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## Islamic Law in 17th Century Aceh

*Loi islamique à Aceh au XVII<sup>e</sup> siècle*

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## Islamic Law in 17th Century Aceh

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### **The sharia in Aceh**

The implementation of Islamic law (sharia) in Indonesia is an issue that has raised numerous controversies since independence, as the decision had been taken not to inscribe Islam as the religion of the state as early as 1950. Aceh province, reputed to be particularly rigorous in terms of religion and which has shown strong separatist tendencies for a long time, raised that issue with a special virulence. The decision to authorize that province alone to enforce sharia is the fruit of recent unpredictable events.<sup>2</sup>

The presidential mandate of B.J. Habibie, which occurred unexpectedly (as a result of the fall of Soeharto's government, in May 1998) and lasted only a year (1998-1999), provoked reforms of disproportionate dimensions. These included the independence of Timor Leste, a regional decentralisation process and the decision to grant sharia to Aceh. At the same time, Aceh province, newly baptised Nanggroe Aceh Darussalam (henceforth, Aceh) was granted a status of special autonomy (as already enjoyed by Jakarta, Yogyakarta and Papua) which conferred it a greater autonomy than enjoyed by the other provinces. The granting of sharia, in 1998, was not a response to any special pressure of the moment; it was conceived as a gesture to smooth the relationship between the central government and the province.

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2. The following outline is based on the following sources: the books by Feener (2013), Afrianty (2015) and Salim (2015), and the articles by Bush (2008) and Buehler (2008).

The 2004 tsunami caused not only casualties and material damage of considerable proportions, but also a social trauma, one consequence of which was a surge for greater religious rigour. The tsunami also contributed to speed up the negotiations between the Indonesian government and the separatist movement (GAM, Movement for Aceh's Independence), which led to the Helsinki Agreement of August 2005. Later on, the leaders of GAM, who were not a priori in favour of the implementation of sharia, were elected at the head of the province.

Since that time the definition, organisation and enforcing of sharia has been very slow and problematic. Sharia is not a code that could be adopted once and for all to replace the whole of Indonesian law. The sharing of judicial jurisdictions between the province and the central government makes the process complex. The population of the province (four and a half million in 2010) is divided about the principle and the mode of implementation of sharia. The ongoing debate on the subject is linked with power struggle and the structure of Indonesian judiciary; it is also influenced by the way Acehnese perceive sharia and conceive the identity of their province. The issue, in fact, is more political than religious.

The process of decentralisation has transferred a number of jurisdictions from the central government to the "regions" (provinces, districts [*kabupaten*] and municipalities [*kotamadya*]); these three administrative units became autonomous in certain administrative and economic domains, which caused an upheaval of local political life and consequently of certain aspects of social life. Many "regions" started to issue regional Islamic by-laws (Perda SI, Peraturan Daerah Syariat Islam) ruling over social practices in the religious field that are not governed by the national law codes, such as wearing a veil, consuming alcohol, collecting ritual alms (*zakat*), performing the fast and the ritual prayers, and so on. In 2008, 160 Perda SI had already been issued in 24 of the 33 provinces. Aceh province has five *kotapraja* and 18 *kabupaten*, some of which have also issued by-laws independently of the province.

Aceh province undertook to organise sharia, beside national law that remains in force in a general way, by issuing little by little a series of punctual codes (*qanun*): 58 of them have been enacted between 1999 and 2008. They regard the above mentioned issues as well as the operation of religious courts, the creation of a religious police force (Wilayatul Hisbab), the rules of decency in the relationship between unmarried men and women, and many others. The Qanun Junayat (criminal code) of 2009, which stipulated corporal punishments, raised many controversies.

In this rather tumultuous context, it is in the interest of the proponents of sharia to demonstrate that Islamic law is deep-rooted in the history of the province. There is no lack of local academics to assert that sharia was implemented in Aceh as soon as Islam was introduced, long before the 17th century and that that practice was only interrupted by Dutch colonial rule, in

1874. Henceforth, ancient documents that seem to testify to the implementation of sharia at the time of the sultanate meet with new interest. The publication, almost simultaneously, in Aceh itself, of two bulky compendiums of *fiqh*, that is, treatises detailing the implementation of sharia, dating from the 17th and 18th centuries, implicitly reinforces the idea of the age-old presence of sharia in the province.

These two compendiums are not published as sources of Islamic law that could eventually inspire today magistrates. About one of them (the *Safinat al-Hukkam*), M. Feener remarks that its contents have practically no resemblance with modern Islamic legislation (2013: 158). One of the peculiarities of sharia implementation in Aceh today, even more surprising because it differs from the judicial practice in the other Indonesian provinces, is that judges of the religious courts very rarely quote texts of *fiqh*, but on the contrary refer to the codes of Indonesian national law, notably the 1989 Religious Judicature Act and the 1991 Compilation of Islamic Law (KHI, *Kompilasi Hukum Islam*) (Feener, 2013: 168).

### Islamic Law Books in Malay

Two academics from Aceh have published in 2015, with a small local publisher, the transcription of three major compendiums of Islamic law written in Aceh and Borneo, in the 17th and 18th centuries. They are the *Mir'at al-Tullab* (The Mirror of Seekers) by Abdurrauf bin Ali al-Singkili<sup>3</sup>, the *Safinat al-Hukkam* (The Vessel of Judges) by Jalaluddin al-Tarusani, and the *Sabil al-Muhtadin* (The Path of the Rightly Guided) by Muhammad Arsyad al-Banjari (see al-Singkili, 2015; al-Tarusani, 2015; al-Banjari, 2015-2017, in the References below). I will only talk of the first two, as I was unable to see the third, of which suffice it to say that the author, Muhammad Arsyad, who is believed to have lived more than a hundred years (1710-1812), studied many years in Mekkah at the same time as Abdul Samad al-Palimbani, Abdul Wahab Bugis and Abdul Rahman al-Misri. Upon returning to Banjar in South Borneo, he wrote the *Sabil al-Muhtadin* (around 1780), which is an elaborated adaptation of Nuruddin al-Raniri's *Sirat al-Mustaqim* (written in Aceh in 1644), by order of Sultan Tahmidullah. The *Sabil al-Muhtadin*, restricted to ritual obligations (*hukum ibadah*), has been very popular in Indonesia and Malaysia until recent times and was several times published in Jawi (i.e. in Arabic characters).

The four above-mentioned titles are not the only *fiqh* compendiums written in Malay between the 17th and the 19th centuries. Other titles are known, for instance the numerous manuscripts devoted to laws pertaining to marriage (*Bab al-Nikah*), several works by Daud bin Abdullah al-Patani (d. ca. 1845) such as

3. Abdurrauf is known under three names (*nisba*): al-Singkili, al-Fansuri, and al-Jawi. I will use the first.

*Bughyat al-Tullab* and *Furu' al-Masa'il* (see Matheson & Hooker, 1988), or the *Al-Qawanin al-Syar'iyah* (1881) by Sayyid Uthman al-'Alawi (which has been recently published by the Ministry of Religious Affairs in Jakarta).

Still, in the corpus of Malay texts of the 'classical' period (say, prior to the 20th century), works pertaining to Islamic law are rather rare. The four texts mentioned earlier are quoted everywhere, but the information on them, tirelessly copied out from one book or one article to another, is vague and uncertain. Thus, only a handful of law digests, as opposed to hundreds of pamphlets related to other fields of the religious domain, as theology, sufism, Koran exegesis, hadith collections, morality, etc.

Books about Islamic law (*fiqh*, *fikih*, *fikah*) have always circulated in manuscript form (the manuscripts of some of them were numerous all over the Indonesian archipelago), beside a few editions in Jawi made for Koranic schools. The word *fiqh* is commonly translated as "jurisprudence" because *fiqh* is not the law (sacred law, *shari'a*, is contained in the Koran and the Sunna), but the interpretation of the law. Accordingly, the above books expound the law according to the Shafi'i school, but in some cases give also the advice of the three other Sunni schools (Hanafi, Maliki, Hanbali) and deliver the principles of the law as they are formulated by such and such an author. In that regard, they fundamentally differ from the codes of law of modern states.

Jalaluddin declares in his introduction (2015, p. 11) that it is cautious, in specific cases, to respect the prescriptions of various schools in order to be sure to be in the right path. On many issues, indeed, he exposes the point of view of other schools than the Shafi'i one, judges being free, it seems, to choose one or the other according to circumstances. In the chapter on court decisions (*Baht kitab al-aqdiyah*), Jalaluddin quotes Shaykh Abd al-Wahhab al-Sha'rani: "I hate the judge who sticks to the law school (*mazhab*) of his father or his shaykh in delivering a verdict whereas he knows that this verdict is not to the interest of Muhammad's people in his own time and that he could switch to a different school."<sup>4</sup> Follows a long list of examples of differences of opinion between the four schools.

The number of works on Islamic law in Malay is meagre in comparison to that of Arabic treatises on the subject known to have circulated in Indonesia, either in religious courts or in Koranic schools.<sup>5</sup> The law books studied in those schools have been well recorded and studied (mainly by L.W.C. van

4. This passage is incomplete in the 2015 edition (p. 178), because of a three-line lacunae caused by a "saut du même au même"; the complete text is found in the 2004 transcription, p. 146, i.e. "*aku benci akan orang yang tetap ia pada madhhab bapaknya dan shaykhnya pada suatu hukum serta diketahuinya hukum itu tiada maslahat bagi ummat Muhammad pada masanya, lagi dapat ia berpindah kepada yang lain daripada madhhab bapaknya dan shaykhnya...*"

5. I use the phrase "Koranic schools" to designate all sorts of schools for the teaching of the religious sciences (*pondok*, *dayah*, *meunasah*, *surau*, *madrasah*, *pesantren*). Some were limited to basic teaching, while others encompassed all domains of Islam as a religion.

den Berg, 1886, and M. van Bruinessen, 1995; see also Steenbrink, 1984), but the books used by Islamic courts are much more obscure. It seems that even Arabic books may have been rare. G.W.J. Drewes devoted a study to the texts known to come from one region of Indonesia, viz Palembang, on the basis of the manuscripts, mostly from the 19th century, kept today in public libraries. Among other conclusions he remarked: “the complete absence of books on Islamic law (*fiqh*) is most conspicuous. After all, books of this kind cannot have been lacking in Palembang; the less so because this town, a Muslim centre for centuries, was the seat of a religious court coming under the authority of the Panghulu-in-chief (Drewes 1977: 217).” Considering this dearth of documentation, the simultaneous publication of the *Mir’at al-Tullab* and the *Safinat al-Hukkam* is quite an exceptional event.

### The *Mir’at al-tullab* in perspective

Most of Malay religious books bear Arabic titles made of two rhyming distiches. The full title of the *Mir’at al-tullab* is *Mir’at al-Tullab fī tashīl ma’rifat ahkam al-shar’iyya li’l-malik al-wahhab*,<sup>6</sup> which the author himself translates as “the mirror of law students devised to facilitate knowledge of divine law.” The author, Abdurrauf bin Ali al-Singkili, is one of the most famous ulemas in Indonesian history. His life covers most of the 17th century (ca.1620–1693).<sup>7</sup> Born in Aceh, he studied twenty years (1642–ca.1661) in Arabia, Yemen and Cairo, then came back to Aceh, where he held a high position at the court, opened a school, spread the *tarekat* Shattariyya, and wrote several books, including the first Malay exegesis of the Qur’an.

The *Mir’at al-Tullab* is quoted everywhere, so that its title is known to everyone interested in Malay-Indonesian intellectual life across the centuries,

6. One word needs to be said about the system of transcription used in this article. In the Malay-Indonesian field, authors (local and foreigners alike) speaking of religion tend to spell certain words of Arabic origin as if they were Arabic (e.g. *qāḍī* instead of *kadī*). I follow, on the contrary, the principle of spelling Indonesian words as such and to limit transliterations and diacritics to words typically foreign. The distinction is not always an easy one: was the word *fiqh* already Malay (under the form *fikih* or *fikah*) in 1672 or 1740 (when Abdurrauf and Jalaluddin were writing)? Another question is raised by names: “Abdurrauf” and “Jalaluddin” refer to a typically modern way to write these two names; in the 17th and 18th centuries they were uniquely written in Arabic characters; the question of their spelling in Latin characters only arose at the end of the 19th century and it gave rise to variants, among others due to the evolution of the official spelling of Malay and Indonesian. Abdurrauf and Jalaluddin (and a hundred others) are names of Arabic origin, but names of Indonesian people; I can’t see any reason to treat those names as if they were those of Arab people; what is the signification of the lettering ‘Abd al-Ra’ūf in Indonesia? A third point concerns the transcription of Arabic book titles. As this article is not intended for Arabicists, I am using a simplified transcription, without diacritics. I am following illustrious examples here, like Azyumardi Azra (1994) and M. van Bruinessen (1995), as I am sure that it will not prevent anyone from understanding them.

7. All dates in Abdurrauf’s life are conjectural. D.O. Rinkes, in 1909, roughly calculated that he might be born in 1615, and the date has been accepted ever since, even though P. Voorhoeve (1952: 88) established that he was probably born “a bit later.”

but the text is easily available to nobody: a Jawi edition (in Arabic script) published in Cairo, has circulated in the circle of Koranic schools, but no transcription has ever reached a wider public and it seems that, during the last fifty years, it has been read by only a very few people. Already in 1989, M. van Bruinessen (1995: 119) noted that it was not studied in Koranic schools anymore and that even its title was not widely known. The 2015 publication of the Lembaga Naskah Aceh is not easily accessible on the market, but it exists and every interested individual or institution is now able to acquire it.

