

PESANTREN AND THE FREEDOM OF THINKING: Study of Ma'had Aly Pesantren Sukorejo Situbondo, East Java, Indonesia

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Abstract

Various studies on Pesantren have been conducted through various lenses and perspectives; however, its attractiveness is still there. In some points, the pesantren is well known as a conservative institution in which freedom of thinking is limited. This article is willing to show that not all pesantrens limit their students' freedom of thinking. One of them is Ma'had Aly (higher education), one of the education institution in Pesantren Salafiyah Syafi'iyah Sukorejo Situbondo which focuses its teaching on fiqh. Fiqh, or Islamic jurisprudence, is one of the branches of Islamic science. In some pesantrens, the teaching of fiqh is limited to one school or madhhab, particularly school of Shafi'i. However, in Ma'had Aly, not only one school of thought is taught, but fiqh of four schools of thought. It shows a high tolerance and respect for differences. In order to seek a new ingredient in formulating Islamic law, the teaching of fiqh is combined with other sciences such as philosophy, sociology, and anthropology. This new ingredient produces a rich discourse of fiqh and widens its scope of discussion to include to religious relationships, gender, human rights, ecology, and other contemporary issues such as interfaith marriage, the possibility of a non-Muslim being president, and the role of women in the public sphere. Looking from the curriculum, the method of teaching, and the publication of bulletin of Tanwirul Afkar, this article proves that freedom of thinking is well-maintained at Ma'had Aly.

Key Words: Ma'had Aly, freedom of thinking, and *pesantren*.

A. Introduction

..... *Aneh, mengapa berpikir hendak dibatasi. Apakah Tuhan takut terhadap rasio yang diciptakan oleh Tuhan sendiri? Saya percaya pada Tuhan, tapi Tuhan bukanlah daerah terlarang bagi pemikiran. Tuhan ada bukan untuk tidak dipikirkan adanya, Tuhan bersifat wujud bukan kebal dari sorotan kritik. Sesungguhnya orang yang mengaku bertuhan tapi menolak berpikir bebas, berarti menghina rasionalitas eksistensinya Tuhan....*¹

Some researchers and scholars look at *pesantrens* (Islamic boarding school) as backward education institutions in which there is only the study of classic texts of Islamic resources, like *kitab kuning*² (“yellow books”), and students wear *sarung*,³ and so *pesantrens* are for the traditionalist.⁴ The *pesantren* is usually led by a *kiai* (Muslim boarding school cleric), assisted by a number of his senior *santri*⁵ or family members. The *pesantren* is an important part of the *kiai*'s life, as a medium to expand his preaching and influence through his teaching. Some observers, like Martin Van Bruinessen, say that the *pesantren* is a unique education institution that has deep roots in Indonesian tradition. As a traditional institution, usually found in small villages, *pesantren* surely

¹ Ahmad Wahib, *Pergolakan Pemikiran Muslim* (Jakarta: LP3ES, 2003), p. 23

² *Kitab kuning* is Islamic book that is yellow in color and usually from the Middle East. Martin van Bruinessen, “*Pesantren and Kitab Kuning: Maintenance and Continuation of a Tradition of Religious Learning*”, in: Wolfgang Marschall (ed.), *Texts from the Islands: Oral and Written Traditions of Indonesia and the Malay World* (Berne: University of Berne, 1994), p. 121.

³ *Sarung* is dress code in Indonesia, which many *santris* use it.

⁴ The distinction between traditionalist and modernist reveals a confused meaning. However, these terms have been accepted to show the Nahdlatul Ulama as traditionalist and the Muhammadiyah as modernist. These distinctions are based on different views of Islam. However, some modernists recently also build *pesantren*.

⁵ *Santri(s)* are the students of a *pesantren*. This category differs from Geertz's term when he researched Muslim in Java.

have made a great contribution to empowering civil society⁶ by helping the poor get education and guiding the religious understanding of society.⁷

The *pesantren* is the oldest Islamic education institution in Indonesia. The *pesantren*, therefore, has had a great involvement in empowering Indonesians' education. However, besides being an old institution of Islamic mission (*da'wa*), the *pesantren* is also well known as a conservative institution in which freedom of thinking is limited. The basic reason for this is to save Muslims from a wrong understanding of Islam that leads to becoming an infidel. Because of this, some Muslim scholars proclaimed the close of *ijtihad* (*qafḥ bāb al-ijtihād*).

Furthermore, the image of *pesantrens* nowadays is very negative. The various terrorist bombings in Indonesia are committed by people graduated from *pesantrens*. Ali Imran, Ali Ghufron, and Amrozi, the Bali bombers, are from the *pesantren* of Al-Islam, Lamongan. In addition, Abu Bakar Ba'asyir, the allegedly leader of Jamaah Islamiyyah, which is claimed to be a terrorist organization, is leader of Pesantren al-Mukmin Ngruki, Solo, Central Java.⁸ Because of this, realizing that the majority

⁶ In Indonesia, the term of civil society is well known, at least, as (1) *masyarakat sipil*; one of the books using this term is Mansour Fakhri's *Masyarakat Sipil untuk Transformasi Sosial: Pergolakan Ideologi LSM Indonesia*, (Yogyakarta: Pustaka Pelajar, 1995); (2) "*masyarakat kewargaan/warga*", a term coming from AIPPI (Asosiasi Ilmu Politik Indonesia, Indonesian Politics Association); and (3) "*masyarakat madani*"; a term used firstly by Anwar Ibrahim, former Prime Minister of Malaysia, and then Nurcholish Madjid disseminates this term in his article, "Menuju Masyarakat Madani", *Ulumul Qur'an* (No. 2 VII/1996).

⁷ M. Syafi'i Anwar describes three perspectives: theological, historical, and sociological. In the theological perspective, *pesantren* contributes pluralism and multiculturalism views such as the using of different genres of *kitab kuning*. In the historical one, *pesantren* is the oldest Islamic education institution, and made a great contribution to Indonesian independence. And, in the sociological one, *pesantren* is an agent of social change. M. Syafi'i Anwar, "Uncovering the Wisdom of *Pesantren* for Multiculturalism", *ICIP Journal*, Vol. 4, (No. 1, June 2007), p. 1-2.

