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M.B. Hooker and Southeast Asian Law: Path-breaking Passions

Veronica L. Taylor, with M.B. Hooker and Virginia Hooker

Few scholars become the intellectual architects of their field. Professor M.B. (Barry) Hooker is one of them: a truly original scholar who has forged a singular, path-breaking body of work on law and society in Southeast Asia. His scholarship has been foundational in the fields of legal pluralism, customary law (*adat*) in Southeast Asia — particularly Malaysia — and Islamic law (*sharia*) in Southeast Asia. Hooker has shaped the intellectual frameworks that govern the way that we think of legal pluralism and hybridity in Southeast Asia, but that also invite contestation, expansion and elaboration.

This essay invites Professor Hooker to reflect on his intellectual journey and the choices that propelled him from his early life in New Zealand to a career of research and teaching in Singapore, the United Kingdom and Australia. It proceeds as an edited interview with him, and with Professor Virginia Hooker, who is both his wife and research collaborator as well as a distinguished scholar in her own right.¹ The essay concludes with a full bibliography of M.B. Hooker's works to date, compiled by Virginia Hooker.

If you visit the library at the National University of Malaysia (UKM) you can ask to see the M.B. Hooker Collection. There, behind a screen, catalogued and air-conditioned, is the research and teaching library of more than 2,500 titles that Barry Hooker built over his scholarly lifetime. These are the books “on the history and philosophy and application of the legal systems in Southeast Asia” that “range by region from the Middle East through India, Burma and Indochina, to Malaysia and island Southeast Asia.... [works of] Islamic studies, philosophy, anthropology history, economics and law”.² It includes substantial materials in the vernacular and the publications hunted by rare booksellers who supported Hooker’s consuming passion. Virginia Hooker remembers, “Your library in your room in Kent was spectacular because you didn’t have to go to any other library.... So when we moved [to Australia] you made that incredible decision to sell your entire library.... [Bookseller] John Randall insisted on selling it as the entire collection. Your papers, letters everything, the musical tapes, and so on. He spent a week cataloguing it, but it was a fantastic assemblage of material for the kind of work you did.” She points out that academic fashions have changed, and so much of this material would now be read with a critical sensibility. Barry Hooker is characteristically unsentimental, “Look, if one person uses it, that’s fine — that’s a plus.”

How does a country boy from New Zealand acquire and then release one of the world’s great libraries of legal materials on Southeast Asia? It is a long way from Christchurch to the jungles of Malaysia and to academic appointments at the University of Singapore (later NUS), the University of Kent, and the Australian National University. But in retrospect, the logic of those pathways becomes clearer.

We (New Zealanders) travelled a lot because we had to. I was offered a job in Singapore and at Monash, I think. I thought I would go to Singapore because it was different; I thought Melbourne would be like Christchurch, but bigger.

I had straight degrees in law — an LLB and a Master’s degree. [My master’s thesis] was on Maoris — how Maoris’ spirituality was really legal. I look at it now and I blush — it was appalling. My family knew a lot of Maoris; [I was brought up in] a semi-mixed

Maori community. But that did not mean anything.... [I worked on the thesis] by mainly reading — old Polynesian Society journals. I was working during the day in an insurance office. They got rid of me — it was mutual.

[This was at a time when legal academics in New Zealand] all did things like contracts and Section 55 of the *Evidence Act*, and did it apply to Magistrates or not? (That's if anyone was interested, and very few were). It was all pretty basic.

So to Christchurch, New Zealand in 1966 came the recruitment advertisement from the (then) University of Singapore.

Can you imagine? From the University of Singapore, saying "Assistant Lecturers Required". I mean, why the Christchurch press?... Who was on the end of sending that out?

There used to be a thing called the "circuit"; this is, of course, long gone now and people don't know what it was, but this was when Singapore was a colony and had only just become independent. From 1950 until the mid 1960s there was a circuit which went from the London School of Economics — usually unemployable socialist lawyers — then to either East or West Africa, Kenya, Nigeria, wherever, then to Bangkok on the way, then to Singapore. From Singapore they then went either to Adelaide or Queensland. These ... law teachers ... were appallingly bad, because everybody else was out in the newly formed legal profession making lots of money. So these people would go on the "circuit". I was on the end of those circuit days. I arrived as an assistant lecturer on a three-year contract.

What is now the Law Faculty at NUS was the old University when I was there ... it was the University of Singapore. It was nice. I left there in 1969. Forty years ago, my room was at the top storey at the very end, where the air-conditioning stopped. That was because I was the most recent and most junior appointment so I got the worst room with no air-conditioning and got the jobs that nobody else wanted to do. The lowest form of animal life. I was business manager of the *Malaya Law Review*, which was just banking cheques (I had a very nice Indian chap who did the books at the end of the year for me).

