

**Book Launch & Discussion:  
Crime & Punishment in Islamic Law: A Fresh Interpretation  
(IAIS Malaysia, 30 January 2020)**

*Officiating Speech by YB Dato' Dr Mujahid Yusof Rawa  
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*Assalamualaikum Warahmatullahi Wabarakatuh*  
and a very good morning,

Professor Dr Mohammad Hashim Kamali, founding CEO of IAIS Malaysia. I'm very much honoured that you invited me to launch your precious book. Associate Professor Dr Mohamed Azam Mohamed Adil, Deputy CEO of IAIS Malaysia, His Excellency, Mr Qaley Allahverdiyev, the most senior Ambassador of the OIC country, from the Embassy of the Republic of Azerbaijan. Thank you for coming. Her Excellency Madame Ustadza Mariyam Mizna Shareef, Deputy High Commissioner from the Embassy of the Republic of Maldives. His Excellency Mr Nurudeen Muhammed and wife, High Commissioner from the High Commission of Nigeria. His Excellency Mr Ardasher Saedjaafar Qodiri, the Ambassador of Tajikistan. Tan Sri Mohamed Jawhar Hassan, Director of IAIS Malaysia, Dato' Dr Abdul Monir bin Yaacob, Mr Abdul Razak bin Mat Nayan, the Director and Chief Prosecutor, Department of Shariah Prosecution, Federal Territory of Kuala Lumpur, honourable representatives from embassies, ladies and gentlemen.

It gives me great pleasure today to be present here at IAIS Malaysia this morning to launch a book written by a renowned international Muslim scholar which all of us are proud of, and proud for, Professor Dr Mohammad Hashim Kamali, founding CEO of IAIS Malaysia. Portraying Islam as the *deen* of *rahmah*, or the compassionate religion of Islam, is so important not just to give good name of Islam but the Prophet himself, peace be upon him, was sent to fulfil this mission. Realising such great mission of '*rahmah*' which in Allah's words, '*wa ma arsalnaka illa rahmatan lil 'alamin*', the mission that requires Islam to possess its own internal mechanism to stay on course and to be relevant throughout the ages.

In order to achieve such understanding, the need for fresh evaluation and recourse to the resources of *ijtihad*, independent reasoning, renewal or *tajdid*,

and reform or *islah* has been particularly felt in certain areas of the law more than others. Broadly, Muslim scholars were more active in applying this instrument in the spheres of private law, such as matrimonial law and inheritance, but not so in the spheres of public law, including criminal law where we are discussing today, where there have been gaps between law and social reality.

Ijtihad and *tajdid* were not effectively utilised in understanding between the gap of law and the social realities. This is partly why contemporary scholarship is faced with greater challenges for the healthy adjustment, and I believe this is the intention that the book was written, and it took Professor Hashim Kamali about four years to complete a four hundred and fifty pages book with 35 chapters looking into the various aspects of crimes and punishment for purposes of implementation in the present day Muslim jurisdictions.

*Hudud* is one of the main themes of the book, admittedly a difficult subject to a reform based inquiry, but this is what the author has undertaken. I know it is not easy for any author, or even a politician or a minister like me, to undertake such mission of balancing between what is textual and what are realities based on the development of social realities and other issues that gave impact on our understanding of texts.

The book tries to relate the question of justice where we know that in the Islamic law or Shariah, justice or *al-'adlu* is the apex of all values in Islamic criminal law. The concern of *hudud* related debates underline the wider question of justice, which is in the literal application in understanding these punishments, which usually the case may actually not secure justice and failed their desired objective. Justice is the cardinal objective of all punishments in Islam.

Leading 20<sup>th</sup> century Muslim scholars have recognised this concerns and advice that Shariah punishment should not be applied under doubtful situation, and advice suspension and substitution of the *hudud* with other methods or other modes of punishment. Now that's very provocative. It creates a lot of debates, into whether such statement is really in compliance of the Shariah's command. But nevertheless, I shall in my officiating speech give a clear understanding that is connecting between what is textual and what are the realities, are part and parcel of the Shariah itself.