⁸ Syarif Hidayatullah has research on three *pesantrens*, al-Mukmin Ngruki, al-Islam Lamongan, Ihyausunnah Yogyakarta, entitled "*Pesantren* and Religious Radicalism", presented in the seminar of Gadjah Mada University Research Cluster for GMU's 57th Anniversarry, conducted by the office of Deputy Rector for Research and Community Service on November 28, 2006 in Yogyakarta.

of terrorists were *pesantren* alumni, after the second Bali incident on October 1, 2005, Vice President of Indonesia, Jusuf Kalla, announced that the government was planning to monitor the activities of the *pesantrens*. This has provoked many responses, especially from religious leaders, either pro or contra, about this controversial decision. Some of them think that this plan is a clear indication of the government's intervention in *pesantrens*. At the same time, some people also consider the fact that the majority of terrorists graduated from *pesantrens*.

One of the reasons for bombing is an interpretation of the *Qur'ān*. The textual interpretation of the *Qur'ān*, to some extent, leads someone to be a terrorist. The doctrine of *jihad*, for instance, is often used to legitimate the bombings and suicide. One meaning of *jihad* is holy war (*al-qitāl*). However, it has many other meanings. Terrorists and fundamentalists⁹ deny the freedom of thinking in interpreting the *Qur'ān*. As well, Pesantren al-Mukmin Ngruki denies the freedom of thinking.

Observing this kind of *pesantren*, like al-Mukmin, denying terrorists freedom of thinking, and the issue of the close of the *ijtibād*, I would like to research one *pesantren* in East Java, Situbondo, as an example of a *pesantren* that promotes freedom of thinking. As a specific subject, I will focus on one institution in that *pesantren*, namely Ma'had Aly. When we observe the curriculum, method of teaching, and its weekly bulletin, *Tanwirul Afkar*, we will find how this institution promotes freedom of thinking.

B. *Pesantren*: its Characteristic and Typology

Nowadays, there are many *pesantrens* developed in Indonesia, not only in Java but around this country. *Pesantren* doesn't only indicate an education institution for the traditionalist, since the modernist now also builds *pesantren*. Some observers, like Martin van Bruinessen, say that the *pesantren* is a unique education institution that has deep roots in Indonesia tradition. For that reason, the *pesantren* can be called a typical

⁹ There is no single meaning of fundamentalism. Bassam Tibi states that fundamentalism is more than extremism and terrorism; Bassam Tibi, *Ancaman Fundamentalisme, Rajutan Islām Politik dan Kekacauan Dunia Baru*, trans. Imron Rosyidi, et.all., (Yogyakarta: Tiara Wacana, 2000), p. xii.

education institution in Indonesia, because in some aspects, *pesantrens* are different from other traditional institutions in the Islamic world. However, on the other hand, *pesantrens* have an international orientation with Mecca as its central orientation.¹⁰ This consideration is based on the fact that some *pesantrens* imported many classic Islamic books from Mecca and other countries in Middle East to be the main source of its teaching. Moreover, those books, called *kitab kuning*,¹¹ have been accepted as legitimate sources of teaching in *pesantrens*.

The main purpose of a *pesantren*, as Bruinessen explains, is:

.... the transmission of traditional Islam as laid down in scripture, i.e., classical texts of the various Islamic disciplines, together with commentaries, glosses and super commentaries on these basic texts written over the ages. These works are collectively known, in Indonesia, as *kitab kuning*, “yellow books”, and a name that they owe to the tinted paper on which the first Middle Eastern editions reaching Indonesia were printed.¹²

In a *pesantren*, the truth of *kitab kuning* is regarded as absolute knowledge and untouchable; it can only be explained and commented on. All truths in those *kitab kuning* have been accepted as final knowledge that cannot be changed in whatever context. There have been many efforts from later *ulama* to reinterpret the tradition, but these works cannot pretend to offer more than summaries, explications or rearrangements of the same. Even radical [re]interpretations of the classical texts are not acceptable.

For that reason, modernists and reformists refuse the *kitab kuning* and prefer to directly interpret the *Qur’ān* and *ḥadīth* as the main sources of Islamic knowledge. Modernists state that the gateway is still open. On the contrary, for traditionalists, the gateway of interpretation is closed and they can only refer religious matter to *kitab kuning*. Therefore, the

¹⁰ Martin van Bruinessen, *Kitab Kuning, Pesantren, dan Tarekat: Tradisi-tradisi Islam di Indonesia* (Bandung: Mizan, 1999), p. 21.

¹¹ A deeper observation about this subject can be read in Bruinessen’s books.

¹² Martin van Bruinessen, “Pesantren and Kitab Kuning: Maintenance and Continuation of a Tradition of Religious Learning”, in Wolfgang Marschall (ed.), *Texts from the Islands: Oral and Written Traditions of Indonesia and the Malay World*, (Berne: University of Berne, 1994), p. 121.

tradition of the *pesantren* cannot be separated from *kitab kuning*, an important element within it.

As an Islamic educational institution, *pesantrens* taking on a role in spreading and empowering Islamic society has a long history. *Pesantrens* are usually run by a *kiai*, assisted by a number of his senior *santri* or family members. The *pesantren* is an important part of the *kiai*'s life, as a medium through which he expands his preaching and influence by his teaching. Therefore, *kiai* becomes a central power as well as the owner of the institution.

In the *pesantren* system, there are several interconnected elements. The first is the *kiai*, the main factor through whom the *pesantren* system is established. He is the person who underpins the system. Secondly, there are the *santris*, which are the students who learn Islamic knowledge from the *kiai*. The third element is the *pondok*, a dormitory system provided by the *kiai* to accommodate his students. A *pondok* is usually a simple form of accommodation and has few facilities. The *pondok* usually consists of shared rooms, with one room being occupied by five to ten *santris*. The *pesantren*, therefore, is comprised of a housing complex, which includes the houses of the *kiai* and his family, some *pondoks*, and teaching buildings, including a mosque. The fourth element of the *pesantren* is the lesson material or commonly called *kitab kuning*, as mentioned above. By these characteristics, *pesantren* emerged as typical education institutions in Indonesia.