[Today, NUS is] a peaceful place, they've got infrastructure, money, libraries, the lot. They [have the potential to make] Singapore the centre of Asian law studies for all of Asia.

But in the 1960s the University of Singapore was not expecting much. The young M.B. Hooker was just another one of those “layabout whites”. Their unwitting decision to have him teach *Introduction to Law* sparked his interest in legal pluralism. Virginia Hooker writes, “For Malaya and Singapore, newly independent nations with a long history of mixed foreign influence, colonial rule and multi-racial communities, the legal situation was complex. Very little was known about the development of the various legal systems, their application, or their inter-relationships. Descriptive articles by British colonial officers and European scholars were scattered in obscure journals.”³ And so came Hooker’s first publication, *A Source Book of Adat, Chinese Law and the History of Common Law in the Malayan Peninsula*, “still the first source of reference for social scientists working on the area”.⁴ This established the model of Hooker’s scholarly style — “able to visualize the larger framework, he presents the whole through its vital constituents. Each part is fully described and supported by indigenous data as well as scholarly commentary. There is constant reference to particular legal cases and judicial decisions, sources almost wholly neglected before his work.”⁵ What makes this mapping of sources so noteworthy is the unstinting effort to locate the best available information and to seek it from the best possible source:

Islamic, Chinese, and Hindu law: you name it, it was all there. They were very clear that you had to teach legal history.... So I asked, “Where are the books?” and they gave me a magazine article dated 1938 — and this was in 1966. I had a great struggle, but one of the visitors at the Law Faculty then was Tun Suffian Hashim who was the Chief Justice of the Federal Court, the top court in Malaysia.⁶ He was a very nice man and he asked me what I was doing and said that I should go out to Negeri Sembilan Malaya. He said, “I will fix it up for you, the State Secretary is an old friend of mine and you can go and do your research”, which was a new thing.

What recommended the town and district of Kuala Pilah as a research site was that its population was predominantly Malay Minangkabau, a matrilineal ethnic group. It was thus a centre of matrilineal studies of Malaya, with Malay customary law and Islamic law coexisting and not in harmony.

When I said to the Professor in Singapore that I was going up to Malaya to do research, he said “What for?” I said, “Well, you’ve asked me to teach this” and he said “Yes, but it’s in a book, isn’t it?” and I said “Well, No, it’s not actually”. He asked me where I was going and I said a little town called Kuala Pilah: “Tun Suffian has got a friend there.” He said, “Yes but why aren’t you going to the Chief Minister?” We were not on the same wavelength.

The second stroke of luck was arriving in the Kuala Pilah District Office to find the District Officer, a nice man, who said “Yes, Yes Suffian said you were coming. I’m very busy”, (this looking at his watch — he was actually going to play golf). I will hand you over to my Chief Clerk; This is Mr Ibrahim”. He was a terrific man; he was in charge of all the land office records and he knew absolutely everything about land, taxation, transfers, transmission of title — you name it, he was it. [This was a legacy of] the old British colonial system, where a province or a position was divided into districts and each district was run by a District Officer who was land, taxation, crime, justice, police, town planning, the lot... He was God: he could arrest you, try you, hang you and then tax you, all within a week... His Chief Clerk was a very nice man and he took a liking to me, so he started telling me what to do, and explained how it worked. So I had it from the bottom up.

Although Hooker describes his Malay as “still pretty fractured and basic”, it would have been remarkable at the time for a legal scholar from the Commonwealth to be in post-independence rural Malaya, trying to understand local legal culture through conversations in Malay. Hooker reflects,

I was lucky because Malaysia had been independent for less than 10 years and so there was a hangover of helpfulness or respect towards white people who knew some law and had some status. People were prepared to put themselves out for you and I was lucky to be on the end of that good feeling. Provided you were polite and interested and so on, you got along very well... So I was lucky, as I had one foot in the colonial period and one foot in the newly independent period — it really was a transition time.

From the vantage point of 2013, we would also say that Hooker was able to leverage his prestige: being white, educated, “from the

University” and introduced by the Chief Justice of the top court of the country:

They knew all of this, they knew where my introduction came from ... they knew I was trying to learn Malay, they knew I was sympathetic to religion and they knew I was not going to let anybody down or do the wrong thing.

How do you go about demonstrating that trustworthiness or that sympathy to new contacts in such an unfamiliar field?

