Islam and Civilisational Renewal

A journal devoted to contemporary issues and policy research

ISLAM AND CIVILISATIONAL RENEWAL

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 CORRRESPONDENCE

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

CONTENTS

Book Reviews

Events and Significant Developments

EDITORIAL

This issue of ICR is presented in line with its usual format, in five sections: articles, viewpoints, events and significant developments, and book reviews. The article section features six essays:

"Environmental Care in Islam: A Qur'ānic Perspective" by myself addresses the human-earth relationship from an Islamic perspective. In it I argue that

- self-seeking individuals and institutions should be made responsible to repair the environmental damage they cause, and that
- Muslims have much to contribute to the evolving environmental discourse, yet they need to articulate their resources, engage and develop the language of persuasion both within their countries and internationally.

"Abuse Nature and Face the Consequences: Climate Change from an Islamic Perspective" is an article by **Rafiu Ibrahim Adebayo,** who is a lecturer in the Department of Religions, University of Ilorin, Nigeria. He makes the valid observations that

- it is a matter of religious and ethical duty to protect the environment; whosoever damages the environment must be punished by the appropriate authorities before nature takes it upon herself to punish the whole world for the sin of a few.
- Ultimately, man should reduce his spirit of excessive materialism and show regard for other creatures of God in his dealings with nature.

"Canadian Muslims and Canada's Domestic and Foreign Policy Issues: An Analysis" is by **Syed Serajul Islam**, Chair and Professor in the Department of Political Science at Lakehead University, Thunder Bay, Ontario, Canada, and **Ishtiaq Hossain,** an Associate Professor in the Department of Political Science at the International Islamic University Malaysia (IIUM). This article investigates the participation of Canadian Muslims in debates affecting Canada's domestic and foreign policy issues. The two authors argue that

- the Canadian authorities would do well to see the involvement of 'their' fellow Muslims in public debates as an *asset* rather than a *threat*.
- Above all, they suggest that Canadian Muslims should continue to participate in the national debate.

"Between the Honey and the Poison: Corruption and Its Panacea in Islamic Hermeneutics" is by **Afis A. Oladosu** who is a Senior Lecturer in Modern Arabic literature and culture at Nigeria's University of Ibadan. He addresses the issue of corruption by referring to the original meaning of the Arabic word for 'corruption' *(al-fasād)* and to its opposite *al-ṣalāḥ* – 'righteousness', 'accountability', 'probity' and 'piety'. In his view,

- the involvement of some Muslims in acts of corruption reflects the disconnect between *Islam in the text* and the *Islam in the context* of existential realities of Muslim societies across the world.
- In addition, the issue of corruption should be addressed from a perspective that exceeds the usual discussion surrounding embezzlement in corporate life.

"A Legal and Administrative Analysis of Inalienable Muslim Endowments (*Awqāf*) in Bosnia and Herzegovina" is by **Adnan Trakic**, a Lecturer in the School of Business at Sunway University, Kuala Lumpur, Malaysia. In his detailed historical overview he argues that

- the attitude of the legislative and political organs of Bosnia and Herzegovina – from the time of the Habsburg period until today – was hostile and destructive towards the institution of *waqf*.
- He concludes that there is also an urgent need for incorporation of fresh elements in the legal system of Bosnia and Herzegovina that would positively change the attitude of the Muslim community towards the welfare of *waqf*.

Finally, "Islam and Modernity: Remembering the Contribution of Muḥammad ʿAbduh (1849-1905)" is an article by **Aasia Yusuf,** a PhD research scholar in the Department of Islamic Studies, Aligarh Muslim University, Aligarh, India. She provides us with a fresh look at this famous Egyptian jurist, religious scholar, and reformer who is regarded as the architect of what has become known in the West as 'Islamic modernism'. She argues that

- there is no incompatibility between Islam and modernity, and that
- ʿAbduh's role needs to be considered pivotal in bridging what is often perceived as a gap between these two.

This time we carry also **six viewpoints:**

"The Absence of Islam in the 'Arab Spring'" by myself looks into the nature of the recent reform movements in the Muslim world.

"A Doctor in the House: Looking for New Insights on Mahathir's Islamisation Policy in His Memoirs" by **Osman Bakar,** the Deputy CEO of IAIS Malaysia and Emeritus Professor of Philosophy of Science at Kuala Lumpur's University of Malaya, provides insights into the 'Islam policies' of one of the Muslim world's most influential leaders during his time in office as Malaysia's prime minister.

"Journalistic Ethics and Freedom of Expression: Ideals and Realities" by **Christoph Marcinkowski,** Principal Research Fellow and Co-Chair (Publications) at IAIS Malaysia, elaborates on the obvious tensions between 'freedom of speech' and certain examples of art, literature, speech or other acts considered by some to be sacrilegious or blasphemous.

"Muslims and Diplomacy" by IAIS Principal Research Fellow **Karim D. Crow** asks Muslims to comprehend how peace and security are embraced among the *maqāṣid* or 'higher objectives' of the *sharīʿah*.

"Rethinking Diplomacy and Islam" by **Ahmad Kazemi-Moussavi,** Professor of Islamic law and Persian language at the University of Maryland, United States, argues that it is high time to rethink the nature and goals of diplomacy in Islam.

Finally, there is "Man-Made Codifications of *Ḥudūd* Laws" by **Nik Noriani Nik Badli Shah,** a Legal Consultant for Sisters in Islam (SIS), a Malaysian non-governmental women's organisation. She argues that "there is an urgent need to develop a discourse whereby Muslims can be persuaded to understand thoroughly the concepts of equality for women and people of other faiths, freedom of religion, and human rights as actually consistent with their own religious teachings."

This issue includes also **five book reviews, one significant development report** on the recently established diplomatic relations between Malaysia and the Holy See by **Christoph Marcinkowski,** and **four event reports.**

In closing it remains for me to thank warmly all contributing authors and ICR's editorial staff for their cooperation.

Mohammad Hashim Kamali
Editor-in-Chief

ARTICLES

ENVIRONMENTAL CARE IN ISLAMIC TEACHING

Mohammad Hashim Kamali*

Abstract: This article addresses the human-earth relationship from an Islamic perspective in two parts. The first part draws attention to a set of principles, beginning with that of Divine Oneness *(tawḥīd)* and the vision it conveys of the common predicament of man with the rest of the created world. The author reviews the principle of vicegerency of man *(khilāfah)* on Earth – which designates humankind as trustee and custodian of its natural environment – and the principle of trust *(amānah)*. The second part addresses instances of violation of these two principles. Three such instances are discussed: spreading mischief *(fasād)* on earth, extravagance and waste *(isrāf)*, and infliction of harm *(ḍarār)*. The focus of the discussion in this part is on the human management, or rather mismanagement, of the earth with the result that humanity itself has become the chief victim of its own failings. In his conclusion the author seeks to contextualise his observations within the civilisational renewal *(tajdīd ḥaḍāri)*, arguing that the shared vision of Muslims must be inspired by common values and commitments for the ecological wellbeing of the planet Earth and that Islamic teachings can make a distinctive contribution to that vision by infusing man's management of the natural world with transcendent (revealed) values and ethics that look toward a common future for humanity and the rest of its earthly inhabitants. The article ends with recommendations for possible reforms.

Introduction

No sacred scripture has spoken about nature and earth as much as the Qur'ān – for it contains numerous guidelines about our treatment of earth and the rest of God's creation so much so that the qur'ānic revelation intimately connects itself with the notion of sacredness of nature. A whole 'eco-theology' unfolds as a result that distinguishes Islamic spirituality with characteristics of its own. A closer look

*   Mohammad Hashim Kamali is the Founding Chairman and CEO of IAIS Malaysia. This is a revised version of a paper presented at the International Conference on 'Environment in Islam', organised by the Aal al-Bayt Foundation for Islamic Thought, Amman, Jordan, 27-29 September 2010.

at Qur'ān and *Sunnah* reveals a set of principles that point to a rich reservoir of environmental ethics with far-reaching socio-economic and political consequences.

Environmental degradation affects the whole of humanity. While no country or community is immune to or entirely accountable for the damage caused, some countries and nations are clearly the biggest polluters. It is ironic also that the latter are better equipped to take preventive and remedial measures to reduce the actual or potential damage inflicted on their economies and people. Consideration of moral responsibility and care must inform our responses to the plight of the disadvantaged among us and the manner in which we address the need to protect and repair the natural environment. Modern environmental problems have not only material, but also moral and spiritual dimensions.

The lion's share of environmental damage, we are witnessing today, comes from industrial pollution, carbon emission and abusive applications of technology and science. This is exacerbated by the untrammelled expansionist policies of the great industrial powers and the earth's biggest polluters. Oil-producing countries and companies are also opposing measures to reduce fossil-fuel production, regardless of its damaging effects. The Gulf of Mexico deepwater drilling fiasco of 2010 caused an ecological crisis that spewed close to five million barrels of oil into the sea and spilled oil over 1,000 km of the shoreline. That episode brought into public scrutiny the kind of decisions big multinationals like BP make to add to their astronomical earnings! As soon as the well was capped after numerous failed attempts, the Western media started telling the public that it was not that harmful after all.[1] Then barely two weeks later, another report quoting US-scientists had it that nearly 80 per cent of the Gulf oil spill was still in the water.[2]

Climatic disasters, unprecedented winter freezes and summer heat waves, earthquakes, volcano eruptions and tsunamis are increasingly becoming more and more deadly and devastating. Crippling floods in Pakistan, devastating mudslides in China, raging forest fires in Russia and elsewhere testify to the growing extremities in weather, the destruction of ecosystems and the severity of killer floods.[3] Blanket snowfall and winter freeze in the United Kingdom, death by heatstroke in Siberia, flooding of the Indus and Yangtze rivers and catastrophic earthquakes in seismically sensitive areas can no longer leave room for speculation that the impact and frequency of natural disasters are real, manifest and devastating.

The industrial West, as already mentioned, has been the biggest greenhouse emitter; China may now be the largest, Russia may be third, and no Muslim country has been listed so far in the big league. Yet one also notes that the green movement is stronger in the West than in the Muslim world, but it is the civil society in the West, rather than its politicians and governments, that takes the lead in environmental awareness.[4] The rise of ecological psychology in the twentieth-century Western discourse originated essentially in the recognition that the free-market and techno-scientific

approaches have not succeeded in sustaining ecological balance. Parvez Manzoor has drawn attention to the singular absence in western environmental discourse of the Islamic tradition and its distinctive postures on the environment.[5] The solution is to be found at a deeper level by rekindling the innate human affinity and respect for nature so persistently suppressed by consumerist industrial civilisation premised on indefinite growth and material progress. Economic wealth feeds our greed and spiritual insecurity. Is it any wonder, as Lionel Rubin and Adi Setia point out, that the age of economic progress coincides also with the age of insecurity and tension among people, the relentless drive for weapons of mass destruction that can annihilate humanity and life on earth by many folds? A new economic and moral outlook will have to be entertained, one that is premised on meeting the limited needs of man rather than fulfilling his unlimited wants.[6]

Are we facing a crisis? A crisis implies that a normal state has been disrupted in a dangerous direction and manner and that we are aware of it – otherwise it would not appear to us as a crisis. The existence of an environmental crisis is no longer a moot, for it can be observed in global warming, which is only one aspect of it, but it is so acute that it has finally caught the attention of everyone, whereas other aspects such as the extinction of many species, destruction of their habitat, deforestation, desertification and depletion of resources have often been neglected.[7] Industrial pollution has entered into the food chain and our bodies as well as the air we breathe and the water we drink, often manifested, even if not declared, by proliferation of all kinds of cancers and new varieties of disease. Numerous places are on the verge of destruction – from the coral reefs of Australia to the Amazon forest. The fear that Seyyed Hossein Nasr voiced in 2005 has already become a reality that if China, India and the Muslim world were to become as industrialised as the United States and have the same rate of consumption "then the whole ecosystem of the world will either collapse or be radically modified."[8]

Yet the world saw, with disillusionment, the failure of the December 2009 UN Climate Change Conference in Copenhagen (known as COP15) to curb carbon emissions to sustainable levels. The Conference became somewhat of a political circus due to high handed policies of the powerful nations. The so-called Danish Text, a document produced jointly by Denmark, United States and United Kingdom and passed around to selective governments, raised many controversies with its distribution of more power to the richer nations and its sidelining of the developing world as well as bypassing the Kyoto Protocol. What infuriated the developing countries was the unequal limit per capita of Green House Gas (or carbon) emission the draft document proposed for developed countries at nearly twice the amount of carbon emissions permitted for developing countries.[9] Prior to COP15, the 2007 UN Climate Change Conference (COP13) held in Bali, Indonesia saw the adaptation of the Bali Road Map, a two-year process that was to lead up to a binding agreement

at COP15, which did not materialise.[10] The President of the Maldives was quoted concerning the rising temperatures that anything above 1.5 degrees would mean that the Maldives and many small and low-lying islands would vanish. It is for this reason that "we tried very hard" to have 1.5 degrees in the document, but this "was blatantly obstructed by the big-emitting countries."[11]

The December 2010 UN Climate Conference in Cancun, Mexico was a step forward in that it created the Green Climate Fund to administer and transfer funds from wealthy nations, to the worst affected nations in a quest to protect forests, promote clean technologies and help reduce carbon emissions. The European Union, Japan and the United States pledged, contributing US$100 billion a year to the Fund starting from 2020, along with a US$30 billion in rapid assistance, though they have not said how these funds are to be raised. The rapid assistance fund was actually approved in Copenhagen to raise US$30 billion between 2010 and 2012 to aid the most vulnerable countries deal with the impact of climate change.

The Cancun agreement set the goal of reducing greenhouse gas emissions from industrial countries by 25 to 40% within the next 10 years. Currently pledges amount to about 16 per cent. Moreover, a Climate Technology Centre and Network is to be set up to help distribute the technical know-how that contain and reduce emissions.[12]

The Cancun accord manifested an effort to sort out the previous year's stalemate in Copenhagen where no agreement was reached on a realistic programme to keep climate change in check. Yet the Cancun agreement too fell short of setting specific reduction commitments on carbon emissions by major industrialised countries.

Divine Oneness *(Tawḥīd)*

The Oneness of God *(tawḥīd)* is an article of the Islamic faith manifested in the unity of His creation. The qur'ānic discourse typically addresses men and women and the whole of the cosmos. God's presence in nature is vividly conveyed in the verse "Wherever you turn, there is the Face of God" (2:115), which means that He surrounds and permeates both the world of nature and the ambience of man in all places. From this perspective, the human being is part and parcel of a cosmic equilibrium that must not be disturbed, and effort must be made to strike a balance between the material and spiritual requirements of life. Nature, in a sense, participates in the qur'ānic revelation. This sense of shared destiny and common predicament with the rest of the existential world is also manifested in the nomenclature of the chapters *(sūrahs)* of the Qur'ān. The 114 *sūrahs* and the names by which they are known underline diversity and remembrance not only of God's exalted names and attributes, messengers and prophets, but also the earth, fruits and bounties of the earth, plants and animals, trees, mountains and insects, the wider worldview of the creation and beyond.[13]

The primordial character of qur'ānic messages visualises man and the cosmos in a state of harmony that reaffirms man's inner bond with the natural world. Certain verses of the Qur'ān address natural forms as well as human beings, while God takes non-human members of His creation, such as plants and animals, the sun and the stars to witness in certain other verses. The soul, which is nourished and sustained by the Qur'ān, does not regard the world of nature as its natural enemy to be conquered and subdued, but as an integral part of man's religious universe sharing in his earthly life, and in a sense, even ultimate destiny.

Tawḥīd underlines the unicity of nature as an ecological principle and a distinctive feature of environmental science. The mineral kingdom supports the vegetable, and they in turn support the animal and there is a link of mutual dependence between them. The waste of one is made the food of the other, and an innate process of cleanliness exists in the natural world. There is an infinite chain of gradation and interdependence that point to a common destiny and ultimate unity of the existential world.[14] Unity may be understood at various levels and domains of cosmic existence. Thus one may speak of the unity of the natural world, or on a grander scale, of the whole of the cosmos. One may also speak of the unity of living species and organisms on earth or of the unity of the human body - all of which are facets of His Unique Reality reflecting the various manifestations of a collective unity and interdependence.[15] It is clear from the Islamic perspective that the terrestrial desolation and environmental degradation from without is in many ways reflective of man's spiritual desolation from within.

Many Muslim sages saw the cosmic and ontological contents of the Qur'ān, its verses and chapters, as well as the phenomena of nature and events within the soul of man, as *āyāt* (lit. 'signs' or 'portents') of the Author of the ontological Qur'ān *(al-Qur'ān al-takwīnī)* in juxtaposition with that of the written Qur'ān *(al-Qur'ān al-tadwīnī)*.[16] The Qur'ān alludes in many verses to the unmanifested and the manifested world *(ʿālam al-ghayb wa 'l-shahādah)*. The visible or manifest world is not an independent order of reality, but a manifestation of a vastly greater world which transcends it and from which it issues. The visible gradually recedes into the vast invisible which surrounds it and for which it is the veritable environment. It is in this way that the Divine presence, the spirit and the indefinable infinity permeates the world of nature and of normal humanity.[17] All of this depicts the Islamic worldview of a spiritually motivated appreciation of nature with important ethical implications. Science and technology can expound the means that can be used to harness nature, but religion and philosophy dictate the ends.

Vicegerency *(Khilāfah)*

Meaning and Scope

The Arabic term *khalīfah* comes from the verbal root *khalafa*, meaning one who came after, inherited or succeeded another. *Khalīfah* thus implies holding a position of power, trust and responsibility that is exercised in harmony with the will of its principal party. *Khalīfah* and its plural *khalā'if* occur in nine places in the Qur'ān, and in seven of these, it is juxtaposed by the phrase *fī 'l-arḍ* – 'on the earth', which signifies that its application is in relationship mainly to planet earth. In each case a reference is made to the exercise of a certain authority that God entrusts in His noblest of creation, humankind. Adam, the archetypal man was appointed the first *khalifah*, and by extension, every man and woman. Each one of us inherits power and responsibility *vis-à-vis* the planet earth and all its life forms.

Vicegerency confers on human beings, individually and collectively, the mission and responsibility to build the earth and harness its resources with moderation and care for its ecological balance (Qur'ān 2:30). Vicegerency is guided in turn by the principles of trusteeship *(amānah)*, moderation *(iʿtidāl, wasaṭiyyah)* and justice *(ʿadl)*. Building and development *(i'mār)* with their broader physical and non-physical ramifications is another aspect of vicegerency that is informed, in turn, by the higher goals and purposes *(maqāṣid)* of Islam and its *sharīʿah*. Other aspects of *i'mār* that are highlighted in the sources include due observance of the Divinely-ordained cosmic equilibrium, greening the earth through plantation and agriculture *(tashjīr, ḍarʿ)* and cleanliness *(ṭahārah)* as discussed below.

Vicegerency and trusteeship place upon humankind the responsibility to safeguard the rights not only of fellow humans, but also of nature and other inhabitants of the earth. Man's vicegerency on the earth is, moreover, complemented by that of servantship *(ʿubūdiyyah)* toward God. Man is God's servant *(ʿabd Allāh)* and must obey Him. As *ʿabd Allāh*, he must be passive toward God and recipient of the grace that flows from the world above. As *khalīfat Allāh*, he must be active in the world, sustaining cosmic harmony and disseminating the grace for which he is the channel as a result of his being the most noble of God's creatures.

In the same way that God sustains and cares for the world, man must nurture and care for the ambience in which he plays the central role. Man cannot neglect the care of the natural world without betraying its trust of vicegerency (cf., Qur'ān 7:172) as he is entrusted with authority to manage the earth in accordance with the purposes intended by its Creator. Yet there is nothing more ominous for the natural environment than the practice of the power of vicegerency by a humanity which no longer accepts to be God's servant, obedient to His commands. Islam strongly opposes this form of human self-glorification at the expense either of God or His creation.

Vicegerency contemplates a man-earth relationship that looks toward sustainable utilisation of earth's resources. The Qur'ān makes no less than 485 references to *al-arḍ*/'the earth', mostly in the context of its relationship to human beings. The earth is described as the *alma mater* (nourishing mother) from which humankind is made, the place and source of their livelihood, and ultimately where they end their final journey (cf., Qur'ān 20:55). A variety of expressions are employed to describe the earth. The language is generally theocentric wherein God ingratiates His human servants: "Did We not make the earth as your cradle and resting place?" (78:6); and as "your field and couch for your comfort… endowed it with vast resources of water and pastures for you and your livestock?" (2:33).[18]

Man has inalienable biological and ecological needs for light, air, water, food, shelter and community and may utilise the resources of the earth to secure those needs, but to also share them with other living creatures. The Qur'ān often mentions the domestication of animals and plants as God's special favours on humankind. Then comes the reminder: "We have willed that all beauty on earth be a means by which We put people to test," to see how well they measure up and conduct themselves (Qur'ān 18:7).

Accountability and faithful observance of trust demand the promotion of good and the prevention of evil, building the earth and establishing a just order: "Let there be of you a nation that calls others to the good, establishes right and eradicates wrong. Such are they who shall prosper" (Qur'ān 20:53). Two of the broad and comprehensive principles of Islam that subsume most of these are justice and the doing of good (*ʿadl wa-iḥsān*, cf., Qur'ān 16:91). Acts of injustice are committed not only among humans, but in the human treatment of natural environment, acts that pollute the earth, air and water and which cause dangerous disease to humans and other life forms.

Trusteeship *(Amānah)*

The qur'ānic narrative on *khilāfah* began with God's decision to confer a great trust *(amānah)* on His creatures, the heavens, the Earth, the mountains, the angels, and mankind – but they all declined to take it, only mankind did, due to his enormous potential for good, yet also a certain audacity on his part. (33:72) It was due to this combination of good and evil in man that when God offered the *amānah* to him, the angels protested saying "will you place on it (earth) such as will spread corruption and shed blood – whereas it is we who extol your unbounded glory?" (2:30). However, God chose mankind for the task telling the angels "I know what you know not," of the enormous potential for good of the progeny of Adam. Qur'ān and *Sunnah* make *amānah* an integral part of the faith of a Muslim. *Amānah* is a hallmark of faithful Muslims, those who "fulfil their trusts *(amānāt)* and observe

their promises and commitments" (23:8). A breach of *amānah* is a grave matter as in the *ḥadīth* "One who betrays his *amānah* has no faith." [19]

In a place where *amānah* appears in its plural form in the Qur'ān (4:58), God commands the believers to render the trusts *(amānāt)* to whom they belong. Then immediately follows the injunction "and when you judge among people you judge with justice." Thus it appears that justice is the most important of all *amānāt* that God has entrusted to mankind. Elsewhere the injunction to do justice is juxtaposed with benevolence, beauty and perfection (*iḥsān*; Qur'ān 16:90). Justice is a measure for measure concept whereas *iḥsān* can be unilateral and reach far beyond the dictates of justice, especially in relationships between the human and non-human inhabitants of the earth. Thus it is declared that God has ingrained beauty and perfection in all things (Qur'ān 41:7); which is reiterated in a *ḥadīth* that "God has inscribed beauty and perfection *(iḥsān)* on all things."[20] It is mankind's assignment then to strive to discover and manifest it. To facilitate this, man must not only observe the natural balance of all things, but also remove obstacles that may hinder their natural growth. This becomes, however, a remote prospect when man himself violates the God-ordained natural balance and actively engages in extravagance and excess. It is a religio-ethical mission of mankind in the earth, as the contemporary scholar al-Qaraḍāwī noted, "always to act conscientiously in his capacity as God's vicegerent and custodian."[21] The following *ḥadīth* juxtaposes trusteeship with moral autonomy:

> Beware that every one of you is a custodian and responsible for that which is in his custody. The leader is a custodian and he is responsible for his subjects; a man is a custodian and he is responsible for his family; a woman is the custodian of her husband's home and children and she is responsible for them. Surely each one of you is a custodian and responsible for his charge.[22]

Building the Earth *(Iʿmār al-Arḍ, ʿUmrān)*

Vicegerency also confers on humankind the authority to build the earth and develop its resources. To quote the text: "He it is who created you from the earth and made it your assignment to build it" (Qur'ān 11:61). The scope and potential of this assignment naturally varies in tandem with the state of human progress and civilisational attainment, but even then humans will be unable to support all that which live in the earth: "And We have provided in it (earth) sustenance for you, and for those who you do not support" (Qur'ān 15:19). The Prophet's appreciation of the earth's natural endowment is espoused in the following *ḥadīth*, with a challenge: "The world is green and pleasant and God has put it under your charge to see how you will manage."[23] The earth is inherited by those of God's servants, as the Qur'ān says, that do good works and fulfil their responsibilities (21:105).

Building the earth for beneficial uses is an evolving concept depending on the tools and know-how that may be available to particular individuals and communities. *Iʿmār* and *ʿumrān* (civilisation) are from the same Arabic root and our usage of *iʿmār* encapsulates its broader civilisational vision informed by the material, ethical and artistic aspects of development. Some aspects of *iʿmār* that are explicitly mentioned in the Qurʾān, *ḥadīth*, and texts of Islamic jurisprudence Islamic *(fiqh)* relate to the reclamation of barren land *(iḥyāʾ al-mawāt)*, planting of trees and growing of flora and fauna, fruits and vegetables therein.[24] Thus the encouragement in the *ḥadīth*, "One who reclaims barren land is entitled to own it."[25]

Barren land is unowned land mostly away from residential quarters with no signs of anyone having owned or developed it. It is an act of merit to reclaim it for productive purposes, especially for food and livestock-raising. Thus the *ḥadīth*: "Anyone who plants a tree or sows a field and a human, bird or animal eats from it, it shall be counted as charity from him."[26] The Prophet elaborated the qurʾānic concept of *iʿmār al-arḍ* in another inspirational *ḥadīth*: "If the day of resurrection comes upon any one of you while he has a seedling in his hand, let him plant it."[27] *Iḥyāʾ al-mawāt* is not confined to agriculture, as land may also be reclaimed for building of houses, hospitals and factories, etc. Yet "it is obligatory," according to al-Qaraḍāwī, "that industrial installations and factories are further removed from residential quarters so that people are safe from their harmful emissions, smoke, smell and other pollutants-simply because Islam outlaws infliction of harm."[28] The Qurʾān commentator and Mālikī jurist al-Qurṭubī (d. 1273) has drawn the conclusion that greening the earth and planting of trees is a collective obligation *(farḍ kifāyah)* of the Muslim community. In the event of total neglect of this duty, the ruling authorities are within their rights to compel people to do it.[29] The Muslim philosopher Al-Rāghib al-Iṣfahānī (d. 1124) observed on a similar note that building and greening the earth and development of its resources is one of the three cardinal objectives of Islam.[30] The early traditionist Abū Dawud (d. 899) has recorded *ḥadīth* reports to the effect that in some parts of Medina, the Prophet had strictly prohibited the cutting of trees and hunting of animals.[31] These last are also prohibited during war, on the authority of *ḥadīth* and established precedent of the four first caliphs *(al-khulafāʾ al-rāshidūn)* – unless there be a manifest need or benefit therein for Muslim warriors.

In addition to their nutritional and medicinal value for humans and animals, plants enrich the soil and protect it from erosion by wind and water; they conserve the water by draining its run-off, moderate the climate and produce the oxygen we breathe. The Qurʾān also mentions the aesthetic values of plants and animals that bring excitement, joy and peace of mind.

The significance of *iḥyāʾ al-mawāt* is brought into sharp relief by the phenomena of deforestation and expanding deserts. Sudan alone is annually losing 10 km of land, and the rate of deforestation in Tunisia due to the same phenomenon is 1800 hectares

per annum.[32] Deforestation is a much wider problem and it is by no means confined to any particular region of the world.

Keeping the Balance

The Qur'ān is expressive of the state of equilibrium God has ordained in the natural world that reveal intricate interdependence between its parts, as well as relationships of the parts, to the whole: "Verily all things We have created are in due measure and proportion" (45:49 and 13:8); "We have produced therein (earth) everything in balance" (15:19). The sun and the moon move according to a fixed reckoning. "He has raised the heaven high and set up the measure, that you may not transgress the measure. So weigh all things fairly and fall not short of the balance" (55:5-9). God has determined, to borrow Husaini's phrase, the earth's "geographic and hydrologic characteristics. He has determined the precipitation patterns of the globe, and also water movement through soils. The recharge of ground water and its drainage occur according to properties of water, soils, and other factors that God has determined [in due proportions]."[33] This basically conveys the purport of the verse: "We send down water from the sky in accordance with a determined measure, and then We cause it to settle in the earth; We are most certainly able also to drain it off" (23:18).

All parts of the natural world, with its enormous diversity, have a value to each other and to the total global system over and above their value to mankind. The text repeatedly alludes to biological revival of the lifeless earth through rain which is likened to man's resurrection on the Day of Judgement: God sends forth the wind that raises the cloud and drives it toward dead land, and from it issues rain which enlivens the Earth after it had been lifeless; much like the resurrection and return of life after death (Qur'ān 35:9).

All the produce of the earth is duly proportioned (*bi-qadar^in mawzūn*; Qur'ān 15:19), not just in what is evident, but as to their internal composition of nutrients, water, minerals, salts, etc. God blessed the earth and made it safe such that "you shall not see imperfection in the creation of the Most Merciful" (67:13).

When man acts, instead of a trusted custodian and architect of the Earth, as its most dangerous destroyer, driven by greed rather than need and becomes an extravagant and insatiable consumer; when the Earth is made into a testing field for deadly atomic bombs with immeasurable radioactive emissions, its *fiṭrah* (innate nature) is subjected to dangerous distortion. The translucent water that God sends to earth is polluted with endemic waste and industrial pollution. Imagine that more than 120 littoral cities of the Mediterranean sea dispose their refuse water and pollutants directly into the sea.[34]

When the natural purity of the Earth's produce is incessantly eroded by chemical infusions for commercial gain, and when dense carbon emission, traffic and industrial

pollution poison the air that inflict harm on humans and other life forms, its God-ordained balance is disrupted. When the cattle and grass eating animals are fed with animally-sourced protein until it is manifested in such problems as 'mad-cow disease' etc., and when genetically modified fruits overtake the natural variety for commercial gain, the God-ordained balance in them is no longer immune - this is nothing less, in al-Qaraḍāwī's view, than transgression and mischief, *ẓulm* and *fasād*.[35]

Beauty and Cleanliness *(Jamāl and Ṭahārah)*

Qur'ān and *Sunnah* are emphatic on cleanliness, in terms of both personal hygiene and the living environment. Thus the Prophet declared that "cleanliness is a part of the faith (of every Muslim)."[36] He also said that "God does not accept *ṣalāh* [ritual prayer] that is not preceded by ablution."[37] Personal cleanliness, clean clothes and ablution are parts of the daily observances of all practicing Muslims, and there is much attention to details in the Qur'ān (cf., 5:6; 8:11; 74:4) and *Sunnah*, on such matters as the requirements of ablution and bathing, regular brushing of one's teeth, cutting of hair and nails, washing of hands before and after meals, and observance of hygiene when drawing and drinking water from wells and springs. It is recommended that one make a special effort in personal hygiene when attending the mosque congregational prayers as well as on the upkeep and cleanliness of the mosque environment.[38] The *Sunnah* also bans urination and excretion of body waste in standing or running water, near public paths and mosques, throwing refuse and litter on public passages that annoy the people.[39] The *fiqh* rules elaborate further on toilet behaviour, water and attire that may or may not be deemed to be clean for purposes of ablution and prayer. However, the teachings of religion reach out further: "Truly God loves those who return to him and those who insist on cleanliness" (2:222). In a particular reference to the congregation of the Medinan mosque of Qubā', the Qur'ān speaks in their praise: "Among them are people who love to purify and God truly loves those who purify themselves" (9:108).

Cleanliness is an integral part of beauty within and outside the rituals of faith. The Qur'ān asks the believers to "Beautify as God has beautified you," and "Is not the recompense for beautifying, but beautification" (28:77 and 55:60).[40] The Prophet has also said: "God is beautiful and He loves beauty."[41] Commentators have held that the reference here is to one's body, living quarters and surrounding environment. It is reported in a *ḥadīth* that when the Companion Abū Barzah asked the Prophet "O Messenger of God! teach me something that would benefit me (which I can regularly practice), the Prophet replied: "Remove obstructions(and litter) from the path of Muslims."[42] Samūrah b. Jundab reported that "The Prophet ordered us to build mosques in our living quarters and ordered us also to keep them clean."[43] Other *ḥadīth* reports provide details on prohibition of spitting, release of body fluids in the

vicinity of mosques, and under the shade of trees occasioned by people for relaxation and shelter.

The Qur'ān warns the people to take personal responsibility for their well being and health: "O people! The excesses you commit will harm only yourselves. Enjoy the (lawful) pleasures of this world" (10:23). The *ḥadīth* conveys a similar message "He who goes to bed at night with his hands unclean should only blame himself (if he falls ill)."[44] Personal and environmental hygiene are thus a shared responsibility of the individual and community, but it is the former that must exercise due diligence in the first place, at least for the part under his control.

Beauty and cleanliness admittedly depend on financial means at one's disposal, just as the arts and other aesthetic aspects of civilisation can be expected to prosper in more affluent societies. Having said this, cultural attitude and outlook are equally important. Notwithstanding the rigorous and comprehensive calibre of Islamic teachings on cleanliness, it would be hard to claim, without wishing to engage in generalisations, that Muslim cities and population centres have excelled in their observance of environmental cleanliness. This may be changing as of late. There is a certain disconnect, nevertheless, with the teachings of Islam, and realities on the ground. If there is a case for civilisational renewal *(tajdīd ḥaḍārī)*, the essence of renewal here is not to bring a new attitude and message, but to recapture what has gradually been diluted over the course of time.

Violation and Abuse

Abuses of *khilāfah* are manifested in mischief making and corruption, which is when man becomes, instead of builder and caretaker of the earth, an agent of its ruin through greed, extravagance, infliction of harm and arrogant disregard of Divine guidance. These are discussed below.

Mischief-Making and Corruption *(Fasād fī 'l-Arḍ)*

Khilāfah and its ensuing trust can be violated in numerous ways, but an instance of violation which the Qur'ān highlights is spreading mischief and corruption in the earth. The text identifies human beings as having the greatest potential for good as well as mischief making. Hence the warning: "Spread not corruption in the earth;" and "behold what happened in the end to the *mufsidūn*, who spread corruption and ruin [around them]" (Qur'ān 7:85). Yet even after many warnings:

> Mischief *(fasād)* has emerged on the land and sea as an outcome of what men's hands have wrought; and so God may give them a taste of some of their own deeds in order that they may take heed and retract (30:41).

Fasād in the qurʾānic language is connected to the destruction of tilth and fertility (cf., 2:205), of crops and soil through abusive practices and depletion of the soil of its goodness. The various forms of environmental damage through soil erosion and marine pollution we are witnessing today are veritable manifestations of the qurʾānic concept of *fasād*.[45] Mischief becomes rampant on Earth due to human defiance of Divine guidance.

Al-Qaraḍāwī identifies conservation of the natural environment *(ḥifẓ al-bayʾah)* as one of the higher objectives of the *sharīʿah*, side by side with protection of life *(ḥifẓ al-nafs)* and protection of property *(ḥifẓ al-māl)*. He elaborates that environmental pollution, resource depletion, and disturbance of ecological balance constitute major threats to human life and safety as "we experience today. For as long as this course of *fasād* continues, the danger to human life can only be expected to increase."[46] In numerous places, the Qurʾān warns the wealthy, but arrogant individuals and nations of old, the Pharaoh, the peoples of ʿĀd, Thamūd, Madyan, Gog and Magog that spread tyranny and corruption on Earth. They are described as *mufsidūn fī ʾl-arḍ*, agents of mischief, degradation and ruin; truly they abused the trust in clear contrast to those who strove to observe it.

The Prophet forbade setting of fire to an anthill by one who might have been stung by a single ant.[47] He also forbade the killing of bees, and captured livestock, as killing them is a form of mischief. He once ordered a man who had taken away the nestlings of a bird from their nest to return them to their nest. He also forbade the cutting down of trees that provided valuable shelter to humans or animals in the desert.[48] Muslim jurists have consequently held that destroying a living creature that does not pose a threat to one's safety is forbidden, both in peace times and war.

Extravagance and Waste *(Isrāf, Tabdhīr)*

Although Qurʾān and *ḥadīth* use these two Arabic words synonymously, a technical distinction has been drawn between them. *Isrāf* signifies extravagance and wasteful use of what is otherwise permissible. *Tabdhīr* on the other hand is spending on that which is unlawful in the first place. Thus one who exceeds the limits of moderation in what is lawful is a prodigal (*musrif*), such as one who consumes food to excess, or uses water wastefully for ablution.[49] However, those who spend money on procuring what is unlawful, such as the purchasing of drugs and gambling tools, even by small quantities, are *mubadhdhirūn* – described in the Qurʾān as the "devil's brethren" (17:26). This is because extravagance of one person leads to the deprivation of another, and the excess of one limits the accessibility right to resources of another. The basic guideline on utilisation of resources and spending is moderation that avoids both the extremes of niggardliness and extravagance.[50] The rules of *fiqh* maintain that use of water for drinking takes priority over its usage for ablution. One may eat and

drink, preferably with a sense of gratitude to God, but avoid wasting for "God loves not the prodigals – *al-musrifūn*" (Qur'ān 2:172 and 7:31). Further instruction on this is found in the *ḥadīth* advising moderation in eating even to the extent that one should finish the food one takes on one's plate. Moderation is also advised in clothing, which should not indulge in extravagance and self-glorification.[51] The prodigals are, moreover, equated with the agents of corruption (*musrifūn* and *mufsidūn*) and the faithful are advised "not to follow the bidding of the *musrifīn*, those who cause corruption on Earth" (Qur'ān 26:150).

Destruction in futility is sinful. ʿAbd-Allāh b. ʿUmar thus reported that the Prophet cursed one who needlessly destroys the life of a living creature as a pastime. The Prophet said this when he passed by two youths from the Quraysh tribe who had tied a bird or a chicken (reporter unsure), for a shooting target.[52] In another *ḥadīth*, the Prophet warned that anyone who kills a sparrow in vain will be taken to account for it on the Day of Judgement.[53] The Prophet is also reported to have said that one who (wastefully) cuts down a tree invokes upon himself punishment of Hell in the Hereafter.[54]

Passive destruction due to neglect, such as letting an animal die of hunger and disease, or neglecting a crop until it goes to waste, letting farm land or houses to deteriorate due to prolonged neglect also fall under loss of assets *(iḍāʿat al-māl)* that violates the *sharīʿah* objective *(maqṣid)*, of protection of property *(ḥifẓ al-māl)*. This is because ownership in Islam partakes in trust *(amānah)*, and it is the owner's responsibility to take care of what he owns and use it for his own benefit or the community at large. Thus the owner is not entitled to destroy or set fire to his own property for no good purpose.[55]

Elimination of Harm

"Harm must be eliminated – *al-ḍarārᵘ yuzāl*"[56] – is the exact wording of one of the leading maxims of Islamic law, which has in turn been taken from the renowned *ḥadīth* that "harm may neither be inflicted nor reciprocated- *lā ḍarār wa lā ḍirār fī 'l-islām*." This *ḥadīth* is also a legal maxim by itself.[57] The ruling it contains would subsume abusive exploitation of resources, even if by the owner, in a way that manifestly harms the living environment.[58] The harm so inflicted must, however, be manifest and exorbitant, which means that a slight harm is usually tolerated, especially when it emanates from the normal exercise of one's ownership rights. The owner's exercise of ownership rights may cause some harm to another person but unless it is exorbitant *(fāḥish)*, no legal action should be taken.

To ensure accuracy in the evaluation of harm and its remedial measures, the law provides additional guidelines for action. Note also the subtle difference between mischief-making *(fasād fī'l-arḍ)* as discussed above, and the infliction of harm

(ḍarār) as under review. Mischief-making may be unilateral and may or may not involve more than one actor - such as in the case of one who sets fire to an anthill or one who disposes of harmful industrial waste in an adjacent river. Infliction of harm, most likely visualises two parties, its instigator, and its victim, who is entitled to seek judicial relief. This is not to say that mischief and harm do not overlap, as black and white distinctions are difficult to draw. *Fasād* and *ḍarār* may indeed combine in one and the same case, for instance, in respect of a factory that disposes harmful chemical waste into a river and cause personal injury *(ḍarār)* to a consumer, in which case it would most likely be responsible both for an act of *fasād* against the general public and damages for personal injury. Mischief making would thus appear to be a public rights issue for the most part, often involving individuals and communities, and may entail not only civil damages, but also punitive sanctions, whereas infliction of harm often gives rise to a civil claim for compensation. The former can be initiated by the public prosecutor on behalf of the state and community, whereas the latter is initiated by the injured party, and both or either may have recourse to legal action as the case may be.

The present writer has not seen in the existing *fiqh* literature this distinction between *fasād* and *ḍarār*, one being treated as a public rights issue, and the other as a civil claim. While no hard and fast divisions are proposed, it seems a reasonable line of distinction that facilitates protection of the general public against mischief, even if no individual claim has arisen, and also to protect individuals in cases where evidence may be less than actionable to prove *fasād* and mischief to society at large.

According to a supplementary legal maxim "harm shall be removed to the extent possible."[59] Harm is, in other words, eliminated within reasonable bounds such that the remedial measure does not lead to a bigger harm. On a similar note "harm shall not be eliminated by means of a similar harm."[60] Furthermore, "A private injury is tolerated in order to prevent injury to the general public."[61] If one harm could not be avoided without causing another, then the "lesser of the two harms shall be chosen."[62] The state also bears responsibility to take remedial action to protect public interest.[63] According to yet another legal maxim "Harm cannot establish a precedent – *al-ḍarār^u lā yakūn^u qadīm^{an}*," which means that lapse of time cannot justify continuation of a harm.[64] All of this is further to be guided by the maxim that "averting harm takes priority over attracting benefit."

The *sharīʿah* also empowers government authorities to impose moratoria on activities, projects and enterprises they consider will result in real damage to the environment. Applying the legal maxim that "averting of harm takes precedence over the acquisition of benefit," may mean abandoning some projects. If, however, the community is in urgent need of a project that may result in some damage, that may be allowed under the principle that "dire necessities render the unlawful lawful."[66]

The Islamic tradition is expressive of a great deal of concern for animal welfare. There are *ḥadīths* on record where the Prophet has warned, in particularly emphatic terms, with God's wrath and punishment on individuals who were guilty of cruelty to animals, such as dogs, cats, camels and cattle under their care.[67] The *ḥadīth* directives on animal care were followed by the Rightly-Guided Caliphs and others that led to establishing an inspiring precedent.[68] Space does not permit entering details, but merely to say that Government authorities should intervene to curb abusive practices and protect both domestic and wild animals in private and public institutions such as zoos and research institutions under pain of compensation and punishment. Notwithstanding the distinctively compassionate tenor of our tradition, actual practice is uninspiring as welfare of animals is not a particularly visible feature of Muslim society practices. This is perhaps an area where our concern for civilisational renewal *(tajdīd ḥaḍārī)* is again relevant in that we need to reconnect ourselves with the original teachings of Islam.

Furthermore, the Islamic public law principle of *sharīʿah*-oriented policy *(siyāsah sharʿiyyah)* empowers government authorities to impose technical standards, licensing provisions and policy measures that encourage moderation and prevent or minimise environmental damage.[69]

Clearly these and similar other provisions of Islamic law encapsulate between them most, if not all, instances of environmental damage. They also empower judicial authorities to take appropriate preventive and remedial action, including financial compensation and punitive sanctions. *Sharīʿah* guidelines on elimination of mischief and *ḍarār* empower national governments and actors to take action, yet they may be powerless, especially in the case of weaker countries, to take deterrent action against multinational corporations and more powerful countries. It is here where international conventions and binding covenants are necessary to develop consensus and common strategies to curb further damage to natural environment.

Conclusions and Recommendations

Scientists agree almost unanimously that human activities are the likely cause of a rapid increase in global temperatures over the past several decades, resulting in global warming.[70] A scientist himself, Zakri Abdul Hamid, has rightly observed that the "modest and incremental approach" that world leaders have taken so far to the climate issue "is not enough […] only a major overhaul of the governance system will address the challenges of environmental sustainability." A proposal was consequently made for the formation of a World Environment Organisation (WEO) similar to that of World Trade Organisation (WTO) which sets standards and facilitates collective planning to curb environmental damage. Currently more than 40 UN agencies deal

with environmental issues; these should be consolidated under one umbrella of the proposed WEO.[71]

Solutions to the environmental crisis can hardly be expected to come without addressing the spiritual malaise of modern man and his rediscovery of the vision and wisdom that must inform his responses to the crisis. In pre-modern times, dominant religions remained altogether impervious to the discourses of minority religions and cultures. Today those boundaries have been broken and there is a need for us to understand each other and reach out for harmony as we have all become victims and participants, some more widely than others, in the destruction of the earth's environment.

It is essential for those who speak for spirituality and religion to collaborate in matters of their shared concern and take common platforms to save the planet from its crisis. It is also important for those who refuse to acknowledge the reality of the crisis and its ruinous manifestations to put an end to that state of denial. Muslim communities and leaders certainly have their share of responsibility to draw the attention of their peoples to the spiritual significance of nature and harmony with the rest of God's creation. Muslim countries and most other nations are fortunately not in a state of denial over the environmental crisis. It is encouraging to note for instance "The Muslim Seven Year Action Plan on Climate Change (2010-2017)," created at a landmark event at Windsor Castle in November 2009 titled "Many Heavens, One Earth," organised by the United Nations and the Alliance of Religions and Conservation to encourage environmental action among a variety of faiths.

The Islamic tradition possesses an ethics and metaphysics of nature, rooted in the revelation and Divine law, which concern the duties and responsibilities of man towards the non-human realms of the created order. All proponents of traditional Islam should carry out a dialogue with followers of other religions on an issue which concerns men and women everywhere. By sharing the wisdom of their tradition with others, and learning from them in the meantime, they can contribute together not only to the Islamic world itself, but to the betterment of the larger humanity.

The destruction of one part of creation affects other parts in ways that the science of today may not have adequately exposed. In an interdependent natural environment in which we all live, it is for men and women everywhere to unite, to borrow Nasr's phrase "not in an agnostic humanism which kills the Divine in man […] but in the one Spirit which manifests itself in different ways in the vast and complex ocean of humanity."[72]

Ethical teaching and spiritual wisdom in defence of the natural environment should be backed by legislation and effective enforcement measures. For appeals only to conscience without positive inducement may well put those who respond with self-restraint at a disadvantage with respect to those who are bent on transgression. The Islamic tradition combines ethical teaching with the legal injunction of the *sharīʿah*

concerning care for the earth's environment and living inhabitants. This aspect of the *sharīʿah* merits greater attention in that it can move the environmental debate from mere show of concern to an actionable plane that is likely to bear a greater restraining influence on potential violators. When a moral norm is developed into a legal principle it is indicative of moral progress. Developments of this kind have taken place with respect to twentieth century human rights discourse where certain moral precepts have actually been elevated into legal principles.

Mass media, civil society institutions, welfare bodies and parents all play important roles, side by side with governments, in alerting the public on instances of environmental abuse and the need to curb them through persuasive measures and education. This is a continuous effort that requires planning and proactive action, indeed a change from within ourselves, before we can expect the fruits of that vision in real life. While calling for civil society action and a fresh cultural awareness al-Qaraḍāwī advised that "parents should not throw the burden on to the school nor the authorities but to join hands with them […]. Cultural institutions and the media should also support this effort."[73] Al-Qaraḍāwī adds that in earlier times the *muḥtasib* (ombudsman, market inspector) used to play an important role in discharging some of these social obligations, but that role is now played by a variety of other actors and welfare organisations.[74] All should support ecologically sustainable development. Scientific and technical knowledge of environmental care should continually be improved and developed through safer methods and monitoring. Ecologically sustainable development and planning should espouse and nurture suitable restraints and take into consideration inherent proclivities of various localities and climes. Economic development and city-planning should always include analysis of environmental impacts and be designed so as to minimise damage.

