

In discussing “*Waqf in Shariah and its Contemporary Applications*”, Professor Kamali underlined the extent to which *waqf* has played a key role in transfer of wealth from the wealthy to the needy, possibly even more substantial than that of alms-giving, or *zakat*. Throughout the conference proceedings, many examples were presented of ways in which the Islamic vision of universal enfranchisement resulted in phenomenal growth in the Muslim community and its institutions of higher learning, through the workings of the institution of religious endowment, or *waqf*.

Conference organisers had jointly put together an impressive programme spanning seven working sessions, with diverse specialist presenters in each session. Participants, whatever their specialisation or their origin, had been urged to make an effort to think of themselves as all being members of the global *ummah*. “We are all one body today, and the issue of *awqaf* is an issue for entire *ummah*,” Professor Bakar had stressed, adding that continuity and perseverance were key requirements to the success of any venture of the *ummah*, and acknowledging the 3rd ICIHE participants and guests for their contribution to the ICIHE in its third iteration. In a communication received subsequent to the close of the 3rd ICIHE, the University of Brunei Darussalam conveyed to Pahang State Foundation and IAIS Malaysia its formal interest in joining the other ICIHE sponsors as a permanent co-organiser of future conferences.

And turning to the future, in his farewell remarks Professor Bakar announced that employability of university graduates and leadership development would be a likely theme for the 4th ICIHE which would be held in November 2013 in the city of Madinah, in the Kingdom of Saudi Arabia, in cooperation with the Madinah Institute for Leadership and Entrepreneurship and its CEO, Dr Mohamed Moustafa Mahmoud. The latter presented the closing special address of 3rd ICIHE, paving the way for achieving the required continuity and convening 4th ICIHE in Madinah.

**Annual Conference of the Legislative Council of
the Judiciary of Malaysia
(Kota Bharu, Kelantan, 8-12 July 2012)**

Mohammad Hashim Kamali, IAIS Malaysia

The 46th Legislative Council of the Judiciary of Malaysia met on 8-12 July 2012 in Kota Baru, Kelantan in the course of its annual conference. On this occasion, Chief Justice of Malaysia Tun Arifin Zakaria requested IAIS CEO and Founder Professor Mohammad Hashim Kamali to address an audience of 126 judges

(including judges of the Federal Court, Court of Appeal, High Court, and Judicial Commissioners) in a lecture on “Islamic Jurisprudence”.

Professor Kamali’s discourse presented a general introduction to *Shariah*, in distinction to *fiqh*, and then elucidated the higher objectives (*maqasid*) of *Shariah*. This was followed by an overview of the substantive and procedural guidelines of Islam on justice, such as the rule of law and advocacy of basic rights and responsibilities. A *Shariah*-based approach to justice, Professor Kamali indicated, is also essentially civilian in character, just as is the case with the Islamic state and government. The *Shariah* does not subscribe to theocracy at any level. The Head of State is a civilian figure, who is accountable for his conduct before the court like anyone else. Proceedings in the courts of *Shariah* are also grounded in evidence and proof in the same way as in the civil courts. All litigants are entitled to equality before the law and equal treatment before the courts.

A holistic approach to *Shariah* and justice delivery in Islam also takes into consideration the Islamic public law doctrine of *siyasa shar’iyyah*, or *shariah*-oriented policy. Rulers and judges accordingly enjoy a degree of flexibility and discretion to make decisions that deliver justice, rather than taking a literalist approach to the understanding of legal text. Justice is the higher objective of Islam that overrides the concerns of literalism. Professor Kamali also discussed the application of *Shariah* in Malaysia with special reference to areas such as family law and inheritance, where *Shariah* has historically remained the applied law of most Muslim countries, including Malaysia.

9th Kuala Lumpur Islamic Finance Forum (KLIFF) (Kuala Lumpur, 16-17 October 2012)

Mohammad Hashim Kamali, IAIS Malaysia

The final afternoon session of this two-day event (16-17 October), devoted to “Ethics and Finance – Towards Sustainable Growth”, featured a presentation by Professor MH Kamali on the subject of “Ethics and Finance: A *Shariah* Perspective”. The session panel discussion included former Chief Justice of Malaysia Tun Abdul Hamid Mohamad, internationally renowned scholar Sheikh Nizam Yaquby, and President and CEO of INCEIF (International Centre For Education In Islamic Finance) Daud Vicary Abdullah.

Professor Kamali’s contribution highlighted the ethical grounding of the *Shariah* rules on contracts and transactions (*mu`amalat*). He began by drawing attention to the fact that the Qur’an and Sunnah are emphatic on justice and fair dealing (*`adl, ihsan*) just as they teach promotion of what is good and