NU who supported him, Yafie's political involvement with the New Order regime steadily deepened as he drew closer to the center of power, including prominent members of the Suharto family.⁶⁸

Since this time, Yafie has offered his support to a number of government proposals by lending his stamp of authority as an *'alim* to such

⁶⁶ Most members of this group were not primarily affiliated with local *pesantren* and thus relied on offices in the Assembly as their primary base of power. On this split between the executive 'political' leadership (*Tanfidziyah*) of the NU and its 'Legislative' body of ulama (*Syuriah*) during the New Order period, see: Adnan, Zifirdaus. "Islamic Religion: Yes, Islamic (Political) Ideology: No! Islam and the State in Indonesia." *State and Civil Society in Indonesia*. Ed. Arief Budiman. Clayton: Monash University Centre of Southeast Asian Studies, 1990. p. 461ff. We should, however, keep in mind that these neither of these two groups was comprised exclusively of either politicians or *kyai*, and that there was a certain amount of crossover between them. See: (Feillard 1995: 169-170); & (van Bruinessen 1996: 181).

⁶⁷ Since the mid-1980s, Wahid had been under sustained attack by some of the more politically-oriented membership of NU due to his position on the 'return to the *Khittah*,' and other issues. (Feillard 1997: 137) This split also came at a time when Wahid was increasingly out of favor with the New Order government for his positions on reform and democratization. (Adnan 1990: 441-477)

⁶⁸ In 1990 Yafie played an integral role, along with Idham Chalid and Syukron Makmun, in the formation of a Muslim 'small business association' called *Himpunan Santri Pengusaha Indonesia* (Hispi). The Chair of its original council was Suharto's daughter and later cabinet minister, Mbak Tutut. (Feillard 1995: 220) For a more appreciative appraisal of Yafie's warm relationship to the government, see: Rasyid, M. Ryaas. "Kiai Haji Ali Yafie: Portret Perdamaian Ulama-Umara." *Wacana Baru Fiqih Sosial*. Ed. Jamal D. Rahman. Bandung: Mizan, 1997. pp. 233-240.

New Order programs as Family Planning⁶⁹ and the establishment of the Bank Mu'amalat Indonesia (BMI).⁷⁰ Yafie's ability to convincingly interpret classical Islamic texts in accordance with the needs of national development programs has been greatly appreciated by the New Order State. Using his considerable knowledge of the traditional literature of *fiqh*, Yafie has been able to elaborate substantial justifications for various government projects and policies that lend to them an air of legitimacy.⁷¹ For this he has been well-rewarded not only in the rather rapid accumulation of substantial personal wealth, but also in being granted extensive media access and public visibility. In fact, over the past decade he has emerged as a major figure participating prominently in such well-publicized events as national prayer services and observances marking the end of Ramadhan.⁷² More recently he was also appointed Chair of the national council of ulama, *Majelis Ulama Indonesia* (MUI), which has been the major means by which certain government initiatives are given a rubber stamp of religious legitimacy.⁷³

⁶⁹ Yafie has written a number of articles and essays on this subject, including: "Pendekatan Masalah dalam Menelaah Masalah Kependudukan dan Keluarga Berencana." *Menggagas Fiqih Sosial*. Bandung: Mizan, 1994. pp. 179-192.

⁷⁰ For an appreciative assessment of Ali Yafie's work in this area, see: Perwataatmadja, Karnaen H. "Pembangunan dan Upaya Perbaikan Taraf Hidup: Sekilas Pandangan K.H. Ali Yafie." *Wacana Baru Fiqih Sosial*. Ed. Jamal D. Rahman. Bandung: Mizan, 1997. pp. 273-285. More generally on the history of the BMI, see: Hefner, Robert W. "Islamizing Capitalism: On the Founding of Indonesia's First Islamic Bank," *Toward a New Paradigm: Recent Developments in Indonesian Islamic Thought*. Ed. Mark R. Woodward. Tempe: Arizona State University Program for Southeast Asian Studies, 1996. pp. 291-322.

⁷¹ See, for example, his essays collected in: *Teologi Sosial: Telaah Kritis Persoalan Agama dan Kemanusiaan*. Yogyakarta: LPKSM, 1997. pp. 1-82.

⁷² See, for example: Aqsha, Darul et al., Eds. *Islam in Indonesia: A Survey of Events and Developments from 1988 to March 1993*. Jakarta: INIS, 1995. p. 19.

⁷³ On the overwhelming political influence of the New Order government on the *fatwas* issued by the MUI, see: Suwito and Muhib Abdul Wahab. "Majlis al-`ulamâ' al-indûnîsî fî munâdalat al-barnâmiy al-siyâsî." *Studia Islamika* 117-139.

Though long active within the NU and other institutions, Yafie's ideas on the subject of Islamic law became much more widely known after the 1994 publication of his collection of essays, *Menggagas Fiqih Sosial*.⁷⁴ The timing of this coincides closely with that of Sahal Mahfudh' *Nuansa Fiqih Sosial* and together they show something of the recent intellectual developments within the *Nahdlatul Ulama* (NU). These works differ from most previous writing by NU scholars in their accessibility to a larger readership extending beyond the ulama class and members of the organization. They both share in a number of similarities, especially with regard to their presumed audience, which is reflected in their approaches and selection of topics. However, although they are similar in certain ways, the works of these two authors share some significant differences, especially in their ideas on the relation of the State and its institutions to the development of Islamic law in society.

The reference to *Fiqih Sosial* in the title of Yafie's work, as in that of Mahfudh, reveals a conceptualization of *fiqh* as a dynamic system relevant to the changing needs of society. He continually stresses the point that *fiqh* is not primarily a theoretical discipline, but one that is directly involved with important issues in the everyday life of the community. This sort of emphasis on the practical, contextual nature of *fiqh* coming from a traditionally-trained Indonesian *kyai* seems to contradict what many outside observers have written about the nature of Islamic law in Southeast Asia.⁷⁵

⁷⁴ Yafie, K.H. Ali. *Menggagas -Fiqih Sosial: Dari Soal Lingkungan Hidup, Asuransi hingga Ukhuwah*. Bandung: Mizan, 1994.

⁷⁵For example M.B. Hooker, who maintains that Islamic legal discourse in Southeast Asia is merely a rarefied subject of theoretical speculation amongst a small number of trained experts, having no real affect on the lives of members of the larger community. (*Islamic Law in Southeast Asia*. Singapore: Oxford Universtiy Press, 1984)

Drawing upon the classical scholarship of Taj al-Din Subki, Jalal al-Din Suyuti, and others, Yafie outlines what he sees as some of the principle axioms of *fiqh* as a discipline. Sometimes this process includes an appropriation of elements from the legal theories of figures outside of Yafie's own *madhhab* who would not normally be cited by a 'traditionalist' Shafi'i scholar.⁷⁶ Here Yafie appears to be engaging in something of the comparison of various legal schools that we first discussed in connection with the work of Hasbi Ash Shiddieqy in Chapter 3. However, rather than conducting elaborate comparisons of the positions of the various schools on particular issues, he instead attempts to create a more general schematic according to which the relative differences between the existing schools may be conceptualized. He does this by means of a model of five concentric circles which represent the relative degrees to which a particular *madhhab* emphasizes reason in relation to the texts of revelation.⁷⁷ In Yafie's model the strongest scripturalist orientation is located at the center with increasing increments of openness to reason radiating out from this. Thus from the center outwards are ranked: 1) the Zahiris, 2) Hanbalis, 3) Malikis, 4) Shafi'is, and 5) Hanafis. One particularly interesting aspect of this model comes in the positioning of the Malikis and the way that Yafie characterizes them.⁷⁸ For, in his description of

⁷⁶ Yafie, Ali. "Reaktualisasi Hukum Islam di Indonesia," *Kontekstualisasi Ajaran Islam: 70 Tahun Prof. Dr. H. Munawir Sjadzali*. Eds. Muhammad Wahyuni Nafis et al. Jakarta: Yayasan Wakaf Paramadina, 1995. p. 308.

⁷⁷ A somewhat analogous model employing a linear sequence (rather than a concentric model) of circles was earlier employed by the popular traditionalist scholar, K.H. Siradjuddin Abbas in his handbook on the Shafi'i *madhhab*. (*Sejarah dan Keagungan Madzhab Syafi'i*. Jakarta: Pustaka Tarbiyah, 1966. p. 109-110) However these models deal only with the 'four schools' of classical Sunnism and omit treatment of the Zahiris.

⁷⁸ More on his evaluation of 'Maliki' elements of legal theory and their later influence on other schools can be found in: Yafie, KH Ali. "Konsep-Konsep Istihsan, Istishlah dan Mashlahat al-Ammah." *Kontekstualisasi Doktrin Islam dalam Sejarah*. Ed. Budhy Munawar-Rachman. Jakarta: Yayasan Paramadina, 1994b. pp. 362-368.

this school, he uses neither the terms 'reason' or 'revelation,' but rather emphasizes *Mashlahah al-mursalah*, or the consideration of general public interest.⁷⁹ Given this description, it seems as if he considers this to be something of a central link between relative emphases on revelation and reason. For while this legal indicator takes into account human conceptions of 'The Good,' its ultimate grounding is in the text of a more open-ended and comprehensive hadith.⁸⁰

This view of Maliki methodology and particularly its emphasis on considerations of public interest seems later to take on an added importance when Yafie discusses contemporary developments within Indonesia.⁸¹ In this connection he mentions a process by which the governments of some other Muslim countries have reformulated codes of law based upon a selective appropriation of rulings from all of the existing schools. Yafie refers to this method of selection as *ikhtiyâr*, and adds that such an approach is in fact the most effective way to follow in order to fulfill the current need for a systematic codification of Islamic law in Indonesia.⁸²

⁷⁹ See: Yafie, Ali. "Sistem Pengambilan Hukum oleh Aimmatu al-Madzahib." *Kontroversi Pemikiran Islam di Indonesia*. Eds. Muhtar Gandaatmadja et al. Bandung: PT Remaja Rosdakarya, 1990. p. 18-19.

⁸⁰ That is, "*la darar wa la dirâr*," as discussed above in Chapter 2 with reference to al-Tufi's conception of *istislâh* and its influence on modern *Salafi* thought.

⁸¹ However perhaps one reason for his openness to a greater role for *istislâh* in the development of contemporary Islamic law in Indonesia stems from his understanding of it as a way to broaden the potential field of activity for "commanding the good, and prohibiting that which is wrong," (Ind. *Amar ma'ruf nahi mungkar*). Yafie sees this as a means of "strengthening social control." See: Yafie, Ali. "Konsep-Konsep Istihsan, Istishlah dan Mashlahat al-Ammah." *Kontekstualisasi Doktrin Islam dalam Sejarah*. Ed. Budhy Munawar-Rachman. Jakarta: Yayasan Paramadina, 1994. p. 367.

⁸² (Yafie 1990: 20) This, however, is somewhat surprising given the importance throughout much of his other work of maintaining the boundaries of the established schools of law so as to preserve the coherency of their jurisprudential methodologies. This may be seen as an obvious example of Yafie's willingness to support the goals and objectives of the New Order State. This is a topic that we will have mention to comment upon once again in our concluding remarks to this section.

For Yafie any such exercise in the reformulation of Islamic law cannot be undertaken without an in-depth knowledge of the established Muslim methods of interpretation and textual reasoning.⁸³ Yafie has a highly developed awareness to technical matters of definition and methodology that is evident throughout his writings on Islamic law and legal theory.⁸⁴ Such emphasis on the precise definition of technical vocabulary is perhaps most important for him when dealing with *ijtihād*. For, as we have seen in previous chapters, this term has been used rather loosely in many different contexts by Muslims in twentieth century Indonesia. Reacting against this tendency, Yafie goes to considerable lengths to make clear the fact that, within Islamic jurisprudence, *ijtihād* has a specific reference as a "technische term."⁸⁵

This is a significant distinction in that it re-establishes *ijtihād* as the specialized work of classically trained scholars as separate from the kinds of intellectual activities engaged in by other Muslim reformists.⁸⁶ Yafie

⁸³ *Ibid.*, 85.

⁸⁴ See, for example: Yafie, KH Ali. "Nasikh Mansukh dalam al-Qur'an." *Kontekstualisasi Doktrin Islam dalam Sejarah*. Ed. Budhy Munawar-Rachman. Jakarta: Yayasan Paramadina. 1994. pp. 42-50.

⁸⁵ Throughout his writings, Yafie makes frequent use of Dutch parenthetical definitions to clarify certain points. Often these Dutch definitions immediately follow transliterated Arabic terms for which no Indonesian language rendering is given whatsoever. One thus wonders whether this is simply a reflection of his age or if he is making a more conscious attempt to communicate with more 'secularized' legal thinkers involved in the legislative development of Indonesia; as many of them are from their formal training familiar with the Dutch system upon which much of modern Indonesia law is based.

⁸⁶ (Yafie 1990: 15) While consistent methodologically with the overall structure of his thought, one could speculate here that there might be other factors at work in Yafie's formulation of this position. For such statements could be seen to support some aspects of the *re-aliranisasi* (Ind. 'resurgence of sectarianism') that has grown increasingly pronounced since the later years of the New Order. This is but one instance where the 'progressive' orientation of Yafie's jurisprudential thought can seriously be called into question. Elsewhere, for instance, he has expressed views on the place of non-Muslims in Indonesian society that reflected mediæval conceptions of their status as *dhimmi*s (Ar. 'protected minorities') which includes the obligation to pay a special 'poll tax' referred to in Arabic as the *jizya*. See: (Abdillah 1997: 102-103); and Hefner, *Civil Islam* (forthcoming): 312.

maintains that the work of the latter is important for the development of society, but it should not be conflated with *ijtihād* in the sphere of Islamic law, which can only be carried out by trained experts.⁸⁷ Thus he maintains a distinction between those classically trained ulama working on more specifically religious issues, and the technocrats advocating *Pembaharuan* in society on the basis of Islam.⁸⁸

At times Yafie offers rather strong criticisms to those who attempt *ijtihād* without the proper credentials in Muslim jurisprudential scholarship.⁸⁹ On such grounds he has criticized advocates of *Pembaharuan* and *Reaktualisasi* who advance programs of religious and legal reform without really understanding the foundational texts or jurisprudential methods of Islamic legal theory. Yafie himself rarely uses the term *Pembaharuan* but instead prefers to speak of *tajdīd* (Ar. 'renewal').⁹⁰ After citing the use of this term in several hadith, he examines development of this concept over the last two centuries of Islamic history. From this Yafie argues that what is needed now is a 'renewal of religious faith' (Ar. *tajdīd al-imān*)⁹¹ that will give rise to

⁸⁷ In fact, the services of such specialists in fields of expertise outside of the Islamic religious sciences have been an absolute necessity to facilitate the New Order development programs of which Yafie was such a prominent supporter.

⁸⁸ *Menggagas Fiqih Sosial*, 66. However, he does not completely disparage the latter, as they also perform important functions in the development of society. He supports this position with reference to such classical sources as the writings of al-Ghazali, who advocated an appreciation of the sciences of mathematics and medicine, "because all such knowledge is needed in the creation of a good society." (*Ibid.*, 162)

⁸⁹ As seen, for example, in his critique of Munawir Sjadzali's views on *Reaktualisasi*. (Abdillah 1997: 215).

⁹⁰ Although the necessity for *tajdīd* had been discussed within the NU at various points over the past three decades, it was not officially recognized as a operative principle within the organization until the 1987 National Conference at Cilacap. (Abdillah 1997: 228)

⁹¹ Also referred to as *tajdīd shari'i* which concerns questions dealing more directly with matters of religious practice. In such areas, *ijtihād* and interpretation must be conducted according to a fixed methodology outlined in the set of axioms known as *'usūl al-fiqh*. (Yafie, Ali. "Reaktualisasi Hukum Islam di Indonesia." *Kontekestualisasi Ajaran Islam: 70*

a spirit of independence from the West and western modes of thought.⁹² Thus he stresses the point that there is a difference between *tajdīd* proper and *Pembaharuan*. Yafie describes this latter term as being more in the sphere of *tajdīd `urfi*⁹³; dealing with more technical changes in economics, education, and technology.

Despite his criticisms for certain aspects of *Pembaharuan*, Yafie nevertheless does share some similarities with them in the presentation of his ideas. For instance, in a way not unlike that of the Neo Modernists, Yafie also uses a re-evaluation of the historical development of *fiqh* to support his arguments.⁹⁴ His model of Islamic legal history is arranged into five broad periods between the lifetime of the Prophet and the contemporary age.⁹⁵ He

Tahun Prof. Dr. H. Munawir Sjadzali. Eds. Muhammad Wahyuni Nafis et al. Jakarta: Yayasan Wakaf Paramadina, 1995. p. 305.

⁹² *Mengagas Fiqih Sosial*, 63-65.

⁹³ This terminology originally comes from the work of al-Mawardi (d. 450 H./ 1058 C.E), one of the most prominent Muslim political theorist of the medieval period. His signature work is *al-Ahkām al-Sultāniyya*, which focuses on the problem of reconciling divine imperatives to rule in accordance with the Shari'ah with the actual political conditions of a society in which the reigning government tended to act according to other standards and motivations. Thus one could see why al-Mawardi's work might also have a more general appeal for Ali Yafie in the formulation of his ideas on Islamic law in New Order Indonesia. For more on al-Mawardi's political thought, see: Lambton, Ann K.S. *State and Government in Medieval Islam*. Oxford: Oxford University Press, 1981. pp. 83-102. For Ali Yafie's interpretations of al-Mawardi: "Pengertian Wali al-Amr dan Problematika Hubungan Ulama dan Umara." *Kontekstualisasi Doktrin Islam dalam Sejarah*. Ed. Budhy Munawar-Rachman. Jakarta: Yayasan Paramadina, 1994. pp. 595-605.

The terminology used here should not be confused with that used previously in connection with Hasbi and Hazairin's considerations of local customary practice as an auxiliary source of law. Although it should be noted that elsewhere in his writings Ali Yafie does deal to a certain extent with the potential use of *`urf* in this sense as part of his general views on the development of Islamic legal theory. See, for example: Yafie, Ali. "Antara Ketentuan dan Kenyataan." *Polemik Reaktualisasi Ajaran Islam*. Ed. Iqbal Abdurrauf Saimima. Jakarta: Pustaka Panjimas, 1988. pp. 100-101.

⁹⁴ As a prelude to this, however, Yafie first lays out his ideas on the unified natural and historical laws of cause and effect, a kind of 'Critique of Pure Ash'arism' that is somewhat surprising coming someone with such an established background in *pesantren* education. See: Yafie, KH Ali. "Konsep-Konsep Hukum." *Kontekstualisasi Doktrin Islam dalam Sejarah*. Ed. Budhy Munawar-Rachman. Jakarta: Yayasan Paramadina, 1994. pp. 85-96.

⁹⁵ The first of these periods is referred to as the *Dawr al-Tashrī* the period of Muhammad's career as prophet, during which the fundamental sources of law were

describes the last of these periods, including the current age, as the *Dawr al-taqnîn* (Ar. 'the Era of Codification'). This is a period of modern development in which a new energy is being directed toward the systematization of Islamic legal materials into a modern form of legislation.⁹⁶ In discussing this era, Yafie refers to what he sees as progress being made toward this goal in countries such as Pakistan, while at the same time advocating further advances in this direction for the Muslim community of Indonesia.

This approval for the codification of Islamic law seems, however, quite out of chord with much of Yafie's other writings where he elaborates extensively on the importance of viewing *madhhab* as 'method.' For such a process of codification would almost inevitably have the effect of taking a snapshot of the rulings produced by this dynamic methodology and freezing

revealed. Following this is the *Dawr al-Tadwîn* which he characterizes as the period of 'codification and registration' of the law conducted by the companions of the Prophet and the generation that followed them. Next comes the period in which the various disciplines associated with Muslim jurisprudence were first developed, a stage which Yafie connects especially with the work of Imam al-Shafi'i. This rapid development was then followed by a much longer period of consolidation referred to as the *Dawr al-taqlid* during which the emphasis was mostly on the preservation and transmission of already extant works. Yafie argues that this is understandable from historian's point of view, considering the political state of the Muslim world at that time.

⁹⁶The history of endeavors toward this end actually extend as far back as the eighteenth century with the Ottoman attempts at codification in the *Mecelle*. See: Mardin, S. "Some Explanatory Notes on the Origins of the *Mecelle*." *Muslim World*, LI (1961); Berkes, N., *The Development of Secularism in Turkey*. Montreal: McGill University Press, 1964. In some parts of the Middle East, much of this codification and its subsequent revisions under the *Tanzimat* reforms long continued to influence legal culture (Eisenman, Robert H. *Islamic Law in Palestine and Israel: A History of the Survival of the Tanzimat and Shari'a in the British Mandate and the Jewish State*. Leiden: E.J. Brill, 1978). Elsewhere codification of Muslim law made significant departures for this toward new formulations, with varied results. See: Andersen, J.N.D. *Islamic Law in the Modern World*. New York: New York University Press, 1959; Schacht, J. "Sari'a und Qânûn im modernen Ägypten." *Der Islam* xx (1932): 209-236; "Islamic Law in Contemporary States." *American Journal of Comparative Law* vii (1959): 133-147; and "Problems of Modern Islamic Legislation." *Studia Islamica* xii (1960): 99-129. For a compilation of excerpts on codification as a process in relation to legal development in the modern Middle East, see: Liebesney, Herbert J. *The Law of the Near & Middle East: Readings, Cases, & Materials*. Albany: State University of New York Press, 1975.

them in time so that they might be captured into a book of statute law. In such a flagrant contradiction to the spirit of the bulk of his published writings on the subject, we have what is perhaps the most striking example of the way in which Yafie has been willing if necessary to sacrifice the consistency of his system of Islamic legal theory for the exigencies of New Order politics.⁹⁷

Masdar Farid Mas'udi

Where Sahal Mahfudh and Ali Yafie had worked mostly within the institutional settings of *pesantren* and government, respectively, a number of younger NU-affiliated activists have established a new sphere of activity for themselves in various non-governmental organizations (NGO's). One of the most promising and intellectually gifted figures of this type is undoubtedly Masdar Farid Mas'udi. Masdar was born at Purwokerto, Central Java, in 1954 and, after completing elementary school, studied at the *Pesantren* Kyai Khudlori in Tegalrejo. This was followed by six more years of study (1969-75) under Kyai Ali Ma'shum at the *Pesantren* Krapyak, and then on to the Shari'a Faculty of IAIN Sunan Kalijaga (Yogyakarta). After graduation in 1979, he worked for a time as a journalist contributing essays to a number of edited volumes dedicated to various aspects of Islam.⁹⁸ In 1983 he joined the staff of

⁹⁷Yafie, however, would most likely defend himself of this charge by arguing that even here he was simply following in the *Aswaja* tradition of compromising with those in power in order to prevent the traumas of social unrest. This is a response that would be completely in accordance with Yafie's affinity for the political thought of al-Mawardi mentioned above in note #93.

⁹⁸He has published a number of such books including: *Islam Indonesia Menatap Masa Depan*. Jakarta: P3M, 1990; & *Fiqh Permusyawaratan: Perwakilan Rakyat*. Jakarta: P3M dan Pesantren Cipasung, 1992.

the newly founded P3M as the editor of their magazine, *Pesantren*, among other duties.⁹⁹

In 1987 he organized a discussion of the *kitab kuning* at the offices of the NU leadership. This was scheduled to be a forum in which texts from the classical tradition of Muslim scholarship could be studied according to new approaches from the staff of IAIN.¹⁰⁰ However as the discussions developed, the interpretations of the younger scholars provoked strong criticism from some of the more conservative *kyai* in the assembly, on account of which the meeting was interrupted and prematurely ended.¹⁰¹ Nonetheless similar discussions have since then been continued under Masdar's supervision and the auspices of P3M.¹⁰² In these 'study groups' (Ar. *halqah*) young men and women explore new ideas and approaches to traditional Islamic texts.¹⁰³ Much

⁹⁹ P3M (*Perhimpunan Pengembangan Pesantren dan Masyarakat* 'The Indonesian Society for *Pesantren* and Community Development') was founded in 1983 as an independent organization whose membership nonetheless came largely from the NU. It was established after Abdurrahman Wahid approached the already existing organization LP3ES with a proposal that programs similar to those that they had been conducting on the level of government administration be adapted to a more 'bottom-up' orientation through NU-affiliated *pesantren*. Thus activists associated with NGO circles such as Wahid and Dawam Rahardjo began a closer association with a number of *pesantren*-based *kyai* including Sahal Mahfudh and Yusuf Hasyim. As the first experiments in this direction, Wahid suggested *Pesantren al-Nuqayah* (Guluk-guluk, East Madura) and Kyai Sahal's *Pesantren Maslakul Huda* (Kajen, Central Java). Since its establishment a considerable portion of its financial support has come from the Friedrich Naumann Stiftung and the Ford Foundation. For more on the history of P3M, see: (van Bruinessen 1994a: 244-248); and "Lembaga Penggugat *Pesantren*." *Aula: Majalah Nahdlatul Ulama* XIX, 8 (August 1997): 43-46.

