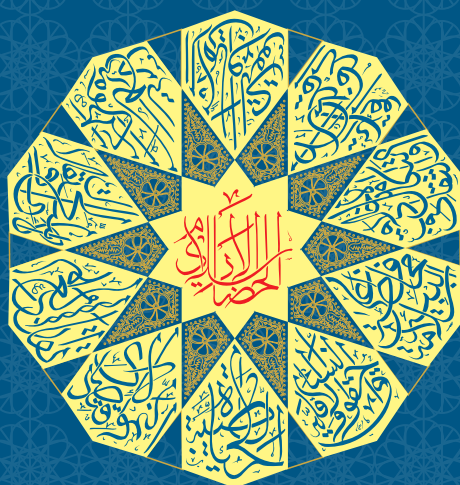


Islam and Civilisational Renewal

KDN No. PP 16237/08/2012(030866)

ISSN 2041-871X (Print) / 2041-8728 (Online)

A journal devoted to contemporary issues and policy research



Volume 12 • Number 1 • June 2021



International Institute of
Advanced Islamic Studies (IAIS) Malaysia

Islam and Civilisational Renewal

**A journal devoted to contemporary issues
and policy research**

Volume 12 • Number 1 • June 2021

Produced and distributed by



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- **ISLAM AND CIVILISATIONAL RENEWAL (ICR)** is an international peer-reviewed journal published bi-annually by IAIS Malaysia in Kuala Lumpur. It carries articles with actionable policy recommendations, book reviews, and viewpoints on civilisational renewal and aims to promote advanced research on the contribution of Muslims to science and culture.
- ICR is inter-disciplinary, non-political, and non-sectarian. We seek viable policy-relevant research yielding pragmatic outcomes informed by the best values and teachings of Islam as well as of other contemporary civilisations.
- ICR considers plagiarism a serious violation of its objectives and principles.
- This journal is indexed by Google Scholar and Mycite.

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Online journal: icrjournal.org

Published by IAIS Malaysia, P.O Box 12303, Pejabat Pos Besar, 50774, Kuala Lumpur

Office Address: Jalan Ilmu, Off Jalan Universiti, 59100 Kuala Lumpur

Printed by Vinlin Press Sdn Bhd, Jalan Meranti Permai 1, Meranti Permai Industrial Park, 47100 Puchong, Selangor

CONTENTS

Editorial	7–9
<i>Mohammad Hashim Kamali</i>	

Articles

The Concept of <i>Wasatiyyah</i> in Consumption: An Analysis from Islamic Financial Jurisprudence	11–26
<i>Hossain Biplob and Md. Faruk Abdullah</i>	
The Politicisation of Islam in Malaysia and Its Opponents	27–52
<i>Alexander Wain</i>	
Said Nursi on Secularism, Religious Rights, Ethics, and Education	53–72
<i>Elmira Akhmetova</i>	
The Role of <i>Zakat</i> in Overcoming Inflation and Unemployment: Revisiting the Trade-off Theory	73–97
<i>Mohammad Syafii Antonio, Mohammad Mahbubi Ali and Jebel Firdaus</i>	
Why the “One-Size-Fits-All” Subsidy Structure of Tabung Haji No Longer Works and How to Move Forward	98–113
<i>Nur Hasnida Abdul Rahman and Mohd Zaidi Md Zabri</i>	
Multiculturalism, Muslims, and Citizenship: A Theoretical Debate	114–132
<i>Qurat ul Aein Fozia</i>	
The Contextualisation of Islam in a Secular State: A Study of Singapore	133–155
<i>Muhammad Haniff Hassan and Walid Jumblatt Abdullah</i>	

Viewpoints

The Four Pillars of Halal Crisis Management	156–160
<i>Marco Tieman</i>	
The US-Taliban Agreement	161–164
<i>Abdul Qayum Mohmand</i>	
The Potential for Shariah Arbitration in Commercial and Private Law	165–169
<i>Aisha Mubarak</i>	
Individual Responsibility and Recovering Nature in a Post-Pandemic World	170–172
<i>Shahino Mah Abdullah</i>	

Significant Speeches, Events and Developments

- Webinar: The Emergency Ordinance 2021: Multiple Perspectives on Health, Economy, and Politics 173
(19 January 2021)
Wan Naim Wan Mansor
- Webinar: Ethical Finance and the Green Economy 173–174
(21 January 2021)
Mohammad Mahbubi Ali
- Webinar: Biden’s Presidency: The Future of US Foreign Policies in the Middle East and the Muslim World 174
(11 February 2021)
Ahmad Badri Abdullah
- Webinar: Harmony Week: An Interfaith Dialogue on Religious Responses to COVID-19 in Malaysia 175
(18 February 2021)
Wan Naim Wan Mansor
- International Webinar: Shariah and the Pursuit of Sustainable Societies 175–176
(24 February 2021)
Muhamad Sayuti Mansor
- Webinar: Roundtable Discussion (RTD): ‘Islam, Radicalism and Extremism in the Age of Pandemic’ 176–177
(25 March 2021)
Muhamad Sayuti Mansor
- Webinar: Online Islamic Finance Training Series: Understanding *Sukuk* from the Risk Perspective 177
(1 April 2021)
Mohammad Mahbubi Ali
- Webinar: Introducing Children to Ramadan 178
(19 April 2021)
Nurul Ain Norman
- Webinar: Konsep Tauhid dan Ibadah Puasa Para Nabi Sepanjang Zaman (The Concept of *Tawhid* and the Fasting of the Prophets throughout History) 179
(22 April 2021)
Muhd Nur Iman Ramli

Webinar: American Journal of Islam and Society's Symposium
on the Theory and Uses of *Maqasid al-Shari'ah* 179–180
(2 May 2021)
Muhamad Sayuti Mansor

Webinar: Islamic Finance Talk Series: Transformasi Digital dalam 180–181
Lembaga Zakat Negeri Kedah: Pengalaman dan Cabaran
(The Digital Transformation of the *Zakat* Board of Kedah: Experiences
and Challenges)
(26 January 2021)

Webinar: Islamic Finance Talk Series: The Concept of *Waqf* in Agriculture
(4 March 2021)
Apnizan Abdullah

EDITORIAL

It brings me great pleasure to present the reader with this June 2021 issue of IAIS Malaysia's flagship journal, *Islam and Civilisational Renewal*. This issue contains seven substantive articles (all with actionable policy recommendations), four viewpoints, and twelve significant event reports.

Our lead article, 'The Concept of *Wasatiyyah* in Consumption: An Analysis from Islamic Financial Jurisprudence,' is by Hossain Biplob and Md. Faruk Abdullah (both of Universiti Sultan Zainal Abidin, Malaysia). An attempt to reconceptualise the morality of consumption in Islamic terms, this article advocates restructuring individual economic behaviour around the concept of *wasatiyyah* (moderation). The authors recommend that moderation be: 1) incorporated into Islamic financial education programmes; 2) enforced within Muslim societies via stringent rules and regulations curbing extravagant consumer behaviour; 3) promoted by Islamic religious authorities; and 4) used to inform new government policies and private sector initiatives aimed at regulating consumer behaviour.

'The Politicisation of Islam in Malaysia and Its Opponents,' constitutes our second article. Written by Alexander Wain (IAIS), it presents biographical sketches of four prominent critics of politicised Islam in Malaysia, namely: Chandra Muzaffar, Zainah Anwar, Marina Mahathir, and Siti Kasim. While a plethora of scholars have written about the advocates of politicised Islam, whether in Malaysia or elsewhere, comparatively few have considered those who oppose it. Alexander attempts to rectify this deficiency, profiling four individuals with demonstrably similar Western-orientated backgrounds, levels of dedication to multiculturalism, and preoccupation with human rights. Alexander expresses doubt, however, about whether his four subjects can maintain long-term political relevance without pivoting towards a more Malay-centric vision.

Our third article, 'Said Nursi on Secularism, Religious Rights, Ethics, and Education,' is by Elmira Akhmetova (International Islamic University of Malaysia). An overview of Said Nursi's influential melding of Islam with the principles of modern secular society, this article advocates maintaining religion as the contemporary

foundation of collective and individual morality, while also highlighting how it can help manage diversity and conflict. The article recommends that: 1) collective and individual morality in Muslim societies be based on Islamic values and principles; 2) new ethical interpretations of Islam be developed to maintain the latter's contemporary moral relevance; 3) religion and science be taught side-by-side; and 4) education be re-focused on morality in order to emphasise happiness and contentment as core societal goals.

In 1958, British economist A.W. Philips published his famous trade-off theory, linking increased employment to high inflation rates. In our fourth article, 'The Role of *Zakat* in Overcoming Inflation and Unemployment: Revisiting the Trade-off Theory,' Mohammad Syafii Antonio (Institut Tazkia, Indonesia), Mohammad Mahbubi Ali (IAIS), and Jebel Firdaus (Institut Tazkia) challenge this well-established doctrine, arguing that Philips' trade-off theory can be overcome via full implementation of *zakat*. Given *zakat* can be distributed in both consumptive and productive forms, the authors argue it could help balance aggregate demand with aggregate supply, ensuring prices remain stable despite fluctuations in employment. To help realise this potential, the authors conclude that *zakat* should be: 1) managed by the state; 2) made obligatory; 3) administered by qualified, professional, and accountable individuals; and 4) used for productive purposes and job creation.

Our fifth article, 'Why the "One-Size-Fits-All" Subsidy Structure of Tabung Haji No Longer Works and How to Move Forward,' is by Nur Hasnida Abdul Rahman (IIUM) and Mohd Zaidi Md Zabri (Universiti Malaya). Originally founded to facilitate travel to Mecca, the government-linked investment company Tabung Haji has recently fallen victim to financial scandal, placing it under increasing pressure. With serious questions hanging over its long-term viability, Nur Hasnida and Mohd Zaidi suggest underpinning it with a new, more sustainable subsidy structure. Noting the need for greater transparency and pragmatism, the authors recommend that: 1) institutional reforms at Tabung Haji be accompanied by greater financial literacy among investors so that the realities of future investment (lower *hibah* payments and subsidies) be fully understood; and 2) new shariah rulings be introduced to support Tabung Haji's subsidy structure, notably by addressing Muslim perceptions about the necessity of performing *hajj*.

Our final two articles address issues surrounding Muslim minorities. In 'Multiculturalism, Muslims, and Citizenship: A Theoretical Debate,' Qurat ul Aein Fozia (University of Kashmir, India) contrasts liberal and multicultural forms of equality, relating both to the question of Muslim citizenship in non-Muslim Western democracies. Focusing on the tension that exists between preserving Muslim diasporic identities and facilitating integration, the author recommends that: 1) Western political actors recognise multiculturalism as a challenge to (not cause of) racism; 2) Western governments prioritise minority rights; 3) European Muslims be

allowed greater public visibility; 4) individual identities be cherished; 5) terrorism be causatively decoupled from multiculturalism; 6) a “double concept of equality” be adopted in Europe, making law and faith concomitant; and 7) there be greater institutional accommodation of Muslims in European countries.

Our final article, ‘The Contextualisation of Islam in a Secular State: A Study of Singapore,’ sees Muhammad Haniff Hassan (S. Rajaratnam School of International Studies, Singapore) and Walid Jumblatt Abdullah (Nanyang Technological University, Singapore) grapple with how the social, political, and religious setting of modern-day Singapore contextualises local Islamic jurisprudential rulings. They conclude that such contextualisation will only prove successful if religious authorities allow the entirety of local Muslim opinion to inform it.

In addition to our substantive articles, we also carry four insightful viewpoints: ‘The Four Pillars of Halal Crisis Management,’ by Marco Tieman (Universiti Malaysia Pahang); ‘The US-Taliban Agreement,’ by Abdul Qayum Mohmand (Independent Researcher, USA); ‘The Potential for Shariah Arbitration in Commercial and Private Law,’ by Aisha Mubarak (of Aisha Mubarak and Co., Advocates and Solicitors); and ‘Individual Responsibility and Recovering Nature in a Post-Pandemic World,’ by Shahino Mah Abdullah (IAIS).

Our twelve significant event reports pertain to activities hosted mainly by IAIS Malaysia and appear in chronological order. While a few of these were held in person, most were conducted as webinars and managed to attract significant—in some cases, exceptionally large—participation from all over the world.

Finally, I would like to extend my heartfelt appreciation to all our contributors. Collectively, they have produced an outstanding body of thought-provoking work. I am confident policymakers, scholars, and other interested parties will find their contributions both enlightening and useful.

Mohammad Hashim Kamali
Editor-in-Chief

THE CONCEPT OF WASATIYYAH IN CONSUMPTION: AN ANALYSIS FROM ISLAMIC FINANCIAL JURISPRUDENCE

*Hossain Biplob**
*Md. Faruk Abdullah***

Abstract: In Islam, consumption is not just the act of fulfilling human wants, but also an action that contributes to the well-being of ourselves and others. The goal of consumption in an Islamic framework is to satisfy personal needs that bring the pleasure of Allah and contribute to social development. Therefore, this study has been designed to discuss the concept of consumption in Islam by reviewing several journal articles in the field of Islamic jurisprudence. The study explores the act of consumption based on the moral and religious principles of Islamic shariah. In Islam, Muslims are guided to consume based on permissibility, wholesomeness, cleanliness, priority, and *maqasid al-shari'ah* (higher objectives of Islamic law). Most significantly, the study focuses on the principle of moderation (*wasatiyyah*) as it relates to consumption, as wastefulness and miserliness have an impact not only on individuals but also society and the economy. The study expects to improve Muslim consumer behaviour by acting as a reminder of the moral principles underlying consumption.

Keywords: *Wasatiyyah*, Consumption, Islamic Jurisprudence, Moderation, Muslim.

Introduction

Islam is a religion that offers a justified and ethical worldview. It believes that worldly life is not just designed to fulfil the desires of the *duniyah* (this world) but also of the *akhirah* (Hereafter). Although Islam emphasises the *akhirah*, it does not refute *duniyah*. It allows people to fulfill their earthly desires while not losing spiritual orientation. Indeed, Islam balances the necessity of physical and spiritual life.¹ In Islam, every individual action, whether an act of worship or of daily affairs, should follow the concept of moderation as Islam disallows stinginess and extravagance. According to Islam, stinginess deprives people of their *haqq* (rights). On the other hand, extravagance leads to an unbalanced life.²

Recently, a craze for luxurious consumption has increased all over the world. Modern consumers are spending a lot to satisfy their desires. This trend is also evident in many Muslim countries, including Saudi Arabia, Lebanon, Kuwait, Malaysia, and Pakistan. Many Muslims nowadays prefer to live a luxurious life that is assumed by others to reflect their social status. Unfortunately, it triggers financial difficulty among them.³

For example, excessive spending on luxurious items is a major factor affecting Malaysian household debt. According to the Census and Economic Information Centre (CEIC), Malaysian household debt has reached an alarming level in recent years. The proportion of Malaysian household debt to GDP was 86.1 per cent in 2013, 86.78 per cent in 2014, and 82.7 per cent in 2019. The government and its related agencies are working hard to improve such consumer behaviour. However, their performance does not seem to be effective. As a result, various kinds of financial problems (poor liquidity, low saving, credit defaults, bankruptcy) are increasing.⁴

Current Malaysian consumer behaviour demands an approach to the problem be found. This study of consumer behaviour from an Islamic perspective is therefore significant, as Islam guides humans to consume based on a hierarchy of needs. It prohibits extravagance or miserliness so that others never experience a shortage in necessities. Moreover, religious identity has been identified as having a realistic effect on Muslim consumer behaviour in Malaysia.⁵ Therefore, it is believed that the current study will benefit local Muslim consumers as it may serve as a guide when they are making consumer decisions. It could also work as a reference point for both academics and practitioners.

This paper first discusses the concept of moderation and consumption in Islam. It then analyses Islamic principles regarding consumption, including the theory of permissibility and the principles of wholesomeness, cleanliness, priority, and moderation. Finally, it investigates the benefits of becoming a moderate consumer and provides a conclusion with some policy recommendations.

The Concept of Moderation in Islam

In the past, the concept of moderation was discussed only by scholars of Qur'an and hadith. Nowadays, it has gained the attention of many commentators from different fields. *Al-Wasatiyyah* is an Arabic term derived from the root *wasat*, which roughly means 'just, moderate, excellent, and professional.'⁶ More precisely, *wasatiyyah* means something that is good and positioned between two extremes, which it balances without ignoring any rulings of *maqasid al-shari'ah* (higher objectives of Islamic law).⁷

Prior to the Prophet Muhammad, the Jews focused only on earthly desire, avoiding spirituality. Christians and al-Sabi'in, on the other hand, prioritised faith and ignored worldly affairs. When the Qur'an was revealed, these two extremes were harmonised.⁸ The Qur'an says: "Thus, We have made of you an *ummah* justly balanced, that you might be witnesses over the nations, and the Messenger a witness over yourselves."⁹

The term *wasatiyyah* is mainly adopted from the phrase *ummatan wasatan* (an *ummah* justly balanced) mentioned in the above verse. In this verse, Allah calls Muslims a moderate people. There are various interpretations by shariah scholars regarding the word *wasatan* in this verse, as illustrated in the below chart.

Scholars	Interpretations
Imam al-Qurtubi	<i>Wasat</i> is fair and best. It does not mean taking a middle position between good and bad. ¹⁰
Imam al-Tabari	<i>Wasat</i> means the chosen, the good, the fair, which is different from extreme attitudes. ¹¹
al-Razi	<i>Wasat</i> means the most humble and perfect, the best and most fair. ¹²

Another Islamic scholar, al-Sallabi, defined moderation as a value that enables us to make the most appropriate or balanced moral and behavioural judgement. If there are two positive things, moderation is following the relatively better one; if there are two negative things, moderation is taking the lesser evil; if there are two choices, one bad and one good, moderation means adopting the good one.¹³ Similarly, Rashid Rida defined *wasat* as justice and the best option. The 'best option' is the middle ground between two choices.¹⁴

Hamka further clarified the concept of *wasatiyyah*. He stated that people are divided into three groups based on their desires. The first group includes those who only follow their desires, having no control over them. As a result, they often sacrifice their wealth and reputation to fulfill their desires. The second group neglects all their desires and involve themselves in self-denying practices. However, the third group stands between these two by not following all their desires blindly, but fulfilling only those which are lawful, without any wastage or stinginess.¹⁵

Wasatiyyah is therefore taking the middle path, whether the latter is related to behaviour, attitude, motion, or discourse. Moderation means taking a median position between two opposites: excessiveness and miserliness, truth and falsity.

Consumption in Islam

In conventional economics, consumption is defined as the act of completing the utility of a product that satisfies one's needs and wants. The ultimate goal of consumption is self-satisfaction. Therefore, it is considered the ultimate phase of the economic process in a capitalist economy.¹⁶ There is a doctrine in philosophy that human wants are unlimited but resources are limited; if an individual's single desire is satisfied, another will arise, and if that is satisfied, another will arise, etc. In this way, a person struggles throughout their life to satisfy an endless chain of desires. Therefore, some economists criticise the conventional perspective of consumption as it has no contribution to human well-being. The act of consumption is viewed as a self-interested act with materialistic values, where a moral agenda is absent. Therefore, there are no restrictions in conventional economics for achieving self-satisfaction.¹⁷

In Islam, however, consumption has a greater interpretation: it is considered a noble act which not only satisfies human wants but also ensures spiritual and social well-being. In other words, the act of consumption has multiple dimensions in Islamic economics. Firstly, it is an act of self-satisfaction through fulfillment of need. Secondly, it is a spiritual act guided by God-consciousness (*taqwa*). In this spiritual dimension, consumption must adhere to the principles of shariah, displaying feelings of patience and thankfulness that promote self-dignity. Thirdly, consumption is a social act directed by ethical values and social preferences. For instance, consumption must be free from selfishness and wastefulness so that other people in society do not feel a shortage of resources, products, and services.¹⁸

Thus, in Islam the act of consumption has multiple dimensions. It is the individual action of attaining self-benefit through the fulfillment of need. But it is also a social action whereby the fulfillment of need is achieved by avoiding social cost and while displaying a willingness to cooperate and share social benefits. Moreover, consumption is also a spiritual action whereby an individual has God consciousness and adheres to the principles of Qur'an and Sunnah, with a feeling of thankfulness and contentment that aims at achieving His pleasure.

Expenditure upon Consumption

Expenditure here means wealth and income spent upon consumption. According to Ibn Sina, there are three forms of expenditure in Islam: (1) expenditure upon personal consumption, (2) expenditure upon social consumption, and (3) expenditure upon future consumption.¹⁹

Concerning the first category, an individual must spend for himself and his dependents, including wife, children, and parents, without stinginess or extravagance.²⁰ Allah mentions in the Qur'an: "But the father of the child shall bear the costs of the mother's food and clothing on a reasonable basis."²¹ The Prophet Muhammad also mentioned in a hadith: "A dinar which is spent for the sake of Allah, a dinar which is spent on freeing a slave, a dinar which you give in charity to a person and a dinar which you spend on your family; the greatest of these in reward is that which you spend on your family."²² Therefore, spending to satisfy personal and family needs is an act of virtue in Islam.

The second category of expenditure is for the sake of Allah. This type of expenditure is only carried out if an individual has excess resources after fulfilling his personal and family needs. This form of expenditure has two divisions: obligatory (*zakat*) and voluntary (*sadaqah*).²³ Social consumption is found in the Qur'an, where Allah says: "And establish the prayer and pay the *zakat* and bow with those who bow."²⁴ The encouragement of social consumption is also found in the Sunnah, where the Prophet Muhammad says: "There is not a day in which two angels descend, and one of them says: 'Oh Allah compensate the one who spends freely.' And another angel says: 'Oh Allah let annihilation come upon the one who is niggardly.'"²⁵

The third category of expenditure, saving for future consumption, involves planning and saving to meet future requirements. However, spending on future needs is only permissible if an individual has an excess of income after spending on the first two categories just mentioned.²⁶ The Qur'an has warned about wealth accumulation before covering personal needs and social consumption: "Who is stingy and enjoins upon people stinginess and conceals what Allah has given them from His bounty – and we have prepared for the disbelievers a humiliating punishment."

Principles of Consumption in Islam

The principles of consumption in Islam are based on the instructions of the Qur'an and Sunnah. Those guiding principles work as a basis for making consumer behaviour meaningful and purposive. They run as follows.

Principle of Permissibility

In Islam, the act of consumption is not just a way of completing the utility of a product. It is also a way of creating an ontological connection between the Creator and His creation.²⁷ Almighty Allah commands human beings to enjoy what He has provided between the sky and the earth: "Eat of that which We have

bestowed upon you as food lawful and good, and keep your duty to Allah in whom you believe.”²⁸ Thus, consuming lawful items is a way of connecting with Allah. The principle of permissibility indicates that an individual can consume anything (consumable) freely, unless there is clear evidence of a prohibition in the Qur’an and Sunnah. Allah has set the boundary of consumption for the benefit of human beings. What is permissible and good preserves human well-being and what is prohibited causes physical, mental, and spiritual harm. Therefore, a true believer must focus on the form of his consumption. Muslims should pay attention to anything consumed; for instance, a Muslim is prohibited from eating pork and dead meat.²⁹ As Allah says: “He hath only forbidden you dead meat, and blood, and the flesh of swine, and that on which any other name hath been invoked besides that of God. But if one is forced by necessity, without willful disobedience, nor transgressing due limits, then is he guiltless for God is forgiving most merciful.”

Additionally, Muslim consumers should avoid doubtful items for which rulings are unclear, especially as there are now various products and services in the market that are subject to intense volatility and *gharar* (uncertainty). Prophet Muhammad suggested people avoid doubtful things. It was narrated by Numan bin Bashir: “I heard the messenger of Allah saying, ‘Both legal and illegal things are evident but in between them there are doubtful things and most of the people have now knowledge about them. So whoever saves himself from these suspicious things saves his religion and his honor. And whoever indulges in these suspicious things is like a shepherd who grazes near the *hima* (private property) of someone else and at any moment he is liable to get in it.’”³⁰ This hadith indicates that the ruling of *halal* and *haram* is very clear in Islam. However, there are some items that are doubtful. Muslims should avoid these doubtful things; when a Muslim avoids doubtful matters and occupies himself only with what is permissible and wholesome, he feels mentally strong. By contrast, if he engages in dubious acts, his heart becomes weak and more likely to fall into sin.³¹

Principles of Wholesomeness and Cleanliness

In Islam, an individual is ordered to follow the principles of wholesomeness and cleanliness when consuming goods. Wholesomeness means something healthy and nutritious, while cleanliness implies something pure, fresh, and free of impurity.³² Allah says in the Qur’an: “O mankind eat of that which is lawful and wholesome in the earth. And follow not to the footstep of the devil. Indeed, he is an open enemy for you.” In this verse, Allah commands mankind to consume lawful and pure things only. He also mentions, “Eat of the good things which We have provided you.”³³ The word *tayyib* is used in the Qur’an to mean anything

pure, wholesome, and conducive to health; something is not *halal* unless it is also *tayyib*, or suitable for the human body because it is free from dirt and impurity. Moreover, the suitability of a product depends on the physical condition of its consumer. For instance, people with diabetes are instructed by doctors not to have sweet things, even though sweet things are *halal*.³⁴

Principle of Priority

Islam also suggests that individuals consume based on the principle of priority. As consumption must be done in a way that attains benefit and prevents harm, a consumer should follow the principle of priority as set by shariah.³⁵ The Qur'an and Sunnah discuss several types of consumption, which should be prioritised thus:

1. *Personal Consumption*

The highest priority, where an individual must put personal and family consumption first. Allah says: "They ask you, what should they spend; 'whatever you spend of the good is to be for parents and relatives and orphans and the needy and travelers. And whatever you do of good – indeed, Allah knows of it.'"³⁶ It further mentions, "and they ask you, what they should spend. Say, the excess. Thus, Allah makes clear to you the verse that you might give thought."³⁷ In this last verse, Allah uses the word *al-afwa*, which indicates extra after satisfying one's self and family.³⁸

2. *Social Consumption*

The spending of wealth and income in the form of charity and social philanthropic activities to satisfy social needs, such as healthcare, education, and infrastructure. This type of activity is only carried out if an individual has excess resources after satisfying personal and family consumption.³⁹ The evidence for social consumption is found in the Qur'an, where Allah says: "whosoever believes in the unseen, establishes prayer and spends out of what we have provided for them."⁴⁰

3. *Consumption under Maqasid al-Shari'ah*

Consumption based on the hierarchy of needs given in the *maqasid al-shari'ah* runs as follows:

- i. *Daruriyyat*: This first category of human need includes what is essential. These are also called human necessities and include food, shelter, clothes, and so on.⁴¹ The Prophet Muhammad discussed these basic

needs, saying: “This is enough for you in this world: if it meets your hunger, [and] covers your body.”⁴² Humans are highly encouraged to work hard to satisfy their basic needs. If someone is unable to work due to disability, Islam places responsibility on the Muslim community to provide for them.⁴³

- ii. *Hajiyyat*: This second category of human need includes those things which make human life easy and comfortable. Although not essential, the absence of *hajiyyat* consumption may lead to difficulty and inconvenience. For instance, a house is a basic need, but a good quality house with lots of space is comfort.⁴⁴
- iii. *Tahsiniyyat*: This third level of human need further improves quality of life by adding elegance. Such consumption must be without excessiveness or extravagance. *Tahsiniyyat* consumption may involve ornamentation, recreational activities, and hobbies.⁴⁵

Principle of Moderation

As discussed, the Qur'an names the Muslims *Ummatan Wasatan*, the moderate people. It instructs a balance between extreme points in every step of life. In regards to consumption, Muslims must follow moderation in eating, drinking, clothing, and spending. Spending less than expected (miserliness) or more than expected (wastefulness) are both prohibited in Islam.⁴⁶ Before clarifying the concept of moderation, it is crucial to understand the ideas of miserliness, excessiveness, and wastefulness.

1. Miserliness

Miserliness is a situation where an individual does not spend on himself and his family according to his means. The one who does this is called a miser. Miserliness in consumption is when people do not consume enough to satisfy their necessities and comforts, even though they have the means to do so.⁴⁷ Miserliness has been prohibited in Islam as it is a self-denying practice. Allah says: “who hoards up their wealth that Allah has bestowed upon them of His bounty. For disbelievers, we prefer a shameful doom.”⁴⁸ According to al-Shawkani, there are three forms of miserliness in Islam:

- i. **Miserable Consumption:** the abstinence of an individual from consuming things required by both himself and his family. Such consumption brings misery.

- ii. ***Selfish Consumption:*** narrow consumption focused only on self-satisfaction. In such a situation, an individual refuses to share with others.
- iii. ***Ungrateful Consumption:*** a form of consumption lacking spiritual consciousness, when an individual consumes things without being grateful to Allah.⁴⁹

2. *Excessiveness (Israf)*

A form of consumption exceeding what is sufficient is called excessive. In this regard, Allah says: “O children of Adam, wear your beautiful apparel at every *masjid*, and eat and drink but be not excessive. Indeed, Allah does not like the excess.” In this verse, Allah uses the word *israf*, which means excessive or beyond limit. *Israf* is consumption beyond what is needed – that is, willful over-consumption. It happens when consumption surpasses moderation.⁵⁰ The word *israf* is also found in the hadith: “The Prophet saw Saad in ablution. He then said: what is this excess? Saad then replied: is there excess in ablution? He said; Yes, indeed, even if you are on the bank of a flowing river.”⁵¹ In this hadith, the Prophet warned against excessive water usage while taking ablution, which could lead to water shortages elsewhere in society.⁵²

3. *Wastefulness (Tabdhir)*

Another type of consumption found in the Qur’an is wastefulness, or the wasting of an item or product either wholly or in part. This type of consumption is strictly prohibited in Islam.⁵³ Allah says: “do not spend wastefully.”⁵⁴ Here the word *tabdhir* embodies three meanings: unlawful consumption, or consuming what is prohibited (wine, pork, etc.); unnecessary consumption, or consuming things that are either unneeded or are merely for fulfilling desire; and inappropriate consumption, such as a student spending his limited income on going to the cinema instead of on buying books and stationery. This form of consumption is not only meaningless, it is also sinful because wealth and income are spent unjustly.⁵⁵ Instead of these three forms of consumption, Islam recommends moderation and balance. The use of wealth and income to satisfy personal needs should be done in a way that does not create scarcity for others.⁵⁶ Allah says: “Eat and drink but be not prodigals. Indeed, He does not love the prodigals,” and “Those who spend [wisely] are neither prodigal nor grudging; and there is a fire station between the two.”⁵⁷ In regard to this, Prophet Muhammad said: “Allah will bestow His grace upon a person who works decently, spends wisely and can spare the excess to anticipate the days (when) he becomes poor.”⁵⁸ Therefore, Muslims are required to be moderate in consumption and consumptive expenditure. Over-consumption in the form of excess and wastage is not preferred as it creates an imbalance in

resources. Similarly, under-consumption by avoiding desire is not favoured in Islam as it leads to miserable consumption and a miserable life.

Benefits of Becoming Moderate in Consumption

In our personal life, being moderate in consumption can prevent and manage chronic disease as a balanced diet helps ensure healthy development. It is important that each food group is consumed in sufficient quantity, without being excessive or niggardly.⁵⁹ Excessive eating and drinking causes obesity and creates various types of diseases (high blood pressure, diabetes, etc.), while undereating causes low blood pressure and gastric problems. Therefore, balance is required for health and fitness.⁶⁰

Wasatiyyah in consumption is also significant for personal financial management. This is because an individual may earn a lot but, if there is no control over consumption, he or she might still fall into debt. Moderation encourages people to spend according to their means so that they will not fall into debt.⁶¹ Moreover, when an individual becomes moderate in consumption, it increases the possibility of saving. There is a huge need for savings in personal life as it shields against future financial shock and helps support long-term healthcare and better education.⁶²

Wasteful and excessive consumption can lead to the unequal distribution of resources in society, depriving many people of their rights. On the other hand, moderation in consumption reduces wastage and ensures proper distribution of resources.⁶³ Balanced consumption helps people build their wealth, reducing unplanned and excessive spending. Moreover, it enables them to become *zakat* payers and thereby contribute to social development. Excessive consumption by the rich, by contrast, increases excessive demand for goods and services, ultimately causing inflation and reducing the purchasing power of the poor. Likewise, miserliness minimises demand for goods and services, lessening production and causing unemployment.⁶⁴ As economic growth is directly proportional to household consumption, the former will decrease as consumption decreases. Consumer household spending must therefore be balanced to ensure stability in the economy.⁶⁵

Conclusion and Policy Recommendations

In Islam, consumption is considered a potential act of virtue that contributes to human well-being. In this context, Islam suggests that individuals follow a framework of desires based on *daruriyyat* (necessities), *hajiyyat* (comforts) and

tahsiniyyat (embellishments). However, human beings are created in such a way that they love wealth and prefer to have more. Hence, there is always a possibility they may seek consumption in the wrong way, by transgressing the boundaries of permissibility and ignoring social need. Therefore, Islam sets up these three principles to ensure nobody in society lacks basic needs.

To promote the concept of moderation in consumption, this study recommends the following:

- The improvement of Islamic financial education. The vast majority of Muslims are not aware of the concept of moderation in consumption. As a result, excessiveness and wastefulness are common. The government and educational authorities should take the required initiatives to improve Islamic financial education among the people. The concept of moderation in consumption should be added to school curricula as part of financial education.
- To put the concept of moderation into practice, the government should impose stringent rules and regulations prohibiting extravagant activities (wasting food at restaurants and social events, owning many cars, etc.).
- Religious authorities should promote awareness of moderation and a rejection of miserliness and wastefulness.
- Moderation should be fostered in all sectors of society via government and company policies implemented by the relevant authorities.

Notes

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THE POLITICISATION OF ISLAM IN MALAYSIA AND ITS OPPONENTS

*Alexander Wain**

Abstract: This article profiles four prominent detractors of Islam's politicisation in contemporary Malaysia. While much ink has been spilt profiling the promulgators of politicised Islam, whether in Malaysia or elsewhere, comparatively little has been written about those who oppose it. This article is a modest attempt to rectify that deficiency. It begins, however, with a brief history of that politicisation process as it has occurred in Malaysia, with particular reference to *Parti Islam Se-Malaysia* (PAS) and *Angkatan Belia Islam Malaysia* (ABIM). This brief overview traces Malaysia's unique form of politicised Islam to late twentieth-century intercommunal tensions driven by Malay poverty and cultural anxiety. These enabled long-standing ethno-religious associations to facilitate a blending of Islamist ideology with issues surrounding Malay rights. It is within this context that we then examine the social and educational backgrounds, principal publications, records of activism, and ideological positions of four prominent critics of Malaysian Islam's politicisation, namely: Chandra Muzaffar, Zainah Anwar, Marina Mahathir, and Siti Kasim. The article concludes that all four figures differ from their counterparts in PAS and ABIM by possessing Western-orientated backgrounds, a long-standing dedication to multiculturalism, and a desire to orientate their work around human rights-based issues. The article concludes by suggesting how (or if) these detractors can impact the future direction of Malaysian politics.

