



MUSLIM  
LEGAL THOUGHT  
IN MODERN  
INDONESIA



R. MICHAEL FEENER

CAMBRIDGE

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## MUSLIM LEGAL THOUGHT IN MODERN INDONESIA

Indonesia has been home to some of the most vibrant and complex developments in modern Islamic thought anywhere in the world. Nevertheless little is known or understood about these developments outside Southeast Asia. By considering the work of the leading Indonesian thinkers of the twentieth century, R. Michael Feener, an intellectual authority in the area, offers a cogent critique of this diverse and extensive literature and sheds light on the contemporary debates and the dynamics of Islamic reform. The book highlights the openness to, and creative manipulation of, diverse strands of international thought that have come to define Islamic intellectualism in modern Indonesia. This is an accessible and interpretive overview of the religious and social thought of the world's largest Muslim majority nation. As such it will be read by scholars of Islamic law and society, Southeast Asian Studies and comparative law and jurisprudence.

R. MICHAEL FEENER is Associate Professor of History at the National University of Singapore. His recent publications include, as editor, *Islam in World Cultures: Comparative Perspectives* (2003) and *Islamic Law in Contemporary Indonesia: Ideas and Institutions* (forthcoming).



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*For Nana, and Little Nana, with much love and many thanks*

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

Sir Thomas Browne, *Religio Medici*

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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 – sometimes via Persian, Tamil, or other intermediary usages – 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 in the process have taken on distinct local meanings. In ways analogous, for example, to that through which the Greek *πανδοκειον* was transmitted in the Arabic form *funduq* to become in Italian *fondaco* (foreign merchants' hostel), this same Arabic term was rendered into Malay and Javanese as *pondok*, which eventually came to refer to a rural residential school for the teaching of *fiqh* and other Islamic religious sciences. Thus when used in scholarly treatments of modern religious discourses in the Indonesian language – or other Muslim vernaculars for that matter – hyper-Arabization of technical terminologies can be considerably misleading and obscure important aspects of specific local usages.

When dealing with the uses of these terms in their Indonesian context, then, one is forced to decide whether to present them in a format recognized in English-language scholarship for the transliteration of the Arabic terms from which they are ultimately derived, or to simply give them in their contemporary Indonesian form. Those who adopt the first not only over-technicalize 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. Those who opt for the second method, on the other hand, are in danger of making their work appear, cosmetically at least, less acceptable to other scholars who work on various aspects of Muslim societies outside of Southeast Asia and, more consequentially, to miss opportunities to connect local discussions of particular issues to broader discourses elsewhere in the Muslim world.

In this book I have opted for something of a middle course between these two poles. It is inevitable that, in attempting this, occasions arise that simply demand apparently arbitrary judgment calls. Nevertheless I have attempted to maintain consistency throughout by means of the following system: When dealing with the contents of specific Indonesian texts in which Indonesianized Arabic terms are being used in distinct ways, they are reproduced here in the form that they were presented in the text immediately under discussion. In more general discussions, however, as well as in dealing with Indonesian-language examples in which certain Islamic technical terms are being used in direct dialogue with Arabic sources and debates carried out in that language, they will be given full diacriticals following the Arabic transliteration system used by the Middle East Studies Association (MESA). The same system of diacritics has been used to render the names of authors writing in Arabic and the titles of their works, as well as in reference to texts in Southeast Asian languages published in the modified forms of the Arabic script known as *jawi* (Malay) or *pegon* (Javanese), with the additional conventions of:

P = ف , G = گ , C = چ , Ng = غ , and Ny = ث .

For a catalog of Arabic and Persian loan-words adopted and adapted into the more general Malay-Indonesian vocabulary beyond those technical terms used in religious scholarship, see Russell Jones, *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).

For an overview of transliteration of more technical Arabic terms into Bahasa Indonesia and their equivalents in various standard systems employed in international scholarship, see Johannes den Heijer, and 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. The Roman-script Indonesian employed there reflects the most recent standardization developed during the New Order period.

