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# VAN DEN BERG'S ESSAY ON MUSLIM CLERGY AND THE ECCLESIASTICAL GOODS IN JAVA AND MADURA: A TRANSLATION<sup>1</sup>

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L. W. C. van den Berg (1845–1927) was born in Haarlem, the Netherlands. After completing the Gymnasium (Lycée), he studied at Leiden University, graduating *summa cum laude* in 1868 with a dissertation on Muslim property law.<sup>2</sup> Soon afterwards, he left for the Indies where he held several clerical posts until, in 1878, he was given the prestigious, newly created, position of Official for the practice of “Indische” languages and Advisor for “Oostersche” (“Eastern”) languages and Muslim law. Van den Berg returned to the Netherlands in 1887 to accept a Professorship at the University of Delft.<sup>3</sup>

Van den Berg was a productive scholar entering a field only barely touched by his Dutch contemporaries. His dissertation (written in Latin) appeared in Dutch the following year and saw translations into Italian and Russian. P. J. Veth, in reviewing the thesis, praised the young scholar for his mastery of the subject, his industrious

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<sup>1</sup> L. W. C. van den Berg, *De Mohammedaansche Geestelijkheid en de Geestelijke Goederen op Java en Madoera* (Batavia: Bruining, 1883), a revised reprint of the author's article in the *Tijdschrift voor Indische Taal-, Land- en Volkenkunde* 27 (1882): 1–46. I wish to express my appreciation to Dr. Patricia Whittier and Lian The-Mulliner for making several editorial suggestions.

<sup>2</sup> L. W. C. van den Berg, *De contracto “do ut des” jure Mohammedano* (Lugdunum Batavorum: Van Doesburgh, 1868).

<sup>3</sup> S. J. van den Berg, “Levensbericht van Mr. L. W. C. van den Berg,” *Handelingen van de Maatschappij der Nederlandsche Letterkunde te Leiden en Levensberichten Harer Afgestorven Medeleden 1927–1928* (Leiden: Brill, 1928), pp. 12–20.

nature, and unusual talent.<sup>4</sup> He did taunt him for having written his work in Latin and “poor high school Latin” at that.<sup>5</sup>

Van den Berg continued his exploration of Muslim law by publishing *De Beginselen* [Principles] *van het Mohammedaansche Recht, Volgens de Imâm's Aboe Hanifat en Sjàfi'i* in 1874. Second and third editions followed in 1878 and 1883. Van den Berg's interest in the Arab communities of Java led him to complete an important work on this subject.<sup>6</sup> His book on ranks and titles on Java and Madura should also be noted among several other contributions.<sup>7</sup>

Present-day scholars, especially in the United States, are accustomed to tightly written book reviews of eight hundred words or less (the journal *Indonesia* providing a pleasant exception). In the Netherlands, lengthy reviews were the norm; A. W. T. Juynboll, for example, after praising Van den Berg's second edition of his *Beginselen van het Mohammedaansche Recht* as a much-needed study and a “revised and much improved edition,” spent the next sixty pages making suggestions and corrections.<sup>8</sup> Although Van den Berg was less than pleased, he did promise that in a future edition he would follow Juynboll's suggestion of mentioning the Malay and Javanese pronunciation of Arabic as well as the words in those languages for Arabic legal terms.<sup>9</sup>

If Van den Berg was irked by Juynboll's review, worse was to come. The name Christiaan Snouck Hurgronje became known soon after he had received his doctorate. The first two scholars to be confronted by the twenty-four-year-old graduate were J. de Louter and Van den Berg. De Louter was the author of a widely acclaimed handbook on state and administrative law of the Indies. Published in 1875, this volume was reprinted in successive editions over the following forty years.<sup>10</sup> In a heated exchange with De Louter, Snouck wrote that his time was too valuable for further discussion with someone whose methodology was “onkruid” (trash). At the same time, he denounced “the miserable quackery” to which the study of Islam had fallen victim.<sup>11</sup>

Van den Berg's first exchange with Snouck concerned Van den Berg's own publication *Minhâdj at-talibîn; Le guide des zélés croyants*. Although Snouck considered this manual of Muslim jurisprudence and “guide of the zealous believers” to be focused on an important subject, he stressed that including the original Arabic text was superfluous as excellent copies were available throughout the Muslim world. While

<sup>4</sup> P. J. Veth, “De contractu ‘do ut des’ jure Mohammedano door L. W. C. van den Berg,” *Tijdschrift voor Nederlandsch Indië*, 3d ser., 3,1 (1869): 386, 393.

<sup>5</sup> *Ibid.*, pp. 379–80.

<sup>6</sup> L. W. C. van den Berg, *Le Hadhrumout et les colonies arabes dans l'archipel Indien* (Batavia: Landsdrukkerij, 1886).

<sup>7</sup> L. W. C. van den Berg, *De Inlandsche Rang en Titels op Java en Madoera* (Batavia: Landsdrukkerij, 1887).

<sup>8</sup> A. W. T. Juynboll, “Eene Handleiding voor de Studie van den Islâm,” *De Indische Gids* 1,1 (1879): 793–821 and *De Indische Gids* 2,1 (1880): 170–206.

<sup>9</sup> L. C. W. van den Berg, “Antwoord aan den heer Dr. A. W. T. Juynboll,” *De Indische Gids* 3,1 (1881): 120, 131.

<sup>10</sup> J. de Louter, *Handboek van het Staats- en Administratief Recht van Nederlandsch-Indië*, 6th ed. ('s-Gravenhage: Nijhoff, 1914; first edition, 1875).

<sup>11</sup> Chr. Snouck Hurgronje, “Nogmaals ‘De Islam in Oost-Indië’ naar Aanleiding van Prof. De Louter's Brief,” *De Indische Gids* 2,2 (1880): 375–76, 380.

complimenting Van den Berg on the smoothness of the French text, Snouck also questioned whether the various words found in the "*fiqh*" books (those dealing with Muslim jurisprudence) should be translated because the Arabic words were critical technical terms, "the pillars" of knowledge and wisdom.<sup>12</sup> Van den Berg was not impressed. He blamed the different interpretations Snouck had given on the reviewer's imperfect knowledge of French and "his enchantment with the results of his own investigations."<sup>13</sup>

It did not take long for Snouck to discover larger prey: the third edition of Van den Berg's *De Beginselen van het Mohammedaansche Recht* gave him the opportunity to review the volume in two almost book-length articles.<sup>14</sup> Snouck began by complimenting his senior colleague (in a somewhat backhanded manner) for having written the first edition of his opus: it had been a happy choice (considering the circumstances at that time); the book had filled an important gap and served a useful purpose "in spite of its uneven preparation, uncritical copying of European authors, and numerous errors."<sup>15</sup> There was no excuse, however, for the recurrence of past mistakes in the new edition and for presenting readers with a "disgusting jumble of heterogeneous sources and concoctions."<sup>16</sup> Van den Berg responded to Snouck's first article by noting that Snouck's lack of judicial knowledge had led him to erroneous conclusions. Moreover, "his crammed to the point of bursting self-conceit" had led him to read and recite carelessly while maligning anyone who had not automatically consented to what he "often on shaky grounds" maintained.<sup>17</sup> It is interesting that A. W. T. Juynboll, who had quite critically reviewed Van den Berg's second edition of this work, held a different view. He considered the new edition to be a "in many ways improved and expanded version" and highly recommended it to scholars in the field.<sup>18</sup>

A decade later, Snouck used another opportunity to critique Van den Berg. In this case, it concerned Aceh. In 1880, Th. Der Kinderen, a member of the Council of the Indies, and Van den Berg as his secretary had been instructed to visit Aceh and report on its "unruly" conditions.<sup>19</sup> With the Aceh problem continuing to be unresolved, Snouck (who had arrived in Java in 1889 to become Advisor for Native Affairs) was sent to Aceh in 1891. His seven-month stay in that part of Aceh under Dutch military control resulted in a lengthy report and the publication of a two-volume *De Atjehers*. The Der Kinderen/Van den Berg account was briefly noted in volume I as being of no

<sup>12</sup> Christiaan Snouck Hurgronje, "Le guide des zélés croyants," *De Indische Gids* 5, 1 (1883): 537–38.

<sup>13</sup> L. W. C. van den Berg, "Brief van den Heer Mr. L. W. C. van den Berg," *De Indische Gids* 6, 1 (1884): 223–24.

<sup>14</sup> Christiaan Snouck Hurgronje, "Mr. L. W. C. van den Berg's Beoefening van het Mohammedaansche Recht," *De Indische Gids* 6, 1 (1884): 363–434, 737–816.

<sup>15</sup> *Ibid.*, p. 369.

<sup>16</sup> *Ibid.*, p. 815. It should be remembered that Snouck wrote these critiques before his highly unusual and productive stay in Jeddah and Mecca in 1884–85 and well before he had set foot on Indonesian soil.

<sup>17</sup> L. W. C. van den Berg, "Zelfverdediging," *De Indische Gids* 6, 2 (1884): 525, 535.

<sup>18</sup> A. W. T. Juynboll, "L. W. C. van den Berg's *De Beginselen van het Mohammedaansche Recht* volgens de Imâm's Aboe Hanifat en Sjafi'i door Mr. L. W. C. van den Berg," 3d ed., *De Indische Gids* 6,1 (1884): 231.

<sup>19</sup> S. J. van den Berg, "Levensbericht van Mr. L. W. C. van den Berg," p. 19.

value while Van den Berg's possible contribution received the comment: "Excessive pride in his own composition and his indolence nurtured foolishness."<sup>20</sup>

Van den Berg's career does not seem to have been affected negatively by Snouck's critiques. His tenure at the University of Delft moved along smoothly while he continued to publish. In his later life, he also was active politically, serving as mayor of the town of Delft and a member of the Dutch parliament's First Chamber.<sup>21</sup>

The foregoing presentation is made to place Van den Berg's contributions in proper perspective. His feud with Snouck Hurgronje adds an unusual aspect, but several of his other colleagues continued to praise his work. The study that follows here was selected for translation for several reasons. Its brevity permits publication in article form. Various aspects of Javanese life in the 1860s and 1870s are mentioned throughout the text, such as the activities of young Javanese in the *pesantren*, the striking difference in the sense of justice and the legal conditions governing ecclesiastical ownership of property in West and Central Java, and the unusual status of a number of villages free from corvée and land rent. The exposure to numerous Arabic words (frequently with their Javanese and "Malay" equivalent in parentheses) highlights the presence of Arabic in the fields of law and religion. Finally, even Snouck granted this publication an approving nod.<sup>22</sup>

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<sup>20</sup> Snouck Hurgronje, *De Atjehers*, vol. I (Batavia: Landsdrukkerij and Leiden: Brill, 1893), p. 12. The haste by which Snouck's volumes appeared and his peculiar and venomous attacks on T. H. der Kinderen and Van den Berg were commented on by C. E. van Kesteren in "Het Werk van Dr. Snouck Hurgonje over de Atjehers," *De Indische Gids* 16,1 (1894): 443–57.

<sup>21</sup> S. J. van den Berg, "Levensbericht van Mr. L. W. C. van den Berg," p. 19.

<sup>22</sup> Snouck Hurgronje in "Le guide des zélés croyants," *De Indische Gids* 5,1 (1883): 543–44.

## De Mohammedaansche Geestelijkheid en de Geestelijke Goederen op Java en Madoera<sup>23</sup>

Islam does not have a priesthood in the sense in which other religions understand that word, that is, a body to which one is admitted only after doctrinal profession, evident morality, and ordination.<sup>24</sup> Any person satisfying the simple requirements of Muslim law may take an active part in prescribed religious ceremonies and even officiate. The officially appointed religious leader must even vacate his place in favor of a member of the local congregation if the latter is in any respect more qualified. This principle is put into practice in both Java and Madura: I have even heard of cases in which a religious leader himself asked a member of the congregation to act in his place because he considered that person more qualified. It is undeniable, however, that religious officialdom and those who consider themselves part of it, although not separated from the rest of the population by strict official lines, are popularly considered to be in a special class.

The organization of Islam in Java and Madura and the functions of its officials are governed entirely by religious laws and the institutions and customs of the people; only in exceptional cases has the Dutch administration concerned itself with these matters.<sup>25</sup> According to Article 124 of the Organic Law of the Netherlands Indies,

<sup>23</sup> [Translating van den Berg's text required a large number of editorial footnotes (they are placed in square brackets to distinguish them from Van den Berg's own notes). Some of Van den Berg's source identifications also needed clarification; obviously, "Not. Bat. Gen. Dl. X (1872)" [*Notulen . . . van het Bataviaasch Genootschap* X (1872)] is not helpful to a present-day reader. Finally, Javanese and Malay (Indonesian) words have been put into the present Indonesian spelling. Transliteration of Arabic words into the "Latin" alphabet used in English has proceeded over the last century. Writing in the early 1880s, Van den Berg was quite consistent. He was, however, influenced by the French way of spelling, using, for example, the "ch" and "ç" where English employs the "kh" or "q." When entering diacritics for long vowels, he also uses not only the macron (ā) but also the circumflex (â). Although neither of these marks entirely solves the problems of proper pronunciation, I opted for the macron throughout the text. Used occasionally are the *hamza*, the glottal stop, usually represented by an apostrophe, and the *ayn*, the glotted scrape, indicated by an inverted apostrophe. Finally, the pharyngeal "h" can be placed after a short "a" with a "t" placed after a long "a." Another matter concerns personal names and titles of publications. Such words as *al*, *abu*, *ibn*, etc. are an integral part of persons' names, and to avoid confusion in English it is necessary to use the hyphen to connect them with the rest of the name. Van den Berg's inconsistency in this has been corrected. As for the lists of titles for various works in Arabic given by Van den Berg in a footnote, it seemed appropriate to leave them as presented. For all of the foregoing, Marshall G. S. Hodgson's section on "Making Sense of Islamic Words, Names, and Dates" in his *The Venture of Islam*, vol. I (Chicago, IL and London: University of Chicago Press, 1974), pp. 3–22, was most helpful. Also of assistance were the "ALA Romanization Tables, Arabic," *Bulletin* 118 (1976): 15–21 of the Library of Congress Cataloging Service.]

