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The PATANI FATĀWĀ: A CASE STUDY OF THE KITĀB
AL-FATĀWĀ AL-FATĀNIYYAH
OF

SHAYKH AHMAD BIN MUHAMMAD ZAIN
BIN MUṢṬAFA AL-FATĀNI

BY

PERAYOT RAHIMMULA

THESIS

Submitted for the Degree of Doctor of Philosophy
in South East Asian Studies, Faculty of Social
Sciences, The University of Kent at Canterbury

Canterbury Kent

10 December 1992

ABSTRACT

This study is concerned with the Patani Fatawā: A Case Study of the Kitāb al-Fatawā al-Faṭāniyyah of Shaykh Ahmad bin Muḥammad Zain bin Muṣṭafa al-Faṭāni.

The Introduction of the thesis provides a large discussion on the Fatawā in Islam. The meaning of fatawā and its development as well as the variation of the fatawā in the four Islamic schools of thought are widely dealt with. The modern movement on this matter is also discussed.

In this work, the Patani historical background beginning from the founding of the Malay Kingdom of Patani in the 14th century to its final incorporation into the Kingdom of Thailand is clearly mentioned. The fall of Patani and the signing of the Anglo-Siamese treaty of 1909 is included. The arrival of Islam into Patani is also described.

The traditional Islamic institutions of two main streams are discussed. The Patani 'Ulamā' and their works as well as their biographies are considered. In this study, the Patani Pondok or religious school in Patani has been divided into three periods. Islamic education under Patani 'Ulamā' its writers is one focus. Patani's emergence as a centre of Islamic education in the Malay peninsula shows the Muslim world how important this region is in providing Islamic education to the people of Malay-speaking groups in particular and for interested people in general. The critical declination of the traditional Islamic education in Patani and the nearby area is treated.

A deep discussion is also paid to the author of the Kitāb

al-Fatāwā al-Fatāniyyah: the extent to which the period of his life, his family, his works, his role and his religio-political activities as well as his followers are important is discussed.

The final chapter of this work is devoted to an analysis of the Kitāb al-Fatāwā al-Fatāniyyah in several issues including his opinions on legal matters. It is important to mention that the Kitāb al-Fatāwā al-Fatāniyyah is the only well-known book on the classical fatāwā mainly in the Malay language to serve the Malay-speaking groups. Another interesting feature of this book is that its contents cover the problems involved not only of the Muslims in Patani but also those of its neighbouring countries like Malaysia and Cambodia.

ACKNOWLEDGEMENTS

IN THE NAME OF ALLĀH, MOST GRACIOUS, MOST MERCIFUL

This thesis would not have been possible without the contributory assistance and support, intellectual and/or otherwise, of innumerable individuals. Although I cannot acknowledge all of them here, they have my sincerest appreciation and gratitude.

To my parents, my love goes to them for their patience and both spiritual and financial support throughout my academic career.

My sincerest gratitude to Prof. M.B. Hooker, who has given me advice and guidance during my study at the University of Kent at Canterbury. He has also shown genuine interest in this work.

I also wish to acknowledge my sincere appreciation to the Prince of Songkhla University and the Superintendent of Thai Students' office in London, for providing the study-leave to enable me to complete this thesis.

My thanks, to my first teacher, Cikgu Wan Mat bin Wan Ismail, Sekolah Melayu Kampung Bukit, Rangea District, Narathiwat Province, for opening my eyes to the world of Malay literature through teaching me how to read in Jawi characters.

Dr. C.W. Watson and Dr. R.W.A. Vokes, lecturers in South East Asian Studies, and Economics and South East Asian Studies at the University of Kent at Canterbury, respectively. Both have also spent a lot of their precious

time to give me a few pointers and have discussion with me. Their help was valuable.

The guidelines and advice Dr. Virginia Matheson, of the Australian National University, gave to me are very useful. For this, I would like to thank her from the bottom of my heart.

Acham V-Using Madaehok's, lecturer in Islamic Studies at the Prince of Songkhla University at Patani, help on the Arabic language was essential, without his assistance I would not have got this far. I hereby acknowledge his contribution.

I am also in debt to all the Tok Gurus, and informants, for providing me with material for this thesis. May their supplication for my success come true. Only Allah can repay all their kindness.

My thanks also to Miss C.E. Hawes, the Assistant Registrar of the University of Kent at Canterbury for her assistance in overcoming all the bureaucratic matters.

With the help of Mr J.C. McDonald, the Accommodation Officer, I was provided with a sufficient accommodation during my stay in England. My appreciation to him.

My thanks also to Mr Mike Michael, Mr Paul Warner, Miss Jakki Jarce, Mr Adnan Mustafa, Mr Shazali Sharaini and Mr Dave Millican for their help.

Had it not been for Mr Jasmy Yunus and Mr Mahmood Taib, I would not have been able to decipher the Malay Text into English. My special thanks to all of you.

To my dearest sister, Nur al-Fitrah (C.Charoensri), for assisting me to organise my drafts, I give her all my best wishes.

I wouldn't have been able to present this thesis in its complete form on time, without the tireless assistance in typing of Debbie Kent and Julia Francis. Their kindness and patience have been extraordinary and, indeed, turned "a possible" into "a success".

Finally, for my loving wife, Zubaidah and my children, Zainabah, Ruthni, Rahibullah and Nurjihan, I am most grateful for their patience in awaiting my success. And I pray to Allāh, The Almighty, to accept this work for the sake of Islam and the Malay-Muslims of Southern Thailand. Allāh knows best.

University of Kent at Canterbury

December 1992

P. Rahimmula

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ABBREVIATIONS

A.D.	-	Anno Domini - Year of the Christian era.
A.H.	-	Anno Hegirae - Year of the Hegira; of the Muslim era.
a.r.	-	Arabic word
b.	-	bin, ibn = son of
B.E.	-	Buddhist Era
C.F.	-	Compare
Cam.	-	Cambodia
Ch.	-	Cham
Comp.	-	compiled
ed.	-	edited
e.g.	-	for example
f.n.	-	footnote
Ibid	-	In the same place
i.e.	-	Id est = that is
JMBRAS	-	Journal of the Malayan Branch of the Royal Asiatic Society
Ḳ.	-	Ḳur'ān
M.L.	-	Malay
Th.	-	Thai
no.	-	Number
op.cit.	-	in the work cited
Q.	-	Question
r.	-	reign
R.E.	-	Ratanakosintra Era - Year of the Ratanakosintra or Bangkok Era
trans.	-	translated

A NOTE ON SPELLING

The spelling used in this thesis is as follows:

1. Malay standard spelling follows Collins Gem Malay-English English-Malay Dictionary Ejaan Baru, William Collins Sons & Co. Ltd., London and Glasgow, (1975) and Kamus Lengkap Ejaan Baru Bahasa Malaysia dan Indonesia, Drs. Awang Sudjai Hairul and Yusoff Khan, Pustaka Zaman Sdn Bhd, Selangor, (1977).

2. The system of transliteration from Arabic to English follows Encyclopaedia of Islam is as follows:-

Consonants

ء	(hamza)	ʾ	ض	(dad)	ḍ
ب	(ba)	b	ط	(ta)	ṭ
ت	(ta)	t	ظ	(za)	ẓ
ث	(tha)	th	ع	('ain)	c
ج	(jim)	dj	غ	(ghain)	gh
ح	(hā)	ḥ	ف	(fa)	f
خ	(kha)	kh	ق	(kaf)	ḳ
د	(dal)	d	ك	(kaf)	k
ذ	(dhal)	dh	ل	(lam)	l
ر	(ra)	r	م	(mim)	m
ز	(zai)	z	ن	(nun)	n
س	(sin)	s	ه	(ha)	h

ش (shin) sh
ص (sad) ṣ

و (wau) w
ي (ya) y

Vowel

Long vowels:

| (alif) ā
ي (ya) ā
و (wau) ū
ي (ya with dots) ī

Short vowels:

ˆ (fatha) a
ˆ (damma) u
ˆ (kasra) i

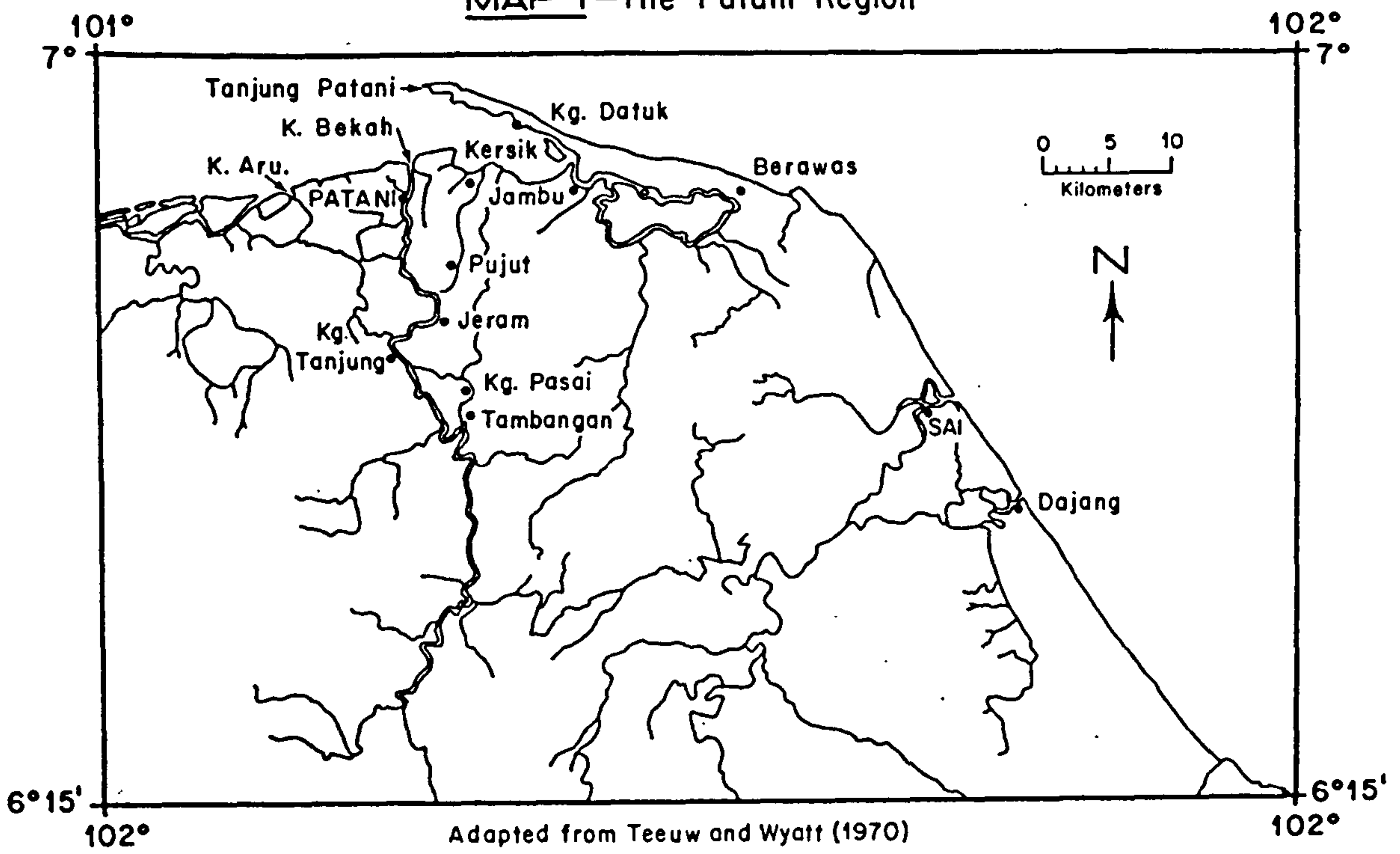
Diphthong

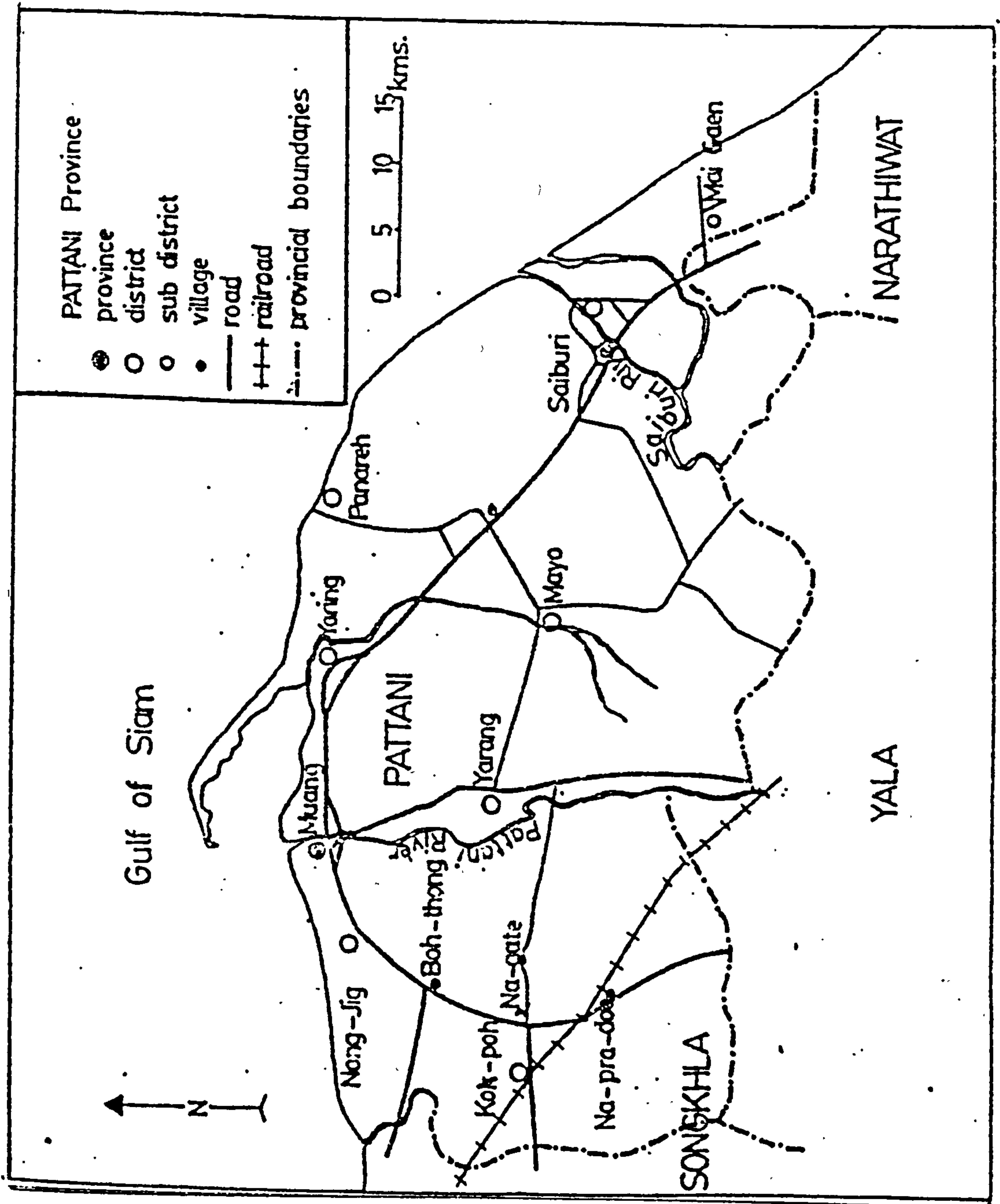
و (wau) ˆ aw يي (ya mushaddada) iyy
ي (ya) ˆ ay يو (wau mushaddad) uww

Article ال (al) is written as in the writing e.g. Ma'rifa al-Ahkām al-dīn al-Islām, except a word combined with Allāh, e.g. Abdullāh, Raḥimullāh, ma'rifatullāh and not Abd Allāh or Abdu'llāh.

Final hā' (هـ-tā' marbūta) is dropped, if it is at the end of a word or phrase e.g. Ḥukūma al-Islāmiya.

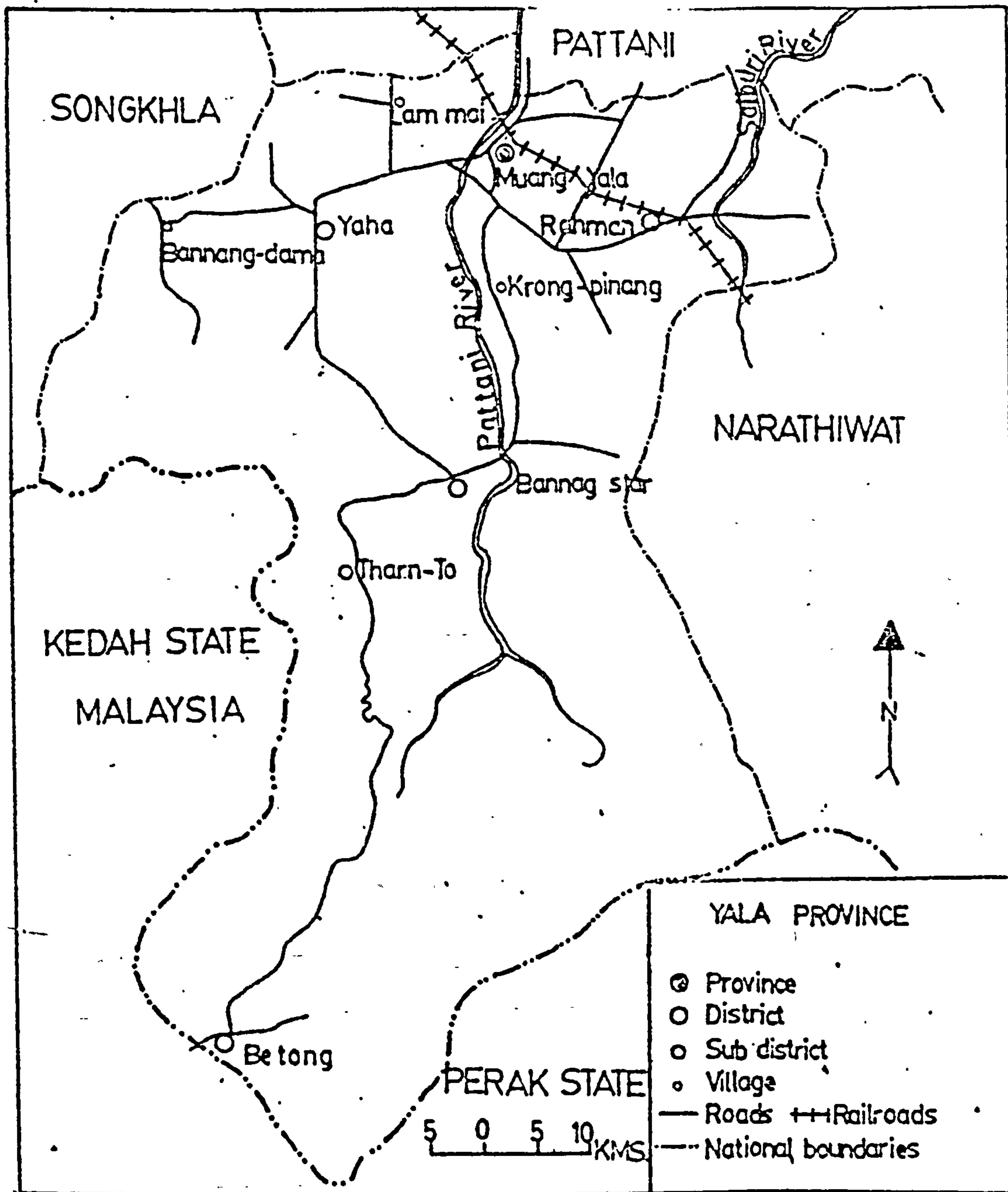
MAP 1—The Patani Region





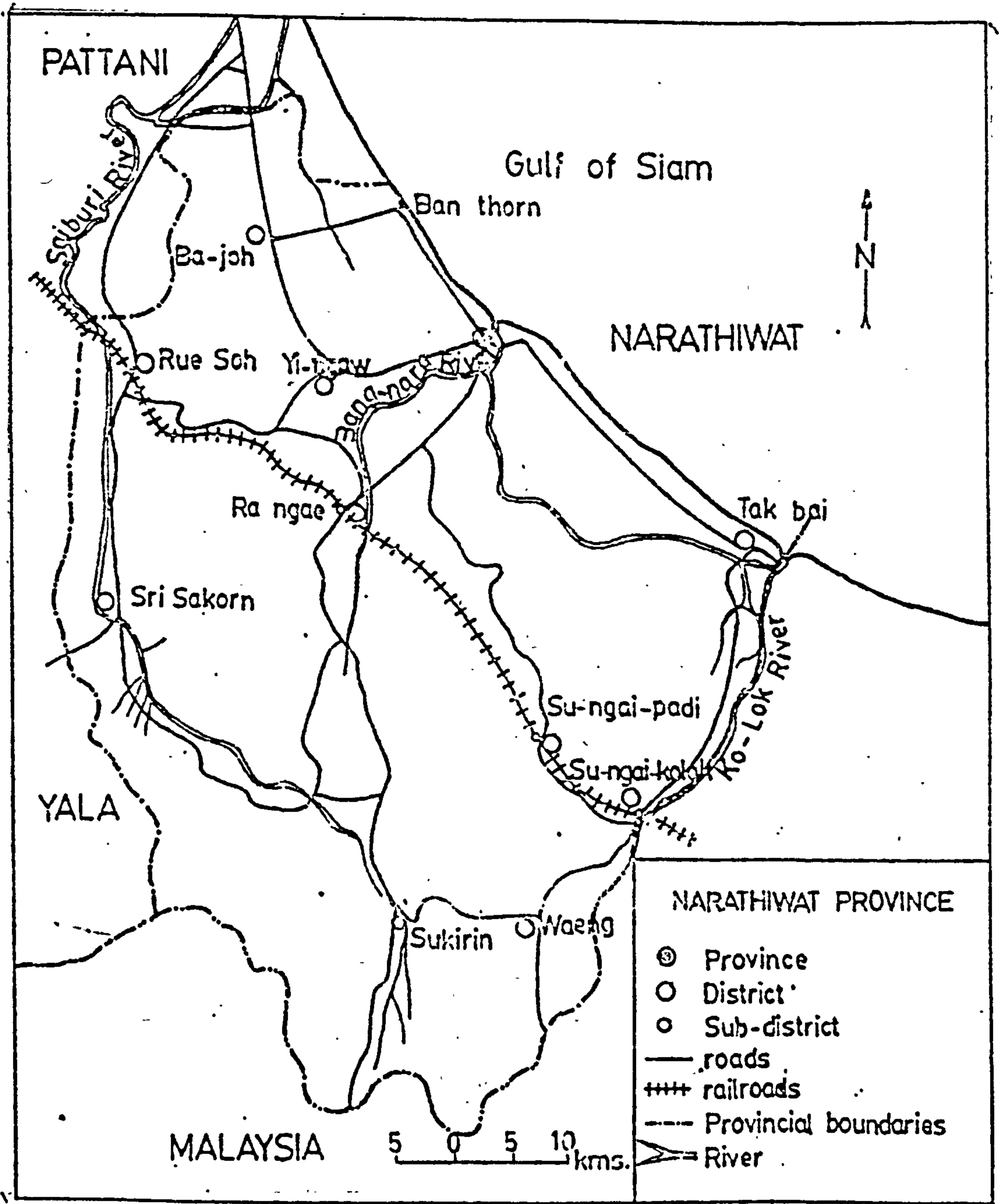
Map 2 : Map of Pattani Province

Source : Chaveewan Vannaprasert, Ferayot Rahimmula, and Manop Jittpoosa. The Traditions influencing The Social Integration between The Thai Buddhists And The Thai Muslims. Department of Social Sciences, Faculty of Humanities and Social Sciences, Prince of Songkhla University Pattani Campus, Pattani. Thailand . 1981.



Map 3 : Map of Yala Province

Source : Chaveewan Vannaprasert, Perayot Rahimmula, and Manop Jittpoosa. The Traditions influencing The Social Integration between The Thai Buddhists And The Thai Muslims. Department of Social Sciences, Faculty of Humanities and Social Sciences, Prince of Songkhla University Pattani Campus, Pattani. Thailand. 1981.



Map 4 : :Map of Narathiwat Province:

Source : Chaveewan Vannaprasert, Perayot Rahimmula, and Manop Jittpoosa. The Traditions influencing The Social Integration between The Thai Buddhists And The Thai Muslims. Department of Social Sciences, Faculty of Humanities and Social Sciences, Prince of Songkhla University Pattani Campus, Pattani. Thailand. 1981.

CHAPTER 1

INTRODUCTION

THE FATWĀ IN ISLAM

The contributions of Muslim jurists to the elaboration of the Shari'ah were considerable. It was their opinions (fatāwā) that made the adoption of the original principles into contemporary Islamic judicial system possible. Fatwā is a significant part of Islamic law and rightfully, has a substantial influence over laws in many Muslim countries. Its main function is solving social, political and economical problems in accordance with Islamic perspectives.

Although fatwā is a part of Islamic law, it is now becoming an independent study. Fatwā has played a very significant role in the history of Islamic legislation and it illustrated the foundation of thought in Islamic law. Fatwā also played an important role in introducing new dimensions on Islamic law and practice. This depends on the changing of social, political and economical circumstances of each Muslim community from time to time. The new circumstances which Muslim communities face have given rise to a new idjtihād or kiyās in giving fatwā on such matters.

In the Modern world the so-called "advanced or high technology" era, human society has changed very quickly, become more complicated and sophisticated. Thus, legal reform in the Muslim community is essential to adjust to suit the social, political and economical circumstances. It only means that in each generation

the Law should be applied to the new circumstances that are faced. The practice of idjtihād in the spirit of Islam does not mean to change the Law to suit the convenience of man but to face and solve every new situation and problems in conformity with the teachings of Shari'ah by applying those teachings to newly arisen problems. According to the Islamic point of view, Law is made by God, not by man. Man has no power to make laws; he must obey the laws God has sent for him. Therefore, the task of the learned jurist whether 'Ulamā', Muftī, or Kādi, was not to make law, but to ascertain and expound it. It followed that not one of them could claim a monopoly of correct interpretation and, indeed, different schools of jurisprudence were recognised as authoritative in different part of the Muslim world. But they diverged on points of detail rather than essentials and where they agreed their verdict (fatwā) was held to be binding. For the Prophet Muḥammad had said: "My community will not agree on an error."

Muslim scholars or intellectuals in the past have developed two principles in Islamic legislations which could permit endless adaptations and changes in Islamic concepts, provided circumstances would warrant them. These principles are known as maṣlaḥa, "interest of the Islamic community", and fatwā, "legal opinion", produced by a legal advisor and certifying that a certain legislation is needed in the interest of the Islamic community. As a matter of fact, both maṣlaḥa and fatwā are considered among the most significant principles in Islamic jurisprudence, to be used when appropriate precedents cannot be found in the two main sources of Islamic law, namely, the Qur'ān and the Sunna ("prophetic traditions"), and whenever the subsidiary source qiyās ("analogy")

and idjmā', ("consensus of the theologians"), fail to produce an appropriate substitute. Under these circumstances, a Muslim ruler in a difficult situation may invoke the principle of maṣlaḥa as a last resort, receive a fatwā from a chief Muslim jurist-theologian, take any measure deemed necessary in the interest of the community, and still be considered a law-abiding Muslim. Such a procedure may be likened to any modern national constitution which includes as one of its basic articles a provision allowing the enactment of whatever amendments are deemed necessary in the interest of the community. Thus, regardless of their progressive nature, these amendments derive their legitimacy from the original binding document.

Fatwā in general, means Islamic legal thought: as a source of law, as an immeasurably important social record of Islam and as the means by which important movements of reform in Islamic Law were presented as the contributions of scholarly juristic tradition.

The Meaning of Fatwā Literally and Technically

FATWĀ/FUTWĀ: The word "FATWĀ" is an Arabic term, a noun derived from the word FATAN/al-FATĀ' meaning a young man. It originates from AL-FATĀ' which means a young man who grows and becomes strong. i.e. a Muftī who should rely on clear and strong evidence to demonstrate his legal opinion. [1]

FATWĀ pl. FATĀWĀ: Is a notification of the decision in law regarding a particular case. The Muftī is a jurist who gives a decision in law. [2] The Holy Book of Al-Ḳur'ān and the Sunna of the Prophet (may Allāh bless him and grant him

salvation) assert the word FATWĀ and its derivations in many verses. These specify that FATWĀ means opinion or decisions.

The following are some examples:

1. YUFTIKŪM

"They ask thy instruction concerning the women say: God doth instruct you about them and remember what have been rehearsed unto you in the Book, concerning the orphans of women to whom ye give not the portion prescribed." [3]

2. AFTINĀ

"O Joseph!" (he said) "O man of truth: Expound to us (the dream) of seven fat kine. Whom seven lean ones devour, and of seven green ears of corn and seven others withered: That I may return to the people, and that they may understand." [4]

3. FAITAFTIHĪM

"Just ask their opinion: Are they the more difficult to create, or the other beings We have created? Them have We created out of a sticky clay!" [5]

"Now ask them their opinion: Is it that thy Lord has only daughters, and they have sons?" [6]

The word FATWĀ, itself however, is found in a Prophetic tradition on the authority of Wabiṣa b. Ma'bad who said:

"I come to the messenger of Allāh and he said:

"You have come to ask about right?" I said: "Yes."

He said: "Consult your heart." Right is that about which the soul feels tranquil and the heart feels tranquil and wrong doing is that which wavers in the soul and moves to and in the breast, eventhough people again and have given you their legal opinion in its favour." [7]

As mentioned, the word FATWĀ is an Arabic term. It originates from al-FATĀ', YAFTŪ, FATWAN, FATWĀ, or FUTYĀ, which is given to apprehend the word "IFTĀ'" is taken to mean deliverence of a formal legal opinion (Islamic laws) such as advising and advise. This formal legal opinion is acted or pertained by an 'ālim concerning the matters of Shari'ah law. [8]

The Definition of Fatwā

In giving the definition of FATWĀ and MUFTĪ, a celebrated Muslim jurist, al-Badakshī restated the definition of al-iftā' given by Baidāwī (d.685 A.H.): "The Muftī is a mudjtahīd who notifies fatwā according to the rules of Islamic Jurisprudence." [9].

According to Butrush al-Bustāni "a fatwā is an opinion

given by an 'ālim when he is asked concerning any matter from an Islamic perspective." [10]

Hughes, T.P., in his dictionary of Islam has given the meaning of FATWĀ as "A religious or judicial sentence pronounced by the Khalīfah or by a Muftī, or Qāzī." [11]

Jamāluddīn al-Qāsīmī, while discussing the term al-Fatāwā defined it according to al-Raghib, that al-Fatwā or al-Fatwā is taken to mean answers on the matter of law [12]; according to al-Nihāyah, the term Fatwā is taken to mean a person who answers questions on any problem, then his answer is a Fatwā [13]; and as to al-Misbāh, the word Fatwā means an 'ālim who notifies Fatwā when a legal opinion or decision seems clear to him. [14]

According to D.B. McDonald, "A FATWĀ is a formal legal opinion given by a Mufti or canon lawyer of standing, in answer to a question submitted to him either by a Judge or a private individual." [15]

Meanwhile, Taha 'Abdullāh al-Dasūqī explained that the Fatwā or iftā' is taken to mean an explanation on any judgement which notified by Mudjtahīd Muṭlāk, or Mudjtahīd fi Madhhāb. [16]

Ibn Hamdan state in his Kitāb, "Fatwā" is a notification of Islamic legal opinion respecting a question. "Iftā'" is the giving of notification of a formal opinion based on the primary sources of Shari'ah relating to a particular case.

[17] But, according al-Qarāfī al-Mālikī, "Fatwā" is an explanation of Islamic Law based on the primary sources. [18]

According to E. Tyans point of view, he stated that "FATWĀ" is an "opinion on a point of law, the term "law" applying, in Islam, to all civil or religious matters." He also added that "The act of giving a fatwā is a futyā or iftā'; -the same term is used to denote the profession of the adviser;- the person who gives a fatwā, or is engaged in that profession, is a Muftī; -the person who asks for a fatwā is a mustaftī." [19]

Shaykh Mahmud Shaltut explained that a "Fatwā" has not to be predicated on a special question. It is the responsibility of the 'Ulamā' (learned men) to explain the Islamic point of view according to the Kurānic revelation. He says, "This is a collection of al-Fatāwā in Islamic Law, I have replied to different questions on various topics." [20]

Another definition of FATWĀ and MUFTĪ is suggested by Joseph Schacht, "Muftī is a specialist on law who can give an authoritative opinion on points of doctrine; his considered legal opinion is called fatwā." [21] Meanwhile J.G. Hava, S.J., stated that fatwā is a "Decision of sacred law." [22]

Rosenthal stated that "The judge (qāḍī) together with the Muftī... is qualified to issue legal decisions (fatwā)." [23] As to A.M.M. Mackeen while he was explaining on Islamic legislation concerning the fatwā, he explained that "the muftī [is] the expert who issues authoritative statements and opinions concerning the

law." [24]

Ibn Qayyim al-Jauziyyah stated that a Mufti is a learned man who exerts himself to reach a decision in particular cases based on the primary sources of Shari'ah. [25] Meanwhile A.M.A. Maktari, stated that fatwa is "legal opinion". [26]

According to Idris al-Marbawi, the word Fatwa originates from Arabic which, when translated into Malay language, becomes Fatwa meaning Shari'ah Law (hukum syarak) given by Mufti. [27]

From the definition given, therefore, it is obvious that FATWA is a solution or decision of law given by a Mudjtahid (learned and enlightened doctor) who attempts to discover the law from its sources. [28]

The Condition of Fatwa and Mufti

Fatwa is illustrated as the Shari'ah law that is notified by a Mufti, it is therefore, the condition of fatwa is depended on the affairs of Mufti.

Abu al-Husain al-Basri stated that a Mufti is a person who has a special character to be a Mudjtahid. Meanwhile, a Mufti who wanted to notify fatwa for himself or others or give a formal decision on a matter of law, should be of good attributes and certain behaviour who can carry out Idjtihad. In addition, the Mufti should clearly understand the law as it is written down in the al-Kur'an and Hadith as well as being able to prove the law through looking at

the literal meaning of an expression (istinbāt), or through the deductive process (istidlāl) of using the method of analogy (al-kiyās). [29]

Imam al-Ghazālī emphasised that the vast majority of Muslim scholars agree that, it is permissible for a qualified and just Muftī to give a fatwā. [30] The Muftī, however, should be one who is profound in religious matters. Moreover, he should be a just person (al-‘adālah) and have a good knowledge of Ḥadīth and their narrators. [31]

According to Fazlur Rahman, "The task of specific interpretation of law and its application to individual cases was vested in the muftīs who could be either official or private. The verdict given by a mufti on a specific case or point of law is called fatwā." [32]

Ibn al-Hajib stated that, fatwā should be issued by a Muftī, who is learned in the science of Islamic jurisprudence (‘ilm Uṣūl al-Fiḥ) and he should clearly understand the texts from the point of view of semantics (dalīl sam‘īyat) as well as their reasoning (dalīl ‘aqliyat). [33]

According to Al-Badakhshi, a Muftī is a Mudjtahid, who in order to carry out idjtihād and give a fatwā concerning Shari‘ah law, must be a qualified Muslim. [34] Meanwhile, Ibn Hajar al-Hataymi, stated that it is one of the religious obligations of every individual Muslim (fard min furūd al-kifāyat), especially of celebrated Muslim scholars (a‘lam al-‘ulamā) to issue fatwā,

whenever a problem arises, so that it can be referred to. [35]

As to Ibn al-Qaiyim, he said that Imām al-Shāfi'ī strongly emphasised that no one can issue a fatwā unless he deeply understands the al-Ḳur'ān and particularly the Ḳurānic verses which concern abrogation (al-nasīkh wa mansūkh), including all their subdivisions as well as their interpretation (ta'wīl). Also, he should understand the purpose or reason of revelation (asbāb al-nuzūl) of each verse and its sources (i.e., whether it is Meccan and Medinite verse). Furthermore, he should know Ḥadīth as well as al-Ḳur'ān, and a profound knowledge of the Arabic language is therefore essential. He should know the social circumstances and the needs of law in certain countries and the law must be given with full consciousness. [36]

According to al-Shawkānī, while he discussed the condition of fatwā in Islamic law, he stated that it is permissible for a Muftī to issue fatwā, provided he should be a Mudjtahīd and Faḳīh, and he should strictly follow the principle of uṣūl al-Fiḳh (the science of Islamic jurisprudence). [37]

Meanwhile, Ibn 'Abidīn stated that a Muftī should truly be an investigator (nazr shadīd) and knowledgeable person in Islamic law (sharī'ah) as well as an expert in the matter of law. If he only memorised the matters of law and their proofs, without using any profound and deep analysis this was considered insufficient. [38] In another place, Ibn 'Abidīn mentioned an opinion of 'ulamā' concerning the matter of fatwā in Islamic law. He strongly emphasised that, the Mudjtahīd and the Muqallid should not make

a decision or judgment on legal problem to issue fatwā based on an unclear opinion. Such practice is considered sacrilege and is prohibited by a majority of Muslim scholars. [39]

According to the definition given, it is clear that the vast majority of Muslim scholars agree that the condition of FATWĀ is that it is one of the main affairs of the Muftī. Therefore, the validity of fatwā depends on the Muftī.

The Muftī

According to the principle of 'Ilm uṣūl al-Fiḥ, a Muftī is a Mudjtahid and Faḥ. According to Hughes, a Muftī is "the officer who expounded the law. He assists the Qāzī, or judge, and supplies him with fatwās, or decisions. He must be learned in the Qur'ān, and Ḥadīth, and in the Muslim works of law." [40] As for Hans Wehr, he explained that the word Muftī is originated from "muftin pl.muftūn" meaning deliverer of a formal legal opinion or official expounder of Islamic law. [41]

According to Haji Abdul Rahman bin Yusop, he defines Muftī as a "Muslim consultant jurist" [42] Meanwhile, J.B.Sykes says a Muftī is a "Muslim priest or expounder of law." [43] But, Longman elucidate that Muftī is a "person who officially explains Muslim law." [44]

An interesting viewpoint of Muftī was given by E.Tyan, he stated "the muftīs, like the prudentes of Roman law, played a considerable part in building up the structure of Islamic law.

Compilations of "responsa" by muftīs of repute count among the most important legal manuals." [45] At the same time he also differentiated between the function of "Judge and muftī": he said "a muftī can be a woman, a slave, a blind or a dumb person (except in the case of a muftī who is a public official)." [46]

Muhammad b. Ali al-Shaukānī emphasised that the Muftī is a Mudjtahīd (a person qualified to under take idjtihād) who is known as a righteous person and who has fulfilled the qualification of idjtihād (the use of independent judgement, or original thinking, in interpreting the Qur'ān and the Sunna). [47]

'Ulamā' Usūl al-Fiḫ has explained that the Muftī can be classified as follows:-

Ibn al-Qayyim states that the Muftī can be classified into four categories according to social or individual rank.

Firstly, a learned Muftī (Muftī'ālim) who must be knowledgeable in al-Qur'ān, Ḥadīth and the consensus of the Companions (Ṣahāba) opinions. He must also be a Mudjtahīd who is aware of the reasons of the Revelation of various verses. However, he sometimes follows the opinion of other 'Ulamā', but his following is based on 'Ulamā' better than himself. This is a Muftī who is able to give fatwā and is qualified to carry out Idjtihād and to be considered as having authority. [48]

Secondly, a Muftī who is a Mudjtahīd who adheres to a certain madhhāb (school). He knows all the madhhāb's fatāwā, opinions,

regulations and Islamic evidence of legislation. He can also issue fatwā from different schools, and carries out al-Kiyās (analogy) from what he has learnt without following the legal process of his leader (Imām) in views of law or evidence. He has his own method of carrying out Idjtihād and issuing fatwā. [49]

Thirdly, a Muftī who is a Mudjtahīd who only upholds a specific madhhāb. He strongly supports his madhhāb and fully believes in the rightness of the fatwā of his own madhhāb. However, he will never give any fatwā which contradicts with fatwā obtained from other sources. [50]

Fourthly, a Muftī who is just a learned man in various madhhāb, who memorises all fatawā and branches of Shari'ah law. While he is a follower of his own madhhāb in every aspect, he may issue evidence directly from al-Kur'ān or al-Ḥadīth concerning any question. He does his work just for God's blessing and not for fame or any other reason. However, he tends to support his founder's opinion more than to adhere to Ḥadīth Ṣaḥīḥ (sound tradition) or fatwā given by Companions (Ṣaḥābat). [51]

Jamaluddin al-Qasimi, said that a Muftī can be divided into two categories:-

The first category is, Muftī Mustakīl or independent Muftī who can apply his personal opinion without upholding any madhhāb. Besides mastering the Arab language including rhetoric (ʿilm Balāghah), he is also a Fakīh (jurist) who is specialised in Islamic law and affairs of Idjmā' (the consensus of opinion of the companions or the jurists) and Kiyās (analogy). When one achieves

this level, then he would be considered as a Mudjtahid Mutlak Mustakil (absolute independent Mufti), able to give a fatwa from his individual opinion.[52]

The second category, is Mufti Ghair Mustakil or a Mufti who is not independent and follows a certain madhhāb (the idjtihād within the school). He, too, is a Fakih who knows Islamic law but according to 'Am (led by one's example), and the matters entirely concerned with Islam. The Mufti of this category firmly uphelds the opinion of his own madhhāb. Therefore, anyone who achieves this level should be considered as a Mudjtahid Mukallid fi Madhhāb (the person obliged to follow authorities of the school in which he is born), able to issue a fatwa according to the opinion of the school.[53]

It is reported that Imam al-Shātibi said, "The status of the Mufti is high and important in Islam. He stands in the place of the Prophet in giving an explanation of Islamic teaching. He states the doctrine of Islamic Law to anyone who requires a solution by legal opinion." [54] It is indeed, a position of responsibility that is given, and it may be concluded that a Mufti must fulfill the proper qualification for issuing fatāwā. One of the main conditions is Idjtihād; i.e. a Mufti is a mudjtahid who is qualified to give a decision on law.

Al-Idjmā', al-Kiyās and al-Idjtihād

As we know, the Shari'ah was divinely revealed in the Qur'an and explained by the Hadith of the Prophet. It has been developed to suit the circumstances of necessity by Idjmā' (the consensus of opinions) and Kiyās (analogical deduction or reasoning). Idjtihād

serves as the medium for the deduction of rules from these sources and explains the means by which transactions and social needs are provided for with the necessary flexibility. Thus, idjtihād, or interpretation is an essential element in the growth of Islamic Law.

Most Muslim jurists are of the opinion that, the Qur'ān and the Sunnah are both the first and second primary sources of the Shari'ah and they serve as the basic model of the Islamic legal system. At the same time, they also acknowledge that, al-Idjmā' and al-Kiyās are the secondary sources of Islamic Law. These are derived from the legal injunctions of the Qur'ān and the Sunnah of the Prophet. Al-Idjtihād serves as the medium of the deduction of rules from these sources. Hence, the final sanction for all intellectual activities in respect of the development of Shari'ah comes from nowhere else but the Qur'ān. Any Ḥadīth (the Prophetic tradition) which sometimes goes contrary to the Qur'ān is not to be considered as authentic. We shall briefly examine the secondary sources of the Shari'ah and their Qur'ānic sanctions.

Al-Idjmā': The Consensus of opinions

Apart from the Qur'ān and the Sunnah, the two primary sources of Islamic Law, there are two secondary sources. One of them is al-Idjmā', the consensus of Juristic opinion of the learned 'Ulamā' of the Ummah (Muslim nations) after the death of the Prophet Muhammad. Idjmā' can be defined as the consensus of the opinions of the Companions of the Prophet (Ṣaḥābah) and the agreement reached on decisions taken by the learned Muftis or Jurists on various Islamic matters.

According to Hughes, Idjmā' is "the third foundation of Islam. It literally means "collecting," or "assembling," and in Muslim divinity it expresses the unanimous consent of the Mujtahidūn (learned doctors); or, as we should call it, "the unanimous consent of the Fathers." [55]

Indeed, the practice of Idjmā' can be traced back to the days of the Companions of the Prophet as can be seen from the following example. Almighty Allāh does not state the type of punishment that should be applied to one who drinks alcohol. But the agreement was reached by the consensus of opinions of the Ṣaḥābah when Sayyidinā 'Alī bin Abu Ṭālib said: "He who drinks, gets drunk; he who gets drunk, raves; he who raves, accuses people falsely; and he who accuses people falsely should be given eighty strokes of cane according to the injunction of the Holy Kur'ān. Almighty Allāh has said:

"Those who launch a charge against chaste women, and produce not four witness (to support their allegations), flog them with eighty stripes; and reject their evidence, even after: for such men are wicked transgressors." [56]

However, the Prophet Muḥammad himself also supported the process of Idjmā' when he says in a Hadīth:

"My people would never agree on whoever leads them astray."

As a matter of fact, the term Idjmā' owes its origins to the Kurānic verses, for example in Sūrah al-Nisa. Almighty Allāh has said:

"O ye who believe! obey God, and obey the Apostle and those charged with authority among you. If ye differ in anything among yourselves, refer it to God and His Apostle."[57]

And another verse that Almighty Allāh has said:

"If anyone contends with the Apostle even after guidance has been plainly conveyed to him, and follows a path other than that becoming to men of faith, we shall leave him in the path he has chosen and land him in the hell - what an evil refuge."[58]

The blooming consultation (shūrā) and the use of Juristic reason (Idjtihād) are normal preliminaries for arriving at a binding Idjmā'. Even the Rashidūn Caliphs always consulted the Companions (ṣaḥābah) whenever a novel issue arose. For example, the Caliphate of Abu Bakr was based and run on the process of Idjmā' of the Companions.

The following few examples are based on the process of Idjmā': the validity of a contract for the purchase of goods which have yet to be manufactured (akd al-Istisnā') is based on Idjmā'.

The usual rule is that a sale of non-existent goods is not valid because of uncertainty. The juristic consensus was aiming at providing a practical solution. In the field of inheritance, for example, it was agreed that if a person is predeceased by his father, then the grandfather participates in the inheritance of the estate with the son taking the share of the father.

In the field of family law it was agreed that since the Kur'ān proscribes marriage with mothers and daughters then grandmothers and granddaughters (howsoever far removed) by the same token fall within the prohibited degrees.

The consensus of the 'Ulamā' or Jurists must be based on the Kur'ān, the instructions of the Prophet (Ḳaul al-Rasūl), the actions and demonstrations of the Prophet (Fi'l al-Rasūl). But some actions of the Prophet can be of a very special nature which cannot be applicable to an ordinary man. The consensus should be based on preachings and speeches of the Prophet (Takrīrāt al-Rasūl). The Idjmā' could be divided into three broad categories: Idjmā' al-Ḳaul (the verbal consensus of opinion), Idjmā' al-Fi'lī (the consensus of opinion on an action) and Idjmā' al-Sukut (the silent consensus). [59] Furthermore, the Idjmā' could be sub-divided into two broad categories: Idjmā' al-ʿAzīmah (the regular consensus of opinion) and Idjmā' al-Rukhsah (the irregular consensus of opinion).

As regards to the verbal consensus of opinions, if an issue is raised and all the Jurists accept to it by voicing out their approval, the consensus of opinion is regular. But if it is raised and none of them says anything, the consensus of opinion is irregular. Nonetheless both of them are valid in Islamic legal system.

As regards to the practical Idjmā', if a Jurist does something and none of the other Jurists challenges him, the Idjmā' is regular; but if a Jurist does something, and one or more Jurists question him, the Idjmā' al-Fi'lī is irregular. Nonetheless, both of them are valid as far as Islamic Law is concerned.

During the time of the Imāms Mālik and Abu Ḥanīfah, the eligibility of a Jurist who could sanction the Idjmā' became a matter of controversy. According to some Jurists it is only the Companions of the Prophet who were in a position to sanction the Idjmā'. According to the Shi'ites, however, the Idjmā' can only be sanctioned by Ahl al-Bayt (the people of the House of the Prophet) that is the descendants of 'Alī and Faṭimah, the daughter of the Prophet Muḥammad.

According to Imām Mālik, the Idjmā' can only be sanctioned by the Jurists of Medinah. Meanwhile as far as the Ḥanīfah school of thought is concerned, the Idjmā' can be sanctioned by any qualified Jurists irrespective of his geographical place of abode or the religious sect that he belongs to. However, the Jurists also disagreed amongst themselves as to the number of the Jurists who can ratify the Idjmā'. According to Imāms Mālik and Abu Ḥanīfa, the number must necessarily be very great. Some Jurists put the number of three Jurists while some others say that two will suffice for this purpose.

The Jurists also say that any Idjmā' sanctioned by the Companions of the Prophet could be repealed by no one else but only by the Jurists who lived during their period. But any Idjmā' sanctioned by the Jurists who are not the Companions of the Prophet can be repealed by the Jurists of their generation as well as the Jurists of the generation after them because people considered their opinions as of the same weight in the Islamic legal system.

The Māliki school of thought considers that the established practice of the people of Medina ('amal ahl al-Medina) provided valid Idjmā'. But other schools of thought

disagreed on this point. Some Ḥanbali followers as well as some other Jurists accept only the agreement of the four Rashidūn Caliphs as the only binding Idjmā'.

Likewise, other Jurists consider the Fatwā (Juridical opinions and decision) of the Companions of the Prophet as binding Idjmā' for the Ummah. But to the Shi'ite, however, the binding Idjmā' is that of the Ahl al-Bayt. Some Ḥanbali followers are of opinion that Idjmā' is not binding if reached more than one generation after the Prophet's death, because it is nearly impossible to obtain the express agreement of every single qualified jurist after that stage of the spread of Islam.

Most Jurists have agreed that only an express Idjmā' is binding. But Ḥanāfi Jurists consider the silence of the Jurists with regard to the vocal expression of a particular opinion as an effective implied agreement provided that (a) there is an evidence that the silent Jurists were really well acquainted with the issue and (b) a reasonable period of time passed after the view expressed to enable other Jurists to devote sufficient time for research and analysis. If both conditions are met, say the Ḥanāfi Jurists, silence of Jurists amounts to an approval. [60]

If any Idjmā' is properly founded on the text of the Qur'ān and the Ḥadīth, it cannot be abrogated by any subsequent consensus; but if the Idjmā' is simply based on public interest (Maṣālih al-Murṣlāh), it may be abrogated if the public welfare so needs.

Indeed, there has been some difference of opinion as to the exact definition of Idjmā'. According to Shāfi'ī, Idjmā'

is "a complete consensus of all the learning on a certain point of law." According to him, there should not be a single opinion against the consensus. Ibn Jarīr Al-Ṭabari and Abu Bakr Al-Razi regard even a majority decision as Idjmā'. [61] The position of Aḥmad Ibn Ḥanbal is that when he says "we know of no opposition to this view", that means that he regards that decision as Idjmā'. [62]

Al-Idjmā', therefore, is Hujjah (An argument; a proof) which the Jurists of the four schools of Islamic Jurisprudence, used in order to solve the problem of religious matters.

Al-Kiyās: Analogical Deduction

The principle in Islamic jurisprudence used to deal with new situation not mentioned in the Qur'ān or the Sunnah is called Kiyās.

The term al-kiyās, according to the Muslim Jurists, means analogical reasoning, i.e. concluding from a given principle embodied in a precedent that a new case falls under this principle or is similar to this precedent on the strength of a common essential feature called the "reason" ('illa). Later on in Muslim philosophy the same term was employed to mean a syllogism or syllogistic reasoning.

According to Hughes "Qiyās" literally means "to compare." [63] Meanwhile, Ruthven has defined Qiyās as "the technique of systematic analogical reasoning, was the method by which the legal experts sought to incorporate new situations within the system of divine law while maintaining the primacy of the Qurān and the Sunna." [64] As for, Seyyed Hossein Nasr Qiyās it means "essentially to use

human reason to compare an existing situation with one for which legislation already exists. If the Qurān has banned wine it means that by analogy it has also banned any form of alcoholic drink whose effect is like wine, namely one which causes intoxication." [65]

An interesting definition of al-kiyās was given by Abdur Rahman I. Doi, who says : Al-Qiyās "could be defined, in Islamic theological parlance, as analogy, or analogical deduction. In other words, al-Qiyās is the legal principle introduced in order to derive at a logical conclusion of a certain law on a certain issue that has to do with the welfare of the Muslims. In exercising this, however, it must be based on Qur'ān, Sunnah and Ijmā'." [66]

Kiyās can be divided into four broad conditions: (1) The principle or practice upon which it is founded must be of general ('amm) and not of particular (khāṣṣ) application; (2) The cause or reason ('illa) of the injunction must be known and understood; (3) The decision must be based on either the Qur'ān, the Ḥadīth, or Idjmā'; (4) The decision arrived at must not be contradictory to anything manifested elsewhere in the Qur'ān and the Ḥadīth. [67]

There are two kinds of Kiyās, namely, Kiyās-i Jalī, or evident, and kiyās-i khafī, or hidden. This is an example of kiyās-i Jalī. As it is known that "Wine" is prohibited in the Qur'ān under the word khamr, which literally means anything intoxicating; it is therefore, evidence that opium, hashish, marijuana and all intoxicating drugs and drinks are also prohibited. As for Kiyās-i-khafī an example is as the following: It is clearly mentioned in the Ḥadīth that one goat in forty must be sacrificed in the name of God. To some poor

persons the money may be more acceptable; therefore, the value of the goat may be given instead of the goat. [68]

This legal principle was introduced by Imām Abu Ḥanīfah, the founder of the Ḥanāfi school of thought, in Iraq. As we know that during the period of the Abbasids, people engaged themselves in reading various text books on logical philosophy, etymology, linguistics, literatures of various places, foreign text books, which to some extent tended to vitiate their minds and lead them astray. They wanted to apply what they had studied in these foreign literatures to Islamic Jurisprudence. Many new Muslims in far of places had brought with them philosophical perspective, their culture and even religious and legal concepts in the fold of Islam. Abu Ḥanīfah introduced Kiyās as a measure to curb their excessive thinking and to keep them on check.

In this regard, however, there are some people who go against this legal principle. There are scholars and Jurists who may be named as anti-kiyās and pro-kiyās. Each and every one of them brought forth evidence to support his stand.

For those who are against Kiyās have stated that Almighty Allāh revealed the Holy Ḳur'ān to us for our guidance, no more, no less. A Muslim must look for the solution of his disputes in the Ḳur'ān. Almighty Allāh has said:

"Nothing have we omitted from the Book and they(all) shall be gathered to their Lord in the end." [69]

However, the pro-Kiyās also advocated their stand with the Ḳurānic verse, the traditions of the Prophet Muḥammad and the

statement of his Companions. Almighty Allāh has said:

"Take warning, then, O ye with eyes (to see)!" [70]

The pro-Qiyās state that the people of understanding referred to in this verse must use their common sense to infer Islamic Law. They advocated their argument by quoting the Ḥadīth of the Prophet which says:

"The Prophet sent Mu'ādh b. Jabal to Yemen as their Judge and governor. Before Mu'ādh left the Prophet, he asked the latter on what basis would he judge if he was confronted with a problem. Mu'ādh said that he would judge on the basis of the contents of the Qur'ān. The Prophet asked him: "assuming that you do not find it in the Qur'ān, on what basis would you judge", Mu'ādh said he would judge on the basis of the Sunnah of the Prophet. The Prophet also asked him: "assuming you do not find it in both the Qur'ān and the Sunnah of the Prophet, on what basis would you judge", Mu'ādh b. Jabal replied that he would use his own individual judgement. And the Prophet Muḥammad was very happy to hear this statement." [71]

The Jurists have laid down the conditions which al-Qiyās can be accepted: among them are:

a) that the Qiyās must be applied only when there is no solution to the matter in the Qur'ān or in the Ḥadīth.

b) that al-Qiyās must not go against the principles of Islam.

c) that al-Qiyās must go against the contents of the Qur'ān neither must it be in conflict with the traditions of the Prophet.

d) that it must be a strict Qiyās based on neither the Qur'ān, the Ḥadīth or the Ijmā'. [72]

Imām al-Shāfi'ī was asked a question about Kiyās or analogical deductions as one of the sources of Shari'ah, and the Imām gave reply to this question as follows:

On what ground do you hold that on matters concerning which no text is to be found in the Book of Allāh (Kitāb al-Allāh), nor a Sunnah or consensus (idjmā'), recourse should be had to Kiyās? Is there any binding text for the use of Kiyās, analogical deduction?

Imām Shāfi'ī replied: If Kiyās were stated in the text of the Book (Qur'ān) or the Sunnah (Ḥadīth), such a text should be called either Allāh's command or the Prophet's order rather than Kiyās.

When he was asked about Kiyās and whether it is Idjtihād, or they are the two different things?

According to him, they are the two terms with the same meaning. When he was asked about their common basis, he replied: "On all matters touching the life of a Muslim there is either decision or an indication as to the right answer. If there is no decision, it should be followed: if there is no indication as to the right answer, it should be sought by Idjtihād, and Idjtihād is Kiyās (analogy)." [72]

Al-Kiyās, therefore, is one of the principle of Islamic jurisprudence which the Jurists used to deal with new situations not

mentioned in the Ḳur'ān or the Sunnah. Moreover, Ḳiyās is a particular form of Idjtihād.

Al-Idjtihād: Individual reasoning or the use of independent judgement, or original thinking, in interpreting the Ḳur'ān and the Ḥadīth.

Idjtihād is an Arabic word which according to Islamic law, means independent judgement in a legal or theological question. In its widest sense, it means the use of human reason in the elaboration and explanation of the Shari'ah Law. It covers a variety of mental processes, ranging from the interpretation of texts of the Ḳur'ān and the assessment of the authenticity of Aḥadīth. Ḳiyās or analogical reasoning, then, is a particular form of Idjtihād, the method by which the principles established by the Ḳur'ān, Sunnah, and Idjmā' are to be extended and applied to the solution of new problems not expressly regulated before.

According to Abulala Maudūdi, "The whole of this legislative process which makes the legal system of Islam dynamic and makes its development and evolution in the changing circumstances possible, results from a particular type of academic research and intellectual effort which, in the terminology of Islam, is called "Ijtihād". Literally the word "Ijtihād" means to put-in the maximum of effort in performing a job but technically it signifies "maximum effort to ascertain, in a given problem or issue, the injunction of Islam and its real intent".[73]

As for Hughes, ijtihād means "the logical deduction on a legal or theological question by a Mujtahīd or learned and enlightened doctor, as distinguished from Ijmā', which is the collective opinion of a council of divines." [74]

According to Prof. Gibb: "the word ijtihād' literally means exerting one's self', in the sense of striving to discover the true application of the teachings of Koran and tradition to a particular situation, and it may not go against the plain sense of these teachings." [75] To Said Ramadan Al-Ijtiḥād is a derivation from the Arabic verb, ijtahāda, which literally means "to exert oneself." [76]

In the course of time, the term idjtiḥād has come to indicate a large complex of juristic definitions and conditions. As mentioned above, Imām al-Shāfi'ī was asked about Kiyās and whether it is Idjtiḥād, or whether they were two different things? He replied that Idjtiḥād was Kiyās (analogy). To the best of our knowledge, the first time this power was used with a direct legal import during the lifetime of the Prophet was in an authentic Tradition of Mu'adh b. Jabal mentioned earlier. [77]

The scope of Idjtiḥād is very wide because it is a method of meeting the needs of the community which are not met expressly in the Kur'ān and the Sunnah of the Holy Prophet. Kiyās is an important method of Idjtiḥād through which jurists have tried to meet the needs of the Muslim community since the time of the Holy Prophet. When all, or the overwhelming majority of the jurists agree, it is called Idjīmā'. But the source of all Law remains the Kur'ān and the Sunnah of the Prophet for all time to come, and if any problem is not

covered by them, then the jurists use their discretionary powers in the light of these two primary sources.

Imām al-Shāfi'ī supported the idea of Idjtihād by quoting a verse of the Kur'ān to substantiate his conviction over the issue. [78] Almighty Allāh has said:

"Whencesoever thou startest forth, turn thy face in the direction of the Sacred Mosque." [79]

Imām al-Shāfi'ī maintains that if one does not exercise his intellect, he would not be able to know where the Sacred Mosque is. There, Allāh Himself indirectly encourages us to exercise our faculty of reasoning, a great gift to mankind, to derive a logical conclusion on certain matters. Almighty Allāh has said:

"And those who strive in Our (cause), We will certainly guide them to Our Paths: For verily God is with those who do right." [80]

The Jurists have laid down certain conditions under which al-Idjtihād must not be exercised: [81]

- a) Ijtihād must not be exercised as to the existence of Allāh. It is certain that Allāh does not exist and any attempt to think in His existence or not would lead to disbelief.
- b) Ijtihād must not be exercised as to the truism of the Prophet of Allāh who were sent by Allāh Himself and any attempt to ponder over the idea of their Prophethood is tantamount to disbelief.

- c) Ijtihād must not be exercised on the authority of the Holy Qur'an

Before one can be al-Mudjtahīd, he must fulfil the condition of Idjtihād; he has to be knowledgeable about the religion of Islam, the Sunnah, Fikḥ and Uṣūl al-Fikḥ. Al-Mudjtahīd should possess the following qualities: [82]

- a) He should have a vast and deep knowledge of the Holy Qur'an and all that is related to it, i.e. a perfect knowledge of Arabic literature, a profound acquaintance with the orders of the Qur'an and all their sub-divisions. He should know when and why each verse of the Qur'an was revealed (Asbāb al-Nuzūl). He should have a perfect knowledge of the literal meanings of the words; the speciality (Takḥṣīs) and generality of each clause, the abrogating and abrogated sentences (Nasīkh al-mansūkh). He should be able to make clear the meaning of obscure passage (Mutashābihat) to differentiate between the universal ('Amm) and the particular (al-khāṣ).
 b) He must be well versed in the study of the traditions of the Prophet Muḥammad. That is, he must know the distinctions of authenticity between Ḥadīth from the various Ḥadīth; he must know Ḥadīth Ṣaḥīḥ and Ḥasan (Sound and good Ḥadīth) Ḥadīth al-Dā'if (weak Ḥadīth) and so on.
 c) He should also know the law which has been established by the consensus of the recognised Sunni Jurists, Idjmā' (consensus of community) so

that he does not give his fatwā in contradiction to theirs.

- d) He must know the science of Law (‘ilm uṣūl al-Fiḥ), or otherwise, he will not be able to exert his effort in conveying the rules from the primary sources (al-Ḳur’ān and al-Ḥadīth).
- e. He must know the injunctions of Ḳiyās and the conditions that surround it.

The Mudjtahīd in other words must possess good character apart from academic excellence. Among the moral qualities he must possess are: [83]

- a) He must be a good Muslim. That is he must not be a nominal Muslim; rather, he must be a practicing one.
- b) He must be very pious and law-abiding to all the injunctions of the Holy Qur’an.
- c) He must not be influenced by any heretical influences.
- d) He must be Just, reliable, trustworthy and pure from iniquitous practices.

The Mudjtahid can be classified into three broad categories: [84]

- a) Al-Mujtahīd fil-Sharī‘ah: These were those who did Ijtihād in the matter of Sharī‘ah. There were the Companions of the Prophet till the third century of Islam.
- b) Al-Mujtahīd fil-Madhhāb: These were those who did Ijtihād and later founded schools of Jurisprudence.

These are the Mujtahīds that followed them:

- c) Al-Mujtahid fil-Masā'il: These are the Present day Mujtahids who give Fatawā or Juristic opinions on religious matters.

However, Ibn al-Qayyim has categorised the Mudjtahid as following: [85]

- a) The complete mudjtahid, or mudjtahid fil-Shari'ah: They are those who have experience of the Holy Kur'an, the Tradition of the Prophet and the opinion of his Companions. They exercise idjtihad in order to arrive at a rule relying on the primary sources. They formulate and restate the principle of Islamic Jurisprudence and have established a legal system or school of thought, i.e. Abū Hanīfah, Māliki, Shāfi'i and Ibn Hanbal
- b) The Mudjtahid within the schools. They are the disciples of one of the founders of the recognised Sunni schools. They determine the law in particular cases by applying the principle established by their master and, at times, disagree with them in particular application of law, but never with respect to the principles. They are:

Hanāfi School : Abu Yusuf (d.182 A.H.), Zufar(d.159 A.H.) and Muhammad b. al-Hassan (d. 189 A.H.).

Shāfi'i School : Al-Muzani (d.264 A.H.), Abu Yusuf b. Yahya al-Buwayti (d.231 A.H.) and Hasan b. Muhammad as-Sabah az-Zafarani (d.260 A.H.).

Māliki School : Abu Muhammad 'Abdullāh b. Wahb (d.197 A.H.), Abu Abdullāh Abd. al-Hakam

al-Misri (d.214 A.H.).

Hanbali School : Aḥmad b. Muḥammad Abu Bakr

(d.260 A.H.), and Abu Bakr al-Khallāl (d.311 A.H.).

- c) The Mudjtahīd within the school. They study the fatāwā of the school without any opposition to the basic principle of the school.
- d) The Mudjtahīd on particular questions, or Mudjtahīd fi al-Masā'il, al-Fatwā. This group imitate legal opinions without referring to the primary sources. Thus, if they find an authentic tradition contrary to the opinion of their school, they prefer the opinion over the tradition. [86]

The combination of above qualities is needed for the person who wants to be a full mudjtahīd. But there are views which authorise a person to enter the rank of Mudjtahīd in idjtihad, although he has mastered only a part of the required science. For example, if one knows only inheritance one may form an opinion on that point. It is not necessary for a Jurist or Muftī to be able to answer every question.[87]

It should be noticed that there are three degrees of Idjtihād: Idjtihād fi al-Sharā' (absolute independence in legislation); Idjtihād fi al-Mazahib (authority in the judicial systems founded by the Mudjtahīd pl. Mudjtahidūn of Mutlak "absolute") and Idjtihād fi Masā'il (authority in cases which have not been decided by the authors of system of jurisprudence).[88]

However, it should be noted that legislation in Islam is not "the making of law" in the modern sense of the term, for

principles of law are already contained in the texts (al-Ḳur'ān and al-Ḥadīth) and as such only be extended by means of Idjtihād and interpretation. Such interpretation should not be the result one's own reason or personal opinion but by analogical deduction (Ḳiyās), i.e. reasoning by the way of real analogy.

Therefore, any form of Idjtihād must have its starting point in a principle of the Ḳur'ān, Sunnah, or Idjmā' and cannot be used to achieve a result which contradicts a rule established by any of these three fundamental sources; whenever a new case of issue presents itself, reasoning by Ḳiyās with an original case covered by the Ḳur'ān the Sunnah or Idjmā' is possible provided the effective cause ('illah) is common to both cases.

As mentioned above "wine" is prohibited by the texts (al-Ḳur'ān) and other intoxicants like spirits, alcohols and drugs like hemp and marijuana are prohibited by Ḳiyās because they also lead to drunkenness and loss of senses. In this way the prohibition is extended by analogical deduction. The majority of Muslims, including the four recognised Sunni Schools, accept Ḳiyās and Idjtihād to determine the juristic basis for reasoning on an issue:

- (a) There should be an original subject (aṣl);
- (b) There should be an object of the analogy, being a new subject (far');
- (c) There should exist effective cause common to both subjects ('illah);
- (d) There should also be a rule arrived at by Ḳiyās (ḥukm).

The following are some other examples of arriving at an

Idjtihād through the use of analogical deductions (Kiyās):

(a) In Surah al-Jum'ah the Qur'ān prohibits sale transactions after the last call to Friday prayer. The rule is extended by Kiyās to other kinds of transactions and engagements which distract Muslims from attending the Friday prayer.[89]

(b) In the Ḥadīth of the Prophet a killer is deprived from sharing in the inheritance of his victim. This rule is extended to the law of Waṣiyyah (bequests) as well.

It is generally acknowledged that, Idjtihād played a very important role in the growth of Islamic law from time to time. To confirm this, Shah Waliullāh has brilliantly emphasised the necessity of undertaking Idjtihād in almost all his writings. In the Preface of Musaffa, he clearly writes:

"Ijtihād in every age is obligatory (on the Muslim scholars) and by Ijtihād I mean the full understanding of the Shari'ah values (Aḥkam) based on the fundamentals of Islam, the elucidation of their details and the compilation and codification of new laws, although it may be in conformity with the approach adopted by the founder of a particular School. The reason why I have spoken of Ijtihād as obligatory is that every age has its own countless peculiar problems, and cognizance of the Divine injunctions with regard to them is essential. The material which has already been written and compiled, is not only insufficient but it also embodies many differences of opinion. The differences can not be resolved without resort to the fundamentals of the Shari'ah, as also because the chain of authenticity leading back to the mujtahid is probably disrupted. Therefore the only way open is to review and reassess these differences against the principles of Ijtihād." [90]

Al-Ijtihād played a very important role in the growth of Islamic law from time to time. Now we come to look at how al-Idjtihād attained the status of law. There are a number of methods that have been recognised in the legal system of Islam whereby an Idjtihād acquires the force of law. Firstly, consensus of opinion (Idjmā') by the learned men of the community. Secondly, the Idjtihād of an individual or a group of individuals may gain wide popularity and people may sua moto adopt their verdict, for instance, the Idjtihād of the Ḥanāfi, the Shāfi'i, the Māliki and the Ḥanbali Schools of law were voluntarily accepted by large groups of Muslim populace. Thirdly, a Muslim government may adopt a particular piece of Idjtihād as its law, as for example the Ottoman government had adopted the Ḥanāfi Law as the Law of the land. Fourthly, an institution may be constitutionally empowered in an Islamic state to legislate and it may enact a particular piece of Idjtihād in the form of law. Apart from these four methods, any Idjtihād performed by various Muslim scholars can be no more than a verdict (fatwā). As regards the judicial pronouncements of the judges (Ḳāḍis), they are enforceable as law only in respect of the particular case in which a court may have pronounced them and they may also have the force of a precedent but they cannot be classified as law in the true sense of the term so much so that even the judicial pronouncements of the Rightly Guided Caliphs--given by them in their judicial capacity by Kiyās--did not acquire in Islam the force of law. The concept of "judge-made-law" is alien to the legal system of Islam.

Al-Idjtihād, therefore, is an exercise of one's reasoning

to arrive at a logical conclusion on a legal issue done by Jurists, Muftis or Mudjtahidūn to deduce a conclusion as to the effectiveness of a legal precept in Islam.

The Development of Fatwā

The historical development of Fatwā in Islam began during the life of the Prophet himself and his Companions (Ṣaḥābah), either fatāwā or judgements of Kāḍī, were not given systematically and nobody collected and published such materials.

Since the successor's time (Ṭābi'īn), fatāwā began to take formal shape and developed into a body of material, so becoming an independent subject of study. By this, we mean that fatāwā and Judgements of Kāḍī or Muftī developed year by year according to the extension of the Muslim community and the needs of the time.

In looking at the development of fatwā, in this part, I shall roughly divide its history into four periods as follows:-

1. During the Prophet's life time.
2. The period of Companions (Ṣaḥābah)
3. The period of Successors (Ṭābi'īn)
4. The Modern period

1. During the Prophet's life time

The power of legislation in Islam during the Prophet's lifetime was expressed by him. He had supreme authority in the interpretation of Revelation (wahy) through words or actions.

This can be seen when Allāh the Almighty says:

"So take what the Apostle assigns to you, and deny yourselves that which he withhold from you and fear God; for God is strict in punishment." [91]

There are two methods in the Prophet's explanation. Firstly, it is concerned with Revelation (waḥy). In this case the Prophet explained the purpose of the verses of the Kur'ān to the people. Secondly, it is concerned with the Idjtihād of the Prophet or his personal opinion (al-Idjtihād bir-Ra'yī) in giving interpretation on the religious matter. [92]

The concept of "personal opinion" (Ra'yī) was even recognised and applied by the Prophet with reference to himself. Only what he said, did or agreed to in his capacity as a Prophet is to be considered a binding Sunnah. [93] An example of the Prophet's personal opinion (Ra'yī) is Al-Hubab Ibn al-Mundhir's conversation with the Prophet during the famous battle of Badr. [94] He was asked, "This place where we have been stationed, is it God's ordained selection (by Revelation), or is it your plan?" He replied, "It is but my plan." Then said Al-Hubab, "This does not seem to be the proper stationing." And he suggested some other place for reasons which he explained. The Prophet, convinced by this reasoning, ordered the Muslim army to change its position.

The above example showed that the Prophet differentiated between an instruction sanctioned by Revelation (waḥy) and an instruction initiated by the Prophet's personal consideration (Ra'yī). We have also seen how the Prophet not only accepted the differentiation, but also gave up his own plan in favour of Al-Hubab's. The renowned compiler of Hadīth, Muslim,

also records another event in his Ṣāḥih. On his arrival at Medinah, the Prophet observed some Medinites pollinating their palm-trees. He made the remark: "Perhaps it would be better if you did not do it." The people concerned took his remark as an order, and the result was not what he had expected. This being reported to him, he said:

"I am but a human being. Only when I order something of your religious will you obey it. But if I issue an instruction upon my personal opinion, then it is a mere guess and I am only a human being. Rather, you may better know your worldly affairs." [95]

It has also been reported that the Prophet, on some occasions, sought the opinions from his companions, for instance, Abu Bakr and Umar by saying, "Advise, for in the absence of Revelation I am like you." [96]

The historical development of Fatwā, according to the Islamic point of view, cannot be separated from al-Kiyās and al-Idjtihād. This is because, fatwā by itself, is the result of idjtihād. During the Prophet's lifetime, all religious matter was judged on the basis of the Ḳur'ān which was revealed to him, and if he did not find solution in the Ḳur'ān, he should make use of idjtihād or personal opinion (al-Ra'yī) in order to state a decision of law in particular cases.

It should be noticed that legal decisions during the Prophet's lifetime, apart from being revealed in the Ḳur'ān, were also found in exercise of personal opinion (al-Ra'yī). For the

Prophet's companions, legal decisions (fatwā), if they did not find their solutions in the Kur'ān and the Sunnah of the Prophet, would be judged according to their own opinions (al-Ra'yī).

There are examples of fatāwā by the Prophet in order to state a decision of law in particular cases:-

(a) Ibn Abbas narrated a Ḥadīth about a fatwā given by the Prophet solving a woman's problem. The woman said. "My mother vowed to perform the Hajj, but died. Can I perform the Hajj for her?" The Prophet replied: "Yes, you may do it for her, because the performance of Hajj can be counted as a debt. Therefore, it is your responsibility to your mother." [97]

(b) Sayyidna Umar, the second Caliph came to the Prophet to seek a fatwā. He asked the Prophet whether a kiss during the fast vitiates if even though no orgasm is reached. So what is the fatwā regarding this act? The Prophet posed a question: "Does rinsing one's mouth vitiate the fast?" Umar replied: "No, it was all right to do so." Then the Prophet indicated that the fast is similarly not vitiated by a kiss if it is not accompanied by an orgasm. He compared kissing with the act of washing to make ablution (wudū'). [98]

In these cases, the Prophet laid down the rules of giving fatwā on matter which had not been mentioned by Revelation (wahy). Those fatāwā were collected and compiled in the form of Sunnah (the tradition of the Prophet). Apart from that, the Prophet also gave permission for his Companions to formulate their own decisions.

As mentioned above the first time this power was used with direct legal import during the lifetime of the

Prophet, it concerned Mu'adh b. Jabal, appointment by the Prophet as a judge and governor in Yemen.[99]

In the Prophet's time it was possible for two persons to take divergent positions and express different views on the issue of prayer. For instance, it happened on the occasion of the battle of Banū Quraizah. The Prophet and his Companions usually stopped in their journey to perform prayers. However, at this particular time, the Prophet did so but some of his Companions continued on their journey. They performed their prayers after they reached their destination instead. When this event was reported to the Prophet, he kept silent. The Companions interpreted this as a tacit approval of the actions of both parties.[100]

This too, indicates that people may differ in interpretation (Idjtihād), depending on how strict they are towards these matters pertaining to their belief. Hence, differences of fatwā arose among Muslim Jurists, especially among the four recognised Sunni school of Jurisprudence.