Qur'ān and *Sunnah* are evidently emphatic on environmental care and cleanliness, but honourable exceptions apart, Muslim *ʿulamāʾ* hardly speak about it. The *ʿulamāʾ* should make their presence felt and renounce the attitude that implies environment is not a matter of concern to Islam!

The International conference in Amman where the present writer spoke, presented another opportunity for Jordan's Royal Aal al-Bayt Institute to liaise with the Muftis and leading *ʿulamāʾ* of selected Muslim countries to take a common platform on environmental awareness and its religious significance for Muslims. It was recommended that this be done through sermons, mosque – organised events, TV programmes and the like. Interesting developments have also been taking place in some parts of Indonesia in recent years.[75]

At the national level, environmental care, awareness of its pollutants and protective measures should be introduced in public schools at an early stage, to be pursued by suitable educational programmes in industrial centres, farms and factories. At the international level, it is essential to wage a rigorous campaign for international

treaties and binding instruments that safeguard the environment from the menace of nuclear weapons, and their proliferation by all states, including Israel and North Korea.[76]

Lastly, self-seeking individuals and institutions should be made responsible to repair the environmental damage they cause. Cramping too many sky scrapers in congested areas has become commonplace in cities such as Kuala Lumpur, leaving on-lookers often askance whether any amount of ethical education will constrain greedy developers and their collaborators in municipal offices to care for environmental safety and the wellbeing of the general populace. Private or local interest should not be encouraged at the expense of public interest and damage to larger society.

To summarise:

- Unless a problem is recognised for what it is, the question of finding effective solutions to it is not likely to begin. To deny the existence of environmental crisis is unhelpful, especially in the case of the major contributors to the crisis. This should be put to an end.
- Muslims have much to contribute to the evolving environmental discourse, yet they need to articulate their resources, engage and develop the language of persuasion both within their countries and internationally.
- Ideas to address environmental crisis are not actionable by themselves without enabling legislation and policy initiatives as well as international treatises. The *sharīʿah*-doctrine of *ḍarār* and its allied legal maxims merit recognition by government actors and the Organisation of Islamic Cooperation to hold the miscreants liable for their violations.
- In their effort to prevent further damage to the natural environment Government authorities may impose, within the ambit of the *sharīʿah* law doctrine of *siyāsah shariʿyyah*, moratoria and emission limits on producers and users of coal and fossil fuel, as well as licensing requirements, to ensure environmentally friendly construction planning in urban areas.
- Educational institutions, mass media, and civil society, scientific and legal thinkers and institutions should all support environmental protection efforts. Citizen awareness through family influence, schools and universities is essential for waging a comprehensive campaign to prevent waste and promote cleanliness. From the Islamic religious viewpoint this effort also merits spiritual reward. Religious leaders and Imams should make environmental care and care for animals an integral part of their guidance and advice to their communities.
- An authoritative world body, the proposed World Environment Organisation, should be established under the auspices of the United Nations.

Notes

1. Cf., Chris Baltimore, "Did Gulf Coast Dodge an Ecological Bullet?" *New Straits Times* (Kuala Lumpur), 6 August 2010, 18.

2. *The Malay Mail* (Kuala Lumpur), 18 August 2010, 12.

3. Widespread deforestation, the conversion of wetlands to farms or urban sprawl and the clogging up of natural drainage systems with garbage also exacerbate the impacts of the devastating floods. See the AFP report "Damaged Ecosystems Reason for Asia's Killer Floods," *New Straits Times* (Kuala Lumpur), 20 August 2010, 27.

4. The United States has not ratified the Kyoto Protocol, and Western governments generally took questionable postures in the Copenhagen conference.

5. Parvez Manzoor, "Environment and Values: the Islamic Perspective," in: Ziyauddin Sardar (ed.), *Touch of Midas: Science, Values and Environment in Islam and the West* (Kuala Lumpur: Pelanduk Publications, 1988), 151.

6. Cf., Lionel Rubin, *An Essay on the Nature and Significance of Economic Science* (London, 1932), quoted in Adi Setia, "The Inner Dimension of Going Green: Articulating Islamic Deep Ecology," *Islam and Science 5* (2007), 137.

7. The twentieth century saw the disappearance of half the world's forests and the depletion of fish by about two thirds. For instance, Peru's fishing was estimated 3.5 million tonnes in 1960, increasing by 1965 to 9 million, and to 13.5 million in 1970. In 1975, it declined to 3 million and to 1.5 million in 1978. See Aḥmad ʿAbd al-Wahhāb ʿAbd al-Jawād, *Al-Manhaj al-islāmī li-ʿIlaj talawwuth al-bayʾah* (Cairo: al-Dār al-ʿArabiyyah li ʾl-Nashr wa ʾl-Tawzīʿ, 1991), 34.

8. Seyyed Hossein Nasr in conversation with Muzaffar Iqbal, *Islam, Science, Muslims and Technology* (Serwood Park, Canada: Al-Qalam Publishing (Canada), reprint Kuala Lumpur: Islamic Book Trust, 2007), 101.

9. Delegates were left frustrated as the US refused to agree to any binding treaty. The Copenhagen Accord was drafted by the United States and the BASIC group of countries (Brazil, China, India, and South Africa). The document is not legally binding and no set decisions on emission reductions were made. Note also that China overtook the United States as the biggest emitter in 2008 and recently it was reported as the largest consumer of energy.

10. Report by Nur Atifi, "COP15: The Good, the Bad and the Ugly," *Business Today* (Kuala Lumpur), 13 February 2010, 42.

11. Ibid., 43.

12. See *New Sunday Times* (Kuala Lumpur) editorial, "New Climate Deal Reached," 12 December, 2010, 34.

13. The names of *sūrahs* in the Qurʾān thus include the Arabic equivalents of cattle, honey bees, the ant, spider, cow, horse, elephant, iron, the star, the moon, the morning, night, the time, the mountain, the city, lightening, winds, fig, olive, and so forth. See for a discussion al-Qaradawi, *Riʿayat al-Bayʾah*, 54.

14. Cf., Seyyed Hossein Nasr, *An Introduction to Islamic Cosmological Doctrine* (Cambridge MA: Harvard University Press, 1964), 4-5. See also Sultan Ismail, "Environment and the Islamic Perspective," in: A. R. Agwan (ed.), *Islam and the Environment* (New Delhi: Institute of Objective Studies, 1997), 166.

15. Cf., Osman Bakar, "Environmental Health and Welfare as an Important Aspect of Civilisational Islam," *Al-Shajarah* [Kuala Lumpur] 11, no.1 (2006), 41.

16. Seyyed Hossein Nasr, "Islam and the Environmental Crisis," in: Agwan (ed.), *Islam,* 17.

17. Ibid., 18.

18. Other qurʾānic references to the Earth: "We vested it (the earth) with the means of livelihood for

you" (7:10); blessed it and made it a safe place for you to live (41:10); richly endowed it with greenery and fruits of all kinds (22:63); and subjugated it to you to harness its resources for your enjoyment (45:13; 67:15).

19. *Ḥadīth* narrated by Anas b. Mālik, in: Muḥammad Naṣīr al-Dīn al-Albānī (ed.), *Ṣaḥīḥ al-jāmiʿ al-ṣaghīr* (Cairo: Muṣṭafā al-Bābī al-Ḥalabī, 1954, 4th ed.), *ḥadīth* no. 7,179.

20. Muslim b. al-Ḥajjāj al-Nīshābūrī, *Mukhtaṣar Ṣaḥīḥ Muslim,* ed. Muḥammad Naṣīr al-Dīn al-Albānī (Beirut: al-Maktab al-Islami, 1407 AH/1987, 6th ed.), *ḥadīth* no. 1,249.

21. Yūsuf al-Qaraḍāwī, *Riʿāyat al-bayʾah fī ʾl-sharīʿat al-islām* (Cairo: Dār al-Shurūq, 1421 AH/2001), 212.

22. Muḥammad b. Ismāʿīl al-Bukhārī, *The Translation of the Meaning of Sahih al-Bukhari,* transl. Muhammad Muhsin Khan (Lahore: Kazi Publications, 1986), vol. 9, *ḥadīth* no. 252.

23. Al-Khaṭīb al-Tabrīzī, *Mishkāt, al-Maṣābīḥ,* ed. Muḥammad Naṣīr al-Dīn al-Albānī (Cairo: 1979, 2nd ed.), vol. 2, *ḥadīth* no. 3,086.

24. Cf., Qurʾān 6: 99; 27: 60; 36:33.

25. Abū Dawud al-Sijistānī, *Sunan Abu Dawud,* transl. Ahmad Hasan, 3 vols (Lahore: Ashraf Press, 1984), *ḥadīth* no. 3,073; Abū ʿĪsā Muḥammad al-Tirmidhī, *Sunan al-Tirmidhī* (Beirut: Dār al-Fikr, 1400 AH/1980), *ḥadīth* no. 1,379.

26. Agreed upon *ḥadīth (muttafaqun ʿalayh)*, recorded by al-Bukhārī, *Ṣaḥīḥ, ḥadīth* no. 1,001.

27. Muḥammad b. Ismāʿīl al-Bukhārī, *Al-Adab al-mufrad* (Cairo: Muḥibb al-Dīn al-Khaṭīb, 1959, 2nd ed.); *ḥadīth* no. 479; Aḥmad b. Ḥanbal, *Musnad Imām Aḥmad b. Ḥanbal* (Cairo: Dār al-Ḥadīth, 1994) 3:183, *ḥadīth* no. 184.

28. According to al-Qaraḍāwī, *Riʿāyat,* 72-73, *iḥyāʾ al-mawāt* is regulated by detailed *fiqh* rules, but one that may be mentioned here is that reclamation should be with the approval of government just as the latter is authorised to repossess the land from one who fails to build it after two or three years and assign it to someone else who can develop it.

29. *Tafsīr al-Qurṭubī,* 3:306 also quoted by al-Qaraḍāwī, *Riʿāyat,* 60.

30. Al-Rāghib al-Iṣfahānī, *Al-Dharīʿah ilā makārim al-sharīʿah,* as quoted in al-Qaraḍāwī, *Riʿāyat,* 64.

31. Three such *ḥadīths* are dicussed in Muḥammad Haytham Khayyāṭ, *Dē chaperyal roghtya dē islam pē mīzān kē* (Environmental Health in Islamic Teachings) (Kabul: Ministry of Health and WHO branch of Afghanistan, 2002), 32 [in Pashto].

32. Ibid., 216-17.

33. S. Waqar Ahmad Husaini, *Islamic Thought in the Rise and Supremacy of Islamic Technological Culture: Water Resources and Energy* (New Delhi: Goodword Press, 2001, rev. 2nd ed.), 90.

34. See for details ʿAbd al-Jawād, *Al-Manhaj,* 35.

35. Al-Qaraḍāwī, *Riʿāyat,* 225.

36. Al-Nīshābūrī, *Mukhtaṣar,* ed. al-Albānī, *ḥadīth* no. 120.

37. *Ḥadīth* recorded by most of the major collections of *ḥadīth.* See al-Albānī (ed.), *Ṣaḥīḥ al-jāmiʿ al-ṣaghīr, ḥadīth* no. 7,746.

38. See for details al-Qaraḍāwī, *Riʿāyat,* 75f.

39. See for details ʿAbd al-Jawād, *Al-Manhaj,* 39f.

40. Translation of verses quoted from Joseph Lumbard, *Submission, Faith and Beauty: The Religion of Islam,* (Berkeley CA: Zaytuna Institute, 2008), 66.

41. Al-Tirmidhī, *Sunan, ḥadīth* no. 2,800.

42. *Ṣaḥīḥ Muslim, ḥadīth* no. 2,618.

43. al-Sijistānī, *Sunan,* transl. Ahmad Hasan, *ḥadīth* no. 456; also in Aḥmad b. Ḥanbal, *Musnad,* vol. 5, *ḥadīth* no. 17.

44. Al-Khaṭīb al-Tabrīzī, *Mishkāt,* ed. al-Albānī, vol. 3, *ḥadīth* no. 4,209; also quoted in ʿAbd al-Jawād, *Al-Manhaj,* 103.

45. Cf., Seyyed Hossein Nasr, *Islam, Science and Muslim Technology* (Kuala Lumpur: Islamic Book Trust, 2007, repr.), 147. See also cf., Mawil al-Samarai, "The Human Appointment and Creation," in: Agwan (ed.), *Islam,* 163.

46. Al-Qaraḍāwī, *Riʿāyat,* 48.

47. *Ḥadīth* of sound authority related by al-Bukhārī and Muslim on the authority of Abū Hurayrah.

48. Several *ḥadīth*s recorded in *Ṣaḥīḥ al-Bukhārī, Ṣaḥīḥ Muslim* and *Sunan Abī Dawud.* See for a discussion of these and other reports Abubakar Ahmad Bakadar et al., "Islamic Principles for the Conservation of the Natural Environment," in: Agwan (ed.), *Islam,* 83f.

49. ʿAbd Allah b. ʿUmar reported that the Prophet, when he passed by Saʿd b. Abī Waqqāṣ who was taking the ablution for prayer but using more water than necessary, said: "What is this waste, O Saʿd! He replied "Can there be waste in washing for the prayer?" The Prophet replied: "Yes, even if you are beside a flowing river" (reported by Aḥmad b. Ḥanbal in his *Musnad,* also quoted in al-Qaraḍāwī, *Riʿāyat,* 102). There is a weakness in the chain of narration of this *ḥadīth*, but it is strengthened by another *ḥadīth* recorded by Ibn Mājah in *Sunan Ibn Mājah* (*ḥadīth* no. 424) to the effect that the Prophet "saw a man doing ablution and told him : do not waste, do not waste."

50. Thus the instruction: "Tie not your hand to your neck nor stretch it to its utmost reach that may then leave you self-blaming and regretful" (Qurʾān 17:29).

51. al-Albānī (ed.), *Ṣaḥīḥ,* , *ḥadīth* no. 4,505.

52. *Ṣaḥīḥ al-Bukhārī, ḥadīth* no. 5,515, and *Ṣaḥīḥ Muslim, ḥadīth* no. 1,958.

53. Al-Nasāʾī, *Sunan al-Nasāʾī,* vol. 7, 229.

54. Al-Khaṭīb al-Tabrīzī, *Mishkāt,* ed. al-Albānī, vol. 2, *ḥadīth* no. 2,790.

55. See for details al-Qaraḍāwī, *Riʿāyat,* 146f.

56. Cf., Zaydan, ʿAbd al-Karīm Zaydān, *Al-Wajīz fī sharḥ al-qawāʿid al-fiqhiyyah* (Beirut: Muʾassasat al-Risālah Nāshirūn, 1425 AH/2004), 86.

57. Cf., C. S. Tyser (transl.), *The Mejelle: An English Translation of the Majallah el-Ahkam el-Adliya* (Lahore: Law Publishing Co. 1967, repr.), Art. 19. See for details on this legal maxim also Zaydān, *Al-Wajīz,* 83f.

58. Cf., ʿAbd al-Jawād, *Al-Manhaj,* 33.

59. Zaydān, *Al-Wajīz,* 90.

60. Ibid., 88. See also Tyser (transl.), *The Mejelle, Art.* 25.

61. Tyser (transl.), *The Mejelle,* Art. 26, and Zaydan, *al-Wajeez,* p. 92.

62. Zaydān, *Al-Wajīz,* 96.

63. Cf., ʿAbd al-Jawād, *Al-Manhaj,* 147.

64. See for a discussion of these and other legal maxims, Mohammad Hashim Kamali, *Shariʿah Law: An Introduction* (Oxford: Oneworld Publications, 2008), chapter 7 bearing the title "Legal Maxims (Qawaʾid al-kulliyyah al-fiqhiyyah)," 141-62, at 148f.

65. Zaydān, *Al-Wajīz,* 99.

66. See for details on this legal maxim ibid., 222.

67. See for English translation of a number of hadiths on animal care, Abd al-Hamid, "Islamic Principles for the Conservation of the Natural Environment," in: Agwan (ed.), *Islam,* 62-63.

68. See for details al-Qaraḍāwī, *Riʿāyat,* 122-34.

69. See for further details on *siyāsah sharʿiyyah,* Kamali, *Shariʿah Law,* chapter11 entitled "Beyond the Shariʿah: An Analysis of Shariʿah-Oriented Policy," 225-46.

70. Cf. Zakri Abdul Hamid "One Small Step in Climate-Change Fight," *New Straits Times* (Kuala Lumpur), 18 March 2011), 21.

71. Idem, "Need for Single World Agency on Environment," *New Straits Times* (Kuala Lumpur), 29 June 2011, 17.

72. Nasr, "Islam and the Environmental Crisis," 35.

73. Cf., al-Qaraḍāwī, *Riʾāyat,* 235 quoting the qurʾānic verse (13:11) according to which God won't change a people unless they make that decision for themselves.

74. Ibid., 237.

75. Note that when the *ʿulamāʾ* of the Central Kalimantan branch of Majlis Ulama Indonesia (MUI) in 2006 issued a *fatwā* against the open-burning of forests and declared unauthorised deforestation as 'sinful' and 'prohibited' *(ḥarām)*, the villagers complied. Activists said that only the religious 'elite' could reach out the villagers. On 19 June 2007, the local MUI head, Abdul Wahid Qusimy, said his 'learned body' had stepped up that effort to inform Muslims in Indonesian Borneo about the ruling against burning of forests. It is instructive to note also that Muslim schools in Java, started an Islamic green movement in Indonesia: When the founders of the Darul Ulum boarding school, a traditional *pesantren (madrasah)*, started building the school compound in Sukabumi (West Java) in 1995, it was hot and humid. The founders decided to set aside one hectare of the 7 hectares as *ḥarīm* designated only for the planting of trees. Four years later, and after 700 trees planted, the air around the school is cool and fresh. The 700 is exactly the number of graduates as every student is required to plant one tree before graduation. This was the result of the 'one student one tree' policy initiated by the school, which also required each student to maintain a tree.

The Darul Ulum success story drew the attention of *pesantrens* in Bogor, including NGOs to follow suit. On 29 July 2009, nineteen *pesantren* representing 31,900 students, converged in Bogor to launch a more ambitious move to protect a local national park through the implementation of the Islamic conservation tradition of *himmah*, a system of resource tenure established by the Prophet himself. See Kafil Yamin, "Muslim Schools Lead Islamic Green Movement in Java," *Jakarta Globe,* 9 August 2009.

76. Cf., Wahbah al-Zuhaylī, *Qaḍāyā al-fiqh wa ʾl-fikr al-muʿāṣir* (Damascus: Dār al-Fikr, 2006), 719.

ABUSE NATURE AND FACE THE CONSEQUENCES: CLIMATE CHANGE FROM AN ISLAMIC PERSPECTIVE

Rafiu Ibrahim Adebayo*

Abstract: Nature and the environment can be considered from a variety of perspectives. In the pre-Islamic period, for instance, nature was held so sacred that it was worshipped. Today, nature appears to be exclusively subjected to man's benefits through modern technological and scientific discoveries. The disturbance of the natural environment has resulted in various natural disasters. Some scholars consider those catastrophic effects 'man-made' while others believe they are 'natural'. Whatever the case may be, man's excessive penetration into nature has also greatly resulted in climate change. This article shall delve into discusses the various means through which man exploits nature and the extent of the reaction of nature to the exploitation. Adopting a textual analytical approach, the author concludes that as long as human technological muscles are exerted on nature, man must be ready to face its 'wrath' and that anything which in its own way 'worships' God should not be unjustifiably exploited. Man should be conscious of his excessive materialistic urges.

Introduction

Climate change has emerged as yet another threat to human existence in recent times. It occurs due to the changes in the total amount of the sun's energy absorbed by the earth's atmosphere and surface and when there is a change in the amount of heat energy from the earth's surface and atmosphere that escapes to space over an extended period of time.[1] The widespread prediction of catastrophic climate change is seen as being more critical than global warming. While the former implies general shifts in climate, including temperature, precipitation, winds, and other factors, the latter refers specifically to any change in the global average surface temperature.[2] Another important thing to note about climate change is the divergences in the views of environmentalists and scientists. Environmentalists see climate change as a consequence of the seemingly limitless emission of gases and other toxic residues. In conjunction with some UN agencies and NGOs, they have succeeded in making their influence felt at the Rio Earth Summit and UN Framework Convention on Climate

*   *R. Ibrahim Adebayo* is a Lecturer in the Department of Religions at the University of Ilorin, Ilorin, Nigeria.

Change of 1992. This later led to the Kyoto Protocol of December 1997 where specific reductions in CO_2-emissions by industrialised nations by 2012 were agreed upon, while the decision to establish a supra-national inspectorate was made with Bonn to serve as the headquarters with the purpose of policing the decarbonisation programme.[3] To the Lavoisier Group – after the founder of modern chemistry, Antoine-Laurent Lavoisier (d. 1794), "the debate about increasing atmosphere concentrations of carbon dioxide, and the widespread predictions of catastrophic global warming" as claimed by the environmentalists lacks empirical evidence and it is full of scientific implausibility. Ray Evans, a member of this group, considers the careers of some prominent scientists who preach the 'gospel' of anthropogenic carbon dioxide-generated global warming to have been made in a shadowy world where science and politics intersect.[4] He attributed the unnecessary proclamations on climate change to the influence of such science-politicians as Lord May and James Hansen within the British Government and the media. He then came up with nine facts about climate change to refute the unscientific predictions of global warming among which are that the twentieth century was almost as warm as the centuries of the medieval period, that increasing atmospheric concentrations of carbon dioxide will have negligible impact on the earth's radiation balance and that decarbonisation of the world's economy would, if attempted, cause huge economic dislocation.[5]

In whichever manner this issue is viewed, climate change has assumed an international dimension while legal response to it commenced consequently upon the 1972 World Conference on Human Environment held in Stockholm with 112 countries in attendance. The conference led to the birth of the UN Environmental Programme. In June 1992, the United Nations Conference on Environment and Development (UNCED) met in Rio de Janeiro. The conference was significant in the sense that it culminated in the signing of some documents such as the conventions on climate changes and on biological diversity.[6]

This article shall discuss climate change from the perspective of Islam. To do this, an attempt will be made to discuss nature among different civilisations, but with particular reference to Africa. This will afford us the opportunity of appraising the influence of Islam on preservation of nature and as well as prepare the ground for us to determine whether change in climate is natural or human-caused. To do this successfully, however, a textual analysis approach will be adopted after which a conclusion would be drawn based on the available materials while recommendations will be made for further enhancement of climate that is conducive for human living and other living creatures from the perspective of Islam.

Nature among Different Civilisations: The African Example

Right from the inception of man, the importance attached to nature had been great, since most human needs are derived from it. Therefore, nature was everything to man. His prosperity and adversity were both traced to it. For this reason, natural objects became the objects of worship and adoration. Ancient civilisations like the Canaanites, Hittites, Egyptians, and Mesopotamians feared, adored and worshipped physical objects.[7] In Africa, the story is no different—natural objects are used as symbols of African divinities. In Yorubaland, Nigeria, for instance, the Esu divinity is symbolised by a stone slab or a piece of rough laterite stuck into the ground slantingly. Many other divinities are attached to natural objects like rivers and mountains. Osun is the goddess of river Osun which flows through some towns in Osun State, though actively worshipped in Osogbo the capital city of the state; Oya is the goddess of River Niger and is worshipped in many parts of Yorubaland. Among the Akan and Ga of Ghana, there is Tano, otherwise called Ta Kora, who is regarded as the father of the water gods and is worshipped far and wide with some taboos attached to it. For instance, any ninth child and menstruating women are not allowed near the river.[8] Apart from this, there are some other divinities which are worshipped for the purpose of protecting nature and such divinities are believed to be the manifestation of the wrath of God which descends on polluters of nature and environment. Amadioha, Ogiuwu and Sango are examples of these divinities in Igbo, Edo and Yoruba lands of Nigeria respectively. They are gods of thunder and lightening and they punish people guilty of perjury and misconducts. There are also Sonponna and Ojukwu who are gods of smallpox in Yoruba and Igbo lands respectively.[9]

Barau[10] documents the human-nature relationship in some civilisations and cultures. For instance, Buddhism preaches respect for all life forms and restrains the killing of animals and the destruction of plants, which is similar to the concept of *Ahimsa* in Hinduism.[11] With particular reference to Nigeria, the Ogun and Osun States in south-western Nigeria are named after two important rivers in the area. Barau further observes that the country derives its name from the River Niger just like its northern neighbour, Niger, while the names of some of the states in the federation are named after important rivers and some environmental features. He writes:

> Of the Nigeria's 36 states, six are named after the River Niger, which starts from the Fouta Jallon Plateau in the Republic of Guinea […]. The states that are named after this important river are Kogi, Kwara, Niger, Rivers, Cross Rivers, and Delta. The first two mean river in Hausa language. Still in Nigeria, some other states are named after some environmental features for instance Jigawa means sand deposition in Hausa, Yobe is the name of a river, and Plateau State is named after the Jos plateau.[12]

Apart from rivers, Africans generally use natural phenomena like groves, lakes, rocks, mountains, forest, trees and waterfalls for their religious activities. There, sacrifices, rituals and offerings were made to divinities which they believed were residing in them. The belief in the efficacy of prayers offered at these natural objects could be appreciated in the name given to their children who were believed to have been offered to them through their spiritual contacts with them. For instance, a child believed to have been given through the Osun divinity is given the name Osunbunmi – 'Osun has given me'; while a child begotten through a mountain is given Okeseyi – 'Oke (Mountain) has done this'.

Biblical records contain information on the usefulness of natural resources to mankind. With particular reference to mountainous environment in the Bible, Ojebode[13] identified the usage of mountains in the Old and New Testaments. From all biblical indications, mountains are places of worship: upon Mount Sinai, the Ten Commandments were given to Moses; upon a mountain the temptation events of Jesus Christ took place where the sermon which heralded the Ministry of Jesus took place, on the Mount of Olives his Transfiguration took place, and at the foot of the mountain of the Gethsemane garden, his pre-trial took place. Biblical accounts also reveal that key events of the life of Elijah took place on Mount Carmel.[14] Among the Christians in Nigeria, mountains have become so important that various retreat exercises take place on them. Oke Maria in Otan Ayegbaju, Osun State, is a popular mountainous annual pilgrimage centre for Christians in the area and beyond. The sum-total of all this is that nature hosts many other living things apart from human beings, and therefore man cannot see nature as his exclusive property which he can use indiscriminately.

Understanding the Islamic Attitude toward Nature

Prior to the creation of Adam, nature was already in place. The essence of this was to prepare everything needed for the sustainability of human beings on earth. Natural objects were also used as instruments of examination for the angels and the newly created being – Adam. The identification of these objects by Adam gave him a special position and acknowledgement by the angels.[15] The objects were thereafter subjected to him. The Sabaeans from Harran made Giza their annual sacred place to where pilgrimage was made because of their belief that the pyramids on the Giza plateau near Cairo were the *mazārs* of Prophets Idrīs and Seth. The she-camel of the prophet Ṣāliḥ was said to have emerged from a rock, while the Ark of Noah was also said to have come to rest on Mount Judi in lower Iraq and that Noah was buried nearby. The cave of the prophet Lot is located just above the eastern edge of the Dead Sea. Some traditions also refer to this cave as the burial place of Lot. The Qur'ān (51:33-34) equally mentions stones of clay marked by God which were caused to rain down upon the people of Lot as punishment for their sins.

The Qur'ān contains many verses that discuss the use of nature by some prophets. For instance, the Prophet Abraham (Ibrāhīm) used the Meccan valley enclosed by hills on all sides as a means of protecting his offspring – Ishmael (Ismāʿīl)--who he dropped off there with his mother in spite of his knowledge that the place was not cultivatable (Qur'ān 14:37). The historic movement of Hagar, Ishmael's mother within the hills of al-Ṣafā and al-Marwah has now become an important pillar of hajj rites, while the water that gushed out of the ground for little Ishmael is now the Zam-zam well used for numerous purposes by Muslims. The Prophet Moses (Mūsā) also received his spiritual message while on a mountain. The Ḥirā' cave is also significant in Islam since it was the place where Prophet Muḥammad received his first call to prophethood. On his way to Medina, he and his friend, Abū Bakr were reported to have stayed in the Thawr cave for three days. The uniqueness of Mount ʿArafāt cannot also be overemphasised in Islam, and its importance as a major *ḥajj* obligation cannot be underestimated. In Islamic history, ʿAli b. Abī Ṭālib was said to have met to adjudicate an end of their armed conflict over the right to the caliphate at a mountain located in the southern area near Mu'tah in today's Hashemite Kingdom of Jordan.

The Qur'ān further testifies to the use of nature against mankind as disciplinary chastisement. In summary form it mentions the nature of the chastisement thus: "Each of them We seized for its crime. Of them, against some We sent a violent tornado (with showers of stones), some were caught by a (mighty) blast, some We caused the ground to swallow, and some We drowned. God did not injure (or oppress) them. They injured (and oppressed) their own souls" (29:40). Expatiating further on the nature of the crimes committed by these nations and the nature of punishment meted on them, Solihu writes:

> The Qur'ān recounts some catastrophic chastisements inflicted upon previous nations that violated the moral law. Pharaoh and his soldiers were drowned after violating the "life" value by maltreating and exploiting the Jewish people and killing their first-born sons… Prophet Lot's people violated the "progeny" value by their sodomy. As they valued all vice as virtue and a perverse, shameful act as a hallmark of maturity and pride, they were chastised with a rain of stones and their cities were turned upside down […]. Prophet Noah's people violated the 'intellect' value when they irrationalised all rational things and associated him and his followers with insanity. Thus, they were wiped out by a flood […]. Prophet Shuʿayb's people, the Madianites, violated the 'property' value by committing themselves to economic corruption. Thus, they were punished with an earthquake accompanied by a devastating blast […].[17]

Apart from this, the Qur'ān refers to nature as containing signs of God. A verse of the Qur'ān (2:164) reads:

Behold! In the creation of the heavens and the earth; in the alternation of the night and the day; in the sailing of the ships through the ocean for the profit of mankind; in the rain which God sends down from the skies; in the life which He gives therewith to an earth that is dead; in the beasts of all kinds that He scatters through the earth; in the change of the winds; and the clouds which they trail like their slaves between the sky and the earth – (Here) indeed are signs for a people that are wise.

Apart from the qur'ānic assertion that God is the creator of nature, the Qur'ān further asserts that everything in nature worships God because their existence depends on Him and therefore nature should not be worshipped. The Qur'ān (22:18) says: "Seest thou not that to God prostrate all things that are in the heavens and on earth – the sun, the moon, the stars; the hills, the trees, the animals; and a great number among mankind? [...]" The Qur'ān (41:37) further informs: "Among His signs are the Night and the Day, and the Sun and the Moon. Prostrate not to the sun and the moon, but prostrate to God who created them, if it is Him you wish to serve."

Another important thing to note here is the structure of nature as created by God. Without mincing words, the Qur'ān calls for proper scrutiny of His creation of nature by human beings and assures that they would not observe any flaw therein. In short, the well-defined parameters of the planets, moons, stars, galaxies and that of the universe and general interconnectivity of the chain of beings is properly elucidated in the following passage of the Qur'ān (67:3-4):

He who created the seven heavens one above another; no want of proportion will thou see in the creation of the Most Gracious. So turn your vision again, seest thou any flaw? Again turn your vision a second time; thy vision will come back to you dull and discomfited, in a state worn out.

Commenting on the above qur'ānic verses, Solihu expresses the proportions and the general interconnectivity of the chain of the planets and other creatures in the following attractive words:

If too close, too frequent, or too late, life on the planet would be exterminated by radiation; if too far, too frequent, or too soon, not enough heavy elements would exist for the formation of rocky planets. Likewise, if the gravitational force constant were larger, stars would be too hot and would burn up quickly and unevenly; if smaller, they would remain too cool for nuclear heavy elements.[18]

Speaking in the same vein, Akhtaruddin and his colleagues discuss the perfection in the work of the Creator as regard the planets in the solar system. They make some yet to be confirmed hypotheses namely the likelihood of having more than nine planets and the probability of other "bigger suns and stars in the universe round [which] it is suggested other planets and moons move." They then conclude:

As the sun travels through space – a vast void – it takes all its planets and asteroids with it orbiting in a fixed order constrained by gravity. Solar gravity keeps the planets in their orbits. For millions of years an order has been meticulously maintained by a force superior to tiny man, and superior even to the earth and the vast stars […]. The nearest planets – Mercury (58 million km away) – and the farthest – Pluto (5,930 million km away) – and the other seven planets and all their moons and asteroids move round the sun in a faultless dynamic balance.[19]

The orderliness in the creations of God could also be appreciated in the functions of the sun in the universe. Apart from giving us light, it at the same time keeps us warm. Its closeness to us would have been disastrous, while its non-existence would have made life difficult to live. The earth is also proportionately sited to the sun so that it is neither too close to nor too distant from the sun. Its closeness to the sun would have made it inhabitable to living things because of heat, while its distance from the sun would have made the glaciers cover it and so few living things would have been able to survive. Harun Yahya also expresses the mercy of God in surrounding our planet with a protective shield which prevents meteors from falling on earth. According to him, meteors are stones that break off from planets or the remnants of material from stars and go about in space and from time to time fall on the surfaces of planets causing them great damage.[20] In his words, he discusses the workability of this, thus:

When meteors fall on other planets, they create giant craters, but when they fall on earth, they don't cause much harm. So how do meteors cause great damage to the surfaces of other planets, but not to the surface of earth? The reason for this is the atmosphere that surrounds earth. The atmosphere encircles our planets as a protective shield. A meteor entering the atmosphere shrinks through combustion. When it comes closer to the surface of earth, it becomes even smaller. Therefore, the meteor becomes very small or even diminishes and disappears completely by the time it reaches the surface of the earth, and causes us no harm.

The atmosphere doesn't only prevent harm from meteors, but it also absorbs harmful rays that come from the sun. Yet again, if these harmful rays were able to reach earth's surface, it would have been impossible for living things to survive.[21]

Apart from the sun, the Qur'ān mentions the proportionate nature of rain sent by God to perform multi-purpose functions for mankind. It says: "And We sent down water from the sky according to (due) measure, and We cause it to soak in the soil; and We certainly are able to drain it off (with ease)" (23:18). Expounding on this verse, the late Abdullah Yusuf Ali wrote:

Normally the rain comes well distributed; it soaks into the soil; moisture is retained for a long time in all high grounds; it soaks and penetrates through many layers of

soil and forms the architecture of physical geography; the retentive powers of higher soil enable rivers to flow perennially even where, as in India, the rainfall is seasonal and confined to a few months in the year. Another form in which water comes down from [the] sky according to due measure is in snow and hail: these also have their place in the economy of air and soil. Were it not for snow and glaciers in the higher mountain regions, some of the rivers would fail in their abundant flow. As wonderful as the supply of water and moisture is its drainage. It returns to the sea and air in all sorts of ways, and the formation of mist and clouds repeats the cycle. Were it not for the drainage and the clearance of the waters, we would have floods and waterlogging, as happens when the normal processes of nature are temporarily obstructed. The same thing happens when the rain comes down in other than due measure. These abnormal conditions also have their value.[22]

There is also wisdom in God's creating oceans over 70 percent of the earth. This is so to perform the role of climate control. The oceans and the atmosphere work harmoniously together to exchange heat, water, gases, and momentum in the form of wind and waves, and at the same time work together carrying solar heat away from the Tropics toward the poles for moderation of global temperature. If this is the case, it then implies that any noticeable flaw in nature is man-made and so man will have a taste of such an action that has caused it. Even excessive aesthetic beautification of nature by man is artificial and it has its side effect on him. Urbanisation syndrome has made him to construct high structured palaces, dams, tourist and attractive centres where morality is grossly downplayed. No wonder, the Qur'ān confirms that "mischief has appeared on land and sea because of the evil that the hands of men have earned" and that they will be made to taste part of what they have done. This may possibly make them turn back from their evil deeds (Qur'ān 30:41).

There is every indication that God is in strict control of nature and will not allow it to be hijacked by man. So making man taste of his action could be seen as a means of checking man's excesses. This explains why the effects of radiation and chemical substances consequent upon an atomic bomb dropped on the Japanese city of Hiroshima during the Second World War caused also harm to the survivors, destroying the bodily systems of the exposed and causing their children to be born either sick or crippled. The Ukrainian city of Chernobyl witnessed an explosion of its nuclear plant in 1986 which resulted in radiation that spread over the surrounding areas and even as far as Western Europe and consequently led to many of the inhabitants becoming cripples or even dying from radiation.[23] Solihu also discusses the enormity of the human violation of nature and that the consequences of his actions could not in any way measure up to the extent of that violation. He emphasises the mercy of God and His forgiveness which is being referred to as nature's resilience. He therefore cites the case of the 2005 haze of smoke triggered by forest fires in Sumatra, Indonesia, which might have affected the respiratory, circulatory, and olfactory systems of millions,

causing asthma, but which God in His mercy alleviated by sending the wind to clear the air and rain to clean the remaining smoky air.[24]

Climate Change and the Extent of Human interference with Nature

Both natural and artificial factors have been attributed to changes in global climate. Such natural processes like volcanic eruptions, variations in the sun's intensity, or very slow changes in ocean circulation or land surfaces are changes that can be caused by natural processes.[25] The release of 'greenhouse gases' and aerosols into the atmosphere and the depleting of the stratospheric ozone layer are some human factors that cause that change. The Industrial Revolution in Europe which precipitated and necessitated expansion in the use of electricity and automobiles and attracted more human personnel marked the first noticeable step to the pollution of land, water, and air. As industries could hardly be effective in the absence of energy, the Industrial Revolution facilitated rapid transformation in the field of transportation and communications. The high consumption of coal, oil, wood, and hay for the generation of power today therefore becomes the source of gases emission and other toxic residues which is a serious threat to clean environment. While combustion of coal results in emissions to the atmosphere of sulphur, carbon and nitrogen oxides, the automobiles release tonnes of carbon monoxide gas in addition to other pollutants generated from industrial oil, gas and atomic power.

The fact still remains that energy resources are vital to human livelihood since they serve as the basis of their developmental activities. As vital as these resources are, undue interference and disturbance of the environment by mankind make them inimical to human sustenance. Through modern technological and scientific discoveries, many useful implements are produced for the benefit of man. Although, these discoveries are beneficial to man, their side effects are enormous. The natural air is grossly polluted by toxic gases which are produced by oil refineries, industrial and agricultural factories, and vehicles like buses, cars, trains, aeroplanes, power boats and air-cooling and refrigeration equipment. With modern science, thousands of chemicals are manufactured to boost human activities in the fields of health, agriculture, defence, industry and other facets of development.

The above points explain why scholars are not unanimous on whether climate change is natural or man-made. Most of them however have largely subscribed to its artificiality. Solihu who does not agree that *any* disaster is natural holds that natural disturbance might not necessarily be disastrous and that it is only those who are anthropocentrically inclined and regard the world only in terms of human values and experiences that see any natural disturbance as being disastrous.[26] He then cites some species and ecosystems that actually depend upon natural disturbances for their continuous existence and vitality and as well adapt to such natural disturbances. He writes further:

[…] many forests and grasslands depend on periodic natural fires to burn off dead vegetation, revitalise soil fertility, and emit seeds. A bird known as Kirtland's warbler nests only in recently burned forests. Likewise, numerous plants and animals have adapted to periodic flooding. Many plants germinate and absorb newly available dissolved nutrients mostly during a flood. Migratory birds also rely on a flood's bounty. As the ground slowly absorbs floodwaters, underground aquifers are refilled. Fish use the floodplain as a spawning ground and a nursery for their young, and some of the largest fish and crop harvests come the year after a flood. Having satiated the thirst of other creations through its disturbances, nature is endowed with a resilient mechanism to replenish human needs and maintain ecosystems.[27]

Environmental pollution has been identified as the major cause of climate change. The pollution spreads on water, land and air. Among the major polluters of nature are industry and energy which produce poisonous gases when fossil fuels like coal, gas and oil are burned. These fuels are also used by various means of transportation on land, water and air. Modern agricultural devices also constitute another serious threat to nature. Through these, natural terrestrial ecosystems are facing serious degradation consequent upon increases in the atmospheric concentrations of greenhouse gases. Others include toxic chemicals and gases, solid and hazardous wastes, travel and tourism, war and violence, smoking, drinking and drugs, population explosion and unethical acts. In his own case, Barau identifies deforestation, industrialisation, urbanisation, overpopulation and wars and conflicts as human factors of modern conception for environmental degradation.[28]

The extent of human interference with nature through encroachment is enormous and disastrous. Solihu refers to this as disasters by design, as industrialisation's intensified activities had exacerbated vulnerability in the twenty-first century. He further cites Janet Abramovitz's report of human induced flood caused by China's Yangtze River "which affected 223 million people, caused 4,000 deaths, damaged 61 million acres of cropland, and cost well over US$ 36 billion."[29]

Exercising a limitless exploitation of nature, man goes to the extent of encroaching on the rights of other beings that are constituents of nature. The big questions then are: why is it that man has decided to go to such an extent of exploiting the nature and what is the Islamic way out of this environmental threat in the name of climate change? The first question becomes pertinent in view of the fact that once the cause of a problem is identified, the solution to such a problem will not be farfetched.

A major factor behind excessive exploitation of nature by man is the spirit of materialism in him. The quest for material wealth seems universal, as nations are competing among themselves to attain recognisable economic status. They thus exploit the natural resources endowed them indiscriminately even beyond their needs forgetting that most of these resources are finite and non-renewable in nature. The materialistic tendency make them feel that they need more energy to develop

their industries, that "they need more foreign exchange to develop their economic infrastructure and that they must take on huge debt repayments through their export earnings and finally, and a poor last, that they have to control the environment at heavy costs."[30] The spirit of materialism in man metamorphosed to greediness and excessiveness whereby man obtains more than what he needs. It is on record that as at 1990, coal reserves were estimated at 534 billion tonnes and those of natural gas at 104 billion tonnes while oil reserves were estimated at 140 billion tonnes, an amount which can only last less than 100 years, while at the 1990 rate of consumption, coal would last for 200 years and gas for less than 150 years.[31] With this, it is glaringly clear that climate change will become inevitable in the face of non-conservation of natural resources

Man tends to make the earth his paradise and therefore is unconcerned about the world beyond. He therefore wants every convenience for himself. He allocates to himself more than what he needs to the extent that his Creator asks him these rhetorical questions: "Do you build high palaces on every high place, while you do not live in them? And do you get for yourselves palaces (fine buildings) as if you will live therein forever?" (Qur'ān 26:128-129). One cannot however exhaust the reasons for man's decision to exploit nature unnecessarily, but the core point of it is the spirit of materialism in man which Ibn Raji sees as the bedrock of all evils. The next sub-heading answers the second question.[32]

The Basis of Nature's Reaction to Human Exploitation through Climate Change

Since the Qur'ān has explicitly confirmed the mutual interrelatedness and interdependence of mankind and other living organisms, it behoves mankind to understand that he has to mutually respect the rights of these creatures by not encroaching on the rights of other beings that are constituents of nature while exercising their duty as God's vicegerents. The Qur'ān confirms that all living creatures on earth are communities like that of mankind. By his actions and selfishness, man pollutes the environment, damages the land, water and atmosphere which are shared by other 'tenants'. So, plant life, birds, fishes and all species of living things are grossly affected by man's actions and attitudes. If mankind should therefore decide to tamper with other living communities unjustifiably, the reactions of such communities are therefore imminent at least in the interest of justice. This is because they are communities equally enjoining their provisions and sustenance from God. However, if these communities are powerless, one feels that their Creator may come to their aid even if He uses them against the wishes of mankind.

Closely related to the above is that mankind fails to understand that nature is not created only to be subservient to mankind, but as well to worship and adore

God, the Creator. The Qur'ān confirms that "there is not a thing but celebrates His praise, but you understand not how they declare His glory" (17:44). Based on this view, exploitation amounts to the silencing of a whole class of God's worshippers by mankind who out of excessive materialism and maximisation of comfort on earth decides to explore nature, thereby disturbing the humble servants of God. So, if nature could supplicate that God should wage war against those who wage wars with them, one believes the prayer will be efficaciously answered by Him.

In the previous section, we expressed the well-defined and proportionate arrangement of nature beautifully put in place by God. Man's action seems to have altered the law, proportion and measure put in place by God. One lesson from this is that the divine arrangement is meant for the benefit of mankind and other creatures. However, because mankind wants everything good for himself, he greedily decides to alter the proportions of God. The implication of this is succinctly put by Muzammal Hussein who states that:

> The consequences of this change, in proportion, has profound implications for the entire planet. Hence, within the discussion on climate change, from an Islamic perspective, the responsibility can be viewed to clearly rest on our collective shoulders, and within the natural world, the concept underpinning the current process taking place, is balance and proportion, which in terms of greenhouse gases gas been disturbed.[33]

Apart from the above, the interconnectivity of God's creation could be appreciated in climate change as its effect is global with no geographical boundary. It would therefore be short-sighted for one to feel unconcerned about environmental pollution of nature in any corner of the world. The Qur'ān enjoins one to be weary of *fitnah* which affects not in particular (only) those who do wrong (8:25). After all, the atomic accident of Chernobyl in Ukraine affected the health, food, vegetation, animal life, water and plant life of not only the (then) Soviet citizens, but also that of Western Europe and beyond. The effects of local wars in Chechnya, Angola, Afghanistan, Palestine, Iraq, Iran, Somalia, Kashmir and other places where the 'world powers' are exercising their might will undoubtedly have their toll on other nations as well. The oil fires and spills in the 1990/91 Gulf War did not only affect the environments, but also the neighbouring countries.[34]

That everything has been proportionately created by God is indicative of the fact that a single nation cannot be independent and self-sufficient. The land suitable for the rearing of animals may not be good for planting. There are many crops that are suitable for a particular type of land. What is not suitable for a particular land is surely suitable for another thing. In that wise, man is expected to understand that he does not need to force a particular plant not suitable for such a land by trying to change the nature of that land. Attempts to do so amount to depriving such a land of

what is originally suitable for it. Cattle for instance are known for the production of milk and good sources of meat. An expectation to get such benefit from camels and horses may be disastrous as they are meant for the purpose of riding, carrying loads or drawing vehicles and not the production of milk. If now a horse is to be tamed to exclusively produce milk, its primary assignment will be jeopardised and this may not be good for society at large.

Toward an Islamic Solution to the Problem of Climate Change

The acknowledgement of trampling upon the rights of nature by man as the main cause of climate change gives a clue to observe that human transgression and selfishness need to be addressed if mankind is to experience peace with nature. The relationship between modern man and the environment is succinctly described by Seyyed Hossein Nasr as one between a man and a prostitute, the latter being treated by the former as a mere instrument of enjoyment.[35] He writes: "Rather than being like a married woman from whom a man benefits but also towards whom he is responsible, for modern man nature has become like a prostitute, to be benefited from without any sense of obligation and responsibility toward her."[36] In clear language, man should understand nature's rights over him. These rights could be attained if he desists from the misuse, mistreatment and destruction of natural objects.

