

STUDIA ISLAMIKA

INDONESIAN JOURNAL FOR ISLAMIC STUDIES

Volume 7, Number 2, 2000



Cultural Presentation of the Muslim
Middle Class in Contemporary Indonesia
Moeflich Hasbullah

Redefining "Political Islam" in Indonesia:
Nahdlatul Ulama and Khittah '26
Robin Bush

Islamic Reform in Contest:
Ahmad Hassan and His Traditionalist Opponents
Akh. Minhaji

STUDIA ISLAMIKA

Indonesian Journal for Islamic Studies

Vol. 7, no. 2, 2000

EDITORIAL BOARD:

M. Quraish Shihab (IAIN Jakarta)

Taufik Abdullah (LIPI Jakarta)

Nur M. Fadhil Lubis (IAIN Sumatra Utara)

M.C. Ricklefs (Melbourne University)

Martin van Bruinessen (Utrecht University)

John R. Bowen (Washington University, St. Louis)

M. Atho Mudzhar (IAIN Yogyakarta)

M. Kamal Hasan (International Islamic University, Kuala Lumpur)

EDITOR-IN-CHIEF

Azyumardi Azra

EDITORS

Johan H. Meuleman

Jajat Burhanuddin

Fuad Jabali

Jamhari

Oman Fathurahman

ASSISTANT TO THE EDITORS

Heni Nuroni

ENGLISH LANGUAGE ADVISOR

Richard G. Kraince

ARABIC LANGUAGE ADVISORS

Nursamad

COVER DESIGNER

S. Prinka

STUDIA ISLAMIKA (ISSN 0215-0492) is a journal published quarterly by the Center for the Study of Islam and Society (PPIM), IAIN Syarif Hidayatullah, Jakarta (STT DEPPEN No. 129/SK/DITJEN/PPG/STT/1976) and sponsored by the Department of Religious Affairs of the Republic of Indonesia. It specializes in Indonesian Islamic studies, and is intended to communicate original researches and current issues on the subject. This journal warmly welcomes contributions from scholars of related disciplines.

All articles published do not necessarily represent the views of the journal, or other institutions to which it is affiliated. They are solely the views of the authors. The articles contained in this journal have been refereed by the Board of Editors.

STUDIA ISLAMIKA has been accredited by The Ministry of National Education, Republic of Indonesia as an academic journal.

Islamic Reform in Contest: Ahmad Hassan and His Traditionalist Opponents

Abstraksi: *Perdebatan—bahkan pertentangan—antara Muslim modernis dan tradisional telah menjadi salah satu tema penting dalam perkembangan Islam Indonesia. Gagasan kaum modernis tentang perlunya Muslim kembali kepada al-Qur'an dan Sunnah, serta meninggalkan praktek-praktek Islam yang dipengaruhi tradisi lokal (bid'ah), mendapat tantangan kuat dari kalangan tradisional yang cenderung mempertahankan pemikiran dan praktek keagamaan yang mapan, yang sudah melembaga dalam kehidupan Muslim Indonesia.*

Artikel ini menggambarkan bagaimana proses perdebatan itu berlangsung. Pembahasan terutama diarahkan pada pemikiran sejumlah tokoh Muslim—dari kalangan modernis dan tradisional—yang terlibat intensif dalam perdebatan. A. Hasan, tokoh terkemuka Persatuan Islam (Persis)—salah satu organisasi Islam modernis yang berdiri pada 1923—ditempatkan dalam artikel ini wakil kalangan modernis, sementara Sirodjudin Abbas, tokoh utama Perti (Persatuan Tarbiyah Islamiyah), beberapa ulama Nahdlatul Ulama (NU), dan Husain al-Habsji, seorang ulama keturunan Arab, mewakili kaum tradisional. Tokoh-tokoh yang disebut terakhir secara keras mengkritik gagasan-gagasan pembaharuan Islam A. Hasan.

Melalui karya utamanya, Soal Jawab Masalah Agama, Hasan menghardikan sejumlah kritik keras terhadap pemahaman dan praktek-praktek keagamaan kaum tradisional yang dianggap telah “menyimpang” dari ajaran Islam. Praktek-praktek keagamaan seperti qunut, melafalkan niat shalat (usalli), dan talkin dipandang oleh Hasan sebagai tidak berdasar pada ajaran asli Islam (bid'ah). Sumber-sumber ajaran yang menjadi basis legitimasi praktek-praktek keagamaan demikian dianggap tidak otoritatif; hadis-hadis yang dipakai kaum tradisional dinilai tidak shahih. Pandangan Hasan itulah yang kemudian mengundang kritik keras dari Muslim tradisional. Bagi mere-

ka, praktek-praktek keagamaan demikian tidak hanya dibenarkan secara keagamaan, tapi juga telah melembaga dalam tradisi Islam. Sirodjuddin Abbas, misalnya, melalui karyanya, 40 Masalah Agama, menyatakan bahwa praktek-praktek keagamaan di atas berdasar pada sumber-sumber otoritatif Islam sebagaimana dikatakan para ulama.

Berangkat dari perdebatan tentang masalah-masalah furu' tersebut, Abbas dan Hasan kemudian terlibat dalam perdebatan yang lebih substansial, yang menyangkut masalah dasar perumusan suatu hukum Islam (usûl): Bagaimana bersikap terhadap sumber-sumber hukum Islam (al-Qur'an, Sunnah, ijma dan qiyas)? Bagi Hasan, seorang Muslim harus kembali kepada al-Qur'an dan Sunnah, dan menjadikan keduanya sebagai sumber bagi dua sumber hukum lain di bawahnya, ijma dan qiyas. Abbas berpendapat sebaliknya. Baginya, al-Qur'an dan Sunnah harus dipahami berdasar pada sumber yang ada dalam ijma dan qiyas. Jika terdapat perbedaan dalam dua sumber utama Islam, yang harus diikuti adalah penjelasan di bawahnya. Maka bagi Abbas, mazhab-mazhab fikih yang sudah mapan dalam Islam —tepatnya mazhab Shafi'i— berfungsi sebagai penjelas. Dengan demikian, mazhab mutlak diperlukan dalam perumusan satu ketetapan hukum Islam. Kritik serupa juga diketengahkan kalangan ulama NU. Hanya saja, berbeda dengan Perti yang mengharuskan mengikuti hanya mazhab Shafi'i, NU mengakui keabsahan tiga mazhab lain, Maliki, Hanafi dan Hanbali.

Lebih dari itu, perdebatan di atas selanjutnya membawa mereka pada perbedaan memahami konsep penting lain dalam Islam, ijtihad. Bagi Hasan, seperti halnya kaum modernis, ijtihad dibolehkan bagi setiap Muslim sejauh mereka mampu. Oleh karena itu, dia mengkritik keras sikap taklid—mengikuti mazhab yang ada—yang dilakukan kaum tradisional. Pandangan sebaliknya dikemukakan Muslim tradisional. Bagi mereka, ijtihad tidak bisa dilakukan oleh semua orang Islam. Mereka yang bisa berijtihad hanyalah para ulama besar, dalam hal ini para pendiri mazhab. Sementara Muslim lain, khususnya Muslim dewasa ini, hanya bisa menjadi pengikut (muqallid) mazhab-mazhab yang ada.

Dalam kasus ijtihad, Husain al-Habsji lebih jauh mengkritik Hasan. Dia mengatakan bahwa Hasan sebenarnya tidak memenuhi syarat untuk melakukan ijtihad. Dia, misalnya, mencatat kelemahan Hasan dalam menguasai bahasa Arab, yang menjadi salah satu syarat terpenting dalam melakukan ijtihad. Sehingga, menurutnya, keputusan Hasan lebih merujuk pendapat para ulama yang tidak didukung al-Qur'an dan Sunnah. Dan terakhir, kalangan tradisional menganggap munculnya gerakan pembaharuan serta polemik yang diakibatkannya hanya akan memperlemah keberadaan dunia Muslim, khususnya di Indonesia.

Islamic Reform in Contest: Ahmad Hassan and His Traditionalist Opponents

خلاصة: كان الجدل بل الخلاف بين الاتجاه التجديدي وبين التقليدي المحافظ يحتل المكانة الأهمية في تاريخ الإسلام بإندونيسيا، فقد كان الاتجاه التجديدي القائم على الدعوة إلى الرجوع إلى القرآن والسنة وترك الممارسات الدينية المتأثرة بالتقاليد المحلية أي البدع موضع معارضة من جانب المحافظين الذين يميلون إلى الاحتفاظ الأفكار والممارسات الدينية الراسخة في واقع حياة المسلمين بإندونيسيا.

تعرض هذه المقالة للجدل القائم وكيف كان المنهج الذي يسير عليه الجانبان في تناول القضايا موضوع الخلاف، وكان البحث ينصب بصفة أحص على سرد آراء المفكرين والعلماء سواء من أصحاب الاتجاه التجديدي أم الاتجاه المحافظ، واختيار الباحث لشخصية أحمد حسان أبرز رجال الاتحاد الإسلامي (Persis) وهو من الجمعيات الإسلامية ذات الاتجاه التجديدي الذي أنشئ سنة ١٩٢٣م ممثلاً لأصحاب المترع التجديدي، بينما اختار الباحث الشيخ سراج الدين عباس أبرز رجال اتحاد التربية الإسلامية (Pertii) وعدد من شيوع جمعية نهضة العلماء والشيخ حسن الحبشي الشيخ العربي الأصل ممثلين للمذهب التقليدي المحافظ، وهؤلاء هم أبرز من وجهوا النقد اللاذع لأفكار أحمد حسان.

فمن خلال كتابه *Soal Jawab Masalah Agama* (أسئلة وأجوبة في مسائل دينية) يعرض أحمد حسان نقده اللاذع للأفكار والممارسات الدينية لدى التقليديين المحافظين التي تعد في نظره انحرفاً عن الجادة، فمن العبادات مثل القنوت والتلفظ بالنية في كل صلاة وتلقين الميت يعتبرها أحمد حسان ممارسات دينية ليس له أصل في الدين وإذن فهي بدعة، وأما المراجع التي أسست هذه الممارسات عليها فقد اعتبرها أحمد حسان غير صحيحة، إذ لا تستند إلى الأحاديث الصحيحة، وقد أثار ذلك معارضة التقليديين الذين يرون أن هذه

الممارسات لم يتم القيام بها فحسب لأنها مشروعة بما كان لها من أسس صحيحة إنما أيضا قد أصبحت راسخة في حياة المسلمين، فقد ذهب الشيخ سراج الدين عباس على سبيل المثال في كتابه *Masalah Agama 40 (الأربعون مسألة)* إلى استناد تلك الممارسات على أدلة شرعية متفق عليها لدى العلماء المعتمد عليهم.

وكان من جراء الخلاف حول الأمور الفرعية أن تورط كل من سراج الدين عباس وأحمد حسان في خلاف وجدل حول القضايا الأصولية مثل حجية المصادر التشريعية من القرآن والسنة والإجماع والقياس، فقد ذهب أحمد حسان إلى وجوب أن يرجع كل مسلم إلى القرآن والسنة وأن يجعلهما أساسين لإعمال الإجماع والقياس، بينما يرى سراج الدين عباس على العكس من ذلك أنه يجب أن يقوم فهم القرآن والسنة على المصادر الموجودة في الإجماع والقياس، فكلما نشأ خلاف في فهم القرآن والسنة فالرجوع إلى المصادر التشريعية الأخرى، ومن هنا يرى سراج الدين عباس أن المذاهب الفقهية الأربعة والشافعية منها بصفة أخص تمثل تفسيراً وتوضيحاً، وإذن فالمذهب الفقهي ضروري لاستنباط الأحكام الشرعية، وهذا هو ما ذهب إليه شيوخ نمضة العلماء أيضا، والفرق يكمن في أن اتجاه جمعية التربية الإسلامية إلى ضرورة اتباع المذهب الشافعي بينما يتسم موقف جمعية نمضة العلماء بالافتح على المذاهب الفقهية الأربعة جميعاً.