## *Abbreviations*

Ar.	Arabic
<i>BKI</i>	<i>Bijdragen tot de Taal-, Land- en Volkenkunde</i>
<i>BSOAS</i>	<i>Bulletin of the School of Oriental and African Studies</i>
<i>DB</i>	<i>Dictionnaire Biographique des Savants et Grandes Figures du Monde Musulman Peripherique, du XIXe siècle a nos jours</i>
DDII	Dewan Dakwah Islamiyah Indonesia
DPR	Dewan Perwakilan Rakyat
DPRD	Dewan Perwakilan Rakyat Daerah
Dt.	Dutch
<i>EI2</i>	<i>The New Encyclopaedia of Islam</i>
HMI	Himpunan Mahasiswa Islam
HTI	Hizbut Tahrir Indonesia
IAIN	Institut Agama Islam Negeri
ICMI	Ikatan Cendekiawan Muslim se-Indonesia
IIAS	International Institute for Asian Studies
<i>IJMES</i>	<i>International Journal of Middle East Studies</i>
<i>ILS</i>	<i>Islamic Law and Society</i>
Ind.	Bahasa Indonesia
INIS	Indonesia–Netherlands Islamic Studies
ISIM	Institute for the Study of Islam in the Modern World
ISTAC	International Institute of Islamic Thought and Civilization
IRCICA	Research Centre for Islamic History, Art & Culture
ITB	Institut Teknologi Bandung
JIL	Jaringan Islam Liberal
JIMM	Jaringan Intelektual Muhammadiyah Muda
Jp.	Japanese
<i>JMBRAS</i>	<i>Journal of the Malay Branch of the Royal Asiatic Society</i>
<i>JRAS</i>	<i>Journal of the Royal Asiatic Society</i>
<i>JSBRAS</i>	<i>Journal of the Straits Branch of the Royal Asiatic Society</i>
Jv.	Javanese

KITLV	Koninklijk Instituut voor Taal-, Land- en Volkenkunde
<i>KHI</i>	<i>Kompilasi Hukum Islam</i>
KISDI	Komite Indonesia untuk Solidaritas Dunia Islam
LIPIA	Lembaga Ilmu Pengetahuan Islam dan Arab
LKiS	Lembaga Kajian Islam dan Sosial
LP3ES	Lembaga Penelitian, Pendidikan dan Penerangan Ekonomi dan Sosial
Mal.	Malay
<i>MIDEO</i>	<i>Mélanges de l'Institut Dominicain d'Études Orientales</i>
NU	Nahdlatul Ulama
P3M	Perhimpunan Pengembangan Pesantren dan Masyarakat
PKI	Partai Komunis Indonesia
PERSIS	Persatuan Islam
<i>RMM</i>	<i>Revue du Monde Musulman</i>
<i>SI</i>	<i>Studia Islamika</i>
<i>TA</i>	<i>Tashwirul Afkar: Jurnal Refleksi Pemikiran Keagamaan dan Kebudayaan</i>
UIN	Universitas Islam Negara
UU	Undang-Undang
<i>WI</i>	<i>Die Welt des Islams</i>
YKF	Yayasan Kesejahteraan Fatayat

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## *Preface: Toward an intellectual history of modern Indonesian Islam*

Over the past century, Muslim thinkers in the Indonesian archipelago have cultivated remarkable capacities for innovative work by integrating diverse strands of modern Muslim thought from around the world into communication with ideas developed in Europe, North America, and elsewhere by non-Muslim thinkers. In bookstalls surrounding the campus of the National Islamic University (Universitas Islam Negeri/ UIN) at Ciputat in South Jakarta, one can find not only classical Arabic *fiqh* texts and works by modern Middle Eastern authors, but also vernacular translations of Freud, Gramsci, and Foucault alongside hundreds of original Indonesian works that creatively engage with various combinations of these materials. Nowhere else in the Muslim world that I know of presents this kind of cosmopolitanism to such an extent. It is impossible, for example, to find Arabic translations of the Indonesian works of Hazairin on bilateral inheritance or Sahal Mahfudh' on "Social *Fiqh*" in Cairo. On the other hand, it is relatively easy to obtain Indonesian translations and discussions of the work of Muslim scholars from the Middle East and beyond, such as Ḥasan Ḥanafī (Egypt), Mohamed Arkoun (France), Muḥammad 'Ābid Jābirī (Morocco), AbdolKarim Shorouh (Iran), Khaled Abou El Fadl (US), Farid Esack (South Africa), and Nasr Abu-Zayd (the Netherlands), not to mention dozens of publications by non-Muslim scholars of Islamic Studies, and thinkers in other fields ranging from cultural anthropology to critical studies – all in an afternoon's browsing through bookshops in Jakarta or Yogyakarta.

