



Royal Netherlands Academy of Arts and Sciences (KNAW) KONINKLIJKE NEDERLANDSE AKADEMIE VAN WETENSCHAPPEN

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published in

Islamic law in the Indian Ocean world: Texts, ideas and practices
2022

document version

Publisher's PDF, also known as Version of record

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citation for published version (APA)

Hoogervorst, T. (2022). Legal diglossia, lexical borrowing and mixed juridical systems in early Islamic Java and Sumatra. In M. Kooria, & E. al (Eds.), *Islamic law in the Indian Ocean world: Texts, ideas and practices* (pp. 39-63)

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2 Legal diglossia, lexical borrowing and mixed juridical systems in early Islamic Java and Sumatra

Tom Hoogervorst¹

Introduction

This study offers a historical linguistic perspective on the transition from Hindu to Islamic law in early-modern Java and Sumatra. As Ayman Daher observes, “law, much like language, is an ever-evolving body closely linked to the culture and society”.² Language obviously differs from law in some crucial ways. For one thing, in pre-modern times, the former was rarely forced onto people outside the realm of education. Nevertheless, a language-centric approach enables a fuller understanding of legal history through its focus on loanwords and other linguistic phenomena.³ For example, Latin prevails in Europe’s juridical prose and classical Chinese played a comparable role in East Asia, testifying to the lasting impact of respectively the Roman and the Confucianist understanding of law.⁴ The Indonesian archipelago constitutes a palimpsest of influences from Indic, Middle Eastern and European languages, corresponding to the so-called Hindu, Muslim and colonial episodes of the region’s past. The present study examines the legal landscapes of Java and Sumatra between the fourteenth and eighteenth centuries – when Hindu influence was waning and Islam became increasingly dominant – and analyses them in conjunction with broader developments in the Indian Ocean world. It highlights, through lexical and sociolinguistic inferences, the continuities and changes that characterise this slow-paced transition.

In the western parts of the Indonesian archipelago, the shift from Hinduism – or, more accurately, Śaivist and Tantric doctrines – to Islam took place relatively smoothly and fragmentarily. In the realm of law in particular, the oft-envisioned idea of a Hindu period followed by a Muslim period must be considered overly simplistic and burdened by outdated paradigms of civilisation.⁵ In reality, both religions diffused as part of similar, enduring Indian Ocean networks. Java occupied the crossroads between Hinduism and Islam during the fourteenth and fifteenth centuries,⁶ while Aceh in northern Sumatra developed a synthesis of Sufism and Tantrism in the sixteenth century, which was instrumental in the region’s peaceful Islamisation.⁷ Nevertheless,

it is precisely at the beginning of [the sixteenth century] that the majority of the historians of South-East Asia turn away from India with the excuse

that its cultural influence had disappeared in favour of an international Islam which had progressively established itself in the great maritime commercial networks of the Indian Ocean.⁸

The scholarly dismissal of these prolonged connections with South Asia is unwarranted, especially since Islam reached South-East Asia at least in part through the filter of the Indian subcontinent.⁹ The notion of an Indian-introduced Islam was ingrained in the wider literature by Christiaan Snouck Hurgronje and drew support from later European scholars and some Indonesian scholars.¹⁰ Many connections, however, were severed by the mid-eighteenth century, when the Dutch East India Company (VOC) drastically reduced the commercial activities of Indian merchants in Indonesia.¹¹ In the centuries afterwards, more direct contacts with the Arab heartlands redirected the focus of most Indonesian Muslims to the Hijāz and Cairo.¹² The rise of Islam undeniably brought structural changes in the domain of Indonesia's legal institutions, yet it is equally relevant that multiple juridical traditions interacted and intermingled over the centuries.¹³ Of equal historical importance is South-East Asia's trademark habit of selectively adopting and adapting external concepts as the local context demands. As will be highlighted in this study, both the changes and the continuities left their imprint on legal terminology and sociolinguistic practices.

Much academic work on the history of Indonesian law relies on colonial-era scholarship, which started at the very dawn of Dutch expansion when different communities increasingly encountered each other in courtrooms. From the early seventeenth century onwards, the VOC controlled the juridical administration of Java's coastal sultanates, particularly Cirebon, Demak and Banten.¹⁴ The Dutch were aware of pre-existing legal traditions and lawbooks, yet invoked tropes of "indigenous despotism" and its alleged dangers to trade as reasons to interfere with the island's courts.¹⁵ Similar verdicts were reached by British colonial officials with regard to the Malay Peninsula;

Malay laws were never committed to writing; they were constantly overridden by autocratic chiefs and unjust judges; they varied in each State; they did not harmonise with the doctrines of Islam that they professed to follow; they were often expressed in metaphors or proverbs that seem to baffle interpretation.¹⁶

Whatever the effect of such floating remarks, the colonial project laid the foundations of a fluctuating interest in the archipelago's inherited legal systems, albeit chiefly out of self-interest.¹⁷ From the nineteenth century, the laws, regulations, and treaties upheld by the courts of Central Java and Bali ended up among the first topics of systematic study.¹⁸ Collecting, examining, translating, and publishing legal texts was crucial to this effort. Not only did these sources cast light on idealised behaviour within Indonesian societies, they also revealed social tensions; the long lists of transgressions they typically juxtaposed – followed by the commensurate punishments – spoke volumes about the specific areas in which authority was habitually challenged.¹⁹

Colonial control over Indonesia's legal systems tightened in the early nineteenth century, even though the courts remained largely run by local functionaries and advisers, and partly within pre-existing structures. Proceedings from the *landraad*, a state court for indigenous populations, reveal that justice was administered in a highly multilingual fashion, including in Javanese, Malay, Dutch and Madurese. With Dutch rule firmly established, interest in Java's numerous lawbooks became confined to the realm of philology.²⁰ On a practical level, it was realised that the *lex non scripta* prevailed over the *lex scripta* throughout the colony. The uncodified and orally transmitted customs of the archipelago's diverse populations – commonly known as *adat*, a term further discussed below – became the subject of intensive study with the ultimate goal of improving colonial governance. As a consequence, the majority of Javanese, Malay and other textual sources on law have neither been published nor translated,²¹ rendering it somewhat premature to describe in great depths the nature of pre-modern law in this region. The scope of this chapter is therefore limited to law-related vocabulary and sociolinguistic practices.

I focus specifically on the origins of words (etymology), sociolinguistic considerations, and a close reading of some relevant primary sources. I am aware of what is perhaps the most common caveat in the study of lexical borrowing: the misguided assumption that the external provenance of a word “proves” the external provenance of the concept it designates. Island South-East Asia shows a more complex picture, in which loanwords from high-status languages often act as a substitute for pre-existing vocabulary. In the case of early Islam, for instance, we see a replacement of Sanskrit loanwords by their Arabic equivalents, including in the legal domain. As the work of Timothy Lubin on South-East Asian law systems demonstrates, the legal traditions of ancient Java (as well as Cambodia and South India) exhibited a phenomenon called legal diglossia.²² Diglossia refers to the co-existence of two separate language varieties within a speech community; the high-status language is typically used for formal occasions and the vernacular language for informal occasions.²³ In the legal domain, Sanskrit – or Sanskritised formal registers (acrolects) of local languages – were indeed employed to provide otherwise profane statements with a prestigious and authoritative cachet.²⁴ The cosmopolitan, in other words, was used to validate the local, not unlike the position of Latin in medieval Europe.²⁵ As will be demonstrated below, this sociolinguistic practice persisted in Islamic milieus.

The first section of this chapter examines the impact of Indic notions of law on the societies of Java and Sumatra, sketching the legal landscape encountered by the archipelago's first Muslims. The second section discusses the introduction of Islam and the associated legal changes, as well as evidence for sustained contacts with the Indian subcontinent under Muslim rulers. The third section delves deeper into the magico-religious power of language through a case study on the typology of oaths and curses, substantiating the idea that legal diglossia persisted under Islam. Most words discussed here are taken from Van Hinloopen Labberton's unique colonial-era dictionary of legal terms, as later dictionaries include Sanskrit-inspired neologisms that are irrelevant to this study.²⁶

Integrating the dharma

Any understanding of South-East Asia's legal landscapes prior to "Indianisation" remains by definition hypothetical and has in part been reconstructed on the basis of historical linguistics and cross-regional comparisons.²⁷ By the second half of the first millennium CE, the epigraphic record and monumental architecture show traces of a Brahmanical cultural outlook across pockets of what is now Western Indonesia. Among the "Hindu" elements adopted in this process were notions of religion, law, ethics and royal power. Over time, the local elites of Java, Sumatra and other parts of the archipelago became part of what Sheldon Pollock terms the Sanskrit Cosmopolis.²⁸ Across this imagined space stretching from Central and South to South-East Asia, conceptualisations of law, notions of ritual obligation, legitimisation of sovereignty, state philosophy, religious authority and morality started to converge. It should be reiterated that South-East Asian elites were selective about the Indic elements they accepted and translated into local languages. In the written domain, most priority was given to texts – legal or otherwise – that were in popular demand in India at the time of contact, rather than the canonical classics.²⁹ In Java and Bali, we see that India's codified legal literature often served as a framework to validate local customary norms, yielding a substantial body of Sanskrit-inspired yet locally authored juridical literature in Old Javanese.³⁰ These included Hindu-inspired (Śāstric) lawbooks, didactic and moralistic texts, records of (legal) victories (*jayapattra*), political treatises (*nīti*), royal decrees (*pihagem*), courtly regulations (*pranatan*) and several other categories.³¹ The only known pre-Islamic lawbook from Sumatra is the *Nītisārasamuccaya*, of which we will read more below. In addition, there were pre-existing village customs (*deśadr̥ṣṭa*), which were orally transmitted rather than written down.