ولقد أفضى بهم الخلاف حول المسائل الأصولية إلى الخلاف حول قضية هامة في الإسلام وهي مفهوم الاجتهاد، فيرى أحمد حسان أن باب الاجتهاد مفتوح لكل مسلم على قدر استطاعتهم وعلى هذا فقد وجه نقدا لاذعا إلى التقليد، بينما كان أصحاب الاتجاه التقليدي المحافظ على العكس من ذلك يرون أن باب الاجتهاد ليس مفتوحا إلا لكبار العلماء وهم مؤسسو المذاهب الأربعة، وأما غيرهم والمعاصرون على الأخص فهم مجرد أتباع للمذاهب الموجودة.

ويخصص حسين الحبشي نقده لأحمد حسان في موضوع الاجتهاد قائلاً إن أحمد حسان لم يكن مستوفياً لشروط الاجتهاد، وأشار إلى عجزه في اللغة العربية وهي شرط أساسي هام في القيام بالاجتهاد، ولذلك لم يكن قراره بالرجوع إلى القرآن والسنة معتمداً عليه بل أكثر من ذلك يعتبر الحركة التجديدية والجدل الذي أثير حول التجديد قد أصبحت عامل ضعف للمسلمين وخاصة في إندونيسيا.

There is a perception, held not only by scholars in the field but by many Muslims as well, that Islamic law in Indonesia is strongly colored by “non-Islamic” local custom (*adat*). Historically, this notion has given rise to a number of movements which have sought to ensure that religious beliefs and practices be restored and brought into harmony with the primary sources of Islam, the Qur’an and Sunnah. One of these movements was led by Ahmad Hassan (1887-1958), acknowledged by many as a great scholar and a tireless advocate of the need for renewal (*tajdid*) and reform (*iṣlāḥ*). The organization that he led was Persatuan Islam, popularly known as Persis, a reformist organization that was considered the spearhead of the movement. Hassan was generally considered the foremost proponent of reform amongst Indonesian Muslims, and Accordingly, the criticism directed at him might be seen as a response to the reformers as a whole. It should come as no surprise, however, that his stance on many issues has occasionally elicited hostile reactions.¹ One of the most vocal groups that opposed his ideas was that of the traditionalists, who insisted on preserving traditional tenets and usages. Perhaps, the most notable response from the traditionalists come from the members of Persatuan Tarbiyah Islamiyah (Union of Islamic Education) popularly known as Perti and from those of the Nahdlatul Ulama (Renaissance of Religious Scholars) known as the NU. These were traditionalist organizations established primarily to counter the reform movement. Another critical response was delivered by the Arab traditionalist Husain al-Habsji. The present article will examine critically these traditionalists’ responses to Hassan’s religious reform mission.

Persatuan Tarbiyah Islamiyah (Perti)

Perti was established on 20 May 1930 in Candung Bukittinggi (West Sumatra), seven years after the foundation of Persis. According to its constitution, Perti follows the teachings of “the people of the Sunnah and the community” (*ahl al-sunnah wa al-jamâ’ah*) and the doctrine of the Shâfi’î school.² The members of Perti rigorously attacked Hassan’s ideas which they saw as encouraging teachings alien to the doctrines of the *ahl al-sunnah wa al-jamâ’ah* and the Shâfi’î school. The chief spokesman for the organization was its leader during the period 1936-1965,³ Siradjuddin Abbas (1905-1980). In order to buttress the traditional doctrines of Islam, Abbas wrote no less than 13 books, and a great many articles,⁴ the most important of which was

his four volume *40 Masalah Agama* (40 Problems Concerning Religious Issues).⁵ The work, which deals with Shâfi'î legal issues, was written with the express purpose of refuting the reformists. Like Hassan's *Soal-Jawab Masalah Agama*, Abbas's book was popular with Muslims not only in Indonesia but also in other Malay countries such as Malaysia, Singapore, Thailand, and Brunei Darussalam.⁶ In fact, Abbas' *40 Masalah Agama* is often regarded as the standard interpretation of the traditionalist position, just as Hassan's *Soal-Jawab Masalah Agama* is seen as best expressing the reformist point of view.

Abbas's book, while clearly a critique of reformist ideas, does not target Hassan's ideas in particular. Nonetheless, as will be seen below, Abbas does quote certain statements from Hassan's *Soal-Jawab Masalah Agama* without acknowledgment. Moreover, Abbas was perhaps aware of the need to counteract the influence of Hassan's work on Malay readers who were increasingly attracted to it as a guide for daily life.

In his response to the problem of *talqîn*, for example, Abbas begins by saying:

There is a certain person who does not like the *talqîn*. In attacking the *talqîn*, he has not only written books but has also given speeches. In both his books and speeches, he has sometimes attacked the *talqîn* calmly but on other occasions he has sneered [at *talqîn*]. Without mentioning his book and his name, I will quote some of his criticisms [of *talqîn*] and offer my reply to them. The aim of this response is to make him aware of his fault, or at least ensure that in the future he will not be so aggressive in attacking *talqîn* and those who perform it.⁷

These remarks are obviously directed at Hassan. As added proof of this, in the pages that follow this passage Abbas quotes one of Hassan's statements. Consider, for example, the following account:

Beware! Abû Umâmah spoke [about *talqîn*] during the time of *naz'* [on the death bed]. *Naz'* means that a person is at the point of his last breath. If the *hadith* is *ṣaḥih fi al-riwâyah*—in fact it is not—then Abû Umâmah's statement cannot be accepted, for it was given at the time of *naz'*; this situation is similar to that of repentance and other acts which are not accepted [during the time of *naz'*].⁸

This passage is an exact quotation, without acknowledgment, derived from Hassan's *Soal-Jawab Masalah Agama*, in which he proclaims his *fatwâ* on *talqîn*.⁹ Hassan appears also to be the target in this critique of the reformist position on *uṣallî*. Abbas writes: "I read also the book that you [the one who is asking for legal advice from Abbas] mentioned.... In this book, he used the term *tidak sah* [not correct]

for the *ḥadīths* which are *tidak sah* [unsound-*ḥadīth ḍa'īf*]. He does not know that there is a big difference between *tidak sah* and *tidak sah*.¹⁰ In his *fatwâ* on *talqîn*, Abbas goes on to point out that:

The *ḥadīth* of Abû Umâmah is *tidak sah* and not *tidak sah*. *Tidak sah* means invalid (*bâṭil*) and unacceptable as a religious reason, while *tidak sah* can be acceptable and used as a legal reason because it could be a *ḥadīth ḥasan* as explained in the *muṣṭalaḥ al-ḥadīth* [the science of Sunnah]. The use of the term *tidak sah* for the *ḥadīth ḍa'īf* [of *ḥadīth* Abû Umâmah] was intentionally used [by Hassan] to lead people in the wrong direction.¹¹

These criticisms were definitely directed at Hassan, for it is a fact that he, in quite a number of places, uses the term *tidak sah* to describe Sunnahs which are weak (*ḍa'īf*). Hassan also states in one of his works that the Sunnah of Abû Umâmah is *tidak sah*.¹²

These are only two examples out of many in which Abbas avoids any explicit mention of Hassan's name while at the same time attacking his principles. Another striking instance is to be found in the former's condemnation of the ideas of Sukarno. Abbas writes: "when he was sent to Endeh in Flores, Soekarno sent many letters to *his friend* [italics mine] discussing the need for religious reform. These letters were then included in *Di Bawah Bendera Revolusi*."¹³ Of course, anyone familiar with Soekarno's works will acknowledge that the words "his friend" refer to Hassan, for the well-known letters found in the *Di Bawah Bendera Revolusi* are those that Soekarno sent to Hassan.

It may be appropriate to examine in more detail Abbas' response to Hassan's position on *uṣallî*, already referred to in the preceding chapter. Hassan for his part castigated the traditional scholars who believed that the practice of *uṣallî* is based on, among other foundations, a *qiyâs* having as its basis (*al*) the intention of the Prophet to perform pilgrimage. Besides his refusal to accept *qiyâs* in matters of worship (*ibâdat*), Hassan also claims in one of his articles that the Sunnah in which the Prophet verbally expressed his intention to perform the pilgrimage is not sound (*tidak sah*).¹⁴ As the defender of common usage among Muslims, Abbas responds to this criticism by asking the following questions: "Is there any one who says that making a *qiyâs* between [intention in] the prayer and [that in] pilgrimage is forbidden? Does Allah or His Prophet say anything about it [viz. the prohibition of such a *qiyâs*]?" Concerning the status of the Sunnah, Abbas is of the opinion that it is found in the *Ṣaḥīḥ* of Bukhârî. According to him, any Sunnah found in the *Ṣaḥīḥ* of Bukhârî is in fact

sound (*ṣaḥīḥ*). Failure to acknowledge this would mean refusing the consensus of all Muslims throughout the world. In conclusion, Abbas writes: “a statement that indicates the existence of a weak tradition in the *Ṣaḥīḥ* of Bukhârî comes only from the Orientalists who are unbelievers.”¹⁵ The implication here is that Hassan is an Orientalist, and, consequently, an enemy of Islam. The term orientalist is commonly used in Muslim religious polemic to refer to anyone, even a fellow Muslim, who is seen as discrediting Islam.¹⁶

Indeed, there were many issues on which Abbas disagreed with Hassan. One should remember, however, that these differences depend for the most part on their approach towards *uṣūl al-fiqh*, and particularly on their views on the sources of Islamic law (*maṣādir al-aḥkām*). As stressed in the previous chapter, Hassan promoted the importance of “back to the Qur’ân and Sunnah;” accordingly, anything contrary to these two primary sources had to be rejected. What is more, Hassan insisted that sources with higher authority should take precedence over lower ones. Thus, the Qur’ân supersedes the Sunnah, the Sunnah consensus, and consensus *qiyâs*. This is exactly the reverse of Abbas’ approach to the sources of Islamic law. He agrees with Hassan that there are four sources of Islamic law; nevertheless, he indicates clearly that the higher sources should be interpreted according to the lower ones, a doctrine that originated in Shâfi’î’s *uṣūl al-fiqh*. That is to say, the Qur’ân should be interpreted according to the Sunnah; Sunnah according to the consensus, and consensus according to *qiyâs*. If for instance there is a consensus of Shâfi’î scholars on a given issue which seems to contradict the literal meaning of either the Qur’ân or Sunnah, Abbas would insist on following the consensus; this consensus must be understood as a true interpretation of the religious teachings found in the Qur’ân or Sunnah. This can be seen in the case of *uṣallî* and *tarâwîḥ*. It is against this background that we can understand Hallaq’s statement:

The epistemological value attached to consensus renders this instrument so powerful in the realm of doctrine and practice in the community that it can override established practice as well as clear statements of the Qur’an. For instance, if the community, represented by its *mujtahids*, reaches a consensus that runs counter to a Qur’anic text, the text is considered to have been superseded by this consensus.¹⁷

Abbas’ reliance on the legal theories of the Shâfi’î school is also evident in his anti-reformist article “Masalah Modernisasi Agama”

(The Issue of Religious Modernization/Reformation).¹⁸ He explains therein two points: the importance of preserving the teachings of the Shâfi'î school, and the danger posed by the reform movement to the unity of the Indonesian Muslims as a whole.