The other uniqueness of the *pesantren* tradition is its system of learning. As explored by Zamakhsyari Dhofier (1982), the *pesantren* usually uses a traditional system of learning. There are various techniques of teaching, but the most commonly used are *bandongan* and *sorogan*. *Sorogan* is a kind of religious teaching in *pesantren* that is conducted by either the *kiai* or his senior *santri* (*ustadz*). Many *santri* attend a mosque to listen to the reading of *kitab kuning* conveyed by the *kiai*. *Santri* attendance does not depend on either their level of knowledge or their age. The system doesn't recognize stages, or hierarchies, or classes. Although many *pesantren* have recently adopted the modern system with classes and stages of curricula, the oldest system is still used in some *pesantren*.

Some observer said that the *pesantren* is an education institution that is difficult to change. In some aspects, that assertion may be true

because the *pesantren* community consider *kitab kuning* as a reliable source that cannot be changed. *Santri* and *kyai* accept the content of *kitab kuning* as an infallible source to reach religious knowledge that is suitable for a long time. But at the same time, the *pesantren* doesn't maintain a strictly exclusive view. It can be seen that *pesantren* are capable of accommodating and adopting local culture and tradition.¹³ *Pesantren*, then, can combine Islamic thought with local knowledge. This acceptance shows its characteristic as a moderate and tolerant institution. In another aspect, this accommodation teaches *santri* to be tolerant of diversity.

According to Abasri,¹⁴ there are three types of *pesantren*. First, there is the traditional *pesantren* which still maintains traditional values, without prominent innovation. This kind of *pesantren* usually still exists in villages and isolated areas. Second, there is the post-traditional *pesantren*. The character of this *pesantren*, on one hand, has adopted the modern education system, while on the other hand still maintains some characteristics of the traditional *pesantren*. The method of teaching in this kind of *pesantren* is modern, but still uses *kitab kuning*. Third, there is the modern *pesantren*. This kind of *pesantren* has significantly changed both the education systems and structure of the *pesantren*.

Following this typology, in *Pesantren Salafiyah Syafii'yah* Sukorejo, Ma'had Aly has built a traditional *pesantren*. The term 'Salafiyah' refers to traditional, in contrast to *kehalafiyah*. However, observing the several institutions found in *pesantrens*, this *pesantren* is modern, because this *pesantren* not only teaches Islamic studies but also modern sciences. This *pesantren* runs a university (IAII, Insitute Agama Islam Ibrahimy, Akademi Kelautan), and school, from elementary school to senior high school. The references which are used in this *pesantren* are not only *kitab kuning*

¹³ For the modernist, this accommodation will be called a heterodox action or *bid'ah*. Like Muhammadiyah, reformist groups tend to purify Islam from local beliefs. On the contrary, *pesantrens* still maintain local culture and collaborate with Islamic teaching. This collaboration can be seen in the ritual of, for instance, *tahlilan* that illustrates the belief of Javanese people about spirit after death.

¹⁴ Abasri, "Sejarah dan Dinamika Lembaga-lembaga Pendidikan Islam di Nusantara: Surau, Meunasah, Pesantren, dan Madrasah", in Samsul Nizar (ed.), *Sejarah Pendidikan Islam: Menelusuri Jejak Sejarah Pendidikan Islam Era Rasulullah sampai Indonesia* (Jakarta: Prenada Media Group, 2007), p. 289-90.

but also several other references, as well as other modern institutions.

C. Islamic View on Freedom of Thinking

God reveals all religion to human beings as homo sapiens (*al-ḥayawān al-nāṭiq*), not to animals. This is because human beings have reason which can interpret God's revelation. This is the excess of human being rather than others. The Holy book that was revealed many years ago in a certain context is impossible to understand by human beings without reasoning toward it. How can the *Qur'ān* answer and solve contemporary problems, when the *Qur'ān* did not discuss it?

Since religion (the *Qur'ān* came to homo sapiens, it means that God wishes His verses to be read, understood and interpreted. Therefore, reason has an important position in Islam. Even, Fakhruddin Al-Razi in *Mafāṭih al-Ghayb* stated:¹⁵

How can *al-'aql* be God's apostle to His creation; if there is no reason (*al-'aql*), so the rule will not be arranged. Reason is the real apostle.

العقل هو رسول الله إلى الخلق ، بل هو الرسول الذي لوله لتقرر رسالة أحد من الأنبياء ،
فالعقل هو الرسول الأصلي ، فكان معنى الآية وما كنا معنيين حتى نبعث رسول العقل .

This statement clearly shows how important reason is. Therefore, without reason, religion is useless. It is important that this statement is interpretation of the *Qur'ān surat* 16:36; “And certainly We raised in every nation an apostle saying: Serve Allah and shun the Shaitan. So there were some of them whom Allah guided and there were others against whom error was due; therefore travel in the land, then see what was the end of the rejecters.”

Moreover, in the methodology of Islamic jurisprudence (*uṣūl al-fiqh*) of Imām Mālik, reason has the competence to —borrowing Imam Syafi'i's term— *takḥṣīs* (make more specific) the *Qur'ān* (*takḥṣīs bi'l-'aql*). In *Faṣl al-Maqāl fī-mā bayna'l-Hikmah wa'l-Shar'ah mina'l-Ittiṣāl*, Ibn Rushd stated: “if someday there is a doctrine contradicting human reason, the doctrine has to be reviewed by the method of *ta'nwīl*”. Therefore, all

¹⁵ Fakhruddin Al-Razi, *Mafāṭih al-Ghayb*, (Beirut: Dār al-Fikr, 1993), juz x, p. 175.

doctrines of religion must be rational and reasonable. Surely, some aspects of religion that are irrational are “taken for granted”, such as why Muslims must do *ṣalāt*.