Colonial studies on "Hindu Law", both in India and Indonesia, largely focus on two Sanskrit genres of literature: *Dharmasūtra* and *Dharmaśāstra*.³² By far the best known legal text was the Laws of Manu (*Manusmṛti* or *Mānava-Dharmaśāstra*), associated with Manu, the Hindu progenitor of humankind. It was studied intensively by British and French scholars to understand better the legal systems they encountered in India. This text was also known and reproduced in ancient Java, alongside other books on common and penal law.³³ A fourteenth-century Indian commentary of the Laws of Manu, the *Manvarthavivṛti* by Nārāyaṇa Sarvajña, is likely to have influenced contemporaneous Javanese lawbooks.³⁴ This implies that contacts between India's legal scholars and their Javanese apprentices were still regular when Islam expanded its influence in the Western Indonesian archipelago. It is tempting to speculate that these overseas experts on Hindu law enjoyed a similar status to India's Islamic theologians (*ulamā'*) of later centuries, such as the Gujarat-born Nūr al-Dīn al-Rānīrī in seventeenth-century Aceh. India's more recent legal institutions, such as the legislative council (*Vidhān Pariṣad*) and village self-government (*Grām Pancāyat*), are unknown under those names in the Indonesian archipelago.³⁵

Most of Indonesia's Śāstric lawbooks were not intensively studied by outsiders. In Java, the genre gradually fell into disuse when the island's Sanskrit-literate

ecclesiastical class lost their prominence. In Bali, which was never Islamised, the lawbooks continued to play a role in society.³⁶ They were written and re-written on palm leaves (*lontar*); in fact, most colonial-era transliterations of Old Javanese originals go back to Balinese copies. One of the core legal documents of ancient Java was a locally authored composite text known as *Kuṭāra-Mānawa*. This book is not attested anywhere in India, although the second element of its name makes clear that it is inspired by the Laws of Manu. It is listed in a ninth-century inscription as obligatory reading for aspiring legal scholars.³⁷ The book is also mentioned in the Old Javanese *Rāmāyaṇa*,³⁸ as well as later literary works such as the *Ślokāntara* and *Bhomāntaka*.³⁹ Later Javanese (and Balinese) lawbooks, such as the thirteenth-century *Pūrwādhigama*, also refer to the *Kuṭāra-Mānawa* as a standard work to be known by legal experts.⁴⁰ Other important lawbooks include the *Āgama* – a mid-sixteenth-century legal text based on the *Kuṭāra-Mānawa*⁴¹ – and the *Swara Jambu*, which is patterned after the eighth book of the Laws of Manu.⁴² The name *Swara Jambu* appears to be a corruption of – or a pun on – Sanskrit *Svayambhu*, one of the names for Manu.

It is difficult to envisage how these pre-modern lawbooks were used in real life. The Indic source texts focused on the lives of Brahmins, who would have been spatially clustered and socially distinct from the majority of Island South-East Asians. In this regard, Javanese and Balinese legal codes have been characterised as “aspiring to be Dharmasāstras but reflecting much more directly the ‘common law’”.⁴³ It may be added that some parts of Indic source texts were deliberately preserved even though they were clearly disconnected from daily life. A section of the aforementioned *Āgama*, for example, mentions camels, which never historically inhabited the Indonesian archipelago (except possibly as courtly curiosities): “When hitting an ox, horse or camel, if the struck animal dies, the wagon-driver will be fined with 10,000 [coins] and must compensate the value of the dead animal.”⁴⁴ Along the same lines, we may ask ourselves whether the Sanskrit names for different types of enslaved people in the *Kuṭāra-Mānawa* – *bhaktadāsa* ‘a slave who serves for his food’, *daṇḍadāsa* ‘enslaved for non-payment of a fine’, *dhwajahrta* ‘captured in battle’ and *grhaja* ‘born in the house’⁴⁵ – reflect actual social practice or merely a diglossia-driven genuflection to the Language of the Gods. The reliance on external elements in texts of local significance is emblematic for South-East Asia’s legal landscapes, as will be revisited in the next section. It should be stressed, however, that ostensibly cosmopolitan Śāstric texts were equally prone to incorporate distinctly local or regional elements. The *Āgama*, for example, features the term *pisis* in the context of obligatory payment, which strikes me as a borrowing from Persian *pishīz* ‘a small piece of money’.

Moving now to the etymological origins of Indonesia’s legal terms, it has long been known that several words pertaining to law, religion, state philosophy and politics go back to Sanskrit.⁴⁶ The very titles denoting positions of power, such as Malay *menteri* ‘minister’, *patih* ‘chief minister’ and *raja* ‘king’, are Sanskrit-derived: *mantrī*, *pati* and *rāja*. The influence of India’s vernacular languages (“Prakrit”), conversely, is rarely mentioned in scholarship on pre-modern South-East Asia.⁴⁷ The same holds true for Indonesia’s important and often overlooked connections

Table 2.1 Indic origins of Malay legal terms

Malay	Etymology		
	Sanskrit	Prakrit	Tamil
bati 'interest (on money)'			vaṭṭi
bendara 'treasurer, state official'		bhāṇḍāra	
beniaga 'commerce, trade'		vāṇiyaga	
biaya 'wealth, money'	vyaya		
cengkeram 'earnest money'			accakāram
cukai 'passage money'			cukkai
curi 'theft'		curi	
dehaga 'insubordination against a ruler'		ḍohaga	
denda 'punishment'	daṇḍa		
dosa 'serious offence, crime'	doṣa		
durjana 'criminal'	durjana		
dusta 'false, guilty'	duṣṭa		
gadai 'pawn contract'			kaṭai
harga 'value, price'	argha		
istri 'wife'	strī		
jaksa 'prosecutor'	adhyakṣa		
janda 'widow'	raṇḍā		
laba 'profit'	lābha		
mempelai '(bride)groom'			māppiḷḷai
perkara 'affair'	prakāra		
saksi 'witness'	sākṣī		
(se)kutu 'accomplice'			kūṭtu
suami 'husband'	svāmī		
undi 'divine judgment through lottery'			uṅṭai
upeti 'obligatory payment'		uppatti	

with South India. The wider literature on credit, debt and other financial matters in Indonesia remains silent about the fact that much of the vocabulary in this domain can be traced to Tamil.⁴⁸ Table 2.1 lists some Indic loanwords in the legal sphere that found their way into Island South-East Asia.⁴⁹ One should bear in mind that these borrowings did not necessarily have juridical connotations in South Asia, yet, as one scholar put it, “what had once been foreign ultimately acquired its own characteristics and significance although its Indian origins remained unmistakable”.⁵⁰

These lexical transmissions compel us to envision multiple directions from which Hindu-inspired notions of law, morality, political organisation and related phenomena spread eastwards. The broad contours of these processes remained intact under Islamic rule, as will be argued next.

The heirs of Manu

The first European visitors to Java encountered legal traditions that were partly Islamised, yet continued to draw from Hindu conceptualisations of law. Indeed, the two religions intermingled for centuries. As late as the fifteenth century, when

Islam had gained dominance across much of the island's north coast and coexisted with Hinduism in the interior,⁵¹ the South Indian *Śivarātri* ritual attracted the dedicated interest of a Javanese scholar.⁵² A century later, the Portuguese encountered amidst Java's Muslim kingdoms a Hindu dynasty in Banten and "heathen" rulers in the interior.⁵³ Meanwhile, in the coastal polities, local, Indic, and Islamic law had been brought together under the one roof of the so-called *jaksa* courts.⁵⁴ The etymology of the term *jaksa* itself exemplifies the fluid transition between Hindu-inspired and Islamic-inspired notions of legal authority. Borrowed from Sanskrit *adhyakṣa* 'eye-witness, inspector, superintendent', the word features in Old Javanese as *dhyakṣa*, denoting a Śivaite spiritual lord in service of the court.⁵⁵ In Bali the *dyakṣa* continues to serve as a religious official.⁵⁶ Yet with the rise of Islam in Java, the *jaksa* saw himself reduced to a functionary responsible for theft, robbery and other mundane crimes, while legally complex matters such as marriage, divorce and inheritance shifted to Muslim officials.⁵⁷ Eventually, the *jaksa* turned into a prosecutor in late-colonial times.

While many of the pre-existing juridical structures remained in place, the idiom through which legal authority was expressed shifted – gradually and incompletely – from Sanskrit to Arabic. This supports the theory that, in many parts of South and South-East Asia, the aforementioned Sanskrit Cosmopolis was replaced by an Arabic one after the introduction of Islam.⁵⁸ Legal texts continued to derive their authority from high-status languages, complementing and validating orally transmitted customary norms. Islamic jurisprudence became known under its Malay name *fikih* (Javanese: *pekih*, both from Arabic *fiqh*), whereas local customs were re-categorised as *adat* (Arabic 'āda) and continued to govern the secular spheres of life. The latter term is typically translated as 'customary law' in an Indonesian context, although – like Hindustani *ādat* – it also denotes more individual habits, practices and traditions.⁵⁹ As such, *adat* has often been interpreted as a system that is mutually exclusive to Islamic Law, although such generalisations hardly do justice to the complexity of the matter.⁶⁰ In an Indonesian context, *adat* is used much more frequently than *uruf* (Arabic 'urf), another word normally translated as 'customary law'.⁶¹

In early Islamic Java, pre-existing legal systems were often studied side-by-side with *fiqh*. Old Javanese lawbooks, for example, were given in Islamic compendiums,⁶² whereas Arabic books on law and theology – such as the *Tuhfat al-Muhtāj* and *al-Ghāya wa al-Taqrīb* – were copied and adapted into local languages (see Figure 2.1).⁶³ It made sense for Java's first indigenous Muslims to embrace pre-Islamic literature, since they saw themselves as the proud heirs to this literary tradition. As a result, many of the juridical proclamations (*undang-undang*) issued in early-Islamic Java, Sumatra and the Malay world incorporated significantly more *adat* laws than direct citations from *fiqh* literature. The popular Malay expression "religious law is level, customary law is flat" (*hukum yang rata, adat yang datar*) came to symbolise two similar things that are equally desirable. This co-constitutiveness of different legal practices also led to attempts to combine Hindu and Islamic principles, for example in the Javanese lawbooks *Surya Ngalam* (also known as *Adilulah*)⁶⁴ and *Pepakem Cerbon*. The latter, which was partly based on

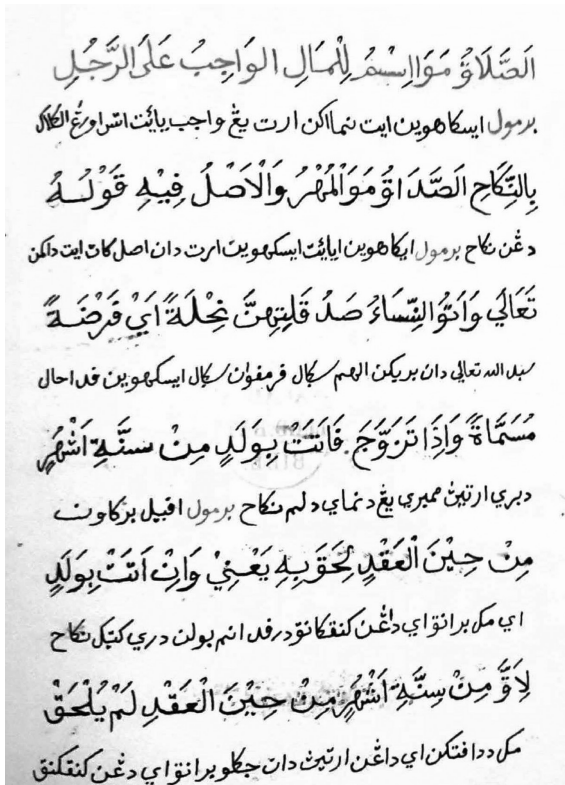


Figure 2.1 Arabic lawbook with Malay translations (UB Leiden, Cod.Or. 1969.1)

the former, was eventually codified by the Dutch in the mid-eighteenth century to strengthen their influence on the VOC-controlled court of Cirebon.⁶⁵ While it was written in a Sanskritised register of Javanese, a number of Arabic loanwords surface throughout this legal code, including *kisas* ‘retaliation’ (Arabic *qisās*), *kukum* ‘ruling’ (*hukm*), and *warangi* ‘piousness’ (*wara*). A related development took place in the domain of writing more broadly. In the Malay world, an Arabic-derived script (*Jawi*) largely replaced Indic scripts, although the latter remained in use for some time after Islamisation.⁶⁶ In Java, Indic-derived (*Hanacaraka*) and Arabic-derived (*Pegon*) scripts coexisted.