Regarding the first point, Abbas explains that, since the coming of Islam to Indonesia, the teachings of the Shâfi'î school have predominated. All the sources used in religious education and the religious courts were inspired by the theories of Shâfi'î. This has contributed to harmony among Muslims in the Malay-speaking countries.¹⁹ It is therefore unfortunate, he claims, that beginning with the early years of the twentieth century, this harmony began to be disturbed by the "strange ideas" of the so-called reformists, modernists, and the like.²⁰ According to Abbas, these groups claimed that their central mission was to provoke war against imitation (*taqlîd*), innovation (*bid'ah*), and superstition (*khurâfat*), while at the same time promoting the importance of *ijtihâd* and the policy of "back to the Qur'an and Sunnah," as if Indonesian Muslims were neglecting these two sources. According to Abbas, no one would deny the importance of the Qur'an and Sunnah; nevertheless, if one were to analyze the track record of the reformists, it might be qualified by the phrase "a good statement used for deceptive intention" (*kalimatu haqqin urîda bihâ al-bâtil*). The call of the reformists, Abbas goes on to say, is similar to the slogan, "the decision is God's alone" (*lâ hukma illâ lillâh*) flung by the Khawârij at their enemies during the battle of Şiffin in 37/657, accusing the negotiators appointed by 'Alî and Mu'âwiyah of neglecting the Qur'an and Sunnah.²¹ In fact, it is the Orientalists who have spread the lie that present-day Muslims do not follow the teachings of the principal sources of their faith but rather the opinions of their religious leaders.²² Moreover, the anti-*madhhab* position of the reformists combined with the latter's openness to the ideas of the Shî'î, Mu'tazilî, and Wahhabî schools had contributed to the divisiveness afflicting the Indonesian Muslim community. The creation of bodies designed to restore unity, such as Masjumi, Liga Muslimin Indonesia, and Kongres Muslimin Indonesia, have all ended in failure, and Abbas lays the blame for this on the doorstep of the reformists.²³ Finally he suggests that efforts must be made to cure this turbulent situation, the most effective solution being to bring Muslims back to the teachings of the Shâfi'î school.²⁴ This was not only because the Shâfi'î school has been the school of the majority of Indonesian Muslims since the beginning but, more importantly, because

it is also the most popular in the Muslim world. It should be kept in mind, says Abbas, that the Shâfi'î school is nobler (*lebih agung*) than the Hanbalî school of the reformists. That is to say that if Indonesian Muslims were to switch over to the Hanbalî school as advocated by the reformists, it would be a sign that Muslims were on the decline (*menjalani garis menurun*); for, unlike the Shâfi'î school, the Hanbalî school employs "disconnected" Sunnah (*ḥadīth mursal*) as a foundation for establishing religious rules.²⁵

Moreover, to convince his fellow Muslims of the danger of reformist ideas, Abbas traces their origins to the central Islamic lands. Abbas attributes their beginnings to Ibn Taymiyyah, whose ideas were then spread by later figures such as Ibn Qayyim al-Jauziyyah, Muḥammad ibn 'Abd al-Wahhâb, Muḥammad 'Abduh, and Rashîd Riḍâ. The journal published by the latter two, *al-Manâr*, was largely responsible for their propagation.²⁶ Abbas next presents a negative picture of the proponents of reform, especially Ibn Taymiyyah. He says that Harran, the birthplace of the latter, was a predominantly Christian village and home to people who made it a practice to manipulate reason.²⁷ Along with this, he repeats Ibn Baṭūṭah's report that Ibn Taymiyyah was mentally unstable (*illâ anna fi 'aqlihi shay'an*),²⁸ leading him to issue many strange *fatwâs* contrary to common belief and practice.²⁹ One should not therefore wonder why the Indonesian reformers, who were influenced by Ibn Taymiyyah, produced so many *fatwâs* contradictory to the common beliefs and practices of Indonesian Muslims. Abbas goes on to say that Ibn Taymiyyah was also strongly opposed to the *sufî* tradition popularly practiced by most Muslims of his era, assaulting it as forbidden (*haram*) and a form of polytheism (*shirk*).³⁰ He also makes the point that Ibn Taymiyyah was reputedly a follower of the Hanbalî school; therefore, Ibn Taymiyyah was not a *mujtahid* but rather a *muqallid* following the teachings of Aḥmad ibn Hanbal. Thus, it is odd that Ibn Taymiyyah warned Muslims against practising *taqlid* and yet encouraged people to follow blindly his ideas.³¹ Abbas' point is an interesting one, for it undermines the claim of the reformists that they exercised *ijtihâd* and eschewed *taqlid*, when in fact their spiritual leader, Ibn Taymiyyah, was clearly a *muqallid*.³² Moreover, in spite of their claim to be anti-*madhhab*, the reformists were guilty of merely promoting a change from one school (Shâfi'î) to another (Hanbalî). A lot of energy was being expended by the reformists in this contradictory effort, which in the end only led to more confusion for Muslims.³³

According to Abbas, the danger of the reformist movement can be seen even more clearly when we look at the other source of the reformists' inspiration: the Orientalists. These Orientalists were Western scholars, for the most part Christians, who worked with colonialist and imperialist administrators to defeat and oppress Muslims in every part of the world. Abbas cites the names of Snouck Hurgronje, Van der Plas, Van der Meulen, A. Gobee, De Pyper, L. Stoddard, and Philip K. Hitti, among others.³⁴

It was earlier mentioned that Abbas, in his attacks on the reform movement, avoided citing the names of individual scholars whom he regarded as chiefly to blame, Hassan being a prime example. The one person that he does however mention in this regard is Soekarno. Through Soekarno, Abbas criticized the reformist ideas on *taqlid*, *tahlil*, Sunnah, etc. As has already been shown above, these criticisms were not, in fact, necessarily a true reflection of Soekarno's doctrine; some clearly referred to Hassan's ideas but were connected instead to the name of Soekarno. The point to be emphasized here is this: it was misleading on Abbas's part to attack the reformists, particularly Hassan, for being negatively influenced by the Orientalists or Western ideas. Indeed, Hassan himself was known to have challenged those who blindly followed Western ideas, most notably Soekarno.³⁵

Nahdlatul Ulama (NU)

In his study of the NU, Farichin Chumaidy concludes:

The significance of the emergence of the Nahdlatul Ulama for the Indonesian Muslim community can be viewed perhaps best from the angle of the orthodox [traditionalist] Muslim group. It united them and made them a social force which was regarded as a counterbalance to the existence of the Islamic reformist organizations in Indonesia.³⁶

According to Chumaidy, one of the most important reformist organizations of the era was Persis. He goes on to say that the one whose ideas gave real shape to the movement and "clearly placed it in the reformist group was Ahmad Hassan."³⁷ Thus, in his discussion of the controversial issues of Islamic law, Chumaidy chooses Hassan's ideas as representative of the reformist groups opposed by the traditionalist NU.³⁸ This is a true reflection of the dialogue that went on between Hassan and his traditionalist opponents, and makes it even more important to understand the position adopted by the NU.

The NU was established on 31 January 1926 in Surabaya, three years after the foundation of Persis, at the initiative of Abdul Wahab Hasbullah, a famous *kyai* of that era who was known for his loyalty to the traditionalists (*kaum tua*).³⁹ It is no exaggeration to state that this organization is regarded as the most important representative of the traditionalist group; for one thing, the NU has always been the largest Muslim organization, compared not only to the other traditionalist groups but even to the reformist ones.

According to the second article of its constitution, one of the objectives of the NU is “to hold firmly to [the teachings of] one of the four *imâm madhbâhib*: Imâm Muḥammad ibn Idrîs al-Shâfi‘î, Imâm Mâlik ibn Anas, Imâm Abû Ḥanîfah ibn Nu‘mân, or Imâm Aḥmad ibn Ḥanbal, and to carry out any program that promotes the advantages of Islam.”⁴⁰ According to Ahmad Siddiq, the legal school, is similar to what may be termed a “school of thought” (*disiplin berpikir*), which naturally exists in any branch of science.⁴¹ Obviously, the NU “was established in reaction to the emergence of a movement whose aim was to abolish the legal school in Indonesia....”⁴² In fact, the problem of legal schools was even cited by the NU as among the reasons for their leaving the political party Masjumi in 1952.⁴³

Thus, the NU came to be known as the *ahl al-madhâbib al-arba‘ah*,⁴⁴ meaning that it saw the teaching of all four schools as equally valid and showed no inclination to favour any particular one of them. This is on the theoretical level. In practice, however, the NU was (and still is) devoted to the Shâfi‘î school⁴⁵ and refused to adopt the eclectic method (*talfiq*).⁴⁶ For this reason, NU doctrines can hardly be differentiated from those of Perti; both are known to be champions of traditional beliefs and practices according to the Shâfi‘î school, beliefs which are characteristic of Indonesian Islam. Therefore, it is not strange at all that in the educational centres affiliated with the NU, the works of medieval Shâfi‘î scholars form the basis of the curriculum. The only difference between Perti and the NU is that the latter is open to the other three schools in cases that are not to be found in Shâfi‘î sources, resorting in such cases to what is called *intiqa‘l madhbab* (borrowing opinions from other schools).⁴⁷ This can be seen, for instance, in the cases of determining the first day of *Ramadan*, the invalidity of ablution (*wuḍū‘*), and the alms-tax (*zakâh*) value of plants.⁴⁸ In fact, the legal school approach (*manhaj al-madhâbib*) can be seen as making the NU very flexible in that it is able to provide a number of alternatives in dealing with social issues. At the same time, however, it is considered, particularly

by its opponents, as an ambivalent and opportunistic stance.⁴⁹

The criticisms of Hassan and other reformists forced NU into defending its position on the legal school (*madhhab*). According to the NU, the notion of school is not an arbitrary but rather a highly articulated approach to problem-solving. Certainly, the NU is no different from Hassan in respecting the Qur'ân, Sunnah, consensus, and *qiyâs*. But the NU differs fundamentally from him in the application and the operation of these sources, particularly insofar as they relate to the notions of *ijtihâd* and *taqlîd*. Responding to Hassan's criticisms and yet at the same time preserving the traditional approach towards *uṣūl al-fiqh*, the scholars of the NU acknowledge that the Qur'ân and Sunnah are the primary sources of Islamic law, and that they should be exploited in the process of *ijtihâd* in order to find the answer to a given issue; but they also insist on the fact that it is not easy to determine the rules derived from either the Qur'ân or Sunnah.⁵⁰ Unlike Hassan, the NU believes that it is only the schools' eponyms who can be considered true *mujtahids*, or absolute *mujtahids* (*mujtahid mustaqil* or *mujtahid muṭlaq*), i.e. those who exercise *ijtihâd* by deducing rules directly from the Qur'ân and Sunnah, while all others must be deemed *muqallids*, or those who exercise *taqlîd*.⁵¹ This being the case, *taqlîd*, according to the doctrines of the NU, was a natural phenomenon in the period subsequent to the founding of the schools. Far from being forbidden, *taqlîd* is even recommended, particularly for people of our era who live so long after the time of the Prophet. Chumaidy rightly observes:

...it should be noted that the notion of *taqlîd* according to the Nahdlatul Ulama is not as its opponents have charged, i.e. blind and unquestioning obedience to the interpretation and teaching of religious law expounded by the four *Imâms*. The Nahdlatul Ulama views that *taqlîd* has a broader meaning. Except those who have the necessary requirements for exercising *ijtihâd* (the four *Imâms*) all others are included under the category of *muqallid*, which consists of several stages. The highest is that of the *muntasibs*, those who actually exercise *ijtihâd*, but who still follow the method used by their *imâms* (one of the four *Imâms*). Among the '*ulamâ*' who were called *muntasib* were the students of the four *Imâms*, such as Ibn Qâsim, Muḥammad ibn Aḥmad al-Ḥasan, Abû Yûsuf, al-Mazânî, etc. The lower stages of *muqallid* are *aṣḥâb al-wujûh*, *abl al-tarjîh*, *ḥuffâz*, and some other categories which end in the lowest stage, that of the uneducated laymen who follow the teaching of their *Imâms* without knowing their religious arguments at all.⁵²

In fact, it is commonly believed by the members of the NU that the gate of *ijtihâd* had been closed since the establishment of the

schools; since then the scholars have had to confine themselves to the inference (*istinbâh*) formulated by the schools' eponyms.⁵³ A few have even gone so far as to state that "embracing Islam without employing one of the four schools is invalid (*bâtil*)."⁵⁴ According to the NU doctrine, it is enough for Indonesian scholars to follow the rules determined by the medieval scholars, for in referring to the latter, they act as agents when issuing *fatwâs* for the masses. Accordingly, the members of the NU depend completely upon the scholars,⁵⁵ and these scholars in turn rely on the medieval works on *fiqh* believing that they transmit the unquestionable inference (*istinbâh*) of the Shâfi'î school.⁵⁶ Consider, for example, the following *fatwâ* issued at one of the Mu'tamar Nahdlatul Ulama:

Question (*istiftâ'*): What is the rule of the prayer, the reward for which is given to the deceased (*alât al-hadiyyah*), held by the family of the deceased on the first day after the death, to which they invite their family and neighbours [to perform it] and after which, food is served?

Answer (*fatwâ*): If the prayer is intended as purely recommended prayer (*sunnah mu'taqab*) and its reward is then sent to the deceased, such a prayer is permissible (*fâ lâ ba'sa bihi*) and according to one opinion, it is beneficial for the deceased. [But], if the prayer is intended as a prayer of reward (*alât al-hadiyyah*), it is invalid and forbidden. This *fatwâ* is based on the second volume of *Tuhfat al-Muhtâj*, chapter *ṣalât al-ishrâq*.⁵⁷

This *fatwâ* was issued at the national meeting of the NU in Cirebon (West Java) on 27 August 1931, and relies on an inference (*istinbâh*) still maintained until the present day. Compare it to the following *fatwâ* issued on 19 September 1995:

The foundation of the stock exchange (*bursa efek*) as the institution to manage the capital market (*pasar modal*) is substantially permissible (*mubâh lidhâtib*). This is based, among other references, on *Nihâyat al-Muhtâj*, vol. 4, 84-5, 87, *Fâshiyat Radd al-Mukhtâr*, vol. 5, 642, *Mudawwanah Kubrâ*, vol. 4, *Takmilah*, the commentary on *Fatḥ al-Qadr*, vol. 7, 52.⁵⁸

Not surprisingly, Hassan condemned such an approach as unforgivable *taqlîd*, and held it up as evidence of the traditionalists' over-reliance on it to the complete exclusion of *ijtihâd*.⁵⁹ In the eyes of Hassan, it was wrong for the traditionalists to place the views of scholars on the same level as, and sometimes even higher than, the Qur'ân and the Sunnah.⁶⁰ In his response to this, Al-Munawar states that this accusation is based on a lack of understanding of the doctrine as it was adopted by the NU.⁶¹ The NU members also embrace the doctrine that "...there is nothing in any *madzhab* which is in contradic-

tion with the Koran and Sunnah. Because these two form the basis of Islamic jurisprudence, it is not possible that the results can conflict with the Qur'ân and the tradition."⁶² On this basis, the NU scholar Saifuddin Zuhri somewhat cynically remarks that it would be quite surprising to find, in this twentieth century, someone who could legitimately claim to have fulfilled the requirements of a *mujtahid*. It would be as if Imâm Shâfi'î had been reborn in our day.⁶³ It is interesting to note in this connection that the NU almost never refers to the statement by Shâfi'î himself in which, according to Hassan and the reformists in general, he condemns *taqlîd*.⁶⁴ This view of Shâfi'î is usually quoted in the discussion known as "the attitude of the four *imâms* in condemning *taqlîd*" (*aqwâl al-a'imma al-arba'ah fi dhamm al-taqlîd*) which takes place in certain religious schools which promote the reform movement.⁶⁵ But this is not all. The members of the NU never mention the statement of Muhammad Hasjim Asj'ari, the very founder of the NU, in which he warns his fellow Muslims against fanatic loyalty towards a particular school, saying finally, "if Shâfi'î, Abû Hanîfah, Mâlik, Aḥmad, Ibn Ḥajar, and Ramlî were still alive, they would strongly reject your attitude and they would not be responsible for what you have done."⁶⁶

It is acknowledged, however, that the notion of the school has, to some degree, made the NU rigid and unable to deal with problems not covered by the medieval works on *fiqh*. In such cases, the NU usually adopts what in *fiqh* is known as *tawâquf*, i.e. suspension of the issuance of a *fatwâ*. Consequently, there are many contemporary issues (*al-masâ'il al-mu'âsirah*) on which the NU has no policy.⁶⁷

Judging by what has been discussed so far, one may conclude that there are certain positions adopted by the NU that are similar to those favoured by Perti. First, like Perti, the NU acknowledges only two means of determining certain rules of Islamic law: *ijtihâd* and *taqlîd*. They hardly ever mention the practice of *ittibâ'*, advocated by Hassan. While it is true that in his article on *madhhab*, Al-Munawar, a member of the NU, refers to *ittibâ'*; nevertheless by his own admission this term is identical to *taqlîd*.⁶⁸ Machfudz Shiddiq even considers *ittibâ'* the lowest type of *taqlîd*,⁶⁹ a view generally adopted by the members of the NU but one which differs fundamentally from that of Hassan.⁷⁰

Second, like Perti, the NU espouses the belief that the higher level sources, or the ideas of earlier scholars, should be understood in the light of the lower level sources, or explanations of the same matters by later scholars. Without going into detail, it is sufficient to say that

in the case of *uṣallī* explained earlier, for instance, the proponents of the traditional practice (i.e. the NU) used *qiyās* to legitimize it. This idea is based on the opinions of later scholars of the Shâfi‘î school but it contradicts, at least literally, what Shâfi‘î himself has said: “there is no analogy in the field of worship” (*lâ qiyâsa fî al-‘ibâdah*).⁷¹ This led Hassan to state that the members of the NU were not the followers of Shâfi‘î because they disregarded the latter’s own, perfectly clear, statement regarding *qiyâs*.⁷² Of course, it is odd that the traditionalists have never attempted to explain this contradiction. Nobody has claimed that later Shâfi‘î scholars wilfully neglected the teachings of their school’s founder on such issues; it was simply believed that the contradictions between these different generations of scholars could only be apparent ones, and not in fact essential—an answer that did not satisfy the reformists. Also significant is the fact that the works relied upon by the NU scholars are mostly, if not all, by later scholars of the Shâfi‘î school and not by Shâfi‘î himself.⁷³

Thirdly, NU and Perti leaders are inclined to be both fatalist and pessimistic. That is to say, both see historical events as being predetermined and controlled from “above”, and likewise believe that the high stature of the earliest generations of Islam (*salaf ṣâlih*) cannot be attained by later ones, a belief seen as validated by the Sunnah: “the best century is my century and then the one which follows and then the one which follows and then the one which follows.”⁷⁴

Given the fact that the NU’s approach towards and conception of *uṣûl al-fiqh* was fundamentally different from that of Hassan, conflict between the two was unavoidable. A few members of the NU were even said to have labelled the scholars of Persis, and more particularly Hassan, as absolutely unqualified scholars (*‘ulamâ’/mujtahid bâṭl muṭlaq*).⁷⁵ The controversy came to a head in a debate (*munâzarah*) on the problem of *taqlîd* held in the Madrasah al-Irsyad, in Gebang-Surabaya, attended by Hassan as the representative of Persis and Awad Bansir and Aboel-Chair of the NU in Cileduk.⁷⁶ Bansir opened the debate by asking Hassan to cite any Qur’ânic verse which forbids *taqlîd*, to which Hassan replied by citing the Qur’ân 3:103: “And hold fast, all together, by the Rope which Allah (stretches out for you), and be not divided among yourselves.” This verse, said Hassan, obligates Muslims to rely for their ideas upon the Qur’ân only and that, consequently, *taqlîd* is forbidden. Commenting on this verse in turn, Bansir was of the opinion that Allâh asks Muslims in this verse to hold to the teachings of the Qur’ân, but that there is nothing therein

which expressly forbids *taqlid*. Faced with this reply, Hassan pointed out that it is of course difficult to find in the Qur'ân any statement that accords exactly with established practices. For example, there is no verse in the Qur'ân which says that Muslims are obligated to pray five times a day. Bansir, however, replied to Hassan: "...give me the verse which clearly forbids *taqlid*; if you fail to do so, I cannot accept [your attack on *taqlid*]." Hassan then turned the question back on Bansir asking him to provide any verse which literally obligates Muslims to perform *taqlid*, to which Bansir replied: "I am not a scholar. I don't know the answer. But, Aboel-Chair has the answer." Chair then proceeded to address the following questions to Hassan: How do you translate the Qur'ân 3:103? How did you learn Arabic? Did not all this come through the process of *taqlid*? By the end of the debate, neither side had given any ground on the issue.

What is important to note regarding this event is that there is clearly a problem with terminology (i.e. *taqlid* and *ijtihad*), which contributed greatly to the misunderstanding between Hassan and his NU opponents. For example, learning Arabic from a teacher is considered *taqlid* by Chair, an idea rejected by Hassan on the grounds that it has nothing to do with the term.⁷⁷ Besides, the term *muntasib* (affiliated) used by the NU to refer to the '*ulamâ*' *muqallidûn* (i.e. scholars who were affiliated with the founders of the schools) is similar to the term *mujtabid madhhab* used by others,⁷⁸ or *mujtabid muntasib* employed by Majd al-Dîn Ibn Taymiyyah, Ibn al-Şalîh, and Nawâwî. It is perhaps true to say that the terminological confusion afflicting Indonesian and other Muslim scholars explains the existence of the same syndrome in the writings of Western scholars, as noted by Hallaq.⁷⁹

There was also a debate between Abdul Wahab Hasbullah (NU) and Hassan (Persis) held at the Clubhuis Nahdlatul Ulama of Kopoweg (Bandung) on 18 November 1935. On this occasion, Hasbullah explained the NU doctrines relating to the obligation of *taqlid* imposed upon Muslims after the establishment of the four schools, as explained earlier. Hasbullah also emphasized the view that the doctrine of *ittibâ'* introduced by Hassan was not known in Islamic teaching.⁸⁰ Hassan, for his part, explained to the audience the doctrine of Persis concerning the prohibition of *taqlid*.⁸¹

At the same time, there were polemics between Hassan (published in *Al-Lisaan*) and Machfudz Shiddiq, another NU leader (published in *Berita Nahdlatoel 'Oelama'*) mostly concerned with *ijtihad*, *taqlid*, *madhhab*, and their relation to the controversial issues of Islamic law

(e.g. *talqîn*).⁸² During this exchange of polemics, Shiddiq reminded Hassan of the fact that the NU has a large number of scholars who, through their knowledge and their inference (*istinbâh*), are able to help Muslims live according to the teachings of the Qur'ân and Sunnah. In his response, Hassan writes: "we believe that the NU has many scholars; but this quantity is nothing if their quality is similar to that of Toean Shiddiq who attacks [our mission] without any argument."⁸³

No less interesting is the letter sent by Wahid Hasjim, one of the NU leaders, to Hassan. While he was minister of religious affairs, Hasjim received a letter from Hassan calling attention to the spread of a dangerous new form of *bid'ah* among Indonesian Muslims, i.e. worshipping the statues and pictures of their leaders. Replying to this letter, Hasjim writes: "I am disappointed too [with this situation]. [But you have to remember that]...at the time when the NU and Persis openly disputed the ruling on pictures (*taṣwîr*), you were the one who issued a *fatwâ* stating that the taking and making of photos are permissible."⁸⁴ Now, consequently, we witness the effect of your inference (*istinbâh*)."⁸⁵

Predictably enough, the fundamental difference between the NU and Hassan in the field of *uṣûl al-fiqh* has eventually led to conflicting views in the field of substantive law (*al-masâ'il al-fiqhiyyah*). Accordingly, some members of the NU, as representatives of the traditional outlook, disputed with Hassan over a number of issues in the field of Islamic law. Nonetheless, the NU warned Hassan and the reformists in general of the danger of conducting endless debates over *khilâfiyyah* issues, i.e. points of law which are open to different interpretations. In such cases, according to the NU, respect has to be shown to those who have different views. More importantly, an effort had to be made to avoid conflict among Muslims over such issues (e.g. *uṣallî* and *talqîn*) at a time when it was imperative to concentrate on unifying Muslims against Western colonialism.⁸⁶ In their response, Hassan and his colleagues pointed out that a difference of opinion over such issues should not contribute to disunity among Muslims in the face of the infidel.⁸⁷

Husain al-Habsji

In 1956, Hassan published a book entitled *Risalah Al-Madzhab and Halalkah Bermadzhab?* in which he castigated the followers of the legal schools, equating them with those who practise *taqlîd*—a practice which is, in his view, forbidden. Later in the same year, Husain al-Habsji wrote *Risalah Labirnja Madzhab jang Mengharamkan*

*Madzhab*2, only to follow it, in the next year (1957), with *Risalah Haramkah Orang Bermadzhab?* Both works were aimed primarily at countering Hassan's *Risalah Al-Madzhab* and *Halalkah Bermadzhab?* In reply to Habsji's attack, Hassan wrote *Mendjawab Buku Bantahan Tuan Hadji Husain al-Habsji*, published earlier the same year in a series of articles for *Pembela Islam*.

The polemics between Habsji and Hassan were concerned with the problem of the legal school (*madhhab*), and more particularly the following question: Is adopting a school considered forbidden or permissible? A traditionalist, Habsji maintained the legitimacy of following a school, particularly that of Shâfi'î adopted by the majority of Indonesian Muslims. In defending this position, he was clearly responding to Hassan's attacks on the institution; in taking up the challenge, he was just as determined not to give any ground as was his opponent.

Habsji opens his argument by reminding Hassan of how critical it was at that time for Muslims to promote Islam as the basis of the Indonesian state and that the polemics on legal schools would weaken Muslim unity.⁸⁸ According to Hassan, it is difficult to understand why Habsji took the trouble to respond to his ideas on the issue if he considered it to be so simple. The fact that he spent so much time in addressing the controversy indicated the importance of the problem.⁸⁹

Both writers traded the accusation that the other had insufficient knowledge of Islamic teachings. Habsji claimed that Hassan had not enough knowledge of Arabic to support his ambition to be a scholar. This could be seen in Hassan's translation of the title of his journal *Pembela Islam* (the Defender of Islam) into Arabic as *Ḥimâyat al-Islâm*. According to Habsji, the words *Pembela Islam* must rightly be translated as *Ḥamî al-Islâm* instead of *Ḥimâyat al-Islâm*.⁹⁰ The problem with Hassan's Arabic was also reflected in his understanding of the literal meaning of *madhhab* (school). Hassan, says Habsji, translates the term *madhhab* literally into "*tempat berjalan*" ("a place where people walk"). This is certainly not correct, for the Arabic word for "a place where people walk" is *mamshî*, originating in the verb *mashâ-yamshî*. The word *madhhab*, he goes on to say, comes rather from *dhababa ilâ* which means "to go along with an opinion on a certain matter."⁹¹ Responding to this, Hassan states that the word *madhhab* is the noun of place (*ism makân*) of the verb *dhababa* and therefore means "a place where people walk." Hassan acknowledges the correctness of *mamshâ* as suggested by Habsji, but he reminds Habsji that *mamshâ* is not the only

word which can mean “a place where people walk;” the following words have, to some extent, a similar meaning: *masîr*, *mamarr*, *madbbab*, *majâz*, *ma`bar*, *mamdû*, *majrû*, *masrû*, etc. Hassan finally recommends to Habsji that he read the works on *fiqh al-lughab* as well as those on *uṣûl al-fiqh* in order to be better able to discuss the issue.⁹²

According to Habsji, however, Hassan’s problem with Arabic led to an inability on his part to understand religious texts. In the case of the Qur’ân 24:30 and 31, for instance, Hassan is unaware of the importance of the preposition “*min*” (...*min abṣâribim*...), which in this passage literally denotes “some”; hence the Qur’ânic verses indicate that only some of the *nazars* (i.e. looks exchanged between a man and a woman) are prohibited and not, as Hassan claimed, all *nazars*. Therefore, Habsji suggests that scholars re-evaluate Hassan’s *al-Furqân fi Tafsîr al-Qur’ân*, out of concern that Hassan’s weakness in Arabic might lead some Muslims astray.⁹³

Habsji then goes on to discuss issues more directly related to the issue of the legal school. Like other traditionalists, he believes that following a particular school is firmly based on the Qur’ân and Sunnah and that the works of the scholars of these schools conform in every way to the two primary sources of Islam. He challenges Hassan to prove his claim that some of their opinions are not based on or are even contrary to the Qur’ân or Sunnah, a challenge which is, unfortunately, not answered by Hassan.⁹⁴ Moreover, Habsji declares that it is possible to have more than one correct view on any given problem. This had happened many times since the era of the Companions (*ṣaḥâbah*). A clear example of this is the difference of opinions over the meaning of the term *qurû’* in the Qur’ân 2:228, with ‘Abdullâh ibn ‘Umar, ‘Abdullâh ibn ‘Amr, and ‘Abdullâh ibn Mas‘ûd holding one view (later adopted by Abû Ḥanîfah), and ‘Â’ishah, Ibn ‘Abbâs, ‘Uthmân, and Zayd b. Thâbit holding another (later accepted by Mâlik and Shâfi‘î). A similar case can also be found regarding the issue of the “waiting period” (*‘iddah*)⁹⁵ for a woman whose husband has died while she is pregnant, over which the Companions of the Prophet generally split into two groups.⁹⁶

In fact, the opinions of the schools, maintains Habsji, are of great help in enabling future generations to discover the rules of Islamic law. Thus, it is not strange, for example, that so great a scholar as Ibn Hazm should have chosen to follow the principal ideas of the Zâhirî school.⁹⁷ Even Hassan himself follows the opinions of the earlier scholars of a certain school, even though in his *fatwâs* he pretends as if the *fatwâs*

are the results of his own *ijtihad*. His *fatwâ* that eating dogs is permissible is a clear example of his indebtedness to the ideas of Mâlik. Thus, while condemning those who followed a school, Hassan himself assimilated the teachings of earlier scholars of schools, and then encouraged people to follow his own ideas, effectively establishing a new school of his own—an anti-*madhhab* with a great many fanatical adherents.⁹⁸

According to Habsji, Hassan was also guilty of quoting the opinions of earlier scholars even though these opinions were supported neither by the Qur'ân nor by the Sunnah, a practice of which Hassan was himself very critical. For instance, in an effort to differentiate *taqlîd* from *ittibâ'*, Hassan quotes the definitions of both *taqlîd* and *ittibâ'* given by Abû 'Abdillâh ibn Khuwayz Mandûd in which Mandûd himself makes no reference to either the Qur'ân or Sunnah;⁹⁹ more interesting still is the fact that Mandûd was, in fact, a follower of the Mâlîki school. Thus Hassan, while rejecting the school, nevertheless himself relied upon the views of one of its founders.¹⁰⁰ Along with this, Hassan quotes Mandûd's statement: *fa-kullu man ittaba'ta qawlahu fa-anta muqalliduhu* (if you follow the opinion of someone, it means you are the *muqallid* of him). This statement, says Habsji, features the word *ittaba'ta*, a word derived from the same root as *ittibâ'*, and serves to prove his case that *taqlîd* is identical with *ittibâ'*.¹⁰¹ However, Habsji does not explain another of Mandûd's statements cited by Hassan along with the other, i.e.: *wa al-taqlîd fî dîn Allâh ghairu ṣaḥîh* (and *taqlîd* in Islam is forbidden). Would Habsji say that *taqlîd* and *ittibâ'* are prohibited in Islam? This is also a clear example of how certain writers omit statements because they do not help their own argument.

Indeed, there are a number of issues advanced by Habsji that do not receive any answer from Hassan, and vice-versa. It is true that Hassan repeatedly asked Habsji to engage in an open debate (*munâzarah*) in order to resolve their differences of opinion, and that Habsji was reported to have agreed to such a debate. The debate never took place, however, and this for different reasons according to the two sides involved. Djaja, one of Hassan's students, claims that Habsji denied that he had ever agreed to an open debate with Hassan,¹⁰² while according to Hassan, Habsji always looked for an excuse to avoid participating in the debate.¹⁰³ On the other hand, Habsji claims that he was ready to have the debate, but that Natsir (another of Hassan's students and also the leader of Masjumi in that era) suggested to him that the debate not be held in order to avoid conflict among Muslims and eventual disunity.¹⁰⁴

Concluding Remarks

In concluding our investigation of the traditionalists' responses to Ahmad Hassan's reform mission, there are some important points to be underlined here. Certainly, there was fundamental difference between Hassan's doctrine and that of the traditionalists, one that neither he nor his traditionalist opponents ever fully acknowledged. This had to do with the application of the sources of Islamic law. True, both agreed that there are four sources of Islamic law: the Qur'an, Sunnah, consensus, and *qiyâs*. But while Hassan believed that the higher level sources supersede the lower ones, his opponents were of the opinion that, following Shâfi'î's doctrine, the lower level sources override the higher ones. This essay reveals that Shâfi'î's doctrine played a very important role in the polemics between Hassan and his opponents, even though none of the latter ever mentioned Shâfi'î's doctrine on the relationship between the different sources. Curiously enough, as this article shows, the traditionalists themselves hardly ever cited Shâfi'î's ideas, and in fact even maintained certain ideas that contradicted those of the founder of the school, e.g. their doctrine regarding *taqlid* and the role of *qiyâs* in matters of worship (*'ibâdat*).

The dialogue between Hassan and the scholars of his day illustrates perfectly the truth of what Ernest Gellner calls "a pendulum swing theory of Islam."¹⁰⁵ It is beyond doubt that prior to Hassan's lifetime, there was a common belief, shared by the majority of Indonesian Muslims and taught by their religious leaders in religious institutions such as the *pesantren*, that Muslims should follow the Shâfi'î school. Hassan's message was in effect a response to this common belief which he saw as already suffering from a set of debased religious values. True, Hassan's effort in the long run has created, to use Habsji's term, a "new school" followed with great devotion by his students and disciples. This irony has not been lost on Hassan's traditionalist opponents, who accuse Hassan's so-called "school" of fomenting discord among Muslims, and even of leading them astray. Perti, the NU, and Husain al-Habsji were particularly vocal on this issue.

This article has also suggested that the polemics between Hassan and his opponents, whether in print or in the form of debate (*mumâzarah*), suffered from a case of what Wael B. Hallaq calls *terminological confusion syndrome*. This, unfortunately, often resulted in hopeless confusion; their different understandings of the meanings of *ijtihâd*, *ittibâ'*, and *taqlid*, and their respective attitudes towards legal school reveals this tendency. This was also reflected in their different opinions of what the most important and fundamental issues were for Muslims. For example, most of Hassan's

opponents tended to blame Hassan for concentrating on trivial matters (referred to as *furū'*) at the expense of the more fundamental aspects of Muslim life, e.g., the struggle against Western imperialism and native secularism. By the same token, without trying to clarify the terms used by his opponents, Hassan insisted that he had dealt with fundamental issues. Nevertheless, Hassan was referring to the fact that Muslims had long neglected the fundamental sources of Islam, the Qur'ān and Sunnah, and that to solve their problem, they had to return to the original teachings of the faith. In fact, the problem of terminology did not end there. Hassan also attempted to distinguish sharply between the terms *'ibādah* and *mu'āmalah* and between certain aspects which belong to both of them. He was unsuccessful in this effort, however, for there are certain activities which are difficult to assign to one field rather than the other.

The problem is not an easy one; indeed, its roots lie deep in Islamic history, derived as it is from attempts at the humanization of divine law (and vice versa), as well as from an effort at reconciling reason and revelation. To use Kerr's words, the problem is this: "Where does revelation end and where does reason begin, and what, if anything, lies in between?"¹⁰⁶ This is a question which is faced not only by Muslims but also by religious people in general.¹⁰⁷ This brings us to another important point: an analysis of the philosophical framework underlying the issues is an essential prerequisite for any genuine polemic. In our case, an understanding of *uṣūl al-fiqh* is central to any discussion of substantive law, for *uṣūl al-fiqh* represents the basis upon which the rules of Islamic law are built, rationalized and justified. Thus, any effort to solve the fundamental problems of Islamic law without addressing the issues of *uṣūl al-fiqh* would be certain to end in failure. This is reflected very clearly in the polemics between Hassan and his opponents. The present study has hopefully shown that *uṣūl al-fiqh* remains an essential element in the reformist efforts at reformulating Islamic law in Indonesia.

Finally, one may conclude from the foregoing that Islam in Indonesia shares similar concerns and problems with other Muslim countries, including those in the so-called heartland of Islam. As is the case with their counterparts elsewhere, Muslims in Indonesia are faced by the following questions: How does God speak? Who speaks for God? How God's will is to be known? How are Muslims trying to adapt to a modern life-style while at the same time still retaining Islamic values? Thus, the impression that Islam in Indonesia is considered as some sort of "backwater" is certainly baseless and inaccurate.

Endnotes

1. There were many individuals and groups opposed to Hassan's reform program; some have even gone so far as to accuse *Pembela Islam*, a major organ for the dissemination of Hassan's doctrine, of being at the heart of the rupture, of fomenting trouble, of destroying the foundations of the legal school (*madhhab*), and more importantly of going astray. See A. Hassan, "Mentaliteit Pengarang 'Adil'," *Pembela Islam* 56 (30 December 1932), 36; Wali Djoko, "Sajang, Sajang, Atas Saudara jang Tertjinta Mahmoed Pauzi," *Pembela Islam* 58 (February 1933), 19; Soeki, "Pemetjah," *Pembela Islam* 34 (September 1931), 24-5; "Sepatah Kata," *Pembela Islam* 16 (December 1930), 2; TMT., "Pembela Djadi Pembelah," *Pembela Islam* 17 (January 1931), 13; "Pembela Islam dan Moehammadiyah," *Pembela Islam* 18 (January 1931), 8. One of the members of Permi has also accused Persis under Hassan of being paid by the government to create friction among Muslims; see "Goblok," *Pembela Islam* 62 (June 1933), 23. On one occasion, M. Oezir of Toebohan (B. Radja) was banned from performing duties as a *khatib* on the ground that he used Hassan's *Risalah Djum'at* in his *khutbah*; see M. Oezir, "Soerat Kiriman," *Pembela Islam* 24 (April 1931), 27. Furthermore, Alwi bin Thahir Alhaddad accused Hassan of being a *dajjal* (anti-Messiah), a follower of Mirza Ghulam Ahmad, and one of the *kaum muda* who was systematically trying to destroy Islam; see *Warta Djabatan Agama Johore*, no. 101, cited in Hassan, *Djawaban Kepada Alwi Bin Thahir Alhaddad*. Responding to these various responses, Persis, under the leadership of Hassan, wrote an open letter inviting all its opponents to have an open debate (*munâzarah*); see A. Hassan, "Djawaban Kami kepada jang Membantah Kami," a supplement to the *Pembela Islam* 56 (30 December 1932).
2. Sanusi Latief, "Gerakan Kaum Tua di Minangkabau" (Ph.D. diss., IAIN Syarif Hidayatullah, 1988), 256, 267; Mahmud Yunus, *Sejarah Pendidikan Islam di Indonesia* (Jakarta: Mutiara Sumber Widya, 1992), 98-9; Siradjuddin Abbas, *Kumpulan Soal Jawab Keagamaan* (Jakarta: Pustaka Tarbiyah, 1987), 4; "Persatuan Tarbiyah Islamiyah," in *Ensiklopedi Islam di Indonesia*, ed. Harun Nasution et al. (Jakarta: Departemen Agama, 1987-1988); "Persatuan Tarbiyah Islamiyah," in *Ensiklopedi Islam*, ed. Kafrawi Ridwan et al. (Jakarta: PT Ichtiar Baru van Hoeve, 1993). For the historical background of Perti and its early development, see Latief, "Kaum Tua di Minangkabau," 248-367.
3. For Abbas' biography, see Abbas, *Soal Jawab Keagamaan*, 3-6.
4. For Abbas' works, see Abbas, *Soal Jawab Keagamaan*, 6; Muhammad Ridwan Lubis, *Pemikiran Sukarno tentang Islam* (Jakarta: CV. Haji Masagung, 1992), 280.
5. The first volume of the book was published for the first time in 1970 by PT Karya Nusantara of Bandung and republished quite a number of times; the present writer uses the eighth edition published in 1982. It is thereafter likely still being republished because of its popularity among Muslims in the Malay countries.
6. Siradjuddin Abbas, *40 Masalah Agama*, vol. 1 (Jakarta: Pustaka Tarbiyah, 1982), 13-4.
7. Abbas, "Masalah Talqin," in *40 Masalah Agama*, vol. 4, 109.
8. *Ibid.*, 112.
9. A. Hassan, "Siapa Men-dla'ifkan Hadiets Talqin?" in *Soal-Jawab*, vol. 3, 977.
10. Siradjuddin Abbas, "Masalah Niyat dan Ushalli," in *40 Masalah Agama*, vol. 4, 243.
11. Abbas, "Masalah Talqin," 112. For another example, see Abbas, "Masalah Niyat dan Ushalli," 243 paragraph 9, and compare it to Hassan, "Melafazhkan Niat," in *Soal-Jawab*, vol. 1, 94 paragraphs 10 and 11.
12. See Hassan, "Melafazhkan Niat," 94; *idem*, "Tudung Kepala Wanita, Pergaulannya, dan Lain-Lainnya," dalam *Soal-Jawab*, vol. 2, 619; *idem*, *al-Djawâhir (Permata)2 Ajat2*

- dan *Hadits2* (Bangil: Persatuan Islam, 1957), i; idem, *Pengajaran Shalat* (Bandung: CV. Diponegoro, 1995), 76, 337; idem, *Wanita Islam: Jilbab, di Podium, Jabatan Tangan* (Bangil: Percetakan Persatuan, 1989), 70, 112; idem, "Men-dla'iefkan Hadiets Talqin?" 976; Endang Saifuddin Anshari and Syafiq A. Mughni, *Wajah & Wajah Seorang Mujtabid* (Bandung: Firma al-Muslimun, 1985), 64; Tohir bin Ibrahim, "Oeroesan Koeboer Lagi," *Pembela Islam* 22 (March 1931), 29 note 1, 32 note 1.
13. Siradjuddin Abbas, "Masalah Modernisasi Agama," in *40 Masalah Agama*, vol. 2, 241.
 14. Hassan, "Melafazhkan Niat," 94.
 15. Abbas, "Masalah Niyat dan Ushalli," 244; idem, "Masalah Modernisasi Agama," 312.
 16. It is true that the term "orientalist" has all too frequently been employed to denigrate those who promote ideas that are not in accordance with common belief and practice, most notably those held by students who have graduated from Western universities. This tendency is still prevalent among some Indonesian Muslims of the present-day and has, I think, to some extent become a significant barrier to the progress of Muslims themselves.
 17. Wael B. Hallaq, "Consensus," in *The Oxford Encyclopedia of the Modern Islamic World*, ed. John L. Esposito (Oxford: Oxford University Press, 1995).
 18. See Abbas, "Masalah Modernisasi Agama," in *40 Masalah Agama*, vol. 2, 201-320.
 19. See generally Siradjuddin Abbas, *Sejarah dan Keagungan Madzhab Syafi'i* (Jakarta: Pustaka Tarbiyah, 1994), especially chapter five, "Perkembangan Madzhab Syafi'i ke Indonesia," 239-97. See also Abbas, "Masalah Modernisasi Agama," 206-7, 209; idem, "Foreword" to the first edition of his *40 Masalah Agama*, vol. 1, 8-9.
 20. Abbas, "Foreword," 9.
 21. Abbas, "Masalah Modernisasi Agama," 273-4. For the two phrases, see also Muḥammad b. 'Abd al-Karīm al-Shahrastānī, *Kitāb al-Milal wa al-Niḥal*, ed. Muḥammad b. Faṭḥ Allāh Badrūn (Cairo: Matba'at al-Azhar, 1947), 201. For an analysis of the phrase *lā ḥukma illā lillāh*, see G.H. Hawting, "The Significance of the Slogan *lā ḥukm illā lillāh* and the References to the *Ḥudūd* in the Traditions about the Fitna and the Murder of 'Uthmān," *Bulletin of the School of Oriental and African Studies* 41 (1978), 453-63.
 22. Abbas, *Soal Jawab Keagamaan*, 149.
 23. Abbas, "Masalah Modernisasi Agama," 205-7; idem, "Foreword," 9.
 24. Abbas, *Madzhab Syafi'i*, 299-300; idem, "Masalah Modernisasi Agama," 275, 317.
 25. Abbas, "Masalah Modernisasi Agama," 270-2.
 26. Abbas, "Foreword," 9; idem, "Masalah Modernisasi Agama," 208-11. Elsewhere, Abbas points out that the proponents of the reform movement include: Ibn Taymiyyah, Muḥammad ibn 'Abd al-Wahhāb, Jamāl al-Dīn al-Afghānī, Aḥmad Khan, Muḥammad 'Abduh, Mirza Ghulam Ahmad, Mustafa Kemal Atatürk; see Abbas, "Masalah Modernisasi Agama," 213.
 27. Siradjuddin Abbas, *Ṭīqad Ablussunnah Wal-jama'ah* (Jakarta: Pustaka Tarbiyah, 1983), 261.
 28. In fact, Ibn Baṭūṭah himself acknowledges the fact that Ibn Taymiyyah was a famous jurist (*faqīh*) in Damascus respected by his society. For the passage, see Ibn Baṭūṭah, *Rihlat Ibn Baṭūṭah* (Beirut: Dār Bayrūt, 1980), 95. An analysis of the issue can be read in Little, "Did Ibn Taymiya Have a Screw Loose?" 93-111. It should be noted however that the Indonesian reformists generally praise Ibn Taymiyyah as a great scholar; see e.g. "Sjurga Dunia," *Pandji Masyarakat* 17 (15 February 1960), 1.
 29. Abbas, *Ṭīqad Ablussunnah*, 264, 266, 307-8; idem, "Masalah Modernisasi Agama," 214-9, 292-3. Abbas traces also what he calls the strange ideas of the other proponents of the reform movement in his "Masalah Modernisasi Agama," 220-46, 294-316 and

- his *P'tiqad Ablussunnah*, 309-32, 341-53.
30. Abbas, *P'tiqad Ablussunnah*, 303-4. In fact, Ibn Taymiyyah did not condemn all the *sifis*; he assaulted those who, in his eyes, violated the Qur'an and Sunnah; he was even reported to have been himself a member of the *Qādiriyyah* order; see Wael B. Hallaq, trans. *Ibn Taymiyya Against the Greek Logicians* (Oxford: Clarendon Press, 1993), xii; George Makdisi, "Ibn Taymiya: A Sufi of the Qadariya Order," *The American Journal of Arabic Studies* (1973), 118-29; idem, "The Hanbali School and Sufism," *Humaniora Islamica* 11 (1974), 61-72; reprinted in *Boletin de la Asociacion espanola de orientalistas* 19 (1979), 115-26.
 31. Abbas, *P'tiqad Ablussunnah*, 263.
 32. Abbas, "Masalah Modernisasi Agama," 264-9. In the eyes of Abbas, *taqlid* is not necessarily unlawful, but ranks after *ijtihād*. Contrary to Hassan, he hardly mentions the term *ittibā'*. This may point to a difference in understanding the meanings of these terms, i.e. *taqlid* and *ijtihād*; see e.g. Abbas, "Masalah Modernisasi Agama," 252-64; idem, *Madzhab Syafi'i*, 55-7.
 33. Abbas, "Masalah Modernisasi Agama," 270-1, 273; idem, *Madzhab Syafi'i*, 113-5.
 34. Abbas, *Soal Jawab Keagamaan*, 99-104; idem, "Masalah Modernisasi Agama," 211-2, 283-6; idem, *Madzhab Syafi'i*, 114.
 35. See generally, A. Hassan, *Islam dan Kebangsaan* (Bangil: Persatoean Islam, 1941); idem, *Membudakkan Pengertian Islam* (Bangil: Toko Timoer, 1946).
 36. A. Farichin Chumaidy, "The Jam`iyyah Nahdlatul `Ulamā': Its Rise and Early Development (1926-1945)" (Master tesis, McGill University, 1976), 159. Similarly, see Slamet Effendy Yusuf, Mohammad Ichwan Syam, and Masdar Farid Mas'udi, *Dinamika Kaum Santri* (Jakarta: CV Rajawali, 1983), x, 13-4.
 37. Chumaidy, "Jam`iyyah Nahdlatul `Ulamā'," 27.
 38. See, for instance, in the case of *ijtihād*, *talqīn*, *uṣullī*, and *khutbah*.
 39. Saifuddin Zuhri, *Sejarah Kebangkitan Islam dan Perkembangannya di Indonesia* (Bandung: Maarif, 1981), 609; Yusuf, Syam, and Mas'udi, *Kaum Santri*, 21; Kacung Marijan, *Quo Vadis NU Setelah Kembali ke Khittah 1926* (Jakarta: Penerbit Erlangga, 1992), 17; Abubakar Atjeh, *Sedjarah Hidup K.H.A. Wahid Hasjim dan Karangan Tersiar* (Djakarta: t.p., 1957), 469, 476.
 40. Atjeh, *Wahid Hasjim*, 505, 509; Yunus, *Pendidikan Islam*, 240, 243; Zuhri, *Kebangkitan Islam*, 610. The school-based character of the NU was introduced also in the "Interpretation of the Principles of the Party" adopted by the NU at its National Congress of September 1954 and printed in *Risalah Politik*, 3-4 (Djakarta: Pengurus Besar Nahdlatul Ulama, 1955), an extract of which can be found in Herbert Feith and Larice Castles, eds., *Indonesian Political Thinking 1945-1965* (Ithaca: Cornell University Press, 1970), particularly section "Nahdlatul Ulama: God's Law and Its Interpretation (1954)," 204-11. This was emphasized later in the national meeting of NU scholars in Bandarlampung on 23 January 1992; see Pengurus Besar Nahdlatul Ulama, *Keputusan Munas Alim Ulama & Konbes Nahdlatul Ulama di Bandarlampung* (Semarang: Sumber Barokah, 1992), 3-9; "Sistem Pengambilan Keputusan Hukum," *Aula* (February 1992), 32-8; Aziz Masyhuri, "Sistem Pengambilan Keputusan Hukum dalam Bahtsul Masail di Lingkungan NU," *Aula* (October 1994), 40-5, 55. See also Said Agil Husin Al-Munawar, "Mazhab dalam Pandangan NU, Fiqh dan Teologi," *Aula* (September 1992), 51, 56-7; "Menghalalkan Ijtihad di Bandarlampung," *Tempo* (1 February 1992), 31.
 41. Ahmad Siddiq, "Pokok-Pokok Pikiran Nahdlatul Ulama tentang 'Tajdid'," *Asy Syir'ah* 1 (1988), 45.

42. Cited in Chumaidy, "Jam'iyah Nahdlatul 'Ulamâ'," 41. Similarly, see Yusuf, Syam, and Mas'udi, *Kaum Santri*, 27.
43. Syafiq A. Mughni, *Hassan Bandung: Pemikir Islam Radikal* (Surabaya: PT. Bina Ilmu, 1980), 96. The argument in support of reliance on schools given by the NU was rejected by Hassan on the grounds that it was based on artificial reasons. According to Hassan, the different views on school were familiar to all members of the Masjumi since its establishment. Thus, it is hard to believe that the school issue was the most important factor behind the NU's quitting from Masjumi; therefore, there must be another more significant reason; see A. Hassan, *Risalah Al-Madzhab* (Bangil: Persatuan Islam, 1956), 17-8, 20. See also Howard M. Federspiel, *Persatuan Islam: Islamic Reform in Twentieth Century Indonesia* (Ithaca: Cornell University Press, 1970), 162.
44. For the meaning of *madhhab* according to the NU doctrine, see Masyhuri, "Pengambilan Keputusan Hukum," 42-4.
45. Marijan, *Quo Vadis NU*, 21; Imran Hamzah, "Katanya Mazhab Empat, Tapi...," *Aula* (February 1994), 34.
46. "Pinjam Mazhab (Lain), Apa Salahnya?" *Tempo* (14 March 1992), 69; Mughni, *Hassan Bandung*, 96.
47. See "Pinjam Mazhab (Lain), Apa Salahnya?" 69; Malik Madaniy, "Cara Pengambilan Keputusan Hukum Islam dalam Bachtsul Masail Nahdlatul Ulama (Sebuah Alternatif Pengembangan)," *Aula* (December 1991), 59.
48. "Pinjam Mazhab (Lain), Apa Salahnya?" 59. Geographically, Indonesia is a vast country. If the Indonesian Muslims were to follow strictly the Shâfi'î school, the first day of *Ramadan* would be different from one area to another; for according to the Shâfi'î school, only those who live in the same locality can start *Ramadan* on the same day. Thus in practice, says Ali Yafie, Indonesian Muslims follow rather the Mâlikî school which allows Muslims in one country to start *Ramadan* on the same day, although they may live in different regions. Similarly, ablution (*wuḍū'ī*), according to the Shâfi'î school, is rendered invalid by touching between a man and a woman. This is difficult to avoid at, for instance, the time of *ṭawâf* during the pilgrimage. In such a case, according to Sahal Mahfudz, Indonesian Muslims can follow the doctrine of the Ḥanafi school which holds that touching between a man and a woman does not make ablution invalid. Finally, according to the Shâfi'î school, *zakâb* on plants should be paid in the form of the same plants and cannot be replaced by money. Given the situation of traditional farming in Indonesia, this can create difficulties for the farmers themselves who, in most cases, do not sow their own crops but rather have this done by others from whom they receive a cash payment after the crops are harvested and sold. The doctrine of the Ḥanafi school can free farmers from this difficulty, in that it allows for the *zakâb* to be paid in the form of money.
49. Arief Muhaimin, "Buat Para Pembaca dan Ust. Sapto Waluyo," *Al-Muslimun* 300 (1995), 4.
50. See generally Machfudz Shiddiq, *Di Sekitar Soal Idjtihad dan Taqlid* (Surabaya: Nahdlatul-'Oelama', 1940).
51. *Ibid.*, 54-5; Feith and Castles, *Indonesian Political Thinking*, 210; Chumaidy, "Jam'iyah Nahdlatul 'Ulamâ'," 115; Yusuf, Syam, and Mas'udi, *Kaum Santri*, 6; Abdul Karim Husain, *NU Menyongsong Tabun 2000* (Kendal: CV. MA. Noer Chamid, 1989), 10; Afifuddin Muhajir, "Implementasi Sistem Pengambilan Keputusan Hukum dalam Bahtsul Masail NU," *Aula* (November 1994), 83. For an analysis of the problem of the existence of the *mujtahid*, see generally Wael B. Hallaq, "On the Origins of the Controversy about the Existence of Mujtahids and the Gate of Ijtihad," *Studia*

- Islamica*, 43 (1946), 129-41.
52. Chumaidy, "Jam'iyah Nahdlatul 'Ulamâ'," 115. See also Shiddiq, *Idjihad dan Taqlid*, 56-8; Reinhart, "Transcendence and Social Practice," 20-1; Makdisi, "Freedoom in Islamic Jurisprudence: Ijtihad, Taqlid and Academic Freedom," in *The Concept of Freedom in the Middle Ages: Islam, Byzantium and the West* (Paris: Les Belles Lettres, 1985), 82. On the justification for *taqlid*, see generally Mohammad Fadel, "The Social Logic of *Taqlid* and the Rise of the *Mukhtaar*," *Islamic Law and Society* 3 (1996), 193-233; Hallaq, *History of Islamic Legal Theories*, 179-81; Sherman A. Jackson, "Defence of Two-Tiered Orthodoxy," 138.
 53. Chumaidy, "Jam'iyah Nahdlatul 'Ulamâ'," 116. The idea that the gate of *ijtihad* has been closed was common not only among the members of NU but also among those who were considered *kaum tua*; see e.g. Naoeli, "Bantahan," *Pembela Islam* 17 (January 1931), 36.
 54. Marijan, *Quo Vadis NU*, 30. See also Feith and Castles, *Indonesian Political Thinking*, 210.
 55. The central position of scholars among the members of NU is indicated by the name of the organization itself: Nahdlatul Ulama and not Nahdlatul Ummah or Nahdlatul Muslim; see Yusuf, Syam, and Mas'udi, *Kaum Santri*, 22; Marijan, *Quo Vadis NU*, 30.
 56. Al-Munawar, "Mazhab," 57-8.
 57. Pengurus Besar Nahdlatul Ulama, *Ahkâm al-Fuqahâ*, vol. 1 (Semarang: Toha Putra, 1960), 69-70.
 58. "Dihukumi Setelah Lama Tak Jelas," *Aula* (October 1995), 88.
 59. See A.R. Baswedan, "Perkembangan Fikiran Dikalangan Umat Islam," *Hikmah* 4 (23 January 1954), 4.
 60. A. Hassan, *Kesopanan Tinggi Secara Islam* (Bandung: C.V. Diponegoro, 1993), 28.
 61. Al-Munawar, "Mazhab," 55.
 62. Feith and Castles, *Indonesian Political Thinking*, 210.
 63. Zuhri, *Kebangkitan Islam*, 615. In the context of Shawkânî's era, Hallaq writes: "This is why...*mujtahids* might appear to have vanished; it is not because they have really vanished that their voices are not heard, but because their existence will be significantly endangered should they insist on claiming the right of *ijtihad* for themselves"; see Hallaq, "Gate of Ijtihad," 32.
 64. Shâfi'î was reported to have said: *mathalu al-ladhi yaḍubu al-'ilma bilâ ijâzah kamathali 'âtibi laylin yaḥmilu ḥuzmah ḥaṭab wa fihi af'â taldaghubu wa huwa lâ yadrî* (the one who seeks knowledge without an authority is like a wood-cutter in the night, carrying a bundle of wood with a snake therein that keeps biting him while he is unaware of it); see Hassan, *Ijma'*, 124. He was also reported to have said: *mâ qultu wa-kâna al-nabî qad qâla bi-khilâfi qauli, fa mâ saḥḥa 'an al-nabî aulâ wa-lâ tuqallidûni. Wa'idhâ saḥḥa khabarun yukhâlifu madhbabi fa ittabi 'ilhu wa-i'lamû annahu madhbabi* (If you come across a statement by me which runs counter to a statement by the Prophet, then follow the Prophet's statement and do not imitate me. Similarly, if an authentic Sunnah conflicts with my school, then follow the former and know that it is my school); see Abdulwahhab, "Djawaban jang Tak Poetoes Asa," *Pembela Islam* 49 (July 1932), 8; M. Natsir, *Islam dan Akal Merdeka* (Jakarta: Media Da'wah, 1988), 31; Zuaylâ, *Uṣûl al-Fiqh*, vol. 2, 1130; Mahmasânî, *Falsafat al-Tasbîr*, 187; Shawkânî, *al-Qaul al-Mufid*, 22-3.
 65. See, for instance, the course outlines for *fiqh* and *uṣûl al-fiqh* as taught in the "reformist" school Pendidikan Hakim Islam Negeri (PHIN) of Yogyakarta.
 66. *Lau anna al-shâfi'î wa-abâ ḥanîfah wa-mâlik wa-aḥmad wa-ibn ḥajar wa-al-ramlî aḥyâ' lashaddadû al-nakîr 'alaikum wa tabarra'û minkum fi mâ tafalûn*; see Sjaich Hasjim

- Asj'ari, *Al-Mawâ'iz* (n.p.: Nahdlatul Oelama, 1935), originally delivered in the 9th National Congress of NU in Banjarmasin. See also Hassan, *Risalah Al-Madzhab*, 39-40; Hamka, "Al-Mawâ'izh Sjaich Hasjim Asj'ari," *Pandji Masjarakat* 5 (15 August 1959), 5-6.
67. Chumaidy, "Jam'iyah Nahdlatul 'Ulamâ'," 159. See also Madaniy, "Pengambilan Keputusan Hukum Islam," 54; "Dihukumi Setelah Lama Tak Jelas," 86; "Pintu Ijtihad Sudah Ketemu Kuncinya," *Aula* (February 1992), 29; "Pinjam Mazhab (Lain), Apa Salahnya?" 69; Husain, *Menyongsong Tahun 2000*, 8; "Menghalalkan Ijtihad di Bandarlampung," 30.
68. Al-Munawar, "Mazhab," 53-4.
69. Shiddiq, *Idjtihad dan Taqlid*, 59.
70. Hassan defines *ittibâ'* as *qabilu qaulin bi hujjatin* (receiving a view with its argument), and *taqlid* as *qabilu qaulin bi lâ hujjatin* (receiving an idea without any argument).
71. See chapter four on the section of *talaffuz bi al-niyyah*.
72. Hassan, *Ijma'*, 72, 130.
73. Madaniy, "Pengambilan Keputusan Hukum Islam," 54.
74. Bukhârî, *Sahîh al-Bukhârî*, vol. 5, 2; Ahmad, "Theory and Practice," 185; Schacht, "Classicisme, traditionalisme et ankylose," 148; Friedmann, *Prophecy Continuous*, 94-5.
75. S.S. "Soeal-Djawab," *Pembela Islam* 2 (April 1956), 16.
76. For the debate, see "Verslag Debat Taqlid," *Al-Lisaan* 1 (27 (December 1935), 28-9.
77. Like Chair, Ghaffar Ismail was of the opinion that learning German is also considered a process of *taqlid*, a view rejected of course by Hassan who accuses him of being ignorant of the meaning of the term; see Hassan, "Samboengan," 41-2.
78. See, for instance, Maḥmaṣānî, *Falsafat al-Tasbrî*, 184-5.
79. Hallaq, "Introduction: Issues and Problems," 135-6. See also idem, "Gate of Ijtihad," 25; Calder, "Nawawî's Typology of *Muftîs*," 159 note 42, 160 note 46.
80. Of course, Hasbullah's understanding is incorrect, for earlier jurists such as Suyûṭî, Ibn 'Abd al-Barr, and Ibn Daqîq al-'Âd have dealt with the doctrine of *ittibâ'*; see Dasûqî, *al-Ijtihâd wa al-Taqlid*, 203; Zuhaylî, *Uṣûl al-Fiqh*, vol. 2, 1121; Ibn Qayyim al-Jawziyyah, *I'lam al-Murwaqqi'in*, vol. 2, 171, 178; Peters, "*Idjtihâd* and *Taqlid*," 140.
81. Mughni, *Hassan Bandung*, 39-42. Hassan's response was elaborated later in his *Ijma'*, *Qiyas, Madzhab, Taqlid*.
82. A. Hassan, "Berita Nahdlatuel-'Oelama' tentang Taqlid," *Al-Lisaan* 4 (7 March 1936), 28-30; idem, *Ijma'*, vii; Djaja, *Hassan*, 28; Mughni, *Hassan Bandung*, 41-4; Sj., "Boeat Orang Matikah atau Orang Hidup?" 8. Shiddiq's ideas of *ijtihad* and *taqlid* was elaborated later in his *Idjtihad dan Taqlid*.
83. Hassan, "Berita Nahdlatuel-'Oelama'," 29-30.
84. For Hassan's *fatwâ* on *taṣwîr* (e.g. picture), see A. Hassan, "Gambar," *Pembela Islam* 4 (January 1930), 49-51; idem, "Dari Hal Gambar," in *Soal-Jawab*, vol. 1, 347-63.
85. Atjeh, *Wahid Hasjim*, 216.
86. Yusuf, Syam, and Mas'udi, *Kaum Santri*, 9, 13-4. Similar warnings were also addressed by PSII to Hassan and his colleagues, to which Hassan responded by saying that some members of PSII were not performing prayer, and that they were also divided amongst themselves in spite of the fact that they were avoiding any discussion of what they called "simple matters" (*furû'*); see A. Hassan, "PSII dengan Salat," *Pembela Islam* 49 (July 1932), 20; idem, "Mas-alah Foeroe'," *Pembela Islam* 2 (April 1956), 18; idem, "Lagi-Lagi Masalah Foeroe'," *Pembela Islam* 44 (March 1932), 78;

- idem, "Openbare Debat PSII dengan Kaoem-Kaoem Foeroe," *Pembela Islam* 44 (March 1932), 43-4.
87. A. Hassan, "Toean Salim Djadi Djoeroe Foeroe," *Al-Lisaan* 24 (April 1938), 21; Mughni, *Hassan Bandung*, 97-8; "Isa Anshary: Pertentangan Ideologie Tak Perlu Timbulkan Perpetjahan Nasional," *Suara Merdeka* (28 December 1954), 3.
 88. Husain Al-Habsji, *Risalah Labirnja Madzhab jang Mengharamkan Madzhab2* (Surabaya: P.P. Alaydrus, 1956), 4-5.
 89. Hassan, *Mendjawab Buku Bantahan*, 5.
 90. Husain Al-Habsji, *Risalah Haramkah Orang Bermadzhab?* (Surabaya: Toko Kitab Assegaf, 1957), 5.
 91. Habsji, *Labirnja Madzhab*, 11-2.
 92. Hassan, *Mendjawab Buku Bantahan*, 12, 21.
 93. Habsji, *Haramkah Orang Bermadzhab?* 11-2.
 94. Habsji, *Labirnja Madz-hab*, 25, 30; idem, *Haramkah Orang Bermadzhab?* 13.
 95. 'Iddah is a legally prescribed period of waiting during which a woman may not remarry after being widowed or divorced.
 96. Habsji, *Labirnja Madzhab*, 14-6, 19. On the meaning of *qur'un* (pl. *qur'u'*), the first group understood it as *hai'd* (menstruation), while the second group translated it as *tubr* (cleanness). As regards the second case, 'Alī was of the opinion that the 'iddah for the woman is the longest period of the two offered by the Qur'an 2:234 and 65:4, while according to 'Umar, the Qur'an 65:4 is a *takhsīs* (specifying the general sense) of the Qur'an 2:234 and that the 'iddah of the woman must be finished immediately after giving birth; see Khafif, *Ikhtilāf al-Fuqahā'*, 110; Shāfi'ī, *Risālah*, 562-4; Muhammad Hasbi Ash-Shiddieqy, *Sebab-Sebab Perbedaan Faham Para Ulama dalam Hukum-Hukum Sjara'* (Jogjakarta: IAIN Sunan Kalijaga, 1969), 3, 5.
 97. Habsji, *Labirnja Madzhab*, 32.
 98. *Ibid.*, 30-1.
 99. For Hassan's quotation, see Hassan, *Ijma'*, 120. See also Ibn 'Abd al-Barr, *Bayān al-'Ilm*, 394.
 100. Habsji, *Haramkah Orang Bermadzhab?* 15.
 101. *Ibid.*, 14.
 102. Djaja, *Hassan*, 29.
 103. Hassan, *Menjawab Buku Bantahan*, 4-5, 27. See also A. Hassan, "Masih Mahu Tjari-Tjari Djuri," a pamphlet issued on 10 December 1956.
 104. Habsji, *Haramkah Orang Bermadzhab?* 4.
 105. E. Gellner, "A Pendulum Swing Theory of Islam," *Annales de sociologie* (1968), 5-14, reprinted in *Sociology of Religion: Selected Readings*, ed. Roland Robertson (Victoria, Australia: Penguin Books, 1969), 127-38.
 106. Kerr, *Islamic Reform*, 75.
 107. See, for instance, Haim H. Cohn, "Secularization of Divine Law," *Scripta Hierosolymitana* 16 (1966), 55-103.

Akh. Minhaji is the Assistant Director of the Graduate Faculty (Pascasarjana) and Editor-in-Chief of Al-JAMI'AH, *International Journal of Islamic Studies*, State Institute of Islamic Studies (IAIN), Sunan Kalijaga, Yogyakarta-Indonesia.