There is no seclusion between text and realities and I shall try my very best within my capacity and limited knowledge to give view within the idea of this book, to connect the distinction or to connect two, I should say today, missing dots between texts which is considered also as law and social reality. Disconnection or the missing dots between law and social reality, actually have been addressed by early scholars. It's just that we do not understand their language. We read the classical books but we could not translate that into today's understanding. And that is why the same person who read the same

texts from the previous scholars or the early scholars of Islam who, with full of conscious and knowledge accept or understand that there is no distinction between text and realities, have sometimes misled the scholars themselves.

How are these connections been made? If you read the texts of the early scholars, they connect the two through a very clear framework of thinking and that framework is the framework of *maqasid al-shariah*. The *maqasidic* thinking gave them the opportunity and the space they need to stay relevant with God's command, the text and the reality. It is within this *maqasidic* thinking, they laid down the foundation of principles dealing with the realities and I shall quote Ibn Qayyim al-Jawziyya, who has clearly identified the foundation of understanding the realities by connecting the two dots together. He laid down a foundation of what he mentioned as *fiqh ahkam al-hawadith al-kulliyah*. Understanding the overall presents, or understanding the overall present realities and development of mankind. He named it as *ahkam al-hawadith al-kulliyah*. The other end in order to connect between the two is understanding of *fiqh nafs al-waqi' wa ahwal al-naas*. That is the understanding of the present realities of social dynamism. He used the term *fiqh nafs al-waqi' wa ahwal al-naas*, social dynamism.

Laying such foundation, after laying down such foundations today's scholars deliberated the two principles or the principles of reality, of what it takes to understand social and political and economic realities which was expounded by Ibn al-Qayyim in the light of *maqasidic* good thinking they deliberated into several meanings. One of which, or they are about, they have identified about six meanings of what is *fiqh ahkam al-hawadith wa fiqh ahwal al-nass*. They deliberated them into six. Number one, deep understanding of civilisational realities in today's world and that is why Professor has mentioned in his book about the need to understand *hudud* in the present realities, not in its literal form. That comes together with the understanding of the social surrounding, that comes together in the understanding of the constitutions, that comes together in the understanding of the technological development. All these comes under what Ibn al-Qayyim has already stated, *ahwal al-hawadith aw al-nawazil*.

Second, deep understanding of today's social phenomena. In the men's world today, in the world of mankind today there are a lot of social phenomena that need to be understand and comprehended before one can really understand the requirement of the text in putting it within the context of realities. Third, deep understanding of intellectual element and its philosophical underpinning towards positive and sustainable thinking.

Ladies and gentlemen,

As much as the materialistic development has taken place in the world today, the philosophical and intellectual development also has taken place in mankind. That has to be taken into consideration of what Ibn al-Qayyim meant when he tried to connect the two between text and reality.

Number four, fulfilling the Shariah obligation, it's right in light of current realities that this rightful so as not to contradict the realities. This is where some people misunderstood all this thinking. The understanding was, or they understood by us trying to connect between realities and text, they are implicating that we are running away from the obligation. They are implicating that we are avoiding to put the text in the reality, which is not the case at all.

Because it is within the spirit of the shariah that is required that no Muslim should ever abandon the obligations of shariah. But at the same time the Muslims are also required to understand the realities. In order to come to a balance, first, we must fulfil the shariah obligation and its right. But that must be done in the light of the current realities and the current realities must not contradict with that obligation.

Number five, fulfilling realities its right. Previously it was fulfilling obligation its right, now it's fulfilling reality its rights in light of the obligations considering the changes and the consequences of what we understood in the words of *usuliyun, maalat al-af'al*, the consequences of action within such realities.

And number six, balancing between obligation and its realities with deep deliberative jurisprudic interpretation. That's the difficult job for a *mujtahid*. Who said being a *mujtahid* is easy. Maybe being '*mujahid*' is easy, but being a *mujtahid* is another case. And that is why the position of *mujtahid* is esteem in the Islamic world.