By being polite: good manners get you everywhere. Not shouting, ever... Politeness is everything and respect for status, respect for an older person and even for someone like, say, a Malay peasant woman of a certain age, who is a “nothing” person in terms of finance and power and so on, but you provide her the proper forms of respect, always. You never spoke down to, or were rude or uncouth to, poor people — ever. A lot of young people don’t realise just how important it is.

Then, as now, this matters because whatever you say or do has an amplified effect; people often believe you to be more powerful than you actually are:

There is a photo of me going into a court in Malaysia, to a district court, which is a low level state court. I took the trouble of putting on a white shirt and a tie and proper trousers; a lot of people were wearing shorts. A small thing like that makes a huge difference.

So we have a young researcher in the district office with access to all the records, with a very knowledgeable, helpful local professional. What was it that intrigued Hooker? How did he determine what would be fertile for research or inquiry?

What happened was that everybody was very curious about what this fellow was doing, so the word got back to the head of the Land Office in Kuala Lumpur and they thought that they would get me to do a job for them. There was a huge program of land reform going on. What the Land Office wanted me to say was that matrilineal inheritance caused fragmentation of the States; this involved Muslims. So the Muslim side got onto this immediately: what they wanted me to say was that, Yes, that it caused fragmentation of the States and that it was also against religion. Then there was the third group, who

were the females — the women in the matrilineal area who owned the land — who wanted me to say that it was *not* against religion and it did *not* cause fragmentation. So I had three of them concentrating on me to give them the answer they wanted.

Well I went down and looked at the land titles and then I had to go out and physically measure the actual land; I was going around the paddy fields with a tape measure, starting at 5am in the morning, at first light, because by 11am it was far too hot, with too many leeches and mosquitos. It was really hard work. I did a pilot project. The conclusion I came to was that I couldn't say truthfully that any one of the three groups had a case. In some of the districts, at some time, there was fragmentation and at others there was not. They were all extremely angry with me — except the women who had clicked on very quickly that I wasn't going to go against them.

This was the basis of Hooker's 1972 book, *Adat Laws in Modern Malaya*, the realization that there was not "a" law: they were all mixed; even *adat* itself was a hybrid.

Adat was totally mixed — it was actually invented by some British in the 1920[s] and I invented bits myself, knowingly [as a kind of natural experiment]. In a strip village, a long village, that ran down the side of a road for about two miles, I said to top end "This is what they're doing at the bottom end" and I said to bottom end "this is what they're doing at top end". Five years later, ten years later, it had been totally incorporated and people believed it to be true. I am not particularly proud of this now. In fact it's a dishonest thing to do: I shouldn't have done it.

Hooker's understanding and renditions of local law, however, were also recognized and incorporated in more formal ways:

David Wong was a colleague of mine in Singapore, a very nice man David. He started life as a newspaper reporter on *Nan Yang Siang Pau* in Singapore and he knew all the newspaper people, including the older proprietors. We used to go out at night, David and I, and we would always end up at the newspaper offices at about 3am when they are just putting the paper to bed. So I got to know the proprietors and they would tell me hair-raising stories about who did this, and who did that, and what this Minister did — and they couldn't publish it. Then we got onto burial customs: somewhere there was a fight going on between two clans and two divisions in one

clan about the proper ceremony for some very wealthy person who had died. Who was going to pay for it? It all came down to money and it wasn't a little money they were talking about, but hundreds of thousands of dollars, Singapore dollars, a huge amount at that time. I remembered most of this and I checked some of it later with David and then I just had a very short paragraph about it published somewhere, perhaps in one of the cases I was commenting on, about distributions of obligations — who has to pay, the reasons for it, how it works out in clan rules. It was picked up by a Judge who couldn't do a judgment [and became part of Malaysian case law]. I did the same thing in relation to a Muslim dispute — I set out my view of what Islamic law was, and it was picked up by Tun Saleh Abbas and appeared in a High Court judgment in Malaysia. He was a federal judge, their chief justice,⁷ and it appears in his judgment as a statement of the law — it's actually what I said word for word, and he cites it and says this is where I got it from. I am much hated in some Muslim circles in Malaysia as a result.

A less well-known part of Hooker's work is his three-month sojourn in the jungles of the Malay Peninsula, living with a group called the Semai.

