Acceptance, Approval And Aggression: Some *Fatwās* Concerning the Colonial Administrtion In The Dutch East Indies[1]

Nico J.G. Kaptein
(nkaptein@rullet.leidenuniv.nl)

ملخص

يناقش هذا البحث عن موقف المسلمين الإندونيسين تجاه حكومة هولندا المستعمرة وذلك من خلال الفتاوى التي صدرت من أحمد دحلان (ت.١٨٨٦) مفتي الشافعية بمكة والذي يرجع إليه المسلمون الإندونيسيون في أمور دينهم, وسيد عثمان (١٨٢٢-١٩١٤) الذي شغل مستشارا لهولندا في شئون العرب , وهاشم أشعري (١٨٧١-١٩٤٧) مؤسس نهضة العلماء . وقد قبل أحمد دحلان من خلال فتاويه المكتوبة في كتاب "مهمات النفائس" تواجد حكومة هولندا المستعمرة ما لم يتعارض مع الشريعة الإسلامية. ولم يكن موقف سيد عثمان مجرد القبول وافق على ذلك بحجة أن حكومة هولندا تعتي حرية كاملة للمسلمين الإندونيسين لأداء شعائرهم التعبدية. وهذان موقفان يختلفان إختلافا بينا مع موقف هاشم أشعاري حيث أنه رفض الاستعمار الهولندي في أرض إندونيسيا.

ويرى الكاتب أن صدور الفتاوى قد يؤثر العوامل الاجتماعية والسياسية التي تحيطه. وهذا الأمر إن دل على شيء فإنه يدل على جبوية الشريعة الإسلامية و مرونتها من جانب ولكنه يدل أيضا بأن الفتاوى قد تعرض

[1]This paper is based on part of a lecture I gave at the Orientalisches Seminar (Malaiologischer Apparat), Universität zu Köln, Germany on 9 June 2000.

للضغوط و المصالح السياسية المعينة في جانب آخر. وكان صدور الفتاوى من قبل أحمد دحلان و سيد عثمان والتي قبلت بل وافقت على تواجد حكومة هولندا المستعمرة في أواخر القرن التاسع عشر حيث كانت سلطة حكومة هولندا المستعمرة قوية جدا. وحصل سيد عثمان نفسه مرتبا من الحكومة الهولندية بصفته مساعد سنوك هورخرونيي (Snouck Hurgronje) في المسائل التي تتعلق بالمجتمع العربي والمواطنين, في حين أن فتوى هاشم أشعري صدر في ظروف استغلت فيه روح الوطنية في أشدها وذلك بعد إعلان إستقلال إندونيسيا في ١٧ أغسطس ١٩٤٥ في مواجهة غزو هولندا عن طريق نيكا (NICA).

ورأى الكاتب بأن تغير الظروف السياسية وقفت خلف اختلاف الفتاوى الثلاثة بالرغم من أن أصحاب الفتاوى استخدموا منهج استنباط واحد وفي إطار فكر واحد. ونجد اختلاف الفتاوى بسبب التغير الاجتماعي و السياسي في مثل تلك الفتاوى كثيرا في قضايا أخرى في الفقه الإسلامي

Abstrak

Artikel ini mendiskusikan tentang sikap kaum Muslimin Indonesia terhadap pemerintahan kolonial Belanda sebagaimana terefleksikan dalam sejumlah *fatwā* yang dikeluarkan oleh Ahmad Dahlan (w. 1886), mufti Syafi'i di Makkah yang menjadi tumpuan bertanya Muslim nusantara; Sayyid 'Utsman (1822-1914), penasihat honorer Belanda untuk masalah Arab; dan Hasyim Asy'ari (1871-1947), pendiri Nahdlatul Ulama. Ahmad Dahlan dalam beberapa *fatwā*-nya yang termaktub dalam kitab *Muhimmat al-Nafa'is*, bersikap "menerima" (*acceptance*) terhadap keberadaan pemerintahan kolonial Belanda selama tidak bertentangan dengan syari'at Islam, dan Sayyid 'Utsman bukan hanya menerima bahkan menyetujuinya (*approval*), karena pemerintah Belanda memberikan keleluasaan bagi kaum Muslimin

untuk melakukan ibadah. Berbeda dengan keduanya, Hasyim Asy'ari menentang (*aggression*) penjajahan Belanda.