In the first instance, man should make peace with himself by developing a sense of contentment and discouraging the spirit of excessive materialism in him that can make him restless. A man who is internally disturbed develops high blood pressure even if he works under an air conditioner. Apart from this, he makes peace with himself by avoiding substances that can harm him or affect his health. He should avoid smoking and taking drugs that can harm his body. This is important in view of the scientific findings on the evil effects of smoking not only on the smokers, but also on those around him. Furthermore, man is expected to maintain peace with other human beings. The incessant wars and violence among nations no doubt have caused serious damages to nature since both the victor and the vanquished bear their share of the consequences. The use of explosives, chemical weapons and other technological devices being used in modern times have serious devastating effects not only on the warring parties, but on other countries including other natural beings which have no reason to be affected.

One of the solutions offered by environmentalists for the problem of climate change is decarbonisation. This has however been considered not feasible by some scientists., in view of its serious adverse effect that such an attempt will have on export industries like mining, metal processing, agriculture and food processing, all of which are highly capital intensive. Giving a sarcastic response to decarbonisation, Ray Evans writes:

> The Environmentalist movement persists in denying the economic consequences of seriously attempted decarbonisation. In one particular sense they are theoretically correct. If we all do give up our motor cars and ride bicycles instead; if we were content to use electricity only when the wind was blowing; if we were prepared to give up the use of fertilisers and tractors, in effect if we were prepared to accept a standard of living similar to that of our forebears of the early nineteenth century, we could still be employed, although working at night would be difficult in the absence of electricity.[37]

As much as the above may sound funny and as much as it may not be possible to resort to the standard of our forebears, the use of fuel-free vehicles such as are common in China, India, Thailand and Bangladesh should be encouraged. It should be noted that because man wants every comfort for himself, he designs for himself too much fuel-consuming materials which consequently have adverse effects on him. Those in authority cannot afford to travel in one car, but need an entourage moving about in a fleet of cars. The spirit of maximisation of comfort blindfold them to realise that fuel consumption of these cars can be reduced if at most four people can travel in a car rather than encouraging the practice of one man one car. Man builds mansions at every nook and cranny of the world, whereas he cannot sleep in two rooms at a time, even less live in two houses at a time. We therefore submit that each nation should have adequate knowledge of the population of her citizens and so make adequate provision for them without wastage, while their exportations and importations should also be checked to not result in excesses. It is disheartening to observe that incorrect measures are taken to address the issue of climate change in some states particularly Osun State in Nigeria where cars and vehicles are compulsorily forced to pay for emission control. This to us is unnecessary extortion and exploitation of the public, whereas what is collected from them are not actually being spent for the purpose they are collected.

Furthermore, man should check a person's unrestricted freedom of exploring nature by using a particular constituent of nature for the purpose it was originally meant for. There is no doubt that each creation of God has a specific function it performs for mankind. If this is disrupted, its function is also affected.

Finally, Islam enjoins the conservation of resources apportioning great reward to planting of trees and discouraging indiscriminate felling of trees and bush burning. The Prophet was reported to have said "even if you fear that the world would end tomorrow, you should plant a tree (al-Bukhārī). He also condemned destruction of the habitat of wildlife and burning of ant-hills. Islam also frowns at wastage of natural resources and encourages cleanliness of environment.

Conclusion and Recommendations

In this article, the case of man and his nature has been considered from the perspective of Islam. The verdict is that

- man is abusing the power of vicegerency conferred on him by God by unjustifiably transgressing set boundaries and by exploring deep into nature with no consideration for creation;
- the reaction of nature to its maltreatment by man in the form of climate change is therefore justifiable;
- as long as man refuses to allow other constituents of nature to have breathing space, the latter will continue to threaten human existence.
- man should reduce his spirit of excessive materialism and recognise other creatures of God in his dealings with nature. The world should therefore rise to the task of environmental pollution through limitless emission of gases and other toxic residues or else the innocents will equally share in the punishment of sinners.
- it is therefore a matter of religious and ethical duty to protect the environment; whosoever damages the environment must be proportionately punished by the appropriate authorities before nature takes it upon itself to punish the whole world for the sin of a few. In this manner, laws guarding the use of nature should be put in place and must be strictly implemented.

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CANADIAN MUSLIMS AND CANADA'S DOMESTIC AND FOREIGN POLICY ISSUES: AN ANALYSIS

Syed Serajul Islam and Ishtiaq Hossain*

Abstract: This article analyses the participation of Canadian Muslims in debates affecting Canada's domestic and foreign policy issues. Here, the Canadian Muslim identity is first of all briefly spelled out. Then a detailed discussion is made of their role in debates affecting the country's domestic affairs. In addition, the Canadian foreign policy issues which are of interest to Canadian Muslims are identified and their stand on those issues are analysed. The discussion in this article demonstrates that the Muslim citizens of Canada are conscious of their own Canadian Muslim identity. It also shows that, like other Canadians, the Muslim citizens of Canada express their opinion freely on matters, which are of importance to the country. Although their impact on policy-making remains negligible, their increasing participation in the political process of the country beacons hope for their more lasting impact on the country's public policy-making in future.

Introduction

From a mere 13 males who identified themselves as Muslims in the 1871 Canadian Census,[1] by 2006 the Canadian Muslims numbered more than one million.[2] With the passage of time Canadian Muslims have become increasingly involved in national, provincial, and local politics. Nowadays, they do not only voice out their own Canadian Muslim identity strongly, but also take part eloquently in debates on the country's domestic and foreign affairs. This article starts out by discussing the Canadian Muslims' views about themselves, then explains separately the stand taken by the Canadian Muslims on key domestic and foreign policy issues in Canada.

Canadian Muslim Identity

In the post-September 2001 world, Muslims feel that they are under siege and that their religion, culture, and honour are under attack. The angry and often violent protests that erupted in Muslim communities across the globe during the winter of

* *Syed Serajul Islam* is a Professor in the Department of Political Science at Lakehead University, Thunder Bay, Ontario, Canada, and *Ishtiaq Hossain* is an Associate Professor in the Department of Political Science at the International Islamic University Malaysia (IIUM).

2005-2007, in response to the publication by a Danish newspaper of caricatures of the Prophet Muḥammad, underlined that siege mentality. These protests, unfortunately, also confirmed for many in the West a long-held belief about Islam: that it is a violent, stern, glowering, and humourless religion.[4] There is also an entrenched view in the West that Prophet Muḥammad is responsible for giving rise to the negative views about Islam. Maghen rejects this view and argues that Prophet Muḥammad and his Companions cannot be held responsible for this kind of negative views.[5] In fact, the classical sources of the Islamic canon point to a vastly different picture of the atmosphere and dynamics of informing the ideal Muslim community – a picture of relaxed cheerful, jocular, even feisty and frolicsome individuals who enjoyed the good things in life and never took themselves seriously.[6] Meghen further argues that far from leaving the foundations for a cult of the sombre, solemn, and sedate – of the fierce, furious, and fanatical – the Prophet of Islam and his followers presented the world with something unprecedented at the time, and never since approximated; a religion that knows how to laugh.[7]

A small section of Canadian people share the widely-held view in the West that the followers of Islam are puritanical holy warriors, fanatics, dervishes, suicide bombers, hijackers and human waves thrown into battle.[8] A Toronto-based think tank, the Mackenzie Institute, in a report describes Islam as undeniably the most violent of the World's universal religions.[9] The report goes on to portray Prophet Muḥammad as a trader, and a successful warlord who sent his followers out to bring fire and sword to all who denied his message.[10] Such negative views of Islam and Muslims are not healthy and certainly do not contribute to the building of a rational understanding of their problems in Canada. It must, however, be pointed out that the majority of Canadians reject such negative views of Islam and believe that there is no 'clash of civilisations' as portrayed by the late Samuel P. Huntington or clash of religions among the three Abrahamic faiths – Christianity, Judaism, and Islam. In fact, the majority of Canadians believe that Canadian Muslims play positive roles in national affairs. This is borne out by a poll carried out in 2006 by the Pierre Elliott Trudeau Foundation. This poll found out that 75 percent of Canadians taking part in that poll believed that the Canadian Muslim immigrants make positive contributions to Canada.[11]

Canada, like the United States and Australia, is a nation of immigrants. Canadian Muslims, just like other groups of immigrants of the country, are increasingly trying to discover their self-identities in Canadian society. After much soul-searching, the Canadian Muslims have come to realise that they are not only Muslims with distinctive characteristics, but are also Canadians sharing the pursuits of life and happiness as their other fellow Canadians. A good example would be the case of Sumaira Sheikh, a Canadian journalist with family roots in Pakistan and North Africa. She describes the creation of Canada as an artificial construct and depicts the

country as a manifestation of an immigrant society where an immigrant, regardless of how long she has lived in it, still retains her immigrant status.[12] This view is in response to a commonly held misunderstanding in Canada that one cannot really be Canadian if not white. However, like other immigrants who have made Canada their abode, Sheikh and others like her, firmly believe that Canada is their home and their ancestral places are not, though the latter have nourished their national identities. When they talk about making changes to their country, they do not think of any other country, but Canada.

Canada is a country of diverse cultures and multi-faith communities. Muslim immigrants settled in Canada in search of a better economic life and opportunities. Many of them also migrated to Canada escaping political, economic, and ethnic persecution in their homelands. Like Sumaira Sheikh, the Canadian-born children of the first generation Muslim immigrants feel strongly connected to the Canadian culture, and at the same time are aware of their own cultural roots. The young second-generation and third-generation Canadian Muslims do not view Canada as a nihilistic force seeking to destroy Islamic tradition. Rather, they believe that a multi-cultural and multi-religious Canada offers them a good opportunity to be a practicing Muslim as well as a Canadian.

Domestic Issues of Concern to Canadian Muslims

There are a number of important domestic issues which are of interest to Canadian Muslims. In this section an analysis is made of their involvement in shaping the political discourse on the following: (a) the Maher Arar Case; (b) the independent inquiry of torture in Syria of three foreign-born Canadians; (c) the Anti-Terrorism Act; (d) the Toronto Terrorism Case of 2006; (e) Huseyin Celil's life-sentence in China; (f) the participation of Muslims in the recent Canadian election; and (h) the controversy over reasonable accommodation.

The Maher Arar Case

The case of Maher Arar, a Syrian-born Canadian haunted not only the Canadian Muslims, but ordinary Canadians as well. He was a victim of extraordinary rendition. On 26 September 2002, he was detained at New York's John F. Kennedy airport by United States officials when his flight from Zurich arrived there enroute to Montreal. After being questioned about his alleged links with al-Qaeda and held at a Detention Centre in New York for twelve days, Arar was told he would be deported to Syria. Arar protested that he would be tortured in Syria and since he was a Canadian, he be sent back to Canada. However, on 8 October 2002, he was flown in a private jet to Jordan and then driven in a van to Syria and handed over to Syrian military intelligence officials.[13]

Following his return to Canada on 5 October 2003, Maher Arar claimed that he had been tortured during his incarceration in Syria. He accused the American officials of sending him to Syria in spite of their knowledge that he would be tortured there by the Syrian military intelligence officials. Arar's plight shocked the Canadian Muslims as did their fellow Canadians. There was also a lot of sympathy for Arar's demand that the Canadian federal government pay compensation to him because Arar alleged that the Canadian officials did not do enough to stop his deportation to Syria from New York. Judge Dennis O'Connor of Ottawa ordered an inquiry into the affair.

Judge O'Connor presented his first report on 18 September 2006. In his report Judge O'Connor made scathing remarks of the behaviour of the Royal Canadian Mounted Police (RCMP). He found that the RCMP, without any justification, had labelled Arar as an "Islamic extremist linked to al-Qaeda", and then shared this information with the American law enforcing agencies. The Judge concluded that it was likely that in arresting Arar in New York and sending him to Syria, the US authorities relied on the false information provided to them by the RCMP. In his first report, the judge also recommended twenty-three specific steps to be taken to correct the human rights abuses and failures which had led to Arar's arrest in New York. Many of these recommendations dealt with the prevention of disregarding the rule of law, deficient investigative practices, irresponsible labelling, racial profiling, arbitrary arrest and detention and the practice of torture. To this date, there is no report on the implementation of recommendations contained in Judge O'Connor's report.

On 12 December 2006 Judge O'Connor's second report was released to the public. In it, he made strong recommendations to establish a comprehensive review and oversight mechanism for security and intelligence operations in Canada. It is not that Canada lacks review bodies to oversee intelligence operations in the country. However, these have diverse mandates and are narrowly focused. These have obviously failed to protect Arar from abuses. Judge O'Connor's recommendations would provide greater assurance that security and intelligence activities respect the rule of law, due process and human rights standards.

In view of Judge O'Connor's reports, Canada's Prime Minister Stephen Harper then issued a formal apology to Maher Arar while announcing a compensation package amounting to C$12.5 million for him. The compensation package included C$10.5 million for his pain and suffering, and another C$2 million for Arar's legal fees. Prime Minister Harper also wrote a personal letter of regret to Arar and wished him and his family a new start in their lives. The Canadian Prime Minister wrote to the authorities in Washington and Damascus to protest Arar's treatment. On 5 December 2006 Royal Canadian Mounted Police (RCMP) Commissioner Giuliano Zaccardell appeared before the Canadian Parliament's House of Commons Committee on Public Safety and National Security. In an extraordinary move, he admitted that he had made a mistake when he gave inaccurate testimony about

Arar's case to the Committee in September. The very next day he submitted his resignation to Prime Minister Harper.

Canadian Muslims were worried about Arar's case mainly because his detention in New York by US officials and his subsequent deportation to Syria fit into the standard stereotyping that Muslims have been subjected to and implied that they had no human rights and that they could be detained/arrested and tortured without any accountability. They were also angry because none other than the RCMP Commissioner had admitted misleading the elected officials of the Canadian people about Arar's case. The Canadian Muslims had expected a higher degree of professionalism from the RCMP. Their frustration and anger were amply reflected in an opening statement of the CAIR-CAN and the CAF before the Commission of Inquiry into the Actions of Canadian Officials in Relations to Maher Arar. The statement pointed out that the "Muslims and Arabs across the country identify with Mr. Arar because his account parallels the accounts they have heard from families, friends, and neighbours of the arbitrary abuses they have suffered. They understand racial profiling because they have been targets of it. They understand what it means to be victims of discrimination. They understand what it means to be treated as suspects in the war on terrorism.[14] No matter how angry the Canadian Muslims were of the Arar case, they were pleased with Prime Minister Harper's public apology to Arar and his family. This gesture took the wind out of the Muslim public anger on the issue.

The Independent Inquiry of Three Syrian-Born Canadians Tortured in Syria

Judge O'Connor's inquiry came across three other cases similar to that of Maher Arar. Three Arab-Canadians – Abdullah Almalki (Syrian-born), Muayyed Nureddin (Iraqi-born) and Ahmad El Maati (Kuwaiti-born) – were all arrested in Syria, detained, and tortured in the same prison as Arar. They were released on 21 October 2006 without charge and returned to Canada. Since Judge O'Connor did not have the mandate to investigate these three cases, he recommended for the setting up of a separate enquiry commission to look into these three cases. Therefore, on 12 December 2006 the Canadian Federal Public Safety Minister Stockwell Day announced the launching of an independent inquiry into the Actions of Canadian Officials in Relation to Abdullah Almalki, Ahmad Abou-Elmati, and Muyaaed Nureddin. The inquiry was to be led by former Supreme Court Judge Frank Icobucci.

There has been much criticism of Judge Frank Icobucci's Commission's lack of transparency. Unlike the Arar inquiry, much of Judge Iacobucci's Commission of Inquiry conducted its business in camera even when the issues were not strictly related to national security issues. Even the three men affected and their lawyers were shut out of the process and had no access to information. After nearly two years

of inquiry, Judge Iacobucci Commission's report was released on 21 October 2008. The report unequivocally found that the three men were tortured and documented the many ways that the "deficient" conduct of Canadian officials contributed to the grave human rights violations the three men experienced. Judge Iacobucci expressed serious concerns about repeated and unjustified labelling of these men as imminent threats, associates of Osama bin Laden, Islamic extremists, and terrorists. He concluded that these labels were inaccurate, inflammatory, unreliable and lacked investigative basis. He opined that the Canadian government must finally deliver justice to these men and act to ensure that no other citizen suffers the same fate.

The Anti-Terrorism Act

The Anti-Terrorism Act (C-36) has been a source of controversy ever since its adoption by the Canadian Parliament in December 2001. The Act not only defines "terrorism" and makes it a punishable offence under Canada's Criminal Code, it also contained provisions dealing with preventive detention (up to three days), arbitrary arrest, investigative hearings, listing of alleged terrorist groups, delisting of charitable organisations, suspensions of the right to remain silent, and the principle of innocence until proven guilty. These provisions are in contravention of the International Covenant on Civil and Political Rights (ICCPR), in particular, Articles 9, 14, 17 and 18.

Since its adoption in 2001 certain articles of the Anti-Terrorism Act have been altered by Court decisions and parliamentary amendments and the Act itself has not yet been applied extensively or successfully. However, the attitude that inspired it and the threat of its use has had serious consequences. For example, the original inclusion of reference of religion as a motivational factor in the definition of terrorism has led to people's religious life being under investigation. Sometimes the Canadian police, intelligence officers, and other officials have carried out their duties with an attitude of unwarranted suspicion and irresponsible labelling, including religious and racial profiling, especially against Arab and Muslim Canadians (for example, the Arar case). Further, the very passage of and continued promotion of these exceptional measures by the government has intimidated certain segments of the Canadian people with respect to their rights and has had a chilling effect on religious practice and on the funding and programme of civil society organisations dealing with international development and human rights advocacy.

The Public Safety Act (C-17) adopted by the Canadian Parliament in 2004 is a companion to the Anti-Terrorism Act of 2001. It contains provisions for increased information-sharing within and between governments as well as measures relating to aviation security, the control of toxins, and other dangerous materials, terrorist financing, disclosures of privacy information with respect to airline passengers,

expanded emergency measures, and a substantial increase in intrusive investigative procedures.

The Canadian Immigration and Refugee Protection Act (IRPA) provides for the issuance of Security certificates by the Minister of Immigration and the Minister of Public Safety leading to the detention and deportation of a permanent resident or a foreign national deemed to be inadmissible on security or certain criminal grounds. The definition of security inadmissibility is extremely broad, including people who are not alleged to represent any security danger (for example, those who are merely members of an organisation that is believed to have committed terrorist acts). A judge may review the Certificate to determine if it is reasonable to issue such a Certificate. The review is based on intelligence, not on evidence as generally required in a trial.

The Anti-Terrorism Act was the subject of heated debate among the Muslim communities when five Muslims were arrested under Security Certificates. Neither the accused nor their lawyers had had the opportunity to examine the alleged charges. Muslims around Canada were outraged and a coalition of Muslim organisations protested against the Anti-Terrorism Act and Security Certificates. On 23 February 2007 the Supreme Court of Canada ruled that the non-disclosure of evidence provided for in the reviews of cases under Security certificates contravened the Canadian Charter of Rights and Freedoms and decreed that a fair hearing leading to detention must include the right to know the case against one and the right to answer the case.

In February 2008, the Canadian Parliament passed a law to offset the 2007 Supreme Court ruling and to resurrect the Security Certificate process. The key difference between the new law and the one ruled unconstitutional is the provision of Special Advocates to protect the interests of the persons named in the Certificates at the review process. However, these Advocates do not have the right to discuss the evidence with the persons subject to the certificate. In these circumstances, these Security Certificates still contravene the Canadian Charter of Rights and Freedoms. The person(s) affected is still held in detention without trial, does not have the right to know the case against him nor the right to answer that case. Four of the five Muslim men subject to the Certificate have been released on bail under highly restrictive conditions, and one remains in detention.

The 2006 Toronto Terrorism Case

On June 2, 2006, the Integrated National Security Enforcement Team (INSET) task force led the RCMP, the Canadian Security Intelligence Service (CSIS), the Ontario Provincial Police (OPP) and other police forces, into a series of counter-terrorism raids in Greater Toronto Area and arrested eighteen alleged members of a purported Islamic terrorist group. It was alleged by the Canadian law enforcement agencies that these men had been planning a series of major terrorist attacks on targets in

southern Ontario. They were accused of planning to detonate truck bombs, to open fire in a crowded area, and to storm the Canadian Parliament Building in Ottawa, the Canadian Security Intelligence Service (CSIS) headquarters, and the parliamentary Peace Tower, to take hostages and to behead the Prime Minister and other leaders.

The media in Canada, at the beginning, was careful in making any judgement on the merit of the case. In fact, Robert Fisk in *Globe and Mail* was of the opinion that nothing had been proven and warned of rushing to judgement.[15] The federal government made it very clear that it was not in a rush and had given the court the time to conduct a fair trial. The stand of the Muslim community was clear: the leaders of the Muslim community condemned any attempts to harm fellow Canadians through violent means. In a statement twenty-two Imams of Canada condemned extremism, and reminded Canadian Muslims that no injustice done to Muslims anywhere can ever justify the taking of innocent life. As religious leaders, they echoed the exhortation of the Qur'ān for Muslims to be firm advocates for justice, even if it be against their families, their communities or themselves and to insist on Islam as a living reality that is compassionate, tolerant and life sanctifying.

It was only after the end of the jury trial of the case in June 2010 that details of the case were revealed by Isabel Teotonio of the *Toronto Star*.[16] It contained the details on guilty pleas and convictions. The investigations began with the Canadian intelligence officials monitoring Internet chat sites. The arrested individuals were being monitored by the CSIS since 2004, and it was later joined by the RCMP. Although the intelligence officials could not find any direct links, the individuals were alleged by CSIS to have been inspired by Al Qaeda. The US Joint Terrorism Task Force had become involved in the investigation by March 2005. The individuals were charged under the 2001 Anti-Terrorism Act.

Six of the seventeen men arrested had ties to the Al-Rahman Islamic Centre near Toronto. Another two of those arrested were already serving prison time in Kingston, Ontario on weapons possession charges. According to the US Federal Bureau of Investigation (FBI), two other men, who were arrested in Atlanta, Georgia in the U.S. on terrorism charges, were connected to the case as well. In September 2008, Nishanthan Yogakrishnan, charged as a youth when arrested, was convicted of knowingly participating in, and contributing to, a terrorist group and plotting to detonate truck bombs in downtown Toronto and storm Parliament Hill. In May 2009, he was sentenced as an adult to two and a half years of time of imprisonment. He was the first person to be found guilty under Canada's 2001 Anti-Terrorism Act. In May 2009, Saad Khalid pleaded guilty to aiding a plot to detonate a bomb in Toronto's downtown, the Toronto Stock Exchange, the CSIS headquarters in Toronto, and an unidentified military base, off Highway 401 between Toronto and Ottawa. He was sentenced to 14 years in prison. In September 2009, Ali Mohamed Dirie, a Somali-born Canadian admitted he was a member of a terrorist group that planned attacks

in Canada. On tape, he called white people the "number one filthiest people on the face of the planet. They don't have Islam. They are the filthiest people." He added, "In Islam there is no racism, we only hate *kufur* (non-Muslims) [*sic!*; the correct Arabic expression is *kuffār*]." The Crown and the defence had agreed on a seven-year sentence.[17] So far, the courts have convicted four men, and charges against seven other individuals have been stayed or dropped.

One of the controversial aspects of the Toronto terrorist case was the involvement in the alleged plot by Mubin Shaikh – a police informant. He was born in Toronto, the son of immigrant parents who migrated to Canada in the 1970s. It was in his late teens that Mubin became a devout follower of Islam as he was "burned out" from the life he was living.[18] In an interview with the CBC's Fifth Estate, Mubin complained that people began to treat him differently as an identifiable Muslim after the 9/11 attacks on New York and Washington, and it nearly drove him to join the war in Afghanistan and Chechnya. However, he did not and became a well-known figure among the Muslims in the Toronto area. Described as a devout Muslim, he was part of the movement that failed the attempt to introduce *sharīʿah* law for civil cases for Muslims in Ontario. According to Mubin, he stayed in Syria during 2002-2004, and following his return to Toronto from Syria, he contacted the CSIS in March 2004. Preferred to be called an 'informant' rather than a 'spy', Mubin penetrated the Toronto terror plotters, and supplied information about them to the intelligence agencies.

In the mainstream Canadian media, Mubin Shaikh has been lauded as a 'hero'. However, within the Canadian Muslim community, Mubin's role in nabbing the Toronto plotters has become a subject of much speculation. Questions have been raised over Mubin's real aims, since he admitted that a large sum of money had been promised to him for his actions. Issues have also been raised about "entrapment" by members of the Toronto plotters. Instead of using his inside view and his knowledge to counsel the young men and warn them against terrorist actions, he engaged in discussions with the group about jihad and led the very 'training camps' that generated much media attention. His very active participation in the group raises concerns about the extent to which he could have influenced the accused individuals to engage in terrorist acts they might not have committed on their own.[19]

Huseyincan Celil's Life-Sentence in China

In 2006, Huseyincan Celil, a Canadian and a Chinese citizen of Uighur origin, was sentenced to life by a Chinese court following a highly controversial trial. Huseyincan was arrested in Uzbekistan in 2006 while on a family visit and then extradited to China against strong objections of the Canadian government. He was charged and convicted of "terrorism" and other related crimes. He was a political activist

while living in Xinxiang. He was arrested by the Chinese authorities in Xinxiang in 1994 and charged with several murders and terrorism-related activities and was imprisoned by the Chinese police. He escaped from China by way of Kyrgyzstan and Turkey and sought asylum in Ankara through the United Nations High Commissioner for Refugees (UNHCR). After the UNHCR gave him refugee status, the Canadian Government in turn granted him the same and allowed him to live in Canada. He arrived in Canada in 2001 and acquired Canadian citizenship and lived in Hamilton, Ontario.

In November 2006, Canadian Prime Minister Harper attended the Asia-Pacific Economic Cooperation (APEC) Summit in Hanoi, Vietnam. At that meeting Harper discussed Celil's case with President Hu Jintao of China. Harper reportedly told Hu, "When a Canadian citizen is taken from a third country and imprisoned in China this is a serious concern to this country."[20] The dispute between the two countries over Celil's continued imprisonment in China has left its mark on Canadian-Chinese relations. While the Chinese officials insist that their trade relations with Canada should go hand-in-hand with political relations, the Canadian officials point out that since the balance of trade is in favour of China, Beijing should pay more attention to this and see that issues like the continued imprisonment of Celil do not change that.

The Case of Omar Khadr

The case of Omar Khadr has attracted the attention of all Canadians, irrespective of their religious and ethnic backgrounds. The issues surrounding this case are two: whether he received a fair trial at the hands of the United States Military Commission at Guantanamo Bay and whether the Canadian Government should have brought him back home to stand trial. On 25 October 2010, Omar Khadr, a Canadian citizen, as part of a pre-trial deal, pleaded guilty before a US Military Commission at Guantanamo Bay to murder and attempted murder in violation of the laws of war, conspiracy to commit terrorism, providing material support for terrorism, and spying and was sentenced to eight years imprisonment.

The trial of Omar Khadr, began on 12 August 2010, but adjourned for a month as his defence lawyer Lt. Col. Jon Jackson collapsed in court and had to be hospitalised. Now 23, Omar was only 15 when he was arrested by US forces in 2002 in Afghanistan. Prosecutors charged Omar as an al-Qaeda militant and throwing grenades at Sgt. Christopher Speer and killing him. However, his defence lawyer argued Omar Khadr himself was a victim. According to him, Omar's family had links with Osama bin Laden and forced Omar Khadr to take part in fighting the Americans in Afghanistan. According to the Americans, Omar's father, Ahmed Syed Khadr, was an al-Qaeda financier and was killed in Pakistan in 2003 in a fire fight. During the jury selection process, the trial judge made it clear to the prosecution that in order to

get a conviction, they had to prove that Omar had the intention to commit the crimes he was accused of. However, he granted the prosecution's request to present Omar's confession recorded at Bagram Air Base after his arrest. Omar's defence lawyer had argued that this confession had to be thrown out because it was allegedly extracted under coercion and mistreatment, making it unreliable and inadmissible.

A trial that Omar should stand , but the question was whether he would get a fair trial at Guantanamo Bay. According to two former Guantanamo Bay prosecutors – Col. Morris Davis (the Chief Prosecutor) and Lt. Col. Darrel Vandeveld – the Guantanamo Bay judicial process was unfair and resigned in protest in October 2007 and September 2008 respectively. Even Presidential candidate Barack Obama thought that the Guantanamo Bay judicial process was flawed. However, the Canadian Prime Minister Stephen Harper took a position that was at odds with the majority public opinion on the question. He refused to intervene in Omar Khadr's case stating that he needed to face his charges through a judicial process, not a political one. Convinced that Omar should be brought back to Canada to stand trial, a litigation process was initiated in Canada to remind the Canadian government of its responsibility towards one of its citizens. On 29 January 2010 the Supreme Court of Canada gave its verdict in *Prime Minister of Canada v Omar Khadr*. The Court found that Canada's actions offended the most basic Canadian standards about the treatment of detained youth suspects and required the government to grant Omar a remedy.

Controversy over Reasonable Accommodation

By any standard, Canadian multiculturalism has thus far been a remarkable success as it has woven a highly diverse population, drawn from the four corners of the planet, into a peaceful prosperous and remarkably cohesive society.[21] The mastermind of Canadian multiculturalism is philosopher Charles Taylor who has been advocating such a philosophy since the 1960s. The Canadian policy of multiculturalism is based on the assumption that in liberal, democratic immigration societies such as Canada, it is one of the state's core responsibilities to protect and encourage cultural diversity.[22] The policy of multiculturalism has allowed a million new arrivals to the country every four years or so to maintain aspects of the cultures of their countries of origin while adapting to their new home.[23] However, since the last few years, rumbles have been heard from sections of the Canadian society regarding the integration of immigrants into the society and the rights of the immigrants.

Lars von Torne, a German journalist from the Berlin newspaper *Der Tagesspiegel,* was shocked by the intensity of insults hurled between immigrants and Canadian-born Montrealers during a dialogue session in Montreal organised by the Consultation Commission on Accommodation Practices Related to Cultural Differences.[24] At that dialogue session, Canadian-born citizens complained about the building of increasing

number of mosques in their neighbourhoods and accused the Muslim community of forcing young girls to wear headscarves. While the immigrant Muslims retorted that they did not want to change their way of life and asked that they be not told what to do.[25]

The debate over reasonable accommodation in Canada started at the beginning of 2007 in Quebec and soon spread to Ontario. The term 'reasonable accommodation' is used in Canada to refer to the theory that equal rights set out in provincial and federal anti-discrimination laws and in section 15 of the Canadian Charter of Rights and Freedoms demand that accommodation be made for various minorities. There are, at least, two explanations for the emergence of the debate on reasonable accommodation in Canada.

According to the first explanation, the debate surrounding 'reasonable accommodation' emerged in a particular political and social context in Quebec. These circumstances, it is argued, helped make visible the racist and sexist nature of government policies towards indigenous peoples and immigrants since the colonisation of Canada.[26] It also accused the Quebec government of turning the immigrants issue into a public debate in the media.[27] It points out that the debate over reasonable accommodation took place in a political and social context mediated heavily by Quebec nationalism and issues of identity such as 'integration of immigrants', 'secularism', 'multiculturalism', and 'cultural and religious minorities' in Quebec. It is alleged that those issues were raised by depicting the immigrant communities through highly mediatised and arguably anecdotal instances of reasonable accommodation and by putting forward the stereotype that Muslim women are victims of their own culture and religion.[28]

The second explanation for the debate on 'reasonable accommodation' is based on the argument that it is being taken advantage of by the immigrants. For example, in Quebec, when a Supreme Court of Canada decision allowed a Sikh boy to wear an appropriately sheathed *kirpan* (a ceremonial sword) while attending public school, protests were heard from political elites. They argued that carrying a ceremonial sword is a threat to public safety and therefore, should not be allowed. It was followed by seemingly endless streams of cases in which members of religious minorities were perceived to have received some unfair advantages (prayer rooms in their educational institutions, dispensations from rules banning headdresses in sporting events, etc.) under the legal doctrine of "reasonable accommodation" of their Charter rights.[29] In Ontario, a similar furore was unleashed by the publication of Marion Boyd's report on *sharīʿah* courts, which led Premier Dalton McGuinty to decree that religious arbitration of family law matters would not be allowed in any shape or form in the province.[30]

In order to deal with public anxieties over 'reasonable accommodation' on 8 February 2007, Quebec Premier Jean Charst announced the establishment of the Consultation Commission on Accommodation Practices Related to Cultural

Differences. Two of Quebec's leading intellectuals, philosopher Charles Taylor and sociologist Gerard Bouchard were named to head the Consultation Commission. It had a mandate to a) take stock of accommodation practices in Quebec b) analyse the attendant issues bearing in mind the experience of other societies c) conduct an extensive consultation on this topic and d) formulate recommendations to the government to ensure that accommodation practices conform to Quebec's values as a pluralistic, democratic, egalitarian society.[31]

The Commission, in addition to commissioning research projects carried out by specialists from Quebec and holding sessions with experts, held four Quebec-wide hearings lasting for 31 days. The Commission's report *Building the Future: A Time for Reconciliation* was drafted by Bouchard and Taylor between January and March 2008. Among others, the report's recommendations focus on the following key areas: 1) The report calls for a definition of new policies or programmes pertaining to inter-culturalism (as multiculturalism is understood in Quebec) and secularism. 2) A number of recommendations were made on the central theme of integration and focus primarily on a) recognition of immigrants' skills and diplomas b) francisation programmes c) the need for more sustained efforts to regionalise immigration and d) the need for enhanced coordination between government departments. 3) Another priority area identified by the report is the fight against inequality and discrimination against the immigrants. In this regard the report's recommendations focus on a) the under-representation of ethnic minorities in the government b) the urgency of combating the various forms of discrimination, 'islamophobia', anti-Semitism and the racism to which radicalised groups, especially Blacks are subjected to c) the support to be offered to immigrant women and d) the strengthening of economic and social rights in the Quebec Charter.

The Report reinforces a point made by Stein, that is, that Canada must develop a deep, rather than a shallow, multiculturalism.[32] The publication of the Report undoubtedly is important, but the implementation of its recommendations will not be easy. As Stein points out there are three challenges that must be taken by the Canadians to build a multiculturalism that would be ready to meet the needs of changing socio-economic realities of life in Canada. First, according to Stein, Canadians must attend to the overlap between cultural and economic boundaries.[33] It has to be admitted that unlike the older generations of immigrants, the new immigrants to Canada find it hard to find jobs and integrate economically. It is a worrying trend because the inability to integrate economically can lead to reinforcement of one's ethnic and religious identity. One of the reasons for the new groups of immigrants' inability to find jobs is the non-recognition of their professional degrees and diplomas. It is not unusual to find new immigrants with degrees in engineering and other professional degrees driving taxis in cities like Toronto, Vancouver and Montreal. There is a need for the Canadian government to rethink its policy of non-recognition of degrees of such countries as Iran.

Second, Stein points out that the cultural groups in Canada must be encouraged to build bridges rather than enclaves.[34] It is natural that in an immigrant society like that of Canada, de facto neighbourhood desegregation is most likely to happen. Unlike the Jewish community, the Muslims in Canada, however, have largely avoided it. They have lived in mixed neighbourhood and their children have attended schools along with other religious and ethnic groups. However, it needs to be pointed out that in the post-9/11 period, Canadian Muslims have tended to move away from their previous practice. Now, some of them like to live in the same neighbourhood and provide religious education to their children. It also needs to be recognised that there is nothing wrong in providing religious education. However, it may be problematic when enclave mentality takes over.

Third, Stein advises Canadians to engage in the difficult dialogue that has to do with the conflicts between culture and religion, on the one hand, and the rule of law on the other.[35] Perhaps this is the most difficult challenge for Canadian multiculturalism. It involves a number of issues considered part and parcel of each community. For example, under Canadian law gender equality is guaranteed and equal opportunity is offered to every Canadian irrespective of their gender. If cultural and religious considerations prevent young females from getting formal education, then the laws should guide the issues. These are often difficult issues and need to be tackled carefully. The issue of wearing of head scarves by Canadian Muslim women is a case in point. In the wake of the debate over "reasonable accommodation", secular Canadian Muslims pushed for the adoption of laws banning headscarves in public. They argued such practices were against Canadian values. If practices of communities do not contradict the basic laws Canadian laws, then each community should be allowed to work out its practices. It needs to be pointed out only a small proportion of Muslims in Canada choose to put a public face to their religious beliefs by wearing *ḥijāb* and very few of them ask for reasonable accommodation. Is it really plausible that to claim that accommodations granted to a handful of people represent a threat sufficient to warrant the limitation of religious freedom? Can one claim with a straight face that the accommodation, say, of a *ḥijāb*-wearing Muslim girl might spread to the majority of the Muslim population and beyond? Above and beyond the question of symbols and of the moral sensitivies of members of the cultural and religious majority, what are the concrete risks that exist for Quebec society from respecting the religious freedoms of a very small number of people?[36]

Foreign Policy Issues

Howard Leeson describes Canadians as a people who cautiously consider everything, looking for all of the options before they commit themselves to a course of action.[37] Canadian Muslims are no exceptions to this. They are also very cautious in suggesting

course of actions to be taken by Canada and also careful to express their opinions on foreign policy issues of the country. It goes without saying that Canadian Muslims do not yet play any direct role in the nation's public life and foreign policy-making. However, it is to be noted that Canadian Muslims have served their country with distinction as civil servants, diplomats and soldiers. This nationalism for Canada drives their views on Canadian domestic and foreign policy issues. Canadian Muslims, though represented by different organisations, agree on the over-all belief that "better world might look like a better Canada."[38] They are also wedded to a three-pillar approach to Canadian foreign policy. These pillars are: Canadian security within a stable global framework, promotion of prosperity and employment, and promotion of cultural values cherished by Canadians such as secularism, individualism and democracy.[39]

Liat Redcliff Ross's study is one of the very few available on Canadian Muslims and Canadian foreign policy.[40] Ross examines the foreign policy interests of two leading Canadian Muslim groups – the Canadian Islamic Congress (CIC) and the Council on American-Islamic Relations Canada (CAIR-CAN) during the period 2000-2005. These organisations were chosen, as Ross explains, because of their access to federal government ministers, politicians, and policymakers, and are prolific contributors to the national media.[41] However, it must be pointed out that Ross does not claim that the interests and views of these two organisations represent those of Canadian Muslims in general. Nevertheless, the opinions of these two organisations are important because the Canadian ruling elites consider these two organisations as the spokespersons of Canadian Muslims.

Ross's study reveals that smart integration, media engagement, human rights, and educating Muslims of Canada about the country's political institutions are the primary objectives of both organisations. However, Mohamed Elmasry, CIC's founding president made it clear that foreign policy remains a concern for the Muslim communities in Canada.[42] Like CAIR-CAN and CIC, the Canadian Arab Federation (CAF) also does not include foreign policy as its main aim. Established in 1967, the CAF is a national non-partisan, non-profit and membership-based organisation which represents Canadian Arabs on issues relating to public policy. CAF aims to raise awareness of domestic issues that affect the Arab community in Canada through education, public awareness, media relations and non-partisan government relations. However, though not solely established for the sake of expressing their voices on Canadian foreign policy issues, the CIC, CAIR-CAN and the CAF remain active in voicing their opinions on Canada's foreign policy issues of particular interest to the Canadian Muslims, for example, the Arab-Israeli conflict, the conflicts in Afghanistan and Iraq, and 2006 Israeli invasion of Lebanon and the 2008 Israeli War on Gaza.

The Arab-Israeli Conflict

Canadian Muslims, like the rest of the Muslims around the world, are concerned about the following issues pertaining to the Arab-Israeli conflict: a final peace settlement between the Palestinians and the Israelis; the continued occupation of Palestinian territories by Israel; the plight of Palestinians in Gaza Strip due to Israel's continued blockade of the territory and the loss of Palestinian civilian life and the destruction of properties of civilians in Gaza during Israel's military assault on Gaza starting on 27 December 2008.

Overall, the Canadian Muslims acclaim that since the days of Lester Pearson, Canada has enjoyed a reputation of being a quintessential peace-keeper, a protector of human rights, a promoter of international law and a provider of humanitarian aid. They also praise the values that underline Canada's prized reputation as the driving force in persuading the international community in accepting Canada's 'Responsibility to Protect' principle at the United Nations (UN).

The CAF finds that while Canada's foreign policy has been commendably developed within the framework of international human right laws, it has become apparent that its stated policies on the Middle East – Palestine and Israel – in particular are inconsistent with its actions on the world stage via Canada's UN recent voting patterns and public statement.[43] According to CAF, this problematic double standard casts doubt on Canada's position as being a fair and effective player on the international stage.[44] The CAF agrees with several of Canada's written policies on the Middle East, but it is critical of Canada's "inconsistent" application of its own policies and principles when it relates to Israel. The CAF is troubled by Canada's weak position on Israel's occupation of Palestinian territories and Israel's serious human rights record when it comes to voting on UN resolutions condemning these violations.[45] In order to make its opinion heard on the Parliament Hill in Ottawa, the CAF has to compete with the Jewish organisations in Canada and develop in-roads into the Canadian political system. Otherwise, such statements will remain just as opinions.

The general living conditions and human rights violations of the Palestinians living in Gaza and the West Bank are of immense concerns to Canadian Muslims. After a thirteen-day trip in 2005 to the West Bank and Gaza Strip, Wahida C. Valentine, the president of CIC, released a report entitled *Living Conditions in the Gaza Strip and the West Bank*. Funded by the Jerusalem Fund of Canada, and part of a medical campaign, her trip was designed to identify areas for community development, education, and training. She found it most alarming and disturbing at the general level of pessimism expressed by men, women, and youth about the state of economy and the future of the peace process.[46] She established that the Israeli monopoly on export and import was a serious threat to living conditions of the Palestinians due to high taxes on imported goods, and difficulties in exporting Palestinian-made goods.

In her report, Valentine recognised that charities in Canada such as Jerusalem Fund for Human Societies (JFHS) could play a vital role in augmenting the lives of orphans and poor families through the establishment of educational institutions in partnership with local non-governmental organisations. She firmly believed that the Muslim community in Canada and the Canadian government could partner with JFHS to sponsor and finance projects that are specifically geared toward young people.

Israel's economic and social blockade of Gaza, though relaxed in 2010 after an international outcry after Israel Defence Forces (IDF) soldiers boarded a Turkish ship delivering humanitarian aid to Gaza and killed nineteen Turkish humanitarian aid workers, has crippled the normal life of Palestinians living in Gaza. The blockade has prevented adequate supplies of food, medicine, water, and fuel to the 1.5 million inhabitants of Gaza. Facing daily humiliations of occupation, the Gaza inhabitants suffer from impoverishment. The hard hit is the children of Gaza. Fifteen to twenty percent of them are stunted in growth due to malnutrition and forty percent suffer from insomnia.

The people of Gaza suffered most when Israel launched a vicious military assault on Gaza in December 2008. According to Israel this attack was launched in response to launching of crude rockets on Israeli towns by extremist groups from Gaza. Though crude, these rockets occasionally killed and wounded Israeli civilians. The result of Israeli military attacks on Gaza was inevitable. More than 1000 civilians, including children were killed in Gaza. Homes, schools and other infrastructures were destroyed. Many civilians wounded in the attacks died because of the lack of medicines and proper medical equipment. In a joint statement the CAC and the CAF declared the Israeli attacks as clear "war crime" and considered Israel's behaviour in Gaza as blatant violation of the fourth Geneva Convention. The CIC and the CAF condemned the collective punishment of people of Gaza and called on all Canadians and people of conscience everywhere to condemn the Israeli "crimes" in Gaza.[47] Khaked Mouammar, the CAF national president, said, "The Canadian Government and the United Nations are under both a legal and moral obligation to compel Israel to cease its actions against Gaza and to ensure respect for international law and protect civilian life".[48]

Lebanon

The 2006 Israeli invasion of southern Lebanon and the merciless air attacks on Beirut destroyed much of its infrastructures and killed 1150 civilians in the country. The massive military onslaught on Lebanon was brought on when Hezbollah forces killed one Israeli soldier and kidnapped three others. Canada refused to join the other UN-member states to call for an immediate cease-fire. According to the CAF, the refusal by Canada to call for an immediate cease-fire had endangered the lives of nearly fifty thousand Canadian citizens living in Lebanon.[49] The majority of these citizens, however, were evacuated safely along with other foreigners from Lebanon.

The CAF holds the view that under pressure from the pro-Israel lobby and the US government, Canada has banned both Hamas and Hezbollah. The CAF considers both these groups as legitimate political parties, with grassroots support. It also points out that these Palestinian groups are resisting the "illegal Israeli occupation of Palestine and Lebanon respectively."[50] The CAF appealed to Canada to reverse its decision to list Hezbollah as a terrorist organisation and wanted to clarify its position on Hamas because "Hamas was democratically elected by the Palestinian people."[51]

The Iraq War

The 2003 American invasion and occupation of Iraq was opposed by both the government and the people of Canada. Although allied to the US through its membership of NATO, Canada refused to join Washington in its military action against Iraq. Ottawa supported a UN-sponsored solution to the Iraq crisis in 2003. The Canadian people considered this position as a principled one. Muslims in Canada think the "illegal" American invasion and occupation of Iraq was the main cause for the escalation of violence in the country and civilian deaths. Canadian Muslims praised the Canadian government for providing more than US$300 million in funding as reconstruction aid to Iraq.

The War in Afghanistan

Canada's military involvement in Afghanistan began in October 2001 when Prime Minister Jean Chretien ordered the launching of 'Operation Apollo' designed to assist American war effort in Afghanistan. More than 2,500 Canadian soldiers were sent to Afghanistan, and the Navy deployed four warships in the Arabian Sea. Canadian troops working under the command of the US military helped drive the Taliban government out of power in November, 2001.

With the increase in violence in Afghanistan, more Canadian troops and military assets were sent to take part in military operations there. In March 2008, Canadian parliament voted to extend Canadian military operations through 2011. By July that year, a total of roughly 41,000 Canadians will have served in the Afghan theatre of operations.[52] According to an estimate it will cost Canadian taxpayers a whopping eight billion dollars to keep the Canadian forces and carry out military operations in Afghanistan.[53] Some Canadians have been asking whether this amount of money could have been used for other purposes in Afghanistan. Canadian Muslim voices have joined in the criticisms by pointing out that the government of Afghanistan is run by warlords, and the government in Kabul is utterly corrupt. The Muslim organisations in Canada are concerned about an increase in Canadian casualties in Afghanistan. They have demanded that Canadian troops be withdrawn from Afghanistan as soon as possible.

Conclusions and Recommendations

Canadian Muslims have emerged with a strong voice in their country's national and foreign policy issues.

- Whether the Maher Arar case, the Toronto terror plot, the anti-terror law or the controversy over 'reasonable accommodation', the Canadian Muslims participate in the national debate passionately – and they should continue to do so.
- Although the top priority of Canadian Muslims remains the integration of the community into Canadian society, the Canadian Muslims, just like other members of the Canadian society, take part in debates over foreign policy issues. They are concerned about the other members of the world Muslim community. Whether it is Iraq, Afghanistan or the Arab-Israeli conflict, Canadian Muslims have forcefully expressed their opinion. The Canadian authorities would do well to see the involvement of 'their' Muslims in public debates an asset rather than a threat.

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BETWEEN THE HONEY AND THE POISON: CORRUPTION AND ITS PANACEA IN ISLAMIC HERMENEUTICS

Afis A. Oladosu*

Abstract: The author of this article addresses the issue of corruption from a perspective that exceeds the usual discussion surrounding embezzlement in corporate life and alike. Referring to the original meaning of the Arabic word for 'corruption' *(al-fasād)* and to its opposite *al-ṣalāḥ* – 'righteousness', 'accountability', 'probity' and 'piety' – he argues that talking about *fasād* would not make sense without addressing the issue of the 'corrupted' *(mafsūd)* and the 'cause for corruption' *(mafsadah)*. In his view, proceeding from Islamic hermeneutics would be a better remedy than pure reference to 'human legislation'.

> *In the body is a flesh. If it is good, the whole body is good;*
> *if it is corrupt, the whole body is corrupt: it is the Heart.*
> The Prophet Muḥammad

> *Just as it is impossible not to taste honey or poison that one*
> *may find at the tip of one's tongue, so it is impossible*
> *for one dealing with government funds not to taste,*
> *at least a little bit, of the King's wealth.*
> Kautilya, *Arthashastra*

Introduction

To talk about corruption – particularly in an era and in a space itself riddled with the insuperable odour of corruption – is tantamount to patronising a pastiche. That the subject matter of corruption could be likened to a palimpsest is evidenced in the sheer quantity and quality of studies it has occasioned and still does; it is evidenced in the unceasing discussions, debates, and conferences which are being organised,

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*   *Afis A. Oladosu* is Senior Lecturer at the Department of Arabic and Islamic Studies, University of Ibadan, Nigeria. At the time of writing, he has also been a Visiting Scholar at the International Islamic University Malaysia (IIUM).

both inside and outside the academia, in the East and the West, all in an effort to plumb its inner recesses, derive reason for its 'popularity' and indeed notoriety and to account for its seeming unassailability. What other than the need to reduce incidences of corruption in human societies could have led to the publication of such studies as "Corruption: The Facts,"[1] "Does Corruption Grease or Sand the Wheels of Growth?,"[2] "Sources of Corruption: A Cross-Country Study,"[3] "Accounting for Corruption: Economic Structure, Democracy and Trade,"[4] "Corruption: A Review,"[5] "International Marketing Ethics from an Islamic Perspective: A Value-Maximisation Approach,"[6] "The Causes and Consequences of Corruption,"[7] "Balancing Ethical Responsibility among Multiple Organisational Stakeholders: The Islamic Perspective,"[8] "International Case Study: Stamping out Corruption in Malaysia,"[9] and "A Moral Economy of Corruption in Africa?"[10] by de Sardan.

Nevertheless, de Sardan's approach is particularly useful. According to him, any attempt to engage with the scourge of corruption anywhere in the world should begin with the understanding of

> the moral economy of corruption […that] the real borderline between what is corruption and what is not fluctuates, and depends on the context and on the position of the actors involved.[11]

In other words, determining what constitutes corruption particularly when it is likened to honey or poison that one finds at the tip of one's tongue is a risk. The ambiguity in the nature of corruption which Kautilya's analogy hints at is actually an indirect reference to the tenuous and weak nature of contemporary political systems across the world. Embedded in that analogy which de Sardan refers to as "the moral economy of corruption" is the idea that it is practically impossible to walk straight in a world which is structurally crooked, that corruption could be likened to a crime people commit individually and/or communally either by choice, by chance or by compulsion. To hold public office nowadays is to run the risk of becoming corrupted or corruptible, of becoming the corruptee or the corruptor. Corruption has become a source of concern to economists notwithstanding the fact that it can only thrive through economic 'gymnastics'; it is a source of concern for politicians even though without it most government functionaries would never have come close to power. According to Nuhu Ribadu, the former Director of Nigeria's Anti-Corruption Agency, corruption has cost Nigeria "more than US$380 billion since independence in 1960 and $140 billion to sub-Sahara Africa."[12] It is probably based on these facts that corruption has become an "infernal mechanism," a field in which all have become detectives in the "crime they themselves have committed,"[13] which led de Sardan to conclude as follows:

> […T]he development of movements of a 'puritanical' tendency, intended to bring

about a reform of public morals (which can assume, in Islam as in Christianity, a fundamentalist hue) may be among the ultimate means, in the absence of an improbable self-reformation of the political elites, to attempt to change the present course of affairs. Any 'anti-corruption' policy must face up to these realities.[14]

However, in calling for a "puritanical tendency" which is capable of bringing about a "reform of public morals" such as Islam and Christianity, de Sardan appears to be working on two assumptions: one, that the solution to corruption, even though it is a human/terrestrial problem, lies only in the extraterrestrial, and two, that it is only Islam and Christianity and, perhaps, other eastern religions that can stake claims to their ability to confront the scourge.

Much as these assumptions could be appealing to the religious critic, they, however, appear to have failed to explain in detail how religion could serve or has served as an antidote to the scourge of corruption. Again while opting for Islam and Christianity as the only solution for corruption, de Sardan and indeed other pro-religious critics could be accused, at least by the non-religious critic, of taking humanity in the wrong direction, that when humanity comes face-to-face with hunger, we are saying people should proceed to the mosque or church rather than to the farm.

Thus this paper, while identifying with de Sardan's analysis of premises for corruption in human societies, intends to highlight practical steps that the religion of Islam proffers as solution to the problem. This article does not close its eyes to the incidences of corruption that have continued to occur in the contemporary world due to the involvement of the 'religious', that certain segments of the practitioners of the religion of Islam and Christianity are corrupt, corrupters, and corruptees. This article also works with the clear notion that it is not only the 'religious' that is capable of identifying corruption and punishing the corruptible. Here a reasoned attempt is made to avoid the temptation to gloss over the possibility that such 'godless' states as China are actually quite capable of recognising the evil of corruption – and in dealing too with it (violently) as it did when it executed fourteen state officials for corruptible practices in 2002.[15]

Thus our field of engagement becomes clear. We are confronted with the following fundamental questions: how does Islam view the government office – that is, the proverbial 'honey or poison'? If it is true that Islam could provide insights into how corruption could be combated, how then might we explain some of the role of some Muslims as corrupters and corruptees in governmental and non-governmental circles nowadays? What arguments and claims does Islam present either for the causes, features, and impacts of the phenomenon or how could it be mitigated if not completely exterminated from human societies?

Corruption: The Linguistic Background

In Arab-Islamic culture, things are usually known by their antithesis *(al-ashyāʾtuʿrafᵘ bi-aḍdādihā)*. Thus the Arabic word for 'corruption' *(al-fasād)*, which is derived from the triliteral verb root *f-s-d (fasada)*, is according to Ibn Manẓūr's lexicon *Lisān al-ʿarab* the opposite of *al-ṣalāḥ*[16] which variously means 'righteousness', 'accountability', 'probity' and 'piety'. In this context, to talk about corruption, *fasād* would be invalid without talking about the corrupted *(mafsūd)* and the cause for corruption *(mafsadah)* and to attempt to derive meaning from those two would be impossible in the absence of the corrupter *(fāsid/fasīd)*. Ibn Manẓūr goes further to cite an example, as is usual with classical Arab culture, in which human existence is usually filtered through the prism of sexual relations. According to him, the Arabs deem corruption to have taken place when "a man engages in sexual relation with his lactating wife only for the woman to become pregnant. By becoming pregnant the woman's milk is corrupted, and the child who had hitherto not been weaned is infected by the corruption which the intercourse between the man and the lactating woman occasioned."[17] In this similitude, if as such it may be called, four elements in the web of corruption become discernible: the corrupter (the husband), the corruptee (the wife), corruption (the woman's breast-milk) and the corrupted (the child). The child, in becoming the corrupted, Ibn Manẓūr concludes, also becomes *al-ghīlah* – a demon.[18]

Corruption: The Qurʾānic Hermeneutics

Let us sidestep the linguistic and proceed to the qurʾānic. To talk about the qurʾānic treatment of corruption is to keep in mind the spiritual and the secular; the mystical and the profane. The word 'corruption' *(fasād)* or its inflected derivatives appears not less than fifty-two times in the Qurʾān.[19] These verses not only mirror various trajectories of corruption as a concept, but also the features, impacts and implications of the phenomenon on human society and on the Universe. The qurʾānic engagement with corruption mirrors the quintessential Islamic *doxa*; it represents the template upon which Islamic perspective to the phenomenon must be premised. It also essays the Islamic perspective to the web of corruption where corruption, the corrupter, the corruptee, and the corrupted are critical elements.

Broadly speaking, two meanings could be inferred from the employment of the word 'corruption' in the Qurʾān: the spiritual *(al-fasād al-rūḥī)* and the material *(al-fasād al-māddī)*. Whereas spiritual corruption cannot be subjected to scientific enquiry, material/human corruption is not only physical, but is equally heinous; whereas spiritual corruption may be precedent to the material, the Qurʾān, nonetheless, contends that the latter usually harps back to the former; material corruption usually projects and serves as reinforcement for the spiritual decay of the human psyche.

Put differently, the more materially corrupt the human agent becomes, the faster its descent into the abyss of infantile spiritual malaise and infamy; the more its descent into the black hole of corruption the more its involvement in material corruption. Even though, in line with our suggestion above, verses of the Qur'ān that furnish insights into the dynamics and poetics of corruption in human nature, nurture and society are many, let us begin with an anecdote gleaned from the Qur'ān.

Sometime during the primordial period, angels were "invited" into the "presence" of the Almighty. God consequently informed them of His intention to create Prophet Adam (upon him be peace) - humanity. The angels, apparently basking in the knowledge endowed to them by God of the nature and destiny of humankind, voiced what could be referred to as subtle protest and disapproval of God's intention by saying:

> Will you place on earth he who shall perpetrate corruption therein *(yufsidu fīhā)* and spill blood […]. [20]

The Qur'ān informs us that whereas God's response to the angels is "I surely know that which you (the angels) do not (and would) never know,"[21] the Prophet Adam, his wife, and their children soon confirm the notion of human nature that the angels had. They went against the injunction of God by eating the 'forbidden fruit' while their sons, Qābīl (Cain) and Hābīl (Abel), were in feud ending with the former killing the latter. These events, therefore, could be referred to as the beginning of the spiritual-material corruption on earth.

In other words, the desire in humans to perpetrate corruption, whether material or spiritual, could be said to be as old as creation. It could be likened to the proverbial forbidden fruit - the more it is prohibited, the more humanity seeks access to it; the harsher the punishment prescribed for the corrupters, the more engaging the latter's desire to commit the crime. Forbidden fruits, in line with the Arab axiom, are usually the sweetest *(al-thamarat al-muḥramah hulwatᵘⁿ)*.

However, if careful consideration is given to the nature and circumstance of human existence, and if the problematic aspect of corruption is given closer scrutiny might it not be argued that corruption is indeed an 'integral' part of the 'human edifice',that make up that part of human nature which must be discarded the same way humankind is bound to endeavour to empty its kidney of urine and the stomach of excreta? Here a risky suggestion is being proposed: that corruption may be useful after-all, not in the sense of "grease the wheel"[22] argument proposed by Pierre-Guillaume Méon and Khalid Sekkat, but in its ability to serve as a yardstick with which honour and prestige may be conferred in a society. Thus corruption becomes that solemn, but subtle mystical-physical element in human existential realities which the Qur'ān refers to as *al-khabīth* - the dreg: that element which must be distinguished, or, again, in qur'ānic parlance, sieved from *al-ṭayyib* – the pure – in order for God to confer

celestial bliss on the faithful. Without a conscious attempt on the part of humanity to separate *al-khabīth* from *al-ṭayyib*[23] the attainment of such universal values as transparency, honesty, probity and accountability would be difficult if not outright impossible.

In other words, if righteousness *(ṣalāḥ)* is indeed the ideal after which humanity should strive, its pursuit can only be invigorated by the flight from evil and corruption *(fasād)*; the search for righteousness can only become strengthened pursuant to our knowledge of the evil in the nature of evil and our preparedness to run away from it. Our thesis is this: we do the right thing by virtue of our knowledge of what is wrong; our knowledge of falsehood and evil, aside from insights bestowed on humanity by God, is precedent to the truth in our thought, speech and action. This probably explains the categorisation of humanity in the Qur'ān into three. In the first Allah says:

> This is the Book in which there is no doubt. It is a guide for those who are God conscious, who believe in the Unseen, who establish Salah (five regular daily prayers) and spend in charity out of what We have provided for their sustenance, who believe in this Revelation [i.e. the Qur'ān] which is sent to you (O Muḥammad) and the Revelations which were sent before you [Torah, Psalms, the Gospels...] and firmly believe in the Hereafter. They are on true Guidance from their Lord and they are the ones who will attain salvation.[24]

Classical qur'ānic exegetes[25] agreed that the above-quoted verses image human beings who occupy the first place in the hierarchy of humanity's spiritual status in the reckoning of the Almighty. These are referred to as the 'believers': men and women who recognise Allah as the Creator and Sustainer of the universe and dedicate their lives to His worship; men and women who not only constantly struggle to be free of spiritual corruption, but equally endeavour to avoid material corruption in their private and public conducts. This group among humanity does not glory in and profess corruption even if, either by compulsion or necessity, they find themselves in corruptible spaces and circumstances.

In the second level of qur'ānic discourse of corruption, we read about, in two subsequent verses, the disbelievers. Allah says:

> In fact, as for those who reject Faith; it is the same, whether you warn them or you don't, they will not believe. Allah has sealed their hearts and their hearing, their eyes are covered, and there is a grievous punishment for them.[26]

The disbelievers, in the light of the above, are individuals in human societies who, from the purview of the Qur'ān, are neck deep in material corruption which in itself is a direct result of their immersion in disbelief in Allah and His messengers. Here disbelief in Allah and His messengers constitute spiritual corruption on, at least, two

levels: the primary and the secondary. At the primary level, the disbeliever becomes a corrupter of his own soul through his resolve not to acknowledge Allah as his Creator *(al-khāliq)*, Sustainer *(al-rabb)*, and object of worship *(al-ilāh)*[27] while his heart, the locus of understanding and intellection and the link between him – the disbeliever- and his creator, Allah, becomes corrupted by the very act of unbelief.

At the secondary level, however, unbelief *(kufr)* becomes spiritual corruption in its potential at diverting the rest of humanity from the worship and adoration of God. Once spiritual corruption is realised at the primary level, once the human agent who consciously disbelieves the four elemental foundations of human existence – *tawḥīd* (unity of Allah), *khilāfah* (vicegerency of humanity), *risālah* (prophethood), and *qiyāmah* (resurrection) appropriates enough space, authority and status in society to manifest his unbelief, he invariably becomes a corrupter. His apparent success in life which, in the qur'ānic parlance,[28] is in reality not success, but a mirage, becomes a source of spiritual infection and pollution. This is because humanity, particularly those at the fringe of spiritual-material enlightenment, would begin to wonder whether disbelief is actually not better than belief. The latter would eventually begin to move, gradually down the ladder in order to join him at his level. They would eventually become, in spiritual terms, the corrupted while the disbeliever, the agent who, despite his unbelief, is materially comfortable becomes the corruptee.

The third major level of qur'ānic discourse about corruption is concerned with the portrayal of that group among humankind which occupies the space between belief and un-belief; men and women who usually posture as incorruptible elements but who, in reality, are actually the perpetrator and facilitator of corruption on earth. With reference to them Allah says:

> And among mankind, there are some (hypocrites) who say: we believe in Allah and the last day while in fact they believe not. In their hearts is a disease and Allah has increased their disease; a painful torment is theirs because they used to tell lies. And when it is said to them: commit no corruption on the earth they say we are indeed the righteous ones. Verily they are the ones who make mischief but they perceive not.[29]

This group among humankind, which later came to be known and designated in Islam as hypocrites *(al-munāfiqūn)*[30] commit both types of corruption that we have identified: the spiritual and the material. Spiritual corruption occurs, in this instance, via the double identity that this group maintains:

> When they meet those who believe they say "we are indeed with you", but when they repair to their cohorts they say "we are actually with you, we are only making jest of them.[31]

Here insight is furnished by Allah into the condition of spiritual corruption in which the hypocrites are manacled – a condition which is more heinous and dastardly

than that in which the unbeliever is steeped. In trying to benefit both from belief and unbelief, in their resolve to occupy that spiritually odious space which Abū Ḥāmid al-Ghazālī (d. 1111) refers to as 'the space in-between',[32] the hypocrite ironically suffers double jeopardy: he is treated as the enemy within by the Muslims; he is viewed as the fifth columnist by the unbelievers; he is a disbeliever by Allah; he is ironically seen by some unbelievers as a believer.

But in identifying with the two groups, the hypocrite succeeds in appropriating a bigger space unto himself – he becomes better able to spread as much corruption on earth as possible. According to Ibn Kathīr (d. 1373)[33] this group constitutes the greatest number of humankind. In their 'majority' status we probably have explanations for the 'web' of corruption and the seeming intractability of the problem in the world today. The ascension of members of this group to position of authority – be it political, economic, or religious – usually leads to the increment in the incidences of corruption on earth.

The Web of Corruption

The point at issue above is this: each time humanity bewails the insuperable and pervasive odour of material corruption, it is indirectly lamenting the ascendancy of the spiritually corrupt to the top echelons of power; the ascendancy of a leadership which is not only incapable of differentiating between, according to Seyyed Hossein Nasr (b. 1933), "the axis and the rim of existence",[34] but also unable to properly and correctly position both "the axis and the rim" of life where they should belong. In other words, by putting the 'rim' in front, the 'axis', by giving preference to the transient over the permanent, by emphasising the mundane over the spiritual, corruption becomes a categorical imperative. It is this misplacement of priority in life which explains the unbridled lust for wealth and position by humankind and the consequent prevalence of corrupt practices in human societies. Thus, once authority is appropriated by the spiritually corrupt – an authority which considers itself to be accountable and inferior only to itself – the path becomes automatically clear for the perpetration of all evils. Abū ʾl-Aʿlā Mawdūdī (d. 1979) puts this in sharper perspective when he queries:

> Can a person having no fear of God and with no realisation of the retribution of the Day of Judgment be restrained from indulging in dishonest acts and irresponsible behaviour? Can a person thus bereft of all vestiges of loyalties except the one for his individual self be persuaded to sacrifice his personal gains? Only loyalty to lofty ideas moves a man to sacrifice, and for a Muslim, there is no basic loyalty higher than his loyalty to his God, to the Holy prophet and to the Muslim nation. If this loyalty gets shaken, the natural consequences will be [the] emergence of selfish and mean preferences in all hideous forms.[35]

Thus what is popularly known in the world today as corruption or *al-fasād al-mādī* (material corruption) which includes "the abuse of public power for private benefit;"[36] "any induced behaviour with the primary aim of falsifying the outcome of the behaviour to the benefit of the inducer;"[37] "the act or state of corrupting or being corrupt or dishonest"[38] are all products of a more heinous variant of corruption, namely spiritual corruption. Material corruption is often reinforced by such other factors as "dysfunctional civil service regulations, defective bureaucracy, low salaries and wages, weak punishment or penalty systems and non-transparent rules, laws and processes."[39] Material corruption also thrives as a result of "over-regulation of private activity; expanded public sector economy; expanded public sector procurement and weakened scrutiny."[40]

Even though the 'web' of corruption, like that of the spider, should ordinarily be weak, experience has, however, shown that it usually gains strength through the prevalence of poverty and deliberate impoverishment of the masses. The 'web' of corruption equally gains strength through the patronage of scholars and 'men and women' of God. In other words, corruption usually produces its own intellectuals who, in turn, produce what may be described as the discourse of corruption. The discourse of corruption is often enamoured by religious scholars and *'ulamā'*'s advise to the people to 'listen and obey'[41] corrupt despots as long as they are allowed to pray. When scholars put their learning and revered position to the service of corruption and corrupters, we witness what is known in Latin as *corruptio optimi persima*[42] – 'corruption of the best which is the worst form of corruption'. Such scholars become perpetrators of double corruption: the corruption which they bring to bear on the divine text by their act of deliberate misinterpretation and that which occurs as a result of their acquiescence to, silence and apparent refusal to guide or steer the political class along that path where corruption would not only be difficult, but impossible.

Confronting Corruption in Islamic Hermeneutics

How might we begin to explore anti-corruption writs in Islam? Two pathways may be available for us to tread: the preventive and the curative. The following verses of the Qur'ān which contain what we would refer to as the nine commandments are highly germane to preventive precepts established by God for humanity against corruption:

Say! 'come, I will rehearse what Allah has prohibited you from: Join not anything as equal with Him; be good to your [parents; kill not your children on plea of want – we provide sustenance for you and for them; come not nigh to shameful deeds, whether open or secret; take not life which Allah has made sacred, except by way of justice and law; thus He commands you so that you may learn wisdom. […] And come not nigh to the orphan's property, except to improve it, until he attains the

age of maturity; give measure and weight with full justices – no burden do we place on any soul, but that which it can bear; whenever you speak, speak justly even if a near relative is concerned; and fulfil the covenant of Allah thus He commands you so that you may remember Him […]'.[43]

In the above verses, we are reminded that any attempt to prevent corruption on earth must begin with the realisation that the problem, as we have attempted to do above, is not only and simply material, but spiritual; that corruption could manifest itself at the intrapersonal, interpersonal and communal levels. What Islam therefore does is to lay down the rules which the believer is expected to abide by. The rules, elements or virtues which may be divided into 'dos' and 'don'ts' are evident from the above verse. The 'to do' divinely ordained virtues include: belief in God, goodness to parents, giving full measure, and speaking justly, while 'don'ts' include infanticide and all other shameful deeds, including murder and embezzlement.

A careful contemplation of these virtues would reveal that they constitute important parameters both for the measurement of the incidences of corruption on earth even as they speak to the identities of the corrupters and the corruptees in human societies. For example, it is consensual to view the employment of bad measurement in the market-place and the embezzlement of public fund as acts of corruption. In the latter, the marketers and politicians who indulge in the act not only corrupt the market and the political system through their unholy acts, but equally corrupt their personal spiritual well-being. Again, the marketer or politician who engages in corruptible practices might probably not be involved in the act had it been the case that he chose to work in line with the 'shame theory' that is mentioned in this verse.

In other words, when Allah says "come not nigh to shameful deeds" attention is being called to the fact that one of the identities of the corrupter is a person who lacks modesty; he is the rational being who is willing to engage in an act which the lower animals would ordinary not engage in. The corruptible person is the subject who could go naked in the market even though nakedness is antithetical to his physiology and destiny. The Qur'ān therefore desires to keep humankind within the purview of its destiny: an honoured and ennobled creature – a vicegerent of the creator of the worlds through the provision of these basic virtues and anti-corruption elements.

The preventive ethos established by Islam against corruption might also include the fact that Islam views the occupation of a position of authority, and in fact the whole gamut of human existence, as a test for which the believer shall be held to account on the Day of Resurrection. To be a head of state or the permanent secretary, for example, therefore, is to occupy a position of trust *(amānah)*. In order to prevent or at worst reduce the possibility of corruption in public offices, Islam, therefore, enjoins the Muslims to entrust the position to the most spiritually and morally qualified. Failure to do this is to risk socio-economic and political anomie. The Prophet Muḥammad emphasised the importance of appointing the right people in positions of authority when he says:

> Whoever delegates a position to someone whereas he sees someone else (who is more qualified), verily he has cheated Allah and His apostle and all the Muslims.[44]

The Prophet is equally reported to have said:

> Each of one of you is a shepherd and each one is responsible for the flock under him.[45]

Let us now assume that the morally and spiritually qualified has been given authority, how does Islam grapple with the fact that power often becomes a 'honey' at the tip of the tongue of the statesman? How does Islam ensure that the powerful not become inebriated and hostage to the entrapments of power? The answer to this question might be found in the character of the persons concerned as to whether their moral and spiritual life is deeply rooted in the teachings of Islam. This is because insights abound in Islamic history of the possibility of that scenario in which one may find the 'honey' of power on one's tongue without taking more than the law permits. This is particularly the case with the second caliph ʿUmar b. al-Khaṭṭāb (r. 634-44) who once saw a very lean and thin young girl. He said: "What a sad plight the child is."[46] He soon got to know that the girl was actually his granddaughter. Then ʿAbd-Allāh, his son, told him: "whatever is in your charge you give us nothing from it […] this has brought her this sorry state."[47] ʿUmar then said:

> By God, I have nothing for you more than I can give out to the believers in general, whether it meets your need or not. The book of God stands to decide between us.[48]

Here ʿUmar's statement and conduct not only portrays him as incorruptible, but also one who is unwilling to allow corruption fester within the Muslim polity. By refusing to give to his family more than the law provides, he also keeps in view the possibility that power and authority could indeed be honey and poison at the same. He had the serenity of mind not to succumb to temptation; he was sufficiently conscious of the implication of such an action on his spiritual status and the welfare of the State. Thus his action feeds the suggestion that consciousness of the existence of God is the only armour against the most tempting of all temptations.

ʿUmar's conduct also emphasises the importance of such elements as justice *(ʿadl)*, equity *(qist)* and benevolence *(iḥsān)* as critical elements in the appropriation of Islamic hermeneutical treatment of corruption. The Prophet of Islam is reported to have said that among the inhabitants of Paradise will be:

> […] one who wields authority and is just and fair; one who is truthful and has been endowed with power to do good deeds; and the person who is merciful and kind-hearted towards his relatives and to every pious Muslim, and who does not stretch out his hand in spite of having a large family to support.[49]

In contrasting the concepts of *iḥsān* and *ʿadl*, al-Qurṭubī (d. 1273) argues that when Allah says "Lo! God enjoins justice and kindness"[50] the word *ʿadl* (justice) is mandatory while *iḥsān* (benevolence) is what is above and beyond the mandatory. Quoting Sufyān b. ʿUyaynah, al-Qurṭubī states further that " *ʿadl* means that the person's inner intentions and feelings should be consistent with his/her declared words and actions, while *iḥsān* means that the person's inner intentions and feelings are even better than his/her words and actions."[51] The word *iḥsān*, which is derived from the Arabic root *ḥ-s-n*, refers to any act that is deemed 'suitable', 'beautiful,', 'proper', or 'fitting'. It operates at the core of Islamic ethics.[52] The Muslim subject in authority who works with these ideals would neither be corrupt despite the sweet taste of the 'honey' in its tongue nor would he be a corrupter. He would conduct himself with the full consciousness that God watches over all things even if the citizens or the law are, as it is, absent. Allah says again:

> Because of that we ordained for the children of Israel that if anyone killed a person not in retaliation of murder or spread corruption on earth - it is as if he killed all mankind, and if anyone saved a life, it would be as if he saved the life of all mankind […].[53]

This verse thus appears to bring closure, not conclusion, to the discussion of how Islam seeks to prevent the incidences of corruption in the world. Here we are informed that Allah abhors corruption to such an extent that its perpetrators are promised terrestrial and eschatological retribution. By employing the connective, *ka annamā* ('it is as if') in the above verse, the act of corruption is equally divested of geographical or racial identity. An act of corruption committed in Africa is therefore deemed to have multiple and grave implications for the wellbeing of humankind in Asia; the corrupter who goes scot-free in America becomes a threat to humanity in Malaysia. Whereas they may or may not be caught while on earth, the above verse seeks to establish the impossibility of escape for the corrupter from divine wrath and to warn human beings from committing all acts that may be deemed corruptible. The above verse also seeks to affirm, as we have proposed above, that for every material corruption perpetrated on earth, there are spiritual implications.

In talking about the Islamic ethos which could serve as curative measures against corruption, Ibn Qayyim al-Jawzīyyah's (d. 1350) ideas are very useful. In his opinion, any attempt to eradicate *al-fasād* (corruption) from human societies would always be confronted by four possibilities:

1. total eradication of corruption in which case its opposite (righteousness, accountability, honesty) comes into being,
2. minimisation of corruption even if it cannot be completely eradicated,
3. substitution of corruption with something similar, and
4. substitution of corruption with something worse and greater.[54]

Whereas possibilities four and three do not enjoy any patronage in Islamic law and jurisprudence, two and one, on the other hand, fall within the ideals that Islam has set for humankind. In fact, the ideal state in Islam is that in which corruption is completely eradicated. It is that which is eulogised by Allah when He says:

> Those when they are established on earth establish prayers and give out alms, enjoin that which is good and forbid that which is wrong […].[55]

However given its natural imperfection, it is often not the case that corruption may be completely eradicated from human societies. This invariably leads to the strong Islamic ideal that Muslims should constantly rise against corruption and corruptible tendencies in the world. In fact not doing this is to risk divine damnation:

> Those of the children of Israel who went astray were cursed by the tongue of David, and of Jesus, son of Mary. That was because they rebelled and used to transgress. They restrained not one another from the wickedness they did. Verily evil was that they used to do![56]

The Prophet of Islam is reported to have said:

> He who amongst you sees an evil should change it with the help of his hand; and if he has not strength enough to do it, then he should do it with his tongue, and if he has not strength enough to do it, (even) then he should do it with his heart, and that is the least (sign) of faith.[57]

He is equally reported to have warned thus:

> Should it occur that the people of my community *(ummah)* have such extreme fear that they become unable to say to the unjust people 'You are wrong', they would no longer be worthy of life.[58]

It is in keeping with this injunction that societies that more or less 'fully' operate Islamic law *(sharīʿah)* usually establish an agency known as the *ḥisbah*.[59] The *ḥisbah*'s main task is that of maintaining public order and decorum. The *muḥtasib*, the official in charge of the *ḥisbah*, al-Māwārdī (d. 1058) opined, not only assists the authorities in enjoining good conduct, it is equally part of his mandate to prevent the spread of corruption and the punishment of the corrupt in society.[60]

One other option which is evident in Islamic history for the extermination of corruption is the increment in material provision for the masses. A case in point, in this instance, is that of the Umayyad caliph ʿUmar (II) b. ʿAbd al-ʿAzīz (r. 717-20).[61] It was during his reign that the Muslim community became so prosperous that only the tax-*payer* remained in the polity; there remained no tax-*receiver*. He therefore gave instruction for tax distributors to travel round the caliphate in search of tax-

receivers, but tried as they did, they could not come across a citizen of the caliphate who would take the alms. Thus the Islamic perspective to a corruption-free society is hinged not only on the nexus between the divine and the creatures, but equally on the promotion of public wealth and prosperity. It is in line with this philosophy that Islam demands the payment of a regime of wages that will not only make the employees of the state 'exist', but 'live' a descent life. This ideal operates at the core of the Islamic concept of an egalitarian society. The ideal serves both the preventive and curative functions in any attempt at confronting the scourge of corruption in the world today.

However, there remains one other Islamic writ that must be mentioned: the institution of stiff punishments to deter the perpetration of corruption. The following qur'ānic verse reads:

> The only reward of those who make war upon Allah and His messenger and strive after corruption in the land will be that they will be killed or crucified or have their hands and feet on alternate sides cut off or will be expelled out of the land. Such will be their degradation in the world, and in the Hereafter theirs will be an awful doom.[62]

Here Allah calls attention to the fact that one of the best ways to cure societies of its heinous crimes is the application of punishments that would not only deter the commission of such crimes, but would equally render the criminal incapable of returning to the commission of such crimes in future. Studies on corruption trends across the world has shown that the milder the punishment against corruption the more its perpetration, and the harsher the punishment the less the temptation to commit it.[63] In applying punishment against corruption, Islam would insist on equity and justice—that no member of the society should be treated differently from the rest of the society no matter his/her status.

Conclusion and Recommendations

In closing, I wish to return to the question which I raised above, but which I deliberately side-stepped: if it is true that Islam abhors corruption, how do we explain the involvement of Muslims in the scourge? In answering I would ask another question: how do we explain the commission of a sin by the Prophet Adam against which he had previously been forewarned?[64] Questions like this not only mirror the trajectories in the *Weltanschauung* of Muslims, but equally the poetics of corruption in Islamic hermeneutics.

- The involvement of some Muslims in acts of corruption essays the disconnection between Islam in the text and the Islam in the context of existential realities of Muslim societies across the world.

- When laws promulgated by authorities, including the divine, are blatantly broken by humankind, the latter, in line with the Qur'ān, should be prepared for "a war from the Almighty Allah."[65]

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25. This is with reference to a reading of the exegeses of the Qur'ān by Ibn Kathīr, al-Qurṭubī, or al-

Suyūṭī's *al-Itqān.*

26. Qur'ān 2:6-7.
27. This is with reference to basic principles which undergird the Islamic faith.
28. This is with reference to Qur'ān 23:57 where Allah says: "Do they [i.e. the unbelievers] think that, in giving them wealth and children, We are eager for their welfare? By no means! They do not understand the reality of the matter."
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51. Abū ʿAbd-Allāh al-Qurṭubī, *al-Jāmiʿ li-aḥkām al-qurʾān* (Beirut: Dār al-Iḥyā al-Turath al-ʿArabī, 1966), 16:90, quoted by Beekun and Badawi, "Balancing," 137.
52. Ibid.
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55. Qur'ān 24:32.
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57. *Ḥadīth* no. 34 , al-Nawawī's collection, in *Ṣaḥīḥ Muslim.*
58. Ibid.

59. The word *al-ḥisbah* (or *al-kifāyah*) is not mentioned in the Qur'ān. Muslim jurists usually employ the word in reference to those charged with the responsibility of enjoining good conduct, particularly in market-affairs. The person in charge of such affairs is sometimes designated as *al-muḥtasib*. It replaced the original designation of that office which was *ṣāḥib al-sūq* (market supervisor). For more on this see al-Ab Khristiyānfan, "Qānūn al-ḥisbah al-jadīd fī Miṣr: Madlūluhā wa iṭāruhā al-ta'rīkhiyyah," *al-Mashriq* 1 (1997), 135.

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A LEGAL AND ADMINISTRATIVE ANALYSIS OF INALIENABLE MUSLIM ENDOWMENTS (AWQĀF) IN BOSNIA AND HERZEGOVINA

Adnan Trakic*

Abstract: The establishment of inalienable Muslim endowments (pl. *awqāf*; sing. *waqf*) in Bosnia and Herzegovina goes back to the days of the Ottoman occupation of the region in 1463. This article explains their establishment and development together with their institutions with reference to the fifteenth and sixteenth centuries when some of the most famous *awqāf* emerged. The great period for *awqāf* came to an end with the Austria-Hungarian takeover in 1878. The author argues that since then the institution of *waqf* in Bosnia and Herzegovina was subject to injustice, hostility, and devastation from the various regimes that have ruled the country. He explains the deteriorating position of *waqf* property through the periods of the Kingdom of Yugoslavia and the unlawful confiscation and nationalisation of *waqf* property and the ultimate complete abolition of the institution of *waqf* under the communist and socialist regime. This situation lasted until the independence of Bosnia and Herzegovina in 1992 when the *Council of the Islamic Community of Bosnia and Herzegovina* established the *Waqf* Directorate. The author also evaluates the legal applications of the restitution claims made by religious communities for the property which was unlawfully confiscated through various legislative mechanisms during and after the communist regime. The ways to safeguard and protect *waqf* property will be examined as well.

The Origin of *Waqf* and Its Socioeconomic Importance

The institution of *waqf* is a unique establishment in Islam which promotes the social, ethical, and moral values of human beings. These values must not be overtaken by greed, selfishness, and ignorance. The best reminder of the quality of human beings is the existence of *awqāf* (pl. of *waqf*) in most of the Muslim communities as a seal of understanding, tolerance, and willingness to help. The debate in the west is ongoing

*   *Adnan Trakic* is a PhD Candidate at the Ahmad Ibrahim Kulliyyah of Law, International Islamic University Malaysia (IIUM) and a Lecturer at the School of Business, Sunway University, Kuala Lumpur, Malaysia. This article is an extended version of a paper presented by him at the 'International Conference on *Waqf* Law and Management', held on 20-22 October 2009 in Kuala Lumpur, organised by the IIUM Endowment Fund, and sponsored by Sime Darby, a Malaysia-based diversified multinational.

on the responsibilities of man towards the upcoming generations, and that reminder has got to be emphasised all the time. On the other hand, the institution of *waqf* in Islam clearly shows the complete concern of the *wāqif* (the person establishing a *waqf*) towards the next generations by leaving them the property to be used wisely for their benefit. This brings about the social aspect of the *waqf*. When it comes to the economic aspect of the *waqf*, the economic system in which the general directions of the Qur'ān are incorporated can be considered as a specific system of economic thought in Islam. Islam strongly supports the idea of mutual help, coordinated and collective efforts, and efficient management for the common good.

The word *waqf* comes from the Arabic verb *waqafa*, which etymologically means 'to hold', 'to keep', or 'to detain'. The legal meaning of *waqf*, according to the early Muslim jurist, Imām Abū Ḥanīfah (d. 767), is the detention of a specific thing in the ownership of a *wāqif* or appropriator and the devoting or appropriating of its profits or usufruct "in charity to the poor or other good objects." According to his two disciples, Abū Yūsuf (d. 798) and Muḥammad al-Shaybānī (d. 805), *waqf* signifies the extinction of the appropriator's ownership in the thing dedicated and the detention of the thing in the implied ownership of Allah in such a manner that its profits may revert to or be applied "for the benefit of mankind."[1] A *waqf* extinguishes the right of the *wāqif* or dedicator and transfers ownership to Allah. A *mutawallī* is the manager of the *waqf*, but the property does not vest in him. A *waqf* may be made in writing or its dedication may be oral. There must, however, be appropriate words to show an intention to dedicate the property. The use of the word waqf is neither necessary nor conclusive.[2]

The difference between the institution of *waqf* and a 'trust' under English law has to be admitted here. This has been explained in the case of Vidyavaruthi v. Baluami by the Privy Council in which they clarified that 'Mahomedan Law' relating to trust differs fundamentally from English law. Furthermore the lords of the court explained that the 'Mahomedan' concept of trust owes its origins to a rule laid down the Prophet of Islam and means 'the drying up of property in the ownership of God the Almighty and the devotion of the profits for the benefit of human beings'. Once it is declared that a particular property is *waqf* or any such expression is used as implying *waqf* or the tenor of the document shows that a dedication to a pious or charitable purpose is meant, the right of the *wāqif* is extinguished and the ownership is transferred to the Almighty. The donor may name any meritorious object as the recipient of the benefit.[3]

Generally, Islam permits the transfer of property under an individual's possession to another person through the instrument of sale, gift or inheritance. At the same time, the utilisation of the property by an individual for his own benefit is also accepted in principle. However, a person can impose restrictions on the transfer of property, both movable and immovable, by declaring it as a *waqf*. Therefore, one can transfer the profits accruing from such property from the sphere of a limited individual's benefit of a much larger number of people comprising the weaker sections of not only the

Muslim *ummah*, but the entire humanity. The ownership of the property so declared as *waqf* vests in Allah.[4]

Waqf is established based on the Qur'ān and *Sunnah*. Almost all verses of the Qur'ān which prescribe legal rulings were revealed in Medina. One of those qur'ānic verses referring to the authority for the establishment of *waqf* is 3:92 where it is stated: "You will never attain virtue until you spend something you are fond of; while God is aware of anything you may spend." In interpreting this verse, the Prophet (according to al-Bukhārī and Muslim) says: "After the death of man, his traces in this world will disappear except in three situations: if he leaves perpetual good *(ṣadaqah)*, the knowledge that will benefit others, and a well brought up child that will pray for him." The word *waqf* is linked to the name of the Prophet Ibrāhīm (Abraham). In Palestine, even until today, there is a town known by the Muslims as al-Khalīl (Hebron) which, they believe, was built from the property of Ibrāhīm as *waqf*, and one of Ibrāhīm's biggest *waqfs* is the Kaʿbah in Mecca which he built, according to Muslims, upon the direct instruction of Allah.

Furthermore, it has been reported that the second caliph, ʿUmar b. al-Khaṭṭāb (r. 634-44) once came to the Prophet Muḥammad and said that the property that he owns in Khaybar is the one that he likes the most, that it is the one that is the most useful to him, and that he wishes to make it as a perpetual good *(ṣadaqah)*.The Prophet replied to him that the best deed would be if he detains it from his property *(waqf)* with a declaration that that property should neither be sold, inherited or gifted in the future. When ʿUmar heard the Prophet, he made a declaration that the benefits and usufruct from his property should be given for the needs of the poor, his family, soldiers, travellers, and the freeing of slaves, and there shall not be sin if the manager *(mutawallī)* uses the benefits for his own food in a moderate way and as well as to feed his friends. The example of ʿUmar was followed by other Companions of the Prophet as well, and for that matter there are some historians who claim that all Companions of the Prophet have left at least some of their property as *waqf*. The Prophet himself left seven of his gardens as *waqf*.

At that particular time, everything that could be useful to the Muslim community for its social and economic development was left over to the *ummah* to be used as both movable and immovable property. Subsequently, the Islamic state was spreading and Muslims from different social and cultural background became its subjects. That is the time that new issues appeared before the Muslim legal scholars who had to come out with new rulings suitable for a particular time and place. This is also the time when differences of opinion and manifold rulings in relation to *waqf* emerged, such as whether movable property can constitute *waqf* or whether a *wāqif* can use the *waqf* property for his own benefit as long as he is alive, etc. Nevertheless, the *waqf* is still a very developed tradition among the Muslims in Bosnia and throughout the world, and its socioeconomic implications and benefits can be seen in Muslim society.[5]

The origin and the importance of *waqf* were discussed by various scholars such as Henry Cattan. He observed that the institution of *waqf* developed with Islam, and there is no evidence that such a complex system of appropriating usufruct as a life-interest to varying and successive classes of beneficiaries existed prior to Islam. Although the separation of ownership from the usufruct was not a new legal concept, the settlement of usufruct or property on successive generations in perpetuity for an immediate or ultimate charitable purpose is an instruction developed by the Muslim jurists during the first three centuries of Islam. Furthermore, the late Henry Cattan (d. 1992) stated that the similarity and resemblance between the Islamic concept of *waqf* and the English concept of 'trust' poses the question whether the English concept was derived from the Islamic one. When it comes to time, there is no doubt that *waqf*, as it exists in its present form, was developed and established during the eighth and ninth centuries, while English 'trusts' or 'uses' were developed in the thirteenth century. Also according to Cattan, this clearly shows that it would be reasonable to suggest that the English concept of 'trust' actually originates from the Islamic concept of *waqf*.[6]

The Establishment of *Waqf* in Bosnia and Herzegovina

During the Ottoman Period

The establishment of *waqf* in Bosnia and Herzegovina is closely connected with the occupation of that region by the Ottoman Empire. Therefore, before embarking on the discussion of *waqf* during that period, a few words about the Ottoman occupation of Bosnia would be appropriate. In 1463 Maḥmūd Pasha, under the direction of Sultan Muḥammad II the Conqueror (r. 1444-46 and 1451-81), led the Ottoman armies to victory over hostile forces in Bosnia. By 1492, the year when the Muslims lost their control over Spain, the rest of Herzegovina came under Ottoman rule as well. The Bogomils[7] are said to have declared *en masse* their allegiance to the Ottoman Empire and their acceptance and submission to the Islamic faith. Safet Abid, an American Muslim of Bosnia-Herzegovinian and British extraction, stipulates in his article entitled "Islam in Bosnia and Herzegovina" that the Ottomans – contrary to other currently prevailing views – did *not* enforce the conversion to Islam 'by the sword'. Instead, he argues, the Ottomans guaranteed religious freedom and simply ensured the administrative functioning of the conquered land – although it should be noted here that there are, of course, also views to the contrary. In Abid's view, such a 'mass acceptance' of Islam by various indigenous populations was not unusual in Muslim history.[8]

From the mid-fifteenth and throughout the late seventeenth centuries, Bosnia and Herzegovina blossomed as centres of Muslim culture, education, and commerce in the western parts of the Ottoman Empire.[9] In 1537, under the direction of the regional Ottoman governor, Gazi Hüsrev Beg (d. 1541), an effective Bosniak military

strategist and the greatest donor and builder of Sarajevo, the first major *madrasah* was established in Sarajevo. The aim of this new *madrasah* was the complete integration of the latest sciences of the time, such as mathematics, literature, and natural sciences, plus the traditional religious sciences such as Islamic theology, *tafsīr* (qur'ānic exegesis), *ḥadīth* (prophetic traditions), and *uṣūl al-fiqh* (principles of Islamic jurisprudence).[10]

During the Ottoman period, most of the administrative, constitutional, and legal matters were handled by the administrative branch which was supported by the military. Other affairs, such as culture, education, and social matters were represented and handled by the institution of *waqf*. The importance of *waqf* in the early stages of the Ottoman period was tremendous. It was unimaginable at that time for any of the towns to be built without the supervision and help of the *waqf* institution. Therefore, most of the structural centres of the towns represented by various objects of educational, cultural, or religious life of the Muslims were based on *waqf*.[11]

Thus flourishing of *waqf* in Bosnia and Herzegovina was during Ottoman rule, and toward the end of Ottoman rule, there were more than 5,000 *awqāf* in Bosnia. These *awqāf* were administered by *mutawallīs* (managers) appointed according to the will of benefactors as expressed in the establishment deeds known in Ottoman-Turkish as *waqfnāmes*. It is interesting to note that the Ottoman *waqf* ministry exercised a rather loose supervision over the administration of Muslim endowments in the province as there was no centralised documentation on *waqf* property and their income and expenditure.[12]

Under the Habsburg Monarchy

When Ottoman Bosnia fell to the Austro-Hungarian Habsburg Empire in 1878, the control over *awqāf* was taken over by the newly established (non-Muslim) provincial government. Subsequently, after ten years of its *waqf* administration in Bosnia, the provincial government issued an ordinance which introduced a uniform and stable administration of *waqf* affairs. Two bodies were established, namely:[13]

- the Provincial *Waqf* Commission (PWQ), and
- the Provincial *Waqf* Board (PWB).

The duty of the Provincial *Waqf* Commission (PWQ) was to ascertain details of all *awqāf* in the land, to control their expenditure, and to carry out new regulations regarding the *waqf* administration. The following year, the PWQ was established in all districts. The establishment of those commissions in every district across the country shows the amount of *waqf* land available in almost in every district of Bosnia at that time. These commissions were entrusted with the duty to provide detailed surveys of existing Muslim endowments in Bosnia to the Provincial government

and to supervise the local *mutawallīs*.[14] The PWQ was composed of the President, Inspector, Secretary, four members of the council of Muslim clerics *(majlis al-ʿulamāʾ)*, two High *Sharīʿah* Court judges, and two prominent Muslims from each of Bosnia's six districts.

The Provincial *Waqf* Board (PWB), on the other hand, was an *executive* body whose main duty was to assist the PWQ with the fieldwork and gathering of any information in relation to *waqf* administration in every district. The PWB was composed of the President, Inspector and Secretary of the PWQ, with necessary clerical staff. In the districts these *waqf* boards were headed by *sharīʿah* judges. Unfortunately, the members of those bodies were appointed by the Habsburg administration, a circumstance which left considerable space for the misuse of *awqāf* for purposes other than those which are permitted by Islamic law.

Initially, the formation of those bodies governing the *waqf* administration looked as if it would bring about positive effects on the preservation and righteous use of *awqāf* among the Bosnian Muslim community. However, in many instances the misuse of *awqāf* by the non-Muslim government, due to the appointed members of those two governing bodies, became obvious. The dominant rule of bureaucrats led toward an administration which emphasised the financial aspect of *waqf* over its religious, educational and charitable purposes. Those appointed *waqf* officials drew high salaries at the cost of the ultimate beneficiaries of endowments: schools, mosques, and the poor and the like. The misuse of *awqāf* led Bosniaks to believe that the *waqf* funds were used by the non-Muslim government for their own administrative purposes.[15]

The Muslims in Bosnia became increasingly unsatisfied, until an incident in Herzegovina caused the Bosniaks to take things into their own hands: In 1899, an underaged Muslim girl from the town of Mostar – Fata Omanovic – was taken away by Catholic nuns, converted to Christianity, and secretly sent to Austria to marry an Austrian officer. This event caused outrage among the local Muslim community. Demonstrations were led by Ali Fehmi Dzabic (1853-1918),[16] the *muftī* of Mostar, who submitted demands to the Habsburg administration demanding the reorganisation of Muslim religious affairs, in particular the *waqf* and educational sectors.[17] A mass movement for religious autonomy was born. The movement demanded the reshaping of the *waqf* administration in such a way that members of *waqf* bodies would be elected by the Muslims themselves. Dzabic was the leader of this movement until his visit to Ottoman Istanbul, when the Habsburg administration prohibited him from returning back to Bosnia and Herzegovina.

As a result of the constant pressure by Bosniaks, Vienna accepted most of the movements' demands pertaining to the administration of Islamic affairs. *The Statute for Autonomous Administration of Islamic Religious, Waqf, and Educational Affairs in Bosnia and Herzegovina* was adopted on 15 April 1909. By virtue of this statute, the autonomy and election of an authority administering the *waqf* were granted. The

jurisdiction of *sharīʿah* courts was confirmed in cases of litigation over *waqf* property where the *waqf* capacity of that property was not disputable.[18]

Under the Kingdom of Yugoslavia

In 1918, following the defeat of the Central Powers in World War I, the 'Kingdom of Serbs, Croats, and Slovenes' was created, as a result of which the identity and the freedom of Muslims were weakened. In 1929, the kingdom was renamed 'Yugoslavia'.[19] During the 'Kingdom of Yugoslavia' period there was a dispute over the authority regarding *waqf* property between the government and the local Muslim community,[20] the latter claiming an *autonomous* administration. In 1930, King Alexander I Karađorđević (r. 1918-34) abolished the statute for the *Autonomous Administration of Islamic Religious, Waqf, and Educational Affairs*.[21] Subsequently, in 1936 the *Law on the Islamic Community* was introduced. Compared to the previous statute, this law had offered some more up-to-date solutions in preserving *waqf* property. However, the political and administrative aspects of government influence were easily noticeable in the sections of this statute which undermined its quality and independence.[22]

Under the Socialist Federal Republic of Yugoslavia: The Nationalisation of *Waqf* in Bosnia and Herzegovina

The Socialist Federal Republic of Yugoslavia was a state that existed from the second half of World War II (1943) until it was formally dissolved in 1992. It was led by Josip Broz Tito (1892-1980). During that period, Bosnia and Herzegovina became the 'Socialist Republic of Bosnia and Herzegovina' which was under the control of the Federal Government of the Socialist Federal Republic of Yugoslavia in Belgrade. During the 'Socialist Republic of Bosnia and Herzegovina' period, the status of *waqf* became highly unpredictable. In fact, it can be said with confidence that this was one of the most difficult times for *waqf* in Bosnia and Herzegovina. It was also the time of communist rule, whereby the postulate that 'religion and politics' must be separated was predominant.[23]

The process of the nationalisation of *waqf* property starts with the coming into force of the *Laws on Reform of Agriculture and Colonisation of Bosnia and Herzegovina*[24] together with other laws and regulations whereby the state took by force nearly everything of the *waqf* property with the exception of mosques and their minarets – in accordance with its atheistic point of view – leaving Muslims in Bosnia to face grave injustice whose consequences can be felt even until today. Section 3(c) of the *Laws on Reform of Agriculture and Colonialisation* [sic] *of Bosnia and Herzegovina* explains that land which was owned and possessed by mosques, churches, and religious and educational institutions shall become the possession of

the state. Furthermore, Section 4 states that the ownership of the state is absolute over confiscated types of land whereby the fixtures and cattle, including buildings and agricultural cultivations, would become the sole property of the state without compensation. Finally, the amount of land that is allowed to be owned and possessed by the religious institutions is provided for in Section 8(1), (2), whereby it says that the amount of ownership of land given to the religious institutions should not exceed 10 hectares while the religious institutions with 'greater importance' to society can own up to 30 hectares of land and forest. Two years after the introduction of the agricultural reform laws, on 26 August 1947, the local Muslim community came out with a *Constitution of the Islamic Community of the Socialist Federal Republic of Yugoslavia* which also established structural organs of its organisation. However, according to Senad Ceman, the new structural organisation of *waqf*, as well as religious and educational affairs, did not change dramatically from the previous one.[25]

The extraordinarily harsh attitude of communist regime towards the *waqf* at this particular time culminated in the year 1958 when the *Laws on Nationalisation of Leased Buildings and Land* was legislated. The purpose of this piece of legislation was to take the last breath of the *Islamic Community*. By this piece of legislation, the Islamic Community was left overnight without any immovable property – except the mosques.[26] The *waqf* land, the forests, and the buildings – the financial skeleton of the *Islamic Community* for its maintenance and very existence – were simply taken away.[27] Subsequently, on 13 July 1959, there was an emergency meeting of the *Islamic Community* in which a new constitution had been adopted which abolished the existence of the organs and administration of *waqf* because the new legislation on the nationalisation of *waqf* had caused it to slip out of its control. As a purely religious organisation, the *Islamic Community* remained secluded from any active participation in the lives of Muslims in Bosnia and Herzegovina. The mosques were maintained from the alms and financial contributions of Muslim families on a purely individual basis. From among the relevant statutes and regulations legislated in favour of the nationalisation of *waqf* throughout the communist period the following deserve special mention:[28]

- *Laws on the Confiscation of Property and the Methods of Confiscation* (Official Gazette of Democratic Federal Yugoslavia) No. 40/45 and 70/45;
- *Laws on the Handling of Confiscated Property which Was Confiscated from the Owners by Authorities and their Assistants and Property that Owners had Left* (Official Gazette of Democratic Federal Yugoslavia) No. 36/45; and
- *Laws on the Nationalisation of Private Limited Companies* (Official Gazette of Democratic Federal Yugoslavia) No. 98/46, 99/46, 35/48, 68/48, and 27/53 etc.

The Dissolution of the Social Federal Republic of Yugoslavia: The Dayton Peace Agreement

The dissolution of post-Tito Yugoslavia in 1992 resulted in the notorious 1992-95 war with its traumatic episodes of 'ethnic cleansing' and other war crimes and crimes against humanity, mainly (but not only) perpetrated by ethnic Serbs, which caused internal migrations, affecting in particular the Muslims. Muslims were indeed the main victims of a clearly ideological war while the rest of the western powers were silently observing the mass killing of Bosnian Muslims and Croat Christians. The war was primarily organised and led by three individuals who subsequently were tried at the International Criminal Tribunal for the former Yugoslavia at The Hague: Slobodan Milošević (d. 2006), Radovan Karadžić (b. 1945) and Ratko Mladić (b. 1943). According to one Bosnian historian and thinker, Mustafa Spahić, the genocide that was committed by the Serbs on the Muslims of Bosnia is not the first one, but rather the eleventh in a line of similar events.

During that period, the remains of *awqāf* which had not yet been devastated and confiscated during the communist regime were almost extinguished by the aggression on Bosnia and Herzegovina. In fact, more than 600 mosques were completely destroyed and almost the same number seriously damaged.[29] Most of the mosques were destroyed using highly concentrated explosive devises so that the traces of the mosques (and by extension, Islam) would be permanently wiped out from the surface of the earth. Moreover, to complete their work of destruction, the Serbian and Croatian aggressors built parking lots, public parks, markets, buildings, and even rubbish damping sites over the remains of these once sacred places. Furthermore, out of 8,000 Muslim graveyards in Bosnia and Herzegovina at that time, 2,000 were completely devastated and 1,800 were partially damaged.[30]

During the period of aggression, the Presidency of Bosnia and Herzegovina, due to the emergency proclaimed in the country, assumed the functions of the parliament in legislating certain important laws, since parliamentary sessions were prevented from being held by the aggressors' constant attacks on the besieged capital city, Sarajevo. However, it is important to mention here that all the laws and regulations passed by the Presidency at that time were subsequently sent to parliament for ratification once the attacks had decreased. Thus the fundamental principles of democracy were not neglected – even though the country was constantly threatened.[31] During that time, two very important laws were legislated that were supposed to prevent *waqf* property as well as the property of other previously nationalised religious institutions from being sold or completely alienated. These laws are:

- *Laws on the Prohibition of the Sale of Common Property on which the Right Was Established Through Lease*;[32] and
- *Laws on the Special Protection of Sacred Objects and Places.*[33]

What amounts to sacred objects and places is explained in section 1 of the *Laws on the Special Protection of Sacred Objects and Places* which explicitly refers to mosques, churches, chapels, *madrasahs,* and other theological schools, graveyards, statues, and places that are regarded as sacred. Therefore, *waqf* property could well be considered as included within this framework because it is the property of Muslims and has special sacred value to them. However, the struggle to get back the huge amount of *waqf* property which had been confiscated by the communist regime is still on. These laws were practically quite weak in their enforcement process and there was also a lack of political will to return the *waqf* property to the *Islamic Community.*

Waqf at Present: Post-Dayton Bosnia and Herzegovina

It is important to note that the *waqf* sector in Muslim and secular states is not governed and regulated in the same way. In most of the Muslim countries the institution of *waqf* is secured and is financed from the state budget. In addition, there is often a special ministry entrusted with the duty of maintaining *waqf* property. On the other hand, in most of the secular countries or in majority-Muslim states with a secular government and political setup, *waqf* is regulated and taken care of by the 'Ministry of Religious Affairs' through which the funding is obtained for its maintenance. Furthermore, in most western countries with considerable Muslim minorities, the term *waqf* is not even mentioned in their legal codes, but some of them use instead different terminologies in order to indicate and regulate the *waqf* sector.[34]

In Bosnia and Herzegovina, there is no 'Ministry of *Waqf*'. In fact, there is not even any specific law which mentions the name *waqf*. The word which indicates *waqf* is the word 'foundation'. In English the word 'foundation' can be defined as "an organisation that is established to provide money for a particular purpose, for example for scientific research or charity."[35] Therefore, the protection of *waqf* in the legal documentations of Bosnia and Herzegovina is done through the word 'foundation'. The legal status of foundations in Bosnia and Herzegovina should be observed in the light of the provisions of the Constitution of Bosnia and Herzegovina by which the central government and both its entities have the constitutional obligation to secure the highest level adherence to internationally recognised standards of human rights and fundamental freedoms.[36] Since the 'foundations' enjoy constitutional recognition, parliament, as a legislative body, was pressured to pass laws to govern and protect them. As a result, in 2001 the Parliament of the Federation of Bosnia and Herzegovina passed a statute called the *Law on Associations and Foundations*.[37] This piece of legislation was of great importance to all non-governmental organisations in Bosnia and Herzegovina, including 'foundations'. Thus, this law has legislated indirectly on the protection and legal recognition of *waqf*, since *waqf* has been regarded as a 'foundation'.

One of the main benefits of this legislation is that it legally guarantees the same level of rights to all the people of Bosnia and Herzegovina. Under the same conditions they can realise and protect their human and internationally recognised right to freely associate with others. It is a law applicable to all associations and 'foundations'. However, this law does not apply to three distinguished domains, namely: political parties, religious communities, and union organisations. In fact, there are special laws legislated for each of these domains. For instance, religious communities are governed by the *Law on the Freedom of Faith and the Legal Status of Churches and Religious Communities in Bosnia and Herzegovina*. As mentioned earlier, when it comes to *waqf*, there is no specific law legislated to govern its affairs. The last law governing *waqf* in Bosnia and Herzegovina was legislated and ratified in 1909 and was in force until 1930. Subsequently, the *Constitution of the Islamic Community of Bosnia and Herzegovina* which was adopted on 13 July 1959 stressed by virtue of Article 25 Paragraph 9 that *waqf* falls under the jurisdiction of the Presidency of Islamic Community that is supposed to act on the advice of the concerned local community *(jamaʿat)* in issuing the *waqfnāme* or endowment certificate in the Bosnian language.

At present, *waqf* is mentioned and explained in the *Constitution of the Islamic Community* of 1998. There are a few articles explicitly explaining the matters relating to *waqf*. Article 28, for instance, says that "the property of the Islamic Community is comprised of *waqf*, as well as other things like monetary founds." Article 31 states that "every person, individual, or company (legal personality) can in accordance with *sharīʿah* laws leave his property as *waqf*." The Presidency of the Islamic Community, based on constitutional jurisdiction dealing with the *waqf* affairs, has come out on 22 May 1999 with the *Statute of the Waqf Directorate* which observes that other organs that are entrusted with jurisdictional powers to deal with *waqf* affairs are the local Islamic community, special judicial *waqf* bodies, and *mutawallīs*.[38] By virtue of Article 32 of the *Constitution of the Islamic Community in Bosnia and Herzegovina,* the *Waqf Directorate* manages the property of endowments. Therefore, the management of *waqf* in Bosnia and Herzegovina should be entrusted to the *Waqf* Directorate which would be assisted and consulted by three previously mentioned organs.[39] Furthermore, according to information provided by the former Director of the *Waqf* Directorate of Bosnia and Herzegovina, Nezim Halilović Muderris, by 24 October 2007 the *waqf* sector in Bosnia and Herzegovina consisted of 1,144 mosques, 570 *masjids*, 1,030 shopping lots, 3,027 graveyards, 1,570 houses and apartments, 886 buildings, and 4,829 parcels of land.[40]

The Restitution of *Waqf* in Bosnia and Herzegovina

The word 'restitution' comes from the Latin maxim *restitutio in integrum* which means 'to restore something to its previous position',[41] thus amounting to the restoration of

something to its rightful owner.[42] According to legal dictionaries, the definition of 'restitution' is as follows: "The restoring of anything unjustly taken from another. It signifies also the putting him in possession of lands or tenements, who had been unlawfully disseized of them."[43] After the Dayton Peace Agreement,[44] the question of the restitution of *waqf* property had been raised before the legislative organs of Bosnia and Herzegovina many times. An initial step was taken in December 1996 by the team of experts on matters pertaining to privatisation in the Federation of Bosnia and Herzegovina whereby they drafted the *Bill on Restitution*. The basis of this bill was the just referred to principle of *restitutio in integrum* of *waqf* property which was in existence at that time. If the return of *waqf* property is not possible, then monetary compensation of equal value was to be paid.

However, the main issue in that bill was in relation to its retrospective effect. In other words, the question posed was whether the bill should be applicable from 1945 or 1918 onwards?[45] In trying to solve the above issue, in April and May 1997 the team of experts of the Federation together with the Deputy Prime Minister of the Federation of Bosnia and Herzegovina suggested *Draft Laws on Restitution* according to which restitution should take effect from 1919 until 1992.[46] After 1997, there were a lot of discussions and many different drafts and bills were proposed until the year of 1999. The last *Draft Laws on Restitution* was prepared in December 2006.

Unfortunately, these are only Bills and Drafts which were not passed as law. The main reason for not accepting these drafts and bills as law is the existence of two very controversial sections. The first section, known as Section 18, discusses the 'right of possession' and the 'right of ownership' of premises.[47] The interpretation given by the Resource Ministry for the resources was in favour of the 'right of possession'. Furthermore, it was explained that those who were living in the premises owned by *waqf* authorities should have the right to stay there since they have the 'right of possession' and since they have stayed there for a long period of time. However, it has to be stated explicitly here that this explanation does not reflect a proper legal understanding. The ownership over those premises is a paramount consideration. It has been explained in many legal systems that adverse possession should not take priority over legal ownership – which belongs to the *waqf*. Another controversial issue is in relation to Article 24 in which once again the Resource Ministry was advocating the right of those lessees who had leased the working premises and flats which are owned by *waqf* to buy them accordingly if they wished to before being placed under the legal duty to return them. In other words, the flood gate is open for all lessees to buy the premises for very affordable prices. This proposal is against the legal rules and principles of any democratically-based country. The general rule is clear according to which a lease is for a certain period of time only and the owner of the leased property has the indispensible title over premises and land.[48]

One of the important reasons for the law on restitution not being passed and for the lack of efficiency in the execution of restitution is the existence of two advocating groups of people in the restitution disputes. The first group is represented by the Coordination Council for the Return and Compensation of Unlawfully Confiscated and Devastated Property of Religious Communities in Bosnia and Herzegovina.[49] The legal authority which this group is putting forward is Article 17 of the Declaration of Human Rights (1789) which says that "ownership is sacred and absolute right." Thus, this group demands the return of unlawfully confiscated property. The Coordination Council has submitted to the Environmental Affairs Ministry the statistics on the premises and the apartments that have been unlawfully taken from the religious communities by way of nationalisation. For example, the number of nationalised apartments is as follows: Sarajevo 3,299, Federation 3,531, Republic of Srpska 445. In total, the number of nationalised apartments in Bosnia and Herzegovina amounts to 4,000 which are supposed to be returned to the religious institutions.[50]

On the other hand, there is a second group of people that are represented by an association of citizens advocating the protection of those who are currently in the possession of the apartments or premises which had been nationalised. The name of this association is 'Home'. The main claim put forward by this association is that those who are in the possession of apartments that are legally-owned by religious institutions should be given the right to buy those apartments from the legal owners.[51] This association has succeeded in persuading certain political circles to amend the law and in allowing them to buy those apartments. Thus, on 21 June 2006, the Federal Parliament of Bosnia and Herzegovina passed the amendments to the *Law on Sale of Property* (apartments) by 28 votes, 12 against with one abstention.[52] These amendments grant to those who are in the possession of the confiscated apartments the right to choose (if they wish) to buy those apartments. A few months later, the restitution was tackled by the Commission for Restitution appointed by the cabinet of ministers of Bosnia and Herzegovina which on 27 December 2006 prepared the *Draft Law on Denationalisation*. However, even this draft has yet to be passed as law since some of its provisions are disputed by some members of parliament.

All in all, currently there are a lot of discussions going on in the political arena, but the laws which are supposed to provide the real restitution of *waqf* property are yet to be passed. It has been submitted that the restitution of *waqf* property is the fundamental right guaranteed by many international legal documents such as:[53]

- the United Nations Declarations on Human Rights;
- the European Convention on Protection of Human Rights and Freedom;
- the United Nations Declaration on Basic Principles of Justice for the Victims of War and Misuse of Power (Report A/49/881/ on 29 November 1985);
- the European Social Declaration;

- the Documents of OESS-a on Human Dimensions (Copenhagen and Moscow);
- the international obligations according to Resolutions 1089 (1996) and 1096 (1996);
- the Resolutions of the European Union B4-1493/95;
- and the Resolution No. 562 of the United States Congress of 1 October 1998.

The battle to establish proper laws for the restitution of *waqf* property is currently continuing and according to Mr. Mustafa Vatrenjak – himself a *mutawallī* of one of the most significant waqf properties in Bosnia and Herzegovina – the restitution of *waqf* property is a basic legal right which should be implemented accordingly.[54] Moreover, several economic studies have indicated that in order for the state to implement the full restitution of the property unlawfully confiscated from religious communities, it will need BAM 86 billion (c. US\$ 62 billion) – and that process could last for about 30 years.[55]

Conclusion and Recommendations

This article has aimed at addressing the legal and administrative analysis of *waqf* in Bosnia and Herzegovina. It can be concluded that

- the attitude of the legislative and political organs of Bosnia and Herzegovina – from the time of the Habsburg period until today – was hostile and destructive towards the institution of *waqf*. This is evident from the huge amounts of *waqf* property that have been unlawfully confiscated, especially by way of nationalisation. The proposed draft laws and bills on restitution of unlawfully confiscated property are insufficiently worded in order to be passed as a *binding* piece of legislation. Unfortunately, the attitude of a large number of communities in Bosnia and Herzegovina contributes to the current delay of restitution being implemented.
- Moreover, the *current* laws in Bosnia and Herzegovina are not satisfactorily adequate for the proper functioning of *waqf*.
- There is also an urgent need for an incorporation of fresh elements in the legal system of Bosnia and Herzegovina that would positively change the attitude of the Muslim community towards the welfare of *waqf*. As it has been indicated in this article, *restitution is the natural and legal consequence* of the manifold injustices committed against the perpetual usufruct of the community toward the welfare of the *waqf* property. The illegality of unlawful confiscation through nationalisation is based on several international legal documents which advocate the protection of basic human rights and freedoms.

- It is hoped that full restitution of *waqf* property that has been unlawfully taken away through the process of nationalisation in Bosnia and Herzegovina will be achieved in the near future.

Notes

1. M Hidayatullah and Arshad Hidayatullah, *Mulla's Principles of Mahomedan Law* (Bombay: N.M. Tripathi Private Ltd, 1996, 19th ed.), 143.
2. Ibid. The concept of *waqf* exists, of course, also in Shi'ite Islam: for the practice in Iran during the Safavid period, see Christoph Marcinkowski, "Custodians of Sacred Ground: The *Mutavallis* of Safavid Iran's Major Shi'a Shrines in the Administrative Handbook *Dastur al-Muluk*," *Journal of Shi'a Islamic Studies* 1, no. 2 (April 2008), 96-116.
3. Vidyavaruthi v. Balusami 48 I.A. 302; ('22) A.P.C. 123.
4. Hasanuddin Ahmed and Ahmedullah Khan, "Strategies to Develop Waqf Administration in India," *Islamic Development Bank,* Islamic Research and Training Institute, Research Paper No. 50 (1998), 28.
5. The website of the Department of *Waqf* in Bosnia and Herzegovina is available at http://www.rijaset.ba (accessed on 20 July 2011). For further details about the organisational structure and the historical chronology of the development of *waqf* in Bosnia and Herzegovina see also http://www.rijaset.ba/index.php?option=com_content&view=article&id=16&Itemid=201 (accessed on 20 July 2011).
6. Henry Cattan, *"The Law of Waqf,"* in Majid Khadduri and Herbert H. Liebesney (eds.), *Law in the Middle East: Origin and Development of Islamic Law* (Washington DC: Middle East Institute, 1995), 1:205.
7. The Bogomils were a Gnostic religio-political sect founded in the First Bulgarian Empire by the priest Bogomil during the reign of Tsar Peter I in the tenth century. It most probably arose in what is today the region of Macedonia as a response to the social stratification that occurred as a result of the introduction of feudalism and as a form of political movement and opposition to the Bulgarian state and the church. The Bogomils called for a return to early Christianity, rejecting the ecclesiastical, and their primary political tendencies were resistance to the state and church authorities. This helped the movement spread quickly in the Balkans, gradually expanding throughout the Byzantine Empire and later reaching the Kievan Rus, Bosnia and Herzegovina, Dalmatia, Italy, France, and England. The Bogomils were dualists in that they believed the world was created not by the Abrahamic God, but by an evil demiurge – the Devil. They did not use the cross nor build churches, preferring to perform rituals outdoors; see Dimitri Obolensky, *The Bogomils: A Study in Balkan Neo-Manichaeism* (Cambridge: Cambridge University Press, 2004).
8. Safet Abid, "Europe's Endangered Species: Yugoslavia's Forgotten Muslims: A Survey of the Indigenous Muslims of Bosnia and Herzegovina Past History- Current Situation- Future Prospects," available online at www.members.tripod.com/worldupdates/islamintheworld/id23.htm (accessed on 20 July 2011).
9. Ibid.
10. Ibid.
11. See the website of Department of *Waqf* in Bosnia and Herzegovina, available online at http://www.rijaset.ba (accessed on 20 July 2011).
12. For the detailed discussion see Nusret Sehic, *Autonomni pokret muslimana za vrijeme austrougarske uprave u Bosni i Hercegovini* [The Muslim Autonomous Movement During Austro-Hungarian Rule in Bosnia and Herzegovina], (Sarajevo: Svjetlost, 1980).

13. The original Bosnian names of these two bodies entrusted with the administration of *waqf* during the Habsburg period are *Zemaljsko Vakufska Komisija* (for PWQ) and *Zemaljsko Vakufsko Ravnateljstvo* (for PWB). The above-mentioned English abbreviations for these bodies are by this writer for the sake of easier reference.

14. Fikret Karcić, *The Bosniaks and the Challenges of Modernity, Late Ottoman and Hapsburg Times* (Sarajevo: El-Kalem, 1999), 129.

15. Fredo Hauptman (ed.), *Borba muslimana Bosne i Hercegovine za vjersku i vakufsku autonomiju* [The Struggle of the Muslims of Bosnia and Herzegovina for Religious, *Waqf,* and Educational Autonomy] (Sarajevo: Arhiv SR BiH, 1967), 26; 49-56; 78-81.

16. Ali Fehmi Dzabić was the *muftī* of the town of Mostar. He was also known under the name of ʿAlī b. Shākir Fahmī Jābirzāde al-Mustarī and had an excellent knowledge of Arabic, literature, and geology. He wrote a number of works such as *Ḥusn al-ṣiḥābah fi sharh al-ṣaḥābah, Ṭilbat al-ṭālib fī sharḥ Lāmiyyah Abī Ṭālib* etc.

17. Karcić, *The Bosniaks,* 131. For the purpose of practicality, see the memorandum submitted to Béni Kállay de Nagy-Kálló (1839-1903), the Austro-Hungarian ministry of finance and administrator of Bosnia and Herzegovina, on 12 December 1900, published as "Spisi islamskog naroda Bosne i Hercegovine" [Documents of the Muslim Nation of Bosnia and Herzegovina)" (Novi Sad, 1903), 87-138.

18. Fikret Karcić, *Medunarodnopravno regulisanje vakufskih pitanja u jugoslovenskim zemljama* [Solving the Issues of *Waqf* by International Law in the States of Yugoslavia], (Sarajevo, 1983), 148.

19. Abid, "Europe's Endangered Species."

20. The *Islamic Community of Bosnia and Herzegovina* is independent in regulating its activities and managing its assets and bases this autonomy on the legality of religious institutions pertaining to Bosnian Muslims since the period of Ottoman rule in Bosnia. With the establishment of the Austro-Hungarian administration in Bosnia and Herzegovina, official attempts were made to disconnect the Muslims of Bosnia and Herzegovina from Istanbul, their 'spiritual headquarters' and orientation. Initially, the supreme religious authority of the Ottoman Empire, the *şeyhülislam (shaykh al-islām)* in Istanbul, refused to give his consent for the establishment of an independent Islamic community in Bosnia and Herzegovina. However, in 1882 he appointed Hilmi ef. Omerović of Sarajevo as the Bosnian *muftī* and authorised him to appoint junior clerics and judges. As a result, on 17 October 1882, by decree of the Emperor Francis Joseph, the Austro-Hungarian government appointed Hilmi ef. Omerović as Bosnian *muftī* and proclaimed him as the first *ra-īs al-ʿulamā'* of Bosnia and Herzegovina. 1882 is therefore also the year of the forming of the independent *Islamic Community of Bosnia and Herzegovina. The Islamic Community of Bosnia and Herzegovina* constitutes the community of Muslims living in Bosnia and Herzegovina, of Bosniaks living outside their homeland and other Muslims who accept this community as their own. The *mesihat* of the *Islamic Community of Sandžak* (in Serbia), the *mesihat* of the *Islamic Community of Croatia* and the *mesihat* of the *Islamic Community of Slovenia* are all constituents of the *Islamic Community of Bosnia and Herzegovina.* The objective of the *Islamic Community* presents an endeavour to have all its members living in accordance with Islamic norms. This objective is realised and achieved through the Islamic principles of the 'promotion of good and diverting from evil'.

21. For further information see Mustafa Imamovic, "Pregled razvitka Islamske Zajednice u Bosni I Hercegovini" [A Survey of the development of the *Islamic Community in Bosnia and Herzegovina*], *Glasnik Rijaseta Islamske zajednice u Republici Bosni i Hercegovini* 61 (1994), 1-3, 53-63.

22. Senad Ceman, "Komparativna studija o polozaju vakufa i fondacija u serijatkom pravu i pozitivnim zakonima propisanim u Bosni i Hrcegovini" [Comparative Study of *Waqfs* and Foundations under *Sharīʿah* Law and Positive Law Legislated in Bosnia and Herzegovina], MA thesis, University of

Sarajevo, 2007, 104; hereafter cited as Ceman, "Comparative Study."

23. There is *A Memorandum to the Presidency of Bosnia and Herzegovina* (Sarajevo, 1997) submitted by the *Islamic Community of Bosnia and Herzegovina* for the compensation and restitution of all the properties of the *Islamic Community* including *awqāf* that have been devastated and nationalised (see p. 94).

24. This statute was published in No.2 of the *Official Gazette of Federal Republic of Bosnia and Herzegovina* on 9 January 1945.

25. Ceman, "Comparative Study," 107.

26. For a particular example of nationalisation of the *waqf* of Gazi Hüsrev Bey see http://www.vakuf-gazi.ba (accessed on 20 July 2011).

27. Ceman, "Comparative Study," 107.

28. Ceman, "Comparative Study," 107 and 108.

29. Muharem Omerdić, *Prilozi izucavanja genocida nad bosnjacima* (1992-1995) [Samples for the Study of the Genocide on Bosniaks] (Sarajevo: El-Kalem, 1999), 476, and sample no. 4, at p. 147; Ceman, "Comparative Study," 112.

30. Omerdić, *Prilozi,* 24 and 25.

31. See Mustafa Begić (ed.), *Zemljovlasnici Bosne: vlasnicke pravne norme od disolucije (31.12.1991) ex-Jugoslavije do potpisivanja Dejtonskog sporazuma* (14.12.1995) [Landlords of Bosnia: Legal Norms of Ownership from the Dissolution (31 December 1991) of ex-Yugoslavia until the Signing of the Dayton Peace Agreement (14 December 1995) (Sarajevo, 2000), 3:9.

32.   *Official Gazette of the Socialist Republic of Bosnia and Herzegovina,* No. 4 (17 February 1992), 100.

33.   *Official Gazette of the Socialist Republic of Bosnia and Herzegovina,* No. 13 (June 1993), 324-25.

34. Zarko Paunovic, "Nevaldine organizacije" [Non-governmental Organisations], *JP Official Gazette* (Beograd, 2006), 26; Ceman, "Comparative Study," 14. For the sake of illustration, the term *waqf* is indicated by different terminologies in most of western countries where rather different terminologies are used: for instance, in the United States the term 'non-profit sector' is used, in England 'voluntary sector', in France 'secteur économique'. In many developing countries, it is covered by the term 'non-governmental organisations'. Besides, some other countries use terminologies such as 'third sector', 'charitable sector', 'civil society organisations', 'independent sector', 'associational sector', and 'tax-exempted sector'.

35.   *Oxford Advanced Learner's Dictionary* (Oxford: Oxford University Press, 2005, 7th ed.).

36. Ceman, "Comparative Study," 136.

37.   *The Law on Associations and Foundations* was passed by the Parliament of the Federation of Bosnia and Herzegovina in both Houses in 2002 (No. 01-3-02-3-46/02). It was also passed by the Parliament of Bosnia and Herzegovina on 5 October 2001.

38. Muhamed Salikić, *Ustavi islamske zajednice* [Constitutions of the Islamic Community] (Sarajevo: El-Kalem, 2001), 352.

39. Esad Hrvacić, "Restitucija i njeno pravno utemeljenje" [Restitution and Its Legal Origins], *Hikmet* [Tuzla, Bosnia and Herzegovina], no. 9-12 (December 2000), 265.

40. Ceman, "Comparative Study," 159.

41. Datinder S. Sodhi and R.S. Vasan, *Latin Words and Phrases for Lawyers* (Don Mills (Ontario, Canada) and New York: Law and Business Publications (Canada) Inc, 1980), 216.

42. See the definition in "Merriam-Webster Online Dictionary," available online at http://www.merriam-webster.com/dictionary/restitution (accessed on 20 July 2011).

43. Sinha and Dheeraj, *Legal Dictionary* (Kuala Lumpur: International Law Book Services, 1996), 315.

44. The Dayton Peace Agreement, signed on 14 December1995, officially ended the aggression on Bosnia and Herzegovina.

45.   *The Islamic Community of Bosnia and Herzegovina* did not accept any of the above two dates because of the huge amount of *waqf* property confiscated since 1886.

46.   Ceman, "Comparative Study," 114.

47.   See the speech given before the Parliament of Bosnia and Herzegovina on 11 July 2000. The speech was prepared by advocate and solicitor Hrvacic Esad and is available in Ceman, "Comparative Study," 153.

48.   Ibid.

49.   Ceman, "Comparative Study," 117.

50.   Ibid. It is interesting to note that the highest number of apartments that have been unlawfully confiscated by way of nationalisation are the apartments and premises which belonged to the *Islamic Community of Bosnia and Herzegovina* whereby until 1961, 803 objects were nationalised. The Orthodox Church had lost in this period 149 objects while the Roman Catholic Church had lost 36 objects. There are reports that the Jewish community too had lost four buildings by way of nationalisation. This overall statistic can be found in the report prepared by the Commission for Nationalisation of the Socialist Republic of Bosnia and Herzegovina and also by the Commission for Religious Affairs.

51.   Ceman, "Comparative Study," 118.

52.   See the newspaper article entitled "The Law on Sale of Property (Apartments) Has Been Passed," *Dnevni Avaz* (Sarajevo), 23 June 2006 (in Bosnian).

53.   Information retrieved on 21 August 2009 from http://www.vakuf-gazi.ba/.

54.   Ibid.

55.   Ceman, "Comparative Study," 140.

ISLAM AND MODERNITY: REMEMBERING THE CONTRIBUTION OF MUḤAMMAD ʿABDUH (1849-1905)

Aasia Yusuf*

Abstract: The Egyptian jurist, religious scholar, and reformer, Muḥammad ʿAbduh (d. 1905), is regarded as the architect of what has become known in the West as 'Islamic modernism'. A disciple of Jamāl al-Dīn Asadābādī – better known as 'al-Afghānī' (d. 1897) – ʿAbduh's intellectual legacy opposes despotism and champions freedom, law, and rationality. One of the major aims of ʿAbduh was to show that Islam is reconcilable with modern thought, and thus, he argued that Islam is indeed compatible with the supposed requirements of the modern mind. He not only stressed that Islam taught the acceptance of all the products of reason and intellect, but also asserted the need to interpret and reapply the principles and ideals of Islam to formulate new responses to the political, scientific and civilisational challenges of the west and of modern life. This article discusses ʿAbduh's contribution and his legacy within this context. It also throws light on Muḥammad ʿAlī Pasha's (r. 1805-48) preceding policy of modernisation in nineteenth-century Egypt (including education and social and political reforms) and on ʿAbduh's role in reforming Cairo's Al-Azhar University.

Introduction

The history of Islamic modernism and Islamic renewal *(tajdīd)* in Egypt is the upshot of the 'encounter' between the Egyptian way of life and western civilisation in the nineteenth and twentieth century. This encounter, in fact, brought about changes in the social, political and cultural life of the Egyptian people, which in turn generated tension in the minds of the Muslim intelligentsia. On the religious plane, this resulted in the division of the *ʿulamāʾ* into two camps: one favouring change in response to the western challenges and the other adopting a totally antagonistic attitude toward everything which the west presented. In response to this scenario, thinkers like al-Afghānī and ʿAbduh emerged as a force which generated the issue of change and renewal *(tajdīd)* within the context of Islamic civilisation.

This article maintains that these thinkers argue that Islam is reconcilable with modern thought and ideas that it are indeed compatible with supposed requirements

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*   *Aasia Yusuf* is a PhD research scholar in the Department of Islamic Studies, Aligarh Muslim University, Aligarh, India. She would like to thank Dr Christoph Marcinkowski (Co-Chair of Publications, IAIS Malaysia) for putting her contribution into shape for publication.

of modern minds. It also discusses the prevailing conditions of Egypt during the nineteenth and early twentieth century, making out the two Muslim intellectuals Jamāl al-Dīn Asadābādī ('al-Afghānī') and Muḥammad ʿAbduh as the towering figures of that period. The article also takes into account the modernisation measures in Egypt that took place after the expulsion of the armies of Revolutionary France[1] and the coming to power of Muḥammad ʿAlī Pasha. It also discusses the impact of al-Afghānī on ʿAbduh and throws light on the contribution of the latter to reform Cairo's Al-Azhar University. ʿAbduh, being an ardent advocate of Islamic renewal and a believer in the harmony between reason and revelation, advocated legal and theological reform and called for universal education.

Muḥammad ʿAlī Pasha and his Reforms

After the French were expelled, Muḥammad ʿAlī Pasha (r. 1805-1841) came to power.[2] He was an Albanian officer who is often referred to as the 'founder of modern Egypt' because of the dramatic reforms in the military economic and cultural spheres that he instituted. Moreover, he established the dynasty that held power until the revolution of 1952. The *ʿulamā'* had incited the people to demonstrate in the streets against the Ottoman governor *(wālī)* and make Muḥammad ʿAlī governor of Egypt instead on the condition that he rule with their consultation.[3] The *ʿulamā'* of Al-Azhar had helped him to power, but he soon curbed their political influence and economic autonomy. The Egyptians of that time encountered the West from a position of a great material weakness and Egypt had entered a period of severe decline. Local despotisms flourished in the Arab lands at large and the economy sank to subsistence levels. Egypt's new energetic ruler strove to transform a backward country of a vast population into a state powerful enough to counter further assaults from Europe and also to maintain its *de facto* independence from the Ottomans in Istanbul.

Muḥammad ʿAlī launched Egypt's first industrialisation effort, borrowing both models and techniques from the West. In 1811, he involved the Egyptians in five wars which stretched over the period between 1811 and 1828. The political and military structures established by Muḥammad ʿAlī were designed to serve the objectives of his reformist modernisation programme and to extend his dynasty's power. Later on, the regime actively encouraged the cultivation of cotton, and the increasing exports of this product made the economy dependent on the international market. He also reformed and modernised the civil bureaucracy. European experts worked in Egypt and Egyptian students were sent to Europe to study.[4]

Muḥammad ʿAlī might have felt that in order to strengthen his rule he had to modernise the country. For this he needed to raise money. In order to do so he introduced certain reforms. Through his land reforms, for instance, he dealt

a severe blow at the holdings of the *multazims* […] .In 1814, he completely abolished the *iltizam* system […]. Muḥammad ʿAlī, however, did not abolish the feudal state as a whole, not for an individual lord... Moreover, it was not long before most of the land which had passed under the control of state was once again in private hands […]. Muḥammad ʿAlī distributed large tracts of land to his kin and members of his suite, to higher dignitaries and officers of the Albanian, Kurdish, Circassian and Turkish detachments […]. Thus having deprived the ancient feudal nobility of its estates and power and having liquidated the *multazim* class, Muḥammad ʿAlī created in its place a new feudal nobility which became the mainstay of the new dynasty.[5]

After accomplishing his land reforms, Muḥammad ʿAlī turned his attention to the military sector. He created a native army of Egyptian *fallāḥīn* – Arab peasants, farmers, or agricultural labourers – who were trained by European military experts, mainly French and Italians. A remarkable name in this regard was the talented French officer, Joseph Anthelme Sève (1788-1860), who became known after his conversion to Islam as 'Sulaymān Pasha'. The modernisation of the army led to the development of ordnance factories. Smelting shops, metal workshops and sail-canvas manufactories were built at the Alexandria shipyard. An iron foundry with an annual capacity of 2,000 tons of pig iron, three arsenals along French lines, saltpetre works and a gunpowder factory were also built. Cotton, linen, fez, cloth mills and sugar factories appeared.[6]

Similarly, there took place considerable developments in the field of agriculture, especially rice and cash crops such as cotton and indigo, etc. The growth of cotton was facilitated by the introduction of a new cotton plant by the Frenchman, Jumel. Moreover, Muḥammad ʿAlī embarked on extensive irrigation projects. His great achievement in this regard was the establishment of a big barrage on the Nile. These measures were responsible for bringing enormous areas of land under cultivation.[7]

Muḥammad ʿAlī's reformist measures were achieved at the cost of the people. His great desire to build up a formidable army started a chain of modernising processes in almost every sphere of life. His Europeanising zeal needed a new bureaucracy which in turn called for a "new educational" system instead of the traditional one. Many young Egyptians belonging to the elite class were sent to Europe to study military science, technology, medicine, agriculture, and languages, etc. It was these people who upon their return home from abroad assumed various administrative and executive posts in the government and became officers and engineers at various states enterprises. At the beginning of Muḥammad ʿAlī's reign, there was only one system of education, that is, the traditional and religious and inherited from the past. However, over the years there began a tradition of secular education which was a new thing in the history of Muslim Egypt. The new educational system consisted of three stages: primary, secondary and tertiary, followed by a four-year specialisation.

Apart from this, Muḥammad ʿAlī established various institutions for polytechnic and engineering and agriculture. He also established a school for linguistics as well as a musical school. Moreover, he founded modern hospitals for soldiers and civilians. These measures were quite unheard of by most of Egyptians of the time. Another important step taken by Muḥammad ʿAlī Pasha, which played an important role in the cultural renaissance of Egypt, was the establishment of its first printing press in 1882, which published books in Arabic, Persian, and Ottoman-Turkish. The first Egyptian newspaper, *al-Waqāʾiʿ al-miṣriyyah* (Egyptian events), appeared from this press.

Muḥammad ʿAlī Pasha sent also scholars, doctors, engineers abroad for training for the newly established schools as well as translators for modern technical terms. These were the people who comprised his educational mission sent to Europe, especially the Italian states and France. The travelling Egyptians were directly exposed to Western manifold influences. When they returned to their country, they became instrumental in modernising Egyptian society. Efforts were made to translate scientific and technical works in Arabic.

Muḥammad ʿAlī's other projects included the extension of the irrigation system, the promotion of cotton as a cash crop for export, the centralisation of the taxation system, and the establishing of monopolies in industry and foreign trade. Western advisors helped him to build a modern army and to train officers, administrators, and technicians. This new army enabled Muḥammad ʿAlī to conquer parts of the Arabian Peninsula, the Sudan, and Greece (in the name of the Sultan). However, when he rebelled in the 1830s against his suzerain in Istanbul and seized Palestine and Syria, the European powers forced him back to his Egyptian base and made him pare down his army. Nevertheless, he obtained from the Sultan the hereditary governorship of Egypt.[8]

Al-Afghānī and His Impact on Muḥammad ʿAbduh

Jamāl al-Dīn Asadābādī – better known as 'al-Afghānī' (d. 1897) the famous writer, 'pan- Islamist' political activist and modernist – was one of the most influential figures in the Muslim world in the nineteenth century. His books and articles also confirm the influence of rationalist Islamic philosophers and thinkers like Ibn Sīnā (the 'Avicenna' of the Latin Middle Ages, d. 1037) and Naṣīr al-Dīn Ṭūsī (d. 1274).[9] Al-Afghānī was the first modern Muslim figure to be involved in a wide variety of activist political undertakings. His intelligence and personality quickly brought him into high circles – those of the Ottoman *Tanzimat* reformers then in power. He was involved in the Ottoman council of education and Istanbul's new university, where he gave a series of public lectures. In the 1870s, Al-Afghānī lived in Cairo and spent most of this time in teaching, introducing an interpreting Islamic philosophy that included restricting rational inquiry to the elite while encouraging orthodoxy among

the masses. As Egypt entered a political and financial crisis in the late 1870s, Al-Afghānī encouraged his disciples to publish political news articles; he gave speeches and carried out political activities as head of a secret society. His followers included several young men who later became the leaders of Egyptian political and intellectual life, notably, his closest disciple, the young Muḥammad ʿAbduh and others.

When al-Afghānī went to India – then under British colonial rule – he wrote a series of articles, his most famous treatise was known in English under the title "The Refutation of the Materialists." Al-Afghānī also wrote an article which was published in the *Journal des debats*, constituting his famous answer to the French philosopher and writer Ernest Renan (d. 1892) in which he appeared with a sceptical view about religion, as did Renan, with whom he, however, disagreed in saying that Islam and Arabs were no worse than others.[10] Al-Afghānī's thorough and well documented grounding in Islamic philosophy –in texts allowed him to give his modernising thought an Islamic base.

When he was in Paris, he was joined by Muḥammad ʿAbduh. Together they organised a secret society of Muslims, aiming at working for the unity and reform of Islam. The extent of the society is obscure, although it is known to have had branches in Tunis and elsewhere. Under its auspices the two of them published, eighteen issues of an Arabic periodical – *al-ʿUrwah al-wuthqā* (The Firmest Rope), which took its title from a qurʾānic phrase[11] and whose main themes were 'pan-Islamist' and anti-British. It was devoted partly to an analysis of the policies of the great powers in the Muslim world, particularly exposing the inner weakness of Islam and exhorting Muslims to overcome it. The language of the periodical was ʿAbduh's while the thought was of al-Afghānī's. Both for its content and its language, it became one of the most influential of Arabic periodicals.[12]

Muḥammad ʿAbduh, aside from al-Afghānī the other great Muslim reformer, was born in Northern Egypt and received a traditional Islamic education in Tanta during the reign of Muḥammad ʿAlī Pasha. In 1877, he graduated from Al-Azhar University in Cairo where he taught for the next two years. During that period he met al-Afghānī whose influence upon ʿAbduh's thought over the next decade would be profound. When al-Afghānī was expelled from Egypt in 1879, ʿAbduh was also briefly exiled from Cairo to his native village. After returning from there, he became the editor of the official government gazette, the already referred to *al-Waqāʾiʿ al-miṣriyyah*[13] and began to publish articles on the need to reform in the country. Due to the British occupation of Egypt, which resulted in the ʿUrābī 'revolt' of 1882, ʿAbduh was sentenced to three years in exile for assisting the nationalists. After his return to Cairo, his thoughts and efforts were drawn towards the education and renewal *(tajdīd)* of Islamic theology. His training in the familiar scholastic patterns of *tafsīr* (qurʾānic exegesis) and *fiqh* (Islamic jurisprudence) had made him aware of the impediment to critical self-awareness. His ideas found some continuing expression through the

pages of the influential journal *al-Manār* (The Lighthouse), aside from the already-mentioned and short-lived, but highly influential journal *al-ʿUrwah al-wuthqā*.

ʿAbduh began a rapid ascent in the Egyptian judicial and political circles. Beginning as a judge in the Egyptian government, ʿAbduh became a member of the newly established administrative board for Al-Azhar University in 1895 and also appointed member of the legislative council an advisory body serving at the behest of the khedive, Egypt's ruler. In the same year he became the grand mufti or the chief Islamic jurist of Egypt. As the head of Egypt's religious law courts, ʿAbduh championed reforms that he saw necessary to make the *sharīʿah* relevant.

The most celebrated theological work of Muḥammad ʿAbduh is his *Risālah al-tawḥīd* (Treatise on the Unity of God), in which he attempted – perhaps for the first time in the modern history of Islam – to construct a kind of systematised and humanist theology consistent with modern concepts. In this book he tried to reformulate the fundamental positions of Islam in not too technical terms as far as possible. It contains the theological lectures given by him in Beirut[14] and deals with the Unity of God, the foundation of morals, prophethood, the Qurʾān, and the religion of Islam in general. Although having tried in this work to reconstruct Islamic theology in light of modern Western liberal thought, ʿAbduh did not make any significant attempt to break away from orthodox Islam, and his definition of *tawḥīd* signifies his attitude in this respect.

ʿAbduh's Role in Reforming Al-Azhar University

ʿAbduh believed that in order to bring about reform and the renewal of Egypt, it was not possible to do so without a change in the teaching methods at Al-Azhar, the introduction of new sciences and a return to the classical texts. His ideas soon gathered momentum in the form of the reform movement led by him and his associates. As he thought, the higher education of Muslims was the most significant problem to which he devoted himself. His attempts at reforming their education, on the one hand, and the reform of Islamic doctrines, on the other, form two aspects of the same activity. It was only by raising the general level of the education of Muslims that the corrupting influences which permeated Muslim life could be exposed and uprooted.[15] It was therefore quite logical that he would concentrate on the reform of the centre of Muslim higher education, i.e. Al-Azhar University, as he thought that if Al-Azhar was reformed, it would set the tone for Muslim education everywhere.

