MEMORANDUM OF UNDERSTANDING
FOR ACADEMIC COOPERATION
BETWEEN
UNIVERSITI MALAYA
AND
UNIVERSITAS MUHAMMADIYAH YOGYAKARTA

Whereas the **UNIVERSITI MALAYA**, a university established under the laws of Malaysia and having an address at Lembah Pantai, 50603 Kuala Lumpur, Malaysia (hereinafter referred to as "**UM**")

and

The **UNIVERSITAS MUHAMMADIYAH YOGYAKARTA** a university established under the laws of Indonesia and having an address at Jl. Brawijaya, Kasihan, Bantul, Yogyakarta 55183. (hereinafter referred to as "**UMY**") seeking to improve understanding between their respective academic institution and to establish mutually beneficial collaborations benefiting their students, have agreed to sign this Memorandum of Understanding (hereinafter referred to as the "MoU") as a first step toward achieving these shared goals.

NOW THEREFORE PURSUANT THERETO, the Parties hereby agree as follows:

1. **SCOPE AND FIELDS OF ACADEMIC COOPERATIONS**

   (1) The Parties hereby agree to implement within the framework of the rules and regulations applicable in each of the institutions and subject to availability of funds and resources, the following programmes and activities, which may include, but not limited to:

      (a) Student and/or academic and administrative staff exchanges;

      (b) Joint research activities;

      (c) Exchange of publications, reports and other academic materials and information; and

      (d) Sharing of other activities and programmes in areas of mutual interest, where such sharing shall result in benefit to both Parties.

   (2) It is agreed that the terms and conditions of any agreed programme and activity contemplated in this MoU shall be the subject matter of separate written agreements to be negotiated and agreed upon by both Parties and/or any third parties, wherever applicable. PROVIDED ALWAYS the decision whether to initiate and/or implement any programme or activity shall be at the sole discretion of each Party.

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(3) The Parties agree to designate, on behalf of each institution, a coordinator whose responsibility will be to supervise the execution of this MoU and to draw up a programmes or activities to be implemented under this MoU, setting out specific provisions concerning the exchange programmes, budget requirements and details of funding. For this purpose, the coordinator for UM is the Faculty of Education and for UMY is Faculty of Language Education.

2. FINANCIAL ARRANGEMENTS

(1) The Parties acknowledge that in the absence of any specific agreement in writing to the contrary, each Party will be responsible for its own costs and expenses in establishing and conducting programmes and activities contemplated under this MoU, including without limitation its own costs and expenses in travel and accommodation.

3. INTELLECTUAL PROPERTY RIGHTS

(1) The Parties agree that the ownership of and any other rights relating to intellectual property arising from or in connection with any programme or activity under this Memorandum of Understanding shall be determined on a case by case basis, and shall therefore be specified and agreed for each such programme or activity in a separate written agreement between the Parties.

4. CONFIDENTIALITY

(1) The Parties agree and undertake to keep confidential at all times any information or data that may be exchanged, acquired or shared in connection with any programme or activity conducted pursuant to this MoU save where the same is already in public domain.

5. DURATION AND TERMINATION

(1) This MoU shall take effect on and from the date of execution of this MoU and shall continue to be effective for a period of five (5) years and may be extended for such further period as may be agreed by the Parties in writing.

(2) Notwithstanding clause 5 (1) above, this MoU may be terminated by either Party giving written notice to the other at least six (6) months prior to the proposed date of termination.

(3) Notwithstanding clause 5 (2) above, the provisions of this MoU or any other written agreement in respect of any on-going exchange programme or any other form of cooperative activity under this MoU shall continue to apply until their completion unless both Parties mutually agree in writing to the earlier termination of the programme or cooperative activity.

6. NOTICE

(1) Every notice, request or any other communication required or permitted to be given pursuant to this MoU shall be in writing, in English and delivered personally or sent by registered or certified post via air mail or by courier or email (which shall be acknowledged by the other Party) to the Parties at the addresses as stated below:

    (a)   If to UM: Faculty of Education
                                       Universiti Malaya
                                       Lembah Pantai 50603 Kuala Lumpur, Malaysia
                                       Attention: Dean, Faculty of Education
                                       Email: dekan_pendididikan@um.edu.my

    (b)   If to UMY: Faculty of Language Education
                                         Universitas Muhammadiyah Yogyakarta
                                       Jl. Brawijaya, Kasihan, Bantul, Yogyakarta 55183
                                       Attention: International Relations Office
                                       Fax no.: 0274 – 387646
                                       Email: bkln@umy.ac.id

7. MISCELLANEOUS

(1) This MoU may be modified, varied or amended at any time after due consultation and with the written agreement of both Parties.

(2) The Parties acknowledge that all visits or exchange of staff, students or administrators will be subject to compliance with the entry and visa regulations of Malaysia and Indonesia and with the respective Party's requirements with respect to staff and student visits.

(3) This MoU is not intended to be legally binding. It merely expresses the intentions and understanding of the Parties which will form the basis of any legally binding agreement to be drafted and executed in the future.

(4) The Parties hereby agree that they are not bound exclusively by this MoU and shall be at liberty to enter into any separate agreements or arrangements with any third party without reference to the other Party.
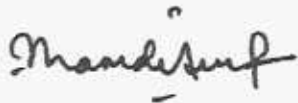
8. COUNTERPARTS, EXECUTION

(1) This MoU may be executed in one or more counterparts, each of which shall be deemed to be an original but all of which together shall constitute one and the same instrument. The Parties shall be entitled to rely upon delivery of an executed electronic copy of this MoU.

(THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK)

IN WITNESS THEREOF, the Parties have caused this MoU to be executed by their duly authorized representatives.