Penulis melihat bahwa seringkali sebuah produk *fatwā* sangat dipengaruhi oleh situasi sosial dan politik yang melingkupinya. Hal ini menunjukkan dinamika dan fleksibilitas hukum Islam pada satu sisi, tetapi pada sisi lain menujukkan pula betapa suatu produk *fatwā* menjadi rentan terhadap kepentingan-kepentingan politik tertentu. *Fatwā* Ahmad Dahlan dan Sayyid 'Utsman yang bernada menerima dan menyetujui keberadaan pemerintah kolonial dikeluarkan pada akhir abad ke-19 di mana kekuasaan pemerintah Belada masih sangat kuat. Sayyid 'Utsman sendiri digaji oleh pemerintah Belanda untuk membantu Snouck Hurgronje dalam masalah-masalah yang berhubungan dengan komunitas Arab dan pribumi. Sedangkan *fatwā* Hasyim Asy'ari dikeluarkan ketika semangat nasionalisme sedang berkobar, segera setelah proklamasi kemerdekaan pada 17 Agustus 1945 dalam menghadapi agresi Belanda melalui NICA.

Perubahan situasi politiklah yang melatarbelakangi munculnya perbedaan *fatwā* di antara ketiganya, meskipun mereka, menurut penulis, menggunakan metodologi *istinbaṭ* hukum yang sama dan mempunyai kerangka intelektual yang sama pula. Perbedaan atau perubahan *fatwā* yang disebabkan karena perubahan sosial dan politik semacam ini dijumpai pula pada kasus-kasus lain.

---

1. Introduction: *fatwās* and daily life

A *fatwā* is a form of religious advice given by a *muftī* (*fatwā* giver) at the request of one or more Muslims who regard this *muftī* as au thoritative. *Fatwās* involve the following procedure: first, the question to the *muftī* is posed, followed then by the *muftī*'s answer, an opinion which is, from the *muftī's* perspective, faithful to authentic sources of Islam. The size of a *fatwā* may vary from a few lines to an entire treatise. Many *fatwās* issued from throughout the entire Muslim world have been preserved, and new *fatwās* are being issued every day. *Fatwās* are also a known practice in countries like the Netherlands (Van Koningsveld and Tahtah 1998) and Thailand, where Muslims do not form a majority.

The giving of *fatwās* is called *iftā'*, while the asking for *fatwās* is called *istiftā'*. In the course of, or following the process of, decolonization and the

rise of the independent nation states, in addition to those issued by individual *muftī*'s there also a number of national, government-sponsored *fatwā*-giving commissions came into existence, such as the *Dār al-iftā'* in Egypt and the *Majelis Ulama Indonesia*, which was founded in 1975 at the initiative of former President, Suharto. As a matter of course, commissions such as these often issue *fatwās* given at the request of the government. Apart from these kinds of government institutions, Muslim organizations like the *Nahdlatul Ulama* (on various levels) and the *Muhammadiyah* in Indonesia also issue *fatwās* (Atho 1993:3-4).

Because *fatwās* are given on request, they present a picture of all kinds of issues which are of topical interest to the Muslims who asked for the *fatwās*, and thus provide an insight into the tension between, on the one hand, the Islamic ideal as formulated by the authoritative *muftīs* in their *fatwās* and, on the other, all kinds of practices which are carried out in daily life. Because a *fatwā* is a statement from the perspective of Islamic Law, unlike the verdict of a judge, this statement has no legally binding force. Of course, a judge can be assisted by a *muftī*, but the *fatwā* deals with the domain of values and norms.

In short: *fatwās* form an important source for the study of Islam in daily life in Muslim as well as non-Muslim societies.