This book aims to introduce major trends in Indonesian Muslim thought on issues of law and society over the past century to non-Indonesian readers, through the construction of a preliminary road map to some key trajectories through an immense body of heretofore understudied sources. Its scope is ambitious, admittedly perhaps overly so. Nevertheless such a risk is, I believe, worth taking at this point in attempting to remedy the relative neglect of this important material in a number of potentially relevant fields:

History, Anthropology, and Islamic and Southeast Asian Studies. For well over a decade now international observers have written – for the most part in rather vague terms – of purportedly important developments in modern Indonesian Islamic thought. However, more nuanced understandings of the situation continue to be impeded by the dearth of works able to provide an overview of the vast and diverse corpus of Islamic religious texts published in the country over the full course of the twentieth and early twenty-first centuries. The relative inattention to the religious and social thought of the world's largest Muslim majority nation is of course a problem for obvious demographic reasons. It is, however, all the more regrettable given the fact that Indonesia presents a particularly vibrant and dynamic case through which to examine innovative interpretations of Islam in relation to transforming conceptions of education, epistemology, texts, and traditional authority that are relevant to modern developments in Muslim societies around the world.<sup>1</sup>

Given the impossibility of producing a comprehensive survey of the immense amount of material produced by Indonesian Muslims on religious and social issues over the past century, any scholar approaching this area of study is unavoidably faced with considerable challenges of selection. In the pages that follow I have had to make innumerable choices as to which scholars to mention, and which of their respective works to discuss. Some Indonesia specialist readers will inevitably have cause to question specific instances of inclusion or omission. I heartily welcome scholarly disagreement with my choices, since one of my goals in researching and writing this book has been to energize further conversations on the development of Islamic thought in modern Indonesia. For the present work I have sought to strike a balance between works that continue to be popular today (as evidenced by a track record of reprints and citation in contemporary debates) and those whose popularity may have been eclipsed, but which my research shows to have been significant in earlier periods.

Throughout, my first and primary criterion for selection has been that of a work's relevance to the expansion of conversations in one particular field of Muslim discourse in Indonesia – namely, that of Islamic law. Unfortunately, however, this leaves beyond consideration in this book the work

<sup>1</sup> I have discussed some of the broader theoretical problems and possibilities of such work in "Cross-Cultural Contexts of Modern Muslim Intellectualism: Reflections on a History of Islamic Legal Thought in Indonesia," Paper prepared for the Modern Muslim Intellectual History conference held at Utrecht, September 2005. A synopsis of the issues raised in that presentation has been published as "Contemporary Islam and Intellectual History," *Institute for the Study of Islam in the Modern World Review* 17 (Spring 2006), 24–5.

of a number of prolific Indonesian Muslim intellectuals whose publications are in areas outside of Islamic legal thought – for example, the work of scholars coming from a social science background including: Kuntowijoyo, Ahmad Syafi'i Ma'arif, Komaruddin Hidayat, Fachry Ali, Bahtiar Effendy, Masjkuri Abdillah, Abdul Munir Mulkhan, and others. Furthermore, attention is directed primarily to published written works and the ideas developed therein, rather than to the political careers and public personae of various figures discussed in the following chapters. Much has already been written about this in international scholarship, and rather than retracing those paths this study seeks to complement them by adding another dimension to the discussions.

The focus of this book is on tracking the dynamics of Indonesian conversations on Islamic legal thought, an important aspect of intellectual and broader public discussions in many Muslim societies. Taking legal thought as the central topic of this study is, however, not only a reflection of the long-established centrality of jurisprudence to the history of Islamic learning, but also of my own position in the field of Islamic studies, in which my work has been shaped by recent advances in the field of “Islamic law and society.” Over the past two decades a remarkable body of work has been produced in this area combining technical expertise and innovative analytical approaches to a wide range of developments across the classical and modern periods.<sup>2</sup> Despite the extraordinary quantity of this recent work on the history of Islamic legal theory and practice, however, very little of it has dealt with Indonesia or other areas of Southeast Asia.<sup>3</sup> Studies of Islamic law in that part of the world have for the most part been produced either locally in the Indonesian language or by foreign Indonesia specialists.<sup>4</sup> Generally speaking, however, these studies have tended to concentrate more on the development of legal institutions and positive legislation than on the intellectual and jurisprudential discourses of Islamic law in the country.<sup>5</sup> The relationship between legal theory and practice is, of course, by

<sup>2</sup> Full citations to works of this type that have been influential in the formation of my own understandings of the historical development of Islamic law are included in the bibliography.