2. The Period of Companions (Ṣaḥābah)

When the Prophet Muḥammad died, Allāh the Almighty no longer promulgated His commands for the guidance of humanity as Islam was completed before his demise. Islam had been perfected in the Kur'ān and is available for reference and instruction. [101] The Prophet himself emphasised: "I have left two things, If you hold fast to them, never will you go astray after me. They are God's Book (Kur'ān) and His Prophet's Tradition (Ḥadīth). [102]

It Should be noticed that, for the period of Companions here,

I simply refer to the period of the four orthodox Caliphs (Khulāfa ar-Rashidīn) namely Abū Bakr al-Siddik (573-634 A.H), ‘Umar ibn al-Khaṭṭāb (634-644 A.H), ‘Uthman ibn ‘Affan (644-656 A.H) and ‘Āli Abi Tālib (656-661 A.H).

After the death of the Prophet, it was easy for the Companions (Ṣaḥābah) to decide any case if a text of Kur’ān or pronouncement of the Prophet had been decided in a similar case. However, circumstances change with time, and no direct provisions were always made. This is because the community became more complex and new problems arise. Therefore, legal opinions (fatāwā) to solve such problems had to be carried out by consulting the Kur’ān and the Sunnah of the Prophet. If no solution was to be found in the two primary sources they used their own judgement (idjtihād). During the rule of Caliph Abu Bakr and Umar, fatāwā were issued in collective form as well as in individual form.[103]

When issuing a fatwā, the Companions interpreted the Kur’ān and the Ḥadīth differently. However, the Companions tried to base their decision on these two primary sources (Kur’ān and Ḥadīth). Despite the differences in opinions, they did not in any way deviate from the spirit of the Kur’ān and the Ḥadīth. They aspired to keep their decision and personal judgement as close to those of the Prophet as possible. [104] Moreover, the differences were based on the faith and strictness of the Companions on Islam and its institutions. They differed and gave fatāwā according to the spirit and atmosphere of the structure provided by the sacred principle. They acted in the spirit of the Kur’ān and the Sunnah and abstained from introducing innovations (bid‘a).

As mentioned before the concept of individual or personal opinion (Ra’yī) was a clear aspect of the intellectual life of

the earliest Muslim society, especially during the Prophet's life-time. When a problem arose, the Prophet solved the problem or decided any case on the basis of the Qur'ān which was revealed to him. But, if there was no solution in the Qur'ān, the Prophet used his personal judgement (idjtihād bir Ra'yī).

Similarly, during the time of Ṣaḥābah, personal opinion (Ra'yī) also played a very important role in formulating Islamic legal system, perhaps far more important than in the Prophet's lifetime. Due to circumstances changed with time, no direct provision was made, the community became more complex and new problems arose. It is therefore, personal judgement (idjtihād) and individual opinion (Ra'yī) which served as the medium for formulating the legal system and become an essential element in the growth of Islamic law.

Ibn al-Qayyim records many authentic incidents to this effect. For example, Umar, the second Caliph, once asked a litigant after his case had been judged by Ali and Zaid, who had both been Companions of the Prophet: "How was the judgement?" The man told him. Umar then said: "Had I been the judge, I would have decided differently." The man asked him: "Why, then, do not you enforce your decision, you being the Caliph?" Umar replied: "If it were a decision upon a specific ordinance of the Book or the Sunnah, I should have done that, but this here is a matter of opinion, and thus we are all the same." [105]

Below are a few examples on the fatāwā given by the Companions (Ṣaḥābah):

(a) Abu Bakr al-Siddik

He was the first Caliph in Islamic Government at Medina after the death of the Prophet Muhammad. His relation with the Prophet was very close and friendly. Ibn Umar narrates a Ḥadīth in which the Prophet says to Abu Bakr: "You are my best Companion even we were in the swimming pool and in the cave." [106] His speciality and wisdom on the affairs of Islam was recommended by the Prophet himself. Huzaifah narrated a Ḥadīth in which the Prophet says: "O my community do obey the people after me, namely Abu Bakr and Umar." [107]

Indeed, during the rule of Abu Bakr, he gave numbers of fatāwā. These are a few examples of the fatāwā given by Abu Bakr:

- a) He was the first Caliph who notified fatwā in order to compile al-Ḳur'ān al-Karīm.
- b) He was the first Caliph who issued fatwā to establish the Public treasury of the Muslim state (Bait al-māl).
- c) He was the first Caliph who issued fatwā to fight against the apostasy and to kill an apostate (murtad). [108]
- d) A famous and well-known fatwā in the history of Islamic jurisprudence was given by Abu Bakr and is concerned with inheritance (farā'id). This fatwā has become a basic principle in some Islamic schools of law. Regarding the fatwā, Abu Bakr pointed out that a grandfather played a significant role to obstruct the brother and sister of the deceased in getting a share of property. Due to the fact that, according to Islamic law, a grandfather can be counted as a father, then it is rightful for him acting as the father to prevent the brother and sister in getting a portion

of inheritance of the deceased. Similarly, this principle is applicable when the deceased has no direct lined heirs. This fatwā has become a basic principle for Hanāfi and Shi'ah schools as a whole. [109]

(b) 'Umar Ibn al-Khattāb

'Umar Ibn al-Khattāb was the second Caliph in Islamic Government after Abu Bakr. Abdullāh Ibn Mas'ūd said that:

"The conversion of 'Umar to Islam has become a great turning point in the history of Islam, his conversion brought the light of victory and his administration is one of the clemency. If he did not convert to Islam, obviously, I could not pray at al-Ka'bah. After his conversion, then I fought with the Kuraish people until we could pray together at al-Ka'bah." [110]

Caliph Umar, however, has given number of fatawa in stipulating Islamic law; some of which were based on his personal opinion or Judgement (idjtihad bir-Ra'yi) and such practising is only to fulfil the social needs and necessity.

Below are a few examples of fatawā given by Caliph 'Umar. During Caliph 'Umar's administration of the Muslim state, he carried out fatwā to abrogate the right of a person newly converted (muallāf) to received zakāt (alms). Indeed, according to the Qur'an the persons who newly converted are among those entitled to receive zakāt, as the Qur'an clearly describes:

"Alms are for the poor and the needy, and those employed to administer the (funds); for those whose hearts have been

(recently) reconciled (to Truth); for those in bondage and in debt; in the cause of God; and for the wayfarer. (Thus is it ordained by God, and God is full of knowledge and wisdom." [112]

Actually, this matter has been practised by the Prophet himself and the people before 'Umar. Similarly, Caliph 'Umar also acknowledged that giving zakāt to those persons newly converted, is one reason to strengthen their belief to Islam. But at the same time, he thought that such practice will cause a sedition (fitnah). Therefore, he is of opinion that when the Muslim state is powerful and stable, giving zakāt to those persons in order to flatter their hearts is no longer necessary. In so doing, he does not mean to abrogate the Kurānic injunction, but he is of the opinion that instead of giving zakāt to those persons it is better to distribute it to other groups, who are entitled to receive zakāt as has been described in the Kurānic verse above. [113]

However, while he was giving fatwā, Caliph 'Umar in no way issued fatwā contravening the Shari'ah and the Ḥadīth of the Prophet nor did he perform innovation (bid'a). He is of the opinion that some matters did not occur during the Prophet's lifetime, but people still give respect to the Prophet. After the death of the Prophet, their respectability disappeared. For this reason, Caliph 'Umar created a special principle, that is: "When the preventer disappeared, then those who were prevented are free." (Idhā zala al-manī', ada al-manū'). As the result of this principle, then he has notified fatwā in order to light up the mosque with candles; he ordered people to lay out a small stone on the mosque's floor in order to replace the dust; and he also says greeting (salutation) openly while performing a prayer. [114]

Caliph 'Umar has given fatwā in order to cane people who drink wine (al-Khamr). But the Prophet and Caliph Abu Bakr did not sentence those who drink wine. One day Caliph 'Umar sent a letter to the army's general, that is Abi Ubaidah ibn al-Jarah to mobilise the drunkards in order to ask them: "Whether liquor is lawful or unlawful?" Caliph 'Umar gives a fatwā that, if they say lawful, then kill them as those who become apostate; if they say unlawful, then punish them with eighty strokes of the cane. Consequently, he is angry if one who drinks liquor in the month of Ramadan (fasting month). There was a man drank liquor in the month of Ramadan, then he ordered to punish the man punished with eighty strokes and added twenty strokes for discredit. [115]

Furthermore, Caliph 'Umar has given a fatwā in order to torture people who practised usury (ribā). He also has given fatwā in order not to cut off hand of the thief, if they stole from the public treasury (Bait al-māl) and not to cut off the hand of slaves, if they stole from their own master's property. [116] Moreover, he also issued fatwā concerning temporary marriage (mut'ah) saying it was unlawful (ḥarām); mothers are prohibited to sell their daughters; and he also acknowledged the pronouncement of definite divorce or irrevocable divorce in the one pronouncement. [117]

However, there is another fatwā that Caliph 'Umar has given concerning the share of inheritance, which has become the basic principle of this science (al-Farā'id). For example, the issue of al-ḥimāriyah; when a wife died, a husband will inherit with a 1/2 portion; a mother will get 1/6; two uterine brothers get 1/3; and the remainder will go to the two full

brothers as residue (‘aṣābah). These shares allotted follow the principles of al-Ḳur’ān, Allāh has said in the Ḳur’ān that the uterine brothers and sisters are to get 1/3. Whatever remains will go to the full brothers as residue. [118]

Therefore, no more property remained after it was taken by individual inheritors according to their shares. The two full brothers went to appeal Caliph ‘Umar on such matter, each said: "O Caliph ‘Umar assuming my father is an ass (ḥimar), do I not still have relation with the same mother?" After hearing that logical complaint, then Caliph ‘Umar has given a fatwā immediately that 1/3 portion should equally share among those four brothers regardless their lineage on the father's side. This fatwā is strongly held by Māliki and Shāfi‘ī schools. [119]

Caliph ‘Umar, however, has also given a fatwā concerning the mother's share. When the mother inherits along with wife and father, or husband and father, then the mother's share becomes 1/3 of the remainder after taking away the shares of the other inheritors. It is not a 1/3 of the whole property of the deceased as has been described in al-Ḳur’ān. [120] This fatwā has become a doctrine for the Sunnite schools, but Ibn Abbas and the Shi‘ah do not accept this fatwā, due to the fact that they were firmly held to the Ḳurānic verse (4:11). [121] Moreover, Caliph ‘Umar also gave a fatwā concerning homicide (al-Qāṭl) that a murderer or killer shall not inherit, whether it is intentional murder (Qāṭl al-‘Amād’) or un-intentional murder (Qāṭl al-Khatā’). [122]

(c) ‘Uthman Ibn ‘Affān

‘Uthman Ibn ‘Affān was the third Caliph in Islamic Government

after Caliph 'Umar. He was a good character, generous, honest, gentle-minded, loving, forgiving and having a good memory. He was pleasing to the Prophet Muhammad and all these factors can be confirmed by the Prophet Tradition which says: "Supposing I have a third daughter surely I shall marry her off to you (Uthman)." [123] Indeed, "Uthman is pleased by Allāh and he is meaningful to the Prophet." [124]

During the authority of Caliph 'Uthman, he gave a number of fatāwā on Islamic Law. Here are a few examples of the fatāwā given by Caliph 'Uthman:

Among them, he has given a fatwā in order to pardon the sentence of retaliatory punishment (al-Qiṣās) upon Ubaidullāh ibn Umar who killed Hiramzan, Jufinah, and the daughter of Ibn Lu'Luah. While Caliph 'Uthman pardoned the sentence, he paid a pecuniary compensation (dīyah) by his own money to the groups involved. This fatwā, however, caused a terrible dispute between the Sunnites and Mu'tazilah with Shi'ah groups. [125]

Furthermore, Caliph Uthman gave a fatwā on the zakāt of horse, that is required upon those who occupied horses to pay off zakāt. He is of opinion that during the Prophet life's time, horses were not very much used and it was important to use them for the purpose of war. For that reason therefore, zakāt on a horse is not required to be paid. But in his administration the number of horses were increased and horses became a source of business. For this reason he gave a fatwā on the zakāt of horses and like animals, on which one, is required to pay zakāt. [126]

Ibn Qayyim stated that Caliph 'Uthman gave a fatwā to burn the whole al-Kur'ān manuscripts except those which were gathered and compiled according to the recitation of the Quraish people.

The reason was to unify the method of recitation of al-Kur'an so that it would not create any confusion for the next generation or later people. [127]

(d) 'Āli Ibn Abi Tālib

Caliph 'Āli Ibn Abi Tālib was the fourth and last Caliph in Islamic Government at Medina. He was very beloved by the Prophet Muḥammad and he is said to have various characters which are very distinguished, i.e. brave, powerful, tolerant and so on. [128] Moreover, he was a person who was highly intelligent, especially in Islamic law and Arabic literature. [129]

During the authority of Caliph Ali, he gave a number of fatāwā in stipulating Islamic Law. Here are a few examples of the fatāwā given by Caliph 'Āli:

According to one report it was said that, one day while Caliph 'Āli was delivering a sermon on a pulpit in the mosque, there was unexpectedly a man standing up and asked him a question: "what is the right for a wife to get the share allotted from inheritable property which is left by her husband, if wife inherits a long with father, mother and two full daughters of the deceased?" Then he immediately gave a fatwā that the wife gets her allotted share of 1/8 of the estate but reduced to, 1/9. [130] This reduction is called 'Awl (original estate) in the law of inheritance (ilm al-farā'id) and the fatwā is known as the fatwā of the pulpit (al-masalah al-mimbarīyah).

As to the original shares the Kur'an is followed: that is wife gets 1/8, mother gets 1/6, father gets 1/6, and two full daughters get 2/3. When it is given to the whole inheritors according to those

portions, so the total is 27 parts made up of 24ths of the estate. Therefore, the wife get 3 parts out of 24 parts. This is reduced to 27 parts to inherit everyone that is equal to 1/9 portion.

Consequently, this fatwā is accepted by the Sunnites (Ahli Sunnah).

[131]

Caliph 'Āli, sometimes sat together with Companions (ṣahābah) to issue a fatwā, for example, a fatwā on the matter of inheritance: a wife who is in the state of revocable divorce (ṭalāk raj'ī) is rightfully to inherit from her ex-husband's inheritance, in case her ex-husband died while she was in the waiting period ('iddah). [132] This fatwā is accepted by the whole of Muslim scholars.

Caliph 'Āli also gave a fatwā in order to burn some persons who claimed themselves as god (zanādiq) and put them into the ditch. [133] Furthermore, Caliph 'Āli together with Ibn Mas'ūd, Ibn 'Umar and Ibn 'Abbas issued fatwā that marriage is prohibited between a person having a foster relationship corresponding to a blood relationship: sucking milk from the breast, regardless of how many times and whether much or little renders a marriage unlawful in Islam. [134] This fatwā is held by Māliki, Ḥanāfi, al-Thauri and al-Awza'ī schools.

According to one report it was said that, one day there was a man who took an adulterous woman to see Caliph 'Umar ibn Khaṭṭāb, who found that she was pregnant. Then Caliph 'Umar asked 'Āli: "How can we judge upon the woman?" 'Āli is of opinion (fatwā) that "the punishment should be postponed for the time being until she gives birth to the baby." 'Āli further said: "Whatever you (Umar) have authority to punish her, but you have no authority to punish what is in her womb." [135]

There was another report which stated a man has captured an adulterous woman and then he handed over her to Caliph^{Umar} for the punishment. Then Caliph^{Umar} asked^{Ali}: "How can we judge upon the woman?" Ali is of opinion (fatwā) that "I heard the Messenger of Allāh said that: An error may be forgiven in three factors, that is, (1) the sleeping foetus until it awakes; (2) a small child until it becomes an adult; and (3) the man who loses his mental faculties until he/she recoveres." Then Caliph^{Umar} further asked, why? So ^{Ali} answered: "Perhaps, the woman who loses one's mental faculty, is a part of such case and it is possible that he has committed adultery while she was losing her mental faculty." After that Caliph^{Umar} said: "I do not know." Then ^{Ali} also said: "I do not know as well." [136]

There was another report which stated that, one day a man took an adulterous woman to see the Caliph^{Umar}, on the reason of committed adultery. The story goes as follows: "One day the woman walked by a pond, she was very thirsty and hungry, she asked the owner of the pond for water. But the man was reluctant to give her water unless she must surrender herself to him. Due to she was very thirsty and she had no choice, and she surrendered to the man. After that the public has discussed and made a decision to carry out the punishment upon her." For this case, however, Caliph^{Ali} has given a fatwā by forgiving punishment upon her, because such adultery was happened by force (muḍṭarraḥ). [137]

It should be noticed that the fatawā given by the Companions (Ṣaḥābah) above, can be concluded into five factors as follows:

1. The Companions have given fatawā concerning problems

which happened in their time.

2. The majority of the Companions fatawā were based on three sources: al-Ḳur'ān, al-Ḥadīth, and their own opinions (idjtihād bir-Ra'yi).
3. The fatawā of the Companions, sometimes did not clearly find solutions in al-Ḳur'ān or al-Ḥadīth, and sometimes were more or less dissimilar to al-Ḳur'ān or al-Ḥadīth. Such performance is done by a particular requirement of their administrative policy.
4. The fatawā of the Companions represents the final decision which authorised a particular problem and was based on their individual administration. It is taken to mean that their fatawā should not contravene their authority.
5. The fatawā of the Companions can be considered as an explanation of al-Ḳur'ān and al-Ḥadīth, the decision is sometimes necessary to be made according to the particular situation and it will be beneficial to Muslims as a whole.

Ibn Hazm al-Andalūsi (d. 456 A.H.) described that seven Companions who gave a large number of fatawā and legal opinions on questions which arose during the period of the orthodox Caliphs (Khulafā ar-Rāshidīn) were considered as Prominent Muftis:

1. 'Aishah 'Um al-Mu'minīn (d. 58 A.H.)
2. 'Umar b. al-Khattāb (d. 23 A.H.)
3. 'Abdullāh bin 'Umar (d. 73 A.H.)
4. 'Abdullāh b. 'Abbas (d. 68 A.H.)
5. 'Ali b. Abi Tālib (d. 40 A.H.)
6. 'Abdullāh b. Mas'ūd (d. 32 A.H.)

7. Zaid b. Thabit

(d. 45 A.H.)

Each gave fatwā and compiled many books. It is reported that Abu Bakr b. Musa b. Ya'coob, the son of Caliph Ma'mūm compiled the fatāwā of 'Abdullāh b. 'Abbas into twenty volumes. [138]

3. The period of Successors (Tābi'īn)

After the period of the Prophet's Companions (ṣaḥābah) the authority of giving fatwā was taken over by the successors (Tābi'īn), that is Muftīs, Jurists and 'ulamā' till present day, whether individually or officially. The Companions dispersed into various parts of the Muslim provinces and many of them achieved fame and occupied positions of intellectual and religious leadership. They were approached by people of the regions for fatāwā regarding various problems. Important authorities were:

'Abdullāh b. 'Abbas in Mecca.

Zaid b. Thabit in Mecca.

'Abdullāh bin 'Umar in Medinah.

'Abdullāh b. Mas'ūd in Iraq.

'Amr b. al-'As in Egypt. [139]

The generation after Companions called Successors (Tābi'īn) took their stand on the opinions expressed by the Companions. They retained in their memory the traditions of the Prophet and the fatāwā of the Companions. [140] Some of them were renowned as Islamic intellectuals in various spheres of

doctrine, especially in Fikh. Some attained praise from the Companions themselves as Muftīs and Jurists. For instance Ibn‘Abbas said to the people of Mecca: "Why did you assemble around me, while among you is 'Āta' b. Abi Rabah (d.114 A.H.). ‘Abdullāh b. ‘Umar explained to the people of Medinah that Sa‘id b. al-Musayyah is one of the Muftīs." [141]

Every important town had its own leader who contributed to the development of legal opinion in a particular area. The following are reported to be the well-known early Jurists and Muftīs of various localities:

Mecca

‘Āta' b. Abi Rabah	(d.114 A.H.)
Muḥammad b. Muslim	(d.127 A.H.)

Medina

Sa‘id b. al-Musayyah	(d.94 A.H.)
‘Urwah b. az-Zubair	(d.93 A.H.)
al-Qasim b. Muḥammad	(d.107 A.H.)
Kharijah b. Zayd	(d.99 A.H.)

Basrah

Muslim b. Yasar	(d.108 A.H.)
Muḥammad b. Sinin	(d.110 A.H.)

Kufah (Iraq)

al-Qamah b. Qays	(d.63 A.H.)
Maaruq b. Al-Ajdā'	(d.63 A.H.)
Ibrahim an-Nakha'i	(d.95 A.H.)
Hammad b. Sulaiman	(d.120 A.H.)

Egypt

Murthid b. ‘Abdullāh	(d.70 A.H.)
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Yazid b. Abi Hābib (d.127 A.H.)

Yemen

Wahāb b. Munabah as-Sanani (d.114 A.H.)

Yahya b. Abi Kathir (d.129 A.H.)

Syria

Qabīṣah b. Dhuwayb (d.85 A.H.)

ʿUmar b. Abdul ʿAziz (d.101 A.H.)

Al-Auzāʿi (d.157 A.H.)

The above Jurists or Muftīs of the different regions based their judgements and legal verdicts on the fatawā of the Companions who lived in these respective places. [142]

As stated before, during the time of the Prophet and his Companions, Islamic Law, either as fatawā or judgements of Kādīs, was not systematic. No attempt was made to collect and publish these materials. Since the successor's time, fatawā began to take formal shape and developed into a body of material, so becoming an independent subject of study. By this, we mean that fatawā developed year by year and from time to time as an extension of the Muslim community. During the early part of the development there appeared the four recognised Sunni Schools: Hanāfi, Māliki, Shāfiʿi and Hanbali.

Hanafi School

The founder of this school was al-Nu'mān bin Thābit bin Zūta bin Mah, al-ʿAjami, a non-Arab scholar who is well-known as Imām Abu Ḥanīfah (80-150 A.H./699-767 A.D.) and was born during the period of Umayyah, Ab. Mālik b. Marwan. It was reported that during his childhood he was contemporary to four Companions of the Prophet; Anas b. Mālik, Abdullāh b. Ubai in Kufa, Sahl b. Sa ʿad al-Saldy in Medinah and Abu al-Tufil in Mecca. [143] According to the Khatib al-Baghdādī It is stated that he met Anas b. Mālik. [144]

Kufah during this period had become well-known as a seat of learning. The legacy, of Abdullāh bin Masʿūd (d.32 A.H.), a Ṣahābi and a great scholar of the Qurʾān and the Sunnah had flourished in Kufah as it was there that he taught from the time that he was sent by Caliph Umar as Kāḍī and a scholar-teacher. [145]

Abu Ḥanīfa attended the lectures of many Muslim Jurists on the Traditions of the Prophet and law, but the special teacher who taught him the science of law was Ḥammād b. Sulaiman (d.120 A.H.) one of the students of Ibrahim al-Nukhāʿi (d.95 A. H.) who followed the fiqh of Abdullāh b. Masʿūd. All of them were well-known as upholders of the principle of personal opinion (ahl al-Raʿyi). [146]

It is accepted without dispute that Abu Ḥanīfah was given a title of "Imām al-ʿAẓam" (the Great Imām), because of his capabilities and qualities. He was highly respected by all the learned men, and also by the state authority. The reason was that he was a contemporary to some of the Prophet's Companions and acquired proficiency in the knowledge available to him during

this period. Finally he was renowned for his personal piety, honesty, integrity, kindness and generosity. [147]

Imām Mālik held him in great respect, and when asked about him, he said that he always considered the opinion of Abu Hanīfah. Similarly, it was reported that Imām Shāfi'ī said that "whoever had not studied the Fikh of Abu Hanīfah, had not studied the whole system of Islamic Law". [148]

In giving fatawā, however, Abu Hanīfah laid down a simple method of approach. He said: "If I do not find my answer in the Holy Kur'ān or in the Hadīth of the Prophet, I would seek the views of the Prophet's Companions. I rely on the views which I accept and reject which I do not accept. I do not give into the opinion of others. Whatever comes to Ibrahim al-Nakha'ī, al-Sha'bi, Ibn Sirin, 'Āta' and Said al-Musayyab, they are the people who have restored independent interpretation and I would do likewise." [149]

As a great Imām, Abu Hanīfah is credited with writing the following important books:

- (i) Al-Fikh al-Akbar
- (ii) Al-'ilm wa'l Muta'allim
- (iii) Ar-Risālah written to Uthman al-Banī (d.132 A.H.)
- (iv) Ar-Radd'alā al-Qadariyah

All these books are in the field of 'Ilm al-Kalam (theology) and Khutbah (sermon). In fact, he did not write any book on law himself but his disciples compiled his opinions on legal matters. His prominent disciples were:

- (a) Abu Yusuf (Ya'coob b. Ibrahim) (d.182 A.H.) who lived thirty years after the death of the Imām. He wrote

many books of Abu Ḥanīfah's opinion such as:

- (i) Kitāb al-Āthār: it contains the collection of fatawā Abu Ḥanīfah and the explanation of his method in reasoning and deduction (al-Kiyās)
 - (ii) Iktilāf Ibn Abi Laila: the differences of opinion between Abu Ḥanīfah and Abi Laila (d.148 A.H.)
 - (iii) Kitāb al-Kharāj: A revenue code for an Islamic state. It mentions differences between himself and his master. [150]
- (b) Muḥammad b. Ḥassan ash-Shaibani (9d.189 A.H./804 A.D.)
- He was younger in age than Abu Yusuf. He studied Fikh from both Abu Ḥanīfah and Abu Yusuf and to him goes the credit of recording the jurisprudence of the school. He wrote many books which are considered as references for Islamic Law such as:
- (i) Kitāb al-Asl wal-Mahsūt
 - (ii) Kitāb al-Ziādat
 - (iii) Kitāb Jami' as-Saghir Wa'l-Kabīr
 - (iv) Kitāb al-Sayr as-Saghir Wa'l-Kabīr [151]

Māliki School

The second great Jurist and the founder of a school bearing his name is Mālik b. Anas b. Amīr who was born between 90 and 97 A.H. in Medina. [152] He studied al-Ḥadīth and learnt the legal opinions of previous Jurists in addition to the Holy Qur'ān. As a student, he studied traditions under several teachers including Muḥaddithīn like Nāfi' (d.99 A.H.) (a student of Ibn 'Umar) and Rabī'ah (d.136 A.H.). [153]

In giving fatawā, however, Imām Mālik looked to the

Kur'ān as the highest authority. He gave priority to verses of al-Kur'ān rather than to Hadīth of the Prophet. In cases of incompatibility, he based his fatwā on the Kur'ān and refused to apply Hadīth which he considered unauthentic. For example, he refused to apply a Hadīth respecting the uncleanness of dogs. [154] He instead referred to the verse of the Holy Kur'ān which explicitly allowed the eating of game caught by trained dogs even if only one piece of it remained. [155] He also relied on the consensus of the scholars of Medina, and preferred the practice of Ahl al-Medina to Hadīth Āhād (isolated Hadīth) and he accepted Kiyās (deduction), Istihsān (Juristic Equity) or al-Masālih (Public interest) in order to form a legal opinion. [156] His first book, still extant, is Muwatta which is the first book written on the Hadīth of the Prophet.

Among his prominent disciples were:

- (i) Abu Muhammad 'Adullāh Ibn Wahb (126-197). He was removed for his learning and piety and was called by Imām Mālik: "the Jurist and Muftī of Egypt."
- (ii) 'Adullāh Abdul Rahman b. Qasim (d.191). The author of al-Mudawwanah, one of the Māliki authorities.
- (iii) Marwān 'Abd Mālik b. Habib as-Sulami (d.238 A.H.). He helped to spread the Māliki doctrine in Spain and is the author of the "Wadiha" a standard work of the Māliki school.

Shāfi'i School

The third great Jurist is Imām Muhammad b. Idris as-Shāfi'i. He brought about a balance between the traditionalism of the

Māliki School and the practicality of the Hanāfi School and thus a third Sunni School emerged. He was born in 150 A.H./767 A.D. and died in Egypt in 204 A.H./820 A.D. He was from the tribe of Quraish. His father belonged to the tribe of the Prophet. On the death of his father, his mother brought him to Mecca where, though in poor circumstances he became devoted to learning. [157]

During his childhood, Imām Shāfi'ī learnt the Kur'ān by heart by the age of seven and turned his attention to Imām Mālik's "Muwaṭṭa which he is said to have read by the age of ten. He studied law under Muslim b. Khalid al-Zanji (d.180 A.H./769 A.D.), the Muftī of Mecca, Sufian b. 'Uyainah (d.198 A.H/813 A.D) and others. He received further legal training under Imām Mālik. When he was deported to Iraq, he met Imām Muḥammad Shaibani which had obvious effects on his scholarship. He followed Imām Mālik only. During the course of discussions he defended Imām Mālik's traditionalism. Nonetheless he became aware of Mālik's weaknesses which, according to the biographical details, he began to appreciate, after settling down in Egypt. When asked "why have you changed your mind?", he replied: "That was according to what I saw in Iraq and this is according to what I see in Egypt with social and geographical differences." [158]

Imām Shāfi'ī was a product of circumstances of harmonising the two schools of Abu Hanīfah and Mālik. He succeeded in founding a distinct school of law. When he returned to Iraq for the second time he introduced the rules on which he based his new school (Madhhab). He wrote a book "al-Hujjah" which contained his legal opinions and is known as al-Madhhab al-Qadīm (old fatawā). After a little, he began his journey to Egypt (180 A.H.) to settle for the last period of his life. He found

different customs and circumstances which needed new solutions in law, so he revised some of his fatāwā which had been issued in Iraq in order to keep pace with new problems. [159] When asked: "Why have you changed your mind?" He answered: "That was according to what we saw and this is according to what we see." [160]

Among the students of Imām Shāfi'ī in Iraq was the founder of a new school, Aḥmad b. Ḥanbal (d.241/859 A.D.), Abu Thawri (d.240 A.H./854 A.D.). The school later received propagation by Abu Ishaq al-Shīrazī (d.476 A.H.), Abu Hamid al-Ghazālī (d.505 A.H.) and Jalalu'l Din as-Sayuti (d.911 A.H.).

As we know. Imām Shāfi'ī was one of the great Jurists and most of his writings are extent such as: al-Aḥkam, Kitāb al-Umm (a collection of his writing and lectures), al-Risālah (a book on the methods and principles on Usul al-Fikh or Jurisprudence), Ikhtilāf al-Aḥadīth and Musnad.

It should be noticed that only some of the books were written by the Imām Shāfi'ī himself such as the book on Ikhtilāf and al-Risālah, while others, such as al-Umm, were either dictated to his disciples or have been attributed to him by them. [161]

Hanbali School

The founder of the fourth school is al-Imām Aḥmad b. Muḥammad b. Ḥanbal. He successfully pushed to the fore the idea of upright religion, and his methodology later formed a separate school with additional principles and is called al-Madhḥab al-Ḥanbali. He was born at Baghdad (164-241 A.H./780-855 A.D.). His grandfather Ḥanbal b. Hilal was a governor

under the Umayyads at Khurasan while his father was a commander in the Abbasid army. [162]

Imām Aḥmad grew up at Baghdād and learnt the Kur'ān by heart at an early age followed by the study of grammar, al-Ḥadīth, Āthār as-Ṣaḥabah wa al-Tābi'īn (the fatāwā of the Companions and successors). He also studied mathematics, Philosophy and taṣawwūf. He studied the science of Ḥadīth under Imām Abu Yusuf (d.182 A.H.) and he continued studying under other Muḥaddithin (traditionalists). He studied law under Iraqi Jurists and also under Imām Shāfi'ī. [63]

However, in issuing fatāwā he relied, first of all on the Holy Kur'ān and the Ḥadīth. He ignored to apply the fatāwā of the Companions and Successor when he had an authentic tradition. Imām Aḥmad considered the Sunnah as an explanation of the Kur'ān and in case of differences among the Companions, he personally preferred the view of the nearest to the Kur'ān and the Ḥadīth. He also preferred to accept the Ḥadīth da'īf (weak tradition) which was not absolutely weak, but had not reached the authentic level (darajatul al-Tawatur), to al-Kiyās (analogical deduction). In the absence of any authority he resorted to al-Kiyās. [164]

It was reported that the writing of Imām Aḥmad were mostly related to the Traditions of the Prophet. The most important of them are:

- (i) Kitāb al-'Amal
- (ii) Kitāb al-Tafsir
- (iii) Kitāb al-Nāsikh wal Mansūkh
- (iv) Kitāb al-Zāhid
- (v) Kitāb al-Masā'il
- (vi) Kitāb al-Fadā'il

- (vii) Kitāb al-Mansik
- (viii) Kitāb al-Imān
- (ix) Al-Musnad

Among his works above, the most well-known work is his al-Musnad in which Imām Ahmad has narrated more than seven hundred thousand ahādīth that he had collected. [165]

The succeeding scholars to the school are:

- (1) His son: Sālih (d.226 A.H.) and ‘Abdullāh (d.290 A.H.)
Who also edited and added to "Imām's Musnad."
- (2) Shamsuddin b. Qudāmah al-Maqdisi (d.682 A.H.)
- (3) Taqiyuddin Ahmad b. Taimiyah (d.728 A.H.)
- (4) Ibn Qayyim al-Jauziyah (d.751 A.H.)

Variation of Fatawā in the Sunni schools

Here are a few examples of the variations of fatawā in the Sunni schools in subjects such as the period of menstruation and zakāt on merchandise.

(1) Period of Menstruation

To this question, there are different fatawā amongst Muslim Jurists.

Shāfi‘ī School and Hanbali School

According to the Shāfi‘ī school of thought, the minimum period of menstruation (haid) is twenty four hours provided that where the bleeding ceases instantly, such bleeding is not considered menstrual blood. However, in ascertaining menstruation, it is not necessary that there has to be continuous bleeding. The prerequisite is that the bleeding must not cease

completely before twenty four hours.. Further, the maximum period of menstruation is fifteen days. Thus, if a woman still bleeds after that period such bleeding is not considered menstrual blood (haid), but it is from the vein (Mustahādah).

[166]

Hanāfi School

Meanwhile, Hanafi Jurists maintain that the minimum period of menstruation is three days and the maximum is ten. However, even if it is customary for a woman that her menstruation is three days, she is still in menstruation if the bleeding continues until the forth day. Under this circumstance her menstruation period has changed from three to four days. However, the change in length of time must not exceed a maximum of ten days. [167]

Māliki School

Maliki Jurists are of the universal view that there is no time or definite length for one's period of menstruation. But, with regard to the maximum period of menstruation, the Māliki Jurists are of the same view with the Shāfi'ī School that is must be fifteen days. [168]

(2) The Zakāt on Merchandise

The term zakāt refers to the tax payable upon merchandise of whatever description where the value of the goods amount to the nisab, the minimum amount of wealth in either gold or silver. The goods have to be appraised before the tax is computed. A zakāt of 2.5 % is levied upon every one of those goods which the proprietor will use as his capital. It is, however, a precondition of the rule of zakāt that the tax must be upon those goods which have to be used by the proprietor as

capital.

In this connection there are, however, divergences of opinion amongst Muslim Jurists regarding the application of the rule of zakāt payable on those profits of one's business, including such non-mercantile sources as inheritances or gifts. For further details it is necessary to go through the different views maintained by the respective Muslim Jurists in interpreting the application of the rule of zakāt.

Hanāfi Jurists

This school maintains that zakāt is payable upon both the profit of one's business and one's wealth accumulated during the course of the year which may include wealth from non-mercantile sources such as inheritances or gifts. Further they hold that the imposition of zakāt is obligatory on all forms of wealth provided the amount satisfies the rule of zakāt to be applied.

[169]

Shāfi'ī Jurists

This school maintains that zakāt is payable only on those profits and wealth which are already accumulated at the beginning of the year. Any other form of wealth which does not make up those accumulations at the beginning of the year, such as gifts or inheritances, shall be excluded. In the latter case, the zakāt is only payable from the date of ownership-provided it meets the requirement of the zakāt rule. [170]

The Māliki Jurists

According to this school, the payment of zakāt is obligatory on the profit of one's business. Unlike the Hanāfi school, they maintain that other forms of wealth should be excluded from the nisab for purpose of computing the zakāt. Wealth which

originates from non-mercantile sources has to be a separate amount for this purpose and shall be computed from the date of ownership. [171]

Hanbali Jurists

This school maintains that zakāt is not levied on the proportion of profit which has been added to the current capital, except for profit and capital which are already in existence at the beginning of the business year. Any other forms of wealth, which originate from other sources, such as gifts and inheritances must have their own separates accounts. [172]

4. The Modern Period

During the era of the al-Rāshidīn Caliphs (orthodox Caliphs) the Muslim State expanded into Egypt, Syria, Iraq and Persia (now called Iran). [173] During the Umayyad dynasty (661-750 A.D.), especially in the region of Caliph al-Walid Ibn. A. Malik (86-96 A.H.), the Muslim state expanded into Northern Africa, Southern Spain India and Eastern China. [174] The Abbasid Calips, who ruled in Baghhād from 750 A.D. onwards, enjoyed great prestige. During the period of their greatest power their autocratic tendencies and predilection for Persian models of culture and statecraft brought them into conflict with many 'ulamā', but as their power declined they came to rely more on the 'ulamā's support. Later still, as the empire began to break up and real power was assumed by provincial governors and warlords, the Caliphs were retained as a symbol of Islamic unity and legitimacy. Formal acknowledgement of the Abbasid Caliph became the way for a Muslim ruler to indicate that he and his subjects belonged to the univeral community of Islam and were not

heretics or schismatics. This lasted until 1258 A.D. , when Baghdād was sacked by Mongols. Thereafter, a line of puppet Caliphs was maintained in Cairo by the Mumluk Sultans of Egypt, but were not recognised anywhere outside their domains. In 1517 the Mamluk Sultanate was, in its turn, conquered by the Ottoman Empire, who after a while assumed the mantle and title of Caliph.

In a sense, all genuine political authority in the mainstream Muslim tradition was secular after the loss of effective power by the Abbasids in the 10th century A.D. Virtue and justice was no longer regarded as indispensable qualifications for a ruler. Full enforcement of Shari'ah came to be seen as an ideal rather than a necessity. Political power was no longer the instrument through which the ideal community could be realised, but was merely a necessary condition for the maintenance of order and security, and thus of the minimum conditions in which the faith could be practised and the Muslim community survive. By the 11th century A.D. most 'ulamā' were teaching that obedience was an absolute duty, even to an unjust ruler, since an unjust ruler was better than none at all.

Yet to describe this attitude as legitimising all de facto power, however corrupt, would be going too far. It could equally well be read as smearing all political power with a taint of illegitimacy, since no Muslim state was able to enforce the totality of the Shari'ah and fell short of the standard supposedly set by the Prophet Muhammad and his immediate successors. In theory the power of the ruler was strictly limited by the law, which he had no power to make or unmake since it came from God alone. And if successive generations of the 'ulamā' set tighter and tighter limits to their own power of

interpreting the law, that was partly at least to protect themselves and the community from pressure by the ruler to reinterpret it to suit his interest.

The conventional view of the history of Islam was that as a civilization it reached its peak under the Abbasid Caliphs, two hundred years after the Prophet Muḥammad, and then began a long decline, which has gone on almost continuously ever since. The political disintegration of the Islamic state corresponded to a gradual ossification of Islamic thought: in Sunni Islam, at least, the jurists declared that the work of interpreting the Qur'ān and Sunnah of the Prophet as positive law was now complete, and there was no further need for original thought.

The system of Islamic jurisprudence, which is the real offspring of the Divine Law, is the most enduring legacy of the Prophet's career and of the creative generation of Sunni 'ulamā' which ended with the death of Aḥmad Ibn Ḥanbal in 855 A.D. The legal consensus linking the flexibility of the Ḥanāfis with the traditionalism of the Ḥanbalis was broad but delicate. It was not subject to any controlling body with authority to decide upon changes of course: it was maintained entirely by the 'ulamā' themselves as guardians of the Holy Law, who coalesced around the four Schools (madhābs) which established the boundaries of the religious law. Radical innovation in legal or ritual matters would naturally threaten this consensus, and it was no doubt for this reason that after the 10th century there gradually developed the doctrine, sanctioned, of course, by the Idimā' of the scholars, that the gates of idjtihād (creative interpretation of the Qur'ān and Sunnah of the Prophet) had been closed. Henceforth legal decisions (fatawā) would be arrived at

according to the principle of taklīd ("imitation"), based on the judgement of the four legal schools. New attempts at idjtihād came to be condemned as innovation (bid'a). Only among the Shi'ah whose imāms were regarded as all powerful in affairs of religion, were the doors of idjtihād to remain open. [175]

The most dynamic developments in Islam occurred long after the Abbasid golden age. The Ṣūfi orders developed, and helped to spread the faith into new regions far beyond the Abbasid domains, such as Black Africa and South East Asia. However many scholars acknowledged that during the 13th and 14th centuries Islam spread to the Malay Archipelago largely through Arab traders and Ṣūfi missionaries. After its extension into the Malay Peninsula. [176] Presumably after the 15th century onwards Islam had spread throughout every corner of the world by the joint endeavour of Arab traders and Ṣūfi missionaries claiming that they were acting as vicegerant of God on earth. As a result of this proselytising many rulers and their subjects had adopted Islam as the state religion and shari'ah law dealing mainly with family matters (marriage, divorce, inheritance) and the five Islamic pillars were practised in these states. Although they had adopted shari'ah law, Islamic worship, (ibādat), law and practice coexisted with other religio-cultural forms of animist or Hindu-Buddhist origin as for example in the Muslim states in South East Asia. [177]

Until about 1500 A.D. Muslim thinkers continued to lead the world in astronomy, medicine and other sciences. The 16th century saw the rise of new and powerful Muslim states: the Moghul in India, the Safavids in Persia and Ottomans in West Asia

and Eastern Europe. The latter were arguably the world's leading military power until the late 17th century, and posed a real threat to the Christian States of Western Europe.

Since the gates of idjtihād had been closed and only the principle of taklīd applied which was based on the judgements of the four legal schools (except among the shi'ah who maintained that the door of idjtihād remain open) then these school were adopted by many Muslim states, as for example the Abbasid Caliphate and Ottoman Empire, who both adopted Hanafi law as the official law of the state. [178] Māliki law, though indigenous to Medina, spread westwards into North and Central Africa and Shāfi'ī law, indigenous to Egypt, also became prominent in Southern Arabia, East Africa and South East Asia. [179] Meanwhile, in theology and philosophy al-Ghazālī, in the 11th century A.D., provided a complete system of thought that could thenceforth only be embroidered upon, but challenged. Thus, the world of Islam sank gradually into stagnation and decadence. [180]

As mentioned earlier, fatwā played an important role in introducing a new dimension of Islamic law and practice. This depended on the changing of social, political and economical circumstances of each Muslim community from time to time and from one region to another. Also, fatwā played an important role in movements of reform in Islamic law which were presented as the contributions of scholarly juristic tradition. Thus, after the gates of idjtihād had been closed, and many Muslim states had developed and extended, the society become very complicated, and several new institutions became established as well as new situations and problems arising. Therefore the needs of solving social, political and economical problem in states according to

changes in modern society, is considered essential. The only way to do this, is once again to reopen the gates of idjtihād as an instrument to solve the problems in society. Muhammad Iqbal has given us some very interesting ideas: he called al-idjtihād "the principle of movement in the structure of Islam." He defines its significance in the terminology of Islamic Law as meaning "to exert with a view to form an independent judgement on a legal question." He suggests that the ideas got its origin in a well-known verse of the Ḳur'ān, [181] which says: "And those who strive in Our (cause), We will certainly guide them to Our Paths. For verily God is with those who do right." [182]

From the above Ḳurānic verse we can infer that the gates of idjtihād remain open all the time. It is therefore not surprising if certain scholars such as Ibn Taymiyah (d.278 A.H. /d.1328 A.D.) claimed the right of absolute idjtihād for themselves. [1883] He was the first among Muslim scholars who struggled to restore al-idjtihād. His movement must be set against the background of the period of decay and of the state of petrification to which Islamic Law had been reduced by the Muslim reaction to all innovations (bid'a) contrary the Ḳur'ān and the Sunnah of the Prophet. He however not only claimed the right to al-idjtihād as initiated by the Shari'ah, but he also challenged the two basic principles of most schools of law: the Ḳiyās (judgement upon juristic analogy) and the idjmā' (consensus of opinion). His insistence in spite of untold suppression, represents a turning point in the history of the Islamic renaissance. The works of his student, Ibn Quyyim, soon followed, providing the impulsive force of excellent scholarship. The Wahhabite movement of the 18th century was one of its ripe

fruits. This latter, in its turn, aroused a series of movements through the Muslim world, all aiming at the emancipation of both Islam and the Muslims. [184] This, we call the period of reformists or modernists, and we will discuss further later on.

The beginning of the 16th century saw the rise of new and powerful Muslim states namely, the Moghul in India, Safavids in Persia and Ottomans in West Asia and Eastern Europe. the Ottoman's were very interesting because under their government there were several new institutions established or enlarged in the empire, especially during the reign of Suleyman I the Magnificent (1520-1566): known to his own people as Kanuni, the "Law Giver."

Sultan Suleyman I came to the throne upon the death of his father Selim I on September 21 1520. He began his reign with a campaign to secure justice and virtue in order to gain himself the allegiance of those subjects alienated by his father's forceful policies. A day after assuming the throne, he enacted that soldiers should pay for all provisions taken along the paths of their campaigns in Ottoman or enemy territory. Taxes were levied only according to the ability to pay, with the extra taxes and confiscations of his predecessors prohibited. The system of courts previously established was enlarged, and additional police and inspectors were charged with seeing that the court decrees and the laws were obeyed. The administration was organised, with officials admonished that, violations of the rights of the people would be treated with seriousness. Dismissals came only for good reason, not because of the whims of the Sultan and the higher officials of state. Merit alone was to be considered in the appointment, assignment, and promotion of officials, and palace intervention in administrative affairs was to end. Hundreds of

'Ulamā' and jurists were brought into the Sultan's service. As the years went on, whether Suleyman was campaigning or in Constantinople, laws and law codes were issued that institutionalised and defined the structure of government as well as the rights and responsibilities of all members of the Ruling class as well as the subjects of the Sultan. [185]

As Kanuni, the "Law Giver" Suleyman had devoted most of his time concentrating on legal reform, administrative and cultural matters, particularly on legal reform which was his main work. Much of the work involved the codification of the administrative organisation of the various provinces into laws (Kanuns) and the adoption of measures to put those laws into force. In addition, a new general code of laws (Kanunname) was drawn up in Suleyman's name, building on previous codes and adding new sections based on his experience in enforcing them. However, codes of laws during the reign of Mehmet II had concentrated mainly on affairs of state organization, but in Suleyman's reign he emphasised justice and finance, the two most crucial problems left from the time of his father. Moreover, the new code set down punishments for crimes of robbery, murder, and adultery as well as drunkenness and disorderly conduct. Sentences ranged from money fines, retribution in kind, and the cutting off of one's hands to execution. The code of law also established regulations for the timar holders, with their administrative and military duties being defined, the wages and duties of their Sipahis (cavalries) and foot soldiers, and taxes on animals, cultivated land, and gardens. Therefore, the entire financial organisation of the state, from the public treasury down to the smallest tax collector, was systematised and institutionalised. [186]

Besides producing reforming codes of laws and several other matters as stated above, Suleyman paid considerable attention to the organization and hierarchy of the religious/ cultural institution of the Ruling Class under the leadership of Shaykh ul-Islam Ebu us-Suud Effendi (1490-1574), the leading jurisconsult of the time. Indeed the organisational regulations for the Ottoman 'Ulamā' set down on paper during the reign of Mehmet II, were put into practice fully during this time. Regulations and procedures were added to assure that only the ablest and most meritorious 'ulamā' would be admitted to the ranks and that they would serve honestly and effectively, without government interference, always emphasising the Sultan's desire to protect the rights of his subjects. Moreover, new standards of honesty and efficiency were introduced in courts all over the empire. In developing the idea that the authority of the judges derived not from the religious law as such, but rather from their appointment by the Sultan, Ebu us-Suud made it possible for later Sultans and ministers less interested in justice to claim that the courts had to follow their will in applying the law, thus breaking down many of the standards that he and his master sought to make the basis of the Ottoman legal system. [187]

Shaykh ul-Islam Ebu-us Suud also made a collection of the practical applications of Islamic law in the Sultan's dominions. Under his guidance Mehmet II's work of bringing together into law codes, all the laws and regulations previously issued concerning the basic administrative, financial, military, and economic systems of the empire was largely completed. They were reconciled with the rules and principles of the religious law through a series of judicial opinions (fatwā), thus avoiding the

hazards of dualism and justifying legislation according to the need of time. Ebu-us-Suud himself drew up the famous "Law Code of the House of Osman", with new regulations to punish violations of the law, to organise the tax system, and to establish a hierachy among the various classes of rayas and soldiers. [188]

Those Ottomans who were expert in Islamic Knowledge were called "learned men" (Ulamā') and given the title effendi (gentleman). They were grouped together in learned Institutions which were in charge of organizing and propagating the Islamic faith, maintaining a united Muslim community, interpreting, applying and enforcing the divine law (sharī'ah), expounding the religious sciences in the mosques and schools, and also maintaining standards and training new scholars.

The educational system at this period was based on the basis of the learned institution therefore the system of education was organised around the elementary mosque schools, which gave rudimentary religious instruction to the masses. The higher institutions of learning (madrasas), trained new members of the 'Ulamā' others entered the Ruling Class. The first Ottoman madrasa was built by Orhan in Iznik in 1331 A.D. There were hundreds of them throughout the empire by the end of the 16th century, capped by the eight (medaris-i semaniye) established by Mehmet the Conqueror in the environs of the great Istanbul mosque bearing his name. The latter were the top of hierarchy of eight degrees or grades of education, commencing with the elementary (hasiye-i tecrit medreses) in the smaller towns and going through the miftah, kirkli, haric, dakhil, and sahn-i seman ranks, each providing more advanced studies and additional subjects until

those capable of it entered the higher stages of knowledge provided only in the muhsila-i sahn and the sahn-i seman madrasas, which were part of the complex at the Faith mosque. Those studying in the first seven ranks were called suhte or softa (religious student), while those who achieved the sahn-i seman schools were given the particularly honorable name of danisman (learned man). [189]

Religious institutions at this time, aimed at Teaching/all branches of Islamic knowlege, including calligraphy, Arabic language and grammar (sarf ul-nahw), rhetoric (balāghat) and poetry (shi'ir), the sciences of reasoning such as logic (mantick), philosophy (ilm al-hikm), and astronomy (falāk), and the religious sciences such as analysis of the Kur'an (tafsir), doctrines of faith (akā'id), the traditions of the Prophet and his Companions (hadith), the bases of the religious law (usūl al-fikh) and jurisprudence (fikh), as well as theology and ethics. [1990]

In addition the more traditional subjects studied in the madrasas developed through the early 16th century, the more exact sciences of medicine, mathematics, and some of the physical sciences were taught in a new complex of four madrasas built by Suleyman the Magnificent between 1550 and 1559 A.D adjoining the mosque bearing his name. Here was provided new, higher degrees of study for those who passed beyond the sahn-i seman degree and had the disire and ability to go on. Under Suleyman's new system the three lowest grades of the old system, which in any case provided only elementary education in the smaller towns, were lowered to the ranks of the elementary maktabs. The remaining five ranks, along with the four new ones in the Suleymaniye comples, were reorganised into a hierarchy of twelve

ranks, which in turn were divided into four groups:

1. The Kharij (outside) madrasas provided elementary training in most basic sciences, Arabic morphology and syntax, logic, geography, theology, and rhetoric.

2. The dakhil (inner), or intermediate, madrasas provided more exact training in the sciences already begun and added jurisprudence and anylysis of the Kur'ān.

3. The advanced schools included those previously mentioned forming the highest level in the complex of the Conqueror. The teachers received 50 akces daily, and a new higher grade was called altmisli (those of the 60) because of the salaries paid to attract the very best.

4. The highest level, or semaniye (eight) madrasas, were located in Suleymaniye complex, where the students received the highest possible specialised training, particularly in jurisprudence, theology, and rhetoric, as well as the sciences related to them. [191]

Individual madrasas were supported by religious endowment (wakf) usually established to support the entire complex of buildings (including also hospitals, hotels, and other charitable institutions) established around great mosques. Each madrasa usually was directed by a muderris (teacher) who used the funds turned over by the administrator of the wakf to maintain the building, hire servants, and select and pay the students with the best of the latter acting, as his assistants to repeat and explain the lessons to the other students. Students were paid small stipends and also were given free food and lodging in the madrasa or the adjacent buildings of the same complex. A few large madrasas had as many as three teachers, with the senior one

directing the other two and duties and salaries adjusted accordingly. [192]

The remaining members of the 'Ulamā' emerged from among the teachers and students of the madrasas. Those students who reached the rank of learned men (danisman) were entitled to fill vacant positions within the learned institution hierarchy when available and sometimes outside as well, particularly in the Scribal Institution. Those students who left the madrasas before completing the full hierarchy of studies generally entered the service of the Kādīs as assistants (naib) or became scribes in the treasury or other institutions maintained by the Scribal Institution or for private persons in the Ruling or Subject classes. Those who became learned men generally remained in the system as teachers in the most elementary schools, working up through the ranks according to ability and as vacancies became available. However, teachers in the highest three groups could become candidates to become jurisconsults (muftis), but only those in the Suleymaniye group could be candidates or be chosen to Shaykh ul-Islam, who was the chief muftī and leader of the learned institution. Appointments were made by the Sultan and the Grand vazir on the advice of the Shaykh ul-Islam, but the latter for the most part depended on the advice of councils of learned elders, which subjected candidates to oral and written examinations and questioned them on an essay (risāla) that had to be written on specified subject. [1993]

The legal system under Suleyman I the Magnificent is interesting, because he developed and enlarged some special post such as Kādī and Muftī. The idea of law, as it evolved under the Ottomans, combined traditions from both the Persian and Turkish

empires of the past as well as those of Islam as such. From the Persians came the idea-developed by the Abbasid caliphs-- that the ruler was absolute and that all acts of law and justice were favours emanating from his absolute power.

From the Turks, on the other hand, there came an idea of a supreme law (yasa/yasak) that the ruler had to enforce with justice regardless of his personal wishes. Paralleling these traditions was the Muslim idea of the religious law, or shari'ah, derived from the Kur'an and Sunnah of the Prophet. Whereas the Shari'ah was highly developed in the fields of personal behaviour and community life, it never was developed in detail for most matters of public law, particularly in regard to state organization and administration. At best it provided only principles so that there was room for interpretation and legislation on specific matters by the ruler and his government. Most Muslim legal theorists recognised the right of the Sultan, by "sovereign prerogative" to take the initiative and issue secular regulations (kanun pl. kawanin) in matters not covered in the Shari'ah. Thus the Ottoman Islamic community had two laws: the customary law of the Sultan (orf-i Sultani) and the religious law. Those charged with executing and enforcing the provisions of the former were called the people of sovereign prerogative (ehl-i orf), which the 'ulamā' continued to enforce the latter throughout the empire and particularly in the Muslim millet (nation). The Shari'ah covered matters of personal status in the Muslim millet as well as providing principles of public law for the government, while the religious laws of the non-Muslim millets were elaborated and enforced by their own religious leader. Strictly speaking, members of the 'ulamā' had

the right to invalidate any kanun that they felt to be in conflict with the Shari'ah, but they rarely did this, since, as part of the Ruling Class, they were appointed and could be dismissed by the Sultan. This left the latter free to legislate changes to meet the problems of the time, as long as such changes remained within the guidelines expressed in the Shari'ah. [194]

a) The Kādīs: These authoritative interpreters of the religious law were members of the 'Ulamā'; and the science of its study and interpretation was called fiqh. There was a division between those who studied and interpreted the law, or jurisconsults (muftīs), and those who enforced it the law courts as judges (kādīs), later also called arbiters (hakīms). The empire was divided into judicial districts (kadā'), each with its own court (mahkamah) and judge as well as his lieutenant (naib) and other assistants. There were four orthodox schools of law in Islam, but that of Abu Hanīfa was the only one that was accepted as official throughout the Ottoman Empire. Only Hanāfi Kādīs then were appointed to courts. But since in some parts of the empire, especially Egypt and Syria, the native population and religious leaders accepted other legal schools, local officials were allowed to recognise leading local 'Ulamā' of those schools as advisers and to recommend their decision to the official Hanāfi Kādīs of the district concerned. [195].

Each Kādī had both judicial and administrative functions. As judge of the local Muslim court, he was charged with enforcing both the Islamic religious law and the Sultan's kanuns for subjects and members of the Ruling Class alike. He had to make certain that the court was open to all Muslims seeking justice, that litigation was speedy and just and without the intervention

of professional advocates, and that those unable to protect themselves, such as woman, children, and orphans, were particularly protected. The people of his kadā' accept the fact that Shari'ah, represented by the Kadi, guaranteed them rights that no official of the Sultan could take away. The official, on the other hand, as the servant of the Sultan were subject to his absolute will and could be punished and have their properties confiscated without reason and without the right to secure the intervention and protection of the Kādi. [196]

The Kādi used his own employees to investigate cases, summon witnesses, and punish the guilty, but he was assisted in these functions by the local sancak bey and the police chief (subasi) under the supervision, or at least in the presence, of representatives of the Muslim community. The sancak beys and Kādis were supposed to share authority locally, but because the former often were away on campaigns, the latter usually prevailed. Generally each city or town had its chief police, who could and did apprehend offenders on his own authority as well as at the initiative of the Kādi. When citizens wished to complain about illegal acts, they did so to the muhtasib (market inspector) in cases involving the market or the chief police in any other criminal act; but the muhtasib had to secure the help of the latter if market offenderd refused to accept his authority. The police received their authority from the sancak beys (military commander) and were responsible to them, but if they themselves violated the law, they were brought before the Kādi for judgement and punishment. Thus, it was the latter who once again predominated. The Kādis were supposed to apply both the religious and secular law and were fairly autonomous in reaching their decisions. It was rare

when the Sultan or one of his officials, or even the Kādi's superiors in Istanbul, actually intervened to influence or countermand a judgment once it had been given locally. [197]

In addition many Kadis collected large sums from fines and the administrators of local foundations that they were supposed to supervise. Kādīs normally also had the right to appoint the teachers and employees of the local maktabs (schools) and madrasas (college), presumably also in return for fees from the successful candidates. The Kādi also had local administrative duties, mostly developed in Ottoman time. These included supervising the administrators in their districts, certifying tax assessment lists and collection account, mediating in conflicts of authority or jurisdiction, and sometimes authorizing and enforcing the dismissal of local officials who violated the law and acting in their places until substitutes arrived from Istanbul. Kādīs supervised the actions of members of the Military Class in keeping order locally, handling cases of complaint involving arbitrary actions against the people. Kādīs supervised the operations involved in seeding and harvesting crops and the assessment and collection of taxes. As the Ottoman government tended to wither away in many localities, the local Kādīs tended to assume more and more administrative and financial duties in addition to their judicial and legal ones to the point where, in many areas, by the 16th century were in fact the local government. [198]

The judicial positions above the district level were given the rank of mevleviyet, and the holders were called mulla (higher ranked Muslim judge). Since there were far more candidates for the various positions than there were openings, appointments were made for no more than a year for the highest-ranking judicial

appointments and for 20 months for the Kādīs of the Kazas (judicial and administrative district), after which the individuals in question left their posts and were included among the dismissed, with their names being placed at the bottom of lists of candidates for positions. Dismissed (mezul) members of the 'Ulamā' also sometimes served as assistants (mulazim) in the offices of their own Kazaskers or as adjudicators (Kassam) of inheritances not falling within the normal jurisdiction of the local Kādīs, this adding to their pensions. Kādīs in the dismissed category normally remained for two years before becoming eligible for new appointments to suitable positions. [199]

In addition to regular Kādī appointments were other positions available to suitable candidates in the dismissed class. These included the judge of the land (toprak Kādī), who served as travelling agents of the regular Kādīs, especially in the feudal provinces, going to investigate complaints of misrule or illegal actions on the part of local feudal or administrative officials, with the power to make summary judgements when warranted. Kādīs also were sent as inspectors to hear local complaints against established Kādīs and assistant (naib), with the power to remove the latter when required or to transmit the complaints for action by the Kazaskers or the Imperial Council. Kādīs of high rank were appointed as army judges (ordu Kādīlari) to act in the place of the Kazakers when the latter was absent. Equal in rank to the mullas were members of the 'Ulamā' employed in religious and/or cultural positions in the palace service of the Sultan. These included the Sultan's hoca, who was in charge of instructing and guiding him in the precepts of the faith and who in the 14th century at least served as leader of the 'Ulamā'; two imperial

imams, who led prayer in whatever mosque the Sultan chose to attend for the official Friday prayer as well as in the mosque of the Topkapi Palace; the Sultan's chief physician (hekimbassi), who also served more or less as leader of the corporation of physicians throughout the empire; and his chief astrologer who advised him on the most propitious dates for important actions.

[200]

b) The Mufti: Since Muslim law was not a fixed and immutable code, but rather the result of a great deal of study and discussion among legal experts over the centuries, the exact resolution of individual cases could not depend on mere reference to the law codes as such but had to reply also on study of all the available legal literature. The Muftis, who applied general principles to specific cases, originally were called mudjtahid, and from their decision there developed the different orthodox schools of Islamic law. But once the latter were accepted, this restricted the ability of individual mudjtahids or other members of the 'Ulamā' to interpret, on the basis of their own examination of the sources. In consequence the "Gates of Interpretation were closed", and members of the 'Ulamā' wishing to decide cases or interpret law had to adhere closely to the interpretation of the school to which they were attached. Those 'Ulamā' who interpreted the law on the basis of those codes were called fakih, while the science of commentary itself became known as fikh (jurisprudence). In the Ottoman time the fakihs were the Muftis, who issued fatwā in response to problems submitted to them by Kādīs, officials, or private persons wishing legal authority to support their positions in particular cases. Strictly speaking, a Mufti could not innovate or personally make a judgement on

the basis of his own examination of the sources. He could only base his reply on the code of his particular branch of Islamic law and on precedent. In practice, of course, individual Muftīs could and did secure the answer that they wished by choosing appropriate parts of the code and precedents while ignoring others that countered their argument; then, too, Kādīs and others seeking particular interpretations referred to Muftīs whose interpretations would best support their own wishes. [201].

But, different from the Kādīs, who were appointed by the government, any member of the 'Ulamā' who had the requisite qualifications could declare himself to be a muftī and practice this occupation if he was recognised as such by those wanting fatwā. Under Suleyman some effort was made to establish an organisation of Muftīs like that of the Kādīs. The new office of Shaykh ul-Islam was created largely for this purpose as Grand Muftī of the empire and Muftī of Istanbul in addition to coordinating the work of the Kazaskers and the Kādīs beneath them. Official muftīs, then, were appointed by the Shaykh ul-Islam for each of major cities and also for many of the kazas, with the duty of issuing fatawā when needed by the Kādīs or the provincial and local authorities. These appointments were given to 'Ulamā' who had passed through the complete course of madrasa training in the case of major appointments and to those who had graduated a lower level for the less important places. Since the Hanāfi school was the officially accepted legal interpretation in the empire, most of the Muftīs, like Kādīs, belonged to it. But in provinces where other schools were accepted-like that of Shāfi'ī in Egypt, Syria, and the Holy Cities - Muftīs of those schools were appointed at the request of local governors or religious leaders.

Like the Kādīs, the Muftīs did not receive salaries and were dependent on fees charged in return for their fatwā, often levied in direct proportion to the wealth of the person requesting one or the profit that he could secure from its enforcement. Muftīs appointed by the government received substantial fees from the treasury and also were appointed to profitable positions such as administrators of foundations and adjudicators of inheritances. There also were private Muftis, issuing fatāwā to individuals, sometimes in direct contradiction to those of the official Muftis, with the relative ranking and prestige of issuers finally determining which opinion should prevail. [202]

The creation of a state official giving state opinions in a state bureau (dar al-iftā') was an Ottoman idea which was the source and origin of making the fatwā, the important source of juristic writing which it is today.

After the decline of the Ottoman Empire in the late 17th century there emerged another movement in the Muslim world, especially in the Arab world. It was known as "The Arabian Reformation Wahhabite Movement", which began in the 18th century. Muhammad Ibn Abdul-Wahhab was born in the obscure desert town of Uyaina in 1703 A.D., into a family of learned lawyer-theologians. He was shocked, it seems, by the laxity of the society in which he grew up-its neglect of the prescribed rites and prayers, its promiscuity, its tolerance of superstition-and he was much influenced by the doctrines of Ibn Taymiya, a rigorously orthodox theologian who had argued against the excesses of Sūfism some four hundred years earlier. After visiting Mecca and Medina, and also studying at Basra in Iraq, he returned to his native Nejd and began to preach moral and spiritual regeneration. He attacked belief in the

power of saints and pious men and all the associated practices, such as worship of saints' tombs and reliance upon the intercession of the Prophet or the saints. Further, seeing the 'Ulamā' had long connived at such practices, he also attacked blind acceptance of authority in religious matters (taklīd), calling on Muslims to apply their own mind and consciences to the Kur'an and the Sunna, rather than rely on traditional interpretation. [203]

Although through Ibn Taymiyah he was a follower of Ibn Hanbal, founder of one of the four classical schools of Sunni jurisprudence, he was opposed to any of the schools being taken as an absolute and unquestionable authority. He thus, reopened the "gate of idjtihād" which earlier generations of 'Ulamā' had declared closed - and condemned taklīd. Ibn Abdul-Wahhab sought protection and support from a local prince, who tied his political fortunes to the new doctrine. This was Muhammad Ibn Sa'ud, ruler of the small neighbouring principality of Dir'iya, who in 1744 gave asylum to Ibn Abdul-Wahhab when the latter's attacks on local shrines had provoked his expulsion from his native city, the two men then formed an alliance. Ibn Sa'ud promised to accept the responsibilities of an Islamic ruler as defined by Abdul-Wahhab, while Abdul-Wahhab promised him that if he did so, "perchance Almighty God will conquer your conquests and recompense you with spoils of war far more ample than your present revenues, " [204] and so it proved. The early history of the Wahhabi movement, as it came to be known, was in several respects an authentic repetition of the early history of Islam. The same evil were denounced: injustice, corruption, tribalism, adultery, indifference to the plight of widows and orphans and above all-the root of all others-idolatory, or "association" of others with God. Once again,

emphasis on the unity of God (tawhīd) was combined with emphasis on the brotherhood of all Muslims, irrespective of social rank or tribal affiliation, and the aggressive energies of the community were turned outward, against the enemies of Islam, in jihād or holy struggle. Once again the result was a political entity both more cohesive and more dynamic than its neighbours, which was thus able to expand and to unify, at least temporarily, the greater part of the Arabian peninsula. [205]

If we carefully examine the "Wahhabi-Idea" the most important aspect of Wahhabism was its normal motivation: it was a violent reaction to the moral degradation into which the Community had allowed itself to fall gradually over the centuries during which popular Ṣūfism had become the overwhelming factor. This moral motivation survived as a general legacy of the Wahhabi revolt after its first intolerant and fanatical phase had passed, and combined with the general liberation of the mind and the spirit, paved the way for Modernist Muslims to overcome the literalism and fundamentalism of the Wahhabis themselves and to allow for the scriptural text itself to be treated and interpreted on moral liberal lines. This is, indeed, the secret of the success of Wahhabism and its permanent lesson which has become ubiquitous in almost all reform-movements, whether pre-Modernist or Modernist. [206]

In the Islamic world the term Wahhabi has always been applied loosely to designate any person who aims at religious reformation, even if that person be a complete stranger to Nejd. Because in the modern period many reform movements have had a tendency to borrow from the Wahhabis or to use the same source material (i.e.- the Kur'ān and the Sunnah) and also because a

large and still growing number of Muslims confront the same problems, and turn to the Wahhabiyya for inspiration and solutions. It should be borne in mind that Wahhabism remains a significant current in contemporary Muslim thought. [207]

We can infer that the influence of the Wahhabi movement between the 18th and 19th centuries contributed to the outbreak of militants in the modern period. By the end of the 19th century, the Islamic Movement, with Jamaluddīn al-Afghani as its political leader and Muhammad Abduh as its scholarly exponent, gradually took the shape of the "Salafiyyah School". Salafiyyah is an Arabic expression which implies following in the footsteps of the early Muslim, thus revealing a characteristic tendency in line with the old revolt of Ibn Taymiyah. [208]

It should be noticed that the use of fatwā is not only to express the religious matters but fatwā also express political reform in the modern day. This is, due to the fact that political scientists such as Plato define that "man is a political animal", therefore the reformation is concerned with a socio-political phenomenon of human society itself.

From the very beginning of the Western expansionist impact on Muslim States, the Muslims, after the failure of their early military and political resistance to the West, have been preoccupied with the problem of effective political organisation. But, just as problems of the necessary political reform arose, so political reconstruction was found impossible without social reform and economic modernization. And since socio-economic modernization could not be carried out without new legislation (besides education) which depended again on political authority, the issues of social and legal reform are inextricably bound up

with political problems. The purely political developments in the Muslim world do not belong to the scope of the present work, but since they are intimately related to the questions of nationalism and secularism, they have a direct bearing on the religious history of Islam. Moreover, the location of authority in a modern state and especially the authority to legislate which in the history of Islam has never been Islamically vested in the government- is of intrinsic importance for Islam as a social phenomenon.

The first Muslim modernist's idea of political reform was voiced by Jamaluddin al-Afghani. He, despite his name, was a Persian Shi'ite, born at Asabad near Hanadan in 1838 or 1839. A passionate advocate of the need for the Umma to be united in the face of the European threat (represented especially by Britain), he concealed his origin in order to avoid arousing the hostility of his Sunni audience. [209] There were two salient elements in his political thought: the unity of the Muslim world and populism. The doctrine of the political unification of the Muslim world, known as pan-Islamism is urged by al-Afghani as the only effective bulwark against foreign encroachments and their domination of Muslim states. The populist impulse arises both from a consideration of its intrinsic justice and also directly from the fact that only popular constitutional government can be strong, stable and a real guarantee against foreign force and intrigue. Al-Afghani's influence contributed directly to the Arabi Pasha rebellion in Egypt and the constitutional movement in Persia, but the power of its appeal was felt generally also in Turkey and India. In his zeal to appeal to the popular will against the West, however, al-Afghani evoked not only the

universal Islamic sentiment but also national or local sentiments of different countries. His actual influence, therefore, has been in both directions of pan-Islamism and nationalism, sometimes in conflict with one another. Although the pan-Islamic idealism has not been successful in concrete terms, it continues to inspire various activist groups in different countries and live on patently, if amorphously, in the aspirations of the people.

[210]

But despite this strong pan-Islamic sentiment, nationalism has made powerful inroads into the Muslim world and has been officially incarnated, with a special emphasis, in the state-ideologies of certain Muslim countries. Al-Afghani is thus an example of three types of Muslim response to the West: the defensive call to arms, the eager attempt to learn the secret of Western strength, and the internalization of Western secular modes of thought. No doubt this explains the great prestige he has continued to enjoy in the 20th century in many parts of the Arab and Muslim worlds, among people of widely divergent political opinions - a prestige going well beyond his influence during his lifetime. He was a man of traditional learning, appealing in traditional terms to their beliefs and urging them to resist the onslaught of unbelievers. He was a would-be reformer who wanted Islam to meet the challenge of the West by learning from its example. [211]

Two Arab thinkers of the late 19th century and early 20th century have influenced almost all subsequent Islamic political thought, in the Arab world and beyond: Muhammad Abduh (1849-1905) and Rushid Ridā (1865-1935). Both were themselves deeply influenced by the ideas of Jamaluddin al-Afghani, and it is

largely thanks to them that Afghani's posthumous influence has been stronger in the Arab world than anywhere else. Though Abduh and some of his followers, the Afghani tradition continued to effect the development of Egyptian nationalism, even in its increasingly secular form. Though Ridā and a few others (mainly Syrian Muslims), Afghani's ideas had a great influence on the development of Arab nationalism. Through Abduh, and especially through Ridā's interpretation of Abduh, the line of development leads from Afghani's militant reformism, through Islamic modernism, to the defensive and even traditionalist Islamic militancy of the present day.

The chief exponent Afghani's idea, Muḥammad Abduh, was a man with a very different temperament. Born into a peasant family in Egypt, during his collaboration with Afghani on Al-Urwa al-Wuthqa, Abduh tended to justify Islam in its social rather than its theological aspects. Like Ibn Khaldun and Ibn Rusd, he saw it as an essential ingredient of social happiness. His main concern was to enable Muslims to take their place scientifically and culturally alongside the nations of Europe. For this the political problem would have to be shelved: Afghani's attempts to rouse the Muslims to action through their rulers were doomed to failure and would only provoke the wrath of European powers. In 1885, he made this momentous decision which implied his acceptance of the reality of British power.

Thereafter Muḥammad Abduh concentrated his efforts on legal reform and education. He entered the legal service and rose to become first a judge and eventually the Muftī of Egypt in charge of the whole system of Shari'ah law. In his legal rulings (fatawā) he adopted from the Maliki school, in which he had

been trained, the principle of maṣlahā (public interest) allowing the law to be changed according to modern requirement: "If a ruling (fatwā) has become the cause of harm which it did not cause before, then we must change it according to the prevailing conditions." [212]

Another principle adopted by Abduh, previously employed by the Indian reformer Shah Wali Ullāh, was talfīq (literally, "piecing together"), whereby ruling (fatāwā) could be given by systematically comparing the views of the four madhhābs, and going behind them to the Ḳur'ān and the Ḥadīth of the Prophet and principles of the Salāf al-saliḥ (pious forebears). In his official capacity as the Muftī of Egypt Abduh was bound to give rulings (fatāwā) according to the Ottoman Ḥanāfi code. However, his influence as a reformer derived from the private fatāwā he gave on demand, and from his miscellaneous writings and lectures which were collected and published in the periodical "Al Manār" ("The Lighthouse") by his disciple Rashīd Ridā from 1897 to 1935. It should be noticed that Rashid Rida, a Syrian Naqshbandi who, unlike Abduh, never visited Europe or studied its languages and was therefore much less influenced by foreign ideas, emphasised the Salafi aspect of Abduh's work, making it more acceptable to conservative or fundamentalists than it would otherwise have been.

In his theology Abduh followed Afghani, trying to maintain a balance between reason and revelation. He could not accept the possibility of a contradiction between God's spoken truth in the Ḳur'ān and His truth as revealed in nature. He did not, however, go so far as the Mu'tazilis in subjecting God's power to the principle of justice. Instead he side-stepped the issue by assimilating ethics to aesthetics:

"Voluntary actions may also be distinguished as beautiful or ugly according to the idea of their utility or harmfulness. [This distinction] can be discovered by human reason and the senses without the aid of revelation." [213]

The purpose of revelation was therefore not, as the traditionalists maintained, to arbitrarily endow certain acts with the character of good or bad, "but to help fallible reason by defining some of the good and bad acts on the basis of the utility principle." [214]

Abduh's ideas were consistent with his position as a man attempting to reconcile the conflicts of his time. Like Afghani he saw that the overwhelming power of the West lay in the vastly superior scientific knowledge at its disposal. The Muslims must free themselves from taklīd ("imitation") of traditional authority if they were to benefit from this power and to acquire the capacity to resist those who were using it against them. This could be achieved without sacrificing the basic truths of Islam, since the rational truth of science and truth of revelation must, in the final analysis, be identical.