Keywords: Islam, Malaysian politics, PAS, ABIM, Chandra Muzaffar, Zainah Anwar, Marina Mahathir, Siti Kasim

Introduction

This article presents short contextualised biographies of four prominent opponents of Islam's politicisation in contemporary Malaysia. While much ink has been spilt profiling the promulgators of politicised Islam, whether in Malaysia or elsewhere, comparatively little has been written about those who oppose it. This article is a modest attempt to rectify that deficiency. It begins, however, with an overview of how Islam became established within modern Malaysia's political landscape; concentrating on the country's political heartland, the

Malay Peninsula, the article traces how late twentieth-century intercommunal tensions driven by Malay economic and cultural disenfranchisement enabled long-standing ethno-religious associations to facilitate a blending of Islamist ideology with issues surrounding Malay rights. Focusing on Malaysia's most prominent Islamist organisations, *Parti Islam Se-Malaysia* (PAS, 'Pan-Malaysian Islamic Party') and *Angkatan Belia Islam Malaysia* (ABIM, 'Muslim Youth Movement of Malaysia'), who together helped create and normalise contemporary Malaysia's tradition of politicised Islam, the article describes how both organisations rooted their political agendas in a postcolonial concern for preserving indigenous racial and religious identity. Against this backdrop, the article profiles our four opponents: Chandra Muzaffar, Zainah Anwar, Marina Mahathir, and Siti Kasim. Characterised by a willingness to speak truth to power, these figures stand apart from their peers as significant social influencers capable of attracting largescale media attention. Here we briefly summarise their social and educational backgrounds, principal publications, records of activism, and ideological positions, consistently contrasting these biographical pointers with the specific features of Islam's politicisation in Malaysia. Ultimately, we conclude that all four opponents differ from the promulgators of politicised Islam with regards to their Western-orientated backgrounds, dedication to multiculturalism, and frequent appeals to human rights-based discourses. We conclude by suggesting how (or if) our subjects can impact the future direction of Malaysian politics.

Islam and the Political Landscape in Malaysia

Islam was first absorbed into the political landscape of what is now Malaysia around six centuries ago. In c.1412, the (either first or second) Hindu-Buddhist ruler of Melaka embraced Islam, changed his name to (Megat) Iskandar Shah, and began using culturally Islamic terminology to justify his (previously divine) right to rule. Taking popular pre-Islamic Persian conceptions of the ruler as a "Shadow of God" on earth (prevalent among Muslims since the Abbasid period) and fusing them with Sufism's Perfect Man (*al-insan al-kamil*, representing Muhammad), Iskandar and his successors were able to craft a mystically derived, semi-divine status for themselves, even appropriating an Arabic term to describe it: *daulat*.¹

While this early (rather syncretic) manifestation of Islam in the political sphere has persisted, to a greater or lesser degree, into the present, more modern conceptions of what M. Laffan terms an "organic link" between Islamic religious praxis and state identity did not emerge in what is now Malaysia until the late

nineteenth century. Over that period, a group of reformist intellectuals called *kaum muda* (young generation), based in the Straits Settlements but with roots in the Minangkabau highlands of Sumatra,² began appropriating the Cairene reformist discourse of Muhammad ‘Abduh (d. 1905) and Rashid Rida (d. 1936). Arguing that a failure to maintain the true principles of Islam had allowed European civilisation to surpass the Islamic world, culminating in the latter’s colonisation, the *kaum muda* favoured rigorous social modernisation in tune with modern scientific and philosophical principles. They also sought to revive Muslim consciousness by restoring indigenous sovereignty, envisioning an Islamic state headed by socially active ‘*ulama*’. Although infused with Islamic values, this state would be based on modern constitutional parliamentary democracy.³

As the twentieth century unfolded, this reformist ideology laid the groundwork for a series of Islamically orientated social and political movements right across the Malay Peninsula.⁴ After independence in 1957, these movements steadily gained in popularity; by the 1970s, two in particular, *Parti Islam Se-Malaysia* (PAS) and *Angkatan Belia Islam Malaysia* (ABIM), had garnered sufficient support to begin reshaping, both directly and indirectly, Malaysia’s internal political trajectory, notably by inducing a period of intense government-led Islamisation. As we shall see, each of our four opponents to Islam’s politicisation in Malaysia emerged from the liberal secular backlash to this Islamisation project. For the sake of accurately mapping their intellectual trajectory, therefore, it behoves us to briefly describe the background of that project, including the role PAS and ABIM played therein.

Unlike Islamist organisations elsewhere in the Muslim world, PAS and ABIM did not evolve out of an overwhelmingly Muslim settling, but within an intrinsically multireligious environment: although predominantly Muslim (61.3 per cent), Malaysia is also home to substantial Buddhist (19.8 per cent), Christian (9.2 per cent), and Hindu (6.3 per cent) populations.⁵ This religious plurality both reflects and interlinks with a similar degree of ethnic diversity: 68.8 per cent Bumiputera (including Malays), 23.2 per cent Chinese, and 7 per cent Indian. In the political sphere, this diversity has traditionally translated into a collection of political organisations defined by both ethnicity and religion, where Malay identity is linked to Islam, Chinese identity to Buddhism, and so on.⁶ Within this context, both PAS and ABIM have tended to meld (even subordinate) explicitly Islamist agendas to issues surrounding the Malays. PAS, for example, although unequivocally Islamist since its inception in 1951, has habitually situated that commitment within a broader postcolonial narrative framing Malay identity as a means of resisting imperialism. Thus, defining Islamic ‘authenticity’ in terms of state-level adherence to shariah (that is, the creation of an Islamic State headed

by '*ulama*'), PAS has traditionally fused a frequently plasticine notion of how that adherence can be achieved with a desire to establish Malay cultural and political centrality within Malaysia in direct opposition to foreign (including Chinese) hegemonies.⁸

Similarly, although often ideologically linked to international and strictly Islamist organisations like Egypt's *Ikhwanul Muslimun* ('Muslim Brotherhood') and South Asia's *Jamaat-e-Islami* ('Islamic Congress'),⁹ ABIM has also situated Islam within a much broader Malay rights discourse. Founded in August 1971 by Malay Muslim university students affiliated with *Persatuan Bahasa Melayu Universiti Malaya* (PBMUM, 'University of Malaya Malay Language Society') and *Persatuan Kebangsaan Pelajar-Pelajar Islam Malaysia* (PKPIM, 'National Union of Malaysian Muslim Students'),¹⁰ ABIM's long-term ideological stance was defined early on by its most prominent leader to date, Anwar Ibrahim (co-founder and president, 1974-1982). Significantly, therefore, Anwar first entered political activism not as an idealistic young Muslim seeking to create an Islamic State, but as a vocal and charismatic champion of Malay rights. Speaking during an interview in 1987, Anwar described how he co-founded ABIM not to establish an Islamic State, but to organise young Malay voices in opposition to the government's perceived neglect of Malay rights:

The leaders were condemning corruption, but they were enriching themselves. They talked about Malay nationalism but they were alienated from the Malay masses. They were obsessed with the west. They were too accommodating to non-Malay sentiments...We were impatient and angry about the plight of the Malays, their education, rural development, rural health...¹¹

Disgusted by "the utter failure of the Malay leadership to address issues of poverty [and] landlessness" among the Malays,¹² Anwar moulded ABIM into a movement dedicated to highlighting these issues; in 1974 he was even detained by the government for 2 years after leading protests in support of poor Malay farmers from Baling, Kedah, who were being forced from their land by state authorities with only minimal compensation.¹³ But crucially, Anwar was also able to draw upon the aforementioned Malay-Islam linkage to successfully transform racial issues like these into Islamic ones. For both Anwar and ABIM, the promotion of Islam and Islamic issues was not therefore an end in itself, but a means of asserting Malay rights; the more central Islam was within society, the more important were the Malays. Unlike PAS's top-down approach (an Islamic State founded by '*ulama*'), however, ABIM sought to achieve this centrality by encouraging an individual-level return to Qur'an and Sunnah. This would raise

Muslim consciousness among primarily secular-educated urban Malays with the intention of suffusing modern Malaysian society with Islamic values, essentially Islamising (and Malay-ising) it from the ground up.

In 1982, after 8 years as ABIM president, Anwar Ibrahim surprised his allies by joining the United Malays National Organisation (UMNO), a constituent part of the ruling *Barisan Nasional* (BN, 'National Front') coalition, then under the control of Mahathir Mohamed (Malaysia's fourth and seventh prime minister). With Malaysia's middle class quickly becoming engulfed in a global tide of Islamic resurgence, Mahathir sought to co-opt ABIM's Islamisation agenda in order to undercut support for PAS among Malay voters. He therefore allowed Anwar (Deputy PM by 1993) to bring his bottom-up, racialised Islamic agenda to government, where it informed an Islamisation project that saw Islam-based social and educational institutions emerge across the country and government programmes become infused with Islamic values.¹⁵ In consequence, although ABIM has always been apolitical, via Anwar Ibrahim it proved pivotal in reshaping government policy towards Islam, overturning a decades long British-inspired relegation of religion to the private sphere. Indeed, Anwar's Islamisation agenda imprinted itself so firmly onto the previously secular UMNO that commentators began describing the latter as an Islamist organisation.¹⁶ In short, Mahathir's co-option of Anwar Ibrahim helped mainstream and, ultimately, normalise the politicisation of Islam in Malaysia.

Certainly, by the late 1990s, BN was projecting Islam as the cornerstone of Malaysian identity.¹⁷ Even Anwar's 1998 expulsion from UMNO (following a spat with Mahathir) was insufficient to destabilise that perspective, which continued into the premierships of Abdullah Badawi (2003-2009) and Najib Razak (2009-2018), even surviving BN's 2018 election defeat to *Pakatan Harapan* (PH, 'Coalition of Hope') and the subsequent rise of the *Perikatan Nasional* (PN, 'National Alliance') government under Muhyiddin Yasin (2020-).¹⁸ Moreover, its influence also came to bear on PAS, which suddenly found itself losing control of the Islamist narrative. Over the 1980s, in order to re-assert its authority, in this area PAS began shifting in an ever more conservative direction with the hope of garnering further support among rural Malays.¹⁹ Simultaneously falling under the control of a new generation of '*ulama*' initially led by Yusof Rawa (PAS president 1983-1989), PAS began placing greater emphasis on outward conformity to Islamic (especially legal) norms, including the creation of an Islamic State, now modelled on the Iranian concept of the guardianship of the jurist.²⁰ The party also became increasingly combative, notably by turning to *takfirism*, or the denouncing of Muslim opponents as unbelievers.²¹ Combined with an increased tendency to ignore the concerns of ethnic minorities and refuse cooperation with non-Muslim opposition groups, PAS arguably morphed into a

considerable source of inter- and intra-communal tension over this period. This has only worsened since the 2015 demise of Nik Abdul Aziz Nik Mat (PAS's Spiritual Leader, 1991-2015, and First Minister of Kelantan, 1990-2013). A moderate figure, Nik Aziz had previously held in check the conservatism of PAS's more extreme '*ulama*' leaders, including current president Hadi Awang. After his death, however, Hadi Awang was able to purge PAS of Nik Aziz's legacy, cementing control over party narrative—although this putsch also resulted in the formation of *Parti Amanah Negara* (AMANAH, 'Nation Trust Party'), a new moderate Islamist voice that continues Nik Aziz's legacy while also taking inspiration from Tunisian politician, Rachid Ghannouchi.²² Advocating an inclusive Islamic politics, AMANAH has so far proven popular among urban Malays, even entering the short-lived PH government. How it will shape Malaysian politics long-term, however, is uncertain.²³

To sum up, Islam has long enjoyed considerable political visibility across the Malay Peninsula. Its integration into modern Malaysian politics, however, resulting in its racialisation, began over the late nineteenth century, with the reform-minded *kaum muda*. Over the late twentieth century, via Anwar Ibrahim, ABIM's unique version of that form of Islam was co-opted by Mahathir Mohamed, both to undermine PAS and re-assert Malay centrality within the nation. This co-option resulted in a government-led Islamisation drive that continues today; arguably it has served to promote Malay Muslim rights over those of other religious and ethnic groups, while also radicalising PAS ideology. As we shall see, these issues form the backdrop against which our four opponents to Islam's politicisation have emerged. We now turn to a fuller discussion of these figures.

Four Opponents of Islam's Politicisation in Malaysia

Islam's political resurgence across Malaysia during the 1970s and 1980s inevitably resulted in a proliferation of condemnatory voices. Frequently secular in tone and Western educated, these were directed against the perceived threat increased politicisation of religion posed to civil liberties and inter-communal relations. Today, despite the seemingly entrenched position politicised Islam enjoys in Malaysia, these voices remain prominent across the country's political landscape. Here we profile four of the most significant (living) examples: Chandra Muzaffar, Zainah Anwar, Marina Mahathir, and Siti Kasim. Characterised by prolificacy, high public standing, and a willingness to speak truth to power, these figures stand apart from their peers as significant social influencers capable of attracting largescale media attention, thereby helping to direct the national debate. Here, as a reference point for other scholars, we summarise their social

and educational backgrounds, principal publications, records of activism, and ideological positions, before attempting to situate their work within a broader intellectual framework. We conclude by suggesting some thoughts on how (or if) they are likely to impact the future direction of Malaysian politics.

Chandra Muzaffar

Chandra Muzaffar (b. 1947) is an academic and political activist well-known for his staunch independence of mind, prompting some to call him the “conscience” of modern-day Malaysia. Born into a Hindu family from Bedong, Kedah (north Malaysia), he was educated locally, graduating from the National University of Singapore in the late 1960s. First rising to prominence over the 1970s, Chandra has dedicated his life to promoting inter-civilisational dialogue, racial harmony, and inter-religious understanding within the context of Malaysia’s broad ethnic mix. In 1977, he founded *Aliran Kesedaran Negara* (Aliran, ‘National Consciousness Stream’), a multi-ethnic reform movement dedicated to achieving social justice in Malaysia, which he headed until 1991. In 1987, after being detained for several months under the now defunct Internal Security Act (ISA) for criticising the first government of Mahathir Mohamed (1981–2003), he founded the left-leaning NGO, International Movement for a Just World (JUST). Over the 1990s, Chandra developed JUST into an organisation with global reach, establishing branches in seventeen countries, including Australia, New Zealand, the USA, the UK, Sudan, and Iran.²⁶ He continues to head this organisation today. Of our four activists, Chandra alone has attempted to enter politics; from 1999 to 2001 he served as Deputy President of *Parti Keadilan Rakyat* (PKR, ‘People’s Justice Party’), established by Anwar Ibrahim after his expulsion from UMNO.²⁷ Running in 1999’s General Election for the parliamentary seat of Bandar Tun Razak (Kuala Lumpur), Chandra lost to the Malaysian Chinese Association (MCA) candidate representing BN.²⁸

A prolific writer, Chandra has published several important books, including: *Universalism of Islam* (1979),²⁹ *Islamic Resurgence in Malaysia* (1987),³⁰ *Human Rights and the New World Order* (1993),³¹ *Alternative Politics for Asia: A Buddhist-Muslim Dialogue* (1999),³² *Muslims, Dialogue, Terror* (2003),³³ *Global Ethic or Global Hegemony?* (2005),³⁴ and *Religion and Governance* (2009).³⁵

Well known for directing his ire towards any section of society, regardless of origin or status, deemed by him to be promoting extreme and divisive views, Chandra has come into conflict with several politically-orientated Islamic groups. Beginning in the 1980s, he became extremely critical of BN’s Islamisation drive; mindful of his Indian Hindu heritage, he interpreted this drive as communally

divisive and designed to favour Malay Muslims over other ethnic and religious groups.³⁶ But, despite this initial opposition to Islamisation, which resulted in his 1987 imprisonment, beginning in the 1990s, and in response to the post-Cold War rise of America as the world's only global hegemonic power, Chandra began producing a series of apologetics defending Islam against accusations of intolerance and political authoritarianism.³⁷ Seeking to portray Islam as progressive, democratic, and multicultural, Chandra pivoted towards ABIM and Anwar Ibrahim's call for a creative relationship between modernity and Islam that would allow the latter to blossom in the public sphere.³⁸ In more recent years, therefore, Chandra has accepted a role for Islam in public life, but without losing his earlier bite: Chandra continues to criticise traditional Islamic revivalist movements as dogmatically rigid and unsuited to modernity, charging PAS in particular with promoting anachronistic visions of an Islamic state that will only cause communal division.³⁹

Zainah Anwar

Zainah Anwar (b. 1955) is a social activist and prominent Muslim feminist. The daughter of Tan Sri Haji Anwar bin Abdul Malik, an UMNO founding father, she was born and raised in Johor Bahru, the state capital of Johor, where she attended the prestigious (and British-founded) Sultan Ibrahim Girls' School. In 1972, she entered the journalism programme at the Mara Institute of Technology (now Universiti Teknologi Mara, UiTM), based in Shah Alam, Selangor. Subsequently, she worked for the *New Straits Times*, a leading English-language Malaysian newspaper owned by UMNO, before leaving Malaysia in 1978 to study journalism at Boston University (US) and then international law and diplomacy at Tufts University (US). Upon completing her studies in 1986, she moved to London, where she worked for the Institute of Strategic and International Studies (1986-1991 and 1994-1999) and the Political Affairs division of the Commonwealth Secretariat.⁴⁰ Zainah is most well-known, however, for co-founding Sisters in Islam (SIS) in 1988. Registered as an NGO in 1993, SIS advocates policy and legal changes designed to safeguard the status of women in society. In addition to her work with this organisation, Zainah has also been a commissioner with *Suhakam* (Human Rights Commission of Malaysia) and is currently executive director of *Musawah*, an NGO founded by SIS in 2009 to promote equality and justice within the Muslim family.⁴¹

Over the span of her career, Zainah has published numerous articles and speeches, including a monthly column in the widely-read *Sunday Star* newspaper, called 'Sharing the Nation'. In total, she has written three books on political issues and women's rights: *Islamic Revivalism in Malaysia: Dakwah*

Among the Students (1987),⁴² *Islam and Family Planning* (with Rashidah Shuib, 2001),⁴³ and *Legacy of Honour* (2011).⁴⁴ She is also editor of *Wanted: Equality and Justice in the Muslim Family* (2009).⁴⁵

Taking a human rights-based approach to Islamic reform, Zainah has been inspired by Western feminism to challenge traditional attitudes towards polygamy, child custody, child marriage, *hijab*, domestic abuse, and other issues affecting women.⁴⁶ In this context, under her leadership SIS actively promoted alternative, female-driven interpretations of the Qur'an; denying that (male) religious scholars have a monopoly over understanding Islamic scripture, SIS has sought to create a space in which women can decide for themselves how to interpret Islam, including shariah.⁴⁷ In this regard, they have been heavily influenced by another of their co-founders, American Muslim convert Amina Wadud,⁴⁸ while demonstrating (perhaps ironically) a similar concern for a return to original sources as seen among fundamentalists.

Since the late 1990s, both Zainah and SIS have vocally criticised BN's Islamisation project, which they causatively link to increased political authoritarianism, attacks on women's rights, and the curbing of civil liberties, including freedom of religion and freedom of expression.⁴⁹ With Zainah at their head, SIS have opposed all attempts to enforce *hudud*, a stance that brought them into conflict with PAS and other conservative Islamic groups. PAS, in response, has routinely disparaged Zainah and SIS's religious credentials, accusing them of ignorance and promulgating alien Western values that undermine Malay Muslim culture. In 2014, PAS even persuaded *Jabatan Mufti Selangor* ('Department of the Mufti of Selangor') to issue a *fatwa* (legal opinion) condemning SIS as deviant and guilty of promoting "un-Islamic" values (liberalism and religious pluralism).⁵⁰ This *fatwa*, which would effectively ban SIS in Selangor, was immediately challenged by the movement. Although SIS lost its initial appeal in 2019, as of writing a second remains pending.⁵¹

Marina Mahathir

Marina Mahathir (b. 1957) is one of Malaysia's most prominent social activists and the eldest child of Mahathir Mohamed. Born and raised in Alor Setar, the state capital of Kedah, she initially attended the pre-dominantly Chinese St Nicholas convent school, followed by the prestigious Tunku Kurshiah College (TKC), a Malay boarding school in Negeri Sembilan. After a brief period at the Sultan Abdul Hamid College in Alor Setar, she completed her education at the University of Sussex (UK), graduating in 1979 with a degree in international relations.⁵² Since 1980, she has worked in journalism, contributing (from 1989) a regular bi-weekly column called 'Musings' to Malaysia's most widely

distributed English-language newspaper, *The Star* (majority owned by MCA, and therefore BN aligned).⁵³ More recently, she has maintained an active online presence through her blog (<http://rantingsbymm.blogspot.com>) and published three books compiled from her newspaper columns and blogposts: *In Liberal Doses* (1997),⁵⁴ *50 Days: Rantings by MM* (2009),⁵⁵ and *Telling It Straight* (2012).⁵⁶ From 1994 to 2005, Marina also headed *Yayasan AIDS Malaysia* ('Malaysian AIDS Foundation'). More recently, she has replaced Zainah as the head of SIS. Internationally, she is on the Board of Trustees for the Asian University for Women (Bangladesh).⁵⁷

Throughout her career, Marina has sought to address the points of intersection between Islam, feminism, LGBTQ rights, and race. Although instigated by her father, Marina has consistently opposed Malaysia's Islamisation programme as "Arab colonialism".⁵⁸ Characterising BN's Islamisation drive as a surreptitious attempt to import rigid, Arab-orientated forms of Islam (i.e. Wahhabism) that undermine the traditional Malay Muslim values of tolerance and respect, she has accused BN of causing social division between not just different racial and religious groups, but also between different Muslim communities, where some are judged more "orthodox" than others.⁵⁹ Within this milieu, she has repeatedly cited the treatment of women as a cause for concern; in 2006 she famously likened the status of Malay Muslim women to black South Africans under Apartheid, citing limited educational and employment opportunities.⁶⁰ To help raise awareness of these issues, from 2000 to 2009 Marina co-produced a TV programme called *3R: Respect, Relax and Respond* aimed at re-educating Muslim and non-Muslim viewers about the role of women in society. Although occasionally censored, this award-winning programme successfully addressed controversial societal issues like female empowerment, domestic violence, and gay rights. Uniquely among Malaysian TV programmes, it has been franchised for non-Muslim audiences in the Philippines and Vietnam.⁶¹

Siti Kasim

Our final activist, Siti Kasim (b. 1963), is a lawyer and activist well-known for her flamboyant, unapologetic style and opposition to shariah. Born and raised in Kuala Lumpur, she travelled to London in 1987 to study law at Queen Mary University, eventually becoming a qualified litigation lawyer. Subsequently living and working in London, she returned to Malaysia in 2004, where she became a staunch defender of the country's Orang Asli (indigenous) and LGBTQ communities. Currently, she is co-deputy chair of the Bar Council Committee on Orang Asli Rights.⁶² Although yet to publish, she maintains an active social media presence.

Overall, Siti is a fierce opponent of Anwar Ibrahim, whose Islamisation agenda (in common with Marina) she interprets as promoting Wahhabism, posited by her as an existential threat to Malaysia's pluralistic society.⁶³ Perhaps for this reason, she was consistently critical of the PH government (which Anwar was set to lead prior to another spat with Mahathir), being particularly vocal in her opposition to its Minister of Religion, AMANAH's Mujahid Yusof Rawa. Dismissing his advocacy of a "compassionate Islam" based on *maqasid al-shar'iah* as "useless", she criticised his perceived failure to support liberal groups like SIS as hypocritical and indicative of an anti-liberal agenda.⁶⁴ She was equally scathing of PH's failure to deport controversial Indian preacher, Zakir Naik, despite his inflammatory statements about non-Muslims and women.⁶⁵

Although Siti arguably lacks a detailed, systematic reformist agenda, to date her statements suggest an SIS-orientated vision. For example, in addition to staunchly opposing shariah as inherently discriminatory towards women, she advocates re-interpreting Islamic scripture in tune with liberal feminist ideology; like SIS, for example, she has urged the abolition of *hijab* based on a re-reading of surah al-Nisa.⁶⁶ Siti's real strengths, however, lie in her social activism, in questioning prevailing orthodoxies. In this regard, and within the context of a conservative local culture that prizes modesty, politeness, and respect, her flamboyant and confrontational style has been both her biggest asset and weakness. While guaranteeing her attention, it has often alienated even those sympathetic to her cause. To date, Siti's most prominent forays into activism include her 2016 opposition to an attempt by PAS to extend the jurisdiction of Malaysia's shariah courts, seen by many as a prelude to introducing *hudud*. During a forum on this issue, she was photographed shouting and "flipping the bird" at PAS supporters.⁶⁷ Again in 2016, Siti was arrested by officers from *Jabatan Agama Islam Wilayah Persekutuan* (JAWI, 'Department of Islamic Affairs in the Federal Territories') while attending a closed-door transgender event in Kuala Lumpur. JAWI raided this regularly-held event on the grounds that those present were men acting as women, which contravenes shariah. They did not, however, have a correct warrant for the raid; when Siti confronted them about this, she was arrested for obstruction.⁶⁸ Although subsequently acquitted in August 2020,⁶⁹ images of Siti confronting officers at the event, where attendees allegedly "flashed" JAWI officers, shocked many. Most recently, in June 2020, Siti was questioned by both police and the Malaysian Communications and Multimedia Commission (MCMC) regarding a Facebook post condemning PAS for suggesting a temporary ban on the sale and production of alcoholic beverages during an upsurge in drink-driving fatalities. The MCMC reportedly received 114 complaints about the post, prompting its investigation. To date, no charges have been brought.⁷⁰

Moving forward, Siti has launched Maju (Malaysian Action for Justice and Unity Foundation), an apolitical NGO aimed at organising Malaysia's moderate, liberal, and progressive voices.⁷¹ Although yet to significantly influence national politics or policy formation, with Siti at its helm this pressure group has considerable future potential.

As outlined above, PAS and ABIM have both manifested a postcolonial concern with preserving indigenous identity. Within the context of Malaysia's multicultural society, this has entailed appealing to long-standing ethno-religious associations that have encouraged a blending of Islamist ideology with issues surrounding Malay rights. Unlike Islamist organisations elsewhere in the Muslim world, therefore, PAS and ABIM have found themselves addressing not merely a Muslim audience, but a specifically *Malay* Muslim audience. In consequence, they have consistently orientated their message around Malay cultural reference points (including use of the Malay language), at the exclusion of other (Muslim and non-Muslim) ethnic and cultural identity markers. Within this context, and perhaps unsurprisingly, the leadership of both PAS and ABIM have tended to share (particularly educational) backgrounds suffuse with traditional Malay cultural values. Both Nik Aziz and Hadi Awang, for example, hailed from traditional rural Malay communities, where they underwent equally traditional Malay-language programmes of religious education later completed in the Middle East at institutions highly respected among Malays (al-Azhar for Nik Aziz; the Islamic University of Medina and al-Azhar for Hadi Awang).⁷² Although Anwar Ibrahim, despite being from rural Penang, attended the secular, Westernised, and English-language Malay College of Kuala Kangsar (MCKK) and then University Malaya (UM), his concern with maintaining Malay social and cultural primacy began early, when he rebelled against the lack of Malay cultural visibility at MCKK.⁷³ Subsequently, while majoring in Malay Studies at UM, he also became president of PBMUM, where he devoted his energies to making Malay UM's principal medium of instruction.⁷⁴

Significantly, the largely traditional backgrounds shared by these figures, characterised by rural upbringings, an emphasis on the Malay language, exposure (or a desire to be exposed) to Malay Muslim culture, and subsequent concern with Malay rights, are not replicated to the same degree among our four subjects. Rather, the latter are all products of multicultural urban environments: Chandra was originally a Hindu practitioner from Bedong, a small town just north of the multi-ethnic Sungai Petani (the largest town in Kedah); Zainah grew up in Johor Bahru, with its substantial Chinese population and close proximity to Singapore; Marina grew up in the Kedah state capital, Alor Setar, where she attended a Chinese school; and Siti Kasim is from Kuala Lumpur's urban metropolis.

Moreover, each received a predominantly English-language education, in three cases taken to tertiary level in the West (UK and US), in the other case in Singapore. Two of our subjects, Zainah and Siti, also spent substantial periods working in the UK. Within this context, it is perhaps unsurprising that all four of our subjects write predominantly in English; although fluent Malay speakers, they have all chosen to express themselves primarily in a non-native, non-Muslim, European language. This also extends to their organisations: JUST, SIS, and Maju all maintain English-language websites with only occasional content in Malay. This has significant implications with regards to intended audience: given the vast majority of rural Malays remain uncomfortable in English, our four subjects do not seem concerned with reaching out to the same target group as PAS, but rather to urban Malays who are generally highly educated and far more likely to speak English. Certainly, SIS's membership, although small, is almost entirely concentrated in the Klang Valley,⁷⁵ in which area all four of our subjects and their organisations operate.

This urban focus immediately invites comparison with ABIM, however, which has similarly tried to attract highly-educated urban Malays, albeit using the Malay language. Indeed, although subsequently parting ways, Chandra was once closely allied to Anwar Ibrahim and PKR, both of which are ABIM aligned, although Zainah, Marina, and (in particular) Siti have all expressed opposition to these organisations. Nevertheless, that all four of our subjects have also sought to democratise the interpretation of Islam by advocating a return to Qur'an and Sunnah, thereby rejecting (or at least downplaying) traditional scholarship, likewise parallels ABIM. But, while ABIM's (re)interpretative strategy has been driven by a Salafi-orientated return to traditional values (piety, modesty, chastity, etc.), all posited as inherently Qur'anic, the four individuals examined here prioritise an interpretative frame based on highly politicised Western discourses. Within the context of women's rights, for example, Zainah, Marina, and Siti have all sought to reinterpret the Qur'an in line with Western notions of female emancipation; stressing individual empowerment and freedom of expression, they advocate relaxing traditional gender and sexual norms, notably by abolishing *hijab*, encouraging family planning, and increasing levels of female employment.⁷⁶ ABIM (and PAS), on the other hand, have tended to stress the importance of women within the family, emphasising (albeit re-conceptualised) traditional values like parenting, modesty, and chastity—although, it bears saying, without demanding gender segregation, seclusion, or an end to either educational or employment opportunities for women.⁷⁷

As discussed, a desire to preserve and promote Malay rights ultimately underpins Islam's politicisation in Malaysia. In consequence, that politicisation process is arguably both communally driven and parochial, being centred

on a particular community (the Malays) within a particular national context (Malaysia). Significantly, therefore, our subjects have each taken an explicitly oppositional stance to parochial worldviews, basing themselves instead on (supposedly) universal human rights designed to protect minority groups, not politically dominant majorities like the Malays.⁷⁸ Chandra's sustained opposition to Islamisation amply demonstrates this; he has consistently drawn upon human rights-based discourses to express concern for the social inequalities caused by government-led discrimination favouring the Malay Muslim majority.⁷⁹ Similarly, Marina has highlighted the negative repercussions increased Malay cultural visibility has for the rights of minority groups. She has also emphasised how BN's Islamisation project effectively creates a government sanctioned form of Islam that opposition groups then feel compelled to discredit. As briefly discussed, this has helped radicalise Malaysia's Islamic narrative, encouraging divisive phenomena like *takfirism*, which is often directed at Muslim minorities. Ultimately, this minority rights focus, also apparent in Siti's championing of Orang Asli and LGBTQ rights, is likely a function of the multicultural backgrounds shared by our four subjects. Hailing from diverse urban environments, they have all spoken about recreating the (perceived) ethnic and religious harmony of their youth by promoting racial and religious equality now.⁸⁰ Given a focus on minorities also characterises Western political discourse, this stance may be a consequence of our subjects' educational and ideological backgrounds, too.

Moving forward, whether our four subjects can influence Malaysia's political landscape over the long-term is uncertain. Although able to boast considerable public visibility, with both Zainah and Marina possessing close familial ties to those in power, their reliance on Western ideological perspectives expressed in English is problematic. As a democracy in which changes of government do occur, Malaysia's political consciousness is shaped by popular appeal as much as by association with powerful elites. The longevity and resilience of Malaysia's Islamisation project, with its celebration of Malay culture (including language), demonstrates this: stretching across governments and between parties, its popularity among everyday Malay voters has made it a perennial feature of the country's political landscape.⁸¹ In consequence, it is unlikely that the four individuals examined here will be able to significantly influence popular Malay opinion without shifting towards a more Malay Muslim vision. Although their vocal support for issues like freedom of expression, community cohesion, and women's rights will no doubt continue to constitute a valuable check on those in power, particularly within urban contexts, our subjects must seek greater Malay cultural embeddedness or else risk irrelevance.

Conclusion

To conclude, since at least the early fifteenth century, Islam has enjoyed varying degrees of political visibility across what is now Malaysia. Beginning in the late nineteenth century, this visibility underwent rapid popular expansion, initially at the hands of reform-minded *kaum muda* intellectuals, and then in tandem with Islamist organisations like PAS and ABIM. Within Malaysia's late twentieth-century multicultural environment, where a continuation of colonial-era economic disparities favouring the Chinese had precipitated sustained Malay Muslim poverty, Islam finally fused with a concern for preserving Malay rights. Appealing to long-standing ethno-religious associations linking a sense of 'Muslimness' with being Malay, ideologues from both PAS and ABIM encouraged a blending of Islamist ideology with broader political issues surrounding Malays. Unlike Islamist organisations elsewhere in the Muslim world, therefore, those in Malaysia found themselves addressing not merely a Muslim audience, but a specifically *Malay* Muslim audience.

Over the early 1980s, Mahathir Mohamed successfully co-opted this racialised Islamist agenda by bringing Anwar Ibrahim (former ABIM president) into government. This precipitated a nationwide, government-sanctioned Islamisation drive that continues today; stretching across governments and between parties, this drive has promoted Malay Muslim rights over those of other religious and ethnic groups, while simultaneously radicalising broader Islamist discourse. It is against this backdrop that our four opponents to Islam's politicisation emerged. Frequently secular in tone and Western educated, these opponents have directed their ire against the perceived threat increased politicisation of religion poses to civil liberties and inter-communal relations. While the promulgators of politicised Islam generally share traditional backgrounds characterised by rural upbringings, an emphasis on the Malay language, and an exposure to Malay Muslim culture, our four subjects are more cosmopolitan. Products of multicultural urban environments, they were educated abroad in English-language settings, continue to use English in preference to Malay, and demonstrate a preoccupation with upholding not Malay Muslim culture but (supposedly) universal human rights rooted in Western discourse. While PAS, ABIM, and other relevant actors have therefore taken pains to portray themselves as champions of Malay culture, consistently appealing to Malay identity markers and using the Malay language, their opponents take up a position centred on Western concepts expressed in English.

Despite the seemingly entrenched position politicised Islam now enjoys in Malaysia, our four subjects remain prominent within the country's political landscape. Their prolificacy, high public standing, and willingness to speak truth to power have ensured they remain significant social influencers. The longevity and resilience of Malaysia's Islamisation project, however, based in its appeal to Malay Muslim values, suggests our opponents will not be able to significantly influence popular Malay opinion without shifting towards a more Malay Muslim vision. They must seek greater Malay cultural embeddedness or else risk irrelevance.

Notes

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1. A. C. Milner, 'Islam and Malay Kingship,' *Journal of the Royal Asiatic Society of Great Britain and Northern Ireland* 1 (1981): 46-70; Alan Strathern, 'Global Patterns of Ruler Conversion to Islam and the Logic of Empirical Religiosity,' in *Islamisation: Comparative Perspectives from History*, ed. A. C. S. Peacock (Edinburgh: Edinburgh University Press, 2017), 37-8.
 2. Carool Kersten, *A History of Islam in Indonesia: Unity in Diversity* (Edinburgh: Edinburgh University Press, 2017), 56-64.
 3. Michael Laffan, 'The Tangled Roots of Islamist Activism in Southeast Asia,' *Cambridge Review of International Affairs* 16, no. 3 (2003): 403-5.
 4. Joseph Chinyong Liow, *Piety and Politics: Islamism in Contemporary Malaysia* (Oxford: Oxford University Press, 2009), 19.
 5. Taken from Malaysia's 2010 census, see *Taburan Penduduk dan Ciri-Ciri Asas Demografi* (n.p.: Jabatan Perangkaan Malaysia, 2011), 5, 9.
 6. For a far more detailed overview of how this politico-ethno-religious interconnection formed over the late colonial period, see William R. Roff, *The Origins of Malay Nationalism* (New Haven: Yale University Press, 1967).
 7. Originally known as *Persatuan Islam Se-Tanah Malaya* (PMIA, 'Pan-Malayan Islamic Association'), PAS was founded by disaffected 'ulama' from the United Malays National Organisation (UMNO) who objected to the latter's accommodative stance towards non-Malays and apparent indifference towards Islam, see John L. Esposito and John O. Voll, *Islam and Democracy* (Oxford: Oxford University Press, 1996), 133. A participant in every election since 1955, the party currently holds 18 of the Federal Legislature's 222 seats, making it Malaysia's largest Islamist party, see 'Statistik Dewan Rakyat,' *Parlimen Malaysia*. Available at: <https://www.parlimen.gov.my/statistik.html?uweb=dr&> (Accessed on: 26 March 2021). Although historically PAS has been Malaysia's leading opposition party, it has entered Federal Government twice: from 1974 to 1977 in coalition with UMNO and from 2020 onwards as part of the *Perikatan*

Nasional (PN, ‘National Alliance’) government. PAS is also noteworthy for being the first non-BN political party to gain control of State Legislatures, including in Kelantan (1959-1977 and 1990-present), Terengganu (1959-1962, 1999-2004 and 2018-present), and Kedah (2008-2013, 2020-present). In coalition with other parties, it has also ruled Perak (2008-2009, 2020-present) and Johor (2020-present), see ‘Sejarah Parti Islam Se Malaysia (PAS),’ *Parti Islam Se Malaysia*. Available at: <https://pas.org.my/sejarah-parti-islam-se-malaysia-pas/> (Accessed on: 19 April 2021). The distribution of these legislatures reflects the party’s traditional support base, which lies in the Peninsula’s conservative rural north, notably the states of Kelantan and Terengganu.