The *Mir'at al-Tullab* is supposed to have had a prominent influence on local justice in a great part of the Indonesian world, from Patani to Mindanao. An interesting testimony in this regard is that of Raja Ali Haji in the *Tuhfat al-Nafis* regarding Yang Dipertuan Muda Raja Jafar (Riau's viceroy), who was named to that office in 1805: "He liked religious scholars and was dedicated to the pursuit of knowledge. He read books in Malay like the *Fundamentals of Religion* [*Usul al-Din*] and the *Mir'at al-Tullab* with his teacher, Haji Abd al-Wahab, a prominent religious scholar of the time.<sup>8</sup>" Another sign of the extensive distribution of the book is the fact that one copy was given by the Raja of Gorontalo, in Northern Sulawesi, to a distinguished Dutch visitor around 1820.<sup>9</sup>

The first Malay *fiqh* book known to us, i.e. Nuruddin's *Sirat al-Mustaqim*, has been in some way very popular, as it may have been the most copied Malay manuscript ever, with more than 175 extant copies (see Wormser, 2012: 47-48), probably because pupils of Aceh *dayah* (Koranic schools) had to copy it as an exercise. It was also published several times, both separately and in the margins of Muhammad Arshad al-Banjari's *Sabil al-Muhtadin*. However, it was restricted to ritual obligations (*hukum ibadah*) and thus represented only a small portion of the *fiqh* apparatus.

The *Mir'at al-Tullab* was the first extensive Malay treatise of *fiqh* written in the Malay world. It was not, however, for Aceh people the first introduction to *fiqh*: before the rise of Abdurrauf, there had been a score of foreign and domestic scholars teaching and writing about the various domains of Islamic sciences in Aceh. The *Bustan al-Salatin*, in a short chapter about the history of Aceh written (or rather completed) ca.1680 (Nuru'd-din, 1966: 32-35), mentions by name eight scholars, mostly foreign, who had a position in Aceh from the reign of Sultan Ali Riayat Syah (1571-1579) to that of Sultana Tajul Alam Safiatuddin (1641-1675). Most of those scholars were teaching, some of them specifically about *fiqh*, but this does not mean that teaching institutions as we know them (*meunasah*, *dayah*, *madrasah*) already existed. The English

8. See Ali Haji 1982: 221. The *Tuhfat al-Nafis*, in fact, is not the work of Raja Ali Haji, but of his father, Raja Ahmad. The son edited and expanded (up to 40%) the work after his father's death, but it is not easy to distinguish what belongs to whom in the final work (see Matheson 1971).

9. The visitor was C.G.C. Reinwardt; see Wieringa, 1998: 27.



navigator John Davis, who visited Aceh in 1602, states that the Acehnese of the capital “bring up their Children in Learning, and have many Schooles” (Reid, 1995: 26). If we choose to take this testimony (unique of its kind) at face value, it means that some kind of *meunasah* existed, that is, places where children were taught to read the Koran, not places of high learning. The education of Iskandar Muda, as it is retold in the *Hikayat Aceh*, lasts ‘a few months’ at the age of 13 and its evocation holds in one sentence: “With God’s will, after some time Pancagah knew to read the Koran and religious books” (Iskandar, 1958: 150). The above-mentioned scholars may have been teaching in the royal mosque. And the eighteen sufi tracts from the early 17th century published by A. Johns (1957) could be the texts of such lectures.

Among those foreign scholars was Shaykh Abu’l-Khair bin Shaykh Ibn Hajar, the son of the famous Ibn Hajar al-Haytami (1504-66), who was among the models of both Abdurrauf and Jalaluddin. Another one was Shaykh Muhammad Jailani al-Hamid, who came from Ranir in Gujarat; he was the uncle of Nuruddin al-Raniri, and he stayed twice in Bandar Aceh, during two different reigns, and taught *fiqh* and mysticism. Another again was a shaykh of Syrian origin, Ibrahim ibn Abdullah al-Shami al-Shafi’i, who died in 1630, six months after the illustrious Shaykh Syamsuddin al-Samatrani. There were many more scholars not mentioned in the *Bustan* (Abdurrauf is not); about Sultana Tajul Alam the text simply says: “she revered and appreciated the ulemas and the descendants of the Prophet who came to Bandar Daru’s-Salam” (Nur’d-din, 1966: 59).

Long before that, we know from Ibn Battuta, that there were several jurists in Pasai in the middle of the 14th century. The Moroccan traveller mentions the names of two Persians: Amir Sayyid al-Shirazi and Taj al-Din al-Isbahani, and he relates that he had a discussion about Shafi’i jurisprudence with the sultan himself (Ibn Battuta, 1995: 966, 968). This testimony corroborates the fact that Pasai writers, either Persians versed in Malay or Malays fluent in Persian, translated several famous Persian texts into Malay: *Hikayat Amir Hamzah*, *Hikayat Muhammad Hanafiyyah*, *Hikayat Bayan Budiman* (The story of the wise parrot, translated by one Qadi Hasan in 1371), while in 1603, in Aceh, Bukhari al-Johori would compile the *Taj al-Salatin* from Persian sources. Later on, we know from the *Sulalat al-Salatin* that many ulamas from the Middle-East visited Malacca in the 15th century.

We cannot expect all the above mentioned foreign scholars to know Malay, while they were only spending a relatively short time in Aceh. Nuruddin was an exception, not the rule. Therefore, they must have been teaching in Arabic, which supposes that there were enough people to understand that language. A few documents attest that, in Pasai, Malacca and Aceh, in the 14th-16th centuries, educated people could speak Arabic. The *Sulalat al-Salatin* tells us, when recording the origins of the sultanate of Pasai, that “at that time all



the people of Pasai knew Arabic” (Brown 1970: 36; on Arabic in Pasai see Braginsky 2004: 116-18).

Towards the end of the sultanate, shortly before 1511, it is said of a Malacca noble: “Tun Muhammad was, for a Malay, a learned man; he had a smattering of Arabic grammar and syntax and canon law and some slight knowledge of doctrinal theology (Brown, 1970: 112).” *Fiqh* is thus regarded as a relatively familiar domain.

Therefore, the *Mir’at al-Tullab* does not mark the discovery of *fiqh* by the Malays, but the beginning of writing about *fiqh* in an extensive way in the Malay language. It is somewhat surprising that we have to wait until the middle of the 17th century to see *fiqh* books written in Malay in Bandar Aceh, viz the *Sirat al-Mustaqim* (1644) and the *Mir’at al-Tullab* (1672). Beside the fact that other books may have disappeared without a trace, there may be several reasons for this, among others the importance of orality in teaching and the role of Malay in the implementation of justice: deliberations in courts were most probably conducted in Acehnese and so was the pronouncement of verdicts, while source books were in Arabic: Malay may have taken time to become one of the languages of the law.

### Contents of the *Mir’at al-Tullab*

In his preface (pp. xxxiv-xxxvi of the 2015 edition), Abdurrauf explains that he wrote the text on order of the sultana Tajul Alam Safiatuddin Syah (1641-75) and that he was helped by two assistants (“two of my colleagues, very pious and distinguished, and fluent in written Malay”<sup>10</sup>) because he had lost his mastering of Malay after some twenty years spent in the Middle-East (“because I spent a long time as a student in Yemen, Mekkah and Medina”). This statement curiously echoes Nuruddin’s own acknowledgement that, when he was ordered by Sultan Iskandar Thani, in 1638, to write the *Bustan al-Salatin*, he felt embarrassed because his mastery of Malay was deficient (“*kurang fahamnya pada bahasa Jawi*,” Nuruddin, 2004: 3), but this is probably a mere coincidence, as Nuruddin, as a foreigner, had good reasons not to master Jawi perfectly.

Abdurrauf’s preface is written in both Arabic and Malay; interestingly, the Jawi language is qualified as “the Jawi of Sumatra” in Arabic, but as ‘the Jawi of Pasai’ in Malay. Syamsuddin Pasai was already saying that he was writing in “bahasa Pasai” in 1601 (Iskandar, 1995: 389), and one of the sufi tracts published by A. Johns (1957: 74) is written “dengan bahasa orang Pasai.”

Abdurrauf named his book “*Mir’at al-Tullab*, artinya Cermin segala mereka yang menuntut ilmu fikih pada memudahkan mengenal segala hukum

10. One manuscript of the *Mir’at* gives the names, real or fictitious, of these two men (see Voorhoeve, 1952: 89).

syara' Allah." A colophon in Arabic (pp. 605-606) specifies that he finished writing it on the 8 Jumadilakhir 1083 [1st of October 1672].

In his introduction Abdurrauf quotes only one source (p. xxxvi): the *Fath al-Wahhab*, that is, the commentary by Zakariya ibn Muhammad al-Anshari (d. 1520 EC) of a summary of the *Minhaj al-Thalibin* by Al-Imam Muhyi al-Din al-Nawawi (d. 1277 EC). In the body of the *Mir'at*, Abdurrauf refers to several other sources, the most often quoted being the *Fath al-Jawwad* by Sheikh Ibnu Hajar Al-Haytami (d. 1566 EC). According to P. Voorhoeve (1952: 107) and M. van Bruinessen (1995: 119) the *Mir'at* is, mainly or merely, a translation of the *Fath al-Wahhab*. It cannot actually be a mere translation as it refers to posterior works like the *Nihayat al-Muhtaj* by Shams al-Din al-Ramli (d. 1595), but to what extent Abdurrauf's work is an original compilation still needs to be established.

The book is intended for cadis and judges. The first paragraph (pp. 1-3) addresses them and promises them the most severe punishments if they were to be unjust. The text is divided into 71 paragraphs (numbered in the edition, but not in the original manuscript), half of which concern commercial transactions (*hukum muamalah*), fifteen criminal law (*hukum jinayat*), and the rest various topics, including inheritance law (*hukum faraid*). The text is for a great part expounded in the form of questions and answers (*soal jawab*). The body of the text is preceded by two so-called prefaces (*mukadimah*) which in fact belong to the text, the first of which is published in Jawi, but is no less exempt of mistakes than the Latin transcription of the body of the text.

The 2015 edition is the transcription of a manuscript kept in the Ali Hasjmy collection, in Banda Aceh, which is not actually a manuscript, but a photocopy. It happens that a facsimile of that (photocopy of) manuscript has been reproduced in 1971 (see al-Singkili, 1971, in the References). That reproduction shows a difficult manuscript. It contains a host of marginal annotations, which the 2015 editors say nothing about. Marginal notes are a common feature of manuscripts related to Islam. Their interest, in a case like this one, is to show how readers glossed over, interpreted or questioned the text in the 19th century.

### **The *Safinat al-Hukkam***

The *Safinat al-Hukkam* has been famous in Aceh for decades (at least Islamic scholars knew its title); perhaps it has remained famous since the time of its writing until now, but it seems clear that in recent times very few people ever read it, the main reason being that it was unpublished. Three manuscripts are known in Aceh, while it seems that no other manuscript has ever been known outside the province. These three manuscripts have actually been transcribed decades ago, but only distributed as a limited number of photocopies. Those three transcriptions had their origin at the University Syiah Kuala in Banda Aceh; they date from 1982, 2001 and 2004. Therefore, the publication of this

text in Latin transcription, in 2015, is an important event for the knowledge of Indonesian law and more generally of Aceh's intellectual history.

In contrast to Abdurrauf, Jalaluddin, the author of the *Safinat al-hukkam*, is totally unknown and his work is mentioned in none of the solid studies about Indonesian ulemas, Malay religious books or Malay literature. His complete name, as given by himself (p. 3), viz Jalaluddin ibn Sheikh Muhammad Kamaluddin ibn al-Kadi al-Tarusani, indicates that his father was a man of religion and his grand-father cadi of the region of Tarusan, on the southwest coast of the Minangkabau country.<sup>11</sup>

At the beginning of the text, he explains that, on Friday the 4 Muharram 1153 [Friday 1st of April 1740] he was ordered by Sultan Alaiddin Johan Syah (r. 1735-60), son of Sultan Alaiddin Ahmad Syah, to compile a short treatise (*risalah yang simpan*) about canonic law (*hukum syara'*), "because there are few specialists and no student." Indeed, he adds, Abdurrauf has written the *Mirat al-Tullab*, but it is enormous and difficult to memorise; thus, the author has composed this text and named it *Safinat al-Hukkam*, "meaning the vessel of judges, intended to resolve controversies between people." The fact that the book was commissioned by the sultan probably indicates that Jalaluddin, like Nuruddin and Abdurrauf before him, had a position at the court of the reigning sultan.

The *Safinat al-Hukkam*, like the *Mir'at al-Tullab*, is intended for the professionals of the law: cadis and judges, and it insists in its preliminaries on the necessity for judges to be knowledgeable and honest.

The text tackles, in a superficial way, a great number of topics, for instance by listing the major and minor sins (*dosa besar dan kecil*), but essentially from the viewpoint of procedure (accusation, defense, representation, oath, attestation, denial, testimony, proof, doubt, sentence): how to establish the certainty of a fact?

