
Michael Feener’s close examination of the intellectual development of Islamic law in Indonesia is an important work that adds to a growing body of literature covering various aspects of Indonesian Islam. These include works on Muslim organizations and movements, Islamic education and Muslim students, Qur’anic exegesis, Islamic theology, and on Muslim Sufism.

By offering insights into areas not taken into account by earlier works on Islamic law in modern Indonesia, Feener fills in some important gaps. As he states in his preface, the seven chapters of this book examine 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, classical Muslim jurisprudential texts, and modern Middle Eastern and ‘Western’ academic writings read in light of rapidly evolving social, economic and political contexts (p. xx).

Drawing on Roff, Feener points out that three key phenomena have influenced Muslim legal thought in modern Indonesia: voluntary associations, print culture and


educational reform. Feener considers these as three legs of a triangle, each intersecting with and supporting the other two and, taken together, contributing to wide-scale transformations of the religious, intellectual and legal cultures of the Muslim communities of the Indonesian archipelago. With a more systematic approach and a deeper focus, this volume is a comprehensive and sophisticated update of previous works, such as those by Federspiel and Bowen, on Muslim intellectuals in modern Indonesia.8

It has never been an easy task for a scholar studying Indonesian Islam to present a comprehensive view of the historical development of Islamic legal thought in modern Indonesia. Feener tackles this task skillfully. Expanding upon his dissertation (Boston University, 1999), he discusses a number of independent Muslim thinkers from various Muslim organizations across different decades of the 20th century, including government officials, such as Munawir Sjadzali, political leaders, such as M. Natsir, Anwar Harjono and Abdurrahman Wahid, academics, such as Hasbi Ash-Shiddieqy, Hazairin, Nurcholish Madjid and Jalaluddin Rakhmat, as well as both modernist and traditionalist scholars. Among the modernists, he includes Ahmad Hassan and Moenawar Chalil, and among the traditionalists, Said Aqil Siradj, Ali Yafe, Ibrahim Hosen, Sahal Mahfudh and Masdar Farid Ma'sudi. Feener has divided this approximately one-hundred year period of development into three phases, which he describes in Chapters 2 through 6.

The first phase covers the early 20th century to 1945, the year in which Indonesia was declared free from colonial rule. During this time, fierce polemics emerged on the question of whether or not the gate of *ijtihad* was closed. Additionally, legal debates between Muslim groups were frequent, especially regarding differences in worship and ritual. The modernist groups (e.g., Persatuan Islam and Muhammadiyah) advocated the deployment of *ijtihad* and educational reforms, while the traditionalist groups (e.g., Nahdlatul Ulama) maintained that in order to acknowledge the importance of Islamic tradition, adherence to one of the four madhhab and the foundational authority of their respective leaders was necessary.

The second phase covers the 1950s, when the Yogyakarta-based leading religious scholar Hasbi Ash-Shiddieqy and the Jakarta-based prominent professor of law Hazairin, both expressed the need for a new national Indonesian madhhab. For both men, Islam could remain a vital force in the lives of believers only if Indonesian *fiqh* within the framework of a national madhhab was in line with the local cultures of Indonesia and at the same time was based on the Qur’an and the Prophetic tradition. In their view, an Indonesian madhhab was a necessary response to the plurality of laws developing in post-independent Indonesia, which incorporated the Dutch colonial code, local customary law and Shafi'i jurisprudence.

In addition to this desire for a national Indonesian madhhab, a number of Islamic parties, as well as prominent Muslim individuals, demanded that the Shari’a be the

basis of constitutional law. Initially, leaders of the Masjumy Islamic party (who then founded the Islamic Propagation Board of Indonesia [DDII]) were not able to accept the idea that a country in which the majority of the population was Muslim should have anything other than Islamic law as the law of the land. According to Feener, for these leaders the issue was not “the interpretation of Islamic law in relation to contemporary Indonesian society, but rather … Islam as the formal identity for the law of the Indonesian state” (p. 114). However, their struggle at the Constituent Assembly (1957-59) ended in failure.

The third phase covers the New Order regime era (1966-1998), which, since its early period, banned any initiative to introduce Islamic law based on the draft of the Jakarta Charter (the rejected draft of the Indonesian constitutional preamble that contained the controversial words ‘with the obligation of carrying out Islamic *Shari‘a* for its adherents’). Following this ban, some individual Muslim intellectuals looked for other means to bring their religious ideals into engagement with the rapid social transformations of the period and the new course of national development.

Driven by different backgrounds and external influences, these Muslim intellectuals proposed programs of Islamic (legal) reform that purportedly went hand-in-hand with the regime’s developmentalist agenda of economic growth, political stability and equal access to welfare. In Chapter 5, Feener discusses three scholars (Jalaluddin Rakhmat, Nurcholish Madjid and Munawir Sjadzali) who proposed different ideas and concepts to overcome the narrow and inflexible *fiqh* interpretations associated with those Indonesian Muslim groups which, in their view, often held up national development.

In Chapters 6 and 7, Feener discusses a dynamic reform that arose among members of the new generation of the largest Muslim traditionalist organization, Nahdlatul Ulama (NU), especially its endeavor to escape the label of “*madhhab* fanaticism” often attached to it by earlier Muslim reformers. One example of this trend was an attempt to rethink the organization’s fundamental ideology: *Ahl al-Sunna wa al-jama‘a* (the people of the Prophetic tradition and the community). Usually abbreviated as *Aswaja*, this core ideology was reinterpreted as the way of moderation (*tawassut*), characterized by the virtue of balance (*tawazun*) and tolerance (*tasamuh*). This reinterpretation resulted in NU’s effort to formulate a religious law in which neither the literal statements of authoritative texts nor the use of human reason are completely excluded or exclusively decisive. Additionally, NU’s reformulation of *Aswaja* suits the objectives of the state’s development agendas, as well as the increasingly popular values of democracy, pluralism and human rights.

Regrettably, Feener includes only a few Muslim women intellectuals. This is not because he disregards them, but rather because significant works on Islamic legal thought by Indonesian Muslim women scholars are rarely to be found. Be that as it may, two female scholars should be noted: Andi Rasdiyanah, who wrote her dissertation on the integration of Buginese customary law into Islamic *Shari‘a* and who has held positions at both academic and religious institutions within the country, and Huzaimah Tahido, who received a doctorate from al-Azhar and is currently Professor of Comparative Islamic Law at Syarif Hidayatullah State Islamic University in Jakarta.
It is unfair to expect a single volume to address all issues and include every subject; this gap, however, should inspire future researchers to investigate the extent to which Indonesian Muslim women scholars and activists have been part of Islamic legal discourse.

This book is an excellent contribution to the existing scholarly literature on modern Indonesian Islam. It stands apart in its extensive use of Indonesian sources to construct the first map of Islamic legal discourse in Indonesia, which will be of use both to scholars specializing in Indonesian studies, as well as to historians, anthropologists and Islamicists who have only limited knowledge of Indonesian Islam.

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