

EDITORIAL

It is with great pleasure that I place before the reader the January 2016 issue of IAIS Malaysia's flagship journal, *Islam and Civilisational Renewal*. This issue contains six substantive articles and three viewpoints, in addition to several event reports and a book review. The first article is my own, entitled 'Islam and Sustainable Development', examining Islam's holistic approach to development. I argue that, by utilising the concepts of public interest (*maslahah*), the higher purposes (*maqasid*) of Shari'ah, equilibrium (*mizan*) and moderation (*wasatiyyah*), Islam imposes a strict set of ethical standards on SD, resulting in a responsible approach to development that is dedicated to (amongst other things) preservation of the environment and poverty reduction. This contrasts sharply with the Western capitalist approach, which has resulted in significant wealth and resource allocation disparities.

Our second article, entitled 'Islam in China: The *Han Kitab* Tradition in the Writings of Wang Daiyu, Ma Zhu and Liu Zhi, with a Note on Their Relevance for Contemporary Islam', has been contributed by IAIS Malaysia's new Research Fellow, Alexander Wain. In this article, Alexander examines the Chinese Islamic intellectual tradition known as the *Han Kitab*. Focusing on the work of three key *Han Kitab* figures – Wang Daiyu, Ma Zhu and Liu Zhi – Alexander draws attention to their use of the Islamic concept of *din al-fitrah* as a basis for engaging meaningfully with non-Muslim traditions, especially Neo-Confucianism. The result was an early example of Islamic 'ecumenical thought', capable of overcoming exclusivism and stressing moderation. The contemporary relevance of this tradition for the fight against Islamic extremism is also discussed.

This issue's third article, 'The Application of Shariah Principles of *Ta'zir* in Malaysian Common Law: A *Maqasid*-based Proposal,' is by Mohamed Azam Mohamed Adil, Deputy-CEO of IAIS Malaysia, and Ahmad Badri Abdullah, a Research Fellow at IAIS Malaysia. Concerned with contemporary debates surrounding the creation of a new Malaysian common law system from the legacy of the British colonial past, this article suggests that, while any new Malaysian legal system should incorporate the values and cultures of all Malaysians, the specifically Islamic legal principle of *ta'zir* is ripe for inclusion within the new system. *Ta'zir* deals with the discretionary powers a *qadi* has when sentencing specific crimes under the Shari'ah; using the example of drug trafficking offences, the authors demonstrate how it could be successfully applied within the Malaysian context.

Turning to our fourth article, 'Islam in Macedonia: The Origins, Evolution and Role of the Islamic Religious Community from the Ottoman Period to the Present,' written by Mesut Idriz and Muhamed Ali, this discusses the fascinating – and oft-neglected – history of Islam in Macedonia. Ranging from the Ottoman period until the present, the article's primary focus is administrative: it explores how Macedonian Islam has been represented by various official government organs throughout its history. Since the 1990s, this role has been performed by an institution called 'Islamic Religious Community'. The article describes the character of this

institution, focusing on how it serves to create a synergy between Macedonia's Muslims, the country's government and other Muslim institutions.

In the fifth article in this issue, entitled 'The Rule of Law in Islam: Between Formalism and Substantivism', IAIS Research Fellow, Tengku Ahmad Hazri, takes a largely theoretical approach to argue that the rule of law in Islam has traditionally been understood in formal, rather than substantive, terms. This, he argues, needs to change: in future, a more substantive understanding of the rule of law, sensitive to the Shariah's vision of a good and just society, needs to be developed. In this context, the article concludes with a fascinating discussion of human rights. As the dominant substantive legal framework in the world today, Tengku Hazri argues that current human rights charters should be reconceptualised as specific to local conditions. In other words, the current international emphasis on formal observance of international treaties and charters should be replaced by a perception of those documents as mere instruments for the expression of specific substantive understandings of the rule of law.

In our final substantive article, 'Crowdfunding as an Emerging Fundraising Tool: With Special Reference to the Malaysian Regulatory Framework', IAIS Malaysia Research Fellow, Apnizan Abdullah, examines the increasingly lucrative fundraising method known as 'crowdfunding'. Used to raise money for both business ventures and social causes, crowdfunding is now the subject of various regulatory frameworks, both in the Islamic world and beyond. In the specific context of Malaysia, however, where crowdfunding has become very common in recent years, Apnizan suggests that any future regulatory legislation should incorporate Shari'ah principles in order to ensure that all future crowdfunding activities are fully Shariah compliant.