<sup>24</sup> [It is ironic that Van den Berg makes this point since he refers throughout the text to *santris* as "pupil priests" and to the ("government-organized") Muslim courts as "*priesterraden*." This, however, was a widely held misconception at the time. The colonial government only renamed the *priesterraden* "*penghulu gerecht*" in the late 1920s. See Daniel Lev, *Islamic Courts in Indonesia* (Berkeley, Los Angeles, London: University of California Press, 1972), pp. 13, 18.]

<sup>25</sup> [As an example of these "exceptional cases," Van den Berg mentions the following:] In 1825, the then Resident of the Priangan issued an instruction for religious personnel; another Resident in Bantam created a regulation for the *zakat* (alms tax); and still another Resident in about 1870 prohibited the solemnization of marriages by village religious personnel. According to the *Bijblad op het Staatsblad van Nederlandsch-Indië* (hereafter, *Bijblad*), 1874, No. 2795, ("Inlandsche priesters"), interference by the administration in the

however, native rulers, Regents, and other chiefs must supervise religious officials and take care that nothing detrimental is done to law and order.<sup>26</sup>

In line with this principle of constitutional law, Article 17 of the Instructions for the Regents in Government Territories [on Java and Madura] charges Regents with the general supervision of the Islamic religious officials.<sup>27</sup> Regents must take care that no one claims or holds a religious title without proper authority; they must also keep a register of all religious personnel in their regencies and record any changes among them. These changes must be reported annually to the Resident or Assistant Resident. According to regulation, the registers must be closed every five years and carefully preserved, but this order is not everywhere consistently observed.

In most regions, the Regents consider their dealings with religious officials to be entirely administrative and regulatory; they participate in public religious exercises as much or as little as they wish. When they do participate, they are given a place in the mosque commensurate with their rank as the most important persons in the community.<sup>28</sup>

Some Regents, especially in West Java, see their duties as going beyond the administrative and regulatory. They think of themselves as the religious heads of their regencies, and, consequently, consider themselves obligated to ensure that their subjects' religious duties are properly observed. They consider it their task, for example, to see to it that the beginning and the end of the long fast are made known.<sup>29</sup> Some of them, especially upon solemn occasions, lead the communal prayer.<sup>30</sup> In many places, prayers are even offered for them in the orations at the weekly public religious exercise in the sermon or *khotbah* (Arabic, *khutbah*) on Friday, just as is prescribed for the sovereign ruler of a Muslim state.<sup>31</sup> Where no prayers are held for the Regent on

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relationship between the Muslim clergy and the [colonial] administration had to be avoided as much as possible.

<sup>26</sup> [The Organic Law of 1854 (*Regeeringsreglement op het Beleid der Regeering van Ned.-Indië*) was revamped in 1925 and then became known as the *Wet op de Staatsregeling van Ned.-Indië* or *Indische Staatsregeling*. The article corresponding to Article 124 was 178.]

<sup>27</sup> See *Staatsblad van Nederlandsch-Indië* (hereafter, *Staatsblad*) 1867, No. 114.

<sup>28</sup> A Regent in West Java who conceived of his duties as being of a purely administrative and police nature did this, I was told, because that way he could not be held responsible on judgment day for the numerous oversights and failures committed by the people in his realm in fulfilling their religious duties.

<sup>29</sup> The determination of these points in time—something which, as we know, must not be based on calculation but on the actual sighting of the moon—is taken care of not only by Regents but also by other heads. In Batavia, for example, the district commanders, at about the time they expect to see the [new] moon, send personnel to the surrounding towns to inform the people there immediately of the appearance of this celestial body. [To Van den Berg's statement we could add: a) Since the month begins with the sighting of the new moon, the (calendar) day is made to begin at sunset; b) nowadays, of course, the new moon's arrival is almost always made on the basis of *fulak*, astronomical computation. An interesting controversy occurred in Malaysia as recently as 1982, when the Sultan of Perak and his Religious Council, on the basis of *rukayah* (actual sighting), declared the end of the fasting month to fall on July 22 for his state, while the Malaysian Head of State, with the concurrence of the Conference of Rulers, declared July 23 as the national date.]

<sup>30</sup> I only know of one case in which a District Head claimed religious functions; at that time, the community most vigorously protested this action.

<sup>31</sup> According to the previously cited *Bijblad* No. 2795, the Netherlands Indies' government also no longer appears to view the Regents as heads of religion, although it did so earlier. See *Bijblad* No. 57, ("Panghoeloes"). [Frankly, I fail to see Van den Berg's point, as *Staatsblad* 1820, No. 22, to which *Bijblad* No. 57 refers, merely states that the Regent has the supervision over matters of the Muslim religion and sees to

Friday, the part of the service that deals with this is omitted, and one simply prays either for the salvation of all believers<sup>32</sup> or for the Sultan of Turkey.<sup>33</sup> One, meanwhile, should be wary of attaching much importance to the mention of the name of the Sultan during the Friday orations in Java and Maura or of drawing conclusions from it concerning the disposition of the populace toward Dutch rule.<sup>34</sup> These orations are rarely the work of the persons delivering them but are commonly imported from Egypt or Arabia. Many pilgrims bring such orations back to their local mosques from Mecca, where there seem to be many persons who earn their living by writing orations for religious personnel less skilled in Arabic and living in distant Muslim lands. These writers obviously know little about the form of government in the Netherlands Indies. How little the population often understands of the meaning of what is being preached from the pulpit can be seen from the fact that I have heard sermons in which already deceased Turkish sultans are still mentioned as ruling sovereigns.

Muslim prayer houses, in which (apart from the daily prayers) the Friday services may be held, are usually located only in division and district capitals.<sup>35</sup> Where they are in other locations, it is almost always because a district head formerly resided there. Only a few towns—Batavia [Jakarta], Cirebon, Semarang, Demak, Kudus, Surabaya, Gresik, Sumenep, Surakarta, and Yogyakarta—are of such size that the Friday prayers are held in more than one mosque at the same time.<sup>36</sup> As a rule, the mosques for the Friday prayer services should be at least one *paal* apart.<sup>37</sup>

The mosques of Java and Madura are usually recognizable by the distinctive shape of their roofs.<sup>38</sup> Otherwise, they are cumbrous, square buildings devoid of any

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it that the "priests" are left to perform their occupation in accordance with the customs and mores of the Javanese.]

<sup>32</sup> See *Notulen van de Algemeene en Bestuurs-Vergaderingen van het Bataviaasch Genootschap van Kunsten en Wetenschappen* (hereafter, *Notulen van het Bataviaasch Genootschap*), X (1872): 55–56. This, for example, is customary in Batavia and seems highly advisable both according to Muslim law and Indies' constitutional law, certainly in light of the present condition of Islam.

<sup>33</sup> *Notulen van het Bataviaasch Genootschap* XIV (1876): 45. On some occasions, prayers are also offered for the Sovereign with no further indication of who it is. The sermons used in Java and Madura otherwise do not differ in spirit and purport from those given in other Muslim lands. Translations of sermons, among others, are found in Edward W. Lane, *An Account of the Manners and Customs of the Modern Egyptians*, vol. I (London: Charles Knight, 1836), pp. 100–107, and in S. Keijzer, "De Beide Mohammedaansche Feesten," *Bijdragen tot the Taal-, Land- en Volkenkunde van Nederlandsch-Indië* (hereafter, *Bijdragen*), Nieuwe Volgreeks, III (1860): 26ff.

<sup>34</sup> [The text uses the term "den Grooten Heer" (the Great Lord)—an apparent reference to the Ottoman Sultan].

<sup>35</sup> [The common term for mosque in Java (also used in this text) is *mesigit*. Also used, and closer to the Arabic original, is *meshid* (Arabic, *masjid*), the place of prostration.] In Madura and areas of Java inhabited by Madurese, *semigit* is employed. The Arabic *jami'* for a mosque where the Friday services are held does not seem to be used in Java and Madura. [A. Teeuw's *Indonesisch-Nederlands Woordenboek*, 4th ed. (Leiden: KITLV Press, 1996), p. 304, does list the Arabic term.]

<sup>36</sup> At Luar-Batang, Pekojan, Krokot (alternating with Kebon-Jeruk), Kampong-Jagal (alternating with Kampong-Besar), and Kampong-Baru (Tanah-Abang) in Batavia; the *Kabupaten* and *Kasepuhan* in Cirebon; the *Kabupaten* and Kampong-Melayu in Semarang; the *Kabupaten* and Kadilangu in Demak; the *Kabupaten* and Kudus Kota-Lama in Kudus; the *Kabupaten* Ngampel and Penili in Surabaya; the *Kabupaten* and Giri in Gresik; the Masjid Baru and Masjid Laju in Sumenep; the Kraton and Mangku-Negaran in Surakarta; and the Kraton and Paku-Alaman in Yogyakarta.

<sup>37</sup> [The *paal* is a distance measurement for roads and the equivalent of 1,507 meters.]

<sup>38</sup> The minaret [Javanese, *menara*; Arabic, *manarah*] is found only in Bantam, Semarang (Kampong Melayu), Kudus (Kota-lama), Surabaya, and Besuki. Elsewhere, the *adan* (Arabic, *âdhân*), [literally "announcement,"

architectural beauty. Even inside, there are no ornaments except for an occasional saying from the Koran displayed on the walls. Outside, and under a separate roof, one or more earthen pots (called *padasan*) and a concrete water trough (called *kulah*) are often provided for ritual ablutions. Some mosques, such as the ones in Surakarta and Kendal, have a gutter beside the stoop where worshippers can perform the ceremonial cleansing. In the regency capitals, the mosques are almost always located on the west side of the *alun-alun* (public square) so that when believers enter they will have the *mikrab* (niche, indicating the direction of Mecca) directly in front of them.<sup>39</sup> The size of the mosques varies greatly; some of them can hold as many as 3,000 to 4,000 people.

The chief religious official of the mosque (in Arabic, *imām*) at the division capital, regardless of whether the administrator is a Regent or only a *patih*, has the title of *penghulu*.<sup>40</sup> At residency capitals and other important towns such as Buitenzorg [Bogor], Cianjur, Garut, and Gresik, the main religious officials are known as head *penghulu* and are usually assisted by a *penghulu*.<sup>41</sup> In the *Priangan* region, even a *penghulu* normally has such an assistant who, like the assistant of the head *penghulu* there, has the title of *kalipah* while one of the lesser officials fulfills the function of secretary to the head *penghulu* or *penghulu*.<sup>42</sup> This arrangement is also found elsewhere. Under the *penghulu* are one or more *ketibs*; although one would assume from the title that these officials would be especially charged with the reading of sermons, this is not always the case.<sup>43</sup> Instead, they perform activities of lesser importance such as leading daily invocations or making the call (*adan*) for the required religious exercises and the introduction to them (*kamat*). Also at the mosque are a number of *modins*, often but not always charged with the *adan* and the *kamat* and supervising the beating of the drum

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but the technical term for the call to divine service] is called either from the roof or the front hall of the mosque and even from within that building. In some places, the call coincides—in violation of the law—with that of the *kamat* (Arabic, *ikāmah*), the second call after the *adan*. [G. F. Pijper comments in great detail on the distinct—national—characteristic of the Javanese mosque, including the nature of its pointed roof with its various stories narrowing upward. He also notes that in the past several decades the number of minarets had constantly increased. See G. F. Pijper, “The Minaret in Java,” in *India Antiqua: A Volume of Oriental Studies Presented by His Friends and Pupils to Jean Philippe Vogel, C.I.E., on the Occasion of the Fiftieth Anniversary of his Doctorate* (1947), pp. 275–83.]

<sup>39</sup> The Javanese term is *mikrab* (Arabic, *mīhrāb*); another Javanese term is *pangimaman*. In Japara, the mosque is located at the south side of the public square (*alun-alun*) but with its front towards the road which enters the square, so that here, too, those who enter will face the *mikrab*. In Pamekasan (Madura), the mosque is at a square where formerly the home of the Regent was located and in Bantam at the *alun-alun* of the *kraton* of the former sultans.

<sup>40</sup> [The “native” counterpart of the Dutch territorial administration in Java consisted of the Regent (*bupati*), assistant to the Regent (*patih*), district officer (*wedono*), and sub-district officer (*assisten wedono*).]

<sup>41</sup> In a few residency capitals, there is, according to the *Regeeringsalmanak*, only a *penghulu*. In high Javanese, head *penghulus* are called *penghulu gedé* or (in low Javanese) *penghulu ageng*, and in Sundanese, *penghulu besar*. [Since *penghulu* is the familiar Indonesian term, I have used this spelling throughout the text. Its literal meaning is “headman” or “director” (of the mosque). In Java and Madura, *penghulus* at the regency capitols headed all of the regency’s mosque personnel; they also often served as (Muslim) judges and were appointed by the colonial government as Muslim advisors to the *landraden* (singular, *landraad*), colonial courts, which could order the execution of contested decisions.]

<sup>42</sup> [The term *kalipah* is derived from the Arabic *kalīfah*, which had the meaning of the Supreme Head of the Muslim community.]

<sup>43</sup> [*Ketib* is derived from the Arabic *khatīb* (plural *khutabā*), which originally meant spokesman of the tribe. The *ketibs* usually conduct the Friday ritual prayers and deliver the sermon, called *khutba* in Arabic and *khotbah* in Indonesian.]

(*bedug*).<sup>44</sup> Finally, there are some lesser officials or rather mosque servants with different and widely divergent titles. They take care of such matters as cleaning the mosque and faithfully attending the public religious exercises, especially on Fridays, so that the required number of believers [a minimum of forty] will be present.<sup>45</sup>

The head *penghulus* and *penghulus* are appointed by the Regent and, insofar as they also are advisors at the *landraden* or other courts of law, by the Governor-General or the Resident.<sup>46</sup> The *ketibs* and *modins* are also appointed by the Regent but upon the recommendation of the chief religious official and in some places even by the religious official; the other mosque personnel are almost always appointed by the Regent.