There are a few specific sections: *hukum muamalah*, pp. 256-320 (commerce, contracts, profit, power of attorney, promise, leasing, employment contract, *waqaf*, donation, property right, loan), *hukum nikah*, pp. 320-378 ("There is among us no act of devotion (*ibadah*) that has been accomplished since Adam's era until now and will still be valid in paradise, except faith and marriage," p. 130). *Hukum jinayah* (criminal law) is extremely limited: a short section on pp. 381-407 and a few paragraphs here and there: assassination, murder, physical injuries, theft, banditry. There is also a short section on inheritance (*hukum faraid*), and nothing on *hukum ibadah* (ritual obligations). Other articles about civil law (marriage, inheritance), commercial law ("commerce

11. Ali Hasjmy's allegation (1987: 266-7) that in his youth Jalaluddin first studied with his father and then in India and in Mecca, is mere fiction. Hasjmy and other authors attribute to Jalaluddin or to his son a work on theology: *Mudharul Ajla Ila Rutbatil A'la*. Teuku Iskandar (2011: 61) has the puzzling statement that, among the many authors of religious texts in 18th century Aceh, Jalaluddin al-Tarusani was "the most prolific."

is called *muamalah*,” p. 227) and many other issues are found elsewhere. The text ends on a long lesson in arithmetic (*ilmu hisab*, pp. 453–473), which has no place in a law handbook, but is useful for the calculation of the amounts of some transactions, especially in cases of inheritance.

In his preface, Jalaluddin refers to a dozen of known Arabic *fiqh* treatises; in the text he quotes half a dozen more. Thus the book seems to be an original compilation drawn upon a great number of sources. If such is the case, it probably implies that Jalaluddin studied in the Middle East, as such a wide range of sources would have been unavailable in Aceh at the time. We have seen that the *Mir'at al-Tullab* is not among his sources. The *Safinat al-Hukkam* is in no way an adaptation of the *Mir'at al-Tullab*; it does not even seem to be influenced by it (as it has sometimes been asserted); it is a new treatise, written in new circumstances and aiming at being more practical—unless, of course, it is the translation of an Arabic treatise: here again, the degree of originality of this work needs to be established. Jalaluddin does not refer to Abdurrauf: this is typical of Indonesian ulamas who produced the Malay religious books we know: until the 20th century, they virtually never refer to their fellow Indonesian ulamas (except when one Nuruddin fights one Hamzah); the source of religious sciences cannot be in the archipelago, it is far away in the Middle East.

*Fiqh* books are commonly organised in a systematic way, exploring the law in a few domains (religious practice, commerce, family life, crime), one after the other. The *Safinat al-Hukkam* is not structured in that way, and it cannot be used to immediately show all articles pertaining to one topic—and this might be an indication that the book is indeed original. The only way to make it usable is to learn it by heart. But this was no real problem for the scholars of the time.

### The Language of the Law

Both the *Mir'at* and the *Safinat* are written in a very specific register of Malay, commonly called “Kitab Malay” (the Malay of religious books), which Anthony Johns (1998: 146) has coined “a religious register of Malay” and Peter Riddell (2012: 281) “a kind of Malay religious dialect.” Malay, as all languages of the Islamic world, has adopted a religious terminology almost entirely made of Arabic terms, meaning that most of the essential notions are not translated into the local language: Arabic terms are used as such, more or less adapted to local phonology. Moreover, a special idiom has developed from the time of Islamisation to talk about religion and more particularly to translate the Koran as well as Arabic handbooks in that field. That idiom, “Kitab Malay,” is the unholy mixture of Arabic syntax and Malay vocabulary.

Kitab Malay produced texts that are difficult to read. The *Mir'at* and the *Safinat*, like many other ancient *fiqh* books, are only comprehensible to people who have been trained to that idiom and who master the Arabic terminology pertaining to

*fiqh*. Talking about another book by Abdurrauf, the *Tarjuman al-Mustafid*, written ca. 1675, P. Riddell comments: "It can be seen that the Malay rendering is faithful to the content of the Qur'anic original. At times, such fidelity borders on the incomprehensible, with the result that the reader must at times refer to the Arabic in order to understand the Malay" (1990: 61), and he quotes (p. 76) P. Voorhoeve on Abdurrauf's works: "His translations from the Arabic are so literal that they are unintelligible without a knowledge of that language."

Curiously, Abdurrauf, writing in 1672 and complaining that his mastery of Malay was deficient, used a rather more rigorous and more easily comprehensible Malay than Jalaluddin, of Minangkabau origin, writing eighty years later, in 1740. In the middle of the *Safinat al-Hukkam*, Jalaluddin devotes a short chapter (*Mathlab qawa'id bahasa Jawi*, On the fundamentals of Jawi) to the use of several Malay key-words (*bagi*, *atas*, *kami*, etc.) in the context of the judicial idiom, but he does not make any comment about Kitab Malay as a specific idiom; it is not even possible to guess whether he was aware of using a specific idiom.

It is true that the contrast between Kitab Malay and classical Malay is striking when a number of texts written in these two idioms are put side by side, but the experience of writers and readers in ancient times was totally different: each text was read in a specific context and its register was not submitted to comparison. The student of a Koranic school in Aceh in the past had to study, under the supervision of a teacher, religious texts written in Kitab Malay, whereas he most probably never in his life read a book written in classical Malay: he may have heard some of the stories we now know as printed texts, but he never saw them in written form, while professional storytellers used another idiom again, much different from classical Malay. In other words, for such a student, classical Malay simply did not exist.

### Translating Islam

One of the first tasks of the ulamas who carried out the transmission of the fundamentals of the religion of Islam in Aceh was to translate: translate the basic texts, translate the tenets, notions and analyses formulated in Arabic, and translate the contents of the Holy Book, whereas it was conceived as inseparable from the language of the revelation. Basically, Kitab Malay is the result of the utmost literal translation of Arabic texts or a discourse thought in Arabic.

Kitab Malay has been little studied so far.<sup>12</sup> Its three main characteristics are: the use of Arabic syntactic constructions, the translation of Arabic words and locutions, particularly prepositions, by Malay equivalents deviating from their common sense, and the use of an overabundant Arabic vocabulary.

12. Articles that broach the subject are many, but we are far from any exhaustive study: see Ronkel, 1899; Fokker, 1909; Drewes, 1950; Skinner, n.d.; Riddell, 1979; Riddell, 1990: 70-113; Kaptein, 1995; Johns, 1998; Johns, 1999; Riddell, 2002.

The borrowing of Arabic technical terms was unavoidable: Malay simply did not have the vocabulary corresponding to the extremely numerous and sophisticated notions of Islamic sciences. The importance of this Arabic vocabulary is thus one of the characteristics of Kitab Malay, but it is not what defines it. Hamzah Fansuri uses the same vocabulary, while he writes in classical Malay. The above features, and some minor ones, do not constitute a coherent ‘grammar’; they intervene in various proportions from one text to another and affect in various ways the feeling of strangeness and intelligibility of each text.

A sentence from the tracts published by A. Johns (1957: 38) may serve as an example of an extreme, most “baffling” (to borrow Johns’s term) form of Kitab Malay: “*Apabila ditanyai orang engkau, adakah keluar daripadanya segala kuyud yang ada dzahir berbagai bagai sekarang atau tiada? ... Kata olehmu pada jawabnya: sa-kali-kali tiada keluar daripadanya sa-suatu jua pun, tetapi sakalian ‘ibarat terbuni ia dalam perbendaharaan wujud-nya, maka tatkala berkehendak Hakk s.w.t. mendzahirkan huwiat keadaan ke-esannya yang terbuni ia dalam batin perbendaharaan-nya, maka di-bukakan-nya-lah tirai kenyataan sakalian nama hadrat-nya yang maha mulia itu...*” (Johns’s translation is: “If then you are asked whether the exterior and plural determinations which exist now issue forth from God or not, say that none of them issues from Him, but that all the names by which we know Him are hidden in the treasure-chest of His being. And when God wished to manifest His most inner self in its unity which was thus hidden He lifted the veils concealing the names of His Godhead,” p. 48.)

Another example comes from Abdurrauf’s *Tarjuman al-Mustafid* (Riddell, 1990: 107): “*Mereka itulah segala mereka itu yang telah diberi Allah nikmat atas mereka itu*” (These are they on whom God bestowed favours).

Kitab Malay has been vilipended by foreign scholars as a corrupt and hybrid form of language. Talking about the *Taj al-Salatin*, a mirror for princes written in Aceh, and mostly translated from the Persian, in the first years of the 17th century,<sup>13</sup> R.O. Winstedt flayed its “atrocious Malay idiom.” Of the translators of religious books he had to say: ‘most of them were foreigners or at best Achinese, who in their difficult task of translation murdered Malay idiom and introduced for Arabic theological terms Malay synonyms as unintelligible as those employed by some British translators of Hegel and Kant. Arabic terms were employed not only perforce but from pride of scholarship’ (1969: 137-138). Winstedt belonged to a generation of scholars preoccupied to define

13. People commonly talk about *the* Taj al-Salatin, but there is not one Taj, there are several versions of the same text. No-one yet has ever analysed the different versions of that text and tried to figure what the original text was like. Three editions have been published: Roorda van Eijsinga (1827, reproduced and transcribed in Bukhari, 1999), Bukhair (1966), Tajussalatin (1979); they are significantly different.



and to impose a linguistic norm: which Malay should become the common language? It was his professional concern to determine what was “good Malay.”

Naguib al-Attas is no less critical towards a variety of religious Malay (that he doesn’t name) specific to mystical writings after Hamzah Fansuri—except perhaps, so he says, Syamsuddin, Nuruddin and Abdurrauf. He qualifies those texts as “rigid, awkward, unintelligible to the uninitiated, as the subject matter is usually couched in a language that is forced into an Arabic crucible” (1970: xvi).

The use of Kitab Malay extended to modern times: “In effect, Kitab Malay is alive and well” (Riddell, 2002: 22). The Minangkabau writer Muhammad Rajab in his famous memoirs (*Semasa Kecil di Kampung*, 1950) complained about the style of religious texts he had to study: “...why was the translation into Indonesian so long-winded and repetitive, with the vocabulary half Indonesian and half Arabic, and the grammar completely Arabic?” (quoted by Riddell, 2002: 22). Riddell (*ibid.*) quotes another author, Oemar Bakry, who remarked, in 1981, that most religious texts were written in an idiom, the vocabulary of which alone was Indonesian, while its grammar was Arabic.

A non judgemental appreciation has been formulated by Anthony Johns about Sufi tracts from Aceh, from the beginning of the 17th century: “The style is enough to baffle anyone accustomed to the balance and polish of traditional classical Malay. The reason for this lies in the fact that all these religious authors thought in Arabic; and when they translated their versions were slavishly literal (1957: 10).”

Some forty years later, A. Johns, commenting upon an extract of Abdurrauf’s *Tarjuman al-Mustafid*, praised his use of this very idiom, qualified as “a register that is a skilfully devised and precise medium of religious experience with a literary dimension in its own right.” For Johns, Kitab Malay should not be evaluated—negatively—by comparison with classical Malay, but should be regarded as a special register created for a specific purpose, “by recognizing how positively Malay had responded to the ‘Language of the Divine,’ and how effectively the sense, style and aura of the Arabic has been transposed into Malay, making it an effective medium to communicate its subtleties and diversities of meaning” (1999: 132).

For A. Johns, “The term ‘kitab Malay’ is unnecessarily pejorative and in any case is now *démodé*. It is a form of language often thought of as characterized by an unthinking, mind-numbingly painful literalness, without any literary dimension or appeal. With an author such as ‘Abd al-Ra’ūf nothing could be further from the case. He is writing in what is better referred to as a religious register of Malay, a register to which he is making his own considerable contribution. It is a register that is distinctive and legitimate, even though its norms do not always coincide with those of other registers of the language. The Arabisms in vocabulary and syntax have given it depths and resonances in a manner analogous to that in which the King James Bible, with its studied



Hebraisms, has contributed to the development of a style, features of syntax, and vocabulary immediately recognized as constituting a religious register in English. It is evocative, powerful, and effective for those within the tradition to which it gives voice (1998: 146).”

This point of view implies that *Kitab Malay* is an idiom conceived deliberately, skilfully, with a certain purpose. There are in fact several possible reasons for using a literal translation to render a foreign language. The most evident is the will to be faithful to the source text: to depart from it as little as possible; in a way, to translate as little as possible, in order not to betray it. Such is the thesis of P. Riddell (1990; 2002), who recalls that literal translations are frequent in the translations of holy scriptures, in Islam as well as in Christianity and Buddhism, aiming at a rendition as faithful as possible of sacred texts. “Thus it was a well-established practice within diverse religious traditions to use literal techniques as the primary method in translating sacred texts from the original language to a target language.”

This is true of all scriptures, but even more in Islam because Arabic is the language chosen by Allah to deliver His message. Even when the sense of the message is rendered with perfect accuracy, something is lost with the loss of the Arabic language.

Therefore, in the case of the rendition into Malay of Islam’s fundamental texts, literal translation not only aims at replicating the meaning of the text, it also serves to give access to the language of the original. “Abd al-Ra’ūf was probably similarly inspired to impart to his readers not only the doctrinal content of the Qur’anic passages he was translating, but also the syntactic format of the holy language of revelation, namely Arabic (Riddell, 1990: 78).”

Literary translation stems from the idea that the target language is inadequate, it is unable to express, exactly and exhaustively, what the original says. Words are inaccurate (and the original Arabic terms are maintained), syntax too is inappropriate (and Arabic word order and syntactic devices are maintained too). To paraphrase James Siegel (1995: 157), this is as far as Arabic can penetrate into Malay.