I would like to quote what Ibn al-Qayyim said in his word: "*Fa minha naw'aani min al-fiqh*", it's the one that I have deliberated, "*La budda minha*", it is a must, "*fiqh fi ahkam al-hawadith al-kuliyah, wa fiqh fi nafs al-waqi' wa ahwal al-nas. Yumaiyizu bihi min al-sadiq wa al-kazib wa al-muhiq wa al-mubtil, thumma yutabiqu bayna haza wa zaka, fa yu'ti' al-waqi' hukmahu min al-wajib wa la yaj'al al-wajib mukhalifa lil al-waqi'*".

This is exactly what Ibn al-Qayyim being a very deep *mujtahid*, understood what it meant today, by what has been written by the Professor in his book. I am to prove here as an evidence that when we speak of realities, it is intrinsic and part and parcel of the shariah itself. No one can say within this clear thinking that we are avoiding to put God's command because by putting or trying to apply God's command, there are a lot of discipline to it in order for Islam to always remain *deen al-rahmah* or the compassionate religion.

The key word for connecting public law and realities or the '*nass*' itself is to aim at preserving the ummah. To achieve the highest and noble aim of gaining the pleasant of Allah or *mardhatillah*. Who said it was not Shariah based. It is wrong to interpret that such thinking is not to gain *mardhatillah* because at the end of the day, it is the *hifz al-ummah*, to preserve the identity of the Ummah is our ultimate aim so that we receive the pleasure of Allah or what we always say, *mardhatillah*.

I must be just to my officiating speech as not to be doubted, as a minister who tried to avoid the texts or minister of Islam who tried not to practice or not to put the texts of the law into the realities.

Ultimately, what the Professor has written in his book is about ijthad, if you ask me what is the mean for us to understand such a huge concept, the answer is ijthad. That's why ijthad is canonised in Islam. That's why ijthad is needed in Islam. To serve that thinking of connecting between *nass* and *waqi*'. Ijthad demand a *mujtahid* to ascend to the degree that has been mentioned by Ibn al-Qayyim two degrees that will lead the *mujtahid* to really fulfil that thinking. The degree of understanding the wholesomeness of *maqasid* and what it entails in terms of its values.

*Maqasid al-shariah* and the wholesomeness of it provides you the understanding of the bigger, important element of shariah that is what are the values. This is where we're lack. When we lack the understanding of *maqasid* we are deprived of understanding the values and thus we fail to understand and connect the realities. That's number one.

Anybody of you here who aspire to become a *mujtahid*, you have to ascend to such degree. You also have to ascend to the degree of where you possess an ability and the potential to derive and construct one's deep understanding based on the objective of that shariah or the *maqasid*.

It is not of just understanding the wholesomeness of the *maqasid*, but also to construct that understanding and derive from all the *nass* so that you have a stand to connect between *nass wa al-waqi*' and finally fulfilling the objective of the shariah itself or the *maqasid al-shariah*. "*Tahsulu darajatu al-mujtahid li man ittasafa bi wasfaini*" That's the Arabic texts. "*fahmu maqasid al-shariah 'ala kamaliha, wattamakkun min al-istinbat binaan ala fahmihi fha*" which I have explained.

In lights to understand the ijthad, it must be noted to be fair that scholars throughout the ages of Islamic glories were very concerned on understanding realities. They are realistic people. Our scholars were realistic people. They were not living somewhere in the Utopia. They were not living somewhere in the world of idealism. Our great scholars of Islam. They were living in the world of realities. But let us be fair. Never were they intended to seclude the religious

duty and commitment and the shariah. Never. This is why some people deterred from this clear understanding. They were talking more about realities and forgets about the religious commitment and the shariah, or some were talking about religious commitment and shariah and forget about the realities.

But the whole debates in the realm of the scholars were around this principle. Never would they intended to seclude the religious commitment and always are standard, guided by the shariah principles. Because Allah has, the Prophet has said “*inna al-halal bayyinun wa inna al-haram bayyinun wa bainahuma umurun musytabihat la ya’lamuhunna katheerun min al-nas*”. Who are those “*la ya’lamuhunna kathirun min al-nas*”, the public. But the scholars know, they need to know, because “*fa man waqa’a fi al-syubuhah faqad waqa’a fi al-haram*” those who fall within the limitation of doubtfulness will potentially fall in the realm of haram.