8. Farish A. Noor, *The Malaysian Islamic Party 1951-2013: Islamism in a Mottled Nation* (Amsterdam: Amsterdam University Press, 2014), 67; John Funston, *Malay Politics in Malaysia: A Study of UMNO and PAS* (Singapore: Heinemann Educational Books, 1980), 94.
9. M. Kamal Hassan, ‘The Influence of Mawdudi’s Thought on Muslims in Southeast Asia: A Brief Survey,’ *Muslim World* 93, no. 3 (2003): 429-64.
10. Liow, *Piety and Politics*, 115-7. Although arguably Malaysia’s most well-known Islamist organisation, ABIM has never contested an election, being officially apolitical. It did, however, openly campaign for PAS during the 1978 General Election. Two PAS presidents, Fadzil Noor (in office 1989-2002) and Hadi Awang (2002-), are also former ABIM members.
11. Quoted in Zainah Anwar, *Islamic Revivalism in Malaysia: Dakwah Among the Students* (Petaling Jaya: Pelanduk Publications, 1987), 11.
12. Quoted in Charles Allers, *Anwar Ibrahim: Evolution of a Muslim Democrat* (Singapore: Monsoon Books, 2014), 43.
13. Liow, *Piety and Politics*, 116.
14. Peter G. Riddell, *Islam and the Malay-Indonesian World: Transmission and Responses* (Honolulu: University of Hawai’i Press, 2001), 242.
15. *Ibid.*
16. Meredith L. Weiss, ‘The Changing Shape of Islamic Politics in Malaysia,’ *Journal of East Asian Studies* 4 (2004): 153-7.
17. Virginia Matheson Hooker, ‘Reconfiguring Malay and Islam in Contemporary Malaysia,’ in *Contesting Malayness: Malay Identity Across Boundaries*, ed. Timothy P. Barnard (Singapore: Singapore University Press, 2006), 152.
18. Liow, *Piety and Politics*, 116-7.
19. *Ibid.*, 33-5; Judith Nagata, ‘Religious Ideology and Social Change: The Islamic Revival in Malaysia,’ *Pacific Affairs* 53, no. 3 (1980): 412-3. This lurch towards Islamist ‘orthodoxy’ was facilitated by Malaysian university students who, while living in Great Britain over the 1970s, gained exposure to *Ikhwanī* and *Jamaat-e* ideology via two Malaysian student associations: *Saura Islam* (‘Voice of Islam’) and the Islamic Representative Council (IRC). Upon returning to Malaysia, these students joined PAS, infusing it with a ‘purer’ Islamic vision, see Esposito and Voll, *Islam and Democracy*, 134-6.
20. Although obscured behind references to “parliamentary *shura*” (where *shura* is best left to jurists), Iran’s ‘guardianship of the jurist’ underpins the final 2003 draft of PAS’s blueprint for an Islamic State, see PAS, *The Islamic State Document* (Bandar Bangi Baru: Brotsis Info System, 2003), 24-5. Since 1987, the concept

- has also been incorporated into PAS's party structure via a 15-member strong *Majlis Shura Ulama* ('*Ulama*' Consultative Council'). Reminiscent of Iran's Guardian Council, this *Majlis* is led by a *musyidul 'am* ('spiritual leader') and vets all PAS activities and pronouncements to ensure they conform to shariah, see Liow, *Piety and Politics*, 36.
21. Riddell, *Malay-Indonesian World*, 228-9; Liow, *Piety and Politics*, 37-9. Current PAS president, Hadi Awang, has long advocated *takfirism*: in a notorious speech called *Amanat Haji Hadi* ('Haji Hadi's Edict', delivered 7 April 1981 at Banggol Peradong, Terengganu), Hadi labelled all UMNO supporters *kafir* (unbelievers) while simultaneously declaring that any PAS supporter who died opposing them would die a martyr. In traditional Islam, to *takfir* a practicing, sane Muslim is considered *haram* (forbidden), see Abdullah Saeed and Hassan Saeed, *Freedom of Religion, Apostasy and Islam* (London: Routledge, 2016), 51ff.
 22. Maszlee Malik, 'From Political Islam to Democrat Muslim: A Case Study of Rashid Ghannouchi's Influence on ABIM, IKRAM, AMANAH and DAP,' *Intellectual Discourse* 25, no. 1 (2017): 37-40.
 23. Maszlee Malik, 'Rethinking the Role of Islam in Malaysian Politics: A Case Study of Parti Amanah Negara (AMANAH),' *Islam and Civilisational Renewal* 8, no. 4 (2017): 458. At the time of writing, AMANAH has 11 seats in the Federal Legislature. It was the third largest party in PH, under whom its president, Mohamad Sabu, served as Minister of Defence, see 'Statistik Dewan Rakyat.'
 24. Riddell, *Malay-Indonesian World*, 258.
 25. 'Muzaffar, Chandra,' in *The Oxford Dictionary of Islam*, ed. John L. Esposito. Available at: <http://www.oxfordislamicstudies.com/article/opr/t125/e1673>. (Accessed on: 22 March 2021).
 26. Ibid; Riddell, *Malay-Indonesian World*, 255.
 27. For a brief history of PKR, see 'Sejarah Parti,' *Keadilan Rakyat*. Available at: <https://keadilanrakyat.org/index.php/info-parti/sejarah-parti/>. (Accessed on: 22 March 2021).
 28. 'Keputusan Pilihan Raya Umum Parlimen Negeri W.P. Kuala Lumpur bagi Tahun 1999,' *Suruhanjaya Pilihan Raya Malaysia*. Available at: http://semak.spr.gov.my/spr/laporan/5_KedudukanAkhir.php. (Accessed on: 22 March 2021).
 29. Chandra Muzaffar, *The Universalism of Islam* (Penang: Aliran, 1979).
 30. Chandra Muzaffar, *Islamic Resurgence in Malaysia* (Petaling Jaya: Fajar Bakti, 1987).
 31. Chandra Muzaffar, *Human Rights and the New World Order* (Penang: JUST, 1993).
 32. Chandra Muzaffar, *Alternative Politics for Asia: A Buddhist-Muslim Dialogue* (Petaling Jaya: JUST, 1999).
 33. Chandra Muzaffar, *Muslims, Dialogue, Terror* (Petaling Jaya: JUST, 2003).
 34. Chandra Muzaffar, *Global Ethic or Global Hegemony? Reflections on Religion, Human Dignity and Civilisational Interaction* (London: ASEAN Academic Press, 2005).
 35. Chandra Muzaffar, *Religion and Governance* (Shah Alam: Arah Pendidikan, 2009).
 36. Muzaffar, *Islamic Resurgence*, 87-9.
 37. See Muzafar, *Alternative Politics*; Chandra Muzaffar, 'Universalism in Islam,'

- in *Liberal Islam: A Sourcebook*, ed. C. Kurzman (Oxford: Oxford University Press, 1998), 155-60.
38. Muzaffar, *Islamic Resurgence*.
 39. Ibid, 74-8.
 40. 'Anwar, Zainah,' in *The Oxford Encyclopaedia of Islam and Women*, ed. Natana J. DeLong-Bas. Available at: <https://www.oxfordreference.com/view/10.1093/acref:oiso/9780199764464.001.0001/acref-9780199764464-e-0086?rskey=VGgSmE&result=20>. (Accessed on: 20 March 2021); K. S. Nathan and Mohammad Hashim Kamali, ed., *Islam in Southeast Asia: Political, Social and Strategic Challenges for the 21st Century* (Singapore: Institute of Southeast Asian Studies, 2005), 357.
 41. See their website, <https://www.musawah.org/>. (Accessed on: 24 March 2021).
 42. Anwar, *Islamic Revivalism*.
 43. Zainah Anwar and Rashidah Shuib, *Islam and Family Planning* (Kuala Lumpur: Sisters in Islam, 2001). Translated into Malay as *Islam dan Perancangan Keluarga*, this text has proven popular; second and third editions were published in 2002 and 2008 respectively, in cooperation with *Persatuan Perancangan Keluarga Kelantan* ('Kelantan Family Planning Association').
 44. Zainah Anwar, *Legacy and Honour* (Kuala Lumpur: Yayasan Mohamed Noah, 2011).
 45. Zainah Anwar, ed., *Wanted: Equality and Justice in the Muslim Family* (Petaling Jaya: Musawah, 2009).
 46. Liow, *Piety and Politics*, 124.
 47. 'Who we Are,' *Sisters in Islam*. Available at: <https://sistersinislam.org/who-we-are/>. (Accessed on: 12 February 2021).
 48. Between 1989 and 1992, Wadud was Assistant Professor at the International Islamic University of Malaysia (IIUM), where she helped establish SIS. Her work remains central to SIS's approach to Islamic scripture, see especially Amina Wadud, *Qur'an and Woman: Re-reading the Sacred Text from a Woman's Perspective* (New York: Oxford University Press, 1999).
 49. Zainah Anwar, 'Law-making in the Name of Islam: Implications for Democratic Governance,' in *Islam in Southeast Asia: Political, Social and Strategic Challenges for the 21st Century*, ed. K. S. Nathan and Mohammad Hashim Kamali (Singapore: Institute of Southeast Asian Studies, 2005), 126-7.
 50. 'PAS Youth: Sisters in Islam "Insolent", "Extremists" for contesting Fatwa,' *Malay Mail*, 31 October 2014. Available at: <https://www.malaymail.com/news/malaysia/2014/10/31/pas-youth-sisters-in-islam-insolent-extremists-for-contesting-fatwa/773853>. (Accessed on: 23 March 2021).
 51. 'A Dark Day for Malaysia – Sisters in Islam,' *Malay Mail*, 27 August 2019. Available at: <https://www.malaymail.com/news/what-you-think/2019/08/27/a-dark-day-for-malaysia-sisters-in-islam/1784806>. (Accessed on: 23 March 2021); Ainaa Aiman, 'Selangor Fatwa on SIS Temporarily Suspended Pending Appeal,' *Free Malaysia Today*, 23 January 2020. Available at: <https://www.freemalaysiatoday.com/category/nation/2020/01/23/selangor-fatwa-on-sis-temporarily-suspended-pending-appeal/>. (Accessed on: 23 March 2021).
 52. Shanon Shah, 'Liberal, Muslim, Feminist, and Comfortable,' *The Nut Graph*. Available at: <https://www.thenutgraph.com/liberal-muslim->

- feminist-and-comfortable/. (Accessed on: 12 February 2021); 'Biodata Datin Paduka Marina Mahathir.' Available at: <https://static1.squarespace.com/static/55371ac3e4b08f12059e3112/t/55714affe4b028f024207dec/1433488127047/BIODATA+Datin+Paduka+Marina+Mahathir.pdf>. (Accessed on: 12 February 2021).
53. Murray Hiebert, *Under Beijing's Shadow: Southeast Asia's China Challenge* (Washington, DC: Center for Strategic and International Studies, 2020), 366.
 54. Marina Mahathir, *In Liberal Doses* (Petaling Jaya: Star Publications, 1997). Published same year in Singapore by Archipelago Press, republished 2012 by Editions Didier Millet to coincide with launch of *Telling It Straight*.
 55. Marina Mahathir, *50 Days: Rantings by MM* (Petaling Jaya: ZI Publications, 2009).
 56. Marina Mahathir, *Telling It Straight* (Singapore: Editions Didier Millet, 2012).
 57. 'Biodata Datin Paduka Marina Mahathir.'
 58. Boo Su-Lyn, 'Marina Mahathir: Malaysia Undergoing "Arab Colonialism,"' *Malay Mail*, 23 May 2015. Available at: <https://www.malaymail.com/news/malaysia/2015/05/23/marina-mahathir-malaysia-undergoing-arab-colonialism/902417>. (Accessed on: 24 March 2021).
 59. 'Islamisation will tear Malaysia apart, says Marina Mahathir,' *Today*, 18 January 2018. Available at: <https://www.todayonline.com/world/islamisation-will-tear-malaysia-apart-says-marina-mahathir>. (Accessed on: 24 March 2021).
 60. Jonathan Kent, 'Malaysia "Apartheid" Row Deepens,' *BBC News*, 11 March 2006. Available at: <http://news.bbc.co.uk/2/hi/asia-pacific/4795808.stm>. (Accessed on: 24 March 2021).
 61. Marina Mahathir, 'How 3R Changed Malaysian TV,' *The Nut Graph*, 27 April 2010. Available at: <https://thenutgraph.com/how-3r-changed-msian-tv/>. (Accessed on: 12 February 2021).
 62. Boo Su-Lyn, '10 Things About: Siti Kasim, Lawyer and Activist,' *Malay Mail*, 25 September 2016. Available at: <https://www.malaymail.com/news/malaysia/2016/09/25/10-things-about-siti-kasim-lawyer-and-activist/1213363>. (Accessed on: 15 March 2021).
 63. Ibid.
 64. Siti Kasim, 'Mujahid is a Big Fat Zero,' *Malaysia Today*, 16 November 2019. Available at: <https://www.malaysia-today.net/2019/11/16/mujahid-is-a-big-fat-zero/>. (Accessed on: 15 March 2021).
 65. Vinodh Pillai, 'Nonsense, says Siti Kasim on Dr M's Refusal to Hand Over Zakir Naik,' *Free Malaysia Today*, 11 June 2019. Available at: <https://www.freemalaysiatoday.com/category/nation/2019/06/11/nonsense-says-siti-kasim-on-dr-ms-refusal-to-hand-over-zakir-naik/>. (Accessed on: 24 March 2021).
 66. Boo, '10 Things.'
 67. Boo Su-Lyn, 'Sometimes you have to Shout,' *Malay Mail*, 16 September 2016. Available at: <https://www.malaymail.com/news/opinion/2016/09/16/sometimes-you-have-to-shout/1206857>. (Accessed on: 24 March 2021).
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71. See their website, <https://mymaju.org/>. (Accessed on: 24 March 2021).
72. Riddell, *Malay-Indonesian World*, 224, 227.
73. Allers, *Anwar*, 41-2.
74. Ibid, 39, 43ff; Farish Noor, 'The Localization of Islamist Discourse in the Tafsir of Tuan Guru Nik Aziz Nik Mat, Murshid'ul Am of PAS,' in *Malaysia: Islam, Society and Politics*, ed. Virginia Hooker and Norani Othman (Singapore: Institute of Southeast Asian Studies, 2003), 226.
75. Liow, *Piety and Politics*, 124.
76. Anwar and Shuib, *Islam and Family Planning*; Boo, '10 Things.'
77. Aihwa Ong, 'State versus Islam: Malay Families, Women's Bodies, and the Body Politic in Malaysia,' *American Ethnologist* 17, no. 2 (1990): 269. ABIM's commitment to promoting prominent public roles for women continues into the present, see Haziqah Jasmani, 'ABIM: K'jaan perlu pandang serius penyingkiran wanita berwibawa dalam GLC,' *Malaysiakini*, 10 April 2020. Available at: <https://www.malaysiakini.com/news/519986>. (Accessed on: 24 May 2021).
78. Al Khanif, *Religious Minorities, Islam and the Law: International Human Rights and Islamic Law in Indonesia* (London: Routledge, 2021), ch. 2.
79. Muzaffar, *Islamic Resurgence*, 87-9.
80. For example, see 'Islamisation will tear Malaysia apart'; Boo, '10 Things.'
81. Certainly, it remains a contentious issue, even after the most recent general election, see Tasnim Lokman, Manirajan Ramasamy, and Nurhayati Abdullah, 'Anwar Raises Concern over Welfare and Rights of the Malays,' *New Straits Times*, 30 August 2018. Available at: <https://www.nst.com.my/news/nation/2018/08/406531/anwar-raises-concern-over-welfare-and-rights-malays>. (Accessed on: 24 May 2021); Nicholas Chung, 'Malays Not Confident Anwar can Champion their Rights, says Analyst,' *Free Malaysia Today*, 7 January 2020. Available at: <https://www.freemalaysiatoday.com/category/nation/2020/01/07/malays-not-confident-anwar-can-champion-their-rights-says-analyst/>. (Accessed on: 24 May 2021).

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SAID NURSI ON SECULARISM, RELIGIOUS RIGHTS, ETHICS, AND EDUCATION

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Abstract: This paper explores the views of Turkish scholar, Bediuzzaman Said Nursi (1877-1960), on the ideology of secularism and its impact on identity, ethics, and social stability. It mostly covers Nursi's interpretation of Islam in a twentieth-century secular setting. Based on Nursi's views, the paper suggests that, in the interests of establishing a secure and balanced world, faith commitments should be allowed to manage diversity and conflict, rather than a secular semi-agnostic approach. The paper also proposes that, to establish a healthy and virtuous society, collective and individual morality and identity should be constructed using religious values and principles. The paper discusses how Nursi advocated reconciling science and religion, establishing harmony between European civilisation and the truths of Islam. As the paper establishes, there was no enmity between any branch of science and faith for Nursi, who saw both as allies in the task of building human civilisation. But he did advocate rooting education and knowledge in the truths of revealed religion, with the scientific achievements of the age merely contributing to a correct understanding of those truths. This paper also demonstrates that Nursi was an advocate of a pluralist society where all citizens, regardless of their ethnic or religious backgrounds, would be respected, nurtured, and protected. At the same time, he questioned the potential of secularism to provide well-being and virtue for various strata of society. Policy recommendations are given in the last part of the paper.

Keywords: Said Nursi, secularism in Turkey, religious education, integration of knowledge, modernisation, religion and ethics, religious rights.

Introduction

The word 'secularism' has different connotations in different contexts. Scott Morrison defines it as a "norm of non-interference, between religious and political institutes, (the church, mosque, or temple, etc.) and the state."¹ Thus, in secularism, the state cannot be officially bonded to any religious tradition. But, as Charles Taylor suggests, secularism requires more than a mere separation of

religion and state. Rather, secularity began as an “exclusive humanist alternative to Christian faith.”² For Taylor, therefore, secularism does not mean the absence of religion but a political and intellectual classification that needs to be understood as a historical construction. All goals of secularism are “concerned with protecting people in their belonging and/or practice of whatever outlook they choose or find themselves in, treating people equally whatever their option, and giving them all a hearing.”³ Hence, secularism is not about the absence of religion; it is about state neutrality, about avoiding favouring or disfavouring any religious/non-religious position. Thus, secularism is commonly related to political principles like human rights, equality, the rule of law, and democracy.⁴ In practice, however, secularism has diverged from theory, manifesting differently in the politics of different states. Syed Muhammad Naquib al-Attas has even stated that the concept of ‘secular’ refers to the condition of the world at our particular time or age.⁵

Among Muslim countries, Turkey was the first to declare itself a nation-state with a secular orientation after the Independence Wars (1919-1923) led by Mustafa Kemal Pasha. As Olson argued, Turkish ‘secularism’ was “not the equivalent of American secularism, which includes the separation of church and state.”⁶ Rather, in Turkey an aggressive secularisation process took place that retained the more potent anti-religious elements common to *laïcité*, the French concept of secularism. It largely served to disestablish Islam, to limit its powers to “matters of belief and practice.”⁷ As a result, by early spring 1926, Western culture and lifestyle had become the main ways of life in Turkey. For Mustafa Kemal, Turkey could only re-build and take its place in the ‘civilised’ world through rapid modernisation, which he understood as Westernisation accompanied by a complete secularisation.⁸ The ultra-secular policies of Turkey’s republican government negatively influenced all aspects of society (governance, culture, personality, and social behaviour), aspects that had previously been rooted in Islamic values and principles.

Fuat Keyman, however, has argued that secularism in Turkey was not necessarily damaging, but there to “control and regulate religious activities through constitutional and institutional means, in order to establish a strict separation between the state and religion” and “not to act ‘impartially’ towards different Muslim and non-Muslim religious communities.”⁹ In that respect, al-Attas has suggested that secularisation as it occurred within the Muslim world has not, and will not, affect Muslim belief in the same way it has the beliefs of Western man. But he nevertheless felt that problems arising out of secularisation, though “not the same as those confronting the West, have certainly caused much confusion in our midst.”¹⁰ The main issues for Muslims that have emanated from secularism are certainly much broader than the rights of citizens to, for

example, wear scarves in public or have enough mosques for Friday prayers. Rather, secularism has confused the minds of Muslim youth by depriving them of appropriate training in the principles and merits of the Qur'anic worldview, especially in worldly affairs. Indeed, by the end of the twentieth century, the educated Muslim elite faced a dilemma: they felt 'Muslim' (more correctly, Asian) according to their inner conscience, but 'Western' in mindset. This identity dilemma has been particularly extreme in Turkey.

Accordingly, this paper studies secularism in Turkey, acknowledging both its negative and positive impact. The paper does not aim to offer original definitions of secularism or analyse its far-reaching impact on modern Turkey. Rather, it focuses on the response Muslim scholars have had to the harsh policies of secularism in Turkey using the example of Bediuzzaman Said Nursi (1877-1960), a famous Muslim thinker of ethnic Kurdish origin who played a major role in revitalising and preserving Islamic teachings in Turkey during a very challenging period in that nation's history. While a number of contemporary researchers have analysed the thought of Said Nursi concerning both secularism and its impact on Muslim well-being, perhaps the most comprehensive has been Şükran Vahide's *Islam in Modern Turkey: An Intellectual Biography of Bediuzzaman Said Nursi*. Concerning Said Nursi's ideas on the impact of secularism on ethics and societal morality, Ibrahim Ozdemir and Ian Markham have conducted important research, summarised in "Secular or Religious Foundations for Ethics." Additionally, Necati Aydin's recent study, "Said Nursi's Evolving Thoughts on Secular Ideology and Modern Science," explores the problem of secularising contemporary knowledge vis-a-vie Nursi's thoughts on the relationship between science and faith. The current article, however, is slightly different from these earlier studies; it tries to explore the impact of secularism on identity, ethics, and social stability based on the ideas of Said Nursi. In order to understand Nursi's stance on secularism, his ideas on human rights, education, identity, and ethics shall be discussed throughout this paper.

Nursi on Religious Rights

It is commonly assumed that the concept of human rights is secular and takes priority over other values, including religious ones. It is also believed that the barrier secularism erects between religion and politics protects both religious and unreligious values. These assumptions are controversial for those who approach human rights from the perspective of religious belief.¹¹ Interestingly, when the Soviet Union passed its secularisation law in the 1920s, one famous Muslim Tatar scholar, Musa Jarullah (1875-1949), called it "a wise and rational

decision, which brought equality and freedom to religions practiced by various nations of the country.”¹² As a member of a religious minority group that had been persecuted for almost five centuries under Russian Christian colonial rule, Jarullah believed that the Soviet government’s expressly secular position would result in non-interference in the religious beliefs, objects, and places of worship of minority groups. This religious freedom and equality for all members of society without exception was what Jarullah meant by ‘secularism’. Yet, he clearly stated that depriving religions of their social and cultural rights by abolishing religious teachings and their established laws altogether was not the separation of religion from government, but the complete destruction of religion by government.¹³ Certainly, Turkey interpreted secularism more as the promotion of conflict with religion than providing equal human rights to all citizens.

If one compares Islam and secularism on human rights, one finds many shared principles. There is, for example, no religious compulsion in Islam; individuals may use their free will to choose between right and wrong. Similarly, in secularism no one can interfere in a person’s religious choice. Let us observe this notion in the thought of Said Nursi.

Throughout his life, Said Nursi strived to demonstrate the pluralist and all-embracing nature of Islam. As Nursi lived in a Muslim majority country where the rights of non-Muslim minorities (notably the Armenians) was a subject of contention, his main concern was explaining the stance of Islam towards peoples of other faiths. Nursi declared that the rights of minorities should be recognised, asking the government to leave the Armenians in peace and recognise their freedoms.¹⁵ Nursi asserted that:

Our actions towards non-Muslims consist only of persuasion, for we know them to be civilised. And we suppose them to be fair-minded, so we should demonstrate that Islam is lovable and elevated. The lax and negligent should know that they cannot ingratiate themselves with the Europeans by being irreligious, for they only show that they are unprincipled. And no one likes unprincipledness and anarchy.¹⁶

Once Nursi was asked if there was a possibility Europeans would be perturbed by a ‘Union of Muslims’.¹⁷ He replied: “It is not they who are our enemies; what has in reality brought us this low is opposition to the shariah, which is the result of ignorance, thus preventing us from upholding the Word of God; and poverty and its fruits of immorality and bad conduct; and conflict and its products of strife and hatred; the attacks of our Union are directed at these three enemies.”¹⁸ In the Middle Ages, according to Nursi, Islam was compelled to be bigoted

and hostile in the face of European savagery, but it nevertheless maintained its justice and moderation. But, in this time of modern civilisation, Europeans have become civilised and powerful, with harmful hostility and bigotry having disappeared. Since the civilised are to be conquered through persuasion, not force, the attitude of Muslims towards Europeans should, according to Nursi, be based on friendship and sympathy, to show that Islam is elevated and lovable.¹⁹

As Markham observed, Said Nursi condemned those who would resort to violence, seeing the latter as a form of weakness. Throughout his life, Nursi was committed to handling disagreements peacefully.²⁰ Vahide explained Nursi's position thus:

The way of the *Risale-i Nur* was peaceful *jihad* or '*jihad of the word*' (*mânevî jihad*) in the struggle against atheism and irreligion. By working solely for the spread and strengthening of belief, it was to work also for the preservation of internal order and peace and stability in society in the face of moral and spiritual destruction of communism and the forces of irreligion which aimed to destabilise society and create anarchy, and to form "a barrier" against them.²¹

Nursi wanted Islamic revivalism; he called upon Muslims to realise the power of their religion and its ability to establish the 'right' civilisation. At the same time, he highlighted the reality of pluralism and the inevitability of disagreement, both within and outside the Muslim community. As Markham pointed out, for Nursi renewal entailed "a greater self-confidence in the arguments for the Islamic faith that enables Muslims to enjoy the pluralist world."²²

Vahide has stated that Nursi always urged "his students to act tolerantly and peaceably toward followers of other paths and to return any criticism or aggression with good will, and above all to not allow political differences to cause disunity and so aid irreligion."²³ He called for all the religious peoples of the world to cooperate against atheism and secularism. For instance, he sent copies of *Risale-i Nur* to the Pope in Rome; in response, he received a letter of thanks from the Vatican (dated February 22, 1951). Moreover, during his stay in Istanbul in the spring and summer of 1953, Nursi visited Athenagoras, the city's Greek Orthodox patriarch.²⁴ In sum, Nursi believed that a faith commitment as taught by Islam and other religions was the best way of handling diversity and conflict, rather than a secular, semi-agnostic approach.

Secularism, Religion, and Ethics

Modern theories acknowledge the essential role religion plays in building society, being a source of morality and solidarity. Emile Durkheim, in his seminal *The Elementary Forms of Religious Life* (first published 1912), said that religion serves four major social functions: social solidarity, social control (such as the prohibition against killing), the provision of meaning and purpose in life, and psychological and emotional support (such as wedding celebrations).²⁵ Marvin Perry illustrated the role played by religion in early civilisation thus:

Religion was the central force in these primary civilisations. It provided satisfying explanations for the operations of nature, helped to ease the fear of death, and justified traditional rules of morality. Law was considered sacred, a commandment of the gods. Religion united people in the common enterprises needed for survival – for example, the construction and maintenance of irrigation works and the storage of food. Religion also promoted creativity in art, literature, and science. In addition, the power of rulers, regarded as gods or their agents, derived from religion.²⁶

Over time, it is believed that religion became increasingly complex, its rituals more elaborate, until finally monotheism emerged, considered by sociologists to be the most perfect form of religious belief. The pioneering sociologist August Comte believed that the authority of monotheistic religious belief would eventually be transferred into a scientific understanding of the world. In other words, science would displace religion as the primary source of explanation for social and natural phenomena.²⁷ In this context, sociologists have posited that, as human intellect evolves and people become more civilised, the need for religion as a source of moral value and social stability will diminish, or even completely disappear. The secular approach, which functions in line with these discussions, thereby reduces the significance of religion as a source of ethics and morality.

If religion played a vital role in early society and civilisation, the Enlightenment gave birth to a set of non-religious ethical alternatives. The virtues of justice, righteousness, dignity, nobility, and goodness are today described from a secular viewpoint. Liberalism, with its essential values of freedom, autonomy, and individual rights, now constitutes a universal moral truth. Yet, even this universal moral truth is not immune to revision;²⁸ as time passes, authoritative moral opinions change as society adapts to new cultural norms.

The secular system's tendency to neglect the role religion plays in providing universal moral truths has been criticised since the Enlightenment, especially

as secular moral norms have not always been successful in establishing strong social orders or the well-being of the entire population. Hood et al., for example, highlighted the importance religious factors have in controlling crime rates, stating that, “when it comes to ethics, major world religions are amazingly consistent in their teachings about right and wrong. Religion has tremendous potential to improve our world by teaching an ethical system that would benefit all of us.”²⁹ Thus, religion is an influential element in spreading tolerance, helpfulness, personal and interpersonal integrity, and in maintaining social order. Morrison stated that even liberal values cannot be supported on purely rational grounds, but depend on non-rational assumptions concerning human dignity, equality, and flourishing.³⁰ In most cases, the rationalisation and justification of secular moral and social norms are not as strong or convincing as their religious alternatives, leaving their implementations loose and vain.

Said Nursi also believed that secularism provided only a weak social order. In *Reflections on Unity*, Nursi stated that, “Mankind in this century has perceived that their greatest need is for moral and spiritual strength, comfort, and resolution.”³¹ Science and human progress alone, however, could not ensure moral strength in the face of misguidance; only Islamic belief was able to support and secure such moral strength, comfort, and happiness for mankind.³²

In his *Risale-i Nur*, Nursi clearly stated that the Qur’an is the ultimate source of all ethical reflection and virtue. The Qur’an is the ultimate truth, possessing a timeless quality. Above all other books, it is the Word of the Creator.³³ Thus, Nursi stated that, “Indeed, since the Qur’an’s principles and laws have come from pre-eternity, they shall go to post-eternity. They are not condemned to grow old and die like civilisation’s laws.”³⁴ Next to the Qur’an, Nursi positioned the Sunnah of the Prophet as a second source of ethics. When he identified the seven reasons why Muhammad (pbuh) ascends into heaven, concerning the fifth he explained that:

Anyone who considers the facts and is fair and just cannot hesitate to agree that, as is unanimously agreed by friend and foe alike, good moral qualities were to be found at the highest degree in his personality, and that, in accordance with the testimony of all his dealings and actions, attributes and character of the greatest excellence were apparent in the way he performed his duties and proclaimed Islam, and, in accordance with the fine qualities and conduct enjoined by the religion of Islam, laudable virtues of the highest order were to be found in the law he brought.³⁵

Thus, Nursi was a moral realist, believing that there are moral truths that can be perceived. For him, virtues and ethics were not a matter of invention or cultural evolution. Rather, they were universal and it was the duty of humanity to seek them out. To successfully discover the truth in ethics and what the Creator intended for us, we should study the Qur'an and apply its moral insights to our situation.³⁶

Said Nursi also highlighted a huge difference between secular and religious ethics in relation to being virtuous. Secular moralists claim that people do good for the sake of doing good. From the religious point of view, however, people do good because it is ordered by God, and every command of God has its own wisdom, which is categorised in Islamic scholarship as the objectives (*maqasid*) of the shariah. On several occasions, Nursi explained the wisdom behind personal morality and called for righteous living and virtuous habits. While evaluating the Qur'anic verse "eat and drink, but waste not by excess" (7:31), Nursi developed seven points, of which the last stresses the tragic consequences of 'greed'. Greed, stated Nursi, leads to dissatisfaction, frustration, and a lack of religious faithfulness:

Greed destroys sincerity and damages actions in regard to the Hereafter. For if a God-fearing person suffers from greed, he will desire the regard of others. And someone who considers the regard of others cannot have complete sincerity. This consequence is extremely important and worth noticing. Excess and wastefulness lead to lack of contentment. And lack of contentment destroys enthusiasm for work; it causes laziness, opens the door to complaining about life, and makes the dissatisfied person complain continuously. Also it destroys sincerity, and opens the door to hypocrisy. And it destroys self-respect, and points the way to begging.

Nursi argued that man is destined for eternity, for either everlasting happiness or perpetual misery. On the Day of Judgment, he will receive either reward or punishment.³⁸ In order to reach everlasting contentment, man's most fundamental need is religion, or the need to differentiate good from evil, to recognise and worship God and obey His laws. The main aim of mankind in this world is to establish a 'true' (virtuous) civilisation founded on the positive truths of revelation. According to Nursi, true civilisation should comprise the real happiness of all, or at least the majority.³⁹

Nursi described the fundamental principles of 'true' civilisation in Islamic terms:

The principles of Qur'anic civilisation are positive. Its wheel of happiness turns on five positive principles: its point of support is truth instead of force, and the constant mark of truth is justice and balance. Security and well-being result from these, and villainy disappears. Its aim is virtue instead of self-interest, and the mark of virtue is love and mutual attraction. Happiness results from these, and enmity disappears. Its principle in life is co-operation instead of conflict and killing, and its mark is unity and solidarity, and the community is strengthened. Its service takes the form of guidance and direction instead of lust and passion. And the mark of guidance is progress and prosperity in way of benefitting humanity. The spirit is illuminated and reflected in the way it requires. The way it unifies the masses repulses racialism and negative nationalism. It establishes in place of them the bonds of religion, patriotic relations, ties of class, and the brotherhood of belief. The mark of these bonds are sincere brotherhood, general well-being; defense in the case of external aggression.⁴⁰

According to Nursi, modern Western (especially European) civilisation acts contrary to the fundamental laws of the revealed religions. For that reason, its evils have come to outweigh its virtues, its errors preponderate over its benefits, and general tranquility and a happy worldly life (the true aims of civilisation) have been destroyed.⁴¹ Western civilisation has been founded on five negative principles:

Its point of support is force instead of right, and the mark of force is aggression and hostility, and their result is treachery. Its goal is mean self-interest instead of virtue, and the mark of self-interest is rivalry and dispute, and their result, crime. Its law of life is conflict instead co-operation, and the mark of conflict is this: contention and mutual repulsion, and their result, poverty. Its principle for relations between peoples is racialism, which flourishes through harming others and is nourished through devouring others. The mark of negative nationalism and racialism is ghastly clashes, disastrous collisions, and their result, annihilation. The fifth is this: its alluring service is to excite lust and the appetites of the soul and facilitate the gratification of whims, and their result is vice. The mark of lust and passion is always this: they transform man into a beast, changing his character; they deform him, perverting his humanity.⁴²

Interestingly, when Nursi identified Western civilisation as “low”, he did not criticise its whole foundations, virtues, and values. In fact, Nursi saw two

different faces to modern Europe. His famous statement “Europe is two” refers to the distinction he made between a “first Europe”, based on the original teachings of Christianity, and a ‘second Europe’, which was corrupt and harmful, a “low” civilisation founded on naturalism, secularism, and atheism.⁴³ As Tomas Michel observed, Nursi focused mainly on the “second Europe” because he had no quarrel with the first, which retained the values of faith, justice, and social harmony. He was concerned rather with warning people about what was involved in modern civilisation so that they could take the necessary measures to withstand its dangerous charms. He was seeking to refute the false claims of a corrupt Europe and lay bare its harmful philosophical infrastructure.⁴⁴ Accordingly, the role of religion in society for Nursi was the main criterion to judge whether that society and civilisation were either virtuous or dissolute.