The quarters where the religious personnel and their families live at the capitals are called in Javanese *kauman* or *pakauman* and in Sundanese simply *kaum*. These names are often used for whole villages as well.<sup>47</sup> The quarters are usually adjacent to the mosque. As a rule, a number of persons also settle there. These are people who are not directly connected with the religious establishment but want to be nearby because they have completed the *haj*, because they occupy themselves with theological or juridical studies, or because they want to be in the vicinity of the building where they must fulfill their religious duties.<sup>48</sup> Such persons are usually considered an appendix to the religious class because, in the face of the indifference of the bulk of the population to religious matters, their way of life contrasts sharply with that of the general public even though it is no more than is required by Muslim law.

The poor turnout of communities at the Friday services and prescribed attendance of at least forty adult males who are permanent local residents has led officials in some places to try to induce some of the *kaum* inhabitants by small presents or other advantages to commit themselves to regular attendance. Thus, in earlier years in Sumenep, some forty men were appointed at every district mosque under the Arabic name *muta'alim* (Indonesian, *mutakalim*). Attendance at the Friday services is expressly mentioned among the duties of the *perdikan* villagers (discussed below). All persons

<sup>44</sup> The beating of the *bedug* announced not only the beginning of the five daily *waktus* [times for the ritual prayers] but also those for the special prayers, the beginning and end of the fast, and the periodic festivals. In Semarang, Demak, Bangkalan, Sumenep, and possibly also elsewhere, the beginning and end of the fast was announced to the people by a cannon shot. [Van den Berg fails to comment that the use of the *bedug* was a unique (Javanese) feature. The absence of minarets in several places during this period also meant that the role of the *muezzins*, Indonesian *muadins* ("public criers"), in Java generally called *modins*, was a different one.]

<sup>45</sup> The titles of *merbot* (Arabic, *marbüt*), and *kaum* (Arabic, *qawm*, "people") occur, for example, quite frequently, while in the Priangan, *sarat* (Arabic, *sjari'ah*) and *bilal* are used. Frequently, the mosque servants are also "pupil-priests" (*santri*). I have to mention here that for the words *modin*, *merbot*, and *kaum*, other derivations also are given. See, for example, A. W. T. Juynboll, "Kleine Bijdragen over den Islam op Java," *Bijdragen*, 4th volgrees, V (1882): 267 ff. [Van den Berg's reference to the *santri* as "pupil priests" was a common error at the time; whenever the term is used I have placed it in quotation marks.]

<sup>46</sup> *Staatsblad* 1867, No. 168. In many areas, especially Central Java, one finds next to the head *penghulu* or *penghulu* appointed by the Governor-General or the Resident as advisor (and usually called *penghulu-landraad*), a separate *penghulu* for religious matters with the title of *penghulu-hukum* or *penghulu-mesigit*. In other areas, especially West Java, the two functions are considered inseparable from each other so that in fact every *penghulu* is provided with an appointment by the European [Dutch] administration.

<sup>47</sup> Only in very few places (Batavia and Sumenep may serve as examples) do religious personnel not live in a special quarter. In Pamekasan, this quarter is called *kampung-masjid*. [Both *kaum* and *kauman* are derived from the Arabic *qawm* (tribe or people).]

<sup>48</sup> A European or Chinese occasionally may be found in a *kauman*.

who perform religious functions, diligently carry out their religious duties, or otherwise have some relationship to religious officialdom or the religious establishment, are called *wong putihan* or *tiyang petakan*. In the northern coastal regions, they are known as *para santri*; in Sundanese, the term *sarat* is used but it does not include the *penghulus* and their *kalipahs*.<sup>49</sup>

The primary religious official of a mosque at the district capital has the title of *naib* or sometimes *wakil*, which means deputy of the *penghulu* or head *penghulu*.<sup>50</sup> He is usually appointed by the Regent upon the recommendation of the *penghulu* or head *penghulu* and at the time of his appointment often receives some kind of written instruction in which his rights and obligations, with regard to both his congregation and the mosque at the capital city, are spelled out. In the Priangan, the *naib* has an assistant with the title of *kalipah*, while at large district mosques one or more *ketibs* and other lower religious personnel are employed below the *naib*. Usually, however, these mosques are too unimportant for that and the *naib* has only one or more *modins* and some *santri* to assist him or, if necessary, to replace him. Some *naibs* even have the title of *penghulu*.<sup>51</sup>

Special mention must be made of the fact that there are district capitals where there is no mosque, although there is usually a *naib* to hold religious services other than the Friday services.<sup>52</sup> Conversely, in Batavia there are only district mosques; thus, the head *penghulu* and his assistant never lead the Friday prayers but devote themselves exclusively to their other activities.<sup>53</sup>

The activities of the religious staff, aside from the public religious exercises, can be summarized as follows:

1. the administration of justice, including the so-called *jurisdictio voluntaria* such as the appointment of guardians, care for the interests of minors, absentees, etc.;<sup>54</sup>
2. the solemnization and dissolution of marriages and the distributions of inherited property;<sup>55</sup>

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<sup>49</sup> *Wong putihan* (high Javanese) and *tiyang petakan* (low Javanese), literally, the "white people," is a reference to the clothes worn by many of the returned *hajis*. Conversely the public calls those who do not concern themselves with religion *wong abangan* (high Javanese) or *tiyang abritan* (low Javanese), literally the red or red-brown people. The total number of people who stand in some relation to the religious establishment is, of course, impossible to estimate. According to official statistics, there are in all of Java and Madura some 27,000 recognized religious officials (a figure that includes village religious officials), another 36,000 *hajis* without special religious functions, and about 7,000 religious teachers.

<sup>50</sup> [*Wakil*, from the Arabic *wakīl*, meaning a person legally appointed to act for another.]

<sup>51</sup> See *Mededeelingen van wege het Nederlandsche Zendelingen-Genootschap* (hereafter, *Mededeelingen*), X (1866): 89ff.

<sup>52</sup> In some of the district capitals, a *langgar* is then used as a mosque.

<sup>53</sup> The district religious personnel in that location have the title of *Imam*; they are appointed by the district heads.

<sup>54</sup> Except, of course, for those cases which belong to the competence of the *Boedelkamers*, the chambers for regulating insolvent estates. See *Staatsblad* 1828, No. 46.

<sup>55</sup> District commanders in Batavia keep a record of the marriages, while formerly, especially in Bantam, district and village heads also concerned themselves with the division of estates. See *Eindresumé van het . . . Onderzoek naar de Rechten van den Inlander op den Grond op Java en Madoera*, compiled by W. B. Bergsma, Part I (Batavia: Landsdrukkerij, 1876), pp. 28–29. See also fn. 67.

3. the collection and distribution of the *zakat* and *pitrah* insofar as they are not distributed by the givers themselves;<sup>56</sup>
4. the administration of mosque funds and properties;
5. the offering of prayers at funerals, special meals (*sedekahs*),<sup>57</sup> and other occasions and, in some residencies (such as Besuki), care for the burial of indigents and the offering of prayers at the graves of those who left no local relatives and friends;
6. the administration and care of holy graves and pious institutions insofar as no special persons have been appointed for this task;<sup>58</sup>
7. the administering of vows and advising at the *landraden*, circuit courts, and councils of justice;
8. the giving of religious instruction—a task that religious officialdom prefers to leave to private hands unless charged with doing it from higher up, as in some *perdikan* villages.

To elucidate the judicial and other non-religious functions mentioned, the following information may be useful. When Islam was introduced in Java and Madura, it was not possible completely to substitute Muslim law for the ancient institutions and customs of the people. Even today, the natives remain faithful to these older institutions to some extent. For that reason, customary law (*adat*) in this land assumes a place that is unmatched in any other Islamic country; some subjects are almost entirely regulated by *adat* rather than by Islamic law.<sup>59</sup>

In general, the Javanese presently consider the regulations of (Islamic) law to be binding primarily with regard to one's duties toward Allah and secondarily with

<sup>56</sup> [*Zakat* or *jakat* (from the Arabic, *zakāt*) is the alms tax levied on specific kinds of property and to be distributed to eight categories of people. As in some other Muslim countries, in Java generally this tax was collected as a free-will offering and was quite insignificant, especially in Central and East Java. *Pitrah* or *fitrah* (from the Arabic *zakāt al-fitr*) is the obligatory gift of provisions at the end of the fasting month.]

<sup>57</sup> Such meals were given by the Javanese especially upon the occasion of marriages, circumcisions, the filing of girls' teeth, promotion in government service, commemoration of the dead, the building of a new home, the beginning or the end of the harvest, and the reclaiming of uncultivated land. About these offerings, see C. Poensen, "Bijdragen tot de Kennis van den Godsdienstigen en Zedelijken Toestand des Javaans," *Mededeelingen* 10 (1866): 23ff. [*Sedekah* is derived from the Arabic *sadakah*, a voluntary gift of love, in contrast to *zakat*. In Java, however, the term was used mostly to indicate a religious meal.]

<sup>58</sup> Those who are specially charged with the care of the royal or holy graves, and the offerings and prayers that are held there, are called *juru kunci*, literally "key keepers." The special administrators of the devout institutions are, for example, the heads of the *perdikan*, *keputian*, *mijen*, or *pakuncen* villages (for an identification of these terms, see fns. 139–42. Cemeteries established on the basis of *Staatsblad* 1864, No. 196, paragraph 5, naturally do not qualify and are under civilian administration. See also the verdicts of the *Landraad* and the *Raad van Justitie* (Council of Justice) in Batavia recorded in the *Indisch Weekblad van het Regt* 12, No. 567 (May 11, 1874): 75–76 and 12, No. 588 (October 5, 1874): 158–59, whereby a local head *penghulu* in that locale is retained in the administration of a foundation.

<sup>59</sup> [Van den Berg refers here to his "Letter to the Editor," in the *Indisch Weekblad van het Regt* 12, No. 561 (March 30, 1874): 51–52, and "De Zaak van Napiesa contra het College van Boedelmeesteren nader Bekeken," in *Indisch Weekblad van het Regt* 16, No. 75 (January 7, 1878): 1–4. *Adat* derives from the Arabic 'ādāt, while the Muslim canon law is known as *sarat* in Javanese, *syoria'h* in Indonesian, and *sjari 'a* in Arabic.]

regard to family inheritance law.<sup>60</sup> But in all other matters—business relationships, legal obligations, the organization of the state and the local community, and the judiciary—the religion of the Prophet has left its mark only to a limited degree, especially in Central Java. This is entirely in line with the whole religious and moral life of the native world. Criminal law, although originally removed from the dominance of *adat* insofar as it concerned crimes for which retaliation (Arabic, *kisās*) and the “specific punishments” (Arabic, *hadd*) were imposed, has long since, by practical exposure in the regions subject to our rule, undergone considerable European influence.<sup>61</sup> Since the introduction of the Penal Code for Natives (Jan. 1, 1873), criminal law has been modeled entirely along European lines.

Corresponding to this two-fold system of justice, there was also in Java and Madura in the past a two-fold administration of justice—that of chiefs and that of religious officials. The chiefs took *adat* as the guiding principle, and the religious officials Islamic law. Dutch law sanctioned this situation by letting the chiefs administer justice in the *landraad* presided over by a Dutch official and by entrusting to the “priest courts” the administration of the law over questions that had to be decided mainly according to Islamic law.<sup>62</sup> These courts, however, determine only what is called in judicial language prejudicial cases, but the requisitioning of property and the collection of debts on the basis of family relationship, marriage, divorce, or inheritance law always has to take place at the *landraad*, which, while taking account of the verdicts of the “priest courts,” then pronounces judgment.<sup>63</sup>

“Priest courts” have been established in the territory of each *landraad*. They are presided over by the head *penghulu* or *penghulu* at the *landraad* and consist of a minimum of three and a maximum of eight religious officials who are appointed and dismissed by the Governor-General. Decisions must be taken by at least three members, including the chairman; in case of a tie, the vote of the chairman is decisive. Decisions must be recorded in writing, with a brief reference to the motives, dated, and signed by the members who participated. Also recorded in the decisions are the costs

<sup>60</sup> [Even in the field of inheritance law, Javanese devised ingenious ways to circumvent specific requirements. Muslim law stipulates, for example, that if a man and a woman are both heirs, the man receives twice as much as the woman. *Adat*, on the other hand, insists on an equal allocation, and it usually prevailed. See P. A. Hoesein Djajadiningrat, “Islam in Indonesia” in *Islam: The Straight Path*, ed. Kenneth W. Morgan (New York, NY: The Ronald Press, 1958), pp. 389–90.]

<sup>61</sup> [Among the punishments laid down in Muslim law are *qisās* (retaliation) and the *hadd* offences with their specific punishments—stoning (for illicit sex); scourging (for false accusations of unchastity and wine-drinking); cutting off the hands (for theft); cutting off hands and feet or death (for highway robbery); and death by the sword or crucifixion (for apostasy). See N. J. Coulson, *A History of Islamic Law*, Islamic Survey, 2 (Edinburgh: Edinburgh University Press, 1964), pp. 18, 124.]

<sup>62</sup> [The common (erroneous) use of the terms “pupil priests” and “priests” in general was commented on in fns. 24 and 45.]

<sup>63</sup> *Staatsblad* 1820, No. 22, art. 13; *Staatsblad* 1835, No. 58; *Staatsblad* 1882, No. 152 [“Priesterraden”]; *Regeerings Ordonnantie*, art. 3; and *Regeerings Reglement*, art. 78, par. 2 (corresponding with art. 134, par. 2 of the *Indische Staatsregeling*). Because in disputes about proprietary law decisions frequently are related to family and inheritance law, a religious official always attends the sessions of the *landraad* as advisor (*Regeerings Ordonnantie*, articles 92 and 101). About the judicial authority and way of administering justice of the “Priest courts,” see C. B. Nederburgh, *Bijdrage tot de Interpretatie der Artt. 78 al.2 en 83 van het Reg.-Reglement van Nederl.-Indië in Verband met Art. 3 van het Reglement op de Recht. Org. In N.-I.* (Leiden: A. H. Adriani, 1880); and C. P. K. Winckel, *Essai sur les principes régissant l'administration de la justice aux Indes Orientales Hollandaises surtout dans les îles de Java et de Madoura* (Semarang and Amsterdam: Van Dorp and Scheltema & Holkema, 1880), pp. 147ff.

charged to the parties. Those interested receive a complete copy of the decision signed by the chairman. Finally, decisions are recorded in their entirety by the chairman in a register which, through the intermediary of the Regent or highest native official (in the residency of Batavia through the Dutch Head of the Local Administration), is presented to the Head of the Regional Administration who must approve the register.