So who gave us this understanding to know the demarcation line between this grey area, they are the scholars where they built their thinking based on this and guided by the shariah principles. In fact, their argument in perspective of those scholars who have shut down the doors of ijtihad, while realities have ever developed. In light of facing these scholars, the true scholars or the most responsible scholars have to face these people who shut the doors of ijtihad by saying that no more. This is it. And you cannot follow otherwise but you must only adhere to such text or opinion without giving further opportunities to explore the new realities. Because of this, they face such circumstances and their argument was based on this, scholars who have shut down the doors of ijtihad and also another form of scholar who got stuck in the fraternity of their very own schools of thought, that they refused to open it and listen to others.

And because of this, the argument is to make a strong principle that shariah in itself were built to embrace the challenges of time through the axis of permeable factors and changeable factors. And this is what we hear from the scholars who speak of ‘*al-thawabit min al-umur wa al-mutaghairat min al-umur*’ in order to get that principle to proven evidence that actually this is shariah.

Now ladies and gentlemen, I don’t want to bore you with my lecture. I’m just giving you an officiating speech but I have to give justice to the Professor. He has taken four years to write this book and it is unjust for me just to speak for 10 or 20 minutes.

Frankly speaking I did not, I did not have a sleep last night. I was all night reading the notes, entice me to further develop and expand what I understood from this text that make me awake until *solat al-fajr*. *Alhamdulillah* I am awake today, I’m not sleeping this morning and it is because of such thinking which after taking my little time to look into my small library at home. I said to myself I need to tell this because what has been written do not contradict with what

has been written by early scholars. It is just how we want to present it as a fresh understanding of today's world.

This led us to another important terminology that comes up every time when we talk about *ijtihad*, every time when we talk about realities and text, that is the term '*maslahah*'. The term *maslahah* doesn't just come out of the blue. It comes to the need of this thinking, to understand what it takes to define what exactly is *maslahah*. We translate that into English, I saw some of the translation saying *maslahah* is the well-being of society, okay fine. Some say it's of public interests.

Whatever it is, *maslahah* connotes to the meaning of well-being, goodness and greater public interests, not to you as an individual but to the greater public interest. That's what *maslahah* is all about. But the most interesting thing is to achieve *maslahah*. That is the question here. To achieve *maslahah* there were necessities to reject *mafsadah* or destructive element to the society. It must be read together. The moment you *jalb al-masalih* you try to gain the fullest maximum of wellbeing, there is *dar'u al-mafasid* that is rejecting all forms and elements of destruction.

*'Inna al-shariah kulluha maslahah, imma jalbu al-masalih aw dar'u al-mafasid'*.

Have you ever pondered why they start with all these maxims, it's actually to really understand the thing that was thrown by the Professor about *ijtihad*. Look at the current situation, don't literally put that in your narrow understanding but put that in the bigger (perspective). That's what the professor is saying all the while in the book.

So *maslahah* and *mafsadah* must be understood together in terms of gaining that wellbeing and rejecting the destructive element aside. Although within this realm, there were differences of opinion. Here lies so big of understanding. You defined *maslahah* as this, he defines *maslahah* as this. So where do we come in term? So the whole idea of debates within this realm is to really understand what *maslahah* means. But the principle of *maslahah* as a source of shariah is undeniable among them. The only disputed (matter) is what *maslahah* is, how you define *maslahah*. But they never disputed about *maslahah* being the source of shariah. It's very important.

The only debate, the only debate that we could find within this reality or this realm of debate was, what was the degree of dependency whether it outweighed the text of shariah, or the shariah besides the limitation of logic. This is only the great debate that took place is the dependency of rational logic outweigh the textual reasoning or otherwise. Since we agree that *maslahah* changes through times and places, that includes technology and everything, so *maslahah* is not static. How do you understand that? Does the logical reasoning outweigh the

textual reasoning or no, the textual reasoning will limit that logical reasoning. These are the debates.

