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ISLAM AND CIVILISATIONAL RENEWAL

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OBJECTIVES AND SCOPE

- Islam and Civilisational Renewal (ICR) is an international peer-reviewed journal published by the International Institute of Advanced Islamic Studies (IAIS) Malaysia. It carries articles, book reviews and viewpoints on civilisational renewal.
- ICR seeks to advance critical research and original scholarship on theoretical, empirical, historical, inter-disciplinary and comparative studies, with a focus on policy research.
- ICR aims at stimulating creative and original contributions within contemporary Muslim and non-Muslim scholarship to further civilisational renewal.
- ICR promotes advanced research on the civilisational progress of Muslims and critical assessments of modernity, post-modernity and globalisation.

CONTRIBUTIONS AND EDITORIAL CORRESPONDENCE

Comments and suggestions as well as requests to contact one of the contributing authors can be emailed to the Managing Editor at: journals@iais.org.my

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EDITORIAL

This issue of *Islam and Civilisational Renewal* features **five articles**:

“The Qur’ānic Identity of the Muslim *Ummah*: Tawhidic Epistemology as Its Foundation and Sustainer” is by **Osman Bakar**, the Deputy CEO of IAIS Malaysia and Emeritus Professor of Philosophy of Science at Kuala Lumpur’s University of Malaya. His article seeks to serve as the necessary background and foundation to another article by him which is to appear in the coming issue of this journal. It is devoted to explaining the conception of identity as applied to religious communities (sing: *ummah*) generally and the Muslim *ummah* in particular. In this article, Professor Bakar recommends that

- centres of Islamic studies need to intensify research on issues of what he refers to as ‘ummatic identity’;
- Islam’s knowledge and thinking-culture needs to be better understood and cultivated by the Muslims with the view of strengthening that ‘ummatic identity’;
- there should be more teaching and research programmes on epistemology from the Islamic perspectives;

My own article, “Tourism and the *Ḥalāl* Industry: A Global *Sharī’ah* Perspective,” provides an overview of the origin and development of Islamic tourism and draws attention to some of its weakness, including the fact that Islamic tourism is lagging behind more conventional forms of international tourism and has yet to realise its fuller potentials. I also focus on the *sharī’ah* concepts of *ḥalāl* and *ḥarām* and their manifestations in the *ḥalāl* industry and tourism in two main parts: market developments of interest to *ḥalāl* tourism internationally and those that have taken place in Malaysia. I recommend that

- in Malaysia, government departments, universities and institutions of research should coordinate their efforts more effectively in the development and standardisation of *sharī’ah*-rules of concern to Islamic tourism and the *ḥalāl* industry;
- Islamic tourism companies and operators should continue to improve and diversify their products and services and provide more attractive packages that respond to the needs of Muslims worldwide;
- governments and the general public everywhere should do their utmost to curb violence and terrorist activities, which paralyse everyday life and are especially damaging to the tourist industry.

“Muslim Private Higher Educational Institutions in Malaysia: Issues and Challenges” is by **Rosnani Hashim**, who is Professor of Education at IIUM’s Institute of Education and also Associate Director of the Centre for Philosophical Inquiry in Education (also at IIUM). Her article is an attempt to examine issues, challenges, and opportunities that are linked to an increasing demand for higher education as private higher education institutions (PHEIs) seem to be the most attractive alternative to public universities and colleges in opening greater access to higher education. She recommends, among many other things, that Muslim PHEIs should

- offer programmes that are sensitive to the changing needs and demands of the market to ensure its viability and also consistent with policies of the ministry of higher education;
- maintain its philosophy by making Islamic philosophy or worldview the core of all disciplines so as to tie the sciences as a unit;
- provide community-oriented extra-curricular activities for the development of character, leadership, practical and social skills.

“Islamic Civilisation: Awakening Parameters” is by **Saim Kayadibi**, an Associate Professor of Economics in the Kulliyah of Economics and Management Sciences at Kuala Lumpur’s International Islamic University Malaysia (IIUM). His contribution underlines the significance of Islamic civilisation by exploring the Muslims’ reawakening process and humanity’s ‘need’, as he has it, for a new world system, one that reflects Islamic civilisation’s understanding and practice of ontological freedom, security, and human rights. He argues that

- the Muslim civilisational reawakening may erase their long-standing inferiority complex toward the West, and
- an alternative world system is desperately needed since the one now in place does not fulfil the demands of all newly awakened people.

“Islamic Banking Practices and The Need for Ethical Concerns” has been jointly written by **Adeyemo Lateef Kayode**, a lecturer in the University of Benin, Benin City, Nigeria, and **Mobolaji Hakeem Ishola**, the Head of the Department of Economics in the Faculty of Management and Social Sciences of Fountain University, Osogbo, Nigeria. Although the two authors are aware of the fact that Islamic banking and finance (IBF) is becoming increasingly popular, they argue that

- there is a need to guard against all sorts of indiscipline on the part of all the stakeholders in the industry;
- IBF is based on divine injunctions that should be interpreted accordingly with an eye on ethics as well;

- further research needs to be done on how to integrate IBF into jurisdictions that are essentially multicultural.

This issue also contains **four viewpoints**:

The two main objectives of my “Exploring Facets of Islam on Security and Peace: Amnesty and Pardon in Islamic Law” are to review the Islamic law provisions on amnesty and pardon as they are expounded by its leading schools and scholars and then also to explore the prospects of needed reform of some of its relevant provisions.

“Whither ‘Arab Spring’?” by IAIS Principal Research Fellow **Christoph Marcinkowski** argues that while most of the recent movements in the Muslim world have been spearheaded by Islamic parties and leaders, the ‘Arab Spring’ is – surprisingly to those on the radical fringe – led by civil society, especially the youth. However, he also warns that lengthy phases of transition may ultimately play into the hands of extremists.

“Control of *Ḥalāl* Food Chains” is by **Marco Tieman**, a PhD candidate with Universiti Teknologi MARA Malaysia in Shah Alam, Selangor, Malaysia. He argues that Muslim countries should expand their role in the *ḥalāl* food value chain by investing in critical areas, establishing *ḥalāl* parks, developing a *ḥalāl* supply chain orchestrator (HSCO) and better protecting *ḥalāl*-related issues in non-Muslim countries.

“Whither ‘Homosexual Rights’?” by **Tengku Ahmad Hazri**, a researcher at IAIS Malaysia, investigates the question of ‘gay rights’ as an issue that seems to present a certain dilemma for Islam today, especially as the Muslim world generally accepts human rights as valid aspirations and as some scholars have even included these among the ‘higher objectives’ (*maqāṣid*) of Islamic law.

This issue of ICR has also a section on **significant speeches and events**, which, among others, carries two momentous and, as I find, very timely, speeches by the current **Prime Minister of Malaysia, Dato’ Seri Najib Tun Razak** and his predecessor (and Patron of IAIS Malaysia) **Tun Abdullah Ahmad Badawi**, respectively, that were delivered by them at the ‘Global Movement of Moderates Conference’ which took place on 17 and 18 January 2012 in Kuala Lumpur.

This segment also features excerpts of the UNITEN (Universiti Tenaga Nasional) Inaugural Lecture by Tun Abdul Hamid bin Haji Mohamad, Former Chief Justice of Malaysia, on the very crucial issue of integrity.

Furthermore, IAIS Principal Research Fellow **Christoph Marcinkowski** offers two

reports of two lectures delivered by him on invitation: “The Arab Spring: Prospects and Challenges for Good Governance in the Near and Middle East” delivered at an international symposium at Thammasat University at Thailand’s capital, Bangkok, and the ISEAS-NSC Lecture “Persians and Shi’ites in Thailand: From the Ayutthaya Period to the Present” at Singapore’s Institute of Southeast Asian Studies (ISEAS).

IAIS researcher **Tengku Ahmad Hazri** reports on the ‘Second International Conference on Islam and Higher Education: The Empowerment of Muslim Communities in Private Higher Education’ which was co-organised by IAIS Malaysia and the Pahang Foundation in November last year in Kuantan, Malaysia.

Finally, IAIS Principal Research Fellow **Karim D. Crow** provides a brief report of the public seminar ‘Music and Islam: Opening the Heart’ which was staged at our Institute in December last year.

In addition, this time we also carry **two notes and communications** and **five book reviews**.

As always, I would like to thank my IAIS Malaysia colleagues, especially the Publications Department and all the other contributors to this issue of ICR for their hard work and continued support.

Mohammad Hashim Kamali
Editor-in-Chief

ARTICLES

THE QUR'ĀNIC IDENTITY OF THE MUSLIM UMMAH: TAWHIDIC EPISTEMOLOGY AS ITS FOUNDATION AND SUSTAINER

*Osman Bakar**

Abstract: This article seeks to serve as the necessary background and foundation to another article by the author which is to appear in the upcoming issue of this journal. It explains the identity of the Muslim community (*ummah*) within the framework of the qur'ānic theory of multi-religious identities rooted in a common identity structure for all revealed religions and their respective communities. Tawhidic epistemology is central to the identity of the Muslim *ummah*. The essence of the *ummah* is a knowledge-community with its distinctive knowledge-culture founded on the qur'ānic *tawhīd* and the Muhammadan *sharī'ah*. Tawhidic vision of knowledge upholds the categorical position that all true human knowledge ought to be ultimately related to the unity of God, since all things are ontologically related to their Divine Origin. Muslims today no longer possess the whole of tawhidic epistemology along with its accompanying exemplary thinking culture. The eclipse of tawhidic epistemology has resulted in deviations in thinking modes from established norms rooted in traditional Islamic intellectual culture. Only a sound epistemological order exemplified in tawhidic epistemology may guarantee a healthy thinking and knowledge-culture on which alone the strength of the Muslim ummatic identity depends.

The Scriptural Basis of a Common Identity Structure for Religious Communities

There is a portion of a verse in the Qur'ān laden with ideas that may serve as guiding principles for a wide range of purposes related to the global pursuit of interreligious understanding and peace. The verse reads:

* *Osman Bakar* is the Deputy CEO of IAIS Malaysia and Emeritus Professor of Philosophy of Science at the University of Malaya, Kuala Lumpur. This article is a vastly expanded and revised version of a paper which he presented at the International Conference on 'Envisioning the Future of the Islamic World in the Era of Uncertainties: Views of Scholars' held at the Sultan Omar 'Ali Saifuddin Centre for Islamic Studies (SOASCIS), University of Brunei Darussalam, 15-17 September 2011.

To each among you, We have prescribed a Law (*shir'ah*) and a spiritual Way (*minhaj*). If God had so willed, He would have made you a single people, but (His Plan is) to test you in what He had given you: so strive as in a race in all virtues. The goal of you all is to God; it is He that will show you the truth of the matters in which you dispute.¹

Analysis of this verse allows us to establish its core ideas and the main purposes which they might serve. To begin with, the verse needs to be understood as being directed by God to the whole of the human family in order to explain the true meaning of the phenomenon of religious diversity and pluralism that has aroused so many controversies among both believers and disbelievers in God. As explained by Ibn 'Abbas, an uncle and companion of the Prophet Muḥammad, who is generally regarded as the first commentator on the Qur'ān, the expression “to each among you” (*li kullin...minkum*) in the verse denotes “to each prophet (*nabiy*) among you.”² Muhammad Asad, a modern commentator, uses the equivalent expression “unto every one of you” to translate the Arabic phrase.³ He interprets it as denoting “the various communities of which mankind is composed.”⁴ The interpretations given by Ibn 'Abbās and Muhammad Asad are equivalent, since, according to the Qur'ān, God has sent apostles (sing: *rasūl*) to every community (*ummah*).⁵ Accordingly, the expression “to each among you” conveys the idea that in human religious history, each Prophet⁶ and his religious community were recipients of “something” precious from God and this “something” is described in the words that immediately follow it: “We [i.e. God] have prescribed a Law and a spiritual Way (*ja'alnā ...shir'atān wa minhajān*).” From the point of view of the essential needs of every religious community, these are undoubtedly God's two most precious gifts.

This brings us to the second important idea in the verse, namely that, through His agency of prophethood and apostleship, God gave each community a *shir'ah* and a *minhaj*. Commentators generally understand the word *shir'ah*, which occurs only once in the Qur'ān, to mean “the sacred law” that would be subject to developments, both approved and otherwise. When interpreters identify *shir'ah* as synonymous with *shar'ah*, it means that they have added to the revealed *shir'ah* (law) the human interpretations of it as dictated or influenced by its developmental process, since the word *shar'ah* is traditionally understood to mean the combination of both the divinely given and the humanly interpreted laws.⁷ The word *minhaj*, however, is interpreted in a more varied way. Ibn 'Abbas interprets *minhaj* to mean *farā'id wa sunan*.⁸ Early Arabic lexicons explain *minhaj* as meaning “an open road” and “a clear path” and *farā'id* and *sunan* as having a common meaning of a way or path (*tariqah*) of life that God has ordained on man and his community, which in the case of the People of the Book (*sunnat ahl al-kitāb*) may have undergone ‘disapproved’ developments.⁹ Yusuf 'Ali, on the basis of classical commentaries, interprets *minhaj* to mean “the finer things which are above the law, but which are yet available to everyone, like a sort

of open highway.”¹⁰ Similarly, Asad understands *minhaj* to mean “an open road” that is “usually abstract in nature.”¹¹ He thus understands *minhaj* to mean “a way of life.”

On the basis of the above discussions of the word *minhaj* found in both early and modern qur’ānic commentaries as well as in classical Arabic lexicons, I argue that it would be best to translate it as “a spiritual way” to be understood as the inner dimension of religion as contrasted with law, which is viewed as its external societal dimension. To further strengthen this interpretation, making clearer the meaning of this inner dimension, let me advance two more arguments. First, there are qur’ānic verses that show that man has two fundamental needs, one arising from his “vertical” [i.e. metaphysical] relations with God and the other from his “horizontal” relations with the community.¹² The first need refers to his beliefs, individual and collective, about God as the Absolute and Ultimate Reality that is the source of all other realities and his spiritual path to Him. The second need refers to the ethical-moral principles and injunctions that are to guide and regulate his conduct in every facet of his earthly life, both private and communal. These two needs refer to *minhaj* and *shir’ah* respectively that are under discussion.

The second argument considers that man is naturally constituted in such a way that he exists both as a thinking and believing creature and as an acting creature. As the former kind of creature, his intellect-reason alone, with its thinking powers, does not suffice to help him fulfil his holistic needs. He needs a supra-rational guidance that provides him with the true knowledge of Reality [i.e. God] and spiritual practices that help deepen his relation with Him. This guidance would be best provided by a divine *minhaj*. As the latter kind of creature who has to live a communal life, he needs a practical code of conduct which in terms of comprehensiveness relative to its time and efficacy could only be provided by a divine *shir’ah*. The above two arguments would also help to explain the perennial nature of the two divine gifts – *minhaj* and *shir’ah* – to all religious communities throughout human history. These gifts are meant to address man’s perennial needs arising from his own natural constitution and the nature of Reality in which he occupies a central place and role.

The third important idea in the verse pertains to the identity of each religious community. The sentence that follows mention of the two gifts makes clear that it is not God’s Plan to make humankind “a single religious community (*ummat^{an} wāḥidah^{an}*),” although He could have made it so if He wanted to. He made the religious communities different from each other by giving each of them a unique *shir’ah* and *minhaj*. In other words, the identity of each community is definable in terms of its unique *shir’ah* and *minhaj*.

The fourth important idea conveyed by the verse concerns the purpose of this diversity. Three related purposes are mentioned in the rest of the verse. The first purpose is “to test you in what He [i.e. God] has given you.” The second purpose is to inspire the different communities to “strive as in a race in all virtues.” And the

third purpose is to demonstrate to all communities that “the goal of you all is to God.” Yusuf ‘Ali interprets the expression “to test you” (*li-yabluwakum*) to mean “to test our capacity for Unity (*wahḍaniyyah*).”¹³ We may therefore view the three purposes together as emphasising the human need for unity in diversity in collective life within a pluralistic community as well as the human challenge to realisation. In stating the purposes of religious diversity, the Qur’ān seeks to underline the main principles governing interreligious understanding and peace in the global human community.

The four important ideas identified in the qur’ānic verse under consideration serve the extremely useful purpose, especially in the contemporary world, of providing a scriptural basis for the formulation of a universal theory of multiple identities for divinely revealed religions that are rooted in a common identity structure. The theory affirms that although all revealed religions have a common metaphysical origin, each of them has a unique identity resulting in the uniqueness of the community it founded as well. The structural elements shaping the identity of each religion and its *ummah* are its *shir‘ah* and *minhaj*. However, by virtue of their common metaphysical origin and their common identity structure, revealed religions and their communities are found to share common spiritual and ethical-moral teachings, as the science of comparative religion would readily testify. The idea of shared spiritual truths and values among the followers of the different religions is of great practical significance to interreligious peace.

It is within the framework of this theory that this article seeks to develop a detailed understanding of the identity of the community which the Prophet Muḥammad founded on the teachings of the Qur’ān. The technical term in traditional Islamic scholarship for this community, the usage of which would be far more in conformity with the above theory of multiple religious identities than the modern usage of the term ‘Muslim *ummah*’, is *ummat^{um} Muḥammad^{hum}* (‘Muhammadan community’). It was used widely by Ibn ‘Abbās in his *tafsir*. The identity of the Muslim *ummah* thus understood will be used as the basis of discussion in the coming article to examine and prove the claim that the *ummah* is indeed passing through a worrisome identity crisis.

Some people may view the theory that revealed religions have distinct identities as contrary to the qur’ānic verse “verily, the religion before God is Islam.”¹⁴ In response, I maintain that while it is true to say that the Qur’ān gives the same name to all His religions, namely Islam, as this verse clearly shows, nonetheless it also furnishes us with evidence that the dimensions of both law and creed vary in several respects from revelation to revelation. There is no contradiction between the two verses if the word ‘al-Islam’ in the second verse is understood correctly. As explained by Ibn ‘Abbās, “God bears witness that the religion (*al-dīn*) before Him is Islam, the earlier as well as the latter.”¹⁵ He further says that “the angels, the prophets, and the believers also bear witness to this [truth].”¹⁶ It follows from his explanation of the verse that

the word 'Islam' is to be understood in its universal sense as a generic name for the 'religion of submission' (*dīn al-islam*).¹⁷ All prophets bear witness to this universal truth, as he has emphasised.¹⁷ 'Islam' thus refers to the religion of submission of each prophet and not just the religion revealed to the Prophet Muḥammad.

However, the revealed forms and manners of submission vary from prophet to prophet. This variation in submission to God is to be observed in the different Laws (*sharā'ī*) given to the prophets. In his explanation of the other verse, Ibn 'Abbās asserted that God could have made the whole of mankind a single community with "a single Law" (*shar'at^{an} wāḥidat^{an}*), but instead He wanted to have a diversity of religious communities, each with its own *shir'ah* (or *shar'ah*). In other words, the Islam that was revealed to the Prophets is not one and the same. For example, we know too well that the Mosaic Law (*shar'ah*) is not the same as the Muhammadan *shar'ah*.¹⁸ This is perfectly understandable, since a divine *shar'ah* is meant to address both the permanent and changing needs of man, and the latter needs to vary with respect to time and space. Even at the level of beliefs, there is substantial variation in the doctrinal formulation and expressions of the principle of Divine Unity (*al-tawḥīd*), which is the core of each *minhaj* discussed earlier, as well as in its content. The Qur'ān maintains that God has sent apostles to every *ummah* ('community')¹⁹ to deliver His message in the language (*lisān*) of his own people.²⁰ It is variations in the content and language of revelation²¹ and in man's 'logical' needs that explain variations in doctrinal formulations of *tawḥīd*.²²

These assertions show that even if the original religion ('the qur'ānic Islam') of each prophet has survived to this day without undergoing any changes, it would still be possible for us to speak of it as having an identity that distinguishes it from the other revealed religions. We know that all religions have undergone historical developments and changes, some more substantial than others. However, despite these developments and changes, including the significant deviations from their respective original doctrines of *tawḥīd* and domains of sacred law, as observed in many religions – which the Qur'ān does not hesitate to criticise – the theory of multiple identities for revealed religions and their respectively generated communities still holds true. There is still the need to address the important issue of identity transformation that some religions have undergone as a result of their fundamental developmental changes. Generally speaking, the developmental aspects of a religion always raise the controversial issue of orthodoxy, which is, however, beyond the scope of this article.

When the developmental aspects of religions are taken into account, then the identity of each religious community may be defined in terms of its creed (theological beliefs) and spiritual-moral Law. Accordingly, the identity of the Muslim *ummah* – henceforth referred to as ummatic identity – may be defined in terms of the qur'ānic *tawḥīd* and the Muhammadan *shar'ah*. However, as is true of other religious communities, the Muslim ummatic identity has many defining elements, some of

which are more fundamental than others. In the following discussion, the focus is on its most fundamental defining elements, particularly tawhidic epistemology, because it is these elements that have been eclipsed by the secondary defining elements. The defining elements mentioned above – qur'ānic *tawhīd* and Muhammadan *sharī'ah* – may be further reduced to their respective core components.

Defining the Identity of the Muslim *Ummah*: Its Core Elements

The essence of qur'ānic *tawhīd* is the first article of faith, namely the belief in one God, which, metaphysically speaking, contains all the other articles of faith (*arkān al-īmān*). The belief in one God is embodied in the principle of divine unity (*al-tawhīd*), which is also contained in the Muslim testimony of faith (*shahādah*), “There is no god but God.” The Muhammadan *sharī'ah* is founded on the five pillars of Islam (*arkān al-islām*), the essence of which is the first pillar itself. The first pillar comprises the two testimonies of faith (*shahādātayn*) that one has to formally declare upon accepting Islam. The first testimony – the declaration “There is no god but God” just mentioned – affirms the truth of divine unity, while the second – the declaration “Muḥammad is the apostle of God” – affirms the truth of the Muhammadan apostleship. Since the two testimonies are stipulated on the basis of the Prophetic traditions²³ as a necessary and sufficient qualification for membership of the Muslim community (*ummah*), they may be interpreted as the most fundamental defining elements of the ummatic identity.

Furthermore, since the principle of divine unity as the first defining element pertains to the witnessing of the absolute truth and thus to the highest knowledge, which is in principle the container and generator of all human knowledge,²⁴ and the principle of Muhammadan apostleship as the second defining element pertains to the witnessing of the most important cosmological and societal truths, it follows that the Muslim ummatic identity is knowledge-based and knowledge-oriented.²⁵ We may then define the Muslim *ummah* as “a knowledge-community founded on the twin principles of divine unity and Muhammadan apostleship.” It is possible to further reduce the Muhammadan apostleship to its essential core, namely Muḥammad as the “role model” (*uswat al-ḥasanah*) as maintained in the Qur'ān.²⁶ Muḥammad is the best role model for both individuals and the *ummah*, because he is the perfect microcosm of both the cosmos and the *ummah*. He is the perfect man and, through his exemplary life (*sunnah*), he is the personal embodiment of the *ummah* in its ideal form and manifestations. The ummatic identity is therefore inseparable from the idea of the Muhammadan reality from which the Muhammadan role model springs. Accordingly, we may also define the Muslim *ummah* as “a knowledge-community founded on the twin principles of divine unity and Muhammadan reality or substance.”

The above definition of the Muslim ummatic identity is presented in its most universal and inclusive form, since the defining elements are the most fundamental

possible. The identity depicted is in its most universal form, because there is no other principle that transcends the principle of divine unity (*tawhīd*). It is also depicted in the most inclusive form, because in the perspective of the Qur'ān, the Muhammadan apostleship embraces all the dimensions of apostleship and prophetic roles and careers of his predecessors combined. From the point of view of temporal role, the Prophet Muḥammad is considered the most perfect prophet and apostle.²⁷ As such, the principle of Muhammadan apostleship is able to comprehend all religious perspectives in the history of human life and thought.

As argued by many classical Muslim thinkers, the *tawhīd* of the Prophet Muḥammad stands out as the most comprehensive and the most perfect.²⁸ They cited in particular the qur'ānic verse on “the perfect religion revealed to the Prophet”²⁹ and the verse on “the Seal of the Prophets”³⁰ (*khātam al-nabiyīn*) in support of the idea of completeness and perfection of both qur'ānic *tawhīd* and the Muhammadan *sharī'ah*. This means that if the Muslim *ummah* is to be defined as “a knowledge-community founded on the qur'ānic *tawhīd* and the Muhammadan *sharī'ah*,” its identity would still be universal and inclusive in nature.

Dimensions of the Muslim Ummatic Identity

There are many other defining elements of the Muslim ummatic identity, but for the main purpose of this article, it is not necessary to go through all of them. I describe some of these elements as exclusive in nature or as minor in comparison with the elements already discussed. An example of these would be the prayer direction (*qiblah*) towards Mecca. The change of *qiblah* from Jerusalem to the Ka'bah in Mecca, as mentioned in the Qur'ān,³¹ was justified first and foremost on the ground of the need for the new Muslim *ummah* to have a distinctive identity.³² The Qur'ān describes this new religious community as *ummat^{an} wasat^{an}*,³³ meaning the “justly balanced community” or “the community of the middle path.” This means that balance and moderation are a defining element of the new *ummah*'s identity. Interestingly, the Qur'ān views the change of *qiblah* as a decision based on knowledge,³⁴ thus strengthening the thesis that the Muslim *ummah* is a knowledge-community with knowledge-laden identity characteristics.

Another example of secondary and exclusive defining elements of the ummatic identity is the two annual Muslim religious festivals – *Īd al-Fiṭr* and *Īd al-Aḍḥā* – mentioned in the *ḥadīths*. According to the Prophet, every *ummah* has its own religious festivals. For his *ummah*, its festivals are the two mentioned. Notwithstanding the significance of the new *qiblah* and the two festivals to the Muslim ummatic identity, they are of little relevance to the understanding of the identity crisis that is sought to be analysed in this article. Rather, in arguing for the notion of the Muslim *ummah* as a knowledge-community, the major dimensions of its identity, particularly as displayed by the Prophet's exemplary community in Medina, will be discussed.

The Exemplary Knowledge-Community

The Muslim *ummah* was created to be a knowledge-community that would serve as a model for the rest of mankind. The Qur'ān describes the *ummah* under the Prophet Muḥammad's leadership as "the best *ummah* evolved for mankind,"³⁵ because, first and foremost, it was a knowledge-community. The Prophet himself affirmed this claim with his statement that "the best of my *ummah* is of my generation" (*khayr^a ummatⁱ qarnⁱ*). As a further justification of the claim, we may argue that the three essential attributes of the best *ummah* mentioned in the verse are all knowledge-based, namely commitment to enrichment of the common good (*al-ma'rūf*), zero-tolerance of all that is bad and evil (*al-munkar*), and faith in God (*tu'minūna bi'llāh*).³⁶ The three key terms to be understood here in relation to knowledge are *al-ma'rūf*, *al-munkar*, and *īmān*. Both etymologically and conceptually, the Arabic word *ma'rūf* refers to that which is well-known and universally acknowledged to be good. It is acknowledged as such through knowledge. Similarly, something is identified as *munkar* through knowledge. As the *ummah* increasingly expanded and became more complex, what were categorised as *ma'rūf* and *munkar* also increased in scope and variety. It was with the view of refining the meanings of these two categories of human acts for both ethical and legal considerations and classifying them into their various respective grades and types that scholars of the *ummah* developed Islamic jurisprudence (*ʿilm al-fiqh*) into a major and sophisticated religious science. This scientific and progressive nature of Islamic jurisprudence clearly shows the knowledge-laden nature of the fundamental practical criteria of the exemplary *ummah*.

Likewise, faith in God is a knowledge-laden criterion of the best *ummah*. In the Islamic perspective, knowledge (*ʿilm*) and faith (*īmān*) are not two mutually exclusive domains, let alone in conflict with each other. True faith in God is the real foundation of knowledge as emphasised by the Qur'ān.³⁷ Knowledge and faith have a dynamic interaction in which each reinforces the other. Faith based on understanding can generate new knowledge just as increase in knowledge can strengthen faith. The articles of faith in Islam are all statements about knowledge and, in fact, in the history of Islamic thought, they serve as epistemological³⁸ principles in the various cosmological, natural, and social sciences.

Taken together, the three criteria of ummatic excellence represent the necessary forces for societal balance and equilibrium. They embody the principle of balance between faith and action and between knowledge and practice. All human societies, regardless of their religious or ideological persuasions, perform the task of promoting the common good (*ma'rūf*) and preventing the common evil (*munkar*) to various degrees of commitment and efficacy. However, it is faith in God that gives ultimate meaning and quality to the first two criteria and helps to sustain them. As long as faith in God remains strong in a society, the efficacy of the two

societal tasks is assured. Thus, for the first several centuries in the history of Islam, the Muhammadan *ummah* played the role of a model knowledge-community admirably.

According to the Prophet, two functional groups stand above the rest in terms of their influence and impact on the community. These are the men of knowledge (*‘ulamā’*) and the rulers and administrators (*umarā’*). The state of health of the community and its quality of life depend, most importantly on the ideas and actions of these two groups. They are therefore the ones most responsible for preserving and sustaining the ummatic identity. Since the *‘ulamā’* are primarily concerned with issues of knowledge and intellectual power and the *umarā’* with issues of political power and leadership, I will now discuss the dimensions of the ummatic identity that correspond to these respective roles and functions in the community. Accordingly, the dimension associated with the *‘ulamā’* is the epistemological dimension and the one with the *umarā’* is the leadership-followership dimension.

The Epistemological Dimension: Tawhidic Epistemology as Sustainer of the Muslim Ummatic Identity

The Muslim ummatic identity as a tawhidic knowledge-community finds a more concrete meaning and expression through Islam’s very nature and structure as a religion and its pervasive concern with knowledge. The Qur’ān affirms that Islam is the religion of truth (*dīn al-ḥaqq*),³⁹ meaning that it is founded on the nature of things. The religion is thus structurally divided into the dimensions of beliefs and practices – the articles of faith and the pillars of Islam respectively – to cater to man’s needs arising from his twofold division into thinking and willing components explained earlier. In principle, Islam’s knowledge-community is born out of the association of individuals who accept these knowledge-based beliefs and practices. Islam communalises these beliefs and practices so that they serve as the foundations of a knowledge-driven community that would be free of conflicts between individual and collective interests. In this perspective, the Muslim ummatic identity may be defined in terms of its obligatory acceptance of the articles of faith and the pillars of Islam as specified by the Prophet himself.

As emphasised earlier, the Muslim ummatic identity is founded on the metaphysical-theological principle of divine unity, which is Islam’s most fundamental epistemological principle. The main content of Islamic epistemology is derived from the application of this principle to all domains and branches of knowledge. The knowledge of Divine Unity (*‘ilm al-tawḥīd*), which is basically knowledge of Divine Names, Attributes, and Qualities, gives rise to the various epistemological principles and cosmological sciences, which in turn serve as the basis of the natural and social sciences and all other sciences. Essentially speaking, it is this tawhidic epistemology that helps to sustain the *ummah*’s identity as a knowledge-community.

Three of these derivative epistemological principles are treated in this discussion, because of their singular importance to the understanding of the *ummaḥ*'s contemporary knowledge-culture and its unhealthy condition. These are the idea of the unity of knowledge, the idea of order and harmony in the domain of knowledge, including the categorisation of knowledge into numerous types,⁴⁰ and the idea of a hierarchy of knowledge.

More specifically, the idea of the unity of knowledge is derived from the Divine Name, *al-ʿAlīm* ('The Omniscient'). All forms and all branches of knowledge are harmoniously interrelated by virtue of the fact that all human knowledge ultimately comes from God, although man may acquire it through various ways and means. There could not be any conflict between any two branches or bodies of knowledge. Since this idea is fundamental to tawḥīdic epistemology, it was practically realised as part of a living knowledge-culture. Consequently, Islamic society was spared such epistemological conflicts as between the natural sciences and the social sciences or the humanities as happened in the modern West. C. P. Snow's reference to the West's "conflict of the two cultures"⁴¹ bears a close relationship with these epistemological conflicts. However, losing the sense of the unity of knowledge with the import of new ideas and new knowledge from foreign sources into the Muslim community, the contemporary Muslim mind experiences only disunity and conflict. A Muslim mindset deeply conscious of the unity of knowledge would have transformed real or apparent disunity and conflict in knowledge-claims into a clear unity.

Closely related to the idea of the unity of knowledge is the idea of the order and harmony in the domain of knowledge. When the human mind is faced with having to organise knowledge according to some system in the midst of seeming disarray, disorganisation and confusion in the knowledge-field, then the need for the idea of order and harmony is apparent. It presupposes categorisations of knowledge into well-defined types and forms. It is natural for the human mind to love seeing order and harmony in the domain of knowledge, since it has been structured to fulfil its intellectual, rational, logical, and mental needs in an orderly fashion. The human mind hates images of disorganised knowledge. It was with the view of realising order and harmony in the field of knowledge and thought and of catering to man's natural intellectual and rational needs that the classical Muslims developed a knowledge-culture in which definitions, classifications, and logical rigour feature prominently.⁴²

The traditional Muslim organisation of knowledge into the various sciences (*ʿulūm*), to which they contributed a significant number of new academic disciplines, was also meant to serve the same purposes. However, order and harmony in the domain of knowledge would not be possible without the role of the principle of *tawḥīd* as the ordering and organising principle. For this reason, when this particular role of *tawḥīd* no longer finds a rightful place in the minds of the learned, then confusion and disorder will prevail in its knowledge system.

The third idea – the hierarchy of knowledge – another central teaching of tawhidic epistemology, may be viewed as a key component of the idea of order and harmony, since it is meant to establish order and justice in human knowledge. The various forms and branches of knowledge need to be hierarchically ordered in accordance with their respective epistemological values which differ from each other. The Qur’ān and the prophetic *ḥadīths* do not support the idea that all branches of knowledge are of uniform values. On the contrary, they affirm the hierarchy of knowledge.

The principle of Muhammadan apostleship, which is a statement about the reality of Muḥammad and his relationship with God, is yet another source of Islam’s epistemological principles. There is total agreement among Muslims that Muḥammad is an embodiment of human perfection with all its implications for both man’s personal and collective life, although Muslims differ in interpreting the meaning of his perfection. For the Sufis, the second testimony serves as the foundation of their conceptions of the Muhammadan Reality (*al-Haqīqah al-Muḥammadiyyah*) and the Perfect Man (*al-insān al-kāmil*), which are extremely important to their spiritual life.⁴³ This testimony is related to knowledge in many different ways through the objectification of Muḥammad the apostle into principles of various kinds such as the cosmological, psychological, educational, political, social, and moral-ethical.

By objectification, I mean that Muḥammad is not simply the name of a person whose extraordinary life and prophetic career profoundly changed the world, but also a set of objective principles, primarily epistemological, that both serve as the foundations of various dimensions of human life and thought and explain their meanings and possibilities. Each of these principles is laden with knowledge. The Prophet’s numerous names and titles⁴⁴ – 201 in all according to tradition – testify to the substantive knowledge content of the second testimony and its diversification in macrocosmic and human reality. Moreover, in societal terms, his full life illustrates in a clear manner the idea of a complete practical application of the principle of *tawḥīd* to human community-building.

The Leadership-Followership Dimension

Central to the character of any community, especially a religious one, are leadership-followership relationships, not just in politics but all fields. In Islamic perspectives, both leadership and followership are knowledge-based issues. Prophetic leadership provides the perfect model for societies aspiring to be a knowledge-community. It was clearly knowledge-based. In fact, the core element in prophetic leadership was intellectual leadership, by which I mean leadership in wisdom, knowledge, and ideas.⁴⁵ Tradition maintains that the Prophet was the most knowledgeable of creatures. In defining the quality of leadership of his successors – the post-prophetic leadership – he places emphasis on their possession of knowledge and

wisdom. He made this very clear in one of his sayings when he asserted that the most qualified to inherit the leadership of the Prophets are those noted for their knowledge and learning (*al-‘ulamā’*).⁴⁶ His immediate successors – the four Rightly-Guided Caliphs (*al-khulafā’ al-rāshidūn*) – were generally acknowledged as the best among his followers to inherit the prophetic leadership by virtue of the depth of their knowledge and piety.⁴⁷ They were true *‘ulamā’* and God-fearing *umarā’*.

Even in the subsequent periods when the quality of leadership of the *ummah* continued to decline with the *‘ulamā’* and *umarā’* crystallising into two separate institutions that found themselves frequently at odds with each other, many scholars kept reminding the leaders of their times to emulate prophetic leadership in their governance and administration. In theory at least, as can be seen in the writings of Muslim political philosophers and jurists, intellectual or knowledge-leadership continued to be looked upon as a necessary and core component of political leadership. In practice, however, leaders who possessed within themselves both good knowledge and political leadership qualities were becoming rarer. When some scholars began to advance the idea of collective leadership to compensate for the loss of individual leaders endowed with many excellent attributes of prophetic leadership, the main hope then was that through this collective leadership the *ummah’s* need for a sound intellectual leadership could be adequately met.⁴⁸

In a knowledge-community as envisaged by Islam, its knowledge-based leadership is to be matched with a knowledge-based followership. Leadership and followership must go together according to well-defined relations.⁴⁹ It is meaningless to have good leaders without good followers, and *vice versa*. Within the framework of its tawhidic worldview, Islam has structured leadership-followership relations in its *ummah* in accordance with its social teachings and its earthly goal of societal salvation and ultimate goal of post-humus salvation. A knowledgeable and well-informed followership presupposes the existence of a well-educated community, which Islam proposes to achieve through its philosophy of universal education.

It is such a community, of which the first generation of Muslims was the most exemplary, that would be in a position to put into the best practical shape the leadership-followership relations as envisaged by the Qur’ān and as exemplified by the Prophet and his companions. The most important principle defining these relations is the reciprocity between obedience and loyalty to leadership and the leadership’s responsibility to look after the general welfare of the followers. Another principle is embodied in the idea emphasised in several *ḥadīths*, that “every person is both a leader and a follower, albeit in different contexts.” If this idea is well understood and diligently put into practice in the various dimensions of a person’s collective life, then it would go a long way towards bringing leadership-followership relations closer to the ideals set forth by Islam.

An Appropriate Thinking Culture for the Exemplary *Ummah*

Thinking is central to human life. This fact and Islam's self-portrayal as a religion of knowledge explain its emphasis on healthy and correct thinking, especially on issues that really matter to human identity, worth, and dignity. Tawhidic epistemology provides indispensable guidelines to man for his proper appreciation of the place, role and function of *al-ʿaql* ('intellect-reason'), which is his most important cognitive instrument in the pursuit of knowledge, especially in relation to divine revelation, to ensure correctness in his thinking activities.

Islam views thinking as a defining element of human identity and by extension, ummatic identity. To be human is to be able to think, for which function God has endowed man with the cognitive faculty of intellect-reason (*al-ʿaql*).⁵⁰ Traditional Muslim philosophers affirm this essential attribute of man by defining him as a rational animal (*al-ḥayawān al-nāṭiq*).⁵¹ The general objective of human reason is to know truths through correct thinking, thus to acquire knowledge. However, reason is susceptible to erroneous thinking. An error can be minor or major. What interest us here are errors that contradict the Qur'ān and established wisdom (*al-ḥikmah*). Moreover, these errors may be collective in being committed by a whole community or society. The collectivity committing the error may not admit that they have done so. On the contrary, they may claim that they are right! However, by virtue of its position as a divinely revealed criterion of truth and error, the Qur'ān often makes judgments that 'collective errors' have indeed been committed.

When the collectivity happens to be a whole civilisation or the greater part of it, the 'collective error' becomes elevated to a 'civilisational error'. In the history of Western thought, civilisational errors of various magnitudes have been committed. For example, the birth of the modern secular West was partly founded on a major error, namely the belief that the collective human mind has no need of divine revelation to guide it in the pursuit of knowledge and meaningful life and civilisation-building. This collective error became a civilisational one when it was adopted as one of the foundational pillars of modern Western civilisation.

Islam takes very seriously such collective errors. In its opening chapter (*Sūrah al-Fātiḥah*), the Qur'ān teaches mankind to pray to God to guide them to the straight path (*al-ṣirāṭ al-mustaqīm*).⁵² There, the straight path is characterised as the path of "those who do not go astray."⁵³ In another part of the Qur'ān, the straight path is defined as the worship of God the One alone.⁵⁴ In other words, the straight path is the path of *tawḥīd*. Given the centrality of thinking in human identity, correct or orthodox thinking must form an integral component of the straight path. In other words, to be on the straight path in one's life also means to lead a right way of thinking. In affirming orthodoxy in thinking, in which intellect-reason and revelation find a well-ordered and harmonious relationship, Islam at the same time cautions against heterodoxy in thinking. To follow a way of thinking and a way of knowledge that are totally

independent of divine revelation would thus be a glaring deviation from the straight path of *tawhīd*. A collective mind immersed in such a deviationist thinking culture is viewed in the Islamic perspectives as having committed heterodoxy in thinking.

Since it is a major concern of Islam to at the same time promote and preserve orthodox thinking and prevent collective errors in man's thinking activities, its knowledge-culture has developed the finest logical tradition ever found in the history of human thought. I am referring to Islam's art of thinking as developed in the branch of knowledge known as *‘ilm al-mantiq* ('science of logic'). It should be noted that, in Islamic intellectual tradition, logic is not viewed merely as a part of a corpus of thinking tools (*ālāt*). As a tool, logic can serve both truth and error. Islamic logic, however, is also concerned with the issue of the truth of premises needed for thinking processes.⁵⁵ It is in this particular area of logical concern that there is a place for revealed data to serve as true premises. The traditional Islamic art of logic was sophisticated enough to be able to serve the logical and thinking needs of the Muslim minds without their having to revolt against God and His revelations or to abandon orthodoxy.

Conclusion and Recommendations: The Restoration of Tawhidic Epistemology

In my coming article, I will argue that the traditional Muslim ummatic identity that I have described, founded on and nourished and sustained by Islam's tawhidic epistemology, has been partially lost due to the disappearance of the best parts of this epistemology from the collective mind of the contemporary *ummah*. I will further argue that as a result of this loss, Islam's knowledge and thinking-culture have also been adversely affected, resulting in the contemporary ummatic identity crisis. I will propose concrete suggestions as to how to overcome this crisis in the *ummah's* knowledge and thinking-culture and educational systems.

On the basis of the whole foregoing discussion, I would like to suggest the following:

- Centres of Islamic studies need to intensify research on issues of ummatic identity given its importance to the health and dignity of the *ummah*;
- There should be more teaching and research programmes on epistemology from the Islamic perspectives in the Muslim world that will result in much needed publications on the subject;
- Leadership-followerhip issues and the issue of the unity of the *‘ulamā’* and *umarā’* need to be further articulated for the benefit of the general public;
- Islam's knowledge and thinking-culture needs to be better understood and cultivated by the Muslims with the view of strengthening the ummatic identity.

Notes

1. Qur'ān 5:48. Translations are from 'Abdullah Yusuf 'Ali, *The Meaning of the Holy Qur'an: Text, Translation and Commentary* (Kuala Lumpur: Islamic Book Trust, 2009), except indicated otherwise whenever I have to offer my own interpretations. For 'Ali's discussion of this verse, see p. 219.
2. See Abū Ṭāhir Muḥammad b. Ya'qūb al-Fīrūzābādī, *Tanwīr al-maqbas min tafsīr Ibn 'Abbās* (Cairo: Al-Halabi and Sons, 1370 AH/1951 CE), 76. Henceforth, this author will be cited as al-Fīrūzābādī and the work as *Tafsīr Ibn 'Abbās*.
3. See Muhammad Asad (transl., explan.), *The Message of the Qur'an* (Gibraltar: Dar Al-Andalus, 1980), 153.
4. Ibid.
5. Qur'ān 10:47.
6. According to Islamic tradition, there were altogether 124,000 prophets from Adam, the first man and also the first Prophet, to Muḥammad, the last of them.
7. See E. W. Lane, *Arabic-English Lexicon* (Cambridge: The Islamic Texts Society, 1984 edition), 2:1535.
8. al-Fīrūzābādī, *Tafsīr Ibn 'Abbās*, 76. Report by Nur Atifi, "COP15: The Good, the Bad and the Ugly," *Business Today* (Kuala Lumpur), 13 February 2010, 42.
9. Lane, *Arabic-English Lexicon*, 1:1438-39; 2:2374-75.
10. 'Ali, *The Meaning*, 219.
11. Asad, *The Message*, 153.
12. Qur'ān 3:112. Part of this verse refers to the idea in question "*hablin min Allah wa hablin min al-nas*," which Asad translates as "a bond with God and a bond with men." In his note to this translation (note 83), Asad comments that the people of the Book who no longer observed "bond with God and with men" would be free of shame "if they return to the concept of God as the Lord and Sustainer of all mankind." Asad, *The Message of the Qur'an*, p. 84.
13. 'Ali, *The Meaning*, 219.
14. Qur'ān 3:19.
15. al-Fīrūzābādī, *Tafsīr Ibn 'Abbās*, 36.
16. Ibid.
17. Ibn 'Abbas paraphrased the statement "*inna al-din 'ind Allah al-Islam*" as "the most pleasing thing (*al-mardiy*) to God is submission to Him." Bin Ya'qub al-Firuzabadi, *Tafsīr Ibn 'Abbas*, p. 36.
18. I am using the word 'Muhammadan' in the traditional Islamic sense of a principle, as Ibn 'Abbas has done in his *tafsīr*, that is applicable to and descriptive of such entities and realities as *ummah*, *sharḤah*, and the spiritual substance of the Prophet Muḥammad to which the Sufis refer to as the Muhammadan Reality (*al-Ḥaqīqah al-Muḥammadiyyah*) and the Muhammadan Light (*al-Nūr al-Muḥammadi*). This Islamic usage long predated the Orientalists' usage of the word. The idea of the Muhammadan principle will be discussed in the later sections of this article.
19. Qur'ān 10:47.
20. Ibid., 14:4.
21. The word 'language' in the verse is to be understood not only in the ordinary sense as when we are referring to ethnic-based languages such as Arabic, Malay, Persian and so on, but also in the wider, supra-ethnic sense. In this wider sense, we are speaking of such types of language as the mythical and the symbolical. As 'Ali has commented on the verse: "There is even a wider meaning for 'language'. It is not merely a question of alphabets, letters, or words. Each age or people – or world in a psychological sense – casts its thoughts in a certain mould or form. Allah's message – being universal – can be expressed in all moulds and forms, and is equally valid and necessary for all grades of humanity [...];" see 'Ali, *The Meaning*, 494.