Turning to the first of our viewpoints, written by myself, this is entitled 'Jurisprudence of Minorities (*Fiqh al-Aqaliyyat*) Revisited'. In it I build on a previous *ICR* viewpoint, concerned with the legal difficulties facing Muslims resident in non-Muslim countries. In this instance, I examine four practical issues facing Muslims in Europe, along with the solutions the Islamic Council of Europe has developed regarding them. These issues are: whether Muslims can take out conventional mortgages and student loans; whether Muslims can serve with Western military forces engaged in fighting other Muslims; whether female Muslim converts can remain married to non-Muslim men; and whether Muslim converts can claim inheritance from their non-Muslim relations.

In our second viewpoint, new IAIS Malaysia Research Analyst, Wan Naim Wan Mansor, takes up Malaysia's controversial 'Indira Gandhi case'. This legal battle concerns the unilateral conversion, from Hinduism to Islam, of Indira Gandhi's three children by her ex-husband, Muslim convert Muhammad Riduan (previously known as Patmanathan). Although this conversion was initially quashed by Malaysia's High Court, in late 2015 the Court of Appeal upheld Riduan's right to convert his children. Wan Naim, however, argues that there is no grounds for doing so in Shari'ah. Rather, by taking this decision the Court of Appeal threatens to damage the image of Islam by conveying a sense of injustice and disenfranchisement.

In our final viewpoint, Marco Tieman, a PhD candidate at Universiti Teknologi MARA Malaysia, presents his case for a change in the *halal* food labelling system. Rather than just considering methods of slaughter, Marco argues that *halal* certification should also consider the principle of wholesomeness (*tayyib*) – that is, of whether a food is healthy to eat or not. On this basis, Marco suggests introducing a traffic light system of *halal* certification: very healthy (green), healthy (yellow) or unhealthy (red).

Aside from our articles and viewpoints, this issue of *ICR* also reports on several noteworthy events, including the launch ceremony for my new book, *The Middle Path of Moderation in Islam: The Qur'anic Principle of Wasatiyyah*. Presided over by HRH Sultan Nazrin Muizzuddin Shah of Perak Darul Ridzuan (whose enlightening speech, delivered at the event, is also reproduced here), this event was well attended by a wide-range of dignitaries, academics and other interested parties. It is hoped that, and in some small way, both this ceremony and the book it was dedicated to will help bring moderation to the fore in Islamic circles, as a concept which has become sadly neglected in recent years.

Also reported on in this issue, 27 October 2015 saw the Kuala Lumpur Convention Centre host an important lecture by the distinguished professor, Alex Schmid. Co-organised by IAIS Malaysia and the Global Movement of Moderates (GMM), this event attracted a significant number of important attendees. Focused on the nature of ISIS propaganda and how best to counter it, Professor Schmid presented all interested parties with a valuable insight into the nature of global jihadism.

In addition, October also saw IAIS Malaysia host two further events. First, we held a training session, entitled 'Training on the Regulatory and Compliance Framework in Islamic Finance under IFSA 2013'. Well received by all who attended, IAIS Malaysia hopes to hold similar programmes in future. Second, alongside GMM, University Malaya and Monash University, IAIS Malaysia held the 'International Conference on Islam, Science and Sustainable Development'. This event highlighted how, if core Islamic principles were incorporated into its framework, SD could be rendered into a far more holistic and balanced process.

This issue of *ICR* closes with a review of Naser Gholbadzadeh's 'Religious Secularity: A Theological Challenge to the Islamic State', written by Showkat Ahmad Dar of Aligarh University. Showkat expertly summaries Gholbadzadeh's critical appraisal of Iran's religiously-based regime, enhancing our understanding of the nature of religious authority in Islam.

As a final word, I would like to extend my hearty congratulations to all our contributors for producing such an outstanding and thought-provoking body of work. As always, all our articles and viewpoints include actionable policy recommendations; I am confident that policy makers, scholars and other interested parties, both locally and globally, will find them useful and enlightening.

Mohammad Hashim Kamali
Editor-in-Chief