This belief that the truths of religion and science could be harmonised, integral to the whole modernist viewpoint, was naive in one aspect, since it was based on the essentially medieval premise that science, like scripture itself, is a finite body of knowledge awaiting revelation, rather than a dynamic process of discovery subject to continual revision. In Egypt, as in India, the establishment of non-religious institutions of learning, encouraged by Abduh, opened the floodgates to secular forces which threatened Islam's intellectual foundations.

Muhammad Abduh was one of the great Muslim reformists of his

time, and it is therefore surprising that Prof. Gibb called him a "fundamentalist" and quoted his explicit statement: "I say that Islam has not given whether to Caliph or to Kādī or to Muftī or to Shaikh al-Islam the smallest authority in the matter of doctrines and the formulation of rules. Whatever authority is held by any one of these is a civil authority defined by Islamic law, and it is inadmissible that any of them should claim the right of control over the belief or worship of the individual or should require him to defend his way of thought." [215]

Afghani, Abduh and Rida were all, in one respect at least, typical product of the liberal age; they acted in politics as individuals, not as organisation men. Afghani sought to rouse the Muslim world pamphlets and personal contacts, aimed especially at Muslim rulers: Abduh to strengthen Islam, and especially Egypt, by teaching and by issuing legal rulings (fatāwā); Ridā to promulgate a coherent body of Islamic social thought through a periodical. All three had great influence on the climate of opinion, but none of them achieved much in the way of political change. Politics in the first half of the 20th century, in the Muslim world as elsewhere, became increasingly a matter of mass movement and of organisation.

In Egypt the reformist liberalism represented by Abduh opened the way for a secular nationalism which sought to relegate religion to the sphere of private belief, enabling a new, Western-educated elite to take control of the country. The religious establishment, always subservient to political power in Sunni countries, capitulated to this development. The Islamic reaction was led by the more conservative reformers, notably Abduh's disciple Rashīd Ridā and his spiritual heir Hasan al-Banna,

founder of Muslim Brotherhood.

Like Afghani and Abduh, Rida believed that Islam was political and social as well as spiritual, that if properly understood and obeyed it would bring strength and success to the community in this world as well as salvation to the individual in the next. If Muslims were backward and weak, it was because they had lost the truth of their religion. They had allowed the West to monopolise some principles that were really part of true Islam: creative effort (in Ridā's view, the underlying meaning of Jihād), devotion to the welfare of the community, and the search for the truth. To revive these qualities, Muslims should return to the true Islam as it was taught by the Prophet and the Elders or Ancestors (salāf). This had been the motto of Afghani and Abduh in al-Urwa al-Wutqa.

Under Ridā's leadership it became that of a reform movement, the salafiyah, whose influence was felt throughout the Muslim world. But whereas Afghani had spoken of the Salāf mainly to conjure up a vision of the dynamism and military success of early Islam, as compared with latter-day superstition, Rida took the slogan more literally. For him it was important to find out as exactly as much as possible what the Prophet and his Companions had actually said and done and to apply it as precisely as possible to the conditions of the present day. Thus in spite of his devotion to Abduh and his consequent reputation as a modernist, he was in some way closer in spirit to the puritanical revivalism of the Wahhabis. He was indeed a follower of Ibn Hanbal. [216]

Ridā however believed in an unchanging and always applicable Islam, that of the Salāf, but was not bound by the subsequent tradition which had grown up around it. Moreover, where a

specific command in the Ḳur'ān or the Ḥadīth appeared to be in contradiction to a general principle which had equivalent authority, he argued for the superiority of the general principle; and he followed Abduh in making maslaha (the general good, or public interest) the key principle for deciding the law where Ḳur'ān and Ḥadīth gave no explicit and unchallengeable guidance. Guided by this principle, in his view, a modern Muslim nation had the right to enact a system of just laws appropriate to the situation in which its past history has placed it.

In other words, Riḍā allowed a very broad scope to idjtihād, in the sense of independent reasoning from first principles. In his writing, idjtihād is no longer mere interpretation; it is actual legislation. But this is not a task for just anyone to undertake. It requires a body of specially qualified 'ulamā' who are qualified both by their learning and by their independence of mind. [217]

The result, however, should be that new and unified system of Muslim law which Abduh had envisaged, and which should be in accord with "the spirit of the age". For instance, Riḍā favoured abandoning the traditional rule by which a Muslim who abandons Islam is supposed to put to death. He was prepared on this point to reject the consensus of all the classical jurists, on the grounds that it was in contradiction with the principles of Islam, since there is no text in the Ḳur'ān saying that all apostates should be killed, whereas there is one that condemns all compulsion in religion.

Similarly, he argued that Jihād - the duty to wage war against non-Muslims - should be interpreted only in a defensive sense, unless it was undertaken against a non-Muslim state where

the preaching of Islam was forbidden, or a Muslim state not allowed to live in accordance with their law. To compel "people of the Book" (ahl al-Kitāb) Christians and Jews to become Muslims by force would contradict the principle of freedom in the faith. He was also prepared to agree, as Abduh had done before him, for the permissibility of interest on loans, which the Qur'ān (as traditionally understood) forbids. "Can one maintain", he asked "that the law of this religion demands that its adherents should be poor, and that what is essential for their livelihood and for the power of their community and State should be in the hands of covetous men belonging to other people?" No, Muslims had to be able to compete with other peoples, and if, in a capitalist world, that obliged them to take interest on loans, that was justified on the grounds of necessity. For the Qur'ān said: "Do not give to fools your property that God has assigned to you to manage." By contrast, Riḍā accepted the dominance of men over women, while cautioning that it should be exercised justly and with consultation, and even justified slavery on the grounds that it protected women and gave all of them a chance to bear children. [218]

Riḍā's concept of Islamic government and the Caliphate is quite interesting, because he also looked for a government both modern and Islamic to enforce it. The specially qualified 'ulamā' should work with a supremely qualified Caliph. In his idea however the Caliph was to be the chief mudjtahid: the supreme practitioner of idjtihād who, with the help of the 'ulamā' would deduce from the unchanging principles of Islamic law rules appropriate to the changing conditions of the world, and would impose (apparently by a purely moral authority which all

Muslim governments would have to respect) - their application. The doctrine also seems similar to that of wilayat al-fakīh (the guardianship of the jurist) later developed by Ayatullāh Khomeini. Khomeini, of course, is a Shi'ite, coming from a completely different intellectual tradition. But the attempt to formulate a theory of Islamic government for the modern age has in some ways brought the two traditions closer together. Reformist Sunnis like Ridā have re-opened the "gate of idjtihād", which in Shi'ism was never closed. Shi'ites believe that idjtihād is only the prerogative of their Imāms who are presumed to be infallible. And thereby have exalted the authority of the genuine 'ulamā', those qualified to undertake idjtihād, to a level similar to that which the Shi'ite 'ulamā' traditionally enjoy. At the same time the Shi'ite 'ulamā', in order to resist what they see as the corruption of Islam by Western-oriented, despotic government, have been sucked into political process and have had to take some responsibility for guiding the state on Islamic lines; and so Khomeini, in his capacity as fakīh and mudjtahīd, comes to assume a role very similar to that which Ridā envisage for his Sunni Caliph. [219]

Ridā's Caliphate of idjtihād was itself a long-term vision. In the short term he would have settled for a "Caliphate of necessity" to co-ordinate the efforts of Muslim countries-- of Mustafa Kemal he said, "a great man, who unfortunately knew nothing about Islam. If he had known what Islam really was, he would have been just the man who was need." Ridā was also convinced that genuine Islamic government would be best not only for the Muslims but also non-Muslim minorities. He pointed out

that an Islamic state would be based on justice and on a law which specifically granted rights and freedoms to Christians and Jews, while a secular state as he understood it would be based on a purely natural solidarity rather than a moral system. Finally, he is regarded by some as the true father of Arab nationalism.

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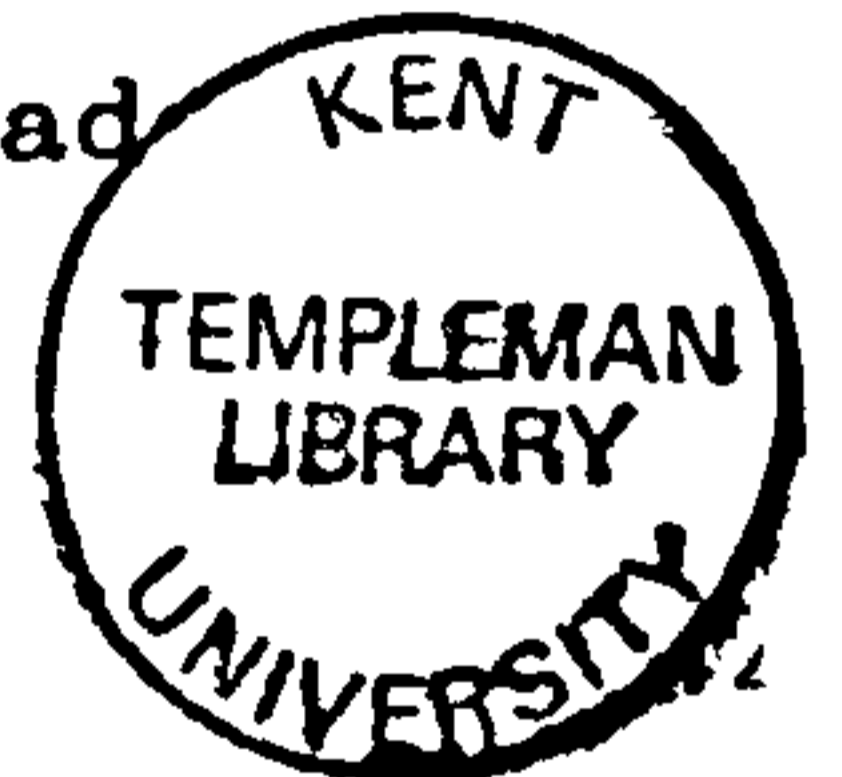
The political movement in the Shi'ite world also began in the 18th century when the Safavid dynasty was overthrown by an invasion of Afghans who tried to reimpose Sunnism on Persia. The leading Shi'ite 'ulamā' fled to Iraq, then part of the Ottoman Empire, and established themselves in the cities of Najaf and Karbala, built around the tombs of Ali and Husain. Although Afghan rule in Iran lasted only eight years, the tradition of senior Iranian Shi'ite mudjtahīds residing in these cities has continued to the present day and has been an additional factor of independence since it generally put them beyond the reach of the Iranian state (periods of close entente between the rulers of Iran and Iraq being the exception rather than the rule).

Taken together, these factors may help to explain the ability of the Iranian 'ulamā' to act independently of and in opposition to the monarchy during the 19th and 20th centuries. To suggest that Shi'ite theology predisposed them to do so is indeed misleading. On the contrary, in its Twelver form it gave them every encouragement to stand outside politics. But paradoxically that very fact made it easier for them to sustain a distinct corporate identity and thus helped to make them potentially an independent political force. Their tradition also gave them the intellectual flexibility to adopt their doctrine to changing

political circumstances. Thus, when they saw Iran's Islamic traditions, territorial integrity and economic life threatened by foreign encroachments during the 19th century and saw the monarchy in effect capitulating to those encroachments and making itself their accomplice, the 'ulamā' were able to protest with relative impunity, and were able to justify their protest intellectually. This culminated in their alliance with Western-influence opposition groups in the great tobacco boycott of 1891-1892. This movement was directed against all the Shah's many economic concessions to foreigners.

The most respected leader of the Shi'ite 'ulamā' was, Hajji Mirza Hasan Shirazi, who was living in Iraq. Shirazi, in December 1891, issued a fatwā that read:

"In the name of God, the Merciful, the Forgiving, Today the use of tonbaku and tobacco in any form is reckoned as war against the Imam of the Age (may God hasten his Glad Advent!)." [221]



Besides the great tobacco boycott of 1891, again in 1906 there was the so-called constitutional revolution in Iran. The constitution achieved by the revolt of 1906-7, which remained nominally in force until 1979, was based largely on that of Belgium. Ironically the 'Ulamā' who took part in the constitutional revolution had simply grafted a European liberal political outlook onto their Shi'ite theology. Indeed their participation in the movement was motivated only by a general desire to curb the absolutism of the Shah and to strengthen Islam politically so that it could better resist European penetration.

They thought in terms of "justice" and the shari'ah rather than constitutionalism as such: the desired assembly (madjlis) was referred to as Adalat Khaneh- "House of justice". Once the Madjlis met and began drafting the constitution, misgivings and division quickly appeared. Many 'Ulamā' were alarmed at the idea of a man-made constitution based on European models, especially as it was entitled "Fundamental Law". Was not the God-given Shari'ah the fundamental law of society, and if so how could human beings presume to alter it?

Among the most vigorous exponents of these misgivings was Shaykh Fazlullāh Nuri, a learned and highly respected Mudjtahid, who was able, in July 1907, to obtain the passage of the famous Clause 2 of the Supplement to the Fundamental Law, according to which, laws passed by the Madjlis would be subject to veto of a committee of five 'Ulamā', chosen by their peers, who would verify that proposed legislation was not in contradiction with Islam. In other words the mudjtahids representing Islam were to be a higher authority than deputies representing the people. Nuri however was not satisfied with this, but moved onto a frontal attack on the whole principle of parliamentary government, arguing that Muslims should not import customs and practices from "the realms of unbelief"; that the Shari'ah was as valid in the 20th century as in the 7th century and should not be tampered with; that freedom of the Press was contrary to the Shari'ah; and that clause 8 of the supplement to the Constitution ("The citizens of Iran have equal rights before the law of the state") was unacceptable since it ignored the natural and unalterable inequality between the healthy and the sick, the husband and the wife, the learned and the ignorant, the Muslim and the unbeliever.

With such arguments Nuri was able to mobilise many hitherto non-political religious dignitaries against the Constitution, and to win over or at least silence many of those who had supported it.

With the help of the Russian-officered Cossak Brigade, the Shah carried out a coup d'etat in 1908, dissolving the Madjlis and executing many popular nationalist leaders, including radical preachers. In Tabriz an armed popular guard fought against the royalist troops. These pro-Constitution resistance called themselves Mudjahidīn or Feda'iyan - both names implying self sacrificing fighters for faith.

Another 'ālim, Mirza Muhammad Husain Na'ini, argued that a constitutional regime was preferable to despotism because the latter involved a triple usurpation: of the authority of God, of the function of the Imām, and of the right of the people. Na'ini strongly defended the idea of equality, which he claimed as one of the original virtues of Islam. He argued that apostasy from Islam must be treated as a serious crime. Thus the alliance between him and his colleagues and the Westernizing constitutionalists was based on a partial-misunderstanding. The 'Ulamā' saw the Madjlis as a means through which they could block, or at least control, some of these "progressive" reforms which the Westernizers hoped to introduce. For instance, they opposed the new schools which had begun to be founded and in which subjects like mathematics and French were taught as well as religious learning. Only a very few 'Ulamā' or people connected with them at that time were prepared to think in terms of revitalising Shi'ism by eliminating formalism and obscurantism and obliging it to adopt to social, economic and political change.

In 1921 Reza Khan came to power and installed a new

government and persuaded the reigning Aḥmad Shah to leave for Europe. At the beginning of his rule, he was still at the stage of consolidating his power and therefore he still needed the 'Ulamā's support. This can be seen in that in the spring of 1924 he visited the Shrine city of Qom an important centre of shi'ite learning. There he met with three leading mudjtahīds and reassured them that he was not interested in republicanism. On his return to Tehran he issued a proclamation, saying:

"Insofar as I and the people in the army have, from the very beginning, regarded the preservation and protection of the dignity of Islam to be one of the greatest duties and kept before us the idea of Islam always to be professed and exalted and that respect for the standing of the religious institution be fully observed and preserved: thus, when I went to Qom... I exchanged views with their excellencies regarding the present circumstances. And we ultimately saw it necessary to advise the public to halt the [use of] the term, republic." [222]

On Reza Khan's visit to the Shrine city of Qom, he was supported by two leading mudjtahīds. Later in the year they issued a manifesto clearly endorsing Reza Khan's government on the ground of Reza Khan's good offices with the British. It seemed at the beginning Reza Khan gave support to Islam and its religious leaders for, in January 1925, he paid them a further visit in Najaf but his visit to Najaf was made for a political reason. Their support was invaluable to him in overcoming opposition from both 'Ulamā' and secular politicians in the Madjlis in Tehran. In December 1925, he was crowned Shah.

When Reza Shah was firmly ensconced in power, he embarked on a series of policies that were deeply offensive to the 'Ulamā'. Perhaps unconsciously, even his choice of the family name Pahlavi was offensive as it was in the language of Iran in pre-Islamic times.

In the legal sphere, Reza Shah also produced new civil, penal and commercial codes which, though based in part on the Shari'ah amounted to a secularization of it, since they were administered by state-appointed courts under the control of a justice ministry staffed with European-educated civil servants. The system included a religious court, with a single mudjtahid as judge, paid by the state. The Tehran appeal court likewise included one mudjtahid, chosen by lot from a list drawn up by the justice ministry, to deal with religious cases. In 1932 the traditional Shari'ah court controlled by the 'Ulamā' lost the right to register documents such as affidavits, powers of attorney and property titles; this deprived mudjtahids and mullāhs (local religious leaders) of a major source of revenue as well as influence.

Under Reza Shah's rule, a number of incidents brought the regime into direct physical conflict with the 'Ulamā'. In 1924, even before Reza became Shah, he faced an 'Ulamā' - led insurrection in Isfahan. But by the time of Reza Shah's abdication in 1941 the 'Ulamā' were thoroughly demoralised and debilitated and appeared to be losing their influence. During the second world war, in 1941 Iran was occupied by British and Russian troops and Reza himself went in to exile.

The first signs of the 'Ulamā' reviving influence were seen immediately after Reza Shah's departure, with the appearance of the veil in the streets and the resumption of passion plays and

narrative. Later, in 1948, a group of fifteen mudjtahīds went so far as to issue a fatwā forbidding women to shop in bazaars and markets without wearing the veil. [223] In 1951, Ayatullāh Kashani issued a fatwā supporting the nationalization of the Anglo-Iranian Oil company. [224] But the most famous and well-known fatwā issued by a Sh'ite mudjtahīd in the 20th century was Ayatullāh Khomeini's fatwā sentencing to death Salman Rushdie on the ground of his blasphemy on Islam by his book "Satanic Verses". [225] This fatwā shocked many non-Muslims throughout the world.

This thesis is about the Patani Fatawa: A case study of the Kitab al-Fatawa al-Fataniyyah of Shayk Ahmad bin Muhammad Zain bin Mustafa al-Fatani.

One of the aims of this study is to survey the Malay religious works better known as Kitāb Jawi which had been written, translated and compiled by the older Patani 'Ulamā' and writers. Their biographies and works will also be briefly described. Among these older Patani 'Ulamā' and writers were Shaykh Daud bin Abdullāh bin Idris al-Faṭāni, Shaykh Zain al-Abadin bin Muḥammad al-Faṭāni, Shaykh Muḥammad bin Ismail Daud al-Faṭāni and Shaykh Aḥmad bin Muḥammad Zain bin Muṣṭafa al-Faṭāni. Their religious works were circulated to Malay communities throughout Southeast Asia. These works form an essential element in the history of Islam in the Malay world of Southeast Asia. (chapter 3)

In this thesis the term older Patani 'Ulamā' and writers refers to 'Ulamā' and writers who worked in Mecca between the early 19th and early 20th centuries. This includes those 'Ulamā' and writers whose names have already been stated above and others who will be mentioned later on in this thesis. The term Patani region in this

thesis, refers to the area which includes Patani, Yala and Narathiwat provinces in Southern Thailand.

It is known that Patani was a Malay Kingdom over the last century. [226] Since the final incorporation of Patani into the Thai Kingdom in 1902, there were many rebellions and protests against Thai rule. The patriotic and nationalistic feelings the Malays in Patani have toward their motherland, language, religion and culture was still very strong. Although politically they are part of Thailand a state whose official religion is Buddhism, culturally they belong to the Malay world and share the same identity.

I shall briefly describe Patani historical tradition, from the founding of the Malay Kingdom of Patani until her final incorporation into the Kingdom of Thailand (1350-1909). The arrival of Islam in Patani is discussed later. (chapter 2)

The Malay Kingdom of Patani was established as early as middle 14th or early 15th centuries, since the first Patani ruler and subjects were Muslims. The Malay language and Islam are deep-rooted in the Patani society. The former is the mother tongue and the latter is the religion which is still practised. Furthermore, Patani was renowned to be one of the cradles and centres of traditional Islamic education in the region. [227] The institutions of 'Ulamā' and Pondok made Patani prestigious and well-known throughout the Malay world of Southeast Asia (chapter3).

It is interesting to note that when Western colonial powers established their foothold on the Malay peninsula in the late 18th century, Patani had already produced Islamic scholars who wrote their own religious works and translated famous works of Arabic scholars for Malay readers. I have chosen the Kitāb al-

Fatāwā al-Faṭāniyyah of Shaykh Aḥmad bin Muḥammad Zain bin Muṣṭafa al-Faṭāni as a case study. His life and family, his roles and activities, as well as his works and students will also be described (chapter 4). The main reason I chose the Kitāb al-Fatāwā al-Faṭāniyyah is because this Kitāb is the only known about on classical fatāwā that we have in the Malay language, written by a native Patani 'Ulamā' in Mecca as early as 1900 A.D.

The analysis of the Kitāb al-Fatāwā al-Faṭāniyyah which begins with a discussion on several important questions and issues relating to the Kitāb. The latter part of this Chapter looks at the views and opinions of Shaykh Aḥmad on matters pertaining to uṣūl al-dīn, fiḥ, tawḥīd, taṣawwūf/ṭarīkat, Arabic grammar, Malay grammar, history of Islam, Qur'ān, Ḥadīth, sciences and politics (chapter 5).

Among Patani 'Ulamā' and writers who worked in Mecca in the late 19th century, shaykh Aḥmad was the greatest at that time. Shaykh Aḥmad can be regarded as a second great Patani 'Ulamā' and writer in Mecca after Shaykh Daud bin Abdullāh al-Faṭāni a Patani 'Ulamā' and writer in the early 19th century. Shaykh Aḥmad was the author of several Kitābs which he wrote in both Arabic and Malay. The Kitāb al-Fatāwā al-Faṭāniyyah is one of his better known works.

As a great Patani 'Ulamā', writer and jurists, Shaykh aḥmad possessed vast knowledge of Islam, widely acknowledged by Arabs and Malay-Muslims communities of Southeast Asia. It is also argued that he was a Muftī Shāfi'iyyah at al-Haram Mosque, Saudi Arabia, during late 19th and early 20th centuries who was qualified to issue fatwā. From those fatāwā we can find evidence of a great mind at work.

In addition to this study I have transliterated the entire Jawi text (see appendices A and B) and translated into English some subjects of interest for a case study. The criterion of this translation can be divided into three main reasons: firstly, to demonstrate the originality of Patani fatāwā; secondly, to demonstrate the questions according to subject in Patani Fatāwā and thirdly, to demonstrate the highest and lowest number of Patani Fatāwā (appendix c).

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222. Quoted in Shahrough Akhavi, "Religion and Politics in Contemporary Iran", Albany, 1980, p.30.
223. See Edward Mortimer, *op.cit.*, p.311.
224. Ibid., p.312.
225. For further details see, Dan Cohn-Sherbok "The Salman Rushdie controversy in Interreligious Perspective", Dan Cohn-Sherbok (editor), The Edwin Mellen Press, New York, 1990, pp.115-119.
226. Teeuw, A. and D.K. Wyatt, "Hikayat Patani - The Story of Patani", Vol. I, II, The Hague-Martinus Mijhoff, 1970.
For further details see, Thompson, V. and Adoff, R., "Minority Problems in South East Asia", Russell & Russell, New York, 1970, pp.158-165; Vella, W.F., "Siam Under Rama III: 1815-1824", Locust Valley, Newyork, J.J., Augustin, 1957, pp.55-57.
227. Teeuw, A. and D.K. Wyatt, *ibid.*

CHAPTER 2

PATANI HISTORICAL TRADITION (1350-1909)

The Malay Kingdom of Patani consists of what is now the three southernmost provinces of Thailand. It has had a long history of independence and subordination. To illustrate the historical significance of Patani, I shall discuss the history of Patani from the founding of the Malay Kingdom of Patani until its gradual incorporation into the Kingdom of Siam (later called Thailand).

2.1 The Malay Kingdom Of Patani

The isthmian region, had been, from very early times, preserves a significant theatre of inter-power rivalry for hegemony in the region. The claim to its suzerainty alternated from one power to another, such as Funan, Sri Vijaya, Majapahit, Sukhotai and Ayudhaya. Although invariably, centrifugal tendencies abound within the isthmian principalities. The emergence of Patani as an isthmian kingdom must be seen against the background of this recurring historical theme in the region. Patani appeared to have been a successor to an earlier kingdom, Langkasuka. [1] Sri Vijaya, which is generally accepted as the progenitor of most Malay Kingdoms in the Straits of Malacca region. It had extended its overlordship to Langkasuka in the 8th and 9th centuries A.D., thus bringing it within the realm of the Malay world. [2] With the decline of Sri Vijaya, particularly after the 11th century

the isthmian principalities were able to reassert their independence, which was, however, to be challenged again later particularly in the 14th century, by Majapahit and Sukhotai. The regional revival of trade and the spread of Islam in the region were also beginning to effect the traditional regional alignments and rivalry. Patani which is generally believed to have been founded between the mid-14th and 15th centuries, grew within this political and commercial milieu. [3]

Patani's evolution into a kingdom is still obscure and there are varying versions of its origins. Syukri, for example, suggests that Patani evolved from an earlier Siamese inland kingdom of Kota Mahligai. But, he distinguishes the "Siamese" from the "Thai", stating that the former were the original people inhabiting that part of the peninsula, whereas the Thais were more recent migrants. [4] The Hikayat Patani, on the other hand, also gives what appears to be Thai names of the first rulers of the kingdom. [5] But, The Hikayat Marong Mahawangsa claims that Patani was an offshoot of the Kedah Dynasty. [6] In any case, the Hikayat Patani does offer us a genealogy of the founding dynasty which begins with the last ruler of Kota Mahligai. [7] (see genealogy I below).

However, it would seem that it was not so much the founding of the dynasty as that of its Islamisation that was to have a profound impact on the course of Patani's later history. It was Islam that brought to a significant extent, its continuing membership in the Malay world. The very basis of the identity of the kingdom, with the acceptance of Islam by its rulers, was transform into something that became more compatible and increasingly indistinguishable from the rest of

the Malay world. It was no doubt that Islam, more than any other factor, began to institutionalise the differences between the Malay and the Siamese worlds, which in pre-Islam times, were considerably blurred by their common Hindu-Buddhist heritage. In the case of Patani, the theme of conversion is even more important because the phenomenon of Patani's conversion from Buddhism to Islam coincided with the emergence of Ayudhaya as a Buddhist power on the one hand, and Malacca, the propagator of Islam, on the other. The role of Pasai, in assisting the conversion of Patani, echoes a familiar theme in the Malay world of that time. According to the Hikayat Patani, following the acceptance of Islam the King of Patani, Raja Phaya Tu Antara, adopted a Muslim name, Sultan Ismail Syah Zillullāh Fil-'Alam. [8] So also did his sons, who became Mudhaffar and Manzur, and daughter, who became Sitti Aisyah. [9]

The Sejarah Melayu on the other hand states that Sultan Mahmud conferred the title Sri Sultan Ahmah Shah on the Patani ruler after the adoption of Islam. [10] Despite the variation in the details, what remains undisputed is the fact that Muslim names were indeed taken immediately following Patani's conversion to Islam. Syukri also mentions that the Pasai Shaykh who converted Phaya Tu Antara, was in turn conferred the title Dato Sri Raja Pakeh and made the royal adviser on Islam, with duties of teaching and instructing the royalty and the nobility of the religion of Islam. [11] This was indeed significant because it bestowed upon Islam a role in the royal court.

Basically, Patani depended on trade for its prosperity. According to Anderson, in the beginning of the 16th century Patani was a great place of trade, and later on it was being

resorted to by ships from Surat, Goa, and the Coromandel Coast, and by junks from Japan and China. [12] Mandelslo says that the inhabitants, "had for every month (sic.) several Fruits, and Hens that lay twice a day, by reason whereof the Country abound in all sorts of provisions for the belly, as Rice, Beef, Goat, Geese, Ducks, Hens, Capons, Peacocks, Deer, Hares, Cuanies, Fowl and Venison, and especially in Fruits, whereof they have above a hundred several sorts." [13] It was partly trade that linked Patani to Ayudhaya but it was partly its continued tributary status, because the fall of Malacca, which really earlier provided it with an alternative focus of allegiance, made it once more, willy-nilly, a vassal of Siam. It was largely this condition of unwilling vassalage that made Patani an unreliable ally of Ayudhaya as was demonstrated in the Patani revolt of 1564.

According to Wood, Patani had been called to help Ayudhaya in its war with Burma, and accordingly responded with an army supported by two hundred boats. On reaching Ayudhaya the Patani ruler learnt that he had arrived too late. But, noticing that the king of Siam was in a very weak position the ruler of Patani sought to exploit the situation by attempting to seize the throne. [14] Teeuw and Wyatt agree with Wood's version although they attribute the decision to rebel by Patani to the need by the vassal to protect its own interests in the face of the suzerain's inability to do so. [15] Syukri, on the other hand takes the view that Sultan Mudhaffar's action was premeditated because he had wanted to avenge his insult by Ayudhaya encountered during his previous visit to the capital. [16] The rebellion failed. But what certainly emerges from this

incident is that regardless of the motivation behind it, its very occurrence demonstrates the fragility and unreliability of the nature of Ayudhaya-Patani relations.

Later, Patani was yet again able to assert its independence from Siam. But, in 1632 a Siamese expedition led by Okya Decha was once again sent to subdue Patani but without result. [17] Another expedition on a massive scale was again immediately prepared to launch a major offensive against Patani. The Siamese even beseeched Dutch support in their planned invasion. According to Van Vliet, this Siamese King called to arms in Ligor, "an army of 60,000 men with plenty of elephants, horses, artillery and ammunition, and placed over this army four generals namely Oyas; Lygoor, Calahom, Berckelagh and Rabisit. Moreover an armada of 40 junks and galleys with ammunition and the necessary provisions were sent there." [18] Patani, this time, was also supported by Pahang and Johore. [19] Fierce fighting ensued when the invasion was launched. But the invasion was repulsed. According to Van Vliet, "After many defeats the Siamese lost all hope of conquering Patany and returned to their fleet at Sangora." [20] Wood placed the responsibility for the debacle on bad management, stating that, "Owing to gross mismanagement, this campaign like the first, was an utter failure. Instead of waiting for the Dutch fleet, the Siamese attacked Patani and were repulsed with severe losses. Their provisions then ran short, and they returned to Singora. The Dutch fleet, on reaching Patani, found that the Siamese had departed." [21]

The ability of Patani to defend itself against such an overwhelming military expedition clearly suggests its relative

strength. Syukri attributes the success of Patani to the support received from Pahang and Johore and the role of the three canons, which were Patani's pride. [22] But the King of Siam's resolve to punish Patani hardened even further, and further preparations were immediately started by Ayudhaya to start another major offensive. However, through the intercession of the King of Kedah, another military confrontation was averted. [23] Ayudhaya agreed to send an embassy to Patani to pursue a diplomatic solution to the problem. Patani, at this point, had lost Raja Ungu, who was staunchly anti-Siamese; she was succeeded by Raja Kuning, who was concerned with trade rather than war, and this brought about the reconciliation between Patani and Ayudhaya. [24] So Patani agreed to resume its tribute to Ayudhaya, but clearly, in this case, it was not as the vanquished responding to a victor's demands because a semblance of equality certainly did prevail between the two.

An even more important development, which was taking place all this time, was clearly the growth of inter-dynastic ties that Patani attempted to establish with the other Malay states of Peninsula, notably Pahang and Johore. This is because it was to orient Patani towards the Malay world and make it even more indivisible from its affairs. Raja Ungu, for example, was married to Sultan Abdul-Ghafur Mohaidin Syah (1590-1614) of Pahang, and the Yang di Pertuan Muda of Johore, the second son of the Sultan of Johore (Ali Jalla Abdul Jalil Syah, 1580-1597) was said to have married Raja Kuning. [25] Although such inter-dynastic marriage did create problems, and certainly embroiled Patani in the Malay politics of the peninsula, they

nonetheless brought into being a socio-politico-cultural world which was to permanently affect the collective historical consciousness of the people of the area. Conversely, less contact existed between Patani and Ayudhaya, or the more existing contacts were limited to only specific areas, such as political or merely commercial. The wider scope would become the socio-cultural gulf that had already begun to open up as a consequence of the Islamisation of Patani. The death of Raja Kuning, which left Patani without an heir to the throne, brought the Kelantan Dynasty into the picture. [26] (see table 1 Below). The theme of the membership in the Malay world is again self-evident here. Generally though, until about the 1780's, Patani seems to have had a peaceful co-existence with Ayudhaya.

The historical of Siamese-Patani relations took a new turn in the Bangkok era. During the Thonburi interregnum Phya Taksin assumed a much stronger initiative to consolidate Siam territorially. Phya Taksin began the policy of an active mobilisation of the former tributaries of Siam, particularly with a view to rallying them behind the defence of Siam after the destruction of Ayudhaya by the Burmese. Patani, under Sultan Muhammad, refused to be drawn into the Siamese-Burmese conflict or even the internal conflicts of Siam which involved Nakorn Si Thammarat, Songkhla and Phattalung, which had conspired to go against Phya Tak. For that reason the rulers of those three provinces, who were seeking refuge in Patani, after fleeing the military expedition of Phya Tak, were promptly returned so as to avoid trouble with the advancing army. [27] However, in 1776, when Siam again faced a Burmese attack, Patani was called upon to support the Siamese,

something which Sultan Muhammad again refused to do. [28]

Phraya Kalahom ran a massive Siamese attack on Patani. He had done this after his victory in defeating the Burmese in the Kra Isthmus region. The Patani people, under the leadership of Sultan Mohammad, fought back, but were overwhelmingly outnumbered.

According to Syukri, one of the reasons for the defeat of Patani was because of the betrayal of their defence secrets by one of the Siamese officials in the service of Sultan Mohammad. [29] The defeat of Patani led to severe losses of lives, and large numbers of Patani prisoners of war were brought back to Bangkok. For the first time in Patani history the Siamese were directly to decide on the appointment of the successor to the Sultan.

Tengku Lamidin was chosen by Bangkok as a new ruler of Patani and was instructed to undertake the sending of tribute to Bangkok as a token of submission. [30] But his authority and power had been curtailed, causing him to harbour resentment against Siam. It was he who, in 1789, solicited unsuccessfully the support of the Emperor of Annam for a planned offensive against Siam, which, in any case went ahead. [31] Initially, Tengku Lamidin succeeded in overpowering Songkhla and Phattalung and in repulsing a counter-attack launched by Nakorn Si Thammarat. Bangkok reacted swiftly and intervened military to subdue the uprising. [32]

The consequences of this confrontation were even more debilitating for Patani because this time not only Bangkok decide on the nomination of the Raja of Patani, but also created another post intended for a Siamese to oversee the administration and government of the State. [33] The

sovereignty and independence of the Patani sultanate were under greater stress than ever before. In order to forestall further uprisings, Siamese settlers were brought to settle in the region. [34] The new Patani ruler, Datuk Pengkalan, had found it difficult to rule effectively under the watchful eyes of the Siamese representative in his State whose position appeared to undermine the authority of the Malay Raja. There were repeated frictions between the two and this led to another rebellion which was headed by Datuk Pengkalan in 1808. [35] The Siamese were expelled from Patani and Songkhla was soon overpowered. Nakorn Si Thammarat failed to subdue the rebellion and Phaya Kalahom's army from Bangkok, yet again, had to intervene to put down the uprising, which was quelled in 1810. [36] The fear of future rebellions by Malays led to the unprecedented act by Bangkok of appointing a Siamese, Nai Kuan Sai, as the Raja of Patani. [37] The relatives of the new Raja were brought in from elsewhere for high ranking appointments in Patani. His death led to his brother, Nai Phai, succeeding him. [38] The growing Malay resistance forced the Siamese to reinstate Malay rulers in the Patani region in 1817 but only after its subdivision into seven petty states of Patani, Saiburi, Yaring, Nongchik, Yala, Raman and Rangae (see table 3 below). Yaring, however, remained under the Rajaship of Nai Phai. [39]

Again in 1831-32, yet another rebellion against the Siamese, which had the character of a pan-Malay uprising with the involvement of Trengganu, Kelantan, Kedah, Perak, Salangor and Siak, broke out. The revolt failed. To commemorate the Siamese victory over the Patani and Kedah rebellion, a giant Buddhist temple was erected in Songkhla. [40] Meanwhile, since

the Burney Treaty of 1826, the Malay States of Kedah, Kelantan, Trengganu and Patani had been collectively placed under the suzerainty of Siam.

The Malay attempt at revolt was not to end, yet because in 1838, when the Kedah Malays attacked the Siamese in Kedah and pushed forth towards Songkhla the Malays of the Patani States once again collaborated. By now, Bangkok had apparently become weary of the unending strife in the Malay States under its nominal control. So, just as the deposed Kedah royalty was finally reinstated by Siam, the Patani States were allowed to continue their traditional form of agreement with very little interference from Bangkok. In 1842 with the death of the Siamese Raja of Jaring, a Malay was appointed to succeed him. [41] Patani was placed under Tengku Muhammad from the Kelantan ruling house, thereby strengthening the dynastic ties between Kelantan and Patani further. [42] (see table 2 below). The region then became generally pacified until the dawn of the 20th century.

The relative independence of the Patani States can be seen from the fact that the traditional jurisdiction of the local Rajas was, as a rule, not interfered with by Bangkok. Except for the obligatory triennial "bunga mas" sent to Bangkok and Bangkok's final word on the succession issue in the Patani States, the local rulers seemed to enjoy a great amount of autonomy. In respect of law, for example, until the 1890's at least in the case of the state of Patani, Islamic law seemed to have been in force with penalties such as the cutting off of hands for theft and fines for non-attendance at Friday prayers being meted out. [43]

In the 1890's under pressure from the British, Siam attempted to reorganise its provincial administration with a view to tightening its control over the outlying provinces. [44] Siamese Commissioners, under the supervision of a High Commissioner at Songkhla, were sent to the Patani States with letters from the King of Siam to the effect, "I send you this Commissioner in order that if you have any trouble in administering your people you may call him to advise you as to the best means of doing it." [45] This policy was soon to lead to more direct Siamese intervention in local affairs, which was to undermine local authority even further. However, according to Annandale, "every reform is still instituted in the name of the Malay rajas, though under orders transmitted from Bangkok through the Chow Kun, and through the Siamese Commissioners stationed at each petty chieftain's court." [46]

Skeat W.W., similarly, in his visit to Teluban observed, "There were two separate court houses, one Siamese (with a lofty staff flying the national flag), and the other Malay. Formerly the Malay magistrate had been able to impose fines up to a maximum of sixty dollars, but his powers had recently been curtailed: at the time of my visit every sentence that he passed had to be sent up to a higher court at Bangkok for ratification." [47]

The presence of Siamese Commissioners and officials was to seriously threaten and undermine the traditional authority of the Malay rulers in the Patani States. According to Margaret L. Koch, "whereas the old tributary relationship had brought the two ethnic groups into little direct contact, the new attempt

to make the Patani States a part of Siam proper led not only to a clash between the ruler and the ruled, but between Siamese-Buddhists and Malay-Muslims. Little effort was made to find officials who understood the Malay population or spoke Malay. Siamese authorities offended the population by using Siamese law to adjudicate inheritance and divorce. Inhabitants were forced to appear in court on Friday when Muslims were at congregational prayers and to take oaths which were contrary to Islamic beliefs, on pain of imprisonment. During the fasting month, men were forced to work long hours in the sun. Some Muslims were forced to carry pigs and others were impressed to carry Buddhist images in ceremonies. The seizure of women was made more onerous because the women were often converted to Buddhism." [48]

Malay resentment against the Siamese attempt at direct rule over them was brewing. The Malay rulers of the Patani States, in their desperate struggle to preserve their autonomy were plotting a rebellion while at the same time trying to solicit British sympathy and support. Although many leading British colonial officials in Malaya were sympathetic to the Malay rulers of the Patani States, and there was also genuine fear that the Malay rulers might in their desperation even try to court another colonial power's intervention, their Foreign Office counterparts vetoed their aspiration, arguing that British could not afford, at such a crucial time, to antagonise Siam. [49]

Siam on the other hand, under pressure from the British, continued to extend its control administratively, politically, and economically over the Malay States of Patani. As part of

their policy to assert great Siamese administration in the region, all the Malay rulers, with the exception of the Raja of Patani, had been coerced into signing a document giving up their traditional right as rulers. Tengku Abdul Kadir, the Raja of Patani who refused to surrender his traditional political rights, was forcibly abducted into an awaiting Siamese gun-boat off Patani and taken to Bangkok where he was transferred to Phitsanulok for a goal sentence on charges of gross disobedience to the Siamese King. [50] Apparently, as a result of Swettenham's influence, he was released in 1905 and returned to Patani whence he afterwards took up residence in Kelantan. [51] Again, in 1923, he was implicated in another conspiracy to react against Siam after which incident he fled to Kelantan and lived in exile until his death in 1933. [52]

Meanwhile, Siamese direct rule of the Patani region had begun in earnest since the opening years of the 20th century. From 1901, in line with the provincial reorganisation being undertaken in the whole kingdom, the Patani States were grouped into a collective administration called, "Booriween Ched Huamuang." [53] The Malay rulers of the Patani States who had agreed to compromise their traditional political rights were retained in their posts and were only replaced by Thai-Buddhists after their death or retirement. But their loss of authority and power in any case was total.

Nonetheless, although since 1902 the Malay had lost their political power and autonomy in the States of Patani, Islam continued to enjoy the patronage of the Siamese rulers. Thus, in 1901, the Siamese King decreed that special provisions regarding the application of Muslim Law on matters pertaining

to marriage and inheritance would be upheld for the benefit of his Malay subjects in the Patani States. [54] Later, during the reign of King Vajiravudh, according to Vella, the Malays were given more attention and accorded more favours than any other minority group. [55] Although, under the Education Act of 1921, the teaching of Thai became compulsory, "no bars were placed on instruction in Malay. [56] The King had even given Malay boys in the Boy Scout movement in Patani permission to wear Malay-style caps in place of regulation caps, which the local boys considered not suitable." [57]

In 1906, the Patani States were united into one provincial territory which was called "Monthon Patani", demarcated into the Provinces of Yala, Narathiwat, Patani and Saiburi. [58] (see the Political Evolution Chart of Patani State below). In 1932, when the Monthon system was discontinued, the Patani region was then divided into the Provinces of Patani, Yala, and Narathiwat. [59] Earlier, in 1909, with the signing of the Anglo-Siamese Treaty, the Patani region which "had been a major catalyst in beginning discussions for treaty arrangements, was removed from the discussions." [60] The dismantling of the Patani Sultanate, which had begun in the 19th century, was by 1902 almost complete and irreversible, except, of course, for the Patani royalty with men like Tengku Abdul Kadir, who in refusing to cooperate with the Siamese, had helped to demonstrate a technical illegality, which was later to provide an invaluable weapon to the cause of Malay-Muslim separation in the Patani region until today.

After the signing of the Anglo-Siamese Treaty 1909, Patani was no longer a Malay Kingdom, but merely a number of Malay

Provinces under Siamese subjugation. The history of Patani after 1909 can be regarded as the history of the Malay-Muslim minority in Thailand until today.

2.2 The Arrival Of Islam In Patani

The history of Islam in the Patani region is a complex one. There are no easy answers to the questions of who brought it, when, why, from where, or in what form it came. Indeed, the process of Islamisation has no one definitive beginning and it certainly has no end. As far as obtaining information on the history of Islam in Patani is concerned, there are very few sources, either internal or external available in comparison to Malaysia and Indonesia. Very little research has been done, either by native historians or western scholars.

Before discussing the arrival of Islam in the Patani region, it is necessary to view the question from the broader perspective of how Islam came to Southeast Asia as a whole. This may pave the way for us to understand how Islam first came to Patani. The history of religion in this area is complex. Hinduism was the first religion; then came Buddhism, followed by Islam, and, later, Christianity [61]. Before the arrival of Islam in the Malay world, almost of the Malay subjects had adopted Hinduism and Buddhism, although some groups still adhered to animism. The extent of the impact these great religious traditions have on indigenous Southeast Asian cultural patterns differed from place to place. As for Islam, it has had, and continues to

have a profound impact upon the socio-cultural, political and economic life of Southeast Asia. [62]

Although there were contacts between Arab countries and Southeast Asia as early as the 4th century, and Persian-Arab trading colonies were established in Southeast Asia as early as the 9th century, the mass conversion to Islam, in a sociological sense, did not begin until the end of the 13th century. [63] The consensus of opinion amongst modern scholars is that the period in question was from about 1292 to the 1390s. [64] In general, Persian and Arab traders were not successful in transplanting their religious traditions. Their colonies were, for the most part, transient or impermanent. [65]

The intensification of Islamic proselytising in Southeast Asia had to await the implantation of Islam in the Gujerati area of Southwest India, the increase of Muslim populations on the Malabar and Coromandel Coast, the development of Sufism, and the fall of Baghdad in 1258. [66] In the context of the global movement of Islam, the Mongol invasion and the subsequent fall of Baghdad led to an exodus of Muslim scholars and missionaries from the Middle-East to the South, Southeast and East Asia. This, coupled with the emergence of Sufism, the mystical variation of Islam, paved the way for a successful missionary enterprise. Sufism, like Hinduism and Buddhism, which preceded it, was eclectic enough to accommodate itself to indigenous mystical and spiritual patterns. [67] Muslim merchants from India, who were also enthusiastic about Sufism, helped in the establishment of Islam in the merchant princedoms of

Northern Sumatra, Celebes, Java, and parts of the Malay Peninsula.

The mass conversion, and the conversion of rulers and states to Islam began during the latter part of 13th century. Pasai in the northern part of Sumatra, an important trading out-post, which was the nearest place in Southeast Asia to the Islamic world's centre, the Middle-East, and to India, was one of the first towns to become Islamicised. Many scholars, who have dealt with the history of Islam in the Malay world of Southeast Asia, have noted that the great Moroccan traveller, Ibn Battuta visited Pasai in 1345 and described its people as being Muslims. Marco Polo was in the area in 1292 and described Perlak as Muslim, whilst Tome' Pires in his Suma Oriental, completed in 1515, described Pasai as a cosmopolitan city with an important Muslim population among whom Bangalis were especially prominent. [68] From Pasai, Islam spread to Malacca, presumably through a marriage between a Malaccan ruler and a Muslim Pasai Princess. [69] Afterwards, Pasai and Malacca both became centres for missionaries and centres for the further expansion of Islam throughout the Malay archipelago.

It is very difficult to establish a definitive date for the Islamic conversion of the Patani region. Although some early scholars have posited that Islam came to Patani at an earlier date than its entry into Malacca, no firm evidence has been established to corroborate this. [70] Writing in 1613, d'Eredia speculated that Patani adopted Islam before Malacca, since it was traditionally known as the first

"abode of peace" (Darul-Salam) in the region. [71] However, most specialists assume that the local inhabitants were converted to Islam during the 13th or 14th century. [72] G.W.J. Drews in his research into the arrival of Islam in Indonesia, found that in Trengganu, a neighbour of Patani, the new religion was firmly established by 1386 or 1387 A.D. at the latest. [73] Therefore, from this finding, Teeuw and Wyatt concluded:

"there is no reason why it should not have reached nearby Patani by that date, particularly given Patani's reputation as an early centre of Islam." [74]

Thanks to the scholastic endeavours of Teeuw and Wyatt and the "Story of Patani", we have some idea on the local traditions concerning the "process" of Islamisation in the Patani region.

In D.G.E. Hall's view, Patani was Islamised by Malacca. [75] In the 15th century Malacca, located in the geographical heart of the archipelago, was by all accounts a cosmopolitan trading city. During the 15th century, it was also the socio-cultural and political centre for indigenous Muslim proselytism in the region. [76] However, according to one source, Islam had reached into what was referred to as the Kingdom of Patani by the beginning of 10th century, being brought and propagated by Arab traders. [77] But the date would seem too early, since at the time the Kingdom in Patani was known as Langkasuka, the Malay Kingdom of Patani did not yet exist. [78] The old Royal court of Langkasuka

which was known as Kota Mahligai, was located in what is now Yarang District, fifteen kilometers away from Patani Town. According to the source, Islam was already adopted in the Patani region during the Langkasuka period. However, there is no firm evidence to support this assumption. Islam could possibly have reached Patani during the latter part of the Langkasuka period, around the 13th or 14th century. This assumption is based on the "history of the Malay Kingdom of Patani" in which it is stated that:

"At Kota Mahligai there were Malays who came from countries which were recently established in the south of Malaya and also from the Island of Sumatra. They came and resided on the coast by the sea." [79]

These Malays may be divided into two groups, namely those Malay Muslims from Pasai who resided in Kampung Pasai, and those from Gersik who resided in Kampung Kersik.

[80] Both of these two groups built their own villages, which they named according to their origins. At the time, the Malay Kingdom of Patani did not yet exist, for it was not until the Raja Phaya Tu Antara or Phaya Tu Nakpa of Kota Mahligai moved to Kampung Kersik that the Malay Kingdom of Patani was founded. After the King moved to Kersik, he erected a large palace near Kampung Pak Tani, and after the Malay Kingdom of Patani was formed, Langkasuka or Kota Mahligai were abandoned and went into decline. [81]

To the questions of who brought Islam to Patani, when, why, from where and in what form it came this can be cited in

the statement of Syukri, who says:

"On the island of Sumatera there existed a country named Pasai whose residents had embraced the Islamic religion, but surrounding their country there were still many people of the Hindu religion. Therefore, the country of Pasai was frequently attacked by the Hindus causing the Muslim in the country of Pasai to endure a life of hardship. Some of them left for other countries to save themselves. Among them there were those who fled in the direction of Patani, so that Patani began to receive Muslims arriving from Pasai. They built a village there, all the residents of which were people from Pasai, and the village was name Kampung Pasai, as it is today." [82]

From Ibrahim Syukri's account, we infer that among the Pasai people who arrived in Patani, there must have been some learned men and well-equipped persons who knew at least about the basic principle of Islam. Because of the Malay Muslim of Pasai, Islam started, later on, spreading on Patani soil. As stated above, Pasai was one of the first towns to become Islamicised in Sumatra. This is strongly confirmed by A.H. John when he says, "Much has been written on the origins of Islamization in Southeast Asia, usually beginning with Pasai and other port towns along the northeast coast of Sumatra." [83]

According to Hikayat Raja-Raja Pasai and Sejarah Melayu, Islam was introduced to Pasai through Shaykh Ismail from Mecca. [84] Another source states that the people of Sumudra-Pasai adopted Islam long before the Raja and ministers. Furthermore,

according to Hikayat Raja-Raja Pasai:

"The Raja or ruler at that time still followed Hinduism and it is conceivable that he and others put pressure upon local Muslims with the possible result that some Pasai Muslims left Pasai for other areas such as Kelantan, Trengganu, Kedah, the Philippines, Sulawesi and Patani." [85]

When the Pasai Muslims came to the Patani region, they did not immediately Islamise the Patani ruler. It is believed that the Pasai Muslims were the first Malay Muslim group in the Patani region; they were at the time, as Muslims, a minority group in the Patani region; they built their own village called Kampung Pasai, which still exists today. [86] (See Map I). It is noteworthy that according to A. Bangnara the author of Patani: Dahulu dan Sekarang, Islam reached the Patani region at the beginning of the 10th century: that is, three hundred years before the Raja or ruler of Patani had embraced Islam. It was, supposedly, brought and propagated by Arab traders and A. Bangnara believes that it was the people, not the rulers, who first adopted Islam. [87] However, it is questionable whether the Arab traders actually propagated Islam amongst the indigenous population. Certainly Islam did come to Patani in the sense that the Arab traders were Muslims, but it is doubtful whether the local people actually adopted the religion during the Langkasuka period.

There is no doubt, then, that Pasai Muslims were the

first Muslim group to come and settle in Patani (towards the end of the Langkasuka Period). The Malay Kingdom of Patani did not yet exist at that time, only a small group of fishermen living on the coast. As Syukri pointed out,

"At that time on the coast of the country of Patani a village was established and first settled by an old Malay fisherman name "Tani". This old man was very well mannered, and refined and became the head of the group of fishermen there, the inhabitants of the village honoured and praised him, and he was given the title of Bapak, and called "Pak Tani". That village increased in population day by day until finally it was called Kampung Pak Tani." [88]

However, according to Teeuw and Wyatt, this old man was called "Encik Tani". [89] Now the term "Bapak" or "Pak" (father, founder, leader) is normally used in Indonesia to refer to an older person, whereas the term "Encik" is usually used in Malaysian society. Presumably, therefore, Pak Tani was the person who came to Patani from Pasai in Indonesia. This can be seen in the story of Patani when King Phaya Tu Nakpa asks an old man where he is from and gets the reply "we are just servants of your majesty; for originally we lived in the town of Mahligai." [90] It is clear that "Pak Tani or Encik Tani", was a Malay Muslim from Pasai who had also lived in Kota Mahligai.

It was not until Phaya Tu Antara or Phaya Tu Nakpa had moved down-stream to reside in Kampung Kersik in a new

settlement, which he named Patani, Abode of Peace [91], and erected a large palace near Kampung Pak Tani, that the Malay Kingdom of Patani came into existence. [92] King Phaya Tu Nakpa became the first King of the Malay Kingdom of Patani. He had three children, Kerub Phicai Paina, Tunku Mahacai, and Mahacai Pailang. [93] It should be noted here that although King Phaya Tu Nakpa became the King of the Malay Kingdom of Patani, he and his Kingdom were at the time still "pagan" (read: Buddhist). [94] It is not until the King fell ill and was later cured by Shaykh Sa'id, a man from Pasai, that he became a Muslim.

Shaykh Sa'id, upon the king's conversion, taught him, and all of his ministers, officers and other subjects, the Islamic creed. He also gave the King the name of Sultan Ismail Shah Zillullāh Fil-'Alam, and other Muslim names to all the king's children. [95] It is interesting to note that most Malay Rajas or rulers, upon their conversion to Islam, adopted Muslim names immediately; as A.C. Milner has put it:

"The Malay Rajas are often portrayed as having adopted Muslim titles immediately upon adopting Islam. On his conversion, according to Hikayat Raja-raja Pasai, Merah Silu, the ruler of Pasai, received the Arabic title, Sultan, which was to be adopted by rulers all over their archipelago. An assembly was then held at which his chiefs and people proclaimed Merah Silu to be God's Shadow or Earth." (Zillu'llahi fi'l-'alam) [96]

It is not surprising that King Phaya Tu Nakpa

of Patani received the title Sultan Ismail Syah Zillullāh Fil-ʿAlam upon adopting Islam. It is important to note that the rulers of Pasai and Patani have the same title, that is "Sultan" and "Zuillullāh Fil-ʿAlam". It is quite obvious that Pasai played a very significant role in the Islamisation of Patani. Many Muslims' gravestones have been discovered in the Pasai district dating from before the 15th century. Moreover, Merah Silu had on his tombstone an Arabic inscription bearing the date 1297 AD. [97] As was mentioned earlier, according to Hikayat Raja-raja Pasai and Sejarah Melayu, Islam was introduced to Pasai by Shaykh Ismail from Mecca. [98] According to Hikayat Patani the ruler of Patani, after his conversion, received the title "Sultan Ismail Syah". It is believed that he was the first Muslim ruler of Patani and Islam was introduced to Patani by Shaykh Saʿid who was clearly an Arab. [99] However, in my opinion, Shaykh Saʿid was not only an Arab but also an Arab missionary. It is known that during that period, many Arab traders who came to trade with the people of the Malay archipelago, also came to propagate Islam. One factor which should be taken into consideration is that the title "Shaykh" at the time referred only to Arab traders or missionaries, which suggests that Islam was officially introduced to Patani by an Arab, this being Shaykh Sa. id, a missionary from Pasai. From then on, Patani officially became a Muslim city state. [100]

According to Hawash Abdullah, most Islamic Missioneries, especially the descendants of Bani Abbas, came to the Malay archipelago, from around the year

1400 AD onwards. Among the well-known Sūfi 'ulamā' who propagated Islam in Patani at the time were Shaykh Safiuddin Al-Abbasid, a descendant of Abbas bin Abdul Muthalib (The Prophet Muhammad's uncle), Shaykh Sa'id Barsisa and Shaykh Gomabak Abdul Mubin. [101] In my view these three Sūfi 'ulamā' reached Patani in different times. For example, according to Hikayat Patani, Shaykh Sa'id was in Patani during the reign of King Phaya Tu Nakpa alias Sultan Ismail Syah [102], and Shaykh Gombak, a man of Minangkabau descent who lived in a Patani town, was associated with the cannon of Patani. [103] According to Sejarah Kerajaan Melayu Patani, Shaykh Gombak was in Patani during the reign of Queen Biru. [104] Shaykh Safiuddin is said to have come to Patani during the reign of Sultan Mudhaffar Syah [105]. But, according to Sejarah Kerajaan Melayu Patani, he came to Patani during the reign of Raja Intira or Sultan Muhammad Syah. [106] (See genealogy (2), Inland Dynasty of Patani below). The Hikayat Patani was perhaps written by different authors at different times. Moreover, Teeuw, Wyatt, and Syukri based their information on different sources in writing and compiling their respective histories of Patani.

What is striking to me is that Hawash Abdullāh had used the names of all three Sūfis 'ulamā' in full and they were Shaykh Safiuddin al-Abbasid, Shaykh Muhammad Sa'id Barsisa, and Shaykh Gombak Abdul Mubin. [107] But neither Teeuw and Wyatt nor Syukri had used the full names of these 'ulamā' Sūfis. At that time, Baghdad was the centre of Islamic education. It is not surprising, therefore, that many of

the Sūfi 'ulamā' who came to propagate Islam and trade in the Malay archipelago came from Baghdad, especially after the fall of Baghdad in 1258, which led to an exodus of Muslim scholars and Muslim missionaries to the South, Southeast and East Asia. [108] Presumably, Shaykh Sa'id came to Patani and built his house amongst those of the Pasai Muslims who lived in Kampung Pasai. At the same time he acted as a religious teacher for the people of Kampung Pasai. Shaykh Safiuddin is very interesting because his first name, al-Abbasid, suggests that he is one of the descendant of Abbas, an uncle of the Prophet Muḥammad. [109] Possibly, Shaykh Safiuddin was an 'ulamā' Sūfi from Baghdad. According to the Hikayat Patani, Shaykh Gombak Abdul Mubin was of Minangkabau descent, [110] and according to Hawash Abdullah, this Shaykh was one of the Sufi ulama' who propagated Islam in Patani. [111] In my view all three of these Sūfis 'ulamā' were Arab missionaries. This assumption is based on their being referred to by the term "Shyakh", commonly associated with Arab missionaries or traders.

The above discussion, therefore, suggests that the Islamisation of Patani came from within, via a settlement of Pasai Muslim traders from Pasai in Indonesia who subsequently converted the King and his court to Islam. [112] Shyakh Sa'id played a particularly significant role in propagating Islam in Patani.

As discussed above, the first King of the Malay Kingdom of Patani was Phaya Tu Nakpa. However, according to Syukri, it was Raja Sri Wangsa of Kota

Mahligai who decided to move from the capital (Mahligai) to live near Kampung Pak Tani in the district of Kersik. [113] (See genealogy (2) Inland Dynasty below). So, in Syukri's opinion, Raja Sri Wangsa was the first Patani King. As stated above, both Syukri's and Teeuw and Wyatt's work are based on different sources. Hence, it is not surprising that historians or scholars sometimes interchange Langkasuka and Patani, particularly in the late Langkasuka period and the early period of the Malay Kingdom of Patani. At first it seems unclear why Phaya Tu Nakpa moved from Kota Mahligai to reside in Kampung Kersik. However, evidence from the "History of the Malay Kingdom of Patani" does suggest a reason:

"As Kota Mahligai began to lose its inhabitants, the villages newly founded by Malays near the sea became more developed and populated because merchant boats began to stop and sell their goods there. Among the merchants were some who chose to stay, working and trading in that place so that it became prosperous and densely populated." [114]

Indeed, it was not too far for the Raja of Kota Mahligai to move down-stream and reside in the new settlement in the district of Kersik. Moreover, Kampung Pak Tani and Kersik were also in the territory of the Langkasuka Kingdom. Even though Patani was a new Kingdom, it is important to note that the Raja or ruler of the Malay Kingdom of Patani was the former ruler of Kota Mahligai

(Langkasuka). Another factor which should be taken into consideration is the question of when and how Kampung Kersik first appeared in the region of Patani and where the inhabitants of Kampung Kersik came from. Neither Teeuw and Wyatt nor Syukri says anything about that. In my opinion, if we are to believe that the term "Pasai" refers to Pasai in Indonesia, then why should Kersik not refer to "Gersik" in Indonesia? Presumably, the Malay Muslims from Gersik came to Patani not long after the Pasai Muslims arrived at the end of the Langkasuka period, but the two groups mentioned earlier each built their own village, Kampung Pasai and Kampung Kersik, in different locations. (See Map I)

In fact, there are many villages in the Patani region with names similar to those places in Indonesia; for instance, Kampung Pasai-Java in Saiburi district, Patani Province. And there is "Teluban" (or Saiburi district), which sounds similar to a place in Java called 'Tuban'. [115] Another two villages are called "Kampung Jambi", one in Muang district, Narathiwat Province and the other is in Nongcik district, Patani Province. In all of these villages, I interviewed some of the old men, especially religious leaders and was told that their ancestors were from Sumatra or Java. [116] Therefore, it is conceivable that there have been links between Patani and Indonesia for a long time.

It is interesting to note that one of the Muslim gravestones, discovered in Gersik in East Java in 1419, belonged to Malik Ibrahim, the ruler of Gersik who died in 1418. [117] Many gravestones had also been discovered in the

Pasai district. One of these belongs to Sultan Malikul Salih, the ruler of Pasai, bore and inscribed in Arabic dated 1297. [118] This suggests that Pasai had become a Muslim city state before Gersik. Possibly, the Muslims of Gersik were the second group of Muslims, after the Pasai Muslims to come to Patani (at the end of Langkasuka period).

However, there is another view-point, which will be discussed concerning the arrival of Islam in Patani. After Phaya Tu Nakpa became a Muslim, he received the title Sultan Ismail Syah Zillullāh Fil 'Alam from Shaykh Sa'id, but according to Syukri this King was called Muhammad Syah.

[119] Some years later the King passed away, and his eldest son, Sultan Mudhaffar Syah was made King. Sultan Mudhaffar Syah ruled with justice and generosity. At that time there were many foreign traders in Patani and the country became a peaceful and prosperous one. [120]

Some time later, when Sultan Mudhaffar Syah still occupied the throne of Patani, Shaykh Safiuddin arrived from Pasai. He took up residence outside the main gate of the royal court. One day, Sultan Mudhaffar Syah sent for Shaykh Safiuddin to consult him on Islamic matters. Shaykh Safiuddin respectfully advised the Sultan Mudhaffar Syah to build a mosque for people to worship God. The mosque would also show the symbol of Islam. Sultan Mudhaffar Syah then ordered the Prime Minister to have a mosque built and after it was completed, Shaykh Safiuddin was given the title "Fakih". Thus Islam became widely spread throughout the rural settlements, as far away as Kota Mahligai. [121]

According to Syukri, Shaykh Safiuddin was a Pasai

Muslim. He was learned in religious law and was also known as a doctor who was skilled in treating many different diseases, especially skin diseases. Syukri is believed that it was Shaykh Safiuddin who cured Raja Intera and converted him to the Muslim faith. Raja Intera was given the title Sultan Muhammad Syah upon his conversion, and he later appointed Shaykh Safiuddin to teach him Islamic law in his palace. The Sultan later gave him the elevated title of "Datuk Sri Raja Patih". [122] Syukri's version is different from that of Hikayat Patani because according to the Hikayat Patani the first King of Patani to convert to Islam was Phaya Tu Nakpa who, after converted to Islam, received a title "Sultan Ismail Syah Zillullāh Fil-^lAlam". But according to Syukri, the first King of Patani to convert to Islam was Raja Intera who, after converted to Islam, received the title "Sultan Muhammad Syah" from Shaykh Safiuddin. [123]

From the above discussion, it is clear that the Pasai Muslims played a very significant role in the Islamisation of Patani, and that the Islamisation of Patani came from within, via a settlement of Pasai Muslim traders. Even though the two versions contradict with each other, they both agreed that Shaykh Safiuddin was from Pasai in Indonesia. [124] Anyhow, it should be noted that the arrival of the Pasai Muslims in Patani took place around the late 14th century. It is believed that they were the first Malay Muslim group to come and reside in Patani. The arrival of Pasai Muslims in Patani however, did not immediately lead to the conversion

of the ruler of Patani. As was discussed above, it was not until Phaya Tu Nakpa fell ill and was cured by Shaykh Sa'id that the King was converted to Islam.

According to Wan Muhd Shaghir in his work Sejarah 'ulamā' - 'ulamā' Mengarang Nusantara, the....

"Pasai people were the first group of Malay Muslims to migrate to Patani. Along with the group there was a very learned old man called Shaykh Safiuddin al-Abbasid; he arrived in Patani around 1400 AD and it was he who converted the King of Patani to accept Islam." [125]

It seems to me, that Wan Muhd Shaghir used the same sources as Syukri, because he too stated that it was Shaykh Safiuddin who converted the King of Patani. But what strikes me is that, Wan Muhd Shaghir mentioned Shaykh Safiuddin's surname, that is, "al-Abbasid". [108] It should also be noted that both Snouck Hurgronje and Ibn Battuta mentioned three Muslim gravestones, dating from the first half of the 15th century, which were found in the Pasai district. Among these is, the "notice in stone" of the death of an Abbasid prince, a great-great grandson of Caliph al-Muntasir. This "illustrious parasite" found his last resting place in Northern Sumatra in 1407. [127] Presumably, Shaykh Safiuddin al-Abbasid was one of the said family.

I personally incline towards Teeuw and Wyatt's view that Shaykh Safiuddin reached Patani during the reign of Sultan

Mudhaffar Syah (? - 1564). [128] This is for two reasons; firstly, although Wan Muhd Shaghir states that Shaykh Safiuddin al-Abbasid arrived in Patani around 1400 A.D., he is in reality more likely to have arrived in the middle of the 15th century. This can be seen from the date of Sultan Mudhaffar Syah's death (? - 1564); secondly, Teeuw and Wyatt state that when Phaya Tu Nakpa converted to Islam, he received the title 'Sultan Ismail Syah Zillullāh Fil 'Alam' from Shaykh Sa'id.

Therefore, it is impossible that Shaykh Sa'id and Shaykh Safiuddin al-Abbasid was to be the same person, for although both of them came from Pasai, they came at different times. Furthermore, Shaykh Sa'id lived in Kampung Pasai whilst Shaykh Safiuddin lived in Kampung Kersik and arrived in Patani during the reign of Sultan Mudhaffar Syah.

As far as the arrival of Islam in Patani is concerned, I may conclude that Islam in the Patani region was introduced by Pasai Muslims, either inconspicuously (by a small group of Pasai Muslims) or publicly by converting the ruler of Patani. Even though the Muslims from Pasai had played a very significant role in converting the ruler and inhabitants of Patani, it should be noted that both Shaykh Sa'id and Shaykh Safiuddin were of Arab origins. However they did not come directly from the Middle-East, but from Pasai, Sumatra. In conclusion, Shaykh Sa'id can be considered to be "The founder of Islam in the Patani region" and Shaykh Safiuddin "the founder of Islamic Law in Patani".

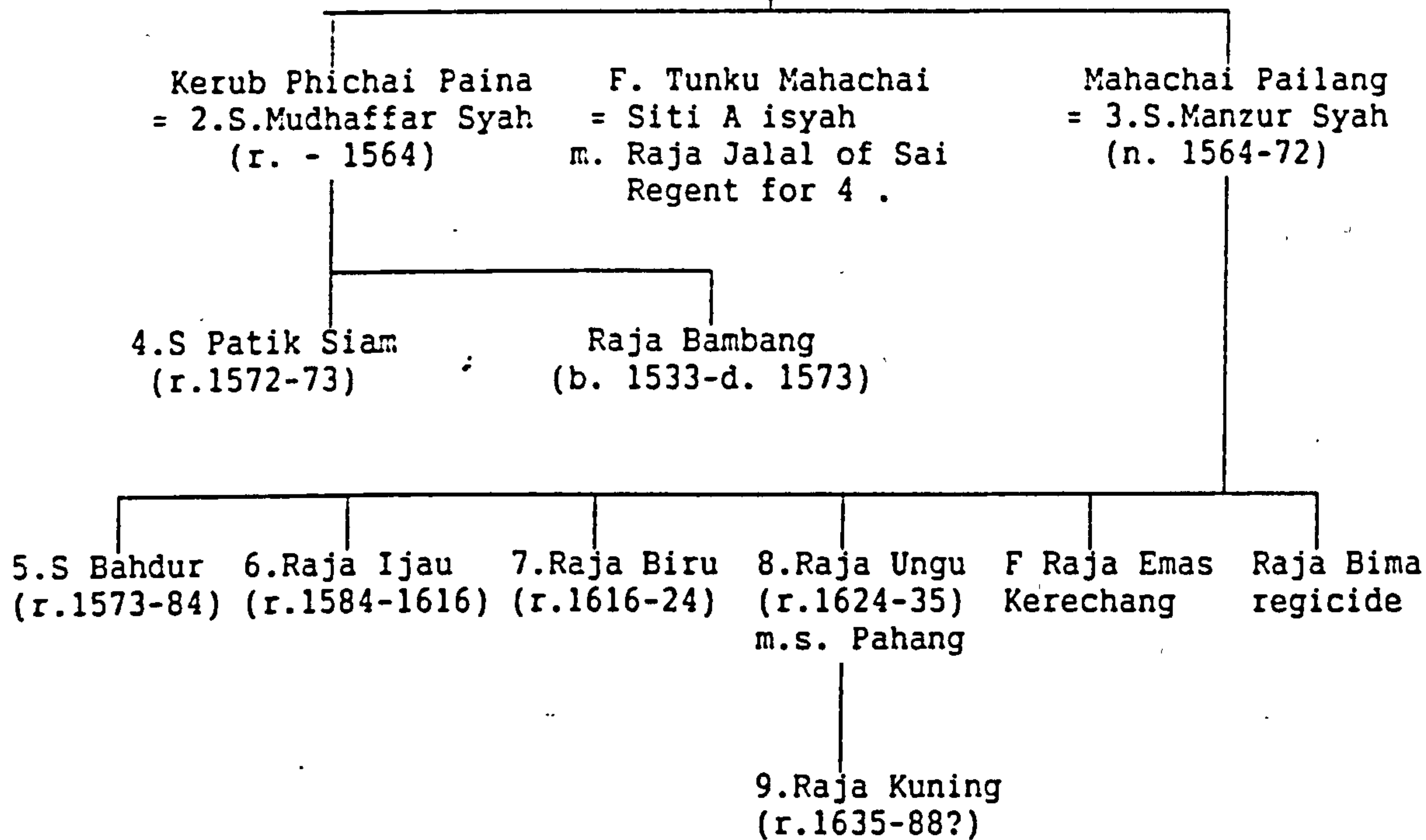
However, I do hope that further research will be carried out concerning the coming of Islam to Patani. Then we shall

discover more precise details of how this occurred. The significance of the two Shaykhs, Shaykh Sa'id and Shaykh Safiuddin in the history of the Islamisation of Patani, is their role in promoting the emergence in Patani of Islamic scholarship and education, which in turn led to produce some outstanding Patani 'ulamā' in the 19th century, e.g. Shaykh Daud bin Abdullāh bin Idris al-Faṭāni and Shaykh Aḥmad bin Muḥammad Zain bin Muṣṭafa al-Faṭāni. All these 'ulamā' whose ancestors were the Arab missionaries from Hadramaut in Yemen shall be discussed in Chapter 3.

1. Genealogy of the Inland Dynasty of Patani

Phaya Tu Kersub Mahajana of Kota Maligai

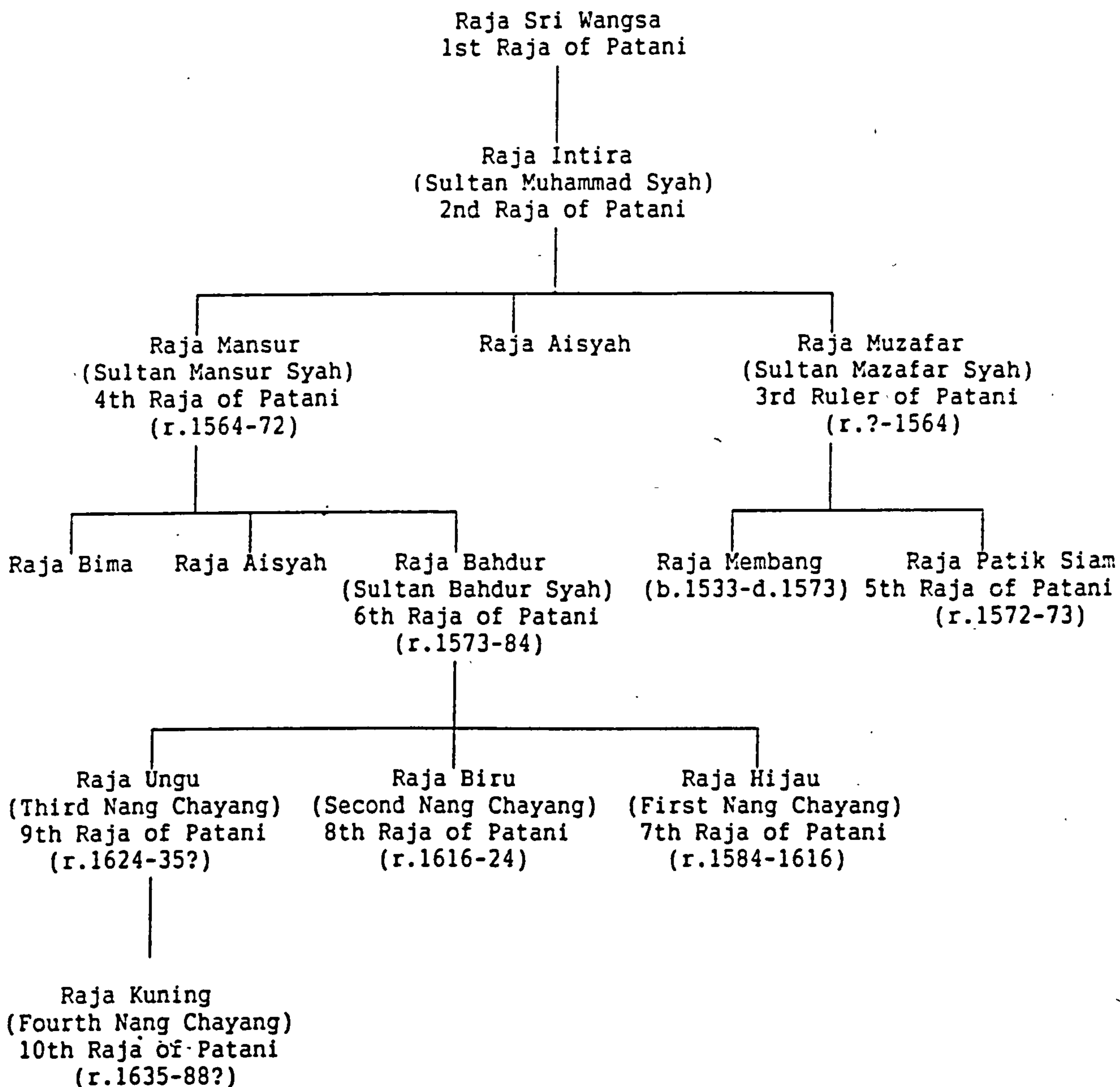
Phaya Tu Antara
 = Phaya Tu Nakpa
 = S. Isma il Syah of Patani



Abbreviations: S = Sultan; m = Married; r = reigned

Source: Quoted from Teeuw and Wyatt (1970:11)

2. Genealogy of Patani's Rajas (Inland Dynasty of Patani)



Source: Quoted Ibrahim Syukri in 'History of the Malay Kingdom of Patani', translated by Conner Bailey and John N. Miksic 1985, p.38.