22. A classical Muslim thinker who dealt with this issue in a detailed way was Ibn al-ʿArabī (d. 1240). For his work on the role of various prophets in revelation and the dimension of divine Wisdom each represents, see Ibn al-ʿArabī, *Fuṣūṣ al-ḥikam (The Bezels of Wisdom)*, trans. and intro. R. W. J. Austin (New York: Paulist Press, 1980).
23. According to several *ḥadīths* narrated by ʿUmar b. al-Khaṭṭāb, the second caliph, it was the Prophet himself who identified the first pillar of Islam with the two testimonies of faith in response to the question “what is Islam?” posed by the Archangel Gabriel to him during a question and answer session on the meaning of religion (*al-dīn*) which he and several of his companions had with the latter.
24. For a discussion of the role of the principle of divine unity contained in the first *shahādah* as the metaphysical container and generator of all knowledge, see Osman Bakar, *Tawhid and Science: Islamic Perspectives on Religion and Science* (Shah Alam [Malaysia]: Arah Publications, 2008, 2nd ed.), especially the Introduction, Chapter 1, and Chapter 4.
25. From the point of view of the core concern of this article with the identity of the Muslim *ummah*, it is an extremely significant point to be noted that Islam defines the qualification of membership of the *ummah* in terms of knowledge.
26. Qurʾan, Chapter 33 (“The Confederates”), verse 21.
27. In his commentary on the Muhammadan wisdom, Ibn al-ʿArabī writes: “[...] he is the most perfect creation of this humankind, for which reason the whole affair [of creation] begins and ends with him [...]. [H]e is, by his elemental makeup, the Seal of the Prophets.” He goes on to say: “He was the clearest of evidence for his Lord, having been given the totality of the divine words, which are those things named by Adam” *Fuṣūṣ al-ḥikam (The Bezels of Wisdom)*, trans. and intro. R. W. J. Austin (Ramsey, NJ: Paulist Press, 1980), 272.
28. For an excellent study of the treatment of this theme by classical Muslim scholars, see Annemarie Schimmel, *And Muhammad is His Messenger: the Veneration of the Prophet in Islamic Piety* (Kuala Lumpur: Islamic Book Trust, 2008), particularly Chapter 7.
29. Qurʾān 5:3.
30. *Ibid.*, 33:40.
31. *Ibid.*, 2:142-145.
32. For this and other justifications of the change, see ʿAlī, *The Meaning*, 53-56.
33. Qurʾān 2:143.
34. In responding to the disputes about the *qiblah* change among the People of the Book, the Qurʾān (2:145) says: “[...] If you [i.e. the Muslims] were to follow their desires after the knowledge has reached you, then you were indeed in the wrong.”
35. Qurʾān 3:110.
36. Al-Fārābī’s *Al-Madīnat al-fāḍilah* (The Virtuous City) may be viewed as a philosophical commentary on the three criteria of ummatic excellence; see Abū Naṣr al-Fārābī (trans. Richard Walzer), *Al-Farabi on the Perfect State: Abū Naṣr al-Fārābī’s Mabādī’ ārā’ ahl al-madīna al-fāḍila: A Revised Text with Introduction, Translation, and Commentary* (Oxford: Clarendon Press, 1985), 245-249 (henceforth cited as al-Fārābī, *The Perfect State*, trans. Walzer).
37. The Qurʾān 2:26 says: “[...] Those who believe *know* that it is truth from their Lord.”
38. I understand ‘epistemology’ to mean a theory or science of knowledge. Equivalently, I have defined it as ‘vision of knowledge’ on the understanding that ‘vision’ is what the Greek word *theoria*, from which the English word ‘theory’ is derived, actually means.
39. Qurʾān 61:9.
40. For a detailed discussion of these and other epistemological principles and categorisations of knowledge, see Osman Bakar, *Classification of Knowledge in Islam* (Kuala Lumpur: ISTAC, 2006).
41. See C. P. Snow, *The Two Cultures* (Cambridge: Cambridge University Press, 1993). Snow was

- referring to the long conflict between the arts or humanities on one hand and the sciences on the other.
42. For a detailed discussion of these various aspects of Islamic knowledge-culture see Bakar, *Classification*.
 43. For a detailed discussion of these concepts as understood by various generations of Muslim scholars and thinkers see Schimmel, *And Muhammad*, Chapter 7 on "The Light of Muhammad."
 44. See *ibid.*, Chapter 6, which is wholly devoted to a discussion of the Prophet's names.
 45. For a detailed discussion in early Islamic history of the eminent place of intellectual leadership quality in prophetic leadership from the perspective of political philosophy, see al-Fārābī, *The Perfect State*, trans. Walzer.
 46. This is made clear in a *ḥadīth* which asserts that "The men of knowledge (*al-ʿulamāʾ*) are the inheritors of the Prophets."
 47. According to al-Fārābī, the Prophet's immediate successors were distinguished by six qualities, all of which pertain to knowledge possession and excellent intellectual and rational virtues; see al-Fārābī, *The Perfect State*, trans. Walzer, 251-253.
 48. For al-Fārābī's arguments for the justification of collective leadership and his insistence on the necessity of wisdom in any good leadership or government (*al-ḥikmah juz' al-ri'āṣah*); see al-Fārābī, *The Perfect State*, trans. Walzer, 253.
 49. For a discussion of this theme from the Islamic perspective see Osman Bakar, "Islamic Leadership in the Changing ASEAN: Fostering Peace and Development," in: *Proceedings of Conference on Islamic Leadership in the Changing ASEAN* (Manila: Asian Institute of Management, 2010), 38-55.
 50. The word *al-ʿaql* does not exist in the Qur'ān but its activities are frequently mentioned there through its related verb forms such as *yaʿqilūn*, *taʿqilūn*, and *yatafakkarūn*. In the *ḥadīths*, however, the word *al-ʿaql* is mentioned many times.
 51. The Arabic words *ʿaql* and *nāṭiq* have meanings that are related to intelligence. The word *al-nāṭiq* is etymologically related to *al-nuṭq* which has been related both to intelligence as acquired by man's rational faculty and man's intelligent speech. For this discussion, see Osman Bakar, "Islam and the Problem of Cultural Symbiosis," *Al-Shajarah* [Kuala Lumpur] 13, no. 1 (2008), 8-9.
 52. Qur'ān, Chapter 1 ("The Opening"), verse 6.
 53. *Ibid.*, verse 7.
 54. The Qur'ān, 36:61, says: "And that you should worship Me; this is the straight path."
 55. For a discussion of this issue see Bakar, *Classification*, 57-59.

Tourism and the *Ḥalāl* Industry: A Global *Sharī'ah* Perspective

*Mohammad Hashim Kamali**

Abstract: Upon first glance, Islamic tourism seems only to cater for the needs of millions of Muslims around the globe who are performing *ḥajj* or *ʿumrah*, visiting Mecca and Medina, or the shrines of Najaf and Karbala in Iraq. Yet in many ways Islamic tourism is lagging behind more conventional forms of international tourism and has yet to realise its fuller potentials. This article addresses the sharī'ah concepts of *ḥalāl* and *ḥarām* and their manifestations in the *ḥalāl* industry and tourism in two main areas: market developments of interest to *ḥalāl* tourism internationally and those that have taken place in Malaysia. Other topics discussed are *ḥalāl* certification procedures, the role of *fatwās* in the determination of *ḥalāl*, and more generally the return of Islamic values to the market place. The final segment of this article addresses the role of custom, culture, and religion as they are manifested in the behaviour of Muslim travellers and tourists.

Shifting Patterns in International Tourism

Although the discussion concerning *ḥalāl* (permissible) and *ḥarām* (prohibited) in food and entertainment is not new, awareness of *ḥalāl* as a market phenomenon and the implications for international tourism, trade, and finance is relatively recent, and much of it seems to have emerged, oddly enough, after the 9/11 attacks. The 9/11 attacks marked a decidedly dark patch in the relations between the West and the Muslim world – with enormously damaging consequences. Many Arab tourist destinations suffered massive declines in tourism due to new visa restrictions and security concerns, while other Arab destinations benefited from a surge in the number of tourist arrivals and holiday makers. The number of visitors to Arab countries from North America, Europe, and Japan declined and Arab tourists themselves began to spend their holidays in much larger numbers in Arab and other Muslim countries. Syria, Bahrain, the United Arab Emirates, and Egypt benefited from the shift in tourist flows. Shortly after 9/11 these countries were able to stabilise their tourist industries and achieve significant growth. Some Gulf Cooperation Council (GCC)

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countries, which were traditionally reluctant participants in international tourism, began to expand their tourism sector with multi-billion dollar investments on new facilities.¹

Beyond economic stabilisation and growth, a cultural change also became noticeable. The 'traditional' cultural tourist destinations, which had been popular among European and American visitors, were in most cases also losing their appeal to average Arab tourists. This shift in resulted in a still continuing reorganisation of tourist facilities in these newly expanding tourist destinations in order to adjust to the demands of a growing flow of Arab and Muslim tourists. These emerging patterns, in turn, led to increased coordination of tourism policies among Arab states and between Arab and other Muslim countries. Tourism ministers from those countries met at regular intervals in a quest to increase tourism among Muslim countries, to develop new tourist destinations, and to strengthen institutional cooperation among them. The cultural and religious dimensions of this cooperation focused on developing Islamic heritage sites to be visited by Muslim tourists. A fresh focus was also noted on the development of *ḥalāl* tourism that took into consideration *sharʿah* rulings on *ḥalāl* food, entertainment, and even gender-segregated and alcohol-free hotels and restaurants as well as 'islamically' financed and organised tourism.²

While the Arab world was taking steps to increase Arab tourism, it was noted that concern over *ḥalāl* food and facilities was even more pronounced in Southeast Asian countries such as Malaysia, Indonesia and Singapore compared to their Middle Eastern counterparts. Europe, the United States, Canada, and Australia have large and growing Muslim populations and are therefore seen as major emerging markets for *ḥalāl* production, trade and tourism.

These shifting patterns developed further during the first decade of the present century and Islamic tourism grew not only among Muslim countries and populations, but also in non-Muslim countries such Canada, Taiwan, Hong Kong, and Australia where 'Islamic' tourism is being developed on a large scale. Jeffri Sulaiman, Vice President of the Malaysian Association of Tour and Travel Agents, stated that tourist facilities and hotel rooms in these countries are expected to offer prayer rooms and *ḥalāl* food menus to lure a larger number of Muslim tourists.³ An Australian tourist expert from Brisbane, Daniel Lynn, also observed that "tourism operators will increasingly need to adjust their menus and provide another bid to meet new market needs."⁴

Muslim dietary rules have also assumed new significance because such rules as many Muslims are demonstrating, conform to the findings of scientific research on healthy food. Malaysian researchers, for instance, have shown that the *ḥalāl* certification procedures ensure such attributes as attractiveness, quality, cleanliness, and clean operations in *ḥalāl* food chains and storage⁵ and thereby meet market demand and support small and medium enterprises (SMEs) and Muslim companies.

But even more so, the *ḥalāl* industry has grown exponentially as a result of the quest for alternatives to western values and lifestyles. *Ḥalāl* among the migrant groups has also served as a focal point of Islamic identity and culture. In the modern food industry, a number of Islamic requirements are being taken into consideration, for example the avoidance of substances that may be contaminated with porcine residues or alcohol, gelatine, emulsifiers, enzymes, and flavouring.

The *Ḥalāl* Industry in Malaysia

Malaysia holds a special position in the global *ḥalāl* market. Shafie and Othman reported from their consumer behaviour survey that for the Muslim consumers of Malaysia, *ḥalāl* is a key requirement. *Ḥalāl* brands and certification originate in different places, yet some of the local brands appear to have developed their own niche. In general, Muslim consumers in Malaysia look for the authentic *ḥalāl* certification by Malaysia's Department of Islamic Development (JAKIM) of the Prime Minister's Office. In 2004 when Malaysia launched its first *Malaysia International Ḥalāl Showcase* (MIHAS) in Kuala Lumpur, the then Prime Minister Abdullah Ahmad Badawi in his speech declared that establishing Malaysia as a "global *ḥalāl* hub" was a major priority of the government and that MIHAS was the largest *ḥalāl* trade expo to be held anywhere in the world. *Ḥalāl* products and services in Malaysia cover a wide spectrum that extends from food and beverage to accommodation, attire, insurance, financial products, cosmetics and personal hygiene.⁶

Malaysia's global *ḥalāl* hub concept aims to create opportunities for SMEs to penetrate the *ḥalāl* markets in the Middle East, the OIC countries and elsewhere. The Federal Agricultural Marketing Authority (FAMA) estimated the market size for frozen food only to increase to MYR193 billion by 2010. Yet actual developments have fallen short of meeting forecasts owing partly to the limited range of *ḥalāl* products in the market which are insufficient to cater for the demand. As of June 2011, the *ḥalāl* industry in Malaysia was estimated to be worth MYR56 billion a year whereas for the global market it is estimated between US\$2.5 trillion and US\$2.7 trillion. In announcing these figures, the Deputy Minister of Trade and Industry, Mukhriz Mahathir, also revealed that Bumiputras (mainly native Malays) hold only 30 per cent of the 4,787 *ḥalāl* certificates so far issued by JAKIM to companies in the food and beverage industry. He noted that more non-Bumiputra companies were applying for *ḥalāl* certification. "This is despite the fact that being certified *ḥalāl* could be a ticket to growth outside Malaysia," Mukhriz Mahathir said adding "that the market potential for *ḥalāl* products is huge, especially in ASEAN, the Middle East and China....In China alone, there are good prospects for *ḥalāl* products as four provinces there have a huge Muslim population with high purchasing power."⁷ As part of its global *ḥalāl* hub policy, the Malaysian government has taken measures

in both its Second Industrial Master Plan (1996-2005) and the National Agricultural Policy (1998-2010) to support the industry through the creation of a number of *ḥalāl* parks in the country. The state governments of Selangor, Kedah, Melaka, Negeri Sembilan, Perak, and Pahang have consequently established industrial *ḥalāl* parks in their respective states.⁸ Malaysia has also formed a working group with several ASEAN countries to look into global issues such as the accreditation of *ḥalāl* food and registration list for *ḥalāl* preservatives.

JAKIM which supervises *ḥalāl* certification is entrusted with monitoring operations relating to *ḥalāl* production such as handling and packaging. Imported products are being certified by certain organisations accredited by JAKIM and government agencies such as the Department of Veterinary Services, and the Food Safety and Quality Division of the Ministry of Health, which issues clearance on suspected hazardous food substances. Malaysia's *ḥalāl* hub concept, moreover, aims to develop benchmarks for a Global *Halāl* Standard not only for food production and processing but also for pharmaceuticals, cosmetics and preservatives.⁹ Once a *ḥalāl* certification is issued, the companies print and display the *ḥalāl* logo on their products and advertisements and at their company premises and outlets.

One of the reasons the Muslim and Bumiputra portion of the *ḥalāl* certificates is relatively small is the cost. It costs up to MYR2,000 to get a two-year certificate for each product. To get a *ḥalāl* certificate is described as "a very meticulous process. Every single step of the business or manufacturing process will be evaluated and assessed, from the ingredients, process, handling of the materials to the logistics."¹⁰ Yet there are shortcomings in enforcement, one of the widely organised challenges the *ḥalāl* regulators in Malaysia need to address. Commentators have noted that lack of adequate enforcement by JAKIM personnel in monitoring the use of the *ḥalāl* logo has caused the public to question the authenticity of some of the products or services claimed to be *ḥalāl*.¹¹

***Ḥalāl* and Other *Fiqh* Terminologies**

In its Qur'ānic usage *ḥalāl* is synonymous with *ṭayyib*, that which is clean and lawful. *Ṭayyib* is an adjective basically denoting any quality that strikes the senses of taste and smell as delightful and pleasant. *Ṭayyib* is also used in reference to speech as a 'pleasant speech' (*kalām ṭayyib*), and occasionally also as a description of piety of people and angels (cf., 6:31). Both, *ḥalāl* and *ṭayyib*, carry the basic meaning of lawfulness as in the following: "They ask thee [Muḥammad] what is made lawful (*uḥilla*) for them. Say 'Lawful to you are all good things (*ṭayyibāt*) (5:4)."¹² Elsewhere, the Qur'ān uses *ḥalāl* and *ṭayyib* together with their opposites, respectively:

He [the Prophet] makes lawful (*yuhillu*) for them all good things (*ṭayyibāt*), and makes unlawful (*yuharrimu*) for them that which is filthy and evil (*khabā'ith*) (7:157).

The opposite of *ḥalāl* is thus *ḥarām* whereas the opposite of *ṭayyib* is *khabiṭh*. *Ḥarām* thus becomes filthy and *khabiṭh* whereas *ḥalāl* is signified as *ṭayyib*, pleasant and clean.

A parallel is evidently drawn between *ḥarām* and *khabiṭh* in that they tend to coincide: *ḥarām* becomes unclean and the unclean becomes *ḥarām*, but I shall have more to say on this. In the usage of Islamic legal scholars and *fiqh* text books, *ḥalāl* is synonymous with *mubāḥ* and *jā'iz*, all implying permissibility and a neutral position the *sharʿah* takes on aspects of human conduct, including consumption of victuals, recreation, travel, treatment of animals, customary matters and commerce. That said, however, Islamic jurists are inclined to use *mubāḥ* and *jā'iz* more frequently than *ḥalāl* to signify *sharʿah*-neutrality.¹³ It is interesting to note that of the three terms, it is *ḥalāl* that is used more frequently in the Qurʾān, whereas the *fiqh* discourse uses *mubāḥ* more frequently than its other synonyms. *Ḥalāl* and its opposite *ḥarām* are qurʾānic terms whereas *mubāḥ* and *jā'iz* are, broadly speaking, juristic terminologies developed by the *fiqh* tradition. This can be said more widely perhaps of the renowned 'five values' ranging from the obligatory (*wājib* or *fard*) to recommendable (*mandūb*), permissible (*mubāḥ*), reprehensible (*makrūh*), and forbidden (*ḥarām*). Only the two extremes in this scale are qurʾānic terminologies but the remaining three value points were developed by the *fiqh* schools and jurists.

The eighth century CE witnessed intensive scholastic activities in *ijtihād* and legal verdicts (*fatāwā*). That also meant expansion of *fiqh* itself and its engagement with classification and theoretical indicators beyond the binary *wājib-ḥarām* categories of the Qurʾān. Much of the bulk of *ḥadīth* had also been compiled by that time, which in turn provided the *fiqh* scholars with a broad range of data for their scholastic activities. *Fiqh* scholars admittedly expanded the scale of values to five, and if one takes the added specifications of the Ḥanafī school into account, to seven values points, as the Ḥanafīs added a sub-category each to *wājib* and *makrūh*, respectively.¹⁴ *Fiqh* scholars conducted this exercise, not independently of course, but in the light of their general knowledge of the Qurʾān and *ḥadīth*, and most probably as a mark of reverence to the sanctity of these sources because of the qurʾānic guideline which advised a degree of restraint with regard to *ḥarām*:

And do not say, concerning the falsehood which your tongues utter, 'this is *ḥalāl* and that is *ḥarām*,' lest you fabricate a lie against God; for those who do so shall certainly not prosper (16:116).

Imām al-Shāfiʿī (d. 820 CE) thus narrated from Abu Yūsuf (d. 798 CE) a statement to say: "I know that our learned teachers avoided saying: this is *ḥalāl* and that is *ḥarām* [...] When they gave judgment concerning something, they would say 'it is disapproved' or 'there is no harm in it,' 'I do not prefer it,' or something to that effect". In the same spirit, when Imām Aḥmad b. Ḥanbal (d. 869 CE) was asked about

a matter, he would say “It does not appeal to me,” “I disapprove of it,” “I do not like it”. Similar reports have been recorded from Imām Mālik (d. 795 CE), Abū Ḥanīfah (d. 767 CE) and all the leading imāms, who did not term anything *ḥarām* unless it was definitely known to be so.¹⁵

As will be noted the five (or the seven) point scale of values under review does not employ the term *ḥalāl* but only its equivalent *mubāḥ*. *Ḥalāl* in the Qur’ān is normally used in reference to what is made permissible by the will and command of Allah, and does, to that extent, carry a degree of sanctity higher perhaps than the juristic labels *jā’iz* and *mubāḥ*. In this way the *fiqh* scholars have distinguished what they deem to be a human endeavour from that of the Divine expression and approval. This is perhaps little more than symbolic and should not imply that *mubāḥ* and *jā’iz* are doubtful categories, for they are clearly not, and the *fiqh* tradition has developed elaborate methods of enquiry to provide that assurance. It remains to be said, nevertheless, that the customary use of the term *ḥalāl* and the currency it is given in the Islamic tourism, food and finance discourse nowadays might be said to be in some ways marking a return that may signify direct recourse to the language and terminology of the Qur’ān.

A glance at developments in recent decades would also show a certain change in the linguistic usage and application of *ḥalāl*. *Ḥalāl* used to be more or less confined to foodstuffs and beverage, and also to lawful earning (*rizq ḥalāl* and *kasb ḥalāl*). Within living memory, one notes that even after the emergence of Islamic banking and finance, ‘*ḥalāl* banking’, and ‘*ḥalāl* finance’ were hardly familiar expressions to the industry. *Ḥalāl* tourism as a term is also a newcomer in that sense. Suppose we tried to describe tourism as *mubāḥ* or *jā’iz* – the exercise might sound somewhat redundant. Tourism is permissible, even recommended, if it is with the purpose of discovering the wonders of the created world – as per qur’ānic invocation to “traverse the tracts of earth and eat of its sustenance” and “travel therein secure by night and by day” (67:15; 34:18). Besides, the *fiqh* tradition is not wont to labelling every permissible activity as *mubāḥ* or *jā’iz*, simply because permissibility is the basic norm and presumption of the *sharī‘ah*, as I will presently elaborate. *Ḥalāl* tourism as a term thus signifies value-added tourism that is not altogether neutral but to be recommended from the Islamic perspective.

Ḥarām, Permanence and Change, and the Principle of Istiḥālāh

Ḥalāl and *ḥarām* are basically permanent and unchangeable. What the *sharī‘ah* has made *ḥarām* thus remains so for all time regardless of personal preferences, custom and culture. *Sharī‘ah*-rules on *ḥalāl* and *ḥarām* are also all-inclusive in that Muslims do not have the privilege of making something *ḥarām* for others and *ḥalāl* for themselves. The designations are meant to be for everyone, although certain

exceptions have been made for non-Muslims, and even for Muslims themselves under stressful circumstances and danger to life. The renowned legal maxim of *fiqh* that “necessity makes the unlawful lawful – *al-ḍarūrāt tubīḥ al-maḥūrāt*,”¹⁶ has wide applications to conditions of illness, advanced age, pregnancy, emergencies, and even travelling as a hardship category in its own right. Another basic position of the *sharīah* concerning *ḥalāl* and *ḥarām* to be noted is that small amounts and large all fall under the same rules. When something is made *ḥarām*, even the smallest amount partakes in the same. Muslims are thus prohibited from consuming pork or alcohol, even a small quantity. Any amount becomes sinful even if it does not pollute or intoxicate, on grounds of caution and the *sharīah*-principle of blocking the means to *ḥarām*, known as *sadd al-dharāʾir*.¹⁷ Yet the *ḥarām* can change into *ḥalāl* as explained below.

Internal changes that alter the essence and basic properties of objects, such as chemical permutations occurring with or without human intervention, may alter the *ḥarām* and convert it to *ḥalāl* – such as the transformation of alcohol into vinegar, or when pig meat falls into salt and over time becomes an indistinguishable part of it. This transformation can occur, as in the case of alcohol when an alcoholic substance is left in an open place or exposed to the sun, or when other substances such as onion, bread or yeast are immersed in it.¹⁸ The *fiqh* discourse on this is expounded under the principle of *istiḥālah*, or transformation, which is nowadays more frequently practised within the context of food augmentation or alteration due to chemical treatment and industrial intervention for trading, nutrition, medicinal and other purposes. According to the Islamic Organisation for Medicinal Sciences (IOMS), *istiḥālah* is the transformation of the natural characteristics of a forbidden substance to produce another substance with a different name, properties or characteristics. Substance transformation here refers to a chemical permutation, such as the process that changes oil and fat into soap or the decomposition of fats into fatty acids and glycerol through scientific intervention.¹⁹

Juristic opinion tends to differ over the legality and effects of *istiḥālah*. Can a Muslim consume or use an unclean substance if its chemical properties have changed? The majority opinion of the Ḥanafī, Mālikī, and Ḥanbalī, as well as the Shāfiʿī schools hold this to be permissible based on the reasoning that *ḥarām* exists due to unclean properties, and when they cease to obtain, the original status of permissibility is restored – as in the case of alcohol changing into vinegar.

A different view is also recorded by a number of jurists within the leading schools holding that inherent impurity remains even after *istiḥālah* – as transformation is often partial and unclean. The majority view has been adopted by the 9th Fiqh-Medical Seminar (June 1997) of the International Organisation for Medical Sciences (IOMS), which held that additive compounds extracted from prohibited animals or defiled substances that have undergone *istiḥālah* are clean and permissible for consumption

or medicine.²⁰ This is also the decision of the Islamic Fiqh Academy of the Muslim League (held in Mecca, 13-17 December 2003) with the proviso that transformation is complete and that none of the original properties of the porcine substance is known to have survived. A partial transformation that causes only a change of form leaving the substance totally or partially unaffected, would thus fail to render the substance in question permissible.²¹ Differences of opinion persist, however, over the usage of lard in food processing and also gelatine, both of which are porcine derivatives, although gelatine can also be obtained from other animals and, according to more recent research, from certain varieties of fish. A general advisory is inserted, however, that one should try to avoid doubtful substances where other options are easily available and there is no compelling necessity.

The 8th Fiqh-Medical Seminar of 1996, organised by IOMS, held that foodstuffs containing lard which does not undergo denaturation, such as in cheeses, vegetable oil, lubricants, cream, biscuits and ice cream, are prohibited due to the impermissibility of the pig and its derivatives. The same prohibitive stance is taken regarding ointments, creams and cosmetics which contain pig fat unless the substances from which they are derived undergo a transformation that eliminates their original properties.²²

Gelatine derived from swine is used as a food ingredient for gelling, stabilising and emulsifying. Expert opinion has it, however, that gelatine whether from porcine, bovine or other animal sources undergoes transformation that fulfils the Islamic law requirements of *istiḥālah*, and as such is not prohibited. This is because gelatine no longer possesses the original attributes of the skin and bone of swine or carrion from which it was derived. Since it no longer has the same form, taste, smell or chemical structure of its original source, it falls under the basic norm of permissibility.²³ The 8th Fiqh-Medical Seminar already referred to also held that “gelatine made of unclean animal’s bones, skin and tendons is clean and permissible for consumption.”²⁴

The Principle of Permissibility (*ibāḥah*)

The norm of the *sharīʿah* regarding commercial transactions (*muʿāmalāt*), customary matters (*ʿādāt*), foodstuffs, beverages, and virtually all things pertaining to the daily activities of life, is that they are permissible unless there be a clear injunction to the contrary. This is the purport of the *fiqh* maxim that “permissibility is the basic norm – *al-aṣl fi ’l-ashyāʾ al-ibāḥah*.”²⁵ This maxim has been derived, in turn, from numerous references the Qurʾān makes that God Almighty created all that is in the heavens and the earth for the benefit of humankind.²⁶ That being the case, human beings are naturally authorised to utilise them for legitimate purposes. God would not grant humankind control over all things, count this as His favour upon them, and then inform them that they are prohibited from using them for their benefit.²⁷

When the Prophet was asked, as his Companion Salmān al-Fārsī narrated, about animal fat, cheese and fur, he replied: “The *ḥalāl* is that which Allah has made lawful in His Book, and the *ḥarām* is that which He has forbidden. But concerning things over which He has chosen to remain silent, He has permitted them as a favour upon you.” Thus instead of mentioning the three items in the question, the Prophet laid down the general guideline that whatever God has not made *ḥarām* to us is meant to be permissible - there being no need to look for specific rulings to establish permissibility.²⁸ Although certain things may have been either recommended or disapproved (*mandūb* or *makrūh* respectively) they fall short of prohibition and they consequently fall within the principle of permissibility.²⁹

Prohibiting something which is *ḥalāl* or permitting what has been made *ḥarām* is a serious transgression as already noted. The emphatic tone of the Qurʾān and the very restrictive approach it has taken on *ḥarām* (cf., 16:116) mean that no one should interfere with the basic freedom of people without clear evidence, and that also applies to the judge, *muftī* and *mujtahid*, who should avoid issuing prohibitive *fatwās* and verdicts that impose hardship on people without there being clear evidence to warrant such. This is also the clear purport of the qurʾānic principle of *rafʿ al-ḥaraj* (removal of hardship) which the text has expounded in more than one place (5:6 and 22:78), providing that we should alleviate hardship whenever we can and not unnecessarily impose it on people.

The only two exceptions the *ʿulamāʾ* have mentioned concerning *ibāḥah* are devotional matters (*ibādāt*) and relations between members of the opposite sexes. These are normally forbidden unless there is a ruling to the contrary that would validate them. No one may thus invent or originate a new form of worship, a new kind of ritual prayer (*ṣalāh*) for instance, in addition to the daily five, nor prescribe fasting outside the month of Ramadan. For God may only be worshipped, as Ibn Qayyim al-Jawziyyah (d. 1350 CE) put it, in the manner He has specified.³⁰ This is also the case with regard to intercourse between members of the opposite sexes, which is normally prohibited unless made lawful through marriage.

The opposite of permissibility is prohibition (*tahrīm*), which cannot be determined on speculative grounds, nor by means of *ijtihād* (independent reasoning) and requires specific textual evidence to declare something *ḥarām*. This is the purport of the qurʾānic verse that “[God] has explained to you in detail what is forbidden to you unless you are compelled to it” (6:119). A clear text is thus required to establish *ḥarām*. A text is not clear, for example, if it is a weak *ḥadīth*, or if it is not clearly stating the prohibition; in that case the matter would fall under the original principle of permissibility.³¹

The Prophet has instructed believers to seek treatment for disease, but not seek cure for illness in *ḥarām* substances. Yet the language of the relevant *ḥadīth* texts expresses their message in terms of education and guidance partly due to the principle of *ḍarūrah* (necessity) which has even stronger grounding in the *sharʿah*. Illness is

for the most part subsumed under necessity, “which makes the unlawful lawful,” as earlier mentioned. Necessity is regulated by its own rules, which would require much detail to encapsulate here. Suffice it to note briefly that the leading schools of Islamic jurisprudence have recorded different rulings in response to questions over the use of unclean and forbidden substances for medication. The Mālikī and Ḥanbalī schools of *fiqh* have ruled against it and do not permit the use of *ḥarām* and *najās* for medicinal purposes. The Ḥanafī school permits it in situations of necessity on the conditions 1) that the illness is life threatening; 2) that the effectiveness of medication is known definitively or by strong probability; 3) that no alternative *ḥalāl* medication is available for the illness in question; and 4) that all is confirmed by a competent physician. The Shāfi‘ī school has recorded differentiated rulings; some of their scholars have agreed with the Ḥanafī position, whereas others have supported the Mālikī-Ḥanbalī position, but the preferred view is that allowance should be made for situations of necessity.³²

The Principle of Original Cleanliness (*Ṭahārah*)

The principle of cleanliness (*ṭahārah*) is in many ways supplementary to that of *ibāḥah*. A general position of note here is that whatever the *shar‘ah* has made *ḥarām* is also most likely impure (*najās*). Original cleanliness means that the normative position of *shar‘ah* with regard to all things is that of cleanliness.³³ It tells us that God has created all things clean for the use and benefit of human beings. Whereas the Mālikī school, to all intents and purposes, retains the unqualified and general terms of this principle, the Shāfi‘ī and Ḥanbalī schools specify “all things” therein by saying that cleanliness is the norm with regard to all tangible objects (*al-a‘yān*) which include solid matter and animals (*jamād wa ḥayawān*), except for two: pigs and dogs. Dead carcasses are all unclean except for three: the human body (Muslim and non-Muslim alike), the fish and the locust. What is emitted from living animals, such as body fluids and sweat, also falls under the principle of original cleanliness, but according to an alternative view, only of the clean and ‘slaughterable’ (i.e. ‘permitted’) animals.³⁴ The Ḥanafīs are in agreement with the majority on this with one exception, which they make concerning dogs, by holding the view that dogs are not intrinsically unclean. The Mālikīs widen the scope further by holding that the *shar‘ah* presumption of cleanliness subsumes all things, including land and sea animals, dog and swine included. For life in itself is the effective cause of cleanliness. What is prohibited is the flesh of these animals for consumption but they are not intrinsically unclean when alive. The body fluids of dogs and pigs, whether emitted in the state of wakefulness or sleep, except for the contents of their bellies, excrements and vomit, are also clean.³⁵ Cleanliness thus becomes an attribute of the created world and life forms therein. This is a corollary also of the basic qur’ānic

position, which is one of specification concerning things that are unclean. Filth and impurities of things thus need to be determined by a clear text, failing which they are presumed to be clean. This limited definition of *najas* and *ḥarām* is confirmed in that the Qur'ān specifies only ten items as *najas* for human consumption (cf., 5: 3-4)³⁶ and then declares in an address to the Prophet Muḥammad: "They ask you what is made lawful for them. Say (all) that is good and wholesome is made lawful" (5:4). Thus it is not for us to expand the range of prohibitions, *ḥarām* and *najas*, beyond the textual specifications. Only a clear text, and failing that, factual evidence that makes dirt detectable by the senses, determines that something is impure/*najas*. Water is generally clean, for instance, for purposes of ablution, unless one detects dirt and impurity therein either physically or through the change of colour and smell etc. In addition to text and palpable evidence, Muslim jurists have held that general consensus (*ijmā'*) and inherited wisdom across the generations can determine what is unclean for human consumption. Thus only a clear text, factual evidence and general consensus can rebut and set aside the presumption of cleanliness.³⁷

Arab linguistic usage and Islamic texts use a variety of expressions to signify defilement and dirt, whether inherent or putative, including *najas*, *qadhir*, *khabīth*, *rijs* and *rikz*. *Fiqh* scholars have divided the *najas* into two types, namely physical (*ʿayniyyah*) and fictitious (*ḥukmiyyah*). Physical impurity is real and palpable to the senses and often inherent in the object itself. This is usually supported also by the *sharī'ah*, which has in most cases identified inherently unclean substances. Physical dirt has been subdivided into three categories of intense, light, and average. If there is total consensus among juristic schools and scholars on the impurity of something, it is intense (*mughallaz*). Differences of opinion among them reduce the level to either average or light (*mutawassit* and *mukhaffaf* respectively). Without entering into details, these categories are often relevant in determining the legality or otherwise of the sale and other uses of the items concerned. The basic position concerning *ḥarām* and *najas* is that, barring dire necessity, they may be neither consumed nor sold or used for medicinal, cosmetic or other purposes, and that any contact with them is likely to interfere with the integrity of one's ritual prayer (*ṣalāh*).³⁸

Fictitious impurity is essentially a juridical attribute which may or may not be visible to the naked eye, but which the *sharī'ah* has identified as such, and it nullifies ablution for ritual prayer - for example, passing a motion, urination, or sexual intercourse. The state of cleanliness is restored either through taking a minor ablution (*wuḍū'*) or full bathing (*ghusl*) and washing generally with clean water. Other methods of purification of *najas* that the *fiqh* texts have recorded include drying and tanning, as in the case of animal skins, heating by fire and burning, pouring away certain quantities of water from a polluted well and ritual cleanliness through dry ablution (*al-tayammum*).³⁹

The *sharī'ah* has also identified other varieties of impurity as the denial of faith (*kufṛ*), crime, and sin, which are deemed to pollute and compromise the purity of

one's personality and character. This pollution may be removed by embracing the faith, or in the case of crime and sin, through prosecution and punishment, or through expiation (*kaffārah*) involving charity, fasting, and finally repentance (*tawbah*).⁴⁰ As already mentioned, the consequence of declaring something as *najas* may be that this substance becomes wholly unlawful or when mixed with other substances, for human consumption, or vitiates the ritual prayer when present on one's person or clothes or in the place of worship.⁴¹

The question as to precisely what items are *najas*, apart from the ones mentioned in the clear text is a subject of juristic disagreement. The first point of disagreement arises over the authority of determining the purity or impurity of objects, acts and conduct. Is it only the *sharī'ah*, or also popular custom and the natural predilections of people that can detect and determine legality and cleanliness? The *fiqh* scholars generally maintain that *najāsah* from the viewpoint of the *sharī'ah* is a particular category, which does not always correspond with what people may normally think. For example, the *sharī'ah* declares alcohol as unclean (*rijs*; see Qur'ān 5:90), a declaration which does not coincide with popular perceptions among the Arabs. Then also the Arabs consider certain things to be unclean which are not necessarily so in the *sharī'ah*. Included in these are certain human bodily emissions such as semen, spit, and mucus which are not textually declared to be impure. Thus people's perceptions vary according to their respective culture, climate and customary habits and do not always correspond with *sharī'ah*-positions.⁴²

Many *fiqh* scholars have drawn the conclusion that everything which the *sharī'ah* has made *ḥarām* is also *najas*. Yet a closer analysis would show even this to be less than accurate. For example, the *sharī'ah* prohibits marriage to one's mother or sister, which is *ḥarām* without question, yet the object of that prohibition, namely the women involved, cannot be said to be *najas* in themselves. In response, it has been stated that these prohibitions are not concerned with objects or persons as it were, but with relations, and that there is no issue over inherent dirt and cleanliness. Yet the argument is further extended to such other items as poison, which may not be dirty as such but which the *sharī'ah* prohibits for consumption. Many scholars of the leading *fiqh* schools have also gone on record to say that even the birds and animals which the *sharī'ah* has prohibited for consumption, such as predatory animals and birds with claws and other characteristics, are not necessarily dirty in themselves, but that they have been declared prohibited for reasons most likely other than impurity (*najāsah*). This is conveyed in the *fiqh* maxim that "everything *najas* is *ḥarām*, but not all *ḥarām* is *najas*."⁴³

The question still remains as to what exactly is the effective cause of determining something as unclean/*najas*. If one could identify that the presence of a certain factor means the presence of impurity/*najāsah*, and its absence also means that *najāsah* is absent, then one would have a formula and guideline to operate on. It is admitted,

however, that we are unable to identify an effective cause or meaning of that kind. “Since this is a gray area and points of doubt still remain in the whole debate over *najāsah*, the ‘ulamā’ have held that we can only look at the textual injunctions of the *sharʿah* to tell us what is *najas*. This is the only way and the best guideline to be applied.”⁴⁴

The Gray Areas (*al-Mashbuhāt*)

The *ḥalāl* industry and new market realities in the tourism sector have given rise to unprecedented issues which the *fiqh* literature has not specifically addressed. Uncertainties are likely to exist and questions arise over the permissibility and purity of products and procedures in the *ḥalāl* industry. For one thing, it is almost certain that a clear text is not available to determine all aspects of *ḥarām* and *najas*. A general guideline of note in the *ḥadīth* is that it is preferable for a Muslim to avoid what is doubtful and to opt for that which is clear of doubt. But the *ḥadīth* then immediately adds that by doing so, “he would have protected the purity of his religion and his honour/character.”⁴⁵ This would suggest that the *ḥadīth* under review provides moral guidance rather than a legal ruling. Protecting the purity of one’s character and dignity is moral advice; in addition, the message is somewhat subjective: what may be doubtful to some people may not be so for others. Legal rules normally do not allow for preferences of this kind. There also may well be instances where *ḥarām* is not committed but that avoiding it is preferable in order to block avenues that may lead to it.

Market practices are also not devoid of fraud and doubtful operations, some of which are not even *fiqh* issues. *Ḥalāl* labelling and certification, for example, have raised questions of authenticity, and in some cases are seen to be less than reliable. A team of researchers who looked into this issue reported that when a meat product is labelled as *ḥalāl* with no reference to the certifying authority or organisation, the chances are that the meat is mislabelled. Food producers and meat processing plants that use *ḥalāl* meat as an ingredient should be wary of such labels. To be certain, one should request a *ḥalāl* certificate for each lot of meat to be used.⁴⁶ Another observer added that abstract and fuzzy scenarios are also encountered in answering questions over the *ḥalāl*-ness of a product, and that issuance of guidelines and *fatwās* on such doubtful (*mashbūh*) matters is left open to Islamic specialists and state institutions, such as JAKIM.⁴⁷

An informed observer of the London World Food Market seminar (30 November 2006) who was also advisor to the London Central Mosque criticised products promoted in London for not being properly certified. He argued that there was for fraudulent products and corrupt practices within the *ḥalāl* trade as well as with local certifying bodies and suggested that state authorities should take action against fraudulent operators. The same observer stated that ‘You can easily buy certification if you pay for it.’⁴⁸

Role of Custom, Culture and Religion

The law may recognise something, whether an item of food or a certain activity, as being clean and *ḥalāl*, which may not, however, be accepted by the people and it is to all intents and purposes relegated to the category of *makrūh*. It is also possible that what the text may have determined as permissible, popular preference may elevate to the level of *mandūb*. The Ḥanafī Muslims of Pakistan, for example, do not take prawns, notwithstanding the clear *ḥadīth* text to the effect that “the sea is clean, its water is clean and so is the dead of the sea.”⁴⁹ It is also true that not all sea creatures are perceived to be equally clean and *ḥalāl* for public consumption. Horse meat and camel meat are also lawful to eat, yet customary practice in many Asian countries has not encouraged their consumption. People’s living conditions and natural environment play a role as well in determining of their customary practices and choices of food.

In the event where no ruling can be found in the *sharī‘ah* concerning an animal or plant whether *ḥalāl* or *ḥarām*, clean or unclean, it is *ḥalāl* and also clean by reference to the presumptions of permissibility and cleanliness as already explained. Yet the Shāfi‘ī and Ḥanbalī scholars mention in this connection the likes and dislikes of the majority of Arab people, and people of sound nature, as a point of reference, having accepted that Arab custom has played a significant role even in the determination of the rules of the *sharī‘ah*, especially those of the *Sunnah*. Yet the scope of custom extends wider than the rules of *ḥalāl* and *ḥarām*, as custom goes beyond the limited circle of do’s and don’ts, commands and prohibitions. Customary practices are mainly concerned with choice and preference that also extend to foodstuffs, recreation and matters of travel and tourism, clothes and lifestyle and so forth. Customary practice may not determine *ḥarām* and *wājib* as such but may greatly influence intermediate values in the daily lives of people. The choice of recreation and sport is generally speaking an optional matter for individuals and societies, provided, however, that the option so exercised does not violate what the *sharī‘ah* has prohibited or made obligatory. Recreation may therefore not include gambling, casino activity, and pornography, nor even activities that endanger life and which are manifestly harmful, such as the use of drugs.

With reference to Islamic tourism, it would appear that market dynamics in countries that promote this line of tourism are likely to be influenced by custom and culture no less than the specific rules of the *sharī‘ah*. One can see this in Malaysia, especially in the up-market sections of Kuala Lumpur, which have witnessed the emergence in recent years of food outlets, hotels, shops and recreation facilities that appeal to the largest categories of tourists, or those with larger spending capabilities, perhaps Arabs. One also sees similar trends with regard to Japanese restaurants, which may be said to be totally non-religious. The determining factor here in the case of mushrooming Japanese outlets is perhaps increased awareness of food and

preparation, cultural attitudes, and such other factors as general affluence and the purchasing power of the Malaysian public.

Muslim cultural attitudes are naturally influenced by religion, especially the spiritual and ethical teachings of Islam. *Ḥalāl* and *ḥarām* are not all about money and market but about moral and spiritual values and the objectives of Islam. *Ḥalāl* is as much an ethical as it is a legal concept and the ethical component of *ḥalāl* refers to personal conduct and culture of persons and communities especially when in visiting and doing business with one another. Much of the advice in the source guidelines of Islam on *ḥalāl* and *ṭayyib* extends beyond narrow legalities to ethical aspects of market discipline, consumer attitude and personal conduct. *Ribāʾ* (usury), gambling, misappropriation and wrongful devouring of the property of others (*akl al-māl bi ʾl-bāṭil*; Qurʾān 4:29) are *sharīʿah*-prohibitions which seek to prevent exploitation of the weak, fraudulent behaviour and cheating. The text often combines its legal and moral purpose side by side, such as in the verse: “God commands justice and the doing of good” (*al-ʿadl wa ʾl-iḥsān*; Qurʾān 16:90). Justice is concerned with a measure for measure and thus essentially a legal concept, which is juxtaposed here with the more open concept of *iḥsān*, or being good in one’s dealing with others. Forgiveness, which is a moral principle, may sometimes be preferable to doing justice, and justice should normally be tempered with *iḥsān* so the two operate side by side.