As mentioned, *fatwās* can deal with any topic one could possibly think of and, as is clear from the title of this presentation, *fatwās* dealing with the relationship between Muslims and the Dutch colonial administration also exist. In this paper I will discuss a number of *fatwās* that touch upon this relationship at the end of the nineteenth century, and one from the period immediately following the Japanese occupation of Indonesia. I will use these examples to illustrate three different attitudes towards the colonial administration prevalent among the Muslim population, namely: acceptance, approval, and aggression. These attitudes often existed side by side, and the examples given here do not represent a historical sequence of these attitudes but, as said, function as mere illustrations.

In order to better understand the examples, I will start by giving some brief background information on colonial politics with regard to Islam during the respective periods.

2. Islam and State in the Dutch East Indies

In principle, in the Dutch East Indies the state did not make distinctions between the various religious traditions which existed in its part of the

world. Essentially, at the end of the nineteenth century the government policy with regard to Islam was - completely in harmony with the liberal tradition of the motherland – to take a neutral position. The great mastermind of this policy was Christiaan Snouck Hurgronje (1857-1936), the famous advisor on Native Affairs. Snouck, as he is often called, had divided Islam conceptually into two parts: a purely religious one and a political one. In religious matters, the government should keep itself aloof. This implied, for instance, that the rules and regulations with regard to the pilgrimage to Mecca were considerably liberalized under the influence of Snouck. Prior to Snouck's influence on policy, any returning pilgrim was looked upon as a potential revolutionary, but Snouck made clear that these *haji's* did not necessarily pose a threat to the state and that repressive measures with regard to the pilgrimage to Mecca would only result in hostility and militancy. Snouck, thus, thought that in religious matters the Muslims of the Dutch East Indies should be left completely free. However, things began to change as soon as the Muslims started to become engaged in politics. The government decided to act resolutely against all political aspirations of Islam, with military means if necessary, as indeed happened in the case of the Muslim fanaticism expressed in Aceh (Benda 1958).

Despite its official neutral position towards religion in the colonial period of Indonesian history, as well as during the struggle for independence, the State, from a Muslim perspective, was regarded as Christian and in many *fatwās* is referred to as *kāfir*, unbeliever.

3. Some *fatwās* from Mecca

The first examples of *fatwās* I would like to discuss come from an important collection, which is entitled *Muhimmāt al-nafā'is fī bayān as'ilat al-hādith*, i.e. 'The precious gems treating the explanation of questions about current topics'. This work consists of a large number of Arabic *fatwās* and their rendering into Malay, which were issued by the most prestigious Meccan *muftis* in the final quarter of the nineteenth century; most of these *fatwās* were issued by the great Shafi`ite *muftī* of the Holy City, Ahmad Dahlān (d. 1886). What makes these *fatwās* important for the purposes of this discussion is that they were given at the request of Muslims from the Malayo-Indonesian Archipelago and, therefore, provide information about the life of Muslims in the Archipelago during the period involved.

Because these *fatwās* were issued in the period immediately prior to the introduction of new reformist ideas from the Middle East to the Dutch

East Indies, ideas which were inspired by Muhammad Abduh and others, the *Muhimmāt al-nafā'is* can be regarded as a perfect reflection of the nature and level of traditionalist Islamic thinking in the period[2]. The legal reasoning in this book is guided by the principle of *taqlīd*, i.e. the servile acceptance of earlier traditional authorities of the four canonical interpretations of the schools of law (*madhhabs*). In the case of the Dutch East Indies, where the Shafi`ite school of law was followed, these authorities were mostly the *Tuhfa* (The Gift), by the sixteenth-century Meccan scholar Ibn Ḥajar al-Haytamī, and the *Nihāya* (The Ultimate Goal), written by another sixteenth-century scholar, al-Ramlī (Juynboll 1930:11). Furthermore, the *fatwās* in the *Muhimmāt al-nafā'is* make clear that at the end of the nineteenth century the intellectual centre of Indonesian Islam or, as the aforementioned Islamicist C. Snouck Hurgronje put it, 'the heart of the religious life of the East-Indian Archipelago' was located in Mecca and, more particularly, the group of Indonesian students and their teachers who resided there permanently, the so-called Jâwah colony (Snouck Hurgronje 1970:254, 291).

