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CONTENTS

Editorial <i>Mohammad Hashim Kamali</i>	158–160
--	---------

Articles

Islamic Perspectives on Reducing Meat Consumption to Promote Earth’s Sustainability <i>Daud Abdul-Fattah Batchelor</i>	161–174
---	---------

<i>Riba</i> , Usury and Keynes <i>Yasushi Suzuki</i>	175–188
---	---------

Combating Fake News, Misinformation, and Machine Learning Generated Fakes: Insight’s from the Islamic Ethical Tradition <i>Talat Zubair, Amana Raquib and Junaid Qadir</i>	189–212
---	---------

Qur’anic Cosmogony: The Perspectives of Contemporary Muslim Commentators <i>Sabbir Hossain, Mazlan Ibrahim and Indriaty Ismail</i>	213–228
---	---------

Centralisation of Halal Matters Under the Federal Government in Malaysia: A Legal Perspective <i>Apnizan Abdullah and Mohamed Azam Mohamed Adil</i>	229–241
--	---------

Religious Accommodation for Muslim Workers and Patients in Healthcare <i>Salilah Saidun, Elmira Akhmetova and Amilah Awang Abd Rahman</i>	242–263
--	---------

A Model for Reconciling Islamic Teachings with the Intellectual and Scientific Achievements of Modernity <i>Javad Fakhkhar Toosi</i>	264–279
---	---------

Viewpoints

Haj is no Longer the Same Experience as in Earlier Times <i>Mohammad Hashim Kamali</i>	280–282
---	---------

Branding Halal: A Delicate Balance <i>Marco Tieman</i>	283–287
---	---------

Child Protection and Corporate Zakat <i>Mohammad Mahbubi Ali</i>	288–290
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Significant Speeches, Events and Developments

- 1st International Forum on Islamic Thought (I-Fit) Revitalising Maqasid Shariah Towards a Compassionate Governance (The Everly, Putrajaya, 3 September 2019)
Opening Speech by YB Datuk Seri Dr Mujahid bin Yusof Rawa 291–295
- Meet the Scholars - The Need for the Fiqh of Muslim Minorities in the West and the Maqasid Narrative (IAIS Malaysia, 30 May 2019)
Ahmad Badri Abdullah 296
- Book Discussion: An Intellectual Discourse on “Islamic Law in Malaysia Issues, Developments and Challenges” by Eds. Mohamed Azam Mohamed Adil and Mohammad Hashim Kamali (IAIS Malaysia, 6 August 2019)
Wan Naim Wan Mansor 296–297
- ‘Forum Kebangsaan’ in Conjunction with the Independence of Malaysia and Indonesia (IAIS Malaysia, 26 August 2019)
Mohammad Mahbubi Ali 297–298
- The Palestine - Kashmir Forum: “The Struggle for Freedom and Self-Determination” Keynote Address by HE Madame Amna Baloch (IAIS Malaysia, 14 October 2019)
Wan Naim Wan Mansor 298–299
- 5th Annual Conference & Workshop “Education and Culture in Promoting Harmony and National Integration”. Keynote Address by Datuk Seri Dr Mujahid Yusof Rawa (IAIS Malaysia, 19 October 2019)
Ahmad Badri Abdullah 299–300
- In Conversation with Abdennour Bidar: On Multi-Religious Societies in the 21st Century (IAIS Malaysia, 24 October 2019)
Wan Naim Wan Mansor 300–301
- Roundtable Discussion: Designing *Sadaqah* Models for Child Grant Project in Malaysia: Shariah, Legal & Financial Analysis (IAIS Malaysia, 26 November 2019)
Abdul Muhaimin Misran 301

- International Seminar on Islam and Ecological Sustainability
(IAIS Malaysia, 3 December 2019) 302–303
Shahino Mah Abdullah
- Myth of ‘Free Media’ and Fake News in the Post-Truth Era
(IAIS Malaysia, 7 December 2019) 303–304
Apnizan Abdullah
- IAIS Islamic Finance Talk Series 2019 304–305
(IAIS Malaysia)
Mohammad Mahbubi Ali

Book Review

- M.A Muqtedar Khan, *Islam and Good Governance: A Political Philosophy of Ihsan* 306–309
Showkat Ahmad Dar

EDITORIAL

This latest issue of IAIS Malaysia's flagship journal, *Islam and Civilisational Renewal (ICR)*, contains seven substantive articles, all with actionable policy recommendations, in addition to three viewpoints, eleven significant event reports and speeches, and a book review. I am confident that our readers will benefit from this expert body of work, characterised by honest scholarship, depth of learning and originality of thought.

Our lead article is by Daud Abdul-Fattah Batchelor (Visiting Fellow, IAIS). Entitled 'Islamic Perspectives on Reducing Meat Consumption to Promote Earth's Sustainability,' it presents an Islam-orientated exploration of the debate surrounding animal slaughter and environmental degradation. Outlining the negative environmental consequences of excessive meat consumption, Batchelor appeals to the fiqhi principle of reducing harm to argue that Muslims should limit their meat consumption. He recommends that: 1) Muslims consider becoming vegetarian, a lifestyle choice compatible with the example of the Prophet and his Companions, who rarely ate meat; 2) even while advocating reduced meat consumption, policymakers should remain mindful of the one-third of the world's surface that is capable only of supporting animal agriculture; 3) governments use taxation to increase meat prices as a means of encouraging environmentally-friendly dietary decisions; and 4) qualified mujtahids determine whether reduced red meat consumption can be made legally recommended (*mandub*) for Muslims, including in the context of animal sacrifice.

Our second article, 'Riba, Usury and Keynes,' is by Yasushi Suzuki (Ritsumeikan Asia Pacific University, Japan). After proposing two benchmarks for ascertaining the Islamic acceptability of a financial transaction (namely, shariah-compliance and *raf al-haraj*, or removal of hardship), Suzuki argues that state-driven attempts to eliminate *riba* (usury) must be accompanied by the adoption of a Keynesian Marginal Efficiency of Capital (MEC) model so as to preserve economic competitiveness. Suzuki concludes that policymakers must: 1) acknowledge that a *laissez-faire* market will not eliminate *riba*; 2) accept that the creation and maintenance of a

MEC model, on the other hand, will help realise such a prohibition; and 3) inform both Islamic banking and finance regulators of these points.

Authors Talat Zubair (Karachi), Amana Raquib (Karachi), and Junaid Qadir (Lahore), contribute our third article, 'On Combating Fake News, Misinformation, and Machine Learning Generated Fakes: Insights from the Islamic Ethical Tradition.' A discussion of recent technological innovations underlying the current global proliferation in online misinformation, this paper provides valuable Islamic insights into a very topical issue. The authors recommend that: 1) Muslims acknowledge the negative consequences of disseminating misinformation, while actively participating in initiatives intended to combat it; 2) social media users be trained to assess the credibility of what they read online; 3) Muslims demand proof of what they read online in order to prevent manipulation; 4) online content be shared only when there is sufficient information about its producer(s) and publisher(s); 5) journalists only practice responsible journalism, as shaped by an Islamic ethical framework; and 6) Muslims combat fake news with the same probability methods used to verify the authenticity and isnads of hadith.

Our fourth article, 'A Qur'anic Narrative on the Creation of the Universe in the Writings of Muslim Commentators,' is co-authored by Sabbir Hossain, Mazlan Ibrahim and Indriaty Ismail (all of Universiti Kebangsaan Malaysia). A critical exploration of the physical and metaphysical cosmogonies of Islam, the authors utilise a variety of Qur'anic translations and commentaries to problematise both traditional and modern approaches to this subject. The article recommends that: 1) a new integrated approach to Qur'anic cosmology be developed, incorporating both physical and metaphysical information; 2) Qur'anic cosmology be both qualitative and quantitative in nature, thereby avoiding the distortion of revelation; and 3) any attempt to establish scientific facts using the Qur'an should consider the qualitative nature of that text.

Our fifth article, 'Centralisation of Halal Matters under the Federal Government of Malaysia,' is co-contributed by Apnizan Abdullah and Mohamed Azam Mohamed Adil (both of IAIS). Beginning with a description of the piecemeal, often confusing way in which halal matters are currently administered in Malaysia, the authors argue in favour of regulatory centralisation under the federal government. Justifying this innovation with reference to the commercial (that is, non-religious) nature of many halal matters, a circumstance seen as sufficient to obviate state jurisdiction, the authors recommend that: 1) the centralisation of halal matters in Malaysia be formalised under the ambit of Item 8 of List I of the Ninth Schedule of the Malaysian Federal Constitution; 2) a proposed National Halal Council Bill be created under the purview of the federal government; 3) the Malaysian Halal Council become the apex authority for all halal matters in the country; 4) any effort at centralisation be strictly coordinated so as to avoid unnecessary overlap between agencies; and 5)

the harmonisation of halal trading practices be encouraged as a means of boosting Malaysia's halal industry, both domestically and globally.

Our penultimate article, 'Religious Tolerance for Female Muslim Workers and Patients in Healthcare,' is by Salilah Saidun, Elmira Akhmetova, and Amilah Awang Abd Rahman (all of IIUM). A global overview of the access Muslim healthcare workers and their Muslim patients have to halal food, prayer facilities, and Muslim-friendly dress codes, this article finds that, while access varies widely from place to place, and often depends on a multiplicity of factors (from the institutional to personal), raising awareness and being proactive when demanding religious rights both prove crucial. The authors conclude that: 1) the religious rights of Muslim healthcare workers and their Muslim patients be safeguarded by the state; 2) national education systems, in combination with local religious communities, foster religious and racial tolerance; 3) in Muslim minority settings, the media must raise public awareness of Islamic religious needs; 4) healthcare institutions in non-Muslim countries must train their employees to serve culturally diverse populations; and 5) healthcare providers, in collaboration with Muslim stakeholders, allocate sufficient materials, financial support, and human resources to ensure Muslim religious needs are met.

Our final article, 'A Model for Reconciling Islamic Teachings with the Intellectual and Scientific Achievements of Modernity,' is by Javad Fakhkhar Toosi (University of Malaya). Via the creation of a 'moderate Islamic modernism', the author seeks to craft a framework for reconciling Islam with modernity. He recommends that: 1) any Islamic approach to modernity separate the latter's constituent elements into two groups: definitive intellectual (scientific) achievements and conditional Western cultural achievements; 2) the proposed model be compared to the ideas of previous modernist Muslims; and 3) more examples of the shortcomings of traditional Islamic modernism be highlighted.

In addition to our substantive articles, we also carry three insightful viewpoints: 'Haj is no longer the same Experience as in Earlier Times,' by myself; 'Branding Halal: A Delicate Balance,' also by Marco Tieman (HELP University, Malaysia); and 'Child Protection and Corporate Zakat: Constructing a Model,' by Mohammad Mahbubi Ali (IAIS). We are also pleased to carry a review of M. A. Muqtedar Khan's *Islam and Good Governance: A Political Philosophy of Ihsan*, contributed by Showkat Ahmad Dar (Government Degree College of Pulwama, India).

Finally, let me extend my heart-felt appreciation to all our authors. Their well-informed and enlightened contributions will, I feel sure, be of interest to scholars worldwide.

Mohammad Hashim Kamali
Editor-in-Chief

ARTICLES

ISLAMIC PERSPECTIVES ON REDUCING MEAT CONSUMPTION TO PROMOTE EARTH'S SUSTAINABILITY

*Daud Abdul-Fattah Batchelor**

Abstract: Livestock farming and meat consumption, especially red meat, both have a severe impact on the Earth's environment and sustainability, causing forest destruction, wildlife extinctions, excessive greenhouse gas emissions, and global climate change. Currently, as a protein source for the world's rapidly expanding middle class populations, increased meat consumption will likely put excessive strain on Earth's well-being, exceeding planetary boundaries of safety. Although God Almighty provided livestock for human benefit, today considerations of protecting the higher objectives (*maqasid*) of Islamic shariah, the *fiqh* principle (*qawa'id*) of reducing harm, and also promoting social equity and physical health, require Muslims to reduce meat consumption and live more simply, like the Prophet (pbuh) and his Companions, who were 'semi-vegetarians'.

The review of animal sacrifice in Islam, particularly during the annual Eid ul-'adha celebration, confirms that Islam strongly promotes these practices. However, the alternative to sacrificing (fasting for *Tamattu'* and *Qiran* pilgrims) should be availed upon wherever possible, not just during Eid ul-'adha. Mujtahids should investigate in which situations, such as following large-scale human calamities or cases of severe environmental harm, Islam may permit the giving of *sadaqah* or other aid instead of the traditional sacrifice.

Keywords: *Aqiqah*, Environment, *Hady*, Hajj, Livestock, Meat, Pets, Shariah, Sustainability, *Udhiyyah*, Vegetarianism.

Introductory Remarks

This article reports on research into improving Earth's sustainability by curbing meat consumption. Islam traditionally encourages animal sacrifice at the time of the Hajj pilgrimage. The sacrificial meat is consumed. Awareness about the severity of widespread human-induced environmental degradation, however, encourages us to re-evaluate livestock farming and meat consumption. Is it

time to reappraise Islam's position on animal sacrifice, given that it desires to promote the public good (*maslahah*) and prevent harm?¹

This research acknowledges that one driver behind reduced meat consumption is the need to reduce the unacceptable cruelty that results from the raising and handling of livestock, as sometimes witnessed in the media. Such practices have no place in producing *halal at-tayyibah* meat for human consumption. It is hoped that practices will be upgraded to avoid or minimise harm to animals in strict accordance with Islamic ethics. Lujayn Hawari's 2017 study, entitled "The Vegetarian and Vegan Diets: An Islamic Perspective," has stimulated thought in this area and provides useful background for the current research, albeit from a vegan's perspective.²

Islamic Teachings on Human Benefits from Livestock

Many Qur'anic verses instruct us that cattle have been created to provide humans with numerous benefits: meat, milk, a form of transport, to make ploughing easier, as a source of clothing and habitation materials, articles of convenience, and also for religious sacrifices to God Almighty. The following verse sketches the multifold uses of cattle, stating that Allah created them especially for human use:

It is God Who made cattle *for you* [emphasis added], that you may use some for riding and some for food; and there are (other) advantages in them for you (besides); that you may through them attain to any need (there may be) in your hearts; and on them and on ships you are carried. (Ghafir 40:79-80)

Although in the developing world all of these benefits may still be relevant, in technically advanced countries there is no longer demand for cattle to serve as transport, to be used for ploughing, or for habitation materials. The main contemporary uses for these animals are as a source of food (meat), beverage (milk), clothing articles (coats, belts, hats and shoes) and religious sacrifice. After many sacrifices, the animal is also distributed as meat for consumption.

The Environmental Impact of Raising Livestock and Meat Consumption

Greater public awareness is needed to address the fact that raising livestock for meat consumption has severe negative consequences on global environmental well-being and sustainability. The domestication of cattle resulted in the

expansion of grassland areas favourable for cattle rearing, often through forest destruction. Since mature forests are typically ten times as effective as perennial grasslands at storing carbon,³ forest clearing promotes global warming. Further, frequent belching of the potent greenhouse gas, methane,⁴ by ruminants⁵ (mostly cattle) accounts for 44 per cent of total greenhouse gas emissions (GHG) from the livestock industry.⁶

Based on a global meta-analysis of life cycle assessment studies, domestically-raised ruminant meat has a much higher carbon equivalent footprint when producing protein than other meats, while being especially greater than vegetarian sources.⁷ Ripple et al. have shown that ruminant animal production is the largest source of anthropogenic methane emissions and occurs more than any other land use, covering 26 per cent of Earth's terrestrial surface.⁸ Twenty-five million additional domestic ruminants have appeared annually over the past 50 years, vastly outnumbering their wild counterparts. According to the UN Global Livestock Emissions Assessment Model (GLEAM 2.0), average emissions (kg CO₂-equivalent per kg protein produced) due to beef cattle (295) are much greater than from small ruminants (sheep and goats) for meat (201) or milk (148), cattle for milk (87), pork (55), and chickens for meat (35) or eggs (31).⁹ Studies showed that "to produce 1 kg of protein from kidney beans required approximately 18 times less land, ten times less water, nine times less fuel, twelve times less fertilizer and ten times less pesticide compared to producing 1 kg of protein from beef."¹⁰ Significantly, large livestock that is not slaughtered and consumed as meat can provide milk and products such as butter, cheese and yoghurt, thereby providing greater life-long food yields.¹¹

Overall, the livestock sector is responsible for 14.5 per cent of all anthropogenic greenhouse gas emissions,¹² a greater amount than those produced by road vehicles, trains, ships and airplanes combined.¹³ Emissions derive from belching methane, manure, feed production, land use changes, and fossil fuel and fertiliser use. Livestock also accounts for 70 per cent of global agricultural land use.

The UN Environment Programme estimates that nearly half of the world's grains are fed to animals.¹⁴ Feeding crops to livestock competes directly with both human consumption and climate mitigation (that is, for bioenergy production and carbon sequestration). Livestock farming is also socially inequitable since feeding grain to livestock rather than people increases global demand, thus driving up grain prices for the poor. As wealthy people pay higher prices for red meat (beef, veal, pork, lamb and mutton), livestock farmers are able to pay more for grains than the poor can afford.

From 2010 to 2015, up to 8.8 million hectares of precious natural forest was lost annually,¹⁵ largely due to agricultural expansion. Such environmental

destruction severely impacts on indigenous peoples and local communities, 1.6 billion of whom – or one fifth of humanity – depend on forests for their livelihoods.¹⁶ Forests contain 80 per cent of the world’s terrestrial biodiversity,¹⁷ which is declining rapidly. Over the past 40 years, world wildlife populations have declined by 58 per cent,¹⁸ while 20 per cent of all species now face extinction.¹⁹ But livestock farming not only negatively impacts on biodiversity; it is also detrimental to water quality and availability, causing land degradation, while greenhouse gases acidify seas, causing coral reef degeneration. As biodiversity provides essential ecological life support for humans, deteriorating biodiversity affects human well-being in terms of material welfare, community security, local economic resilience, group relations, and human health. Biodiversity is considered by many to have intrinsic value.²⁰

Research on intensive agriculture just published in *Nature* confirms that reducing meat consumption is one of the leading challenges of this second millennium: “Between 2010 and 2050, as a result of expected [increases] in population and income levels, the environmental effects of the food system could increase by 50–90 per cent in the absence of technological changes and dedicated mitigation measures, *reaching levels that are beyond the planetary boundaries that define a safe operating space for humanity* [emphasis added].”²¹ The research shows that the Western world needs to cut its meat consumption by 90 per cent in order to avoid reducing Earth’s ability to sustain a forecasted 10 billion people by 2050. Scientists have therefore called for a “global shift” towards plant-based diets.²²

Animal Sacrifice in Islam

Udhiyyah refers to the livestock sacrifice offered by non-pilgrim Muslims during Eid ul-‘adha, while *hady* refers to the sacrifice offered by Hajj pilgrims as a gift to Allah’s House. Rulings from previous revelations often become accepted and incorporated within the shariah of Islam; *udhiyyah* is such an example, with the Prophet Muhammad (pbuh) instructing, “Give sacrifice, for it is the tradition of your ancestor, Abraham (pbuh).”²³ Wael Shehab highlighted that the main purpose of *udhiyyah* is “to show gratitude and thankfulness to Allah for his countless blessings and favors.” It also helps feed the poor, the needy, and one’s family and relatives. So, it has many religious, social, and economic benefits.²⁴

Islamic scholars differ concerning whether *udhiyyah* is obligatory or sunnah. The majority believe it is strongly recommended sunnah (*sunnah mu’akkadah*), as discussed by Mufti Mas’ud Sabri from the Awqaf Ministry, Kuwait.²⁵ The

sunnah view is held by Shafiiites, while also being the dominant opinion amongst Malikites and Hanbalites. It is also the opinion of Abu Bakr, Umar, Bilal, and Abu Maşud al-Badri. They cite as supporting evidence the hadith, “When the ten days [of Dhul-Hijjah] start and one of you intends to offer a sacrifice, then let him not remove any of his hair or nails.”²⁶ The Prophet (pbuh) here made the *udhiyyah* offering dependent on one’s will to do so. Furthermore, Abu Bakar and Umar abstained from offering *udhiyyah* lest people might deem it an obligatory practice. Sabri believes this constitutes conclusive proof that it is not obligatory, since the practice of these leading Companions is unanimously agreed upon as proof for the majority of scholars.

The second opinion, as held by Abu Hanifah and his companions, is that offering *udhiyyah* is obligatory. Supporting this, they quote the Qur’anic verse, “So, pray to your Lord and sacrifice (*anhar*)” (al-Kawthar 108:2). They believe the command given here denotes obligation; *anhar* derives from *nhr*, the many meanings of which in classical Arabic all go back to *nahr* (upper part of the chest or throat). In the context of the given verse, the meaning of *anhar* cannot be other than “to cut the throat (slaughter) of a sacrificial animal”.²⁷ Hanifites also quote the prophetic statement, “Whoever is able to offer the *Udhiyyah* sacrifice but has not offered it should not come near our place of prayer.”²⁸ This warning denotes the obligation of offering the *udhiyyah* sacrifice.

As Sabri summarised, the preponderant opinion is that *udhiyyah* is a strongly recommended sunnah so that “whoever can afford it and does not do so would have acted against the prophetic guidance, even though it is not obligatory.” This is similar to Imam Malik’s statement, “I prefer that anyone who has the price of the animal should not abandon [*udhiyyah*].”²⁹

Hady sacrifice, on the other hand, is obligatory for those performing *hajj tamattu’* (combining ‘*umrah* and *hajj*, exiting the state of *ihram* in between) and *hajj qiran* (not exiting *ihram* after finishing ‘*umrah* but continuing to perform *hajj*). It is sunnah, however, for those performing *hajj ifrad*. The obligation for *hajj tamattu’* and *hajj qiran* is stipulated in the following statement:

And when you are in peaceful conditions, if anyone wishes to continue the ‘*umrah* on to the *hajj*, he must make an offering (*hady*), such as he can afford, but if he cannot afford it, he should fast three days during the *hajj* and seven days on his return, making ten days in all. (al-Baqarah 2: 196)

Allah provides an option here for certain *hajj tamattu’* and *hajj qiran* pilgrims to fast for ten days instead of sacrificing an animal. To protect the environment, this would seem to be a better option. However, it should be noted that the Prophet (pbuh) considered *hady* to be the noblest possible act on the Day of

Sacrifice: “A human does no action from the actions on the day of *Nahr* more beloved to Allah than spilling blood. On the Day of Judgement, it will appear with its horns, and hair, and hooves, and indeed the blood will be accepted by Allah from where it is received before it even falls upon earth, so let your heart delight in it.”³⁰ The Prophet (pbuh) himself is reported to have sacrificed 63 camels when he performed Hajj.

Other animal sacrifices in Islam include a sacrificial penalty for hunting in the holy precincts (al-Ma’idah 5:95), *wajib* sacrifice (fasting or alms-giving) for the ill pilgrim (al-Baqarah 2:196), and compensation for a hindrance (*ihsar*) that caused incompleteness in the hajj rites (al-Baqarah 2:196). In all cases, you should offer such a sacrifice “as you can afford”. Other obligatory sacrifices relate to the issues of ‘*ahd* (pledge), *nadhr* (vow), and *yamin* (oath).³¹

Aqiqah is another form of animal sacrifice, made by parents after the birth of a child. It is also a legacy of Prophet Ibrahim (pbuh) adopted by Prophet Muhammad (pbuh). The word *aqiqah* comes from the Arabic ‘*aq*, meaning ‘to cut’ and refers to either ‘having the child’s first haircut’ or ‘slaughtering an animal.’ *Aqiqah* involves sacrificing a lamb or goat on the child’s behalf in appreciation of God’s gift of the child. Its meat is distributed to the poor or used for a celebratory feast. The Prophet (pbuh) said, “Every new-born is mortgaged by his/her *aqiqah*, so slaughter for him/her on the seventh day, and shave his/her head, and name him/her.”³² According to the vast majority of Islamic scholars, *aqiqah* is a highly recommended sunnah practice. A small minority of scholars, however, including Hasan al-Basri, consider it obligatory.³³

Eating the Meat of the Sacrificial Animal

Allah commands Muslims to eat of slaughtered animals: “eat thereof and feed such as live in contentment and such as beg with due humility” (al-Hajj 22:36). Nevertheless, Sayid Sabiq comments on a diversity of Sunni scholarly views on this subject: “Apparently this commandment applies to both the obligatory and supererogatory sacrifice. There is some disagreement among the jurists on this subject. Abu Hanifah and Ahmad [bin Hanbal] are of the opinion that one may eat of the sacrifice made for Hajj Tamattu’ or Hajj Qiran or one that is offered voluntarily, but one may not eat of any other sacrifice...Ash-Shafi’i holds that one is not permitted to eat of an obligatory sacrifice, e.g. an obligatory sacrifice offered in penalty, or a sacrifice made for killing a game, or one that is offered for spoiling one’s Hajj, or one offered for Hajj Tamattu’ or Hajj Qiran, and likewise that which one has vowed. In case of a voluntary sacrifice, however, one may eat thereof himself as well as give it to others.”³⁴

Sabiq's conclusion is that one may consume or give away in charity any amount of meat one may wish. A vegetarian sacrificing an animal as a religious obligation would not necessarily need to eat any of the sacrificial meat. This view supports blogger Mohamed Ghilan's position, "For those of us who follow a vegetarian/vegan diet, but want to fulfil God's command and participate in this major Sunnah of sacrificing on Eid al-Adha, we can look for Muslim-led agencies where we can direct our funds to have an animal sacrificed and its meat distributed among those who rarely get access to this luxury food item."³⁵

Islamic Teachings on Discouraging Meat Consumption

It is well-known that the Prophet (pbuh) infrequently ate meat and, when he did, that he generally favoured lamb. Some today rightly call him a 'semi-vegetarian'. Meat, then, was considered a 'luxury food' generally too expensive for the poor—although under Islam they could still benefit periodically as recipients of *udhiyyah* during Eid ul-'adha.

Two statements by 'Umar ibn al-Khattab recorded in Imam Malik's *Muwatta* (Chapter 49.11) warn against excessive meat consumption. In one case, 'Umar saw a man who had bought meat in the market and asked him why he did so. He responded that he "desired" meat. 'Umar replied, "Does one of you want to fill his belly to the exclusion of his neighbour or nephew? How can you overlook the [Qur'anic] ayah 'You squandered your good things in the life of this world?' [al-Ahqaf 46:20]." 'Umar was concerned that the man would become like those who lose their good deeds by taking too many *na'eem* (gifts) in this world. Traditionalist Hamzah Yusuf elaborated in a talk that 'Umar, during his *khilafah*, even prohibited the eating of meat two days in a row.³⁶ The other hadith reports that 'Umar said, "Beware of meat. It has addictiveness like the addictiveness of wine."

In these accounts, 'Umar advised that we either avoid eating meat, or do so only infrequently, since it has the potential to develop into a behavioural addiction while diverting concern for the welfare of our poor neighbours due to its considerable expense. 'Umar's advice here carries weight when it is considered that the Prophet (pbuh) once said that, should there be a prophet after him, it would be 'Umar.

It is uncanny that these statements made 1,400 years ago remain so apt today when we know that raising livestock involves feeding them grain that either diverts food from the poor or raises the price of their staple food. Further, modern medicine informs that consuming considerable amounts of red meat is deleterious to health, while beef farming requires a huge eco-footprint

that negatively impacts upon the environment. Hamza Yusuf highlights that traditionally Muslims were not cow-eaters, but ate mutton or lamb.³⁷ The Sunnah and ‘Umar’s advice together suggest avoiding or otherwise returning to a low level of meat consumption, preferably that of small livestock.

Health Benefits from Reducing or Avoiding Meat Consumption

From the human health perspective, evidence from large cohort studies and meta-analyses of epidemiological studies indicate that the long-term consumption of sizeable amounts of red meat, particularly processed meat, is associated with an increased risk of death, cardiovascular disease, colorectal cancer and Type 2 diabetes.³⁸ Alicja Wolk summarised from her recent investigation that daily consumption of unprocessed red meat to an amount of just 100g results in increased risk of stroke (11 per cent), breast cancer, cardiovascular mortality (15 per cent), colorectal cancer (17 per cent) and advanced prostate cancer (19 per cent).³⁹

Currently, the average individual daily meat intake in high-income countries is 200-250g, far higher than the UN-recommended 80-90g. Oxford Martin School researchers found that switching to either the recommended intake or a vegetarian diet could prevent 5.1 or 7.3 million deaths yearly worldwide respectively by 2050, leading to annual healthcare-related savings and avoiding climate change damages of \$1.5 trillion.⁴⁰ Approximately half of the avoided deaths would be due to reduction in red meat consumption.

Could *Udhiyyah* be replaced with *Sadaqah*?

The late Anila Muhammad, formerly of Muslims for Progressive Values Toronto, in a controversial *Huffington Post* article, criticised traditional sacrifice in line with an earlier article by Shahid ‘Ali Muttaqi,⁴¹ arguing that “the livestock industry is the leading contributor towards land, air and water pollution and degradation of our ecosystem. Consider that, the very act of involving ourselves in the ritual animal sacrifice places our earth at jeopardy. As Muslims, on Eid, and the rest of the year, should we not be mindful of whether continuing such a tradition is compatible with our Islamic responsibility to be care-takers of this earth.”⁴² The above discussion, however, has demonstrated that performing *udhiyyah* is a recommended sunnah for those who can afford it, but is not required by the poorer person who is unable to.

Anila Muhammad further argued, “If we are concerned with social justice and creating meaningful, long term change then we Muslims must reconsider

funnelling our money from this sacrifice and make other investments in our communities to help the disadvantaged.” However, classical scholar Ibn al-Qayyim wrote: “Offering a sacrifice when it is prescribed is better than giving its price in charity even if one gives more than the price, like sacrifices offered during Hajj and at Eid al-Adha, because the aim is to carry out the actual act of slaughter and shedding the blood, because this is an act of worship which is mentioned alongside prayer.”⁴³

In responding to the question, “Is it better to offer the sacrifice of *Udhiyyah* or to donate money [*Sadaqah*] to disaster-stricken areas in the Muslim lands?” Mas’ud Sabri stated cogently that if a food shortage exists in disaster-stricken regions it is better to combine both objectives by making the *udhiyyah* sacrifice in order to feed needy victims.⁴⁴ “However, if the disaster-stricken areas are in need for things other than food, then there is no harm in giving them the cash price of the sacrificial animal acting upon the opinion that sacrifice is not obligatory and is rather a strongly recommended Sunnah...and upon the ruling that alleviating harm and fulfilling the needs of the disaster-stricken areas can at times be obligatory.”⁴⁵ This is also in accordance with the Qur’anic verse:

It is not righteousness that you turn your faces towards the east and the west, but righteous is the one who believes in Allah and the Last day, and the angels and the Book and the prophets and gives away wealth out of love for Him (God) to the near of kin and orphans and the needy and the wayfarer and to those who ask. (al-Baqarah 2:177)

This is additionally supported by the juristic maxim (*al-qa’ada al-fiqhiyyah*) that “Dire exigency renders lawful the unlawful.” In cases where the Muslim Ummah faces dire need, such an approach allows an equivalent cash amount for an *udhiyyah* sacrifice to be used to alleviate other types of need (for example, serious environmental harm).

Conclusions

Livestock farming is a leading cause of environmental destruction worldwide, being the prime culprit for land clearance and deforestation, thereby causing wildlife extinctions. Richard Eckard of the University of Melbourne has concluded that reducing red meat consumption is “the smallest change with the biggest impact of anything people can do” to mitigate GHG emissions.⁴⁶ Multiple benefits would result from reducing ruminant numbers and meat consumption, including improved global food security, human health, and environmental conservation.⁴⁷ The Oxford Martin study found that adopting either UN Food and Agriculture Organization (FAO) global dietary guidelines or vegetarian diets would sizeably

cut food-related GHG emissions by 29 per cent and 63 per cent respectively.⁴⁸ However, while global meat production today stands at 263 million tonnes, it is expected to nearly double by 2050 if ‘business as usual’ prevails.⁴⁹

The current topic is usefully examined via two overarching perspectives: the *maqasid al-shari’ah* (higher objectives of the shariah) and *al-qawa’id al-fiqhiyyah* (legal maxims of Islamic law). The first approach was extensively developed by Abu Hamid al-Ghazzali (d.1111) and Abu Ishaq al-Shatibi (d.1388), amongst others, as a means of identifying the Law-maker’s primary objectives in Islamic rulings, which according to al-Shatibi should achieve public good (*maslahah*). These higher objective are essentially five: preservation of religion, life, intellect, progeny (or lineage) and wealth. Al-Qarafi proposed a sixth: protection of the environment. The above discussion has highlighted that, although meat (especially red meat) provides protein and nutrients beneficial for humankind, it also creates great harm, especially when consumed frequently. It impacts negatively upon Earth’s climate, human health, the livelihoods of the poor, and indigenous communities dependent on forests and clean water. It also negatively impacts upon creatures of the natural environment (animals and plants). Meat consumption is therefore not in line with the higher objectives of shariah in the fields of protecting religion, life, wealth and the environment.