There is no doubt that there was a time when the Azhar University had been a flourishing centre of learning. However, when the glory of Islamic learning and scholarship began to fade –around the twelfth and thirteenth centuries – Al-Azhar too lost much of its vitality and was reduced to a position in which it could hardly play any role in the regeneration of Muslim society. The syllabi were reduced to a sterile repetition of scholastic medieval dogma. The traditional sciences – based on divine

revelation and, therefore exempt from any criticism – became finally established as the basis of Azharite study. The chief traditional sciences were theology, jurisprudence, *ḥadīth* and Sufism. The rational sciences which included philosophy, rhetoric, logic, and astronomy, were relegated to the background and subordinated to the traditional sciences. For instance, the purpose of the study of astronomy became restricted to the finding out of the times for prayer or of the beginning of the lunar months, whereas the study of arithmetic became limited to the elementary technique of apportioning an inheritance.[16] In this regard, the twentieth-century Muslim Egyptian scholar and writer, Aḥmad Amīn (1886-1954), asserted that "a student in al-Azhar ended his studies by understanding a few works on theology, but so far as secular learning was concerned, he remained completely ignorant. There was no question of teaching geography, history, physics, chemistry, etc., for the Azharites looked down upon them as worldly sciences."[17]

With the arrival of al-Afghānī in Egypt in 1876 the reform movement in the country received a new impetus. The liberal section of Al-Azhar soon gathered around him. There developed a strong opinion inside as well as outside Al-Azhar expressing dissatisfaction with the prevalent education system in Al-Azhar and desiring change. However, the most serious attempts to change Al-Azhar should be credited to Muḥammad ʿAbduh who tried to make the reform of the institution the main task of his life's work. He dreamed of Al-Azhar as a place where the young Egyptians should imbibe "western learning and science" along with the knowledge of "classical Islam and its glorious past."[18]

Thus, the great contribution of ʿAbduh can be traced to the fact that he was successful in opening the doors of Al-Azhar to the new cultural influence and liberal tendencies. The names of Muṣṭafā ʿAbd al-Rāziq (1885-1947, the Grand Imam of Al-Azhar), Qāsim Amīn (1863-1908, an Egyptian jurist and one of the founders of the Egyptian national movement and Cairo University), ʿAlī ʿAbd al-Rāziq (1888-1966, an Egyptian Islamic scholar and *sharīʿah* judge), Aḥmad Amīn, Ṭāhā Ḥusayn (1889-1973, often nicknamed the 'Dean of Arabic Literature', one of the most influential twentieth-century Egyptian writers and intellectuals, and a figurehead for the 'Arab Renaissance' *(al-Nahḍah)* and the modernist movement in the Arab World) and Khālid Muḥammad Khālid (1920-96, Egyptian political and religious thinker and writer), to name a few, may be mentioned among those whose ideas, nourished in the liberal tradition of Muḥammad ʿAbduh, found roots in Al-Azhar, and laid the foundation of what may be called the Abduh school.

ʿAbduh as the Architect of Islamic Renewal

As we have seen, the crucial influence in ʿAbduh's development was the impact of al-Afghānī, who emphasised the concept of *ummah* (the Muslim community) against

the concept of nationalism. 'Pan-Islamism' was al-Afghānī's response to British rule in Egypt and elsewhere and to European colonialism in general.

ʿAbduh affected a balance between Islam and modernity. However, one wonders whether this balance was not more illusory than real. In ʿAbduh's view, the conflict between religion and science arose from the rigidity which afflicted all spheres of the Muslim community. He argued that once this rigidity disappears – and disappear it *must*– then they will find the Qur'ān waiting for them, preparing the means of salvation and supporting them through it with a holy spirit and providing them with the spiritual sources of science.

Underlying ʿAbduh's programme was also the elimination of disunity within the *ummah* and alleviating the spiritual crisis contingent on its failure to apply fully the law of Islam. Modern condition, having brought about foreign institutions in economic, educational, political and social matters, drew the *ummah* gradually, but irresistibly away from traditional and *sharīʿah* precepts. ʿAbduh, as a disciple of al-Afghānī, embraced a position that was similar to that of his teacher, although ʿAbduh's approach was less rationalist because he was influenced less by philosophy and more by traditional Islamic learning. The cornerstone of ʿAbduh's thought was the idea that the changes that had occurred in the Muslim world were irreversible and that more changes were likely on the way. Therefore, his main concern was the preservation of ethics and morality in Muslim society. To achieve this goal, ʿAbduh concluded that it must be demonstrated that the changes that had taken place were not only permitted by Islam, but were, indeed, its necessary implications if it were rightly understood. Further, he urged that, this approach did not mean that religious leaders should legitimise everything that was done in the name of change and modernisation. On the contrary, he saw Islam as a principle of constraint that would enable Muslims to distinguish between what was good and what was bad among all the suggested direction of change. Methodologically, ʿAbduh criticised *taqlīd*, the practice of imitating earlier ulama, and instead emphasised *ijtihād* and reliance on fundamental sources – Qur'ān and *Sunnah*.[19]

By the mid-nineteenth century, however, the terms *tajdīd* (renewal) and *iṣlāḥ* (reform) acquired the added meaning of reform in the sense of reconciling Islam with rationalist and scientific thinking and restructuring the educational and socio-political institutions of Muslim countries more or less along the lines of European institutions. The Indian Muslim reformer, Sir Sayyid Aḥmad Khān's (d. 1898) movement, especially his educational reforms, was also close to this conception of reform. *Iṣlāḥ* in this sense is primarily associated with ʿAbduh and his disciples. ʿAbduh is viewed, at least in the Arab world, as the founder of the Islamic modernist school of thought.[20]

Al-Afghānī and ʿAbduh argued that Islam is not a hindrance to scientific and other progress, and they worked hard to validate their views. They advocated reforms for the restoration of Islam's rationalist and scientific spirit and the interpretation of its

basic tenets in ways more suited to the current conditions and needs of Muslims. They have rightly been recognised as the originators of a new conception of reforms in Islam. ʿAbduh is generally considered to be the father of Islamic modernism, while al-Afghānī is indisputably the most ardent promoter of Islamic unity as a necessary element in any Islamic intellectual, economic, and political revival.[21] As Muslim modernists and thinkers, they enforced to encourage the intellectual and scientific revitalisation of Muslim societies. Al-Afghānī stressed the point that Islam and science were not only compatible, but that, of all religions, Islam was the friendliest to science.

In addition, ʿAbduh was convinced that Muslim nations could not become stronger and prosperous again until they acquired from Europe the sciences which were the product of its activity of mind, and they could do this without abandoning Islam, for Islam taught the acceptance of all the products of reason. This involved a change in the institutions of Islamic society: its legal system, its school, and its methods of government.[22] ʿAbduh initiated a movement which was aimed at reforming the whole of Egyptian society. He ardently desired to make his people accept the new prospects which the West was presenting and change their mental attitude. Like Sir Sayyid Aḥmad Khān, he was much interested in social reform and fully realised that the progress of his people depended on sensible acceptance of the new Western values. Both these two Muslim modernists had one significant difference in their attitude: Sir Sayyid Ahmad Khan, who, intensely impressed by the West, was in favour of borrowing the values of the latter unquestioningly, so that his opponents labelled him in Urdu as *necharī* (followers of Nature/naturalist). In comparison, ʿAbduh was more tied down to the traditional forms.

ʿAbduh had not only to make great endeavours, but also to prepare his community to accept new ideas. He launched a strong movement against orthodox trends and the medieval frame of mind and asked 'the gentry *ʿulamāʾ*' who by virtue of their position are regarded as the 'spirit' of the *ummah* to accept the new prospects which the West was presenting, especially through its secular sciences.

ʿAbduh was much impressed by the striking contrast between the two civilisations—the one flourishing and the other decaying. He eagerly studied the causes which led to the growth of Western civilisation. It was thus after his return to his country from his first visit to Europe that he soon became absorbed in the manifold activities of social reform and public welfare. He was convinced, like Sir Sayyid Aḥmad Khān, that the task of social regeneration would be effectively accomplished through cooperation with the British authorities whose help he always sought.

The Concept of Religious and Civilisational Renewal

If ʿAbduh evaded from opening old theological controversies, the reason for this was perhaps his immediate concern for the unity of the *ummah* and the realisation that the

ummah had to be reformed in order to check the process of decline. The adoption of Western ideas and institutions, he felt, would not serve the desired goal of reform. However, the task of ʿAbduh to initiate Islamic reformation was made difficult by the fact that the orthodoxy which had gained an upperhand since medieval times continued to exercise its influence and prevented all social or intellectual progress. Traditional concepts were made the mainstay of Islamic thought and beliefs. During the eighteenth and nineteenth centuries, when the Muslims came in direct contact with the West, they were suddenly confronted with a realisation of their utter backwardness and impotence in almost every aspect of life. This generated an intellectual crisis in the Muslim intelligentsia, producing in its wake a whole crop of apologists, revivalists and modernists. On the religious plane, the Muslim modernists like ʿAbduh and al-Afghānī attempted to meet the challenge by restating Islam in the light of the contemporary situation.

The educated class and the intellectuals of Egypt, who had come into contact with the West, believed in the complete westernisation of society. Influenced by western science and learning, they generally became indifferent towards religion. ʿAbduh strongly disfavoured these westernised Egyptians, for, to him, Islam was a valuable asset, as it was to other Muslim 'modernists'. His purpose was to show that an idealised Islam could provide the basis of a modern society; at the same time he was bitterly hostile to the idea that what was done in the West should be approved *ipso facto* by Muslim society. On the contrary, he considered Islam as a potent factor in life.[23] The task of raising the whole nation from a state of backwardness to a higher level of culture and civilisation, ʿAbduh believed, was not merely a matter of imitating the secular West. It was his conviction that the programme of moral regenerations of his people must have its roots in the real and enduring values of religion. 'Religion', he claimed, was the prime teacher, the best guide of human souls, the greatest educator in calculating in the people the qualities of justice, mercy and magnanimity.

It was one of ʿAbduh's major purposes to show that Islam can be reconciled with modern thought. He argued that Islam was compatible with the supposed requirements of the modern mind. He carried farther a process seen at work in the light of personalities like Rifāʿah Rafiʿ al-Ṭahṭāwī (d. 1873, an Egyptian writer, teacher, translator, Egyptologist and renaissance intellectual, and among the first Egyptian scholars to write about Western cultures in an attempt to bring about a reconciliation and an understanding between Islamic and Christian civilisations), Khayr al-Dīn Pasha al-Tūnisī (a Tunisian political reformer during a period of growing European ascendancy, a former Prime Minister of Tunisia and subsequently Grand Vizier of the Ottoman Empire, d. 1890), and al-Afghānī: that of identifying certain traditional concepts of Islamic thought with the dominant ideas of modern Europe. In this line of thought *maṣlaḥah* (public interest) gradually turns into utility, *shūrā* (consultation) into parliamentary democracy, *ijmāʿ* (consensus) into public opinion – Islam itself becomes

identical with civilisation and activity, the norms of nineteenth-century social thought.[24]

The key to his defence of Islam – indeed to all his thought about it – was a certain conception of *true* religion: a distinction between what was essential and unchanging in it and what was inessential and could be changed without damage. The real Islam, he maintained, had a simple doctrinal structure, it consisted of certain beliefs about the greatest question of human life and certain general principles of human conduct. To enable us to reach these beliefs and embody them in our lives both reason and revelation are essential. They neither possess a separate sphere nor conflict with each other in the same sphere.

The purpose of religious reform, according to ʿAbduh, was to utilise the confidence of a Muslim that he has in his religion so as to turn it into an important instrument of change and progress of his people.

Ijtihād and *Taqlīd*, Reason and Science

With the formation of the four 'schools' of Sunni jurisprudence, the historical beginnings of *taqlīd* (imitation) coincide. The decisions given were codified into an unalterable *corpus juris* of lasting value defying change. Henceforth, the gate of *ijtihād*, i.e. independent legal reasoning, was declared closed by most of the Muslim theologians and for about a thousand years the religious life of Muslim were regulated by *taqlīd*, i.e. 'the adoption of the utterances or actions of another as authoritative with faith in their correctness without investigating his reasons'. The 'consensus', attained at in the second and third centuries of Islamic history led to the stagnation of intellect and the promulgation of new ideas was more or less forbidden. The task of later scholars was confined to explaining and commenting on the decisions of early theologians.

Against this tendency to stifle independence of thought ʿAbduh raised his strong voice. It is true that even in the earlier periods there were persons who had opposed the principle of *taqlīd* and claimed the right of *ijtihād*. For example, Ibn Taymiyyah (d. 1328) and his disciple Ibn Qayyim al-Jawziyyah (d. 1350) were amongst those who condemned *taqlīd* in its traditional form and paved the way for the modernist school of ʿAbduh. ʿAbduh too refused to bind himself to any codification of thought or to the decisions of the various 'schools'. However, the concept of *ijtihād* as a theological technique assumed far-reaching significance in the hands of ʿAbduh who interpreted the *sharīʿah* within the context of problems and needs of modern society.

Muslim modernists and the liberal Islamic thinkers initiated their reform movement when they saw the outlook of the society was constantly changing. They asserted that the altered conditions of life and the new intellectual tendencies made the abandonment of simple *taqlīd* and the reopening of the gate of *ijtihād* necessary; that the incompatibility of Islam with modern thought was due only to its wrappings of

outworn medieval scholasticism, and that on the contrary Islam, rightly understood in its original form, was not only in full agreement with the assured results of scientific investigation, but was even in closer harmony with them than any other religious system. ʿAbduh thus became the spearhead of the movement of rationalism and liberalism in Egypt. He had argued in his *Risālah* that

> Islam declares openly that man was not created to be led by a halter, but by signs of universe and the indications of events – and that teachers are only those who arouse and direct and guide into the way of investigation […].[25]

According to the traditionalists, the right to interpret Islamic scriptures belonged exclusively to the early generations of Muslim scholars. This negated the right of the later generation to interpret Islam in its own way. ʿAbduh revolted against this exclusive attachment to the past and declared that precedence in time was no ground for preference. He stressed the right to individual freedom in matters of belief and in the interpretation of religion and declared that the privilege of a layman and non-expert to interpret Islam according to his own understanding must not be suppressed.

It is obvious from the above mentioned views that ʿAbduh recognised independence of thought for every Muslim, and allowed him to hold what his own reason derived from the Quran and the tradition.

In fact, any study of ʿAbduh's rationalism must remain incomplete without reference to his attitude toward science. The Christian scholars and missionaries levelled the accusation against Islam that it was by its *very nature* hostile to science. However, ʿAbduh claimed that the distinguishing trait of Islam was its rationality of the highest degree, and therefore, how could such a faith be incompatible to science? In fact, there could be no contradiction between Islam and science; on the contrary, he said, Islam was an ally of science and there was complete harmony between the two. Islam, he said, encouraged the study of natural phenomena to which there were many references in the Qurʾān. If rightly interpreted, science could be brought to conform to religion. In his commentary of the Qurʾān, ʿAbduh tried to harmonise the new scientific discoveries of the modern age with the qurʾānic references to natural phenomena.

Muḥammad ʿAbduh, who fully realised the study of the science of the study of natural sciences, was disappointed to see that the *ʿulamāʾ* and the people were apathetic towards the latter. He expressed surprise at this attitude of the *ʿulamāʾ*, for he considered that the sciences opposed by them were the same as had been cultivated by the Muslims for hundreds of years in the past. It was the Arabs who had translated the writings of the Greek scholars, had developed the sciences of agriculture and astronomy, had created algebra and chemistry, and provided in Europe a school of philosophy at Cordova and a school of medicine at Salerno. During the darkest period of European history and for 500 years the Muslims carried for all humanity the torch of knowledge. Thus, the Renaissance in Europe owed much to the Muslims who

introduced scientific and technological knowledge to the Europeans. Thus, ʿAbduh tried to convey to the minds of his indolent people that there was nothing to be feared from western sciences. On the contrary they should welcome these sciences to regain their heritage through the Europeans.

Al-Afghānī, ʿAbduh, and 'Pan-Islamism'

Al-Afghānī is strongly associated with two movements: one is nationalism, with the support of Egypt and the other is 'pan-Islamism', which started with the later nineteenth-century Ottoman Sultans. In keeping with the view of anti-imperialism, he wanted the independence of Muslim countries on stressing pragmatic aspects of internal reform and self-improvement, including scientific and technical education.[26]

His chief disciple, Muḥammad ʿAbduh, even though he renounced al-Afghānī's political activism, carried on one aspect of one Afghani's work when he tried to elaborate modern and pragmatic interpretations of Islam. Among ʿAbduh's disciples were Rashīd Riḍā and others, who wanted to go back to the ways of Prophet Muḥammad's early followers.

In their attempt to have a universal Muslim union and to free Islamic states from foreign penetration and native tyranny, both al-Afghānī and ʿAbduh urged the Muslims to reject their own local nationalisms which made them forgetful of the greater Islamic union. It was Islamic unity which they extolled over everything. They believed that the brotherhood of Islam obliterates racial and national boundaries and constitutes a bond which united all Muslims as one community. Thus, in one of his articles under the caption "Nationality *(al-jinsīyyah)* and the Religion of Islam," ʿAbduh vigorously condemned the idea of racialism or nationalism. Nationalism or racialism, Abduh urged, is not a natural feeling based on human nature, but only an acquired state of feeling; and the Islamic feeling transcends the feelings of nationality. For he who belongs to the Faith of Islam. Once his belief is firmly entrenched, is diverted from his nationalism and racialism. Since Islam never recognised any *ʿaṣabiyyah* (group feeling, social cohesion) except the religious one, Muslims throughout their history till today never gave up this bond of religious unity.

Thus, the religious feeling of solidarity is placed higher than national solidarity, and he reaffirms the idea that there was no room for nationalism in Islam. And further defending religious solidarity *(al-taʿaṣṣub al-dīnīyyah)*, he argues that the condemnation of religious solidarity was, in fact, an imperialist intrigue to deprive the Muslims of their single bond of unity, viz., Islam. In its place the imperialists propagated nationalism only to do away with the foundation of an 'Islamic nation' *(al-millat al-islāmiyyah)* and divide the latter on the basis of race, in order to bring to you their aggressive designs. The Muslims who accepted this did, in fact, destroy the religious bond *(al-ʿaṣābiyyah al-dīnīyyah)*.

Al-Afghānī called on his students, including ʿAbduh, to workout interpretations of Islam along these lines. The call for unity al-Afghānī embodied was driven by his conviction that the entire Muslim world, not just its frontiers, lay vulnerable to the power of the West. Deliberately cultivating mystery around his origins and his movements, al-Afghānī's message resonated with particular force in Egypt. Al-Afghānī had not remained isolated from modern trends in science and social thought, despite its traditional methods. From the time of Muḥammad ʿAlī Pasha, Muslim students and scholars had been sent abroad to study western sciences. Al-Afghānī made himself a major, though controversial, intellectual force at Al-Azhar. Al-Azhar proved an important centre of resistance against the Western threat in the nineteenth century.

Although, national states have been in existence within the domain of Islam for many a century, yet Islamic law recognises the only one and indivisible *ummah*.[27] Thus, the all-inclusive unit never existed anywhere as a reality, yet the *ummah* remained as an ideal in the minds of Muslims. ʿAbduh, in the *true* Islamic spirit, regarded nationalism as a divisive factor which sought to destroy the idealised concept of unity and established a narrow framework for the universal Islam.

Conclusions and Recommendations

The above discussion reveals that Muḥammad ʿAbduh was a pioneer among those Muslims whose thoughts and ideas serve as a legacy to the present century on Islamic modernism. Witnessing the penetration of Western culture, ʿAbduh, through his liberal and humanitarian interpretation of Islam, prepared the minds of Muslims in general and particularly of his Egyptian countrymen to accept modern science, rationalism, and reason, and give up the moribund tradition of the past.

- It thus becomes clear that his contribution as an Islamic modernist is so significant that a fresh insight study of his system of thought seems viable for an understanding of the development of the modern Islamic reform and renewal movement, not only in Egypt, but in the Muslim world in general.
- What also becomes clear is that Islam played a vital role in constantly shifting Egyptian public life towards development and progress. In Islamic history, prominent Islamic intellectuals like al-Afghānī and ʿAbduh have formed and articulated unique and diverse responses to modernity and the influence of the West. This is best demonstrated by their creative attempts to mediate modernity as to appropriate and extend its influence in Egypt under Islamic terms.
- Lastly, ʿAbduh's thought and intellectual contribution contends that there is no incompatibility between Islam and modernity. It allows for making changes in all fields, viz., education, science, progress and development,

without damaging the true spirit of Islam, as Islam is a religion which is in complete harmony with reason and rational attitude of life.

Notes

1. On the Egyptian expedition of the French and its impact on Egypt, see Paul Strathern, *Napoleon in Egypt* (London: Vintage Books, 2008).
2. Still the best study on his reign is Afaf Lutfi Al-Sayyid Marsot, *Egypt in the Reign of Muhammad Ali* (Cambridge: Cambridge University Press, 1984).
3. Raymond Baker, "Egypt," in: John L. Esposito (ed.), *The Oxford Encyclopaedia of the Modern Islamic world* (New York: Oxford University Press, 1999), 1: 430 (Hereafter cited in its abbreviated form as *OEMIW*).
4. Ibid.
5. V. Lutsky, *The Modern History of the Arab Countries* (Moscow: Central Books Ltd, 1969), 54.
6. Ibid.
7. Mahmudul Haq, *Islam in Modern Egypt: The Nineteenth Century* (Aligarh [India]: Moon Printing Press, 1988), 32.
8. Donald Malcolm Reid, "Muhammad Ali Dynasty," in: *OEMIW*, 3:166.
9. Nikki R. Keddie, "Afghani, Jamal al-Din," in: *OEMIW*, 1:23-27.
10. Albert Hourani, *Arabic Thought in the Liberal Age* (Oxford: Oxford University Press, 1970), 109.
11. Qurʾān 2:256.
12. Sohail H. Hashmi, "Abduh Muhammad," in: Richard C. Martin (ed.), *Encyclopaedia of Islam and the Muslim World* (New York: Macmillan, 2004), 1:6-7.
13. Ibid.
14. M. A. Zaki Badawi, *The Reformers of Egypt* (London: Croom Helm, 1978), 51.
15. H. A .R. Gibb, *Modern Trends in Islam* (Chicago: University of Chicago Press, 1954), 39.
16. Mahmudul Haq, *A Study of Modern Thinkers of Egypt* (Calcutta: Little Flower Press, 1970), 66.
17. Ibid.
18. Ibid.
19. Shireen T. Hunter, "Introduction," in: Shireen T. Hunter (ed.), *Reformist Voices of Islam; Mediating Islam and Modernity* (New Delhi: Pentagon Press, 2009), 15-16.
20. Ibid., 5.
21. Ibid., 14-15.
22. Hourani, *Arabic Thought,* 151.
23. Haq, *A Study,* 84.
24. Hourani, *Arabic Thought,* 144.
25. Haq, *A Study,* 88.
26. Keddie, "Afghani," 1:26.
27. R .N. Frye (ed.), *Islamic Society and the West* (The Hague: Mouton and Co., 1957), 8-9, as cited in Haq, *A Study,* 28.

VIEWPOINTS

The Absence of Islam in the 'Arab Spring'

Mohammad Hashim Kamali*

While most of the recent movements in the Muslim world have been spearheaded by Islamic parties and leaders, the Arab uprising is surprisingly led by civil society, especially the youth. The Arab uprising is still unfolding and uncertainties exist that may yet be clarified in the course of time. However, one question that arises is over the relative absence of Islam in what has been seen so far.

Islam has been closely aligned with most of the reform movements in the Arab world during the independence and post-independence periods. Two other themes that have also emerged, with varying degrees of consistency, are Arab nationalism *(al-qawmiyyah al-ʿarabiyyah)* and – for a brief period in the era of Egypt's Gamal Abdel Nasser – socialism.

Some of the remnants of Baath partisan movements that remained in Syria and Iraq were also aligned with socialism. Yet, Islam and its various interpretations have imbued much of the 20th century's revivalist movements in the Arab world. More recently, Iraq under Western occupation saw a fresh wave of Islamic revivalism as an identity marker of sorts. Afghanistan has similarly seen a new tide of Islamic resurgence of the Taliban variety, return of tribalism and emergence of warlords and drug barons.

Whereas most of the Islamic movements of recent decades in the Muslim world were spearheaded by Islamic parties and leaders, the Arab uprising is led by civil society, especially the youth, and it is more widely spread across all strata of the population, including non-Muslims (Coptic Christians in Egypt, for example), in the demand for accountability and good governance.

On a broader note, the closing decades of the twentieth century brought identity awareness to the forefront of popular consciousness, manifesting a reaction to strident globalisation, which had begun to impinge on local identities and cultures. Religions, ethnicities and cultures became more assertive of their own characteristics.

Even if one remained circumspect of Samuel Huntington's 'clash of civilisations' theory, the present century has often been associated with clashes of identities and cultures. The Islamic identity of the Arab world is, somehow, not in the limelight. It

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*　*Mohammad Hashim Kamali* is the Founding Chairman and CEO of IAIS Malaysia. This Viewpoint appeared first on 4 June 2011 in the *New Straits Times* (Kuala Lumpur).

may well be that Arabism rather than Islam strikes a closer note of association with the current uprising.

The faces of change seen now could be explained by reference to certain factors, among which are the persistent gaps between the theoretical articulations of Islamic ideologues and the grasping misconduct of the long-serving dictators.

Islamic parties and movements delivered their message that Islam stood for judicious, accountable and consultative governance even if it did not subscribe to a particular model. They failed, nevertheless, to make an impact on practical politics; the long-serving dictators resisted both the propagators of Western democracy and their Islamic counterparts. The dictators are clearly the major cause of popular discontent.

The Islamic ideologues were also slow to adjust their preoccupation with dogmatic and prescriptive assertions. Only in the late 1990s were they noted to have turned to the ballot box in significant numbers, and only then did they start to take more service-oriented postures by helping the people when practical help was needed, such as in times of natural calamity.

To be sure, accountability and good governance were advocated in the Islamic revivalist discourse and Arab thought, as evidenced by the significant body of literature produced on the principles of governance, which fell short, however, of providing a viable alternative to the then prevailing *status quo* of political repression and abuse.

Hypocrisy, incredulity and lip service also marked electoral and constitutional politics. Elections were held, new charters and constitutions spoke of commitment to basic rights and democratic rule, but lost credibility in the face of persistent violation and abuse by the reigning police state. Past experience thus failed to set a valid precedent or a model for the future, resulting in what is now seen: loss of public confidence in both the dictators and Islamic parties.

A question that arises now is what happens next, when the dust of the uprising settles. The quest and concern for authenticity remain and apprehensions persist that past errors should not be repeated.

During the post-colonial period, the Muslim world heard clarion calls and promises from the outgoing colonialists to bring in democracy and constitutionalism. Western-educated elites in these countries remained receptive to Europe's inculcations with the result that the Muslim world was left with a legacy of constitutions, judicial and education systems that were modeled on their European prototypes.

After decades of democracy euphoria, the Muslim world, and the Arab Middle East in particular, instead of democracy and constitutional rule, saw a series of destructive military coups. A certain disillusionment with Western double-standards also sank in.

The West's preaching of democracy and constitutional government was matched by its support of 'friendly' corrupt dictators. The quest for authenticity grew with its

consequent demand that law and government in the Muslim lands must bear harmony with their own heritage.

Muslim commentators also became more vociferous in their critique of the Western democracy model, which they saw as a misfit for the Muslim milieu. For Western political democracy is grounded in post-Enlightenment secularism and its expressed aversion to divine revelation, religious and metaphysical truth. Whereas in Islam, as in other major religions, ethical norms of right and wrong are determined by reference to divine revelation, the secularist nation-state of eighteenth-century Europe subscribed to the supremacy of reason and scientific truth.

Now that democracy is again at the centre stage of public discourse in the Arab world, one wonders whether the latter has an intellectual template and vision of its own future or whether it is likely to relapse to a pattern of renewed borrowing from Western sources and their hallowed ideas of democracy and good governance.

A moderate Islamic model, such as the one advocated by the Nahdah movement in Tunisia, which seeks to combine consultative governance with electoral democracy and separation of powers, may appeal to the Arab masses. Turkey and Malaysia, which take economic development as a priority agenda of their participatory systems of rule, may also prove to be influential.

A Doctor in the House: Looking for New Insights on Mahathir's Islamisation Policy in His Memoirs

Osman Bakar*

The role of the state in Malaysia through its elected government of the day in promoting and regulating Islam has been visible from day one of the country's new life as an independent nation. Even before independence in 1957, particularly for those states of the Malaysian Federation that have Sultans or Rulers, the public visibility and role of Islam has always been an integral part of the Malay-Muslim societal life. There is continuity between the pre-independence public profile of Islam and the post-independence one.

In several of my earlier writings, I maintained the view that with independence from Britain in 1957, the public role of Islam has been progressively expanding and widening. The most important factor that contributed to this very significant societal change in Malaysian national life is perhaps the Islam policy of each of the elected governments since independence. I maintain that it is possible to identify each of the National Administrations of the five Prime Ministers preceding Dato' Sri Mohd Najib Tun Abdul Razak with an Islam-policy of some sort.[1] It is this Islam-policy that seeks among others to enhance the public role of Islam in such a way and to such an extent that would both meet the religious aspirations of the Malay-Muslim community and serve the political interests of the dominant ruling party, UMNO.

Of all the Islam policies of Najib's predecessors, the one identified with the Mahathir Administration is easily the most comprehensive, the most impactful on Malaysian society, and also the most controversial. The core element of Mahathir's Islam-policy is what is popularly known as the 'Islamisation-policy' which sought to ensure that no laws of the country and no government policies would be in conflict with the teachings of Islam. The controversy to which I have just referred surrounds mainly the issue of the 'Islamisation-policy', and it arose largely from the non-Muslim dissatisfaction with the policy. Many non-Muslims opposed the 'Islamisation-policy' because they viewed it, as they still do, as an imposition of Islamic ideas and values on the general public of which the non-Muslims are a substantial part.

Mahathir today is no longer in power. With his exit from the corridors of power his 'Islamisation-policy' disappeared from the screen of government policies. However, the issue of 'Islamisation' has not totally disappeared from the Malaysian public mind. It is still very much a living issue in the minds of many Muslims, especially among the proponents and supporters of the policy. And it is a lingering concern among the

* *Osman Bakar* is the Deputy CEO of IAIS Malaysia and Emeritus Professor of Philosophy of Science at the University of Malaya, Kuala Lumpur.

non-Muslims. They often cite 'Islamisation' as their real concern whenever they are asked about the challenge of 'official' Islam to the non-Muslim communities and the future of their respective religions. Many non-Muslims are blaming 'Islamisation' for the current religious tension between Muslims and non-Muslims in the country. Every now and then, we would come across international media coverage on the issue of interreligious tension in Malaysia, particularly that involving Muslims and Christians that attributes to non-Muslims views blaming 'Islamisation' as the main contributory factor to the tension in question.

Then there are the academics mainly from outside Malaysia, both Muslims and non-Muslims, who are continuing to keep a strong interest on the issue of 'Islamisation' in the country. I myself have been approached to this day by these academics either to write papers for seminars and conferences evaluating the impact of 'Islamisation' on Malaysian public life or to review their writings on the same subject.[2] Indeed, I cannot imagine how the issue of 'Islamisation', given its contentious nature and intellectually speaking, given its hardly resolved status, could ever disappear from the Malaysian public mind. I believe the issue of Islamisation will drag on, at least in certain circles and among some groups and organisations, for some time to come.

This is the likely future scenario, because for Muslims, the meaning and significance of 'Islamisation' goes beyond that of Mahathir's 'Islamisation' policy. For the Muslim community *(ummah)* in Malaysia as is true elsewhere, there is another understanding of 'Islamisation' – I call it 'ummatic Islamisation' – which cannot be simply equated with Mahathir's government policy bearing that name. 'Ummatic Islamisation' is not seasonal or periodic, but perennial in nature and it is an on-going developmental process that is rooted in the very identity of the Muslim *umma* and that exteriorises the 'tawhidic' spirit of Islam and the inner dynamism of Islamic law (the *sharīʿah*) which characterise the 'ummatic' identity.

'Ummatic Islamisation' thus understood represents the collective work of the Malaysian Muslim *umma*. It does not belong to any government nor does it belong to any political party. It is the collective response of the *ummah* to cater to its collective needs and to confront its collective challenges. It has been part of the Malay-Muslim community life long before Mahathir adopted 'Islamisation' as his government policy. I am confident that it will survive Mahathir's 'Islamisation-policy' and continue to be an important part of Malaysian Muslim religious life. I know that as I am writing these words some groups somewhere in the country are planning to organise seminars and conferences on the theme of 'Islamisation', including on the more specific theme of 'Islamisation' of knowledge which has aroused much controversy in the past, even among the Muslims.

If many Muslims have given support to Mahathir's 'Islamisation-policy' before, it is mainly because they found many aspects of the policy to be in conformity

with the spirit of the pre-existing 'ummatic Islamisation' that they had seen earlier, experienced and supported. They were certainly appreciative of the many good fruits of the policy that are clearly visible to this day in such public domains as higher education, law, economics and finance. The International Islamic University in Gombak, Islamic banking and finance institutions, and the upgrading of the *sharīʿah* court system are some of the most significant institutional achievements of the Mahathir Administration. These are highly prized not only by Mahathir's political supporters, but by the whole Muslim community.

Mahathir is aware that all these Islamic institutional achievements have been possible thanks largely to his 'Islamisation-policy'. He is proud of these achievements which form important parts of his legacy to the nation. Thus he defends his 'Islamisation-policy' in his memoirs entitled *A Doctor in the House: The Memoirs of Tun Dr Mahathir Mohamad*.[3] He devotes a chapter of the book to the subject of Islam and 'Islamisation' which is also the title of the chapter (chapter 36, pp. 477-94). However, only a very small part of the chapter – just two paragraphs out of 17 pages – makes explicit references to 'Islamisation' and the national adoption of Islamic values which is its core content.

In one paragraph (p. 479), he writes: "Islam and the Islamisation of the Malaysian administration were not causes of contention before. What is a fact is that during the period when Malaysia adopted Islamic values and declared itself an Islamic country, there was peace and stability and the country developed and grew as never before." The other paragraph in question (p. 492) has this to tell us: "When I decided to give more meaning to the constitutional provision that Islam is the official religion, I did not mean that all the different peoples of Malaysia must become Muslim. All we wanted was that Islamic values be imbibed by Malaysians without the need for them to even believe in Islam. And so it was that in my second year as Prime Minister I declared that the Malaysian government would be guided by Islamic values."

The two paragraphs do not reveal anything new about Mahathir's 'Islamisation-policy' that the public has not yet known. However, it is significant that in his memoirs published about eight years after his retirement from office, he defends the policy as something that is good for the whole nation and not just for the Muslim community, citing also what has motivated and inspired him to embark on the policy. In his testimony it is out of personal conviction, and not political expediency, that he decided to adopt and pursue the 'Islamisation' of the country's administration as a major pillar of his government policies. He strongly believes that Islamic values by virtue of its universal nature are good for all human beings. So he wants these values to be imbibed by Malaysians, without them, that is if they are non-Muslims, having to convert to Islam. He contends that during his rule of over two decades, when Malaysia adopted Islamic values, the country enjoyed "peace and stability", and it "developed and grew as never before".

The rest of the chapter is useful for us to understand how Mahathir arrived at his conviction about the universal goodness of Islamic values and of the need to put them into practice in Malaysian societal life, at least at the level of national administration. It is essentially a description of the place of Islam in his intellectual autobiography and his own understanding of Islam as a tolerant and progressive religion which he contrasts with what he calls the "intolerant, rigid and strict" interpretation of Islam (p. 480). It is interesting to note that Mahathir saw the constitutional provision of Islam as the official religion as a golden opportunity for him as the leader of the country to give practical shape and societal expressions to the Islamic values he believes to be universally good to all Malaysians. In so doing he sends the message that his 'Islamisation-policy' is nothing more than an attempt to make the position of Islam as the official religion more meaningful and to make Islamic values the source of the common good for all Malaysians.

Recommendations

In concluding, I would like to argue that

- there is a need to have a fuller account of the impact of Mahathir's 'Islamisation-policy' on the Malaysian discourse on Islam for the simple reason that the real meaning of Islam as the official religion has of late generated more intense disputes than ever before, thereby contributing to a wider divide between the Muslims and non-Muslims.
- In conformity with the spirit of our present times, we appeal for enlightened dialogues on this very important national issue.

Notes

1. For a more detailed discussion of these Islam policies, see Osman Bakar, "Identifying the Islam Policies of the Predecessors of the Najib Administration: Has He Abandoned Tradition?" *Islam and Civilisational Renewal* 2, no. 4 (July 2011), 723-26.
2. For one of these invited papers on 'Islamisation' in Malaysia, see Osman Bakar, "Religious Reform and the Controversy Surrounding Islamization in Malaysia," in: Syed Farid Alatas (ed.), *Muslim Reform in Southeast Asia: Perspectives from Malaysia, Indonesia, and Singapore* (Singapore: Islamic Religious Council of Singapore, 2009), 31-45.
3. Mahathir Mohamad, *A Doctor in the House: The Memoirs of Tun Dr Mahathir Mohamad* (Petaling Jaya [Malaysia]: MPH Publishing, 2011).

Journalistic Ethics and Freedom of Expression: Ideals and Realities

Christoph Marcinkowski*

Introduction

The still ongoing scandal surrounding the *News International* phone-hacking scandal in the United Kingdom, a controversy involving the *News of the World,* a now-defunct British tabloid newspaper, has resulted in several high-profile resignations, arrests, and legal instigations. The scandal eventually also garnered attention in the United States, when in July 2011, the Federal Bureau of Investigation launched its own investigations into the access of voicemails of victims of the 9/11 attacks. The affair has once more brought to the forefront the issue of ethics in today's world of journalism.

Journalistic ethics comprise principles of ethics and good practice as applicable to the specific challenges faced by professional journalists. Historically and currently, this subset of media ethics is widely known to journalists as their professional 'code of ethics'. The basic codes commonly appear in statements drafted by professional journalism associations and individual print, broadcast and online news organisations. The principles of journalistic codes of ethics are designed as guides through numerous difficulties, such as conflicts of interests or to assist journalists in dealing with ethical dilemmas. The codes provide journalists a framework for self-monitoring and self-correction. In the following, we shall have a closer look at some of those perhaps some what self-conceited values and ethics.

Ideals: Requirements for Factual and Fair Reporting

Indeed, reporters are expected to be as accurate as possible when reporting news much of which is sometimes obtained through reliable sources. Hence, events with a single eyewitness are reported with attribution. Events with two or more independent eyewitnesses may be reported as fact. Controversial facts are reported with attribution. Independent fact-checking by another employee of the publisher is desirable. Corrections are published when errors are discovered. Defendants at trial are treated only as having 'allegedly' committed crimes, until convicted, when their crimes are generally reported as fact (unless, that is, there is serious controversy about wrongful

conviction). Opinion surveys and statistical information deserve special treatment in order to communicate in precise terms any conclusions, to contextualise results, and to specify accuracy, including estimated error and methodological criticism or flaws.

In terms of slander and libel considerations, reporting the 'truth' – whatever one might understand under this term – is almost never considered libel, which makes accuracy very important. Private persons have privacy rights that must be balanced against the public interest in reporting information about them. Compared with Europe, for example, public figures have fewer privacy rights in United States law, where reporters are immune from a civil case if they have reported without malice. Ideally, journalists are required to show compassion for those who may be affected adversely by news coverage. They are to be specially sensitive when dealing with children and inexperienced sources or subjects. They are to be sensitive when seeking or using interviews or photographs of those affected by tragedy or grief. They are to respect religious and cultural settings and sensibilities. Moreover, pursuit of the news is not a license for arrogance. Professional journalists are also expected to recognise that private people have a greater right to control information about themselves than do public officials and others who seek power, influence or attention. Only an overriding 'public need' can justify intrusion into anyone's privacy. Practitioners should be cautious about identifying juvenile suspects or victims of sex crimes, be judicious about naming criminal suspects before the formal filing of charges, and balance a criminal suspect's fair trial rights with the public's right to be informed.

Dilemmas

However, as with other ethical codes, there is a perennial concern that the standards of journalism are being ignored. One of the most controversial issues in modern reporting is media bias, especially on political issues, but also with regard to cultural and other issues. Sensationalism is also a common complaint. Minor factual errors are also extremely common, as almost anyone who is familiar with the subject of a particular report will quickly realise.

Another example is the reporting of preliminary election results. In the United States, some news organisations feel that it is harmful to the democratic process to report exit poll results or preliminary returns while voting is still open. This would be impossible according to European Union standards, and in a country like Germany, for instance. Such reports may influence people who vote later in the day in their decisions about how and whether or not to vote. There is also some concern that such preliminary results are often inaccurate and may be misleading to the public.

Accuracy, too, is important as a core value to maintain credibility, especially in broadcast media. With fierce competition for ratings and a large amount of airtime to fill, fresh material is very valuable. Due to the fast turn-around, reporters for these

networks may be under considerable time pressure, which reduces their ability to verify information.

'Truth' may also conflict with many other values. The revelation of military secrets and other sensitive government information may be contrary to 'public interest', as recently seen with regard to the *WikiLeaks* issue. However, 'public interest' is not a term which is easy to define. Also, juicy details of the lives of public figures are a central content element in many media. Their publication is not necessarily justified simply because the information is considered 'true'. Privacy, too, is a right and one which conflicts with free speech. The case of the circumstances of the death of HRH Diana, Princess of Wales, is a particularly dramatic example of the activities of the *paparazzi*. In addition, fantasy is considered by some an element of entertainment, which is a legitimate goal of media content. Some of the more shadowy members of the journalistic guild may mix fantasy and truth, resulting in further ethical dilemmas.

Realities: The 'Danish Cartoons' Issue

In democratically-ruled countries, a special relationship exists between media and government. Although the freedom of the media may be constitutionally enshrined and have precise legal definition and enforcement, the exercise of that freedom by individual journalists is a matter of personal choice and ethics. Modern democratic government subsists in the representation of millions by hundreds. For the representatives to be accountable and for the process of government to be transparent, effective communication paths must exist to their constituents. Today these paths consist primarily of the mass media, to the extent that if press freedom disappeared, so would most political accountability. In this area, media ethics merges with issues of civil rights and politics.

One of the perhaps most dramatic exposures of recent date of the discrepancies between 'freedom of expression' and 'freedom of press' on the one hand and 'journalistic ethics' on the other was the so-called 'Danish Cartoons' issue – the Muḥammad-caricatures controversy which began after twelve editorial cartoons, most of which depicted the Prophet of Islam, were published in the Danish newspaper *Jyllands-Posten* on 30 September 2005. The newspaper announced that this publication was an attempt to contribute to the debate regarding criticism of Islam, political correctness, and self-censorship. Danish Muslim organisations objecting to the depictions responded by holding public protests, attempting to raise awareness of *Jyllands-Posten*'s publication.

Further examples of the cartoons were soon reprinted in newspapers in more than fifty other – not only Western – countries worldwide, thereby further deepening the issue. This led to Muslim protests across the Muslim world – many of which unfortunately escalating into violence and resulting in a total of more than 100 reported deaths. This also resulted in the setting of fires to the Danish Embassies in

Syria, Lebanon and Iran, storming European buildings, and burning flags of Western nations. Various organisations, primarily in the West, responded by endorsing the Danish publication. Then Danish Prime Minister – and current Secretary General of NATO – Anders Fogh Rasmussen described the controversy as his country's worst international crisis since World War II.

As a matter of fact, 'freedom of speech' is guaranteed by the 1953 Constitutional Act of Denmark. 'Freedom of expression' is also protected by the European Convention on Human Rights and the International Covenant on Civil and Political Rights. The Danish newspapers are privately owned and independent from the government and Danish freedom of expression is quite far-reaching – even by Western European standards. In the past, this has provoked official protests from Germany when Denmark allowed the printing of neo-Nazi propaganda. In Denmark, religion is often portrayed in ways that some other societies may consider blasphemy. While *Jyllands-Posten* has published satirical cartoons depicting Christian figures, it also rejected unsolicited cartoons in 2003 which depicted Jesus Christ, opening them to accusations of a double-standard.

Critics of the Danish Muḥammad-cartoons described them as 'islamophobic' (a, to my mind, rather shallow and empty catch-all term) or even 'racist' and argued that they are 'blasphemous' to Muslims. Supporters, on the other hand, have stated that the cartoons illustrated an important issue in a period of 'Islamist terrorism' and that their publication is a legitimate exercise of the right of 'free speech', explicitly tied to the issue of 'self-censorship'. They claim that Muslims were not targeted in a discriminatory way since unflattering cartoons about other religions (or their leaders) are frequently printed. To my mind, however, this does not hold water as practicing Catholic Christians, too, might consider derogatory depiction of *their* religious leaders by Western atheists or secularists insulting.

However, one has to be aware that caricatures of 'Westerners' (i.e. 'the Christians') and in particular Jews – long-nosed 'Zionists' – appear quite often also in the media throughout the Muslim world and that double-standards are not only a thing particular to 'the West'. One might even question whether some of the recent riots in the Muslim world were 'spontaneous outpourings' as they took place in countries where no such demonstrations are allowed, and whether images of the Muslim Prophet *per se* are offensive to Muslims, as thousands of illustrations of him have appeared in books written by and for Muslims – in particular in the Ottoman-Turkish and Persianate world. I think, however, what must have angered most Muslims then was not a depiction of their Prophet *as such*, but his association with terrorism and violence – a misrepresentation from their point of view. All the more it is strange that those protests themselves became so violent.

Many Muslims have explained their anti-cartoon stance as directed against *insulting* pictures and not so much as against pictures in general. Some Muslim

commentators saw the publications of the cartoons and the riots that took place in response as part of a coordinated effort to show Muslims and Islam in a 'bad light', thus influencing public opinion in the West. The controversy was indeed used to highlight a supposedly irreconcilable rift between Europeans and Islam – many demonstrations in the Middle East were encouraged by some of the now defunct regimes there – many of them with no 'Islamic' credentials whatsoever – for their own internal political purposes. Regimes in the Middle East have been accused of taking advantage of the controversy and adding to it in order to demonstrate their 'Islamicity', distracting from their failures by setting up an external enemy – 'the Jews', 'the Crusaders', or just 'the White Man' – and using the cartoons as a way of showing that the expansion of freedom and democracy in their countries would lead inevitably to the denigration of Islam. Iran's *Führer* Mr Ahmadinejad even went as far as announcing a 'Holocaust Conference' (which, alas, was supported by the Organisation of the Islamic Conference, OIC), to 'uncover' what he called the 'myth' used to justify the creation of Israel.[1]

Conclusions and Recommendations

As a matter of fact, and as just seen in the cartoon issue, tension does exist between 'political freedom' – especially 'freedom of speech' – and certain examples of art, literature, speech or other acts considered by some to be sacrilegious or blasphemous. The extent to which this tension has not been resolved is manifested in numerous instances of controversy and conflict around the world:

- For instance, although many laws prohibiting blasphemy have long been repealed, particularly in 'the West', they remain in place in many other countries and jurisdictions, especially in the Muslim world. In some cases – even in certain European countries – such laws are still on the books, but are no longer actively enforced.
- The conflict between 'freedom of speech' and 'blasphemy' – which is ultimately a conflict between different political systems – cannot be seen in isolation from the role of religion as a source of political power in some societies, in particular in the Muslim world. In such a society, to blaspheme is to threaten not only a religion, but also the entire political power setting of the society, and hence, the official punishments (and popular responses to blasphemy) tend to be more severe and violent.
- I would argue that legislation based on 'blasphemy' would be irreconcilable with the secular values of Western society. Thus protection of religious communities, their faiths and its symbols and major exponents would not be possible when basing legal cases on 'blasphemy'.

382 CHRISTOPH MARCINKOWSKI

- However, legislation in most Western countries does provide for the prosecution of insult and steering up racial hatred. Germany, in particular, has advanced legislation in this regard. It could (and perhaps even should) be invoked as a useful tool to protect the honour and dignity of individuals or groups. Malaysia, too, has to the mind of this writer, quite useful legislation in this regard.

In closing then, and as very recently shown again by the almost burning of the Qur'ān in the United States by a 'pastor' of a self-styled 'church', stirring up hatred among the Muslim community does not necessarily help Western interests worldwide and goes against common sense – even if 'freedom of expression' is (erroneously) invoked by the perpetrators of such acts of folly.

Notes

1. In the West, numerous organisations and institutions too used this tactic for different purposes, among them anti-immigration groups, nationalists, feminists, and governments. Other commentators smell 'Islamists' jockeying for influence both in Europe and the Muslim world, trying to widen the split between the United States and Europe, and trying simultaneously to bridge the split between the Sunni and Shi'ite Muslims. On the latter issue, see also Christoph Marcinkowski, "Intra-Muslim Dialogue: The Litmus Test for Islam as a Credible Partner," *Islam and Civilisational Renewal* 2, no. 2 (January 2011), 392-396.

Muslims and Diplomacy

Karim D. Crow*

Diplomacy is normally understood in the context of international relations or relations between states which communicate for purposes of cooperation, rivalry or strategic advantage, and regulating exchanges for mutual benefit. Historically, diplomatic relations between states were marked by competition and strategic exchanges (e.g. impressive gifts), promoting trade and commerce, as well as gathering intelligence. Diplomacy could also be a prelude and preparation for warfare, and/or for arbitration and negotiating terms of peace to end war. Diplomats, spies, and merchants often mingled their activities in searching for a comparative advantage against another ruling polity.

Until recently, interstate relations – whether competitive, cooperative or complementary – remained confined to a function of nation states, with diplomacy conceived as a defining characteristic of the state in the international system. The *self-interest of the nation-state* determined the parameters of 'security'—defined in the limiting terms of 'state security' as perceived by ruling elites and power brokers. However, a wider more inclusive idea of 'human security' is now gaining ground, exercising an impact on the policies of state elites. Notions of 'trans-national' security and 'non-traditional' security (covering natural disasters, regional economic upheavals, countering trans-national terror, etc.) are today accepted as legitimate areas of concern by many governments. Given this transformation in our understanding of security, should Muslims also begin thinking of exercising diplomacy in more flexible ways?

The Emergence of a Regionalised Multi-Polar System

Our globalised world in the early twenty-first century is witnessing the gradual emergence of a regionalised multi-polar system. The dominant US-American power is waning economically and militarily, while major regional powers are ascendant – notably in East Asia, India, and possibly in the Middle East.[1] Globalising trends have caused immigration rates to skyrocket for most developed and developing countries. People journey afar to find employment and settle down where they are constantly surrounded by a culture quite different from their home country. International students abroad have to choose whether they are willing to modify their cultural boundaries by adapting to the surrounding culture or whether to hold fast to their culture and religion by living in an exclusive pocket of their countrymen within the host country.

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*   Karim D. Crow is Principal Research Fellow at IAIS Malaysia.

Increasingly, the norm for the majority of humanity is the cosmopolitan environment of large urban collectivities where peoples of differing cultures and religions mingle. However, the urban reality often magnifies basic inequalities and severely strains the feasibility of sustainable development and social-economic progress.[2]

Global, communal, and individual security have now become inseparable and require that essential human needs be secured equitably: food, natural resources, energy, education, health, employment, as well as more intangible, yet equally crucial, ethical and spiritual needs.[3] Complicating all these is the existential predicament of unintended evils which widespread application of science and technology is inflicting upon our planet and collective psyche[4] – the *blowback from modernity*. Potential for rivalry and conflict is increasing, with violent bloodshed in several Muslim societies persisting unabated. Islamic norms of moderation, oneness, and dignity of humanity, just socio-economic order, reconciliation, and peaceful-security may appear remote or overly idealistic to pragmatic-minded officials and society leaders. How may Muslim societies and governments best position themselves within this shifting order? How may Islamic values and principles find meaningful application within the current system of international politics and state relations?[5]

Should the responsibility and direction for an Islamic-inspired diplomacy be left in the hands of the state alone? Or can Muslims conceive of an expanded engagement with the pressing issues of our day, by engaging in forms of *citizen diplomacy* which may potentially enliven the values and ideals preserved in Islam's legal, ethical and spiritual legacy? We now witness the emergence of popular social movements in the Arab world reaching for a more open, accountable and more transparent society – sometimes met by brutal oppression and state-engineered violence. Popular will, stoked by the energy and imagination of the youthful generation, reflects the transformation in thinking and expectations of a better educated urban population, with middle-class economic aspirations using free communication, who envision alternative futures. Ordinary citizens have created a wide social network of persons willing to actively participate in peaceful engagement for social transformation. However, will these people's movements succeed in embodying genuine Islamic ideals in realistic ways?

Several decades ago certain European and US-American thinkers and officials advanced new ideas on how to expand diplomacy. Informal or 'Track II' diplomacy is one specific activity where private citizens like scholars, retired civil and military officials, public figures, and social activists, engage in dialogue with the aim of neutralising conflict and arbitrating peace. Governments sometimes fund such informal exchanges or these efforts may have no connection with governments or might even act in defiance of governments. This mode of citizen diplomacy engages with officials, policy makers, scholars and civic leaders in order to build confidence and minimise the likelihood of violence in specific situations. It treats well-informed

qualified individuals as valid diplomatic actors who could succeed where the state does not. These individuals must have the ability to communicate successfully with peoples of other cultures by possessing cross-cultural competence along with required regional and language competence.

Toward 'Cultural Diplomacy'

More promising in conception and practice may be 'cultural diplomacy'. This involves new non-governmental and non-professional actors engaging in diplomatic activities by means of exchanging ideas, information, value systems, traditions, faith–beliefs and related aspects of culture. In the framework of globalisation, human culture and religion play a major role in defining identity and conditioning relations between peoples. Cultural diplomacy rests on informed *reciprocity* and *mutual recognition* of another's distinctive cultural dynamics. Mutual understanding requires the study of foreign cultural dynamics in order to gain an appreciation of the traditions, history, language and worldview of the engaging party. Cultural relations create a special dynamic for meaningful dialogue – not necessarily for full agreement or approval, but for collaborative recognition and understanding built by consensus and shared interests. Cultural diplomacy tends to promote reciprocal acknowledgement of equal rights on equal terms.

'Cultural diplomacy' is essential for fostering and sustaining unions between nations as regional blocs (EU, Arab League, ASEAN), and is very beneficial for reaching agreements in trade, investment, immigration or inter-state security. Private and public institutions and corporations have long understood the utility of this mode of informed dialogue for sustaining mutual activities, and the same is true of NGOs and humanitarian agencies. When wisely practiced by governments or by society groups and civic leaders, cultural diplomacy may greatly benefit lives of ordinary people. This was the case with the abolitionist campaigns in the United Kingdom to ban slavery leading to the 1833 Slavery Abolition Act. The recognised importance of cultural diplomacy and pragmatic benefits of cultural exchanges has led to its institutionalisation by several governments.

In other words, 'cultural diplomacy' is an effective application of soft power, which means that persuasion through appealing to cultural ideals, ethical values and ruling ideas is more effective and beneficial than conquest or coercion by military power (e.g. the predator diplomacy practiced by the United States). Hard power is the ability to coerce, and soft power is the means to attract and persuade. It is true, historically, a hard power approach was the favoured policy by governments in conducting international and regional relations. For millennia classic diplomacy was conceived as projecting the security interests of the ruling polity, meaning the use of violence as the basis and ultimate sanction of power politics. However, our

globalised world requires exchanges and cooperation on a higher level. This is why intercultural competence and training for understanding other religions and world-views has now become reciprocally necessary – both for non-Muslims to appreciate Islam, and for Muslims to appreciate the cultures and peoples of other traditions with which they interact and coexist.

Conclusions and Recommendations

If we are to take 'human security' seriously in our global context, and successfully mitigate the negative effects of the 'state'-centred security concept, then contributions of Earth's leading civilisations will have to be integrated into our diplomatic thinking and practice.[6] Muslims in particular retain valuable resources for accomplishing this transformation towards understanding security in human-centred terms. The Qur'ān is an extended exercise in persuasion providing important lessons to absorb. The Prophet Muḥammad's mission clearly displayed a judicious combination of hard and soft power, and forms a worthy model that remains relevant today. Central Islamic principles and values – *tafāhum* (reciprocal understanding), *taʿāwun* (mutual assistance), *taʿāruf* mutual-recognition, and *tasābuq* (wholesome competition) – confirm the primacy of peaceable persuasion and harmonious reciprocity in exchanging ideas, goods, and persons for common benefit.

Muslims may be more imaginative in searching for principles and requirements providing direction for fulfilling pressing human needs:

- We need to comprehend how peace and security are embraced among the *maqāṣid* or 'higher objectives' of the *sharīʿah*. We should remember that a selfless Islamic ethic of Humanitarian Intervention exists.[7] Muslims tend to privilege juristic discourse and those concepts drawn from *sharīʿah* tradition, while ignoring major theological, philosophic and spiritual teachings.
- There exist untapped riches in corners of Islamic thought and experience commonly overlooked. Thus, the philosopher Abū Naṣr al-Fārābī (d. 950/51) was the first major thinker to pay serious attention to conditions for a 'world state' and explore the components of a 'virtuous polity' *(al-madīnat al-fāḍilah)* for implementing world peace.[8]

Might it be that potentialities rarely realised previously under historical Muslim polities or within legal schools could be reimagined and embodied as authentic Islamic possibilities in our emerging global order? Do Muslim thinkers and leaders possess the creative imagination needed to accomplish such a transformation?

Notes

1. Samir Amin, *Beyond US Hegemony? Assessing the Prospects for a Multipolar World,* transl. Patrick Camiller (London and New York: Zed Books, 2006).
2. See the studies in Amiya Kumar Bagchi (ed.) with Gary A. Dymski, *Capture and Exclude: Developing Economies and the Poor in Global Finance* (New Delhi: Tulika, 2007).
3. Consult the magisterial overview by Amartya K. Sen, *The Idea of Justice* (London: Allen Lane, 2009).
4. Professor Hans Poser of Berlin terms evil consequences of today's secularised technology as *'technodicy'*, asking how the evil caused by technology is possible in light of the posited rationality of the human creator. In technodicy the human judges his own unanticipated works of evil (e.g. environmental pollution) – in parallel with the classical notion of *theodicy* where God does not intend evil yet must account for its existence in His creation. See H. Poser's paper read at *World Philosophy Day Conference,* November 2010, Tehran (forthcoming).
5. For increasing awareness of the impact of religion upon global politics, see Scott M. Thomas, *The Global Resurgence of Religion and the Transformation of International Relations: The Struggle for the Soul of the Twenty-First Century* (New York and Houndmills, Basingstoke [UK]: Palgrave Macmillan, 2005).
6. Consult the contributions in Douglas Johnston (ed.), *Faith-Based Diplomacy: Trumping Realpolitik* (Oxford: Oxford University Press, 2003).
7. Sohail H. Hashmi, "Is There an Islamic Ethic of Humanitarian Intervention?" *Ethics and International Affairs* 7 (1993), 55-73.
8. Richard Walzer (ed., transl.), *Al-Farabi on the Perfect State* (Oxford: Oxford University Press, 1985). Further discussion and analysis by M. Galston, *Politics and Excellence: The Political Philosophy of Alfarabi* (Princeton: Princeton University Press, 1990).

Rethinking Diplomacy and Islam

*Ahmad Kazemi-Moussavi**

The evolving interaction between Islam and politics has brought to fore the necessity of rethinking the nature and goals of diplomacy in Islam. Here, I will examine the nature of democracy, its history in Islam, and its present situation in the Muslim community in general. Diplomacy in its initial context refers to the process of communication between governments through their official agents with the goal of furthering international cooperation. Through time it came to include non-cooperative elements such as propaganda, subversion, manipulation, and economic pressure which were viewed as techniques of foreign policy affecting the international system. Diplomacy is still considered as intellectual politics which serves as the best alternative to physical conflict.

The external relations of Muslims, in a broad sense, may historically be studied in two sets: i) intra-community, i.e. mutual relations of Muslim nations *within* the community of Islam, and ii) trans-community, i.e. reciprocal relations of Muslim countries with non- Muslim nations *outside* the Islamic community. We know that during the first half of the twentieth century most regional governments of Muslim states became independent and their intra-community relations were embodied in leagues, organisations, and sometimes unions that are still used to provide a ground for their intra-cultural alliance.

In Islamic tradition, diplomacy was originally imbued with moral values. Historically speaking, the Prophet's way of dealing with the neighbouring towns of Hejaz and Najd and his dispatching envoys and emissaries to Persia, Egypt, Byzantium, and Ethiopia set precedents for future Muslim diplomatic relations. Indeed such diplomatic intercourse was initiated by the Prophet to serve religious purposes. Over time, however, it came to serve political and military purposes as well.

In Islamic literature, external relations have been named *siyar* which is the plural of *sayr*, meaning 'travel.' This term was adopted and coined by Muslim scholars of the late eight century, particularly by Muḥammad b. al-Ḥasan al-Shaybānī (d. 805). Due to the expansionist policy of the Umayyad and early Abbasid periods, this genre of *siyar* and also *kharāj* (land tribute) writings fostered the idea of unconditional religious war as it sometimes appeared in the titles of some respective books of the time, such as *al-Siyar fī arḍ al-ḥarb*. This kind of unilateral characterisation has attached a strong military dimension to the foreign relations of Muslims to the extent that some authors assumed that there was no reciprocity and mutual consent in Islamic foreign policy.[1]

* *Ahmad Kazemi-Moussavi* is currently Professor of Islamic law and Persian language in the University of Maryland, United States.

The above mentioned dimension (military), nevertheless, is absent from the several sets of pacts and documents made by the Prophet who entered into *peaceful* arrangements with his neighbouring communities. They include the 'Charter of Medina', the Treaty of al-Ḥudaybiyyah and the Letters of the Prophet Muḥammad, all of which communicate in a diplomatic manner with various groups – even with antagonist adversaries. We know that there exist a dozen qurʾānic verses and *aḥādīth* which legitimised *jihād* in the sense of waging war. Nevertheless, most of these verses are qualified *(mashrūṭ)*, and according to Islamic legal methodology *(uṣūl al-fiqh)* can be either particularised or outweighed by the subsequent contrary verses.

We know that the Prophet himself has been described by the Qurʾān as 'having the best quality' *(innakᵃ la-ʿalā khuluqⁱⁿ ʿaẓīmⁱⁿ)* (68:4). The Muslim community, too, is described by the Qurʾān as *uswatᵘⁿ ḥasanatᵘⁿ* meaning the 'best example' (60:4). These two adjectives seem good enough to serve as moral sides to an Islamic diplomacy. Another qurʾānic verse that recognises diversity and communal understanding reads as follows: "We made tribes and nations in order to know each other, and the most pious among you is the dearest before God" (49:13). Finally, the most diplomatically oriented qurʾānic verse orders Muslims to "Invite [all] to the way of the Lord with wisdom and beautiful preaching; and argue with them in ways that are best" (16:125). Three elements are mentioned in this verse which can set patterns for Muslims as representatives of Islamic culture. The first element is *ḥikmah* (wisdom) the intellectual insight which produces sound judgment. The second one is 'beautiful preaching' *(al-mawʿiẓah al-ḥasanah)* which should affect the audience. The third is the 'best argument' *(wa-jādilhum bi-'llatī hiya aḥsan)* which may convince the adversaries. Some Muslim interpreters likened these categories to that of formal logic, respectively as demonstration *(burhān)*, rhetoric *(khiṭābah)* and disputation *(jadal)*.[2]

The above qurʾānic verses could provide a Muslim community with a criterion of good diplomacy, but presently we observe that some Muslim political leaders (such as Ayatollah Khumaynī, d. 1989) had preferred jihadist verses or at least the following verse: *ashiddāʾu ʿalā 'l-kuffārⁱ wa-ruḥamāʾu baynahum,* "compassionate among themselves and strong against the infidels" (48:29).

Here, we have cases of conflict of laws in which experts of Islamic legal methodology *(uṣūl al-fiqh)* should determine the most suitable law to be applied in each case. For a Muslim society, the promotion of Islam and its essential values comes first, and in practice the principles of *awlawiyyah* (priority), *maṣlaḥah* (consideration of public interest) and the theory of *maqāṣid* (consideration of high objectives of the law) should help scholars to not allow some provisional or de facto expressions of the Qurʾān and the Prophet to dominate the total spirit and fundamentals of Islam. That is to say, the general criterion of Islamic diplomacy should be *al-uswah al-ḥasanah* and 'the best of human conduct.' We know that the missionary conduct of

Sufis and Muslim traders in Southeast Asia and West Africa had the greatest impact in terms of the Islamisation of those two regions. In fact, non-governmental Muslim missionary activities appear to be more helpful in promoting Islamic values than the war-regulating writings of scholars such as al-Shaybānī.

We said that the strong position taken by al-Shaybānī is mainly due to the expansionist policy of the Abbasid caliph of the time that reshaped Islamic foreign relations based on the two important formulas of *kharāj* and *siyar*. Indeed, several Medinese verses of the Qur'ān on the necessity of *jihād* with unbelievers were held as the central pivot around which the whole idea of foreign relations revolved. Two and half centuries after al-Shaybānī, however, al-Māwardī (d. 1058), author of the first work on Islamic governmental law *(al-Aḥkām al-sulṭāniyyah)*, did not speak on Islamic foreign relations with the same language that al-Shaybānī did. Al-Māwardī did not concern himself with *jihād*, rather he devoted a chapter on *imārāt al-istilā'* which practically legitimises the recognition of a prevailing military government as long as it confesses Islam. Al-Māwardī's position was later polished and reformed by authors such as al-Juwaynī (d. 1085), Abū Ḥāmid al-Ghazālī (d. 111), Ibn Jamāʿah (d. 1333) and others.

The conclusion I may draw from the aforesaid different positions is that Muslim communities of each given period reacted to the circumstances of their time. They did not practically understand the Qur'ān and the *Sunnah* as presenting a set of fixed and ever-closed ideological principles, except for the idea of promoting the very foundations of the Islamic faith. A law must be predicated on stability and permanence, but its application and interpretation are not so. We may have a different application of the same law, pending on the circumstances of time.

Since the onset of the twentieth century, Muslim communities adopted three major courses which have their origins in the Western experiences of world politics and diplomacy. First the very idea of Nation-State followed by strong nationalism amongst Muslims. Second the principles of human rights articulated in the Cairo Declaration of Islamic Human Rights in 1990. Third the emergence of a number of Muslim organisations such as OIC (1970) and Arab League (1945) etc., that were to provide a wider ground for collective diplomacy. The Organisation of Islamic Cooperation (OIC) is actually the second largest inter-governmental organisation after the United Nations which has membership of currently 57 states. However, in practice these organisations seem to have been engaged in their internal differences more than in coming up with a uniform diplomatic tactic for solving their social and economic problems. These problems include health, education, human security and the problem of authoritarian abuse by state elites over their own citizens.

Conclusions and Recommendations

In the modern era, Muslim diplomatic relations adopted two significant courses:
i) that religious doctrines should be separated from that of the state's external
relations, and ii) that an 'Islamic ideology' must be employed in the state's policy,
including the diplomatic relations to provide an added legitimacy for the ruling elite.
The first course was the policy of most nascent Muslim nations before the 1970s and
is still held up by countries such as Turkey, Malaysia, and Indonesia.

The problem, however, arises with the second course which employs Islam as
an ideology to reinforce the foreign policy of a given state. We know that religions
(particularly Islam) are not just ideologies or 'belief systems'; rather they are
accompanied with sets of rituals and symbolism which require sacred performances.
Thus, any kind of criticism or political disagreement would involve a degree of
unbearable desecration which might end up turning to an abortive foreign policy and lack
of diplomacy. Examples for the second course include several regimes, organisations, and
trends of the Middle East among which I put emphasis here briefly on Iran.

Iranian diplomacy or foreign relations is described as 'ideologised foreign
policy' according to the Iranian Constitution of 1980, which explicitly legalised the
'exportation of revolution' to other countries. In the conventional approach, usually
ideas such as 'reciprocal economic interest' and 'prosperity of nations' set the main
goals of the foreign policy of two nations. However, in a dogmatic approach, the
ideology comes first which sometimes necessitates military actions, for which we
may trace its roots to our historical experiences. Strangely, the politicisation of
Islam in the late twentieth century owes its roots partly to the influence of socialist
ideas. For example, we may see how the two qur'ānic terms of *al-mustaḍʿafūn* (the
disinherited ones) and *al-mustakbirūn* (the arrogant ones) were abused during the
Iranian revolution of 1979 as they were incorrectly applied to 'proletarians' and
'capitalists' in order to satisfy political purposes of time.

The last point I wish to make is that Muslims should not allow a politicised ideology
to set our principles of diplomacy. Our main goal must be to promote Islamic values
through our sincere struggle, sound judgment and good conduct *(uswah ḥasanah)*.
Since we should think as representatives of God on earth, we may feel authorised to
decide how to ensure our harmonious relations with other nations and communities
according to the totality of the qur'ānic spirit.

Notes

1. Majid Khadduri, *Islamic Law of Nations: Shaybānī's Siyar* (Baltimore: Johns Hopkins Press,
    1966), 4-7.
2. Sayyid Muḥammad Ḥusayn al-Ṭabāṭabāʾī, *al-Mīzān fī tafsīr al-qurʾān* (Qum, Iran: Jamāʿat al-
    Mudarrisīn fī 'l-Ḥawzah al-ʿIlmiyyah, 1989), 12:371-74.

Man-Made Codifications of *Ḥudūd* Laws

Nik Noriani Nik Badli Shah*

Nearly twenty years ago, the government of the Malaysian state of Kelantan passed the *Syariah*[1] *Criminal Code (II) Enactment 1993* which sought to introduce *ḥudūd* (lit. 'limits') – 'punishments for serious crimes' – and in 2002, the state of Terengganu passed a similar enactment. Although not implemented because of jurisdictional conflicts with federal legislations, these issues have not been properly resolved.

The Qur'ān prescribed punishments for theft *(sariqah)*, 'piracy' or 'unlawful warfare' *(ḥirābah)*, adultery *(zinā')* and slanderous accusation of *zinā' (qadhāf)*. However, the 'limits and punishments set by Allah' *(ḥudūd Allāh)* is a much broader concept which is not confined to punishments or any legal framework, but comprises a rather comprehensive set of guidelines on moral, legal, and religious themes that are found in the Qur'ān (2:229). While it cannot abolish offences stated in the Qur'ān, human judgement can decide whether conditions for penalties have been satisfied. Moreover, currently there is a lack of understanding of the *qur'ānic concept of repentance and reform* as juristic doctrine reduced it to a mechanical formality.

A well-known *ḥadīth* says: "Avert *ḥudūd* from being inflicted as much as you can, and whenever you find a way for a release go through it, since it is better for one who rules to make a mistake in acquitting, than to make it in punishment." Professor Mohammad Hashim Kamali – a world-renowned expert on Islamic law – points out that general language of the hadith is not confined to the evidential process. It could mean doubt of any kind within its purpose and cautionary advice. Circumstances and confusion in modern society present a doubtful situation within its broad meaning. In doubtful situations, a *ḥadd* could be reduced to *ta'zīr* (discretionary) punishment that the legislature and court consider suitable for deterrence and reform.

The goal of Islamic authorities is to *prevent* crime, not inflict punishments. Promoting human rights of the Muslim community *(ummah)*, ensuring socio-economic justice, and education are prerequisites to ensure that society is free from want and temptation. A lack of understanding on *ḥudūd* interpretations could thus – and all too often does – lead to violation, oppression, and injustice.

Women

Article 8(2) of Malaysia's Federal Constitution – the *supreme* law of the land – clearly provides against gender discrimination: "Except as expressly authorised by

*   *Nik Noriani Nik Badli Shah* is a Legal Consultant for Sisters in Islam (SIS), a Malaysian non-governmental women's group.

this Constitution, there shall be no discrimination against citizens on the ground only of religion, race, descent, place of birth or *gender* […]" (emphasis added). This amendment was a major step forward in upholding gender equality. The enactments constituted a gross violation of principles of justice and equality in Islam as well as constitutional protection.

Strangely, the Kelantan Enactment (section 46(2)) provides that an unmarried pregnant woman is assumed to have committed *zinā'*, unless she can prove the contrary. A woman who reports rape without proof could be charged for *qadhāf*. The Terengganu enactment modified it by providing that she may bring *qarīnah* (circumstantial evidence) (section 9). However, there is still confusion surrounding this issue. Is the purpose of investigation to gather evidence against an alleged rapist or to investigate the woman? Is the burden of proof on the woman rather than on the authorities? Is the woman liable for *qadhāf* and/or *zinā'* if there is lack of evidence?

These irrational provisions victimising women are man-made innovations not in the Qur'ān or authentic *ḥadīth*. On the contrary, qur'ānic provisions are very protective of women; the requirement of four *reliable* witnesses in the literal meaning of 24:4 was specially revealed in order to protect *women* – not to protect male rapists:

> Those [general/masc. plur.] who launch a charge against chaste women [*muḥsanāt*-fem. plural], and produce not four witnesses – flog them with eighty stripes and reject their evidence ever after.

Its letter, spirit, and purposes *(maqāṣid)* are to protect women from victimisation. The occasion for its revelation *(asbāb al-nuzūl)* is the historical incident when the Prophet's wife, ʿĀ'ishah, was inadvertently left behind on an expedition and was later found by a Companion. This incident gave occasion to a false and malicious rumour. The four-witnesses rule was then revealed to require the *strongest possible* evidence before allegations might be made against a woman's chastity.

The Kelantan enactments' disqualification of women as witnesses in *ḥudūd* and *qiṣāṣ* (retaliation) also has no precedent in Islamic law as the Prophet himself accepted evidence of women, e.g. in the case of a girl who was robbed (reported in Muslim, *aḥādīth* no. 5,231, 5,233, and 5,234) and a woman who was raped by an unknown man (reported in Abū Dawud and al-Tirmidhī). There is also the account of caliph ʿUthmān b. ʿAffān's wife – the only witness to his assassination. It was solely on *her* evidence that there was demand for *qiṣāṣ* by some Companions – none raised any objection that in the absence of any male witness, *qiṣāṣ* was not tenable.

The Islamic doctrine that it is better for many guilty persons to go free from earthly punishment than for one innocent person to be wrongly convicted has thus been perverted. The Kelantan approach seems to be that it is better for practically *all* guilty men to go free (although some have sinned not 'only' against God, but also

committed a violent crime against fellow Muslims) than for one innocent man to be wrongly convicted, and that it is better for many innocent women to be further victimised than for one guilty woman to go free (although she has 'only' sinned against God). Any presumption of *zinā'* on grounds of pregnancy is totally against the letter and spirit of the Qur'ān, which recognises the special vulnerability of women. Qur'ānic revelations meant to protect women should thus not be distorted into legal provisions that punish innocent women while guilty men go free.

There is also gross confusion between rape and *zinā'*, when rape is regarded as *'zinā'* by force'. *Zinā'* is a sin involving the 'rights of God' *(ḥuqūq Allāh)* and rape cannot be equated with *zinā'*. Rape is a violent crime against the 'rights of the human being' *(ḥuqūq al-insān)*. The violation of the 'rights of God' requires very stringent proof as God in His mercy may forgive the sinner, whereas the violation of the 'rights of the human being' admits circumstantial evidence. It is acknowledged by lawyers, doctors, and counsellors that even circumstantial evidence is often difficult in rape cases. Malaysia's Penal Code and Criminal Procedure Code, which is in conformity with *ta ʿzīr*, provides for circumstantial evidence. It is inevitable, however, that sometimes the prosecution would fail. The accused is acquitted not because of his innocence, but because of benefit of the doubt. His acquittal does not mean that the victim lied; it rather means that the prosecutors failed to produce proof beyond reasonable doubt. There was a better understanding in certain periods of classical Islamic jurisprudence regarding this situation,[3] when rape was not classified under *zinā'*, but under violent crimes – *ḥirābah* or *ightiṣāb* (violent trespass, usurpation) – and was regarded by the Muslim scholar Ibn al-ʿArabī (d. 1240) as the *worst* form of *ḥirābah*. Classical jurisprudence even created an avenue for rape victims to claim financial compensation under *jirāḥ* (wounds).[4]

Unfortunately, instead of providing compensation, these modern provisions place the burden of proof on the victims. Whenever there is diversity of opinions, the tendency is to codify the most misogynistic opinion. The presumption that an unmarried pregnant woman is guilty of *zinā'* was a minority opinion, but it is this opinion that is codified.

Apostasy

Traditionally there are different opinions on this issue, e.g. the severe view that death is prescribed for all apostates, the view that it is a *ta ʿzīr* offence, simply because the Qur'ān refers to apostasy on numerous occasions, but stops short of prescribing a punishment for it. According to yet another view, death penalty is only for apostasy accompanied by rebellion against the community and legitimate leadership – punishment is not for apostasy from personal belief, but for violent rebellion and treason. This is related to the view that apostasy is a great sin, but personal change

of faith merits no earthly punishment. The late rector of Cairo's Al Azhar University, Shaykh Maḥmūd Shaltūt (d. 1963), analysed the relevant evidence in the sources and concluded that apostasy carries *no* temporal punishment because the Qur'ān 'only' speaks of punishment in the Hereafter.[5]

Again, the Kelantan enactments have chosen the most severe opinion. In other Malaysian states, the approach is a compromise involving detention and rehabilitation – instead of death which is a one-way road.[6] However, the detention periods may be no consolation to a person who feels his fundamental liberties are violated. Yet again the Qur'ān itself clearly recognises freedom of religion, and there exists even within the Islamic juristic heritage a position that supports this freedom.

Punishments

Certain punishments such as amputation appear to be very harsh, and the relevant codifications often opt for the most severe, e.g. cutting the left foot for a second offence is a minority opinion, as there is also the opinion that there is no second amputation.[7] There is another opinion that amputation is not for first-time offenders. In other civilisations, severe punishments were common – theft, for instance, was an offence punishable by death in England until the nineteenth century. Amputation was a common punishment in medieval Europe and often imposed upon the poor and weak, e.g. for hunting or poaching on their lords' lands.

Islamic law, in turn, actually imposes strict limits on punishments, e.g. the *ḥadd* (sing. of *ḥudūd*) for theft cannot be enforced if the offender was in need, if stolen articles were below a minimum value or if owner was negligent. The second caliph ʿUmar b. al-Khaṭṭāb even suspended *ḥadd* during any period of scarcity of food (possibly translated as 'economic recession' in modern times). The *ḥadd* for theft is imposed only in a society where *everybody's* needs are taken care of (possibly translated as a 'welfare state'). There is also a minority opinion that *ḥudūd* are meant as *maximum* limits on punishment.

Regarding *zinā'*, the punishment of stoning to death is to be found nowhere in the Qur'ān. The only punishment mentioned in the Qur'ān is whipping. It has been argued that when stoning was carried out during the Prophet's time, it was based on the Torah, before the Qur'ān had replaced it with whipping. This argument was initially accepted by the Pakistan Federal Shariat Court in *Hazoor Bakhsh v. Federation of Pakistan*.[8] However, the Shariat Review Petition[9] upheld the contrary opinion that stoning was an Islamic punishment. There is also a minority opinion that the *ḥadd* for illicit sex is only applicable to married offenders and not to unmarried persons

Non-Muslims

The Kelantan enactments also disqualify non-Muslims from being witnesses, whereas in other respects discriminating in favour of non-Muslims. A Muslim thief would have his hand amputated while a non-Muslim would be imprisoned instead. A non-Muslim is given the choice to submit to either law – if he feels he would be acquitted under *ḥudūd*, he could choose to be tried under *ḥudūd*, and if he feels he would be convicted, he would choose the Penal Code. Such a dichotomous system of laws regardless of who is being discriminated against, however, violates constitutional guarantees on equality as well as universal principles of justice. The existence of inequality and injustice based on religion is bound to raise conflicts.

Human Rights

There is a vast difference between divine revelation – the Qurʾān – and non-divine sources which are the result of mere human juristic interpretations. In fact, a large part of historical *sharīʿah* law is man-made, not divine. The formation and development of Islamic law went through several centuries and a variety of processes. Traditionally, religions such as Christianity and Islam each claim the exclusive access to truth aside from moral superiority over 'the other'.

The rise of the human rights movement, however, has tumbled the foundations of segregation and discrimination. This poses a serious challenge to traditional conceptions of Islamic jurisprudence *(fiqh)*. The universality of human rights is supposed to be available to all humans, representing a convergence and inclusive morality of different cultural traditions. The challenge to Muslim societies today is the need to examine the relationship between our understandings and practice of Islam and human rights. The human agency is integral to the interpretations and practice of the Qurʾān and *Sunnah* from the very beginning.

Conclusions and Recommendations

There is an urgent need to develop a discourse whereby Muslims can be persuaded to understand thoroughly the concepts of equality for women and people of other faiths, freedom of religion, and human rights as actually consistent with their *own* religious teachings. Comprehensive moral education and spiritual awareness are the best weapons in tackling various ills in society, rather than the imposition of severe and legally unjustified and baseless punishments. Islam teaches the spirit of universal love, and emphasises repentance and the rehabilitation of sinners:

- God's forgiveness and mercy is a constant recurring theme in the Qurʾān.

For instance, after mentioning the punishments for *sariqah, zinā',* and *qadhāf*, 5:39 and 24:5 state that "those who afterward repent and amend their conduct, God is Oft-Forgiving, Most Merciful."

- Therefore, should humans and human-made institutions hasten to punish what God, in plentiful mercy, may ultimately pardon?
- On what grounds may humans presume impetuously to do so, pre-empting divine mercy?
- Even those with the most sincere motivation and integrity should be wary of joining in any overzealous rush to judgment.

Notes

1. Syariah is the Romanised Malaysian spelling for *sharīʿah*.
2. Mohammad Hashim Kamali, *Punishment in Islamic Law: An Enquiry into the Hudud Bill of Kelantan* (Kuala Lumpur: Institut Kajian Dasar, 1995), 71-72.
3. Asifa Quraishi, "Her Honor: An Islamic Critique of the Rape Laws of Pakistan from a Woman-Sensitive Perspective," *Michigan Journal of International Law* 18 (Winter 1997), 313-17.
4. Ibid. 317.
5. Kamali, *Punishment,* 36.
6. Mohammad Hashim Kamali, *Islamic Law in Malaysia: Issues and Developments* (Kuala Lumpur: Ilmiah Publishers, 2000), 203-14.
7. Kamali, *Punishment,* 39-40.
8. Pakistan Legal Decisions (PLD) (1981) Federal Shariat Court (FSC) 145.
9. PLD (1983) FSC 325.

BOOK REVIEWS

Christoph Marcinkowski (ed., in collaboration with Constance Chevallier-Govers and Ruhanas Harun), *Malaysia and the European Union: Perspectives for the Twenty-First Century.* Freiburg Studies in Social Anthropology 32 (Berlin: LIT Verlag, 2011). 272 pp. ISBN 978-364-3-800855. EUR 24.90.

Eric Winkel *International Institute of Advanced Islamic Studies (IAIS) Malaysia*

This collaborative work – edited by IAIS Principal Research Fellow and Co-Chair (Publications) Dr. Christoph Marcinkowski of Germany – is a treasure trove of economic and political data across many different areas. The contributors organise data that generally is not found in one place, and their assessment of the data illuminates the Malaysia-EU connection.

While Malaysia is the EU's second most important trading partner in ASEAN, there has been a lack of academic and intellectual attention to this connection; hence, this work is especially welcomed. Previous analysis generally reduced relations to economics and trade, and the direction of the focus was one-way; e.g., Malaysians going to Europe to get educated by Europeans, European goods sold to Malaysia, etc.. What has been lacking is a look at the 'softer' and 'cultural' areas of cooperation, including environment, human rights, security, migration, and higher education. This book fills that need.

Besides being a country with relations to the EU, Malaysia also carries referents to the world of Islam. The cultural aspects of cooperation that are very recently arising include the idea of Islam – consider the influential conferences on EU-relations with Malaysia and Islam held at the International Institute of Advanced Islamic Studies, IAIS Malaysia. Thus by looking beyond economics, there are opportunities to improve relations with the world of Islam, that is, Muslims in the EU, and issues around Islam affecting the EU.

Even though many European colonial powers dominated the region, Malaya and Malaysia is culturally and in other ways more connected to the United Kingdom, Ruhanas Harun points out that after Tunku Abdul Rahman's anglophilia, pressure from Indonesia and other forces led toward non-alignment. The next decade saw Dr Mahathir, who did not share the Malaysian elite's anglophilia, strengthening bonds with Europe, especially with France and Jacques Chirac. Even so, elite focus is still on the UK, and the significant efforts of the Alliance Française and the Goethe Institute still play catch-up with Britain.

Charles Santiago examines some of the stumbling blocks of economic cooperation, stressing that the perception of liberalisation—the darling of the West – is seen

over here as a somewhat one-sided affair. Hence, we will find that Malaysia is not necessarily ready to introduce IPRs, public procurement and competition law.

Malaysia has become a powerhouse in the field of *ṣukūk* (usually translated as 'Islamic bonds'). However, problems of cross border legal definitions of ownership remain. Sheila Yussof and Younes Soualhi point out that *ṣukūk* must be structured as profit and loss, not guaranteed returns and should not look like conventional bonds. A move from asset-based to asset-backed will signal the move toward substance inspired by the *sharīʿah*.

Eva Rossi and Silvia Hofer examine higher education and find that EU-priorities seem to prevail. The problem of brain-drain is not being adequately addressed. However, actual re-framing the relationship will be difficult, since a mutually beneficial arrangement may go against explicit EU-policies.

Christian Giordano points out that Europe discovered itself by discovering, conquering, and subjugating the rest of the world. For Europe to therefore seek or claim cultural unity is delusional or arrogant. What is working in Malaysia is a national harmony, located in the *Rukun Negara concept*, based on unity in diversity, although in practice all too often a unity in separation. However, in general it works, and the situation would not be improved by being lectured at by Europe. Looking at the EU-side, notions of integration "tend to be exclusively unidirectional. Immigrants must adjust somehow and there is no reciprocity from the host society." In fact, immigrants from "less modern, thus more primitive societies, ought to acknowledge and accept" Western modernity's civilising superiority (199).

Constance Chevallier-Govers provides a clear and detailed description of the Human Rights dialogue. Her analysis is cogent and persuasive for the contentious issues, including the Anwar situation, ISA (Internal Security Act), the 'Allah' question, the Ahmadiyyah community, and the Kartika case. Negotiations between the parties tend to stall on universal versus an 'Asian Way of Human Rights', but the important thing is to keep the dialogue going.

In closing, in the last few years, there have been some positive movements in the EU-Malaysian relationships, especially in the cultural, as opposed to strictly economic, realms. This is the first book to really address these movements. Policy makers should read this book to understand the historical background of the relationship and to gain insight into areas to concentrate on. The elite connections here to England prove that far more important than economics is the cultural, 'soft' power. It may be that the EU-Malaysia relationship will be improved rather on the *cultural*, not economic, fronts.

James Zogby, *Arab Voices: What They Are Saying to Us, and Why It Matters* (Houndmills, Basingstoke [UK]: Palgrave Macmillan, 2010). 256 pp. ISBN: 978-0230102996. US$15.42.

Christoph Marcinkowski *International Institute of Advanced Islamic Studies (IAIS) Malaysia*

James Zogby, the author of the book under review, has an enthralling career worth mentioning here. His ancestors emigrated to the United Stated from Lebanon. His father, a Catholic Lebanese Arab, entered the United States illegally in 1922, but eventually obtained citizenship through a government policy of amnesty. James Zogby himself was born in 1945 in Utica, New Yorkand attended college in Syracuse, New York where he graduated in 1967 with a bachelor's degree in economics. He went on to earn his PhD in comparative religions from Temple University in 1975. During the late 1970s, Zogby was a founding member and leader of the Palestine Human Rights Campaign. In 1980, he co-founded the American-Arab Anti-Discrimination Committee and served as executive director until 1984.

James Zogby is the founder and president of the Arab American Institute (AAI), a Washington DC-based organisation, which serves as a political and policy research arm of the Arab-American community. The establishment of AAI came out of his own family's exposure to stereotyping of Middle Eastern-looking people as terrorists following the tragedy at the 1972 Munich Summer Olympic games. He is also a member of the Executive Committee of the Democratic National Committee. In 1984 and 1988, Zogby served as Deputy Campaign Manager and Senior Advisor to the Jesse Jackson presidential campaign. He also served as Al Gore's Senior Advisor on Ethnic Outreach, a post he also held in the 2008 Obama Campaign. Moreover, he was a delegate to the 2008 Democratic National Convention. Zogby has also addressed the United Nations and other international forums. He has authored several books, including *What Ethnic Americans Really Think (The Zogby Culture Polls)* and *What Arabs Think: Values, Beliefs and Concerns*. His brother John Zogby is the founder, president and CEO of Zogby International, a polling firm known for both phone polling and interactive, Internet-based polling.

Thanks to his experience in the region, his personal origins, and perhaps above all due to his manifold activities in the United States, Zogby is uniquely positioned to present rarely heard voices, *Arab Voices,* which is his latest book. Throughout his book, he argues that the Arab world is a region that has been vastly misunderstood in the West. *Arab Voices* has appeared 'just in time', just before the start of the popular uprisings that swept the Arab world in early 2011. Many analysts of the region – in particular those in the West – were surprised by the determination of the demonstrators for civil rights and democracy, rather than for a theocratic political

system. However, how can we expect to understand a vast region of the world if we have already decided what we think they believe and what motivates them? Zogby's book asks us instead to *listen* to them. It also offers insights on how the West can choose to approach the region differently in the future.

His book seems to be directed at a mainly American audience and is based on the outcomes of a poll by Zogby International of Arabs in the United States and in the Middle East. The results were carefully analysed and distilled into a current primer of Arab opinion to which Zogby added his own personal experiences and political involvement. Through this book Zogby opens many doors to Americans to allow them to hear not only *what* Arabs think about them, but *why* they think the way they do. Using his own background as an Arab-American, Zogby's book reveals an in-depth look at the world as seen through Arab eyes. Straight-talking, but never strident, he discusses prejudice against Arabs (and by Arabs) and the desperate need for basic understanding.

Arab Voices is divided into two sections, one dispelling 'Arab myths' and the other presenting current situations in four Arab countries – Iraq, Lebanon, Saudi Arabia, and Palestine – and the Arab American community. *Arab Voices* borrows equally from the study of history, anthropology, sociology, statistics, and political science. In a little over 200 pages, Zogby weaves these fundamental parts into an integrated whole. His book also explains why so much of America's Middle East policy has failed. Unlike so many other books or articles that have been written about this region, Zogby's book is neither a retelling (or an interpretation) of history nor is it a collection of personal anecdotes. His starting point had been hard data. He asked several hundreds of Arabs about their attitudes toward the United States, to identify their most important political concerns, their attitudes toward women in the workplace or what programs they watch on TV. Ironically, in a book bolstered by polling data, perhaps the strongest chapters in the book are those on Lebanon and Arab Americans, because here the author has a wealth of personal experience and family history to draw upon. Here the vivid anecdotes and the author's emotional connection make this material come to life for the benefit of the reader.

As a blueprint for what must be done to change minds and to change policy in the United States and abroad *Arab Voices* is rather unique. Zogby convincingly shows that Americans often tend to project their fears and desires onto Arabs and Muslims, although one could well argue that the latter two have also to do their share to make mutual understanding a reality (anti-Western conspiracy theories and alike come to mind).

In closing, Zogby has written a solicitous book about how Arabs view Americans, themselves and their own future. As some Americans and other people of good will in 'the West' are currently looking for answers to the manifold crises in the Middle East in a variety of sources and work to overcome their lack of knowledge on Arabs and their region, *Arab Voices* will be of help to find them.

Hamed Abdel-Samed, *Der Untergang der islamischen Welt: Eine Prognose*
[The fall of the Islamic world: a prognosis] (Munich: Droemer, 2010). 240
pp. ISBN: 978-3426275443. EUR 18.00.

Christoph Marcinkowski *International Institute of Advanced Islamic Studies (IAIS)*
Malaysia

In 2011, a revolution rolled through the Arab world – from the Maghreb to the Nile,
from Yemen to Syria. Political and sociological analysts of the Arab world were
surprised by the drive for civil rights and democracy (rather than for the introduction
of Islamic law) – and some said that even Western secret services were not prepared.
The book under review was not intended as a scientific treatise. Much more, it is a
personal confrontation with Islam by someone 'from the region' who has studied
Islamic studies and participated at the international level on the dialogue of religions.

The author, Hamed Abdel-Samad, a German-Egyptian political scientist,
historian, and author, became known to the German public through his book *Mein
Abschied vom Himmel* (My farewell from heaven; 2009). The book was a shocking
and somehow credible autobiography of a Muslim who in 2002 received an award
at the University of Augsburg for his contributions as an intermediary between
cultures. *Mein Abschied,* however, was neither a settlement with his culture nor a
call to abandon the Muslim faith. According to Abdel-Samad himself, he just wanted
to understand the contradictions of his *own* life. It was the desperate search of a
Muslim who has lost his faith – after many years in Germany where he has lived
since 1985 – and who could not find a new one. The book was a depiction of the true
odyssey of the author through phases of depression and confusion. Again and again
a gap between different 'life-forms' opens to the reader who cannot help, but get
the impression that that which has been described by the author on a personal level
might also reflect the inner experiences of many Muslims living in Germany. For this
book he received death threats and had to suffer invectives. Following the book's
publication an extremist group in Egypt issued a *fatwā* against Abdel-Samad, and he
was put under police protection.

The biography of the author is quite relevant and therefore worth mentioning here.
He was born in 1972 in Giza, Egypt, as the third of five children – the son of a Sunni
imam! At the age of four he was raped by a 15-year-old male, which was followed
by a similar incident at the age of eleven with a five-member group of young people
in a Muslim cemetery![1] Abdel-Samad went to Germany in 1995 at the age of twenty-
three. He soon married an eighteen year older, rebellious, left-wing teacher with a
penchant for mysticism. Abdel-Samad studied English and French in Cairo as well as
political science in Augsburg, Germany. Later he worked as a scholar in Erfurt and
Braunschweig. In Japan, where he was involved with eastern spirituality, he met his

second wife. He taught and conducted research until the end of 2009 at the Institute for Jewish History and Culture at the University of Munich. The topic of his doctoral dissertation there was "The Image of the Jews in Egyptian Textbooks." Subsequently, he decided to become a full-time professional writer.

In his previous book, Abdel-Samad, who participated in the 'German-Islam Conference' held at the invitation of the German Federal Interior Minister, calls for an 'Islam light' in Europe without *sharīʿah, jihād,* gender separation, proselytism, and what he calls 'entitlement mentality'. He criticised the German political establishment for what he referred to as 'appeasing' Islam, while ignoring fears about it. According to Abdel-Samad, this behaviour created resentment in the German population.

Now Abdel-Samad continues his intellectual engagement with Islam in a new book which he has given the somewhat lurid title of *The Fall of the Islamic World*.[2] However, in spite of all his exaggerations and intensifications which are typical for his other writings as well, the theses of his 'prognosis' are remarkable and frightening at the same time. Referring to the analysis in a *Sealed Time*, a book by the renowned historian Dan Diner, Abdel-Samad tries to show that dramatic events are going to happen in the Muslim countries, especially in the Middle East, in the course of the next few decades. In light of what actually *did* happen quite recently in some of those countries – the 'Arab Awakening' of 2011 – his observations gain importance – whether one speaks of his personal vita or his religious crisis as 'confusion' or not. According to him, those 'dramatic events' were inevitable because oil as the source of wealth will come to an end without any significant positive development in the education sector in these countries.