KELANTAN DYNASTY (1)

Ruled in Patani

Ruler	Posthumous Name	Dates
Raja Bakal	Marhum Teluk	1688-1690
Raja Emas Kelantan	Marhum Kelantan	1690-1704
Raja Emas Jayam	Baginda	1704-1707
Raja Dewi	Phra-cao	1707-1716
Raja Bendang Badan	Paduka Syah Alam	1716-1720
Raja Laksamana Dajang		1720-1721
Baginda (Raja Emas Jayam 2nd Term)		1721-1728
Alung Yunus		1728-1729

Source: A Teeuw and D K Wyatt, 'Hikayat Patani - The Story of Patani', The Hague - Martinus Nijhoff 1970 p.22.

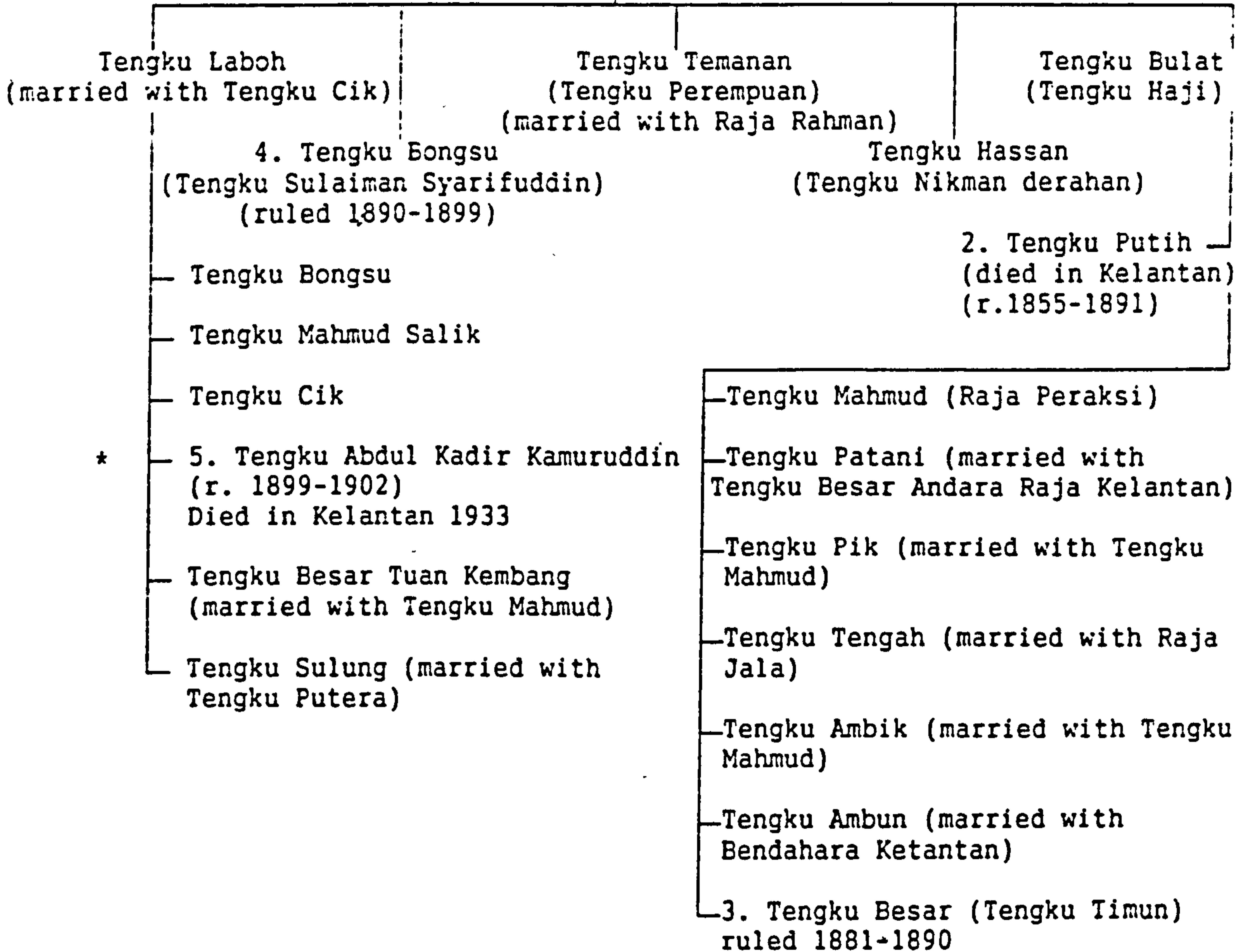
KELANTAN DYNASTY (II)*

Ruled in Patani

Sultan (Raja) Patani the descendant of Kelantan

1. Tengku Mahmud (Tengku Besar) (1845-1856)

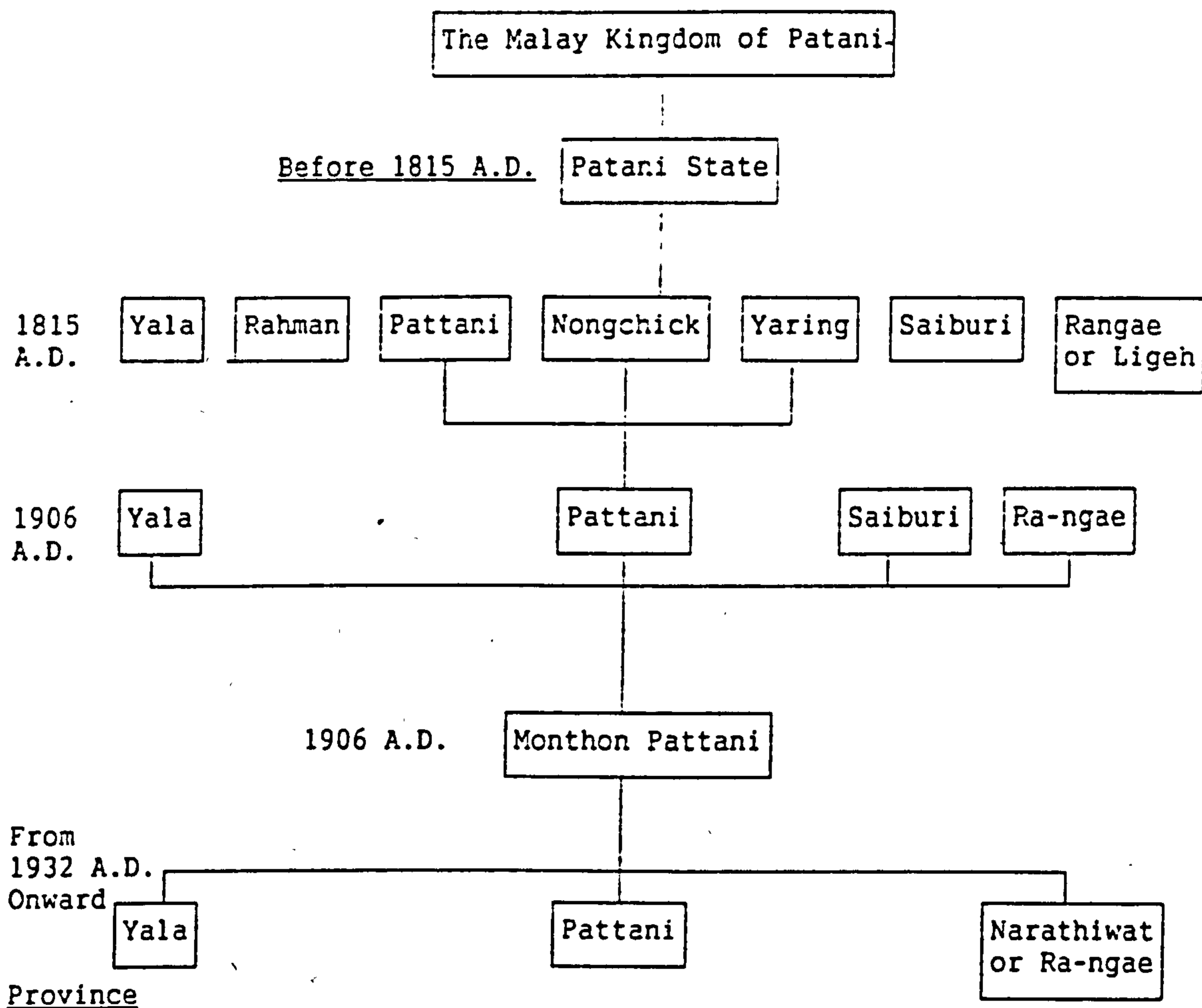
(Marhum Tanjung)



* Tengku Abdul Kadir Kamaruddin the last Raja of Patani (rule 1899-1902)

Source: A Bangnara, 'Patani: Dahulu dan Sekarang', Penyelidikan Agkatan al-Fatani, Patani 1977, p.24 (a).

THE POLITICAL EVOLUTIONARY CHART OF PATANI STATE



Source: A. Bangnara, 'Patani: Dahulu dan Sekarang', Penyelidikan Angkatan al-Fatani, Patani 1977, p.24 (c)

FOOTNOTES CHAPTER 2

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21. Wood, W.A.R., *loc.cit.*

22. Syukri, I., op.cit., pp.32-33.
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31. Ibid., p.45.
32. Ibid., p.45-46.
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35. Ibid., p.47.
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37. Ibid., p.47.
38. Ibid., p.48 .
39. Ibid., p.48; Teeuw, A. and D.K. Wyatt, loc.cit. Unlike Syukri and Teeuw and Wyatt, Vella however implies that the year of the subdivision of Patani into seven states is 1791 and not 1817, see Walter F. Vella, "Siam Under Rama III, 1824-1851, Monograph of the Association for Asian Studies, J.J. Augustin Inch. Pub., 1957, p.62 .
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100. Ahmad, S., "Bila Islam Berkembang di Patani", op.cit., p.60.
101. See Abdullah, H., "Perkembangan Ilmu Tasawwuf dan Tokok-Tokohnya di Nusantara", Al-Ikhlas-Surabaya, Indonesia, 1980, pp.19-29.
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Ramaadhani, Solo, Indonesia, 1987, p.21.

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121. Ibid., pp.154-155 and see also footnote 14 p.154 (Seri Raja Fakh).
122. Bailey, C. and John N. Miksic, op.cit., p.17.
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126. See Abdullah, H., op.cit., p.19.
127. See Drews, G.W.J., op.cit., p.9; see also Schrieke, B., "Indonesia Sociological Studies", The Hague: van Hoeve, 1957, p.262.
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CHAPTER 3

TRADITIONAL ISLAMIC INSTITUTIONS IN PATANI

In this chapter I shall discuss traditional Islamic institutions in Patani. Patani had traditionally been held to be one of the cradles and centres of Islam in Southeast Asia. [1] In this chapter two Islamic Institutions in Patani will be discussed, i.e. Patani 'ulamā' and Patani Pondok.

So far as the 'ulamā' are concerned, I will only speak of the older Patani 'ulamā' who are defined from the early 19th century to almost 1900. Their biographies and works will also be looked at.

3.1 Patani 'ulamā'

In this study, Patani 'ulamā' will be discussed with reference to some older Patani 'ulamā', whose biographies and works are available in book shops throughout Patani, Malaysia and Indonesia. Some works by Patani 'ulamā' are not available from book shops. Only their names or titles can be found in some reference books. It is also true that some religious works by the older Patani 'ulamā', for instance, Shaykh Daud bin Abdullāh bin Idris al-Faṭāni, Shaykh Zain al-Abidin bin Muḥammad al-Faṭāni, Shaykh Muḥammad bin Ismail bin Daud al-Faṭāni and Shaykh Aḥmad bin Muḥammad Zain bin Muṣṭafa al-Faṭāni, are still available and preserved in libraries throughout the Malay Peninsula, and by the

Patani communities in Mecca, Medinah and Jeddah.

In looking at the older Patani 'ulamā', only two outstanding figures will be discussed at length, namely, Shaykh Daud bin Abdullāh bin Idris al-Faṭāni and Shaykh Ahmad bin Muḥammad Zain bin Muṣṭafa al-Faṭāni, including their biographies and works. In chapter 4, I will discuss Shaykh Ahmad's life, family, characteristics, roles and activities, works and students.

As far as the history of Patani is concerned, Patani is used to be one of the cradles and centres of Islam in Southeast Asia from the beginning of the 19th century until the beginning of the 20th century. Patani is lose its sovereignty to the Siamese in the beginning of the 20th century. The Siamese government has tried to assimilate the Muslims in the Patani region as they put the academic system and Thai culture into the Pondok, in which the policy of the Thai Government was to abolish the Pondok which has been teaching only religious field. As a result the secular system had been put into Pondok instead of studying religious field only (see the detail of Patani Pondok in 3.2 below). The policy brought about the traditional Pondok study in Patani region recently changed. It should be considered that it is necessary to collect the names of the older Patani 'ulamā' and their works otherwise both the names of the older Patani 'ulamā' and their works will finally be lose according to changing of academic system. Secondly, although, the people in Patani know a few older Patani 'ulamā' such as Shaykh Daud, Shaykh Zain al-Abidin, still some of their important works, which frequently used as textbooks, are known by the people in Patani. These older Patani 'ulamā' actually

produced quite a lot of works. They did not write only textbooks, which are used in Patani Pondok, but their works are also well-known in neighbouring countries, especially in Malaysia. As their works extended scholarly and Islamic law influence in this area, the collecting of the names of the older Patani 'ulamā' and their works will be lasting heritage for the Muslims in the Patani region. For they use them as references in their study and are proud of their own past history.

Biographical detail of these older Patani 'ulamā' are however, difficult to find. Little is known about their background other than the fact that they wrote and translated religious works from Arabic to Malay only for the sake of Islam. I will also include a list of their names and works in this chapter, which I hope will be helpful to students or scholars who are interested in this field.

Most of the older Patani 'ulamā' resided permanently in Mecca from the late 18th century to the early 20th century. They were active in teaching, propagating and translating religious works from Arabic into Malay. 'Ulamā' after 1920's will be classified here as contemporary Patani 'ulamā'. They are active in religious activities in Mecca and Patani region. From my point of view, the older Patani 'ulamā' can be sub-classified into two categories.

The first category consists of those 'ulamā' who wrote and compiled religious works, and translated them from Arabic into Malay. Their works known as "Kitāb Jawi" [2] (religious literature written in the classical Malay language by using Arabic characters), were spread for the purpose of developing of Islamic studies in the region.

Furthermore, these 'ulamā' were active in teaching and propagating religious matters, especially at al-Haram Mosque in Mecca and in their own homes in Mecca.

'Ulamā' who did not write but were active in teaching and propagating religious matters, either at al-Haram Mosque or in their homes, in Mecca fall into the second category. Some of the older Patani 'ulamā', after they had fulfilling their religious training, returned to reside permanently in Patani, Yala and in Narathiwat Provinces. A number of them chose to reside permanently in Malaysia, (Kelantan, Kedah and Trengganu) and Indonesia (West Kalimantan). However, it should be noted that most the older Patani 'ulamā' and writers, especially those in the first category permanently resided in Mecca.

The following list is the names of the older Patani 'ulamā' which I found from their own works and other references.

1. Shaykh Abdul Kadir bin Abdul Rahman bin Usman al-Jawi al-Fatāni ('ulamā' in Mecca and writer).
2. Shaykh Abu Bakar al-Fatani.
3. Shaykh Abdul Kadir bin Abdul-Rahim al-Fatāni ('ulamā' and writer in Trengganu).
4. Shaykh Abdul Kadir bin Mustāfa bin Muhammad al-Fatāni ('ulamā' in Mecca, locally known as Tuan Bendang daya, see genealogy (D) chapter 4).
5. Shaykh Abdullāh bin Kasim Singora al-Fatāni
6. Shaykh Abdullāh bin Abdul-Rahim al-Fatāni
7. Shaykh Haji Abdullāh bin Haji Karim al-Fatāni
8. Shaykh Abdul Mutallib al-Fatāni

9. Shaykh al-Jadid Haji Abdul Mubin bin Muhd Tib al-Fatani
10. Shaykh Abdul-Rahman bin Haji Wan Talib al-Fatani
11. Shaykh Abdullāh bin Jalil al-Fatani
12. Shaykh Abdul Latif bin Muṣṭafa bin Muḥammad al-Fatani (ulamā' taught in Bangkok at Ta-it District, see genealogy (D) Chapter 4)
13. Shaykh Abdur-Rahman bin Muḥammad Ali bin Ismail al-Fatani
14. Shaykh Ahmad bin Muḥammad Zain bin Muṣṭafa al-Fatani (ulamā' and writer in Mecca, locally known as Wan Ahmad, see genealogy (D) chapter 4)
15. Shaykh Ali bin Ishak al-Fatani (ulamā' in Mecca, Shaykh Ṭarīka Samaniyyah, Shaykh Daud bin Abdullāh bin Idris al-Fatani's teacher)
16. Shaykh Ali bin Fakeh al-Fatani
17. Shaykh Daud bin Abdullāh bin Idris al-Fatani (ulamā' and writer in Mecca, locally known as Shaykh Daud Keramat see genealogy (A) below)
18. Shaykh Daud bin Muṣṭafa bin Muḥammad al-Fatani (ulamā' and writer in Mecca, see genealogy (D) chapter 4)
19. Shaykh Daud bin Ismail bin Abdul Kadir bin Muṣṭafa al-Fatani (see genealogy (D) chapter 4)
20. Shaykh Hassan bin Abdullāh bin Ishak al-Fatani (ulamā' in Besut, Trengganu)
21. Shaykh Hassan bin Muḥammad Nur bin Muḥammad bin Ismail Daud al-Fatani (ulamā' and writer in Mecca, see genealogy (B) below)

22. Shaykh Hussein bin Abdul Latif Kelaba al-Faṭāni
(‘ulamā’ and writer in Patani, locally known as Tok
Kelaba al-Faṭāni)
23. Shaykh Ibrahim bin Abdul Kadir bin Muṣṭafa al-Faṭāni
(‘ulamā’ in Kedah, founded pondok in Kedah, see
genealogy (D) chapter 4)
24. Shaykh Ismail bin Abdul Kadir bin Muṣṭafa al-Faṭāni
(‘ulamā’ and writer in Mecca, locally known as Pak
dail, see genealogy (D) chapter 4)
25. Shaykh Ismail bin Aḥmad bin Muḥammad Zain al-Faṭāni
(see genealogy (D) chapter 4)
26. Shaykh Muḥammad bin Ismail Daud al-Faṭāni (‘ulamā’
and writer in Mecca, locally known as Tok Shaykh Nik
Mat kecil al-Faṭāni, but to Arab people called him
Shaykh Muḥammad Shaghir al-Faṭāni, see genealogy (B)
below).
27. Shaykh Muḥammad Sulum bin Abdul Kadir bin Muḥammad
al-Fatani (‘ulamā’ and writer in Patani, better known
as Tuan Haji Sulum or Haji Sulung bin Abdul Kadir
bin Muḥammad al-Faṭāni, see genealogy (C) below).
Note this ‘ulamā’ is the same person with No.k of Dr.
Virginia Matheson and M.B. Hooker, in JMBRAS, Vol.
61, Part 1, 1988, p.32.
28. Shaykh Muḥammad Nur bin Muḥammad bin Ismail Daud
al-Faṭāni (‘ulamā’ and writer in Mecca, see genealogy
(B) below).
29. Shaykh Muḥammad Salih bin Zain al-Abidin bin
Muḥammad al-Faṭāni (‘ulamā’ and writer in Mecca, see
genealogy (C) below)

30. Shaykh Muḥammad Salih bin Abdur-Raḥman al-Faṭāni (‘ulamā’ in Mecca, Shaykh Ṭarīkat Samaniyyah) He was the first teacher of Shaykh Daud bin Abdullāh bin Idris al-Faṭāni at al-Haram Mosque in Mecca.
31. Shaykh Muhd bin Haji Hassan al-Faṭāni (‘ulamā’ and writer in Mecca)
32. Shaykh Muḥammad bin Tahir al-Faṭāni (‘ulamā’ and writer in Mecca)
33. Shaykh Tengku Maḥmud Zuhdi bin Abdur-Raḥman al-Faṭāni (‘ulamā’ and writer in Selangor)
34. Shaykh Umar bin Zain al-Abidin bin Muḥammad al-Faṭāni (‘ulamā’ and writer in Mecca, see genealogy (C) below)
35. Shaykh Muḥammad Zain bin Muṣṭafa bin Muḥammad al-Faṭāni (‘ulamā’ in Mecca, see genealogy (D) chapter 4)
36. Shaykh Tuan Haji Wan Abdullāh al-Faṭāni (‘ulamā’ and writer in Mecca)
37. Shaykh Wan Abdullāh bin Shaykh Idris al-Faṭāni (‘ulamā’ in Patani, he is Shaykh Daud bin Abdullāh’s father, see genealogy (A) below)
38. Shaykh Wan Abdullāh bin Muḥammad Nur bin Muḥammad bin Ismail Daud al-Faṭāni (‘ulamā’ in Mecca, see genealogy (B) below)
39. Shaykh Wan Abdullāh bin Muḥammad bin Ismail Daud al-Faṭāni (‘ulamā’ in Mecca, see genealogy (B) below)
40. Shaykh Wan Muḥammad Amin bin Muḥammad bin Ismail Daud al-Faṭāni (‘ulamā’ in Mecca, see genealogy (B) below)

41. Shaykh Wan Abdul Kadir bin Shaykh Wan Abdullāh bin Shaykh Idris al-Faṭāni (Shaykh Daud's younger brother, see genealogy (A) below)
42. Shaykh Wan Abdur-Rasyīd bin Wan Shaykh Abdullāh bin Shaykh Wan Idris at-Faṭāni (Shaykh Daud's younger brother, see genealogy (A) below)
43. Shaykh Wan Idris bin Wan Shaykh Abdullāh bin Shaykh Wan Idris al-Faṭāni (Shaykh Daud's youngest brother, see genealogy (A) below)
44. Shaykh Wan Daud bin Muhammad Nur bin Muḥammad bin Ismail Daud al-Fatani ('ulamā' in Mecca, see genealogy (B) below)
45. Shaykh Wan Muṣṭafa bin Muḥammad al-Faṭāni (Shaykh Aḥmad bin Muḥammad Zain's grandfather, see genealogy (D) chapter 4)
46. Shaykh Yusuf bin Abdul Mali al-Faṭāni ('ulamā' and writer in Mecca)
47. Shaykh Zain al-Abidin bin Muḥammad al-Faṭāni ('ulamā' and writer in Mecca, see genealogy (C) below).

Before discussing the older Patani 'ulamā' and their religious works, it would be best for us to briefly look at the purpose of Malay religious works or Kitab Jawi by al-Fatani 'ulamā'. Dr. Matheson and M B Hooker, defined Kitab Jawi as

"religious and judicial works and treaties bearing on the three-fold Islamic 'knowledge', namely Kalām, Fikh and Taṣawwuf, together with the disciplines pertaining to it." [3]

Therefore, the main purpose of Kitāb Jawi or Malay religious works were written for and by religious teachers to teach their students. [4]

Concerning the older Patani 'ulamā', their Kitab Jawi were written not only for religious purposes, but also for socio-political purposes. This is because in Patani itself, there is evidence that when the first Patani King or ruler embraced Islam, Patani became one of the Muslim City States in the Malay Peninsula. Islam, henceforth, became the state religion. [5]

For the first time, the Malay kingdom of Patani lost her political independence to Siam (Thailand) in 1784 A.D. [6] This led to some Patani 'ulamā' leaving Patani to live in Malaysia, Indonesia and the Middle East to escape the consequences of Siamese control in the Patani region. A similar great exodus which took place around the beginning of the 19th century, resulted in quite large groups of Malays moving into the northern states of Malaysia, particular Kelantan, Kedāh and Trengganu. In addition, individual 'ulamā' families or members of the royal family moved to the east coast states and participated in commercial and religious life there. [7]

As stated above, Kitāb Jawi by al-Faṭāni 'ulamā' was written not only for religious purposes but for socio-political purposes as well. As Patani had been traditionally held to be one of the cradles and centres of Islam in Southeast Asia. [8] The older 'ulamā' always aspired to preserve Islam as well as their Malay identity, language and culture in the Patani region. Even the older

Patani 'ulamā' who left Patani to live in the holy city, Mecca, Saudi Arabia, were very patriotic towards their beloved motherland, Patani, which was still very close to their hearts. As C. Snouck Hurgronje put it,

"It is probably due to Ahmed's patriotism that the following works of older Patani scholars (i.e. Malay from Patani) have been printed." [9]

It is remarkable that despite Patani losing her political independence to Siam (Thailand), not a single work was written by the Older-Present Patani 'ulamā' in the Thai language. Even today they still prefer to write in Jawi rather than in Thai. I may say that in the Malay world of Southeast Asia, it is only the Malay-Muslims of Patani who have never written religious works in Rumi as in Malaysia or Indonesia. And I may further add that "Kitab Jawi" are still widely used in Patani religious schools, pondoks and mosque schools to this day. The Thai government's policy to encourage religious schools and pondoks schools to use the Thai text was not welcomed by the Malay-Muslims in the Patani region (Patani, Yala and Narathiwat Provinces). For them, religious works other than Jawi texts are considered as alien, except those in the Arabic language. This is because they consider the Jawi texts or characters to be the religious language.

Before discussing the religious works or Kitāb Jawi by al-Fatāni, it is necessary to briefly discuss Patani's links with the Middle East. Perhaps then we might be able to get

an idea or picture of the older Patani 'ulamā' who resided in Mecca and Jeddah in Saudi Arabia. In Matheson and Hooker's survey of Jawi literature in Patani they suggested that:

"There is a large community of Patani Malays permanently living in Saudi Arabia, mainly in Mecca and Jeddah. Most of them have Saudi citizenship, but they maintain links with friends and family in Malaysia and Thailand. Their exact number is impossible to estimate, but they participate fully in Saudi life." [10]

One of my informants is Haji Yacob bin Haji Muda, who is a Patani Malay but has Saudi Arabian citizenship and has lived in Mecca for more than twenty years, working as an agent of Shaykh Haji under Shaykh Abdul Majid al-Fatāni in Mecca. In March 1985, he had an opportunity to return to Narathiwat to visit his family there. I was fortunate enough to meet him at his family's house in Narathiwat and asked him about the Patani Muslim community in Mecca and the exact number of Patani Muslims in Mecca and Jeddah. According to him the number of Patani Muslims in these two main cities is difficult to estimate but is probably about four to five thousand. In Mecca, there is even a Patani Muslim Kampung (village) and a "Rumah Patani" (Patani Malays Association). [11]

The first group of Patani Malays went to reside in Mecca during the late 18th century because the Siamese (Thailand) attacked and defeated Patani in 1784 A.D. and her ruler Sultan Mahmud was killed. [12] Later in the 19th century large groups of Malays left Patani to live in Malaysia,

Indonesia and the Middle East. These included the greatest Patani 'ulamā' namely Shaykh Daud bin Abdullāh bin Idris al-Faṭāni who went to Mecca.

One important question is when Shaykh Daud bin Abdullāh bin Idris al-Faṭāni, left for Mecca. This factor may be best deduced from his first two works, for example, Idāh al-bāb li-murīd al-Nikāh bi'l-sawāb. Shaykh Daud completed this translation of Arabic works and Kifāyat al-Muhtāj, in which Shaykh Daud acknowledged his Arabic sources and says that the works were completed in Mecca in 1224 A.H./1809 A.D. [13] This means that Shaykh Daud bin Abdullāh bin Idris al-Faṭāni must have left Patani for the Holy Land in the late 18th century. [14]

Shaykh Daud bin Abdullāh bin Idris al-Faṭāni, however, was not the first Patani 'ulamā' who left Patani to live in Mecca. According to Wan Muhd Shaghir bin Abdulāh, Shaykh Daud took his first religious study in Mecca with one of the qualified Patani Malay 'ulamā's who gave lectures at the al-Haram Mosque, namely Shaykh Muhammad Saleh bin Abdur-Raḥman al-Faṭāni, a learned man in Shariah law and Taṣawwuf. [15] Another Patani Malay scholar in Mecca at the same period was Shaykh Ali bin Ishak al-Faṭāni, a specialist in Tarikat Samaniyyah, who Shaykh Daud is said to have studied Tarikat Samaniyyah with. [16]

Patani Malays who came to Saudi Arabia can be classified into two groups; those who came to further their study and those who came to make the pilgrimage. [17] For most in the former category, they learned under one of their fellow countrymen who were permanently settled there and who taught

them from simple texts by using their mother tongue. So it is not unusual for Patani Malays in Mecca to play a significant role in teaching their fellow countrymen who came from the Patani region. When they fulfilled their studies, these students would return to the Patani region and teach, some became religious leaders in their own villages and even establish pondok schools. It can be pointed out that these students became agents and very active in spreading Islam in their own villages. On returning from Mecca they copied and brought Kitab Jawi by Patani 'ulamā' for reference.

Al-Haram Mosque in Mecca has become the centre of Islamic teaching in the 18th and 19th centuries. The students learned either from texts in Malay or in Javanese. Those from Patani and the Malay Peninsula chose texts in Malay and those from Indonesia chose texts in Javanese. [18]

The most outstanding Patani 'ulamā' at that time was Shaykh Daud bin Abdullāh bin Idris al-Faṭāni. His teachings were sustained and extended by Shaykh Aḥmad bin Muḥammad Zain bin Muṣṭafa al-Faṭāni. However, it should be noted here that according to Dr. Matheson and M. B. Hooker it was Shaykh Aḥmad bin Zain al-Abidin was responsible. [19] Indeed, it was Shaykh Aḥmad bin Muḥammad Zain bin Muṣṭafa al-Faṭāni. This argument is supported by C. Snouck, who stated that:

"It is probably due to Ahmed's patriotism that the following works of older Patani scholar (i.e. Malay from Patani) have been printed: An Anthology) of traditions

concerning the Hereafter by Zein ul-Abibid Patani, an entire series of works of Daud ibn Abdullāh Patani."

[20]

The full and exact name of this Patani 'ulamā' was Shaykh Zain al-Abidin bin Muḥammad al-Faṭāni. From both him and Shaykh Daud grew influential groups of 'ulamā' who returned to Southern Thailand (Patani, Yala and Narathiwat Provinces), the Malay Peninsula and other parts of the Malay World of Southeast Asia. [21] The intellectual group formed in Mecca by the great Patani 'ulamā' Shaykh Daud bin Abdullāh bin Idris al-Faṭāni was brought by his students to the Malay world of Southeast Asia in general and the Patani region in particular.

At this point, I will describe the religious works or Kitab Jawi by al-Faṭāni 'ulamā'. As I have mentioned above, the older Patani 'ulamā' can be classified into two groups. Hence, in this study I will be able to discuss some Patani 'ulamā' and their works which are still available from book shops in Patani, Malaysia and Indonesia. I obtained many of these works during my field-work in Southern Thailand (January-September 1985 and May 1986-April 1988)

Not surprisingly little is known about the backgrounds of the Patani 'ulamā'. Very few of them recorded their own biographies and we are only able to recognise many of them by their last names, e.g. "al-Faṭāni" (from Patani). [22] Furthermore, some Patani 'ulamā' wished remain anonymous. They did not wish to be named as they wrote for the sake of Allāh, not for worldly purposes. All this led Dr. Matheson

and M.B. Hooker to conclude that:

"Biographical details of all the Patani 'ulamā' are difficult to find." [23]

All we can learn about these 'ulamā' therefore, is what we can gather from their works (kitābs), many of which are not readily available either in Arabic or Malay. This is because very few Patani 'ulamā' wrote in Arabic. Many Malay religious works or Kitāb Jawi are now either very rare or out of print. Since the modern generations read and write in Rumi (the Romanised characters of the Malay language). Another reason is that, the language of Malay religious works itself is very difficult for the modern generations to understand, except for those who study in pondoks or religious schools which still use the religious works written in the classical Malay writing (Jawi), as those in the Patani region.

As a result of these obstacles to obtaining biographical details and works of the Patani 'ulamā', in most cases in the course of this study, I can provide little detail or none of all other than the names of the 'ulamā' and their major religious works. I am fortunate enough, nonetheless, to have a book on Shaykh Daud bin Abdullāh bin Idris at-Faṭāni, [24] together with a copy of the works and biographical details of Shaykh Aḥmad bin Muḥammad Zain bin Muṣṭafa al-Faṭāni. [25] Both of these texts were written by Wan Muḥammad Shaghir bin Haji Abdullāh, the grandson of Shaykh Aḥmad bin Muḥammad Zain bin Muṣṭafa al-Faṭāni. [26] (See

genealogy (D) chapter 4). Below, I intend to describe Patani 'ulamā' and their religious works beginning from Shaykh Daud bin Abdullāh bin Idris al-Faṭāni and Shaykh Ahmad bin Muḥammad Zain bin Muṣṭafa at-Faṭāni to the other Patani 'ulamā' respectively.

(i) Shaykh Daud bin Abdullāh bin Idris al-Faṭāni

His full name was al-ʿAlim al-ʿAllāmat al-ʿArif Al-Rabbani al-Shaykh Wan Daud bin Shaykh Wan Abdullāh bin Shaykh Wan Idris al-Faṭāni. His mother was Nik Wan Fatimah al-Faṭāni. [27] However, it is difficult to establish a definitive date for his birth. According to one source, this great Patani 'ulamā' was a contemporary of Abdullāh bin Abdul Kadir Munshi (1776-1854 A.D.). [28] In my opinion, from his first two works which I have referred to earlier, Shaykh Daud bin Abdullāh bin Idris al-Faṭāni was born around the year 1774 A.D.

We know that he was the first Patani 'ulamā' and writer who wrote and compiled religious works. He translated from Arabic to the Malay language in the classical Malay style, using Arabic characters. It was probably not until the age of thirty-five (?) that he started writing his first two works in the year 1224A.H./1809 A.D. He may have begun his first religious training at the age of eight or ten. As we know from the traditional Islamic education system, there is no examination and no time limit set for students to begin or graduate from in any session. This allowed him twenty-five years of his life for studying the religious

sciences before writing his own works. In support of this assumption, Wan Muhd Shaghir bin Abdullāh stated that:

"Shaykh Daud took his first religious training in Patani at Kampung Kersik under the instruction of his own family, after that he left for Aceh, there he spent two years in religious training, and afterwards he left for Mecca where he spent thirty years in religious training before finally spending five years studying at Madinah." [29]

It is not unusual that he spent twenty-five years in religious training, reading all the religious sciences before starting to write his first two works. Generally speaking, to be a great 'ulamā' one must spend a long time studying and reading all the religious sciences, so he must learn the Arabic language, grammar (naḥw), kuranic exegesis (tafsir), Ḥadīth (Prophetic tradition) and a good command of the Malay language. He was a very prolific Islamic writer of Southeast Asia because he wrote and translated a total of more than 40 religious works from Arabic to the Malay language, which I will describe later. These works covered almost every aspect of religious sciences such as fikh, uṣūl al-dīn, lughā, bayan, dua, 'adāb, taṣawwuf, kalām, ītikād, 'akīdat, tawḥīd, etc. He wrote in both Malay and Arabic.

[30]

Above reasoning strengthen my assumption about his birth date. When Shaykh Daud bin Abdullāh bin Idris al-Fatāni passed away is also not clear. It is believed that this may

have been 1843 A.D., based on the fact that his last two works Bahjatul Mardiyah and Al-Bahjatul Wardiyah, were composed in that year. [31] One source states that he may have passed away around 1847 A.D. at Ta-if near Mecca. [32] Shaykh Daud bin Abdullāh bin Idris al-Fatāni and his family

The marriage between Shaykh Wan Abdullāh bin Shaykh Wan Idris al-Fatāni with Nik Wan Fatimah al-Fatāni, produced five children, namely : [33]

1. Shaykh Wan Daud
2. Shaykh Wan Abdul Kadir
3. Shaykh Wan Abdur Rasyid
4. Shaykh Wan Idris
5. Unknown (believed to be female)

It is believed that Shaykh Daud bin Abdullāh bin Idris al-Fatāni was born in Kampung Kersik, Patani. [34] It is said that Shaykh Daud bin Abdullāh had no children of his own; he brought up his younger brother's children and grandchildren such as, Shaykh Wan Abdul Kadir, Wan Muḥammad Saleh, Wan Ibrahim and Wan Syamsuddin. So, from Shaykh Wan Abdul Kadir onwards, all his descendants resided in Mecca. As for Wan Abdur Rasyīd, Shaykh Daud's younger brother, his biography is unknown because he had travelled to preach Islam since he was young. Even his tomb is unknown. The descendants of Wan Idris, Shaykh Daud's youngest brother, have become a large family spread throughout Southeast Asia and Mecca. Shaykh Idris had two daughters namely Wan Zainab and Wan Fatimah both were said to be brought up and educated by Shaykh Daud himself. Both Wan Zainab and Wan Fatimah had a very profound knowledge of al-Kur'ān and had memorised the

whole text of al-Ḳurʾān by heart. Wan Zainab married Nik Wan Ahmad al-Fatāni and had one son named Shaykh Nik Muḥammad bin Ismail Daud al-Fatāni, who later became a great Patani 'ulamā' and writer in Mecca. [35]

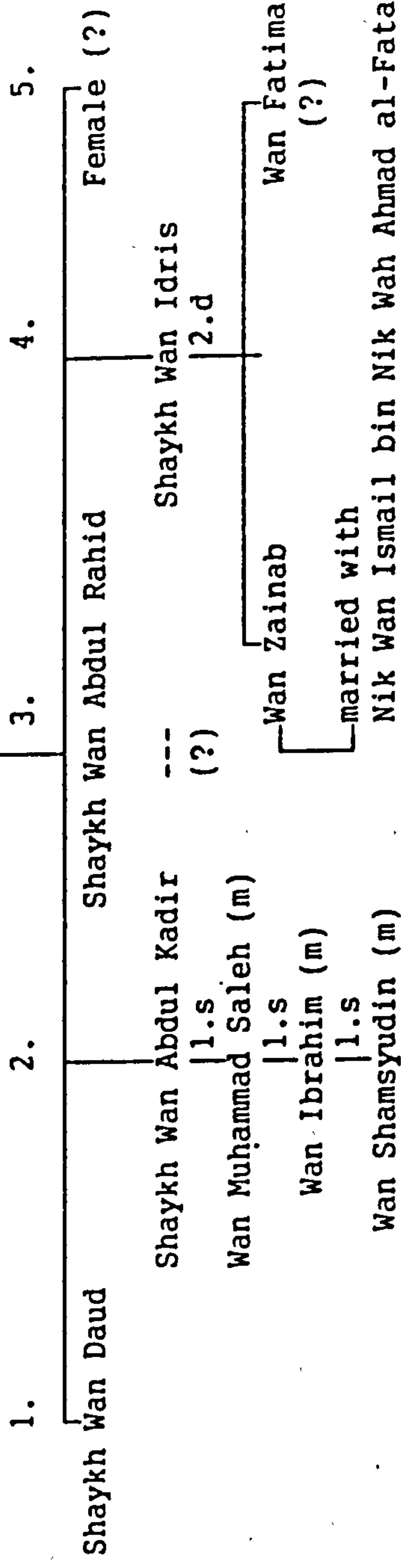
According to the story related by Wan Muhd Shaghir in his work entitled "Syeikh Daud bin Abdullah al-Fatani: Penulis Islam Produktif Asia Tenggara", while Shaykh Daud was still young there was a great Sufi ulama' from Yemen who to come Kampung Kersik in Patani and attracted Shaykh Daud when he rubbed Shaykh Daud's head. After that he performed a prayer (duʿā), and it surprised everybody. Why did that Sufi 'ulamā' approach Shaykh Daud and not anyone else? When the people asked the Shaykh Sufi about that, he replied that he said a prayer:

"May Allah bless upon this child (Shaykh Daud) and make him a glittering star, a full moon, a shining sun and the greatest 'ulamā' of the Malay soil." [36]

Shaykh Daud's genealogy is interesting as it shows that other members of his family had also become famous religious scholars and teachers (see genealogy (A) below).

A. Genealogy of Shaykh Daud bin Abdullah bin Idris al-Fatāni

Shaykh Wan Abdullāh bin Shaykh Wan Idris al-Fatāni + Nik Wan Fatimah al-Fatāni



'Ulamā' in Mecca and writer
+1774-1847(?)

1 Shaykh Nik Muhammad bin Ismail Daud al-Fatāni
 (Shaykh Nik Mat Kecil or Shaykh Muhammad Shaghir) (m)

2 Nik Wan Hitam (m)

3 Nik Wan Siti (f)

4 Nik Wan Aisyah (f)

5 Nik Wan Maryam (f)

6 Haji Nik Wan Isa (m) - 'Ulamā' in Riau

Note

C. = Children

d. = Daughter

f. = Female

m. = Male

s. = Son

? = Unknown

Married with

Shaykh Wan Abdullāh bin Shaykh Wan Yusuf Janngut Putih

1.d | 1.s

Nik Wan Siti Saudah (?)

Married with

Shaykh Ahmad bin Muhammad Zain bin Mustafa al-Fatāni

1.d

Wan Zainab (f)

Shaykh Daud's Education and Activity

Shaykh Daud's early religious training was likely to be similar to that of the other Patani 'ulamā'. He probably began his studies at home with his own family. His grandfather, Shaykh Wan Idris al-Faṭāni, and his father, Shaykh Wan Abdullāh al-Faṭāni, were both Patani 'ulamā' at the time. Several of his teachers were from overseas, many were 'ulamā' from the Middle East, or the Yemen. Patani traditional education at that time perpetually implanted and introduced Islam to the children of Patani from when they were young. The children had to memorise a knowledge of Tawhid when they were five or six years old. After that the children had to learn Arabic grammar (naḥw) and conjugation (sarf) by rote. At that time, therefore, the then young Shaykh Daud had learned much from the traditional Islamic education in Patani from Malay and Arabic 'ulamā', many of whom were related to each other and share the same descendants and source of knowledge. [37]

As I have mentioned above, Shaykh Daud left Patani for Aceh and then to Mecca, where he spent thirty years in religious training. Afterwards he then went to Madinah to spend a further five years in religious training. [38] When he became a 'ulamā' and writer in Mecca, he obtained the title of Al-ʿAlim al-ʿAllāmat al-ʿĀrif ar-Rabbani from the representative of the Turkish Ottoman Government in Mecca. [39] It is very rare for Malay 'ulamā' in Southeast Asia to be called Al-ʿĀrif Ar-Rabbani. [40]

Interestingly, at the same time Shaykh Daud bin Abdullāh

bin Idris al-Faṭāni was appointed as Shaykh Haji in Mecca by the representative of the Turkish Government in Mecca. This is the first time this terminology appeared and he was the first among the Malay-Muslims of Southeast Asia to be given this title. [40] Even though he was very busy he wrote and taught at the al-Haram Mosque. He wrote religious works in both Malay and Arabic but his Arabic works are not very wide spread in Southeast Asia. Only his Malay works (Kitab Jawi) are spread widely throughout the Malay world of Southeast Asia. [42] Not all of his known manuscripts are in Shaykh Daud's hand-writing, presumably copied by one of his staff or students. [43] As Wan Muhd Shaghir writes :

"Shaykh Muḥammad Zain bin Muṣṭafa al-Faṭāni, had copied some works of Shaykh Daud bin Abdullāh al-Faṭāni among them is "Manhalus Shafi." [44]

As the original hand-written manuscripts of the 'ulamā' were copied also in the hand written form, it is often difficult to identify which was the original, and which was the copy.

Shaykh Daud's Teachers

When Shaykh Daud left for Mecca, he first obtained his religious training with Shaykh Muḥammad Ṣaleh bin Abdur-Raḥman al-Faṭāni, a teacher at al-Haram Mosque and a learned man in Shari'ah and Ḥakika (Fiḥ and Taṣawwūf) which inclined towards sufism. From him, Shaykh Daud obtained

Sufi knowledge. [45] According to one source, Shaykh Daud obtained Tarīkat Samaniyya from Shaykh Ali bin Ishak al-Faṭāni, and taught him Tarīkat Shattāriyya in return.

[46] However, another source stated that it is possible that Shaykh Daud may have obtained Tarīkat Samaniyyah directly from Muḥammad bin Abdul Karim Samman al-Madani.

[47]

Shaykh Daud bin Abdullāh bin Idris al-Faṭāni took his religious training with many teachers at various madhhabs (schools). It is interesting to note that Shaykh Daud adhered to madhhab Shāfi'ī in terms of jurisprudence (Fikh), and followed Ahl Sunna wal-Jum'ah (the people of community) in matters of faith (i'tikād). He was experienced in every aspect of religious sciences and in the field of medicine, mathematics (ḥiṣab) and astronomy (falāk). Shaykh Daud was not influenced by any political ideology during his lifetime and stood firmly to the Islamic ideology, especially that concerning the state policy. According to him, if the state does not implement Islamic law it cannot be considered as a Muslim state. [48]

Regarding the theoretical and practical aspects of Tarīkat Shattāriyya, Shaykh Daud bin Abdullāh bin Idris al-Faṭāni obtained religious training from Shaykh Murshid 'Arif Billāh, alias Saydi Shaykh Muḥammad As'ad. Shaykh Daud's last teacher was possibly Asy-Shaykh As-Sayyid Ash-Sharif Ahmad al-Marzuki, from whom he obtained knowledge that enabled him to communicate with Jinn (Genie). [49] So far as a knowledge of Jinn is concerned, it is very difficult to apprehend or elucidate how human beings are able to

communicate with Jinn. [50] According to Arabs, this kind of knowledge is called "ilm al-laduniyyah" which means knowledge imparted directly by God through mystic intuition (in Sufism). It has already been mentioned that Shaykh Daud had studied Tarīkat (mystic) with several teachers and he himself later also become Shaykh of Tarīkat Shattāriyah. It is therefore not surprising if he could communicate with Jinn through mystic paths. His teacher, Shaykh As-Sayyid Ash-Sharīf Ahmad al-Marzuki wrote a book entitled Tashilu Nailil Mauram, which Shaykh Daud later translated into the Malay language. At the beginning of his translation he explained that his teacher was al-ʿAlim al-Fadl al-ʿAllāmat al-Bahrul Fahman Abdul Fauz As-Sayyid Ahmad al-Marzuki ibnu al-Marhum As-Sayyid Ash-Sharif Muḥammad Ramadan al-Ḥusani, who was related to Kutub ʿArif al-Wafi Sayyidi Marzuki al-Kafi. Shaykh Daud further added that his teacher was a descendant of the Prophet Muḥammad (may Allāh bless him and grant him salvation). [51]

This genealogy (salasilah) which concerned with the Tarīkat Shattāriyya, written by Shaykh Daud in Kaifiyat khatam Kurʿān, a manuscript in his own hand-writing: [52]

1. Shaykh Daud bin Abdullāh Al-Faṭāni, obtained from
2. Al-ʿArif Billah Saydi Shaykh Muhammad Asʿad, obtained from
3. His father Shaykh Muhammad Syid Tahir, obtained from
4. His father Sydi Shaykh Ibrahim al-Madani, obtained from
5. His father Al-Arif Billah Shaykh Muhammad Tahir, obtained from

6. His father Al-Arif Billah Mula Ibrahim Al-Kurani,
obtained from
7. Al-Arif Billah Sydi Ahmad Al-Kusyasyi, obtained from
8. Abdil Muwahib Abdulla bin Ahmad At-Tanawi Taibullah,
obtained from
9. Sultan Arifin Sydi Sibghatullah, obtained from
10. Sydi Wajhuddin Al-Alawi, obtained from
11. Sydi Muhammad Ghaust, obtained from
12. Shaykh Haji Hushur, obtained from
13. Awliya' Allah Al-Arifin Shaykh Hidayatullah
Sarmasat, obtained from
14. Shaykh al-Mashaikh Al-Alam Shaykh Kadi Shathari,
obtained from
15. Shaykh Abdullah As-Shathari, obtained from
16. Sydi Muhammad Arif, obtained from
17. Sydi Muhammad Ashif, obtained from
18. Arif Billah Shaykh Hadakali, obtained from
19. Shaykh Hassan Al-Kharkani, obtained from
20. Shaykh Abil Muzaffar Tarkut Tusi, obtained from
21. Shaykh Yazilul Ishki, obtained from
22. Al-Arif Billah Shaykh Muhammad Maghribi, obtained
from
23. Sultan Arifin Shaykh Abi Yazid al-Bistami, obtained
from
24. Imam Ja far Sidik, obtained from
25. Imam Muhammad Bakir, obtained from
26. Imam Zain al-Abidin, obtained from
27. Imam Husein As-Shahid bin Ali, obtained from
28. Syyidina Ali bin Abi Talib, obtained from

29. Nabi Muhammad (may Allāh bless upon him and grant him salvation) obtained from

30. Malikat Jibril 'Alaihis Salam.

The relationship among the teachers of Tarīkat Samaniyyah, as follows, [53]

1. Shaykh Daud bin Abdullāh al-Faṭāni, obtained from
2. Shaykh Ali bin Ishak al-Faṭāni, obtained from
3. Shaykh Muḥammad Ṣaleh bin Abdur Raḥman al-Faṭāni, obtained from
4. Shaykh Abu Hassan, obtained from
5. Maulana Shaykh Hasib, obtained from
6. Sydi Shaykh Muhammad bin Abdul Karim Saman, obtained from
7. Arif Billah Sheyikh Mustafa Al-Bakri, obtained from
8. Shaykh Abdul Latif, obtained from
9. Shaykh Mustafa Afandi Adranawi, obtained from
10. Shaykh Ali Afandi Karbasyi, obtained from
11. Shaykh Ismail Al-Jarwi, obtained from
12. Sydi Umar Fu'adi, obtained from
13. Shaykh Muhyiddin Al-Kastamuni, obtained from
14. Shaykh Sya ban Afandi Al-Kastamuni, obtained from
15. Shaykh Khairuddin As-Syawkani
16. Jamalul Khalwati, obtained from
17. Bir Muhammad Al-Arzanjani (Al-Azbahani), obtained from
18. Shaykh Abi Zakariya Asrawaki Al-Bakuni, obtained from
19. Bir Sadruddin, obtained from
20. Akha Muhammad Balusi, obtained from

21. Abi Ishak Ibrahim Az-Zahidi Al-Kailani, obtained from
- from
22. Jamaluddin Al-Ahwal Zi, obtained from
23. Shihabuddin At-Tibrizi, obtained from
24. Rukhuddin Muhammad An-Najasyi (Nuhas), obtained from
25. Kutbuddin Al-Abhari, obtained from
26. Abin Najib As-Sahruwardi, obtained from
27. Shaykh Umar Al-Bakri, obtained from
28. Shaykh Wajihuddin Al-Kat'i, obtained from
29. Shaykh Muhammad Al-Bakri, obtained from
30. Shaykh Muhammad ad-Dainuri, obtained from
31. Shaykh Mamsadu Ad-Dainuri, obtained from
32. Shaykh Junid al-Baghdadi, obtained from
33. Surri As-Sakti, obtained from
34. Ma'ruf Al-Karkhi, obtained from
35. Daud At-Ta'i, obtained from
36. Sydi Habib Al-'Ajami, obtained from
37. Hasan al-Baseri, obtained from
38. Sayyidina Ali bin Abi Talib, obtained from
39. Sayyidin Muhammad (may Allah bless upon him and grant him salvation) obtained from
40. Malaikat Jabril 'Alaihis Salam.

It should be noted here that the genealogy of Tarikat Samaniyya among the Patani'ulamā' commenced from Shaykh Daud and was followed by Shaykh Ali bin Ishak al-Faṭāni and Shaykh Muḥammad Saleh bin Abdur-Raḥman al-Faṭāni. [54] Among many of Shaykh Daud bin Abdullāh bin Idris al-Faṭāni's teachers were Shaykh Muḥammad Saleh bin Ibrahim Mufti Shāfi'iyya, Mecca, Shaykh 'Atha' ullāh, and Shaykh Muḥammad bin

Sulaiman al-Kurdi. [55]

If we examine the sanad (source, reference) that concerns the knowledge of Tawhīd and Uṣūl al-dīn starting from al-Imān Abu Ḥasan al-Asha'ri, we find that:

Shaykh Daud bin Abdullāh bin Idris al-Faṭāni received an opportunity to meet one of the great 'ulamā' of madhhab Shāfi'ī, a great scholar of al-Azhar University at Cairo, named Imām Sharkawi (1150 A.H./1227 A.H./d.1808 A.D.). This 'ulamā' had many students and among them was Shaykh Muḥammad bin Ali Shirwānī, known as Imām Shirwānī, who was a contemporary of Shaykh Daud bin Abdullāh bin Idris al-Faṭāni. Both he and Shaykh Daud were related to Imām Abu Ḥasan al-Sha'ri in terms of his knowledge of uṣūl al-dīn. They also received the knowledge of uṣūl al-din from Shaykh 'Isa bin Ahmad al-Barawi. The genealogy below shows how Shaykh Isa acquired his knowledge. [56]

1. Shaykh Isa bin Ahmad al-Barawi, studied with
2. Shaykh Ahmad ad-Dafri, studied with
3. Salim bin Abdullah al-Bashri, studied with
4. Abdullah bin Salim bin Abdullah al-Bashri, studied with
5. Muhammad bin al-Ala' al-Babali, studied with
6. Shaykh Ahmad bin Muhammad al-Ghanimi, studied with
7. Shaykh Shamsu Muhammad bin Ahmad Ar-Ramli, studied with
8. Shaykh Zakriya al-Anshari, studied with
9. At-Tuka Muhammad bin Muhammad bin Fahd, studied with
10. Al-Majdil Laghwi, studied with
11. Sarjul Kazwini, studied with
12. Abu Bakar Muhammad al-Harwi, studied with
13. Iman Fahrudin Muhammad bin Umar Ar-Razi, studied with

14. Dhia'ul Umar Ar-Razi, studied with

15. Abil Kasim al-Isfarashani, studied with

16. Ustaz Abi Ishak al-Isfarachani, studied with

17. Abil Hasan al-Bahali, studied with

18. Iman Abil Hasan Ali bin Isma'il bin Ali Bashar Ishak bin Salim bin Ismail bin Abdullah bin Bilal bin Abi Burdah bin Abi Musa al-Sha'ri. Abi Musa al-Sha'ri's full name is Abdullah bin Kabas the Companion of the Prophet Muhammad (may Allah bless upon him and grant him salvation).

However, according to another version, there was a great Imām known as Imām Abu Manshur al-Maturidi. Shaykh Daud bin Abdullāh bin Idris al-Faṭāni was also linked with Imam Abu Manshur al-Maturidi in the field of uṣūl al-dīn. According to the genealogy, or sanad, of Tarīkat Shattāriyya, Shaykh Daud bin Abdullāh obtained this Tarīkat from his teacher Sydi Muḥammad As ad who in turn obtained it from his father Shaykh Ibrahim al-Madani (no.4). Shaykh Muḥammad Tahir (no.5) taught Shaykh Ibrahim his Tarīkat which his father, Shaykh Ibrahim al-Kurani (no.6) conveyed to him. According to the genealogy of Tarīkat Shattariyya, the teacher of Shaykh Ibrahim was Shaykh Aḥmad al-Kusyasyi (no.7). In the field of uṣūl al-dīn, Shaykh Ibrahim al-Kurani studied with Shaykh Aḥmad al-Kusyasyi'. Details are shown below: [57]

1. Shaykh Ahmad al-Kusyasyi, studied with

2. Shaykh Shamsuddin Muhammas Ar-Ramli, studied with

3. Shaykh Zakariya al-Anshari, studied with

4. Shaykh Ibnu Hajar, studied with

5. Asy-Shamsu Muhammad al-Kurasyi, studied with

6. Shaykh Abi Hajjaj al-Kasakri, studied with
7. Al-Hisan Husen bin Ali As-Saftawi, studied with
8. Muhammad bin Muhammad An-Nusfi, studied with
9. An-Najmu Umar bin Husen An-Nusfi, studied with
10. Shadrudin Muhammad bin Husen An-Nusfi, studied with
11. Husen An-Nusfi (the father of no. 10), studied with
12. Husien bin Abdul Karim An-Nusfi (the father of no. 11),
studied with
13. Abdul Karim An-Nusfi (the father of no. 12), studied
with
14. Al-Imam Abu Manshur Muhammad bin Muhammad bin Mahmud bin
Husein al-Maturidi, radiyallahu anhu.

Therefore, according to the genealogy (silsilah/sanad), Shaykh Daud bin Abdullāh bin Idris al-Faṭāni in the field of uṣūl al-dīn, followed the opinions of Maturidiyya. Moreover if we examine the above genealogy, it may be said that it is a part of the Fikh genealogy. This is because included in this genealogy of uṣūl al-dīn is the honoured Imām of Fikh.

[58]

Shaykh Daud as a teacher

In Mecca, Shaykh Daud became a great teacher at al-Haram Mosque, attracting many Malay-speaking students from Southeast Asia who had come there to study. Generally speaking, almost all the students began their studies in Mecca by learning from one of their fellow countrymen who was permanently settled there and who taught them from simple texts using their mother tongue. [59] Therefore, it

is not surprising that Shaykh Daud became one of the great teachers at that time. As Dr. Matheson and M.B. Hooker put it:

"More commonly referred to as Shaykh Daud he is the most famous of Patani scholars to write Kitab. He is a pivotal figure for the history of Islam in Patani because he is the first 'ulamā' we know of from that area, and his writing provided the foundation for the works of later Patani 'ulamā'." [60]

From the above statement it is clear that Shaykh Daud was a great teacher of his day, and moreover his students helped to perpetuate his teaching by disseminating them to their own students back in South-east Asia, and by copying the texts and making notes on them.

Shaykh Daud's Works

As a great scholar, Shaykh Daud bin Abdullāh bin Idris al-Faṭāni contributed a variety of works in Islamic studies in the Patani region in particular, as well as in the other parts of Southeast Asia. These are his religious works:

1. Al-Karbu ilallāh

2. al-Bahjatul Mardiyah

I unfortunately cannot trace this text, therefore I cannot give any details about it. According to Wan Muhd Shaghri, this text was completed in 1259 A.H./1843 A.D. [61]

3. al-Bahjatul Wardiyah

I have no details about this text, but according to Wan Muhd Shaghir, this text was completed in 1259 A.H./1843 A.D.

[62]

4. Bisharatul Ikhwan

5. Bulughul Maurram

Wan Muhd Shaghir stated that this text was completed in 1227 A.H./1812 A.D. [63]

6. Bughayat al-Tullāb li Murīd Ma'rifat al-Aḥkām bi'l Ṣawāb

This text is concerned with religious observations (ibādāt) based on commentaries on Nawawī's Minhāj al-Talībīn, among them the Tuḥfah of Ibn Hajar al-Haitami, Nihāyah of Ramli and Fath al-Wahāb of Zakariya al-Anṣārī. The Nahj al-Rāghibīn wa sabīl al-Muttakīn li'l-Mu'allif is given in the margin of the main text. There is no mention about this text's year of completion. [64]

7. Diyā al-Murīd fī Kalimati Tawḥīd

This text was also translated by Shaykh Daud. The text is 103 pages long and its contents are mostly about Tawhid. It was published by al-Ma'ārif press but has no date of publication. It should be pointed out that according to Wan Muhd Shaghir bin Abdullāh, Shaykh Daud translated it during

his visit to Sambas at the royal court of Sultan Muhammad Shafiuddin, Kampung Parit, Sambas. [65]

8. al-Darrul Thamīn

This is a short text on dogma (i'tikād). It's colophon states that Shaykh Daud completed translating the work in Mecca in 1232 A.H. (1816-1817 A.D.). [66]

9. Al-Fada'il Bidāyat al-Hidāyah

Muhammad Uthman El-Muhammady in his book Peradaban Dalam Islam, believes that Shaykh Daud translated this text into the Malay language from the work of Imam Ghazali. Wan Muhd Shaghir bin Abdullah states that he has a copy of this original text in Shaykh Daud's hand writing in the Arabic language. In that text, Shaykh Daud wrote a sentence of Sha'ir in praise of Imam Ghazali Hujjatul Islam. At the end of the translation, Shaykh Daud mentioned that the translation of this text was completed on Thursday afternoon 14 Sha ban 1253 A.H./1837 A.D. [67]

10. Fathul Mannan

There are no details about this text, but according to Wan Muhd Shaghir, Shaykh Daud completed his translation on Sunday 16th Ramdan 1249 A.H./1838 A.D., at Mecca. [68]

11. Furū'al-Masā'il wa uṣūl al-Masā'il

This book is one of Shaykh Daud's major works on law and dogma. Shaykh Daud translated this book, which was based on The Fatāwā of Ramli and Kashf al-Anam al'ilah al-Anam by

Husain bin Muḥd al-Mahalli. The original date of composition is not given, but the colophon says it was first published in Mecca in 1257 A.H./1841 A.D. This text is in two parts, 275 pages and 394 pages respectively. According to Wan Muḥd Shaghir, Shaykh Daud began this translation in 1254 A.H and completed it in 1257 A.H./1841 A.D. [69]

It is said that this book is very famous and widely used in Patani and Malaysia as a handbook on Islamic law and dogma. Many religious scholars in the region, whether in past or present day, acknowledged this book as the best reference in Islamic law and dogma in the Malay language.

12. Ghāyat al-Takrīb

This is a brief text of 24 pages on Fara'id (inheritance) based on al-Shāfi'i and Shaykh Daud's translation into Malay. It was printed by al-Ma'ārif Press, Penang, n.d. According to Wan Muḥd Shaghir this text was completed in 1226 A.H./1811 A.D. [70]

13. Hidāyatul Muta'allim

This book is concerned with faith (al-Iman) Fikh, uṣūl al-din, and Dogma (i'tikād). It is also considered to be one of Shaykh Daud's major works. According to Wan Muḥd Shaghir this text was completed in 1224 A.H./1809 A.D. [71]

14. Idāḥ al-bāb li Murīd al-Nikāḥ bi'l-ṣawāb

This is a small hand book on procedures of marriage, dowry, divorce, etc. Shaykh Daud completed his translation of Arabic works on which it is based in 1224 A.H./1809 A.D.

This hand book is still printed in Penang by al-Ma'ārif press, n.d. [72]

15. Jamu' al-Fawā'id

This is a lengthy book, or 'Kitab', containing advice on a variety of subjects ranging from moral virtues such as patience, to the advantages of holy days and months, women's rights with respect to their husbands and the uses of special prayers and dhikrs. In the margin is printed 831 hadith, called al-Fawā'id al-Bahjah by Shaykh Nūr al-Dīn ar-Ranīrī. According to Wan Muhd Shaghir, Shaykh Daud completed this book in 1239 A.H./1823 A.D. [73]

16. Al-Jawāhir al-Saniyah

This book is mainly on usūl al-dīn, judgement day, angels, purification, prayers, fasting, the Haji, Wakf, inheritance, all procedures for marriage, divorce, buying, selling and profits. Its colophon notes that the work was completed in Taif, in 1252 A.H./1836 A.D. by Shaykh Daud. [74]

17. Kanzul Minan

There are no details about this text, but Wan Muhd Shaghir puts the date of completion at 1240 A.H./1824 A.D. [75]

18. Kashf al-Ghumma fī-ahwalilmout fil-Barzah
Wal-Kiyamah

This text is concerned with life after death, judgement day, and contains vivid descriptions of the angels of the next world and the interval of time between death and resurrection. This text is based on the works of Shaykh Jalaluddīn As-Sayuti and the works of Shaykh Abdul Wahāb Ash-Sha'rani on Mukhtasar Tazkirah Kurtubi. This work was completed on Wednesday night 20th Rabi'ul Awwal 1238 A.H./1822 A.D. [76]

19. Kifāyat al-Muhtāj

This short book is a Malay version of the Prophet's journey to Heaven on the Arabic Kissah Mi'raj al-Nabi by Ghaiti (d. 1504) and part of al-Kalyubi's commentary (d. 1658). There are graphic descriptions of the inhabitants of the various Heavens and Hells. This is possibly the first text in Malay to discuss the Prophet's journey to Heaven. Shaykh Daud completed it in 1224 A.H./1809 A.D. [77]

20. Kifāyat al-Muhtadī Wa-Irshād al-Muhtadī or as it is also called, the Irshād al-Athfalil Muhtadīn fī akaididīn wal-Ad'iyatin Nafi' Atiliddīn.

The knowledge of Tawhīd is discussed in this text, i.e. the principles of faith, and the ten things that abrogate faith. No date is given for its completion. [78]

21. Kifāyat al-Jawiyah

There are no details available on this text.

22. Kaifiyat Khatami al-Kur'ān

This text is on the procedures for the reading of the al-Ḳur'ān and supplication (du'ā), arguably the first of its kind. It can be said that almost all Malay-Muslims in South-east Asia used these du'a at that time. No date is given for its completion. [79]

23. Manasikul Hajj wal-Umrah

Unfortunately I do not have this text, but if we examine the title of the text we can conclude that it is about the procedures for performing Haji and Umrah. Wan Muhd Shaghir has put the date of completion of this text in 1229 A.H./1813 A.D. [80]

24. Al-Manhalu's Safi fī-Bayan Rumuz Ahl's Ṣūfi

This text is a commentary on Tasawwuf, and according to Muhammad Uthman El-Muhammad, this text is among those concerned with metaphysics. This text is still being used by ulama' of Malaysia. It is believed that this text was composed by Shaykh Daud bin Abdullāh bin Idris al-Faṭāni. The contents of this text discuss ontology, cosmology and Muṭlāk al-Tajjalli to the level of al-Aḥādiyah. According to Wan Muhd Shaghir, Shaykh Muḥammad Zain bin Muṣṭafa al-Faṭāni copied this text from Shaykh Daud's manuscript, but no date is given for its completion. [81]

25. Minhāj al-'Abidīn

This is Shaykh Daud's translation of al-Ghazali's work of the same name, on Taṣawwuf, but no date of the original work is given. However, Wan Muhd Shaghir has put the date

of completion of this text as 1240 A.H./1824 A.D. [82]

26. Minhatul Karīb

No detail about this text is given.

27. Munyat al-Muṣallā

This is a short work on risalah of only 37 pages and ends with a 5 page risālah al-Bahjah which has been translated into Malay by Shaykh Daud. The colophon to Manyat al-Muṣallā says that it was completed in Mecca by Shaykh Daud in 1242 A.H./1826-27 A.D. The final risalah was completed in Mecca in 1259 A.H./1843 A.D. [83]

28. Muktabah Shaṭṭāriyya

There are no details about this text, but from the title of the text itself, we can conclude that it must be concerned with Ṭarīkat Shaṭṭāriyya.

29. Muzakaratul Ikhwan

This concerns a piece of advice (naṣīhat) of Shaykh Daud asking people to fear Allāh. This text was completed on 25th of Ramdan but no date is given. [84]

30. Nahjat al-Raghibīn

There are no details about this text, but Wan Muhd Shaghir has put the date of completion as 1226 A.H./1811 A.D. [85]

31. As-Shydu Waz-Zabiah

No detail about this text is found, but according to Wan Muhd Shaghir, the text is about which animals may be lawfully eaten according to the Shafi i school of law. No date is given for its completion. [86]

32. Sifat Dua Puluh (The Twenty attributes of Allah)

This text, according to Shaykh Ahmad bin Muhammad Zain bin Mustafa al-Fatani in his book entitled Al-Fatāwā al-Fatāniyyah (Fatwa no.6), is not a work of Shaykh Daud. Further details about this issue can be seen in question and answer no.6 Kitāb al-Fatāwā al-Fatāniyyah, English translation, in Appendix C of this thesis. [87]

33. Sharḥ Hikam Abi Madyan

There are no details about this text.

34. Sharh Nazmi Aka'id al-Awāmm

There are no details about this text.

35. Sullam al-Mubtadi'

This is a small text on uṣūl al-dīn which covers the basic principles of prayer, religious duties, inheritance, marriage etc. Its colophon states that Shaykh Daud completed it in 1252 A.H./1836 A.D. [88]

36. Mukaddimatul Kubrā

There are no details about this text.

37. Risālatul Sā'il

There are no details about this text.

38. Kisah Nabi Yusuf Alaihis Salam

There are no details about this text.

39. Hikayat laki-laki yang Saleh

There are no details about this text.

40. Wardu Zawahir

This text discusses uṣūl al-dīn. Shaykh Daud translated it from the Arabic into Malay. The text is 432 pages long and was completed in 1245 A.H./1829 A.D. [89]

Shaykh Daud's Students and Followers

As a great and productive 'ulamā', Shaykh Daud bin Abdullāh bin Idris al-Faṭāni attracted students or followers, especially those who came from the Patani region, to further their studies in Mecca. Indeed, Shaykh Daud's students and followers were not only from the Patani region but they were also from other parts of the Malay Peninsula and archipelago. His teachings were sustained and extended by many Patani 'ulamā', particularly Shaykh Ahmad bin Muḥammad Zain bin Muṣṭafa al-Faṭāni, who is considered to be the second great 'ulamā' after Shaykh Daud.

Here are mentioned some of Shaykh Daud's most revered students: [90]

a. From Patani

1. Shaykh Ali bin Ishak al-Faṭāni (who is well known in Ṭarīkat Samaniyyah, 'ulamā' in Mecca).
2. Shaykh Abdul Kadir bin Abdur-Rahman bin Usman al-Jawi al-Faṭāni (a teacher of Taṣawwuf in Mecca).
3. Shaykh Abdul Kadir bin Abdur-Rahman al-Faṭāni ('ulamā' and writer in Trengganu).
4. Shaykh Abdul Kadir bin Muṣṭafa bin Muḥammad al-Faṭāni ('ulamā' in Mecca).
5. Shaykh Muḥammad Zain bin Muṣṭafa bin Muḥammad al-Faṭāni ('ulamā' in Mecca).
6. Haji Muhammad Saleh Khaṭib al-Faṭāni.
7. Shaykh Muḥammad bin Ismail Daud al-Faṭāni ('ulamā' and writer in Mecca).
8. Haji Wan Musa al-Faṭāni.
9. Lebai Din Long Nik al-Faṭāni.

b. From Malaysia

1. Shaykh Abdul Samad bin Fakiḥ Pulau Condong al-Kelantani.
2. Shaykh Abdul Malik bin Isa al-Kelantani

c. From Indonesia

1. Shaykh Zainuddin Aceh
2. Shaykh Zainuddin bin Muhammad al-Badawi As-Sumbawi
3. Sahykh Ahmad Khatib Sambas

4. Sultan Muhammad Shafiuddin, Sultan Sambas

5. Raja Haji Ahmad, Riau

6. Raja Ali Haji bin Ahmad, Riau

It is not surprising when Wan Muhd Shaghir described Shaykh Daud as "productive Islamic writer of Southeast Asia". He distributed a variety of religious works and these became a major source in teaching, which bearing witness to the fact that he helped to develop Islamic studies in the Patani region and the other parts of the Malay Peninsula and archipelago. It is therefore, appropriate that he should receive the title of "The Father of Islamic studies of the Patani region." As the greatest Patani 'ulamā', his name eventually appears in the Encyclopedia of Islam as Dawud b. Abd. Allāh b. Idris al-Fatāni . [91]

(ii) Al-Shaykh Ahmad bin Muhammad Zain bin Mustafa bin Muhammad al-Fatāni

I will discuss the life of this 'ulamā' in greater detail in chapter 4.

(iii) Shaykh Muhammad bin Ismail Daud al-Fatāni

(Better known as Tok Shaykh Nik Mat. Kecil or Shaykh Muhammad Shaghir al-Fatāni)

Biographical details of this 'ulamā' are difficult to

find, but fortunately Wan Muhd Shaghir in his book "Sheikh Daud Bin Abdullah Al-Fatani: Penulis Islam Produktif Asia Tenggara" [92], has given us a brief biography. According to Wan Muhd Shaghir, this 'ulamā' was born in Pulau Duyung, Trengganu around 1830-1831 A.D.; at the same time Patani 'ulamā' took refuge from Siamese (Thailand) attacks on Patani. [93] However, in my opinion this situation had already taken place during Tuan Sulung's reign, because by this time the Siamese had come southwards to attack Kedah and Patani. [94]

Shaykh Muhammad bin Ismail Daud al-Faṭāni had family ties with Shaykh Daud bin Abdullāh bin Idris al-Faṭāni. Nik Wan Zainab Shaykh Muḥammad bin Ismail Daud's mother was Shaykh Daud's niece (see genealogy (A) above). She was the daughter of Shaykh Wan Idris who was Shaykh daud's younger brother. Nik Wan Zainab was married to Nik Wan Ismail bin Nik Wan Aḥmad al-Faṭāni. She had three sons and three daughter namely; 1. Shaykh Muḥammad, 2. Nik Wan Hitam, 3. Nik Wan Siti, 4. Nik Wan Aishah, 5. Nik Wan Maryam and 6. Haji Nik Wan.

Nik Wan Maryam, a sister of Shaykh Muḥammad bin Ismail Daud al-Faṭāni, married her relative Shaykh Wan Abdullāh bin Shaykh Wan Yusuf Janggut Putih. She had a son (?) and a daughter named Nik Wan Siti Sa'udah, who married Shaykh Aḥmad bin Muḥammad Zain bin Muṣṭafa al-Faṭāni. In his marriage to Nik Wan Siti Sa'udah, Shaykh Aḥmad had only one daughter named Wan Zainab binti Shaykh Aḥmad bin Muḥammad Zain bin Muṣṭafa al-Faṭāni (see genealogy (B) below and genealogy (D) in chapter 4).

Shaykh Muḥammad bin Ismail Daud al-Faṭāni married Shafiyah Aminah binti Farraj Faiyumi (she was an Egyptian). He had three sons and two daughters namely 1. Shaykh Wan Abdullāh, 2. Shaykh Wan Muḥammad Nur, 3. Shaykh Wan Muḥammad Amin, 4. Nik Wan Fatimah and 5. Nik Wan Khadijah (see genealogy (B) below). Shaykh Muḥammad bin Ismail Daud al-Faṭāni was one of the great patani 'ulamā' who worked in Mecca during the 19th century. According to Wan Muhd Shaghir, one of Shaykh Muḥammad bin Ismail Daud al-Faṭāni's sons named Shaykh Muḥammad Nur bin Muḥammad bin Ismail Daud al-Faṭāni was a Minister of Education in Mecca, Saudi Arabia. He was second to Shaykh Aḥmad bin Muḥammad Zain bin Muṣṭafa al-Faṭāni who studied at al-Azhar University and had endeavoured to collect the works of Shaykh Daud bin Abdullāh bin Idris al-Faṭāni. Among them is an explanation (sharh) which he had given the title Kifāyat al-Muhtadi'. This is a commentary on Shaykh Daud's work Sullam al-Muhtadi' and was completed in Medinah 10th Sha'ban 1351 A.H./1933 A.D. [95]

Shaykh Muḥammad bin Ismail Daud al-Faṭāni became a permanent resident in Mecca. All his works were written during the period after Shaykh Daud, Shaykh Zain al Abidin al-Fatani and followed Shaykh Aḥmad Muḥammad Zain bin Muṣṭafa al-Faṭāni. He wrote one of the most popular works on theology and fikh, which is still widely used as a text book in Malaysian pondok today. [96] As a great 'ulamā' and writer, Shaykh Muḥammad bin Ismail Daud al-Faṭāni contributed many religious works in the development of Islamic studies in the Patani region, and in other parts of the Malay Peninsula and archipelago.