An action that causes harm or suffering without good justification can be considered morally wrong. Key Islamic legal maxims are that “harm must be eliminated (*al-darar yuzaal*),” or that “harm must be repelled as far as possible.” Both *maqasid al-shari’ah* and *al-qawa’id al-fiqhiyyah* are in agreement that excessively eating meat, especially red meat, is unacceptable Islamically. Eating meat is generally not essential for human well-being, since better alternative protein and nutrient sources exist, and so meat consumption should either be eliminated (vegetarianism) or drastically reduced. It is one of the easiest things Muslims can do to live more ethically and restore the environment.

Policy Recommendations

As outcomes of the current research, the following actions are recommended:

- There is an urgent need to take global action to disseminate key information persuading consumers against overconsumption of ruminant meat, especially red meat. Encouragement (not criticism) should be provided to Muslims who wish to become vegetarian, which is closer to the lifestyle example of the Prophet (pbuh) and the early Muslims, who all ate meat rarely.

- Action is essential now to persuade rapidly expanding global middle class populations (expected to exceed 5 billion by 2030)⁵⁰ against adopting wholesale Western appetites for red meat consumption. Not all regions, however, can eliminate livestock farming: one-third of the world's land is arid or semi-arid and can only support animal agriculture. For example, in the African Sahel, located south of the Sahara and north of the equator, human existence would likely become impossible without livestock.⁵¹
- Governments could consider measures to make meat more expensive and fresh vegetables cheaper, so as to encourage people to become healthier and make environmentally-friendly dietary decisions, as suggested by Springmann.⁵² The French Toulouse School of Economics found that a relatively steep tax based on GHG emissions would raise retail beef prices by about 40 per cent, causing a corresponding drop in consumption.⁵³
- Research is needed by qualified *mujtahids* to determine whether reducing red meat consumption to FAO healthy dietary guideline levels could be made legally recommended (*mandub*) for Muslims. Further, it should be investigated whether an equivalent cash amount of what is spent on *udhiyyah* sacrifice could be diverted to disaster-stricken communities or areas suffering severe environmental harm (such as rising sea levels caused by global warming).

Notes

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RIBA, USURY AND KEYNES

*Yasushi Suzuki**

Abstract: This paper proposes TWO benchmarks to ascertain whether a particular financial transaction is acceptable or not in the context of Islamic finance: the 'shari'ah-compliant' benchmark and the shari'ah-based '*raf' al-haraj*' (the Removal of Hardship) benchmark. As a cardinal objective (*maqasid*) of the shariah, the principle of '*raf' al-haraj*' prohibits 'usurious' trade. Simultaneously, this paper suggests the necessity of having 'a wise government', or at least a strong government, in order to sustain the elimination of *riba* ('usurious' profit)—by means of creating and maintaining the *marginal efficiency of capital* (MEC) à la Keynes at an optimal level. As an alternative to *riba*, the Muslim community has to pursue an economy where a certain level of MEC is created and maintained for investors and investees. At the moment, these points are understated in existing debates on *riba*.

Keywords: Islamic finance, Prohibition of *riba*, Marginal efficiency of capital, Exploitation, *Raf' al-haraj*.

Introduction

John Maynard Keynes's ideas on usury laws can be found in Chapter 23 of his book *The General Theory of Employment, Interest and Money*. Interestingly, yet not so surprisingly, his view on the matter is quite Islamic in the sense that it is compatible with the morality shared among the Abrahamic traditions. Keynes wrote:

There remains an allied, but distinct, matter where for centuries, indeed for several millenniums, enlightened opinion held for certain and obvious a doctrine which the classical school has repudiated as childish, but which deserves rehabilitation and honour. I mean the doctrine that the rate of interest is not self-adjusting at a level best suited to the social advantage but constantly tends to rise too high, so that a wise government is concerned to curb it by statute and custom and even by invoking the sanctions of the moral law.¹

Provisions against usury are amongst the most ancient economic practices of which we have record. The destruction of the inducement

to invest by an excessive liquidity-preference was the outstanding evil, the prime impediment to the growth of wealth, in the ancient and medieval worlds. And naturally so, since certain of the risks and hazards of economic life diminish the marginal efficiency of capital whilst others serve to increase the preference for liquidity. In a world, therefore, which no one reckoned to be safe, it was almost inevitable that the rate of interest, unless it was curbed by every instrument at the disposal of society, would rise too high to permit of an adequate inducement to invest.²

I was brought up to believe that the attitude of the Medieval Church to the rate of interest was inherently absurd, and that the subtle discussions aimed at distinguishing the return on money-loans from the return to active investment were merely Jesuitical attempts to find a practical escape from a foolish theory. But I now read these discussions as an honest intellectual effort to keep separate what the classical theory has inextricably confused together, namely, the rate of interest and the marginal efficiency of capital. For it now seems clear that the disquisitions of the schoolmen were directed towards the elucidation of a formula which should allow the scheduled of the marginal efficiency of capital to be high, whilst using rule and custom and the moral law to keep down the rate of interest.³

Because of excessive concentration on the *murabaha* mode of finance, Islamic banking and finance has received enormous criticisms. Many scholars have concluded that Islamic banks are not much different from conventional banks. Ariff and Rosly argue that most Islamic banking products and services mimic those of conventional banks and operate with interest, albeit in a disguised form.⁴ Kuran notes that although Islamic banks claim to be interest-free in their operation, the deposit-taking and lending operations of these banks tend to be based on interest, a fact Islamic banks disguise through the use of terms like ‘mark-up’ and ‘commission’ to designate what is tantamount to pure interest.⁵ Rosly and Bakar are also critical of the contemporary practices of Islamic banks. They judge Islamic banking through the lens of morality and argue that major Islamic banking products resemble interest-based financing and thus can be regarded as immoral.⁶ Similarly, El-Gamal regards the existing practices of Islamic banks as “shariah arbitrage” because, for him, conventional lending practices are replicated in Islamically acceptable ways in the balance sheets of Islamic financial institutions.⁷

Although some of these criticisms are ill-founded or misdirected, a universally endorsed proposition for the Islamic banking and finance system is that debt-based instruments, despite gaining approval from shariah scholars, should be kept to a minimum.⁸ However, I feel it is difficult to simply adopt the Islamic ‘perfectionist’ economists perspective concerning *murabaha*. Basically, I would support the perspective of Islamic ‘realist’ economists, such as Daud Bakar, who warns against those Islamic economists who advocate for ‘wealth distribution’ while forgetting a much more important element, that is ‘wealth creation’.⁹ This paper aims to draw from the above notes by Keynes and apply them in the context of Islamic finance, thus proposing a new angle to the debate between ‘perfectionists’ and ‘realists’ over the controversial issue of prioritising either shariah-based or shariah-compliance in Islamic banking and finance.

“Allah has imposed no hardship (*haraj*) upon you in religion” (22:78)

One of the salient features of Islamic finance that distinguishes it from the conventional financial model is that the former complies, in objectives and operations, with shariah (Islamic law). Prohibition of *riba* (interest) is one of the major prohibitions in shariah. The Qur’an (2: 275-6) clearly states that dealing with *riba*—profit on loans—is ‘sinful’. However, it is difficult to point to any single Qur’anic text that specifically explains the reason behind its prohibition, perhaps because the rationales are more implicit. Nevertheless, several Islamic scholars (for instance, Siddiqi) after analysing the context of various Qur’anic verses, summarise five broad reasons: (1) interest corrupts society, (2) interest implies improper appropriations of other’s property, (3) interest slows down the growth of real sectors, (4) interest demeans and diminishes human personality and (5) interest is simply unjust.¹⁰ Because the Qur’an does not provide a specific reason for prohibiting interest or *riba*, the only rationale that can be derived from the Qur’an are verses related to ‘exploitation’ or ‘injustice’.¹¹ For instance, the Qur’an states: “deal not unjustly (by asking more than your principal) and you shall not be dealt with unjustly” (2: 279).

In general, profit on sales has no ceiling and may be determined by market competition or technology. If we assume that *murabaha* is trade, the associated profit should also have no limit. However, in conventional finance, ‘usury’ is prohibited. Here, usury is defined as a rate of interest greater than that which the law or public opinion permits.¹² For instance, in Japan, the law prohibits money lenders from forming any contract with an annual interest exceeding 20 per cent. Any lender who breaches the law is subject to imprisonment with labour for not more than five years, a fine of not more than 10 million yen, or both. This

leads us to ask the question: in what framework the Islamic lender can also be prohibited to charge a profit margin greater than that which is equivalent to the ‘usury’ referred to in conventional finance? This question remains understated among academicians as well as practitioners in Islamic finance.

This article proposes TWO benchmarks to ascertain whether a particular financial transaction is acceptable or not in the context of Islamic finance—the ‘shariah-compliant’ benchmark and the ‘shariah-based’ *raf’ al-haraj* (the Removal of Hardship) benchmark. The former benchmark is focused on ensuring that a transaction brings ‘profits on sales’, NOT ‘profits on loans’. The latter benchmark is focused on ensuring that a transaction does not engage in exploitation. Most Islamic scholars may wish to believe that the two benchmarks are interchangeable, in the sense that being shariah-compliant would bring the desired outcome of social justice. However, as previously shown, even in the shariah-compliant *murabaha* transaction, the lender is still able to impose an extraordinary high mark-up, resulting in unnecessary hardship to the borrower. In passing, we should note that the role of ‘a wise government’ (or, at least, a strong government) is intrinsically necessary to curb such extraordinary high mark-ups.

Instrumental Rationality and Procedural Rationality

This section is related to the debate between ‘instrumental rationality’ and ‘procedural rationality’ in social philosophy. Our economic activities are subject to our bounded rationality because we are not an absolute being bestowed with omniscience and omnipotence, but human beings with limited computational-capacity brains. In order to get closer to the Truth, it is quite rational for Muslims to give their best effort in exercising *ijtihad* to understand and incarnate the logic and rationales implicit in the Qur’anic text. This exercise of *ijtihad* can be considered as being ‘instrumentally’ rational to get closer to the Truth. On the other hand, our behavioural pattern aims to be instrumentally rational at the beginning, but, as more complex factors are encountered, the pattern would quite often become limitedly instrumental, and eventually become ‘procedurally’ rational at best.

According to Weales,¹³ *homo sociologicus* is introduced in the process of investigating how the freedom of manoeuvre might be bounded by the preference of others. In particular, this introduces constraints on human action through norms. The associated sociological concept of a role shows how *homo sociologicus* is educated from childhood to adulthood, thereby encoding norms and conformity into roles that become immediate motives of behaviour. Norms

make the calculation tasks easier, but actions based on prevalent social norms will typically be difficult to justify in terms of instrumental rationality. If all individuals reason in a role- or rule-bounded way, their collective action may fail to achieve and maximise individual and collective benefit.

Instrumental rationality can be matched with *maqasid al-shariah*. Islamic banks must not only follow shariah principles as a legal system of pragmatism and convenience, but they should uphold the guiding spirit of *maqasid al-shariah* as well. From an Islamic economic perspective, *maqasid* can be observed in two dimensions: the shariah (law), and the objective of *mukallaf* (religiously responsible or accountable). Obviously, most Islamic banks comply with the shariah. However, they should also reflect on the spirit of shariah in their implementations by striving to achieve justice, equity and fairness. Dusuki and Abozaid state, “the values which prevail within the ambit of the shariah, are expressed not only in the details of its transactions but also in the breadth of its role in realizing the *maqasid al-shariah*.”¹⁴

It is important to understand the real reasons and logic behind the prohibition of *riba* in the Qur’anic text. Merely trying to gain shariah-compliance without seeking its rationale can be construed as procedural rationality. The shariah-compliant benchmark is a necessary condition, but not always a sufficient condition. Financial transactions in Islamic finance should be monitored not only on their shariah-compliance but also on their shariah-based benchmark. Unlike conventional banks, the maxim of profit-maximisation alone is incompatible with *maqasid al-shariah* and should be accompanied by mechanisms that ensure justice and fairness at all levels of human interaction.¹⁵ In this sense, Islamic banks must not exploit their customers *ex-ante* nor *ex-post*. It is, however, difficult to provide rigorous empirical evidence on the compliance of *maqasid al-shariah* because the literature is very scarce on the issue.

“Allah has imposed no hardship (*haraj*) upon you in religion” (22:78)

“Allah does not burden a soul beyond its capacity” (2:286)

“Allah desires not to inflict any hardship upon you” (5:6)

This article proposes to identify *taysir* (ease) and *raf’ al-haraj* (the Removal of Hardship) as objectives (*maqasid*) rather than rules for a specific application. It can be argued that making things easier for people and removing unnecessary hardship from them are among the cardinal objectives of the shariah, and these principles tend, in many ways, to characterise Islam itself. “This is because each is inherently dynamic and comprehensive and tends to involve a process capable

of continuous application and refinement. In this sense, the two principles are as relevant to the conditions of society today as they were in the early days of Islam.”¹⁶

Prohibition of *Riba* from the Post-Keynesian Perspective

According to Keynes, the *marginal efficiency of capital* (MEC) as the major inducement to invest depends on prospective yield and replacement cost (Chapter 11 of *The General Theory*). However, in the pure mode of Islamic finance, the investor’s (fund provider’s) inducement to invest depends on the investee’s (fund user’s) MEC. In other words, the prospective yield calculated by the investee is (or should be) reflected in the prospective yield by the investor upon the mode of PLS. If the MEC stays at a low level and does not sufficiently attract investees or investors, no inducement to invest would occur in the society, consequently causing the economy to stagnate with a higher rate of unemployment. A *laissez-faire* market does not necessarily guarantee a higher prospective yield for investors and investees. Quite often, the government is expected to intervene in the market and stimulate the stagnant economy to raise the MEC by creating effective demand.

In order to realise the prohibition of *riba* in its true meaning, the Muslim community has to seek an economy where a certain level of MEC is created and maintained for investors and investees. In my view, mainstream Islamic economists often understate the role of government as a powerful institution to stimulate a stagnant economy and thereby realise the pure mode of Islamic finance upon the PLS, where a certain level of MEC would be created for fund providers. This is also considered a pre-condition for realising the prohibition of *riba*.

It appears that mainstream Islamic economists are more concerned about ‘social justice’ in terms of ‘wealth distribution’. However, it is obvious that society needs to first create wealth (‘wealth creation’) before distributing it. To create wealth, to borrow a term from Keynes, society needs to increase ‘effective demand’. To facilitate the principles of Islamic finance, including in PLS, and the prohibition of *riba* and *gharar*, Muslim society must get back to the issue of how to increase effective demand.

Shariah-compliance is a necessary condition for Islamic finance. However, if such compliance results in a stagnant economy, it would not be a sufficient condition for Islamic finance. Islamic scholars should be more concerned about under what conditions Islamic principles can create enough effective demand to uphold social justice, as taught by the shariah. The role of government, which

can stimulate, in particular, I (Investment), G (Governmental Expenditure) and X (Export), should be discussed more in the context of facilitating the Islamic mode of PLS.

According to Keynes, the scale of investment is promoted by a low rate of interest (as well as the schedule of MEC), provided that we do not attempt to stimulate it beyond the point which corresponds to full employment. “It is to our best advantage to reduce the rate of interest to that point relatively to the schedule of the marginal efficiency of capital at which there is full employment”. In the Islamic context, this phrase can be interpreted as “it is to Islamic finance’s best advantage to reduce the rate of ‘profit’ to that point relatively to the schedule of MEC at which there is full employment”. One of the important implications here is that an inducement to invest (the creation of effective demand through Investment or Governmental Expenditure or Export) that is enough to achieve full employment in a society might be a pre-condition for realising the Islamic mode of PLS (and accordingly realising the prohibition of *riba*). However, it is not so easy for developing countries to meet such pre-conditions.

There exists a dilemma for Islamic finance, particularly in a developing country. It is ironic that in a country like the US, the PLS mode, based on equity and equity-like capital market, would be more feasible since a large and diversified base of investors already exists who are willing to absorb various types of risk and uncertainty. Meanwhile, for developing countries, wealth creation and capital accumulation through governmental initiatives towards full employment—which would incubate a large and diversified base of investors—would be key to developing a ‘pure’ mode of Islamic finance. In my view, the Muslim community may need to live with and accept the ‘transitional’ mode of Islamic finance which would be more concerned with wealth creation and capital accumulation. To reach the ‘pure’ mode, it might be necessary to develop the ‘transitional’ mode. However, it appears that many Islamic economists and some schools of Islamic law are always concerned about the pure mode. This might be another dilemma in developing Islamic finance.

Usury in Muslim Countries

Conventional financial institutions prohibit usury. Usury is referred to as a rate of interest greater than that which the law or public opinion permits. As was mentioned earlier, in Japan, the law prohibits lenders operating as a business unit to form any contract to receive an annual interest exceeding 20 per cent. In theory, so far as there is a free and fair competitive market between Islamic and conventional financiers, any Islamic lender would not charge a profit margin

in the *murabaha* transaction greater than that which is equivalent to usury as defined in conventional finance. This is because any higher profit margin would not attract clients to enter into its *murabaha* contract. In other words, the prohibition of usury within conventional financial institutions would be influential, at least ‘indirectly’, amongst Islamic financiers, preventing them from exploiting their clients. For instance, in Bangladesh (which is a Muslim country), ‘usurious’ loans are regulated by giving Courts additional powers to deal with them (The Usurious Loans Act, 1918 (Act no. X of 1918) in Bangladesh).

In Muslim countries, the term ‘usury’ is empirically used as a completely unacceptable or illegal transaction. For instance, Indonesian regulation defines ‘businesses based on shariah principles’ as businesses that do not contain, including but not limited to, the element of: *usury*, *maisir*, *gharar*, *haram* and *zalim* (Article 2, Elucidation to the Act of the Republic of Indonesia Number 21 of 2008 concerning Shariah [Islamic] banking). Here, ‘usury’ is defined as “illegally obtain[ing] additional income (*batil*) through, among others, the exchange transaction of similar types of goods but of different quality, quantity, and delivery time (*fadhil*), or in lending transaction requiring the Facility Receiving Customer to repay the fund received exceeding the principal due to the passing of time (*nasi’ah*)”.

Since the above regulation in Indonesia does not refer to ‘*riba*’, the demarcation between *riba* and usury appears vague. However, it is apparent that the term ‘usury’ here refers to *batil*, *fadhil* and *nasi’ah*, and is understood as an unacceptable and illegal transaction rooted in ‘opportunism’. In general, opportunism, in terms of pursuing self-interest with guile, involves subtle forms of deceit and refers to the incomplete or distorted disclosure of information, especially in a calculated effort to mislead, distort, disguise, obfuscate, or otherwise confuse.¹⁸ In addition to profit on loans, usury upon opportunistic behaviours is also prohibited in Islamic banking in Indonesia.

From another perspective, we wonder if there might be a ‘grey zone’ where usury, without or with less opportunistic elements, would be acceptable as a customary practice or a necessary evil. However, the regulatory definition of usury is unclear, making it difficult to determine whether the Islamic lender is prohibited from charging a profit margin in a shariah-compliant *murabaha* transaction greater than that which is equivalent to usury in conventional finance.

Figure 1 shows the category of ‘grey-zones’ in Islamic banking on the different combinations between the shariah-compliant benchmark and shariah-based *raf’ al-haraj* benchmark. The net social benefit would be the highest in quadrant

I, where Islamic financiers are highly contributing to the removal of hardship among borrowers while attaining shariah-compliance. In quadrant II, Islamic financiers are complying with the shariah, but contributing less to the removal of hardship among borrowers. From the perspective of Islamic ‘perfectionist’ economists who respect the pure mode of PLS, the so-called ‘*murabaha* syndrome’ could be considered to fall into this quadrant. Nevertheless, as mentioned earlier, I support the Islamic ‘realist’ view. I therefore categorise the shariah-compliant *murabaha*, if it is still contributing to the removal of hardship amongst borrowers though the function of wealth creation, as a contract in quadrant I.

	Less contributing to <i>raf'al-haraj</i>	shariah based contributing to <i>raf'al-haraj</i>
	←————→	
shariah-compliant ↑ Controversial on compliance (or non- compliance) ↓	(II) shariah-compliant but contributing less to the removal of hardship	(I) shariah-compliant and contributing to improving social justice
	(III) Controversial on compliance and contributing less to the removal of hardship	(IV) Controversial on compliance but contributing to the removal of hardship

Figure 1: Category of Gray-Zones in Islamic Finance

Here, quadrant II suggests a grey zone. If the profit margin charged by Islamic financiers in a shariah-compliant transaction is greater than that which is equivalent to the usury referred to in conventional finance, the transaction will be considered as a ‘usurious trade’ that exploits the borrowers. Meanwhile, charging a high but socially permissible profit margin, (or less usurious trade) may also create a grey zone in the quadrant of contributing less to the removal of hardship for borrowers. Then comes quadrant III (the worst zone), in which contracts are non-shariah compliant or controversial in terms of compliance, while also contributing less to the removal of hardship for borrowers. Transactions in this quadrant—most likely underpinned by ‘opportunism’—are difficult to justify, and can be considered a ‘black’ zone.

Figure 1 also suggests another grey zone in Islamic finance. In quadrant IV, the transactions or contracts are controversial in terms of their shariah-compliance, but they do contribute to the removal of hardship for borrowers

through the function of wealth creation. We may recall the issue of *tawarruq*, which is prohibited in Indonesia, where most scholars consider it to be non-shariah compliant. We can therefore say that the grey zone quadrant IV will be narrower in Indonesia's Islamic banking system, thereby partly undermining the profit base of its Islamic banks. In other words, the grey zone quadrant IV in Malaysia can be considered to be wider, which creates and maintains a more level-playing field between conventional and Islamic banks.

Should the above mentioned 'grey zone' in quadrant IV be allowed to enable Islamic banks to charge a higher margin as long as public opinion permits? Such allowance may be related to the profitability of Islamic banks. This view may provide us with a bold hypothesis when explaining the market penetration levels by Islamic banks in Indonesia and Malaysia. Indonesia is the most populous Muslim country in the world. In 2017, the total population of Indonesia was estimated at 263.9 million people, the Muslim proportion of which was about 87.2 per cent. Indonesia is expected to become a magnet for the development of Islamic banking and financial markets. However, Indonesia's Islamic banks occupy a very marginal market share—no more than 6 per cent of the national banking industry. Compared to Islamic banking penetration in Malaysia, Indonesia is extraordinarily low (see table 1).

Pramono and Suzuki hypothesise that Indonesia's Islamic banks are not given adequate incentives (including financial sector rent opportunities)¹⁹ for contributing to Islamic financial deepening.²⁰ Due mainly to severe competition with conventional banks (also among Islamic banks), Indonesian Islamic banks cannot earn sufficient profits for maintaining their franchise value and reputation. Suzuki *et.al.* (2017) compared the situation of Islamic bank rent opportunities in the banking sector of Indonesia and Malaysia. In order to compare the performance of the Islamic banks and the conventional banking sector as a whole, the Return On Assets (ROA) of Indonesia and Malaysia during the period 2007 to 2012 is used. The ROA of the Islamic banking sector in Malaysia was almost the same as that of the conventional banking sector. In contrast, the ROA of the Islamic banking sector in Indonesia was consistently lower than that of the conventional banking sector during the full period (table 1). It was implied that the Indonesian banking regulator(s) failed to incubate Islamic banks by giving them learning rent opportunities and thereby failed to properly setup a 'level-playing field' between the conventional and Islamic banks in an appropriate timeframe, while the Malaysian regulators did so successfully²¹—though the rationale behind the protective framework for Malaysian Islamic banks should entail further clarification.

Countries	Resident Muslim Population (million)	Muslim Percentage in Population (%)	Islamic Bank Market Share (%)	Average ROA (%) of Islamic banks	Average ROA (%) of overall banking sector
Indonesia	218.7	88	4.8*	1.76	2.78
Malaysia	18.0	60	21.9	1.22	1.48

Table 1: Comparison of Muslim population, Muslim percentage, Islamic Bank Market Share, Average ROA of Islamic banks and Average ROA in overall banking sector in Indonesia and Malaysia

*According to Otoritas Jasa Keuangan (OJK), the market share of Shariah banking in Indonesia reached 5.94% as of March 2019.

Another hypothesis is that the ‘grey zone’ provided for Indonesian Islamic banks is not as wide as for Islamic banks in Malaysia. For instance, while the contract of *tawarruq* (reverse *murabaha*) is allowed in Malaysia, it is not in Indonesia. In this contract, the buyer buys an asset from a seller (usually from a bank) at a cost-plus basis on a deferred payment system. The buyer then sells the same asset to a third party (the bank, which usually manages the sale) on a cash basis. The buyer basically borrows cash from the second transaction, and the buyer pays the original seller the instalment or lump sum payment he owes. This sort of transaction is controversial because the intention of the commodity purchases is not for the buyer’s use or ownership.²²

Can ‘Usurious Trade’ be Prohibited? - Concluding Comments

Apparently, the more problematic ‘grey zone’ is quadrant II. Particularly in the Marxian tradition of viewing economic activities through the lens of ‘class struggle’, lending money at interest without any means of sharing the risk between lender and borrower creates a relationship where weak and vulnerable individuals can be easily exploited by more powerful ones. In theory, if the negotiation and contracting between lender and borrower are monitored by society (or the community, *ummah*), the opportunity for exploitation would be less.

By differentiating trade from usury, the Qur’an reaffirms the practice of trading as a respectable profession.²³ Nevertheless, due to asymmetric information, fraud, and distrust between counterparties, exploitation remains a possibility. Potential ‘usurious’ trades should be prohibited in the context of *raf’ al-haraj* (the Removal of Hardship), which is a cardinal objective (*maqasid*) of the shariah. As Hazak and Hassanian pointed out, the democratisation of formal financial services is indeed crucial for the economic empowerment of the

Muslim *ummah* and the general public.²⁴ If usurious trade is to be prohibited, the usurious pricing of *murabaha* contracts by Islamic financiers should be prohibited too. The principle of prohibiting *riba* should be argued not only from the perspective of shariah-compliance but also from the benchmark of *raf' al-haraj*, which in this context means prohibiting 'exploitation' for the purpose of benefiting the general public and realising social justice.

At the same time, we should not overlook that a certain amount of 'grey-zone' might be necessary to incubate Islamic financiers who would contribute to the community by mediating financial resources. Simultaneously, we should note that an inducement to invest (the creation of effective demand through Investment or Governmental Expenditure or Export) that is sufficient to achieve full employment in society might be a pre-condition for realising the Islamic mode of PLS, which will accordingly realise the prohibition of *riba*, including the prohibition of usurious profit.

What we can draw from Keynes is that the Muslim community should note that the role of 'a wise government' (or, at least, a strong government) is intrinsically necessary to realise the prohibition of *riba* (including the prohibition of 'usurious' profit) by means of creating and maintaining the *Marginal Efficiency of Capital* (MEC), ideally at an optimal level. What I wish to emphasise here is that mainstream Islamic economists are less concerned about the 'means' or 'ways' of realising the prohibition of *riba* in its true meaning. The prohibition of *riba* should not be sought in a merely procedural way, but should be sought in an instrumentally rational way. An adequate level of profit rate for investors should also be sought.

This article concludes with the following:

- First, we should note that the *laissez-faire* market, which relies heavily upon self-enforced morals and ethics, will not realise a prohibition of *riba* in its true meaning.
- Second, we should note that creating and maintaining the MEC at a certain level is quite important to realise a prohibition of *riba*.
- Third, and most importantly, Islamic banking and finance regulators should be aware of these points.

Notes

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COMBATING FAKE NEWS, MISINFORMATION, AND MACHINE LEARNING GENERATED FAKES: INSIGHTS FROM THE ISLAMIC ETHICAL TRADITION

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Abstract: The growing trend of sharing and acquiring news through social media platforms and the World Wide Web has impacted individuals as well as societies, spreading misinformation and disinformation. This trend—along with rapid developments in the field of machine learning, particularly with the emergence of techniques such as deep learning that can be used to generate data—has grave political, social, ethical, security, and privacy implications for society. This paper discusses the technologies that have led to the rise of problems such as fake news articles, filter bubbles, social media bots, and deep-fake videos, and their implications, while providing insights from the Islamic ethical tradition that can aid in mitigating them. We view these technologies and artifacts through the Islamic lens, concluding that they violate the commandment of spreading truth and countering falsehood. We present a set of guidelines, with reference to Qur’anic and Prophetic teachings and the practices of the early Muslim scholars, on countering deception, putting forward ideas on developing these technologies while keeping Islamic ethics in perspective.

Keywords: Islamic ethics, machine learning, fake news, misinformation, disinformation.

Introduction

Deception can be described as an act of “intentionally causing another person to have or continue to have a false belief that is truly believed to be false by the person intentionally causing the false belief by bringing about evidence on the basis of which the other person has or continues to have that false belief.”¹ Deception has always existed in some form or another; rumour, partisan news and manipulative content are nothing new. However, in the present day, deception has a far greater range of influence and manipulation than ever before,

facilitated by the ease of sharing information on social media platforms, the rapid accessibility of uploaded information on the World Wide Web, and the rapidly progressing fields of Artificial Intelligence (AI) and Machine Learning (ML). As a result, various new ethical issues have arisen.²

The information we consume impacts upon our perception of the truth, altering our views about politics, economics, relationships, needs and wants. In the present, the impact of misinformation, disinformation and artificially generated content has increased to the extent that we find ourselves questioning if our opinions or views are actually ours or the result of the influence of deceitful content viewed on the web. As a result, it is now necessary to create strategies for countering deceptive artifacts.

Experts distinguish between *misinformation* and *disinformation*. A piece of information is labelled as misinformation when it is false or misleading—e.g. sharing a fraudulent online article without verifying the authenticity of its source would be misinformation. A piece of information is labelled disinformation, on the other hand, when it is deliberately falsified to obscure the truth—e.g. spreading false news with the intention to harm an individual’s reputation constitutes disinformation.

In this paper, we highlight the problems that arise due to misinformation, disinformation, and the generation of fake digital artifacts. We review the relevant background and introduce the problems arising from misinformation, disinformation, and fake news in Section II. In Section III, we provide guidelines from the Islamic tradition on facing these issues and their various associated ethical problems. In Section IV, we provide a sketch of a technical solution for verifying reports using the science of Hadith. We conclude the paper in Section V.

Background

In this section, the advancements of technology and the impact they can have with regards to deceptively altering an individual’s perception and influencing their decisions and choices is discussed.

A. Problems of Disinformation and Misinformation

Jonathon Swift, the eighteenth-century Anglo-Irish author, pithily remarked that, “falsehood flies, and the truth comes limping after it.”³ This phenomenon has not only subsisted through time, but has greatly increased in intensity during the present with the emergence of online social networks on the Internet. The use of fake accounts operated by software bots also contributes to the spread of

misinformation on social media through the interaction of fake accounts with genuine accounts, exploiting social connections. Since social connections are trusted, the accounts are able to post content that can manipulate readers into believing spurious news items.⁴

The impact of the spread of fake news has been witnessed globally. In 2018, five people were killed by a mob in India, with a wave of violence following, after untrue messages about child abductions were forwarded as WhatsApp messages.⁵ In 2016 the Pakistani defense minister, Khawaja Muhammad Asif, threatened the Israeli defense minister with Pakistan's nuclear weapons after reading a false news report.⁶ Moreover, before the Spanish elections of 2019, WhatsApp messages were circulated among Spaniards spreading fake news and hateful comments about the Prime Minister, Pedro Sánchez, with more than one in four Spaniards reportedly having received false and misleading posts.⁷ In France, following the fire at Notre Dame Cathedral in Paris, fake videos and posts claiming the involvement of Muslims became viral, giving rise to Islamophobic reactions.⁸ An MIT study conducted in 2018 reported that false news stories spread more rapidly on social media networks than authentic ones, concluding that they are 70 per cent more likely to be shared on Twitter and that authentic stories take six times longer to reach 1,500 people compared to the time taken by fake news.⁹

Fake news can have a strong impact on listeners and readers. Repeated exposure to a piece of information makes it familiar, until it is eventually perceived as acceptable and valid. This phenomenon is known as the “illusory truth” effect.¹⁰ A possible illustration of this effect took place during the US elections of 2016; Donald Trump's victory has been attributed to various pro-Trump false news reports extensively shared on Facebook prior to the elections.¹¹ The illusory truth effect is also commonly used in marketing, where the repetition of potentially deceptive and/or exaggerated claims about the marketed product or service can be used to sway buyers.