At this point we return to the lexical evidence. The linguistic implications of Islamisation become evident from some of the most basic legal terms in Malay (Table 2.2). Most of these Arabic-derived words are also common elsewhere in the Indian Ocean world, as well as parts of Central Asia, the Mediterranean and Atlantic Africa.

Islamisation also came with a new range of administrative titles across the archipelago. In charge of Islamic legal matters was the so-called *penghulu*, Malay

Table 2.2 Arabic origins of Malay legal terms

Malay	Arabic
dakwa 'accusation, lawsuit'	da'wā
diat 'blood money'	diya
fatwa 'formal legal opinion'	fatwā
hak 'truth, rightness'	ḥaqq
hakim 'judge, arbitrator'	ḥākīm
hasil 'result, outcome, product'	ḥāsil
hukum 'ruling'	ḥukm
ingkar 'denial, contestation'	inkār
izin 'permission, authorisation'	idhn
kadi 'judge of religious affairs'	qāḍī
kanun 'regulations'	qānūn
korban 'victim'	qurbān
mahkamah 'legal court'	maḥkama
nasab 'biological descent'	nasab
risalah '(legal) digest'	risāla
sah 'lawful'	ṣaḥḥ
sahih 'legally valid'	ṣaḥīḥ
siasat 'administration of justice'	siyāsa
sijil 'scroll, written record'	sijill
syarat 'proviso, term'	shart
yakin 'certitude, conviction'	yaqīn
yatim 'orphan'	yaṭīm
wakaf 'mortmain, religious endowment'	waqf
wasiat 'will'	waṣīyya
zina 'adultery'	zinā

for 'headman'.⁶⁷ A common title given in early-colonial times to a clergyman was *padri*. Derived from Portuguese *padre* 'father', the word initially denoted a Christian priest or missionary (cf. Hindustani *pādrī*, Tamil *pātiri*), yet this meaning was soon extended to non-Christian men of the cloth. In Malay correspondence to Europeans, for example, it was used in the meaning of *imām*.⁶⁸ By the mid-eighteenth century, the word was also used on Java's north coast, where three kinds were distinguished: *padri yang adil* 'priests who commit neither great nor small sins, and do not neglect communal worship nor prayers, but are devout', *padri yang salih* 'priests who uphold all ordinances great and small: the great are prayer, fasting, becoming haji, reading the Marriage Law, and giving tithes, the small deal with unclean food', and *padri yang warangi* 'priests who do not eat nor do anything unclean, and avoid not just evil, but also the appearance of evil', reflecting the Arabic terms *ādil* 'just, fair', *ṣālih* 'good, right' and *wara* 'piousness'.⁶⁹

In addition to these generic terms for Islamic functionaries, a wide variety of nomenclature for lower officials and mosque attendants emerged in Island South-East Asia. The person in charge of the call to prayer was typically referred to as *bilal* (named after Bilāl bin Rabāḥ, the first muezzin). Other titles for clerics,

whose precise responsibilities differed from one region to another, included *garim*, *kalipah*, *katib*, *kaum*, *merbot*, *modin*, *mufti*, *naib*, *pakih*, *takmir* and *wazir*.⁷⁰ Interestingly, some Islamic titles came from South India rather than directly from the Middle East. The official in charge at the local level of Islamic affairs known in Sumatra as *lebai* can be traced back to the Muslim-Tamil *labbai*, the name of a functionary and, by extension, a specific ethno-religious community.⁷¹ Along similar lines, the religious scholar known in Java as *santri* reflects Tamil *sāttiri* ‘learned man’.⁷² In a Tamil Hindu context, this word refers to an astrologer who advises couples facing infertility or decides on the proper location of a new well.⁷³ Many Indonesianists will have learned this term from Clifford Geertz’s standard work on Javanese religion, where it is used to designate adherents of a more orthodox Islam.⁷⁴ In earlier times, however, *santri* could also refer to pre-Islamic religious teachers and was associated with ascetic lifestyles.⁷⁵ Somewhat surprisingly, the South Indian etymology of the word is rarely mentioned in the wider literature.⁷⁶

The fact that Sumatra and Java exhibit Tamil words to denote experts on Islam matches the broader context of Indian Ocean connections. Shāfi‘ī scholarly networks radiated across the Bay of Bengal from at least the sixteenth century, as transpires from the eastward dispersal of a religious commentary known as *Fath al-Mu‘īn* by Zayn al-Dīn al-Malaybārī.⁷⁷ South Indian influence manifested itself even earlier in Aceh, where the name Nainā – used by a community of Muslims descended from the Nāyaṅār caste⁷⁸ – features on a number of thirteenth- and fourteenth-century tombstones.⁷⁹ Archaeological evidence from North Sumatra suggests that Islam entered that region around the same time, through the same Tamil-speaking communities that also introduced Hinduism and Buddhism in the ninth century.⁸⁰ In the sixteenth and seventeenth centuries, Muslim merchant-missionaries from South India regularly visited Sri Lanka, the Maldives, Burma, Malaya and Sumatra. The scholars Kāṭṭānai Walī, Shaykh Ṣadaq Ibrāhīm Maraikāyar, and Sayyid ‘Abdul Qādir Vaḷḷal Sītakkāti are remembered by Tamil-speaking Muslims for their contributions to the eastward spread of Islam.⁸¹ Aceh in particular seems to have been a popular destination for Sufi ascetics (*qalandar*) from South India.⁸² Additional links between the Islamic practices of South India and Indonesia have been identified in the realm of mosque architecture and religious literature,⁸³ many of which were obscured by later, more direct contacts with the Arab heartlands. Tamil influence is also found in classical Malay tales (*hikayat*), such as *Hikayat Hang Tuah*, *Hikayat Raja-Raja Pasai*, and *Hikayat Seri Rama*.⁸⁴

Linguistic findings corroborate these links and support the transmission of an early layer of Arabic loanwords entering Island South-East Asia through Tamil. The phonological evidence for this route is the presence of a paragogic vowel in some borrowings, such as Malay and Javanese *perlu* ‘duty’ (Tamil *parulu*, *parulu* from Arabic *fard*) and *napsu* ‘desire’ (Tamil *napucu* from Arabic *nafs*).⁸⁵ Some semantic shifts also point to South Indian influence. Arabic *khamīs*, denoting the fifth day of the week (Thursday), gained connotations among Tamil-speaking Muslims of collecting donations for the Friday service,⁸⁶ and in Malay

and Javanese this meaning expanded to *kemis* ‘begging’ in general. It is of additional relevance that the Javanese legal term *pakem* or *pepakem* ‘handbook’ (as in the aforementioned lawbook *Pepakem Cerbon*, see Figure 2.2) in all probability reflects Tamil *pakkam* ‘treatise’ (ultimately from Sanskrit *pakṣa* ‘a thesis, an argument’), which to my knowledge no scholar has pointed out. The Javanese word *surambi*, a small pavilion next to a mosque often used as a court, is presumably from Malayalam⁸⁷ – a South Indian language closely related to Tamil – substantiating the connections in mosque architecture mentioned previously. The rice flour pancakes (*apam*), offered and distributed in honour of the spirits during Islamic ritual meals across Island South-East Asia, are also of South Indian origin.⁸⁸

In addition to this South Indian layer, the Islamic cultures of Sumatra and Java also display some evident North Indian influence. Particularly in the domains of literature and grave memorials, this element was highly Persianised.⁸⁹ For relatively many loanwords in the legal and ceremonial sphere, we cannot determine whether they entered the Malay language from Farsi, Indian Persian, or Persianised Hindustani (Table 2.3).⁹⁰ Direct influence from North India is plausible given that Hindustani speakers also influenced Malay literature, music genres and theatre.⁹¹ In addition, several (Perso-)Arabic terms appear to have reached South-East Asia through the filter of North India judged from their specific pronunciation.⁹²

Such lexical inferences are crucial to the study of Indian Ocean networks and the concomitant diffusion of concepts, ideas and institutions. At the same time, the linguistic impact of Hinduism and Islam extended beyond loanwords and into

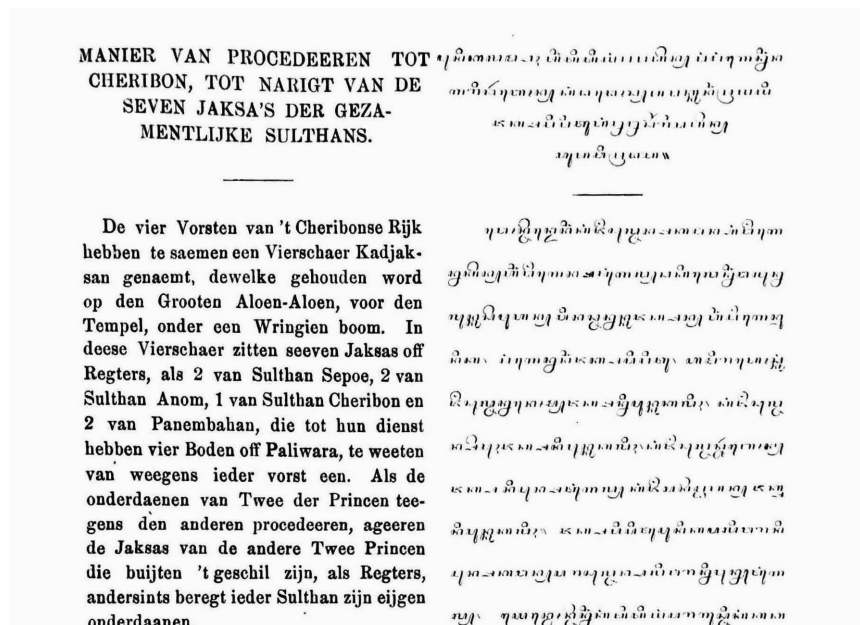


Figure 2.2 Part of the Dutch translation of the Pepakem Cerbon (Hazeu, 1905)

Table 2.3 Indo-Persian origins of Malay legal and ceremonial terms

<i>Hindustani and Persian</i>	<i>Malay</i>
kābīn ‘matrimony’	kawin ‘quickly arranged marriage’ ⁹³
kandūrī ‘a religious feast’	kenduri ‘a religious feast’
nāḳḥudā ‘captain’	nakhoda ‘captain’
sunnat (+ verb) ‘to circumcise’	sunat ‘to circumcise’
shāh ‘king’	syah ‘ruler (royal title)’
shāh-bandar ‘port master’	syahbandar ‘port master’

the domain of sociolinguistic practices. The next section, therefore, highlights some instances of diglossia and language-mixing in the legal contexts of Java and Sumatra.