Among his works are:

1. Bahru'l-Wafi wa'l-Nahr al-Safi

This text was published in Mecca in 1349 A.H./1930 A.D and a copy is now kept in the library of the Madrasah Ihyā' 'ulūm al-Dīn Narathiwat Province, Thailand. [97]

2. Ad-Darrul Basim

3. Ad-Darrul Masnun

4. Al-Firakadā'in wal-Akaka'in

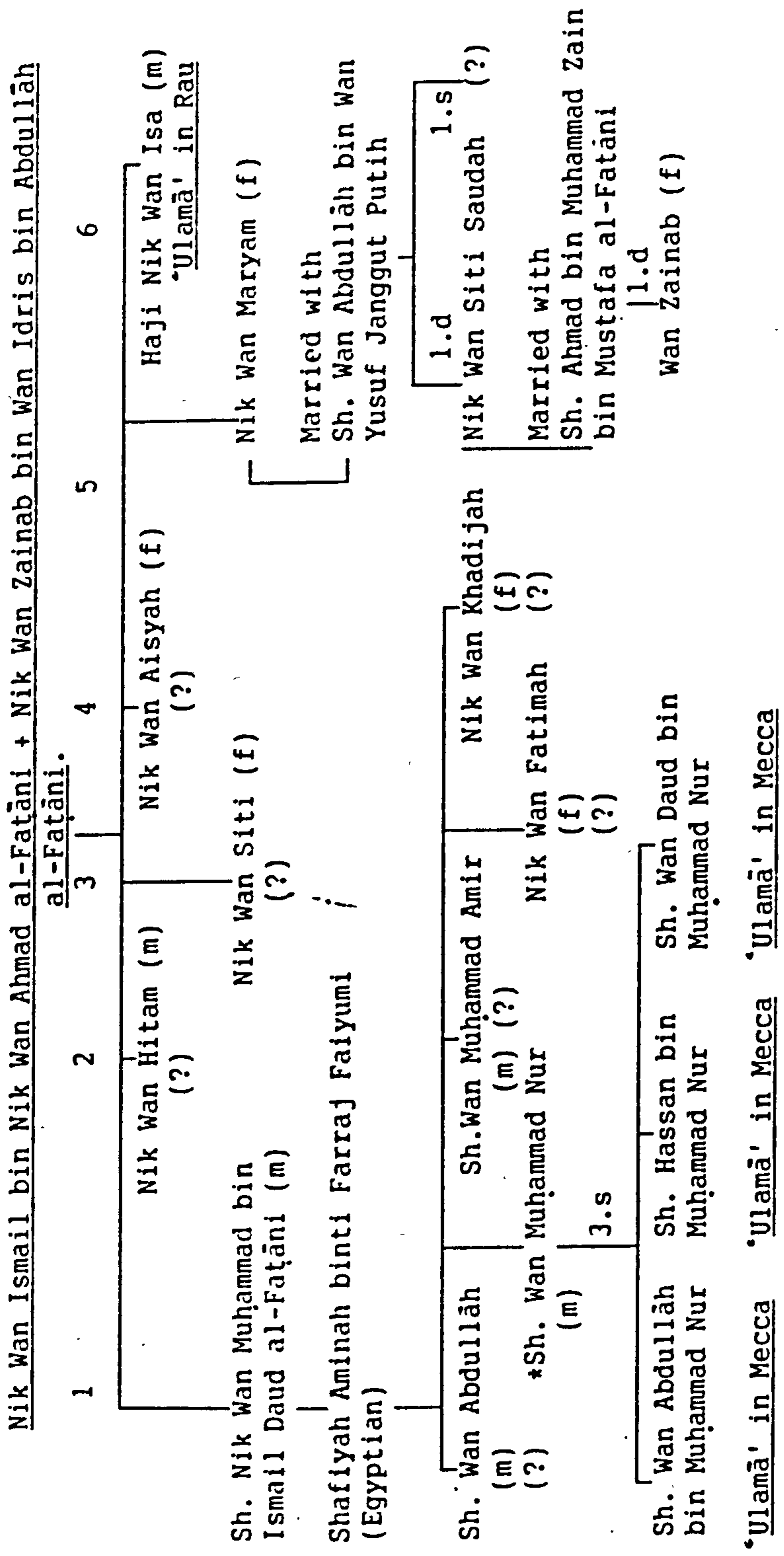
5. Sawati'l Barki

Unfortunately I do not have any details about his works 2-5.

6. Maṭla' al-Badrayn wa-Majma' al-Bahrayn

A long kitāb of 235 pages, this work explains the basic tenents of the faith, i.e. 'ilm tawhīd and ilm Fikh. It covers all concepts of Islamic law including rituals for performing the Hajj and is therefore appropriate to be used as a basic text in religious schools. The author has added explanatory notes in the margin that he completed his work in Mecca in 1885-6 A.D. According to Wan Muhd Shaghir this book has become a text book which was made compulsory by many governments in Tanah Melayu (Malay states) especially in the persisir Timur Sumatra, Kepulauan Riau and Kalimantan Barat and possibly in Mecca (at Masjidil Haram) too. To

B. Genealogy of Shaykh Muhammad bin Ismail Daud al-Fatāni.



Note

- + The daughter of Sh. Wan Idris bin Abdullah bin Sh. Wan Idris al-Fatāni (Sh. Daud's niece)
- * A former Minister of Education in Mecca, Saudi Arabia
- d = Daughter
- f = Female
- m = Male
- s = Son
- sh. = Shaykh
- ? = Unknown

date, many 'ulamā' still use this book for teaching purposes. In 1949, Abdul Ghani Yahya compiled a special dictionary for the purpose of teaching this book which he gave the title as "Suluh Matla' al-Badrayn". [98]

7. Wishāh al-Afrāh wa-aṣbāh al-Falāh.

A brief text of, 65 pages. It explains the five pillars of Islam with special emphasis on the laws regarding ritual purity and gives details of cleansing procedures. There is also information on the benefits of a particular prayer. According to Wan Muhd Shaghir, this text is also popular in Indonesia, for there was an 'ulamā' in Jakarta named K.H.M. Shāfi'i Hadzami who answered a question which was broadcast by Radio Cenderawasih, Jakarta. The question was who is the author of this text. He answer was al-'Ālim from Patani, that is Tuan Shaykh Muḥammad bin Ismail Daud al-Faṭāni. [99]

(iv) Shaykh Zain al-'Ābidīn bin Muḥammad al-Faṭāni

(Better known as Tuan Mina)

He was one of the four great Patani 'ulamā' and writers who worked in Mecca in the 19th century, the others being Shaykh Daud bin Abdullāh bin Idris al-Faṭāni, Shaykh Muḥammad bin Ismail Daud al-Faṭāni and Shaykh Aḥmād bin Muḥammad Zain bin Muṣṭafa al-Faṭāni. [100] According to Wan Muhd Shaghir, one of Shaykh Zain al-Abidin's descendants was a famous 'ulamā' in Patani named Haji Muḥammad Sulum bin Abdul Kadir bin Muḥammad al-Faṭāni, or better known as "Tuan Haji Sulung", The Father of Modern Patani struggle, during

the Second World War. [101]

Shaykh Zain al-‘Ābidīn bin Muḥammad had two sons, 1. Muḥd Salih and 2. Umar (see (m) and (n) in Dr. Matheson and M.B. Hooker, in JMBRAS Vol.61 Part 1, 1988 p.33) (see also genealogy (C) below). Both of them also wrote religious texts. As a great ‘ulamā’ and writer, Shaykh Zain al-Abidin contributed some religious works in order to develop Islamic studies in the Patani region.

Among his works are:

1. ‘Akīdat al-Nājīn

This text (kitab) is a famous and widely used translation of al-Sanusi’s creed the ‘Umm al-Barāḥīm’ which is one of the Islamic creeds which determines the structure of Islamic theological thought in Malaysia. [102]

2. Irshād al-‘Ibād

This is a booklet of only twenty pages. It is written by Shaykh Zain al-‘Ābidīn. This book is aimed at bringing believers into the right path; i.e., the way of the orthodox Muslims of the ahl al-Sunnah wa-al-juma‘ah who followed the way of the Prophet Muḥammad and the four Rightly Guided Caliphs (al-Khulafa al-Rashidun) without admixture of (disapproved) innovation in practice (bid‘ah). This text is listed by Mohd Nor bin Ngah as a kitab by Shaykh Zain al-‘Ābidīn bin Muḥammad al-Faṭāni, published in Singapore, but no date is given. [103]

3. Kashf al-Ghāybiah

This is a lengthy book of 152 pages which begins with the soul of the Prophet Muḥammad (may Allāh bless upon him and grant him salvations) and continues through to Adam and the Archangels and discusses what happens to the soul after

death. The work of al-Bāb al-Hadīth is printed in the margin. Muḥammad Ṣalīh, the author's son, has checked this printing for accuracy. This work was completed in Mecca in 1883 A.D. [104]

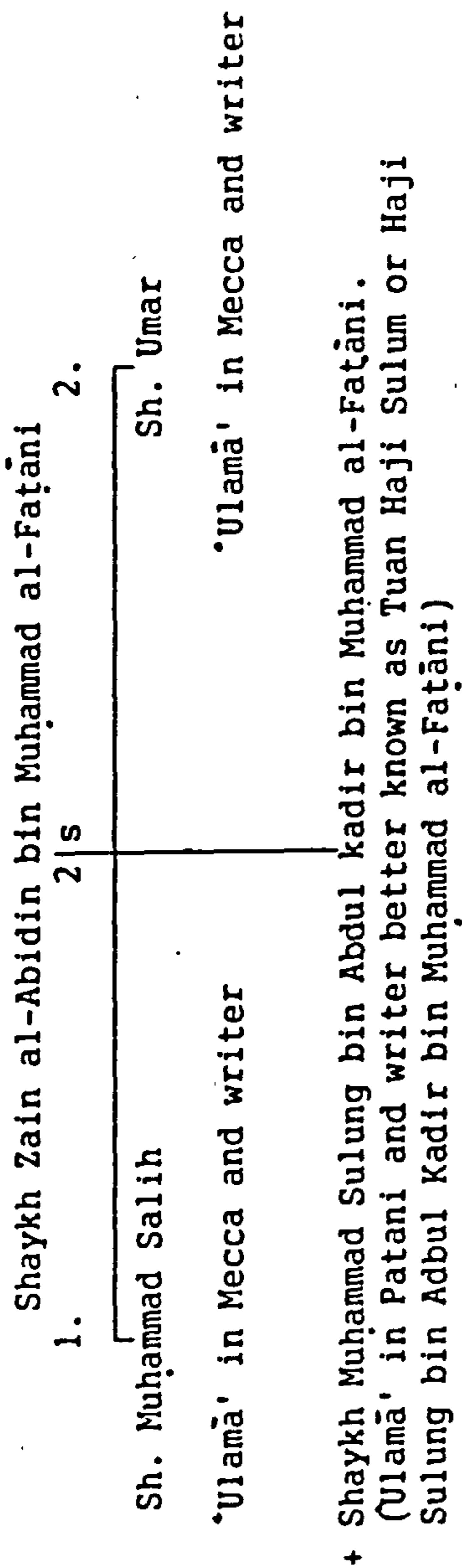
4. Kash al-Lithām 'an As-ilatil Amam

This book is considered as his major work on Fikh. The work is 407 pages long and is in two parts, the second of which covers inheritance law. In the margin, it states the title of the text Wishāh al-Afrāh wa-asbāh al-Falāh to be of Shaykh Muḥammad bin Ismail Daud al-Faṭāni. It is said that the author was inspired by Allāh to write this book in Jawi for his brothers, so that they would be lifted from all the problems and questions of man. Moreover the author hoped this book would be a guide for all Muslims who need consultation of fiqh. This book was completed in 1307 A.H./1889 A.D. and published in Cairo in 1890 A.D. [105]

5. Miftāh al-Murīd

This text is about the twenty Attributes of Allāh. It is a short work, a 16 page booklet on Tawḥīd. No date is available for its completion. [106]

C. Genealogy of Shaykh Zain al-'Abidīn bin Muḥammad al-Faṭānī
(better known as Tuan Mina)



Note

+ It is believed that Shaykh Muḥammad Sulung bin Abdul Kadir bin Muḥammad al-Faṭānī is the descendant of Shaykh Zain al-'Abidīn bin Muḥammad al-Fatani.

s = Son

Sh. = Shaykh

(v) Shaykh Muhammad Tahir al-Fatāni

I unfortunately do not have a biography of this ulama' but according to Wan Muhd Shaghir, this 'ulamā' had written a book in Arabic concerning the invented Ḥadīth or false Ḥadīth, which the author has given the title of as: Tadhkirat al-Maudū'at.

This text explains the false Hadith, and Wan Muhd Shaghir further added that A. Yazid Qasim Koho (Alm) in his book entitled Himpunan Hadis-Hadis Lemah dan Palsu (The collection of weak and false ḥadīth) quoted many abstracts from the text which is said to be from a Patani 'ulamā'. However, no date is given. [107]

(vi) Shaykh Abdul Kadir bin Abdur Rahman bin Usman al-Jawi al-Fatāni

He is also considered to be one of the many famous Patani 'ulamā' and writers who taught in Mecca in the 19th century. According to Wan Muhd Shaghir, this 'ulamā' wrote many books on Islam, among them are: [108]

1. Ad-Darrul Munadhham fī-Bayan Nasabil Mu'adhdham
2. Risālah al-Wad'a Ramdan
3. Um al-Barahīm

(vii) Shaykh Abdul Kadir bin Abdul-Rahim al-Fatāni

He is looked at as one of the famous Patani 'ulamā', specialising in the field of Taṣawwuf. I unfortunately do

not have his biography but it is believed that he was born in Patani and then went to Mecca to further his religious training there. In Mecca, he taught Ṭarīkat knowledge in particular Ṭarīkat Shattāriyya. After some time he chose to stay in Trengganu permanently, at Bukit Bayas, until he passed away in 1864 A.D. In Trengganu, Shaykh Abdul Kadir as ahl-Taṣawwuf compiled a text on Ṭarīkat. This can be proved by relating it to a manuscript which is kept by Haji Wan Abdul Raḥman bin Long, better known as 'Datuk Purba Diraja', a former chief kadi of Trengganu. The first page of the manuscript mentions the title of the text as Inilah Himpunan Kitab Empat Puluh Satu Masalah (This is a collection of Kitāb's forty-one problems). That is, the problem of Taṣawwuf which was debated by Shaykh Mullah Ibrahim bin Hassan al-Kurani. The same Shaykh, who I had mentioned earlier in the genealogy (silsilah) concerning Ṭarīkat Shattāriyya and who Shaykh Daud bin Abdullāh bin Idris al-Faṭāni mentioned in his book entitled Kaifiyat Khatam Kur'ān.

Shaykh Mullah Ibrahim bin Hassan al-Kurani was a great teacher of Ṭarīkat Shattāriyya in the early 17th century, well-known both in Mecca and Medinah. Therefore, it is obvious that Shaykh Abdul Kadir bin Abdul-Raḥim al-Faṭāni was one of Ahl Taṣawwuf's followers of the Shattāriyyah order. He obtained this knowledge from Shaykh Daud bin Abdullāh bin Idris al-Faṭāni as he was Shaykh Daud's student in Mecca. [109]

It should be noted that, according to Wan Muhd Shaghir, this Shaykh was Abdul Kadir bin Abdur-Raḥman al-Faṭāni. In

my opinion however, it is impossible for this Shaykh to have been the same person as Shaykh Abdul Kadir bin Abdur-Rahman bin Usman al-Jawi al-Fatāni (see (vi) above). This is based on his works above, which are not related to Tasawwuf. Therefore, I agree with Hamdan Hassan that this Shaykh was Shaykh Abdul Kadir bin Abdur-Rahim al-Fatāni. This can be seen in Wan Muhd Shaghir's work on page 38 no.12 where he puts the name Shaykh Abdul Kadir al-Fatāni but ignores the first name of this Shaykh, i.e. Abdul-Rahman al-Fatani. Further on, in page 40, Wan Muhd Shaghir gave the name of this Shaykh as Shaykh Abdul Kadir bin Abdur-Rahman al-Fatāni, but he does not put this Shaykh's full name, i.e. bin Usman al-Jawi al-Fatāni. So, I am quite sure that Wan Muhd Shaghir was confused as to who this Shaykh was. In short, it is clear that this Shaykh must be Shaykh Abdul Kadir bin Abdur-Rahim al-Fatāni. [110]

(viii) Shaykh Tengku Mahmud Zuhdi bin Abdur-Rahman al-Fatāni

He was one of Patani's 'ulamā' who took the opportunity to teach religious science at Madrasah Shaulatiyah, in Mecca and at al-Haram Mosque. It is said that while he was in Mecca, there was a conflict between Sharif Husein the ruler of Mecca and the Wahabis'. He then left Mecca for Jambi, Sumatera. There he established 'Madrasah Tahtul Yaman' at Jambi. He was later invited by the Sultan of Selangor (?) to stay there permanently, and was elevated with the title of Shaykh ul-Islam Kerajaan Selangor. He wrote religious works in both Arabic and Malay. His works included

Tadrijush Shibyan ilā Tashrikil Bayān, which is a commentary (sharḥ) one of his teacher's works, Shaykh Aḥmad bin Muḥammad Zain bin Muṣṭafa al-Faṭāni. The knowledge of Bayan (explanation) is the main issue in this commentary, which he wrote in Arabic. [111]

(ix) Shaykh Muḥammad Nūr bin Muḥammad bin Ismail Daud al-Faṭāni

He was the son of Shaykh Muḥammad bin Ismail Daud al-Faṭāni (see genealogy (B) above), a great Patani 'ulamā' and writer of the 19th century who worked in Mecca. As a son of the great Patani 'ulamā', he himself became an 'ulamā' and writer who worked in Mecca in the early 20th century. I have mentioned before that according to Wan Muhd Shaghir, Shaykh Muḥammad Nūr bin Muḥammad bin Ismail Daud al-Faṭāni was not only a Patani 'ulamā' and writer but also a former Minister of Education in Mecca. He had many students from the Malay Peninsula, among which was Haji Ismail Kelantan a Muftī of Pontianak. Haji Ismail obtained the knowledge of Falakiyah (astronomy) from him and spread it to Pontianak. Shaykh Muḥammad Nur was a graduate from al-Azhar University. [112]

One of his works is Kifāyat al-Muhtadi. This lengthy book of 388 pages was written as an explanation (sharḥ) of Shaykh Daud's work entitled "Sullam al-Muhtadi" (see (i) no.35 above) on usūl al-dīn. This book presents the law according to the Shāfi'ī school and at the end of the book he presents some naṣā'ih (pieces of advice) from the writing

of Shaykh Daud. The author also pointed out the usefulness of the work Sharh Sullam al-Muhtadi, which is presented in the margin.

The book Kifāyat al-Muhtadi mentions that the author had covered almost every aspect of the fikh, and that this book was completed in Medinah in 1351 A.H. (1932-3 A.D.). However, it was started in Mecca and printed by al-Ma'ārif Press in Penang in the same year. [113]

(x) Shaykh Hassan bin Muhammad nur bin Muhammad bin Isma'il Daud al-Fatāni

This author was the son of Shaykh Muḥammad Nūr and a grandson of Shaykh Muḥammad bin Ismail Daud al-Fatāni, (see genealogy (B) above). He was also a famous Patani'ulamā' and writer in Mecca.

Among his work is:

"Tuḥfah al-Mardiyah". [114]

(xi) Shaykh Hassan bin Tun Abdullāh bin Ishak al-Fatāni

He was one of the Patani'ulamā' and writers in Besut, Trengganu, Malaysia. I unfortunately do not have his biographical details, but it seems to me that he originated from Shaykh Ali bin Ishak al-Fatāni's family.

Among his works are:

1. Bad khalk al-samawat wa al-'Ard
2. Taj al-Mulk
3. Hidāyat al-Mukhtar

It should be noted here that his work no.3 Hidāyat al-Mukhtar was mentioned by Mohd Nor bin Ngah. This text was published in Penang (n.d.), and composed in 1249 A.H. (1838 A.D.). [115]

(xii) Shaykh Muhammad Salih bin Zain al-‘Ābidīn bin Muhammad al-Fatāni

This Patani ‘ulamā’ and writer was the son of Shaykh Zain al-‘Ābidīn bin Muḥammad al-Fatāni (see genealogy (C) above). Two of his works are still in print, both concerning instructions for correct Ḳuranic recitation (Tajwīd).

These are his three works:

1. Sirāj al-Ḳāri’

This is a 72 pages long text discussing tajwid, which the author had compiled from Arabic books and translated into the Malay language. This helps those who do not know Arabic. The author completed this work in Cairo in December 1938 A.D. but the book does not give any details as to its publication. [116]

2. Tajwīd al-Ḳur’ān or ‘ilm Tajwīd al-Ḳur’ān

This is a synopsis, or shorter version of the Sirāj al-Ḳari’. It covers the same matter’s as the above but it is only 11 pages long. However, there are explanatory notes in the margin and instruction’s to the Imām, stressing the need to pay attention to the length of vowels. No date of completion is mentioned. [117]

3. Al-Miftah al-Jannah

This text is also believed to be one of his works but no details about it are given.

(xiii) Shaykh Umar bin Zain al-Ābidīn bin Muḥammad al-Faṭānī

This scholar and writer was the son of Shaykh Zain al-Ābidīn bin Muḥammad al-Faṭānī (see genealogy (C) above). He was responsible for two risalah in a small text which is only 16 pages long entitled: al-Miftāh al-Murīd fī 'ilm al-tawhīd. The first risālah was not his own work, but that of his father Shaykh Zain al-Ābidīn bin Muḥammad al-Faṭānī, concerning tawhīd and Sifat dua Puluh (Twenty Attributes of Allah).

The second and third risalah were written by himself. One text discusses the grounds for declaring someone murtad (apostate) and the other is a Malay poem which discusses the tawhid and advice of Haji Aḥmad bin Abd al-Ra'uf of Melaka. Moreover, in the margin of this text are notes copied from Shaykh Daud's Kitab Hidāyatul Muta'allim (see (i) no.13 above). [118]

(xiv) Shaykh Ismail bin Abdul Kadir bin Muṣṭafa al-Faṭānī

(better known as Pak Da'il)

This 'ulamā' and writer was the cousin of Shaykh Aḥmad bin Muḥammad Zain bin Muṣṭafa al-Faṭānī who taught in Mecca

(see genealogy (D) in chapter 4). Shaykh Ismail was younger than Shakh Ahmad bin Muḥammad Zain, a fact based on Shaykh Ismail works. Two texts were completed in 1916 and 1917, ten years after Shaykh Ahmad's death in 1906, (For further details about this 'ulamā' see iii (a) in chapter 4)

Among his works are. [119]

1. Sharḥ Bākūrat al-Amāniy

This text is described as the sharḥ of a text called Bākūrat al-Amāniy. The author has named his explanation Tabṣirat al-Adāni bi'l Hāni Būkūrat al-Amāniy. According to the colophon, the author began to write this small risālah of 30 pages in 1916 to explain the Bākūrat al-Amāniy concerning the Sifat Dua Puluh (the twenty Attributes of Allāh). This work was compiled in the same year.

2. Idāḥ al-Marān Li-taḥkik subul al-Salām.

This is a very brief and simple text of 12 pages describing the 'Sifat dua Puluh' (Twenty Attributes of Allāh) for students, particularly for women. As it is easy to understand; berkat (blessing) may be obtained from it. This text was written in 1917.

(xv) Shaykh Muḥammad Sulum bin Abdul Kadir bin Muḥammad al-Fatāni

(better known as Tuan Haji Sulong al-Fatani
see genealogy (C) above)

It should be noted that this scholar was the same person

that Dr. Matheson and M.B. Hooker mentioned in JMBRAS, Vol.61, part 1, p.32 (see (k)).

Shaykh Muhammad Sulum bin Abdul Kadir bin Muhammad al-Fatāni was not only a great Patani 'ulamā' in the early 20th century but he is also considered to be "the Father of the Modern Patani struggle" by some Patani independence movements. [120] Presumably, in Mecca he was a student of Shaykh Ahmad bin Muhammad Zain who we know as the first patani 'ulamā' in Mecca who was interested in politics. Shaykh Ahmad encouraged his students to read newspapers so that they could follow international events. [121]

Among his work are:

1. Khulāṣat al-Jawāhir fī-Taṣfīyah al-Khawāṭir

The author wrote this text of 32 pages 'risalah' to discuss the nafi and ithbat (the confirmation of the short creed as a religious practice). This work was completed in Mecca in 1346 (1927 A.D.). [122]

2. Gugusan Cahaya Keselamatan (The light of peace)

This is his memoir which was banned, and still is, by the Thai Government, because it is believed that to concern politics and political ideology. According to one of my informants in Patani, this memoir was written by him while he was in prison at Nakorn Sri Thammarat Province (February 1948) and is about du'ā (prayers) to increase faith (Imān) and peaceful life in the sight of Allāh. [123]

3. Cahaya Islam (The light of Islam)

4. Natijah Hijriyah (Muslim Calender)

(xvi) Shaykh Hussein bin Abdul Latif al-Fatāni

(better known as Tok Kelaba al-Fatāni)

I am unfortunate not to have his biographical details. He was an 'ulamā' and writer from Patani in the late 19th century and a Shaykh Aḥmad's student in Mecca. I was told by A. Bangnara, the author of "Patani : Dahulu dan Sekerang", that he saw a work of this 'ulamā' which is kept by one of the author's descendants who lives in Kampung Kelaba, in Saiburi District, Patani Province. The work is in the hand writing (manuscript) of the author, entitled "Haka' ik al-Salawat fi'l Khalawat Wal-Jalawat."

According to Wan Muhd Shaghir, Shaykh Hussein bin Abdul Latif al-Fatāni was a student of Shaykh Abdul Kadir bin Muṣṭafa al-Fatāni. This is based on Shaykh Hussein's works where he mentioned that his teacher was Shaykh Abdul Kadir bin Muṣṭafa al-Fatāni. The two works of Shaykh Hussein are as follows. [124]

1. Mukaddimatul Athfaal (1305 A.H./1888 A.D.)
2. Risālatul Taṣawwaf (1307 A.H./1891 A.D.)

(xvii) Shaykh Yusuf bin Abdul Mali al-Fatāni

I am unfortunate not to have his biographical details, but according to Dr. Matheson and M.B. Hooker this scholar

wrote a work entitled: Laqitah al-Ujalat

It is a 23 page MS, written in 1263 (1846) on procedures of ritual cleansing for women. [125]

(xviii) Shaykh Abu Bakar al-Fatāni

This Patani scholar wrote a work entitled: Mir' al-Ratul Salim. No details are given about his biography and work.

(xix) Shaykh Daud bin Mustafa bin Muhammad al-Fatāni

According to Wan Shaghir, this 'ulamā' wrote one text entitled : Segugus Bunga (a bunch of flowers). [126]

Unfortunately, Wan Muhd Shaghir does not give any detail about this book (further details about this 'ulamā' can be seen (v) in chapter 4).

(xx) Some "Kitāb" remained Anonymous, but it is believed that they were written by Patani 'ulamā' such as,

"Sharḥ uṣūl al-Taḥkīk"

Dr. Matheson and M.B. Hooker describe this text as a 38 page kitab published by Binkul Indah of Surabaya, who gave no date of publication. It concerns uṣūl al-dīn and Tawḥīd and a note on the cover says that although the name of translators are unknown, they are believed to be Patani scholars. [127]

In conclusion, the above discussion of the older Patani 'ulamā' and their valuable works, especially the four leading

'ulamā' of Patani, namely Shaykh Daud bin Abdullāh, Shaykh Zain al-Ābidīn, Shaykh Muḥammad bin Ismail Daud and Shaykh Aḥmad bin Muḥammad Zain, were active in translating religious works from Arabic textbook into Malay, as well as producing new scholars for developing Islamic studies in their homeland, Patani. We understand that the 'ulamā' of Patani such as these performed a great service never equalled or surpassed by any generation of Patani scholars who came after them, nor did they produce the same quality or quantity in terms of Islamic textbooks. Their works have reserved special characteristics of their own in terms of the classical styles. These characteristics might not be quite familiar to the younger modern Islamic graduates who have never been initiated into the traditional ways of learning. Yet, those who have trained in traditional Islamic learning, either in Patani, Malaysia, or in al-Haram Mosque in Mecca, have a great opportunity to read, understand and appreciate the classical Islamic Jawi Literature or Kitāb Jawi. The Patani 'ulamā' during the 19th century and the second quarter of the 20th century (men such as Shaykh Daud bin Abdullāh, Shaykh Zain al-Abiden, Shaykh Muḥammad bin Ismail Daud and Shaykh Aḥmad bin Muḥammad Zain) used to serve their fellow Malay Muslims in Mecca through teaching generation after generation.

The reader may recall from my survey of the major works of the Patani 'ulamā' that most of their writings were written while they were in Mecca. During this time, they had established good relationships with Muslim intellectuals of the Middle-East, and especially those in the Holy Cities

and Egypt, the educational authorities, as well as those who came from the Malay-Muslim countries. Through the latter, they built a cordial connection with the Muslim communities of Southeast Asia. These Patani 'ulamā' in Mecca established a strong link with their communities at home via those religious students who came to study under them. Their excellent qualifications in Islamic subjects drew the enthusiastic attention of those who were interested in seeking knowledge. The pattern can be traced to Shaykh Ahmad bin Muhammad Zain who had a great influence on the Malay-Muslim community to the extent to which he attracted many students from the Malay-speaking world (For further details about Shaykh Ahmad influence can be seen in chapter 4.)

There is no doubt that, among other important things, Kelantan and Patani are strongly tied together by joint heritage of traditional education that has brought deeply-rooted connections through the religious 'ulamā' of both areas. Indeed, the ties between Kelantan and Patani, in terms political and economic, as well as religious, continue to be important. Eminent religious leaders in Kelantan not uncommonly trace their families to Patani and it is thus not unlikely that the traditional schools derive at some point from this area as well. [128] The strong spiritual relationships that linked Kelantan and Patani are exemplified by religious leaders like Muhammad Yusuf, locally known as Tok Kenali, and Haji Wan Musa bin Haji Abd al-Samad. (see chapter 4 (4.5))

Reliable sources also denote that the ideas of

Islamic reform in the Muslim community held by Tok Kenali and Haji Nik Mahmud bin Haji Nik Ismail were taken from his teacher, Haji Wan Ahmad bin Muhammad Zain bin Mustafa al-Fatani who liked to discuss politics. [129] It is undeniable that the influence of Patani 'ulamā' such as he upon the Kelantan 'ulamā' through writing and thought was widespread. The religious books or Kitāb Jawi of the Patani 'ulamā' have been and are also read and used in Kelantan as textbooks. Confirming that, Nik Abdul Aziz bin Nik Hassan, has posed a rhetorical question on the matter:

"If the kitabs which are written by Patani 'ulamā', such as those that were written by Shaykh Daud al-Fatani, Haji Wan Ahmad bin Muhammad Zain bin Mustafa al-Fatani are strongly received and accepted in the District of Kota Bharu (Kelantan), and furthermore, each of the educational system of the pondok depends upon the books written by them; what are the geographical factors then, that caused such a situation. This question calls for further deep research." [130]

It is therefore worthwhile in this study to survey the older Patani 'ulamā' and their religious books or Kitāb Jawi. Because we can understand the great endeavour and important roles these Patani 'ulamā' played in contributing religious books to develop Islamic studies in the Patani region and some Malay communities in Southeast Asia; particularly in the field of Islamic law and dogma. As a result, these personal and scholarly 'ulamā' brought tremendous changes in terms of traditional Islamic

institutions that are known as the "Pondok School." We could say that since the 19th century and early 20th century, the number of Pondok School and 'ulamā' in the Patani region increased, as well as Patani 'ulamā' in Mecca. At the same time their religious works also reached a high peak and circulated throughout the whole of Peninsular Malaysia. It is perhaps by this period, that Patani was renowned to be one of "the cradles and centres of traditional Islamic institution in the region", which we will discuss in the later part.

3.2 Patani Pondok

The traditional Islamic schools in Patani are generally called "Pondok" [131], a name given to a religious boarding school where students reside and study under the direction of a teacher known as "Tok guru" or "Tuan guru", both meaning "a religious teacher". The pondok is considered to be both a religious and an educational institution. From the organisational point of view, the pondok institutions are usually situated in an area of several acres of land. In the centre of the land, one usually finds the house of the "Tok guru" or "Tuan guru", and nearby, several houses for assistant-teachers, "ketua mutalaah". These assistant teachers help the "Tok guru" in guiding new students to understand the Arabic, the Qur'ān, the Ḥadīth as well as Jawi. Near the "Tok gurus" house, a big open house called "Balaisah or surau" is situated.

It should be noted that some pondok schools in the Patani region are divided into two sections, one of which

preserved for married couples, the woman and female students. This section is called "Pondok dalam" which means "Inside hostel". The other is called "Pondok luar" an "Outside hostel", which is occupied only by men or male students.

To illustrate the history of the development of the "Pondok education" in the Patani region I will divide this study into three distinct periods which are as follows:-

- a. Islamic education under native Patani 'ulamā' and writers
- b. Patani's emergence as a centre of Islamic education in the Malay Peninsula
- c. The critical-declining period of traditional Islamic education in the Patani region.

(i) Islamic education under Patani 'ulamā' and writers

The first period in the history of Pondok education development in the Patani region, was the transitional period of change, due mainly to the use of "Kitāb Jawi" by native 'ulamā' and writers. This period took place in the early 19th century. It is necessary, to briefly discuss the Patani society and the educational system prior to the early 19th century in order to fully appreciate the events that took place.

At the height of Patani's power during the early part of the 17th century, the ground was prepared for the flourishing of Islamic learning. This was made possible by

the intensified communication between Arabia, the heartland of Islam and Southeast Asia, which by that time was considered by Patani as its trading centre. [132] Kersik, Patani's capital, played a significant role in developing commercial trade as well as Islamic education in its history. Arab missionaries and merchants played a decisive role in spreading Islam while trading with Patani. Almost all of them at that time had two major reasons for coming to the region; firstly, to fulfill religious requirements as vicegerent (khalifa) of Allāh's on earth by propagating Islamic teaching, and secondly to advance the trade with Southeast Asian countries.

It is said that when the port of Patani flourished as one of the major trading centres in Southeast Asia during the 17th century, there was an Arab from Hadramout called Shaykh Usman, an export-import agent, dealing particularly in spice trade between Patani and Arabia. Shaykh Usman is said to have had three sons; the oldest being the great grandfather of Shaykh Daud bin Abdullāh, the second was the great grandfather of Shaykh Ahmad bin Muḥammad Zain bin Muṣṭafa al-Faṭāni and Shaykh Usman the youngest, who became the first person to establish a pondok at Kula Bekah, Patani. [133] (see map I). Although I have no firm evidence to support this, it is possible that this pondok was the first in Patani society. In my opinion, it can be linked to the biography of Shaykh Daud bin Abdullāh. Wan Muhd Shaghir claims that Shaykh Daud first began his religious training in Patani under instructions from his own family and the teachings of almost every 'ulamā' whether Arab or Malay, who

resided at Kampung Kersik influenced Shaykh Daud. [134]

In the early 18th century there existed native Patani 'ulamā', such as Shaykh Wan Idis al-Fatāni, Shaykh Daud's grandfather and Shaykh Wan Abdullāh, Shaykh Daud's father.

[135] Some of them, such as Shaykh Muḥammad Ṣaleh bin Abdur Rahman al-Fatāni and Shaykh Ali bin Ishak al-Fatāni, had become 'ulamā' in Mecca. [136] In my opinion, therefore the traditional Islamic education, or pondok education, in the Patani region would be first begun as early as the 18th century by Shaykh Usman the youngest as mentioned above.

The educational system carried out by Arab missionaries and native Patani 'ulamā' in the Patani region during the 18th century was characterised by the reading of texts, for example the Qur'ān and Ḥadīth, and listening to the preaching of "Tok gurus" or 'ulamā'. This type of educational system is commonly known as "Nadah, tadah or menadah" by Malay-Muslims of Patani. The word "Nadah", literally means to "catch up" with something, but academically it means to catch up or obtain knowledge by listening to the preaching of the "Tok gurus". The student open their texts (kitābs) and read after the "Tok guru" which is teaching or preaching. There was no system of writing on the black board in those days. Most of the lessons involved learning by heart and the students had to memorise what they had been assigned to do in front of their "Tok gurus". This system or method of educational system has become a model for traditional Islamic schools or pondoks in the Patani region until today.

Generally speaking, the place for carrying out the

religious training in the Patani traditional Islamic schools or pondoks is called "Balaisah" which means "prayer hall" as well as classroom. The term "Surau" is also commonly used by the Malay-Muslims of Patani in some places but almost all prefer to call this building as "Balaisah" rather than "Surau".

It should be noted that prior to the 19th century, there is no record of the use of kitab Jawi by Patani 'ulamā' and writers in Patani. As far as we know, Shaykh Daud bin Abdullāh bin Idis al-Faṭāni was the first Patani 'ulamā' and writer who wrote and translated religious works from Arabic into Malay language using Arabic characters. [137]

It was not until the early 19th century that Shaykh Daud had completed his two religious works (in 1809) as I have already mentioned before (see 3.1(i) above). At that time, all his work was in hand-writing and was composed in Mecca. I have already discussed the contact between Patani Malays from the Patani region with the community of Patani Malays in the Middle-East, which was via pilgrims who visited Mecca. Patani students who went to Mecca to further their religious training during that period studied under their own ethnic 'ulamā' and after fulfilling their religious training they would return to Patani to teach. They also brought the copied works of Shaykh Daud back to Patani to use as texts for religious teaching.

These students would establish their own pondoks in Patani and use the same system or method which they were taught in Mecca. Therefore, it is not surprising that almost all pondok schools in the Patani region use the same

method as in Mecca during the early 19th century, as described by Snouck Hurgronje:

"The students sit down at the end of their prayer carpets and put before them their copper ink stands (dewayah), of which the prolongation on one side is a long copper case holding reed pens and penknives and their portfolio holding several sheets of the text treated in the lecture and some writing paper. the Professor could choose one of three methods of teaching.

(a) To recite to the students one of the standard commentaries on a classical text including also the explanation of previous professors. this method clarifies any problems of vowellizing the Arabic of the commentary and could resolve small questions of interpretation.

(b) To explain the commentary by a short lecture based on existing glosses to the work.

(c) Using the existing glosses, to compile and publish a new gloss and teach from that." [138]

Patani, in the late 18th century, paved the way for the development of Islamic education in the Patani region. However, Shaykh Daud left Patani for the Holy land (Mecca) during this period and Patani was in a state of upheaval as Bangkok was making punitive attacks against the South. [139] This happened approximately during the reign of Datuk Pangkalan (1791-1808). [140] As I have already mentioned Shaykh Daud took his first religious training in

the Holy land with two native Patani 'ulamā' in Mecca who were professors at al-Haram Mosque, namely Shaykh Muḥammad Ṣaleh bin Abdur Raḥman al-Faṭāni and Shaykh Ali bin Ishak al-Faṭāni, both of whom were experts in Ṭarīkat Samaniyyah. [141] There is no record of whether either of them had written any religious works.

As aforementioned, Shaykh Daud became a great teacher al-Haram mosque in Mecca and attracted many Malay speaking students from Southeast Asia particularly from the Patani region. Some of them would return to Patani and established their own Pondok, therefore, increasing the number of pondok schools in the Patani region. These students have helped perpetuate Shaykh Daud's teaching by disseminating his teaching to their own students and copying his texts and making notes on them. [142] These texts and notes, copied from Shaykh Daud and possibly Shaykh Zain al-'Ābidīn al-Faṭāni's works became major sources in the teaching of Islam in the Patani pondoks and in some parts of the Malay Peninsula.

Although the number of pondok schools in the Patani region increased in number during this period, the method and system of teaching didn't change. The "Nadah system" and "Balaisah" still played a significant role in the pondok schools throughout the Patani region. This depended on the size of the pondoks. If the pondoks were small it only had "Balaisah" or "Surau", however the largest pondoks, on the other hand, had both "Balaisah" or "Surau" and Mosque.

(ii) Patani's emergence as the centre of Islamic education

in the Malay Peninsula

In the second stage from the early until the late 19th century, Patani was given the title of "The centre of Islamic education in the Malay Peninsula", possibly for the whole of Southeast Asia. [143]

As I have already mentioned, the coming of Islam into the Patani region did not immediately make Patani the centre of Islamic education of the region. It was during the 17th and 18th centuries that Patani flourished as a commercial centre in the Malay Peninsula which opened the way for the development of Islamic education in the Patani region. During the late 18th and early 19th centuries, Patani was already producing her native 'ulamā' and writer such as Shaykh Daud bin Abdullāh bin Idis al-Faṭāni, Shaykh Muḥammad Ṣaleh bin Abdul Rahman al-Faṭāni and Shaykh Ali bin Ishak al-Faṭāni. All of them were native Patani 'ulamā' living in Mecca, especially Shaykh Daud who was also a writer, and all of them acted as professors at the al-Haram Mosque. [144]

These Patani 'ulamā' in Mecca formed a small community which helped their countrymen who came to study by teaching and proclaiming new scholars. Their aim was to develop Islamic education in their homeland. These students would then return to the Patani region and further Shaykh Daud's teachings by disseminating them to their own students. Some of these students later established their own Pondok, increasing the number of pondok schools in the region, which later develops into the centre for Islamic education in the region. As A.H. John puts it:

"Various other regions came into focus as a centre of Islamic education, as do their representative in Hijaz who formed little communities, served their fellows ethnics, and maintained the pulse of Islamic learning in their homeland. among them is Patani on the northeast coast of the Malay Peninsula, which came to the fore in the 19th century." [145]

From the above statement it is clear that during the 19th century Patani truly deserved to be "the centre of Islamic education in the Malay Peninsula", perhaps even to Southeast Asia. If we explore into the development of the centre of Islamic education in Southeast Asia since the arrival of Islam into the Malay archipelago from the middle of the 12th century, we will find that there were five major centres of Islamic education, e.g. in the 13th and 14th centuries, Pasai which was held to be the first centre of Islamic education. [146] According to the "Sejarah Melayu", kitab darul-Mazlum which was brought by Maulana Abu Bakar to Malacca during the reign of Sultan Mansur Syah, was sent to Pasai by the Sultan's order to be translated into the Malay language. [147] After Pasai, Malacca in the 15th century emerged as the centre of Islamic education in the Malay world. From Malacca, Islam spread to many parts of the Malay world. With Regard to the Sejarah Melayu, it states that there were many 'ulamā' who taught Islam in this city state. Amongst them were Sayed Abdul Aziz, Maulana Abu Bakar, Maulana Yusuf, Kadi Menawar and Maulana Sadar Johan.

[148]

After Malacca fell into the hands of the Portuguese in 1511 A.D., Aceh replaced it as the centre of Islamic education in the Malay world. Aceh existed as a centre of Islamic education from as early as the 16th century till the 17th century. During this period, there were many well-known 'ulamā' like Hamzah al-Fansuri, Nuruddin al-Ranīrī, Nuruddīn Al-Abdul Rauf al-Singkil , Shamsuddīn al-Sumatrani and Bukhari Al-Jauhari, who taught in Aceh.

[149]

In the late 18th to 19th century, it is believed that after Aceh, Patani became the centre of Islamic education in the Malay world. [150] When western colonial powers started to establish their foothold in the Malay Peninsula, Patani was already producing Islamic scholars who were writing their own original works and translating famous works of Arab scholars for Malay readers.

Later on, from the end of the 19th till the early 20th century (1940 A.D.), Kota Bharu in Malaysia developed into a centre for traditional Islamic education in the region.

[151] By that time, the political and social situation in the Patani region was in a bad state. There was no longer security or freedom of expression, particularly pertaining to religious studies. This caused many Patani 'ulamā' to migrate to neighbouring countries under British protection i.e. Malaysia and Singapore, while others migrated to Indonesia as well as to Saudi Arabia. Consequently Kota Bharu, Kelantan emerged between the late 19th century and the early 20th century (1940 A.D.) as the new centre for

traditional Islamic education in the Malay world. [152]

Amongst the 'ulamā' who played a decisive role in spreading and preaching Islam in Kota Bharu were, Haji Abdul Samad bin Muhd Salleh or known as Tuan Tabal (1840-1891), Muhammad Yasuf or better known as Tok Kenali (1863-1933), Haji Wan Musa bin Abdul Samad (1874-1939), Haji Nik Abdullah bin Haji Wan Musa (1900-1935). [153]

The centre of Islamic education in the Patani region from the early to the late 19th century can be divided into two distinct periods. The first period beginning in the early 19th century. As I have already mentioned, by the late 18th century Patani had already produced her own 'ulamā' and writers whether in Patani itself or in Mecca, especially in Hijaz where they formed little communities, serving their fellow countrymen, thus maintaining the pulse of Islamic learning in their homeland. Among Patani 'ulamā' who resided permanently in Mecca during that period were Shaykh Muhammad Saleh bin Abdul-Rahman al-Fatāni, Shaykh Ali bin Ishak al-Fatāni, Shaykh Daud bin Abdullāh bin Idris al-Fatāni and possibly Shaykh Zain al-Ābidīn. They have played decisive roles in developing Islamic studies in their homeland, Patani, by initiating the writing and translation of religious works from Arabic into the Malay language (in Jawi characters) as acknowledged by Snouck Hurgronje. [154]

According to Wan Muhd Shaghir, before Shaykh Muhammad Zain bin Muṣṭafa al-Fatāni and Shaykh Abdul Kadir bin Muṣṭafa al-Fatāni left for Mecca and Shaykh Abdul Latif bin Muṣṭafa al-Fatāni left for Bangkok to propagate Islam in the Buddhist capital, and reside in the Ta-it district, Minburi

Province, these three brothers were established pondok school at "Bendang Daya", Yarang district Patani. [155] It is argued that this pondok was encouraged by the Sultan of Patani, presumably during the reign of Tuan Sulong, as he strongly stressed an Islamic religious affairs around 1808-1817 A.D. [156] This pondok was considered to be the largest pondok of this period and many students from abroad came to study in this pondok, including those from Cambodia, Indonesia (especially Sumatera), and Malaysia. [157] Pondok Bendang Daya therefore can be considered to be one of the earlier pondok schools in the Patani region during the second stage of Islamic education development in the region. So much so that many students from abroad came to this Pondok for religious training, helping Patani pondok institutions retain their prestige. As Omar Farouck put it:

"The institution of pondok (residential religious school) for example, which was instrumental in providing Islamic religious education to not only Malay-Muslims of Siam but also the other Muslims all over Southeast Asia became an important cultural sanctuary for the Malay Muslims. The reputation of Patani as an important centre of Islamic education in the Malay World remained intact." [158]

During the early 19th century these three brothers, Shaykh Muḥammad Zain bin Muṣṭafa al-Faṭāni, Shaykh Abdul Kadir bin Muṣṭafa and Shaykh Abdul Latif bin Muṣṭafa al-Faṭāni played a very significant role in developing

Islamic studies in Patani pondoks especially "Pondok Bendang Daya". This also made Patani pondoks to be well-known all over the Malay Peninsula and throughout the entire Malay World of Southeast Asia. Patani 'ulamā' in Hijaz, Mecca also played a very important role in developing Islamic studies in their homeland by producing new 'ulamā' to serve their fellow countrymen.

The second period lasted from the late 19th century until the early 20th century. During the late 19th century, two other great Patani 'ulamā' and writers in Hijaz, Mecca, played a significant role in developing pondok schools as well as Islamic studies in the Patani region. These were Shaykh Muḥammad bin Ismail Daud al-Faṭāni and Shaykh Aḥmad bin Muḥammad Zain bin Muṣṭafa al-Faṭāni. Both these great Patani 'ulamā' also have family ties with each other (see genealogy (B) above and see genealogy (D) in chapter 4).

According to Wan Muḥd Shaghir, to achieve the goal of Islamic education in Mecca, Shaykh Muḥammad bin Ismail Daud al-Faṭāni worked hand in hand with his nephew-in-law, Shaykh Aḥmad bin Muḥammad Zain bin Muṣṭafa al-Faṭāni, and other Patani 'ulamā' who had met together to establish a "group of Patani 'ulamā' or Patani 'ulamā' Association in Hijaz". [159] The aim of the "Patani group" was to set up the "Board for correcting and publishing Malay religious works" (Badan Pentash-hih dan Mencatak kitab Jawi). [160] Eventually, Shaykh Aḥmad was elected to be the head editor of the Board. The Turkish Ottoman Government had entrusted a certain Ahmad bin Muḥammad Zain from Patāni with the supervision of the Malay Press. [161] When Shaykh Aḥmad became a supervisor of

the Malay Press, many kitab Jawi by the older Patani 'ulamā' and writers were printed including his own works.

Whilst Shaykh Ahmad was in Mecca, the work and teaching of Shaykh Daud was sustained and extended by him. From both of them have grown influential groups of 'ulamā' who then returned to the Patani region, the Malay Peninsula and other parts of Southeast Asia. [162] During this period Shaykh Ahmad attracted many students from the Malay-speaking world, particularly those from Patani and Kelantan. He was the first Patani 'ulamā' in Mecca to encourage his students to read newspapers so they could follow international political events. [163] He also had contact with Cham Muslim in Cambodia whom he urged to set up their own state and he advised to study in Patani or Kelantan first before travelling to Mecca. [164] Furthermore, he also encouraged his students to establish pondok schools in the Patani region and some parts of the Malay Peninsula. By that time he had become a teacher at al-Haram Mosque.

Many religious teachers in Kelantan, Kedah and other parts of Malaysia had their early religious education in Patani pondoks before travelling to Mecca. [165] Many of Shaykh Ahmad's students, when finished their religious training in Mecca, returned to the Patani region and Kelantan to establish their own pondoks there. The number of pondok schools in the Patani region therefore increased with the help of his students. Pondok Bendang Kucir, Pondok Dala, in Yaring district, Pondok Samla, in Yaring district, and Pondok Berming in Yaring district, were all Pondoks in Patani Province and Pondok Cuwok in Rangea district,

Narathiwat Province. It is said that some of these pondoks have been operating since the middle of 19th century until today.

Almost all Patani pondoks use the same system, that is, the "Nadah system, and "Balaisah" or "Surau", which still play a significant role in the classroom as well as in the prayer hall. It should be noted here that the Patani centre of Islamic education in the late 19th Century was no less important than in the early 19th Century. Perhaps it was even more popular and well-known. This can be seen from the increasing number of Patani pondoks and also from the number of Patani 'ulamā' itself. By this period Shaykh Ahmad describes Patani "as a mirror of Mecca" (Patani sebagai Cermin Mekkah). [166] This was because the Pondok institutions in the region played a significant role in producing scholars from all over the Malay World in addition to those based in Mecca, particularly at the al-Haram Mosque. Moreover, the Patani pondok followed the same type of education as taught at the al-Haram mosque in terms of teaching methods which were used in Mecca during the early 19th century. [167] Consequently, the centre of Islamic education in Patani region itself acted as a replica of Mecca. It is, therefore, not surprising that Shaykh Ahmad gave the distinction to the Patani "as a mirror of Mecca" because the teaching and methods which were used by Patani pondok institutions reflected those of Mecca in the 19th century.

Therefore, it is evident that pondok institutions in Patani truly deserved the title of the "centre of Islamic

education in Southeast Asia". Kitab Jawi by Patani 'ulamā' and writers had become a major source in the development of Islam in Patani Pondok making it a prestigious institution until the present time. It should be noted that Patani Pondok aim was to produce religious scholars and leaders to serve the community and to provide its students with a direct knowledge of Allāh (Tawhīd), the recitation of the Holy Qur'ān (Kira'at) exegesis (tafsir), Tradition (Ḥadīth), Jurisprudence (uṣūl al-Fikh), Islamic Law (Fikh), grammar and conjugation (nahwi and sarf), history (tarikh), mysticism (Taṣawwuf), theology (Tawhīd or uṣūl al-dīn), logic (Mantik), and ethics (akhlak). [168]

(iii) The Critical-Declining Period of Patani's Traditional Islamic Education

The third period in the history of the development of Pondok education in the Patani region, is the critical-declining period. As we know, Bangkok increased efforts during the early 20th century to assimilate the Malay-Muslims in the South. [169] According to one source, in 1916, there were 497 pondok schools in the Patani region and in 1917, 595 pondok schools, this was the highest number of pondok schools in Patani's history. [170] Most of the pondok schools in the Patani region in this period were using the same method, called the "Nadah system". There was no classroom, or tables, chairs and blackboard. The "Balaisah" or "Surau" within the pondok served as a classroom as well as a prayer hall, as pondok schools are

considered to be both religious and educational institutions. Teaching would take place immediately after each prayer, particularly after the "magrib prayer" (after sunset), and the "subuh prayer" (morning prayer) and the "zohor prayer" (afternoon prayer). Tok guru would turn to face their prostrating students after they have finished praying together and proceed to recite and comment on the texts until the next prayer time arrived. [171]

Most pondok schools in the Patani region are religious endowments (wakaf), set up by the religious teachers with the help of pious Muslims for the benefit of youths in their pursuit of Islamic education. [172]

As I have already mentioned before, pondok education aims to produce religious scholars and leaders to serve the community and provide its students with knowledge in various subjects. There are no examinations in pondok education and no set times for students to sit in or graduate from any session.

The religious teachers within the pondoks are known as Tok guru, and are considered to be spiritual masters. Their position in the pondok school is one of great prestige and responsibility. They are held to be the local experts in matters concerning religion and are consulted on many aspects of daily life. [173] Generally speaking, almost all "Tok gurus" are returnees from the Haj (pilgrimage) to Mecca, earning them the honorific title of Haji. This is, however, does not imply that all Haji in the Patani region have their own pondoks. "Tok guru" possess a thorough knowledge of classical Arabic and Jawi which is essential as

all the texts are either in classical Arabic or Jawi. [174]

Any student who is competent in any of the texts recited by the Tok guru, particularly if they are able to repeat it for the new students, may be appointed by Tok guru to be his assistant for educating new students. These students would become "tal'iyat" or student leaders. They are generally form their own circles of study (halaka) within the pondok compounds. These heads, or student leaders, would in time leave the pondoks and make their pilgrimage to Mecca and continue their religious training there before returning to the Patani region to establish their own pondoks.

Until 1932 there was no formal secular education in Thailand, but in that year the National system was initiated. Since then three further National Plans was carried out (1936, 1960 and 1963). The initial aim of the compulsory education system was to create national uniformity with a supervised curriculum (which emphasised Thai nationalism) which has remained to be so until today. [175] These changes marked the start of the critical declining period in the history of the development of pondok education in the Patani region. Before this period pondok education had never been interfered by the Thai Government policy.

As Bangkok increased its efforts to assimilate the Malay-Muslims in the South and change the pondok institutions, Malay-Muslim pride in their Islamic ideals grew. Tok gurus who guided and instructed the pondok schools and served as a significant role in modeling all Islamic virtues, began to take on a new role for the

students and other Muslims outside their compounds. [176]

The Tok gurus not only offered religious guidance and spiritual inspiration for individuals and the community in their struggle for the fulfillment of religious duties, but also began to show political resistance towards the central government in their quest for a greater degree of autonomy.

To the Thai bureaucrats, the pondoks were considered to be a hotbed for radicalism and political activism although to the religious teachers or Tok gurus their political activities are only extensions of their religious teaching. [177]

Government officials felt that such activities should be suppressed. [178]

When Field Marshall Sarit Thanarat came to power as the new Thai Prime Minister, he launched his National Development Programme in the early 1960's. Pondok schools became the target for government penetration and efforts were made to convert them into regular private schools with special emphasis on religious education. This resulted in the religious institutions becoming secularized with government patronage and regulation. [179] The central government promulgated the Pondok education improvement programme in 1961, which were aimed at converting them into secular institutions. The Ministry of Education was responsible for registering all the existing pondoks in order to "qualify for government assistance". [180] This meant that for the first time the traditional Islamic education had to adjust to the central government's policy by changing its status towards the needs of the central government. Prior to 1961, the Thai government and the

Ministry of Education in particular, had no strict legal authority over the "Pondok institution". They were considered "religious institutions" rather than "educational institutions". [181]

The Four Southern Malay-Muslim Provinces (Patani, Yala, Narathiwat and Satun) were grouped together into one administrative unit which was referred to as the Educational Region II. Special research and co-ordination was established in the Yala Province and a registration of pondoks were carried out between 1961-1966 which resulted in a total of 287 pondoks in Patani, Yala, Narathiwat and Satun Provinces agreeing to take part in the government's improvement scheme. [182] Most of the religious schools who agreed to register their pondoks were only expecting financial support rather than administrative involvement by the central government. [183]

Furthermore, in January 1968, the government decided that all registered pondoks had to relinquish the teaching of the Malay language, through which a major part of the religious instruction had been conducted, and no more pondoks would be established. [184] This was the de-Islamisation policy or the "birth control" of pondok institutions in the Four Southern Malay Provinces of Thailand. At first, the conversion from pondok education into "Private Schools for Islamic Education" was voluntary, but by the end of 1971 it was made compulsory. [185] The pondoks then came inevitable under the government control, and the structure of Islamic education was altered in order to correspond with the government's own secular education

programme, in which national secular subjects were included.

[186]

It is important to note that all converted pondoks or "Private Islamic Religious School" have to use Thai medium in teaching. All text books, regardless of their subject, must be either in Thai or Arabic not in Malay. Moreover, after 1970, all texts other than those assigned by the Ministry of Education were declared illegal. [187] Prior to 1971, most pondok schools or traditional Islamic schools, taught only religious studies and provide the necessary knowledge in the Arabic language and its literature, to enable their students to read and understand the texts. Apart from Arabic, the students had to learn the Malay language too in order to study "Kitab Jawi". Generally speaking, most traditional Islamic schools in the region use kitab jawi written by Patani 'ulamā' as texts or as reference books. The text books can be divided into two groups, one for beginners and the other for advanced students.

These are Jawi text books for pondok beginners used in the traditional Islamic schools in the Patani region and they are divided into each field as follows: [188]

(a) ARABIC LANGUAGE

Haji Abdul Rahman b. al-Haji Abdul Latif
al-Fustani (from Beraul).

(i) Al-Inshā al-mudarris, 2 vols., Saudara Press, Patani, 9th printing 1389 (1969/1970), 31 pp. and 35 pp.

(ii) Al-Minhāj al-Jadīd fī Tahrīr al-Tajrīd, 3 vols., vol. 1 published by Tiga Dian vol. 2 & 3 by

Saudara Press, Patani, n.d., 24 pp., 51 pp., and 53 pp., Haji Yusuf Mustafa al-Bandari.

(i) Al-Sarf al-wāḍih, 3 vols., al-Ma'ārif Press, Penang, 1388 (1968), 34 pp., 65 pp. and 102 pp.

(vi) Kitāb al-Khalāṣat al-Wāḍihat, 3 vols., no press given, 1388 (1968), 41 pp., 87 pp., and 86 pp.

Haji Abdul Latif b. Haji Wan Muhammad Nur (from Cerang Batu) and Ismail Abdul Rahman Lutfi (from Beraul).

Al-Qirā'at wa al-maṭāla'at, 2 vols., Taman Pustaka Press, Patani, 1985, 6,000 copies, 56 pp and 82 pp

(b) FIQH

Ismail Abdul Rahman Lutfi (Beraul)

Sinaran Ugama, 2 vols., Saudara Press, Patani, 1388 (1968), 26th printing, 5,000 copies, 83 pp. and 111 pp.

Haji Wan Yusuf Mustafa al-Bandari

Pengenalan Ilmu Fara id, 2 vols., Al-Ma arif, Penang, 1379 (1959), 55 pp. and 77 pp.

Ustaz Wan Ismail b. Haji Daud (Jala)

Pelajaran Sembahyang, Taman Pustaka Press, Patani, 2523 B.E., 67 pp. Haji Nik Abdullah al-Jambui

(i) Fatīy Faridah al-Farā'id, Taman Pustaka Press, Patani, 1385 (1965), 74 pp.

(ii) Fatīy Munyat al-Muṣallā, Taman Pustaka Press, 1384 (1964), 74 pp.

(c) HISTORY

Ismail Abdul Rahman Lutfi (Beraul)

Ringkasan Sejarah Islam, 2 vols., Saudara Press,

Patani, n.d., 4,000 copies, 92 pp. and 119 pp.

The following are some popular works used in the traditional Islamic schools in Patani for advance student. They can be divided into various areas as follows: [189]

In the field of Arabic grammar, the usual texts used are: Ajrumiyah, Mukhtasar Jiddan, Sharh al-Makudi (on Ajrumiyah), Sharh of Shaykh Khalid, Matn Katar, Matn Shudhudh, Sharh Ibn Akil (on Al-Fiah of Ibn Malik), Ashmuni, Mughni il-Labib.

The usual texts on fikh are: Ghayah wa-Takrib, Fathul-karib, Sharkawi Minhaj at-Talibin, as-Siraj al-Wahhaj, Fathul-Muain, I'ānatut Talibin, al-Iknā', Bajairimi alal-khatib, Kalyubi wa-Umrah, Fathul-Wahhab, Nihayah al-Muhtaj, Tuhfah al-Muhtaj. Al-Umm of Shafi'i, al-Majmū' of Nawawi and Fathul-Aziz of Rafi'i were used mainly for reference.

In the field of Uṣūl al-Fikh or Islamic Jurisprudence, among the most common works used are: al-Warakat (of al-Haramain), Lubb al-uṣūl, Shaḥ of Lubb al-uṣūl, kitāb al-Irshād, al-Ashbah wal-Naza'ir, Lata if al-Ishārat, and finally the great work of Jam'al Jawani'.

In studying Uṣūl al-Dīn or theology the common texts used are: Matn as-Sanusiyah, Matn al-Jawharah, Sharḥ on as-Sanusiyah, Sharḥ on the Jawharah, Sharḥ al-Suhaimi, Sharḥ of al-Hudhudi, the Hāshiyah of Ibn Muḥammad al-Amir.

The most commonly used works in the field of Qur'ānic Exegsis are: al-Jalalain, al-Nasafi, al-Baidāwi, nas-Sawi,

Ibn Kathir, al-khazin, al-Jamal, Tafsir al-kabir, at-Tabari, al-Nisaburi. The last three are usually used as reference works.

On Ḥadīth or Prophetic Traditions, the most commonly used works are: al-Arba'īn an-Nawāwīyah, Mukhtasar abi Jamrah, Riyad as-Salihin, Dalil Falihin, Miskat al-Masabih, at-Targhib wat-Tarhib, text of al-Bukhari, Muslim, Abu Daud, al-Muwatṭā, an-Nasā'i, at-Tirmidhi, Ibn-Majah. The last three are used as additional works.

In the field of Islamic mysticism or Taṣawwuf, the commonly used works are: Bidāyatul-Hidāyah, Minhāj al-Ābidīn, Taj al-Arus, Tanwir al-Kulub, al-Hikām, Ikaz al-Himan, al-Ihyā' 'Ulummuddīn, al-Futuhat al-Makkiyyah, and Fusus al-Hikam. The last two being used for advanced studies in metaphysics.

General works used for moral upliftment are:

Durrantun-Nasihīn, Tanbih al-Ghafilin, Targhib wa Tarhib Nasa ih al-Diniyyah, Nasa ih al-Ibād, and the Nuzhatul Majalis.

Works on philosophy, Logic, and Astronomy and Medicine are studied with individual teachers or Tok gurus.

This further demonstrates how certain popular works used in pondoks as text books or reference were available because of the virtue and goodness of the older Patani 'ulamā' who took the trouble to translate and compile them from the original texts in Arabic. Some texts or kitāb still use the same name as the original text in Arabic although their contents have been translated into Jawi characters (For details about the works by the older Patani 'ulamā', see

(3.1) Patani 'Ulamā' above).

The conversion of the pondoks into private schools for Islamic education caused some religious teachers or Tok gurus and Muslim leaders to resent this loss of control over their own institutions. This was because the promised financial support could only be received if, and when, all the requirements were met. Furthermore, non-Muslim instructors with little or no appreciation of the ethnic background of their students were recruited from other regions to teach in the pondoks. Also for the first time non-Muslims were admitted into the religious institutions to teach a "foreign language" (Thai) to the young Malay-Muslims whose mother tongue had been made illegal for them to learn.

[190]

As a result of this, in June 1971, according to a Ministry of Education report, 109 pondoks were closed down in protest against the government's interference into their operation [191]. The issue also sparked off a separatist movement, known as the Patani Liberation Organisation (PULO), which enjoyed the support of disillusioned Muslim intellectuals as a result of the government's control in education policy. [192]

However, some traditional Islamic schools or pondoks still remain in operation regardless of the government's policy to force them to convert, or transform, into "private schools for Islamic education" known as the "Madrasah system". As any pondok which does not register is considered to be illegal, the remaining traditional Islamic schools which operate still today are illegal institutions

as far as the Thai government is concerned. Nonetheless, the organisers of these pondoks are prepared to face the government because they believe that their institutions are operating for the sake of Allah and the Malay-Muslim communities. I am unfortunate not to have any data on the number of traditional Islamic schools still operating in the southern Malay provinces, but according to the information I have gathered during interviews with some of the Tok gurus in the said provinces, the number of these schools is probably no more than twenty, most being in the Patani Province. [193]

As discussed above, all registered pondoks which were converted into "private schools for Islamic education" are already under government control with the structure of Islamic education being made to correspond to the government's own secular education programme. This programme can be divided into the three levels which are as follows: [194]

1) Primary education, a compulsory four year course of instruction known as the Ibtida'iyya.

2) The Mutawatsita (middle level) and is a three year course.

3) The Sanawiyya (secondary education) and takes three more years.

All registered and converted "private schools for Islamic education" in the Four Southern Malay Provinces can be divided into two types, namely, those that teach only religious studies and those that teach both religious and secular education. According to the latest figures, in the

academic year B.E. 2530/1987, there are 181 registered pondoks for the Four Southern Malay Provinces, 73 of which being in Patani (see table 4).

As mentioned above, according to the government secular education programme, private schools for Islamic education have to be divided into three in order to correspond to the government's own secular education programme. The figures for all students, boys and girls, of the three levels which are further divided into two types, namely, those who are studying only religious education and those who are studying both secular and religious education in the Four Southern Malay Provinces are as shown in table 5. The same report also states the numbers of teachers including "Tok gurus" in private schools for Islamic education in the Four Southern Malay Provinces; in the academic year B.E. 2530/1987, there were 1,982 teachers and "Tok gurus", including 648 in Patani (see table 6).

It is commonly known that the registration and secularization of pondoks has resulted in the decline in the standard of religious education. Approximately half the student's time has to be devoted to the secular curriculum which is generally completed by the age of 16 or 17. To complete their religious studies, students now must spend longer time in the pondok. Those who wish to continue their religious training elsewhere now can only leave the pondok at the age of about 20. [195]

Therefore, it is clear that the status of the traditional Islamic or pondok education in the Patani region was eroded by the Ministry of Education through the

Table 4
The Number of schools classified according to their type of teaching in each Province from
Academic Year 1984-1987.

Province	The number of school/school																
	1984/schools			1985/schools			1986/schools			1987/schools							
	Total number of Schools	Combined teaching secular & religious	Religious study only	Percentage of Secular only school in relation to total number	Total number of Schools	Combined teaching secular and religious studies	Religious study only	Percentage of secular only schools in relation to total number	Total number of schools	Combined teaching secular and religious studies	Religious study only	Percentage of secular only schools in relation to total number	Total number of schools	Combined teaching secular and religious studies	Religious study only	Teach secular counted by percentage	Privately owned schools
Yala	50	23	27	46.00	34	22	12	64.70	35	24	11	68.57	35	24	11	68.57	4
Patani	82	41	41	50.00	78	40	38	51.28	78	41	37	52.56	73	39	34	53.42	4
Narathiwat	55	41	14	74.54	54	41	13	75.92	53	41	12	77.36	58	40	18	68.96	3
Satun	15	12	3	80.00	15	13	2	86.66	15	13	2	86.67	15	14	1	93.33	2
Total	202	117	85	57.92	181	116	65	64.09	181	119	62	65.75	181	117	64	64.64	13

This data shows the number of schools which combined teaching secular and religious studies account for 64.64% of the total of operating schools. Also there are 13 Schools which are administered as private and account for 7.18% of the total operating schools.

Source: Adapted from the (Thai) 'Report of operation and statistics for the academic year 1988 for Private Islamic Religious Schools in Educational Region 2', Yala Province; Paper no. 1/1988, p.20.

Table 5
The Number of Students at School and the Numbers of Those who Take Secular Combined Religious Studies, in Private Islamic Religious Schools in Educational Region 2, Academic Year 1987.

Province	No. of Students At School	The number of students who take only religious studies									
		Primary Level			Secondary Level			Higher/Final level			
		Male	Female	Total	Male	Female	Total	Male	Female	Total	
Patani	17,052	6,347	6,653	13,000	1,483	1,787	3,270	412	370	782	
Narathiwat	13,339	4,735	4,897	9,632	1,394	1,612	3,006	381	320	701	
Yala	10,360	3,724	3,815	7,539	997	1,117	2,094	318	409	727	
Satun	3,107	1,621	1,125	2,746	204	152	356	-	-	-	
Total of The Region	43,858	16,427	16,490	32,917	4,058	4,668	8,726	1,116	1,099	2,215	
Percentage %	100	-	-	75.0	-	-	19.89	-	-	5.05	

Province	No. of Students At School	The number of students who take secular combined with religious studies			
		Male	Female	Total	%
Patani	17,052	3,652	3,735	7,387	43.32
Narathiwat	13,339	2,914	3,236	6,150	46.10
Yala	10,360	2,486	2,374	4,860	46.91
Satun	3,107	1,368	900	2,268	72.99
Total of The Region	43,858	10,420	10,425	20,665	47.11
Percentage %	100	23.7	23.3	47.11	-

This data shows the number of students as follows:

1. 47.11% of the total number of students take secular combined with religious studies.
2. 52.89% take only religious studies
3. The highest number of students is in the primary level at 75.0%, 19.89% are in secondary level and there are only 5.05% at the higher/final level.

Source: Adapted from the (Thai) 'Report of operation and statistics for the academic year 1988 for Private Islamic Religious Schools in Educational Region 2', Yala Province, Paper no 1/1988, p.36.

Table 6
The Number of Religious teachers requesting permission to teach both secular and Religious Studies,
in Private Islamic Religious Schools in Educational Region 2, Academic Year 1987.

Province	Total Number of Teachers	The number of teachers requesting permission			The no. requesting permission to teach secular subjects		
		Permitted	on process	not yet requesting	permitted	on process	not yet requesting
Patani	648	355	58	103	105	17	10
Narathiwat	645	380	54	70	113	16	12
Yala	477	234	84	54	86	15	4
Satun	212	93	20	2	68	28	1
Total of The Region	1,982	1,062	216	229	372	76	27
Percentage %	100	53.5	10.8	11.5	18.7	3.8	1.3

This data shows the number of teachers who are not yet requesting permission to be a teacher as follows:

1. The teachers who teach religious subjects 229, can be counted as 11.5% of the teachers employed by the schools.
2. The teachers who teach secular subjects 27, can be counted as 1.3 % of the teachers employed by the schools.

Source: Adapted from the (Thai) 'Report of operation and statistics for the academic year 1988 for Private Islamic Religious Schools in Educational Region 2', Yala Province, Paper no 1/1988, p.59.

reformation of the pondoks in 1961. This act has brought about tremendous changes in traditional Islamic education. All traditional Islamic religious schools that converted to the 'Madrasah system', are under the control of the central government and the General Education Centre, Region 2, which is located in the Yala Province.

Under the central government regulations of rural pondoks and the more urban Arab schools are now officially referred to as special private religious schools. These schools traditionally taught only the Islamic religion and to the lesser extent, the Arabic and/or Malay language. They were more or less ignored by the government, and forbidden to accept full-time students under 15 years of age. However, in the late 1950's, the government began to re-think its policy towards these schools, and a decision was eventually reached to encourage them, through monetary incentives, to register with authorities and then convert to Private school status. Those which registered only became eligible for cash prizes, awarded annually, if they offered secular subjects such as the Thai language. These schools were obliged to offer a total of ten hours per week of Thai language, social studies and mathematics, as a structured part of the Thai curriculum. In return, they received 10,000 baht the first year and 3,000 baht each year for the next five years, to be used on improving their schools.

Registration began in the early 1960's but due to the lack of funds no registered schools were converted until 1965. Schools were generally reluctant to accept either registered or private status, presumably wishing to teach

only non-secular subjects. Thus the pace of registration and conversion lagged behind official expectations, forcing the government in late 1966 to order that all Islamic religious schools must be registered by the end of that year, and later be converted when government funds became available. In that same year, each of the few Arabic Schools converted but since government funding only permitted the maximum conversion of 46 "Pondoks" per year, the process was not completed until the end of 1971. [196]

The Thai government tried very hard in the developing programme to convert "Pondoks" into the secular system. This effort was supported by the General Education Centre, Region 2. Nevertheless, the private Islamic schools still play a decisive role in educating Muslim children throughout the region. This is due to the fact that "the Islamic religion", stresses on the value of formal religious education for its youth and, therefore, induces thousands of young Malay-Muslims to enter religious, rather than public, schools. It also insists on strict adherence in allowing children to live away from home while attending public schools. [197]

There is also a lack of incentive in the secular system, as there are few opportunities open to those who complete less than ten years of secular schooling, even for those with a diploma of education. Muslim children therefore are discouraged from obtaining a secondary or University education and also because of the fact that the educational system unconsciously discriminates against them. The latter is a consequence of examinations being deeply rooted in the

language and culture of Thailand. [198]

Nantawan Haemindra, in "Problems of Thai-Muslim in Southern Thailand, part 2", has discussed these problems concerning the Thai Government policies of cultural assimilation and says that:

"In fact the attitude of the Malays in the region is determined less by the feeling that they are being discriminated against than by the feeling that the Thai Government is not sufficiently sympathetic towards religious and linguistic differences between different cultures. The Muslims are interested in retaining the essence of their traditional culture and fear that the Thai government is trying to assimilate them by changing their local customs, institutions, language and perhaps also religious." [199]

However, in order to assimilate the Malay-Muslims in the Southern part of Thailand, Nantawan Haemindra has pointed out that :

"The Government had to educate them in the Thai language and culture, while preventing them from learning too much of their own customs and language. School controls were developed in line with this, and great importance was placed on the school programme. The Government was active in promoting the spread of the Thai language in all schools, public or private." [200]

Indeed Muslim parents are not willing to entrust their children to Thai schools, for they consider it as a great threat to their own faith and culture. The normal requirement stated that the subject "ethics and morality", which emphasise on Buddhism and national integration should be taught in the primary schools, and that Thai be used as the medium of instruction. This is one of the most common grounds for attacks on the school curriculum. It became a political issue of considerable significance in 1948 and subsequently a reconciliation was reached which allowed for instruction in Malay for a certain number of hours per week. However, the Malay instruction has now disappeared and the teaching of Islam (Islamic studies) has taken its place with Thai as a medium.

Muslim attitudes towards secular education are somewhat hostile. Apart from the fact that it takes time and attention away from religious education, there is also fear that it might attract the Malay youth towards Thai ways and values. For these reasons many prefer the (Pondok) religious schools, found in most villages which emphasised on the study of the Kur'ān and the Malay language. What is more, the native Malay speakers are confronted, by a language barrier when entering a Thai school. [201]

There is no doubt that the Malay language, culture and literature are subjects which are discriminated. All text books, besides those designed by the Ministry of Education, have been declared illegal. [202] Hence, all kitab jawi which formerly had been used as text books or reference books are now considered to be illegal in the private

religious schools as well since they are not assigned by the Ministry of Education.