As noted earlier, the Regent is required to supervise the religious administration of justice.<sup>64</sup> The quality and extent of this supervision varies from area to area. There are repeated complaints about this type of justice and even frequent doubts about the integrity of those who exercise it. The rationale for decisions consists of quotations from Arabic sources recognized as authoritative in these regions, especially from the *Mukthasar* of Abu-Shudjā, the *Takrib* or *Takarrob* of Ibn-Kāsim, the *Moharrar* of Rāfi'i, and the *Minhādij al-tālibīn* by al-Nawawi, in addition to the commentaries in these works.<sup>65</sup>

If the parties concerned do not voluntarily comply with the decisions of the "priest courts," they may not be enforced without a preceding declaration of enforcement by the *landraad*. The *landraad* may decline to issue such a declaration only if the courts are not composed legally, have not followed the prescribed formalities, or have not stayed within the limits of their competency. The executive declaration may never be refused on the basis of considerations about the correctness of the judgment of the "priest courts."<sup>66</sup>

For a marriage to be valid, Islamic law requires only the mutual consent of the parties expressed in the presence of two witnesses. The practice in Java and Madura, however, is that marriages be solemnized before the religious officials without questioning the law mandating the presence of two witnesses.<sup>67</sup> This means that, in places where there is a Regent or *patih*, the marriage takes place before the head *penghulu* or *penghulu* or the lower official who replaced them; in the districts, the marriage takes place before the *naib* or his replacement. For their efforts, these officials received a small reward in the form of money, edibles, wooden roof tiles, and other items. Such rewards naturally differ according to the status of the parties concerned, the rank of the official, and whether the official must go to the location or let the bride and bridegroom come to him. In some residences, the size of the reward has been fixed by the Dutch administration, in many others by the native one. The same rules apply for divorce. If the divorce takes place without religious officials at least having taken

<sup>64</sup> Almost all the *priesterraadsvoonnissen* [verdicts of "priest courts"] that I have seen have the signature of the Regent.

<sup>65</sup> The unfamiliarity of Native chiefs and (government) officials with Arabic will certainly have been the main reason from early time on for allocating disputes that had to be decided according to Muslim law to adjudication by religious officials. Although they, too, were pretty ignorant about these matters, they certainly were more qualified than those totally unacquainted with the subject.

<sup>66</sup> *Indisch Weekblad van het Regt* 15, No. 722 (April 30, 1877): 69–70.

<sup>67</sup> See, e.g., C. F. Winter, "Instellingen, Gewoonten en Gebruiken der Javanen te Soerakarta," *Tijdschrift voor Neêrlands Indië* V, 1 (1843): 473ff [not 173ff.] Religious officials almost everywhere maintain more or less careful notification of concluded and dissolved marriages. In Demak regency, for example, regular registers exist in which mention is also made of the gifts received upon those occasions. Once a month, the registers are presented to the Regent, who acknowledges receipt of them by signing. Although not as commonly, the same holds true for recording circumcisions. Javanese *adat* this way provides an opportunity for disallowing unpermitted marriages and can, as a beginning of a civil register, only be welcomed. [Compare also the information in fn. 55.]

note of it, the local inhabitants do not consider it legal. Finally, the officials in whose presence a marriage is concluded are required to function as *wali* (legal guardian) for women who do not have relatives from the father's side to give them in marriage and secure the marriage gift.<sup>68</sup>

The head *penghulus* and *penghulus*, or their *naibs* or other replacements, are also required to handle all matters concerning minors that Islamic law entrusts to the *kadi* (judge). Such matters include the provision for and supervision of guardianship. Upon request of the interested parties, they also take care of the division of property after having determined the respective portions of the heirs. In practice, people rarely use these officials as intermediaries because of the high costs involved.<sup>69</sup> If a disagreement about these matters arises, it must be taken up with the "priest court."

The income of the mosques consists of the following:

1. the return on real estate belonging to the mosque (discussed below);
2. a share in the *zakat* and *pitrah*;<sup>70</sup>
3. charitable gifts;
4. insofar as the mosque is known as a holy place (either because of its proximity to a holy grave—*kramat*; Arabic, *karāmah*<sup>71</sup>—or for some other reason), the gifts brought there by believers in compliance with promises made (*nadar*) or as offerings;<sup>72</sup>
5. the prayer remunerations given at marriages, funerals, and special meals insofar as they are not considered to be personal gifts to the officials who perform the services (which usually is the case);<sup>73</sup>
6. the rewards for adjudicating property divisions and passing verdicts in disputes.

<sup>68</sup> See C. F. Winter, "Regtspleging over de Onderdanen van Z. H. den Soesoehoenan van Soerakarta," *Tijdschrift voor Neêrlands Indië* VI, 1 (1844): 383. In this function, the official in question is called *kakim* (Arabic, *hakim*).

<sup>69</sup> For this, namely, they usually charge (also where they function as judges in the division of estates) 10 percent of the net amount of the inheritance, known by the name of *usur* (Arabic, '*usur*'). In many locations, an additional sum is subtracted on behalf of the mosque treasury if the deceased never made the *haj* although he was (financially) capable of doing so. This money frequently is called *upah haji* (Javanese; also *opah* or *epah haji*), but is in other locations known by other names. In Madura, for example, the term *amanat* (Arabic, *amānah*) is used. The amount that is subtracted depends on the circumstances and fortune of the deceased but usually ranges between Fl. 75 and Fl. 300.

<sup>70</sup> From the *zakat* and the *pitrah*, the religious officials usually keep a much larger share than they are entitled to as collectors. Moreover, returns are often not used in accordance with the teachings of the Prophet.

<sup>71</sup> Known as especially holy, for example, is the mosque at Demak. Thousands of persons from elsewhere come to pray here (especially during *Garebeg Besar*—the tenth day of the twelfth month) because, according to popular belief, seven such journeys equate one journey to Mecca. But the gifts made to the mosque upon those occasions seem to be very trivial in contrast to those received by the mosque Luar Batang in Batavia, which annually receives gifts whose value is at least Fl. 6,000.

<sup>72</sup> [*Nadar*, also *nazar*, from the Arabic *nadsr*.] Gifts [most often consist of rice, yarn, coconut oil, wax, candles, goats, or cattle. Sometimes the horns of animals are mounted with gold.

<sup>73</sup> The prayer remunerations are known as *salawat* (Arabic, *salawāt*). In Sundanese this term is only used when the remuneration is owed upon the occasion of funerals while the award for the solemnization of marriages is called *ipekah*.

The mosque treasury, frequently called *betulmal* (Arabic *bait al-māl*), is administered by the head *penghulu* or the *penghulu* under supervision of the Regent and occasionally by the Regent himself.<sup>74</sup> The administration of the treasuries of the district mosques is also usually done at the capitals, but the supervision over the religious officials at the district levels is very uneven, much like the whole authority exercised over them by the head *penghulus* and *penghulus*. This may be because some consider district religious officials simply as their agents, while others look at them more as persons who, although hierarchically inferior, hold a more or less independent point of view.

The income and income sources described above vary greatly from mosque to mosque. It was noted that many persons pay the *zakat* and *pitrah* at their discretion to those whom they consider entitled to it. Charitable gifts tend to be scanty and irregular. There are many regions where the incomes of the mosques amount to so little that one can hardly talk about administering them, and what little does come in is divided immediately among the officials.

Mosque incomes are applied first toward the maintenance of buildings devoted to religious exercises. The usually very meager salaries of the higher and lower religious servants are also paid from them, and the remainder is devoted to other purposes pleasing to Allah, especially alms. For major repairs to or renovation of a mosque, the ordinary funds are rarely sufficient and an appeal must be made to the believers and to the government of the Netherlands Indies. The latter usually gives its support and meets the desires of the population, if not with money, at least by granting permission to fell trees free of charge in state forests or in other ways. The mosque administration often leaves much to be desired, especially in Central Java, and the mosque treasuries in that area are in a chronic state of shortage. Moreover, I know of cases not only of religious officials but even of Regents who take funds from the mosque treasury, reputedly in loan but in fact never to be returned. An occasional Regent has even claimed payments from these funds for the digging of a fishpond in his own yard or for paying for a procession to welcome the new Resident. These actions are particularly reprehensible because the treasury sometimes holds not only mosque funds but also the funds of people such as minors and absent individuals.<sup>75</sup>

The head *penghulus* and *penghulus*, as advisors of the court, receive an allowance from the government treasury.<sup>76</sup> The lower religious staff usually try to augment their incomes by giving instruction, by copying Korans or other Arabic books (*kitab*), and even by conducting retail trade.

The village religious officials often have the title of *modin*, but there are also several other titles such as *lebé*, *amil*, *kajjim*, *pekih*, *kaum*, *kalipah*, *merbot*, *bilal*, and *mofti*. In Bantam, the village staff can also be called *penghulu*.<sup>77</sup> They are members of the village

<sup>74</sup> In Demak, for example, the cash register is signed at least once a month by the Regent. [Modern Indonesian spelling *baitulmal* is close to the Arabic original.]

<sup>75</sup> These funds usually are kept separate and are called *wang* or *barang gantungan*.

<sup>76</sup> *Staatsblad* 1867, No. 125. [From this reference, we learn that head *penghulus* at Batavia received a remuneration of 150 guilders a month and those at other cities 75 guilders; adjunct head *penghulus*, *penghulus*, and adjunct *penghulus* received 50 guilders.]

<sup>77</sup> [The term *modin*, Arabic *mu'adhdhin*, is used especially in Central and East Java. The other terms mentioned by Van den Berg are given a geographical locale: *lebé* (Cirebon, the Priangan, and Pekalongan); *amil*, Arabic *'amil*, especially in Bantam and the Priangan; *kajjim*, Arabic *qajjim* (Banyumas); and *pekih*,

administration and are usually elected in the same manner as the other members. But in some regions, such as Besuki, the appointment is made by the head *penghulu*, *penghulu*, or *naib*, although even then in consultation with the village heads. In West Java and also elsewhere in some residencies, village religious officials often have an assistant to help them in their functions.<sup>78</sup>

As members of the village administration, the religious staff often has either official agricultural holdings or a special share in the community-owned fields with the exemption from land rent and corvée labor, and frequently, with the right of wholly or partly free cultivation of their lands by the population.<sup>79</sup> Their functions differ markedly from those of the religious officials at the district and division capitals. They do not take part in the administration of justice unless specially authorized to do so and are not directly involved with the solemnization or dissolution of marriages but must come with the interested parties to the district or division religious officials to give them the necessary information about the parties so that they can judge whether there are legal objections to the granting of the request. They do not hold Friday services and may lead the daily prayers only when the village has a *langgar* (prayer house).<sup>80</sup> On the other hand, they have other functions not performed by the higher officials as such. For example, in villages where there are no special officials with the title of *ulu-lu* (charged with matters of irrigation), they often are given the task of regulating the water insofar as this, of course, does not conflict with the general interests of the district or regency. They also take the children for vaccination and assist with circumcision, the filing of teeth, the burying of corpses, and the butchering of animals.<sup>81</sup> For the last function, however, people in the large population centers rarely use the officials, preferring to go to those who make butchering their occupation. Sometimes, a village religious official functions as a secretary of the local government and, occasionally, as overseer of carpenters at public works that must be carried out using corvée or community labor. Their help may also often be enlisted in arriving at an equitable division of rice fields. They also instruct the village youth, whereupon the *langgar* serves as a school building. Finally, upon authorization by and under the supervision of religious officialdom at the capital city, they concern themselves with the collection and distribution of the *zakat* and *pitrah*, at least in those areas where the proceeds flow into the mosque treasury. This is the rule in West Java but far from general elsewhere.

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Arabic *faqīh* (Bantam). Arabic derivations are merely given for *kaum* (*qawm*), *kalipah* (*kalīfat*), and *merbut* (*marbut*). For the use of the term *penghulu* in Bantam, Van den Berg refers to *Resumé van het Onderzoek naar de Regten in de Residentie Bantam door den Inlander op den Grond Uitgeoeffend* (Batavia, 1871): 9. I have been unable to locate this reference; however, *Eindresumé van het Onderzoek naar de Regten van den Inlander op den Grond op Java en Madoera*, Part III (Batavia: Landsdrukkerij, 1896), p. 264, does refer to the point made by Van den Berg.]

<sup>78</sup> In the Priangan regencies, the assistant is called *katir* or *cantillan*. In Japara, the village religious official is known as *modin* and his assistant as *merbot*. [This particular sentence in the text has been transposed from a subsequent paragraph since it seems more appropriate here.]

<sup>79</sup> See *Eindresumé van het . . . Onderzoek naar de Regten van den Inlander*, Part I, pp. 94ff.

<sup>80</sup> The *langgar* frequently is an inconsequential small structure made of wood and bamboo and covered with *alang-alang* (a tall kind of grass) or *siraps* (wooden shingles). Another term for such a prayer house in Sundanese is *tajug*.

<sup>81</sup> [The filing of teeth, known as *pangur*, was a not uncommon Javanese practice.]

The *langgars* do not have separate funds, so that apart from landholdings and their share in the *zakat* and *pitrah*, the only income of the village religious staff is that remuneration given them for attending funerals and special meals and the meager offerings that they earn for giving instruction, performing circumcision, and doing other tasks. Where there are no official landholdings in their behalf, the position is far from popular and the caliber of the holders consequently less than outstanding. In West Java and in some residencies elsewhere, the village religious official not infrequently also has an assistant to help him in his functions.<sup>82</sup>

The construction and upkeep of the *langgar*, as well as the appointment of its religious officials, are matters left entirely to the native communities. As a rule, neither the native chiefs nor the higher religious staff consider it their task to ensure that the religious interests of the population are served. The mosque treasury provides support for the building or upkeep of *langgars* only in exceptional cases.