<sup>3</sup> One very recent significant exception to this can be found in a theme issue of the journal *Islamic Law and Society* 12.1 (2005) ed. Nico J. G. Kaptein and Michael F. Laffan on the subject of “*Fatwas* in Indonesia”.

<sup>4</sup> A collection of recent work of this type can be found in R. Michael Feener and Mark E. Cammack, eds., *Islamic Law in Contemporary Indonesia: Ideas and Institutions* (Cambridge, MA: Harvard University Press, 2007).

<sup>5</sup> One notable exception to this tendency has been the award-winning recent work of John Bowen, which combines ethnographic and textual studies in a theoretically informed discussion of Indonesian legal pluralism. John R. Bowen, *Islam, Law and Equality in Indonesia: An Anthropology of Public Reasoning* (New York: Cambridge University Press, 2003). In the section of his book dealing with the

no means a determining one in Islam, any more than in any other tradition.<sup>6</sup> Nevertheless the ongoing conversations about jurisprudence and its contemporary permutations remain important as a medium through which legal, religious, and social change is processed and re-integrated into evolving understandings of the tradition. The relevance of this material can, accordingly, be seen as much if not more in relation to broader understandings of Islam and local conceptions of the Muslim community than with law in its formal, institutional sense.

The chapters that follow comprise detailed examinations of the ways in which Indonesian Muslim scholars and activists have formulated new conceptions and interpretations of Islamic law through creative readings and syntheses of diverse materials including Islamic scriptural sources, texts of classical Muslim jurisprudence, and modern Middle Eastern and “Western” academic writings read in light of rapidly evolving social, economic, and political contexts. Thus, while its particular focus is on developments of legal theory, this book can also be read as an introduction to modern Indonesian Islam more generally, since its coverage of major currents in intellectual and public discourses among Muslims over the past century reflects a range of broader dynamics in the community’s changing understandings of religion and its role in contemporary society.

development of specifically Islamic legal discourses, Bowen refers to the general outline of that history that I presented in my 1999 Boston University dissertation. The present study further develops and considerably expands upon that earlier work.

<sup>6</sup> This point has been made in connection with material from the medieval and modern periods in the work of Sherman Jackson in “Fiction and Formalism: Toward a Functional Analysis of *Usūl al-fiqh*,” *Studies in Islamic Legal Theory*, ed. Bernard G. Weiss (Leiden: E. J. Brill, 2002), 177–201.

## CHAPTER I

### *Technology, training, and cultural transformation*

When a change in a society's self-awareness has become at all widely disseminated, that society's styles of thinking and acting have been irreversibly altered.

– J. G. A. Pocock, “Time, Institutions and Action”

The late nineteenth and early twentieth centuries witnessed a number of remarkable developments in Muslim institutional and intellectual history, as a result of which the very categories and structures of traditional religious authority were subjected to fundamental challenges. This had a significant impact not only upon social and cultural institutions, but also on the form and content of Islamic religious and legal debates in the modern period. This being said, however, some qualifying remarks must be made with regard to the apparent novelty of the modern situation. For among these relatively recent developments are also distinctly traceable and historically significant threads of continuity that have run through centuries of Islamic history.

#### MODERNIZATION AND TRADITIONS OF REFORM

Internal reform is part of a well-established dynamic visible throughout the histories of various societies in the Muslim world. During the first half of the twentieth century, Henri Laoust remarked insightfully on the importance of the legacy of the medieval Ḥanbalī scholar Ibn Taymiyya (d. 1328) to the modern Salafiyya movement,<sup>1</sup> and later historians have since ventured more general reflections on the role of Ḥanbalism, Sufism, and other established modes of Islamic religious understanding in the dynamics of reform movements throughout Muslim history. These developments established

<sup>1</sup> Henri Laoust, *Essai sur les doctrines sociales et politiques de Takī-d-dīn Ahmad b. Taimīya, canoniste Hanbalite né à Harrān en 661/1262, mort à Damas en 728/1328* (Cairo: Imprimerie de l'Institut Français d'Archéologie Orientale, 1939), 541–63.

legacies that became accessible in new ways to successive generations of Muslim reformers who worked in increasingly complex contexts not only of internal Islamic religious debates, but also of the increasing encroachment of European imperial interests and cultural challenges in the late nineteenth and early twentieth centuries.