¹⁰⁰ Masdar's attempts to open up discussions of the traditionalist corpus of Muslim scholarship to include individuals from outside of NU circles may be seen as something of a counter-move against the growing trend toward *re-aliranisasi* or 'sectarianism' which is currently affecting the Indonesian Muslim community.

¹⁰¹ (Feillard 1995: 282)

¹⁰² (van Bruinessen 1994a: 222)

¹⁰³ The first such *halqah* was actually held under the auspices of *Rabitha al-ma'ahid al-Islamiyah* (RMI) in 1988 and was entitled, *Memahami Kitab Kuning Secara Kontekstual*, or "Contextualized Understandings of Classical Islamic Texts." (van Bruinessen 1994a: 222-223) Professor van Bruinessen has characterized these *halqah* discussions as, "the most visible forum in which the renewal of *fiqh* and its application are being worked out." (*Ibid.*, 233)

of their work is overseen by the progressive *kyai* Sahal Mahfudh and Imron Hamzah, who help in establishing the legitimacy of these *halqah* in the eyes of the NU at large.

Masdar is active in a number of programs dedicated to putting some of these reformulated religious ideas into actual practice. In this he has consistently demonstrated a commitment to the practical application of his extensive knowledge of Islamic law and theology in service of a number of programs dedicated to a progressive stance on women's issues and social justice.¹⁰⁴ For instance, he has collaborated with women activists associated with *pesantren* organizations in efforts to establish Islamic conceptions of gender equality and reproductive rights.¹⁰⁵ These individual projects might all be seen as practical manifestations of Masdar's fundamental project for the establishment of grass-roots movements for Muslim development upon a solid intellectual foundation.¹⁰⁶ In pursuit of this Masdar is critical of tradition where necessary while remaining open to new perspectives on the primary sources and classical elaborations of the law.¹⁰⁷

Masdar's arguments are well grounded in the *pesantren* tradition of Muslim learning, while at the same time being elaborated in a way which makes it possible to communicate with and relate to the concerns of Muslims

¹⁰⁴ One of the major concerns of Masdar has been with the problems of poverty in Indonesia; a subject which he addresses not only in publications like his *Agama Keadilan*, but also through his participation in seminars and other activities. See: Aqsha, Darul et al., Eds. *Islam in Indonesia: A Survey of Events and Developments from 1988 to March 1993*. Jakarta: INIS, 1995. pp. 368-369.

¹⁰⁵ For more on contemporary Indonesian activities of this type connected to Masdar and P3M, see: Feillard, A. "Indonesia's Emerging Muslim Feminism: Women Leaders on Equality, Inheritance, and Other Gender Issues." *Studia Islamika*, IV. 1 (1997): 83-112.

¹⁰⁶ Mas'udi, Masdar F., Lies Marcoes, & Rosalia Sciortino. "Learning from Islam: Advocacy of Reproductive rights in Indonesian *Pesantren*." *Studia Islamika* IV. 2 (1997): 83-103.

¹⁰⁷ Mas'udi, Masdar F. "Perempuan di antara Lembaran Kitab Kuning." *Wanita Islam dalam Kajian Tekstual dan Kontekstual*. Eds. Lies M. Marcoes-Natsir and J.H. Mueleman. Jakarta: INIS, 1993a. pp. 155-164.

from a variety of different backgrounds. In an article for a special issue of the journal *Ulumul Qur'an* focused on discussions of *Pembaharuan*, Masdar wrote of his essential sympathies for Madjid's positions and progressive orientation.¹⁰⁸ Nonetheless, he argued the point that the broad-based theological reorientation of Islamic thought proposed by proponents of *Pembaharuan* is not sufficient in and of itself to bring about true and meaningful benefits for the contemporary Indonesian community. For such abstract reformulation will remain ineffectual as a genuine agent of change unless it is combined with and balanced by more concretized and immediately relevant social and political awareness. Thus the work of Masdar might be seen in some ways as a further development of the progressive ideals of *Pembaharuan*; but one which attempts to bring some of its high ideals down more firmly into the actual lived situations of Indonesian Muslims. This is accomplished both by attempting to re-articulate them in a way more firmly grounded in Islamic tradition and by orienting them more directly to the social and political realities of contemporary society.

Underlying nearly all of Masdar's work is a profound concern for social justice. In fact he posits this as an absolute in the structural orientation of his approach to Islamic religious and legal thought. Thus for Masdar, *ijtihad* is not needed in order to determine whether or not justice is required under the law. Rather *ijtihad* is necessary in order to determine how justice is to be understood in various contexts and how best to establish it through specific rulings on cases as they arise. Thus the establishment of justice through the

¹⁰⁸ "Pembaharuan Nurcholish di Mata Orang Pesantren." *Ulumul Qur'an* IV. 1 (1993b): 28-33. In conversation with Masdar it quickly becomes apparent that he also shares much of Madjid's concern for issues of democratization and human rights.

medium of Islamic law is, for Masdar, not merely an intellectual exercise, but one which he insists must be 'actualized' through concrete implementation.¹⁰⁹ However such a statement should not be viewed as advocacy for the establishment of Shari'a law in an institutional sense. For, as he explains in his own words:

I understand the Shari'a not as a goal to be reached, but rather as a method. Therefore the Islamic quality of a given society, in for example its economic aspects, does not have to be measured by such indicators as 'Do they pay *zakat*?' but rather 'Have they yet achieved economic justice or not?'¹¹⁰

Thus it could be said that positing considerations of justice as the primary end and intention of the Shari'a is the most defining aspect of Masdar's approach to Islamic law.

For Masdar, developments in an Islamic legal theory informed by his ideal of a 'Populist Theology' would allow for a more developed expression of the ideal of social justice as ordained by God to the community.¹¹¹ Here the focus shifts from the legal character of the State and its institutions to the welfare of believers and the establishment of just relations between them. In this we see a marked contrast from the view of Islamic law and society that we have noted in our discussion of Ali Yafie. For while Yafie, following medieval models such as that of al-Mawardi, tends to view Islamic law, and especially its

¹⁰⁹ Mas'udi, Masdar. "Hak Milik dan Ketimpangan Sosial: Telaah Sejarah dan Kerasulan." *Kontekstualisasi Doktrin Islam dalam Sejarah*. (Budhy Munawar-Rachman, ed.) Jakarta: Yayasan Paramadina, 1994a. p. 659.

¹¹⁰ Mas'udi, Masdar F. "Memahami Ajaran Suci dengan Pendekatan Transformasi." *Polemik Reaktualisasi Ajaran Islam*. Jakarta: Pustaka Panjimas, 1988. p. 189.

¹¹¹ See: Mas'udi, Masdar F. "Telaah Kritis atas Teologi Mu'tazilah." *Kontekstualisasi Doktrin Islam dalam Sejarah*. Ed. Budhy Munawar-Rachman. Jakarta: Yayasan Wakaf Paramadina, 1994. pp. 123-130.

modern legislation, in terms of 'social control,' Masdar prefers to look for ways in which Islamic ideals could facilitate 'social transformation.'¹¹²

In his innovative approaches to the interpretation of the scriptural sources of Islam, Masdar is one of Indonesia's most dynamic practitioners of *ijtihād*. This being said, however, it seems appropriate to turn our attention toward his conception of what exactly this term means. Coming from his *pesantren* background, he has a well developed understanding of the jurisprudential methodology of traditional Muslim scholarship. Masdar combines this with the historical training he received at the IAIN, and this combination of perspectives leads him to important observations on the way in which *ijtihād* has been discussed in twentieth century Indonesia. Masdar acknowledges the importance of early calls for *ijtihād* by the reformists and modernists from earlier in the century. However he also maintains that they never fully completed the task which they set for themselves. As Masdar states it in his own words, "Opening the gate of *ijtihād* is one thing, actually entering into it is something else."¹¹³ What is needed for the latter, according to Masdar, is a 'professionalism' that many such early reformers lacked.

According to Masdar then, much of what was called *ijtihād* by earlier reformists was actually not really *ijtihād* at all. As has been noted in Chapter

¹¹² (Mas'udi 1994a: 655) In this Masdar shares a common social vision with a number of other younger authors and activists including Moeslim Abudrrahman, who approaches many of the same issues from a more sociological than 'theological' perspective. He is most concerned with reviving the 'critical' (which he opposes to the 'legitimizing') role of religion in society in a way that could transcend current understandings of religion as 'merely structure.' Such a 'transformation' would thus facilitate the realization of the sense of social justice that he understands to be the essence of religion. See: Abdurrahman, Moeslim. *Islam Transformatif*. Jakarta: Pustaka Firdaus, 1995.

¹¹³ Mas'udi, Masdar F. "Menuju Keberagamaan yang Pluralistik: Reorientasi Pemikiran Keagamaan Nahdhatul Ulama-Muhammadiyah." *Muhammadiyah dan NU: Reorientasi Wawasan Keislaman*. Ed. Yunahar Ilyas. Yogyakarta: Kerjasama LPPI UMY, LPKSM NU & PP Al-Muhsin, 1993. p. 188.

2, many of the debates initiated by reformers like Hassan and Chalil centered around matters of 'worship' (Ar. *'ibadah*). In this, particular attention was paid to criticizing religious practices for which they could find no authoritative basis in scripture. However, as Masdar points out, such debates centered almost exclusively on the *sanad* or lines of transmission for the Qur'anic or hadith texts that were used to support a given practice. Technically speaking then, all such questions are actually matters for *tarjih* ('choosing the position of strongest evidence'), and not *ijtihād* proper. The latter, according to Masdar, entails considerably more.

At times the open and expansive theological framework upon which he bases his approach to *zakat* and other issues even borders on the mystical. This may be seen as a reflection of the appreciation of certain strands of Sufism noted above in connection with Sahal Mahfudh, and which has long been part of the traditionalist Indonesian milieu from which the NU arose earlier in this century.¹¹⁴ Masdar's mystical interpretation of the inner meaning of *zakat* thus has its origins in the classical formulations of al-Ghazali, although here such models are revived with a new sense of social relevance.¹¹⁵ Masdar sees the verses (Ar. *ayât*) of the Qur'an as 'signs' of an absolute Truth contained in them, but he also affirms that an understanding of these deeper truths must serve as a motivation to implement their universal meanings in a way which serves the good of society.¹¹⁶

¹¹⁴The Chair of NU, Abdurrahman Wahid, has also written publicly on the importance of mysticism in maintaining the spiritual balance and well-being of individuals and society. ("Nahdlatul Ulama dan Islam di Indonesia Dewasa Ini." *Prisma* (4 April 1984)/ cited in: (Fachry and Effendy 1986: 184)

¹¹⁵ Cf. Imam Abi Hâmid al-Ghazâlî. *Ihyâ' 'ulûm al-dîn*. Beirut: Dâr al-Khayr, 1990. I: 187-207.

¹¹⁶(Mas'udi, Masdar F. "Memahami Ajaran Suci dengan Pendekatan Transformasi." *Polemik Reaktualisasi Ajaran Islam*. Ed. Iqbal Abdurrauf Saimima. Jakarta: Pustaka Panjimas, 1988. p. 190) A similar orientation may also be seen, for instance, in his remarks

The influence of Sufi patterns of thought are also visible in Masdar's evaluation and application of the Sunnah. This orientation contributes to his unique perspective on discussions of the subject, especially in his explicitly argued distinction between the Sunnah and *hadith*. Masdar defines the latter as the formal, verbally articulated reports traced back to the words, deeds, and tacit approvals of Muhammad. The Sunnah, on the other hand is to be understood as, "the substance behind" the actual texts of the various hadith reports. This view of the Sunnah is historically-oriented and contextual, as a means of supplementing the straight recitation of hadith texts from the standard compilations. Returning once again to his Sufi-influenced frame of interpretation, he characterizes hadith as merely the "outer layer" covering and containing the deeper inner meaning of the Sunnah.¹¹⁷ From this distinction, he then makes the argument that what has been most revered and defended as Prophetic precedent through most of Muslim history has not truly been 'the Sunnah,' but merely hadith. In this sense he seems to continue both the trends to look beyond the outward scriptural texts toward an 'inner meaning' that we have mentioned earlier in connection with Hasbi's conception of *hikmah*. However Masdar's view of this seems even more developed as it has also absorbed something of the subsequent renewed interest in Muslim spirituality noted among both *Pembaharuan* thinkers and NU ulama such as Sahal Mahfudh.¹¹⁸

concerning the inner and outward (Ar. *zâhir/ batîn*) aspects of the ritual prayer (Ar. *Salât*) and his call for a more comprehensive interpretation of this ritual requirement that takes into account the deeper meanings of its performance as well as its prescribed physical details. Masdar cites as his legitimizing example in this al-Ghazali, whose 'synthesis' of *fiqh* with Sufism forms a staple of traditionalist Muslim thought in Indonesia and throughout the Muslim world. (*Agama Keadilan*, 14-17)

¹¹⁷ *Agama Keadilan*, 46-48.

¹¹⁸ (Mas'udi 1993: 190-191)

Masdar is concerned with the comprehensive intellectual project of constructing a coherent methodology for the re-interpretation and reformulation of Islamic law.¹¹⁹ The general rubric under which he has conceived his approach is that of the 'Populist Theology' which has been most extensively set forth in his signature work, "The Religion of Justice" (*Ind Agama Keadilan*).¹²⁰ This work is largely an attempt to integrate conceptions of *zakat* into the context of the modern Indonesian State. Masdar's efforts in this area stand out as perhaps the single largest and most original contribution to the public discussions of *zakat* that have become increasingly prominent since the early years of the New Order.¹²¹ In this work he departs from the mainstream of Indonesian discussions of the subject which tend to

¹¹⁹ The contributions of Masdar and P3M in this area have been acknowledged by a number of figures within NU, although with the qualification that any new experimental methodology must be supported by a thorough knowledge of the sources of the tradition. See: Madaniy, A. Malik. "Cara Pengambilan Keputusan Hukum Islam dalam Bachtsul Masail Nahdlatul Ulama (Sebuah Alternatif Pengembangan)." *Aula: Majalah Nahdlatul Ulama* XIII. 12 (December 1991): 53-63.

¹²⁰ It is, however, a dominant theme throughout Masdar's thought. In one essay he has suggested that such an orientation could serve as a compelling alternative to what he describes as the 'Feudalism' of the traditional NU and the 'Bourgeoisism' of the *Muhammadiyah*. See: (Mas'udi 1993: 183)

¹²¹ In 1991, an edited volume on *zakat* and taxation appeared that contained essays by a number of prominent Muslim intellectuals with strong government ties, including Munawir Sjadzali, Ibrahim Hosen, and Quraish Shihab. Many of these were adapted from earlier seminar papers that had come to serve as the basis for the 1990 decision of the Majelis Ulama Indonesia (MUI) that *zakat* and taxation were separate but equally obligatory, thus it seems exonerating the government from any of the moral responsibility for the use of public funds mandated by Masdar's model of *zakat* and taxation. See: Wiwoho B., et al., Eds. *Zakat dan Pajak*. Jakarta: PT Bina Rena Pariwisata, 1991.

In 1992, another *halqah* was organized to discuss issues related to *zakat* and taxation. Here Masdar presented once again his ideas put forth earlier in *Agama Keadilan*, and responded to some of the critiques that this work had received over the previous year. In general, however they were well received as in his presentation, Masdar maintained the same approach of balancing *fiqh* and more historical/ sociological perspectives that had become the norm for these *halqah* discussions. Although Masdar enjoyed considerable support for his conclusions, some of the senior *kyai* present were uncomfortable with and critical of the methodology which he used to reach them. (van Bruinessen 1994a: 229-231)

view *zakat* primarily in terms of institutions¹²² and procedure rather than as a vital spiritual aspect of Muslim religious and social life.¹²³ This is not to say, however, that Masdar shies away from discussions of the institutional aspect of the subject. In fact his linkages between government policy and the moral implications of his reformulations of *zakat* imply new duties for the necessary authority who is to carry them out.¹²⁴

For Masdar the critical aspect of this problem that has been largely neglected by previous writers is the social dimension of *zakat* and its distribution. This is a subject which he believes it is vital to address based on the Qur'anically proclaimed objective of *zakat*: "...so that wealth is not always circulated only among the rich."¹²⁵ Throughout his discussions Masdar repeatedly notes that in several verses the Qur'an explicitly links *zakat* with *salât* (Ar. the mandatory five daily prayers). He sees this as reflecting two essential and inseparable aspects of Islam; where *salât* is linked to personal spirituality and the individual's relationship with God, and *zakat* is concerned more with the moral and ethical dimensions of social life.¹²⁶ Because of its rather 'theological' and even 'mystical' orientation, Masdar does not consider his treatise on *zakat* to be a technical work of *fiqh*.¹²⁷ Instead he describes his

¹²² President Suharto himself proposed the establishment of a national body for the collection and redistribution of *zakat* in October 1968. However the grand plans for this were never fully realized and two years later the appointee entrusted with overseeing it (Major General Alamsjah) was disappointed with the results. (M.K. Hassan 1980: 63)

¹²³ Much of this contemporary literature has revolved around discussions of the governmentally-approved bodies for the collection of *zakat* (BAZIS). For an overview of these developments, see: Taufik Abdullah. "Zakat Collection and Distribution in Indonesia." *The Islamic Voluntary Sector in Southeast Asia*. Ed. Mohamed Ariff. Singapore: Institute of Southeast Asian Studies, 1991. pp. 50-84.

¹²⁴ Mas'udi, Masdar. "Konsep Harta yang Bersih." *Kontekstualisasi Doktrin Islam dalam Sejarah*. Ed. Budhy Munawar-Rachman. Jakarta: Yayasan Paramadina, 1994. pp. 423-429.

¹²⁵ Cf. *al-Hashr* (59): 7.

¹²⁶ *Agama Keadilan*, 29-30.

¹²⁷ A work of this kind would presumably deal more with specific legal rulings on the amount due, how it is to be collected, and to whom it should rightfully be distributed.

work as an “entry into a broader discussion of the ‘Social Vision’ of Islam.”¹²⁸ Thus he chooses the subject matter of *zakat* because he sees it as addressing some of the most profound injustices resulting from the dramatic changes brought on by the advent of modernity in Indonesian society.¹²⁹

In linking his broader ‘theological’ questions with the more immediate social concerns of contemporary Indonesia, Masdar utilizes an historical approach that actually reflects more of the dominant trend among the Neo Modernists discussed in the previous chapter than that of the mainstream of the *pesantren* tradition in which he was primarily educated. This could perhaps be a result of his time spent at IAIN when that institution was beginning an increasingly marked openness to Western academic methodologies. However it could also be simply a reflection of the increasing interaction between ‘modern’ Muslim intellectuals and ‘traditionalist’ *kyai* working on similar questions in a shared discourse of Indonesian print culture.¹³⁰ Whatever the case may be, Masdar’s historical approach to the subject of *zakat* plays an integral part in both his critique of the established thinking and practice in Muslim society as well as in his creative reconstruction of the concept. Here we see a prime example of the way in which the idea of Contextualization, which we have noted in connection with such diverse thinkers as Madjid and Mahfudh, has come to serve as a common

¹²⁸ (*Agama Keadilan*, 6-7; 30) However Masdar’s concern with theology is directed toward a new understanding of this field of Islamic religious thought that differs significantly from that of the established doctrines of the ulama.

¹²⁹ *Agama Keadilan*, 3.

¹³⁰ Masdar himself revealingly refers to these two groups as “Latin-script ulama,” and “Arabic-script ulama,” respectively. Thus reflecting what he sees as both the similarity of function and the different learned traditions upon which the respective groups base their knowledge and authority. (*Agama Keadilan*, viii)

frame of discourse for Indonesian Muslims from a variety of backgrounds and orientations.¹³¹

Out of an historical sketch of the evolution of political authority in Muslim society, Masdar concretizes abstract principles of sovereignty and worldly authority into particular examples of Prophetic precedent.¹³² He then demonstrates the way in which the faith of the community in its leader, as an 'Imam' who is qualified to administer *zakat* in the form of taxation, has all but disappeared. Over time the rulers who succeeded to leadership of the Community instituted additional taxes such as the *kharaj* and *jizya* in order to supplement their coffers. Because these levies carried no scriptural sanctions as to how such moneys were to be spent, they involved no restrictions on the use of the rulers' revenues.¹³³ As such developments progressed, *zakat* became increasingly distanced from governmental concerns and adjusted itself into a number of more informal settings. For Masdar these developments are no mere historical accident, but have theological implications as well.¹³⁴ Thus the historical problems with the actual implementation of *zakat* may be seen as merely symptoms of a much deeper problem, which Masdar insists must be

¹³¹ The roots of this approach to religious and legal questions in Indonesian Islam may in fact be seen in the earlier work of Hasbi Ash Shiddieqy and Hazairin in their efforts towards the creation of distinctively Indonesian approaches to Muslim jurisprudence, as we have discussed in Ch. 3.

¹³² See, for example: *Agama Keadilan*, 93-97.

¹³³ Masdar does note, however, that although this process had begun even in the early centuries of Islamic history, it did not reach its full culmination until after the seventeenth century when Western colonial powers had substantially gained control over much of the Muslim World.

¹³⁴ (*Agama Keadilan*, 54) This ability to see beyond the surface aspects of the subject to the deeper implications of the reasoning processes involved is characteristic of much of Masdar's work. Elsewhere he shows a similar awareness in his discussion of the foundational critiques of NU's earlier brand of 'traditionalist Islam' by the *Muhammadiyah* modernists; regretfully noting that these fundamental issues of methodology have been for the most part dealt with only in terms of their expression as particular rulings on details (*furû'*). See: (Mas'udi 1993: 187).

dealt with on the fundamental plane of theology rather than in a piecemeal fashion.¹³⁵

Masdar acknowledges that the groundwork for his reformulations of the meaning of *zakat* is to a considerable extent not, strictly speaking, jurisprudential, but rather more broadly theological.¹³⁶ In this he is attempting to transcend what he sees as the narrowly formalistic approach upheld by many jurists in search of a more vital understanding of *zakat* with pronounced implications for nearly every aspect of a Muslim's life. Masdar critiques the traditionally dominant Ash'arite theology as having fostered in Islam an overly atomistic epistemology that is characterized by piecemeal, *ad hoc* approaches (Ar. *juz'iyah*) rather than a more integralistic vision.¹³⁷ Furthermore, Masdar contends that despite the efforts of al-Ghazali to open up the discipline of *fiqh* beyond the production of mere technical manuals, most subsequent jurists have misinterpreted his works as actually amounting to a condemnation of philosophy. This, he argues, has led to a limitation of perspective that has had detrimental social effects on the Muslim community at large. Such a problematic orientation toward Islamic tradition is one of the most pressing issues that needs to be addressed in future reformulations of

¹³⁵ Unfortunately, it is precisely this latter approach that has characterized most of the classical Muslim scholarship on *zakat*. He argues that historically, it appears as if most jurists chose to refrain from addressing the real social needs of society and instead turned to focus their attention to the formalistic elaboration of doctrinal statements on *zakat*; thus abandoning the expression of the real needs of the Community (Ind. *Umat*) for purely academic service of Doctrine. (*Agama Keadilan*, 58)

¹³⁶ (*Agama Keadilan*, 6, 30) However Masdar's concern with theology is directed toward a new understanding of this field of Muslim religious thought that differs significantly from the established doctrines of the ulama.

¹³⁷ (*Agama Keadilan*, 5, 34-41) However such a critique of Ash'arism should in no way be thought of as a counter-argument for a kind of 'Neo Mu'tazilism.' In fact, Masdar has written a substantial critique of this school of traditional Islamic theology as well, see: Mas'udi, Masdar F. "Telaah Kritis atas Teologi Mu'tazilah." *Kontekstualisasi Doktrin Islam dalam Sejarah*. Ed. Budhy Munawar-Rachman. Jakarta: Yayasan Wakaf Paramadina, 1994. pp. 123-130.

Islamic thought if they are to develop meaningful and comprehensive responses to the needs of Muslims living in times of rapid social change.¹³⁸

¹³⁸ *Agama Keadilan*, 37.

Epilogue

In the preceding chapters we have examined the thought of some of the major figures who have contributed to the public intellectual discourse on Islamic law and legal theory in twentieth-century Indonesia. In many cases, this discussion of their work is the first extensive treatment that it has received in a language other than Indonesian. Given the unfamiliarity of this material to most readers, it would seem appropriate to first give a recapitulation of the material covered in the previous chapters before proceeding to our concluding remarks.