Secularism and Traditional Islamic Education

The preceding discussion indicated that, in order to establish a healthy and virtuous society, collective and individual morality and identity should be based on religious values. In this regard, education plays a vital role; those scholars who point towards the negative influence of secularism on Muslim societies often raise questions about the perceived inability of a secular education to inculcate the right personality development.

The Tanzimat (Reorganisation) reforms carried out by the Ottoman state from 1839 to 1876 with the definite purpose of preventing its decay, resulted in the emergence of new secular schools, largely in Istanbul. It also involved sending students to Europe, resulting in the flow of European ideas into Ottoman lands. Very soon, a separation between religious and modern styles of education, with completely dissimilar syllabi, started to occur. Yet, the actual secularisation process only began with the establishment of the Turkish Republic in 1923, when secular education became compulsory. This resulted in a sharp separation between religious and modern styles of education, often pushing religious institutions into the corner.⁴⁵

By contrast, Said Nursi’s concept of education was based on a belief in God. As Vahide observes, when Nursi perceived the intended, ultra-secular course of Turkey’s new leadership, he decided to devote himself to finding a new way to serve the cause of Islam. He had foreseen the danger emanating from the uprooting of Turkey’s Islamic educational system and the negative consequences of secular education on both society and individuals. Hence, Nursi thought he should concentrate all his resources on the question of faith, as taught by the Qur’an, focusing on its revitalisation and strengthening.⁴⁶ He sought to address

the ordinary people, to renew their belief, educate them, and raise their religious consciousness. Thus, in the *Risale-i Nur*, Nursi sought to challenge the idea of secularism in order to preserve Islamic belief and practice. He argued that, “If one Muslim is out of [the] circle of Islam, he or she turns into an apostate and anarchist and become[s] a poison to the society.”⁴⁷ For Nursi, Islamic teachings were fundamental to achieving social comfort and peace as they avoided social problems, such as anarchy and terror. Ultra-secularism, on the other hand, may create misery for both society and the individual.⁴⁸

It is worth noting that Nursi did not oppose teaching contemporary science with *ma’nah al-harfi* (literal meaning). Rather, he was opposed to the existing educational system in the Muslim world. When he stayed in Van in 1895/6, for example, Nursi realised that classical *kalam* (doctrinal theology) as taught in traditional *madrasah* was incapable of answering the doubts and criticisms being raised about Islam. Nursi thus began advocating the urgent necessity of reforming *madrasah* education and updating the Islamic sciences in light of modern advances in knowledge. This brought him to Istanbul in 1907, with a proposal for educational reform. At the heart of Nursi’s proposal lay the reconciliation of the then education system’s three main branches: the *madrasahs*, *mektebs* (new secular schools), and *tekkes* (Sufi establishments).⁴⁹ To achieve this goal, Nursi proposed establishing al-Zahra, a *madrasah* where both religious and modern sciences would be taught side-by-side. This institution would accordingly play a central role in reconciling the sciences of philosophy and religion, making peace between European civilisation and the truths of Islam.⁵⁰ However, Nursi’s vision for al-Zahra was never realised; his efforts at educational reform resulted in his detention in a mental hospital, later replaced by imprisonment.

For Nursi, there was no enmity between science and faith; both were allies in building human civilisation. He did not therefore oppose studying modern science. Rather, he harshly condemned the existing *madrasah* system for not doing so, thereby producing ‘*ulama*’ who believed religion and modern science clashed. This false idea, as Nursi believed, caused feelings of hopelessness and despair, shutting the door of progress and civilisation. Thus, in his *Risale-i Nur*, Nursi aimed to offer an explanation of Islam that was relevant to twentieth-century humanity, addressing both intellect and inner faculties.⁵¹ In fact, science was the central point in his educational philosophy. According to Nursi, science should serve the cause of Islam and the ultimate goal of the Creator, and thereby be guided by faith. In his early writings on the relation between Islam and modern knowledge, Nursi pointed out that, “Islam is the master and guide of the sciences, and the chief and father of all true knowledge.”⁵² Later, in his *Risale-i Nur*, he confined this elevated role to the Qur’an, claiming that the Qur’an contains the “index of the sciences and branches of knowledge.”⁵³

Nursi accordingly acknowledged the positive role modern scientific achievements had in enriching Islamic knowledge and teachings; he considered the learning of secular science to be compulsory. He was concerned, however, that negative ideas like secularism, atheism, nationalism, and communism were making inroads into Muslim communities through contact with Western education. Thus, Nursi suggested filtering out such destructive ideas by differentiating between two different channels of modern education: one mediated through religious schools capable of purifying education of rancour and hatred, and a second that came directly from the West and was polluted and cloudy. This last channel had a negative effect on some minds and must therefore pass, as Nursi believed, through the filter of shariah.⁵⁴

In sum, science was central to Nursi's conception of education. He called upon his compatriots to teach religious and contemporary sciences side-by-side, without any sharp distinction between them. He believed that faith played the main role in education, while science should serve the betterment of humanity.

Identity and Social Order

Secular education in the Muslim world has created a confused identity. During the Ottoman period, Islam provided a strong cohesive identity for Muslims. The absence of an adequate religious system in the Republic of Turkey, however, which could train Muslims from different ethnic groups to see themselves as part of a broader united *ummah* (community), resulted in social divergence. Thus, Ismail and Tekke related high levels of social conflict to an identity crisis caused by secularisation.⁵⁵ Likewise, al-Attas stated that making secularism central to the modern Muslim world goes against Islamic values and practice. For modern youth, traditional values no longer serve a purpose, having lost their meaning. This creates a crisis of identity and corresponding lack of contentment. The values measuring success and happiness are now those promoting secular and materialistic achievements, and so youth strive and relentlessly compete among themselves to gain high places on the social ladder. This struggle, as al-Attas observed, results in a weakening of mental and intellectual capacity, often causing a crisis of identity in the minds of Muslim youth.⁵⁶ Such inner dilemmas may bring additional undesired negative consequences, such as social unrest, as indeed we see in many modern Muslim societies.⁵⁷

By understanding the destructive consequences of a secular education system for both individuals and social order, Nursi clearly underlined how, "without religious education, Muslims cannot be governed except by means of absolute despotism and absolute bribery."⁵⁸ He further explained that, "for just as up

to the present no Muslim has ever become a true Christian or Jew, they rather become irreligious and completely corrupted; so a Muslim cannot become a communist; he turns into an anarchist and can be governed by nothing other than absolute despotism.”⁵⁹ For Nursi, Muslim identity should be based on Islam and maintained through education. This was one of the main challenges of his time.

In his *Risale-i Nur*, Nursi interpreted the negative type of nationalism that provides the basis for modern identity as being equivalent to racism, strongly condemning it as an artificial concept that destroys harmony in society, resulting in inequity and injustice. According to him, it destroys true human civilisation and ruins social progress. Nursi regarded it as something “inauspicious, and harmful, it is nourished by devouring others, persists through hostility to others, and is aware of what it is doing. It is the case of enmity and disturbance.”⁶⁰ For him, nationalism was responsible for spreading discrimination, rivalry, and injustice in society. In his *Letters*, he affirmed that the principles of racism and nationalism do not follow justice and right; they impose tyranny towards other races. A ruler of racist leanings, said Nursi, prefers those of the same race and cannot act justly. Therefore, “the bonds of nationalism may not be set up in place of the bonds of religion; if they are, there will be no justice; right will disappear.”⁶¹ Nursi consequently uttered:

O my Turkish brother! You watch out in particular! Your nationhood has fused with Islam and may not be separated from it. If you do separate them, you will be finished! All your glorious deeds of the past are recorded in the book of Islam’s deeds. Since these glorious deeds cannot be effaced from the face of the earth by any power, don’t you efface them from your heart due to the evil suggestions and devices of Satan!⁶²

Nursi repeatedly asserted that Muslims had only one national identity: the *ummah*. In order to withstand European domination and the divisive influence of negative nationalism, Muslims should unite around this common sense of identity. He considered the unification of Muslims around the notion of an *ummah* to be the only force capable of imparting equality, justice, and security to all Muslims, regardless of ethnicity, financial background, or social difference. While deliberating on the possible remedies for Muslim backwardness, failure, despair, and weakness, Nursi stated in *Emirdag Lahikası*, “Against these terrible forces of destruction, only and solely the Islamic Unity surrounding the truths of the Qur’an can endure. And it is the only way to save this land from the occupation of foreigners and this nation from falling into anarchy, and the means to save mankind from these dangers.”⁶³

Nursi strongly believed that the present-day social order, based on racism, conflict, and aggression, would eventually fall apart. Then true civilisation, founded on the positive truths of revelation, would emerge.⁶⁴ As for Islam, Nursi was very optimistic about its positive role in building such a true civilisation; Islam had the capacity to progress and contained everything necessary to achieve true civilisation. Nursi assumed that, “God willing, through the strength of Islam in the future, the virtues of civilisation will prevail, the face of the earth will be cleansed of filth, and universal peace will be secured.”⁶⁵ In sum, Nursi felt the main remedy for present-day hostilities and antagonism was a system based on revealed principles, propagating global peace, unity, compassion, solidarity, and actual progress.

Conclusion and Recommendations

After exploring the thought of Nursi on secularism and its impact on identity, ethics, and social stability, this paper proposes the following concluding remarks. Firstly, although Nursi lived during a period when the power of secularism was absolute, including in Turkey, he strongly believed in the ability of Islam to reshape the future of humanity. He strongly believed that Islam and its truths possessed the perfect capacity for progress, both materially and morally.⁶⁶ Yet, at the same time, Nursi did not merely advocate traditional or conservative ways of life. Nursi was a man who strongly advocated reform and change for the betterment of humanity. When the Young Turk insurrection of 3 July 1908 succeeded, for example, Nursi delivered his famous speech in support of the movement, *Address to Freedom*, in front of thousands of politicians and supporters of the Committee of Union and Progress in Freedom Square, Salonica, the centre of preparations for the coup. A few years later, Nursi again stated that freedom and constitutionalism were the keys to a successful Muslim world.⁶⁷ But, for him, Islam was the ultimate truth and basis for all social merit and political principle. He therefore urged the rulers of Turkey not to sacrifice religion for the sake of this world.

Secondly, Nursi believed that a faith-based approach to diversity and conflict was necessary to establish a secure and balanced world. Nursi believed that, since Turkey’s disease was weakness in religion, it would only regain its health by strengthening its faith commitment.⁶⁸ To this end, he emphasised the importance of religious education, which would nurture the spiritual aspects of a Muslim’s life. He was one of the scholars in Turkey who comprehended the harm secularism posed to individual lives, prompting him to suggest ways to save the faith of Muslims. Thus, he called upon his compatriots to teach religious and contemporary sciences side-by-side, without drawing any distinction between

them. Although this made both fields compulsory, Nursi argued that religious knowledge should underpin education.

Third, Nursi was an advocate of pluralism, arguing that all citizens, regardless of ethnic or religious background, should be respected, nurtured, and protected. In his *Risale-i Nur*, Nursi demonstrated that only a system based on revealed religion, not man-made ideology, could create such a pluralistic society and, thereby, the right civilisation. Thus, Nursi championed Islamic revivalism, calling upon Muslims to realise the ability of their religion to establish the right civilisation. Throughout his life, Nursi strived to demonstrate the pluralist and all-embracing nature of Islam.

Fourth, Nursi argued that a healthy and virtuous society can only be established if its morality and identity are constructed upon religious values and principles. For Nursi, the role of religion in society was the main criterion for judging whether the latter was virtuous or dissolute. Secular approaches, by underplaying the significance of religion as a source of ethics and morality, would never establish a strong social order.

Fifth, secularism in Turkey is not, as is sometimes depicted, about the success of modernisation and progress in the Muslim world. Secularism in Turkey is about conflict and discrimination against the religious rights of its citizens. Neither is Turkey an isolated case: secularism has consistently failed to provide religious freedom wherever it has been applied. But, while the Western-style secular system in Turkey did negatively affect the country's Islamic life, Turkish Muslims still preserve their Islamic culture and identity, with a massive public resurgence in Islam being evident over recent years.

Finally, the paper proposes the following policy recommendations:

- Ultra-secular educational and governance systems have failed to establish social order in Muslim communities. In order to establish a healthy and virtuous Muslim society, collective and individual morality should be based on Islamic values and principles, which are comprehensive, permanent, and appropriate for the Muslim context. Secular values and principles, on the other hand, are shaped by Christian European civilisation and the Enlightenment.
- In Islam, the Qur'an is the ultimate source of ethical reflection. In order to accumulate contemporary ethical guidance from the Qur'an, Islam should be explained in a way that is relevant for the twenty-first century.
- Attention should be paid to the importance religious education has for nurturing the spiritual aspects of Muslim individuals. Thus, religion and contemporary science should be taught side-by-side, without any sharp

distinction between them. While faith and religious knowledge should play the main role in education, science should serve the betterment of humanity.

- Education should be re-focused towards morality and universal values. It should aim to develop intellectual, social, creative, spiritual, and physical capacities. The components of morality should therefore be brought into educational syllabi. Forthcoming educational systems should be capable of training modern youth to be happy, contented, responsible, and dynamic.

Notes

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This paper was prepared with the support of the IIUM Collaborative Research Initiative Grant Scheme (C-RIGS), under the project “Construction of a Moral Values Education Course Module for Pre-Service Teachers” (ID: C-RIG18-005-0005).

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52. Said Nursi, *Muhakemat*, as quoted in Vahide, *Islam in Modern Turkey*, 45.
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THE ROLE OF ZAKAT IN OVERCOMING INFLATION AND UNEMPLOYMENT: REVISITING THE TRADE-OFF THEORY

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Abstract: The present study aims to examine the role of *zakat* in addressing unemployment and inflation, while also revisiting A.W. Phillips' trade-off theory. The study adopts a qualitative methodology, using library research to critically analyse how *zakat* could address unemployment and inflation. The study argues that the optimal application of *zakat* could overcome the issue of unemployment while maintaining price stability. This is true since *zakat* can be distributed in two forms: consumptive and productive. Therefore, an increase in aggregate demand will always be followed by a rise in aggregate supply; the distribution of *zakat* in the consumptive form will increase aggregate demand, while the distribution of *zakat* for a productive purpose will increase aggregate supply. An increase in aggregate demand would in turn increase production, thus absorbing more labour as a result. This is where *zakat* addresses unemployment. On the other hand, a rise in aggregate demand will initially inflate the aggregate price. However, since the increase in aggregate demand is simultaneously followed by an increase in aggregate supply due to the distribution of *zakat* in its productive form, the price remains stable. Aggregate demand and aggregate supply cross at an equilibrium point. More importantly, the price is stable while the quantity of production is at its highest level. The findings of the study serve as a reference point for regulators formulating fiscal policy embedded in the *zakat* system.

Keywords: *Zakat*, Inflation, Unemployment, Trade-off, A.W. Phillips, Fiscal Policy

Introduction

Inflation and unemployment have become major macro-economic issues in many countries for two reasons.¹ Firstly, inflation and unemployment are the two most common economic indicators of how well a country is doing. Secondly, inflation and unemployment bring about an adverse impact on both developing and developed countries.

Many macro-economic studies explain how government policies address both inflation and unemployment. Many governments and policymakers have introduced policies, strategies, and models addressing both issues, and which conclude that inflation and unemployment cannot be overcome simultaneously. If the focus of a government policy is price stability, unemployment rates will increase and vice versa. This is known as the trade-off theory, introduced by A.W. Phillips in 1958.² In his article, 'The Relation between Unemployment and the Rate of Change of Money Wage Rates in the United Kingdom, 1861–1957,' Phillips concluded: "when the demand for a commodity or service is high relative to the supply of it we expect the price to rise, the rate of rise being greater the greater the excess demand. Conversely, when the demand is low relatively to the supply we expect the price to fall, the rate of fall being greater the greater the deficiency of demand."³ However, Phillips' theory began to collapse when many developed countries in the 1970s and Asian countries in 1997 suffered from both high unemployment and inflation due to financial crisis.⁴ The question thus brought to the fore was: if Phillips' theory collapses when inflation and unemployment are concomitantly moving in a negative direction, is there any instrument that could address both inflation and unemployment simultaneously?

This article argues that *zakat*, the third pillar of Islam, can play a significant role in addressing both inflation and unemployment simultaneously. The potential size of annual *zakat* collections worldwide is enormous, being estimated at between US\$200 billion and US\$1 trillion.⁵ The World Bank and the Islamic Research and Training Institute (IRTI) of the Islamic Development Bank (IDB) estimate that the global potential of *zakat* is US\$550-600 billion per year. Nevertheless, official *zakat* institutions worldwide currently only collect US\$10-15 billion every year.⁶ As a sub-system of Islamic teachings, however, the optimal application of *zakat* could resolve the issue of unemployment while maintaining price stability. This is particularly true since the nature of *zakat* distribution addresses not just consumption, but also production. Consequently, an increase in aggregate demand will always be followed by an increase in aggregate supply; thus an equilibrium point is maintained.

Many studies have examined the impact of *zakat* on economic growth,⁷ while others explore the role of *zakat* in poverty alleviation.⁸ By contrast, a cursory review of the existing literature demonstrates that, to the best of the authors' knowledge, nothing has been written about the role of *zakat* in addressing both inflation and unemployment. This paper, therefore, aims to fill that gap in the existing literature. Following this brief introduction, the paper is organised as follows. After a review of the concepts of *zakat*, inflation, and unemployment, the paper examines past studies relevant to the subject in question, before

proceeding to delve into how *zakat* can impact both inflation and unemployment. This final part of the paper will also shed critical light on how the concept of *zakat* revises Phillips' theory. The concluding part of the paper presents a set of policy recommendations.

Literature Review

Zakat

Zakat comes from the Arabic word *zaka*, meaning 'to grow, increase, and purify.' Ibn Taymiyyah said: "the soul of the person who pays *zakat* becomes purified from greed and avarice, and the blessings in his wealth increase."⁹ Legally, *zakat* refers to the transfer of a portion of wealth to one or more rightful recipients (*asnaf*), as outlined in the Qur'an.¹⁰ As the third pillar of Islam, *zakat* is obligatory on every Muslim who owns assets of a minimum amount set by shariah (the *nisab*) and that is possessed for a year (*haul*).

The distribution of *zakat* is restricted to eight categories of beneficiary:¹² the poor (*faqir*), the needy (*miskin*), *zakat* personnel (*amil*), people whose hearts are inclined towards Islam (*mu'allafah qulub*), those in bondage (*fi al-riqab*), indebted people (*gharimin*), wayfarers (*ibn al-sabil*), and those in the path of Allah (*fi sabilillah*). The sources of wealth subject to *zakat* include: livestock, gold, silver, agricultural products, animal products, minerals, business inventories, capital goods, and the earnings of workers and professionals. The conditions for *nisab*, *haul*, and the rates of *zakat* vary across these categories. For instance, the *zakat* on agricultural products need not necessarily meet the condition of *haul* as it is levied immediately upon harvest. The rate also varies, being 10 per cent for crops watered naturally and 5 per cent for those watered artificially. Meanwhile, the rate of *zakat* on business inventories is set at 2.5 per cent of net asset value during the prevailing year.

Apart from its spiritual and moral dimensions, *zakat* is part of the socio-economic system of Islam. *Zakat* stimulates the economy by allowing the poor (*faqir*) and needy (*miskin*) to become economically productive. By instituting *zakat*, Islam prevents the widening of the gap between rich and poor, allowing a certain portion of the income of the wealthy to be channeled to the have-nots. *Zakat* can also be used for various additional socio-economic purposes, like education, healthcare, social welfare, and promoting the productivity of the poor. Therefore, from an economic point of view, *zakat* serves as an effective measure in the socio-economic system of Islam.

Inflation

Inflation refers to a substantial and consistent increase in the general price level of goods and services over the long term.¹³ In other words, inflation is a process of continuous decrease in the value of currency. It is a process, not merely a high or low price level at a point in time. A high price level does not necessarily indicate inflation. It can only be considered inflation if there is a persistent increase in the general price level over time.¹⁴

In conventional economics, two diametrically opposed views exist concerning the sources of inflation, the Keynesian and the Monetarist. The Keynesian school recognises three types of inflation: demand-pull inflation, cost-push inflation, and expected inflation.¹⁵ Demand-pull inflation occurs when aggregate demand for goods and services exceeds aggregate supply. Cost-push inflation is an increase in aggregate price level due to a decline in aggregate supply, thus increasing production costs. Theoretically, if productivity decreases, aggregate supply drops and price levels increase.¹⁶ Expected inflation is an aggregate increase in price level in tune with expectations about the overall price of goods and services over a certain period.¹⁷ In contrast to these three categories, the Monetarist school acknowledges only one determining factor in inflation: excessive money supply. Therefore, a government can control inflation either by easing or tightening money policy.

In Islam, inflation is defined as an increase in general price levels due to excessive money supply.¹⁸ Al-Maqrizi (766-845AH/1364-1441CE), a Muslim economist who was a disciple of Ibn Khaldun, divides the root causes of inflation into two: natural inflation and human error inflation.¹⁹ Natural inflation results from natural factors a government cannot control. It is caused by either an increase in aggregate demand or a decrease in aggregate supply. An increase in aggregate demand for goods and services pulls up demand for production, which in turn causes an increase in production costs/prices. At this juncture, in full employment situations, inflation occurs due to an increase in aggregate demand. In a conventional economy, this is called demand-pull inflation. Similarly, a drop in average production levels would also push up price levels due to an increase in aggregate demand. In a conventional economy, this is called cost-push inflation. In a nutshell, therefore, natural inflation originates from either excessive money supply or a decrease in production due to natural disasters, wars, or embargoes.²⁰ Apart from natural factors, inflation can also be triggered by human factors, such as corruption and bad administration, excessive taxes, and excessive seignorage.²¹

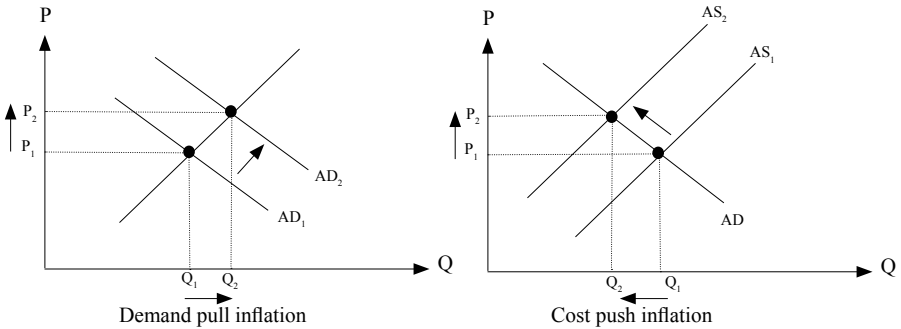


Figure 1: Types of Inflation

Source: Karim, 2004

Unemployment

The word ‘unemployment’ did not come into use until the end of the nineteenth century; according to the Oxford English Dictionary, the term was first used in 1895. Etymologically, ‘unemployment’ signifies a state of involuntary idleness, where a person remains jobless for various reasons over a certain period. The International Labour Organisation passed a resolution in 1982 that an individual is deemed unemployed if he/she is jobless for a particular period, despite being available for work and actively seeking a job.

Generally, there are three forms of unemployment:²²

1. Frictional unemployment, or when workforces are temporarily unemployed or not working. This may be due to persistent movement, whether from one area to another or one job to another, or due to different stages in life cycle.
2. Structural unemployment, or a situation where there is a mismatch between demand and supply for a workforce. This mismatch might emerge when demand for certain types of labour either increases or diminishes. While structural unemployment is also a form of frictional unemployment, it normally lasts longer.
3. Cyclical unemployment, which occurs due to a decrease in demand for goods and services, causing a drop in production, often resulting from economic recession. In response, employers might reduce their workforce.

The Phillips Theory

Inflation and unemployment are major economic problems in both developing and developed countries. Theoretically, the two problems cannot be resolved concurrently as pushing a country's economy into full employment will invoke inflation. This is because economic development requires investment in infrastructure projects; government spending on investment increases demand for goods and services, which in turn increases production and, ultimately, employment. This again causes an increase in demand for goods and services, inflating general price levels.

On one level, governments can increase interest rates to reduce inflation. When interest rates rise, investors are reluctant to invest their money in the real sector, preferring to place it in financial institutions. As a result, money circulation reduces, aggregate demand falls, the economy slumps, and the price of goods and services decreases. Yet, unemployment rates will increase under these circumstances because employers reduce their workforces due to drops in aggregate demand. This is what economists call a trade-off.

As mentioned, the trade-off theory linking inflation with unemployment originated with British economist, A.W. Phillips. His study examined the relationship between unemployment rates and inflation in England between 1861 and 1957. The study found a negative relationship between unemployment and inflation; if inflation was low, unemployment was high, and vice versa.²³ This theory was further examined and substantiated by Samuelson and Solow, using empirical data from the United States covering the period 1900 to 1960.²⁴ The Phillips theory is illustrated by the following curve, known as the Phillips curve:

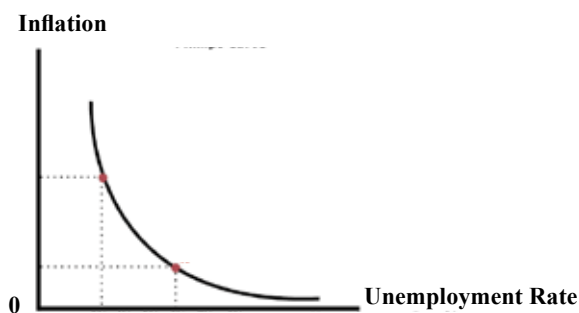


Figure 2: Phillips Curve

Source: Phillips, 1958

The horizontal line represents the workforce unemployment rate, the vertical line inflation. With low unemployment, inflation is high. If inflation is low, unemployment is high.²⁵

Previous Studies

A cursory review of the available literature reveals several studies examining the impact of *zakat* on economic growth, public welfare, and poverty alleviation.²⁶ For example, Sarea explored *zakat* as an indicator of economic growth, arguing that it can contribute to economic development in terms of poverty alleviation and reduction of both unemployment and inflation.²⁷ Furthermore, Mahat and Warokka, using macro-economic data from 19 Muslim countries produced between 2004 and 2010, concluded that *zakat* is a powerful, implementable economic growth policy.²⁸

Yusoff, examining panel data from the 14 states in Malaysia, discovered that both *zakat* and education play a significant role in GDP (Gross Domestic Product).²⁹ In a similar vein, Azam et al. discovered that *zakat* has a positive impact on economic development in Pakistan. In particular, micro evidence suggests that *zakat* impacts positively and significantly on household welfare, while macro analysis indicates a positive effect on economic growth.³⁰ In contrast, Khasandy et al. found that *zakat* distribution in Indonesia did not contribute significantly to economic growth or social welfare.³¹

Other studies have examined the impact of *zakat* on poverty alleviation.³² For instance, Hassan and Ashraf argue that both theoretical and empirical evidence substantiates *zakat*'s role in poverty alleviation. Theoretically, the object of *zakat* is to facilitate socio-economic justice, "so that the wealth may not (merely) make a circuit between the wealthy among you."³³ In this context, poverty alleviation is the main priority of *zakat*, with the poor and needy being the most important category of eligible recipient (*asnaf*).³⁴ It is not permissible, for example, to distribute *zakat* funds to the army while the poor and needy require food, shelter, and other necessities.³⁵ Metwally argued that *zakat* distribution increases purchasing power and consumption among the poor.³⁶

Empirically, Abdullah et al. used the BNDI (Basic Need Deficiency Index) to argue that *zakat* distribution can reduce poverty and inequality in Pakistan.³⁷ In a similar vein, Raimi found that *zakat* and *waqf* models serve as sustainable social safety nets in Nigeria,³⁸ with Hashem discovering a similar pattern in Egypt.³⁹ Sheikh and Ismail, meanwhile, concluded that *zakat* is supportive of sustainable goals (SDGs), including alleviation of: poverty, hunger, ill health, education inequality, unemployment, poor economic growth, and income inequality.⁴⁰ A study by Noor also confirmed that *zakat* is a powerful tool for attaining SDGs.⁴¹

Although these studies cover the role of *zakat* in economic growth, poverty alleviation, financial inclusion, and the attainment of SDGs, to the best of the current authors' knowledge, no study examines the role of *zakat* in addressing inflation and unemployment. The present paper therefore aims to fill that gap, examining the impact of *zakat* distribution on inflation and unemployment, while also revisiting A.W. Phillips' trade-off theory.

Discussion

The Role of *Zakat* in Controlling Inflation

Zakat can control inflation via two analyses: quantitative and qualitative.

Firstly, a quantitative analysis can address natural inflation. This type of inflation occurs due to a mismatch between aggregate demand and aggregate supply. In this context, as a fiscal instrument, *zakat* plays an important role in income and wealth distribution, stimulating consumption. While governments can allocate *zakat* funds to all eight eligible recipients (*ashnaf*) as prescribed by shariah, the poor and needy take priority. From a *zakat* perspective, the structure of society is divided into three classes:⁴²

1. *Muzakki*, or those with an excess of assets who are obliged to pay *zakat*. They have a spending pattern as follows:

$$FS = C - Z + In + Sh + Wq \dots\dots\dots (1)$$

where FS is final spending, C consumption, Z *zakat*, In *infaq* (spending), Sh *sadaqah* (alms), and Wq *waqf*.

2. Middle classes, or those who are neither recipients nor payers of *zakat*. They have spending patterns as follows:

$$FS = C + In + Sh \dots\dots\dots (2)$$

3. *Mustahiq*, or those who are eligible to receive *zakat*. They have two expenditure patterns:

1. $FS = Z$ where $Z = C \dots\dots\dots (3)$

2. $FS = Y + Z \dots\dots\dots (4)$

where *Z* is *zakat*, *C* consumption, and *Y* income. The first model signifies consumption that originates entirely from *zakat*. This category includes *faqir*, *ibnu sabil*, and *fi sabilillah*. The second model refers to the poor and needy, or those who have an income, but one that is insufficient to meet their basic needs. In this situation, their final spending exceeds their income level, making them eligible for *zakat*.⁴³

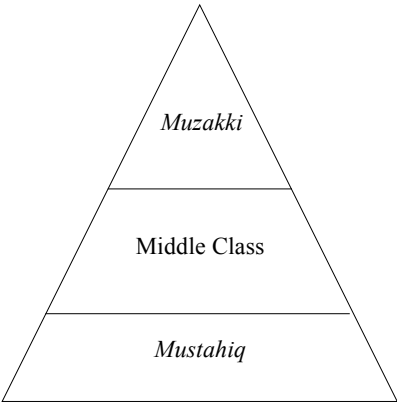


Figure 3: The Structure of Society from a *Zakat* Perspective
Source: Abu Ubaid’s *al-Amwal*.⁴⁴

It is noteworthy that *zakat* not only aims to meet the basic needs of the poor, but also strives to enhance their productivity so they can meet their own needs. During the Prophet’s lifetime, the distribution of alms therefore took the form not only of consumptive substance, but also productive capital. As a result, a *mustahiq* can elevate his status to the middle class and, eventually, *muzakki*. Thus, the above structure is expected to change into Figure 4:

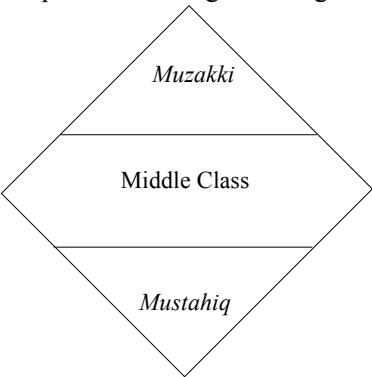


Figure 4: The Ideal Structure of Society from a *Zakat* Perspective
Source: Abu Ubaid’s *al-Amwal*.⁴⁵

The distribution of *zakat* will therefore increase *mustahiq* income and purchasing power. In other words, according to Metwally, *zakat* will increase the consumptive power of *mustahiq*.⁴⁶ The following graph illustrates the impact of *zakat* on consumption:

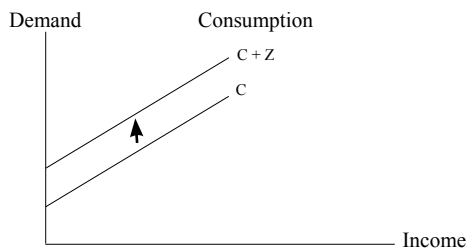


Figure 5: Impact of *Zakat* on Consumption
Source: Metwally (1992)

The transfer of wealth from the rich to the poor therefore increases the latter's consumption; Line C of the curve consequently shifts upward to C+Z after inclusion of *zakat*. The distribution of *zakat* has, therefore, a significant impact on aggregate demand, as illustrated in Figure 6:

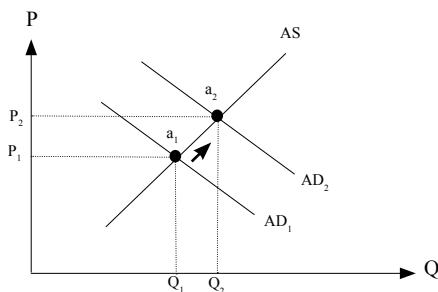


Figure 6: Impact of *Zakat* on Aggregate Demand
Source: Authors

An increase in income through *zakat* elevates the level of aggregate demand from AD_1 to AD_2 , thus shifting the equilibrium from a_1 to a_2 . At a glance, *zakat* therefore increases the price level from P_1 to P_2 due to a rise in aggregate demand. However, the distribution of *zakat* also increases productivity because it is distributed in both consumptive and distributive forms. Therefore, an increase in aggregate demand is concurrently followed by an uptrend in aggregate supply. An increase in aggregate supply will raise the output ($Q \uparrow$) and pull the price

(P) down. This corresponds to the law of demand and supply: the more goods are produced, the lower their price. Conversely, the less goods are produced, the higher their price. The impact of *zakat* on price stability is depicted in Figure 7:

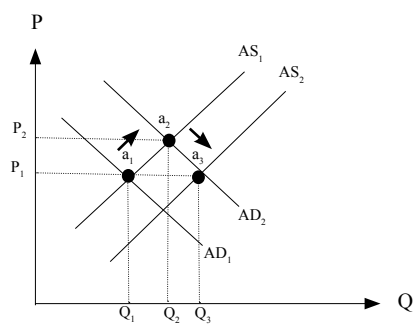


Figure 7: Impact of *Zakat* on Price Stability
Source: Authors

Figure 7 illustrates the effect of *zakat* on a macro scale. The initial equilibrium (meeting point between AD and AS) is indicated at a_1 , where the *zakat* instrument does not function optimally. Under the influence of *zakat*, the equilibrium point shifts to a_2 (where the role of *zakat* is still not optimal) with the increase of AD_1 to AD_2 . At this point, it appears that prices hike from P_1 to P_2 . However, from the perspective of *zakat*, a rise in aggregate demand is followed by an increase in aggregate supply. Thus, the rise of aggregate supply from AS_1 to AS_2 moves the equilibrium point from a_2 to a_3 (where *zakat* works optimally). In this final equilibrium, a_3 pulls P down from P_2 to P_1 . From this we can conclude that the optimal application of *zakat* maintains price stability with an increase in Q (production quantity) from Q_1 to Q_3 at the highest level.