The other side of the coin is that every village, including those that belong to the capitals, and even every private individual, is free to establish its own *langgar* within its territory, or that person's yard, and to attach to it a religious official. Thus, even in locations where there is a mosque, there are often one or more *langgars*.<sup>83</sup> In addition to their religious functions, these private *langgars* are frequently put to various other uses, such as the reception and boarding of guests. Especially in Kediri and the residencies further east, many persons have *langgars* that do not have religious officials attached to them. In these regions, it also is common for village *langgars* to belong not to the religious community but to a religious person and to have been established by him purely as a commercial undertaking. In Besuki, there do not seem to be any *langgars* founded and maintained by the community.

Those who dedicate themselves to becoming members of the religious class are often family members of religious functionaries or descendants of Arabs or at least *hajis*. After having received some instruction in reading and writing (especially in Arabic script) in the village *langgar* or from their parents or family members, they attend a so-called "priestschool" and are then called *santris*—a word from which the name [of *pesantren*] for the "priestschool" is derived.<sup>84</sup> There are many of these schools throughout Java (I have heard the figure of three hundred mentioned), but the only ones that have a substantial number of pupils (more than a hundred) at this time, and also have some fame beyond their immediate environments, are those of Lengkong (division of Buitenzorg, district of Yasinga), Puncul<sup>85</sup> and Wanantara (both in the Cirebon residency), Brangkal (Bagelen), Tegalsari and Banjarsari (both in the Madiun residency and the divisions of Madiun and Ponorogo, respectively), and Sido Cermo

<sup>82</sup> In the Priangan regencies, the assistant is called *katir* or *cantillan*. In Jakarta, the village religious official has the title of *modin*, while his assistant is called *merbot*.

<sup>83</sup> See J. F. G. Brumund, *Het Volksonderwijs onder de Javanen* (Batavia: Van Haren Noman and Kolff, 1857), pp. 4–16.

<sup>84</sup> *Ibid.*, pp. 17–58. About the *pesantren* at Tegalsari, see F. Fokkens, "De Priesterschool te Tegalsari," *Tijdschrift voor Indische Taal-, Land- en Volkenkunde*, 24 (1877): 318; and A. C. Vreede, *Reizen van Raden Mas Aria Poerwa Lelana*, Part 2 (Leiden: Brill, 1882), pp. 59–60.

<sup>85</sup> [Poendjoel (Punjul) is corrected to Moendjoel (Munjul) in Van den Berg's "Het Mohammedaansche Godsdienstonderwijs op Java en Madoera en de Daarby Gebruikte Arabische Boeken," *Tijdschrift voor Indische Taal-, Land- en Volkenkunde* 31 (1886): 521.]

near Surabaya.<sup>86</sup> At present, this last-named *pesantren* seems to be the best attended, with pupils from as far as Bantam, Priangan, and Batavia. Previously, the *pesantren* of Tegalsari (dating from the middle of the preceding century) was the most famous. Nowadays, it has at most 250 pupils. The reputation of a *pesantren* obviously depends upon the person who heads it, and a school sometimes runs down within a few years after the death of a well-known teacher.<sup>87</sup>

Since practically all *pesantren* are quite similar in layout, I quote the following description of the *pesantren* of Tegalsari:<sup>88</sup>

The living quarters of *santris*, called *pondok*, are small buildings constructed of wood and bamboo and covered with wooden roofing tiles. They are located in the vicinity of the mosque.

The interior space of these *pondoks* is divided on the left and right side into a number of small cubicles bordering each other, each about eight feet square and ten feet high. The floor is made of bamboo. One foot above the floor, there is an opening covered on the outside with wooden gratings. This opening can be enclosed by a small wooden hatch. Just under this window, half a foot above the floor, there is a small table at which the *santri* lies on his stomach to read or sits with legs folded under him to write.

Above the table in each cell, a bamboo rack serves as storage place for such items as books and paper. All cells have doors between three and four feet high, which open into a ten-foot wide, bamboo-floored corridor that can be entered at both ends. The entire floor of the corridor, as well as that of the cells, is two feet above the ground and is like a large bamboo cot.

Each *pondok* can hold about one hundred pupils if necessary. On the face of it, the number of pupils who live together in one cell seems somewhat [too] large. They are there, however, only to study on their own, and they rarely, if ever, all study at the same time. To sleep, each *santri* seeks for himself an airy spot, either in the *surambi* (entrance hall) of the mosque or in the mosque itself.<sup>89</sup>

In the evening, the *santris* usually gather in the central corridor, which is faintly lit by a primitive hanging lamp. They then receive lessons from their teachers or spend the time chatting.

<sup>86</sup> Vreede, *Reizen van Raden Mas Aria Poerwa Lelana*, Part I, p. 65. [In his 1886 article on "Het Mohammedaansche Godsdienstonderwijs," Van den Berg (p. 522) corrects the spelling of Sido Tjeremo (Sido Cermo) to Sido Sermo. He also mentions that when he visited this *pesantren* "a short time before," it had burned down and seemed unlikely to be rebuilt.]

<sup>87</sup> Teachers are simply referred to as *guru*, but a head teacher in a *pesantren* is usually called a *kiyai* or *kiyai guru*.

<sup>88</sup> F. Fokkens, "De Priesterschoulo te Tegalsari," pp. 328–29. Brumund, *Het Volksonderwijs onder de Javanen*, pp. 17–19, gives a description of the *pesantren* in Lengkong (Cirebon residency, Kuningan district) that is practically identical with the one Fokkens gives of Tegalsari. [Van den Berg's citation of Fokkens's text is not entirely verbatim, and in at least one instance—indicated by the square bracket in the text—omits an important qualifier. Moreover, the text that follows the quote continues to rely almost literally on the Fokkens text.]

<sup>89</sup> In other *pesantren*, each pupil has a separate cell in which he lives and keeps his belongings and provisions.

At Tegalsari there are four *pondoks*. Although there is room, therefore, for some 400 pupils, the present number is about 250.

Alongside the *pondoks* are a number of small storage buildings in which the *santris* keep their supply of rice—four or five of them store their rice in one building and take turns guarding it.

The age range among *santris* attending *pesantren* is quite wide—between ten and thirty years. There is no set time by which the course of instruction must be taken. Most of the pupils, especially those who are married and have left their wives at home, stay two years or less. Others, with different family circumstances and more ample means, may attend school for many years.

According to reports, the educational standards of *pesantren* differ widely, presumably because much depends upon the competence of the teacher.<sup>90</sup> It is certain that in West Java, and especially Bantam, *pesantren* education and even that in the *langgars* has been very useful and influential. Various competent Bantam chiefs owe their education to the *pesantren* and, in many places, there are villages where almost all young men and even many of the girls learn at least to read and write. In Bantam, and in the Priangan, women also seem to visit the *pesantren* although they naturally can never aspire to any religious position.

<sup>90</sup> See C. Poensen, "Een en Ander over den Godsdienstige Toestand van den Javaan," *Mededeelingen* 9 (1865): 165ff.; also the previously cited contributions by Fokkens and Brumund. The Arabic works usually used as instructional material are the following [as mentioned in fn. 23, I decided to leave this long list in the spelling used by Van den Berg]:

- a) **Judicial sources.** The *Mochtaçar* or brief concepts of judicial knowledge of Aboe Sjoedjâ, the *Taqrîb*, also called *Taqarrob* and *Fath al-Qarîb*, a commentary on the *Mochtaçar* by Ibn Qâsim al-Ghazzî, and the glossary on the *Taqrîb* by al-Baidjoeri; further the *Moharrar* of Râfe'î; the paraphrase of this work with the title of *Minhâdj at-tâlibîn*, compiled by Nawawî, and the various commentaries on this paraphrase, especially the *Hâdî al-mohtâdj*, the *Fath al-Wahhâb*, the *Tohfât*, and *Nihâjat*. The first book with which the students start, however, is the so-called *Kitâb Sittîn*, a collection, as the name indicates, of sixty important instructions.
- b) **Theological works.** The brief exposition of the Muslim confession of faith by Sanoesî, known in Java under various titles as *Omm al-barâhîn*, '*Aqâid ac-çoğhrâ*, *ad-Dorrat*, and '*Aqâid ahl at-tawhîd*, and the commentaries thereon by the author himself and by Telemsânî. Further, the catechism of Samarqandî and the commentary thereon called *Bahdjat al-'oloem*, the *Hikam* of ibn 'Atâ Allâh, and also the *Ihjà 'oloem ad-dîn* and the *Dorrat al-fâchirat* of Ghazzâlî. Beginners usually have to learn by heart a small piece called *al-Mofid*, whose author is unknown to me.
- c) **Grammatical works.** The Introduction (*Moqaddimat*) towards the knowledge of the Arab grammar by ibn Adjorroem, the *Alfjat* of ibn Mâlek, the *Kâfijat* of ibn al-Hâdjib, and the *Qatr an-nidâ* of al-Ançârî, besides the numerous commentaries compiled on these main works.
- d) **Prayer books.** Of the prayer books in use in Java, the main ones, which also are best-known elsewhere, are the *Tambîh al-ânâm* of al-Qairawânî and the *Dalâil al-chairât* of al-Djozeif. One further has in the mosques various collections of *khotbahs* (sermons) for each Friday of the year as well as for the different festival days. The most popular commentary on the Koran in Java and Madura is the so-called *Tafsîr al-Djalâlain* [written by Mahalli and Sujuti, who both had the name of honor of Jalâl ad-dîn, splendor of religion].

For a knowledge of Arabic works used in the Netherlands Indies, the library of the Bataviaasch Genootschap van Kunsten en Wetenschappen [at present, the Lembaga Kebudayaan Indonesia] is especially important. The knowledgeable reader for the sake of brevity is referred to the descriptive catalogs of the collection of manuscripts of that society. Mention here should only be made of the great popularity that writings of a mystical nature have on Java and Madura.

To be admitted to a *pesantren* requires no special measure of ability nor is there an examination before the students leave school. There are no tuition fees, although well-to-do *santris*, of course, give their teachers small presents as proof of their appreciation; students with fewer resources usually assist teachers in the cultivation of their rice fields or in other ways.

The *santris* must provide their own books and other educational supplies as well as their own upkeep. The poor ones do this by helping with the cultivation and opening up of rice fields and other fields, either for money or for a percentage of the harvest, and by attending funerals or special meals for pay. At the end of the fasting period, they go around in small groups to receive the *pitrah* on their own behalf. At some places, they enjoy still other small advantages. At Tegalsari, for example, the *kiyai* prepares a meal for them each Thursday evening in the mosque, the cost of which is defrayed from the *zakat*.<sup>91</sup>

After having left the *pesantren*, many *santris* return to their villages and resume their normal trades unless, as happens occasionally, they can secure positions as religious officials. Others continue to devote themselves to religion all their lives; they settle in a *kauman* and try to earn a living as they did in the *pesantren*, by giving private instruction or even by carrying on some trade or small business. Finally, there are those who, like true beggar monks, continue to lead a roaming life—an occupation which, for some who have a reputation for holiness among the population, can be very profitable.<sup>92</sup>

Those who look upon the preparation for the post of religious official somewhat more seriously than the great majority, and from whose ranks the higher religious officials preferably are selected, are usually not satisfied with *pesantren* instruction. If they have the means to do so, they journey to Mecca. If not, they follow, at least for some time, the lessons of learned Arabs settled in various parts of Java, especially in the coastal towns. The education provided by these men is far more extensive than is generally assumed.<sup>93</sup> For example, I visited an Arab in Semarang in 1870 who had gathered around him some 150 students, for the most part *hajis*. Currently in *kampong* Petamburan in Batavia, there is a teacher of great repute among the population.<sup>94</sup> But it is especially in Sumenep that this type of education seems to have great influence, so much so that many persons of local standing speak fluent Arabic.

The inhabitants of the archipelago who go to Mecca do not always do so with the exclusive goal of performing the *hajj*; they also go to receive instruction in theology and law in the schools at Mecca and Medina.<sup>95</sup> They usually stay in the [Muslim] Holy

<sup>91</sup> It seems hard to believe that one of the stoop's stones of this mosque is adorned with a Hindu inscription.

<sup>92</sup> Begging by *santris* in Central Java mainly occurs on Thursday evenings. This is called *ngemis* from *kemis* (Thursday). In the past there lived a *kiyai* in Cianjur, for example, whose annual travels netted him between 2,000 to 3,000 guilders.

<sup>93</sup> [Van den Berg admits that this statement may have been far too strong. See L. W. C. van den Berg, "Het Mohammedaansche Godsdienstonderwijs," in *Tijdschrift voor Indische Taal-, Land- en Volkenkunde* 31 (1886): 523.]

<sup>94</sup> [Petamburan was located in the central part of Batavia in the section known as Tanah Abang.]

<sup>95</sup> Although as a result of the easy means of communication between the Archipelago and the Red Sea [due to the use of the steamboat and opening of the Suez canal] the number of pilgrims has indeed increased, it is also true that the special position that the relatively few *hajis* held in the past and the prestige that was

Land much longer than would be necessary for the *haj* itself, and this is probably a partial explanation for the differences in the numbers for departing and returning *hajis*.<sup>96</sup> I purposely use here the term "partial" because I recently was told by a reliable witness the sad details about the fate of those inhabitants of the archipelago who had lost or used up their travel funds in the Holy Land. Such people are not only detained there as surety by their creditors, but are even sold as slaves to locations as far as Singapore. This, of course, would be the main reason for the aforementioned irregularities in the figures.

Formerly, many inhabitants from this archipelago also seem to have visited the Academy in Cairo, which is connected with the great mosque al-Azhar, to such a degree that one of the Academy's sections, known in Arabic as *riwaaq*, was set aside exclusively for them (lately, however, attendance at that school by pupils from here has decreased very sharply if not ceased entirely).<sup>97</sup> This is one reason why *hajis* in the Netherlands Indies always enjoy somewhat more religious prestige than can be explained merely by the difficulty and costs of the journey to the Holy Land and that so many of them, instead of resuming their normal trades after their return, settle just like the *santris* in the *kauman*, try to earn a living there in the same way, and, if possible, secure a religious position.<sup>98</sup>

### [Religious Officialdom in the Princely States of Madura]

Princely rule was terminated in the Pamekasan division of Madura as early as 1859. As a result of the death of the *Panembahan* of Sumenep some years ago and the ruler of Bangkalan most recently, a similar measure is in process in these two divisions.<sup>99</sup> We, therefore, do not need to discuss the relationship of the former Madurese rulers towards religious officialdom except for mentioning the following special conditions.