According to this point of view, *Kitab Malay* is not a device empirically created by some Malay authors when confronted with the task of rendering foreign texts into Malay, it is the implementation of a type of translation learned in the Middle East, together with Islamic sciences. When Abdurrauf was studying in Arabia, a tradition existed of literal translation (notably from the Greek) beside a “semantic” one (Riddell, 1990: 77-78). According to Riddell, Abdurrauf has applied to Malay a translation technique he has learned at that time. “So when Malay Islamic scholars went to study in Arabia from the 16th century onwards, they would have encountered a variety of methods of translation. Furthermore, they would have been aware of the earlier debate surrounding translation of the Qur’an into languages other than Arabic. At this time, the only acceptable technique among Muslim orthodoxy of rendering

the Qur'an into other languages was the interlinear method. (Riddell, 2002: 11)" This, however, remains a hypothesis, as there is no obvious reason why Abdurrauf would have been confronted with theories of translation while he was in the Middle East, where he had to deal with Arabic alone.

Kitab Malay, as we have seen, has been subjected to criticism because of its linguistic "impropriety," but it was certainly not perceived as such by the authors who used it. Beside the various justifications that may have been put forward, it is necessary to mention the possibility, in the case of ancient texts written in Aceh, that their authors had a perception, and even a mastering, of Malay totally different from what it would be centuries afterwards.

The first texts translated from the Arabic that we know come from Aceh in the 16th and 17th centuries. They have been written by Acehnese for whom Malay was a second language learned in Koranic schools, or by foreigners who did not all master Malay as Nuruddin did. It is worth remembering W.G. Shellabear's hypothesis about the origin of writing in Jawi: basing himself on the "the remarkable uniformity in the spelling of the MSS. of the 17th century," he remarked that "it is quite probable that for many years, perhaps for centuries, the art of writing may have been almost entirely confined to those Arabs who had learned the Malay" (1901: 77). This sounds rather extreme, but it is probably true that several "Arabs" authored some of the first religious books (as Nuruddin would do three centuries later) and that might explain partly the literal type of translation.

Even 'Malays' (in this case, Acehnese) could master Malay imperfectly. Let's recall Abdurrauf's statement, at the beginning of the *Mir'at al-Tullab*, that his Malay was deficient, due to his long stay in Arab countries. O. Fathurahman extends this eventuality: "a number of those ulamas-translators spent a long time in Arab countries, so that their mastering of Malay was not perfect any more. They may even have lost the aptitude to differentiate which words had, or had not yet, entered Malay vocabulary (2009: 1053-54)."

### **The Pondok Method**

Beside the fidelity principle, which seems to be the rationale of Kitab Malay, a social fact may have greatly contributed to its birth and its retention across the centuries: the fact that literal translation, strictly word by word, is the method employed in Koranic schools for explaining Arabic texts; it is a didactic tool. Prabowo & Guillot (1997: 194-6) and Yahya (2009: 363-7) describe the way Arabic texts are studied in Koranic schools (*pesantren*), in the areas of Javanese and Sundanese culture respectively, until the present, following an immemorial tradition: the master or tutor gives the meaning of each word, together with its syntactic function; the pupil inscribes both information in his/her copy of the printed text (a cheap edition on yellowish paper) under the relevant word: he/she writes down the Malay word and one

or two letters symbolising the Arabic grammatical function. The purpose of this method is to explain the meaning of the Arabic text and simultaneously to teach Arabic grammar (see Azra, 2009: 440). This tradition has such an importance in the pedagogical system that in modern times publishers in Java and even in Cairo started publishing Arabic texts with interlinear translation of this type (see an example in Yahya, 2009: 371).

Admittedly, millions of children across the world have scribbled words between the lines or in the margins of their school books. The particularity of the Koranic schools system is that it is institutionalised, organised, codified and systematised.

The words inscribed between the lines are called an ‘interlinear translation’, but it is rather a gloss than a translation: it does not replace the Arabic text; it makes it understandable. The aim is not to offer quality translations, but rather to give access to Arabic texts through a Malay vocabulary. A. Johns has pointed to this oral and didactic aspect of Kitab Malay, as used by Abdurrauf (Johns, 1998). P. Riddell even suggests that Abdurrauf may have used this “Malay translationese” in order to allow students to translate back into Arabic (1990: 79). This does not mean that religious treatises like the *Mir’at* were intended as tools to learn Arabic, but it is certainly possible that the teaching method of Koranic schools has produced a mode of translation that became perpetuated in books.

Furthermore, Kitab Malay has an additional dimension that could be seen as an advantage: that of making Malay closer to Arabic, Arabising the Malay language, in a way comparable to the Arabisation of the Malay script, i.e. the adoption of the Arabic script in replacement of the Indic script that had been used for writing Malay until then. Arabic script is indeed sacralised as much as the language. According to the chronicles of the sultanate of Bima, in Sumbawa Island, the palace archives anterior to the 17th century were written in the local language and script, until the second sultan, Abi'l-Khair Sirajuddin, ordered, in 1645, that they be henceforth written “in Malay, in the script permitted by Allah” (“*dengan memakai bahasa Melayu dengan rupa tulisan yang diridlai Allah ta’ala*”; Chambert-Loir & Salahuddin, 1999: xii). The analogy between Jawi alphabet and Kitab Malay is not a metaphor: the similarity between these two processes of the Arabisation of two elements of the local languages (Malay, Javanese, Sundanese, etc.) is obvious in the activity of the *pesantren* pupils who inscribe, in their local language but in Arabic characters (Jawi or Pegon), the word by word translation of the Arabic text they are studying (see Yahya, 2009: 363).

V. Braginsky foregrounds this argument: the use of the Kitab Malay idiom outside the religious field “can sometimes be explained by a conscious effort of stylisation, so that the text ‘becomes Arabic,’ with the intention to show off the scientific level of the author and in that way enhance the convincing force

of his work' (1998: 276)." Beside any idea of boasting oneself or convincing, here is again the idea that Malay is inadequate: Arabic is the language of the Book and that which embodies truth and all sciences. Malay is by nature inferior; any effort to modify it by some kind of Arabisation can only better it.

The idea of the inferiority of the Malay language has been documented by Abdullah Munsyi in his memoirs: he remarks several times that Malay is not taught, is badly known and is deliberately neglected: "since our forefathers" time nobody had ever started a school for teaching the Malay language; only for studying the Koran. It was right to learn Arabic, because of its value for purposes of religion and theology and this language alone was regarded as important by Muslims' (Abdullah, 1970: 53). And further: "It is a matter of wonder and astonishment to me to see how the Malays remain unaware of themselves, living in ignorance because they will not learn their own language or have schools where it may be taught. It is an insult to the intelligence to suppose that a man with no education can become clever by his own effort. Is it not a fact that all races of this world, except the Malays, do learn their own language? (p. 56)."

A little later, in the 1880s, C. Snouck Hurgronje (1970: 264) notes that the Jawah (Southeast Asia Moslems) abandon with a sense of relief their mother tongue (Malay, Javanese) as soon as they master Arabic—and by doing so contribute to kindle the disdain of the Arabs towards them. Malay had a high status in Aceh in the 17th century, at least in the fields of politics and culture, where it was regarded as superior to Acehnese. But in the religious domain, Malay could not compare with Arabic and had to be improved.

The ulamas, particularly the *fuqaha* (plural of *fakih*, the specialists of *fiqh*), who used Kitab Malay may have been proud to possess an idiom that was intellectually superior to the written classical Malay of the court. Riddell suggests "that the use of Arabicized Malay was a status symbol in the 17th century Malay world" (1990: 79). No indication of status is really to be seen, but it is indeed possible that the *fuqaha* regarded themselves as a specific social group<sup>14</sup> and maintained a variety of Malay that distinguished them from other groups, an idiom that made their texts somehow cryptic and thus enhanced the prestige of their science inasmuch as it was not accessible to the common man.

### Kitab Malay as an Alternative

The numerous studies on Malay religious texts, especially texts about mysticism from Aceh in the 16th-17th centuries, sometimes give the impression that all Malay texts in the religious field are written in the same idiom heavily

14. Mahmood Kooria introduces the notion of a "fuqaha-estate": a scholarly order, as a "parallel society," a "textual community" that "operated autonomously in the Islamic world since the tenth century" (2016: 33, 42 and *passim*).

influenced by Arabic vocabulary and grammar, that is, Kitab Malay. See e.g. Johns (1955: 72), who covers in one sentence the language used by Hamzah, Syamsuddin, Nuruddin and Abdurrauf as if it were the same: ‘their prose, if lacking balance and polish, is often clear and vigorous’, or again Fathurahman (2004). Religious writers, in fact, use very different registers. Kitab Malay is one of the idioms used to talk about religion in Malay, but it is not the only one.

It would be necessary to define the different varieties of Kitab Malay by authors, by genres and by periods. This is not the place for such an analysis, but a few benchmarks can easily be marked. The Malay written corpus (commonly called “Malay literature”), part of which is still unpublished and another part available in low quality editions, is characterised by the absence of old manuscripts: those of the 18th century, let alone the 17th, are rare. It is thus common to regard as ancient texts those contained in the few manuscripts collected by European travellers around 1600. But in fact we do have much more ancient texts: those of Hamzah Fansuri, even though their datation is a matter of debate. Since the beginning of the 20th century, the community of scholars has considered Hamzah’s life and work as part of the sixteenth century, and that he died around 1590, or even at the beginning of the 17th century. Then, in 2000, C. Guillot & L. Kalus published the inscription of the grave marker of one Hamzah bin Abdullah al-Fansuri, who died in Mecca in 933 [1527], and they tried to demonstrate that that inscription actually is that of “our” Hamzah, who then would have died 60, if not 90, years before the date commonly accepted until then. This new date certainly disrupts our knowledge of Acehnese Sufism. It has been accepted by a number of historians and Islamic scholars, but certainly not all of them. A. Johns and P. Riddell, for instance, both think that the most plausible date for Hamzah’s death still is 1590 (see Riddell, 2017: xii, 10, 21, 24). Teuku Iskandar (in what is probably his last published article) chose not to decide: between the old and the new theses, “whatever the case may be” (2011: 53). For V.I. Braginsky (2004: 617, 744), Hamzah was still alive in 1621. For that reason it is necessary to stress that Guillot & Kalus (2000, 2001) have not only unearthed a tombstone inscribed with Hamzah’s name; they have also demonstrated, first, that Hamzah was anterior to Syamsuddin by two (spiritual) generations; second, that Hamzah doesn’t quote any Islamic author posterior to the 15th century; and third, that he was known after his death as Tuan di Mekkah, i.e. ‘the master buried in Mecca’. It has been stated repeatedly (e.g. in Johns, 1955; 1957: 34-35; Drewes, 1986; Braginsky, 2006: 442-3), albeit for the following period, that Aceh writers were constantly aware of the developments of Islamic thinking in the Middle East as well as in India, and there is every reason to think that this was the case with Hamzah too, so that the fact that he doesn’t quote any author posterior to Nur al-Din Abdul Rahman Jami (d. 1492, quoted in the *Muntahi*) is extremely meaningful. Nobody has yet tried to answer Guillot & Kalus’s question: “the dates traditionally attributed to Hamzah would reveal

in his references a gap of nearly a hundred years which would be difficult to justify” (2000: 19).

Therefore, it should be admitted that Hamzah’s texts have been written in the second half of the 15th century or the beginning of the 16th. And it transpires that his three prose texts, namely *Asrar al-Arifin*, *Sharab al-Ashiqin*, and *Al-Muntahi* (Doorenbos, 1933: 120-204; Al-Attas, 1970: 233-353) are a model of classical Malay. Those three texts, similarly with Hamzah’s poems, are extremely difficult to understand (e.g. for today’s average Indonesian or Malay readers) due to the enormous proportion of Arabic vocabulary, but the syntax is Malay and the style perfectly idiomatic.

Talking about religious texts in general, A. Johns has underscored the novelty of this prose compared with that of the literary narratives (epic, fictitious, historical) of the period: “actually the coming of Islam brought a kind of literary emancipation. For with the religious literature that developed as a consequence of the coming of Islam, a conscious attempt was made, for the first time, to make the language express something new, and there was a systematic effort to fashion Malay into a genuine intellectual currency in its own right (1955: 71).”

Naguib al-Attas developed this idea by distinguishing two distinct forms of classical idioms: on the one hand, old court Malay exemplified by the *Sulalat al-Salatin* (aka *Sejarah Melayu*), which produced “folklore, romance, epic and quasi-historical literature, still reflecting traces of the old world view,” and on the other hand, a new stream, originating in Barus, which was the “result of its being employed as the vehicle for philosophical discourse.” “The new stream is characterized by its terse, clear style, its Islamic vocabulary; it reveals a language of logical reasoning and scientific analysis” (al-Attas, 1969: 28; see also 1972: 44-47). In other words, a rational, logical, intellectual and analytical Malay, initiated by Hamzah Fansuri and which is at the origin of modern Malay, as opposed to a narrative, esthetical and emotional Malay, regarded so far as the “classical Malay” (see al-Attas, 1970: 178). It is true that modern Malay can be said to be rational and analytical as was Hamzah’s idiom, but it is doubtful that the second would have generated the first, as there is no continuity between the two. The rational aspect of modern Malay is rather the product of the cultural revolution of the 19th century, notably the development of education and the rise of printing and newspapers. However that may be, Al-Attas’s distinction between two brands of Malay, one discursive and one narrative, is indeed interesting, although it is a matter of style rather than idioms or dialects. Al-Attas’s argument has been misinterpreted (e.g. Braginsky, 1998: 276; Fathurahman, 2004: 376-7) as if it regarded Kitab Malay, whereas what Al-Attas has in mind is the “rational” classical Malay of Hamzah, certainly not the Arabicised idiom of Kitab Malay, for which, as we have seen, he had no consideration.