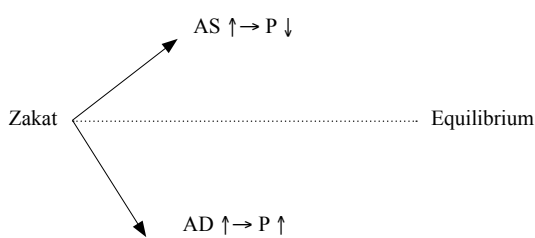


Figure 8: Impact of *Zakat* on Price Stability
Source: Authors

Turning to qualitative analysis, this uses a socio-normative approach to overcome inflation due to human factors, such as corruption, poor administration, excessive tax collection, and printing money to generate excessive profits. *Zakat* plays an important role in overcoming inflation due to human factors based on the following arguments:

1. The collection and distribution of *zakat* is based on obedience to Allah. This serves as an internal control, avoiding corruption and mismanagement among administrators.
2. *Zakat* avoids poor administration via its spirit of efficiency, as reflected in the stipulation of a *nishab* and a clear set of *zakat* rates.
3. The rate of *zakat* is stipulated by the Lawgiver. As a result, the use of *zakat* as a fiscal policy instrument and source of state revenue does not create excessive taxation, which might cause inflation.
4. Printing money to attain profit is not supported by *zakat*, which stimulates economic growth via productivity and effectiveness.
5. Human error inflation is due to incompetence and lack of integrity. *Zakat*, on the other hand, encourages skillful human resources, professionalism, and integrity. The state also serves as *amil* (*zakat* manager) to manage *zakat* funds. Important requirements for the *amil* include competence, professionalism, and high integrity.

The Role of *Zakat* in Addressing Unemployment

Unemployment arises when demand for labour is lower than the size of the existing workforce. This might be due to a lack of skilled workers or an economic downturn that shrinks production by creating low demand. *Zakat* could address the issue of unemployment through the following aspects.

1. *Increased labour supply*
Labour plays a critical role in producing goods and services. Enhancing labour expertise eventually increases labour supply, which in turn increases national output. Figure 9 illustrates the relationship between labour supply and national output:

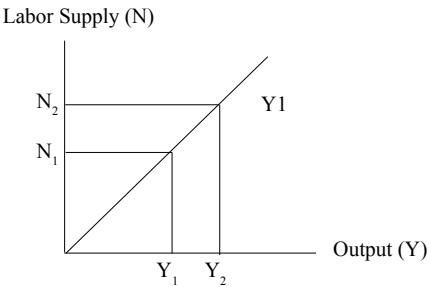


Figure 9: The Relationship between Labour Supply and National Output
Source: Sukirno (2000)

This paradigm relates to how assets can be equally distributed, including how *zakat* can shift the status of *mustahiq* to *muzakki*. In this respect, the concept of *zakat* promotes productivity. For example, self-irrigated agriculture is subject to 5 per cent *zakat*, while rain-fed agriculture (with no productive activity) is subject to 10 per cent *zakat*. Additionally, *zakat* in the Prophet’s time and under Caliph ‘Umar bin ‘Abdul Aziz was not only distributed in the form of basic needs, but also as productive capital.⁴⁷

If the labour supply exceeds demand, increased expertise will eventually recreate demand. This is consistent with the law of Say, which states that supply will create demand.⁴⁸ From the perspective of *zakat*, increased supply will always be followed by an increase in demand, and vice versa.

2. *Increased labour demand*

As a fiscal policy instrument, *zakat* could be partly allocated to infrastructure development and social facilities. Some contemporary scholars like al-Qaradawi include this objective under the category of *fi sabilillah*. Infrastructure development will create new employment and increased national income. This can be analysed using the following mathematical equation:

$$Y_0 = \frac{1}{1-b(1-t)} = (a + I_0 + G_0) \dots\dots\dots (5)$$

where Y is national income, I Investment, and G government expenditure. Increases in government expenditure (ΔG) will increase national income to:

$$Y_0 = \frac{1}{1-b(1-t)} = (a + I_0 + G_0 + \Delta G) \dots\dots\dots (6)$$

Increases in real national income (ΔY), from as much as $Y_1 - Y_0 = \Delta Y$, can be calculated as follows:

$$Y_0 = \text{---} = (a + I_0 + G_0 + \Delta G) - \text{---} = (a + I_0 + G_0)$$

Or

$$\Delta Y = \frac{1}{1-b(1-t)} (\Delta G) \dots\dots\dots (7)$$

The effect of an increase in government expenditure on fiscal policy can be further explained using the following consumption function curve:

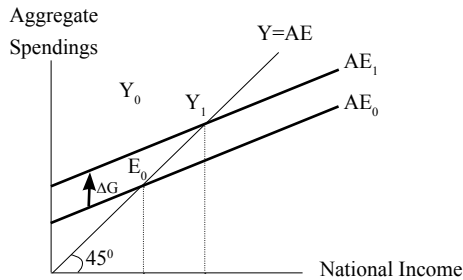


Figure 10: Consumption Function

Source: Sukirno (2000)

As indicated in Figure 10, aggregate expenditure is initially reflected by AE_0 , with the original equilibrium point at E_0 and national income at Y_0 . An increase in government expenditure of the amount ΔG will raise AE_0 to AE_1 . Thus, the new equilibrium point is E_1 and the new national income is Y_1 .⁴⁹

Based on this analysis, *zakat* expenditure for government infrastructure will increase national output. The national output signifies an increase in productivity that will ultimately increase demand for labour.

3. *Maintaining the balance between labour supply and labour demand.*

As stated earlier, unemployment emerges partly due to an imbalance between labour supply and labour demand. This issue can be overcome by increasing labour demand via incentives to create new jobs. This will reintroduce a

balance between labour demand and labour supply. To analyse this balance, we use the following labour market graph:

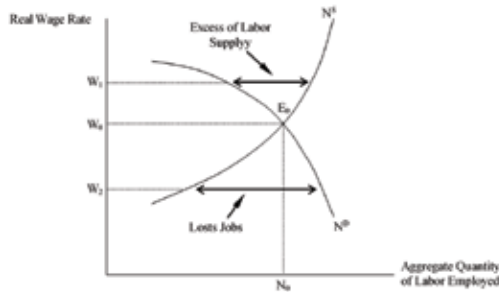


Figure 11: The Aggregate Labour Market and Effect of Minimum Wages
Source: Sukirno (2000)

Here, curve N^D represents labour demand, while N^S is labour supply. The equilibrium point of the labour market can be realised if labour demand is at par with labour supply. This condition occurs at point E_0 , where wage rate = W_0 and job level = N_0 . If the wage rate increases to W_1 , there will be labour oversupply, which means that some of the workforce will be unemployed. According to classical economists, this unemployment will decrease wage rates. This decrease in wage level will then increase labour demand, reducing labour supply. This adjustment process stops if both demand and supply for labour again reach their equilibrium point at E_0 . Conversely, if the wage rate is at W_2 , labour demand will rise. This will lead to an increase in wage levels, which in turn leads to an increase in labour supply while reducing labour demand. Eventually, the demand and supply for labour will likewise return to the equilibrium point at E_0 .⁵⁰

If we fuse this labour market law with *zakat*, we find that the latter will always pull conditions to the equilibrium point by increasing both aggregate demand and aggregate supply. This is true since *zakat* is distributed in two forms: consumptive and productive. The former will increase aggregate demand while the latter raises aggregate supply. High aggregate demand encourages producers to increase their productivity. The higher their productivity, the greater the demand for production factors, including labour. This will pull down W_1 to W_0 . Thus, an excess in labour supply can be minimised. On the other hand, *zakat* will also push up aggregate supply. This increase in goods and services signifies a rise in production, which in turn increases labour demand. This will pull down W_2 to W_0 (equilibrium point).

Revisiting the Trade-off Theory via *Zakat*

According to the trade-off theory, unemployment and inflation cannot be solved simultaneously. A country can achieve lower unemployment only if it is willing to face higher inflation rates, and vice versa. This theory is illustrated by the Phillips Curve, as shown in Figure 2 (above). The Phillips Curve illustrates a negative relationship between unemployment and inflation. But, how does this happen? In conventional economics, the Phillips Curve can be rationalised through labour market theory, as follows:

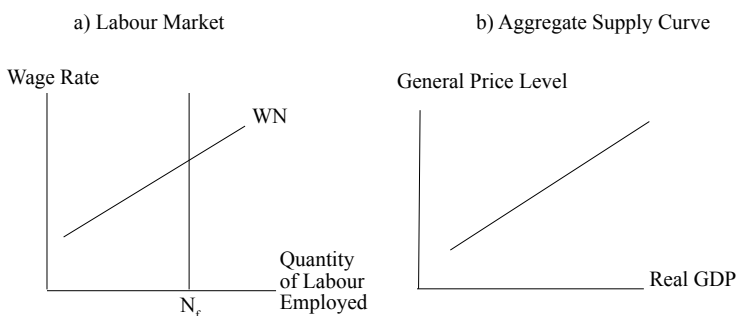


Figure 12: Labour Market and Aggregate Supply Curves

Source: Samuelson (1986) and Jacobsen and Skillman (2004)

The Phillips Curve concludes that the lower the unemployment rate, the higher the increase in wage prices. The WN (wage-employment) curve illustrates the nature of this relationship: the higher the level of employment, the higher the wage level. When this happens, the N_f in Graph (a) illustrates how increased labour costs makes production more expensive. As companies are established to make profit, higher production costs will force an increase in the price of goods, which in turn effects real GDP. In other words, if employment opportunities increase, real national production also increases, which inflates wages. A rise in wages increases production costs, which in turn raises the price of goods, as illustrated in Graph (b).⁵¹

The response to this situation is as follows: if an increase in wages also increases price levels, this signifies that, although the nominal income of workers is higher, their real income is not. This is particularly true if the increase in nominal wage is smaller than the rate of inflation. In an Islamic economy, when *zakat* is implemented optimally, this situation should not exist because an increase in productivity follows an increase in wages. This conclusion is further substantiated by productivity analysis, where price (P) is a function of total cost

(TC) divided by total production (Q), as follows:

$$P = \frac{TC}{Q} \dots\dots\dots (8)$$

If TC increases without a rise in Q, P will inflate. However, since under *zakat* an increase in Q follows a rise in TC, P remains stable. This increase in Q is the ultimate objective of *zakat*. An increase in Q via *zakat* will be due either to cost efficiency or improved labour expertise, thus increasing productivity. Additionally, Q will reach its optimal point because it is followed by an increase in aggregate demand. This indicates an increase in real wages, reflecting better welfare.

Furthermore, because price levels are associated with aggregate goods and services, we can employ Irving Fisher’s assumption that $MV = PQ = Y$, where M is money supply, V the speed of money circulation, P price level, Q the quantity of goods and services, and Y real GDP. Based on this equation, we can conclude that P will not rise when Q increases. This is because M also rises, while V remains unchanged.⁵²

On the other hand, the Phillips Curve says that decreased unemployment will increase income. An increase in income will increase aggregate demand, thus creating inflation. Figure 13 illustrates the impact of aggregate demand on inflation:

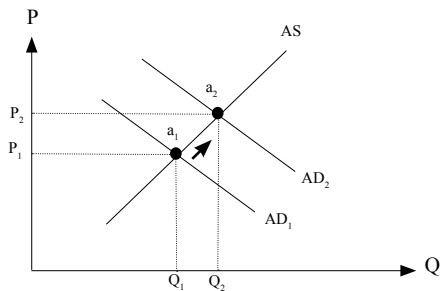


Figure 13: Impact of Aggregate Demand on Inflation
Source: Authors

As discussed, *zakat* can resolve inflation due to an increase in aggregate demand. This is because the distribution of *zakat* raises aggregate demand while also pushing up aggregate supply. The distribution of *zakat* in a consumptive form will raise aggregate demand, while the allocation of *zakat* as productive capital

will boost aggregate supply. A rise in both aggregate demand and aggregate supply will establish an equilibrium point, rendering price levels stable. In other words, when the implementation of *zakat* is optimal, prices remain stable and Q (production quantities) shifts from Q_1 to Q_3 at its highest equilibrium point, as illustrated in Figure 14:

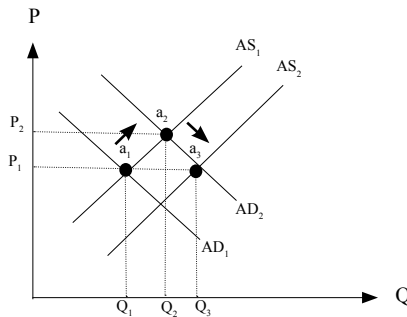


Figure 14: Impact of *Zakat* on Inflation

Source: Authors

Based on the above analysis, we can conclude that *zakat* could become the anti-thesis of Phillips' trade-off theory, with the optimal distribution of *zakat* overcoming both unemployment and inflation simultaneously.

Conclusion and Recommendations

Inflation and unemployment are the two main problems facing both developed and developing countries. On the basis of A. W. Phillips' work linking these two issues, conventional economic theory argues that these two problems cannot be solved concurrently.

This paper has argued that *zakat* could serve as the anti-thesis to Phillips' trade-off theory. The optimal distribution of *zakat* could resolve both inflation and unemployment by addressing the latter via increases in both labour supply and demand, while also maintaining a balance between these two things. *Zakat* can also control natural inflation because it is distributed in both consumptive and distributive forms, meaning an increase in aggregate supply will be followed by a rise in aggregate demand. An increase in aggregate supply raises output ($Q \uparrow$) and pulls prices (P) down. In addition, *zakat* addresses inflation due to human factors because it is based on obedience to Allah and efficiency. The system also stimulates economic growth by inspiring productivity and effectiveness. It also

encourages skillful human resources, professionalism, and integrity.

To assist *zakat* in addressing the above issues, the paper recommends the following:

1. *Zakat* be managed by the state as an integral instrument of fiscal policy.
2. *Zakat* be obligatory. In this respect, *zakat* should be administered by a dedicated ministry as a deductible variable for tax.
3. *Zakat* institutions be managed by qualified, professional, and accountable *'amil* for effective functioning.
4. *Zakat* institutions need to explore the possibility of allocating *zakat* funds for productive purposes and job creation. For example, a portion of *zakat* should be designated for development, especially in disadvantaged or remote areas. This will eventually open up more employment opportunities.

Notes

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WHY THE ‘ONE-SIZE-FITS-ALL’ SUBSIDY STRUCTURE OF TABUNG HAJI NO LONGER WORKS AND HOW TO MOVE FORWARD

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Abstract: The original, novel idea behind Tabung Haji’s establishment was to help Malaysian Muslims save for *hajj*. However, throughout the years, the subsidy amount for *hajj* pilgrims has proven to be ever-increasing. As a case in point, for the 2020 *hajj* season, a first-time *hajj* pilgrim needs only pay RM9980 out of RM22,900 of the original costs. Stated differently, Tabung Haji subsidises more than half (56.42 per cent) of the total cost. As with any subsidy, the main question is, where do we find the money? For instance, the governments of Muslim majority nations such as Pakistan and Indonesia used to directly subsidise their *hajj* pilgrims but have recently stopped doing so. Moreover, Tabung Haji is a business entity, which understandably needs to generate profit that will then be used to subsidise *hajj* pilgrims. Consequently, this paper aims to examine the (un)sustainability of the existing subsidy structure and suggest a way forward. Due to its politically sensitive nature, instead of eliminating the subsidy, the authors used data from the Household and Basic Amenities Survey 2019 to mathematically simulate a regressive subsidy structure for first-time *hajj* pilgrims.

Keywords: *Hajj*, Tabung Haji, subsidy, financial literacy.

Introduction: Tabung Haji’s Pain Points

Lembaga Tabung Haji (TH) was established in 1963 as a specially mandated Islamic financial institution dedicated to managing the *hajj* (pilgrimage)¹ fund for Malaysian Muslims. Since its inception, TH has gained a high level of confidence, as evidenced by its substantial capital, high deposit growth, and profit level every year. TH has consistently been praised by the Kingdom of Saudi Arabia as one of the world’s best *hajj* management institutions.² As a result, TH has been a popular savings instrument among Malaysian Muslims, primarily due to the high amount of its yearly *hibah* (gift) and subsidy for *hajj* costs.

Malaysia's 14th General Election (GE14), held on 9 May 2018, saw an historic change in government for the first time since Malaya's independence in 1957.³ As with many government-linked companies (GLCs) in Malaysia, TH had a history of political appointees among its top management and, consequently, after GE14 there were significant changes in the board of directors and management team. Part of a cleaning-up process, the new appointees included business professionals with no direct political ties to the ruling government. Subsequently, police reports were lodged against TH's previous management team, accusing them of mismanaging its financial records for the financial year 2017. The National Audit Department audited TH's financial statements for 2017, while Pricewaterhouse Coopers (PWC) was roped in as an independent reviewer. Between November 2018 and March 2019, it was discovered that TH's financial statements for 2017 had failed to disclose its actual financial position. The main issues included the non-disclosure of impaired assets and overstatement of asset amounts and net profit position.

Impairment is an accounting principle describing a permanent reduction in the value of a company's assets. According to the audited report, TH failed to impair the significant decline in the value of its investments. Therefore, TH's financial statements for the financial year ending 2017 were overstated: the recorded profit of RM3.41 billion omitted an impairment loss on available-for-sale (AFS) equity investments of RM4.26 billion, on AFS debt security instruments of RM7 million, and other adjustments of RM4.85 billion. With the impaired amounts taken into consideration, the fund should have made a RM1.43 billion loss in 2017. This has subsequently impacted the retained earnings position of RM162 million, in which TH should have recorded an accumulated loss of RM4.68 billion as of 31 December 2017. Moreover, it was also found that TH's asset impairment policies were changed almost yearly, especially during FYE 2017, whereby the policy was modified twice from its initial 70 per cent to 85 per cent and 90 per cent respectively. According to PWC, these policy changes strategically deferred impairment losses, which enabled TH to announce a certain level of distribution to depositors in 2017, namely *hibah* of 4.5 per cent and *haji hibah* of 1.75 per cent.⁴ Stated differently, the depositors' *hibah* was paid based on overstated figures and in direct contravention of the Tabung Haji Act 1995. According to that Act's Section 22, *hibah* can only be declared and subsequently paid if TH's assets are more than its liabilities. This subsequently raised concerns over the source and legality of the dividend payment. Another series of independent audits were performed, which revealed an alarming financial position that subsequently put TH under a restructuring exercise.

Remedies: The Restructuring of TH

The financial problems faced by TH give rise to several issues. Even though the institution is meant for *haji* fund savings, it is not obligated to pay a high return to depositors. Nevertheless, TH is traditionally known for its high return rate in *hibah* and *haji* subsidies. Thus, the declaration of yearly *hibah* is very much anticipated by depositors. Given TH's current financial situation, which is still in its recovery stage, it is challenging for TH to continue awarding high *hibah* returns and subsidising future pilgrims.

After May 2018, a recovery plan was immediately initiated to restore TH's financial position. This involved forming an aptly named special purpose vehicle company (SPV), Urusharta Jamaah Sdn Bhd,⁵ to take over TH's impaired assets. Additionally, TH reviewed its assets allocation with a renewed focus on reducing high-risk components in favour of lower risk fixed income components. As of 31 December 2018, TH completed the transfer of its underperforming assets (worth RM19.9 billion) to the SPV. The SPV issued RM10 billion of seven-year *sukuk* and RM9.9 billion of Islamic redeemable convertible preference shares (RCPS-i) in exchange for the assets. The asset transfer did not involve cash transactions or government guarantees on the *sukuk*. The *sukuk* were fully subscribed by TH, redeemable at any time without penalty, and carried a yield of 5 per cent. As of 30 September 2019, TH has cleaned up its financial position, with higher assets than liabilities to the tune of RM2.3 billion. Over the same period, TH also recorded RM2.1 billion in income and a net profit of RM1.3 billion. Additionally, TH has been placed under Bank Negara Malaysia's (BNM) supervision since 1 January 2019 to restore depositor trust. Previously, BNM did not have any regulatory oversight over TH, as the fund was solely governed by the Tabung Haji Act 1995.

These restructuring exercises impacted TH in two ways. First, it made it difficult for TH to maintain high *hibah* payments as in previous years. Prior to 2019, savings made at TH used a *wadiah yad-dhamanah* (deposits with guarantee) contract. One of the most significant implications of this contract was that the deposits made at TH were considered a 'loan'. Therefore, there should not have been any explicit mention of a return, as this would constitute *riba*' (interest).⁶ Thus, by virtue of the contract, TH actually had complete discretion over any profit and was obligated to pay back deposits only. Profit distribution, known as *hibah*, was not legally contracted or compulsory as in conventional savings accounts. In December 2019, as part of its restructuring plan, TH announced a contract change from *wadiah yad dhamanah* to *wakalah*, in which the depositor (*muwakkil*) appointed TH as their representative (*wakil*) to handle their affairs. From the depositors' point of view, there was no significant difference between the two contracts as the government of Malaysia still guaranteed deposits as per the

Tabung Haji Act 1995.⁷ Under this new *wakalah* contract, however, deposits are treated as capital that TH will invest as it sees fit. Any return, minus management fees, *hajj* costs, and *zakat* payments, will then be disbursed to depositors. According to the Chairman of TH's Shariah Advisory Committee, Ashraf Md. Hashim, one of the most significant implications of this change is the instilling of responsibility and discipline among the TH management team. It fosters a culture of transparency when managing deposits. Apart from that, operationally it will be easier for TH to tie deposits to gifts, which was prohibited under the previous contract. The new contract also creates a proviso that a small portion of the return on deposits will be used to cover *hajj*-related costs and expenses.⁸

The second impact of restructuring TH has been difficulty maintaining subsidy payments for *hajj* costs. TH currently subsidises a high amount of *hajj* cost, considering this to be its primary corporate social responsibility (CSR). Depositors have enjoyed a massive amount of subsidy for a very long time, ever since TH's inception. This 'tradition' has led to depositors almost expecting a *hajj* subsidy, as if they had forgotten Allah's command that *hajj* is compulsory only on those who have the financial and physical means to complete it. In any case, TH currently carries a high financial obligation that might jeopardise its sustainability; a series of news reports consequently asked whether TH would reduce or even cancel its subsidy for *hajj* costs.⁹ The public has roundly criticised this news, being under the illusion that *hajj* subsidy is their right. What has followed is an unprecedented criticism of TH, especially on social media platforms, so much so that a campaign to withdraw savings ensued. This much-publicised 'outrage' finally resulted in TH announcing its subsidy continuation: the amount to be borne by pilgrims remains RM9,980, despite ever-increasing *hajj* costs.¹⁰ Undoubtedly, this will further increase TH's financial commitment, which is currently undergoing restructuring, at a time when priority should be given to restoring financial stability.

As the first *hajj* savings institution of its kind, TH has generated a vast body of literature. Regardless, it is surprising to see how few studies have focused on TH's subsidy structure, which is often mentioned only superficially. One notable gap in the literature concerns the extent to which TH's structure is inherently flawed and unsustainable. Accordingly, this paper aims to review the literature on *hajj*, revisit the concept of subsidy in Islam, and then suggest a way forward for TH. The paper is divided into six sections. The first two describe the issues surrounding the current subsidy structure and how it is no longer sustainable. Then comes a literature review covering *hajj*, TH, and the Islamic economic perspective on subsidies. The authors' views on subsidies and their effects on sustainability conclude the paper.

Literature Review

Hajj in Islam

Hajj is one of the five pillars of Islam. It is the pilgrimage to Mecca in Saudi Arabia, which occurs during the final month of the Islamic calendar, *dzulhijjah*. The commandment to perform *hajj* stems from the following *ayat*:

In it are clear signs [such as] the standing place of Abraham. And whoever enters it shall be safe. And [due] to Allah from the people is a pilgrimage to the House - for whoever is able to find thereto a way. But whoever disbelieves - then indeed, Allah is free from need of the worlds. (Al-Imran: 97)

Hajj demonstrates the submission of Muslims to Allah. It is mandatory for Muslims who are financially and physically capable (*istitha'ah*) to complete this pilgrimage at least once in their lifetime. The Office of the Mufti of the Federal Territory lists several guidelines defining financial capability, including (among other things) the ability to cover all expenses (two-way travel, wage of *hajj/umrah* guide) and the possession of surplus savings (after the deduction of debt and family expenses).

An Overview of Lembaga Tabung Haji

The incorporation of TH was suggested in 1959 by the well-known Malaysian rural economist, the late Ungku Aziz Ungku Abdul Hamid. The idea was mooted in his *Rancangan Membaiki Ekonomi Bakal-Bakal Haji* ('Pilgrims Economy Improvement Plan'), in which he suggested that the Federal Government establish a financial institution to help Muslim Malays save money for *hajj*. A prevailing problem at that time, which Ungku particularly wanted to address, was that most (if not all) pilgrims used to sell their assets (land, houses, farms) to fund their pilgrimage. Hence, they had to start afresh upon their return. Consequently, Perbadanan Wang Simpanan Bakal-Bakal Haji (PWSBH, 'Malayan Muslim Pilgrims Saving Corporation') was established on 1 April 1963. On 8 August 1969, PWSBH was merged with Pejabat Urusan Tabung Haji ('*Hajj* Affairs Management Office'), which had been in operation since 1951 in Penang. The two together were rebranded Lembaga Urusan Tabung Haji (LUTH) and, finally, Lembaga Tabung Haji. Fundamentally, TH's incorporation enabled Muslims to save for *hajj* through shariah-compliant investments.¹¹

TH's establishment received an incredible response from Malaysian Muslims, as evidenced by the subsequent annual growth in depositors: from only 1,281 depositors in 1963, as of 31 December 2018, 9.3 million Malaysians have savings

with TH. From an initial government grant of RM152,000 in 1963, total deposits in TH reached about RM71 billion as of 30 June 2019.¹² For the past five years, the average year-on-year growth rate in TH depositors has been 3 per cent, with an increase in total deposits of RM54.35 billion in 2014 to more than RM70 billion in 2018 (Table 1). But, even though the number of depositors has been increasing, it should be noted that TH has recently experienced a reduction in growth, from 18 per cent (2014) to 8.5 per cent (2017).

Items	2014	2015	2016	2017	2018
Deposits	RM54,358 million	RM62,548 million	RM67,704 million	RM73,522 million	RM75,412 million
Deposit Growth	19%	15%	8.2%	8.6%	2.6%
No. of Depositors	8.6 million	8.8 million	9.1 million	9.3 million	9.21 million

Table 1: Depositors Record (Source: TH Annual Reports)¹³

Before its restructuring in 2018, TH recorded an excellent financial performance (Table 2), which led to high *hibah* payments: the highest rate was made during the financial year ending 31 December 2017, with saw a *hibah* rate of 4.5 per cent and a *hajj hibah* rate of 1.75 per cent. According to TH’s latest financial information (30 September 2019), however, there has been a significant reduction in revenue from RM4.57 billion to RM2.10 billion, with a corresponding decrease in net profit from RM3.4 billion in 2017 to RM1.3 billion in 2019. Despite this significant reduction, it should be noted that the number of depositors still increased to 9.4 million in 2019, as compared to 9.3 million in 2017 (Table 1). Nevertheless, we still need to consider the recent restructuring exercises that have resulted in a net asset reduction from RM69 billion in 2017 to RM2.3 billion in 2019. This will lead to lower profits shared among higher numbers of depositors.

Items	2014 (RM Million)	2015 (RM Million)	2016 (RM Million)	2017 (RM Million)	2018 (RM Million)	2019 (RM Million)
Revenue	3,289	4,467	3,481	4,572	4,229	2,100
Net Profit	2,979	3,536	2,486	3,412	1,600	1,300
Net Assets	54,006	59,462	63,573	69,380	75,769	74,000

Table 2: Summary of TH’s Financial Performance (Source: TH Annual Reports)¹⁴

Subsidy in Islam

According to de Moor and Calamai (1997), a subsidy is a direct or indirect provision that reduces consumer or producer costs in order to maintain prices either below (for consumers) or above (for producers) market levels.¹⁵ From the Islamic economic point of view, a subsidy is permissible as a wealth redistribution mechanism. One of the Rightly Guided Caliphs, ‘Umar al-Khattab, made a remarkable effort to this end. After the conquest of Iraq (14AH), ‘Umar decided to improve the Muslim community’s economic growth and welfare; whereas conquered lands had formerly been divided among soldiers (who had no consistent salary) so they could provide for their families, seeing much unemployment also existed among old peasants, ‘Umar determined it would be in the public’s best interest to leave arable lands with their owners and impose a *kharaj* (land tax) instead. The Qur’anic verse ‘Umar relied upon here was:¹⁶

And what Allah restored to His Messenger from the people of the towns – it is for Allah and for the Messenger and for [his] near relatives and orphans and the needy and the [stranded] traveler– so that it will not be a perpetual distribution among the rich from among you. And whatever the Messenger has given you – take; and what he has forbidden you – refrain from. And fear Allah; indeed, Allah is severe in penalty. (Al-Hashr: 7)

Muhammad Umer Chapra has argued that Muslim government subsidies should consider the welfare of the poor above everything else. Therefore, any decision to hand out subsidies to poor TH depositors can easily be defended, either with regard to equity and/or economic considerations. But, Obaidullah and Islahi (2003) argue, *hajj* is an Islamic obligation only for those who can afford it.¹⁷ Thus, it is morally wrong for Muslims to demand *hajj* subsidies. These authors then further emphasise the importance of distinguishing between a *hajj* institution and pilgrims. First and foremost, a *hajj* institution is not a pilgrim’s representative. It is merely a body that provides *hajj* management and services. In lieu of this, the institution is supposed to price packages prudently. Ultimately, the pilgrims are the ones responsible for their financial capability to perform *hajj*.

Hajj Subsidies in Other Countries

Hajj management differs markedly from one country to another. Before 2014, *hajj* management in the world’s most populous Muslim majority country, Indonesia, was managed solely by its government. In that year, however, the Indonesian government issued Law No. 34/2014, obliging the formation of a *hajj* fund

management agency, Badan Pengelola Keuangan Haji (BPKH). As an independent public legal entity, BPKH is accountable to the President through the Minister of Religious Affairs and officially began operation in 2018. With its establishment, Muslims can place deposits under a *wakalah* contract with the Ministry of Religious Affairs as their *wakil*.¹⁸ Subsequently, returns from the deposits and any investments will be used to subsidise *hajj* costs, cover operational expenses, and provide any returns to the accounts of pilgrims.¹⁹ The actual cost of performing pilgrimage is around IDR60-70 million per person; the subsidy currently paid by BPKH covers approximately 35 per cent of this total cost.²⁰

In India, *hajj* management is arranged by the *Hajj* Committee, as per the *Hajj* Committee Act 1959. The *hajj* fund is held in trust and remains under the control and management of the Committee. While the Indian government has subsidised *hajj* costs since 1954, this has not been without criticism, even among Muslims themselves. In their view, it is improper to use taxpayer’s money for religious-oriented purposes without a referendum. According to Maulana Mehmood Madani, the general secretary of Jamiat Ulema-e-Hind (‘Council of Indian Muslim Scholars’), it is against the shariah “to be under any kind of obligation while undertaking *hajj*.”²¹ Additionally, according to Kamal Faruqi, a member of the All India Muslim Personal Law Board, *hajj* subsidies have been used as a “political tool” for decades.²² Among the issues that ultimately led to the abolition of Indian *hajj* subsidies, however, was the allegation that subsidy payments were being channeled to the national carrier, Air India, as the only carrier that can take pilgrims to Saudi Arabia. According to Mukhtar Abbas Naqvi, India’s Minister for Minority Affairs, scrapping the subsidy is part of “a policy to empower minorities with dignity and without appeasement.” Although the *hajj* subsidy programme had its origins in the British colonial era, the Indian Constitution does not allow the state to show favouritism to any religious group. Consequently, in 2012, the Supreme Court opined that the subsidy should be abolished within ten years (by 2022).²³ In its place, a *hajj* subsidy fund would be installed for the educational empowerment of girls and women from minority communities.

Previously, the Pakistani government also managed *hajj* under its Ministry of Religious Affairs and Interfaith Harmony. The government provided a subsidy for *hajj* costs (Rs42,000 per pilgrim), but in 2019 there was a hike in costs due to several factors, including increased airfares, depreciation of the Pakistani rupee, and additional logistical arrangements in Medina and Mecca. Furthermore, the Saudi government began imposing an additional fee of SR300 on visas and SR110 on compulsory health insurance. These significant increases in the *hajj* cost further burdened the Pakistani government’s expenditure, resulting in the abolition of the *hajj* subsidy in 2019. This has reduced the cost burden to the government, amounting to Rs4.5 billion per year.

Those of Malaysia's immediate neighbours with sizeable Muslim populations, such as Singapore and Brunei, do not subsidise their pilgrims.

Discussion: Subsidy and the Sustainability of TH

Performing *hajj* is a significant financial commitment, involving substantial expenditure, including on return flights, onsite transportation, accommodation, meals, and visa payments.²⁴ TH has continuously subsidised both these and other indirect costs, such as the production of *hajj* guidebooks and brochures, *hajj* courses, *hajj* officers (welfare and medical), cost for *hajj* operations in Malaysia, medicines, and various value-added services provided to all Malaysian pilgrims.²⁵ To further compound the problem, the actual *hajj* cost per pilgrim keeps increasing, mainly due to inflation (see Figure 1).²⁶

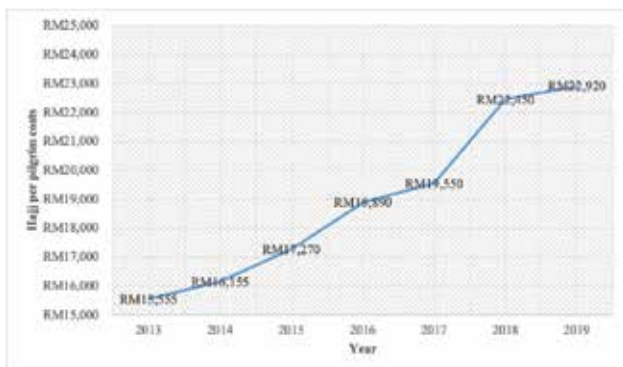


Figure 1: *Hajj* per pilgrim costs in Malaysia (2013-2019)

As of 2019, the total cost for the *hajj* stands at RM22,920.00 per person. To put this in context, the middle 40 per cent (M40) of Malaysian Muslim households have a median income of RM7,093, meaning they would have to save up at least 3.2 months salary, in full and without deduction, in order to perform *hajj*. This situation is even more challenging for the bottom 40 per cent (B40), who only earn up to RM3,166 per month, meaning they have to save eight months' salary. Moreover, as highlighted by the Credit Counselling and Management Agency (AKPK),²⁷ saving habits among Malaysians are far from ideal: three out of ten working adults have to borrow to buy necessities. As a result, it is especially difficult for low and middle income households to save for pilgrimage. Therefore, it makes sense for the government to step in and top up wherever possible.

Certainly, TH has been heavily subsidising first-time pilgrims, including those accompanying them, in order to maintain their *hajj* payments at RM9,980. This has been especially true over the last couple of years (2018 and 2019), when

subsidies reached more than half the total *hajj* cost (55.55 per cent and 56.46 per cent, respectively). This subsidy has increased in line with increases in the country's *hajj* quota. For example, before the *hajj* cancellation announcement in June 2020, it was announced that Malaysia would receive an additional quota of 31,600 pilgrims, all of whom would need to be subsidised.²⁸ Furthermore, TH spent RM576.38 million over 2014-2018 on 58,118 pilgrims who appealed.²⁹ During the 2019 *hajj* season, TH was forced to find RM400 million in subsidies.³⁰ Worryingly, the subsidy amount for 2019 alone almost equaled the combined amount for the last five years.

As explained above, while India and Pakistan formerly subsidised their pilgrims, they have since abolished such schemes. In those two countries, the subsidy was funded directly by the government. In Malaysia, however, the subsidy is funded by TH and its business activities. Given the ever-rising cost of *hajj* and TH's current financial position, this is no longer sustainable. As with any other financial restructuring exercise, the main point of TH's restructuring is to ensure continued sustainability. In all, TH's restructuring is expected to continue for at least the next seven years, consistent with the maturity period of the *sukuk* issued by Urusharta Jamaah Sdn Bhd. Thus, continued subsidies vis-à-vis the current financial situation seem to burden TH. Hence, while waiting for the *sukuk* to mature, the main concern is how to finance the two most significant financial components of TH: *hibah* and its *hajj* subsidy.