Heaven-sent retribution

The previous sections have underlined the importance of high-prestige languages – whether Sanskrit, Arabic or local acrolects such as literary Javanese – to the localisation of external ideas. One particular domain associated with the administration of justice illuminates the punitive faculties of language: the overlapping practices of swearing, cursing and oath-taking (Malay and Javanese: *sumpah*). The use of formulaic preludes to oaths and curses (*simsalabim*, *hocus pocus*, *abracadabra*, etc.) are by no means unique to Indonesia. In Java and Sumatra, these elements are predictably from Sanskrit and Arabic. Not much has been written on the linguistic typology of oath-taking and cursing in this part of the world, even though it was historically pervasive. Christiaan Hooykaas briefly discusses Balinese curses and counter-curses (*balik sumpah*).⁹⁴ Helen Creese mentions some examples of Balinese curses awaiting those who bear false witness: “being trapped in dense forest, wandering through deep ravines, being struck by lightning, being eaten by crocodiles, felled by a mortal illness, and devoured by worms and insects, and that all these penalties would befall the offender and his descendants down to three or four generations”.⁹⁵ A similar imprecatory landscape is found in pre-Islamic Java. Willem van der Molen observes that Old Javanese curses (*śāpa*) are unconditional and irrevocable.⁹⁶ Depending on the transgression committed, they commonly involve diseases, premature death, childlessness and changing into a low-status animal. In Old Javanese literature, it is not uncommon for these curses to reflect Indic prototypes. For instance, the Brahmin Uttaraṅka in the Old Javanese *Ādiparwa* – based on the first book of the Indic *Mahābhārata* – famously cursed King Poṣya for serving him a cold meal. The king in turn accused the sage of falsehood and cursed him back. Of interest here is the introduction of the curse using Sanskrit, followed by an explanation in Old Javanese.

Yasmād aśucy annan dadāsi. You have awfully little respect, King Poṣya. Because you give unclean food, therefore, you will be blind.

Yasmād annam dūṣayasi, tasmād anapatyo bhaviṣyasi, you consider the rice I gave you to be unclean; what you say is not true; therefore, you will be childless.⁹⁷

Aside from literary works, curses also occur in the inscriptional record. The second charter of the eighth-century Central Javanese *Sri Kahulunan* inscription, for example, announces that those who pull out the sacred stone will end up like a crushed egg. In addition, the following ordeal awaits them: “If they enter a forest, may a tiger devour them; if they walk through a field, may a viper bite them; [...] if they enter a river, may a crocodile devour them”.⁹⁸ Later curses, documented in Javanese royal inscriptions of the Singhasari-Majapahit period (1222–1486), have been described by Jan van den Veerdonk.⁹⁹ We see similar practices on the South-East Asian mainland. The 890 CE *Bo-mung* stele inscription of Indravarman II features a highly Sanskritised register of the Cham language, which is closely related to Malay; it again involves a powerful curse to punish those who dare to desecrate a monument:

If any man destroys the goods of the god Mahāliṅga or has it destroyed by somebody else, the Mother of this man will be haunted by multitude [sic!] of dogs, and after his death he will live in the dark hell and remain there till the end of the *yuga* and the destruction of the world.¹⁰⁰

A similar belief in deadly curses existed in Sumatra and elsewhere in the Malay World, as the work of Leonard Andaya has brought to broader academic attention.¹⁰¹ The most lethal imprecations typically fell upon those who disobeyed royal authority. Malay curses were propagated as capable of killing instantaneously the perpetrators of a series of meticulously listed crimes. Some pre-Islamic Malay inscriptions repeat the phrase *nivunuḥ kāmu sumpah* ‘you will be killed by the curse’ after each individual transgression. The *Bukit Seguntang* inscription warns that the disloyal will be swallowed by a river (*prajā ini muara ya umaygap*).¹⁰² The inscriptions found at Kota Kapur, Sabokingking Naga, and a small number of other places contain a thus far unsuccessfully translated introductory formula, which could either be a magical formula or a curse in an unidentified language directed against non-Malay communities operating under Malay patronage.¹⁰³

Cursing as a means of enforcing loyalty persisted in Islamic times. Two recurrent punishments in the classical Malay and Minangkabau literature were *bisa kawi* and *besi kawi*, the second part of which seems to reflect Arabic *qawīy* ‘powerful’. The former was a potent supernatural poison (*bisa*) in which all diseases were united.¹⁰⁴ In classical Malay literature such as the *Hikayat Negeri Johor* and the *Hikayat Siak*,¹⁰⁵ this royal poison was said to strike all Minangkabau subjects who neglected to follow their sworn ruler into battle. The *besi kawi* was a talismanic piece of iron (*besi*) in the possession of Sumatran kings. It was used to authenticate oaths of allegiance (*sumpah setia*) by soaking it in water and having those who pledged their loyalty to the ruler drink that water.¹⁰⁶ This might reflect a wider Indian Ocean tradition; a curse was also “drunk” (*niminumāmu*)

in pre-Islamic Malay inscriptions and in their Khmer equivalents, while similar practices feature in the Indian lawbooks *Yājñavalkyasmṛti* and *Nāradaśmṛti*, and in colonial-era descriptions of Ambon and Laos.¹⁰⁷ Although the *besi kawi* was predominantly associated with Sumatra's Minangkabau community,¹⁰⁸ the *Salasilah Melayu dan Bugis* informs us that it was also used in Bugis circles.¹⁰⁹ The implications of this curse are listed in the *Tuhfat al-Naftis*, a Malay chronicle written from the vantage point of the Bugis community.

Any Minangkabau subject under Johor rule is to abide by Johor rule. Anyone who does not do so, will be consumed by the *besi kawi* curse, misfortune will be upon him, down to his grandchildren and great-grandchildren, every activity he desires will be cursed by God the Most High [...] If he aspires to do wrong and goes to battle against his Highness Sultan Sulaiman and the King's Viceroy, it is he who will be unsafe for the rest of his life, down to the destruction of his grandchildren and great-grandchildren and the loss of his kingly authority, like a *nipah* fruit cleft asunder, while he will be consumed by the *besi kawi*.¹¹⁰

Like the Sanskrit elements mentioned previously, Arabic phrases such as *Allāh ta'ālā* served to authorise the curse that was being invoked. This transition from one high-status language to another is compellingly revealed by two versions of the Malay *Nītisārasamuccaya*, a pre-Islamic legal codex. The original text, associated with the fourteenth-century Dharmāśraya kingdom of Sumatra, has a seventeenth-century Jawi interpolation.¹¹¹ The earlier version opens with a Sanskrit section and ends with a heavily Sanskritised closing formula.¹¹² The later version, however, starts with *Bismillāh al-rahmān al-rahīm* and ends with *wa Allāh* 'by God'.¹¹³ Parallels can be found elsewhere in Sumatra. Uli Kozok points out that the Hindu sacred syllable *om* was used interchangeably with *basurmila* (from Arabic *bismillāh*) in the Batak divinatory texts of North Sumatra, given that both "formulae were merely devices to infuse the text with a powerful element from the outside world". We find the same phenomenon in a number of Balinese mantras from the Karangasem region, which occasionally contain the phrase *bismillāh*.¹¹⁴

The prestige language could also hail from within the archipelago. Javanese and Malay in particular were deemed more cosmopolitan than (other) local languages. In colonial times, Javanese served as a medium of education in Islamic boarding schools (*pesantren*), including occasionally in regions where Sundanese and Madurese were spoken natively.¹¹⁵ For similar reasons, some early nineteenth-century Sumatran legal codes such as *Undang-undang Palembang* were written in the more prestigious Javanese language, yet exhibit Malay clarifications in Jawi script (Figure 2.3).

More recent practices of oath-taking in the Malay world confirm the power attributed to foreign-language phrases, chiefly taken from Arabic as the new language of religious sanctity. As a 1920s observer pointed out, Malay oaths carried the most weight when taken in a mosque or near the tomb of a saint (*keramat*).¹¹⁶ He cited the following formula as common on Sumatra's west coast: "*Wallahi, Billahi, Tallahi*. I will clarify straightforwardly whatever the judge asks me,

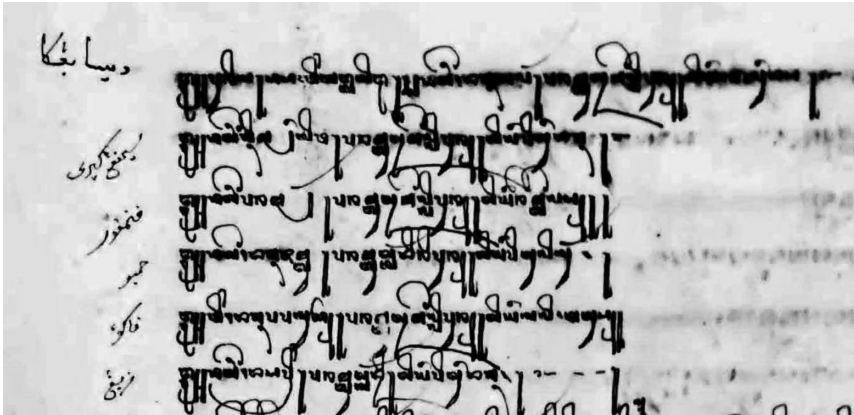


Figure 2.3 Fragment of the Undang-undang Palembang (UB Leiden, Cod. CB 146)

without exaggerating or mitigating. If I am untruthful, I shall be consumed by the thirty Parts of the Qur'ān."¹¹⁷ The Arabic phrase *Wallāhi, Billāhi, Tallāhi* 'by God' is a common prelude for oaths across the Islamic world. In the Malay tradition, Arabic phrases likewise played a role in the invocation of spirits. The following excerpt, from the book of an anonymous nineteenth-century magician (*pawang*), illustrates that angels, the Kaaba, and the Qur'ān occur side-by-side among the punishments awaiting the disloyal.

Do not withdraw your loyalty to me. You will die struck by the kingly power of the four corners of the earth. Die struck by forty-four angels. Die struck by a pillar from the Kaaba. Die pierced by the *besi kawi*. Die shot by a thunderbolt. Die seized by lightning at dusk. Die struck by the thirty Parts of the Qur'ān. Die struck by the Declaration [of Islam].¹¹⁸

In light of the above examples, it would be fair to infer that Indonesian curses directed towards oath-breakers and otherwise disloyal individuals show little typological change that can be attributed to the transition from Hinduism to Islam. In both contexts, external elements primarily added a dimension of power to the text. This, then, corresponds to the broader tendency of substituting Sanskrit for Arabic, while leaving the underlying structures largely intact. Needless to say, an Islamic oath (*qasam*) could also be taken wholesale from the Qur'ān, but this falls outside the scope of the present study.

A hybrid cosmopolis of law?