Mentioned by God, the *Qur’ān* is the book of guidelines (2:185, 6:71, 7:52, 16:89) for all creation. As a guideline, the *Qur’an* surely did not mention everything in detail. For instance, justice must be struggled for, but it did not mention the model, form of justice. For details, Allah utterly believes in human beings to interpret it. This can be read from the pronouncement of the *Qur’ān* in repeatedly questioning, ‘are you witless’, ‘do you not understand?’, etc. For that reason, reason became the guidance for God’s revelation in order to seek and determine everything specifically.

Muslims believe that God’s revelation stopped, while the situation is always changing, uncontrolled by religion. If God’s revelation is interpreted literally, definitely it will not be significant anymore. It is the duty of human beings, as *khiṭāb* (object) of the *Qur’ān*, to contextualize the *Qur’ān* in contemporary society. Detailed rules which are ordered by the *Qur’ān* must be arranged by human beings.

The mandate of human beings as a *khalīfah* (caliphate) reinforce human beings as responsible to the *Qur’ān*, whether it is interpreted literally, with the consequences of the loss of contextual meaning, or contextually. If we choose the method of literal interpretation, we surely “kill” the *Qur’ān*, because the *Qur’ān* came in a certain era (prophetic era), meanwhile the situation and conditions have changed. Therefore, in order to keep the meaning of the *Qur’ān*, we have to choose contextual interpretation. Doing this interpretation is, I think, the meaning of the verse *innā nahnu naẓẓalnā’db-dbikera wa-innā labū la-ḥāfiẓūn*. Using *innā* and *nahnu* indicates the involvement of human beings in keeping the *Qur’ān*. Meanwhile, the term of *la-ḥāfiẓūn* is not only keeping the text of the *Qur’ān* but also its meaning and significance.

One of the reasons why we have to choose the contextual interpretation is that in interpreting the *Qur’ān*, the readers (human beings) have authority to interpret it. ‘Alī b. Abī Ṭālib stated that the *Qur’ān* is not talking, but the reader speaks it (*al-Qur’ān bayna daffatay al-muṣḥaf, lā yanṭiqu, wa-innamā yatakallamu bibi’r-rijāl*). Therefore, the interpretation of the *Qur’ān* is valid as long as it follows the rules of

interpretation (*qawā'id al-tafsīr*) and universal values such as humanity, justice and benefit (*maṣlahah*). Due to the freedom of thinking, there are many *tafsīrs* which are different from one to another.

D. Ma'had Aly and the Atmosphere of Freedom of Thinking

Ma'had Aly is one of the education institutions in the Pesantren Salafiyah Syafi'iyah Sukorejo Situbondo¹⁶ whose teaching focuses on *fiqh*. Not all *santris* in the *pesantren* can study in this institution. *Santri* who want to study in this institution must do exercises till they are considered qualified and reliable to study in the institution. The very strict recruitment shows that the institution tends to create professional and expert students of *fiqh*. For this reason, the institution is called *ma'had 'aly*, a "higher institution".

Ma'had Aly was established in 1989 when K.H. As'ad, the founder of Pondok Pesantren Salafiyah Syafi'iyah, and some ulama realized the lack of experts of *fiqh* in many *pesantrens*. This condition motivated K.H. As'ad and the others to establish an institution concerned with *fiqh*. *Fiqh* as an approach became a unique characteristic of the institution in which students use *fiqh* as an approach to see the complexity of reality. Is it possible?

Fiqh, or Islamic jurisprudence, is one of the branches of Islamic science. For a long time, *fiqh* has been a great science and dominant in Islam. It is not surprising because, as Bruinessen describes, *fiqh* determines concrete implications for daily life for Muslims, as individuals or as a group.¹⁷ Its study encompasses all practical dimensions of Islam, including how to pray well, fast, go on pilgrimage, trade, be in debt, have a good attitude to others, etc. However, classic *fiqh* on how to face

¹⁶ Salafiyah Syafi'iyah is the name of the *pesantren*, but it is also known as pondok *pesantren* Sukorejo, referring to the name of village where it is established. The *pesantren* is located in Sukorejo, Situbondo, East Java. The founder of the *pesantren* was K.H. Samsul Arifin, Maduraness people, who migrated from Madura to Situbondo. After his death, the leader of the *pesantren* was his son, KH As'ad Syamsul Arifin, known as one of the popular *ulama* from the Nahdlatul Ulama. Today, the *pesantren* is led by K.H. Fawaid As'ad, the third leader. The data on *pesantren* Sukorejo and Ma'had Aly in this paper is drawn from the book *Pedoman Santri Baru Pesantren Salafiyah Syafi'iyah Sukorejo Situbondo* (Situbondo: As-syarif Press, 1999).

¹⁷ Martin van Bruinessen, *Kitab Kuning*, p. 112.

other people with a different religion and belief is seldom found. Classic *fiqh* used in many *pesantrens* only cover observance (*'ubūdiyyah*) and social matters (*mu'amalah*).

Nevertheless, Ma'had Aly uses *fiqh* as the central aim and approach to face any problem in society. In some *pesantrens*, the teaching of *fiqh* is limited to one *ulama* school or *madhhab*. The popular *madhhab* is Shafi'ite. Unusually, in Ma'had Aly, *fiqh* reference books are not trapped in one of these schools of thought. *Kitāb al-Fiqh 'alā Madhāhib al-Arba'ah* (*Fiqh of Four Schools of Thought*) is used to broaden perspectives. This acceptance actually contains clear signs of high tolerance and respect for differences that occur between the four schools of thought. For this, Ma'had Aly gives the sage words of the prophet of Islam who repeatedly told us all "*ikhtilāf al-a'immah rahmah*, the difference between leaders is a mercy."

Bruinessen describes the preference of *kitab kuning* or classical text in *pesantrens* as unchangeable. This means that for a long time *pesantrens* have only learned and repeated the same texts. Bruinessen arranged systematically the reference texts of *fiqh* used in *pesantrens*, such as *Taqrīb, I'ānat al-Tālibīn, Fath al-Qarīb, Kifāyat al-Akhyār, al-Iqnā', Bajūrī*, and others. All of these books are classic books that were created about 15 century ago. Of course, the area covered by those books was limited to only *'ubūdiyyah* and *mu'amalah* and there is very little explanation about religious relationships. Because those books were arranged and produced long ago, some *ulama* in Indonesia are trapped in literal interpretation. They use *kitab kuning* as the sole basis for deciding the rule and law for recent times without considering the context of when these books were produced.