The profound social changes wrought by the advent of Modernity in the Muslim world have given rise to new voices claiming authority on Islamic religious and legal issues. Many of them not only challenged the long-standing monopoly on religious knowledge held by the ulama, but also made use of new technology that enabled them to better communicate their ideas to a much wider public. This led to an historically unprecedented expansion of the area for religious and legal debates into a broader public sphere, where they were taken up by numerous new participants whose approaches differed significantly from those of the traditionally-trained ulama. Many of the most prominent reformists made use of modern innovations such as the print media, voluntary associations, and reformed educational institutions in order to broadcast their call for reform on a scale unprecedented in Muslim history.¹

¹ As we have note in Chapter 2, traditionalist scholars also employed the technology of print media for the distribution of their ideas, albeit in a very different way and one which communicated directly only among participants in the world of traditionalist

In Indonesia and elsewhere, such developments had a profound effect upon both the form and content of religious and legal debates.

The first Indonesian non-*ulama* to enter into the discourse of Islamic law were radical reformist autodidacts who called for a new and reinvigorated exercise of *ijtihād* in order to bring understandings of Islam up to date with the rapid changes sweeping over their society. They were sharply critical of the established *ulama*, whom they saw as 'backward' and impeding progress. In place of the *ulama*'s claim to have the authority to interpret scripture, these reformists advocated a return directly to the texts of the Qur'an and Sunnah themselves; thus in effect leaping back to the eternal message of revelation and eliminating the bridge to these sources comprised by the commentary literature produced over thirteen centuries of Muslim intellectual history.

However, Hassan's call for the exercise of an independent legal reasoning (*ijtihād*) necessitated some new methodology or approach that could function in accordance with his scripturalist hermeneutic. Thus Hassan was led to construct a new interpretation of the sources of the law (*'usūl al-fiqh*), which he presented in a work that is perhaps the first book of its kind in the Indonesian language. Hassan's contribution to the development of twentieth-century Indonesian Islamic discourse includes not only blasting open the gate

Muslim scholarship. For while they tended to employ lithographic methods for the publication and distribution of Arabic-script religious texts within the *pesantren* milieu, reformists such as that associated with PERSIS presented their ideas in a more contemporary form of Malay/ Indonesian written in the Latin script for publication in more popular periodicals. Associated with the respective audiences for these two types of publications is a difference in the types of literacy represented by them. A somewhat analogous distinction between types of literacy in a modernizing Muslim society may be found in Brian Street's discussions of *maktab* (religious school) as opposed to *tajer* (merchant) literacy in Iran. See: *Literacy in Theory and Practice*. Cambridge: Cambridge University Press, 1984.

of *ijtihād*, but also his attempt to demonstrate that any real reform that was made in this field would have to be accomplished through a comprehensive approach to *'usûl al-fiqh*, rather than simply tinkering with out-dated and inconvenient legal rulings, and undesirable social and religious practices. In this respect Hassan can be seen to have exercised a significant influence that extends well beyond the limited circles of PERSIS alone and might even be thought of as a pioneer for the modern reformulation of Islamic legal theories in Indonesia.

Despite this, much of the substance of Hassan's radical reformism, was never fully accepted by the majority of Indonesian Muslims, and even during Hassan's lifetime, some of his colleagues associated with PERSIS began to modify his extreme scripturalism to an extent. One prominent author with such tendencies was Moenawar Chalil, whose upbringing in a family of established Javanese *kyai* helped to instill in him a more developed appreciation of classical Muslim scholarship. Chalil's reformist publications thus tended to be embellished with quotations and references to some of the great ulama of the past, whom he attempted to depict as being essentially reformist themselves and whom he believed would have condemned the idea that they were to be considered as the founders of established 'schools' whose decisions were to be followed rather than debated.

Chalil undertook a critical evaluation of the sources of previous commentaries for the purposes of bringing out what he understood to be the correct and eternal message of the sacred text. In this respect Chalil differed from Hassan as he continued to maintain more of a qualified respect for the authority of previous scholarship and interpretation, and in fact often cited the putative founders of the established Sunni schools of law as pioneers of the

same kind of *ijtihād* that Chalil himself was practicing. Chalil's biographies of the four Imams and his relative openness to the work of earlier generations of ulama helped to somewhat modify Hassan's rigidity and thus left open at least the possibility for selected elements from the corpus of 'classical' Islamic scholarship to make a contribution to future discussions.

Some of the reformist autodidacts of the generation that came after Hassan and Chalil followed the latter's lead in mining the great corpus of Muslim scholarship in search of models and opinions to follow in reconstructing a modern interpretation of Islamic law. By far the most prolific author of this type was Hasbi Ash Shiddieqy, whose work came to form a significant part of the curriculum for the expanding system of State Islamic Studies Institutes (IAIN) being established throughout the country. Hasbi's extensive efforts in producing text books and other Indonesian language materials for the study of Islam were intended to contribute to a renaissance of Muslim learning that could support the formulation of a new kind of 'Indonesian *fiqh*' which would help to serve the needs of his nation in an era of rapid social change.

Through the wide selection of Arabic works that he drew upon in composing his handbooks, Hasbi made a valuable contribution to the development of Islamic law and legal theories in Indonesia by greatly expanding the canon of texts referred to in discussions on the subject. The great variety of external influences that first became evident in this period has thus far received little detailed scrutiny from the majority of scholars who have tended to settle for simplistic explanations of Indonesian reformism as a distant child of Muhammad 'Abduh's thought. Furthermore, Hasbi used elements from this wider tradition of Islamic scholarship in the formulation of

what he conceived as a uniquely Indonesian approach to Islamic jurisprudence (Ind. *Fikih Indonesia*). This self-conscious local contextualization of the 'classical' tradition of Islamic legal scholarship was to become an integral aspect of Indonesian Islamic thought in the later decades of the twentieth-century.

A somewhat similar proposal for the creation of a distinctly Indonesian 'school' of Islamic law was also put forward at approximately the same time by the Dutch-trained scholar of 'Customary Law,' Hazairin. Not being particularly familiar with the formal Islamic religious sciences, Hazairin composed no works of *tafsîr* or in any other such 'traditional' discipline to compare with the works of this type written by Hassan, Chalil, and Hasbi. Instead he wrote works of a more general legal nature which were infused with an Islamic spirit. In them Hazairin brought a new approach to the problem by employing an ethnographically-based methodology to observe the particular cultural conditions of the country in which Islamic law was to be implemented; thus arriving at a model in which the precepts of revelation might be most beneficially applied in a given society.

Hazairin's role as an *Adat* (or 'Customary') Law scholar working toward the islamization of law in Indonesia has had a tremendous impact over subsequent developments. The introduction of such approaches to the scholarly and public discourses on Islamic law in Indonesia in some ways set the precedent for more recent developments that have come to define much of Indonesian Muslim thought over the past three decades. In a number of other ways, Hazairin's work also signaled important developments in Indonesian Islamic thought under the early period of the New Order. In fact, even earlier in the midst of Soekarno's reign when Muslim political parties were

significant factors in national politics, Hazairin advocated a clear separation of party politics (which he held should be the domain of participants in the National Assembly) and the development of Islamic legal and intellectual debates in the country's institutions of higher learning. In doing this he may be seen as an important figure who in some sense charted a new path on which later Indonesian Muslims could follow in attempting to balance the intellectual and cultural dynamism of a growing Islamic resurgence with a recognition of *Pancasila* as the unifying ideology of the State.

Over the past two decades, the New Order's economic development programs brought about a relative level of prosperity that, its sometimes outrageous abuses aside, also supported a growing middle class of urban, literate Indonesians. Many of the Muslims among them have come to support, and to various extents participate in, a broad movement that has developed calling for the 'Renewal' of Islamic thought that is known in Indonesian as *Pembaharuan*. One of the most prominent public intellectuals of this movement is Nurcholish Madjid, who established the *Paramadina* foundation as a forum for the free and open discussion of various issues connected with Islam and its role in Indonesian society. Although Madjid is not primarily a scholar of Islamic law, his impact upon intellectual developments in Indonesia has been a profound one that has done much to shape the context in which other writers focusing more specifically on Islamic law and legal theory work. Underlying nearly every aspect of his thought is a sense of dynamism and ever-evolving adaptability that is based upon an historically contextualized conceptualization of *ijtihad*. Drawing upon the ideas of Ibn Taymiyya and Muhammad Iqbal, Madjid posits *ijtihad* as the basic 'principle of movement' within Islamic civilization, with the qualification that, as *ijtihad* necessarily

entails a certain amount of fallible human effort, the rulings it establishes can never be regarded as absolute and definitive statements on a given issue. Thus each scholar's *ijtihad* is but one step in an open-ended process of revision and redefinition.

In support of his vigorous proposals for the exercise of *ijtihad* to attain meanings that were not limited to the literal wording of the Qur'anic text or prophetic traditions, Madjid referred to the example of the second Caliph, `Umar b. al-Khattab. The importance of `Umar and his approach to *ijtihad* has been a major theme in contemporary Indonesian discussions of Islamic law over the past two decades, and has been upheld by a number of prominent Indonesian intellectuals, including the two-term Minister of Religious Affairs Munawir Sjadzali. During his tenure as Minister that spanned almost the entire 1980s, Sjadzali promoted what he referred to as the 'Reactualization' of Islamic law in Indonesia in a controversial program put forward publicly in Madjid's *Paramadina* forum.

Calling attention to the apparent discrepancies between traditional interpretations of Islamic law and the actual lived situations of Muslims in contemporary society, Sjadzali proposed some radical reinterpretations of religious texts in order to bring scripture and society into a closer accord. In some ways Sjadzali's proposal could be seen as a further extension of the methodology of the social sciences into religious questions, but the extent to which this was pushed provoked strong reactions from more conservative sectors of the Muslim community. In support of his program for the radical application of *ijtihad* Sjadzali, like Madjid took, as his exemplar `Umar, the second Caliph. He explained `Umar's departures from the literal meaning of scriptural texts as a means of better realizing the intention (Ar. *maqsūd*)

behind the law. In order to do this, one must depart from a purely 'textual' understanding and instead search for the 'spirit' (Ind. *jiwa*) of the verse in question. His approach to deriving relevant and meaningful laws from scriptural texts relied heavily upon a radical understanding of the principle of *naskh* (Ar. 'abrogation') in the Qur'an. Sjadzali extended the established understandings of this principle to include the possibility that specific Qur'anic verses could be 'abrogated,' or rather made obsolete in their literal readings, by the passage of time and the changing conditions of society. In so doing he was accused of taking excessive liberties with this sub-discipline of Qur'anic studies, and came under considerable criticisms from Muslims of various orientations towards their tradition.

While some of these criticisms came from the circles of more traditionalist ulama, others arose out of a growing sector of younger activist intellectuals who were associated with the originally campus-based *Da'wah* movements of the 1970's and 1980's. One of the most popular authors associated with such movements has been Jalaluddin Rakhmat, who played something of a mediating role between more radical groups and the mainstream advocates of *Pembaharuan*. Rakhmat used some of the same historical and sociological approaches to religious issues that are associated with *Pembaharuan* thinkers, but with one critical difference; he utilized them in support of Shi'ite-inspired interpretations of Islam, especially in some of their more modern forms. Rakhmat appreciates in Shi'ism not only its deep commitment to social justice, but also its regard for the ulama as carriers of a tradition of learning that is absolutely essential for a true understanding and interpretation of God's law.

Rakhmat generally supports the idea of a 'contextualized' interpretation of the Qur'an, but remarks that those engaged in this sort of work in Indonesia

have tended to lack sufficient depth in Islamic learning necessary to truly undertake such a task. Likewise he argues that the manipulation by some modern exegetes of certain methodological aspects of *'usûl al-fiqh* seems at times directed toward circumventing particular textual rulings rather than establishing their actual meanings and relevance. He maintains the need for a continuous exercise of *ijtihâd* in order to allow Muslims to adapt themselves to the constantly changing needs of society. However Rakhmat does not believe that simply anyone is qualified for such an undertaking. Perhaps due to his Shi'ite proclivities, Rakhmat holds that *ijtihâd* may only be exercised by those possessing the proper prerequisites.

While Rakhmat's advocacy of Shi'ism remains a minority position in contemporary Indonesia, his Neo Modernist regard for the heritage of 'classical' Islamic learning is shared by many more of his contemporaries. The growth of this more appreciative attitude towards tradition among Indonesian reformists has helped to further something of an intellectual rapprochement between 'modern' Muslim intellectuals and the 'traditionalist' ulama.² Over the past two decades certain members of both groups have participated in a number of common public discussions of religious and legal issues in the popular media and more professional academic writings.

On the traditionalist side, much of this activity has been associated with associates of the 'study circles' (Ar. *halqah*) organized under the direction of *kyai* such as Sahal Mahfudh. Mahfudh' background in the NU *pesantren* milieu provides him with a greater command of the classical sources of Islam,

² However such intellectual interaction was not always reflected in the political sphere, as in recent years a 'new sectarianism' or *re-aliranisasi* has brought conflicts between supporters of 'reformist' and 'traditionalist' groups to some of the highest tensions since the beginning of the New Order.

and their medieval and later commentaries, than that of most of the figures discussed above. While the general trend in earlier developments had been toward abandoning particular adherence to any one of the established schools of Sunni jurisprudence, in the works of Mahfudh we find a newly reconceived and enthusiastic evaluation of *madhhab* methodology as a coherent discipline of scholarship and textual analysis. He contends that the true integration of Islamic law into Indonesian society must involve more than simply "bringing things up to date"; as if *fiqh* were some concrete corpus that simply needs tinkering with here and there. Thus he maintains that *fiqh* should not be thought of as "a second [closed body of] scripture beside the Qur'an," but rather as a dynamic "counter discourse." Accordingly it is only through such a "living" conceptualization of *fiqh*, that society can become more deeply infused with the spirit of (Ind. *terjawai*) the principles behind it. He thus explores *fiqh* not as an abstract theoretical discipline, but as an integrated approach to questions important to the community in everyday life.

In recent years a somewhat similar approach to *fiqh* has received much wider public attention through the writings of Ali Yafie, who had close ties with the New Order government and whose ability to interpret the classical texts in accordance with the needs of national development were greatly appreciated by the State. Yafie has a highly developed awareness of technical matters of definition and methodology. Following this he attempts to re-establish *ijtihad* as the specialized work of trained religious scholars, as distinguished from the kinds of intellectual activities engaged in by other Muslim reformists. Yafie maintains that while the work of the latter is important for the development of society, it should not be conflated with

ijtihād in the sphere of Islamic law, which can only be carried out by trained experts.

In recent years a number of younger scholars emerging from the NU *pesantren* and progressivist *halqah* have entered onto the national scene with writings which exhibit an exciting blend of Muslim erudition with a highly developed awareness of the needs of the contemporary Indonesian community and a genuine commitment to social justice. The prime example of this is Masdar Mas'udi, who has dedicated himself to the task of bringing Islamic scholarship more directly into the service of a progressive social agenda. Masdar's arguments are well grounded in the *pesantren* tradition of Muslim learning, while at the same time being elaborated in a way which makes it possible to communicate with and relate to the concerns of Muslims from a variety of different backgrounds.

Masdar is concerned with the comprehensive intellectual project of constructing a coherent methodology for the re-interpretation and reformulation of Islamic law. The general rubric under which he has conceived his approach is that of the 'Populist Theology' which has been most extensively set forth in his signature work, "The Religion of Justice" (Ind. *Agama Keadilan*). Underlying nearly all of his work in this book and elsewhere is a profound concern for social justice. As, for Masdar, the elaboration of a reformulated Islamic legal theory informed by a 'Populist Theology' would allow for a more developed expression of the ideal of social justice as ordained by God to the community.

As noted at the beginning of this study, most investigations of Islamic reformism in the twentieth century have to a certain extent assumed that the

practical aims and orientations of most reformists have led them to neglect more refined elaborations of their methodologies and epistemologies. However, as we have demonstrated, this has not been the case in Indonesia where extensive efforts toward this have been undertaken in the area of Islamic legal theory. For here we have documented extensive efforts of Indonesian Muslims working self-consciously towards coherent systems of revitalizing Islamic thought in order to maintain the relevance of Islam to the changing conditions of contemporary society. While not all of these efforts have been completely successful, they have made significant advances over the course of this century and represent today some of the most interesting and important work in this area being undertaken anywhere in the Muslim world.

In his recent *History of Islamic Legal Theories*, Wael Hallaq has characterized modern attempts at legal reform in terms of two orientations which he labels as “utilitarian” and “liberalist,” respectively.³ While most of the Indonesian authors whom we have discussed in this study might best be classified under the former rubric, in figures such as Masdar we do begin to see some possibilities for the creation of new coherent legal theories and methodologies with intriguing possibilities for future development. Unfortunately, as Hallaq notes, over the past two centuries it has generally been the utilitarians and not the liberalists who were granted the most favor by those holding real political power in their respective societies. Thus the liberalists have had almost no opportunities in which to actually implement their ideas. The current crisis in Indonesia is one of increasing instability

³ Hallaq, Wael B. *A History of Islamic Legal Theories: An Introduction to Sunnī Usūl al-Fiqh*. Cambridge: Cambridge University Press, 1997. pp. 207-254.

and one in which the fundamental structural and legal character of the State may be called into question. Here of course there could be a possibility that a more integrated and coherent approach to Islamic legal theory might attain favor and acceptance in society as it strives to redefine itself. Whatever the future of their immediate impact on State legal re-formulation, the ideas developed by the authors that we have examined in this study comprise a heritage of Islamic legal thought in Indonesia upon which future work may be built.

Within this tradition are a number of defining elements, including: 1) the encouragement of *ijtihād*, 2) the consideration of local conditions in the way in which Divine law makes itself manifest, 3) a theoretical sophistication directed towards an historical understanding of the development of law in society, and 4) an appreciation of the traditional corpus of Islamic scholarship with a creative eye to ways in which it may serve to inform contemporary debates. The advances in these areas have thus far not accomplished the daunting feat of decisively defining a new model of Islamic law. However they may still make valuable contributions to future developments as Indonesia seeks to overcome the crisis that has brought an end to the New Order and which presents the nation with some of the most critical dilemmas it has faced since independence.

Beyond this, the unfolding of discussions of Islamic law and legal theory in twentieth century Indonesia illustrates some of the most significant intellectual developments in the modern Muslim world. The material presented in this study makes it clear that Indonesian contributions to the development of Islamic thought should not be discounted or neglected by Islamicists in general, as has unfortunately been the tendency in past

scholarship. The original work of these Indonesian Muslim thinkers, as well as their creative appropriation and integration of elements from both within and without the Islamic tradition, has resulted in the formulation of new approaches which in some ways represent significant advances over contemporary scholarship currently being produced elsewhere in the Muslim world.⁴ Unfortunately, as the bulk of the writing produced by the Indonesian writers discussed in this study are in their national language, rather than one with a more widely international readership, they have until now been relatively ignored by foreign scholars, both Muslim and non. It is therefore my hope that the present survey may help at least to make a broad outline of these developments accessible so as to stimulate an interest in them that can be pursued with more extensive primary research.

⁴As Islamic legal theories have been the principle focus of the detailed investigations of our study, the concluding remarks made here apply directly only to this field of Muslim intellectual activity (*'usûl al-fiqh*). It may be that in other areas, such as 'theology' (Ar. *kalâm*), Qur'anic exegesis, or mystical thought, Indonesian efforts have been surpassed by developments elsewhere in the Muslim world. In any case, decisive statements on such issues will have to be postponed pending the completion of further comparative studies.

Supplemental Materials

Glossary

- adat** (Ind.) from the Ar. *'ādah*; 'custom' or 'local tradition.'
- 'ālim** Ar. (pl. *'ulamā'*); a Muslim scholar trained primarily in the traditionalist milieu of fiqh scholarship.
- asbāb al-nuzūl** Ar. 'the occasions of revelation'; the traditional method of textual analysis used to interpret the particular circumstances in which various Qur'anic verses were revealed to Muhammad.
- ayah** Ar. (pl. *ayāt*); literally a 'sign'; also the common term used to refer to Qur'anic verses.
- bid'ah** Ar./ Ind. 'innovation' [in matters of religion]; generally used by reformists in a pejorative sense.
- cendekiawan** Ind.; an 'intellectual' in the modern sense of the term.
- dalīl** Ar. 'indication'; used in this study more specifically to refer to the 'legal indicator' upon which a given ruling is based.
- da'wah** Ar. 'call, summons'; more specifically the call to religion used in the sense of religious predication in contemporary Arabic, Indonesian, and other languages of the Muslim world where it takes a wide variety of cultural and institutional forms.
- fatwā** Ar./ Ind.; the judicial opinion issued by a *mufti* in response to a specific question by a given petitioner.
- fiqh** Ar./ Ind. literally 'understanding'; used to refer to the field of Muslim jurisprudence.

- furū'*** Ar.; 'branch' rulings on specific questions of jurisprudence, as opposed to the more generalized study of the sources and methods of this 'science.' See: '*uṣūl al-fiqh*.'
- ḥalqah*** Ar./ Ind. 'circle'; used to refer more specifically to study groups dedicated to religious learning.
- ḥikmah*** Ar./ Ind. 'wisdom'; referring in this study to the inner meaning of religious texts.
- ibadat*** Ind. from the Ar. '*ibādah*' 'worship'; referring in this study to those areas of *fiqh* concerned specifically with matters of religious observance.
- ijmā'*** Ar./ Ind.; 'consensus'; used in the technical sense as a source of law comprising the past agreement of authorities on a particular issue.
- ijtihād*** Ar./ Ind.; independent jurisprudential reasoning.
- ikhtilāf*** Ar. 'difference, diversity'; used to refer to the study of variant legal rulings on a given issue.
- isnād*** Ar. 'chain of transmission'; intended to insure the reliability of transmitted religious knowledge.
- istiṣlāḥ*** Ar.; the consideration of public interest (*maṣlaḥah*) as a source of law.
- kitab kuning*** Ind. 'yellow books'; referring to the traditional corpus of Muslim learning in the *pesantren* milieu.
- khittah*** Ar. 'design'; used in contemporary Indonesian to refer to the 'original intention' or 'spirit' of the founding principles of the *Nahdlatul Ulama*.

- kyai** Jv./ Ind.; Muslim scholars trained in the 'traditionalist' milieu of Indonesian *pesantren*.
- madhab** (pl. *madāhib*) Ar.; 'school of jurisprudence'
- maqṣūd** (pl. *maqāṣid*) Ar. 'goal'; or original intention behind the law.
- maṣlahah** Ar./ Ind. 'that which is beneficial, or promoting advantage'; the consideration of such factors in the formulation of rulings on a particular question of *fiqh*.
- matn** Ar. the core text; in hadith studies comprising the actual message delivered by a chain of transmitters (*isnād*).
- mu'amalat** Ind. from the Ar. *mu'āmalāt*; referring to the sphere of 'worldly transactions' as opposed to more specifically 'religious' ones (*ibādah*) in the context of *fiqh*.
- mufassir** Ar., a practitioner of Qur'anic exegesis (*tafsīr*).
- mufti** See *fatwā* (above).
- mujtahid** Ar.; a practitioner of independent jurisprudential reasoning (*ijtihād*).
- muqāranah** Ar. 'comparison'; of the rulings on a given issue between the various legal schools (*madāhib*).
- naskh** Ar./ Ind. 'abrogation'; referring to that of one verse of the Qur'an by another, subsequent one. The sub-discipline of Qur'anic studies that is used to determine such cases is referred to in Arabic as '*nāsikh wa mansūkh*,' or 'the Abrogator and the Abrogated.'
- Pancasila** Ind.; the 'five principles' that comprise the official Indonesian State ideology. These are usually rendered into English as: 1)

Belief in one God, 2) Humanitarianism, 3) National Unity, 4) 'Democracy', and 5) Social Justice.

pesantren Jv./ Ind.; the primary type of educational institution for 'traditionalist' Indonesian Muslims.

Pembaharuan Ind. 'Renewal'; used to refer to the movement for religious and social reform in contemporary Indonesia.

qiyās Ar. 'analogical reasoning'; considered as a source of law supplementing those of the Qu'ran and hadith in most of the 'classical' schools of *fiqh*.

Reaktualisasi Ind.; the program for the 're-actualization' of Islamic law in Indonesian society promoted in the 1980's by then-Minister of Religious Affairs Munawir Sjadzali.

sūrah Ar.; a 'chapter' of the Qur'anic text.

tafsīr Ar. 'interpretation'; Qur'anic exegesis.

tafīq Ar.; the eclectic method of selectively drawing upon the rulings of various schools in formulating new rulings on a given issue in *fiqh*

tajdīd Ar. 'renewal'; used in connection with religious renewal in Islam.

taqlīd Ar.; the 'following' of established rulings on issues already considered conclusively resolved in the traditional corpus of *fiqh* literature.

tarekat Ind.; used to refer to Sufism, especially in the form of its established order.

tarjīh Ar. 'to make outweigh'; choosing from the most convincing of various possible legal rulings on a given issue of *fiqh*.

- Umat*** Ind. from the Ar. *ummaḥ*; the [Muslim] Community.
- ‘urf*** Ar. ‘custom, usage’; established local practice considered by some to be a supplementary source of law in *fiqh*.
- ‘uṣūl al-fīqh*** Ar.; the ‘sources’ and methodology of Muslim jurisprudence.
- zakāt*** Ar./ Ind.; obligatory almsgiving in Islam.