Let me just quote to you few scholars who fell into this debate through their writings. Al-'Izz ibn 'Abd al-Salam considered necessities, experiences, traditions and experiences tradition and necessities is the main factor that justifies the scholars to resort to text. They resort to text first. You see when any new thing happens in the society, technology, people, advancement, then they start to think and from the past experiences they need a stand. What does the shariah say? First they look into the text. That drives them to look into the texts. This is Al-'Izz ibn 'Abd al-Salam's method and therein, within the text, they will make reasons or logical reasons to understand the best options of defining what is *maslahah*. So Al-'Izz ibn Abd al-Salam started the thinking through experiences and new thing that comes then tried to find whether the text addresses such realities and within that time or that process tried to reason out the logic and finally come to an opinion. That's Al-'Izz ibn 'Abd al-Salam.

Let us now move to al-Tufi. Al-Tufi defined *maslahah* in a different premise altogether. Al-Tufi defined *maslahah* into two realms that of '*ibadah* and that's of *mu'amalah*. It is very clear that he put on how to start rationalising while defining the categories of this is *mu'amalah*, this is '*ibadah*. By doing so, he came to the conclusion and in the opinion that the realm of a '*ibadah* would rely totally on text and consensus. No more. While in the realm of *mu'amalah*, it is the logic of the mind that guides the understanding. He justified the reason for such justification that is based on the fact that *mu'amalah* is from the, is for the well-being of the people, '*maslahah al-naas*'. You will hear these words, '*maslahah al-'ibad*', '*maslahah al-naas*', for the well-being of the people, while '*ibadah* was mandated upon each individual based on the text that only *al-Shari'* or the (Law) giver understands the wisdom.

You can find, why you are fasting on Ramadan. Yes, you can find the '*hikmah*', '*la'allakum tattaqun*' and all other things that you understand what is the wisdom of all this, but the scholars will always say, that it is only Allah who knows all this '*ibadah*, the secret and the wisdom, why? Because *mu'amalah* is an individual, mandated to you '*taklif 'ala fardi wa syakhsi' li 'ubudiyati'Llah wahdah*'. And for the *mu'amalah* which is a public interest or *maslahah al-naas aw maslahah al-'ibad*, it aims for the benefit of the people so you are given all the space to think, rationalised on what it takes to give well-being to the people. And it is Allah who gives that actually. He believed that preserving the well-being of public interest is an integral part of shariah command which do not meet any textual reasoning but logical understanding. Now that's very controversial of al-Tufi who was being attacked by other



scholars because they claim that al-Tufi was purely using rational reasoning and avoiding the text. But that's the debate again, he has given why he did so with all his justification.

Let us now finally come to al-Shatibi, which one of my favourites. He lives in the time of Andalusia, in Granada (or in Arabic, *Gharnatah*), where development has taken place, realities have changed, technology have changed. He came into problem with the scholars who shut down all *ijtihad*, he came into scholars who only confined to the *mazhab*, *ijtihad*, and that is why he came out with *al-Muwafaqat* (his book). What '*Muwafaqat*' means? *Muwafaqat* is to find tune and balance between the scholars and the realities that is within his reach during that time. (Al) Shatibi warned the excessive use of logical reasoning. He warned the excessive use of logical reasoning to avoid any form of distorted that and misrepresented command of the text. He argues the well-being of mankind is limited by the Giver of shariah for their own good. Well-being, *maslahah* must not be defined without discipline as man will potentially serve in that process his own lust and interests, to finally derailed from the track of truth. If you asked me there was no actually any form of contradiction. I understood from al-Shatibi's concern is that man potentially in that process will be using that same reasoning for his own interests and purposes not for public or the well-being of others, that's all. So he highlighted that in order to protect himself from those who attacked him by coming up with new and fresh ideas during those days. That is why he needs to say no, it is textual. If it was reasoning, it must be guided by the greater principles of the text, to avoid what al-Tufi has said or to misunderstand what al-Tufi had said previously.