Unlike the description of *pesantrens* found in Bruinessen, however, Ma'had Aly provides some new reference texts and these are not only limited to Islamic books. In its library, there are many books related to other sciences, like philosophy, sociology, and anthropology. This means that Ma'had Aly tends to seek a new ingredient in formulating Islamic law. Combining *fiqh* with other sciences has produced a rich *fiqh* discourse, interacting with social problems, that cannot be found in other *pesantrens* and classic texts. As we will see in its bulletin, Ma'had Aly expands its *fiqh* to include the widest domain of social matters include religious relationships, gender, human rights, ecology and other contemporary

issues.

In 2002, Ma'had Aly was legalized by the Ministry of Religious Affairs as having an equal degree status with the Masters program in a university. Students who graduate from this institution get an MHI (Master Hukum Islam or Masters in Islamic Law). This equality establishes Ma'had Aly as a modern education institution operating within a traditional *pesantren*.

1. Curriculum

The education implemented at Ma'had Aly is based on a curriculum which is compatible with the program of *Fiqh-Uṣūl Fiqh*. Therefore, the core courses are comparative *fiqh* (worship, politics, criminal, civil, and *mu'āmalah*), *Ulūmu al-Qur'ān*, *Tafsīr al-Aḥkām*, *Ulūm al-Ḥadīth* and *Ḥadīth Aḥkām*, *Tārīkh al-Tashrī' wa'l-Qaḍa'*, *Hikmat al-Tashrī' wa-Falsafatuh*, the History of *Madhābih al-Fiqh*, *al-Masā'il Fiqhiyyah*, the philosophy of Islamic law, research methodology of Islamic law, *al-Qawā'id al-Fiqhiyyah I & II*, Sociology of Islamic law, *Muqāranat Qawā'id al-Aḥkām*, Islamic law in Indonesia, and contemporary Islamic thinking I & II. Meanwhile, the secondary courses include the history of Islamic civilization I & II, the history of Islamic thinking I & II, the development of Modern thinking in Islam, *Ahl al-Sunnah wa'l-Jamā'ah*, Islamic mysticism I, II & III, and Islamic philosophy. In addition, the supplemental courses include a thesis, the development of Islam in the West, Sociology, and Methodology of Islamic studies.

The core courses are based on books, which are usually read by a lecturer of Ma'ad Aly, or books which have to be referenced (*al-kutub al-muqarrarah*) by the student in the writing of a paper as outlined in class discussion for core or secondary courses. Those books can be classified depending on the subject of knowledge. First, *fiqh*, covers the *kitāb* of *Taḥrīr Tanqīh al-Lubab*, *Faṭḥ al-Mu'īn*, *Minhaj al-Ṭālibīn*, *al-Muhadḍhab*, *I'ānat al-Ṭālibīn*, *Faṭḥ al-Wabbāb bi-Sharḥ Minhaj al-Ṭullāb*, *al-Fiqh 'alā al-Madhābih al-Arba'ah*, *Tuḥfat al-Muḥtāj*, *Fiqh al-Sunnah*, *Bidāyat al-Muḥtabid*, and *Nibāyat al-Muḥtāj*. Second, *Uṣūl al-Fiqh*, includes the *kitāb* of *'Ilm Uṣūl al-Fiqh* (by Khallāf), *Uṣūl al-Fiqh* (by Abū Zahrah), *Jam'ul Jawāmi'*, *al-Mustasfā min 'Ilm al-Uṣūl*, *al-Muwāfaqāt fī Uṣūl al-Aḥkām*, *al-Risalah*, *Rawḍat al-Nāẓir wa-Jannat al-Munāẓir*, *al-I'tisām*, *Uṣūl al-Fiqh al-Islamī*, *al-Maḥṣūl fī 'Ilm al-*

Uṣūl, Irsbād al-Fukhūl, al-Iḥkām fī Uṣūl al-Aḥkām li'l-Āmidy, and al-Fikr al-Uṣūlī. Third, *Qawā'id al-Fiqh*, includes the *kitāb* of *al-Ashbah wa'l-Naẓā'ir li'l-Suyūfī, al-Ashbah wa'l-Naẓā'ir li-Ibn Rajab al-Hanbalī, al-Ashbah wa'l-Naẓā'ir li-Ibn Nujaym al-Hanifī, al-Ashbah wa'l-Naẓā'ir li'l-Subkī, al-Qawā'id al-Fiqhiyyah li-Ālī Ḥamad al-Nadwī, and Athar al-Ikhtilāf fī al-Qawā'id al-Uṣūliyyah fī Ikhtilāf al-Fuqabā'.* Fourth, *Ulūm al-Tafsīr, Tafsīr Aḥkām, and Ulūm al-Qur'ān*, includes the *kitāb* of *Rawā'i' al-Bayān, Aḥkām al-Qur'ān li'l-Jaṣṣās, Aḥkām al-Qur'ān li-Ibn 'Arabī, al-Marāghī, al-Jāmi' li-Aḥkām al-Qur'ān, Zubdat al-Itqān, Tafsīr Ibn Kathīr, al-Itqān fī Ulūm al-Qur'ān, Maḥāsin al-Ta'wīl, Rūḥ al-Ma'ānī fī Tafsīr al-Qur'ān al-Aẓīm wa'l-Sab'i al-Mathbānī.* Fifth, *Hadīth, 'Ulūm al-Hadīth, and Hadīth Aḥkām*, includes *kitāb* of *al-Bukhārī, Nayl al-Marām fī Aḥādīth al-Aḥkām, Tadrīb al-Rāwī, Alfīyah li'l-Suyūfī, and Fath al-Bārī.* Sixth, ethics and Islamic mysticism, includes the *kitāb* of *Minhaj al-Ābidīn, Ihyā' 'Ulūm al-Dīn, al-Risālah al-Qushayriyyah, al-Luma' li'l-Sarrāj, al-Ta'arruf li-Madhbhab Aḥl al-Taṣawwuf li'l-Kalābādhī, al-Munqid mina'l-Dalāl li'l-Ghaẓālī, and Fuṣūs al-Hikam li-Muhyiddīn Ibn 'Arabī.* Seventh, beliefs (*Aqūdah*), includes *kitāb* of *al-Ibānah 'an Uṣūl al-Diyānah and Uṣūl al-Dīn.* Eighth, history (*Tārīkh*), includes the *kitāb* of *Tārīkh al-Tashrī' al-Islāmī, Tārīkh al-Tamaddun al-Islāmī, Itmām al-Wafā' fī Sirat al-Khulafā', and Tārīkh al-Khulafā'.*