Islam also emphasises trustworthiness (*amānah*) in business, the work place and government, as well as in the fulfilment of promises and giving to others what is due to them.⁵⁰ The Prophet added his voice to say in one *ḥadīth*: “He who has no *amānah* has not faith” and in another that “*amānah* is wealth,” simply because people prefer to do business with those they can trust.⁵¹ Muslims are moreover cautioned not to be extravagant and wasteful but to act, as God’s vicegerents on earth and custodians of its resources (Qurʾān 7:57). The Qurʾān, moreover, speaks in praise of those “who spend but are neither extravagant nor niggardly and act moderately between the two” (25:67). Generosity is a virtue especially to one’s family and to those in need and is best given not of the things one wishes to discard but of those one would wish to have for oneself.⁵²

Suppliers and market operators are enjoined to act with honesty and make trust a visible feature of trading. Idle accumulation of wealth that does not involve self-application and labour, hoarding and profiteering are un-Islamic, and sellers are expected to be transparent and avoid concealment of defects in their goods. This is expounded under the *fiqh* provision on option of defect (*khiyār al-ʿayb*) which entitles the buyer to annulment and return of defective goods. This is meant of course to build the element of trust in market operations and protect the consumers. Compare this to its western law counterpart of *caveat emptor* (i.e. buyer beware), which unlike *khiyār al-ʿayb*, places the burden of scrutiny on the buyer with a warning that he is the one responsible for failing to notice a defect in what he buys.

The Qur'ān warns with adverse consequences those who “take full measure when they demand what is due to them but who give less than that when they give to others” (83:1). The Prophet instructed market participants to “weigh and measure foodstuff faithfully and be blessed.” He also said by way of invocation: “May Allah be merciful on His servant who is easygoing/pleasant (*samḥan*) when he sells, pleasant when he buys, and pleasant when he makes a demand.”⁵³ According to a *ḥadīth qudsī*, God said:

I love three things, but My love is greater for three: I love the wealthy who is generous, but My love is greater for one who is poor but generous. I love the poor who is humble, but My love is greater for one who is wealthy but humble, and I love an older person who is pious, but My love is greater for a pious youth.⁵⁴

I quote this to show how the text and language of the sources are expressive of the moral and cultural purposes of Islam. The values emphasised here are appealing in everyone, Muslims and non-Muslims, and are especially noteworthy when Muslims visit other countries as representatives and exemplars of these moral and cultural values.

Islam also places a high premium on the purity of one's intention, whether declared or otherwise, concerning one's conduct. Thus according to a renowned *ḥadīth*-cum-legal maxim of Islamic law, “actions will be judged by intentions, and everyone will be recompensed according to what he intended.”⁵⁵ This being the case, many of the mundane activities of everyday life are transformed, as we learn from numerous other *ḥadīth* texts, into acts of worship (*ibādah*) when done with noble intentions. Honest work undertaken to earn a decent living is tantamount to worship, and a cheerful word uttered with good intention is a form of charity.⁵⁶

Yet neither good intention nor good cheer can alter the enormity of a *ḥarām*, for *ḥarām* remains so, no matter the intention behind it. Nor does the *shar'ah* permit employing a *ḥarām* means to achieve a praiseworthy end. Morality and law complement one another again in the *shar'ah*-principle that both the means and ends must be lawful and that a good purpose should be secured only through just and lawful means.

Conclusion and Recommendations

I have discussed two aspects of Islamic tourism, one of which relates to observance of the *shar'ah*-guidelines, and the other to market developments. I also looked at developments in both of these in Malaysia and the Muslim world generally. All of these call for coordination and integrated planning such that developments in one area take into account the requirements of another. The *ḥalāl* industry, whether within or outside the tourism sector, has seen eye-catching developments in recent years and has rapidly become a lucrative business. Visualising the rules of the *shar'ah*

on *ḥalāl* and *ḥarām* side by side with scientific advancements in food and medicine, recreation, cosmetics and the like, one can see that the *sharīʿah*-rules need to evolve in response to new developments and issues. I may now propose the following:

- In Malaysia, government departments, universities and institutions of research should coordinate their efforts more effectively in the development and standardisation of *sharīʿah*-rules that concern Islamic tourism and the *ḥalāl* industry. Multinational corporations and banks are already active and will continue to take advantage of the lucrative market if the Islamic tourism sector in this country and the Muslim world lag fails to maintain a leading role in determining *sharīʿah* and *ḥalāl* issues. JAKIM may consider, for instance, setting aside a percentage of the *ḥalāl* certification fees it charges for an Islamic tourism research fund, and in cooperation perhaps with the Ministry of Tourism, promote publication of a bilingual journal on research and market developments in Islamic tourism and the *ḥalāl* industry. Other interested parties should also participate in this effort.
- As an extension of Malaysia's global *ḥalāl* hub concept, Malaysian authorities should consider setting up an International forum, say a *Ḥalāl* hub roundtable, to consist of Islamic scholars and food and market specialists to plan strategies, approve research findings, and work toward better standardisation in the *ḥalāl* and tourism sectors. Standardisation in the *ḥalāl* and tourism sectors could be better pursued in cooperation with other countries in Southeast Asia and elsewhere in the OIC countries.
- Islamic tourism companies and operators should continue to improve and diversify their products and services, provide more attractive packages that respond to the needs of Muslims worldwide, including the *ḥajj*, *ʿumrah*, heritage cities, trade and cultural exhibitions and recreation facilities. As one critic observed, Islamic tourism agencies should better organise their offerings and local and International promotions. "They do not provide a strict timetable for tours, or if they do, it is not adhered to."⁵⁷
- Countries should not impose restrictions on travel and visa requirements to other countries, especially to neighbouring ones, which may be perceived as hostile. Governments should encourage easy travel arrangements regardless of negative perceptions and compete in attracting highest numbers of tourists on the merit of good practice and better treatment of visitors in the true Islamic spirit of hospitality.
- Governments and the general public everywhere should do their utmost to curb violence and terrorist activities, which paralyse everyday life and are especially damaging to the tourist industry. Government authorities are in the mean time advised to find appropriate strategies that avoid imposition of unnecessary travel restrictions and see Islamic tourism as means to of better understanding among nations and a harbinger of good relations.

Notes

1. Karen Dabrowska, "The Rise of Islamic Tourism: International Conference Discusses the Effects of 9/11 on Arab Tourism," *Islamic Tourism* 13 (September-October 2004), 58.
2. *Ibid.*, 60.
3. See Jeffri Sulaiman, Vice President of the Association of Tour and Travel Agents Malaysia (MATTA) interview at Islamic Tourism Media, available online at <http://www.islamictourism.com> (accessed on 30 May 2011).
4. *Ibid.*
5. Mohammad Noorizzuddin bin Nooh et al., "Halal Certification: What the SME Producers Should Know," available online at <http://www.ultraconsulting.org> (accessed on 30 May 2011).
6. Shahidan Shafie and Mohd Nor Othman, "Halal Certification: International Marketing Issues and Challenges," Kuala Lumpur, Faculty of Business and Accountancy, University of Malaya, unpublished conference paper, p. 2.
7. Roziana Hamsawi, "Bumis only Hold 30pc of Halal Certs," *New Straits Times* (Kuala Lumpur), 29 June 2011, p.5.
8. *Ibid.*
9. See for details Sabariyah Din, *Trading Halal Commodities: Opportunities and Challenges for the Muslim World* (Kuala Lumpur: Penerbit Universiti Teknologi Malaysia, 2006), 20-21.
10. Roziana Hamsawi, "Bumis."
11. Shahidan Shafie and Mohd Nor Othman, "Halal Certification," 5.
12. Cf., Toshiko Izuzu, *Ethico-Religious Concepts in the Qur'an* (Kuala Lumpur: Islamic Book Trust, 2002, reprint), 274.
13. See for a discussion of these terms Mohammad Hashim Kamali, "The Principles of *Ḥalāl* and *Ḥarām* in Islam," in: Halal Development Corporation, *The Essence of Halal* (Kuala Lumpur: HDC, 2011), 19f.
14. The Ḥanafīs thus drew a distinction between *wājib* and *fard* on the one hand and between *makrūh taḥrīmī* and *ḥarām* on the other. See for details, in addition to the previous note, Mohammad Hashim Kamali, *Principles of Islamic Jurisprudence* (Cambridge: Islamic Texts Society, 2003), chapter 17 on *ḥukm sharʿī*.
15. Arif Ali Khan et al. (eds.), *Encyclopaedia of Islamic Law. Vol. 3: Islamic Law in Practice* (Kuala Lumpur: Crescent News Sdn Bhd, 2006), 127-128.
16. Muḥammad ʿUthmān Shābir, *al-Qawāʿid al-kullīyyah wa ʾl-qawābiḥ al-fiqhiyyah* (Amman: Dār al-Nafāʾis, 1426AH/2006), 213.
17. ʿAlāʾ al-Dīn al-Kāsānī, *Badāʾiʿ al-ṣanāʾiʿ fī tartīb al-sharāʾiʿ* (Beirut: Dār al-Kutub al-ʿIlmiyyah, 1406AH/1986), 5:113, claims a conclusive consensus (*ijmāʿ*) on the prohibition of even a smallest quantity of alcohol. See for a discussion of *sadd al-dharāʾiʿ*, Kamali, *Principles*, chapter 16, 397-410.
18. Cf., Abdul Rahman Awang, "Istihālāh and the Sunnah of the Prophet," in: Halal Development Corporation, *The Essence of Halal*, 58.
19. *Ibid.* See also on *istihālāh*, Aḥmad al-Ḥājjī al-Kurdī, *Buḥūth wa fatāwā fiqhīyyah muʿāṣirah* (Beirut: Dār al-Bashāʾir al-Islāmiyyah, 1427AH/2007), 29.
20. <http://www.islamset.org/bioethics/9thfiqh.html#1> (accessed on 10 January 2012).
21. The Fiqh Academy decision was carried in *al-Sharq al-Awsat* (London), no. 9173, 9 July 2004, p. 14, available online at <http://www.asharqalawsat.com/print.asp?did=211692> (accessed on 10 January 2012).
22. <http://www.islamset.org/bioethics/8thfiq.html> (accessed on 10 January 2012).
23. Nazih Hammad, "Dieting the Islamic Way," available online at <http://www.themodernreligion.com/health/diet.html> (accessed on 10 January 2012); also quoted by Abdul Rahman Awang, "Istihālāh," 60.
24. <http://www.islamset.org/bioethics/8thfiqh.html> (accessed on 10 January 2012).
25. Jalāl al-Dīn al-Suyūṭī, *al-Ashbāḥ wa ʾl-naẓāʾir* (Beirut: Dār al-Kutub al-ʿIlmiyyah, 1403AH/1983), 60.
26. Cf., Qurʾān 2:29; 45:13; 31:20.
27. Cf., Arif Ali Khan et al. (eds.), *Encyclopaedia of Islamic Law*, 3:123f.
28. *Ibid.*, 3:124. The *ḥadīth* of Salmān al-Fārsī is also recorded by Muḥy al-Dīn al-Nawawī in his

- well-known *Arbaʿīn aḥādīth*; see also Mohammad Hashim Kamali, *Islamic Commercial Law: An Analysis of Futures and Options* (Cambridge: Islamic Text Society, 2000), 68.
29. See for details on *mandūb* and *makrūh*, Kamali, *Principles*, chapter 17 on *ḥukm sharʿī*, 419ff.
 30. Ibn Qayyim al-Jawziyyah, *Flām al-muwaqqiʿīn ʿan rabb al-ʿālamīn* (Cairo: Maktabah Wahbah, 1407AH/1987), 13. Legal maxims, or *qawāʿid kullīyyah fiqhīyyah*, consist mainly of epithets and brief statements that ascertain the basic *fiqh* position on their subject matter in a concise language that is normally stripped of all details.
 31. See for further detail, Kamali, *Islamic Commercial Law*, 66f.
 32. See for a summary of the views of various schools of Islamic law al-Kurdī, *Buḥūth*, 24-25.
 33. Wizārat al-Awqāf wa ʿl-Shuʿūn al-Islamiyyah, *al-Mawsūʿah al-fiqhiyyah* (Kuwait: Wizārat al-Awqāf wa ʿl-Shuʿūn al-Islamiyyah, 1421AH/2001), 40:75.
 34. Ibid.
 35. Ibid., 40:79 and 85.
 36. The ten items include pork, blood, dead carcasses, animals that had been strangled, beaten, fallen, gored, that which had been partly eaten by wild beasts, and animals slaughtered in the name of deities other than Allah.
 37. Cf., ʿUmar Sulaymān al-Ashqar, Muḥammad ʿUthmān Shābir et al., *Dirāsāt fiqhīyyah fī qadāyā ijbīyyah al-muʿāṣirah* (Amman: Dār al-Nafāʾis, 1421AH/2001), 317.
 38. Muslim jurists are thus unanimous on the filth of human excrements and excrements of carnivorous animals and also on their urine, although on the latter with some differences of opinion. They have differed more widely on the excrements and urine of 'slaughterable' animals, non-carnivorous animals, and birds.
 39. Cf., al-Kurdī, *Buḥūth*, 29-31.
 40. Ibid., 313.
 41. Wizārat al-Awqāf wa ʿl-Shuʿūn al-Islamiyyah, *al-Mawsūʿah*, 40:74 and 77; see also 40:101-103.
 42. al-Ashqar et al., *Dirāsāt*, 318.
 43. Ibid., 314.
 44. Ibid., 317.
 45. Ibid., 316.
 46. Muhammad Munir Chaudry, Mary Anne Jackson, Muhamad Mazhar Hussaini, and Mian Nadeem Riaz, "Halal Industrial Production Standards," available online at <http://www.dsdp.dla.mil/subs/rations/programs/rel/halstd.pdf> (accessed on 10 January 2012), p. 6.
 47. Johan Fischer, "Feeding Secularism: The Halal Market in London" (pre-publication report on the Halal Exhibition at the World Food Market, London, November 2005), p. 6.
 48. Ibid., 14.
 49. Abū Dawūd, *Sunan Abī Dawūd*, 1:64; also al-Tirmidhī, *Sunan al-Tirmidhī*, 1:101; see also Wizārat al-Awqāf wa ʿl-Shuʿūn al-Islamiyyah, *al-Mawsūʿah*, 40:77.
 50. Cf., Qurʾān 4:58; 8:27.
 51. Cf., Muḥy al-Dīn ʿAṭīyyah, *al-Kashshāf al-iqṭisādī li-āyāt al-qurʾān al-karīm* (Herndon VA: International Institute of Islamic Thought, 1991), 74f.
 52. Cf., Qurʾān 2:177; 51:19.
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Muslim Private Higher Educational Institutions in Malaysia: Issues and Challenges

*Rosnani Hashim**

Abstract: Privatisation of higher education is a global trend. There is an increasing demand for higher education due to the nature of work and economy today, and public universities and colleges cannot meet the demand with their limited financial resources from the government. Private higher education institutions (PHEI) seem to be the most attractive alternative to public universities and colleges in opening greater access to higher education. Malaysia is no exception, having about 25 private universities, 22 private university colleges and 410 private colleges and institutes. About a fourth of these PHEIs are Islamic institutions going by the name of the institutions or their ownership. However, private higher education institutions have their own issues and challenges. The most serious of them are preserving the philosophical goal of a balanced and integrated education despite market demands and sustaining its operation financially amidst a competitive environment. Yet, there are several opportunities for Islamic PHEIs especially in terms of international collaboration and exchanges. This article is an attempt to examine these issues and challenges or opportunities.

Introduction

Beginning in the 1990s, there has been a greater demand for private higher education worldwide. It is the fastest growing segment of post-secondary education in the twenty-first century. This is due to the increasing demand for university education and the lack of places in public universities. There are several factors responsible for the increasing demand. There is increasing competition at lower levels of education and increasing pressure for students to succeed and for parents to invest in their child to succeed academically. Secondly, there is a realisation that university education brings in a higher rate of return and this spurs more students to attend university. Thus, from a university meant only for elites, it has been transformed to one that is meant for the masses. This greater demand for university education has pressured universities to accept more students, sometimes exceeding their capacity and resources. Since the universities are public institutions supported by public finances, increase in demand

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also meant an increased pressure on public finances because universities are more expensive per student than lower levels of education. Since government cannot meet the demand, private universities have become the alternative.

Besides the increasing demand for higher education as a natural process of the improvement and successes of the lower education which resulted in the growth of private education, another impetus for private higher education is the aspiration for quality education as well as for different types of education in response to the needs of the contemporary, modern society. Advocates of privatisation¹ argue that the private sector is more efficient, effective and responsive to the rapid changes needed in the modern world while the public sector has been described as wasteful, slow, unresponsive and bureaucratic.

What Private Higher Education Means

With the emergence of private education, universities became more customer-oriented and resource-driven to meet the challenges of a changing environment. More tools and concepts from industry were brought into higher education management to ensure its efficiency. The survival of the universities is no longer guaranteed by a beneficent government. It has to draw up its own strategic long term plan including marketing its programme to its 'customers' and pleasing its 'stake holders'. Controlling resources and finding new markets has become unavoidable for universities. The university management needs to adopt practices and training methods used by commercial management. As a consequence universities have been drawn closer to the market in many ways:

1. creating more links with the industry,
2. establishing commercial arms (or Strategic Business Units),
3. raising tuition fees,
4. selling education to foreign students and
5. restructuring campuses.

What is increasingly evident is that globalisation has brought market and business practices into universities, linked universities to markets and reshaped universities with a business mentality. Programmes being offered are determined by the needs of industries and not by the goals of education in producing the good, wholesome and integrated man. Man's physical need is given greater attention than his intellectual, humanistic and spiritual needs. In a sense globalisation has resulted in the dehumanisation of man. It has reduced knowledge to a commodity which like any goods can be exchanged for a profitable sum of money and whose value is determined by market demand. Consequently, the traditional courses that are essential for higher goals of intellectual and humanistic development such as philosophy, sociology,

literature, music and history are beginning to take a backseat or are completely ignored, and courses needed for the industry especially management, finance and marketing are given top priority. Thus, universities have abdicated their role as an active independent public critic because those courses that encourage critical thinking, critical inquiry and reflection on society have been marginalised. On the other hand, universities are aligning themselves with specific market forces especially through research grants and internships which in a way have tied them down from speaking against these forces even if they should.

Shifts due to Privatisation of Higher Education

Privatisation of higher education has brought about several changes. First, there is a shift in aims from aspiration for knowledge as a good to that of the market as the good. Subsequently universities become more focused on generating and disseminating knowledge in order to generate profit rather than on enlightening society, and therefore are to be run according to 'busnocratic rationality', where the choice of the student (the customer) is everything.² Which courses to teach, which research initiative to fund, which funding agencies to approach, which student market to serve, which enrolment policy to adopt – are now considered in terms of detailed cost revenue calculations rather than by academic criteria. Second, there is a shift in the role of the lecturer – from that of a scholar to that of an entrepreneur who brings research grants and contracts. The cult of efficiency has led to increasing financial pressures to 'do more with less'.

Third, there is the shift in relationship among the lecturers within the same institution, from one of collegiality where there is mutual respect and support, to managerialism which entails accountability via quantity and quality assurance exercises, a lot more standards such as ISO 2000 for teaching and learning, and local and international university rankings. In some cases, there is also a shift in power from the faculty to the central administration. Fourth, a major shift occurs in the role of the academician from 'the sage on the stage' to 'the guide on the side'. Traditional forms of pedagogy in higher education also face challenges from the 'virtual pedagogy'. Fifth, there is a shift towards internationalisation with the establishment of branches of foreign universities in a host country or twinning programmes between the local tertiary institution and another foreign university. The popularity of these programmes arose from the assumption that having these branch universities or twinning programmes would help increase the quality of the educational programme of the host country. But it should be borne in mind that these arrangements can adversely affect the local culture, transforming it to become culturally dependent on the foreign investor or even led to cultural relativism. This is particularly evident in the dominance of English language in the host country. Finally, privatisation of

higher education can transform a university focus from research to teaching due to its market driven policies.

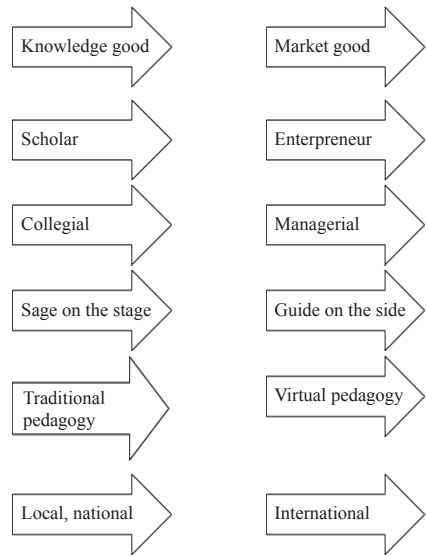


Figure 1: Shifts due to privatised higher education

Ideally speaking, the private sector should complement and supplement the efforts of the public sector, but this is not the case. Surveys show that private universities have tended to leave some of the more difficult and costly tasks to the public sector. Most private universities are located in the capital and its vicinity. Therefore they are not helping in the development of the rural regions. In addition, many of these institutions offer courses in areas such as accountancy, law, business administration and computer sciences which do not require large capital outlay.

Muslim Higher Education in the Classical Period

Private education was always the norm in the Muslim classical period. Teaching and learning occurred in the homes of the learned, salons, shops, libraries, palaces, hospitals and observatories.³ According to George Makdisi,

Pre-madrasah institutions exclusive of the foreign sciences were the jami' with their halqa and the masjid; those inclusive of these sciences were the various institutions whose designations included the terms dar, bait, khizana, essentially libraries, as well as the hospitals, maristans, from the Persian bimaristan.

Islamic science reached its glorious stage during this period. It was only later, in the late eleventh century, that the Seljuk vizier Nizām al-Mulk introduced the *madrasah*, a form of higher education institution, and endowed it with *awqāf* (endowments) for teachers and students. It was an institution of learning par excellence but the curriculum was devoted to the study of law. The mosque, from which the *madrasah* developed, continued to be an institution used for the teaching of the various Islamic sciences, including that of the law. The mosque could be devoted to any particular sciences according to the wishes of the founder, whereas the *madrasah* focused primarily on law, although ancillary sciences were also taught.⁵ With the advent of the *madrasah*, the institutions that included foreign sciences began to fade away, becoming extinct by the twelfth century. Thereafter, this limited curriculum became the model for Islamic education throughout the Muslim world – whether private or community based, for example, Cairo’s Al-Azhar (970 CE) and the one in Kairouan in what is now Tunisia (859 CE).

Muslim Private Education Institutions in Malaysia

Private education institutions flourished in Malaya before the advent of the British. The famous Malayan writer Munshi Abdullah (d. 1854) reports the existence of qur’ānic classes for learning the Qur’ān and Malay language classes in the homes of teachers in the late eighteenth century.⁶ In the Malay world, village-based *pondoks* later came into existence and were located around the home of the *tuan guru* (or teacher). After the First World War, *madrasahs* or the more regulated schools began to be established by the community. These learning institutions were private (either owned and established by the teacher or by the community). They were not profit-oriented but rather service-oriented. They were set up to fulfil the social obligation of educating the community. At the end of the 1970s and early 1980s, Muslim groups and non-government organisations began to set up their own kindergartens (Taski), Islamic primary schools (SRI), and Islamic secondary schools (SEMI). These kindergarten and schools were owned by organisations such as ABIM (Angkatan Belia Islam Malaysia) and JIM (Jemaah Islamiah Malaysia) which were not profit-oriented but fulfilling a social obligation. It was only later in the 1990s that profit-oriented Muslim private schools such as Adni, Setiabudi, International Islamic School and Seri Chempaka began to operate.

Muslim Private Higher Education Institutions (PHEIs) in Malaysia

The development of PHEIs in Malaysia has been encouraged through the Education Act of 1996, which allows for the establishment of private higher education institutions, branch campuses of foreign universities, and corporatisation of public universities and also instituted a National Accreditation Board for quality assurance.

The privatisation of higher education arose due to the lack of places in public higher institutions of learning, the ethnic quota system, the need to save on foreign exchange, because of the 1997 financial crisis that resulted in the devaluation of the Malaysian ringgit, and the high cost of studies abroad. The number of private educational institutions has increased from 156 in 1992 to 707 in 2002.⁷ In 1995, there was no private university, but by 2002, there were twelve private universities. The number of students enrolled in these private institutions rose from about 35,600 in 1990 to about 203,000 in 2000 which accounted for 53 percent of the total number of tertiary students.

Privatisation of higher education in Malaysia may take the form of transferring the ownership of public institutions, allowing the establishment of private institutions, or corporatising public universities. Over the years, different modes of ownership have been developed for private higher education, some of which are profit-oriented enterprises while others are non-profit. Profit-making institutions are set up by individual proprietors, private companies, consortia of companies, public listed companies and government corporations. On the other hand, non-profit educational institutions are set up by foundations or philanthropic organisations, and through community financing. The PHEIs also differ in their market focus, some offering a wide range of programmes in various fields of studies from pre-university to post-graduate level, while others specialise in specific areas such as medical fields, art and design, language, business studies, music and information technology. The latter group desire to carve a niche market for themselves instead of competing on the same ground with the other colleges. In this way they become more responsive to changing labour market needs. The programmes offered by PHEIs in Malaysia can be broadly categorised into three groups, namely, (i) internal programmes, (ii) transnational programmes, and (iii) programmes leading to qualifications awarded by external bodies.

For the purpose of discussion, a Muslim PHEI is defined as a higher education institution with one of the following characteristics: about 30 percent of its equity is owned by Muslims, 50 percent of its management and academic staff are Muslims, or at least 50 percent of its students are Muslims. In 2002, there were 120 Muslim PHEIs with 60,000 students out of a total 666 PHEIs with 232,069 students. The student population of the Muslim PHEIs forms about 25.8 percent of the total number of students in PHEIs, of which 20,000 or almost a third are sponsored. In 2005, 123 Muslim PHEIs had to close down, with 30 more in critical condition due to lack of students with financial aid.⁸

The latest figures obtained from the Ministry of Higher Education indicate that there are currently (in 2011) 455 PHEIs in operation (Fig. 1). Of these, 25 (5.49 %) are private universities, 22 (4.83%) are university colleges, and 408 (89.68%) are private colleges, institutes and academies. These figures are in contrast to 20 public universities and 27 polytechnics. There are also five branch campuses of foreign

universities such as the University of Nottingham and Monash University. Eight (32%) of the 25 private universities and eight (36%) of the 22 university colleges are Muslim PHEIs.

Most private higher education institutions are owned by foundations, corporations, government local companies (GLCs), religious institutions, family business, political organisations and foreigners.

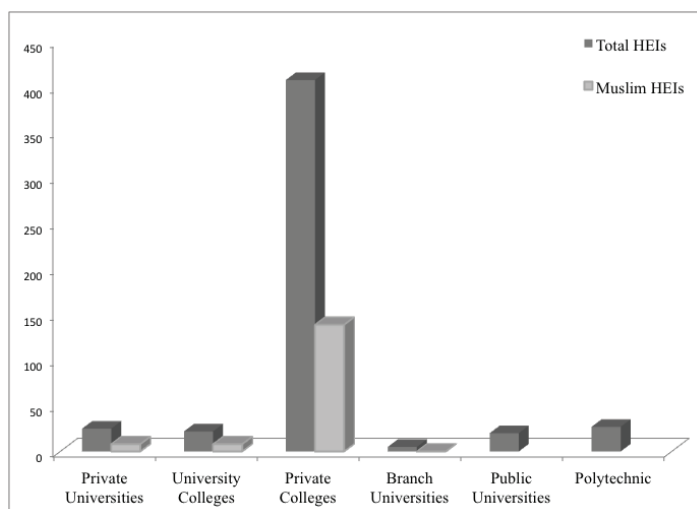


Figure 2: Comparison of Muslim PHEIs and others

Issues and Challenges

The most significant issue faced by many Muslim operators of private higher education is financial. The availability of funds determines the survival of the PHEIs in this competitive market. The other issues are related to their management, programme/curriculum, academic staff and marketing and business development division. These issues were drawn to the attention of the writer based on her experience in dealing with a private Islamic International College, a private Islamic International School and Muslim PHEIs in general.

Finance and Quality Education

It cannot be denied that quality education is positively related to a healthy and sound financial position. With a healthy financial position, the institution can select outstanding teachers, improve its teaching and learning resources, provide up-to-date facilities and support conducive learning environments including accommodation.

There are several issues related to finance. About 80 percent of the Muslim PHEIs depend on student fees. These students are from poor families, who are largely dependent on the PTPTN, a national body which give loans to students in higher education. In 2005, 75 percent of the families earned less than MYR 1,500 per month. When the amount of loans available from PTPTN in 2005 was reduced, many students had to quit, leaving the institutions in a dilemma. The other issues related to finance are as follows:

- poor collection of fees due to laxity or a poor system of collection that allows the accumulation of bad debts that become uncollectible;
- poor record-keeping and auditing;
- poor knowledge of finance and investment;
- wastage.

Management Issues

The management of private education institutions plays an important role in ensuring that the system is efficient, professional, transparent, ethical, of high integrity, able to deliver on time, customer- and market-oriented and dynamic. The major issue is not having good leadership. Many Muslim PHEIs seem to suffer from the following problems:

- Leadership that lacks vision, ideas, creativity, analytical skills, social skills, and the ability to be a ‘pathfinder’;
- un-Islamic or unprofessional work ethics such as lack of punctuality and frequent absences;
- lack of integrity in dealing with money;
- adopting the civil service and not the private company attitude – relaxed, cannot work beyond office hours, not competitive and lacking commitment;
- not rewarding or appreciating key people, and loyal and good staff;
- lack of management with motivation skills and of staff professional development.

Business Development and Marketing

Business development and marketing are very important aspects of private education enterprise. Without the ability to market its programme and explore available opportunities, the institution will not be able to withstand the competition in vying for the best students and resources. The problems with Muslim PHEIs are, among others:

- lack of marketing knowledge and strategies;
- targeting only one segment of the market: for example, only Muslims;
- lacking a practical and comprehensive business plan
- insufficient funds for aggressive marketing and expansion

Academic Programmes

The curriculum or academic programmes offered by an institution as well as its philosophy are crucial in its ability to draw the best students, aside from the attraction of competitive tuition fees and excellent academic achievement. This should be one of the major elements in distinguishing a Muslim PHEI from the non-Muslim. Also the curriculum and programme offerings are important because of the ability of graduates of the programme to obtain employment and to contribute back to the community. Some issues related to this aspect are as follows:

- narrow curriculum scope, sometimes focused only on Islamic or social and human science packages (the least cost);
- no core courses to unify knowledge and the world view.
- courses not offered from the Islamic worldview;
- not sensitive to the market demands and needs.

Academic Staff

Another factor that enhances an institution is the reputation of the academic staff. The more prominent nationally and internationally a professor, the more prestigious the institution where he teaches. However, the institution has to be prepared financially to attract these academic ‘stars’. Usually, their salaries are higher commensurate with their qualifications and experience. However, in practice most PHEIs tend to fall short on this factor in trying to cut costs. The issues related to academic staff are as follows:

- high turnover rate;
- poorly prepared or inadequate staff, due to financial constraints;
- staff lacking Islamic knowledge, character and/or work ethics;
- high numbers of part timers, who lack ownership and a sense of belonging, who may not be committed or willing to make sacrifices;
- staff who lack of vision, ideas, and creativity, with a ‘work for a living’ attitude only; not self-initiating.

Reflection

Based on the issues and challenges faced by Muslim PHEIs as described in the previous section, Muslim policy makers and educators have to pause and reflect.

They need to consider some pertinent questions in their search for a proper direction. What is the crux of the matter? Do Muslims need Muslim or Islamic PHEIs? If so, what should be their philosophy? In the context of Malaysia, do Muslims today face the problem of access to higher education as they did from the 1950s to the 1980s? Does privatisation of education mean an abandonment of Islamic ideals of education? Would Muslim PHEIs allow for greater autonomy and academic freedom, two vital values which are being slowly eroded in public universities? Should Muslim PHEIs be concerned with quantity or quality? Should Muslim PHEIs recognise internationalisation as a moral obligation? Could Muslim PHEIs allow for a more focused research on developing the *ummah*?

The Role of Islamic PHEIs

The first concern of Islamic PHEIs' should be quality and *not* quantity, especially in countries where access to higher education is not a problem. In fact the Malaysian government has set up additional universities, polytechnics and community colleges to cater for the increasing number of students. Therefore, if there is a need for Muslims to establish private higher education, it should be driven by quality, modelled after Harvard University or the University of Chicago, especially with respect to quality education and a financial base. Since private education is expensive, it should target only on a specific class of the *ummah*. To avoid only on drawing the wealthy, it should provide scholarships for those who are underprivileged but who have brains and talent. It should not be a mediocre institution only out to make profit by providing more spaces for mediocre students with a mediocre academic staff. But in a society where the Muslims are a minority and access to Islamic knowledge is limited, it is a different matter altogether, and the role of the private institution differs accordingly.

Secondly, there should be concern for ummatic human capital development, which means giving priority to internationalisation and transnational collaboration. A high number of majority Muslim countries are still underdeveloped and lack good human capital. Therefore Muslim PHEIs should extend their services to assist the Muslim *ummah* throughout the world. This has been a successful function of the International Islamic University Malaysia (IIUM), a public higher education institution. Tables 1 and 2 show the contribution of IIUM in human capital development of Muslims worldwide. This model is now being adopted by the Al-Bukhary International University, a Muslim PHEI. However, Table 3 shows that the contribution of IIUM is mainly in the field of law and Islamic Revealed Knowledge and Human Sciences (IRKHS). It will be more meaningful when more assistance is given to science and technology – science, engineering and medicine – and also to business-related programmes, which are the engines of national economic growth.

Country	2009		2011	
	Students	Percent	Students	Percent
Malaysia	14,043	84.6	15,140	86.2
International	2,551	15.4	2,421	13.8
Total	16,594		17,561	

Table 1: Human capital: Student enrolment at IIUM

Country	Total Students	
	2009	2011
Indonesia	308	308
Yemen	188	187
Somalia	186	161
Thailand	179	157
Saudi Arabia	174	130
Sudan	141	114
Singapore	120	190
Bangladesh	116	119
India	79	90
Palestine	82	83

Table 2: Top 10 countries of origin of international students at IIUM

	Malaysia	(%)	International	(%)
Architecture	1	0.5	6	2.1
Law	53	24	54	19.1
Economics	20	9	17	6
Engineering	7	3.2	19	6.7
Library & Finance	4	1.8	3	1.1
Education	32	14.5	25	8.9
IRKHS	63	28.5	127	45
ISTAC	22	10	27	9.6
ICT	13	5.9	3	1.1
Science	2	0.9	1	0.4
Medicine	4	1.8	0	0

Table 3: PhD graduates by nationality and field of study

In a survey conducted with 159 alumni of IIUM⁹ it was found that IIUM was not only successful in developing human capital for national development but also in social and religious growth. It was successful in raising the awareness in the alumni of the vision of Islamic education in respect to the unity of knowledge and faith and its integrated nature (Fig. 3); and enhancing their understanding of the Islamic worldview and the transformation of their character (Fig. 4). IIUM was also perceived as successful in sensitising students to the cultural diversity of Muslims and their cultures (Fig. 5).

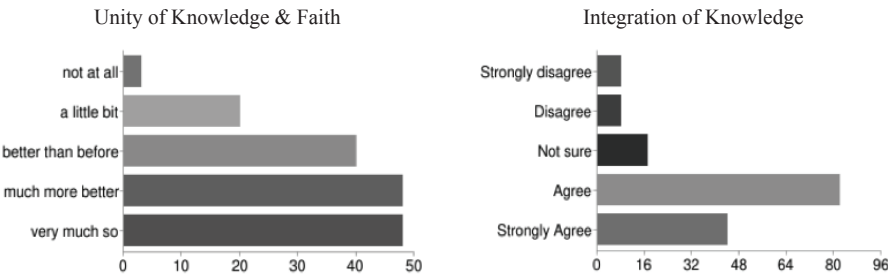


Figure 3: Internationalisation mission of IIUM

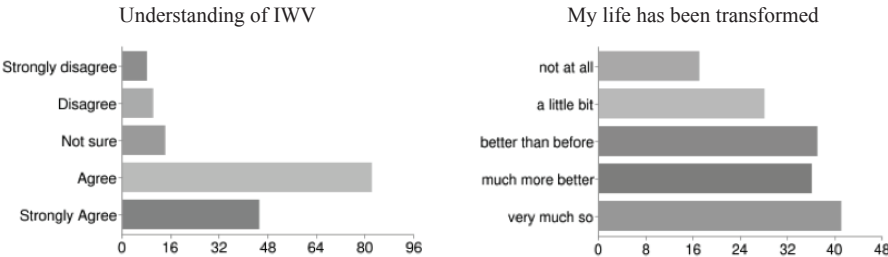


Figure 4: Islamic worldview and character transformation

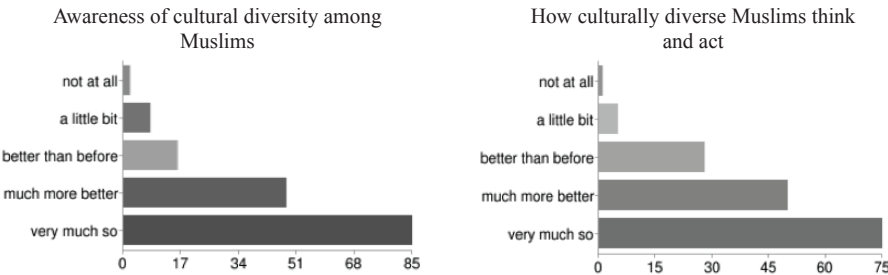


Figure 5: Muslims' cultural diversity

Thirdly, the Muslim PHEI should attract and engage quality lecturers and professors and ensure that they perform their functions as sages and researchers and not merely as facilitators. Give them their honorific role as experts to guide the policy makers in their fields and the academic freedom to speak their minds. The Muslim PHEIs should seek out experienced university administrators capable of providing a more efficient higher education model.

Fourthly, Muslim PHEIs need to be self-sustaining through the concept of endowment (*waqf*) and profit making to maintain itself. We cannot separate business from private education. There is no choice. What is most important is that the intent or mission is still Islamic.

Last but not least, Muslim PHEIs should be guided by the tawhidic principles based upon the Qur'ān and the Sunnah of the Prophet Muḥammad. This is true especially regarding their codes of conduct and goals.

Conclusion and Recommendations

Based on the potential contributions of Muslims PHEIs as discussed in the previous sections, it is clear that private higher education has an important role to play. The success of the IIUM in producing societal leaders, *‘ulamā’*, professionals and wealthy businessmen demonstrates the importance of Muslim private universities with an international emphasis in order to serve the *ummah*, which is still in a deep slumber. It is thus an obligation. To move Muslim PHEIs forward, the following recommendations are put forth under three categories: finance, management and programme.

Finance

This has been the most crucial concern of all Muslim PHEIs and should be addressed accordingly. The suggestions are as follows:

- The finance division should adhere to its collection policy strictly without fear or favour. Muslim parents sometimes practice a double standard when dealing with Muslim institutions. The institution needs to project itself as an Islamic business entity and not as a charitable organisation.
- Muslim authority in the community should mobilise the *zakāt* fund to invest in PHEIs or provide study loans to Muslim PHEI students.
- *Waqf* or endowment funds such as the Wakaf Corporation as initiated by the Johor Corporation should be established with the cooperation of State religious councils.
- The institutions should set aside some of their funds for short and long term investments.

- GLCs are encouraged to diversify into the private education sector.
- Muslims are encouraged to become entrepreneurs to assist in the economic development of the *ummah*.

Management

The PHEI management team is crucial for steering the institution in the right direction and also in sustaining itself. It is also responsible for its growth and coping with its challenges. To be successful in these, it is vital for Muslim PHEIs:

- To recruit excellent Chief Executive Officers and/or Chairpersons with vision, ideas and vast, educational experience – both locally and internationally. Most importantly, they must be ethical and Islamic in terms of their actions.
- To employ professional accountant, human resource and finance and marketing managers with experience. These positions should be open to non-Muslims if need arises.
- To run the enterprise professionally with proper systems and policies and to be accountable and transparent.
- To develop good business plans and long term strategies.
- To institute quality assurance to ensure the quality of programmes and services.
- To create a sense of ownership and belonging among their staff.

Programme

Parents are attracted to private higher education for the quality and as an alternative when their children do not get access to public higher education. How can a PHEI be competitive? Muslim PHEIs should:

- offer quality academic programmes that are tailored to the needs of the local and international communities – especially its Muslim clients.
- offer programmes that are sensitive to the changing needs and demands of the market to ensure viability and that are also consistent with the policies of the ministry of higher education.
- offer quality academic programmes that are transnational such as twinning programmes with foreign universities recognised by the Public Service Department, which could be a saving for parents and the country.
- establish linkages and collaboration with local and international universities especially in their niche areas.
- maintain their Islamic identity by making Islamic philosophy or worldview – metaphysics, epistemology, axiology – and some qur'ānic and *ḥadīth* sciences as core courses for all disciplines so as to connect the sciences as a unit and to understand the religion (*dīn*) on a higher intellectual plane.
- compete for research grants offered by various agencies and the Ministry of Higher Education.

- provide community-oriented extra-curricular activities for the development of character, leadership, practical and social skills.

In conclusion, we do need Muslim private higher education institutions with a special purpose: to supplement public higher education institutions and to be free to attain the goals of Islamic education. Our history has shown that private higher education has more energy and creativity to produce innovative products and be more efficient. The only hurdle has been to find ways to finance them. However, the Islamic legacy has left an important device, *zakāt* and *waqf* to assist in the growth of PHEIs. We need to have more Muslim philanthropists too who give priority to education rather than the building of mosques. Being private does not mean that Private HEIs will sacrifice their Islamic vision and mission. In fact, PHEIs provide an opportunity for international collaboration and long term socio-economic assistance within the Muslim world.

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ISLAMIC CIVILISATION: AWAKENING PARAMETERS

*Saim Kayadibi**

Abstract: The Muslim world's significant contribution to the development of world civilisation deserves further investigation. History's leading Muslim empires all assumed momentous responsibilities in adapting Islamic civilisation to changing times. The author argues that researching and studying the input of their intelligentsias and elites would be a necessary requirement for any Islamic 'renaissance'. Western civilisation, often presented as the *only* civilisation that has enabled the world to progress, ignores the contributions of all other civilisations. This article underlines the significance of Islamic civilisation by exploring the Muslims' reawakening process and humanity's need for a new world system, one that reflects Islamic civilisation's understanding and practice of ontological freedom, security, and human rights.

Introduction

The intellectual, cultural, and methodological parameters of Muslim society are shaped by Islam's fundamentally dynamic character which created and then maintained a centuries-long lively religious, political, social, and economic environment for countless peoples over the world. During these fourteen centuries Islamic civilisation, which understands itself to be the completed form of the timeless message brought by the Abrahamic line of prophets, enlightened the Muslim sphere west and east from Iberia to China and Southeast Asia, enabling it to foster the progress of other world civilisations. The Qur'an states that God created human diversity so that its various groups would come to reciprocally know one another's worldviews, lifestyles, cultures, and values (see Qur'ān 49:13). All these aspects combine to create the variety of civilisations. To mutually 'know each other' requires the existence of some type of relationship. This relationship should not be directed toward destroying the values and cultures of other civilisations, but should prompt them all to benefit from the other and experience positive progress.

In contrast to Islamic civilisation, the prevailing globalising Euro-American monolithic civilisation has in recent times threatened the foundations of other

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traditional civilisations. Its perception of itself as an exceptional civilisational development whose ontological parameters require displacing or effacing those (non-Western) values at variance with its own is producing dissonance and conflict globally. Western civilisation pursues its own monopolistic interests by seeking to unilaterally impose its set of privileged values conveying definite technological, strategic, political and economic priorities. Nature, the natural environment which belongs to humanity as a whole, is a divine trust that must be used appropriately and not wasted or destroyed. Islamic civilisation emphasises that people should “eat and drink and be not wasteful” (Qur’ān 7:31).¹ However, the current global Western civilisation encourages people to consume everything they produce, from material and organic resources to finished products, from food to cloth, through applications of technology and industry.

In order to protect our culture and values, Muslims have to revitalise and refresh our civilisational memory, our distinct sense of self-perception and awareness, and our self-confidence – for all other corollary elements follow in their wake. The emergence of genuine self-confidence rooted in proper ontological awareness of our own civilisational potential, hastens people’s psychological motivation to oppose injustice, reject monopolistic exploitation, and deflect the hegemonic worldview thrust upon us through financial and military dominance. Over recent decades many Muslims are beginning to manifest an energising self-awareness and self-confidence in the face of the prevailing exceptionalist civilisation of Late Modernity. Each individual who effectively embodies an alternative worldview thereby becomes a point of light for energising communal action and for re-awakening Islamic civilisation. More attention needs to be paid to the human resource of the intellect and cultural supports moulding the parameters of our new civilisational requirements. Aware of this need, Muslim thinkers, leaders, and civic actors are trying to inject their dynamism into the existing world system.