I was a great legal philosopher, as you are at age 25... [In the jungle] I discovered that all my theories were a load of rubbish. It became apparent in Week One that I was totally wasting my time. What all these books were saying — it's not like that at all. But then I stayed on because I had a tape recorder and some of them had beautiful singing voices and I spent days and days and days recording them singing. They loved it because they realised that they were being recorded and that it could be played back. So they could listen to themselves and they were thrilled to bits. People would come from miles, I mean several days' walk, to sing and then hear it played back. All of those tapes are now in MB Hooker collection at the National University of Malaysia (UKM), and I don't suppose anyone has ever listened to them.

This was the period that the aborigines (*orang asli*) of Malaya were becoming very famous in anthropological circles and in American sociology of family studies, because of their non-violent philosophies. But as Hooker points out, "That's not totally true, because there *was* violence."

But nobody else had lived with them except Bob Dentan, the American.⁸ Dentan and Benjamin were trained as ethnographers: Dentan was from New York and Geoffrey Benjamin⁹ was from Cambridge, and they were formally and professionally trained, but I had no idea what I was doing or going into. All I was doing at the end, actually, was recording music — it was gorgeous. These were the old big reels of tape and I used to write on the back of who had sung it and what date and so on, but I didn't know their names properly, so I used to put down my own descriptions of them (I hope nobody reads them).

So that little group of Dentan, Benjamin, and me, we were the trio that started aboriginal ethnography in Malaya in the modern post-war period, but my part was very tiny; it was basically Dentan and Benjamin who did this.¹⁰ There was also Ivan Polunin, who was a doctor at the University of Singapore, he used to go out and doctor them as well.¹¹

Virginia Hooker comments, "That work still stands, I mean it's still looked at as the baseline for studies in that field and the books are still being put together and being published in the US — not in Australia, as we have our own indigenous studies, but at the time it was really baseline stuff." Hooker continues,

I took a lot of photos there of course, I wasn't a very good photographer, but I had a whole lot of photos which I sent back to Singapore to get developed and then I would pick them up when I would go back. I went back once and they had disappeared. This was unheard of, I mean Kodak never, ever, lost anything. Now, it took me a while to work out that by the time I was taking those photographs, there was a man called Jim Thompson who probably was an American spy. He happened to be in northern Malaya and I was not far away, and he disappeared, never to be found. My photos were taken at about the same time as his disappearance. Kodak denied ever having received them, but a Malay clerk in Kodak, when I was complaining to him about this said "Yes" he had signed them in and they had disappeared. So Kodak no doubt stole them on the instructions of whatever spy agency was around there at the time. I'm not normally paranoid about spies — if they had asked me for them, they could have had them, but they stole them and I've always felt very bad about that.

So here is a young legal scholar doing highly original, innovative work, that in some cases records for the first time the complexity of

competing legal and social norms at the local level in Singapore and Malaysia. What did Hooker's employer, the University of Singapore, think about their young faculty member at the time?

They thought I was badly dressed, or at least the Vice Chancellor did. You see, it was a colonial university, which means it was an organ of the state: it was a government department. Their idea of a university at the time was that it's a place where you go to learn how to be [a] scientist, how to be a teacher, how to do this, how to do that. The strange thing about the old University of Singapore is that they were sensitive, newly independent, bureaucrats who didn't really know what they had. In the English department was Dennis Enright, who was a major minor poet; Paul Theroux; Norman Sherry who was the biographer of Conrad; Atkinson who was something else in Lit. It was one of the most outstanding departments in the whole of the Commonwealth, but they couldn't see it. There was also Willy Willits in the Art Museum, who was *the* authority on late Ming pottery. They had really talented people there and they couldn't cope — they saw them as disreputable, arrogant, or as nutcases... [As an instructor], you were supposed to behave like a bureaucrat.

So in the end they said to me "Well you're very lucky to have a contract with us, what we're going to do now is, if you're very good and you behave yourself, we will give you another three year contract — but you have to behave yourself". At that time I had an offer of a job in England and another offer of a job at Australian National University, so I said thanks very much, but I'm off.

Hooker moved to the University of Kent in England, one of what were known as the "plate glass" universities; brand new institutions of the 1960s with generous funding. His was a joint appointment in Law and in Asian Studies. His opportunity to focus on Southeast Asia was partly serendipitous: the preeminent comparative law institution at the time was the School of Oriental and Asian Studies (SOAS) in London, and they had decided to focus on (funded) opportunities in the Middle East and Africa.

Sheffield was stuck out at the end of east Yorkshire and was a very unfashionable place. So the government money ended up in Canterbury (at Kent): the Vice-Chancellor then said "Yes, we'll have it" and then he looked around and said, "We'd better find somebody".