Although this study was conducted in the absence of a readily available corpus of ancient Indonesian lawbooks, let alone a vibrant academic debate on the linguistic aspects of these sources, some tentative conclusions can be offered on

the ways language and law intersected in pre-modern Sumatra and Java. While it is not entirely clear how lawbooks were utilised in local juridical settings, we know that they were copied, translated, and rearranged to make cultural sense in their recipient societies. The introduction of codified law was a matter of negotiation between the global, regional and local. This gave rise to two interrelated processes: the expression of vernacular legality in a cosmopolitan idiom and the expression of cosmopolitan legality in a vernacular one. Under Hindu and Muslim rulers alike, lexical borrowing and legal diglossia provided the sociolinguistic tools to validate local leadership and indigenous customs and equip them with a more global cachet. This legal decorum of words, idioms and scripts changed only superficially, and rarely at the cost of customary law. For this reason, it is risky to assume a one-to-one correspondence between lexical borrowing from Arabic and an Islamic provenance of legal concepts. In Malay, Javanese and other Indonesian languages, pre-existing Sanskrit equivalents are likely to have been used in pre-Islamic times. Table 2.4 lists a small quantity of examples I encountered while writing this article, but more will certainly be found upon further research.

The linguistic observations made in this chapter also hint at the persistence of cultural exchange between Java, Sumatra and the Indian subcontinent under Muslim rulers up to the eighteenth century. Both North and South India played substantial and insufficiently understood roles in the eastward transmission of Islamic culture and vocabulary, even though these networks were reduced by the VOC. While these continuities are acknowledged and substantiated in Ronit Ricci's proposal of an Arabic Cosmopolis of South and Southeast Asia,¹¹⁹ the role of Persian and Hindustani remains to be examined in equal detail as Arabic. Some connections persisted into colonial times, for example in the form of Islamic intellectual networks or popular theatre groups and printing companies with connections across the Bay of Bengal.¹²⁰ A number of Islamic movements with sub-continental origins also spread to Indonesia in late-colonial times, including the

Table 2.4 Sanskrit vs. Arabic legal terms in Indonesian languages

<i>Sanskrit</i>	<i>Arabic</i>	<i>Meaning</i>
agarbhiṇi	ḥāmil	'pregnant'
anugraha	hadya	'(to bestow) a grant'
bhāga	warīth	'share (of inheritance)'
cihnabhūta	muḥallil	'legaliser (of remarriage)'
dāsa	'abd	'slave'
dharma	'ādil	'just, according to the law'
dravya	milk	'legal possession'
doṣa	ma'ṣiya	'immoral act, sin'
kṣama	mu'āf	'forgiveness'
pustaka	kitāb	'book'
rāja	sulṭān	'king'
upapatti	ḥākim	'judge'
varṇa	silsila	'lineage, genealogy'

Tablīghī Jamā'at and the Qādiyānī and Lāhorī factions of Ahmadiyya.¹²¹ In re-appreciating these networks, language is of course not the only source of interest. Further research on literary connections and scholarly exchanges will certainly continue to broaden our perspectives on the dispersal of Islamic legal practices across the wider Indian Ocean world.

Notes

- 1 I am indebted to Nico Kaptein, Jiří Jákł and Mahmood Kooria for their valuable comments on an earlier draft of this chapter.
- 2 Ayman Daher, "The Sharī'a: Roman Law Wearing an Islamic Veil?" *Hirundo* 3 (2004): 91.
- 3 Cf. Heikki Mattila, *Comparative Legal Linguistics* (Aldershot, Hampshire, UK/Burlington, VT: Ashgate, 2006); Deborah Cao, *Translating Law* (Clevedon: Multilingual Matters, 2007).
- 4 Heikki Mattila, "Comparative Jurilinguistics: A Discipline in statu nascendi," in *Multilingualism and the Harmonisation of European Law*, eds. B. Pozzo and V. Jacometti (Alphen aan den Rijn: Kluwer Law International, 2006), 21–32; Christopher K. Schmidt, "Loanwords in Japanese," in *Loanwords in the World's Languages: A Comparative Handbook*, eds. Martin Haspelmath and Uri Tadmor (Berlin: Mouton de Gruyter, 2009), 545–74.
- 5 Cf. David Ludden, "History Outside Civilisation and the Mobility of South Asia," *South Asia* 17, no. 1 (1994): 1–23; Daud Ali, "Connected Histories? Regional Historiography and Theories of Cultural Contact between Early South and Southeast Asia," in *Islamic Connections: Muslim Societies in South and Southeast Asia*, eds. R. Michael Feener and Terenjit Sevea (Singapore: Institute of Southeast Asian Studies, 2009), 1–24.
- 6 Stuart Robson, "Java at the Crossroads: Aspects of Javanese Cultural History in the 14th and 15th Centuries," *Bijdragen tot de Taal-, Land- en Volkenkunde* 137, nos. 2–3 (1981): 259–92. See also Bernard Arps, "The Power of the Heart That Blazes in the World," *Indonesia and the Malay World* 47, no. 139 (2019): 308–34 on the interplay between Islamic and Hindu-Buddhist texts in Java during the eighteenth and nineteenth centuries.
- 7 Vladimir Braginsky, "The Manner of the Prophet – Concealed, Found and Regained," *Indonesia and the Malay World* 45, no. 132 (2017): 250–91.
- 8 Claude Guillot, "Banten and the Bay of Bengal during the Sixteenth and Seventeenth Centuries," in *Commerce and Culture in the Bay of Bengal, 1500–1800*, eds. Om Prakash and Denys Lombard (New Delhi: Manohar, 1999), 163.
- 9 More Arab-centric narratives started to prevail in post-independence Indonesia and Malaysia; cf. K.A. Steenbrink, "Indian Teachers and Their Indonesian Pupils: On Intellectual Relations between India and Indonesia, 1600–1800," *Itinerario* 12, no. 1 (1988): 130, 139 n. 5; Syed Naguib al-Attas, "A General Theory of the Islamization of the Malay-Indonesian Archipelago," in *Profiles of Malay Culture: Historiography, Religion and Politics*, ed. Sartono Kartodirdjo (Jakarta: Ministry of Education and Culture, 1976), 73–84. Kumar and Wain give overviews of debates on Chinese-introduced elements of Islam and Njoto adds new information on Chinese and/or Vietnamese iconographic influence on early Javanese mosque architecture. Ann L. Kumar, "Islam, the Chinese, and Indonesian Historiography – A Review Article," *The Journal of Asian Studies* 46, no. 3 (1987): 603–16; Alexander Wain, "The Two *Kronik Tionghua* of Semarang and Cirebon: A Note on Provenance and Reliability," *Journal of Southeast Asian Studies* 48, no. 2 (2017): 179–95, Hélène Njoto, "Mythical Feline Figures in Java's Early Islamisation Period (Fifteenth to the Early Seventeenth Centuries): Sinitic and Vietnamese Imprints in Pasisir Art," *Arts Asiatiques* 73 (2018): 41–60.

- 10 Snouck Hurgronje, *De Islam in Nederlandsch-Indië* (Baarn: Hollandia-drukkerij, 1913); R.A. Kern, "De verbreiding van den Islam," in *Geschiedenis van Nederlandsch Indië: Deel 1* (Amsterdam: Joost van den Vondel, 1938); R.O. Winstedt, "Indian Influence in the Malay World," *The Journal of the Royal Asiatic Society of Great Britain and Ireland* 2 (1944): 186–96; G.E. Marrison, "Persian Influences in Malay Life (1280–1650)," *Journal of the Malayan Branch of the Royal Asiatic Society* 28, no. 1 (1955): 51–69; M.D. Mansoer, "Beberapa tjetatan tentang masuk dan perkembanganja agama Islam didaerah pesisir utara Sumatera," *Gema Islam* 16 (1962): 20–2; G.W.J. Drewes, "New Light on the Coming of Islam to Indonesia?" *Bijdragen tot de Taal-, Land- en Volkenkunde* 124, no. 4 (1968): 433–59.
- 11 Ashin das Gupta, *Indian Merchants and the Decline of Surat, c. 1700 – 1750* (Wiesbaden: Franz Steiner, 1979).
- 12 M. van Bruinessen, "The Origins and Development of Sufi Orders (*tarekat*) in Southeast Asia," *Studia Islamika* 1, no. 1 (1994): 1–23; Michael F. Laffan, *Islamic Nationhood and Colonial Indonesia: The Umma below the Winds* (London and New York: RoutledgeCurzon, 2003).
- 13 See, for example, R.A. Kern, "Javaansche rechtsbedeeling: Een bijdrage tot de kennis der geschiedenis van Java," *Bijdragen tot de Taal-, Land- en Volkenkunde van Nederlandsch-Indië* 83, nos. 2–3 (1927): 316–445; M.C. Hoadley and M.B. Hooker, *An Introduction to Javanese law: A Translation of and Commentary on the Agama* (Tucson, AZ: University of Arizona Press, 1981); and Mason C. Hoadley, *The Javanese Way of Law: Early Modern Sloka Phenomena* (Amsterdam: Amsterdam University Press, 2019) on the pluriformity of Javanese law in early modern times. On legal pluralism in colonial times, see Sanne Ravensbergen, "Anchors of Colonial Rule: Pluralistic Courts in Java, ca. 1803–1848," *Itinerario* 42, no. 2 (2018): 238–55.
- 14 See John Ball, *Indonesian Legal History, 1602–1848* (Sydney: Oughtershaw Press, 1982), and Mason C. Hoadley, *Selective Judicial Competence: The Cirebon-Priangan Legal Administration, 1680–1792* (Ithaca, NY: Southeast Asia Program, Cornell University, 1994); Hoadley, *The Javanese*. The situation was not too different in Dutch-controlled Ceylon. One outstanding example is the so-called *Thesawaleme* (Tamil *Tēcavaḷamai*), a Dutch treatise on Tamil customary law published in 1707. T. Nadaraja, *The Legal System of Ceylon in its Historical Setting* (Leiden: E.J. Brill, 1972).
- 15 For example, see G.A.J. Hazeu, *Tjeribonsch wetboek (Pēpakēm Tjērbon) van het jaar 1768* (Batavia: Albrecht and The Hague: M. Nijhoff, 1905), 199.
- 16 R.J. Wilkinson, *Law. Part I: Introductory Sketch* (Kuala Lumpur: F.M.S. Government Press, 1908), 1.
- 17 Ball, *Indonesian Legal History*.
- 18 Cf. Johann Christoph Gerhard Jonker, *Over Javaansch strafrecht* (Amsterdam: De Roever-Kröber-Bakels, 1882); Johann Christoph Gerhard Jonker, *Een Oud-Javaansch wetboek vergeleken met Indische rechtsbronnen* (Leiden: E.J. Brill, 1885).
- 19 Nico Kaptein, "Meccan *Fatwāhs* from the End of the Nineteenth Century on Indonesian Affairs," *Studia Islamika* 2, no. 4 (1999): 141–59 makes a similar case with regard to the historical importance of Meccan *fatwās* on Indonesian affairs.
- 20 Cf. Hazeu, *Tjeribonsch wetboek*; Kern, "Javaansche rechtsbedeeling."
- 21 Cf. T.C. Lekkerkerker, *Hindoe-recht in Indonesië* (Amsterdam: J.H. de Bussy, 1918); Theodore G. Th. Pigeaud, *Literature of Java. Volume I: Synopsis of Javanese Literature 900–1900 A.D.* (Leiden: Leiden University Library, 1967); Helen Creese, "Old Javanese Legal Traditions in Pre-Colonial Bali," *Bijdragen tot de Taal-, Land- en Volkenkunde* 165, nos. 2–3 (2009a): 241–90.
- 22 Timothy Lubin, "Legal Diglossia: Modeling Discursive Practices in Premodern Indic Law," in *Bilingual Discourse and Cross-Cultural Fertilisation: Sanskrit and Tamil in Medieval India*, eds. Whitney Cox and Vincenzo Vergiani (Paris: École française d'Extrême-Orient, 2012), 411–55.