Aspects of all of these factors contributed to complex dynamics of “modernization” among Muslim communities of Southeast Asia and elsewhere in the late nineteenth and early twentieth centuries. In particular the introduction of steam-powered transportation and the print revolution in communications technology facilitated by European expansion into various Muslim societies during the second half of the nineteenth century fostered the formation of new constellations of people and ideas that made for creative re-imaginings of the world, and set new historical processes in place. The various elements in this social transformation thus worked together to radically alter not only the physical and economic landscapes of the region, but its intellectual and cultural vistas as well.

In his unfinished magnum opus *The Venture of Islam*, Marshall Hodgson discussed this phenomenon in general terms as the “Great Western Transmutation” – a systematizing revolution of bureaucratization, rationalization, and “technicalization” of Muslim societies, and much of the rest of the world during the late nineteenth and early twentieth centuries.<sup>2</sup> However, while many of the technological and organizational aspects of these transformations were originally introduced to Muslim societies from Europe – most often in the context of projects of imperialist expansion and colonial control – the diverse ways in which they interacted with local established practices and newly felt local needs show that Muslims in these rapidly modernizing societies were not merely passive objects in these processes initiated by the West. In fact, these various new technologies and institutions were not only important because of the ways in which they facilitated European expansion into Muslim societies in the nineteenth century, but also for the ways in which they created new opportunities for connections and the exchange of ideas between Muslims from different regions.<sup>3</sup> These interactions, in turn, contributed to the development of new ways of thinking about religion, law, and society all across the Middle East, Africa, and Asia.

<sup>2</sup> Marshall G. S. Hodgson, *The Venture of Islam: Conscience and History in a World Civilization* (Chicago: University of Chicago Press, 1974), III, 176–222.

<sup>3</sup> I have discussed these developments in relation to the Indonesian Archipelago, the Arabian Peninsula, and the broader Indian Ocean world in R. Michael Feener, “Islam, Technology and Modernity in the Nineteenth and Early Twentieth Centuries,” in *The New Cambridge History of Islam*, vol. VI (Cambridge: Cambridge University Press, forthcoming).

In Muslim Southeast Asia during the last decades of the nineteenth century a number of exterior influences, although previously 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. 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: voluntary associations, educational reform, and the print media. These three facets of modernization comprised the primary foci for William Roff's pioneering study of Malay nationalism. Together they form a constellation of categories that can prove useful in other studies, including the present one, aimed at tracing the relationship of technological and institutional developments to intellectual history.<sup>4</sup> While indebted to Roff's model for establishing the contexts out of which modern Indonesian Muslim thought emerged, this book is not simply a reworking of his study with comparable data from the neighboring archipelago. His now classic work was more directly concerned with understanding the growth of a new national elite in the Malay peninsula, whereas the work in hand attempts to trace a considerably different trajectory that highlights both the content and contours of twentieth-century Indonesian Islamic religious and intellectual debates.

The space for these discussions was established in the interstices of new schools, new readings, and new communities fostered by educational reform, print, and voluntary associations. In an attempt to highlight their extensive inter-connections, the material discussed in this chapter will be arranged topically, rather than strictly chronologically, with overlapping discussions of the respective aspects of these three developments. Of these changes proliferating across Muslim societies during the latter half of the nineteenth century, print was paramount, as it was largely through this medium that other new institutions were first imagined and increasingly incorporated into local practice.

#### TEXTS AND TEACHERS OF THE *PESANTREN* TRADITION

By the time that these transformations were taking place, local traditions of Islamic religious scholarship in Arabic as well as in Malay, Javanese, and

<sup>4</sup> William Roff, *The Origins of Malay Nationalism*, 2nd edn (Kuala Lumpur: Oxford University Press, 1994, originally published by Yale University Press, 1967).

other languages of the archipelago were already well established.<sup>5</sup> Scholars bearing the name (*nisba*) al-Jāwī appear in Arabic sources as far back as the thirteenth century,<sup>6</sup> and a recently revised death date for the author of some of the oldest surviving works of Sufi literature in Malay now places the oft-cited Ḥamza Faṣṣūrī in the middle of the sixteenth.<sup>7</sup> The surviving textual record expands considerably after that with works not only of *taṣawwuf*, but also in the Islamic religious sciences of *tafsīr*, *uṣūl al-dīn*, and *fiqh*, well represented in texts produced in Muslim Southeast Asia during the seventeenth and eighteenth centuries.<sup>8</sup>