The *fatwās* in this collection deal with all kinds of topics, including Islamic ritual, inheritance law, marriage law, food prescriptions, etiquette, local customs, and, what interests us here, the relationship with the non-Muslim Dutch government.

Most *fatwās* of this last kind deal with the question of whether or not a Muslim may follow the orders of an administrator who has been appointed by the infidel government (*sulṭān kāfir*), for instance, when the command is given to improve upon the roads. Clearly this question refers to the colonial institution of forced labour (Dutch: *herendiensten*). According to this institution, the government obliged the indigenous population to work for it without any payment, delegating the implementation of this policy to the indigenous administrators. The answer to this question was given by the great *mufti* Ahmad Dahlān, who thought that 'the people should obey them in everything, as long as this does not contradict the *Sharī'a*' (Kaptein 1997:108).

Two other *fatwās* deal with the validity of the collective Friday prayer in a situation where the 'Dutch unbelievers' have conquered a certain, unspecified place. The first case prompting a *fatwā* is as follows: The Dutch have removed the original population from a certain place, while only around

[2]This does not mean that after the rise of modernist thought in Indonesian Islam at the beginning of the twentieth century, when *ijtihād* ('independent reasoning') became popular in Indonesia, traditionalist thinking disappeared.

ten persons remain. Moreover, the rest of the population of this place consists of strangers. Counted altogether, the original population plus these strangers represent the prescribed number of persons to perform the Friday prayer. Is the *ṣalat*, then, under these particular circumstances valid or not? Ahmad Dahlān's answer is that this is only the case when the strangers intend to take up their residence permanently in this place (Kaptein 1997:106-107). In events leading up to the second *fatwā*, the Dutch are again interfering with the composition of the population in a certain place; and although the name of the place is not specified, I think that this case, like the previous one, is related to the Aceh war[3]. The Dutch have conquered a certain place and have appointed a Muslim commander, whom they have ordered to take up his residence outside this place. Twenty male persons live in this area, and they are separated from each other between large distances. If a mosque is built in this place, is the Friday prayer then valid therein? The answer, again given by Ahmad Dahlān, reads that this is indeed so, if the number of permanent residents is forty (Kaptein 1997:103-104).

Two other *fatwās* of the same collection deal with marriage law, in particular the question as to whether a Muslim who has been appointed by an infidel (*kāfir*) ruler, may function as a legal guardian in marital affairs (*wali nikah*)[4]. In both cases, this question is answered in the affirmative, the result of which being that the authority of the Dutch infidel ruler is thus implicitly recognized (Kaptein 1997:23, 73-75).

It is interesting that in none of these *fatwās* from Mecca dealing with the attitude that a Muslim subject should take *vis-à-vis* the colonial government, are the Dutch actions as such being debated. Although the Dutch dealings with indigenous society can be characterized as far-reaching – references in *fatwās* to forced labour and the deportation of almost the entire population of a village - the basic attitude adopted by the *mufti* is that the authority of the infidel government should be accepted as long as the Muslims are not forced by this government to violate the rules of Islamic law.

[3]This is in line with other *fatwās* in the collection (Kaptein 1997:10-11).

[4]See Kaptein 1996:148-150 for a detailed analysis, where I have shown that these cases refer to the situation in Aceh.

4. A *fatwā* from Batavia

In addition to the Meccan documents just discussed, *fatwās* dealing with the attitude towards the colonial government are also extant that originate from the Dutch East Indies itself. An interesting example of this is a *fatwā* from Batavia given by the well-known Arab scholar Sayyid 'Uthmān ibn 'Abd Allāh ibn 'Aqīl ibn Yahyā al-'Alawī (1822-1914) (For more about this case, see Kaptein 1998). As is evident from his title, 'Sayyid', this person was a descendant of the Prophet Muhammad. From the year 1889 onwards, Snouck Hurgronje involved him in the colonial administration, and from 1891 until his death in 1914 he functioned as 'Honourary Advisor for Arab Affairs'. The *fatwā* he gave explores the question as to whether it is permissible to perform a prayer for the well-being (Arab. *du'ā'*; Malay *doa*) of a non-Muslim ruler. It was issued in reaction to the attacks on Sayyid 'Uthmān after he had written a *du'ā'* on the occasion of the coronation of Queen Wilhelmina in the New Church in Amsterdam on 6 September, 1898. Sayyid 'Uthmān had disseminated this prayer in a lithographed form, and it was read in the mosques after the communal Friday prayer on 2 September, 1898, throughout the entire island of Java.