I was picked up by Dennis Duncanson, who was an old [Malayan] civil servant and didn't have a clue about what he was doing.¹² So I got my job from him, as did Roger Kershaw and Jeremy Kemp and (later ANU Professor and Dean of Asian Studies) Tony Milner... I spent 18 months with no teaching: there were no classes, no courses, there was nothing, no students.

Dennis used to call these meetings: "We have to have a course" he would say, and look around. Then he would say "Barry what are you going to do?" I said, "I don't know, Dennis — I think I might do some Malay law, I know a bit about that." "Yes that's very good, we'll have Malay law". I am exaggerating, but not very much. Can you imagine now a new department setting up without a single course outline and syllabus? What saved us was a couple of my books had come out and somehow they had attracted the attention of Malay students in London who had come from Egypt.

The policy of the Malaysian Government then was that these *ash'aris*, as they called the Malay Muslim students studying abroad, were unreliable and needed to have some English language and English university training. I was known in Malaysia a bit by then at government level, so they were happy to send them to Kent. They wanted to do "the" PhD. So we started them off on MAs and MPhils (an MA by dissertation) and that worked very well. Some of them did very well and went back and the word spread and so we got a lot of Malaysian students, not just in Asian studies, but also in other subjects. So the Vice Chancellor was delighted.

It used to be called Kampong Kent; the students lived in a lovely seaside hotel called the Continental which had fallen into disrepair, and was much cheaper than accommodation in the cathedral town, Canterbury.

Some of the students were very able: one went back to Malaysia and became a chief minister; another became Dean of Law at the National University of Malaysia (UKM). The irony of this period was that few, if any, British students were being attracted to this new field.

The only "whities" who are really doing this sort of work at the time were Australians, actually, which makes sense. There were one or two English students, but in an amateurish way. The [serious students were mainly] Americans and Australians. The Americans who are now prominent in Southeast Asian studies came to see me in Canterbury because I was about 10 years ahead of them. I never actually taught

them, but they visited Canterbury and had the advantages of language training and formal training, which I never had.

There were also a group of Indonesians left over from the 1960s, from Sukarno's time; they were communists and when '65 happened in Indonesia, the communists were slaughtered. This group had been in China on a friendship visit so they couldn't go back to Indonesia; they were exiled. There were two or three novelists; someone had introduced me to one of them and I met him in Amsterdam and was the sole person in England that they knew. So they would suddenly arrive at midnight at the house. It was a time when I didn't have any money at all, so they would sleep on the floor and their breakfast was toast with marmalade and a cup of tea. It was the best I could do, and they knew that. I was very lucky, because they were very fine people and very interesting — good people.

This became a very fruitful time for Hooker's new research.

In London there were libraries and [plentiful material on] Eastern European studies, which had a lot of central Asian material; there was absolutely no problem, I had open access to everything. There was no problem going back to Asia: we managed to get some money from the British Academy by convincing them that it was a good idea for the Academy to have a Southeast Asian division. We had fifteen hundred pounds for travel money annually, which was big money at the time.

I suddenly realised — and this is me looking back now (I don't know that I would have realised this at the time) — that there was all of this material which had to be put together about law in SE Asia, spanning Burma to Vietnam to China to the north and Malaya in the south. There was a place, there was a picture, there was a total Southeast Asian perspective and history which was quite special to that place, and I just wrote out what I thought, that's all.

What Hooker "thought" at the time became *The Personal Laws of Malaysia* (1976); *A Concise Legal History of South-East Asia* (1978); *Adat Law in Modern Indonesia* (1978); (with M.C. Hoadley) *An Introduction to Javanese Law* (1981); and the edited volumes *Malaysian Legal Essays* (1986) and *The Laws of South-East Asia* (1988). By his own admission, Hooker's opportunities to do serious work in the field were in Malaysia, with brief visits to Burma, Vietnam, the Philippines and Thailand. Then came the request from Sarawak in Malaysia to document their *adat* law.

I had been in Sarawak, because I knew the Chief Justice of Sarawak, who I had met in Kuala Lumpur. He had seen the book on *adat*, he was interested in native law himself. So he said “Come and do native law”... Later on they wrote to England and said “Come”, so business class airfare, state guest house, car and driver — it was very nice.

This begs the question why legal elites in Malaysia are writing to England to ask a New Zealander based at Kent to come and survey *adat* law in Sarawak. What was the state of legal education and research in Malaysia at the time?