We have increasing numbers of texts surviving from an even wider range of local centers in the region over the course of the nineteenth century, ranging from Bima in the east of the Archipelago to the Malay areas of what is today southern Thailand in the west. In the later nineteenth century, it was a scholar hailing from this region, Aḥmad b. Muḥammad Zayn b. Muṣṭafā al-Faṭānī, who was placed in charge of printing Malay language materials at the Ottoman government press at Mecca.<sup>9</sup> Nevertheless in print, as well as in manuscript, the writings of many nineteenth-century Southeast Asian scholars in the field of Islamic jurisprudence still tended to follow in well-established traditions of the Shāfiʿī *madhhab*.<sup>10</sup> It was texts of this type that formed the heart of the curricula at *pesantren* and analogous institutions of Muslim learning across the Archipelago, and it is to such constellations of Shāfiʿī *fiqh* scholarship, *pesantren* education, and its associated complexes of religious and cultural praxis that I refer in this study as “traditionalism.”

*Pesantren* is the Javanese designation for a traditional Muslim educational institution of a type similar to that referred to in other parts of the region by various other names including *pondok*, *surau*, and *dayah*.

<sup>5</sup> For an overview of these developments, see R. Michael Feener, “Southeast Asian Localisations of Islam and Participation within a Global *Umma*, c. 1500–1800,” in *The New Cambridge History of Islam*, III (Cambridge: Cambridge University Press, forthcoming).

<sup>6</sup> R. Michael Feener and Michael F. Laffan, “Sufi Scents across the Indian Ocean: Yemeni Hagiography and the Earliest History of Southeast Asian Islam,” *Archipel* 70 (2005): 185–208.

<sup>7</sup> Claude Guillot and Ludvik Kalus, “La stèle funéraire de Hamzah Fansuri,” *L’Horizon nousantarien: Mélanges en hommage à Denys Lombard* IV, *Archipel* 60 (2000): 3–24.

<sup>8</sup> For introductions to major works and authors of this period, as well as an extensive bibliography of extant published texts and secondary scholarship, see Peter Riddell, *Islam and the Malay-Indonesian World: Transmission and Responses* (Honolulu: University of Hawaiʻi Press, 2001).

<sup>9</sup> C. Snouck Hurgronje, *Mekka in the Latter Part of the Nineteenth Century* (Leiden: E. J. Brill, 1931), 286–87.

<sup>10</sup> In fact, Martin van Bruinessen has noted that the list of works in this tradition commonly studied in Southeast Asia very closely resembles the standard works of *fiqh* traditionally taught in Shāfiʿī areas of Kurdistan. *Kitab Kuning, Pesantren dan Tarekat: Tradisi-tradisi Islam di Indonesia* (Bandung: Mizan, 1995), 112–30.

Although some such schools were earlier associated with local sultanates in seaports or other urban areas, over the course of the nineteenth century *pesantren* increasingly became a phenomenon of rural areas. Linking these schools scattered through the countryside were elaborate webs of intermarriage between many of the leading families of religious scholars. Beyond this, there was great emphasis placed on the highly valued bond between students and their teachers, and these ties also linked rural scholars with colleagues living in disparate areas.<sup>11</sup> Students and teachers associated with these schools were thus linked in scholarly networks that extended from local circles to the broader community of scholars in Mecca, Medina, and the maritime Muslim cities ringing the Indian Ocean littoral. Prior to the mid-nineteenth-century expansion of steamship routes across the archipelago and connecting beyond to Arabia, however, participation in such networks was the privilege of only a relatively small circle of scholars. Only with the diffusion of more efficient means of communication and transportation was travel between the Middle East and Southeast Asia a possibility for greater numbers of Muslims in the region.

Study in *pesantren* and similar institutions of Islamic education in nineteenth-century Southeast Asia was an intensely interpersonal affair under the close direction of one's teacher (Jv. *kyai*). Students (Jv. *santri*) began their studies with memorization of the Qur'an and Arabic grammar, and then centered on the study of *fiqh*.<sup>12</sup> The texts of Islamic religious sciences studied in this milieu have come to be referred to as *kitab kuning*, a body of texts composed not only in Arabic, but also in Arabic-script forms of various Southeast Asian languages. Studies of Islamic law in such a curriculum were limited almost exclusively to the study of *furū'* (particular rulings) with very little surviving evidence of systematic education in the more theoretical discourses of jurisprudential methodology (*uṣūl*). In the early twentieth century, however, a new awareness of alternative approaches to interpreting the sources of, and actively reformulating Islamic law developed as increasing numbers of Southeast Asian Muslims came into contact with reformist colleagues in the Middle East. Upon their return to the

<sup>11</sup> For a brief introduction to the *pesantren* milieu, see Martin van Bruinessen, "Pesantren and Kitab Kuning: Continuity and Change in a Tradition of Religious Learning," in *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), 121–46.