B. The Problem of Filter Bubbles

Social media websites, including Facebook, Google Plus, Twitter and LinkedIn, construct ‘filter bubbles’ that allow users to only view content they agree with or that aligns with their pre-existing beliefs.¹² The term ‘filter bubble’ was introduced by Eli Pariser, who alerted readers about the associated dangers in his book *The Filter Bubble: What the Internet Is Hiding from You*.¹³ According to Pariser, a filter bubble is an individual's personal and unique online space, the nature of which depends on their online identity. The individual has no say regarding what penetrates into the space and what gets edited out. Furthermore,

social media users are isolated in their own cultural or socio-political ‘cocoon’ where they are shielded from uncomfortable news items and views that contradict their beliefs. Pariser writes that social media websites, through creating filter bubbles, are “fundamentally altering the way we encounter ideas and information.”¹⁴

C. Weapons of Mass Deception

Recently developed technology like generative ML models, including Generative Adversarial Networks (GAN), have blurred the line between genuine and fake digital artifacts, thereby exposing content consumers to a commoditised form of mass deception. For example, the technology now exists for creating realistic-looking fake videos in which individuals appear to be speaking or doing something they never actually did. In a study by researchers from the University of Washington, a GAN-based ML model was trained on videos of presidential addresses by former United States president Barack Obama in order to create fake videos of him making an arbitrary statement, with his lip movements realistically synchronised.^{15, 16} With such technology, creating deep-fake videos is as easy as editing the text of a video transcript in order to change the speaker’s words.¹⁷ In other recent work, researchers from Samsung have developed a new ML algorithm that takes still images of individuals as input, producing as output a video of them speaking.¹⁸ Moreover, the OpenAI lab in San Francisco, in collaboration with the Allen Institute for Artificial Intelligence in Seattle, have built an artificial “fake-text” generator that mimics human writing, thereby producing machine-composed writing that could pass as genuine. The technology poses such a serious threat that OpenAI considered the technology “too dangerous to be released into the real world.”¹⁹ Disturbingly, deep-fake technology has been used to create fake pornographic videos by swapping the faces of real women with pornographic actresses,²⁰ while DeepNude is an application that uses the same technology to remove clothing from the images of women, generating genuine-looking photos of the person naked.²¹

The availability of such technology raises many ethical issues. It has the potential to make any individual appear engaged in an act they did not commit, such as showing a political leader making a racist remark, a candidate being involved in criminal activities before elections, or a public officer committing an adulterous act. It can affect an individual’s control over their reputation, while being a threat to human dignity, national security, and the well-being of human societies.²² Tackling the relevant issues requires the urgent attention of researchers from multiple disciplines, including the humanities, in addition to researchers from technological fields.

D. Technical Solutions

Several technical solutions have been proposed for identifying and mitigating fake news.²³

1. **Initiatives by Major Internet Companies:** Major Internet companies, such as Google and Facebook, are working to stem the problem of fake news. Facebook is fighting the spread of fake news in multiple ways, including, among other things, by improving its ranking system for posts shown in the News Feed and expediting the reporting of misleading content. The Facebook Journalism Project aims to collaborate with news organisations and journalism experts to improve the quality of information shared on the platform.²⁴ A research report from 2018 concluded that Facebook's role in the dissemination of fake news has been reduced.²⁵ Facebook-owned WhatsApp launched a fact-checking service for Indians ahead of national elections, where users can verify if the shared information is "true, false, misleading or disputed."²⁶

Google has presented a white paper outlining measures to prevent the spread of disinformation through Google Search, Google News, YouTube and Google advertising products. The company has mentioned attempts to enhance its search result ranking system by ranking content on the basis of expertise, trustworthiness and authority. It has also stated that it aims to take strict action against misleading websites, spamming and impersonation.²⁷

2. **Blockchain:** A widely discussed and debated solution to the creation and spread of fake content is the implementation of blockchain technology. Blockchain is a digital ledger that can maintain a record of content shared online, in addition to any alterations made to it, making it possible for all alterations to be traced back to their initiator. In this way, the authenticity of news items can be verified by tracing them back to their origin. Chen et al. have presented a solution for preventing the spreading of rumours on social media networks using blockchain.²⁸ To protect the privacy of media shared on social networks, their suggestion is to cryptographically store the media on blockchain and thereby ensure that every interaction involving the content can be detected.²⁹ Another approach is to make the content stored on the blockchain immutable, to make sure the saved content cannot be altered, changed or deleted.³⁰ Blockchain technology can be used to detect deep-fake videos; one proposed solution is to trace back different versions of the video to the original. If a video cannot be traced to the original creator, then it is identified as fake.³¹

3. **Ethics Initiatives:** The IEEE Global Initiative has published a report entitled “Ethically Aligned Design”, intended to guide and encourage the development of autonomous systems that are primarily focused on human well-being and protecting human rights through the prevention of the misuse of AI, thereby ensuring system transparency and the development of a framework for developer accountability.³² The report is a collective effort produced by several hundred individuals from various countries across the globe, all of whom possess expertise in science and technology, law, governance, policy-making and civil society.³³

The AI Foundation, whose stated mission is to build tools to protect against the risks of AI, has developed the intelligent software, “Reality Defender”, to detect potentially fake media in the digital world. The program scans images, videos and other media to identify known fakes, runs AI-driven analysis techniques to detect alterations in the original content, and allows for reporting of suspected fakes.³⁴

4. **Other Proposed Solutions:** Another solution for preventing rumours from spreading on social media platforms is to develop a rumour classification system.³⁵ This would involve a 4-step process that starts by identifying if a piece of information is a rumour or a non-rumour using a binary classifier. Then a rumour tracking component would be introduced that gathers posts related to and that discuss the rumour while outputting a collection of these posts. The third step would involve stance classification, which uses the output from the rumour tracking component and labels it by determining the stance of each post on the rumour; these labels would include Supporting, Denying, Quarrying and Commenting. The process then ends by assigning a truth value to the rumour through veracity classification, labeling a rumour as true, false or unverified. While the scope of the study only covers the detection and resolution of rumours (which can be true or false), the same work can be done for fake news and hoaxes (which are always fake).

Kumar and Shah³⁶ present a method to detect opinion-based (individual opinion, whether honest or dishonest, e.g. product reviews) and fact-based (statements contradicting, fabricating or agreeing with a true statement, e.g. rumours) false information on both social media and the web. The paper first outlines the characteristics of each type of false information, outlining that fake opinion-based statements (e-commerce reviews in this case) tend to be shorter and more exaggerated, with extreme ratings and short inter-arrival times between subsequent ratings, whereas fake fact-based information (news articles in this case) usually have an incoherent body and headline, are posted by newly registered accounts, and tend to spread faster

and quicker on multiple platforms. The second part of the paper discusses the detection of false information using feature-based, graph-based and modeling-based algorithms.

A detailed survey of various techniques proposed for detecting fake news is provided in Zhou and Zafarani.³⁷ A piece of news is analysed for its authenticity from four perspectives: (1) knowledge-based (knowledge that a news story provides); (2) style-based (intention behind the news); (3) propagation-based (how the news is spread); and (4) credibility-based (assessing the credibility of the news spreaders and creators). Each part of the process from news creation to publication and dissemination is evaluated from these four perspectives.

Islamic Guidelines for the New Online World

A. Islamic Guidelines on Information Dissemination and Sharing

The Islamic ethics of disseminating information requires information literacy, which is the set of skills needed to discover, evaluate, interpret, and use information properly and truthfully.³⁸ With reference to these skills, information dissemination can be broken down into three steps: acquiring, evaluating and sharing. The first phase of acquiring information dictates that a Muslim verify the credibility of their sources. Reporters and news transmitters need to thoroughly check the reliability of their sources before they accept or deny what they are told.³⁹ A guideline to verification for consumers of news, however, includes knowing the author of the article and the sponsor of the medium, determining if there is an agenda underlying the content, what kind of page it is, and for online sources whether the URL is relevant to the content, along with ensuring the information is complete, accurate and current.⁴⁰ With the growth of media sources, determining the credibility of every source can be a challenge, hence, if authentication is not possible, it is advisable to suspend judgment.⁴¹ The Qur'an says (17:36): "Do not follow that of which you have no knowledge. Surely the hearing, the sight, the heart - each of these shall be called to account." Muslims should take inspiration from the hadith scholars, who were very cautious about accepting narrations from unknown individuals, or individuals whose identity and character were doubtful.⁴² In addition to this, the Prophet (pbuh) also commented: "Indeed among the excellence of a person's Islam is that he leaves what does not concern him."⁴³ Following these teachings, Muslims are advised to ignore news that does not affect them, whether in this world or in the Hereafter. This includes celebrity gossip, scandals and other news that may seem interesting but is of no benefit.

The second phase is evaluating the information—or, where Islam guides Muslims to seek clarification. Upon receiving a piece of information, an individual should investigate it before acting upon it.⁴⁴ This command is given in the Qur'an, in the following verse: "O you who have believed, if there comes to you a disobedient one with information, investigate, lest you harm a people out of ignorance and become, over what you have done, regretful."⁴⁵ When judging news, it is advisable to do so without prejudice.

After the initial two phases of acquiring and assessing information, the third phase demands that news be shared in line with Islamic ethics. It is an Islamic belief that human intellect, wisdom, understanding and reason are a trust (*amanah*) from Allah and should not be used to harm another human soul. Hence, before spreading any information, Muslims have a responsibility to consider the impact it could have on an individual. The Prophet (pbuh) is reported to have said: "A Muslim is the one from whose tongue and hand the people are safe, and the believer is the one from whom the people's lives and wealth are safe,"⁴⁶ and "He who believes in Allah and the Last Day must either speak good or remain silent."⁴⁷ Muslims, therefore, need to be cautious when clicking on the share button or forwarding a message that can be insulting, hurtful or offensive to a sect, religion or individual. This cautiousness also applies to spreading misinformation in the form of spam messages, chain mails, conspiracy theories, or fake news articles, as these can be damaging to society.⁴⁸ By controlling the virality of fake news, its impact and acceptability can be reduced.

B. Responsible Journalism and the Dissemination of News

"Say, 'Bring your proof, if you are truthful.'" Qur'an 2:111.

In Islam, a lot of emphasis is placed on the verification of truth, the authenticity of sources, and the proper management of knowledge. This is evident from the efforts Muslim scholars have gone to over the centuries to preserve and authenticate the sayings of the Prophet (pbuh).⁴⁹ The Qur'an commands Muslims to verify the source of all information they receive before believing it to be true: "O you who have believed, if there comes to you a disobedient one with information, investigate, lest you harm a people out of ignorance and become, over what you have done, regretful."⁵⁰ This command also applies to frequently shared pieces of information found on social media, news channels and newspapers. A Muslim is not supposed to act on an unexamined source; all information should be authenticated.

Muchtar et al. have reported on journalistic roles in twelve Muslim majority countries, while also describing the normative Islamic principles regarding news reporting and journalism based on four principles: (1) truth-telling (*haqq*); (2) pedagogy and communication (*tabligh*); (3) seeking public interest (*maslahah*); and (4) moderation (*wasatiyyah*).⁵¹ In another work,⁵² Pintak identified the additional concepts of justice (*‘adl*), independence and sincerity (*nasihah*), balance (*i’tidal*), and prevention of evil attitude and public accounting (*hisbah*) as being critical to Islamic journalism.

Having considered the impact inauthentic information can have at the political and social levels, the responsibility falls on Muslims to take action. The Qur’an says: “And let there be [arising] from you a nation inviting to [all that is] good, enjoining what is right and forbidding what is wrong, and those will be the successful.”⁵³ The command at the beginning of this verse, “let there be [arising] from you a nation”, implies a collective obligation on the part of the community.⁵⁴ A relevant hadith also directs Muslims to take action against evil: “Whoever among you sees an evil, let him change it with his hand; if he cannot, then with his tongue; if he cannot, then with his heart—and that is the weakest of Faith.”⁵⁵ A suggested approach to strengthen these principles is to establish a centre for Islamic journalism as a platform for providing media services that strictly adhere to an Islamic framework for the dissemination of news, while also encouraging positive interaction between practitioners and scholars.^{56, 57} The Islamic obligation to enjoin what is right and forbid what is wrong includes institutions of social communication, including the press, radio, television, and cinema. It can also be extended to social media platforms.⁵⁸ Furthermore, there is a need to train Muslim journalists in editorial tasks, circulation, distribution, advertisement and effective use of new communication technologies within the framework provided by Islam.⁵⁹

Social media posts or website articles receive more attention when they are accompanied by a huge number of likes, shares, or comments.⁶⁰ Islam prohibits Muslims from sharing unverified information. Allah Almighty says in the Qur’an: “When you received it with your tongues and said with your mouths that of which you had no knowledge and thought it was insignificant while it was, in the sight of Allah, tremendous.”⁶¹ The Prophet (pbuh) has also stressed avoiding spreading false news. He said: “The person who goes about with calumnies will never enter Paradise.”⁶² The Companions of the Prophet and the second Caliph, Umar ibn al-Khattab, also said: “It is enough of a lie for a man that he narrates everything he hears.”⁶³

C. Islamic Scholars on the Verification of Information

1. **Ibn Khaldun:** the prominent learned figure who wrote *Muqaddimah*.⁶⁴ An excerpt from this text reads: "...to establish the truth and soundness of information about factual happenings, a requirement to consider is the conformity (or lack of conformity of the reported information with the general conditions). Therefore, it is necessary to investigate whether it is possible that the (reported facts) could have happened." Ibn Khaldun writes that partisanship results in the spreading of misinformation: "If the soul is impartial in receiving information, it devotes to that information the share of critical investigation the information deserves, and its truth or untruth thus becomes clear. However, if the soul is infected with partisanship for a sect or an opinion, it accepts without a moment's hesitation the information that is agreeable to it. Prejudice and partisanship obscure the critical faculty and preclude critical investigation. The result is that falsehoods are accepted and transmitted."⁶⁵ Since the specialisation of Ibn Khaldun was historiography, he describes the complex psychology of humans as a reason for the misrepresentation and falsification of history, saying: "...prejudice and partisanship for a particular opinion and sect...too much unquestioning reliance on past historian[s]...ignorance of how physical conditions conform with reality...unnecessarily lavishing praise on high-ranking personalities. Human souls long for praise and [historians] go for the position and wealth it offers." Numbers are often easy to fudge towards these ends, as Ibn Khaldun notes: "When historians do not probe with the yardstick of knowledge of the nature of things, they stray away from the truth. This is specially the case with figures either of sums of money or soldiers. These offer a good opportunity for false information and constitute a vehicle for nonsensical statements."

2. **Ibn Al-Haytham:** a mathematician, physicist, and astronomer of the Islamic Golden Age (eighth to fourteenth centuries) who wrote that: "the duty of the man who investigates the writings of scientists, if learning the truth is his goal, is to make himself an enemy of all that he reads, and... attack it from every side. He should also suspect himself as he performs his critical examination of it, so that he may avoid falling into either prejudice or leniency." The message is to verify writings and explanations instead of taking them at face value, to think critically and demand proof.⁶⁶

D. Miscellaneous

1. **Islamic Guidelines on Deep-fake Videos:** To counter indistinguishably realistic deep-fakes that rapidly spread false news, we refer to Islamic rules and ethics to ensure our perceptions are influenced only by honest and trustworthy content, and that we do not become victims to manipulation and deceit. According to Islamic principles, the creation of deep-fake videos raises two major ethical concerns: firstly, the original videos or images used to make the fake videos are often taken without the owner's consent, which violates their right to privacy, a sacred human right;⁶⁷ secondly, the purpose behind the creation of these videos is to show falsehood and conceal the truth, which is strictly against Islamic law.

According to the Islamic tradition, those who promote and spread falsehood remain deprived of Allah's guidance and are worthy of severe punishment. Allah says in the Qur'an: "Indeed, Allah does not guide one who is a transgressor and a liar"⁶⁸ and "And do not mix the truth with falsehood or conceal the truth while you know [it]",⁶⁹ which emphatically proscribes Muslims from producing such content and sharing it with others.

The Prophet (pbuh) guided Muslims towards hiding the faults of others. The Prophet (pbuh) is reported to have said: "Whoever covers (the sin of) a Muslim, Allah will cover him (his sin) in this world and in the Hereafter."⁷⁰ Thus, videos that reveal an individual's crime, whether real or purported, should not be disseminated. Deep-fake videos can be used to accuse public figures of crimes and immoral acts that they did not commit, to defame their character. In this regard, Allah has warned against spreading immorality, saying, "Indeed, those who like that immorality should be spread [or publicised] among those who have believed will have a painful punishment in this world and the Hereafter. And Allah knows and you do not know."⁷¹

We have seen that deep-fake videos have the potential to make an individual accountable for speaking words they did not utter and performing actions they did not perform. In this regard, it is important to refer to the teachings of the Qur'an about believing such accusations and holding assumptions against the supposed perpetrators. The Qur'an says: "Why do not the believing men and women, whenever such [a rumour] is heard, think the best of one another and say, 'This is an obvious falsehood?'"⁷² and "O you who have believed, avoid much [negative] assumption. Indeed, some assumption is sin. And do not spy or backbite each other. Would one of you like to eat the flesh of his brother when dead? You would detest it. And fear Allah; indeed, Allah is accepting of repentance and Merciful."⁷³

Not only should Muslims not be involved in creating deceitful content, but they also need to devise ways to counter deep-fake videos. They should participate in and develop ethical initiatives (such as IEEE's Ethically Aligned Design) in which Islamic teachings are used to develop solutions to vexing modern technical ethical issues and pave the way for human well-being. One approach could be to explore the development of algorithms that can detect and report discrimination and deceptive content and identities, for this can open the way for combating ML-generated fakes.⁷⁴

E. A *Maqasid al-Shari'ah* Approach

As stated by Imam al-Ghazali, the objectives of Islamic law (*maqasid al-shariah*) encourage the individual, societal, and communal well-being of humanity through the guarding of religion, life, intellect, dignity and property.⁷⁵ If these objectives are not met, chaos and disorder will prevail.⁷⁶ The acts that fulfill these objectives are desirable, whereas the acts that do not should be avoided.⁷⁷ In this section, we evaluate the ethical issues surrounding deceptive content with reference to each of these objectives.

1. **Religion:** The protection of religion signifies preserving the faith of individuals from all forms of violence and destruction.⁷⁸ Dissemination and consumption of content that portrays a falsely negative image of Islam (like the Notre Dame fire incident, see Section II-A) or misrepresents Islamic teachings will negatively affect an individual's religious beliefs, misleading and deceiving them.
2. **Life:** The intent to protect life is another objective of Islamic law.⁷⁹ Fake news that motivates harm cannot therefore be considered permissible in Islam. In Section II-A, we discussed the violent incident (mob lynching) in India, which provides evidence that dissemination of fake news can hurt human life.
3. **Intellect:** Considering the 'illusory truth' effect discussed in Section II-A, false information alters one's beliefs and affects perceptions of truth. Fake content that appears too authentic to be false makes one skeptical of the truth. In addition to this, articles that share partisan or biased news can manipulate and misinform people: Along with the filter bubbles that restrict information on the web, these can distort one's views.

4. **Dignity:** Deep-fake videos have the potential to tarnish and dishonour someone's reputation by producing false content showing their involvement in dishonorable or illegal acts. Any attempt to defame an individual, either through machine-generated content or rumours in the form of web articles, attacks their dignity.
5. **Wealth and Property:** In Section II-C, the discussion about deep learning technology showed how an individual's personal data (their body and voice) can be manipulated to produce fake content. This goes against the intent of protecting one's property. Additionally, an immense amount of wealth is going into research for questionable technologies that corrupt the objective of wealth generation and spending of wealth for social benefit.

In order to promote individual and collective good, while preventing disorder in the world, one should adhere to the acts that are intended to preserve religion, life, intellect, dignity and property. Dissemination of false information is a threat to truth, individual privacy, integrity and societal security.

Verifying Reports Using the Science of Hadith (*'ilm al-hadith*)

Hadith, or oral traditions that report the words and deeds of the Prophet Muhammad (pbuh), are an important tool in the Islamic tradition, both for understanding the Qur'an and for various matters relating to Islamic jurisprudence.^{80, 81} A hadith contains two parts: (1) the text (*al-matn*), which refers to the actual narrative; and (2) the chain of narrators (*isnad*), which refers to the chronological list of narrators who transmitted the hadith.

During the lifetime of the Prophet (pbuh), the Companions meticulously conveyed what they had directly heard from him. However, the fabrication of hadith, whether intentionally or unintentionally, began around 40 A.H., following the assassination of the third caliph, Uthman, due to political unrest. These fake hadith emerged from various sources, such as: new immigrants from the former Persian and Roman empires; storytellers who invented their own hadiths; and mistakes in copying and transmission.⁸² Hadith scholars soon realised the imminent threat the fabrication of hadith posed and developed a rigorous science of hadith (*'ilm al-hadith*) to protect the authenticity of the teachings of the Prophet (pbuh), and thereby shield the Muslims from falsehood.⁸³ Each hadith was verified based on its narrators (*rawi*), the text of the hadith (*matn*), and the chain of narrators (*sanad*, pl. *isnad*). This *isnad* system is the great contribution of hadith scholars to Islam, through which the authenticity of hadiths was ascertained.

Hadith scholars use an indigenous science of criticism and praise (*'ilm al-jarh wa al-ta'dil*) to scrutinise each link in the chain of narrators, thereby grading the overall authenticity of the hadith. This science of verification was developed to maintain the purity and sanctity of Islam, and protect the religion from the craftiness of liars.⁸⁴ The objective of the science of *'ilm al-jarh wa al-ta'dil* was to assess the status and trustworthiness of a narrator in order to determine the authenticity of a hadith.⁸⁵ The term *al-jarh* is used for accusation and denunciation, whereas *al-ta'dil* means to establish, enforce or attribute personal good. With reference to the validation of hadith, *al-jarh* focuses on the rejection of an individual, while *al-ta'dil* compliments the narrator.⁸⁶

A. Traditional Verification of Hadiths

1. **Reliability of Narrators:** the study of the transmitters of hadith (*'ilm ul rijal al-hadith*) is another integral discipline in the science of hadith. It focuses on studying the biographies of each narrator in an *isnad* to determine their reliability and, hence, the validity of the hadith they transmitted.⁸⁷ A narrator is accepted if they are Muslim, mature, possessed of a sound mind, and free from anything that could lead to open sinfulness.⁸⁸ Moreover, for an hadith to be valid, the biographical accounts of the narrators should indicate that they were practicing Muslims and not involved in major forbidden acts.⁸⁹ If a narrator was a known liar, they are classified as such (*kadhaab*) and all hadiths transmitted by them are classified as weak (*da'if*).⁹⁰
2. **Authenticity of Narrations:** The scholars of hadith have carefully studied the *matn* and *isnad* of the prophetic traditions in order to ensure their authenticity. To be considered authentic (*sahih*), an hadith's chain of transmission must be continuous. If the chain is broken due to possible untruthfulness, the hadith is rejected.⁹¹ As for the text of a hadith, comparisons are made between the accounts of different students, between the statements of a single scholar over time, between oral and written documents, and between the hadith and a related verse of the Qur'an.⁹²

In his book *Naqd al-manqul*, Ibn Qayyim al-Jawziyyah presented guidelines for identifying false narrations. He argued that an hadith is probably fabricated if it clearly contradicts: (1) an established teaching in the Qur'an; (2) a widely established sunnah of the Prophet (pbuh) or any authenticated hadiths; (3) authenticated historical facts; or (4) the basics of Islamic law (shariah). Narrations with illogical or severe, aggravated or grievous, connotations are also considered false, and hence unacceptable,

along with hadiths that do not reflect the words of the Prophet (pbuh).^{93, 94} *Isnad* criticism has priority over *matn* criticism; when the *isnad* of a hadith is rejected, evaluation of the *matn* is not required. However, the reliability of the *isnad* does not guarantee the authenticity of the narration.⁹⁵

3. **Validation through the Act of Narrating:** The method of narrating an hadith involves either directly hearing it from a teacher or hearing it from another transmitter. For both methods, a narration is considered weak if there is any uncertainty caused by concealing the identity of a teacher in an *isnad*. A person reporting from a teacher whom they have not heard from or seen, using well-known names while concealing the real name of a teacher, or omitting the name of a weak authority, renders an hadith weak.⁹⁶

B. Probability Theory Based Hadith Verification

Taking heed from the attempts of Islamic scholars to develop disciplines to differentiate between authentic and fake reports, similar efforts can be used to address the problems that have arisen due to fake news and misinformation on the web. The entire process of news dissemination can be analysed by assessing the reliability of each transmitter individually. The criticism of narrators can be applied to organisations and websites that share information; principles of authenticating narrations can be applicable to the information being shared, allowing the content author and act of narrating information to be critically examined. With no regulations being imposed on the content shared on the web, an attempt to critically evaluate the reliability of websites and organisations, or to maintain a directory of reliable and unreliable sources, is difficult. Rejecting all content shared through unreliable sources could, however, reduce the amount of fake news being transmitted.

Probabilistic hadith transmitter criticism uses probability theory to compute the reliability of information transmitted by hadith transmitters by combining all existing transmission chains present in hadith collections using two processes: vertical and horizontal combination.⁹⁷ Each transmitter in a chain is assigned a baseline reliability score of 0.6, with 1 representing total reliability and 0 no reliability. Due to the extreme vetting process hadith transmitters have undergone, it is assumed that each transmitter is likely to transmit information truthfully and accurately. Transmitters who are known to have had unreliable memories (*mukhtalit*, *sayyi al-hifz*), or whose truthfulness has been put into question (*majruh*, *ghayr hujja*, *da'if*, *laysa bi-shay'*, *matruk*) are assigned lower reliability scores.⁹⁸

When judging hadith transmitters, a source of inconsistency and moral hazard flows from the sectarian leanings of some hadith critics. Certain hadith critics tended to judge transmitters more harshly than others, and would even consider them entirely unreliable, due to their perceived unorthodox beliefs and practices—with orthodoxy being defined by the hadith scholars. The important early hadith collector Malik b. Anas (d.795 CE), for example, urged his students to disregard hadiths transmitted by proselytisers of “religious innovation.”⁹⁹ Since it was left to each scholars’ own judgment, to determine orthodoxy, this created the possibility of hadith critics judging a transmitter weak despite their widely accepted truthfulness and ability to transmit information accurately. Additionally, hadith critics had an aversion to the transmission of information through writing, despite the obvious fact that written information carries greater integrity than that stored by human memory. This led to hadith critics considering certain transmitters unreliable merely for relying on written hadith materials.¹⁰⁰ Another source of inconsistency in the hadith literature is the fact that hadith critics used to judge legal hadith in a far stricter manner than non-legal hadith, due to their belief that legal hadith would influence the way Muslims practiced Islam, while non-legal hadiths would not.¹⁰¹

These observations point to the fact that human beliefs, biases, and social group membership can strongly influence judgment of the reliability of information transmitters, thereby representing a potential source of error that could cause empirically correct information to be erroneously judged unreliable, or empirically doubtful information to be judged reliable. Probabilistic hadith criticism represents a step forward in removing some of these biases by providing a consistent set of criteria to be used on all hadiths and, by being collection-agnostic, avoiding the common bias of considering hadiths within the more famous collections to be of higher quality without due regard for the hadiths’ transmitters. The problem of judging the reliability of transmitters remains, however, and requires further empiricalisation and standardisation; probabilistic hadith criticism can contribute to this area of research by providing a consistently-judged corpus of hadith, comprising all major hadith collections, to be used as test cases for judging the reliability of transmitters.

Falling victim to fake news is more a symptom of ‘lazy’ thinking than of biased computation.¹⁰² Fact-checking systems can therefore serve an essential role, enabling information consumers to delegate the task of information verification to systems designed to fight fake news. Lessons learned from our research in hadith criticism can contribute to the issue of designing systems to counter fake news. Consistently applied criteria for judging the reliability of information transmitters is essential for preventing the introduction of human error and bias into the verification process. Humans employ various techniques to

discount information that clashes with their beliefs, such as biased assimilation, relative weighting of evidence, and minimisation of impact.^{103, 104} Any system designed to fight the spread of false and inaccurate information can fall victim to the human biases of its designers and operators. It is therefore necessary to design and operate such systems with the express goal of minimising the impact of these factors through consistent and transparent criteria and procedures. Besides the benefit of increasing the system's reliability, such consistency and transparency can enhance the reputation of the system. Such a reputation can determine whether users will trust the judgments issued by it.

Another aspect of hadith criticism that could be beneficial to fighting fake news is the comparative process by which the reliability of little-known transmitters is determined. Such transmitters are judged by the concordance of their transmitted information with the narrations of other transmitters. Persons known to mostly transmit narrations containing strange and unusual assertions (*al-manakir*) are considered less reputable, while those whose narrations are largely in accord with the rest of the hadith literature are considered more trustworthy. A person whose career largely involves accurately transmitting information corroborated by other transmitters can be trusted, even in those few cases where the information they transmit is rare and uncorroborated, with their personal reputation serving to enhance the status of their narration.

Fake news-fighting systems, in the absence of knowledge about the reputation of a given information source, can monitor the track record of the source to determine the rate at which it has published unusual or uncorroborated assertions. Even in the complete absence of reputational information, an automated system can judge the reliability of an information source, such as a little-known news website, by determining the concordance rate of its contents with information found in reputable sources. A largely unknown news source can be judged trustworthy when it is determined that an overwhelming majority of its news stories are corroborated by other sources. An important benefit of such a system is its ability to judge a news piece trustworthy despite: (a) a lack of external knowledge about the reputation of the source, and (b) a lack of corroborating news pieces from other sources. In such a case the automatically computed concordance rate of previously published news pieces at the source with pieces found at other well-known sources serves as evidence enhancing the probability of the accuracy of the novel and uncorroborated news piece from the little-known source. Conversely, news sources suffering from a low concordance rate can be downgraded in the absence of further information about the source's trustworthiness and reliability.

Probabilistic hadith criticism can also serve as an educational tool for teaching important aspects of critical thinking when it comes to judging the

reliability of information; inherently probabilistic nature of the reliability of transmitted information; influence of human error when judging the reliability of information; and importance of applying explicit and consistent criteria and procedures when judging information.

Conclusions

During the present era, technological breakthroughs are happening at an exponential rate, with fancy gadgets and applications being rapidly introduced. However, these advancements have raised serious ethical questions. The growth of social media platforms and the World Wide Web have led to the spread of misinformation and disinformation through fake news, along with deep-fake videos that produce highly realistic synthetic content. The potential of these technologies to cause harm to individuals, societies and governments is extremely alarming. In this paper, we highlighted instances where such technology has indeed posed a threat. Deceitful content can result in identity theft and extortion, sexual victimisation, fake criminal accusations and, more importantly, destruction of trust. When falsehood becomes too prevalent, it ignites skepticism, making it hard to believe real and authentic information. Considering the threat that fake news and synthetic content poses for humanity, we have consulted the Islamic guidance on falsehood—gleaned from the teachings of the Qur'an, sunnah of the Prophet (pbuh), and practices of the early Islamic scholars—and presented guidelines therefrom. We looked at deceptive content from multiple dimensions, evaluating each dimension in the light of Islamic principles. In addition, to reduce the impact of technology, we have also provided guidelines and alternatives for Muslims to apply when combating fake news, misinformation, and machine learning generated fakes.

Recommendations

- Muslims need to realise the negative societal, communal, and political impact of fake news and misinformation, and understand the Islamic stance on spreading falsehood. Muslims must be able to actively participate in initiatives that work towards fighting the spread of false content.
- In order to ensure false information is not consumed, individuals should practice assessing the credibility of sources, whether on social media or the World Wide Web, when acquiring information.

- Taking insights from the Muslim scholars of the past, present-day Muslims should critically and unbiasedly evaluate information. One should not shy away from demanding proof or investigating further, especially when it comes to synthetic content, lest we become the victims of manipulation.
- Refrain from spreading news whose validity is doubtful and ensure that content is shared with sufficient information about its producer and publisher.
- Journalistic organisations should establish platforms that adhere to the Islamic framework of news dissemination, while training journalists to ensure the practice of responsible journalism.
- By seeking guidance from the process of verifying hadith through probability theory, individuals can apply similar strategies to combat fake news.

Notes

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QUR'ANIC COSMOGONY: THE PERSPECTIVES OF CONTEMPORARY MUSLIM COMMENTATORS

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Abstract: The origin of the cosmos is one of the most intriguing queries facing mankind. The Qur'an presents substantial information pertaining to this matter. In this paper, a Qur'anic cosmogony, comprising physical as well as metaphysical aspects, is presented based on a number of prominent contemporary Qur'anic translations and commentaries. It is revealed that commentaries on Qur'anic cosmogonical verses vary significantly. The paper then presents the qualitative and quantitative features of Qur'anic cosmogony, and deduces some general features and principles pertaining to cosmogony. It also suggests an integrated multidimensional approach in order to articulate cosmological notions from the Qur'an.

Keywords: Qur'anic cosmogony, Qur'anic cosmogeny, *creatio ex nihilo*, *creatio ex materia*.

Introduction

Scientific miracles in the Qur'an are one of the most popular topics of discussion among ordinary Muslims of the current century, as well as among a large number of Muslim thinkers and authors from a diverse range of intellectual backgrounds. Authors who attempt to discuss Qur'anic references to scientific knowledge either base their claims entirely on their own interpretations of relevant Qur'anic verses, or tend to rely on scientific exegesis (*tafsir 'ilmi*) of those verses. The origin of the universe has been a popular topic of discussion among these authors, especially after the popularisation of the Big Bang Theory. This paper seeks to formulate a Qur'anic cosmogonical account of the physical cosmos based on translations and commentaries of the Qur'an in the English language by a number of prominent contemporary Muslim translators and commentators. Based on these translations and commentaries, a cosmogonical theory is formulated—or,

in the case of multiple cosmogonical concepts, multiple theories are produced. Additionally, the existing diversity of translation and commentaries in the context of cosmogony is explored. If significant discrepancies are found, we seek to determine the underlying rationale behind them.

Once cosmogonically relevant verses are accumulated via a thematic search of the Qur'an they will, based on existing literature on Qur'anic cosmological notions and concepts of creation, be linguistically analysed. Such analysis includes a survey of translated meanings in the selected works. In addition to such meanings, the contextual meaning is also considered. The context or theme of a particular verse is considered as an important factor in determining cosmogonical concepts.

The contemporary Qur'anic translations and commentaries used here are listed in the reference section. Throughout the paper, all quoted Qur'anic verses are based on the translation of Saheeh International, unless stated otherwise. It is paramount to mention that despite the universal acceptance, validity and legitimacy of classical Muslim exegetists and commentators of the Qur'an, for a number of reasons this article specifically aims at modern commentators. Firstly, as cosmogony refers to the aftermath of the origination of the universe, it is significant that the way the physical universe is perceived, studied and observed in the modern era differs drastically from how it was perceived during the classical Muslim scholastic era. Secondly, Hasan and Tuah¹ have already examined the major differences between classical and modern commentators of the Qur'an with regard to cosmogony. Nonetheless, a number of references to the commentaries of classical Muslim scholars are made throughout the article to identify some similarities and differences. For instance, the views of al-Suyuti and Ibn 'Abbas have been mentioned regarding the alleged prevention of the vegetation process on this planet.

This article does not intend to discuss or draw any form of comparison between existing scientific models of cosmogony and Qur'anic cosmogony. There are ample works that deal with the scientific references available in the Qur'an, among which the most prominent is Bucaille's *The Bible, the Qur'an and Science: The Holy Scriptures Examined in the Light of Modern Knowledge* (2013). Bucaille examines the Qur'anic notion of the cosmos,² whereas this article merely aims at producing a coherent cosmogony based on Qur'anic verses, regardless of any scientific findings about the origin and early state of the universe.

Cosmogony and Cosmogeny: Scientific vs. Theological

The two branches of cosmology, cosmogeny and cosmogony, are definable with reference to two substantially different fields, namely empirical science and theology. Despite the fact that the aims of cosmogeny and cosmogony, of science and theology, are ultimately identical, major differences hinge upon epistemological sources and methodologies.

From a scientific perspective the term 'cosmogony', although not widely used, basically connotes the discourse pertaining to the origin of the universe.³ By contrast, cosmogeny, derived from the Greek *kosmogonia*, is the study of the source and evolution of the cosmic objects and structures of the universe, including stars, galaxies, planets etc.,⁴ as part of a theory of the origin and progression of the universe.⁵ However, in some cases, cosmogony can be restricted or limited merely to a discussion of the origin of the solar system.^{6,7} The primary means of study in this discipline relate to the interaction of natural units (particles, matter or forces)⁸ within the bounds of theoretical physics. Cosmogony encompasses the study of forces (or causes) which produce the objects in the cosmos. It attempts to peer back into history, at the progression of the universe, while ultimately trying to foresee its fate. It attempts to find the answers to the 'whence and whither' of the universe.⁹

In a theological context, cosmogony attempts to deal with the origin of the universe from a theological perspective. Religious scriptures, mythology, tradition or theological discourse are generally the primary sources of knowledge when formulating a cosmogony in any given religious cosmological discussion. However, scientific cosmological findings are also oftentimes taken into consideration when formulating a theological cosmology. The inclusion of the former is a recent phenomenon, however, meaning the role of scientific knowledge in theological cosmogony is still disputed. Generally speaking, religious cosmogony is either based on creationism or non-creationism. The former is the most prevalent in the majority of the world's major religions, including the three monotheistic Abrahamic religions, while the latter can be found in Buddhism and Jainism. For instance, in Buddhist cosmology the concept of re-birth and a cyclic existence passing through innumerable occurrences¹⁰ is central, as opposed to the one grand cosmic existence attributed to a creator God. On the other hand, from polytheistic to monotheistic religions, from ancient civilisational traditions to temporally or spatially scattered tribal cosmological mythologies, cosmogony is attributed to either a creator deity, a group of hierarchical deities, or an omnipotent God – which is the case in Islam. By contrast, cosmogony generally involves the process of creation or formation encompassing corporeal aspects.

Qur'anic Cosmogony

Despite the fact that Qur'anic cosmogony deserves extensive attention and discussion, considering the main objective of this paper, which is limited to cosmogony, we do not intend to plunge into a detailed discussion with regards to the ultimate origin of the physical cosmos. In Islamic discourse, the ultimate origin of everything is Allah, with the Qur'an confirming this principle in numerous verses (such as 6:1; 6:101; 25:59). The fundamental message is that Allah created the heavens and the earth and what is between – clearly referring to the physical cosmos in its entirety. However, such a principle does not present sufficient information for a proper cosmogony, since for the latter it is essential to reveal how the universe was created, not merely what or who created it.

Regarding how Allah created the cosmos, verses 2:117, 6:73 and 36:81-2 provide significant cosmogonical information. Verse 2:117 states: "Originator of the heavens and the earth. When He decrees a matter, He only says to it, "Be," and it is." The second selected verse, 6:73, similarly states: "And it is He who created the heavens and earth in truth. And the day He says, "Be," and it is, His word is the truth." The third selection, verses 36:81-2, states: "Is not He who created the heavens and the earth able to create the likes of them? Yes, [it is so]; and He is the Knowing Creator. His command is only when He intends a thing that He says to it, "Be," and it is." The context of the discussion in these three quotations is clearly the universe as denoted by the common phrase "the heavens and the earth", which constitutes the dualistic Qur'anic topography of the physical universe. In a number other verses, Allah's creative will and command are mentioned using the word *kun* (be), such as in 3:47, 3:59, 16:40, 19:35, 36:40, and 40:68. However, unlike the aforementioned three verses, none of these refer to the cosmos. Verses 2:117, 6:73 and 36:81-2 evidently indicate how Allah's Divine will and command originated the universe. Such Divine command is beyond the frame of space and time; hence it is transcendent of any contingent reality and, in fact, belongs to the Ultimate Reality. And the Ultimate Reality in Islam is Allah alone.¹¹ Furthermore, clearly it is not an identifiable object or entity, which *creatio ex materia* generally presents. It is the Divine will and command, which cannot be categorised as 'something' in the material realm. Therefore, based on these three verses, it could be concluded that Qur'anic cosmogony advocates *creatio ex nihilo*.

Qur'anic Cosmogony

It is now necessary to investigate the cosmogony that the Qur'an contains—in other words, the image it presents of the earliest state of the universe as originated via Allah's command, *kun*. In order to formulate a Qur'anic cosmogony, the first step must be to identify all the relevant verses containing significant cosmogonical information. The verses must deal with the universe, or a major constituent part of it, such as the heavens. Two such verses, which indicate the earliest state of the universe, are 21:30 and 41:11. The former states "The heavens and the earth were a joined entity, and We separated them", while the latter states "Then He directed Himself to the heaven while it was smoke and said to it and to the earth 'Come [into being], willingly or by compulsion'. They said, 'We have come willingly'." It is logical to place the former verse first in the following discussion as the unified state was likely followed by the separated or individual state.

As far as verse 21:30 is concerned, the key term for identifying the condition of the universe is *ratq*. Another significant term for comprehending the Qur'anic notion of the formation of the universe is *fatq*. The potential meanings acquired from the selected translations of these words are as below:

Authors	Meaning of <i>ratq</i> with respect to the heavens and the earth	Meaning of <i>fatq</i> with respect to the heavens and the earth
Sceyyed Hossein Nasr	sewn together	rent them asunder
Ali Unal	one piece	parted them as separate entities
Muhammad Asad	one single entity	parted asunder
Yusuf Ali	joined together as one unit of creation	clove them asunder
Abul A'la Mawdudi	one mass	parted them
Al-Hilali & Muhsin Khan	joined together as one united piece	parted them
Marmaduke Pickthall	one piece	parted them
Rashad Khalifa	one solid mass	exploded into existence
Muhammad Sarwar	one piece	tore them apart from one another
Saheeh International	a joined entity	separated them
Maulvi Muhammad Ali	closed up	opened them
Muhammad Ashiq Elahi	closed	opened them
Mufti Muhammad Shafi'	closed	opened them

Table 1: The Diversity of Meanings of Cosmogonically Significant Terms

It is evident that contemporary translators and commenters present two potential meanings of this verse: 1) the two major constituting elements of the universe – the heavens and the earth – were one united entity; 2) the heavens and the earth were closed. In order to acquire a detailed account of each meaning, the commentaries are presented below:

Author	Commentary
Seyyed Hossein Nasr	The author, although not providing his own commentary, conveys the interpretations of several prominent classical exegetists, ranging from the early state of the creation of the heavens and the earth to a spiritual allegory. One interpretation states that the heavens and the earth were adjacent and then Allah made multiple heavens and earths, or separated them. The other opinion relates the verse to the separation of the heavens and the earth by rain and vegetation respectively. Some exegetists also interpreted the verse in terms of a spiritual metaphor, referring to the heavens as spirit and the earth as the faculties of the soul.
Ali Unal	The author highlights a number of interpretations. One does not take into account modern scientific findings, relating the verse to the rainless era of the sky and the barren earth. The other interpretation relates the verse to a number of cosmological as well as astronomical aspects, such as the early state of the universe or the solar system.
Muhammad Asad	The author claims that the verse references the unitary origin of the universe, which science has recently discovered.
Syed Abul A'la Maududi	The author claims that the universe was a single mass which was later split into many parts, including the earth and other celestial objects.
Abdullah Yusuf Ali	The author interprets the joined state of the universe as an indication of its unity, referring to newly-discovered scientific facts.

Maulvi Muhammad Ali	The author interprets the closing up of the heavens and the earth as a reference to the break in Divine revelation from Allah prior to the advent of the Prophet Muhammad.
Muhammad Ashiq Elahi Muhajir Madani	The author perceives the verse as a reference to the era when there was no rainfall and vegetation on earth.
Maulana Mufti Muhammad Shafi'	The author believes that the closing of the heavens and the earth refers to the shutting off of the rain from the heavens and the prevention of the growth of vegetation on the earth

Table 2: Commentaries on verse 21:30

Based on the commentaries presented in Table-2, it is evident that among the two meanings acquired previously from Table-1, the first clearly means the initial unified condition of the universe revealed by modern science. This is a major cosmogonical notion presented in the Qur'an. On the other hand, the second seems to have two drastically different meanings. Firstly, according to Maulana Mufti Muhammad Shafi' and Muhammad Ashiq Elahi Muhajir Madani, the verse refers to the closure of the rain from the heavens and the prevention of the vegetative process on earth. Such a view is common amongst numerous traditional and classical commentators, as well as exegetists such al-Suyuti,¹² Ibn 'Abbas¹³ and many others. Secondly, according to Maulvi Muhammad Ali, the heavens and the earth were closed after the initial revelation was sent down from Allah.

Considering the objective of this paper, only the first meaning and interpretation can be adopted, since the key aspect of the verse refers to the adjacency of the heavens and the earth, which ultimately corresponds to the unified state of the universe in its early stages, followed by its separation. As mentioned earlier, verse 41:11 indicates (as will be discussed) two separate entities, the heavens and the earth; therefore, the unified state was the earliest state of the universe in its corporeal existence.

As for the other significant verse on cosmogony, 41:11, in order to investigate this thoroughly it is paramount to include the following verse (41:12), as doing so further signifies a number of relevant matters. Based on the selected works, there are a number of features presented in these two verses, which can be summarised as follows: 1) the condition of the heaven and the earth; 2) the multiplicity of the heavens; 3) the duration and sequence of creation of the heavens; 4) the determination of the commands to the heavens; and 5)

adorning the lowest heaven. Evidently, apart from the second feature, which is a complex notion that does not involve cosmogony, all the other features are either explicitly or implicitly relevant to the notion of cosmogony. However, it is the first feature that can be identified as the most relevant, as it shows that the heavens were *dukhan* (smoke, gas, a cloud of gas, vapour, or steam). There are two occurrences of this term in the entire Qur'an: in 41:11 and 44:10.¹⁴ As far as the first occurrence is concerned, the context in which the term occurs is creation of the heavens and the earth (i.e. the universe) and the laws which they obey. However, the other occurrence in verse 44:10 has either an eschatology context¹⁵ or, as some commentators suggest, relates to a drought during the Prophet's lifetime, and not cosmogony at all. Hence, verse 44:10 is not relevant to the current discussion.

It is now necessary to investigate what commentators think of the aforementioned features.

Author	Commentary
Seyyed Hossein Nasr	Nasr does not provide any commentary on the state of the heavens, but rather emphasises the notion of the submissiveness of everything in the universe to Allah. With regard to the sequence of the creative process, Nasr bases his commentary on al-Tabarasi, a fourteenth-century CE Muslim exegetist. He viewed the heavens as having been created after the earth. He includes that Allah revealed to each heaven its command, or its affair, which is understood to mean that He created for each all that would pertain to it (such as angels, stars, the sun, and the moon).
Ali Unal	Unal refers to another prominent Turkish scholar's interpretation, namely that of Haluk Nur Baki (d.1997). He related the submission of the heavens and the earth to the phenomenon of molecules forming in the earth's atmosphere, as explained by geophysics.
Muhammad Asad	Asad claims that <i>thumma</i> is a mere equivalent of 'and' and hence does not imply a sequence. As for the state of the heavens, he thought it was in a gaseous form, likely hydrogen, from which other cosmic materials evolved. The notion of the seven heavens is interpreted as a reference to the multiplicity of the cosmic structure.

Maulana Mufti Muhammad Shafi'	Shafi' gives a comprehensive account of the duration of the creation of the heavens and the earth according to traditional sources, including a number of hadith, all of which identify the days as per the human conception of such.
Abdullah Yusuf Ali	Ali states that prior to the formation of the seven heavens, the heavens were in a gaseous state, either as smoke, vapour or steam. He then highlights that the creation of the heavens in two days does not necessarily mean two days of our calculation.
Maulvi Muhammad Ali	The author interprets 'days' as an undefined period or stage. Muhammad Ali does not provide any discussion on any other cosmogonical aspects.
Muhammad Ashiq Elahi Muhajir Madani	The author interprets days as per the human conception. He states that the sky was smoke in its primordial stage.
Syed Abul A'la Maududi	Maududi provides a detailed discussion, highlighting three important cosmogonical aspects. Firstly, he clarifies that by turning to the heavens it is meant that Allah turned to the act of creating the heavens. Secondly, he identifies the primordial state of the heavens as smoke, which he compares to dust-like matter prior to the formation of the cosmos (that is, the initial condition of a nebula). Thirdly, Maududi insists that claiming a sequence of creation based merely on the term <i>thumma</i> is inaccurate. The author also states that it is not the purpose of the Qur'an to present a scientific lesson in the context of creation, but rather to outline tawhidic teachings.

Table 3: Commentaries on verses 41:11-12

It is evident that, if the commentaries which rely on classical sources or views are taken into consideration, a rationally sound cosmogony cannot be accumulated. On the other hand, the commentaries which recognise scientific knowledge concerning the early state and formation of the universe actually present a systematic Qur'anic cosmogony. Regarding the early condition of the universe, based on the commentaries of Unal, Asad, Yusuf Ali, Elahi Muhajir Madani and Maududi, the heavens were in a gaseous form. However, the condition of the earth is not elucidated. As for the duration and sequence of the

creation or formation of the heavens and the earth, according to Asad, Yusuf Ali and Maududi, there is none.

The figure below summarises the cosmogenical and cosmogonical findings so far:

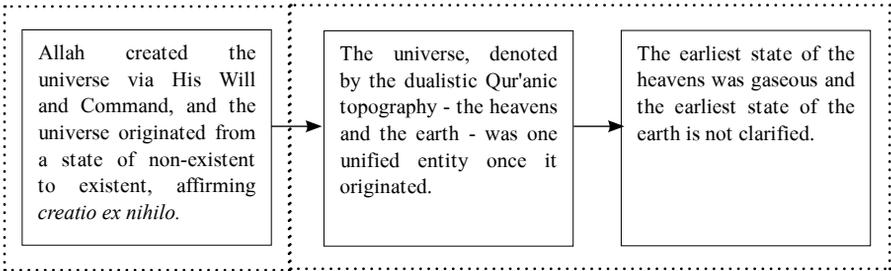


Figure 1: Qur'anic Cosmogeny and Cosmogony

Major Findings

The findings of this paper can be divided into two main categories: the analysis of a newly-articulated cosmogeny and cosmogony as per the Qur'an, and the existing diversity of commentaries on cosmologically significant verses. As for the first category, Qur'anic cosmogeny certainly requires further scrutiny as it is highly likely to contain additional theological dimensions considering the fact that the Qur'an recurrently talks about Allah's creative knowledge, skill and command, as well as a range of names and attributes pertaining to His creativity. However, as the main objective of this paper revolves around Qur'anic cosmogony, it is not intended to pay further attention to this.

As far as the articulated cosmogony is concerned, it appears to be limited to corporeal dimensions. Such a cosmogony is not an accurate representation of a religious scriptural cosmogony, such as represented in the Qur'an. Considering the two verses analysed in this paper, they evidently indicate both physical features as well as metaphysical ones. The former is traceable from the discussion and figures presented in the previous section; however, the latter requires a theological platform. Once both of these dimensions are amalgamated, an accurate Qur'anic cosmogony can be formulated. This facet has one important general cosmological implication: the intermingling of the physical and metaphysical realms. In fact, one of the major objectives of the Qur'an is to reveal the metaphysical truth and foundations of the physical universe. For instance, verse 41:11 contains a significant cosmogonical piece of information regarding the physical universe and, at the same time, has

a profound theological or metaphysical cosmogonical feature. The former concerns the gaseous nature of the early universe, while the latter reveals Allah’s metaphysical involvement in the formation of the universe. In the case of verse 21:30, the part which states “We separated them” also implies Allah’s metaphysical involvement in the formation of the universe. Such involvement is untraceable via a quantitative study, being imperceptible in the corporeal setting; hence, it is characterised as metaphysical. It is this metaphysical feature that makes a religious cosmology, such as a Qur’anic cosmology, distinguishable from modern empirical cosmologies. Therefore, any characteristic of the physical universe presented in the Qur’an is expected to involve metaphysical features. Consequently, articulating a cosmogony that exclusively takes into account the corporeal dimension does not reflect a complete and accurate Qur’anic message.

Allah’s metaphysical involvement in the cosmogonical process can be specifically identified by further analysing the contents of the two verses discussed here. The fact that Allah communicated with two entities, namely the heavens and the earth, implies the physical existence of the heavens and the earth as separate forms. However, as identified in the cosmogony presented in the previous section, the physical condition of the earth is not indicated. However, from a theological perspective, this symbolic conversation can be perceived as the determination of the governing laws of the universe by the Creator—a number of the commentators mentioned in the previous section interpret this as a sign of the submissiveness of the heavens and the earth to the Creator.

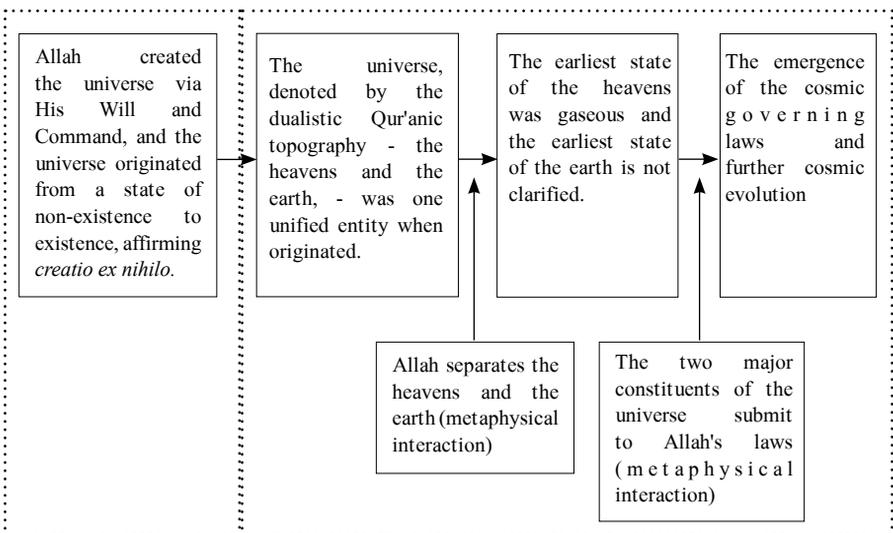


Figure 2: Qur'anic Cosmogony and Cosmogony (Metaphysical and Physical)

It can be said that the Qur'an does not aim to present a quantitative cosmogony; instead it aims to merely refer to quantitative features. Likewise, it should not be claimed that the Qur'an solely presents a qualitative cosmogony; the Qur'anic cosmogony is primarily qualitative in nature, with references to quantitative features that are not necessarily precise.

As for the conspicuous diversity among commentators, a number of conclusions can be drawn from this. Firstly, commentators like Seyyed Hossein Nasr and Maulana Mufti Muhammad Shafi', who heavily rely on traditional sources and classical exegeses or commentaries, cannot contribute to the process of articulating a modern, consistent, comprehensive physical cosmic cosmogony based on Qur'anic verses. Secondly, each commentator emphasises different aspects of each verse, which makes it challenging to identify the cosmogonical concepts of each commentator. This diversity exists because commentators lack a common thematic and contextual approach. The context of all the selected verses is evidently cosmic affairs, as verified by the clear usage of the Qur'anic phrase "the heavens and the earth", denoting the universe as a whole.

If cosmological information is being searched for in the Qur'an, a cosmological thematic approach ought to be adopted. Otherwise, drastically different interpretations are likely to emerge, and it may not be possible to retrieve comprehensive cosmological information. The combination of a linguistic analytical approach, contextual as well as thematic interpretation, scientific exegesis, and a multi-dimensional approach comprising the physical as well as the metaphysical, is utterly essential in order to formulate a Qur'anic cosmology of the physical universe. Absence of such a well-integrated approach, or the implementation of a one dimensional approach, either physical or metaphysical, cannot produce an accurate and comprehensive Qur'anic cosmological notion. The lack of such an approach is the primary reason for the diversity of commentaries on the selected verses.

Another significant finding is that if contemporary scientific evidence is not taken into consideration when interpreting those verses containing significant cosmological information, the Qur'an might either appear not to have presented significant information about the physical cosmos or be entirely misinterpreted. Emphasising only the qualitative aspects of these verses severely limits an understanding of the knowledge contained in them. The Qur'an, despite being a religious scripture, and despite not being meant to provide a quantitative account of the cosmos, does refer to quantitative aspects. There is, however, a significant difference between presenting a quantitative aspect and referring to one. In order to identify such references to the quantitative features of the cosmos, the aforementioned approach is utterly essential. Upon retrieving

both quantitative references and qualitative aspects, a well-balanced Qur'anic cosmological notion can be articulated.

The later stages of the physical universe, which can be categorised as cosmic evolution, are retrievable from numerous Qur'anic verses presenting the idea of Allah fashioning, constructing and determining the measurements of the structure, functionality, and constituent elements of the heavens and the earth. Likewise, the ultimate fate of the universe (cosmothanatology) is also indicated throughout the Qur'an. Hence, a complete Qur'anic cosmology of the physical universe – from cosmogeny and cosmogony via evolution to cosmothanatology – can be formulated.

Conclusion

The wisdom and knowledge inherent in the Qur'an is infinite. Consequently, even after one and half millennia, the Qur'an continues to offer new insights into existing and newly-emerging areas of knowledge. The dynamic nature of mankind's accumulated knowledge of the Qur'an can be attributed to a non-Qur'anic factor: the gradual civilisational progress influencing mankind's epistemology. It has been the main objective of this paper to formulate a Qur'anic cosmogony based on a number of contemporary Muslim commentators of the Qur'an in order to facilitate the application of recently-acquired knowledge. As noted, the trend of heavily relying on classical commentaries, combined with not having a particularly well-integrated or multi-dimensional approach, has resulted in significant discrepancies between commentaries. Therefore, this paper has offered a new, more effective approach for extracting thematic data from the Qur'an.

This paper has also attempted to prove that the integration of the Qur'an's qualitative knowledge with its quantitative allusions ultimately results in an integration of the physical and metaphysical realms. Denouncing any one of these generates either misrepresentation or an inadequate presentation of the knowledge obtainable from the Qur'an. The Qur'anic cosmogony presented in this paper reveals that text to be well-balanced and comprehensive, alluding to both quantitative features that can be further explored by scientific endeavours, and qualitative features that ultimately bring the Creator into the theatre. It is expected that the findings presented here can provide new insights into any further endeavours pertaining to a contemporary approach to Qur'anic cosmological studies.

Policy Recommendations

- In order to formulate Qur'anic cosmological notions, there is a need for a new, integrated approach, like that proposed in this article. This will be an essential tool for producing well-balanced interpretations, incorporating both metaphysical and physical information.
- Since the Qur'anic representation of cosmology has two integral aspects (qualitative and quantitative), emphasising one and ignoring the other distorts the authenticity and ultimate purpose of revelation. Therefore, it is advised that, despite the dominance of contemporary scientific cosmology, which is purely and exclusively quantitative in nature, Qur'anic cosmological endeavour to maintain a balance.
- Attempts to establish scientific facts using the Qur'an ought to take into consideration the qualitative nature of the text. This entails that quantitative aspects are merely referred to in order to fashion an overall image of reality.

Notes

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CENTRALISATION OF HALAL MATTERS UNDER THE FEDERAL GOVERNMENT IN MALAYSIA: A LEGAL PERSPECTIVE

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Abstract: Generally, halal matters in Malaysia are governed by piece-meal legislation, *inter alia*, the Trade Descriptions Act (TDA) 2011 and its by-laws, the Food Act 1983, Food Regulations 1985, state-issued *fatwas*, and the rules and guidelines promulgated by relevant authorities, whether under the federal or state governments. Consequently, as prescribed by the law, halal matters are assigned to various different entities. For instance, the Ministry of Domestic Trades, Cooperatives and Consumerism (KPDNHEP) supervises halal trade practices. Both the Department of Islamic Development Malaysia (JAKIM) and Islamic Religious Councils (IRCs) of the states take charge of the halal certification portfolio. The Halal Industry Development Corporation (HDC) handles services related to the internationalisation of halal products, whereas the Department of Standards Malaysia (DOSM) issues and revises time-relevant halal standards. This situation, however, may lead to the overlapping of mandates and confusion among industry players as to whether halal matters fall under the federal or state governments as prescribed in List II of the Malaysian Federal Constitution. Since Malaysia is at the global forefront of promoting the halal agenda, the Malaysian government must call for the centralisation of its regulatory framework to provide better supervision and harmonise practices in the industry. Hence, this paper discusses and deliberates on the legal and regulatory outlook of the country for the purpose of centralising halal matters under the federal government of Malaysia.

Keywords: halal, halal certification, halal industry, halal standards, centralisation of halal, jurisdiction.

Introduction

In 2017, the value of the global halal industry was estimated at around USD2.3 trillion. It is predicted to grow at a projected annual rate of 20 per cent.¹ The global halal product market is therefore expected to grow from USD45.3 billion in 2016 to over USD58.3 billion by 2022. The largest sector of the global halal industry is

Islamic finance, with a 43 per cent market share, followed by halal food with 36 per cent.² Halal food had a global market value of approximately USD1.4 trillion in 2017 and is expected to reach USD2.6 trillion by 2023. The leading importers of halal food in 2015 among the OIC countries were Saudi Arabia, Malaysia and the United Arab Emirates. The most popular imported food for these countries was beef. The halal industry has even enticed non-Muslim countries into taking part, as among the top exporters of halal beef are Brazil, Australia and India. Indonesia marked itself out as the OIC country with the highest expenditure on food and beverages in 2015.³ These statistics indicate a trend of increasing demand for halal products and services around the globe year-on-year, a trend which is predicted to grow parallel to the growing Muslim population. According to the Pew Research Center, the world's Muslim population is expected to increase from 1.6 billion in 2010 to 2.2 billion by 2030, with a projected growth of 35 per cent.⁴ This estimation signifies considerable potential for further development in the halal industry, development that would attract many countries, be they Muslim majority countries or non-Muslim countries.

Malaysia intensified its efforts to promote halal as a national agenda under the premiership of Tun Abdullah Ahmad Badawi (2003-2009). With its position as the market leader in Islamic banking and finance, Malaysia had strong potential to play a pivotal role in further developing the halal industry globally. Badawi's footsteps were rigorously pursued by his successor, Najib Tun Razak, who included halal as part of the "Eleventh Malaysia Plan: 2016-2020". Numerous government and non-government agencies were mandated with various tasks to actualise Malaysia's aspiration to become the global halal hub; these agencies included the Halal Industry Development Corporation (HDC), Department of Islamic Development Malaysia (JAKIM), MATRADE, MITI, Ministry of Finance, SME Corporation, Department of Standards (DOSM), Economics Planning Unit (EPU), International Institute of Advanced Islamic Studies (IAIS) Malaysia, and the Ministry of Health.

Currently, the halal industry in Malaysia is governed by various laws and regulations, including the Trade Descriptions Act (TDA) 2011 and its by-laws, the Food Act 1983, Food Regulations 1985, state-issued *fatwas*, selected standards, and rules and guidelines tabled by the relevant authorities. Different agencies and entities have carried out their mandates accordingly. For instance, halal certification is prescribed by its governing law, namely TDA 2011, to fall within the purview of JAKIM under the federal government, and the IRCs under the state governments. This law is stated in the Trade Descriptions (Definition of Halal) Order 2011 and Trade Descriptions (Certification and Marking of Halal) Order 2011. In discharging their duty as the sole authorities for halal certification in the country, JAKIM and the IRCs require the cooperation and involvement of other bodies: For instance, the Department of Veterinary Services (DVS) of

the Ministry of Agriculture should assist the halal certification process when it involves meat or other livestock slaughtering.

Furthermore, the provisions in the Trade Descriptions (Definition of Halal) Order 2011 and Trade Descriptions (Certification and Marking of Halal) Order 2011 imply that halal matters fall within the state's jurisdiction, since halal could be interpreted as part of Islamic law as spelt out in Item 1 of List II of the Ninth Schedule of the Malaysian Federal Constitution. The announcement by the new government in 2018 of a proposed National Halal Council Bill has indicated that the federal government will centralise halal matters in order to streamline all matters related to the halal industry. Thus, this paper deliberates on the legal outlook of halal matters in Malaysia and concludes that they could be legally centralised under the federal government.

Halal Industry in Malaysia: An Overview

According to the 'State of the Global Islamic Economy Report 2018/19', for the fifth year running Malaysia has been the leading Islamic economy ecosystem.⁵ In 2017, Malaysia recorded RM43.3 billion in halal exports, making up 4.6% of the nation's total exports (of RM935.4 billion). Top importers of halal products from Malaysia were Singapore (RM4.9 billion), China (RM4.9 billion), Japan (RM2.8 billion), the US (RM2.7 billion) and Indonesia (RM2.2 billion).⁶

Since the premiership of Tun Abdul Ahmad Badawi, efforts have been taken by the Malaysian government to pursue a halal agenda. One of the essential steps undertaken since that period is the mandating of selected entities with specified halal portfolios, as illustrated in Table 1.

Entities	Mandates
JAKIM	Halal certification and logo
DOSM	Halal-related standards
HDC	Coordination of the overall development of the halal industry in Malaysia, as well as its internationalisation
Ministry of Domestic Trades, Cooperatives and Consumerism	Halal trade practices
Department of Veterinary Services (DVS) of the Ministry of Agriculture	Halal meat and livestock industries, especially the slaughtering process

Ministry of Health	Supervision of the certification processes related to manufacturing and safety, for instance the process related to Good Manufacturing Practices (GMP) and Hazard Analysis & Critical Control Points (HACCP)
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Table 1: Halal Mandates

The Halal Industry Development Corporation (HDC), for instance, was established in September 2006 to further boost the halal agenda in terms of branding enhancement, industry expansion, and internationalisation strategies. The HDC has been collaborating with other relevant agencies to promote the development of the halal industry in Malaysia, including JAKIM, MATRADE, MITI, Ministry of Finance, Ministry of Health, SME Corporation, DOSM, Economics Planning Unit (EPU), IKIM, and IAIS Malaysia. One important outcome has been the introduction of several standards concerning halal industry practice, issued by the Department of Standards Malaysia (DOSM). As of March 2019, a total of 16 standards have been issued. Currently, apart from JAKIM and the IRCs, which are handling the halal certification process, there are 12 ministries and 342 halal-related agencies involved in the industry. This position could lead to the overlapping of mandates and confusion amongst market players.⁷ The establishment of the Malaysia Halal Council (MHC) in 2016 marked another milestone in the Malaysian halal industry. The MHC is tasked with coordinating all previous halal-related entities, all of which have carried out various mandates related to halal matters.

Under the present government, headed by Tun Dr Mahathir, the halal agenda is still a concentrated area for economic collaboration between Malaysia and other countries.⁸ According to the Malaysia International Halal Showcase (MIHAS), Malaysia has undertaken a myriad of essential regulatory, trade, and industry initiatives to further develop its halal agenda. Among the latest developments are the harmonisation of the halal accreditation process by JAKIM and Malaysia's strategic partnership in the "Halal Silk Route", which is set to change the logistics landscape between Malaysia and China.⁹ Malaysia will expand its halal services to 10 new countries through China's USD1 trillion investment in the One Belt, One Road (OBOR) initiative. These new countries include Kazakhstan, Uzbekistan, Egypt, Turkmenistan, Iran, Tajikistan, and Bosnia and Herzegovina.¹⁰

Despite the change of government after Malaysia's 14th general election in 2018, efforts to streamline the supervision of halal matters have continued under the current government. In 2018, Deputy Minister in the Prime Minister's

Department (Religious Affairs), Fuziah Salleh, stated that the government would introduce a National Halal Council Act by early 2019, an initiative that has subsequently been postponed until 2020.¹¹ This proposed act will ensure that the instructions and functions of different agencies are clear. Hence, it will serve to strengthen the implementation of halal certification in the country, gathering all matters related to the halal industry under one umbrella, which is seen as a tremendous effort to better coordinate and unify halal industry practices.

Administration of Islamic Law: State Jurisdictions

Statistically, Muslims in Malaysia represent 61.3 per cent of the population.¹² Constitutionally, Islam is the religion of the federation, as stipulated in Article 3 of the Malaysian Federal Constitution. The same Article 3 permits the practice of other religions, with Article 11 of the constitution guaranteeing freedom of religion for the followers of all faiths. Consequently, every Malaysian has the right to practise their religion of choice, subject to the limitations stated in paragraph (4) of Article 11. This paragraph provides that the freedom to propagate any religious doctrines or beliefs among Muslims is limited by State Law in the various states of Malaysia, and under the federal law in the case of the federal territories of Kuala Lumpur, Labuan and Putrajaya.

At present, since halal matters are within the purview of trade, they fall under the jurisdiction of the Ministry of Domestic Trade, Cooperatives and Consumerism—except for halal certification, for which authority is vested in JAKIM and the IRCs (or *Majlis Agama Islam Negeri*, MAIN) of the various states. This position marked a significant feature of the Trade Descriptions Act (TDA) 2011, which came into force on 18 August 2011,¹³ but may have left the nation with the impression that halal matters are the responsibility of the states, as prescribed in Item I of List II of the Ninth Schedule of the Malaysian Federal Constitution. To understand this issue more fully, however, it is pertinent to note the historical development of JAKIM and halal matters in the country.

The Relationship between JAKIM and the Halal Industry: Pre- and Post-Enactment of the Trade Description Act 2011

The establishment of the National Council of Islamic Religious Affairs in 1968 was consented to by the Conference of Rulers in order to streamline the administration of Islamic affairs in the country.¹⁴ All states in Malaysia, except for Pahang and Kedah, have become members of the National Council of Islamic Religious Affairs. The secretariat of this Council was entrusted to

JAKIM, formerly known as Pusat Islam (Islamic Centre). In 1974, the Islamic Centre was upgraded to become a division of the Prime Minister's Department, known as Bahagian Hal Ehwal Islam (BAHEIS): Eventually, in January 1997, the Malaysian cabinet restructured and upgraded BAHEIS as Jabatan Kemajuan Islam Malaysia (JAKIM),¹⁵ which fell under the care of the Prime Minister's Department.

As far as the halal industry is concerned, JAKIM and the IRCs were made the only authorities for halal certification by two orders,¹⁶ issued according to Sections 28 and 29 of the Trade Descriptions Act (TDA) 2011. Under the old regulatory regime, namely the Trade Descriptions Act 1972 and its two subsidiary laws, the Trade Descriptions (Use of Expression Halal) Order 1975 and Trade Descriptions (Marking of Foods) Order 1975, JAKIM and the IRCs were not legally recognised as competent authorities for halal certification, even though they were known to be dealing with the matter. Also, the Trade Descriptions (Use of "Halal") Order 1975 allowed individuals or private companies to issue their own certificates and halal logos because the order did not exclusively empower JAKIM or the IRCs to do such.¹⁷ Consequently, JAKIM and the IRCs were not able to deal with any complaints about the abuse of halal logos or halal certificates, unless the Ministry of Trade was first notified and any action carried out in the presence of ministry officers.¹⁸ In a nutshell, TDA 2011 elevated the role and status of both JAKIM and the IRCs, making them the only competent authorities for the halal certification process, thereby allowing standardised practice in terms of halal certification. This situation has also implied that halal is a national agenda.

The Halal Certification Process: Cooperation between JAKIM and Other Entities

Upon receiving an application for halal certification, JAKIM will handle the process according to its Halal Procedure Manual (Halal Manual) and the Halal Assurance System 2011 (HAS 2011).¹⁹ The halal certification must mandatorily comply with this Halal Manual, in addition to any other rules and regulations, standards issued by DOSM and any state *fatwas*. Apart from the Halal Manual, JAKIM has also issued other guidelines and circulars from time to time.

The Standards of Malaysia Act 1996 grants extensive power to DOSM to issue standards, including halal-related ones. Currently, sixteen standards have been issued by this body, covering a broad spectrum of halal industries in the country, including food and slaughtering, tourism and hospitality, logistics and handling processes, management and management systems, pharmaceuticals,

packaging, and cosmetics and personal care products. Compliance with any standards issued by DOSM is voluntary; it is not mandatory unless there is a law to say so. As far as the halal certification process is concerned, compliance with specific standards related to halal is specified in the Halal Manual and HAS 2011.

Apart from DOSM, the law authorises several ministries and agencies to carry out specific procedures for halal certification. The Ministry of Health, for instance, is mandated to carry out and supervise the certification processes relating to Good Manufacturing Practices (GMP) and Hazard Analysis & Critical Control Points (HACCP), while the Department of Veterinary Services (DVS) of the Ministry of Agriculture is empowered to deal with the meat and livestock industry.

Overall, the halal industry in Malaysia is governed by various bodies mandated under different laws and job scopes. In addition to the TDA 2011 and its by-laws, other laws and regulations governing halal matters include the Food Act 1983, Food Regulations 1985, Consumer Protection Act 1999, Food Irradiation Regulations 2011, Road Transport Act 1987, Customs Act 1967, Customs Order (Prohibition of Imports) 1988, Wild Life Protection Act 1972, Animal (Importation Order) 1962, and a myriad of other guidelines and manuals issued by relevant authorities.²⁰

The Road towards Centralised Coordination and Supervision

The proposed establishment of Majlis Halal Malaysia (MHM, or the Malaysia Halal Council), announced by former Deputy Prime Minister, Ahmad Zahid Hamidi on 11 February 2016, marked a significant milestone towards streamlining the halal industry in Malaysia under centralised supervision. Although this initiative has yet to be enforced—a statute governing its activities will be prepared by MITI and JAKIM, scrutinised by the Attorney General Chambers, and subsequently tabled in Parliament²¹—it will empower JAKIM to focus on matters related to halal certification, governance and other shariah matters, while HDC will be tasked with developing the industry and its internationalisation strategies. Other agencies or entities that are currently working closely with these two bodies will continue to make their contributions to the industry, as previously mandated.

These efforts are continuously being pursued by the new government, which has announced its commitment to table a new bill known as the ‘National Halal Council Bill’. This announcement indicates the government’s commitment to centralising halal matters under the federal government. Thus, it is pertinent

to analyse whether or not the proposed centralisation would trigger any jurisdictional issues.

Legal and Regulatory Outlooks: Federal v States Jurisdictions

The term ‘halal’ implies a matter that falls within the ambit of shariah. Notably, therefore, Article 74 of the Malaysian Federal Constitution stipulates a clear division between the powers of the federal and states’ governments with respect to shariah. Essentially, the power to administer Islamic law is vested in the states, as stipulated in Item I of List II of the Malaysian Federal Constitution. The said Item I provides that states are vested with control of all Islamic law pertaining to the personal and family circumstances of Muslims, such as succession (either testate or intestate), betrothal, marriage, divorce, dower, maintenance, adoption, legitimacy, guardianship, *hibah* (gifts), *wakafs* and other Islamic religious and charitable endowments, trusts and charities (like *zakat*, *fitrah* and *baitulmal*), and punishments for offences committed by Muslims against the precepts of Islam (except in regards to matters included in the Federal List). However, this jurisdiction does not cover the administration of Islamic law for the Federal territories of Kuala Lumpur, Labuan and Putrajaya, which fall within the power of the federal government.²²

Nonetheless, one may argue that the halal industry does not necessarily fall within a state’s jurisdiction. Rather, this matter arguably falls within the purview of Item 8 of List I (Federal List) of the Ninth Schedule, covering matters related to trade, commerce and industry, including (but not limited to) the production, supply and distribution of goods; price control and food control; adulteration of foodstuffs and other goods; imports and exports; incorporation, regulation and winding up of corporations (except municipal corporations), both domestic and foreign; bounties on production in or export from the country; insurance; patents; copyrights; trademarks; establishment of standards of weights and measures and quality for goods manufactured in or exported from the country; auctions; industries and regulation of industrial undertakings; mining, oil and petroleum matters (subject to Item 2(c) in the State List) and also factories.²³

Moreover, the halal industry is composed of various players, including Muslims, non-Muslims and incorporations. In reality, non-Muslims represent almost 70 per cent of halal market players in Malaysia.²⁴ Therefore, placing halal matters within the states’ jurisdiction is rendered questionable, since the application of Islamic law as envisaged in Item I of List II of the Ninth Schedule is limited to Muslims only. Furthermore, Item I of List II of the Ninth Schedule

resembles the intention of the Federal Constitution to limit the application of Islamic law to the personal and domestic affairs of Muslims only, despite the position granted to it as the religion of the Federation as accorded in Article 3 of the Federal Constitution. The reason behind this limitation is to maintain the status of the country as secular. The Reid Commission Report 1957 clearly recorded this intention in Item 11:

It has been recommended by the Alliance that the Constitution should contain a provision declaring Islam to be the religion of the State. It was also recommended that it should be made clear in that provision that a declaration to the above effect will not impose any disability on non-Muslim citizens in professing, propagating and practising their religions, and will not prevent the State from being a secular State.

A similar intention was reiterated in Item 169 of the same report, which stated:

We have considered the question whether there should be any statement in the Constitution to the effect that Islam should be the State religion. There was universal agreement that if any such provision were inserted it must be made clear that it would not in any way affect the civil rights of non-Muslims. In the memorandum submitted by the Alliance it was stated the religion of Malaysia shall be Islam. The observance of this principle shall not impose any disability on non-Muslim nationals professing and practising their own religions and shall not imply that the State is not a secular State.

This cardinal principle was clearly maintained in the decision of Supreme Court (now Federal Court) Judge, Tun Saleh Abbas, in the case of *Che Omar bin Che Soh v Public Prosecutor [1988] 2 MLJ 55*. It was held that:

By ascribing sovereignty to the ruler, i.e. to a human, the divine source of legal validity is severed and thus the British turned the system into a secular institution. Thus all laws including administration of Islamic laws had to receive this validity through a secular fiat...the law in this country is still what it is today, secular law, where morality not accepted by the law is not enjoying the status of law.

Thus, halal matters should be placed under the care of the Federal Government on at least two important accounts, namely:

1. They fall within the meaning of trade, commerce and industry as listed in Item 8 of List I of the Ninth Schedule of the Malaysian Federal Constitution;
2. Halal industry players include non-Muslims and incorporations. Item I of List II of the same schedule does not cover non-Muslims or incorporations as far as the administration of Islamic law in the states is concerned.

Concerning the first point, placing halal under the purview of trade, commerce and industry could put it on a similar path to Islamic banking and finance. The law governing Islamic banking and finance is civil law, with the court for adjudication of Islamic financial disputes being the civil court, not the shariah court.

In the case of *Bank Kerjasama Rakyat Malaysia Bhd v. Emcee Corporation Sdn Bhd* [2003] 1 CLJ 625, the court decided that Islamic banking and finance falls under the jurisdiction of the federal government as listed in Items 7 and 8 of List I of the Ninth Schedule. Although Islamic banking and finance carries the word 'Islamic', the nature of the business activities involved places it within the boundaries of banking, commerce, trading and insurance, as governed by the federal government. This situation is analogous to the halal industry; although the term 'halal' carries Islamic connotations, the nature of the activities and transactions involved falls within the ambit of trade, commerce and industry, which in turn falls within the jurisdiction of the federal government.

Likewise, in the case of *Low Chin Meng v. CIMB Islamic Bank Bhd* [2015] 5 CLJ 324, *hibah* was utilised as one of the supporting contracts for the Islamic facility granted by the bank to the customer. Although *hibah* falls within the jurisdiction of the states, in this case, when *hibah* was tied to an Islamic banking facility, it fell under the jurisdiction of the federal government.

Conclusion and Recommendations

One of the factors hindering the growth of halal trade worldwide is non-uniformity of halal standards. Thus, a set of global halal standards is a must in order to accelerate the promising growth of halal trade activities. Efforts towards unifying and standardising halal trading practices has already begun under the auspices of members of the Standards and Metrology Institute for Islamic Countries (SMIIC), who have been developing international halal standards on a gradual basis. Malaysia is a participating member of this endeavour. At the domestic level, this objective could be facilitated by having a

centralised regulatory and governmental body for halal matters. This aim could be actualised in Malaysia; an analysis of its legal provisions and cases reveals that halal matters are within the jurisdiction of the federal government.

This study suggests the following recommendations:

- Constitutionally, halal matters in Malaysia should be centralised under the federal government's jurisdiction, as they fall within the ambit of Item 8 of List I of the Ninth Schedule of the Malaysian Federal Constitution.
- The proposed National Halal Council Bill should fall under the purview of the federal government, just as the Islamic Financial Services Act 2013 does.
- The Malaysian Halal Council (MHC) should become the apex authority for halal supervisory and governance functions. It would be analogous to the Shariah Advisory Council (SAC) governing Islamic financial services.
- Centralised coordination must be effective in order to avoid unnecessary overlap between ministries and halal-related agencies.
- Harmonisation of halal trading practices through a centralised regulatory and supervisory regime could further boost the development of the halal industry, both domestically and globally.

The proposed centralised supervision of the halal industry under the federal government is key to maintaining Malaysia's position as the world's largest global halal hub. In the meantime, improved coordination and supervision will secure Malaysia's competitive edge as leader of the global halal market.

Notes

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RELIGIOUS ACCOMMODATION FOR MUSLIM WORKERS AND PATIENTS IN HEALTHCARE

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Abstract: As the followers of a comprehensive religion that regulates all spheres of human life, it is common for practising Muslims to require certain religious accommodations at their workplaces or during any clinical encounter. This paper aims to identify the factors that facilitate the provision of religious accommodation in healthcare for both Muslim healthcare workers and patients, by specifically examining three issues: provision of halal food, prayer facilities, and Muslim-friendly dress codes. In this qualitative study, document analysis and secondary data analysis are conducted. Thematic analysis is conducted to identify the factors which influence religious accommodation in healthcare. The findings illustrate that the prospect of accommodating religious needs does not merely depend on the religion of the majority of the population, but on various factors, such as the country or the state where the healthcare institution is situated, the healthcare institution itself, the sections or departments within the healthcare institution, and the personnel who deal directly with healthcare personnel or patients requiring the religious accommodation. In addition, awareness, attitudes, rules and standards, and availability of resources also influence the provision of religious accommodation. The results suggest that individuals seeking religious accommodation at any institution ought to play a more active role in obtaining accommodation at various levels. Besides that, religious accommodation can be enhanced by improving knowledge, attitude, standards, regulations, and availability of resources in healthcare institutions.

Keywords: Religious accommodation, minority rights, Muslim-friendly dress-code, halal food, prayer facilities

Introduction

The right to freedom of religion is inscribed in Article 18 of *The Universal Declaration of Human Rights 1948*. This includes the right to manifest one's religion in daily life.¹ The Pew Research Centre estimated that 83.7 per cent of the earth's population are religiously affiliated.² It is important to safeguard

their right to practice their religion, as denying that right may affect the majority of the earth's populace.

Islam is the second major faith in the world. In 2010, it was estimated that about 1.6 billion people are Muslims, accounting for 23.2 per cent of the world's population. The majority of Muslims reside in the Asia Pacific region (972.5 million or 24.1 per cent of the region's population), followed by the Middle East – North Africa (315.3 million or 91.2 per cent of the region's population), Sub-Saharan Africa (240.6 million or 30.1 per cent of the region's population), Europe (38.1 million or 5.2 per cent of the region's population), and the Americas (4.6 million or 0.5 per cent of the region's population).³ For Muslims, Islam should govern every aspect of their lives rather than being limited to specific rituals or acts of worship. Dietary rules, five obligatory daily prayers, dress codes and other Islamic conventions are expected to be fulfilled unless exemptions have been prescribed.

One may generally presume that Muslims are more likely to receive better religious accommodation in Muslim-majority rather than Muslim-minority countries. However, is this really the case? This paper aims to identify factors that support and oppose the provision of religious accommodation for Muslim healthcare personnel and recipients of healthcare in Muslim-minority and Muslim-majority countries. For the purpose of the study, medical, nursing, and allied health sciences students are included in the definition of healthcare personnel. The study focuses on the accommodation of three basic Muslim needs: provision of halal food, prayer facilities, and the presence of a Muslim-friendly dress code. With regards to the dress code, this study is focusing only on workplace attire and excludes other parameters, such as body grooming, trimming nails and wearing jewellery. This qualitative study utilises document analysis and secondary data analysis to evaluate the topic. The study employs a library research method to gather relevant literatures on religious accommodation for Muslims in healthcare, which includes journal articles, reports, theses, books, newspaper articles and the websites of relevant organisations. Based on the secondary data, practical examples and reasons for religious accommodation and non-accommodation are identified. The data is then analysed through thematic analysis to classify factors associated with the likelihood of religious accommodation for Muslim patients and healthcare workers.

The paper begins with an elaboration of the concept and practice of halal food, obligatory prayers and dress rules in Islam. Next, the findings are presented, followed by the concluding remarks.

Selected Issues on Muslims' Needs in Healthcare

Dietary rules

Food safety and the consumption of wholesome food are recommended in Islam for maintaining spiritual, mental and physical well-being. The Islamic doctrine prescribes certain dietary rules by emphasising the concept of *halalan* (permissible) while also recommending *tayyiban* (wholesome). The Qur'an commands human beings to "Eat from good things (*tayyibat*) which We have provided you" (Al-A'raf 7:160). In chapter Al-Baqarah, it is articulated that, "O mankind, eat from whatever is on earth (that is) lawful and good and do not follow the footsteps of Satan. Indeed, he is to you a clear enemy" (Al-Baqarah 2:168). The principal dietary rule in Islam is that everything is halal unless its prohibition is clear or the consumption would lead to adverse consequences. Food which would lead to adverse consequences includes harmful, intoxicating (such as alcohol), filthy, naturally repulsive or unlawfully acquired substances. Porcine-based products are prohibited completely. Additionally, there is another criterion prescribed for making animal meat halal, which is the Islamic way of slaughtering. Seafood is permitted to be consumed without the need for slaughtering. Utensils that have been in contact with porcine-based products are considered contaminated and need to be washed thoroughly before they may be used to prepare or serve halal food.⁴

Obligatory prayers

Muslims are commanded to pray five obligatory prayers at specific times of the day as an act of obedience to God. These daily obligatory prayers are considered one of the five pillars of Islam and there is no means of forgoing them. This rule necessitates the provision of prayer facilities for Muslim patients and healthcare personnel. It is worth noting that in the absence of a specifically designated space for prayer, Muslims may perform their prayers anywhere, as long as the place is clean. Except for the Friday prayers for men, Islam does not mandate Muslims to attend congregational prayers at a mosque; the daily prayers may be performed individually from five to ten minutes each. In addition, under special circumstances (such as sickness), Muslims are allowed to combine the day and night prayers, thus praying only three times a day. Those who are sick and do not have the strength to stand may pray in a sitting or lying position.⁵ These corresponding exceptions profoundly ease the fulfilling of the religious obligation of prayer.

Additionally, while praying, a Muslim must be in a state of cleanliness, which is attained through *wudu'* (minor ablution) or *ghusl* (major ablution),

which involves the washing of certain body parts. The ablution requirement may sometimes create difficulties for some institutions due to the absence of specific washing facilities.

Dress code

The clothing etiquette for Muslim men and women is considered a manifestation of being a devout Muslim. Muslims are required to cover their *awrah* (intimate body parts that must be covered to preserve modesty, a cherished virtue), which extends from the navel to the knees for men, and all parts of the body for women, except the face and hands (while some scholars also include the feet). The latter includes in public and in the presence of men who are not their husbands nor belong to a specific group called *mahram* (non-marriageable male relatives).⁶

Since the extent of a woman's *awrah* is greater than a man's, issues related to dress in healthcare institutions – which conforms to strict hygiene standards – more commonly affect women. For example, the commonly practiced bare-below-the-elbow policy (which enables easier hand washing and prevents cross-contamination between patients) is an issue for Muslim women healthcare employees but non-problematic for Muslim men. However, uncovering the forearms for infection control measures is unnecessary for healthcare employees when they are not directly involved in clinical procedures. Even when they do, there are other means of covering them while still complying with hygiene standards (such as the use of long-sleeved aprons or disposable over-sleeves).⁷ Another issue regarding dress code for Muslim female healthcare employees is the headscarf. However, the use of a headscarf does not infringe clinical hygiene standards as long as it is clean and not dangling. It is only problematic from the perspective of corporate image and uniformity.⁸

Special situations allowing relaxation of rules regarding unlawful acts

In specific situations called *darurah*, rules (including dietary and dress code) become more flexible to cater to more important interests.⁹ The *darurah* entitlement is relevant when it affects one's life or health, after taking the opinion of Muslim medical experts on the likelihood of the anticipated effect and after confirming that there is no other permissible alternative that could save one's life or health (in the context of healthcare). For example, a Muslim is allowed to expose his/her *awrah* during physical examination or other clinical procedures. However, Muslim patients and employees of healthcare institutions still require facilities to observe the rules when the situation does not fulfil the criteria of *darurah*.

Results and Discussion

There are few published studies on religious accommodation in Muslim-majority countries. In the context of Malaysia, Saidun has reported that prayer facilities and gender-segregated wards are present in ten anonymised maternity centres which profess to be Shariah-compliant. However, three maternity centres were found to be insensitive towards ensuring a patient's *awrah* is not exposed unnecessarily, while six institutions did not have comprehensive *awrah*-covering dress codes for Muslim female personnel.¹⁰ An internal survey involving patients, patients' relatives, and healthcare personnel in the Al-Islam Hospital (a private hospital) in Kuala Lumpur, Malaysia, demonstrated that 82 per cent of respondents opined that the hospital complied with Islamic culture, which fifteen per cent felt the opposite and the rest were undecided.¹¹ Raimi recalled her experience as a doctor in Johor Bharu General Hospital, Malaysia, in 1980, when the head nurse at the operation theatre prohibited her from wearing a headscarf, although the surgeon subsequently gave his permission.¹² In another Muslim-majority country, Albania, Jazexhi stated that halal meals are not served in public institutions and hospitals.¹³ These limited findings suggest that Muslims' needs are not always accommodated in healthcare institutions in countries where the majority of the population is Muslim.

On the other hand, a few studies provide information on the level of religious accommodation in Muslim-minority countries. A study by the Open Society Foundations in 2010, involving eleven cities in six European countries, suggested that Muslims were of the opinion that religious customs were generally well-respected. When the participants were asked "Do hospitals and clinics respect different religious customs?" about 14.1 per cent of Muslim respondents (n=1110) chose the answer "too little", while 21 per cent were undecided. A majority of respondents (60.3 per cent) chose the answer "about right", and 4.6 per cent answered "too much".¹⁴ In Paris (one of the eleven cities), the report stated that participants experienced various degrees of accommodation in different healthcare institutions and different sections or departments within an institution.¹⁵ The situation in Belgium also illustrated differences in religious accommodation at various levels of the administration. Although there is no national law prohibiting the wearing of a headscarf in Belgium, the city of Antwerp bans headscarves in public offices. However, a hospital in Antwerp tries to accommodate Muslim dress requirements to a certain extent by allowing neck-exposing head covering for its personnel.¹⁶ In Australia, the Human Rights and Equality Commission reported the experience of a midwife who was told by a nursing manager to remove her headscarf in the operation theatre but later gained permission from the supportive management, who subjected the

nursing manager to counselling.¹⁷ Additionally, published studies suggest there is evidence of improvement when it comes to religious accommodation. Anwar and Bakhsh highlighted that some of the respondents in Britain have witnessed improvements in religious accommodation in healthcare facilities.¹⁸ In Sweden, Sander reported an improvement in awareness regarding Muslims' religious needs, although some of the Muslim respondents stated that they still experience instances of low level awareness in some Swedish institutions.¹⁹ The above studies reveal that religious accommodation is present in healthcare institutions where research had taken place, and improvements have been observed over time.

The above account demonstrates that religious accommodation in healthcare involves multi-level commitments, as shown in Figure 1. The degree of religious accommodation in healthcare varies between different countries and different states, and does not merely depend on the religion of the majority of the populace. A government formulates laws and determines policies for the nation or state. The ruling prohibiting halal meals in public institutions in Albania is an example that demonstrates governmental influence in determining religious accommodation for Muslims. Even within one country or state, various institutions provide different levels of religious accommodation, as depicted in the case of Belgium above. At the next level, the management of healthcare institutions formulate ethical codes, prepare practice standards, allocate resources and take action on any violation of regulations at the institutional level. Healthcare personnel, on the other hand, create an institutional culture. This culture may originate from the top management or subordinate personnel dealing directly with healthcare personnel or patients of Muslim origin. This results in the variation of religious accommodation between different sections within an institution and different personnel within the same department, as illustrated by the aforementioned cases in Malaysia and Australia. Given this context, it is important to identify the exact origin of resistance towards providing religious accommodation, and find ways to overcome that resistance. It is most effective if the individual dealing directly with the Muslim healthcare personnel or patient approves of religious accommodation, even if the higher authorities disapprove of it. On the contrary, if the higher authorities generally allow for religious accommodation, but the one who deals directly with Muslim patients or staff disapproves of it, further permission should be obtained from the higher authority. For example, Macháček reports that a healthcare worker in the Czech Republic who converted to Islam was able to continue working at her hospital only after she won a court case against it for unfair dismissal due to her wearing a headscarf.²⁰ However, pursuing the higher authority's approval may be time-consuming, and financially and emotionally exhausting.

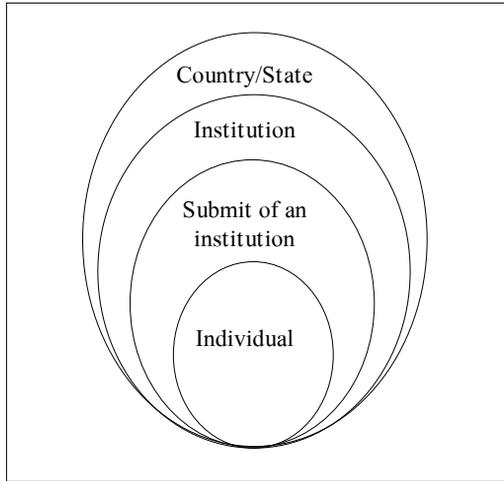


Figure 1. The likelihood of accommodating Islamic religious needs depends on the country or state, the institution, the subunit of that institution, and the individual approving the accommodation.

Besides the varying degrees of accommodation granted at different levels of the administration, there are numerous other factors which affect the likelihood of religious accommodation being provided at a healthcare institution. Based on an analysis of these factors, we classify them into four groups: knowledge, attitude, rules and standards, and resources. These all directly influence each other and consequently determine the quality of religious accommodation.

Knowledge

Insufficient knowledge manifests in the form of misconceptions and low levels of awareness about Islamic rulings. This creates a significant obstacle in accommodating religious needs in the healthcare system.

Public awareness, knowledge, and understanding of Islamic practices are prevalent in Muslim-majority countries, even among non-Muslim citizens because they have daily interaction with Muslims and are exposed to Islamic practices on a regular basis.²¹ Thus, there is no need for Muslims to request halal food, prayer breaks, or the minimising of physical exposure between genders, as these needs are already generally understood and accommodated.²² In Malaysia, healthcare institutions organise Islamic educational programmes for employees to improve their awareness, knowledge, and understanding of Islamic rituals.²³

Expatriate nurses in the Kingdom of Saudi Arabia reported having briefing sessions during their interviews with recruiting agents, as well as during orientation programmes and cultural competency workshops, that helped them gain awareness, knowledge, and understanding of the indigenous culture and religion.²⁴ However, there are also cases of low levels of awareness, knowledge, and understanding of Islam in some Muslim-majority countries, as indicated in earlier studies. As the degree of personal religious conviction differs,²⁵ the level of Islamic knowledge among Muslims varies from one person to another. Hence, some Muslims and non-Muslims in Muslim-majority countries may have insufficient knowledge or misconceptions about Islamic principles and practices, as demonstrated by studies conducted in Malaysia and Saudi Arabia.²⁶

In Muslim-minority countries, a satisfactory level of awareness and understanding of Islamic principles among healthcare providers enables Muslim healthcare personnel and patients to receive basic accommodation for religious practices during clinical encounter. In the last few decades, various types of leaflets, guidelines and books on Islam and its principles have been published by health authorities, non-governmental organisations, and Muslim activists.²⁷ This topic also receives wide attention among academicians and has been thoroughly discussed in scholarly journals. Besides, cultural competency training is conducted in various institutions to improve healthcare personnel's knowledge and skills when dealing with recipients from diverse backgrounds.²⁸ Working with Muslims exposes non-Muslims to Islamic practices as well.²⁹ Nevertheless, earlier studies in the field indicated an unsatisfactory level of awareness, knowledge, and understanding of the needs of healthcare workers and patients of Muslim origin among non-Muslim healthcare service providers. Hasnain *et al.* reported that 93.8 per cent (n=27) of Muslim patients in their study in the United States perceived that their religious or cultural needs were not understood by healthcare providers. The lack of knowledge among healthcare providers about the religious needs of Muslims is one of the main factors that led to a decline in the rights of Muslims to obtain religious accommodation.³⁰ Lorcerie and Geisser reported that in Marseilles, France, the Islamic halal dietary law has been misunderstood as a prohibition against consuming pork alone.³¹ Cortis observed a similar misunderstanding among nurses in the United Kingdom.³² In fact, non-Muslims may have different level of understanding regarding issues related to Islamic female dress code and animal slaughtering.³³ At the same time, Muslims might find it difficult to explain the religious needs of Muslims to non-Muslims.³⁴ Such a reluctant attitude on the part of Muslims is mainly due to the secular approach of non-Muslim communities, as they hardly accept religion-based explanations and often demand rational justifications for religious practices.³⁵

The above comparison illustrates that awareness of Islamic rituals depends on the knowledge and familiarity of a person with the religion of Islam itself. At the same time, high levels of awareness, knowledge, and understanding of Islamic teachings are not necessarily associated with being a Muslim. Therefore, healthcare institutions must endeavour to provide competency training to equip healthcare personnel with essential knowledge and skills in promoting good care to a culturally diverse population.

Attitudes

Besides knowledge, the attitudes of employers or service providers also determine the likelihood of religious accommodation. Muslim patients and healthcare personnel experience both favourable and non-favourable attitudes towards religious accommodation in healthcare institutions in Muslim-majority and Muslim-minority countries.

It is not surprising that the attitudes of the masses towards Islam and Islamic practices are positive in Muslim-majority countries. Unlike in Muslim-minority countries, the commonly practised daily prayers and Muslim female dress code may not be perceived as problematic.³⁶ But surprisingly, negative attitudes towards Islam and practising Muslims have been documented in some Muslim-majority countries as well. In Albania, for example, school textbooks do not always present Islam in a positive way.³⁷ In Malaysia, there is a perception that the Muslim female dress code could compromise hygiene precautions and clinical care.³⁸ As Muslim-majority countries are mainly categorised as either developing or less developed countries, increased accessibility and delivery of medical treatment are perceived as vital, and are often prioritised over religious accommodation, as in Malaysia.³⁹ Separation of religion from public life is also prevalent in some Muslim-majority countries, thus shaping the attitudes of the general public regarding religious needs. In the case of Kosovo, and previously in Tunisia and Turkey, secularism resulted in the constitutionality of hijab bans.⁴⁰

The availability of religious accommodation in Muslim-minority countries depends on the attitudes of hospital personnel towards foreign religions like Islam and to Muslims as migrants or minorities in the country. Today, the number of healthcare personnel of Muslim origin is increasing in Muslim-minority countries.⁴¹ Having superiors from the same religious background may be a factor in enabling Muslim healthcare personnel obtain better religious accommodation in their workplaces. Likewise, the presence of Muslim personnel in healthcare institutions may facilitate the needs of Muslim patients.⁴² Societies become more exposed to religious diversity when migration and religious conversions take place.⁴³ Such interactions may

influence public attitudes towards minority religious groups. In most European countries, the healthcare of minority groups has gained attention in public health institutions, as health disparity among minorities is well documented.⁴⁴ The lack of culturally sensitive care has been pointed out as one of the reasons for avoidance of healthcare amongst minorities.⁴⁵ Thus, culturally competent care has been introduced as an initiative to reduce health disparities.⁴⁶ Although the initiatives are aimed at minority ethnic groups rather than religious ones, the religious needs related to a particular ethnic group may be included in considerations.⁴⁷ The right to practice religious rituals in healthcare institutions is generally recognised and discrimination on the basis of religious beliefs is disapproved of.⁴⁸ Realising the symbiosis between health, culture and religion, holistic patient care and culturally competent care concepts have been introduced in various healthcare institutions, which attempt to accommodate Muslims' needs, such as their dietary needs, prayer needs and Muslim dress code needs.⁴⁹ At the same time, specific Islamic obligations sometimes coalesce with local preferences and practices. For example, the patients' right to minimise physical exposure with the opposite gender during clinical procedures or have access to halal food are also accepted and preferred by some non-Muslims, as they hold modesty in high regard, and perceive halal products as of better quality.⁵⁰ This has established positive attitudes towards Muslim religious needs, resulting in accommodation. However, negative attitudes are also prevalent and have been well-documented. The mainstream tends to view religious practices as irrational to be confined to the private life of individuals, rather than publicly displayed. This has made accommodation difficult. So too has the perception that religious accommodation is the responsibility of religious institutions and not the state.⁵¹ The delivery of health services, which is the primary concern of healthcare institutions, is thus prioritised over the need to provide religious accommodation.⁵² Moreover, some religious needs and etiquettes may be perceived as interfering with providing care or performing work effectively. For example, as mentioned it has been suggested that long sleeves and headscarves may compromise hygiene, while prayer obligations are also seen as interfering with working schedules.⁵³ When there is a conflict between adhering to religious convictions and job performance, healthcare personnel are expected to prioritise work over personal religious concerns.⁵⁴ Among 1,088 non-Muslim respondents to a study conducted in eleven European cities, 7.1 per cent stated that healthcare institutions show "too little" respect for different religious customs in general.⁵⁵ This figure suggests that other religious observers have also experienced obstacles when obtaining religious accommodation in healthcare institutions. However, the percentage of Muslim respondents who experienced "too little" respect for religious needs

by healthcare institutions was much higher, standing at 14.1 per cent. The same study also found that 1 per cent of non-Muslims and 4 per cent of Muslims had experienced unfair treatment due to their religious background, implying that there was greater discrimination against the followers of Islam compared to those of other religions. The recent rise of Islamophobia and the anti-migration attitude of many Muslim-minority countries have also contributed greatly to the unfavourable religious accommodation of minorities in general, and Muslims in particular. The growing public disposition to Islamophobia, due to the tragedy of September 11, and the massive migration of Muslims from war-torn and poverty-affected countries to Europe and the USA, has led to discrimination, religious intolerance, and a lack of sensitivity towards religious needs. This jeopardises the rights of Muslims in various spheres, including employment and healthcare.⁵⁶ Studies indicate that the lack of religious accommodation could be linked to governments' efforts to stop various alleged threats to their countries, including Islamisation, radicalisation, counter-integration, demands for special treatment, and threats to local culture.⁵⁷ Additionally, individuals may harbour negative attitudes towards specific Islamic practices rather than Islam as a whole, as those practices may seem to contradict their normative beliefs. The Muslim female dress code and halal slaughtering are examples of practices that are not well accepted in Muslim-minority countries on the basis of gender discrimination and animal cruelty.⁵⁸ In Belgium, for example, campaigns against halal slaughtering without pre-stunning the animal have been launched by animal rights and veterinary associations.⁵⁹ Public attitudes towards slaughtering without pre-stunning led to calls by a minister to end such practices in Belgium, which was a political strategy to win over far-right voters.⁶⁰ Another Islamic practice that is perceived negatively is the ablution or ritual cleansing; some Muslims wash their feet in the sink, which may be considered socially offensive, unhygienic, and also pose a safety threat as water dripping from the feet causes the floor to be wet and slippery.⁶¹

These accounts once again suggest that the attitudes which influence the provision of religious accommodation are not merely related to the religion of the majority of the populace. Perceptions towards religion in general, and Islam and Muslims in particular, as well as the specific practices mandated by Islam, affect the attitudes of society and translate into accommodation or non-accommodation of Muslim needs. The issues of immigration and Islamophobia – which also determine the likelihood of accommodation – are more prominent in Muslim-minority countries.

Standards and regulations

Standards and regulations are highly influential in determining the likelihood of religious accommodation in healthcare. Examining legal regulations, ethical stances, and practice standards or norms help shed light on the matter.

Legal, ethical, and practice standards contradicting Islamic teachings are less prevalent in Muslim-majority countries. Preventing unnecessary physical exposure is one of the practice standards in Oman and Saudi Arabia.⁶² The Ministry of Health in Malaysia has ensured that all food served at public hospitals is halal, and visitors are not allowed to bring non-halal meals into the hospitals.⁶³ Taking time off work to pray on time is acceptable in Muslim countries, with non-Muslim colleagues commonly taking over work while Muslim healthcare employees are praying.⁶⁴ Covering of the *awrah* at work to conform with Islamic dress rules is accepted for female personnel in healthcare institutions.⁶⁵ Yet, there are also Muslim-majority countries whose legal, ethical, and practice standards do not support religious accommodation. Headscarves have been, until recently, banned in Muslim-majority countries like Turkey, Tunisia, and Kosovo.⁶⁶ From the ethical standards point of view, conventional ethical codes conforming to Shariah rules, such as minimising exposure of the body during medical procedures, may not be fully practised even though they are widely accepted.⁶⁷ Regarding society's practice standards, Islamic practices may not be commonly practised by the public, especially in post-socialist countries. Thus, non-practising Muslim personnel and patients contribute to unfavourable practice in healthcare institutions. For example, since most patients do not mind being physically exposed for examination without seclusion of the examination space, healthcare personnel commonly examine all patients without ensuring privacy. This has become an institutionalised work culture in one hospital in Malaysia.⁶⁸ Other examples of widespread practice standards that do not favour religious accommodation include the banning of headscarves in the operation theatre⁶⁹ and prohibiting public institutions from serving halal meat.⁷⁰

Similarly, the legal, ethical, and practice standards in Muslim-minority countries may either promote or hinder religious accommodation. The recognition of the human rights of health and medical care receivers and providers, without any religion or racial discrimination, is directly related to the accommodation of cultural and religious needs in healthcare, as well as the reduction of health disparity. Furthermore, acceptance of the intrinsic human right to practice religion, and the recognition that religious practices may provide for individual well-being, will encourage religious sensitivity and tolerance in secular hospitals. For example, anti-discrimination laws ensure the fair treatment of minorities.⁷¹ In Austria, the "Islam Law" enacted

by the government safeguards the rights of Muslims in numerous respects, including by regulating halal food and its availability in public institutions, including public healthcare institutions.⁷² Legal exceptions to stunning prior to slaughtering are granted for religious purposes in authorised slaughterhouses in France and Belgium.⁷³ Additionally, ethical and practice standards which coincide with Muslims' needs facilitate religious accommodation, like the example mentioned earlier of minimising physical exposure during medical procedures. In addition, current practice standards in healthcare institutions that incorporate religious-sensitive care standards may facilitate religious practice among Muslims, as discussed above.⁷⁴ There are also instances where healthcare institutions accommodate all Muslims regardless of their level of religiosity, such as by providing halal meals even if the individual patient does not adhere to the Islamic dietary rules.⁷⁵ A hospital in Denmark serves only halal meat to all its patients and staff, including non-Muslims.⁷⁶ Having such consideration for religious accommodation enables Muslims to practice their religious obligations easily. However, the legal regulations, ethical stances, and practice standards at healthcare institutions may also become obstacles to Muslims religious accommodation. In certain countries, headscarves and halal slaughtering without pre-stunning or anaesthesia are banned based on secular policies (religious identity prohibition at work) and animal protection laws (the halal slaughtering technique).⁷⁷

Another obstacle for Muslims is the absence of legal or ethical rights to demand religious accommodation in healthcare.⁷⁸ The ethical justifications given to promote the face-veil ban include impracticality, a hindrance to integration, a hindrance to identification, a threat to security, and a hindrance to communication due to obscured facial expression and eye contact.⁷⁹ The headscarf is also rejected by some in Lithuania and the Czech Republic on the grounds that it constitutes male-imposed oppression towards women and a violation of hygiene policies, unified dress code policies, and of secular policies by wearing religious symbols in public.⁸⁰ Furthermore, Islamic practices may contradict work-related codes, such as, policies designed to maintain uniformity in a corporate image and that may prevent Muslim healthcare personnel from wearing long-sleeved attire or headscarves.⁸¹ Instead of accommodating Islamic practices, patients and healthcare personnel are expected to adapt to prevailing rules or long-established standards.⁸²

Regulations and policies contradicting the practices prescribed by Islam may become obstacles for practising Muslims. Furthermore, institutional cultures may facilitate or hinder religious accommodation in healthcare regardless of the presence or absence of any formal policy or regulation. Laws that prohibit Islamic practices, as discussed above, are more common in Muslim-minority

countries. Some of these laws may even be used to justify either accommodation or non-accommodation. For example, the principle of anti-discrimination is used to justify the accommodation of wearing a headscarf, but the same principle is also used to ban the practice as male-imposed discrimination against women, as elaborated above.

Resources

Inadequate resources may become a hindrance to accommodating Muslim religious needs in healthcare institutions. The issues that emerge here are related to financial, human and material resources.

Many Muslim needs are widely available in healthcare facilities in Muslim-majority countries. Greater access to halal food and prayer facilities are common among healthcare institutions in Muslim-majority countries. In Malaysia, certain healthcare institutions provide headscarves to be used by their female Muslim patients in the operation theatre.⁸³ The presence of experts in Islamic studies facilitates continuous Islamic education programmes organised by healthcare institutions.⁸⁴ However, there are healthcare institutions in Muslim-majority countries which have limited financial, material, and human resources to accommodate Muslim religious needs. This is common in less developed Muslim-majority countries. Disposable over-sleeves that female Muslim healthcare personnel can use to cover the forearm during procedures that require them to wash and expose the forearm for hygiene purposes may not be available in every institution.⁸⁵

In Muslim-minority countries, economic implications are cited as justifications for accommodating religious needs. In Denmark, for example, the halal industry contributes to the national economy by providing jobs and revenue from both domestic sales and exports of halal food.⁸⁶ Certain healthcare institutions in developed countries may have adequate resources and logistics to accommodate the religious needs of their patients and healthcare personnel. The availability of local slaughterhouses and imported halal meat supplies or halal caterers⁸⁷ facilitate the availability of halal food at healthcare institutions. The existence of a local halal certification body also contributes greatly to the availability of halal-certified products.⁸⁸ The presence of experts in the field of culturally-competent healthcare facilitates cultural-competency training, which helps healthcare personnel understand the religious and cultural needs of others and provide appropriate care.⁸⁹ Institutions that have adequate space and facilities are able to designate a common prayer room for the followers of different religions, including Muslims.⁹⁰ Besides the public healthcare facilities which are provided by the government, the presence of other types of healthcare facilities

with different motivations may contribute to improved religious accommodation in healthcare. For example, profit may motivate private healthcare institutions to invest their resources in accommodating their customers' religious needs.⁹¹ Humanitarianism may drive charity-based organisations to use their resources to provide culturally-competent services to migrants.⁹² However, the limited availability of resources often hinders accommodation. Prayer obligations may not be accommodated due to the perceived notion that it may interfere with the work schedule, with efficiency, and with output. It may also become a source of dissatisfaction among co-workers.⁹³ In summary, providing these facilities requires financial and material resources that healthcare providers would rather invest in other priority areas.⁹⁴

To enable Muslims to observe their religious obligations, healthcare providers have to allocate a considerable amount of resources to providing appropriate materials, facilities, and competent human resources. Thus, financial implications may play a major role in determining whether accommodation of Islamic practices and Muslim-friendly regulations and standards are feasible. Prayer facilities, halal food, and Muslim-friendly attire cannot be provided without adequate resources.

Conclusion

Muslims account for a large proportion of the earth's population and are scattered all over the world. Numerous phenomena, such as migration and medical tourism, have led to the globalisation of healthcare. Information technology has also enabled easier and greater access to information about religious practices. Moreover, Islamic propagation activities have led to the religious conversion of indigenous peoples. This results in a greater diversity of the workforce in the healthcare system and also patient population. Sensitivity towards the religious needs of both healthcare personnel and patients is essential for their satisfaction. Healthcare providers must, therefore, manage culturally-diverse healthcare beneficiaries.

The findings discussed in this article highlight that accommodation does not merely depend on the official religion of a country. Sometimes, a Muslim in a healthcare institution in a Muslim-minority country may find it easier to practice Islam than a Muslim working in a healthcare institution in a Muslim-majority country. The likelihood of accommodation depends on the constitutionality of the country or state where the institution is situated, the institution itself, the sub-units within the institution, and the personnel of the institution. Hence,

individuals seeking religious accommodation in healthcare should become more proactive in obtaining accommodation from the various levels of the administration.

Secondly, the paper groups the factors that influence religious accommodation in healthcare into four main categories: knowledge, attitudes, regulations and standards, and availability of resources at the institution. Advocates may work towards the improvement of these four factors to enhance the degree of religious accommodation in healthcare, to provide a better working environment, and to facilitate healthcare delivery to recipients.

Although this paper only focuses on Muslim religious accommodation, healthcare providers should also be sensitive to the needs of other religious believers. Since the present findings come from a qualitative study, however, generalising them in this regard is difficult.

Finally, the paper suggests the following policy recommendations:

- Muslims and the followers of other religions have the right to obtain religious accommodation in their workplaces, whether they live in a Muslim or non-Muslim country. The recognition of the human rights of health care receivers and providers, without any religious or racial discrimination, should be safeguarded in order to achieve social harmony and the well-being of society. Acceptance of the intrinsic human right to practice religion, and the recognition that religious practices encourage the promotion of religious sensitivity and tolerance in secular hospitals should be acknowledged. These rights should be safeguarded by the state, in particular by using anti-discrimination laws to ensure the fair treatment of all, including minorities.
- To promote equality and inclusion in increasingly diverse populations, national education systems ought to play a role in fostering religious and racial tolerance, not only for the sake of Muslims, but for all religious and racial groups. Educational institutions should work together with religious communities (especially in the case of minority groups) to combat social hatred, racism, religious discrimination and xenophobia. The inclusion of cultural and religious needs in medical and allied health sciences curricula is also recommended.
- The media should be actively utilised to raise public awareness of the religious needs of minority groups in Muslim-minority countries. Non-Muslim public perceptions towards religion in general, and Islam and Muslims in particular, and the specific practices mandated by Islam,

affect the attitudes of society towards the accommodation or non-accommodation of Muslim needs.

- Since insufficient awareness, inadequate knowledge of religious and cultural needs, and misconceptions about Islamic principles are the main factors for a lack of religious accommodation in healthcare, institutions must provide competency training to equip healthcare personnel with essential knowledge and skills regarding culturally diverse populations. Thus, additional cultural-competency training courses are required for healthcare personnel in order to create culturally-competent healthcare institutions.
- To enable Muslims to observe their religious obligations, healthcare providers have to allocate considerable resources for appropriate materials, facilities, and competent human resources. Inadequate resources may become a hindrance to accommodating Muslim religious needs in healthcare institutions. Prayer facilities, halal food, and Muslim-friendly attire cannot be provided without adequate resources. Dialogue should exist with Muslim employees or patients to brainstorm potential means of fulfilling their needs, either directly or through alternative ways (such as providing vegetarian meal instead of halal meat or enabling Muslim female personnel to use self-bought disposable over-sleeves to cover the forearms). In circumstances where resources are limited or need to be prioritised (especially in Muslim-minority countries), institutions may work with local Muslim organisations to explore alternative ways to obtain the required resources to provide the necessary facilities.

Notes

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A MODEL FOR RECONCILING ISLAMIC TEACHINGS WITH THE INTELLECTUAL AND SCIENTIFIC ACHIEVEMENTS OF MODERNITY

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Abstract: The current article seeks to present a model that reconciles Islamic teachings with the intellectual and scientific achievements of modernity. It attempts to develop a model that systematises the discourse on Islam and modernity while preserving its Islamic identity using qualitative methods. Thus, this article introduces a model called 'moderate Islamic modernism'. This model does not acknowledge the achievements of modernity in their entirety, but only those intellectual and scientific achievements that are free from certain bias elements. This article will first distinguish between the proposed moderate model and that of 'extreme Islamic modernism'. Secondly, this article compares the model with 'Islamic traditionalism'. In brief, the proposed moderate model advocates the reconciliation of Islamic teachings with the intellectual and scientific achievements of modernity, as well as reforming the traditional method. The article concludes that the 'moderate Islamic modernism' approach to modernity and its rational elements not only provides a theoretical solution but is also compatible with genuine Islamic teachings. It is hoped that the two methods proposed by the model, particularly its method for differentiating elements within modernity, and its new approach on Islamic studies, will benefit future research on the subject matter.

Keywords: Rationality; Modernism; Logic; Islamic traditionalism, Modernity.

Introduction

Modernity refers to the era that began with the Renaissance and continued with the Enlightenment.¹ The end of modernity, on the other hand, is often marked by the end of the twentieth century and the arrival of postmodernism.² While there were many intellectual movements during this period,³ these movements have various common indicators that make them distinctly modern. A complete and comprehensive definition of modernity requires careful consideration of all

dimensions that distinguish modern times from other periods. This article will not focus on discussing the definition of modernity. Rather, it will focus on modernity as an era that started after the Middle Ages. From this period, science and rationalism began to form the basis of philosophy, sociology, economics, and policy.⁴ Human achievements in this era were not limited to philosophy and ontology, but included the political, social, economic, educational, ethical and other fields of life.⁵ This study will mostly refer to ‘modernity’ in relation to the achievements of humankind from the period of the ‘Enlightenment’ and the ‘Industrial Revolution’ onwards. This study will also adopt Irving Sandler’s concept of ‘avant-garde’ as the central definition of modernity: “modernism can also be viewed broadly as unbounded, multiple, inclusive of every tendency that seems at all ‘progressive,’ that is, different from what has been.”⁶

Modernity continues to pose a great challenge to many Muslim scholars regarding its compatibility with Islamic teachings.⁷ One of the most critical issues is to explain how Islam approaches the question of modernity and its elements. Two main approaches can be identified in the context of this encounter: First, the approach of Muslim traditionalists who advocate a return to established Islamic teachings. This return is equivalent to the negation of modernity and its elements and achievements.⁸ There are also extremist tendencies within the traditionalists that seek to restore the glory of early Islamic civilisation by suggesting that the only solution to modern problems is to simulate the society at the time of the Prophet, despite current contextual differences.⁹ The second approach is by the Muslim modernists. Although Muslim modernists may adopt different intellectual streams, they generally share a standard view on the need to adapt Islamic teachings to modernity and its elements.¹⁰ The advent of this approach can be attributed to Jamal al-Din Asad Abadi.¹¹ It has continued to be adopted through to the present, especially by the ‘New Mu’tazilah’.¹²

Regarding the study of Islam and modernity, many scholars have a positive attitude toward modernity, but most of them resort to describing the two extremes, rather than discussing the necessity of a positive approach to modernity or developing a moderate model. For example, Mohammed Bamyeh focused on describing and explaining modern Islam,¹³ while Mustapha Kamal Pasha addresses the matter by questioning “the hegemonic view pervasive in both secular and post-secular theorising of the fiction of immutability of faith in the ICZs.”¹⁴ Dietrich Jung also adopted a binary approach to the matter.¹⁵ The fundamental difference between the current article and the aforementioned works is that this article seeks to present a model for an Islamic approach to modernity. Describing the status quo or explaining the challenges of reconciling the traditional approach with the requirements of modernity is not the subject of our discussion. Also, we do not discuss the effects of modernity on Muslim

countries as this has been done by Amina Jamal¹⁶ and Marc-Antoine and his colleagues.¹⁷ It is worth noting that some of these researchers, in addition to having a positive approach towards modernity, rely heavily on external studies. Their studies do not refer to evidence from within the Islamic sources but consider modern approaches as inevitable. Among those that have adopted such an approach are Eickelman,¹⁸ Bassam Tibi,¹⁹ Abdolkarim Soroush,²⁰ and Mohammad Mojtahed Shabestari.²¹

Other researches have chosen a negative approach to modernity, or have focused their studies on such an approach, such as Khosropanah Abdolhossein²² or Seyyed Vali Reza Nasr.²³ This article adopts a different path by attempting to present a positive approach to modernity that remains rooted in traditional Islamic studies.

The present article is divided into two parts. In the first section, we discuss the achievements of modernity, while the second part introduces a model for adapting Islamic teachings to the achievements of modernity. Within that context, the current study aims to identify the nature of modern phenomena.²⁴ First, the article will explain how to harmonise Islamic teachings with the intellectual and scientific achievements of modernity. Second, the model will distinguish between what constitutes Islamic and Western achievements.

The present study is also a type of theoretical study that utilises rational and syllogistic reasoning methods.²⁵ These methods will be utilised in reconciling Islamic teachings with the intellectual and scientific achievements of modernity.

Finally, we should note that the article examines the existing capacities of Islam and its compatibility with modernity. In other words, it is an internal study (as opposed to external study) that examines propositions and statements utilising on relevant insider sources.²⁶

The Achievements of Modernity from an Islamic Perspective

In Islam, not all the achievements of modernity should be acknowledged. Many of them are based on Western lifestyle and culture. Only those that are based on scientific findings and the achievements of the human intellect will be considered. In regard to what is considered compatible between Islam and the achievements of modernity, the model refers to this category.

The Intellectual and Scientific Achievements of Modernity

First and foremost, there is a need to specify the achievements of modernity. The proposed model defines the achievements of modernity and its elements

as the wisdom and scientific breakthroughs achieved after the Enlightenment and that are accepted by the majority of humankind, throughout the world. Modern civilisation is based on these achievements, which include rationality, freedom, democracy, equality, justice, autonomy, individualism, nationalism, development, universalism, homogenisation, mechanisation, secularisation, and so on. While the advent of postmodernism has brought many criticisms of modernism, many of the values of the modern era and its norms remain the pillars of modern human civilisation and are accepted by most human societies. Many international conventions, international laws, and modern theories continue to be based on such values, norms and foundations.

The achievements of modernity can be categorised into two. The first category comprises achievements based on definite scientific ideas or universal human rationality. The second category constitutes achievements that are based on Western lifestyles, education, environmental influences, human inclinations and so on. It is important to distinguish between these two categories. Mistaking rationality or reason with base inclinations or desire has been a disaster in today's societies, especially in Western countries. In many cases, what is perceived and considered as reason and rationality is in fact instinctive desire and worldly inclination. Therefore, separating the two from each other is a fundamental concern. In the next section, the article will elaborate on how to make this distinction.

Recognition of the Intellectual and Scientific Achievements of Modernity

A question emerges as to the criteria for deciding when to prioritise rationality over scripture in case of contradiction? In response to this question, this article adopts the following indicators: whenever a position is universally accepted by the wise of the world, and the acceptance of the position is not affected by a dependence on a particular religion, country, nation, culture, race, and so on, then the statement is rational. Otherwise, the position cannot be considered rational. For example, the impermissibility of oppression is a universal position accepted by all, regardless of religion, culture, country, nation and race. It is, therefore, a rational position. On the other hand, homosexual marriage (which is legal in some Western countries) does not fulfil that requirement. Since such an issue is heavily influenced by culture, religion, and the interest of a minority group, such a position cannot be considered rational. In theory, this is a clear and precise indicator, but is there a way in which we can determine which positions are accepted by the wise and the learned (regardless of their particular affinities) or decide which positions are the result of unacceptable biases?

Muslim scholars in the field of logic divide logical statements (*al-qadaya*) into different types. They believe that some statements are rational and based on reason, while others are not. On this basis, whenever a person doubts a statement, he can evaluate it based on a set of logical rules. This article considers statements that are accepted by the wise and the learned of the world to have reached the level of certainty (*al-yaqiniyyat*), defined as a one hundred per cent certainty in which there is no doubt.²⁷ Statements that have reached this level of certainty may include: (1) Primary statements (*al-awwaliyyat*), which are statements that the mind believes without any reason beyond themselves; (2) Observable statements (*al-mushahidat*);²⁸ (3) Proven statements (*al-mujarrabat*), or statements that are proven by repeated experience;²⁹ (4) Successive statements (*al-mutawatirat*), as statements that are conveyed by innumerable people, which lends credence to the reliability and accuracy of those statement;³⁰ (5) Surmised statements (*al-hadsiiyyat*), or statements that have no apparent evidence but are supported by a strong intuition which eliminates any doubt; and (6) Statements that originate from the innate nature of humanity (*al-fitriyyat*).³¹

In addition to *al-yaqiniyyat* statements, there are three other categories of statements that are rationally accepted. The first type is generally accepted statements (*al-mashhurat*), referring to matters that have become general knowledge among the people and are widely accepted.³² It should be noted, however, that not all *al-mashhurat* statements are accepted by the wise. Some *al-mashhurat* statements are self-evident, like primary statements (*al-awwaliyyat*) and innate statements (*al-fitriyyat*), which have been mentioned as examples of *al-yaqiniyyat*. The second type is *al-ta'dibat al-salahiyyah*, which means accepted statement or principle based on a universal benefit (for instance, the virtue of justice). The third type is *al-musallamat*, or statements that are generally accepted based on science and which are often rooted in common sense.³³

In brief, rational or intellectual statements that have a high level of certainty can be categorised into four types: *al-yaqiniyyat*, *al-mashhurat*, *al-ta'dibat al-salahiyyah*, and *al-musallamat*. Among the achievements of modernity, many can be categorised under these four types.

Despite certain statements having a high level of certainty, it is possible they did not reach that level before the age of modernity. For instance, primary statements (*al-awwaliyyat*) may have not seemed reasonable in the pre-modern era due to different perceptions and availability of evidence. The same principle applies to observable statements (*al-mushahidat*), proven statements (*al-mujarrabat*), and successive statements (*al-mutawatirat*) due to the continuous development and acquisition of knowledge. Therefore, it is possible for a statement belonging to these four categories to achieve certainty only after

the age of modernity and not in pre-modern times. For this reason, the model proposed by this article will only take into account human achievements after the era of modernity before assigning them into the four categories of statements.

A Model to Study Islamic Teachings Regarding the Achievements of Modernity

Islamic traditionalism insists on moulding the Islamic community based on the Prophetic model, as well as purifying Islam of the heresies that were subsequently introduced into the religion, either in the form of new interpretations or innovation.³⁴ In contrast, the primary goal of Islamic modernism revolves around the need to adapt elements and achievements of modernity to Islamic teachings.³⁵ However, we cannot ignore the fact that Islamic modernism includes different directions. Historically, Islamic modernism can be classified into several categories.³⁶ Within the current context, what matters is a classification based on orientations. In this regard, I divide Islamic modernism into extreme modernism and moderate modernism.

The moderate Islamic modernism model is based on two elements: 1) Defining a border with extreme Islamic modernism, and 2) Differentiating the model from Muslim traditionalism. These two elements will be the subject of the following discussion.

Defining a Border with Extreme Islamic Modernism

There are two factors that may transform moderate modernism into extreme modernism: scope and method.

1. **Scope:** For extreme Islamic modernism, the elements and achievements of modernity take a central position,³⁷ regardless of whether those elements are definitive scientific achievements, a result of common reason, or a product of the lifestyle of the twenty-first century. Extreme Islamic modernism insists on forcing Islamic teachings to conform to modernity in its entirety. Such an approach can be attributed to Mohammed Arkun (1928-2010), Mohammed 'Abid al-Jabri (1936-2010), Amin al-Khuli (1895-1966), Ibrahim Fawzi, as well as Mohammad Mojtahed Shabestari (b.1936) and Abdolkarim Soroush (b.1945). In contrast, moderate modernists do not acknowledge the achievements of modernity in their entirety. By dividing the elements of modernity into two groups (as previously mentioned),³⁸ Islamic interpretation only needs to maintain consistency with the first group: modern achievements that are based on definitive scientific findings or common human reason.

2. Method: Extreme Islamic modernism relies entirely on Western scientific methods.³⁹ As a result, extremist Islamic modernists do not recognise the traditional method of inference that has been accepted by Muslim scholars in the past. They only accept modern methods for their research, such as structuralism, hermeneutics, genealogy, and semiotics. Extreme Islamic modernists do not simply employ these methods as complementary to the traditional method, but completely replace the traditional method with them.⁴⁰ This is the methodological difference between moderate Islamic modernism and extreme Islamic modernism.

Moderate Islamic modernism provides a consistent interpretation of Islamic teachings by adhering to the traditional methods already adopted by Muslim scholars. This approach is governed by two tenets: first, belief in the capacity of Islamic resources to provide interpretations consistent with modernity and solutions to new issues, and, second, belief in the capacity of the traditional method to extract new and modern statements. This article will address the necessity of using this method in another section. In this section, the proposed model of moderate Islamic modernism will be elaborated.

Moderate Islamic modernism emphasises the holiness of the Qur'an and sunnah; in cases of any apparent contradictions between these sources and modern findings, specific steps will be taken, including the study of the chain of narrators. If the chain of narrators is proven sound and authentic, such statements will be interpreted and not abandoned. Among the modern methods, only hermeneutics is accepted by moderate Islamic modernism, but will only be deployed within the shell of the traditional approach, not along with it.

To sum up, the moderate Islamic modernism model necessitates the following:

1. Having sufficient knowledge in relevant Islamic sciences: strong familiarity with the traditions of the Prophet and his Companions; and competency in the established methods and rules of *usul al-fiqh*. Equally important are hadith-related disciplines, such as *isnad al-riwayat*, *'ilm al-rijal* and *'ilm al-hadith*. The rules for understanding the texts of narratives are also integral to the traditional method. In order to be able to observe these rules, it is necessary to learn Arabic grammar (*al-sarf wa al-nahw*); eloquence and rhetoric (*'ulum al-balaghah*); and Arabic linguistics.⁴¹
2. The practice of *ijtihad*: *Ijtihad* is a set of exploratory activities for extracting religious rulings, carried out by a competent Muslim scholar.⁴² The moderate Islamic modernism model refrains from blind imitation, but at the same time respects the legacy of past scholarship. It tries its

best to interpret and justify the words of the past in a manner that is consistent with modern perceptions.

3. Internality of studies: The traditional method is intra-religious,⁴³ that is, the researcher does not view Islamic resources as an outsider, but rather from the inside, therefore relying on methodological tools defined by the Islamic sciences. In this way, moderate Islamic modernism can be distinguished from extreme Islamic modernism, which prioritises methods and resources developed outside the religion.⁴⁴

Finally, this article wishes to point out a significant difference between the ‘traditional method of jurisprudence’ (*usul fiqh*) and ‘traditional jurisprudence’ (*fiqh*). Traditional jurisprudence refers to existing jurisprudential positions which are, in many cases, incompatible with modernity and its elements. On the other hand, the traditional method refers to the methods and ratio-legal instruments utilised by Muslim scholars to derive religious positions or legislation.

The traditional method emphasises the importance of expertise and knowledge in the sciences relating to understanding the Qur’an and the Prophet’s traditions.⁴⁵ Since these texts are in Arabic, knowledge of *‘ilm al-lughah*, which encapsulates Arabic grammar rules, word science, and its art of eloquence and rhetoric, is integral.⁴⁶ Such strict requirements should prevent mistakes in interpreting the Qur’an and sunnah. Aside from a basic grasp of Arabic linguistics, the science of interpretation (*al-tafsir*) and hadith (*‘ilm al-hadith*) are also vital for understanding the Qur’an and sunnah. Additionally, it is necessary to study the chain of narrators of hadiths based on the discipline of *‘ilm al-rijal*.⁴⁷ Knowledge of *usul al-fiqh* provides the necessary guidance on the many rules and principles for interpreting the text, such as analogy (*al-qiyas*), blocking the means (*sadd al-dhara’i’*) and binding utility (*al-maslihah al-mulzimah*).⁴⁸

The traditional method, in addition to its complex epistemology, has three central criteria: expertise in sciences related to the primary sources of Qur’an and sunnah; expertise in secondary religious sources like *ijma’* and *‘aql*; and, finally, the discipline to observe the abovementioned rules.

Notwithstanding the established and well-developed nature of traditional methods, such are not without flaws or devoid of opportunity for improvement. I argue that all the critiques put forth by Muslim modernists against the traditional method primarily focus on the latter’s shortcomings regarding answering modern questions.⁴⁹ As a result, Muslim modernists often ignore the necessity of using the traditional method.⁵⁰ Abandoning the traditional method, however, will render the approach to the texts inadequate and problematic. On the other hand, without correction and reform, the traditional method will continue to stumble when facing modern questions.

Differentiating from Islamic Traditionalism

Just as the moderate Islamic modernism model has two fundamental differences in comparison with extreme Islamic modernism, it also has two significant differences with Islamic traditionalism: 1) Reconciling Islamic teachings with the intellectual and scientific achievements of modernity, and 2) The need to reform the traditional method.

Concerning the necessity of reconciling Islamic teachings with the intellectual and scientific achievements of modernity, the moderate model recommends a positive approach towards modernism, one that acknowledges those achievements of modernity that are based on definite scientific ideas or human reason. If there is a conflict between such statements and a religious proposition, the latter must be interpreted and justified in a way that is compatible with rationality, or it will have to be abandoned (especially if the textual authenticity is doubted or criticised). This is a general principle that has been widely accepted by Muslim scholars. Al-Amidi writes: "If a Quranic verse conflicts with rational argument, the rational argument is preferred and has supremacy."⁵¹ The "rational argument" Al-Amidi mentions refers to arguments that have reached the level of certainty. His approach is as follows:

If a Quranic verse conflicts with a rational argument there will be three different ways to solve the problem. First: to leave both of them. Second: to implement both of them. Third: to implement one of them and leave another one. The first and the second ways are not possible, so we have to choose the third solution. Then the question is that: which one? By preference of the rational argument we do not put aside the Quranic verse, because we can make its content assigned to some cases so that it does not conflict with the rational argument, while by preference of the verse we will reject the rational argument generally. That is why we prefer the rational argument.⁵²

Muslim scholars, in general, have always shown a preference for rational explanations when interpreting controversial Qur'anic verses. For example, Muslim scholars have always applied the concept of specification (*takhsis*) when explaining general verses of the Qur'an based on a rational argument.⁵³ Abu Hamid al-Isfaraini, an eleventh-century Shafi'i master, proclaimed that "there is no disagreement between scholars in the permissibility of *takhsis* in a Quranic verse based on a rational argument".⁵⁴ If so, one might ask why Muslim scholars have not accepted the abrogation (*al-naskh*) of Qur'anic verses by rational argument? The general answer is that human reason is not capable of determining when a divine command expires. In theory, Muslim scholars do not

object to the principle of abrogation of a Qur'anic verse by rational argument,⁵⁵ but since human reason could not determine when a religious injunction expires, abrogation should not be applied.⁵⁶ Al-Jassas sums up the matter as follows:

In fact, this is not the abrogation, but human reason discovers the obstacles prevent[ing] the continuation of the religious ordinance. For example, some of these rules do not persist in the event of a person's inability. In other words, we can say that the human reason discovers the conditions of the religious rule, so, the intellect finds that the command has been conditional or temporary from the beginning.⁵⁷

Most Muslim scholars, regardless of their schools (*madhahib*), have accepted that, in the event of a conflict between a scriptural (*al-naqli*) argument and a rational argument, the rational argument takes precedence. Morteza Ansari, a well-known Shiah jurist writes:

The natural and inner intellect, which is not mixed with illusions, is always preferred on the scriptural argument, why not when belief in the existence of God is based on lower level intellect's perception, that is far below the standard of natural intellect. Most researchers believe that a scriptural argument *al-naqli* cannot stand against certain rational arguments, and if the appearance of such a conflict is found, it should be justified or put aside.⁵⁸

The moderate model differs from the traditional model by calling for a reform in its methods, despite also relying on them. While the traditional method can sometimes extract from the Islamic sources an interpretation consistent with modernity, it is not without some flaws. Thus, many religious statements produced through the traditional method are incompatible with modernity and its achievements.⁵⁹ The shortcomings of the traditional method should not be a reason for abandoning it altogether, but an opportunity to reform and address those shortcomings. This article lists four shortcomings of the traditional method in regard to its compatibility with modernism:

1. The rigidity and inflexibility of established theological foundations. Different Islamic schools have varying theological foundations, and these foundations heavily influence jurists as they extract propositions and legislation from the Qur'an and sunnah.⁶⁰ The attempt to reconcile the texts with their respective theological schools is one of the factors shaping the interpretation of the sacred sources. For example, one of the new theological foundations in religious philosophy is the issue of the individual versus social approach to jurisprudence.⁶¹ With the individual approach, 'taking

possession' (*al-hiyazah*) is considered an absolute and unlimited justification for 'possession.'⁶² Therefore, if a person takes empty land which has no visible signs of ownership (e.g. a fence), he then owns it. However, with modern technology, one can now plough and fence an area as large as a town and thereby legitimately own the land according to the individual approach. Adopting a social and managerial jurisprudential approach, however, does not allow unlimited ownership by *al-hiyazah*.

Another example is determining the scope of shariah in the sphere of governance. There are those who consider the matter of governance and administration to be within the scope of shariah, while others reject this position.⁶³

2. The strong influence of jurisprudential schools (*madhahib*). The followers of each jurisprudential school often validate their respective schools and refuse to refer to outside sources. Such a stance contrasts with the recommended approach of evaluating all narratives and positions based on their authenticity, regardless of their school.
3. Inadequate knowledge regarding the subject matter. The need for scholars to master and understand the subject matter they seek to give an opinion on is crucial. In some cases, Muslim scholars do not fully understand the subject matter, and therefore provide unsatisfactory religious inferences or positions. This problem is even more pronounced when answering modern questions.
4. The perpetuation of false assumptions during the process of religious inference. Many false assumptions result from too much reliance on the human sciences, which are tentative in nature (such as natural sciences, economics, ethics, politics, law, and so on).⁶⁴ This is despite the disciplines themselves undergoing regular adjustments and shifting presuppositions across time. For instance, the cosmological view of traditional Muslim scholars previously centred around Ptolemy,⁶⁵ while today it is based on post-Newtonian cosmology. In another instance, the concept of gender equality was previously non-existent and unacceptable, with some scholars even considering women to not be full human beings. Among those who held such a position was Sadr al-Din Muhammad al-Shirazi (1571-1640), a great Shiah Muslim philosopher of the last century, who wrote in his book *Hikmah Al-Mutālīyah Fī Al-Asfār Al-'Aqlīyyah Al-Arba'ah*:

And among the blessings of God for human is the creation of the different animals which serve him... some of them are created

for eating... and some for riding... and some for transportation...
and some for comfort... and some for marriage (women).⁶⁶

Fast forward to the modern era, the general idea of gender equality has been universally accepted making this view unacceptable.⁶⁷

In the field of law, although the role of religion or faith once occupied a central role in determining rights and responsibility,⁶⁸ today the principle of universal human rights forms the basis of law.

Reforming the traditional method requires rectifying such false assumptions. Mohammad Iqbal Lahouri in his book *The Reconstruction of Religious Thought in Islam* termed such an endeavour “structural ijihad”.⁶⁹

In brief, by eliminating the four shortcomings of the traditional method, we should be able to avoid the unhealthy influence of particular theological schools, widen the available source material by accepting authentic narrations from all legitimate school of jurisprudence (*madhahib*), improve competency in addressing new and modern issues, and minimise false assumptions when conducting religious inference.

Conclusion

The current article attempts to propose a model that will reconcile Islamic teachings with the achievements of modernity. In doing so, the article divides the achievements of modernity into two groups. The first group consists of definitive intellectual conclusions and scientific findings that are accepted by the wise and learned of the world. On the other hand, the second group consists of achievements that are rooted in Western culture or base human desires. The need for a positive and consistent approach should only be limited to the first group, not the second. This method of separating modernity’s achievements into two groups is derived from the science of logic as developed by Muslim scholars. If a proposition or statement fulfils the requirements of either *al-yaqiniyyat*, *al-mashhurat*, or *al-musallamat*, then it will belong to the first group and therefore be accepted as a legitimate achievement of modernity. Otherwise, it will belong to the second group and be dismissed.

In regard to the proposed model, ‘Moderate Islamic Modernism’, there are two primary contributions: defining the borders between moderate and extreme Islamic modernism, and, distinguishing the moderate from the traditionalist approach. This article has also pointed out several deficiencies and shortcomings in traditional methods. Reforming the traditional methods will require addressing and solving these problems before interpretations consistent with modernity are provided. This article recommends the following:

- There is a need for a positive approach to modernity, but its elements must be separated into two groups beforehand. The first comprises definitive intellectual or scientific achievements, while the second includes modern achievements rooted in Western culture and/or base human desires. This article also recommends further fine tuning this method and identifying more case examples.
- Extensive research must be carried out into the impact of the proposed model on the ideas and propositions of modernist Muslims.
- There is a need to identify more case examples regarding the shortcomings of the traditional method.

Notes

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VIEWPOINTS

Haj is No Longer the Same Experience as in Earlier Times

*Mohammad Hashim Kamali**

It may be said at the outset that in discussing haj related issues, one runs the risk of touching on public sensitivities as haj is part of the devotional aspects (*'ibadat*) of Islam and not as open to rational enquiry as are matters of concern to civil transactions (*mu'amalat*). That said, raising questions over haj management matters tangential to the substance of worship should not be a problem. Islam does not preclude religious matters from rational investigation in the spirit of healthy renewal and reform (*tajdid*). Earlier precedent confirms this when, for instance, the caliph 'Umar al-Khattab introduced the second call to prayer (*adhan*) on Fridays when the crowds attending congregational prayers in Madinah grew larger. Also his successor, caliph 'Uthman, edited the text of the Qur'an at a time when variations in its reading had cropped up due to differential Arabic dialects. He verified the standard text with the help of leading Companions and then ordered the existing copies of the Qur'an to be destroyed.

In earlier centuries, the number of haj pilgrims was small and traveled with slower traditional means of transport. These numbers have changed beyond comparison, exceeding two million annually. This also brings unprecedented challenges that call for fresh thinking and interpretation (*ijtihad*), some of which may not even require juridical *ijtihad* but only administrative and policy initiatives to make the haj crowds more manageable.

One issue is over the number of hajs that a person performs. Haj is a once in a life-time religious duty for Muslims "who can afford the journey" (Q. 3:97). But some affluent Muslims go to haj many times. Only the first instance fulfils the duty and the rest will count as supererogatory (*nawafil*). These individuals should restrain themselves and, better still, spend the money on charity that may relieve the sick and the invalid of their hardships. This will earn them rewards for giving space to others, as well as for their charitable donations. The haj authorities in Muslim countries are accordingly advised to take policy measures not to discourage persons from doing more than one haj. This will help reduce numbers to some extent.

Another point of concern is over the length of time the pilgrims take to perform the haj. Most pilgrims complete the haj in about six weeks, whereas others can do so in ten days or so. There may be different issues of expense and individual choices, but it should in principle be possible for the haj authorities in Muslim countries to take reasonable policy decisions. The length of stay may be reduced, for at least some categories of individuals and groups, to two or three weeks. This will also help reduce numbers and enable better management of the haj affairs.

Furthermore, experience shows that the number of applicants wishing to go to haj, from almost every Muslim country, is much larger than their allocated quotas. When political leaders from different countries meet with Saudi leaders, they often request an increase in their haj quotas. Saudi leaders are thus placed in an awkward position. Barring justified exceptions, requests of this kind should also be minimised and collective policy measures taken to observe the existing quotas. This will also help keep the numbers under control.

What is the haj period and is there scope for fresh interpretation? The Qur'an refers to the haj period as 'months well-known' (*ashhurun ma'lumat*), within which the haj must be completed (2:197). The text has not specified the precise meaning of the "months well known," but they were specified based on ijtiḥad. The first and typical response, which is commonly adopted, is that the phrase refers to the two complete months of Shawal and Dhi'l-Qa'dah and ten days of Dhi'l-Hajjah. This is the position of the majority of the four *madhhabs* (Shafi'i, Hanafi, Maliki and Hanbali), the four renowned Abd Allahs among the Companions (Abd Allah b. 'Umar, Abd Allah b. Abbas, Abd Allah b. al-Zubayr, and Abd Allah b. Amr b. al-Aas), and many others.

The second response given is that the haj period includes all three months, (that is, inclusive of the whole of Dhi'l-Hajjah), which is the view of Imam Malik and, according to alternative reports, of the Companions Abd Allah b. Amr b. al-Aas, Abd Allah b. Abbas, Abd Allah b. Masud, and many others.

This second response is preferable and sound, for the Qur'an refers to the haj months as "*ashhurun ma'lumat*," which correctly subsumes three months, and not as it were, "*sharayn ma'lumayn*," which would mean two months. So anyone who reaches Mecca in a state of *Ihram* (lit. abstinence - from certain activities) and performs the *wuquf* in Arafah, *tawaf* of the Ka'bah, and *sa'y* between Safa and Marwa - known to be the haj essentials - any time during these three months, his haj is valid. This was also the practice during the Prophet's lifetime.

The theory of ijtiḥad is explicit on the point that when different rulings of ijtiḥad exist over the same issue, the one that addresses present realities should be preferred. The second of the two views is evidently more suitable to address current reality – and should be adopted. This would further ease the congestion caused by the shorter haj period.

Notes

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Branding Halal: A Delicate Balance

*Marco Tieman**

Traditionally, halal status has been assumed for all non-pork food products and non-alcoholic beverages available in Muslim countries. Halal certification bodies changed this precept, however, by issuing halal certificates for processed food, beverages, and non-food products based on an assessment of ingredients used and production processes. This allowed brand owners to place a halal logo on their products or outlets. The result has been that halal-certified products are available in the market place but, at the same time, there is a greater diversity of halal logos due to the presence of imported products sold by retailers.

Today, it is not easy for Muslim consumers to understand the difference between the various halal logos, to determine the amount of trust they should place in a specific halal logo, and, of course, how Islamic schools of thought, *fatwas* (religious rulings) or local customs impact upon the halal integrity of a product. Some Muslim (majority) countries, like Indonesia, have taken regulatory action forbidding consumer products to carry any halal logo other than their country's own. Most Muslim countries, however, have not taken this action. As a result, in supermarkets today you not only find a greater diversity of halal logos on consumer products, but even within a single corporate brand.

Labelling a product or outlet as halal does not just mean permissible; it also says that the product and its processes are religiously pure. The goal of branding a product halal is to communicate to the consumer that that product has been verified halal by an independent certification body. There are three possible ways to communicate this: co-branding, ingredient branding, or halal-coding.

Seeking opportunities in the fast-growing halal market, companies are increasingly using halal as co-branding when marketing their products to Muslims. Halal co-branding is practiced when 'halal', 'Islamic' or 'shariah' (Islamic law) are jointly used with a corporate brand on a product or service. Shariah compliance, symbolised by the halal logo, is foregrounded during the branding exercise with the goal of harvesting brand synergy advantages. Leading academic literature on halal branding defines this category as a 'halal brand', where a branded product or outlet is clearly positioned, signalled and communicated to be aligned with the values, norms, and ideals of the Muslim faith. Examples of companies that do this in Malaysia are KFC and McDonalds; in Indonesia the cosmetics company Wardah does the same.

Halal ingredient branding considers the halal logo to be part of the product label, equal in value to *tayyib* (wholesome) certificates in food quality and safety. Halal ingredient branding emphasises the halal compliance of the product for the Muslim consumer. The halal logo is present, but on (or next to) the product label (instead of at the front of the product packaging) or, in the case of an outlet, mentioned somewhere on the menu and/or a halal certificate displayed at the outlet. A halal logo and status are not promoted explicitly in commercials and advertising. Food and cosmetics manufacturers, as well as restaurants, use this approach in Thailand.

A third option, not yet practiced, is halal-coding. This approach is currently used for Kosher labelling. Kosher uses the symbol ‘K’ with optional additional words—‘*Pareve*’ (neutral), ‘D’ or ‘Dairy’ (products containing dairy), ‘DE’ (dairy equipment), or ‘P’ (Passover dietary laws)—to signal when something complies with Jewish dietary laws. Within a Muslim context, instead of showing a halal logo, a halal code could be used on labels or food menus—the letter ‘H’, for example, followed by additional symbols indicating a halal authority (e.g. ‘H Jakim’), a slaughtering process (e.g. ‘H 01’ for hand slaughtered, no stunning), or ‘H Vegan’ for vegan halal products.

Next to traditional halal certified industries like food, cosmetics and pharmaceuticals, other consumer products and industrial brand owners want to carry halal logos, including for fashion, cat food, refrigerators, paint, and much more. Although it is logical that halal compliance should be an important market qualifier for doing business in Muslim markets, being essential for protecting Muslim consumers as well as the corporate halal reputation of brand owners, there are important philosophical questions to be answered. Are there possible risks in over-branding halal? Is there not a danger that the actual needs of the consumer are overlooked, creating resentment towards a brand, or that consumers are even scared away? Are these companies, instead of creating a stronger corporate halal authenticity, not destroying halal values instead?

Branding halal in Muslim (Majority) and non-Muslim Countries

When are we over-branding halal? What are the risks of over-branding halal in Muslim (majority) and non-Muslim countries?

Over-branding in Muslim countries is when:

- Halal co-branding is used for products that are not *tayyib* (for example, products that are nutritionally deficient, harmful to the body, use child labour, or pollute our waterways). Once discovered or exposed, brand owners could see their products rejected and see the sales drop.

- Halal co-branding is used for products and services for which halal certification is not essential to protect the Muslim way of life. This might create doubt about the intention of the brand owners and scare consumers away. The same could be true when the halal logo is branded extensively on a category of products or services new to halal certification.
- Halal co-branding is used when halal compliance is not considered beyond the first tier of the supply chain—that is, between only the first tier supplier and the first tier customer (instead of the entire end-to-end supply chain). This could expose the halal integrity of a product. Halal issues in the supply chain for brands that originate from non-Muslim countries (also known as inbound Islamic brands) could have major consequences for sales and corporate halal reputation.

Halal co-branding is more effective than halal ingredient branding in Muslim (majority) countries for: food, nutrition, beverages, and cosmetics that go into the mouth; that are *tayyib* and where brand owners take a halal supply chain approach.

When halal is over-branded in non-Muslim countries, there could be negative reactions from non-Muslims and even halal boycotts, as recently seen in Europe. Over-branding in non-Muslim countries could damage both the corporate reputation of halal-certified brand owners and the general perception of halal among non-Muslims. It could therefore create hardship for Muslims who desire access to halal products. Research shows that negative reactions are predominantly happening in non-Muslim countries where there is no halal regulation.

Halal-coding is more effective than halal ingredient branding in non-Muslim countries without a halal law (through a halal act or labelling law) and government accredited halal certification bodies.

Conclusions and Recommendations

Halal certification is essential when operating in Muslim markets. However, halal branding requires a very delicate balance when promoting halal status to consumers.

Halal co-branding is only recommended in Muslim (majority) countries for food, nutrition, beverages, as well as cosmetics that go into the mouth (including toothpaste, mouthwash). However, halal co-branding exposes the brand owner if products are not found to be *tayyib* or are demonstrated to have non-compliant halal supply chains. This branding tool should therefore be very carefully applied.

Halal ingredient branding is the norm for branding halal products in Muslim (majority) countries. Halal ingredient branding is also recommended for halal products in non-Muslim countries where halal is protected by law (through a halal act or labelling law) and halal certification bodies are accredited by the government. Example countries include Singapore and Thailand.

Halal-coding is recommended for non-Muslim countries without halal laws and accredited halal certification bodies. In these markets, halal ingredient branding is not considered attractive for the mainstream market and may even result in halal boycotts. But, instead of not sharing the halal status of a product, it would benefit Muslim consumers to have a halal code on the ingredient label. Markets that would certainly gain from this communication method are China, Russia, Europe, Australia, and the USA.

The Muslim consumer should be able to blindly trust products labelled halal. It is essential for governments in both Muslim and non-Muslim countries to protect halal through both regulation and enforcement. Government accreditation of halal certification bodies is necessary to control the wild growth of questionable halal certification bodies, inflation of halal certificates, and protection of halal as a mark of excellence (*ihsan*).

Conservatism is needed when introducing new products and services that could be halal certified. I would like to argue that decisions on what products and services can be halal certified should be agreed among leading halal certification bodies or, even better, at the Organisation of Islamic Cooperation (OIC). This control mechanism would aid and protect international halal trade. By contrast, creative halal certification initiatives by individual halal certification bodies could be confusing for consumers and the industry, damaging the reputation of halal and creating (unintended) trade barriers.

The introduction of a universal halal code agreed upon by the OIC, and similar to that for Kosher, is of paramount importance for accessing halal products in non-Muslim countries, where halal logos are not always attractive for brand owners. Currently, many halal-certified products on consumer shelves in non-Muslim countries do not show a halal logo; as a result, it becomes very difficult for Muslims to ascertain the halal status of these products. This is a missed opportunity to move halal mainstream! By contrast, the introduction of a halal code on product labels will reduce hardship for Muslims living in (and visiting) non-Muslim countries when shopping for their daily halal needs. It will also assist brand owners who manufacture in or export to non-Muslim countries.

Further research is needed on halal branding, in particular to test the hypotheses formulated through industry and consumer surveys in both Muslim and non-Muslim countries.

Notes

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Child Protection and Corporate Zakat

*Mohammad Mahbubi Ali**

Issues of child abuse, neglect, malnutrition and exploitation are the focus of renewed attention amongst governments, policymakers and multilateral institutions. For instance, the United Nations Millennium Declaration 2005 and the Sustainable Development Goals (SDG) 2017 have listed children's rights to survival, health, and education as their main agendas.

Research has shown that children are the most vulnerable segments of society, being exposed to abuse and violence. Each year, an estimated 0.5 to 1.5 billion children are involved in physical violence, 150 million girls and 73 million boys are raped or subjected to sexual abuse, 115 million children are engaged in dangerous work, and 264 million children have no access to school.

In Malaysia, 17.7 per cent of children below the age of 5 are stunted (Health Ministry 2017 records), 22 per cent are underweight, and 23 per cent are either overweight or obese (United Nations Children's Fund [UNICEF] 2018). The Malaysian government and policymakers, therefore, have shifted their attention towards strengthening the social protection system. For example, the Bantuan Sara Hidup (BSH) programme launched in 2018 offers unconditional cash transfers to B40 households to assist with rising costs of living. However, the existing protection schemes are not specifically designed to address the welfare of children during their first 1,000 days — the most vulnerable phase in their life, when nutrition and beneficial healthcare are paramount.

This article, therefore, proposes the utilisation of corporate zakat — an annual religious obligation paid by business entities under the purview of zakat on wealth — as a means of developing a child grant that seeks to complement existing government programmes.

An ongoing study by the International Institute of Advanced Islamic Studies (IAIS) Malaysia, in collaboration with UNICEF and Iman Research, discovered that corporate zakat has the potential to address the required needs of children in Malaysia in terms of survival, nutrition, healthcare and education.

There are 693 Shariah-compliant listed companies under the Securities Commission and 16 Islamic commercial banks in Malaysia that are supposed to pay zakat. However, as of October last year, only 21 companies and 12 Islamic banks had disclosed their zakat payments, with an average payment of RM4

million accumulating to a total collection of RM130 million. This is a far cry from the true potential of corporate zakat, which is estimated to reach around RM2.9 billion by the end of 2019 and more than RM3.4 billion by 2031. This projection, however, does not include non-public Shariah-compliant firms, sole-proprietorships, Islamic cooperatives and small-medium enterprises in Malaysia. On the other hand, the total budget of the child grant system only amounted to RM1.9 billion to cater to approximately 832,940 children under the age of 2 in 2019, with each child being allocated RM150.

In Islam, zakat can be used for various socio-economic purposes, such as education, healthcare and humanitarian causes, as long as recipients fulfil the criteria of zakat beneficiaries (*asnaf*). The Qur'anic verse 9:60 lists eight categories of individuals deserving of zakat: the poor (*al-fuqara'*); the needy (*al-masakin*); zakat collectors; those whose hearts are being reconciled to Islam; war captives whose freedom must be bought; persons in debt; those who are in the path of Allah; and the wayfarer.

In this regard, the overwhelming majority of jurists from the four established schools (Hanafites, Malikites, Shafi'ites and Hanbalites) are of the view that children are also eligible to receive zakat if their guardians fall among the above eight categories. A hadith narrated by al-Daruquthni from Abu Juhaifah reported that the Prophet Muhammad (pbuh) once sent a zakat collector to collect zakat from the rich and redistribute it amongst the poor. At that time, Abu Juhaifah was a young orphan who did not possess any wealth, so the zakat collector gave him a middle-aged camel. Thus, according to the Hanafi school, children of wealthy parents cannot receive zakat because they are considered rich if their parents are rich. In a report attributed to Caliph Umar al-Khattab, it is stated that the first category of zakat receiver (the poor, *fuqara'*) refers to Muslims, while the second (the needy, *masakin*) refers to non-Muslims. Difference of religion is thus not a bar to zakat.

In a nutshell, corporate zakat is a high-potential source of funding for a child grant programme in Malaysia, particularly for children of households belonging to the B40 category. Other potential avenues, such as corporate social responsibility (CSR), *sadaqah* and *waqf*, can also be explored as complementary funding sources for the proposed grant.

From an Islamic viewpoint, the use of corporate zakat and other Islamic social finance instruments for a child protection system correspond to the higher objectives of shariah (*maqasid*) concerning the protection of life and mind, and is supportive of the government's new motto to promote Islam as *rahmatan lil 'alamin* (a mercy to all creation).

To achieve corporate zakat's fullest collection potential, the present writer proposes that relevant authorities, such as the Securities Commission (SC), Bank

Negara Malaysia (BNM), and the Companies Commission of Malaysia (SSM), increase the promotion and payment of zakat among Malaysian companies.

Also, corporate zakat payments need to be emphasised as a tax obligation. This is particularly so since the National Fatwa Council of Malaysia (2001) and Selangor Fatwa Council (2003) have resolved that Islamic banks and shariah-compliant firms are obligated to pay zakat.

It is also recommended that zakat payments become one of the determining criteria in achieving shariah-compliant status for public-listed securities under the SC.

Notes

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SIGNIFICANT SPEECHES, EVENTS AND DEVELOPMENTS

1st International Forum on Islamic Thought (I-Fit) Revitalising *Maqasid Shariah* Towards a Compassionate Governance (The Everly, Putrajaya, 3 September 2019)

*Opening Speech by YB Dato' Dr Mujahid Yusof Rawa
Minister in the Prime Minister's Department in charge of Religious Affairs*

Assalamualaikum Warahmatullahi Wabarakatuh

High Excellency Shaykh Abdullah bin Shaykh al-Mahfouz bin Bayyah,
International Tokoh of Maal Hijrah Ceremony 1441H,

Dato' Seri Dr. Ir. Zaini bin Ujang, National Tokoh of Maal Hijrah Ceremony
1441H,

Associate Prof. Dr. Sharifah Hayati binti Syed Ismail from Universiti Malaya,

Yang Berbahagia Datuk Mohd Nordin bin Ibrahim, Director General Jakim,

Yang Berusaha Puan Hajjah Hakimah binti Mohd Yusoff, Vice Director General
Jakim,

Ladies and gentleman,

1. First of all, I wish to express my gratitude to Allah SWT, for by His grace we have come together to garner the wisdom of intellectuals in the International Forum On Islamic Thought (I-FiT) with the theme *Revitalising Maqasid Shariah Towards a Compassionate Governance*; held for the first time by JAKIM as part of the International Tokoh Maal Hijrah and National Tokoh Maal Hijrah, in the year 1441 Hijrah.
2. I would like to take this opportunity to congratulate JAKIM for taking the initiative to organize this program in support of the Three key ideas of the

current Administration, including *Rahmatan Lil Alamin*, *Maqasid Shariah* and the Malaysian Model.

3. To clarify, a series of explanations of these three areas are being implemented at the states and Federal levels, including ministries and agencies as well as public and private institutions of higher learning, with the aim of establishing these universal values of *Maqasid Shariah* to be embraced and practiced in order to realise the blessings of *Rahmatan Lil Alamin* and create a Malaysian model of a Compassion State.
4. I sincerely hope that such knowledge programs will continue, as without clear knowledge and beliefs, our goals and dreams will be impossible to achieve, let alone the great vision of achieving the goal of a Merciful Nation based on the inclusive principles described in Surah al-Anbiya' verse 107:

وَمَا أَرْسَلْنَاكَ إِلَّا رَحْمَةً لِّلْعَالَمِينَ

Meaning: And We have not sent you, [O Muhammad], except as a mercy to the worlds.

5. This verse clearly proves that the main purpose of the coming of the Prophet Muhammad SAW was to bring a great message to the world. In this regard, the *fugaha'* and *ulama'* have concluded that nature, character and qualities introduced by the coming of the Prophet Muhammad SAW are included in the aforementioned verse. Truly, the Prophet Muhammad SAW was the prime example of all aspects of life, including for the non-Muslim community of that time. Even in the Quran itself, the term *Rahmah* is repeated over three hundred times in terms of both *fi'il* (actions) or *isim* (name).
6. The rahmah which is repeated in the verse *وَمَا أَرْسَلْنَاكَ إِلَّا رَحْمَةً لِّلْعَالَمِينَ* is translated in the values of *Maqasid Shariah*, which means pursue that which is good and reject that which is evil. Thus, the teachings of Shariah as revealed by Allah SWT are fundamental to *Maqasid Shariah*.
7. The conceptualization of a Compassion State (Negara Rahmah) is a core part of Maslahah towards Maqasid Shariah because it (Maslahah) is universally applicable to all people and all times, and for non-Muslims as well as Muslims. This is based on the Islamic concept of grace for all the

world and laws which are in harmony with human nature and form the basis for human well-being and the well-being of the people and nation.

8. In addressing the various social issues of national administration, I see the practice of values-based principles as able to have the best and most inclusive impact; for example the values of humanity, justice and diversity. Islam highly prioritizes these values because they are the core of Islam and *Maqasid Shariah*. The value-based principles of *Maqasid Shariah* mean that Islam is always fresh and relevant in all times and places, regardless of culture, nationality, or religion.
9. Islam is a religion of mercy, is a statement which is agreed upon by everyone, including non-Muslims. If the nature of such mercy is reflected in oneself and the Islamic community, others will come to see Islam as a religion which allows a productive life in the community and the nation.
10. Allah SWT stated in Surah al- Ahzab, verse 72 :

إِنَّا عَرَضْنَا الْأَمَانَةَ عَلَى السَّمَاوَاتِ وَالْأَرْضِ وَالْجِبَالِ فَأَبَيْنَ أَنْ يَحْمِلَهَا وَأَشْفَقْنَ مِنْهَا وَحَمَلَهَا
الْإِنْسَانُ إِنَّهُ كَانَ ظَلُومًا جَهُولًا

meaning: Indeed, we offered the Trust to the heavens and the earth and the mountains, and they declined to bear it and feared it; but man [undertook to] bear it. Indeed, he was unjust and ignorant.

11. Allah SWT has not entrusted this to any other of His creatures; only to Mankind which is very special compared to the rest of creation. Indeed, the heights and privileges of human beings come with the most important responsibility: governing the world in accordance with the teachings of Allah. I believe that we have been chosen to be those who bring the message of peace, wisdom, and security to everyone.
12. The need to revert to the question of the wisdom of Islamic jurisprudence will guide us in the study of the values of Shariah and its effects on society and nation. Exerting the principles of priorities (*aulawiyat*) in actions and making room for improvements (*islah*) will facilitate to achieve the objective of Shariah (*Maqasid Shariah*) in all aspects of life and not limited to jurisprudence affairs only.
13. The concept of *Rahmah* encompasses all aspects of life, whether in

administration or society. Therefore, we must wisely interpret the concept of *Rahmah* in carrying out our respective tasks, and especially when addressing the current challenges and issues facing Islam in recent years.

14. I strongly believe that if we want to establish Malaysia as a Compassion State, *Maqasid* should become the basis of a strategic framework in managing administrative affairs and the needs of the people regardless of their religion; it needs to be cultivated in our thinking, as well as decision making and establishing policies for us to prosper in this world.
15. We have all heard the presentations from the three slots of experts in their fields; however, all of these areas of expertise are based on a single fundamental principle, which is *Maqasid Shariah*, which forms the heart of a successful life. Without this guiding principle humans will stumble blindly in their lives without the direction of *Rahmah* (mercy).
16. *Ulama* have explored the concept of *Maqasid Shariah* so that Muslims could understand the true purposes behind Islamic law. Those scholars includes al-Juwaini, al-Ghazali, al-Razi, al-Amidi, al-Iz abd Salam, and also our Tokoh Maal Hijrah this year, Fadhilatussyeikh Abdullah Bin Bayyah who is with us today.
17. Their presence is to provide understanding of the wisdom behind Islamic law among Muslims, as Islam has rapidly expanded around the globe. *Maqasid Shariah* has opened the way for us to seek the wisdom of Shariah and to explore the sagacity of Islam.
18. The new Malaysia has come closer to the vision of 2020 and its aspiration to become a Compassion State is part of Vision 2020 which must be carried out in the context of *Maqasid Shariah*. Malaysia's uniqueness in terms of its diversity is in line with the ideals of *Rahmatan Lil Alamin* found in Islam. In this matter, multi-culturalism requires a new formula in Malaysia.
19. A guide to diversity is not suitable if we follow only those guidelines and ideas of those who are unable to compromise on diversity. We must be smart in modelling Malaysia to highlight our own interpretations towards achieving the benefits, unity and integration in such a way as to avoid undermining racial harmony. We should be able to contribute to the world, and especially the Islamic world, a Model for Malaysia which embraces the numerous races of Malaysia under the principles of *Maqasid Shariah*.

To all attendees,

20. To realize this mission, the framework of *Maqasid Shariah* is the key to protecting, nourishing and strengthening the principles and values of Islam to help everyone achieve their life's purpose, protect their wellbeing, protect against harm and resist that which is evil. Each of our conclusions and actions in the context of a multi-racial society must be carried out with care to avoid the generation of resentment and racial tensions. These considerations must be based on Quranic values and the Sunnah which form the basis of preserving religion, life, intellect, posterity and wealth.
21. The approach of *Maqasid Shariah* is very universal and the values found in *Maqasid Shariah* are quite in line with the United Nation's Sustainable Development Goals (SDGs) which includes 17 goals which are aimed at leading to worldwide prosperity by 2030.
20. To achieve this, continuous efforts must be made by all parties to ensure the unity and harmony of the nation, which is the key pillar to ensuring that national unity remains relevant, and recognizes the importance of the *Maqasid Shariah* framework within the discourse of the community.
21. These efforts are intended to bring unique Malaysia's ethnic, religious and culture diversity in line with Islamic values as a harmonious country, as Islam is a universal religion which brings *Rahmat* (mercy) to the entire world.

Ladies and Gentlemen,

23. It is my hope that this International Forum On Islamic Thought (I-FiT) will become a brand and new annual event by JAKIM as a platform to nurture a harmony and prosperous world via value-based principles ingrained in *Maqasid Shariah*.
24. Finally, I would like to congratulate and express my gratitude to all of those who have made this program a success today, and hopefully the aspirations of becoming a Compassion State towards which we dream become a reality.

Thank you very much.

**Meet the Scholars - The Need for the Fiqh of Muslim Minorities in
the West and the *Maqasid* Narrative
(IAIS Malaysia, 30 May 2019)**

Ahmad Badri Abdullah

On 30 May 2019, IAIS organised a public talk and forum under the heading: ‘Meet the Scholars’. The event featured two Islamic scholars, Prof. Mohammad Hashim Kamali, founding CEO of IAIS Malaysia, and Imam Feisal Abdul Rauf, chairman of the Cordoba Initiative, New York. Prof. Kamali in his talk narrated the developmental phases of *maqasid* scholarship, from its formative period to the present and comprising five different levels. These levels include the explanatory and historical period, the methodological construction period, a period whereby *maqasid* became a yardstick to existing shariah interpretations, a phase where *maqasid* entered more practice-oriented fields (like the Islamic banking industry), and finally the current stage, which is marked by excessive referencing to *maqasid*. Prof. Kamali also proposed that a well-developed *maqasid* methodology is key to unravelling that current hurdles that may inhibit its full potential. In the same vein, Imam Feisal in his session also highlighted the critical importance of *maqasid*, particularly when addressing pressing issues faced by Muslim minorities in the West. He also argued that it is crucial to develop a *maqasid*-based jurisprudence of minorities (*fiqh al-aqalliyat*), which should become the guiding path for Western Muslims when playing active roles as citizens in their societies while staying committed to their religious principles and practices.

**Book Discussion: An Intellectual Discourse on “Islamic Law in
Malaysia: Issues, Developments and Challenges” by Eds. Mohamed
Azam Mohamed Adil and Mohammad Hashim Kamali
(IAIS Malaysia, 6 August 2019)**

Wan Naim Wan Mansor

Organised by IAIS Malaysia and Current Law Journal (CLJ) Malaysia, this book discussion event marked a significant milestone towards increasing the general public’s understanding of recurrent issues involving Islamic law in Malaysia. The book “Islamic Law in Malaysia: Issues, Developments, and Challenges” is edited by IAIS Deputy CEO, Mohamed Azam Mohamed Adil, and IAIS

Founding CEO, Mohammad Hashim Kamali. The book featured contributions from prominent scholars and figures in Malaysian law, writing on topics as diverse as the jurisdictional conflict between the civil and shariah courts, issues in interfaith marriages, apostasy, as well as Islamic finance. The publication has received accolades from the recently retired Chief Justice of Malaysia, Richard Malanjum.

The book discussion began with a brief presentation by IAIS Deputy CEO Mohamed Azam Mohamed Adil on the general themes of the book. Featured guest discussants were renowned law professor and constitutional expert, Shad Saleem Faruqi; law professor of IIUM, Zaleha Kamaruddin; and shariah and law professor of UM, Ahmad Hidayat Buang. Shad Saleem Faruqi recalled the peaceful transition of the 1980s Islamisation movement and encouraged law practitioners to revisit the concepts of *taqlid* and *ijtihad* when facing contemporary challenges in law. He also criticised the common misinterpretation of Article 3 (1) by certain quarters, which would undermine other aspects of the constitution. Zaleha Kamaruddin navigated her discussion towards family law, with a special emphasis on the conversion of minors in an interfaith marriage, as well as the complexities surrounding jurisdictional conflicts. Lastly, Hidayat Buang highlighted the role of *maqasid al-shari'ah* in expanding the Islamic law discourse beyond the letter of the law. The event brought together around 100 participants and ended with an engaging question and answer session.

**'Forum Kebangsaan' in Conjunction with the Independence of
Malaysia and Indonesia
(IAIS Malaysia, 26 August 2019)**

Mohammad Mahbubi Ali

Malaysia and Indonesia have established a long history of diplomatic relations. On top of their close geographical proximity in the Archipelago, the two countries share many similarities in terms of language, culture, customs and civilisation. The two countries even celebrate their independence in the same month, on 31 August (1957) and 17 August (1945), respectively.

Recognising this fact, the International Institute of Advanced Islamic Studies (IAIS) Malaysia, in collaboration with Nahdlatul Ulama (NU), the Tun Abdullah Ahmad Badawi Legacy (LEGASI), the Islamic University of Malang (UNISMA) and the INTAN Regional Center (INTENGAH), organised the 2019 Forum on the Independence of Malaysia and Indonesia.

The event was held to highlight the historical development of both countries and the contribution of Islamic scholars and religious leaders in the independence movements of the two countries — prominently the struggle of Sheikh Hasyim Asy'ari of Indonesia and Sheikh Abdullah Fahim of Malaysia.

The forum featured four leading panelists, namely Dato Dr. Mohd. Yusof Othman, Senior Fellow of the Islamic Institute of Hadhari UKM and Tun Abdullah Badawi's Legacy (LEGASI); Fahmi Amrullah Hadzik, grandson of Sheikh Hasyam Asy'ari (founder of Nahdhatul Ulama); Datuk Dr. Ahmad Murad Merican, Professor at the Institute of Islamic Thought and Civilization Studies (ISTAC), IIUM; and Dr. Muhammad Hasan, the Deputy Rector of the State Islamic Religious Institute (IAIN) Madura, East Java, Indonesia.

The forum also witnessed the signing of a Memorandum of Understanding (MoU) between the International Institute of Advanced Islamic Studies (IAIS) Malaysia and the Faculty of Law, Islamic University of Malang (UNISMA) Indonesia. The event was attended by a representative of Indonesia's Ambassador, Mr. Agus Badrul Jamal (Political Counselor), and Mrs. Nurriha Ahmad (Chief Assistant Secretary, Southeast Asia Division, Ministry of Foreign Affairs of Malaysia), representing YB Dato' Saifuddin Abdullah.

**The Palestine - Kashmir Forum:
“The Struggle for Freedom and Self Determination”
Keynote Address by HE Madame Amna Baloch,
High Commissioner of Pakistan, Malaysia
(IAIS Malaysia, 14 October 2019)**

Wan Naim Wan Mansor

The recent revocation of Article 370 that safeguards the special status of Jammu and Kashmir, and the resurgence of right-wing Zionist factions in the Israeli parliament, are causing grave concern for the future of Kashmiris and Palestinians. Against this backdrop, an international forum was organised by IAIS Malaysia in collaboration with local and international organisations: the High Commission of Pakistan, Malaysian Consultative Council for Islamic Organisation (MAPIM), Secretariat for the Assembly of Ulama in Asia (SHURA), Alliance of World Mosques in Defence of Al-Aqsa, and Palestine Cultural Organization of Malaysia.

The event commenced with welcoming remark by Prof. Mohammad Hashim Kamali, IAIS Founding CEO, followed by a keynote speech by Her Excellency, Madame Amna Baloch, the High Commissioner of Pakistan to Malaysia. For the

forum, two introductory remarks were made, one by Mohamed Azam Mohamed Adil, IAIS Deputy CEO, and the second by Mohd Azmi Abdul Hamid, President of MAPIM. The first forum speaker, Muslim Imran, Director of the Palestine Cultural Organisation Malaysia, spoke in detail about the state of the Palestinian resistance and liberation movement since 1947 and the pressing issues currently facing it. The second panelist, His Excellency Mr. Atif Sharif Mian, Deputy Chief of Mission of the High Commission of Pakistan to Malaysia, shared the history of the Kashmiri conflict up until the recent controversial decision by Modi's government, which has attracted global condemnation.

The event ended with a joint Palestine-Kashmir Kuala Lumpur Declaration, signed by 13 organisations. Amongst other things the declaration demanded that all Indian troops withdraw from Kashmir and return the territory to normalcy while reinstating Article 370, and that the right of return be rendered unconditionally to all Palestinians and that all Palestinian detainees in Israeli jails be released.

**5th Annual Conference & Workshop “Education and Culture in
Promoting Harmony and National Integration”
Keynote address by Datuk Seri Dr Mujahid Yusof Rawa, Minister in
the Prime Minister’s Department
(IAIS Malaysia, 19 October 2019)**

Ahmad Badri Abdullah

On 19 October 2019, IAIS in collaboration with Harmony Malaysia, organised its 5th Annual Conference & Workshop under the theme: ‘Education and Culture in Promoting Harmony and National Integration’. The event was officiated by the Minister in the Prime Minister’s Department, Datuk Seri Dr. Mujahid Yusof Rawa. In his officiating speech, the Minister argued that economic development is not enough for a country without solid national integration and unity. Amid growing social disintegration in Malaysia, where prejudices and mistrust are rife, the Minister assured the audience that the new government aspired towards unity at all costs. Therefore, he argued, as the country is in dire need of a new narrative of Islam that should be a catalyst for unity, his ministry has become committed to promoting the compassionate aspects of the religion, coining the term *Rahmatan lil ‘Alamin* (blessing for the universe). The conference saw presentations by three prominent figures, Prof. Dato’ Teo Kok Seong, the Principle Research Fellow of the Institute of Ethnic Studies (KITA) UKM, Dr. Michael Jeyakumar Devaraj, chairperson for the Malaysian

Socialist Party (PSM), and Mr. Anas Zubedy, the managing director of Zubedy (M) Sdn. Bhd. Dr. Jeyakumar in his talk argued that society can only truly embrace its plurality when it realises and behaves as Malaysian. He added that while complete racial equality is not feasible, as the land was originally Malay, some basic constitutional rights must relentlessly be upheld. Prof. Teo in his talk proposed that the Malay language should always be the impetus of unity, and therefore should be the medium of instruction in every educational institution. As there is a lack of multi-cultural appreciation between the races in Malaysia, Prof. Teo proposed that schools provide avenues through their curriculum for fostering integrated and mutual understanding. In the same vein, Anas Zubedy argued that Malaysia could be deemed a nation with a wounded heart as we are suffering from a critical trust deficit. Therefore, we need to heal the wound by cultivating a culture of fairness, self-criticism, compassion, empathy and moderation. The presentations were followed by an interactive question and answer session.

**In Conversation with Abdennour Bidar: On Multi-religious Societies
in the 21st Century
(IAIS Malaysia, 24 October 2019)**

Wan Naim Wan Mansor

The event was hosted and organised by IAIS Malaysia in collaboration with the Embassy of France in Malaysia and Alliance Française de Kuala Lumpur. The public talk is part of the French Talks series aimed at creating a space for dialogue and a bridge between French and Malaysian cultures. The event featured Abdennour Bidar, French philosopher and author of *L'Islam sans soumission* (Islam without Submission), and IAIS Deputy CEO, Mohamed Azam Mohamed Adil, as the moderator. The event brought together a healthy crowd of 150 attendees, which included local activists, NGO workers, and representatives from the French community in Malaysia.

Bidar began by sharing his personal journey as a Muslim growing up in France, a country known for its strong secular values. Much of his pluralistic worldview was shaped by his Muslim-converted mother, adoptive Moroccan father, and atheist grandfather, as well as his early interactions as a schoolboy in an elite private school. He proceeded to argue that the presence of Muslims in France is not a threat, but an opportunity for Islam to contribute to French society, especially on spiritual questions that remain unanswered by secularism. Central to Bidar's philosophy is the concept of 'self-Islam', in which humanity

is sacred but bears a great responsibility to prosper on the earth. He concluded by asserting that *laïcité* (liberty, equality, and fraternity) is in line with Islamic values, specifically *wahdatul wujud*, which ascribes the unity of everything with God. The Q&A session brought up interesting topics, such as the question of state intervention in religious affairs, the theological implications of ‘self-Islam’, and the causes of breakdown in a multi-religious society.

Roundtable Discussion: Designing *Sadaqah* Models For Child Grant Project in Malaysia: Shariah, Legal & Financial Analysis (IAIS Malaysia, 26 November 2019)

Abdul Muhaimin Misran

At a glance, Malaysia seems to be doing fine economically. However, child-related problems remain unresolved. Over 1.5 – 1.8 million children are living in relative poverty, a figure that impacts the fabric of society.

On 26 November 2019, IAIS Malaysia in collaboration with UNICEF hosted a roundtable discussion on “Designing *Sadaqah* Models For Child Grant Project in Malaysia: Shariah, Legal & Financial Analysis” in an attempt to find a feasible initiative by maximising Islamic financial tools to overcome child-sensitive social protection issues.

The event managed to gather policy-makers, scholars, religious bodies, bankers, *takaful* providers, as well as NGOs to discuss the feasibility of leveraging *sadaqah* as a means of assisting child welfare.

A universal child grant is more than the government can provide. At the moment, the allocation channelled through Jabatan Kemajuan Masyarakat (JKM) is only RM100 per month per child under the B40 segment known as *Bantuan Kanak-Kanak* (BKK).

Sadaqah House, which was initiated by Bank Islam, is the first institution of its kind and a living example of using *sadaqah* collection to provide aid for *asnaf* (the needy). Since its establishment in 2017, the yearly collection has been RM300,000.00 with an average of RM20,000.00 per week, 5 per cent from *Surau Waqf*.

The Chief of Social Policy from UNICEF, Stephen Barret, ended the session by stressing that UNICEF will continue to support child-sensitive social protection in Malaysia, which requires a lot of thinking and consultation. He expressed his gratitude to everyone for their ideas and contributions during the session.

International Seminar on Islam and Ecological Sustainability (IAIS Malaysia, 3 December 2019)

Shahino Mah Abdullah

Islamic teachings promote environmental stewardship, including the accountability and responsibility of humanity towards maintaining God's balanced creation. Therefore, Islam should undoubtedly be regarded as the 'green' religion. In wanting to bring up modern environmental challenges, especially relating to ecological issues, IAIS organised the 'International Seminar on Islam and Ecological Sustainability' on 3 December 2019, with Majlis Agama Islam Wilayah Persekutuan as its strategic partner, in collaboration with University of Malaya, International Islamic University of Malaysia, Global Environmental Centre, and Grass Malaysia. The seminar began with a warm welcoming address by IAIS Founding CEO, Prof. Dr. Mohammad Hashim Kamali. Then, YB Datuk Seri Dr. Mujahid Yusof Rawa, Minister in the Prime Minister's Department (Religious Affairs), officiated the seminar, highlighting the latest initiatives of the government in the implementation of *Rahmah* as a national model. The acronym of the word R.A.H.M.A.H, according to him, contains the model's core values, namely, Amicable (*Ramah*), Peaceful (*Aman*), Harmonious (*Harmoni*), Genial (*Mesra*), Environmentally Friendly (*Alami*) and Respectful (*Hormat*). The '*Alami*' value is an integral part of the model that mainly promotes the protection of the environment (*hifz al-Bi'ah*). After his speech, the minister launch two books published by IAIS, namely: *Laskar Alam: Modul Pembudayaan Kelestarian Alam*, and *Modul Islam & Pemeliharaan Sungai: Melestarikan Syiar Rahmatan Lil 'Alamin*. The book launch received coverage from local official television broadcaster, Berita RTM (Modul Pendidikan Alam Sekitar Dilancar IAIS), and featured in several newspapers.

The seminar continued with its main agenda by inviting local and international figures to deliver keynote speeches. For the first keynote speech, Sahibus Samahah Dato' Seri Dr. Zulkifli Mohamad Al-Bakri, Mufti of the Federal Territory of Malaysia delivered his presentation entitled, "The Role of Religion in Achieving Ecological Sustainability in the Islamic World." The Mufti expressed his concern about environmental protection, advising the audience to avoid *fasad* (corruption) and to keep the environmental balance. Then, Prof. Datuk Seri Ir. Dr. Zaini Ujang, the latest recipient of Tokoh Maal Hijrah, delivered the second keynote speech entitled "Ecoshift: Islamic Ecosophy towards Environmental Sustainability." During his speech, he emphasised that what is more important than the government's environmental policy is the cultural changes needed to promote a higher level of awareness about environmental

issues. After the lunch hour and Zohor prayer, Dr. Fazlun Khalid, Founder & Director, Islamic Foundation for Ecology and Environmental Science (UK) continued the seminar with the third keynote speech, entitled, “Sustainability: The Economics of Futility.” As a renowned Muslim global environmentalist, he revealed the dark side of the economic system based on *riba*’ (usury), initiated by a certain country as ‘virus money’ to enhance the lifestyle of the people without consideration for the natural world. Finally, the seminar ended with the fourth keynote speech by Dr. Kalithasan Kailasam, Director of River Care Programme at the Global Environmental Centre, entitled “River Care & Rehabilitation in Malaysia: Latest Developments.” He mentioned that the actual role of drains and rivers is to allow rainwater to flow. After sharing the development of the river rehabilitation programme in Kuala Lumpur, he highlighted that we have to keep the river clean since it belongs to us all.

Myth of ‘Free Media’ and Fake News in the Post-Truth Era (IAIS Malaysia, 7 December 2019)

Apnizan Abdullah

The programme was held on 7 December 2019 at 10 am at IAIS Malaysia. The topic of discussion comes from the book authored by the speaker, Dr. Kalinga Seneviratne. The book essentially reveals both the myth and truth of the free media and of fake news doctrines in the post-truth world order. The author starts his book by questioning the existence of the truth era. The book also highlights the disruption to the news media that has arisen from the emergence of the internet. The author asserts that media ‘liberalisation’ has weakened the basic premise of Libertarian Media Function Theory, which states that the media is the ‘Fourth Estate’ that protects the citizens from abuses of power by the government. He also explained how excessive commercialisation of the media and the commodification of news has changed journalism all around the world.

The sharing session commenced with an introductory remark by Dr. Chandra Muzaffar, the President of the International Movement for a Just World (JUST). Dr. Chandra pointed out that the manipulation of freedom of expression via free media and fake news doctrines is a global phenomenon. He pointed out that Westerners who have championed the idea of freedom of expression and democracy are the real actors in this mainstream manipulation. This scenario has happened in many areas, including in science, the economy, technology and many more. The real aim behind it is to gain control over resources (such as oil) and nations.

Dr. Kalinga drew on his vast experience of journalism and the media. He mentioned that his writings are all based on his career. Fundamentally, he questioned the existence of the truth era. He also pointed out that abuses of power by governments through free media and fake news are not the only issues we need to look into. This is because corporate domination of the media has also been abusing the public trust, presenting coverage that may be true, ‘half true’ or even false. He asserted that the media is about reporting exceptional stories. The media should provide information and stories that attract people’s attention. Eventually, Dr. Kalinga called for a new paradigm in news reporting and explained how it can be transformed from an adversarial model into one of public advocacy in promoting more cooperation and social harmony in society. A mindful communication strategy drawing upon Asian philosophical ideas was recommended. He also urged young Asian scholars to read his ideas and commence further research and develop communication theories on free media and fake news based on their national experiences.

IAIS Islamic Finance Talk Series 2019 (IAIS Malaysia)

Mohammad Mahbubi Ali

The International Institute of Advanced Islamic Studies (IAIS) Malaysia, in collaboration with Islamic Economic Society (MES) Malaysia, has successfully organised several Islamic Finance Talk Series (IFTS) in 2019. The series brought together reputable personalities in Islamic finance, from Shariah scholars to Muslim economists to Islamic finance practitioners.

The first IFTS was held at IAIS Malaysia on 20 August 2019 on the theme, “Bringing Vision & Strategy To Life: Malaysia’s Sustainable & Responsible Investment Growth Story.” Featuring Mr. Mohd Radzuan Tajuddin, an Islamic finance consultant from ZICO Shariah Supervisory Bhd, it brought his 23 years of experience with the Securities Commission to bear an Islamic sustainable and responsible investment in Malaysia. He also highlighted Malaysia’s vision 2020 as a basis for supporting Sustainable Development Goals (SDGs).

The second IFTS invited prominent Muslim economist, Assoc. Prof. Dr. Ugi Suharto, who is currently senior lecturer at the University of Buraimi, Sultanate of Oman, to discuss the subject of ‘Islamic Economics as a School of Economics’. Hosted at IAIS Malaysia on 5 September 2019, Dr. Ugi examined the possibility of promoting Islamic economics as a particular school of economics among the various existing schools. He argued that Islamic economics fulfils all the criteria

necessary to become a distinct discipline of economics, with its own philosophy, methodology, and interpretation of economic phenomena.

The last IFTS of the year discussed a trending issue, “Transitioning Islamic Economy Via Technology & Innovation - Key Elements & Impacts.” Held on 4 November 2019, President of the FinTech Association of Malaysia, Mr Mohammad Ridzuan Abdul Aziz, used his 20 years of commercially-driven regulatory, compliance and technology experience in the Asia-Pacific region to describe how financial technology could impact the landscape of the Islamic economy worldwide.

All three IFTS managed to attract numerous participants from different backgrounds and sectors; ranging from academia to practitioners, lawyers and regulators.

BOOK REVIEW

M. A. Muqtedar Khan - Islam and Good Governance: A Political Philosophy of Ihsan

(New York: Palgrave Macmillan, 2019), xxii+278 pp
ISBN: 978-113-755-718-6

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The work currently under review, by M. A. Muqtedar Khan, professor at the University of Delaware (USA) and expert in Islamic thought, governance and international relations, is a unique addition to the subject area, exploring new dimensions of Islamic political philosophy. A serious, critical evaluation of the subject—theory *vis-a-vis* practice—Khan challenges the many political understandings held by classical and modern Islamic political thinkers. Human minds (irrespective of their religious bents) have searched through the ages for a world order capable of providing peace and tranquillity to all people. Consequently, a number of political theories have emerged deliberating on the process and structure of governance and government. Disappointed with conventional forms of government (*viz.* democracy, secularism, socialism, republicanism and presidential) Muslim scholars have attempted to present a valid and universal alternative capable of transforming contemporary scenes of chaos and confusion into something resembling order. In the recent past, however, Muslim scholars and other Islamic reform movements have failed to convince humanity (especially people of different faiths) that the Islamic approach to good governance is the solution modern minds are searching for. As in his prior publication on Islamic political thought, Khan here presents his subject in a different and unique way, anchoring the political philosophy of Islam to its most recommended principle of *ihsan* (excellence).

The book is a brief yet critical and comprehensive treatment of Islamic political thought spread over eight chapters, including an introduction (pp.1-8) and conclusion (pp.247-50). The book also contains a bibliography (pp.251-69) and index (pp.271-8). The book begins “the quest for a Political philosophy of *Ihsan*” by highlighting the philosophical and theological foundations of that

term, which (along with its derivatives/conjugal forms) is repeatedly mentioned in the Qur'an and Hadith collections. *Ihsan* is the ultimate state (*haal*) achieved by a believer after *iman* (faith) and *islam* (submission), as mentioned by a famous prophetic tradition known as *Hadith-e-Jibra'il*, in which the Prophet defined *ihsan* as: "to worship Allah as if you are seeing Him, if you cannot see Him, surely He sees you." Although often loosely translated as "doing beautiful deeds," *ihsan* is "loaded with theological and mystical implications" that include the meanings of "perfection, goodness, to do better, to do beautiful things and to do righteous deeds" (p.3). For the author, *ihsan* is a "composite of the values of beauty, excellence, compassion, charity, forgiveness, and devotion" (p.25). Adhering to the mystical interpretation of *ihsan*, the author not only challenges the concept of an Islamic caliphate, but also the purpose of establishing shariah, a notion exploited by extremists like ISIS and al-Qaida, creating an environment of Islamophobia around the globe. The reason for such chaos, according to the author, is "The Loss of Ihsan" (pp.9-42) from the practical sphere. To support his arguments, while putting all Muslim theologians under question, Khan selects and deliberates on two case studies: (1) Recompense for Breaking the Fast (pp.17ff) and (2) Blasphemy against Prophet Muhammad (pp.25ff.).

The author provides "a critical reading of the history of Islamic political thought" in order "to identify different iconic perspectives and approaches", as adopted by different Islamic thinkers (p.161). He claims that prior to the advent of modernity, Islamic scholars and intellectuals did not feel the need to revisit political issues, considering them to have already been "settled". Occasionally, any change they needed to make was tackled within a given legal school, not for the sake of good governance, but rather "only in response to the crisis of legitimacy" (pp.162-3). Often these solutions aimed to execute shariah laws by force. The author argues that the imposition of religious laws by force was tyrannical; religious values can only be incorporated into the lives of people and gain their best efficacy through *ihsan*, because *ihsan* and its manifestations naturally compel human agents to act according to these values in pursuit of perfection and self-elevation (pp.166-7). The author also questions those scholars who hold the view that only an exact replica of the governments of the Rightly Guided Caliphs deserve to be called Islamic, and thus the only legitimate form of Islamic government. He considers such a claim to be illogical because this early Caliphal period was a developing process. Nevertheless, the era of the Rashidun Caliphate was the best and the most sincere attempt to implement Islam as taught by the Prophet. An assessment of the period, argues the author, makes it clear that these Caliphs were innovative and held the sincere intention to make the best decisions for the *Ummah* in light of Islamic teachings. Such evaluation "opens the doors for several interesting ideas and principles" (pp.167-70).

Regarding the theories of Islamic polity and governance, these differed between the pre-colonial, colonial and post-colonial periods. Muslim scholars from the middle period not only aimed to preserve Islamic culture and civilisation during the nineteenth century, but also looked for opportunities “to shape the Muslim world’s post-colonial political reality”. As the author opines, such responses can be classified into four: (1) secular Muslims who wanted political independence for the West while intellectually and culturally embracing it; (2) those scholars who wanted to “revive the old institution of the Caliphate”; (3) those Muslim thinkers who accepted the idea of nation-states and aspired to create an Islamic State that could be used to unite Muslims globally; and (4) the adherent of “the Modernist vision of Islamic Democracy”, who maintained that “democracy is indispensable for Islamic governance and striving for democracy and Islamic governance is one and the same thing” (pp.195-208).

In his seventh chapter, “*Ihsan* and Good Governance” (pp.209-46), Khan proposes a broad model of good governance that goes beyond merely implementing shariah or claiming that Islamic governance will realise virtuous outcomes such as social justice, tolerance, acceptance, compassion and peace. Instead, the author proposes a model for good governance based on five principles: (1) from *tawhid* (divine unity) to sovereignty; (2) from Righteous Caliphs to the Prophet; (3) from structure to process, government to governance; (4) from national interest to national virtue; and (5) from virtues to social condition (justice). With the application of these principles, good governance is expected. Such a change is impossible, however, in the absence of a “society of Mohsins” because the “virtues of the state and virtues of the society co-constitute each other” and “there cannot be one without the other”. Against this backdrop, Khan also presents five principles for the virtuous society: (1) citizenship as witness to the divine; (2) citizens as character builders; (3) citizens as lawmakers; (4) citizenship as self-regulation; and (5) citizens as rulers (pp.227-46). By achieving such traits, society becomes a “society of Mohsins” and thus paves the way for another shift(s) in governance, which the author calls “from Law Enforcement to Self-Regulation” and “from God Governance to good(ness) governance”. In such a state and society, a citizen enjoys different types of freedom: (1) freedom to do *ijtihad* (independent reasoning); (2) freedom to challenge existing *ijma* (consensus); (3) freedom to be or not to be a Muslim; and (4) freedom to be a partner in governance (pp.240ff). By these points, the author wants all Muslims to “move from the realization of religious symbolism to demanding good governance” and “to strive for creating a society that defends national virtue and generates institutions and practices that provide good governance”.

Although some Muslim scholars may harbour theological reservations about Khan’s text, its stand on issues like the recompense for breaking the fast,

blasphemy laws, *ihsan*, why Sunnis excluded justice from the principles of *din* (religion), and why *ihsan* and justice are not mentioned in *maqasid al-shariah* (the objectives of shariah) makes it a valuable and unique contribution to the subject, one that attempts to position *ihsan* as a prerequisite for good governance. Via such deliberations on Islamic political thought, based on “compassionate Islamic principles and values”, the author paves the way towards convincing the modern mind of the universal nature of an Islam rooted in love, compassion, comfort and peace to others.

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