- 23 Charles Ferguson, "Diglossia," *Word* 15, no. 2 (1959): 325–40.
- 24 Some of these points have also been made with regard to Old Javanese in Mason C. Hoadley, "Sanskritic Continuity in Southeast Asia: The *Ṣadātātāyī* and *Aṣṭacora* in Javanese Law," in *The Art and Culture of South-East Asia*, ed. Lokesh Chandra (New Delhi: International Academy of Indian Culture/Aditya Prakashan, 1991), 111–24.
- 25 I am aware that the distinction between cosmopolitan vis-à-vis local and/or vernacular has a degree of arbitrariness to it, as Indian Ocean societies were often plural on multiple levels. However, in the legal as well as linguistic domain, it suffices as an explanatory framework to understand the value attributed to cultural flows associated with elites from abroad.
- 26 D. van Hinloopen Labberton, *Dictionnaire de termes de droit coutumier Indonésien* (Amsterdam: Académie Royale des Sciences, 1933). Cf. modern Indonesian *perdata* 'civil', *pidana* 'criminal, penal', and *warga* 'citizen, resident', ultimately from Sanskrit *pradatta* 'to bring forward', *pīḍana* 'torture, oppressing', and *varga* 'class, group'.
- 27 Alexandra Landmann, "Can we Reconstruct a 'Malayo-Javanic' Law Area?" in *Spirits and Ships: Cultural Transfers in Early Monsoon Asia*, eds. Andrea Acri, Roger Blench and Alexandra Landmann (Singapore: ISEAS/Yusof Ishak Institute, 2017), 145–206.
- 28 Sheldon Pollock, *The Language of the Gods in the World of Men: Sanskrit, Culture, and Power in Premodern India* (Berkeley: University of California Press, 2006).
- 29 The same point has been made about Persian literature in the early-Islamic Malay World (Steenbrink, "Indian Teachers," 132).
- 30 Timothy Lubin, "Writing and the Recognition of Customary Law in Premodern India and Java," *Journal of the American Oriental Society* 135, no. 2 (2015): 251–5.
- 31 See Mason C. Hoadley, "Continuity and Change in Javanese Legal Tradition: The Evidence of the Jayapattra," *Indonesia* 11 (1971): 95–109 for more information on ancient Java and Creese, "Legal Traditions," on pre-colonial Bali.
- 32 These genres are analysed in detail by Lekkerkerker, *Hindoe-recht*, and Robert Lingat, *The Classical Law of India*, trans. with additions by J. Duncan M. Derrett (Berkeley: University of California Press, 1973). *Dharmaśāstra*-inspired legal traditions continue to be used in Mainland South-East Asia. Sachchidanand Sahai, "The Judicial System in Ancient Cambodia," *The South East Asian Review* 1, no. 1 (1976): 79–100; Hoadley and Hooker, *An Introduction*; D. Christian Lammerts, *Buddhist Law in Burma: A History of Dhammasattha Texts and Jurisprudence, 1250–1850* (Honolulu: University of Hawai'i Press, 2018).
- 33 Pigeaud, *Literature of Java*, 304–7; Hoadley and Hooker, *An Introduction*; Creese, "Legal Traditions."
- 34 F.H. van Naerssen, "De Aṣṭadaçawyawahāra in het Oudjavaansch," *Bijdragen tot de Taal-, Land- en Volkenkunde* 100 (1941): 357–76.
- 35 The derivation of Javanese *mancapat* 'villages around one's own village' from *pancāyat* (Kern, "Javaansche rechtsbedeeling," 407–9) strikes me as far-fetched and etymologically implausible.
- 36 Creese, "Legal Traditions."
- 37 A.B. Cohen Stuart, *Kawi oorkonden in facsimile, met inleiding en transcriptie* (Leiden: E.J. Brill, 1875), 26.
- 38 Stuart Robson, *The Old Javanese Rāmāyana: A New English Translation with an Introduction and Notes* (Tokyo: Tokyo University of Foreign Studies, 2015), 673.
- 39 Sharada Rani, *Ślokāntara: An Old Javanese didactic text*. [s.l.:] (International Academy of Indian Culture, 1957), 120; A. Teeuw and Stuart O. Robson, *Bhomāntaka: The Death of Bhoma* (Leiden: KITLV Press, 2005), 72–3.
- 40 van Naerssen, "Aṣṭadaçawyawahāra."
- 41 Jonker, *Oud-Javaansch wetboek*; Hoadley and Hooker, *An Introduction*.

- 42 van Naerssen, “Aṣṭadaśawyahāra,” 363–70; Pigeaud, *Literature of Java*, 308.
- 43 Lubin, “Writing,” 255.
- 44 My translation of *Yen aṅidek sapi, yen aṅideki ajaran, yen uṣṭra māti den-ideki ikā, kaṅ asarathi deṅḍanen salakṣa tur aṅelenana saregane, samajanane kaṅ mati ikā* (Jonker, *Oud-Javaansch wetboek*, 84). This excerpt can be traced back to the Laws of Manu (VIII, 296): “If a man is killed, his guilt will be at once the same as (that of) a thief; for large animals such as cows, elephants, camels or horses, half of that.” Georg Bühler ed. *The Laws of Manu* (New York: Dover Publications, 1969), 306.
- 45 J. Gonda, *Sanskrit in Indonesia* (Nagpur: International Academy of Indian Culture, 1952), 181.
- 46 Gonda, *Sanskrit in Indonesia*.
- 47 Tom G. Hoogervorst, “The Role of ‘Prakrit’ in Nusantara through 101 Etymologies,” in *Cultural Transfer in Early Maritime Asia*, eds. Andrea Acri and Alexandra Landmann (Singapore: Institute of Southeast Asian Studies, 2017), 375–440.
- 48 E.g. David Henley and Peter Boomgaard eds., *Credit and Debt in Indonesia, 860–1930: From Peonage to Pawnshop, from Kongsu to Cooperative* (Leiden: KITLV Press/Singapore: Institute of Southeast Asian Studies, 2009).
- 49 The translations are mine. For purposes of space, I only cite the Malay forms as given in Van Hinloopen Labberton, *Dictionnaire*. For Sanskrit-derived legal terms in Javanese and Balinese, see Gonda, *Sanskrit in Indonesia*; Hoadley and Hooker, *An Introduction*; Hoadley, “Sanskritic Continuity”; Hoadley, *The Javanese*; Creese, “Legal Traditions”; and Lubin “Legal Diglossia.”
- 50 Ball, *Indonesian Legal History*, 39.
- 51 Robson, “Java at the Crossroads.”
- 52 A. Teeuw, S.O. Robson, Th.P. Galestin and P.J. Worsley, *Śiwarātrikalpa of Mpu Tanakuḥ: An Old Javanese Poem, Its Indian Source and Balinese Illustrations* (The Hague: Martinus Nijhoff, 1969).
- 53 Armando Cortesão ed., *The Suma Oriental of Tomé Pires and the Book of Francisco Rodrigues* (London: The Hakluyt Society, 1944), Vol. 1, 174; cf. M.C. Ricklefs, “Six Centuries of Islamization in Java,” in *Conversion to Islam*, ed. Nehemia Levtzion (New York/London: Holmes & Meier, 1979), 103.
- 54 Ball, *Indonesian Legal History*; Stijn Cornelis van Huis, “Islamic Courts and Women’s Divorce Rights in Indonesia: The Cases of Cianjur and Bulukumba” (PhD Diss., University of Leiden, 2015).
- 55 See Theodore G. Th. Pigeaud, *Java in the 14th Century: A Study in Cultural History. The Nāgara-Kērtāgama by Rakawi Prapanca of Majapahit, 1365 A.D.: IV. Commentaries and Recapitulation* (Dordrecht: Springer, 1962), 76, 353, who translates ‘Chief Justice’. The author draws from descriptions of the *dhyakṣa* in the *Nawanatya*, an Old Javanese compilation on courtly etiquette.
- 56 Adrian Vickers, *Journeys of Desire: A Study of the Balinese Text Malat* (Leiden: KITLV Press, 2005), 258.
- 57 In the words of Thomas Stamford Raffles, *The History of Java* (London: Black, Parbury and Allen/John Murray, 1817), vol. 1: 269, “although the power of the *Jākṣa*, or law officer, is essentially reduced since the establishment of Mahometanism, and a great part of his authority transferred to the *Panghūlu* or Mahometan priest, he is still efficient, as far as concerns the police and minor transactions”.
- 58 Ronit Ricci, *Islam Translated: Literature, Conversion, and the Arabic Cosmopolis of South and Southeast Asia* (Chicago and London: University of Chicago Press, 2011).
- 59 In Bali, equivalent terms include *dresta* (from Sanskrit *dr̥ṣṭa* ‘manifested’) and *kerta* (from an earlier meaning of ‘priest, judge’ and ultimately from Sanskrit *kartā* ‘doer, performer, creator’).
- 60 cf. Abdul Majeed Mohamed Mackeen, *Contemporary Islamic Legal Organization in Malaya* (New Haven, CT: Yale University Southeast Asian Studies, 1969), 10; Mahmood Kooria, “Cosmopolis of Law: Islamic Legal Ideas and Texts across the