Lecturers in this institution are classified into four categories. *First*, guest lecturers which are called *al-mashāyikh*. These lecturers are targeted to teach in Ma'had Aly, one meeting in one semester or at least one meeting in one year. *Al-mashāyikh* are KH MA Sahal Mahfudh, Prof. KH. Alie Yafie, KH Maimun Zubair, KH Abdurrahman Wahid, Prof. Dr. Quraisy Syihab, MA, KH. Muhammad Thalhah Hasan, KH Dr. Abdul Muhith Abdul Fattah, Dr. KH. Noer Iskandar al-Barsany, M.A, KH Ma'ruf Amin, KH. Drs. Malik Madani, MA., and KH. M. Tijani Jauhari, M.A.

Second, there are monthly lecturers, called *al-asātidhab*, who are expected to teach once a month or at least once in three months. They are KH Drs. Masdar Farid Mas'udi, MA., Prof. Dr. Said Aqiel al-Munawwar, M.A, Prof. Dr.KH. Sa'id Aqiel Siradj, M.A, Prof. Soetandyo, KH. Drs. Nadhir Muhammad, MA., KH. Drs. Yusuf Muhammad, M.A, and KH. Drs. Muhyiddin Suwondo, MA.

Third, are weekly (regular) lecturers. These lecturers are expected to give lectures once a week or at least once in one month. These lecturers include Prof. Dr. Sjeich Hadi Permono, SH., KH. Abdul Muchith Muzadi, KH. Drs. Afifuddin Muhajir, MA, KH. Drs. M. Hasan Basri, L.c, KH. Dailami Ahmad, KH Abdullah Muchtar, Lc., KH Hariri Abd Adhim, KH Ma'sum Syaifi'e, KH Dhafir Jazuli, KH. Drs. Salwa Arifin, Habib Hasan Baharun, Dr. Drs. Wawan Juandi, MA., Drs. H. Abu Yazid, MA, LL.M, and KH. Drs. Hasyim Abbas.

Fourth, are assistant lecturers or *musbrif*. All of the assistant lecturers must regularly facilitate the informal discussion in Ma'had Aly. These lecturers are the best graduates of Ma'had Aly such as Ach. Muhyiddin Chotib, Drs. Imam Nacha'ie, M.Ag, and Dedy Wahyuddin, S.Ag.

Observing the method of teaching in Ma'had Aly, it is clear that Ma'had Aly provides several *kitab kunings*. By focusing on *uṣūl fiqh*, the student of Ma'had Aly has the capability to re-interpret the *Qur'ān* and the *ḥadīth* in order to make a new rule of *fiqh (ijtihād)* which is compatible with current conditions. In addition, the students know the many views found in the many *kitab kunings* which are read. Therefore, the different understandings of Islam found among *kitab kunings* lead students to select certain views or events to re-interpret (contextualizing) the *Qur'ān*, whether in a collective *ijtihād* or personal *ijtihād*. Moreover, the lecturers of Ma'had Aly are well known as liberal and progressive, promoting freedom of thinking. The regular lecturers and assistants like KH. Afifuddin Muhajir and Imam Nacha'ie are well-known as liberal Muslim thinkers.

2. Method of Teaching

The method of teaching in Ma'had Aly starts from the basic ability to carry out the duties of scholarship, education, guidance, and elucidation in Muslim society, for the purpose of mastering academic ability (*tafaqquh fi'l-dīn*) and professional ability (*takbaṣṣus*) in the plural society.

There are several methods of teaching in this institution. (1) Speech and dialogue. The lecturer gives his main thoughts depending on the syllabus, and then there is a dialogue between students and lecturer. (2) The method of *tadrīs wa-ta'lim*. This method is used for manuscript studies. All students regularly read paragraphs of the *kitāb* and the lecturer

gives the meaning and explanation of the text read. (3) Method of giving an assignment individually or collectively. Students must write a paper on themes chosen by the lecturer. This paper, then, is discussed in the class through the facilitation of the lecturer. (4) Method of *muhāḍarah ‘āmmah* (studium general) which is usually given by *al-mashāyikh* on a certain topic. In this *muhāḍarah ‘āmmah*, it is not only followed by the students of Ma’ad Aly but also the lecturer of Institute of Islamic Studies of Ibrahimy (IAII) and regular lecturer of Ma’had Aly.

Besides that, the students have extra-curricular studies outside the class. There are three kinds: (1) *mudhākarah (mubāḥathah)* or discussing on *Fath al-Wahhāb (Fiqh)* and *Jam’u al-Jawāmi‘ (Uṣūl Fiqh)*. This is done three times in one week at 06.00-07.45. The mastery to these *kitab kunings* is a requirement for being a jurist (*mutafaqqih*). Although this is extracurricular, all students are expected to join. In the daily discussion, students are divided into two classes that are facilitated by an assistant lecturer; (2) Discussion about *fiqh* on contemporary problems, which is called *masā’il al-fiqhiyyah al-waqi’iyyah*. The contemporary problems relating to the *fiqh* usually come from outside the *pesantren*, such as the branch of NU Situbondo, PWNU East Java, RMI (Rabithah Ma’ahid Islamiyah), or even PBNU; (3) Study club which is formed independently by students. In the study club, students have the freedom to discuss everything. There are at least two kinds of study club: (a) Fokus Kajian Ushul Fiqh (Fokus), established in 1998, discusses the methodology of Islamic law as well as some contemporary scholars such Mahmood Muhammad Thaha, Abdullahi Ahmed al-Na’im, Hasan Turabi, and Jamal al-Banna; and (b) Pusat Studi Agama dan Filsafat (Pusfa), established in 1998, carries out discussion relating to philosophical issues, either Islamic or Western. Through this study club, students become familiar with the ideas of non-Muslim intellectuals such as Mao, Karl Marx, Max Weber, Durkheim, Nietzsche, etc. To expand and develop the discussion, this study club sometimes invites experts from outside the *pesantren*.