As discussed below, such vitality is a significant indication providing hope for transferring the centre-of-gravity of an emergent cosmopolitan civilisation to the East – to Asia. This awakened vitality arising from a deepened ontological awareness will eliminate the widespread misperceptions about Islam. We mean both the wrong understandings and distortions held within the *dominant Western worldview*, as well as those misperceptions and shallow distortions which continue to operate *among Muslims themselves* regarding their genuine civilisational roots. (An example of this is the wrong perception that violence and bloodshed are legitimate paths for achieving the requirements of Muslims.)

Towards Civilisational Awakening

The fate of a civilisation does not resemble the fate of human beings. A civilisation is born and then, according to the flow of historical events and social change, reaches maturity. Although it eventually declines and enters stasis, it may begin to reawaken when called upon to interact with new social and historical realities either arising within or imposed from without. The formation and development of civilisations are linked to historical ferment and intersections. Such historical junctions are sites of civilisational vitality and thus represent the hope of harmonising the institutionalisation of social systems which embody individual and social imagination. However, as Ahmet Davutoğlu observes, a “civilisational crisis emerges when man begins to think that his hope is victimised by the leviathan of the social mechanisms.”² How many times has Islam engendered successive civilisational spaces and cultural blocks? Medina served as the foundation and starting point for Islam’s civilisational compass. Under the Umayyads, the seat of Islamic cultural dynamics moved to Damascus, then east to Baghdad under the Abbasids. The civilisational space of Andalusia in the West was a significant fruit of Islamic civilisation. The cultural polities erected by the Seljuks, Ottomans, and the Transoxianans in Central Asia represent further variations, as did their counterparts in Iran, South and East Asia, and Africa. The ethos of Islam generated and sustained these civilisational spaces with their own distinctive cultural components,³ and all exhibiting the spark of civil enlightenment and human dignity essential for civilisational formation.

Muslim achievement in the construction and maintenance of diverse civilisational spaces was not confined to mediating the qur’ānic vision of human dignity, but extended to many other fields. Muslims advanced and deepened the concept of politics and diplomacy at a time when Europe was sunk in chaos and political calamity. Instead of provincialism or nationalism, the Muslims grounded their societies upon multiculturalism through ensuring religious tolerance, ethnic and linguistic diversity, and the protection of minority non-Muslim communities. The polities of the Seljuks, various South Asian dynasties, and the Safavids in Iran spring to mind. The Ottoman Empire welcomed the Jews driven out of the Iberian Peninsula during the *Reconquista*, as it did those Christian communities fleeing persecution in Europe. This practice of diversity and inter-religious co-operation, as well as the Ottomans’ pluralistic approach to rule and its multi-ethnic structure, were not exceptions; in fact, they embody Islamic civilisational norms.⁴ Ottoman society, for example, was based on the pluralistic *millet* system. Although some scholars maintain that the nation is, to a certain extent, the same as the *millet*,⁵ the European-derived nation-state system ultimately destroyed the empire’s harmonious regional system by successfully presenting itself to be an alternative and inevitable world system.⁶ Thus, in the wake of the Enlightenment, European imperialism universalised the nation-state system,⁷ which prompted the multiethnic

Ottoman Empire to decline, and promoted Islamic identity to become subsumed by ethnic-group feeling – whether Arab, Turk, Iranian, or Malay.

A new era of geopolitical and geo-cultural change is now launched in the Muslim world, which no longer is seen to consist only of Africa and Asia. Today the reality of ‘Eurasia’ has become apparent. In the central lands of Islam this geo-cultural reawakening is taking place from Albania to Tatarstan, from Bosnia-Herzegovina to Chechnya, from the Crimea to Tajikistan to Pakistan. They all represent a transformation of Islamic identity into a specific ‘Eurasian’ Muslim identity. Establishing Pakistan with an Islamic identity apart from India was yet another significant transition point in the recent history of Islam. All such new formations signify a reawakening against neo-colonialism in all of its aspects.⁸ Attempts at ‘dialogue’ based on Western-oriented understanding do not represent a genuinely mutual inter-civilisational understanding, for it is no more than a ‘monologue of instruction’ handed down from on high by a one-sided perspective which posits its own exceptionalism.⁹ Such unbalanced ‘talking at’ (rather than ‘talking with’) seeks to reinforce its own way of life and understanding as normative and universal.

So-called ‘Western-centric’ Civilisation

A civilisation’s true face is largely determined by historical and social events, in conjunction with its internally generated prerogatives. As an individual’s quality is determined by social measures, one’s essence is revealed when his or her fortitude and patience are tested. This is also true of civilisations, which reveal their true essence when they face chaos and a period of transition. Peoples often fall into the seductive trap of desire to acquire material advantages in the process of obtaining freedom from foreign exploitation and recovering their innate dignity. They may suddenly lose their consciousness of ontological freedom because of the attraction of technology and its corollary materialism. This pervasive reality leads to a number of dilemmas arising out of civilisational imbalances.

We clearly see that the Western dominated global world system seeks to control other peoples by hindering them in approaching its level of technological superiority. This is done by monopolising scientific technology and controlling access to its products. A case in point is the West’s double-standard regarding Iran’s alleged nuclear weapons programme. The West fears that if any Islamic nation actually becomes its technological equal, then disclosure of its own exceptionalist double-standard might cause its western-centric civilisational dominance to weaken. But given its assertions of universal freedoms and human rights, why does it seek to prevent others from exploiting the fruits of technology? Clearly, their assertions mean no more than “we believe in the sovereignty of superiority” – another expression for modern slavery. No free people will ever accept this mentality, since it violates the ontological freedom

inherent in human dignity.

The tension between Iran and the United States and its continental allies increased after Iran rejected the preliminary agreement of 1 October 2009 in Geneva. Under this agreement, Iran was to send 75 percent of its stockpiled low-enriched uranium (LEU) to Russia for conversion into fuel for humanitarian purposes and medical research. The only condition was that Russia would return about 20 percent of it which would be sent to France for conversion into fuel rods. Owing to Iran's suspicion of American intentions, based on recent historical experience, this proposal fell through.¹⁰ Then US President Obama requested Turkey to mediate. Turkey took its responsibility seriously and teamed up with Brazil. Their effort was crowned with success when on 17 May 2010 Iran agreed to swap its stockpile of enriched uranium. Presented as a chance for the United States and its allies to resolve their disagreement *via* diplomacy, Washington nevertheless repeatedly forced the UN to impose even more sanctions.

Strangely, the Turkish-Brazilian solution which Iran accepted was exactly what the United States and its allies had requested from Iran at first. "But as this achievement could not be attributed to the Vienna Group, it was rejected." In other words, "If I couldn't achieve it, you also can't achieve it." According to the Turkish foreign minister Davutoğlu, "This is a test for all of us whether we will solve problems through conflict or negotiation. As for Turkey and Brazil, we convinced Iran to use diplomatic means. The Tehran deal was reached thanks to flexible policies by the Iranian administration."¹¹ Turkish prime minister Erdogan's statement is also highly significant: "This is the time to discuss whether we believe in the supremacy of law or the law of the supreme and superiors"¹² Now is the time to end this obvious hypocrisy and to give every nation with the human and technological resources an equal opportunity to produce nuclear power for peaceful purposes.

Another predicament of the mind-set conditioning Western polities and their ruling elites is its man-centred epistemology. Considering the biological animal termed 'man' to be the absolute source for authority and value limits the true nature of the human being. Westerners assume that the ultimate truth can only be achieved through an anthropocentric epistemology which calls for separating the source of knowledge from the divine transcendent origin.¹³ The Western worldview posits that whatever can be justified on self-interested economic or financial grounds is legitimate, taken as an axiom supported by instrumental reason. Thus nature must be dominated so that its resources can be plundered mercilessly, for how else can the pursuit of a secular paradise on Earth where people can fulfil their material needs be realised? Another civilisational perspective was offered by the Native American Chief Seattle in his letter to the Washington authorities in 1854.¹⁴ He states the true nature of the Western need to dominate as a violation of the harmonious balance sustaining all of existence.

The Islamic understanding of the wholesome human-nature relation cannot be considered as a form of possessive psychology, for the Qur'ān itself proclaims an

inseparable link between humanity and nature and between the science of nature and religion.¹⁵ Religion plays a significant role in shaping the various social, geographical, cultural, and economic milieus wherein Islamic cultures maintained an environment designed specifically to foster its vision of harmony. One may even conclude that religion and politics, when working for a common goal, may actually cause a society to flourish and fulfil the conditions for human wellbeing and equity.

In contrast to the essential roots of Islamic civilisation, the contemporary Western globalised civilisation seeks to monopolise and control human culture. This 'hegemonistic-monopolistic' character threatens all other civilisations with which it comes into contact. In fact, it represents a major threat "to the diversity of the historical, cultural accumulation of human beings." Pitirim Sorokin summarised the work of the civilisational historian Arnold Toynbee, by remarking:

"that out of twenty six civilisations no less than sixteen are by now dead and buried including the Egyptian, the Andean, the Sinic, the Minoan, the Sumeric, the Mayan, the Indic, the Hittite, the Syriac, the Hellenic, the Babylonian, the Mexican, the Arabic, the Yucatec, the Spartan and the Ottoman. A. Toynbee concluded that the remaining ten surviving civilisations: the Christian Near East, the Islamic, the Christian Russian, the Hindu, the Far Eastern Chinese, the Japanese, the Polynesian, the Eskimo and the Nomadic, are now in their last agonies being under the threat of either annihilation or assimilation by western civilisation."¹⁶

Western exceptionalism with its presumption of civilisational universality not only monopolises the possibilities for other civilisations and cultures to follow their own path, but enforces its own globalised culture of consumption, waste, and environmental ruination which induces these new consumers to lose their own cultural roots and civilisational memory to the point of extinction.¹⁷ Civilisational amnesia within the consciousness of Muslim ontological awareness has already taken root, with Muslims orphaned from their true legacy.

Toward Reawakening

Any reawakening must fulfil certain parameters to be actual. Foremost among these parameters is to possess those significant values which create and foster a dynamic civilisation: the self-awareness of its distinctive being (ontology), a methodology of knowledge (epistemology of unitive integration), an inherent hierarchy of value (axiology), and integral institutions embedded in society (a social cosmology) – for all these are natural features of the interdependent relationship between these values and the society in question. It is evident that these values form the core parts of Islamic civilisation's dynamic character.¹⁸ Islam is a phenomenon that covers all aspects of a person's life: from various epistemic disciplines to economic strengths, architecture

to poetry, jurisprudence to mysticism, and from algebra to social restructuring and philosophy. Each element of diversity and difference in society reflects the richness of its sought-for civilisational awakening. Moreover, such intra-diversities are a mercy strengthening the potential power to create an authentic alternative civilisational perception rooted in both individual and communal awareness.

Given all of the above, the parameters for the Muslim world's civilisational reawakening are not limited solely to periods of crisis. Although such periods have undoubtedly served as trigger factors, we argue that the Muslim world has an inherently dynamic character facilitating its self-transformation for the better ... or for the worse. Even when the external impacts and confrontations should induce or reinforce a crisis, such a crisis could result in a positive impact due to the inherent quality of human dignity and innate values which Muslims possess. In other words, the manifestation of an Islamic alternative may be provoked by the crisis and tensions in the world system's political and social agenda – born from an instinctive posture of self-defence and protective response.¹⁹

Despite all of the crises experienced, and the undeniable ethnic and national differences which separate them, Muslims have traditionally considered themselves to be one nation, one *ummah* or community, and one polity: the 'Abode of Islam' (*dār al-islām*). This powerful concept must be resurrected and reformulated so that artificial man-made borders now existing in the Muslim world may become a source of mutual strength, as opposed to the present reality of enforcing division or disunity. One might envision existing Muslim nation-states and territories as small strong families strengthening the Abode of Islam's collective presence. A state's basic structure consists of small families, who make up neighbourhoods in cities, which in turn cumulatively constitute a nation. Logically, the more strong families there are, the stronger a country will be. Re-inventing the global Muslim *ummah* is thus a primary task.

Sustaining every individual Muslim personality are two fundamental psychological impulses:

1. to establish the most proper social atmosphere, achieved by establishing institutions to create and then maintain civilisational vitality leading to Islamic civilisational sovereignty and authenticity; and
2. to embody the Islamic belief system's theoretical ideals and values as the foundation of social dynamism, as opposed to values borrowed from the now dominant Western controlled world system.

The Muslim individual's ontological consciousness reflects his or her behavioural mode reinforcing self-confidence as a consequence of recovering healthy and dynamic self-awareness. Assuming the designated role of Allah's representative upon Earth (*khalīfat Allāh*) is a great responsibility for humanity, since fulfilling this ethical and existential obligation prompts human beings to reawaken their

ontological consciousness. Humanity's responsibility is inherent in the creation of each human being, for, as the Qur'ān proclaims "We have created humanity in the best of moulds."²⁰ Therefore everything was created for the *khalīfat Allāh*, who "must not serve anybody; he must not be a means. Everything must serve man and man must serve God only. This is the ultimate meaning of humanism."²¹ Once this is achieved, the individual is aided in striving to become a significant being serving the common harmony of creation, instead of an artificial subject guided by instinctive biological or social needs. Such Islamic self-perception can only be established if each Muslim retains this ontological consciousness.²²

The reasons for a civilisation's rise and fall may be comprehended by analysing the perception of time and of history. Understanding how *homo occidentalis* and *homo islamicus* imagine time offers significant insight into explaining these two particular phenomena. The Western consciousness perceives time as a unidirectional historical flow, notably involving the idea of progress, while the Islamic awareness views history and time based on circularity and emphasises the persistence and constancy of positive values and modes of behaviour. Thus globalised Western civilisation, lacking value-legitimacy and dependent upon material and technological superiority and control of information, is not necessarily the ultimate development or exceptional form of human civilisation. Therefore, Muslims need to be meticulous and highly selective when interacting with it. This circular or spiral perspective also brings Muslims to the conviction that Islamic civilisation, which long ago lost its status of being a determinant civilisational force, can regain this status by renovating its value-parameters, rather than renouncing them and replacing them with imported western parameters.²³

The Qur'ān establishes Islamic value-parameters by relating its teaching about what caused previous civilisations and societies to fall: the deterioration of social ethics, not the end of rationality or material superiority.²⁴ It proclaims: "Therefore their Lord crushed them for their sin and razed them;"²⁵ "[f]or we are shall bring down on the people of this township a punishment from heaven, because they have been wickedly rebellious;"²⁶ or "so We overtook them for what they had earned [of inequity];"²⁷ and many similar statements. It is evident that the inherent parameters of Islamic civilisation are based on value structures, deeply embedded ethical virtues, and the very nature of the human soul – which together constitute the essential energy of civilisations. When these factors are no longer dominant, decadence appears and the society eventually collapses.²⁸

On the other hand, a civilisation's reinforcement must be renewed and developed according to the needs of the time when its core dynamics were continually refreshed. Our emergent civilisation must have its own technique, artistic and aesthetic expression, a dynamics of opinion, a scientific network to facilitate development, and preventative measures designed to confront any unexpected situation. In addition,

it should support the state by developing and producing its indigenous military equipment and forces both to defend itself and to free Muslims from dependence upon foreign powers.²⁹ Any civilisation that loses its fundamental dynamics of spirit and religious values, which energise it, is doomed.

Moving the civilisational axis from the West to the Muslim world and Asia is not the same as shifting it from one Muslim region to another. Shifting this axis from Damascus to Baghdad, and from Baghdad to Istanbul, from the civilisationally vivacious Andalusia to the leading Islamic cities of India and Ottoman Turkey, were all considered intra-civilisational crises. Even though the Mongols destroyed many of the Islamic world's core civilisational centres, a number of these regained their civilisational vitality because the destruction was limited to the material sphere. In other words, a civilisational crisis might be more evident within, rather than between, civilisations.³⁰ However, this did not hold true when colonial Europe penetrated the Muslim world and enforced its civilisational ethos along with its intellectual, military, political, and economic values. In short, Europe sought to impose a counter-self-perception on the Muslim world, and to efface the indigenous ontological awareness.

As civilisation is a “continuous progress”,³¹ the Muslim world must re-possess those aspects that have atrophied or been lost. To function once again as its own civilisational axis, it must rethink and reclaim those values which in its often violent encounters with Europe, and now America, it lost, departing from its main objectives. One major issue here is how to deal with the indigenous yet westernised elites and intellectuals who succeeded the colonial administrators. Entrusted with stupefying the Muslim masses, they spread the socio-cultural and epistemic worldviews handed to them by their former masters, premised on the supremacy of Western civilisation. This westernised intelligentsia, which frequently comprises the state's cultural and economic elite, introduced an imported self-perception of mimicry that actually reflects slavish dependence and intended to replace the traditional Muslim self-awareness. It is clear that they have met with considerable success.

In cooperation with their military-political-business counterparts, they sought to implant a new national culture that harmonised with the western worldview. Economic achievement and the creation of a higher standard of living for the elites, both protected by the new state's political and military powers, were never meant for the masses. Consequently, the Muslim world now faces intellectual, military, and economic problems that have deep roots within its western-originated intelligentsia. Over the last several decades, the lack of an indigenous Muslim intelligentsia with its own supportive institutions, including public opinion and an independent information system, has caused a number of economic and political crises.³² The current global conditions indicate that these crises might provoke a new civilisational axis in the Muslim *ummah* if they are dealt with seriously and patiently with an eye to the long duration by combined networked efforts.

The Dilemma of a Just World System within Western Civilisation

The slogan proposed by the western elites to bring peace, freedom, and liberty to other peoples now appears rather unpersuasive to non-Western peoples. Such calls for democracy, freedom, and human rights merely support or reinforce Western strategic interests.³³ In that respect, one must ask whether the ideological understanding of the international system can propose an ideal set of values that guarantee these mentioned values on Hegelian philosophic foundations or not. Before saying ‘definitely not’, the fundamental purpose of Fukuyama’s reference to this philosophical system³⁴ justifying his fanciful delusion of ‘the end of history’ was to conceal the modernist paradigm’s crisis and failure to establish a just world system. This theory sought to present itself as the philosophical background for the New World Order³⁵ upon which the Western-centric civilisation rests. Davutoğlu has cogently emphasised that the original Hegelian understanding of the role of international law and recognised organisations would have been correct and surely more truthful than Fukuyama’s view, if Hegel had had the opportunity to see the existing situation. “The practices of the collective security system as the most successful institutionalisation of international law proves that its analysis is not relevant for the development of a universal value system for the ethics of the international system. The clear-cut double-standard of the United Nation’s role in the Gulf war and during the Bosnian³⁶ crisis demonstrated the fact that the only force in international politics is the particular wills of the great powers.”³⁷

This double standard was again displayed when Israel attacked the humanitarian activists’ Gaza flotilla that had as its purpose delivering humanitarian supplies to impoverished Palestinians and trying to break the years-long Israeli siege. Nineteen people were killed in the deadly attack which occurred in international waters. The West sided with Israel. After Turkey’s foreign minister acted, the UN Human Rights Council adopted a resolution setting up an independent international probe into the event; thirty-two countries condemned this “outrageous attack”. Given the Euro-American states’ resource-centred strategic international policy and very close relationship with Israel, they refused to condemn their ally’s deadly attack. Moreover, Israel rejected calls from the UN and others for an international investigation. Such a clear double standard causes people to ask two questions:

1. How can such a power-centred international policy bring justice and freedom to oppressed and humiliated peoples? and
2. can the international system bring justice, freedom, and equal opportunity to all nations and peoples? Unfortunately, the answer to both questions is a resounding “No”.

The world needs a new system because the current one is unjust. The international system is a reflection of the oligarchic structure of the Cold-War era which accorded special missions to five permanent members of the Security council to decide and veto for the most essential issues of the international relations. If the structure is a fair formation, there would have been a tendency to a more democratic structure in international relations and, this tendency would have been started and guided by the United Nation and other democratic countries. The oligarchic structure of the western world-system has been transformed into a monopoly. Today, any decision of any significant international issues is subject to the strategic priorities of the Western elite. The special mission of the international organisations became justification of this decision.³⁸ Israel's deadly attack on the flotilla is a clear evidence of its sense of justification.

Western civilisation's prejudice *vis-à-vis* Islam and the Muslims, both of which it proclaims are 'incompatible' with the globalised world system, grows out of its historical reality. Consider the following observations made by Davutoğlu:

First of all, Islamic civilisation was the only civilisation which had a superior past over western civilisation. In fact, one of the reasons behind western geographical searches for new trade routes in the 15th and 16th centuries was the Muslim supremacy in Eastern Europe and the Mediterranean. The other civilisations and authentic cultures, which have suffered because of western globalism today, did not have such supremacy in the past. So, Muslim nations were the frontal enemies in western history. Secondly, Muslim societies resisted the colonial expansions throughout the 19th and 20th centuries while many other societies easily accepted western supremacy. Thirdly, today, Muslim masses are trying to reproduce their own civilisational parameters and cultures in an age of globalism and monopolisation of culture.³⁹

In addition to its existing socio-economic and democracy-related double standard, Western civilisation continues, without any apparent embarrassment, to work to impose its materialist human-centric system upon Asian countries while nevertheless encouraging certain types of religious identity. Tellingly, the majority of Americans today believe that their own country's laws should be based on religious, rather than secular, law.⁴⁰

A Rising Islamic Civilisation and Muslim Identity

When the Muslim world's twentieth-century political history is analysed, one may easily observe that Islamic civilisation and cultural dynamism are both undergoing a serious renewal.⁴¹ The turn of the twentieth to the twenty-first century could be considered the era of Islamic civilisational reawakening. The situation of Iraq and Afghanistan – occupied for economic and strategic reasons – indicates that American

plans have not turned out as expected. Even though they deployed the latest technological means and weapons, both wars have been lost. But in an attempt to save face they must camouflage this reality. One way to do this is to create an enemy, yet with the ongoing revival and reawakening of Muslim societies around the world, this explanation is no longer universally believed. The world's political atmosphere is acquiring a new face. Israel's position in the Middle East is deteriorating and causing serious concern among the Muslim states as it continues to embark upon illegal actions. Given that it is the only nuclear Middle Eastern state (and wants to remain so), controlling Iran in terms of its nuclear programme has become a core element of Israel's overall security policy.

All of the resulting tensions indicate that a new global world system is needed, for the western-centric understanding of civilisation cannot be imposed on others. The mantra of human rights, democracy, and the right of ontological freedom must extend all such values for everyone. Iranian president Ahmadinejad's statement, "Nuclear weapon for no one, nuclear energy for everyone",⁴² made during his speech at the UN Security Council, attracted considerable interest around the world. In their pursuit of maintaining the status quo, the US asserts that all options "remain on the table"; yet it ignores any UN resolutions which conflict with its exceptionalist agenda. Muslim peoples are not represented on the UN Security Council, although they make up one-third of the world's population. True, the General Assembly gave Azerbaijan, Guatemala, Morocco, Pakistan and Togo the right to serve as non-permanent members of the Security Council for two-year terms starting 1 January 2012 (replacing Bosnia-Herzegovina, Brazil, Gabon, Lebanon and Nigeria).⁴³ This small gesture carries no weight, and the veto wielded by the Security Council members remains a potent weapon – as we have just seen with Russia's cancelling the UN resolution condemning Syria. Along with many other nations, Muslim states believe that the United Nations was established to benefit all nations, not only those at the power centre.

All of these arrogant interests, negative attitudes, illegitimate attacks, illegal invasions, and arbitrary practices have caused the Muslim peoples to rethink their situation and work on restoring their identity. Turkey's recent diplomatic initiatives for world peace have received the support of many leaders and well-intentioned people who are hopeful of the emergence of a new world system, one that respects international law, human dignity, and ontological freedom for all. A significant gathering in Rio de Janeiro in 2010, the Third Forum of the United Nations Alliance of Civilisations, insisted that a dialogue among cultures will be the cornerstone for establishing a new global political order. This event brought together nearly 7,000 delegates from 100 countries. Its two co-sponsors, Turkey and Spain, reaffirmed their desire to open the paths of fairness, pluralism, and democracy.

Despite the well-established westernisation programmes and its monopoly over technology, financial structures, media, and weapons, many revitalisation activities

have appeared in colonised Muslim lands. Ideological resistance was waged in many places, intellectual and social ferment occurred within certain societies, and political movements and communities were structured so as to function as new alternative channels in the social realm. Many seminal Muslim thinker-activists appeared, including Khayr al-Dīn al-Tūnisī (1822–89), Sayyid Aḥmad Khān (1817–1898), Jamāl al-Dīn al-Afghani (1839–1897),⁴⁴ Muḥammad ‘Abduh (d. 1905),⁴⁵ Rashīd Riḍā (1865–1935), Aḥmad Hilmi (1865–1914),⁴⁶ Sayyid Bey (1873–1924), Sayyid Amir Ali (d.1928), Muḥammad Iqbāl (1873–1938),⁴⁷ Muḥammad Hamdi Yazir (1878–1942),⁴⁸ Mehmet Akif (1873–1936), Said Nursi (1876–1960),⁴⁹ Ali Abdur Raziq (1888–1966), Ayatollah Khomeini (1902–1989), and M. Esad Coşan (1938–2001), who sacrificed their energy or lives to make the Muslims more conscious of the negative effects of Western political, intellectual, and military dominance and to arouse a more effective response.⁵⁰ The dominant colonial European powers viewed these efforts and confrontations as hopeless struggles, the last fluttering of the Muslim masses, or the final gasp of Islamic civilisation. But they forgot one very significant reality: the ontological awareness of being Muslim and the dynamic energy of the Islamic spirit cannot be eliminated easily. Sincere devotion to God, the essence of Islam, encourages all Muslims to engage in these personal struggles. Accordingly, all such ‘hopeless’ activities and efforts served as compost for fertilising the psychological impetus for revitalising their strong self-perception and Islamic awareness.⁵¹

Fortunately after a half-century of pacification this intellectual and social awakening began to change the situation. All cultural, economic–political, and intellectual values were analysed and subjected, in varying degrees, to forms of Islamisation (often defined as the effort to restore a purer more authentic Islamic faith and practice).⁵² The Western colonial powers were not idle during this period. In an attempt to block this newly emerging reality, they imposed a new international order grounded upon the nation-state, seeking to preserve their imperialist advantage. Its apparatus eventually made Muslim countries economically, culturally, and politically dependant on western imperialism. But this new system did not work as efficiently as it was expected to, thanks to the dynamic structure and community-wide identity of the Muslim masses. “This irreconcilability created new dynamic tendencies in theory and practice and this encouraged Muslim groups and intellectuals to search for new conceptualisations and theoretical frameworks to replace the traditional background.”⁵³

In order to reconceptualise Islamic society and polity and to invigorate the Muslim mind, significant intellectuals sacrificed their energy. Sayyid Quṭb (1906–1966), Mawdūdī (1903–1979), Abdulkadir Udeh (1907–54),⁵⁴ Fazlur Rahman (1919–1988),⁵⁵ ‘Alī Sharī‘atī (1933–1977),⁵⁶ Ḥasan al-Turābī (b.1932), Rashīd al-Ghannūshī (b.1941), Ḥasan al-Bannā (1906–1949), and others throughout the Muslim world impelled the newly educated class of Muslims toward revival through their research, publications, and models of action. Their efforts toward political reform led to the

establishment of Islamic political organisations such as the Arab League (in 1945) and the Organisation of Islamic Conference (in 1969; now renamed Organisation of Islamic Cooperation on 28 June 2011).⁵⁷ Faced with such realities, the Western-centric powers concealed their true intentions behind humanistic slogans of the UN's collective security system. Their prejudicial approaches remained clear, however, and only served to strengthen among all Muslims the desire to revitalise all of Islam's civilisational factors. We argue that a century and a half of European and now American confrontational and misguided policies have provoked Muslims to join forces in order to realise their historical, social, and political responsibilities to themselves and to humanity in general. One result of their newly emerging solidarity leading to wider strategic thinking among Muslim governments and individuals was the international condemnation of Israel's actions in Gaza (January 2009) and of the aid flotilla incident.

Economic strength leads to increased social unity as well as fortified cultural values. The power of money represents an individual's as well as a nation-state's economic power. On 10 June 2010, Turkey agreed to create a free trade zone without visa restrictions within Syria, Jordan, and Lebanon, an action it viewed as a strategic manoeuvre to counter Western financial agendas. In response the Western powers have sought to block and even forbid Turkey from 'collaborating' with its 'enemy', even though various European countries have been increasing their trade daily with this enemy. Turkey's relationships with its neighbours will strengthen its economic structure, thereby making it a strong regional player; by default, it may also be regarded as an opponent of the Western hegemonic interests. Indeed, Turkey's 'zero-problems' policy⁵⁸ with its neighbours has now strengthened its self-perception and energised its social, political, and economic spheres. Foreign Minister Davutoğlu's announcement that "we want a vehicle from Kars reaching to Morocco and Mauritania, from Sinop to Sudan and from Istanbul straight to the Gulf of Aden without stopping at any border gates"⁵⁹ envisions a borderless economic, cultural, and political unity joining Turkey with the Arab World and North Africa. Furthermore his statement that "Israel's raid on a Gaza-bound aid flotilla was Turkey's September 11th" points to the stirrings of the new world system.

Conclusion and Recommendations

An alternative world system is desperately needed since the one now in place does not fulfil the demands of all newly awakened people: that humans in general, including non-white peoples in Asia and Africa, are entitled to enjoy the same level of equal educational and economic opportunity, security, and protection of human dignity as is said to be upheld in Europe and North America. However, their invoking these values remains no more than a rhetorical flourish designed to further achieve and maintain

the strategic and financial interests of Western governments. They maintain that if all nations were to achieve real equal opportunities and benefit from technology transfers, Western civilisation and its Western-centric worldview would collapse.

The survival of a given civilisation does not depend only on material and financial strength. According to divine revealed law as expressed within Judaism, Christianity, and Islam, civilisational survival and flourishing is based on definite parameters: justice, moral virtues, human dignity, and freedom. If these are corrupted or obscured, God metes out retribution upon the civilisation by decadence and eventual collapse. History records the destruction and oblivion of many prosperous civilisations because of the injustice of leaders or elites, rebellious (anti-divine) activities, and corrupt selfish attitudes.

Many non-western peoples, especially Muslims, now realise that the materialist exceptional Euro-American civilisation cannot ensure universal democracy, equality, equity, and prosperity. This realisation pushes Muslim countries to actively collaborate with one another and begin deliberating more strategically. Many Muslim peoples are striving to revitalise their geo-cultural paradigms, evidenced by the ongoing 'Arab Awakening' unfolding before our eyes.

We should understand that Muslim civilisational reawakening may erase their long-standing inferiority complex toward the West, and abolish the long-held 'servant' mentality toward their former imperial masters. The increasing intensity of invigorated Muslim ontological awareness is already showing the effect of alarming the powers presently dominating our world system. The Western elites now fear that the Islamic world may regain its intensified self-awareness and ontological consciousness – and thereby move beyond the orbit of control. A new era is dawning – not the imagined 'end of history', but the end of Western-centric civilisation itself, and the emergence of a truly cosmopolitan world system. The twenty-first century will witness the emergence of freshly awakened civilisational blocs such as China and Islam that may prompt the reawakening of other oppressed civilisations and peoples for the sake of humanity as a whole and the wellbeing of our global reality.

The most relevant and pragmatic outcome and recommendations which we would emphasise resolves into the following:

- Muslim civic initiatives and the conscious efforts by Islamic nations must develop their intellectual and material resources for strengthening and expanding the global network of the leading Muslim scientific, educational, economic and cultural institutions in order to promote more effective cooperation, a combined pursuit of shared goals, and clarity of purpose and method.
- The expansion of this *ummah*-wide network will facilitate the recovery of Islamic ontological self-awareness, alleviate 'civilisational amnesia', and powerfully encourage rethinking and reclaiming the key universal values for realising the new world system where Islam plays a vital and leading role.

Notes

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ISLAMIC BANKING PRACTICES AND THE NEED FOR ETHICAL CONCERNS

*Adeyemo Lateef Kayode & Mobolaji Hakeem Ishola**

Abstract: Islamic banking and financial products are becoming more popular by the day and the field is becoming attractive to all manner of individuals interested in a career in this area. There is a concern, however, that the professional ethics enunciated in the *sharī'ah* - Islamic Law - are not properly observed in some instances. There is an urgent need to ensure minimum professional standards in the industry so that the objectives of *sharī'ah* can be realised. This paper inquires into the professional ethics of Islamic banking and finance with a view to evaluating current practices. A robust approach is taken to provide an analytical and critical assessment of current practices.

Introduction

The Islamic banking industry has been growing at an average rate of 10-15% in recent years. Growth is not confined to Muslim countries. Rapid growth has not, however, come about without a number of concerns arising, in particular in relation to ethics. Not everyone, it seems, is embracing Islamic banking in order to benefit from Islamic ethical precepts but for other reasons, such as to gain access to the petrodollars of Muslim investors. London, for example, adopted Islamic Finance to enable the financial inclusion of Muslims living in the UK as well as to meet the financing needs of firms.¹ The global financial crisis of 2007 prompted many countries to search for an alternative framework to enhance the stability of their financial systems. With many people and nations embracing the new system, a number of ethical issues need to be addressed to safeguard the integrity and viability of Islamic banking and finance.

The neglect of ethical requirements is reflected in the fact that why *bona fide* models of flexible return models of financing (*mushārakah* and *muḍārabah*) are gradually giving way to fixed return modes of financing (*murābaḥah*, *ijārah* etc). Occasionally, even when participatory contracts are utilised, interest rates are used as benchmarks to determine profits. In addition, a number of countries have *sharī'ah*

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boards whose members do not appear to be experts in economics. Where there are sound economists, there appears to be a dearth of *sharīah* experts. This raises serious concerns about ethics. The failure to maintain the unique identity of Islamic finance and to differentiate it from its conventional counterpart may lead to problems for the nascent industry in the future.

Umer Chapra² is of the view that the resilience of Islamic finance during the global financial crisis was partly the result of market discipline, avoidance of excessive leveraging, a formidable regulatory framework, and a strong emphasis on ethics.

Islamic finance is an ethical system based on religious values, with the fundamental requirement that all financial transactions be linked to real economic activity. The system has to be adopted and faithfully implemented its entirety, if it is to contribute towards economic development. There must also be a strong regulatory framework to check abuses.³

The rapid development of Islamic Banking and Finance (IBF) calls for a critical evaluation of the roles of major stakeholders in the industry. Efforts should focus on righting wrongs, improving services and planning for the future. The responsibility to carry out this all-important task is on the IBF experts, Islamic jurists, academics and scholars, standard boards and similar organisations as well as practitioners in the industry.

Islamic finance requires *sharīah* compliance and ethical investment. While the survival of the financial industry depends on ethics, the system is susceptible to abuses and arbitrariness, especially as financial markets are riddled with information asymmetry. The observance of ethical principles reduces transaction and enforcement costs. It also helps to maintain public confidence and reduce the possibility of bank-runs.

Ethical concerns become imperative given the fact that IBF is extending across the globe. Evaluation is necessary to ensure the good health of the industry, so that in the efforts to provide an Islamic panacea to the global economic problems we do not grope in darkness. For even Western economists and financial experts are now willing to consider Islamic finance and banking as possible ways of overcoming the instability caused highly speculative and exploitative free-market forces. These forces caused ‘a crisis of deviant economics’,⁴ enthroned the ‘Religion’ of ‘market idolatry’,⁵ and plunged the world into an age of turbulence^{6,7}.

Despite its numerous benefits, Islamic finance is not immune to abuses. There is a need for better ethical screening of various financing methods. This paper analyses the impact of ethics in Islamic finance and stresses the need to uphold ethical values to avert an imminent and systemic crisis in the industry.

The paper is divided into seven sections. Section one introduces the paper, section two presents the conceptual framework on ethics, and section three examines the inter-relationship between ethics and finance. Section four is an enquiry into

Islamic financing options and ethical concerns. Section five identifies various challenges in restoring ethics in Islamic finance, while section six makes some policy recommendations; the last (seventh) section concludes the paper.

Conceptual Framework

The issue of ethics in finance is contentious among scholars. Some perceive ethics as the antithesis of efficiency and feel that business concerns must be ethically neutral to allow the pursuit of self-interest to regulate the business environment. Others argue that ethics must be upheld to ensure the stability of business practices. Yet others feel that ethics can be realised merely by observing rules.

Schwartz and Carroll⁸ classify the responsibilities of firms into economic, legal, ethical and philanthropic/discretionary types. Economic responsibility is the provision of goods and services to earn profit. In the pursuit of profit, all firms have to comply with the laws and regulations of the country in which they operate. A firm must observe ethical values in all its operations. It is expected in addition that a firm will act in socially responsible way by participating in philanthropic activities.

Velasquez⁹ defines ethics as principles of conduct governing an individual or a group. Ethics to him is the study of morality. Business ethics applies moral standards to business policies, institutions and behavior. Subjects treated in business ethics include systems (economic, political, legal and other systems), corporations and individuals.

Norms in any society manifest themselves as morals, ethics and laws. Hazard¹⁰ defines morals as ‘notions of right and wrong that guides each of us individually and subjectively in our daily existence.’ Erhard et al.¹¹ view morality as a societal issue. He defines morality as “the generally accepted standards of what is desirable and undesirable; of right and wrong conduct, and what is considered by society as good behavior and what is considered bad behavior of a person, group, or entity.” Both Hazard and Erhard place morality in the realm of ‘social virtue domain.’ Morals are embedded in cultures and are determined by a variety of factors such as upbringing, education, religion and environment. Morals tend to have an emotional orientation, whereby their validity is accepted as a given.¹²

‘The word ethics comes from the Greek word *ethos*, meaning character or custom.¹³ Etymologically, the above definition of ethics suggests two meanings: (1) individual character, including what it means to be “a good person,” and (2) the social rules that govern and limit our conduct, especially the ultimate rules concerning right and wrong, which we call morality.’ However, some philosophers try to draw a line between ethics and morality so that ‘morality’ according to them refers to human conduct while values and ethics refer to the study of morals.¹⁴

Business ethics can be defined as the study of what constitutes right and wrong, good or bad, in human actions in a business context. Professional ethics are the rules that govern the conduct of the members of a given profession. Ordinarily, members of a profession are expected to abide by a set of rules as a condition for practicing their profession. Failure to abide by rules may result in disapproval by one's professional colleagues. In serious cases, it may result in the withdrawal of one's license, banning one from practicing the profession.¹⁵ Once the Prophet was answering a question from Jibril (a.s.) about what is *al-ihsān* (righteousness) and he (the Prophet) responded by saying: "It is to serve or worship Allah as if though one sees Him, for if one cannot see Him, He sees one."¹⁶ The need for righteousness needs to be incorporated in the code of ethics for IBF.

Hazard¹⁷ defines ethics as "norms shared by a group on a basis of mutual and usually reciprocal recognition." Erhard¹⁸ defines ethics as "the agreed on standards of what is desirable and undesirable, right and wrong, or what is considered by a given group as good and bad." One way in which ethics can be understood is by examining the ends or consequences of actions or activities. Thus, an act will be ethical "when it promotes the good of society or more specifically, when the action is intended to produce the greatest net benefit or (lowest net cost) to society when compared to other alternatives."¹⁹

According to the Pope's *Centesimus Annus*, what is lacking in our time is a moral culture capable of transforming economic life so that it finds a context in the community.²⁰ Individuals face ethical issues at work on a regular basis.²¹ These include stealing, lying, fraud and deceit.²² They also include drug and alcohol abuse, conflicts of interest, lack of quality control, discrimination in hiring and promotion, misuse of proprietary information, abuse of company expense accounts, plant closings and lay-offs, misuse of company assets and environmental pollution.²³ Bauman²⁴ reports how in a survey of 300 companies across the world, over 85% of senior executives indicated that ethical issues were of great concern to them. These included employee conflicts of interest, inappropriate gifts, sexual harassment and unauthorised payments.

Over the centuries, as church and state separated, religion became a private matter. As a "value-free society" emerged, economists began to focus exclusively on the mechanics of economics²⁵ which has led to cases of ethical problems. In more recent times, a number of journal articles have addressed ethical issues in business based on the relevance of religious or moral principles. These included articles by William, Rossauw, and Gould.²⁶ There is need for managers to be moral champions,²⁷ much as they need to appreciate the ethical norms of different groups and cultures in order to gain confidence and understanding of the cultural environment in which they operate.²⁸

Islamic firms in general and Islamic banks in particular need to comply not only with national laws and statutes, but also with the Islamic law of contracts. Moreover,

they must operate in ethical ways, as this is one of the requirements of Islamic finance. This includes conducting operations with integrity, skill, care, and diligence. It also requires avoiding conflicts of interest.

Ethics in business is sometimes marginalised in favour of profit maximisation. The principal-agent relationship view of business may impact the efficacy of ethical standards. Bank managers are agents who work in the interest of the owner (principal) rather than in the interests of society. If ethics are not entrenched in religious values, the prisoner's dilemma holds: a rational economic agent pursuing self-interest will prefer to be unethical when there is a marginal gain to be obtained from unethical behavior.

However, it is better to be ethical than unethical in business because commercial interactions are ongoing.²⁹ Qualities such as mutual trust, integrity, honesty and transparency are indispensable to success in business. All these virtues are requirements that are *sine qua non* for a successful and sustainable business.

Islamic Banking and Finance

Islamic finance, observes Iqbal,³⁰ broadly refers to financial activities, guided by the teachings of *sharī'ah* (Islamic law), which strictly prohibits the payment and receipt of interest. However, describing Islamic financial system simply as "interest free" does not provide a complete picture of the system. Islam in general and Islamic finance in particular strive for [the] preservation of property rights, emphasising ethical standards, sharing of risks, and promoting social justice. Moreover, not only must investment activities be in line with the ethical principles of the *sharī'ah*, they should also take into consideration public interest (*maṣāliḥ*).

Islamic finance is, therefore, a financial system that is based upon the Islamic worldview, in particular the equality of humanity, justice, equity, equitable distribution of wealth and *al-falāḥ* or bliss in this life and in the hereafter. Interest-based financing is prohibited in Islam because it concentrates wealth in the hands of the few. It also causes recessions and inflation. Haggling, quarreling and ill will are likewise prohibited. Islamic financing is based on the maxim that '*he who shares of the profit must equally share of the loss.*' It is based on tawḥīdic epistemology and operates on the paradigm of *al-falāḥ* for all *via* an acceptable manner of wealth creation, distribution, management and preservation for posterity.

Shari'ah Objectives (*Maqāṣid Al-Sharī'ah*)

Maqāṣid al-sharī'ah are the purposes, goals or higher objectives of Islamic law. Several scholars, traditional as well as modern, have elaborated these objectives in some detail. What is required is to analyse them synthetically so as to determine whether contemporary practices support these goals or not. Chapra sums up these objectives, as enunciated by Al-Ghazālī³¹ in the beginning of the twelfth century thus:

The very objective of the *sharīʿah* is to promote the welfare of people, which lies in safeguarding their *ḥifẓ al-ʿaql* (intellect), *ḥifẓ al-dīn* (religion), *ḥifẓ al-māl* (wealth), *ḥifẓ al-nafs* (life) and *ḥifẓ al-nasl* (posterity). Whatever ensures the safeguarding of these five serves public interest and it is desirable and whatever obstructs their realization is evil and its removal is commendable and desirable.³²

Imām Al-Shāṭibī laid special emphasis on tawhidic epistemology and inclined heavily towards *ʿaqīdah* (ideology) while defining *maqāṣid al-sharīʿah*.³³ To him, ‘The primary goal of *sharīʿah* is to free man from the grip of his caprice, so that he may be a true servant of Allah by choice, just as he is one without it.’ Tāhir Ibn ʿĀshūr defines *maqāṣid al-sharīʿah* from a broader perspective. For him,

The all-purpose principle (*maqāṣid ʿāmm*) of Islamic legislation is to preserve the social order or the community and ensure its healthy progress by promoting the well-being and righteousness (*ṣalāh*) of ... the human specie. The well being and virtue of human beings consists of the soundness of their intellects and the righteousness of their deeds, as well as the goodness of the things of the world where they live that are put at their disposal.³⁴

According to Bouheraoua,³⁵ there are four major determinant characteristics of *maqāṣid al-sharīʿah*: the first is that they are the fundamental (basis) of legislation, as legislation is to serve the interests of human beings and protects them from harm. These characteristics are identified and elaborated with the help of an inductive reasoning/reading (*istiqrāʾ*) of the text of the Glorious Qurʾān and the authentic *sunnah* of the Prophet. Observes Ibn Al-Qayyim:

Sharīʿah is based on wisdom and achieving people's welfare in this life and afterlife. *Sharīʿah* is all about justice, mercy, wisdom, and good. Thus, any ruling that replaces justice with injustice, mercy with its opposite, common good with mischief, or wisdom with nonsense, is a ruling that does not belong to the *sharīʿah* even if it is claimed to be so according to some interpretations.³⁶

The second characteristic pertains to the universality of the higher objectives of the *sharīʿah*. It aims at serving the interests of mankind as a whole. Islam teaches that every man or woman is a brother or sister to a Muslim whether in faith or humanity. This is closely connected to the fact that, apart from the *sharīʿah* being the last law to be revealed, human beings are all creatures of Allah, as they have a common parentage in Adam and Eve. Evidence for this abounds in the Qurʾān and the *sunnah*, and is further corroborated by history and science. According to Al-Shāṭibī, “Islamic Law is set to attain benefits and ward off corruption. If they were violated, no benefit is attained nor is corruption warded off.”³⁷

The third characteristic has to do with the all-encompassing nature of these objectives. They are universal and all-inclusive. They cover and encompass every aspect of human life, for God could not have left man alone to grope in darkness as he needs to be guided in every facet of his life be it *‘ibādāt* or *mu‘āmalāt*. Observes Imām Al-Shāfi‘ī in his book *Al-Risālah*:³⁸

No misfortune will ever descend upon any of the followers of God’s religion for which there is no guidance in the Book of God to indicate the right way, for God, Blessed and Most high says: ‘A Book We sent down to you that you may bring forth mankind from darkness to light, by the permission of their Lord, to the path of the Almighty, the Praiseworthy.’³⁹

The last characteristic relates to the nature of the higher objectives of the *sharī‘ah*, which is that they are derived with the help of human reasoning from several sources and applicable at all times and places. They are the fundamental basis upon which human societies must be built if they are to prosper. Clear evidence of these characteristics can be seen in the Islamic legal maxims, such as the following: ‘Acts are judged by intentions,’⁴⁰ ‘Where there is a definitive text, there is no room for interpretation,’⁴¹ and *fiqhī* dicta like: ‘The right to gain comes with responsibility for loss’ and ‘Necessity renders prohibited things permissible.’⁴²

The Islamic ethical system is derived from the Qur’ān and the *sunnah* of the Prophet. The goals of Islam are not essentially materialist. They are based on the concept of *al-falāḥ*, that is bliss or comprehensive human well-being and a good life which lays emphasis on brotherhood/sisterhood and socio-economic justice. This requires, as a *sine qua non*, a balanced satisfaction of both the material and spiritual needs of all humans.⁴³

The relative stability of Islamic financial institutions during the recent global financial crisis has earned it prominence to such an extent that even the Vatican stated that conventional banks should look at the rules of Islamic finance to restore confidence in their clients. However, there is a need to combat flaws, which inhibit and jeopardise the growth of the industry.