To do this, we need to revisit the concept of *istitha'ah* (capability). This concept is typically associated with a pilgrim's physical capability to perform the rigorous *hajj* rituals. Undoubtedly, however, financial capability is just as crucial. Such a redefinition of *istitha'ah* echoes the call by former Minister in the Prime Minister's Department (Religious Affairs), Mujahid Yusuf Rawa, that, "If he/she does not have sufficient cost of performing *hajj* in 2019, which is RM22,900, then he/she should not be considered as financially capable [of performing *hajj*]."³¹

If the main objective of a subsidy is to ensure equitable distribution of income, the current subsidy practiced by TH defeats that purpose. The subsidy is also taking away essential resources needed by TH for its *sukuk* coupon payments. Also, the monies used for *hajj* subsidy could be used elsewhere, such as for financial literacy programmes (as in India).

The Way Forward

Concerning subsidies, Umer Chapra argues that, "Only those who are unable to pay a **realistic price** should be helped."³² Stated differently, TH should only help those who *cannot* afford either the full payment or a near-to-full payment of *hajj* costs. While, ideally, a government will prefer to give out as little as possible,

eliminating TH subsidies altogether is absurd; anything related to TH or, by extension, Islam is a sensitive and touchy issue in Malaysia. This is evidenced by the sudden withdrawal of the TH deposit in 2017, when depositors were hugely dissatisfied with the scandal TH faced. But, continuing the current trajectory of blanket subsidies covering more than half the full pilgrimage cost (56.46 per cent as of 2019) is equally absurd, especially when TH is undergoing restructuring.

While the authors believe that a sudden and blanket withdrawal of *haji* subsidies in Malaysia is impossible because depositors (regardless of household income) are deeply invested in TH, the continuation of blanket subsidies without a viable exit plan is unworkable. From experience, it is safe to assume *haji* costs will only continue to rise. Therefore, without subsidies most low-income households will probably be priced out of the *haji*. According to Mahatma Gandhi, “How a society treats its most vulnerable is always the measure of its humanity.” Hence, the well-to-do part of society needs to step up and do their part in paying their full (or near full) *haji* costs in order to help their brethren in line with the spirit of *ta’awun* (cooperation). Ultimately, this redistributive scheme will foster goodwill within society, in which the well-off help marginalised households.

Therefore, as a way forward, the authors believe the TH subsidy structure should be targeted. It could, for example, tap into the Inland Revenue Board (LHDN) database to determine the exact household income of future pilgrims. TH could then practice a targeted, regressive subsidy structure. For instance, according to household income brackets, subsidies could be broken down as follows: 20 per cent subsidy for T20; 40 per cent for M40; and 60 per cent for B40.³³ Consider the following mathematical example:

Household Group ³⁴	Rate of Subsidies	TH Subsidies	Costs payable to TH ³⁵
Top 20% (T20)	20%	RM4,584	RM18,336
Middle 40% (M40)	40%	RM9,168	RM13,752
Bottom 40% (B40)	60%	RM13,752	RM9,168

Table 3: Proposed subsidy structure

If the subsidy structure were more targeted, TH management could fulfill its CSR practices sustainably. In fact, at RM9,168, the B40 would pay less than under the current system. More importantly, the new subsidy structure complies with shariah and, to a certain extent, with *maqasid al-shari’ah* (objectives of Islamic law). This exercise would re-allocate much-needed subsidies to the parts of society that need them most. Having said this, it should be noted that the proposed revision would also result in additional administration costs, as it involves screening and evaluating depositor financial standing. However, this is

acceptable as it will ensure TH's long-term sustainability. Besides, if the subsidy is regressively structured, TH will have the capability to adjust it.

Conclusion

This paper discussed the unsustainability of TH's existing subsidy structure. Coupled with the restructuring exercises that TH is currently undergoing, this structure must be overhauled. Drawing upon the experience of other Muslim majority countries, it is absurd to think a business entity can continue this subsidy practice. This paper suggested a targeted, regressive subsidy structure as a way forward. In the meantime, we propose the following actionable policy recommendations:

- Promote better financial literacy. There are at least three dimensions to this point. First, TH and, to a certain extent, the government should highlight that subsidies are not a right. They are a privilege. Second, it is crucial to educate the public, particularly depositors, about the implications of TH's contract change from *wadiah yad dhamanah* to *wakalah*. This change has been undertaken for the sake of safeguarding investments; it is nevertheless essential to inform depositors that *hibah* and subsidy payments are affected by it. Depositors must also be aware that TH's performance will be based on cycles of boom and bust, as with any business. This will be reflected in its returns: an economic boom will mean a high subsidy, an economic recession a low subsidy. Third, it is time to introduce a new subject into Islamic finance: *hajj* education. Like other aspects of Islamic financial education, such as *takaful*, *zakat*, *hibah*, *wasiyyah*, and *waqf*, there is a need to teach *hajj* financial management in order to avoid misconceptions.
- Create a shariah ruling for TH's *hajj* subsidy. In line with the changes in TH's contract, it is recommended that the authorities issue a shariah ruling (*fatwa*) on the *hajj* subsidy. This can be achieved through a special sitting of the National Council for Malaysian Islamic Affairs Fatwa Committee. Although their decision is not binding on TH, it will carry considerable clout among Malaysian Muslims. This is important to rectify Muslim perceptions about their responsibility to perform *hajj* and not put unnecessary burden or expectations on TH. This will also highlight the importance of *istitha'ah*. As a reference point, the experiences of India and Pakistan may also guide the Committee's *fatwa* regarding the *hajj* subsidy – or rather, the redirection of *hajj* subsidies to those who need them most.

On a concluding note, this proposed structure is a somewhat short-to-middle term solution. As the above mentioned financial literacy programmes start to mature, however, we may begin to practice the concept of *istitha'ah* in its purest form so that only pilgrims with the physical *and financial* means to perform *hajj* do so.

Notes

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1. *Hajj* is a five-day religious pilgrimage to Mecca, in modern-day Saudi Arabia. It is one of the five pillars of Islam and, therefore, required of every Muslim who is physically and financially able to perform it.
2. Rahimy Rahim, 'Dr M: Tabung Haji Plays Effective Role in Ensuring Welfare of Haj Pilgrims,' *The Star*, 4 August 2019.
3. On 16 September 1963, six years after the Federation of Malaya's independence from the British, Malaya, Sabah, Sarawak, and Singapore formed a federal state called Malaysia. However, on 9 August 1965, due to political and economic differences, Singapore separated from Malaysia.
4. *Hajj hibah* is reserved only for those depositors yet to perform *hajj*.
5. In Malay, *Urus Harta Jamaah* loosely translates as 'Managing the Pilgrim's Assets'.
6. Any increase, addition, unjust return, or advantage obtained by a lender as a condition of their loan is considered *riba*'. Besides *riba*', the other two fundamental prohibitions in Islamic finance are *maysir* (gambling) and *gharar* (uncertainty).
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 13. The annual report for 2019 has yet to be published due to the ongoing auditing process. Once audited, the report needs to be tabled and approved by the Cabinet. Subsequently, the report needs to be tabled in Parliament before being made public.
 14. The figures for FY2014 through FY2018 can be obtained from TH’s Annual Reports. The figures for FY2019 were obtained from ‘Tabung Haji Report Card 2019.’
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 23. Ibid.
 24. Tabung Haji, ‘Haji Costs and Payment.’
 25. It is important to note that these subsidies only apply to those who have yet to perform *hajj*.
 26. The latest *hajj* season (2020) was a scaled back affair restricted to only 10,000 pilgrims (both Saudi nationals and expatriates) already resident in Saudi Arabia.

- A normal *hajj* season, on the other hand, will host around 2.5 million pilgrims from around the world.
27. AKPK is an agency set up by Bank Negara Malaysia to help Malaysians better manage their finances.
 28. The *hajj* quota is given to 0.01 per cent of a country's population based on the United Nation's World Population Prospect statistics. Stated differently, the quota is set at 1,000 pilgrims per one million Muslims. However, as populations grow, so too will this sample size. Customarily, in Malaysia almost every year the Minister in the Prime Minister's Department (Religious Affairs) appeals for an increase in *hajj* quota due to population increases.
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 33. This proposed subsidy structure was developed using the baseline of the current subsidy percentage (2019 *hajj* season), which stood at 56.46 per cent.
 34. These median household incomes are based on the Household Income and Basic Amenities Survey 2019 conducted by the Department of Statistics Malaysia (DOSM), which defined the median incomes of the B40, M40, and T20 households as RM3,166, RM7,093, and RM15,021 respectively.
 35. At the cost price of RM22,920 (as of 2019 *hajj* season).

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MULTICULTURALISM, MUSLIMS AND CITIZENSHIP: A THEORETICAL DEBATE

*Qurat ul Aein Fozia**

Abstract: Over the last few decades, the term ‘multiculturalism’ has been in debate. This is not only because of issues surrounding cultural diversity, racism, or ‘the minority versus the majority’, but also because of religious differences, especially regarding Muslims in the West. Many queries have been raised about the inclusion of Muslims in European society as they seem to be barbaric and alien, especially after the events of 9/11 in the USA and 7/7 in London. This paper discusses the various complex debates surrounding the term ‘multiculturalism’ in the work of political philosophers like Tariq Modood, Bhikhu Parekh, Will Kymlicka, and others. It first introduces the term ‘multiculturalism’ as interpreted by different scholars and discusses the reasons for its current retreat. Multiculturalism is said to be challenging for religious groups, especially Muslims, because of its incompatibility with liberalism, considered to be the key element of Western civilisation. Therefore, this paper attempts to describe multiculturalism’s relationship with citizenship and the long-term effect of national identity on civil society. It also discusses some basic concepts, like equality and dialogue, in relation to multiculturalism and tries to bring out the differences between liberal equality and the equality experienced under multiculturalism. This paper concludes with some policy recommendations for the adjustment of illiberal minorities (Muslims) within liberal societies (Europe) in the present world of super-diversity.

Keywords: multiculturalism, citizenship, dialogue, equality, politics of recognition.

Introduction

Since 2010, there has been a dramatic increase in the Muslim population of Europe, especially in the wake of a large influx of refugees and asylum seekers.¹ Unfortunately, these Muslims have not always been welcome, being frequently considered a potential threat, fueling Islamophobia on the one hand and radicalisation on the other. So, there arises a profound question about the integration of Muslims into secular liberal European nations, with one of the factors being their supposed incompatibility with Western liberal culture.²

Racism in the West has been variously defined by colour (1950-1960s), race (1960-1980s), ethnicity (1990s), and finally religion. Muslims in the West have been struggling with issues of integration and cultural pluralism since the 1960s.³ How to maintain their original identity in a secular European nation state has proven to be a big question. Muslims are considered disloyal for being illiberal and not good citizens because of their isolationism. Bhikhu Parekh rightly points out four European anxieties about Muslims being undemocratic, non-secular, illiberal, and multiculturalist.⁴

Multiculturalism is beneficial to Muslims for many reasons. First, it helps them to prove themselves loyal to the state. Second, it keeps in check detrimental government policies designed to maintain peace and harmony.⁵ Finally, it can be used to critique rightwing radical populist parties.⁶ Therefore, multiculturalism can be understood on three levels: political, policy action, and criticism.⁷ Accordingly, this paper is divided into three main sections. The first gives a brief, vivid picture of Muslims under multiculturalism; the second deals with its criticism; the third with multicultural citizenship and its associated concepts (equality, dialogue, national identity, the politics of recognition). The paper then concludes with some reflections on the problem, followed by policy recommendations which I believe need to be implemented at a global level for ultimate global peace.

Multiculturalism

Multiculturalism evolved from anti-racism. It is not a vague idea, but one well-grounded in European socio-political realities.⁸ In the United States, the term has been used to discuss racism in newspapers, seminars, and other arenas⁹ since 2004.¹⁰ In the early 1960s and 1970s, the study of multiculturalism was discipline orientated, focusing on issues like economics, politics, sociology, and cultural studies. By the 1980s, however, the central focus was the integration of labour migrants; by the 1990s “changing immigration policies” (including increasing numbers of refugees) and “family reunification” were also added.¹¹ Like culture, the term ‘multiculturalism’ is very unclear,¹² meaning different things to different people, making it difficult to engage in practical considerations and policy orientation.¹³

Multiculturalism has become a topic of debate for all “political theorists, social theorists, sociologists, political scientists and educationists.”¹⁴ The study of multiculturalism is done in the following two ways. First, by means of political theory, with a focus on group identity, where the role of individual rights in liberalism manifests the Western nation state. Second, by means of policy studies, with a focus on group interactions and the policies that emerge to administer

Western nations. Sometimes, tensions and conflict might develop when the above two overlap, such as with the Salman Rushdie controversy (*The Satanic Verses*), the murder of the filmmaker Theo van Gogh in the Netherlands, and the Danish Cartoon controversy. Also, there is much controversy between individual and group rights, such as when Sikhs are given special rights to wear turbans instead of motorcycle helmets. According to Rattansi, such traditional cultural practices should not be allowed to overrule essential individual rights and vice-versa.¹⁵ Therefore, the issues raised include: group representation and rights, the rights and status of immigrants, the recognition of minority nations, and the status of new social movements.¹⁶

In 2000, Parekh reviewed the key ideas shaping multiculturalism and came out emphatically in support of a pluralistic perspective of cultural diversity.¹⁷ For him, multiculturalism is about valuing cultural diversity, which makes us understand not just our own culture, but that of others as well.¹⁸ Brian Barry also defines multiculturalism as a project or discourse dealing with multiculturalism, and which aims at the acceptance of cultural diversity.¹⁹ Charles Taylor uses multiculturalism in two areas: to help recognise diversity and in contrast to interculturalism.²⁰ For Tariq Modood, multiculturalism is a political idea developed to deal with the politics of democracy, from racism to negative difference to accepting the marginalised. It is a mode of group-based integration in the public sphere. He agrees that “political multiculturalism” might have been part of (or emerged from) “moral or truth relativism, liberalism, post-colonialism, (anti-)globalization,” and so on, although it was based on, “the ideas of ‘difference’, ‘multi’ and a double concept of equality.”²¹ However, he disagrees with Thompson’s reference to “multi” as referring to separate groups, believing that there should be many groups that, although more or less distinct, conform to Wittgenstein’s concept of “family resemblance.”²² The “multi” aspect of multiculturalism also applies to various types of racism, the most significant being cultural racism, present today as anti-Muslim racism (Islamophobia).²³ However, the real multicultural challenge starts when people of particular regions enjoy normal citizenship while eliminating others from such a status on cultural grounds.²⁴

Modood says that it is better to derive the concept of multicultural politics from “postwar extra-Europe/non-white immigration, their settlement and struggles and the policy responses” to their attaining equal cultural membership.²⁵ Multiculturalism can also be explored through a dynamic “social psychological approach,” using tools developed by social psychology. The social-psychological approach helps to develop a sense of belonging via an accumulation of knowledge through communication with the ‘other.’²⁶

Multiculturalism and Muslims

In the ongoing multiculturalism debate, religion has been neglected,²⁷ perhaps because it is difficult to measure multiculturalism in terms of this concept. The exception is a Canadian study on atheism. Conducted by Steven Tomlins, this indicated that the ideology of multiculturalism has created a sense of inclusion across difference. Multiculturalism, therefore, may have an important role in managing diversity in the public sphere.²⁸ A study by Beyer, however, found that, although approaches to multiculturalism are positive, practice is sometimes lacking. Canada is a good example of this.²⁹ Certainly, Western liberal societies often exclude Muslims from the multiculturalism debate because of apprehension about identity politics. Also, some multiculturalists (including Will Kymlicka) say that multiculturalism deals only with cultural groups, not religious ones. According to Modood, however, not considering Muslims as a cultural group is a “secularist bias” and “ignorance-cum-prejudice.”³⁰ It has been an excuse for Europeans to exclude Muslims from the public sphere.

Nevertheless, a shift in focus from culture to religion has occurred post-9/11, when emphasis moved to Islamisation,³¹ civil society, citizenship, politics, identity, and liberalism.³² As a result, Islamic religious symbols (minarets/*burqas*) were contrasted with liberal values like freedom, leading to Islamophobia. However, this shift did not eliminate pre-existing forms of racism. Rather, these expanded, generating new forms of racism further reinforced by Eurocentric approaches.³³

Muslims are an important subject of discussion under multiculturalism for two reasons: they are immigrants to Europe and their identity is the most contentious therein. In Britain, Muslims are in the multiculturalism debate for two reasons: their perceived illiberal cultural practices (FGM, veiling, *hudud*, etc.) and their association with terrorist events. Therefore, Muslim isolation is driven by their cultural practices (especially clitoridectomy), which again poses a “secularist bias” according to Modood.³⁴ No one can choose to be born into a Muslim family, just as no one can choose to be of a particular race. This is the claim of multiculturalism, which goes against liberal citizenship.³⁵ Muslims should not be blamed for being Muslim.

Many ‘cultural Muslims’ also come under the banner of multiculturalism due to their ethnicity (attached to Islam), not because of their adherence to Islam. They are only Muslim by birth.³⁶ So, minority rights problems are not necessarily due to religion, but a postcolonial political strategy.³⁷ Within this context, Western Muslims are considered to be a ‘fifth column,’ an enemy within intent on establishing an Islamic state.³⁸ As a result, Islam and Muslims are repeatedly blamed and targeted. For example, the *hijab* is prohibited in France and minarets are not allowed in Switzerland.³⁹ Modood observes that a theory of

multiculturalism is needed which brings ethnicity and religion together, without any anti-immigrant bias. Speaking about immigrant rights, Modood argues that multiculturalism should centre post-immigration groups within a social construct on Western soil.⁴⁰ In contrast, Spinner Halev is of the opinion that any special treatment of religion, including exemption from specific laws, endorses inequality.⁴¹

Multiculturalism and Its Criticism (Backlash/Retreat)

In Europe, multiculturalism has gained a lot of criticism not only from rightwing ‘conservative nationalists,’ but also from leftists who say multiculturalist policies have failed to tackle racism.⁴² Certainly, multiculturalism is still unevenly developed in Western Europe and has seen backlash over the early twenty-first century.⁴³ Angela Merkel, David Cameron, and Nicolas Sarkozy, for example, all acknowledged the end of multiculturalism during this period,⁴⁴ with Merkel claiming “multiculturalism has utterly failed” in October 2010. Cameron likewise joined the debate in 2011, claiming “state multiculturalism” was the root cause of terrorism, leading to parallel lives and segregation. It should therefore be replaced with a “muscular liberalism.” While similarly criticising multiculturalism, Sarkozy said that the French had been too worried about the identities of individuals entering the country and not enough with that of France itself.⁴⁵ The current French president, Emmanuel Macron, has also shown resistance to multiculturalism.⁴⁶ Trevor Phillips, former chairman of Britain’s Commission for Racial Equality, warned that the UK was in danger of “sleepwalking” its way into segregation, blaming multiculturalism for this.⁴⁷ The main criticism of multiculturalism, therefore, has been its ‘ghettoisation’ of communities and, hence, their ‘parallelisation.’⁴⁸ Ted Cante (a British community organiser) also sees multiculturalism as a generator of racism for these reasons.⁴⁹ Abdul Bari, however, the Secretary General of the Muslim Council of Britain, rejects all this criticism, affirming the successful integration of British Muslims via multiculturalism.⁵⁰

Criticism of multiculturalism is linked to the post-9/11 rise in Islamophobia.⁵¹ Heavily criticised for encouraging the social alienation of different groups, multiculturalism became an important issue after the terrorist attacks in London and the Netherlands.⁵² Mohammed B., for example, the murderer of Theo van Gogh, became a Dutch symbol for the weakness and unsuccessful nature of multiculturalism.⁵³ Multiculturalism therefore became an issue of growing concern;⁵⁴ Mark Steyn of the UK’s *Daily Telegraph*, following Phillips, identified multiculturalism as the real suicide bomber.⁵⁵

Islamists have also attacked multiculturalism. As absolutists, they prefer to divide people into Muslims and non-Muslims,⁵⁶ while showing resistance towards Western values.⁵⁷ Islamist organisations like *Hizb ul-Tahrir*, for example, consider multiculturalism harmful to Muslims as it deteriorates their faith.⁵⁸ However, Francis Fukuyama says that multiculturalist policies shelter fanaticism in countries like Holland and Britain and need to be reversed.⁵⁹

In the 1980s, far right groups criticised multiculturalism for providing immigrants with special privileges, thereby undermining the dominant social group.⁶⁰ Even before 9/11 and 7/7, observes Modood, Muslim immigrants were considered “politically exceptional, culturally unreasonable and theologically alien.” According to Gilles Kepel:

the 7/7 bombers in London were the children of Britain's own multicultural society and that multiculturalism regards what differentiates religious and ethnic communities as essential, and sees... what unifies citizens of the same society-beyond race or faith [as] of secondary importance.⁶¹

Apart from the rightwing, anti-racists have also criticised multiculturalism.⁶² The UK's Commission for Racial Equality, for example, published an article by Kenan Malik arguing that multiculturalism is worse for segregating people than racism. A leading UK liberal columnist writing for *The Guardian*, the late Hugo Young, interpreted multiculturalism as “a useful bible” for Muslims whose sense of *jihad* overrules their civic values of tolerance, justice, and democracy. Farrukh Dhondy, an Asian one-time Black Panther, even considered it a fifth column that needs to be eradicated and replaced with “values of freedom and democracy.”⁶³ It has also been criticised for its imprecision, making discussion about it and its policy orientation more difficult.⁶⁴ It has been considered 'chameleon-like' and often contradictory.⁶⁵ Also, multiculturalism has been unable to combat white oppression, which still remains unresolved.⁶⁶

Ali Rattansi, however, argues that most public opposition to multiculturalism is either misguided or exaggerated. It is actually caused by what he terms a “triple transition,” becoming the “container receiving anxieties” rooted in social and economic changes that are broader than immigration or multiculturalism.⁶⁷

Multiculturalism and Citizenship

Many agree that a justifiable theory of citizenship capable of catering to the needs of diversity has yet to be developed by multiculturalists.⁶⁸ A theory of common identity should, however, be brought forth if multiculturalism is to

persist. So far, multiculturalists have put forward the concept of ‘multicultural citizenship’ as a common denominator between minority and majority groups.⁶⁹ The concept of multicultural citizenship is ambiguous and complicated, however, being designed to counter de-ethnicisation in those liberal states that advocate minority rights. Iris Young (1989) calls such citizenship “universal citizenship,” by which she means equal membership of liberal-democratic nation states in terms of rights.⁷⁰

Modood also refers to multicultural citizenship.⁷¹ As he notes, this concept emerged as a novel political idea, a new ‘-ism’, in the context of “liberal or social democratic egalitarianism and citizenship.”⁷² Democratic citizenship possesses four indicators: peace and individual security, democracy, individual freedom, and inter-group equality.⁷³ In consequence, Modood sees political multiculturalism as “democratic citizenship and belonging,” unlike Parekh and Taylor, who put it in a broader philosophical perspective.⁷⁴ By citizenship, Modood means the development of an inter-person relationship within the domain of an ethical and legal framework. Citizenship is like the flesh on the skeleton of the law. Key ideas like “liberty, equality, fraternity or unity and democracy” form the ethical framework of citizenship. The difference between liberal citizenship and multicultural citizenship, however, is that the former is based on the rights individuals have against the state, while the latter is supplemented by a horizontal relationship between citizens and the ethics of how we deal with each other as citizens⁷⁵ (the ethics of inclusion).⁷⁶ It means multicultural citizenship works on the Qur’anic principle of *husn-i-akhlaq* (good character).

Multiculturalist citizenship also means striving for a civil society. For illustration, Modood points to the Canadian Multiculturalism Act (1988), which ensures all society members publicly work for the preservation of their own culture. He also gives the example of CMEB (Commission for Multi-Ethnic Britain), also known as the Parekh Report, which highlights the necessity of going beyond the concept of liberal citizenship, something which is unachievable until the citizens of Britain fully engage with what it means to be British.⁷⁷

Multicultural citizenship ultimately focuses on the individual rights of citizens and admits the fact that these rights are not the same for everyone, rather revolving around the identity of specific individuals. Such citizenship should not be limited to “legal rights, passports and the franchise” but be broadened in a “plural, dispersed and a dialogical way.” According to Modood, radical secularism is a potential threat to current theories of multicultural citizenship, especially in Western Europe and especially for Muslims. Religious fundamentalism, domestic terrorism, and political opposition also put obstacles in the way of multicultural citizenship.⁷⁸ Therefore, going beyond extremism and striving for peace is the key to keep multiculturalism alive.

Kymlicka also speaks about multicultural citizenship and the rights of minorities, yet is biased against religious minorities. Modood's version of multiculturalism, meanwhile, is essentialised by its critics as group-based.⁷⁹ As a key political philosopher, Modood has done a commendable job of making multicultural citizenship relevant to Anglophone political theory,⁸⁰ proposing the concept of "differentiated citizenship" to assimilate different groups in society.⁸¹ If the question of citizenship is controversial in traditional nation states, it becomes even more so in multi-nation states, where citizenship has to be modified to accommodate "sub-state national groups." In multi-nation states, federalism is employed, allowing minority groups that form a local majority to establish self-governance.⁸²

The Concept of 'Dialogue' and 'Equality'

All multiculturalists argue for the importance of dialogue in cultural practice, both philosophically and politically. They give it a central place in the liberal nationalist/human rights/class-based approaches interculturalist critics of multiculturalism miss.⁸³ Therefore, for the smooth functioning of multicultural society, there is dire need for dialogue "in conformity [to] familiar Habermasian principles grounded in love and emotional bonding for the community."⁸⁴ Modood, Taylor, and Parekh all consider dialogue essential for multiculturalism.⁸⁵ This dialogue should be reflected in every sphere of a multicultural society, whether political, economic, or cultural. This will allow the sharing of experience within the community. The dialogical approach makes us realise we are "ontologically related to one another" and not merely independent individuals. This helps us improve relations with the so called 'other.'⁸⁶

Multicultural citizenship is focused not merely on minorities, but the whole of society in order to express belonging based on equality.⁸⁷ Liberal conceptions of equality entail two forms of person: citizens and those associated with them. According to multiculturalism, this is inequality within equality; citizenship should entail a right to be different, both in the private and public spheres. So, unlike classical liberalism, multiculturalism talks about two kinds of equality.⁸⁸ First is the liberal concept of equality (which is gender and colour blind) and second is the acceptance of group self-identity. This kind of citizenship is not about who is to be recognised, but about conversations and re-negotiations. Multicultural citizenship is, thus, based on respect for all citizens, particularly those who are racially excluded, culturally denounced, and religiously sidelined.⁸⁹ Multiculturalism as a mode of integration, ensuring equality within difference and the inclusion of the marginalised.

Based on the concept of “equal respect,”⁹⁰ Modood gives two protectionist statements and two positive statements about minorities in relation to the majority in a multicultural relationship: their protection from racism and prejudice, different modes of integration (including assimilation), their accommodation within shared public institutions, and their claim to multicultural citizenship (national identity).⁹¹

National Identity

Arguably, although multiculturalists have begun to develop a theory of citizenship, they have failed to develop a strong national identity.⁹² Modood, however, disputes this, noting that multicultural citizenship is very critical of cultural assimilation and liberal individualism, both of which undermine group identity.⁹³ Although multicultural citizenship speaks for individual equality, it is not opposed to national identity. Rather, it works on the assumption that every citizen has their own individuality within their national group. This leads to pluralism, with each individual within a group having the right to maintain their identity. Under multiculturalism, the process of accommodation competes with a sense of nationality on two levels: with regards to a sense of belonging/loyalty (citizenship to the country) and in maintaining a sense of origin/diasporic identity. Hyphenated identities like Jewish-American or British-Muslim, therefore, are not necessarily an oxymoron.⁹⁴ A multicultural society calls for unity within diversity, based on a common national identity and citizenship. This is possible within the context of Parekh's understanding of culture, as he believes national identity is embedded in a society's political culture. However, Modood denies this restrictive meaning of national identity because, questioning the separation of politics and culture advocated by Parekh and the latter's positioning of national identity within a political rather than cultural gamut.⁹⁵

Kymlicka advocates self-rule for all nations (self-determination for immigrants), while Parekh believes that national identities need not be linked to nationalism because political communities can be trans-national. According to him, differing values, customs, and traditions should lead to intercultural learning, regardless of differences in nationality.⁹⁶ In sum, Modood suggests that a “Multicultural Nationalism,” or series of hyphenated identities that nevertheless remain aligned to a specific national identity, offer a feasible solution to present-day crises.⁹⁷

The Politics of Recognition

Multiculturalism is a polysemous term related to identity politics, the politics of difference, and the politics of recognition.⁹⁸ According to Modood, these diversities should not be eliminated, but recognised. Identity politics is in no way

opposite to citizenship, which is rather enriched by a civic sense of individual belonging.⁹⁹ Modood says that Taylor's conceptualisation of the politics of recognition based on equal respect is the basic idea behind multiculturalism.¹⁰⁰ According to Taylor, our identities are dialogically linked to each other because, socially, humans are interdependent. The politics of recognition works on two levels: the intimate sphere, where the formation of self takes place in dialogue with others, and the public sphere, where “the politics of equal recognition” plays a dramatic role. Thus, the journey from “politics of identity” to “politics of universalism” ends when the distinction between different classes of people stops and “the politics of dignity” comes into being, reinforced by “the politics of difference,” which means every individual is respected and honoured for their uniqueness. Dialogue also imparts a central importance to the “politics of recognition,” which, if denied, damages the democratic ethos of society. Restraining such recognition therefore leads to oppression.¹⁰¹

Reflections

All of the abovementioned scholars have their own way of understanding multiculturalism.¹⁰² While Tahir Abbas states that the question of multicultural citizenship for Muslims need not be political, Abbas wants (British) Muslims to live as obedient minorities in non-Muslim settings and participate in the public sphere. Ultimately, new ways of integration should be discovered to protect Muslim minorities from isolationism and ensure their full participation in Western society, while keeping their identities intact.¹⁰³ Arguably, however, the question is not about integration, but the fear which developed after 9/11 and 7/7. Multiculturalism could combat Islamophobia, a cultural racism in Britain and other places. It could also help maintain and preserve the ethno-religious identities of Muslims. It is therefore termed “civic rebalancing” instead of “retreat” by Modood and Nasr.¹⁰⁴

Radical/ideological (American liberal/French republican) secularism is the biggest challenge facing multiculturalism. Modood offers an accommodative (moderate or inclusive) model of secularism, one which respects religion beyond mere toleration and could lead to egalitarian and democratic citizenship.¹⁰⁵ While a crisis in *laïcité*, or the concept of secularism in France, has prompted Emmanuel Macron to argue that *à la Française* needs to be reformed, I argue that multiculturalism should become the policy of contemporary multi-ethnic and multi-religious France. Instead of interfering in religion and trying to reform Islam, the French government needs to prioritise social inclusion, political participation, and the economic development of religious minorities.¹⁰⁶

Multiculturalism demands that different ethnic groups be treated equally because, as best explained by I. M. Young, its goal is identity consciousness rather than identity blindness.¹⁰⁷ As per Young, equality is not assimilation under a majority, but the positive self-definition of a minority.¹⁰⁸ Identity politics, however, is currently considered a cancer that threatens to shatter the foundations of liberalism.¹⁰⁹ Nevertheless, if Muslims are allowed to represent themselves in the political sphere, to bear the “family resemblance” discussed above, multiculturalism can be successful.¹¹⁰ While critics of multiculturalism see identity politics as a threat, as illiberal authoritarianism designed to overturn liberalism in the name of equality, there is also a more positive tussle between identity politics and liberalism, allowing Kymlicka to recognise “liberal multiculturalism” as a mid-point between the two. As he argues, core liberal values like freedom, equality, human rights etc. are part of multiculturalism, too.

Conclusion

Multiculturalism is understood differently by different people.¹¹¹ Though it has received a lot of criticism, it remains a better option than either assimilation or integration.^{112,113} Most successful in Europe, the debate is now about how to employ the right political framework to support it.¹¹⁴ The official 2001 reports into the civil riots that gripped the northern English towns of Oldham and Burnley that same year demonstrated an appreciation for multiculturalism; they did not blame it for creating segregation/Balkanisation. Also, the related Bradford Race Review criticised the UK’s National Curriculum for its failure to teach about different cultures and faiths in a diverse multicultural community.¹¹⁵ Therefore, those who consider contemporary Muslim identity issues as “an unwanted and illegal child of multiculturalism” are left with two options: either shun the concept of equality as identity recognition and go back to the liberal idea of equality (colour and gender-blind) or recognise that multicultural equality is impossible without a consideration of secularism.¹¹⁶

A combination of both classical liberalism and pluralism is appropriate for the inclusion of minority citizens in modern European societies. It will represent unity in diversity, both in the private and public spheres. For example, “a citizen based polity within the EU” rooted in Tariq Ramadan’s “civic ethic” will not only allow Muslim integration but also greater Muslim contributions to society.¹¹⁷ Both society’s majorities and minorities should have the freedom to fully celebrate their religious occasions through inclusivity. Muslims in Britain should not focus on de-Christianising Europe, but instead find new ways to successfully integrate.¹¹⁸ This will create an ethno-religious mix alongside democratic citizenship and

individual rights, moving beyond toleration towards mutual understanding through a process of dialogue.¹¹⁹ But, while multiculturalism enjoys a strong position within the European Union, at least theoretically, much is still left to be done.¹²⁰

This paper concludes with the following policy recommendations:

- Multicultural policies are not about racism; they challenge it. This should be recognised by all, whether on the political left or right.
- Minority rights should be given due consideration, regardless of whether they refer to settled ethnic groups or immigrants.
- European Muslims should contribute to the public sphere and be able to perform their religious duties without fear.
- Individual identities are important and should not be assimilated.
- While Europe should follow securitisation measures, it should not blame every violent act on multiculturalism.
- Liberal equality should be replaced by a “double concept of equality” so as to make law and faith concomitant.
- There should be institutional accommodation of Muslims in European countries, not a racialisation in terms of culture, politics, and terrorism.

Notes

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THE CONTEXTUALISATION OF ISLAM IN A SECULAR STATE: A STUDY OF SINGAPORE

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Abstract: Muslim minority communities throughout the world grapple with the contextualisation of Islam. Islamic religious scholars, or the '*ulama*', have to issue jurisprudential rulings in accordance with the social, political, and religious contexts in which they operate. In doing so, they simultaneously have to deal with matters pertaining to authority and legitimacy. This paper analyses the contextualisation of Islam in secular states, with specific reference to Singapore. A few arguments will be made. Firstly, the paper will tackle the theological justifications for the contextualisation of Islam. At the same time, the paper will highlight the limits of contextualisation. Secondly, the paper will focus on the secular state of Singapore, and the issue of contextualisation in the context of the Muslim minority community there. It is argued that the discourse on contextualisation in Singapore is not novel. We further contend that the socio-political context in Singapore rightly drives the discussion on contextualisation, but suggest areas of contention in such efforts. Even though the state is the most dominant actor in the country, and thus its ideologies and attitudes toward Islam are a key determinant in the faith's contextualisation, other actors display agency in the process, too. This paper is situated within the literature on state-society and state-Islam relations.

Keywords: contextualisation; Islam; secular state; Singapore; Muslim minority; *ulama*.