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accorded them (especially in the coastal towns) is more and more getting lost. Now that a Dutch consul has been stationed in Jeddah who checks the passes, the inquiry to which returning *hajis* (on the basis of *Staatsblad* 1859, No. 42, article 5) were subjected to find out whether they really had visited Mecca is gradually falling into abeyance.

<sup>96</sup> [In *Staatsblad* 1859, No. 42, it is noted that recipients of travel passes to Mecca numbered 12,850 over the preceding six years. Of this total, only 5,594 had returned, but doubt was expressed whether all of the total number had ever reached their destination. C. Poensen, in his *Brieven over den Islam uit de Binnenlanden van Java* (Leiden: Brill, 1886), p. 84, reports that the number of pilgrims increased by about 50 percent between 1873 and 1881, with a high of 7,327 in 1880.]

<sup>97</sup> See Richard F. Burton, *Personal Narrative of a Pilgrimage to El-Medinah and Meccah*, I (London: Longman, Brown, Green, and Longman, 1855), pp. 147–50; and Lane, *An Account of the Manners and Customs of the Modern Egyptians*, pp. 266–69. [Since Van den Berg is using different (unidentified) editions, he has a different pagination for both sources. Michael Laffan recounts that part of the mosque was endowed with a lodge, known as the *riwaaq al-jawa*. The term "jawa," however, included not only students from Java, but also from Sumatra, Malaya, and southern Thailand. See Michael Laffan, "An Indonesian Community in Cairo," *Indonesia* 77 (April 2004): 3.]

<sup>98</sup> In Java and Madura, it still is the custom that *hajis* after their return from Mecca continue to wear Arabic dress. About the formalities to which *hajis* in the Netherlands Indies are subjected, see *Staatsblad*, 1859, No. 42 [mentioned in footnotes 95 and 96].

<sup>99</sup> [In the case of Bangkalan, this occurred in 1885 whereby the *Panembahan* was appointed Regent. The same took place in Sumenep, although I have been unable to find the date.]

The *penghulu* at the capital has in Pamekasan one assistant but two at Bangkalan and Sumenep. The lower personnel associated with the main mosques carry only the title of *ketib*, supplemented with an identification of their functions such as *ketib modin* and *ketib mimbar*.<sup>100</sup> At Pamekasan, the *ketibs* perform the different religious functions in turn; in Sumenep, the first twelve *ketibs* are called *ketib najoko*<sup>101</sup> and constitute the actual religious officialdom while the numerous other *ketibs* connected with the mosque do little other than complete the number of forty believers on Fridays and, if necessary, act as solemnity witnesses at marriages. They are nominated by the *penghulu* at his pleasure. The *mutakalims* at the district mosques have been referred to earlier.<sup>102</sup> These mosques are not, as a rule, located at the district capitals because, when the administrative divisions were made, the existing situation was not taken into account. This has even resulted in some districts having three mosques and others none.

In the Blega Laut (Bangkalan) district, there is a *penghulu* who also performs voluntary jurisdiction (*kuwasa hakim*); the other district religious officials, although everywhere on the island carrying the title *penghulu*, can only officiate at the solemnization and dissolution of marriages. This authority in Bangkalan and Sumenep is, as a matter of fact, also granted to all village religious officials. In Bangkalan, these officials have the title of *naib*, just as they do in Sumenep, where the title of *kiyayi* is used also. In Pamekasan, on the other hand, village religious personnel are called *modin* or *kiyayi* while *naib* is the title of the first religious official in a subdistrict.

There are no official landholdings for village religious officials in Madura. Neither are they members of the village administration so that their income is limited to prayer remunerations, the *zakat* and *pitrah*, and the offerings for the solemnization and dissolution of marriages. During the period of princely rule, especially in Bangkalan, they had to surrender an important part of this income to the *Panembahan*. The officials connected with the mosque at Bangkalan have official agricultural holdings; in Sumenep, the *penghulu* at the capital and his assistants even have whole villages in appanage.

As a peculiarity of the particular religious administration of justice in Pamekasan, which otherwise does not differ from other residencies, it must be noted that matters are first taken before a "Priest Court" presided over by the *penghulu* and that an appeal can be made from the pronouncements of this body to another "Priest Court" presided over by the Regent.

### [Religious Officialdom in the Princely States of Surakarta and Yogyakarta]

The organization of religious officialdom in the realms of Surakarta and Yogyakarta differs from that of the areas under direct Dutch administration in several respects.<sup>103</sup> The Muslim head in Surakarta is the *Susuhunan* and, in Yogyakarta, the

<sup>100</sup> [*Mimbar* from the Arabic *minbar*, meaning high chair or pulpit. The additional designation mentioned here seems to refer to the functions of the *ketib* in delivering the sermon.]

<sup>101</sup> [The Javanese term means "councilor."]

<sup>102</sup> [See p. 135.]

<sup>103</sup> Winter, "Regtspleging over de Onderdanen van Z. H. den Soesoehoenan van Soerakarta" *Tijdschrift voor Nederlandsch Indië*, VI, 1 (1844): 99, 105, 113, 117, 119, and 374.

Sultan.<sup>104</sup> On Fridays, they are prayed for as such in the oration. The first religious official in the palace has the title of *Penghulu Gedé* or *Penghulu Agung* or *Wedono Kaum*.<sup>105</sup> He has the rank of *tumenggung* and is considered the head of the whole religious organization in the realm, which forms one of the five groups (*golongan*) into which the population is divided.<sup>106</sup> He not only appoints the subordinate religious staff at the capital, but also those in the regencies who are not, as in the directly ruled Dutch territories, functioning on their own in this regard. In olden days, the heads of the numerous *perdikan* villages in the Manca Nagara territories were also appointed by him and provided with instructions in the name of the *Susuhunan*.<sup>107</sup> He enjoys, as do the other heads in these realms, official landholdings and has under him in the mosque at the capital a number of *ketibs*, *modins*, and *ulamas*. The *ketibs* have the rank of *panuwu*, the *modins* that of *mantri*, and the *ulamas* that of *kliwon*, and they all possess appanages corresponding with their ranks.<sup>108</sup>

The activities of the *ketibs* and the *modins* are about the same as in the directly ruled Dutch territories.<sup>109</sup> If the *ketibs* cannot attend the religious ceremonies, funerals, and offerings at graves, the *ulamas* (Arabic, *‘ālims*) living in the capital must replace them. In Surakarta, they must, on some festival days, alternately appear before the ruler to read to him from the Koran, a task which at the Yogyakarta court is performed by an official with the title of *lurah haji*.<sup>110</sup> Those *ulamas* living outside the capital must appear at the capital for each *Garebeg* and, especially, attend the so-called *dikir mulud*.<sup>111</sup> They

<sup>104</sup> Because of this, apart from the title of *Susuhunan*, also those of *sajidin* (Iranian, *sjah-i-din*, master of the religion), *panatagama* (regulator of religion), *kalipatullah* (Arabic, *kalifat Allah*, representative of God), and the previously mentioned *panembahan* (object of veneration) of the former Madurese rulers. About these titles, see my *De Beginselen van het Mohammedaansche Recht*, 2nd. rev. ed. (Batavia and 's-Gravenhage: Ernst and Martinus Nijhoff, 1878), p. 183, fn. 3. [Van den Berg considers the use of these titles in total conflict with Islam.]

<sup>105</sup> [These are the previously referred to Javanese terms for Head *penghulu*.]

<sup>106</sup> Namely, the *Pangulon*. See D. L. Mounier, "Bijvoegselen betreffende de Staat-Huishoudelijke Inrigting der Javanen te Soerakarta," *Tijdschrift voor Nederlands-Indië* VI, 1 (1844): 133. [The term *tumenggung* has a number of meanings, but in this context refers to an official of high rank such as Regent. G. P. Rouffaer in "Vorstenlanden," *Encyclopaedie van Nederlandsch-Indië*, IV ('s-Gravenhage and Leiden: Nijhoff and Brill, n.d.), pp. 613–14, corrects Mounier in stating that there were only three main groups—the *kapatihan*, exercising the actual authority; the *kadipaten*, "the House of the Crown Prince"; and the *pangulon*, the religious group.]

<sup>107</sup> See Fokkens, "De Priesterschoude te Tegalsari," pp. 321–22. [In Mataram, a distinction was made between *nagara* (the Court city), *nagaragung* (the immediately surrounding lands), and the *mancanagara* (the outer territories). The latter, which included the regions of Banyumas, Grobogan, Madiun, and Kediri, were ruled directly by the sovereign as his domain and were administered by Regents. See Rouffaer, "Vorstenlanden," pp. 588–90.]

<sup>108</sup> See Mounier, "Bijvoegselen betreffende de Staat-Huishoudelijke Inrichting der Javanen te Soerakarta," p. 336 [not p. 333, as in Van den Berg. The religious hierarchy of the head *penghulu* (also *wedono kaum*), *ketib*, *modin*, and *ulama* to some extent paralleled the administrative one of *nayoko* (also *wedono*), *kliwon*, *panuwu*, and *mantri*. See Rouffaer, "Vorstenlanden," p. 613. *Ulama*, from the Arabic *‘ulamā*, is the singular of *‘ālim* and typically means "scholar."]

<sup>109</sup> Special functions of the *ketibs* in Surakarta are: keeping guard in the *surambi*; holding the sermon on Fridays; and guiding the sacrifices of the ruler to the mosque or to other holy places. The functions of the *modins* are: keeping guard in the mosque and the calling of the *adin*. See C. F. Winter, *Javaansche Zamenspraken* (publ. by T. Roorda), 3rd ed., Part I (Amsterdam: Muller, 1882), p. 44.

<sup>110</sup> [*Lurah haji*, literally, chief *haji*.]

<sup>111</sup> [*Dikir*, from the Arabic *dhikr*, meaning remembrance and, as a religious term, the glorification of Allah with certain fixed phrases.] The *dikir mulud*, then, are the litanies sung on the occasion of *Garebeg Mulud* or the festival of the birth of the Prophet (12 *Rabi' al-awwal*). Many manuscripts containing *dikirs* are

are usually charged with security, the performing of prayers and offerings at royal and holy graves, and with giving religious instruction. Because of services rendered by their forefathers, many of them are favored with inherited concessions called *perdikans*.<sup>112</sup>

The village personnel have the title of *kaum*. They are appointed by the village community or its head except at the stations of the various Regents, who appoint them there. Some prayer houses in the interior are also sanctified for the Friday services but the religious officials connected with them have no higher titles,<sup>113</sup> while Friday services are not performed in all district capitals.<sup>114</sup> The *kaums* in the Native Principalities have the authority to officiate at the solemnization and dissolution of marriages.

The head *penghulu* also presides over a religious court, called *surambi*.<sup>115</sup> In Surakarta, it consists of eight *ketibs*, six *modins*, two or three *ulamas*, a *jaksa* or prosecutor, and a *korimor* or bailiff. In Yogyakarta, it has seven *ketibs* and as many as thirty *ulamas*, *kebayans* (messengers), and *merbots*. It seems that only the *ketibs* are actually members; the others are more like advisors, substitutes, and messengers. The *surambi* administers justice on the basis of the *kitab*s, religious books, that is, pure Islamic law, over all matters concerning religion besides family and inheritance law.<sup>116</sup> Before 1847,<sup>117</sup> the *surambi* also had jurisdiction over criminal offenses that incurred retaliation.<sup>118</sup> In those days, all sentences pronounced by the *balé-mangu* and *pradata* could still be appealed to the *surambi* unless the ruler assumed the cases under his sovereign right of *wasesa* or *maslakat* and exacerbated or mitigated the punishment imposed by the lower courts of law.<sup>119</sup> In Yogyakarta, where the administration of justice in criminal cases has been assumed entirely by the colonial administration, there is a separate *penghulu* as advisor at the *Rechtbank van Criminele Zaken* (Court of Criminal Affairs).

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preserved in the Bataviaasch Genootschap. Van den Berg himself made two compilations which are listed as *Codicum Arabicorum* (1873), pp. 72ff; and *Verslag van een Verzameling van Maleische, Arabische, Javaansche ...[manuscripts]* (1877), p. 55.

<sup>112</sup> See Mounier, "Bijvoegselen betreffende de Staat-Huishoudelijke Inrichting der Javanen te Soerakarta," p. 336. [Mounier actually reports that the religious personnel charged with the care of graves of the *Susuhunan's* ancestors are called *pradikan* and that they rely on the proceeds from lands assigned to them to fulfill their obligations. *Pradikans* further did not have to pay rent to the *Susuhunan*. *Pradikan* is more commonly spelled *perdikan*.]

<sup>113</sup> In Surakarta, the *kaums* at the stations of the Regents of Klaten, Ampel, Boyolali, Kartasura, and Sragen (where they serve as advisors at the *pradata kabupaten*—the judicial benches of the regencies) carry the title of *penghulu*. Otherwise, however, they do not differ in any respect from their colleagues in other locations of the realm. See *Staatsblad* 1874, No. 209.

<sup>114</sup> In the realm of the Sultan of Yogyakarta, this occurs outside the capital in only four mosques. The main religious officials connected to these mosques carry the title of *Patok Nagara* (Pillars of the Realm). These persons at the same time exercise some authority over the *kaums* of the surrounding villages.

<sup>115</sup> Named after the front hall of the mosque where the court held session on Mondays and Thursdays.

<sup>116</sup> Without the existing limitation in the directly ruled government territories concerning the prejudicial question. This means, for example, that in that jurisdiction a piece of land can also be claimed on the basis of heirship. See the *Nawala Pradata*, Article 2, T. Roorda, ed., *Javaansche Wetten; Namelijk de Nawala-Pradata, de Angger-Sadasa, de Angger-Ageng, de Angger-Goenoeng en de Angger-Aroebiroe* (Amsterdam: Müller, 1844).