Bibliography

- Abaza, Mona. "The Discourse on Islamic Fundamentalism in the Middle East and Southeast Asia: A Critical Perspective." *Sojourn* 6.2 (1991): 222-223.
- . *Changing Images of Three Generations of Azharites in Indonesia*. Singapore: Institute of Southeast Asian Studies, 1993.
- . *Indonesian Students in Cairo: Islamic Education, Perceptions and Exchanges*. Paris: Cahier d'Archipel, 1994.
- Abbas, Siradjuddin. *Sejarah dan Keagungan Madzhab Syafi'i*. Jakarta: Pustaka Tarbiyah, 1966.
- . *40 Masalah Agama*. Jakarta: Pustaka Tarbiyah, 1972-1974.
- Abd al-Hayy, Nu'man, and Shahafari Ash'ari. *Organisasi Nahdlatul Wathan dan Perjuangan*. Pancor (Lombok): Penerbit NW, 1989.
- Abd. Rahman. *The Pesantren Architects and their Socio-Religious Teachings (1850-1950)*. Diss. University of California at Los Angeles, 1997.
- Abdillah, Masykuri. *Responses of Indonesian Muslim Intellectuals to the Concept of Democracy (1966-1993)*. Hamburg: Abera, 1997.
- Abduh, Muhammad. *Risâlah al-Tauhid*. Cairo: Dar al-Manar, 1946/ 1366 H.
- . *The Theology of Unity*. Trans. Ishaq Musa'ad and Kenneth Cragg. London: Allen & Unwin, 1966.
- Abdurrahman, Moeslim. "Kesyahduan Sufi dalam Transformasi Sosial: Suatu Pengamatan Perkembangan Tarket." *Pesantren* II. 3 (1985): 49-59.
- Abdul-Samad, M.A. "Modernism in Islam in Indonesia with Special Reference to Muhammadiyah." *Islam in the Indonesian Social Context*. Ed. M.C. Ricklefs. Clayton: Monash University Centre of Southeast Asian Studies, 1991. pp. 57-68.
- Abdullah, Taufik. *Schools and Polititcs: The Kaum Muda Movement in West Sumatra 1927-1933*. Ithaca: Cornell University Southeast Asia Program, 1971.
- . "Masa Awal Muhammadiyah di Minangkabau: Cuplikan dari Arsip Belanda." *Kenang-kenangan 70 Tahun Buya Hamka*. (ed. Solichin Salam, et al.). Jakarta: Pustaka Panjimas, 1983. pp. 210-216.

- . "Pola Kepemimpinan Islam di Indonesia," *Islam dan Masyarakat: Pantulan Sejarah Indonesia*. Jakarta: LP3ES, 1987. pp. 54-87.
- . "Cita dan Corak Reformasi Islam di Indonesia: Sebuah Tafsiran," *Islam dan Masyarakat*. Jakarta: LP3ES, 1987. pp. 88-109.
- . "Zakat Collection and Distribution in Indonesia." *The Islamic Voluntary Sector in Southeast Asia*. Ed. Mohamed Ariff). Singapore: Institute of Southeast Asian Studies, 1991. pp. 50-84.
- . "Les Intellectuels et la débat idéologique." *L'Indonesie Contemporaine vue par ses Intellectuels*. Ed. Marcel Bonneff. Paris: Cahier d'Archipel, 1994. pp. 98. 97-102.
- . "The Formation of a New Paradigm: A Sketch on Contemporary Islamic Discourse." *Toward a New Paradigm: Recent Developments in Indonesian Islamic Thought* (Ed. Mark Woodward). Tempe: Arizona State University, 1996. pp. 47-88.
- Abdurrahman, Moeslim. *Islam Transformatif*. Jakarta: Pustaka Firdaus, 1995.
- Aboebakar [Atjeh]. *Sedjarah Hidup K.H. Wahid Hasjim dan Karangan Tersiar*. Jakarta: Panitia Buku Peringatan Alm. K.H.A. Wahid Hasjim, 1957.
- Abu-Rabi`, Ibrahim M. "Toward an Islamic Liberation Theology: Muhammad Husayn Fadlallah and the Principles of Shi'i Resurgence." *Intellectual Origins of Islamic Resurgence in the Modern Arab World*. Albany: SUNY Press, 1996.
- Açikgenç, Alparslan. "Toward an Islamic Concept of Philosophy: A Response to the Modernists." *Islam and the Challenge of Modernity-- Proceedings of the Inaugural Symposium on Islam and the Challenge of Modernity: Historical and Contemporary Contexts, Kuala Lumpur, August 1-5, 1994*. Ed. Sharifah Shifa al-Attas. Kuala Lumpur: ISTAC, 1996. pp. 535-589.
- Adam. Ahmat B. *The Vernacular Press and the Emergence of Modern Indonesian Consciousness, 1855-1913*. Ithaca: Cornell University Southeast Asia Program, 1995.
- Adam, Muchtar. "Ijtihâd: Antara Teks dan Konteks." *Ijtihâd dalam Sorotan*. Eds. Haidar Bagir and Syafiq Basri. Bandung: Penerbit Mizan, 1988. pp. 127-147.
- Adams, Charles, C. "Muhammad `Abduh and the Transvaal Fatwa." *The MacDonald Presentation Volume*. Princeton: University Press, 1933. pp. 11-29.
- . *Islam and Modernism in Egypt: A Study of the Modern Reform Movement Inaugurated by Muhammad 'Abduh*. New York: Russell & Russell, 1933.

- Adnan, Zifirdaus. "Islamic Religion: Yes, Islamic (Political) Ideology: No! Islam and the State in Indonesia," *State and Civil Society in Indonesia*. Ed. Arief Budiman. Clayton: Monash University Centre of Southeast Asian Studies. pp. 441-477.
- Ahmad, A.M. *Die Auseinandersetzungen zwischen al-Azhar und der modernistischnen Bewegung in Ägypten*. Hamburg: 1963.
- Ahmad, Amrullah, Ed. *Dimensi Hukum Islam dalam Sistem Hukum Nasional, Mengenang 65 Th. Prof. Dr. H. Busthanul Arifin, SH*. Jakarta: Gema Insani Press, 1996.
- Ahmad, Z.A. "Malay Journalism in Malaya." *JMBRAS* XIX. 2 (1941): 244-50.
- Alatas, S.H. *Intellectuals in Developing Societies*. London: Frank Cass. 1977.
- Ali, Muhammad Daud. "Hukum Islam: Peradilan Agama dan Masalahnya." *Hukum Islam di Indonesia: Pemikiran dan Praktek*. Ed. Juhaya S. Praja. Bandung: Rosdakarya, 1991. pp. 69-142.
- al-`Alwaji, `Abd al-Hamîd. *Mu'alafât Ibn al-Jawzî*. Baghdad: Dar al-Jumhuriyyah, 1975/ 1385H.
- Anam, Chairul. *Pertumbuhan dan Perkembangan Nahdlatul Ulama*. Solo: Jatayu, 1985.
- Andersen, J.N.D. *Islamic Law in the Modern World*. New York: New York University Press, 1959.
- . "Recent Reforms in Family Law in the Arab World." *Zeitschrift für vergleichende Rechtswissenschaft* 65 (1963).
- Asmuni, Abdul Rahman. *Majlis Tarjih Muhammadiyah*. Yogyakarta: IAIN Sunan Kalijaga. 1985.
- al-Attas, Syed Muhammad Naguib. *Islam, Secularism and the Philosophy of the Future*. London: Mansell Publishing Limited, 1985.
- al-Azmeh, Aziz. "Modernist Muslim Reformism and the Text of the Past," *Islam and the Challenge of Modernity-- Proceedings of the Inaugural Symposium on Islam and the Challenge of Modernity: Historical and Contemporary Contexts, Kuala Lumpur, August 1-5, 1994*. Ed. Sharifah Shifa al-Attas. Kuala Lumpur: ISTAC, 1996. pp. 391-428.
- al-Banna, Hassan. *Five Tracts of Hassan al-Banna, 1906-1949*. Trans. C. Wendell. Berkeley: University of California Press, 1978.
- Alfian. *Islamic Modernism in Indonesian Politics; The Muhammadiyah movement during the Dutch colonial period (1912-1942)*. Diss. University of Wisconsin, Madison, 1969.

- Ali, Fachry. "Hamka dan Masyarakat Islam Indonesia: Catatan Pendahuluan Riwayat dan Perjuangannya." *Prisma* (2 Feb. 1983): 48-60.
- Amal, Taufik Adnan. *Islam dan Tantangan Modernitas: Studi atas Pemikiran Hukum Fazlur Rahman*. Bandung: Mizan, 1989.
- ., and Syamsu Rizal Panggabean. *Tafsir Kontekstual Al-Qur'an: Sebuah Kerangka Konseptual*. Bandung: Mizan, 1989.
- Amelz. *H.O.S. Tjokroaminoto, Hidup dan Perjuangannya*. Jakarta: Bulan Bintang, n.d.
- Amin, Ahmad. *My Life*. Trans. Issa J. Boullata. Leiden: E.J. Brill, 1978.
- Ananda, Endang Basri, Ed. *70 Tahun Prof. Dr. H.M. Rasjidi*. Jakarta: Harian Umum Pelita, 1985.
- Andaya, Barbara Watson, and Leonard Andaya. *A History of Malaysia*. London: Macmillan, 1982.
- Anderson, J.N.D.. "Recent Reforms in the Islamic Law of Inheritance." *International and Comparative Law Quarterly* 14 (1965): 349-365.
- Anshari, H. Endang Saifuddin. *Piagam Jakarta, 22 Juni 1945: Sebuah Konsensus Nasional tentang Dasar Negara Republik Indonesia (1945-1949)*. Jakarta: Gema Insani Press, 1997.
- ., and Syafiq A. Mugni. *A. Hassan: Wajah dan Wijah Seorang Mujtahid*. Bandung: Firma al-Muslimun, 1985.
- ., and Amien Rais, Eds. *Pak Natsir 80 Tahun: Pandangan dan Penilaian Generasi Muda*. Jakarta: Media Da'wah, 1988.
- Antoun, Richard T. *Muslim Preacher in the Modern World: A Jordanian Case Study in Comparative Perspective*. Princeton: University Press, 1989.
- Anwar, H. Rosihan. "Hamka, "Gema Islam" dan Kumandang Da'wah." *Kenangan-kenangan 70 Tahun Buya Hamka* (ed. Solichin Salam, et al.). Jakarta: Pustaka Panjimas, 1983. pp. 247-254
- Anwar, M. Syafi'i. "Sosiologi Pembaruan Pemikiran Islam Nurcholish Madjid." *Ulumul Qur'an* IV. 1 (1993): 49.
- . "Negara dan Cendekaiwan Muslim Indonesia Orde Baru," in: Saiful Muzani (ed.) *Pembangunan dan Kebangkitan Islam di Asia Tenggara*. Jakarta: LP3ES, 1993a.
- Anwar, Rosihan. *Musim Berganti: Sekilas sejarah Indonesia 1925-1950*. Jakarta: Grafiti Pers, 1985.

- Aqsha, Darul et al. *Islam in Indonesia: A Survey of Events and Developments from 1988 to March 1993*. Jakarta: INIS, 1995.
- Arief, Eddi Rudiana, et al., Eds. *Hukum Islam di Indonesia: Pemikiran dan Praktek*. Bandung: PT Remaja Rosdakarya, 1991.
- Arifin, Busthanul. *Pelebagaan Hukum Islam di Indonesia: Akar Sejarah, Hambatan dan Prospeknya*. Jakarta: Gema Insani Press, 1996.
- Arifin, Syamsul, et al. *Spiritualisasi Islam dan Peradaban Masa Depan*. Yogyakarta: SIPress, 1996.
- Arkoun, Mohammed. *Nalar Islami dan Nalar Modern: Berbagai Tantangan dan Jalan Baru*. Jakarta: INIS, 1994.
- . *Rethinking Islam: Common Questions, Uncommon Answers*. Boulder: Westview Press, 1994a.
- Arnaldez, Roger. *Grammaire et theologie chez Ibn Hazm de Cordoue; essai sur la structure et les conditions de la pensee musulmane*. Paris: J. Vrin, 1956.
- Aroian, Lois A. *The Nationalization of Arabic and Islamic Education in Egypt: dar al-Ulum and al-Azhar*. Cairo: American University in Cairo, 1983.
- Ash-Shiddieqy, Hasbi. *Sebab-sebab Perbedaan Faham para Ulama dalam Menetapkan Hukum Islam*. Yogyakarta: n.d.
- . *Al-Ahkaam (Hukum-hukum Fiqih Islam)*. Bandung: al-Ma'arif, 1951.
- . *Pedoman Hukum Syar'y*. Jakarta: Pustaka Islam, 1952.
- . *Kuliah Ibadah: Ibadah ditinjau dari segi Hukum dan Hikmah*. Jakarta: Bulan Bintang, 1954.
- . *Kitab Hukum-hukum Islam*. Jakarta: Bulan Bintang, 1960.
- . *Problematika Hadits sebagai Dasar Pembinaan Hukum Islam*. Jakarta: Bulan Bintang, 1964.
- . *Tafsir al-Quränul Madjied 'An-Nur'*. Jakarta: Bulan Bintang, 1965.
- . *Kriteria antara Sunnah dan Bid'ah*. Jakarta: Bulan Bintang, 1967.
- . *Asas Hukum Tata Negara Menurut Sjari'at Islam*. Yogyakarta: Matahari Masa, 1969.
- . *Ilmu-ilmu al-Qurän: Media-media Pokok dalam Menafsirkan al-Qurän*. Jakarta: Bulan Bintang, 1972.
- . *Pokok-pokok Pegangan Imam-imam Mazhab*. Jakarta: Bulan Bintang, 1973.

- . *Pengantar Ilmu Perbandingan Mazhab*. Jakarta: Bulan Bintang, 1975.
- . *Falsafah Hukum Islam*. Jakarta: Bulan Bintang, 1975a.
- . *Koleksi Hadis-hadis Hukum*. Jakarta: Yayasan Teungku Muhammad Hasbi Ash-Shiddiqi, 1994.
- . *Hukum-hukum Fiqh Islam*. Semarang: Pustaka Rizki Putra, 1997.
- . *Pengantar Hukum Islam*. Semarang: Rizki Putra 1997a.
- . *Pengantar Ilmu Fiqh*. Semarang: Rizki Putra 1997b.
- . *Pokok-pokok Pegangan Imam-imam Mazhab*. Semarang: Rizki Putra 1997c.
- . *Sejarah dan Pengantar Ilmu Hadits*. Semarang: Pustaka Rizki Putra, 1997d.
- Azra, Azyumardi. Azra, A. "The Transmission of Islamic Reformism to Indonesia: Networks of Middle Eastern and Malay-Indonesian 'Ulamâ' in the Seventeenth and Eighteenth Centuries." Diss. Columbia University, 1992. pp. 525-549.
- . "Guarding the faith of the Ummah: Religio-Intellectual Journey of Mohammad Rasjidi." *Studia Islamika* I.1 (1994): 87-120.
- . "Muhammadiyah: A Preliminary Study." *Studia Islamika*. I. 2 (1994a): 187-200.
- Bagir, Haidar. "Dua Bentuk Respon Atas Pembaruan Islam." *Ulumul Qur'an* IV. 1 (1993): 3.
- Bakar, Ibrahim bin Abu. *Islamic Modernism in Malaya: The Life and Thought of Sayid Syekh al-Hadi (1867-1934)*. Kuala Lumpur: University of Malaya Press, 1994.
- Bakker, D. "Da'wah, Missionarische Mobilisierung des Islams in Indonesien." *Evangelische Missions-Zeitschrift* (1969).
- Bakri, Hasbullah et al., Eds. *Prof. K.H. Ibrahim Hosen dan Pembaharuan Hukum Islam di Indonesia*. Jakarta: CV. Putra Harapan, 1990.
- Baljon, J.M.S. "A Modern Urdu Tafsir." *The World of Islam* II.2 (1952): 95ff.
- . "A Modern Muslim Decalogue." *Die Welt des Islams* III (1954): 187-200.
- . *Modern Muslim Koran Interpretation (1880-1960)*. Leiden: E.J. Brill, 1968.
- . *Religion and Thought of Shâh Walî Allâh Dihlawî, 1703-1762*. Leiden: E.J. Brill, 1986.

- Baried, Baroroh. "Une mouvement de femmes musulmanes: 'Aisyiyah.'" *Archipel* 13 (1977): 129-136.
- Barton, Greg. "The International Context of the Emergence of Islamic Neo Modernism in Indonesia." *Islam in the Indonesian Social Context*. Ed. M.C. Ricklefs. Clayton: Monash University Centre of Southeast Asian Studies, 1991. pp. 69-82.
- . "Neo-Modernism: A Vital Synthesis of Traditionalist and Modernist Islamic Thought in Indonesia." *Studia Islamika*. 2. 3 (1995): 1-75.
- . "Indonesia's Nurcholish Madjid and Abdurrahman Wahid as Intellectual Ulama: The Meeting of Islamic Traditionalism and Modernism in Neo-Modernist Thought." *Studia Islamika*. IV. 1 (1997): 29-82.
- ., and Greg Fealy, Eds. *Nahdatul Ulama, Traditional Islam and Modernity in Indonesia*. Clayton: Monash Asia Institute, 1996.
- Baso, Ahmad. "Melawan Tekanan Agama: Wacana Baru Pemikiran Fiqih NU." *Wacana Baru Fiqih Sosial*. Eds. Jamal D. Rahman, et al. Bandung: Mizan, 1997. pp. 131-143.
- Basyir, Ahmad Azhar. *Hukum Adat bagi Umat Islam*. Yogyakarta: Nur Cahaya, 1983.
- . "Pokok-pokok Ijtihad dalam Hukum Islam," *Ijtihad dalam Sorotan*. Eds. Haidar Bagir and Syafiq Basri. Bandung: Penerbit Mizan, 1988. pp. 46-64.
- Benda, Harry J. *The Crescent and the Rising Sun: Indonesian Islam under the Japanese Occupation 1942-1945*. The Hague: W. van Hoeve LTD, 1958.
- ., James K. Irikura, and Koichi Kishi Eds. *Japanese Military Administration in Indonesia: Selected Documents*. New Haven: Yale University Southeast Asia Studies, 1965.
- Benda-Beckmann, Franz von. *Property in Social Continuity: Continuity and Change in the Maintenance of Property Relationships through Time in Minangkabau, West Sumatra*. The Hague: Martinus Nijhoff, 1979.
- Berg, L.W.C. van der. "Mohammedaansch recht en adat." *Het Regt in Nederlansch-Indië* 43 (1884): 137-155.
- . "Het Mohammedaansche Godsdienstonderwijs of Java en Madoera en de daarbij gebruikte Arabische boeken." *Tijdschrift voor Indische Taal-, Land- en Volkenkunde*. 31 (1886): 518-55.
- . *Le Hadramaut et les colonies arabes dans l'archipel indien*. Batavia: Imprimerie du Gouvernement, 1886a.

- . "De afwijkingen van het Mohammedaansche familie- en erfrecht op Java en Madoera." *BKI* 41 (1892): 454-512.
- . "Nalezing - De afwijkingen van het Mohammedaansche familie- en erfrecht op Java en Madoera." 45 (1895): 291-314.
- Berkes, N.. *The Development of Secularism in Turkey*. Montreal: McGill University Press, 1964.
- Binder, Leonard. *Islamic Liberalism: A Critique of Development Ideologies*. Chicago: University of Chicago Press, 1988.
- Birch, R.W. "The Vernacular Press in the Straits." *JSBRAS* 4 (1879): 51-55.
- Bisri, Cik Hasan. *Peradilan Islam dalam Tatanan Masyarakat Indonesia*. Bandung: PT Remaja Rosdakarya, 1997.
- Bluhm, J. "A Preliminary Statement on the Dialogue Established Between the Reform Magazine al-Manar and the Malayo-Indonesian World." *Indonesia Circle*, Nov. (1983): 35-42.
- Boland, B.J.. *The Struggle of Islam in Modern Indonesia*. The Hague: Martinus Nijhoff, 1971.
- Botiveau, Bernard. "Note sur les étudiants indonésians présents à l'Université Al-Azhar du Caire." *Archipel* 40 (1990): 41-44.
- Boullata, Issa. *Trends and Issues in Contemporary Arab Thought*. Albany: SUNY Press, 1990.
- Bowen, John R. *Muslims through Discourse*. Princeton: Princeton University Press, 1993.
- . "'You May Not Give it Away': How Social Norms Shape Islamic Law in Contemporary Indonesian Jurisprudence." *ILS* V.3 (1998): 382-408.
- . "Qur'ân, Justice, Gender: Internal Debates in Indonesian Islamic Jurisprudence." *History of Religions* 38. 1 (1998): 52-78.
- . "Legal Reasoning and Public Discourse in Indonesian Islam," *New Media and the Politics of Civil Society in the Muslim World*. Eds. Dale F. Eickelman and Jon W. Anderson. Bloomington: Indiana University Press, 1999.
- Brown, Daniel W. *Rethinking Tradition in Modern Islamic Thought*. Cambridge: University Press, 1996.
- Brugman, J. *De Betekenis van het Mohammadaanse Recht in Hedendaagse Egypte*. Den Haag: 1960.

- Bruinessen, Martin van. "Kitab Kuning: Books in Arabic script used in the Pesantren Milieu." *BKI* 146 (1990): 226-69.
- . "Indonesia's Ulama and Politics: Caught between Legitimizing the Status Quo and Searching for Alternatives." *Prisma* 49 (Juni, 1990): 52-69.
- . "Pesantren and Kitab Kuning: Continuity and Change in a Tradition of Religious Learning." *Texts from the Islands: Oral and Written Traditions of Indonesia and the Malay World*. Ed. Wolfgang Marschall. Berne: University of Berne Institute of Ethnology, 1994. pp. 121-146.
- . Bruinessen, Martin. *NU: Tradisi, Relasi-relasi Kuasa, dan Pencarian Wacana Baru*. Yogyakarta: LKiS, 1994a
- . "Traditions for the Future: The Reconstruction of Traditionalist Discourse within NU." *Nahdatul Ulama: Traditional Islam and Modernity in Indonesia*. Eds. Greg Barton and Greg Fealy. Clayton: Monash Asia Institute, 1996. pp. 163-189.
- Buku Tahunan IAIN 'Al-Djami`ah Al-Islamijah Al-Hukumijah' 1960-1962*. Jogjakarta: IAIN 'Al-Djami`ah Al-Islamijah Al-Hukumijah', 1962.
- Bull, Ronald A.L. "Metaphorical Aspects of Indonesian Islamic Discourse about Development." *Toward a New Paradigm: Recent Developments in Indonesian Islamic Thought*. Ed. Mark R. Woodward. Tempe: Arizona State University Program for Southeast Asian Studies, 1996. pp. 265-290.
- Burton, John. *The Collection of the Qur'an*. Cambridge: Cambridge University Press, 1977.
- . *The Sources of Islamic Law: Islamic Theories of Abrogation*. Edinburgh: Edinburgh University Press, 1990.
- Cabaton, A. "L'Eseignement supérieur aux Indes néerlandaises et le professeur Dr. C. Snouck Hurgronje." *Revue du Monde Musulman* 12 (1910): 544-549.
- . "La Presse indigène aux Indes néerlandaises." *RMM* 21 (1912): 330-348
- . "La <<Sarékát Islam>>," *RMM* 21 (1912): 348-356.
- Caspar, R. "Un aspect de la pensée musulmane moderne: le renouveau do mo'tazilisme." *MIDEO*, IV (1957): 141-201.
- Castles, Lance. "Notes on the Islamic School at Gontor." *Indonesia* I (June 1966): 30-45.
- Chalil, Moenawar. *Biografi Empat Serangkai Imam Mazhab*. Jakarta: Bulan Bintang, 1955.
- . *Fungsi Ulama dalam Masyarakat dan Negara*. Jakarta: Bulan Bintang, 1957.