Thus, the first religious prose texts are in classical Malay; Kitab Malay has not yet been invented. Even prior to Hamzah, but outside the religious field, a number of literary texts had been adapted from Arabic and Persian, probably in Pasai in the 14th c., viz *Hikayat Amir Hamzah*, *Hikayat Muhammad Hanafiyah*, *Hikayat Bayan Budiman*, *Hikayat Iskandar Zulkarnain*, *Qisas al-Anbiya*, *Hikayat Seribu Masail*, *Hikayat Mi'raj Nabi Muhammad*, *Hikayat Tamim al-Dari*, all of them, generally speaking, written in a fluid and idiomatic classical Malay.

The following religious prose texts after Hamzah probably are Syamsuddin Pasai's Malay texts, who was actually mainly writing in Arabic. Only a very few of his Malay texts are available. Judging by the short *Sharh Ruba'i Hamzah al-Fansuri* (Drewes & Brakel, 1986: 194-208, see also the three following texts, pp. 208-225, which however may not be by him) Syamsuddin was writing in Kitab Malay.

The following texts chronologically are contained in manuscripts coming from Aceh, around 1600 or shortly after. They are the '*Aqa'id*' of al-Nasafi (dated 1590; see Al-Attas, 1988), the *Burda* of al-Busiri (from ca.1595; see Drewes, 1955), an exegetical comment on the 18th Sura of the Koran (*Surat al-Kahf*, ca. 1600; see Riddell, 2017: 128-260), and the eighteen Sufi tracts from early 17th century published by A. Johns (1957). The first of them, i.e. the '*Aqa'id*' of al-Nasafi, is written in Kitab Malay. Its editor, Naguib al-Attas, comments that: "What is remarkable about the Malay translation accomplished 400 years ago is its compact, easy flowing, good style characterized by a distinctive clarity of expression" (1988: 46; this appreciation is confirmed by Azra, 2009: 437), but in fact the text is clumsy, unidiomatic and heavily influenced by Arabic syntax. This text is the first interlinear translation we know, i.e. its main text is Arabic, while the Malay translation is written in a slanting way between the lines. One could assume that interlinear translations are literal by nature, but it happens that the following text, only a few years posterior to the '*Aqa'id*' (probably the last decade of the 16th c.), i.e. the *Burda* of al-Busiri, is also an interlinear translation but it is syntactically correct or at least much less heavily influenced by Arabic grammar than the preceding one.

The next text, chronologically, is the exegetical comment on the 18th Sura of the Koran; it is in classical Malay. The next text again, the Sufi tracts from early 17e c., are in heavy Kitab Malay.

Then comes the work, enormous, produced by Nuruddin al-Raniri around the 1640s. A cursory examination of four of them, namely *Bustan al-Salatin*, books I-IV (Nuruddin, 2004, 2008; Grinter, 1979), *Asrar al-Insan* (Tudjimah, 1961), *Hujjat al-Siddiq* (al-Attas, 1966, 1986), and *Khabar Akhirat dalam hal kiamat* (Nuruddin, 1983), shows that they are all written, generally speaking, in excellent classical Malay (even if some passages of the *Bustan*, probably translated by someone else, are in clumsy Malay, see Wormser, 2012: 165-172).



The following author is Abdurrauf al-Singkili, who, judging from his *Safinat al-Hukkam* and *Tarjuman al-Mustafid* (Riddell, 1990; 2017: 101, 264-324), writes systematically in Kitab Malay. The next author is Jalaluddin al-Tarusani, who, as we have seen, also uses Kitab Malay.

After the middle of the 18th century, authors and texts start being numerous. A glance at some of them only shows that Kitab Malay, in more or less soft or hard versions, seems to be more and more in use: it is indeed used in the *Kitab Mukhtasar* by Kemas Fakhrudin (second half of the 18th century in Palembang), as well as in the *Hidayat al-Salikin* and the *Siar al-Salikin* by Abdul Samad al-Palimbani (also second half of the 18th century; see Hidayatu s-Salikin, 1992; Fathurahman, 2009: 1049, 1052); it is used in both the *Wasayat al-abrar wa mawaizh al-akhyar* and the *Manhal al-Shafi fi bayan ramzi ahli al-sufi* by Daud bin Abdullah al-Jawi al-Fatani (second half of the 19th century; see Daud, 1990; Wan Mohd. Shaghir, 1992), and the *Kashf al-Ghaibiyah* by Zainal Abidin bin Muhammad Patani (Kasyfu l-Gaibiyah, 1995). However, V. Matheson & M.B. Hooker (1988: 1) note that Shaykh Daud Patani ‘wrote in easily intelligible language’, so that either that author has used two different idioms in his works or, more probably, the concept of Kitab Malay is so unclear yet that people may differ in their appreciation of what is Kitab Malay and what classical Malay. Interestingly, the 130 fatwas issued by various muftis in Mecca at the very end of the 19th century also are in heavy Kitab Malay (the author of nearly 70% of the fatwas is Ahmad ibn Zaini Dahlan; the fatwas were written or dictated in Arabic and then translated into Malay; see Kaptein, 1997).

We thus have the extremely fluctuating picture of an idiom that appears at the end of the 16th century, is used from time to time during the two following centuries, beside a considerable amount of other religious texts written in classical Malay, and then seems to be more and more in use in the 19th century. We see that the formulation of Islamic sciences in a special mixed idiom heavily influenced by Arabic syntax is not a necessity; Kitab Malay is not inescapable, and it is not the choice of every author; it is the choice of individual authors at certain times. Therefore, it must be admitted that the eccentric aspect of Kitab Malay is the result of a deliberate choice, or at least an accepted one.

We have seen that the birth of Kitab Malay was probably linked with Koranic schools. It seems likely that the difference between religious books written in Kitab Malay or in classical Malay corresponds to the distinction between books intended for collective study in schools and those meant to be read. This is to say that Hamzah and Nuruddin were writing books to be read, whereas Abdurrauf and Jalaluddin were writing books to be studied.

Kitab Malay is not always used in the religious domain, neither is it limited to it. The *Adat Meukuta Alam*, a collection of royal edicts, a number of

which were allegedly issued by Iskandar Muda (r. 1607-1636), that has been published by van Langen (1888), is written in a difficult idiom that seems influenced by Kitab Malay. So is also the *Taj al-Salatin*, which provoked Winstedt's derogatory remarks: it is heavily influenced by a foreign syntax which seems to be Arabic even though the text is mainly adapted from Persian texts. About the *Adat Aceh*, the language of which is much closer to classical Malay than the *Mir'at al-Tullab*, Drewes & Voorhoeve remark: "The kind of Malay in which this Regulation for Kings is written reminds one of a work like *Taj al-Salatin*, but is even worse. The author (or a copyist) evidently thought in Arabic"—even though a translation from the Arabic is 'out of the question' (1958: 15).

Much later, in the middle of the 19th century, Raja Ali Haji used an idiom, which perhaps may not be called Kitab Malay, but is heavily influenced by Arabic grammar in his *Bustan al-Katibin* (1850; see Ali Haji, 2005) as well as his *Kitab Pengetahuan Bahasa* (1858; see Ali Haji, 2010). (One example from the second work is: "*Bermula badal itu yakni berganti perkataan, iaitu mengikut yang dimaksud dengan dibangsakan dengan tiada berantara. Maka tatkala demikian itu keluarlah sifat dan keluarlah tu'akād dan 'ataf bayan. Maka sekaliannya itu menyempurnakan bagi maksud dengan dibangsakan. Dan keluar pula yang mengantarai*, etc.," p. 26; this sentence is also found, with insignificant variations, in the *Bustan al-Katibin*, pp. 45-46). Such a characteristic has been noted by Teuku Iskandar ("Cumbersome sentences are found in it [*Bustan al-Katibin*], as if Arabic sentences with Malay words"), by Mohd. Taib Osman ("a Malay language that is not Malay but malaicised Arabic") and by Hashim bin Musa ("his weakness in making Malay phrases with following the structure of Arabic phrases") (Ali Haji, 2005: xxv-xxviii). In other works, Raja Ali Haji is renowned for his use of a brand of classical Malay. This stresses once more the opposition between classical Malay and Kitab Malay in terms of reading books as opposed to study books.

The Kitab Malay idiom has indeed perfused various areas of the Malay written corpus. In the cases just mentioned the reason why the Malay utilised is influenced by Kitab Malay is that the authors were *santri* (students in Islamic sciences) educated in religious schools or even in the Middle East. This "*santri* culture" of the scribes can also be observed in the fact that, in the *Adat Meukuta Alam*, blood money is paid in camels (van Langen, 1888: 440) or the fact that, in the margin of the *Adat Aceh*, the beginning of paragraphs is indicated by the words *matlab* and *bahth* (Drewes & Voorhoeve, 1958: 8).

### Judicial Practice in Aceh

The *fiqh* compendiums written in Aceh in the 17th and 18th centuries are handbooks on the way to apply sharia considered as one of the sources of the law. In the first preface (*mukadimah*) of the *Safinat*, Jalaluddin defines the

notions of *'urf*, *adat* and *resam* (which designate various forms of custom) by comparison with *hukum syara'* (sharia): *'urf* is defined as "practices prescribed by Islamic scholars to govern the Muslims with the agreement of the wise" ("*sekalian pekerjaan yang telah ditetapkan oleh segala ulama pada memerintahkan sekalian Islam dan kabullah segala budiman menerima dia*," p. 12); *hukum adat* is first defined as natural law, the laws of nature (p. 10), then as "the repetition of law as a transient character of previous times" ("*yaitu mengulang hukum seperti tabiat yang dahulu kala tiada berkekalan dalamnya*," p. 12); and *resam* is "the rules that apply to the whole country and that do not need to be discussed because of their very existence and acceptance" ("*yaitu bekas yang berlaku hukumnya pada sekalian isi negeri, tiada berkehendak kepada bicara lagi sebab kerana zahirnya dan masyhurnya*," p. 12).

Jalaluddin does not enter the fundamental debate about the relationship between customary and religious law. Nevertheless, it is important that he gives to the first a place among the elements that will allow judges to take decisions: "The judge who implements Islamic law has to know natural laws as well as usage and custom, so that he can solve the disputes between Moslems, because they cannot possibly abandon those three principles, which Islamic law treats according to the rule of actions that are not forbidden by Allah and the Prophet."<sup>15</sup>

H. Djajadiningrat (1934, I: 8-11) has an encyclopedic article about *adat*, which details the various types of law: *adat*, *hukom*, *reusam* and *kanun*, that is, institutions of kings of yore, religious law, custom of the land, edicts of the ruling king. The word *adat* has three different meanings in Aceh: custom, edicts of sultans of the past and certain taxes (the text *Adat Aceh* describes religious practices elected as customs as well as harbour taxes).

Jalaluddin formulates a concept of the law that may have prevailed in Aceh since the beginning of the Islamic period: Islamic law does not replace traditional law; *adat* and *fiqh* do not necessarily oppose each other; none is exclusive; they can be complementary (see Hadi, 2004: 168, 183). This attitude is expressed in a famous maxim, quoted by Djajadiningrat (1934: 9): *hoekōm ngòn adat han djeuët tjré, lagèë dat ngòn sipheuët*: "religious law and custom are inseparable, just as the essence and the attributes [of Allah]."

Both the *Mir 'at* and the *Safinat*, as well as the *Sirat al-Mustaqim* previously, have been ordered by the respective reigning sultans. Their very existence could thus be an indication that sharia was enforced in Aceh at that time. And this is precisely what says the Malay historical text regarding that period to which is ascribed a certain degree of reliability, the *Bustan al-Salatin* (book

15. ("*Maka seyogianya bahwa diketahui oleh hakim yang taklid itu segala uruf dan adat dan resam negeri, supaya dapatlah ia menyelesaikan perbantahan segala Islam karena ketiganya itu tiadalah dapat tanggal daripada mereka itu sekali-kali, lagi ditetapkan oleh syara' akan dia dengan hukum pada jenis yang tiada dalamnya dilarangkan Allah dan Rasulullah*" (p. 12). For a different interpretation of this quote, see Mohammad Hannan, 2014: 190.

II, chap. 13). Of Sultan Alauddin Perak (1579-86) it says that he ‘observed the sharia of the Prophet Muhammad’, while Sultan Iskandar Muda (1607-36) ‘enforced the religion of Islam’, Iskandar Thani (1636-1641) ‘observed the law of Allah and enforced the sharia of the Prophet Muhammad’, and Safiatuddin (1641-1675) was extremely devout and ‘ordered people to do good actions and forbade them to do evil ones as prescribed by Allah to our Prophet Muhammad’.<sup>16</sup> We know, however, that the eulogy of kings in Malay historical texts reflects an ideal rather than a reality. Therefore, it is useful to see whether historical sources at our disposal, local as well as foreign, confirm such a situation.

Sources about the enforcement of Islamic law, in Aceh in particular and in Indonesia at large, are extremely rare. Information on this topic in Banten during the same period are even more scarce (see Bruinessen, 1995a: 168-172). Records of fatwa from the period are all but non-existent, while copies of pre-modern judicial decisions are very few: the three collections of cases recorded by the *cadi* of Banten (the Pakih Najmuddin), relating to the periods 1754-1756, 1774-1780 and 1809-1811, are very precious exceptions; the collection for the 1750s, thus contemporary with the *Safinat al-Hukkam*, has been transcribed, translated and commented upon by Ayang Utriza Yakin (2015, 2016).