<sup>12</sup> L. W. C. van den Berg, "Het Mohammedaansche Godsdienstonderwijs op Java en Madoera en de daarbij gebruikte Arabische boeken," *Tijdschrift voor Indische Taal-, Land- en Volkenkunde* 31 (1886): 518–55. A century later another Dutch scholar conducted an even more extensive survey of literature used in *pesantren* curricula, which showed considerable continuities among the changes since the later nineteenth century, Martin van Bruinessen, "Kitab Kuning: Books in Arabic Script Used in the Pesantren Milieu," *BKI* 146 (1990): 226–69.

Archipelago, they engaged their coreligionists, and not just those technically trained in the Islamic religious sciences, to expand local conversations on Islamic law and society.

With the spread of modern Islamic reformist sensibilities in the region over the course of the early twentieth century, *pesantren* came to be viewed by increasing numbers of Southeast Asian Muslims as places of deferential submission to the authority of barely comprehended Arabic texts which were uninspiringly glossed by *kyai* who attracted students as much by the potential of gaining blessings, as for any educational benefit. The *santri* were (so it was charged) rarely encouraged to ask critical questions relating to the interpretations of the texts being studied. Thus what had earlier been perceived as a culturally valued system of transmitting authoritative readings of religious texts was now viewed by reformists as uncritical submission to fallible human tradition that had come to block clear understandings of the meaning of revelation. What the reformers proposed, in short, was the circumvention of traditional learning through an idealized conception of the unmediated encounter between individual readers and the pure text of scripture.

In recent years a number of scholars have remarked upon such changes in the patterns of Muslim religious and cultural discourse in terms of the emergence of more heterogeneous voices who have come to challenge the position of the established ‘*ulamā*’ as authoritative interpreters of Islamic tradition.<sup>13</sup> The context in which this has occurred has recently been described as one of “increasingly open contests over the authoritative use of the symbolic language of Islam.”<sup>14</sup> The developments have had epistemological as well as social and political implications, as Eickelman and Piscatori have noted. They observe that since the texts produced by these new Muslim 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 . . .<sup>15</sup>

<sup>13</sup> For a concise overview of these developments, see Dale F. Eickelman, “The Coming Transformation in the Muslim World,” 1999 Templeton Lecture on Religion and World Affairs delivered at the Foreign Policy Research Institute in Philadelphia on June 9, 1999. This text is available online at: [www.dr.sorosh.com/PDF/E-CMO-20000100-Eickelman.pdf](http://www.dr.sorosh.com/PDF/E-CMO-20000100-Eickelman.pdf)

<sup>14</sup> Dale F. Eickelman and Jon W. Anderson, “Redefining Muslim Publics,” in *New Media in the Muslim World: The Emerging Public Sphere* (Bloomington: Indiana University Press, 1999), 1.

<sup>15</sup> Dale F. Eickelman and James Piscatori, *Muslim Politics* (Princeton: Princeton University Press, 1996), 39.

Such changes were facilitated by the revolutions in communications technology that made possible unprecedented increases in the amount of interaction between previously unconnected or voiceless parties, and reconfigured conceptualizations of scholarly and religious authority. Print also served to bring texts to new audiences such as that of an expanding newspaper readership. In this way, for example, published *fatwās* could now be addressed to broader segments of society well beyond the small circles of classically trained Muslim religious scholars, including the largely secular-educated elite that formed the constituencies of Salafi reformists in the early twentieth-century Middle East.<sup>16</sup> Within the Indonesian Archipelago too, the spread of literacy and print culture – particularly in manuscript forms of vernacular languages – expanded the number of people who could directly engage with the interpretation of Islamic religious texts.

