Communications to the Editor

Islam and Islamic Legal History in Southeast Asia

The legal history of Islam is one of its fundamental forms, and to say, as Paul van der Veur does (*JAS* 46 [1987]: 451) that "an understanding of Islam's meaning for Southeast Asians cannot be derived from legal history" shows a fundamental misunderstanding of Islam.

The Sharia, as found in the works of Shafii, Maliki, Hanafi, and Hanbali for the Sunni schools, is basic knowledge. It defines crime, sin, obligation, duty, rights, and so on. These definitions are historical, and their applications are contemporary to whatever age and place one happens to be discussing.

For Southeast Asia, texts such as the *Adat Aceh* and *Undang2 Melaka* show a Malay response to the use of the classical definitions in the Malay world. From the eighteenth century onward, both the Dutch and the British redefined Islam and Islamic law in their respective possessions. These definitions established the relationship between the institutions of state and the religion of Islam. The result is that Islamic law is now what the state says it is. In the law, surely the most important formal expression of the authority of the state, one has the complex definitions of Burma, Malaysia, and Singapore and rather less complex forms in Indonesia and the Philippines. Complexity of form has nothing to do with density of population.

Legal history is essential in Islam, and so far as Southeast Asia is concerned, I feel that most historians would be rather disturbed by van der Veur's ahistorical position. (See also *The Laws of South-East Asia,* Vol. 1: *The Pre-Modern Texts,* ed. by M. B. Hooker [Singapore: Butterworths, 1986], pp. 14–15, where history and legal history are discussed.)

M. B. HOOKER
University of Kent

Response to M. B. Hooker

My review of Hooker's book began with the comment that his contribution was "valuable" in reviewing "the struggles between traditional and contemporary Muslim law" and impressing on his readers the tensions "between Islamic principles and local cultures." Concluding, I cited Hooker's statement that Islam in the archipelago, "particularly in Java," had a "non-legalistic character" and mentioned that Hooker effectively showed the remarkable subjection of the Southeast Asian Islamic experience to secular forces in all the states with Muslim populations. In the final sentence I said: *"What the foregoing makes clear* is that an understanding of Islam's meaning for Southeast Asians cannot be derived from legal history" (emphasis added). Nowhere

in my review did I argue against the importance of Muslim law. In fact, Hooker himself at times admits that the legalistic information he presents does not fit reality. I am more than willing to expand my last sentence either by adding the words "as presented by Hooker" or the word "alone" after "legal history."

PAUL W. VAN DER VEUR
Ohio University