This document is in Javanese. A similar Malay source, but infinitely more modest, in which is found information about judicial procedure as well as some verdicts, is represented by a manuscript coming from the religious court in Pontianak (West Borneo) in the 1870s and 1880s (see Chambert-Loir, 1994).

Studies about Indonesian Islam and about Islamic law are innumerable, but what we know about the way law was implemented in places like Aceh in the 17th century is extremely meagre. We lack information about the way law—Islamic, traditional or royal—was used. Snouck Hurgronje is extremely dismissive about Islamic law, both fundamentally (Islamic law is not applicable anyway) and circumstantially (unwritten custom was much more influential than written law during the period of the sultanate). He writes: “... we should be wandering altogether off the right track in seeking for the laws and institutions of countries such as Aceh in lawbooks of foreign (e.g. Arabic) origin. Such works are it is true, translated, compiled and studied in the country, but their contents have only a limited influence on the life of its people. (...) In vain shall we seek for any period in the history of Aceh in which we should be justified in surmising the existence of a different state of things. All that we know further of that history makes it patent that neither the efforts of the *ulamas* to extend the influence of the Mohammedan law, nor the

16. See Nur’d-din (1966), respectively, “*memeliharakan syariat Nabi Muhammad s.m.*” (p. 33), “*mengeraskan agama Islam*” (p. 36), “*melakukan hukum Allah dan mengeraskan syariat Nabi Muhammad Rasul Allah s.m.*” (p. 44), “*menyuruhkan orang berbuat kebajikan-kebajikan dan melarangkan orang berbuat kejahatan yang diturunkan Allah ta’ala kepada Nabi kita Muhammad s.m.*” (73).

edicts of certain princes whose authority over the interior was very limited and of short duration, were able to exercise more than a partial or passing influence on the genuinely national and really living unwritten laws (1906, I: 12, 15)."

Snouck was writing in the 1890s. Almost a hundred years later a Japanese scholar made a thorough analysis of all sources related to Aceh in the 16th and 17th centuries (Ito, 1984). One of his chapters (pp. 152-205) is devoted to "The Administration of Law and Justice." The author first states that many signs concur to give Aceh "the appearance of one of the major centres of Islamic studies in the Malay-Indonesian world from where Islamic influence spread throughout the archipelago" (pp. 153-4), and concludes: "Thus there is every reason to believe that by the end of the 16th century, at the latest, Islamic Law had become an established force in Aceh, and as a consequence the prescriptions of Islamic Law had begun to exert their influence on the Acehnese, particularly on those belonging to the ruling class in the capital. (p. 154)." Then, he proceeds to scrutinize every single testimony we have about the organisation and the implementation of justice. Unfortunately, that is actually very little: all testimonies about judicial verdicts come from the observations of foreign travellers in the first half of the 17th century; they are no more than twenty, and they are limited to criminal law.

Not only are these testimonies rare and parsimonious, they also have to be considered with some caution (how did foreigners acquire information about a subject as sensitive and complex as justice?). Furthermore, they cover several reigns, whereas they also suggest that situation may have changed considerably from one sultan to another. Lastly, they only concern the capital, outside of which some judicial system must have existed too. "Among Ito's conclusions, we see that "The punishment in Aceh, however, can be said to have been savage to a degree far beyond that provided by Islamic Law" (p. 173), "and more generally that the ruler was omnipotent in the judicial field: "... although we do not know much of the personal commitment of the Acehnese rulers to Islamic values in their private lives, it is clear that in practice they were heads of the religious institution in all its ramifications (pp. 256-7)."

Amirul Hadi, in a chapter about "Islamic institutions and the state" (2004: 147-184), revisits in some detail some of the judicial cases evoked by foreign visitors, but his conclusions about the legal system and the foundations of the law remain vague. Some authors have summed up the situation by asserting that law was based on sharia, even though sentences were heavier. P. Riddell, for instance, states that: "During his first three years in power, Iskandar Muda amplified and strengthened the legal system, which was based on Shafi'ite law and centered upon the ruler as the head of an Islamic state (2006: 42), "while quoting at the same time a number of sentences that differ from sharia (strangulation, pouring molten lead down the throat, enslavement), qualified as showing "some variation" from sharia's prescriptions (p. 44). This

statement by P. Riddell is quoted, without the nuances, by another author: “The establishment of the sharia court in Aceh has historical precedence from the time when Sultan Iskandar Muda (1706-1636) ruled the kingdom of Aceh under Islamic law (Riddell 2006, 40-42) (Afrianty, 2015: 71).”

Merchants and diplomats visiting Aceh have noted the extreme severity of some verdicts, particularly under Iskandar Muda, as well as their similarity with Islamic verdicts, notably the amputation of hands and feet in case of repeated theft. Thus it is important to remark that, on the one hand, the amputation of limbs as a punishment for theft may have been in use in Malay countries before the advent of Islam (according to N.J. Krom [1931: 67], in an Indonesian kingdom that could be Bali, “Murder and theft were punished with the amputation of hands”); and on the other hand, the amputation of limbs in the early 17th century widely exceeded *fiqh* prescriptions: Frederick de Houtman, ca.1600, was threatened with amputation if he did not convert to Islam (Reid, 1995: 48); under Alauddin Riayat Syah (r. 1589–1604), according to François Martin in 1602, “Notwithstanding this system of justice, the King dispenses it as he likes, and for minor matters has arms and legs cut off,” (Reid, 1995: 60); under Iskandar Muda, not only hands and feet were amputated but also noses, ears, eyes, lips and genitals. That sultan, who brought Aceh to the peak of its greatness, demonstrated, according to several testimonies, a terrifying cruelty and sadism, and it is clear that the punishments he inflicted, and the instruments of torture he invented, had nothing to do with law. People were executed without any kind of trial, some were sawn apart, strangled, beheaded, disembowelled, immersed in boiling oil, trampled upon by elephants, or impaled (see Chambert-Loir, 2011). It seems that, after Iskandar Muda, some progress was made towards a more rigorous legal system, but we have testimonies much later (for instance, Dampier in 1688-89) showing that sentences still were extremely severe.

An image that has been reproduced several times shows a quadruple amputee (he has no hands and no feet left) standing on crutches. This image is much older than it is generally assumed: it is not originally from Thomas Bowrey, who was in Aceh in 1675, at the very end of the reign of the first queen, Sultanah Tajul Alam Safiatuddin (see its reproduction in Reid, 1995: 105); it actually first appeared in the voyage of Wybrandt van Waerwijck, whose ships were in Aceh in 1603, during the reign of Alauddin Riayat Shah (see Commelin, 1646, vol. I, 11th relation, ill. facing p. 14). The caption in subsequent publications reads: “A thief punished according to sharia law in Aceh,” but from the above mentioned testimonies, it can be concluded that what is illustrated has nothing to do with Islamic law (see Feener, 2013: 156).

The *Bustan al-Salatin* claims that Aceh sultans in the 16th-17th centuries, respected sharia, whereas foreigners describe a system of punishments widely exceeding Islamic law. The confrontation is somewhat embarrassing. We are



lucky to have a non-European testimony, in this case Indian, in a Persian text of the early years of the 17th century, the *Rauzat ut-Tāhirīn* (The Immaculate Garden), written, during the reigns of the emperors Akbar and Jahangir, by one Tahir Muhammad ibn “Imad-ud-Din Hasan ibn Sultan ‘Ali ibn Haji Muhammad Husain Sabzwari, a migrant from Iran to Mughal India. This text, still unpublished, is discussed by Muzaffar Alam & S. Subrahmanyam (2005); it is an encyclopaedic text, a tentative universal history, including a paragraph on ‘the island of Achin’. This passage, most imprecise, probably reflects clichés only: ‘lore and oral materials that circulated in the ports of the Indian Ocean world’ (p. 237); nevertheless, it is interesting that the *Rauzat* notes, about Aceh around 1600, “a high degree of surveillance in matters of sexual behaviour and that punishments are severe” (p. 226).

Malay texts do not provide any description of the administration of justice or any picture of a hierarchy of religious functionaries. In a section of the *Adat Aceh* (Drewes & Voorhoeve, 1958: 104-110) is found a list of more than 150 high officials of the kingdom at the time of Sultana Tajul Alam, among which two Hakim Pidie and twelve *fakih* (Fakih Seri Raja Fakih, Fakih Raja Indera Perba, Fakih Seri Raja Indera, etc.), which seems a rather high proportion. The *Hikayat Aceh* also mentions a *khatib* and a *hakim* (Iskandar, 1958: 115, 118). However, a number of those designations were honorific titles granted to high officials who had no juridical function. As examples, the chiefs of the three *sagi* (territorial divisions that were probably created by Sultana Nuralam Naqiyatuddin) bear the title Kali Rabon Jali, i.e. Qadi Rabb al-Jalil (Iskandar, 2011: 48), while in 1641, first year of the reign of Tajul Alam, the most powerful member of the court council was Lebe Kita Kali (Kadi Malik al-Adil), who was no jurist but an illegitimate son of Iskandar Muda and thus a half brother of the sultana (Ito 1984: 162; Sher Banu 2011: 147).

We thus come across the title *kadi* and *faqih* time and again, without knowing the real function or position of those who bear them. However, two titles were certainly those of important figures: Shaykh al-Islam (see below) and Kadi Malik al-Adil (the Jurist of the Just King). The *Adat Aceh* describes in detail the role of the latter in certain religious ceremonies. He seems to have been an “important religious figure of the realm representing and administering more or less the legal aspect of Islam” (Ito, 1984: 259), although we have no idea of his concrete authority.

The travellers of the 17th century who wrote about their experience were remarkable observers. The depiction of what they saw and learned during the time they were in Aceh, when put together, results in a vivid and penetrating picture of the city and its institutions. A. Reid has collected such stories in *Witnesses to Sumatra: A travelers’ anthology*, 1995; most had been published separately before, the most detailed of all being that of the French merchant Augustin de Beaulieu, who was in Aceh in 1621 (see Beaulieu, 1996).

The administration of law, however, is not an easy matter to observe or to



investigate. The visitors noted down a few cases of punishments, as mentioned above, but evocations of justice as an institution are rare. François Martin, in Aceh in 1602, writes that “There are some judges called Poullou cauaillo [Penghulu kawal], which means judge of the prisoners. They are concerned with justice, and study all the arguments and complaints on both sides, the parties presenting their own cases themselves. The judges are assisted by a few officers, like sergeants who are distinguished by a stripe that they wear. All their judgments are usually pronounced orally, with nothing put in writing. They hold court under some tree” (Reid, 1995: 60 ; the Penghulu kawal is not “judge of the prisoners,” but head of security or police chief; see Ito, 1984: 287 and *passim*.).

Beaulieu (1996: 201-3) is the only writer who gives a description of the whole judicial system. Talking about the situation in 1621, he notes that there are four courts of justice: a civil one sits every morning, except Fridays, in a large open pavilion near the great mosque, presided by one of the main *orangkaya* (nobles). In another pavilion close to the palace gate sits the criminal court, presided in turns by several high *orangkaya*; appearance in court and judgement are immediate; corruption is usual. A religious court is presided by the *cadi*. In a pavilion of the customs office, the commercial court is presided by the *Laksamana*.

Thus, according to that description there was a religious court, which, we may suppose, handled offences in the religious domain in accordance with Islamic law, while there is no indication about what law was enforced in the other courts. One of the main conclusions of Beaulieu’s testimony seems to be that sharia was exclusively applied in the religious court (that presided by the *cadi*), while the other courts, presided by officials foreign to religion, resorted to other laws. Even family law was not regulated by sharia, as the relevant court was presided by an *orangkaya*, not a religious official. According to Jacob Compostel, some fifteen years later (in 1636), the “great bishop” “held a lawcourt once a week to judge thefts, drunkenness, and breaches of etiquette in the presence of the ruler or in contravention of royal commands” (Ito, 1984: 159).

It happens that Beaulieu’s description of justice divided in four categories is expressed in a famous Acehnese maxim which is quoted by numerous modern authors (e.a. Salim 2015: 23), but the antiquity of which is not known: “*Adat bak poteu meureuhom / Huköm bak syiah ulama / Kanun bak Putroë Phang / Reusam bak lakseumana*,” that is, “Laws of the past come from rulers of yore, Religious law from the ulamas, Current legislation from the Pahang Princess, Customary law from the prime minister.” Some variants tend to personalise those agents of the law: *poteu mereuhom* is often interpreted as Iskandar Muda; The Pahang Princess is his queen; and a variant in the second line (*Huköm bak Syiah Kuala*) attributes religious law to Abdurauf al-Singkili.

If we rely on the (single) testimony of Beaulieu, there was in Aceh under Iskandar Muda at least one tribunal in which Islamic law as recorded in *fiqh*

books must have been applied. It remains to be seen what was the context of the redaction of such books.

### The theatre state

A. Reid (1989: 5) suggests to apply to Aceh in the 17th century the concept of theatre state, that is, C. Geertz's theory of power devised about Bali in the 19th century, but enlarged to the more general idea of what Reid calls 'the theatre of kingship' (p. 33) and "the ongoing theatre of the court" (p. 35). Aceh sultanate, at its apogee and more particularly in the first half of the 17th century, constructed at great expense the image of an Islamic kingdom of the same rank as the greatest powers of the Islamic world.

This display of power manifests itself firstly in the religious ceremonies. These are lengthily described in the *Adat Aceh* and the *Bustan al-Salatin*. In the latter, the relation of the installation of Iskandar Thani's tombstone (Nur'd-din, 1966: 60-73) fills thirty one times more space than the conquest of seven countries by Iskandar Muda (p. 35). The core of the ceremony is the procession, the main elements of which are wealth, number and noise. These ceremonies have fascinated foreign visitors, who fully confirm their pomp and munificence. The Dutch emissary Nicolaus de Graaf describes the astonishing festivities that accompanied Iskandar Thani's funeral, in 1641: the procession included 260 elephants caparisoned in gold, rhinoceros, Persian horses, and thousands of men.

The main ceremonies are the annual religious festivals: eve of Ramadhan, Idulfitri, Iduladha, Lailatukadar, (the Maulud is not celebrated yet), Friday prayers and rites related to the royal family: circumcision, marriage, enthronement, funeral. Other occasions are also a pretext to festivities and processions: the king's ritual bath in the month of Safar (*mandi Safar*), the uleebalangs' audience on Saturdays, the day of pledging allegiance (*hari raya junjung duli*), or again the reception of foreign ambassadors.

Ralph Croft (Ito, pp. 211-2) described, in the year 1613, the weekly procession that leads the sultan to the mosque for the Friday prayer: he is accompanied by hundreds of elephants and thousands of armed men. Another visitor, Peter Mundy, described the festival of Idul Adha in 1637, with the sacrifice of 500 buffaloes (Reid, 1995: 81-85).

This royal theatre has a public: the *Adat Aceh* describes, in the comic mode, the crowd that throngs the path of a procession, over-awed and fascinated by so much beauty and wealth, by the extraordinary animals and the dance and theater performances of all nations. This was a cliché in Malay literature, but there certainly was some truth to it. Common people rush in from all directions, in disregard of all conventions: "several pregnant women who have come to see His Majesty go to the festival gave birth in the street or in the market" (Harun, 1985: 62). The power and majesty that the ruler manifests

on these occasions designate him as superhuman. About the two ceremonies that open and close the fasting month, A. Reid remarks: “In all of this, once again, the cult of the king appears to be the central aim of an elaborate theatre, even if its occasion is an orthodox Islamic feast” (1989: 32).

Luxury associated with Islam is also manifest in royal tombs: those of Pasai, at the beginning of the 15th century, were partly sumptuous marble monuments imported from Gujarat (Lambourn, 2003; Guillot & Kalus, 2008); those of Aceh, in the 16th century, are covered with bronze and later, precisely at the beginning of the 17th century, with gold (Kalus & Guillot, 2010). John Davis, who was at the court of Sultan Alauddin Riayat Syah al-Mukammil, in 1599, reports: “in the place of the Kings Burials, every grave hath a piece of Gold at the head, and another at the foot, weighing at the least five hundred pound weight, cunningly imbossed and wrought. This King hath two such Peeeces in making and almost finished, which wee saw, that are a thousand pound weight a piece and shall be richly set with stones” (Reid, 1995: 26). Some fifteen years later, in a letter—an exceptional piece of art by itself—that Iskandar Muda addresses, in 1615, to the King of England James I, he describes his own grandeur, his power and his riches, and he boasts, amongst other matters, of having had a golden funerary monument built for himself (Gallop, 2011: 245).

This extravagant splendor was not intended for the people of Aceh alone: it was meant for the world. Aceh wanted to be on equal standing with the greatest sultanates of the time. As was already the case with Pasai in the 14th-15th centuries, in its efforts to integrate the Dar al-Islam by conforming to the ideal of the Islamic state (see Guillot-Kalus, 2008: 105-116), Aceh took as a model the court of Constantinople. Aceh’s contacts with the Ottoman empire lasted only a few decades at the end of the 16th century, but the fascination for it is much older. It was intensified by the appropriation of the caliphate by Selim I in 1516 and the seizure of the holy cities the following year (see Lombard, 1990, II: 49-50; Reid, 2014: 87).<sup>17</sup>

It is inscribed at the beginning of several Malay dynastic histories as a legend according to which power over the world was shared between the king of Rum (Constantinople) and the king of China. The *Hikayat Aceh* (middle of the 17th century) reports another legend situated during the reign of Iskandar Muda: the sultan of Rum himself tells his courtiers that, as in former times Allah had made two great kings in the world, Salomon and Iskandar Zulkarnain, today also, He had made two great kings: himself in the West and Aceh’s sultan in the East.<sup>18</sup>

17. V. Braginsky (2015) offers an exhaustive study of all representations (myths, legends, history) of Turkish people and the Ottoman empire in Malay literature.

18. “Maka yang daripada pihak maghrib kitalah raja yang besar dan daripada pihak masyrik itu seri sultan Perkasa Alam, raja yang besar dan raja yang mengeraskan agama Allah dan

This episode describes the great mosque of Bandar Aceh as the most beautiful in the world, thronged by a crowd of devouts, second only to the Masjid al-Haram in Mecca. The comparison with Mecca is also found in the expression “Serambi Mekkah” (Mecca’s verandah), which has become a common qualitative of Banda Aceh. This expression has been interpreted since the 19th century as an allusion to the role of Banda Aceh as a starting point for Indonesian pilgrims to Mecca (see Snouck, 1906, II: 19), but its original meaning was different: it comes from the *Bustan al-Salatin*, where it designates Bandar Aceh as second only to Mecca (Nur’d-din, 1966: 68). One is reminded of Sultan Mahmud of Malacca (r. 1488-1511) boasting that “Malacca was to be made into Mecca” (Pires, 1944, vol. 2: 253) or that ‘Malaca was the right Méca’ (Albuquerque, 1880: 82).

In another work, the *Adat Aceh*, Iskandar Muda is compared to Sultan Suleiman (The Magnificent) leaving for the battle field (Harun, 1985: 50).

Aceh assimilates by imitation. “Aceh demonstrated its Islamic cosmopolitanism by adhering to the latest religious and secular fashions from the Islamic world” (Andaya, 2001: 38). Borrowings from the Ottoman court have been identified in the most ancient seal known to us (seal of Alauddin Riayat Syah, ca. 1602; see Gallop, 2004) and in royal epistolary art, as we know it through three diplomatic missives of the 17th century (see Gallop, 2011). But the Moslem court that was Aceh’s main model in that period was the Moghul court.

Several authors have inventorized Acehnese cultural features that may have been borrowed from the Mughal court<sup>19</sup>. According to Schrieke (1957: 251-3) such features comprise the gardens described by both the *Bustan al-Salatin* (for the beginning of the 1640s) and the Dutch emissary Nicolaus de Graaf (in 1641), palace architecture, processions with elephants, festive river trips, the royal harem, the role of eunuchs, the pitting of animals, the presenting of royal garments, the king giving audience from a window or a balcony, and the royal orchestra with eight instruments—although for Brakel (1975: 58), many of these examples are “either too general or incorrect”.

The influence of Persian culture via India is reflected in the language of the court. Persian vocabulary has invaded court language, especially in the *Bustan* chapter (II, 13) devoted to Aceh, to designate carpets, fabrics, clothing, precious stones, weapons, seals, musical instruments, palaces, and names of functions (see Wormser, 2009: 70-72). Whether real or fictitious, the menu of a banquet given at a princely wedding in the palace around 1580 (according to the *Hikayat Aceh*; Iskandar, 1958: 112), every dish of which evokes Mughal cuisine, shows the power of this fashion (Wormser, 2009: 70).

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agama Rasul Allah” (Iskandar, 1958:167).

19. See Schrieke (1957), Brakel (1975), Wessing (1988), Andaya (2001), Braginsky (2006), Wormser (2009).

Persian vocabulary has even permeated toponymy: the name of the capital (Bandar Aceh) is formed on the Persian word *bandar*, and the names of two localities of North Sumatra (perhaps Pariaman and Aru) are replaced by those of two Indian dynasties: Mughal and Ghuri (Wormser, 2009: 76). This fashion of India continued for a long time, since the chapter (II, 11) of the *Bustan* devoted to the history of the Delhi sultanate ends with a eulogy of Aurangzeb (r. 1658-1707) which alludes to a fact of his reign dating back to 1679 (see Wormser, 2012: 63).

However, “Indic vestiges” have also been identified in other—or the same (see Brakel, 1975: 58-62)—elements of Aceh’s court culture, as well as in the Gunongan (Wessing, 1988) and in the famous 1615 letter from Iskandar Muda (Gallop, 2011: 111). These elements suggest, on the one hand, that the history of Aceh has experienced a pre-Islamic period of which we know practically nothing (see Edwards McKinnon, 2006), on the other hand that the cultural elements borrowed from abroad were not copied slavishly, but were adapted to local tastes and traditions.

The most prominent borrowing, because it seems obvious, is the ninefold seal (*cap sikureuëng*): a large seal representing nine small circles contained in a large one: one in the center, containing the name of the reigning sultan, and eight on the periphery containing the names of eight previous sultans. This seal, coined “the orbital genealogical seal” by A. Gallop (1999), was discussed in detail by Rouffaer (1906), Brakel (1975), Siegel (1979) and Gallop (1999). It seems undeniable that it was drawn in imitation of the seal of the Mughal emperors, more particularly that of Jahangir (r. 1605-1627). However, these various authors have highlighted the numerous and significant differences between the Acehnese seal and its Mughal model, differences that Brakel attributes to the survival of Hindu-Buddhist models.

In the case of the seal of Alauddin Riayat Syah and diplomatic missives, as in that of the ninefold seal, the products of Aceh are distinguished by a high artistic quality and a high standard craftsmanship, as well as a strong creativity. The sultans surrounded themselves with an army of craftsmen (Iskandar Muda employed more than 300 goldsmiths), they spent fortunes in luxurious objects (Iskandar Thani largely contributed to empty the coffers of the state by the purchase of precious stones, see Sher Banu 2011: 144) and they displayed their riches before the people as well as foreign visitors.

As stated above, Malay sources mention two figures who are at the head of the religious power: the Shaykh al-Islam (the Grand Mufti) and the Kadi Malik al-Adil (the head *cadi*). It is sometimes asserted that the function of Shaykh al-Islam existed for approximately a century. According to L. Andaya, for instance, Syamsuddin, Nuruddin, Saiful Rijal and Abdurrauf filled that function and all had a leading political role: “All of Aceh’s Shaikhs al-Islam in the seventeenth century exercised considerable religious and secular

influence in the kingdom” (2001: 51). It seems, in fact, that only Syamsuddin ever was Shaykh al-Islam, which means that the institution was created by Sultan Alauddin Riayat Syah al-Mukammil and then disappeared with the death of Syamsuddin. (In the list already quoted of 150 officials of Sultanah Tajul Alam’s reign, no Shaykh al-Islam is mentioned.) The institution was copied from the Ottoman court of Sulaiman I (1520-1566), where the Shaykh al-Islam not only had authority on the Moslem community and the religious hierarchy, but also had a function of advising on political matters (Ito, 1984: 259). This, however, does not mean that the man bearing this title in Bandar Aceh had the same powers.

The *Bustan al-Salatin* and the *Hikayat Aceh* mention the name of Syekh Syamsuddin, that is, Syamsuddin Pasai (or al-Samatra’i), who is known otherwise as the author of religious essays written in both Arabic and Malay. Concomitantly, European visitors note the presence of a character who has a prominent position at the court. Thus, Syamsuddin has quite naturally been identified with the ‘bishop’ mentioned by Europeans, and he was ascribed a considerable role at the head of the state. According to Ito: “In the field of politics, Syams al-Din was, as we have seen, the ruler’s chief advisor and next to him in rank. It is difficult to exaggerate Syams al-Din’s role. He appears to have had control both of the secular and religious association with other Muslim countries. As religious thinker in court circle, he must have been one of the most outstanding intellectuals and administrators of his day (1984: 260).”

The unanimous tendency is to identify the great cleric described by the foreigners with the (almost) unique character we know at that time: Syamsuddin. All the texts and all the testimonies converge towards a single person. Syamsuddin was not only Shaykh al-Islam, he was also “confidant, senior court officer, foreign minister and spiritual guide to three sultans” (Johns, 2009: 149). He is even ascribed the authorship of the *Hikayat Aceh* (Iskandar, 1995: 395; Andaya, 2001: 47-48, 51; Iskandar, 2011: 59).

There seems to be many hasty deductions and conjectures here. It would be necessary, on the one hand, to put together all the testimonies relating to ‘bishops’ and other religious dignitaries in Malay and foreign sources, in order to see whether it is reasonable to see the person of Syamsuddin in them so often; on the other hand, to reconsider the role and power of this character. Some foreign testimonies attest to the role of a “bishop” in negotiations with foreign traders; others mention one or several eminent clerics with no clearly defined authority. John Davis, at the court of Alauddin Riayat Syah in 1599, only mentions religious figures after fifteen people to whom he attributes all the power, and he distinguishes between a “bishop” and a “prophet”: “They have an Archbishop and Spiritual Dignities. Here is a Prophet in Achien, whom they greatly honour; they say that hee hath the spirit of Pophesie, as the Ancients have had” (Reid, 1995: 26). Schrieke (1957: 393) proposed to identify the Archbishop as the *qadi* and the prophet as Syamsuddin, but later



historians tended to identify the Archbishop as Syamsuddin (e.g. Gallop, 2011: 112).

Beaulieu also, during the reign of Iskandar Muda, in 1620, speaks of two characters, the first of which is about 80 years old, which could be the age of Syamsuddin, and the second is a “prophet.” The first is the object of “veneration” which is no sign of power, of which the second is obviously lacking: the prophet “called himself Xerif Nepueu of Jesus Christ. He was an Arab or from hereabouts and great doctor in the law of Mahomat. He bore the character of a prophet and came to the king of Achen, who was so little moved with his remonstrances that he ordered him to keep within doors and not to meddle with his deportment, so that the oracle was struck dumb all of a sudden. ... And certainly although this man is a pandita or great teacher, I do not find him more pious than other people ... this pandita or sherif is nonetheless almoner. (quoted by Schrieke, 1957: 393).”

Syamsuddin is supposed to have been responsible for the diplomatic correspondence of the rulers (Gallop, 2011: 112), but he cannot be responsible for the two letters in Arabic that Alauddin Riayat Syah al-Mukammil sent, in 1602 and 1603, to two European rulers as their text is marred by “mistakes, provincialisms, and infelicities” (Peacock, 2016: 197). Teuku Iskandar, in his last published article, had a very mild appreciation of Syamsuddin’s political role: “He was not the chief qadi or mufti (scholar of Islamic law) as many researchers suppose, but a learned man and religious advisor to the court, who would sometimes also comment on political matters. (2011: 55).”

The *Adat Aceh* mentions Syekh Syamsuddin four times for his participation in the rites of the Iduladha ceremony: he certainly had a high position in the symbolic representation of power, but this does not say anything about his eventual role in the political life of the kingdom. The *Bustan al-Salatin* (book II, chapter 13), probably written some ten years after the death of Syamsuddin, is extremely elliptical on the period preceding the reign of Iskandar Thani; we cannot therefore expect to find in it information on his activity. However, his death is reported (12 Rajab 1039, i.e. 25 Feb. 1630; it is the date accepted by historians) without any clarification on his function. The *Hikayat Aceh*, on the other hand, probably written a dozen or fifteen years after his death, is a text written to the glory of Iskandar Muda, but which ends abruptly when this character is not yet on the throne, so that most of the text actually deals with the reign of Alauddin Riayat Syah al-Mukammil, who was Syamsuddin’s sovereign for twenty or thirty years. Syamsuddin is mentioned three times (only) in the text, for absolutely futile reasons, which give no idea of any role in the court or in the life of Iskandar Muda. Syamsuddin has no role in the childhood of the prince, not even in his religious education.

If Syamsuddin had any political or administrative function, contemporary Malay texts have done their best to conceal it. The factual information scattered in these texts and in European testimonies do not allow to affirm that



Syamsuddin had any kind of authority. He had a role in the negotiations with foreigners, perhaps because he was among the most learned men of the court about the outside world, but did he really have a political and administrative role, we have no idea.

Even if he had responsibilities, they probably varied considerably over the years and according to the temperament of each sultan (he served three). Moreover, it should be considered that Syamsuddin was not the only religious cleric at court. It happens we know another Muslim scholar contemporaneous with him: Ibrahim ibn Abdullah al-Shami al-Shafi'i, whom the *Bustan* deems important enough to tell us that he died six months after Syamsuddin, but to which historians assign no role. Finally, as we have seen, the highest religious functions could be purely honorific.

The supposed power of Syamsuddin is later attributed to Nuruddin (e.g. Riddell, 2006: 42; Gallop, 2011: 122-3). In the *Bustan* (II, 13), in the long passage devoted to the reigns of Iskandar Thani and Tajul Alam (pp. 44-74, more than two-thirds of the text), Nuruddin is mentioned once only ("Shaykh Nuruddin," p. 63), in the enumeration of twelve dignitaries at a religious ceremony, while six elephants are also mentioned by name (p. 60).

There is a great deal of speculation in historians' assessments of Syamsuddin's role, let alone his successors, as high-ranking religious officials who also had an important political role. Perhaps some clerics did have some authority, at least as advisers of the sultan, at certain times, but the waltz of the clerics of the court, which sometimes succeeded each other very quickly and some of which were expelled (Nuruddin, and perhaps his uncle before him) or put to death (Kamaluddin, Saiful Rijal), rather gives the impression that these men were the toys of the political struggles between factions of Acehnese nobles. Saiful Rijal was allegedly involved in a plot to usurp power, but we do not know anything about this plot, of which he was perhaps the victim rather than the instigator. The role of these shaykhs in Malay texts suggests that they had above all an iconic function in the legitimation and representation of royal power.

Islam is an essential component of the culture of the sultanate. It is one of the driving forces of foreign policy (war of Islamization against the Batak, holy war against the Portuguese, alliance with the Ottoman Empire), it is at the center of public life (religious ceremonies are the most important manifestations of royal grandeur; Iskandar Muda is said to have built mosques and imposed rules of Islamic way of life). Of the practice of Islam, however, we know only two aspects, which are in some way at the two ends of religious life: on the one hand, the grandiose ceremonies, by which the court staged itself in front of the dazzled common people; on the other hand, the extremely erudite and sophisticated analyzes of several authors on the theory of mysticism. Otherwise, nothing is known about the practice of Islam by the common people or even the nobility.

Nothing is known either about the piety of the sultans: their knowledge of religion, their faith and their belonging to a brotherhood are known to us only through short passages in local sources, that is to say they are part of a panegyric-type discourse, while foreign testimonies describe feast and luxury, without ever evoking piety and devotion.

Aceh sultanate, in the 16th and 17th centuries, is famous for having produced a large number of Muslim mystic treatises, which gave rise to a fierce debate (men were executed, books were burned). Reflection and debate are constantly linked with political life in a way that remains enigmatic. The theological dispute over monism (*wahdat al-wujud*) is punctuated by the succession of sovereigns; the reversals for or against monism in the name of orthodoxy decide on the election or repudiation of the great clerics that are Syamsuddin, Kamaluddin<sup>20</sup>, Nuruddin, Saiful Rijal and Abdurrauf. They conducted a scholastic debate for perhaps a century, but it is the fight between political factions at the top of the state that decided its outcome.

Religion is at the center of the image of the kingdom, or rather of the regime, as it is expressed in the texts (especially the *Bustan*), in ceremonies and in various aspects of court life. Must we conclude, like Ito and many others, that the king is pious, versed in Muslim sciences and a member of a brotherhood? This is certainly not the image that John Davis gives of Sultan Alauddin Riayat Syah al-Mukammil, in 1599 (Reid, 1995: 16-26), or Beaulieu (1996) of Iskandar Muda, in 1620. In hundreds and hundreds of pages, be it in Malay, English, Dutch or French, we never see a sultan reading a book, studying a document or even discussing any intellectual or religious matter. There may be exceptions. One is found in the *Hikayat Aceh*, about Sultan Alauddin Riayat Syah Sayyid al-Mukammil: “he constantly devises with people knowledgable about sufism” (*netiasa sultan itu berbahath dengan segala orang yang tahu-tahu pada ilmu hakikat*; Iskandar, 1958: 100). This one line sentence is followed by 500 lines describing the protocol and festivities of his daughter’s wedding, the mother-to-be of Iskandar Muda (p. 100-115). One to five hundred looks like the right proportion indeed. Of the twenty or so foreign visitors who recounted their visit to the sultans and sultanas of Aceh in the 17th century (all entered the palace), not one ever heard of a library. The *Sulalat al-Salatin* insists on the piety of several sultans of Malacca; we see them studying and following the advice of spiritual masters. This is not the case in Aceh. Iskandar Muda’s education as described in the *Hikayat Aceh* lasts a few months. There is, in the three court texts of the 17th century, an obsession for pomp, luxury and prestige, together with a radical disdain for anything spiritual or intellectual.

Ito has reached the conclusion that Syamsuddin was Iskandar Muda’s master in Sufism (1984: 249), but this is much more a hypothesis than an established

20. About the enigmatic figure of Kamaluddin al-Jawi, see Ito 1978: 490; Laffan, 2009.

fact. To that idea one might oppose the anecdote related by the Dutch emissary Pieter Sourij, who was at the court of the Sultana Tajul Alam Safiatuddin in 1643: ‘The joint Councillors of the Realm and all the Bentaras requested that the case between the aforesaid two Bishops be settled by Her Majesty’s authority, whereat the Queen replied that (as) she did not know the first thing about religious problems, and still less could understand their conflict, the matter should be left to the attention of the Uleebalangs’ (Ito, 1978: 490).

There was an audience to listen to the ulamas, mostly foreigners, who taught in the capital. The anecdote of the *Bustan* telling that Muhammad Jailani al-Hamid was teaching logic, rhetoric, theology and jurisprudence in the capital, but students wanted to learn mysticism (Iskandar, 1966: 33-34)—this anecdote may be accurate. These men thirsty of science, however, were certainly not many and there were probably a number of strangers among them.

Snouck Hurgronje has a cynical judgment on this subject: ‘The fact that such an extraordinary number of Malay writings on the teaching of Islam appeared in Aceh during the 16th and 17th centuries was merely the result of the political condition of the country, as that period embraces the zenith of the prosperity of the port-kings. Among the authors of these works or among the most celebrated mystics, heretical or orthodox, we do not find a single Acehne name, but only those of foreign teachers. Learned Mohammedans have at all times sought countries where their attainments commanded solid advantages in addition to honour and respect. The activity of these champions, who fought their learned battles in the capital, had but little significance in regard to the scholarly or religious development of the people of Aceh’ (1906, II: 21). Snouck is known for his categorical and utterly negative judgments, but it is true that the debates on mysticism, which seem to have begun as soon as the late 16th century, long before Nuruddin’s stay in Aceh (see Wormser 2012a), were certainly not within the reach of the sultan and his ministers. These debates were always conducted in the name of orthodoxy, and that indeed was worthy of concern for a court that wanted to embody a model of Islamic state.

It is in this context of a political mise-en-scène of Islam that the writing of the two *fiqh* treatises by Abdurrauf and Jalaluddin is inscribed. They come after the *Taj al-Salatin*, which may have been written in 1603 for Sultan Alauddin (Iskandar, 2011: 54); after the *Hikayat Aceh*, which was probably commissioned by the sultana Tajul Alam Safiatuddin in imitation of the Persian panegyric chronicles composed for the Mughal emperors, for example the *Akbar-nama* by Abu’l-Fazl, composed around 1602 for emperor Akbar, or much more likely the ‘autobiography’ of a Mughal emperor (Timur, Babur or Jahangir), especially the *Timuri Malfuzat-i*, “Autobiography of Timur [Tamerlane],” by Abu Talib al-Husayni, which was presented to the Mughal Emperor Shah Jahan (1628-1658) (see Braginsky, 2006); after the *Bustan al-Salatin*, commissioned to

Nuruddin in 1638 by Iskandar Thani, a foreign prince in Aceh: “To command a work of the magnitude of *Bustan al-Salatin* was surely a way of establishing his legitimacy, justifying its accession to the throne of Aceh and inscribing the history of Aceh in the history of the Muslim world. (...) Writing a mirror of princes in addition to a universal history was probably a way to compete with the Mughal rulers of northern India (Wormser, 2014: 132).”

The fact that three among the most famous Acehnese ulamas of the period (Nuruddin, Abdurrauf, Jalaluddin) have written a handbook of *fiqh* on order of their respective sultan shows that Islamic law was a concern of the successive rulers. By ordering the compilation of a book of *fiqh*, the sultan was conforming to an ideal Islamic model. Islamic texts must have had an emblematic role. Whatever their utility and their usage in judicial practice, those texts certainly had a function of prestige. Having a Malay text of *fiqh* written at a sultan's court enhanced the status of the said Sultan as an Islamic sovereign. This is somehow confirmed by the fact that Sultan Alaidin Johan Syah (1735-60), at the beginning of his reign, ordered the redaction of a new *fiqh* digest, while he already had the excellent *Mir'at al-Tullab*, and Jalaluddin's off-hand, almost derisive, way to dismiss that book (“Indeed, our master, the guardian of the faith (Aminuddin) Abdurrauf, may Allah be pleased with him, has already written the book *Mir'at al-Tullab*, but it is very big, students don't have the courage to learn it,” p. 4) suggests that there may have been some political or social reason behind the project.

## Conclusion

Justice in Aceh in the 16th and 17th centuries was probably influenced in some way by sharia law. The *fiqh* was known, had its specialists and students. The court was interested in it, to the point that three sultans successively ordered ulamas to write treatises on the subject. However, the existence of these treatises is in no way a proof, or even a clue, that justice was based, or mainly based, on sharia law. By ordering *fiqh* books, the sultans followed the example of the Ottoman and Mughal courts; they acted in conformity with the ideal of a Muslim sovereign.

The manuscript of the *Safinat* transcribed in the 2015 edition is the one that belongs today to the Museum Negeri Aceh. I saw this manuscript in 1976 while it still was in private hands. This manuscript presents a rare singularity: one of its former owners noticed the existence of a blank page in the middle of the book (p. 191) and filled it with a text unrelated to the subject of the book. This text describes in detail the circumstances of the birth of Iskandar Muda; it is signed Tengku Di Mulek Sayyid ibn Abdullah ibn Ahmad Jamalullail Aceh, during the reign of Sultan Alauddin Mansur Syah Johan Berdaulat, in 1288 [1871/72], in Kampung Kedah Ketapang Dua, Aceh Bandar Darussalam. This same Di Mulek (or Di Meulek) has left other notes on several pages of



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