It is important to mention that the reading of a *du'ā'* after the sermon in the mosque on Friday has a political significance, because this prayer was a means of showing loyalty to the ruler. In the Dutch East Indies of the end of the nineteenth century, the most normal *du'ā'* practice seems to have been that the prayer was said for the benefit of all believers or was omitted altogether; however, in some places, this prayer was said for the benefit of the Regents (the regional native administrators appointed by the colonial government), who were sometimes regarded as heads of religion in their Regency, and occasionally the *du'ā'* was even said for the Ottoman Sultan, as the head of the *umma*, the world-wide community of believers. What becomes apparent is that the mention (or the omission) in the *du'ā'* of the name of a certain ruler could give rise to substantial conflicts; for instance, the mention of the Ottoman sultan could be a deliberate expression of Pan-Islamic and, therefore, anti-colonial sympathies.

The prayer of Sayyid 'Uthmān begins with the observation that, as a result of the colonial administration, conditions of safety and well-being have improved. Moreover, Sayyid 'Uthmān adds, this government leaves the Muslims free to fulfil their religious duties, like the performing of the ritual prayer (*ṣalat*), the paying of the religious tax (*zakat*), the fasting, and the concluding of marriages according to Islamic law. In addition to all of this, the

government has appointed religious judges and administers the maintenance of mosques. I have translated the last lines of this Arabic prayer as follows:

> (...) O God, You have granted these blessings through this reign. We ask You, O God, a reward (Arab. *mukāfāh*) for the generosity [11] just mentioned. May You grant well-being to the new, honourable queen (Arab. *al-malika al-jadīda al-'azīza*), and may You grant her a long life, [12] endowed with bodily health, and [may You grant] her subjects earthly gains, and the hidden things of the earth [13] from the mines and the plantations. May You make her reign glorious for those who fall under her protection in perfect justice, [14] and [may You grant her] the beauty of being marked as a one of Your beloved, O Giver of Guidance, so that the star [15] of her kingdom will rise brightly among the people, and grant her subjects prosperity in abundance and without fail, and [make prosperous] whosoever falls under her protection [16] with the goodness of all things and the perpetuity of these blessings for our well-being for ever. Amen.

Against the background of the relationship between Islam and state in the Dutch East Indies, which was rather tense from time to time, it is remarkable that a prominent Muslim leader like Sayyid 'Uthmān expresses his complete loyalty towards the government and the royal household in such a clear and open way, and he even does this inside the mosque. One example of this tense relationship is the bloody confrontation that had taken place between the government on the one hand, and farmers who were guided by local Muslim leaders, on the other. This confrontation occurred in Banten (West Java) only 10 years prior to Sayyid 'Uthmān's *doa* and was undoubtedly remembered by many people. Under these circumstances it is not surprising that the prayer led to many protests among the Muslim population, particularly among the Pan-Islamist oriented Arabs. The event caused a lot of commotion and at times resulted in serious fighting in the streets of Batavia, about which reports were published in the newspapers. All of this was what led Sayyid 'Uthmān to write a *fatwā* in which he defended himself for having produced this prayer for the queen.