At present there are four types of institutions which teach Islam in the Patani region. There are Mosque schools, Pondok (Islamic traditional school or unregistered Pondok), private religious schools or Madrasah (converted Pondok) and recently, an institution called the "Islamic studies department", Prince of Songkhla University, Patani Campus. The Imam, or religious teacher, is responsible for instructing children on the basic religious duties of how to recite al-Kur'ān, and both boys and girls attend the Imām's class either in the morning before going to the secular schools, or in the evening after school. [203] Some mosques in the Patani region also served as centres for teaching the Malay language (Jawi). Usually these classes begin in the evening after school or at the weekend (Saturday and Sunday). They help students who go to Thai schools or public schools and do not have the time to take religious and Malay studies. Thus, the mosque schools take on the responsibility to serve the students in providing religious and Malay studies during the weekend.

The private religious schools (converted pondoks) are prevalent everywhere in the Patani region, including the Satun Province. They offer both religious and secular studies, with Thai as the medium of instruction. These private religious schools have to follow government regulations and policies by holding classes for a definite time period but in practice, almost all private religious schools are still using the traditional system i.e. the

"Nadah system". This is because religious education is in itself is considered as a devotional act by the Malay-Muslims. [204] After school in the evening, all students, boys and girls organise themselves at prayer time in the Mosque or Balaisah within the school compounds, and perform prayers together. After finishing their prayers, the Tok guru proceeds to recite and comment on the text until the next prayer time. Even though the system in private religious schools has changed, the Malay-Muslims in the Patani region still prefer to preserve the traditional Islamic system.

The most recently established Islamic institution is the Department of Islamic Studies, Prince of Songkhla University, Patani Campus. It offers a four year course to gain a B.A. degree in Islamic studies. The government itself tries very hard to stop Muslim students from the Patani region from going abroad, particularly to the Middle East, to study religious sciences. This is the major reason behind the opening of the Islamic studies department in the Prince of Songkhla University. However, in reality it is not easy for a Malay-Muslim in the Patani region to get into the University as they have to sit for entrance examinations as required by the University regulations. Furthermore, the Islamic studies department is limited to a yearly intake of only 15-20 students.

Consequently from the above discussion about Patani pondoks, I may conclude that the traditional Islamic schools or pondoks in the Patani region, are now in a state of decline. Once in the history of Islam in Patani, the

traditional Islamic school (pondok) was seen as "the centre of Islamic education in the Malay Peninsula", possibly for the entire Malay world of Southeast Asia. However, with Bangkok's increasing efforts to assimilate Malay-Muslims in the Patani region, during the early 20th century, especially when Field Marshall Sarit Thanarat was the Thai Prime Minister, the position of the ponds were threatened. Through the education improvement programme in 1961, the Thai government aimed to transform them into secular institutions, and through it cause the spread of secularisation in the area. In 1971, all ponds had to convert to schools for Islamic education, and came under the control of the Ministry of Education. Pondok schools in the Patani region therefore were tremendously affected by the central government's policy. It is incumbent upon the Malay-Muslims in Patani and the 'ulamā' to play a very significant role in bringing back the light and prestige of Islam to Patani once again as "the centre of traditional Islamic education in the region".

The glorious past which symbolises the pride of Malay-Muslims of Patani, their history and the image of Patani as "a centre of traditional Islamic education in the region", can inspire a unique Malay-Muslim identity of Patani to a certain extent. Presently, many new institutions of learning have been created to replace the traditional Islamic schools of Patani as its past contribution to Islamic education cannot forever sustain the Southeast Asian Muslims interest. However, the Malay-Muslims of Patani realise that the only way to preserve their Malay language and culture, and to maintain

Islam in Patani, is to give support and promote the traditional Islamic school (pondok) which they have struggled to maintain for so long only through these institutions the malay language, culture and Islam can be preserved.

FOOTNOTES CHAPTER 3

1. Teeuw, A and D.K. Wyatt, "Hikayat Patani - the story of Patani", The Hague - Martinus Nijhof 2. Vols, 1970, p.4.
2. See for example, Mohd Nor bin Ngah "Some writing of traditional Malay Muslim scholars found in Malaysia", in "Tamadun di Malaysia, Persatuan Sejarah Malaysia", 1981, f.n.1., p.9.
3. Dr. Matheson V. and M.B. Hooker, "Jawi Literature in Patani: The Maintenance of an Islamic Tradition", in JMBRAS, Vol. 61, Part I, 1988, p.18.
4. Ibid, p.18.
5. See for example, Bailey, C. and John N. Miksic, "History of the Malay Kingdom of Patani", Ohio University, Athen, Ohio, 1985, p.17.
6. Bailey, C. and John N. Miksic, Ibid, p.41.
7. For further details see Dr. Matheson, V. and M.B. Hooker, op.cit., pp.10-13.
8. See Teeuw, A. and D.K. Wyatt, op.cit., p.4.
9. Hurgronje, C.S., "Mekka in the latter part of the 19th

century", Leiden E.J. Brill, 1970, pp.286-287.

10. Dr. Matheson, V. and M.B. Hooker, *op.cit.*, p.13.
11. Interview with Haji Yacob bin Haji Muda at his home in Marubotok, Tanyonghmas, Rangae District, Narathiwat Province, 10 March 1985.
12. See for example Dr. Matheson, V. and M.B. Hooker, *op.cit.*, p.12.
13. See Dr. Matheson, V. and M.B. Hooker, *op.cit.*, pp.19-25.
14. *Ibid*, p.20.
15. See Wan Muhd Shaghir bin Abdullah, "Syeikh Daud Bin Abdullah al-Fathani: Penulis Islam Produktif Asia Tenggara", C.V. Ramadhani, Solo, Indonesia, 1987, p.30.
16. *Ibid*, p.30.
17. See Dr. Matheson, V. and M.B. Hooker, *op.cit.*, p.13.
18. *Ibid*, p.16.
19. *Ibid*, p.14.
20. Hurgronje, C.S., *op.cit.*, p.286.

21. Dr. Matheson, V. and M.B. Hooker, op.cit., p.14.
22. Their last names, for example "al-Fatani" are not considered as their surnames, because Malays do not have surnames, but it is mentioned as the original place of their coming.
23. Dr. Matheson, V. and M.B. Hooker, op.cit., p.19.
24. The book entitled, "Syeikh Daud Bin Abdullah al-Fathani: Penulis Islam Produktif Asia Tenggara", C.V. Ramadhani, Solo, Indonesia, 1987. I am very grateful to Dr. Martin Van Bruinesson for sending me a copy of this text from Jakarta, Indonesia. Dr. Bruinesson visited Patani in April 1988, Prince of Songkhla University, Patani Campus.
25. The biography is entitles, "Sejarah Ringkas al-'Ālim al-'Allāmat al-Shaykh Ahmad bin Muhammad Zain bin Muṣṭafa al-Faṭāni, printed by Sahabat Press, 56 Jalan Nanga Jala (Yala), n.d. I am very grateful to Haji Ismail bin Hawan and Datuk Aziz bin Hawan, the former is a retired Kadi of Yala Province and the latter is a present Kadi of Yala Province who gave me a copy of this biography. Haji Ismail is a father of Datuk Aziz bin Hawan and both are my informants, during the time I was conducting my interview about the background of Shaykh Ahmad because they claimed that they belong to

Shaykh Ahmad's family.

26. Wan Muhd Shaghir bin Abdullah is a writer of several books, according to Datuk Aziz bin Hawan, Wan Muhd Shaghir bin Abdullah is his cousin, living in West Kalimantan, Indonesia. He is a religious teacher there. (See genealogy (D) in chapter 4).
27. See Wan Muhd Shaghir bin Abdullah, *op.cit.*
28. Hassan, H., "Pertalian-Pemikiran Islam Malaysia-Aceh", in *Tamadun di Malaysia, Persatuan Sejarah Malaysia*, Kuala Lumpur, 1980, p.55.
29. Wan Muhd Shaghir bin Abdullah, *op.cit.*, pp.23-24.
30. See Wan Muhd Shaghir bin Abdullah, *op.cit.*, p.25 and f.n. 21.
31. *Ibid*, p.18 and 47.
32. *Ibid*, p.22; see also Hassan, H., "Pertalian-Pemikiran Islam Malaysia-Aceh", *op.cit.*, p.55.
33. Quoted in Wan Muhd Shaghir bin Abdullah, *op.cit.*, p.15.
34. *Ibid*, p.19.
35. *Ibid*, pp.15-16.

36. Ibid, p.20.
37. Ibid, p.23.
38. Ibid, p.24.
39. Wan Muhd Shaghir bin Abdullah, "Sejarah Ulama-Ulama Mengarang Nusantara: Syeikh Daud bin Abdullah al-Fathani", in Dain Daiges, Vol.97, February-March, 1977, p.106.
40. Wan Muhd Shaghir bin Abdullah, "Syeikh Daud Bin Abdullah al-Fathani: Penulis Islam Produktif Asia Tenggara", op.cit., p.24.
41. Ibid, p.25.
42. Ibid, p.25.
43. See Dr. Matheson, V. and M.B. Hooker, op.cit., p.20.
44. Wan Muhd Shaghir bin Abdullah, "Syeikh Daud Bin Abdullah al-Fathani: Penulis Islam Produktif Asia Tenggara", op.cit., p.38, no.4; see also Hawash Abdullah, "Perkembangan Ilmu Tasawuf dan Tokoh-Tokohnya di Nusantara", al-Ikhlas-Surabaya, 1980, pp.142-143.
45. Wan Muhd Shaghir bin Abdullah, Ibid, p.30.

46. Ibid, p.30.
47. Ibid, p.30.
48. Ibid, p.31.
49. Ibid, pp.31-32.
50. For further details about Jinn, see Hughes, P.T., "Dictionary of Islam" Cosmo Publications, New Delhi, 1977, pp.133-138.
51. Wan Muhd Shaghir bin Abdullah, op.cit., p.32.
52. Ibid, pp.32-33.
53. Ibid, pp.33-34.
54. Ibid, pp.34-35.
55. Ibid, p.35.
56. Ibid, pp.35-36.
57. Ibid, p.37.
58. Ibid, pp.36-37.
59. See Dr. Matheson, V. and M.B. Hooker, op.cit., p.16.

60. Ibid, p.19.
61. Wan Muhd Shaghir bin Abdullah, "Syeikh Daud Bin Abdullah al-Fathani: Penulis Islam Produktif Asia Tenggara", *op.cit.*, p.46, no.33.
62. Ibid, p.46, no.34.
63. Ibid, p.46, no.19.
64. Dr. Matheson, V. and M.B. Hooker, *op.cit.*, p.21.
65. Ibid, p.22; see also Wan Muhd Shaghir bin Abdullah, "Syeikh Daud Bin Abdullah al-Fathani: Penulis Islam Produktif Asia Tenggara", *op.cit.*, p.39, no.1.
66. Dr. Matheson, V. and M.B. Hooker, *op.cit.*, p.21; see also Wan Muhd Shaghir bin Abdullah, Ibid, pp.55-56.
67. See Muhammad Uthman El-Muhammady, "Peradaban dalam Islam", Kota Bharu, Pustaka Aman Press, 1976, p.231; see also Wan Muhd Shaghir bin Abdullah, "Syeikh Daud Bin Abdullah al-Fathani: Penulis Islam Produktif Asia Tenggara", *op.cit.*, pp.49-51.
68. Wan Muhd Shaghir bin Abdullah, Ibid, p.46, no.29 and 55.

69. Dr. Matheson, V. and M.B. Hooker, op.cit., p.22.
70. Ibid, pp.22-23; see also Wan Muhd Shaghir bin Abdullah, "Syeikh Daud Bin Abdullah al-Fathani: Penulis Islam Produktif Asia Tenggara", op.cit., p.46.
71. Dr. Matheson, V. and M.B. Hooker, op.cit., p.25; see also Wan Muhd Shaghir bin Abdullah, Ibid, p.46.
72. Dr. Matheson, V. and M.B. Hooker, op.cit., p.23.
73. Ibid, p.23; see also Wan Muhd Shaghir bin Abdullah, "Syeikh Daud Bin Abdullah al-Fathani: Penulis Islam Produktif Asia Tenggara", op.cit., p.46, no.23.
74. Dr. Matheson, V. and M.B. Hooker, op.cit., pp.23-24.
75. Wan Muhd Shaghir bin Abdullah, "Syeikh Daud Bin Abdullah al-Fathani: Penulis Islam Produktif Asia Tenggara", op.cit., p.46, no.25.
76. Ibid, p.56; see also Dr. Matheson, V. and M.B. Hooker, op.cit., p.24.
77. For further details see Dr. Matheson, V. and M.B. Hooker, op.cit., p.24; see also Wan Muhd Shaghir bin Abdullah, "Syeikh Daud Bin Abdullah al-Fathani: Penulis Islam Produktif Asia Tenggara", op.cit., p.55.

78. Wan Muhd Shaghir bin Abdullah, *Ibid*, p.49, no.4 and 52.
79. *Ibid*, p.53.
80. *Ibid*, p.46, no.20.
81. See Muhammad Uthman El-Muhammady, *op.cit.*, p.228; see also Wan Muhd Shaghir bin Abdullah, "Syeikh Daud Bin Abdullah al-Fathani: Penulis Islam Produktif Asia Tenggara", *op.cit.*, p.53.
82. See Dr. Matheson, V. and M.B. Hooker, *op.cit.*, p.24; see also Wan Muhd Shaghir bin Abdullah, "Syeikh Daud Bin Abdullah al-Fathani: Penulis Islam Produktif Asia Tenggara", *op.cit.*, p.46, no.24.
83. For further details, see Dr. Matheson, V. and M.B. Hooker, *op.cit.*, pp.24-25.
84. Wan Muhd Shaghir bin Abdullah, "Syeikh Daud Bin Abdullah al-Fathani: Penulis Islam Produktif Asia Tenggara", *op.cit.*, p.55.
85. *Ibid*; p.46, no.17.
86. *Ibid*, p.45, no.2.
87. *Ibid*, p.48; further details can be seen in *Kitab*

al-Fatāwā al-Fatāniyya, English translation, Appendix C of this Thesis, question and fatwa number 6.

88. See Dr. Matheson, V. and M.B. Hooker, *op.cit.*, p.25.
89. Wan Muhd Shaghir bin Abdullah, "Syeikh Daud Bin Abdullah al-Fathani: Penulis Islam Produktif Asia Tenggara", *op.cit.*, pp.56-57.
90. See for example Wan Muhd Shaghir bin Abdullah, *Ibid*, pp.37-41; see also Wan Muhd Shaghir, "Perkembangan Ilmu Fiqh dan Tokoh-Tokohnya di Asia Tenggara (1)", C.V. Ramadhani, Solo, Indonesia, 1985, pp.130-131.
91. See P. Voorhoeve's, "Dawud B. Abd Allah B. Idris AL-FATANI", in *Encyclopaedia of Islam*, London, LUZAC and Co., Vol. II, C-G, 1965, p.183.
92. See Wan Muhd Shaghir bin Abdullah, "Syeikh Daud Bin Abdullah al-Fathani: Penulis Islam Produktif Asia Tenggara", C.V. Ramadhani, Solo, Indonesia, 1987.
93. *Ibid*, p.40.
94. See Bailey, C. and John N. Miksic, *op.cit.*, pp.49-54.
95. Further details about Shaykh Muhammad bin Ismail Daud al-Fatani and some members of his family can be seen in Wan Muhd Shaghir bin Abdullah, "Syeikh Daud Bin

Abdullah al-Fathani: Penulis Islam Produktif Asia Tenggara", op.cit., pp.16-17 and 7.

96. See for example, Mohd Nor bin Ngah, "Kitab Jawi: Islamic thought of the Malay Muslim Scholars", Singapore, 1982, p.6.
97. Dr. Matheson, V. and M.B. Hooker, op.cit., p.63.
98. Ibid, p.32; see also Wan Muhd Shaghir bin Abdullah, "Syeikh Daud Bin Abdullah al-Fathani: Penulis Islam Produktif Asia Tenggara", op.cit., pp.7-8.
99. Dr. Matheson, V. and M.B. Hooker, op.cit., p.32; see also Wan Muhd Shaghir bin Abdullah, Ibid, p.8.
100. Dr. Matheson, V. and M.B. Hooker, op.cit., p.34.
101. Wan Muhd Shaghir bin Abdullah, "Syeikh Daud Bin Abdullah al-Fathani: Penulis Islam Produktif Asia Tenggara", op.cit., p.8; see also Hassan, H., "Pertalian-Pemikiran Islam Malaysia-Aceh", op.cit., p.49.
102. Dr. Matheson, V. and M.B. Hooker, op.cit., p.34.
103. See for example, Mohd Nor bin Ngah, op.cit., p.28.
104. Dr. Matheson, V. and M.B. Hooker, op.cit., p.34.

105. Ibid, pp.34-35.
106. Ibid, p.35.
107. Wan Muhd Shaghir bin Abdullah, "Syeikh Daud Bin Abdullah al-Fathani: Penulis Islam Produktif Asia Tenggara", op.cit., p.7.
108. Ibid, p.7.
109. For further details, see for example, Hassan, H., op.cit., pp.56-58; see also Wan Muhd Shaghir bin Abdullah, "Syeikh Daud Bin Abdullah al-Fathani: Penulis Islam Produktif Asia Tenggara", op.cit., p.38 and 40.
110. See Wan Muhd Shaghir bin Abdullah, Ibid, p.38 and p.40; see also Hassan, H., op.cit., pp.54-58.
111. See Wan Muhd Shaghir bin Abdullah, Ibid, p.7.
112. Ibid, p.17, 9 and 10.
113. For further details, see for example, Dr. Matheson, V. and M.B. Hooker, op.cit., pp.32-33; see also Wan Muhd Shaghir bin Abdullah, "Syeikh Daud Bin Abdullah al-Fathani: Penulis Islam Produktif Asia Tenggara", op.cit., p.17.

114. See Wan Muhd Shaghir bin Abdullah, *Ibid*, p.17, f.n. 8.
115. See Mohd Nor bin Ngah, *op.cit.*, p.51.
116. Dr. Matheson, V. and M.B. Hooker, *op.cit.*, p.33.
117. *Ibid*, p.33.
118. *Ibid*, p.33.
119. *Ibid*, p.31.
120. Further details about "Haji Sulung and his activities", can be seen in Pitsuwan, Surin, "Islam and Malay Nationalism: A case study of Malay-Muslims of Southern Thailand", Ph.D. Thesis, Harvard University, Cambridge, Massachusetts, 1982, pp.141-165; see also Wan Muhd Shaghir bin Abdullah, "Syeikh Daud Bin Abdullah al-Fathani: Penulis Islam Produktif Asia Tenggara", *op.cit.*, p.8.
121. See Dr. Matheson, V. and M.B. Hooker, *op.cit.*, p.28.
122. *Ibid*, p.32.
123. Interviewed with Din Tokminal, Haji sulung's son, the present Patani Member of Parliament, Patani, 10 August 1987.

124. See Wan Muhd Shaghir bin Abdullah, "Perkembangan Ilmu Fiqh dan Tokoh-Tokohnya di Asia Tenggara", Vol. I, C.V. Ramdhani, Solo, Indonesia, 1985, p.124.
125. See Dr. Matheson, V. and M.B. Hooker, *op.cit.*, p.63.
126. Wan Muhd Shaghir bin Abdullah, "Perkembangan Ilmu Fiqh dan Tokoh-Tokohnya di Asia Tenggara", *op.cit.*, p.125.
127. Dr. Matheson, V. and M.B. Hooker, *op.cit.*, p.83.
128. Winzeler, R., "Traditional Islamic School in Kelantan", in *JMBRAS*, Vol.48, Part 1, May 1975, p.92.
129. Nik Abdul Aziz bin Haji Nik Hassan, "Sejarah Perkembangan ulama' Kelantan", (The Historical Development of the Kelantan ulama), Pustaka Aman Press Sdn.Bhd, Kota Bharu, Kelantan, 1977, p.139.
130. *Ibid.*, p.154.
131. The term "pondok" literally means "hut", these huts, usually built nearby the houses of Tok guru, where are the students reside when receiving instructions on a wide range of Islamic studies. On the other hand, the term "pondok" is an Arabic designation as the "Fondok" means motel, hotel or lodging. And the alphabet "Fa" (ف) in Arabic is generally pronounced as "P" by the Malays. Furthermore, pondok school is commonly

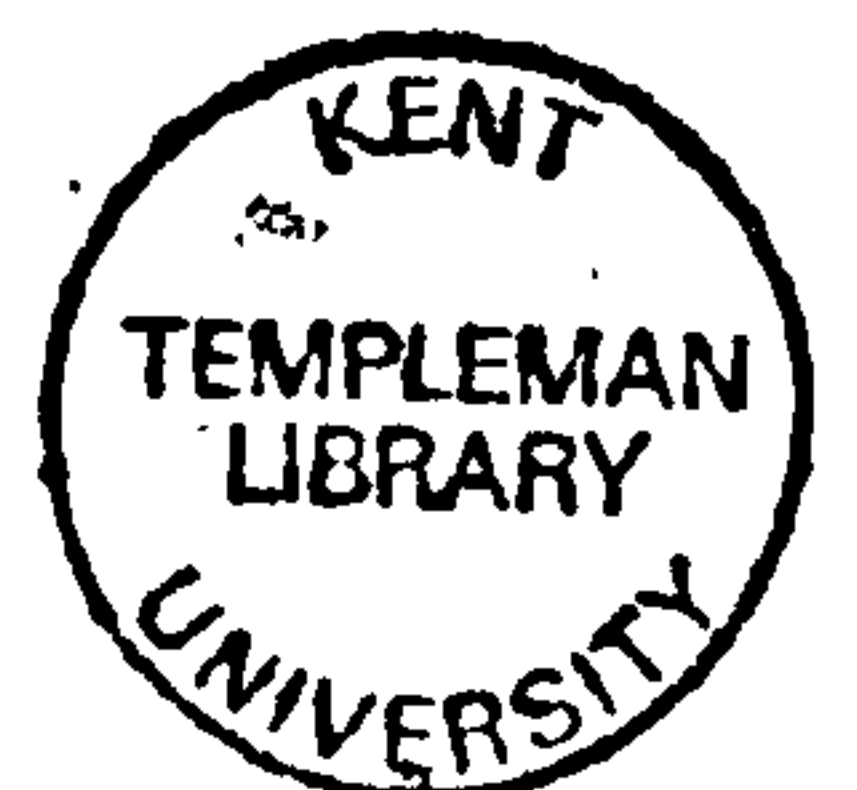
referred to the traditional Islamic school in the Patani region and some part of Malay Peninsula.

132. See Anderson, J., "English Intercourse with Siam in the Seventeenth century", London, 1890, p.46; Teeuw, A. and D.K. Wyatt, "The History of Patani", The Hague-martinus Nijhof, 1970, p.297; Hall, D.G.E., "A History of South-east Asia", New York, 1968, pp.215-219; Wan Muhd Shaghir bin Abdullah, "Syeikh Daud Bin Abdullah al-Fathani: Penulis Islam Produktif Asia Tenggara", *op.cit.*, p.21.
133. Wan Muhd Shaghir bin Abdullah, *Ibid*, pp.21-22.
134. *Ibid*, p.23.
135. See Shaykh Daud Bin Abdullah's biography 3.1 (i) above.
136. Wan Muhd Shaghir bin Abdullah, "Syeikh Daud Bin Abdullah al-Fathani: Penulis Islam Produktif Asia Tenggara", *op.cit.*, p.30.
137. Wan Muhd Shaghir bin Abdullah, "Sejarah Ulama-Ulama Mengarang Nusantara: Syeikh Daud Bin Abdullah al-Fathani", in Dian Daiges, Kota Bahru, Vol.97, February-March, 1977, p.113.
138. Quoted in Dr. Matheson, V. and M.B. Hooker, *op.cit.*, p.16; see also Hurgronje, C.S., *op.cit.*, p.181.

139. Dr. Matheson, V. and M.B. Hooker, op.cit., p.20.
140. Bailey, C. and John N. Miksic, op.cit., pp.47-49.
141. Wan Muhd Shaghir bin Abdullah, "Syeikh Daud Bin Abdullah al-Fathani: Penulis Islam Produktif Asia Tenggara", op.cit., p.30.
142. Dr. Matheson, V. and M.B. Hooker, op.cit., p.20.
143. Winzeler, R., "Traditional Islamic Schools in Kelantan", in JMBRAS, Vol.48, Part 1, May 1975, p.92; see also Teeuw, A. and D.K. Wyatt, "Hikayat Patani", op.cit., p.4.
144. See Wan Muhd Shaghir bin Abdullah, "Syeikh Daud Bin Abdullah al-Fathani: Penulis Islam Produktif Asia Tenggara", op.cit., p.30.
145. See Johns, A.H., "Islam in the Malay World: An Explanatory Survey with Some Reference to Quranic Exergesis", in Islam in Asia, Vol.2, South-east and East Asia, (eds) Raphael Israeli and Anthony H. Johns, Jerusalem, 1984, p.130.
146. See Nik Abdul Aziz bin Haji Nik Hassan, "Islam Kepimpinan dan Nilai-Nilai Hidup dalam Masyarakat Melayu Tradisional", in Tamadan di Malaysia, Persatuan

Sejarah Malaysia, 1980, p.91.

147. Shellabear, W.G., (ed), "Sejarah Melayu", Fajar Bakti, SND.BHD, Kuala Lumpur, 1961, p.115.
148. Ibid, p.115.
149. Nik Abdul Aziz bin Haji Nik Hassan, op.cit., pp.91-92.
150. Muhammad Uthman El-Muhammady, "Pondok Education as Indigenous Education" in Journal Pendidikan Islam, Tahun (1) Bil (1) Abim, January 1984, p.54; see also Syed Khurshed Ahmad Shah, "The Advent of Islam in South-east Asia", in Islamic Order, Quarterly, second Quarter, Vol.6, No.2, 1984, p.55.
151. Abdullah Alwi Haji Hassan, "The Development of Islamic Education in Kelantan", in Tamadun di Malaysia, Persatuan Sejarah Malaysia, 1980, p.190.
152. Nik Abdul Aziz bin Haji Nik Hassan, op.cit., p.92.
153. Ibid, p.92; see also Muhammad Uthman El-Muhammady, "Pondok Education as Indigenous Education", op.cit., p.54.
154. See Hurgronje, C.S., op.cit., pp.286-287.
155. For further details see Wan Muhd Shaghir bin Abdullah,



"Perkembangan Ilm Fiqh dan Tokoh-Tokohnya di Asia Tenggara", op.cit., pp.117-127.

156. Bailey, C. and John N. Miksic, op.cit., pp.47-48.
157. Wan Muhd Shaghir bin Abdullah, "Perkembangan Ilm Fiqh dan Tokoh-Tokohnya di Asia Tenggara", op.cit., pp.118.
158. See Omar Farouk, "The Origin of Evolution and Malay-Muslim Ethnic Nationalism in Southern Thailand", in *Islam and Society in South-east Asia* (eds) by Taufik Abdullah and Sharon Siddique, Institute of South-east Asian Studies, Singapore, 1986, p.251.
159. See Wan Muhd Shaghir bin Abdullah, "Syeikh Daud Bin Abdullah al-Fathani: Penulis Islam Produktif Asia Tenggara", op.cit., p.17.
160. See Wan Muhd Shaghir bin Abdullah, "Perkembangan Ilm Fiqh dan Tokoh-Tokohnya di Asia Tenggara", op.cit., p.18.
161. See Wan Muhd Shaghir bin Abdullah, "Syeikh Daud Bin Abdullah al-Fathani: Penulis Islam Produktif Asia Tenggara", op.cit., p.17; see also Hurgronje, C.S., op.cit., p.286.
162. See Dr. Matheson, V. and M.B. Hooker, op.cit., p.14.

163. See Nik Abdul Aziz bin Haji Nik Hassan, "Pendekatan Pengajaran Islam di Negeri Kelantan di antara tahun 1860 hingga tahun 1940", in *Malaysia dari segi Sejarah*, 11, 1982, p.54; see also Dr. Matheson, V. and M.B. Hooker, *op.cit.*, p.28.
164. See Abdul Rahman al-Ahmadi, "Tokok dan Pokok Pemikiran Tok Kenali", Kementerian Kebudayaan Belia dan Sukan Malaysia, Kuala Lumpur, 1983, p.5; see also Dr. Matheson, V. and M.B. Hooker, *op.cit.*, p.29.
165. Some examples of religious teachers from Kelantan and Kedah who took their early religious training in Patani Pondok before travelling to Mecca, for instance Tuan Tabal (Haji Abdul Samad bin Muhammad Salleh). Among religious teachers from Kedah who took their early religious training in Patani Pondok is Tuan Hussein Kedah (one of the great ulama'); see Ismail Awang, "Tuan Hussein Kedah", in *Majallah Pengasuh*, Bil 427, Majlis Ugama Islam dan Adat Istiadat Melayu, Kelantan, Kota Bharu, November 1977, p.24.
166. Wan Muhd Shaghir bin Abdullah, "Sejarah Ulama-Ulama Mengarang Nusantara: Syeikh Abdus-Samad al-Falambani", in *Majallah Dian Daiges*, Kota Bharu, No.100, Vol.1001, August 1977, p.94.
167. See Hurgronje, C.S., *op.cit.*, p.181.

168. See Pitsuwan, S., op.cit., p.185.
169. See Dr. Matheson, V. and M.B. Hooker, op.cit., p.42.
170. Haemindra, N., "The Problem of the Thai-Muslim in the Four Southern Provinces of Thailand", in Journal of South-east Asian Studies, Vol.VII, Part I, No.2, September 1976, p.223.
171. Pitsuwan, S., op.cit., p.185.
172. Ibid, p.181.
173. Dr. Matheson, V. and M.B. Hooker, op.cit., p.44.
174. Pitsuwan, S., op.cit., p.184.
175. Dr. Matheson, V. and M.B. Hooker, op.cit., p.43.
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177. Vetchsawan, P., "Kan Pattana Kanssuksa Pua Buranappap Kong Changwat Chai Daen Pak Tai", National Institute of Development Administration, unpublished, M.A. Thesis, 1967, p.107.
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181. Thomas, L., "Socio-Economic Approach to Political Integration of Thai-Islam: An Appraisal", Champaign, centre for South-east Asian Studies, Northern Illinois University, 1967, p.86.
182. Burapat, K., "Thai-Muslim", Bangkok, Phrae Pitaya Press, 1976, p.211.
183. Pitsuwan, S., *op.cit.*, p.189.
184. Ali, M., "Satharanarat Patani", (Republic of Patani), Bangkok 1975, p.30; see also Burapat, K., *op.cit.*, pp.203-213.
185. Chaiprane, S., "Sapap Panha Kong Kan patana Rong Rien Rard Sorn Sasana Islam Pak Tai", Bangkok, Office of Committee on Private Education, Ministry of Education, 1981, p.1.
186. Pitsuwan, S., *op.cit.*, p.202.
187. *Ibid*, p.202.
188. Quoted in Dr. Matheson, V. and M.B. Hooker, *op.cit.*,

pp.64-65.

189. Interviewed with certain religious teachers or Tok gurus in Patani, Yala, Narathiwat and Satun Provinces, between 10-15 July 1987.
190. Pitsuwan, S., op.cit., p.192.
191. Burapat, K., op.cit., p.233.
192. Pitsuwan, S., op.cit., p.195.
193. Interviewed with certain religious teachers or Tok gurus in Patani, Yala, Narathiwat and Satun Provinces, between 10-15 July 1987.
194. See Pitsuwan, S., op.cit., p.202.
195. See Dr. Matheson, V. and M.B. Hooker, op.cit., pp.45-46.
196. Thomas, L., op.cit., pp.7-8.
197. Ibid, p.9.
198. Ibid, p.9.
199. Haemindra, N., "The Problem of the Thai-Muslim in the Four Southern Provinces of Thailand", in Journal of

South-east Asian Studies, Vol. VIII, Part 2, No.1,
March 1977, p.91.

200. Ibid, p.92.

201. Ibid, p.94.

202. Pitsuwan, S., op.cit., p.202.

203. Dr. Matheson, V. and M.B. Hooker, op.cit., p.43.

204. Pitsuwan, S., op.cit., p.185.

CHAPTER 4

THE AUTHOR OF THE KITĀB AL-FATĀWĀ AL-FATĀNIYYAH

This chapter is about the life of the author of Kitāb Al-FATĀWĀ AL-FATĀNIYYAH and some members of his family. Particularly, I wish, to discuss his various roles and activities when he was in Mecca al-Mukarramah, Saudi Arabia. Finally, I will talk about his works and some of his students.

4.1 The Period of his Life and Family

This is a brief biography of Al-ʿĀlim al-ʿAllāmat al-Shaykh Ahmad bin Muḥammad Zain bin Muṣṭafa al-Fatāni, known by his family as Wan Ngah. [1]

Muhammad Zain's son, Ahmad, was born on Friday night, the 5th Sha'ban 1272 A.H./1856 A.D. at Kampung Jambu, Yaring District, Sena Janjar, Patani and died in Mecca in 1325 A.H./1906 A.D. in the month of Zulhijjah (the month of Hajj pilgrimage). [2]

According to my informant, Haji Isma'il bin Hawan a former Kādī of Yala Province, Shaykh Ahmad went to Mecca with his parents when he was young and was brought up in a religious atmosphere. [3] This is, because his grandfather was a descendent of an Islamic missionary from a Hadramout (Yemen) family who settled in Patani. [4]

Shaykh Ahmad's early religious training was likely to have been similar to that of Shaykh Daud bin Abdullāh bin

Idris al-Faṭāni, the greatest Patani 'ulamā', who began his studies at home in Patani with his grandfather, father uncles and other Patani 'ulamā'. [5] In Mecca Shaykh Aḥmad took his religious study seriously. Without his family's knowledge, he studied various of religious sciences there, including medicine. He studied medical science (al-Tibb) with a famous Indian doctor Shaykh Abdul Rahim Kabuli. [6] He must have progressed to an advanced level in this subject for he later wrote a book on it, entitled Tibb al-Ahsan fi Tibb al-Insan (see his work number [19] below). Besides being studied with Shaykh Abdul Rahim Kabuli in Mecca, he also studies with other 'ulamā' such as, Shaykh Aḥmad bin Zaini Dahlan (d.1304 A.H./1884-5 A.D.), Shaykh Hasbullāh Muḥammad bin Sulaimaan (d.1335 A.H./1915-6 A.D.), Shaykh Nik Dir Patani or Abdul Qadir bin Abdul Raḥman (d.1898 A.D.), Shaykh Wan Muḥammad Ali Kutan bin Abdul Raḥman al-Kelantani (d.1913 A.D.) and Shaykh Nik Mat Kecil Patani or Muḥammad bin Ismail (d.1915 A.D.) [7] After that, he went to Baitul Mukaddis, Palestine where he spent three years there for religious study. He finally entered Al-Azhar University in Cairo, Egypt. [8] It is believed that he was the first Malay scholar from Patani to study at al-Azhar University. [9] After he completed his religious study there, he came back to Mecca to stay with his family until he died (d. 1325 A.H./1906 A.D.).

Later Shaykh Aḥmad joined a group of Patani 'ulamā' to be a lecturer at al-Haram Mosque. By the late 19th century he became senior lecturer at al-Haram Mosque. Mecca, at this time played an important role in the teaching of religious studies and was considered to be the centre of the Muslim

world for Islamic studies. The centre for teaching in the 19th century Mecca was the colonnades of the great mosque, al-Haram. [10]

Since Shaykh Aḥmad was so devoted to religious study, he spent most of his life writing and translating a number of religious works from Arabic to Malay i.e. Kitāb Jawi. He was one of the first Patani 'ulamā' who wrote religious works in Arabic [11]. He then became a well-known and highly respected Patani 'ulamā' during the late 19th century. [12] Shaykh Aḥmad had two wives, the first one was Wan Tanjong, with whom he had two children, namely, Haji Wan Ismail bin Aḥmad bin Muḥammad Zain and Wan Fatimah binti Aḥmad bin Muḥammad Zain. With his second wife, Wan Siti Saudah, he had a daughter, Wan Zainab binti Aḥmad bin Muḥammad Zain (see genealogy (D) below).

Shaykh Aḥmad's genealogy is interesting because it shows other members of his family who also became famous religious scholars and teachers. In this section, I shall look at his family and concentrate on his grandfather, father, uncles and cousins respectively.

(i) Wan Mustafa bin Wan Muḥammad al-Fatāni

Shaykh Aḥmad's grandfather was Shaykh Wan Muḥammad bin Wan Muḥammad bin Wan Musa al-Fatāni, better known simply as "Tok Wan Pa". The Siamese people (Thai) called him "Tok Mekong Sedi". It is possible that his grandfather, Wan Musa al-Fatāni was one of Khidir bin Aḥmad's sons, although evidence for this is based solely on a hand written Kitāb in

Arabic which stated that Musa bin Khidir bin Ahmad completed his work in 1002 A.H. [13] This Kitab consists of two parts, morphology (ilm Şarf) and logic (Mantik) which belonged to Shaykh Ahmad (the descendant of Wan Muştafa). According to Wan Muhd Shaghir, this Kitāb was kept in Syuib Ali's house in Mecca, then moved to Shaykh Ahmad's cousin Shaykh Ibrahim bin Abdul Kadir bin Muştafa al-Faţāni at pondok Gajah Mati, Kedah. [14]

It is thought that Shaykh Wan Muştafa bin Wan Muḥammad al-Faţāni was a descendant of an Arabic missionary from Hadramout called Shaykh Abdul Razak, great-grandfather of Shaykh Wan Muştafa al-Faţāni. [15] Shaykh Wan Muştafa bin Wan Muḥammad al-Faţāni had four children and all of them became well-known Patani 'ulamā' of Shāfi'ī school. [16] It is believed that at that time, not long before Patani was defeated by Siam (Thailand), Shaykh Wan Muştafa was a Patani commander (Panglima). [17] I discovered that this had possibly taken place during the time when Tengku Lammidin was a Patani Raja around 1784-1791 A.D. [18] When Patani was defeated, Shaykh Wan Muştafa escaped and lived in the jungle for many years in order to defend himself from the Siamese army because he did not want to surrender to the non-Muslim Government. Eventually he disguised himself as a common man and returned to his village at Sena Janjar. There, he built a small house and later was recognised among Patani people as a religious man of the village. [19] At the end of his life, Shaykh Wan Muştafa bin Wan Muḥammad became a Sūfi and devoted all his time to Allah. [20]

It is also believed that Shaykh Wan Muştafa bin Muḥammad

had two wives and three of his four sons, namely Muḥammad Zain, Abdul Kadir and Abdul Latif became sūfis. His fourth son, Daud, was very young at the time.

According to Wan Muhd Shaghir, a strange event happened to him during the month of Ramadan. One night he was awakened from his sleep and, while descending from his house to make an ablution for the optional midnight prayer (salat Tahajjud), he saw all trees looked as if they were bowing and the water in the well was rising and overflowing. He realised that, perhaps, that was the night called "Lailatul ḳadar" (The night of power). He then prayed to Allāh "May Allāh bestow upon all of my children and descendants the might to be 'ulamā' till the end of the world." [21]

Shaykh Wan Muṣṭafa was a contemporary of Shaykh Daud bin Abdullāh bin Idris al-Faṭāni. He was perhaps older than Shaykh Daud. [22] According to Wan Muhd Shaghir, Shaykh Wan Muṣṭafa also wrote a work on Patani political situation and on the Fikh of Shāfi'ī school. Unfortunately, until now, all these works have yet to be found. [23] His sons and descendants became great 'ulamā' and writers of Patani. [24]

(ii) Shaykh Wan Muḥammad Zain bin Wan Muṣṭafa al-Faṭāni

Shaykh Wan Muḥammad Zain was the eldest among his siblings. His real name was Wan Zainal 'Abidin but commonly known in Patani, Kelantan and Cambodia (Cham) as Shaykh Wan Din bin Wan Pa Patani. Over a period of time, his name was changed to Shaykh Muḥammad Zain bin Muṣṭafa al-Faṭāni. [25]

Shaykh Muḥammad Zain married Wan Cik binti Wan Muḥammad

Saleh Orang Kaya Seri Akar Diraja Mahaputeri, who was related to Datuk Shaykh Shafiuddin. Wan Cik's sister, Wan Aisyah, was married to Shaykh Wan Ali bin Abdur Rahman Kutan, a well-known Kelantan 'ulamā'. [26] His marriage with Wan Cik binti Wan Muḥammad Saleh, he had one son, Shaykh Aḥmad bin Muḥammad Zain bin Muṣṭafa, who became the great Patani 'ulamā' and writer of the late 19th century. Shaykh Aḥmad was the author of several kitabs both in Arabic and Malay. Eventually, Shaykh Muḥammad Zain and his wife went to Mecca to perform Hajj and decided to stay there permanently. At that time, his son, Shaykh Aḥmad, was still very young. [27]

Before going to Mecca, Shaykh Muḥammad Zain was busy establishing a pondok school at Bendang Daya, Patani together with his brothers, Shaykh Abdul Kadir and Shaykh Abdul Latif. Pondok Bendang Daya, in Patani was very well-known and it was one of the greatest pondoks at that time. Many students from abroad, such as Cambodia, Indonesia (especially Sumatra) and Malaysia came to study in that pondok. This pondok was encouraged by the Sultan of Patani, although the Sultan's power was very weak, since Patani was already under Thai control. [28] According to my research, during this time "Tuan Sulong" became the Raja of Patani (1808-1832 A.D.), and it was said that his Majesty strongly encouraged Islamic religious affairs. [29]

Shaykh Muḥammad Zain spent many years teaching in the pondok, before going to Mecca in order to perform Hajj and to further his religious training. His brother, Shaykh Abdul Latif moved to Bangkok to teach and spread Islam in

the capital of this Buddhist country. [30] When he stayed in Mecca, Shaykh Muḥammad Zain was busy copying kitabs written by Shaykh Daud bin Abdullāh bin Idris al-Faṭāni, because he thought if nobody would copy them, they might lose the kitāb. At this time, not many Kitāb Jawi was being printed because there were no printing facilities available in Mecca. Among the kitābs he copied were Manhalus Sūfi and Ghayatul Takrib. It is believed that Shaykh Muḥammad Zain was possibly Shaykh Daud's student. [31]

(iii) Shaykh Abdul Kadir bin Muṣṭafa al-Faṭāni

Shaykh Abdul Kadir was the second son of Shaykh Wan Muṣṭafa al-Faṭāni, also a well-known Patani 'ulamā'. The local people knew him as "Tuan Bendang Daya". It was he who first established pondok at Kampung Bendang Daya, Patani. As has been mentioned above, many students from local areas and abroad come to study in this pondok. [32] It is quite common, for great or famous 'ulamā' or religious teachers in the Malay world of Southeast Asia running Pondoks, and be given the title "Tok or Datuk or Tuan" followed by the name of their Kampung. Almost all pondoks are named after the village in which the pondok is located, such as "Tok Kenali" or "pondok Tok Kenali" in Kelantan Malaysia. [33]

Wan Muhd Shaghir stated that Shaykh Abdul Kadir al-Faṭāni was considered a very respected religious teacher, especially by his students. He never showed his anger directly, because to him anger was the way of the devil. [34] However, his students knew when he was displeased with

someone because, after finishing prayer together, he would greet (salam) or shake hands with his student using his left hand, even though his face remained smiling. Then, students would suffer for forty days from having difficulty to understand his lessons. [35] Shaykh Abdul Kadir al-Faṭāni was well-known as a holy 'ulamā' (Keramat). [36]

I unfortunately do not have his biographical details, but according to Wan Muhd Shagir Shaykh Abdul Kadir bin Muṣṭafa al-Faṭāni had only two sons, as follows: [37]

a. Shaykh Ismail bin Abdul Kadir al-Faṭāni

Commonly known as "Pak da'il", a famous 'ulamā' and writer in Mecca in the early 20th century. He is the author of two kitabs (see (xiv) chapter 3 above).

Shaykh Ismail was Shaykh Aḥmad's cousin (see genealogy (D) below). He had many students, and it is possible that most present day 'ulamā' in Kedah and Patani were his students, especially before the Second World War. He himself was well-known in the Malay world and Cambodia. [38] One of his students in Patani, who is still alive and became religious teachers running pondoks, is Haji Abdul Kadir bin Haji WaNgah bin Abdul Latif bin Uthman Tamin of Sala Budi, Kampung Sekam mai (new), Patani. [39]

Shaykh Ismail bin Abdul Kadir al-Faṭāni was very learned man in Theology (ilm Tawḥīd) and Logic or the science of reasoning (Mantik) and expert in Shari'ah and Ḥaḳīkat. He spent most his time teaching Logic (Mantik) when he was young. Towards the end of his life, he taught Theology (Tawḥīd) and Ṭarīkat Shaṭṭāriyya. [40] Shaykh Ismail had

only one son, Shaykh Daud bin Ismail bin Abdul Kadir al-Faṭāni, who was also a well known Patani 'ulamā' (see genealogy (D) below).

b. Shaykh Ibrahim bin Abdul Kadir al-Faṭāni

Shaykh Ibrahim, commonly known as "Pak Cu Him", was Shaykh Aḥmad bin Muḥammad Zain bin Muṣṭafa al-Faṭāni's cousin (see genealogy (D) below). He established a pondok at Gajah Mati in Kedah (Malaysia) and it is said that many 'ulamā' who were brought up in this pondok were from Kedah and other parts of Malaysia, Patani and Indonesia. One of his famous Indonesian students was Shaykh Abdul Kadir bin Abdul Muthalib Mandailing, better known as Abdul Kadir Mandailing. He was brought up in pondok Gajah Mati by Shaykh Ibrahim since young. When Shaykh Abdul Kadir matured, Shaykh Ibrahim sent him to Mecca to study with his brother, Shaykh Ismail bin Abdul Kadir and his uncle, Shaykh Daud bin Muṣṭafa al-Faṭāni. [41]

Shaykh Abdul Kadir bin Muṣṭafa al-Faṭāni, not only left two sons who then became Patani 'ulamā', but he also left thousands of students, some of whom also became 'ulamā' in Patani, Malaysia, Indonesia, Cambodia and other countries. [42]. According to Wan Muhd Shaghir, Shaykh Abdul Kadir bin Muṣṭafa al-Faṭāni passed away on the 15th Zulhijjah 1312 A.H./1892 A.D. This information is based on the statement in a Kitāb written by one of his students, Shaykh Hussein bin Abdul Latif, Kelaba al-Fatani, better known as "Tok Kelaba" (see (xvi) chapter 3 above). He stated that his teacher, Shaykh Abdul Kadir bin Muṣṭafa al-Faṭāni who died

after suffering from cholera. [43]

(iv) Shaykh Abdul Latif bin Mustāfa al-Fatāni

Shaykh Abdul Latif bin Muṣṭafa al-Fatāni was the third son of Shaykh Wan Muṣṭafa bin Muḥammad al-Fatāni. He was also a famous Patani 'ulamā' who taught in Bangkok (Thailand), and liked to travel, even to Sukadana and Mempawah in West Kalimantan, Indonesia. Shaykh Abdul Latif bin Muṣṭafa al-Fatāni chose to reside permanently in Bangkok in the Ta-it District of the Nontaburi Province. [44] It can be said that almost all the Muslim community in Ta-it are his descendants. They were also Malay-Muslims from the Patani region who came to reside there a long time ago. According to my research, this possibly happened during the time when Sultan Mahmud was the Raja of Patani and the war between Patani and Siam (Thailand), around the year 1784 A.D. The defeat was the first in the Patani history and signified the loss of her independence. The Siamese army took some Malay men, women and children as captives, back to Bangkok as prisoners of war. As a result, we can see many Malay-Muslims communities in Bangkok today. [45]

Among Shaykh Abdul Latif's descendants who became a well-known 'ulamā' in Bangkok, was Haji Yahya al-Lathifi, possibly one of his grandsons (see genealogy (D) below). He first graduated in religious training at "pondok Bermin" in Patani and then went to Mecca to further his religious training at the Islamic University of Medinah, Saudi Arabia. Haji Yahya al-Lathifi is not only a hafiz (one who knows the

Kur'ān by heart), he also memorised thousands of hadith along with it's sanad (chains). [46] As a grandson of a well-known 'ulamā', Haji Yahya al-Lathifi also followed his grandfather's footsteps and established his own pondok at Ta-it. Today, pondok is called 'Madrasah al-Lathifiyyah'. [47]

(v) Shaykh Daud bin Mustafa al-Fatani

Shaykh Daud bin Muṣṭafa al-Faṭāni was the youngest son of Shaykh Wan Muṣṭafa al-Faṭāni, better known as 'Pak Cu Daud Patani'. He was born in Sena Janjar, Patani in 1283 A.H./1867 A.D. His first religious training was from his own brothers, Shaykh Muḥammad Zain, Shaykh Abdul Kadir and Shaykh Abdul Latif bin Muṣṭafa al-Faṭāni, at pondok Bendang Daya, Patani.

He went to Mecca when he was young. There, he studied with a number of well-known 'ulamā' and his last religious teacher was his nephew, Shaykh Aḥmad, who was eleven years older than him. After some time he joined the teaching of religious sciences at al-Haram mosque in Mecca. Many of his students became 'ulamā' in Patani, Malaysia (Kedah and Kelantan) and Indonesia (Mandailing, and West Kalimantan), especially before World War II. There are some of his students are still alive today. [48]

According to Wan Muhd Shaghir, Shaykh Daud bin Muṣṭafa al-Faṭāni, was not only 'ulamā' but also a writer. Among his works, only one Kitab remains entitled Segugus Bunga (A bunch of flowers). [49] Shaykh Daud bin Muṣṭafa al-Faṭāni

was a well-known 'ulamā' who learned in Islamic Jurisprudence (Fikh) of Shāfi'ī school. He liked to travel to spread Islam throughout the Patani region, and went as far as Kedah, Singapore and Riau. [50]

In Riau, he was invited by his former students to help solving the issue of khilafiyah (difference of opinion, especially on religious matters). At the same time he wanted to take his nephew's daughter, Hajah Wan Zainab binti Shaykh Ahmad bin Muhammad Zain bin Muṣṭafa al-Faṭāni back to Mecca (see genealogy (D) below). At Pulau Penyegat, Riau, he was warmly welcomed by his student Raja Haji Ahmad bin Raja Haji Umar, the Iman of Pulau Penyegat Mosque. [51]

The descendants of Shaykh Wan Muṣṭafa bin Muhammad al-Faṭāni have become 'ulamā' and religious teachers from generation to generation throughout the Malay communities in Thailand, Malaysia, Singapore, Indonesia, Burma, Cambodia, Mecca and elsewhere. [52] It is said that Shaykh Daud bin Muṣṭafa al-Faṭāni passed away on Tuesday the 23rd Zulhijjah 1354 A.H./1935 A.D. at his house in Mecca. His body was buried at Maala near Shaykh Muhammad Zain, Shaykh Abdul Kadir bin Muṣṭafa al-Faṭāni and Shaykh Ahmad bin Muhammad Zain al-Faṭāni's grave. He left behind two children: a son named Wan Ahmad bin Daud bin Muṣṭafa al-Faṭāni and a daughter (name unknown) married to Shaykh Ismail bin Abdul Kadir bin Muṣṭafa al-Faṭāni. One of Shaykh Daud's grandson was named Daud bin Ahmad bin Daud bin Muṣṭafa al-Faṭāni. [53] (see genealogy (D) below).

4.2. Shaykh Ahmad's Roles and Activities in Mecca; As

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Shaykh Ahmad descended from an Islamic missionary of an Hadramout (Yemen) family who settled in Patani. Most significantly, he was brought up in a religious atmosphere, it is not, surprising that he became a great and eminent scholar among the Malay 'ulamā' in this period at Mecca al-Mukarramah.

As a great and eminent scholar, Shaykh Ahmad played an important role in teaching, writing, editing and translating religious works from Arabic to Malay. Although leaving his country (Patani) to go as far as Mecca al-Mukarramah, he never forgot his motherland and the Malay society of Patani. The spirit of patriotism towards Patani and loyalty to his mother tongue i.e. Malay remained in his heart forever. This can be seen from his works which Shaykh Ahmad devoted most of his time developing religious studies in Patani. He translated and wrote numerous religious works in Arabic and Malay using Jawi characters. This was for the sake of the Malay-Muslims of Patani, because Malay-Muslims there spoke Malay and used Jawi characters in writing adhering to Islamic teaching. Besides that, Shaykh Ahmad wanted to preserve both the Islamic and Malay identity for the Malay-Muslims in the Patani region. It is also because the Malay-Muslims of Patani understood Islam through Kitāb Jawi and they considered the Jawi characters as a religious script.

Shaykh Ahmad, as a great and eminent scholar was requested by his students to compile his own works on

religious science, to enable them to practice religious duty, such as the work which was written by Shaykh Abdus-Samad al-Falambani entitled Hidāyatus-Sālikin (see appendices D and E). However, Shaykh Ahmad realised that he was too young and yet unqualified to write a work on Taşawwūf. Besides that he was very busy himself.

[54]

There then emerged the idea to print and publish Malay religious works (Kitāb Jawi), because at that time, most texts were hand-written. This stemmed from the endeavours of Shaykh Muhammad bin Ismail Daud al-Faṭāni and Shaykh Ahmad bin Muḥammad Zain al-Faṭāni and other Patani 'ulamā' who met together to establish a "Patani Group" or "Patani 'ulamā' Association", in Hijaz, Mecca. [55] The aim of the "Patani Group" was to set up the "The board for correcting and publishing Malay religious works" (Badan Pentash-hih dan Mencetak Kitāb Jawi). [56] The majority of Malay 'ulamā' in Mecca, Medinah, and Egypt agreed to set it up. Consequently, in 1884 A.D., the "Board" was established in Mecca and Egypt and Shaykh Ahmad was elected to be the head editor of the Board. In the same year, a Government printing house was established in Mecca. Before that the Malay religious works were printed in Cairo or Constantinople, or lithographed locally. In 1884 the Turkish Ottoman Government representative to Mecca appointed Shaykh Ahmad as a supervisor of the Malay section in the new Press. [57]

The Board stipulated the regulation that before printing or publishing any religious work into the Malay language, the text should first be checked by an 'ulamā' from the board

who were expert in Arabic and the Malay language. There also had to be a person who knew the Javanese language present. [58]

In the same year, after the Board was established, Shaykh Ahmad as the head editor had the responsibility of keeping contact with the Turkish Ottoman representatives to Mecca to seek help and financial support for the Board. They discussed the possibility of publishing Malay religious works through using lithographic printing. [59] Eventually, the meeting of Malay 'ulamā' with the Turkish representatives came to an agreement on the basis of mutual understanding. The Turkish representatives entrusted Shaykh Ahmad with the responsibility for publishing Malay religious works. As Snouck Hurgronje puts it:

"The Turkish Government has entrusted a certain Ahmed ibn Mohammed Zein from Patani (Malakka), [60] with the supervision of the Malay Press. To this is probably due to the fact that the works of divines from Patani are most numerous represented in Mekkah editions. This Ahmad is a savant of merit." [61]

Shaykh Ahmad entrusted Shaykh Daud bin Muṣṭafa bin Muḥammad al-Faṭāni (his uncle, see genealogy (D) below) to go to Turkey to meet the Turkish Government and explain in detail the needs of the Board for correcting and publishing the Malay religious works in Mecca. He was warmly welcomed by the Turkish Government. [62]

From the above statement of Snouck Hurgronje's that

"This Ahmad is a savant merit", it can be understood that Shaykh Ahmad was a great 'ulamā' who had special roles. This is because in that period, among a number of Malay 'ulamā' from the Malay Peninsula and archipelego who resided in Mecca, he was elected to be the head editor of the Board for correcting and publishing Malay religious works, and the Supervisor of the Malay Press in Mecca.

As a savant of merit, Shaykh Ahmad bin Muhammad Zain played a very important role in developing the Board for correcting and publishing Malay religious works. After getting sponsorship from the Turkish Government, Shaykh Ahmad began correcting, editing and publishing the Malay religious works entitled Kitāb Hidāyatus - Sālikin. The full name of this Kitāb is Hidāyatus - Sālikina fī Suluki Maslakul Muttakina translated and completed in hand writing by Shaykh Abdus-Samad al-Falambanī from Arabic to Malay on the 5th 1192 A.H./1773 A.D. at Mecca al-Mukarramah. The original Kitāb Bidāyatul Hidāyah, was by AI-Imām al-Ghazālī (d. 505 A.H.). [63]

It was not until Shaykh Ahmad became the head editor of the Board and the Supervisor of Malay section, that this Kitāb was brought to the Board. Shaykh Ahmad bin Muhammad Zain was the person who took responsibility to correct and edit it. By the Mercy of Allāh, the Board endeavoured to publish this Kitāb, with the moral consciousness of Hadratual Amjadil Kashmiri Muhammad and his son Abdul Ghani. The Kitāb was published at Shaykh Hananut Taukhi printers, near Jami' al-Azhar Mosque. This is the first among the Malay religious works which was printed in Egypt. [64] The

printing of the Kitab was completed in the mid-Rabi'ul-Awal 1300 A.H./1886 A.D.

Shaykh Ahmad was the first person to correct and edit this Kitāb, because there were many mistakes no one else had dared to do it. Also, Arab scholars did not know the Malay language. At the end of this Kitab, Shaykh Ahmad wrote a poem in praise of the author and also put his name in it, so that people would know the Kitab was corrected and edited by him (see appendix E).

The second Malay religious work which was corrected and edited by Shaykh Ahmad, et al was the works of Shaykh Abdur Rauf bin Ali Al-Fansūri (d. 1094 A.H.) that is the text, translation and commentary of the Holy Kur'an known as Tafsir al-Baidāwi. This was the first Holy Kur'an in the Malay translation and commentary (in Jawi characters). The original text is entitled Tafsir Anwarut Tanzil wa-Asrarut Ta'wil by al-Baidawi, but later known as Tafsir Baidawi Melayu. (See example in appendices F and G). Shaykh Abdur Rauf bin Ali al-Fansūri, also known as "Shaykh Kuala", was originally from Fansur, Singkel-Aceh (Sumatra). He resided at Kuala Sungai Aceh and acquired his knowledge abroad for as long as 16 years in Mecca, Jeddah, Mokha, Zabidi and Yemen. One of his teachers was Ar-Raniri (d. 1068 A.H.). [65]

It should be noted that Shaykh Abdur Rauf bin Ali al-Fansūri finished his work long before the existence of the Board and printing facilities. So, in 1884 A.D. when "the Board for Correcting and Publishing Malay religious works" was established, Shaykh Ahmad bin Muhammad Zain (who

was head editor) suggested to bring the text to the Board. Three members were nominated to be the correctors and approvers of the "Tafsir al-Baidāwī Melayu", namely Shaykh Ahmad bin Muhammad Zain al-Faṭāni, Shaykh Idris al-Kelantani and Shaykh Daud bin Muṣṭafa bin Muhammad al-Faṭāni (Shaykh Ahmad bin Muhammad Zain's uncle). [66] Furthermore, these three 'ulamā' signed their names under the recommendation of the "Holy Qur'ān Tafsir al-Baidāwī Melayu". A brief translation of this recommendation, says "This Holy Qur'ān is corrected with no addition, or changes, and nothing lacking from the original text". (See example in appendix H). (Author's own translation from the original text).

Shaykh Ahmad not only edited the religious works of the older Falambani and Fansuri 'ulamā' of Indonesia, but also edited the religious works of the older Patani. As Snouck Hurgronje puts it:

"It is probably due to Ahmad's patriotism that the following works of older Patani scholars (ie. Malay from Patani have been printed: An Anthology) of traditions concerning the Hereafter by Zein ul-Abidin Patani, entire series of works of Da'ud ibn Abdullah Patani, who wrote his best known books between the year 1815-1840 and whose name is often met with in the catalogue of Malay manuscripts of the Batavia collection. On the book market in Mekka there was to be found since 1880 a series of tracts written by him and lithographed in Bombay, on the Salat, and also a work by him entitled Kifayat al-Muhtaj about Muhammad's Journey to Heaven. I

also believe him to be the author of a hand-book of marriage-laws anonymously published in Constantinople. From the Government printing Press the following works of Daud have come on the market to my knowledge: his great work on Law and Dogma, Furu'al masail, much used in the East Indies; his hand book of Dogma ad-Durr at-thamin; his grand treatise on life after Death, Kashf al-Ghummah; a collection of mystic stories and warnings Jam'al-Fawā'id." [67]

So, from the above statement, it is clear that Shaykh Ahmad had played a very major role in editing and publishing a number of the works produced by older Patani'ulamā'. Most Malay religious works previously were in a hand written form. It was not until the "Board for correcting and publishing the Malay religious works" was established, under Shaykh Ahmad as the head editor and the supervisor of the Malay section, that a series of Malay religious works were edited and published. It can be said that the Malay religious works reached a peak then, particularly concerning the works of the older Patani from early 19th century to the early 20th century. The Board took serious action to correct and edit the Malay religious works before being printed and published.

Shaykh Daud bin Abdullāh bin Idris al-Faṭāni's was very well-known in Mecca al-Mukarramah between the years (1815-1840 A.D.) He wrote numerous religious works, and most of them were translated from Arabic into the Malay. [68] It is thought that Shaykh Daud bin Abdullāh bin Idris al-Faṭāni was the first Patani'ulamā' to write and translate

religious works from Arabic into Malay. [69] It is therefore not surprising that Shaykh Daud bin Abdullāh bin Idris al-Fatāni was very famous since at this time Malay religious works were very rare and most of them were hand written and the students who might need them would have had to copy them by hand. When the Board was established, then the works of the older Patani 'ulamā' were put on the list to be printed and published.

As stated before the Malay-Muslims of Patani understood Islam through Kitāb Jawi or Malay religious works. So, during the late 19th century, the Malay religious works were available in the book market in Mecca. The works of the older Patani, such as Shaykh Daud bin Abdullāh bin Idris al-Fatāni were welcomed by the Malay-Muslims from the Malay Peninsula and archipelago, and Patani in particular. When Malay-Muslims from Patani and other parts of the Malay Peninsula went to Mecca al-Mukarramah to perform Hajj some of them decided to further their religious training there, and after they had finished their Hajj performance and studies, they would return to their homeland and bring the Malay religious books with them. Some of them established a pondok; therefore, the Malay religious books became an important source in the spreading of Islam in Patani and other parts of the Malay Peninsula. Shaykh Daud's name was also famous throughout the Malay World of Southeast Asia. It was when his works were introduced in Patani that Malay-Muslims there became acquainted with him.

As a great and productive 'ulamā', Shaykh Daud bin Abdullāh bin Idris al-Fatāni was given a title of honour

"Al-ʿĀlim Al-ʿAllāmat Al-ʿĀrif Ar-Rabbāni" by the Turkish Ottoman representative to Mecca al-Mukarramah. This is possibly because of his popularity and reputation as the greatest 'ulamā' among the Malay-Muslims of Patani. [70]

There was an Indian bookseller named Abdullāh Mujallid who sold the Malay translation a "risālah" in Mecca, but was printed in Bombay, India. [71] The "risālah" was highly demanded among the Malays who went to Mecca for Hajj performance since at this time there were very few Malay religious books in print. Abdullāh Majallid was frequently asked by his customers about whom the author of this "risālah". He claimed that the writer was Shaykh Daud bin Abdullāh bin Idris al-Faṭāni. The "risālah" had actually been printed without the author's name but once it came to be in great demand, Abdullāh Mujallid reprinted it again putting the name of Shaykh Daud bin Abdullāh bin Idris al-Faṭāni as the author. This was not true, and further details of this issue will be mentioned again in question and answer number 6 in Kitāb Fatāwā al-Faṭāniyyah. (English translation appendix c. of this thesis). It was Shaykh Aḥmad who corrected and edited this "risalah" but Shaykh Daud bin Abdullāh bin Idris al-Faṭāni did not write it at all.

According to Shaykh Aḥmad, when he examined the compilation carefully particularly the form of expression, dialect and idiom, he realised it was definitely not the style used by Shaykh Daud bin Abdullāh bin Idris al-Faṭāni. The most significant thing is that there were a lot of mistakes in this "risālah". There was also a Malay Kitāb which was somewhat similar to the "risālah", written by al-ʿĀlim

al-Shaykh Azhari Palembangi. Therefore, it is possible that Shaykh Azhari took some points from the "risālah". Since there were mistakes in the points, Shaykh Ahmad suggested him to correct them to avoid confusion. [72]

There is another important role which was played by Shaykh Ahmad. In the reign of Sultan Muhammad IV, or better known as Tengku Senik, of Kelantan (reigned 1900-1920 A.D.), Malaysia, [73] there was a man named Haji Encik 'Id bin Haji Encik Din from Negeri Sembilan. He studied at Mecca al-Mukarramah with Muhammad Dandarawi as students of Sidi Ibrahim, then resided permanently at the house of Haji Awang, Jalan atas Banggul, Kota Bharu. He was the man who brought the teaching of Tarīkat Ahmadiyyah to Kota Bharu, Kelantan.

Many people were attracted to his teaching and enrolled to study from him. After some time, there was a dispute over to his teaching. Some people believed that it was correct but some people did not agree with his teaching. This issue was brought to Sultan Muhammad IV and finally Sultan Muhammad decided to write a letter to Mecca, asking Shaykh Ahmad bin Muhammad Zain to settle this matter. [74] The Sultan requested Shaykh Ahmad to answer in detail as soon as possible. Shaykh Ahmad answered in 1324 A.H./1905 A.D. [75] (further details of this issue can be found in question 106, appendix c. of this thesis). The original letter of Sultan Muhammad IV, is now kept in the Museum Negeri Kelantan, Kota Bharu. According to Wan Muhd Shaghir this was the second letter which Sultan Muhammad IV wrote to Shaykh Ahmad (see appendix I).

So, it is clear that Shaykh Aḥmad was indeed a savant of merit. Besides being the author of a variety of religious works, he was also a poet, writing both in Malay and Arabic (see appendices J and K).

There are other examples of Kitābs Jawi of the older Patani and Indonesian scholars which were corrected by the Board, especially by Shaykh Aḥmad, who was the editor and supervisor of the Board.

1. Kitāb "Ad Darrun Nafis", by Shaykh Muḥammad Nafis bin Idris al-Banjāri. [76]
2. Kitāb "Sabībul Muhtadīn", by Shaykh Muḥammad Arshād bin Abdullāh al-Banjāri. [77]
3. Kitāb "Sirātul Mustazim", by Ash-Shaykh Nurudin Jilani Ibn Ali, Ibn Ḥasan Ji, Ibn Muḥammad Hamid Ar-Ranīri. [78]

Here are the Kitāb Jawis of the older Patani scholars which has been edited by Shaykh Aḥmad bin Muḥammad Zain al-Faṭāni besides the ones mentioned before:

1. Kitāb "al-Durr al-Thamin", by Shaykh Daud bin Abdullāh bin Idris al-Faṭāni. [79]
2. Kitāb "Furū'al-Masā'il wa Uṣūl al-masā'il", by Shaykh Daud bin Abdullāh bin Idris al-Faṭāni. [80]
3. Kitāb "Idāḥ al-Bāb li murīd al-nikāh bi'l-ṣawāb", by Shaykh Daud bin Abdullāh bin Idris al-Faṭāni. [81]
4. Kitāb "Ghāyat al-Taqrīb", by Shaykh Daud bin Abdullāh bin Idris al-Faṭāni. [82]
5. Kitāb "Munyat al-Muṣallā", by Shaykh Daud bin Abdullāh bin Idris al-Faṭāni. [83]
6. Kitāb "Fathul Minān", by Shaykh Daud bin Abdullāh

bin Idris al-Faṭāni. [84]

7. Kitāb "Maṭla' al Badrāyn wa Majma' al-Bahrāyn", by Shaykh Muḥammad bin Ismail Daud al-Faṭāni. [85]

In short, Shaykh Aḥmad played a very decisive role in establishing the Board for correcting the Malay religious works. There were many developments in terms of Islamic education and religious books in Jawi becoming well-known throughout the Malay Peninsula and Patani in particular. Furthermore, the number of Malay scholars had increased, and it was Shaykh Aḥmad who brought new faces of Malay Muslim intellectuals to the Malay Peninsula, and possibly, throughout the Malay world of Southeast Asia in the early 20th century. [86]

4.3. Shaykh Ahmad bin Muhammad Zain bin Mustafa al-Fatani:
a summary of his major contributions

Shaykh Aḥmad was one of the greatest Patani'ulamā', from the late 19th century to the early 20th century. As a great 'ulamā', he, therefore, was given a title as "Savant of merit" by C. Snouck Hurgronje. [87]

He spent most of his life in Mecca al-Mukrramah, where he died in 1325 A.H./1906 A.D. He contributed many advanced works for Malay-Muslims of Patani in particular, and the Malay world of Southeast Asia in general. He has special characteristics which distinguished him from other older Patani'ulamā' before and after him. Indeed, he was an outstanding 'ulamā' in his time.

The following are some of his particular contribution:

[88]

1. He was the first Editor of the Board for correcting (Taṣḥīḥ) the Malay religious works. He was also a supervisor of the Malay Press section in Mecca al-Mukarramah (1884 - A.D.)
2. He was the first Malay 'ulamā' who began to correct the Malay religious works, and from then, the works were printed and published. Prior to this, most works were hand written.
3. He was the first Malay 'ulamā' who endeavoured to compile the Malay grammar, as requested by his former student, the Chief Minister of Kelantan, Haji Nik Mahmud bin Haji Nik Ismail (Datuk Perdana Menteri Paduka Raja Kelantan, reigned 1915 - 1945 A.D.).
4. He was the first Malay Muslim doctor of Medicine (Tabib)
5. He was the first Malay 'ulamā' to write a book and an article on politics ('Ilm al-Siyāsah).
6. He was the first Malay 'ulamā' to write a book on history. (Kitāb Hadiqatul Azhar war-Riyyahhin).
7. He was the first Malay 'ulamā' to establish a "question and answer" dialogue with other Muslims through letters, which he wrote in both Arabic and Malay. These letters have been collected together and published as Al-Fatāwā al-Fatāniyyah.
8. He was the first Malay 'ulamā' who liked to read newspapers and discuss politics.
9. It is believed that, he was the person who introduced four additional non-Arabic letters, namely cha (چ),

nga (ڠ), ga (ڠ), and nya (ن) into Jawi letters. [88]

10. It is argued that, he was the person who corrected the name of his homeland by changing the word "Patani" (ڤتاني) to be Faṭāni (ڤطاني). [90]

4.4 Shaykh Ahmad bin Muhammad Zain bin Mustafa al-Faṭāni as a writer and translator

In this section, I will briefly discuss the works of Shaykh Ahmad.

Shaykh Ahmad was a great scholar and well-known Malay-Muslim 'ulamā' of his time. He studied various fields of knowledge and had illustrated his genius and understanding of religious knowledge through his works.

Shaykh Ahmad was not only The Father of Modern Muslim intellectuals in religious studies of Patani and Kelantan but he was also one of the greatest Malay Muslim 'ulamā' of Patani after Shaykh Daud bin Abdullah bin Idris al-Fatani, The Father of Patani Islamic Studies. This is because Shaykh Daud bin Abdullāh had written and translated the most religious works from Arabic into Malay (see (i) chapter 3 above).

As the second great Malay 'ulamā' of Patani after Shaykh Daud bin Abdullāh bin Idris al-Faṭāni, Shaykh Ahmad bin Muhammad Zain al-Faṭāni also contributed numerous religious works both in Arabic and Malay. His works also proved that he was the greatest Malay 'ulamā' of the late 19th and early 20th century.

Following are some of his works;

1. Ibriz as-Ṣarf fī fan as-Sarf

In this text, Shaykh Ahmad discussed Arabic grammar concerning the morphology and conjugation of words.

He completed a compilation of this text on Monday the 8th Jumada'l Ula in 1307 A.H./1890 A.D. at Mecca al-Mukarramah. (in Arabic)

2. Abniyat-al-Asmā' wa al-afa'āla

In this 24 paged Kitab, Shaykh Ahmad discussed Arabic grammar and combined this with a 'risālah al-Fatāniyyah' (the treatise of Patani) as a part of Arabic grammar. This has a special emphasis for the beginners of Arabic grammar particularly for Patani Muslims.

He completed the compilation of this Kitab on Monday the 10th of Dhulhijjah in 1325 A.H./1906 A.D. (in Arabic). Possibly, this Kitab was his last work because it was completed in Dhulhijjah 1325 A.H./1906 A.D., the same year of his death. [91]

3. Anwānul Falāh wa'anfāwan as-Ṣalah.

In this book, Shaykh Ahmad discussed the knowledge of the Unity of God (Tawḥīd), Uṣūl ud-dīn, Fiqh, etiquette or morals, and social intercourse.

This book was completed on Friday 7th Sha'wal 1319 A.H./1899 A.D. at Mecca al-Mukarramah.

4. 'Aqādul Jaman fī 'Aqā'id al-Imān

It is believed that Shaykh Ahmad discussed Tawḥīd,

uṣūl-ud-dīn and Fiqh in this text.

5. Badarul Taman Wannujūm Thawakab

In this book, Shaykh Aḥmad wrote about the biography of the Prophet Muḥammad, his family and his companions. He discussed the creation of the light of the Prophet Muḥammad and the transference of this light to his father and mother, after which his mother became pregnant, and then gave birth. Finally, he was appointed to be the messenger of Allāh (Rasul Allāh). Shaykh Aḥmad discussed the embracing of his companions to Islam, the first migration of his companions to Habshah (Ethiopia) and the great migration of the Prophet Muḥammad and his followers from Mecca to Medinah until he established the first Islamic city state. This book was completed, compiled and translated on Friday the 9th of Rabi'ul-Thani 1307 A.H./1890 A.D. at Mecca al-Mukarramah.

6. Bahjat al-Muḥtadīn wa farḥat al-muḥtadīn

In this Kitāb of 63 pages, Shaykh Aḥmad discussed the Knowledge of Uṣūl-al-dīn and Fiqh, concerning religious obligation (ibādāt) and social intercourse. The preface contains a discussion from a hadith about the necessity of this science, and there are two epilogues. The first is concerned with good etiquette and the second one is an excerpt from a collection of Taṣawwūf. This book was completed, compiled and translated on Friday the 13th of Rabi'ul-Thani 1310 A.H./1892/3 A.D. at Mecca al-Mukarramat.

7. Basharatul 'Amalin Wandharatul Ghāfilīn

I am unfortunate not to have this text at the moment. It is believed that Shaykh Aḥmad discussed Taṣawwūf in this text.

8. Al-Fatāwā al-Faṭāniyyah

This book is a substantial collection (220 pages) of the answers which Shaykh Aḥmad gave to the problems sent to him by Southeast Asian Muslims. The views and opinions of Shaykh Aḥmad are clearly evident in these fatawā. It concerned various aspects of Islam i.e. Tawhīd, Uṣūl-al-dīn, Fiqh, Arabic grammar, Malay grammar, Politics, Social intercourse and Taṣawuf. This book is one of his major works which he wrote in both Malay and Arabic. Moreover, there is some tangible evidence portraying Shaykh Aḥmad bin Muḥammad Zain al-Faṭāni as a great scholar in a wide range of Islamic knowledge.

It can be said that this is the first book on fatawā in the form of a "question and answer" dialogue through letters. This book was collected and compiled by Shaykh Aḥmad's son, Haji Wan Isma'il bin Aḥmad bin Muḥammad Zain al-Faṭāni, a former Kādi of Patani Province. This edition was printed by Patani Press in 1377 (1957). [93]

9. Farīdat al-Farā'id fī 'ilm al-'aqā'id

In this short risālah of only 24 pages, Shaykh Aḥmad discusses Tawhīd (dogma) and uṣūl al-dīn which is based on the Imām ash-Sha'arī (died 945 A.D.). The author claimed

that he compiled it from many aqidah (catechisms) and sincerely simplified all that ones difficult to understand. He translated it from Arabic into both Malay and the Patani dialect, although some Arabic phrases are still retained in the text using brackets. This book is widely used in religious schools i.e. Pondok schools, Mosques and Madrasah. Moreover it has become a text book in religious studies and is still used today in Patani, Yala and Narathiwat and in some parts of Malaysia. This book was translated, compiled and completed on Monday the 12th of Rabi'ul-Awal 1313 A.H./1895 A.D. in Mecca al-Mukarramah. [94]

10. Hadiqatul Azhar War-Riyyāhin

In this Kitāb, Shaykh Ahmad bin Muḥammad Zain al-Faṭāni, discusses various issues, particularly the history of Islam, Islamic dogma, the salutations to the Prophet Muḥammad, the science of Knowledge, the story of the four founder Sunni schools, the questions and answers on religious issues by al-Imām al-Shāfi'ī towards Muḥammad bin al-Ḥassan and Ibu Yusuf, the Muslim Saints and pious people. It is narrated by Zain al-Masri, Sidi Ibrāhim al-Khawās etc., containing the story of the two Nassaranis (Christians) who tried to dig up the deceased body of the Prophet Muhammad and the story of Bugis and their origin.

Shaykh Ahmad also discussed Fiqh, Uṣūl al-Fiqh, medicine, the behaviour of Muslim towards Muslim brothers, the problem of social intercourse, the knowledge of idiom, the science of Politics, Medical utilization, the sermon of marriage, Taṣawwūf and Naṣīha (advice). This book was

translated, compiled and completed on Saturday the 15th Sha'ban 1307 A.H./1887 A.D. at Mecca al-Mukarramah.

11. Jamanat al-Tawhīd

In this book Shaykh Ahmad bin Muhammad Zain al-Fatāni looks at Tawhīd (Dogma) and Uṣūl al-dīn.

12. Laqatul Ijlan fī matamas aliyah Hajat al-Insan

In this book, Shaykh Ahmad talks about the speciality of the Holy Qur'ān and some secret names of the Most High Allāh, the excellent invocation of Allāh and salutation to the Prophet Muhammad. The text also deals with psycho-medical treatments base on the Qur'ānic verses which is useful and beneficial for all Muslims. This thirty-page book was translated, compiled and completed on Tuesday the 20th Ramadan 1301 A.H./1889 A.D. at Mecca al-Mukarramah.

13. Matn al Mudakhil fī 'llm al-Sarf

It is believed that Shaykh Ahmad discusses Arabic grammar in this book.

14. Minhāj al-Salam fī Sharḥi Hidāyatul Awāmm

It is believed that Shaykh Ahmad elaborates on Tasawwuf, usul al-din and faith in this text.

15. Mir'at al-'Ajaib

According to Wan Muhd Shaghir Abdullah (stated in his book entitled Sūfi Dan Wali Allah Shaykh Ahmad wrote on Tasawwūf, that is Mir'at al-'Ajaib. It was a response to the

Raja of Kelantan query on the tarikat brought from Negeri Sembilan by Hajji Encik^{Id} bin Haji Encik Din Linggir, which was causing a confusion in Kelantan. [95] (For further details about Mir'at al-'Ajāib see question and answer number 106, appendix C).

16. Sa'adat al Muttanibah

It is believed that Shaykh Ahmad discussed the knowledge of Tasawwuf in this work.

17. Shi'r and Naṣiḥa, both in Malay and Arabic Language (poetry and advice both in the Malay and Arabic Languages).

Shaykh Ahmad did not gather or compile his Shi'r and Naṣiḥa in one book but he wrote in many books i.e. in Tashīl nail al-Amāniy, Hadiqatul Azhar war-Riyyāhin, Badarul Taman Wannujūm Thaawākab, and some Shi'r in the Malay language. Some examples of his Shi'r and Naṣiḥa in Malay can be seen in appendices D and E. The Malay Shi'r he wrote in praise of the author of Kitab Hidāyatul Sālikin, i.e. Shaykh Abdus Samad al-Falembani, in appendix J, is Malay Shi'r-naṣiḥa and appendix K, is an Arabic Shi'r. However, Shaykh Ahmad's most interesting Arabic Shi'r wrote of Sayyid Bekri Abu Bakr bin Muḥammad Ad-Dinyati entitled I'ānat at-Tālibin, a gloss on Fath al-Mu'īn of Zayn ud-Dīn al-Malibari. In the fourth volume, there was a poem in praise of Sayyid Bekri which had been composed by Shaykh Ahmad. [96]

18. Tashīl nail al-Amāniy fī Sharḥ Awāmil Jurjani

This text is 39 pages long, concerning Arabic grammar and was written in Arabic. Shaykh Aḥmad has commented and extended on Arabic grammatical text entitled Matn al-Awamil by Shaykh Abdul Kadir Al-Jurjāni. However, Shaykh Ahmad has named this text Tashīl nail al-Amāniy which later became well-known in the Arab world. [97] According to my informant, Hajji Ismail bin Hawan, this text became a text book on Arabic grammar for the students at al-Azhar University, Egypt. [98] This text was completed with a commentary and extension on Monday the 2nd of Rabi'ul-Awal 1300 A.H./1884 A.D. at Mecca al-Mukarramah and in 1883 A.D., was published by him in Cairo. [99]

19. Tibb al-Ahsan fī Tibb al-Insan

This text was devoted to the knowledge of medicine, confirming that Shaykh Aḥmad was not only interested in religious studies but also in physical matters. It is argued that he was the first Malay Physician. Within this text are contained medicines for many ailments as follows:

The course of the four humours and mental disorders namely blood, bile, phlegm and black bile; the pulse of the heart, the colour of urine, headaches, sinus, pimples, eye troubles, stomach ache, epilepsy, kidney troubles, uterus troubles, hernia trouble, skin disease etc. Besides being an Islamic scholar in the Malay-Muslim World, Shaykh Aḥmad intended to produced an important work dealing with medicines derived from local natural plant resources (herbs) that flourish in the soil of the Malay lands. He, however,

collected this information on the medical uses of plants from several books (unfortunately he did not mention the names of the books) and translated them into Malay. This text was completed on Monday the 3rd of Dhulhijjah 1312 A.H./1893 A.D. in Mecca and was printed there in 1332 A.H./1914 A.D.

It should be noted here that the works of Shaykh Ahmad, as mentioned above are nineteen books, but unfortunately only some of the titles of the books can be found. However, eleven out of the nineteen books are in my possession at the moment, as follows:

1. Ibriz as Sarf fī fan as-Sarf 1307A.H./1887 A.D. (in Arabic).
2. Abniyatal Asmā' wa al-afa'āla combined with risālah al-Fatāniyyah 1325A.H./1906 A.D. (in Arabic).
3. Anwānul Falāh Wa anfāwan as-Sālah 1319A.H/1899 A.D. (in Jawi).
4. Badarul Taman Wannujūm thawākab 1307A.H./1890 A.D. (in Jawi).
5. Bahjat al-Muhtadīn wa farhat al-mujtadīn 1310 A.H./1890 A.D. (in Jawi).
6. Al-Fatāwā al-Fatāniyyah 1900-1905 A.D. (both in Jawi and Arabic).
7. Farīdat al-Farā'id fī 'ilm al-ṣaqā'id 1313 A.H./1892 A.D. (in Jawi).
8. Hadiqatul Azhar war-Riyyāhin 1307 A.H./1887 A.D. (in Jawi).
9. Luqatul Ijlan fī matamas aliyah Hajat al-Ihsan 1301 A.H./1882 A.D. (in Jawi).

10. Tashīl nail al-Amānīy 1300 A.H/1885 A.D. (in Arabic).
11. Tabb al-Ahsan fī Tibb al-Insan 1312 A.H./1892 A.D. (in Jawi).

Thus of the rest of his works only the titles have been found but it is believed that there are many other undiscovered texts. According to my informant, Haji Ismail bin Hawan, there are many more Shaykh Ahmad's hand-written works. These were kept in the house of the late Haji Wan Ismail bin Ahmad bin Muhammad Zain al-Fatāni (Shaykh Ahmad's son), a former Kādī of Patani Province who resided in Kampung Jambu, Jaring District, Patani Province. However, all the manuscripts were burnt by his grand daughter-in-law who, not knowing Jawi or Arabic, did not understand their importance. She is now a Muallaf (newly converted). [100]

4.5. Shaykh Ahmad bin Muhammad Zain bin Mustafa al-Fatāni as a teacher

In Mecca, Shaykh Ahmad became a part of the small community of students from Southeast Asia who had come there to study with the great teachers of the day. As we already know, before Shaykh Ahmad became a great Patani 'ulamā' in Mecca, there were other older native Patani 'ulamā' who resided in Mecca and were engaged in teaching at al-Haram Mosque. These included, Shaykh Daud bin Abdullāh bin Idris al-Fatāni, Shaykh Zain al-'Abidin bin Muhammad al-Fatāni and Shaykh Muhammad bin Ismail Daud al-Fatāni. Their teaching was sustained and extended by Shaykh Ahmad

bin Muhammad Zain al-Fatāni. From them have grown an influential group of 'ulamā' who returned to the Patani region, the Malay Peninsula and other parts of Southeast Asia.

It is not surprising that Shaykh Ahmad have attracted many Malay speaking students, especially during the late 19th century. Many students from the Malay world of Southeast Asia, Patani and Kelantan in particular, came to study with him in Mecca. Furthermore, the Malay religious students from the Malay archipelago including some parts of Cambodia, Cham in particular, went to Mecca during this period to further their religious studies, and almost all of whom came to visit him and became his students. [101] It should be noticed here that Shaykh Ahmad had special characteristics which distinguished him from the other older Patani 'ulamā', in that he liked to discuss politics and read newspapers every day. Shaykh Ahmad had an ambition to see the establishment of a Malay Islamic Kingdom which would stretch from the Patani region, south to Kelantan and Trengganu. He even contacted the Turkish government to give aid and support to Kelantan, so that it could resist Siamese (Thai) control and come under British Malayan protection. He also had contact with Cham Muslims in Cambodia whom he encouraged to establish their own state. He advised the Cham to study either in Patani or Kelantan first before travelling to Mecca. [102]

My research suggests that Shaykh Ahmad's special interest in discussing politics and the reading of newspapers, was influenced by the work of Shaykh Daud bin

Abdullāh. This is because Shaykh Daud had discussed several times in his work the concept of Jihād (holy war). An example of this is in the Kitāb Kifāyat al Muhtadi (pp.320-21) of Shaykh Muḥammad Nur bin Ismail al-Faṭāni which was written as a gloss of Shaykh Daud's work Sullam al-Muhtadi. A section on Jihād in this work which says that "if unbelievers came to oppress Muslims they should be resisted in a holy war." Other works of Shaykh Daud are also concerned with politics and struggle, for example in Furū' al-Masā'il wa usūl al-Masā'il (pp.4, 301 and 302) and in Hidāyatul Muta'allim (p.17) and in Al-Darr al-Thamīn (p.79), Bombay Press and in al-Jawāhir al-Saniyyah (p.311), and in Bughayat al-Tullāb Li Murīd Ma'rifat al-Ahkām bi 'l-Sawāb (p.95) part 1. [103]

In his own work such as in Kitāb Al-Fatāwā al-Faṭāniyyah (Fatwā number 44, and Fatwā number 80) Shaykh Ahmad also discussed politics and Jihad. Other factors which induced Shaykh Ahmad's interest in politics was the political and social events in the Patani region itself, and the ideas of Islamic reformation in the Middle-East. It is possible that Shaykh Ahmad was attracted by the idea of Shaykh Muḥammad Abduh on the basis of Islam and politics. Shaykh Ahmad was a contemporary of Shaykh Muḥammad Abduh, the former was 'ulamā' in Mecca and the latter in Egypt. [104]

According to Dr. Matheson and M.B. Hooker, "The picture which emerges of Shaykh Ahmad is that of a religious scholar who broadened the rather narrow limits of 19th century Meccan Scholarship, to include modern politics, history and an active involvement in printing, in his interests." [105]

As I have mentioned above, Shaykh Ahmad attracted many students from the Malay speaking world including Cham Muslims of Cambodia. Therefore, his ideas, influence and teaching were extended and continued by some of his students and followers. Therefore, it was he who indirectly laid down the new policy and system of pondok education in Patani and Kelantan, and possibly in other places outside Malaysia. [106] The system of pondok education there at that time emphasised on Arabic grammar and Fikh, making them not well-organised. It was not until teaching was taken over by the students of Shaykh Ahmad that the content and system of pondok education was broadened. [107]

Shaykh Ahmad was also a contemporary of Shaykh Ahmad Khathib of Minangkabau, Indonesia. Both of them were under the same teacher while they were studying in Mecca al-Mukarramah, and taught at the same place, al-Haram Mosque. It can be said that almost all students from the Malay Peninsula and Indonesia then studied under both 'ulamā', both of whom were among the great 'ulamā' of the Shafi'i school. [108]

Amongst the students of Shaykh Ahmad bin Muhammad Zain al-Fatani and Shaykh Ahmad Khatib Minangkabau from Indonesia were: [109]

1. Shaykh Hasan Ma shum Medan-Deli (d. 1355 A.H./1935 A.D.).
2. Shaykh Muhammad Sa'ad Munqa (d. 1339 A.H./1919 A.D.).
3. Shaykh Mustafa Husein Mandailing (d. 1370 A.H./1950 A.D.).
4. Shaykh Sulaiman ar-Rasuli Candung (d. 1390 A.H./ 1970

A.D).

Fortunately there are some biographical details available on his students and their works in Kelantan, these works have been studied by Nik Abdul Aziz bin Haji Nik Hassan. [110]

Amongst students of Shaykh Ahmad bin Muhammad Zain al-Faṭāni, who came from different parts of the Malay Peninsula were:

1. Tuan Abdus-Samad b. Muhammad Salih al-Kelantani, better known as Tuan Tabal. [111]

He was born in the Tabal District, around the year 1840 A.D. and died in 1891 A.D. Tabal formerly was in Kelantan, but after the Siamese-Anglo Treaty of 1909, Tabal became a district of Thailand. He was brought up with religious training at a Patani pondok. By that time Patani was a centre of Islamic education in the Malay Peninsula which was very influential. After that he went to Mecca al-Mukarramah to further his study. It is said that Shaykh Ahmad was one of his teachers. [112]

He is the author of numerous books on Islam i.e. [113]

- a. Bab Harap, on Tasawwuf
- b. Munyatu Ahli'l Qwbah fī Bayani't Tawbah, on Tasawwaf
- c. Munabbihu'l Ghāfilin, on Taṣawwuf
- d. Minhatul'l Qarīb, on uṣūl al-dīn, Fikh and Taṣawwuf
- e. Bi-Kifāyatul Awām, on uṣūl al-dīn, and twenty attributes of Allāh (Sifat dua Puluh).
- f. Bidāyatul Ta'lim, discussing Islamic principles and religious obligations of individual Muslims duties

(fard'ain).

g. Jalal-Qulūb, discussing on Taṣawwūf, this text is considered his major work.

2. Muhammad Yusuf bin Muhammad, better known as Tok Kenali

He was born in the year 1868 A.D., at Kampung Kerian Kota Bharu Kelantan and died on the 19th of November 1933 A.D. Tok Kenali's early religious training began at home with his grandfather, and when he was ten years old he travelled daily to the main city, at this time was Masjid Kota Bharu where he learnt from many teachers there. Several of these teachers were from overseas. [114]

In 1886 A.D. he went to Mecca al-Mukarramah to further his study with Shaykh Aḥmad bin Muḥammad Zain bin Muṣṭafa al-Faṭāni and Shaykh Muḥammad Ismail Daud al-Faṭāni. It is said that Tok Kanali learnt 24 sciences from Shaykh Ahmad.

[115] According to Dr. Matherson and M.B. Hooker, Shaykh Aḥmad was considered an "unusual and innovative teacher."

[116] Shaykh Aḥmad was the first Malay 'ulamā' in Mecca to encourage his students to read newspapers so that they could follow world politics. [117]

After twenty years studying with Shaykh Aḥmad in Mecca, he followed his teacher, Shaykh Aḥmad and went to Egypt as his servant. There he took his religious study at al-Azhar University for two years. It is said that Tok Kenali was very learned in Arabic grammar (naḥw), morphology (ṣarf), rhetoric (Ballaghāh), Law (Fiḥh) and mysticism (taṣawwūf). Among the subjects mentioned, Arabic grammar was his speciality. He became known in the Malay world of Southeast Asia. [118]

In 1915 A.D., Tok Kenali returned to his homeland, Kelantan and was persuaded by the Sultan Muhammad iv to establish the Majlis Ugama Islam. At the same time he opened his own pondok which is called pondok Tok Kenali and he was the writer of the journal Pengasuh. [119]

Tok Kenali was said to be Shaykh Ahmad's favourite student and he was given the title of the sun of Kelantan who lit up the darkness of the whole of Kelantan, by his teacher, Shaykh Ahmad bin Muhammad Zain al-Fatāni. [120] Tok Kenali was a great Kelantan 'ulamā' and it was he who extended and continued Shaykh Ahmad's approach to Islam and politics. [121]

3. Haji Wan Musa bin Haji Samad bin Tuan Tabal

He was born at Lurong Tok Semain, Kota Bharu Kelantan in 1874 A.D. and died in 1939 A.D. Haji Abdul Samad bin Muhammad Salih al-Kelantani, who was better known as Tuan Tabal was his father. [122] Haji Wan Musa's early religious learning was at home from his father, after which he went to Mecca to further his religious study. In Mecca, Haji Wan Musa studied with Shaykh Ahmad bin Muhammad Zain al-Fatāni. He returned to Kelantan in 1908 and owing to the death of Mufti Haji Nik Wan Abdullāh, he was appointed to the post of Mufti. However, in 1916, he was forced to resign from the Mufti's post because of ideological differences between him and Sultan Muhammad IV of Kelantan on the issue of inheritance. [123]

4. Haji Ibrahim. [124]

A former Mufti Besar of Kelantan (1927-1941 A.D.), he was born in 1872 A.D. and died in 1952 A.D. His family migrated from Minangkabau, Indonesia to settle in Kota Bharu, Kelantan. His early religious training was at home with his family, then he went to Mecca to study with Shaykh Ahmad. After that he returned to Kota Bharu to reside temporarily at Kampung Banggul before moving to Taman Sekebun Bunga, Kota Bharu Kelantan. Haji Ibrahim, was said to be a learned man in Fikh and Tasawwuf. He used to go to Cambodia to spread Islam. He possibly was encouraged by his teacher, Shaykh Ahmad, to tie close relations with Cham Muslims. It is interesting to note that he could speak Cambodian fluently. He wrote two books on Islam, i.e.:

- a. Jiwa Amalan (The Spirit of good deeds)
- b. Kawā'id al-Dunya wal-akhirah, which was concerned with dhikr.

5. Haji Nik Mahmud bin Haji Nik Ismail. [125]

(Datuk Perdana Menteri Paduka Raja Kelantan, 1915-1945 A.D.)

He was born into a noble Kelantan family in 1880 A.D. and died in 1964 A.D. He was brought up and received his early religious training at home with his own father after which he went to Mecca to pursue his study with Shaykh Ahmad. Nik Mahmud and Muhammad Yusuf (Tok Kenali) are said to have studied politics with Shaykh Ahmad bin Muhammad Zain al-Fatāni. Nik Mahmud, however, after returning from Mecca did not have much time teaching Islam. He had to carry out the duty of Perdana Menteri Paduka Raja (Chief Minister of

Kelantan). He was among those who proposed the formation of Majlis Ugama Islam dan Adat Istiadat Melayu (Islamic Council For Religious Affair and Malay Customary), on the advice of Tok Kenali. Majlis Ugama Islam dan Adat Istiadat Melayu Kelantan was then established in 1915 A.D.

Nik Mahmud bin Haji Nik Ismail was an important person in paving the way for early Muslim thinkers and ulama' of Kota Bharu, Kelantan such as; Tok Kenali, Haji Ibrahim, Haji Ali Salahuddin, Encik Ya'coob Legor. Moreover, he was a reformist in the field of Islamic Philosophy and organisation in Kelantan.

Haji Nik Mahmud was influenced by the three great 'ulamā', namely Shah Wali Allāh al-Dehlawi (Delhi), Maulana Abdullāh al-Sindi and Shaykh Ahmad bin Muḥammad Zain al-Fatāni in particular. As I have mentioned above, Shaykh Ahmad was the first Malay 'ulamā' in Mecca to encourage his students to read newspapers so that they could follow world politics. In fact, Shaykh Ahmad himself liked to discuss politics and read newspapers which were concerned with world affairs. His encouragement to his students with regard to politics, whether direct or indirect, influenced three of his students from Kelantan strongly, these being Tok Kenali, Haji Nik Mahmud bin Haji Nik Ismail, and Haji Wan Musa bin Haji Abdus-Samad, who all liked to read newspapers in order to know about world affairs. [126] Among the newspapers they read were al-Imān and Saudara. [127]

6. Haji Nik Wan Abdullāh bin Abdus-Samad bin Muhammad Salih al-Kelantani. [128]

He was an elder brother of Haji Wan Hassan Kemuja (Cambodia) during the period of Tok Semian. He was born in 1877 A.D., and died in 1926 A.D. His early religious training, like his brother's was with his own father (Tuan Tabal), after which he went to Mecca to study with Shaykh Ahmad bin Muhammad Zain al-Fatāni.

Haji Nik Wan Abdullāh was learned in Taṣawwūf (mysticism), Fikh and uṣūl al-dīn. He was a follower of the Ahmaddiyyah Order (Ṭarīkat Ahmaddiyyah). He also held the post of Khatib at Muḥammadiyyah Mosque, Kota Bharu, Kelantan between 1908-1916 A.D.

7. Haji Wan Ahmad Kamuja (Cambodia) [129]

His up-bringing and early religious training was with his father, Haji Awang. After that he went to Mecca to study with Shaykh Ahmad bin Muhammad Zain al-Fatāni. When he returned to Kelantan, he taught in his father's Sūrau at Jalan Atas Banggul. After sometime, he went to Cambodia to spread Islam and died there. It is said that, his body was buried at Kampung Putri cemetery near the Phnom Penh mosque in the Cambodia capital.

8. Shaykh Muhammad Sa'id who became Senior Mufti of Negeri Sembilan, Malaysia, known also as a holy man. [130]

9. Tengku Mahmud Zuhdi bin Abdur Rahman al-Fatāni Shaykh ul-Islam Kerajaan Selagor. [131]

The following are some of Shaykh Ahmad's students from Indonesia.

1. Datuk Sri Paduka Raja, 'ulamā' besar in Kalimantan.

[132]

I am unfortunate not to have his biographical detail at this moment.

2. Khatib Jabar, later the Maharaja Imām of Sambas (West Kalimantan). [133]

There are some of Shaykh Ahmad's students from Cambodia.

1. Haji Muhammad Salih who became Kadi Besar in Cambodia
2. Tegku Sulaiman
3. Haji Abdul Hamid, Kampung chang cham riang, nearby Luang Mosque, Cambodia.

Unfortunately I do not have their biographical detail but I have quoted these three people from the Kitab al-Fatāwā al-Fatāniyyah, question number 4. [134] It is said that many other of Shaykh Ahmad's students from Cambodia established Pondok or became religious teachers in Patani and Malaysia. Accordingly, his name is still remembered throughout the Malay world in Indonesia, Malaysia and Cambodia. [135]

These are some of Shakyh Ahmad's students from Patani, I am unfortunate not to have their biographical details. This is because no scholars within or outside the Patani region have carried out any research with regard to the biographies and work of his students. Thus, in this study I can give only the names of these students and followers. His students from Patani can be classified into two groups, the first group being those from his own family and the second group those from outside his family.

Below are Shaykh Ahmad's students from within his own

family.

1. Shaykh Daud bin Mustāfa bin Muḥammad al-Fatāni. He was Shaykh Ahmad's uncle. (see genealogy (D) below). Further details about Shaykh Daud bin Muḥammad al-Fatāni can be found in (V) above. It is interesting to note that, Shaykh Daud bin Muḥammad al-Fatāni also got an opportunity to work hand in hand with Shaykh Ahmad. For instance, in academic matters, he was given the opportunity by Shaykh Ahmad to answer (fatwā) question number 8 in Kitāb al-Fatāwā al-Fatāniyyah.
2. Shaykh Ismail bin Abdul Kadir bin Mustāfa al-Fatāni. He was Shaykh Ahmad's cousin (see genealogy (D) below). Further details about Shaykh Ismail can be found in (iii a) above.
3. Haji Wan Ismail bin Ahmad bin Muḥammad Zain al-Fatāni. He was Shaykh Ahmad's son, unfortunately I do not have his biographical details. However, we do know that he was born in Mecca and his early religious training in Mecca was with his own father. It is said that, in Mecca Haji Wan Ismail bin Ahmad worked with his father as his assistant. Haji Wan Ismail also got the opportunity to participate in translating and answering some of the questions in Kitāb al-Fatāwā al-Fatāniyya. After his father passed away in 1325 A.H./1906 A.D., Haji Wan Ismail and his family returned to reside in Patani permanently. He was then elected to be Datuk Kādī of Patani. [136] Haji Wan Ismail bin Ahmad had two wives, namely Wan Fatimah and Wan Halimah; with Wan

Fatimah he had 9 children, 3 males and 6 females and with Halimah he had 2 children, both were females (see genealogy (D) below).

4. Shaykh Daud bin Ismail bin Abdul Kadir bin Mustafa al-Fatāni. He was the son of Shaykh Ismail bin Abdul Kadir bin Mustafa al-Fatāni Shaykh Ahmad's cousin (see genealogy (D) below).

5. Wan Ahmad bin Daud bin Mustafa al-Fatāni. He was Shaykh Daud's son and Shaykh Ahmad's cousin (see genealogy (D) below).

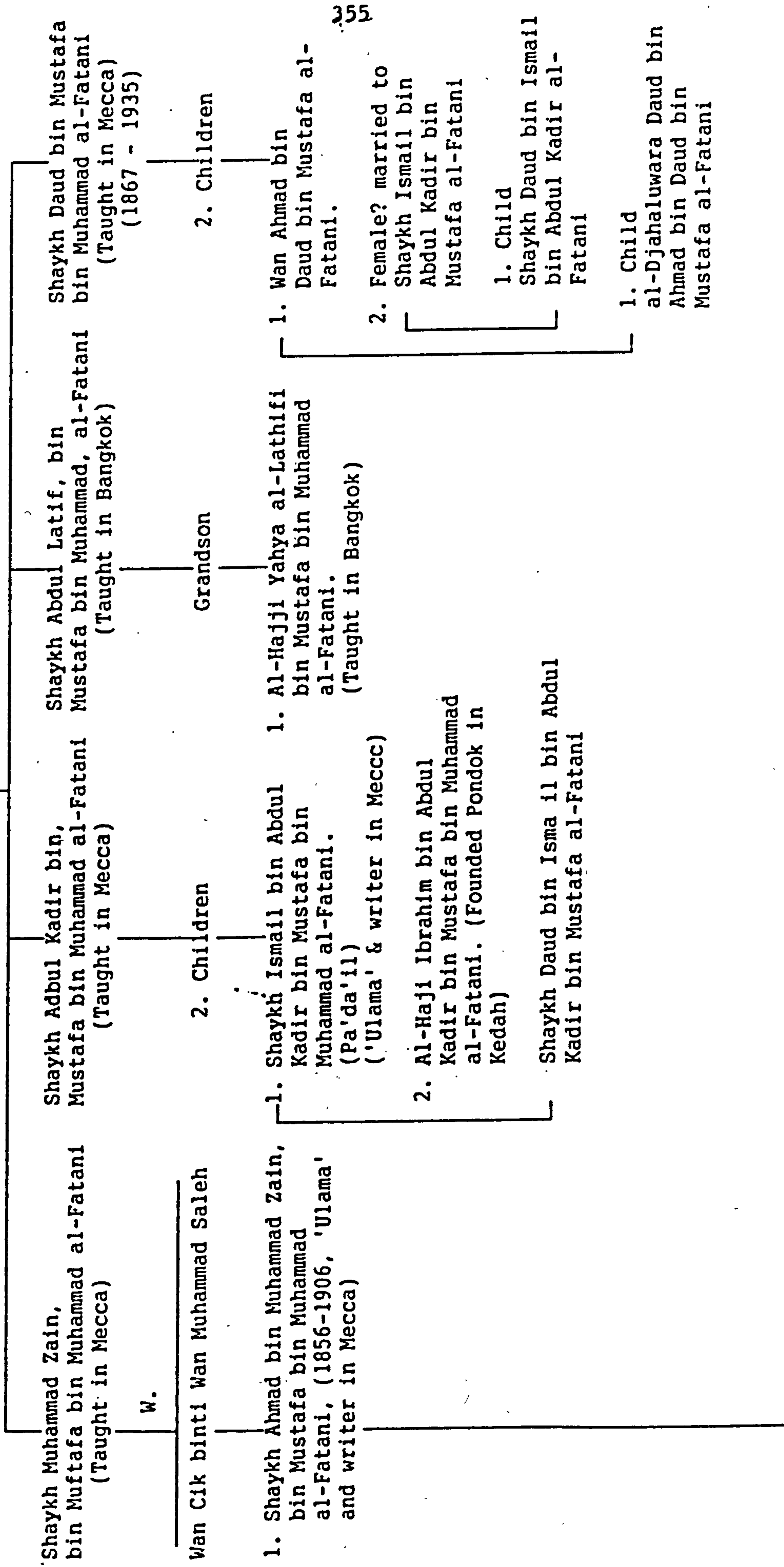
6. Daud bin Ahmad bin Daud bin Mustafa al-Fatāni. This was Shaykh Daud bin Mustafa's grandson (see genealogy (D) below). Daud bin Ahmad bin Daud bin Mustafa al-Fatāni was one of Shaykh Ahmad relatives who contributed his academic ability in Kitāb Fatawā al-Fatāniyyah acting as translator for question and answer number 107 from Arabic into Malay.

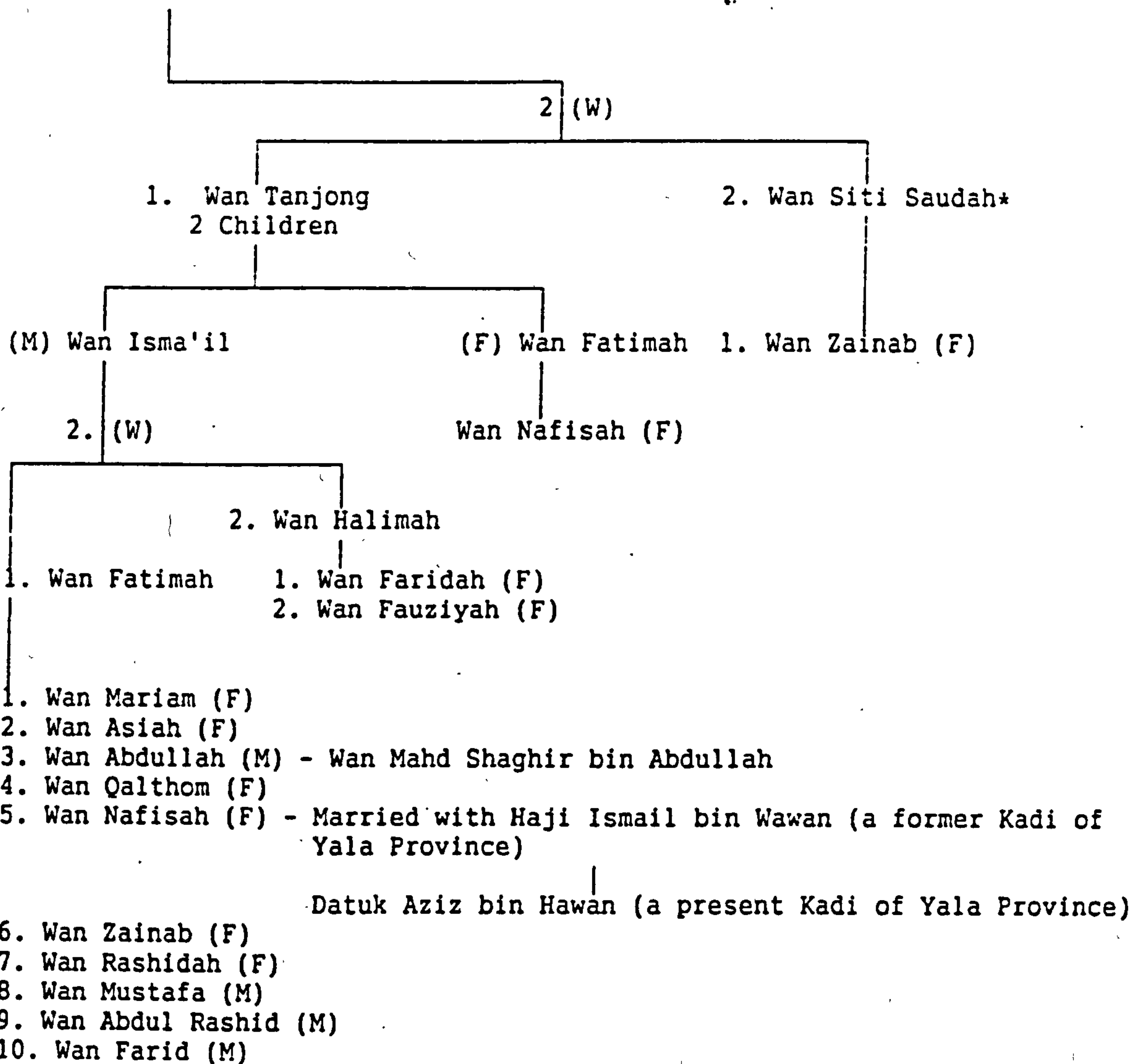
Below are Shaykh Ahmad's students and followers from outside his family. Unfortunately, I do not have their biographical details. As I have stated above, research on biography and work of his students has yet to be done. The following names of his students and followers given below, are quoted from Kitāb Fatawā al-Fatāniyyah: [137]

1. Haji Wan Muhammad. Tuan Guru Bermin, Jambu
2. Haji Wan Harun. A former Kadi of Patani Province.
3. Haji Muhammad Hasan bin Shamsuddin. Tandung Rakak, Patani

D. Genealogy of Al-Shaykh Ahmah bin Muhammad Zain bin Mustafa bin Muhammad al-Fatani

Wan Mustafa bin Muhammad al-Fatani





Note: * The niece of Sahykh Muhammad bin Isma'il Daud al-Fatani (Shaykh Nik Mat Kecil)

(F) = Female, (M) = Male, (W) = Wife, (?) = unknown

4. Haji Muhammad Diyah. Bendang Kebun, Patani
5. Haji Abdullah. Bendag Kucir, Patani
6. Haji Abdul Rashid. Bandar, Patani
7. Haji Abdul Rahman. Palau, Patani
8. Haji Ahmad Pusan. Perigi, Patani
9. Haji Pak Cu Idris. Cambar Tokjum, Patani
10. Haji Abdul-Rahman Arshad Cengar Berbulu, Jambu, Patani
11. Haji Abdus-Samad Jakar al-Nufi, Patani

One of Shaykh Ahmad's students who was interested in Islam and politics was Shaykh Muhammad Sulum bin Abdul Kadir bin Muhammad al-Fatāni, better known as Haji Sulung al-Fatani. I have briefly discussed his biography earlier (see (xv) chapter 3). However, I would like to suggest that readers who are interested in Shaykh Muhammad Sulum's roles and activities in Islam and politics in the Patani region to refer to Pitsuwan. [138]

Another Shaykh Ahmad's student from Patani who later became a famous religious teacher in Kampung Kelaba, Saiburi (Teluban) district, Patani, was Shaykh Husein bin Abdul Latif Kelaba al-Fatāni, better known as 'Tok Kelaba'. According to Wan Muhd Shaghir, Shaykh Husein bin Abdul Latif Kelaba al-Fatāni was a student of Shaykh Abdul Kadir bin Muṣṭafa al-Fatāni. This is based on his works in which he mentioned his teacher, for example 1. Mukaddimatul Athfaal (1305 A.H./1888 A.D.) and 2. Risalah al-Taṣawwuf (1307 A.H./1890 A.D.). [139]

The two works mentioned above, cannot be found in Patani or Malaysia. However, I was told by A. Bangnara the

author of Patani: Dahulu dan Sekarang, that he saw a work of this 'ulamā' at Kampung Kelaba, which was being kept by one of the author's descendants. The work is in hand written form and entitled Hakā' ik al-Sālawat fil Khatawal wal-Jalāwat. A. Bangnara also said that he had found some letter which Shaykh Husein wrote to Shaykh Ahmad in Mecca discussing some matters on Islam. Possibly, Shaykh Husein studied with Shaykh Ahmad after his teacher, Shaykh Abdul Kadir bin Muṣṭafa al-Fatāni died. After this he returned to Patani and established his own pondok at Kampung Kelaba.

There are a number of Shaykh Ahmad's students from Patani region who I have mentioned above and do not mention again here. The fact is that, to cover all of Shaykh Ahmad's students from the Patani region is very difficult. The main reason for this is that according to my informant Tok Gurus almost all Shaykh Ahmad's students in the Patani region have already passed away, and almost all present Patani 'ulamā' were the students of Shaykh Ismail bin Abdul Kadir bin Muṣṭafa al-Fatāni, Shaykh Ahmad's cousin. [140]

All of Shaykh Ahmad's students and followers had played a very decisive role in the developing and spreading of Islam in the Patani region and perhaps even throughout the entire Malay world of Southeast Asia. Although nearly a century has passed since his death, his influence and teachings are still being sustained and extended by his students and followers from generation to generation till today. We can see this from his works which are still widely used as text and reference books in the pondok schools, Mosque school and other institutions where Islam is

taught in the Patani region and in other parts of Malaysia, Indonesia and Cambodia. This includes the works of the other older Patani 'ulamā' such as, Shaykh Daud bin Abdullāh bin Idris al-Fatāni, Shaykh Zain al-Abidin bin Muḥammad al-Fatāni and Shaykh Muḥammad bin Ismail Daud al-Fatāni.

However, it should be noted here that, during the interviews with my informant, Tok Gurus in particular, interesting answers were given by almost all Tok Gurus in the Patani region when I asked them about Shaykh Aḥmad. All of them knew of him and were familiar with his work Farīdat al-Farā'id fī 'ilm al-'akā'id. Furthermore, the Kitāb al-Fatāwā al-Fatāniyyah, is considered by them to be one of the major works on fatāwā written by a Patani 'ulamā' and is still commonly used as a reference text (rujukan). [141]

I may therefore conclude that the "Kitāb al-Fatāwā al-Fatāniyyah" is one of his major works on religious matters concerning various aspects of Islam. Thus, in this study I choose the Kitāb al-Fatāwā al-Fatāniyyah as a case study of Shaykh Aḥmad's works.

Having completed above, the discussion of the author of the Kitāb al-Fatāwā al-Fatāniyyah, his life and family, his roles and activities as well as his works and students. The following chapter is dedicated to the analysis of the Kitāb al-Fatāwā al-Fatāniyyah, which begins with a discussion on several important questions and issues relating to the Kitāb al-Fatāwā al-Fatāniyyah. A part of this chapter is dedicated to the views or opinions of Shaykh Aḥmad on matter pertaining to, such as Uṣūl ud-dīn, Fikh, Tawhīd, Tasawwūf/Tarīkat, Arabic grammar, Malay grammar,

History of Islam, Qurān, Hadīth, sciences and politics.

FOOTNOTES CHAPTER 3

1. Wan Ngah, two words are combined here "Wan" and "Ngah". The word 'Wan' is a title given to a type of noble family, and the word "Ngah" is generally a title given to the middle brother of a Malay family, i.e. Tengah or Ngah, literally means middle. But the word "Ngah" here does not mean middle, it is representative of the characteristic of Shaykh Ahmad that he is a hot-tempered person. According to my informant, Haji Ismail bin Hawan a former Kādi of Yala Province, Shaykh Ahmad bin Muḥammad Zain al-Faṭāni was a hot-tempered person and so his family called him "Wan Ngah".
2. Shaykh Ahmad bin Muḥammad Zain bin Muṣṭafa al-Faṭāni, "Kitāb Hadizatul Azhar War-Riyyāhin", Persama Press, Masjid Melayu, Pulau Pinang, 1354 A.H., p.211.
3. Haji Ismail bin Hawan a former Kādi of Yala Province, I conducted an interview with him at his house in Yala Province on 5th June 1987.
4. Abbas Siradjuddin, K.H., "ulamā' Shāfi'ī dan Kitab-kitabnya dari Abad ke Abad", Pustaka Tarbiyah, Jakarta, 1979, pp.389-391; c.f. Wan Muhd Shaghir bin Abdullah, "Sufi dan Wali Allah", Pustaka Aman Press, SDN.BHD. Kota Bharu, Kelantan, 1979.

5. See for example, Wan Muhd Shaghir bin Abdullah, "Syeikh Daud Bin Abdullah Al-Fathani: Penulis Islam Produktif Asia Tenggara", C.V. Ramadhani, Solo, Indonesia, 1987, p.23.
6. Wan Muhd Shaghir bin Abdullah, "Sejarah Ringkas al-^ʿAlim al-^ʿAllāmat al-Shaykh Ahmad bin Muhammad Zain bin Muṣṭafa al-Faṭāni", Sahabat Press, 56 Jalan Nanga, Yala n.d., p.5; Nik Abdul Aziz bin Haji Nik Hassan, "Sejarah Perkembangan ulama' Kelantan", Pustaka Aman Press, SND. BHD. Kota Bharu, Kelantan, 1977 p.99.
7. Ismail Che Daud, "Tokoh-Tokoh Ulama' Semenanjung Melayu (1)", Majlis Ugama dan Adat Istiadat Melayu Kelantan, Kota Bharu, 1988, p.56.
8. See for example, Abbas Siradjuddin, K.H., op.cit., pp.389-391; see also, Wan Muhd Shaghir bin Abdullah, "Sufi dan Wali Allah", op.cit.
9. Wan Muhd Shaghir bin Abdullah, "Sejarah Ringkas al-^ʿAlim al-^ʿAllāmat al-Shaykh Ahmad bin Muhammad Zain bin Muṣṭafa al-Faṭāni", op.cit., pp.1-5; see also, Abbas Siradjuddin, K.H., op.cit., pp.389-391.
10. Hurgronje, C.S., "Mekka in the Latter part of the 19th century", Leiden - E.J. Brill, 1931, p.181.

11. Mohd Nor Bin Ngah, "Kitab Jawi: Islamic thought of the Malay Muslim scholars", Institute of South-East Asian Studies, Singapore, 1983, p.1.
12. Nik Abdul Aziz bin Haji Nik Hassan, op.cit., p.99.
13. See for example Wan Muhd Shaghir bin Abdullah, "Perkembangan Ilmu Fiqh dan Tokoh-Tokohnya di Asia Tenggara" Vol. 1, C.V. Ramadhani, Solo, Indonesia, 1985, p.115.
14. Ibid., p.114.
15. Ibid., p.114.
16. Ibid., p.114.
17. Ibid., p.116.
18. A comparison of the events of Patani in that period can be seen in "Sejarah Kerajaan Melayu Patani - History of the Malay Kingdom of Patani", by Syukri translated by Bailey, C. and John N. Miksic, Ohio University, Athens, Ohio, 1985, pp.44-47.
19. Wan Muhd Shaghir bin Abdullah, "Perkembangan Ilmu Fiqh dan Tokoh - Tokohnya di Asia Tenggara", op.cit., p.116.

20. Ibid., p.116.
21. Ibid., p.117.
22. Ibid., p.117.
23. Ibid., p.117.
24. Ibid., p.117.
25. Ibid., p.117.
26. Ibid., p.118.
27. Ibid., p.118.
28. Ibid., p.118.
29. For further details can be seen in Syukri, "Sejarah Kerajaan Melayu Patani - History of the Malay Kingdom of Patani", op.cit., pp.44-53.
30. Wan Muhd Shaghir bin Abdullah, "Perkembangan Ilmu Fiqh dan Tokoh-Tokohnya di Asia Tenggara", op.cit., p.118.
31. Further details about Kitab "Ghayatul Tagrib" which was copied by Shaykh Muhammad Zain bin Mustafa al-Fatani, can be seen in Wan Muhd Shaghir bin Abdullah, "Perkembangan Ilmu Fiqh dan Tokoh-Tokohnya

di Asia Tenggara", op.cit., pp.118-121.

32. Ibid, p.118.
33. See for example, Abdullah al-Qari b.Haji Salleh, "Tok Kenali: His Life and Influence", in W.R. Roff (ed) Kelantan: Religion, Society and Politics in a Malay State, Kuala Lumpur, Oxford University Press, 1974, pp.85-100.
34. Wan Muhd Shaghir bin Abdullah, "Perkembangan Ilmu Fiqh dan Tokoh-Tokohnya di Asia Tenggara", op.cit., p.122.
35. Ibid, p.122.
36. For further details concerning his holiness see Wan Muhd Shaghir bin Abdullah, "Perkembangan Ilmu Fiqh dan Tokoh-Tokohnya di Asia Tenggara", op.cit., pp.122-123.
37. Ibid., p.123-124.
38. Ibid., p.123.
39. See for example, Dr. Matheson, V and M.B. Hooker, "Jawi Literature in Patani: The Maintenance of An Islamic Tradition", JMBRAS, vol.I, 1988, (c) p.26.
40. Wan Muhd Shaghir bin Abdullah, "Perkembangan Ilmu Fiqh dan Tokoh - Tokohnya di Asia Tenggara", op.cit.,

p.123.

41. Ibid., p.123-124.
42. Ibid., p.124.
43. For further details see for example Wan Muhd Shaghir bin Abdullah, "Perkembangan Ilmu Fiqh dan Tokoh - Tokohnya di Asia Tenggara", op.cit., p.124 and see also, f.m. (120).
44. Ibid., p.124.
45. For further details concerning this event see Syukri, "Sejarah Kerajaan Melayu Patani - History of the Malay Kingdom of Patani", op.cit., pp.44-45.
46. Wan Muhd Shaghir bin Abdullah, "Perkembangan Ilmu Fiqh dan Tokoh di Asia Tenggara", op.cit., pp.124-125.
47. Further details about Shaykh Abdul Latif bin Mustafa al-Fatāni can be seen in Wan Muhd Shaghir, Ibid, pp.125-126.
48. Ibid., pp.125-126.
49. Ibid., p.125.
50. Ibid., p.126.

51. Ibid., p.126.
52. Wan Muhd Shaghir bin Abdullah, "Sejarah Ringkas al-'Ālim al-'Allāmat al-Shaykh Ahmad bin Muhammad Zain bin Muṣṭafa al-Faṭāni", op.cit. p.4.
53. Wan Muhd Shaghir bin Abdullah , "Perkembangan Ilmu Fiqh dan Tokoh - Tokohnya di Asia Tenggara", op.cit., pp.126-127.
54. Wan Muhd Shaghir bin Abdullah, "Sejarah 'ulamā' - 'ulamā' Mengarang Nusantara: Sheikh Abdus - Samad al-Falambani", in Majallah Dian Daiges, Kota Bharu, No.100, Vol. 1001, August 1977, pp.97-98.
55. Wan Muhd Shaghir bin Abdullah, "Syeikh Daud Bin Abdullāh Al-Fathani: Penulis Islam Produktif Asia Tenggara", op.cit, p.17.
56. Wan Muhd Shaghir bin Abdullah, "Perkembangan Ilmu Fiqh dan Tokoh-Tokohnya di Asia Tenggara", op.cit, p.18.
57. Ibid, p.18; see also Dr. Matheson, V. and M.B. Hooker, op.cit, P.21.
58. Wan Muhd Shaghir bin Abdullah, "Sejarah 'ulamā' - 'ulamā' Mengarang Nusantara: Syeikh Daud bin Abdullah al-Fathani", in Majallah Dian Daiges, Kota Bharu, Vol.

97, February-March 1977, pp.110-111.

59. Wan Muhd Shaghir bin Abdullah, "Sejarah ulama' - ulama' Mengarang Nusantara : Syeikh Abdus-Samad al-Falambani," op.cit, p.98.
60. Malakka, It must have been misunderstood by C.S. Hurgronje himself, because Patani is not in Malakka. Perhaps at the time a group of Malay ulama' represented in Mecca might have lived together in the same area or nearby and from this, Hurgronje considered Patani was in Malakka.
61. Hurgronje, C.S., op.cit, p.286.
62. Wan Muhd Shaghir bin Abdullah, "Sejarah 'ulamā' - 'ulamā' Mengarang Nusantara : Syeikh Abdus-Samad al-Falambani", op.cit, p.98.
63. See for example appendix D; for further details about Shaykh Abdus-Samad al-Falambani can be seen in Hawash Abdullah, "Perkembangan Ilmu Fiqh dan Tokoh-Tokohnya di Asia Tenggara", op.cit, p.18.
64. Wan Muhd Shaghir bin Abdullah, "Perkembangan Ilmu Fiqh dan Tokoh-Tokohnya di Asia Tenggara", op.cit, p.18.
65. Abbas Siradjuddin, K.H., op.cit, pp.389-391; see also Wan Muhd Shaghir bin Abdullah, "Perkembangan Ilmu Fiqh

dan Tokoh-Tokohnya di Asia Tenggara", op.cit,
pp.31-48.

66. Wan Muhd Shaghir bin Abdullah, Ibid, p.35.
67. Hurgronje, C.S., op.cit, pp.286-287.
68. See for example, Patani 'ulamā' (A) chapter 2.
69. Wan Muhd Shaghir bin Abdullah , "Sejarah 'ulamā' - 'ulamā' Mengarang Nusantara: Syeikh Daud Bin Abdullah al-Fathani", op.cit., p.113.
70. Ibid, P.106.
71. Further details can be seen in Kitāb al-Fatawā al-Faṭāniyyah question number 6. Appendix C, English translation.
72. Wan Muhd Shaghir bin Abdullah, "Sejarah 'ulamā' - 'ulamā' Mergarang Nusantara : Syeikh Daud Bin Abdullah al-Fathani", op.cit., pp.110-111.
73. See for example, Kessler, S. Clive, "Islam and Politics in a Malay state : Kelantan 1838-1969", Cornell University Press, Ithaca and London, 1978, p.47.
74. Nic Abdul Aziz bin Haji Nik Hassan, op.cit, pp.44-45.

75. Wan Muhd Shaghir bin Abdullah, "Sufi dan Wali Allah", op.cit, p.19.
76. See for example, Abdullah, H. op.cit, pp.111-112.
77. See for example, Wan Muhd Shaghir bin Abdullah, "Perkembangan Ilmu Fiqh dan Tokoh-Tokohnya di Asia Tenggara", op.cit, pp.75-83.
78. Ibid, pp.23-31 and 157.
79. See for example, Wan Muhd Shaghir bin Abdullah, "Syeikh Daud Bin Abdullah al-Fathani : Penulis Islam Productif Asia Tenggara", op.cit., pp.55-56.
80. See for example, Wan Muhd Shaghir bin Abdullah, "Perkembangan Ilmu Fiqh dan Tokoh-Tokohnya di Asia Tenggara", op.cit., p.105.
81. Ibid, p.158.
82. Ibid, p.158.
83. Ibid, p.158.
84. Ibid, p.158.
85. Ibid, p.159.

86. Hassan, H, "Pertalian Pemikiran Islam Malaysia-Aceh", in Tamadun di Malaysia, Persatuan Sejarah Malaysia, Kuala Lumpur, 1980, p.54.
87. See for example, Hurgronje, C.S., op.cit. p.286.
88. Quoted in Wan Muhd Shaghir bin Abdullah, "Sejarah al-'Alim al-'Allamat al-Shaykh Ahmad bin Muhammad Zain al-Fatani", op.cit, pp.6-7.
89. Though this is sometimes disputed, because according to Omar Awang, in his studies, "The Major Arabic Sources which determined the structure of Islamic thought in the Malay Archipelago before the Nineteenth Century A.D. in the field of Law, Theology and Sufism the Jawi alphabet already had those non-Arabic letters in 1303 A.D." See in "Islamika" Jabatan Pengajian Islam, University Malaya (ed), by Lutpi Ibrahim, Sarjana Enterprise, Kuala Lumpur, 1981, p.81.
90. Ismail Che Daud, op.cit., p.61.
91. See also, Dr. Matheson, V. and M.B. Hooker, op.cit, p.29.
92. Ibid, p.30.
93. Ibid, p.30.

94. Ibid, p.29.
95. See for example, Wan Muhd Shaghir bin Abdullah, "Sufi dan Wali Allah" op.cit, in introduction and pp.17-65.
96. See for example, Hurgronje, C.S., op.cit, p.286.
97. See for example, Wan Muhd Shaghir bin Abdullah, "Syeikh Daud Bin Abdullah al-Fatani : Penulis Islam Produktif Asia Tenggara", op.cit, pp.8-9.
98. Haji Isma'il bin Hawan, a former Kadi of Yala Province, I had an interview with him at his house in Yala Province, on 5th June 1987.
99. See for example, Hurgronje, C.S., op.cit, p.286.
100. Haji Isma'il bin Hawan, a former Kadi of Yala Province, I had an interview with him at his house in Yala Province, on 5th June 1987.
101. Hassan, H. op.cit, p.54.
102. See for example, Abdul Rahman al-Ahmadi, "Tokoh dan Pemikiran Tok Kenali", Kementerian Kebudayaan Belia dan Sukan Malaysia, Kuala Lumpur, 1983, p.5.
103. For further details please see, Wan Muhd Shaghir bin

Abdullah, "Syeikh Daud Bin Abdullah Al-Fathani :
Penulis Islam Productif Asia Tenggara", op.cit,
pp.63-65.

104. See Wan Muhd Shaghir bin Abdullah, "Perkembangan Ilmu Fiqh dan Tokoh-Tokohnya di Asia Tenggara", op.cit, pp.20-21.
105. Dr. Matheson, V and M.B. Hooker, op.cit, p.29.
106. See for example, Hassan H, op.cit., p.54.
107. Ibid, p.55.
108. Abbas Siradjuddin, K.H. op.cit., pp.451-451.
109. Ibid, p.452.
110. Nik Abdul Aziz bin Haji Nik Hassan, op.cit.
111. El-Muhammady Muhammad Uthman, "Peradaban dalam Islam", Pustaka Aman Press, Kota Bharu, Kelantan, Malaysia, 1976, pp.246-276; c.f. Nic Abdul Aziz bin Haji Nik Hassan, op.cit., pp.38-44.
112. See for example, El-Muhammady Muhammad Uthman, Ibid, p.247.
113. Ibid, pp.248-249.

114. See for example, Abdullah al-Qari b.Haji Salleh, op.cit, p.89.
115. Muhd Nor bin Ngah, op.cit., pp.4-5 and 49, f.m. 14.
116. See for example, Dr. Matheson, V. and M.B. Hooker, op.cit., p.28.
117. See for example, Wan Muhd Shaghir bin Abdullah, "Sejarah Ringkas al-Ālim al-Āllāmat al-Shaykh Ahmad bin Muḥammad Zain al-Faṭāni", op.cit., pp.6-7; c.f., Nik Abdul Aziz bin Haji Nik Hassan, "Pendekatan Pengajaran Islam di negeri Kelantan di antara tahun 1860 hingga 1940", in Malaysia dari Segi Sejarah, 11, 1982, p.54; see also Nik Abdul Aziz bin Haji Nik Hassan, "Sejarah Perkembangan ulama' Kelantan", op.cit., p.100.
118. See Nik Abdul Aziz bin Haji Nik Hassan, "Sejarah Perkembangan ulama' Kelantan", Ibid, pp.50-51.
119. See Abdul Rahman al-Ahmadi, "Notes towards a History of Malay Periodicals in Kelantan", in W.R. Roff (ed), Kelantan: Religion, Society and Politics in a Malay State, Kuala Lumpur, Oxford University Press, 1974, p.172; for a further detailed account of Tok Kanali see Drs. Abdul Rahman al-Ahmadi in his "Tokoh dan Pokok Permikiran Tok Kanali", Kementerian Kebudayaan

Belia dan Sukan Malaysia, Kuala Lumpur, 1983.

120. See Nic Abdul Aziz bin Haji Nik Hassan, "Sejarah Perkembangan ulama' Kelantan", op.cit., p.54.
121. See Dr. Matheson, V. and M.B. Hooker, op.cit. p.28.
122. See Nik Abdul Aziz bin Haji Nik Hassan, "Sejarah Perkembangan ulama' Kelantan", op.cit., pp.57-65.
123. Ibid, p.60; see also Muhammad Salleh B.Wan Musa, "Theological Debates: Wan Musa b.Haji Abdul Samad and His Family", in W.R. Roff (ed) Kelantan: Religion, Society and Politics in a Malay State, Kuala Lumpur, Oxford University Press, 1974, pp.155-156.
124. Ibid, pp.65-66.
125. Ibid, pp.93-98.
126. Ibid, p.100.
127. Ibid, p.139.
128. Ibid, p.177.
129. Ibid, p.177.
130. See for example, Wan Muhd Shaghir bin Abdullah,

"Sejarah Ringkas al-'Ālim al-'Allāmat al-Shaykh Ahmad bin Muhammad Zain al-Faṭāni", op.cit., p.8.

131. For further details about him, see Wan Muhd Shaghir bin Abdullah, "Sheikh Daud Bin Abdullah al-Fathani: Penulis Islam Produktif Asia Tenggara", op.cit., p.10.
132. See for example Abbas Sirajuddin, K.H., op.cit., p.452.
133. Wan Muhd Shaghir bin Abdullah, "Sejarah Ringkas al-'Ālim al-'Allāmat al-Shaykh Ahmad bin Muhammad Zain al-Fatani", op.cit., p.8.
134. Ibid, pp.8-9; see also "Kitab Fatawa al-Fataniyyah", p.4.
135. Abdullah al-Qari b. Haji Salleh, op.cit., p.91.
136. This information I obtained from an interview with Haji Isma'il bin Hawan a former Kadi of Yala Province, at his house in Yala on 5th June 1987. Actually Haji Isma'il's wife Wan Nafisah was Shaykh Isma'il bin Ahmad's daughter and a grand daughter of Shaykh Ahmad bin Muhammad Zain. Moreover one of Haji Isma'il bin Hawan's son Abdul Aziz bin Hawan, a present Kadi of Yala Province. He was elected to be a Kadi after his father retired.
137. See Kitāb al-Fatāwā al-Faṭāniyyah, p.220.

138. Pitsuwan, S., "Islam and Malay Nationalism: A Case Study of the Malay Muslims of Southern Thailand", Ph.D. Thesis, Harvard University, Cambridge, Massachusetts, 1982, pp.141-165.
139. See for example, Wan Muhd Shaghir bin Abdullah, "Perkembangan Ilmu Fiqh dan Tokah-Tokohnya di Asia Tenggara", op.cit., p.124 and f.n. 120.
140. I did interviews with some present Patani ulama' at their homes in Patani, Yala and Narathiwat Provinces, i.e. Haji Isma il bin Hawan a former Kadi of Yala Province, Haji Muhammad Dahan bin Abdullah (Ayah Su), Kampung dalam, Rangea District Narathiwat Province and Haji Abdul Rahman Chapakiya the owner of Rahmaniyyah School, Yarang District, Patani Province (field work between Jung 1987 - March 1988).
141. This information is taken from an interview with religious teachers in Patani, Yala and Narathiwat Provinces, while I conducted my field-work in Southern Thailand (between June 1987 - March 1988).

CHAPTER 5

THE ANALYSIS OF THE KITĀB AL-FATĀWĀ AL-FATĀNIYYAH

5.1. Introduction

The Kitāb al-Fatāwā al-Fatāniyyah is a substantial collection (220 pages) containing 107 rulings (fatāwā) which Shaykh Ahmad gave to problems sent to him in Mecca by the Malay-Muslims of Southeast Asia, for example, Kelantan, Perak, Cambodia, Siam, Songkhla, and Patani. These contacts with the Malay-Muslims of Southeast Asia were maintained by Shaykh Ahmad from Mecca by letters. As mentioned in chapter 4, Shaykh Ahmad was the first Malay 'ulamā' to establish a "question and answer" dialogue with the Malay-Muslims of Southeast Asia through letters which he wrote in both Arabic and Malay. [1] Some of these letters also contained his fatāwā which was collected by his son, Haji Wan Ismail Ahmad al-Fatāni and later publish as "Al-Fatāwā Al-Fatāniyyah".

[2]

It is perhaps in this collection that we would expect to find evidence of an individual mind at work. In this analysis I shall try to determine the dates when al-Fatāwā al-Fatāniyyah were made. I shall attempt to classify the subject matters contained al-Fatāwā al-Fatāniyyah and from this classification derive various conclusions, for example, percentage of question in Arabic, percentage of question in Malay language, percentage of question in relation to place

origin, etc. In this analysis, it is necessary to analyse several important questions and issues in general which relate to the Kitāb al-Fatāwā al-Fatāniyyah, for example, issues on comparison with other fatāwā, its use in the past, its validity today, its socio-politico underlying, use of Arabic sources, and originality. I shall also analyse Shaykh Aḥmad's views or opinions on some important matters relating to his fatawa, such as on uṣūl al-dīn, fiqh, tawhīd, ṭarīkat, Malay grammar, Arabic grammar, history of Islam, Qur'ān, Ḥadīth, sciences and politics.

5.2. Dates on the Issuance of al-Fatāwā al-Fatāniyyah

When did Shaykh Aḥmad begin to issue his fatāwā? From internal dates, such as the example from Cambodia dated 1321 A.H./1903 A.D. (p.4) we can see that this collection contains fatāwā which were made towards the end of Shaykh Aḥmad's life. The answer to question 106 can be assumed to be issued by Shaykh Aḥmad in 1324 A.H./1905 A.D. (p.212). This question is from a letter of Sultan Muḥammad IV of Kelantan. It is interesting to note that Shaykh Aḥmad mentioned in fatwā number 106 (p.191) that in that year (1324 A.H./1905 A.D.) he received many questions, some of which are from Siam (Negeri Benua Siam). He did not clearly state which part of Siam, presumably it would be the Malay-Muslims community in Bangkok. I believe that it is related to question number 7 and 8 in this collection. In fatwā number 106 Shaykh Aḥmad also mentioned a question from

Perak concerning a false ṭarīkat concept. He did not explicitly mention whether this question was dealt with on its own. I assume that Shaykh Aḥmad issued the Perak fatawā as part of fatwā number 106. This is because fatwā number 106 is directly concerned with ṭarīkat and he also mentioned the false ṭarīkat in it. However, according to Wan Muhd Shaghir, questions number 7 and 8 were questions from Perak.

[3]

As mentioned in chapter 4, Shaykh Aḥmad and his colleagues met to establish a "Patani Group or Patani 'ulamā' Association" in Hijaz, Mecca. The aim of the Patani Group was to set up "The Board for correcting and publishing Malay religious works" (Badan Pentash-hih dan Mencetak Kitāb Jawi). Consequently, as early as 1884 A.D. the Board was established in Mecca and Egypt and Shaykh Aḥmad was elected as head editor. In the same year a Government printing press was established in Mecca. Before this the Malay religious works were printed in Cairo or Constantinople, or lithographed locally. Eventually, in 1884 the representative of the Turkish Ottoman Government to Mecca appointed Shaykh Aḥmad as a supervisor of the Malay section in the new press. In addition, from 1885 to 1905 A.D., Shaykh Aḥmad was acting as a Muftī either in the Majlis Patani 'ulamā' or in the Board for correcting and publishing Malay religious works which issued fatawā. Generally speaking, in issuing fatawā; a Muftī may issue fatawā either officially or individually as Fazlur Rahman writes:

"The task of specific interpretation of law and

its application to individual cases was vested in the Muftīs who could be either official or private. The verdict given by a Muftī on a specific case or point of law is called fatwa." [4]

We know that Shaykh Ahmad contacted the Malay-Muslims of Southeast Asia by letters, and due to difficulties of communication at the time, it took months for the letters to go to and fro. The precise dating of the fatāwā is, therefore, difficult to establish. From the discussion above, I assume that Shaykh Ahmad issued his fatāwā as early as 1900 A.D. since he died in 1906 A.D.

5.3. Classification of Topics Raised in al-Fatāwā al-Fatāniyyah

The Kitāb al-Fatāwā al-Fatāniyyah can be classified as follows:-

<u>Subject</u>	<u>Number of fatāwā</u>
I'tikād/Ṣifat (faith or belief / the qualities of God and His Essence). Q, 1,2,3,6.	4
Etymology (Malay, Arabic, Cham and Cambodian language) Q,4.	1
The concept of the Virgin Mary Q,5.	1
The concept of the Jewish and Christian traditions Q,7.	1

The Prophet/Walī (a Muslim saint)	1
Q, 8.	
Apostate (Murtādd)	1
Q, 9.	
Perfume	1
Q, 10.	
Food	1
Q, 11.	
Wudū' (to perform the ritual ablution before prayer)	1
Q, 12.	
Ritual/prayers	4
Q, 13, 14, 15, 21.	
Some local problems about the place for prayer	1
Q, 16.	
Prayer of supplication	2
Q, 17, 18.	
Mosque	2
Q, 19, 20.	
Friday prayer	3
Q, 22, 23, 24, 25.	
The expression of amin	1
Q, 24.	
Prayer for the deceased male and female	2
Q, 26, 27	
Talkin (prayer read for recently buried dead)	1
Q, 28	
Dress: wearing ka ba cloth	1
Q, 29	
Zakāt	9

Q, 30, 31, 32, 33, 34, 35, 36, 37, 42.	
Sighting of the new moon to begin and end fasting in Ramadan	1
Q, 38	
Astronomical calculation for fasting in Ramadan	1
Q, 39	
Ribā' (usury or interest)	3
Q, 40,41,49.	
Contract / Business transactions	6
Q, 43,44,45,46,47,48.	
House for rent	1
Q, 50.	
Share of profit between the owner of a business and his partner.	1
Q, 51.	
Wakāf (religious endowment)	2
Q, 52, 53.	
Sharing property between a married couple	1
Q, 54.	
Idjtihād by a hakim (Judge)	2
Q, 55,56.	
Inheritance	7
Q, 57,58,59,60,61,62,63.	
Wills (wasiyat)	1
Q, 64.	
Akīkah (ritual head-shaving of infant seventh day after birth and the slaughter of an animal)	1
Q, 65.	
Marriage	7

Q, 66,67,68,69,77,93,94.	
Divorce	12
Q, 81,82,83,84,85,86,87,88,89,90,91,92.	
Circumcision	3
Q, 70,71,72.	
Wali (legal guardian)	4
Q, 73,74,75,76.	
Fasakh	3
Q, 78,79,80.	
Treatment of sick people with impurity (Nadjis)	1
Q, 95.	
Slaughtering of animals for human consumption	4
Q, 96,97,98,99.	
Lawful and unlawful animals (i.e. amphibians)	4
Q, 100,101,102,103.	
Zina / waṭi shubhat (suspected sexual intercourse)	1
Q, 104.	
Muslims midwife assisting non - Muslim in child birth (social intercourse)	1
Q, 105.	
Ṭarīkat (Taṣawwūf/Mysticism)	1
Q, 106.	
Having food with salt	1
Q, 107.	

From the figures given above, we can classify into various percentages of subject as shown in Table 7.

Table 7: Classification of subjects in al-Fatāwā al-Faṭāniyyah in alphabetical order and their percentages.

Subjects	Percentage of Fatawa
Akikah	0.93%
Apostate	0.93%
Astronomical calculation for fasting in Ramadan	0.93%
Circumcision	2.80%
Concept of the Jewish and Christian traditions	0.93%
Concept of the Virgin Mary	0.93%
Contract / Business transactions	5.61%
Divorce	11.21%
Dress: wearing ka ba cloth	0.93%
Etymology	0.93%
Expression of amin	0.93%
Fasakh	3.74%
Food	0.93%
Friday prayer	2.80%
Having food with salt	0.90%
House for rent	0.93%
Idjtihad by hakim	1.87%
Inheritance	6.34%
I'tikād/Ṣifat	3.74%
Lawful and unlawful animals (amphibians)	3.74%
Marriage	6.54%
Mosque	1.87%
Muslim midwife assisting non-Muslim in child birth	0.93%
Perfume	0.93%
Prophet / Wali	0.93%
Prayer for the deceased male and female	1.87%
Prayer for supplication	1.87%
Ribā'	2.80%
Ritual / Prayers	3.74%
Share of profit between the owner of a business and his partner	0.93%
Sharing property between a married couple	0.93%
Sighting of the new moon to begin and end fasting in Ramadan	0.93%
Slaughtering of animals for human consumption	3.74%
Some local problems about the place for prayer	0.93%
Talkin	0.93%
Ṭarīkat	0.93%
Treatment of sick people with impurity (nadjis)	0.93%
Wakaf (religious endowment)	1.87%
Walī (legal guardian)	3.74%
Wills (waṣiyat)	0.93%
Wudū'	0.93%
Zakāt	8.41%
Zinā' / Waṭī shubhat (suspected sexual intercourse)	0.93%

From Table 7, we can get the listing of subjects in term of biggest percentage as shown in Table 8.

Table 8: Subject classification in al-Fatāwā al-Faṭāniyyah in descending order of percentage.

Subjects	Percentage
Divorce	11.21%
Zakat	8.41%
Inheritance and Marriage	6.54%
Contract / Business transactions	5.61%
I'tikad, ritual/prayer, wali, fasakh, slaughtering of animals for human consumption, lawful and unlawful animals (amphibians).	3.74%
Friday prayer, riba, circumcision.	2.80%
Prayer of supplication, mosque, prayer for the deceased, wakaf, idjtihad by hakim.	1.87%
Etymology, concept of the Jewish and Christian tradition, the Prophet/wali, apostate, perfume, food, wudu', some local problems about the place for prayer, the expression of amin, talkin, dress: wearing ka ba cloth, sighting of the new moon, astronomical calculation, house for rent, share of property between the owner and his partner, sharing property between a married couple, wills, akikah, treatment of sick people with impurity, tarika, muslim midwife, having food with salt and zina.	0.93%

Thus, we can conclude that based on this classification of the Fatāwā above, we see that the highest number of fatawā is concerned with divorce, 11.21% and the lowest number of fatawā is concerned with general subject each of them representing, 0.93%.

Table 9: Table showing the Fatāwā in al-Fatāwā al-Faṭāniyyah in terms of place of origin number of Fatāwā and Percentage.

Place of origin	No. of question	Question no. as found in al-Fatāwā al-Faṭāniyyah	Percentage
Siam	2	7 and 8	1.87%
Kelantan	3	30, 89, and 106.	2.80%
Songkhla	4	28, 51, 100, and 101.	3.74%
Cambodia	5	4, 26, 45, 54 and 66.	4.67%
Patani	93	The remainder of the questions	87.9%

5.4 Languages Used in al-Fatāwā al-Faṭāniyyah

As mentioned, Shaykh Ahmad wrote in both Arabic and Malay languages. Thus we ought to analyse the use of language in al-Fatāwā al-Faṭāniyyah. The data collected indicates the following:-

Questions and answers in Arabic language are:

10, 22, 23, 24, 48, 77 and 107

Total 7 questions and answers.

Questions and answers in Malay language are:

The remainder of the questions and answers.

Total 100 questions and answers.

However, question number 67 which was asked in Malay was answered in Arabic.

The percentage of questions and answers in Arabic is

6.6%

The percentage of questions and answers in Malay is

93.45%

Examining the al-Fatāwā al-Faṭāniyyah closely, it is, therefore, we find that most of the questions and answers are written in Malay language using some Arabic terms and sentences, particularly when the evidences (dala'il) from the Qur'an and the Ḥadīth are needed to support the given fatāwā.

It should be noted that the questions and answers to number 22, 24, 48 including answer to number 67 were translated from Arabic into Malay by Shaykh Ahmad's son, Haji Wan Ismail Ahmad al-Faṭāni. Question and answer number 107 was translated from Arabic into Malay by al-Djahaluwara Daud bin Ahmad al-Faṭāni, one of his uncle's grandsons (see

genealogy (D) Chapter 4).

5.5 Analysis of the Kitāb al-Fatāwā al-Fatāniyyah

The analysis will be done from various approaches. I shall analyse from the historical aspect, socio-politico aspect, originality and the use of other sources, besides other interesting angles like the naming of the collection, as well as comparison with other Fatāwā.

The questions the analysis will try to answer are as follows:

- (1) How do the Patani fatāwā compare with other collection of Fatāwā?
- (2) What use was made of this collection in the past?
- (3) Are the Patani fatāwā still used at all?
- (4) What was the character of the Malay society at the time and can the fatāwā be used by historians or legal historians to give a further picture of the Malay life and Islam during this period?
- (5) Is there any evidence about ṭarīkat in the 19th century Patani from the collection?
- (6) How close to the Arabic sources are the Patani fatāwā?
- (7) Why did Sultan Muḥammad IV of Kelantan go to Shaykh Ahmad in preference to local 'ulamā' and how was Islam in Kelantan at this time?
- (8) Are Patani fatāwā in any way original to Patani or are they merely copied from some Middle-East materials?

- (9) Why is this collection called Fatāwā al-Fatāniyyah instead of Malay Fatāwā?
- (10) Is the politics of the 19th century Malay world reflected in the Patani fatāwā?

5.5. (i) Comparison of Patani Fatāwā with other Collection

As mentioned above, the Patani fatāwā is a substantial collection (220 pages) containing 107 rulings (fatāwā). The interesting point about the Patani fatāwā compared with the others found in the Malay world is that, it is the first kitāb on fatāwā in the form of dialogue (through letters). Moreover, this collection can be considered the only known on the classical fatāwā that we have in Malay language, written by the native Patani 'ulamā' in Mecca. When it is compared with recent fatāwā, i.e. from Malaysia [5] the Patani fatāwā are well advanced because the author of Patani fatāwā not only used his own views or opinions in issuing fatāwā but also referred to several Arabic sources. As Dr. Matheson and M.B. Hooker put it:

"When compared with recent fatāwā from Malaysia it is quite striking to notice that the Patani fatāwā are technically superior. The command of Arabic sources is more extensive and the argument put in the solution of specific queries are much more sophisticated." [6]

Besides being compared with Malaysian fatāwā in terms of technics, the command of Arabic sources and the argument put in

the solution of specific queries, it is worthy to look at the styles of asking the questions and responses in the Patani fatāwā. When it is compared with the classical Turkish and Arabic fatāwā e.g. al-Fatāwā al-Kubrā. Most of the questions that are asked in Arabic in the Patani fatāwā usually begin with the words: "Su'al:Mākaulukum dama faḍlukum fī..." (what do you-- [Allāh] make your Grace to endure -- say concerning...) If the questions are ask in Malay, they run "Apa kata kamu pada..." In responding to questions made either in Arabic or Malay, Shaykh Ahmad usually begins with "al-Jawāb, Allāhumma hidāyatan lilṣawāb." (The answer-- O Allāh, please guide me to the truth--...) Each answer is usually ended with "Wa-Allāh subḥānahu wa-ta'ālā a'lam," which means, "Allāh-- May He be exalted-- knows best." Such aforementioned formulace were also found in the Turkish fatāwā, which was conventionally introduced [in the response] by the word al-djawāb, "answer", the characters of which were extended so as to mark a division between what preceded and what followed, the fallibility of all human judgement is immediately acknowledge by the phrase Allāhu a'lam, "God knows best." [7]

Studing the kitāb al-Fatāwā al-Kubrā of Ibn Taymiyah Abu al-Abas Taqyuddin Ahmad ibn Abn Abd al-Halim, we find that the styles of asking the questions and answers seemed to be the best model for Shaykh Ahmad in his kitāb al-Fatāwā al-Fatāniyyah, for we found several similarities between the Kitābs. It is most likely that Shaykh Ahmad had read the al-Fatāwā al-Kubrā and was profoundly impressed by it. That is to say, most the questions presented in the al-Fatāwā al-Kubrā ended with the words "Aftunā ma'jurīn-- as found, for instance,

in question no.181-- which means "Give us an authoritative opinion (fatwā), and you are being rewarded." Such a traditional formula is also found in the al-Fatāwā al-Fatāniyyah in the questions no.40, 47, 90 and 93 for instance. (See the transliteration in appendix B). The structures of questions and answers were generally the same, though different in particular expression. This depend on time, place, and individual scholar who have issued fatāwā. As J.R. Walsh has put it:

"The fetwā document was of a conventional form and varied title over the centuries. It was headed by a pious invocation in Arabic, often written in a very involved and stylized manner and varying from period to period according to the preferences of the drafting clerk; after the middle of the 12th/18th century, however, the formula al-tawfīk minhu, "guidance is from Him", became invariable." [8]

According to the analysis above, I may, therefore, say that the Patani fatāwā are much older (1900-1905) and more sophisticated than Malaysian fatāwā (1960-1982). Conversely, the Patani fatāwā are of the same quality and standard with the classical Arabic and Turkish fatāwā in the terms of the styles of asking the questions and answers as well as the words begin and end.

5.5. (ii) The Purpose of Making and Using this Collection in the Past

In my opinion the main purpose that Shaykh Ahmad made this collection was to promote educational and religious purpose to the Malay community. Generally speaking, the Malay religious works or Kitāb Jawi were written for and by the 'ulamā' or religious teachers, not for themselves but for the enlightenment and training of students. In the case of Patani fatawā, Shaykh Ahmad made it in order to cater for the needs of students in pondok schools, in the Patani region in particular, and other parts of the Malay Peninsula in general. Moreover, religious teachers as well as religious leaders may use this collection of fatawā to teach their students and used them as a reference book.

As discussed in chapter 3, in the 19th century Patani became one of the centres of traditional Islamic education in the region. Many kitab Jawi were produced by the older Patani 'ulamā' and writers in Mecca, particularly Shaykh Daud bin Abdullāh al-Faṭāni and Shaykh Zainal Abidin bin Muḥammad al-Faṭāni, to help developing Islamic education in the Patani region and other parts of the Malay Peninsula. Their teachings were sustained and extended by Shaykh Ahmad and from all of them have grown influential groups of 'ulamā' who returned to the Patani region, the Malay Peninsula and other parts of Southeast Asia.

Bangkok directly intervened in the internal affairs of the Patani region in the late 19th century (1890's), particularly in Islamic practice and administration. The Malay rulers as well as Malay-Muslims in the Patani region strengthened their devotion to Islam. As we know Bangkok increased its efforts in the early 20th century to

assimilate the Malay-Muslims in the Patani region and various programmes were designed by Bangkok to "Thaiicize" Malay-Muslims. As a result, pondok schools increased in the Patani region during the early 20th century, especially in the second decade and it was reported that in 1916 there were 497 pondoks and in 1917 there were 595 pondoks in the Patani region as mentioned in chapter 3.

The pondok schools in the Patani region became a microcosm of the community acting and reacting to changing circumstances in the wider society. The pondok is not only a religious institution, but it also serves as the agent of change, both on cultural and religious levels in the sense that the process of religious purification is always going on and change is inevitable in a society where element of animism itself are prevalent. This change indicated that the Malay-Muslim community in the Patani region developed and became more complicated than ever before with its own problems and difficulties. Hence, more profound knowledge of Islam had to be introduced to the community, and "Fatāwā" play a significant role in introducing new dimensions on Islamic law and practice.

At this time, (in the late 19th century) more "Kitāb Jawi" were produced to meet the needs of religious teachers and students in pondok. This maintained a tradition which began in the early 19th century with Shaykh Daud and was continued by the latter Patani 'ulamā' who travelled to the Middle-East to study, and who returned to write and teach their students in the Patani region. For this reason Shaykh Ahmad made this collection of fatāwā by establishing a

"question and answer" dialogue through letters with Southeast Asian Muslims in order to survey the problems of each Muslim community, in the Patani region in particular, and issued fatāwā according to local conditions.

It can therefore, be concluded that the main purpose of Shaykh Ahmad in making this collection of the fatāwā was to support the increasing number of pondok in the Patani region in meeting the needs of students and religious teachers. This work would be used as a text or reference book.

5.5. (iii) The Validity of Patani Fatāwā Today

Although the Patani fatāwā was made around 1900 A.D., according to my research, this collection is still widely used, though not all of it. Some examples of fatāwā still used today are as follows:

1. Fatāwā concerning family affairs and inheritance
2. Fatāwā concerning the five Islamic pillars, i.e. Zakāt and Prayers
3. Fatāwā concerning Ribā/usury or interest
4. Fatāwā concerning I'tikad/Sifat
5. Fatāwā concerning the slaughtering of animals for human consumption
6. Fatāwā concerning the lawful and unlawful animals, i.e. amphibians
7. Fatāwā concerning fasakh
8. Fatāwā concerning circumcision.

Some examples of fatāwā which are not used today are

questions number, 44,45,47 and 50 (for question number 45, 47 and 50, see English translation in appendix C). These fatāwā are not used because they are out of date but rather their application is not made possible because the circumstances that allow it to be practised is not present. Should the situation arrive where the circumstance is present then the fatawa can still be applied. Some fatāwā need to be adjusted according to political, social and economic changes in each Muslim community. It is remarkable that this kitāb is still widely used in the traditional Islamic school and mosque schools in the Patani region. During interviews with my informants, Tok gurus in particular, interesting answers were given by almost all Tok gurus in the Patani region when I asked them about kitāb al-Fatāwā al-Fatāniyyah. It is considered by them to be one of the major works on fatāwā written by a Patani 'ulamā' and commonly used as reference text (rujukan). They called this kitāb as Fatāwā Shaykh Ahmad rather than Fatāwā al-Fatāniyyah. [9] Shaykh Ahmad's name is still remembered throughout the Patani region and perhaps in the Malay world. [10]

5.5. (iv) The Character of Malay Society, Malay Life and Islam

The Nature of Malay society of the Patani region is a unique one, although politically they are part of Thai nation-state, in reality they regard themselves as Malay rather than Thai. They prefer to live and work in their own community and marry amongst people in the same community.

Some are married within close kinship because they believe that property will not be shifted to another family. Most social interactions occur in the context of religious rituals, which tend to acknowledge group identity. Strangers or the people of other faiths are held at a distance until they become Muslim convert. Inter-faith marriage is extremely limited in the Patani.

The term "Malay society" is almost synonymous with "rural society". In fact almost all Malay-Muslims in the Patani region live in the rural areas rather than urban areas in which Thai-Buddhist and Chinese merchants and shopkeepers are predominant. Malay society of the Patani region is very isolated from the mainstream and its social and cultural characteristics tend to acknowledge that isolation. The most important is the religious factor that made them isolated from the mainstream. Moreover, Malay society is considered a closed society due to its tendency to refrain strangers, particularly people of other faiths, because their ultimate aim is to preserve Islam and Malay culture from being contaminated and submerged by the national culture. For the Malay Muslims of the Patani region, adoption of the national culture is considered sacrilege and alien. [11]

According to my research, there are some question in this fatāwā that can be used by historians or legal historians to give a further picture of Malay life and Islam. Here...

"a wife petitioned the Ḥakim for a divorce from

her husband on the ground of his adultery with a married woman (muḥṣan). When the ḥakīm summoned the husband and requested him to divorce his wife he refused..."

(for further details about this problem see question number 80, English translation appendix C).

In my view this problem occurred during the time of Tengku Abdul Kadir Kamarruddin (Raja of Patani r. 1899-1902). This question must have been raised by a Malay-Muslim of the Patani region. In 1899 Sultan Sulaiman Syarifuddin died and his son, Tengku Abdul Kadir Kamaruddin, was proclaimed successor by the Patani Chiefs. In order to understand the situation that occurred at the time of Tengku Abdul Kadir, it is worth looking back to the events in the latter year of Sultan Sulaiman's reign. During the 1890's King Chulaiongkorn began to reform his provincial administration through the Ministry of Interior, which would centralise the governing bureaucracy. [12] In the case of the Patani region, this meant that commissioners appointed by Bangkok were sent in effect to replace the local Malay rajas, and take from them the right to collect certain revenues. [13] Conflict between the commissioners and Malay rajas was inevitable, but complaints by the latter to Bangkok fell on deaf ears. Conversely more Thai officials were posted as bureaucrats to the Patani region, more incidents of maltreatment of Malay population reported. [14] In 1898 Sultan Sulaiman of Patani made the first of many complaints to the British in Singapore about Thai's treatment of his people. [15] However, clear evidence of

maltreatment by the Thai officials to the Malay-Muslims in the Patani region occurred during the time Tengku Abdul Kadir became a Raja of Patani, this is another round of political history of Patani which took place during 1899 to 1902.

When Tengku Abdul Kadir ascended the throne of Patani in 1899, Bangkok played a decisive role in suspending a letter of installation and not to recognise him to be rightfully Raja of Patani until he had ruled for a year or two. [16] As mentioned, Thai commissioners and officials were posted as bureaucrats to the Patani region. Thus at the time Tengku Abdul Kadir became a Raja of Patani new incidents occurred, more complicated than before. At this time more revenue was collected because of more efficient means of collection, unlike revenue which previously collected by the Malay Rajas themselves, however, now this revenue flowed out of the Patani region to Bangkok. Moreover, the Thai commissioners were also known to seize cattle, land, paddy and household goods. Many Malay women were seized by Thai commissions and Malays, on occasion were being shot without trail while Thai officers who raped Malay women went unpunished. [17]

Also at this time, Thai officials and authorities began interfering in Islamic practices, such as using Thai law to adjudicate over the matter dealing with family affairs and inheritance. Muslims were forced to appear in court on Friday and to take oath which were contradicting to Islamic precepts. They were forced to carry pigs and impressed to carry Buddha images and work harder and longer time in the

sun during the fasting month. [18] The most serious incident occurred when the Thai commissioners interfered in legal administration of the Malay Rajas, by not allowing the Malay Raja to fine those who did not attend Friday prayer. Moreover, in Thai ceremony Muslims were forced to kneel before a picture of the Thai King and statue of Buddha. [19]

In August 1901, Tengku Abdul Kadir made a petition to the British Governor in Singapore on two major issues: firstly, the Thai commissioner's influence on the authority of the Malay Rajas, for example, revenue collection; and secondly, Thai officials' influence in Islamic practice. [20] Eventually in 1902, as a result of his petition to the British Governor in Singapore, he was imprisoned at Pitsanulok for "gross disobedience" against the order of the King for two years. [21]

From the description above, therefore, historians can use question number 80 to give a further picture of Malay life and Islam in the Patani region during this period. Furthermore, legal historians can also use question number 80 to give a further picture of Malay life and Islam in the Patani region at this time.

As mentioned, Shaykh Ahmad wrote his fatāwā as early as 1900 A.D. and this collection of fatāwā can be considered as the first kitāb on classical fatāwā that we have in the Patani. Therefore, prior to this there was no other collection of fatāwā. As Pitsuwan writes:

"Since there had been no attempt in the past to codify the diverse opinions (fatāwī) documented in a

collection law books, and there was no prior judicial process as King Chulalongkorn had himself established with respect to the Thai legal system, the Government has to get involved in setting up the legal structure of the Qādi's court in various districts of the Greater Patani region." [22]

The religious court or Qādi's court was first established in various districts of the Patani region by King Chulalongkorn in 1903 A.D. According to Pitsuwan prior to the establishment of the Qādi's court, religious law was interpreted and enforced by 'ulamā' without any institutional arrangement. Their traditional moral authority was sufficient to guarantee compliance with their opinions (fatāwā). [23] Even though the Qādi's court was established in various districts of the Patani region and some 'ulamā' were appointed as judges in the newly established institution, the Malay-Muslims preferred to seek advice on their religious and legal affairs from other 'ulamā' on an individual and non-institutionalized basis. They regarded the Qādi's court not as Islamic, but it was just as an extension of the ordinary Thai courts and was regarded as a government office. Furthermore, Muslim judges were co-opted in judging and issuing a verdict along with Thai judges and the final decision on the matter of law was in the hands of Thai judges. [24]

It is not surprising that this is why some Malay-Muslims in the Patani region at this time (1900-1905) wrote a letter addressed to Shaykh Ahmad in Mecca and requested him to

issue a fatwā on matters relating to Islamic law. The fact is that during this period there was no religious institutional arrangement in the Patani region which was able to interpret and enforce Islamic law, except individual 'ulamā' or religious leader either in pondok schools or in the village's mosque.

No matter how much political, social and economic changes took place in the areas at this time, the Malay-Muslims never changed their attitude, value, and belief from Islamic teaching. Even when Thai authorities offended the Malay-Muslims by using Thai law to adjudicate matters of family affairs and inheritance the Malays were not influenced by Thai law. The fact is that they strictly followed Islamic law. In the case of marriage and divorce, it was extremely rare that they applied Thai law although some ignorant Malay-Muslims who did not understand Islam did so. As well as inheritance, most Malay-Muslims distributed their estates or property according to Islamic law. Islamic law concerning family affairs and inheritance therefore remains significant in their life.

Regarding the breakdown of the fatāwā above, we know that the issue of divorce has the highest number of fatāwā, 11.21% (see table 8). Almost all divorce issues in Patani fatāwā are concerned with the wording which husbands used for the declaration of divorce. Perhaps some of the fatāwā can tell us something about the Malay life at this time which legal historians can be used so as to give a picture of Malay life during this period, particularly data concerning the wording which husband used for the

declaration of divorce, for example, "I divorce my wife one day before I die", (see question number 85, English translation appendix c). "If I die definitely you are divorced", (see question number 86, English translation appendix c).

This data indicates that some Malay-Muslims at this time were still ignorant of Islamic teaching although they are Muslims. They did not understand the proper wording which is used for the declaration of divorce. The correct wording for the declaration of divorce is, "I divorce you" (wife) ..one, ...two, ...three, divorce (talāk).

In the context of inheritance when Malays divorce or die, their estates or property will be distributed to their heirs according to Islamic law. We know that in this fatāwā the matters concerning inheritance is about 6.54% (see table 8). In almost all inheritance in this fatāwā the property will be distributed to their heirs after the husband or wife dies. This indicates that the Malays in the Patani region in particular and some other parts of the Muslim community in the Malay Peninsula in general did not make wills (waṣīyat). The distribution was left in the hands of learned men in the village.

5.5. (v) Evidence about Tarikat in the 19th century Patani from the Collection

Tarikat is a religious organisation that has been a permanent feature of the Malay-Muslims since Islam first came to the area. This is the esoteric path that emphasises the spiritual life with the ultimate aim of spiritual perfection. The process towards that perfection has been

followed by devout Muslims of all ages. The process is called "tarikat". The people who chose to follow such a way of life are called Sufis. Being esoteric and specialised by nature, the various groups involved in this mystical movement have kept their organisation small and secret.

In this collection of the fatāwā, there was no specific evidence about ṭarīkat in 19th century Patani. However, there is a question concerning ṭarīkat in general, such as question number 106, relating to the letter of Sultan Muḥammad IV of Kelantan to Shaykh Aḥmad in Mecca, asking him to explain about ṭarīkat. This is in relation to a ṭarīkat Shaykh from Negeri Sembilan named Haji Encik 'Id bin Haji Encik Din who brought the ṭarīkat teaching and caused considerable worry in Kelantan.

In his fatwā number 106, Shaykh Aḥmad stated that he was initiated into Tarīkat Ahmadiyyah (p.181). According to his grandson, Wan Muhd Shaghir, Shaykh Aḥmad was also initiated into Tarīkat Shattāriyyah at a young age and this ṭarīkat was most followed by Patani 'ulamā'. The most well-known spiritual leader of this tarikat was Shaykh Daud bin Abdullāh al-Faṭāni, presumably in the past this ṭarīkat was widely followed among the Malay-Muslims in Southeast Asia. [25] Indeed there were many other ṭarīkat which were followed among the Malays in Southeast Asia during this time, perhaps till today. [26]

As mentioned in chapter 3, almost all Patani 'ulamā' in the past were related to each other and they originated from the same families and had the same sources of knowledge. From the biography of Shaykh Daud, we see that he was the

leading person of Ṭarīkat Shaṭṭāriyyah amongst the Patani 'ulamā' who were in Mecca during the late 18th and early 19th century. Therefore, it is not surprising that this ṭarīkat would be taught and transmitted to other Patani 'ulamā' from generation to generation till today. Furthermore, Shaykh Daud's teachings and works were sustained and extended by Shaykh Aḥmad bin Muḥammad Zain al-Faṭāni and from here have grown influential groups of 'ulamā' who returned to the Patani region, the Malay Peninsula and other parts of Southeast Asia. [27] It should be noted that one of Shaykh Daud's works entitled "Minhāj al-'Abidīn" is his translation of al-Ghazālī's work of the same name on taṣawwūf. In my opinion, some religious teachers in the Patani region were influenced by this work because this text is still widely studied in the Patani region, particularly in traditional Islamic schools.

We know that some of the religious teachers or Tok gurus in some pondoks in the Patani region and Kelantan were individually initiated into Ṭarīkat Aḥmadiyyah or Shaṭṭāriyyah. Their ultimate aim was to fulfill spiritual perfection. They were also involved in the pursuit and propagation of esoteric knowledge and participated in various religious circles. In some instances gurus (Tok gurus) are believed to possess mystical power in which case they are said to have berkat (blessing). All Tok gurus are believed to possess or have access to efficacious formulas but to have berkat is considered something special. Such power is manifested in a variety of ways including an ability to cure, to repel sorcery, to locate lost objects,

to provide protection while on a journey, to anticipate the future or distant events, and to cause injury or sickness.

One such Tok guru received a large number of callers for whom he provided written charms (azimat) to be worn or carried and "healing water" (air tawar) to be ritually drunk or used in bathing. It is said that Tok gurus who are believed to have berkat do not necessarily promote such beliefs or encourage people to come to them for assistance predicated upon such beliefs. Even when such beliefs gain circulation they persist in part because modesty is an appropriate attitude for a man closer to Allāh. [28]

I interviewed two religious teachers about ṭarīkat. One is from Patani, by the name of Haji Abdul Latif b. Haji Wan Muḥammad Nur (better known as Babo Teh), the author of "Al-Qira'at wa al-Matala'at" and the owner of "Pondok Cerang Batu" Muang district, Patani Province. He said that he belonged to both Ṭarīkat Shaṭṭāriyyah and Aḥmadiyyah. The other teacher is Haji Muḥammad Dahan b. Abdullāh (better known as Ayah Su), from Narathiwat, the owner of "Pondok Kampung Dalam", Rangea district, Narathiwat Province. He also belonged to both Ṭarīkat Aḥmadiyyah and Shaṭṭāriyyah. He learned this ṭarīkat from his teacher, Shaykh Ismail bin Abdur Kadir bin Muṣṭafa al-Faṭāni, Shaykh Aḥmad's cousin. He further said that Shaykh Ismail learned this ṭarīkat from Shaykh Aḥmad and that Shaykh Aḥmad got it from his father, Shaykh Muḥammad Zain bin Muṣṭafa al-Faṭāni, who learned it from Shaykh Daud bin Abdullāh al-Faṭāni. [29]

Ṭarīkat, whether Ṭarīkat Shaṭṭāriyyah or Aḥmadiyyah, is still widely practiced in the Patani pondoks especially

among religious teachers who practice it individually. Fatāwā number 106 in this collection of the fatāwā indicated the existence of ṭarīkat in 19th century Patani. We know that Shaykh Aḥmad himself was one of the spiritual leaders of Ṭarīkat Aḥmadiyyah and Shaṭṭāriyyah in the late 19th and early 20th century. This is an evident from his work entitled "Mar'at al-ʿAjaib", which is his writing on taṣawwūf. Some part of this work is obtained from fatwā number 106. However, for further details about this work, the reader can refer "Sūfi dan Wali Allah". This book was written by the grandson of Shaykh Aḥmad who based it from his grandfather's own manuscript, letters and notes, many of which are in Arabic. [30]

5.5. (vi) The Usage of Arabic sources in Patani fatāwā

When we analyse the Patani fatāwā carefully, we will see that almost all questions are on classical issues, as they always come up in the classical fatāwā whether Arabic or Malay. For example, the matters dealing with family affairs and inheritance, the five Islamic pillars, fiḥ, uṣūl ul-dīn, taṣawwūf and tawḥīd. Although Patani fatāwā are concerning general issues, if the issues are related to religious problems then the content of fatāwā (opinions) will not be too different from the verdict of other jurists, especially if these jurists belong to the same school of law. There are four orthodox Islamic schools of law in the Muslim world: Mālikī, Shāfi'ī, Ḥanāfi and Ḥambali. The difference amongst them is in the principles

used in finding solutions to problems faced by the muslim community from time to time, whether social, economic or politics. However, all four schools are unanimous on the basic principle that al-Ḳur'ān and al-Ḥadīth are the fundamental sources of Islamic law. For the case of Patani fatāwā, we know that Shaykh Aḥmad himself followed strictly the Shāfi'ī school which is predominant among Malays of Southeast Asia. Therefore, it is not surprising that in almost all fatāwā (answers) in the Patani fatāwā, Shaykh Aḥmad based his fatāwā on the Shāfi'ī school.

According to my research, I find that the Patani fatāwā contained large numbers of references to Arabic sources. Thus it is very close to Arabic sources in terms of texts and materials. For example al Ḳur'ān al-Ḥadīth, Idjmā' (consensus of 'ulama', especially those of Shāfi'ī school), al-Ḳiyās (deduction of analogy), some other fatāwā and books.

Below is the list of reference books used by Shaykh Aḥmad in his Patani fatāwā:

1. Kitāb al-Mintahi al-Munāfa' fī anwā' as-Sanā' i, by Rashīd Afindi Ghazi al-Damaski.
2. Kitāb al-Bahjah al-Mubatadīn wa-farḥatul Majtahidīn, by Shaykh Aḥmad bin Muḥammad Zain bin Muṣṭafa al-Faṭāni.
3. Kitāb Ḥayat ul-Hayāwan, by Taj ud-Din Bahram bin Abdullāh al-Damiri: A treatise on law according to the Maliki school.
4. Kitāb al-Shāmil, by Ibn as-Sabagh.
5. Kitāb Bughat al-Mustarshidīn fī talkhis fatāwā ba'd

- al-a'imah min al-'ulamā' al-muta'ākhkhirīn, by Abdul al-Rahman ibn Muḥammad ibn Hussain al-Mushhur Ba' alawi al-Ḥadrami.
6. Sanad, by Imām Aḥmad bin Muḥammad bin Ḥanbal.
 7. Kitāb ad-Darrul Maknūn fi'l Sana'i wa-al-Funūn.
 8. Al-Fatāwa: Shaykh Muḥammad Ṣaleh ar-Riyas.
 9. Kitāb al-Hujjah al-Balaghat, by Abu Abdullāh Muḥammad bin Idris as-Shāfi'i.
 10. Kitāb al-Umm, by Abu Abdullāh Muḥammad bin Idris as-Shāfi'i.
 11. Al-Risālah al-Kashiriyyah, by Abu Abdullah Muḥammad bin Idris as-Shāfi'i.
 12. Kitāb al-Bahjah fi Sharḥ al-Tuḥfat, by Ali ibn Abdul al-Salam al-Tasuli.
 13. Fath ul-Bahri, by Aḥmad bin Ali bin Hajar as-Askalani.
 14. Takrib ul-Tahdhib, by Aḥmad bin Ali bin Hajar as-Askalani.
 15. Fath ul-Mu'in, by Zayn ud-Dīn al-Malibari.
 16. Fath ul-Wahāb, by Abu Yahya Zakariya bin Muḥammad al-Ansari.
 17. Minhāj al-Ṭallab, by Abu Yahya Zakariya bin Muḥammad al-Ansari.
 18. Tahrir al-Tanzih, by Abu Yahya Zakariya bin Muḥammad al-Ansari.
 19. Sharḥ al-Bahjah, by Abu Yahya Zakariya bin Muḥammad al-Ansari.
 20. Aṣna'l-Maṭalib, by Abu Yahya Zakariya bin Muḥammad al-Ansari.

21. Kitāb al-Djuharrah, by al-Kānī.
22. Kitāb Bidāyat al-Hidāyat, by Abu Ḥamid Muḥammad bin Muḥammad al-Ghazali.
23. Kitāb Ihyā' 'ulum ud-dīn, by Abu Ḥamid Muḥammad bin Muḥammad al-Ghazali.
24. Minhāj al-'Abidin, by Abu Ḥamid Muḥammad al-Ghazali.
25. I'ānat at-Tālibīn, by Syed Bekri Abu Bakr bin Muḥammad ad-Dinyati.
26. Fath ul-Aziz 'alā kitāb al-wajiz, by Abu Qasim Abdul al-Karim bin Muḥammad ar-Rāfi'i.
27. Al-Muharrar, by Abu Qasim Abdul al-Karim bin Muḥammad ar-Rāfi'i.
28. Minhāj al-Tālibīn, by Muḥyiddin Abu Zakariya an - Nawāwī.
29. Al-Rawḍ fī Mukhtasar Sharḥ ar-Rāfi'i, by Muḥyiddin Abu Zakarriya an-Nawāwī.
30. Al-Majmū', by Muḥyiddin Abu Zakariya an - Nawāwī.
31. Sharḥ Arba'in (ḥadīth) by Muḥyiddin Abu Zakariya an - Nawāwī.
32. Fath ul-Ghafar, by Muḥammad bin al-Qasim al-Ghazi.
33. Fath ul-Qarīb, by Muḥammad bin al-Qasim al-Ghazi.
34. Ḥāshiyat al-Tuḥfat, Muḥammad bin al-Qasim al-Ghazi.
35. Fatāwā al-Baghwi.
36. Muḥimmatun Nafa's, by Syed Aḥmad Dahlan
37. Ḥāshiyat ul-Barmawī 'alā fath ul-Qarīb ḥarfa bi ḥarfin, by al-Barmawī.
38. Ḥāmiş fath ul-Jawad, by Aḥmad Bin Muḥammad bin Ali ibn Hajar al-Haythami.
39. Tuḥfat al-Muḥtaj lī-sharḥ al-Minhāj, by Aḥmad bin

- Muhammad bin Ali ibn Hajar al-Haythami.
40. Fath ul-Jawād, by Ahmad bin Muhammad bin Ali ibn Hajar al-Haythami.
 41. Fatāwā al-Ḥadīthah, by Ahmad bin Muhammad bin Ali ibn Hajar al-Haythami.
 42. Fatāwā al-Kubrā, by Ahmad bin Muhammad bin Ali ibn Hajar al-Haythami.
 43. Ḥāshiyat ul-Idāh, by Ahmad bin Muhammad bin Ali ibn Hajar al-Haythami.
 44. Ḥāwashī sharḥ al-Rawḍ, by Ibn al-Ṣaleh.
 45. Ḥāshiyat ul-Tuḥfat, by Shaykh Abdul Hamid ash-Shirwānī.
 46. Kitāb al-Anwār, by ar-Dabīlī.
 47. Matn Zubad, by Ahmad ibn Husein ibn Ruslan.
 48. Ḥāshiyat ul-Kurdi, by al-Kurdi.
 49. Ḥāshiyat ul-Bijirmi, by Sulaiman bin Umar al-Bijirmi.
 50. Ḥāshiyat fath ul-Wahāb, by Sulaiman bin Umar al-Bijirmi.
 51. Ḥāshiyat al-Rawḍ, by Samhudi.
 52. Takmilah sharḥ Minhāj, by Badr ud-Din Muhammad bin Bahadar al-Zarkashi.
 53. Fatāwā al-Zarkashi, by Badr ud-Din Muhammad bin Bahadar al-Zarkashi.
 54. Ḥāshiyat sharḥ bi-afadal, by 'Amdād al-Ṣari.
 55. Ḥāshiyat ul-Tuḥfa, by al-Daghastani.
 56. Rawḍ al-Ṭalīb, by Sharaf ud-dīn Ismail bin Abu Bakr al-Mukri.
 57. Al-Irshād, by Sharaf ud-dīn Ismail bin Abu Bakr

- al-Mukri.
58. Kitāb Mughnī al-Muhtāj ilā Ma'rifat Ma'ani Afaz al-Minhāj, by Muḥammad bin al-Khatib ash-Sharbini.
59. Ḥāshiyat sharḥ al-Minhāj al-Ṭullab, by Abdullāh ash-Sharkawi.
60. Tarsikul Mustafidīn, by Abdullāh ash - Sharkāwī.
61. Ḥāshiyat fath ul-Qarīb, by Ibrahim bin Muḥammad al-Bajuri.
62. Kitāb ul-Hajj, by Ibrahim bin Muḥammad al-Bajuri.
63. Nihāyat ul-Muhtāj ilā sharḥ al-Minhāj, by Shamsuddin bin Ahmad as-Ramli.
64. Sharḥ Minhāj al-Ṭālibīn, by Jalajuddin Muḥammad bin Ahmad al-Muḥalli.
65. Ḥāshiyat Nihāyat al-Muhtāj, by Ahmad bin Muḥammad Abdul al-Razzak ar-Rashīdī.
66. Ḥāshiyat Nihāyat al-Muhtāj, by Abu al-Diya Nuruddin bin Ali Ash - Shubrāmulsī.
67. Ḥāwī al-Kabir, by Abu Ḥassan Ali bin Muḥammad al-Mawardī.
68. Ḥāshiyat Sharḥ Minhāj al-Ṭālibīn, by Qalyubi wa-Umairah.
69. Majmū' Fatawā, by Ibn Taimiyyah.
70. Al-Muḥallā, by Ali bin Muḥammad (called Ibn Hazam).
71. Al-Ashḥāb wa-an Nazir, by Jalaluddin as-Sayuti.
72. Al-Ḥawī Li'l Fatawā, by Jalaluddin as-Sayuti.
73. Ḥāshiyat ul-Aṣni Sharḥ al-Rawḍ, by Subri.
74. Al-Muwattā, by Abu Abdul Mālik Ibn Anas: A treatise on law according to Miliki school.
75. Kitāb al-Maudu'at, by Ibn al-Jawzi.

76. Kitāb ul-Akal.
77. Kitāb ul-Lū'-Lū' al-Maudu', by Sidi Muḥammad Abu al-Muḥasan al-Kawakji.
78. Kitāb al-Laili al-Mudu'.
79. Kitāb Isni al-Mutalab fī aḥādīth mukhtala fatil maratib, by Shaykh Muḥammad bin Sayyid Daruwīsh al-Bairuti.
80. Kitāb 'Abāb, by Sidi Umar al-Baṣri.
81. Ḥāshiyat fath ul-Mu'in, by Sidi 'Alawī.
82. Kitāb Akḳawl ul-Ṣawāb.
83. Kitāb Akbar Aṣbahan, by Abdullāh bin Mindah.
84. Ṣaḥīḥ al-Bukhari (ḥadīth), by al-Bukhari.
85. Kitāb az-Zawajir, by Shahibuddīn Aḥmad bin Ḥamdan al-Adhari.
86. Kitāb al-Miṣbāḥ al-Munīr 'ilm al-lughā (linguistics).
87. Al-Fatāwā al-Miṣrī, by Abdul Ḥadī al-Abyar al-Miṣrī.
88. Tarīkh al-Baghdād, by Muḥammad bin Khaṭīb ash-Sharbīnī.
89. Sharḥ Hikam by Imām Ibn al-'Abād.

Here are some names of 'ulamā', companions of the Prophet and Shaykh al-Tarīkat which Shaykh Aḥmad used as reference in his fatāwā:

1. Al-'Alim ar-Rabbani al-Shaykh Muḥammad Abi al-Muwāḥab ash-Shādhali.
2. Sidi 'Ali al-Khawās.
3. Al-'Alim ar-Rabbani al-Shaykh Aḥmad Zurūz.
4. Madjnūn Laila.
5. Shaykh Abdul Kadir al-Jilānī.
6. Sayyidinā 'Ali ibn Abu Talib.

7. Imām Sha‘rani.
8. Imām Abu Ḥassan al-Sha‘rī (the founder of uṣūl al-dīn science).
9. Imām al-Ṭabranī.
10. Imām al-Dardā’.
11. Imām al-Thawri.
12. Shaykh Junīd al-Baghdādi.
13. Imām Ḥassan al-Baṣri.
14. Sidi Aḥmad bin Idris.
15. Sidi Aḥmad al-Dandarawī.
16. Sidi Aḥmad Ṣaleh.
17. Ibn al-Athir al-Kamil.
18. Abu Abas Muḥammad bin Ya‘coob.
19. ‘Isa ibn al-Ath‘ath.
20. ‘Ali bin Muṣa al-Ridā.
21. Ibn Asakir.
22. Abdullāh bin Aḥmad bin Amirulṭā-i.
23. Abdullāh bin Ibrahim al-Mukbari.
24. ‘Alqamat ibn Sa‘ad bin Muad.
25. Imām al-Bukhari.
26. Al-Dahaka.
27. Ḥalimi.
28. Ḥafni.
29. Al-Ḥassan ibn ‘Ali bin Afan.
30. Sidi Ibrahim al-Rashīdī.
31. Ibrahim bin Hiban bin Hanazalat ibn Amir bin Suwid.
32. Ibn Khalikan.
33. Sidi Murtadā.
34. Shaykh Ibi Maḍyan al Maghribi.

35. Sīdī Muḥammad al-Ḥusaini al-Zabidī.
36. Al-Nazal ibn Subrat.
37. Abdul al-Hazz as Sunibati.
38. Ibn Sa'īd al-Azdi Abu al-Qasim al-Bakhi Nazila al-Kuffah.
39. Ṣāhibul 'Adat.
40. Ṣāḥabul Kut.
41. Ṣāḥabul 'Awārif.
42. Nasiruddīn al-Ṭablawī.
43. Tasghir al-Jabar.
44. 'Umar bin Muslim bin Az-Zubir.
45. Zaid ibn al-Ḥibab.
46. Sayyidinā 'Umar ibn al-Khaṭṭab.

5.5. (vii) Sultan Muhammad IV of Kelantan asked Advice on Religious matters.

Before going on to analyse why Sultan Muhammad IV preferred Shaykh Ahmad to local 'ulamā', it is necessary to look into the question of how Islam was at the time in Kelantan, particularly concerning legal administration. Moreover, it is worth looking back at the legal administration during the reign of Sultan Mansur to illustrate the development of Islam and legal administration in Kelantan at the beginning of the reign of Sultan Muhammad.

It is impossible to look at Islam and legal administration in Kelantan without touching that of Patani. The Malay states of Patani were geographically, ethnically,

religiously, culturally and historically closely connected with Kelantan. Upon the death of Sultan Muhammad III on 11 May 1891, his brother, Long Mansur, succeeded him and took the title of Sultan Mansur (r. 1891-1900). This year was the beginning of the most complex and crucial period in the history of modern Kelantan. There was suddenly a conflict between two imperial governments; Thailand and Britain, over the northern Malay states including the Malay states of Patani. This is the period of Thai southern expansion and British forward policy occurring over the same area. [31] During the reign of Sultan Mansur, several failed attempts were made by Bangkok to introduce some form of the Thai legal system into Kelantan. The religious conviction of the Sultan and the people helped to explain this failure. [32] After having ruled the country for four years, there occurred a serious incident in Kelantan in 1894. This is the assassination of Cik Ha; the Maha Menteri, in his wife's house in Penambang. It was a great blow to the people of Kelantan. However, this incident did not affect the legal administration in the state. Nevertheless, the country was governed brilliantly and justly in spite of the loss of Maha Menteri. Islamic law continued to gain a respectable position and the Sultan himself was a learned and pious man. Moreover, Kelantan had a good reputation for being peaceful and people were safe from theft and robbery. The case of Tok Senu is proven that Islamic criminal law was exercised in Kelantan. Tok Senu, who was caught for theft was brought to trial and found guilty. The Sultan ordered that the accused's hand be cut off. [33]

Islamic legal administration during Sultan Mansur's reign was far more extensive than the past rulers. Haji Nik Wan Daud bin Wan Sulaiman was made a Muftī and given extra functions. Sayyid Muhammad bin Sayyid Alwi was appointed as Hakīm by the Sultan. The Mahkamah Negeri Kelantan was made the High Court and a new court was established in 1896 called Mahkamah Adat. Engku Biru bin Sultan Ahmad was made Hakīm of Mahkamah Adat and this court was the criminal subordinate court in Kelantan at this time. The law applied in both courts was Islamic and customary law. The Muftī applied Islamic law in the Shari'ah court and was also responsible for Kādīs, Imāms, and the administration of Surau committee, and issuing fatwā to the court of appeal and criminal courts and to any individual person who asked for them. Under Sultan Mansur's reign, two eminent persons were made the Kādīs of the state, namely Haji Muhammad To'bin Abu Bakar and Sayyid Muhammad. [34]

It is remarkable that the application of Islamic law during the reign of Sultan Mansur developed favourably although Bangkok disregarded the Islamic legal system and institution in the state. This can be seen from unsympathetic attitude towards Islam in the Patani region which encouraged the ruler of Kelantan, particularly Sultan Mansur, and his subjects to make Islamic injunction and law applicable and practised in the state. The development of Islamic legal administration in Kelantan at this time was very progressive. The main reason behind this was the religious attitude and devotion of Sultan Mansur himself in acquiring and studying Islam and keeping in touch with

'ulamā' of various qualities. [35]

It should also be noted that while Sultan Mansur was ruler of Kelantan, Patani was ruled by Sultan Sulaiman Syarifuddin. Although Sultan Sulaiman took Islamic religious affairs very seriously, he was unable to exercise Islamic law favourably because of the intervention of the Thai commissioner in Islamic practices in Patani. The Malay rulers had repeatedly rebelled against Thai domination since the old Malay kingdom of Patani had been conquered and broken up by Bangkok in 1832. These incidents showed that the Malay states of Patani were busy with wars against Thai imperialism and as such did not have an opportunity to develop an Islamic legal system like that of Kelantan. Furthermore, these rebellions were themselves clear proof that the Malays of Patani did not like Thai rule. [36]

When Sultan Mansur died in February 1900 A.D. Tuan Long Sanik succeeded him as the new ruler of Kelantan. At the time Patani was ruled by Tengku Abdul Kadir Kamaruddin (r. 1899-1902). Tuan Long Senik, the eldest son of the late Sultan Muhammad III, was given the title of Raja of Kelantan by Bangkok in 1897 during the reign of Sultan Mansur. At the beginning of his accession, problem immediately arose with his uncle. Tuan Long Ja'afar, (Tengku Petra) one of the brothers of the late Sultan Muhammad II. Tuan Long Ja'afar considered that he had been disqualified at the time of the death of his father, Sultan Muhammad III in 1891. [37] As events turned out, Tuan Long Senik was to become the new ruler with minor title of "Raja of Kelantan". He was recognised by the British and it was not until 22 June,

1911 that he took the title of Sultan Muhammad IV. He had ruled the country for nine years before being installed as the Sultan. [38]

The first few years of his rule over Kelantan, he faced with extreme difficulties. Firstly, his accession to the throne though backed and recognised by Bangkok was opposed by his uncle and other members of Kelantan royal family. Secondly, he was confronted with the intrigue of two foreign imperial governments - Thailand and Britain, both of whom were pursuing policies designed to gain control of the state of Kelantan. [39] As a result of the intrigue of two imperial governments the Anglo-Thai Treaty was signed in 1902. By the Treaty, colonial officials were introduced into Kelantan and paved the ground for Bangkok to increase its influence. At a very early time during the reign of Sultan Muhammad IV, the old legal organisations were diminishing gradually and the judiciary was being dominated by members of the upper class. Besides that, the law was practised independently of the Sultan. All these factors hindered the proper application of law. The judiciary was considered to be a separate institution from the Raja, due to the inexperienced Raja who ruled Kelantan during this time. This happened up to the time prior to the Treaty of 1902. The law which was applied in the courts except in the Shari'ah court, was not truly Islamic law but merely customary observances in the state. [40]

Under the Treaty of 1902, therefore, Sultan Muhammad IV accepted W.A. Graham, an Englishman, as the Thai Resident Commissioner and Adviser to the state. There existed

another treaty between the Thai and British which had been signed in June, 1826 by Captain Burney (from his name, that treaty was known as :The Burney Treaty of 1826) on behalf of the right Honourable Lord Amherst, Governor of Bangal, and the Thai Prince Ktom Menn Loorin Therakas, in the city of Ayudhaya. This treaty allowed the British merchants to engage in business in the state without any obstruction or interruption by the Thai. In spite of that, this treaty did not create more contacts with the British, nor did it affected the administration of the state. However, it recognised the Thai as the de facto over Lord of its suzerainty over Kelantan. [41]

As mentioned above, before the Anglo-Thai Treaty of 1902, several attempts had been made by Bangkok in the reign of Sultan Mansur to impose Thai law. The law then was Islamic with recognised Malay customary law as one source of law. However, at the beginning of Sultan Muhammad IV's reign the situation started to change. Three years preceding the Thai advisory, fines were introduced to substitutional punishment or any kind of ta'zir for grievous crimes. At this time in Kelantan, for instance, the crime of murder might be punished only by a small fine which could amount from 10 ringgits to 1,000 ringgits. Theft which had been punished with cutting off the hand was replaced by a small fine. [42]

The departure from the previous legal system happened after the Anglo-Thai Treaty of 1902. The objective of the Treaty Interalia, was to promote the good government of the dependency and prosperity of its people. Furthermore, it

contained a clause to the effect that the (Thai) Advisor shall not touch matters on Islam and Malay custom. [43] However, after strong persuasion from the Thai advisor, Sultan Muhammad IV succumbed to Thai pressure to depart from the Malay customary and Islamic law in the court, in spite of the remonstrances and protest of the 'ulamā' and other influential people in the state. Eventually Malay customary and Islamic law ceased to be applied in criminal cases. [44]

Now, back to the question, why did Sultan Muhammad IV go to Shaykh Ahmad in Mecca in preference to local 'ulamā'? As mentioned above, his accession to the throne of Kelantan had been hotly contested and opposed by his uncle, relatives and other members of the Kelantan royal family. At the same time he was confronted with the intrigue of foreign powers, namely Thailand and Britain. As a result of the intrigue, particularly the Thai Adviser in Kelantan, he succumbed to Thai pressure to depart from Malay customary and Islamic law practised in the courts. He was a young man and insecure ruler, new to the throne, anxious to avail himself of personal resources independent of internal and external enemies. He surrendered much political authority to the adviser leaving him authority over Islam which he was not adverse to reassert his control and in this area he was not obliged to seek or accept the Adviser's advice. [45]

The most important factor was that at the early period of his reign, the condition of administration was incompetent and corrupted and crime flourished uncontrolled even in high places. The Thai commissioners, which had been stationed in Kelantan had made no attempt to strengthen the

Raja's position or to improve his administration. as Graham wrote:

"The Raja possessed only the 'outward semblance of power'. He was infirm of purpose, partly due to his fear of Siamese, and because he was surrounded by seven or so of his relatives who were conspiring against him. Being weak, he was 'unable to stem the tide of intrigue which his relatives had set flowing from the day.....on which he became ruler'." [46]

All these issues show that Sultan Muhammad IV had no popular support at the very early period of his reign, particularly from 'ulamā' and the influential people in the state. So, it is not surprising that when he was faced with difficulties over religious matters he had to go to Shaykh Ahmad in Mecca in preference to local 'ulamā'. During the late 19th century Shaykh Ahmad was an eminent Malay 'ulamā' and writer and he was also a great Malay teacher in Mecca during his time. In addition, he was a Muftī who was qualified to issue fatwā. Many students from the Malay Peninsula and archipelago came to study under him. Among his students from Malaysia (Kelantan) were Muhammad Yusof bin Muhammad better known as Tok Kenali, Haji Wan Musa bin Haji Samad bin Tuan Tabal and Haji Nik Mahmud bin Haji Nik Ismail. These students, when they returned to their homeland in Kelantan, were posted in the government as civil servants by Sultan Muhammad IV. Tok Kenali was appointed to be a teacher at the Ahmadiyah mosque, Kota

Bharu and at the same time he was elected as President of the "Majlis Ugama" and Editor of several journals in Kelantan, e.g. Pengasuh. Haji Wan Musa was appointed as a Muftī (1908-1916) and Haji Nik Mahmud bin Haji Nik Ismail was appointed as "Datok Setia Perdana Menteri Paduka Raja of Kelantan" or Chief Minister (1915-1945). (For further details about their biographies can be found in chapter 4 above).

Another reason was that Haji Nik Mahmud bin Haji Nik Ismail was closely related to Sultan Muhammad IV himself. It is known that Haji Nik Mahmud and Haji Muhammad Yusof (Tok Kenali) had studied politics and sociology with Shaykh Ahmad in Mecca. In my opinion, presumably Sultan Muhammad IV was influenced by both of these students and it is not surprising that he wrote to Shaykh Ahmad and asked him to explain "ṭarīkat" teaching. Shaykh Ahmad was also a spiritual leader in Tarīkat Ahmadiyyah and Shattayiyah in the late 19th century in Mecca. We know of that Shaykh Ahmad was the first Malay 'ulamā' in Mecca who was interested in politics and liked to discuss politics with his students. He also encouraged his students to follow international events.

It may also be suggested that Shaykh Ahmad had a strong ambition to see the establishment of a "Malay Islamic Kingdom" which would stretch from Patani, south to Kelantan and Trengganu. He even approached Turkey to give aid and support to Kelantan so that it could resist Thai control and come under British protection. He also had contact with Cham Muslims in Cambodia whom he urged to set up their own

state. He advised the Cham to study in Patani or Kelantan first before travelling to Mecca. [47]

According to my research, this was in the time of Tengku Abdul Kadir Kamaruddin (r.1899-1902) who ruled Patani. At the same time it was the late period of Sultan Mansur (r.1891-1900) followed by Sultan Muhammad IV (r.1900-1920). In the early 20th century, both Patani and Kelantan suffered from Bangkok's southward expansion and British forward policy in northern Malaya including the Malay states of the Patani region. Both Patani and Kelantan rulers contacted the British governor in Singapore with the objective of expelling the Thais and bringing their states under British protection. [48] I may, therefore, say that it was the fame of Shaykh Ahmad himself as well as the influence of Haji Nik Mahmud bin Haji Nik Ismail and Haji Muhammad Yusof bin Muhammad which led Sultan Muhammad IV to contact Shaykh Ahmad in Mecca to ask advice on religious matters in preference to local 'ulamā'.

5.5. (viii) The Originality of Fatāwā

From table 9 it can be seen that 87.9% or 93 question contained in this collection came from within the Patani region itself. The majority of the questions relate to family affairs; Zakat and business transaction (see Table 8).

My research shows that the questions can be classified into two categories:-

1. Questions concerning universal issues which may come

up in any Muslim community irrespective of place and time. For examples, "Do you believe in Allāh's existance?", "Does Almighty Allāh have a form?" and "Is Almighty Allāh an Essence (dhāt) or Attribute (sifat)?" (see question number 1, 2 and 3 respectively, English translation in appendix c).

2. Questions concerning specific local matters, i.e Patani, Kelantan, Siam, Songkhla and Cambodia. The following are examples to illustrate this point:-

a. Inheritance.

The questions are usually concerning the application of Malay 'Adāt (customary) on inheritance which is commonly practised by the Malay Muslims in the Malay Peninsula and archipelago as well as some parts of Cambodia (see question and answer number 57, English translation in appendix c).

b. Prayer of supplication (sembahyang hajat)

This is commonly practised by the Malay-Muslims in the Malay Peninsula and archipelego. They will perform the prayer of supplicatin on many occasions, such as to avert calamity or asking for blessing from Allāh (see question and answer number 18, English translation in appendix c).

c. Circumcision

This is also one issue which is peculiar to the Malay-Muslims of Southeast Asia in that they were not having proper circumcision according to Islamic teaching (see questions and answers number 70 and 71, English translation in appendix c).

d. Zakāt

This is a common issue in Patani and Kelantan,

especially Zakāt due on paddy (see question and answer number 30, English translation in appendix c).

e. Tarīkat

Since Islam came to Southeast Asia ṭarīkat had been commonly practised by the Malays, Questions arose because some Malays practice ṭarīkat without knowing the true teaching of it. There were cases of ignorant persons who practised ṭarīkat under a incompetent master. This can be seen in fatwā number 106, English translation in appendix c.

The questions in al-Fatāwā al-Faṭaniyyah were grouped according to subjects and tabulated as in table 10 to show the percentages of questions of universal category and specific local type. This table shows that almost sixty percent of questions in the Patani Fatāwā are of the first category.

Although 87.9% of the questions originated from the Patani region itself (see table 9), results of Table 10 show that only 41.1% of the questions deal with local conditions, i.e. Patani, Siam, Songkhla, Kelantan, Perak and Cambodia. The remaining 58.9% deal with universal issues which are not time or place limited. Therefore, Patani Fatāwā is not just meant for Patani because the majority of the questions can be used in other places at other times since they deal with universal issues. Also from the fact that almost 90% of the questions come from Patani, we can say that Patani Fatāwā are not just copies from some Middle East materials. Arabic texts and materials were only used as references by Shaykh Aḥmad in answering all the questions.

Table 10.

Table showing the category of questions according to subject in al-Fatāwā al-Fatāniyyah.

Subjects	Question no. of Universal type	Question no. of specific local type
Akikah	65	-
Apostate	9	-
Astronomical calculation for fasting in Ramadan	39	-
Circumcision	72	70,71
Concept of the Jewish and Christian traditions	7	-
Concept of the Virgin Mary	5	-
Contract/Business Transaction	46	43,44,45,47,48
Divorce	81,82,86,89,90,91 92	83,84,85,87,88
Dress: Wearing Ka ba cloth	29	-
Etymology	-	4
Expression of Amin	-	24
Fasakh	78,79	80
Food	11	-
Friday prayer	25	22,23
Having food with salt	107	-
House for rent	-	50
Idjtihad by Hakim	55,56	-
Inheritance	58,59,60,61,62,63	57
I'tikād/Şifat	1,2,3,6	-
Lawful and unlawful animals	102	100,101,103
Marriage	77	66,67,68,69,93,94
Mosque	-	19,20
Muslim midwife assisting non-Muslim in child birth	105	-
Perfume	10	-
Prophet/Walī	8	-
Prayer for the deceased male & female	27	26
Prayer for supplication	17	18
Ribā'	49	40,41
Ritual/prayer	13,15	14,21
Share of profit between the owner of a business with his partner	51	-
Sharing property between a married couple	-	54
Sighting of the new moon to begin and end fasting in Ramadan	38	-
Slaughtering of animals for human consumption	96,97,98,99	-
Some local problems about the place for prayer	-	16
Talkin	-	28
Tarīkat	-	106
Treatment of sick people with impurity	95	-
Wakaf (religius endowment)	53	52
Walī (legal guardian)	73,74,76	75
Wills (waşiyat)	64	-
Wudū'	12	-
Zakāt	31,32,34,35,36, 37,42	30,33
Zinā/Waṭī shubhat (suspected sexual intercourse)	104	-
Total	63	44
Percentage	58.9%	41.1%

5.5. (ix) The Name of this Collection

As to the question why this collection is called al-Fatāwā al-Faṭaniyyah or Patani Fatāwā instead of Malay fatāwā. There are two main reasons for this. Firstly, the majority of questions which came up in this collection were from within the Patani region itself (see table 9). Secondly, the author of this collection, Shaykh Ahmad was a native Patani 'ulamā' and writer who worked in Mecca. Furthermore, the term "Faṭaniyyah" originates from the word "Faṭāni or Patani" which indicated from the Patani region. In addition, some family members of Shaykh Ahmad also had some opportunity to be involved in issuing fatāwā alongside him, such as his son, Haji Wan Ismail Ahmad, his uncle, Shaykh Daud bin Muṣṭafa al-Faṭāni, and one of Shaykh Daud bin Mustafa's grandsons, al-Djahaluwara Daud bin Ahmad who participated in translating fatwā from Arabic into Malay. It is, therefore, not surprising that this collection is called "al-Fatāwā al-Faṭaniyyah or Patani Fatāwā". This is a typical Muslim practice as in al-Falambānī, al-Baghdādī, al-Bairūtī and others.

5.5. (x) The Politics of the 19th century Malay world in Patani Fatāwā

There was no question dealing directly with the politics of the 19th century Malay world in this collection. However, from question and answer number 80 we can get an illustration of the political climate in the late 19th and

early 20th century Patani and Kelantan. In fact, some part of this question has already been discussed when we were looking into the question of the Patani Malay society and Islam in the late 19th century. In that analysis, question and answer number 80 was analysed from the perspective of the historians or legal historians. Here, we shall limit ourselves to analysing fatwā number 80 from the political dimension. A part of question number 80 asked whether it was possible for the Hakim to sentence an adulterer without the approval of the non-Muslim ruler controlling the country, especially when the local Muslims raja has been weakened.

The fatwā of Shaykh Ahmad concerning this question is very interesting because it reflects the impact of the political situation in the Patani region and Kelantan at the time. In part of his fatwā to number 80 he said that

"if Muslims were unable to uphold any Islamic law (such as to torture (radjm)) for fear of tribulation that would befall them, then they would be exempted by Allāh from implementing it is obligatory for all Muslims to wholeheartedly seek the means through government, politics and learning, and by instructing our children through every means, to establish an Islamic legal system based on Islamic concepts, political and shari'ah, until the shari'ah becomes material in substance."

(see question and answer number 80, English translation in appendix C).

Even though Shaykh Ahmad did not explicitly express his ideas and attitude toward a 'Malay Islamic Kingdom', from his fatwā to number 80 we can still clearly see his real intention or purpose about politics and Islamic legal system. He had an ambition to see the establishment of a Malay Islamic Kingdom which would stretch from Patani, south to Kelantan and Trengganu. He even approached Turkey to give aid and support to Kelantan so that it could resist the Thai control and come under British protection. This incident occurred in the later years of Sultan Sulaiman Syariffudin of Patani; (r.1890-1899) following the period of his son becoming Raja of Patani; Tengku Abdul Kadir Kamaruddin (r.1899-1902). At the same time, Kelantan, next door to Patani also suffered from Bangkok intervention in Islamic legal administration. This event occurred in the later years of Sultan Mansur's reign (r.1891-1900) and became worse in the time of Sultan Muḥammad IV (r.1900-1920). We know that Thai officials in the Patani region treated the Malays badly e.g. Malays on occasions being shot without trial while Thai officers who raped Malay women went unpunished.

The same incidents happened in Kelantan during the same period. Thai soldiers who were stationed in Kelantan used to assault Malay women in the open streets almost daily and many complaints were made to Sultan Muḥammad IV by chiefs and people concerning the crimes committed by the Thai soldiers but nothing can be done. This is because at this time Sultan Muḥammad IV had no real power to do anything.

[49] We can, therefore, say that fatwā number 80 can be

used as an illustration to the politics of the late 19th and early 20th century Malay world. It particularly shows the intervention from Bangkok in the internal affairs of the Patani region and Kelantan with respect to Islamic practices and the authority of the Malay rajas.

5.6. The Views or Opinions of Shaykh Ahmad

At this point we shall analyse some specific views or opinions of Shaykh Ahmad regarding the various subjects touched upon in al-Fatāwā al-Faṭaniyyah. The Kitāb al-Fatāwā al-Faṭaniyyah contains 107 questions and answers relating to Islam, i.e. uṣūl al-dīn, fikh, tawḥīd, taṣawwuf/ṭarīkat, Arabic grammar, Malay grammar, history of Islam, Kurʾān, Ḥadīth, sciences and politics.

5.6. (i) Uṣūl al-dīn-source of religion

In Patani fatāwā, Shaykh Ahmad discussed uṣūl al-dīn in many places particularly fatwā number 6. For this science, Shaykh Ahmad based his views strictly on Imām Abu Ḥassan ash-Shari whom he regarded as the Imām on uṣūl al-dīn. One of his well known works on this subject is entitled "Farīdatul Farā'id fi 'ilm al-'Akā'id" (for further details about this text see his work number (9) in chapter 4).

5.6. (ii) Fikh - Islamic Jurisprudence

Almost all issues in Patani fatāwā are concerned with fikh, such as, family affairs and inheritance; the five

Islamic pillars; contract; slaughtering animals for human consumption; lawful and unlawful animals to eat. On this science, Shaykh Ahmad based his views on Shāfi'ī school. In Patani Fatāwā, he mentioned Shāfi'ī as the Imām he followed in matters of fiqh. He also used the term "Kitāb ul Mudhhāb", frequently referring to the collection of legal opinions based on Shāfi'ī school.

5.6. (iii) Tawhīd - the Unity of Allāh

Shaykh Ahmad also discussed tawhīd in his fatāwā, for instance, fatāwā numbers 1, 2, 3 and 5. Fatwā number 5 is the most interesting where he explained clearly the oneness of God and mentioned how incomprehensible it is for the intelligent mind to accept the Most Exalted God could bear a child. He further explained that one of the attributes (sifat) of the Most Exalted God is that he is different from all his creations. To confirm the unity of God, he mentioned two Kuranic verses, i.e. k,112:3 and k,17:111 (further details see fatwā number 5, English translation in appendix C). He also discussed this subject in his other works, especially in Jamanah al-Tawhīd (see his work number (11), in chapter 4).

5.6. (iv) Tasawwuf/Tarīkat-mysticism

Shaykh Ahmad was one of the spiritual leader of Ahmadiyyah and Shaṭṭāriyyah tarīkat in the late 19th century in Mecca. As mentioned, he was initiated into Ahmadiyyah

ṭarīkat. However, he had been initiated earlier into Shaṭṭāriyyah tarikat. His views on ṭarīkat can be seen in his fatwā number 106. To confirm his views on ṭarīkat one can also see 'Mir'at al-Ajaib'; a part of this work is already represented in fatwā number 106.

5.6. (v) Arabic grammar-nahw

Among Patani 'ulamā' and writers who worked in Mecca in the late 19th century, Shaykh Aḥmad was one of those who write religious works in both Arabic and Malay. His Arabic language and grammar is recognised by Arabs. In Patani fatāwā, he also explained Arabic grammar in many places, e.g. fatawa number 6, 14, 28 and 88. Shaykh Aḥmad wrote four books on Arabic grammar. He not only wrote books on Arabic grammar, but also commented and extended a work on Arabic grammar entitled Matn al-Awāmil by Abdur Qadir Jurjani, an Arab author. He named it as Tashil Nil al-Amāniy fī sharh al-Awāmil Al-Jurjani. This text is still known up to date (see his work number (18) on chapter 4). His three other books on Arabic grammar are Ibriz as-Saraf fī 'ilm as-Sarf, Abniyat al-Asmā' wa al-afa'āla, and Matn al-Mudakhil fī fan as-Sarf. (See his works numbers (1), (2), and (3) in chapter 4).

5.6. (vi) Malay grammar

In Patani fatawa, Shaykh Aḥmad also discusses and explains Malay terminology, e.g. fatāwā numbers 4, 14, 68 and

84. He was able to explain the conjugation of Malay words, for example he explained that the word "Sembahyang" (prayer) originated from the word "sembahan" (further details on which can be seen in fatwa number 14, Transliteration appendix B). As mentioned in chapter 4, he was the first Malay 'ulamā' to introduce 4 additional letters into Jawi characters, i.e., cha (چ), nga (ڠ), ga (گ) and nya (ث).

5.6. (vii) History of Islam

In issuing fatwā, Shaykh Ahmad did not only discuss religious matters but also gave examples from the history of Islam. An example of this is fatwā number 53 where he showed an example taken from the period of the Prophet Muḥammad. It concerned Sayyidina Umar ibn al-Khaṭāb who received a piece of land at Khaibar, and then he went to enquire the Prophet Muḥammad, may Allāh bless him and grant him salvation. He asked "O Messenger of Allāh I have received a piece of land at khaibar, which I have not seen anything like it before. What do you suggest I do with it?" Then the Prophet Muḥammad replied, "if you want it you can end possession of it and give out in charity from it, that is, you turn the land into a waḳāf and then give out in charity its produce." Hence Sayyidina Umar was the first person to observe this religious endowment in the history of Islam (further details can be seen in fatwa number 53, English Translation in appendix C). This kind of religious endowment is practiced in the Patani society. As mentioned in chapter 3, almost all traditional Islamic

schools in the Patani region are considered religious endowments (wakāf) set up by the religious teachers with the assistance of pious Muslims for the benefit of the youths in their pursuit of Islamic education.

5.6. (viii) Kur'ān

In Patani fatāwā, Shaykh Ahmad used many ḡurānic verses, e.g. fatāwā numbers 6,7,5,28,52,106. His mastery of the ḡur'ān can be seen in fatwā number 28, concerning "Talkin", prayer read for the recently buried dead. Shaykh Ahmad forbade reading the verse "fa-idhāhum Khamidun", in talkin, because it is obviously wrong. He suggested that it is obligatory to omit this verse in talkin and replace it with the correct verse to read for that purpose, that is, "hadhāmā wa' adarraḡman waṣadakal mursalūn inkānat illā ṣayḡatan wāḡidatan fa-idhāhum djami' ul ladainā muḡḡarun", K, 36 : 52-53 (for further details see fatwā number 28, English translation in appendix C).

It can be inferred that Shaykh Ahmad has the ḡur'ān and was well-versed in Kuranic science. He was head editor with responsibility for the approving the ḡur'ān translation in Malay (Jawi) (see appendixes F, G and H).

5.6. (ix) Ḥadīth

Regarding Hadith Shaykh Ahmad also used many ḡadīths in his fatāwā, e.g. fatāwā numbers 79, 106 and 107. His knowledge on hadiths can be clearly seen in fatwā number 107

where he explained Ḥadīth Marfū' and Ḥadīth Maudū'.

5.6. (x) Sciences

It is interesting to note that Shaykh Ahmad was not only expert or learned in religious sciences but also expert in other sciences, such as medical science, chemistry and general sciences. He studied medicine with a famous Indian doctor, Shaykh Abdul Rahim Kabuli. His medical studies must have progressed to an advanced level, for he later wrote a book on the subject entitled "Tibb al-Aḥsan fi Tibb al-Insan" (see his works number (19), in chapter 4 above). However, in Patani fatāwā he also discussed medicine, i.e. fatāwā number 95 and 107. In the context of chemistry, he demonstrated how to prepare a lavender perfume and soap (see fatwā number 10, English translation in appendix C). For general science, he was also an expert in astronomy (falāk) in which he explained the lunar phase, degrees of latitude and longitude, the movement of moon and sun, the Zodiac (see fatwā number 39, English translation in appendix C).

5.6. (xi) Politics

Shaykh Ahmad was the first Malay 'ulamā' in Mecca who was interested in politics. His views on politics can be seen in fatwā number 80, where he suggested that Muslims have to whole-heartedly seek through all avenues the means to establish an Islamic legal system based on Islamic political concepts and Sharī'ah until the Sharī'ah is implemented fully.

He had a strong ambition to see the establishment of a "Malay Islamic Kingdom" which would stretch from Patani, South to Kelantan and Trengganu. He even approached Turkey to give aid and support to Kelantan so that it could resist Thai control and come under British Protection. He also contacted Cham Muslims in Cambodia whom he urged to set up their own state. He advised the Cham to study in Patani or Kelantan first before travelling to Mecca.

FOOTNOTES CHAPTER 5

1. See Wan Mudh Shaghir bin Abdullah, "Sejarah Ringkas al-‘Ālim al-‘Allāmat al-Shaykh Aḥmad bin Muḥammad Zain al-Faṭāni", Sahabat Press, 56 Jalan Nanga Jala (Yala), n.d., p.7.
2. This is third edition of 2,000 copies, was printed by Patani Press in 1377 (1956). The money for publication was provided by Nik Abdul Rashid Sulaiman, who obtain the approval of the author's son, Haji Wan Ismail Ahmad al-Fatani.
3. See Wan Muhd Shaghir bin Abdullah, "Sufi dan Wali Allah", Pustaka Aman Press, Kota Bharu, 1979, p.18.
4. Fazlur, Rahman, "Islam", The University of Chicago Press, 1979, p.81.
5. See for example Sidi Ahmad, Abdullāh, "A Preliminary outline of Fatāwā in Malaysia 1960 - 1982", unpublished M.Phil, Thesis, University of Kent at Canterbury, 1985.
6. See Dr. Matheson, V. and M.B. Hooker, "Jawi Literature in Patani; The Maintenance of An Islamic Tradition", JMBRAS, Vol.61, Part 1, 1988, p.30.
7. J.R. Walsh, "Fetwā", in B. Lewis, Ch. Pellat and J. Schacht, eds. The Encyclopaedia of Islam, New

edition, Leiden and London: E.J. Brill and Luzac & Co., 1965, p. 867.

8. Ibid., p.867.
9. This information taken from an interview with religious teachers in Patani, Yala and Narathiwat Provinces. I conducted my field-work in Southern Thailand between June 1987 - March 1988.
10. Abdullah al-Qari b. Haji Salleh, "To 'Kenali: His life and Influence", in Roff, W.R., (ed), Kelantan: Religion, Society and Politics in a Malay state, Kuala Lumpur, Oxford University Press, 1974, p.91.
11. For further details on Malay society in Patani can be found in Thomas, F., "Fishermen of Southern Thailand", New York, Holt, Rinehart and Winston, Inc, 1966.
12. Haemindra, N., "The Problem of the Thai-Muslim in the Four Southern Provinces of Thailand", in Journal of South-east Asian Studies, Vol. VII, Part 1, No.2, September 1986, pp. 201-202.
13. Koch, Margaret L., "Patani and the Development of a Thai State", in JMBRAS, Vol. 50, Part 2, 1977, p.70; for completed account see Tej, Bunnag, "The Provincial Administration of Siam 1892-1915", Oxford University Press, Kuala Lumpur, 1977.

14. Ibid., p.73.
15. Ibid., p.74.
16. Ibid., p.72.
17. Ibid., p.73.
18. Ibid., p.73.
19. Ibid., pp.73-74.
20. Ibid., p.76.
21. Ibid., p.87.
22. Pitsuwan, S., "Islam and Malay Nationalism: A case study of the Malay-Muslims of Southern Thailand", Ph.D. Thesis, Harvard University, Cambridge, Massachusetts, 1982, p.123.
23. Ibid, p.129.
24. Ibid, pp.124-141.
25. See Wan Muhd Shaghir bin Abdullah, "Sufi dan Wali Allah", op.cit., pp. 20-21, see f.n. (2).

26. See Syed Naguib al-Attas, "Some aspects of Sufism as Understand and Practised Among the Malays", MSR, Singapore, 1963, p.32.
27. Dr. Matheson, V. and M.B. Hooker, op.cit., p.14.
28. Winzeler, R., "Traditional Islamic Schools in Kelantan", in JMBRAS, Vol. XLV III, Part 1, 1975, pp. 100-101.
29. This information taken from an interview both religious teachers in Patani and Narathiwat at their houses while I conducted field-work in Southern Thailand between 10-15 July 1987; see also Wan Muhd Shaghir bin Abdullah, "Sheikh Daud Bin Abdullah Al-Fathani : Penulis Islam Produktif Asia Tenggara", C.V. Ramadhani, Solo, 1987, p.99.
30. See Wan Muhd Shaghir bin Abdullah, "Sufi dan Wali Allah", op.cit.
31. See Muhamed B. Nik Mohd Salleh, "Kelantan in Transition : 1891-1910", in Roff, W.R., (ed), Kelantan: Religion, Society and Politics in a Malay State, Kuala Lumpur, Oxford University, Press, 1974, p.22.
32. See Abdullah "Alawi Haji Hassan, "Development of Administration of Islamic law in Kelantan", unpublished M.Phil, Thesis, University of Kent at Canterbury, April 1979, p.19.

33. Ibid., p.19.
34. Ibid., 20.
35. Ibid., 21.
36. See Mohamed B. Nik Mohd Salleh, op.cit. p.54.
37. Ibid., p.30.
38. See Abdullah Alawi Haji Hassan, op.cit., p.22.
39. Ibid., pp. 31-32.
40. See Abdullah Alawi Haji Hassan, op.cit., p.23.
41. Ibid., p.23.
42. Ibid., p.24.
43. Ibid., p.24 ; see also Mohamed B. Nik Mohd Salleh, op,cit., p.41.
44. Ibid., p.24.
45. As described by Roff, W.R., "The Origin and Early Years of Majlis Ugama", in Roff, W.R., (ed), Kelantan: Religion and Politics in a Malay State, Kuala Lumpur,

Oxford University Press, 1974, p.111 and p.118.

46. See Graham, W.A., "Kelantan a State of the Malay Peninsula: A handbook of information", Glasgow, James MacLehose and Sons, 1908, p.2.
47. See Dr. Matheson, V. and M.B.Hooker, *op.cit.*, p.29; see also Drs. Abdul Rahman Al-Ahmadi, "Tokoh dan Pokok Pemikiran Tok Kenali", Kementerian Kebudayaan Belia dan Sukan Malaysia, Kuala Lumpur, 1983, p.5.
48. See Mohamed B. Nik Mohd Salleh, *op.cit.*, pp. 39.40.
49. *Ibid.*, p.36.

CONCLUSION

The Iftā' is an institution closely related to the Muslim judicial system and it represents the practical expression of the principles of legal advice. It consists of answering legal or religious questions. The act of asking for an answer is called in Arabic "istiftā'" and the answer given is called "fatwā" (plural: fatāwā)

In the "sharī'ah", the contribution of the jurists to the elaboration of law is extremely important. It was through their opinions that the original principles were adopted to practice in order to accomplish the judicial system. In controversial cases, and for making the law to confirm the social life, the solution was made possible by a "fatwā". It gained actual importance and many collections were made of "fatāwā" in great volumes, such as Fatāwā Ibn Taymiyah, Fatāwā As-Subky, Fatāwā al-Fatāniyah of Shaykh Ahmad, Pattani, Thailand.

The generally accepted opinion provides that a Muftī should be a Mudjtahid in order to issue a "fatwā". The Muftī who is the "mudjtahid" is conceded by the jurists the right to depart from the opinion of the founder of the school and in general, to exercise independent judgement as far as his learning may allow.

Looking to the changing in economic and social circumstances in the Muslim community of the present day, the contemporary "idjtihād" is significant and necessary.

Examining the book, Fatāwā al-Fatāniyah of Shaykh Ahmad precisely, it is clear that most of the questions and answers

are written in the Malay language in order to bring the given issues across and so the Islamic problems become clear. Since the audience are the Muslim people speaking in Malay language. Shaykh Ahmad who was at home in Arabic frequently uses Arabic terms and sentences, particularly when referring to the evidences taken from the Qur'ān and Ḥadīth.

It is necessary to mention here that the religious problems put in this book are limited only to the Muslim people of Patani, but also are concerned with others, extending to the Muslim brothers in Cambodia and Kelantan, on the East-coast of Malaysia. This can be observed in the questions no. 45, no 66, and no. 106.

Looking at the book al-Fatāwā al-Kubrā of Ibn Taymīyah Abu al-Abbas Taqyuddin Ahmad ibn 'Abd al-Ḥalīm, it is clear that the styles of asking the questions and answers seemed to be the model for Shaykh Ahmad in his book al-Fatāwā al-Faṭāniyah, for we found several likenesses between the two books. It is most possible that Shaykh Ahmad had studied the al-Fatāwā al-Kubrā and was deeply attracted by it.

Before going deeper in discussing the Patani 'Ulamā' and their contributions to the world of letters, it is necessary to go back to Patani's glorious days and have a quick glance to see its history. So that the memory can reflect our attention as it is hoped to be. Patani, one referred to as the Malay kingdom, dates back as far as the early 14th century, was ruled by the Malay Sultanates. The historical documentaries indicate that it was a prosperous kingdom that served as an international entrepot on the East-coast of the Malay peninsula. This can be referred to the first British

ship to visit Patani in 1612. The ship was called the Glob anchored off the coast,

Patani, located on the East-coast of southern Thailand, was for centuries the seat of the Malay Kingdom. Patani in those ancient glorious times, was controlled by the Malay Sultanate. Its vestiges remain until present day, for the Malay-Muslim community of Patani speak the Malay language in their daily lives and are quite different from their fellow Thai friends in terms of customs, religious and thought.

Present-day Patani is one of the four southernmost provinces of Thailand--Patani, Yala, Narathiwat and Satun. Most of the Malay of Thailand lives within these four provinces. Patani in the early 19th century, became the centre of traditional Islamic education to which the Muslims from every corner of Thailand wish to send their children to gain Islamic knowledge before transferring them to study in Masjid al-Haram, Mecca. Patani, in fact, had preserved a unique religious and cultural character and institutes rarely found elsewhere in the region.

The students who studied in the traditional Islamic institutions of Patani known as "Pondok" were many. Many of them became religious teachers and role models in their community after returning homes.

No research indicates a fixed date of arrival of Islam into Patani. Nor clear atmosphere shows the turning point of Patani into embracing Islam. What usually found in historical documents is that one source states that Patani adopted Islam before Malacca, and traditionally Patani was known as the first "abode of peace." D. G. E. Hall gives a possible date of

arrival of Islam in Trengganu, by saying "so far as the Peninsula is concerned, the earliest Islamic document is a stone inscription at Trengganu with its date defaced. It is somewhere between 1303 and 1387."

However, Hall asserts that "Patani was converted from Malacca during the latter half of the 15th century."

Shaykh Ahmad as a reformist: It could be said that the most important Muslim figure in the Malay peninsula in the late 19th century is Shaykh Ahmad. This is because he is the only one who has strong ambition of seeing the Muslim scholars move towards reforming their community in terms of both worldly and religious affairs. This might be referred to the impact of the political reformation in the Arab world especially led by the reformist Shaykh Muhammad 'Abduh of Egypt. It is, in fact, Shaykh Ahmad was the contemporary of Shaykh Muhammad 'Abduh. During that time Shaykh Ahmad stayed in Mecca, serving as the senior lecturer in al-Haram Mosque. While Shaykh Muhammad 'Abduh served as a grand Mufti in Egypt. Furthermore, the creative minded idea of Shaykh Ahmad could be seen through teaching and discussing with his students such as Tok Kenali, Haji Ibrahim, and others.

It is believed that the Patani 'Ulamā' in Mecca had established a strong link with their people back home via those religious students who came to sit under them. Their excellent knowledge in Islamic subjects had attracted the enthusiastic attention of those that were interested in seeking knowledge. This fact can be traced back to Shaykh Ahmad who had a great influence on the Malay-Muslim community the extent to which he has attracted many scholars from the Malay-speaking

world. As the great scholar of the time, Shaykh Ahmad has shown his capability in religious sciences uniquely combined in his famous book al-Fatāwā al-Fatāniyah for instance.

Reliable sources also tell us that the ideas of Islamic reform in the Muslim community launched by Tok Kenali and Haji Nik Mahmud bin Haji Nik Isama'il have been taken from their teacher Shaykh Ahmad who liked to discuss politics. It is certain that the influence of Patani 'Ulamā' such as he upon the Kelantan 'Ulamā' through writing and thought has been widespread. The religious kitābs of the Patani 'Ulamā' have been and are also read and used in Kelantan as textbooks.

In Patani, it is certain that the Muslim leader like Tuan Haji Sulong bin Abdulkadir, who--after coming back from Mecca--started teaching the people in trying to reform his own society had been deeply influenced by teaching and thought of Shaykh Ahmad. Tuan Haji Sulong is considered to be the religious leader who suggested that the Shari'ah court be separated from the civil.

It is worth mentioning that there is no any other written document on Fatāwā in Patani, except the only al-Fatāwā al-Fatāniyah of Shaykh Ahmad has ever been compiled. Because of having no provision of Fatwā to meet the local need, the religious problems might then go directly to the individual learned persons who have Islamic knowledge in solving the religious issues. It is suggested that authority should be given to the Provincial Islamic Councils throughout Thailand to handle the religious issues. So that all matters concerning Islamic affairs will be rightfully managed.

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