- Indian Ocean and Eastern Mediterranean Worlds” (PhD Diss., University of Leiden, 2016), 271–2.
- 61 According to Georges-Henri Bousquet, “‘Āda – Custom, Customary Law,” in *Judicial Practice: Institutions and Agents in the Islamic World*, ed. Boğaç A. Ergene (Leiden: Brill, 2009), 1, *āda* and *‘urf* are used more or less identically in Arabic. In South-East Asia, however, *uruf* refers to conventions, customs, or traditions shared on a society-wide level; the term is used primarily within the domain of Islamic law.
- 62 Pigeaud, *Literature of Java*, 312–14.
- 63 L.W.C. van den Berg, “Het Mohammedaansche godsdienstonderwijs op Java en Madoera en de daarbij gebruikte Arabische boeken,” *Tijdschrift voor Indische Taal-, Land- en Volkenkunde* 31 (1886): 518–55; Ph. S. van Ronkel, *Supplement to the Catalogue of the Arabic Manuscripts preserved in the Museum of the Batavia Society of Arts and Sciences* (Batavia: Albrecht/The Hague: M. Nijhoff, 1913); M. van Bruinessen, “*Pesantren and Kitab Kuning: Continuity and Change in a Tradition of Religious Learning*,” in *Texts from the Islands: Oral and Written Traditions of Indonesia and the Malay World*, ed. Wolfgang Marschall (Berne: University of Berne, 1988), 121–45; M. van Bruinessen, “*Kitab Kuning*,” and Kooria, “*Cosmopolis of Law*,” discuss the books used in Java’s Islamic schools. Since its publication in the Netherlands in 1853, the Javanese version of the *Tuhfat al-Muhtāj* was among Indonesia’s first legal texts studied by European academics. S. Keijzer, *Kitab Toehpah: Javaansch-Mohammedaansch Wetboek* (The Hague: K. Fuhri, 1853).
- 64 Both are names of semi-mythological rulers. Surya Ngalam consists of the Sanskrit element *sūrya* ‘sun’ followed by Arabic *‘ālam* ‘world’, whereas Adilulah appears to reflect the Indo-Persian name ‘Ādil Ullāh.
- 65 Hazeu, *Tjeribonsch wetboek*.
- 66 J.G. de Casparis, “Ahmat Majanu’s Tombstone at Pengkalan Kempas and its Kawi Inscription,” *Journal of the Malaysian Branch of the Royal Asiatic Society* 53, no. 1 (1980): 1–22; Willem van der Molen, “The Syair of Minye Tujuh,” *Bijdragen tot de Taal-, Land- en Volkenkunde* 163, nos. 2–3 (2007): 356–75; Arlo Griffiths, “Inscriptions of Sumatra, IV: An Epitaph from Pananggahan (Barus, North Sumatra) and a Poem from Lubuk Layang (Pasaman, West Sumatra),” *Archipel* 100 (2020): 55–68.
- 67 See Ball, *Indonesian Legal History*; Muhamad Hisyam, *Caught between Three Fires: The Javanese Pangulu under the Dutch Colonial Administration, 1882–1942* (Jakarta: INIS, 2001); Ravensbergen, “Anchors.”
- 68 For example in a 1786 letter from a Sultan of Selangor to the founder of the British colony of Penang, cf. Annabel Teh Gallop, *The Legacy of the Malay Written Letter* (London: British Library, 1994), 203. Similarly, the Dutch usage of the word *priester* ‘priest’ also extended to Islamic functionaries. In Sumatra, the word *padri* became specifically associated with Islamic reformist movements from the early eighteenth century. G.W.J. Drewes, “De etymologie van padri,” *Bijdragen tot de Taal- en Volkenkunde* 138, nos. 2–3 (1982): 346–50; J. Kathirithamby-Wells, “The Origin of the Term Padri: Some Historical Evidence,” *Indonesia Circle* 14, no. 41 (1986): 3–9.
- 69 Descriptions taken from the Dutch translation of *Pepakem Cerbon*; “Priesters die groot nog kleine zonden begaen, en geen Godsdienst off Bedestonden versuimen maar devoot zijn,” “die alle Godsordonnantiën onderhoud grooten en kleinen: de groote zijn Sambaijang, Poeassa, Hadjie te zijn, de Huwelijkswet te leesen, en tienden te geeven, de kleine zien op onreine Spijzen,” and “die niets onreijns eet off doet, en niet alleen ‘t Quaad, maer ook den Schijn des kwaads vermijnt” (Hazeu, *Tjeribonsch wetboek*, 56–7). The *Pepakem Cerbon* itself refers to the earlier text *Raja Niscaya* as the source for this particular passage.
- 70 Respectively from Arabic *karīm* ‘merciful’, *khalīfa* ‘caliph’, *kātib* ‘writer’, *qaum* ‘community’, *marbūt* ‘appointed’, *mu’adhdhin* ‘one who calls the prayer’, *muftī* ‘expounder of Islamic law’, *nā’ib* ‘representative’, *faqīh* ‘expert of *fiqh*’, *ta’mir* ‘granting long life’, and *wazīr* ‘minister’. In addition, some Arabic-derived titles became

- common (elements of) male names, including *Amir*, *Haji*, *Makhudum*, *Mulana*, *Said*, *Sarip* and *Syekh* from *amīr* ‘commander’, *hājī* ‘one who has performed the pilgrimage to Mecca’, *makhdūm* ‘master’, *maulānā* ‘lord’, *sayyid* ‘descendant of Muḥammad’, *sharīf* ‘eminent’, and *shaykh* ‘venerable gentleman’.
- 71 Ph.S. van Ronkel, “Maleisch labai: Een Moslimsch-Indische term,” *Tijdschrift voor Indische Taal-, Land- en Volkenkunde* 56 (1914): 137–41; Tayka Shu‘ayb ‘Ālim, *Arabic, Arwi, and Persian in Sarandib and Tamil Nadu: A Study of the Contributions of Sri Lanka and Tamil Nadu to Arabic, Arwi, Persian, and Urdu Languages, Literature, and Education* (Madras: Imāmūl ‘Arūs Trust, 1993), 536–9; Torsten Tschacher, “Circulating Islam: Understanding Convergence and Divergence in the Islamic Traditions of Ma‘bar and Nusantara,” in *Islamic Connections*, eds. Feener and Sevea, 52; Tom G. Hoogervorst, “Tracing the Linguistic Crossroads between Malay and Tamil,” *Wacana* 16, no. 2 (2015a): 252.
- 72 Ultimately from Sanskrit *sāstrī* ‘a teacher of sacred books or science’ (Zoetmulder, “Die hochreligionen,” 293), but borrowed into Javanese through Tamil. Hoogervorst, “Detecting Pre-modern Lexical Influence from South India in Maritime Southeast Asia,” *Archipel* 89 (2015b): 83. The first to rediscover this etymology was the Dutch linguist Hermanus Neubronner van der Tuuk. H. von de Wall, *Maleisch-Nederlandsch woordenboek* (Batavia: Landsdrukkerij, 1877), 288.
- 73 Bryan Louis Pfaffenberger, “Pilgrimage and Traditional Authority in Tamil Sri Lanka” (PhD diss., University of California, 1977), 80–1, 164–5.
- 74 Clifford Geertz, *The Religion of Java* (Glencoe, IL: The Free Press, 1960).
- 75 Ricklefs, “Six Centuries,” 111; Marcel Bonneff, “Piété et trivialité: Le singulier des *santri*,” in *Texts from the Islands: Oral and Written Traditions of Indonesia and the Malay World*, ed. Wolfgang Marschall (Berne: University of Berne, 1989), 147–58.
- 76 But see Robson, “Java at the Crossroads,” 275.
- 77 See Kooria, “Cosmopolis of Law” on these connections. Apart from this text and the *Tuhfat al-Mursala ilā Rūḥ al-Nabī* – written by the Indian scholar Muḥammad bin Faḍlallāh al-Burhānpūrī and of influence to the Acehnese scholar Shams al-Dīn al-Samatrānī (A.H. Johns, *The Gift Addressed to the Spirit of the Prophet* (Canberra: Australian National University, 1965); Steenbrink, “Indian Teachers”) – there is little to suggest that South-East Asia’s early canon of Islamic texts exhibits a specifically Indian character. Most subsequent Indian connections, such as the influential *Shattāriyya* and *Naqshbandiyya* orders, reached Java and Sumatra by way of the Hijāz. van Bruinessen, “The Origins”; Michael F. Laffan, “A Sufi Century? The Modern Spread of the Sufi Orders in Southeast Asia,” in *Global Muslims in the Age of Steam and Print*, eds. James L. Gelvin and Nile Green (Berkeley: University of California Press, 2013), 25–39.
- 78 Roland E. Miller, *Mappila Muslim Culture: How a Historic Muslim Community in India has Blended Tradition and Modernity* (Albany, NY: State University of New York Press, 2015), 210.
- 79 A. Hasjmy, *Sejarah kebudayaan Islam di Indonesia* (Jakarta: Bulan Bintang, 1987), 9; Elizabeth Lambourn, “The Formation of the Batu Aceh Tradition in Fifteenth-Century Samudera-Pasai,” *Indonesia and the Malay World* 32, no. 93 (2004): 219–20.
- 80 E. Edwards McKinnon, “Continuity and Change in South Indian Involvement in Northern Sumatra: The Inferences of Archaeological Evidence from Kota Cina and Lamreh,” in *Early Interactions between South and Southeast Asia: Reflections on Cross-Cultural Exchange*, eds. Pierre-Yves Manguin, A. Mani and Geoff Wade (Singapore: ISEAS/New Delhi: Manohar, 2011), 137–60.
- 81 ‘Ālim, *Arabic, Arwi*, 496, 508–10, 516.
- 82 Susan Bayly, “Islam and State Power in Pre-colonial South India,” in *India and Indonesia during the Ancien Regime* (Leiden: E.J. Brill, 1989), 154–5.
- 83 Mark R. Woodward, *Islam in Java: Normative Piety and Mysticism in the Sultanate of Yogyakarta* (Tucson, AZ: The University of Arizona Press, 1989), 55–6; Mehrdad