This *fatwā* is a brief six page treatise in Arabic and was printed by Sayyid 'Uthmān on his own lithograph press. It was completed on 8 Jumādā l-ūlā 1316, which corresponds to 24 September, 1898. The title of this *fatwā* reads: 'Question about the *du'ā'* for a non-Muslim who holds power in a land where Muslims live'. Despite this intriguing heading, the contents are rather disappointing because this *fatwā* does not offer a penetrating analysis of the relationship between Muslim subjects and a non-Muslim government, as one would expect. A major part of the *fatwā* consists of the clarification of certain

details of the prayer, like the question of whether or not the qualification 'honourable' (Arab. *'azīz*) may be used to characterize such a ruler. In Sayyid 'Uthmān's eyes this is allowed because this is no more than a figure of speech (Arab. *hikāya*), which also occurs in the Qur'an where the word *'azīz* is also used at the court of the Farao of Egypt to denote a non-Muslim dignitary (sura 12:30, 51). That Sayyid 'Uthmān reaches the conclusion that the prayer, as it was uttered, is permitted according to the *Sharī'a* comes as no surprise. In addition to this, Sayyid 'Uthmān mentions that the saying of this prayer should be in fact regarded as obligatory because its goal is the safeguarding of the well-being, the property and the religion of the Muslims. This opinion is based upon a statement from the previously noted *fiqh* book, the *Tuhfa* by Ibn Hajar al-Haytamī, in which it is argued that the omission of the *du'ā'* will lead to anarchy (*fitna*) (Kaptein 1998:165-168).

In conclusion, we might say that Sayyid 'Uthmān's ideas on the relationship between Islam and State are completely in harmony with classical Islamic State philosophy. In a nutshell, this opinion boils down to the conviction that any form of government is better than anarchy (*fitna*), and that as long as the Muslim population is able to profess their religion without interference from the State, the Muslim should obey the government. If we compare Sayyid 'Uthmān's opinion with those expressed in the previously discussed Meccan *fatwās*, we also notice that, in the case of Sayyid 'Uthmān, the authority of the colonial government is not only accepted, but even approved of[5].

5. Aspiring for the destruction of the colonial adminstration

It is interesting to see that under different circumstances we come across completely different opinions. The example I would like to discuss here is a *fatwā* from the well-known Hasyim Asy'ari (1871-1947). This Muslim leader, who is the grandfather of the present Indonesian president Abdurrahman Wahid, was born in 1871 and was educated at various traditional Islamic boarding schools, the so-called *pesantren*, and in Mecca. He became a charismatic personality of national importance. In 1899, he founded his own *pesantren* in Tebuireng in East Java and,in 1926, he became one of the founders

[5]It is worth noting that the fact that Wilhelmina was a female did not play a role. This contrasts sharply with some of the positions taken in the present-day debates about female leadership in Indonesia.

of the *Nahdlatul Ulama*.

After the end of the Second World War and the departure of the Japanese from Indonesia, Sukarno and Hatta proclaimed the Republic of Indonesia on 17 August, 1945. This new and independent republic was not recognized by the allied forces, who tried to restore the Dutch sovereignty in Indonesia by means of the *Netherlands Indies Civil Administration* (NICA). From September 1945 onwards, a start was made to build up military strength again in order to achieve this goal. It was in this period that Hasyim Asy'ari gave an interesting *fatwā*.

The actual text of this *fatwā* has been lost, but thanks to industrious investigations of one of my former students a summary of its contents has been found in the Indonesian newspaper *Kedaulatan Rakjat* of 20 November, 1945. The most important points of this *fatwā* run as follows:

1) The fighting of the infidels (*orang kafir*) who are now obstructing our independence, is an individual duty (*fardoe ain*) for any Muslim who is capable to do so, even if he is poor;
2) anyone who dies in fighting the NICA and its allies is a martyr (*sjahid*);
3) anyone who breaks up our unity now should be killed.

These opinions were repeated and confirmed in several other *fatwās* and declarations, such as the well-known *Resolusi Jihad*, which was issued at the *Nahdlatul Ulama* Congress, which was held in Surabaya on 21 and 22 October, 1945 (Amiq 1998 and unpublished).

It will be clear that in this *fatwā* by Hasyim Asy'ari, and in similar documents the opinion about the relationship between Islam and State is completely opposite to the ideas from Mecca and those of Sayyid 'Uthmān already discussed here, and that the attitude towards the colonial administration, as represented by the NICA, can best be characterized as one of aggression. It is difficult to assess the role which this *fatwā* might have played, but it is known that Java was swept by a real 'NICA phobia', and that many Dutchmen were killed (Van den Doel 2000:80, 90, 100).