The method of teaching in Ma’had Aly liberates students to discuss everything, showing that there is no single understanding on Islam, because of different interpretations. It proves that students of Ma’had Aly are experiencing freedom of thinking that differs from other *pesantrens* which usually give limits to thinking.

3. *Bulletin of Tanwirul Afkar*

Tanwirul Afkar [TA] is a weekly bulletin published by *santri* of Ma'had Aly Sukorejo, that contains elaborations of *fiqh* interacting with religious and social problems. Every week TA presents an actual problem and proposes *fiqh* as an approach to resolving the problem. TA is evidence of how the *pesantren* is able to pose solutions for social problems. To know how this bulletin appreciates reason, we can see several themes published.¹⁸

Interfaith marriage is no problem. Even though in classical texts the prohibition of interfaith-married is found, Ma'had Aly has a different interpretation. They state that surely a Muslim may get married to a non-Muslim. They cite some opinions from contemporary ulama, like Yusuf Qardlawi, who allow Muslims to have relationships with others. The prohibition of interfaith-marriage, for Ma'had Aly, is a product of a certain history. In the Muhammad era, being religious also indicated an affiliation to one group. Under that crucial condition, people cannot convert to other religions because they will be considered as *murtad*. *Murtad* sociologically means being a defector. Muhammad was in the process of building a strong community to fight against oppression in Arab. Therefore, Muhammad forbids Muslims to get married to people from other religions because it will demolish their faith. For our time, the condition is different. Muslims can get married to people from other religions without hesitation because other religions have the same goal as Islam.

Non-Muslim as the Indonesian President. The most problematic of TA's edition is the theme of the possibility of a non-Muslim being president. This issue is not only problematic in an Islamic context but also in Indonesia, which for a long time has had Muslim presidents. In every classical text, like *fiqh* of Abu Ya'la al-Fara' and al-Maududi, Islam is required as an important element for the candidacy of a leader. Yet, Ma'had Aly contends that the requirement is only for Islamic countries. Why is Islam an important requirement for a leader? It is not surprising because Islam has a holistic-integrative view which

¹⁸ LKiS book publisher has published most of those themes of bulletins, entitled *Fikih Rakyat: Pertautan Fikih dan Kekuasaan* (Yogyakarta: LKiS, 2000).

never divides everything into religious and secular matters. Consequently, a leader in Islam, like Muhammad, holds two functions as a religious and government leader. For this consideration, the requirement is relevant in that context. However, in Indonesia, the requirement must be changed because Indonesia is not an Islamic country. The President only manages and focuses on secular matters. If being Muslim becomes a requirement of leader, it will negate and discriminate against other religions. Without hesitation, TA asserts that it is not impossible for a non-Muslim to be president. Indeed, in Islam, an essential requirement of a leader is the ability to secure justice and lead the state toward prosperity.

Jesus (Christianity) and Muhammad (Islam) in Dialogue.

The title above is a metaphor of the relationship between Islam and Christianity. What the *santri* of Ma'had Aly mean by the title is to discuss the relationship between Islam and Christian from the perspective of *fiqh*. In classic *fiqh*, the position of other religions is problematic. Some *ulama* consider other religions as *kafir* (infidel) and that their followers must be converted into Islam. In their opinion, Islam is divined as the last religion that functions to complete others. Therefore, the presence of other religions was abrogated when Islam came.

By quoting many verses of the *Qur'ān*, *santri* of Ma'had Aly, in their bulletin, asserts that Islam guarantees the existence of other religions. *Qur'ān*: Al-Mā'idah, 5:48, states that diversity is willed by God. Every community has been sent a messenger by God. Furthermore, the *santri* explain that there is a close similarity between Christianity and Islam, in that both are derived from one tradition, the Abrahamic religion, monotheistic and descendents of Adam. Islam and Christianity are tied together as one brother to another brother of Arahamic religion, or brothers in humanity as descendents of Adam. The *Qur'ān*, as the bulletin expounds, in verse of al-Baqara 62, states that all religions either Christianity, or Judaism, or Zoroastrianism, will give rewards from their God. This verse implies an understanding that Islam doesn't only appreciate the presence of other religion, but also acknowledges the truth of others. Further, in verse al-Maidah 82, the *Qur'ān* notes that the closest friend of Islam actually is Christianity (*Nasara* is the Islamic term for Christianity).

In short, the bulletin concludes that the relationship between Islam and Christianity should be continuously maintained in a tone of peacefulness. There is no reason to see them as essentially different. Both of them are the same, in either a theological or historical perspective. Such explanations are never found in classic texts. However, *santri* Ma'had Aly doesn't only deconstruct the traditional view of *fiqh*, but also tries to create a new one.

Women as leader. The role of women in the public sphere is still problematic. For some *ulama*, who negate the wider role of women, contend that women are weaker than men in some aspects. This opinion is drawn from one popular *ḥadīth* (a saying of the prophet that Muslims recognize as a second source of religion after *Qur'ān*) narrated by al-Bukhārī (one of the six popular narrators of *ḥadīth*) i.e. success will not be possible for a nation that is led by a woman. This *ḥadīth* is most familiar with some *ulama* who reject the role of women in the public domain.

Historically, in that time, women were restricted in social life because the most prestigious role in that era was the ability to fight in war. The tradition of war makes women into secondary people and the inability of women to fight in war creates an image of women as weaker. To some extent, women also cannot attain more access in a social aspect. Therefore, some classical texts conceived women as weak beings who are not suitable for participating in the public sphere.