- Shokoohy, *Muslim Architecture of South India: The Sultanate of Ma'bar and the Traditions of Maritime Settlers on the Malabar and Coromandel Coasts (Tamil Nadu, Kerala and Goa)* (London: RoutledgeCurzon, 2003), 247–52; Tschacher, “Circulating Islam”; Ricci, *Islam Translated*.
- 84 Winstedt, “Indian Influence”; R. Roolvink, “Hikajat Radja-Radja Pasai,” *Bahasa dan Budaya* 2, no. 3 (1954): 3–44; Drewes, “New Light”; Hoogervorst, “Tracing.” For example, the name Ahmad Perumudal Perumal, a ruler mentioned in the *Hikayat Raja-Raja Pasai*, contains the Tamil element Perumāl. Roolvink, “Hikajat Radja-Radja Pasai,” 15–16, n. 15.
- 85 Torsten Tschacher, “Tamil,” in *Encyclopedia of Arabic Language and Linguistics. Volume IV: Q-Z*, ed. Kees Versteegh (Leiden/Boston: Brill, 2009), 433–6; Tom G. Hoogervorst, “Non-Areal Contact,” in *The Oxford Guide to the Malayo-Polynesian Languages of Asia and Madagascar*, eds. Alexander Adelaar and Antoinette Schapper (Oxford: Oxford University Press, 2021). We may add *ilmu* ‘knowledge’ (Tamil *ilmu* from Arabic *ilm*), *sabtu* ‘Saturday’ (Tamil *captu* from Arabic *sabt*), and *waktu* ‘time’ (Tamil *vaktu* from Arabic *waqt*).
- 86 ‘Ālim, *Arabic, Arwi*, 55.
- 87 R.O. Winstedt, “Some More Malay Words,” *Journal of the Straits Branch of the Royal Asiatic Society* 80 (1919): 135–7; Hoogervorst, “Detecting Pre-modern,” 77.
- 88 Woodward, *Islam in Java*, 57; Hoogervorst, “Detecting Pre-modern,” 78.
- 89 Marrison, “Persian Influences”; Robson, “Java at the Crossroads”; Elizabeth Lambourn, “From Cambay to Samudera-Pasai and Gresik: The Export of Gujarati Grave Memorials to Sumatra and Java in the Fifteenth Century C.E.,” *Indonesia and the Malay World* 31, no. 90 (2003): 221–89.
- 90 See Alessandro Bausani, *Note sui vocaboli Persiani in Malese-Indonesiano* (Naples: Istituto Universitario Orientale, 1964) on the lexical influence of Persian on Malay more generally.
- 91 Ph.S. van Ronkel, “Hindoēstānī en Maleisch,” *Tijdschrift voor Indische Taal-, Land- en Volkenkunde* 43 (1901): 583–8; Vladimir Braginsky, “Structure, Date and Sources of Hikayat Aceh Revisited: The Problem of Mughal-Malay Literary Ties,” *Bijdragen tot de Taal-, Land- en Volkenkunde* 162, no. 4 (2006): 441–67; Vladimir Braginsky and Anna Suvorova, “A New Wave of Indian Inspiration: Translations from Urdu in Malay Traditional Literature and Theatre,” *Indonesia and the Malay World* 36, no. 104 (2008): 115–53; Jan van der Putten, “Wayang Parsi, Bangsawan and Printing: Commercial Cultural Exchange between South Asia and the Malay World,” in *Islamic Connections*, eds. Feener and Sevea, 86–108; Chinthaka Prageeth Meddegoda and Gisa Jähnichen, *Hindustani Traces in Malay Ghazal: ‘A Song, So Old and Yet Still Famous’* (Newcastle upon Tyne: Cambridge Scholars Publishing, 2016).
- 92 Hoogervorst, “Non-Areal Contact.”
- 93 A type of marriage that is deemed less honourable than *nikah* ‘formal marriage’, from Arabic *nikāḥ*.
- 94 Christiaan Hooykaas, *Religion in Bali* (Leiden: Brill, 1973), 10.
- 95 Helen Creese, “Judicial Processes and Legal Authority in Pre-Colonial Bali,” *Bijdragen tot de Taal-, Land- en Volkenkunde* 165, no. 4 (2009b): 531.
- 96 Willem van der Molen, “Curses in the Ādiparwa,” Paper presented at the *International Workshop on South-East Asian Studies 13: The Study of Old Javanese Texts*, 7 December 1998, Leiden.
- 97 The original reads: *Yasmād aśucy annan dadāsi. Atiśayāśrādhanta mahārāja Poṣya, apan aweh bhojana tan śuci, mataṅ yan wutā ta kita / Yasmād annam dūṣayasi, tasmād anapatyo bhaviṣyasi, ikiṅ sekul pawehni ṅhulun bhojana ri kita sinanṅuhta tan śuci; tan tuhu pwa hwingta; jawah tasmāt anapatyā ta kita* (text and translation from van der Molen, “Curses,” 16–18). Compare Vyāsa’s *Mahābhārata*: *Yasmān me aśucy annam dadāsi* (1.3, 126) ‘Thou givest me food that is unclean’; *Yasmāt tvam apy aduṣṭam annam dūṣayasi tasmād anapatyo bhaviṣyasīti* (1.3, 127) ‘And because

- dost thou impute uncleanness to food that is clean, therefore shalt thou be without issue.’ Translation from K.M. Ganguli, see Protap Chandra Roy, *The Mahabharata of Krishna-Dvaipayana Vyasa translated into English prose: Adi Parva* (Calcutta: Bharata Press, 1884), 54–5.
- 98 My translation of *Ya samanjana yan pasukka iñ alas moñ umañjana; ya samanjana yan para iñ tgal ulā matukka: [...]* *ya samanjana yan para iñ luah wuhaya umañjana*. J.G. de Casparis, *Prasasti Indonesia I* (Bandung: A.C. Nix, 1950), 87.
- 99 van den Veerdonk, “Curses.”
- 100 *Siy vrliy urān mandop sarvākārādāna di yān pov mahāliṅga mapamatah matandāh niy matop vriy gḥasthā kluñ asov vañak ndoy inā urān nan kā ñu matai nau dauk di yop naraka tauñ yugāntah pralaya*. Text and translation from *Inscriptions of Campā based on the Editions and Translations of Abel Bergaigne, Étienne Aymonnier, Louis Finot, Édouard Huber and other French Scholars and of the Work of R.C. Majumdar*, ed. Karl-Heinz Golzio (Aachen: Shaker, 2004), 73–6.
- 101 Leonard Y. Andaya, *Leaves of the Same Tree: Trade and Ethnicity in the Straits of Melaka* (Honolulu: University of Hawai’i Press, 2008).
- 102 J.G. de Casparis, *Prasasti Indonesia II* (Bandung: Masa Baru, 1956), 5.
- 103 de Casparis, *Prasasti Indonesia II*, 28.
- 104 von de Wall, *Maleisch-Nederlandsch woordenboek*, 311–12.
- 105 Ismail Hussein, “Hikayat Negeri Johor: A Nineteenth Century Bugis History Relating to Events in Riau and Selangor,” *JMBRAS Reprint* 6 (1979): 195; Muhammad Yusoff Hashim ed., *Hikayat Siak: Dirawikan oleh Tengku Said* (Kuala Lumpur: Dewan Bahasa dan Pustaka, 1992), 123.
- 106 von de Wall, *Maleisch-Nederlandsch woordenboek*, 231, 485.
- 107 George Coedès, “Études cambodgiennes,” *Bulletin de l’École française d’Extrême-Orient* 13 (1913): 16; Santosh Kumar Das, *The Economic History of India* (Calcutta: Mitra Press, 1925), 283; Pierre Nginn, “La Cérémonie du Serment,” *France-Asie* 66–7 (1925): 567–9; de Casparis, *Prasasti Indonesia II*, 29; Gerrit Knaap, “Korakora en kruitdamp: De Verenigde Oost-Indische Compagnie in oorlog en vrede in Ambon,” in *De Verenigde Oost-Indische Compagnie: Tussen oorlog en diplomatie*, eds. Gerrit Knaap and Jan Teitler (Leiden: KITLV, 2002), 264.
- 108 Cf. Jane Drakard, *A Kingdom of Words: Language and Power in Sumatra* (Oxford: Oxford University Press, 1999).
- 109 Mohd Yusof Md. Nor, ed. *Salasilah Melayu dan Bugis* (Shah Alam: Fajar Bakti, 1997), 163.
- 110 My translation of *Barang siapa anak Minangkabau yang di dalam perintah Johor hendaklah mengikut perintah Johor: Barang siapa tidak mengikut, dimakan sumpah besi kawi tiada selamat sampai kepada anak cucu-cicitnya, tiap-tiap suatu pekerjaannya yang dicitanya dikutuki Allah Taala. [...]* *Apabila ia berniat salah lagi membuat perkelahian dengan Baginda Sultan Sulaiman serta Yang Dipertuan Muda, melainkan ia tiada mendapat selamat seumur hidupnya, sampai kepada anak cucu-cicitnya binasa hilang daulat kerajaan, seperti tembatu dibelah, serta dimakan besi kawi*. Virginia Matheson Hooker, *Tuhfat al-Nafis: Sejarah Melayu-Islam* (Kuala Lumpur: Dewan Bahasa dan Pustaka, 1991), 225–6.
- 111 Both texts are transliterated, translated, and discussed in detail in Uli Kozok, *A 14th Century Malay Code of Laws: The Nīṣāsāsamuccaya* (Singapore: Institute of Southeast Asian Studies, 2015). The *Nīṣāsāsamuccaya* is not to be confused with the unrelated Old Javanese *Sārasamuccaya*, cf. Raghu Vira, *Sāra-Samuccaya (A classical Indonesian compendium of high ideals)*. (New Delhi: Arya Bharati Mudranalaya, 1962).
- 112 Thomas Hunter reconstructs this part as [*auṃ*] *svasti śrī śakavarśāṭīta māsa vaiśākha om jyaiṣṭhāmāsa tithi kṛṣṇapakṣa* ‘Aum. Hail, in the Śaka year ... the month Vaiśākha ... Om. In the month of Jyaiṣṭhā, during the waning cycle of the moon’ (Kozok, *A 14th Century*, 73, 292).

- 113 Kozok, *A 14th Century*, 236, 242.
- 114 Hedi Hinzler, email to author, 13 December 2016
- 115 M. van Bruinessen, "Kitab Kuning: Books in Arabic Script Used in the Pesantren Milieu; Comments on a New Collection in the KITLV Library," *Bijdragen tot de Taal-, Land- en Volkenkunde* 146, nos. 2–3 (1990): 226–69.
- 116 P.J.H., "De eed in den Ned.-Indischen archipel," *Indologenblad* 7 (1920): 70. On oath-taking in Islamic courts in the Netherlands Indies, also see Halim, Fachrizal A., "Contestation of the Oath Procedure in Colonial Indonesia's Islamic Court," *Indonesia and the Malay World* 41/119 (2013): 14–28. The author gives no examples of actual oaths.
- 117 My translation of *Wallahi, Billahi, Tallahi. Hamba mau menerangkan dengan lurus, apa hakim tanya kepada hamba, tiada hamba melebihi, atau mengurangi. Kalau hamba berduta dimakan Koran tiga puluh juz* (P.J.H., "De eed" 70, spelling adjusted).
- 118 My translation of *Janganlah engkau mungkir setia kepadaku. Matilah engkau ditimpa daulat empat penjuru 'alam. Mati ditimpa malaikat yang empat puluh empat. Mati ditimpa tiang Ka'bah. Mati disula Besi Kawi. Mati dipanah halilintar. Mati disambar kilat senja. Mati ditimpa Kuran tiga puluh juz. Mati ditimpa Kalimah*. Walter William Skeat, *Malay Magic: Being an Introduction to the Folklore and Popular Religion of the Malay Peninsula* (London: Macmillan, 1900), 592, spelling adjusted.
- 119 Ricci, *Islam Translated*.
- 120 Terenjit Sevea, "Making Medinas in the East: Islamist Connections and Progressive Islam," in *Islamic Connections*, eds. Feener and Sevea, 149–74; van der Putten, "Wayang Parsi."
- 121 Iskandar Zulkarnain, *Gerakan Ahmadiyah di Indonesia* (Yogyakarta: LKiS Yogyakarta, 2005); Farish A Noor, "The Tablighi Jama'at as Vehicle of (Re)discovery: Conversion Narratives and the Appropriation of India in the Southeast Asian Tablighi Movement," in *Islamic Connections*, eds. Feener and Sevea, 195–218.