- . *Kelengkapan Tarich Nabi Muhammad s.a.w.* Jakarta: Bulan Bintang, 1957a.
- . *Tafsir Qur'an Hidaajatul-Rahmaan.* Solo: Ab. Siti Sjamsijah, 1958.
- . *Kembali kepada Al Qur'an dan As-Sunnah.* Jakarta: Bulan Bintang, 1996 (10th printing).
- Chambert-Loir, Henri. "Une Guerre wahhabite à Sumatra au XIXe siècle." *La Transmission du Savoir dans le Monde Musulman Périphérique* 13 (Mars 1993): 87-95.
- Chee, T.S. "Literary Response and the Social Process." *Southeast Asia Journal of Social Science* 3 (1975).
- Cherif-Chergui, A. "El Principio de armonía en Sayyid Quṭb." *Orientalia Hispanica: sive studia F.M. Pareja octogenario dictata.* Ed. J.M. Barral. Leiden: E.J. Brill, 1974. I: 195-208.
- Cilardo, Agostino. *Dritto Ereditario Islamico delle Scuole Giuridiche Sunnite (Hanafita, Mâlikita, Sâfi'ita e Hanbalita) e delle Scuole Giuridiche Zaydita, Zâhirita e Ibâdita.* Roma: Istituto per l'Oriente C.A. Nallino, 1994.
- Commins, D. *The Salafi Islamic Reform Movement in Damascus.* Oxford: University Press, 1990.
- Compilation of Islamic Laws in Indonesia.* Jakarta: The Department of Religious Affairs, 1996/1997.
- Coulson, Noel J. "The Concept of Progress and Islamic Law." *Religion and Progress in Modern Asia.* Ed. Robert Bellah. New York: The Free Press, 1965. pp. 74-92.
- . *Conflicts and Tensions in Islamic Jurisprudence.* Chicago: University of Chicago Press, 1969.
- . *Succession in the Muslim Family.* Cambridge: Cambridge University Press, 1971.
- Creelious, D. "Al-Azhar in the Revolution," *Middle East Journal* 20 (1966): 31-49.
- . "Non-ideological Responses of the Egyptian Ulama to Modernization," *Scholars, Saints and Sufis. Muslim Religious Institutions in the Middle East.* Ed. Nikki R. Kiddie. Berkeley: University of California, 1972.
- Ad-Dahlawi, Syah Waliyullah. *Sebab-sebab Munculnya Madzhab Fiqh.* Jakarta: Arista Brahmatyasa, n.d.
- Daud, Ismail Che. *Tokoh-tokoh Ulama` Semenanjung Malayu.* Kota Bharu: Majlis Ugama Islam dan Adat Istiadat Melayu Kelantan, 1992.

- Dawam Rahardjo. "Dinamika Pemikiran Islam: Suatu Telaah Historis atas Bangsa Indonesia," *Intelektual Inteligencia dan Perilaku Politik Bangsa: Risalah Cendekiawan Muslim*. Bandung: Mizan, 1993. pp. 217-224.
- Dengel, Holk H. *Darul-Islam: Kartosuwirjos Kampf um einen islamischen Staat Indonesiens*. Stuttgart: Steiner Verlag, 1986.
- Dhofier, Zamakhsyari. *Tradisi Pesantren: Studi tentang Pandangan Hidup Kyai*. Lembaga Penelitian, Pendidikan dan Penerangan Ekonomi dan Sosial, 1982; Reprint, 1990.
- Dictionnaire Biographique des Savants et Grandes Figures du Monde Musulman Peripherique, du XIXe siècle a nos jours*. Paris: CNRS/EHESS, 1992-.
- Didin, Syafruddin. "Mahmūd Yūnus wa itijāhātuhu fī tajdīd ta'lim al-lughah al-'arabiyyah bi indūnīsiyā." *Studia Islamika* 2. 3 (1995): 173-198.
- Diffelen, R.W. van. *De Leer der Wahhabieten*. Leiden: E.J. Brill, 1927.
- Dijk, C. van. *Rebellion Under the Banner of Islam: The Darul Islam Movement in Indonesia* (Verhandelingen van het Koninklijk Instituut voor Taal-, Land- en Volkenkunde 94). The Hague: Martinus Nijhoff, 1981.
- Djaelani, Abdul Qadir. *Menelusuri Kekeliruan Pembaharuan Pemikiran Islam Nurcholish Madjid*. Bandung: Penerbit Yadia, 1994.
- Djamal, Murni. "Dr. H. Abdul Karim Amrullah: His Influence in the Islamic Reform Movement in Minangkabau in the Early Twentieth Century." MA. McGill, 1975.
- Djamil, Fathurrahman. "The Muhammadiyah and the Theory of Maqasid al-Shari'ah." *Studia Islamika* II.1 (1995): 53-68.
- Dobbin, Christine. *Islamic Revivalism in a Changing Peasant Economy: Central Sumatra, 1784-1847*. London: Curzon Press, 1983.
- Donaldson, Dwight M. *Studies in Muslim Ethics*. London: S.P.C.K., 1953.
- Douwes, Dick and Nico Kaptein, Eds. *Indonesia dan Haji: Empat Karangan*. Jakarta: INIS, 1997.
- Drewes, G. W. J. "Snouck Hurgronje and the study of Islam." *BKI* 113 (1957): 1-15.
- . "Snouck Hurgronje: Pioneer in Islamic Studies." *Delta: A Review of Arts, Life, and Thought in the Netherlands* I (1958): 69-81.
- . "Balai Pustaka and its Antecedents." *Papers on Indonesian Languages and Literatures*. Ed. Nigel Phillips and Khaidir Anwar. London: Indonesian Etymological Project, 1981. 97-104.

- ., and Poerbatjaraka, R. Ng. *De Mirakelen van Abdoel-Kadir Djaelani*. Bandoeng: A.C. Nix & Co., 1938.
- Dutton, Yasin. "The Introduction to Ibn Rushd's *Bidayat al-Mujtahid*." *Islamic Law and Society* 1.2 (1994): 188-205.
- Eccel, C.A. *Egypt, Islam and Social Change: al-Azhar in Conflict and Accomodation*. Berlin: Klaus Schwarz Verlag, 1984.
- Edi Sudarjat, and Ibrahim Ali Fauzi. "Ketika Lekra Mengganyang Hamka: Difitnah, disiksa, dan ditelanjangi, Hamka tetap menerima anak Pram dengan manis." *Ummat* No. 6 Thn. I.18 Sept./ 22 Rabiul Akhir 1416 H. (1995): 25.
- Effendi, Bahtiar. "Islam and the State in Indonesia: Munawir Sjadzali and the development of a New Theological Underpinning of Political Islam." *Studia Islamika* II. 2 (1995): 97-121.
- Effendi, Djohan, and Ismed Natsir, Eds. *Pergolakan Pemikiran Islam: Catatan-harian Ahmad Wahib*. Jakarta: LP3ES, 1981.
- Eickelman, Dale F. "The Art of Memory: Islamic Education and Its Social Reproduction." *Comparative Studies in Society and History* 20 (1978): 485-516.
- . "Traditional Islamic Learning and Ideas of the Person in the Twentieth Century." *Middle Eastern Lives: The Practice of Biography and Self-Narrative*. Ed. M. Kramer. Syracuse: University Press: 1991.
- . "Mass Higher Education and the Religious Imagination in Contemporary Arab Societies." *American Ethnologist* 19.4 (1992): 643-655.
- Eickelman, Dale F., and James Piscatori. *Muslim Politics*. Princeton: University Press, 1996.
- Eisenman, Robert H. *Islamic Law in Palestine and Israel: A History of the Survival of the Tanzimat and Shari'a in the British Mandate and the Jewish State*. Leiden: E.J. Brill, 1978.
- El-Zine, M. A. Y. *Le Yemen et ses moyens d'information; Étude historique, politique, juridique sociale et critique-- 1872-1974*. Alger: Société Nationale d'Édition et de Diffusion 1978.
- Esack, Farid. *Qur'an, Liberation, & Pluralism: An Islamic Perspective of Interreligious Solidarity Against Oppression*. Oxford: One World, 1997.
- Federspiel, Howard M. *Persatuan Islam: Islamic Reform in Twentieth Century Indonesia*. Ithaca: Cornell Univeristy South East Asia Program, 1970.

- . *Muslim Intellectuals and National Development in Indonesia*. New York: Nova Science Publishers, 1992.
- . "The Endurance of Muslim Traditionalist Scholarship: An Analysis of the Writings of the Indonesian Scholar Siradjuddin Abbas." *Toward a New Paradigm: Recent Developments in Indonesian Islamic Thought*. Ed. Mark Woodward. Tempe: Arizona State University Program for Southeast Asian Studies, 1996. pp. 193-220.
- Feener, R. Michael. "Tabot: Muharram Observances in Bengkulu, Sumatra." MA Thesis. Boston University, 1995.
- . "The Community of Southeast Asian Students at al-Azhar." unpublished paper presented at The American Research Center in Egypt's *Cairo, City of Islam* Seminar, August 1995a.
- . "Sufism and the State in Buton." unpublished paper presented at the *Trade and Agrarian Change in the Indian Ocean Region Symposium*, Yale University, 1995b.
- . "Notes towards a History of Qur'anic Exegesis in Southeast Asia." *Studia Islamika* V.4 (1998).
- . "A Re-Examination of the Place of al-Hallâj in the Development of Southeast Asian Islam." *BKI* 54.4 (1998): 571-592.
- . "Tafsîr, Fiqh, and Contextualization in 20th Century Indonesia," unpublished paper presented at the American Academy of Religion Annual Meeting, Orlando, November 1998.
- . "Shaykh Yusuf and the Appreciation of Muslim 'Saints' in Modern Indonesia." *Islam Studies* (forthcoming).
- Feith, Herbert, and Lance Castles, Eds. *Indonesian Political Thinking, 1945-1965*. Ithaca: Cornell University Press, 1970.
- Feillard, Andrée. "Les Oulémas indonésiens aujourd'hui: de l'opposition à une nouvelle légitimité." *Archipel* 46 (1993): 89-110.
- . *Islam et Armée dans l'Indonésie Contemporaine*. Paris: Editions l'Hatrmann, 1995.
- . "Indonesia's Emerging Muslim Feminism: Women Leaders on Equality, Inheritance, and Other Gender Issues." *Studia Islamika*, IV. 1 (1997): 83-112.
- . "Traditionalist Islam and the State in Indonesia: The Road to Legitimacy and Renewal." *Islam in an Era of Nation States: Politics and Religious Renewal in Muslim Southeast Asia*. Eds. Robert W. Hefner and Patricia Horvatic. Honolulu: University of Hawai'i Press, 1997. pp. 129-153.

- Frans Rudianto, HS. *Kebangkitan Islam di Indonesia dalam Percaturan Politik Nasional*. Jakarta: PT Golden Terayon Press, 1994.
- Friedmann, Yohanan. *Prophecy Continuous: Aspects of Ahmadi Religious Thought and Its Medieval Background*. Berkeley: University of California Press, 1989.
- Furnivall, J.S. *Netherlands India: A Study of Plural Economy*. Cambridge: University Press, 1967.
- Gade, Anna M. *Learning to Recite the Qur'an in Modern Indonesia*. University of Chicago dissertation, 1999.
- Gallop, A. T. "Early Malay Printing, an Introduction to the British Library Collections." *JMBRAS* 63.1 (1990): 85-124.
- Geertz, Clifford. *The Religion of Java*. Chicago: University of Chicago Press, 1960.
- George, Kenneth M. "Designs on Indonesia's Muslim Communities." *The Journal of Asian Studies*, 57. 3 (August 1998): 693-713.
- Gilsenan, Michael. *Saint and Sufi in Modern Egypt*. New York: Oxford, 1973.
- Gimaret, D. *Une lecture Mu'tazilite du Coran. Le Tafsir d'Ali al-Gubba'i (m. 303/915) partiellement reconstitué à partir de ses citateurs*. Leuven: Peeters, 1994.
- Goldziher, I. *Die Richtungen der islamischen Koranauslegung*. Leiden: E.J. Brill, 1920.
- . *The Zahiris: Their Doctrine and Their History*. Leiden: E.J. Brill, 1971.
- Gonzalez-Quijano, Yves. "Le livre arabe dans les pays du subcontinent sud et sud-est asiatique." *Archipel* 40 (1990).
- Greenfeld, Liah. *Nationalism: Five Roads to Modernity*. Cambridge: Harvard University Press, 1992.
- H.A. Djalil Muhammad, and Haji Abdullah Syah, M.A., Eds. *Sejarah Da'wah Islamiyah dan Perkembangannya di Sumatera Utara*. Medan: Majelis Ulama Daerah Tk. I Propinsi Sumatera Utara, 1983.
- Haar, B. Ter. *Het adatproces der inlanders*. Leiden: E.J. Brill, 1915.
- . "Adaterfrecht op Java: Rechtsvorming en Rechtstoepassing." *Indisch Tijdschrift van het Recht* 148 (1938): 201-239.
- . *Adat Law in Indonesia*. Trans. E. Adamson Hoebel and A. Arthur Schiller. New York: Institute of Pacific Relations, 1948.

- Hahn, Ernest. "Sir Sayyid Ahmad Khan's 'The Controversy over Abrogation (in the Qur'an)': an Annotated Translation." *Muslim World*, LXIV. 2 (1974): 124-133.
- Haidar, M. Ali. *Nahdatul Ulama dan Islam di Indonesia: Pendekatan Fikih dalam Politik*. Jakarta: PT Gramedia Pustaka Utama, 1998.
- Hakim, Lukman. *Perjalanan Mencari Keadilan dan Persatuan: Biografi Dr. Anwar Harjono, SH*. Jakarta: Media Da'wah, 1993.
- , Ed. *Pemimpin Pulang: Rekaman Peristiwa Wafatnya M. Natsir*. Jakarta: Yayasan Piranti Ilmu, 1993.
- al-Hakim, Hasan `Isa `Ali. *Ibn al-Jawzî*. Baghdad: Dar al-Shu'un al-Thaqafiyah, 1988.
- Hallaq, Wael B. "Was the Gate of *Ijtihâd* Closed?" *International Journal of Middle East Studies* 16 (1984): 3-41.
- . "Was al-Shafi'i the Master Architect of Islamic Jurisprudence?" *International Journal of Middle East Studies* 25 (1993): 587-605.
- . "Introduction: Issues and Problems." *Islamic Law and Society* 3.2 (1996): 127-136.
- . *A History of Islamic Legal Theories: An Introduction to Sunnî USûl al-Fiqh*. Cambridge: University Press, 1997.
- Hamidy, U. "Kegiatan percetakan dan penerbitan di Riau pada abad ke 19 dan awal abad ke 20." *Riau sebagai pusat bahasa dan kebudayaan Melayu*. Pekanbaru: Bumi Pustaka, 1983. pp. 67-77.
- Hamim, Thoha. "Moenawar Chalil's Reformist Thought: A Study of an Indonesian Religious Scholar (1908-1961)." Diss. McGill University, 1996.
- . "Doktrin dan Tantangan Aswaja." *Aula: Majalah Nahdatul Ulama*, XIX. 3 (March 1997): 58-62.
- Hamka. *Ajahku: Riwayat hidup Dr. Abd. Karim Amrullah dan perjuangannya kaum agama*. Djakarta: Penerbit Widjaya, 1950.
- . *Perkembangan Tasauf dari Abad-Keabad*. Jakarta: Pustaka Keluarga, 1952.
- . *Tafsir al-Azha*. Jakarta: P.T. Pembimbing Masa, 1967-1973.
- . *Tasauf: Perkembangan dan Pemurniannya*. Jakarta: Pustaka Panjimas, 1983.
- . *Islam dan Adat Minangkabau*. Jakarta: Pustaka Panjimas, 1984.

- . *Tasauf Moderen*. Jakarta: Pustaka Panjimas, 1987.
- Hamka, Rusjdi. "Mengiringi Safari Da'wah Warga Bulan Bintang." *Pak Natsir 80 Tahun: Pandangan dan Penilaian Generasi Muda*. Eds. H. Endang Saifuddin Anshari, and M. Amien Rais. Jakarta: Media Da'wah, 1988. pp. 15-24.
- Hamzah, Abu Bakar. *Al-Imam: Its role in Malay society, 1905-1908*. Kuala Lumpur: Pustaka Antara, 1991.
- Hamzah, Amir. *Pendidikan dan Pengajaran Muhammadiyah dalam Masa Pembaharuan Semesta*. Malang: Ken Mutia, 1965.
- Hamzah, Yunus Amir. *Tenggelamnya Kapal van der Wijck dalam Polemik*. Djakarta: Mega Book Store, 1963.
- Handaroh, Siti. "Hubungan antara Adat dan Maslahat: Studi tentang Pemikiran Ahman Azhar Basyir." *The Qur'an and Philosophical Reflections*. Yogyakarta: Titian Ilahi Press, 1998.
- Hariri, Abdul-Hadi. "Afghani on the Decline of Islam: A Postscript." *Die Welt des Islams* XIV (1973): 116-128.
- Harjono, Anwar. *Hukum Islam: Keluasan dan Keadilannya*. Jakarta: Bulan Bintang, 1968.
- . *Indonesia Kita: Pemikiran Berwawasan Iman-Islam*. Jakarta: Gema Insani Press, 1995.
- ., Ed. *M. Natsir: Sumbangan dan Pemikirannya untuk Inonesia*. Jakarta: Media Da'wah, 1995.
- Hartmann, Angelika. "Les Ambivalences d'un sermonnaire Hanbalite" Ibn al-Gawzi (m. en 597/1201), sa carrière et son ouvrage autographe, le *Kitâb al-Hawâtîm*." *Annales Islamologique*, 22 (1986): 51-115.
- Hasan, M. Ali. *Perbandingan Mazhab Fiqh*. Jakarta: PT Raja Grafindo Persada, 1997.
- Hasan, Ahmad Rifa'I, Ed. *Warisan Intelektual Islam Indonesia*. Bandung: Mizan, 1987.
- Hasbullah. *Sejarah Pendidikan Islam di Indonesia*. Jakarta: PT Raja Grafindo Persada, 1995.
- Hassan, A. *Al-Boerhan*. Bandung: Persatuan Islam, 1928.
- . *Tafsîr al-Furqân*. Bangil: Dewan Da'wah Islamiyah Indonesia, 1986.
- . *Tarjamah Bulughul Maraam (Ibnu Hajr al 'Asqalani) Berikut Keterangan dan Penjelasannya*. Bangil: Pesantren Persatuan Islam, 1991.

- . *Pengajaran Shalat: Cara Shalat beserta Dalil-Dalil-nya*. Bangil: Pustaka Tamaam, 1996.
- ., et al. *Soal-Jawab tentang berbagai Masalah Agama*. Bandung, Diponegoro 1985.
- Abdul Qadir Hassan. *Ushul Fiqih*. Bangil: Yayasan al-Muslimun, 1992.
- Hassan, Muhammad Kamal. *Muslim Intellectual Responses to 'New Order' Modernization in Indonesia*. Kuala Lumpur: Dewan Bahasa dan Pustaka, 1980.
- . "The Response of Muslim Youth Organizations to Political Change: HMI in Indonesia and ABIM in Malaysia." *Islam and the Political Economy of Meaning* (William R. Roff, ed.). London: Croom Helm, 1987. pp. 180-197.
- Haykal, Muhammad Husayn. *Hayat Muhammad*. Cairo: Dar al-Ma'arif, 1935.
- . *Al-Hukûmah al-Islamiyyah*. Cairo: Dar al-Ma`ârif, 1983.
- Haykel, B. "Al-Shawkani and the Jurisprudential Unity of Yemen." *Le Yémen, Passé et Present de l'Unité*. Ed. M. Tuchscherer. Aix-en-Provence: Édisud, 1988.
- Hazairin. *Ilmu Pengetahuan Islam dan Masyarakat*. Jakarta: Yayasan Perguruan Tinggi/ Tintamas, 1951.
- . *Pergolakan Penjesuaian 'Adat kepada Hukum Islam*. Jakarta: Bulan Bintang, 1951a.
- . *Indonesia Satu Masjid*. Jakarta: Bintang Bulan, 1952.
- . *Hukum Kewarisan Bilateral Menurut Qur'ân dan Hadîth*. Jakarta: Tintamas, 1958.
- . *Hukum Kekeluargaan Nasional*. Jakarta: Tintamas, 1968.
- . *Demokrasi Pancasila*. Jakarta: Tintamas, 1970.
- . *Tujuh Serangkai tentang Hukum*. Jakarta: Tintamas, 1974.
- . *Hukum Kekeluargaan Nasional, ditambah dengan Lembaran Kerja untuk Rancangan Undang-undang Hukum Kewarisan Nasional Republik Indonesia*. Jakarta: Tintamas, 1982.
- Hefner, Robert W. "Islam, State, and Civil Society: ICMI and the Struggle for the Indonesian Middle Class." *Indonesia* 36 (1993): 1-36.
- . "Modernity and the Challenge of Pluralism: Some Indonesian Lessons." *Studia Islamika*. II.4 (1995): 21-45.

- . "Islamization and Democratization in Indonesia." *Islam in an Era of Nation States*. Ed. Robert Hefner and Patricia Horvatic. Honolulu: University of Hawai'i Press, 1997. pp. 75-128.
- . "Print Islam: Mass Media and Ideological Rivalries among Indonesian Muslims." *Indonesia* 64 (1997a): 77-104.
- . *Civil Islam: Muslim Democrats and State Violence in Indonesia*. Princeton: University Press, (forthcoming).
- Herring, B.B. "The Sarekat Islam: A Historical Perspective." *Studies on Islam*. Centre for Southeast Asian Studies, 1987. James Cook University of North Queensland: 1-14.
- Hermansen, Marcia K. "Modernity and Religious Worldviews-- The Challenge of Classical Islamic Religious Thought for Contemporary Muslim Intellectuals," *Islam and the Challenge of Modernity-- Proceedings of the Inaugural Symposium on Islam and the Challenge of Modernity: Historical and Contemporary Contexts, Kuala Lumpur, August 1-5, 1994*. Ed. Sharifah Shifa al-Attas. Kuala Lumpur: ISTAC, 1996. pp. 509-534.
- Hirsch, Rudolf. "Printing in France and Humanism, 1470-80." *The Library Quarterly*. XXX (1960): 111-123.
- . "Printing and the Spread of Humanism in Germany: The Example of Albrecht von Eyb." *Renaissance Men and Ideas*. Ed. Robert H. Schwoebel. New York: St. Martin's Press, 1971. pp. 24-37.
- Hodgson, Marshall G.S. "Modernity and the Islamic Tradition." *Islamic Studies* I.2 (1962).
- . *The Venture of Islam: Conscience and History in a World Civilization*. Chicago: University Press, 1974.
- . *Rethinking World History: Essays on Europe, Islam and World History*. Cambridge: Cambridge University Press, 1993.
- Hoogerwerf, E.J. *Persgeschiedenis van Indonesië tot 1942: Geannoteerde bibliographie*. Dordrecht: Foris Publications, 1990.
- Hooker, M.B. *A Concise Legal History of Southeast Asia*. Oxford: Clarendon Press, 1978.
- . *Islamic Law in Southeast Asia*. Singapore: Oxford University Press, 1984.
- Horten, M. "Muhammad `Abduh. Sein Leben und seine Theologisch-philosophische Gedankwelt. Eine Studie zu den Reformbestrebungen im modernen Ägypten, I" *BKO* XIII (1916): 83-114.

- . Muhammad `Abduh. Sein Leben und seine Theologisch-philosophische Gedankwelt. Eine Studie zu den Reformbestrebungen im modernen Ägypten, II" *BKO* XIV (1917): 74-126.
- Hosen, Ibrahim. *Fiqh Perbandingan dalam masalah Nikah-Thalaq-Rudjuk dan Hukum Kewarisan*. Jakarta: Yayasan Ihja `Ulumuddin Indonesia, 1971.
- Hosen, Ibrahim. "Memecahkan Permasalahan Hukum Baru." *Ijtihād dalam Sorotan*. Eds. Haidar Bagir and Syafiq Basri. Bandung: Mizan, 1988. pp. 23-45.
- . "Taqlid dan Ijtihad: Beberapa Pengertian Dasar," *Kontekstualisasi Doktrin Islam dalam Sejarah*. Ed. Budy Munawar-Rachman. Jakarta: Yayasan Paramadina, 1994.
- Hourani, Albert. *Arabic Thought in the Liberal Age: 1798-1939*. Cambridge: University Press, 1983.
- Hugo, Graeme J., Terence H. Hull, Valerie J. Hull, and Gavin W. Jones. *The Demographic Dimension in Indonesian Development*. Singapore: Oxford University Press, 1987.
- Hull, Terence H. and Jones, Gavin W. "Demographic Perspectives," *Indonesia's New Order: The Dynamics of Socio-Economic Transformation*. Ed. Hal Hill. Honolulu: University of Hawai'i Press, 1994. pp. 123-78.
- Hyde, George. *Education in Modern Egypt: Ideals and Realities*. London: Routledge and Kegan Paul, 1978.
- Ibn al-Jawzi. *Kitâb al-Mawdû'ât*. Medina: Salafiya Press, 1386-88 H./ 1966-68.
- Ibn Khaldun. *The Muqaddimah: An Introduction to History*. Trans. Franz Rosenthal. Princeton: Princeton University Press, 1958.
- Ibn Rushd [Muhammad b. Ahmad b. Muhammad b. Ahmad b. Rushd al-Qurtubî]. *Bidâyat al-Mujtahid*. Singapore: al-Haramayn, n.d.
- Ibrahimi, Moh. Nur El. *Teungku Muhammad Daud Beureueh: Peranannya dalam pergolakan di Aceh*. Jakarta: Gunung Agung, 1982.
- Ihza, Yusril. Combining Activism and Intellectualism: the Biography of Muhammad Natsir," *Studia Islamika*. Jakarta, 1995. II: 111-148.
- Ilyas, Yunahar, et al., Eds. *Muhammadiyah dan NU: Reorientasi Wawasan Keislaman*. Yogyakarta: Kerjasama LPPI/ UMY, 1993.
- Indonesia: Muslims on Trial*. London: Tapol, 1987.
- Information on State Institute for Islamic Studies (IAIN)*. Jakarta: Direktorat Pembinaan Perguruan Tinggi Agama Islam, Departemen Agama RI, 1988-1989.