Ladies and gentlemen,

Sufficient to prove a point that's what I was going to say. That's all. To point that *maslahah* which is changeable, *mutaghairat*, across time holds very distinctive position as a source of shariah. And the means to achieve that is to find balance between text, reasoning and logical reasoning. I believe that was what Professor Hashim Kamali was trying to achieve in understanding *hudud*. That was the spirit that he wrote in his book, I was just affirming his understanding. I do not know whether it is correct or not but that is actually the debate, that the hot debate that is now circling in between the ummah or the Muslims.

Now this is, I think it would be my final point sir, because I have taken most of your time. We will be listening to the presentation or the discussion of the book later. But I think this is very important. This is what is in the mind of the people today. And it has been addressed actually by the scholars. What is in the mind of the people, on the question of *hudud* and *qisas*?

There were or there has been a trend among the ummah to understand that punishments have been allocated and textualised which is *hudud* and *qisas* which have been allocated by the text, are to be considered the most heinous crime and no others are more threatening to the life of mankind. Because it is *hudud* and *qisas*, these are mentioned in the texts, so this is the most heinous crime. Is that true? They base their argument, why they say it is the most heinous crime?

They base their argument on the five necessities that was laid down by its first proponent, al-Ghazali. Al-Ghazali laid down a foundation of the first *khamis al-daruriyat*, the five necessities and he did that, the five necessities, they based on the premise of punitive aspect of shariah. He based that because *hifz al-din*, so if someone transgress *hifz al-din*, kill them, '*man baddala dinahu faqtuluh*'. '*Al-zaniatu wa al-zani fajlidu kulla wahidin min huma mi'ata jaldah*'. *Al-zaani* (male adulterer) was *al-zaaniah* (female adulterer), cane them for hundred times, for such action. And so *hifz al-'ird wa al-nafs*. '*Al-sariqu wa al-sariqatu faqta'u aidiyahuma*' thieves, cut off their hands, so *hifz al-mal*. This is the logic of al-Ghazali when he started. You must give credit to Ghazali because he was the first to really make the five necessities as the most important basic understanding of *maslahah* actually.

But nevertheless we should understand why he did that, he did that in the light of relating that to the punishment of Islam. But, but it is not an indicative, it is not an indicative of that they are no other crimes threatening the society today. I mean that is not a reason for us to say that this is the most heinous crime no other, because by saying that we will be deprived to look into potential crimes that could arise within the new realities, such as threats that we face today in the society: corruption. Governments come and go because of corruption, today's government will follow if we do not address the issue of corruption. And that is threatening the society. We must address that as also a heinous crime today.

That shall be taken a strict measure against it. Environmental crimes, toxic waste that threaten the life of the people, of the children. This is also very heinous crime that need to be addressed. War against humanity, drug trafficking, human trafficking and act of terror, all these are also even worse than the five necessities that we have mentioned in lights of the crime given in the text. Why? Because the paramount value of shariah. This is where we lack to understand. When we are stuck within that thinking we lack to understand the paramount values of shariah.

What is the paramount value of shariah? Justice. *Al-'Adlu. 'I'dilu, huwa aqrabu li al-taqwa*', '*kunu qawwamin lillahi shuhada'a bi al-qist. wa la yajrimannakum syanaanu qaumin 'ala alla ta'dilu, i'dilu huwa aqrabu li al-taqwa*'. It is mentioned by *adlu wa al-qist*. '*Qist*' is a Roman word actually, not

Arabic. Why is it that God said ‘*qist*’? where it is the paramount value. Just use the word ‘*adlu*’. Because justice is across time, race and language. This is what Allah wants to indicate the word ‘*al-qist*’. Justice or *al-‘adlu*’ or ‘*al-qist*’ which is consequential to punishment for those who transgress it. You don’t look at its individual crime but look at justice. Anyone who transgress that justice is a crime. Justice is centered to preserve the essence of humanity and to observe such need, the *maslahah* to preserve *al-‘adl* is based on an ongoing fold of events that could potentially harm justice to mankind throughout the ages.