His book – somewhat similar in its approach to Daryush Shayegan's *Cultural Schizophrenia: Islamic Societies Confronting the West* [3] – portrays Islam as backward and as a culture inept to reform. In his view, a creativity and innovation-hostile cultural setting, a fast-growing, ever poor, education-hostile population, in some instances with increased population, and growing climate problems will become a dangerous, highly explosive social mixture which will lead to a mass exodus of millions of mainly younger Muslims to Europe. Compared with this horrifying scenario, the issues which are currently discussed in Germany in relation to the controversial theses of Thilo Sarrazin[4] would be mere 'peanuts'.

Therefore, quickly written phrases such as "If Islam would be a company, it would have gone bankrupt long ago" should under no circumstances seduce to claim the born Egyptian hastily as another supposedly more 'anti-Islamic witness'. Abdel-Samad is rather seeking equidistance to all protagonists of the Islam-debate in Germany. He is looking at the civilisational aspects of the culture from which he himself originates. According to the author, someone who wants to take Muslims seriously must practice criticism of Islam. One should talk to them on an equal footing and should be honest with them, rather than treat them as people with 'mobility disabilities'.

According to Abdel-Samad, migration is perceived by many Muslims in Europe as exile or mystified as such, and belief becomes the main feature of identification. Muslims would put their migration background into the foreground while insisting on their supposed 'special features' in the public and private space. He notes that no differentiated debate on Islam and migration has been held in Europe because the atmosphere in which *honest* criticism – free from propaganda, apologetics, and hypersensitivity – is actually missing.

The author argues that at the present, Islam is everything but 'powerful'. On the contrary, it is seen as ill and both culturally and socially on the retreat. Religiously motivated violence, the increasing Islamisation of the public space and the spasmodic insistence on the visibility of Islamic symbols are merely nervous reactions of this withdrawal. While many Europeans are anxious of an 'Islamisation of Europe' and the 'decline of the West', many Muslims see themselves more as victims of a Western 'master plan' for total control of their resources and infiltrators of their sanctuaries. Instead of reflecting on their *own* responsibility for environmental degradation, climate change, and consequences of globalisation 'the Other' is blamed. The actual 'threat', however, proceeds from the insufficiency of water and the upcoming drying up of the oil reserves. The comfortable retreat to the role of a supposed 'victim' which would make one's *own* actions obsolete belong almost paradigmatically to the self-image of modern Islam. Abdel-Samad further argues that the construction of an 'enemy image' has become imperative in order to convey something like an 'identity'. In his view, Islam sits in a self-made trap.

According to Abdel-Samad, for centuries a certain spirit has remained intact which is responsible for the 'stagnation' of Islam. This decline began with the destruction of the spiritual centres and the elimination of the intellectual elites by the Mongols, followed by the split of the Islamic world into numerous constantly warring kingdoms where education meant merely religious indoctrination. Abdel-Samad tries to demonstrate with many examples the continuation of this deliberate ignorance which was wanted by those in power and which was always used to strengthen the position of the rulers. Exemplified by current Egyptian textbooks, he reveals in detail how uninhibited falsification of history continues to operate. In this context of religious ideological education it could even be dangerous to teach Muslim children reading as mere literacy would not be a guarantee for a change. On the contrary, the half-educated and indoctrinated are much more dangerous than the illiterate because they believe to be in possession of eternal and absolute truths. As long as education in the Islamic world does not free itself from religion and ambitions of political authority, it would be more harmful than helpful.

However, Abdel-Samad lists also the errors of the West. To him, Thilo Sarrazin signifies a symptom of a convoluted dispute culture *(Streitkultur)*. Neither in Germany nor in Europe is there a differentiated debate on Islam and migration. Therefore,

so his statement, populists on both sides succeed in occupying and poisoning the discussion. Of little help is also the indifferent attitude of the West toward the rulers of the wealthy Gulf states who were courted in the past in order to get cheap oil or to sell weapons. Unfortunately, however, Abdel-Samad's criticism of the West looks, at times, somewhat mechanical. His use of the term 'Americanisation', for instance, is applied by him as a synonym for 'lack of culture'.

In closing, Abdel-Samad's book tries to offer a 'third way' in the current polarised debate. It does not contain recipes for conflict resolution. It does, however, offer a comprehensive explanation of the processes that must take place in order to allow Muslims to connect intellectually with the realities of the present. In spite of the sensational title of the book and at times with too many references to his personal vita, *Der Untergang der islamischen Welt* should be taken as a valuable contribution to the current Islam-debate in the West, and it is hoped that there will be soon translations of it in English and the relevant Middle Eastern languages.

Notes

1. http://www.taz.de/1/leben/buch/artikel/1/ich-bin-zum-wissen-konvertiert/ (accessed on 25 March 2011).
2. Apparently, in deliberate reminiscence to Oswald Spengler (1880-1936), the German historian and philosopher and author of *Der Untergang des Abendlandes* (The fall of the West), published in 1918.
3. Syracuse NY: Syracuse University Press, 1997.
4. See Thilo Sarrazin, *Deutschland schafft sich ab: Wie wir unser Land aufs Spiel setzen* ['Germany does away with itself: How we are gambling with our country'] (Munich: Deutsche Verlagsanstalt, 2010, 11th printing, 2010), and the review by Christoph Marcinkowski in *Islam and Civilisational Renewal* 2, no. 4 (July 2011).

The Royal Aal Al-Bayt Institute for Islamic Thought, *Islam, Christianity and the Environment* (English Monograph Series No. 9) (Amman: RABIIT, 2011), 94 pp. ISBN: 978-9957-428-41-9. US$ 6.00

Osman Bakar *International Institute of Advanced Islamic Studies (IAIS) Malaysia*

The Royal Aal Al-Bayt Institute for Islamic Thought (RABIIT), the publisher of this volume, has become better known throughout the world as an institution dedicated to the pursuit of meaningful interfaith dialogue on a global scale. Perhaps its most well known initiative is *A Common Word*, the historic global Muslim-Christian interfaith initiative which has brought together leading Muslim and Christian scholars and public figures from all parts of the world and generated a series of dialogues held in major cities of the West and the Islamic world.

One of the events in this series of dialogues is the symposium entitled "Islam, Christianity, and the Environment" held at the site of Jesus Christ's baptism in Jordan. The symposium brought together a small, but distinguished group of Muslim and Christian scholars to discuss how each religion views the environment.[1] The booklet under review comprises four papers that were presented at the symposium – two by Muslim scholars and two by Christian scholars.

The first paper (pp. 1-17) by DrIngrid Mattson, Professor of Islamic Studies and Director of the Macdonald Center for Islamic Studies and Christian-Muslim Relations at Hartford Seminary in Hartford, Connecticut, United States, is entitled "The Islamic View on Consumption and Material Development in Light of Environmental Pollution." Mattson made history when she became the first female President of the Islamic Society of North America (ISNA, 2006-2010).

The second paper (pp. 19-24), "The Protection of Animals in Islam" is by Dr Murad Wilfried Hofmann, a German Muslim with deep acquaintance with the Islamic world, especially in North Africa, who was once one of his country's top diplomats.

The third paper (pp. 25-38), "Basic Demands Established in the Christian Bible to Assume Responsibility for the World," is by Dr Martin Arneth, a Protestant theologian who is currently Lecturer for Old Testament Studies at the Ludwig-Maximilians Universität of Munich, Germany.

Finally, the fourth paper (pp. 39-86), "Christian Conceptions of Creation, Environmental Ethics, and the Ecological Challenge Today," was contributed by Dr Dietmar Mieth, a German expert on Christian Mysticism, Narrative Ethics, Social Ethics, and Ethics in the Sciences. He is currently Fellow of the Max Weber Centre for Advanced Studies at the University of Erfurt, Germany.

Dr Mattson's paper is essentially concerned with the ethics of consumption in Islam. She deserves praise for highlighting the extremely important issue of consumption in a Muslim-Christian dialogue on the environment. She is absolutely right in identifying the consumption culture of modernity as a root cause of the environmental crisis. She describes modern consumption as "wasteful" or "excessive" (p. 4). "Greed, selfishness and avarice," she argues, "are not distinctly modern characteristics," but modern greed has "new technologies, materials and methods of production" at its disposal to help deliver its unlimited material needs and maintain its wasteful consumption culture (p. 8). Modern consumption fueled by this greed is destructive to the environment because it demands "the intensive exploitation of the environment to optimize the use and impact of such technologies" (p. 8). "Our consumption of goods is not like consumption in modern times […] it is more fraught with moral peril due to the nature of some of the goods and products that have been developed in modernity, and the methods by which they have been produced" (p. 7).

Dr Mattson calls for an alternative to the consumption culture of modernity that will be based on ethical principles and values. This brings her to the Islamic ethics of

consumption which she describes as resting on three pillars. "First, what is consumed must be lawful and wholesome" (p. 4). She is of course referring here to the qur'ānic ideas of *ḥalāl*[an] ('lawful') and *ṭayyib*[an] ('wholesome').[2] "Second, one must give the poor their share in one's wealth; money and good remain 'impure' until what is owed upon them as *zakāt* is paid." Third, "one is not permitted to be wasteful with one's goods." Her paper seeks to explain the meaning and significance of these qur'ānic pillars of consumption ethics to humanity's present attempts to deal with the environmental crisis.

Dr Mattson acknowledges the problem of determining in practical life what actually constitutes "excessive or wasteful consumption," particularly at the community level. However, she still feels that the three pillars of consumption ethics, when observed together with the qur'ānic doctrine of balance and moderation and the Islamic idea of the subordination of desire to intellect and conscience, would go a long way in helping to moderate consumption and minimise waste. She is to be congratulated for her well-argued plea for a spiritually-based moderate consumption culture for our times.

Dr Hofmann's article is basically about the qur'ānic view of animals. Though very brief – just five pages long and the shortest of the four – it contains precious messages for the contemporary world, especially for Westerners who know very little about the Islamic view and appreciation of animals. Issues of animal protection and animal rights have gained new importance in the thinking of contemporary Westerners. Out of ignorance, some Westerners view the traditional Muslim method of animal slaughtering as clear proof that Muslims have a culture of cruelty to animals.

In this context Dr Hofmann's article is especially welcome, what more coming as it is from a native Western Muslim. Out of the many Qur'ānic references to the animal world, he chose to highlight the idea of animal species that exist as communities like that of humans,[3] the honey of the bee as a medicament,[4] the divine care of all animals,[5] the story of Prophet Salih intervening to prevent the abuse of a she-camel,[6] animal sacrifice,[7] animal hunting,[8] and the consumption of pork.[9] Dr Hofmann added to all these qur'ānic references the Prophet's love of cats. It is rather unfortunate that he made all these references without further clarification that could shed further light on the issue of Islamic treatment of animals.

Dr Martin Arneth's paper is essentially about the biblical notions of man as an image of God serving as the theological foundation of Christian responsibility for the world in biblical times. It seeks to explain the origin of the concept in the monotheism of the Old Testament and its evolving meaning particularly following the Noachidic flood disaster. Originally, the idea of man as an image of God carries the meaning of man as "the representative of God within creation" (pp. 34, 37). However, in the post-flood understanding, the idea has expanded in meaning: "the concept of man as an image of God is now connected to universal rules, the so-called Noachidic laws, and can be considered as a religious starting point for the idea of the specific dignity of man" (pp. 26, 37).

In Dr Arneth's explanation we find that each understanding of the concept is linked to a different relationship between man and creation. In the original understanding of man as an image of God as found in the creation story in Genesis, man was allowed to dominate animals, but not to eat them (p. 34). However, after the flood he was permitted to eat them (p. 36). Dr Arneth admits that the biblical command "Be fertile and increase, fill the earth and subdue it" could very well be "misunderstood as a very dangerous command, a dangerous invitation to plunder the Earth" (p. 38). In his view, the biblical concept of man is important to be discussed in dialogues between different religions and cultures.

Dr Dietmar Mieth's paper is the longest and the most philosophical. It discusses several Christian conceptions of creation and theological approaches to a religious experience of creation, the moral principles of Christian environmental ethics, and the implications of the contemporary ecological challenge to Christian religious thought. It is not easy to grasp Dr Mieth's discussion if one does not have exposure to contemporary Christian theological and ethical thought. However, Muslims interested in comparative natural theology and comparative environmental ethics can gain useful information and insights from his quite comprehensive paper, especially in trying to understand the contemporary Christian concern with the environment. However, a significant portion of the paper's content, particularly the one dealing with process theology and the contending ethical perspectives on the environment, is open to Islamic criticism.

In sum, the book is a welcome addition to the still small volume of literature on interfaith dialogue on the environment. Of additional value to the book is the Appendix, "Joint Statement on the Uppsala Interfaith Climate Manifesto 2008," endorsed at the symposium. This is a call to believers from all faiths to do their utmost in supporting initiatives which protect the environment.

Notes

1. IAIS Malaysia too has staged a very well received event on Islam and the environment which featured a public lecture by Professor Bahar Davary of the Univerity of San Diego in the United States; see http://www.iais.org.my/en/events/recent-events/338-islam-and-environmental-ethics.html (accessed on 29 September 2011).
2. Qur'ān 2:168: "O humankind! Eat of what is on earth, lawful and wholesome; and do not follow the footsteps of the Evil One, for he is to you an avowed enemy."
3. Ibid., 6:38.
4. Ibid., 16:69.
5. Ibid., 29:60.
6. Ibid., 7:73.
7. Ibid., 5:2; 22:33-37.
8. Ibid., 5:1, 4, 94.
9. Ibid., 2:173; 5:3.

Seyyed Hossein Nasr, *Islam in the Modern World: Challenged by the West, Threatened by Fundamentalism, Keeping Faith with Tradition* (New York: HarperCollins Publishers, 2011). 472 pp. ISBN 978-0-06-190580-3. US$ 19.49.

Senad Mrahorovic PhD *candidate, International Institute of Islamic Thought and Civilization (ISTAC), Kuala Lumpur*

Islam in the Modern World, is yet another contribution of the Traditionalist perspective by Seyyed Hossein Nasr to an ongoing intellectual discussion concerning Islam and its increasing role in the modern world. As the current state of world affairs portrays, Islam is no longer a religion discussed only in certain academic circles here and there, but rather a subject that is hardly missing from any major headlines of the international media. In the past, the image of Islam, especially in the West, have been distorted as a consequence of the negative and biased representation of it by some Orientalists, Islamicists and missionaries. Today, several other factors have contributed to that distortion due not only to journalistic, secularist and extremist literature on Islam, but also because of various groups from *within* Islam such as Wahhabism, Salafism, Mahdism and their controversial conception and representation of Islam in European languages. Thus, in the midst of this fallacy and confusion that the Islamic religion has been exposed to, *Islam in the Modern World*, a book in which Professor Nasr has once again chosen to confer the perennial values and fundamental principles of Islam as it faces difficult challenges brought about by the modern world, comes as an intellectual and religious remedy for those who are truly concerned and interested in this subject. The book is a thoroughly revised and largely updated edition of his famous work *Traditional Islam in the Modern World*, written over two decades ago. However, as the author has stated, the original structure of this work and its message whose aim was principally religious and intellectual have remained the same, while everything in relation to recent events that have occurred concerning the subject of the book has been reviewed. Hence, this revised edition with newly added materials as well as the inclusion of recent scholarship and much expanded references is a new book.

Beside introductions to both the old and the new editions, and the extensive study of the nature and principles of traditional Islam presented in the "Prologue", the book is divided into five parts. The first part is dedicated to some of the contentious issues discussed among Muslims today. An overview of the state of Islam in the present-day Islamic world, including political, revivalist, reformist and other interpretations of it which to a large extent differ from traditional Islam, is discussed in the first chapter. The second chapter deals with *jihād* understood as an attempt to attain the equilibrium in one's life, both inwardly and outwardly. Needless to say Nasr's exposition of *jihād* and its spiritual significance in the traditional context stands almost entirely in

contrast to the understanding that this notion has acquired in the past few decades. The next chapter deals with Islamic work ethics and its continuing validity within Islamic society today, despite various challenges of the modern world. Then the study proceeds to the nature of man and woman in Islam, their relationships as well as their respective roles in society envisaged in light of traditional Islamic sources. Finally, the author gives an account of Shi'ism, its historical development and the role it plays today, especially in the Middle East, reflecting also on the relationship between Shi'ism as a minor branch of traditional Islam, and the Sunni world. The spirituality of Islam is another important theme which has been given an excellent treatment in the second part of the book where the author delves into the nature of Islamic spirituality, its challenges and possible prospects in the future. This section then concludes with the treatment and traditional Islamic evaluation of the notion of development in the Islamic world where it has been commonly associated with socio-economic progress.

Several themes concerning Islamic intellectual tradition are discussed in the third section of the book. The first three chapters are devoted primarily to the nature of traditional Islamic education, Muslim philosophers' views on such an education, and teaching philosophy according to Islamic educational principles. This is followed by the chapter on similarities and differences between Islamic philosophy and science and its modern Western counterparts. In the remaining three chapters, Nasr has beautifully expounded issues related to Islamic art and architecture, highlighting the spiritual significance of Islamic art in the contemporary world, principles of Islamic architecture and urban design in the Islamic world, including major problems in this domain. The Islamic world today and its challenges threatening traditional Islam from both within and without, such as various forms of modernism and fundamentalism were discussed in the fourth section of the book. The final part contains four appendices to which three new chapters have been added. Here in the first two appendices the author has brought to light the nature of traditional Islamic education used in Persian learning institutions, the question of revival of such an education, and the status of philosophy in the Islamic world. The other two are solely devoted to Western academic and traditional scholars of Islam, namely Louis Massignon (d. 1962), Henry Corbin (d. 1978), René Guénon (ʿAbd al-Waḥīd Yaḥyā, d. 1951), Frithjof Schuon (ʿĪsā Nūr al-Dīn, d. 1998), Titus Burckhardt (Sīdī Ibrāhīm, d. 1984) and Martin Lings (Abū Bakr Sirāj al-Dīn, d. 2005), and their valuable works which have contributed to the better understanding of Islam in the West.

In this intellectual and religious examination of various challenges that Islam is facing today and the authentic presentation and interpretation of central themes pertaining to traditional Islam, in a realm in which one is certainly able to counter and eventually overcome all those challenges, lies the main significance of *Islam in the Modern World*.

EVENTS AND
SIGNIFICANT DEVELOPMENTS

'Global Islamic Marketing Conference (GIMC):
Challenge, Investment'
(20-22 March 2011 Dubai, United Arab Emirates)

Saim Kayadibi, International Islamic University Malaysia

The first 'Global Islamic Marketing Conference (GIMC): Challenge, Investment', held at Park Hyatt Dubai Resort Hotel from 20-22 March 2011, was a great opportunity for the 170 local and international researchers and scholars from around the world to interact and exchange ideas. The 85 presented working papers made this one of the region's most successful academic and international events. Local and international media outlets and government representatives, as well as HH Sheikh Nahayan Al Nahayan (chancellor, United Arab Emirates University, UAEU) and HE Fatima Alshamsi (secretary-general, UAEU) also attended the function. This inaugural conference, organised by UAEU's Faculty of Business and Economics, in collaboration with Emerald Group Publishing (United Arab Emirates), focused on new key areas of exploration in Islamic marketing and how to build upon existing research related to Islamic business in general. As of 2010, the Islamic market was estimated to have a potential value of US$ 2 trillion for both entrepreneurs and consumers. Therefore the world, especially the banking and finance experts, forecasts a challenge to Islamic marketing models.

After an evening of registration and official opening speeches, the conference opened on 21 March with remarks by Bakr Ahmad Alserhan (conference co-chair and editor-in-chief, *Journal of Islamic Marketing*) and David Weir (Liverpool Hope University, United Kingdom, UK). HE Fatima Alshamsi addressed the audience on behalf of HH Shaikh Nahyan Al Nahyan. Several parallel sessions were also held. Özlem Sandıkcı (Faculty of Business Administration, Bilkent University, Ankara, Turkey) elaborated upon "Researching Islamic Marketing: Past and Future Perspectives." She argued that the relationship between Islam and marketing has emerged only recently, despite the community's centuries-long existence. Hayat Muhammad Awan (Institute of Management Sciences, Bahauddin Zakariya University, Pakistan) presented a paper entitled "Service Quality and Customer Satisfaction in the Banking Sector: A Comparative Study of Conventional and Islamic Banks in Pakistan".

The afternoon plenary session, "Islam and Ethics", moderated by John J. Ireland (College of Business Administration, Ajman University of Science and Technology,

United Arab Emirates) began with Abbas J. Ali (Indiana University of Pennsylvania, United States) who highlighted marketing and ethics, while Mohammad Adnan Alghorani (United Arab Emirates) talked about Islamic business ethics. The day concluded with a gala dinner hosted by GIMC's organising committee and held in the Palm Garden of the Park Hyatt Dubai Resort Hotel.

The second day of the seminar was launched by several plenary sessions, among them, "The Islamic Organisation," which was moderated by David Graf (UAEU). The first parallel session began with Shahrzad Chitsaz (Department of Business Management, Islamic Azad University, Iran), and continued with this writer, who discussed "The Employability and Marketability of the Graduates of Islamic Studies in Islamic Banking and Finance: The Malaysian Experience."

During the closing session, the conference co-chair, Bakr Ahmad Alserhan, announced that next year's conference will be held in Abu Dhabi (United Arab Emirates) on 22-24 January 2012. At that event, the 'International Award for Excellence in Islamic Marketing' will be presented for the first time. Following the 'Best Paper Awards' session, chaired by Martin Fojt (chairman, Emerald), David Graf concluded the conference with several remarks.

International Conference 'Penang and the Indian Ocean' (16-18 September 2011, George Town, Penang, Malaysia)

Christoph Marcinkowski, IAIS Malaysia

On 7 July 2008, George Town, the historic capital of the Malaysian state of Penang, was formally inscribed as a UNESCO World Heritage Site, alongside Malacca. It was officially recognised as having "a unique architectural and cultural townscape without parallel anywhere in East and Southeast Asia."[1]

The three-day event – organised by ThinkCity, Universiti Sains Malaysia (USM), academics from the Universities of Cambridge and London, and the Penang Heritage Trust, and attended by this writer and several other leading scholars in the Asian Studies industry, among them, Leonard and Barbara Watson Andaya from the United States – was launched by Tan Sri Dato' Nor Mohamed Yakcop, Minister in the Department of the Prime Minister of Malaysia. It featured the multicultural history, the wider Indian Ocean context, and the present of Penang Island, which is often known as 'The Pearl of the Orient'. Penang –long at the centre of inter-regional networks of exchange – is located on the northwest coast of Peninsular Malaysia by the Straits of Malacca. Highly urbanised and industrialised, Penang is one of the most developed and economically important states in Malaysia, as well as a thriving tourist destination. Its heterogeneous population is highly diverse in ethnicity, culture, language, and confessions.

The event – the first of its kind – was therefore also highly relevant in order to pinpoint the role played by Muslim diasporas within a multicultural setting, an important facet which was also reflected in the recent publication by Professor Wazir Jahan Karim, one of Malaysia's foremost social anthropologists, of a volume entitled *Straits Muslims: Diasporas of the Northern Passage of the Straits of Malacca,* to which this writer provided the "Introduction".[2]

The conference constituted Phase II of an ongoing 'Penang and the Indian Ocean' project, a follow-up of a first workshop organised by academics from the University of Cambridge held in May 2010. This conference featured 20 paper presentations which were subdivided into 6 subthemes: 1) Early History; 2) Trade and Exchange; 3) Cultural Flows and Encounters; 4) Indian Diasporas; 5) Law, Authority, and Modernity; and 6) CENPRIS Ocean Research.

Unfortunately, however, only two papers of that conference – out of 20 (!) – addressed issues that highlighted the role of Muslims (a regrettable circumstance which this writer tried to convey to the participants in various interventions during the Q&A sessions): "Tamil Muslims in the Penang Port" by Khoo Salma Nasution (Penang Heritage Trust) argued that in the seventeenth and eighteenth centuries, Muslim traders entrenched in the Coromandel ports held sway over sea trade between India and Malaya, leading to the emergence of a diaspora community which extended in tandem with subsequent British and Dutch expansion. "Being Modern in Penang: The Story of Muhammad bin Hanif" by Rachel Leow (University of Cambridge) resurrected the ideas and life story of Muhammad bin Hanif, a twentieth-century Penang Malay Muslim intellectual. Regrettably, many of the other papers dealt with either marginal ('micro') topics from the colonial period or (over)emphasised the role of India (and by extension ethnic Indians) in Penang's history.

To the mind of this writer, this under or even misrepresentation of the presence of Islam and Muslims in Penang in past and present fits into a larger setting: contrary to public perception – even among Malaysian Muslims themselves – the state of Penang features a Muslim relative *majority* rather than a minority.[3]

Penang's growing importance as *the* prime tourist destination in Southeast Asia in terms of multiculturalism, however, demands that all its constituent ethnic and religious communities be equally represented at future events of this kind. This writer has therefore conceived the publication of a volume entitled *Cultural Complexity in Penang: Identity Politics at a World Heritage Site,* which will be jointly edited by him with Christian Giordano and Khoo Salma Nasution (forthcoming in 2013 with Ashgate in the United Kingdom). In this volume, particular attention shall be given to the heritage of Penang's diverse and multifaceted Muslim community.[4]

For the sake of internal stability, it is hoped that future events of this kind will address certain imbalances in the representation of Penang's ethnic communities,

as it has been forecast that Penang and northern Malaysia will be among the prime economic growth areas of ASEAN and the eastern Indian Ocean region in the decades to come.

Notes

1. As reported by UNESCO Media Services, 7 July 2008.
2. Christoph Marcinkowski, "Introduction: Multiculturalism in the Diasporas of Southeast Asian Islam," in: Wazir Jahan Karim (ed.), *Straits Muslims:Diasporas of the Northern Passage of the Straits of Malacca* (George Town [Penang, Malaysia]: Straits G.T., 2009), 1-14. For the wider geographical context see also Christoph Marcinkowski, *From Isfahan to Ayutthaya: Contacts between Iran and Siam in the 17th Century* (Singapore: Pustaka Nasional, 2005), which carries a foreword by Professor Ehsan Yarshater of the Center for Iranian Studies at New York's Columbia University.
3. It is worthwhile to know that Penang's ethnic composition in 2010 (according to the Socio-Economic and Environmental Research Institute, SERI) was as follows: 653,600 (43%) Malays (i.e. Muslims), 623,200 (41%) Chinese, and 152,000 (10%) Indians (many of them Muslims, aside from 83,600 (5.5%) non-Malaysians (plus several other minor ethnic groups, most of them Malaysian citizens). The total population of Penang in 2010 was around 1.5 million; see also "Chinese No Longer Majority Race in Penang," *The Star* (Kuala Lumpur), 29 April 2010, available online at http://thestar.com.my/news/story.asp?sec=nation&file=/2010/4/29/nation/6150254 (accessed on 11 August 2011).
4. Christoph Marcinkowski (with Abdur-Razzaq Lubis), "Muslim Diversities and Sacred Geographies in Penang," in: Christoph Marcinkowski, Christian Giordano, and Khoo Salma Nasution (eds.), *Cultural Complexity in Penang: Identity Politics at a World Heritage Site* (Ashgate, forthcoming in 2013).

'International Conference on Islamic Leadership (ICIL 2011)' (4-5 October 2011, Kuala Lumpur)

Christoph Marcinkowski, IAIS Malaysia

The two-day event took place at the Royale Chulan Hotel in Kuala Lumpur, Malaysia. It was organised by the Faculty of Leadership and Management of the Islamic Science University of Malaysia (Universiti Sains Islam Malaysia/USIM, Nilai, Negeri Sembilan) in collaboration with the Higher Education Leadership Academy (AKEPT) of Malaysia's Ministry of Higher Education. The conference was intended to be a strategic platform to discuss the issues of leadership in accordance to the Islamic perspective.

According to the organisers, the main objectives of this conference were as follows:

- to discuss various issues pertaining to leadership, specifically on Islamic leadership;

- to establish networking and cooperation among leaders, scholars and practitioners in the field of leadership and management;
- to seek better solutions (and actual resolutions) by engaging with current leadership issues;
- to propose substantial opinions for a healthier leadership practice for future generations;
- and to provide future directions for research and publications in the disciplines that pertain to Islamic leadership.

More specifically, the conference addressed the impact of the current Middle-East and Northern African crises (i.e. the 'Arab Spring') and possible lessons for ASEAN countries, the emergence of Islamic leadership within ASEAN as well as its trends, challenges and issues, Islamic leadership within the context of the global environment, the role of women contemporary leadership, the impact of science and technology on leadership, and prospects for enhancing Islamic leadership in today's globalized world

The event, which featured lively discussions as to how to interpret the current changes in the Middle East, was attended by academics, researchers, policy-makers, senior government officers, administrators, managers, professionals and leaders from various disciplines and sectors such as politics, corporate, government and non-government organisations, featured presentations by scholars from various Muslim countries, as well as from Malaysia. The Keynote Dinner Address was made by Malaysia's former Prime Minister, Tun Dr Mahathir Mohamed.

Forum on 'Peace and Security: Islamic Perspectives' (4 October 2011, Kuala Lumpur)

Karim D. Crow, IAIS Malaysia

This one-day event highlighted Islamic teachings on 'Peace and Security'. It was convened jointly by IAIS Malaysia and the Institute of Diplomacy and Foreign Relations (IDFR) in Kuala Lumpur. Seven speakers addressed theoretical and pragmatic issues on how Islam conceives of peaceful relations within society and harmonious relations between nations. The opening and closing keynote addresses were made by Tun Abdullah Badawi, the former Prime Minister of Malaysia and Patron of IAIS, and Tan Sri Mohd Radzi Abdul Rahman, the Secretary General of Malaysia's Ministry of Foreign Affairs.

The two sessions were presided over by HE Ambassador Dato' Ku Jaafar Ku Shaari (Director General, IDFR) and Professor Mohammad Hashim Kamali (Founding Chairman and CEO, IAIS). The morning session on "Peace Making: An Islamic

Imperative" offered well-researched overviews by leading scholars: Professor Kamali spoke on "Peace as a Universal Islamic Value," while this writer dealt with "Roots of 'Security' and 'Peace' in Islam." Professor Muddathir Abdel-Rahim (International Institute of Islamic Thought and Civilization (ISTAC), International Islamic University Malaysia, IIUM) spoke on "Islamic Diplomacy: The Prophet's Peaceful Strategy." The afternoon session treated "Muslim Practice of Peace: National, Regional, and Global Perspectives." Professor Chandra Muzaffar (Universiti Sains Malaysia and JUST) addressed "Peace Building: Roles of Government and Civil Society," while Professor Osman Bakar (Deputy CEO, IAIS) spoke on "Challenges of Peace-Building for Muslim Nations." Professor Muhammad Abu Bakar (University of Malaya) and Mr Zakri Jaafar (Ministry of Foreign Affairs) reviewed the performance of the Organization of Islamic Cooperation (OIC).

The intent of this combined effort was to show the conviction that Muslims may uncover, renovate and innovate peace-making practices which realistically embody Islamic ideals people commonly acknowledge, yet too frequently ignore in their actual conduct of life. It provided food for thought for promoting humane and peaceable conditions in Muslim societies and for nation healing The Forum sought a realistic appraisal of Islam's relevance for human wellbeing and security, by exploring the higher objectives of peace and security in Islam. As the first public event in the 'Peace-Security and Islam' programme, the event affirmed Malaysia's concern to promote engagement with 'Islamic Peace and Security' issues. Among the results of the event will be a published monograph and a working list of policy-related goals applicable in a range of Muslim societies.

Malaysia and the Vatican Establish Diplomatic Relations
Christoph Marcinkowski, IAIS Malaysia

In July 2011, Malaysia and the Vatican agreed to establish formal diplomatic relations to promote bonds of mutual friendship and strengthen cooperation following the meeting between Prime Minister Dato' Seri Najib Tun Razak and Pope Benedict XVI at the papal summer residence in Castel Gandolfo, outside Rome. In the meeting, Najib put forth his concept for a 'Global Movement of Moderates' initiative to counter extremism of all forms, adding that as a multi-ethnic and multi-religious country, Malaysia had drawn on the values of moderation to ensure continued harmony, stability and prosperity.[1] Najib is already the second Malaysian Prime Minister to meet a Pope after Tun Dr Mahathir Mohamad met the late John Paul II at the Vatican in 2002.

Prime Minister Najib said that Malaysia's goal is to promote harmony as the world is currently at a crossroad. In the past, Malaysia was one of the fewer than 20 countries in the world that did not have diplomatic ties with the Vatican. News reports

of the meeting between the Prime Minister and the Pope have also emphasised the importance of the visit in terms of domestic Malaysian politics. Najib's visit was intended to signal a wish to mend ties with the country's Christians. Roman Catholics and other Christians comprise nearly 10 percent of Malaysia's 28 million people, whereas the Catholic community makes up the largest single Christian group in the country. The Holy See, in turn, recognised Malaysia's commitment to promote moderation as a global doctrine.

Yayasan 1Malaysia chairman Dr Chandra Muzaffar, who is also a member of the Board of Directors of IAIS, Malaysia, said that the establishment of diplomatic ties between Malaysia and the Holy See will enhance relations between the Muslim majority and the Christian minority in this country. He also said that this relationship should also spur both Muslims and Christians in Malaysia to combat extremist attitudes within the two communities and overcome religious prejudices and biases.

Moreover, Muzaffar emphasised that Muslims and Christians shared many common values ranging from the belief in God and respect for the individual person to a strong commitment to the wellbeing of the weak and disadvantaged and deep attachment to just and honest governance. These shared values should be given greater emphasis within Muslim and Christian religious circles, in the education system and in the media in Malaysia. At the global level, Malaysia and the Vatican should not only fight violence and terrorism perpetrated in the name of religion, but also cooperate with one another in trying to overcome the underlying causes of various global injustices which were mainly responsible for much of the current global turmoil. Religious elites should not distort and pervert religious teachings to justify and legitimise any form of global injustice. Dominance and control over global politics and the global economy have sometimes been rationalised through religion.

The historic link will allow the formation of relations at ambassadorial level on the part of Malaysia and at the level of Apostolic Nunciature on the part of the Holy See. The move follows the footsteps of other Muslim-majority nations such as Indonesia, Iraq, Iraq, Pakistan, Bangladesh, Jordan, Turkey, Egypt, Libya, the Arab League and majority of the members of the Organisation of Islamic Cooperation (OIC).

Najib, who was accompanied by his wife, Datin Seri Rosmah Mansor, Fatwa Council chairman Professor Tan Sri Dr Abdul Shukor Husin, and Kuala Lumpur's Archbishop Tan Sri Murphy Xavier Pakiam, was given a guard of honour and a red carpet welcome. The Prime Minister also raised the possibility of forging closer links with the Pontifical Council for Inter-religious Dialogue headed by Cardinal Jean-Louis Tauran, and the Pontifical Institute of Arab and Islamic Studies (PISAI).

Notes

1.   See on this topic also Mohammad Hashim Kamali, *Moderation and Balance in Islam: The Qur'ānic Principle of Wasaṭiyyah,* IAIS Monograph Series 1 (Kuala Lumpur: IAIS Malaysia, 2010).

NOTES ON THE CONTRIBUTORS

Aasia Yusuf is a PhD research scholar in the Department of Islamic Studies, Aligarh Muslim University, Aligarh, India. Her PhD topic is "Islam and Modernism: A Study of Muslim Scholars of the Indo-Pak Subcontinent" and her major areas of interest are Islam and modernism and related themes such as democracy, human rights, freedom from the Islamic perspective, modern Islamic political thought, and contemporary South Asian Muslim thinkers.

Rafiu Ibrahim Adebayo has taught Islamic Studies at every level of education. Presently, he is a lecturer in the Department of Religions, University of Ilorin, Nigeria, from where he also obtained his PhD in Islamic Studies. His area of specialisation is Islamic Thought with special interest on Islamisation of Knowledge Programme and contemporary issues. Dr Adebayo has published articles in home based, national and international reputable academic journals. He has also contributed chapters to many published books and has attended conferences and workshops both within and outside the country, where he presented papers. He is currently the Coordinator of the Kwara South-West Zone of the International Institute of Islamic Thought (IIIT), Nigeria office.

Osman Bakar is the Deputy CEO of IAIS Malaysia and Emeritus Professor of Philosophy of Science at Kuala Lumpur's University of Malaya. He received an undergraduate degree and an MSc in Mathematics from the University of London. He then graduated from Temple University in the United States with an MA in Comparative Religion and a PhD in Philosophy of Science and Islamic Philosophy. Professor Osman Bakar is currently also Professor of Islamic Thought at the International Institute of Islamic Thought and Civilisation (ISTAC) in the International Islamic University Malaysia (IIUM) as well as Senior Fellow at the Prince Al-Waleed Center for Muslim-Christian Understanding, Georgetown University, Washington DC. He was also the holder of the Malaysia Chair of Islam in Southeast Asia at Georgetown University. Previously, he was also Deputy Vice-Chancellor of the University of Malaya. He is the author of 15 books and nearly 200 articles.

Karim D. Crow, an American scholar who was born and raised in Beirut, is Principal Research Fellow at IAIS Malaysia. Previously, he had been Associate Professor in Contemporary Islam at the S. Rajaratnam School of International Studies, Nanyang Technological University, Singapore. He took his university education in Beirut and Cairo, and his doctorate from the Institute of Islamic Studies at McGill University, Montreal, Canada. He also taught Islamic Studies and Arabic Language and Literature

at Columbia University, New York University, Fordham University, the University of Virginia, and the University of Maryland. He also served as Professor of Islamic thought at the International Institute of Islamic Thought and Civilization (ISTAC) in Kuala Lumpur. Among his publications is (ed. with Ahmad Kazemi-Moussavi), *Facing One Qiblah: Legal and Doctrinal Aspects of Sunni and Shi'a Muslims* (Singapore: PN, 2005). Currently, he is working on an historical survey of Islam and rationality, a book on the wisdom of the Prophet Muḥammad, and a monograph on the life and thought of Imām Jaʿfar al-Ṣādiq (d. 765).

Ishtiaq Hossain is Associate Professor in the Department of Political Science at the International Islamic University Malaysia (IIUM). Previously, he was with the Department of Political Science at the National University of Singapore (NUS). Dr Ishtiaq Hossain also served as Visiting Professor, Department of Politics, University of Waikato, Hamilton, New Zealand and Visiting Professor, Elliot School of International Affairs, George Washington University, Washington DC, United Staes. His latest publication is "Water, Security, Conflict, and Cooperation: The Construction of Tipaimukh Dam," in: Hari Singh and Colin Durkop (eds.), *Comprehensive Security in the Asia-Pacific Region* (Seoul: Konrad Adenauer Stiftung, Keio University, and APISA, 2010), 205-242. Dr Ishtiaq's latest book is *American Foreign Policy and the Muslim World* (Beirut: Al-Zaytouna Centre for Studies and Consultations, 2009).

Syed Serajul Islam is Chair and Professor of Political Science at Lakehead University, Canada. He received his PhD from McGill University and taught at the International Islamic University Malaysia (IIUM), McGill University, and the University of Dhaka, Bangladesh. He was also a visiting Fulbright Scholar at the University of Iowa, United States, in 1988. Islam is a specialist in International Politics and International Law, South and Southeast Asian Politics, Foreign Policies of Japan, China, and India, Third World Politics, and International Political Economy. He is also working on state terrorism, Islamic insurgency movements, and American foreign policy. Islam has published eight books, among them his acclaimed *The Politics of Islamic Identity in Southeast Asia* (Singapore: Thomson, 2006).

Mohammad Hashim Kamali is the Founding Chairman and CEO of IAIS Malaysia. He graduated from Kabul University, before going on to complete an LLM in Comparative Law and a PhD in Islamic and Middle Eastern Law in the University of London from 1969 to 1979. Kamali was a Professor of Islamic Law and Jurisprudence at the International Islamic University Malaysia (IIUM) (1985-2007) and also Dean of the International Institute of Islamic Thought and Civilization (ISTAC). He has taught at the Institute of Islamic Studies, McGill University, and has also held Visiting Professorships at Capital University, Ohio, and at the

Wissenschaftskolleg, Berlin. Professor Kamali was a signatory of the international 'Common Word' document between Christians and Muslims and was a member of the Constitution Review Commission of Afghanistan (2003) and he also served as an expert on the new constitutions of Iraq, the Maldives and Iraq. He has published about 140 academic articles 20 books, many of which are standard textbooks at English-speaking universities worldwide.

Ahmad Kazemi-Moussavi, a Canadian-Iranian scholar, is currently Professor of Islamic law and Persian language in the University of Maryland, United States. Prior to this, he had been a Full Professor at ISTAC in Kuala Lumpur (1992-2005). Born and educated in Iran, he received his bachelor degree in law from Tehran University. Subsequently, he served as a judge for five years before transferring to the Imperial Iranian Ministry of Foreign Affairs in 1968. Before retiring from diplomatic service in 1980, in the aftermath of the events that had led to the change of regime in his native country, he had served at the Imperial Iranian embassy in Canada. In Canada, Kazemi-Moussavi joined Montreal's McGill University, from where he received his PhD in Islamic Studies (1991). Subsequently, he taught at McGill and Tehran University before joining ISTAC's faculty in 1992, first as an Associate Professor and subsequently Full Professor. He is the author of several books, including *Religious Authority in Shi'ite Islam* (ISTAC, 1996).

Christoph Marcinkowski, award-winning German scholar of Islamic and Middle Eastern, as well as Southeast Asian and Security Studies, is Principal Research Fellow and Co-Chair (Publications) at IAIS Malaysia. He holds a MA in Iranian Studies, Islamic Studies, and Political Science from the Freie Universität Berlin and a PhD in Islamic Civilisation from ISTAC, where he served also as Professor of Islamic History. He has held numerous distinguished fellowships, such as at New York's Columbia University, Switzerland's University of Fribourg, Singapore's Institute of Defence and Strategic Studies at Nanyang Technological University, the Asia Research Institute at the National University of Singapore, and the Asia-Europe Institute of Kuala Lumpur's University of Malaya. Professor Marcinkowski has published numerous books, among them *Religion and Politics in Iraq* (Singapore: PN, 2004), *The Islamic World and the West* (Berlin: LIT, 2009), *Shi'ite Identities* (Berlin: LIT, 2010), *Islam in Europe* (Kuala Lumpur: IAIS, 2011), and *Malaysia and the European Union* (Berlin: LIT, 2011), as well as more than 100 articles, commissioned book chapters, and encyclopaedia entries such as for *Oxford Islamic Studies Online, The Oxford History of Historical Writing,* and Columbia University's *Encyclopaedia Iranica*. He is currently working with Christian Giordano and Khoo Salma Nasution on a new book on the Malaysian State of Penang (Berlin: LIT, 2012, forthcoming).

Nik Noriani Nik Badli Shah is a Legal Consultant for *Sisters in Islam* (SIS), a Malaysian non-governmental women's group which she joined in 1996 and which is advocating the rights of women within the Islamic framework. In 1986, she graduated with a LLB (Hons) from the University of Malaya, Kuala Lumpur. From 1986 to 1996, she served in the Malaysian judicial and legal service as Assistant Parliamentary Draftswoman and Deputy Commissioner for Law Revision in the Attorney-General's Chambers. In 1998, she obtained the degree of Master of Comparative Laws (MCL) from the International Islamic University Malaysia (IIUM). In 2010, she was awarded her PhD in Islamic Civilisation from the International Institute of Islamic Thought and Civilization (ISTAC), IIUM. She has written several books and articles relating to Muslim family laws and comparative family laws, and has submitted proposals for law reform. Her earlier publications include *Family Law: Maintenance and Other Financial Rights* in 1993, *Marriage and Divorce under Islamic Law* (1998) and *Marriage and Divorce: Law Reform within Islamic Framework* (2000).

Afis A. Oladosu received his doctorate degree in North African Literature and Culture from Nigeria's University of Ibadan in 2001, where he is since 2006 a Senior Lecturer in Modern Arabic literature and culture. Also in 2006, Dr Oladosu, a cultural critic focusing on African modernities and the categories of ethnicity, gender, and nationalism, initiated an international conference on 'Islam, Terrorism and Africa's Development'. The proceedings volume of the conference, which he edited, was published as *Islam in Contemporary Africa: On Violence, Terrorism and Development* (Newcastle [UK]: Cambridge Scholars Publications, 2007). It features essays by Christian and Muslim scholars on their experiences of Islam and Muslims in Africa and how terrorism and violence have impacted intra-African harmony and cross-cultural understanding in the world today. Also in 2006, he was a Fulbright Visiting Specialist at Southern Maine Community College in the United States where he thought the 'Direct Access to the Muslim World' program. In 2011, he had also been a Visiting Scholar at the International Islamic University Malaysia (IIUM).

Adnan Trakic is currently a lecturer in the School of Business, Sunway University, Kuala Lumpur, Malaysia. He obtained his LL.B (Hons) and MCL (Master of Comparative Laws) from the Ahmed Ibrahim Kulliyyah of Laws (AIKOL), International Islamic University Malaysia (IIUM). Currently, he is a PhD candidate in AIKOL, IIUM. He has on a number of occasions written and presented papers at local Malaysian and international conferences. Although his particular area of interest is in Islamic banking and finance, he has written and published a number of articles related to various other fields of law in various journals.

Eric Winkel is Principal Research Fellow at IAIS Malaysia. After obtaining his PhD in Government and International Studies from the University of South Carolina in the United States he worked with the International Institute of Islamic Thought (IIIT) in Herndon, Virginia, and later the International Islamic University Malaysia (IIUM) on ideas of Islamisation. He has taught at universities in the United States, Mexico, and Pakistan as a Senior Fulbright Scholar and again recently at the National College of Arts in Lahore. His primary study focus over the last 20 years was on Ibn al-ʿArabī's (d. 1240) *Futūḥāt al-makkiyah*. His publications include *Islam and the Living Law* (Oxford University Press, 1996), *Mysteries of Purity: Ibn al-ʿArabī's Asrār al-Ṭahārah* (Cross Cultural Publications, 1995), and a novel, *Damascus Steel* (CAR&D, 2001). His current work is an attempt to connect the world of the new sciences with the study of civilisational renewal.

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 Mohammed 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	ʾ	ʾ	ʾ	ʾ	ز	z	z	z	z	گ	-	g	g	g
ب	b	b	b	b	ژ	-	-	-	ṙ	ل	l	l	l	l
پ	-	p	p	p	ژ	-	zh	j	zh	م	m	m	m	m
ت	t	t	t	t	س	s	s	s	s	ن	n	n	n	n
ٹ	-	-		ṫ	ش	sh	sh	s	sh	ه	h	h	h¹	h¹
ث	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	ى	y	y	y	y
چ	-	ch	ç	ch	ط	ṭ	ṭ	ṭ	ṭ	ة	-a²			-a²
ح	ḥ	ḥ	ḥ	ḥ	ظ	ẓ	ẓ	ẓ	ẓ	ال	-al³			
خ	kh	kh	h	kh	ع	ʿ	ʿ	ʿ	ʿ	¹ when not final
د	d	d	d	d	غ	gh	gh	ġ	gh	² -at in construct state
ڈ	-	-	-	d	ف	f	f	f	f	³ (article) al- or l-
ذ	dh	dh	dh	dh	ق	q	q	ḳ	q			
ر	r	r	r	r	ك	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	يّ	iyy (final form ī)	iy (final form ī)	iy (final form ī)
	وُ	uww (final form ū) uvv (for Persian)	uv	uvv
Dipthongs	وَ	au or aw	au	ev
	ىَ	ai or ay	ay	ey
Short	َ	a	a	a and e
	ُ	u	u	u or ü o or ö
	ِ	i	i	i

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. جه jh گه gh
For Ottoman Turkish, modern Turkish orthography may be used.