- Iqbal, Muhammad. *The Reconstruction of Religious Thought in Islam*. London: Oxford University Press, 1934.
- Ismail, Faisal. "Pancasila as the Sole Basis for All Political Parties and for All Mass Organizations: An Account of Muslim Responses." *Studia Islamika* III. 4 (1996): 1-92.
- Jackson, Karl D. *Traditional Authority, Islam, and Rebellion: A Study of Indonesian Political Behavior*. Berkeley: University of California Press, 1980.
- Jackson, Sherman A. *Islamic Law and the State: The Constitutional Jurisprudence of Shihab al-Din al-Qarafi*. Leiden: E.J. Brill, 1996.
- Jahja, Muchtar. "Pidato Promosi Doctor Honoris Causa oleh IAIN Yogyakarta kepada Prof. Dr. Sjaich Mahmoud Shaltout." *Buku Tahunan Institut Agama Islam Negeri 'Al-Djami`ah Al-Islamijah Al-Hukumijah' 1960-1962*. Jogjakarta: IAIN 'Al-Djami`ah Al-Islamijah Al-Hukumijah,' 1962. pp. 109-127.
- Jami` al-akhâm al-islâmiyyah bi Indûnîsiyya*. Jakarta: Wazârat al-sh'ûn al-dîniyyah, 1995/ 1416H.
- Jansen, J.J.G. *The Interpretation of the Koran in Modern Egypt*. Leiden: E.J. Brill, 1980.
- . "Polemics on Mustafa Mahmud's Koran Exegesis," *Proceedings of the Ninth Congress of the Union Européenne des Arabisants et Islamisants: Amsterdam, 1st to 7th September 1978*. Rudolph Peters, ed.). Leiden: E.J. Brill, 1981. pp. 110-22.
- Johns, A.H. *The Gift Addressed to the Spirit of the Prophet*. Canberra: Australian National University, 1965.
- . *Cultural Options and the Role of Tradition: A Collection of Essays on Modern Indonesian and Malaysian Literature*. Canberra: Faculty of Asian Studies/ ANU, 1979.
- . "From Coastal Settlement to Islamic School and City: Islamization in Sumatra, the Malay Peninsula, and Java." *Indonesia: The Making of a Culture*. Ed. James J. Fox. Canberra: Australian National University, 1980. pp. 163-182.
- . "An Islamic System of Islamic Values? Nucleus of a Debate in Contemporary Indonesia." *Islam and the Political Economy of Meaning*. Ed. William R. Roff. London: Croon Helm, 1987. pp. 254-280.
- . "Quranic Exegesis in the Malay World: In Search of a Profile." *Approaches to the History of the Interpretation of the Qur'an*. Ed. Andrew Rippin. Oxford: Clarendon Press, 1988. pp. 257-287.

- . "On Qur'anic Exegetes and Exegesis." *Islam- Essays in Scripture, Thought and Society: A Festschrift in honour of Anthony H. Johns*. Eds. Peter Riddell and Tony. Street. Leiden: E.J. Brill, 1998. pp. 3-49.
- Jomier, J. *Le Commentaire Coranique du Manar: tendances modernes de l'exégèse coranique en Égypte*. Paris: Éditions G.-P. Maisonneuve & Cie. 1954.
- . "Quelques positions actuelles de l'exégèse coranique en Egypte relevées par une polémique récente." *MIDEO* 1 (1954): 39ff.
- . "Programme et orientation des études a la faculté de theologie d'al-Azhar." *Revue des Etudes Islamiques* 44 (1976): 253-272.
- . "Fakhr al-Din al-Razi et les commentaires du Coran plus anciens." *MIDEO* 15 (1982): 145-172.
- Jomier, J. & P. Caspar. "L'exégèse scientifique du Coran d'après le Cheikh Amin al-Khuli." *MIDEO* 4 (1957): 269-280.
- Jones, Gavin W. *Marriage and Divorce in Islamic Southeast Asia*. Kuala Lumpur: Oxford University Press, 1994.
- Junus, Mahmud. *Sedjarah Pendidikan Islam di Indonesia*. Jakarta: 1960.
- Juynboll, G.H.A. *The Authenticity of the Tradition Literature: Discussions in Modern Egypt*. Leiden: E.J. Brill, 1969.
- Juynboll, Th. W. *Handleiding tot de Kennis van de Mohammedaansche Wet volgens de Leer der Sjäfi'itische School*. Leiden: E.J. Brill, 1930.
- Kahin, George McTurnan. *Nationalism and Revolution in Indonesia*. Ithaca: Cornell University Press. 1952.
- Kamal, H.T. *Assabiyah dalam Konteks Islam*. Johore Baru: Thinker's Library SDN BHD, 1986.
- Kaptein, N. *Muhammad's Birthday Festival*. Leiden: E.J. Brill, 1993.
- . "The Berdiri Mawlid issue among Indonesian Muslims in the Period from Circa 1875 to 1930." *BKI*. 149.1 (1993a): 124-53.
- . "An Arab Printer in Surabaya in 1853." *BKI*. 149.2 (1993b): 356-2.
- . *The Muhimmât al-Nafâ'is: A Bilingual Meccan Fatwa Collection for Indonesian Muslims from the End of the Nineteenth Century*. Jakarta: INIS, 1997.
- Karim, M. Rusli. *HMI, MPO dalam Kemelut Modernisasi Politik di Indonesia*. Bandung: Mizan, 1997.

- Kassim, M. S. "The Malay Press and Socio-Economic Development." MA Thesis. Boston University, 1979.
- Keddi, N. "Intellectuals in the Modern Middle East: A Brief Historical Consideration." *Dædalus* 101.3 (1972):
- Kepel, Gilles. *Muslim Extremism in Egypt: The Prophet and Pharaoh*. Berkeley: Al Saqi Books, 1985.
- Kerr, M. *Islamic Reform: The Political and Legal Theories of Muhammad Abduh and Rashid Rida*. Berkeley: University of California Press, 1966.
- Khalid, Deltev. "Some Aspects of Neo-Mu'tazilism." *Islamic Studies* VIII (1969): 319-347.
- . "Ahmad Amin and the Legacy of Muhammad `Abduh." *Islamic Studies* 9.1 (1970).
- al-Khallaf, `Abd al-Wahhab. *Masâdir al-tashrî` al-Islâmî fîmâ lâ naSS fîhî*. Cairo: Dar al-Kitab al-`Arabi, 1955
- . *Ilm usûl al-fiqh*. Cairo: Matba`ar al-Nasr, 1956.
- Khuluq, Latiful. "K.H. Asy'ari's Contribution to Indonesian Independence." *Studia Islamika* V. 1 (1998): 41-67.
- Kimber, Richard. "The Qur'anic Law of Inheritance." *ILS* V.3 (1998): 291-325.
- Kompilasi Hukum Islam di Indonesia*. Jakarta. Departemen Agama RI, 1995/1996.
- Koschaker, Paul. *Europa und das römische Recht*. Munich: C.B. Becksche, 1966.
- Kraemer, Hendrik. "La Presse arabe aux Indes néerlandaises." *RMM* 46 (1921): 214-219.
- Kratz, E.U. "Islamic Attitudes towards Modern Indonesian Literature." *Cultural Contact and Textual Interpretation: Papers from the Fourth European Colloquium on Malay and Indonesian Studies, Held in Leiden in 1983*. Eds. C.D. Grijns, and S.O. Robson. Dordrecht: Foris Publications, 1986. pp. 60-93.
- Kraus, Werner. *Zwischen Reform und Rebellion, über die Entwicklung des Islams in Minangkabau (Westsumatra) zwischen den beiden Reformbewegungen der Padri (1837) und der Modernisten (1908)*. Weisbaden: Franz Steiner Verlag, 1984.
- Laoust, Henri. "Le Réformisme Orthodoxe des 'Salafiya' et les Caractères Généraux de son Orientation Actuelle," *Revue des Études Islamiques* (1934): 175-224.

- . *Essai sur les Doctrines Sociales et Politiques de Takî-d-dîn Ahmad b. Taimîya, canoniste Hanbalite né à Harrân en 661/ 1262, mort à Damas en 728/1328*. Cairo: Imprimerie de l'Institut Français d'Archéologie Orientale, 1939.
- Lee, Robert D. *Overcoming Tradition and Modernity: The Search for Islamic Authenticity*. Boulder: Westview Press, 1997.
- Leiden, C. *The Conflict of Traditionalism and Modernism in the Muslim Middle East*. Austin: University of Texas Press, 1966.
- "Lembaga Penggugat *Pesantren*." *Aula: Majalah Nahdlatul Ulama* XIX. 8 (August 1997): 43-46.
- Lemke, Wolf-Dieter. *Mahmud Saltut (1893-1963) und die Reform der Azhar: Untersuchungen zu Erneuerungsbestrebungen im ägyptisch-islamischen Erziehungssystem*. Frankfurt am Main: P.D. Lang, 1980.
- Lev, Daniel. *Islamic Legal Courts in Indonesia*. Berkeley: University of California Press, 1972.
- Liddle, R. William. "Media *Dakwah* Scripturalism: One Form of Islamic Political Thought and Action in New Order Indonesia." *Toward a New Paradigm: Recent Developments in Indonesian Islamic Thought*. Ed. Mark Woodward. Tempe: Arizona State University Program for Southeast Asian Studies, 1996. pp. 323-356.
- Liebesney, Herbert J. *The Law of the Near and Middle East: Readings, Cases, & Materials*. Albany: SUNY Press, 1975.
- Lucas, Anton, Ed. *Local Opposition and Underground Resistance to the Japanese in Java, 1942-1945*. Melbourne: Monash University Centre of Southeast Asian Studies, 1986.
- Lukito, Ratno. "Islamic Law and the Colonial Encounter: The Experience of India and Indonesia." Ed. Wahyudi. *The Dynamics of Islamic Civilization (Satu Dasawarsa Program Pembibitan, 1988-1998)*. Yogyakarta: Titian Ilahi Press, 1998. pp. 209-230.
- Lukman, Ali. "Persoalan Adat sebagai thema." *Sastra* VI. 2-3-4 (1960).
- Lubis, Nur Ahmad Fadhil. "Institutionalization and the Unification of Islamic Courts under the New Order." *Studia Islamika* II.1, 1995: 1-52.
- Madaniy Malik. "Cara Pengambilan Hukum Islam dalam Bachtul Masail Nahdlatul Ulama (Sebuah Alternatif Pengembangan)." *Aula: Majalah Nahdlatul Ulama* (Des. 1991): 53-63.

- . "Ijtihād dalam Kemantapan Hidup Bermadzhab (Dari Halqah-halqah di *Pesantren* sampai dengan Munas Alim Ulama NU di Bandar Lampung)." *al-Jamiah* 51 (1993): 21-33.
- Madjid, Nurcholish. "Ibn Taymiyya on Kalam and Falsafah: A Problem of Reason and Revelation in Islam." Diss. University of Chicago, 1984.
- , Ed. *Khazanah Intelektual Muslim*. Jakarta: Bulan Bintang, 1984a.
- . "Tasawuf sebagai Inti Keberagamaan." *Pesantren* II. 3 (1985): 3-9.
- . *Islam, Kemoderenan, dan Keindonesiaan*. Bandung: Mizan, 1987.
- . "Pertimbangan Kemaslahatan dalam Menangkap Makna dan Semangat Ketentuan Keagamaan: Kasus *Ijtihād* Umar bin al-Khattab." *Polemik Reaktualisasi Ajaran Islam*. Jakarta: Pustaka Panjimas, 1988. pp. 12-27.
- . *Islam Doktrin dan Peradaban: Sebuah Telaah Kritis tentang Masalah Keimanan, Kemanusiaan, dan Kemoderenan*. Jakarta: Paramadina, 1992.
- . "Beberapa Renungan Tentang Kehidupan Keagamaan untuk Generasi Mendatang." *Ulumul Qur'an* IV.1 (1993): 4-25.
- . "Masalah Ta'wil sebagai Metodologi Penafsiran al-Qur'an." *Kontekstualisasi Doktrin Islam dalam Sejarah*. Ed. Budhy Munawar-Rachman. Jakarta: Paramadina, 1994. pp. 11-23
- . "Pergeseran Pengertian 'Sunnah' ke 'Hadits': Implikasi dalam Pengembangan Syariah." *Kontekstualisasi Doktrin Islam dalam Sejarah*. Ed. Budhy Munawar-Rachman. Jakarta: Paramadina, 1994. pp. 208-222.
- . "Sejarah Awal Penyusunan dan Pembakuan Hukum Islam." *Kontekstualisasi Doktrin Islam dalam Sejarah*. Ed. Budhy Munawar-Rachman. Jakarta: Yayasan Paramadina, 1994. pp. 237-520
- . "Tradisi Syarah dan Hasyiyah dalam Fiqh dan Masalah Stagnasi Pemikiran Hukum Islam." *Kontekstualisasi Doktrin Islam dalam Sejarah*. Ed. Budhy Munawar-Rachman. Jakarta: Paramadina, 1994. pp. 311-318.
- . "Taqlid dan Ijtihad: Masalah Kontinuitas dan Kreativitas dalam Memahami Pesan Agama," *Kontekstualisasi Doktrin Islam dalam Sejarah*. Ed. Budhy Munawar-Rachman. Jakarta: Paramadina, 1994. pp. 339-354.
- . "Taqlid dan *Ijtihād*: Masalah Kontinuitas dan Kreativitas dalam Memahami Pesan Agama." *Kontekstualisasi Doktrin Islam dalam Sejarah*. Ed. Budhy Munawar-Rachman. Jakarta: Paramadina, 1994. pp. 339-354.
- . "Konsep *Asbab al-Nuzul* dan Relevansinya bagi Pandangan Historis Segi-segi Tertentu Ajaran Keagamaan," *Kontekstualisasi Doktrin Islam dalam Sejarah*. Ed. Budhy Munawar-Rachman. Jakarta: Paramadina, 1994. pp. 24-41.

- . "Islamic roots of Modern Pluralism, Indonesian Experience." *Studia Islamika*. I.1 (1994a): 55-78.
- . *Islam Agama Kemanusiaan: Membangun Tradisi dan Visi Baru Islam Indonesia*. Jakarta: Paramadina, 1995.
- . "Profil Ulama Berpengertian, Istiqâmah, dan Tasâmuh." *Wacana Baru Fiqih Sosial*. Ed. Jamal D. Rahman. Bandung: Mizan, 1997a. pp. 344-348.
- . *Tradisi Islam: Peran dan Fungsinya dalam Pembangunan di Indonesia*. Jakarta, Paramadina 1997.
- . *Masyarakat Religius*. Jakarta: Paramadina 1997, 139-146.
- . "Relevansi Kesufian Buya Hamka bagi Kehidupan Keagamaan di Indonesia," *Tradisi Islam: Peran dan Fungsinya dala Pembangunan di Indonesia*. Jakarta: Paramadina, 1997, 123-132.
- . *30 Sajian Ruhani: Renungan di Bulan Ramadhan*. Bandung: Mizan, 1998.
- Mahadi. *Beberapa Tjatetan Tentang Peradilan Agama*. Medan: Fakultas Hukum USU, 1969.
- Mahasin, Aswab et al., Eds. *Ruh Islam dalam Budaya Bangsa*. Jakarta: Yayasan Festival Istiqlal, 1996.
- Mahdi, S.M. "Islamic Philosophy in Contemporary Islamic Thought." *God and Man in Contemporary Islamic Thought*. Ed. C. Malik. Beirut: American University Press, 1972.
- Mahfudh, KH. MA. Sahal. *Nuansa Fiqih Sosial*. Yogyakarta: Lembaga Kajian Islam dan Sosial (LKIS), 1994.
- Mahmud, Said Ed. *15 Tahun Institut Agama Islam Negeri Jami'ah Ar-Raniry Darussalam Banda Aceh*. Banda Aceh: Panitia Harijadi ke-XV IAIN Jami'ah Ar-Raniry, 1978.
- Makdisi, George. "Muslim Institutions of Learning in Eleventh-Century Baghdad." *Bulletin of the School of Oriental and African Studies* 24 (1961): 1-56.
- . "Law and Traditionalism in the Institutions of Learning of Medieval Islam." *Theology and Law in Islam*. Ed. G. E. von Grunebaum. Wiesbaden: Otto Harrassowitz, 1971. pp. 75-88.
- . "The Scholastic Method in Medieval Education: An Inquiry into its Origins in Law and Theology." *Speculum* 49 (1974): 640-661.

- . "Ibn Taimiya: A Sufi of the Qadariya Order. *American Journal of Arabic Studies*, I (1974): 118-129.
- . "The Hanbali School and Sufism." *Boletin de la Asociacion Espanola de Orientalistas*, XV (1979): 115-126.
- Mallat, C. *The Renewal of Islamic Law: Muhammad Baqer As-Sadr, Najaf and the Shi'i International*. Cambridge: University Press, 1993.
- Maman S. Mahayana, Oyon Sofyan, & Achmad Dian. *Ringkasan dan Ulasan Novel Indonesia Modern*. Jakarta: Grasindo, 1992.
- Manan, Bagir. "Peranan Peradilan Agama dalam Pembinaan Hukum Nasional." *Hukum Islam di Indonesia: Pemikiran dan Praktek*. Ed. Juhaya S. Praja. Bandung: Rosdakarya, 1991. pp. 143-154.
- al-Maragi, A. M. *Terjemah Tafsir al-Maragi*. Semarang: Toha Putra, 1992.
- al-Maraghi, Mustafa. *Tafsir al-Marâghî*. Cairo: Mustafa al-Babi al-Halabi, 1946.
- al-Maraghi, Mustafa. *Al-ijtihâd fî al-Islâm*. Cairo: al-Maktab al-Fann, 1959.
- Mardin, S. "Some Explanatory Notes on the Origins of the *Mecelle*." *Muslim World* LI. (1961).
- Martin, Richard C. and Mark Woodward, with Dwi S. Atmaja. *Defenders of Reason in Islam: Mu'tazilism from Medieval School to Modern Symbol*. Oxford: One World, 1997.
- Mas'adi, Ghufron A. *Pemikiran Fazlur Rahman tentang Metodologi Pembaharuan Hukum Islam*. Jakarta: Rajawali Pers, 1997.
- Massignon, L. "Liste des principaux articles de politique sociale et religieuse publiés dans al-Manar du Caire, de 1916 à 1920, suivie de quelques notes." *RMM* 38 (1920): 210-216.
- Mastuhu. "Kiai Tanpa Pesantren: K.H. Ali Yafie dalam Peta Kekuatan Sosial Islam Indonesia," *Wacana Baru Fiqih Sosial*. Eds. Jamal D. Rahman, et al. Bandung: Mizan, 1997. pp. 259-272.
- Mas'udi, Masdar F. "Memahami Ajaran Suci dengan Pendekatan Transformasi." *Polemik Reaktualisasi Ajaran Islam*. Ed. Iqbal Abdurrauf Saimima. Jakarta: Pustaka Panjimas, 1988. pp. 175-191.
- , Ed. *Islam Indonesia Menatap Masa Depan*. Jakarta: P3M, 1990.
- , Ed. *Fiqh Permusyawaratan: Perwakilan Rakyat*. Jakarta: P3M dan Pesantren Cipasung, 1992.
- . "Menuju Keberagaman yang Pluralistik: Reorientasi Pemikiran Keagamaan Nahdhatul Ulama-Muhammadiyah." *Muhammadiyah dan*

- NU: Reorientasi Wawasan Keislaman*. Eds. Yunahar Ilyas. Yogyakarta: Kerjasama LPPI UMY, LPKSM NU & PP Al-Muhsin, 1993. pp. 183-191.
- Mas'udi, Masdar F. "Perempuan di antara Lembaran Kitab Kuning." *Wanita Islam dalam Kajian Tekstual dan Kontekstual*. Eds. Lies M. Marcoes-Natsir and J.H. Mueleman. Jakarta: INIS, 1993a. pp. 155-164.
- . "Pembaruan Nurcholish di Mata Orang *Pesantren*." *Ulumul Qur'an* IV. 1 (1993b): 28-33.
- . "Telaah Kritis atas Teologi Mu'tazilah." *Kontekstualisasi Doktrin Islam dalam Sejarah*. Ed. Budhy Munawar-Rachman. Jakarta: Yayasan Wakaf Paramadina, 1994. pp. 123-130.
- . "Konsep Harta yang Bersih." *Kontekstualisasi Doktrin Islam dalam Sejarah*. Ed. Budhy Munawar-Rachman. Jakarta: Yayasan Paramadina, 1994. pp. 423-429.
- . "Hak Milik dan Ketimpangan Sosial: Telaah Sejarah dan Kerasulan." *Kontekstualisasi Doktrin Islam dalam Sejarah*. (Budhy Munawar-Rachman, ed.) Jakarta: Yayasan Paramadina, 1994. pp. 631-667.
- ., Lies Marcoes, and Rosalia Sciortino. "Learning from Islam: Advocacy of Reproductive rights in Indonesian *Pesantren*." *Studia Islamika* IV. 2 (1997): 83-103.
- Masud, Muhammad Khalid, Brinkley Messick, and David S. Powers. "Muftis, *Fatwas*, and Islamic Legal Interpretation." *Islamic Legal Interpretation: Muftis and their Fatwas*. Cambridge: Harvard University Press, 1996. pp. 31-31.
- Masyhur, M. *Saham H.O.S. Tjokroaminoto dalam kebangunan Islam dan nasionalisme di Indonesia*. Yogyakarta: Nur Chahaya, 1980.
- Masyhuri, A. Aziz. *Masalah Keagamaan: Hasil Muktamar dan Munas Ulama NU kesatu 1926 s/d kedua puluh sembilan 1994*. Surabaya: PP RMI & Dinamika Press, 1997.
- Matheson, Virginia. "Pulau Penyengat: Nineteenth Century Islamic Centre of Riau." *Archipel* 37 (1989): 153-172.
- Matsura, Datu Michael O. "The Impact of Modern Development on Islam in Southeast Asia." *International Seminar on Islam in Southeast Asia, Organized by the State Institute of Islamic Studies 'Syarif Hidayatullah' Jakarta in cooperation with the Asia Foundation Jakarta*. Jakarta: Lembaga Penelitian Syarif Hidayatullah, 1986. pp. 44-53.
- McVey, Ruth. "Faith as the Outsider: Islam in Indonesian Politics." *Islam in the Political Process*. Ed. James P. Piscatori. pp. 199-225.

- Mehden, Fred R von der. *Religion and Nationalism in Southeast Asia*. Madison: University of Wisconsin Press, 1963.
- Meuleman, Johan Hendrik, Ed. *Tradisi, Kemoderenan dan Metamodernisme: Memperbincangkan Pemikiran Mohammed Arkoun*. Yogyakarta: LKiS, 1996
- , and Henri Chambert-Loir. "Les Instituts islamiques publics indonésiens," *Madrassa: La Transmission du Savoir dans le Monde Musulman*. Eds. Nicole Grandin and Marc Gaborieau. Paris: Éditions Arguments, 1997. pp. 199-216.
- Melchert, Christopher. *The Formation of the Sunni Schools of Law, 9th-10th Centuries*. Leiden: E.J. Brill, 1997.
- Metcalf, Barbara D. *Islamic Revival in British India: Deoband, 1860-1900*. Princeton: Princeton University Press, 1982.
- Minhaji, Akh. "Ahmad Hassan and Islamic Legal Reform in Indonesia, 1887-1958." Diss. McGill University, 1997.
- . "Kontribusi Dr. Wael B. Hallaq dalam Kajian Hukum Islam," *Pengalaman Belajar Islam di Kanada*. Ed. Yudian W. Asmin. Yogyakarta: Permika & Titian Ilahi, 1997a. pp. 115-142.
- . and Iskandar Arnel. *Petunjuk Praktis Belajar di Institute of Islamic Studies, McGill University, Montreal, Kanada*. Yogyakarta: Permika, 1997b.
- Mintaredja, Moh. Sjafa'at. *Renungan Pembaruan Pemikiran: Masyarakat Islam dan Politik di Indonesia*. Jakarta: Permata, 1971.
- . *Rekonstruksi Pemikiran Agama: Rationalisme versus Iman*. Jakarta: Tunas Jaya, 1975.
- Mitchell, Richard P. *The Society of the Muslim Brothers*. New York: Oxford University Press, 1969.
- Mobini-Kesheh, Natalie. "The Hadrami Awakening: Community and Identity in the Netherlands Indies." Diss. Monash University, 1996.
- . "The Arab Periodicals of the Netherlands East Indies, 1914-1942." *BKI* 152.2 (1996): 236-256.
- Moussay, Gérard. "Une Grande Figure de l'Islam Indonésien : Buya Hamka." *Archipel* 32 (1986): 87-111.
- Muchtarom, Zaini. "Kebijakan Pendidikan Islam di Departemen Agama." *Kontekstualisasi Ajaran Islam: 70 Tahun Prof. Dr. H. Munawir Sjadzali*. Eds. Muhamad Wahyuni Nafis et al. Jakarta: Yayasan Wakaf Paramadina, 1995. pp. 516-532.