Introduction

The very elliptical style of the Qur'an and the Hadiths, with their constant interaction with the shifting contexts of the Prophet's surroundings, makes them incomprehensible at times without context. This also leaves them dangerously vulnerable to misreading.¹

Jonathan Brown's assertion is reflective of the approach taken by Islamic religious scholars, or the '*ulama*', in Islamic jurisprudence. Islam, a faith which is concerned with both individual practices and societal obligations, has to be

practised by members of a society; hence, when the contexts of those societies change, the Islamic laws governing them may be altered as well. Brown's reading is therefore not a modern one at all: from the outset, the Companions of the Prophet reinterpreted some Prophetic commands in accordance with their own assessment of both the texts – the Qur'an, which Muslims accept as the Word of God, and the Sunnah/Hadith, which refer to the Prophet's words, actions and even inactions – and their contexts. The second Caliph, 'Umar ibn al-Khattab, for example, overturned some of the Prophet's rulings when he felt the circumstances warranted such decisive moves.² 'Umar was not only one of the Prophet's closest Companions, but is also believed by Sunnis to be one of those promised paradise. The precedent set by 'Umar, an authoritative figure in Sunni Islam, shows that not only is it justified to contextualise certain Islamic injunctions, at times it is even necessary. Yet, obvious questions arise: under what circumstances can Islamic rulings be changed to fit shifting contexts? Who should be making the call as to whether a law be changed? Are all aspects of Islamic law subject to change?

If these questions are relevant for all Muslim communities at all times, they are especially pertinent for Muslim minority populations living in the modern, secular world. The *'ulama'* in those communities have to grapple with the contextualisation of Islam, and have to issue jurisprudential rulings in accordance with the social, political, and religious contexts in which they operate. In doing so, they simultaneously have to deal with matters pertaining to authority and legitimacy. This paper analyses the contextualisation of Islam in secular states, with specific reference to Singapore. A few arguments will be made. Firstly, the paper will tackle the theological justifications for the contextualisation of Islam. At the same time, the paper will highlight the limits of contextualisation. While contextualisation has been the undisputed reality of Islamic practice from the outset, there are obvious challenges with regard to its theorisation and implementation, which will be articulated. Secondly, the paper will focus on the secular state of Singapore and the issue of contextualisation with regards to the Muslim minority community there. It is argued that the discourse on contextualisation in Singapore is not novel. We further contend that the socio-political context in Singapore rightly drives the discussion on contextualisation, but suggest areas of contention in such efforts. Even though the state is the most dominant actor in the country, and thus its ideologies and attitudes toward Islam are a key determinant in the faith's contextualisation, other actors display agency in the process, too. This paper is situated within the literature on state-society and state-Islam relations.

The Theological Justifications for and Limits of Contextualisation

As a religion with a comprehensive value and legal system, ranging from the seemingly minute to the major, Islam is a faith which its adherents believe to be applicable to all times and places. This ‘relevance’ is not disputed here; what is contested is, what exactly does that relevance entail? Are all laws to be followed to the letter at all times? If not, which laws can be modified to suit the times, and which are immutable? Should a more literal or metaphorical approach be taken to understanding Islamic texts? Should the letter of the law be prioritised or should it be about adhering to its spirit? If it is the latter, who gets to define what the ‘spirit’ or ‘essence’ of the law is? Should Islamic practices be consistent between Muslim majority and Muslim minority communities? These are some of the questions that will be tackled in this section.

Theological Justifications

As mentioned in the introduction, as a matter of practicality, the Companions of the Prophet issued edicts which sought to contextualise certain practices, even if this meant some Prophetic injunctions were not obeyed in their exact form. The following Qur’anic injunctions, amongst many others, provide the basis for such actions:

And (it is) a Qur’an which We have separated (by intervals) that you might recite it to the people over a prolonged period. And We have sent it down progressively. (17:106)

So fear Allah as much as you are able... (64:16)

The first verse quoted above shows that God sent down the Qur’an over a period of time so as to enable human beings to progressively adjust to the new regulations. The best example of this would be the prohibition against drinking alcohol, which was not immediately implemented, but only gradually so. The idea is that Islamic laws were revealed by God in accordance with the context of society at the time, which in this case involved the readiness of Muslims to accept those laws. The second verse quoted above is an acknowledgment of the limitations of being human: due to whatever limitations one may have, total compliance to all Islamic laws may not be possible. Instead, one must strive to do one’s best when adhering to them. The limitations here involve the practical difficulties of adhering to certain injunctions due to the surrounding environment.

The hadith, the second source of authoritative knowledge for Sunni Muslims after the Qur’an, also indicate the permissibility of contextualisation.

For instance, it is authentically narrated that the Prophet used to forbid the Companions from visiting graves, but later rescinded that prohibition. Likewise, initially he did not allow the Companions to recite the Christian Gospels, only to subsequently grant them permission to do so.³ Classical '*ulama*' have surmised that these prohibitions were given at the start of the Prophetic mission, when the Companions were still new to Islam, and it is only when their knowledge and faith were firmer that the Prophet rescinded them. Evidently, in these instances, the Prophet's commandments were tailored to the context in which he operated.

Other than the textual evidence, the examples of the Companions after the demise of the Prophet are also instructive. Sunnis believe that the Companions are the most righteous human beings among the believers; while they are not infallible, their actions and words carry weight and may be of significance. Abu Bakr and 'Umar, especially, the Prophet's closest Companions and the first two caliphs after his death, are highly regarded by Sunnis. Significantly, therefore, history shows that even they made decisions which seemingly contradicted the Prophet. Abu Bakr made the monumental pronouncement, for example, after some initial reluctance, to compile the Qur'an, which had previously been recorded only in fragments. This decision was made because many memorisers of the Qur'an had perished in war; Abu Bakr decided – upon the advice of others – that the text's compilation was necessary for its preservation. 'Umar is also known for taking bold steps when it came to Islamic jurisprudence. For instance, he explicitly overturned the Prophetic practice of distributing *zakat* to tribes who were not Muslim but were friendly to Muslims. He opined that since Islam was already in a position of strength, the *zakat* should be given to new Muslims instead.⁴ 'Umar took office just over two years after the Prophet's death and ruled for about ten years; within this short period of time, he deemed that circumstances had changed enough to warrant new approaches to jurisprudence. Subsequent generations of '*ulama*' followed the lead of Abu Bakr, 'Umar, and other Companions, coming up with innovative prescriptions for the jurisprudential issues they faced.⁵

In this light, it seems thoroughly uncontroversial to contend that the history of Islam advocates legal adaptability to suit the particular context of a community. What is contentious, however, are the limits to that contextualisation and the issue of when it becomes permissible. Here it is timely to introduce the work of Sheikh Yusuf al-Qaradawi, one of the Muslim world's most influential contemporary '*ulama*'. Al-Qaradawi has been at the forefront of the issue of contextualisation, especially for Muslim minority communities. He lists ten factors to determine whether an Islamic law or practice can be contextualised: time, place, circumstances, '*urf*' (custom), information, needs of humanity, abilities of humanity, the widespread nature of a matter (such that it cannot

be avoided), socio-economic and political conditions, and modes of thinking. The first four factors are to be found in the classical Islamic tradition and have been explicitly mentioned by prior *'ulama'*. The other six, however, are al-Qaradawi's own, based on his reading of the Islamic tradition. Naturally, while al-Qaradawi's list is exhaustive and extremely useful, some issues arise. Who, for instance, determines what the socio-political circumstances are that would require a rethinking of Islamic thought?⁶

The Limits of Contextualisation

If contextualisation is both theologically sound and historically valid, why is it still viewed with some suspicion, if not disdain, amongst Muslims? This is for several reasons. First, there are those Muslims who argue that Islamic scholars and leaders do too much to appease non-Muslims, especially since 9-11.⁷ These Muslims view acts of contextualisation as unnecessary attempts to appease others, to convince them that Islam is a 'modern' and 'progressive' faith. It is not, therefore, a genuine effort to ensure that Islam remains relevant fourteen centuries after its inception. A concomitant worry is that there may be no limits to appeasement; as one practice after another is labelled 'not suitable', at what point does the practice of Islam become unrecognisable? Second, and related to the first point, is a fear among traditionalist Muslims of 'liberal' interpretations of the faith. Typically accorded a magnified voice by both media outlets and commentators on Islam, particularly in the West, liberals seek to challenge established understandings of Islamic jurisprudence, usually by utilising the language of individual liberty – akin to modern Western liberal comprehensions of freedom.⁸ Much of the resistance towards contextualising Islam stems from this traditionalist apprehension towards liberals/progressives. Of course, 'liberal' or 'progressive' Muslims are not a monolithic group; there are many differences between them. While the more 'extreme' examples, such as Irshad Manji, call for a thorough reform of Islam, including a disregard for core beliefs like adherence to Sunnah, others adopt a more scholarly and intellectual approach.⁹ Scott Kugle falls in the latter camp, utilising an inventive reinterpretation of the story of Lot in the Qur'an, a story mainstream Muslims almost unanimously use as evidence of a prohibition against same-sex relationships, to argue Islam is not against homosexuality.¹⁰

One can see the bind traditionalist Muslims find themselves in: if Islam can be contextualised and reinterpreted, why can it also not be refashioned in the way Kugle attempts, in line with modern notions of justice and individual rights? The debate here is essentially about the limits of contextualisation, with mainstream Muslims using several criteria to determine the boundaries of

reinterpreting Islamic texts. First, basic theological tenets are non-negotiable: the Oneness of God, the Prophethood of Muhammad, the existence of the Afterlife and Day of Judgment, the Qur'an as the Word of God, are beliefs which cannot be compromised.¹¹ When progressives such as Manji question these tenets, they do themselves no favours, since their calls are antithetical to the sensibilities of most Muslims. Secondly, established religious practices are also immutable. The command to pray five times a day, fast during Ramadan, and ensure marriage is between a man and woman are integral to a Muslim's faith. No doubt specific situations may determine whether an individual should carry out those practices. For instance, a sick person may be exempted from fasting. However, the general command to fast during Ramadan must be adhered to whenever circumstances permit. Finally, who (if anyone) should be the gatekeepers of reinterpretation? For traditionalists, it should be the '*ulama*', or those with sufficient knowledge and stature (good command of Arabic, sound understanding of Islamic texts, and community recognition). The '*ulama*' and not any layperson should be the ones leading the way. In its essence, this third criteria is not exactly controversial; no one would take someone who cannot speak English seriously if that person says he/she is an expert in Shakespearean literature.

Nevertheless, these criteria, especially the second and third, are not undisputed. For matters such as prayer and fasting, the rulings are quite clear-cut, but what about other issues which are more amorphous? The issue of inheritance, for instance, is increasingly contentious. While inheritance laws are specified in the Qur'an, progressives contend that our social context has changed, rendering those pieces of legislation obsolete. This is an area of contention which highlights the difficulties involved with contextualisation. An even more controversial issue has already been alluded to: the permissibility of same-sex relationships. The '*ulama*', both past and present, unanimously agree such relationships are impermissible. In modern times, however, some Muslim progressives and intellectuals have challenged this understanding, claiming that the Qur'an makes no such assertion. The aforementioned Kugle is amongst them, claiming that the story of Lot is not about homosexuality, but rather condemns lust. His interpretation is not shared by Muslim '*ulama*', however, because Lot's story in the Qur'an seems quite plain and unambiguous; any person who reads it is extremely likely to surmise the story is about a prohibition of same-sex relationships between males. Indeed, some hadiths are also, as Scott acknowledges, critical of all same-sex relationships.¹²

These two issues demonstrate the difficulties of contextualisation. To be sure, while Islam is a religion with a rich intellectual tradition, with various contesting opinions, there are 'boundaries'. If everything can be part of 'Islam', then 'Islam' does not really have any meaning. This is true of any other faith as

well. That is not in dispute. What is, however, is where the boundaries are and who gets to decide. Diversity of thought is largely encouraged in Islam; yet, at the same time, there are certain hard lines which are not to be crossed.

Even though we have argued that, in both theory and practice, the '*ulama*' are the ones who should be at the forefront of determining what can or cannot be contextualised, there are a few qualifications. Firstly, religious authority does not reside in any single '*alim*' (singular of '*ulama*') but rather, as Wael Hallaq argues, in the entire juristic enterprise.¹³ Thus, no single '*alim*' can claim to have the definite answers to complex modern jurisprudential issues. Secondly, the '*ulama*' have to rely on the broader expertise of the Muslim (and at times non-Muslim) community. For instance, regarding issues like cloning or organ transplant, the '*ulama*' must consult with the best available science to help them adjudicate. Third, no exercise can ever be divorced from power considerations. Throughout the history of Islam, power interests have intersected with Islamic legislation, with those in authority trying to nudge religious scholars in a particular direction.¹⁴ It is vital for us to comprehend that there are power structures involved in decision-making, which is why diversity of thought is important. In the context of Singapore, it is crucial to involve '*ulama*' and community activists who are both state-aligned and independent.

With these three caveats in place, although messy, the process of contextualisation would surely yield much better results, both intellectually and practically. Intellectually, a range of diverse opinions and an atmosphere of openness would generate a better final product, while practically it would make it much easier for a decision to be accepted by members of the public. There would be no perception of religious authorities being pressured into making a decision, which is especially important in Singapore, where the Islamic Religious Council of Singapore (*Majlis Ugama Islam Singapura*, MUIS) is an organ of the state. A later section will discuss this matter in more detail.

As evinced by the preceding discussion, contextualisation is by no means a simple endeavour. Contestations within the '*ulama*' fraternity, and from outside, especially in an age where everyone's opinion can be heard via social media, regardless of whether it has the requisite proficiency, will always occur. What we have outlined, however, are the principles that should guide both the processes and limits of contextualisation. With it in mind, we turn to the city state of Singapore as a practical case study and point of reference for analysing the topic of contextualisation.

The Contextualisation of Islam in Singapore

Background: Islam in Singapore

It is important to provide a brief idea of Singapore's political system in order to properly comprehend the practise of Islam in the country. Since attaining independence in 1965, Singapore has been governed by the People's Action Party (PAP), practising a system best described as "illiberal democracy" or "competitive authoritarianism."¹⁵ This means that, while elections are not completely fair, they are not fraudulent either. Thus, while the playing field is not level, opposition parties and candidates can and do contest, even winning at times, giving voters a genuine choice. PAP's almost unbridled power, however, has meant that it has been able to define, or at least influence, every facet of Singaporean society, including religion. Since PAP is the most important political entity in the country, the contextualisation of Islam cannot take place without acknowledging this dominance; Singapore is a self-avowed secular state and PAP has made no qualms about intervening in the religious lives of individuals, restricting personal liberties for the sake of attaining societal harmony. Certainly, Singapore's experience of Malay-Chinese racial rioting in 1964 while briefly part of the Malaysian Federation left an ineffaceable mark on the psyches of PAP leaders; they have subsequently viewed race and religion as points of difference to be consciously managed.¹⁶ The following quotes best encapsulate PAP's approach to religion and politics in general. The first two are from Lee Kuan Yew, founder of PAP and the first prime minister of independent Singapore, who profoundly shaped the nation as we know it today, and the third is from the current prime minister, Lee Hsien Loong.

I am often accused of interfering in the private lives of citizens. Yes, if I did not, had I not done that, we wouldn't be here today. And I say without the slightest remorse, that we wouldn't be here, we would not have made economic progress, if we had not intervened on very personal matters – who your neighbour is, how you live, the noise you make, how you spit, or what language you use. We decide what is right. Never mind what the people think.¹⁷

Churchmen, lay preachers, priests, monks, Moslem theologians – all those who claim divine sanction or holy insights – take off your clerical robes before you take on anything economic or political.¹⁸

We have no illusions about the depths of the religious fault lines in our society, and the harm that will befall us if we neglect to manage them.¹⁹

The PAP government's obsession with maintaining societal stability by keeping religion in check is evinced not only by these statements from its leaders, but by numerous laws, including: the Internal Security Act (ISA), under which offenders can be detained without trial for "acting in a manner prejudicial to the security of Singapore"; the Maintenance of Religious Harmony Act (MRHA), under which any religious figure can be punished for activities that cause ill will between religious groups; and Section 298 of the Penal Code, under which a person can be punished for "uttering words with deliberate intent to wound the religious or racial feelings of any person." These draconian laws reflect the government's unapologetically interventionist approach to managing race and religion.

However, these harsh tools are by no means the only, or even primary, mode of addressing religious issues in Singapore. The government also tries to ensure it leaves nothing to chance by supporting inter-religious harmony via bodies like the Inter-Religious Organisation and Inter-Racial and Religious Confidence Circles.²⁰ Perhaps nowhere, however, is the state's interventionist stance more evident than in its management of Islam.

Due to certain historical realities, Islam occupies a special position in the Constitution of Singapore, being considered the religion of the indigenous people of Singapore, the Malays. This is despite Muslims being a minority, constituting only about 14 per cent of the resident population (compared to Buddhists/Taoists, 43.2 per cent; Christians, 18.8 per cent; and people of no religion, 18.5 per cent).²¹ Most Muslims in Singapore are Malay (who generally practise the Shafi'i school of jurisprudence), although there are also sizeable Indian and Arab Muslim communities too, not to mention other smaller groups. Article 153 of the Constitution reads: "The Legislature shall by law make provision for regulating Muslim religious affairs and for constituting a Council to advise the President in matters relating to the Muslim religion." The manifestation of this constitutional guarantee is the continued existence of the aforementioned Islamic Religious of Council of Singapore (MUIS). Under the Administration of Muslim Law Act (AMLA), in 1968 MUIS became a statutory board that today finds itself under the purview of the Ministry of Culture, Community and Youth (MCCY). It is supposed to advise the President of Singapore on all matters pertaining to Islam and appoints Singapore's mufti, the highest official religious authority in the country. This mufti chairs a *fatwa* committee composed of '*ulama*' from both within and outside MUIS, who issue edicts on Islamic matters relevant to the Singaporean context. MUIS works closely with and reports to the Minister of Muslim Affairs, a position within the cabinet. The authority of MUIS is wide-ranging, with the organisation handling everything from mosque management to *zakat* collection.²² Thus, while

Singapore proclaims itself to be a secular state, the existence of MUIS and a Ministerial position for Muslim affairs means its version of secularism does not conform to conventional understandings of that term. Scholars have termed Singapore's brand of religious management "pragmatic" or "accommodating" secularism.²³

MUIS plays an important role in contextualisation, not only by issuing edicts and advisories, but also by training *asatizahs* (religious teachers) to be well-versed in both texts, and context. For instance, the Postgraduate Certificate in Islam in Contemporary Societies (PCICS) is mandatory for aspiring religious teachers; this one-year programme accustoms participants to the realities of teaching Islam in modern-day Singapore.²⁴ However, the practical socio-political realities described in the preceding paragraphs make the task of contextualisation in Singapore arduous for MUIS. Since both MUIS and the mufti are linked to the state, even when they make pronouncements that are jurisprudentially sound, such are often met with cynicism. This has been acknowledged by two previous muftis, Shaykh Isa Semait and Dr Fatris Bakaram.²⁵ Moreover, this situation has worsened since the implementation of the Asatizah Recognition Scheme (ARS), whereby anyone wishing to teach Islam in Singapore must be certified by the Asatizah Recognition Board (ARB). Even though the ARB comprises senior '*ulama*', it reports to MUIS, ensuring many questions arise – fairly or otherwise – about decisions to disallow certain individuals from teaching Islam. Again, this makes acceptance of contextualisation recommendations by the '*ulama*' problematic.

Another significant actor on the scene is the Singapore Islamic Scholars and Religious Teachers Association (*Persatuan Ulama dan Guru-Guru Agama Islam Singapura*, Pergas). Pergas is an independent body of '*ulama*' dedicated to building a "credible leadership of *ulama*" and developing "a generation of Asatizah who are experts in guiding the community."²⁶ Although formed in 1957, the organisation did not rise to national prominence until the late 1990s and early 2000s, when it became an advocacy group pressuring the government into acceding to its requests concerning the donning of *hijab/tudung* (Muslim female headscarf) and *madrasah* (Islamic school) education.²⁷ During those episodes, Pergas was willing to publicly disagree with both the government and MUIS. In 2003, Pergas also released a publication following an '*ulama*' convention, entitled *Moderation in Islam: In the Context of Muslim Community in Singapore*. This book represented a definitive attempt to contextualise Muslims as a minority community in a secular state. It was also meant to define moderation from an Islamic perspective in a post-9-11 world, where many politicians and commentators were trying to propagate conceptions of a 'moderate Muslim'. In the years after 9-11, there was a lag on the part of

MUIS to recognise and tackle the discourse of moderation, leaving Pergas and other '*ulama*' to fill the void. Thus, while MUIS has had an important role in contemporising Islam in Singapore, the role of other actors cannot be denied.²⁸

Over recent years, Pergas has become less confrontational, adopting a more cooperative attitude towards both the government and MUIS.²⁹ It remains an organisation, however, with significant moral authority; for many Muslims its independence from the state lends it greater credibility.

Contextualisation in Singapore: Prominent Examples

This section will demonstrate how Islam in Singapore, as elsewhere, has been contextualised through the issuance of several major *fatwas* that have since become accepted amongst Singaporean Muslims. These examples prove how the '*ulama*' have engaged with both text and context, demonstrating the applicability of everything discussed in the first section.

The first example is the 1978 decision by MUIS to determine the start of the months in the Islamic calendar – including Ramadan and Shawwal, when Muslims celebrate Eid – through calculation (*hisab*) instead of by sighting the moon (*rukyah*). This *fatwa* was based on advancements in modern science and astronomy capable of determining with near-precise accuracy the position of the moon. This eliminates (or mitigates) the possibility of weather conditions or human error affecting the sighting. MUIS surmised that, even though the Prophet had instructed Muslims to view the new moon to signal the start of a new month, the essence of his instruction was to determine whether the month had indeed begun. Since technology now enabled us to do this more accurately, we should determine it through those more modern means.³⁰

A second example concerns the Human Organ Transplant Act (HOTA). In 1973, Singapore's *Fatwa* Committee ruled it was impermissible for Muslims to become organ donors after death. This position, however, came into conflict with HOTA when the latter was passed by parliament in 1987, making donation the law of the land. Initially, Muslims were excluded from the act but, after much deliberation, the *Fatwa* Committee ruled in 1995 that it was permissible for Muslims to donate their organs, effectively overturning its 1973 decision. They ruled that medical advancements had made the transplant procedure more effective, and hence there was value in it. This new *fatwa* was then progressively modified to the point that, in 2007, it was ruled Muslims could automatically be included as donors without the need for them to give written permission while still alive, as the 1995 *fatwa* had stipulated. This action was taken after the Muslim Kidney Action Committee suggested it, since many kidney patients in need of a transplant were Muslim.³¹ As in the previous example, scientific

advancements were crucial in changing the initial 1973 *fatwa*, although the evolving needs of the community were also relevant.

Another example is the October 2018 decision to increase the minimum age of marriage from 16 to 18. While classical Islamic jurisprudence does not overtly specify a minimum age for marriage, merely stating that individuals must have reached the age of puberty, today mores have changed, with youthful marriages being disapproved of. Coupled with the fact that in Singapore many Muslim divorces occur between younger couples, the decision was taken to raise the minimum marriageable age to ensure the presence of emotional maturity when starting a family. Here, *maslahah* (public interest) determined the need for the *fatwa*. It also must be noted that, even though classical jurisprudence does not specify a minimum age, there is no explicit prohibition in the Qur'an or Prophetic tradition against determining one.³²

A more recent controversial case has been the *fatwa* closing mosques, including during the obligatory Friday prayers, due to the spread of COVID-19. This decision was generally greeted with community support, although there were still some who criticised the mufti for it.³³ The *fatwa* was issued on the basis that protection of life is more important than the Friday prayer, which could have become a potent conduit for transmission of the disease.³⁴

Numerous other examples of successful contextualisation exist: the ruling that *zakat* be paid with money and not rice; allowing payment of *zakat* by cheque, over the telephone, or by e-payment; or the Joint Tenancy *fatwa* that ruled a place of residence owned by both husband and wife will, after the death of one, automatically belong to the other without the need for a written will. In each instance, the '*ulama*' came to the conclusion that the needs of the community required a fresh look at certain Islamic practices, prompting them to extract new, contextually appropriate rulings from the texts that nevertheless remained faithful to the essence of the latter. Al-Qaradawi's list of factors, together with the other issues discussed above, can be seen to apply here.

Contextualisation and Areas of Contention

The previous section highlighted examples of contextualisation that were well received by the Muslim community in Singapore. No doubt, none of the *fatwas* issued were unanimously accepted by every member of the Muslim community but, generally, these efforts at contextualisation have been uncontroversial for two reasons: most (if not all) of the '*ulama*' (including Pergas) supported them and the issues affected were not viewed as overtly 'political' by the public. Here, we will illustrate a few cases where efforts to contextualise Islam were not so straightforward.

a. *Hijab*

One of the most important moments in the history of Singapore's state-Islam relationship was the *hijab* episode, which has already been alluded to. Muslim activists and groups were clamouring for the state to allow Muslim girls and certain frontline workers (such as nurses) to wear *hijab*. In early 2002, four children wore the *hijab* to school in defiance of the government's existing policy. PAP leaders, including the then Prime Minister Goh Chok Tong, rebuked those involved in the incident while Mufti Shaykh Isa Semait issued an advisory stating that seeking knowledge was more important than donning *hijab*, meaning Muslim parents need not worry too much about sending their girls to national schools.³⁵ Pergas, however, were dissatisfied with this statement and urged Muslims to continue pursuing the cause and convince the government to change.

Here, efforts by the mufti to contextualise Islamic jurisprudence based on socio-political realities received a mixed response. While the essence of his statement was valid, what Muslim activists were questioning was why there needed to be a dichotomous choice between seeking knowledge and putting on the *hijab*. Pergas was vocal throughout the episode, providing a counterweight to MUIS's predictably measured response.

This incident, like many others, aptly demonstrates the complications of contextualisation in Singapore. There will always be contestation when it comes to making Islamic teachings more applicable to modern society; when these objections come from '*ulama*', the process becomes even more difficult. When compounded with the perception that any edict or religious advisory issued by state-linked '*ulama*' will be politically influenced, the matter becomes acute. The state's forceful efforts to discredit the *hijab* movement as antagonistic, rather than engaging with it, did not help the mufti in this regard.

b. "Merry Christmas" Greetings

A more recent example involves the exchanging of religious greetings. In 2016, the Minister of Home Affairs, Shanmugam, identified a "worrying" trend among younger Muslims against wishing Christians a "Merry Christmas" or Hindus a "Happy Deepavali" because they felt doing so contradicted their religious beliefs. Mufti Ismail Menk, a popular preacher from Zimbabwe, was subsequently barred from giving religious talks in Singapore after saying it was indeed impermissible for Muslims to wish Christians a "Merry Christmas".³⁷ Instead, he advocated saying "Happy Holidays". The Singaporean government took an unequivocal stance on this issue, with various PAP leaders intimating that it was unacceptable for Muslims to hold on to the opinion espoused by Menk. The Minister of Environment and Water Resources, Masagos Zulkifli,

who later became Minister-in-Charge of Muslim Affairs, remarked that “they say things that can sow the seeds of terrorism or intolerance towards other religions, including forbidding Merry Christmas greetings and so on without taking into account its context...this is very dangerous.”³⁸ Another Muslim parliamentarian, Senior Minister of State Dr Maliki Osman, said that opinions like Menk’s had “no Islamic basis.”³⁹ MUIS further supported the idea that it was permissible to exchange religious greetings, as evinced by the mufti’s own “Merry Christmas” wish to the Christian community.⁴⁰

What was missing from the above state-initiated discourse, however, was acknowledgement that there are in fact a myriad of opinions within Islamic jurisprudence on the matter of exchanging religious greetings, in spite of Maliki’s aforementioned claim to the contrary. Many senior ‘*ulama*’ in Singapore subscribe to the opinion (or, at least, used to) that it is not permissible to greet those from other faiths as described above because doing so would be tantamount to acknowledging the validity of their beliefs.⁴¹ While none of these ‘*ulama*’ advocate an adversarial relationship with other faith communities, for them social tolerance does not come hand-in-hand with theological tolerance; one can have the conviction that other faiths preach beliefs that are wrong while nonetheless being kind to everyone. This principle will be expounded in the next section. This diversity amongst ‘*ulama*’, was acknowledged by Pergas, which said that it was inclined towards stating that sending greetings was permissible—which, incidentally, is the position of al-Qaradawi—but while acknowledging that other opinions exist within the Islamic corpus of knowledge.⁴²

Here, mild tensions arose between the state’s idea of an acceptable Islamic opinion and the ‘*ulama*’s. The government adopted its typical interventionist stance, prodding Muslims towards a particular jurisprudential opinion, one which it thought would preserve racial harmony. However, Muslims may not necessarily share that idea; even those who were comfortable expressing “Merry Christmas” to their Christian friends felt unease at the securitisation of conservative Muslim jurisprudential opinions in this case, such that not exchanging greetings was directly linked to the potential radicalisation of the Muslim community. When contextualisation efforts are viewed to be overtly political like this, even if they are jurisprudentially valid, they may be subject to scepticism among the laity. As W. J. Abdullah points out, there may be segments within the Muslim community who are uncomfortable with the seemingly cosy relationship between religious elites and the political establishment, however well-intentioned that relationship might be.⁴³

c. Religious Pluralism

Alami Musa, President of MUIS⁴⁴ and head of the Studies in Inter-Religious Relations in Plural Societies Programme at the S. Rajaratnam School of International Studies (RSIS), wrote in an op-ed in *The Straits Times*:

The moderate position is to have an inclusive view of the “religious other”. They believe that their religion provides the preferred way to salvation, but do not discount the reality that other religions contain truths, goodness and even pathways that may or can lead to salvation. Such a view is an important condition for one to be inter-religious.⁴⁵

Here, Alami was advocating a position that has never been mainstream in any Islamic sect, whether Sunni, Shia, Mu’tazilite, or Kharijite. In another op-ed, entitled ‘Religious Harmony: Stop the Tolerance, Start Appreciating’,⁴⁶ Alami argued that no one religion should claim superiority over another. This is a view most Muslims do not share, as they generally believe that Islam is superior. Indeed, that Islam challenges the core beliefs of other faiths, such as Christianity, is evident from the Qur’an and Sunnah. What Alami was doing in his op-ed, however, was conflating supremacism and superiority; a supremacist attitude may lead to violence or oppression against others, but merely believing that one’s faith is correct does not necessarily entail something similar. The very fact that someone subscribes to a belief must mean that he/she thinks it is superior to others. Otherwise, why subscribe to it in the first place?

Even though Alami is not an ‘*alim*’, he is an influential voice within the Singaporean Muslim community and has close links to the state.⁴⁷ His op-eds represent an attempt to further contextualise theological beliefs in line with modern sensibilities on religious pluralism. Underlying this drive, however, is a conflation between theological exclusivity and social exclusivity. Even if Muslims believe in theological exclusivity – that Islam is the one true path toward salvation – that does not automatically translate into social exclusivity, to Muslims socially distancing themselves from other communities. However, Alami seems to suggest that the two are indeed correlated.

Alami’s op-ed pieces provide an instructive look at the limits of contextualisation. If a contextualisation narrative is pushed but not accepted by the vast majority of ‘*ulama*’, it is likely to be unsuccessful. However, just because a view is not mainstream at a particular point in time does not mean it will remain so in the future. Nevertheless, at the moment the idea that all religions are equal does not seem to be intellectually compelling for Muslims.

As can be seen from these three examples, even though the state wields a disproportionate amount of power in Singapore, it is never the only entity that

matters. Other Muslim actors push back against state proclamations, resulting in a battle of ideas. Increasingly, non-state aligned individuals, ranging from Muslim activists to non-state '*ulama*', participate in the discourse on Islam and how it should be practised in Singapore. With the advent of social media and the concomitant increased scrutiny of those in authority, including state-linked '*ulama*', pronouncements by MUIS are likely to be even more hotly contested.⁴⁸ Nonetheless, the state remains the pre-eminent actor, as already acknowledged in this paper.

Conclusion: Contextualisation and the Way Forward

This article has attempted to elucidate the justifications, need, and limits to contextualising Islamic teachings. Islam has always been contextualised to suit particular social settings. However, there are guidelines and limits to this process, in which the '*ulama*' are vital (though by no means the only) actors. Since Islam belongs to all Muslims, it is expected that every Muslim will have an opinion on a particular matter and may contest the contextualisation efforts emanating from the '*ulama*' or from outside. The specific Singaporean examples given here highlight these issues and complexities.

Moving forward, we propose that contextualisation efforts, not just in Singapore, but elsewhere too, be more encompassing of Muslim societal and intellectual diversity. In Singapore, more often than not only lip service is paid to diversity of opinion. In an attempt to develop new rulings, however, while staying true to Islamic principles, the ideas of those who may not be mainstream must be taken into account. At the very least, active engagement with those who have a penchant to be critical must take place. Alternative thought must not be silenced as 'keyboard warrior opinions' or as 'unconstructive'. Engaging with ideas does not mean necessarily agreeing with them, but intellectual dissenters may be able to point out otherwise hard to see blind spots. In a country like Singapore, used to top-down decision making,⁴⁹ it would help if contextualisation efforts involved as many voices as possible, including those of people outside the formal state machinery. This makes it much easier for the Muslim masses to accept them. It is also perhaps judicious to make any contextualisation effort as apolitical as possible. When political leaders issue statements pertaining to certain jurisprudential practices, they often undermine any subsequent edict by the '*ulama*' agreeing with them.

Contextualisation is here to stay. The dynamism of Islam is best reflected in its ability to adapt to various societies and cultures, without losing its essential teachings. That process is, however, at times contentious, and rightly so: only

through genuine debate can the best ideas emerge. Stifling differing opinions does not achieve the optimal outcome.

Notes

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VIEWPOINTS

The Four Pillars of Halal Crisis Management

*Marco Tieman**

This viewpoint is about how to prepare and respond to a halal crisis. In short, many companies are preparing for the wrong kind of crisis. Too many treat a halal issue and halal crisis as a foreign material problem, like finding metal or glass in food, for which a trade or public product recall is initiated with an apology. Poorly managed halal crises, however, hit the bottom line hard and can ultimately kill a company. Getting it right, on the other hand, can have positive effects; although probably not experienced during the crisis itself, a halal crisis can be an opportunity to improve trust, Islamic values, and networking. This could strengthen a halal brand, sales, and company market share. However, this is only possible with the right actions and communication. Here I argue that best practice halal crisis management is founded on four pillars: process, control, organisation, and information. This requires solid preparation and practice.

The Problem

Negative publicity about a halal incident becomes a threat to both sales and corporate reputation. In a highly connected world, a halal issue can easily snowball into a halal crisis. Companies should expect a halal crisis every 10 years, which could result in lost sales in the range of USD 10-50 million for multinational companies, USD 5-10 million for large companies, and up to USD 5 million for SMEs. Moreover, corporate reputation accounts for approximately 20 per cent of the market cap of a company; in terms of corporate reputation damages, therefore, the lost value associated with a halal crisis could easily be triple that of lost sales. So, how best to protect and optimise your halal reputation asset?

Halal issues and crises are different from other business incidents. Muslims today are less prepared to tolerate risk, whether real or perceived, and demand a near zero-risk halal environment. Furthermore, Muslims are intrinsically motivated to actively boycott brands that are deemed to be in violation of Islamic teachings. As a result, as compared to other corporate incidents, there is a far higher chance that a halal issue can escalate into a global halal crisis.

A halal crisis is a situation where a corporate halal reputation is under attack, endangering the sales and possibly even the existence of a company. This situation demands quick action and communication from the brand owner to re-affirm halal authenticity and Islamic values. Evidence from previous halal issues and crises show that a brand owner cannot fully rely on a quick response from halal authorities, but must occupy the main driving seat and address any halal issue or crisis themselves.

One of the biggest challenges today for halal reputation management is the combination of artificial intelligence, content creation, and the ability to disseminate limitless amounts of news, whether genuine or fake. True or not true, perception becomes reality. Additionally, today brand owners have complex supply chain networks, where brands are produced in different geographical locations with the possibility of coupling and co-branding. The coupling of brands occurs when companies produce different brands of the same product at one location, using (partly) the same ingredients and the same production lines. In such circumstances, sourcing (ingredients), production, logistics, and supply chain-related halal issues could immediately affect multiple brands. Companies also practice co-branding between different brands at the levels of product (Vitamin D from DSM), outlet (Coca-Cola at McDonald's), and service (delivered by DHL). This exposes brands to correlation, where a halal crisis effecting one brand can spread to others, despite there being no technical evidence of causality between them.