Abdul Ghafar Isma‘il and Kusairi,⁴⁴ applying multiple regression analysis to cross-sectional data of about 250 samples of international Islamic mutual funds in the period between 1998 and 2007, found that the *‘aqd* characteristics (*muḍārabah*, *murābahah* and *mushārakah*) exert marked influence on fund performance. They further showed that the highest influence was exerted by *mushārakah ‘aqd*, followed by *muḍārabah*, with *murābahah* having the lowest impact. The outcome of the interactions according to the authors’ analysis shows that the effect of fund flows and market structure on performance varies according to the characteristics of the categories of *‘aqd*. Kuala Lumpur Composite, Kuala Lumpur Shari’ah, Dow Jones Islamic and Annex Indexes were used as benchmarks with a view to ascertaining the performance of international

Islamic mutual funds in comparison with portfolio markets.

DeLorenzo⁴⁵ observes that four types of *‘aqd* can be applied in Islamic mutual funds: *muḍārabah*, *murābahah*, *ijārah* and *istiṣnā’*. In a related study, Usman,⁴⁶ Keigher and Baneir⁴⁷ assert that fund managers can use several types of instruments (*‘aqd*) which include profit sharing (*muḍārabah*), profit and loss sharing (*mushārah*), leasing (*ijārah*), manufacture-sale (*istiṣnā’*) and a cost plus *‘aqd* (*murābahah*). Fund managers reserved the right to choose the appropriate instrument to be used taking into cognisance the necessary *sharī‘ah* rules. However, contrary to the views expressed above, Rosly⁴⁸ asserts that the appropriate *‘aqd* for an Islamic mutual fund is *wakālah*, an agency in which mutual fund holders appoint a manager to manage the *muḍārabah/wakālah*.

Luo, Erzurumlu, Oten, Jensen and Meckling⁴⁹ conclude that the performance of IBF will be affected by both internal and external factors of the market, which in the long run affect the behavior of both investors and fund managers.

Amidst the rapidly evolving Islamic financial industry, human capital is an indispensable requirement in sustaining the performance and competitiveness of the industry, locally and globally. Thus, it is very important to place strong emphasis on human capital development when providing Islamic financial services, education, training, research and consultancy.⁵⁰

Islamic banking and services could have performed better if sufficient enabling human resources were readily available.⁵¹ The expansion of Islamic banking and financial services is taking place not only in Muslim nations but also in countries in which Muslims form a minority, such as United Kingdom, the US, and Japan.⁵² For over two decades, the Islamic banking industry has been trying to expand on a global level.⁵³ Accordingly, there is not only a need to provide the necessary human resources; it is also necessary to understand the conventional system, as well as the values of the people where the industry is expected to operate. One of the major problems facing the global practice of IBF today is the dearth of human capital.⁵⁴

It has been observed that a good number of managers of Islamic banks are bereft of basic knowledge of Islamic banking and finance.⁵⁵ This is probably the result of the fact that most managers are recruited from the conventional system. This raises a number of ethical questions. Since it is human rather than physical or financial capital that distinguishes market leaders,⁵⁶ there is an urgent need to ensure better global performance. Khan⁵⁷ observes that the major challenge facing IBF is the short supply of human resources in a highly competitive environment. The attitude of staff recruited from the conventional sector,⁵⁸ without the enabling knowledge or training about IBF, is detrimental to both the spirit and growth of the industry.

There is a need in particular to shift from merely *sharī‘ah* compliant to *sharī‘ah* based products, as most of the present instruments are adapted/adopted from the conventional system. Zakaria et al.⁵⁹ assert that inadequate *sharī‘ah* knowledge of the staff of IBF undermines the stated objectives of Islamic financial institutions.

Badawi⁶⁰ argues that the second most important factor in Islamic economic and financial development is investment in human capital and education. Human capital is generally accepted as a *sine qua non* of a company's overall strength.⁶¹ It can no longer be ignored in any industry.

Zakaria et al.⁶² observe that training and skills acquisition need to be combined with better conditions of service in order to ensure more efficient performance. They advise that competitive recruitment, remuneration and career development by way of in-service training and promotion should be provided. Zeti⁶³ suggests the need to increase programmes and initiatives that provide an adequate and well-rounded education as well as *sharī'ah* training. Fong⁶⁴ recommends that human capital development should be holistic, encompassing not only the acquisition of knowledge and skills, but also the knowledge of science and technology. In addition, it is necessary to develop entrepreneurial skills as well as integrity. The latter includes attitudes, values, ethics and education that facilitate lifelong learning and efficient performance.

Iqbal⁶⁵ argues that the future of Islamic banking and finance depends on teaching, training and research in selected areas of specialisation. Several scholars have criticised Islamic banks for lack of vision in making conventional banking products "Islamic".⁶⁶ IBF must move from merely adopting conventional products and refocus on the unique ability of IBF to channel financial resources to real sector development. This accounts for why, as observed by Iqbal et al.,⁶⁷ the Islamic banking industry has not been able to come up with a sufficient variety of suitable financial products to meet the demand of their customers all over the globe. Abbas⁶⁸ asserts that this is one of the reasons why Islamic banking does not seem to have achieved the market depth that could ensure long-term profitability and survival. The success story recorded by the industry over the past years has highlighted the need to come up with products and services, particularly risk mitigating ones. Several scholars have emphasised that the ethico-religious approach to the current economic melt-down is the one most deserving of consideration, as it identifies the true causes of the crisis and provides an effective and long lasting answer to it.⁶⁹

Islamic Banking and Finance and Ethics as contained in *Maqāṣid Al-Sharī'ah*

The fact that Islamic Economics, Finance and Banking are devoid of interest suggests that apart from being ethical, they are welfare oriented.⁷⁰ They envision a society whereby people care and share freely among themselves so that by and large, there is mutual assistance, affection and concern. Having defined IBF in the preceding paragraphs, what is therefore left is to look at the higher objectives of *sharī'ah*-the Islamic Law, in order to assess the compatibility of the prevailing practices with it.

Walsh⁷¹ observes that, in response to corporate governance failures such as Enron, the United States took the first step towards adopting a similar, ethical business model, by passing the Sarbanes-Oxley Act in 2002, which raised disclosure requirements and enhanced accountability. Sarbanes-Oxley introduced a number of ethical principles to the United States corporate environment through the application of many rules. Currently, however, there is a backlash against Sarbanes-Oxley, as it is perceived as being too costly, demonstrating the continued chasm between ethics and corporate law in America.

The cost of enforcing divine rules may well be lower than the cost of enforcing man-made law. Reforms are more easily accepted when they are internally motivated rather than externally imposed. Sarbanes-Oxley is an attempt to ensure ethical practices mainly through enforcement of the law. Companies are compelled to factor in the cost of compliance with Sarbanes-Oxley as a business expense without the offset of new gains. Hundreds of millions of dollars have to be spent in order for the purpose of compliance. In Islamic finance, those that enter the market and comply with regulations, do so with the intention that the cost of compliance will be offset by additional gains from new markets.

Unlike the AAOIFI, which is premised on ethical principles, American corporate law relies on the enforcement of rules. A transition from rules to principles in American corporate culture would be a positive step. Ethical principles need to permeate business practices for the chasm between ethics and corporate law to be bridged. Merely complying with the formal requirements of legislation does not suffice in a corporate culture that is able to shape the rules to suit its agenda.

Obaidullah⁷² argues that there is no trade-off between Islamic values (ethics) and market efficiency in Islamic finance. He concludes that an attempt to realise Islamic ethics would, in general, lead to an enhancement of efficiency. Compliance with Islamic ethical requirements of freedom from *ribā*, *gharār*, *ghubn*, *jahālah*, *najas*, *ihtikār* etc. all have the effect of increasing efficiency.

Sound regulatory measures enhance both ethics and efficiency. For instance, mandatory disclosure norms reduce the asymmetry of information (raise informational efficiency). At the same time, they guarantee the right to information and provide a degree of protection against misrepresentation. However, more often than not, regulations are an outcome of an on-going tug-of-war between those concerned about efficiency and those calling for ethics.

There is a need for a mechanism to ensure that Islamic banking practices are ethical and do not violate the moral precepts of Islam. Kamali⁷³ asserts that if public interest (*maṣlahah*) necessitates it, a lawful government is authorised to reclassify the reprehensible as forbidden and the recommended as obligatory. In the past, Islamic societies had institutions that oversaw moral issues related to economic affairs. Kamali maintains that while the courts dealt with legal issues, the market controller

(*muḥtasib*) was authorised to intervene and stop unethical practices. Thus, the central issue is that while conventional banks learn ethics from Islamic finance, the latter learns financial innovation and best international practices from the conventional banking system. However, when the commitment to ethics becomes feeble, market practices may become questionable; hence the need for adherence to ethical norms.

IBF and Professional Ethics

Ethical values in Islamic finance include freedom of contract (Qurʾān 2:275), freedom from *ribā*, freedom from excessive uncertainty (*al-gharar*), freedom from *al-qimār* and *al-maysir* (gambling and excessive speculation), freedom from price manipulation, entitlement to transact at fair prices, and entitlement to equal, adequate and accurate information (avoidance of *ghishh*), etc.

Some of the major works on Islamic business ethics include those of Beekun, Abu-Sulayman, Ali, Naqvi, and Gillian Rice.⁷⁴ According to Shaw and Barry,⁷⁵ “Today’s market place calls for a business executive who is bold enough to build his (or her) reputation on integrity and who has a keen sensitivity to the ethical ramifications of his (or her) decision making.”⁷⁶ Indeed, Islam demands as much from its adherents as evidence of their faith in Allah. Islam does not allow exploitation as, for example, advocated by Carr:

Business, as practiced by individuals as well as by corporations, has the interpersonal character of a game – a game that demands both special strategy and an understanding of its special ethical standards. Business has its own norms and rules differing from those of the rest of society.⁷⁷

Thus according to Carr, a number of things that we normally think of as wrong are really permissible in a business context. His examples include deliberate and conscious misstatement and concealment of pertinent facts in negotiation, lying about one’s age on a resume, deceptive packaging, automobile companies’ neglect of consumer safety, utility companies’ manipulation of regulators and overcharging electricity users.

Consider what ‘Umar b. al-Khaṭṭāb (r.a.)⁷⁸ says: ‘No selling (for any one) in our market unless (for the one who) comprehends religion.’ Given the above *ḥadīth* credited to ‘Umar (r.a.) who was not just one of the leading companions but one of the *khulafā’-rāshidūn*, one needs to ask whether the training given to the practitioners of IBF, particularly the non-Muslims, is sufficient. For knowledge intended by ‘Umar (r.a.) in this *ḥadīth* refers to the one that leads to practice borne out of conviction. The Islamic epistemology and philosophy of education may be summed up as follows:

Learn to know, know to practice, practice to become; you are what you practice.
One who learnt Islam is expected to know it; he is further required to practice it; so

that by so doing he becomes a Muslim.

Islam is a practical religion.⁷⁹ One who acts differently from what he teaches has provided enough evidence for his audience to disregard him as well as what he teaches. Every aspect of a believer's life/action is a form of worship, as long as it is done out of good motives, and in so far as it does not contravene any injunction of the *shar'ah* nor infringe on any of its objectives.

During various periods of Islamic history Muslims and non-Muslims worked hand in hand in the vast Islamic empire. Because of the contributions by non-Arabs, of whom the majority were Muslims, Bernard Lewis⁸⁰ concluded that the civilisation brought about by Islam should be viewed as an Islamic rather than an Arab civilisation. The fact that the longest verse in the Qur'ān is on ethics in financial transactions (Qur'ān 2:282) constitutes significant evidence of the importance attached to ethical behaviour in business activities.

Islamic ethical precepts stand in sharp contrast with the views expressed in Carr's well known and influential essay, "Is Business Bluffing Ethical?":

1. A profession is a form of *amānah* (trust) for which one is accountable before Allah. It requires consciousness of Allah at all times.
2. A profession is also a form of *'ibādah*. Allah says: 'O ye who believe! When the call is proclaimed on Friday for prayer, hasten earnestly to the remembrance of Allah, and leave off business and traffic: that is best for you if you but knew.' He continues: 'And when the prayer is finished, then may you disperse through the land, and seek the Bounties of Allah (through trade, businesses and undertaking lawful professions): and celebrate the praises of Allah so that you may prosper.'
3. Truthfulness as well as honesty and trustworthiness are indispensable. Allah says: 'O ye who believe, eat not each other's properties by wrong means, but let there be amongst you trade and business through mutual good-will.'⁸¹ Allah also says, 'By the token of time, verily! Man is in the state of loss except for such amongst them who believe and work righteousness, and exhort one another to be truthful and admonish one another to be patient.'⁸² The Prophet was reported to have said: 'The truthful and trustworthy trader will rise up with the prophets, the righteous and the martyrs.'⁸³ Elsewhere he says: 'A trustworthy and a honest and truthful businessman will rise up with martyrs on the day of resurrection.'⁸⁴
4. There is no sale of what is not available; hence fruit yet to ripen or any other animal yet to be delivered by their mother is not to be sold. The same applies to birds yet to be caught as well as fish that are still in the water; these are not to be sold.⁸⁵
5. The most important thing is to be conscious of the fact that one is always

in the presence of Allah Who is ever watchful; one should do everything as though he is seeing Allah, for even if he does not see Allah, Allah sees him.

6. There must be mutual interest, trust and consultation between the professional who represents the bank and the client who seeks the service of the bank.⁸⁶
7. The following ethical principles from the Qur'ān – the primary source of Islam and its laws – need to be incorporated into the code:
 - a. '... wealth and children are adornment of this life' (Qur'ān 18:46). This implies that wealth without piety and righteous deeds has little to no value in the Islamic estimation of human worth.
 - b. 'Stand out firmly for justice, as witnesses to God, even against yourselves, or your parents, or your kin and whether it be (against) rich or poor.' This means that there should be no preferential treatment based on status, wealth, or race. There should be no discrimination.
 - c. '...give just measure and weight, nor withhold from the people the things that are their due...' (Qur'ān 11:85). On no account therefore should a Muslim or in this case, practitioners cheat on their clients.
 - d. '...of their wealth take alms, so that you might purify and sanctify them thereby...' (Qur'ān 9:103). This implies that Islamic banks and finance institutions have to pay corporate *zakāt*, take care of the environment as well as see to the welfare of the stakeholders.
 - e. '...He has raised you in ranks, some above others: that He may try you in the gifts that He has given you...' (Qur'ān 6:165). Variation in remuneration is allowed based on training, expertise, experience and so forth. However, individuals are expected to be humble, kind, considerate and generous towards the less privileged ones.
 - f. '... it is We (God) Who portion out between them their livelihood in the life of this world: and We raise some of them in ranks so that some may command work of others. Yet the mercy of your Lord is better than the wealth which they amass' (Qur'ān 43:32). Although, Islam allows ranking of workers into managers, artisan, professional, etc., it teaches that the most honourable amongst them in the sight of Allah is the most God conscious of them.
 - g. 'God permits trade but forbids usurious gain' (Qur'ān 2:275). All transactions must be devoid of usury or interest, as it is known in modern economic and banking parlance.
 - h. '... make your utterances straight forward...' (Qur'ān 33:70). There should be truthfulness and exact expression in negotiation. There should be no ambiguity. The Prophet was reported to have said that he who cheats us is not one of us. It is therefore obligatory that the benefits as well

as the shortcomings of a product should be disclosed to a client during negotiation.

- i. ‘... nor shall We (God) deprive them (of the fruit of aught) of their works: (yet) is each individual in pledge for his deeds’ (Qur’ān 52: 21). In this context, the verse shows that remuneration, allowances and promotion should be commensurate with performance much as each person should be held responsible for their ineptitude conducts or negligence of duty.

Challenges of Ethics in IBF and Efforts at Regaining It

There are several ethical challenges facing IBF, prominent among which are problems of governance in the *sharīah* boards, an insufficient number of economic advisors, a dearth of trained personnel, controversy among scholars, Islamophobia, the role of the mass media, the East/West dichotomy, lack of a unified/codified law, the selection procedure of the members of *sharīah* boards, the credentials of the members of the *sharīah* boards and so on.

The need to address these challenges is evident from poor product design and implementation that mimic conventional banking, inadequate disclosure that reduces the transparency of product structures, and from the risk trading through SWAP and derivative markets, etc.

Fund users must see to it that the products they sell are *sharīah* compliant. Authorities need to have the prerequisite knowledge to regulate the industry so as to avert systemic crises. Another issue is the appointment and remuneration of the *sharīah* board members. The fact that they are appointed and remunerated by banks may result in conflicts of interest, compromise the discharging of their duties, or affect their objectivity.

The challenge of the dearth of personnel can be resolved by introducing relevant courses or programmes in major universities around the world. This will take some time, as acquiring adequate training may take a number of years. The best way to overcome the problem of controversy is to facilitate dialogue among scholars of various backgrounds and *madhāhib* so that they could compare notes. This could be implemented by regulatory bodies such as IFSB and AAOIFI, as well as the Fiqh Academy in Jeddah. The media has a big role to play in this, as it has the means to reach the public.

In relation to the proper training of personnel, Ahmed⁸⁷ holds that there are ten essential areas of knowledge Islamic financial services experts or personnel need to have. These include the knowledge of the Qur’ān, *ḥādīth* and *sunnah*, knowledge of *āyāt* and *aḥādīth* that deal explicitly and implicitly with financial matters; knowledge of Islamic jurisprudence, the methodology of *uṣūl-al-fiqh* and the objectives of *sharīah* (*maqāṣid al-sharīah*), as well as the *qawāʿid-al-fiqhiyyah*; knowledge of

fiqh al-māl and *al-milkiyyah* (property and property right/ownership); knowledge of *fiqh al-buyūʿ* (Islamic law or jurisprudence relating to market and exchange); knowledge of Islamic contracts of exchange as a method of financing; knowledge of contemporary Islamic innovation in the use of sale of contracts for financing; knowledge of the views of contemporary Muslim thinkers on financial matters; and competence in conducting *ijtihād* in the development of new Islamic products.

In addition to those identified by Ahmed, practitioners of IBF should possess knowledge of the culture or tradition of the people who live in the environment in which they intend to conduct business. They also need to have knowledge of corporate governance that is *sharʿah* based rather than *sharʿah* compliant. Finally, they need to be aware of their social responsibilities which, besides catering for the welfare of the shareholders, also take into cognisance the welfare of the stakeholders and the environment. In the long run this should enhance mutual respect and tolerance. It is therefore necessary that certain aspects of conventional economics, banking, finance, as well as law be incorporated into the curriculum. This is necessary to prepare future practitioners of Islamic finance for the tasks and challenges in operating in secular multicultural societies.

A Brief Assessment of the Current Dispensation

Current practices, while far from perfect, reflect a nascent and developing IBF. There is always room for improvement. To do this, practitioners, scholars, academics and jurists need to implement the requisite facilities on the ground. While controversies on juristic matters are considered as a blessing of Allah on the *ummah*, it may be better to minimise them in certain cases. While practitioners may be able to understand rhetoric and/or polemics, the clients – in particular those not too familiar with these types of arguments – may become confused. According to Younes Soualhi,⁸⁸

This framework mirrored a diversity of opinions that shaped the current operations of Islamic Finance, but it also reflected sharp differences and conflict of opinions that had raised concerns among practitioners and the general public at large. While juristic disputes are fully justified under *sharʿah* principles and parameters, their resolution seems to be favoured by the majority of Muslim scholars.’

He states further: “This is because juristic disputes are not always a ‘mercy’ as depicted by some scholars. Dispute could have devastating consequences on Islamic Banking and Finance industry and on *sharʿah* as a whole.”⁸⁹ To Imām Al-Shāṭibī, controversy is not allowed on definitive rules of *sharʿah* as well as on matters on which there is a consensus. However, he is favourably disposed to disputes that revolve around the interpretation of the Qurʾān and *sunnah*. Similar opinion is held by Ibn ʿAbidīn who asserts that “disagreement (*fiqhi ikhtilāf*) is the effect of mercy,

and the more disagreement, the more mercy gained.”⁹⁰ The same position was held by Imām Mālik when Caliph Hārūn al-Rashīd wanted to standardise *fiqh* according to the Mālikī school of thought. He refused to confine people to his book alone. His response to the Caliph was: “Oh the prince of all believers, the disagreement of scholars is a mercy from Allah to the *ummah*, and each scholar would follow the evidence he would find reliable, and they are all guided...”⁹¹

From the beginning of Islamic Banking in the Middle East, the convergence of juristic views is greater than divergence. Yet some paramount issues continue to divide Muslim scholars across. Such issues include but are not limited to legality of *bayʿ al-ʿinah* (BBA to be specific), *tawarruq* (commodity *murābahah*), sale of debts, derivatives and to a certain extent *takāful*. There are other contentious issues. The earlier these controversies between the Middle Eastern and Malaysian scholars are resolved, the better for Islamic Finance. Soualhi⁹² has provided one way out of the undesirable situation. Suffice it to add here that the principle of *khurūj min al-khilāf* advocated by the author should be adopted in order to overcome the current stand-off between the two dominant blocs. Whatever is ambiguous should be avoided in favour of that which is sure and clear. According to Imām al-Zarkashī,⁹³ the following are some ways of getting out of juristic disputes:

1. If the dispute revolves around permitted issues (*ibāḥah*) and prohibited matters (*tahrīm*), the latter is given preference over the former.
2. If the dispute centres around recommended matters (*mustaḥabb*) and obligation (*wājib*), the latter is given preference over the former.
3. If the dispute involves the legitimacy or otherwise of an act, legitimacy is given preference.

It is hoped that if these principles are upheld, accepted, and properly enforced, the controversy among jurists will be reduced to the minimum. This will facilitate uniformity and stability in Islamic Banking and related financial services across the globe. In the opinion of Imām al-Suyūṭī,⁹⁴ one way to get out of dispute for the party who considers an act obligatory (*wājib*) is by making it recommended (*mustaḥabb*). Similarly, the way out of a dispute for one who made an act prohibited (*ḥarām*) is by making it detestable (*makrūh*).

Conclusion

From the foregoing discussion, it is clear that substantive progress has been made, yet it is also clear that much still needs to be done, particularly in the area of standardisation and uniformity of policy, products and administration. Since an inadequate emphasis on ethics is one of the banes of the conventional system, there is need to guard against all sorts of market indiscipline on the part of the stakeholders in IBF. Policy makers

and standard setting organisations need to exhibit knowledge, integrity and, most importantly, the fear of Allah. Regulators are to implement regulations to the best of their ability.

IBF is based on divine injunctions; it should therefore be implemented without fear or favour. There is urgent need to address and settle the juristic disputes between the Middle Eastern and Malaysian IBF jurists. Further research needs to be done on how to integrate IBF into jurisdictions that are essentially multicultural.

To avert a systemic crisis in the industry, or to prevent Islamic finance from being assimilated to conventional finance, thereby compromising its identity, issues of ethics need to be adequately addressed. There is a need for a transition from a *shar'ah* compliant to a *shar'ah* based approach. *Shar'ah* screening should be both internal and external. While it has been argued that ethics and profits are valid business objectives, complementary to each other rather than substitutes, there is no empirical evidence to demonstrate that a trade-off exists between the two. However, in case of conflict, ethical concerns need to be given priority over profitability, if the long-term survival of the industry is to be ensured.

Policy Recommendations

Based on the findings of this study, the following policy recommendations are made:

- There is need for continuous training programmes for practitioners in the field of IBF to uphold ethical value as against the pursuit of mere profit;
- Firms in the industry must ensure full disclosure of financial transactions at the time of sealing an agreement and the post-contract period;
- Course curricula in Islamic finance need to have modules on ethics in banking and finance;
- There must be a better screening process at both product design and implementation stages;
- More universities and colleges around the globe need to commence suitable programmes at both undergraduate and graduate levels;
- Existing laws need modification to enable access to legal services in case of misunderstanding in the practice of IBF;
- There is a need to have an external *shar'ah* auditor to check the product structure and design and ensure its compliance with *shar'ah* requirements;
- The regulation of the industry should accommodate all stakeholders' interests: regulation should not be left to the industry alone (bodies like Fiqh Academies, IFSB, AAOIFI, etc);
- The appointment and remuneration of the members of *shar'ah* boards need to be reviewed in order to ensure the objectivity of the board members.

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VIEWPOINTS

Exploring Facets of Islam on Security and Peace: Amnesty and Pardon in Islamic Law

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Amnesty, pardon, and forgiveness are the means, in Islamic theology and law, as in most other world traditions, of relieving someone from punishment, blame, civil liability or religious obligation. The same result is often achievable by recourse to certain other methods such as reconciliation, arbitration, and judicial order. The *fiqh* positions explored here derive from the Qur'ān, normative teaching or *Sunnah* of the Prophet Muḥammad and general consensus (*ijmā'*) of scholars for generations. Yet instances are found where *fiqhī* interpretations of the relevant scripture are reminiscent of historical settings and conditions of their time, which may, upon reflection, warrant further scrutiny and interpretation more in tune with the contemporary conditions of Muslims. These have occasionally been explored in a quest for alternative answers. This approach is in line with the spirit of *ijtihād* that seeks the continuity of scriptural guidelines and their application to the changing conditions of society. A mere reproduction of scholastic positions is not always the best approach, not even recommended by the leading Imams and thinkers of Islam.

Amnesty and pardon would be insignificant without the reality of an adverse consequence or punishment. For pardon without the ability to strike back is tantamount to helplessness and anger without recourse. Yet reconciling pardon and punishment in the sphere of criminal justice, especially in a post-conflict setting, poses questions often of conflicting interests. At the theological level, the Qur'ān clearly tells Muslims that God is both merciful and just, but how does the law meaningfully reconcile these two objectives? How can people act with mercy and forgiveness when a crime has been committed against them? These questions raise issues sometimes beyond legalities. Textual guidelines and *fiqh* rulings on justice, mercy, repentance and forgiveness are not always self-evident nor provide for facile combinations. Developments in science, economic conditions, education and culture of Muslim communities, not to mention tribalism and entrenched customary practices, also reflect on the *fiqh* positions. Phases of development and modernist culture may bring up patterns of behaviour and accentuate fear of rampant mischief-making by individuals and groups that call for more rigorous legal interpretation. In a post conflict setting, the quest for healing and social harmony may sometimes need to look

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beyond legalities. Hence it is important to reflect on some of the broader teachings of the Qur'ān and Prophetic teachings and *Sunnah*, as well as principles, such as that of *siyāsah shar'īyah* (*shar'ah*-oriented policy) that provide for a measure of flexibility and pragmatism.

ʿ*Afw* literally means omission (*isqāt*) or waiver and it is defined as exempting the wrongdoer by not taking him to account. Another Arabic synonym of ʿ*afw* is *al-ṣafh*, which means to turn away from someone but also to widen the space and incline toward reconciliation. In this sense *al-ṣafh* involves taking a step beyond ʿ*afw*. In *fiqh* terminology, ʿ*afw* means a waiver of a duly warranted punishment for wrongdoing – this being the special meaning of ʿ*afw* as ʿ*afw* does not always lead to omission of punishment.

The Qur'ān and *Sunnah*: An Overview

ʿ*Afw* is a major theme of the Qur'ān and takes a high profile in the Islamic order of values, being the subject of over thirty verses in the Qur'ān that subsume legal, religious, moral and cultural dimensions. The Qur'ān often speaks in praise of those who take a forgiving attitude toward people; ʿ*afw* is designated as a manifestation of *ihsān* (beauty and goodness; 2:178). Then also God associates His illustrious self with forgiveness and speaks of His love and affection for those who forgive without vindictiveness, especially when they are overwhelmed with the urge for revenge (3:134). Pardoning is especially meritorious when granted by someone who can avenge but chooses to exonerate and forgive. Yet Islam also puts a high premium on justice that may well demand sternness, especially from a leader or judge, to bring the wrongdoer to account. Justice and forgiveness often moderate and temper one another but can also conflict. To quote the Qur'ān:

God commands justice (*al-ʿadl*) and the doing of good (*al-ihsān*) and generosity to one's kindred, and He forbids indecency, wrongdoing and oppression (16:90).

Justice in this verse is joined side by side with *ihsān*, and the juxtaposition implies that it is not always the measure-for-measure approach that is desired; justice should be tempered, whenever appropriate, by *ihsān*, which in this context can imply amnesty. Punishing the wrongdoer is the normal course enjoined by the *shar'ah*, but amnesty may be preferable at times. God thus praises

Those who spend in the way of God, in times both of prosperity and hardship, and those who control their anger and forgive their fellow humans. Truly God loves the *muḥsinīn* (those who persist in *ihsān*) (3:134).

Elsewhere the Qur'ān speaks of proportionality and equivalence in punishment, but espouses it in the meantime, with a recommendation for forgiveness:

And the recompense of an evil is an evil equal thereto, but he who forgives (an evil deed) and seeks reconciliation, his reward shall be with Allah, and Allah does not love the wrongdoers (42: 40).

The succeeding passage in the same *sūrah* then reads:

But (remember) one who endures with fortitude and forgive, that indeed is a most distinctive of all deeds – *min ʿaẓm al-umūr* (42:43).

The Qurʾān also ordered the Prophet to “hold to forgiveness, enjoin kindness, and turn away from the ignorant” (7:199). Amnesty and kindness thus go hand in hand and the one is indicative of the sincerity of the other. As for those who fall in error out of ignorance, one is best advised to turn a blind eye and not let oneself be provoked by their behaviour. The Prophet himself strongly praised the virtue of Forgiveness, as in the *ḥadīth*: “forgiveness does not fail to bring honour to a servant of God when he grants it (for His sake).”¹

Al-ʿAfuww (most forgiving) is one of the Excellent Names of God as in the verse: “whether you do good openly or in secret, whether you pardon the misdeeds of those who wronged, God is Ever-Forgiving, All-Powerful (*ʿAfuwwan Qadīran*) (4:149).” Interestingly enough, God’s act of pardoning is here juxtaposed with His ability to do otherwise. Pardoning is also a distinctive virtue of Prophets and should therefore be emulated by everyone, especially in dealing with one’s parents and family.²

Amnesty and Repentance: The *Ḥudūd* Crimes

There is a logical connection between repentance (*tawbah*) and amnesty, as amnesty is usually due when the offender shows remorse and repents. Muslim jurists have also discussed amnesty and repentance in the context of *ḥudūd* penalties (note that *ḥadd* and its plural *ḥudūd* are used for prescribed crimes and punishments both) and *qisās* (just retaliation).

Looking at amnesty and *ḥudūd* together, it is to be noted that *ḥudūd* consist of two main components, namely the Right of God (*ḥaqq Allah*) and Right of Man (*ḥaqq al-adamī*), or a combination of the two. The legal consequences of amnesty vary according to the manner in which it relates respectively to infringement of the Right of Man, or private right, and the Right of God, or public right. Juristic views vary on which of the *ḥudūd* crimes consists of each of these rights and in what proportion.

Tawbah

Tawbah (repentance, atonement and self-correction) is a major theme of the Qurʾān, occurring in over 120 places, and much emphasis is also found in the *Sunnah*. This circumstance is undoubtedly reflective of Islam’s essence of forgiveness, without

compromising on the rule of law aspect of combating lawlessness and crime. Only with regard to terrorists and highway bandits is there a limitation in the text as already reviewed. The wider implications of that verse regarding other *ḥudūd* penalties have also been seen in two different ways, one in favour of repentance and amnesty, even after subjugation and arrest, and the other against. Textual interpretation on penalties should be on the side of leniency, as is indicated in the following hadith:

‘Ā’ishah reported that the Prophet said: “Suspend the punishments whenever there is doubt (*idra’ū ‘l-ḥudūd^a bi ‘l-shubhāt* – note that *ḥudūd* at that time was used in reference to all punishments, not to *ḥudūd* alone as this expression acquired a technical meaning much later) and find a way out of them for Muslims whenever you can. If the Imam errs, it is better that he errs on the side of forgiveness rather than punishment.”³

The present writer has elsewhere discussed repentance in the Qur’ān with a view to integrating it into the theory of *ḥudūd* in a wider study. I have advanced the view that when reformation and repentance are so integrated into the fabric of *ḥudūd*, then one must depart from the notion that *ḥudūd* are fixed and mandatory penalties over which the judge, the head of state and *mujtahid* have no role other than enforcing them upon proof. For juristic strictures that characterises the *ḥudūd* discourse in *fiqh* have made the *ḥudūd* difficult to implement; because of the severity of some of the punishments involved, judges are reluctant to enforce them. But improvement would be possible if one were to open the *ḥudūd* to reasonable levels of interpretation and *ijtihad* that can be sustained by the textual evidence.⁴

Textbook writers are almost unanimous on the following three conditions to qualify a repentance as valid: it must be indicative of remorse over what has happened, it must express determination not to repeat the conduct in question, and there should be no actual recurrence. Yet it is added that the first two of these are mental conditions that are hard to prove by evidence. All that one can do is to scrutinise the veracity of the statement the accused person makes before the court. As for the third condition, this too is difficult to ascertain as it involves future conduct. There is general agreement, however, that *ḥadd* punishment is suspended for an offender who maintains a clean record, after a duly recorded repentance for a long period of time.

Conclusion and Recommendations

The twin objectives of this article have been to review the provisions in Islamic law on amnesty and pardon as expounded by its leading schools and scholars, and then also to explore the prospects of needed reform of some of its relevant provisions. This approach coincides with the binary concern of Islamic law for continuity and

change, and the origins/fundamentals of Islamic jurisprudence (*uṣūl al-fiqh*) provide a number of principles and formulas to facilitate this concern.

- The *sharʿah* is often characterised as diversity within unity. Diversity is due to a degree of flexibility and openness in the language of the text, especially of the Qurʾān, to fresh interpretation and *ijtihād*.
- The unifying interest of the *sharʿah* is served largely by its recognition of the overriding authority of *tawḥīd* (Divine Oneness and the oneness of being), and the principle of consensus (*ijmāʿ*).⁵ These and certain other principles of Islamic jurisprudence account for the continued relevance of the *sharʿah* to the applied laws of Muslim countries to this day.
- Yet if it is to retain its vitality and relevance, the *sharʿah* needs to be read side by side with the changing facets of social reality and the living conditions of Muslims.

Notes

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2. Cf., Ḥannān ʿAtiyyah al-Juhnī, “Dawr al-wālidayn fī tanshīʾat al-abnāʾ ʿalā khuluq al-ʿafw,” *Majallah Jāmiʿah Umm al-Qurʾāʾ li ʿl-ʿUlūm al-Tarbawiyah wa ʿl-Nafsiyyah* [Saudi Arabia] 2, no.2 (Rajab 1431 AH/July 2010), 279.
3. Abū ʿAbd-Allāh al-Khaṭīb al-Tabrīzī, *Mishkāt al-maṣābīḥ*, ed. Muḥammad Nāṣir al-Dīn al-Albānī (Beirut: al-Maktab al-Islāmī, 1399 AH/1979), 2:1061, *ḥadīth* no. 3,570. This is a select collection of *aḥādīth* from the authoritative ‘Six Collections’, known as *al-ṣiḥāḥ al-sittah*. See on the expression *ḥudūd* also Mohammad Hashim Kamali, *Punishment in Islamic Law* (Petaling Jaya, Malaysia: Ilmiah Publisher, 2000), 45f.
4. See for details Kamali, *Punishment*, especially Sections III, entitled “An Analysis of *Hadd* in the Qurʾān, *Sunnah* and *Fiqh*” (pp. 45-85), and IV entitled “The Philosophy of *Ḥudūd*” (pp. 85-90).
5. See for details on *tawḥīd* Mohammad Hashim Kamali, *Shariʿah Law: An Introduction* (Oxford: Oneworld, 2008), 17-19. There is also a chapter on *ijmāʿ* in idem, *Principles of Islamic Jurisprudence* (Cambridge: Islamic Texts Society, 2003), 228-264.

Whither ‘Arab Spring’?

*Christoph Marcinkowski**

Introduction

Since December 2010, the ‘Arab Spring’ has featured techniques of civil resistance in sustained campaigns involving strikes, demonstrations, marches and rallies, as well as the use of the new social media to organise, communicate, and raise awareness in the face of state attempts at repression and censorship. In the case of Tunisia, Egypt, and – most dramatically – Libya, the protests have actually led to the departure of long-established regimes, whereas the situation in Syria and Bahrain remains unsettled to date.

Among the causes for the increased readiness for protest was public anger with the authoritarian regimes and the almighty security apparatus, as well as corruption in government, economy and administration. Another significant cause was high unemployment, in particular among the younger generation, and growing poverty which might be seen as another reason for the willingness to protest. To this might be added rising food and energy prices worldwide, affecting large segments of the population.

In addition to this widespread dissatisfaction with ‘the system’, modern communication technologies (mobile phones, the internet, but also the reception of satellite TV channels, especially *Al Jazeera*) encouraged the protests. This strong mobilisation on the internet was carefully cultivated from the early years after 2000 by mobile phones, and platforms such as *Facebook*, *Twitter*, and blogs. Thus an information structure outside the state-controlled ‘mainstream’ media was made possible, further encouraging the protests. With regard to the demonstrations in Egypt, however, I would argue that the role played by this internet communication was perhaps more *supportive* than fundamental as the internet was also used for camouflaged distribution of government propaganda. A further evidence for this *supportive* character of the internet was the fact that the protests continued unabated even after the government had switched it off.

Interesting also is what has been termed by some observers ‘the absence of Islam’¹ in most of those struggles – perhaps with certain exceptions in Egypt and Syria:

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While most of the recent movements in the Muslim world have been spearheaded by Islamic parties and leaders, the ‘Arab Spring’ is – surprisingly to those on the Islamist fringe – led by civil society, especially the youth. It seems that the people in the streets were more interested in improving their lives as self-determining human beings than in establishing ‘theocracies’ *à la khomenienne*.

Opinions

In the West, there were a variety of evaluations at the outset of the popular protest movements that shook the Arab world at the beginning of 2011. Strangely, many observers at the more or less highly paid think-tanks of Europe and the United States didn’t either see or just underestimated the deeply rooted desire of the Arab people for freedom, prosperity, democracy and the rule of law – a desire which was perhaps seen as a prerogative of ‘the West’. Many of them seem to have been simply too accustomed to prevailing situations, such as Mr Mubarak, a ‘friend’ and ‘ally’ who had been around for three decades.

To my mind, however, the events have changed the psyche of the Arab peoples and the balance of power in the region. The international community must recognise that it has dealt with questionable regimes and that it was initially not an Islamist uprising, but a democratic protest. Of course, in every Arab country specific conditions do prevail, but we are now facing very similar challenges. People have followed the Tunisian and Egyptian revolutions and had the feeling that they were actually part of the process itself. “They have fought ‘virtually’ at the side of Tunisians and Egyptians. They shared joy and fear, and in this manner their success had become the victory for all the Arabs.”²

During a radio interview with the German broadcaster *Deutschlandfunk*, however, the orientalist Hans-Peter Raddatz actually doubted whether true democracies would be the result of these revolutions – especially with regard to recent developments in Egypt. According to Raddatz, “[a] democracy could not be outlined on the drawing board,” and added that Islam without secularisation would not be compatible with Western-style democracy.³ On the other hand, based on the late Samuel Huntington’s ‘democratisation theory’, Kenan Engin, another observer, speaks of a ‘fifth wave of democratisation’ and invokes parallels to the ‘third wave of democratisation’ in Latin America during the 1970s and ‘80s.⁴ In a guest article for the Swiss *Neue Zürcher Zeitung*, the German journalist Adrian Lobe, opined that the riots in North Africa and in the Middle East did *not* represent a democracy movement but rather prosperity revolts (*Wohlstandsrevolten*). As evidence, he referred to the situation in Saudi Arabia where the regime attempts to ‘quiet’ the population with generous gifts and where there have been so far (with certain exceptions in the Shi’ite-dominated Gulf coast region of the kingdom) no major protests. Lobe derives from this that the material

factors such as education, employment, and prosperity were at the foreground at the riots elsewhere in the Arab world.⁵ Fareed Zakaria, CNN-host, journalist, and former editor of the magazine *Newsweek*, has offered a similar approach of modernisation theory, arguing that certain socio-economic thresholds would need to be crossed in order to arrive at a revolution. Zakaria sets these at a per capita income of around US\$8,000. States in which this level is not achieved (e.g. Morocco) would therefore have a lesser chance to achieve sustainable social change than wealthier and more developed countries.

Perspectives?

From the perspective of early 2012, the ‘Arab Spring’ has come a long way, from the self-immolation of a young Tunisian man in protest of the corruption and injustice of the Ben Ali regime to the fall of – so far – three dictatorships in the Arab world; two of them – Egypt and Tunisia – formerly staunch allies of the West and one – Gaddafi’s Libya – once a powerful promoter of international terrorism.

So where are we going from here? I would like to focus in the following primarily on two things: one is the offer of a great opportunity for forging a completely new setting of relations between the West and the Muslim world – the Arab part of it in particular. The other issue is the role – if any – played by Islam within those developments. In addition, I would like to consider the ‘Arab Spring’ in essence as only one manifestation (among many others) of current worldwide public anger against ‘those in charge up there’ and a drive toward a *truly* democratic renewal of our world.

We are living in the age of *Facebook* and *Twitter* where people(s) all over the world – not only Arabs – seem to have lost their patience with unfulfilled promises on the part of their rulers. News of suppressed demonstrations and other outpourings of public anger continue to be spread by the new social media – thus sidelining and often making irrelevant the official ones such as BBC or CNN, to name only a few.

Returning to the Middle East, there as in the West the people that are now still on the streets are demanding their right to determine their future by themselves. However, it is very interesting – and perhaps also quite revealing – how western nations have reacted so far to the outbreaks of public anger in the various Middle Eastern countries. It appears – at least to me – that those reactions have been based on the particular political, economic, and strategic interests of those western nations in those countries.

To my mind, there is the real danger that disillusioned and unemployed youths in the Arab world will fall prey to the catch-it-all parables of the Islamists. There are already indications that Jordan, Egypt, and Tunisia are in a particularly dangerous situation in this regard, and I see in the recent attacks on Coptic churches and in the

one-sided response of the Egyptian police and army some rather worrying signs of moves in that direction.⁶

Being originally an Iranicist, I often feel sadly reminded of Pahlavi Iran in the 1970s, a period which too was marked by high unemployment, economic downturn, and political repression by a dictatorial regime. The resulting Iranian revolution of 1978/79 was eventually ‘hijacked’ by Khomeini and his Islamist followers. It can only be hoped that a similar scenario is not going to repeat itself in the Arab world today, although I am less and less convinced that it will ultimately be the democratic forces which will be victorious in the end.

I would then argue that although it might be true that the Islamists appear to have totally missed the *early* stages of the ‘Arab Spring’, they now appear very well to be at the head of the revolutionary movements. To my mind, at least in Egypt there can be no doubt that Islamists will have a say in influencing public opinion after the initial successes of the Egyptian Revolution which led to the departure of the pro-western Mubarak regime. However, the transition toward a sustainable democracy can only succeed if democratic rules are also part and parcel of political life and if the planned presidential and parliamentary elections are actually free and fair.