For and on behalf of
UNIVERSITI MALAYA

PROF. DATO' IR. DR. MOHD. HAMDI ABD. SHUKOR
Vice-Chancellor

Date: 13 January 2022

For and on behalf of
UNIVERSITAS MUHAMMADIYAH YOGYAKARTA

PROF. DR. IR. GUNAWAN BUDIYANTO., M.P., IPM.
Rector

Date: ....

In the presence of

ASSOC. PROF. DR. ZAWAWI ISMAIL
Dean, Faculty of Education

In the presence of

EKO PURWANTI, S. PD., M. HUM., PHD.
Dean, Faculty of Language Education

"Reason" of political and religious moderation in the book of Ghiyāth al-Umam by al-Juwaynī and its contemporary Southeast Asian context

Mohammad Syifa Amin Widigdo & Awang Azman Awang Pawi

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RELIGIOUS STUDIES | RESEARCH ARTICLE

"Reason" of political and religious moderation in the book of Ghiyāth al-Umam by al-Juwaynī and its contemporary Southeast Asian context

Mohammad Syifa Amin Widigdo[1]* and Awang Azman Awang Pawi[2]

Abstract: This article presents a critical reading of the work of Imam al-Haramayn al-Juwayni (d. 1085) entitled *Ghiyath al-Umam* (*Ghiyāthī*). This reading is necessary to fill in the gaps in the study of the roots and precedents of moderation in the work of Islamic political thought in the medieval period. Al-Juwayni's political and religious thoughts, when faced with non-ideal political and religious situations, showed a well-founded character of moderation. The solutions to the problems of his time that he offered were the products of "moderation reason" rooted in his religious beliefs and political pragmatism. The precedent of "moderation reason" shown by al-Juwayni finds its contemporary relevance in the model of the attitude of Nahdlatul Ulama (NU) and Muhammadiyah towards Pancasila in the Unitary State of the Republic of Indonesia. They formulated the concept of political and religious thought in accordance with the context of al-Juwayni's intellectual, political, and religious attitudes. In the end, this paper indicates that the concept of moderation is not a modern discourse programmed by the government without having roots and precedents in Islamic political thought.

Subjects: Intellectual History; History of Islam; Philosophy of Islam; Religious History; Religion in Context

Keywords: al-Juwaynī; Ghiyāth; political and religious moderation; NU; Muhammadiyah

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Awang Azman Awang Pawi is an academician at the Department of Socioculture, Academy of Malay Studies, University of Malaya. He is also a research fellow at the University of Malaya Center for Democracy and Elections (UMCEDEL). He has received a Phd in Malay Studies. He has been involved in the Malay Studies for more than 20 years, including the study of Malay socioculture and heritage, Malay political culture, and Malay literature. His research grants include Fundamental Research Grant Scheme, Ministry of Higher Education (FRGS) from Ministry of Higher Education (MOHE), Astro Awani Grant, Dewan Bahasa dan Pustaka, and Yayasan Sarawak.

Mohammad Syifa Amin Widigdo

1. Introduction

The "reason" of political and religious moderation in social and political contexts cannot be separated from the dialectic of understanding religious texts and the socio-political realities surrounding them; likewise for the work of thought and intellectual activity by Imam al-Haramayn al-Juwayni (d. 1085). Al-Juwayni lived in a transitional period from the era referred to by Massignon (1936) as the Shiʿa Century (10th century AD) to the century named by George Makdisi (1990) as Sunni Revival (11th century AD). He tried not only to formulate the ideals of Islamic politics and leadership but also to provide a strong intellectual and religious foundation for social order and the unity of the *ummah* even when Islamic political leadership changed, weakened, or even disappeared altogether. He even attempted to answer the possibility when the caliphate, *imamate*, or *sharīʿa* lost their relevance (*futr al-sharīʿah*) over time.

The problems faced and anticipated by al-Juwayni have, to a certain extent, occurred and are happening in modern times. The Caliphate or *Imamate*, which is the center of political governance in Islam, no longer exists. In the traditional sense, *sharīʿa* is also not a legal norm practiced by Muslims uniformly. In this context, this study aims to find out: How did scholars react to, respond to, and provide answers to the problems of their time, especially when Islamic leadership was experiencing a setback? How did they harmonize the rules and aspirations of religious sources with the complexity of the socio-political problems of their time? What reasoning formed as a product and their intellectual and political aspirations to answer the challenges and problems of their time?

Nevertheless, research and works that discuss the political thought of Imam al-Haramayn al-Juwayni are still limited. In *Political Thought in Medieval Islam: An Introductory Outline*, Erwin Rosenthal (Roshenthal, 1958) described the political thought of al-Mawardi, al-Ghazali, Ibn Jamaa, Ibn Taymiyyah, Ibn Khaldun, and Muslim philosophers, who were influenced by Greek thought. However, Imam al-Haramayn al-Juwayni's political thoughts did not get a portion of the discussion. A little more advanced in this regard is Ann Lambton (1981). Her work entitled *State and Government in Medieval Islam* did write a chapter on the political thought of al-Juwayni and al-Ghazali. Even so, when discussing al-Juwayni's political thought, the reference was made to his theological and legal works, not *Ghiyāthī*. Hence, the discussion is not deep and only artificial. Likewise, Anthony Black's work entitled *History of Islamic Political Thought: From the Prophet to the Present* (2001) did not even include al-Juwayni in the long-range of Islamic political thought since the time of the Prophet.

Among the few works dealing with al-Juwayni's political thought are Wael B. Hallaq's article *Caliphs, Jurists, and the Saljūqs in the Political Thought of Juwaynī* (Hallaq, 1984) and Patricia Crone's book *God's Rule-Government and Islam: Six Centuries of Medieval Islamic Political Thought* (Crone, 2004). In his article, Wael B. Hallaq introduced, in general, some concepts raised by the book of *Ghiyāthī*. Hallaq underlined al-Juwayni's pragmatic character in political thought apart from explaining the summary of the main points of al-Juwayni's political thought. Patricia Crone, in essence, also only described the general framework of al-Juwayni's political thought in the Book of *Ghiyāthī*. Thus, an in-depth discussion of the contribution of al-Juwayni's political thought does not appear prominent.