Nobody there was doing [fieldwork-based legal research]. There was no money. Their law faculties were strictly business orientated: you got a law degree to go into practice to make a lot of money, full stop. If you didn't do that, you would go into the civil service, and you get a pension and that's it. Hugh Hickling¹³ used to tell the story of how he once asked a Dean of Law, somewhere in Malaya, “What's a law degree for?” and he was told “That's what you do”. Hugh said “What about scholarship?” and this man said, “No, we don't do that”. He was not joking, or telling a lie: he was telling the truth.

Hooker is perhaps best known for his serious corpus of work on Islamic Law in Southeast Asia. As he reflects, that interest dates from his earliest fieldwork, where the nature of local pluralism meant that “If you're doing *adat* you have to do *shari'a* [in the field], but the technical side came later, because I had to force myself to learn the technical stuff. I'm still learning it.” That work ultimately became the edited volume *Islam in South-East Asia* (1983), *Islamic Law in South-East Asia* (1984) and *Undang-Undang Islam di Asia Tenggara* (The Islamic Laws of Southeast Asia; 1990). During the same period, the Faculty of Islam at the National University of Malaysia also requested help with the reform of their curriculum.

They asked me in the 1980s when I was still at Kent, to go to the Faculty of Islam and look at their curriculum and then write a report. So I did that, I spent about six weeks there. It was lovely, I had a car and a driver and we had a great series of drives. They asked me to do this curriculum review, which I did. I wrote it all out and it disappeared. I handed it in — my mistake — to the Head of the Department. I should not have done that and it never appeared. I asked about it later and no one had ever seen it, presumably because they didn't like what they saw.

In 1980 Hooker met Virginia Matheson, who he would later marry. The setting was a slavery conference at ANU; historian Tony Reid wanted a panoramic survey of slavery in Southeast Asia, so had invited several notables from England, including Barry Hooker. Virginia recalls, "I gave a paper on slavery in the Malay texts, looking at what was said in indigenous primary sources. Barry gave a paper on slavery, the legal points in indigenous texts. At the final evening he came over to me and said we should put our papers together, because they were on the same topic." Barry Hooker remembers it slightly differently: "That's right, she ended up writing the whole thing, which is what I intended in the first place." They remained in touch, and in 1990 after his wife had died, Hooker moved to Australia and joined Virginia. After applying — and being turned down — for academic posts in Australia, Barry settled on a farm in rural New South Wales, to enjoy what he thought would be his retirement.

His old friend and colleague Tony Milner pointed out to a very young Asian law scholar at the Australian National University that a world authority on Southeast Asian law had just settled locally and might welcome a teaching opportunity. So against Hooker's strenuous protestations that he was fully retired with no intention of doing any more academic work, happy on the farm, busy with raising his prize-winning cattle, Taylor persuaded her Dean, Tom Campbell, to engage Barry Hooker and launch a course in Southeast Asian law in the Faculty of Law at ANU. In typically pragmatic fashion, Hooker says,

I *was* very happy. I needed the money though. It wasn't much but it helped — it was the drought. I seemed to have gone through life having plenty of money and throwing it around and then having none at all. Don't do that; try to keep it even. So I was lucky you gave me a second run at it.

It proved to be an astonishing second run, almost a second lifetime of scholarly work, this time with a different focus. Key contributions from Hooker during this period include the edited volume *Law and the Chinese in Southeast Asia* (2002); *Indonesian Islam: Social Change through Contemporary Fatāwā* (2003); *Islam Mazhab Indonesia* (2003); and *Indonesian Syariah: Defining a National School of Islamic Law* (2008). Hooker explains it in this way:

It's Islamic stuff, it's *shari'a* stuff, but it's actually quite technical. Once you get into it, it becomes quite complex technically and it's impossible to go from A to B to C to Z and give a coherent story without dealing with the technicalities as you go along, otherwise you're not making sense to the reader. The problem is that there are very few readers at that level. So I am effectively writing for about ten people who will have, I hope, a PhD student or two themselves, so that will increase it to about 20 or 30 people. Think of Noel Coulson's *A History of Islamic Law* [Edinburgh University Press] which came out in 1964; the only people who read that are those who were very serious about understanding it and that book is still going — from 1964 to now. Because it's timeless and it's not going to attract any more than about 10 or 15 people a year: that's why it's there — that's its whole purpose. So that's the stuff I've been doing for Indonesia. It's there forever: people can say there is an error here, or a mistake, or that it should be this way, or whatever, and that's fine, but the basic stuff is there.

What prompted such an ambitious undertaking?