From the perspective of *serious* political observers and Middle East experts then, since the beginning of the ‘Arab Spring’ the question has been what role would be played by the Islamists. This is an obvious as well as legitimate concern since it had been almost entirely been Islamic groups – moderate as well as extremist ones – which constituted since the early 1970s the largest and at the same time most powerful opposition to the region’s ruling regimes. Until recently, it was pluralism and democracy-friendly slogans in particular which dominated the demonstrations in Egypt and elsewhere while Islamist groups have tried their best not to come out of their cover. However, in the midst of the tensions over the text of the new Egyptian Constitution the Islamists resolved to give a demonstration of their power which revealed the major dividing lines between the political groups in Egypt and elsewhere in the Arab world. During the massive Islamist protests of 29 July 2011 at Cairo’s Tahrir Square, for instance, religious slogans could be heard which were echoed in the rest of the Arab world and which posed the question as to which direction the ‘Arab Spring’ would eventually move: toward a pluralistic democracy or religious authoritarianism.⁷

Conclusions and Recommendations

In sum then, religion – *any* religion, as Europeans too had to experience in the course of their history – is generally very suitable for instrumentalisation. Religion, however, is ambivalent. It can *promote* civilisation – but it can also *hamper* it! The future development of the Muslim countries in particular is not possible without a

minimum level of freedom, accountability and good governance. Recent initiatives by international leaders such as the ‘Global Movement of Moderates’ launched by Malaysia’s current Prime Minister Najib Abdul Razak – a loose confederation of like-minded individuals, organisations, state-actors, non-state actors and intelligentsia – can play a major part in diffusing tensions.⁸

With regard to the post-‘Arab Spring’ countries, I would like to remind readers of the following:

- Lengthy phases of transition may ultimately play into the hands of radical groups. Free and fair elections are thus needed as soon as possible. The elections would eventually reduce each group to its *actual* size and replace the slogans of the roaring mob on the street with debates in parliament.
- Conservative forces in the Arab world – especially certain countries in the Gulf region – would certainly welcome any Islamist coup as this would break the wave of democratisation by proving that any kind of revolution would ultimately lead to ‘Islamisation’. Such a scenario would also strengthen Islamist positions *vis-à-vis* the penetration of democratic ideas in society.
- Certain conservative regimes would do well to think more carefully in terms of what they *really* want as a ‘fundamentalist’ Egypt would probably undergo a difficult time in trying to arrange its strategic and economic ties. One can probably safely assume that its political and economic alignment would roughly match that of Pakistan. The elites of the Gulf countries should therefore think whether they would like to have a ‘new Pakistan’ in their neighbourhood or rather a ‘new Turkey’.
- Islamist slogans will have a significant impact on public opinion and the development in other Arab countries – above all if they continue and if they are monitored attentively in the media. In Syria, the protest movement suffers from the dispute between the Islamists and pro-democratic groups. In Tunisia too the future role and influence of the Islamic party there, al-Nahdah, is definitely anything but certain in spite – or even *because* – of the recent success at the elections.

In closing, a veritable internal cultural war is currently taking place in the countries of the ‘Arab Spring’. The strength of the respective positions is still difficult to assess. The outcome of this dispute will decide whether a democratic development will be possible in the future. In the end, however, the *only* effective antidote against the dangers for liberty is *more* democracy.

Notes

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Control of *Ḥalāl* Food Chains

Marco Tieman*

Introduction

The consumption of *ḥalāl* (lawful) and *ṭayyib* (wholesome) food is an obligation for Muslims.¹ Today, the food we eat consists of ingredients and additives that come from all over the world. The result is that even simple food products like bread are the result of complex international *ḥalāl* food supply chains. Next to the many food scares,² which also expose *ḥalāl* food chains, fraud with *ḥalāl* labels is rampant in both Muslim and non-Muslim countries.³ In fact *ḥalāl* food supply chains are vulnerable due to their credence quality attributes,⁴ importance of maintaining *ḥalāl* integrity throughout the supply chain,⁵ - obligation to avoid doubt in *ḥalāl* food,⁶ lack of control of *ḥalāl* food norms,⁷ and sensitivity of the Muslim consumer towards *ḥalāl*.⁸ From my PhD research it follows that from a *sharīʿah* point of view the management of *ḥalāl* food supply chains is important in order to extend the *ḥalāl* integrity from source to the point of consumer purchase.⁹ However, an important question is: who controls *ḥalāl* food chains today?

Ḥalāl foods standards, like Malaysia's *ḥalāl* standard MS 1500:2009 prescribe the slaughtering, processing and handling of *ḥalāl* food.¹⁰ The Muslim has an important role during the slaughtering process, while his role is less critical in other parts of the *ḥalāl* supply chain. Although perhaps less critical, the other parts of the supply chain like farming; food manufacturing; commodity trading; logistics and restaurant, hotels and retail chains are dominated by non-Muslim countries and businesses. It is evident that Muslim countries and companies have a limited role in the *ḥalāl* food value chain.

This viewpoint presents an issue analysis on the control of *ḥalāl* food chains. It discusses the current situation, the importance of control of *ḥalāl* food chains and complications in *ḥalāl* food chains as well as recommendations for a new paradigm in the control of *ḥalāl* food chains.

The Complexity of *Ḥalāl* Food Chains

Situation

The control of supply chains is the foundation for decision-making and management of supply chains.¹¹ It has been defined as the organisation, planning and control

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of goods flows, from the development and the purchasing, via manufacturing and distribution to the end-customer with the aim to satisfy the needs of customers at low cost and with controlled use of capital.¹² Among others, important elements in logistics control are, according to Vorst,¹³ hierarchy in decision levels, type of decision-making, positions of the customer order decoupling point and level of coordination. According to Seuring¹⁴ and Peterson,¹⁵ an integrated supply chain can only be optimised when the chain participants function together to improve the overall supply chain. Coordination, so-called regulatory coordination¹⁶ as *ḥalāl* comes with standards, is important in supply chains to meet the requirements of the customer or destination market. The requirements of the Muslim markets are diverse because of the different Islamic schools of thought, local *fatwās* and local customs.¹⁷ For example, there are different interpretations with regard to the slaughtering process in terms of the acceptance of machine slaughtering and stunning, but also regarding the need for ritual cleansing. However, the commonalities and differences in *ḥalāl* food requirements have not been agreed upon. This lack of consensus by the Muslim world and fragmentation of *ḥalāl* standards makes *ḥalāl* not only difficult to be understood by the most important suppliers of *ḥalāl* products to the Muslim world, namely the non-Muslim countries, but also gives room for the non-Muslim countries to define what is *ḥalāl*, as industries in non-Muslim countries are able to choose and therefore define their own *ḥalāl* standard. The result is that there is no effective control of *ḥalāl* food chains, and the future availability and access to the required diverse range of *ḥalāl* foods is not well secured.

Complications

Global agriculture produce, ranging from meat and dairy, to grains, vegetables and fruits is to a large extent supplied by farms from Europe, Australia and New Zealand, and the Americas. With the exception of maybe Indonesia, most Muslim countries are net-importers of agriculture produce. Therefore Muslim countries are very much dependent on the supply of their food resources from non-Muslim countries, and consequently their food security should be a great concern. As most food ingredients and additives companies are located near these farming clusters, the production of food ingredients and additives is concentrated in these countries.

Today many ingredients and additives have components that are of animal origin. For *ḥalāl* food, this immediately leads to *ḥalāl* issues, in terms of what animal (from *ḥalāl* livestock?), what part of the animal (meat, bone, hair, etc.), what method of slaughtering (*ḥalāl* slaughtered, machine slaughtered, stunned), what type of *ḥalāl* certification, and so on. Although commodity markets facilitate the supply and demand of agriculture commodities, only a fraction of the supply has been *ḥalāl* certified. With an enormous increase of *ḥalāl* certified food manufacturers all over the world, the demand for *ḥalāl* certified raw materials, ingredients and additives has

grown faster than the supply can cope with. This leads to major challenges for *ḥalāl* certified producers in sourcing the required *ḥalāl* certified raw materials, ingredients and additives, with often higher prices. The supply of *ḥalāl* certified ingredients and additives is a definite bottleneck for the food industry in increasing the production of *ḥalāl* food for the world.

Although the *ḥalāl* requirements for food are an important factor in the life of a Muslim, it has not been translated into a dominant role by the Muslim world in the *ḥalāl* food value chain in order to protect availability and access to *ḥalāl* food. Although it can be argued that the Muslim world does not have a competitive advantage for many agriculture products owing to their geographic locations, there have been too few attempts to extend the role of Muslim countries in the *ḥalāl* food value chain.

The core question then is how to control *ḥalāl* food supply chains to protect the future availability and access to *ḥalāl* food.

Recommendations

Muslim countries need to expand their role in the *ḥalāl* food value chain. This should be done in four ways:

- invest in relieving critical bottlenecks,
- establish *ḥalāl* parks,
- develop a *ḥalāl* supply chain orchestrator (HSCO) and
- better protect *ḥalāl* in non-Muslim countries.

Urgent investments are needed to develop capacity in the *ḥalāl* food supply chain to address the most critical bottlenecks in the *ḥalāl* food supply chain, namely in the production of *ḥalāl*-certified food ingredients and additives. Islamic banks should play a key role in financing these projects together with the industry.

Ḥalāl parks are an effective instrument in clustering a big part of a *ḥalāl* value chain geographically in a country. Next to clustering advantages (like shortening the supply chain, cost reductions, innovation, etc.), they can create a strong supply base of *ḥalāl* food products and enable enforcing a common *ḥalāl* standard in a *ḥalāl* park. Malaysia through its *Ḥalāl* Industry Development Corporation (HSCO) has been an active promoter of *ḥalāl* parks inside and outside Malaysia under its Halmas¹⁸ accreditation programme.

An HSCO, championed by a Muslim country, could provide a key role in the authentication of *ḥalāl*, market access and a cost advantage for the *ḥalāl* industry.¹⁹ The HSCOs assist in the management of global *ḥalāl* supply chains according to the specifications of the various Muslim markets and ensure that the integrity is

maintained through a global *halāl* network, stringent logistics standards, *halāl* certification database and *halāl* compliance checks on product-origin-destination. An HSCO provides horizontal alignment through making use of common *halāl* distribution centres in key gateways, consolidation of transportation, and use of innovative logistics concepts like a *halāl* cargo box.

Non-Muslim countries and industries need clear guidelines on *halāl*. Therefore consensus is needed by the Muslim world on commonalities and differences among the different *halāl* food requirements. This agreement should lead to coding of the different *halāl* specifications, which both industry and the consumer can recognise. As consensus is a long process, protection of *halāl* is needed in non-Muslim countries. Although many non-Muslim countries do not protect *halāl* by law, as shown by Popovsky,²⁰ *halāl* disclosure laws, under which a vendor who claims that a product is *halāl* needs to show the basis of the claim, could be a good first step in this direction.

Notes

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Whither Homosexual Rights?

*Tengku Ahmad Hazri**

The question of homosexual rights presents a formidable dilemma for contemporary Islam. And this is especially so as the Islamic world generally accepts human rights as valid aspirations, so much so that a number of scholars do not hesitate to include these as one of the higher objectives of the *sharī'ah* (*maqāṣid al-sharī'ah*).¹ This is why when calls for homosexual rights or gay rights as valid human rights are made, they attract mixed reactions.

The pressure is now increasingly felt as lobby groups and human rights organisations become more vocal. In early December 2011, US President Barack Obama and Secretary of State Hillary Clinton asserted their unflinching support for gay rights, pressuring the United Nations Human Rights Council to recognise them as human rights. According to the *New York Times*, the United States “would use all the tools of American diplomacy, including the enticement of foreign aid, to promote gay rights around the world.”² This emphatic declaration undoubtedly gives powerful support for this movement.

Realising the power of such pressure, a considerable segment of the Muslim constituency has offered what is perceived to be a middle way between the two extremes of endorsing homosexuality as a way to be charitable and kind to gays and yet another extreme of denying the humanity and dignity of this group. The charted middle course as taken by such scholars as Tariq Ramadan is to reject this practice while nevertheless affirming the dignity and rights of homosexuals as individuals.³ This means that while what they do is disagreeable and indeed objectionable, that alone does not justify excommunication or stigmatisation, for the values of mercy, compassion and justice dictate that such individuals should nevertheless be humanely treated. The concern in itself is valid but we submit that the reasoning of this presumed moderation is fallacious for a number of reasons, though the alternative lies in neither of the two extremes.

From what One *Does* to what One *Is*

We must remember that dignity and rights can be accorded only to human beings and it is in this sense that all attempts to recognise homosexual rights as *human* rights collapse. The reason is that there is no such thing as a homosexual to begin with. What is condemned by the religions of the world including Islam is an act, not a class

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of human beings. If the Qur'ān cursed the people of the Prophet Lut (may peace be upon him) (Qur'ān, 7:80-81, 26:165-166), it is because of *what they did, not for who or what they were*.

Homosexuality is actually a new way of thinking about the act, which dates back to the 19th century, during which a “medical” view of sodomy emerged – a process which has been called the “medicalisation of homosexuality” – claiming that the tendency is biologically latent in the person, who is thus already internally predisposed towards the act, even if he has not committed it.⁴ If historically legal and canonical codes merely forbade the act of sodomy, “the nineteenth-century homosexual became a personage, a past, a case history, and a childhood, in addition to being a type of life, a life form, and a morphology, with an indiscreet anatomy, and possibly a mysterious physiology. Nothing that went into his total composition is unaffected by his sexuality.”⁵ Modern advocacy of homosexual rights thus traces its origin back to the new conception which renders the act inseparable from the person who commits it. It is an existential attribution rather than a transient action.

This confusion between the act and the person has the effect of personifying the former. As the philosopher Michel Foucault observes, “Homosexuality appeared as one of the forms of sexuality when it was transposed from the practice of sodomy onto a kind of interior androgyny, a hermaphrodism of the soul. The sodomite had been a temporary aberration; the homosexual was now a species.”⁶ Homosexual and heterosexual thus refer to “persons who possess two distinct kinds of subjectivity, who are inwardly oriented in a specific direction, and who therefore belong to a separate and determinate human *species*.”⁷ Identifying this tendency as a new species of human beings means that this new entity has its own nature, its own (pseudo) *fiṭrah* (human nature) so to speak. Thus the creation of human beings into male and female complementarity (Qur'ān 49:13) is being replaced with a new bipolarity of homosexuality and heterosexuality, when in fact the *fiṭrah* does not change (Qur'ān 30:30). If it is argued that the new bipolarity has a biological basis, we reply that the *fiṭrah* ultimately relates to the totality of the person – body, mind and spirit – not just one's physio-biological architecture, and thus biological aberrations can indeed constitute a hindrance to the realisation of one's *fiṭrah*.⁸ One may add that from a more religious perspective, the new conception implies a personification of sin – the act was merely wrong, but when conflated with the whole person, he is *himself* the sin.

The Way of *Fiṭrah* and *Insān*

Such an attribution is an attempt to superimpose upon human nature an artificial concept, the homosexual, which has the tendency to distort our understanding of *fiṭrah*. Lest it be forgotten, right is *ḥaqq*, which means that it has to conform to

the true nature of things. If the freedom of human beings is asserted, then it must necessarily be a choice towards what is good, for freedom (*ikhtiyār*) is only a choice towards good (*khayr*); a choice towards what is wrong is not freedom but injustice (*ẓulm*).⁹ When we speak of the human being we mean by it the *insān*, whose nature (*fiṭrah*) is known fundamentally through Divine revelation, for man is not only the physical exterior but also and primarily spiritual.

It is in the spiritual essence of the human being that we find the origin of the oneness of the human family, for mankind has been created from a single soul (*naḥs wāḥidah*) (Qur’ān 4:1, 7:189). The oneness of our humanity founded on such a transcendent principle is pivotal towards the promotion of a society that is inclusive and universal because this principle is not subject to compromise and change in accordance with man’s physical and biological changes. Indeed, the dignity of the human being is likewise affirmed precisely because of a similar spiritual and transcendent principle, i.e. that God has dignified mankind as declared in the Holy Qur’ān, “We (God) have dignified the sons (children) of Adam” (17:70). That plurality should emerge from the primordial unity born of a single soul has to do with the divine project so that mankind comes to know one another, one of which is the coming together of the male and the female: “O mankind! We created you from a single (pair) of a male and a female, and made you into nations and tribes, that ye may know each other” (49:13).

Conclusion and Recommendations

A conception of the human being that is rooted only in man’s biological exterior without regard to his spiritual essence is susceptible to constant revision and reconsideration when new demands are made. The net result of such a conception is the creation of ever new sub-categories for the human species, each with its own distinctive *fiṭrah* as contrasted from other human beings. When the new class of human beings is established, the special rights of this group are then demanded, which in effect further removes us from our shared humanity, to say nothing of the deleterious effects this has on empathy, sympathy and genuine understanding of one another.

- The issues that are often brought up as justification for homosexual rights, such as discrimination, abuse, prejudice and so on, should not have been an issue to start with, nor should the issue be treated as if it were something new. For throughout their entire history, Islamic societies have confronted all kinds of prejudices and discriminations by upholding values that are conducive to the respect of human dignity and oneness of the human family.

- But the way to uphold the said values is by cultivating personal relationships and nurturing our sense of compassion and mercy through deeds of care and concern, not by constructing an artificial personality and concept, whose 'rights' are then argued for.
- The undue prejudice or stigmatisation of any person for whatever misdeed he has committed is more efficiently countered with an emphatic assertion of our common humanity, that is to say, that we are human beings, or *insān* firmly bound to our primordial nature (*fiṭrah*).
- It is by remaining truer and firmer to our *insānī* essence and core that we are able to create an inclusive, empathic and caring society.

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3. Tariq Ramadan, "Islam and Homosexuality," available online at <http://www.tariqramadan.com/Islam-and-Homosexuality,10683.html?lang=fr> (accessed on 28 February 2012).
4. David F. Greenberg, *The Construction of Homosexuality* (Chicago: The University of Chicago Press, 1988), Chapter 9, "The Medicalization of Homosexuality", 397-433.
5. Michel Foucault, *The History of Sexuality* (New York: Vintage, 1990), 1:43.
6. Ibid.
7. David M. Halperin, *One Hundred Years of Homosexuality: And other Essays on Greek Love* (London and New York: Routledge, 1989), 43 (emphasis original).
8. This point is made by many scholars, e.g. Shah Wali Allah, *The Conclusive Argument from God* (Leiden: Brill, 1995).
9. Syed Muhammad Naquib al-Attas, *Prolegomena to the Metaphysics of Islam: An Exposition of the Fundamental Elements of the Worldview of Islam* (Kuala Lumpur: International Institute of Islamic Thought and Civilization (ISTAC), 2001), 33.

BOOK REVIEWS

Rüdiger Lohlker (ed.), *New Approaches to the Analysis of Jihadism: Online and Offline (Studying Jihadism 1)* (Vienna: Vienna University Press, 2012). 224 pp. + 34 figures. ISBN 978-3-89971-900-0. EUR 31.90.

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Jihadism has been an important issue in public discussions since 9/11. Internet media have been used as means of communication, propaganda, recruitment, and even training purposes. In this volume, the processes of interaction on Jihadi internet sides are analysed. Particular attention is paid to the mechanisms of the spread of propaganda via the internet by diverse technical means. The process of transformation of ‘Islamic knowledge’ into ‘Jihadi knowledge’, the rhetorics of videos, the development of South Asian Jihadi organisations and some conceptual issues are discussed.

The volume, which is made up by eight articles and a substantial and very valuable bibliography, is the result of an ongoing research project at the University of Vienna, Austria. The project ‘Jihadism online’ aims at a multi-dimensional analysis of the online presence of the transnational activity often called ‘Jihadism’.

“Virtual Jihad: A Real Danger,” a short overview by Philipp Holtmann (researcher at the Stiftung Wissenschaft und Politik, Berlin, Germany) introduces the field of Jihadist online campaigns.

“Jihadi Salafist Creed: Abu Muhammad al-Maqdisi’s Imperatives of Faith” by Orhan Elmaz (Assistant Professor of Islamic Studies, Oriental Institute, University of Vienna, Austria) demonstrates how a close reading of Jihadi ideo-theological texts discovers the slight shifts Jihadi authors use when moving from mainstream Islamic ways of thinking to Jihadist ones. Understanding these shifts is necessary to understand the strategies Jihadists use to claim their ‘Islamic legitimacy’.

“From Kalashnikov to Keyboard: Pakistan’s Jihadiscapes and the Transformation of Lashkar-e Tayba” by Thomas K. Gugler (researcher at the research project ‘Jihadism Online’, University of Vienna), analyses the development of militant groups in Pakistan, the state where modern transnational Jihadism was born in the city of Peshawar. He is focussing on the organisation Lashkar-e Tayba and its diverse manifestations, offline and online. Understanding the specifics of the South Asian dimensions of Jihadism is indispensable for a thorough analysis of the future of Jihadism.

“Virtual Leadership” by Philipp Holtmann analyses the emergence of specific forms of virtual Jihadi leadership on the web, distinguishing three levels of leadership:

hierarchical, mutual and discursive. The online communication of Jihadists is described as being structured by a multi-layered interaction of rituals.

“Forgotten Swamp Revisited” by the editor of this volume, Rüdiger Lohlker (Professor of Islamic Studies, Oriental Institute, University of Vienna) clarifies some basic categories currently used in the study of Jihadism stressing the importance of a religious studies approach. Since the religious dimensions of Jihadism are often seen and misunderstood as mere varieties of ideology this approach must be added to the toolbox of Jihadism studies.

“YouTube Jihad” by Bouchra Oualla (researcher at the research project ‘Jihadism Online’, University of Vienna) stresses the importance of videos on popular platforms like YouTube as an essential medium for Jihadi propaganda. Oualla meticulously analyses one particular video following the rhetorical strategies used by the producers of these videos. This aspect of online communications is still not thoroughly understood; so Oualla lays the foundations for a new approach in Jihadi studies.

“Worldwide Online Jihad versus the Gaming Industry Reloaded: Ventures of the Web” by Nico Prucha (researcher at the research project ‘Jihadism Online’, University of Vienna) deals with the ways Jihadis are operating online compared with the strategies of the gaming industry.

“Jihad via Bluetooth: Al-Qa’ida’s Mobile Phone Campaign,” also by Nico Prucha and the last article of this fascinating volume, describes the ways Jihadis use modern devices for mobile phones to disseminate their ‘worldview’ via Bluetooth etc. Both of Prucha’s contributions are providing new insights into Jihadism online as a media phenomenon.

In sum, this fascinating volume should be required reading for a serious study of contemporary extremist movements in the Muslim world. Without sensationalising, it lays the groundwork and sets the standards for Jihadism studies in the future. It is hoped that this book will find a circle of readers that goes beyond the usual military staff colleges and Islamic studies industry in the West by reaching out also to relevant institutions throughout the Muslim world – that is to say, where it would actually matter most.

Thomas K. Gugler, *Mission Medina: Da‘wat-e Islāmī und Tabliḡī Ġamā‘at (Kultur, Recht und Politik in muslimischen Gesellschaften 18)* (Würzburg, Germany: Ergon Verlag, 2011). 348 pp. + 63 coloured figures. ISBN 978-3-89913-793-4. EUR 45.00 [in German].

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Thomas K. Gugler, the author of this detailed study which is also his PhD thesis, is

a promising scholar from Germany with a strong background in both Indology and Islamic studies – which, unfortunately, is still a rather rare combination of interests in the land of the late Annemarie Schimmel (1922-2003), the only other significant German scholar with such a focus.¹

In his book, Gugler highlights the phenomenon of what he refers to as ‘post-Islamism’ on the basis of two preeminent missionary movements from South Asia: *Daʿwat-i Islāmī* – strongly marked by Sufi tendencies – was founded as a counter-movement to the *Tablīghī Jamāʿat* which has links to the Deobandis. *Daʿwat-i Islāmī* is now one of the largest transnational religious movements coming out of Pakistan.

Daʿwat-i Islāmī can be considered as some sort of Islamic ‘evangelical’ movement, somewhat similar to what is currently coming out of evangelical Protestantism in the United States. It was founded in 1981 in Karachi, Pakistan, by Muḥammad Ilyās Qādirī. Members are expected to wear a green turban, white and a brown shoulder cloth and a white dress.

Tablīghī Jamāʿat, in turn, is a religious movement which had already been founded in 1926 by Muḥammad Ilyās Khandhlawī in the north of what was then British India. The movement came forth as an offshoot of the Deobandi movement. It gradually expanded from local to a national to a transnational movement and now has followers in over 150 countries. Despite its pacifist stance, *Tablīghī Jamāʿat* has appeared on the fringes of numerous terrorism investigations. It attracted significant public and media attention when it announced plans for the largest mosque in Europe to be built in London.

The competitive dynamic between the two organisations raises many questions in terms of modern processes of religious change and the increasingly deregulated ‘religious markets’ – an ingenious expression, to the mind of this reviewer. Increasingly, networks of symbols, myths, and rituals of religious traditions seem to influence each other as complex adaptive systems in their development processes. This seems to develop competitively and according to rules of resource maximisation through cross-environment communication of ideas. Within this setting, the *Sunnah* is re-emphasised as a normative system of lifestyle, enabling in particular younger Muslims to generate community-specific social capital. Gugler’s meticulous and quite fascinating study also shows to what extent the ‘piety-policy’ projects of the young neo-fundamentalists take the bread out of the mouth of the ‘old’ Islamists.

Gugler’s thorough study is subdivided into six chapters:

“Emotion und Markt: Muḡāhidīn islamischer Mission in religionsökonomischer Perspektive” (Emotion and market: Muḡāhidīn of Islamic mission in a religious-economic perspective; pp. 17-49) provides a detailed analysis of the present state of research on the Islamic mass movements of South Asia and also gives valuable historical background information.

“Die Pluralisierung der Barelwī-Denkschule im 20. und 21. Jahrhundert” (The pluralisation of the Barelwī school of thought in the 20th and 21st centuries; pp. 51-87) explains current ideology and changes of thought.

“Die neue Friedensfähigkeit des Neofundamentalismus: Retraditionalisierungsprozesse der jungen Islamisten der *Tablighī Ġamāʿat* und *Daʿwat-e Islāmī*” (The new peaceability of neo-fundamentalism: Processes of re-traditionalisation of the young Islamists of the *Tablighī Jamāʿat* and the *Daʿwat-i Islāmī*; pp. 89-130) focuses on the impact of post-modernism and post-Islamism and the influence of extremist ideas.

“Sunnaisierung und selbstbestimmte Symbolermächtigung” (Sunnaisation and self-determined symbol-authorisation; pp. 131-166) focuses on the efforts of both movements toward making a mass phenomenon of what Gugler ingeniously refers to as *Imitatio Muhammadi* (the imitation of Muḥammad, in clear analogy to Thomas à Kempis’ fifteenth-century *Imitatio Christi*, today a still well-known handbook for spiritual life arising from the *Devotio Moderna* movement, of which Kempis was a member).

“*Doing Culture*: Rituale der Medinaaktivierung” (Doing culture: Rituals of Medina activation; pp. 167-188) explain the practical rituals which characterise the activities of both movements.

“Autorität und Autonomie: ‘Aṭṭārīya-Pīrismus in der Praxis” (Authority and autonomy: ‘Aṭṭārīyyah Pīrism in practice; pp. 189-206), the sixth and last chapter, explains the links of both movements to Sufism.

Aside from two valuable appendices which provide information on the relevant shaykhs of the Qādirīyyah-Ridwīyyah-‘Aṭṭārīyyah *silṣilah* (especially the places where they died and the years of their deaths) and a transcript of an *ijtimāʿ-bayān* meeting, respectively, Gugler’s study contains also 63 coloured photographs (apparently taken by himself during his field studies) which he put under the headline “Visuelle Eindrücke: Zwischen Megamoschee und Vorstadtislam” (Visual impressions: Between mega mosque and suburban Islam).

In closing, Gugler’s book should be required reading for everyone studying the currently ongoing phenomenon of the marketing of religion. It is hoped that Gugler will soon come up with an English version of his book – a version which will be targeted at a somewhat wider circle of readers.

Notes

1. Gugler, whom this reviewer had the privilege of meeting personally in Berlin in December 2011, graduated in South Asian Studies, Religious Studies, and Psychology from Ludwig Maximilian University in Munich and did his PhD in Islamic Studies at the University of Erfurt. He was a Research Fellow at the Zentrum Moderner Orient in Berlin and is currently a recipient of a Gerda Henkel Foundation scholarship, working for the blog ‘Jihadism Online’ at the Oriental Institute of the University of Vienna, Austria.

Abdal-Hakim Murad, *Bombing without Moonlight: The Origins of Suicidal Terrorism* (Bristol, UK: Amal Press, 2008). 56 pp. ISBN: 978-0-9552359-7-9.

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The one relief that we ever get from radicalised ideologies is that their madness is often responded to with sanity. The same with what is now so pejoratively and erroneously termed ‘Islamic terrorism’, whose baggage usually includes suicidal terrorism and extremist ideologies. Fortunately, the sober analyses that have ensued credibly dissociate them from any religious underpinnings, attributing them instead to socio-political conditions and their ideological superstructures.

Such is the perspective offered by the likes of John Gray, Olivier Roy and Slavoj Žižek. They advanced a theory that radical Islamism’s origin is to be found in the conditions of late modernity and the ideologies that flourished on its soil, not in any legitimately Islamic sources. Entering the debate is the distinguished Cambridge theologian Shaykh Abdal-Hakim Murad (Timothy Winter), whose narratives on traditional Islam typically combine scholarly rigour and spiritual discernment. His distinctive contribution, *Bombing without Moonlight: The Origins of Suicidal Terrorism* situates the problem against the backdrop of religion as *living reality* experienced in human life and thus connecting the empirical and its theological ramifications. He is able to see these as religious code-names for despair, hopelessness and similar spiritual maladies that afflict late modernity. This is the factor that is always missing in any purely ‘scientific’ analysis.

The empirical view sees suicidal terrorism and its ideology, radical Islamism, not as a direct product of Islam itself, but arising from the conditions of late modernity, including the fragmentation of the social order, alienation, anomie, rupture of traditional bonds that once held society and rapid urbanisation and industrialisation. We always find such argument appealing because it dissociates religion from any of those misdeeds. But we often ignore that the same analysis is merely an extension of a classic Orientalist idea that, itself a legacy of Marxist materialism, not only terrorism but any form of religious resurgence – nay, *religion* itself – is due to such a condition, as if by default human beings are irreligious, which is the sort of analysis that we frequently hear from Marxist-inspired left-leaning scholars. Presumably to extricate himself from such a reading, the author then ventures into the intellectual and ideological roots of suicidal terrorism – the very components that supplied the aberration with justification or legitimacy.

Whatever the conditions that produced such state of affairs, the intellectual odyssey ends precisely when it reaches Islamic theological shores for there is nothing in the Qur’ān validating suicide, much less suicidal terrorism. Yet if Islam itself has nothing to do with it, that does not stop the author from tracing it back to *other*

religions. Thus he painstakingly excavates its origins in Hinduism (*atmaghataka*), Buddhism (by some monks in China aspiring to *Nirvana*), Judaism (in the case of Saul and Samson, as well as early rabbinic approval of self-immolation) and Christianity (Jonah's despair and pre-Augustine acceptance of self-immolation). Additionally, modern western political thought is enough smorgasbord to pander to the radicals' ideological promiscuity: the extremes of the far-right and far-left from the European political spectrum are enough 'inspiration'. By this strategy, the universality of suicidal terrorism as a *human*—not *religious*—anomaly is established while any 'suicidalist' claim to theological pedigree is refuted. The author tracks Sayyid Quṭb's ideology back to the right-wing French physician and Nobel laureate, Alexis Carrel. Still, Quṭb is not without his religious predecessor, for we see the same dilemma is evident in the thirteenth and fourteenth century scholar Ibn Taymiyyah, an 'angry Damascene' whose "deep pessimism about the human mind and conscience" produced a sceptical theology that alienates God from the world which "challenges Ash'arite and Māturidite confidences in the direct intelligibility of God in the world". St. Augustine's stark discontinuity between the City of God and the City of Man somehow found new life in such a theology. As a result religion becomes completely transcendentalised as a total 'ideal', which minimises the significance of personal religious experiences thereby exhibiting the sort of utopianism that we see in their political agendas.

But the author is far more candid than are most about our own guilt. If, as we claim, suicidal terrorism is the result of the conditions of late modernity, then surely the terrorists, extremists and radicals are not the only ones afflicted by its malaise? It seems that we are not immune, as Murad argues. If it does not manifest itself violently or militarily, it does so intellectually, ideologically or politically ("the prosperity of the far-right across the liberal West shows just how far this march has already come"). What the author does not adduce however, is the support that the US government receives from a constituent of her people to wage war against Afghanistan and Iraq (and now seemingly one with Iran and Syria is not at all impossible). He also cites as an example how Foucault is still celebrated amongst intellectuals and laymen alike. Foucault as he sees him is "a second [Mikhail] Bakunin; he was concerned, not with advancing a detailed and realistic agenda, but with a passionate desire to shock." Foucault epitomises the post-modernist *enfant terrible*, whose thought is always there to deconstruct, to challenge and disrupt the established order of things—the paradigmatic 'rebel without a cause.' Foucault's philosophical mentor, Nietzsche, was the one who introduced the modern superhero, the protagonist who is willing to go to suicidal ends just to get his message across (he cites both Foucault's and Nietzsche's deaths from venereal disease). In fact we think it is not Foucault but Nietzsche who is truly the embodiment of the present predicament. Different from the atheist Foucault, Nietzsche began as a devout Christian, wrote poems to God,

went to the university initially to study theology (later he switched to philology), knew the Bible inside-out and by heart, and came from a family of pious Lutheran theologians. It was his later life experiences that brought him into a profound spiritual crisis that ultimately shattered his faith once and for all. But he went beyond mere disbelief to become an aggressively and fiercely anti-religious atheist (even calling himself the “Antichrist” and the “first immoralist”). Rarely noticed however, is that this antagonism was born precisely because of his attachment to religion, or to use Hamlet’s line, he “doth protest too much”. Nietzsche’s agony was thus a spiritual crisis within a religious context against a socio-cultural backdrop hostile to it, different from Foucault’s largely philosophical dilemma. Like many Muslims today, Nietzsche sensed a serious lack of synchrony between the Christian values that he espoused and the prevailing secular humanistic ideals of his contemporaries, but instead of resisting the latter, he succumbed to it. And here there may be signs of hope, for the conditions of late modernity could have easily produced Nietzsches out of Muslims, but they have not.

Despite going against radicalism, Murad’s prescription itself is radical but profound: the defeat of the current global system and its replacement with the “ethical brilliance of monotheisms”. And this partly means of course, the inner life of spirituality, the heart’s idyllic sanctuary wherein the presence of the Divine is experienced most. Self-judgment, the “greatest and most irreplaceable gift of the Abrahamic religions” should be cultivated more. At the same time, the war on such ideologies cannot be severed from the “humanly consensual war on environmental loss, on unfair trade, on identity feminism, and on genetic manipulation”. If we understand this reasoning correctly, the author calls for a theological orientation that addresses such contemporary crises while remaining theologically and spiritually true to its roots. Perhaps it is by this means that the asymmetry between religion and ordinary life can finally be put to an end.

Wang Yong Bao (Ahmed Musa). *Diplomacy: Theory and Practice in Islam* (Kuala Lumpur: International Islamic University Malaysia Press, 2009). xxiv + 243pp. ISBN 978-983-3855-97-1. MYR 38.00.

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The topic of diplomatic practice and international relations in Islam has attracted a growing interest in modern Muslim thought, revisiting the rich legacy of juristic and historical treatments addressing interconnected issues relating to diplomacy. This study by a Chinese scholar with solid training in Arabic and Islamic thought, who took his BA in Libya and his MA and PhD degrees in Malaysia, is a welcome

and worthy contribution to this discussion. Dr. Musa is currently Associate Professor at the School of Oriental Studies, Xi'an International Studies University (China). We first summarise the contents of his work, and then offer brief reflections on his handling and approach to the topic.

After a foreword by former Malaysian Prime Minister Tun Mahathir Mohamad and the preliminary matters, six chapters treat the main areas of his research, which may be divided into two parts. The first three chapters (pp. 1-84) provide general overviews on the Islamic legal tradition concerning 1) "Characteristics of Diplomacy," 2) "Diplomats and Diplomatic Mechanisms," and 3) "Principles and Types of Diplomacy." Chapters 4-6 (pp. 85-199) discuss in greater detail and depth three important aspects of diplomatic practice in Muslim experience: 4) "Diplomatic Privileges and Immunities," 5) "Status of Diplomats and their Functions during War," and 6) "International Transactions."

1) "Characteristics of Diplomacy" (pp. 1-40). Affirming that Islam "requires the Muslims always to conduct peaceful relations with the non-believers in this world" and that "Muslims have demonstrated the universal characteristics of Islam throughout history" (p. 1), the author emphasises fundamental principles characterising Islam's approach to non-Muslims. These are freedom of faith, justice and inherent human dignity, equality, tolerance (*tasāmuḥ*), and peaceful relations with others. Under 'peaceful relations' the vexed question of the abrogation of qur'ānic verses with an apparent contradiction between the Prophet's Meccan peaceful persuasion and the Medinan sword verses is dealt with (pp. 16-25). Professor Musa rejects any contradiction between these two classes of verses, harmonising the earlier peaceful *jihād* of persuasion with the later combative *jihād* of the sword purely for defensive intent: "the allegation that *Jihād* is being used by Muslims to compel others to embrace Islam is mere lie and willful vilification on Islam" (p. 22). However, he also points to juridical usage and conceptions, which indeed tended to privilege military conquest. Then the meaning of diplomacy in Western conception, and the Islamic notion, is compared. Professor Musa offers us his own definition of diplomacy in Islamic terms (p. 29):

The art of conducting external relations and preserving the objectives of the Islamic State with other states or international organizations by applying wisdom and intelligence in order to reconcile the conflicts in the best manner.

His definition begs the question of what constitutes the 'Islamic State' in the twenty-first century, whose diplomats should "conduct external relations for the path of Allah so that the people of the host states may embrace Islam" (p. 30). This tendency towards the *a-historical idealising* of 'Islam' and Muslim teachings is evident throughout his work – indeed it forms a typically naïve feature of contemporary Muslim intellectual projects that Muslims remain unaware of.

2) “Diplomats and Diplomatic Mechanisms.” This brief chapter treats the main methods of diplomatic exchange: selection and qualities of envoys and messengers, their intelligence and linguistic competence, dispatching letters, presenting gifts, use of ciphers, and an office for external relations. Musa cites examples from the career of the Prophet Muḥammad including his famous dispatching of envoys bearing letters to the ruling powers of his day in year 7 AH, and displays skillful use of early Islamic sources.

3) “Principles and Types of Diplomacy in Islam.” Musa reviews general features of Islamic diplomatic practice, citing qur’ānic verses and Prophetic *Sunnah* in support. These cover mutual agreement, respect for the customs and laws of the receiving State, reciprocity in dealing with other entities (subject of specific restrictions or limits), non-interference in domestic affairs of the receiving State, and free communication regarding the official objectives. He describes the specific principles of diplomacy to be good intent and non-betrayal of trust, justice, fulfilling agreements agreed between two sides, and prohibition of espionage. Then Musa treats a variety of types of diplomatic practice: temporary diplomacy and long-term diplomacy, diplomacy employing both professional and non-professionals as well as by ordinary citizens, secret diplomacy, and public diplomacy. Here he refers to a number of historical events from classical Muslim history exemplifying these various types. Musa affirms that “the Islamic State has never closed its doors to non-Islamic states and their subjects, but has provided a free and secure zone for their diplomats to fulfill their missions,” and that “Islamic diplomacy has strictly and sincerely abided by general Islamic principles in their diplomatic affairs with other states ...” (p. 81).

4) “Diplomatic Privileges and Immunities” (pp. 85-134). In the longest chapter of the book, Musa demonstrates his competence in contemporary Western studies, and in the wealth of Islamic juridical texts providing details on this key aspect of diplomatic practice at the level of official relations between states. The chief topics discussed include personal privileges; freedom of travel in the host state; judicial immunity (*amān*) for foreign diplomats exempted from *sharī‘ah* judgments with close review of four major conflicting opinions entertained among jurists; the exemption of diplomatic missions from taxation and regulations concerning diplomatic premises; and diplomatic asylum. The last section in this chapter (pp. 109-124) provides a good overview of the issue of terminating diplomatic privileges and immunities as documented in the *sharī‘ah*. Musa does a fine job of arranging and presenting these complex details in a clear and graspable manner and his command of the juridical sources is impressive.

5) “Status of Diplomats – their Functions during War.” This brief chapter summarises general Islamic principles about the conduct of diplomacy during wartime, including such topics as prisoners of war, espionage, and revoking the pact of security (*amān*) granted previously. Perhaps this chapter focuses too closely upon

these issues, for Musa does not engage with wider and more fundamental questions about war-making and peace-making flowing from conflict or hostilities. Conflict resolution, cease-fires and truces, and cessation of bloodshed could have been accorded more rigorous examination than is done here. Creative attention might also have been paid to the aftermath of war and peace-building in war-torn societies – given that so many Muslim societies today confront these painful questions. Here, the focus is strictly on the diplomatic dimension.

6) “International Transactions – Conducting Negotiations in Islam” (pp. 155-199). This lengthy chapter treats the role of diplomacy for negotiation and concluding treaties and agreements (*mu‘āhadah*, *mīthāq*) following the writer’s combined historical and juridical approach. Musa offers us a well organised digest of this key topic, especially his review of the types of treaty struck between states with their conditions (pp. 176-192). While avoiding drowning the reader in legal details (for which consult the fundamental study by Wahbah al-Zuhaylī, *Āthār al-ḥarb fī ‘l-fiqh al-islāmī*, Damascus, 1965), Musa at least introduces the reader to some complexities and indicates the richness of Islamic practice and theory. For a work of this scope, more than this is probably not required.

This final view is capped by the “Conclusion” (pp. 201-218) where the results of his study are recapitulated and summarised. Certain of these may strike one as ‘preaching’ to the leaders and diplomats of Muslim states, which is certainly understandable given the obvious un-Islamic conduct of certain polities. However, his points are well-taken and bear reinforcement: the universality of Islamic principles entails stressing freedom of faith, justice and inherent human dignity, equality, tolerance (*tasāmuḥ*), and peaceful relations with others. He underlines that “the Islamic understanding of diplomacy is different from the Western one.” Finally Musa provides seven brief recommendations for the contemporary practice of diplomacy by Islamic nations. Chief among these is to teach “Diplomacy: theory and practice in Islam” as a subject in ministries of foreign affairs and at universities and specialised colleges devoted to international affairs, in order to equip diplomats and politicians to better understand the true Islamic dimension in international relations. He also calls for more intense scholarly discussion on Islamic diplomacy to better educate Muslims on its true features and promote more authentic adherence to justice and equity, as well as pursue further comparative studies on Islamic and Western diplomatic in the modern period.

Professor Musa/Wang sought in this book “to formulate an Islamic theory and practice of diplomacy” (p. 217). He has certainly taken an important step toward realising his goal, but as he himself recognises, – more has to be accomplished. In his Introduction the author stated (p. xvii): “[...] when we talk about Islam, we cannot separate it from the state, because once the Islamic State is established, all of its affairs should be conducted according to Islam and practiced fully in the way which

Islam directs.” He then laments the adoption by leaders of Muslim nations in the post-colonial era of “the Western secular political systems” to handle their affairs, reflecting “their ignorance of Islamic values, merits, and especially vision...” The reality he evokes is indeed a sore wound that has multiplied the sufferings of Muslim countries in recent decades. However, the perception that this is a uniquely modern situation, and ‘Islam’ was more fully implemented and practised in the past, needs to be re-examined. The simplistic glorification of an idealised past has clouded much of contemporary Muslim thinking and various Islamic political projects for an ‘Islamic State’, so it is vital that responsible researchers not perpetuate such cherished soothing myths. A self-critical and honest appraisal of the strengths and weaknesses which our past imposes is necessary for Muslims to move forward and construct their own authentic mode of modernity. Diplomatic practices form one important component of that enterprise.

Saim Kayadibi (ed.), *Ottoman Connections to the Malay World: Islam, Law and Society* (Kuala Lumpur: The Other Press, 2011) 267 pp. ISBN 978-983954-177-9. MYR 39.00

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This book is a carefully researched work that may serve as an important resource for the study of Ottoman and other Muslim connections and networks to the Malay Archipelago. The spread of Islam in the region through trade is well documented here. The authors of the seven articles contained in this volume have used original sources – many of them very little known or used in contemporary scholarship. The authors are strongly supported by their sources to contribute to a re-writing of the history of this region.

The chapter “The Religious-Intellectual Network: The Arrival of Islam in the Archipelago” by Nurulwahidah binti Fauzi, Ali Mohammad, and Saim Kayadibi corrects common misperceptions about Islam, the Arabian lands, and Southeast Asia and shows them to be intimately linked. In the early period, it was natural for the Arabs to extend their trading relations to the Malay Archipelago. The early Arab-Persian records trace Arab connections with Malaya and Indonesia back to the mid-ninth century. Islam spread through trade and education (e.g., establishing *pesantrens*) in this region. This chapter also examines the important network of Hadrami Arabs and Johor. By the late nineteenth century, the Arab community in Glam Village (Singapore) was described by Dutch scholar L. W. C. Van den Berg in 1886 as “the most flourishing, though not the largest, Arab colony in the Indian Archipelago.” The

Ottoman Empire also had strong ties to the region, and in the nineteenth century, supported anti-imperialist struggles throughout the archipelago.