- Mudzhar, Mohamad Atho. *Fatwa-Fatwa Majelis Ulama Indonesia: Sebuah Studi tentang Pemikiran Hukum Islam di Indonesia, 1975-1988*. Jakarta: INIS, 1993.
- . "Fiqh dan Reaktualisasi Ajaran Islam," *Kontektualisasi Doktrin Islam dalam Sejarah*. Ed. Budhy Munawar-Rachman. Jakarta: Yayasan Wakaf Paramadina, 1994.
- . "Letak Gagasan Reaktualisasi Hukum Islam Munawir Sjadzali di Dunia Islam." *Kontektualisasi Ajaran Islam: 70 Tahun Prof. Dr. H. Munawir Sjadzali*. Eds. Muhammad Wahyuni Nafis, et al. Jakarta: Paramadina, 1995. pp. 311-320.
- Mugni, Syafiq A. *Hassan Bandung: Pemikir Islam radikal*. Surabaya: Bina Ilmu, 1980.
- Muhammad, Mahdi Shams al-Din. *The Rising of al-Husayn: Its Impact on the Consciousness of Muslim Society*. Trans. I.K.A. Howard. London: The Muhammadi Trust, 1985.
- Munhanif, Ali. "Islam and the Struggle for Religious Pluralism in Indonesia: A Political Reading of the Religious Thought of Mukti Ali." *Studia Islamika* III. 1 (1996): 79-126.
- Mulkhan, Abdul Munir. *Masalah-Masalah Teologi dan Fiqh dalam Tarjih Muhammadiyah*. Yogyakarta: SIPress, 1994.
- Mulyati, Sri et al. *Islam and Development: A Politico-Religious Response*. Montreal: Permika, 1997.
- Mussalam, A. "Sayyid Qutb's Literary and Spiritual Orientation (1932-1938)." *Muslim World* 80.3 (1990).
- . "Sayyid Qutb and Social Justice, 1945-1948." *Journal of Islamic Studies* 4.1 (1993).
- Muzadi, A. Muchith. *NU dan Fiqh Kontesktual*. Yogyakarta: LPKSM NU DIY, 1994.
- Muzani, Saiful. "Mu'tazilah and the Modernization of the Indonesian Muslim Community: Intellectual Portrait of Harun Nasution." *Studia Islamika*: I.1 (1994): 93-131.
- Nafis, Abd. Wadud, and Darmanto, Trans. *Sebab-sebab Munculnya Madzhab Fiqih*. Jakarta: Arista Brahmadyasa, 1996.
- Nakamura, Mitsuo. *The Crescent Arises over the Banyan Tree: A Study of the Muhammadiyah Movement in a Central Javanese Town*. Yogyakarta: Gadjah Madah University Press, 1983.

- Nasir Tamara, et al., Eds. *Hamka di Mata Hati Umat*. Jakarta: Sinar Harapan, 1983.
- Nasr, Seyyed Vali Reza. *The Vanguard of the Islamic Revolution: The Jama'at-i Islami of Pakistan*. Berkeley: University of California Press, 1994.
- Nasution, Harun. *Pembaharuan dalam Islam*. Jakarta: Bulan Bintang, 1982.
- . *Pembaharuan dalam Islam*. Jakarta: Bulan Bintang, 1985.
- . *Muhammad Abduh dan Teologi Rasional Mu'tazilah*. Jakarta: UI Press, 1987.
- . "Tasauf," *Kontektualisasi Doktrin Islam dalam Sejarah*. Ed. Budhy Munawar-Rachman. Jakarta: Yayasan Wakaf Paramadina, 1994. pp. 161-180.
- . *Islam Rasional: Gagasan dan Pemikiran*. Bandung: Mizan, 1995.
- Nasution, Khoiruddin. "Maslahah and Its Application in Indonesian *Fatwâ*." *Studia Islamika* III. 4 (1996): 103-136.
- Nasution, Yunan Yusuf. *Corak Pemikiran Kalam Tafsir al-Azhar: Sebuah Telaah tentang pemikiran Hamka dalam teologi Islam*. Jakarta: Pustaka Panjimas, 1990.
- Natsir, M. *Capita Selecta* I. Bandung: W. van Hoeve, 1954.
- . *Capita Selecta* II. Jakarta: Pustaka Pendis, 1957.
- . "Dual Kali Berjumpa." *Kenang-kenangan 70 Tahun Buya Hamka*. Eds. Solichin Salam, et al. Jakarta: Pustaka Panjimas, 1983. pp. 7-11.
- Nayed, A.A. "The Radical Qur'anic Hermeneutics of Sayyid Qutb." *Islamic Studies* 31.3 (1992).
- . "The Unitary Qur'anic Hermeneutics of Muhammad Baqir al-Sadr." *Islamic Studies* 31.4 (1992).
- Nazwar, Akhria. *Syekh Ahmad Khatib: Ilmuwan Islam di Permulaan Abad ini*. Jakarta: Pustaka Panjimas, 1983.
- Noer, Deliar. *The Modernist Muslim Movement in Indonesia: 1900-1942*. New York: Oxford University Press, 1973.
- . *The Administration of Islam in Indonesia*. Ithaca: Cornell Modern Indonesia Project, 1978.
- . "Hamka dan Sejarah." *Kenang-kenangan 70 Tahun Buya Hamka*. Eds. Solichin Salam, et al. Jakarta: Pustaka Panjimas, 1983. 169-188.

- Nöldeke, T. *Geschichte des Qorans*. Hildesheim: Georg Olms, 1961.
- Norton, Richard A. "Musa al-Sadr." *Pioneers of Islamic Revival*. Ed. Ali Rahnama. London: Zed Books, 1994. pp.184-207.
- Notosusanto. *Organisasi dan Jurisprudensi Peradilan Agama di Indonesia*. Yogyakarta: Gadjah Mada, 1963.
- Nuruddin, Amiur. *Ijtihâd `Umar Ibn al-Khattâb: Studi tentang Perubahan Hukum dalam Islam*. Jakarta: Rajawali Pers, 1987.
- Nurujulianti and Arief Subhan. "Lembaga-lembaga Syi'ah di Indonesia." *Ulumul Qur'an* VI, 4 (1995): 20-26.
- O'Fahey, R.S. *Enigmatic Saint: Ahmad Ibn Idris and the Idrissiyah Tradition*. Evanston, Il: 1990.
- , and Bernd Radtke. "Neo-Sufism Reconsidered." *Der Islam* LXX.1 (1993): 52-87.
- O'Neill, Hugh. "Islamic Architecture under the New Order." *Culture and Society in New Order Indonesia*. Ed. Virginia Matheson Hooker. Kuala Lumpur: Oxford University Press, 1993. pp. 151-165.
- Peacock, James L. *Muslim Puritans: Reforming Psychology in Southeast Asian Islam*. Berkeley: University of California Press, 1978.
- . *Purifying the Faith*. Chapel Hill: University of North Carolina Press, 1978.
- . "Dahlan and Rasul: Indonesian Muslim Reformers." *The Imagination of Reality: Essays in Southeast Asian Coherence Systems*. Eds. A.L. Becker and Aram A. Yengoyan. Norwood, NJ: ALEX Publishing, 1979. 245-268.
- Pelras, Ch. "Religion, Tradition, and the Dynamics of Islamization in South Sulawesi," *Archipel* 29 (1985): 107-136.
- Perwataatmadja, Karnaen H. "Pembangunan dan Upaya Perbaikan Taraf Hidup: Sekilas Pandangan K.H. Ali Yafie." *Wacana Baru Fiqih Sosial*. Ed. Jamal D. Rahman. Bandung: Mizan, 1997. pp. 273-285.
- Peters, Rudolph. "Idjtihad and Taqlid in 18th and 19th Century Islam." *Die Welt des Islams* XXX. 3-4 (1980): 131-145.
- . "Reinhard Schulze's Quest for an Islamic Enlightenment." *Die Welt des Islams* XXX. 3-4 (1990): 160-162
- Pijper, G.F. "Nieuwe godsdienstige denkbeelden in Benkoelen." *Fragmenta Islamica: Studien over het Islamisme in Nederlandsch-Indië*. Leiden: E.J. Brill, 1934.

- . "Mi`radj." *Fragmenta Islamica: Studien over het Islamisme in Nederlandsch-Indië*. Leiden: E.J. Brill. 1934. pp. 125-58.
- . "De Ahmadijah in Indonesia." *Bingkisan Budi: een bundel opstellen aan Dr. Phillipus Samuel van Ronkel door vrienden en leerlingen aangeboden op zijn tachtigste verjaardag 1 Augustus 1950*. Leiden: A.W. Sijtoff, 1950. pp. 247-254.
- . "Het Rerformisme in de Indonesische Islam." *Studien over de Geschiedenis van de Islam in Indonesia 1900-1950*. Leiden: Brill, 1977.
- Poonawala, Ismail K. "Muhammad `Izzat Darwaza's Principles of Modern Exegesis: a Contribution Toward Quranic Hermeneutics." *Approaches to the Qur'an*. Eds. G.R. Hawting and Abdul-Kader A. Shareef. London: Routledge, 1993. pp. 225-246.
- Powers, David S. *Studies in Qur'an and Hadith: The Formation of the Islamic Law of Inheritance*. Berkeley: University of California Press, 1986
- Prabowo, Taufiq, and Claude Guillot. "Les Pesantrèn ou centres d'enseignement de l'Islam à Java." *Madrassa: La Transmission du Savoir dans le Monde Musulman*. Eds. Nicole Grandin and Marc Gaborieau. Paris: Éditions Arguments, 1997. pp. 185-198.
- Prasetyo, Hendro. "Pancasila as an Islamic Ideology for Indonesian Muslims: An Interview with Munawir Sjadzali." *Studia Islamika* I. 1 (1985): 185-205.
- Prawiranegara. Syafruddin. "Reinterpretasi sebagai Dasar Reaktualisasi Ajaran-ajaran Islam." *Polemik Reaktualisasi Ajaran Islam*. Jakarta: Pustaka Panjimas, 1988. pp. 28-42.
- Prince, Gé. "Dutch Economic Policy in Indonesia." *Economic Growth in Indonesia, 1820-1940*. Eds. Angus Maddison and Gé Prince. Dordrecht: Foris Publications, 1989. pp. 203-226.
- Proudfoot, I. "A Formative Period in Malay Book Publishing." *JMBRAS* 59 (1986): 101-132.
- . *The Print Threshold in Malaysia*. Clayton: Monash University Center of Southeast Asian Studies, 1994.
- . "Mass Producing Houris Moles, or Aesthetics and Choice of Technology in Early Muslim Book Printing." *Islam- Essays in Scripture, Thought and Society: A Festschrift in honour of Anthony H. Johns*. Eds. Peter Riddell and Tony Street. Leiden: E.J. Brill, 1997. pp. 161-184.
- Puar, Yusuf Abdullah, Ed. *Muhammad Natsir 70 Tahun: Kenang-kenangan kehidupan dan perjuangan*. Jakarta: Pustaka Antara, 1978.

- Pulungan, J. Suyuthi. *Prinsip-Prinsip Pemerintahan dalam Piagam Madinah Ditinjau dari Pandangan Al-Quran*. Jakarta: Rajawali, 1994.
- Putro, Suadi. *Mohammed Arkoun tentang Islam dan Modernitas*. Jakarta: Yayasan Wakaf Paramadina, 1998.
- Putten, Jan van der. "Printing in Riau: Two Steps Toward Modernity." *BKI* 153.4 (1997): 717-736.
- Qardhawi, Yusuf. *Fiqhul Ikhtilaf: Gerakan Perbedaan yang Dbolehkan dan Perpecahan yang Dilarang*. Trans. Aunur Rafiq Shaleh Tamhid. Jakarta: Robbani Press, 1995.
- Radtke, B. "Ijtihad and Neo-Sufism." *Asiatische Studien/ Études Asiatiques* XLVIII.3 (1994): 909-921.
- Rahardjo, M. Dawam. *Intelektual Inteligencia dan Perilaku Politik Bangsa: Risalah Cendekiawan Muslim*. Bandung: Mizan, 1993/ 1413.
- Rahman, Fazlur. *Islamic Methodology in History*. Karachi: Central Institute of Islamic Research, 1965.
- . "The Impact of Modernity on Islam." *Religious Pluralism and World Community*. Leiden: E.J. Brill, 1969. pp. 248-262.
- . *Islam and Modernity: Transformation of an Intellectual Tradition*. Chicago: University of Chicago Press, 1982.
- . *Tema Pokok Al-Qur'an*. Bandung: Penerbit Pustaka, 1983.
- Rahman, Jamal D. Ed. "Biografi dan Visi Seorang Ulama." *Wacana Baru Fiqih Sosial: 70 Tahun K.H. Ali Yafie*. Bandung, Mizan, 1997. pp. 3-48.
- Rahmat, Hadijah bte. "The Printing Press and the Changing Concepts of the Literature, Authorship, and Notions of Self in Malay Literature." *JMBRAS* LXIX.1 (1996): 64-84.
- Rais, M. Amien. *Cakrawala Islam: Antara Cita dan Fakta*. Bandung: Mizan, 1987.
- Rakhmat, Jalaluddin. *Islam Alternatif: Ceramah-Ceramah di Kampus*. Bandung: Mizan, 1986.
- . "Ijtihād: Sulit diperlakukan, tetapi Perlu." *Ijtihād dalam Sorotan*. Bandung: Mizan, 1988.
- . "Sistem Pengambilan Hukum oleh Aimmatu al-Madzahib (Tanggapan atas Ceramah K.H. Ali Yafie)." *Kontroversi Pemikiran Islam di Indonesia*. Eds. Muhtar Gandaatmadja et al. Bandung: PT Remaja Rosdakarya, 1990. pp. 21-24.

- . *Islam Aktual: Refleksi-Sosial Seorang Cendekiawan Muslim* (Bandung: Mizan, 1991)
- . *Tafsir Bil Ma'tsur: Pesan Moral Alquran*. Bandung: PT Remaja Rosdakarya, 1993.
- . "Skisma dalam Islam: Sebuah Telaah Ulang." *Kontektualisasi Doktrin Islam dalam Sejarah*. Ed. Budhy Munawar-Rachman. Jakarta: Yayasan Wakaf Paramadina, 1994.
- . "Tinjauan Kritis atas Sejarah *Fiqh*: Dari *Fiqh* al-Khulafa' al-Rasyidin Hingga Madzhab Liberalisme." *Kontektualisasi Doktrin Islam dalam Sejarah*. Ed. Budhy Munawar-Rachman. Jakarta: Yayasan Wakaf Paramadina, 1994. pp. 251-310.
- . "Dari Sunnah ke Hadits, atau Sebaliknya." *Kontektualisasi Doktrin Islam dalam Sejarah*. Ed. Budhy Munawar-Rachman. Jakarta: Yayasan Wakaf Paramadina, 1994a. pp. 224-236.
- . "Konsep *Asbab al-Nuzul* dan Relevansinya bagi Pandangan Historis Segi-segi Tertentu Ajaran Keagamaan." pp. 24-41;
- . "Masalah Ta'wil sebagai Metodologi Penafsiran al-Qur'an." pp. 11-23; & "Tradisi Syarah dan Hasyiyah dalam *Fiqh* dan Masalah Stagnasi Pemikiran Hukum Islam." pp. 311-318.
- . *Catatan Kang Jalal: Visi Media, Politik, dan Pendidikan*. Bandung: PT Remaja Rosdakarya, 1997.
- . *Menjawab Soal-soal Islam Kontemporer*. Bandung: Mizan 1998.
- Ramage, Douglas E.. *Politics in Indonesia: Democracy, Islam, and the Ideology of Tolerance*. London: Routledge, 1995.
- Rangkuti, Bahrum. "Islam and Modern Indonesian Literature." *Handbuch der Orientalistik (Literaturen) I*. Leiden: E.J. Brill, 1976. pp. 246-71.
- Rasyidi, H.M. *Koreksi terhadap Drs. Nurcholish Madjid tentang Sekularisasi*. Jakarta: Bulan Bintang, 1977.
- . "Pergolakan Pemikiran Islam." *Kiblat* XXIX.16 (Jan. 1982).
- Rasyid, M. Ryaas. "Kiai Haji Ali Yafie: Portret Perdamaian Ulama-Umara." *Wacana Baru Fiqih Sosial*. Ed. Jamal D. Rahman. Bandung: Mizan, 1997. pp. 233-240.
- Reid, D.M. *Cairo University and the Making of Modern Egypt*. Cambridge: University Press, 1990.
- Ricklefs, M.C. *A History of Modern Indonesia c. 1300 to the Present*. Bloomington: Indiana University Press, 1993.

- Ridwan, Mustoffa Kamil. "Buya Hamka." *Ummat* no. 3 Thn. 1.7 Agustus/ 10 Rabiul Awal 1416 H. (1995): 15.
- Ritonga, Iskandar. "Pemikiran Hazairin tentang Pembaharuan Hukum Islam di Indonesia." M.A. Thesis. IAIN Syarif Hidayatullah (Jakarta), 1995.
- Robinson, F. "Technology and Religious Change: Islam and the Impact of Print." *Modern Asian Studies* 27.1 (1993): 229-251.
- Roff, W.R. "The Malayo-Muslim World of Singapore at the Close of the Nineteenth Century." *Journal of Asian Studies* 24.1 (1964): 75-90.
- . *Sejarah Surat2 Khabar Melayu*. Pulau Pinang: Saudara Sinaran Berhad, 1967.
- . "Indonesian and Malay Students in Cairo in the 1920's." *Indonesia* 9 (1970): 73-87.
- . "South-East Asian Islam in the Nineteenth Century." *The Cambridge History of Islam*. Ed. P.M. Holt, et al. Cambridge: University Press, 1970. II: 155-181.
- . *Autobiography and Biography in Malay Historical Studies*. Singapore: Institute of Southeast Asian Studies, 1972.
- . *Bibliography of Malay and Arabic Periodicals published in the Straits Settlements and the Peninsular Malay States, 1876-1941*. London: Oxford University Press, 1972.
- Ronkel, Ph. S. van. *Supplement to the Catalogue of the Arabic Manuscripts Preserved in the Museum of the Batavia Society of Arts and Science*. Batavia: Albrecht & Co., 1913.
- Rosenthal, E. *Islam in the Modern National State*. Cambridge: University Press, 1965.
- Rosenthal, Franz. "The Technique and Approach of Muslim Scholarship." *Acta Orientalia* 24 (1947).
- . *The Muslim Concept of Freedom Prior to the Nineteenth Century*. Leiden: E.J. Brill, 1960.
- . *Knowledge Triumphant: The Concept of Knowledge in Medieval Islam*. Leiden: E.J. Brill, 1970.
- . "The Study of Muslim Intellectual and Social History: Approaches and Methods." *The Third Annual United Arab Emirates Lecture in Islamic Studies*. University of Michigan, Ann Arbor, 1980.

- . "Of Making Many Books There Is No End': The Classical Muslim View." *The Book in the Islamic World: The Written Word and Communication in the Middle East*. Ed. George N. Atiyeh. Albany: State University of New York Press, 1995. pp. 33-56.
- Roy, Olivier. *The Failure of Political Islam*. Trans. Carol Volk. Cambridge: Harvard University Press, 1994.
- Rush, James. "Hamka dan Indonesia Modern." *Kenang-kenangan 70 Tahun Buya Hamka*. Jakarta: Pustaka Panjimas, 1983.
- Rusjdi. "Generasi Terachir Keluarga Paderi." *Gema Islam* I.4 (1962): 24-27.
- . "Generasi Terachir Keluarga Paderi (sambungan)." *Gema Islam* I.5 (1962): 6/ 28-30.
- . "Sedjarah Penerbitan Madjalah al-Munir: Pelopor Pers Islam dengan Aliran Moderen jang dibawanja." *Gema Islam* I.1 (1962): 22-25.
- . "Hamka dan Pers Islam dalam Perjuangan Tajdid." *Kenang-kenangan 70 Tahun Buya Hamka*. Eds. Solichin Salam, et al. Jakarta: Pustaka Panjimas, 1983. pp. 438-448.
- . *Pribadi dan Martabat Prof. Dr. Hamka*. Jakarta: Panji Masyarakat, 1981.
- Rusydi, Ibnu. *Bidayatul Mujtahid wa Nihayatul Muqtashid*. Jakarta (?): Trigenda Karya, 1997.
- Sabiq, Sayyid. *Tarjamah dan Koreksi Fiqhus Sunnah*. Trans. M. Thalib. Bandung: Gema Risalah Press, 1996.
- Sarijo, Marwan. "Mengerling Hamka lewat Roman-Romannya." *Kenang-kenangan 70 Tahun Buya Hamka* (ed. Solichin Salam, et al.). Jakarta: Pustaka Panjimas, 1983. pp. 327-337.
- Said, H.A. Fuad. *Syekh Abdul Wahab, Tuan Guru Babussalam*. Medan: Pustaka Babussalam, 1983.
- Salam, Solichin. *K.H. Ahmad Dahlan, Reformer Islam Indonesia*. Jakarta, 1963.
- . *Bung Karno dan Kehidupan Berpikir Dalam Islam*. Jakarta, 1964.
- . "Berkenalan Dengan Buya Hamka." *Kenang-kenangan 70 Tahun Buya Hamka*. Eds. Solichin Salam, et al. Jakarta: Pustaka Panjimas, 1983. pp. 365-382.
- Salleh, Abdullah al-Qari b. Haji, Ed. *Cerpen-cerpen To' Kenali* (in Jawi). Kota Bharu: Pustaka Dian, 1969.

- . "To' Kenali: His Life and Influence." *Kelantan: Religion, Society, and Politics in a Malay State*. Ed. William R. Roff. Kuala Lumpur: Oxford University Press, 1974. pp. 87-100.
- Santillana, David. *Istituzioni di diritto musulmano malichita con riguardo anche al sistema sciafiita*. Rome: Istituto per l'Oriente, 1925-38.
- al-Shana'ani, Muhammad b. Ismail al-Khalani. *Subulus Salam: Hadits-hadits Hukum*. Surabaya: al-Ikhlâs, n.d.
- Schacht, J. "Zur Wahhabitischen Literatur." *Zeitschrift für Semitistik und verwandte Gebiete* 6 (1928): 200-213.
- Schacht, J. "Sarî'a und Qânûn im modernen Ägypten." *Der Islam* xx (1932): 209-236.
- . "Classicisme, traditionalisme et ankylose dans le loi religieuse de l'Islam." *Classicisme et déclin culturel dans l'histoire de l'Islam*. Paris: G.-P. Maisonneuve, 1957. pp. 141-166.
- . "Islamic Law in Contemporary States." *American Journal of Comparative Law* vii (1959): 133-147.
- . "Problems of Modern Islamic Legislation." *Studia Islamica* XII (1960): 99-129.
- Schimmel, Annemarie. *And Muhammad is His Messenger: The Veneration of the Prophet in Islamic Piety*. Chapel Hill: University of North Carolina Press, 1985.
- . *Muhammad Iqbal, Prophetischer Poet und Philosoph*. Munich: E. Diederichs, 1989.
- Schrieke, B.J.O. "Bijdrage tot de Bibliographie van de Huidige Godsdienstige te Sumatra's Westkust." *Tijdschrift voor het Bataviaasch Genootschap* 59 (1921): 298-300.
- Schulze, R. "Der Einfluss Islamischer Organisationen auf die Länder Südostasiens." *Mitteilungen des Instituts für Asienkunde*. Ed. W. Draghun. Hamburg: 1983.
- . "Das Islamische Achtzehnte Jahrhundert: versuch einer historiographischen Kritik." *Die Welt des Islams* XXX (1990): 140-159.
- Scupin, Raymond. "Thai Muslims in Bangkok: Islam and Modernization in a Buddhist Society." Diss. University of California, Santa Barbara dissertation, 1978.
- Schussman, Aviva. "The Legitimacy and Nature of Mawlid al-Nabi (Analysis of a Fatwa)." *Islamic Law and Society* 5.2 (1998): 214-234.