Justice never die, as long as there are humans, there is an issue of justice. Technology, economy, intellectual development, environmental hazards are all an ever changing threat to the world today. It is an ever changing threat to the world in the events where justice is denied and human essence is transgressed. Actually shariah was meant to address all this for the well-being of mankind which we have deliberated in what we call *maslahah*.

This is my second (point) finally. I would quote Sheikh Abdullah ibn Bayyah where he advances a more detailed argument for postponing the implementation of *hudud*. Basically, under three points as follows: i) Shariah and religion are the two distinct but separate aspects of Islam, whereas religion is primarily dogma and faith, shariah consists of practical rules. (*al-ahkam al-‘amaliyyah*). That’s what the ulama’, scholar say about shariah, *al-ahkam al-‘amaliyyah*. Whereas the former is founded on decisive proof of the Quran, and *mutawattir* hadith, independently of interpretation, the practical rules stand on effective courses (*ma‘alaat al-‘af‘al*) and conditions (*wa al-syurut*).

Neglect of practical rules does not amount to renunciation of Islam. Provided it is not espoused with rejection or denial in principle. *Hudud* falls under the practical rules which in the terms of the ulama’, are said *hukm al-wad‘i*. ‘*Al-Ahkam al-Shar‘iyyah, hukm al-taklifi, hukm al-wad‘i*. *Wa hukm al-wad‘i la budda min al-asbab wa al-shurut wa al-mawani*’. This is what we learned in (Al) Azhar (University), that the *taklif* or the command of God is defined into two categories. One is *taklifi* which is individual that you must follow and you must understand, you must have knowledge to do so. Which is the other one is *wad‘i* where God has laid down, and in order for that to be applied, there are conditions, the rules are, what are the reason or *al-asbab*, what are the conditions or *al-shurut*, and what are obstacles or the ‘*al-mawani*’. That the application or not will be based on these rules of *al-asbab, al-shurut, wa al-mawani*’.

And this is exactly what Bin Bayyah is saying. *Hudud* falls under the practical rules, *wad‘i*, and they depend on the effectiveness courses (*asbab*) and are enforced within their courses and conditions (*shurut*), and are present, and no juridical hindrance (*al-mani*’) comes in the way of the enforcement.

So ladies and gentlemen,

I can go on because I did not sleep last night but I think suffice for me to be given the honour today, to officiate this precious book written and yet another contribution of Hashim Kamali to the world of academia and of course to the world of policies which we, the policy makers need it.

And that is why in the new government, three principles or the three trusts were laid down, which are ‘*rahmatan lil ‘alamin*’, ‘*maqasid al-shariah*’ and the Malaysian model. That actually explains my one-hour speech that I have just given.

In sum, there is a marked difference between the finely blended outlook of the Qur’an on the punishment and that of the scholastic jurisprudence as in many ways narrowed down the Qur’anic outlook. And it is unfortunately the latter that has dominated judicial practice and juristic scholarship. Imitation or *taqlid* which has been mentioned and pointed out by the Professor is still quite strong in such that it will take a degree of intellectual originality and rigor to bring a meaningful change. Yet there is so little alternative for 21<sup>st</sup> century Muslim but to attain a complete overhaul of the conventional approach by restoring the more comprehensive Qur’anic vision to the *hudud* and Islamic criminal laws.

*Wassalamu ‘alaikum warahmatullahi ta’ala wabarakatuh*

**Seminar: Muslim Extremists Creating Divisions in the Muslim  
Ummah: Prospects and Problems  
(IAIS Malaysia, 15 January 2020)**

*Mohammad Mahbubi Ali*

Islam has been in the spotlight since 9/11. The world community has become entrapped by the narrative that Islam is dangerous and Muslims are problematic. Adjectives applied to Muslims, like extremist, terrorist, jihadist, fundamentalist, are being propagated as unquestioned reality and truth, which gives credence to the Islamophobia agenda.

On 15 January, IAIS Malaysia organised a seminar under the central theme: “Muslim Extremists Creating Divisions in the Muslim Ummah”. The seminar