The second chapter by Mehmet Özay introduces the seventeenth-century Turkish scholar Baba Davud. He may have been a soldier “deployed by the Ottomans to help the Aceh sultanate defend itself against the Portuguese.” He established an educational center in Aceh and completed his teacher’s work, considered to be “the first Malay-language translation and commentary of the Qur’ān.”

The third chapter by Ahmet Akgündüz is a fascinating look at a *zāwiyah* in Banda Aceh, the Dayah Tanoh Abee. We see here that Sufism and the spiritual dimension of Islam were very much part of the orthodox Sunni outlook and that this *zāwiyah* was not only a place of education and scholarship but of active efforts to lead the anti-Dutch struggle.

The editor’s contribution, “The Evolution of the Muslim Judicial System,” provides a very helpful summary of legal developments in Islam. Of particular interest is the cosmopolitan legal system of the Ottomans, which could deal with a great variety of peoples, ethnicities, cultures, and religions. This is an important source for developing the *fiqh* of minorities, especially now that many Muslims are part of minority communities.

In “Judicial Pluralism in the Malaysian Legal System,” the editor applies some of these ideas to the particular situation in Malaysia.

In this book, the Ottoman connections over the centuries are shown to be quite extensive. For someone familiar with Malaysian personalities, it is fascinating to learn of these connections: Ruqayyah Hanım coming from Istanbul to marry Dato’ Jaafar (with children including Dato’ Onn and a grandchild, Tun Hussein), and after being widowed, marrying Abdullah al-Attas, and having scholarly sons. The current prime-minister of Malaysia, Mohd Najib Abdul Razak, has Turkish blood from the same family tree.

The authors of this book have used original works to develop a picture of these and more connections to the Malay world which serves as a foil to narrow, group politics and which shows us the universality of the vision of Islam found in the key figures of the region over the centuries.

SIGNIFICANT DEVELOPMENTS, SPEECHES AND EVENTS

Keynote Address by the Prime Minister of Malaysia Dato' Sri Najib Tun Razak at the 'Global Movement of Moderates Conference' (Kuala Lumpur, 17 January 2012)

In the Name of God, Most Gracious, Most Merciful.

Your Royal Highness, Your Excellencies, Ladies and Gentlemen, Distinguished Guests.

I am delighted to join all of you today at the very first conference of the Global Movement of the Moderates – I know many of you have travelled thousands of miles to be here, and I want to thank you for your dedication and commitment to our common cause. We have a saying in Malaysia, *tak kenal maka tak cinta*, which means “we can’t love what we don’t know” – and it is my sincere hope that over the next few days we will come to both know and love each other better, and to put that mutual empathy and understanding into the service of facing down extremism in all its forms.

Here in Malaysia, moderation has always been our chosen path. It is a testament to how we gained our independence from the British back in 1957; how we restored our relations with Indonesia in 1965; and how we helped build ASEAN in 1967, recovered from the tragic events of May 1969, engaged with China in 1972, and forged the ground-breaking ASEAN security and economic communities in 1993 and 2009. Each was a significant moment for our country, and all were gained through reasoned discussion and debate.

But over and above Malaysia’s own achievements, moderation is the *fitrah*, or essence, of humanity’s greatest heights; the solid bedrock on which all of the world’s civilisations have been built – for without it, we would long ago have succumbed to epicurean pleasures and delights! Yet moderation stands not just in the defence of willpower, discipline and restraint but of acceptance, freedom, tolerance, compassion, justice and peace.

Being moderate is not about being weak, about appeasement or about institutionalising mediocrity. And it is not about doing half-heartedly those things that are worthy of our fullest measure of devotion. Far from being an ideology of enfeeblement, as some would have us believe, moderation empowers us to go forward

and to leave a mark for good – attending to the needs, frustrations and anxieties of others at the same time as attending to our own.

In the words of Robert F. Kennedy, “it is from numberless diverse acts of courage and belief that human history is shaped. Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centres of energy and daring, those ripples build a current which can sweep down the mightiest walls of oppression and resistance.”

That, ladies and gentlemen, is the current we are here to build today – and let us make no mistake, we come together at a particularly troubled juncture in our global history. New faces of war, the global financial crisis and natural disasters on a previously unseen scale present us with challenges the like of which we have never had to face before. But face them we must, and the way we choose to deal with these changes will have a crucial bearing on the future of our shared civilisation.

The scale and speed of the events that unfolded across the Middle East and North Africa in 2011 at times felt almost overwhelming, but as the chaos and confusion gives way to calm the whole world is united in the hope that – rather than falling victim to an extremism and intolerance that closes in to fill the void – these countries and peoples can forge a peaceful, democratic moderation that will grant them more freedom of expression, not less.

Elsewhere, Nigeria has recently borne witness to deadly clashes between its Christian and Muslim communities. But the Nigerian government has made it quite clear that such behaviour will not stand and that there will be consequences for those who seek to hijack faith for violent ends. Because the real divide is not between Muslims and non-Muslims, or between the developed and developing worlds, it is between moderates and extremists.

So we have, each one of us, a choice to make: the choice between animosity and suspicion on the one hand and a sustained attempt to apprehend each other's world views on the other. Certainly, we should never assume that the oceans and gulfs that divide us grant us immunity to the conflicts of others. Tensions in Africa or harsh words uttered in the Americas can have consequences not only for those who live there but for us all. In today's world of the information superhighway such conflicts travel quickly – and no-one has a monopoly on truth.

Of course – much as it would be nice to claim the credit! – calls such as my own for a Global Movement of the Moderates are nothing new. Moderation is an age-old value, and one that runs right to the heart of the great religions. In Islam, the Prophet Muhammad counsels that “moderation is the best of actions”; in Christianity, the Bible says “let your moderation be known unto all men”; and in Judaism, the Torah teaches that moderation in all things is a “way of life” in the truest sense of Jewish custom.

But if moderation has long had a home within the world religions, then the reverse is also true: extremism has never been welcome inside our mosques, churches, synagogues and temples. Perpetuating hatred is, by its very nature, a lonely pursuit, flying in the face of widely held morality – and it is this dangerously untethered animus, coupled with a head-in-the-sand refusal to acknowledge the views and the values of others, that makes extremism such a potent threat.

And yet, time and again the side of righteousness has triumphed. History has been made not by those who espoused extremism but by those who, without surrendering their beliefs, stayed true to the path of moderation. We are all familiar with the extraordinary strength of will and leadership of Mahatma Gandhi, Nelson Mandela and Aung San Suu Kyi, but you don't have to be a world leader to be an inspiration. Moderates can make a difference wherever they make a stand – and it is time for the massed ranks of the moderates everywhere to stand up and to say to the extremists with a single breath a firm, resounding “no”.

Because one thing is clear: we cannot rid the world of extreme views by force. Violence begets violence – so we can best foster tolerance and understanding not by silencing the voice of hatred but by making the voice of reason louder. Persuasion, negotiation and co-operation: these must be our weapons in the face of enmity and malice.

Ladies and Gentlemen,

The range of speakers and delegates here today is diverse in every sense, embracing experts and thought leaders from all continents and walks of life. This can, I think, mean just one thing: that extremism has at some point affected every country, every profession and everyone. No-one is immune, nowhere is out of bounds and nothing is off limits – for the simple reason that extremists, with their totalising world views, are reluctant to leave any institution, sacred or secular, untouched.

Extremists, we know, are driven by orthodoxies – a set of messianic ideals characterised by crass simplifications, misrepresentations and outright lies. Rather than celebrating the sanctity of life, as is required by all religions, extremists emphasise the glory of the afterlife. Rather than seeking out and embracing difference they espouse ignorance, intolerance and introspection. And rather than embracing change they fear it and all who drive it, turning their backs on progress and seeking refuge in an idealised world that always stays the same.

The essence, and perhaps the attraction, of extremism is its apparent simplicity – so it falls to movements and gatherings like this one to interrogate these easy truisms with subtlety, intelligence and vigour.

Talk of extremism and extremist acts conjures up terrible images of murder, mayhem and human suffering, but extremism isn't always violent – and I believe

we literalise it at our peril. Take, for example, one of the most extreme yet ostensibly non-violent events in recent history: the global financial crisis.

Compared to the shockingly violent images that were beamed around the world in the wake of 9/11 – scenes of devastation on an epic scale that scarred a generation and seared the collective conscience of the world – the pictures taken outside Lehman Brothers on another September morning some years later were much more ordinary, familiar even. A young woman, tense and anxious, carries her belongings out of the firm's headquarters in a box. A disgraced executive, walking quickly, climbs into his luxury car and speeds away.

Nothing too unusual or untoward – and yet, without a single bullet fired, the extremes and excesses of Wall Street would in a matter of days take the world as we knew it to the brink.

Fast forward four years and it is clear there is no end in sight. The eurozone is still in crisis. Countless millions have lost their jobs, their homes and their security. And in addition to the human cost, some US\$14 trillion has so far been spent on the rescue plan – ten times the cost of the wars in Afghanistan and in Iraq combined.

So if my call for moderation is idealistic, it is hard-headedly realistic too. Many great Islamic scholars have been concerned with how Islam as a religious, cultural, political, ethical and economic worldview can help solve some of the biggest challenges we face today, and these are also questions that interest me – how moderation can solve not only the problem of violent extremism but can guide us through this global economic crisis.

Thomas Jefferson once said that “the selfish spirit of commerce knows no country, and feels no passion of principle but that of gain.” It is a sentiment that has been revisited many times in the years and months since Lehman's fell.

No less a figure than the Pope has blamed the global financial crisis on “the lack of a solid ethical foundation for economic activity.” Britain's Chief Rabbi Jonathan Sacks has written of the need for employers, bankers and shareholders to be “guided, even if no-one is watching, by a sense of what is responsible and right.” And for Muslims like myself, the structures and principles of Islamic finance have long put public good ahead of individual gain.

So how do we create a truly moderate global economy that works in the interests of the many not the few? How can we devise a system that delivers fairness for “the 99 per cent”, not just those at the top? Quite simply, we can no longer allow the workings of the markets to be value-free or value-neutral. Markets, we all know, are the only route to rising global prosperity and sustained, stable growth – but we must do away with the unjust, unfair outcomes they can produce when left unchecked, and with the kinds of reckless economic practices that brought our global financial system to its knees.

Massive overleveraging. Mind-boggling credit default swaps. Subprime lending. Like the monstrous creation of some crazy scientist, these new and poorly understood

financial practices rampaged out of Wall Street and left the devastated lives of millions in their wake.

But what of the men and women, the bankers and the traders, who went about their work with such abandon and with so little thought for anything beyond their own enrichment? A line of mug shots of the culprits would look very different to the ‘rogues gallery’ of extremists we have grown accustomed to in recent years – sharp-suited, desk bound and clean shaven rather than dark skinned, bearded and combat-trained.

This flies in the face of everything we have been told about extremism – but it also raises the important question: what do extremists look like? How can we come to know them? The answer, of course, is that extremists, like extremism itself, take many forms – and we can only know them by their acts.

It is something I believe the world would do well to remember, for too often in recent times we have seen extremism and Islam discussed in the same breath. In the aftermath of 9/11, for example, Southeast Asia came to be regarded as a ‘second front’ simply because it had the highest number of Muslims in the world. And yet terrorism has never gained the same grip here that it has secured in other parts of the world.

And when a great evil visited Norway last year, so-called experts filled the airwaves to assert that the attack bore all the hallmarks of Muslim extremists. We swiftly discovered that the awful truth was very different, yet around the world politicians, journalists and commentators remain committed to the idea that terrorism and Islam are two sides of the same coin.

After Timothy McVeigh brought mass slaughter to the streets of Oklahoma City, nobody suggested that all Christians were somehow responsible. To do so would rightly have been seen as absurd, yet that is the situation the world’s 1.3 billion Muslims find themselves in today.

How did this happen? How did acts of extremism by a tiny minority of Muslims come to be seen as a true reflection of the whole of the Islamic faith – and to overshadow the extremism that is being perpetrated right across the world, day in day out, by people of all faiths and none? Such pernicious views cannot be left unchallenged – and it is not enough to say, as many have done, that the solution to extremism is simply for more Muslims to speak up and speak out. We need to hear from moderates of all religions in all countries and from all walks of life – and when we do, the prize of peace is there for all to see.

Ladies and Gentlemen,

Malaysia has long been synonymous not with extremism but with moderation, tolerance, inclusivity and even acceptance.. In a predominantly Muslim country with substantial communities of Hindus, Buddhists, Christians, Taoists and Sikhs, we

know well the “dignity of difference”. We have many ethnic groups, many religions, but we continually strive to be a harmonious and truly united nation predicated on the values of moderation and the spirit of *IMalaysia*.

We know that we are best and we are strongest when we actively embrace our differences rather than just putting up with them – and it is in that spirit that we come together at the first ever meeting of the Global Movement of the Moderates. But a truly global movement cannot be imposed from above – so we must awaken in all our countries and communities the triumph of truth over ignorance, falsehood and fear.

Ladies and gentlemen,

To advance our common cause, I am pleased to announce today the formation here in Malaysia of an Institute of *Wasatiyyah* [Moderation] operating as part of the Prime Minister’s Office, to further the pursuit of moderation and balance in all its aspects – respect for democracy, the rule of law, education, human dignity and social justice. In the words of the great scholar Imām Ibn al-Qayyim, *wasatiyyah* – moderation or ‘balance’ – “neither being too lenient nor too extreme is like an oasis between two mountains”, and to encourage many more such scholars in the future we will also be creating an academic Chair of *Wasatiyyah*, operating under the University of Malaya, with the holder to be announced in due course.

To spearhead this work at an international level, I am delighted to announce the launch of a new Global Movement of the Moderates Foundation as a centre of first resort for the consolidation and dissemination of information and campaign materials to all those who want to join the fight against extremism, governmental and non-governmental bodies alike. Certainly it is essential that, rather than being an exclusive initiative by Malaysia, the GMM complements other initiatives for global dialogue and co-operation such as the United Nations Alliance of Civilisations.

It will not be a campaign for the faint hearted, but we cannot allow this moment to be overtaken by extremists, with those who shout loudest gaining the most. In the words of that great advocate for peace, Mahatma Gandhi, “an eye for an eye makes the whole world blind” – so it is for moderates everywhere to stand firm and stand proud, to dissipate the pull of the extremes and to deny those at the margins a foothold on the middle ground, ensuring that frustrations, wherever they are felt, are heeded and that voices, wherever they speak out, are heard.

Certainly, I hope this inaugural conference will provide an opportunity for us to brainstorm, debate and explore some of the practical challenges ahead – questions like: What does it take for a set of ideas and values to become a truly global movement? How can we inject moderation into our foreign policy decisions and domestic economic measures? And what can we learn from each other in the promotion of understanding, tolerance and peace?

Ladies and gentlemen,

Maybe I am naïve to hope for a world without terror, intolerance and all of the hatreds and miseries that man inflicts on man – but the price of failure if we dream too small is simply too high to pay. So let us dare to dream big, let us dare to imagine what was once thought unimaginable, and yes, let us dare to answer the clarion call to action. Oppression and tyranny can only win out if good men and women stand idly by, unwilling to turn rhetoric into action and opinions into deeds.

So let us here, today, together, commit ourselves to change and begin the task of building a new coalition of the moderates for our times – and may I thank you once again for coming and wish you well in your discussions over the next few days. There has never been a more important conversation, and it is one that we must undertake with temperance, fortitude and courage.

**‘Human Capital Development: The Key to Moderation’
Speech by the Former Prime Minister of Malaysia
Tun Abdullah Ahmad Badawi
(Kuala Lumpur, 18 January 2012)**

In the name of God, Most Gracious, Most Merciful.

Your Excellencies, Ladies and Gentlemen, Distinguished Guests.

First of all I would like to thank the organiser for inviting me to share my thoughts on the topic, “human capital development as the key to moderation.” It is a real delight for me to see so many renowned scholars and thinkers assembled here in Kuala Lumpur – a gathering of the moderates – to promote the subject of moderation, peace, harmony and cooperation.

Approximately six years ago, I had an opportunity to raise the question, “Who speaks for Islam? Who speaks for the West” at an international conference held in Kuala Lumpur.

In my speech then, I held the view that “those who deliberately kill non-combatants and the innocent, those who oppress and exploit others, those who are corrupt and greedy, and those who are chauvinistic and communal do not speak on behalf of Islam”.

Likewise, I do not regard “those who invade and occupy someone else’s land; those who systematically cause innocent children, women, and men to be killed; those who oppress other people and exploit their resources for their own selfish ends; or those who are racist in outlook and bigoted in their religious beliefs. Anyone who seeks to dominate and control, who attempts to establish global hegemony, cannot

claim to be spreading freedom and equality at the same time” as the defenders of Western civilisation.

I asserted that certain voices, both in the West and in the Muslim world, are not given the prominence or attention they deserve. It is only too apparent that these two groups – one in the West and the other in the Muslim world — share a common perspective on some of the critical challenges facing both civilisations and the world at large. Both are opposed to hegemony. Both reject violence and terror. Both yearn for a just and peaceful world. Both are united by a common bond. It is this common bond that makes them bridge builders.

It is therefore reason for me to be happy to see many of the ‘bridge builders’ here tonight – fine men and women who are capable of reaching out to one another, who are willing to transcend the civilisational divide, a willingness which we need badly at this juncture in history.

Moderation evidently acquired renewed significance in the wake of the ‘clash of civilisations’ thesis, the 9/11 attacks and its regrettable aftermaths. Restoring balance to many of the disturbing realities we witness has become a pressing calling of the moderate forces of the world. The Muslim community and Malaysia are not an exception, even though Malaysia took the initiative to appeal for a ‘Global Movement of Moderates’. Moderation is the shared advice of most of the world’s leading religions and moral philosophies, some even preceding Islam.

The Mecca Declaration of the OIC Islamic Summit in December 2005 thus declared: “We affirm our unwavering rejection of terrorism, and all forms of extremism and violence.” The Summit Communiqué further added: “Islamic civilisation is an integral part of human civilisation, based on the ideals of dialogue, moderation, justice, righteousness and tolerance as noble human values that counteract bigotry, isolationism, tyranny and exclusion. It is therefore of paramount importance to celebrate and consecrate these magnanimous values in our Muslim discourse within and outside our societies.”

Ladies and gentlemen,

Poverty and extremism are the two arch enemies of moderation. Poverty is certainly not a problem afflicting only poor Muslim countries. Global poverty is a grave threat to global stability and provides breeding grounds for extremism. I strongly believe that the elimination of poverty and the provision of good governance are key in the fight against extremism and violence.

Moderation or *wasatiyyah* can eliminate and cast aside extremism that can lead to aggression and make way for friendship, cooperation, development; mutual understanding of doing things together that creates an environment or condition that encourages economic development.

The Qur'ān emphasises the importance of *ummat^{an} wasaṭ^{an}*, which means Muslims are meant to be an *ummah* which is justly balanced in nature between the legal aspect of religion and the spiritual dimension, as well as between the internal and the external aspect of life.

Wasaṭiyyah is not something new. It has been in the Qur'ān, and when the six *muṣḥaf* (the early copies of the Qur'ān) had been sent to various centres of learning, people read the Qur'ān, and sought to be guided by the Qur'ān.

But unfortunately today we see Muslims fighting among themselves. Allah gave them the Qu'ran. God shows the way to live in peace, stability, harmony and prosperity. Yet the Muslims continue to dispute and to fight and to wage war among themselves. To those people, I like to ask, “Have we forgotten the Qur'ān and its teachings? Have we forgotten Allah?”

Ladies and gentlemen,

Moderation implies a proper development of one's psychology and soul through proper acquisition of knowledge and wisdom. Hence, a man must undergo a proper process of education and training which is necessary and a prerequisite for the inculcation of moderate virtues in his self. He must also acquire sufficient knowledge that is relevant to his different psychological faculties, be it intellectual, spiritual or emotional in order for him to have a balanced and justly proportioned psychological stature. The disharmonious and disproportionate acquisition of proper knowledge will definitely lead to negative effects, and at times, even fatal. We have seen many real cases where individuals with an imbalanced human development have caused a lot of problems either to organisations or to the nation.

In the context of the development of a nation, a proper and systematic process of inculcation of moderation in every member of the nation at every level is very crucial. This is where human capital development becomes the key factor to the inculcation of moderation.

Therefore, *wasatiyyah* and human capital development are like twins that promote cooperation, mutual respect, mutual help among peoples and communities.

But *wasatiyyah*, in my view, must have content for it to be able to be promoted and to eliminate extremism. I want to say this: *wasatiyyah* must have a *manhaj* – a guide – and the *manhaj* is *Islam Hadhari*.

All of us must hold to certain common principles that we have to follow. Those principles should be compatible with the values of our religion. When we begin to hold on to these principles, we will be together. Cooperation based on understanding will encourage development that can benefit all.

Ladies and gentlemen,

Islam Hadhari provides a set of ten principles that arise from the mainstream teachings of Islam and widen the scope of the Islamic discourse toward its broader civilisational goals. *Islam Hadhari* promotes inclusivity and people's welfare objectives regardless of race, gender and religion, and it is grounded in the conviction that Islam can tap into its own rich intellectual tradition to challenge extremist and partisan doctrines.

Islam Hadhari aims at both promoting a progressive developmental outlook and also building a moral society with strong religious and spiritual values. It calls for Muslims to be progressive, modern and dynamic in thinking and practice, which essentially encompasses the spheres of economy, politics, society, culture, education, defence, technology and science. These comprehensive characteristics are pertinent ultimately in reinstating Islam not only as a true religion but also a great civilisation.

Indeed *Islam Hadhari* can serve as a common platform on which Muslims and non Muslims can come together, holding the principles as values in common that can create unity and stability within society. I have spoken about *Islam Hadhari* on many occasions locally and internationally. It is well received by Muslims and non-Muslims – both can come together for peace and cooperate through stability.

The ten principles laid down in detailing *Islam Hadhari* should be seen as the fundamental in achieving the aims mentioned. They are:

- i. Faith and piety in Allah
- ii. Just and trustworthy government
- iii. Freedom and independence of the people
- iv. Mastery of knowledge
- v. Balanced and comprehensive economic development
- vi. Good quality of life for all
- vii. Protection of the rights of minority groups and women
- viii. Cultural and moral integrity
- ix. Protection of the environment
- x. A strong defence policy

Looking at these ten principles, it is obvious that they serve as important foundations for producing a developing and progressive moderate human capital. It begins with the strong religious basis, belief in God, which is fundamental in strengthening the internal, psychological dimension of a human being. A strong theological foundation will also be the basis of strength in other dimensions of life.

From the Islamic perspective, human capital development does not only aim at the enhancing the economic progress of a country. More importantly its final end is to produce a good man with good ethical conduct and balanced understanding of both

his religion and his worldly life. Once this is achieved, not only the economic progress, other dimensions of life such as social and political aspects will also share the benefit.

At this stage, it is important for me to emphasise that education and development based on the principles of *Islam Hadhari* are not intended for the Muslims alone. The ten principles of *Islam Hadhari* are for all irrespective of race or gender in Malaysia. The ten principles are actually guidelines for education and development which are based on values that are acceptable to the religious practices by Malaysians such as Christianity, Hinduism and Buddhism. Therefore such principles will bring us together – so that Muslims and non-Muslims of Malaysia accept our policy on education and development that ensure us a future of progress and prosperity while enjoying cultural diversity and racial harmony in our country.

I had the opportunity on many occasions to give a talk on *Islam Hadhari* overseas. I must say that I was delighted and thankful to God that the principles are easily acceptable because they are compatible with their country's development.

Ladies and gentlemen,

I would like to repeat to you again, *wasatiyyah* can be an instrument to eliminate and cast aside hatred and adversaries. In turn it can promote peace, stability, harmony, cooperation.

There is a groundswell of realisation, I believe, of the futility of seeking solutions to issues through military, extremist and violent means. This is shown to some extent by the return to the ballot box of many Islamic parties and movements in recent years, some of which have won sizeable votes or formed governments. The Arab Spring too manifests a public demand for democracy and good governance. Malaysia's call for a 'Global Movement of the Moderates' and the wide support it has received since September 2010 is also a good indication in the same direction.

For peace we adopt what is good for us. *Inshā' Allāh*, if we are willing to hold on to what is in the Qur'ān, God will be with us.

Ladies and Gentlemen,

I conclude with an earnest prayer and hope that the Muslim world and the whole of humanity enter a new phase of peace and prosperity through better understanding and cooperation in a more peaceful environment. The power of love, not the love for power, can bring peace.

Thank you.

‘Integrity: You Know It but Do You Have It?’

**Excerpts of an Inaugural Lecture by Former Chief Justice of Malaysia,
Tun Abdul Hamid bin Haji Mohamad**

(Kajang, Selangor, Malaysia, 3 February 2012)

I thank UNITEN¹ and the Institut Integriti Malaysia for giving me the honour of delivering the first lecture of this series. I am more honoured by the fact that this lecture is on integrity which makes me believe that I must have some integrity, at least sufficient to deliver this lecture, provided that the invitation is not a mistake!

As I am not an academician, I have decided to speak about what I have seen, heard and experienced throughout my life, *vis-à-vis* integrity. So, if you were to ask me how long I took to prepare this lecture, my answer is “Sixty nine years and ten months!”

I take this opportunity to quote two verses from the Qur’ān:

O you who have believed, why do you say what you do not do? Great is hatred in the sight of Allah that you say what you do not do (61: 2-3).

These verses convey the essence of integrity in one’s speech and personal conduct. In my view integrity has recognisable indicators, which include the following:

1. Integrity has to be earned the hard way throughout our life. You may have spent years or decades doing the right thing and accumulating your integrity, but one misstep, one mistake, one indiscretion affecting your honesty or morality, the whole of what you have accumulated is wiped out. Once you lose it, it is even more difficult to accumulate it again.
2. A person’s academic qualification is quite irrelevant for a person to attain integrity even though it helps to understand it. But understanding integrity does not make one a person of integrity. A person may be an intellectual but he may be intellectually dishonest or he may be dishonest with his maid or driver, both of which, trivial as they appear, would put a blot on his integrity. You will be surprised that what appears to be trivial may have a big negative effect on a person’s integrity.

On the other hand, a person may not be able to define integrity. He may not be able to give a lecture on it. With the *fiṭrah* that Allah has given us, with right upbringing, right surrounding, a person would know what is right and what is wrong. True enough that right and wrong could be subjective, greatly influenced by your religion, culture, society and law. Yet, when it comes to honesty, the core ingredient for integrity, I do not think there is any room

for a difference of opinion. So, lack of integrity is not due to ignorance. You know integrity but the question is: do you have it? Whether you have it or not depends on you, on what you do throughout your life. In other words, it boils down to our character. But, we are all human. Everyone has moments of weakness and indiscretion. However, what makes the difference is how serious and how often. When such moments of weakness and indiscretion become the norm rather than the exception, even more when those wrongs have become normal, then there is something really very wrong with the person.

3. A person's position is irrelevant too. He may hold a very high, important and powerful position. If he has no integrity, the very same people who salute him, bow to him, greet him and try to please him, may not have any respect for him deep in their hearts. A good indicator is what people say behind your back or how the same people treat you after you retire: whether, seeing you walking in the supermarket, people whom you don't even remember or recognise would walk up to you, greet you, introduce themselves, ask how are you and wish you well or, whether even those you recognise just turn away. That is why I used to say that the real assessment of our career while we are still alive is when we retire. The final one is when we die.
4. Integrity requires no advertisement if you have it; neither can you hide it if you don't have it. Actually, a person's honesty can be seen on his face. I am sure you have experienced listening to a speaker whose delivery was impeccable, who was very fluent and witty and who spoke without text. You were mesmerised by him but, when he stopped and the moment the sound of clapping died down, you wondered whether he meant what he said. On the other hand, you will have experienced listening to another person, who read his speech with some difficulty but even as he spoke, to quote the late Tun Mohamed Suffian, "you could see his honesty shining through his forehead."²

Out of curiosity, I tried to check what other people have said or written about integrity, focusing on the word "integrity" itself in relation to individual integrity as against organisational integrity. I find the results interesting. Let us run through a few of them.

- "A person is not given integrity. It results from the relentless pursuit of honesty at all times." – Unknown.
- "Integrity is what we do, what we say and what we say we do." – Don Galor.
- "Integrity is the essence of everything successful." – Richard Buckminster Fuller.³
- "Integrity is doing the right thing, even if nobody is watching." – Anonymous.

- “Have the courage to say no. Have the courage to face the truth. Do the right thing because it is right. These are the magic keys to living your life with integrity.” – William Clement Stone.⁴
- “Integrity is telling myself the truth. And honesty is telling the truth to other people.” – Spencer Johnson.⁵

Surprisingly, they seem to be talking about the same thing.

I have been talking about integrity at the individual level. To me that is where it begins, whether you are looking at the individual, group, society or organisation level. Of course, at group, society and organisational levels, additional factors come into play.

Let us take a glance at the society level. First, let us take a few random samples focusing on honesty, the key ingredient to integrity.

A professor of Polish origin who taught at the National University of Singapore, told me whenever he crossed the causeway to Johor Bahru (Malaysia) he would take a taxi driven by a man wearing a white cap because he found him more honest.

A professor from the United States left his jacket with his billfold and passport in it in a train in Japan. He rang up the number on the ticket. He was told to go and collect it at the next station. He found everything intact.

A captain of an international merchant ship told me that the worst port in the world in terms of cheating is a port in a predominantly Muslim country in the Middle East.

Travelling in Switzerland, I saw farmers placing a table on the side of the road with vegetables for sale. The vegetables had been weighed and each bundle had a price tag on it. There was a box on the table for you to put money into. If you have no change you could open the box and take your change. Mind you, there was no one around. (I told a friend about it. He said that if we were to do it here, even the table would be gone!)

A friend of mine told me of blatant cheating at a temple that he went for pilgrimage to.

In 1981, I was transferred to a State as the State Legal Advisor. A few days before the *‘Īd al-Fiṭr*, I went to the mosque to pay my *fiṭrah*. The *mu’adhdhin*, who was also an authorised official (*‘āmil*), was there. He asked me whether I had registered. I replied “No. I have just come to live here.” I paid him the required amount. He put it in his pocket. I waited. Then he said (in Malay), “*Dah selesai*” (“Done”). I asked: “What about the receipt?” He replied, “No need because you have not registered.”

If you go to Mecca you will find that the moment the *adhān* is heard, shop keepers would just leave their merchandise and head for the mosque. You are impressed by it. But, when you want to buy something, then you realise that you don’t even know the reasonable price for a particular item. You are at the mercy of the shopkeeper. He may quote whatever price he likes, sometimes taking advantage of the ignorance and the

naivety of the customer. It is up to the customer to bargain. To him it is legal. Strictly from the *fiqhī* perspective it may be legal, but is it honest? Is that what the *sharʿah* is all about? To me, *sharʿah* is not only law. It has a soul. The soul is *īmān* and honesty is an integral part of it.

A few years ago, I went into a sports shop in The Hague, Netherlands. I liked a pair of shoes with a tag of 25% discount on it and I told the shop attendant about it. He went to fetch the other side of the shoe and came back to me. He pointed to a small hole on the side of the shoe.” You see the hole here. We only have this pair, I cannot sell you for 25% discount. If you want this pair, I’ll give you 50% discount. Or you can go to our other branch and get a new pair” (at 25% discount, of course.)

The Mecca and the The Hague experience are very interesting really. The Hague shop assistant was actually practising the *sharʿah* principle that it is obligatory for the seller to disclose the defects in the goods he is selling, without knowing that that is a *sharʿah* requirement. On the other hand, the shopkeeper in Mecca was practising the common law principle of *caveat emptor* (buyer beware) without knowing it either. Between the two practices, which is more Islamic?

Perhaps it is these kinds of things that made Muḥammed ʿAbduḥ⁶ to remark after his trip to Europe: “I saw Islam without Muslims.” I do not know whether back in Egypt he then saw Muslims and Islam or Muslims without Islam.

Looking at these samples, my first comment is that you can find both honesty and dishonesty everywhere, only more here or less there. Neither can you point to one particular factor as the reason why one group of people whether in the same country or in different countries is more honest than the other. You cannot say it is religion, for example, because you will find that people in developing countries who appear to be very religious, at least ritually and appearance-wise, are less honest than the people in developed countries, the majority of whom care very little, if at all, about religion. The examples I gave earlier would bear testimony to this statement.

We also cannot generalise that people belonging to a particular religion are more honest than another. We find that people belonging to the same religion in one country are more honest and less corrupt than in another country.

I think the answer lies in a combination of factors. Including religion, morals, ethics, culture, education, upbringing, level of economy, opportunity (in the case of corruption), greed and competition (especially in the business world) and law and order.

Besides these factors, the behaviour of members of organisations, e.g. in Government departments and companies, I think, depend very much on the leadership and the philosophy of the organisation. The story of the professor who left his jacket on the train in Japan, the story of the shop assistant in The Hague, the story of the shopkeeper in Mecca are examples of the philosophy of the organisation.

At the national level, more so in the fight against corruption, there must be political will: the determination to fight corruption and the example of not being involved in it.

Singapore has been quite successful in this. Admittedly, politics in Singapore is more straight forward. There is no opposition, really. There, a political party does not need big capital to fight an election. On the other hand, there is a completely different election culture here. Sadly, that has become the Malaysian culture. My worry is that we have reached a stage where voters are offering their votes for sale to the highest bidder purely for short-term personal gains and the political parties have no choice but to keep bidding, disregarding the effects on the country and the nation, even more if the politicians have stopped thinking beyond five years!

Once I was in The Hague on a general election day. I would not have known that it was an election day had I not been told about it: there was not a single poster along the road. Still there was an election.

Whatever it is, corruption is not always in the form of political donations. It is more personal and direct.

What is important is that the political leaders, top level administrators, corporate leaders must be serious about combating corruption and must lead by examples, good examples.

When I mention “corporate leaders”, I am referring to all the “givers”. Very often, people tend to focus only on the public sector while the private sector escapes attention: Government, public servants, judges and others must be clean; companies and businessmen need not be clean as they are only to be judged by how much profit they make. That culture has to change.

When I mention “politicians”, I mean all politicians, whether they are at the moment running the government or in the opposition. For those in power, the attitude that they are an exception is definitely not going to help. In the fight against corruption, no one is special and no one is an exception. For those in the opposition, the attitude that today is your turn and tomorrow will be our turn is not going to help either.

Unfortunately, even in combating corruption, political interest still rules. I was Chairman of the Advisory Council of the Malaysian Anti-Corruption Commission (MACC) until I resigned because of my long hospitalisation. During the two years that I was Chairman, I saw the frustrations of the officers who were discharging their duties diligently and honestly. They should get the full support from everyone because the fight for corruption is a common ground for all. Instead, some groups take side according to their vested interests, in the name of the people, justice, fairness, equality, freedom of speech, human rights, democracy and so on. They screamed for action to be taken against their opponents. But when their members were investigated, they alleged that they were persecuted. When their opponent was arrested, charged, tried and convicted, there was a complete silence from them. When one of their men fell from the office of the MACC and died,⁷ they straight away blamed the MACC for it. The NGOs too joined in. When an inquest was held, it was criticised, forgetting that such inquests are normally held in such cases since the

British introduced the Criminal Procedure Code in this country. While the inquest was going on, demonstrations were held, in effect demanding that decision be made the way they wanted it to be. That inquest took 51 working days over a period of 18 months.⁸ It was followed by a Commission of Inquiry of five members which took another 51 working days of public hearing.⁹

Everybody sympathises with the deceased and his family. Nobody wants such an incident to happen. But we should be fair to all. Let the process of the law take its own course first, at least. Independence of the judiciary does not mean only non-interference by the Executive. What applies to the Executive equally applies to everybody.

In a very similar incident involving a Senior Customs Officer¹⁰, which happened about two years later, only an inquest was held. It proceeded quietly and smoothly and it took only 15 working days over a period of three months.¹¹ There was no Commission of Inquiry. There were no demonstrations and even the NGOs that were so vocal in the first case were notably quiet in the second case. How do you explain that?

I am also a member of the Judicial Appointments Commission. (Let me make it clear that I am saying all this in my personal capacity). We are doing our best to recommend the right candidates for appointment as judges and also for promotions. We are also trying to restore the integrity of the judiciary which was at its lowest following the V. K. Lingam video clip incident. I dare say that the integrity of the judiciary has improved significantly in the last four years. Besides, the Courts have succeeded in reducing the backlog and the period taken for the disposal of cases to such an extent that even the World Bank has given a favourable report.

To conclude, and with the voice that Allah has given back to me, let me remind myself and those who do not mind being reminded with the words of Allah:

We have indeed created man in the finest of moulds, then We reversed him to the lowest of the low, except those who believed and did good works; for them there is a reward unending (Qur'ān 95: 4-6).

Hopefully, we will be among the exceptions.

Thank you.

Notes

1. Universiti Tenaga Nasional.
2. He was referring to Tun Hussain Onn (1922-1990), the third Prime Minister of Malaysia (1976-1981).

3. 1895-1983, American systems theorists, architect, engineer, author, designer, inventor, and futurist.
4. Businessman, philanthropist and New Thought self-help book author (1902-2002).
5. Writer (1940-).
6. An Egyptian jurist, scholar and reformer regarded as the founder of Islamic modernism. (1849-1905).
7. Teoh Beng Hock, a political aide to a DAP State Assemblyman; date of incident: 15 July 2009.
8. Source: Office of Chief Judge (Malaya).
9. From the first day of hearing until the report was completed (printed). Source: Office of Chairman of Commission of Inquiry.
10. Ahmad Sarbani bin Mohamed; date of incident: 6 April 2011.
11. Source: Office of Chief Judge (Malaya).

**‘The ‘Arab Spring’:
Prospects and Challenges for Good Governance
in the Near and Middle East
(13 February 2012, Thammasat University, Bangkok)**

Christoph Marcinkowski, IAIS Malaysia

This writer delivered a lecture on invitation at the international symposium “The ‘Arab Spring’: Prospects and Challenges for Good Governance in the Near and Middle East.” The one-day event was organised and hosted by the German-Southeast Asian Center of Excellence for Public Policy and Good Governance (CPG), Faculty of Law, Thammasat University (Phrachan Campus), Bangkok, Thailand. It addressed the series of dramatic events across the Middle East, known as ‘Arab Spring’ in which mass demonstrations against longstanding authoritarian regimes have provoked vibrant discussions on prospects for different forms of governance in the region.

The ‘Arab Spring’ saw an unprecedented number of citizens become directly involved, despite a multitude of motivations, in the dismissal of public figures through means of public protest. As the right to participate in government is a recognised aspiration as declared by regional and international laws alike, what will this mean for future constitutional modeling and law-making in those changing societies in the region? Some have voiced preferences for Islamic-based caliphates, as has been reported in Yemen and Libya, while others, such as Egypt’s Muslim Brotherhood, have called for integrative forms of government which seek to combine Islamic values with those forms akin to Western-styled liberal government. Others, meanwhile, call upon states to implement policies more akin to Western-styled secular concepts of political order and society.

The event was made up of two panels – one before and the other after lunch break. The first panel featured Prof. Dr. Henning Glaser (Faculty of Law, Thammasat University), who delivered his introductory lecture, entitled “Patterns and Cleavages

of Governance in the Middle East.” The second panelist was Dr. Sukree Langputeh (Department of Islamic Law, Faculty of Islamic Studies, Yala Islamic University, Thailand) who talked about the “Democratic Recovery Process in the Middle-East.” The first panel was concluded by a lively question and answer session.

The event continued after the lunch break with a second panel which featured two speakers: This writer delivered a lecture, entitled “The ‘Arab Spring’: Struggle for Civil Liberties or Drive Toward Islamist Theocracy?,”¹ which concluded on a somewhat less optimistic tone in terms of the progress of democratic forces in the Middle east, whereas “Arab Spring and the Muslim Southeast Asia” by Dr Imtiyaz Yusuf (Graduate School of Philosophy and Religion, Assumption University, Bangkok, Thailand) offered his views on possible spillover effects of the events in the Middle East on Southeast Asia. The second panel too featured a spirited question and answer session.

In sum, the event featured a very valuable debate regarding the open future of good governance in the Middle East and the Muslim world at large. The events of the ‘Arab Spring’ were (and still are) diverse, distinct, and complex. Within this context, the scholars present at the event considered whether this collective banner best captures the diverse motivators of change in each respective state. Indeed, “the important story about the 2011 Arab revolts in Tunisia, Egypt, and Libya is not how the globalisation of the norms of civic engagement shaped the protesters’ aspirations,” writes Lisa Anderson in the *Foreign Policy* magazine. “Nor is it about how activists used technology to share ideas and tactics. Instead, the critical issue is how and why these ambitions and techniques resonated in their various local contexts, [given that] the patterns and demographics of the protests varied widely.”²

There emerge key questions as to the prospects for statehood, political order and governance in the region as a result of the ‘Arab Spring’. How might these events come to influence governance structures in the region? How might governance structures diversify, given the commonality and diversity in each respective state?

Notes

1. Forthcoming in April 2012, *European-Asian Journal of Law and Governance* (Germany) 2, no. 2.
2. Lisa Anderson, “Demystifying the Arab Spring: Parsing the Differences Between Tunisia, Egypt, and Libya,” available online at <http://www.foreignaffairs.com/articles/67693/lisa-anderson/demystifying-the-arab-spring> (accessed on 14 February 2012).

'Persians and Shi'ites in Thailand: From the Ayutthaya Period to the Present'

(March 2012, Singapore)

Christoph Marcinkowski, IAIS Malaysia

This writer delivered a public lecture upon invitation by the renowned Nalanda-Sriwijaya Centre (NSC) at the Institute of Southeast Asian Studies (ISEAS) in Singapore.

In recent years, Thailand – as well as other Southeast Asian nations such as Malaysia, where to date there are said to live more than 100,000 Iranians in its capital Kuala Lumpur alone – has become a popular destination for Iranians. As a matter of fact, Iranian migration to what is now Thailand began as early as the seventeenth century, during the Ayutthaya period when the kingdom hosted a large colony of Iranian merchants. Some of their descendants converted to Buddhism and continued to retain influence in Thai public life to the present day; one prominent example is the Bunnag family, whose ancestor 'Shaykh Ahmad' is said to have come from Qom and arrived at Ayutthaya in 1602.

A cohesive, comprehensive, and chronological account of the Persian cultural presence in Southeast Asia is difficult, if not impossible, to present owing to the diverse and multifaceted nature of the Southeast Asian communities. Persian influences are particularly discernible in the vocabulary of the two dominant languages of the Southeast Asian region, i.e., Malay (the *lingua franca* of the Muslims in the Malay-Indonesian archipelago), and Thai or Siamese (from the sixteenth century and the Ayutthaya period onwards). Iran's cultural and trade relations with Southeast Asia date far back into the pre-Islamic period. However, official diplomatic relations between the two regions, exemplified by the exchange of non-permanent missions rather than by permanent extraterritorial embassies, become traceable only during the Safavid period (1501-1722).

This writer's lecture – supported by a PowerPoint presentation – focused on the main features of the Persian cultural presence in Thailand from the Ayutthaya period up to the present, based on his extensive field research and publications in the course of the last decade.

Notes

1. See, for instance, Christoph Marcinkowski, "Persian Religious and Cultural Influences in Siam/Thailand and Maritime Southeast Asia: A Plea for a Concerted Interdisciplinary Approach," *Journal of the Siam Society* 88, pt. 1-2 (2000), 186-94; idem, "The Iranian-Siamese Connection: An Iranian Community in the Thai Kingdom of Ayutthaya," *Iranian Studies* 35, nos. 1-3 (Winter-Summer 2002), 23-46; idem, *From Isfahan to Ayutthaya: Contacts between Iran and Siam in the 17th Century*, with a foreword by Professor Ehsan Yarshater, Columbia University, New York

(Singapore: PN, 2003); idem, "The Iranian Presence in the Indian Ocean Rim: A Report on a 17th-Century Safavid Embassy to Siam (Thailand)," *Islamic Culture* 77, no. 2 (2003), 57-98; idem, "Iranians, *Shaykh al-Islams* and *Chularajmontris*: Genesis and Development of an Institution and its Introduction to Siam," *Journal of Asian History* 37, no. 2 (2003), 59-76; and idem, "'Holier than Thou': Buddhism and the Thai People in Ibn Muhammad Ibrahim's 17th-Century Travel Account *Safineh-yi Sulaymani*," *Zeitschrift der Deutschen Morgenländischen Gesellschaft* (Germany), vol. 156, no. 2 (2006): 407-419. See also various relevant entries by this writer in the *Encyclopaedia Iranica*, available online at <http://www.iranicaonline.org/>

**'Second International Conference on Islam and Higher Education:
The Empowerment of Muslim
Communities in Private Higher Education'**

(Kuantan, Pahang, Malaysia, 14-16 November 2011)

Tengku Ahmad Hazri, IAIS Malaysia

For a civilisation that rests squarely on knowledge, the primacy of education throughout the Islamic world is given its due throughout history chiefly by private individuals and groups. Notwithstanding state patronage of scholarship, the bulk of literature is often produced by independent scholars. But this historical reality came under serious challenge with the advent of the modern expansionist state, whose centrality in the public sphere gave birth to its dialectical Other, the private sector. Responding to this challenge, IAIS Malaysia organised the Second International Conference on Islam and Higher Education in collaboration with the Yayasan Pahang (Pahang State Foundation), IKIP International College, International Institute of Islamic Thought (IIIT) East Asia and the Islamic Development Bank (IDB). The theme of the conference, "Empowering Muslim Communities in Private Higher Education", was carefully worded to reflect at once many different concerns – knowledge as a means of empowerment, education realised at the collective level (in communities) and the movement into the private sector, especially in higher education (sometimes called tertiary education). The theme is also indicative of a negotiation with prevailing realities, for concepts like public-private dichotomy, higher education and so on are but innovative ideas grafted onto the body of traditional discourse bearing distinctive assumptions that are themselves unique to contemporary experiences. Collectively taken they justify the need for such a conference as a follow-up from a similar initiative the previous year.