<sup>117</sup> See *Staatsblad* 1847, No. 30.

<sup>118</sup> The Javanese terms for injuries incurred are *raja tatu* and *raja pejah* (or *raja pati*).

<sup>119</sup> [*Wawesa* means "to have power over," while *maslahat* (Arabic, *maslahah*), literally means "salvation."]

The princes Ario Prang Wedono and Paku Alam [although ruling over much smaller territories] are equally regarded as Muslim heads in their respective realms.<sup>120</sup> Each of them has a *penghulu* who heads the territorial religious hierarchy, which is organized entirely in the same way as that of the *Susuhunan* and the Sultan, except, of course, on a smaller scale and with the one exception that the Paku Alam has no separate religious court of law.<sup>121</sup>

The courts of Surakarta and Yogyakarta further have special kinds of religious officials known as *suranata*.<sup>122</sup> They could be called the ruler's court chaplains. In Surakarta, they are under a separate *penghulu*, who leads the invocation each evening in the court chapel (*suranatan*). In Yogyakarta, these officials are under a *kliwon*. In Surakarta, they have to attend the service in the *suranatan* and sometimes read aloud there. They must also assist at the slaughtering of cattle set aside for the inhabitants of the palace and always be present when strange men (either as laborers or otherwise) come to the women's quarters (*keputren*) of the palace. The *penghulu suranatan* is also charged with the solemnization and dissolution of the ruler's marriages with his secondary wives (*selir*)—a task which in Yogyakarta is a duty of the *lurah haji* in his capacity of authorized agent of the head *penghulu*.<sup>123</sup> In Yogyakarta, the activities of the court chaplains seem to be limited to standing guard at the palace, assisting in religious ceremonies, and taking offerings to holy places. In Surakarta, there are other religious officials, called *jurus*, whose task is to stand guard in the chapel and with the ruler's family members in case of sickness.<sup>124</sup>

### Condition of Ecclesiastical Property and Holy Graves

The foregoing sketch of religious officialdom in Java and Madura would be incomplete without mentioning the unusual condition of the ecclesiastical goods and of graves worshipped as holy by the population.<sup>125</sup> According to Islamic law, all undertakings over which one has free disposition and which do not perish in usage can be withdrawn from business transactions. Such matters, called *wakap* (a corruption of the Arabic *wakf*), are then considered to belong to God while the person or institution on whose behalf this transaction is performed draws the fruit or other income of the business affair.<sup>126</sup>

<sup>120</sup> [The reference here is to the rulers of the small principalities located within the realms of Surakarta and Yogyakarta, the Pakualaman and the Mangkunegaran.]

<sup>121</sup> The *kaum* in Wonogiri has an advisor at the *Pradata Kawedanan* (the local judicial branch), who holds the title of *penghulu*. Otherwise his functions are identical to those of his colleagues in other parts of the realm. See *Staatblad* 1874, No. 211.

<sup>122</sup> T. Roorda, *Javaansch Woordenboek, passim*; C. F. Winter, *Javaansche Zamenspraken*, Part I, p. 44; D. L. Mounier, "Bijvoegselen betreffende de Staat-Huishoudelijke Inrichting der Javanen te Soerakarta," p. 336. Formerly, many Regents had *suranatas* in their service; now only a few of the older ones do.

<sup>123</sup> That is to say the ordinary marriages. A marriage of the Ruler with one of his legal wives (*Ratu*) is concluded by the head *penghulu* himself. See C. F. Winter, *Javaansche Zamenspraken*, I, p. 122.

<sup>124</sup> *Ibid.*

<sup>125</sup> See *Eindresumé van het ... Onderzoek naar de Rechten van den Inlander*, Part I, pp. 100ff., 136, 182, 208.

<sup>126</sup> [In his discussion of the *wakf* system, Van den Berg fails to touch upon its potentially negative aspects: the withdrawal of vast areas of land and property from public use and the contrast between theory (the property was given to God and income belonged to the poor) and practice (its income "was to be enjoyed

Although the Sjafe'i school of Islam, which is followed in this country, also allows personal effects to be made *wakap*, this is rarely done here. Only such items as sermons and manuscripts, in addition to such necessities as lamps and prayer rugs, are sometimes donated to the mosques in perpetual usage.<sup>127</sup> I also know of cases in which a believer made sums of money into *wakap* with the proviso, however, that these would be invested in real property.

In the *Oosthoek* (the eastern peninsula of Java), that is, the residencies of Pasuruan, Probolinggo, Besuki, and Banyuwangi, this type of ecclesiastical property is not found to any significant extent. It is much more common in Central and West Java, although with a remarkable difference in character [in those respective regions].

In West Java (Bantam, Batavia, Priangan, and Krawang) where Hinduism, except maybe here and there in the coastal region, did not take root among the people as deeply as it did in the center of the island, Islam had been able to prevail far more completely over idolatry<sup>128</sup> than could be the case in the regions that were directly under the authority of the rulers of Mojopahit. Anyone who has had dealings with the population in both parts of Java must have been struck by how more strictly a Muslim the person from Bantam or the Priangan is than the inhabitants of Surabaya or the Native Principalities. Of course, there are in Central Java—especially in such coastal towns as Cirebon, Pekalongan, Semarang, and Gresik, where many Arabs have settled—also various persons who are imbued with Muslim or rather Arabic influences. There are also a number of uninformed or indifferent persons in West Java, but in general, Islamic tenets are more strictly followed in that part of the island. The sultans of Bantam have long taken an interest in encouraging civilization in the Muslim sense of the word. Witness, among other things, their important collection of Arabic manuscripts, which has become the basis of the present collection of the Batavian Academy of Arts and Sciences. In their realm, the Arabic script has come into general usage for both Javanese and Arabic. One notices repeatedly how, in Central Java, the pupils of the *pesantren* and *hajis* are often individuals who amount to little and are even ignorant and lazy while those in West Java, and especially Bantam, who concentrate on a knowledge of Islam or have visited the Holy Land, belong to the most intelligent, thriving, and best part of the population.

It is especially in the natives' sense of justice, however, that the difference between West and Central Java is striking. If family and inheritance law is excluded, Islamic law in Central Java is not much more than an official veneer, below which continue other

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by the family until it reverted, in an ever-receding theoretical future, to God and the poor"). See Malise Ruthven, *Islam in the World* (New York and Oxford: Oxford University Press, 1984), p. 171. The *wakf* system also bypassed the legal heirs—to the detriment of women in particular. See also "Wakf" in H. A. R. Gibb and J. H. Kramers, eds., *Shorter Encyclopaedia of Islam* (Ithaca, NY: Cornell University Press, n.d.), pp. 624–28; and Coulson, *A History of Islamic Law*, pp. 168–71, 199–200, 219–20.]

<sup>127</sup> This certainly as a rule is a most appropriate gift because most mosques do not possess more than one complete set of sermons for the whole year so that the congregation is treated each year to the same message. In the interior of the island there are even mosques that do not have more than one ordinary Friday sermon which has to serve each week.

<sup>128</sup> Even a superficial comparison of the stone statues found in West and Central Java convincingly shows at how much lower a level Hindu civilization stood in the western part of the island. I purposely refer here to stone statues and not to metal archeological objects since the latter can easily be moved so that the places where they are found prove little or nothing about the locale where they are made.

time-honored institutions and customs.<sup>129</sup> The organization of such things as the traditional royal administration, the local community, and the original landed property rights are not Islamic at all. In West Java, on the other hand, everything is much more specifically Muslim in character; Arabic legal notions and terms regarding obligations and business rights continue to live on in the mouths of the people. Where there is a departure from Muslim rules, it is because of ignorance, not because the people's sense of justice would oppose a purer application of Islamic law.<sup>130</sup>

The difference in character between Central and West Java is also apparent in the legal conditions of ecclesiastical property. In West Java, the term *wakap* is not only in general usage for such property but also is governed by the rules put forward by Arab jurists. For example, in many villages there are rice fields, gardens, or fishponds, and, in some towns, also houses and yards which hereditary owners—by virtue of their right of unlimited disposition—have withdrawn from commercial transactions for a devout purpose and made into *wakap*. This is done on behalf of certain persons or categories of persons (such as the poor and the religious hierarchy) or for the support and upkeep of a mosque, a family grave, and similar things. Such devout institutions are called *wakap milik*.<sup>131</sup>

It is also customary to make *wakaps* of which the produce and income is not devoted to a specific purpose but the object itself provides immediate benefit to the beneficiaries. This is the case when a piece of land is ceded to serve as a village cemetery or when an individually dug waterline is donated to the village or when an orchard is reserved for the common good so that every passerby, if he chooses, may take a rest and pick some fruit there. Such cessions of landed property for the common benefit are called *wakap jamah* if the disposition is permanent.<sup>132</sup> If, on the other hand, it involves only the plantings or buildings located on the land being ceded in this manner, and the land returns to the original owner or his title successors after the trees have died and the buildings collapses, it is called *amal*, a word which in Arabic means "work," particularly "good work."<sup>133</sup>

Especially in Bantam, the landed property that is withdrawn from business dealings for devout purposes is often designated also with the name of the persons or institutions who are the beneficiaries. One speaks, for example, of *sawah kemasjidan* (rice fields set aside for the mosque), *sawah kaum* (those for lower mosque officials), and *sawah penghuluan* (set aside for the *penghulu*).

Arable land that is under the administration of religious officials as *wakap* is either cultivated directly on behalf of its beneficiaries or leased in the usual way for a compensation of one half or one third of the produce.

<sup>129</sup> [As noted earlier (see pp. 11–12 and footnotes 59 and 60), several adaptations were made even in this area. *Adat*, for example, dictates that the groom make a conditional declaration of divorce which becomes effective if certain conditions are not met. *Adat* also requires that a religious official perform the marriage ceremony.]

<sup>130</sup> See *Eindresumé van het . . . Onderzoek naar de Rechten van den Inlander*, Part I, pp. 2ff.

<sup>131</sup> [*Milik*, literally means "in rightful possession."]

<sup>132</sup> [The Indonesian *jamaah* (from the Arabic *jamā'i*) has the meaning of parish, community, or assembly.]

<sup>133</sup> This is also its meaning in Javanese. Elsewhere in Java it also is used for things done in general (without connecting it with the idea of *wakap*), such as the improvement of a road or public building.

In Batavia, the capital, the real estate that has been made into *wakap* is usually recorded in the register of title deeds either in the names of religious officials or in the names of private individuals. This, presumably, is also the case elsewhere, at least in the capital cities.

The few ecclesiastical properties in the *Oosthoek* are much like those in West Java. In Central Java, *wakaps* of the type described above are found occasionally, but the most important type of ecclesiastical property is quite unlike those found in other Muslim countries.<sup>134</sup> In this part of the island, such property does not, as a rule, derive from private initiative but has been brought into its present legal status by the native rulers. The rulers of Mataram considered themselves as the unrestricted owners of the soil (even as the rulers of Surakarta and Yogyakarta do now) and saw the occupants merely as tenants whose right of possession was totally dependent upon complying with their real and personal obligations towards their ruler or their chief.<sup>135</sup> These individuals, therefore, lacked the authority to dispose of the lands they occupied for devout purposes. This arrogation of property by the Javanese rulers is definitely contrary to one of the first principles of Islamic law. This law, even with regard to territories upon which tribute is attached in perpetuity, definitely grants the occupants proprietary and hereditary right of exclusive use which the sovereign must respect in the same way that, according to European concepts of justice, the landowner must respect the rights of the usufructuary or the leaseholder.<sup>136</sup>

This concept of the ruler's supreme rights over the land is the key to explaining the distinctive condition of the ecclesiastical holdings in Central Java. There are some villages with common property where, at the division of the fields, a share is allocated not only to the religious officials as members of the village administration but also to some religious officials of the district or regency mosques, to *santri* teachers, *guru-ngadis* (teachers), and to *jurukuncis* (grave guardians). These favors often owe their origin to the orders of the native administration, even within the last few years.<sup>137</sup> But when these villages and the *wakaps* mentioned above are excluded, the ecclesiastical holdings consist of communities wholly or partly exempt from taxation. They, however, must take care of the upkeep of the graves, *pesantren*, and *pesantren* families.<sup>138</sup>

<sup>134</sup> Frequently, the yards of mosques and cemeteries are *wakap*, while in the residency of Semarang, for example, one finds extensive rice fields which belong to the regency's mosque in the capital and the mosque in Demak. These rice fields are called *sawah panghulu* or *sawah mesigit*. [About the cemeteries, see pp. 137 and 140 and footnotes 58 and 71.]

<sup>135</sup> [Selosoemardjan, in his *Social Changes in Jogjakarta* (Ithaca, NY: Cornell University Press, 1962), p. 26, refers to the "firmly institutionalized" deference of the lower and middle social classes to the aristocratic elite in the pre-WWII period.]

<sup>136</sup> For further information on this point, see my *Beginselen van het Mohammedaansche Recht*, 2nd rev. ed., pp. 109ff. [The term for tribute, placed in parentheses in the text by Van den Berg, is *sarat*, which has the meaning of condition, requirement according to God's law.]

<sup>137</sup> The abuse of dealing with communal rice fields in this manner on behalf of non-residents seems to have existed especially in Cirebon. See *Eindresumé van het ... Onderzoek naar de Rechten van den Inlander*, Part I, pp. 105-6.

<sup>138</sup> This again, presumably, is a remnant of the Hindu period, since the rulers of Mojopahit, Pajajaran, and elsewhere were in the habit of earmarking communities with their lands on behalf of temples, graves, or cloisters.

The Dutch administration groups these communities under the general name of *perdikan* villages but, upon closer observation, it is apparent that there are four types.<sup>139</sup>

1) *Perdikan* villages are those in which the exemption has been granted on behalf of the person who heads a religious institution, such as a *pesantren*.<sup>140</sup> In these villages, the dignity of chief is linked with that of a teacher at such a school, and the position is hereditary with the condition of aptitude and sufficient ability.