The last two works to discuss specifically a particular theme from Book *Ghiyāthī* are Ovamir Anjum (2016) in *Political Metaphors and Concepts in the Writings of an Eleventh-Century Sunni Scholar, Abu al-Maʿali al-Juwayni* (419–478/1028–1085) and Sohaira ZM Siddiqui in *Power vs. Authority: Al-Juwaynī's Intervention in Pragmatic Political Thought* (S. Siddiqui, 2017) and *Law and Politics under the Abbasids: An Intellectual Portrait of al-Juwayni* (2019). Ovamir Anjum reviewed the political terms and metaphors used by al-Juwayni, such as *dawlah, sharīʿa, ummah, imām*, and caliph. Anjum then considered their relevance and compatibility with modern political concepts, such as democracy, government, sovereignty, and authority. Meanwhile, Sohaira Siddiqui, in an article and one of her book chapters, discussed how al-Juwayni's political thoughts in the book of *Ghiyāthī* about the concept of power, authority, and the sustainability of *sharīʿa*, despite the decline

of the caliphate. In this case, Ahmad Atif Ahmad's work, *the Fatigue of Sharīʿa* (Ahmad, 2012), has a similar concern, only it highlights al-Juwayni's thoughts in the book of *Ghiyāthī* from the *sharīʿa* side. While Siddiqui looked at the aspect of the absence of the caliphate and its intellectual attitude, Ahmad Atif Ahmad talked about al-Juwayni's position and thoughts about the possibility of *sharīʿa* being overwhelmed in responding to problems in a society that continues to develop.

While the studies conducted by Siddiqui and Atif Ahmad emphasized the product of Imam al-Haramayn al-Juwayni's political and legal thought, this article epistemologically discusses and reveals how al-Juwayni's political and religious moderation reason was constructed and formulated amidst the potential absence of a caliphate, the fragmentation of Muslims, and the perceived irrelevance of *sharīʿa*. In addition, Siddiqui's work on al-Juwayni is still too focused on the continuity of *sharīʿa* and the unity of the *ummah* and puts aside al-Juwayni's worries and anticipations for the disintegration of the *ummah* and the cessation of the relevance of *sharīʿa*. While Atif Ahmad put aside the discussion of al-Juwayni's political thought to maintain the relevance of *sharīʿa* at all times, this article fills the void in the discussion of al-Juwayni's political thought on this political and legal or *sharīʿa* theme, namely the solution of al-Juwayni's political thought in anticipating the absence of *ummah* unity, the collapse of the caliphate, and the irrelevance of *sharīʿa*.

Moreover, amid the scarcity of studies on Imām al-Ḥaramaynī al-Juwaynī and his political thoughts and references to the political thought of *Ahl Sunnah wa al-Jamaah* so far generally revolve around the *al-Ahkam al-Sultaniyyah* by al-Mawardi and the *Nasihat al-Mulk* by al-Ghazali, this article will fill that gap. Several works explored al-Juwaynī's political thoughts. The majority discussed the products of his thought but did not attempt to go into how his works reflected the typical construction process of political and religious reason. For this reason, this study is directed to explore: how is moderation reason built in Imam al-Haramayn al-Juwayi's political work, what are the factors, materials, and consequences of the formation of this reason, and what is its relevance to the current context? By examining the construction of moderation reason in *Ghiyath al-Umam*, this article provides a fresh perspective from within the Islamic historical tradition on how moderation reason was formed and used amidst the contestation of religious and political ideologies.

2. Notes on methodology

The reading on the book of *Ghiyāthī* in this study primarily employs Paul Ricouer's hermeneutical methodology, namely: explanation, understanding, and appropriation (Ricoeur, 1986, pp. 91–156). Following Ricoeur's method of understanding a text as interpreted by Ghasemi et al. (2011), in the stage of explanation, the internal structure of a given text is analyzed to examine what the text says. In this regard, the *Ghiyāthī* is read as a structured text that consists of parts that constitute the whole text. Reading the *Ghiyāthī* closely without considering the author and other external contexts enables this study to unfold internal relations and structures of the book ranging from the chapters that discuss the political leadership to the chapters that envisage the future of religious law. In the second stage, understanding, the text is analyzed not only through internal structure of the text but also involving external factors of the text, such the author and his/her biographical, social, political, or religious contexts. The interpreter attempts to understand what the text talks about. In this respect, the study of the *Ghiyāthī* book includes and discusses the author's biographical, social, political, and religious context to have a better understanding of what the book talks about and responds to. In the final stage, the appropriation, the act of interpretation culminates in the self-interpretation and increased understanding of the self (Ghasemi et al., 2011). For this purpose, the interpreter needs to contextualize and seek the relevance of the text's meaning for her/his own world. In this study, therefore, the appropriation stage in reading the *Ghiyāthī* means seeking its contextualization and relevance in Indonesian political and religious setting as can be seen in the last part of the discussion section in this article.

3. Imam al-Haramayn al-Juwayni and *Ghiyath al-Umam*

The tenth and eleventh centuries AD in Islamic history is deemed the centuries of transition in Islamic thought and political history. The transition from an era when the majority of Islamic areas were controlled by political rulers affiliated with the Shi'a *madhhab* (school of thought) to political rulers affiliated with the Sunni (non-Shi'a) *madhhab* (Widigdo, 2017). At this time, the power of the Abbasid Caliphate also experienced a decline. De facto power was held by local rulers based on ethnicity and dynasties, such as the Saljuq, Samaniyah, Simjuriyah, and Ghaznawiyah. In the early 11th century, one of the most influential political rulers was Nizam al-Mulk (d. 1092), vizier (prime minister) during the Seljuq Sultanate and became the de facto ruler of the Abbasid Caliphate in Baghdad. In this regard, Imam al-Haramayn was one of the most influential scholars in the Khurasan region. He was given the mandate to become director of the madrasa founded by Nizam al-Mulk in the city of Nishapur, one of the most important cities in Khurasan.