There are different levels of halal risk management awareness and capability, where asset-rich companies typically have stronger disaster management capabilities and some sort of issue management structure in place. Asset-light companies and the service industry, on the other hand, are least prepared for a major crisis. Even those companies that have high awareness and capabilities, however, are often poorly prepared, treating halal issues as little more than a foreign material problem requiring a product recall. Evidence suggests such traditional responses are not effective with halal crises, which weaken brand trust, Islamic values, and networks.

Halal trust can be defined as a Muslim consumer's belief that a product or service is in accordance with their faith. The building blocks of halal trust are: logos, excellence (*ihsan*), transparency, authenticity, and intention (*niyyah*). Using halal certification bodies, a company needs to re-affirm halal trust during a crisis, especially regarding excellence, transparency, authenticity, and intention. During a crisis, Islamic values need to be re-emphasised and publicised by brand owners in accordance with the relevant religious schools of thought and local customs. If the halal integrity of a supply chain network has been compromised, the problem (e.g. supplier) should be removed and the overall network strengthened.

A solid post-mortem is required of the halal assurance, issue management, and crisis management systems. This means, for example, introducing new standard operating procedures, purchasing specifications, contract terms, supply chain structures, and so on.

A Halal Crisis

With regards to halal issues in Muslim markets, a whirlpool easily becomes a maelstrom, with a vortex dragging companies under. The lifebuoy thrown by corporate communication often has no lifeline attached due to the many gaps in the halal crisis manual and in halal risk management. The trigger of a halal crisis, a halal issue, can be contamination, non-compliance, or a perception issue. In the case of contamination, consumers could be ‘poisoned’ with *haram* ingredients and wonder if they can trust the brand again. A non-compliance issue puts the halal status of a product in doubt, something Muslims should, according to their religion, avoid. With perception issues there is a possible mismatch between perceived brand image and the Islamic way of life.

All three of these halal issue classifications have the potential to snowball into a global halal crisis, where corporate halal reputations come under attack. This situation demands quick action and communication from the brand owner in order to reduce damage to sales and reputation. These three halal issue classifications require specific responses to prevent an issue progressing into a crisis. As time is of the essence, it is important to prepare responses to these three issues in advance, as part of halal issues and crises manuals. This allows for better decisions and responses during halal incidents, saving companies a lot of money.

Best Practice Halal Crisis Management

Best practice halal crisis management is founded on four pillars: process, control, organisation, and information.

Process:

- Halal reputation by design, creating excellence in halal authenticity, choice of halal certification body, messaging by companies, supply chain partners, and external stakeholders;
- Combination of individual and collective halal reputation management strategies.

Control:

- Halal assurance system documentation;
- Prevention: risk assessment, supply chain (re)design, vertical and horizontal collaboration, and monitoring halal risk and reputation performance;
- Mitigation: solid risk mitigation and communication plan;
- Recovery: solid risk recovery and communication plan.

Also important within halal crisis management control is determining the halal risk profile of a company. The halal risk profile is based on:

- Food products requiring more extensive risk management than non-food products;
- Products that are animal-based requiring more extensive risk management than products that are non-animal based;
- Suppliers from non-Muslim countries requiring more extensive risk management than suppliers from predominantly Muslim countries;
- Logistics service providers and distributors in Muslim-majority countries requiring more extensive risk management than those in non-Muslim countries;
- Brands from non-Muslim countries requiring more extensive risk management than brands from predominantly Muslim countries.

Organisation (of halal responsibilities):

- Top Management: halal policy and objectives;
- Board Risk Committee/Risk Management: halal certification decision and halal risk reporting;
- Marketing: showing (or not) the halal logo on product packaging and halal branding, and marketing decisions;
- Halal Committee: halal assurance system implementation and management.

Information

- A halal supply chain management system or conventional supply chain system with a halal management module;
- Halal reputation measurement (reputation index);
- Halal risk report for management and Board Risk Committee.

Policy Recommendations

One cannot be involved in the halal industry without a proper halal risk and reputation management system to protect both corporate halal reputation and licence to operate. A halal crisis can be an opportunity to strengthen corporate trust, Islamic values, and networks. However, this is only possible with the right action and communication in the face of an issue or crisis. Best practice halal crisis management is founded on four pillars: process, control, organisation, and information. These require solid preparation and practice.

Islamic countries should promote advanced halal eco-systems to better protect companies in the halal industry. This is particularly critical for companies in the food business using animal-based products, and for brands in non-Muslim countries. Halal ecosystems can take the form of advanced halal clusters, parks or zones where halal industries are located and collaborate within their own supply chain in order to obtain halal synergies. Company supply chains operating from halal eco-systems are more robust by design as they are better organised.

Companies that are halal certified, or are going for halal certification, should be educated about halal risk and reputation management. It is good to realise that companies that are halal certified are also exposed to halal incidents and crises. This aspect should be covered in halal standards training courses.

Finally, more qualitative and quantitative research is required in halal risk and reputation management, creating practical tools for industry to better prevent and manage halal crises.

Notes

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The US-Taliban Agreement

*Abdul Qayum Mohmand**

The United States was eager to negotiate with the Taliban, bring a 19-year war to an end, and leave Afghanistan sooner rather than later. Analysing the published version of the peace agreement, however, it is very uncertain that it will lead to a stable and lasting peace in Afghanistan. For a peace agreement and a peace process to be successful, both need to be comprehensive and include the different stakeholders involved in the conflict. Presumably, the United States has hoped that the signing of an agreement with the Taliban will set the stage for future peace talks between the various players in Afghanistan itself so that the civil war there will come to an end.

Even though the current peace agreement will not bring peace to Afghanistan, it is a new start that will provide leverage to the three sides in the war, namely the United States, the Afghan Government, and the Taliban. Even though the Afghan Government was excluded from the initial peace negotiations in Qatar, the outcome of the latter may turn out to be advantageous for them. The language of the agreement provides a wide range of options to the Afghan Government, enabling them to define and select who shall participate in intra-Afghan dialogue and co-determine the future look and form of Afghan political constructs.

Part One of the agreement elaborates on “Guarantees and enforcement mechanisms that will prevent the use of the soil of Afghanistan by any group or individuals against the security of the United States and its allies.” This point is re-emphasised in Part Three of the agreement, with slight changes in the language, namely, “Afghan soil will not be used against the security of the United States and its allies.” By agreeing to these terms and the language of the agreement, the Taliban have admitted that the soil of Afghanistan under their regime (1996-2001) was used by groups and individuals operating against the security of the United States and its allies. This is an extraordinary admission by the Taliban, which has claimed in the past that there were no such groups in Afghanistan.

In agreeing to terms in Part Two, Sections 1-5 of the agreement, the Taliban have likewise admitted that under their regime individuals and groups, including al-Qaeda, were allowed to use Afghanistan to threaten the security of the United States and its allies. By agreeing that “the Taliban will send a clear message that those who pose a threat to the security of the United States and its allies have no place in Afghanistan, and will instruct members of the Taliban not to cooperate with groups or individuals threatening the security of the United States and its

allies,” the Taliban have affirmed the United States and international community’s assertion that the Taliban were cooperating with these individuals and groups, which they have always denied. The Taliban have also admitted that under their regime groups and terrorists were recruited, trained, and funded, which they “will prevent...and will not host” in the future.

The agreement also places restrictions on the Taliban’s ability to award asylum or residency to persons who “pose a threat to the security of the United States and its allies,” and requires the Taliban not to “provide visas, passports, travel permits, or other legal documents to those who pose a threat to the security of the United States and its allies to enter Afghanistan.” Once again, by agreeing to these terms, the Taliban have admitted that in the past they allowed elements to reside in Afghanistan and operate against the interests of the United States and its allies.

Part Two of the agreement “Guarantees, enforcement mechanisms, and announcement of a timeline for the withdrawal of all foreign forces from Afghanistan.” That this is included in an agreement with the Taliban and not the Government of Afghanistan confirms the Taliban’s claim that Afghanistan was invaded, its territorial integrity violated, and the United States, NATO, and other international forces were occupying forces. That the United States commits to withdrawing its forces, that of its allies and coalition partners, “including all non-diplomatic civilian personnel, private security contractors, trainers, advisors and supporting service personnel within fourteen months following announcement of this agreement” also legitimises the Taliban’s war against the United States and international forces as a war of liberation.

Part Three, Section 1 of the agreement states that “the United States will request the recognition and endorsement of the United Nations Security Council for this agreement.” This officially endorses the Taliban as a legitimate resistance group, annulling their status as a terrorist organisation. It gives the Taliban international recognition and prestige; certainly many countries were eager to meet with the Taliban delegation in Qatar.

Part Three of the agreement states that “the Taliban will start intra-Afghan negotiations with Afghan sides on March 10, 2020.” The term “intra-Afghan” is not clearly defined, making it uncertain who shall be included in these “intra-Afghan negotiations” and who shall make the decision about the construction of an intra-Afghan dialogue. The Taliban have stated in the past, for example, that they do not recognise the Government of Afghanistan as a legitimate body with which they will work. By leaving the language of this passage vague, however, the Afghan American diplomat Zalmay Khalilzad has masterfully included a future path for the Government of Afghanistan to enter as a negotiating partner. In practice, as we are witnessing, there are indeed only two parties meeting in

Doha: the Taliban and the Government of Afghanistan. Whether the Taliban deny it or accept it, they are negotiating with the Government of Afghanistan. Even though the latter was not present during the negotiations or at the signing of the agreement, it still comes out as an important player and negotiating partner by being able to co-determine the construction of intra-Afghan dialogue and the future direction of the peace negotiations.

In Part Three, the agreement states that “the United States and the Taliban seek positive relations with each other and expect that the relations between the United States and the new post-settlement Afghan Islamic government as determined by the intra-Afghan dialogue and negotiations will be positive.” Aside from the ceasefire, “Afghan Islamic government” is the main point of contention and disagreement here. The Afghan Government considers the current structure and form of government in the country to be already Islamic and wants to keep the status quo. It also claims to have accumulated numerous achievements over the past 19 years, which it wants to maintain. The Taliban, on the other hand, wants to create an Islamic government based on their own understanding and interpretation of Islam. Two examples stand out, which indicate how far apart the thinking of the two sides are in this matter. First, it became a matter of contentious disagreement whether an issue on which there was no consensus should be referred to Hanafi *fiqh* alone or both Hanafi *fiqh* and Jafari *fiqh*. This issue was resolved after weeks of negotiation, when comments were made in the discussions that the current Afghan constitution refers matters of disagreement to Hanafi *fiqh* as a last resort. Second, the Taliban insisted that the US-Taliban Agreement be the basis for any intra-Afghan negotiations, whereas the Afghan Government argued that the negotiations should be based on the Qur’an and Sunnah. After weeks of back and forth, the Afghan Government agreed to accept the US-Taliban Agreement as the basis of negotiations.

The future structure of an Afghan Islamic government remains an issue of conflict and disagreement. The Taliban have said in interviews that they will not accept a republican form of government, wanting instead to create a government based on Islamic principles and shariah. The Afghan Government insists that the current form of government is already Islamic. These differences will continue and will create major points of contention between the two sides, possibly even derailing the negotiations once again.

Part Four of the agreement further strengthens the position of the Afghan Government: “A permanent and comprehensive ceasefire will be an item on the agenda of the intra-Afghan dialogue and negotiations. The participants of intra-Afghan negotiations will discuss the date and modalities of a permanent and comprehensive ceasefire, including joint implementation mechanisms, which will be announced along with the completion and agreement over the future

political roadmap of Afghanistan.” Since the ceasefire can only be realised and implemented by the warring parties—that is, the Taliban and the Government of Afghanistan—all parties are agreeing that the Government of Afghanistan is a negotiating partner, despite the long-held Taliban claim that it is not a legitimate government.

Notes

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Potential for Shariah Arbitration in Commercial and Private Law

*Aisha Mubarak**

Arbitration is a form of Alternate Dispute Resolution (ADR). It is a way to resolve differences between parties outside of the judicial system. The dispute in an ADR mode will be adjudicated or mediated depending on the case brought by one or more persons, who are referred to as the Arbitrators. At the end of the arbitration process, parties can expect an outcome in the form of an award, which is an order for one party to pay the other party or an order for specific performance. An arbitration award is legally binding on the parties and is enforceable in a court of law.

Arbitration in civil law is gaining more ground because litigants prefer the arbitration forum to courts of law, even if the cost of arbitration is much higher than instituting and getting an outcome from a court action. The main reason for the popularity of ADR, like arbitration in general, is its flexibility in application of the law, freedom from the confines of procedure and the technicalities often associated with court actions and, most importantly, the efficiency which justifies the cost in the final picture. The mediation which precedes arbitration is now embodied as part of the ADR process.

In arbitration, the litigants will have a hand in choosing the applicable law, the Arbitrators, and the venue. Generally, an arbitration centre will set the procedural rules. Arbitration centres have become popular because of their efficiency and reliability. Trust is a key factor in becoming a good arbitration centre. The benefits of becoming an arbitration hub are numerous. They include development of the local legal system with input from arbitration, the recognition of talent as Arbitrators will be called for, and the integration of disciplines like academia, the judiciary, and industry as arbitration is not restricted by jurisdictional constraints.

The Case for Shariah Arbitration

In most jurisdictions, shariah is applicable to mainly private matters. Nevertheless, the past couple of decades have seen the rise of Islamic banking. One of the main issues when it comes to establishing a comprehensive framework for Islamic banking is the existence of a reliable ADR system. Until today, Islamic banking cases are still being litigated in the civil courts as contracts under the civil law.

Leaving Islamic banking aside, the existence of a proper Shariah Arbitration forum would promote the use of shariah in other commercial areas. Arbitration allows parties to choose the applicable law for their transactions, which can be done at the time the contract is entered into, or even when the dispute arises. One of the main reasons English Law is popularly chosen as the applicable law for resolving disputes is because of the strength of its dispute resolution forums – be it in the courts or arbitration centres.

In my practice, I have encountered opportunities to introduce Shariah Arbitration as the ADR. In one example, the client was a Turkish garments manufacturer who wished to enter into a contract with a Malaysian start-up for an exclusive franchise-cum-dealership agreement. I felt that this contract would be suitable for Shariah Arbitration as this mode of dispute resolution was one where the parties could agree that any dispute in the contract be determined in accordance with the principles of shariah and be arbitrated either in Istanbul or Kuala Lumpur by a competent Shariah Arbitrator to be mutually selected by the parties. I did not see any issues in regards to the validity of the terms of the contract by shariah standards, as the contract was essentially for the supply of goods on order for a determined term with exclusivity granted to the party in Malaysia for valuable consideration. The possible legal disputes, if any, arising out of that contract would be issues of infringement of the exclusive franchise, quality of the goods, delivery related issues, non-payment/dispute on payment terms and amounts, supply, and perhaps damaged goods either from the factory or during shipment. In my opinion, all of these were within the competency of shariah. I even thought that the fact both parties did not have a common language provided even more of a reason for them to opt for shariah, which can be arbitrated in English, Turkish, or even Arabic, even though the contract itself was etched in English. Despite my best efforts, however, the parties rejected the proposal. I can say that the main reason was skepticism; the business world is so accustomed to the fact that commercial law is dictated by the civil system, whether it be English or European. Further, there is a lack of confidence that the shariah judicial system can deal with commercial matters, even though *mu'amalat* (transactions) is an established component of the shariah. As I mentioned above, even Islamic banking cases are arbitrated in the Civil Courts as civil contracts in accordance with secular contractual principles, procedure, and rules of evidence.

The second area where I can see potential for Shariah Arbitration is in private law. The potential in this area is greater than in commercial and public law matters as most Islamic countries implement shariah for family matters. Malaysia is a country where there is a separate and independent shariah judicial system, which comes under the jurisdiction of the individual states. This jurisdictional

arrangement is protected by the Federal Constitution. However, this is not the case for countries like Turkey, which is a country with an almost entirely Muslim population but a secured secular legal system. Then there is also the diaspora of Muslims in the UK, Australia, Europe, and other such jurisdictions, where Muslims are subject to civil law for all their private matters. In the case of Muslims in a Muslim majority country, my view is that there should be a movement towards compulsory implementation of shariah in family and inheritance.

In the case of the Muslim diaspora, there is potential for elective Shariah Arbitration where the domicile jurisdiction is secular. I have received some inquiries from solicitors in the UK on the shariah position on marriage, divorce, and inheritance. In the case of matrimonial matters, the English courts are generally prepared to recognise marriages conducted in accordance with Islamic rites provided that there is some form of official confirmation of the marriage. This is in itself a complex matter which can invite various issues of law, depending on the facts. The main problem in dealing with this area is the inconsistency of standards, even the absence of any guideline, when determining the position according to shariah. Unlike the situation in a jurisdiction like Malaysia, which has a proper shariah regulatory system, civil courts are trying their best to understand and apply an alien jurisprudence within their court system and procedure. The situation is not ideal because the shariah and secular jurisprudences are of a different breed and kind altogether. In Chinese there is a saying: like a duck trying to talk to a chicken. Both legal systems have their own basis, sources, underlying philosophies, standards, and purposes. Shariah Arbitration, however, can fill this gap. In fact, more than just a filler of a void, I opine that the existence of Shariah Arbitration will promote the Islamic way of life and the preservation of its values in accordance with *maqasid al-shari'ah*.

How can Shariah Arbitration become a Viable ADR in the Area of Private Law?

In the case of marriage and divorce, which I refer to as 'matrimonial matters', we can divide cases into two categories depending on jurisdiction. As for the parties, I am only referring to Muslim couples and couples who have married in accordance with Islamic rites (in this case, there may be a party who is non-Muslim).

The first category of matrimonial matters is where the jurisdiction itself provides an adequate system of solemnisation and registration for an Islamic marriage and divorce. Under this category, the aim is to regulate, standardise,

and register all marriages and divorces. In Malaysia, this jurisdiction is accorded to the Shariah Courts. Even in this category, the system has to face some loop holes, notably by having to evaluate the validity of marriages and divorces conducted and pronounced outside the proper register and court. In the case of marriages, shariah legislation recognises any marriage which has been conducted in accordance with *Hukum Syarak* (Islamic Rites) and accords those marriages, once recognised by the courts, all the rights under the law, including divorce, custody, and ancillary financial claims.

Having Shariah Arbitration, however, will bring these cases out of the court system and provide parties with an ADR. In practice, we are seeing more cases of inter-jurisdictional and conflict of jurisdiction issues in matrimonial matters brought to the Shariah Courts. In these circumstances, often the question of jurisdiction is played out in a larger litigation strategy to place a certain party in a better position than the other in respect of rights and claims. It is not a solution-based method, but rather becomes a game of strategy, often played out with principles of conflict between laws and jurisdiction. Moving ahead, with Shariah Arbitration in place, the greater end game would be towards a standard system of registration for all Muslim marriages and divorces across the globe.

The second category under matrimonial matters is *faraid* (Islamic estates). There is perhaps a larger scope in *faraid* for ADR than in other areas, including for Shariah Arbitration. In most estate cases, some sort of mediation is required, especially if the beneficial interest is wide and complex. Practitioners of *faraid* will understand how the principles of *faraid* recognise the rights of parents, preference of male heirs, rights of unborn children, polygamy, and the limits of the right to bequeath up to one third. We are noticing a growing realisation and acceptance of *faraid* as part of a complete Islamic way of life. In practice, however, there is an absence of reliable judicial forums outside of the court to determine shares, mediate claims, and resolve disputes between beneficiaries. In practice, lawyers are often having to run between the Shariah and Civil Courts to settle estate claims. For example, the determination of beneficiaries and their portions can be sought in the Shariah Courts, but the orders for distribution or for sale have to be obtained from the Civil Courts. In between, there can be claims on the estate in the Shariah Court, while caveats on the right to administer are filed in the Civil Court. Shariah Arbitration would be able to provide an ADR for claims disputes. Here I am not proposing to alter the administrative framework in estates, which primarily involves the Civil Courts, as their role is to ensure that requirements have been met. However, the ADR must be capable of being enforced extra judicially as assets may be located abroad and, if so, the Shariah Arbitration can reach beyond borders.

The aim of this article has been to open up the discussion on Shariah Arbitration. There are many areas to be worked out but, I am sure, if there is a will, there is a way.

Notes

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Individual Responsibility and Recovering Nature in a Post-Pandemic World

*Shahino Mah Abdullah**

The COVID-19 pandemic has severely impacted public health and the global economy. It has likewise affected the environment: plastic pollution has increased significantly due to littered disposable protective gear, especially in streets, drains, rivers, and oceans. Littered protective gear has been observed piling up in rubbish dumps, clogging the flow of water, inviting pests, creating uncomfortable scenery, spreading various diseases, and harming marine life. This situation will be detrimental to the people living in such environments. For this reason, green economic recovery strategies are necessary to conserve the environment while keeping up with the post-pandemic economic recovery. To begin with, the root cause of the problem must be clearly identified so that reset, restore, and recovery measures can be well implemented.

First, it is crucial to note that preserving the environment is the responsibility of all sections of society, including individuals, NGOs, industry players, and the government. Currently, the main offenders causing the random littering of used masks and gloves are those irresponsible individuals who take environmental preservation for granted. Plastic pollution caused by disposable protective gear has created various problems, ranging from environmental to economic to health, and will eventually cost many lives. At this individual level, a reset measure can be initiated by inculcating an awareness that such used items and other waste must be disposed of properly. Any effort to change individual behaviour is always continuous, however, as evinced by a series of decades-long global awareness campaigns aimed at educating individuals about proper waste disposal.

The 3Rs (Reduce, Reuse, Recycle) campaign, for example, has been in place for a long period of time, with almost everybody now knowing about it. It has been introduced in schools and widely publicised during Earth Day. The effectiveness of such campaigns, however, has been varied, both from region to region and country to country, with few having achieved effective implementation. Indeed, most have not achieved their expected minimum targets, with a lack of consistency being a key factor in their failure. This situation provides a clear idea of the importance associated with addressing pre-pandemic issues so as to ensure reset, restore, and recovery measures are on the right track to begin with. From now on, therefore, we have to seek a post-pandemic solution capable of solving previous issues, as well as those that have emerged after the pandemic.

It is important that any solution be sustainable so that it can solve both past and current environmental issues, while continuing into the future to help preserve nature in the long run.

As resetting measures must start at the individual level, it is important to recognise the impact of individual behaviour on handling waste. How individuals take care of waste varies, but can be divided into three groups. The first group can be categorised as reckless polluters, or the main actors responsible for littering. They comprise those who arbitrarily litter waste (used masks and gloves), no matter where they are. Those individuals who sometimes litter due to a lack of disposal facilities also fall under this category since they do not fully dispose of their waste properly. The second group can be categorised as responsible individuals who dispose of used masks and gloves in the right way, whether into a recycle bin or other dedicated receptacle, including a general waste bin. The last group is then an extension of this second group, consisting of those who willingly do more than just manage their own waste, such as voluntarily collecting and disposing that of others, especially from the first group. The individuals in this last group have embraced ‘sustainable behaviour’, an integral element for recovering both the economy and the environment post-pandemic. In brief, sustainable behaviour encompasses ecological, selfless, prudent, and equitable actions that result in the conservation of natural and social resources. It has a significant impact on saving the environment while also recovering the economy of a country.

By grouping individuals based on their waste management, proper and suitable awareness can be produced to enrich behaviour. For instance, individuals in the first group must be encouraged to change their habits and act more responsibly so that they will dispose of used masks and gloves at least in a waste bin. A creative message and initiative to change their attitude is necessary because, ultimately, the world needs everyone to be in at least the second group, to be responsible for what they have and manage. Preferably, however, they should also develop the same awareness as those in the last group, who voluntarily manage the waste of others. Such people always have a chance to make a better world because they have the character to keep away from polluting the environment. The number of those in the third group will increase through the right awareness raising strategies. For those who achieve such a level of awareness, they should be supported and valued so that they will continue their voluntary efforts. Inculcating awareness might seem a simple method to improve individual behaviour, but it will allow a stimulation of sustainable behaviour that will play a major role in restoring the environment post-pandemic.

Awareness campaigns, however, do not always change the behaviour of individuals. Strict measures by the authorities, including fines and other

punishments, are also sometimes necessary. However, the enforcement of such measures can also be ineffective and troublesome. Irresponsible individuals might see a fine, for example, as a cheap consequence of their wrongdoing and, sadly, still have no awareness. There are also cases where such individuals escape being traced and punished after violating the rules. Therefore, alternative measures are also needed. This requires us to go back to the root cause of the problem: that the pollution originates from littered masks, gloves, and other protective gear. These are all disposable items designed for single use only; the more people use them, the more chance there is of pollution due to irresponsible individuals. Therefore, a shift from single use to reusable is necessary to significantly reduce plastic pollution. A single washable mask that can be used for a month, for example, will eliminate reliance on disposable masks and reduce the chances of littering, thus saving the environment.

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SIGNIFICANT SPEECHES, EVENTS AND DEVELOPMENTS

Webinar: The Emergency Ordinance 2021: Multiple Perspectives on Health, Economy and Politics (19 January 2021)

Wan Naim Wan Mansor

The recent emergency proclamation by the Yang di-Pertuan Agong, officially termed the Emergency (Essential Powers) Ordinance 2021, cited grave concerns about the implications of the COVID-19 pandemic for national security, economic life, and public order. While the Federal Constitution grants temporary special powers to the Agong in various areas, including the authority to take over private hospitals, allocate state resources, as well as deploy additional military and police, public reception of the proclamation was mixed.

This online forum brought together four panellists from diverse backgrounds, covering law, health, the economy, and politics. They were: Professor Nik Ahmad Kamal (IIUM); Professor Adeeba Kamarulzaman (UM); Dato' Madeline Berma (SUHAKAM); and Professor Azizuddin (UUM). Primary concerns revolved around the triumvirate of health, economy, and politics. Among the primary topics covered were the efficacy of the emergency ordinance compared to current Movement Control Orders (MCOs), the challenge of striking a balance between prioritising health and the economy, and the multiple healthcare strategies that could enhance the overall fight against the pandemic.

Webinar: Ethical Finance and Green Economy (21 January 2021)

Mohammad Mahbubi Ali

The deleterious threat of climate change on human society's social and economic sectors has raised critical questions about the role of the financial sector in building a carbon-neutral global economy. IAIS Malaysia collaborated with the Center

for Market Education in organising a webinar on ethical finance and the green economy. The webinar sought to explore the latest business practices in ethical finance, introduce the role of corporate diplomacy, and encourage a rethinking of policy recommendations for accelerating the shift towards a green economy, both from a general economics and specific Islamic finance perspective.

The webinar featured two distinguished speakers, namely Professor Dr Maria Alejandra Madi, Academic Director at Green Economics Institute (UK) and a fellow of the Center for Market Education, and Dr Mohammad Mahbubi Ali, Head of Economics, Finance, *Awqaf* and *Zakat* at IAIS Malaysia. Professor Maria shared her views on climate change and the global shift towards ethical finance and a green economy. Dr Mahbubi, on the other hand, presented on shariah-compliant green *sukuk* as an Islamic finance instrument that promotes ecological sustainability. The event received introductory remarks from Dr Carmelo Ferlio, the CEO of the Center for Market Education, and Assoc. Professor Dr Mohamed Azam Mohamed Adil, Deputy CEO of IAIS Malaysia.

**Webinar: Biden's Presidency: The Future of US Foreign Policies in
the Middle East and the Muslim World
(11 February 2021)**

Ahmad Badri Abdullah

IAIS Malaysia, in collaboration with the International Movement for a Just World (JUST), Maqasid Institute Global (MI), and the Malaysian Consultative Council for Islamic Organisation (MAPIM), hosted a timely online forum on US politics. The forum featured renowned Muslim figures Dr Chandra Muzaffar (President of JUST), Dr Zaid Barzinji (Executive Director of Maqasid Institute Global, USA), and Tuan Haji Azmi Abdul Hamid (President of MAPIM). During the forum, Dr Chandra stressed that there would never be a significant change in US hegemony, whether in terms of military power, economic domination through the US dollar, or international relations with other countries. According to Dr Barzinji, Muslim communities in the US now have a more substantial presence in the democratic process. He highlighted that US Muslims need to join hands with other communities to resolve common issues; offer intellectual and moral leadership on those issues; and be part of the solution rather than just a complainant. Tuan Haji Azmi opined that no single US foreign policy decision has so far benefitted the Muslim world. The nature of those policies are primarily dependent on US interests, such as controlling oil resources and other geopolitical benefits.

**Webinar: Harmony Week: An Interfaith Dialogue on Religious Responses to COVID-19 in Malaysia
(18 February 2021)**

Wan Naim Wan Mansor

As the COVID-19 pandemic reached its one-year mark, the role of religious institutions became more vital than ever. Religious actors and leaders became essential for addressing various new challenges, such as ensuring a safe environment for religious gatherings, building trust between parties, promoting effective communication and advocacy, and responding to the needs of the community. Informed and nuanced religious voices should be part of the broad policy discussion in this rapidly evolving situation. Active and continuous collaboration between various faith groups at a substantive level will not only strengthen the community as a whole, but also be key to mitigating the negative impact of the pandemic.

Against this backdrop, IAIS Malaysia organised an interfaith dialogue featuring representatives from local religious communities: Muhammad Faisal Abdul Aziz (Angkatan Belia Islam Malaysia), Ir. Ang Choo Hong (Buddhist Missionary Society Malaysia), Jason Leong (Christians for Peace and Harmony in Malaysia), and Gowri P. S. Thangaya (Malaysia Hindu Sangam). Among the topics raised and discussed were the impact of pandemic lockdowns on religious activities, the various strategies adopted by religious communities when providing spiritual and material assistance to affected members, and the various recommendations that have been made to enhance public policy related to religion.

**International Webinar: Shariah and the Pursuit of Sustainable Societies
(24 February 2021)**

Muhamad Sayuti Mansor

On 24 February 2021, the International Institute of Islamic Thought and Civilization (ISTAC-IIUM) organised ‘The International Webinar on Shariah and the Pursuit of Sustainable Societies,’ featuring several prominent Muslim intellectuals, namely: Emeritus Professor Tan Sri Dato’ Dzulkifli Abdul Razak

(IIUM), Prof Dr Jasser Auda (Maqasid Institute), Professor Dato' Dr Mohammad Hashim Kamali (IAIS Malaysia), Professor Datin Dr Raihanah Haji Abdullah (APIUM-University Malaya), and Emeritus Professor Datuk Dr Osman Bakar (ISTAC-IIUM), with Professor Dr Thameem Ushama (ISTAC-IIUM) as moderator. This webinar gave important input from the Islamic perspective on the pursuit of a sustainable society, a subject that is now gaining currency with the promulgation of the United Nation's Sustainable Development Goals (SDGs, first implemented 2015).

Emeritus Professor Dzulkifli stressed the inherency of sustainability in Islam, as God the Almighty has provided humankind with sustained, balanced, and harmonious resources. Only when humans go astray and exploit nature irresponsibly does corruption and destruction spread extensively. Professor Jasser Auda criticised the shariah's partialistic view, which hinders our correct understanding of sustainable development. He thus proposed a comprehensive and holistic idea of shariah taken from the discipline of *maqasid al-shari'ah* as a solution to promoting a sustainable society. Subsequently, Professor Hashim Kamali elucidated the theoretical concept of sustainability from an Islamic perspective, highlighting the principles of vicegerency (*khilafah*) and moderation (*wasatiyyah*). Professor Raihanah emphasised women's issues, especially the need for legal reform and gender equality when achieving a sustainable society. Emeritus Professor Osman explored the prospects of developing a sustainable community in the Muslim world by learning lessons from the experience of the West, thereby avoiding its pitfalls. The three hour seminar ended with a lively Q&A exchange with the online participants.

**Webinar: Roundtable Discussion (RTD):
'Islam, Radicalism and Extremism in the Age of Pandemic'
(25 March 2021)**

Muhamad Sayuti Mansor

As the COVID-19 pandemic overshadowed and preoccupied our attention, this roundtable discussion brought public attention back to the ever-present threat of violence and terrorism led by radical or extreme ideologies. The discussion revolved around the interplay between fundamentalist interpretations of Islam, extremism, and the global pandemic. Invited panellists were Professor Dato' Dr Mohammad Hashim Kamali (IAIS Malaysia), KH Yahya Cholil Staquf (Nahdlatul Ulama Indonesia), Dr Ahmad El-Muhammady (ISTAC-IIUM), and SAC Azman Omar (Bukit Aman Special Branch, Royal Malaysia Police). The

event was moderated by Assoc. Professor Dr Mohamed Azam Mohamed Adil.

Professor Kamali began the discussion by expounding on the theoretical and historical perspectives of extremist ideology, rejecting claims that extremism and violence have their root in Islam. KH Yahya explained several misconceptions about Islam and the importance of implementing its correct understanding based on socio-political contexts. According to Dr El-Muhammady, framing theory might help us understand the relationship between the COVID-19 pandemic, religion, and extremism. He also extended the theory to unravel the causes of xenophobia, conspiracy theories, and radicalisation. SAC Azman then shared updates on counter-terrorism efforts in Malaysia and how the COVID-19 pandemic has affected them. Although the pandemic has significantly reduced the number of extremist threats to our country, the police are always vigilant and have taken all appropriate measures in the national interest.

**Webinar: Online Islamic Finance Training Series:
Understanding *Sukuk* from the Risk Perspective
(1 April 2021)**

Mohammad Mahbubi Ali

Many understand *sukuk* from a shariah perspective, in terms of Islamic contracts and how they differ from conventional practice. But very few fully understand the associated risks of *sukuk*, which can impact credit standing. Against this backdrop, IAIS Malaysia organised a one-day Islamic finance online training course entitled ‘Understanding *Sukuk* from the Risk Perspective,’ held on 1 April 2021.

This training course offered participants a different understanding of *sukuk*. In particular, it examined the risks associated with various *sukuk* structures and the different risk mitigation mechanisms associated with them. The course was conducted by Mr. Mohamed Zakariya Othman, Principal at FinLits.com, and attracted participants from different backgrounds—researchers, regulators, and Islamic practitioners. The training session was divided into two sessions. The first covered the various risks associated with different *sukuk* structures. It also delved into a comparison between *sukuk* risks and conventional bond risks. The second session then introduced participants to various risk mitigation techniques for *sukuk*, both at the level of underlying assets and *sukuk* structures.

Dr. Mohammad Mahbubi Ali, on behalf of the Institute, closed the training session by thanking the trainer for sharing his knowledge and experience, and participants for their active participation and discussion throughout the session.

Webinar: Introducing Children to Ramadan (19 April 2021)

Nurul Ain Norman

On 19 April 2021, IAIS Malaysia held a public engagement webinar entitled ‘Introducing Children to Ramadan,’ delivered by Dr Nurul Ain Norman, the Acting Head of the Education, Culture and Art Unit at IAIS. The webinar was moderated by Assoc Prof Dr Mohamed Azam Mohamed Adil, Deputy CEO of IAIS Malaysia.

The webinar offered appropriate advice on preparing children for the fasting month, giving accurate information about how to train Islamic practices as a deed of worship and raise awareness about puberty. Dr Nurul Ain began the webinar by providing an overview of the timeline of puberty, the challenges Muslim parents face in introducing fasting to children, and the culture of several Muslim communities who favour obliging children to fast at an early age. She started by clarifying the criteria of puberty and continued to explain issues regarding it, notably that pubescence children are obliged to observe fasting—although they can break their fast if they face any extreme difficulty (fainting, severe dizziness, etc.). Pre-pubescence children, on the other hand, should only be encouraged to fast gradually, with full support from their parents. Other deeds of worship, such as Qur’anic recitation, *tarawih* participation, and donations, should also be encouraged in children in order to increase their good deeds and love towards Allah. Rebutting the claim that fasting has a negative impact on the development and school performance of children, Dr Nurul Ain quoted the Qur’an (6:152), mentioning that Allah never burdens or tasks anyone beyond his capacity but instead allows us to purify our body and soul through the blessings of fasting, good deeds, and forgiveness. