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RELIGIOUS ADMINISTRATIVE DEVELOPMENT IN COLONIAL
MALAY STATES, 1874-1941

by
Thomas Frank Willer

A dissertation submitted in partial fulfillment
of the requirements for the degree of
Doctor of Philosophy
(History)
in The University of Michigan
1975

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PREFACE

This dissertation focuses on Anglo-Malay relations, specifically between the Malay elite and the British Residents and Advisers, and the interaction of these two groups in the area of Islamic organizational development from 1874 to 1941. Most studies of Malaysia's past have previously emphasized the economic and political aspects of British colonialism. Religious and social change, less tangible than tin mines, miles of railroad, or rows of rubber trees, have rarely been examined. This work will attempt to rectify this imbalance with respect to the development of central religious institutions in the nine Malay states.

These central Islamic administrations developed out of a Malay Islamic response to British colonialism and a British reaction to Islam in Malaya. This situation fundamentally arose out of a series of Anglo-Malay treaties, beginning in 1874. Those treaties exempted Islamic affairs and Malay custom from a British officer's advice which had to be asked and acted upon by the Malay Sultan in all other matters. In response to the evolving colonial government, the Malay elite established centralized religious bodies in order to minimize British influence in Islamic matters and to strengthen or preserve their own positions in the government and in Malay society.

The British authorities did not really care about Islam, as long as it did not threaten their regime or cause any other problems.

Because the British were theoretically barred from religious activities themselves, they encouraged the conservative Malay elite in efforts to organize Islamic affairs on a statewide basis. The Malay elite then supervised the new state Islamic edifices through their control of State Council committees, an Islamic council, and religious departments.

In the text Malay words and terms are used with some frequency. A glossary is provided for the reader's convenience. Plurals to Malay words will be formed by adding an "s" at the end rather than duplicating the word as one would normally do in Malay. All money is expressed Straits [Settlements] dollars.

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LIST OF ABBREVIATIONS

Ag	Acting
ANM	Arkib Negara Malaysia (National Archives of Malaysia)
AR	Annual Report
ARK	Annual Report, Kelantan
AR, MU	Annual Report, Majlis Ugama Islam (Islamic Religious Council, Kelantan)
ARP	Annual Report, Perak
ART	Annual Report, Trengganu
BA	British Adviser
BAT	British Adviser, Trengganu
BR	British Resident
CO	Colonial Office
FMS	Federated Malay States
FO	Foreign Office
GG	Government Gazette
HC	High Commissioner
HCO	High Commissioner's Office
JIAEA	Journal of the Indian Archipelago and Eastern Asia
JMBRAS	Journal of the Malayan (Malaysian) Branch Royal Asiatic Society
JSBRAS	Journal of the Straits Branch Royal Asiatic Society
JSEAS	Journal of Southeast Asian Studies

Kel. K	Kelantan "K" File Series
MB	Menteri Besar (Chief Minister)
MUI	Majlis Ugama Islam (Islamic Religious Council, Kelantan)
N.S. Sec.	Negri Sembilan Secretariat
PCM (Harrison)	Perak Council Minutes, edited by C. W. Harrison
PCM (M)	Perak Council Minutes, microfilm
PCM (PGG)	Perak Council Minutes, in Perak Government Gazette
PCM (Wilkinson)	Perak Council Minutes, edited by R. J. Wilkinson
PM	Pejabat Menteri (Menteri's Office)
RG	Resident-General, Federated Malay States
Sel. Sec.	Selangor Secretariat
SHC	Secretary to the High Commissioner
SR	Secretary to the Resident
SS	Straits Settlements
SU	Setia Usaha (Secretary)
SUK	Setia Usaha, Kelantan (State Secretary, Kelantan)
UMS	Unfederated Malay States

CHAPTER I

INTRODUCTION

A significant aspect of Malayan history is the deeply felt attachment and importance Malays exhibit toward their religion, Islam. Over the past five centuries this religious doctrine and practice permeated previously animistic-Hindu influences in daily life. Islam dislodged many of them, notably a polytheistic belief system, replacing it with singular acceptance and belief in one God, Allah. Islam became accepted as part of indigenous custom and tradition, although animistic and Hindu influences remained, such as the principles of Hindu kingship or reliance on a bomoh (medicine-man; magician) after other treatment failed.

Beginning with the introduction of Islam on the Malay Peninsula during the thirteenth century, the spread and development of the religion of Muhammad proceeded largely unchecked by any temporal or secular power. In fact among the first Islamic converts were powerful chiefs and rulers of riverine states. Their sponsorship enabled Islam to be propagated throughout the Malay states. This placid existence continued without obstruction until the imposition of British colonial suzerainty over the Malay Peninsula in the last quarter of the nineteenth and the first decades of the twentieth centuries. Administration by a non-Muslim colonial power resulted in an implicit reconsideration of the place of Islam in the Malay

state. It is this reaction to the British raj that will be examined here.

Statement of the Problem

Surveying historical literature relating to Malaysia's past, one is struck by the oddity that so little has been written about Islam (other than essays on the coming of Islam) in this Muslim country whether by local scholars or non-Malaysians.¹ Realizing this grave shortcoming, especially during the British colonial period, and stimulated by the importance of the topic, I ventured into this field of historical inquiry. Islamic administrative development in the Malay states that came under British colonial control is the particular aspect of an admittedly general, significant, and complex subject that is examined here. That is, I wish to study the Islamic administrative establishment and Malay elite in various Malay states after 1874 to discover how this religious administration reacted to and interacted with a non-Muslim colonial regime. Terms such as "administrative establishment" and "bureaucracy" when applied to Islam are used with caution, because Islam is not bureaucratically structured as Christianity is. Islam has no priesthood and thus no sacerdotal hierarchy. Any male Muslim possessing minimum proficiency can conduct mosque prayers. In practice this is generally performed by an imam (mosque leader). Linkage between these religious officials and higher Islamic authorities took on more regular characteristics during the colonial era, thus permitting use of the above terms.

The basic relationship between Christian colonial rulers and Islam as it existed in the Malay states was legally defined by several

treaties, the first of which was in 1874. According to the Pangkor Engagement of that year, the British Resident, the chief local colonial officer living in a Malay State (Perak in this case), was forbidden to offer advice which the Sultan had to accept on matters of Muslim religion and Malay custom. The Jelebu Agreement of 1886 further specified that the Resident possessed no authority over arguments and disputes founded on Muslim law. Malay officials would adjudicate those cases. This early, flexible relationship between the colonial power and Malay states finally crystallized in the Negri Sembilan Agreement of 1895, which left only Malay religion exempt from the Resident's "advice."² Thus, during the formative decades of indirect rule, treaty specifications explicitly advocated noninterference in Malay religious affairs.

These treaties, supplemented by the decisions of individual British administrators and by Colonial Office directives, guided official relations with Islamic matters in the east and west coast Malay states. The Residents, however, tacitly agreed among themselves not to kowtow to the distant Colonial Office. Swettenham acknowledged that the first Residents immediately recognized that more than mere advice must be given if they were to administer the Malay states. Despite an 1878 Colonial Office warning that the Residents were accountable for any trouble, these officials accepted such responsibility. The alternative was administrative impotence.³

Institutionalization and organization of Islam on a state-wide basis, that is, formation of a clearly defined religious hierarchy

and judicial system with codified laws and rules of procedure regulating relations inside the religious bureaucracy and between it and the Muslim (and non-Muslim) public, commenced in the years following the imposition of British hegemony. The process occurred slowly because Malay custom and religion embraced all aspects of society, culture, and government. Since British officials had difficulty delineating those things specifically Islamic in Malay life, problems arose in drafting and codifying a single Islamic law applicable in the Malay states. The difficulty was overcome by enacting legislation piecemeal relating to clearly definable religious items, such as mosque attendance or inheritance division. Only in the 1920's and 1930's was comprehensive Islamic legislation passed by the State Councils.

This significant consolidation under the central state was the primary Islamic institutional response by Malays to British colonial rule. However, religious reaction varied from one state to the next, several times resulting in rebellions or uprisings with Islamic overtones, as in Pahang (1890's) and in Trengganu (1920's). A fundamental question here is why the Malay elite reacted to the altered political climate after 1874 by an increasing emphasis on Islam, as it did in supporting religious legislation and concomitant bureaucratic growth. Meanwhile, kampong (village) folk also turned to Islam as Western administrative and cultural intrusions increasingly infringed on their lives. It was frequently from religious officials, such as imams or kathis, that they sought solace. Through the regularization of Islamic organization occurring from

1874 to 1941, fixed channels of contact and interchange emerged tying a local mosque or surau (prayer house), its religious personnel and faithful, to the Islamic center of the state, the capital and residence of the Sultan.

Organization and supervision of religious laws, officials, finances, teachers, judges, and religious experts took three forms after 1874 in British Malaya. No state adopted more than one type of religious bureaucratic organization. These types were not evolutionary forms of one another. The three types or models of religious administration were:

- 1) a committee or sub-committee of the State Council;
- 2) A separate religious department within the government;
- 3) an autonomous and unofficial religious council not formally part of the government.

These three styles of administrative organization headed the religious bureaucracies which came to exist in the various states. They guided Islam in Malaya through difficult transition years in which the British restructured many aspects of Malay life, culture, language, government, and religion. The decentralized, dispersed pockets of kampong Islam gave way to increased contact and linkage to the state capital, residence of the Sultan and high Islamic officials, viz. the Mufti, Shaikh-ul Islam and Chief Kathi.

Choices from among these three varied by different Malay elites. Of the above three styles, most states opted for the committee system to oversee religious affairs. These states consisted of Selangor, Perak, Negri Sembilan, Pahang, Kedah, and Perlis. The

creation dates of religious committees differed depending on the time that the colonial regime and State Council were established. Indigenous religious sentiment, elite interest, and individual Sultan's concern further influenced the speed in which such committees originated. Two Malay states, Johor and Trengganu, favored a religious department with Johor forming one in the 1880's three decades before the colonial era there. Only the northeastern state of Kelantan established an independent council to take control of Islamic matters.

A basic question to be examined concerns whether these systems of administration at the highest level of state government really differed in function and importance or were merely dissimilar labels for fundamentally identical forms of religious administration. Did they react to British rule differently? Did reaction and interaction at top administrative levels filter down and significantly influence district and mukim (territorial district subdivision) religious officials? The issue becomes more complex when human factors are inserted, especially the interpersonal relations between religious leaders and non-Muslim British Advisers and Residents. We will look at one such incident in Trengganu.

Reduction of secular governing power through the treaties with the British heightened official Malay interest in Islam after 1874. Imposition of the Residential system of British rule separated the Sultans from an increasingly bureaucratized government. The secular state leaders, specifically the Sultans, consequently reevaluated their traditional relationships with Islam, in which

they had previously exhibited or exerted varying inclinations toward active leadership. This change necessitated some form of accommodation between the secular elite and the small traditional religious hierarchy in the capital which existed at the time, namely the Mufti, Chief Kathi, Shaikh-ul Islam, and kathis. No Malay state before the 1870's possessed all of these principal Muslim officials. In fact, the establishment of these positions or the filling of those long vacant occurred only after the imposition of colonial rule in most Malay states for reasons to be examined in this dissertation. The resulting political-religious adjustment in the late nineteenth and early twentieth centuries, however, has not been closely studied. It is even difficult to say with precision when a centralized Islamic administration was achieved in each state, because of the lack of currently available historical documents touching upon Islamic topics.

In this essay we shall examine Islamic administrative development in the colonial Malay states between 1874 and 1941. Because it would be quite difficult to cover adequately events in all nine Malay states, as well as being somewhat redundant, only three states will be studied in detail, namely Perak, Kelantan, and Trengganu. Various factors influenced these choices. Most importantly, all three states formed different religious administrations, as noted above. Geographically oriented toward east or west coasts, the states were subject to different foreign influences. One of these subjected Perak to the longest Malayan colonial experience beginning in 1874 with the other two states only coming under

British protection in 1909. The states were also selected because of the abundant, relevant sources which touched local reaction to colonialism and religious administrative growth. However, all Malay states will be discussed in general with references made to them where applicable.

It has generally been suggested that the deprivation of the Malay Sultans of whatever secular governing powers they held precipitated increased interest in the only available avenue for exerting predominance, namely as heads of the state religion, Islam.⁴ This was not the case. The institutionalization of a formal, statewide Islamic apparatus under the control of a central authority did not occur as a result of any shift in a particular Sultan's attention from secular to religious affairs. Instead, this process took place under the initiative of the Malay elite, that is, members of the royal family, territorial chiefs, and religious officials, with the support of British officials. The British were afraid of having any areas of Malay life, i.e., religion outside of their control, direct or otherwise. The result was that British colonial rule encouraged, as William Roff concisely noted, "the concentration of doctrinal and administrative religious authority in the hands of a hierarchy of officials directly dependent on the sultans for their position and power."⁵ Yet Roff simplified the process of religious change here. Neither the Malay elite nor the Sultans turned to religious pursuits because of a lack of secular activities or a sudden increase in religiosity. Rather, development of a central religious authority, namely an Islamic

committee, a council, or a department, occurred as a Malay elite effort to preserve its control over Islam and by that means keep the infidel colonial influence to a minimum while preserving their own high positions and power in a colonial setting.

A major consequence of the power realignment after 1874 was the formation of centralized Islamic bureaucracies administering religious affairs over the state as a whole. While the relationship of the Malay Sultan to this religious establishment was largely determined by an individual Sultan's inclination toward Islam and how he publicly expressed this religious feeling, the British encouraged a religious orientation among the Sultans and the Malay elite as an administrative goal. In effect, the British promoted a secular-religious merger in the person of the Sultan in fact as well as in tradition. Colonial officials strongly urged Malay efforts towards forming state Islamic administrations which would cater to indigenous religious aspirations. Increasing regulation and administration of all other aspects of public life, except custom, caused a potential vacuum in Islam in Malay states. Barred by the Pangkor Engagement from active leadership in religious affairs, the British supported efforts by Malay Sultans and others to form religious administrations. Colonial domination of the Sultans and the Malay elite then insured British control over Islam.

Establishment of centralized Islam, whether in the form of a committee, council, or department, in the nine peninsular Malay states stimulated efforts to codify Syariah or Muslim law and gradually restructure or at least strengthen the whole religious

(and tangentially the secular) judicial process. Civil, criminal, and religious law of British, Indian, and Straits Settlements heritage markedly influenced resulting Malay states' religious legislation in the late nineteenth and twentieth centuries. Prior to 1874 the Koran and Hadith (the compilation of the traditional sayings of Muhammad apart from the revelations contained in the Koran) had provided a significant base for local Muslim law. Such law in the Malay states had been diluted, however, by Sufism, adat (custom), Hinduism, and local superstition.

Consequently, a remarkable shifting of gears occurred in the decades after the mid-1870's as Malay State Councils drafted and enacted religious legislation. Previously this effort had never seemed necessary. The legal codification of Muslim rules of conduct and obligation in turn buttressed and helped the development of a state-wide Islamic bureaucratic structure unified and centralized in each state capital.

Individual State Councils,⁶ essentially colonial sounding-boards, instigated and guided much of the early religious development. The establishment of these Councils occurred gradually, initiated by British colonial authorities, beginning in 1877 in two of the protected Malay states (Selangor and Perak) and lastly created in the Siamese Malay states in the first decade of the twentieth century. During this embryonic period of State Council growth, colonial officials exercised persuasive and, if necessary, coercive power concerning religious matters that arose during Council meetings, such as the appointment of kathis, Chief Kathi, and Mufti, questions

of religious administration and law, and the codification of various pieces of Muslim legislation. In practice this meant that the British point-of-view would in the last resort prevail over all State Council matters, including religion. However, this British-Muslim relationship had changed by the 1920's. By this time religious leadership emanated in varying degrees from religious committees in the State Councils, religious departments in the governments, or a quasi-governmental religious council.

As will be illustrated in greater detail in the next chapter, pre-1874 Islam in Malaya was very loosely organized on a state basis with few vertical administrative links between local mosques (of which there were very few) and suraus and high religious officials and the Sultan in the capital. With the imposition of colonial indirect rule administrative links between the Islamic hinterland and the Sultan emerged, encouraged by the British. After the formation of colonial-sponsored State Councils, initially in Selangor and Perak in 1877, religious affairs came to be supervised and administered in the new Councils, in which one or more Englishmen plus Asiatic non-Muslims were members along with Muslim Malays.

Despite this non-Muslim element State Councils discussed, drafted, and enacted appropriate legislation, both secular and religious. The Residents controlled Council agendas and effectively prevented objectionable items from being introduced in a meeting. Though Islamic topics were included on the agenda, the usual procedure was for Muslim members to discuss such topics after a regular State Council meeting. Thus, some separation of Islam did

occur from regular business, with the Council as a whole briefly reviewing the topic of legislation.

It is hypothesized that Malay Islamic leadership (the Sultans, Malay State Council members, religious officials, and influential ulama) recognized a need for greater Muslim control over religious affairs sometime around 1920. State Councils had slowly increased their size to accommodate more non-Muslim official and unofficial members. The dilution of Malay Muslim presence, coupled with an increased Council work load, prompted a certain Muslim response and reaction. This response was an increasing reliance on Council committees to supervise or to investigate Islamic affairs. Six states, noted earlier, reacted in this fashion. The Kelantan elite opted to establish a religious council, separate from the secular State Council. Two other states, Johor and Trengganu, retained religious departments to handle Islamic matters. However, in all nine Malay states British colonial officials loosely regulated Islam through executive, legislative, and judicial controls in and outside of the State Councils. The increased number of specialized Council committees dealing for example, with Koran instruction or selection of religious personnel, gave Muslims more substantive participation in an ever more complex state government administration.

This dissertation will examine Malayan Islamic administrative evolution from 1874 to 1941. While Islam is an admittedly non-bureaucratic religion, it possesses an administrative structure that underwent a transformation in reaction to Malay's colonial experience, moving away from loosely linked mosques and suraus with

religious personnel to a slowly evolving state religion under the person of the Sultan and administered by an Islamic hierarchy in the capital. In this process five interconnected topics emerge: (a) the character of pre-colonial Islam; (b) Islam under colonial rule; (c) British attitudes towards Islam in Malaya; (d) Malay elite response to a changed Islamic milieu; and (e) how (a) through (d) impinged on this new religious administration. These topics do not exist in isolation nor are they static over time. Instead they interacted with results to be discussed in detail in this dissertation. Furthermore, these developments were not compartmentalized in each state. Contact from other Malay states, Indonesia, and the Middle East influenced Islam in Malaya. It is this interchange and consequent religious administrative transformation that will be examined.

Source Material

Four types of resource material were examined in this study over a period of eighteen months. Included were: 1, administrative files of Malay state governments, annual reports, special reports, government gazettes, and legal compendiums; 2, British colonial documents, such as Colonial Office, Foreign Office, and Parliamentary material; 3, printed sources, i.e., articles and books; and 4, contemporary periodicals, namely, newspapers and magazines. Each source type revealed cogent and useful information; however, all four resource groups were consulted in varying degrees because of time pressure and difficulty of access.

Without doubt the largest cache of material relevant to Malaysian history for almost any topic is found in five Southeast Asian repositories: the National Archives of Malaysia, the University of Malaya, the National Library of Singapore, the University of Singapore, and the Institute for Southeast Asian Studies (Singapore). Since Malaysian independence in 1957 and Singapore independence in 1963 these resource facilities have tremendously increased their acquisition and cataloging of relevant material on their countries and the region. Continuing microfilm purchases of Colonial Office, Foreign Office, and India Office files in Great Britain have reduced but not ended the necessity for scholars to travel outside of Malaysia and Singapore in search of additional documents. Because of highly competent personnel in these five institutions and because of current and presumed future emphasis on acquiring all relevant historical records it appears likely that within one or two decades Malaysia and Singapore will be the only places necessary to visit for a thorough study of the peninsula's past.

A. Government Documents: Malay States

Of foremost significance and usefulness in researching a Malay-Muslim oriented topic, as in this study, are various Malay state administrative file series. These range from the papers of such general executive and administrative bodies as the British Adviser's Office (in the Unfederated Malay States), the British Resident's Office (in the Federated Malay States), the Setia Usaha Kerajaan (State Secretary), and the Pejabat Menteri/Menteri Besar (Chief Minister's Office), to such specific state bodies, as, the

Pejabat Agama (Religious Office), the Legal Adviser's Office, and so on. Furthermore, each state was divided into a number of districts headed by a District Officer. District Office files reveal in great detail local affairs.

These Malay and English file series frequently recorded daily occurrences and decisions of government officials. Their utility lies in sometimes detailing how and when a decision was reached, who participated in making it, why a particular issue was raised and by whom, and how long a file topic remained of current concern.⁷ The immense bulk of some file series (the Selangor Secretariat files are over 1300 linear feet long) unfortunately make it a difficult task to examine as thoroughly every file in a particular series for all nine Malay states. General indexes, compiled by the archives' staffs, are increasingly available which greatly accelerated location of Muslim-related files. Because of the unevenness of in-depth research on some states' religious developments, due to a lack of file indexes, and incomplete or destroyed file series, some states will be dealt with in a more general manner.

Three states were selected for detailed examination in this study. As noted above, they are Perak, Kelantan, and Trengganu. In terms of resource material they were selected for specific reasons. While the majority of all Perak government files were destroyed just before or during the Pacific War, almost all State Council minutes have survived. These minutes chronicle the development of religious committees in the Council. Kelantan has the most complete and indexed collection of English and Malay records which facilitated

the study of a complex, semi-governmental religious council. The Trengganu government files and other documents, while not voluminous, present an important source for the critical study of a state Islamic department, especially concerning colonial-Malay elite religious relations during the 1930's.

Next up the administrative ladder from the state government files come several file series originating in the High Commissioner's Office located in Singapore, at that time one of the Straits Settlements. Two series have been consulted. The first contains correspondence between the High Commissioner's Office and the Federated Malay States,⁸ their Residents, and includes communications with Advisers in the Unfederated Malay States.⁹ This series began in 1896. The second file series contains the High Commissioner's Office, Federated Malay States, despatches to the Secretary of State in London. This series also commenced in 1896 at the time of the establishment of the Federated Malay States. The scope of these files covers events in both the Federated and Unfederated Malay States. These two series proved most useful in providing insight as to how the British colonial hierarchy in Singapore viewed events occurring north of the island. They additionally contain evidence of Colonial Office interest or disinterest, and satisfaction or disapprobation over these events and how they were handled.

Other locally printed official records were of course carefully reviewed. However, since Islam ostensibly was outside the purview of official "advice" and control, it only rarely received comment. There is also no doubt that the British carefully sifted through all

colonial files prior to Malayan independence in 1957. They removed critical or controversial memoranda, correspondence, and similar file contents. In many cases complete files were simply expunged. For this reason care must be exercised when using any files or other colonial documents.

When religious topics arose, frequently one finds them in legal compendia cataloguing State Council or after 1909, Federal Council passed legislation, of which Islamic-related enactments, ordinances, and rules were not uncommon. Colonial authorities wanted a single specific Islamic enactment in each state, and preferably one identical throughout the peninsula. However, as will be demonstrated in Chapter III, legislative variations did occur despite the Federated Malay States (FMS) Legal Adviser initially drafting all FMS legislation. Individual State Councils occasionally altered minor sections of such legislation to fit more accurately local religious conditions previously influenced by adat.

Additional information concerning Islam is scattered throughout numerous other government documents. Annual and special reports usually contained sparse information about male and sometime female education in Muslim schools. Also, judicial statistics of Kathi/Syariah (religious) Courts were included in annual reports with some regularity. Government gazettes recorded endless appointments, transfers, firings, and retirements of religious and other officials, plus announcements, warnings, salary lists, recent legislation, notices, proclamations, and so on.

B. Government Documents: Great Britain

In London the Public Record Office houses Colonial and Foreign Office files plus sundry other primary source material.¹⁰ Second in importance is the British Museum containing a superb collection of secondary and other materials in English, Malay, and numerous other languages. Relative to Islam, the Malay states, and Islamic response to colonial policy, Colonial and Foreign Office files reveal a more general outlook concerning the decisions of administering an empire. Most often vis-a-vis the above religiously related topics, London's official interest focused on Malay Muslims undertaking the haj or pilgrimage to Mecca. Conveyance to and from the Middle East, sanitation, health standards, shipping rules, housing, immigration laws, and special pilgrimage passports dominated official British concern in the non-economic problems of Malay Muslims. In terms of interest and content, these files are distinct from those located today in the National Archives of Malaysia. The more mundane daily problems and decisions made by colonial authorities resident in the Malay states in conjunction with a Muslim Malay elite can be found in state files in Malaysia. For this reason London repositories of Malaysian-Singaporean related historical sources proved less valuable than Malay state administrative files.

C. Articles and Books

The corpus of non-governmental primary sources both tantalizes and disappoints one regarding the condition of pre-colonial and colonial Islam in Malaya. Literary and historical classics, such as the Sejarah Melayu or Malay Annals, 1535 (?), reveal much about

Malay tradition, government, politics, economy, and society, but little about religion, perhaps indicating the lack of importance of Islam in court society. Malay accounts of greater historical relevance to Islam include Munshi Abdullah's Kisah Pelayaran Abdullah, (The Story of the Voyage of Abdullah), 1838, and the Hikayat Abdullah, (The Story of Abdullah), 1849. Both books relate Abdullah's experiences, primarily in the 1830's and 1840's, in the Straits Settlements and the Malay States. He writes and comments at length on sundry topics, including religion. It is singularly unfortunate that more Malays did not keep such diaries, journals, and the like which survived to the present. One of these is a particularly useful description by Haji Abdul Majid, "A Malay's Pilgrimage to Mecca," 1926, which chronicles a Malay's journey to Mecca and Medina and subsequent experiences there. In neither this nor later works does this author examine Islam in peninsular Malaya.

Of some usefulness too are books and articles by non-Malay merchants, soldiers, explorers, and missionaries before the colonial era. Included here are such well-known authors as Crawford (History of the Indian Archipelago, 1820) among others who dwell primarily on commerce but touch all aspects of Asian life. Also included are Anderson (Political and Commercial Considerations . . ., 1824), Begbie (The Malayan Peninsula, 1834), Newbold (Political and Statistical Account of the British Settlements in the Straits of Malacca, 1839) and Cameron (Our Tropical Possessions in Malayan India, 1865). These types of accounts only generally relate the most visible aspects of Islam, such as observance of the fasting month,

inheritance disputes, the returned Haji, marriage, etc. Potential religious data might also be expected from Christian missionaries, if only to demonstrate preselytzing achievements. However, few missionaries elaborated on the religion of the Malays because far better prospects for conversion were the growing immigrant communities in the region. For example, see Medhurst (China: Its State and Prospects, 1838).

Other contemporary accounts of secular and occasionally religious life in the archipelago came from itinerant explorer-travellers and resident colonial civil servants during the British colonial period in Malaya. Two of the finest books in the former category are by Bird (The Golden Chersonese and the Way Thither, 1883) and Innes (The Chersonese With the Gliding Off, 1885, 2 volumes). These two travellers present detailed observations, admittedly drawn from a brief observation period, on the interdependence of Malay society and the colonial regime. Both authors benefited from the knowledge of British civil servants who frequently gave them guided tours. This assistance both helped and hindered subsequent accounts about Malayan and colonial life, but led to a greater understanding of what these authors observed. Of less usefulness, but still presenting occasional glimpses of indigous religious belief and practice are Earl (The Eastern Seas, 1837), Rathbone (Camping and Tramping in Malaya, 1898), Clifton (Pilgrims to the Isles of Penance, 1911), and Wright and Reid (The Malay Peninsula, 1912). These and similar accounts superficially treat the fundamental intertwining of Malay life and religion, usually only commenting on Muslim marriage, divorce, and sometimes mosque activities.

Significantly more important are scholarly efforts by many British civil servants stationed in the Malay states or the Straits Settlements. Their articles and monographs, standard references for any study on Malaya, offer the basic advantage of an author's understanding, interest, and frequently deep emotional attachment to the subjects of which he wrote. The disadvantages, of course, are the lack of objectivity, biases, and retention of preconceptions when viewing indigenous society and institutions. Concerning Islam, interests ranged from commentary on contemporary events, for example, Clifford ("Expedition to Trengganu and Kelantan, Report," 1895) and Graham (Kelantan, 1908) to detailed study of particular aspects of Islam, for example, Taylor ("Mohammedan Divorce by Khula and Inheritance in Negri Sembilan," 1948) and Wilkinson ("Papers on Malay Customs and Beliefs," 1906 and 1908). Other colonial officers wrote interesting histories about individual Malay states and the peninsula as a whole. Illustrative of these materials are Rentse ("History of Kelantan," 1934), Swettenham (British Malaya, 1906), and Winstedt (Malaya and Its History, 1951). While addressing Malayan history more directly and Islam and its practice somewhat tangentially, these authors recorded their impressions of the religion, albeit more authoritatively than any of the above types of authors. However, as a whole they too did not perceive the fundamental changes in Islamic organization that occurred during the colonial period.

Two final categories of monographs dealing in some way with Islam are theses/dissertations and scholarly works. Thanks to the sponsorship by University of Malay professors, a wealth of information

has emerged from B.A. (Honors) essays. They encouraged students to chronicle Islamic administrative developments in individual Malay states. Indicative of this scholarship is Abdul Khalil, "Struktur Dan Fungsi Pentadbiran Hal Ewal Ugama Islam di Negri Kedah," 1970 ("The Structure and Function of the Administration of Islamic Affairs in Kedah"). Similar studies exist for all peninsular Malaysian states. The advantages of these essays are that they utilize a student's heritage, interest, and roots in a particular state. From the standpoint of this dissertation two disadvantages exist, namely, the essays are short, usually under one hundred pages, and primarily examine post-World War II religious councils. Only a single background chapter characteristically surveys pre-war colonial religious conditions and developments.

Several foreign scholars have also examined Islam in Malaya in their dissertations under the broad headings of Islamic change and modernization. This small list includes Winzeler ("Malay Religion, Society, and Politics in Kelantan," 1970) and Yegar ("Islam and Islamic Institutions in British Malaya 1874-1941: Policies and Implementations," in progress). These two dissertations study Islam in the Malayan setting, frequently relying on published government documents and interviews with local residents. The present dissertation utilizes those sources but adds Malay and English government files permitting more intense analysis of administrative growth and bureaucratic interplay between Islamic and British authorities.

Most authors interested in Islam in Malaysia until recently were interested in the intriguing problems of how, when, and why Islam arrived in the archipelago. Otherwise, they stressed post-World War II developments and political impact, in no small way due to the importance of the Pan Malayan Islamic Party after 1948. Useful studies dealing with the post-thirteenth century and pre-World War II era include Syed Naguib Al-Attas (Some Aspects of Sufism, 1963), Mackeen (Contemporary Islamic Legal Organization in Malaya, 1969) and Ahmad Ibrahim ("The Legal Position of Muslims in Singapore," 1962). Non-Muslims contributing significantly to Muslim literature include Means ("State and Religion in Malaya and Malaysia," 1964), Johns ("Aspects of Sufi Thought in India and Indonesia in the First Half of the Seventeenth Century," 1955), and Roff (Origins of Malay Nationalism, 1967, and edited Kelantan: Religion, Society and Politics in a Malay State, 1974). Of the above literature Roff's studies deal with Islam in a most thorough manner, specifically with a conservative-modernist Islamic controversy (Origins, pp. 56-90) and with religious bureaucratic and administrative growth and tensions in one Malay state (Kelantan, pp. 101-152). Such pioneering studies spurred the present author's interest in peninsular religious response to the stimulus of colonial rule.

D. Contemporary Periodicals

The least consulted of the four resource groups was that composed of periodicals, namely magazines and newspapers in Malay and English. Sources exist, such as Jawi Peranakan and Al-Imam plus the Perak Pioneer and Straits Times. However, lack of thorough

examination in no way denigrates their value as historical sources--far from it. The obvious major drawback to periodical use was their lack of indexes, which greatly hindered data retrieval. Anyone who has ever attempted research on a topic spanning three-fourths of a century knows the immense time consuming difficulties encountered. Other shortcomings also exist. Malay language periodicals tended to be short lived, thus reducing their significance for a longitudinal study. One example of this source type is "Belanja Bayaran Orang-Orang Haji Tahun Ini di-Jeddah dan di-Mekah" (Expenditure of Pilgrims in Jeddah and Mecca This Year) in Al-Ihkwan (January 16, 1927, p. 102). Malayan periodicals generally were concerned with Islamic news from abroad. The major exception is Pengasoh (The Educator) published in Kalantan, of which more will be said in Chapter V. Periodicals in English suffer the disadvantage, for purposes of this study, of not being generally concerned or interested in religious events in the Malay states; English language periodicals consequently rarely reported on Islamic events. Thus, while not ignoring these sources, less emphasis was made to search out their secrets thoroughly.

Islam in Malaya to the Nineteenth Century

Before proceeding into the body of this dissertation a brief presentation of Islamic history in Malaya will enable the reader to gain a better perspective of events after 1874. Islamization of insular Southeast Asia occurred over a three hundred year span from the thirteenth/fourteenth to the sixteenth centuries. What remains a mystery, a source of speculation, and controversy among Islamic scholars are the questions of how Islam was transmitted to Malaysia,

Indonesia, and the Southern Philippines and why during this particular era. It is known that Muslim Arab traders had engaged in commercial relations with the Malay archipelago since the eighth century. Many arguments cover possible theories on this "sudden" thirteenth century religious expansion.¹¹

One Islamic scholar from the Philippines, Cesar Adib Majul, neatly summarized seven theories on the spread of Islam. Admittedly doing injustice to complex ideas, these seven theories can be very briefly mentioned: Muslim Arabic traders peacefully brought their faith spreading it in port areas; missionaries arrived after isolated conversions of key local dignitaries accelerating Islamization; the Sufi mystic sect burst on the Malaysian scene after Baghdad fell to the Monguls in 1258; indigenous local rulers converted for perceived political advantages as legitimization of dynastic positions; native rulers accepted Islam in hopes of economic gain from the thriving Middle East-India-China sea trade; Muslim doctrine, ceremony, and practices attracted converts because of their ideological value; and Islam spread in response to Christian religious expansion in the area, initially by the Portuguese, a conflict viewed as a geographic extension of the Spanish Christian and Moorish religious struggles only resolved in the late fifteenth century. Majul's summary of the Islamization process is far more complete and detailed and should be consulted for further information.

The first converts to Islam were inhabitants of small coastal states in North Sumatra lying astride the Straits of Malacca and participating in sea trade between India and China. Traditionally,

the first two Islamic states were Ferlac (Perlak) and Sa-mu-ta-la (Samudra/Pasai) in the late thirteenth century. Marco Polo on his return journey from China to Persia noted the existence of Islamic states in Sumatra when he stopped there in 1292. From its North Sumatran origin the religion of Muhammad followed the trade route to Malacca, the greatest Malay empire. Its ruler, Parameswara, pronounced the profession of faith, changed his name to Muhammad Iskandar Shah, and formed a marriage alliance with Islamic Pasai in 1414. This union in effect made Malacca an Islamic kingdom.

Conversion of a state in this manner was the typical Southeast Asian pattern in which first the ruler and then his subjects adopted a new ideology or religion. Malacca's acceptance of Islam lead to the ultimate conversion of the remainder of insular Southeast Asia as far as Mindanao. Only Bali rejected the spreading creed and retained its Hindu tradition.

Based on this brief introduction of the proselytization of Islam and acceptance by indigenous Malay rulers, let us now turn to the condition of that religion several hundred years later in the nineteenth century. The nineteenth century is significant because for the first time sufficient documentation exists to permit close examination of the condition of Islam, its functioning in the Malayan setting, and its influence in various Malay states. The background chapter is fundamental to an understanding of the modernization process that began late in the century, illustrating the Islamic administrative and organizational transformation that took place during the British colonial era.

CHAPTER II

ISLAM IN NINETEENTH CENTURY MALAYA

A Malaysian historian, Khoo Kay Kim, has argued that 1874 is a very unsatisfactory year to designate as the watershed between a period of little advancement to one of growth and modernization stimulated and engineered by colonial administrators.¹ Indeed, the small coterie of European officials only slowly had any impact at all for the first decade or two on autarchic Malay kampongs and residents. Khoo's point is that periodization in Malaysian history is only an approximation and should be utilized with caution. The same warning applies to using rigorously 1874 as a turning point in Malaysia's Islamic history. Compartmentalization into pre-colonial eras with widespread change resulting after 1874 is a dangerous simplification of the colonization process. The time "markers" of 1800 or 1874 merely indicate approximations in historical chronology. With respect to Islam, there is no evidence suggesting drastic differences in the observance, ritual, and organization of the religion in 1700 as opposed to 1800. So, while this chapter examines Islam in various nineteenth century Malay states, the discussion starting date of 1800 and ending date of 1874 may also apply to previous and subsequent years.

In this chapter we shall examine Islam in general and with reference to several west coast Malay states, which had the earliest

and closest European contact, and then turn our attention to the east coast states. The survey of Malay states adjacent to the Straits Settlements (Penang, Malacca, and Singapore) foreshadowed what effect increased contact with the more elaborate and centralized British administration would have on Malay states and specifically Islam after 1874. Review of religious developments, especially in Kelantan, also illustrates incipient indigenous Islamic organizational changes prior to its passing under British rule. .

Introductory Remarks

By the nineteenth century Islam in Malaya had declined from its earlier plateau of state sponsorship and promotion by the Malaccan empire (c. 1400-1699). The decline was most marked in Perak and Selangor and least so in Kelantan and Trengganu. This condition may be attributed to two factors. First and most fundamentally, conversion to Islam had never meant total acceptance of Muslim doctrine, dogma, and ceremony or total abandonment of all indigenous Malay animistic or Hindu practices, rites, and beliefs.² Muslim mystics, the Sufis, realized that few conversions would occur if orthodox Islam were promoted in the area. Pragmatically, the Sufis accommodated local Malay tradition. Furthermore, thousands of miles separated Malaya from the Middle Eastern cradle of Islam. Distance restricted a stable connection of influx of orthodox theology into the Malay hinterland over the centuries. Consequently theology frequently became misunderstood, misinterpreted, or even ignored in Malay kampongs. Such a condition led to a laxness of normal religious fervor permitting continuation of syncretic elements

in Malayan Islam. It is not known to what extent this also occurred in Malayan port cities with trade, scholarly, and other connections with the Middle East.³

The second factor in the deterioration of peninsular religious sentiment involved the fractionalization of political power after Malacca's demise to the conquering Portuguese in 1511 and the later instability and civil wars prevalent in the eighteenth and nineteenth centuries.⁴ Normally arduous and hazardous succession disputes became further complicated in the nineteenth century as coalitions of Malay and Chinese groups supported opposing candidates for Sultan. In addition, factional fighting between Chinese secret societies, the Ghee Hin and Hai San, over mining claims and rights disrupted the economic as well as the political climate. This precarious situation coupled with a change in British Colonial Office policy, British fear of foreign intervention, and increasingly numerous requests by Straits merchants for positive British response, resulted in peninsular intervention in 1874.

Just prior to this introduction of the European administrative presence, Islam in the Malay states may be described as follows. Malays were Sunni Muslims following Shafi'ate canon law, as do the Muslims in the Deccan, South India. As practiced by the Malays, Islam included a heavy mixture of local mysticism, adat (customary law and practice), magic, spirit worship, and superstition.⁵ This was a by-product of the process of Islamization of the peninsula. The Sultan's court and capital may have been fairly or rigidly orthodox. This is not known for certain. However, peripatetic

religious teachers and the Sufis preaching and converting the common folk made many accommodations to orthodox doctrine. The result by the nineteenth century was a moderately hybrid Islamic doctrine.

Islam was not a state religion in the sense that a unitary statewide organization linked it together, although individual Malay Sultans and rajas were religious heads of their states. Because Islam is an all-embracing concept, the term "state religion" must be cautiously used. Basically a state is or is not Islamic. In fact, the word Sultan means God's representative on earth. Prior to 1874 most Sultans in Malaya expended few resources emphasizing their preeminent religious position. There were, of course, exceptions. Some of these Sultans will be noted below.

Why did this situation exist? First and foremost, Malay Sultans reigned but, in the nineteenth century, did not rule their riverine states. Living at the mouth of the largest river, they controlled trade, taxing goods coming in and going out. However, they could exert only uneven and not dominant control over other local chiefs in the state. The Sultans were paramount only in their own regions and did not administer territory beyond them. Other reasons for a lack of active statewide religious leadership by the Malay Sultan include poor transportation and communication facilities, geographic impediments separating river valleys, and little desire to accept increased Islamic duties and responsibilities or, indeed, perception of any need to do anything at all.

Yet in spite of Malay Sultan (or in Perlis, raja) disinclination toward exercising maximum religious prerogatives, these leaders

functioned as visible state heads of Islam. Furthermore, in Malay society religion was not divorced from daily life, but in fact acted as an integral part of it. Ugama (religion) and adat operated as the primary regulators of everyday life and interpersonal relations both within one's family and village and toward outsiders whether Muslim or non-Muslim. Rabid, fervent adherence to all religious precepts in the Koran and Hadith never existed in peninsular Malaya, if anywhere in the world. John Cameron, editor of the Straits Times newspaper in Singapore, noted in 1865 that "their sins . . . are not heinous, and, as concerns their own religion, are chiefly those of omission."⁶ Thus, unsophisticated, uneducated padi (rice) farmers practiced Islam as best they could. It is unfortunate no study exists to establish clearly the Islamic relationship between the secular and religious head of state and the kampong folk. What is certain is that the Sultan, in addition to his regalia, and palace were unifying symbols of the state.

The Sultan's or raja's public participation in state religious affairs, though usually confined to territory under their direct administration, centered on various obligations. Preeminent among these responsibilities were their financial contributions to build and repair mosques (the number of such mosques is not known), compensate mosque personnel, and arrange for itinerant preachers and teachers to visit their courts at irregular intervals. Acknowledgement of certain religious obligations by the ruling class, composed of the Sultan, his family, and Malay chiefs, earned it a share of annually collected religious taxes, zakat and fitrah. These

Muslim taxes, universally collected by local mosques, were to be distributed for clearly defined purposes. Such uses included assistance to new converts, payment to mosque officials, and sustenance for the poor. Wilkinson said that the ruling class stretched the definition of poverty and "pious poor" as they also identified themselves with the imams to obtain these religious taxes for their own use.⁷ Yet without doubt a portion of such revenue went for religious obligations. No data exists relating what proportion of the tax that the ruling class spent on religious projects, whether it was a fixed per cent of the whole, specifically upon what was the money spent, nor what the variations were from man to man and one state to the next.

Contemporary European observers, frequently merchants or military officers resident in Penang, Malacca, or Singapore, have provided accounts, sometimes quite detailed, of Malay secular and religious life both in the Straits Settlements and in adjacent Malay states. Although they viewed indigenous life through alien eyes, foreign writers expended noticeable effort to depict life accurately, as it appeared to them, with mixed success. A lamentable defect in the nineteenth century was the frequent intermixing of writers' personal sentiments and the recording of their observations of indigenous life. This inclination was especially true in the case of the Malays' religion, Islam. Almost without exception, Europeans viewed and evaluated Islam as practiced by the Malays negatively.⁸ This bias shaded and colored their biographical, journalistic, botanical, and travel accounts of life in Malaya and the Netherlands

East Indies. However, even through this fog of European prejudices, the condition of Islam is evident.

Some Europeans did seek Malay collaboration in the description of local customs, legends, trade, history, and religion. For example, T. J. Newbold and P. J. Begbie, both India army officers, lived for some years in the Straits Settlements. These two soldier-writers received the active assistance of the famed scholar-traveller, Abdullah bin Abdul Kadir, better known in Malay history as Munshi Abdullah. More will be said about him later. This exceptional individual was knowledgeable in all aspects of local life, frequently accompanied by first hand experience, as in the Naning War of 1831. He embellished European literary efforts (notably Newbold and Begbie) with more accuracy and perhaps more sympathetic treatment about the indigenous inhabitants of the Malay peninsula than was normal. Yet, despite access to local informants, the portrayal of Islam, its practices, and general situation by these authors does not emerge in an untainted, unprejudiced light. The crust of Christianity proved too thick. Nonetheless, the picture of mid-century Islam in peninsular Malaya can be described in general and occasionally illustrated in detail.

The center of local religion, the kampong mosque, possessed no "priesthood" similar to that existing in Judaic-Christian tradition. The few religious officials who staffed the mosque, viz. the imam, khatib, bilal, and siak, came from the village itself.⁹ They did not form a separate class or caste (as did the Brahmans in India) and had no direct organizational connection with statewide Islam nor

with other mosques in the area. The dominant mosque official was the imam who led prayer services, administered mosque affairs, occasionally arbitrated in religious disputes, and conducted religious instruction and education of village youth. The imam usually came from a prominent local family, not necessarily possessing a deep knowledge of religious doctrine but probably having made the haj or pilgrimage to Mecca.

In the daily life of kampong society, the most significant Muslim celebrations were Hari Raya Puasa signifying the end of Ramadan (fasting month), Hari Raya Haji celebrating a pilgrimage festival, and Maulud rejoicing at the Islamic New Year. Normal village religious routine included the five daily prayers plus Friday prayer service at the nearest mosque with Koran recitation and religious exercises (ratib or dzikir). Some religious gatherings also occurred at the surau, a small religious building and the only other public building in a village. In this rural milieu Islam was more than just personal communication with Allah. Other personal and social activities took place under its auspices linking Malay villagers into a tighter self-contained social unit. Village justice was based on the Koran, Syariah law, and local adat. A few legal digests existed from earlier centuries but these were unavailable to illiterate peasants outside the state capital. This left villages to their own adaptable judicial devices.¹⁰

In the larger state polity Islam played a marginal role. Ranking of the traditional Malay elite was based on their genealogical proximity to the ruler and their blood relationship to each other.

Religious qualities of holiness and piety were recognized but did not assist one's social position or advancement. The ruling elite depended on

. . . syncretist adat traditions and they and their estates--the court of the raja, the houses of the chiefs--were the central bearers of syncretic traditions and life styles, it was they who also had the greatest access to orthodox Islamic learning and influence.¹¹

Making the haj and having access to foreign and local religious scholars also were easier for the ruling class than for common folk. The rich in frequent cases went on the haj as many as three times. However, John Cameron, a skeptical European observer disparaged Malay motives in the mid-1860's saying that when Malays

. . . accumulate a fortune, which very few of those in the Straits ever do, they expend a portion of it in a trip to the shrine of the prophet at Mecca; but this is scarcely an indication of great piety; it is rather a desire, by one considerable temporal sacrifice, to make up for a good many spiritual shortcomings, both past and future.¹²

Cameron probably referred to Muslims residing in the Straits Settlements from South India or the Middle East, but may indeed have included peninsular Malays in his remark. In either case his comment deprecated the many Malays who performed the haj motivated by deep religious conviction.

Islamic scholars occasionally attained positions as advisers to Sultans on religion and often on matters of statecraft, trade, and foreign policy. Yet Islam as an organized religion had no pervasive, all powerful role at court or among the nobility. The influence of high religious officials on Malay rulers is uncertain without additional records. Islamic belief permeated the Malay character, yet manifestation of this belief in the ruling elite

remains conjecture until additional pre-colonial records are uncovered, which is unlikely. As a belief system and organized religion, Islam had its greatest impact at the kampong level because of the close contact between the imam and local inhabitants.¹³

Moving from the foregoing discussion, let us examine the condition of Islam in the Malay states adjoining the Straits Settlements of Penang and Malacca. Then we will turn to two east coast Malay states, namely, Kelantan and Trengganu. As one would expect, observations and reports pertaining to west coast Malay states flanking the Straits Settlements are of greater magnitude than for other Malay states. However, the historical sources permit examination of all these states in varying detail for the pre-colonial nineteenth century and for Kelantan and Trengganu into the first decade of the twentieth century.

Islam in West Coast Malay States

The preceding pages highlighted general aspects of Islam in Malaya. In this section we specifically survey Kedah and several Malay states of Minangkabau heritage in the mid-nineteenth century. These religious establishments foreshadowed developments that occurred in all Malay states during the colonial era: that is, increasing standardization, centralization, and cohesiveness of the religious hierarchy, enforcement of Syariah law, and observation of Islamic doctrine. Then we turn to the tin rich state of Perak, the first Malay state to request a British Resident, thus relinquishing independence with a resulting important impact on Islam. In this section we view Perak's pre-colonial nineteenth century

development, and in Chapter IV the post-1874 Islamic situation is described.

A. Kedah

By the 1840's many Kedah Muslims had fled the state due to the efforts of the exiled Sultan Ahmad Tajuddin to regain his Kedah throne from Siamese forces which occupied it in the preceding decade. A large number of Kedah Malays settled in adjacent Penang and Province Wellesley, part of Kedah until 1786 and 1800 respectively. While not a Malay state, the religious situation in this Straits Settlement may indicate kampong religious patterns and propensities in neighboring Kedah, in light of the large immigrant community of Kedah Malays. Admittedly, religious changes occurred as these Malay immigrants settled in British territory. Since we do not have any account of Islamic practice and administration in Kedah proper, this survey may give some indications of that earlier period. In any event it surely exhibits the condition of Islam in a British Malayan colony several decades before Malay Sultans relinquished control of their governments to British Residents or Advisers. Again, one must keep in mind the tentativeness of the following description of Islam with regard to its Kedah background or base.

The general situation of Islam in Penang and Province Wellesley may be described as follows. Mosques were numerous, each staffed with an imam and assistants and autonomous from any other mosque. Two kinds of mosques existed: public and private. A public mosque was built on government ceded land from voluntary contributions with a committee of local dignitaries handling its secular business.

Rent from adjacent land and fees for religious services supported the mosque. Private mosques included those built from money privately donated. In Penang itself only two mosques were still standing in 1857.¹⁴

Eligibility for any religious jobs usually required no special study or even performance of the pilgrimage to Mecca. More important qualifications seemingly included "courage and cunning," a talent for oratory, and public piety. Imams and other "independent ministers," usually hajis (persons who have completed the pilgrimage), received written commissions or official warrants from a kathi in Province Wellesley (the Kathi of Teluk-Ayer-Tawar) or in Penang (from Haji Macawi of Batu Uban or his successor Abdul Gunny, an Arab or of Arabic descent). Selected by community leaders, the kathi, the highest local religious personage, supervised imams, oversaw mosques in general, and acted as a religious magistrate, receiving a portion of religious taxes as a salary. He ranked above an imam and could delegate authority to others when necessary and issue summons requiring witnesses' attendance at legal proceedings.¹⁵

In spite of the apparent pyramidal authority structure headed by the kathi and supported by imams, there appeared little coercive power to back up orders issued by the kathi to subordinates down the administrative ladder. However, Syariah law and social pressure reinforced this religious magistrate's decision. Non-Muslim British officials in the Strait Settlement extricated themselves from all religious disputes by pursuing a non-involvement policy. This also meant no secular British enforcement of a kathi or imam's decision

in religious court. Colonial authorities further refused official recognition of any person as a kathi. Deprived of any secular enforcement power, religious decisions had to be delivered with great forethought and prudence in order to have them obeyed. A European, J. D. Vaughan, reported that, in part because of the absence of coercive enforcement, Muslims sometimes were indifferent to kathi decisions. Kathi Abdul Gunny attempted to decrease and eradicate apathy and indifference by fostering a religious revival, but with little apparent success.¹⁶

As testimony to the overall efficacy of Islam, its religious courts, and perhaps police inefficiency, in Singapore, as in Penang, secular authorities rarely arrested a Malay for theft or fraud. When a Malay appeared in a Magistrate's Court, it usually was for a crime of emotion or "sudden outburst of passion," for example, against a man paying too much attention to one's wife.¹⁷ In Penang and probably in Kedah, a fundamental Islamic judicial system enforced Syariah law. This self-contained judiciary was based on imams staffing local mosques, with a kathi loosely overseeing the entire Muslim establishment.

B. Minangkabau States

South of Penang astride the Straits lies Malacca, historic site of Malay's greatest kingdom, which like Penang came under British domination. For the immigrant Minangkabau areas adjacent to it, later known as Negeri Sembilan, the most detailed recording of mid-century Islam in Malaya exists. This record was no doubt aided by Munshi Abdullah's assistance to Newbold. Newbold concentrated

his description on the short, punitive Naning War of 1831. Of interest here was his lengthy account of Muslim life in Rembau and Naning, both Minangkabau states.

Rembau consisted of seven mukims or parishes (but also administrative subdistricts), each of which contained a mosque and accompaniment of religious officials. By 1839 the state possessed a kathi named Haji Hashim Sri Lummah. However, it is not known if this man was the first State Kathi of Rembau or not, nor is it known how he was selected or who appointed him.¹⁸ In any case, Rembau was one of the first peninsular states to have this high ranking religious magistrate. Because Haji Hashim acted as State Kathi, he also advised state leaders in religious matters, perhaps delivering rulings on points of Syariah law in the process. If so, he also performed the duties of a Mufti, the highest ranking religious official in a Malay state. To that date no person (that can be documented) had been appointed to that senior religious post anywhere on the Malay peninsula. This is a curious non-occurrence since Islam had existed in the region for at least four centuries with regular trade and religious contact with the Middle East. It perhaps indicates a lack of ruling class interest in religion.

Little additional specific information is known about religious customs, ceremonies, officials, and so on, in Rembau except that they did not differ from conditions in nearby Naning. Newbold mentioned one other religious figure, Syed Ibrahim, an Arab. This man reportedly had held a high religious position and had gained a reputation as a religious zealot in his home at Chembong.¹⁹

Unfortunately Newbold did not note if Syed Ibrahim acted as State Kathi before Haji Hashim, perhaps being the state's first kathi. It is, however, a possibility.

Concerning Naning Newbold described the Muslim habitat in profuse detail. The small state's population in 1833-34 was 5,079 inhabitants, increasing to 5,881 in 1836. The people were Minangkabau Malays with many residents also being descendents of Arabs. Having spent years in India, the author noted that public religious observance of Islam appeared more extensive in Naning than among Muslims in India. For example, the people heeded the five calls to daily prayer. While both groups obeyed major Islamic precepts, Naning Malays, due to their Minangkabau heritage, varied dramatically in some Muslim rites and ceremonies. For example, criminal law, while based on the Koran, included compromises with local matrilineal culture, customs, and tradition.²⁰

The state's religious bureaucracy seemed quite developed and unified, in part due to the small size of the state. There were two kathis in Naning: Selaho at Kampong Tengha and Sulong Juman at Malacca Pinda. They supervised the state's sixteen mosques and staffs in a state measuring 40 miles by 10 miles. Newbold listed their other duties as sheltering orphans who lacked near male relatives, resolving points of religion, and confirming marriages. The kathi performed a Mufti's main function of interpreting Syariah law. Mosques were built isolated from houses, frequently on knolls surrounded by padi fields. The structures were "conical shaped buildings of wood, raised on wooden pillars, with ornaments of the

same material like the wings of birds, at the eight corners of the two roofs."²¹ Newbold saw only one minaret anywhere in Malaya and that existed in Malacca. Maintenance and mosque repair came from the public purse, but Newbold did not specify whether this referred to the secular government or the kathis' revenue. For example, at the end of the fasting month, Ramadan, Muslims paid their annual fitra tax, usually one gantang of rice. Local imams forwarded some proportion of this produce to the two kathis. Other revenues were derived from funeral donations and a portion of buffaloes sacrificed on religious occasions.²²

Subordinate to the two kathis were the ordinary kampong mosque officials, imam, bilal, and katib. No official entitled a siak seemingly existed there. Instead a penghulu mukim assisted the mosque staff, performing the same menial tasks as a siak. Under the Dutch until 1824 and subsequently under the British, the conduct, duties, and remuneration of this last official were regulated in Malacca. It is possible that Dutch procedure was derived from local custom and performance and codified.²³

A Malay village had to have forty-four or more households in order to possess a mosque. Without that minimum number a kampong could possess only a surau. All mosque officials held their land free. As a group they sat as a minor court. The penghulu functioned as the chief secular officer of the mosque. While originally ranking below the khatib in the local religious hierarchy, under the secular, distant Dutch, the penghulu's powers in the village grew as he began to collect taxes and judge petty court cases. The Dutch outlined

his duties in an "Abstract of Regulations for Penghulus." Since it was not repealed by the British, it continued in force. Among the penghulu's duties were found regulation of gambling (only allowed on holidays), mediating marriage and religious disputes with village elders, punishing immorality, dividing Muslim inheritances, and recording and reporting to Malacca all births, deaths and marriages. The penghulu sent the marriage fees to Malacca for disbursement to the poor.²⁴

As in all Malay states these religious functionaries were elected after examination by village leaders. Apparently this meant the secular elite since Newbold reported the absence of ulamas, as was also the case in Muslim India.²⁵ Ulama (singular: alim) were men learned in religious knowledge. It is unusual that ulama did not exist in Naning, or at least, were not mentioned in contemporary records. Complementing the village mosque, the people often offered prayers at the tombs of holy men-cum Muslim saints, called karamats.²⁶ This exemplified one of the earlier compromises made by Sufi missionaries which deviated from strict observance of the Koran, as the offering of prayers at sacred places and tombs of holy men was a carry-over from primitive ancestor-worship and nature-worship. Karamats existed throughout the peninsula.

Other details of Muslim ritual concerning Naning and the other small Minangkabau states near Malacca need not be dealt with at this juncture. Examination of the above available evidence demonstrates the fundamental religious bureaucratic and organizational similarity between the various Straits Settlements and their environs in the mid-nineteenth century.

C. Perak

Communication and transportation difficulties combined with a sparse state population in Perak to discourage interaction between mosque officials in different localities. Perak was larger than any of the Minangkabau states and, of course, larger than Penang and Province Wellesley in terms of geography and, more importantly, population. In 1818 a Penang government Political Agent estimated Perak's population as 100,000 inhabitants, a figure that is probably too high.²⁷ The majority of the population lived along the thirteen rivers that flow eastward into the Straits of Malacca.²⁸ The population by 1879, according to various estimates, stood at 81,000 inhabitants of which 60,000 were Malays.²⁹ By the century's end the known population had tripled, as Perak remained the most populous west coast Malay state and the one with the largest Malay community. Immigration from adjacent Malay states and the Netherlands East Indies accounted for the huge increase in the number of Perak inhabitants.³⁰ This foreign influx may have set the foundation for an increased Islamic awareness in Perak and after 1874 for the extension of religious control from the capital to the kampongs.

Factors other than geography, transportation, communication, and sparse population also militated against the growth of a state-wide religious organization prior to the Pangkor Engagement (1874). Briefly, these elements included royal succession disputes, internal unrest, an 1805 Selangor invasion, an 1818 Kedah invasion, rapacious commercial regulatory competition among Malay riverine chiefs, Siamese interest and interference, and unstable economic conditions.

Keen and bitter competition among various Chinese businesses, secret societies, and mining groups further upset tranquility in the state, particularly in tin-rich Larut. As a whole, these developments kept Perak in a state of turmoil through the first three-quarters of the nineteenth century.³¹ This milieu proved unsuitable for the development of a unified, statewide Islam.

Despite these early and mid-nineteenth century impediments to the growth of a centralized Islamic hierarchy and bureaucracy staffing mosques, law courts, and educational institutions, a strong base may already have existed in Perak. As mentioned above, eastward flowing rivers originating in the Main Range divide the state. The Sultans had further divided Perak into loosely defined jajahans (districts or territories). Malay kampongs were the jajahans' fundamental units. Bonney has noted that in adjacent Kedah there coexisted within this conventional arrangement a more dynamic and complex geographical unit, namely, Muslim ecclesiastical divisions.³² These were called mukims. According to the Undang-Undang Kedah (Kedah Regulations) a mukim consisted of a minimum of one kampung possessing at least forty-four adult males who performed the requisite Islamic duties and obligations.³³ These Regulations permitted up to one hundred or even a thousand kampongs to comprise a single mukim. In practice this never occurred because of population distribution and scarcity. In the composition of an Islamic state the imam, as the chief mosque leader and religious official, occupied the central role in the village. Such figures also exerted influence in the larger mukim and also perhaps in the jajahan.

If Perak possessed ecclesiastical mukims similar to those existing in its northern neighbor of Kedah, as seems possible, then a diffuse, loosely-organized group of mukims possessing one or more imams extended throughout the state. Perak in 1830 reportedly possessed one hundred and five mukims.³⁴ However, for the moment this statement must remain supposition until more detailed research focuses on early nineteenth century administration in Perak.

The first verifiable nineteenth century effort in altering Islam in Perak occurred in 1818. The Perak aristocracy belonged to one of the following rankings: the Four Great Chiefs, the Eight Chiefs, the Sixteen Minor Chiefs, and the Thirty-two. A chief's ranking group determined his rank, status, prestige, and power. In 1818 Sultan Malek Mansur Shah selected one of the eight hereditary chiefs to be raised in rank, elevating the Orang Kaya-Kaya Imam Paduka Tuan Sri Diraja to an office roughly equivalent to a State Mufti. It is not known why the Sultan instituted such a change or why at this time. The Raja Bendahara, a member of the Four Great Chiefs and second in line for the throne, assisted the Imam Paduka Tuan in caring for the religious needs of the rakyat (common people). The Raja Muda functioned similarly for the aristocracy. The Imam Paduka Tuan was the highest ecclesiastical official and was to receive his income from voluntary religious contributions.³⁵

The Imam Paduka Tuan's revised and elevated rank became a non-hereditary appointive one which placed this official in a position to unite the state's loosely organized religious functionaries. However, Roff feels that the elevation in rank of the Imam Paduka

Tuan in itself did little to advance Islam unless the office holder was religiously inclined and motivated to assist local Islamic officials.³⁶ Scholars have yet to illuminate the lives of the individuals who served as that ecclesiastical official or determine whether they made any Islamic organizational efforts. In any case it seems probable in view of nineteenth century Malay society's complacent religious life that, if an Imam Paduka Tuan instituted any radical changes, these would probably have lapsed when less religiously inclined men succeeded to the office. Judging from European descriptions of religious practice³⁷ and from the extensive reforms instituted in the last decades of the century, the various Imam Paduka Tuans had little impact on Islam in Perak.

By 1860 the position of the Imam Paduka Tuan had declined and its function as the principal religious figure in the state may have completely ended. It is reported that a different religious official, the Chief Kathi, taught the Bendahara's son, Raja Dris (later Sultan Idris), in religion.³⁸ The tutor was Saiyed Abdullah bin Abu Bakar al'atas. The Shaikh-ul Islam, Sheik Muhammad Salleh, also instructed Raja Dris in religion. Little else is known at present about these two important religious figures as, for example, when they received their appointments or what specific religious functions they performed. It is further unclear whether they lived in the state capital, as seems most likely.

Even if these positions were filled, the Sultan played an important, though unclear, role in the functioning of Islam in the state. The Sultan was the symbol of the state and frequently this

position was the only one that distinguished him from other powerful territorial chiefs. Perhaps more importantly, he served as the religious head of the state.

Prior to 1874 few records describe the Sultan's actual duties with regard to Islam. He probably appointed a religious expert or committee of experts to determine the precise commencement of Ramadan, the fasting month. Calculations for this are made on the position of the full moon and its first sighting. Ceremonially the Sultan probably sponsored feasts in the royal capital celebrating the Prophet's birthday and the conclusion of the fasting month.

In view of the importance of the top three religious officials and because they probably lived in or near the royal capital, the Perak Sultan appointed these men and gave them kuasas (authority) to perform their work. It is doubtful if these kuasas were in written form. Concerning local mosque officials, the imam, khatib, and bilal, it is unlikely that the Sultan appointed these figures because of communication and transportation distance from the capital.

The Sultan more likely dealt with Islam at the state level. As mentioned above, he appointed Muslim officials, sponsored feasts, and performed certain other functions in the royal capital. He also dealt with popular observance (or the lack of it) of religious duties, such as weekly attendance at Friday prayers. A few cases of such concern have been recorded. For instance, the Raja Muda Yusof in mid-1877 sought to exhort Perak Muslims to attend weekly prayers at the nearest mosque or else be subject to a fine and imprisonment. This incident will be discussed more fully in the

Perak case study chapter. However, it does illustrate the fact that the Sultan, or in this case the heir apparent, was accustomed to handling statewide Islamic issues (or those perceived as such). This power was generally checked in the years after 1874. Religious problems or disputes of a local nature were tried by the imam or possibly by village elders if the complainants were dissatisfied with the imam's decision. Further appeals may have been sent to the Sultan for settlement.

Before concluding this examination of Islam in the Malay state of Perak, let us briefly note the visit to Perak by a female traveler five years after the commencement of a British Resident to the state. This remarkable English explorer-traveler visited Kuala Kangsar, the Perak state capital, and remained a short time as the Resident's guest. Isabella L. Bird wrote in great detail about her trip to Perak (and to other Malay states) and recorded her observations relating to Islam, religious ceremonies, mosques, mosque officials, and the pilgrimage to Mecca.

Although not a religious expert, Isabella Bird gives the most complete firsthand account of Islam at the local level in a Malay state, probably reflecting general pre-colonial conditions. Because of her lucid descriptions, let us quote from her book at length about Islam as she witnessed it near Kuala Kangsar.

In these kampongs the people have music, singing, storytelling, games, and religious ceremonies, perhaps the most important of all. I have not heard that the Perak Malays differ in their religious observances from other Malays of the Peninsula. It seems that before 'a parish' can be formed there must be forty-four houses. The kampong may then have a properly-constituted mosque in which every Friday the religious officer recites an oration in praise of God, the

Prophet, and his viceregents, from the steps of the rostrum. The same person performs the marriage ceremony. Another official performs sacrificial duties, and recites the service for the dead after a corpse has been lowered into the grave. There is an inferior official of the mosque who keeps it clean, and reports to the Imaum absentees from public worship, goes round the villages to give notice of public prayer, assists at burials, and beats the great drum of the mosque. The Imaum appears to be the highest functionary, and performs what are regarded as the most sacred rites of Islamism. There are regular fees paid to these persons for their services, and at sacrifices they received part of the victim. I was afraid of going into any of the mosques. They are all conical buildings of wood and attap raised on wooden pillars, and are usually on small knolls a little way from the kampongs. They have no minarets, but the larger ones have a separate shed in which the drum or gong used for the call to prayer is kept.

Buffaloes are sacrificed on religious occasions, and at the births, circumcisions, marriages, and shaving of the heads of children of wealthy people. The buffalo sacrificed for religious purposes must be always without blemish. Its bones must not be broken after death, neither must its horns be used for common purposes. It is slain near the mosque with solemn sacrificial ceremonies, and one half is usually cooked and eaten on the spot by the 'parishioners.'

While I am on the subject of religious observances, I must tell you that I saw a Moslem funeral today from a respectful distance. The graves are decently placed together usually, though some of the pious rich have large isolated burial-places. The grave is dug by rule--i.e., the digger continues his work till his ear and the surface are on a level. It is shaped like ours, with one important exception, that a chamber two feet high for the reception of the body is dug in the side. [Bird continues this funeral description for one additional paragraph.]³⁹

Although the author only stayed in Kuala Kangsar and Taiping, Perak from February 16 to February 24, 1879, she witnessed Friday mosque prayers, sacrificial ceremonies, and a funeral, in addition to a Malay wedding and a birth.⁴⁰

Bird also commented on the extent of religious observances and Muslim sentiment in Perak and other Malay states. Bluntly, she noted that

Slavery and polygamy, the usual accompaniments of Islam, go far to account for the decay of these States.

I wish it were possible to know to what extent the Malays are a 'religious' people as Moslems. That they are bigots and have successfully resisted all attempts to convert them to Christianity there is no doubt, as well as that they are ignorant and grossly superstitious. Their prayers, as far as I can hear anything about them, consist mainly of reiterated confessions of belief in the Divine unity, and of simple appeals for mercy now and at the last day.⁴¹

The author continued in this negative vein to describe the pilgrimage to Mecca and the position of the returning pilgrim in Malaya. These pilgrims or hajis "are not regarded by the English who know them as a 'holy lot'; in fact they are said to lead idle lives, and to 'live like leeches on the toil of their follow-men' inciting the people 'to revolt or to make amok.'"⁴² In general, while accurately describing the condition of Islam at the kampong level, Isabella Bird let her own biases also color her account of international Islam.

Nineteenth century Perak underwent a series of religious, in addition to social and political, changes.⁴³ The rakyat as well as the ruling class practiced Islam. All Malays believed in Allah. However, the degree of adherence and purity of ceremonies, beliefs, and practices without doubt varied throughout the state.⁴⁴ Each kampong with a minimum of forty-four households possessed its own mosque. A larger mukim ecclesiastical division also possibly existed in Perak loosely linking together Islam. Although detailed reports concerning the condition, development, and organization of Islam are lacking, one observer in 1820 noted that "The Malayan tribes have the reputation of being the most exemplary Mahomedans of the Archipelago. On essential points they are sufficiently strict

without being intolerant. Their superior instruction"⁴⁵ was attributed to long and close relations with Arab and Indian Muslims. The effect of the early effort by Sultan Malek Mansur Shah in creating a Mufti-type religious office has gone unrecorded. It is also unclear how this external contact affected isolated Malay kampongs.⁴⁶ This situation would change in the decades after 1874 with improved transportation and communication throughout the state.

Islam in East Coast Malay States

Let us now review the Islamic situation in two east coast states, Kelantan and Trengganu. While their local mosque organization and mukims were similar, if not identical, to other Malay states, different religious developments occurred. The important reason for these changes was due to the lateness in which the British established colonial regimes there. That is, local Islam with religious and secular leaders had a longer time in which to adjust to a changing world environment, whether the threat of Wahhabism, the earliest modern Muslim movement,⁴⁷ or Siamese and British encroachments on their independence.

A. Kelantan

Traditional Islam developed in Kelantan over a period of six centuries. Four distinct factors influenced its growth and continually conservative character. First, Kelantan in the eighteenth and nineteenth centuries had close aristocratic and commercial ties with Patani to the north. Both of these small Muslim states in turn had intermittent contact with Theravada Buddhist Siam. This arose

from paying periodic tribute or having resident Siamese commissioners or military forces. Thus, Kelantan was oriented northward away from contacts with Malay states to the west and south. However, many Muslims from other Malay states came to study in Kelantan's famous pondok (religious) schools. Second, much of the Kelantan-Patani contact was of a commercial nature. Patani served as that region's central port and distribution point, especially in the sixteenth and seventeenth centuries. However, a shift in trade routes occurred after that, resulting in a decline in trade. Partly as a result of this mercantile deterioration, Kelantan became increasingly isolated until the late nineteenth century. Third, the ecological isolation of interior mountains and the annual northeast monsoon from October to December further separate Kelantan from outside contact, although contact was by no means nonexistent. Lastly, Kelantan traditionally has had a large homogeneous, settled Malay population living on the plains and wet rice delta of the Kelantan River. The population was closely connected with the Sultan. All of these factors of contact, isolation, and economic self-sufficiency joined to make Kelantan less influenced by external contact, changes, and traumas.⁴⁸

Throughout the nineteenth century the Siamese-Malay state of Kelantan remained unaffected by the secular changes transforming the west coast Malay states. It suffered no long civil wars, large influx of Malay and non-Malay immigrants, or British pressure for commercial, political or other concessions. Kelantan retained its nominal independence throughout the century by making triennial payments of bunga mas (small gold or silver trees) as tribute to

Siam. The Burney Treaty of 1826 between Great Britain and Siam confirmed this nebulous relationship between Buddhist Siam and Islamic Kelantan.⁴⁹ The treaty made no mention of religious matters, indicating that neither the British nor the Siamese considered them of importance. This treaty, the geographical isolation, the absence of significant Siamese interest until the 1890's, and seemingly unfavorable economic or commercial prospects assured that Kelantan was seldom harassed by foreign powers or alien entrepreneurs.

These nine decades also saw the state's embryonic religious establishment evolve in a manner peculiar to Kelantan. As Muhamad Salleh notes, the early nineteenth century begins the second or pioneering stage of religious development in Kelantan, which will be elaborated below.⁵⁰ Indicative of contact with the rest of the peninsula, at least in terms of European relations, were the short, vague references to Kelantan by such writers as Begbie (1834), Earl (1837), Medhurst (1838), and Newbold (1839).⁵¹ None of these four writers, not even the Christian missionary Medhurst who visited Kota Bharu, the capital, commented on religious conditions. Siamese references to Kelantan also rarely mentioned the religious climate in the state.⁵² A single contemporary Malay source by the famous Munshi Abdullah described in some detail what the author personally saw in the capital in 1838, including his impressions of the state of Islam.⁵³ Commentary from these three types of sources plus twentieth century materials reveal the nineteenth century development of a Kelantan religious administrative structure that was more extensive than that in any other Malay state except perhaps Johor.

In the early nineteenth century Kelantanese central government control scarcely extended beyond the capital into the geographically distant hinterland, partly due to the limited unity of the state as a political entity and partly due to the disruption of civil war in 1839. Administratively Kelantan consisted of one hundred mukims. Each mukim possessed at least one surau or prayer house and an appropriate staff. During this period the kampong imam of the local surau functioned as the mukim's secular and religious authority. There was no resident secular government official. The surau, usually a wooden structure frequently attached to the imam's residence, served as the focal point of community activity and, indeed, was the sole public structure in the kampong. It acted as a prayer house for Friday prayers, a religious school, and a general meeting place. Two kinds of surau existed for administrative purposes: a surau besar (large surau) and its subunit, a surau kechil (small surau). The subdivision of the surau indicated a growing degree of functional specialization among imams during the century. Unfortunately, it is not known when this division of suraus and its attendant differentiation of the imam's functions occurred. Once this administrative change took place, it meant that the imam besar received greater prestige and power over his subordinate, the imam kechil. The primary functional difference between the two religious officials was that only the imam besar could collect religious taxes and perform marriages. Both men could conduct Friday prayers, enforce Syariah law, mediate family disputes, and settle inheritances.⁵⁴

Religious development in the first half of the nineteenth century is broadly described by Muhammad Salleh as the second or pioneering stage, in which Patani, closely connected to Kelantan, became the center of religious learning.⁵⁵ These Islamic educational facilities produced many ulama and Malay translators of Arabic religious volumes. The most famous of the religious scholars was Haji Abdul Samad bin Mohd. Salleh (1816-1891), more widely known as Tuan Tabal. A prolific writer and theologian, he was the top Muslim scholar in peninsular Malaya during the late nineteenth century.⁵⁶ Tuan Tabal's legacy to Kelantan's religious evolution was his huge number of original writings and Arabic translations plus his students who became ulama making Kota Bharu a Malay center of religious study and second only to Patani in the region.⁵⁷ Students from other Malay states, plus Siak, Palembang, and even Cambodia journeyed to Kelantan as the state's reputation grew.

In the decade or two after 1860 the central government, consolidated under Sultan Muhammad II (1838-86), initiated a basic alteration in the administrative fabric of the state. The government appointed a newly created official, the To'Kweng, as a district or circle headman, based on a similarly named Siamese official. He was to administer a number of adjacent mukims. The To'Kweng performed secular duties previously executed by the imam besar. The government made no effort to dissolve or reorganize the surau administrative units which continued as the main subdivisions of the mukims. The separation of secular and religious administrative duties presumably reduced the imam to a wholly religious official devoid of civil duties.

However, the imam retained some secular functions, such as the registration of land. He also remained slightly more influential in kampong affairs than the To'Kweng. This balance of power between the two highest local officials, one secular and one religious continued until the first decade of the twentieth century.⁵⁸

While the above administrative change took place at the local religious level, other changes happened at the state level. By 1830 Kelantan possessed a state Mufti. The exact year of this religious official's appointment is, however, not known. The Mufti resided in Kota Bharu. Although a Mufti was generally only a consultant and expert on religious law delivering fatwas (legal rulings) when asked by court authorities in Kelantan, he also possessed judicial duties in the Syariah Court. This court dealt with marriage, divorce, and inheritance, that is, with Muslim personal law. The court may also have dealt with breaches of public morality and public lapses in ritual observance. A kathi assisted the Mufti in the Syariah Court. In addition to judicial responsibilities, the Mufti may also have compiled a list of all imams in the state. However, there is some evidence that this did not occur until the end of the century.⁵⁹ If the Mufti indeed did assemble such a list, it may indicate that regular contact or control existed between a central religious authority and religious personnel scattered throughout the state, a situation not achieved in any other Malay state until the last quarter of the nineteenth century.

One additional religious judicial official resided in the capital. A hakim (judge) presided over a criminal court in which

innocence or guilt were determined on a basis of a mixture of adat (Malay customary law) and Syariah law. It is probable that the hakim and Mufti courts were the only judicial bodies in Kota Bharu.⁶⁰

As in many Malay states, few mosques existed in Kelantan. The state possessed only three such buildings. All three structures, namely the Kota Bharu Mosque, the Kampong Laut Mosque, and the Langar Mosque, were located near the capital. The last two of these mosques, closely associated with the royal family, were the oldest in the state, although no records date their exact origin. The Mufti supervised mosque affairs and was responsible for the mosque personnel.⁶¹ Zakat and fitrah (religious taxes) were collected from throughout the state and sent to the Sultan by the imam besar for support of the mosques. However, because of the tenuous administrative links between the small religious hierarchy in Kota Bharu and its religious personnel in the hinterland, it is uncertain what part of the total locally collected zakat and fitrah reached the capital. Yet the fact that any religious tax reached Kota Bharu reinforces the hypothesis that some administrative links did exist between central religious authorities and local imams. It is very likely that these ties were weak because the imams were only occasionally sanctioned in their positions by a kuasa (written authority) from a local chief or the Sultan and apparently not from the Mufti or kathi. Usually they received the authority to perform an imam's duties from kampong leaders based on the candidate's knowledge of the Koran, religiosity, familiarity with Arabic, and other such qualities.

During the long reign of Sultan Muhammad II (1838-86) a noticeable change in the condition of Islam in the state or at least in the capital took place. Suggestive of the fact that a Mufti may not have been appointed until almost 1830 was reported by one Malay visitor to Kota Bharu in the 1830's. Munshi Abdullah described the capital as full of prostitutes with gambling and other vices abounding and scarcely anyone performing their religious obligations. Munshi Abdullah was apparently surprised at the openness of such behavior and described it in some detail. Although he was not a Kelanese Malay or an Arab, a Kelantan raja offered him a religious position as a kathi or khatib in Kota Bharu. The raja admired Munshi Abdullah's ability to preach. Offering the post of kathi meant that either the current kathi was to be replaced, the position was vacant, or an additional kathi was needed. Unfortunately Abdullah did not mention any additional details.⁶²

While Sultan Muhammad II reigned, Kelantan gained a reputation for the severity of its judicial court punishments. The Sultan of Pahang, Wan Ahmad (reigned 1863-1914), remarked that those convicted of even small crimes in Kelantan sometimes received punishments of mutilation or death.⁶³ This alleged cruelty was personally attributed to Sultan Muhammad II and increased in harshness during the last years of his reign.⁶⁴ Clifford described the situation by noting that "The law is administered on the same lines as those which are followed in Trengganu, but the barbarous punishment of mutilation of the hand for theft, and many of the other more cruel enactments of Hukom Shari are still enforced in Kelantan."⁶⁵ This observation, which Clifford

said was corroborated by Kelantanese themselves, suggests the continued existence, if not flourishing, of a judicial system based solely or at least predominantly on Islamic law. Although it is not possible to determine the prime movers behind the enforcement of Syariah law, it is certain that the religious or secular authorities attempted to stop undesirable conduct offensive to religious law. Punishments, such as mutilation or death, no doubt had the Sultan's tacit assent if not active approval.

A government minister, Che' Ha', rising to Maha Mentri or chief minister by 1890, strongly encouraged Kelantanese Muslims to obey the injunctions of their religion. During Sultan Ahmad's reign (1886-90), Che' Ha' likely directed such an official campaign, although it is uncertain whether his effort centered solely on the capital and its environs or whether it also included the remainder of the state. Public entertainment, such as outdoor theater (menora and Mak Yong) and gambling on cockfights, were banned as irreligious. The Sultan ordered Muslims to attend weekly readings of the hadith (the account of Muhammad's decisions, conduct, and sayings). Despite Che' Ha's efforts, for which Clifford called him a religious fanatic, it seems Che' Ha's endeavors had only a transitory effect on the people of Kota Bharu and lower Kelantan because of the reputed low level of religious learning and understanding by most Muslims in the state.⁶⁶

Indicative of the temporary nature of the rise in the public exhibition of Islamic observance was an apparent decline near the end of the 1890's, necessitating new religious regulations after the turn of the century. However, a statewide religious bureaucracy

loosely linked to the Mufti in Kota Bharu stood ready to implement additional religious reforms once authorities, secular or religious, took up the reins of religious leadership. This high level of potential and actual Muslim organization existed in no other pre-colonial Malay state, except Johor. That state had had long contact with the British in Singapore and progressive aristocratic leadership, succumbing to British pressure for an adviser only in 1914. This enabled the Johor Sultan to modernize state government, including the establishment of a religious department in the 1880's. Contact with Singapore and its attendant modernizing pressures undoubtedly played important roles in spurring such Johor response in the religious realm. Most other states only came under such close British contact after the imposition of a Resident or Adviser. Given more time, Kelantan like Johor would have instituted a modern administrative system over religious affairs. It had a strong beginning toward that end when, however, a Siamese-British Agreement in 1902 introduced colonial officials into the state. We will return to those developments in Chapter V.

B. Trengganu

Religious developments in nineteenth century Trengganu broadly paralleled those occurring in its northern neighbor, Kelantan.⁶⁷ That is, early in the century religious observance tended to be lax with a dramatic shift taking place during the reign of Sultan Baginda Omar (1839-1876). The beginnings of an Islamic organization become discernable at that time. Under Sultan Zainal Abidin III (1881-1918) efforts to link kampong and capital into one religious administration

took place. This expansion of a religious hierarchy and organization enabled Trengganu Muslims to create a religious department in the government during the first decade of colonial "indirect" rule.

One of the earliest nineteenth century travelers to visit Trengganu and record his impressions was the missionary Walter H. Medhurst. In August, 1829 Medhurst stopped in "Tringanu," as the capital Kuala Trengganu was then known, while on his way to China. His account of life in Kuala Trengganu describes the lack of a pervading religious atmosphere and a non-reliance on Islamic law in the courts. Medhurst generally commented on the populous Malay town, noting among other things that principal buildings were of brick, the mosque and the custom house.⁶⁸ Since Malays customarily constructed their mosques out of forest products on wood stilts, this particular mosque was unusual.

Medhurst also commented on the judicial system, which was soon to undergo a marked transformation. The Sultan heard all judicial proceedings, although it appeared to Medhurst that no regular court of justice existed.⁶⁹ He also noted that murder seemed to be condoned basing his opinion on the leniency of punishments. This had resulted in great insecurity in the town, with the result that everyone carried weapons. Within a decade this situation appears to have changed. A European writer, G. W. Earl, noted in 1837 that Arabs, long resident in Kuala Trengganu, had succeeded in the limited introduction of Syariah law.⁷⁰ This law code was not universally accepted because many people continued to favor and to use customary law and old Malay codes. Regrettably, Earl did not

comment whether the Sultan's court had adopted Syariah law as its only basis of law.

More extensive adoption of Islamic law and personnel took place during the lengthy reign of Sultan Baginda Omar. The Sultan appointed the first known Mufti, the highest Muslim legal authority, in Trengganu's history. The man appointed was an Arab named Sheikh Abdul Kadir Bukit Bayas. It is unknown when this individual arrived in the state, nor why he traveled there. Yet Sheikh Abdul Kadir had a reputation as an alim or Muslim theologian.⁷¹ This may indicate that he had journeyed to Trengganu motivated by religious sentiment or simply was a religiously-inclined merchant. The other possible reason for his being in the state was if Sultan Omar had contacted religious authorities in Mecca or elsewhere for a qualified candidate versed in Muslim law to fill the newly created post of state Mufti. Without additional evidence it is not possible to say why such a religious post was created, whether from an indigenous aspiration or influence from abroad.

Despite the administrative appointment of a Mufti, Muslim law and haphazard legal procedure hampered a uniform implementation of religious justice. Adat law no doubt continued a strong force in Trengganu law. The number and distribution of kathis and imams is not known. Furthermore, a clear delineation of their duties is difficult. The imams formed the administrative backbone of the Islamic hierarchy. They led prayers, administered mosque affairs, conducted religious instruction and educated village children. Occasionally they also arbitrated problems and disputes arising out

of daily life, such as marital discord or division of a deceased's estate. Kathis may have performed many of such judicial functions at a local level if they resided in the area.

From the capital in Kuala Trengganu, Baginda Omar personally implemented Hukum Syariah (Muslim law). He also encouraged punishment, such as mutilation for various crimes, and helped spread knowledge of Muslim law. Hugh Clifford noted in 1895 that the Sultan, whom he had never met personally, reputedly acted as a judge in the capital.

Baginda Umar sat in the Balai [Palace] with smiling face, making the grim jests for which he was famous, while he dealt out mutilation or death, or the imprisonment in gaol-cages which is worse than death, in accordance with the strictest spirit of the Hukum Sharā, which, administer it how you will, is no gentle code.⁷²

Implementation of Muslim law by the Sultan himself, with the Mufti giving fatwas or formal legal opinions based on Muslim law, no doubt did much to promote more adherence to religious law. Kathis, below the Mufti in the religious hierarchy, enforced Muslim law at the local level, although the extent of the kathis' role at the local or state level has yet to be defined clearly in nineteenth century Trengganu.

While these initial steps toward expansion of the formal Islamic presence in Trengganu occurred under Baginda Omar, a successor, the scholarly Sultan Zainal Abidin III (1881-1918), initiated more extensive religious reforms. Zainal Abidin personally inspired and indeed instigated many of these changes, the most important being sponsorship of the state's first constitution in 1911, declaring that Islam was the state religion. This preeminent

religious orientation of the Sultan stemmed from his personal devotion to Islam and was fostered by his apparently extensive knowledge of Muslim theology.⁷³ A religious temperament suited the Sultan well in a state where many of his subjects made the pilgrimage to Mecca and even resided there to study before returning to Trengganu.⁷⁴ In this situation

It stood the Sultan in good stead that he knew as much or more about Islam than any of his subjects, and was no doubt well acquainted with the ideas of those Wahabite reformists and others who came to doubt the leadership of rather more unregenerate Rulers in other Malay and--more especially Indonesian--states.⁷⁵

First person English descriptions of Islam in Trengganu, even as late as the end of the nineteenth century, are rare, because the British recognized Trengganu as outside their sphere and in that of Siam. Fortunately a trained observer with favorable inclinations toward Malays visited Trengganu in early 1895 while in pursuit of several Pahang Malay rebels who had fled to Kuala Trengganu. Hugh Clifford noted that under Siam's suzerainty Malay religious sensitivities in the state were frequently offended by the Siamese who seemingly worshiped idols while reciting Buddhist prayers.⁷⁶ In addition to being excellent agriculturalists and peaceful traders with an unwarlike disposition, Clifford felt that "the people of Trengganu are the most zealous Muhammadans in the Peninsula, and since religious teaching among the Malays is the beginning of all learning, their standard of culture is comparatively high."⁷⁷ He attributed this high religious plateau to Baginda Omar's action in retaining at the capital a Muslim holy man with reputed magical powers. The man's descendants continued living in that city. Sultan

Zainal Abidin studied the Koran and Hadith under one of them, Ungku Said Abdul Rahman.⁷⁸ During his reign, which Clifford observed firsthand Zainal Abidin set

an example to his people by a strict observance of the letter of Muhammadan Law, and he does his utmost to enforce a like observance upon his people. Thus all gambling, cock-fighting, and kindred sinful sports are prohibited to Muhammadans. The Sultan not only attends the Mosque in person, and never misses any of the five hours of prayer, but severely punishes recalcitrant church-goers, and those who are detected in neglect of their religious observances. In taking this line he follows the example set by his predecessors, and the result upon the people as a whole has been that the present generation in Trengganu understands the teachings of their Faith, and abide by the tenets which it inculcates--at any rate which is sufficiently rare among Malays. Consequently the people of this State are both more religiously superstitious and more fanatical than are any other race of Peninsular Malays with whom I am acquainted.⁷⁹

Despite the seemingly flourishing condition of Islam in which almost every male was literate in the Malay script and could read the Koran, Clifford warned his readers in the Colonial Office that moral turpitude in Trengganu was sadly very high.⁸⁰ He supported this statement by pointing out the rise in venereal disease since repeal of the Contagious Diseases Act in Singapore. But, the above caveat aside, Clifford regarded Islam highly in Trengganu, especially the "modern" side effect of promoting male literacy. Widespread literacy in turn indicates the existence of a large number of religious schools. In various areas these may have been centered around the local mosque, pondok (hut) schools, madrasah (religious) schools, and suraus (prayer houses) all under the tutelage of well trained guru-guru Islam (religious teachers), or at least by hajis and by syeds (Arab descendents of the Prophet Mohammad) possessing better than minimal intellectual and educational qualifications.

In 1916 British Agent J. L. Humphreys would remark that

Trengganu has a well-deserved reputation for religious learning; there are 6 or 7 Arab Gurus in the neighbourhood of the town, chiefly at Losong and Duyong Island, who attract followers from other States in the Peninsula as well as from Trengganu. Several of them are men of real learning in the Hukum Sharak, live exemplary lives according to Muhammadan standards, and are regarded with general respect.⁸¹

The legal system in the state used the Syariah law in both secular and religious judicial cases. However, Malay adat (customary law or practice) and Western legal accretions tempered and perceptively changed Syariah law in Trengganu. In 1906 Hugh Clifford wrote the Colonial Office on the condition of justice in Trengganu and stated that all civil and criminal cases were tried by Malays based on "Malay and Mahomedan custom."⁸² He also noted without elaboration that many "abuses" still existed in the system. Nonetheless the moderating effect of Malay adat was clearly visible in the legal structure at the turn of the century. Many crimes for which Syariah law required severe penalties, such as mutilation, were commuted as a matter of course in Trengganu to a fine or in some cases imprisonment. For murder a judge imposed a fine of \$1,200 on the defendant to be paid to the deceased's relatives. Malay judges ordered a fine be paid for theft which according to Syariah law should have been punishable by mutilation of a hand. Other violations of the law were dealt with similarly. Unfortunately, it is not known when this moderation of Syariah law with more pragmatic adat occurred, whether in Sultan Zainal Abidin III's reign or earlier.

In the other Malay states as in Trengganu various common Islamic characteristics were evident before the introduction of British

"indirect" rule. Most fundamental was the universal acceptance by all Malays of Islam. The focus of religion was either in the local mosque or, where a village lacked forty-four households, in the surau. In nineteenth century Malay states we notice an increased awareness of Islam at the state level. Some Sultans and other ruling class members perceived a need to appoint high level Muslim officials, namely kathis and Muftis. Unfortunately the motives behind these actions, and indeed when they occurred, has eluded historical record. In any event the west coast Malay states began to progress toward a greater state-wide integration of Islam by such religious officials' appointments. Before additional advancement could occur, these states accepted British Residents who were to influence further religious development.

The east coast states of Kelantan and Trengganu approved British suzerainty only in the first decade of the twentieth century. This delay permitted a longer period for mid-century religious changes to evolve under Malayo-Muslim direction. Thus in these two states prior to the onset of colonialism, high religious officials resided in the capital with others (the kathis) living throughout the state. There also was an increasing reliance on Islamic law in the courts. A greater coordination and centralization of local mosques with the state capital Islamic structure may also have begun. These developments were altered with the introduction of British officials into the states. It is this post-1874 period we will examine in detail in succeeding chapters.

Education and Law in Pre-colonial Malay States

Before concluding, brief descriptions of Islamic education and law will complete this summary of Islam in mid-nineteenth century Malaya. Basic education in Malay states fundamentally consisted of rote memorization of the Koran in small Koran schools dispersed throughout the peninsula. The schools had existed since the fourteenth century days of Sufi mystics. In 1810, Sir Thomas Raffles visited one such school in Malacca, headed by Abdullah bin Abdulkadar (better known as Munshi Abdullah).⁸³ Angered over the level and type of instruction Raffles vowed to establish a "proper" Malay school. The extent and quality of Koran schools in peninsular states remains a matter of speculation.

However, a gauge of peninsular religious education can be made from that existing in the three Straits Settlements. In 1819 the number of Malays attending the five secular institutions in Malacca had declined except for a single school operated by a Malay of Arabic descent.⁸⁴ This particular school flourished. He taught his pupils to recite the Koran in Arabic and infrequently also to write. The other five schools, staffed by the London Missionary Society and other foreigners, used the Bible as the sole textbook. This textbook selection offended Muslim sensitivities and directly resulted in declining student enrollment. In the last decade of the nineteenth century British officials in Perak included Koran classes in government vernacular schools to improve school acceptance and attendance.

Several Koran schools existed in Penang in the 1830's. Newbold deplored the "melancholy" condition of these Muslim institutions.

He described them in detail to emphasize their unacceptability to European educational criteria. No fixed entrance age regulated young boys' entry to Koran classes. Customarily, most boys whose parents could afford tuition joined the school at age six. Physical punishment to spur tired or unwilling memories and other infractions was commonly used. The length of a child's stay at these boarding schools, ranging from one to ten years, depended on his intelligence. Tuition rates depended on parental ability to pay. The teacher received money or goods at the end, not the beginning, of a child's education. If the teacher performed unsatisfactorily, he received no compensation from angry parents. Recourse to judicial proceedings would result in the teacher's disgrace, and consequently this course was never attempted.⁸⁵

Classes usually began at seven in the morning lasting until eleven when a three hour lunch break commenced. Afternoon sessions ran from two until five. During class pupils learned the Arabic alphabet and then read the Koran out loud. Rarely was comprehension of Arabic words taught. Rote repetition of Koranic passages formed normal class drills. If a boy stayed in school after reading the Koran, he advanced to books explaining Islamic doctrines and ceremonies. Writing was also taught. After passing a Koran examination, the boy was circumcised and formally admitted into the community of Islam.⁸⁶

During the 1860's and 1870's indignant Englishmen sought elimination of the above Koran schools in the Straits Settlements and their replacement by government vernacular schools teaching both

the Koran and "practical" subjects.⁸⁷ These non-Malay, predominantly secular educational activities never influenced pre-1874 Koranic education in the peninsular Malay states. In fact, it was improbable that major alterations in Koran schools had occurred anywhere on the peninsula from Johor to Patani in recent centuries. The only exception may have been a gradual numerical and territorial dispersement of pondok (religious) schools during the nineteenth century. This resulted from more Malays having journeyed to Mecca, made the pilgrimage, studied at centers of religious learning, and returned to their native states. As a haji, or one who has performed the pilgrimage, he could easily open a Koran school. However, this expansion remains speculation until definite proof is uncovered.

The informality of the religious bureaucratic and judicial organization was also evident in Muslim law current in mid-nineteenth century Malay states. Simplifying a complex six century process of acculturation of which few details are known, modified Syariah law developed in Malay states, occasionally differing from state to state. Religious law continued to exist along side Malay adat. Religious decisions and interpretations or fatwas resulted in the expansion of Muslim law into areas of personal status and criminal law. Diffusion and incorporation of Syariah law varied and in fact infringed and changed Malay customary law which no longer existed in unadulterated form.⁸⁸

Considering the nascent state of research on Malay legal codes, it would be imprudent to make more than passing remarks at this juncture. That Islam influenced local legal codes and adat is

accepted. How and at what pace Syariah law seeped into local usage remains for the moment unclear. It is possible that popular acceptance and more thorough understanding was widening during the nineteenth century. One inconclusive indication of this phenomena was the large number of religiously-related books in the Malay language. A European-compiled bibliography of published Malay works listed 205 titles in 1880, of which in excess of 40 dealt with Islamic tales and topics.⁸⁹ This list did not include Malay manuscripts or foreign works translated into Malay or Arabic religious and legal books, which also would have influenced literate Muslims in Malay states: Malays, Indians, Indonesians, and Arabs.

Thus, by the last quarter of the nineteenth century peninsular Malaya had been in varying degrees a Muslim area for five centuries. The main characteristics of Islam in the Malay states may be summarized as: a basic religious compartmentalization by state, with Islamic interchange with other states and with the Middle East; relatively unstructured internal state religious organizations; varying Islamic interaction between areas in the same state; limited scope for local, usually meagerly trained, religious officials' energies outside of collection of certain taxes, conducting Friday prayers, living as an example for fellow Muslims, and providing rudimentary educational training for village youth; and possibly close family ties between district religious leaders (kathis) and the ruling class resident in the capital. It was in this setting that Queen Victoria's men entered and hoisted the Union Jack in the western Malay states.

CHAPTER III

BRITISH MALAYAN POLICY IN RELATION TO ISLAMIC LAW

Officially, the British Colonial Office, the Straits Settlements officers, and officials resident in Malay states refrained from interfering in the indigenous Malay's religion, Islam. The Colonial Office committed this intention to paper in separate agreements or treaties with each Malay state. This series of legal documents began in 1874 with the state of Perak and terminated in 1930 with Perlis. With respect to the colonial relationship to Islam in general, its law, judicial personnel, Koran classes, and organization, this official contractual abstinence proved impossible to uphold in practice. Creation of a modern governmental administration meant colonial contact with and regulation of many aspects of indigenous life, land policy, customs, language, and religion. As Roff has noted, British introduction of secular civil and criminal law affecting all facets of life, except, in theory Malay religion and custom, prompted indigenous efforts to implement a more formal body of religious law.¹ The pre-colonial Malay legal system in effect had been an amalgamation of Syariah or religious law and adat or Malay customary law. In the post-1874 colonial period the nine State Councils replaced that dual legal system with one of statutory law.

Referring to British Oriental civilization, Guy Wint described three new types of man emerging in the extensive Indian empire. The

first was metropolitan man, the Indians and Ceylonese. Next was provincial man, the Burmese. Third was frontier man, the Malay. Wint's point was that proximity to the administrative and commercial center and heartland of the Indian empire had a noticeable impact on indigenous development, viz. how closely indigenous figures were able and inclined to imitate their colonial lords. Wint noted that British Oriental civilization developed more highly in the metropolitan heartland than it did in the Indian empire fringe, the Malay peninsula. In India and Ceylon the qualities of the new man approached those of an English subject by birth: he spoke acceptable English, was energetic and self-reliant, and perennially distrusted governmental intentions. Frontier man never quite reached these standards because of the weaker colonial influence and presence upon him.²

An analogy to the spread and development of Islam is also evident in the above statement. From the Middle East (the metropolitan area), Islam spread to India (the province) and beyond. One of these more distant areas was the Malay peninsula. Islam spread and developed in Malaya over a number of centuries during which concessions were made to local circumstances. For example, Malay women never wore veils over their faces as was common in the Middle East. In many other ways Islamic law and custom became tempered by Malay custom. For instance, only rarely did Malay kathis ever punish criminals by mutilation. Instead, the punishment was reduced to a fine that varied from state to state. Syariah law became blurred in Malaya with customary law, resulting in occasional

deviation from strict orthodoxy. With improved interstate and international communication, peaceful domestic conditions, and ruling class inclination, efforts commenced during the colonial era to reevaluate this "frontier" mixture of Islam, especially in the area of religious law.

Usually in a colonial situation, European, in this case Anglo-Indian, legislation would supplement or replace local law. This process began on the Malay peninsula following the formation of a State Council in each Malay state capital. The first Councils were established in Selangor and Perak in 1877.

Modification of the traditional legal system occurred in two phases coinciding with the political evolution on the peninsula. The first phase spanned from approximately 1877 to 1895. During these decades the British Resident and the predominantly Malay State Councils enacted religious legislation applicable to individual states and conditions. The second phase began with the formation of the Federated Malay States (FMS) in 1896 and lasted until the end of the colonial period. During this longer second phase central authorities in the FMS labored to standardize all legislation, including that concerning Islam. Colonial officials sought this standardization not only in the FMS, but also in the former Siamese-Malay states. In the 1930's significant consolidation and standardization of religious legislation enacted piecemeal over the previous half century took place, so that by 1941 there was less diversity in religious statutory law than at any time in Malaya's past.

The indigenous units involved in the post-1874 political changes should be briefly described at this point. The states of Perak, Selangor, Negri Sembilan, and Pahang, the first "protected Malay states," joined together in July, 1896 to form the Federated Malay States. Although the FMS was called a federation, it was really a union. No separation of federal and state power existed, nor were some functions specifically delegated to the states and others to the central government. From its inception there existed the tendency toward centralized control of government. This administrative edifice closely linked the British Resident in each state capital to the Resident General and to the High Commissioner. Federal departments, i.e., public works, water, and education, further unified these four Malay states. The facade of indirect rule ended as colonial officers began to run state governments during the next decades. The former Siamese-Malay states of Perlis, Kedah, Kelantan, and Trengganu, as well as the southernmost Malay state of Johor recognized the increasing British control in the FMS and they refused to join the political body. These five states became collectively known as the Unfederated Malay States (UMS). They preserved greater Malay autonomy than those in the FMS, while undergoing less economic development.³

Enactment of Anglo-Malay Muslim legislation did not mean abandonment of Syariah law or of adat. Rather it codified and modified religious law into statutory law, remaining closest to Syariah law only in matters related to personal status, such as marriage and divorce. The primary deviation from Syariah law in

post-1877 legislation (as in earlier Straits Settlements laws) was a separation of criminal from religious offences, i.e., theft no longer came under religious law. Modern technology, ease of communication, proliferation of governmental activity, and expansion of commercial endeavors by Malays and non-Malays necessitated the enactment of a single legal system, one less subject to regional differences due to custom or to widely varying interpretation of traditional religious law both inside a state and between states. The colonial regime actually helped to spread standardized religious law at the expense of customary law, a simpler system more applicable to the pre-1874 era. Some Malays also recognized the compromises local Islam had made with adat and sought changes. Furthermore, the late nineteenth and early twentieth centuries witnessed increasing international Islamic contact that promoted religious change, both modernism and a return to orthodoxy, though Muslim legislation in the Malay States resulted predominantly from local indigenous Malay and British impulses and perception of a need for change and to a much lesser extent from international Islamic influences.⁴

In this chapter we will first provide a broad examination of the Anglo-Malay treaties from 1874 to 1930 with respect to Islamic references in the agreements. While exclusion of the Malay religion from compulsory colonial advice uniformly existed in each treaty, certain minor variations occurred. Next, we will turn to the post-1874 introduction of a colonial legal policy toward the Muslim community in the Malay states, focusing on the resulting religious

legislation. These laws emerged as both the major British reaction to a multi-religious Malayan society and also as the primary Malay religious response to the development of a complex, modern government. The Malay ruling elite, the Sultans, chiefs, and religious officials, realized that in this transformed setting a more formal and structured system of religious law and administration had to be established. The Malay elite and the British officials responded somewhat differently to this codification of religious law during the Residential (1874-1895) and Federated (1896-1941) periods of the colonial presence in Malaya. Legal developments in the five Unfederated Malay States (UMS) paralleled events in the FMS, once these states came under British suzerainty after 1909.

Anglo-Malay Treaty Relations, 1874-1930

Beginning with the Pangkor Engagement between Great Britain and a number of Malay chiefs in 1874, Straits Settlements and Colonial Office officials put religious affairs in an apparently precise classification permitting little misinterpretation of intent or meaning. The Pangkor Engagement stated that a British officer would live in the Perak capital and that his "advice must be asked and acted upon all questions other than those touching Malay Religion and Custom."⁵ This stipulation had its origin a half century earlier in a "Memorandum by Sir Stamford Raffles." That British proconsul and founder of modern-day Singapore advised that

In all cases regarding the ceremonies of religion, and marriages, and the rules of inheritance, the laws and customs of the Malays will be respected, where they shall not be contrary to reason, justice, or humanity. In all other cases

the laws of the British authority will be enforced with due consideration to the usages and habits of the people.⁶

British authorities followed Raffles' advice in subsequent treaties until 1886. In that year the Straits Settlements Governor (Weld) and the Datoh Penghulu of Jelebu (Syed Ali bin Zin Al Jafri) signed an agreement which enlarged the range of indigenous government and life that was to be subject to Residential "advice." The Jelebu Agreement guaranteed that only Islamic issues would be free of colonial involvement.⁷ The broad and complex subject of adat for the first time legally came under British scrutiny. Within a decade a similar broadening of Residential powers occurred in three other Malay states.⁸

The four former Siamese-Malay states and Johor, accepting British suzerainty in the twentieth century, fared somewhat better in terms of power remaining under indigenous control. Only in Trengganu did British officials subject custom to compulsory advice.⁹ To date no satisfactory explanation has been given why adat was or was not excluded from the Resident's or Adviser's advice. However, as we shall demonstrate below, the question is academic and no complaints were registered over the changes in 1886 or subsequently. The numerous treaty prohibitions mattered only slightly to the British officers scattered throughout the Malay states who were faced with the everyday tasks of organizing modern administrations. In that situation, if a religious issue arose, such as moving a Muslim cemetery to make way for a railroad, the colonial officer reached a decision, frequently in consultation with Malay leaders, but usually having his opinion accepted.

The fundamental situation of the Malay community was that traditional life, religion, government, law, and custom were all interdependent and intertwined. They formed the whole of Malay existence. Before 1874 tradition or custom dictated the limits of Malay government, responsibilities of district chiefs, succession to such positions, taxation levels, and all other aspects of decentralized rule. Contemporary Englishmen resident in the Straits Settlements or in the protected Malay states recognized this complex relationship, even if few of them completely understood it. Furthermore, they acknowledged the Malay identification with Islam. Being on the "frontier" of international Islamic expansion meant, in the Malay case, less thorough adherence to Islamic doctrine by the populace. Yet, as described above, the religion in a hybrid form was practiced by all Malays. Colonial authorities also apparently recognized the difficulty, if not danger, of suddenly separating Islam from Malay custom in a treaty introducing a British officer in a Malay capital. In this initial treaty contact stage (1874-85) Straits officials exempted these two areas from their official advice. For reasons, as yet unexplained, colonial officials left only Islam excluded from British advice by 1886 and in subsequent treaties with the western Malay states. Because no threat of rebellion seemed likely as a result of the change, the new treaties were drawn up.

During the initial two decades of British involvement after 1874, officials administered (if not created) Anglo-Malay governments. While the Colonial Office officially adopted a "hands off" policy

with regard to Islam, unofficially such a policy encountered difficulties as the new administrations expanded into more and more areas of Malay life. The British established State Councils in each state to enable Malay and other racial community and commercial leaders to participate at the apex of state government, if not in real administrative power and decision-making. The Councils dealt with religious matters, and no complaint was ever registered against this inclusion of Islam under the Councils' jurisdiction. Through piecemeal decisions the State Councils came to create a body of statutory Muslim law. However, due to differing circumstances, goals, and priorities, this process proceeded at varying speeds in the different states.

Before turning to an examination of this body of religious law as enacted by individual State Councils, a central question in colonial Malay history with respect to Islam must be raised. What was the significance and extent of these treaties in prohibiting or inhibiting British interest and action in Malay religious or customary matters? Fundamental to an answer was the relationship of each Malay state to Great Britain after a treaty was signed introducing British Residents or Advisers. Roland Braddell, a Straits Settlements lawyer and third generation resident in the colony, analyzed in 1931 the precise legal and constitutional status of the Malay states through a review of Anglo-Malay treaties. He noted that protected states, as in Malaya, did not legally constitute an integral part of British territory, as, for example, did a colony, and no treaty clause permitted a Resident to rule a Malay state.¹⁰ Ostensibly

the treaties were signed to protect and to assist Malay Sultans rule their own states. The ulterior motives for British intervention need not concern us here.¹¹

A common official assumption underlying these treaties was that the Sultan would rule and the Resident would advise. After the Pangkor Engagement of 1874 between Great Britain and Perak subsequent colonial instructions reiterated this point.¹² The fact that such instructions had to be issued indicated that treaty legalities were not being observed in practice. Hugh Low, the third Resident of Perak, asked who it was that he was supposed to advise.¹³ Following suppression of a Perak uprising a year later, the state had no ruler. All the major chiefs except one had been exiled or executed by the victorious British. Low argued that he must be able to control this individual, the heir apparent, if any progress was to be accomplished in Perak and he accepted full responsibility for his actions.¹⁴ In 1878 the Straits Settlements' Governor (Robinson) replied in surprising candor that "the fiction (if such you prefer to call it) that the Residents are merely advisers must be kept up."¹⁵ Thus, within four and a half years of the Pangkor Engagement, a key colonial officer admitted that there existed little relationship between the theory and practice of the 1874 treaty.

The Sultans became figure-head rulers after signing treaties similar to the Pangkor Engagement. Hugh Low and Frank Swettenham created the Residential system of government in Malaya (1874-95) and their actions and powers became the norm for contemporary and

future Residents and, after 1909, Advisers. The Selangor Resident (Douglas) indicated the extent of his power. He told a visitor in 1879 that he feared the possible accession of Raja Musa to be Sultan because the man was strong-willed and might be "something more than a mere figure-head prince."¹⁶ Almost two decades later the Resident of Perak (Treacher) noted that the reverse of the 1874 treaty's intent had been realized. Treacher stated that "His Highness the Sultan maintained his interest in the advancement and development of his State, and acting with unfailing tact and courtesy, was always willing to advise and assist."¹⁷ The Sultan advised the Resident in administering his own state! The true relationship was being publicly acknowledged.

Social disintegration, economic dislocation, and civil war had preceded British intervention in Perak, Selangor, Sungei Ujong (enlarged and called Negri Sembilan in 1895), and Pahang. A case can be put forward, as it was by Low above, that more than mere advice was necessary to establish or reestablish an effective government, based on the British model. Because of this circumstance, the Colonial Office admitted that the Residents needed wide discretionary powers but urged the Straits Settlements Governor to oversee the Residents' actions closely.¹⁸ The Governors, however, allowed on-the-spot officials wide latitude in forming viable administrations. While enjoying such freedom, colonial officials still publicly stated that they endeavored to interfere in the indigenous and the immigrant communities' customs and way of life as little as possible and totally refrain from any interference in the Malays' religion.¹⁹ In

such a way, the Anglo-Malay treaties were reaffirmed and support for them demonstrated. However, when specific instances of disagreement arose relating to the above subjects, it was the colonial officer who lived in the Malay state whose conviction or conscience dictated policy, not a treaty.

Disturbances leading to the introduction of British officers in the FMS mentioned earlier did not occur in the Siamese-dominated Malay states or in Johor immediately prior to British intervention. Treaty prohibitions against tendering compulsory advice in religious matters were not observed there either, despite stable regimes under the Malay Sultans. Other conditions such as the time of British intervention, current Colonial Office policy, local conditions immediately prior to the Anglo-Malay treaties, racial composition, or distribution of the Malay populace also had little impact on inhibiting colonial officers' dispositions toward dealing with religious or customary questions when they arose. For elaboration on the situations in Kelantan and Trengganu, see Chapters V-VI.

One additional condition that possibly influenced observance of treaty stipulations was the rank of colonial officer in each Malay state. This is raised because it is often said FMS officers had more power than those in the UMS. The top British official in the FMS was the British Resident; in the UMS, the Adviser; and in Johor, the General Adviser. Despite the different titles, these top officials functioned similarly with the Residents possessing the largest degree of local administrative freedom and power and the General Adviser possessing the least.

The degree of difference was, however, not important. In general, these officials attempted to observe Malay religious sensitivities. But, if motivated by conviction on a particular issue, they were ever ready to see that their suggestions were accepted by the Muslim community. This same preference existed throughout the colonial administration. For example, the District Magistrate in Batang Padang, Perak interceded in local judicial proceedings. He stopped local imams from handling the offence of adultery as a penal offence in the 1880's.²⁰ In another instance the Kedah Adviser sought and received State Council approval in 1911 to postpone temporarily the construction of a new state mosque and instead to emphasize road building programs in the state.²¹ In essence, the practical necessities of British colonial government negated treaty stipulations against interference in religion or custom.

By the 1920's the FMS Chief Secretary admitted the impracticality of such stipulations. He directed Residents to decide all issues relating to kathis and assistant kathis.²² These religious magistrates along with local imams were the backbone of Islam. However, the Chief Secretary made one concession to indigenous opinion. The Residents could either decide these issues personally under the broad direction of the General Orders or, if they desired, refer the issues to the State Council. In either eventuality the Muslims would be advising the Residents on religious matters, again the exact reverse of the original intent of the intervention treaties.

Thus, we return to the question about the significance of treaty stipulations concerning indigenous religion and custom. With

respect to Islam, events in each state generally paralleled those in every other Malay state under British protection. The treaties produced no fundamental differences in the degree of British concern for religious affairs or for customary matters, which were so broad as to include most aspects of Malay life. The result was that the treaties, while always officially supported, were only observed in practice when it suited British interest, disposition, or policy.

Anglo-Malay Religious Legislation, 1877-1895

Sir Richard Winstedt, the Malay scholar and career colonial officer in Malaya, has written that "Malays saw the desirability of interference with their religion and custom."²³ As Chai Hon-Chan has noted, this was a flagrant rationalization after the fact.²⁴ In this and subsequent chapters we will examine instances where Islamic religious officials did indeed object to British interference in Muslim affairs with mixed results.

Extensive analysis of Malay religious motives and aspirations during the 1877-1941 period is a difficult and hazardous undertaking for two reasons. First, the major corpus of source material for the pre-World War II era is published and unpublished British colonial records which only rarely contain information relating to non-British attitudes or opinions on any issue. Second, there are virtually no nineteenth century Malay autobiographies with very few appearing in the first four decades of the twentieth century.²⁵ The abundance of the former and scarcity of the latter forces dependence on official British sources. In some aspects of Muslim history in

Malaya this situation is disadvantageous, for example, when investigating local mosque affairs or the appointment of most lower Muslim functionaries (imam, bilal, khatib, and siak). In other respects this reliance on colonial sources is illuminating. This is most evident in a survey of Anglo-Malay religious legislation.

The focal point of Malay participation in the colonial regime was the State Council, established in each Malay state soon after the arrival of a British officer.²⁶ The Sultan and key members of the ruling class were members, as were representatives of the non-Malay population in the state. Usually the Sultan was president of the Council, but the Resident (or later the Adviser in the UMS) controlled the agenda. This power enabled the Resident to censor and delete items from the agenda if he was so inclined. It also left no doubt as to who controlled the State Council, namely, the British Resident. The Malay and other members were in Council to advise British officials.

During the 1877-1895 period Council religious legislation can be divided into two categories, establishment of a modern court system and enactment of statutory law. The prime motivators for the new court apparatus appear to have been the British. However, Malay Council members also reevaluated contemporary religious law and enforcement in light of altered domestic conditions resulting from the colonial presence.

During the first several years of Residential administration British officials established various secular judicial courts in the western Malay states. The Resident or another colonial officer

presided as judge, in effect, assuring executive control of the judiciary. By about 1890 the Perak and Selangor Residents' duties had increased to the extent that they heard only civil appeals and capital offence cases. Their replacements were the chief or senior magistrates. District officers heard the lowest level of cases. As in the Straits Settlements, both Selangor and Perak adopted Indian Civil, Penal and Procedure Codes. Seven levels of secular and religious courts were established in the Malay States: Residency Court, Senior Magistrates Court, Courts of Magistrates of the First, Second and Third Class, Courts of Kathis and Assistant Kathis, and Courts of Penghulus (headmen). The Sultan in Council functioned as the final court of appeal in all cases.²⁷

This ongoing process of colonial civil and criminal judicial reform naturally prompted an indigenous response. Selangor Malays took the lead in establishing state religious administrative and judicial systems. In 1877 the State Council defined the jurisdiction of an imam and Sultan Abdul Samad began issuing appropriate kuasas (letters of authority).²⁸ The Sultan signed these letters and the Resident countersigned them indicating colonial approbation of the candidate. It also meant that the Resident possessed veto power over the candidate. Furthermore, it boldly demonstrated British surveillance of religious personnel. These functions violated both the letter and spirit of Anglo-Malay treaty prohibitions against such interference. A similar example of growing British interest in and control of Muslim affairs occurred in Perak in 1880. In that year the Resident secured the appointment of an Anglophile, malleable

Sumatran Malay as the state's kathi to fill that vacant office. The Selangor State Council also appointed a kathi in 1885. These two Anglo-Malay Councils thus took the lead in appointing kathis in their states, establishing the central Muslim official around whom the Islamic judiciary could grow during the colonial period.²⁹

Through these decades, the Malay State Councils defined kathi courts, duties, and jurisdiction in comprehensive legislation covering criminal and civil courts. Criminal law became the preserve of the secular colonial courts, while the primary functions of the religious courts were registration of Muslim marriages and divorces and interpreting minor points of Syariah law. The Selangor (1885), Perak (1890), (old) Negri Sembilan (1893), and Sungei Ujong (1894) courts' enactments were almost identical, with minor variations occurring in the latter two states' legislation. For example, the Yam Tuan of Sri Menanti and chiefs in Council acted as the final court of appeal rather than the Sultan in Council. One innovative variation was the (old) Negri Sembilan formation of courts of lembaga (ancient customs) to try cases relating to adat. Pahang, somewhat tardily, did not legislate on these judicial matters until after 1895.³⁰

The convergence of religious legislative activity by the 1890's emerged from different Anglo-Malay religious priorities in each state. Initial priority difference can be illustrated by reviewing the first piece of Islamic-related legislation passed by each of the State Councils. The legislation dealt with the following topics: Selangor defined an imam's jurisdiction (1877); Perak prohibited kathis from

receiving religious tax money (1880); Pahang provided for registering Muslim marriages and divorces (1885); Sungei Ujong prescribed monetary penalties for absence from Friday mosque prayers; and (old) Negri Sembilan prohibited the borrowing of money to finance a pilgrimage to Mecca (1891).³¹ From this diversity of interest there gradually emerged common legislative priorities relating to registration of Muslim marriage and divorce, appeal procedure from Kathi Courts to the Chief Kathi, and prevention of adultery.

The available colonial evidence makes it impossible to discern in every case whether the Resident or the Muslim State Council members first suggested these orders in council. For instance, Sultan Idris of Perak was the first to recommend changes in Muslim divorce procedure.³² Similarly, in Selangor colonial officials exchanged a series of minutes on registration of Islamic marriages and divorces.³³ British officials were concerned with establishing some regulation of Islam based on Council legislation that they could influence. Relevant legislation from India and the Straits Settlements frequently became models for Anglo-Malay religious law.

The approximately dozen pieces of Muslim legislation in the various states by 1890 established a Muslim judiciary, empowered by the Sultans or Yang di-Pertuan and approved by the Residents. The transformation from a less structured pre-colonial religious judicial system to a more structured, hierarchical system caused some distress to the Muslim community. Malays registered complaints in various states against the kathis. Further dissatisfaction arose over the applicability of Syariah law to the modernizing Malay states.

Complaints of an unknown nature by Muslims against the Selangor kathi prompted the State Council in 1890 to propose a reduction in that official's powers.³⁴ The time was opportune for a reevaluation of the kathi's position in the state because the incumbent, Sheikh Ahamad, [sic] had recently retired. No one was immediately appointed to succeed him and the Resident recorded a Council proposal to transfer marriage and divorce cases previously heard by the kathi to a mixed court presided over by the European Chief Magistrate, assisted by the kathi and possibly other religious legal experts. While the fate of this proposal was not recorded by the Resident, it demonstrated an increased awareness of alleged abuses of an unspecified magnitude in the Muslim judiciary. Council was prepared to redress any blemishes that developed in the system's operation. A similar mood for change prevailed in Perak. It resulted in a State Council resolution that religious law penalties for adultery and incest were not applicable in the present era.³⁵

Anglo-Malay Religious Legislation, 1896-1941

Formation of the Federated Malay States in 1896 signaled the end of a more or less official laissez-faire colonial policy toward Islamic affairs. Treaty prohibitions against religious interference, if they had ever meant anything, were regularly ignored in practice by both the Colonial Office and FMS officials. The fundamental reason for establishing this colonial amalgamation was to reduce interstate legal, administrative, and other differences among the four Malay states. With the passage of the "Muhammadan Marriage and Divorce Registration Enactment, 1900" by all four states, the movement

toward Islamic legislative standardization began. It continued in this piecemeal form until all nine Malay states passed comprehensive Islamic enactments in the 1930's. Usually only minor differences in religious legislation existed between the states as, for example, varying titles for religious functionaries or different fees charged for registering marriages and divorces. These variations in no way diminished the significance of the FMS standardization trend.

In the first two decades of the twentieth century the Siamese-Malay states and Johor came under British suzerainty. Despite the shorter period of colonial experience in these five states, religious legislation soon began to imitate that already passed in the FMS, which had frequently based its enactments on those in the Straits Settlements. The basic movement in twentieth century Malaya was thus toward greater legislative uniformity and increased centralization of the religious establishments. This latter development will be covered in the three case study chapters.

After 1896 most FMS religious legislation was centrally drawn-up and distributed to the four State Councils and rulers. After 1909 the drafts were occasionally also sent to the UMS. This procedure raised questions about the propriety of violating the Anglo-Malay treaties with respect to Islam. In 1900, a Colonial Office official (Lucas) stated that such a legal procedure seemed a "breach of our promise" to the Malay Sultans.³⁶ Yet, while Lucas was questioning FMS legislative practice, the FMS Legal Adviser (Berrington) was urging passage of comprehensive religious enactments modeled on the Straits Settlements.³⁷ Berrington wanted the Residents and Malay

rulers to enact legislation similar to Strait Settlements Ordinance V of 1880, the "Muhammadian Marriage Ordinance."³⁸ The Residents approved of Berrington's views but felt that it was not an opportune time for such comprehensive legislation in the Malay states.

In addition to such infrequently expressed doubts over this policy by Colonial Office, FMS, or UMS officers, the Malay ruling class and ulama sometimes opposed colonial interference in Muslim and customary affairs. For example, the Malay elite in Kelantan opposed the British Adviser's (Graham) replacement of parts of Syariah law with statutory law.³⁹ In spite of this opposition, the State Council under the Adviser's supervision passed the objectionable legislation. Prior to these reforms, Muslim law, tempered by adat, prevailed in all Kelantan courts. For example, oral evidence was accepted unless given by a woman in which case it was inadmissible.⁴⁰ The offence of murder was punishable by a fine ranging from \$10 to \$10,000. Concerning theft, Muslim law decreed mutilation as the proper punishment. However, the customary punishment in the state was usually a small fine. In spite of local opposition Graham continued to reform the Malayo-Muslim legal system. The results of such colonial interference will be described in Chapter V.

With respect to all legislation the key figure in the FMS was the Legal Adviser. This official described his job as one of "advising the Resident-General, the Federal Officers, the Residents of the four States and their officers, and . . . drafting Enactments and legal instruments."⁴¹ In the FMS once the State Councils passed an enactment, it became law. That is, the English version became law.

Malay translations, whether in rumi (Roman characters) or jawi (Arabic script), had no legal force.⁴² The situation was reversed in the UMS where the Malay enactment, not the English translation, had the force of law. The Malay ruling elite's success in this case was a bit ironic because frequently proposed legislation was drawn up in English and translated into Malay for passage by the State Council!

The FMS formation and the appointment of the Legal Adviser marked a new era in Malay religious legislation. Whereas, during the Residential period the Resident and occasionally his subordinates reached ad hoc administrative, economic, and other decisions in no regular pattern and at no uniform pace, during the post-1896 era important FMS policies and decisions were felt to require standardization and coordination. Government had become too complex and interdependent for continuation of the earlier hybrid style of paternalistic rule inside and outside the State Councils. After 1896 there was a continuing penchant for standardizing and regularizing all governmental activity.

This inclination-cum-policy also extended to individual state Islamic functions, administration of religious affairs, and the legal system. A review of the titles and the number of newly enacted Anglo-Malay religious legislative acts at first seemingly indicates considerable divergence from that policy. The Legal Adviser noted this "divergence from the principle of uniform legislation for all the States, [but] there are really only a few of the Enactments mentioned above which have not their counterparts in each State,"⁴³

In this section we shall provide a short, general description of colonial regulation of the Islamic court system that had developed during the Residential period and briefly review the codification of Muslim law into statutory law. As stated above, the primary British reaction to contemporary Islam was to legislate changes, especially with regard to the Muslim courts. Malay and British leaders scrutinized and defined the position and function of kathis in the emerging religious court system. The result of these endeavors was increased British control and supervision of both the Muslim courts and their judges.

With the development of a statewide religious court system, Malay and British Council members focused their energies on a codification of religious law, especially Muslim marriage and divorce and an itemization of religious law offences. This process began around the turn of the century with the passage of the principal enactments, which were revised around 1915 and included in the consolidated and comprehensive religious legislation in the decade after 1930. The major characteristic of Anglo-Malay religious relations between 1896 and 1941 was the incorporation or at least the association of Islamic affairs, administration, and justice within the colonial regime. Enactment of statutory religious law was the tool used by the British in this process.

Within five years after the establishment of the FMS, identical religious court systems were created. The State Councils in Perak, Selangor, and Pahang passed equivalent civil and criminal courts enactments in 1900. A year later Negri Sembilan followed with a

similar piece of legislation. The main provisions of the Perak, Selangor, and Pahang enactments were these: the Sultan in Council lost his legal authority to a newly formed Court of the Judicial Commissioner; kathi or assistant kathi court appeals were transferred to the Court of the Senior Magistrate (in 1905 to the Judicial Commissioner); distinguished Malays would assist in Muslim appeal cases; and disobedience to kathi, assistant kathi or penghulu court orders would be enforced by the Court of the First Class Magistrate. The 1901 Negri Sembilan enactment included minor changes from the 1900 legislation resulting, as in those enactments, in a greater reliance on colonial courts and secular police. One important change in the Negri Sembilan enactment concerned the transfer of some of the Yang di-Pertuan's powers. Prior to 1901 he decided all kathi court cases in Sri Menanti because the current kathi was a figure-head. He also enforced his own decisions. The 1901 enactment transferred this kathi court to Kuala Pilah with the power of enforcing court decisions going to the police. In addition, local chiefs, not the head of state as previously, signed the kathis' kuasas. Malay disagreement with various sections of the enactment, especially a European judge hearing Islamic appeal cases, was voiced at the 1903 Conference of Chiefs attended by the three Sultans and the Yang di-Pertuan. A subsequent 1905 court amendment enactment took no cognizance of these Malay protests.⁴⁴

Part of the heightened British interest in the Muslim court system was sparked by the complaints against local kathis. At the root of the problem was the absence of regular criteria in the

selection and evaluation of religious judges. This resulted in judges possessing uneven levels of judicial competency. As will be noted in the next chapter, the Perak State Council in consultation with the Chief Kathi began to hear complaints against kathis, evaluate qualifications, and decide transfers, as well as set salary levels. Due to the number of Javanese immigrants in Perak, the State Council selected Javanese headmen as assistant kathis as a matter of convenience. Selangor duplicated this arrangement by 1909. All four states came to possess identical kathi and assistant kathi selection, appointment, and other procedures within the next decade. By 1941 the State Councils had appointed a kathi and sometimes also an assistant kathi to every district in the FMS. A similar religious court expansion in the UMS paralleled this growth.⁴⁵

Religious courts only partly occupied colonial attention with regard to Islamic affairs. Within three weeks of the official FMS birth in July, 1896 the Perak State Council ordered a subcommittee to prepare a revised Muslim marriage and divorce bill.⁴⁶ Three years later the British Resident lamented over the difficulty of codifying parts of Islamic law with its Malay adat accretions.⁴⁷ Consideration of this bill and also a comprehensive religious law bill were also carried out in the other states. However, the Sultans, Yang di-Pertuan, and Residents could not agree on the final form of a general Muslim law code. Lack of unanimity resulted in the four State Councils enacting only the more specific marriage and divorce registration enactment in identical form. Drawn up by the Legal Adviser and based on the Straits Settlements Ordinance No. V of 1880,

the FMS enactments required a husband or wife's guardian to report the marriage or divorce to the kathi or assistant kathi soon after the event.⁴⁸ It is very significant in this first piece of common FMS religious legislation that a European drew it up and that, despite Malay opposition by the Yang di-Pertuan and Dato Bandar in Negri Sembilan, the four Residents secured the bill's passage.⁴⁹ The only variations among the four separate enactments were the titles of registering officials and the amount of fees for certificates.

The Malay input into the codification process increased after this first common FMS effort. In 1903 and 1904, the Malay rulers, Residents, Resident-General, and FMS Legal Adviser discussed at length the draft Muslim offences enactment. After the 1903 Conference of Rulers (Durbar) in which the Sultans and Yang di-Pertuan requested changes, the Legal Adviser redrafted the bill, the Muhammadan Laws Enactment, 1904.⁵⁰

The revised bill applied only in cases where both parties were Muslims. The Negri Sembilan chiefs and Yang di-Pertuan also objected to a provision permitting a magistrates' court with a British judge hearing cases in the absence of a penghulu court.⁵¹ They wanted the kathi court to try such cases. Colonial authorities agreed to this request and submitted the amended bill to the FMS State Councils.⁵² The Legal Adviser, as in 1900, complained that the enactment, passed in all four states, was not a code of Muslim law or of Malay custom "but contains only what the native Rulers have practically agreed about and desire."⁵³ The Colonial Secretary (Lyttleton) queried whether he should approve this enactment since it "is of somewhat

unusual character, but as it deals with matters which are regarded by the Native Rulers as affecting their religion, and after long protracted consideration" he sanctioned the enactment.⁵⁴ High Commissioner Swettenham recommended such a course of action. Lyttleton added that he wanted a report on how the enactment was working in a year.⁵⁵

By 1915 the legislative procedure with regard to Islamic bills had become clearly established. Suggestions for new enactments or amendments to existing legislation came from concerned Muslims or colonial authorities, usually expressed in State Councils by the Malay rulers or chiefs. The key figure in drafting proposed legislation was the FMS Legal Adviser. There would then be discussion both inside and outside the State Council before a bill was enacted into law. Illustrative of this procedure is the following brief example. In 1913 the Dato Klana recommended in the Negri Sembilan State Council that operating a provision shop (small shop selling food and other necessities) during the fasting month between 6:00 a.m. and 6:00 p.m. should be a punishable offense for Muslims. In this case a Residents' Conference decision in 1914 limited the prohibition to only cooked provisions. The Legal Adviser prepared a draft enactment and submitted it to the State Councils. At this point Council members recommended alterations in the draft, amending it by adding "for immediate consumption" after the provision shop phrase. The draft then passed in this amended form. The Legal Adviser was upset over the change, claiming that it made the law unenforceable, but he took some comfort in the fact that the Penang

State Council exercised "wise discretion" and discarded the whole bill.⁵⁶

This brief historical outline of religious legislation to 1915 illustrates a few points concerning the legislative process in colonial Malaya. Religious affairs were state matters that could not be handled in the FMS capital, Kuala Lumpur. Colonial authorities had difficulty in forcing unacceptable Islamic legislation through the State Councils, although it appears they had some success in doing that around 1900. The ruling Malay elite, both secular chiefs and religious officials, particularly in Perak and Negri Sembilan, thoroughly deliberated on the provisions of such Islamic enactments, weighing the impact on their states. Malay Council members were gaining increased confidence in their abilities and importance in Council affairs. Furthermore, when possessing deep conviction on a particular issue, they convinced the colonial authorities to accede to their collective will, as demonstrated earlier.

No dramatic change of heart or policy occurred around 1915 with respect to colonial attitudes towards Malay religion. The main obstacle to the Legal Adviser's efforts to induce the State Councils to pass in toto his draft enactments was the Agreement for the Constitution of the Federal Council in 1909. Section 9 of the Agreement stated that religious matters were to be dealt with by State Councils not the newly established Federal Council.⁵⁷ This treaty between the FMS rulers and Great Britain strengthened the legal position of the State Council as the principal focus, forum, and font of Islamic legislation. No mention was made about the

FMS Legal Adviser's relationship with this legislation. Lacking a specific ban against such activities, he continued to draw up all enactments for Council discussion and passage. The significance of the Agreement was that it weakened the Adviser's (and Residents') power to coerce Council members to enact legislation when they objected to such a course of action. By 1914 or 1915 Malay resolve in such matters was becoming noticeable.

The year 1915 was especially noteworthy for one change in Anglo-Malay Islamic relations. In that year the responsibility for hearing kathi court appeals in the FMS was transferred from the Court of the Judicial Commissioner to the ruler in Council or to a State Council committee appointed for that purpose.⁵⁸ The next quarter century witnessed an expansion of State Council committees and subcommittees dealing with many facets of Islam, i.e., appointment of kathis and assistant kathis, salary schedules, promotions and transfers, religious education, and so on. These committees consisted of Council members appointed by the ruler in Council. Prominent Muslims, as well as the Chief Kathi and Mufti, assisted the committees. These State Council bodies broadly administered religious affairs in the four FMS in addition to Perlis and Kedah in the UMS. There is no indication from the colonial records during 1915 that the British had any conception of the farreaching impact of the transfer of kathi court appeals from the European judiciary to a Muslim-staffed body. After that year Malay Muslims took an increasing role in the development of a more modern, structured religious establishment.

Although the Siamese-Malay states and Johor accepted British suzerainty beginning in 1909, little difference in Anglo-Malay religious relations developed from the pattern established in the FMS. A state official, either the Legal Adviser or the British Adviser, drew up almost all legislation, including that touching on Islamic questions. Frequently the official modelled his legislation on that already passed in the FMS. For example, Trengganu often copied the Islamic legislation on neighboring Johor which in turn had based its legislation on that in the FMS or in the Straits Settlements.

A survey of UMS Council minutes, where they exist,⁵⁹ gives one the impression that local religious leaders and concerned Muslims possessed a greater voice in religious legislation there than was the case in the FMS. In addition the centralizing force of the FMS was not as strong in the UMS as it was in those states, permitting more freedom in religious, as well as other, matters. Not being in the FMS also allowed greater local initiative in sponsoring and writing Islamic legislation. For example, in 1911 the Chief Kathi of Perlis, Haji Mohamed Nor drew up and the State Council approved a fasting month notice.⁶⁰ Additional examples of the Chief Kathi's participatory role in Islamic legislation can be found in the Council minutes. This situation contrasted with that in the FMS where Councils rarely issued notices or passed enactments not written by the Legal Adviser. Furthermore, the Chief Kathi often was not even a Council member. The greater UMS legislative latitude also resulted in enactments occasionally being closer to Syariah law than equivalent

legislation in the FMS, for instance the Kelantan "Muhammadan Marriage and Divorce Enactment, 1938."⁶¹

After 1915, Islamic legislation in all the Malay states continued the pre-1896 trend of dealing piecemeal with the codification of religious law, i.e., cemetery reserves, kathi rules, religious law offenses, Muslim trusts, and so on. The primary reason for this situation was a lack of unanimity among the FMS Malay rulers and interested Muslims. The more decentralized UMS also dealt with religious issues one at a time. It mattered little if religious affairs were dominated by Islamic committees in Council, by religious departments, or by a Muslim council. By 1930, however, the corpus of religious enactments had increased to the point where it was cumbersome because of its sheer magnitude. The peninsular effort to consolidate earlier religious legislation into a single statutory code began in Kelantan in 1928. For example, in that state existing Islamic legislation was found in eight enactments and over thirty notices.⁶² A committee, composed of the Legal Adviser, Mufti, and others, studied the problem and suggested a comprehensive Muslim law enactment. After a series of drafts three extensive enactments dealt with the major aspects of Islam in the state: religious offenses, marriage and divorce, and general administration.⁶³ The other Malay states passed similar legislation about the same time.

The Islamic statutory law passed by the nine State Councils between 1877 and 1941 standardized religious practice, ceremony, administration, and justice within each state and reduced the differences between states. In the following examination of Islam

we focus on the religious administrative similarities and differences in three states looking first at State Council committees, then a religious council, and lastly a religious department.

The three case studies that follow will examine in detail the interaction in religious affairs between a Malay elite and British colonial officials. The case studies will illustrate that the Malay elite, as well as British authorities, cooperated in the institutionalization of Islam, each for its own reasons. The Malay elite saw the establishment of centralized religious bodies as ways to minimize colonial control over Islam while strengthening their own positions in the government and in Malay society. The British Resident or Adviser encouraged these activities. Barred by treaty from organizing such centralized Islamic administrative bodies, the British supported the efforts to do so by a known socio-political commodity, the Malay elite. In this process the Malay Sultans participated in only a minor fashion.

CHAPTER IV

RELIGIOUS COMMITTEES AND SUBCOMMITTEES:

THE CASE OF PERAK

Of the three types of Islamic supervisory and bureaucratic organizations outlined earlier, religious committees and subcommittees developed gradually in Perak. These bodies evolved as a natural extension of the Perak State Council. The Council, established in 1877, was the highest state administrative body in which Malays, usually of royal or aristocratic background, participated. Fundamentally, the State Council was a British-inspired consultative body to advise the colonial civil servants of Malay, Chinese, and unofficial opinion on recent modernizing changes and on other issues. It was also meant to involve the Malay elite in the new government.

Ideally, the Resident's awareness of the elites' feelings would result in legislation accurately reflecting its viewpoints, both in secular and religious matters. As State Council membership grew from eight members in 1877 to almost thirty members in the mid-1930's, discussion and debate became increasingly laborious. Significant Malay elite input in State Council affairs declined as the technical problems of railroad construction, land registration, export duties, etc., became more complex. The union of four Malay states in 1896 further eroded Malay participation in Perak affairs as the Resident-General and the FMS secretariat made decisions that

once were the prerogative of the State Council. The British proceeded to push non-productive or non-economic religious issues into the background and they were seldom discussed or at least were not recorded in the Council minutes. Frustrated Islamic sensitivities among the Malay elite slowly emerged. These members encouraged the Perak State Council to create several committees and subcommittees dealing with Islam and Malay custom.

The suggestion of a council to assist colonial rulers in Perak was not an original idea. Malay Sultans historically had assembled councils of prominent chiefs to tender counsel and to assist in decision-making. The consultative process sought to optimize state-wide support for these decisions. For example, in seventeenth century Johor the administrative and power structure consisted of the Sultan, his chief ministers, and the Council of the Orang Kaya.¹ This Council advised the chief minister. It represented the royal family and regional power centers within Johor that the Sultan recognized and from which he derived his power. It was this Malay institution of consultation and compromise that the Colonial Office sought to establish in Perak, a state with two Sultans in exile. The British perceived the necessity of including Malay chiefs and royalty in the proposed council with representatives of other important groups in the state, i.e., Chinese secret societies and later British commercial interests.

The establishment of a State Council in Perak followed in the wake of the turbulent events earlier in the 1870's. For complex reasons² British officials in the Straits Settlements intervened in

Perak's secular internal affairs in the early 1870's. Intervention resulted in the signing of the Pangkor Engagement in January, 1874, as noted in Chapter II. The Straits Settlements Governor Andrew Clarke disdainfully said that "The Malays, like every other rude Eastern nation, require to be treated more like children, and to be taught . . . good government and organization."³ Out of these sentiments grew the euphemistic term of indirect rule for describing British protection of Perak and the other Malay states. Colonial arrogance toward traditional Malay government and institutions quickly spawned dissent and finally armed rebellion in 1875.

A brief period of ambivalence and even disregard for indigenous sensitivities, both religious and secular, by local British civil servants and the distant Colonial Office lasted until the shock of Malay rebellion. After the first British Resident J. W. W. Birch's murder in 1875, the Governor of the Straits Settlements suggested an advisory body be formed to assist British administrators. This group would consist of European and Malay members. This remedial, amelioratory effort, Governor Jervois hoped, would reinsert the Malay elite in Perak back into the limelight of public administration, recently dominated at the highest level by Englishmen, and increase the new regime's legitimacy.⁴ The advisory body's primary function would be the consideration of Islamic affairs.

Officials took no public action on the advisory council proposal between 1875 and 1877. During that interval the Colonial Office and Straits Settlements officials discussed the characteristics of a state council. The Colonial Office wanted the protected Malay

states to establish these councils in order to tie the Malay elite and Chinese secret society leaders to the government. The Malay chiefs and other important individuals, as visible repositories of Malay power, presumably benefited from this attachment to colonial England by appearing responsible for developments to the rakyat or common man in Perak. Furthermore, the Malay elite could voice their opinions in council meetings. Governor Jervois, striving for a body representative of the political and economic reality in Perak, suggested that Chinese headmen (towkays) represent the secret societies, Ghee Hin and Hai San, and tin mining interests in council. The Colonial Office hesitantly agreed. In addition to the Perak State Council the British had established a similar body in Selangor earlier in 1877. Similar councils were established in most other Malay states later.⁵

The decision to permit non-Malay members on the State Council in 1877 was the first step in the evolutionary separation of religious matters from the direct scrutiny of colonial authorities. Because the State Council's duties included supervision of Islamic religious affairs, the existence of non-Muslim members (both British and Chinese) complicated execution of the Council's religious functions. According to the Pangkor Engagement, the Malay elite could superintend Islamic activities without receiving compulsory British advice. However, intimidation in Council meetings could permit the British Resident to influence solely religious discussions and decisions.

The Muslim councillors, initially consisting only of Raja Muda Yusuf and Raja Dris but increasing to more than a half dozen Malay

members within five years, selected the obvious solution to non-Muslim interference in religious affairs. They staffed State Council committees and subcommittees, beginning in 1896, informally prohibiting non-Muslim members in most cases. This was done at first by holding a religious committee meeting immediately after a regular State Council meeting. After all non-Muslims had left the Council chambers, the religious committee would convene. As the committees became more specialized during World War I, they began holding committee meetings separate from the State Council, and only reporting to Council their recommendations on specific issues. The committees and subcommittees supervised appeals against Kathi Court decisions, Koran instruction, Muslim legislation and law, construction, maintenance, and repair of mosques, and appointment, promotion, transfer, and retirement of religious personnel. By about 1920 the committees eventually supervised all facets of Islam in the state. Once a committee or subcommittee reached a decision on a religious issue, the matter came before the full Council. After a minimum of discussion the Council accepted or rejected the committee or subcommittee's recommendations, usually concurring with the recommendations.

It is hypothesized that in a State Council milieu of non-Muslims little interested in the administration, improvement, or expansion of Islam in Perak that the Malay elite slowly separated religiously-related business from active deliberation by the whole State Council. The Council minutes fully document this gradual removal of most Islamic affairs from the Council's agenda after 1877

with the committee system of religious administration becoming fully developed after the First World War. The Council minutes do not indicate what role other considerations may have played in the separation of Islamic affairs from the full State Council's attention, for example, desire to clear the Council agenda, keep up the appearance of obeying the Pangkor Engagement, or give the Sultan and elite something to do. The growth of a modern recognizable religious administration accompanied the de facto divorce of Islamic matters from general Council discussion. For the first time a single unified administration, namely, the Council committees and sub-committees, linked Perak's Muslims and mosques by a single chain of command emanating from the state capital, a chain in which the Sultan, as head of Islam in Perak and as a Council member, plus the State Council committees and subcommittees took a leading role.

The State Council began its regulation of the dispersed, loosely organized religious establishment in Perak during the last two decades of the nineteenth century. The Council did this by appointing or by confirming key religious personnel in the state and by passing fundamental Islamic legislation relating to such things as religious observance, moral conduct, and local and state Muslim personnel. The Islamic officials who came under Council jurisdiction included local mosque personnel and religious judicial functionaries. These officials ran daily religious affairs in Perak, although as pointed out earlier the amount of regulation and control over kampong religious personnel by Islamic leaders in the state capital was of a tenuous nature, decreasing as the distance from

the capital increased prior to 1877. The State Council reviewed the operation and legislated the legal framework within which Islamic administration was carried out, in effect, extending authority and regulation from the capital to the rest of the state, a condition never achieved in pre-colonial Perak.

Turbulence and Tolerance: Secular and
Religious Change, 1874-1879

Initial difficulties encountered by Great Britain in establishing its paramountcy occupied the first British Residents and civil servants in tin-rich Perak. Beginning a pattern that was imitated by later British bureaucrats in other Malay states, Captain Speedy, Hugh Low, Frank Swettenham, William E. Maxwell,⁶ and others concentrated on restoring peace, placating perplexed, frustrated, and dissatisfied up-river and down-river Malay chiefs, retaining peace between rival Chinese tin-mining secret societies, reestablishing royal succession, balancing the budget, and opening up the state to economic development. In the wake of the establishment of the British regime also came large scale immigration from China and the Netherlands East Indies.⁷ This influx complicated the task of erecting a new administration in Perak. In a milieu where the above-mentioned immediate problems demanded solutions, religious matters occupied a low priority. The Islamic religion, since it did not threaten the security of the British presence and merited little economic significance, only became an item of concern in a few specific local instances until the formation of the State Council in 1877. The British designed this Council as a multi-functional

executive, judicial, and legislative body and, to quote Sadka, as a compensatory device, substituting a formal connexion with government for the powers the Malays had once enjoyed. Its functions were purely advisory; it was to assist the Commissioners by keeping them in touch with Malay feeling, it was to give the rajas an interest in the country's affairs by involving them in discussion, and in particular it was to consider questions of Muslim religion which were not formerly protected under [Governor] Jervois' arrangements.⁸

The State Council was the highest governmental body to which Malays belonged and through which policy was supposed to be disseminated throughout Perak. The creation of this advisory body began a British policy of consultation with the Sultan and the Malay elite.

Regarding daily administration, the first and second British Residents, J. W. W. Birch (1874-75) and James G. Davidson (1876-77), concentrated on the immediate problems of reorganizing and expanding state government. However, Malay chiefs, led by Sultan Abdullah, ex-Sultan Ismail, Maharaja Lela, the Mentri of Larut (Ngah Ibrahim) and the Laxamana Mat Amin, plotted to assassinate Birch in 1875. They objected to Birch's introducing central revenue collection and his abolishing debt-bondage in Perak. These two fundamental reforms attacked the financial prerogatives of the Malay aristocracy, as well as the Malay elite's dependence on adat to support their social, political and economic positions. The assassination of Birch temporarily delayed British implementation of government and social reforms. The task remained for Davidson, Birch's successor, to carry out. He accomplished little during his brief term as Resident.

The task then of establishing a colonial government was left to Hugh Low (1877-89), the third British Resident in Perak. In this situation as Philip Loh has said

The role of the Resident was crucial, to restore not only British authority but also a Malay feudal hierarchy and to fill the vacuum left by the exile of ex-Sultan Abdullah, the removal of Ismail--the claimant to the throne--and the execution of the implicated Malay Chiefs in the aftermath of Birch's murder.⁹

By 1877 the British had completed the punitive chore of punishing the guilty Malay chiefs. The rebel leaders were either hanged or exiled to the Seychelles or to Johor.

Hugh Low's function was a constructive one. Low made the colonial reforms and innovations, such as the abolition of slavery and introduction of road building, as acceptable as possible to the Malay community and leadership. Detailed instructions, presumably from colonial authorities in Singapore guided Low during this initial period. The instructions told Low to involve the Malay chiefs in government, to promote friendly relations with local leaders, and to establish a minimum government consisting of customs, public works, lands, magistrates' courts, mines, and surveying departments.¹⁰

Three prominent Malays proved to be key elements in the success of Low's reforms. They were Raja Muda Yusof, Raja Dris, and Shaik Ma Taib. Outside of the fact that all three men were intellectually capable and supported the British presence, the trio shared one additional bond: their religious fervor and desire to enhance the place of Islam in the state. The first man, the Raja Muda Yusof, twice intentionally passed over to become Sultan, became Regent after the exile of ex-Sultan Abdullah. After thirteen years of colonial tutelage, Yusof later became Sultan, despite his widespread unpopularity with Malay chiefs.¹¹ The second individual, Raja Dris (later becoming Sultan Idris), quickly recognized the permanency of

colonial rule. He emerged as one of Great Britain's strongest supporters in the Malay states. Demonstrative of his good faith, Raja Dris offered to serve the new colonial regime without compensation. Once the British recognized his value, Raja Dris hoped to be paid his salary arrears.¹² Shaik Ma Taib was the last of this trio. He was a Sumatran Malay of non-royal parents, who also recognized the benefits accruing from his support of Hugh Low and the British. As the leader of Indonesian Malays residing in Perak and linked by marriage with the royal family, Shaik Ma Taib enjoyed statewide influence and prestige. His reputation as an alim further strengthened his position in the state.¹³ Both Yusof and Raja Dris disliked the Sumatran immigrant. They resented his influence in Perak. Low quickly perceived the value of utilizing Shaik Ma Taib as a counterweight to his royal proteges in order to establish a new Perak government.¹⁴

An example of the Raja Muda Yusof's religious inclinations occurred in mid-1877. Low noted in his journal that Yusof had drafted a letter to an imam requiring all Muslims to attend mosque every Friday. The letter had threatened that continued irregular attendance at these prayers would result in a fine and imprisonment. Without Low's foreknowledge, the letter bore his name along with that of the Raja Muda as its authors. Upon finding out about it, the Resident conferred with Yusof and suggested modifications in the letter. Low recommended (no doubt speaking in a "quiet voice and sympathetic manner, combined with courage and a strong will" which Swettenham labeled a Low characteristic)¹⁵ abandonment of incarceration

as punishment. In its place the Resident suggested that non-attendance was a sin for which Allah would punish the offender after death. Low instructed Raja Dris, who was also present, to scratch out the unsatisfactory passages and to pencil in the suggested changes. The Raja Muda, wrote Low, "looked sulky and I saw no more of the document."¹⁶

The first recorded effort by a secular Malay leader (Yusof) to exert leadership over Islam in Perak resulted in British intervention (through Low) in religious affairs. It will be recalled that Section 6 of the Pangkor Engagement specifically left "Malay Religion and Custom" outside the realm of a Resident's advice.¹⁷ As Low recorded, he directly involved himself in an openly religious matter. Low expressed no regret or even acknowledgment that he had violated the 1874 treaty. Neither London or Singapore was warned ahead of time by Low concerning his action. However, treaty considerations aside, the fact that the Raja Muda gave the appearance of concurring with Hugh Low's decision established a precedent in Perak, although the exertion of individual Residents' initiative in religious matters was not a phenomenon unique to Perak. Other cases will be mentioned in the chapters on Kelantan and Trengganu. In this instance Low sought to moderate in a religious matter. The office of Imam Paduka Tuan was vacant¹⁸ and so probably was that of the Chief Kathi.¹⁹ In addition, Sultan Abdullah was in exile, leaving Yusof, as Regent, the highest ranking Malay in Perak. That the Regent seemingly accepted an Englishman's conception of the punishment equaling the crime, even if it was a religious offense,

opened the door for future British Resident incursions in religious affairs.

In addition to the Raja Muda Yusof letter incident, further evidence chronicling the lack of an operational Islamic administrative or judicial apparatus in Perak exists in Low's journal. In June, 1877 a dispute arose between Raja Lokh and his wife after Raja Lokh uttered the three talaks ("I divorce thee" said three times), thus divorcing his wife (the Raja Muda's sister). Upon investigation the Deputy Commissioner William E. Maxwell in northern Perak discovered that the husband had gambled away his wife's jewels and then divorced the woman to avoid repayment. The British authorities ordered Raja Lokh to compensate his ex-wife for the jewels. This matter, brought to the Resident's attention by Shaik Ma Taib and the Temmenggong Wan Hasan, dramatically illustrates Perak's lack of kathis to handle divorce and other religious disputes. It further demonstrates how the traditional religious problem-solving apparatus (religious court?) broke down. Normally the local imam would enter a divorce dispute and seek an amicable settlement. If the imam failed, as in this case, the matter may have come before the village elders. If one of the persons involved in the suit was still dissatisfied with the verdict, presumably that person could appeal directly to the Sultan. Unfortunately Low did not record the conclusion of this particular affair. He only reported that Raja Lokh agreed to pay the compensation and had made partial payment.²⁰

British officials included broad rectification of a religious judicial system in the proposed and implemented administrative reforms.

As-described earlier, Perak possessed a very loosely structured Islamic judicial system prior to the colonial era. Various high Muslim officials, namely the Imam Paduka Tuan, Chief Kathi, and Shaikh-ul Islam, lived in or near the royal capital and supervised religious affairs in the adjacent area during the nineteenth century. From the available evidence it seems that no additional kathis were appointed or stationed elsewhere in the state. This meant that there was no continuous contact between the three top Muslim officials and local imams dispersed throughout the state.

The judicial situation was further complicated by the vacancies in these three top positions. Perak Sultans did not always appoint successors to these positions soon after they became vacant. The reasons for delays, sometimes lasting decades, are unclear. Colonial officials after 1874 probably perceived the general outline of the Islamic court system in Perak, such as it was. However, neither the British nor Malay leaders viewed this situation as a matter of pressing concern and no Islamic judicial reforms occurred until the State Council appointed a kathi, Shaik Ma Taib, in 1879. Neither an Imam Paduka Tuan nor Shaikh-ul Islam was appointed at that time and the offices remained vacant for several more years.

One of the Resident's first official actions in 1877 was to travel with young Frank Swettenham throughout Perak to familiarize himself with the state. As the preeminent state official, Low also reestablished the traditional local government apparatus by confirming penghulus (village headmen) in their posts. Under Low the government divided the state into districts and mukims and

appointed the lower ranking rajas to administrative positions there. The British Resident also sought to eradicate any suspicion and ill-feeling that had arisen during the 1874-1875 period of Malay unrest and British military invasion. Hugh Low also established a firm working relationship with Malays of royal and aristocratic heritage. Particularly Raja Muda Yusof and Raja Dris.

To consolidate control of Perak (plus Selangor and Sungei Ujong) Low, Governor Jervois of the Straits Settlements, and the Colonial Office endeavored to maintain the edifice of Malay sovereignty while implementing European principles of government. A colonial administrative system, known as the residential system of government (1874-1895), evolved into a complex system of British regulation and supervision of all aspects of government, including some religious matters as, for example, authorizing imams and kathis, a task not done in the precolonial period. The colonial authorities also wanted to integrate the Malay chiefs into the Perak administrative establishment (in addition to granting pensions and to offering lower level civil service jobs). Governor Jervois in Singapore proposed the creation of a State Council as the pinnacle of local participation in the new regime.

The first problem that colonial authorities had to resolve was the selection of members for the State Council. Jervois had compiled a list of six members for the proposed Council in 1875. The list included the Resident, Sultan Abdullah, ex-Sultan Ismail, the Raja Bendahara Osman, Raja Yusof, and Raja Dris. However, the subsequent exile in 1876 of Sultan Abdullah to the Seychelles and ex-Sultan

Ismail to Johor plus the death of the Bendahara made the list obsolete. In May, 1877 Low drew up a revised list consisting of four Malays (the Raja Muda Yusof, Raja Dris, the Temenggong Wan Hasan, and the Panglima Kinta) two Capitans China (the leaders of the Ghee Hin and Hai San secret societies namely, Ah Kwee and Ah Yam respectively), and two Englishmen (the British Resident and the Assistant Resident). The duration of the appointments was to rest on the Sultan's pleasure, since only he could appoint or remove Council members. This relatively compact deliberative body, approved by Jervois and the Colonial Office, increased in size at irregular intervals over the following two decades to a dozen members. It is noteworthy that the two royal Malay members, Raja Muda Yusof (Regent until 1886, then Sultan 1886-1887) and Raja Dris (Sultan, 1887-1916), firmly opposed all initial appointments to the State Council except their own and that of the Resident. Low overruled their objections. This action demonstrated precisely where the center of power lay in Perak and in its embryonic State Council, namely, in the office of the British Resident.²¹

The Perak State Council met for the first time on September 10, 1877 at Kuala Kangsar, but nothing of a religious nature was discussed until December of the next year. At that time a minor dispute arose regarding the required number of times public prayer should be held in the local mosque at Bandar. Before 1874, the kampong residents would have directed a petition to one of the three top religious officials, their chief, or to the Sultan. In this particular case they petitioned Council to remove Penghulu Mahomed Yassim from his

office, because he caused religious dissension in the kampong. The State Council President, Raja Muda Yusof, strongly supported the penghulu. He reminded Council members that the villagers did not accuse the man of wrongdoing. Yusof reported that a stranger, Haji Ismail, instigated the petition which was splitting the kampong on this religious issue. The petitioners further accused the penghulu of introducing alien religious customs into the kampong. The Council minutes offer little additional elaboration on these accusations. After discussing the petition the State Council decided to delay judgment until receiving a report from the Superintendent of Lower Perak. Possible reasons for selecting a secular non-Muslim official to do this was that this was normal British administrative procedure and because the offices of Imam Paduka Tuan, Chief Kathi and Shaikh-ul Islam were all vacant.²²

Council minutes strangely recorded no Malay dissent over the appointment of a European to investigate this religious controversy. This lack of religious outrage reinforced Sir Frank Swettenham's contention that in the 1870's the Perak Malay's Muslim faith was not strong. Only when old age approached, Swettenham said, would the rajas develop a religious aura and fervor. They wished to "die in the odour of a popular reputation for sanctity."²³ Even discounting the prejudices of this old Malayan hand, it seems clear that the religious observation of some Islamic ceremonies was only occasionally fulfilled by many Perak Muslims. This may have accounted for the Malay coucillors acquiescence over the appointment of a non-Muslim to investigate the Bandar petition.

However, Malay reaction in State Council arose in the following months. In March, 1879 Raja Muda Yusof submitted to Council a draft surat kuasa (letter of authority or appointment) to appoint a kathi (a religious magistrate).²⁴ Yusof's draft was a direct response to the lack of a centralized Islamic apparatus capable of investigating matters such as the Bandar prayer dispute. The draft kuasa, by being proposed at this time, suggests Perak possessed no kathis who could have arbitrated such a dispute. If Perak had had a kathi, the Bandar prayer dispute could have been settled by him, unless there was also a political issue involved. The issue becomes confused because in the 1860's Perak had possessed a Chief Kathi, Saiyed Abdullah bin Abu Bakar al'Atas,²⁵ who presumably could have settled this matter. When Saiyed Abdullah entered or vacated this office is unknown. The state's other top Islamic leader was the Imam Paduka Tuan. As noted above, no one occupied this office in 1874 and it still was not filled in 1877.²⁶

The fact that Raja Muda Yusof wanted to appoint a kathi indicated that no one occupied either of the other two religious offices. Yusof endeavored to fill this religious leadership vacuum. He nominated Haji Mahomed Salleh for the post of kathi. The other councillors read the draft surat kuasa and discussed the nominee's qualifications. While admitting in Council that he had frequently been advised on the need of a kathi in Perak, Low mentioned that a problem existed in finding an eligible candidate. He objected to Haji Mahomed's nomination because the man had only recently arrived in the state, was unknown to the rakyat, and possessed little

knowledge about Perak.²⁷ A more qualified man, Low suggested, was Shaik Ma Taib. The only difficulty was that Shaik Ma Taib had always opposed any policies advocated by Yusof. In addition, because no other kathis existed in Perak, the appointment of a man to this office would make him, in effect, the Chief Kathi for the state, a potentially powerful office. Yusof undoubtedly perceived this possibility and saw it as a threat to his position in the State Council and in the emaciated (due to the exile or hanging of those leaders involved in the Birch assassination plot) Malay elite. In this situation Yusof wanted his own man in that religious office.

The proposed replacement of Haji Mahomed Salleh by Shaik Ma Taib demonstrated the continued duel between Low and Yusof in State Council. In January, 1879 three months before the Raja Muda revealed his surat kuasa, the Resident had written to the Colonial Secretary recommending that Shaik Ma Taib and another individual be appointed to the State Council, in order, said Low, to counterbalance Yusof's influence. Low only revealed his choices for the new Council members at the March 1, 1879 meeting. Perhaps the delay was due to the Raja Muda's well-known hostility for the Minangkabau nominee. The Resident, at least with reference to Shaik Ma Taib's appointment, sought the Shaik's value "in eliciting and discussing the various bearings of questions of policy."²⁸ The Resident liked the Shaik and knew the man to be a dependable supporter of British policy in Perak. The State Council on May 4, 1879 approved Shaik Ma Taib as a Council member (although he did not attend his first meeting until February 20, 1880) and also concurred with his recommended appointment

as kathi, effective on that date.²⁹ The Council further stipulated that he would receive no salary. Yusof scored a minor victory in that his nominee, Haji Mahomed Salleh, became the assistant kathi with a salary of \$50 per month.

During this initial development of a centralized Islamic religious structure in Perak, the State Council appointed one additional kathi in 1879. The European Magistrate for Krian District strongly backed the selection and appointment of Haji Omar to the post. A Malay councillor also supported this choice. He noted that Haji Omar was the best and, in fact, the only person for the job because this individual intimately knew the local residents and was familiar with the district. On November 3, 1879 Council approved the new assistant kathi (Haji Omar) for Kurau in Krian District and granted him a maintenance stipend of \$25 per month.³⁰

The appointment of a kathi and two assistant kathis signalled the close of the first period of religious change following the establishment of British "protection" in Perak. A major religious post vacancy, the kathi, was filled. Selection of these three Muslim officials to supervise state religious activities meant a diminution of British (i.e., magistrates' and land officers') involvement with religious matters. However slight the initial decline in non-Muslim influence in religious matters, these three appointments did exhibit a significant Malay elite response to colonial interference in Islamic affairs.

The advent of the State Council, a British creation, meant a decrease in the Sultan's previously unfettered authority in religious

affairs when he could appoint (or not appoint) and dismiss religious personnel at will. This institution may also have temporarily caused Yusof to delay any religious appointments. The Council's existence meant that the Sultan (and Resident) consulted with the Council members on any appointment he (they) might suggest and that the Council could propose that vacant religious positions be filled. The appointment of the three religious magistrates in 1879 was also a first step in centralizing Islam and religious courts in Perak. This meant that the appointment of a kathi began a period in which Muslims, mosque and surau personnel, and assistant kathis throughout the state would have an administrative leader backed by the strong support of the Sultan and the Malay elite in the State Council.

The next step in a Malay reaction to British religious interference and a British response to the state of contemporary Islam and Islamic law would be the enactment of religious laws so that a uniformity of religious observation, ceremony, and justice would exist throughout Perak. Prior to the colonial era each mosque or surau remained in semi-isolation from other areas because of communication and transportation difficulties. This semi-isolation promoted, for example, variations in the regularity of ritual observance throughout the state which, as will be described below, came to the attention of the kathi. Legislation of religious laws by the State Council, though drafted by the British, assisted in implementing Islam.

Legalistic Compartmentalization of Islam:
The First Two Decades

Under Hugh Low's patient tutelage the Perak State Council grew accustomed to periodic business meetings and to a new type of state administration. The Council developed as the unquestioned leader in state affairs, at least until the formation of the Federated Malay States in 1896, and obscured the role of the British Resident from the Perak rakyat. Continuing as a forum for religious issues and as a court of appeal, the State Council discussed, drafted, and enacted Muslim legislation in addition to substantial secular duties. As Roff points out, "The introduction of an alien system of civil and criminal law . . . resulted in pressure to establish a more formal system of Islamic law than had hitherto existed."³¹ In Perak the State Council, consisting of the Resident, Chinese towkay, the principal Malay chiefs, and by 1879 the highest religious official, sought to legislate religious guidelines relating to all aspects of Islam, including dogma, teaching of religion, religious officials, marriage, divorce, social conduct, and special religious duties. However, even the Council's concern for these legalistic matters, in addition to its secular responsibilities, did not prevent it from attending to peripheral religious affairs.

One such example of the State Council's (or at least the Malay members') continued concern for religious problems was its interest in the expansion of the (Malay) Red Flag Secret Society into Sungai Siakap. Local Red Flag members had established a branch, called a lodge, in the kampong while the penghulu was absent. The Magistrate and Collector for Krian and Kurau (Noel Denison) frequently had

complained of disturbances caused by these fraternal societies, which the State Council had previously declared as illegal organizations. Council President Yusof at the February 20, 1880 meeting noted that the assembly of the lodges was contrary to Islamic doctrine and to state policy. Yusof recommended that the Council send the lodge organizer for trial in the High Court. The kathi, Raja Dris, and the Temenggong Wan Hasan agreed. The whole Council then ordered the offender held for trial in Kuala Kangsar. The State Council, initially as a whole and later through its committee system, vigilantly oversaw and supervised all aspects of Islam in Perak.³²

The Malay secret society case illustrated the State Council's continuing concern for local problems. It also demonstrated that the kathi participated in the Council, rather than merely being a passive member. The man's position of respect, influence, and power among one segment of Perak's population, the Minangkabau immigrants, supported his position as kathi. Over the next few years Shaik Ma Taib discussed in State Council such non-religious and dissimilar topics as irrigation at Bukit Tunggul in Batang Padang District, manumission of Perak debt-slaves, and the institution of a state-wide male poll tax.³³ Religious issues, of course, permitted the kathi the greatest scope for his talents, because as an alim it was the area of his expertise. One exhibition of the kathi's role as chief religious official in the state involved a contested divorce case. The Superintendent of Lower Perak (Mr. Paul) had notified the British Resident of the bizarre case of Abdul Shukor's divorce,³⁴ Abdul Shukor had gone insane and had murdered a Kota Lama

resident in 1875.³⁵ Obeying Malay adat, the man's relatives had put him in confinement. During this confinement period, Abdul Shukor's wife had remarried. Recovering his sanity, he had tried to reclaim his wife. However, he was beaten up for his attempt and was returned to confinement. The incarcerated Muslim had then complained to the kathi. Shaik Ma Taib wanted to re-open the case but Mr. Paul disagreed arguing that Sultan Ismail had already closed it. The kathi could find no records of that earlier case. Abdul Shukor also sent Hugh Low a petition. The Resident finally brought the matter before Council. After discussion, State Council decided to call the woman's guardians (waris) to come and settle the alleged improper divorce and the woman's subsequent remarriage. As in the secret society case, the State Council decided the case without recourse to a Resolution or Order in Council. The Council simply agreed to have the waris settle the dispute. No reason was given why the kathi should not be allowed to handle this case.

The State Council in February, 1880 for the first time decided to legislate on an Islamic matter. By 1880 the state possessed a kathi with several assistant kathis (naib kathis) who had begun to standardize religious tax collection. The two standard Malay religious taxes are padi zakat and padi fitrah, which continue to be paid by Malays today. Padi zakat is the Muslim tithe paid by the faithful at the end of the harvest. Padi fitrah is the tithe paid after the conclusion of Ramadan. Villagers pay these taxes in unhusked rice to the local imam who distributes the rice or the money resulting from its sale for mosque maintenance repairs, salaries, local poor,

and so on. If the state had a man in the offices of kathi and perhaps Imam Paduka Tuan, then an imam sent a portion of the proceeds from the religious tithe to those officials. However, for various reasons, including geographical obstacles and the lack of a state-wide religious organization, these taxes usually remained with the local imam for distribution. It was over the question of the distribution of padi zakat that state Council reacted. It considered possible uses for this tithe. Responding negatively, that is, delineating expenditures for which zakat was inappropriate, Council drafted and adopted its first order in council devoted to a religious matter. The Order said that "It is not permissible to the Kadzi, or to the Assistant Kadzis, who are paid officers of the State, in future to accept zakat."³⁶ The Council minutes made no mention when the kathi had begun receiving a salary. It does seem apparent that the kathi and his assistants began to collect a portion of padi zakat from imams throughout the state. After 1874 Perak religious leaders developed a coordinated tax collection system. Considering that Perak had the largest number of Malay inhabitants on the west coast, the amount of padi collected must have been relatively large. It was indicative of Hugh Low's (and the British in general) influence that the first legislative statement on religion by State Council was one dealing with religious finances.

A year elapsed before Council discussed any more religious issues of significance. In January, 1881 a dispute arose over the ownership of a mosque at Matang and whether a flag could be flown on top of the structure itself. The deputy (assistant?) kathi, Haji

Abdul Wahid, had petitioned the government in 1880 for money to repair the mosque. The State Council thus decided in view of this previous financial assistance that the mosque belonged to the government. Concerning the second question, Raja Muda Yusof noted that it was contrary to Perak custom to fly flags at mosques. He made no reference to Islamic law on the issue. Yusof recommended the prohibition of such flag flying. The kathi, Shaik Ma Taib, disagreed and suggested that only white flags with black letters be permitted. Raja Mahkota suggested and Council agreed that flags could be flown on mosques and at religious or secular festivals after obtaining government permission. The State Council issued a notice to this effect.³⁷

Despite the gradually growing legislative foundation legalizing and clarifying the position of Islam and its religious functionaries in Perak, British officials still engaged in situations in which religion was a part, such as, hearing Muslim inheritance cases where there were no kathis. William E. Maxwell in September, 1882 wrote a detailed list of instructions for British magistrates. He worried about different magistrates attempting to try cases when faced by the lack of a uniform code of native law in Perak. Maxwell urged respect for Malay laws and customs where possible. Furthermore, he directed that all difficult cases be sent to the highest ranking legal authority in the state, the legal advisor. The Pangkor Engagement's clear prohibition of British interference in religious matters in fact became difficult to apply in court cases, because native law had permitted certain Islamic admixtures to become, in

effect, part of customary law. For example, Malays usually made an oath upon the Koran during court proceedings when they testified. In cases where oral evidence was important, Maxwell suggested accepting all evidence given under this oath. In addition to religious sanctions against lying under oath, Malays paid a large fee when the oath was administered, presumably to be forfeited if they lied. Witnesses rarely abused this procedure. Maxwell, serving in Perak since 1875 and in the Straits Settlements since 1865, recognized the potential for unequal adherence to local law with its animistic, Hindu, adat, and Islamic heritage. While the State Council only reacted to specific religious issues, i.e., zakat and mosque flags, Maxwell sought to clarify all magistrates' duties.³⁸

The next step in legalizing Islam in colonial law books occurred in late 1885. In December, the State Council passed a "Registration of Muhammadan Marriages and Divorces" Order in Council. The Resident proposed that due to recent problems arising from undocumented Muslim marriages and divorces imams should be instructed to keep a register of such unions and divorces and note any special marital or divorce stipulations. Raja Dris informed the Resident that written agreements prior to marriage in illiterate Perak were uncommon. The British Resident acknowledged that Raja Dris was right. The order finally passed by the Council stated that, if no documents existed, the imam should note that fact in a register he was to keep. The imam would send a duplicate register to the district magistrate (usually a European). The new order indicated continued future colonial involvement, even if passive, in Islamic marriages and divorces.³⁹

The Annual Report of 1889 pointed out the colonial desire for clearly elucidating Muslim law in Perak. The British Resident noted not only that justices must have a thorough knowledge of English law, but also that

The peculiarities of Chinese mining customs, especially as regards accounts, Mahomedan Law, the Malay character and language, and a general knowledge of the races using the Courts and forming the Police Force are essential for a satisfactory discharge of magisterial duties in Perak.⁴⁰

The passage of religious notices and orders assisted magistrates in their difficult task. The question whether a European should judge Islamic religious cases or those touching Islam never was an issue in Perak, despite its obvious violation of the Pangkor Engagement.

As stated earlier, the Malay Council members' desires for such religious legislation probably stemmed from the Malay elite's attempt to modernize religious administration in the state to keep pace with the rapid changes in the secular state government and to preserve or increase their positions in the government. Neither the Council minutes nor extant correspondence indicate with finality who was the Malay leader primarily responsible for the religious legislation. It is possible, if not probable, that the kathi, Shaik Ma Taib, or his successors were of significance, as one would expect. The Perak Sultans also appear to have been of consequence in instigating, after consultation with the Resident, and then passing such legislation in Council.

While the above orders and notices plus Maxwell's instructions to magistrates marked both the initial Malay State Council members' and British attempts to regularize religious administration, the

State Council passed a more far-reaching piece of legislation two days after the Muslim marriage registration order. This 1885 Regulation, drawn up by Shaik Ma Taib's successor, Sheikh Abdul Rahman, reveals a comprehensive effort to rejuvenate or at least reinforce Islam in the state. The kathi authorized two penghulus, Wan Wahid and Alang Abdulhamed, to act as his traveling representatives throughout the districts of Perak. In so doing, Sheikh Abdul Rahman attempted to raise the minimum observance of Islamic doctrines, ceremonies, and public prayers. He ordered people to pray five times a day, go to mosque on Friday, abstain from food and liquid during the daylight hours of the fasting month, pay religious taxes, and obey religious law. Because many people were ignorant of or did not understand Syariah law, the kathi's two representatives could order individuals to receive instruction from learned villagers. If a person deliberately disobeyed the above injunctions, the kathi could order the individual ostracized, though not banished from the village. Further, if this person died, only three people would be allowed to attend the funeral. Additional injunctions concerned bathing which, after puberty, must be done completely clothed and absolutely never performed while naked.⁴¹

The Sheikh's representatives had additional duties. They would advise mosque or village leaders on all points of Syariah and adat law. They could also hear domestic disputes and quarrels. However, if either of the parties that quarreled disliked the verdict, they could appeal to the assistant kathi in the district. Sheikh Abdul Rahman's representatives could also prosecute crimes

of adultery in the assistant kathi's court. If necessary, the case could be sent to the Chief Court of Syariah law in the state capital. The last paragraph of the Regulations warned that mosque or village leaders, who refused to cooperate with Sheikh Abdul Rahman's representatives, could be prosecuted before the (secular) district magistrate.⁴²

The kathi labored to expand the Islamic judicial system throughout the state by recommending to the State Council that more assistant kathis be appointed. Numerous such appointments are mentioned in the Council minutes.⁴³ The Council almost always accepted the kathi's recommendations on these matters, although the Council (probably the Resident) occasionally asked for a report from a British official, such as a district magistrate, concerning a particular appointment. This expanded religious judiciary was not a static organization with assistant kathis also being dismissed, transferred, and retired by Council action.⁴⁴ The success of this court system can be measured in the abundant use made of it by Perak Muslims. Kampong Malays soon became accustomed to the assistant kathi courts scattered throughout almost every district in the state. In Kinta, for example, the assistant kathi heard and disposed of fifty-six cases in 1889.⁴⁵ This large number of cases demonstrated the court's acceptability among Perak Malays. The British supported the Islamic courts by recommending cases, such as, the dubious legality of a marriage, to the kathi's Court in Kuala Kangsar.⁴⁶ On occasion assistant kathis or the kathi would consult with British officials on ecclesiastical matters.⁴⁷ The judicial

court system enabled the kathi and the State Council to have enforced such religious edicts and regulations as they might propagate.

This wide-ranging Regulation indicated the kathi's (and Malay State Council members') intention to enforce Syariah law among the state's Muslims. Such legislation exemplified the difficult task of enacting Islamic law in such a form as to appease both Muslim orthodoxy and British concepts of law. For example, British authorities would have preferred not to legislate religious regulations. They did not really care about religious matters. Both Malay secular and religious leaders firmly rejected that initial colonial position and called for Islamic legislation. Religion and Malay life were, and are today, inexplicably entwined. Illustrative of this position is the Malay term for converting to Islam, namely masuk Melayu, essentially meaning "to become a Malay." In view of this close identity of Islam with the Malays, the colonial authorities bowed to Malay wishes for the codification of Muslim law. Compromises, such as these, proved a relatively easy achievement during these formative years of indirect rule because of the close rapport that Hugh Low and Frank Swettenham had with Malay leaders. After passing the Regulation, the State Council enacted two additional pieces of religious legislation, the Muhammadan Divorce Order (1889) and the Adultery by Muhammadans Order (1894).⁴⁸

The 1885 Regulation was very significant in another aspect. Promulgation of such a religious Regulation apparently signified (at least in the kathi's judgment) that Muslims in the state would obey it and that a minimum religious administrative bureaucracy

existed to carry it out. In light of the numerous European observations mentioned earlier about the lax performance of religious duties by Muslims in Perak, the passage of this Regulation further indicated a desire by the kathi and State Council to upgrade Islamic practices in the state. State officials could attempt such a move at this time because the turmoil and instability of the 1860's and early 1870's had ended with British "protection." In 1874 an Anglo-Malay government was organized. This permitted the Malay population to reestablish a regular economic, social, and religious life. The peaceful years after 1875 allowed the religious inclinations of the Perak rajas, notably Raja Muda Yusof, Raja Dris, and later Alang Iskandar Shah (Dris' son), to flower. The first blossom of the rekindled Islamic disposition was the 1880 appointment of a kathi. With the guidance and support of this paramount state religious official, (ranking below only the Sultan) and his assistant kathis scattered throughout the state's districts, local imams and other mosque functionaries received the necessary stimulus to cajole, entreat, and threaten fellow villagers to follow more closely the tenets of Islam. The four pronged attack against religious laxity by the Sultan, by the kathi, by the State Council, and by local mosque officials forced negligent Muslims gradually to recognize the transformed religious climate in Perak.⁴⁹

The most interesting aspects of the Islamic legislation passed by the Perak State Council after 1880 were the Malay motives for such actions. Without seeming irreligious, each of the above four groups had self-serving motives to assure their wholehearted support not

only of Islamic legislation but also in its enforcement. These individuals undoubtedly were good Muslims. However, circumstances and a changing external milieu increased the fervor of such religious feelings. Indeed, the Malay elite turned to matters of religion and custom as areas for their special attention. The resultant religious bureaucracy was tied to this elite through their membership on the State Council. In Perak, the State Council, at first as a whole and later through its committees, supervised the Islamic bureaucracy through its control of the state budget, appointment of personnel, and legislative prerogatives.

In effect, the Malay elite, through the Council and religious bureaucracy, the kathis, and other personnel, linked local Muslims to a strong Islamic organization and potential bulwark against the changes introduced by the colonial power. Yet it was this same colonial power that provided the model for a modern bureaucratic organization which permitted the four groups to implement such a campaign against religious laxity. For the first time, the Sultan could issue regulations against irregular Friday prayer attendance or on the flying of flags and have them implemented. The Sultans' motivations in supporting the formation of a religious administration under the control of the State Council arose out of a desire to foster support among the populace, from his personal religious fervor, and from his pride in Perak as a Muslim state. The motives of the remaining three groups, the State Council, kathis, and other religious personnel, probably duplicated the Sultan's deep devotion to Islam. They were also motivated by the desire to minimize British interference

in religious affairs and to strengthen their positions in the colonial regime which gave them prestige and power in their kampongs and towns.

The Perak Sultan's Role in Religious Affairs

The place of the Sultan in the emerging Islamic institutional and administrative structure in Perak became evident during the first decades of colonial rule. During those years a centralized religious organization developed on the twin pillars of the kampong mosques with their attendant staffs and the strong Malay identification with Islam which, because of the notable admixture of animism, Hinduism, sufism, and adat, might properly be termed "folk Islam." In the pre-1874 milieu religious belief had varied somewhat from village to village. The ensuing religious changes, especially the growing linkage of kampong mosque staffs to the state capital had a marked, though undocumented, impact on eradicating divergent (and unorthodox) Islamic beliefs held by Muslims in Perak.

At the top of this bureaucratic and administrative organization stood the Sultan. As the paramount symbol of the state, the Sultan had the potential to perform a very significant role as an agent of change in religious, as well as economic, social, and political, facets of daily life. This was due to his central position as moderator-innovator between British administrators and Perak Malays. Perak was the first state "to request" a British Resident. The state was also noteworthy in possessing four Sultans after 1874 who were particularly predisposed toward religion, embodied the high

values of Islam, and exerted an effort in raising religious standards in Perak as members of the State Council.

Sultan Ismail (1871-1874) and Sultan Yusof (1886-1887) were the first two Sultans of importance in the religious sphere. Although deposed in 1874, Sultan Ismail possessed a pious religious disposition that was well-known throughout the state. For example, it was reported that the Sultan, except in emergencies, never transacted government business on Friday, nor affixed his state seal to any document on that day. As a devout individual, the Sultan personified the many positive aspects of Islam that were practiced in the Malay states and his place in the religious centralization and changes of the post-1874 era then rested on the Sultan's role as an example of a religious leader.⁵⁰

After a lengthy apprenticeship as Regent, Raja Muda Yusof became Sultan in October, 1886. It was mentioned above that Yusof, either because of religious conviction or because he was trying to test the limits of his power under Low, quite early in the colonial period attempted to enforce stricter adherence to the fundamental Muslim tenet requiring all adult males to pray in the nearest mosque every Friday. The British Resident, however, prevented the implementation of Yusof's recommended fines and imprisonment of the offenders. Raja Muda Yusof's role in the development of an embryonic religious bureaucracy, i.e., the appointment of a kathi and assistant kathi, and in the State Council's Islamic legislation and other religious matters, has also been described above, where Yusof tried to increase his own power by having Council appoint

"his man" as kathi. As Regent and Sultan, Yusof can be viewed as a transition figure with roots in an independent past who was personally adaptable enough to retain his influence in the colonial establishment erected in Perak. Yusof along with young Raja Dris acted as catalysts in assisting a loosely unified religious organization of the pre-1874 era to begin a process of readjustment by arranging for the appointment of a kathi and assistant kathis.

The twenty-five year reign of Sultan Idris (known as Raja Dris in his youth) marked a period of expansion for the evolving religious bureaucracy and judicial apparatus. Indicative of the orientation of his reign, the then Raja Muda Idris spent a few days praying and fasting prior to his being proclaimed as Sultan in September, 1887.⁵¹ As a member of the first Perak State Council, Idris used that legislative vehicle to clarify the position of Islam in the state. The areas of Islamic marriage, divorce, separation and their registration in kathi courts, and fasting month provisions received special Council consideration during Idris' reign. Sultan Idris also championed the construction of suraus (small Muslim prayer houses) and madrasahs (religious schools). The Sultan had the sagacity and foresight to induce the State Council to pass legislation establishing religious trusts so that these religious edifices could survive financially.⁵² Throughout his reign (1887-1915) Sultan Idris served as a leader for Malay Muslims. His success in getting along with the various British Residents was probably Idris' major secular achievement which in turn enabled him to support Islamic causes more forcefully in Perak. Swettenham characterized the Sultan as an

exceptionally competent man.⁵³ Illustrative of the Sultan's support of Islam and of the British in Perak, on Hari Raya Puasa Idris "eulogized the system of the administration of the government of the State by British Officers."⁵⁴ Sultan Idris capably worked within the constraints of the colonial administration for a strong and vibrant Islam in Perak. His success can be measured by the frequency with which other Malay states duplicated Perak religious legislation and communicated with Perak religious officials on Muslim issues.⁵⁵

Raja Muda Alang Iskandar Shah became Sultan in 1918 and was formally installed in the next year. Like his father (Sultan Idris), Iskandar was staunchly pro-British in his outlook and sternly Islamic in his personal life. Unlike Idris, Iskandar actively traveled throughout Perak exhorting Malays to observe their religion strictly. For example, during Ramadan the Sultan became furious if he caught a Malay illegally consuming food or drinking liquids during the day and ordered the culprit as punishment to walk backwards behind a bullock cart with his face humiliatingly painted and fruits and vegetables strung around his neck.⁵⁶ This was a traditional Malay punishment. Whereas his father depended primarily on close inter-personal relations with British officials and the State Council's religious legislation to advance Islam in the state, Sultan Iskandar actively symbolized and championed the qualities of a devout Muslim whether in the capital or on his many excursions throughout his state.⁵⁷ The British supported both Malay approaches to Islamic affairs. During his two decade reign the Perak government, obviously with colonial approbation, continued subsidizing local

mosque construction and maintenance, as was common in all Malay states, beginning soon after the imposition of colonial rule.⁵⁸

Sultan Iskandar championed Islam in Perak and gave little encouragement to other religions. The British also gave little public support to other religions. Non-Muslim churches or places of worship received no government assistance, despite the sizable majority of non-Muslims in the state. The 1911 census had reported 288,333 non-Muslims and 192,991 Muslims resident in Perak.⁵⁹

Iskandar never recognized Chinese and Indians as his subjects, nor did the British. He reasoned that

A native of the country has certain privileges which others can never have. If I were to live in Hong Kong for a hundred years, I would not become a Chinese nor do Chinese and Tamils become natives of this Country by residence here, even though they enter the Muhammadan Religion.⁶⁰

Sultan Iskandar may have been stimulated to increase religious feelings because of his religious dislike of non-Muslims. The Sultan sincerely cared for Malay Muslims. One example illustrated this concern in 1920. He wrote and published a book called Risalat Agama (Pamphlet on Religion) to guide their conduct.⁶¹ Presumably all people in Perak might have benefited from sections of the book, for example the passages on sanitation.

Thus, in religious affairs the Perak Sultans promoted Islamic ideals through personal example and public exhortation. While they were members of the State Council, the Sultans participated only in the discussion of religious matters. As will be noted below, it was the Malay elite that developed a state religious organization.

Codification of Muslim Law: Convergence and
Standardization of Religious
Legislation, 1896-1941

As mentioned in Chapter III, the formation of the Federated Malay States began a process of greater standardization and unification of policy and legislation in the component states of Perak, Selangor, Negri Sembilan, and Pahang. Despite increased information gathering and disseminating efforts by the Resident-General in Kuala Lumpur to encourage greater legislative harmony and similarity of Islamic religious legislation, Perak proceeded at its own pace in drafting, debating, and passing religious ordinances and enactments. For example, in July, 1896 the Perak State Council ordered a subcommittee to write a government order for the registration of Muslim marriages and divorces. The subcommittee consisted of E. W. Birch (Secretary to Government), Raja Musa bin Sultan Jafar, and Wan Muhammad Saleh (the Sri Adika Raja).⁶² Little of a tangible nature resulted from the subcommittee's deliberations. Three years later the British Resident lamented the slow progress, the numerous drafts, and the difficulties encountered in procuring its passage in Council.⁶³

All four Malay states in the federation were simultaneously considering similar Muslim marriage and divorce registration legislation. The three year delay resulted from the effort to reach a compromise on the legislation in all four states so that an identical enactment could be passed. In Perak at least, the State Council seemingly retained much autonomy within the bounds of the colonial administration, although the birth of the FMS signalled its

overall decline of power. An FMS legal advisor and individual state legal advisors gradually began to draw up all legislation. In Perak the religious committees and subcommittees played a consultative role in this process, although the amount of their input is not known. The State Council then debated the legislation. The Council, as in all the Malay states, could and did alter the text, so that the resulting legislation reflected conditions in Perak. More than once Perak religious enactments differed from those passed elsewhere in the FMS. In this section the Council's actions in general will be considered with particular attention to the developing Islamic legal framework in Perak. The work-horse role of Council, its committees and subcommittees, will be examined in the following section.

Following the six year interregnum since the appearance of the 1894 adultery enactment, the Perak State Council passed several enactments in the first four years of the new century. Repealing the 1885 Order in Council, the State Council enacted a new Muhammadan Marriage and Divorce Registration Enactment in 1900.⁶⁴ This enactment explicitly outlined the proper administrative procedures for registering married and divorced individuals. By 1900 the FMS Secretariat had gained confidence in its leadership role in the federation. It then began to recommend various pieces of legislation for enactment by all four Malay member states. This was the first piece of Muslim legislation recommended by the federal secretariat to Perak and the other Federated States. The pattern which emerged over the next decade was for the FMS legal adviser to draw up legislation, including religious enactments, and, after

approval from the FMS Secretariat, to submit the legislation for passage by the State Councils. The Councils could, if they desired, make alterations in the legislation to suit local conditions although the Secretariat attempted to discourage, but did not forbid, such actions.

Additional legislation followed the 1900 enactment. A second religious enactment, the Law Relating to the Constitution and Powers of the Civil and Criminal Courts (Enactment No. 5 of 1900), broadly outlined the duties of the kathi and assistant kathi courts, appointment of these religious justices, and appeals to the Senior Magistrate of kathi court decisions. This Enactment demonstrated the adjustments the Islamic leadership made to the conditions of colonial rule. Prior to 1874, Perak had only one kathi and even that office was often vacant during the nineteenth century. In the last quarter of the century Perak religious leaders, led by the Chief Kathi, established an Islamic organization which could administer and enforce Syariah law. Enactment No. 5 is illustrative of the continuing process of judicial development and bureaucratic modernization that Islam in the state underwent.⁶⁵

The State Council passed the Muhammadan Laws Enactment in 1904 (Enactment No. 20 of 1904) continuing the trend of clarifying Islamic law in Perak. This enactment enunciated the crimes for which Muslims would be liable to prosecution, for example, not attending Friday mosque prayers, enticing an unmarried girl, adultery, betrothal violations, unauthorized religious teaching outside one's home, and sale of cooked food during Ramadan. The enactment also directed that

finances collected for these offenses be deposited with the District Officer and credited to the Muhammadan Religious Fund. It was no doubt hoped that the deposit of the fines in a Muslim fund would demonstrate British concern for the separation of secular and religious offenses, despite the obvious fact that magistrate not kathi courts heard the appeals from the kathi courts.⁶⁶

The religious court system, concerned primarily with marriage, divorce, arbitrating family disputes, and settling estates, operated satisfactorily until a scandal occurred in 1907. The scandal involved the highest religious official in the state and exposed the weaknesses in the kathi judicial system. The British Resident (R. J. Wilkinson) enumerated a series of charges against Chief Kathi Syed Abdullah bin Abibakar (Abubakar?) Al-Atas and against Assistant Kathi of Telok Anson Haji Abas bin Abdullah.⁶⁷ In essence the charges ranged from accepting bribes and favoritism to illegally sentencing a man to prison and participating in a retail meat monopoly scheme in Ipoh. Irregularities also occurred in the collection of religious taxes (zakat) and in the distribution of these taxes. Wilkinson, quite knowledgeable about Malay culture, custom, history, and religion, suggested that the kathi court abuses required changes in the law. One of these abuses that he most disliked was the questionable settling of Muslim inheritances. In addition, Wilkinson wanted the kathis' kuasas revised and new zakat rules drawn up in order to prevent the recurrence of such irregular conduct by religious personnel. Wilkinson acknowledged the unwillingness of British Officers to enter the prohibited area of Malay religion but he felt that the

situation required it. The British Resident further demanded the dismissal of the two men. While Sultan Idris approved the suggested legal revisions, he vehemently refused to permit the two religious officials to be fired. Despite Wilkinson's personal feelings about the place of Muslim affairs as being outside the realm of his "advice," he nevertheless fired the two men from government employment in August, 1907. He moreover issued a government circular urging judicial officials to separate the functions of civil and kathi courts, especially in cases of intestate succession to estates. Wilkinson also drew up a draft kuasa for future Chief Kathis. Syed Abdullah and previous Chief Kathis had had vague kuasas specifying their religious duties and responsibilities. This case illustrated the actual British position concerning their position toward Islam. When a British Resident felt that the good of the state demanded action, even if in a prohibited area, he would take the necessary (at least in British eyes) action. The case also demonstrated the weakness and inability of the Sultan and State Council to block a decision taken by the Resident.⁶⁸

No additional changes in either the Perak administrative or legal fabric of Islam occurred until 1915. More than a decade had elapsed since the State Council had passed any religious related legislation. However, between 1915 and 1920 Council passed ten such pieces. In January, 1914 the State Council unanimously resolved to amend Section 6 of the Mohammadan Marriage and Divorce Registration Enactment of 1900 (Enactment 2 of 1900). That legislation had omitted consideration of the problems of annulled divorces and the subsequent

reunion (rojak) of the temporarily divorced parties.⁶⁹ The amending enactment came into force in 1915. State Council decided in April, 1914 that the Perak flag should be flown at the principal mosque in each of the state's districts on festival days and on Fridays.⁷⁰ A year later the Council passed two more amending enactments, one dealing with fasting month violations and the other on Muslim marriage and divorce.⁷¹ Raja Chulan at an April, 1915 Council meeting raised the issue of establishing a Perak bayt ul-mal for taxing Muslim estates.⁷² Establishment of a bayt ul-mal or Islamic treasury would, however, have been superfluous since Muslim fines already were paid into the Muhammadan Religious Fund (Kumpulan Wang Bagi Ugama Islam). After seven years the State Council decided in 1922 that estate taxes would be paid into the Fund rather than create a new Islamic treasury. The Council passed other religious legislation between 1915 and 1920 clarifying the definition of incest, establishing a religious and charitable trust, writing rules for appealing a kathi court decision, and specifying when a divorce became absolute. The next two decades saw the State Council continue to deal piecemeal with individual aspects of religious law or practice.

Although the Perak State Council performed a noteworthy role in the codification of explicit Islamic legislation, its non-legislative decisions and rulings also played a constructive role in guiding the state's religious establishment. For example, in 1918 Council ruled that a non-Muslim could borrow government money paying the usual interest charge.⁷³ Four years later the issue of Muslims and interest arose. The State Council hesitated to approve the payment of interest

by Muslim cooperative societies and savings banks to Muslim participants. The issue of interest, prohibited by Islamic doctrine, was of such magnitude and potential controversy that the Council sought a fatwa (a legal ruling by a Muslim jurist) from religious authorities in Egypt or Mecca.⁷⁴ The requested ruling arrived from religious authorities abroad, saying that cooperation among rice farmers did not contradict Islamic doctrine or teaching.⁷⁵

In another example of the State Council's role in Perak religious affairs, the State Mufti requested the Council in 1918 to enforce religious punishments on adult Muslims.⁷⁶ The Sultan replied that the State Council only passed the laws. Magistrates, kathis, and the police carried out the law. Perhaps in reference to the Mufti's request, in 1920 Council considered issuing a government circular on religious observance.⁷⁷ Council members decided to ask Sultan Iskandar to issue separately a circular based on Council's draft copy. The above two illustrations scarcely reveal the multitude and variety of religious issues considered by the Perak State Council.

The religious significance of the State Council as the chief consultative body to the Muslims in Perak was that it permitted religious questions to be discussed in public by the state's highest secular and religious officials and Muslim legal experts. It also enabled Muslim Council members to present their views formally to the British Resident. The Council also served British goals. The colonial government through the appearance, sometimes real, of consultation with local leaders passed legislation in the name of

the Sultan. As Winstedt has noted "the views of the Sultan were practically always those of the Resident and the views of the chiefs those of the Sultan."⁷⁸ An informal system of accommodation to Malay religious sensitivities and the outward obeisance to the Sultan enabled the British to administer the state without undue difficulty. Thus, the State Council, while not a monolithic council, tended generally to subordinate Malay opinions to that of the British Resident.

Before concluding this section on the Perak State Council and the codification of Muslim law, the role of the British Resident in that body should be clarified. Although the Sultan served as the State Council President, the Resident drew up the agenda, thus effectively controlling the issues to be considered at meetings. This power in practice meant that when the religious establishment budget (maintenance and repair of mosques, kathi courts, religious education, personnel emoluments, etc.) came before Council, the Resident, if he desired could move that additions or deletions be made. Finances were not the only connection the British Resident had with Islam. The Chief Secretary in Kuala Lumpur in 1923 approved the practice whereby "questions affecting Kathis and Assistant Kathis should be left to the discretion of the Resident as to whether he decides such questions personally under General Orders, or refers them to the Council."⁷⁹ Because the Pangkor Engagement and subsequent Perak legislation rarely referred, if ever, to the relationship of the British Resident with the State Council (because such a Council only began in 1877), that association had developed informally under

the direction of such strong personalities as Low, Swettenham, and Maxwell. Thus, the sweeping Pangkor separation of religious matters from the perusal of the Resident almost from the State Council's inception proved to be an impossible and unworkable prohibition. If the prohibition had been obeyed, Council could never have considered and passed Islamic legislation because the Resident controlled the agenda. The Resident's presence at Council meetings guaranteed that his opinion was heard by other Council members. It also permitted colonial authorities to keep close intelligence on current Muslim sentiment. For example, FMS officials in Kuala Lumpur questioned all British Residents and Advisers in the mid-1930's whether they perceived a rise in Malay religiosity. The Perak Resident replied affirmatively and continued that "whatever yearnings they have for self-determination are taking the form of a desire for greater independence from external authority in respect to religion."⁸⁰ Thus, through informal understandings in the State Council and from FMS directives the British Resident became involved in many facets of religious legislation, its implementation, and to an extent overall religious operations in Perak.

State Council, Committees and Subcommittees: Legislative Work-Horses

During the first several decades of the Perak State Council's existence, it could easily handle its duties. No assistance from specialized committees proved necessary. A variety of reasons account for this self-sufficiency of the Council. The character and highly competent secular and religious members of Council were of fundamental

importance. Of particular significance were Sultan Idris, Sultan Iskandar Shah, Shaik Ma Taib, and several Residents. The first British Residents paid less attention to Islamic matters, preferring instead to concentrate on expanding the state administration and fostering economic development. It appears that Kathi Shaik Ma Taib guided the state's religious destiny during this formative colonial period by supervising religious personnel, trying to stop irregular mosque attendance, and in general, organizing a basic religious organization to oversee Islamic affairs in the state. The State Council played its role in Islamic affairs by proposing, discussing and legislating specific pieces of religious legislation. It also handled other religious issues, such as selecting qualified kathis and deciding the amount of assistance for various mosques. Because of the rudimentary stage of Islamic institutional centralization in Perak, the Council performed its legislative, administrative, and judicial functions without difficulty. Only in the twentieth century did it begin to appoint specialized committees on a regular basis to shoulder some of the Islamic administrative duties. Only the subcommittee appointed in 1896 to study Muslim marriage and divorce registration was an exception to the Council's early tendency not to establish such bodies.

However, the growing size of the State Council was beginning to necessitate reevaluation of the limit of activities which could be accomplished in regular Council meetings. In 1877 the Council had had only seven members but the number rose to almost thirty by the mid-1930's,⁸¹ Discussion and debate on Islamic legislation and other

government-related religious issues in the larger Council became burdensome. The enlarged size also meant that more non-Muslims were State Council members, though not qualified to discuss Islamic affairs. In this situation the State Council began to delegate certain of its responsibilities to various committees and subcommittees after 1900.

The number and titles of standing committees, committees, and subcommittees in the Perak State Council varied at any one point in time. These Council subunits administered religious affairs in Perak with increasing tendencies toward centralized control once the fundamental religious structure in the state had been built after 1880. Initially isolated imams and mosque personnel had labored locally without connection to any other mosque or higher authority. The appointment of kathis and assistant kathis to decide Islamic judicial cases linked local Muslims to those officials. The State Council then gradually began to enact various religious bills, which the kathis and other religious personnel enforced. The numerical increase of these officials and the functions they performed necessitated greater control by the State Council. Specially appointed committees supervised this growing religious bureaucracy.⁸²

The first significant State Council religious committee was the temporary Kathi Appeals Committee, with all Malay members, appointed in 1916. Prior to 1916 when religious issues arose in a State Council meeting, the Council would usually adjourn into an ad hoc committee session with non-Muslims leaving the room. No special committees were formed. The reasons for setting up a religious committee at this time are obscure. Its title suggests one obvious

reason, namely, to create a semi-judicial body to hear appeals against kathi courts. The committee also represented a centralizing tendency in religious affairs in the state. The Council as a whole would only review the committees' activities, namely, Islamic justice, education, mosque construction and maintenance, and kathi appeals' cases.

Sultan Iskandar appointed the Kathi Appeals Committee in January, 1916 to assist him in hearing these appeals in State Council meetings. In this instance the ad hoc committee heard only one case appealed. The Sultan selected three Malay councillors as its initial members: the Raja Bendahara, the Orang Kaya Menteri, and the Orang Kaya-Kaya Dato Stia. The Committee's immediate function was to hear an appeal against the decision of the Selama District Assistant Kathi. The Committee met directly after the regular State Council meetings with the Resident's concurrence until all non-Muslim Council members had left the Council chambers. It then conducted its appeal hearing, in which it would recommend the Sultan to sustain or reject the appeal. Later it reported its decision to the full State Council. After receipt of this information, the Committee's work was done and Council dissolved it.⁸³

The State Council, inexperienced in the appointment and function of committees to perform specialized duties, appointed a second ad hoc Kathi Appeals Committee in August, 1917, including four members with the Chief Kathi and Imam Paduka Tuan serving as assessors.⁸⁴ The committee was to hear two appeal cases. This second appointment of the Committee established the body as a part of the State Council.

Over the next several decades this body was variously termed a subcommittee or standing committee with no change in its function or responsibility. The committee's membership fluctuated somewhat in size but usually had three or four members. Appeals could be and were made against assistant kathis, kathis, and the Chief Kathi. The usual procedure for appeals became more regularized as the appeals became more common. The Imam Paduka Tuan would present the appeal to the Sultan in Council who in turn appointed members for a Kathi Appeals Committee. While the Committee became a permanent part of the State Council, frequently the Sultan still appointed or reappointed Council members to it.

The duties of the Committee gradually expanded beyond those of the 1916 Committee. Its additional duties included at various times deliberating on unsatisfactory kathi and assistant kathi conduct, drawing up a report on legislative proposals relating to religious courts and personnel, supervising the enforcement of the State Council's religious legislation, deliberating on points of Muslim law, appointing, promoting, and transferring kathi and assistant kathi personnel, and superintending mosques in the state.

Despite the almost continuous changes in the Committee's membership, it operated smoothly. Never once did the full State Council not confirm the Committee's findings in an appeal case. In recognition of the Committee's achievements, the Sultan in 1931 added to its responsibilities. An Ipoh judge sent to the State Council a civil suit.⁸⁵ The suit raised questions on Muslim law under the Muhammadan Law and Malay Custom (Determination) Enactment of 1930.

The Sultan then appointed a special subcommittee consisting of the Kathi Appeals Subcommittee plus the Chief Kathi. This new subcommittee would handle all future cases of this nature. No further cases, however, are inexplicably mentioned in the Perak Council Minutes.

Two months later Sultan Iskandar ordered the Subcommittee for Kathis' Appeals to consider the new draft rules for appeals from Kathis' Courts to the State Council.⁸⁶ It was to report back to Council at the next meeting but nothing is to be found in subsequent minutes. In early 1933 the acting British Resident proposed that the Council should appoint three subcommittees for the year: the Subcommittee for Kathis' Appeals, the Subcommittee to Deal with Penghulus, and the Finance Subcommittee.⁸⁷ The reappointment of the subcommittee reiterated its fundamental and important religious position in the State Council.

The last significant change in the Subcommittee for Kathis' Appeals occurred in 1933 or 1934. The Council minutes do not state precisely when the procedural change occurred. In 1934, however, the Orang Kaya Mentri moved that the Council confirm the Subcommittee's findings on a Kathi appeal case.⁸⁸ He added that the Subcommittee had submitted its findings to the Council of Chiefs and Ulamas and these had been approved. This prestigious Council had arisen out of Sir Samuel Wilson's decentralization recommendations in the 1930's. Wilson, in concurring with the High Commissioner in Singapore, suggested the gradual increase in the State Council's responsibilities and powers. The Council of Chiefs and Ulamas, while not a specific Wilson

recommendation, originated with the subsequent Council reforms after 1932. This Council now brought the state's religious experts more closely and more routinely into a consultative role in Islamic appeal cases. The Council associated more religious experts with a State Council subcommittee. The lack of detail in the State Council minutes prohibit any conjecture as to the reaction to and development of the Council of Chiefs and Ulama.

Another of the committees appointed by the Perak State Council was the Committee for Koran Instruction. The Resident in May, 1917 read to the State Council a letter suggesting an alteration in the method of selecting Koran teachers. The Council agreed to appoint a five man Committee for Koran Instruction. It would recommend where religious teachers were needed, establish salary rates, make up teacher examinations, and supervise teachers.⁸⁹

The British had introduced religious instruction in Perak's sixty vernacular schools in 1891.⁹⁰ Malay reluctance to send their children to solely secular schools had necessitated this fundamental deviation of the formal colonial abstinence from native religious affairs. Beginning in 1891, morning vernacular school classes had consisted of the three R's, geography, discipline, cleanliness, and obedience with afternoon sessions devoted to reading the Koran in Arabic. The basic routine changed little over the next three decades.⁹¹ School attendance steadily increased in succeeding years because of the addition of religious instruction to the schools' afternoon curriculum, improved communications, and compulsory attendance in some areas. The colonial administrators intended these schools for

the ordinary kampong Malays. The sons of rajas and chiefs required an English education. They studied at the Central School, Taiping. Some young Malays had previously studied at Malacca and Singapore. After 1905 the Malay elite's offspring studied at the Malay Residential School at Kuala Kangsar. After 1909 the school was called the Malay College. Malay boys from commoner families could also study there and did so beginning in the school's first year of operation. The school possessed a Koran teacher to guide this religious aspect of the students' lives, in which they participated in the traditional recitation of the Koran.⁹²

Early in 1914 Sultan Idris had told the State Council that a Haji Muhammadan Salleh of Telok Anson was holding classes and giving religious instruction without the Sultan's permission. This individual in Telok Anson was causing trouble in the area. By not applying for permission to engage in religious instruction, he caused distress to some Muslims there. He also violated the Muhammadan Laws Enactment of 1904. Although the State Council took no action on the matter, the Resident said he would inquire in Telok Anson and would warn Haji Muhammadan to desist from his teaching.⁹³ The problem of approving independent Islamic religious teachers plus supervising the approximately 120 government Koran teachers finally led to formation in the State Council of the Committee for Koran Instruction.

This Committee performed duties other than simply the selection and supervision of religious teachers employed by the government vernacular schools. It also was

to ascertain where teachers are required, to recommend what rates of salary should be paid, to submit proposals for examination of candidates as to their qualifications for the post, to arrange with the Inspector of Schools for their appointment and generally to supervise their work and advise as to their duties.⁹⁴

The Committee usually met anywhere from four to eleven times a year.⁹⁵

Although the State Council vested the Committee with a large degree of responsibility and power, the Committee had difficulty at times in convincing the colonial establishment to heed its recommendations.

At an April, 1918 Committee meeting members discussed the problem of increasing the number of children attending Koran instructions. Although attendance at the morning session of government vernacular schools had been compulsory since 1916, religious instruction was still voluntary for Malay children. The Committee asked the government to expand Enactment 2 of 1916 to make attendance at Koran classes compulsory.⁹⁶ The matter then came up in a State Council meeting. The Council decided to send the Committee's suggested changes in Enactment 2 of 1916 to the Chief Secretary of the FMS.⁹⁷ The Sultan and all Malay Council members favored the changes making Koran classes compulsory and empowering kathis to fine parents who failed to send their children to the classes. After hearing a variety of views at the FMS Secretariat and at the Residents' Conference of October 15, 1918, British authorities rejected the proposed Malay changes in the school enactment.⁹⁸ Despite this particular setback, the Committee for Koran Instruction continued functioning and advising the State Council until the Japanese invasion.

Certainly this committee continued as a vital cog in the government's education program. In October, 1917 the Department of Education turned over all responsibility for Koran education to the Committee. Over the next two decades it increased the length and quality of Koran classes. The Committee's secretary in 1931 held the first Standard IV examinations for Koran schools, in which 209 boys and 51 girls passed. Perhaps the high point of the Committee's activities came in 1935 when the State Council finally passed a compulsory attendance at Koran schools enactment. All male Malays between seven and fourteen years old had to attend these afternoon Koran classes. The enactment gave the Committee secretary the responsibility to supervise the schools and attendance. Fines or imprisonment could be levied on uncooperative parents who prevented the boys from attending school. The only exception was for those boys living more than two miles from the nearest Koran school.⁹⁹

Another important body in the State Council was the Kathis' Subcommittee. This subcommittee was in charge of the kathis' pay scale, professional and personal conduct, appointments, transfers, and promotions, and so on. The Kathis' Subcommittee was separate and distinct from the Kathi Appeals Committee. Unlike the above two committees, this Subcommittee, originally composed of only Malays, had a European member temporarily appointed to it. In February, 1924 the State Council placed the Secretary to Resident, B. W. Elles, as the Subcommittee's fourth member. He was specifically to assist the Kathis' Subcommittee in considering possible revision of the kathis' pay scale and whether to permit kathis to hear claims by a

divorced Muslim wife for a share in harta syerikat (inherited property or wealth).¹⁰⁰ At that time a property settlement came under Section 37 of the 1911 Land Enactment. The Subcommittee also reviewed the question of the age of majority of Malays under the draft Land Enactment. One of the Subcommittee's other duties was supervising Perak's kathis and assistant kathis. If irregularities arose, the Subcommittee would investigate particular religious officials' conduct.¹⁰¹ It also was in charge of the promotion of kathis, transfers, and other related personnel matters. The Subcommittee in addition supervised the state's numerous mosques. Although the State Council charged the Kathi Subcommittee with important duties, little mention is made in the Council minutes of the Subcommittee.

At various times the State Council appointed specialized committees to study specific problems and to report back to the whole Council. For example, in 1928 the Council received a progress statement by the Kathis' Subcommittee "to investigate and report on the regulations for Kathis and Naib-ul-Kathis regarding registration of marriage and divorce and issue of certificates."¹⁰² The Council rejected its draft rules on the regulations. Sultan Iskandar felt that the Kathis' Committee should handle these matters. At other times the State Council appointed the Subcommittee for Kathis' Promotion and the Subcommittee for Mosques.¹⁰³ One final example of the specialized, single-purpose committees appointed by the Council was a new Subcommittee on Kathis' Appeals.¹⁰⁴ It was to decide any changes in the current rules and procedure for such appeals. Once

these subcommittees completed their investigations and reported to the whole Council, they were disbanded.

One final issue remains to be examined. Why did the Perak Sultans and Malay elite utilize committees and subcommittees in the State Council to supervise the state's religious administration and to recommend legal and other changes? The institution of a State Council only three years after the Pangkor Engagement initially included the Raja Muda Yusof and Raja Dris in the actual administration of Perak. The size of the Council increased over the following decades involving more members of the Malay elite. Islamic policy and statutory laws emerged from the Council meetings. Malay input was real and significant, although its importance waned after 1895. It waxed again in the mid-1930's under the Clementi-Wilson reforms which increased the power and responsibilities of the State Council. Throughout this period, the Sultans and the Malay elite successfully adapted the colonial style and system of government for their own purposes and tempered it to Malay culture and religion. The elite used the Council as a base of power and to strengthen their positions in the government and in Malay society. The elite's establishment of religious committees and subcommittees gave it control of an important part of Malay life, Islam. The Sultans never directly participated in these committee's activities. Instead, they emphasized their general functions outside the Council as head of the state religion. The State Council appendages, namely committees and subcommittees, were a Malay stronghold and one that preserved Malay elite control over Islam.

Colonial authorities welcomed and encouraged the formation of these Council subunits by the Malay elite. The committees separated the Residents from daily Islamic administration and policy, while permitting them control of important religious matters that came before the whole State Council. This isolation of British influence benefited the Malay elite by allowing them a greater degree of control and independence in general Islamic affairs. In this way the State Council committees and subcommittees served both British and Malay needs.

CHAPTER V

THE COUNCIL SYSTEM OF RELIGIOUS ADMINISTRATION:

THE KELANTAN CASE

The Malay aristocratic elite in the northeastern state of Kelantan, unlike that in Perak, formed a religious council. It supervised all Muslim affairs in the state ranging from maintenance of religious buildings and judicial concerns to Islamic education and moral conduct. In the last month of 1915 Sultan Muhammad IV by an Order in Council established the *Majlis Ugama dan Isti'adat Melayu* (Council of Religion and Malay Custom).¹ It was characteristic of all Malay states, except Johor, to establish a formal body to administer religious matters after the arrival of the first British officer and the commencement of colonial rule.

While the Perak State Council, established in 1877, began overseeing Islam after only three years of British presence, the situation differed in Kelantan. In fact, British control of the Kelantan civil government essentially started not under the 1910 Anglo-Kelantan treaty or under the 1909 Siamese-British treaty but instead under a 1902 Agreement.² Under the 1902 Agreement the Kelantan Raja accepted W. A. Graham, an Englishman, as the Siamese Adviser to the state. This appointment emphasized the outcome of Siamese-British rivalry in which the Siamese retained suzerainty over Kelantan while the British gained key administrative posts in

the government. The three treaties concerning Kelantan increased foreign influence in the indigenous government, although religious affairs supposedly lay outside the scope of non-Muslim advice. Modernization of the secular government, as in most other Malay states, stimulated efforts by Kelantanese to centralize and unify the state's Islamic administration. However, as was examined earlier in Chapter II, Kelantan was notably the only Malay state, again with the exception of Johor, to begin centralizing its Islamic bureaucracy prior to the onset of official British colonial rule, in this case, with the arrival of a British Adviser in 1909.

The Majlis Ugama was a unique experiment by Kelantan Muslims to mold their own modern religious institution to reflect local religious conditions and political realities. It differed significantly from all other Islamic administrative bodies on the Malay peninsula. As was described earlier, the two most prevalent types of centralized religious administration were the subunits of a State Council or a specific religious department in the state government. However secular and religious leaders in Kelantan imitated neither of these precedents, namely, Perak, the first state to organize religious committees and subcommittees of the State Council in 1896 or Johor, the first state to establish a religious department in the 1880's.³ Instead, Kelantan formed a unitary, supervisory and regulatory religious entity, the Majlis Ugama, as an independent, non-governmental, centralized body under the patronage of the Sultan and outside the direct influence of the State Council. It was thus removed from the Adviser's advice since it was not a government department.

In this chapter we shall examine why Kelantan leaders uniquely selected and developed the Majlis Ugama to oversee all religious affairs. Crucial to an understanding of this innovative institution is a recognition of Kelantan's reputation throughout the Malay peninsula and archipelago as a center of religious study and education. By the early twentieth century Kota Bharu was second perhaps only to Patani as the residence, temporary or permanent, of religious scholars, theologians, and translators of Arabic books on the Koran and the Prophet's teachings. Various and diverse factors, such as the Sultan's precarious political position, the large number of ulama, and the role of the Adviser, converged in Kelantan's history in the decade or so before 1915 to influence the Sultan, plus religious and secular leaders in their choice of a central Islamic administrative body. Once established, the Majlis Ugama experienced a phenomenal and successful first decade of development. However, as we shall see, it encountered increasingly irksome financial problems during the 1920's which were compounded by the economic depression of rubber and other local industries at the end of the decade. These monetary difficulties, stemming from a debilitating debt on the impressive Kota Bharu Mosque begun in 1922, led to increased colonial financial supervision of the Majlis Ugama and prompted some curtailment of its activities.

The following historical survey will fix the Majlis Ugama in the local Kelantan setting, a competitive one among the Sultan, Mufti, ulama, ruling class and colonial personalities. Next, we will examine the role, interaction, and importance of the key religious

figures in the state, the Sultan, Mufti, lesser Muslim functionaries, and British officials. Finally, we will comment on the place of the Majlis Ugama in the Malay state and society on the eve of the Pacific War. As a postscript, we will briefly note Kelantan's influence in post-war Islamic institutional changes when those Malay states possessing State Council religious committees and subcommittees discarded that organizational arrangement and unanimously adopted the Majlis Ugama model of religious administration.

Siamese Prelude to British Colonialism

Under the terms of the 1902 Treaty between Siam and Great Britain, the Kelantan Raja accepted a Siamese Adviser rendering binding advice on all matters of state except those of a religious or customary nature.⁴ These were the same exclusions contained in the Pangkor Engagement of 1874 and demonstrated the British desire to standardize all treaties and relations with the Malay states. A year after the 1902 Treaty, an Englishman in the Siamese Government Service, W. A. Graham, and an official seconded from the FMS, H. W. Thomson, arrived in Kota Bharu as Adviser and Assistant Adviser respectively to Raja Long Senik (Sultan Muhammad IV, 1900-1920).⁵ Graham noted the general state of affairs in mid-1903 describing "a distinct retrogression" of Kelantan with broken telephone lines, unusual court procedures, rampant corruption, and a degenerate police force.⁶ In short order Graham set about restructuring traditional Kelantan government into modern administrative departments and increasing governmental efficiency. Indigenous efforts toward that end had begun during the 1890's.

On the eve of the British Adviser's arrival in July, 1903, the characteristics of Islam in Kelantan were in some ways similar to those in other pre-colonial Malay states. All Kelantanese were Muslims with the Sultan as the religious head, in addition to being the secular head of state. There was no perception of the Sultan's secular and religious powers as being separate or compartmentalized. In general, he served as a symbolic religious leader. Little information presently exists concerning the active or passive roles that a particular Sultan played in the religious sphere. Materially, he sponsored various feasts in honor of the Prophet's birthday and for Hari Raya Puasa. In the capital the Sultan influenced standards of Islamic observance by his personal conduct. It is uncertain to what degree the religious standards of Kota Bharu influenced suraus throughout the state given communication and transportation difficulties and a loosely unified religious establishment.

Administratively, the Mufti headed the Kota Bharu-based Islamic leadership. He supervised religious activities, such as Islamic feasts, religious tax collection at the three state mosques, distribution of alms, delivery of fatwa (legal rulings on religious questions), etc. Haji Wan Daud bin Wan Suleiman was the Mufti, having occupied the office since 1893 or 1894.⁷ The Kota Bharu kathi was Haji Wan Ismail bin Jamaluddin, who had been kathi since c.1900.⁸ The precise date of his appointment is not known. The third key Islamic official in the capital was the imam, Haji Abdullah.⁹

As noted, Kelantan contained many ulama and Muslim scholars, for example, Haji Wan Musa bin Haji Abdul Samad (residing in Mecca

in 1903) and Haji Muhammad Yusof bin Awang (To' Kenali).¹⁰

Furthermore, a large number of Arabs resided in the state and maintained a direct link between Kelantan and the Middle East.¹¹

Some of these Arabs taught religious subjects in local pondok schools for which Kelantan was famous. Kelantan, like Patani to the north, had developed into a well-known center for religious study in the last half of the nineteenth century. It is notable that the Perak Muslim community thirty years earlier had lacked such a developed religious bureaucracy and educational opportunities when a Resident entered its capital for the first time. In Kelantan the extra decades of "independence" saw a more developed religious administration and indigenous educational system evolve.

The extent and degree of ritual observation throughout Kelantan is difficult to determine. Graham said that this varied in the Kota Bharu area depending on whether the Sultan himself, for example, attended Friday prayers.¹² Not infrequently an elderly imam (Haji Abdullah?) would rouse the Sultan to command backsliders to attend mosque. At one time the police had enforced the injunctions of hukom Syariah (religious law) concerning religious observance but this practice had ended by 1903. Syariah law still served as the basis for justice in Kelantan with liberal accretions of Malay adat. Religious courts, existing in several large towns, were notoriously corrupt with hakims (judges) selling favorable verdicts to the highest bidder.¹³ In the hinterland local surau imams served as the central religious figures. Their duties included arbitrating Muslim personal law, such as family disputes and contested inheritances,

plus performing marriages and divorces. Local imams also discharged normal sacerdotal duties of conducting Friday prayers, burials, tax collection, alms dispersal, etc. Few ties joined the imam and his staff (khatib and bilal) to the capital and its Islamic officials. Local officials usually settled local problems and were self-sufficient.

The new Siamese Adviser in 1903 perceived his function as one of creating a modern, centralized government, thus continuing and accelerating the process begun by Siamese commissioners and Kelantan leaders in the 1890's. This meant "limited but basic transformation, mainly the limiting rationalization, and centralization of traditional authority."¹⁴ The major beneficiary of the altered administrative structure, as in other Malay states, was the Sultan, in this case, young Raja Long Senik whom the British recognized as Sultan Muhammad IV in 1911. Graham understood the local political realities (thanks to Thomson) in which the Raja's uncles, in addition to other rajas and chiefs, possessed a preponderance of governmental power and authority. As was common practice in traditional Malay states, they used this power for their own benefit.¹⁵ Graham separated this class from unrestricted personal economic and political privileges, such as corvee labor and personal tax levies, and incorporated these high ranking Malays into the new government on fixed salaries.

In the changed administrative setting Raja Long Senik was separated from statewide civil powers that he never possessed before 1903. He, instead, reasserted himself in religious affairs as head of Islam, thus bolstering his power over the Malay elite and rakyat. He asserted his responsibility for Muslim welfare through religious

personnel, institutions, and Syariah law. Significantly, despite a decrease in secular powers from the 1870's, the kampong imam had remained an influential local figure. An increase of the Raja's control over the imams through the Mufti, kathi, and hakim in Kota Bharu meant a rise in the Raja's power vis-a-vis entrenched interests, his uncles, in the capital. The centralizing Islamic administration potentially reinforced the position of Raja Long Senik, although the Mufti headed this bureaucracy, raising the specter of conflict between these two figures. By the commencement of British colonial rule in 1909 the first steps of organizing Kelantan Islam had occurred in the capital and the religion began to provide a balance to secular state growth dominated by foreign personnel and ideology.¹⁶

It is not necessary to chronicle Graham's Kelantan government reforms. In brief, he reestablished a police force, formed a State Council (with the Mufti as one of the twelve members),¹⁷ and organized other government departments, for example, public works, treasury, and judiciary. Under the Siamese Adviser's direction the State Council enacted new administrative, civil, criminal, and religious legislation. Most administrative changes were superimposed on the pre-1903 structure. This Siamese administration "differed more in direction of policies than in the actual form of the governmental system"¹⁸ of the British regime to follow. Graham's major structural innovation was exercising central control (for the first time) over government machinery by subordinating the Raja's seven uncles as department heads on fixed salaries. He accelerated earlier Siamese efforts to tie villagers into a central state administration

by making the secular To' Kweng the preeminent local figure, thus eroding the imam's power. The Syariah court was separated from other state courts. In effect, the Adviser attempted to unify, secularize, and rationalize state government.¹⁹

The Siamese Adviser paid little initial attention to Islamic affairs, although in his first annual report he commented on two religious topics, namely education and justice. Education in Kelantan and in all traditional Malay states consisted of children reading, writing, and reciting the Koran. Raja Long Senik wanted improvements and expansion of education. However, the government only constructed a single school in that first year. It charged no tuition and taught reading, writing, arithmetic, and geography. The school's purpose soon became one of preparing Kelantanese boys to become clerks in government offices.²⁰

With respect to Kelantan courts Graham disliked that judicial system rooted in Muslim law and Malay adat. Under the Adviser's direction

His Highness perceived that the reorganization of Justice made for consolidation of his own power and decided, notwithstanding the remonstrances of the Imam [Abdullah] and the upper class generally, that, in the interests of Law and Order, Malay Custom must be departed from in dealing with crime.²¹

A reorganized court system separated the Syariah (at this time called Ecclesiastical) Court from the secular state courts to handle cases of inheritance, marriage, divorce, matrimonial disputes, and Muslim law. Furthermore, all hakims would receive fixed salaries and not be economically dependent on the fees and fines derived from court proceedings, a system which had led to abuses.

A year later Graham commented at some length about the Syariah Court because of the court's statewide influence. The court's three hakims had kept very busy hearing a large number of disputed inheritance cases. The courts only heard litigation that was begun within three years after the death of the person from whom the inheritance arose. However, difficulties developed within the court itself. The Siamese Adviser described an unnamed Arabic judge, recruited from Mecca in 1901, and his fate. The judge delivered a verdict against a nobleman resulting in the judge's subsequent dismissal. The ruling class wanted a judiciary that did not adversely affect its interests. The occasional judge who did not recognize this political reality did not retain his judicial position. The scenario reoccurred a year later and again in 1905 which severely handicapped development of an honest religious judiciary.²²

The Adviser's disapproval of the religious court manifested itself over the last five years of his tenure in Kelantan, although these changes did not involve court personnel. Graham convinced Raja Long Senik to prohibit police from enforcing the Muslim moral code and ritual observances. However, the court still could hear cases relating to religious law, but lacked utilization of secular police. Rapid turnover of justices demonstrated the continued pressures applied by the upper class for a subservient religious judiciary. By 1906 Graham singled out the court as corrupt and as a final vestige of the pre-Adviser era. Between 1907 and 1909 at Graham's urging the State Council passed four Syariah Court regulations establishing western style rules of procedure and fixing

clearly defined court legal limits. The legislation also dealt with marriage, divorce, and inheritance topics. It was the State Council's (and Graham's) intention to raise the quality of religious court proceedings.²³

Thus, on the eve of the transfer of Kelantan's suzerainty from Siam to Great Britain, farreaching religious changes had occurred. An Islamic hierarchy had become clearly delineated with Raja Long Senik as its head and with Mufti Wan Musa as its administrative leader and chief alim. Although colonial records highlight Graham's role in Islamic education, court, and legislative changes, it appears likely that the Raja participated in and may have instigated some of these reforms to strengthen his position vis-a-vis the Mufti and ruling class. Unfortunately documentary limitations preclude additional commentary on the roles of Malay secular and religious leaders in the process of administrative reform. The key to this process was the codification of Muslim personal law by introducing fixed standards of conduct and justice and by publicizing the law. Codification also slowly removed aristocratic leverage over the Syariah Court which meant the end of one major source of corruption. Religious officials in Kota Bharu, furthermore, extended their administrative control and supervision to the state's one hundred mukim and surau staffs. Secular civil reforms permitted such a move. These developments made possible more far-reaching reforms in the following decade.²⁴

Religious Adjustment and Change, 1909-1915

Following the 1909 Siamese-British Treaty and the 1910 Kelantanese-British Agreement, Kelantan entered the colonial fold.²⁵ Colonization in Kelantan differed from that experienced by the Federated Malay States. Most importantly, it occurred thirty-five years after the British forward movement in west coast Malay states. As in Johor, this interlude permitted Kelantan leaders more time to initiate administrative and religious reforms. Economic considerations, stimulating west coast Colonial penetration, were not prominent in Kelantan. Instead, the Colonial office and Straits officials sought to round out British Malaya's borders by encompassing Kelantan and three other Siamese Malay states.

Initially the shift in suzerainty little affected Islamic officials or the religious community. However, the first British Adviser, J. S. Mason, seconded from the Malayan Civil Service, soon initiated reforms, affecting Islam in the state. He included religious revenues and expenditures in the state budget.²⁶ As a more structured administrative government evolved, the Adviser could exert some influence over religious authorities through his control of the state budget. For example, in the approved budget estimate for 1328 A.H. (1910), two surau inspectors were listed but were absent in the next budget estimate, as were a second Kathi Court Judge in each district and a Jumaat (Friday) Judge.²⁷ Mufti Haji Wan Musa bin Haji Abdul Samad (1908-16) requested Mason's consent to create two new surau inspector positions to be remunerated from the Muhammadan Religious Fund.²⁸ The Adviser, upon concurrence of

the Sultan, approved the Mufti's request. Mason agreed because he wanted those two officials removed from the public payroll and paid by the Fund. This action demonstrated that the Islamic bureaucracy, headed by the Mufti, was part of the colonial administration, even if not on the public payroll, and would have to act in the colonial milieu to preserve the religious status quo. It was the beginning of an active compromise relationship between the local Islamic elite and the British.

A major area of British-initiated reform came in the field of religious legislation, continuing Graham's efforts. Mason wanted to separate secular from religious matters in the Syariah Court, to reduce the scope and power of that court, and to align Kelantan Islamic legislation with similar FMS laws. Examples of such legislation included the Ecclesiastical Courts Procedure Enactment, 1327 A.H. (1909) (En. No. 1 of 1327); the Small Offences Enactment, 1909 (En. No. 5 of 1909); the Succession to Small Estates Enactment, 1910 (En. No. 17 of 1910); and the Muhammadan Marriage and Divorce Enactment, 1911 (En. No. 1 of 1911).²⁹ Islamic court inefficiency, delays in hearing cases, judicial corruption, and a desire to bring Kelantan legislation into line with that in the FMS prompted Mason and his successors to promote such enactments.³⁰

Mason had examined the religious court soon after he arrived in Kota Bharu in July, 1909. He pointed out in his first annual report that the Syariah Court possessed no standard procedure and that the court was a source of many complaints.³¹ The Adviser notified Sultan Muhammad IV that no other Malay state had a Syariah

court with a kathi (advised in inheritance matters by a local judge) handling such judicial matters.³² Despite the Sultan's suggested postponement, Mason got the State Council to pass the above enactments. The thirty-nine paragraph En. 1 of 1327 detailed specific Syariah Court case procedures and stated the cases the court could hear, for example, inheritance and khalwat (suspicious proximity of two unmarried people of the opposite sex).³³ En. 5 of 1909 limited Syariah Court to hearing inheritance cases of \$500 or more with Land Officers receiving jurisdiction for the larger number of cases under that figure. The enactments secularized the vast majority of inheritance cases and increased court efficiency through standardized procedure and reduced jurisdiction. By 1911 the Adviser praised the court's progress but added the caveat that delays in hearing cases continued.³⁴

Under J. E. Bishop, the next Adviser, the Syariah Court continued under close official scrutiny. One source of concern was the high turnover of court hakims.³⁵ The Adviser succeeded in 1911 in first abolishing the post of Hakim Mahkamah Jumaat (Friday Court Judge) which was part of the Syariah Court and then establishing kathi courts in Pasir Puteh and Batu Mengkebang districts, thus diluting the primacy of the Kota Bharu kathi court. The new courts acted as branches of the Syariah Court in the capital and were equal to that court. Mufti Haji Wan Musa heard appeals from the three courts, thus enhancing his role as the principle religious authority in Kelantan. In other areas the courts' jurisdiction declined. The Adviser ruled that all cases involving non-Muslims, previously

heard in the Syariah Court, were to be heard by the civil courts.³⁶ Civil courts also gained jurisdiction in maintenance cases involving a Muslim and a non-Muslim.³⁷ Furthermore, all Muslims were only to take their cases to the Syariah Court and not the civil courts, as had happened on occasion. Between 1910 and 1915 only two of ten pieces of legislation increased the religious courts' powers, indicating the prevalent British effort to minimize the courts' role in Kelantan society.³⁸

The Sultan's role in the declining judicial position of the Syariah Court and Mufti exhibits another dimension to the changes. While Sultan Muhammad IV at first reacted ambivalently to the Adviser's forays into religious affairs, by 1913 he gave his qualified support, in part due to continuing complaints against Syariah Court decisions. He also recommended that someone be appointed specifically to supervise all Kelantan suraus. Up to that time Mufti Wan Musa performed that duty. The Sultan possibly hoped to reduce Wan Musa's judicial and administrative powers. This hope arose out of structural strains between ruler and court, and ruler and Mufti. When Muhammad IV came to power in 1900, his powerful uncles exerted influence in retaining their high government positions and in retarding threatening administrative reforms. By 1909, the Sultan had established his preeminence with British assistance over his aristocratic court rivals. The Kelantan-British treaties guaranteed that religious and customary affairs be left outside the Adviser's purview. This condition permitted the Sultan to exert his leadership over Islam through the Mufti. However, Wan

Musa had become Mufti in 1908 and had conscientiously molded the state's religious judiciary and administration into an extensive, powerful organization. The potential for conflict between these two men existed and, as we shall see, would flare in disharmony.³⁹

By 1915 several factors coalesced to precipitate a reevaluation of Islamic affairs in Kelantan by several leading residents in the capital. Of these factors the most important was the threat posed to the Sultan's preeminence over Islam by the religious bureaucracy headed by Mufti Haji Wan Musa. There was also worry of rising Chinese and Indian immigration to Kelantan. Malays increasingly adopted the foreigners' vices with a consequent rise in gambling and decline in morality. Religious leaders disliked colonial interference in Islamic matters, in which Islam was legislatively defined and limited in Kelantan. They also disapproved of British control of Muslim revenue and expenditure estimates in the state budget. Cultural invasion and the accompanying social system shocks to traditional Malay society spurred some people to greater adherence to and refuge in Islam. A further factor hastening a religious reevaluation was the realization by secular and religious leaders and the people in general that they had gained little from six years of indirect British rule. In 1915 peasants in Pasir Puteh demonstrated their frustration in a tax revolt. This uprising, known as the To' Janggut Rebellion, demonstrated Malay dissatisfaction with a reduction of the territorial chief's power and position by a newly appointed district officer and the overly efficient collection of taxes as well as a new tax structure. Lastly, indigenous religious change,

begun in the 1890's, produced a new generation of ulama who felt that Islam, in addition to reviving past glory, could determine its future. These external and internal pressures prompted a major alteration in the Kelantan religious scene, namely the formation of a tightly organized state religious council.⁴⁰

Religious Administration in Kelantan: A Council

At the December 7, 1915 State Council meeting Sultan Muhammad IV created the Majlis Ugama dan Isti'adat Melayu.⁴¹ He envisioned the council as a permanent body of prominent Malays giving advice on religious matters. Several weeks later, on December 24 the Sultan broadly outlined his intentions in establishing such a religious body.⁴² By religion the Sultan included everything pertaining to Islam which benefited the Kelantanese people and furthered the state's welfare. By custom he meant all Malay customs and manners which deserved preservation for all time. Avoiding specifics in his speech, the Sultan added two final points: first, that he hoped the council would raise Kelantan to a level equal to that of the FMS, and second, that he appointed council members and they owed their allegiance only to him. The anti-Wan Musa inference of this last point is unmistakable. The Sultan was openly asserting his position as head of Islam and his preeminence over all state religious personnel. Furthermore and perhaps most importantly, he boldly separated religious affairs from the British Adviser's direct perusal and potential advice.

The Kelantan solution for religious administration contrasts with the Perak case discussed in the last chapter. In Perak Raja Muda Yusof less forcefully asserted his position as head of Islam or for that matter in any area of government because his position depended on British support. He lacked similar support among Malay rajas and chiefs. In that precarious milieu he exerted his role as Islamic head of state through his position as President of the State Council. Yusof's successors followed his example in utilizing the Council as the instrument through which they influenced state Islam.

However, Yusof's problems in 1874 differed from the Kelantan situation in 1915. Muhammad IV securely headed the government, having come to power fifteen years earlier. Colonial advice only commenced in 1903 when the Sultan was already in power. In 1915 he accepted the Majlis Ugama proposal of Dato Bentara Setia Haji Nik Mahmud bin Haji Wan Ismail and Haji Muhammad bin Khatib Haji Muhammad Said.⁴³ Their reasons (plus those of To' Kenali, another key figure) for proposing a separate council rather than a State Council committee or subcommittee or a religious department in the government are not known. The answer surely was not one of ignorance of religious administration in other Malay states. One possible explanation is that they respected the contemporary activities, achievements, and independence of private religious organizations in Kota Bharu. At least two such groups existed at that time, the Moslem Association, founded in 1912, and the Jumat al Khairah.⁴⁴ By suggesting a separate state religious council perhaps Dato Setia and Haji Nik Mahmud hoped for greater flexibility and tighter

organization and coordination in a small group than would be given in a government department or council.

Sultan Muhammad IV's motives appear clearer in this matter. By placing religious affairs under a council of twelve men, he diluted and decreased the power of any single individual. The council also was responsible directly to him rather than to the Mufti whom the Sultan personally and professionally disliked. The council moreover strengthened the Sultan with respect to his secular and religious rivals. In addition, the council enhanced his personal and visible position as head of Islam. Lastly, and most importantly, the council would be financially independent of the British Adviser because the council received two-thirds of the Sultan's share of zakat, though, as we shall see, this financial freedom proved transitory. Thus, Muhammad IV had little to lose and much to gain by accepting the council proposal in 1915.⁴⁵

The twelve Majlis Ugama members appointed by the Sultan differed significantly from the personnel on the Perak religious committees. Whereas the Perak personnel consisted primarily of royal household and aristocratic members, the Majlis Ugama members included four ulama, five civil servants (of whom two were commoners and one of royal blood), one businessman, and the two originators of the council proposal.⁴⁶ The most obvious membership omission was the Mufti, Haji Wan Musa. The other omission of note was any member of the royal family, although this probably was due to such a person's potential threat to the throne. This threat was illustrated during the To'Janggut Rebellion earlier in 1915.⁴⁷ As in Perak, members received

no salaries; such payment would have been redundant since most of the men were already government employees.

Following the establishment of the Majlis Ugama, its members rapidly began work, despite misgivings over the vagueness of their December surat kuasa (letter of authority). Productive Majlis Ugama meetings led to the drawing up and passage by the State Council of five pieces of religious legislation early in the year.⁴⁸ Because the Majlis Ugama's independence depended on a solid financial foundation, it drew up Notices Nos. 3 and 8 pertaining to zakat collection. Notice No. 3, the principal enactment, had seventeen sections which detailed and delineated the system of collecting and dividing this compulsory religious tithe.⁴⁹ In the past zakat collection had been unsatisfactory. Briefly, under the new notice the local surau or mosque imam listed padi planters whose crop exceeded four hundred gantangs (Malay grain measure). These peasants had to pay a thirty-five gantang tax. Retaining two-fifths of the tax on padi in excess of four hundred gantangs, the imam forwarded the rest to Kota Bharu where the Sultan received one third of this amount with the Majlis Ugama getting the last two-thirds. The notice required imams to spend their zakat share on surau repairs, maintenance of strangers, and salary payments. No such expenditure limitations were placed on the Majlis Ugama. Because of administrative difficulties No. 8 of 1916 exempted most of Ulu Kelantan district from zakat collection. The other three pieces of religious legislation focused on prostitution, mosque and surau matters, and impermissible times for playing music.⁵⁰

The role of the Majlis Ugama in Kelantan politics and religion caused some members uneasy feelings. They were worried about the imprecise nature of their duties and demanded a constitution, otherwise they threatened to boycott future meetings.⁵¹ The Sultan censured this action and received apologies from the dissidents. However, their actions resulted in State Council passage of Enactment No. 14 of 1916 entitled Undang-Undang bagi Anggota Majlis Ugama Islam dan Isti'adat Melayu Kelantan (Rules for the Members of the Council of Islamic Religion and Malay Custom, Kelantan). Dated October 16, 1916, this enactment served as a written constitution for the Majlis Ugama and was without precedent in Malaya. It contained twenty-eight sections primarily devoted to council procedure, membership requirements, consultation procedure, vacations, etc. Bearing the Sultan's influence, Section 21 reiterated that the council made and implemented decisions only with the Sultan's consent given in the State Council. This stipulation also was influenced by the British Adviser who wished to assure himself regular information access to the religious council's activities. Only four sections specified actual council responsibilities and powers. Section 24 gave it responsibility for all mosques and suraus with their staffs. Section 25 granted it control over all aspects of Islam, Syariah law, and religious practice in the state. Section 26 stipulated that it must prepare an annual estimate of expenditure and an annual report (Section 27) which would be submitted to the State Council. The final section permitted the State Council to amend the enactment when necessary.⁵²

This enactment, coming eleven months after the Sultan established the Majlis Ugama, gave the council a firm legal foundation for its existence yet lacked inhibitive detail. However, the enactment clearly defined procedural methods allowing smooth functioning of a highly structured, coordinated, and financially independent council. Most significantly, Enactment No. 14 illustrated the innovative character and uniqueness of a council directly responsible to the Sultan in Council. The enactment established a centralized cadre of capable and far-sighted religious leadership.

Majlis Ugama: Formative Decade

Following Sultan Muhammad's momentous December, 1915 speech, the Majlis Ugama began an unparalleled period of administrative innovation and development which exceeded that of any other religious body on the Malay peninsula. As the unchallenged leader of Kelantan's Muslim community, which exceeded in population that of all four Federated Malay States combined, the Majlis Ugama potentially and profoundly could affect the religious, social, and political structure of the state. It demonstrated how Kelantanese themselves reacted to changing state and world environments. With no previous model to imitate, religious leaders such as Tengku Muda Hassan, To'Kenali, Khatib Muhammad Syed, Imam Wan Muhammad, Dato Bentara Setia, and Tengku Abdul Rahman moulded the council into a viable Islamic organization stimulated by their own religious concepts and realities of the day in Kelantan.

Part of the credit for the Majlis Ugama's early successful organization was due to a non-Muslim, the British Adviser R. J. Farrer. The Adviser possessed a deep interest in Islam and concern for Muslim welfare. He thus welcomed the suggestion for a state religious council. Farrer's unabashed support for the Majlis Ugama appears repeatedly in government files and in annual reports, for example calling it "a great success" in 1916, praising its "useful work" in 1917, and by 1919 applauding the new council membership as "more representative than the previous Committees and should command more general respect."⁵³

While Farrer took a more distant stance from religious affairs than did Hugh Low in Perak, the Kelantan Adviser remained interested in Islamic administrative development while safeguarding non-Muslim rights. Farrer kept abreast of Majlis Ugama activities through his participation in the State Council. Another way that the Adviser exerted some control over the religious body was by compelling it to "request" the Adviser's Office to audit its financial accounts in 1919.⁵⁴ A Malay auditor (Che Mott) examined Majlis Ugama finances from 1916 to 1919 and found a mere one-half cent error. By 1920, however, the audit had become an annual ritual. Later it also became customary for the Majlis Ugama to submit annual revenue and expenditure estimates to the Adviser. The council normally accepted any suggested alterations in its estimates. However, Farrer took no active part in the Majlis Ugama's evolution from an idea into a viable religious body.

The religious council's evolution after 1915 can be divided into two categories: acquiring regular income sources and allocating expenditures. A regular income was of crucial significance because it made the Majlis Ugama independent of government funding, a problem of the pre-1915 period. A regular income also reduced the British Adviser's contact with religious affairs, though, as noted, the isolation was not total. The Adviser, as a State Council member, heard all Majlis Ugama requests to the Sultan and could react to them. Unfortunately very few Council minutes survive today revealing the Adviser's participation in religious discussions.

Legislation designating the Majlis Ugama as the state collector of bras fitrah, padi zakat, and bayt ul-mal assured it of a regular income and provided the financial base for its myriad activities. The major functions of the Majlis Ugama during its first decade included: setting itself up as a viable organization, writing a constitution (Notice No. 14 of 1916), finding a regular meeting place, and delineating priorities and activities. In terms of specific functions, religious leaders developed stable income sources, supervised mosques, suraus, and Islamic personnel, established a statewide school system, published and translated periodicals and books, and encouraged increased ritual observance, mosque attendance, and moral improvement.

Before examining Majlis Ugama revenue measures a brief explanation of this body's status in the Kelantan administrative hierarchy is necessary. Was the Majlis Ugama really part of the Kelantan government, as the committees were in Perak? Most or all

of its members worked for the government in other capacities, devoting free time to unsalaried religious posts. It also had close contacts with the Pejabat Menteri (Chief Minister's Office).⁵⁵ Less interchange occurred with the British Adviser, as would be expected. Despite the appointment of a state Legal Adviser in the late 1920's, the Majlis Ugama continued as a major force in religious legislation in the State Council while generally maintaining its own freedom from direct government supervision. Finally, a British official requested clarification on whether the Majlis Ugama was part of the government or not, because if it were not, then it was liable to land taxes. A Setia Usaha Kelantan (State Secretary, Kelantan) file minute acknowledged that the Majlis Ugama could not be considered a governmental department or office and consequently must pay land taxes.⁵⁶ Up until then this quasi-governmental body had paid no taxes, a situation which aided its financial position. Despite this formal independent status, the British exerted informal pressures, notably financial, on the religious council which gave them sufficient control over the council's activities

Regularization of Majlis Ugama Revenue

Meeting thirty-seven times in 1916 Majlis Ugama members clearly ascertained their financial situation and sought a stable income base. Prior to 1916 state religious costs for Islamic courts, feasts, mosque repair, staff allowances, and so on came from the Muhammadan Religious Fund, dependent on Syariah Court fees and fines for its revenue. A similarly named fund existed in each of the FMS. However,

pre-1916 notices limited the court's jurisdiction which caused a significant decline in its income. For this reason Majlis Ugama leaders Tengku Abdul Rahman, Dato Setia, Haji Wan Muhammad, Khatib Haji Muhammad Syed Khatib, and Haji Muhammad recommended some changes.

In January, 1916 they focused their attention on the collection of padi zakat (compulsory religious tax paid at the end of the harvest season). At the Majlis Ugama's urging the State Council passed Notice No. 3 of 1916, "Collection of Zakat," which superseded earlier legislation of 1326 A.H. (1908-09).⁵⁷ The notice gave the Majlis Ugama responsibility for this tax, allotting two-fifths for the local imam's use, one-fifth to the Sultan, and two-fifths to the Majlis Ugama. It also established the proper procedure for levying, collecting, and spending the tax. Prior to this notice individual Muslims usually distributed zakat to imams, the poor, or for other religious needs themselves. By May, 1916 the new religious administrative apparatus began collecting zakat using local imams as its agents. These officials gave padi planters receipts for a tax of thirty-five gantangs paid on each four hundred gantangs of padi. In essence, the Majlis Ugama introduced Western concepts of tax collection with double-entry receipts and regularized procedure that affected almost every Muslim family in Kelantan. At year's end zakat revenue totaled more than \$12,000 with only about \$200 more coming to the Majlis Ugama from other revenue sources.⁵⁸

The budget surplus of 1916 increased the following year for several reasons.⁵⁹ Efficient expenditure of religious revenues played an important role. Even more significant was State Council's

passage of Notice No. 11 of 1917 which made bras fitrah compulsory and payable to the Majlis Ugama.⁶⁰ Islamic officials had first collected this religious tax in 1902 using the proceeds for mosque and surau repair and aid to the poor. Collection was not systematic and after some time was no longer gathered. The Majlis Ugama hoped to augment zakat income by this potentially large additional tax, although initial collections fell below expectations. Religious leaders attributed the disappointing amount to improperly kept tax lists by imams, to individuals who avoided payment, and to insufficient staff for efficient fitrah collection.⁶¹ Nevertheless, the additional revenue provided the Majlis Ugama with a solid financial base upon which to carry out its program.

The new revenue measures precipitated occasional overzealous collections by mosque and surau personnel. In order to temper such conduct (whatever its causes), the State Council passed Notice No. 29 of 1916 warning religious staffs not to oppress the people. It instructed these officials, specifically imam tua and imam kechil, not to break the people's trust by causing difficulties or worries. The notice also established a grievance procedure to the Majlis Ugama in Kota Bharu district or to the kathis in Pasir Puteh and Kuala Krai. Petitions thus received would receive action within one week. Two hundred and fifty copies of the notice in jawi were distributed throughout the state.⁶²

While the preponderance of revenue came from the above two taxes, the Majlis Ugama also raised some income from other sources. In May, 1916 the Majlis Ugama received the power to collect bayt

ul-mal (literally, public treasury) or a tax on the wealth of people who died intestate and lacked a sufficient number or category of heirs, for example, a single daughter could not inherit all of her father's estate.⁶³ No official government notice legalized the Majlis Ugama's position in this matter, so many people fabricated heirs to avoid paying bayt ul-mal. In order to stimulate revenue the Majlis Ugama offered five per cent of the bayt ul-mal to the imam who reported that the tax was due. Although tax receipts increased from \$100 to \$400 between 1916 and 1917, the Majlis Ugama remained dissatisfied because many imams refused to cooperate.⁶⁴

Two other minor sources of income were tanah wakaf (religious endowment land) rent and khalwat fines. The Sultan controlled all Kelantan wakafs until December, 1917 when he delegated this responsibility to the Majlis Ugama.⁶⁵ The council rented houses on tanah wakaf for 25¢ per house, but the revenue never became significant. In 1922 the Majlis Ugama began receiving one-half of khalwat fines levied in the Syariah Court.⁶⁶ This source also remained at a low level.

What the Majlis Ugama significantly did was to collect religious taxes more efficiently from all Muslims in the state. The Pejabat Mufti and other religious personnel had previously lacked such a statewide coordinated organization. The State Council legislation furthermore reinforced the internal dynamism of the religious council. For example, if an imam unjustifiably failed to forward the proper amount of padi to the capital, the Majlis Ugama could institute proceedings against the offender in Syariah Court.⁶⁷ As the Adviser

noted in 1920, the collection procedure operated smoothly despite occasional arguments concerning the division of zakat.⁶⁸

Collection of fitrah caused some problems and prompted public dissatisfaction which illustrate the problems religious leaders faced in modernizing Islamic administration in the state. A petition containing over five hundred names complained about a constantly rising fitrah tax rate (20¢ per gantang of rice in 1916, 25¢ in 1917, and 30¢ in 1918) saying that the Majlis Ugama collected fitrah receipts like a business and accused the council of improperly spending the funds.⁶⁹ The Adviser defended the Majlis Ugama's administration of fitrah funds and its general conduct, stressing that no mismanagement could be detected, even after an audit.⁷⁰ In another Muslim petition the rakyat complained that the Majlis Ugama levied fitrah even on babies, children, old people, and sick people, which violated Syariah law.⁷¹ Because no specific charge was made, the British Adviser took no action on the petition. Further dissatisfaction arose in connection with Majlis Ugama construction of the grand new Kota Bharu mosque because more than the Majlis Ugama's share of fitrah was used to finance it.⁷² Religious authorities in the capital planned a meeting with local imams to get approval for the fait accompli. Disputes also arose in the difficult task of dividing estates among heirs and in levying the bayt ul-mal.⁷³ The Majlis Ugama, assisted by the British Adviser who received many rakyat petitions, handled such questions, tried to end inequities, and established a relatively efficient tax collection apparatus.

Majlis Ugama Religious Activities

Following its founding in 1915 and based on the twin pillars of padi zakat and bras fitrah, the Majlis Ugama's dozen members faced the task of allocating financial priorities. In the first ten months of 1916 members concentrated on writing and having the State Council enact needed religious legislation. But even some of these efforts bore fruit only years later, as in the attempt to procure a bayt ul-mal notice. In matters not totally religious the Majlis Ugama relied on existing legislation, for example to prohibit pigs (considered filthy by Muslims) from wandering in the Malay kampongs and padi fields.⁷⁴ Both new and existing legislation facilitated the religious council's position in the Malay community and in allocating its revenue.

During its first decade the quasi-governmental Islamic council focused on religious priorities, both in the Kota Bharu area and in Kelantan as a whole. To a lesser extent it considered problems of international Islam. Of necessity it needed to consider first a permanent meeting site. Meeting in cramped quarters on the Land Office building's second floor prompted Haji Muhammad in early 1917 to request the Adviser to allot funds for a separate Majlis Ugama building, which was turned down.⁷⁵ A later request received approval. The Adviser also approved supplying free medicines to religious council members when they fell ill.⁷⁶ Other initial activities included installing an office telephone, designing and flying a Madrasah Muhammadiyah (a school) flag, using prisoners to clean mosque grounds and dig ditches for improved mosque drainage, and authorizing peace

celebrations in the 279 Kelantan suraus at the end of the First World War.⁷⁷ The most significant of these activities was the establishment of a Meshuarat Ulama (Conference of Ulama) on January 24, 1918 composed of religious experts which was to issue fatwas and to answer questions on Syariah law.⁷⁸ Ulama members of the Majlis Ugama, in addition perhaps to other Kelantan ulama, constituted the new conference.

In Kelantan, religious leaders used State Council legislation--some of which was innovative and appeared nowhere else in Malaya--to advance Islamic goals. A fundamental Islamic bureaucracy already existed in local surau staffs in addition to the kathi courts in the state. The Majlis Ugama's task was to upgrade and coordinate these basic administrative and judicial units, not, as in Perak, to establish them throughout the state. The first priority was to make Islamic law official in the state. To this end the State Council passed Notice No. 27 of 1916 compelling Friday mosque attendance; Notice No. 18 of 1917 prohibiting the teaching of Sufi doctrines of Islam without prior Majlis Ugama approval; and Notice No. 45 of 1917 requiring all fatwa to receive Majlis Ugama concurrence.⁷⁹ Other legislation strengthening the administrative and leadership positions and linking local suraus, their staff, and the rakyat to the central Majlis Ugama dealt with mosque and surau supervision, religious observance, marriage and divorce registration, translation and publishing of religious tracts, inheritance, Islamic courts, and revenue measures. All such legislation clearly gave the Majlis Ugama responsibility for administering Islam in the state.

One particularly vexatious problem that occupied much Majlis Ugama attention was the prostitution which flourished in the state's main towns and capital. Concerning this problem, to quote Roff, "there was some recognition of it as a social and not merely as a moral problem."⁸⁰ The State Council, prompted by religious leaders, addressed four notices to this issue.⁸¹ While specifically concerned with Malay moral lapses, the Majlis Ugama also tried to stop non-Muslim women from such activity.⁸² For a few years religious authorities used the police to enforce prostitution laws but this led to abuses and Farrer finally prohibited it.⁸³

By the end of 1916 Muslim authorities reported that prostitutes were scared because of their vigilance.⁸⁴ Prostitutes first received a warning, and if they continued their old ways they were prosecuted in Syariah court. Astutely reasoning that women frequently became prostitutes for economic gain, religious leaders offered \$10 to any man who would marry such a woman, thus giving her the financial security of marriage.⁸⁵ Authorities felt that, if double that sum was paid, prostitution would end in the state. Incurable women were banned to isolated areas of Kelantan. Legislation, financial inducement, exile, and growing Muslim awareness resulted in a decline in such offenses by 1918 and 1919.⁸⁶ The Majlis Ugama spearheaded this effort against prostitution and its sister offence of khalwat (improper association with the opposite sex) but never eradicated it.

Other offenses drawing the scrutiny of the religious authorities included public male-female contact and gambling. The Majlis Ugama feared that Malay girls might be tempted at public entertainment,

such as mak yong (traditional folk plays), wayang kulit (shadow puppet plays), and menora (folk play of Siamese origin). Although the State Council declined to pass any notice prohibiting males and females from attending these amusements together, the Adviser ordered future productions to have areas sectioned off for women.⁸⁷ The gambling problem proved more difficult to solve. Religious officials reasoned that Malays of doubtful character gambled because they observed adults doing so when they were young and because they were uneducated.⁸⁸ Earlier legislation banning Muslims from games of chance had proved ineffective. The State Council passed Notice No. 5 of 1917 banning gambling by any nationality and specifically listed thirty-three forbidden games.⁸⁹ This notice seems to have finally had the desired affect.

While pursuing Syariah law offenders, the Majlis Ugama also assigned a high priority to uplifting educational standards in Kelantan. It simultaneously sought to aid the rakyat by improving their life and to stimulate popular support for the religious council by demonstrating how the rakyat benefited from their religious taxes. Commenting on the Madrasah Muhammadiyah al-Kelantanniah opening in 1917, the Adviser noted that "the establishment of this school being a tangible sign of the Majlis activity, has done much to obliterate the suspicion with which the efforts of public spirited people are always regarded in oriental countries."⁹⁰ However, this madrasah was but one part of a comprehensive statewide education scheme. The Majlis Ugama planned to have schools established in one surau in every mukim, in jails, and at the Masjid Besar (central

mosque in Kota Bharu) in order to educate the rakyat, imams and kathis, in addition to correction authorities.⁹¹ In recognition of the Majlis Ugama's positive educational efforts Farrer put the Education Department under its control, despite the doubts of the High Commissioner for the Malay States on this course of action.⁹²

The Majlis Ugama's first educational efforts began soon after it was officially established. In February, 1917 it opened a religious education night school which was held in its Land Office quarters.⁹³ Buoyed by student response, the leaders of the school asked the Sultan for a building to be used as a school and by mid-1917 permission came to purchase the Dato Menteri's house with a \$15,000 government loan.⁹⁴ The purpose of this school, the above Madrasah Muhammadiyah, which opened in August, 1917, was training students as imams and kathis. In addition it offered non-Muslim subjects so that other students could become government officers and teachers. At the Masjid Besar interested young students could study Malay and Arabic subjects of a religious nature.

However, the Majlis Ugama was dissatisfied with the diverse educational standards and the lack of regulations which existed in schools throughout the state.⁹⁵ Four visiting teachers traveling to each mukim for a week attempted to redress this situation as they conducted religious classes. In November, 1916, Sultan Muhammad IV had given permission for the Majlis Ugama to give religious instruction to prisoners in jail and to policemen. The response, however, was not enthusiastic by either group. As a further measure upgrading educational standards, the Majlis Ugama worked through the State

Council to pass Notice No. 18 of 1917 requiring religious teachers to receive the religious council's permission to teach.⁹⁶ Over one-hundred and thirty men procured the necessary certification.

From these first steps a statewide educational system developed. Vigilant central religious leadership, aided by fitrah revenues for this purpose, permitted the establishment of new schools in Pasir Puteh, Kampong Kutan, and Pasir Mas. English language education began in late 1918 with eighty-two students almost overwhelming the small teaching staff.⁹⁷ Additional visiting teachers or inspectors (nazirs) canvassed outlying suraus offering religious and secular classes. State enrollment rapidly climbed to over 14,000.⁹⁸ Each phase of this initial educational expansion quickly resulted in maximum enrollment, which, given Kelantan's traditional position as a center of religious learning, is not surprising. Frequently such schools attracted students from nearby government vernacular schools. Legislation making attendance at government schools compulsory if a child attended no other school occurred in 1922 but was unnecessary since all Kelantan schools operated at maximum capacity.⁹⁹ The only setback in this expansion program happened in 1924 when the Majlis Ugama temporarily closed most outstation schools because of budget exigencies caused by the huge expenditures needed for the new state mosque.¹⁰⁰

Next to its educational achievements the Majlis Ugama's second most significant accomplishment was its publishing activities. The cornerstone of this endeavor was a fortnightly Malay journal entitled Pengasoh (The Educator), founded in July, 1918. The

religious council had purchased a printing press in November of the preceeding year for \$1,000 and established its own Matba'ah Majlis Ugama (Religious Council Press). Staffed and advised by many ulama of east coast fame, notably To'Kenali, the council edited a journal of popular interest and diverse subject matter. Its contents included fatwa decisions by the Mufti (and Meshuarat Ulama), religious questions with answers to them by To'Kenali, Malay history, British law, government, economics, Malay language, political science, and current events. In addition early issues contained Malay translations of the Encyclopaedia Britannica by Megat Othman bin Ali, the English teacher at Madrasah Muhammadiyah. Pengasoh gained widespread popularity throughout Kelantan and the Malay peninsula upholding Muslim orthodoxy and conservative teachings. In addition the Matba'ah Majlis Ugama published numerous books and other literature. This action permitted jawi books to be widely disseminated in the state for the first time. Religious authorities adopted some books as school texts. The journal and press proved immense successes.¹⁰¹

Up to this point only successful Majlis Ugama endeavors have been discussed. Yet one project strained the religious council to its economic foundation and cast a shadow over all Majlis Ugama activities for the next two and a half decades. This project was the construction of the new Kota Bharu mosque. Sultan Muhammad greatly desired this structure as the showpiece of his reign. The old wooden Masjid Besar had been built in 1284 A.H. (1867-1868) and suffered from age including collapsed walls and a leaky atap roof.¹⁰² Difficulties caused by war time shortages plus the Majlis Ugama's

goal of spreading education throughout the state led to postponement of renovation or reconstruction plans until 1919. The Sultan at that time requested the Adviser to procure mosque plans from Perak and Selangor in the FMS and from Langkat and Deli in Sumatra.¹⁰³ However, before a contract could be signed Sultan Muhammad IV died in 1920. A Singapore Chinese contractor began construction in March, 1922. By the time it had been completed, it cost \$340,000, a figure vastly higher than the expensive Perak state mosque. This high cost severely strained Majlis Ugama finances and forced a reevaluation of its expenditures.

Constraints on the Majlis Ugama

Various constraints influenced Majlis Ugama activities with one or more being dominant at any one time. This quasi-governmental body served a statewide Muslim constituency for whom it strove to upgrade Islamic institutions and services. Because the rakyat were geographically dispersed and meagerly educated, they never exerted significant pressure compelling the Majlis Ugama toward a particular decision of statewide significance. However, the rakyat commanded coercive powers inherent in kampong society which could prompt Kota Bharu concurrence with their collective will, for example in seeking replacement of an unpopular or corrupt imam.

A second potential constraint was the chief colonial authority in the state, the British Adviser. Farrer (1915-19) moved carefully with regard to the Majlis Ugama. Since it was not part of, nor funded by, the Kelantan government, the Adviser had few excuses by

which he might offer unofficial (official?) advice. Farrer's interest in Islam and understanding of the Malay prompted him to not interfere with the religious council. He did, however, influence the council's administrative limits through his position on the State Council, for example by forbidding the secular police from enforcing religious law, thus forcing the Majlis Ugama to do that itself. Further, the Advisers also "guided" religious activities through Council legislation, which in the 1930's became somewhat similar to that in the FMS. Legislative standardization was a common goal of the British in the FMS and UMS. The initial period of benign observation changed to one of more active attention in 1921 when both the state government and the religious council's expenditures exceeded income.

The most insidious constraint on the Majlis Ugama throughout its existence was financial. While religious leaders conscientiously operated in the black eighteen out of twenty-five years, deficits in the 1920's tremendously influenced its activities. Large surpluses in the first five years (1916-1920) could hardly soften the fiscal difficulties of the following period. From 1916 to 1920 the Majlis Ugama raised an aggregate income surplus of \$67,730 over expenditures. The succeeding five year period from 1921 to 1925 saw it run at a deficit of \$75,809. The Majlis Ugama operated at a small deficit of \$5,691 from 1926 to 1930. The world economic depression in the industrial world affected the religious council's agrarian-based padi income, but it still ran at a \$14,163 surplus from 1931 to 1935 and a \$44,750 surplus from 1936 to 1940. At the heart of these financial difficulties were the Kota Bharu mosque construction costs.¹⁰⁴

Budget problems precipitated greater colonial interest in the Majlis Ugama, especially when it had to borrow \$136,458 between 1924 and 1930 from the Kelantan government.¹⁰⁵ Annual audits of religious revenues and expenditures by the British Adviser's Office had begun in 1919. Preparation of annual revenue and expenditure estimates submitted to the Adviser (not the Sultan) begins in the 1920's. This increased colonial interest in and influence over religious finances should not be assumed to be entirely negative. While financial turbulence brought closer relations between the Majlis Ugama members and the British Adviser's Office, it also encouraged religious leaders to tap the Adviser's experience in fiscal affairs. If the British Adviser had refrained from entering the religious financial arena, only three others could have done so: the Sultan, the Setia Usaha, Kelantan, and the Menteri Besar. Currently available Kelantan government documents give no indication that any of these individuals was prepared to become involved in the council's revenue and expenditure difficulties.

The fundamental cause of the Majlis Ugama's budget dilemma was the huge cost of the new Kota Bharu mosque. With a revenue of \$54,897 in 1921 the religious council paid the mosque contractor \$37,000 with an additional \$12,500 due every three months in 1922.¹⁰⁶ The payments pushed council accounts from black to red ink every year from 1921 to 1924. As mentioned above, religious activities had to be curtailed, even in the high priority field of education. Construction costs proved debilitating given the statewide recession. As a temporary expedient the Majlis Ugama even borrowed

\$10,000 to pay ordinary expenses.¹⁰⁷ The loans compromised previous Majlis financial independence from the British Adviser's "advice" and led to an erosion of its autonomy.

Lack of capital funds for the new mosque hindered construction itself. Because the council failed to meet the building contractor's payments, work temporarily stopped several times, once for eighteen months, until the contractor received his money.¹⁰⁸ After five years construction still was not finished due to delinquent payments. However, additional government loans aided the council. The Majlis Ugama also solicited public donations for Masjid Besar (Main Mosque, also called Masjid Batu and Masjid Bahru). Despite the number of wealthy Kelantan Muslims, most donations came from poorer people, which disturbed religious leaders.¹⁰⁹ The religious council attributed the unsatisfactory response to poor coordination and vowed an improved organization. At last Sultan Ismail (1920-1944) on 16 Rabil'ul Awal 1350 (31 July, 1931) officially opened the brick mosque, named Mosque Muhammadiyah in honor of Sultan Muhammad IV. Since 1922 the Majlis Ugama had incurred a debt of \$147,459 largely due to this project.¹¹⁰

The primary sources of Majlis Ugama income came from its two-fifths share of padi zakat and bras fitrah. Padi output remained at the mercy of the weather and individual peasant decisions whether to increase production or not. British authorities made few efforts to introduce technological or agricultural innovations. In this agrarian setting the council's income could fluctuate markedly making budget prognosticating a risky endeavor. For example, its share of

padi zakat was \$18,880 in 1923; \$14,633 in 1924; \$16,833 in 1925; and \$14,844 in 1926. Bras fitrah collections were, however, more regular and tended to rise from \$17,176 in 1923 to \$28,862 in 1927.¹¹¹

Faced with mounting debts, religious leaders sought even more efficient revenue collection. The council recruited four persons as amils (collectors of religious tithes) in 1927 to investigate mukims and to compile lists of zakat contributors and the amounts paid.¹¹² Majlis members hoped to prevent local imams, previous list compilers, from cheating the council of its proper share. Local residents condoned and encouraged such conduct because they preferred their padi zakat to stay with the imam rather than the distant Majlis Ugama. The amil experiment would continue for two years and then be evaluated. Indicative of the amils' presence, padi zakat revenues dramatically climbed to \$17,495 in 1927 and to \$21,342 in 1928 before plunging to \$13,637 in 1929 for unspecified reasons.¹¹³ However, because of this last dismal figure, in 1929 the religious council fired all amils (raised to eleven in 1928), assuming that they were to blame.¹¹⁴ Collection procedure reverted to the previous method dependent on imam vigilance with the old problems of zakat magnitude and transfer to Kota Bharu reappearing. Lacking alternatives, the Majlis Ugama resurrected the amil experiment in 1932 to finish the previous year's and that year's collections, paying these officials a thirty-three per cent commission.¹¹⁵ A year later the religious council abandoned the commissions and paid the ten amil \$17 per month for the three month job plus giving them a bonus of \$10 in 1936.¹¹⁶

By the decade's end tax collection had improved. The State Council passed comprehensive religious legislation that had been under consideration since 1930 by a committee of the Legal Adviser, Mufti, Megat Osman (Secretary, Majlis Ugama) and Che Abdullah.¹¹⁷ In 1939 zakat collection increased fifty per cent due to collection methods and the new legislation. Furthermore, Ulu Kelantan was included in zakat collection for the first time. The obverse of the Majlis Ugama's financial problems, that is, the sale of its share of padi zakat and bras fitrah, will not be examined, except to note that when prices were low, the council's income suffered.¹¹⁸

The British Advisers' responses to the religious council's continuing financial problems focused on repayment of government loans. They continued to require Majlis accounts be audited¹¹⁹ and reviewed budget estimates frequently urging reductions.¹²⁰ Draconian measures followed. In 1932 Adviser A. S. Haynes (1930-33) ordered shocked religious officials to deposit, twice weekly, all their revenues in the State Treasury with one-half being applied to debt repayment (principal and interest) and the other half made available for ordinary Islamic expenditures.¹²¹ However, Mahmood bin Ismail (the Menteri Besar) and Sultan Ismail interceded and the Adviser agreed to a revised payment schedule of \$12,000 per year.¹²² Through budget estimate reviews the Advisers kept a watchful eye on Majlis income and expenses.

The Majlis Ugama possessed competent members who made considerable effort to decrease expenditures and increase revenues (as in zakat above) while minimizing service reductions, such as

outdistrict education or postponing completion of the new mosque. For example, in October, 1933 Wan Muhammad Hanafi bin Haji Mahmud, the Majlis secretary, suggested necessary steps to safeguard education, always a high priority, while also raising money. He proposed that parents be urged to pay a 30¢ tuition per month (no tuition was formerly charged); padi zakat should be fully collected according to Syariah law; staff salaries would be cut fifteen per cent effective November, 1932; and repayment of debts owed the council would be strongly encouraged to commence by installments in February, 1933.¹²³ With the Sultan's concurrence, the Majlis formed a committee of seven members to draw up a decreased budget for the next year.¹²⁴ The Menteri Besar also participated in Majlis financial deliberations.¹²⁵ Thus, while the Majlis Ugama was plagued by financial debts in the 1920's and 1930's (which the Japanese occupation administration eventually even made it pay off), the council exerted great effort to increase revenues while reducing expenditures.

Religious Affairs: Cooperation, Conflict, and Interaction

In Kelantan the dominant characters in Islamic affairs included the Sultan, Mufti, lower religious personnel, the Majlis Ugama and Majlis Ulama members, and British colonial officials. These individuals all played roles, usually constructive, for the ruling elite in the development of a centralized religious administration in Kota Bharu. At times clashes occurred, for example between the Sultan and Mufti or between the conservative Majlis Ugama and modernist (kaum muda) proponents. Cooperation as well as discord arose in these relations as will be discussed below.

Two Sultans reigned during this period, namely Sultan Muhammad IV (1900-1920) and Sultan Ismail (1920-1944). It was Sultan Muhammad IV, as noted above, who agreed to the formation of the religious council in 1915. The council reinforced his position as head of Islam, giving him a second avenue in which to exhibit that status. It is, however, difficult to gauge the extent that he used this position. The first avenue, of course, was the State Council. The Sultan served on it along with the Mufti and occasionally other religious leaders. Prior to 1915 the Council had acted as the primary regulator of religious observance and conduct through its legislative function. Aided by his staff the Sultan played a key role in the passage of religious notices, regulations, and enactments. After 1915 the Majlis Ugama reinforced the Sultan's predominant position in Council concerning religious matters. It also gave the Sultan a second avenue, or power base, emphasizing his religious inclinations and concern for the Islamic welfare of his people. For example, Sultan Muhammad isolated Mufti Haji Wan Musa in 1915 by not including him on the list of Majlis members, which had the Sultan's approval. Other differences with the Sultan, such as not forcing people to attend surau besars,¹²⁶ coupled with isolation from the Majlis precipitated Wan Musa's resignation as Mufti in June, 1916. This instance convincingly illustrated that the Sultan actively headed Kelantan Islam. In this case he used his position to remove the only potential rival to his power.

While the Sultan did not participate in normal Majlis meetings, he maintained close contacts with the quasi-governmental council.

He received all Majlis decisions at the Istana (palace) for his approval, rejection, or suggested changes. In addition the Sultan could propose projects for Majlis Ugama deliberation and implementation. As noted, in 1917 Sultan Muhammad intimated that he wanted a new mosque built in the capital.¹²⁷ The suggestion conflicted with current Majlis educational priorities resulting in the mosque's postponement for two years. The mosque issue at first illustrated the Sultan's ultimate leadership role yet one tempered with toleration and flexibility. He agreed with Majlis deferment reasons and did not force the religious body at that time into an untenable and financially impossible situation. Yet his insistence after World War I that the mosque be built finally resulted in the religious council's ultimate financial destruction.

As in Perak and other Malay states, individual Sultans stressed certain aspects of religious ceremony or practice depending on their personal inclinations. For example, Sultan Ismail actively restricted and repressed public gambling which his predecessor had tolerated. In 1928 he banned bull fighting because it tempted Kelantanese to gamble too avidly.¹²⁸ Sultan Ismail also encouraged conversion to Islam (masuk Melayu) and extended his protection to the converts, usually only a few per year, though controversy often accompanied conversion by children or women.¹²⁹ On other occasions he heard complaints from the rakyat over religious taxes and padi purchases from central Islamic authorities.¹³⁰ Thus, the Sultan stood both at the center of religious council deliberation and activity in Kota Bharu while also being accessible to all Kelantan Muslims.

Prior to the emergence of the Majlis Ugama, the chief Kelantan religious authority and personage had been the Mufti. The structural revolution wrought by the religious council displaced and reduced the Mufti's position, though not status in the Islamic community for a variety of reasons. The preeminent cause was the conflict between Mufti Wan Musa and Sultan Muhammad IV culminating around 1915. These differences of opinion centered on points of Syariah law, notably on inheritance and bayt ul-mal, in addition to the wider aspects of sura organization and the imams' powers.¹³¹ As noted earlier, Majlis members with the Sultan's support legislatively stripped Wan Musa of his administrative control over mosques, suraus, and religious personnel. Such actions resulted in the Mufti's resignation and replacement by Haji Wan Muhammad bin Haji Abdul Samad who soon became a Majlis member.¹³² This appointment merged the strongest precolonial religious position with the new Majlis Ugama.

While not subservient to the religious council, Wan Muhammad enjoyed less power than his predecessor. The new Mufti's responsibilities centered mainly on his duties as an assessor on Muslim law in the Senior Magistrate's Court and as the appeals judge on Syariah and Kathi Court decisions. In his other major function as interpreter of Syariah law and deliverer of fatwa, he was assisted by the Meshuarat Ulama (Conference of Ulama) beginning in 1918. This Conference will be discussed below. Wan Muhammad restored harmony between the Mufti's office and the Sultan. Tranquil relations apparently developed with colonial authorities, despite Englishmen sitting as Kelantan court judges. Some disagreement did

arise in the 1930's when the Legal Adviser urged revision and consolidation of the State's Islamic legislation, but compromise avoided the development of a major controversy.¹³³ The union of the Mufti with the Majlis Ugama became complete when Mufti Ibrahim bin Yusoff emerged as President of that religious council in 1940.¹³⁴

Lower echelon religious officials (imams, bilals, and khatibs) and judicial authorities (kathis and naib kathis) served as the mainstay of Kelantan's Islamic bureaucracy. Surau personnel served at the religious administration's lowest level. Selected by kampong leaders and dismissed only with Kota Bharu consent, these officials received no fixed salary. Instead, they received a portion of locally collected religious taxes (padi zakat and brae fitrah) plus a portion of marriage and divorce registration fees. As a fringe benefit, these officials were exempt from the state land tax (Notice No. 19 of 1921). This group's main function was enforcement of State Council legislation and Majlis Ugama policies, in addition to conducting religious ceremonies. Dissension among imams and khatibs did however occasionally erupt, resulting in central authority intervention. For example, cases of disobedience and disagreement over Syariah law prompted the grieved parties to petition Kota Bharu assistance.¹³⁵ Officials and local residents petitioned on a wide range of topics including appointments or replacements of local staff, appeals to religious court cases, constructing or moving a surau, tax exemptions on imported construction or repair materials, disputes over civil and religious taxes, and Islamic education in Singapore.¹³⁶ These petitions to Kota Bharu met with mixed success.

In spite of the clear administrative vertical linkage between these officials and the Majlis Ugama, they frequently addressed their correspondence to the Sultan or Setia Usahan, Kelantan (State Secretary) which prompted closer relations on religious topics between these men and the religious council. Thus, interchange between outstation religious personnel and the central authorities, while normally free from conflict, demonstrated vigilance for the protection of local rights and prerogatives when local personnel perceived intrusions from Kota Bharu.

The backbone of Kelantan's Islamic judicial system were the kathis. These officials heard religious court cases, usually dealing with land, inheritance, marriage, and divorce disputes, in the state's main towns. These included Kota Bharu, Ulu Kelantan, Pasir Mas, Pasir Puteh, and Bachok. Belonging to the Pejabat Mufti (Mufti's Office), the kathis worked as pensionable government officials on salaries. Appeals from their courts initially went to the Mufti and later directly to the Sultan in Council. Because government records contain little correspondence from the state's kathis, relations between these officials and the Mufti presumably were tranquil.¹³⁷

In Kota Bharu two religious bodies handled Islamic affairs. Concerning the Majlis Ugama enough has been said above. The second body, the Meshuarat Ulama, assisted and aided the main Majlis Ugama. Founded in January, 1918 it aided the Mufti and religious council by interpreting Syariah law and answering questions on it. Pengasoh regularly published the Meshuarat Ulama's answers to religious

questions and its fatwa, including as many as seventy-seven fatwa per year.¹³⁸ With many members of the Majlis Ugama also belonging to the Meshuarat Ulama, close relations and coordination existed throughout this whole period.

From its inception and incorporation in 1915 a noticeable rapport evolved between the Majlis Ugama and British colonial officials. This relationship only occasionally became strained, as in the case above where the Adviser coerced the council to permit an audit of its account. But even in that case a compromise soothed irate feelings when Thomson performed the first audit, subsequently transferring the job to a Malay clerk.

The British Adviser's Islamic interests can be divided into two broad categories: international Islam and religion in Kelantan. Concerning the former category, the Adviser acted as a representative of a colonial empire concerned with international relations. In Kelantan this interest primarily focused on performance of the haj (pilgrimage) to Mecca and Medina. The complete pilgrimage operation, namely, pilgrim recruitment, pilgrim passes, taxes, transportation, sanitation, supervision in the holy land, and even deceased pilgrims' ticket refunds, came under the Colonial Office and hence British Kelantan representatives' review.¹³⁹

As the chief British official in Kelantan, the British Adviser occupied a central and pivotal position in the government, which despite treaty prohibitions included religious affairs. Most importantly, various Advisers bolstered the Majlis position as the leader of Islam by referring most entreaties, complaints, and

petitions to the council or to the Sultan saying "I can't interfere in religious matters" or "obey the decision of the Majlis."¹⁴⁰ At other times the Adviser suggested that the Majlis Ugama approve an outstation mosque construction grant or settle a disputed bayt ul-mal land purchase deal.¹⁴¹ This British official also "advised" the council about purely administrative matters, as in penalizing an imam for losing his marriage and divorce register.¹⁴² These representative incidents, plus the Advisers' financial interference mentioned above, reveal a flexible reading of the 1910 Treaty. On the other side of the ledger, the British Adviser and Legal Adviser closely consulted with religious officials when planning and drafting Islamic legislation, as colonial officials slowly sought to align Kelantan legislation with that prevailing in the FMS. As we noted in Chapter III, the British strove for legislative standardization.

One subsidiary domestic function of the British Adviser was the monitoring of Kelantan religious sentiment. Because of the nature of this activity, few records openly illustrate colonial interest in indigenous religion. While the Dutch in the Netherlands East Indies constantly worried over possible ties between Islamic leaders and the nationalist movement, British Malayan authorities only rarely viewed local Islam with suspicion or alarm. One such instance occurred in 1935 when the High Commissioner Sir Shenton Thomas became apprehensive over the "increasing tendency among Malays to follow Islam more closely" in Malaya.¹⁴³ Responding in some detail to the High Commissioner's query, Adviser A. E. Baker said no notable attitude changes had occurred among Kelantan Muslims

and were unlikely "as long as the spirit of the Treaty is exactly observed."¹⁴⁴ The Treaty was not "exactly observed." Rather, a workable arrangement evolved in which colonial input in religious council affairs was judiciously weighed and open clashes between the two rarely occurred, because both the Adviser and the Malay elite actively worked to prevent dissension.

Significance of the Majlis Ugama

The Majlis Ugama as an institution centralized Kelantan religious administration to a degree not achieved earlier in the state nor in most other Malay states. It gave Muslims a focus to mobilize around as Kelantan underwent a gradual social and economic transformation initially induced by foreign entrepreneurs and capital. By 1941 this religious council under control of the Malays had firmly established itself as the executive, administrative, and judicial authority in the state and had proven its permanence by overcoming financial difficulties. It also suppressed a weak challenge from kaum muda elements in the Muslim community, initially led by the ex-Mufti, Haji Wan Musa.¹⁴⁵

The Majlis Ugama as an institution served the needs and purposes of a variety of individuals and groups. To Sultan Muhammad it was a vehicle to exhibit his paramount religious position in Kelantan. It also strengthened him against his rivals, both secular and religious. Of all the individuals associated with the religious council the Sultan was the most important. It was he who approved the plan to establish such a body in 1915 and it was he who caused its decline by his insistence on having a new showpiece mosque

constructed in the capital. The broad religious program of the Majlis encompassing education, Islamic law enforcement, publishing activities, and religious tax collection had to be changed after the economic realities of the mosque project unfolded.

The Majlis Ugama fundamentally affected the lives of the Kelantan peasantry. Religious law was enforced as never before. Deviance from orthodox views was stopped. Mosque attendance was closely monitored and absentees were noted and fined. Of greater economic significance to the peasant, Islamic taxes were uniformly collected from everyone. No one could escape paying as in the pre-1915 era. With the increasing financial burden resulting from the Kota Bharu mosque costs, the Majlis Ugama intensified tax collection efforts. When tax receipts declined, the council fired the tax collectors and replaced them with more efficient, business-like men. The religious council did bring one important benefit to the Kelantanese peasant. It extended Islamic education throughout the state. It is, however, doubtful if this benefit outweighed the burden of rigorously enforced compulsory tax payments.

The Malay elite participated in Majlis Ugama activities and benefited from that association. Many of these men served as council members while others were associated to it in other ways, for example, as writers for Pengasoh. Since the council supported the Sultan and in turn received his patronage, council members potentially and probably did benefit by this close partnership with the political center of Kelantan. This political-religious union bolstered the regime against threats to its position. The religious bureaucracy

extending into every kampong meant that the council's support was not unimportant.

The final group to benefit from the organization of a central religious administration in Kelantan was the British. Prohibited from interfering in religious matters by various treaties, colonial authorities welcomed indigenous administration and regulation of Islam with control residing in a central religious council. Whenever he deemed advisable then, the Adviser could exert influence on this body on Islamic administration or any other matter, in effect, assuring indirect colonial control. As was noted above, this influence began to increase significantly in 1919 with the audit of the Majlis accounts. The British influence increased when the Majlis began submitting its budgets for colonial approbation. In return for accepting their "advice," British authorities supported the council legislatively. As in other Malay states, religious affairs securely came under colonial control. British fiscal control over religious expenditures was also realized in other Malay states, including Perak and, as we shall see in the next Chapter, in Trengganu.

Indicative of the overall successful administration of Kelantan religious affairs were the imitations of the Majlis Ugama established in other Malay states after the Pacific War. Only Johor retained its religious department form of Islamic administration. The post-war State Councils deliberated and passed legislation forming the new religious councils in their states in 1949 and 1950. Kelantan, too, passed such legislation as it consolidated pre-war religious legislation, again being in the vanguard of Malayan Islam.

CHAPTER VI

RELIGIOUS BUREAUCRATIC MODERNIZATION:

THE CASE OF TRENGGANU

Under the Anglo-Siamese Treaty of March 10, 1909 Siam relinquished its suzerainty over Trengganu, as well as Perlis, Kedah, and Kelantan.¹ This treaty completed British domination over the Malay peninsula. For Trengganu this document signalled the beginning of a new period of British relations. Unlike the other eight Malay states which had accepted British officers into their capitals by 1906, Trengganu had steadfastly rejected all efforts to place such an official in Kuala Trengganu. The Malay ruling elite, consisting of four interrelated families in the capital plus outside chiefs and officials, had perceived the threat to their state after the earlier Anglo-Siamese Treaty of 1902.² That treaty, not signed by the Trengganu Sultan, had specified that an Adviser and Assistant Adviser be stationed in Kuala Trengganu, the state capital. Sultan Zainal Abidin III (1881-1918) rejected all moves to that end.

The Malay elite had reacted to British pressure arising from the 1902 treaty by recognizing the necessity of modernizing the state. There was some hesitancy about imitating Western institutions since that meant possible religious defilement and cultural dilution. Furthermore, the adoption of Western bureaucratic institutions, based on a meritocracy, threatened the hereditary positions of the

Malay elite. From 1902 until 1919 the ruling elite was in a state of "tension between the desire for political restructuring, as a prerequisite to survival and progress, and the disinclination either to reject Malayo-Muslim models or to endanger the hegemony of the central elite."³

The only accommodations made to the external threat may have been the formation of a civil service and the establishment of a court system based on written law around 1902.⁴ However, this limited change in the bureaucratic nature of the state did not forestall the arrival in Kuala Trengganu of a British officer, W. L. Conlay, along with a Siamese Commissioner in July, 1909. Their presence made the indigenous elite concretely aware of the altered status of Trengganu since 1902 and of their potentially changed position in it. The Anglo-Siamese Treaty of 1909 had not specified that foreign officials would reside in Trengganu. It was Conlay's task to gain Sultan Zainal Abidin's acceptance of a treaty introducing such an official. The negotiations lasted about nine months.

By the treaty of April 22, 1910 Trengganu and Great Britain clarified their relations with each other.⁵ This treaty noticeably differed from the usual colonial document introducing a British officer in the capital. There were two important differences: first, Trengganu had refused to accept an Adviser and second, no mention was made of the nature of the British officer's advice, viz., whether it was of a compulsory nature or whether religion and custom were outside its limits. The Sultan accepted only a British Agent in the capital with a status equal to that of a consular officer. Zainal

Abidin wanted an Agent rather than an Adviser. Whereas Kelantan admitted an Adviser in 1909 with the power of compulsory advice, Trengganu accepted only an Agent whose counsel, at least according to the treaty, would legally be only advice. The basic difference was one of obedience by a Malay Sultan to a British official. During the 1909-1919 period the Agent's recommendations frequently were not followed or, if accepted by Malay leaders, it was only after much delay.

Except for referring to Trengganu as "a self-governing Malayo-Muhammadan State," the 1910 treaty made no reference to Islam. The fact that no other mention was made indicated that the British wished to avoid antagonizing local religious sensitivities by even suggesting that they as kafirs (infidels) could advise on Muslim affairs but chose not to do so in Trengganu. Given Trengganu's early twentieth century reputation among Europeans for being isolated, backward, and inaccessible,⁶ it is probable that colonial authorities simply chose not to press the issue of installing an Adviser at that time.

In this chapter we will examine the development of a religious department in the Trengganu government during the colonial period. Both the indigenous response to the colonial situation and the British reaction to contemporary religious affairs can be divided into three periods. In the initial or Agent period (1909-1919), Islamic affairs, except for religious courts, remained primarily in the Malay sphere. The various Agents seemingly paid only cursory attention to Islam until the end of this period. Few changes

occurred in a loosely organized religious body in the government about which little is known. In the next period, roughly spanning the first half (1919-1929) of the Adviser years in Trengganu, a formal, bureaucratic Religious Department was established. In addition, the State Council transformed Syariah law into statutory law. Also in this decade, acts of violence with religious overtones took place in the up-country areas of the state. During the pacification efforts in 1922 Religious Department personnel played a role of some importance. In the third period during the thirties, the Religious Department reached its maturity under the direction of its secretary. The Department's development, participation in the legislative process, and independence of action raised key questions about Anglo-Trengganu religious relations. In the colonial context, what were the acceptable limits of the Adviser's interference in Islamic affairs? In terms of Malay society what was the significance of the Religious Department? It is to these issues that we now turn.

Anglo-Trengganu Religious Relations, 1909-1919

As noted in Chapter II, prior to the onset of British protection Trengganu had already begun to institutionalize its Islamic establishment. During the reign of Baginda Omar (1839-1876) the first Mufti had been appointed and was succeeded by a relative, thus beginning a religious tradition of selecting a member of the Malay Duyung family for the post of Mufti.⁷ There were no separate kathi courts, only state courts. Responding to a changing political setting outside of Trengganu, the state court system apparently had been expanded in

1902. It is not known, however, how far the courts' jurisdiction extended beyond the capital.

In terms of Islam itself, Trengganu's inhabitants had a reputation for being zealous Muslims.⁸ It was indicative of the high popular esteem placed on Islamic values that the Sultan, Zainal Abidin III, exhibited a devoutly religious orientation. A further manifestation of the importance of Islam among the Malay elite was that two of the four major families in the capital had strong religious orientations. The first was the al-Idrus family, of Arabic descent with a family tradition of religious teaching and a powerful, religiously based support in the countryside.⁹ The other family in the Malay elite involved in formal religious affairs was the Malay Duyung family mentioned above.

The introduction of a British Agent into Trengganu prompted the Malay elite to reevaluate not only their own positions in the colonial setting but also the place of Islam in the state. Concerning the problem of the Agent's physical presence in the capital, nothing short of a rebellion could have removed him. This meant that the Malay elite had to accept the Agent in the capital. The elite recognized that this treaty provided the key to limiting the Agent's influence and power in the Trengganu government, i.e., to keep the Agent out of the inner councils of government. The elite tried with some success to isolate this colonial official.¹⁰

With respect to religion, Malay leaders sought to reaffirm their strong Islamic tradition by clearly defining Islam's place in twentieth century Trengganu. To this end on November 22, 1911 Sultan

Zainal Abidin III promulgated the first written constitution in Trengganu's history. This was only the second such constitution on the Malay peninsula, the first being enacted by the Johor State Council in 1895.¹¹ Furthermore, the Sultan drafted the document himself, though with the probable assistance of his advisers, notably the Yam Tuan Muda (Mohammed) and a former Johor schoolmaster.¹² The constitution had fifty-three chapters covering major aspects of government, the Sultanate, and the State Council.¹³

This document clearly affirmed that Trengganu was an Islamic state with Islam being the state religion. As if reacting to immigrant invasions of west coast Malay states under British protection, the Constitution further added that Islam would be the state religion even if other religious denominations had more members resident in Trengganu than there were Muslims. Though not specifically referring to this point, the Constitution also stated that no constitutional amendments were allowed in any form whatever. The official position of Islam was further strengthened by explicitly stating that the Sultan had to be a Muslim in addition to being a Malay. In addition, the Sultan was to be free of personal qualities contrary to Syariah law. All government ministers were also to be Muslim. Concession to non-Muslims or non-Malays came in the section dealing with the Consultative Assembly. Its membership was open to any male in the state.¹⁴

The 1911 constitution also indicated that the Sultan and the Malay elite wanted a more formal recognition and administration of religious affairs than had previously existed. Although the

constitution does not specifically mention the establishment of a religious department, such a government body probably was contemplated. Sultan Zainal Abidin apparently appointed his son-in-law, Tungku Ngah Omar bin Abdul Rahim (Tungku Seri Utama di-Raja), as the first head of religious affairs on December 31, 1912.¹⁵

No corroborative evidence could be found concerning this appointment or for the existence at that time of a religious affairs body. In a chart of "Trengganu Elite 1909-1919," James de Vere Allen listed no bureaucratic title or office after Tungku Ngah's name.¹⁶ In charge of a nebulous "Religious Affairs," Allen listed Ungku Said Abdul Rahman of Paloh who was succeeded by his son Said Abubakar. According to Allen, Ungku Said was in charge of Islam in the capital. The only uncertainty arises over whether he was the first or second man to occupy that position and when he occupied the office.

In any event a more logical choice would have been difficult to imagine. Ungku Said headed Trengganu's Arab community and was a member of the al-Idrus family, one of the four central elite families in the capital. Since c.1878 he had gained a reputation of a healer of diseases, of possessing unknown powers, and of being a Muslim saint. For these reasons devout Muslims all along the east coast sought out his home as a pilgrimage site. Ungku Said had also acted as religious teacher to Sultan Zainal Abidin, which no doubt facilitated his possibly functioning as Religious Commissioner.¹⁷

Unfortunately during Ungku Said's period as head of religious affairs, beginning sometime after 1912, no financial reports or accounts of

activities were published or exist today in manuscript form. On September 6, 1918 he died at the reputed age of one hundred years and his eldest son, Said Abubakar, more commonly called Tuan Embong or Tuan Bong, succeeded him.

While the personnel and the existence of a formal religious department at this time remain unclear, other developments can be examined. Common among all Malay states following the establishment of a formal British presence were efforts to codify and standardize Muslim law. The Trengganu Malay elite and the Sultan felt a need to pass statutory religious law in response to the infidel presence in the state. The necessity of such enactments was further prompted by a desire that Syariah law be uniformly known, understood, and enforced. The British welcomed and encouraged such indigenous efforts in the State Council. In Council the British Agent could also "assist" in drafting Muslim legislation and seek to make such enactments similar or identical to those in the Federated Malay States.

Because birth, marriage, divorce, and death marked important milestones in traditional society, early religious-oriented legislation aimed at regulating these events, as was mentioned in earlier chapters. The Trengganu State Council drafted its first two known pieces of Islamic legislation in 1912. The enactments passed included "The Courts Enactment of the State of Trengganu" and "Instructions to Imams, Khatibs and Bilals relating to the Solemnization of Muhammadan Marriages."¹⁸ Sections of the Courts Enactment probably dealt with Kathi Courts, appointment of personnel,

jurisdiction, and duties. In an Annual Report three years later the British Agent remarked that "Since the year 1912 the Trengganu Government has endeavored to organize itself on the model of Johor institutions."¹⁹ Dependence on a Johor model for religious legislation, in addition to basic governmental organization and delineation of function, continued for the next three decades. This was initially because Zainal Abidin hoped to retain the preeminent position in the state that the Johor Sultan possess vis-a-vis the General Adviser in his capital and perhaps because of the influence of his advisor, the former Johor schoolmaster.²⁰

Fundamental to any modernization of the religious bureaucracy in a Malay state was the reorganization of the indigenous court system. While the British saw this as a necessary accompaniment of their rule, the Sultan and the Malay elite viewed the judicial reforms as a means of preserving their elite positions, since they would logically staff any newly created Malay courts. In 1910 the British Agent, Conlay, formed a Joint Court (Mahkamah Balai) in which he sat with a Malay judge hearing cases involving British subjects. This court based its decisions on Islamic and customary law in civil and criminal cases.²¹ An Islamic Court (Mahkamah Syariah), founded around 1900, heard all cases which did not involve British subjects. Concerning this judicial system predominantly relying on Islamic law, the British Agent, J. L. Humphreys (1915-1919), lamented its actual influence in stopping crime. He stated that

the failure is partly due to the nature of the penalties inflicted . . . , but more particularly to the limitations of the Muhammadan law of proof, that tends to undervalue circumstantial evidence, and requires for example, four male witnesses of irreproachable conduct to establish such an offence as rape. When the statutory amount of oral testimony is not available accused persons who would be convicted under the Evidence Ordinance of the Colony can usually escape punishment by repeating an oath of innocence in the Mosque.²²

To rectify what the British Agent perceived as major judicial deficiencies, the State Council passed the second Courts, Enactment in 1917. This Enactment provided for the renaming of the Balai and Syariah Courts as the Supreme Court and the Court of the First Magistrate respectively. It also created a Court of the Second Magistrate. The State Council would review all decisions of the latter two courts before judgments were handed down.²³ This was to hinder litigants from buying favorable court decisions, a common occurrence in Trengganu courts. Little change was made in the reliance on Islamic rules of judicial procedure or presentation or type of evidence that would be accepted.

Particularly repugnant to British tradition of jurisprudence was the subjection of religious offences, for example, fornication or failure to attend Friday noon prayers, to secular government courts. The Sultan finally agreed to the British Agent's entreaties that proclamations be issued to modify Syariah law bringing Trengganu law more in line with that existing in the rest of the peninsula.²⁴ The tenuousness of the British Agent's position when pushing for changes in Islamic law can be seen in his Journal entry of March 20, 1917:

His Highness is a most scrupulous and devout Muhammadan and feels strongly his personal responsibility for any departure from strict Hukum Sharak in the administration of the State; he told me that he would like to bring the criminal law more into line with that of other Malay States but for this difficulty.²⁵

Sultan Zainal Abidin directed the State Mufti, Haji Muhamed Salleh bin Ismail (Dato Indira Guru), to draft a proclamation bringing Trengganu's penalty for murder, previously payment of a life-price or diat to the murdered victim's family, into alignment with the death penalties imposed in other Malay States. Those States had copied the Indian Penal Code which was more precise in criminal matters than Muslim law as enforced in Trengganu. Humphreys soon thereafter requested the Sultan to issue a proclamation concerning the making of oaths by non-Muslims in judicial cases.²⁶ Until then even non-Muslims made oaths, binding for purposes of the courts, on the steps of the nearest mosque. Obviously the non-Muslims' fear of the hereafter in an Islamic heaven little influenced the truthfulness of their testimony. The Mufti also revised a draft Fornication Enactment under consideration by State Council in 1917.²⁷

The Trengganu courts caused official British consternation in Singapore because the courts only infrequently used the ultimate crime deterrent, the death sentence. The High Commissioner, Sir Arthur Young, had been searching for an excuse to change the status of the Agent to an Adviser. Young hoped to end his career in Malaya by completing the British "forward movement" into the Malay states, begun thirty-four years earlier. Prompted by Humphreys, the High Commissioner appointed a Commission of Enquiry (Bucknill Commission)

in 1918 to investigate the Trengganu judicial system. Young and Zainal Abidin also met for discussions at Government House, Singapore in July, 1918. The High Commissioner reiterated complaints against "the impractical requirements of Muhammadan Law."²⁸ The Bucknill Commission and Young-Zainal Abidin discussions basically indicated the Malay elite's success in largely retaining its power by frustrating the reform efforts of the various Agents. As Sutherland notes, "Power was concentrated in the hands of the privileged few, who regarded the state as theirs, while the Malayo-Muslim ideas of state organization . . . were still the main ideological basis of the negeri polity."²⁹ The British, on the other hand, wanted to establish a bureaucratized government with Islamic considerations either outside the secular administration or forming a minor addendum to it. British criticism of the Trengganu judicial system was used as a pretext to substitute European for Malayo-Muslim ideas of government.

Humphreys began a campaign in his monthly Journals and annual reports to amplify any real or imagined ills in Trengganu government, courts, and society in general in order to gain support for Singapore's efforts to install an Adviser. When Zainal Abidin died in November, 1918 and was succeeded by the Yang di-Pertuan Muda, or the heir apparent, who became Sultan Muhammad III (1918-1920), the opportunity came. The Sultan had been the leader of anti-British elements in the elite for almost a decade. During that time he had advocated Malay reforms to modernize and centralize the Trengganu government, for instance, appointing District Officers to administer

outlying areas.³⁰ Relations between the new Sultan and Humphreys soon became strained as Muhammad refused to discuss the issue of debt-slavery, his personal allowance, or alteration of Trengganu-British relations.

The British Agent stepped up his attacks upon the Sultan and his supporters, the Muslim officials. In January, 1919 Humphreys entered in his Journal that

the Sultan's religious Proclamation (of last December) is as I expected, merely increasing the Police's opportunities for blackmail. A number of Indians were charged under it today with failure to attend Friday prayers.³¹

If this statement were true, then selective enforcement of the Proclamation would have tarnished the Sultan's image. The Agent's vituperations continued in subsequent Journal entries, especially with regard to a traditionalist religious party ("Astana Party") in the capital, of which little is known. Humphreys complained that

The influence of the Trengganu religious party and schools, which still tend to confuse theology with administration and to encourage lifeless political theories, is a continuing obstacle to progress and more enlightened ideals.³²

His Islamic heritage and encouragement from unknown religious elements in the Malay elite stiffened Muhammad's initial resistance against British sponsored reforms. The Sultan's intransigent disposition toward accepting compromises angered the British. Singapore's and Humphreys' insistence on change and pressure from the Sultan's advisers, Muhammed bin Yusuf (Mentri Besar, 1917-1941), and Tunku Chik Ahmad bin Abdul Rahman (Commissioner of Lands), finally resulted in overcoming the Sultan's opposition to a most fundamental reform, a revision of the 1910 treaty. Muhammad signed a 1919 treaty with

the British raising the status, rank, and powers (compulsory advice) of the now British Adviser.³³ In the succeeding two decades the Adviser used his position to influence a newly established Religious Department and the general direction of religious reform and bureaucratic development.

Formative Decade: Legislative Foundation

Trengganu formally established its state Religious Department in 1919, appointing Said Abu Bakar as head of the department, Shaikh-ul Islam.³⁴ Said Abu Bakar, more commonly called Tuan Embong, guided the Department until his death in 1923. Formation of the Religious Department of 1919 indicated a decision by the Malay elite to reform the loosely organized state religion. It also meant that they wanted the Department under their own control. This hypothesis is borne out by the fact that Tuan Embong belonged to one of the four central families, the al-Idrus family.

Tuan Embong acted in two capacities as head of the Religious Department. The first function was judicial. As Shaikh-ul Islam, he interpreted Muslim law for the kathi courts, issuing his decisions as fatwas. On the other hand, as Commissioner of the Department, Tuan Embong headed a bureaucracy of religious officials and staff in the capital and oversaw mosque operations and upkeep, kathi courts, religious education, and Islamic tax collection. Under this religious leader, the Department took the form it would basically retain during the pre-1941 period. A 1923 Annual Report categorized the Religious Department in the following manner:

This department superintends the Registration of Muhammadan Marriage and Divorce, the Kathi's Court, the Sultan Mosque, the Muslim Calendar, the dates of Muhammadan Festivals, and the licensing of Wakils (Court Practitioners). It gives valuable advice on all matters connected with the Muhammadan Religion and Muhammadan Law.³⁵

The Department also supervised distribution of alms, pilgrimage passports to Mecca, and wakafs (endowments for religious purposes).

Three senior officials headed the Department of Religion in the early 1920's. At the top of the administrative pyramid stood the Shaikh-ul Islam, Tuan Embong. Next came the Mufti, Haji Wan Mohammad Saleh, and the Assistant (Deputy) Shaikh-ul Islam, Haji Suleinman bin Duad. Tuan Embong acted first as the "Commissioner of Religious Affairs" and then in 1341 A.H. (1922-23) became the "Director." in that year his old title ceased to exist. The next major title and functional change took place in 1932 when a "Secretary of the Religious Department" assumed duties of the "Director" and administered the Department. The post of "Director" then became more or less ceremonial.

Demonstrative of Tuan Embong's position in the Malay elite and the importance and prestige of Islam, as well as of the Religious Department, was the man's role in the disturbance in mid-1922. Despite a 1921 land regulation, poor peasants living in Ulu Trengganu along the Telemong River continued to clear forest land to plant padi without getting a government permit to do so. The Land Office had over forty Malays brought to trial before a secular Malay judge. Haji Drahman Limbong (Haji Abdul Rahman bin Abdul Hamid), a prestigious religious ascetic, teacher, trader, and holy man, defended the Malays,

winning the case with the charges being dropped. Attention throughout the state focused on this case, which the Land Office appealed. Haji Drahman went to the capital to wait for the appeal to be heard, staying with Tungku Ngah Omar (the Minister of Justice and Religion). During this period he taught religion to large groups of Malays. His presence in the capital heightened Malay Islamic interest in the case and worried Humphreys who ordered the man to be arrested. Fearful of inciting the large crowds around Haji Drahman, Humphreys sought Tuan Embong's assistance. A subsequent meeting with Haji Drahman was attended by Trengganu's major religious officials, the Mufti, Haji Wan Mohammed Saleh, the Assistant Shaikh-ul Islam, Haji Suleiman, the Shaikh-ul Islam, Tuan Embong, and two secular officials, the Commissioner of Lands, Tungku Chik Ahmad, and Humphreys. Subsequently, before the police Haji Drahman denied involvement in the land case. Because of the statewide Malay attention on the case, the Adviser through the above Malay officials got Haji Drahman to accept the cancellation of his wakil license and the land case was postponed.³⁶

Settlement of peasant unrest over the British-inspired land regulation illustrates several points about a colonial government administered by a Malay elite and British officials. Most significantly, these two groups joined to settle the land issue to the detriment of Ulu Trengganu peasants who subsequently had to obtain the disliked land permits. With the modernization of the government, which had increased in pace since 1919, the Malay elite became more secure in their power and government offices. It was

in their interests to quell any defiance to the government, of which they were a part. The role of Tuan Embong is unclear. While he undoubtedly acted frequently under Humphreys' instructions, the fact remains that he, a member of the Malay elite, utilized the high esteem of his Department to mediate a potentially flammable incident. Defusing this situation prevented it from growing into the proportion of a Pahang-like rebellion of the 1890's or the more recent To'Janggut rebellion of 1915 in adjacent Kelantan.³⁷ From the colonial standpoint, Humphreys manipulated Tuan Embong as a religious authority to end an explosive situation. The Malay elite and British officials were acting as members of a single establishment with revenue collection, i.e., from the land permits, and stability being important goals.

The Department's activities increased during the 1920's. Legislation providing for this enlarged role included: the Courts Enactment of 1340 A.H. (1921-22) creating additional kathi courts; the Registration of Muhammadan Marriage and Divorce Enactment of 1340 (1921-22) or 1342 A.H. (1923-24) beginning statewide registration of marriage and divorce for the first time; the Bayt ul-Mal Enactment of 1342 A.H. (1923-24) establishing a sub-Department to handle collection of religious taxes on deceased estates; School Attendance (Muhammadan Children) Enactment of 1342 A.H. (1923-24) making attendance compulsory at Malay vernacular schools.³⁸ Other legislation included Prohibition of Improper Intercourse Enactment of 1924 which legislated moral standards; and the Regulation of 1926 on Establishment of Muslim Burial Grounds in Kuala Trengganu which

assured the densely populated capital of sufficient cemetery space for Muslim dead.³⁹

Quantitative data of the Department of Religion exhibit statistically what Tuan Embong demonstrated in his role during the 1922 Disturbance when he stood between the modernizing secular state and the religiously-oriented peasantry. Since its establishment, the Department had grown into an important force in Trengganu government and society, both with respect to British and indigenous civil servants and to religious life throughout the state. The Department itself contained five branches: Religious Branch (primarily administrative), Kathi (and Registrar of Marriage and Divorce) Branch, Sultan Mosque Branch, (Other) Mosques Branch, and Bayt ul-Mal Branch. The Education Department supervised religious education for young Malays.

The Religious Department's annual expenditures give a revealing picture of the religious body in the government. For three years, namely 1340 A.H. (1921-22), 1349 A.H. (1930-31), and 1938, total expenditures were respectively \$21,486, \$30,770, and \$30,061. The decade of the 1920's witnessed a large increase in expenditures, a trend that did not continue into the 1930's. In comparison with total Trengganu government expenditures, the above three amounts were 2.5%, 2.1%, and 1.2% of total annual government outlays for 1340 A.H., 1349 A.H., and 1938.⁴⁰ The decreasing per cent figures indicate a much larger government emphasis on infrastructure and commercially productive budget items, compared with religious affairs which rated quite low. The percent figures also reveal,

if not a fundamental bias of British officials against expenditure on religious affairs, then at least an effort to minimize such expenditures.

The British Adviser occasionally requested Religious Department assistance in issues that were not explicitly of an Islamic nature. In August, 1923 the Medical Department launched a statewide vaccination campaign, presumably against smallpox. Locally recruited vaccinators staffed mobil medical teams. By the end of December almost twenty thousand people had been vaccinated. However not all of the state was canvassed. Humphreys explained that "Some opposition from religious pundits was met with in the Marang and Telemong rivers, and the assistance of the Department of Religion was invoked to remove it."⁴¹ That the British Adviser appreciated the supportive role of the Department, if not always its personnel, in state affairs remained a feature of Trengganu government. Humphreys praised the Department as a blessing to the inhabitants of the country.⁴²

The needs of the colonial officials and of Malay society were both served by the Religious Department. British authorities perceived the Department as a unit of social control to be utilized when necessary. Otherwise, little attention was paid to the Department which had an overall low colonial priority in the British concept of the government. To Malay society as a whole the Religious Department was visible evidence that Trengganu's proud Islamic tradition continued, despite the presence of infidel British officials in the government. The Malay elite in the capital supported the

Department. Two of the central elite, the Duyung and al-Idrus families, supplied most of the state's religious personnel, thus assuring their support of the Department. Furthermore, they benefited from its efforts to centralize the state's Islamic establishment, extending Kuala Trengganu's influence (and their own) even into the most isolated kampong.

This view of amicable Anglo-Malay support of the Religious Department does not mean that it had the total trust of colonial authorities. The relationship became evident in another Ulu Trengganu disturbance in May, 1928, in which peasants marched on the capital. Since 1922, tension had been increasing in the area over the land permit issue. In this instance the increasingly British-dominated administration required peasants to pay land rent on temporary use of land for rice crops. The High Commissioner in Singapore attributed peasant resistance to the fact that they were misled by a few religious "theorists," a combination of religious prejudice, the role of Haji Drahman, and the influence of the Astana Party in the capital.⁴³ British documentary evidence stressed the religious aspects of the peasant demonstration. However, the contemporary diary of a high Trengganu official more impartially noted peasant anger over poverty and an increasingly bureaucratized government requiring ever more payment of fees for land passes, land rent, Islamic marriage and divorce registration, etc.⁴⁴ In this case Islam had been a rallying point around which those discontented with the increasingly oppressive financial intrusions of the government could rally. By mid-June the disturbance had been

quelled, offenders captured, and those accused were tried and imprisoned.⁴⁵

The Ulu Trengganu disturbances during the decade indicated to the British that Islam was still an important force in Trengganu, one that could unite the people and also threaten the colonial presence. For this latter reason, perhaps, the Adviser did not utilize the Religious Department personnel in mediating peasant complaints in 1928. Ex-Adviser Humphreys a year later criticized that policy and noted, "I fancy that the trouble last year was want of touch with the 'Religious Department.' There will always be a sprinkling of fanatics in Trengganu, and the Mufti and his colleagues should be used as ex-poaching gameskeepers."⁴⁶ This was the policy he had pursued during his long tenure as Agent and Adviser (1915-25). In essence, the British used the Religious Department for socio-religious pacification in Trengganu. By the end of the twenties the Department had become firmly established in its own niche in the colonial government, and the threat to that administration had compromised the Department's position as protector of Islam. To the Department's leaders, members of the Malay elite, their participation in the Anglo-Malay state government meant their continuing support of the status quo. In spite of this support, colonial officials were aware of the Religious Department's potential, though unlikely, threat to the regime. As we shall see in the next section, British officials became increasingly vigilant on the issue of which individuals occupied the key Department posts, as a safeguard against such a possibility.

1930's: Decade of Conflict, Consolidation
and Compromise

The thirties were marked by continuing discussion and frustration over filling the post of Secretary of the Religious Department. The holder of that post would administer religious affairs in Trengganu. For reasons not altogether clear, the British Advisers during the decade⁴⁷ disliked the acting (subsequently premanent) Secretary, Che Da Abdul Rahim bin Mohammad (also spelled Abdulrahim bin Mohammad). Che Da became the center of a controversy initiated by one of the Advisers, C. C. Brown, over the Malay's ability and qualifications for the top administrative post in the Religious Department. At this point it should be stressed that nowhere in the British Adviser records relating to this case did the Adviser express any qualms about his conduct.

In December, 1931 major personnel changes took place in key religious posts in Trengganu. After some discussion in the State Council the Mentri Besar, Haji Ngah (Muhammed bin Yusuf), announced three new appointments. Sultan Sulaiman (1920-1942) initiated these changes and the appointments were made in his name. He first appointed a new Mufti, Dato Kamal Wangsa (Haji Suleiman), who had been the deputy Shaikh-ul Islam. This was to be a temporary post until another man could be selected. He belonged to the Malay Duyung family. Dato Kamal's legal training came from his service as a Malay judge, c.1900, as a religious teacher, and as the deputy Shaikh-ul Islam. The Sultan appointed the Mentri Besar as the Religious Commissioner (Pesurohjaya Ugama). Sulaiman then recommended

that a Secretary be appointed to run the Department. To that end he appointed Haji Awang bin Khatib Ahmad. The State Council approved Haji Awang as Secretary of the Religious Department (Setia Usaha, Pejabat Ugama) starting on January 1, 1932.⁴⁸

Two years later the government transferred Haji Awang from this key religious post to a secular position as acting District Officer at Kuala Berang, Ulu Trengganu, situated about thirty miles southwest of the state capital. The government files give no reason for the transfer. Distance and transportation difficulties prevented his active attention to and participation in state religious affairs. For this reason a replacement as temporary Secretary was selected to perform the actual duties of the position.⁴⁹

The Malay elite selected Che Da Abdul Rahim to replace Haji Awang and the decision started a controversy and raised tensions with British officials that lasted almost a decade. This high administrative position had previously been filled by appointments from the Officers' Scheme in the civil service. However, Che Da was from the Clerk Scheme which was of a lower rank than the Officers' Scheme. This was one of the probable reasons why Che Da was only appointed in a temporary capacity. The appointment was a compromise between the elite (the Mentri Besar was his father-in-law) who wanted Che Da appointed and the British who apparently did not want this candidate.

Relations between the Religious Secretary and the British Advisers in the 1930s were not friendly. The reasons for this animosity were unclear. Che Da says that the Advisers would have

closed the Department if they could have.⁵⁰ However an examination of the annual Estimates of Revenue and Expenditure of Trengganu does not reveal any obvious reason for such drastic considerations by British authorities.⁵¹ Even fiscal uncertainties which gave British Adviser Brown an opportunity to slash the salaries of mosque personnel in the 1932 budget by no means could be used as justification for abolishing the Department, leaving aside such mundane concerns as grossly violating the Anglo-Trengganu Treaty of 1919 prohibitions against meddling in religious affairs. Despite personality clashes, religious suspicions by the Advisers, and budgetary harassment, Che Da was able to guide the Religious Department through a crucial decade.

Contemporary records present a good reflection of Che Da Abdul Rahim's performance as temporary and later permanent Secretary of the Religious Department. British Adviser and Mentri Besar administrative files record the expanding functions and role of the Department. For example, the Secretary boldly advocated the cause of Islam in a letter dated February 18, 1935. He requested the government to provide additional religious teachers for the Education Department.⁵² Supporting his case Che Da forwarded a letter from the Kemaman District Officer (M. Sheppard). Two months later Mohammad Kassem, Acting Chief of the Education Department (Pemangku Ketua Pelajaran), asked State Council for six additional teachers in the 1936 budget estimates.⁵³ Twenty Malay vernacular schools existed in Trengganu but only fourteen possessed teachers! As it was, the number of teachers had recently risen from twelve to fourteen

between 1928-1929 (1347 A.H.) and 1930-1931 (1349 A.H.) by transferring two teachers from the Religious to the Education Department. Che Da proposed paying new teachers \$180 per year. Schools selected to receive teachers included Kemasik, Kertay, Kijal, Kual Kemaman, Kampong Penarik, and Kuala Setiu. The State Council apparently accepted these proposals and added the teachers to the 1936 Establishment List.

As part of a general reorganization in May, 1936, Secretary Che Da suggested that the Kathis' Court, adjudicator of Muslim marriages, divorces, and revocation of divorces, be placed under the general supervision of the Religious Department.⁵⁴ He planned other changes, introducing draft legislation for Syariah Court regulation and requesting permission to lay it before the State Council.⁵⁵ Replying to the Secretary's proposed change for the Kathi's Court, the British Adviser, J. E. Kempe, angrily noted in June, 1936 that

It's a principle of all governments that the Courts should be entirely independent and under the supervision of no executive department. I don't understand the proposal. Is it suggested that the Head of the Religious Department, shall dictate to the Court what its findings should be? If that is the case I suggest that the Kathi's Court be abolished. I have never heard of such an extraordinary suggestion before.⁵⁶

Three days later the Mentri Besar concurred with Kempe, and Che Da's court reorganization scheme was stillborn. However, other proposals fared better,

In August, 1936 the Religious Secretary recommended that the government approve draft mosque and surau Rules. He noted that a

lack of uniformity caused great difficulty and pointed out that other Malay states had already instituted similar Rules.⁵⁷ The British Adviser replied that in his opinion the Rules appeared "Absurdly long" and not related solely to discipline in mosques and suraus.⁵⁸ Denigrating the Rules, Kempe added that probably no one would read them, much less carry them out, and he suggested that a condensed version be written. He furthermore wanted the Rules reduced to the status of a circular (pekililing). The Adviser requested the Mentri Besar to raise the issue in State Council. In October Che Da noted his continued support of the Rules and enclosed copies of similar Johor and Kelantan legislation supporting his position.⁵⁹ He further desired that these Rules be enacted soon. The last file minute, written by the new Adviser in December 1936, observed that the Mosque Regulations began as narrowly construed legislation but had finally passed as a Muhammadan Enactment with much wider scope.⁶⁰ He warned that the Enactment "wholly or in part" conflicted with past legislation and suggested keeping this matter in view and monitoring mosque and surau reform in other Malay states. No copy of the final legislation could be located, so it is not known what form it took, i.e., Rules or Enactment, or if the Adviser succeeded in pigeon-holing the reform permanently. Nonetheless, the movement of this bill through the government demonstrated that when Che Da had the support of the elite, the Adviser could not arbitrarily reject the Religious Secretary's efforts.

The problem of legislating an adequate legal procedure code for dealing with taxes on Islamic inheritance continued until a

single comprehensive piece of legislation was drafted and presented to the State Council. In September, 1937 Che Da sent the Head of the Religious Department, the Mentri Besar, a draft Bayt ul-Mal enactment and requested him to present it to Council. The Religious Department proposed that a Johor Enactment (of 1934) be adopted in Trengganu. However, several alterations were necessary to adapt the southern Malay state's legislation to conditions in Trengganu since Johor's Department of Religious Affairs was more sophisticated and complex than that in Trengganu. The Trengganu Legal Adviser (C. W. A. Senit) suggested some alterations in the Johor model which the State Council accepted, before passing the enactment. The simplified administrative system adopted in Trengganu was this: a Controller (Nathir) and Treasurer (Amin) substituted for a Johor-style Religious Board with the Sultan in Council deciding expenditure of Bayt ul-Mal funds.⁶¹

Curiously, the Religious Department's participation in Bayt ul-Mal collection and disbursement was more limited in Trengganu than in Johor. The author's interview with Che Da led him to suspect a deliberate British effort to prevent the growth of Religious Department functions and responsibilities. Basically the British Advisers, especially Kempe, Jarrett, and Coope, did not trust the Department.

In early 1938 the Religious Secretary proposed a revised salary scheme for Religious Department officials, but the government took no action on the proposal. In order to prompt governmental consideration, Che Da organized a letter writing campaign to the

Mentri Besar.⁶² Action on this topic only occurred in October after the British Adviser composed his own salary scheme. No copy of Che Da's proposal could be located, so it is unknown how the two schemes differed. The Adviser, A. E. Coope, (1937-40) commented on the lower salary paid the Trengganu Mufti compared with the Kelantan Mufti. He proposed equalizing the two salaries. All Department officials from clerks to the Secretary would also receive increases. Perhaps the winning argument in favor of placating dissatisfied civil servants resulted from the revelation that the new scheme would only raise total salary expenditure by \$480. Coope proposed that the raises be effective January 1, 1939, and the State Council concurred.⁶³

Apparently because of the importance of the Middle East and the desirability of keeping abreast of current Islamic development, the Religious Department Secretary suggested to the Government Secretary in October, 1938 that his Department be permitted to subscribe to various Arabic language periodicals. Che Da explained that he had discussed the desirability of subscribing to Arab language and cultural magazines with kathis and assistant kathis in the state. He hoped to keep the Religious Department better informed in this way. At that time the Department received no Arabic religious periodicals. In accordance with a government Circular, Che Da formally requested official approbation. Trying to suppress likely objections from the ever financially vigilant British Adviser, he noted that payment for the publications could come from departmental petty cash so there would be no reason to alter budget estimates.⁶⁴

The Secretary recommended that three magazines be subscribed to: Mujallah Al-Islam, a weekly; Mujallah Al-Takwi, a monthly; and Mujallah Al-Taif Al-Musawar, another weekly. The first publication specialized in translations of the Hadith, the sayings and practice of the Prophet, the second in translations of the Hadith and legal rulings by Muslim jurists, and the third in translations of news and Arab culture with a pictorial format.⁶⁵ The Mentri Besar approved the request on October 23, 1938. A few weeks later the British Adviser also concurred but with the financial stipulation (as anticipated) that purchase of these periodicals would not prompt the Religious Department to ask for a larger budget in the following year.

The issue of justice in local Islamic courts arose in 1938. The problem according to the Religious Secretary centered on the function of lawyers in religious disputes and their relationship to the Religious Department. Che Da felt that religious inspectors should enter religious courts to prosecute offenders and requested that inspectors be granted more extensive powers.⁶⁶ Since this criminal law (undang jenayat) No. 32 of 1356 (1937-1938) was temporary, Che Da sought governmental approval to make it a permanent legal statute. This was necessary for the enforcement of a Kathi Court Regulation (Peratoran Muhkamah Kathi Bilangan 2/1348, 1929-1930), passed eight years earlier. In what was perhaps an attempt to limit the Department's influence the Adviser opposed the Religious Secretary's effort to broaden the role of religious inspectors in the state's court system, and the State Council agreed with him,

approving a law creating separate Inspectors for Religious Affairs. These men would act as prosecutors both in Kathi's Courts and for the Religious Department. The law was passed in February, 1939. Three months later Sultan Sulaiman appointed three men as Inspectors for Religious Affairs.⁶⁷

One important function of the Religious Department remains to be mentioned. This was its role in facilitating Muslims in the state to perform the pilgrimage to Mecca, the haj. As one of the pillars of Islam, it was incumbent on all Muslims, once in their lifetime, to perform if their health and finances permitted. Little departmental attention, however, seemed to be paid to this question until the 1920's for unknown reasons. In its efforts to safeguard pilgrim welfare, the Religious Department distributed a list of thirty-one Shaikhs who undertook to supervise and guide people making the pilgrimage from Malaya to the Middle East.⁶⁸ Authorities hoped the list, given to each pilgrim, would curb abuses by Shaikhs who overcharged or cheated pilgrims while performing their jobs. The Religious Commissioner also drew up a procedure for sending pilgrimage fees to pilgrims in Mecca.⁶⁹ While performing the haj, some pilgrims stayed in Mecca for extended periods, frequently for religious study. Various Trengganu residents even retired to Mecca or Medina semi-permanently and requested the Religious Department to send their government pensions there.⁷⁰ Personally assisting Malay pilgrims in Saudi Arabia were the Malay Pilgrimage Officer and his staff located at the port city of Jedda. The Trengganu government, along with the other Malay states and the Straits Settlements, paid their salary and expenses.⁷¹

British-Trengganu Religious Relations

The foregoing illustrates in some detail the role, responsibilities, and functions of the Religious Department and its growth in the Trengganu government structure over a three decade period. It, however, has not directly examined interpersonal relations between members of the indigenous staffed Religious Department and the foreign Advisers to the Trengganu government. This relationship exhibited on the one hand, the Malay elite aspirations to retain religious affairs under their own control and on the other, British efforts to emphasize financial solvency and honesty in religious matters coupled with attempts to bring Trengganu Muslim law into agreement with British concepts of law. A similar tension between secular British Advisers and Residents and Malay religious and government leaders occurred in all the states.

Trengganu presented a complicated picture of a traditionally independent state striving to retain control of Muslim affairs and to minimize non-Muslim influence in these matters. This does not mean that religious authorities, and specifically those in the Religious Department, refused to cooperate with British administrators seeking to modernize the secular state. For example, Muhammed bin Yusof, the Mentri Besar and Religious Commissioner supported Adviser Humphreys' administrative reforms.⁷² Despite such cooperation, however, discord arose between the British and religious authorities over the issue of Islamic law used in all Trengganu courts. British reforms and concepts of justice demanded a separation of church and state. The fact that the 1919 Treaty forbid British interference in Muslim affairs was of little concern in this matter.

In evaluating British encroachments into religious affairs, let us trace more carefully the career of the Secretary of the Religious Department, Che Da Abdul Rahim bin Mohammad. Until 1941 Che Da was the most vocal (at least in a written sense) member of the Trengganu religious establishment.⁷³ As spokesman for the Religious Department, this individual's career illustrated the often rocky road religious officials had to traverse while fighting for the best interests of Islam, as they perceived them.

Prior to his transfer as temporary Secretary of the Trengganu Religious Department, Che Da had worked as Senior Clerk in the Supreme Court. He had taken his first position as a court clerk in 1918 at the age of 16. Che Da's father was Dato Biji Sura, a judge, and his father-in-law was the Mentri Besar, two people of influence and power in government. Without doubt, being an aristocratic member of the ruling elite assisted Che Da's upward mobility in government service. While in government employ, he wore several hats. From September, 1933 to October, 1934 he worked as the Registrar of Appeal Court and as the investigator (Penyiasat) of Bayt ul-Mal. The transfer to the Religious Department as "temporary" Secretary became effective in November, 1934 when he replaced Haji Awang. When the latter moved to Kuala Berang on his promotion as Acting District Officer, Ulu Trengganu, he still remained "permanent" Secretary of the Religious Department even though ceasing all duties relating to the position. In June, 1935 the government promoted Haji Che Busu to Registrar of Appeal Court, thus permitting Che Da to devote more complete attention to his duties as Secretary. Later Haji Che Busu also became Investigator of Bayt ul-Mal.⁷⁴

Apparently the young Secretary capably fulfilled his duties because he was quite popular in Kuala Trengganu. The staff and officials at Sultan Kuala Trengganu Mosque petitioned the British Adviser on Che Da's behalf in March, 1935. They requested the Adviser to remove Che Da's name from the temporary staff list and elevate him to permanent staff status.⁷⁵ In their petition mosque officials listed the man's personal qualities as an industrious worker with a good disposition who was well liked at the mosque. Because of Che Da's positive influence, attendance at Friday mosque had markedly risen. Unfortunately British Adviser Kempe's precise response to the petition is unknown. However, in a minute on a file cover Kempe cautioned that there was little need to decide the issue precipitously since Haji Awang would continue as Acting District Officer in nearby Kuala Berang a while longer and thus as Religious Secretary.⁷⁶ Kempe continued that if Haji Awang was confirmed in that post then serious consideration of Che Da's elevation to permanent Secretary could proceed.

Because their petition to the British Adviser produced no results, mosque officials addressed a "memorandum" to Sultan Sulaiman in his capacity as head of Islam in Trengganu.⁷⁷ It was illustrative that the Malay staff sent its initial petition to Kempe rather than the Sultan. This second communication was dated May, 1936, fourteen months later. Without additional evidence it is uncertain how much importance to attribute to this course of events. Nevertheless the petition, again signed by all mosque officials and employees, stated the need for a permanent Religious Department Secretary because in

the last few years there had been many Ketua Pejabat or Department Heads. In this situation the full administrative load fell to the Secretary. Despite the above plea to the Sultan, who took no action, nothing immediately was done concerning Che Da's tenure. The status quo remained.

The issue continued to be one of a flow of minutes, letters, petitions, and memorandums between supporters of the young Secretary on the one hand and the official British establishment on the other. It is uncertain how much of the Advisers' dislike of Che Da came from the fact that Che Da belonged to the Clerk Scheme while occupying an Office scheme civil service post. That the Religious Secretary retained office emphasizes an important aspect of Anglo-Malay relations. When the Malay elite strongly backed an issue, the Advisers dared to proceed only with great caution. As the months and years passed, no change occurred in Che Da's "temporary" status as Secretary. The British used inaction as a tool to delay changes which they found undesirable.

Faced with Malay intrasigence, the Advisers tried a different tactic from outright removal of Che Da. The relatively straight forward question of approving tenure or not became complicated over a more basic issue. The Advisers questioned whether the position of Secretary of the Religious Department should indeed be a civil service post, as it was, or should be removed from the civil service altogether. It is also noteworthy that apparently no Malay, at least in print, or for that matter British official, ever questioned the role of the British Adviser in the drawn out affair. The Adviser

occupied a central position and indeed presented a roadblock to settlement of the issue. No justification as one might expect on grounds of financial exigency ever was used in this case, in spite of the somewhat depressed economic conditions and a tight government budget.

The struggle between the Malay elite and the British Adviser became increasingly tense in 1936. Acting British Adviser N. R. Jarrett presented the first attack on the position of Religious Secretary within the framework of the civil service.⁷⁸ Jarrett pointed out that there was no separate appointment of Secretary of the Religious Department because the holder officially was Registrar of Appeal Court. The British Adviser was mistaken on this point. As stated above, the Secretary and Registrar posts were separated in June, 1935 before Jarrett had arrived in Kuala Trengganu. Furthermore, the post of Religious Secretary had appeared in government budget estimates for the Religious Department since 1932. Whether the appointment really "existed" or not seemed moot since two men had already occupied it. Jarrett also asked why the Secretary's job should continue to be a civil service post. Instead, he proposed simply appointing a religious expert from outside the civil service. Pursuing this point Jarrett felt "it most unsuitable that Che Da, a class II clerk with a Standard IV Malay qualification should become a Pegawai [Officer] class III at a time when it is essential that our cadets should be boys of good education and ability."⁷⁹ Hinting that he felt Che Da lacked an adequate formal education and commensurate ability, the Adviser complained that

Che Da's "main qualification" for the job was close blood ties with high government officers. Performance of the Secretary's functions, as well as the two petitions mentioned above (even if Che Da had initiated them himself), presented quite the opposite description of Che Da.

According to Che Da Abdul Rahim, himself, the real reason for his promotion denial was never revealed in extant public documents.⁸⁰ The Trengganu government administrative structure was two-tiered with the Clerk Scheme ranking below the Pegawai Scheme of bureaucrats. Promotion from the lower to the higher Scheme was uncommon. In the case of Che Da the situation was complicated because he worked in the Religious Department in the Clerk Scheme acting as a "temporary" Secretary in the Pegawai Scheme. This position ranked as a Grade III Pegawai Scheme. Che Da said the reason that his promotion took so long was due to British fear that, since men in the Pegawai Scheme could be transferred anywhere, it was conceivable Che Da could someday become Mentri Besar of Trengganu. British administrators dreaded this possibility, although their motives seem confused and perhaps a bit irrational since Che Da performed his administrative job well. He could probably have handled greater administrative burdens as Mentri Besar and was already a member of the Malay ruling elite.

One British Adviser, A. E. Coope, sought to end the dispute and succumbed to Malay official intransigence on the subject. A minute dated June 23, 1938 noted a Promotion Board recommendation that Haji Che Da Abdul Rahim be granted a permanent post in the

Religious Department.⁸¹ Thus, promotion and confirmation as "permanent" Secretary came after four years of discussion and debate. It was a victory for the Malayo-Muslim elite. The State Council affirmed the Promotion Board's recommendation on July 7, 1938, thus decisively ending a struggle between a string of over-diligent British Advisers and the Religious Department Secretary. An additional comment must be made relative to the official relationship between the British Adviser's Office and the Religious Department. The lengthy discussion and correspondence never descended into petty personal vindictiveness of affronts which attested to the high personal integrity of Che Da and the succession of Advisers who sought his transfer or demotion.

Fundamental Trengganu-British religious relations during the colonial period can be summarized in the following manner. Between 1909 and 1918 the place of Islam in the Trengganu polity remained the same as it had been prior to the arrival of a British officer, except that the Sultan made an effort to centralize religious affairs under one man's control in the capital, but with little recorded success. In the next two decades the Malay elite viewed the British Adviser as a potential threat not only to the place of Islam in Trengganu but also to their positions. Since this elite had continued in the new Anglo-Malay administration after 1909, it was natural that they would regulate and safeguard Islam by the creation of a Religious Department in the government. As the Malay elite became more secure in their government jobs, the Department became a bulwark of the Anglo-Malay establishment. For example, note the

role of Tuan Embong in the 1922 disturbances. If the British requested the Religious Department's assistance, the elite gave the necessary aid. The government was this group's base of power. The elite prevented Islam from being used as a statewide rallying point for either rebellious peasants or dissident members of the elite itself. A threat to the government was also a threat to the elite.

Absorption of religious affairs under the control of a governmental body served British goals as well as those of the Malay elite. Most importantly, an organized and centralized Department located in the capital was easy to keep under observation. Since the British had little interest in Islamic concerns, the Religious Department developed under Malayo-Muslim control. However, as illustrated in the Che Da case, the British interfered with Department affairs. When the colonial authorities encountered Malay opposition to a certain course of action, i.e., removing or demoting the Religious Secretary, the British used a traditional Malay administrative tactic, delay any changes, i.e., keep Che Da as a "temporary" Secretary. Because the proposed change to "permanent" status did not threaten the colonial administration, the British finally assented to the change in deference to Malay elite's support of the Secretary. Indirect rule was thus only a convenient administrative tool used by the British in religious affairs. When direct action was deemed necessary, it was done.

CHAPTER VIII

CONCLUSION

In this dissertation we have examined Anglo-Malay elite relations with regard to Islamic affairs and religious administrative development from 1874 to 1941. Various aspects of these subjects were discussed, namely, pre-colonial Islam, religious developments during the colonial era, British attitudes and policy toward Islam, response of the Malay elite to a changed religious climate, and lastly, how the above interacted in the state-level administration of Islam. This study has focused on the interaction between the Malay elite and colonial authorities, namely, the British Residents and Advisers, rather than on the interplay between the local imam and the British. This decision was made because it was at the top level of state government that religious policy was formulated, interpreted, or implemented. We have reviewed these Anglo-Malay relations in the context of the growth of centralized state religious administrations under the guidance of the Malay elite, employed in the civil service. In the Malay states religious affairs came to be supervised by State Council committees, an Islamic council, or religious departments.

The major problems in this study have been the following. It has generally been assumed that the Malay Sultans, deprived of political power after 1874, turned their attention to the religious

sphere to bolster their positions as state leaders both with respect to the colonial authorities and to the Malay population. Was this the case? Were they the only members of the Anglo-Malay regimes to focus attention on the institutionalization of Islam as a means to preserve or to adapt their traditional governmental positions to the new colonial milieu? What impact, if any, did treaty prohibitions against colonial interference in religious matters have? Lastly, what was the significance of British-Malay elite interaction on the development of centralized Islamic administration in each Malay state?

This study has surveyed Malaya in general and three states in particular while examining the fundamental problems of Malay Islamic response to British colonialism and of British reaction to Islam. The Anglo-Malay treaties introducing British "protection" after 1874 excluded religious matters from a Resident's or an Adviser's compulsory advice. This, theoretically, isolated religious administration from the developments occurring elsewhere in the private and official areas of state government. As we have demonstrated, the Malay elite became more involved in Islamic affairs in this setting than they had been during the pre-colonial era. The elite did this for two reasons. First, they sought to strengthen or preserve their own positions in the colonial period. Second, the British, barred by treaty from such activities, encouraged the Malay elite in these endeavors.

This Malay elite participation in a centralized religious administration took three forms, State Council committees, a quasi-

governmental Islamic council, and religious departments, depending on the state. Initially, the State Councils as a whole dealt with religious problems in Selangor, Perak, Negri Sembilan, Pahang, Kedah, and Perlis. After 1915, the religious affairs of these states were handled by specialized committees and subcommittees of the State Council, i.e., the Kathi Appeals Committee or the Committee for Koran Instruction. The switch from full Council consideration of Muslim matters to that by the committees occurred because an increasing statewide Islamic organization needed greater supervision than the full Council was inclined to give and a Malay desire existed to decrease non-Muslim participation in religious affairs. The British Resident or Adviser encouraged the formation of these committees since a known socio-political entity, the Malay elite, would be in control of them and because the committees would handle routine Islamic administration, clearing the State Council agenda of such items. Furthermore, since most members of these committees, as well as the religious council and departments elsewhere, worked in the civil service, colonial officials could use that employment as leverage to influence religious decisions or policy whenever they wished.

Indigenous efforts to change the condition of Islam had begun in three Malay states prior to the arrival of a British officer in the state capital, but thereafter religious events paralleled those in the other Malay states. For example, Johor established a religious department in the 1880's. Kelantan under Sultan Muhammad II (1838-86) put increasing emphasis on Islam as manifested in a heightened

enforcement of Syariah law with this action continuing under Che' Ha' around 1890. In Trengganu Baginda Omar at mid-century started to organize a Muslim judiciary under a state Mufti's direction. Within a decade of the Anglo-Malay treaty of 1909, in which the latter two states came under British protection, the Malay elite organized a state religious council in Kelantan and a religious department in Trengganu. These actions completed the peninsular trend toward the establishment of centralized Islamic administrations.

While the religious administrative bodies directly benefited the Malay elite, these bodies were a mixed blessing for the Muslim population as a whole. The main benefits were the increased availability of religious education, more honest and widely dispersed kathi and assistant kathi courts, expansion of additional mosques throughout the states, and regularized procedure for registering marriages and divorces. However, the negative aspects of the centralization of Islamic administration were also important. Religious law was enforced to a degree never achieved in pre-colonial times. Previous lax observance resulted in punishment by a religious court. Also, the above services had to be financed. Religious taxes and fees were increasingly levied and collected with business-like efficiency, frequently without regard to the status of the people upon whom such taxes and fees fell. The Kelantanese letters to the Sultan complaining of ruthless religious tax collection are just one example of the gulf existing between the Malay populace and the elite. The increasing religious tax squeeze on peasant income came at a time when Anglo-Malay bureaucracies also were extending

government taxes and fees, as well as services, to the hinterland. Elite control of state-level Islam prevented religion from being used as a viable rallying point for dissatisfaction against the government or against the Islamic administrative bodies. In effect, the rakyat had no supportive ideological philosophy to use to oppose the changes fostered by the government and could do little to stop religious or secular modernization.

In conclusion, the Malay elite for their own reasons, not totally religious, initiated religious administrative development in Malaya. The Sultans supported such activities, but took little active role in them. The colonial authorities encouraged the Malay elite in these endeavors. However, despite the prohibitions of the Anglo-Malay treaties, the British took more than a neutral observer's role. The treaties were observed, when it was convenient, but whenever the Residents, Advisers, or other colonial officials were inclined to interfere in a religious issue, they did. Because of this, overall Anglo-Malay religious relations were cooperative, mutually supportive, and reinforced the new status quo.

GLOSSARY

adat	Malay customary law or practice
alim	one learned in religious knowledge (pl, ulama)
amil	collector of religious tithes
bayt ul-mal	religious tax on the wealth of people who die intestate (lit.: public treasury)
bilal	caller to prayer
bomoh	medicine man; magician
bras fitrah	religious tax paid at the end of the fasting month
fatwa	legal rulings on religious questions
gantang	Malay grain measure
haj	pilgrimage to Mecca
haji	a man who has made the pilgrimage to Mecca
hajjah	a woman who has made the pilgrimage to Mecca
hakim	judge
Hari Raya Haji	celebration for the time of the pilgrimage
Hari Raya Puasa	celebration at the end of the fasting month
imam	mosque or surau leader
jajahan	district or territory
jawi	Malay language written in Arabic script
kampong	village
kathi	religious magistrate

khalwat	suspicious proximity of two unmarried people of the opposite sex
khatib	gives Friday address in the mosque or surau
kuasa (also surat kuasa)	letter of authority
madrasah	religious school
Majlis Ugama	religious council
masuk Melayu	term meaning to convert to Islam (lit.: to become a Malay)
Maulud	Islamic New Year
Mufti	Muslim jurisconsult; gives rulings on Syariah law
mukim	territorial district subdivision; parish
naib kathi	assistant religious magistrate
nazir	inspector
padi	unhusked rice
padi zakat	religious tax paid at the end of the harvest
pegawai	officer
penghulu	headman
penyiasat	investigator
pondok	hut school
rakyat	people
Ramadan	Muslim fasting month; ninth month of the year
rumi	Malay language written in Roman script
Shaikh-ul Islam	highest religious official in a Malay State
surau	small Muslim prayer house
Syariah law	Muslim religious law

tanah wakaf	religious endowment land
To' Kweng	district (circle) headman; title is of Thai origin
ugama	religion

FOOTNOTES

Chapter I

¹Only one detailed analysis is being attempted concerning Malayan Islam in the nineteenth and twentieth centuries. That is a Ph.D. dissertation in progress by Moshe Yegar, "Islam and Islamic Institutions in British Malaya, 1874-1941: Policies and Implementation." This is being prepared for Hebrew University, Jerusalem. To date this dissertation has not been completed. More will be said about the contemporary state of Islamic-related literature below.

²The official British position regarding religious matters was outlined in an 1899 Memorandum: "The Government carefully avoids any interference with the native religion and native religious organizations except insofar as any native custom, such as those relating to burials, might conflict with ordinary law, in the matter of sanitation or otherwise." See Memorandum enclosed in CO to FO of July 21, 1899, Co 273/253. Note already the area of ambivalence and precedence of "ordinary" law. Copies of the three treaties mentioned in this paragraph are in Treaties and Engagements Affecting the Malay States and Borneo, ed. by William G. Maxwell and William S. Gibson (London: Jas. Truscott and Son, Ltd., 1924). Pp. 28-30, 55-57, and 64.

³Chai Hon-Chan, The Development of British Malaya 1896-1909 Second Edition (Kuala Lumpur: Oxford University Press, 1967), p. 14.

⁴See R. O. Winstedt, Malaya (London: Constable & Co., Ltd., 1923), p. 148 and Frank A. Swettenham, Footprints in Malaya (London: Hutchinson & Co., Ltd., 1942), p. 33.

⁵William R. Roff, The Origins of Malay Nationalism (New Haven: Yale University Press, 1967), p. 72.

⁶Historians have performed little investigation of the pre-colonial role of the State Councils in Malay history. It is known that Malay Sultans were assisted by government officials, such as the bendahara and the temenggong. The workings of such official or unofficial groups are unclear. For example, in seventeenth century Johor the existing power structure was headed by the Sultan with the chief ministers and Council of the Orang Kaya occupying the next lower levels. Leonard Y. Andaya points out that the composition and the duties of this Council are not known. Furthermore, the two fundamental sources for Malay and Johor history, the

Tuhfat al-Nafis and the Sejarah Melayu (also called the Siak Chronicles) are mute on the Council, its functions, and membership. See Leonard Y. Andaya, The Kingdom of Johor, 1641-1728: A Study of Economic and Political Developments in the Straits of Malacca (Ph.D. dissertation, Cornell University, 1971), p. 39.

⁷ British officials kept close observation of religious affairs as is clearly revealed in extant Malay state administrative files. For example, see Kelantan K 329/1932 "Publication of certain official news in a local newspaper The Pengasoh which is published by Majlis Ugama on every Monday." A second example is Sel. Sec. 170/1883 "About building a mosque at Klang."

⁸ The Federated Malay States (FMS), established in July, 1896, by the four Malay Sultans and Great Britain, was composed of Perak, Selangor, Negri Sembilan, and Pahang.

⁹ The former Siamese Malay states of Perlis, Kedah, Kelantan, and Trengganu plus the southernmost state of Johor formed the Unfederated Malay States (UMS).

¹⁰ For a survey of Malaysia-Singapore related material in the Public Record Office, London, see Thomas F. Willer, "Malaysia/Singapore Materials in the Public Record Office," CORMOSEA Newsletter, VIII, 1 (November, 1974), pp. 1-7.

¹¹ Various review articles discuss the many conflicting theories on the coming of Islam to Malaysia. Several noteworthy ones include: Mōhammad A. Rauf, A Brief History of Islam, With Special Reference to Malaya (Kuala Lumpur: Oxford University Press, 1964); G. W. J. Drewes, "New Light On the Coming of Islam to Indonesia?" Bijdragen tot De Taal-, Land-, en Volkenkunde, CXXIV, 4 (1968), pp. 433-459; S. Q. Fatimi, Islam Comes to Malaysia (Singapore: Malaysian Sociological Research Institute, 1963); and Cesar Adib Majul, "Theories on the Introduction and Expansion of Islam in Malaysia," International Association of Historians of Asia, Second Biennial Conference Proceedings (Taipei, Taiwan, 1962), pp. 339-397.

Chapter II

¹Khoo Kay Kim, "Malay Society, 1874-1920s," JSEAS, V, 2 (September, 1974), p. 179.

²Richard O. Winstedt, The Malay Magician; being Shaman, Saiva and Sufi (Second Edition) (London: Routledge and Paul, 1951). In this brief study Winstedt demonstrated the multi-cultural nature of the Malay.

³For additional discussion of pre-nineteenth century Islam see H. J. de Graaf, "Southeast Asian Islam to the Eighteenth Century," in The Cambridge History of Islam, ed. by P. M. Holt (Cambridge: Cambridge University Press, 1970), Vol. II, pp. 123-154. For a survey of nineteenth century developments see William R. Roff, "Southeast Asian Islam in the Nineteenth Century," in The Cambridge History of Islam, Vol. II, pp. 155-181.

⁴The most detailed study to date on the post-Malacca period for a single Malay state is by Leonard Y. Andaya, The Kingdom of Johor, 1641-1728: A Study of Economic and Political Developments in the Straits of Malacca (Ph.D. dissertation, Cornell University, 1971). For treatment of nineteenth century instability in west coast Malay states, see C. D. Cowan, Nineteenth Century Malaya: The Origins of British Political Control (London: Oxford University Press, 1961), Khoo Kay Kim, The Western Malay States 1850-1873 (Kuala Lumpur: Oxford University Press, 1972); and C. N. Parkinson, British Intervention in the Malay States, 1867-77 (Singapore: University of Malaya Press, 1960).

⁵Richard J. Wilkinson, "Papers on Malay Customs and Beliefs," JMBRAS, XXX, 4 (November, 1957), pp. 1-9. These were first published in 1906 and 1908. Also see, Charles O. Blagden, "Notes on the Folklore and Popular Religion of the Malays," JSBRAS, XXXIX (July, 1896), pp. 1-12; Charles E. G. Tisdall, "Ideas of Mohammedan Malays," Missionary Review of the World, XXXIX (May, 1916), pp. 347-349; William E. Maxwell, "The Folklore of the Malays," JSBRAS, VII (June, 1881), pp. 11-29; and B. O. Stony, "The Malays of British Malaya," in Twentieth Century Impressions of British Malaya, ed. by Arnold Wright (London: Lloyd's Greater Britain Publishing Co., Ltd., 1908), pp. 131-137.

Despite the syncretic aspects of Islam in Malaya, the indigenous inhabitants sometimes impressed foreigners with their religiosity. In 1820 John Crawfurd, diplomat, businessman, and traveller, wrote that "The Malayan tribes have the reputation of being the most exemplary Mahomedans of the Archipelago. On essential points they are sufficiently strict without being intolerant." (p. 260) However Malays are "open and flagrant" gamblers and "are the most determined consumers of intoxicating drugs." (p. 261) John Crawfurd, History of the Indian Archipelago (London: Archibald Constable and Co., 1820). Thirty-six years later Crawfurd commented that "None

of the nations of the Archipelago are strict Mahomedans, often mixing up local customs or old superstitions with its precepts and practice. The Malays are the most strict, and the Javanese, probably, the least so." (p. 237) John Crawford, A Descriptive Dictionary of the Islands and Adjacent Countries (London: Bradbury and Evans, 1856).

⁶ John Cameron, Our Tropical Possessions in Malayan India (Kuala Lumpur: Oxford University Press, 1965), p. 128. First published in 1865.

⁷ William R. Roff, The Origins of Malay Nationalism (New Haven: Yale University Press, 1967), pp. 68-69. For a background on the zakat religious tax, see Abdul Aziz bin Mohd. Yasin, "Zakat: A Perspective on its Origin and Place in Malay Society" (Unpublished Academic Exercise, University of Malaya, 1957).

⁸ Islam in Perak, for example, impressed some European visitors unfavorably. Around 1700 Captain A. Hamilton wrote that "Their [Perak Malays'] religion is a heterodox Mahometism." Then he generalized saying that all along the Straits of Malacca the people's "religion was a sort of scoundrel Mahometism." See A New Account of the East Indies, being the Observation and Remarks of Captain A. Hamilton Who Spent His Time There from the Years 1688-1723 (Edinburgh, 1727), II, p. 73. These passages were quoted in W. E. Maxwell, "The Dutch in Perak," JSBRAS, X (December, 1882), pp. 245-246.

A second example, somewhat more complimentary, was an account by James Low of his visit to the Perak Sultan in 1826. He wrote: "The people who inhabit the interior have simple and rather pleasing manners. They are strict Mussulmans, saying prayers three or four times a day and on the weekly fast days the Raja assembles all his Imams and then [n] select passages from the Koran, with a fervour which is rendered ludicrous by the odd gestures by which it is accompanied. As they become warmed by their devotion they nod and shake their heads violently in concert. One who has not been accustomed to such an exercise would be rendered quite giddy by it. They did not seem the least displeased at my closely observing them. On leaving the mosque every one goes about his common occupation." See, James Low, "Observations on Perak," JIAEA, IV (1850), p. 502.

⁹ One nineteenth century source referred to the siak as a "Panghulu Momkims" or penghulu mukims. In 1839 Newbold listed the duties of this lowest mosque official as keeping the mosque clean, assisting at burials, announcing prayers (though not calling people to mosque which is the bilal's function), reporting mosque absentees to the imams, and pounding the taboh (mosque drum). These are the same duties as the siak. No indications can be found illuminating whether penghulu mukim or siak was the most common nineteenth century term. Siak will be used in this essay. See T. J. Newbold, Political and Statistical Account of the British Settlements in the Straits of Malacca (London: John Murray, 1839), Vol. I, p. 249.

¹⁰A recent social anthropological monograph concisely describes religious conditions in west coast Malay states, c.1874. See J. M. Gullick, Indigenous Political Systems of Western Malaya (London: The Athlone Press, 1969), pp. 36ff. Also see a dissertation by Robert Winzeler, Malay Religion, Society, and Politics in Kelantan (Chicago: University of Chicago, 1970), especially Chapter Two, "Islam, Adat, and Traditional Malay Society." William R. Roff in Origins also has an excellent section of "Malay Society in the Mid-Nineteenth Century," pp. 1-11. Richard O. Winstedt perceptively noted the special place of Islam in Malay society saying "In thirty-five years I have never heard of one Malay becoming a Christian. It would mean stepping out of a social system For, however Europeanized, it is Islam that he lives and moves and has his being." See "Religious Factors in Malay Culture," Religions [England], XXXIX (April, 1942), p. 11. A sharply critical view of Islam is advanced by a missionary in Malaya, Charles E. G. Tisdall. At the conclusion of his article on Islam he enclosed the following statement inside a black border: "Mohammadanism robs the mother, the daughter, the wife, of their divinely ordained equality. Nothing can free these lands but a radical reform of the home through the acceptance of Christ." See "Ideas of Mohammadan Malays," Missionary Review of the World, XXXIX (May, 1916), p. 349. For other contemporary comments and descriptions on Islam see the sources in Footnote 3.

¹¹Winzeler, Malay Religion, pp. 26-27. Concerning Islamic literature possessed by the elite, Newbold reported in 1839 that Malays interested in Islam had some religious works, most of Arabic origin or translation. "At the head of these stands the Koran; next in estimation is the Kitab us Salah, a collection of prayers; the Surat al Mustakin, a sort of guide book to the religious duties required from the followers of Islam. Next to these rank the Musalet al Muhtadi, the Surat al Kiamet, and the Sabil al Muhtadi, which is a ponderous mass of selections from numerous Arabic religious works, with learned comments and explanations by Mahomed Irshad of Banjar, a Malay haji. The Malays have sixty Katbahs which are not translated into the vulgar tongue, but preached forth in the original Arabic." Newbold, Political and Statistical, Vol. II, pp. 336-337.

¹²Cameron, Our Tropical Possessions, p. 128.

¹³Winzeler, Malay Religion, p. 30.

¹⁴J. D. Vaughan, "Notes on the Malays of Pinang and Province Wellesley," JIAEA, II (1858), pp. 152-156.

¹⁵Ibid.

¹⁶Ibid., pp. 152-154.

¹⁷ Cameron, Our Tropical Possessions, p. 129. A similar observation came from Mrs. Reginald Sanderson in "The Population of Malaya," in Twentieth Century Impressions of British Malaya, ed. by Arnold Wright (London: Lloyd's Greater Britain Publishing Co., Ltd., 1908), pp. 121-129.

¹⁸ Newbold, Political and Statistical, Vol. II, p. 126. J. M. Gullick in Indigenous Political Systems of Western Malaya (London: The Athlone Press, 1965), p. 139 incorrectly stated that "There were no Kathis . . . until the era of British protection."

¹⁹ Ibid., Vol. II, p. 131.

²⁰ Ibid., Vol. I, pp. 244-246.

²¹ Ibid., Vol. I, p. 250. Similar wood mosques still can be seen in Malacca today.

²² Ibid., pp. 248-259.

²³ T. Braddell, "Notes on Malacca," JIAEA, I (1856), pp. 52-55.

²⁴ Ibid. For background on the Islamic surau, see R. A. Kern, "The Origin of the Malay Surau," JMBRAS, XXIX, Pt. 1 (1956), pp. 179-181.

²⁵ Newbold, Political and Statistical, Vol. II, pp. 248-251.

²⁶ R. O. Winstedt, "Karamat: Sacred Places and Persons in Malaya," JMBRAS, II, Pt. 1 (June, 1924), pp. 264-279. Also see Wilkinson, "Papers on Malay Customs and Beliefs," p. 12.

²⁷ John Anderson, "Political and Commercial Considerations Relative to the Malayan Peninsula and the British Settlements in the Straits of Malacca [1824]," JMBRAS, XXV, Pt. 4 (December, 1962), pp. 186-187. Anderson said he thought the 100,000 population figure for Perak was too high. By mid-century John Crawford said "The total population is a matter of conjecture. It has been reckoned at 15,000 and as high as 35,000, but 20,000 is supposed to be the most likely approximation, and this would give the scanty rate of four individuals to the square mile." See John Crawford, A Descriptive Dictionary of the Indian Islands and Adjacent Countries (London: Bradbury and Evans, 1856), p. 336.

²⁸ The main Perak river basins include the Sungei Perak (Perak River) from which Perak state derives its name, Sungei Krian, Sungei Kurau, plus ten additional waterways. See Khoo Kay Kim, The Western Malay States 1850-1873 (Kuala Lumpur: Oxford University Press, 1972), pp. 5-7.

²⁹ The problem of population estimates, as earlier in the century, continued to obscure the real size of Perak. Lacking censuses,

we must rely on not too accurate foreign observers. For example, Captain T. C. S. Speedy and British Resident J. W. W. Birch estimated in 1875 that Perak with Larut, the tin-mining area, had 93,000 Malay and 29,300 Chinese inhabitants. Four years later Frank Swettenham set the total population at 81,000. It grew to 195,000 ten years later and the 1891 census enumerated Perak's population at 214,254. Thus, population figures prior to this first British-supervised census must be taken for what they are, guesses--educated or otherwise. Concerning Perak and other Malay states' populations, see C. D. Cowan, Nineteenth Century Malaya, the Origins of British Political Control (London: Oxford University Press, 1961), p. 179, footnote 12; Chai Hon-Chan, The Development of British Malaya 1896-1909 (Kuala Lumpur: Oxford University Press, 1964), p. 126; and Sadka, Protected Malay States, pp. 3-5.

³⁰William R. Roff, Origins of Malay Nationalism (New Haven: Yale University Press, 1967), p. 37. In FN16 Roff cites the Perak Annual Report for 1881 for saying Perak had Indonesian immigrants, mostly from Sumatra, numbering 9,724 out of a total population of 56,632 in 1879.

³¹For further elaboration on these events, see R. O. Winstedt and R. J. Wilkinson, "A History of Perak," JMBRAS, XII, Pt. 1 (June, 1934), pp. 60-90, and Khoo, Western Malay States, pp. 124-139.

³²R. Bonney, Kedah 1771-1821, The Search for Security and Independence (Kuala Lumpur: Oxford University Press, 1971), p. 9, footnote 45. The only description of nineteenth century administration in Perak focusses on the last decades of the century. It makes no reference to current 1880's or previous religious mukims. See R. S. Nathan, "Development of District Administration in Batang Padang," Malaysia in History, XIII, 1 (March, 1970), pp. 20-32.

³³Bonney, Kedah, p. 9.

³⁴John Crawford, Journal of an Embassy from the Governor-General of India to the Courts of Siam and Cochín-China (London: H. Colburn and R. Bentley, 1830), p. 49.

³⁵Roff, Origins, pp. 68-69. Also see Mohammad Khalil bin Hussein, "The Department of Religious Affairs in Perak; Present Structure, Organization, and Recent Development," (Unpublished Academic Exercise, University of Malaya, 1958), pp. 4-6. Sir Richard Winstedt described the Orang Kaya-Kaya Imam Paduka Tuan Sri Diraja as a religious dignitary of very recent origin. How recent? Winstedt unfortunately did not elaborate. He said that the Imam Paduka Tuan's predecessor was the Facky Maly Keleyer, also perhaps spelled Fakiah Malik alamin. The title existed in 1680 and was still extant in 1933. The present-day relationship, if any, between the two titles, offices, and functions awaits further investigation. R. O. Winstedt and R. J. Wilkinson, "A History of Perak," JMBRAS, XII, Pt. 1 (June,

1934), pp. 154-155. In a 1909 letter E. W. Birch said that the Imam Paduka Tuan's post was occupied by a member of the Siak family from which Sultan Ismail was descended. See BR, Perak to RG, No. 1828/09 of March 19, 1909, HCO (Perak) 646/1909.

³⁶Roff, Origins, pp. 68-69.

³⁷While many Europeans' statements reflect disdain for the unfamiliar religion and highlighted its unusual and sometimes heretical aspects, this did not necessarily prove that all Muslims only blindly believed in their faith. At least one description implies a strong Islamic feeling among those closest to Sultan Jaffar Mu'azzam Shah (reigned either 1850 or 1857 to 1865). Frank Swettenham wrote that "there was in Perak a Trengganu man, who had such a sweet voice, that when he read the Koran all who heard him were charmed with it. On one occasion he was reading in the presence of the Sultan, and one of the women of the harem was so struck that she, contrary to custom, came out to listen." Her relatives felt scandalized by this conduct and vowed to kill the man. Frightened of the man's famous kris, they asked the Sultan what to do. He told them to borrow the kris and then kill him. It was done. Frank A. Swettenham, "Some Account of the Independent Native States of the Malay Peninsula," JSBRAS, VI (December, 1880), p. 178. Swettenham recounted a second example occurring during 1875. Resident Birch and Swettenham's Malay boatman died of cholera. In the middle of the night the two Englishmen buried the victim lest the disease spread to other individuals in the party or to villagers. This unusual step was necessary because the remaining Malays in the party wished to convey the body to the victim's village so that an imam could perform the appropriate Muslim rites. Swettenham mistakenly called this mosque official a "priest." Completing their task, Birch and Swettenham returned to bed. The Malay boatmen discovered the burial during the night. They then secretly dug up the cholera victim and returned the body to his village the next day. The imam properly interred the body. Swettenham, Footprints in Malaya, p. 56.

³⁸Husain bin Mahmud, "His Royal Highness, Sultan Idris Murshidul 'Adzam Shah", Malaysia in History, XIII, 1 (March, 1970), p. 13.

³⁹Isabella L. Bird [Mrs. Bishop], The Golden Chersonese and the Way Thither (Kuala Lumpur: Oxford University Press, 1967), pp. 312-315. This book was first published in 1883.

⁴⁰For a description of Malay marriage contracts, religious ceremonies, and finances, see ibid., pp. 326-329. Bird also describes the religious ceremonies at the birth of a new child. See ibid., p. 329.

⁴¹Ibid., p. 361.

⁴²Ibid., p. 362.

⁴³ See Jacqueline Dibden, "Aspects of Social and Political Change in Malay Communities of Perak and Selangor in the Mid-Nineteenth Century," (Unpublished M.A. Thesis, School of Oriental and African Studies, University of London, 1968).

⁴⁴ Perhaps nothing illustrates the degree of Islamic religious deviation from orthodox Islam than the following example which shows the accommodations Islam made to local Malay animistic beliefs. In January, 1890 after "the spirits of the country having been invoked and propitiated for some days previously with a view to securing long life and prosperity to His Highness," some Malay chiefs and rakyat began constructing a Balei Mandi or Balei Hantu on the istana (palace) grounds. "The usual ceremonies attending the invocation of the spirits were continued throughout the night, a number of skilled Pawangs having been summoned from all parts of the State for the occasion. . . . the ceremony, which, although incompatible with the tenets of the Mohamedan religion, is one that is always performed by the Perak Malays on a Sultan's succession to the throne, and on other occasions when they consider the intervention of the spirits would be beneficial to the country." See A. Butler, "Kuala Kangsa Monthly Report, January, 1890," PGG, III, 5 (February 14, 1890), p. 89. It should be understood that animistic practices were not unique to Perak. In the adjacent state of Kelantan "the Malays are Mohammedans by religion, their Mohammedanism is by no means unadulterated by the paganism of the olden days. They are extremely superstitious people, and although many of them say their prayers five times a day like good Mohammadans, they do it on three hundred and sixty-four days in the year, because one a year they propitiate the devil, presumably to keep on the safe side of him." Kelantan Malays did this in a ceremony of Tola Bala or "propitiation of evil spirits." See Carveth Wells, Six Years in the Malay Jungle (Garden City, New York: Garden City Publishing Co., 1923), pp. 156-157. As a postscript to these remarks on Islamic practice in nineteenth century Malaya, it should be pointed out that animistic beliefs and practices still exist today. Referring to Kelantan but generally true of all Malaysia, Manning Nash has written: "Although it [Islam] does not countenance the magic and ceremonies of Kelantan bomoh (magic specialists, usually healing of witchcraft-induced disease) it is not actively involved in combat with them, nor does it sermonize about belief in hantu (various categories of evil spirits), charms, witchcraft, and other non-Islamic religious activities and beliefs." See Peasant Citizens: Politics, Religion, and Modernization in Kelantan (Athens, Ohio: Ohio University Center for International Studies, 1974), p. 45.

⁴⁵ Crawford, History of the Indian Archipelago, Vol. II, p. 260.

⁴⁶ For the moment the question of the impact of the pilgrimage and returning hajjis on their village socio-political and religious structure will be sidestepped. Little published data exists revealing the extent of the pilgrimage traffic prior to the 1870's.

John Crawford estimated that nine hundred pilgrims annually traveled to Mecca, of which about four hundred came from Java with the remainder from Sumatra and the Malay peninsula. No state by state breakdown for Malaya exists. On the returning pilgrim, Crawford noted that he was usually a person of significance and "sometimes a fanatic and an intriguer." Crawford, A Descriptive Dictionary, p. 352.

⁴⁷ Beginning in eighteenth century Arabia, the Wahhabi movement created a conflict between Islamic orthodoxy and modernism. The great puritan reformer Muhamed bin 'Abdul al-Wahab (1703-1787) wanted to purge all Islamic innovation after the third century (A.H.). With respect to Malaya Marion Fredricks said that "the Wahhabi Movement must have influenced the Malay Society of the nineteenth century but not to the extent and in the violent manner in which it moved in Sumatra and later the whole of Indonesia." (pp. 33-34) The different reactions between Malays and Indonesians was due to differing styles and types of colonial rule. Additional research needs to be done on this religious movement and its influence in Malaya. See Marion Frederick, "Social Aspects of Malay Society" (Unpublished Academic Exercise, University of Malaya, 1961), pp. 29-37.

⁴⁸ Winzeler, Malay Religion, p. 34. Kelantan was also known as Dar'ul Na'im (The Land Whose Possessions are Blessed). See ARK, 1935, p. 69. The British Adviser also wrote that "Till recent years, there was little connection between Kelantan and the rest of Malaya," (p. 69).

⁴⁹ William G. Maxwell and William S. Gibson, Treaties and Engagements Affecting the Malay States and Borneo (London: Truscot and Son, 1924), pp. 77-81. For a general historical introduction to nineteenth century Kelantan, see Anker Rentse, "History of Kelantan," JMBRAS, XII, Part II (August, 1934), pp. 57-61; Wan Shamsuddin and Areni Wati, Sejarah Tanah Melayu Dan Sekitar-nya 1400-1963 [The History of Malaya and its Surroundings, 1400-1963] (Kuala Lumpur: Pustaka Antara, 1964), pp. 203-207; Nik Ahmad bin Haji Nik Hassan, "Kajian Rengkas Mengenai Keturunan Long Yunus Kelantan, Dari Tahun 1756 Hingga Tahun 1920" [A Brief Study of the Descendents of Long Yunus of Kelantan, 1756-1920], Journal Persatuan Sejarah Kelantan, No. 1 (1964/65), pp. 39-51, and Abdullah bin Mohamed, "Kelantan Dalam Laman Long Yunus," [Kelantan in the Time of Long Yunus] Journal Persatuan Sejarah Kelantan, No. 1 (1964/65), pp. 73-81.

⁵⁰ Muhammad Salleh bin Wan Musa, "Theological Debates: Wan Musa b. Haji Abdul Samad and His Family," in Kelantan: Religion, Society and Politics in a Malay State, ed. by William R. Roff (Kuala Lumpur: Oxford University Press, 1974), pp. 153-155. The first stage covers the spread of Islam to Kelantan until the fourteenth century. This era, and through the eighteenth century, was marked by religious proselytation and strengthening of the religion there.

⁵¹References to Kelantan by these writers usually recount in general terms the origin of the Kelantan state, its dynasty, Siamese and Malaccan relations, and the state's famous gold deposits. See P. J. Begbie, The Malayan Peninsula (Kuala Lumpur: Oxford University Press, 1967), p. 90, first published in 1834; George W. Earl, The Eastern Seas (London: W. H. Allen, 1837), pp. 153-154; Walter H. Medhurst, China: Its State and Prospects and Statistical Account of the British Settlements in the Straits of Malacca (London: John Murray, 1839), Vol. II, pp. 64-65.

⁵²For a review of Thai printed sources relating to Kelantan, see David K. Wyatt, "Nineteenth Century Kelantan: A Thai View," in Kelantan: Religious, Society and Politics in a Malay State, ed. by William R. Roff (Kuala Lumpur: Oxford University Press, 1974), pp. 1-22.

⁵³Abdullah bin Abdur Kadir (Munshi), Kisah Pelayaran Abdullah (The Story of Munshi's Voyage) (Kuala Lumpur: Oxford University Press, 1960), ed. by Kassim Ahamd, pp. 56-107.

⁵⁴ARK, 1903-04, pp. 6, 30; and William R. Roff, "The Origins and Early Years of the Majlis Ugama," in Kelantan, pp. 104-105.

⁵⁵Muhammad Salleh, "Theological Debates," p. 154.

⁵⁶Abdullah Al-qari bin Haji Salleh, "To'Kenali: His life and Influence," in Kelantan, p. 91, FN6.

⁵⁷Muhammad Salleh, "Theological Debates," pp. 154-155.

⁵⁸ARK, 1903-04, p. 16, and Roff, "Origin," pp. 104-105.

⁵⁹Roff, "Origin," p. 106.

⁶⁰Ibid.

⁶¹Ibid., p. 107. Concerning the age of Kampong Laut Mosque, oral tradition says that the mosque has been there for five generations in a village where men live to be over 80 years old, thus about the mid-eighteenth century. Village elders (c.1970) claim that visiting Muslims came by sea to Kelantan and built the mosque. These visitors (Arabs ?) later sailed to Malacca and Demak (in Java) where they also built mosques. The Demak mosque is similar in appearance to the Kampong Laut Mosque. See Mubin Sheppard, "The Oldest Mosque in Malaysia Is Moved to a Safer Site," Malaysia in History, XIII, 2 (December, 1970), p. 11. Henry Norman briefly described the Kota Bharu Mosque when he visited the capital in 1895. He said that "Kota Bharu is very much like other Malay towns except for its big mosque." This imposing structure with its peaked roof was the first sight to greet the traveler entering the city. See The Peoples and Politics of the Far East (London: T. Fisher Unwin, 1895), p. 575.

⁶²Cyril Skinner, The Civil War in Kelantan in 1839 (Singapore: Malaysian Branch, Royal Asiatic Society, 1965), p. 9, FN6.

⁶³Hugh Clifford, "Expedition to Trengganu and Kelantan, Report," JMBRAS, XXXIV, Pt. 1 (May, 1961), p. 107.

⁶⁴W. A. Graham, Kelantan, A State of the Malay Peninsula (Glasgow: James Maclehose and Sons, 1908), p. 47. This unsavory Kelantan reputation for harshness continued under the next ruler, Raja Mansur (1890-99). A British member of Parliament and explorer toured various Malay states by overland routes. He noted that "The Raja of Kelantan was a bloodthirsty and rapacious man determined at any cost to keep the orang puteh [white man] out of his dominions, and . . . the means he adopted were as savage as they were simple." See Henry Norman, Peoples and Politics, pp. 534-535. The Raja apparently had provocation for animosity toward the orang puteh because one white man ran off with a Kelantanese woman, several years prior to Norman's arrival. (pp. 582-583)

⁶⁵Clifford, "Expedition," p. 114.

⁶⁶Ibid., pp. 116-117. Clifford did not have a high opinion of Kelantanese Muslims. He said that "The Kelantan Malay, on the other hand, though he is a sufficiently lawless individual, has none of the swagger and self-assertion of the native of Pahang. He is chiefly remarkable for his thieving propensities, which have not even been detected. He is a hard worker as compared with the Pahang Malay, but his intelligence is of a low order, and, except among the ruling class at Kota Bharu, the natives of Kelantan are ignorant of their religious tenets, and are in no wise tainted with Muhammadan fanaticism." (p. 98) Clifford described Che' Ha's religious fanaticism by quoting some unnamed poem saying that Che' Ha "was ever ready to--'Prove his doctrine orthodox, By apostolic blows and knocks,' [and this] has done little to make religion popular in the State." (p. 116).

⁶⁷As in Kelantan, Trengganu's pre-nineteenth religious history is little known or researched. For information on the coming of Islam to the state and other Muslim developments, see H. S. Paterson, "An Early Malay Inscription from Trengganu," JMBRAS, II, Part 3 (December, 1924), pp. 252-58; by C. O. Blagden, "A Note on the Trengganu Inscription," JMBRAS, II, Part 3 (December, 1924), pp. 258-63; by Engku Pengiran Anum, "How the Trengganu Stone was Found," Malaya in History, VII, 1 (September, 1961), pp. 30-33; Syed Muhammad Naguib Al-Attas, The Correct Date of the Trengganu Inscription: Friday, 4th Rejab, 702 A.H./Friday, 22nd February 1303 A.C. (Kuala Lumpur: Muzium Negara, 1970); British Adviser Trengganu, (BAT) File No. 273/1923 (National Archives of Malaysia); ART 1938, p. 4; M. C. Sheppard, "A Short History of Trengganu," JMBRAS, XXII, Pt. 3 (June, 1949), pp. 2-3; and Mamat Adam bin Taib, Struktur Dan Organisasi Pentadbiran Hal Ehwal Ugama Islam Trengganu (Structure and Organization of Trengganu's Islamic Religious Administration) (Unpublished Academic Exercise, University of Malaya, 1970), p. 2.

⁶⁸Newbold, Political and Statistical, Vol. II, p. 63.

⁶⁹Medhurst, China, p. 347.

⁷⁰Earl, Eastern Seas, p. 185.

⁷¹Mamat Adam, Struktur Dan Organisai, p. 3. Heather Sutherland states that Sheikh Abdul Kadir's successor as Mufti was a close relative, Haji Abdullah bin Mohd. Amin, Living on Duyung Island, Haji Abdullah became known as To'Sheikh Duyung and began the Malay Duyung family. See "Trengganu," mss., 1975, p. 8.

⁷²Clifford, "Expedition," p. 61. As Khoo Kay Kim urges in his introduction to the reprint of this 1895 Report, it is necessary "to separate the grain from the chaff. The report is primarily a political document and only secondarily a record of social and economic conditions in late 19th century Trengganu and Kelantan." (p. xiii) One must keep in mind Clifford's intent and biases. Nonetheless, his report gives more detail than any other literature on Trengganu at this time.

⁷³Allen, "Sultan Zainal Abidin III," p. 6. The Sultan pursued a wide selection of topics in his religious education. These most likely included Muslim theology, Koranic interpretation (tafsir), Muslim law and jurisprudence, Arabic language, basic metaphysics and ontology, and semantics. One of the Sultan's favorite subjects was Muslim law in which he gained a deep understanding. See ART, 1916, p. 9. Instances of Malay Sultans arranging for religious teachers to reside in their capitals were not uncommon. For example, the Yam Tuan of Negri Sembilan in 1908 hired a Koran and Arabic teacher to teach at his Istana (palace). See Negri Sembilan Secretariat 1113/1908. For further discussion of the Sultan's religious inclinations, see M. C. ff Sheppard, "A Short History of Trengganu," JMBRAS, XXII, Pt. 3 (June, 1949), pp. 37-38, 48, 55.

⁷⁴According to the British Adviser, Trengganu traders "often" performed the pilgrimage. A number of them (no figures given) had erected pilgrim rest-houses in Mecca and Jeddah. These occurrences indicate a high level of religious feeling among Trengganu Muslims who went to Mecca. See ART 1915, p. 6.

⁷⁵Allen, "Sultan Zainal Abidin III," p. 4. It is noteworthy that the Kaum Muda-Kaum Tua, modernist-traditionalist, debate never made headway in Trengganu. In fact modernist proponents touring Malay states omitted the state from their itinerary. See Young Mun Cheong, "Indonesian Influence on the Development of Malay Nationalism 1922-1938," Journal of the Historical Society (University of Singapore) (July, 1970), p. 2.

⁷⁶Clifford, "Expedition," p. 65.

⁷⁷Ibid., p. 99.

⁷⁸Ungku Said openly supported the Pahang rebels that Clifford chased into Trengganu. He equipped the rebels with swords and charms. In addition he declared their cause a holy war (jiḥad). For an account of Ungku Said's role in the Pahang Rebellion, see Clifford, "Expedition," pp. 44-48. It should be remembered that Clifford served only in two Malay states, Perak and Pahang, states in the midst of rapid social disintegration.

⁷⁹Ibid., pp. 99-100.

⁸⁰Ibid., pp. 100-101.

⁸¹ART, 1916, p. 9.

⁸²C.O. to F.O., September 25, 1906, No. 257, Enclosure 2, in Foreign Office Correspondence Papers. Memorandum by Hugh Clifford. A copy exists in Leslie Roberts, "Kelantan 1890-1939: Government in Transition" (Unpublished M.A. Thesis, University of Malaya, 1973), Appendix C. For aspects of Malay adat that survive today, see Pekirna Wira (Tunku), "Islam and Adat in Trengganu," Intisari, I, 4 (n.d.), pp. 37-48.

⁸³D. D. Chelliah, A History of the Education Policy of the Straits Settlements with Recommendations for a New System Based on Vernaculars (Singapore: G. H. Kat & Co., 1960), p. 12. This is Chelliah's Ph.D. dissertation, submitted to the University of London in 1940. For a detailed first person account of education at a Koran school, see Abdullah bin Abdul Kadir, The Hikayat Abdullah (Kuala Lumpur: Oxford University Press, 1970), pp. 39-45. This autobiography was first published in 1849.

⁸⁴Begbie, Malayan Peninsula, pp. 467-468.

⁸⁵Newbold, British Settlements, Vol. I, pp. 87-92.

⁸⁶Ibid. For an introduction to Muslim schools (pondok, surau, and madrasah) in Malaya, see Rozham bin Kuntom, "A General Survey of Muslim Religious Schools in Malaya" (Unpublished Academic Exercise, University of Malaya, 1957).

⁸⁷Chelliah, History of the Education Policy, pp. 60-64. Also see David J. Radcliffe, Education and Cultural Change Among the Malays 1900-1940 (Ph.D. dissertation, University of Wisconsin, 1970), p. 216.

⁸⁸Abdul Majeed Mohamed Mackeen, Contemporary Islamic Legal Organization in Malaya (New Haven: Yale University Southeast Asian Studies, No. 13, 1969), pp. 14-17. For a mid-nineteenth century account of Malay law and its religious aspects, see Newbold, Political

and Statistical, Vol. II, pp. 215-337. In a Perak State Council meeting in October, 1882 the Regent, Raja Muda Yusof, commented on William E. Maxwell's essay entitled "Slavery and Slave-Indebtedness." Yusof agreed "that many old Perak institutions were of an oppressive and indefensible character. Corruptions of the religious law (shara') had been introduced into the country, while the adat or customary law of the State had sanctioned aggressions by the strong upon the rights of the weak." PCM (Wilkinson, p. 250), October 9, 1882.

⁸⁹ N. B. Dennys, "A Contribution to Malayan Bibliography," JSBRAS, VI (December, 1880), pp. 251-264.

Chapter III

¹William R. Roff, The Origins of Malay Nationalism (New Haven: Yale University Press, 1967), p. 72.

²Guy Wint, The British in Asia (Second Edition) (New York: Institute of Pacific Relations, 1954), p. 122.

³For a concise description of the FMS and UMS political arrangements, see N. J. Ryan, The Making of Modern Malaysia and Singapore (Kuala Lumpur: Oxford University Press, 1970), pp. 150-159.

⁴Moshe Yegar, "Islam and Islamic Institutions in British Malaya, 1874-1941: Policies and Implementations" (mss., 1972), pp. 186-188.

⁵William G. Maxwell and William S. Givson, Treaties and Engagements Affecting the Malay States and Borneo (London: Jas. Truscot and Son, 1924), pp. 28-29. Also see Roland Braddell, The Legal Status of the Malay States (Singapore: Malay Publishing House, 1931), p. 31.

⁶Maxwell and Gibson, Treaties, p. 122.

⁷Ibid., p. 56.

⁸The Negri Sembilan Treaty and the Treaty of Federation in 1895 both permitted colonial advice on all topics except religion, despite the fact that neither Islam nor adat were clearly defined. See Maxwell and Gibson, Treaties, pp. 64, 71.

⁹Braddell, Legal Status, pp. 29-33. Roff omitted Perlis from among the states having Islam and adat as areas excluded from colonial advice. See Origins, p. 69.

¹⁰Braddell, Legal Status, pp. 6-10.

¹¹For a review of British intervention motives, see Nicholas Tarling, "Borneo and British Intervention in Malaya," JSEAS, V, 2 (September, 1974), p. 159.

¹²Braddell, Legal Status, pp. 11-12. Also see Emily Sadka, The Protected Malay States 1874-1895 (Kuala Lumpur: University of Malaya Press, 1968), pp. 101-102.

¹³Sadka, Protected Malay States, p. 103. Also see Ernest Chew, "Swettenham and British Residential Rule in West Malaya," JSEAS, V, 2 (September, 1974), p. 172.

¹⁴Sadka, Protected Malay States, p. 103.

¹⁵Quoted in ibid. Also see Chew, "Swettenham," p. 172.

¹⁶Isabella L. Bird, The Golden Chersonese and the Way Thither (Kuala Lumpur: Oxford University Press, 1967), p. 226. First published in 1883.

¹⁷AR Perak 1898, p. 27.

¹⁸Chew, "Swettenham," p. 172.

¹⁹AR, FMS 1900, p. 1.

²⁰Sadka, Protected Malay States, p. 270.

²¹Kedah Council Minutes, May 30, 1911, enclosed in Brockman to Harcourt, July 3, 1911, CO 273/374. The Adviser in a memo to the minutes stressed that road construction was more significant than "ornamental buildings," such as a state mosque. It boldly illustrated British colonial priorities.

²²PCM (M) March 24, 1923.

²³Richard Winstedt, Malaya and Its History (Second Edition) (London: Hutchinson's University Library, 1951), p. 102.

²⁴Chai Hon-Chan, The Development of British Malaya 1896-1909 (Second Edition) (Kuala Lumpur: Oxford University Press, 1964), p. xi.

²⁵William R. Roff, Autobiography and Biography in Malay Historical Studies (Singapore: Institute of Southeast Asian Studies, 1972), pp. 4-17.

²⁶The Selangor and Perak State Councils were formed in 1877. In Negri Sembilan and Pahang the Councils were established in 1889. See Roff, Origins, p. 17, FN 46. Sadka added that the Sungei Ujong State Council was set up in 1883. See Protected Malay States, p. 416.

²⁷Yegar, "Islam," pp. 202-203.

²⁸A. B. Voules, Compiler, The Laws of Selangor 1877-1899 (Kuala Lumpur: Selangor Government Printing Office, 1901), p. 2. The Order in Council was passed on August 25, 1877. English and jawi Malay copies of an imam's kuasa are in Sel. Sec. 322/1877.

²⁹At first the Perak and Selangor kathis possessed only that title. With the expansion of the Muslim judiciary, i.e., the appointment of assistant kathis and additional kathis, these first named kathis in Perak and Selangor adopted the title Chief Kathi to indicate their preeminence. For a concise history of Selangor religious legal development, see Ahmad Ibrahim, "Muslim Family Law in Selangor," Al-Islam, III, 3 (July-September, 1972), pp. 17-29. The appointment of the Perak Kathi will be examined in Chapter IV.

³⁰Yegar, "Islam," pp. 204-205. See Sadka, Protected Malay States, pp. 249-273 for the development of an Anglo-Malay court system.

³¹Voules, Laws of Selangor, p. 2, "Jurisdiction of an Imam;" A. B. Voules, Compiler, The Laws of Perak (Taiping: Perak Government Printing Office, 1899), p. 2, "Order in Council, Kathis Prohibited from Receiving Zakat;" Mr. Dyson, Compiler, The Laws of Negri Sembilan 1883-1902 (Singapore: Fraser and Neave, Ltd., 1904), p. 1, "Order in Council, Mosque attendance;" Negri Sembilan, Orders and Regulations (Kuala Lumpur: Selangor Government Printing Office, 1896), p. 126, "Order in Council, Pilgrimage to Mecca." The 1885 Pahang Order in Council, "Registration of Muhammadan Marriage and Divorce," was replaced by Enactment No. 13 of 1900, Pahang GG, IV, 9 (July 23, 1900).

³²Yegar, "Islam," pp. 289-290.

³³File minutes on Sel. Sec. 1142/1884.

³⁴AR Selangor 1890, p. 23.

³⁵AR Perak 1891, p. 4. In addition to legislative pressure for Islamic change there also existed direct colonial intervention. For example, an imam in Selangor tried a Muslim man and woman, found them guilty, and sentenced them to three months in prison and thirty strokes with a rattan. The magistrate interceded. The kathi finally reduced the sentence after the Resident raised the issue. The Sultan subsequently ordered the pair released from jail. The point is that British intercession ameliorated some aspects of Muslim law as implemented in Malaya. See Letter from the Acting Collector and Magistrate to the BA, Selangor, February 13, 1889, and see file minutes, Sel. Sec. 562/1889.

³⁶Minute by Lucas to Johnson, June 28, 1900, CO 273/262. A second example of doubt expressed over colonial religious interference was by the Kelantan legal adviser, who wanted definitely harmful Muslim rules to be discarded. See Legal Adviser, Kelantan to BA, Kelantan, September 4, 1930, and its enclo. F, "Memorandum on the Zakat and Fitrah Taxes," Kel. K 1547/1930.

³⁷"Report for the Secretary of State on Negri Sembilan Enactment V of 1900," by A. Berrington, Enclo. 2 in Swettenham to Chamberlain, May 31, 1900, CO 273/261.

³⁸C. G. Garrard, compiler, The Acts and Ordinances of the Legislative Council of the Straits Settlements from the 1st April 1867 to the 7th March 1898 (London: Eyre and Spottiswoode, 1898), Vol. I, pp. 696-719.

³⁹Yegar, "Islam," pp. 212-213.

⁴⁰The problem of oral evidence under Muslim Law perplexed the British. In a 1927 court case it was decided that Muslim law was not a foreign law in the FMS but its oral evidence was inadmissible in colonial courts. A circular to the effect was sent throughout the FMS. Copy enclosed in District Office, Sitiawan (Perak) 273/1929.

⁴¹"Report on the Work of the Legal Adviser's Office During the Year 1900," by A. Berrington, p. 1. Included as a supplement to the Perak GG, XIV, 21 (July 5, 1901).

⁴²Circular No. 16 of 1928 in District Office, Sitiawan (Perak) 399/1929.

⁴³"Report on the Work," p. 2.

⁴⁴Yegar, "Islam," pp. 205-209.

⁴⁵Ibid., pp. 207-210.

⁴⁶PCM July 19, 1896. Copy in HCO 235/1896. The subcommittee consisted of the Secretary to the Government, E. W. Birch, Raja Musa bin Sultan Jafar, and Sri Adika Raja (Wan Muhammad Saleh).

⁴⁷AR Perak 1899, pp. 20-21.

⁴⁸Yegar, "Islam," p. 452.

⁴⁹BR, N. S. to RG, November 17, 1900, N.S. Sec. 4080/1900.

⁵⁰"Memorandum by the Resident-General Recording Action Taken In Reference to the Proceedings of the Conference of Residents, January, 1902," by W. H. Treacher, copy in N.S. Sec. 2500/1902.

⁵¹FMS Legal Reports 1900-1905, (Handwritten copy) Vol. II, p. 200.

⁵²PCM (PGG, XVII, 16 [April 22, 1904], p. 307), March 16, 1904. The Perak State Council rejected other Negri Sembilan amendments to the Muhammadan Laws Enactment, 1904.

⁵³FMS Legal Reports 1900-1905, Vol. II, p. 108.

⁵⁴Lyttleton to Officer Administering the Government, S.S., December 1, 1903, N.S. Sec. 218/1904.

⁵⁵For a report on the working of the Muhammadan Law Enactment, 1904, see BR, N.S. to RG, October 10, 1905, N.S. Sec. 4314/05.

⁵⁶"Report for the Secretary of State on Perak Enactment No. 1 of 1915 (The Muhammadan Law Enactment, 1904, Amendment Enactment 1915), Selangor No. 1 of 1915, and Negri Sembilan No. 2 of 1915," by

F. Belfield, September 6, 1915, enclosed in Ag. Under-Secretary, FMS to SHC, September 8, 1915, HCO 1947/1915.

⁵⁷Maxwell and Gibson, Treaties, p. 72.

⁵⁸Yegar, "Islam," pp. 209-211. The appeals committees' powers increased in 1938. The Federal Council granted authority to hear kathi court appeals with supervisory powers and to revise religious court proceedings, if necessary. The committees could request the ulama to give advice on relevant matters. In Perak the appeals committee forwarded its decisions to the Council of Chiefs and Ulamas who advised the Sultan whether or not to concur with the committee's decisions. For additional detail see Chapter IV, subsection "State Council Committees and Subcommittees: Legislative Work Horses."

⁵⁹For a list of extant Malay State Council minutes or abstracts of minutes, see William R. Roff, "Malaysian State Council Minutes in New York," JMBRAS, XLII, Pt. 2 (December, 1969), pp. 213-219. There is one omission in this article. Roff says that no minutes exist of the Perlis State Council. We have discovered Council minutes from 1911 to 1925 in various colonial records, notably HCO files in the National Archives of Malaysia and in CO 273 and CO 717 in the Public Record Office, London.

⁶⁰Perlis Council Minutes, August 11, 1911, enclosed in Young to Harcourt, October 16, 1911, Desp. No. 449, CO 273/375.

⁶¹Yegar, "Islam," p. 296.

⁶²Legal Adviser, Kelantan to BA, Kelantan, September 4, 1930, Kel K 1547/1930.

⁶³These three enactments are Enactment No. 21 of 1938, "Mohammedan Offences," Enactment No. 22 of 1938, "Marriage and Divorce," and Enactment No. 23 of 1938, "Majlis Ugama dan Istiadat Melayu Kelantan."

Chapter IV

¹Leonard Y. Andaya, The Kindgom of Johor, 1641-1728: A Study of Economic and Political Developments in the Straits of Malacca, (Ph.D. dissertation, Cornell University, 1971), pp. 39-40.

²Philip Loh Fook Seng concisely itemized British retionalizations for their 1874 intervention in Perak, namely "to resolve four issues in Perak: the disputed Perak Succession; the Mentri's claim to recognition as an independent ruler of Larut; Chinese unrest in Larut; and Malay piracy off the Perak coast. The unrecorded fifth was to extend British control into the Malay States." See Philip Loh Fook Seng, The Malay States 1877-1895, Political Change and Social Policy (Kuala Lumpur: Oxford University Press, 1969), p. XI.

³Quoted in Emily Sadka, The Protected Malay States 1874-1895 (Kuala Lumpur: University of Malaya Press, 1968), p. 53.

⁴Emily Sadka, "The State Councils in Perak and Selangor, 1877-1895," in Papers on Malayan History, ed. by K. G. Tregonning (Singapore: Journal of South-East Asian History, 1962), p. 94. For a Malay language survey of the residency years, see Wan Shamsuddin and Arena Wati, Sejarah Tanah Melayu Dan Sekitar-nya 1400-1963 [The History of Malaya, 1400-1963] (Kuala Lumpur: Pustaka Antara, 1964), pp. 189-193.

⁵Sadka, "State Councils," pp. 94-95. The State Council was established in Selangor with Councillors appointed in March, 1877 and the first meeting in April. The British set up the Perak State Council in June, 1877 with members appointed then and the first meeting occurring in September. See Ernest Chew, "The First State Council in the Protected Malay States," JMBRAS, XXXIX, Pt. 1 (July, 1966), pp. 182-184.

⁶For biographies of these men, see John Gullick and Gerald Hawkins, Malayan Pioneers (Eastern Universities Press, 1958), and Sadka, Protected Malay States, pp. 387-391. The first British Residents in Perak were James W. W. Birch, 1874-75; James G. Davidson, 1876-77; Hugh Low, 1877-89; and Frank A. Swettenham, 1889-95.

⁷Sadka, Protected Malay States, pp. 20-21, 328-329.

⁸Ibid., p. 176.

⁹Loh, Malay States, p. XV.

¹⁰Swettenham, Footprints in Malaya, p. 69. For a detailed look at Hugh Low's first two months as British Resident, see Emily Sadka, "The Journal of Sir Hugh Low, Perak 1877," JMBRAS, XXVII, Pt. 4 (November, 1954), pp. 5-108. The journal covers the period April 19 to June 15. Hugh Low arrived in the Far East in 1843 at the age of

nineteen. Over the next three decades he learned the Malay language fluently. He also studied, understood, and sympathized with Malay life and customs as he worked and traveled extensively in Sarawak, North Borneo, and Labuan. He served as the third British Resident in Perak from 1877 to 1889. For a biography, see Sadka, The Protected Malay States, p. 389.

¹¹For biographical data see, Sadka, "State Councils," p. 94.

¹²For a biography, see Sadka, "Journal," p. 81. Swettenham said of Sultan Idris that he was "the ablest Malay I ever knew." British Malaya, p. x.

¹³For a biography, see Sadka, "Journal," p. 37, FN 30. Also see Sadka, "The State Councils in Perak and Selangor," p. 98. In terms of the new government, Shaik Ma Taib possessed one characteristic worth emphasizing here. He was not a Perak Malay, but rather a Minangkabau immigrant. While Swettenham was in Perak as Acting Deputy Commissioner, Perak in early 1876, he mentioned that "Perak people were not to be relied upon, and I had to find and employ a number of Selangor and Sumatran Malays," to capture those implicated in the Birch murder. See, Footprints in Malaya, p. 67. Maybe Low also wanted to rely on a select number of non-Perak Malays during the formative years of British rule. The only reference that Shaik Ma Taib made to his background was that "I lived in Larut in the days of the Mantri's father, Che Long Jafar." PCM (Wilkinson, p. 234), December 31, 1880.

¹⁴Sadka, "Journal," pp. 37, 70. Low entered in his diary that "they both show a very strong feeling of jealousy against Ma Taib as being a foreigner, but it really arises from his being clever enough to gain influence, which is thrown in the scale against them" (p. 70). Also see Loh, Malay States, pp. 4-6.

¹⁵Swettenham, Footprints in Malaya, p. 69.

¹⁶Sadka, "Journal," p. 85. Low further noted in his journal that the matter did not end with Yusof obeying his instructions. The Resident suspected that the Raja Muda Yusof still sent out the original letter. Low vowed to give Yusof a stiff lecture later. However, whether Low carried out this threat is not known, because most of his journal no longer exists.

¹⁷William G. Maxwell and William S. Gibson, Treaties and Engagements Affecting the Malay States and Borneo (London: Jas. Truscott and Son, Ltd., 1924), p. 29.

¹⁸Sadka, Protected Malay States, p. 385. The office was vacant in 1874. Sadka does not mention when the Sultan appointed someone to fill this ecclesiastical post. In "Journal" Sadka says no one occupied the office in 1877. (p. 108)

¹⁹No where in his journal did Hugh Low mention the Chief Kathi. This is very strange because Low tried to meet all the important Malay leaders. Based on this lack of reference and on the 1879-80 State Council appointment of a new (Chief) Kathi, it is probable that the office was vacant during the Raja Muda Yusof letter incident.

²⁰Sadka, "Journal," p. 103. For further elaboration of Islamic divorce in Malaya, see Ahmad Ibrahim, Islamic Law in Malaya (Singapore: Malaysian Sociological Research Institute, 1965), pp. 197-215.

²¹Sadka, "State Councils," pp. 94-98. Also see, Loh, Malay States, pp. 6-7.

²²PCM (Harrison, p. 178), December 19, 1878. The next religious item that appears in the PCM was a divorce settlement, which is not discussed in my chapter. See PCM (Harrison, p. 192), March 4, 1879.

²³Swettenham, Footprints in Malaya, p. 49.

²⁴PCM (Harrison, p. 195), March 4, 1879. The PCM do not contain a copy of Yusof's draft surat kuasa for a kathi. This surat kuasa probably resembled the one issued by Sultan Abdul Samad of Selangor on September 14, 1871. The 1871 date is likely erroneous because the kuasa had both the Sultan's and British Resident's seals at the bottom. The British only appointed the first Resident in 1875. The substance of this kuasa read: "I appoint . . . to be Imam over . . .; to be our Agent in matrimonial affairs for those having relations and those not having relations, and in divorce cases; and to deal with them according to Malay law. In cases relating to Mohamedan religion, this said Imam can decide and fine parties who commit offences against the law." See Sel. Sec. 322/1877. No written rules or laws regulated imam or kathi conduct in Perak or Selangor at this time. Perak Council consideration and passage of an assistant kathi kuasa occurred in November, 1895. This kuasa was revised in 1913-14. See PCM (PGG, VIII, 29 [November 22, 1895], p. 763), November 2, 1895; PCM (M), October 14, 1913; PCM (M), June 15, 1914; and PCM (M) September 28, 1914. For information on the surat kuasas in other Malay states, see N.S. Sec. 79/1904; 2821/1905; 4035/1905; 1128/1908; 115/1915; 2444/1917; 217/1939; 873/1940; Kedah Council Minutes of March 20 and 29, 1911 in CO 273/373; Pahang: HCO 121/1911; Sel. Sec. 396/1885; 102/1889; Kel. K 918/1915; BA Kel. 192/1916; P.M. Kel. 151/1920; and BAT 1106/1936.

²⁵Husain bin Mahmud, "His Royal Highness," p. 13.

²⁶Sadka, "Journal," p. 108 and Sadka, Protected Malay States, p. 385. Sir Richard Winstedt notes that the office of Imam Paduka Tuan was still vacant in 1884. See Winstedt and Wilkinson, "History of Perak," pp. 154-155.

²⁷PCM (Harrison, p. 195), March 4, 1879.

²⁸Governor to Secretary of State, 64 of February 6, 1879, enclosures, CO 273/1898. Passages quoted in Loh, Malay States, pp. 8-9.

²⁹PCM (Harrison, p. 198), May 4, 1879. Shaik Ma Taib's appointment to the State Council was primarily due to his personal non-religious characteristics. As evidence of this, neither his successor nor any other religious official, was a Council member by 1889. See PCM (PGG, II, 4 [February 22, 1889], p. 102), February 11, 1889.

³⁰PCM (Harrison, p. 198), May 4, 1819.

³¹Roff, Origins, p. 72.

³²PCM (Wilkinson, pp. 218-219), February 20, 1880. The name of the Red Flag Secret Society organizer was "Inche Adam." No other details of the man are given, or of the secret society, or of the outcome of this man's subsequent trial in the High Court of Justice, Kuala Kangsar. For additional information about the Red and White Flag Societies, see W. G. Stirling, "The Red and White Flag Societies," JMBRAS, III, Pt. 1 (April, 1925), pp. 57-61 and Wilfred Blythe, The Impact of Chinese Secret Societies in Malaya (London: Oxford University Press, 1969), pp. 261-73.

³³PCM (Wilkinson, pp. 221-222; 247-249; 257-259), February 25, 1880, May 22, 1882, and October 18, 1882.

³⁴PCM (Wilkinson, pp. 222-223), February 25, 1880.

³⁵There is some confusion over the precise date of the alleged murder by Abdul Shukor. Council minutes say that the murder occurred five years earlier and that Sultan Ismail heard the case. However, Ismail died in 1874, so the case most likely occurred in 1874 or perhaps before that date.

³⁶PCM (Wilkinson, p. 224), February 28, 1880. This rendition of the Order in Council differs slightly from that in The Laws of Perak Vol. I, 1877-1900 (Kuala Lumpur: FMS Government Printing Office, 1905), edited by William G. Maxwell. The 1905 edition has "Tuan Kathi" and "Assistant Kathis" for "Kadzi" and "Assistant Kadzis." (p. 1) No other Malay state passed a piece of legislation similar to this Order in Council. For further information on zakat, see Abdul Aziz bin Mohd. Yasin, "Zakat: A Perspective on its Origin and Place in Malay Society" (Unpublished Academic Exercise, University of Malaya at Singapore, 1957), and Anon., Zakat, Sumber Kekuatan Kewangan Islam [Zakat, the Source of Islamic Financial Strength] (Alor Star, Kedah: n.d.).

³⁷PCM (Wilkinson, pp. 234-235), January 5, 1881. In Maxwell, Laws of Perak, p. 2, this Notice is listed as an Order in Council.

The text of the Notice is the following: "No flags will be permitted to be used on the mosques, or at religious or other festivals, except by the permission of the Government or its properly authorised officers, under penalty of fine and imprisonment." In the adjacent state of Kelantan mosque and school officials flew flags over the buildings. For example, after completion of the Madrasah Muhammadiyah in Kota Bharu, religious authorities requested the Sultan's permission to fly a flag especially designed for the madrasah. The Sultan agreed to the request. See minutes and letter from Mohd. Daud to the Sultan, April 16, 1918 in PM Kel. 74/1918.

³⁸William E. Maxwell, "State of Perak, Instructions to Officers Intrusted With Magisterial Duties" (Penang: Setpember 7, 1882), ANM, Misc. 8, pp. 1-2. These "Instructions" were reprinted in the Perak Government Gazette (PGG), I, 5 (October 12, 1888), No. 112, pp. 79-82. The Chief Kathi's Regulation was not a total success because in 1895 the State Council again had to consider the problem of irregular mosque attendance. See PCM (PGG, VIII, 29 [November 22, 1895], p. 763), November 2, 1895. Maxwell was the son of the Straits Settlements Chief Justice and began his public service career as a Clerk in the Supreme Court of Penang and Singapore in 1865. He subsequently held many magistrate, Resident, and other posts in the Malay states and Straits Settlements. He ended his Malayan career in 1895. For additional biographical information, see Sadka, Protected Malay States, pp. 389-390.

³⁹Maxwell, Laws of Perak, p. 167.

⁴⁰ARP, 1889, p. 8.

⁴¹W. H. Treacher, compiler, The Orders of H. H. The Sultan of Perak in Council from September 11, 1877 to February 29, 1888 (Taiping: Perak Government Printing Office, 1892), pp. 62-63.

⁴²Ibid.

⁴³Three references to assistant kathi appointments are: PCM (PGG, VI, 20 [August 9, 1893], p. 652), July 3-4, 1893; PCM (PGG, VII, 31 [December 28, 1894], p. 690), November 28, 1894; and PCM (PGG, VIII, 10 [May 10, 1895], p. 175), May 10, 1895.

⁴⁴PCM (PGG, IV, 39 [December 11, 1891], p. 1129), September 15, 1891. Also see PCM (PGG, VII, 31 [December 28, 1894], p. 692), November 30, 1894.

⁴⁵E. J. Brewster, "Annual Report on the Kinta District for the Year 1889," PGG, III, 10 (April 4, 1890), p. 192.

⁴⁶R. D. Hewitt, "Krian Monthly Report, December, 1888," PGG, II, 1 (January 11, 1889), p. 18.

⁴⁷A. T. Dew, "Matang Monthly Report for March," PGG, VI, 11 (April 28, 1893), p. 303.

⁴⁸Maxwell, Laws of Perak, pp. 183, 335. Also see PCM (PGG, II, 5 [March 1, 1889], p. 145), February 16, 1889 and PCM (PGG, II, 14 [May 25, 1889], pp. 477-478). The ARP, 1891 comments on the offence of adultery saying "Among other resolutions of the State Council was one to the effect that it is desirable to legislate specially for the punishment of persons found guilty of adultery and incest, the penalties prescribed by Hukum Sharak, or Mahomedan Law, not being such as can be carried out in the present day." (p. 4)

⁴⁹Although not specifically commenting on the past, the British Resident noted in 1894 that "The Wealthiest Malays on the Peninsula are Perak Malays." He continued that "many of them own residences in the Sacred City of Mecca." ARP, 1894, p. 18. The connection between economic affluence and religious propensities is unclear. However, it is evident that rich Perak Malays publicly exhibited their religious inclinations.

⁵⁰Sultan Ismail's successor, Sultan Abdullah, while contributing little directly to Malayan Islam, did make a fundamental contribution to the growth of centralized Islam in Perak by procuring the separation of religion and Malay custom from the areas subject to British advice in the January 20, 1874 Pangkor Engagement. Both these men's influence waned after 1874. Following Birch's murder and their participation in the conspiracy, the British exiled both men in 1877. Abdullah was sent to the Seychelles and Ismail went to Johor.

⁵¹J. M. Gullick, Indigenous Political Systems of Western Malaya (London: The Athlone Press, 1965), p. 139. Although Idris was proclaimed Sultan on September 26, 1887, he was not installed as Sultan until April 5, 1889. This was the usual procedure in Perak. Sultan Yusof died on July 28, 1887 and then the Perak chiefs met to select a successor. They made their decision on September 26.

⁵²Husain bin Mahmud, "His Royal Highness," p. 18. Additional biographical details are in ARP, 1915, p. 33. Idris died on January 14, 1915.

⁵³Swettenham, British Malaya, p. x. Sir Frank Swettenham had a long association with Perak beginning with the Pangkor Engagement in January, 1874. He was acting Resident, 1884-1886, and Resident, 1889-1895.

⁵⁴Ibid., p. xi.

⁵⁵Two examples of Perak's leadership role in Islamic legislation in the FMS were Enactment No. 2 of 1915 (Muhammadan Marriage and Divorce Registration Enactment 1900, Amendment Enactment, 1915) and Enactment No. 1 of 1918 (Muhammadan Laws Enactment, 1904, Amendment

Enactment, 1918). After Perak, passed these enactments, then the other three Federated Malay States did so. See F. Balfield, "Report for the Secretary of State on Perak Enactment No. 2 of 1915," HCO 1874/1915, and F. Belfield, "Report for the Secretary of State on Perak Enactment 1 of 1918, HCO 312/1918. Curiously in 1918 the Madrasah Mohammadiyah in Kota Bharu, Kelantan, closed school in remembrance of the death of the Perak Sultan. See the Annual Report, Majlis Ugama, 1918, p. 12. It indicated the esteem the Sultan had in neighboring Kelantan.

⁵⁶ Ahmad Sakki Jahidin, "Iskandar Shah of Perak 1881-1938," (Unpublished B.A. Honors essay, the University of Malaya in Singapore, 1958), p. 45.

⁵⁷ Although Sultan Iskandar Shah was a stern Muslim in most respects, he did have his own vices. He loved to gamble on cock-fights. Ibid., p. 48.

⁵⁸ A system of financing construction of new mosques gradually evolved. Kampung Malays frequently asked the British official, i.e., a magistrate, in the area to help them collect subscriptions to build, rebuild, or repair a mosque. The British official forwarded the request to the capital. See E. J. Brewster, "Kinta Monthly Report, July," PGG, II, 21 (August 16, 1889), p. 661. Also see PCM (PGG, VIII, 29 [November, 1895], p. 763), November 2, 1895. In other cases a local imam would submit a request to the State Council. After discussion, the Council usually decided to contribute up to a certain figure based on a matching amount being raised locally. For a very interesting and critical Malay interpretation of this Mosque Building Subsidisation Scheme, see Abdul Muneer bin Haji Zainuddin, "British Exploitation of Malai," Malai Sinpo, January 6, 2604 (1944), p. 2. Council had further assisted mosques throughout Perak by passing Enactment No. 5 of 1909, the Waterworks Enactment. This legislation permitted all religious buildings (in this case including Christian, Muslim, Sikh, and others) relief from paying a two per cent charge for water. Since only mosques use large quantities of water, they were the primary recipients of the Waterworks Enactment. The Enactment was simultaneously passed by all four members of the FMS. See, FMS, Manual of Statistics 1926 (Kuala Lumpur: Government Printing Office, 1926), p. 140. The Perak State Council discussed possible revision of the Waterworks Enactment on March 23, 1923. It was proposed that a water rate be charged to mosques with the Council contributing a sufficient sum to cover the charge. The Sultan felt that since Muslims used the water for religious ablution, no charge should be made. Council concurred and defeated the proposal. The free water to mosques issue arose again in 1933. Officials from two mosques complained that they were unable to pay their water bills. The government gave them free water up to a limit. The mosque must pay for anything over that number of gallons. The chairman of the Sanitary Boards established each mosque's free water limit. The acting Secretary to Resident, H. Fraser, said the limits were

necessary to discourage indiscriminate waste. The Sultan ended Council discussion saying he would discuss the matter with British Resident G. E. Cator. PCM (M), March 24, 1923 and September 25, 1933.

⁵⁹ARP, 1911, p. 26.

⁶⁰Straits Times, February 18, 1933. Quoted in Ahmad Sakki Jahidan, "Iskandar Shah," p. 47. Ahmad noted that Sultan Iskandar sometimes treated the other races unfairly in his attempt to retain Malay paramountcy in Perak and commented that "in this he cannot be criticised."

⁶¹Ibid., p. 39. The Sultan's religious teachers assisted him in writing Risalat Agama.

⁶²PCM, July 19, 1896 in an abstract enclosed in HCO (FMS) 235/1896. The European member of the subcommittee, E. W. Birch, possessed little legal training to assist in drawing up Muslim legislation. He began his public service career as a clerk in the Colonial Office in 1876. During his years in Malaya he was occasionally an acting magistrate. That was the total of his legal background. Little is written of the other two subcommittee members.

⁶³ARP, 1899, p. 20.

⁶⁴All Perak legislation is included in Government Gazettes or various legal compendiums, i.e., Maxwell cited above and later editions. One of the unanswered questions in the legislative process concerned the role of the Sultan. As the symbol of the state and highest ranking Muslim, he probably had some input in religious legislation. Because of the destruction of the Perak government files, the degree of participation is uncertain. Concerning Perak Enactment No. 2 of 1900, the Muhammadan Marriage and Divorce Registration Enactment, a Colonial Office official noted that the legislation was identical to a Negri Sembilan enactment. He added that "We know that the Yam Tuan was consulted before that enactment was introduced, but we have no assurance that the Sultans of Perak and Selangor were consulted." See minute on J. A. Swettenham to CO, No. 283 of July 6, 1900, CO 273/261. A copy of the Enactment is in Maxwell, Laws of Perak, p. 643.

⁶⁵Maxwell, Laws of Perak, pp. 655.

⁶⁶See Chapter III for information on the appeals court structure.

⁶⁷Richard J. Wilkinson began his Malayan public service career in 1899 when he became a SS Cadet. He served in numerous capacities and had the greatest impact on Malay education (he helped found Kuala Kangsar College in 1905). Wilkinson's literary output was enormous and varied in subject matter. The Chief Kathi, Syed Abdullah bin

Abibakar Al-Atas, became an assistant kathi at Taiping in 1895. He was born in Perak although his father was born in Pahang. His mother was related to some rajas in Selangor. In addition to employment in Perak, Syed Abdullah had also worked for the Selangor government. "Soon" after his appointment as assistant kathi, he was promoted to Assistant Chief Kathi. The Sultan raised Syed Abdullah to be Chief Kathi in 1904. Syed Abdullah was heavily in debt and this became an embarrassment to the government. After dismissal in August, 1907, Syed Abdullah left his family in Perak and traveled to Ceylon and Egypt. He apparently died in 1909. See Syed Abdullah to HC, January 20, 1909, HCO (FMS) 267/1909. Also see footnote 102 below. Haji Abas bin Abdullah appears to have first been appointed assistant kathi at Telok Anson in 1892. Haji Abas performed the pilgrimage to Mecca before he became an assistant kathi. During the period he was stationed at Telok Anson, Haji Abas' salary more than doubled from \$300 to \$660 per year. See Perak, Estimates of Revenue and Expenditure 1891-1905 (Taiping: Perak Government Printing Office, 1891-1905). These estimates were printed annually.

⁶⁸R. J. Wilkinson to the Federal Secretary with enclosures, July, 1907, HCO (FMS) 1018/1907. For information on the Chief Kathi's role in a controversial marriage of a young girl, see a minute by R. J. Wilkinson, HCO (FMS) 881/1907. For information on zakat collection abuses, see the correspondence in HCO (FMS) 671/1909.

⁶⁹PCM (M), January 29, 1914 and January 19, 1915. This Perak State Council Resolution became Enactment 2 of 1915. See FMS, Government Gazette of March 26, 1915, No. 22, VII, Notification 717. For a review of this enactment, see "Report for Secretary of State on Perak Enactment 2 of 1915 (Muhammadan Marriage and Divorce Registration Enactment 1900, Amendment Enactment 1915) and for Selangor 3/15, Negri Sembilan 1/15, and Pahang 2/15," enclosed in HCO 1874/1915. The FMS Legal Adviser noted that small variations existed in the different state passed legislation concerning the titles of the registering officials and the amount of the fees for certificates. He also pointed out that the State Councils deliberated and passed this religious legislation under paragraph 9 of the Agreement for the Constitution of a Federal Council, 1909 (Maxwell and Gibson, Treaties, p. 73). All FMS federal and state legislation was collected annually and published in FMS, Enactments Passed During the Year and Rules Thereunder, Together With Rules, Etc. Under Enactment Passed Prior to 19— (Kuala Lumpur: Government Press). These annuals began in 1909. In London, the Public Record Office has the complete FMS Government Gazettes (November, 1909-December, 1940) listed under CO 574.

⁷⁰PCM (M), April 14, 1914; April 12, 1915; and December 8, 1915. A Chinese contractor finally erected seven flagstaffs at mosques in Kuala Kangsar, Ipoh, Taiping, Parit Buntar, Grit, Telok Anson, and Tapah. The State Council decided that any repairs of flag replacement will come from the state budget under "Contributions to Mosques."

⁷¹PCM (M), January 9, 1915. The legislation passed was Enactment 1 of 1915. See FMS, Government Gazette, VII, 23 (March 26, 1915), Notification 716. Also see the "Report For Secretary of State on Perak Enactment No. 1 of 1915 (The Muhammadan Law Enactment 1904) and Selangor 1 of 1915 and Negri Sembilan 2 of 1915," enclosed in Ag. Under-Secretary, FMS to SHC, September 8, 1915, HCO 1947/1915.

⁷²PCM (M), April 12, 1915 and June 19, 1922. Raja Chulan bin Sultan Abdullah entered Perak government service in 1886 as a Junior Officer, Kuala Kangsar. He was English educated at Malacca and Singapore. Throughout his long public service career he held many different positions, including Settlement Officer of Kurau and acting Assistant Collector of Land Revenue, Larut.

⁷³PCM (M), February 4, 1918.

⁷⁴PCM (M), June 10, 1922. Two informative articles on the issues of interest and the cooperative movement are the following: Shirle Gordon, "Contraditions in the Malay Economic Structure," Intisari, I, 2 (n.d.), pp. 29-40, and Abdul Majud, "Co-Operative Movement Amongst Malays," Intisari, I, 2 (n.d.), pp. 42-49. The position of interest in bank lending and in savings accounts continues as a touchy issue today. The Islamic Secretariat, based in Jeddah, Saudi Arabia, following the 1967 lead of Egypt, is planning to establish Islamic bank branches in Kelantan and Sabah. The Secretariat's Secretary-General, Tunku Abdul Rahman, a former Malaysian Prime Minister, is supporting the proposed branches. No interest will be paid on savings. Depositors will instead share in the bank profits. See Straits Times, January 2, 1973.

⁷⁵Ahmad Sakki Jahidin, "Iskandar Shah," pp. 15-16. Also see Lennox Mills, British Rule in Eastern Asia (Minneapolis: University of Minnesota Press, 1942), pp. 279-280.

⁷⁶PCM (M), August 26, 1918.

⁷⁷PCM (M), June 29, 1920.

⁷⁸Richard O. Winstedt, Malaya and Its History (London: Hutchinson's University Library, 1951), p. 92.

⁷⁹PCM (M), March 24, 1923.

⁸⁰"Excerpt from BR Perak's Informal Diary for October, 1935," enclosed in Private Secretary to Chief Secretary, FMS to SHC, November 17, 1935, HCO 134/1935.

⁸¹In late 1933 Sultan Iskandar asked for suggestions at a State Council meeting on how to increase the efficiency of that body. Council appointed a committee to study the problem. It is

likely that the impetus for such modifications arose out of Sir Samuel Wilson's recommended decentralization reforms after his 1932 visit to Malaya. He proposed increasing the number of governmental responsibilities under state (and State Council) control. In general he agreed with the decentralization proposals made by the High Commissioner several years earlier. One almost immediate result of Wilson's Malayan visit was the establishment in Perak of a Council of Chiefs and Ulamas. This Council, not affiliated with the State Council, would oversee Islam and Malay Custom. In this endeavor it frequently consulted with State Council, offering advice and recommendations on religious legislation. Concerning changes in Council efficiency, see PCM (M), December 11, 1933 and April 16, 1934. For an evaluation of the broader decentralization of federal to state powers, see Great Britain, Parliament, Parliamentary Papers, 1932-33, X, Cmd. 4276, "Report of Brigadier-General Sir Samuel Wilson . . . Visit to Malaya 1932," pp. 19-38, and Thomas F. Willer, "Sir Cecil Clementi, High Commissioner of the Federated Malay States and Governor of the Straits Settlements, 1930-34," (Unpublished Master of Arts thesis, Ohio University, 1970), pp. 63-116.

⁸²The religious committees discussed in this chapter differ from those described by Abdul Ghaffar. Although that writer concentrates on post-1949 events in the Perak Religious Department, he includes a background chapter. In it he says that six committees controlled religious administration in Perak. They were the Council of Prominent Men and Ulama, the Kathis' Appeals Committee, and the Custom and Customary Ceremony Committee. Those committees not listed in my presentation were not committees in the State Council or at least were never mentioned in the Council minutes as deliberating on religious matters. See Abdul Ghaffar bin Haji Hashim, "Susunan Pentadbiran Ugama Islam di Negeri Perak" [The System of Islamic Religious Administration in Perak] (Unpublished Academic Exercise, University of Malaya, 1970), pp. 9-15. Also of relevance to religious administration in Perak is Mohamed Khalil bin Hussein, "The Department of Religious Affairs in Perak; Present Structure, Organization and Recent Development," (Unpublished Academic Exercise, University of Malaya in Singapore, 1958), see Chapter II, "Religious Administrative Organization Before the Establishment of the Department of Religious Affairs, Perak."

⁸³PCM (M), January 7, 1916. The Council minutes listed the Orang Kaya Temenggong as a Kathi Appeals Committee member. However, on the minutes someone scratched that man off the list and substituted the Orang Kaya Mentri (Wan Muhammad Isa). The Sultan appointed the Committee under Section 64A of the Courts Enactment, 1905. The Council minutes do not record how this particular appeals case turned out. The person appealing a kathi's decision had to pay a \$5 fee.

⁸⁴PCM (M), August 21, 1917. The new Kathi Appeals Committee consisted of the Raja Bendahara (Raja Alang Iskandar), Raja Chulan bin Sultan Abdullah, the Orang Kaya Besar (Haji Abdul Raof), and the Orang Kaya-Kaya Stia Bijaya di-Raja (Jeragan Abdul Shukor).

⁸⁵PCM (M), March 16, 1931.

⁸⁶PCM (MP May 28, 1931.

⁸⁷PCM (M), February 13, 1933. The Sultan appointed these men to the subcommittee: the Orang Kaya Mentri (Wan Ahmad Rasdi), the Orang Kaya Besar (Haji Ahmad bin Haji Abdul Raof), and the Orang Kaya-Kaya Laksamana (Che' Lope Bahaudin). The acting British Resident was J. E. Kempe. This Englishman became embroiled in a religious personnel dispute in Trengganu a few years later, an episode examined in a subsequent chapter.

⁸⁸PCM (M), April 16, 1934.

⁸⁹PCM (M), May 17, 1917. The members of the Committee for Koran Instruction were the Raja Bendahara (Raja Alang Iskandar Shah), Raja Chulan bin Sultan Abdullah, the Orang Kaya-Kaya Stia Bijaya di-Raja (Jeragan Abdul Shukar), the Orang Kaya-Kaya Imam Paduka Tuan (Alang Ahmad) and the Chief Kathi (Ahmad bin Sheikh Muhammad Taib).

⁹⁰ARP, 1891, p. 20. Student enrollment almost doubled between the end of 1890 and the end of 1891. The male Malay vernacular school enrollments were 1,534 and 2,780 students respectively. The marked enrollment increase supports British contentions that adding Koran instruction encouraged new students to enroll. Education was voluntary. Only in 1916 (Enactment 2/1916) was education made compulsory. However Koran instruction in the afternoon remained voluntary.

The Inspector of Schools for Perak noted in his annual report for 1891 the following: "The teaching of Koran in our schools was commenced at the beginning of the year The teacher is chosen by the Kathi or Penghulu, and on the approval of the District Magistrate is put in charge of the class. The salary is about \$8 per mensem. Instruction in the Koran is given in the afternoon between 2 and 4 o'clock." (p. 639) The Inspector continued "The increased attendance at the Malay schools is due in no small measure to the teaching of the Koran at a great number of these schools It is a small concession to the people of the country, with whom compulsory measures would be an utter failure It is, perhaps, not altogether unnecessary to mention that the teaching of the Koran consists in the boys merely repeating its contents mechanically in Arabic, the expounding of it being done in the Bandersah to the adults who chose to attend there." (p. 644) Thus, the School Inspector reiterated the British position that Koran classes were merely a carrot dangled in front of Malay parents to encourage their sending their sons to school. See H. B. Collinge, "Annual Report on the Education Department [for 1891]," PGG, V, 23 (July 29, 1892), pp. 634-45.

⁹¹The President of the Committee for Koran Instruction elaborated on the situation of religious teaching in Perak. In 1920 "The hours for Koran teaching in Perak are generally from 2 to 4 PM. In a few instances the Koran classes are taken from 12 to 2 PM, that is, they begin soon after the vernacular schools close. These boys live some distance from where the Koran is taught and they bring their food with them. Besides the Koran the following books are used--1. 'Mukaddam' (primer), 2. 'Tajwid' (instruction as to the correct way of reading the Koran), 3. 'Hidayat-ul-Koran' by Syed Abdullah, the late Chief Kathi, Perak. This book contains instruction as to prayers and other religious observances. The course of instruction is divided into three standards and as there are thirty chapters in the Koran, a boy should pass in three years." See SR, Perak to SR, Selangor, December 15, 1920, Sel. Sec. 3061/1920. Malays originally studied the Koran solely in Arabic. Gradually the British introduced Roman characters in Malay language schools, beginning in 1892 in Perak for all other courses. Koran classes remained in Jawi (Arabic) script. See Moshe Yegar, "Islam and Islamic Institutions in British Malaya, 1874-1941" (mss., in progress, Hebrew University, Jerusalem, 1972), p. 410, FN 16 and p. 463, FN 19.

⁹²Abdul Majid bin Zinuddin, The Malays of Malaya, By one of Them (Singapore: Malaya Publishing House, 1928), pp. 84-85. Also see Roff, Origins, pp. 100-104.

⁹³PCM (M), January 29, 1914.

⁹⁴PCM (M), May 17, 1917.

⁹⁵According to the ARP for 1925, 1926, 1928, 1930-33, the Committee met 11, 8, 6, 6, 7, and 4 times per year respectively.

⁹⁶Secretary to Committee for Koran Instruction to SR, Perak, June 11, 1918, HCO 1492/1918.

⁹⁷PCM (M), August 26, 1918.

⁹⁸Minutes on cover of HCO 1492/1918. Despite this decision, the British retained a reputation for aiding the Muslim cause. In 1928 a Malay wrote "Indeed, they admit that the British even encourage Malays to stick to their religion by (a) sharing (dollar for dollar) the cost of building their mosques (b) allowing provision to defray the expenses of running the religious schools for their children, and (c) prohibiting Malays (by law) from drinking and gambling in public houses." See Abdul Majid, Malays of Malaya, p. 96.

⁹⁹Yegar, "Islam," pp. 349-350. For additional information on the "Training of Teachers and Higher Religious Education," see pp. 367-371.

¹⁰⁰PCM (M), February 26, 1924. The minutes do not list the Subcommittee's members at this time.

¹⁰¹PCM (M) October 17, 1929; December 19, 1929; January 23, 1930; and May 27, 1930. The Subcommittee investigated the unsatisfactory conduct of the kathi at Selama. After receiving the Subcommittee's report, the State Council decided to "interdict" him from further kathi duties. Subsequently the man was dismissed and pensioned off.

¹⁰²PCM (M), October 17, 1929; December 19, 1929; May 27, 1930.

¹⁰³PCM (M), November 3, 1930 and December 2, 1931.

¹⁰⁴PCM (M), February 16, 1932. Also see PCM (M), April 18, 1918.

Chapter V

¹Asa'ad [Shukri] bin Haji Muda, Detik-Detik Sejarah Kelantan (Episodes in Kelantan History) (Kota Bharu: Pustaka Amin Press, 1971), pp. 121-126. Also see Zulkifly [Ibrahim Ab. Rahman], "Peranan Majlis Ugama Islam dan Isti'adat Dalam Bidang Pelajaran Sebelum Perang Dunia Kedua, 1916-1940" (The Role of the Council of Islamic Religion and Malay Custom, Kelantan in Education before World War II, 1916-1940) (Unpublished Academic Exercise, University of Malaya, 1970), Appendix I, pp. 51-54. Some variation of the title of this religious body occurs in the literature. In his December 24, 1915 speech Sultan Muhammad IV called it the Majlis Ugama dan Isti'adat Melayu. According to Notice No. 14 of 1916 it was termed the Majlis Ugama Islam dan Isti'adat Melayu Kelantan. In both Malay and British colonial government files this long title was usually shortened to Majlis Ugama. While the above translation to Council of Islamic Religion and Malay Custom is the most common rendering in English, some variation has occurred. In the ARK, 1939, p. III, E. T. Williams, the Acting British Adviser, called this group the "Department of Moslem Religious Affairs." The Dato Sri Stia Raja (Nik Ahmed Kamil bin Haji Nik Mahmood), the Mentri Besar of Kelantan, termed the group the "Board of Religious Affairs and Malay Customs" in the ARK 1948, p. 99.

²The three legal agreements are the Declaration and Draft Agreement Relating to Kelantan and Trengganu, 1902 [October 6, 1902], the Treaty Between Great Britain and Siam, 1909 [March 10, 1909], and the Agreement with the Government of Kelantan, 1910 [October 22, 1910]. See William G. Maxwell and William Sumner Gibson, Treaties and Engagements Affecting the Malay States and Borneo (London: Truscott and Son, Ltd., 1924), pp. 85-91; 109-111. For additional information on local aspects of this British-Siamese struggle for Kelantan, see Mohamed bin Nik Mohamed Salleh, "Kelantan in Transition: 1891-1910," in Kelantan: Religion, Society and Politics in a Malay State, ed. by William R. Roff (Kuala Lumpur: Oxford University Press, 1974), pp. 22-61.

³For a brief account of the Johor Religious Department's early years, see Hapipah Binti Endot, "Pentadbiran Pejabat Ugama Johor dan Peranannya dalam Masyarakat Islam" (The Administration of the Johore Religious Department and Its Role in Islamic Society) (Unpublished Academic Exercise, University of Malaya, 1969), pp. 5-7.

⁴The relevant passage in Article II of the 1902 Treaty reads: "The Rajah also undertakes to provide them with suitable residences, and to follow the advice of the Adviser, and, in his absence, of the Assistant Adviser, in all matters of administration other than those touching the Mahommedan religion and Malay custom." See Maxwell and Gibson, Treaties, p. 86. For a review of Siamese administration of Kelantan, see the Memorandum in Phya Sri Sahadheb to Lansdown, September 6, 1906, No. 233, Foreign Office Correspondence Papers,

XIV, pp. 256-258. A copy of this memorandum is also in Leslie Robert, "Kelantan 1890-1939: Government in Transition" (Unpublished M.A. Thesis, University of Malaya, 1973), pp. 245-249, Appendix B.

⁵Raja Long Senik came to power on January 30, 1900. He was the son of Sultan Muhammad III (1890-91) and took the name Sultan Muhammad IV in 1910. He was unsympathetically described by Graham as "already endowed with kindness of heart, much savoir and a lively perception of right and wrong, relief from feeling of uncertainty as to his own position and as to the intentions of his relatives towards him, is already producing some appearance of the confidence and self-reliance which are so markedly wanting in his character." ARK, 1903-04, p. 28. W. A. Graham was an Indian official who had joined the Siamese government service and came to Kota Bharu on July 25, 1903 as the Siamese Adviser to Raja Long Senik. Accompanying him to Kota Bharu was Henry W. Thomson as Assistant Adviser, seconded from FMS service and recommended for the post by Hugh Clifford. Graham described his assistant as one "who has been of the utmost assistance in every way, but more especially in the framing of regulations, in organizing the State Treasury, and other offices and by reason of his intimate knowledge of the Malay language." ARK 1903-04, p. 28. Thomson served as Assistant Resident until January, 1910 when he returned to the FMS civil service, returning to serve as British Adviser in Kelantan from 1920 to 1922. Concerning that appointment, see HC to CO, Confidential of January 8, 1920, CO 717/1.

⁶ARK 1903-04, p. 1. As the Straits Budget of June 8, 1905 described the situation "the competent and corrupt administration of the old order has placed the state in a chaotic condition and reduced its people to a condition of poverty and slavery, while vice and crime flourished in high places unchecked." Quoted in Abdul Rahid Haji Ahmad, "Bureaucracy Negeri Kelantan: Satu Kajian Perubahan Dan Perkembangan-nya" (The Kelantan Bureaucracy: A Lesson in Change and Development) (Unpublished M.A. Thesis, University of Malaya, 1969), pp. 75-76.

⁷William R. Roff, "The Origins and Early Years of the Majlis Ugama," in Kelantan; p. 108, FN 17.

⁸Ibid., p. 121, FN 40.

⁹In addition to Imam Haji Abdullah's sacerdotal duties, he also had acted as a courier between the Raja of Kelantan and Frank Swettenham in 1901 when the Raja sought British assistance to expel the Siamese. See Mohamed, "Kelantan in Transition," pp. 39-40.

¹⁰Haji Wan Musa (1874-1939) a famous Kelantan alim became Mufti in 1908 and resigned in 1916. As a religious modernist (Kaum Muda) he quarreled with the Majlis Ugama concerning Islam

in the state. Muhammad Yusof, better known as To'Kenali (1868-1933), fostered Islamic education and Malay culture. He also was closely associated with the Majlis Ugama as a member and honorary editor of the famous Malay Islamic periodical, Pengasoh.

¹¹Few things escaped Graham's comment in his annual reports. Concerning the Arabs, he noted that "Kelantan has long been a refuge for wanderers of the Mussulman religion; a man, in fact, needs only to be a foreigner with a dark complexion and beard, to pass at once for a high religious person here and to secure without trouble all the comforts of a home, wives included, and the number of small children with 'Kabuli hooked' noses or the almost eyes of Stambul who are to be seen in the Kota Bharu streets, would seem to imply that the stock of wanderers has not recently given out." ARK 1903-04, pp. 30-31.

¹²ARK 1903-04, pp. 8, 30. Graham recorded one reason why Kelantan Muslims occasionally missed Friday prayers. He said durians were the blame. "The eating of the durian is a serious business. People take long journeys to the interior simply to arrive at places where it grows best; the most pressing work must be put aside on the invitation of a friend to a feast in his durian orchard, and parties will frequently risk the displeasure of the Imam and stay away from church on Friday to indulge in an all-day orgie of this most wonderful fruit." See Kelantan, p. 81.

¹³Graham was unable to suppress all of these judicial inequities by kathis or imams by 1909. Flagrant abuse of his judicial functions by Imam Haji Musa at Kampong Toh near Pasir Mas prompted the British Adviser's scrutiny in 1913. The Mufti on orders from the Sultan dismissed the imam in December for taking bribes. See minutes and letters in Kel. K 1017/1913.

¹⁴Robert Winzeler, Malay Religion, Society and Politics in Kelantan (Ph.D. Dissertation, University of Chicago, 1970), p. 131. Also see Ibrahim Nik Mahmood, "The To'Janggut Rebellion of 1915," in Kelantan; pp. 68-72.

¹⁵One of the rights enjoyed by Kelantan rajas and chiefs was the receipt of a kind of a tithe. This tithe probably was the tax of zakat, a voluntary annual charitable donation for religious purposes partly or wholly retained by these high officials. Utilization of taxation for private uses caused Graham, as it did Hugh Clifford, administrative problems. See the Memorandum by W. George Maxwell, dated September 12, 1914, in HCO 1650/1914. Regarding the applicability of Kelantan law to the raja class, see letters and minutes of Kel. K 473/1914.

¹⁶Roff, "Origins," pp. 118-119.

¹⁷In 1903 two imams belonged to the State Council, Haji Wan Daud and Haji Abdullah. See State Council membership list, dated August 17, 1903, in Kel. K 388/1913. By 1908 the Mufti had replaced the two imams on the Council. See Graham, Kelantan, pp. 126-127.

¹⁸Robert, "Kelantan," p. 155.

¹⁹For further details on the Graham years, see the ARK for this period; Graham, Kelantan, pp. 109-113; Chan Su-Ming, "Kelantan and Trengganu, 1909-1939," JMBRAS, XXXVIII, Pt. 1 (July, 1965), pp. 159-163; Abdul Rahid, "Bureaucracy," Chapter III; and Roff, "Origins," pp. 110-119.

²⁰ARK 1903-04, pp. 8-10. Also see Graham, Kelantan, pp. 116-117, and Robert, "Kelantan," pp. 209-212.

²¹ARK 1903-04, p. 8.

²²ARK 1904-05, p. 26. Also see Roff, "Origins," p. 113, FN 29 and Moshe Yegar, "Islam and Islamic Institutions in British Malaya, 1874-1941: Policies and Implementation" (mss., in progress, Hebrew University, 1972), p. 214.

²³Roff, "Origins," pp. 113-114. Roff gives all relevant details about the legislation.

²⁴For a correspondent's view of Kelantan and Islam at the time of the transfer from Siam to Great Britain, see "Britain's Latest Territory," The Times (London), May 24, 1909, p. 47.

²⁵Maxwell and Gibson, Treaties, pp. 88-91; 109-111. Also see High Commissioner to Colonial Office, Confidential of April 18, 1923, in CO 717/27. The British Advisers during this period were J. S. Mason, 1909-11; J. E. Bishop, 1911-13; T. W. Clayton, 1913; W. Langham-Carter, 1913-14; and R. J. Farrer, 1915-1919.

²⁶It is doubtful to what extent Graham had budgeted these items in the 1903-09 period. For example in ARK 1904-05, p. 40, a revenue heading entitled "Courts, Fees, etc.: Ecclesiastical Court, \$1500." No similar reference occurred under expenditures indicating that Islamic revenue was paid into the government treasury. The place of religious expenditures is thus unclear. However, Graham had placed the Mufti on a state salary. There probably were state funds for a Pejabat Mufti by 1909.

²⁷Mason elaborated under an "Ugama" subheading in a letter saying: "The post of a second Court Judge and Jemaad Judge have been abolished. There will in future only be one Kathi's Court in each district, with appeal to the Mufti." He continued on other religious topics: "The Kathis will also act as registrars of

Muhammadan Marriages and Divorces. There is urgent need of registration and government will receive a considerable revenue when the new system is properly working. The powers of the Ecclesiastical Court were formerly exercised over Chinese and other non-Muhammadans, its powers have now been more clearly defined and considerably reduced." See enclosures and letter, BA to Federal Secretariat, Confidential of December 6, 1910 in Kel. K Conf. 4/1910. Additional budget information for the 1910-15 era can be found in Kel. K 120/1911; Kel. K 37/1914; Kel. K 108/1914; Kel. K 1152/1914; and Kel. K 843/1915.

²⁸ Surau inspectors traveled throughout the state checking to make sure all suraus were in a proper state of repair. See Mason to Sultan Muhammad IV, January 21, 1911 in Kel. K 103/1911.

²⁹ Copies of this legislation can be found respectively in these files, Kel. K 20/1911; Kel. K 132/1911; with En. 1 of 1911 being included in Kelantan, Kelantan Laws and Rules, 1911 (Kota Bharu?, n.d.). A written statement, usually called "Objects and Reasons," accompanied the copy of legislation that the Adviser (or in the FMS, the Resident) forwarded to Singapore and then to London. These brief reports succinctly detailed why particular legislation was passed. Concerning En. 1 of 1911, Mason wrote that its purpose duplicated similar FMS legislation, specifically "to institute a system of registering the marriages and divorces of Muhammadans and so create a means of obtaining evidence as to marriage and divorce acceptable in a Court of Law. The reasons for the Enactment are that the absence of any system of registration has complicated the decision by the courts of questions of disputed inheritance and of suits for restitution of conjugal rights and maintenance. The Enactment will provide a check upon bigamy by a woman. In Kelantan high church principles exist side by side with loose living." See Mason to Secretary to High Commission, February 13, 1911, Kel. K 173/1911. With respect to 1910 legislation the British Adviser trumpeted that "none [was] more [far-reaching] than the succession to Small Estates Enactment which takes away from the Ecclesiastical Court and gives to the Land Officers the power to decide all cases of succession to land not exceeding \$500 in value." This statement sums up Mason's and the British attitudes towards the Syariah Court and things Muslim: that they must be relegated to the least possible official level and influence. See draft ARK 1910, p. 40 in Kel. K 132/1911.

³⁰ Roff, "Origins," p. 120.

³¹ Ibid. Also see Robert, "Kelantan," p. 166.

³² Roff, "Origins," p. 120.

³³At this time few khalwat cases came before the court, numbering only about ten per year. See a minute by the Assistant Adviser on Kel. K 318/1913.

³⁴ARK 1911, p. 7. The magnitude of Syariah Court cases was for the 1909-11 period: civil suits, 138, 199, 64; and criminal suits, 85, 32, 71.

³⁵Draft ARK 1910, p. 27. Enclosed in Kel. K 132/1911. The Adviser lamented: "It is difficult to find a satisfactory officer for the post of Judge of the Ecclesiastical Court. There were two changes during the year." Also see Roff, "Origins," p. 121.

³⁶Roff, "Origins," p. 121. Also see minutes and enclosures in Kel. K 57/1911.

³⁷Minutes and enclosures in Kel. K 1046/1914 and Kel. K 252/1915. While the Adviser reduced the Syariah Court power, he also made some effort to educate British judges in Muslim law. In 1915 he purchased six copies of the Manual of Muhammadan Law by Mahiudin abu Zakaria Yahya ibn Sherif Nawawi, translated into English by E. C. Howard. He intended the book for use in the Central and Small Courts. See BA to Publisher, Thacker, Spink, and Co. (Calcutta), January 1, 1915, in Kel. K 24/1915.

³⁸For details on this legislation, see Roff, "Origins," p. 122, FN 44.

³⁹Ibid., pp. 122-123. Also see Muhammad Salleh, "Theological Debates," pp. 156-158.

⁴⁰Roff, "Origins," pp. 129-132.

⁴¹ARK 1915, p. 8. Also see Asa'ad [Shukri], Detik-Detik Sejarah Kelantan, p. 124.

⁴²Zulkifly, "Peranan Majlis Ugama," Appendix I, pp. 51-54. A copy of the Sultan's December 24 speech is also in Asa'ad [Shukri], Detik-Detik Sejarah Kelantan, pp. 122-126.

⁴³Roff, "Origins," p. 132. Haji Nik Mahmud, born in the early 1880's, joined government service in 1904 and rose quickly, becoming entitled Dato Bentara Setia in 1911. During the To'Janggut Rebellion of 1915 he became the closest confidant of the Sultan. Haji Muhammad, born in 1888, returned to Kelantan in 1914 after a decade in the Middle East.

⁴⁴Both of these Muslim organizations had leading religious and secular officials as members. See minutes and enclosures in Kel. K 62/1912 and Kel. K 714/1914.

⁴⁵Roff, "Origins," pp. 132-133.

⁴⁶Ibid., pp. 133-134. Roff lists all twelve members.

⁴⁷Ibid., p. 134. On the rebellion see Ibrahim Nik Mahmood, "To'Janggut Rebellion," pp. 62-86; James de Vere Allen, "The Kelantanese Rising of 1915: Some Thoughts and Concepts of the Resistance in British Malayan History," JSEAH, IX, 2 (September, 1968), pp. 241-257; and "Toh Janggut," Malaysia (April, 1968), p. 14.

⁴⁸The Majlis Ugama met thirty-seven times in 1916, and increased to forty-eight meetings the next year. This contrasted with the far less frequent meetings of Perak religious committees. The Kelantan council soon settled into the routine of meeting every Thursday morning in Kota Bharu. From 1916 until mid-1917 it had no fixed meeting place, although the most common sites were Dato Bentara Setia's house or later the second floor of the Land Office. See AR, MU 1917, p. 6.

⁴⁹A copy of Notice No. 3 of 1916 is in Kel. K 690/1919 with a copy of No. 8 of 1916 in Kel. M 173/1913. An example of zakat collection abuses occurred four months after passage of No. 3 of 1916. A Malay whose padi crop totaled only fifty gantang complained to the District Officer, Pasir Puteh, that the imam compelled him to pay zakat. The BA asked the Majlis Ugama Secretary to investigate. Prior to 1916 padi farmers had no clear recourse to any government--religious or civil--official. See minutes and enclosures in Kel. K 379/1916.

⁵⁰This legislation is Notice No. 5 of 1916, Control of Prostitutes (copy in Kel. K 7/1916); Notice No. 10 of 1916, Notice Authorizing the Majlis Ugama dan Isti'adat Melayu to Supervise the Mosques and Suraus in Kelantan (copy in BA Kel. 77/1916); and Notice No. 11 of 1916, Notice Prohibiting All Kinds of Performances of Musical Entertainments During Mohammedan Religious Holidays (copies in BA Kel. 77/1916, Kel. K 1547/1930, and PM 3/1916). More than any other topics prostitution and khalwat offences came to the attention of Malay and British civil officials.

⁵¹Roff, "Origins," p. 102. Roff did not state which members were upset over this situation. In a footnote (FN 4) he explained where to go for additional information.

⁵²Ibid., pp. 102-103. A copy of the enactment is in Kel. K 1547/1930. While it is difficult to understand the reasons why each section is in this enactment, it is clear that the British Adviser wanted to stay in contact with this new quasi-governmental council. In the ARK 1916 R. J. Farrer noted that "The [State] Council dealt with a large number of matters by means of notices, the most important of which were the notices defining the

constitution and powers of the Majlis Ugama and that prescribing the method of collection, etc. of the zakat tax." (p. 5) This statement indicated Farrer's awareness of the religious council's importance in Kelantan society, which is not surprising. Farrer (1915-19) possessed a lifelong interest in Islam, becoming Chairman of the Muhammadan Advisory Board, Singapore in June, 1915 just two months before coming to Kelantan. His successor as B.A., Kelantan, J. W. W. Hughes, commented in March, 1919 on the above enactment saying "the only powers invested in the Majlis Ugama for the most part [are in] no. 24 and 25 . . . and it is very vague . . . no. 21 and 23 have always been observed. I would have preferred a more precise definition of what the powers and duties of this body are." However, he initiated no legislative efforts to alter En. No. 14 of 1916. See minutes on BA Kel. 239/1916.

⁵³Quotations respectively are from ARK 1916, p. 11; ARK 1917, p. 9; and ARK 1919, p. 19.

⁵⁴Minutes and enclosures in Kel. K 690/1919. Also see Kel. K 105/1919 and Kel. K 326/1925.

⁵⁵For a detailed examination of the Majlis Ugama's contacts with the Pejabat Menteri, see Thomas F. Willer, "A Kelantan Case Study: Islamic References in the Pejabat Menteri File Series in the National Archives of Malaysia," in Southeast Asian Archives, VIII (1975).

⁵⁶District Officer, Kota Bharu to SUK, August 26, 1939 and file minutes, SUK 960/1939.

⁵⁷A copy of Notice No. 3 of 1916 is in Kel. K 690/1919. It was amended by Notice No. 8 of 1916 in which the area exempted from zakat, namely Kelantan Bahru, was increased to include Ulu Kelantan. A copy of the notice is in Kel. K 564/1928.

⁵⁸AR, MU 1916, p. 4.

⁵⁹The revenue surplus for 1916 was \$6,874 with a surplus of \$13,395 the next year. AR, MU 1917, p. 48.

⁶⁰AR, MU 1917, p. 9.

⁶¹Ibid., p. 11.

⁶²A copy of this notice is in BA Kel. 226/1916. Cases of overzealous collection of religious taxes can be found in Malay and English Kelantan government file. However, other abuses by Islamic personnel also occurred, such as perjury and theft of marriage fees, arrogant behavior by an imam, and late payment of zakat and fitrah. See Kel. K 405/1917; BA Kel. 1/1919; PM 41/1920, and PM 264/1922.

⁶³AR, MU 1917, p. 13.

⁶⁴Ibid. Notice No. 13 of 1926 "Share of Bait-ul-Mal" legalized the Majlis Ugama's position to receive the tax on Muslim estates. It also widened the reward system to include any person whose report led the Majlis Ugama to collect bayt ul-mal on an estate. A copy of the notice is in Kel. K 894/1926.

⁶⁵AR, MU 1917, p. 14.

⁶⁶Minutes on BA Kel. 241/1922. The problem of khalwat and prostitution occupied early Majlis Ugama efforts resulting in some legislation and much correspondence. One additional money making venture considered by the Majlis Ugama in 1920 was to purchase a 500 acre plot of rubber land. The investment would provide the religious council with sources of income alternative to zakat and fitrah. However, it could not get rapid approval of the British Adviser and Sultan. By 1922 with falling rubber prices the idea was abandoned. See minutes and enclosures in Kel. K 425/1920.

⁶⁷For additional details on a 1917 case, see Kel. K 539/1919.

⁶⁸BA, Kel. to BA, Kedah, October 11, 1920 in Kel. K 1255/1920. For further information see BA Kel. 217/1919, PM 82/1920; and Kel. K 600/1920.

⁶⁹Haji Abdullah bin Haji Abdul Samad and 526 others to BA, July 5, 1919 in BA Kel. 120/1919.

⁷⁰Minute by BA (H. W. Thomson), n.d., in BA Kel. 120/1919.

⁷¹Haji Ismail bin Pa'Chu Hitam to BA, July 30, 1919, in BA Kel. 138/1919.

⁷²District Officer, Pasir Puteh to BA, August 22, 1922, in Kel. K 923/1922.

⁷³Many files deal with these issues. See Kel. K 639/1916; BA Kel. 73/1919; Kel. K 1169/1922; BA Kel. 29/1923; SUK 796/1927 and SUK 873/1927.

⁷⁴Minutes and enclosures in PM 102/1924.

⁷⁵Correspondence Haji Muhammad to BA (Farrer) and Farrer to Haji Muhammad, April 21, 1917, in BA Kel. 73/1917. Another Majlis Ugama request turned down by Farrer was one to switch the Thursday gun firing to Friday. Farrer noted the firing had no religious significance, being done to synchronize all government clocks. See correspondence in BA Kel. 182/1917.

⁷⁶BA to SU, MU, October 10, 1917, in BA Kel. 159/1917.

⁷⁷Concerning telephone installation, see minutes and letters in BA Kel. 183/1917; Madrasah flag, see minutes and letters in PM 74/1918; prison labor, see minutes and letters in Kel. K 91/1917, PM 432/1920, PM 126/1924, and BA Kel. 118/1924; and peace festivities, see ARK 1919, p. 20.

⁷⁸AR, MU 1918, p. 7 and Roff, "Origins," p. 141, FN 102.

⁷⁹Ibid., pp. 140-141. A copy of Notice No. 18 of 1917 is in BA Kel. 95/1917. Also see letters in PM 79/1917. A copy of Notice No. 45 of 1917 is in BA Kel. 218/1917.

⁸⁰Roff, "Origins," p. 141.

⁸¹Anti-prostitution legislation included Notice No. 5 of 1916 in Kel. K 7/1916; Notice No. 26 of 1916 in Kel. K 926/1922; Notice No. 3 of 1919 in Kel. K 334/1917 and in Kel. K 1183/1930; and Notice No. 7 of 1919 in Kel. K 1183/1930.

⁸²The Secretary, Majlis Ugama, lamented about certain Macao prostitutes living near a local surau who conducted themselves in a distracting manner to Muslims. While acknowledging lack of authority over non-Muslim women, he requested civil assistance under Section 24 of Notice No. 5 of 1909. See correspondence in BA Kelantan 62/1917. Concerning Japanese prostitutes, see HCO 1654/1920.

⁸³See Chief Police Officer (H. A. Anderson) to BA (Farrer), April 29, 1917 and BA to Secretary, Majlis Ugama (Haji Muhammad), April 29, 1917, in Kel. K 334/1917.

⁸⁴AR, MU 1916, p. 4.

⁸⁵Ibid., p. 5.

⁸⁶AR, MU 1918, p. 5 and AR, MU 1919, p. 34. Despite the decline in prostitution cases in Syariah court, there was no concurrent decrease in venereal disease which accounted for 41% of Malay admissions to the State Hospital. See ARK 1919, p. 15. Several years later with the disease still prevalent, the Residency Surgeon, Kelantan stressed that "education appears to be the only solution to the problem." See Annual Medical Report of the Residency Surgeon, Kelantan for 1922, p. 9 in HCO to CO, July 31, 1923, in CO 717/1930.

⁸⁷Plays and other public entertainment had to obtain "passes" from the police to perform. After the Adviser's ruling new "passes" contained revised audience rules. See letters and minutes in BA Kel. 222/1921.

⁸⁸SU, MU to Sultan Muhammad IV, January 8, 1917, in PM 18/1917. Also see Kel. K 46/1918.

⁸⁹A copy of this notice is in PM 18/1917.

⁹⁰ARK 1917, p. 9. For additional information on the establishment of this madrasah, see PM 68/1917; BA Kel. 87/1917; and Kel. K 181/1918. Indicative of public acceptance of the Majlis Ugama madrasah and other schools was the high number of students who attended them. For instance figures and other data for 1917-1940, see Zulkifly, Peranan Majlis Ugama, Lists 1-3. N.P. A case could be made that the rakyats' distrust of government had been proved again. The "public spirited people" primarily improved the religious conditions of those people living closest to the capital while increasing the religious tax burden on the state as a whole.

⁹¹AR, MU 1917, p. 20. Also see Kel. K 711/1916.

⁹²"State of Kelantan Estimates for 1919," enclosed in BA to SHC, November 20, 1918, in Kel. K 623/1918. Also see the detailed minutes on Kel. K 1142/1918. The Dato Bentara Luar, Muhammad Ghazali bin Muhammad Ariffin, became the first head of the Education Department. Ghazali, a member of the Majlis Ugama, had been closely associated with Kelantan schools since 1905 when he had become head teacher at the Kota Bharu government school.

⁹³AR, MU 1917, p. 20.

⁹⁴Ibid. Also see BA Kel. 87/1917 and PM 68/1917.

⁹⁵AR, MU 1917, p. 25.

⁹⁶Ibid., pp. 20-29.

⁹⁷AR, MU 1918, Appendix, p. 9.

⁹⁸AR, MU 1919, p. 32.

⁹⁹ARK 1922, p. 7.

¹⁰⁰AR, MU 1924, p. 8 and ARK 1924, p. 8. The possibility of a government loan to keep the schools open was never pursued because the civil government had its own financial difficulties running at a deficit in 1920, 1921, and 1922. See enclosure in Guillemard to Churchill, March 16, 1922 in CO 717/1923.

¹⁰¹AR, MU 1917, pp. 40-41 and AR, MU 1918, pp. 43-46. Each succeeding AR, MU has an section reviewing the Matba'ah, Pengasoh, and translating activities. Also see Abdul Rahman Almadi, "Notes Towards a History of Malay Periodicals in Kelantan," in Kelantan; pp. 172-176. Pengasoh was published from 1918 to 1941. After the war production recommenced.

¹⁰²AR, MU 1917, p. 31.

¹⁰³See correspondence in Kel. K 660/1919. The FMS mosques were the State Mosque, Kuala Kangsar built in 1914-15 at a cost of \$221,142; the Town Mosque, Kuala Kangsar (1915-16) at a cost of \$18,400; and Masjid Jamie in Kuala Lumpur (1908) at a cost of \$31,786. No similar data is available for the Sumatran mosques. The original cost estimates for a new Kota Bharu mosque were made prior to 1917 and were about \$100,000. By 1917 because of the First World War's effect on building materials, the mosque cost doubled. Five years later the figure rose to \$340,000. See Tengku Hassan (Yang di-Pertua, Majlis Ugama) to Sultan, April 23, 1917 in PM 68/1917.

¹⁰⁴All data used in this paragraph can be derived from statistics in the AR, MU 1916-1940.

¹⁰⁵ARK 1924-1930.

¹⁰⁶AR, MU 1921, p. 3 and AR, MU 1922, p. 3. An English abstract on the AR, MU 1921 is included in Kel. K 311/1922. In 1923 the contractor assured the Majlis Ugama that he could complete the mosque within two years if the council could meet its payments. See AR, MU 1923, p. 4.

¹⁰⁷SU, MU to PM, March 25, 1923, in PM 145/1923. This loan was added to a 1917 government loan of \$15,000, used to purchase Dato Setia's house for the Majlis school. The religious council had to borrow additional government money over the next decade, further harassing its fragile revenue-expenditure position. These government loans are listed in the "Statement of Assets and Liabilities of the State of Kelantan" in each ARK.

¹⁰⁸AR, MU 1926, p. 4.

¹⁰⁹ARK 1927, p. 5.

¹¹⁰AR, MU 1931, p. 7. The Masjid Besar throughout the years of its construction received full British support. In 1929 the Adviser admitted that it was an imposing structure for which "The strict conformance to Islamic Rules of the Kelantanese is a guarantee that it will not lack worshippers." ARK 1929, p. 26. To put the finishing touches on the new mosque the religious council ordered a custom-made mimbar (lecturn or pulpit in a mosque) from Penang and carpets from Singapore. Concerning the mimbar, see PM 42/1930 and concerning the carpets, see SUK 92/1933 and Kel. K 29/1934.

¹¹¹AR, MU 1923-1926. Also see Kel. K 1190/1928 which has 1923-27 table of Majlis Ugama revenue and expenditures.

¹¹²AR, MU 1927, p. 3.

¹¹³AR, MU 1927, p. 1; 1928, p. 1; and 1929, p. 1. The Majlis Ugama also tried to increase the number of suraus that paid padi zakat. See letters and minutes in Kel. K 564/1928. At this time there was British consideration of revising religious legislation and bringing it up-to-date. A suggestion also arose to abolish zakat and fitrah taxes as inequitably paid only by padi farmers with all other Muslims paying nothing. See Judicial Commissioner to British Adviser, September 6, 1928, in Kel. K 1156/1928.

¹¹⁴AR, MU 1928, p. 5 and AR, MU 1929, p. 2. The Majlis also began a tougher policy with respect to farmers refusing to pay zakat or fitrah. See SUK 153/1928, SUK 539/1928, SUK 460/1929, SUK 1346/1931, and PM 46/1933.

¹¹⁵AR, MU 1930, p. 3 and AR, MU 1931, p. 4. In a minute the State Treasurer reviewed the Majlis Ugama's 1932 expenditures and very harshly noted that "the fact that their own gurus' salaries are some months in arrears would appear to show that there is a complete absence of determined financial control in the management of their funds." Minute, State Treasurer to BA, March 26, 1933, on Kel. K 115/1933.

¹¹⁶AR, MU 1933, p. 3; AR, MU 1936, p. 4. In 1937 and 1938 amils received a bonus of \$15. See AR, MU 1937, p. 3 and AR, MU 1938, p. 4. In 1939 the bonus rose to \$20 per amil. See AR, MU 1939, p. 4.

¹¹⁷Concerning fitrah the State Council passed Notification No. 73 of 1938, Rules Under Section 18 (b) of the Majlis Ugama Enactment (Fitrah Rules, 1938). Concerning zakat, it passed Notification No. 74 of 1938, Rules Under Section 18 (b) of the Majlis Ugama Enactment (Zakat Rules, 1938). Copies of each are in Kel. K 212/1934. Also see Kel. K 616/1935.

¹¹⁸For information on this point, see Kel. K 711/1933 and PM 57/1938.

¹¹⁹The audits started in 1919. For information in later years, see SUK 889/1928; SUK 115/1932; SUK 63/1933; SUK 303/1933; Kel. K 82/1936; Kel. K 171/1938; Kel. K 1156/1938; Kel. K 15/1940; and Kel. K 48/1941.

¹²⁰BA (Clayton) to SU, MU (Megat) March 29, 1930 in Kel. K 372/1930.

¹²¹BA (Haynes) to Dato Laksammana, September 19, 1932 in SUK 1079/1932.

¹²²Mahmood bin Ismail to BA, September 7, 1936 in Kel. K 303/1933.

¹²³Minute, Wan Muhammad Hanafi to Sultan Ismail, October 30, 1932, in SUK 1079/1932.

¹²⁴AR, MU 1932, p. 12. The names of the committee members are in this AR, MU. The committee was not reconvened for the 1934 budget estimates, the Majlis as a whole performing that task. See PM 61/1933.

¹²⁵For example, see SUK 632/1933.

¹²⁶Roff, "Origins," p. 127, FN 58. For a review of Haji Wan Musa's career after he ceased being Mufti, see Muhammad Salleh, "Theological Debates," pp. 157-159. Influenced by Egyptian ulama, Wan Musa advocated reforms, subsequently called kaum muda.

¹²⁷Ibid., pp. 146-147.

¹²⁸ARK 1928, p. 24. With respect to the abolition of bull-fighting the Adviser (Clayton) lamented, "Thus disappears the oldest established and most popular sport in Kelantan, and one which was not without its good points in that it helped to improve the breed of cattle." (p. 24) Sultan Ismail's attitude demonstrated a notable about-face from just two decades earlier when the then Raja Long Senik encouraged and supported not only bull-fighting but also ram-fighting, buffalo-fighting, fish-fighting, cock-fighting, and boat races. Registers were even maintained in Kota Bharu of all fighting buffaloes, rams, and bulls. Malays gambled on these events because of the lure of winning and because Syariah law forbid gambling with dice or cards. See Graham, Kelantan, pp. 117-122. Also ARK 1929, p. 8. There were efforts to revive bull-fighting in the 1950's. See Mohd. Taib Osman, "A Text on the Rules of the Kelantan Bull-fight," JMBRAS, XXXVII, Pt. 2 (November, 1964), pp. 1-10.

¹²⁹The number of converts to Islam was never large and was difficult to discern from the census. For example, according to the 1921 census, there were only 550 Chinese Muslims in the Unfederated Malay States and 6,069 Indian Muslims. FMS, 1921 Census, pp. 377, 386. Of these figures it is likely few such Muslims lived in Kelantan. Many government files chronicle the problems of conversion to Islam. Concerning children, see Kel. K 147/1918 and with respect to females, see Kel. K 174/1934.

¹³⁰PM to Sultan, 9 Safar 1361 (16 February 1942) in PM 7/1361 (1942) and Hitam bin Senik to SUK, August 2, 1937 in SUK 830/1937.

¹³¹Roff, "Origins," p. 131.

¹³²AR, MU 1917, p. 44. Wan Muhammad was Wan Musa's brother and served as Mufti from 1916 until his death in December, 1920.

In addition he continued as a Hakim, Syariah Court and Imam, Masjid Besar, Kota Bharu. After taking the Mufti appointment he set up his office in the Majlis Ugama quarters. Curiously, Wan Musa was one of the few Kelantan Muftis ever to resign with both Wan Muhammad and his successor Haji Idris bin Haji Hassan both dying in office in 1920 and 1927 respectively. Once out of office Wan Musa labored as an alim and for kaum muda causes which little endeared him to the kaum tua conservative Majlis Ugama leaders. For additional information on Wan Musa's long career, see Muhammad Salleh, "Theological Debates," pp. 153-169.

¹³³The Mufti at that time was Haji Ibrahim bin Yusoff (1927-1941). For information on revision of Kelantan Islamic legislation, see the voluminous file Kel. K 1547/1930.

¹³⁴Draft Notification of 1940 in Kel. K 994/1938.

¹³⁵When local Islamic officials petitioned Kota Bharu they addressed such complaints to the Sultan, Setia Usaha, Kelantan, or Majlis Ugama. Frequently the decisions reached resulted from consultation among one or more of these. In these cases, see Ismail bin Osman to SUK, March 19, 1934 in SUK 324/1934 and Haji Wan Hassan to SUK, May 28, 1927 in SJK 519/1927.

¹³⁶For an introduction and survey of mosque and surau officials' correspondence to one government department, see Willer, "A Kelantan Case Study."

¹³⁷Some examples of kathi-Mufti interaction are a kathi's request for permission to try kampong folk for non-attendance at Friday prayers (see minutes and correspondence in Kel. K 29/1930) and the same kathi's request for a travel allowance to visit suraus in Ulu Kelantan district (see minutes and correspondence in Kel. K 108/1930).

¹³⁸AR, MU 1936, p. 6. The next year it answered forty-six questions. See AR, MU 1937, p. 6.

¹³⁹Government files contain numerous references to colonial supervision of the pilgrim traffic. For example, see PM 171/1917 and PM 181/1940 on repatriation of pilgrims back to Kelantan.

¹⁴⁰These two quotes are respectively from a minute by R. J. B. Clayton, dated July 27, 1929 in Kel. K 1099/1929; and a letter G. E. Shaw to Wan Muhammad (Mufti), dated May 29, 1926 in Kel. K 711/1926.

¹⁴¹BA to PM, July 6, 1939 in Kel. K 627/1939 and see BA to Wan Mamat, October 20, 1927 in Kel. K 1245/1927.

¹⁴²Minute by BA to SUK, dated March 21, 1929 in Kel. K 470/1929.

¹⁴³ File Title in HCO 134/1935.

¹⁴⁴ BA to HC, December 4, 1935 in HCO 134/1935. Copies of all British Advisers and Residents in Malaya are included in this file.

¹⁴⁵ Muhammad Salleh, "Theological Debates," p. 159.

Chapter VI

¹William G. Maxwell and William Sumner Gibson, Treaties and Engagements Affecting the Malay States and Borneo (London: Jas. Truscott and Son, Ltd., 1924), pp. 88-91.

²Ibid., pp. 85-88. The full title of this treaty is the "Declaration and Draft Agreement Relating to Kelantan and Trengganu, 1902." It was signed on October 6, 1902. Details about the four key political elite families in Kuala Trengganu (the royal family of the Sultan, the Kampong Kling family, the Malay Duyung family, and al-Idrus family), are taken from Heather Sutherland, "Trengganu," mss., pp. 5-9.

³Ibid., pp. 14-15.

⁴Ibid., p. 15. There is uncertainty whether a civil service was established at this time. The courts were established.

⁵Maxwell and Gibson, Treaties, pp. 112-113. The full title of this treaty is the "Agreement Between His Majesty's Government and the Government of Trengganu." Maxwell and Gibson have the treaty listed in the table of contents as "Sir John Anderson's Agreement of 1910," which is the same colonial title given to a Kelantan treaty of 1910.

⁶The description of Trengganu in the first decade of the twentieth century that is endlessly quoted to illustrate pre-colonial Malay government in the state is by W. A. Graham, "Malay States" [Trengganu section], The Encyclopaedia Britannica (Eleventh Edition) (London, 1910-1911), Vol. XVII, No. 2, pp. 482-483. Sutherland, "Trengganu," p. 1, is the most recent to quote from Graham's article. The Encyclopaedia Britannica article dwells on the negative perception of the state by the former Kelantan Adviser (1903-09).

⁷Sutherland, "Trengganu," p. 8.

⁸Hugh Clifford, "Expedition to Trengganu and Kelantan, Report," JMBRAS, XXXIV, Pt. 1 (May, 1961), p. 99. Sutherland has doubts as to the validity of the statement that Trengganu was indeed as religiously zealous as Clifford suggested. See "Trengganu," p. 59, FN 27.

⁹Ibid., pp. 8-9.

¹⁰Sutherland goes into a long discussion of Malay elite--British Agent interaction during this 1910-1919 period. See "Trengganu," pp. 17-29. The Agents were W. L. Conlay (1909-1910), W. D. Scott (1910-1913), E. A. Dickson (1913-1914), C. N. Maxwell (1914-1915), and J. L. Humphreys (1915-1919). Humphreys also became the first British Adviser (1919-1925). James de Vere Allen noted that "Maxwell

was married to a Malay and Humphreys had two Malay wards of whom one married the daughter of the Yang di-Pertuan Muda of Trengganu, later Sultan Ahmad." See "The Ancien Regime in Trengganu, 1909-1919," JMBRAS, XLI, Pt. 1 (July, 1968), p. 24, FN 7.

¹¹It was indicative of Trengganu's traditional independence that this 1911 constitution was written by the Malays themselves. An English legal firm in Singapore had drafted the Johor Constitution of 1895.

¹²Allen speculated about the identity of this former school-master, suggesting that it might have been Wan Abubakar. See "Ancien Regime," p. 44, FN 99. Also see ART, 1915, p. 4. Sutherland says that there is no doubt that the man was Ungku (not Wan) Abu Bakar bin Long (Ungku Seri Wangsa di-Raja). See "Trengganu," p. 27 and p. 62, FN 32.

¹³The Malay name of the state constitution was Undang-Undang Tuboh Negri. Its Arabic translation was Itqan al muluk bi ta'dil al-suluk.

¹⁴Government of Malaya, Malayan Constitutional Documents (Second Edition) (Kuala Lumpur: Government Press, 1962), Vol. II, "Laws of the Constitution of Trengganu, Constitution of 1911," pp. 377-399. For a discussion of this document see A. M. M. Mackeen, Contemporary Islamic Legal Organization in Malaya (New Haven: Yale University, Southeast Asian Studies, No. 13, 1969), pp. 131-136.

¹⁵Interview with Haji Che Da Abdul Rahim bin Mohammad, Kuala Trengganu, 4 October 1973. Che Da gave the date as 20 Muharam 1331. I converted the day into the Christian calendar.

¹⁶Allen, "Ancien Regime," p. 54. Allen compiled this chart from information contained in the Colonial Office files.

¹⁷Little else is known about Ungku Said. For a brief biography of the man, see ART, 1918, p. 17.

¹⁸These enactments were mentioned in Young to CO, No. 606, 11 December 1912, Kel. K 20/1911. No copies of the enactments are in the file.

¹⁹ART, 1915, p. 4.

²⁰Sutherland elaborates on the Johor influence in the Trengganu elites' creation of a State Council, departmental organization, and official titles. She notes that "The continuing dominance of that [Johor] particular model was encouraged no doubt by Ungku Bakar [who previously taught in Johor and advocated progressive changes in Trengganu], but it also reflected the prestige enjoyed by Johor because of her proud past and relatively successful containment of British pressure." See "Trengganu," p. 22 and p. 62, FN 32.

²¹ART, 1915, p. 10.

²²ART, 1917, p. 9.

²³Ibid., p. 7.

²⁴British Agent's (Humphreys') Journal for March, 1917, encl. in Young to CO, No. 110, 11 April 1917, CO 273/259.

²⁵Ibid.

²⁶Ibid.

²⁷British Agent's (Humphreys') Journal for January, 1917, encl. in Young to CO, No. 36, 8 February 1917, CO 273/459. Humphreys did not elaborate on the reasons for changing the draft enactment.

²⁸Enclosure 2, "Notes of an Interview at Government House Given by His Excellency, the High Commissioner to His Highness the Sultan of Trengganu on the 18th July 1918" in Young to CO, No. 348, 23 December 1918, CO 273/474.

²⁹Sutherland, "Trengganu," pp. 27-28.

³⁰Ibid., p. 23.

³¹British Agent's (Humphreys') Journal for January, 1919, enclo. in HCO 232/1919. No copy of the Proclamation could be located.

³²ART, 1918, p. 9.

³³Maxwell and Gibson, Treaties, pp. 113-114. The treaty is entitled, "Agreement Between His Majesty's Government and the Government of Trengganu, 1919, Dated 24th May 1919."

³⁴Sutherland, "Trengganu," p. 9.

³⁵ART, 1923, p. 15.

³⁶Clifford to CO, Conf., December 6, 1928, CO 717/61. Also see Sutherland, "Trengganu," pp. 40-42.

³⁷Both of these rebellions similarly occurred far from the state capitals with Islamic overtones prevalent. For additional information, see Clifford, "Expedition," passim, and Ibrahim Nik Mahmood, "The To'Janggut Rebellion of 1915," in Kelantan, ed. by Roff, pp. 62-86.

³⁸Fifteen years later the British Adviser reported that enforcement of the School Attendance Enactment was unnecessary due to overcrowded schools. Popular interest in education had a long tradition in Trengganu. ART, 1938, p. 40.

³⁹No compilation of Trengganu's Enactments (Undang-Undang), Proclamations (Ishtahar), or Regulations (Peraturan) exists for the period from 1909 to about 1930. References to the legislation in the paragraph in the text had to be gleaned from haphazard references to them in files and annual reports. The reason why legislation starts bearing the Christian year in its title in 1924 is unclear, especially since the Christian year was only used in the title of some government documents, for example, annual estimates of revenue and expenditure, beginning in 1932.

⁴⁰These figures respectively came from the "Abstract of the Estimated Expenditures for the Year 1341" (encl. in Guillemard to CO, 18 September 1923, CO 717/30); "Estimates of Revenue and Expenditure for the Year 1349" (encl. in Clementi to CO, 2 September 1930, CO 717/75); and "Estimates of . . . for 1939" (encl. in Thomas to CO, 16 March 1939, CO 717/135).

⁴¹ART, 1923, p. 20.

⁴²Ibid., p. 15.

⁴³Clifford to CO, Conf., September, 1928, CO 717/61. Also see ART, 1928, pp. 12-13 and Rupert Emerson, Malaysia (Kuala Lumpur: University of Malaya Press, 1964), p. 266.

⁴⁴Dato Seri Lela Di-Raja, "The Ulu Trengganu Disturbance, May, 1928, Extracts from Diary," Malaysia in History, XII, 1 (October, 1968), p. 28.

⁴⁵Interestingly, Haji Drahman, prominently involved in Ulu Trengganu events for the previous six or seven years but not personally responsible for the 1928 disturbance, was blamed by the British for the troubles in the area. However, instead of being incarcerated like ten of his followers, he was exiled to Mecca. The Trengganu government paid for his voyage and allotted him an allowance of \$50 per month. Haji Drahman died fifteen months later in November, 1929. See ibid., p. 26. For a more detailed analysis of the Ulu Trengganu unrest, 1921-1928, see Sutherland, "Trengganu," pp. 40-49. Sheppard said there was "evidence" to show that Malay secret societies (Red Flag and White Flag Societies) were involved in the disturbances, see M. C. ff. Sheppard, "A Short History of Trengganu," JMBRAS, XXII, Pt. 3 (June, 1949), p. 66. No such evidence exists in CO 717 files.

⁴⁶Quoted in Sutherland, "Trengganu," p. 48.

⁴⁷The Advisers after 1930 were G. L. Ham (1930-1932), C. C. Brown (1932-1933), N. R. Jarrett (1933-1934), J. E. Kempe (1935-1936), N. R. Jarrett (1936-1937), P. A. B. McKerron (1937), A. E. Coope (1937-1940), and G. A. C. de Mowbray (1940-1941).

⁴⁸Sultan Sulaiman to Mentri Besar (MB), 10 Sha'aban 1350 (21 December 1931) and the Minutes of the General Meeting, 11 Sha'aban 1350 (22 December 1931), MB 459/1350. For additional information on Dato Kamal Wangas, see Sutherland, "Trengganu," pp. 8-9. Sutherland says that he became the Commissioner of Religion and Justice. The Minutes above refer to the position simply as Pesurohjaya Ugama (Religious Commissioner). Furthermore, the Minutes say that Haji Hgah, not Dato Kamal Wangsa, was appointed to this post. A subsequent government notice in the file, dated 25 Sha'aban 1350 (8 January 1932), explicitly named Haji Ngah by his title Dato Seri Amar di-Raja, as Commissioner. Concerning the translation of Pejabat Ugama, it should be rendered "Religious Office." However, British officials in their annual reports, etc., translated the two words as "Religious Department." That convention is followed in this chapter.

⁴⁹"Petition from the staff of the Sultan Kuala Trengganu Mosque," 8 Dhu Al-Hijja 1353 (6 March 1935), BAT 405/1935.

⁵⁰Interview, Haji Che Da, 4 October 1973.

⁵¹"Estimates of Revenue and Expenditure," 1932-1939, passim. These are in CO 717 file series.

⁵²Che Da to Kempe (BAT), 14 Dhu Al Qa'da 1353 (8 February 1935), BAT 495/1935.

⁵³Memo, Mohd. Kassem to Kempe, 17 Muharram 1354 (20 April 1935), BAT 495/1935.

⁵⁴Che Da to Kempe, 24 May 1936, BAT 696/1936. Letter missing from file, only a long summary title and date are recorded.

⁵⁵Che Da to MB, 18 August 1937, MB 424/1356. The State Council formed a "Fixed Committee" of seven members which included the Mufti but excluded the Religious Secretary. In considering the Syariah Court regulation, the Committee examined similar legislation in Johor, Kedah, and other states.

⁵⁶Minute by Kempe to MB, 4 June 1936, BAT 696/1936.

⁵⁷Che Da to Kempe, 16 August 1936, BAT 1106/1936.

⁵⁸Minute by Kempe to MB, 15 September 1936, BA 1106/1936.

⁵⁹Minute by Che Da to Kempe, 13 October 1936, BA 1106/1936.

⁶⁰Minute by Jarrett (?), 31 December 1936, BA 1106/1936.

⁶¹Che Da to MB, 25 Jumada al-Ukhra 1356 (1 September 1937), MB 460/1356. The State Council passed this bill as Enactment No. 37 of 1356 (27 October 1937). There is a copy of the Enactment and accompanying Rules in BAT 1090/1936.

⁶²Interview, Haji Che Da, 4 October, 1973.

⁶³Minutes of State Council, 8 Shawwal 1357 (20 November 1938), MB 787/1356.

⁶⁴Che Da to SU, Trengganu, 20 October 1938, BAT 1162/1938.

⁶⁵Little information could be located about these three serial publications other than that contained in BAT 1162/1938. It is possible that the weekly Mujallah Al-Islam was actually the Singapore monthly entitled Majallah Al-Islam, first published in 1914. Most of this journal's contents were Jawi translations from the Islamic Review (Working Mosque, England). For further details, see William R. Roff, Bibliography of Malay and Arabic Periodicals (London: Oxford University Press, 1972), p. 33. No additional information was listed in the Union List of Arabic Serials in the United States (Urbana: University of Illinois Graduate School of Library Science, Occasional Papers, No. 75, April, 1965) by Mohamed M. El-Hadi.

⁶⁶Che Da to SU, Trengganu, 22 October 1938.

⁶⁷"Notification No. 617, The Offences by Muhammadans Enactment, No. 47," BAT 1186/1938. The Notification gives the date of the three appointments as effective 20 May 1937. This apparently is a typographical error. The year should be 1939.

⁶⁸Cope to MB, 30 Rabi Al-Akhir 1358 (18 June 1939), MB 278/1348.

⁶⁹Circular by the Religious Commissioner, no date, BAT 617/1935.

⁷⁰State Treasurer to BAT, 9 February 1938, BAT 201/1938.

⁷¹SHC to BAT, 6 October 1937, BAT 1145/1937 and R. W. Bullard, British Legation, Jeddah, to Government of the S.S., 20 October 1938, BAT 1350/1938.

⁷²Sheppard, "A Short History," p. 57.

⁷³This impression is arrived at because most surviving BAT and MB files exist today from the decade of the 1930's. Even so, the total number of Islamic-related topics is quite low: 56 files in the BAT and 23 files in the MB.

⁷⁴Minute by Kempe, January, 1936, BAT 62/1936.

⁷⁵"Petition from the Staff," BAT 405/1935.

⁷⁶Minute by Kempe, January, 1936, BAT 62/1936.

⁷⁷"Memorandum," 3 May 1936, BAT 1292/1936.

⁷⁸Minute by Jarrett, 6 February 1936, BAT 1292/1936.

⁷⁹Ibid.

⁸⁰Interview, Haji Che Da, 4 October, 1973.

⁸¹Minute by BA to MB, 12 July 1937. Although the British lost the Che Da war, it won the final battle: Che Da remained in the Clerk Scheme, being denied a promotion to the Officer (Pegawai) Scheme.

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