- Schwarz, Adam. *A Nation in Waiting: Indonesia in the 1990's*. Boulder: Westview Press, 1994.
- Shaham, Ron. *Family and the Courts in Modern Egypt: A Study Based on Decisions by the Sharī'a Courts, 1900-1955*. Leiden: E.J. Brill, 1997.
- Shaista P., Ali-Karamali, and Fiona Dunne. "The *Ijtihād* Controversy." *Arab Law Quarterly* 9 (1994): 238-257.
- Sharabi, H. *Arab Intellectuals and the West: The Formative Years, 1875-1914*. Baltimore: Johns Hopkins University Press, 1970.
- Shaltut, Mahmud. *Tafsīr al-Qur'ān al-Karīm, al-'ajza' al-'ashra al-'ūlā*. Cairo: Dar al-Qalam, 1960.
- . *Al-Islām: 'Aqidah wa shari'ah*. Beirut: Dar al-Sharq, 1988.
- , and Muhammad 'Ali Sayis. *Muqāranat al-madhāhib fi'l-fiqh*. Cairo: Matba'at Muhammad 'Ali Subayh, 1953.
- al-Shawkani, Muhammad b. 'Ali. *Kitāb al-sayl al-jarār al-mutadfiq 'ala Hadā'iq al-Azhār*. Ed. Muhammad Ibrahim Zayd. Beirut: Dar al-kitab al-'ilmiyyah, n.d.
- . *Irshād al-fuhūl ila tahqīq 'ilm al-usūl*. Beirut: al-Thaqāfiyyah, 1414 H./ 1993.
- . *Nayl al-'awtār sharh muntaqā l'akhbār min 'ahādīth sayyad al-akhyār*. Beirut: Dār al-fikr, 1414 H./ 1994.
- . *Fath al-qadīr al-jāmi' bayn fannī al-riwāyat wa al-darāyat min 'ilm al-tafsīr*. Damascus: Dār ibn kathīr, 1414H./ 1994a.
- Sheppard, William. "The Development of the Thought of Sayyid Qutb as Reflected in Earlier and Later editions of *Social Justice in Islam*." *Die Welt des Islams* XXXII.2 (1992): 196-236.
- . *Sayyid Qutb and Islamic Activism: A Translation and Critical Analysis of Social Justice in Islam*. Leiden: E.J. Brill, 1996.
- Shiddiqi, Nourouzzaman. "Muhammad Hasbi Ash Shiddieqy: Pembaruan Pemikiran Islam." *Jeram-Jeram Peradaban Muslim*. Yogyakarta: Pustaka Pelajar, 1996. pp. 217-253.
- . *Fiqh Indonesia: Penggagas dan Gagasannya*. Yogyakarta: Pustaka Pelajar, 1995.
- Shihab, Quraish. "Membumikan" *Al-Qur'an: Fungsi dan Peran Wahyu dalam Kehidupan Masyarakat*. Bandung: Mizan, 1992.

- . "Persoalan-persoalan Penafsiran Metaforis atas Fakta-fakta Tekstual." *Kontekstualisasi Doktrin Islam dalam Sejarah*. Ed. Budhy Munawar-Rachman. Jakarta: Yayasan Paramadina, 1994. pp. 1-10.
- . "Reaktualisasi dan Kritik." *Kontekstualisasi Ajaran Islam: 70 Tahun Prof. Dr. H. Munawir Sjadzali*. Eds. Muhammad Wahyuni Nafis, et al. Jakarta: Paramadina, 1995. pp. 321-332.
- Siregar, Bismar. "Prof. Mr. Dr. Hazairin Seorang Mujahid Penegak Hukum Berdasar Ke-Tuhanan Yang Maha Esa." *Renungan Hukum dan Iman*. Jakarta: Grafikatama Jaya, 1988. pp. 87-104.
- . "Hukum Islam Sebagai Institusi Keagamaan." *Hukum Islam di Indonesia: Pemikiran dan Praktek*. Ed. Juhaya S. Praja. Bandung: Rosdakarya, 1991. pp. 19-40.
- Sjadzali, Munawir. "Dinamika dan Vitalitas Hukum Islam." *Panji Masyarakat* No. 459 (1985): pp. 25-28.
- . "Reaktualisasi Ajaran Islam." *Polemik Reaktualisasi Ajaran Islam*. Jakarta: Pustaka Panjimas, 1988. pp. 1-11.
- . "Ijtihâd dan Kemaslahatan Umat." *Ijtihâd dalam Sorotan*. Eds. Haidar Bagir and Syafiq Basri. Bandung: Penerbit Mizan, 1988. pp. 117-126)
- . *Islam dan Tata Negara: Ajaran, Sejarah, dan Pemikiran*. Jakarta: Universitas Indonesia Press, 1990. This work has since become available in English translation as: *Islam and Governmental System*. Jakarta: INIS, 1991.
- . "Landasan Pemikiran Politik Hukum Islam dalam Rangka Menentukan Peradilan Agama di Indonesia." *Hukum Islam di Indonesia: Pemikiran dan Praktek*. Ed. Juhaya S. Praja. Bandung: Rosdakarya, 1991a. pp. 41-68.
- . "Syariah: A Dynamic Legal System." *Islam: Realitas Bar dan Orientasi Masa Depan Bangsa*. Jakarta: Universitas Indonesia Press, 1993. pp. 9-15.
- . "The Role of Muslim Religious Leaders (Ulama) in the Solution of the Population Problem." *Islam: Realitas Baru dan Orientasi Masa Depan Bangsa*. Jakarta: Universitas Indonesia Press, 1993. pp. 67- 73.
- . "Aspirasi Umat Islam Terpenuhi tanpa Partai Islam." *Islam: Realitas Baru dan Orientasi Masa Depan Bangsa*. Jakarta: Universitas Indonesia Press, 1993. pp. 61-66.
- . "Dari Lembah Kemiskinan." *Kontekstualisasi Ajaran Islam: 70 Tahun Prof. Dr. H. Munawir Sjadzali*. Eds. Muhammad Wahyuni Nafis, et al. Jakarta: Paramadina, 1995. pp. 1-118.

- . "Relevansi Hukum Keluarga Islam dengan Kebutuhan Masa Kini." *Dimensi Hukum Islam dalam Sistem Hukum Nasional*. Eds. Amrullah Ahmad, et al. Jakarta: Gema Insani Pres, 1996. pp. 223-226.
- . *Ijtihâd Kemanusiaan*. Jakarta: Yayasan Paramadina, 1997.
- Skinner, C. "The Influence of Arabic upon Modern Malay." *Intisari*. 1965. II: 34-47.
- Skovgaard-Petersen, Jakob. *Defining Islam for the Egyptian State: Muftis and Fatwas of the Dar al-Iftâ*. Leiden: E.J. Brill, 1997.
- Smith, Wilfred Cantwell. *The Meaning and End of Religion*. New York: Macmillan, 1963.
- Snouck Hurgronje, C. *The Acehnese*. Trans. W.S. O`Sullivan. Leiden: E.J. Brill, 1906.
- . *Verspreide Geschriften (Gesammelte Schriften)*. Bonn: Kurt Schroeder Verlag, 1921-1927.
- . *Mekka in the Latter Part of the 19th Century*. Leiden: E.J. Brill, 1931.
- . *Ambtelijke Adviezen van C. Snouck Hurgronje: 1889-1936*. Ed. E. Adriaanse. 's-Gravenhage, Martinus Nijhoff/ Rijks Geschiedkundige Publicatiën, 1957.
- Soebagijo, I.N. *K.H. Mansur: Pembaharu Islam di Indonesia*. Jakarta: Gunung Agung, 1982.
- Soenoto, Faizah. *Il Romanzo Popolare Indonesiano d'Anteguerra*. Napoli: Istituto Orientale di Napoli, 1976.
- Sonius, H.W.J., Ed. *Van Vollenhoven on Indonesian Adat Law*. The Hague: Martinus Nijhoff, 1981.
- Sonn, Tamara. *Interpreting Islam: Bandali Jawzi's Islamic Intellectual History*. New York: Oxford University Press, 1996.
- Speight, R. Marston. "The Function of *hadîth* as Commentary on the Qur'ân, as seen in the Six Authoritative Collections." *Approaches to the History of the Interpretation of the Qur'ân*. Ed. Andrew Rippin. Oxford: Clarendon Press, 1988. pp. 63-81.
- Steenbrink, Karel. *Beberapa Aspek tentang Islam di Indonesia Abad ke-19*. Jakarta: Bulan Bintang, 1984.
- . *Pesantren, Madrasah, Sekolah: Pendidikan Islam dalam Kurun Moderen*. Jakarta: LP3ES, 1986.

- . "Hamka en de nadere islamisering van Makassar." *Excursies in Celebes: Een bundel bijdragen bij het afscheid van J. Noorduyn* Eds. Harry A. Poeze and Pim Schoorl. Leiden: KITLV Uitgeverij, 1991. pp. 217-232.
- . "Hamka (1908-1981) and the Integration of the Islamic Ummah of Indonesia." Vol. I *Studia Islamika*. Jakarta: IAIN: Jakarta: IAIN, 1994. 119-148.
- Sutrisno, Sulasatin. "Classical Malay Literature and its Heirs." *Variation, Transformation, & Meaning: Studies on Indonesian Literatures in Honor of A. Teeuw*. Ed. J.J. Ras & S.O. Robson. Leiden: KITLV Press, 1991. pp. 37-52.
- Suwito and Muhib Abdul Wahab. "Majlis al-`ulamâ' al-indûnîsî fî munâdalat al-barnâmij al-siyâsî." *Studia Islamika* 113-139. .
- Swartz, Merlin L. *Ibn al-Jawzi's Kitâb al-Qussâs wa'l-Mudhakkirîn*. Beirut: Dar El-Machreq Éditeurs, 1969.
- Syafi'i Ma`arif. *Peta Bumi Intelektualisme Islam di Indonesia*. Bandung: Mizan, 1993.
- Syaltout, M. *Tafsir al-Quranul Karim (Pendekatan Syaltut dalam Menggali Esensi al-Quran)*. Bandung: Diponegoro, 1989.
- Syari'ati, Ali. *Islam Agama Protes*. Trans. Satrio Pinandito. Jakarta: Pustaka Hidayah, 1993.
- Syu'ob, H.M. Joesoef. "Buya Hamka: Contoh Hidup dan Harga Kemauan." *Kenang-kenangan 70 Tahun Buya Hamka*. Eds. Solichin Salam, et al. Jakarta: Pustaka Panjimas, 1983. pp. 262-271.
- Tabataba'i, `Allamah and S.M. Waris Hasan. "The Shi'i Interpretation of Hadith Literature." *Shi'ism: Doctrines, Thought, and Spirituality*. Eds. Hamid Dabashi et al. Albany: SUNY Press, 1988. pp. 34-43.
- Tarmizi Tahir, who advance his ideas on the subject in numerous Indonesian speeches and essays, as well as an English-language monograph: *Aspiring for the Middle Path: Religious Harmony in Indonesia*. Jakarta: CENSIS, 1997.
- Thalib, Sajuthi. *Hukum Kekeluargaan Nasional Berlaku bagi Imat Islam*. Jakarta: Penerbit Universitas Indonesia, 1974.
- . *Receptio a Contrario (Hubungan Hukum Adat dengan Hukum Islam)*. Jakarta: Penerbit Academica, 1980.
- ., Ed. *Pembaharuan Hukum Islam di Indonesia, in memoriam Prof. Mr. Dr. Hazairin*. Jakarta: Penerbit Universitas Indonesia, 1981.
- . *Hukum Kewarisan Indonesia*. Jakarta: Bina Aksara, 1982.

- . *Lima Serangkai tentang Hukum*. Jakarta: Bina Aksara, 1983.
- “Upaya Membakukan Buku dan Membukukan Baku Aswaja.” *Aula: Majalah Nahdatul Ulama* XIX, 3 (March 1997): 12-22.
- Vajda, George. *La Transmission du Savoir en Islam (VIIe-XVIIIe siècles)*. London: Variorum, 1983.
- Voll, J. “Muhammad Hayya al-Sindi and Muhammad ibn ‘Abd al-Wahhab: An Analysis of an Intellectual Group in 18th Century Madina.” *Bulletin of the School of Oriental and African Studies* XXXVII (1975).
- . “Hadith Scholars and Tariqahs: An Ulama Group in the 18th Century Haramayn and their Impact in the Islamic World.” *Journal of Asian and African Studies* XV (1980).
- . *Islam: Continuity and Change in the Modern World*. Boulder: Westview Press, 1982.
- Vollenhoven, Cornelius van. *Miskenningen van het Adatrecht, Vier Voordrachten aan de Nederlandsche-Indische Bestuursacademie*. Leiden: E.J. Brill, 1909.
- . *Het Adatrecht van Nederlansch-Indië*. Leiden: E.J. Brill. 1918 & 1931.
- . *De Ontdekking van het Adatrecht*. Leiden: E.J. Brill, 1928.
- . *Opstellen over Adatrecht: 1901-3i*. Leiden: E.J. Brill, 1933.
- Vredembregt, J. “The Haddj: Some of its Features and Functions in Indonesia.” *BKI* 118.1 (1962): 91-154.
- Waardenburg, J. *L'Islam dans le Miroir de l'Occident*. Paris: Mouton, 1962.
- Waardenburg, J. “Puritans in Arabia: the Wahhâbi movement (18th-19th century).” *The Quest for Purity: Dynamics of Puritan Movements*. Berlin: Mouton de Gruyter, 1988.
- . “Some Thoughts on Modernity and Modern Muslim Thinking about Islam,” *Islam and the Challenge of Modernity-- Proceedings of the Inaugural Symposium on Islam and the Challenge of Modernity: Historical and Contemporary Contexts, Kuala Lumpur, August 1-5, 1994*. Ed. Sharifah Shifa al-Attas. Kuala Lumpur: ISTAC, 1996. pp. 317-350.
- Wahid, Abdurrahman. *Muslim di Tengah Pergumulan*. Jakarta: Lappenas, 1981.
- . “Pengaruh Perubahan Sosial Pada Perkembangan Hukum Islam.” *Aula: Majalah Nahdatul Ulama*. XVII. 3 (Maret 1995): 34-46.

- Wahyudi, Yudian. "Hasbi's Theory of Ijtihād in the Context of Indonesian Fiqh." Diss. McGill University, 1993.
- Wall, H. von de. "Eene Inlandsche Drukkerij te Palembang." *Tijdschrift voor Indische Taal-, Lane- en Volkenkunde* 6 (1857): 193-198.
- Ward, K.E.. *The Foundation of the Partai Muslimin Indonesia*. Ithaca: Cornell Modern Indonesia Project, 1970.
- Watson, C.W. "Religion, Nationalism, and the Individual in Modern Indonesian Autobiography." *Variation, Transformation, & Meaning: Studies on Indonesian Literatures in Honor of A. Teeuw*. Eds. J.J. Ras & S.O. Robson. Leiden: KITLV Press, 1991. pp. 137-162.
- Watt, W. Montgomery. *Islamic Revelation in the Modern World*. Edinburgh: The University Press, 1969.
- Watt, W. M. "The Closing of the Door of Ijtihād." *Orientalia Hispanica: sive studia F.M. Pareja octogenario dictata*. Ed. J. M. Barral. Leiden: E.J. Brill. 1974.
- Weiss, Bernard. "Interpretation in Islamic Law: The Theory of Ijtihad." *American Journal of Comparative Law* 26.2 (1978): 199-212.
- . *The Search for God's Law: Islamic Jurisprudence in the Writings of Sayf al-Din al-Amidi*. Salt Lake City: University of Utah Press, 1992.
- Wertheim, W.F. "Counter-insurgency Research at the Turn of the Century: Snouck Hurgronje and the Aceh War." *Sociologische Gids* 19 (1972): 320-328.
- Wertheim, W.F. "Politique Coloniale et Politique <<Néo-Coloniale>> à l'égard de l'Islam Indonésien." *Archipel* 46 (1993): 111-117.
- De Wetboeken, Wetten en Verordeningen, Benevens de Grondwet van de Republiek Indonesië*. Jakarta: P.T. Ichtiar Baru – van Hoeve, 1992.
- Widjaya, Roebaie. "Biografia-- A. Hassan: Pengarang, Kritikus dan Debat Islam," *Hudjdjatul Islam* I: 1 (August 1956): 35-41.
- Wildan, Dadan. *Yang Da'i Yang Politikus: Hayat dan Perjuangan Lima Tokoh Persis*. Bandung: Rosdakarya, 1997.
- Wirjosukarto, Amir Hamzah, et al., Eds. *K.H. Imam Zarkasyi dari Gontor: Merintis Pesantren Modern*. Ponorogo: Gontor Press, 1996.
- Wiwoho B., et al., Eds. *Zakat dan Pajak*. Jakarta: PT Bina Rena Pariwara, 1991.
- Yafie, K.H. Ali. "Antara Ketentuan dan Kenyataan." *Polemik Reaktualisasi Ajaran Islam* Ed. Iqbal Abdurrauf Saimima. Jakarta: Pustaka Panjimas, 1988. pp. 92-102.

- . "Sistem Pengambilan Hukum oleh Aimmatu al-Madzahib," *Kontroversi Pemikiran Islam di Indonesia*. Eds. Muhtar Gandaatmadja et al. Bandung: PT Remaja Rosdakarya, 1990. pp. 18-19.
- . *Menggagas Fiqih Sosial: Dari Soal Lingkungan Hidup, Asuransi hingga Ukhuwah*. Bandung: Mizan, 1994.
- . "Nasikh Mansukh dalam al-Qur'an." *Kontekstualisasi Doktrin Islam dalam Sejarah*. Ed. Budhy Munawar-Rachman. Jakarta: Yayasan Paramadina, 1994a. pp. 42-50.
- . "Reaktualisasi Hukum Islam di Indonesia," *Kontekstualisasi Ajaran Islam: 70 Tahun Prof. Dr. H. Munawir Sjadzali*. Eds. Muhammad Wahyuni Nafis et al. Jakarta: Yayasan Wakaf Paramadina, 1995. pp. 300-310.
- . "Konsep-Konsep Istihsan, Istishlah dan Mashlahat al-Ammah." *Kontekstualisasi Doktrin Islam dalam Sejarah*. Ed. Budhy Munawar-Rachman. Jakarta: Yayasan Paramadina, 1994a. pp. 362-368.
- . "Pengertian Wali al-Amr dan Problematika Hubungan Ulama dan Umara." *Kontekstualisasi Doktrin Islam dalam Sejarah*. Ed. Budhy Munawar-Rachman. Jakarta: Yayasan Paramadina, 1994a. pp. 595-605.
- . *Teologi Sosial: Telaah Kritis Persoalan Agama dan Kemanusiaan*. Yogyakarta: LKPSM, 1997.
- Yamin, Muhammad. *Naskah Persiapan Undang-undang Dasar 1945*. Jakarta, 1959-1960.
- Yunahar Ilyas, et al., Eds. *Muhammadiyah dan NU: Reorientasi Wasasan Keislaman*. Yogyakarta: Al-Muhsin, 1993.
- Yunus, Mahmud. *Hukum Perkawinan dalam Islam menurut Mazhab Syafi'i, Hanafi, Maliki, Hanbali*. Jakarta: PT Hidakarya Agung, 1956.
- Yusuf, Musytari. "Buya Hamka di Sulawesi Selatan." *Kenang-kenangan 70 Tahun Buya Hamka*. Eds. Solichin Salam, et al. Jakarta: Pustaka Panjimas, 1983. pp. 422-427.
- al-Zabîdi. *Ringkasan Shahîh al-Bukhârî (Muhktasar Sahih al-Bukhari)*. Bandung: Mizan, 1997.
- Zaki, Mohamed Aboulkhir. *Modern Muslim Thought in Egypt and its Impact on Islam in Malaya*. Ph.D. Thesis. University of London, 1965.
- Zebiri, K. *Mahmud Shaltut and Islamic Modernism*. Oxford: Clarendon Press, 1993.

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- "Notes towards a History of Qur'anic Exegesis in Southeast Asia," *Studia Islamika* V.4 (1998)
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- "Review of: Kyai Abdul Wahid Hasyim: His Contribution to Muslim Educational Reform and Indonesian Nationalism during the Twentieth Century (Achmad Zaini)," *Middle East Studies Association Bulletin* 33.1 (1999)
- "Al-Palimbani, `Abd al-Samad (al-Jawi)," *Dictionnaire Biographique des Savants et Grandes Figures du Monde Musulman Périphérique du XIXe Siècle à nos Jours*, III (Marc Gaborieau et al., eds.). Paris: CNRS/ EHESS, (forthcoming)
- "Review of: Hadrami Traders, Scholars, and Statesmen in the Indian Ocean, 1750s-1960s (U. Freitag & W.G. Clarence-Smith, eds.)," *Religious Studies Review* (forthcoming)
- "Shaykh Yusuf and the Appreciation of Muslim 'Saints' in Modern Indonesia," *Islam Studies* (forthcoming)

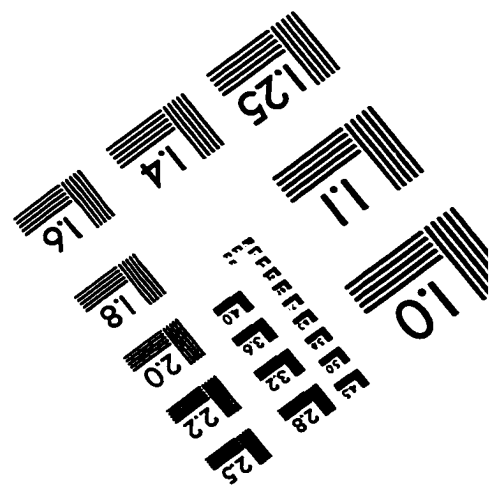
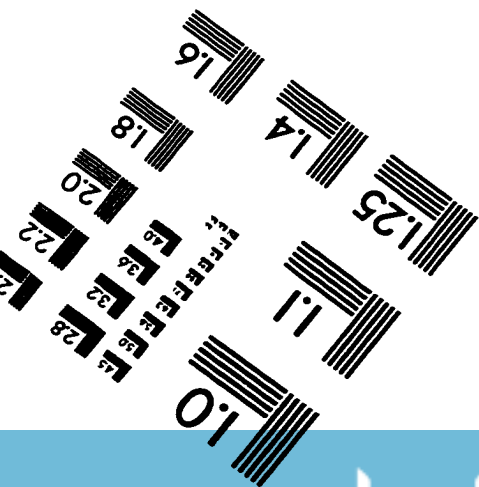
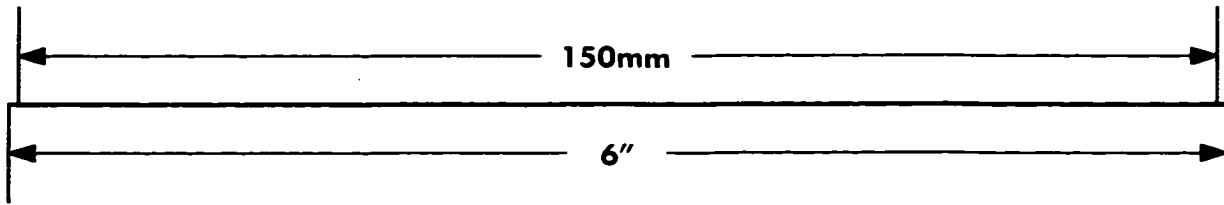
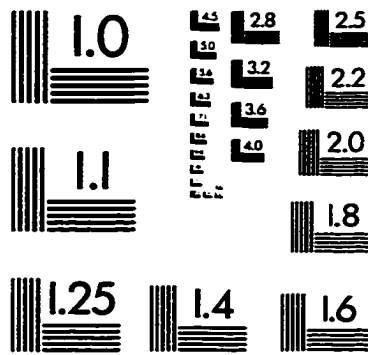
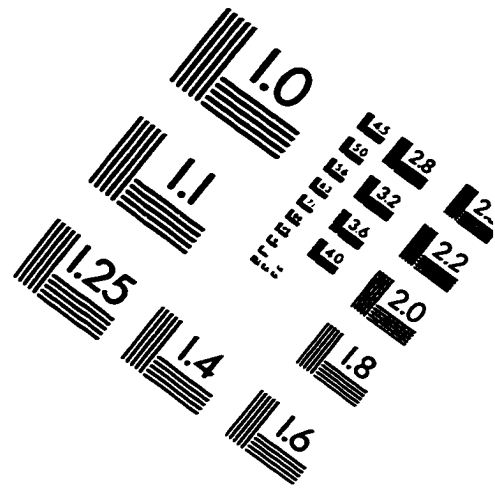
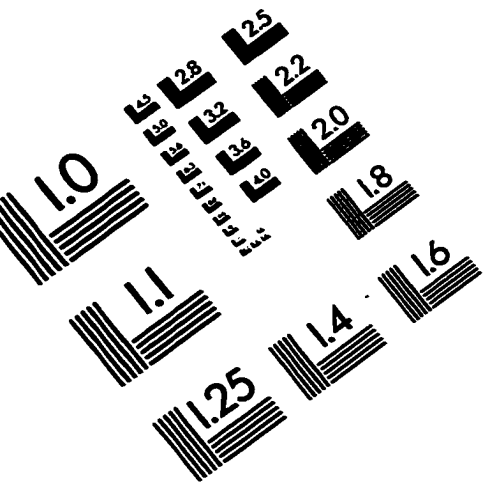
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