Once you start learning the technical aspect of this, you have to carry on doing it; you can't go back and you can't write something without having it absolutely, technically, correct. That's the short answer: you have to have it technically correct... There's a Southeast Asian version of *shari'a* which is Indonesian and Malay, which the people who do the technical stuff in northern Europe don't know and don't understand. So when they make all these big compilations in Amsterdam or London or New York about the technical side of *shari'a*, they totally ignore the Malay and Indonesian language versions of this, which are quite different and just as complex and as subtle and as complicated [as other versions of *shari'a* doctrinal writing]. But they don't know this because they don't know the languages.

This prompts the question of what we treat as authoritative texts; whether the texts in the vernacular — in Malaysia and Indonesia — are authoritative sources of Islamic law? In Hooker's view,

There are two sorts of authoritative texts, there's the Arabic one, of course, which is the authority. But then you've got the Malay and Indonesian versions of these in local languages, which are equally authoritative. This is something that the people in London and New York don't realise. They are stuck with the Arabic and they don't

know the other. They are prepared to admit it for, say, India where there's Urdu texts, but that's a separate field. So what we've got, what I've actually invented for Southeast Asia is a *Southeast Asian* field [of sharia sources]. For the first time — it's out there; all they have to do is read it, but [Western scholars and those focussed on the Middle East] don't want to.

This corpus of work is read by those in Southeast Asia who want to better understand their own system and be able to point to something authoritative that is indigenous. Hooker's books have become set texts and have paved the way for a new wave of local scholarship within Southeast Asia on local and national sources of Islamic law. Here again, Hooker has played a generational bridging role:

[The relatively recent wave of local *shari'a* scholarship is partly explained by the fact that] internal Indonesian traditions of Islamic scholarship were strong until the Dutch effectively killed them. For the 20th century they stayed like that; after Indonesian independence the place was a mess, the older generation [of Islamic scholars] had died off, it was in total shambles. They had no money, no training, nothing. It was a huge vacuum. That's when I stepped into that vacuum. Now that they are getting money, training, time, institutions, and facilities, they are now coming back to this field of work. So what I've done is to fill in a gap, bridge from what was before to now, and they can then take it forward. I've said, "This is what I think", and if they disagree that's fine, I don't care. At least it is something for them to start from, and they can now do it because there is money and time. But there wasn't before.

There are people who are saying that I have made mistakes, which is fair enough. It is really too early to tell. What I have said to them is, "You are inventing the process of making [sharia] and there is in fact a local version of this, which you should be aware of, and proud of, and develop." That's given them the confidence; they didn't believe this before, but now they believe it. So I think that's my real achievement.

Hooker's most recent work extends this approach into new topic areas and geographies: Southeast Asian sharia, the Ahmadiyya and Muslim law in Singapore,¹⁴ and another set of forthcoming essays, *Searching for Shari'a*, that focus on legal pluralism in the Philippines, particularly Mindanao. The latter is the fruit of two years of bibliographic work.

I asked Hooker about the intellectual influences that had shaped his approach to scholarship.

Masaji Chiba [was one]. He was a very nice old man; he put on a thing for me years ago in Tokyo in the early 80s. He made the Japanese scholarly community quite proud of what Japanese scholars had done in previous centuries, which was only now being realised. He brought that out. I think a lot of what he did was actually quite mistaken, but leaving that aside, you can't take away the tremendous boost to their own confidence that he gave them.

The other [Japanese scholar] I knew was [Yoneo] Ishii. He was a very good friend. He wrote in one of my books, *Laws of Southeast Asia*, about Thailand. A brilliant, nice man. I admire Ishii and another Japanese scholar who wrote on Cambodian Khmer.

[Of my contemporaries] Noel Coulson was a very good friend of mine. He was a technician, but a brilliant one, on [the] very difficult subject of succession in Muslim law. His book on succession is still the standard textbook.

It was great to meet the von Benda Beckmanns at NUS last year, and Andrew Harding I knew from years ago, Singapore days in fact.

The von Benda Beckmanns I hadn't met before; they were really nice [And of course sad to lose Franz immediately afterwards]. I had known their names for years and years, but we had never actually met. I was working in parallel with them; I had never actually been to Sumatra until much later than their period. It's huge and there is so much difference there and for Islam and Islamic studies it's really a terrific place. If you're in Indonesia, you must go to Sumatra. I didn't realise that for a long time; I was always in Java.

There are so many that I knew from the end of that colonial period: Hugh Hickling and [Roelof] Roolvink and all that lot and they all died not long after I started off. The great ones that I would look back to were the great colonial scholars, who were all dead by 1940 or 1950. [John] Jardine on Burma and the great works of Indo-Chinese French scholars who were active up until 1942. There was a whole group of them, and the Japanese killed them in 1942. So everybody I knew who had done significant things at that pre-war to post-war time, was just about dead or dying when I started. There was this huge gap, because there was all of that lot, and then there was me and nobody else. Then shortly afterwards it started up again. Looking back, I didn't realise it at the time.