Conversely, Ma'had Aly proposes to see the nature of women in a new perspective. Indeed, Islam is a caring religion for women. The emergence of Islam deconstructs the oppressive structure by positing woman as equal to man. However, the struggle of Islam to advocate for women is a gradual action. For this reason, we are reminded that the gift of Islam to women in a certain context must be interpreted as a process to make man and woman equal.

The problematic *ḥadīth* above must be understood as a product of history, in a certain context, that cannot be extended to any other particular context. In recent times, there is no reason to forbid women to be leaders. In *qawā'id al-fiqh* (the formula of *fiqh*), "a law will change because a change of context". In this sense, a law is a product of context. When the context is different, there will be differences of law. The belief

that women cannot be leaders reflects the condition in a certain context in Arabic culture, but it is not applicable to some contexts like Indonesia. In short, there is no problem for women to be a leader.

The themes above illustrate that students of Ma'had Aly are brave to re-interpret and contextualize the *Qur'ān*, *ḥadīth*, and *kitab kuning*. Because of this, some people sometimes judge that Ma'had Aly is liberal in the sense which Nahdlatul Ulama and Indonesia Ulama council (MUI) claim liberal as a deviation of Islam. The interpretation of Ma'had Aly is quite different from classical texts that impose the content of the text on the context. In this sense, context must follow what the text says. On the contrary, Ma'had Aly changes that logic by placing context as determinant for texts. For Ma'had Aly, truth is not fixed and stagnant because it always changes as far as circumstances change. This principle becomes a base for Ma'had Aly to search continuously for new truth and negotiate with contested meaning. In this sense, what we know and believe depends on context. When the context changes, the content of what we believe probably changes. Therefore, we cannot fully trust what we know or believe. For this reason, classical texts should be regarded for comparison not determining Islamic law.

E. Concluding Remarks

Observing the curriculum, the method of teaching and the bulletin of *Tamwirul Afkar*, proves that Ma'had Aly promotes freedom of thinking. The curriculum used in this *pesantren* enables *santris* to think without restraint, because the various *kitab kunings* used, lead the *santris* to understand the differences of thought among Muslim scholars. The access to classic and contemporary *kitab kunings* elucidate the development of Islamic studies, which finally go out from dogmatism (*taqdīs al-afkār al-dīniyah*). Moreover, Ma'had Aly focuses on the methodology of *fiqh* (*uṣūl fiqh*), rather than its products (*fiqh*), giving the space to think liberally based on the local situation. In *Uṣūl al-Fiqh*, reason (*al-'aql*) has a special position for interpreting the source of law (*al-Qur'ān* and *ḥadīth*), contextualize and change the previous laws codified by Muslim scholars. Furthermore, teachers (*ustādh*, *kiai*) in Ma'had Aly also have a liberal understanding of Islam. Different from Liberal Muslim activists who have no deep roots in Islamic studies, these teachers

precisely base their thinking on the *kitab kunings*, which are often claimed to be out of date.

The various resources used in Ma'had Aly are more powerful when the method of teaching supports the creation of an atmosphere of freedom of thinking. The method of teaching emphasizing discussion allows *santris* to understand deeper, contextualize and criticize *kitab kunings*. This differs from the common method of teaching in several other *pesantrens* which still use *bandongan* and *sorogan* in which *santri* have less space to ask, think and criticize, or know well the banking system. In Ma'had Aly, the student is not a blank cassette that is the teachers' duty to fill.

Due to the curriculum and method of teaching, we can see the freedom and liberal thinking in the weekly bulletin of *Tamvirul Afkar*. The themes of this bulletin are not out of date issues, but contemporary ones. This is important to say because several publications in other *pesantrens* are frequently confined to old-fashioned issues. By *isṭinbāṭ al-ahkām* shown in this bulletin, Ma'had Aly is brave enough to leave conventional laws of Muslim scholar. Therefore, this Ma'had Aly, I think, is liberal and unique, different from other *pesantrens* which usually bind reason and thinking. Last but not least, by observing Ma'had Aly, the claim that the *pesantren* is a conservative and backward institution, to some extent, is misleading.

It is important to further make some notes. Firstly, we have to recognize the complexity of problems which cannot be solved by one perspective or approach. *uṣūl al-fiqh* or *fiqh* is one perspective in approaching social problems. There are numerous approaches, which are important to know by *santris* in order to “sound” the Islamic law in society. The position of *fiqh* up to now only provides and judges “*halal-haram*” issues, while the problem of how to solve the social problems or phenomena is untouchable. This is crucial, because the final purpose of Islamic law is not only providing judgment of “*halal-haram*”, but also problem-solving. Finally, Islamic law must be oriented to problem-solving, which requires multiple perspectives.

Secondly, Ma'had Aly is well-known as a liberal institution. As we see in its bulletin, the interpretation of the text by Ma'had Aly is no longer literal, but contextual and based on the concept of *maṣlaḥah*.

This kind of interpretation surely differs from the model of “terrorists” and/or “fundamentalists” which stress the literal meaning of the text. Therefore, Ma’had Aly is in some way against terrorism. However, I was shocked when I went to Ma’had Aly in 2006 about one *santri*, whose name is Imtihan, a graduate of Pesantren al-Mukmin, Ngruki. Although he studied at Ma’had Aly, he has a different understanding from most of the *santris*. He was denying coming to graves (*ziyārah*), and, to some extent, interpreted the text literally. The acceptance into Ma’had Aly of *santri* having a different ideology from NU causes two issues. (1) The inclusive character of Ma’had Aly in accepting *santri* from any ideology, including alumni of al-Mukmin Ngruki, and (2) The image of this *pesantren* as a liberal institution will shift to being a “fundamentalist” institution. Therefore, Ma’had Aly, I think, has to take a clear position whether it becomes inclusive or fundamentalist.

Thirdly, the problem of Ma’had Aly is how to promote its thought to other *pesantrens*, because the leader of the *pesantren* is the *kiai* who has great power. In this context, Ma’had Aly should be brave and not only criticize the *Qur’ān* but also the *kiai* (KH. Fawaid As’ad) in terms of his thoughts on Islam. It is important, because the failure or success of the *pesantren* to promote its thought depends on the *kiai*.

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