The keynote address was delivered by His Excellency Ekmeleddin Ihsanoglu, Secretary-General of the Organisation of Islamic Cooperation (OIC), while the official closing speech was by the Menteri Besar of Pahang, YAB Dato' Seri diRaja

(Dr) Haji Adnan bin Haji Yaakob. More than 20 papers were presented by scholars, policymakers and researchers from all over the world. This alone testifies to the global dimension of the issues being addressed thus demanding a global response and solution, as Osman Bakar, Deputy CEO of IAIS Malaysia and Conference Organising Chairman, noted in his welcoming speech. Mohammad Hashim Kamali, Founding Chairman and CEO of IAIS Malaysia, observed in his welcoming speech that the centres of scholastic knowledge in Islamic civilisation have always been the schools of thought (*madhāhib*), which were named after scholars, not institutions, and thus with commercial encroachments into education, the risk of subjugating it to commercialisation and the profit motive is there. This problem – balancing objective scholarship with the profit agenda – was in fact a crucial leitmotif throughout the conference. The proliferation of private higher education institutions (PHEIs) is a welcome development but is not without criticism from many quarters—for instance, those who censure the profit-motive that might underlie such initiatives (and its probable crippling effect on objective research and scholarship, producing a sort of ‘scholars for dollars’ mentality), and the financial scarcity to entertain such ventures in the long run. During the three-day conference, questions like these were seriously debated and discussed, both practically and even more profoundly as theoretical-philosophical issues over the meaning, purpose and content of education, as well as the legitimacy of the public-private divide.

One major discussion point was the low Muslim share in private higher education. According to Ismail Mohd Rashid (Malaysia) in his presentation, less than half of PHEIs in Malaysia are Muslim-owned, a strange fact since many Muslim countries, especially the Gulf States, have plentiful resources that would justify entry into private education, but sadly this is not being done. Various other factors were highlighted by Sultan Abu-Orabi (Jordan), including brain-drain, lack of infrastructure and low investment in scientific education and research.

Concerning financing, a prominent discussion was the rehabilitation and refinement of *waqf* (charitable endowment) as a way of funding private educational initiatives, and offering a possible avoidance of the profit motive. Indeed, this possibility is especially critical when governments are less than friendly towards Islamic religious education, such as in the Balkans as we learned from Mesut Idriz’s presentation. In such situations, these endowments can fund independent religious faculties (for instance in Sarajevo, Skopje, and Prishtina) even without formal state-accredited universities. Beyond this, greater solidarity in the Muslim world has been called for, so that collaboration and sharing of resources can help less privileged societies and institutions. These include partnerships between public and private institutions, a greater role taken by local and international NGOs (like FUIW), and established universities setting up branches or campuses in areas where the local communities (especially in Muslim minority countries) lack the resources for their own institutions.

Yet another challenge that was addressed was the very purpose of education, for education should produce a good human being, not merely a good ‘citizen’ or ‘employee’ (a theme that was explored even in the First Conference). The current focus on producing employable graduates rather than fine human beings is thoroughly misplaced because the truth is that the former follows from the latter, not the other way around. This presumed distinctive feature of Islamic education is what ultimately shapes the nature and characteristic of Islamic education – at the micro level in the form of Islamic studies faculties and syllabus, as well as at the macro level in the form of an Islamic university.

This last component is critical because we currently witness a number of Islamic university initiatives, like the International Islamic University Malaysia (IIUM) and the International Islamic University of Islamabad (IIUI). Similar initiatives are being done in Kazakhstan (paper by Mesut Yilmaz, Kazakhstan) and indeed, in Malaysia, a number of university colleges also have applied such philosophy institutionally, such as Insaniah University College (Jamil Osman, Malaysia), Kolej Universiti Islam Selangor (KUIS) (Aziuddin Ahmad, Malaysia) and the newly-proposed (Royal) Islamic University of Malaysia, outlined by Monir Hj Yaakob (Malaysia). Part of what they share in common is the need to integrate what has been conventionally divided into the religious and intellectual sciences. Their curricula have sought to reflect this harmony.

As part of this Islamic educational philosophy, epistemological considerations shape the way the syllabus, course and curriculum are designed. One example is in the inclusion of non-academic components, such as the cultivation of *adab*, as part of this holistic education. KUIS has been implementing the *ta’dīb* model (formulated by Syed Muhammad Naquib al-Attas) for some time to produce a knowledge-base culture in the college that is concurrently intellectual, ethical and spiritual. Another example can be seen in the knowledge content of education, meaning that we have to be critical in the reception of knowledge from a diversity of sources. In case study presented by Eric Winkel (Malaysia), the development of the ‘new sciences’ (quantum physics, quantum mechanics, etc.) shows that the dominant scientific paradigms (e.g. the heliocentric universe) have offered only a partial (if not wrong) picture of the cosmos, whose totality would have been better grasped had there been fidelity to the Islamic intellectual tradition as seen, say in Sufism. All these should be taken into account in formulating appropriate Islamic educational content. Likewise, the ethical dimension offers a global prospect for Islamic education transcending the Muslim community. The approach should be inclusive and universal, as Anis Ahmad (Pakistan) argued. The pivot and basis of Islamic education, he proposed, should be Islamic global ethics, informed by what he called the *maqāṣid al-insān* (objectives of humanity).

Public Seminar ‘Music and Islam: Opening the Heart’

(Kuala Lumpur, 8 December 2011)

Karim D. Crow, IAIS Malaysia

This unique event, hosted at IAIS Malaysia, was introduced by Professor Mohammad Hashim Kamali (Chairman and CEO, IAIS Malaysia) and by Professor Syed Farid Alatas (Department of Malay Studies, National University of Singapore, NUS). Three scholars gave detailed presentations of their research which included audio and video exemplars: Mohd Anis Md Nor (Cultural Centre, University of Malaya, Kuala Lumpur) talked about “Islamic Aesthetics in Southeast Asian Music and Dance,” Syed Farid Alatas presented a lecture entitled “Zafin and the Sufi Tradition,” while this writer spoke about “*Samā’* Spiritual Audition: Training the Ear of the Heart.” These three presentations were punctuated by two authentic musical interludes: a *Taqāsīm al-ʿud* by Syeikh Radzie Maula Daweelah and a *ney* recital by Mahdi Aghily. Fresh vistas on the significance and permanent value of musical practice and movement in Islamic civilisation were well received by listeners which included also Professor Syed Farid Alatas’s students from NUS. The event was coorganised by IAIS Malaysia, the Department of Malay Studies and the University Scholars Programme (both NUS) and Kuala Lumpur’s Fajr Symphony.

NOTES AND COMMUNICATION

The Srebrenica Genocide: Seventeen Years After

*Senad Mrahorović**

In the beginning of 2012, the people of Bosnia and Herzegovina have once again witnessed disturbing events in the Bosnian entity known as Republika Srpska. Several distinguished personalities were awarded the highest decoration, including Boris Tadić, the current president of the Republic of Serbia. With this award, President Tadić has been added to the list of people who previously have received the same decoration, such as Radovan Karadžić, Ratko Mladić, Slobodan Milošević and others who were indicted by the International Criminal Tribunal for the Former Yugoslavia (ICTY) for charges of genocide and other war crimes committed during the war in Bosnia and Herzegovina in the early 1990s. While the trial of Milošević lasted for almost two years, it did not end, however, owing to his sudden death. The other two figures namely, Karadžić and Mladić, are currently being tried in The Hague by the ICTY.

To remind the readers, let me say that for the period of four years, from 1991 to 1995, the Bosnian people were exposed to the highest degree of aggression on their country since the Second World War. During this period, numerous crimes were committed by Bosnian Serbs who were throughout the war supported by the then Federation of Yugoslavia (of which Serbia was a part at that time), mainly against Bosniaks (Bosnian Muslims). The crimes in question refer to ethnic cleansing and constituted, according to the UN General Assembly, genocide.¹ This crime is especially applied to the town of Srebrenica, which at that time was proclaimed a 'safe zone' by the UN. However, in the summer of 1995, Serbian forces from both Bosnia and Serbia attacked unarmed people of Srebrenica who were supposed to be protected by the UN. The consequence of that attack was devastating, to say the least. More than eight thousand Muslims, mostly men and boys, were killed. Thousands of others, including women and children, were displaced, tortured, and raped, while major portions of Muslim property, infrastructure, religious monuments and cemeteries were destroyed. Based on these and other consequences, the ICTY declared in 2001 that the slaughter and atrocities committed against Muslims in Bosnia and Herzegovina had reached the degree of genocide.²

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Having said this, the policy of Bosnian Serbs as well as the Republic of Serbia concerning these bloody events in Bosnia in which they took a decisive and negative role alongside the international community that failed to stop them, evidently seems to be the same today. Not only did the Serbs not acknowledge the level of violence caused by them toward the main constituent part of the Bosnian nation – the Muslims – they seem to be proud of their role and actions, as the recent events show. The celebration of the national day of the Republika Srpska (a state born out of genocide and as such only recognised by the Serbs themselves), appreciation through awards given mostly to those who are directly responsible for the genocide, and public and official tribute to the range of heroism conferred on those who are legitimately labeled by the UN as murderers and slaughterers are just some examples to demonstrate the policy which is being practiced by the government of the Republika Srpska with the full support of the Republic of Serbia. These and similar attitudes which day by day are on the rise completely overshadow an apology from the Serbian Government to Bosnia and Herzegovina, given only after it was finally proved by the International Court of Justice that Serbia was guilty of not preventing genocide in Bosnia and Herzegovina.³

While thousands of victims of the Srebrenica genocide are still looking to recover the bodies of their loved ones killed during those bloody years of war and to bury them next to thousands of others in a memorial cemetery in Srebrenica, Serbian and Bosnian Serbian dignitaries are celebrating at the same time the anniversary of the Republika Srpska, an entity where the actual genocide took place.

To make matters worse, just three days after the controversial anniversary of the “dreamed republic” of the Bosnian Serbs, the British newspaper *The Independent*, published parts of a letter claimed to have been written sometime in 1993 by John Major, the former British Prime Minister. In it, he said that no Western action should be taken to stop the war in Bosnia, until “Bosnia-Herzegovina no longer exists as a viable state and its Muslim population is totally displaced from its land”! The explanation for such a stance is given further in the letter under the pretext that it is “in the best interests of a stable Europe in the future, whose value system is and must remain based on ‘Christian civilisation’”!⁴ Needless to say, the British Government has immediately acted on this matter, claiming the letter was a fake, and dismissing it completely.

Conclusion and Recommendations

Be that as it may, according to many analysts and experts such as Muhamed Filipović, a distinguished professor from Bosnia, Bosnia and Herzegovina is currently going through the worse times since the war.⁵

- Besides the current economic crisis affecting almost every part of the world, the Bosnian nation is also facing cruel socio-political battles which only aggravate the recovery of the country.
- Religious extremism in the form of Wahhabism as well as fanaticism shown by certain authorities of the Bosnian Orthodox Church is yet another problem. It disturbs centuries-long religious and cultural coexistence in the region.
- The current events relating to the Republika Srpska increase doubts about the prospects of a lasting peace and stability in Bosnia and Herzegovina.
- If the situation continues on its current course without international intervention, then there will be rising concern that Bosnia would once again be at the losing end of its difficult battle.
- It is therefore necessary to take appropriate measures in order to overcome distrust and mutual ethnic and religious prejudice in Bosnia and Herzegovina.

Notes

1. <http://www.un.org/documents/ga/res/47/a47r121.htm> (accessed on 2 February 2012).
2. <http://www.worldlii.org/int/cases/ICTY/2001/8.html> (accessed on 2 February 2012). In 2004, this decision was once again reaffirmed by then the Presiding Judge of ICTY, Mr Theodor Meron, who at the Potočari Memorial Cemetery (Srebrenica) has stated the following: “By seeking to eliminate a part of the Bosnian Muslims the Bosnian Serb forces committed genocide. They targeted for extinction the forty thousand Bosnian Muslims living in Srebrenica, a group which was emblematic of the Bosnian Muslims in general. They stripped all the male Muslim prisoners, military and civilian, elderly and young, of their personal belongings and identification, and deliberately and methodically killed them solely on the basis of their identity”. For the full text see <http://www.icty.org/sid/8409> (accessed on 2 February 2012). Also International Court of Justice (ICJ) on 26 February 2007 concurred with ICTY’s earlier findings that the Srebrenica massacre constituted genocide. For more on this see <http://www.icj-cij.org/presscom/index.php?pr=1897&pt=1&p1=6&p2=1> (accessed on 2 February 2012).
3. See <http://news.bbc.co.uk/2/hi/8594625.stm> and <http://www.icj-cij.org/presscom/index.php?pr=1897&pt=1&p1=6&p2=1> (both accessed on 2 February 2012).
4. <http://www.independent.co.uk/news/world/europe/no-10-denounces-antimuslim-letter-hoax-highlights-bosnian-muslims-fear-of-abandonment-by-the-west-1491727.html> (accessed on 2 February 2012).
5. The full interview of Muhamed Filipovic was published at <http://bosnjaci.net/prilog.php?pid=44678> (accessed on 2 February 2012).

Unpublished Mamluk Blazons and Mottos on Glazed Pottery at the Royal Ontario Museum, Toronto, Canada

*Moain Sadeq**

Introduction

The Mamluk Sultanate of Egypt lasted from the overthrow of the Ayyubids until the Ottoman conquest of Egypt in 1517. The sultanate's ruling caste was composed of Mamluks, Arabised soldiers of predominantly Kipchak Turk and Circassian slave origin. Though it declined towards the end of its existence, at its height the sultanate represented the zenith of Egyptian and Levantine political, economic, and cultural glory in the Islamic era. Its quasi multicultural character is thus also of relevance when considering the renewal of contemporary Islamic culture and civilisation.

In 1909 and 1988, the Royal Ontario Museum (ROM), Toronto, Canada, acquired an assemblage of 124 fragments of glazed pottery vessels dated to the Mamluk period (1250-1517) in Egypt and Syria. According to the museum records, the objects originated from Cairo, the capital of the Mamluk empire. All objects are wheel-made (i.e. thrown) and for service purposes such as bowls, chalices, cups and plates produced of the Nile clay (earthenware) of Fustat (Old Cairo) and having under-glaze slip painting. The collection has never been studied or displayed and the author has studied them within the framework of his affiliation with the Royal Ontario Museum.

This communication is focusing on sultans' and emirs' blazons and mottos decorating some objects of the unpublished ROM collection and examining them as a line evidence for dating in their historic, art historic and hierarchal contexts.

Blazons of Mamluk Sultans

The ongoing study of the Mamluk glazed pottery collection attests objects decorated by pictorial images attributed to Mamluk sultans. One of them shows a panther in the act of walking. It is one of the best known blazons of the Mamluk sultans and attributed to the Sultan Baybars al-Bunduqdārī (r. 1260-1277). Inscriptions and artefacts attributed to him are distinguished, particularly, by two panthers symbolising

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his courage and power, most likely in relation to his challenge of the Mongols and Crusaders. According to the chronicle of Ibn Iyās (d. 1522), Baybars attained the panther (*sabʿ*) as an emblem representing his equestrian and extreme power.¹ A single walking panther is depicted on Baybars' coins.²

One of the ROM Mamluk objects under study (Fig. 1) depicts two panthers resembling those found flanking Baybars' foundation inscriptions and artefacts in Egypt and Syria.

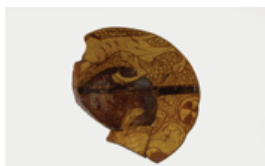


Fig. 1

Mamluk ROM objects show single pictorial images of the eagle, antelope and fish in the central part of the vessel. One of the objects is decorated by the eagle as a personal emblem of the Mamluk sultan Muḥammad Ibn Qalā'ūn (r. 1293-1294, 1200-1309, and 1309-1341) depicting it in architecture and material objects made of various materials³ as well as on his own coins.⁴ It appears in two varieties – one-headed and the two-headed – and features both on one or two-fielded shields, and at times even without a shield.

One of the ROM objects displays the antelope, albeit its anatomical proportions are not well drawn. Mayer suggests that mistakes in drawing of pictorial images may be intentionally introduced as a show of humility by artists who might have believed that only Allah can produce perfection.⁵ This suggestion is disputed as many other pictorial images show a high level of correctness in anatomical proportions, for instance as in contemporaneous architecture and artefacts such as the panther of Sultan Baybars and the eagle of Ibn Qalā'ūn.

Although we do not have any data evidencing the antelope as an emblem for Mamluk sultans or emirs, it was always a favourite hunting animal for Muslim rulers since the Umayyad period. It is, for instance, painted in the hunting scenes of the Umayyad palaces, such as in Qusayr ʿAmrah in the Jordanian desert.⁶

Another object displays the horse as a single image. The art historian Muṣṭafā suggests the horse as a further emblem for the post-dispatcher,⁷ whose fess in the middle of a three-register emblem is well-known and widely displayed in architecture and material culture (see Fig. 2).

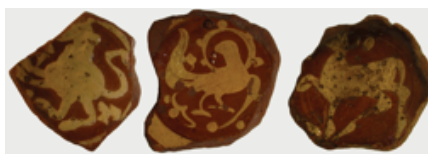


Fig. 2

Cartouches of Mamluk Sultans

In addition to these heraldic pictorial images, the Mamluk sultans also had their own inscribed shields (cartouches) depicted in an oval form in architecture and artefacts. The early shields of this type were simple and started during the early Mamluk period constituting three fields or horizontal stripes, of which the middle one bears the sultan's name. Such shields appear alone or besides emir emblems, as discussed below, on one of the ROM Mamluk objects. Sultan blazons developed during the Late Mamluk (Circassian) Burjī period (1382-1517) constituting three fields documenting the sultan's name and epithets accompanied by blessings as mentioned below.

Blazons of Mamluk Emirs

The Mamluks developed a heraldic science for emirs as well. Each prominent emir had his own blazon, mostly circular and decorated with the heraldic device reflecting his official post. Each emir depicts his emblem in architecture and on every possible belonging dedicated to him. Although many questions are still open concerning the meaning of some heraldic devices, blazons are considered as one of the first-hand sources for the structure and organisation of the emir class as blazons represent the office held by the emir at the time of his being made emir. The emir changes his heraldic device when changing his office, but there are some emirs whose blazons remained unchanged such as the emir Yūnus al-Nawrūzī and Manjak al-Yūsufī. In case the emblems were chosen or granted by the sultan, the emirs retained them for the whole of their lives. They could be adopted by another emir at their deaths. Sanjar al-Ghawli, the governor of Gaza, for instance, claimed/adopted the blazon of his friend Sālār after his death (it was piebald, *ablaq*, according to al-Maqrīzī).⁸

Emir Blazons among ROM Objects

Emblems of emirs depict the following heraldic devices: five objects display the cup as a heraldic device of the cup-bearer (*sāqī*). Generally, in other collections elsewhere in the world, the number of cupbearers is greater than that of any other blazon groups and the cup is the most frequently occurring heraldic device.⁹ This is most likely due to the large number of cupbearers for the various members of the sultan's family and elite. In addition, it is attested that the sons of cupbearers inherited the emblems of their fathers after death even if the sons were not appointed as cupbearers. The cup as a heraldic device appears in various forms and sizes. We see its location in the central register of the blazon or depicted in big size covering the whole blazon space.¹⁰ We also notice in inscriptions and biographies that there are differences between a cupbearer (*sāqī*) and a taster (*jashnigīr*).

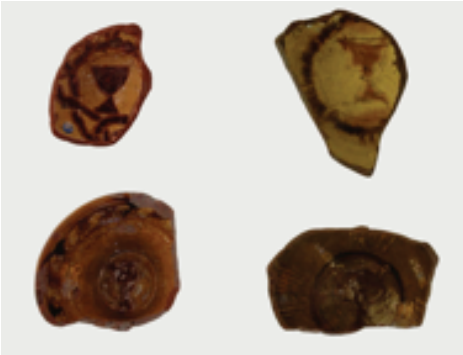


Fig. 3

Blazons of food-tasters (*jashngīr*) usually consist of large round plates, sometimes with, sometimes without, a support or a stand for the plates (*aṭbāq*), called in Mamluk literature *khanjah*. Ibn Baṭṭūṭah (d. 1368 or 1369), for instance, says that they (the elites in Cairo) use a copper table called *khanjah*. It is a small table (or circular stand) used as a stand for a plate called *talam*.¹¹ This is also attested by the Mamluk chronicler al-Maqrīzī (d. 1442 CE).¹²

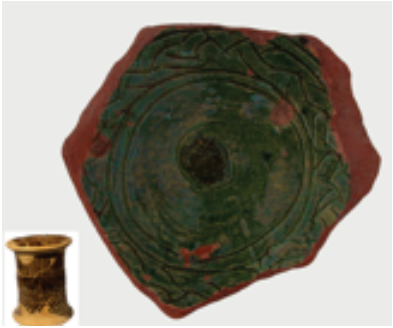


Fig. 4

The sword (with sword notes), or sometimes a pair of swords, or a sword together with a crescent or horseshoe, is the emblem of the armour-bearer (*silāḥdār*). Besides the sword, the Mamluk blazons of the armour-bearer also display the scimitar, the dagger, and the battle-axe as emblems while the bow is the device of the bowman (*bunduqdār*), who was of the same rank as the armour-bearer.

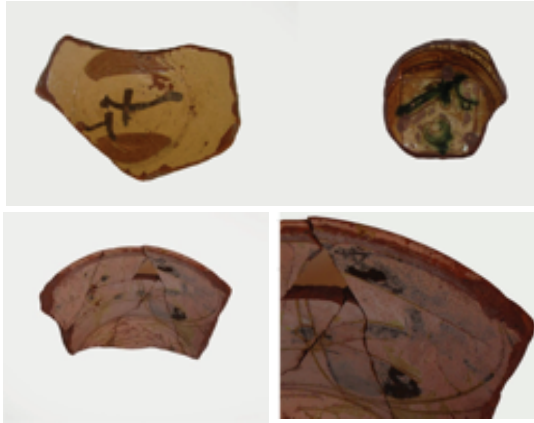


Fig. 5

It is observed in the Mamluk heraldry that the blazon of the dispatch-rider (*barīdī*) is divided into three horizontal shields. The middle one has a dark bar which is the *fesse* or *fess* (*fascia*, a horizontal band forming the middle third of a shield), representing a strip of cloth that was customarily wrapped around the arm of the dispatch-rider.

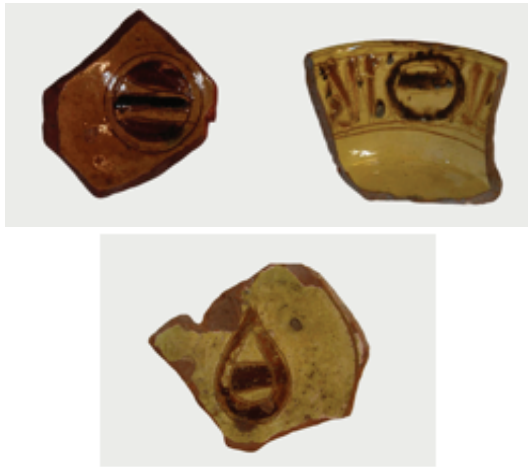


Fig. 6

Two flags on two poles decorate one of the ROM Mamluk objects. A single flag or sometimes two flags on one pole are displayed in Mamluk blazons. This heraldic device represents the official post of the flag master (*‘alamdār*).¹³



Fig. 7

The blazon of the stable master (*amīr ākhūr*)¹⁴ appears on the ROM Mamluk objects with and without a shield. This blazon shows a device in a horseshoe, reflecting, according to the Damascene historian Abū 'l-Fidā' (d. 1331) the post of the master of the stable *amīr ākhūr*. This blazon also appears in combination with other charges/ devices such as napkins or is placed alongside or between two identical devices (e.g. with a sword). This blazon (Fig. 8) can also be interpreted as a crescent and in this case might be related to an emir responsible for one of the Mamluk posts, keeping in mind that the crescent (or moon) is an essential element in Islamic religion and culture and also has relevance to agricultural issues. This type of blazon has disappeared entirely with the introduction of the composite blazon on three-fielded shields during the Late Mamluk period.



Fig. 8

The six-petalled rosette (Fig. 9) was very popular during the Bahārī Mamluk period (1250-1382) as it was depicted on artefacts and buildings either as a single heraldic device or with other devices as discussed below.¹⁵ It was used as an emblem by the sultans of the Rasulids in Yemen (r. 1229-1454).¹⁶ Al-Qalqashandī (d. 1418) states that the rosette is attributed to sultans and emirs of the Qalā'ūn family.

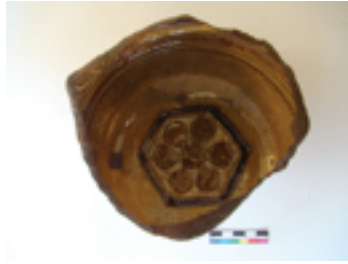


Fig. 9

A *tamghah* (or *tamga*) is an abstract seal or device used as emblem of a particular tribe, clan or family. They were common among the Huns and Mongols¹⁷ and were used as emblems during the late Ayyubid period (r. in Egypt 1171-1250, in parts of Syria until 1341) and are also seen on objects dated to the Mamluk period. It is shown in the bottom of one of the ROM Mamluk objects.

Emir Emblems Depicting Sultan Cartouches

As discussed above, the display of blazons of sultans appears sometimes side by side with blazons of emirs. This is observed on one of the ROM objects showing the blazon of the food-taster (*jashnigīr*) together with a cartouche bearing the sultan's name in the middle field. The upper and lower fields are left blank.



Fig. 10

Another example of an emir emblem combined with a sultan cartouche is observed on one of the ROM objects. The emir heraldic device here is the napkin (*buqjah*) of the master of the wardrobe (*jamdār*). A napkin (*buqjah*) is a piece of cloth in which clothes and chancery deeds were wrapped. It appears in either a square or rhomb form. The sultan cartouche on the object has partially survived and is attributed more likely to a sultan of the Early Mamluk period as it is simple and divided into three fields displaying the sultan's name in the middle. The combination of a sultan

cartouche with an emir blazon on one object or in architecture is most likely a sign of loyalty to the sultan.

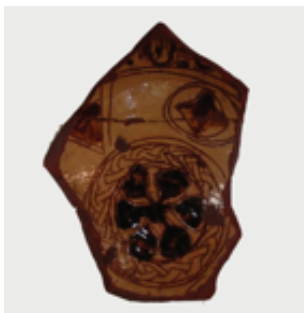


Fig. 11

The combination continued until the Late Mamluk period, but both of them (the sultan cartouche and the emir blazon) are developed, meaning that the sultan inscription, as discussed above, covers the three fields or stripes of the cartouche and a number of heraldic devices cover the three fields of the emir composite blazon. One example (see Fig. 12 and 13), albeit in architecture, depicted on the façade of the caravanserai of the emir Yūnus al-Nawrūzī in the city of Khān Yūnus, 23 km south of Gaza, depicts on both sides of the gate opening two identical blazons of the emir Yūnus flanking the cartouche of Sultan Barqūq (r. 1382-1389 and 1390-1399).¹⁸





Fig. 12 and 13 (photo courtesy Moain Sadeq)

Pictorial Images of Possible Emblems

Two of the ROM objects display fishes in the central location of the vessels. The fish is one of the decorative elements repeatedly produced on Byzantine (Christian) mosaic pavements of churches and monasteries excavated by the author in Gaza. In Christianity, fish, among other food items, is mentioned in connection with some of the miracles of Jesus Christ (such as reported in Luke 5:1-11 or in John 21:1-14). Fish are also depicted on the famous Byzantine mosaic map of Madaba (Jordan), particularly with reference to the river Jordan. On our objects (see Fig. 14), fish imagery is most likely meant to be an emblem designated for high-ranking official posts or as merely decorative elements produced for the Christian community for whom (as well as for the Jews) the Mamluks appointed their own religious judges.

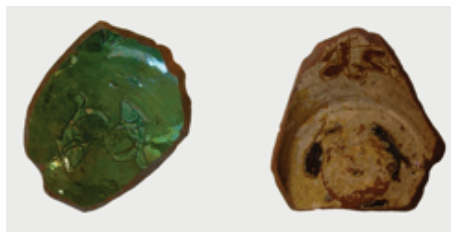


Fig. 14

The hexagon is a geometric decorative element that is often seen engraved in Islamic architecture and displayed on artefacts. It is also a major element decorating one of the ROM objects. The hexagon is one of the known decorative elements seen on stone, wood, and artefacts as well as on Ayyubid coins. It can be interpreted here as a merely Islamic geometric decoration and might also have had some designation to Jewish judges serving under the Mamluks or to a high-ranking Jewish community member.



Fig. 15

Emirs' Mottos and Epithets on ROM Objects

Two large chalice fragments in the ROM collection are decorated with *naskhī* calligraphy containing epithets attributed to Mamluk emirs evidencing the attribution of the emirs' high rank at the Mamluk court. One of them is a chalice fragment with partially surviving inscriptions stating the following:

(المقر العالي المولو (ي) ...His High Excellency, our Lord...

(المقر الأشرف) العالي المولو (ي) ...His most Noble and High Excellency, our Lord...

Two other inscriptions on chalice fragments say:

الأمير الأجل The most magnificent emir.

المخدومي الأجل The well served, the most magnificent.



Fig. 16

In Islamic art mottos and epithets are also to be found on other materials such as metal and stone. The following text decorates a Mamluk copper basin in the Museum of Islamic Art in Cairo (No. 7852).¹⁹ It says:

مما عمل برسم المقر الأشرف العالي المولوي المالكي العالمي العادلي السيفي
تنكر كافل الممالك الشريفة بالشام المحروس.

This is one of the objects made for His Most Noble and High Excellency, our Lord, the royal, the learned, the just, Sayf al-Dīn Tankiz, Viceroy of the noble provinces of Syria, the protected.

In architecture we see such epithets and mottos engraved on a window lintel of the mausoleum of the emir Baybars al-Jāliq al-Ṣāliḥī in Jerusalem. The text says:

بسم الله ... هذه تربة الأمير الأجل الكبير الغازي المجاهد الم رابط في سبيل
الله تعالى ركن الدين بيبرس الجالح الصالحى توفى الى رحمة الله تعالى عاش
جمادى الأول سنة سبع وسبعمئة غفر الله له ولمن دعا له بالرحمة.

In the Name of Allah [...]. This is the mausoleum of the most magnificent and Great Emir, the Vanquisher, the Defender of the Faith, the Warrior at the Frontiers in the path of Allah the Exalted, Rukn al-Dīn Baybars al-Jāliq al-Ṣāliḥī. Passed into the mercy of God the Exalted on 10 Jumada I of the year 707 [7 November 1307], may Allah forgive him and whosoever asks (Allah's) mercy for him.

Other epithets attributed to emirs on ROM three objects such as *المخدومي* (the well-served) and *المحترمي* (the honoured, the served) are mentioned frequently in Mamluk architecture and arts (see Fig. 17).



Fig. 17

The following is a complete Mamluk inscription including these epithets:

المقر الشريف العالي المولوي الأميري الكبيرى المخدومي السيفي بشتاك الناصري عز نصره

His Noble and High Excellency, our Lord, the Great Amir, the Well-served, Sayf al-Dīn Bashtāk al-Nāṣirī, May his victory be glorious.

In addition to the epithets attributed to the emirs, the ROM Mamluk ceramic collection includes an object (see Fig. 18) decorated with a calligraphy dedicated to a judge. The inscription says:

(مما) عمل برسم القاضي This is one of the objects made for (or by order of) the judge...



Fig. 18

Conclusion

The first hand data of the author's ongoing study of the glazed pottery at the ROM of a wide range of objects sheds light on unpublished Mamluk cartouches and emir blazons in their historic, art historic, and hierarchal contexts. As discussed in this communication, the collection provides the scholarly community with additional examples of pictorial blazons attributed to Early Mamluk sultans such as Baybars and Ibn Qalā'ūn.

- The ongoing study also sheds light on early inscribed cartouches of the Mamluk sultans representing the first developmental phase of the cartouche genre during the Early Mamluk period. The cartouche is a three-fielded shield bearing the sultan's name in the middle field while the other two fields are left blank. They appear on objects either alone or together with the emir blazon. In the latter case the vessel is designated to the emir while the depiction of the sultan's name is merely a sign of the emir's loyalty to his master.
- The emir blazons of the ROM objects are circular and simple characterising the Muslim heraldry of the Early Mamluk period. They depict solely the heraldic device in a circular shield symbolising the official post of the emir. Some pictorial and geometric decoration such as fish and hexagons still require further study in order to determine safely whether they are emblems of specific high-ranking officials or merely decorative elements.

- None of the emir blazons in the collection represents the advanced phase of Muslim heraldry in which one blazon may depict/represent more than seven heraldic devices serving as ‘a curriculum vitae’ for the present and previous posts of an explicit emir. Such composite blazons are characteristic for the Late Mamluk period (referred to also to as the ‘Circassian’ or ‘Burjī’ period) and hence offer strong evidence for dating the objects to the Early (Baḥrī) Mamluk period.
- The calligraphy of the objects is an important primary source for mottos and epithets of the Mamluk emirs at that time. They are also evidence for the vessel dating as this communication has worked to match the mottos and epithets decorating the objects with other complete and well-dated inscriptions in architecture and material culture.
- This communication attests that the selected objects are service vessels of high quality. Their blazons, decorations, mottos, epithets, and *nashkī* script do attest their attribution to the Mamluk elite, and particularly to sultans and high-ranking emirs on service.
- Finally, the blazons and calligraphy are solid dating evidence for the objects’ technology and typology and hence provide important well-dated primary data for further studies in Mamluk history, art history, Mamluk organisational behaviour – and ultimately the history of Islamic civilisation in general.

Notes

1. وكان (الظاهر بيبرس) يصنع في رنكه سبعا إشارة لفروسيته وشدة بأسه... (Ibn Iyās, *Badā’i’ al-zuhūr fī waqā’i’ al-duhūr*, ed. Muḥammad Muṣṭafā (Cairo: al-Hay’ah al-Miṣriyyah al-‘Āmmah li ‘l-Kitāb, 1982, 2nd ed.), vol. 1, pt. 1, p. 341.
2. P. Balog, “The Coinage of the Mamluk Sultans of Egypt and Syria,” *Numismatic Studies* 12 (1964), 163 (No. 206).
3. A. ‘Abd al-Rāziq, “Aḍwā’ jadīdah [...],” paper submitted at the *Hittin Forum*, organised by the Egyptian Society for Historical Studies, Cairo, 1988, p. 3.
4. Balog, “The Coinage,” 163 (No. 206).
5. L. Mayer, *Saracenic Heraldry* (Oxford: Oxford University Press, 1933).
6. K. A. C. Creswell and James W. Allan, *A Short Account of Early Muslim Architecture* revised and supplemented by J. W. Allan (Aldershot, United Kingdom: Scholar Press, 1989), 105-126.
7. Muḥammad Muṣṭafā, *Al-wiḥdah fī ‘l-fann al-islāmī* (Cairo: Maṭbū‘āt al-Jumhūriyyah al-‘Arabiyyah al-Muttaḥidah, 1958).
8. Aḥmad b. ‘Alī al-Maqrīzī, *Kitāb al-sulūk li-ma‘rifat duwal al-mulūk* (Cairo: Dār al-Kutub, 1956), 2:74; L. Mayer, “Le blason de l’Amir Salar,” *Journal of the Palestine Oriental Society* 5 (1925), 27-33.
9. Mayer, *Saracenic Heraldry*, 29.
10. A. ‘Abd al-Rāziq, “Aḍwā’ jadīdah,” 82.
11. مائدة من النحاس يسمونها خويجة ويجعل عليها طبق نحاس يسمونه الطال (Ibn Baṭṭūṭah, *Tuhfat al-nuẓẓār fī*

- gharā'ib al-amṣār wa 'ajā'ib al-asfār*, ed. Karam al-Bustānī (Beirut: Dār al-Ṣādir, 1964), 4:69.
12. al-Maqrīzī, *Kitāb al-sulūk*, 1:444.
 13. Ibid., 5:463; Mayer, *Saracenic Heraldry*, 5.
 14. This office was of particular importance in the Turkic-Persianate world; on its significance in Safavid Persia, see Christoph Marcinkowski, *Mirza Rafi'a's Dastur al-Muluk: A Manual of Later Safavid Administration. Annotated English Translation, Comments on the Offices and Services, and Facsimile of the Unique Persian Manuscript* (Kuala Lumpur: ISTAC, 2002), 124-126 and 319-320.
 15. Mayer, *Saracenic Heraldry*, 6.
 16. A. 'Abd al-Rāziq, "Aḍwā' jadīdah," 82.
 17. A Mongolian term; see also Marcinkowski, *Mirza Rafi'a's Dastur al-Muluk*, 113 n. 297, 263-264 n. 133, and 602.
 18. M. Abu Khalaf, "Khan Yunus and the Khans of Palestine," *Levant* 15 (1983), 178-186.
 19. Mayer, *Saracenic Heraldry*, 222.

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Marco Tieman is the founder of LBB International (The Netherlands), a logistics consulting, research and supply chain management firm specialising in logistics design and supply chain optimisation with offices today in Malaysia, Thailand, Indonesia and the Netherlands. He obtained his MSc in Industrial Engineering and Management Science in 1997 from the University of Twente (The Netherlands) and is currently a PhD candidate with Universiti Teknologi MARA Malaysia in Shah Alam, Selangor, Malaysia. For his PhD research he is conducting an exploratory research on the application of *ḥalāl* in supply chain management. He also chaired the development of the International Halal Logistics Standard (IHIAS 0100:2010) under IHI Alliance, an organisation of the Islamic Chamber of Commerce and Industry. He is the author of the book *Halal SuperHighway: A Command & Control Blueprint for Halal Supply Chains* (Norderstedt, Germany: GRIN Verlag, 2011). He has published various articles on the topic of *ḥalāl* logistics and supply chain management in both academic and professional journals. He is a frequent speaker on *ḥalāl* logistics at conferences in Asia, Europe, and the Middle East.

AIMS OF THE JOURNAL

Islam and Civilisational Renewal (ICR) was established in order to link up the unique Islamic tradition of more than 1,400 years of dialogue, pluralism, and coexistence with other world civilisations.

ICR advances civilisational renewal, based on Malaysia's *Islam Hadhari* (Civilisational Islam) initiative and its ten component principles:

1. Faith in God and piety
2. A just and trustworthy government
3. A free and independent people
4. A rigorous pursuit and mastery of knowledge
5. Balanced and comprehensive economic development
6. A good quality of life
7. Protection of the rights of women and minorities
8. Cultural and moral integrity
9. Safeguarding the natural resources and the environment
10. Strong defence capabilities

ICR aims at becoming a platform of policy-relevant contemporary research that will contribute to a better understanding of Islam's universal teachings through inter-faith and inter-civilisational dialogue.

CALL FOR PAPERS

Islam and Civilisational Renewal (ICR) invites scholarly contributions of articles, reviews, or viewpoints which offer pragmatic approaches and concrete policy guidelines for Malaysia, the OIC countries, civic non-governmental organisations, and the private corporate sector. The principal research focus of IAIS is to advance civilisational renewal through informed research and interdisciplinary reflection with a policy orientation for the wellbeing of Muslim communities, as well as reaching out to non-Muslims by dialogue over mutual needs and concerns.

Our enquiry and recommendations seek to be realistic and practical, yet simultaneously rooted in Islam's intellectual and spiritual resources, Muslim political and social thought, inter-faith exchanges, inter-civilisational studies, and global challenges of modernity.

Based at the International Institute of Advanced Islamic Studies (IAIS) in Kuala Lumpur, ICR's inaugural issue appeared in October 2008 with contributions from distinguished scholars including Mohammad Hashim Kamali, Osman Bakar, Syed Farid Alatas and Christoph Marcinkowski.

ICR invites contributions on the following topics:

- issues of good governance and Islamic law reform in Muslim societies
- science, technology, development and the environment
- minorities and culture-specific studies
- ethical, religious or faith-based issues posed by modernity
- inter-faith, inter-civilisational, and Sunni–Shi‘ah dialogue and rapprochement.

A complete list of topics may be consulted at: <http://www.iais.org.my/research.html>. Contributions should be submitted as an e-mail attachment in Word for Windows (Mac files must be converted) to: **journal@iais.org.my** as well as a hard copy (double-spaced and consecutively numbered on one side only) to: Associate Editor – ICR, International Institute of Advanced Islamic Studies (IAIS) Malaysia, Jalan Elmu, Off Jalan Universiti, 59100 Kuala Lumpur, Malaysia.

ICR is published in English and it is essential that to help ensure a smooth peer-review process and quick publication all manuscripts are submitted in grammatically correct English. For this purpose, non-native English speakers should have their manuscripts checked before submitting them for consideration. The Editorial Board holds the right to make any necessary changes in the approved articles for publication upon consultation with the writers.

GUIDELINES FOR CONTRIBUTORS

Islam and Civilisational Renewal (ICR) publishes original research works. Contributors to ICR should take the following guidelines into consideration:

Form

- Articles should not have been published elsewhere or sent for publication. Articles that have been a part of a dissertation can be considered if there is a major modification and adjustment.
- Articles should be between 6,000 and 8,000 words. Authors should also include a 100 to 150 word abstract, outlining the aims, scope and conclusions but not containing sentences from the article. Book reviews should not exceed 1,200 words, and Viewpoints 1,500 words.
- All submissions must include a separate page with the author's name and current affiliation as they should appear in the journal and contact information (e-mail address, phone and fax numbers, and mailing address: all to remain confidential).
- Contributors will receive a free copy of the Journal issue in which their article appears.
- Authors are requested to extract actionable policy recommendations from their research – preferably in brief bullet point format in the conclusion.
- Languages based on Arabic script should be transliterated following the system applied in the *Journal of Islamic Studies*, Oxford (see Transliteration Table). In terms of capitalisation in languages other than English in bibliographical references, authors are encouraged to consult the *Chicago Manual of Style* (ch. 10).

Content

- The Journal is devoted to civilisational renewal, in particular of Muslim communities, while, at the same time, reaching out to non-Muslims.
- Submitted articles should be scholarly, but also accessible to a wider audience.
- Articles should be of relevance to contemporary practical issues faced by Muslim communities, such as Islam and its encounter with the West, but also science, technology and ethics.

TRANSLITERATION TABLE

Consonants

Ar = Arabic, Pr = Persian, OT = Ottoman Turkish, Ur = Urdu

Ar		Pr	OT	Ur	Ar		Pr	OT	Ur	Ar		Pr	OT	Ur
ء	'	'	'	'	ز	z	z	z	z	گ	-	g	g	g
ب	b	b	b	b	ط	-	-	-	ر	ل	l	l	l	l
پ	-	p	p	p	ث	-	zh	j	zh	م	m	m	m	m
ت	t	t	t	t	س	s	s	s	s	ن	n	n	n	n
ٹ	-	-		i	ش	sh	sh	s	sh	ه	h	h	h ¹	h ¹
ٹھ	th	th	th	th	ض	ḍ	ḍ	ḍ	ḍ	و	w	v/u	v	v/u
ج	j	j	c	j	ص	ṣ	ṣ	ṣ	ṣ	ی	y	y	y	y
چ	-	ch	ç	ch	ط	ṭ	ṭ	ṭ	ṭ	ة	-a ²			-a ²
ح	h	h	h	h	ظ	ẓ	ẓ	ẓ	ẓ	ال	-al ³			
خ	kh	kh	h	kh	ع	‘	‘	‘	‘	¹ when not final ² -at in construct state ³ (article) al- or l-				
د	d	d	d	d	غ	gh	gh	ğ	gh					
ڈ	-	-	-	d	ف	f	f	f	f					
ڈھ	dh	dh	dh	dh	ق	q	q	ķ	q					
ر	r	r	r	r	ک	k	k/g	k/ñ/ğ	k					

Vowels

	Arabic and Persian		Urdu	Ottoman Turkish
Long	ا	ā	ā	ā
	آ	Ā	Ā	-
	و	ū	ū	ū
	ي	ī	ī	ī
Doubled	يِي	iiy (final form ī)	iy (final form ī)	iy (final form ī)
	وُو	uwv (final form ū)	uv	uvv
		uvv (for Persian)		
Diphthongs	اَو	au or aw	au	ev
	اَي	ai or ay	ay	ey
Short	اَ	a	a	a and e
	اُ	u	u	u or ü
	اِ	i	i	o or ö

Urdu Aspirated Sounds

For aspirated sounds not used in Arabic, Persian and Turkish add h after the letter and underline both the letters e.g. چھ ch گھ gh

For Ottoman Turkish, modern Turkish orthography may be used.