2) *Keputian* [*kepoetihan*] villages are those whose income is derived from a certain category of religious persons, for example, the *wong putih*, mosque custodians, and *santri* teachers.

3) *Mijen* [*midjen*] villages are, as the name indicates, those that have been set aside for the maintenance of a particular family and are removed from the authority of the ordinary native chiefs and officials. They stand directly under the ruler or, in the Dutch-controlled territories, under the Regent.<sup>141</sup> Although these distinguished native families are often charged with particular religious functions, it stands to reason that, with heredity, capability itself as a condition of leadership does not figure as prominently as it does with the heads of the actual *perdikan* villages. In such villages, providing education and performing other functions are the main consideration; in the *mijen* villages, it is of minor importance.

4) The numerous *pakuncen* villages are those whose dispensation was based upon the obligation to maintain and perform the necessary offerings or prayers at the graves of rulers, holy men, or other prominent individuals.<sup>142</sup>

The heads of these types of villages in Dutch residencies are not chosen by the local population but are appointed by the Governor-General. In the native principalities of Surakarta and Yogyakarta, appointment is made by or in the name of the native rulers.<sup>143</sup>

The heads of these villages, almost without exception, have religious functions similar to those of *naibs* with the distinction that they are charged with these functions by law and by virtue of their position and not by delegation from the *penghulu* of the regency.

A second distinction among the exempt villages is that some are totally exempt, while in others the exemption relates only to some pieces of land or a certain number of households. In the last case, the purpose always is the guarding and upkeep of graves or mosques; this obligation then rests on those villagers who own such pieces of land or upon the families who enjoy exemptions, such as exemptions from corvée labor and others. Otherwise, these villages are administered in the same manner as the

<sup>139</sup> *Perdikan* seems to be derived from (the Javanese) *merdika*, free. The derivation given in the dictionary of T. Roorda seems to me [Van den Berg] somewhat farfetched, as long as its accuracy cannot be ascertained by historical documents.

<sup>140</sup> Such an individual is called *perdikan*, freeman, because he and his subordinates are free from providing services and produce to the ruler.

<sup>141</sup> [*Mijen* (*midjen*), literally "specially separated," usually for royal usage, special services, etc.]

<sup>142</sup> [*Pakuncen* (*pakoentjen*), literally means the dwelling of the "key keeper" of the sacred place.]

<sup>143</sup> Formerly also on the island of Madura, except for the regency of Pamekasan, where royal rule already had ceased to exist since 1859.

surrounding ones, and there is no question of appointment of chiefs of a certain family and by the Governor-General.

The most westerly of the wholly or partly exempt communities is the village of Astana in Cirebon (Kota district); the most easterly are as far (east) as Surabaya and Madura. The most numerous and important ones, however, are located in Banyumas, Bagelen, and Madiun. When these regions were acquired in 1830 [after the Java war], the Dutch government expressly declared that it would respect acquired rights, especially in these communities. The result is that there are at present forty-two villages in Banyumas (twenty-one in the Cahyana district alone) that are almost totally exempt from land rent and corvée labor and another sixty in Bagelen, and nineteen in Madiun.<sup>144</sup>

At present the two most important *perdikan* villages in which instruction is given by the chiefs in a heavily attended *santri* school are Banjarsari and Tegalsari in Madiun. Banjarsari—presently split into Banjarsari West and East but formerly one community—is located in the Uteran district of the Madiun regency. This village was raised to *perdikan* status on behalf of its founder and his descendants some hundred years ago by the Sultan of Yogyakarta, in whose territory the village was located at this time, on the condition that instruction would be given in religion. The *pesantren* that was then founded is still one of the most heavily attended in Java. The heads of the two villages into which the old community was later split are teachers at the *pesantren*. They are addressed with the title of *kiyayi* and are, at the same time, the main religious officials at the common mosque.

Tegalsari, in the Kutu district of Ponorogo regency, was ceded to its founder and his descendants some years earlier by the ruler of Surakarta under similar conditions.<sup>145</sup> Here, too, the chief has the title of *kiyayi*.

The inhabitants of both villages are exempt from land rent and corvée labor but must, on the other hand, maintain and guard the mosques, cemeteries, and *pesantren*. They also must attend Friday public prayers in sufficient numbers (at least forty men), do corvée labor on behalf of the chiefs, and work their [chiefs'] fields for free. In Tegalsari, the chief considers himself the unrestricted titleholder of the village lands. This situation is found in many similar villages of Banyumas and Bagelen, but not in Banjarsari West or East, which has mixed communal and individual ownership and where the *kiyayi* has reserved for himself only a fixed tract of rice fields.

<sup>144</sup> At the time of the incorporation of Banyumas and Bagelen into the directly ruled (Dutch) territories in 1830, many communities appear to have gratuitously declared themselves to be *perdikan* or *keputian* villages. Their reason was to be free of land rent and corvée labor. It seems that at that time the accuracy of these claims was not looked into too strictly for political reasons. [Ch. Snouck Hurgronje, asked by the government to comment on the status of *perdikan* villages in early 1895, wrote that if "foundation charters" were not available (which most often was the case), claims for *perdikan* status only relied on "the highly unreliable frequently legendary folk tradition." See E. Gobée and C. Adriaanse, eds., *Ambtelijke Adviezen van C. Snouck Hurgronje* ('s-Gravenhage: Nijhoff, 1957), I: 730. Figures for the total number of *perdikan* villages differ in the various *Staatsbladen* (State Gazettes). Van den Berg himself, in a publication of 1901, gives a much larger figure with precise numbers: Bagelen (69), Madiun (51), Banyumas (41), Madura (33), Pekalongan (20), Japara (9), Kediri (6), Surabaya (5), Rembang (2), Semarang (2) and Cirebon, Tegal, and Kedu 1 each ("Het Inlandsch Gemeentewezen op Java en Madoera," *Bijdragen* 52 (1901): 135.)

<sup>145</sup> See Fokkens, "De Priesterschool te Tegalsari," pp. 321–22. [Tegalsari's special status was the result of the 1742 visit of *Susuhunan* Paku Buwono II to *Kiyayi* Agung Kasan Besarie, when the ruler had lost his throne and came to plead for victory.]

Of the prominent families on whose behalf villages have been set aside, the most important family is that of *Sunan Kalijogo*, whose head has the hereditary title of *Pangeran Kadilangu*. A number of rice fields (almost 2,100 acres, it is said) have been allocated to this family in various villages of the Demak regency. Another 630 acres, which do not belong to any village and are referred to as *sawah narawita* (domain rice fields) are also set aside. Finally, in the same regency, nine villages have been ceded to this prince free from all charges and services toward the state. The prince is obligated to guard and keep up the grave of this ancestor and its appurtenant mosque and to ensure that the required prayers are performed at the proper times. He also must maintain the other descendants of *Sunan Kalijogo*, and, for this purpose, he grants them some of the rice fields allotted to him, for which they, in turn, assist him in his functions. He rewards the officials of the villages allocated to him and some of their inhabitants in similar manner with land. The special legal position of these villages and lands has long produced great difficulties. As a result, negotiations are being conducted with the prince at this very moment in an effort to persuade him to renounce most of his seignorial rights in favor of the government of the Netherlands Indies for a monetary compensation.<sup>146</sup> After that, he can be appointed, on the same condition as the other chiefs of *perdikan* villages, as chief of the village of Kadilangu where the graves of his ancestors are located.

The vast majority of the wholly or partly exempt villages are intended for the upkeep of *kramat*, holy graves. The first in this category are the graves of the so-called *walis* or first introducers of Islam in Java.<sup>147</sup>

In Cirebon, the grave of Sheik (Syekh) Ibn-Maulana on the hill *Gunung Jati* near the village of Astana. This *wali* is usually called Sunan Gunung Jati. In Pekalongan (Batang residency, district of Bandar Sidayu), the grave of Sheik Balu Matis in the village of Wonobodro. In Semarang (Demak regency), the grave of *Sunan Kalijogo* (who has been mentioned before) at Kadilangu and that of *Raden Patah*, the first Muslim sultan of Demak, and both of his sons, at the capital. In Japara (Kudus regency), the grave of *Sunan Kudus* at the capital and that of *Sunan Moria Pada* in the Muria mountain. In Rembang, the grave of *Sunan Bonang* at Bonang East (Rembang regency, district of Binangun).<sup>148</sup> In Surabaya, the grave of *Sunan Giri* (Malik Ibarahim) on the hill of Giri at Gresik<sup>149</sup> and that of *Sunan Ngampel* (*Raden Rahmat*) at Ngampel, city of Surabaya district.

Further, a special village—Pasarean in the Tegal regency, district of Krandon—is charged with the care of the grave of Mataram's *Sunan Mangkurat* (died 1677), who is known among the populace as *Sunan Tegal Wangi*.<sup>150</sup> Special mention must also be

<sup>146</sup> [This "gentle persuasion" apparently was successful and came about in 1883.]

<sup>147</sup> [*Wali* (Arabic, *wali*) has a variety of meanings—protector or friend; male kin; willing to serve as witness for the bride; and "saint." In the context of the text, it specifically refers to the early evangelists of Islam in Java who were instrumental in founding the first Muslim states in the fifteenth century. The *wali songo* ("nine saints") carry the honorific title of *sunan*.]

<sup>148</sup> In the capital Tuban there seems to be a grave of a similar holy man.

<sup>149</sup> Some rice fields also have been set aside for this grave in the village Telessa in the regency of Pamekasan on Madura.

<sup>150</sup> It certainly sounds odd that specifically the grave of this unworthy ruler has remained the subject of continuous veneration. [On the rule of *Sunan Mangkurat I* (1646–77), see B. H. M. Vlekke, *Nusantara: A History of Indonesia*, rev. ed. (The Hague and Bandung: Van Hoeve, 1960), pp. 172–75.]

made of the eight villages with the common name of Makam (from the Arabic *makām*) in the district of Cahyana (Purbolinggo regency, Banyumas residency), which must keep up several holy graves, especially the one of a certain Prince Jambu Karang.<sup>151</sup> This prince, according to legend, was the last ruler of the region before the introduction of Islam. From this and from antiquities found in the vicinity, it can be inferred that there must have been an important settlement here during Hindu times. The Makam villages are certainly among the oldest in Java and the chiefs can show copies of acts of confirmation dating back to the ancient sultans of Demak and Pajang.

A grave that also has a great halo of sanctity, although history fails to reveal the reason for it, is that of *Nyai Gedé Jenting*, grandmother of the *Susuhunan* of Surakarta, Paku Buwono IV, in the *keputian* village of Wedigrujugan, regency of Kebumen, district of Kedung Tawon, residency of Bagelen.<sup>152</sup> This village is charged with the care of this grave and both the *Susuhunan* of Surakarta and the Regents of the surrounding Dutch territories habitually send their offerings, in the form of flowers and money, at set times of the year, especially in the Javanese month of *Ruwah*.<sup>153</sup>

Graves of the village founder are often thought to be holy and are located in almost every type of *perdikan* village. Their upkeep is, however, only a matter of minor concern.

In West Java, the most important holy graves are in the cemetery behind the mosque at Bantam, where the sultans of the realm and Hasanuddin, the first propagator of Islam in these regions,<sup>154</sup> are buried, and those near the mosque Luar Batang at the mouth of the "Great River" at Batavia, where a particularly holy man, Aidrus, is buried.<sup>155</sup> Aidrus's grave is considered a place of special importance, even among Chinese and less-educated Eurasians, and the gifts presented to it in fulfillment of vows are considerable.<sup>156</sup> There are, however, no special villages or *kampongs* set aside for the upkeep of these holy graves as there are in Central Java.

Finally, mention must be made of those cemeteries that are not so much holy as venerable: the graveyards of the rulers of Surakarta and Yogyakarta at Selo (an enclave

<sup>151</sup> [Both the Javanese and Arabic words in this context refer to an honored cemetery or grave.]

<sup>152</sup> [I have been unable to identify *Nyai Gedé Jenting*. Although the text describes her as the grandmother of Paku Buwono IV (1788–1820), the *Eindresumé van het . . . Onderzoek naar de Rechten van den Inlander*, Part I, p. 104, describes her as the grandmother of Paku Buwono III (1749–88). The same source mentions that *Susuhunan* Paku Buwono IV established Wedigrujugan as a *keputian* village in "the Javanese year 1746" (1818 CE).]

<sup>153</sup> [This is the eighth month of the Javanese lunar calendar and a period specifically set aside for taking care of graves.]

<sup>154</sup> Better known among the population as *Pangeran* Sobokingkin. [*Maulana* Hasanuddin may have been the son of one of the first *wali*, *Sunan* Gunung Jati, and actually the first Sultan of Bantam (1552–70).]

<sup>155</sup> [The "Great river" refers to the Ciliwung, the main stream in the complex of waters flowing through Batavia. Luar Batang and the holy grave of Aidrus are located close to the seashore just west of the *Jaagpad* (Japat) and the "Kleine Boom." See *Plattegrond van Batavia* (G. Kolff, n.d.).]

<sup>156</sup> [See the earlier references in fn. 71. It is interesting to note that *Staatsblad* 1828, No. 46 (dealing with instructions to the chambers regulating insolvent estates in Batavia) stipulates in Article 5 that "Muslims will take the oath at the so-called holy grave outside the Boom or in the native mosques." Italics added.]

in the regency of Grobogan, residency of Semarang) and those at Imogiri and Pasar Gedé in the Yogyakarta principality.<sup>157</sup>

The numerous graves of individuals not considered as holy and of less prominent families found everywhere in Java can be passed over as exclusively of local importance. A record of all villages where such graves are located in the Dutch-controlled territories and which, on this basis, have been recognized as free villages is officially confirmed in the decrees of September 26, 1874, Nos. 9 and 27.<sup>158</sup>

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<sup>157</sup> The upkeep of both of these cemeteries is mentioned in Article 41 of the *Angger Ageng*. [See Roorda, *Javaansche Wetten*, pp. 155–56.]

<sup>158</sup> [*Perdikan* villages receive attention in *Bijblad* No. 4027 (1873), while a register of such villages is found in *Bijblad* No. 4028 (1873) and No. 7847 (1912).]