

Sahal Mahfudz — Scholar, Activist

By **Sumanto Al Qurtuby** on 2:53 pm January 28, 2014.



(JG Graphic)

After the recent passing of the spiritual leader of the Shia Ismaili Dawoodi Bohra in India, Syedna Mohammed Burhanuddin, now the Sunni Nahdlatul Ulama of Indonesia has lost its supreme leader, Kyai Haji Muhammad Ahmad Sahal Mahfudz. A leading authority on Islamic law, Sahal, who was also a longtime chairman of the Indonesian Ulama Council (MUI), died on Friday at the age of 78.

A former rector of the Nahdlatul Ulama Islamic Institute at Jepara, Sahal's body was buried in a special cemetery in his hometown Kajen in Pati, Central Java.

I was shocked and sad to hear about his death in part because he was my mentor and teacher, and a source of inspiration. Inspired by his brilliant progressive ideas about Islamic law, in 1999 I wrote a book about him and the new era of Islamic law in Indonesia.

Born in 1937, Sahal was not only a religious leader and an Islamic scholar, but also an activist, a prolific writer and a journalist — a rare mixture for a Javanese kyai (an honorific title used for religious leaders in Java).

A founding member and general chairman of the Jakarta-based Pesantren Journal, both of Sahal's parents passed away when he was a child (his father, K.H. Mahfudz Salam, died in 1944, his mother, Hj. Badiyah, in 1945). His father was murdered by the Japanese army in a

military prison in Ambarawa, Central Java, due to his resistance (along with Sahal's grandfather, K.H. Abdus Salam) against the Japanese occupation. Sahal's older brother, Hasyim Mahfudz, also died fighting occupying forces, in this case the Dutch, in 1949. After the death of his parents, Sahal was raised by his uncle, K.H. Abdullah Salam, who was also his Islamic teacher.

This tragic family history shaped Sahal's personality, both as a firm Islamic leader and as a scholar. The struggle of his father, grandfather and other relatives for Indonesian independence later also influenced Sahal's nationalist vision and commitment to defend his home country from people and groups who wanted to turn Indonesia into an Islamic state by replacing its pluralist ideology, Pancasila, with Islam.

Having trained in Islamic studies in various pesantren (a Javanese Islamic seminary) and madrasah (Islamic schools), including those of Kediri (East Java), Rembang (Central Java), and Mecca (Saudi Arabia), where he learned under the guidance of Syeikh Muhammad Yasin al-Fadani, Sahal wrote numerous books and articles, in both Arabic and Indonesian, on various subjects, especially Islamic law (*fiqh*) and Islamic legal theory (*usul al-fiqh*).

In 1963, upon finishing his studies, Sahal returned home and began to lead two important educational institutions: Pesantren Maslakul Huda (founded by his father in 1922) and Perguruan Islam Matholi'ul Falah (founded by his grandfather in 1912). Unlike most "traditionalist kyais" at that time, who usually ran their pesantren in a conservative-traditional ways, Sahal's effort was distinct and exceptional.

To give an example from the early 1980s, despite strong critiques from other religious leaders, Sahal invited a foreign teacher, Oxford University graduate Paul Musante, to teach English in his schools. At the time, teaching English in pesantren, much less with a non-Muslim teacher, was uncommon, not to say taboo, partly because all pesantren are run in Arabic, which is considered by Javanese traditional Muslims to be the sacred language of Islam. But Sahal broke the rule. Not only that, he also introduced "secular sciences" into his schools' curricula, applied discussions and seminars as part of teaching methods, and encouraged his students to employ critical thinking in interpreting Islamic texts and understanding Islamic teachings.

Moreover, Sahal developed his pesantren not only as a center of learning and a place of worship and ritual ceremonies, but also a site of economic development for both students and local people. With the support of the Jakarta-based Institute of Economic and Social Studies and Development (LP3ES) and the German Friedrich-Naumann-Stiftung, Sahal since early 1970s had built up his Pesantren Maslakul Huda as a hub of societal economic development: running a small-scale business, a saving and loan cooperative and a micro credit bank for low-income groups. Also, Sahal built partnerships with Chinese businessmen to help boost the economy in Pati and surrounding areas.

As a respected religious leader, Sahal's role was also essential and distinctive in protecting two of the nations most important his Islamic organizations — NU and MUI — from political intervention.

During the New Order regime, particularly since the 1980s, when NU positioned itself as a civil society organization in opposition to Suharto, Sahal played a unique role. On one hand, he strongly criticized the government's unpopular and undemocratic policies, but on the other he defended MUI, which was accused by democracy activists and anti-government NU leaders of being pro-Suharto. For Sahal, public institutions (including government and religious establishments) cannot be blamed for unfair economic-political policies since all depend on which people run the particular body. Sahal said that as long as good programs and policies are implemented, people need to support the organization (conversely we must remind and criticize it if it implements unjust policies).

Sahal's contributions were also crucial in developing new forms of Islamic thought. Since 1984, Sahal led a halaqah (a regular informal meeting for kyais to discuss social-political issues through the lens of Islamic law) whose creative methods of Islamic legal theory and Islamic legal maxims resulted in the production of progressive Islamic ideas and decisions, while at the same time keeping the spirit and essence of Islam as a "prophetic religion." His concept became known as "social fiqh," a rational-contextual-based understanding of Islamic law trying to solve contemporary social problems.

Unlike "conventional" Islamic law, typified by "Arabism," "literalism," "scripturalism," and "theo-centricism" in understanding Islamic texts, notions and discourses, this new model of fiqh was built on the belief that Islam should be understood in accordance with the local contexts in which Muslims live, and classical Islamic texts must be interpreted in line with the modern condition of Muslim societies.

For Sahal, not all products of Arab-tribal "pre-modern" Islamic laws were necessarily suitable for Indonesia and other Muslim societies. In line with this argument, Sahal strongly opposed "out of date" Islamic laws such as hand-cutting for thieves or stoning to death for adultery, and resisted a "stone-age" concept of an Islamic state or a caliphate simply because such ideas were incompatible with Indonesia's pluralist society and state ideology. Sahal suggested that Muslims should be able to differentiate between "Islamic doctrines" and "Arab cultures," between Islam as "universal religious principle" and "particular political outcome." In the schema of social fiqh, Islam is also introduced as a medium of social critique, not of political legitimacy. In brief, his concept comprises an intellectual effort to "synchronize" Islamic authenticity and modernity.

Apart from the mistakes that every human being makes, and Sahal's apparent weaknesses — such as his failure to sideline anti-pluralist and intolerant religious leaders within his MUI or the more politics-minded figures within his NU — Sahal's life and work have no doubt been of enormous significance for Islam, society and state.

His commitment, humbleness and modesty are an extraordinary gift for this nation and the wider world — which are filled with uncommitted, arrogant and greedy people.

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