You see, I was in this middle period — the great colonial scholars were either inactive or dead when I was starting, and the younger local ones hadn't yet got underway. The younger American ones hadn't yet got underway either. So I was in this middle position, thrashing around, not really knowing what I was doing half the time, I felt quite confused.

Although Hooker claims to have had few direct intellectual influences, a significant part of his life has been spent with Southeast Asian historian Virginia Hooker (née Matheson), who is a distinguished historian of Southeast Asia. Hooker is quick to claim, "I disagree totally with whatever she says, mostly... [our debates] always end up with someone leaving the room." Perhaps so, but this has been a remarkably productive partnership. Hooker explains it this way: "There's two names but there's only one writer. I give the idea and Virginia works it out."

Virginia Hooker also sees their collaboration influencing Hooker's scholarly style: "I think that your style changed from when you did the first book on Indonesian Islam;... it's different from anything you have written before and I think that's because you always paid attention to local sources, but then you really started burrowing in.... I think it might [be] partly because of the way I worked." Hooker agrees: "Yes, this was basically about *fatwa*. In the introduction I looked at the surrounding history and non-legal stuff much more than I had before — Virginia said that I should do that. So yes, it's true [that my style changed]."

Hooker's work has been remarkable for both its concern with technical legal accuracy and the way that it has been infused with interdisciplinary insights from history and anthropology. In many ways it anticipates the growth in the socio-legal study of Southeast Asian law both within and outside the region that we now regard as commonplace. Generationally, his work predates contemporary concerns with, and understanding of, gender as a core element of understanding social and legal norms. Yet his work has always included significant treatment of women. He agrees, "They've always been there, right from the very beginning. But I don't go on about gender because I don't know the technical stuff about it."

After a lifetime of scholarly work, does Hooker have a favourite book or a favourite piece of work, something about which he could say, “I got it right, I’m thrilled that I pushed myself to do that”? He responds,

I did used to think so, yes. But when I look at them now, they’ve all got flaws, or errors, or mistakes or could have been done better. So the answer really is “No”.

What I would really like to see is other, younger scholars doing better than me. That’s really very good when they do it better and so they should — because they’ve had all the chances. They’ve got the formal training, the languages, the books, and all the stuff that I never had. They *should* be doing better, and that’s why it’s good when they are.

I compare the young ones today with the giants that I knew in the past. Outside law, there was [J.G.] De Gasparis and Roolvink, for example. They had years of Arabic, really serious preparation.

They [were committed to] the hard slog: I mean[,] to write the books that those men wrote, you had to sit there six days a week, 10 hours a day to do it at that level, and it shows. So younger scholars today, in my opinion, are nowhere near them, not even in the same paddock. Of course, that might just be me being old and crusty about this.

Hooker’s pronouncements are often blunt, and his professional assessments uncomfortably accurate. Yet, in person he is immensely kind, with a real generosity of spirit towards younger colleagues. In “retirement” he remains relentlessly active, driven by new questions and possibilities but retaining a sharp, clear-eyed capacity to see himself, his host institutions and his research subjects and collaborators in all their complexity and imperfections. We are the beneficiaries of that uncompromising intellectual passion. After a lifetime of supervising Masters and PhD students from Malaysia, the United Kingdom, China and Australia, Hooker’s message to younger colleagues remains the same: “You can’t rely on being smart and clever and getting away with it. You’ve got to do better, and get on with [the serious scholarly work].”

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Notes

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2. Virginia Hooker (1991), "The Library of Professor MB Hooker", Catalogue, John Randall, London (unpublished), p. 1
3. Ibid.
4. Ibid.
5. Ibid.
6. Previously Chief Justice of Malaya; Lord President of the Malaysian Federal Court (1974–82), renamed the Supreme Court in 1985.
7. Lord President of the Federal Court from 1984, renamed the Supreme Court in 1985, when Malaysian appeals to the Privy Council were abolished.
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12. Founder, Centre for South East Asian Studies, University of Kent, 1969 <<http://www.tandfonline.com/doi/abs/10.1080/714041368?journalCode=raaf20#.UmkIjIIijE>>.
13. Colonial civil servant, legal scholar, Malaysian legislative drafter and later professor of Southeast Asian Law <http://en.wikipedia.org/wiki/Hugh_Hickling>.
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