6. Concluding remarks

When we look at the *fatwās* discussed in this paper on a more abstract, analytical level, we can say the following: various *mufti*'s who have dealt with the issue of how a Muslim should behave towards the colonial admin-

istration, have used the same legal methodology, and have had the same intellectual framework, reached contradicting conclusions in a completely sincere way. As we have seen, Ahmad Dahlān accepted the colonial administration and Sayyid 'Uthmān even approved of it; on the other hand, however, Hasyim Asy'ari aimed for the complete destruction of the colonial government. Because these three persons followed the same legal methodology, the explanation for these differences in point of view should be sought in factors other than purely religious ones. In this case, it seems evident that the changing political situation will have played a decisive role: while the colonial power was disintegrating and Indonesian nationalism started to gain force, from his own Muslim perspective the *muftī* could support and stimulate the Indonesian aspiration for independence. The point I would like to make here is that, as we have seen, under other social and political circumstances this was different, and this shows that Islamic considerations are not overpowering and decisive when assuming a certain point of view, even when this point of view has been given the formal form of a *fatwā*.

***

In daily life, as this is commented upon and constructed in *fatwās*, Islam appears to be capable of legitimizing a great variety of opinions and, indeed, to be very flexible. Today we are often confronted with claims in the name of Islam, and unfortunately these are sometimes accompanied by verbal and even non-verbal violence, like that we are witnessing now in the Moluccas. However, we should never forget that this same Islam is likewise capable of producing and justifying opposing claims.

Bibliography

Amiq, 1998
'Two fatwās on jihād against the Dutch colonization of Indonesia: a prosopographical approach to the study of fatwā', in: *Studia Islamika: Indonesian Journal for Islamic Studies*, Vol. 5, Number 3, pp. 77-124.

—, unpublished
Jihad against the Dutch colonization in Indonesia. A study of the Fatwās of Sayyid 'Uthmān (1822-1913) and K.H. Hasyim Asy'ari (1871-1947),

unpublished MA thesis Leiden University, 27 August 1998.

Atho, M., 1993

Fatwas *of The Council of Indonesian Ulama: A Study of Islamic Legal Thought in Indonesia 1975-1988*, Jakarta: INIS (= INIS Materials 17).

Benda, Harry J., 1958

'Christiaan Snouck Hurgronje and the foundation of Dutch Islamic policy in Indonesia', in: *The Journal of Modern History*, Vol. 30, pp. 338-347.

Doel, H.W. van den, 2000

Afscheid van Indië: de val van het Nederlandse imperium in Azië, Amsterdam: Prometheus.

Juynboll, Th.W., 1930

Handleiding tot de kennis van de Mohammedaansche wet volgens de leer der Sjâfi'itische school, vierde, onveranderde druk, Leiden: Brill.

Kaptein, Nico, 1996

'Meccan fatwās from the end of the nineteenth century on Indonesian affairs', in: *Studia Islamika*, Vol. 2, no. 4, pp. 141-160.

—, 1997

The Muhimmāt al-nafā'is: a bilingual Meccan fatwa collection for Indonesian Muslims from the end of the nineteenth century, introduced and presented by ..., Jakarta (= INIS Materials 32).

—, 1998

'The Sayyid and the Queen: Sayyid `Uthmān on Queen Wilhelmina's inauguration on the throne of the Netherlands in 1898', in: *Journal of Islamic Studies* Vol. 9, no. 2, pp. 158-177.

Koningsveld, P.S. van and M. Tahtah, 1998

Leven als moslim in Europa. De fatwa's van Khalil El-Moumni Imam van de Nasr-moskee in Rotterdam, Gent: Centrum voor Islam in Europa.

Snouck Hurgronje, Christiaan, 1970

Mekka in the latter part of the 19th century, transl. by J.H. Monahan, Leyden: Brill.