In this context of social and political history, Imam al-Haramayn al-Juwayni was born in 419/1028 in Nishapur of Khurasan, in present-day Northeast of Iran and died in 478/1085 in Bushtaniqan. His original named is ʿAbd al-Malik b. ʿAbd Allāh b. Muḥammad al-Juwaynī. He receives an honorific name "Imam al-Ḥaramayn" since he used to reside and issue legal opinions (*fatwā*s) in two holy cities (*al-ḥaramayn*), Mecca and Medina. His father was a distinguished scholar in the circle of Shafiʿi legal school, coming from from Juwayn to Nishapur in 407/1016 to occupy a teaching position there. After his father's death in 438/1046, he replaced his father's teaching position of the age of nineteenth in his own madrasah. At the same time, he studied *kalām* (theology) and *uṣul al-fiqh* (Islamic principles of jurisprudence) in the madrasah of Bayhaqi under the tutelage of Abū Qāsim al-Isfara'ini (d. 452/1060). Like his predecessor, he was Ashʿarī (following the school of Abū Ḥasan al-Asʿari, d. 324/936) in theology and Shafiʿi (following the school of Muḥammad Idrīs al-Shāfiʿī, d. 204/820) in law (see Widigdo, 2021, pp. 162–169).

When the Saljuq came to Nishapur, the Sultan was Tughril Beg (d. 453/1063). He had a vizier from the Muʿtazili-Ḥanafi (following the Muʿtazilah school of theology and Abu Ḥanīfah school of law) background, named ʿAmīd al-Mulk al-Kundurī (d. 456/1064). One of his policies in Nishapur was either expelling, imprisoning, or forcing the Ashʿarī scholars to fight against the Saljuq's sultanate. Al-Juwayni as an Ashʿari scholar decided to leave Nishapur for Baghdad, encountered with fellow Shafiʿi scholars there, then headed towards Mecca and Medina, and resided in these two holy cities teaching and issuing fatwas for four years. For this residential scholarship in the two holy cities, he was given an honorific name "Imam al-Haramayn (the leader of two holy cities)." After the political constellation in Nishapur changed, the Saljuq's sultan was Alp Arslan (d. 465/1072) and the vizier was Nizam al-Mulk (d. 486/1093), al-Juwayni returned to Nishapur. He was probably invited by Nizam al-Mulk to come home leading a madrasah of Nizamiyah, helping the vizier to restore social and political order, and supporting him intellectually and religiously through his scholarly works (see Hallaq, 1984; Widigdo, 2021).

In such social, religious, and political context, the book of *Ghiyāth al-Umam (Ghiyāthī)* was written in the late of his intellectual career around 465/1072 and 478/I085 to provide an intellectual ground and support for Nizam al-Mulk's political project in restoring and uniting the Muslim world under the Sunnī Islam. Although the exact date of the composition is not available, the proximate period of the composition can be estimated through information in the book. He mentioned in the *Ghiyāthī* some events that occurred presumably before or during the composition of the book. For example, the campaign of the Saljuk Sultan, Alp Arslan, against the Byzantines in 463/1070, the death of Alp Arslan in 465/1072, and the Saljuq's elimination of Qaramatī in 470/1077 (see Hallaq, 1984, p. 28 and the footnote number 12). This is an important intellectual and political work that helped the Muslim rulers at that time to navigate uncertainties and transition from the Shiʿī political domination to the Sunnī political revival. Unfortunately, this work is less appreciated within Muslim community compared to *Aḥkām al-Sulṭāniyah* of al-Mawardi and and *Naṣīhat al-Mulk* of al-Ghazali and also attains little scholarly attention as discussed in the introduction.

In short, Imam al-Haramayn al-Juwayni as a confidant of Nizam al-Mulk played a crucial role through his scholarly works to build the ideological and scholarly foundations regarding the grand project of unifying Islamic territory into the Sunni *madhhab* (Widigdo, 2021). In his book, Imam al-Haramayn provided input and insight for Nizam al-Mulk on maintaining the security and order of a nation. He also discussed the criteria for an ideal *imām* or political leader for Muslims, what if the ideal imam did not exist, and how to maintain security and order when *sharī'a* laws were paralyzed during a political transition. Among his intellectual contributions to cope with such potential problems are his heavy emphasis on the importance of *ijtihād* (intellectual discretion), pioneering ideas on the notion of principles of *sharī'ah* and *maṣlaḥah* (common good), interpretations of religious texts that are compatible with a given context and laws of nature (Sevgili, 2021).

4. Moderation "reason"

"Reason" (*aql*) in this paper is understood as power, method, source, rule, or principle of thinking, which produces a certain understanding, thought, or idea. It is inspired by the definition of reason by Al-Jābirī (2009), stating that "reason" is a tool for producing thoughts (*ādāt li al-intāj al-naẓarī* or *ādāt li al-tafkīr*) formed by certain cultural backgrounds and Immanuel Kant, who views "Reason" as "the source of certain rules and concepts" (Williams, 2023). Meanwhile, moderation (*wasaṭīyah*) is defined as a moral virtue relevant not only to individual behavior but also to the integrity and image of the people and nation (Kamali, 2015). This virtue is obtained through a middle attitude (golden mean) that balances or combines two opposing extreme values, for example, between general and particular, monolithic and pluralistic, individualistic and collectivistic, or between doing too much and doing too little (Al-Faruqi, 2000).

Therefore, moderation reason in this study is comprehended as a way, attitude, and principle of thinking to seek balance and a way out of two contradictory situations, choices, or possibilities. In the context of Imam al-Haramayn al-Juwayni, the two choices he faced were in the political area, the necessity of an ideal imam (leader) and the potential for his absence and in the religious area, the upholding of *sharī'a* and the potential for extinction of *sharī'a*.

5. Political reason

In the context of political thought, al-Juwayni discusses two different political situations. First, an ideal situation when political leadership in line with expectations exists and functions well, and second, a non-ideal situation when the expected political leadership does not exist and function. The ideal situation is described by al-Juwayni in the book of *Ghiyāthī* with a picture of a leader who meets certain qualifications. Among other things, he discusses the qualifications of a leader and the responsibilities associated with leadership. It was also discussed by Islamic political thinkers before al-Juwayni. What distinguishes him from the others is his discussion of the second situation, a non-ideal situation. While the earlier Islamic political thinker, al-Mawardi, discussed an entirely ideal situation, al-Juwayni went further. Al-Mawardi goes into the ideal situation by explaining the necessity of having an *imām* (leader), the context of the appointment of a leader, the number of *imām*s at a certain time, the race and ethnicity of an *imām*, the qualifications of an *imām*, the character of the leader, how to appoint and assign an *imām*, the appointment of an *imām* after the death of the Prophet Muhammad SAW, and the inheritance and legacy of leadership (as quoted by S. Z. M. Siddiqui, 2019, p. 242). Al-Juwayni also discusses these matters but adds two special discussions in *Ghiyāthī*, namely about the possibility of an *imām*'s absence and the model of government in the absence of an *imām*. He discusses what needs to be done when no people meet the criteria and qualifications of the ideal leader. He even discusses scenarios and models of government if there were no Islamic leaders and leadership. It is assessed by Sohaira Z. M. S. Z. M. Siddiqui (2019) as al-Juwayni's efforts to maintain the continuity of Islamic leadership. Departing from Siddiqui, this article argues that al-Juwayni's position and attitude reflect his moderation reason. While he did not accept the opinion that leaders must meet all the ideal requirements, he also could not accept that Muslims are left to live without a leader (*imām*) or authority who can maintain the continuity of religion and society. His willingness to

accept a leader who is not ideal (*al-imām al-mafḍūl*) indicates the existence of a form of moderation character shown by Imam al-Haramayn al-Juwayni in *Ghiyāthī*.

In *Ghiyāthī*, al-Juwayni argues that leadership is necessary based on *sharīʿa* and reason (based on its function) (Al-Juwaynī, 1981, pp. 22–26). Its function is twofold: protecting Muslim territories from outside attacks and maintaining the order and stability within Muslim territories. In this case, the people's obedience is also a necessity to maintain the order and stability of the region. In this regard, al-Juwayni's concept of political leadership can be situated in the middle position between those who maintain that political authority is necessary for the protection of religion (e.g., al-Mawardi, al-Ghazali, and Ibn Taymiyyah) and those who argue that the political governance is a human necessity for regulating human daily life (e.g., al-Farabi, Nizam al-Mulk, and Ibn Khaldun) (see Rahman, 2021).

In al-Juwayni's writing, leaders can be chosen in several ways. Among the mechanisms are textual (*naṣṣ*) appointments, appointments through *ahl al-ḥall wa al-ʿaqd* (those who loosen and bind; a group of experts authorized to make elections or appointments), appointments by previous *imām*s, and appointments after being overthrown. Of these mechanisms, the ideal is the election or appointment through *ahl al-ḥall wa al-ʿaqd*. Members of *ahl al-ḥall wa al-ʿaqd* must meet the following criteria: male, independent, Muslim, knowledgeable, pious, and powerful. Among all these criteria, the most important one that must be met is the aspect of social and political power, namely the power of punishment (*shawka*) and the power obtained based on the level of preference (*munna qahrīya*) (Al-Juwaynī, 1981, pp. 71–72).

Meanwhile, for an *imām* (leader), the qualifications that must be met are free men from the Quraysh lineage, have piety (*waraʿ*), and have strength and competence (*al-najda wa al-kifāya*) (Al-Juwaynī, 1981, pp. 88–90). The most important thing that must be met if the ideal qualification is not met is the competency qualification to lead independently (*kifāya*). Al-Juwayni said, "It was mentioned at the beginning of the chapter that the most qualified person is the most appropriate person (to become an *imām*). If we have to identify the most important requisites, one side is the most pious, and the other side is the competent one (*kifāya*). Since the leader guides us to the path of politics and statehood, piety cannot lead us to that final destination. Therefore, competence is the highest priority" (Al-Juwaynī, 1981, p. 170).

The selection of competence (*kifāya*) as the main qualification that a leader must possess signifies that al-Juwayni has political moderation "reason". When the ideal condition of a leader that requires all qualifications to be met is not obtained, he takes the middle (moderate) way to avoid the disintegration of the nation and society that can occur when political leaders are absent or empty. Thus, competence (*kifāya*) is a moderate path between the choice of having the leader fulfill all the qualifications or the absence of a political leader (because it is considered that no one has the qualifications).

Indeed, the purpose of political leadership in Islam is to maintain the continuity of religion. However, it cannot be achieved unless worldly things are fulfilled. Worldly affairs are primarily reflected by the duty of the *imām* to ensure the survival and safety of the *ummah* by protecting it from internal and external enemies. This worldly duty, according to al-Juwayni, is only a tool to ensure the maintenance of religion—as the main task of the *imām* (S. Z. M. Siddiqui, 2019, p. 252). However, at the end of *Ghiyāthī*, al-Juwayni also accepts that no one has the minimum competence qualifications to become a leader and carry out leadership tasks (Al-Juwaynī, 1981, pp. 385–391). Then, how did Imam al-Haramayn al-Juwayni's moderation reason deal with this condition?

6. Religious reason

With the loss of *imamate* (leadership in Islam), al-Juwayni argues that the individuals in power are not those who have a close relationship with the *imām* but those who are close to God. The death of the *imamate* signifies the transfer of religious authority from the *imām* (political leader) to the

mufti-mujtahid ulama (leader of religious authority), who are responsible for guiding society (Al-Juwaynī, 1981, p. 391). The question may continue: what if the *mufti-mujtahid ulama* does not exist? Al-Juwayni might reply that their position shifts to the jurists of the *madhhab* (*al-faqīh al-naqīl*), who will continue to carry out the works and legal decisions of the *mufti-mujtahid*. Then, what if there is a contradiction between the opinions of the *mufti-mujtahid* or between the opinions of the previous *mufti-mujtahid* with the opinion of the *faqih* of the *madhhab* writers (*al-faqīh al-naqīl*)? For the first one, the *mufti-mujtahid* in their location will be followed, while for the second one, the opinion of the previous *mufti-mujtahid* will be followed to avoid confusion and legal contradictions.

Then, what if there is a problem where the *mufti-mujtahid* does not have a clear opinion? In al-Juwayni's view, jurists who write *madhhab* should do the following: (a) look for textual arguments that can solve problems without requiring in-deep reasoning (so that they do not require quality reasoning abilities of *mufti-mujtahid*) and (b) if the jurist who writes a *madhhab* has the high legal knowledge, he can act as or be the *mufti-mujtahid* and make legal opinions as necessary (Al-Juwaynī, 1981, pp. 420–428). However, if there is no legal expert with legal knowledge, the next mechanism to maintain the continuity of religion and social order is the existence of the community itself. People are relied on to understand the basic principles of *sharī̄a* (*al-umūr al-kullīya/al-marāsim al- kullīya*) (Al-Juwaynī, 1981, pp. 429–430, 439). With this understanding, they can internalize and apply them in their lives through habitual practice to ensure that these principles are not lost (S. Z. M. Siddiqui, 2019, p. 263).

In this case, Imam al-Haramayn al-Juwayni always looks for a balance point if the ideal conditions are not met. He seeks a moderate solution, both at the epistemological and practical level, which is expected to overcome the extreme problems that may occur. In the epistemological context, when conclusive knowledge cannot be obtained from textual propositions from the Qur'an and Hadith and what may be obtained is only probability knowledge (*ẓannī*), al-Juwayni looks for a way to get a convincing (*al-yaqīn*) level of knowledge through deep reasoning or habitual repetition. According to him, action is repeated over a long period; knowledge previously possible (*ẓannī*, probable) can manifest in actions that continue to develop through habituation to then reach a certain and convincing level of knowledge (certainty in the form of *ghalabat al-ẓann* and *qaṭʿī*, which produces *yaqīn*) (S. Z. M. Siddiqui, 2019, p. 263; Widigdo, 2018, pp. 273–275).

In the problem of knowledge of Islamic law, there is *qaṭʿī* knowledge (conclusive, definite) based on the text of the Qur'an and *Mutawatir* Hadith, and there is *ẓannī* (probability). To get an epistemological anchor that can be used as a guide in social life, according to al-Juwayni, the certainty of legal knowledge is obtained from the continuity of customs or communal practices (*hukm ittirād al-i'tiyād*). Communal practice reflects or presupposes the existence of a previous definitive textual source, which is no longer narrated. Uniform communal practices to apply certain norms, even though there are no *mufti-mujtahid* or jurists writing *madhhab* and their texts, can represent certain knowledge that has been contained in the text (S. Z. M. Siddiqui, 2019, p. 264). Therefore, if there are no more scholars and texts by scholars, the only thing that can be used to obtain practical certainty for action is habitual practice (S. Z. M. Siddiqui, 2019, p. 283).

Nevertheless, since custom is not always fixed in society, and individual legal experts will also die, religious knowledge is still prone to be lost. Al-Juwayni imagines and offers a way out of this kind of situation by saying, "If the basic and offshoots of the *sharī̄a* (*furūʿ al-sharī̄a wa uṣūluhā*) are lost, and there is no one to look after them to turn to and rely on, the legal responsibility (*taklīf*) of the followers of the religion is suspended, their condition reaches a state like those of who do not accept da'wah (on faith), and *sharī̄a* is not obligated on them" (Al-Juwaynī, 1981, p. 526).

On a practical level, the moderation offered by al-Juwayni when the ideal conditions are not met is as follows. *Imamate* is a must; however, if the ideal condition cannot be realized, the substitute for *imamate* is the *mufti-mujtahid*. However, if the *mufti-mujtahid* also becomes extinct, that role

will be replaced by *faqīh naqīl*, i.e., legal experts can proclaim and convey the opinions produced by the *mufti-mujtahid*. If *faqīh naqīl* also no longer exists, people must understand the fundamental laws of *sharī'a* to guide them in living their religious and social lives. Communal practices of people based on their understanding of the main principles of *sharī'a* law have a strong legal status. The level of knowledge it produces can reach the degree of *yaqīn* so that it can be used as a guide and support for acting in religious and social contexts. It is just that if all of those do not exist in the end (the *imamate* is gone, *sharī'a* and its stakeholders no longer exist, and communal practices that can be held also disappear), al-Juwayni arrives at the ultimate moderate position. According to him, the latter situation makes people no longer bound by religious law.

7. Contemporary relevance of moderation in Southeast Asia

The reason of political and religious moderation, as shown by Imam al-Haramayn al-Juwayni, finds its manifestation in Southeast Asian context, especially in Indonesia and Malaysia. In 2019, the Ministry of Religious Affairs of Indonesia launched a book entitled *Moderasi Beragama* (Religious Moderation), which has been a reference and guidance for spreading and implementing a program of "religious moderation" at the national level. The Minister of Religious Affairs, who was responsible for initiating this program named Lukman Hakim Saifuddin, maintained that in the Indonesian context, especially along with its diversity of religions and understandings, " … religious moderation is necessary as our cultural strategy to preserve the-Indonesia-ness (mederasi beragama diperlukan sebagai strategi kebudayaan kita dalam merawat keindonesiaan) (Saifuddin, 2019, p. 10)." This realistic attitude towards the role of religion in society as "cultural strategy" reflects a realistic position of al-Juwayni to preserve the relevance of religion and the unity of Muslim community, through his acceptance of "communal practice" to maintain a social unity and sustainability. The above state-sponsored religious moderation program has been rooted in the "communal practice" of moderation at the civil society level. In Indonesia, there are two largest Islamic civil society organizations, namely Nahdlatul Ulama (NU)[1] and Muhammadiyah.[2] Muslim scholars (*'ulamā'*) from Nahdlatul Ulama (NU) showed their moderate attitude, among others, when they initiated a concept that could overcome the country's void of Islamic political leadership. It happened in September 1954 when the 20th NU Congress in Surabaya ratified the decision of the Ulama Conference in Cipanas 1954 that the President of the Republic of Indonesia (Ir. Soekarno) and the state apparatus were considered *waliyyul amri al-dlaruri bi al-syaukah* (the ruler of emergency government with power authority) (Kharlie, 2005, p. 21). The Alim Ulama Conference itself was held on March 2–7, 1954, to answer questions about the validity of the guardianship of judges for marriage in several parts of Indonesia. One result of the conference was that the President of the Republic of Indonesia (Ir. Soekarno) and the state apparatus were *waliyyul amri al-dlaruri bi al-syaukah*. The role of NU scholars in the conference was seen, for example, through the role of K.H. Sulaiman Rasuli, who corrected the word *dzu al-syaukah* to be *bi al-syaukah*. The consideration is that the word *dzu al-syaukah* is used for situations when the political ruler is non-Muslim, while the word *bi al-syaukah* is used for contexts where the ruler is Muslim (Kharlie, 2005, p. 21). This NU's political and religious steps are products of moderation reason to mediate and overcome two difficult choices: the necessity of an ideal Islamic political leader or a political leader's absence. The middle way is to accept the political leader who is not ideal by giving him the title *waliyyul amri al-dlaruri bi al-syaukah*.

Meanwhile, Muhammadiyah's "common practice" that demonstrates the moderation reason can also be seen in the 2015 Muhammadiyah Congress decision in Makassar. In the presentation made by M. Din Syamsuddin as the leader of Muhammadiyah at that time, the Pancasila State in the Unitary State of the Republic of Indonesia (NKRI) was seen as *dār al-'ahd wa al-shahādah* (the land of consensus and witness) (Syamsuddin, 2011, 2020). Muslims in this country live with citizens of other nations in the bonds of national consensus (*'ahd*) and become witnesses (*shahādah*) for citizens and other nations. Muslim citizens are role models, examples, or witnesses; they can fill and develop this country through their work, participation, and life as individuals, families, communities, and mankind with the inspiration of the Qur'an (Āli "Imrān: 110, 112; al-Baqarah:143; al-Anbiyā": 107) and the Prophet's Hadith (Ali, 2015; Bachtiar, 2019). This concept of *dār al-'ahd wa*

al-shahādah is Muhammadiyah's moderation reason which is also used to circumvent, mediate, and overcome the two poles of political aspirations in the country: the demand to establish leadership in the form of a caliphate or *dawlah* on the one hand and the political aspirations of some Indonesian citizens to make Indonesia a secular state that does not regulate religious life on the other hand.

Although both NU and Muhammadiyah do not explicitly refer and cite the *Ghiyāthī* book of al-Juwayni, their realistic religious and political attitudes to face their contemporary challenges have precedence in the religious-political thought of al-Juwayni. They have a shared "moderation reason" to overcome (potential) political and religious crisis and problems in their own context.

In Malaysian context, the establishment of Angkatan Belia Islam Malaysia (ABIM) on 6 August marked the emergence of non-governmental Islamic civil society that promote a moderation of Islam through socio-political advocacy, education, *daʿwah* (religious missionary), and community empowerment in Malaysia (Hamid, 2008; Liow, 2013; Mohd Adib Akmal Ahmad Shatir et al., 2020). As an Islamic non-government institution, ABIM advocates the empowerment of civil institutions, reforms, debates, and discourse that are based on *madani* (civility) principles. ABIM writes its stance in the website," the empowerment of civil institutions, institutional reforms, policy debates and discourse in the public space which is indeed one of the fields of action of *masyarakat madani* (civil society) should always be based on principles, values, ethics and morals which are not only universal, but should also be **fair and balanced**[3] by also taking into account religious factors, culture and societal sensitivity, which is relative in nature" (ABIM, 2023).

The implementation of *madani* principles that include fair, balanced, and moderate attitude can be seen from ABIM's response and approach to racial problems in Malaysia. Shaharuddin Badaruddin (2016) describes ABIM's approach as follows: "ABIM's simple approach does not accept the position of Chinese chauvinists or Malay extremists when it is considered to be in conflict with the ethnic politics that have been practiced in Malaysian politics after independence. National policy must take into account the principle of fairness in Islam and all human beings must be treated fairly (Badaruddin, 2016, p. 19)." In addition, related to the position of Islam in the state of Malaysia, ABIM sets itself in the middle position between "a clear-cut" Islamic state camp and the secular state advocate group. Ahmad Fauzi Abdul Hamid writes, "ABIM instead has argued the position of Islam as a salient feature of the Federal Constitution, which while not clear-cut enough to establish Malaysia as an Islamic state, certainly does not make it secular state either. It cannot be denied though, that certain constitutional clauses do give a special and thus a higher status to Islam as the official religion of the federation" (Hamid, 2008). Sudarnoto Abdul Hakim (2009) further notices that ABIM as an Islamic civil society organization can mediate the tension between formalistic Islamism of PAS (Parti Islam Se-Malaysia) as an Islamic political party and secular nationalism of UMNO (The United Malays National Organization) as Malay-nasionalist political party.

The moderate position of ABIM that locates itself between Chinese chauvinism and Malay extremism, advocates a form of state, which is not "a clear-cut" Islamic state nor secular state, and mediates the binary opposition of formalistic Islamism and secular Malayism represents an ideal role played by an Islamic non-government organization in Malaysia. This is the role that should be played by "masyarakat madani (madani civil society)" that adheres to *madani* principles, which include fairness, balance, and moderation.

In the state and governmental level, Anwar Ibrahim, who used to be the ABIM leader in 1974–1982 and currently being The Prime Minister of Malaysia, continued the principle of *madani* when he became the 10th Prime Minister of Malaysia in 22 November 2022. He introduced "Malaysia Madani"[4] and made a stand that the Malaysian Unity Government that he leads would defend the privileged rights of the Malays and *Bumiputera*s, while also continuing to defend the livelihoods of other races including the Chinese, India, ethnic Sabah and Sarawak as well as the Orang Asli and

other minorities in Malaysia. In accordance with the *madani* and moderate approach, the close understanding that was signed between the coalition of the main political parties and representatives of other minorities has formed a new government that is remarked by Malaysians to be stronger and more stable than before when the country changed their prime minister 3 times in a period of 5 years.

8. Conclusion

Moderation thought in politics and religion has strong roots and precedents in Imam al-Haramayn al-Juwayni's book of *Ghiyath al-Umam (Ghiyāthī)*. Through his work, al-Juwayni shows how political and religious moderation reason can be used to solve problems and potential political and religious problems that will be faced. In the absence of Islamic political leadership, he offers acceptance of the qualities of a non-ideal leader (*al-imām al-mafḍūl*). If a non-ideal leader is not found, the task of leadership shifts to religious authorities from *mufti-mujtahid* to *faqīh naqīl* (jurists who write *madhhab*). If religious authority is extinct, the community's collective practice can be used as a support and guide in life and society. Even if custom as a collective practice does not exist so that *sharī'a* is considered extinct (*khalw, futūr*), the obligation of *sharī'a* for humans is suspended. The moderating character of al-Juwayni's political thinking like this finds its relevance in the political formulation of the Nadlatul Ulama (NU) and Muhammadiyah organizations when addressing Pancasila and the Unitary State of the Republic of Indonesia. NU introduced the concept of *waliyyul amri al-dlaruri bi al-syaukah* (the ruler of the emergency government with power authority), while Muhammadiyah used the concept of *dār al-'ahd wa al-shahādah* (the land of consensus and witness). In Malaysian context, the pragmatic and moderation attitude of al-Juwayni is translated into the idea of *madani* in civil society and governmental settings.

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Notes
1. Nahdlatul Ulama (NU) is the largest "traditional" Islamic organization in Indonesia, which was established on 13 January 1926 (16 Rajab 1344 H) by two Indonesian Muslim scholars (*ulama'*), K.H. Hasyim Asy'ari and K.H. Abdul Wahab Chasbullah. The inception of NU was essentially an institutionalization of Muslim scholars' madrasah (*pesantren*) network that had been formed decades or centuries earlier. In the Islamic doctrinal context, the ulama' of NU adhere to the doctrines of *ahl al-sunnah wa al-jama'ah* (people who follow the tradition of the Prophet and become a member of Muslim community). Theologically speaking, they recognize and follow the theological ideas of Abu Hasan al-Asy'ari (Ash'ariyyah) and Abu

Mansur al-Maturidi (Maturidiyyah). Legally speaking, they acknowledge and adhere to the four Islamic legal schools (*madhhab*), namely Hanafī, Malikī, Shafi'ī, and Hanbalī. In this sense, NU is called "traditional" Islamic organization since they follow the tradition of Islamic theological (*kalam*) and legal (*fiqh*) doctrines while, at the same time, respect and accommodate local cultures and wisdoms Anam (2010). *Pertumbuhan dan Perkembangan Nahdlatul Ulama*. Duta Aksara Mulia., Bush (2009). *Nahdlatul Ulama and the Struggle for Power within Islam and Politics in Indonesia*. ISEAS., Wasisto Raharjo (2012). Ulama dan Pesantren dalam Dinamika Politik dan Kultur Nahdlatul Ulama [Ulama and pesantren in dynamic politics and cultures understanding]. *Ulul Albab, 13*(1). https://doi.org/https://doi.org/10.18860/ua.v0i0.2377.

2. Muhammadiyah is the oldest "modernist" Islamic organization in Indonesia. This was established by K. H. Ahmad Dahlan on 18 November 1912 in a response to both challenges of modern colonialism and religious traditionalism. After K.H. Ahmad Dahlan (d. 1923) was encountering and inspired by Islamic reformation thought of Muhammad Abduh (d. 1905) and Rashid Rida (d.1935) in Egypt, he established Muhammadiyah to face modern educational and social challenges. In educational and social context, K.H. Ahmad Dahlan and his colleagues in Muhammadiyah founded a modern classroom-based school, initiated philanthropic organization named PKO, and formed a women's organization called Aisyiyah. In a religious context, Muhammadiyah introduced a reform (*tajdīd*) through a purification of religious practices from elements of superstitions (*takhayyul*) and a dynamization of religious understandings to cope with modern and future challenges Fanani et al. (2021). Muhammadiyah's Manhaj Tarjih: An evolution of a modernist approach to Islamic jurisprudence in Indonesia. *HTS Teologiese Studies/Theological Studies, 77*(4). https://doi.org/10.4102/hts.v77i4.6942, Nakamura (2012). *The Cresent Arises over the Banyan*

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3. The bold is made by authors.
4. See, Iman Muttaqin Yusof & Iskandar Zulkarnain's report on https://www.benarnews.org/malay/berita/my-madani-anwar−230119−01192023145831.html. It is retrieved on 1 March 2023.

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