#### THE PRINTED WORD IN A CALLIGRAPHIC ARCHIPELAGO

Printing had been known in the archipelago since the seventeenth century through the work of Dutch-controlled presses at Batavia. The first productions appear to have been public legal texts in the form of broadsides (Dt. *plakkaten*), followed by religious works in Latin and Portuguese, as well as Dutch. Texts were also produced there in Malay – at first in transliteration and later in the Arabic script (*jawi*), one surviving early example of which is a compendium of Muslim inheritance law published together with a Dutch translation in parallel columns in 1760.<sup>17</sup> However there was a lag of nearly two centuries between the establishment of the first presses in Batavia, and the wide-scale adoption of print among Muslim populations of the Archipelago. By the early nineteenth century, printing and the distribution of printed texts had spread across the region through the activity of Christian missionary societies in cities ranging from Malacca and Bengkulu to Kupang and Ambon.<sup>18</sup> The earliest evidence of Muslim printing in Southeast Asia dates from the 1840s, and as Ian Proudfoot has noted, until the turn of the twentieth century Muslim religious texts there were produced almost exclusively through lithograph technology

<sup>16</sup> Jakob Skovgaard-Petersen, *Defining Islam for the Egyptian State: Mufis and Fatwas of the Dār al-Ifṭā* (Leiden: E. J. Brill, 1997), 78–79.

<sup>17</sup> Katherine Smith Diehl, *Printers and Printing in the East Indies to 1850 – vol. 1, Batavia* (New Rochelle: Aristide D. Caratzas, 1990), 3–56.

<sup>18</sup> A. T. Gallop, “Early Malay Printing: an Introduction to the British Library Collections,” *JMBRAS* 63.1 (1990): 85–124.

that could replicate many of the conventions of established chirographic cultures.<sup>19</sup>

Islamic religious texts (referred to in Malay as *kitāb*) were an important part of a wide range of works produced by Malay presses during the second half of the nineteenth century. However, a surviving Singapore catalog from c. 1893 lists only more popular literary texts in indigenous poetry (*syair*) and prose (*hikayat*) genres. Such evidence has led one historian to posit that over the latter decades of the nineteenth century Islamic values and identity were transmitted through such popular forms of Islamic literature to “the general book-buying public.”<sup>20</sup> While this may be true on one level, these very same decades correspond to the careers of a number of prominent and prolific Southeast Asian ‘*ulamā*’ writing in the *kitāb* genre, including Aḥmad al-Faṭānī (d. 1906) and Muḥammad ‘Umar Nawawī al-Jāwī (a.k.a. Nawawi Banten, d. 1897). Thus what we may actually be seeing here is more a reflection of marketing strategies than of moving inventories, for *kitāb* authors wrote technical works for quite specialized, scholarly readerships. What is certain is that there was a phenomenal increase in the number of printed works of all kinds in the Malay world between 1886 and 1920. During this period, however, the relative importance of *jawi* script Malay books in the Straits Settlements, for example, began to experience a relative decline in relation to Chinese, English, roman-script Malay, and periodical publications.<sup>21</sup> Thus over the late nineteenth and early twentieth centuries, new kinds of texts for new kinds of readers suddenly seemed to explode onto the scene, setting a stage for a substantive transformation of the traditional epistemologies that had heretofore been framed by constraints on the accessibility of texts in what Ian Proudfoot has described as “the manuscript economy.” As he describes these developments, “Reading material, once costly, scarce, and sequestered had become cheap, plentiful, and accessible. This change could not occur without affecting the way reading materials were thought about, and located in society.”<sup>22</sup>

The proliferation of print culture in the later nineteenth century in short contributed to the spread of new reading habits and the creation of new

<sup>19</sup> Ian Proudfoot, “Mass Producing Hourī’s Moles, or Aesthetics and Choice of Technology in Early Muslim Book Printing,” in *Islam: Essays on Scripture, Thought, and Society – A Festschrift in Honour of Anthony H. Johns*, ed. Peter G. Riddell and Tony Street (Leiden: E. J. Brill, 1997), 161–84.

<sup>20</sup> Ian Proudfoot, “A Nineteenth-Century Malay Bookseller’s Catalogue,” *Kekal Abadi* 6.4 (Dec. 1987): 6; Proudfoot, *The Print Threshold in Malaysia* (Clayton: Monash University Center of Southeast Asian Studies, 1994), 26.

<sup>21</sup> Ian Proudfoot, “A Formative Period in Malay Book Publishing,” *JMBRAS* 59 (1986): 101–32.

<sup>22</sup> Ian Proudfoot, “From Recital to Sight-Reading: The Silencing of Texts in Malaysia,” *Indonesia and the Malay World* 30.87 (2002): 119.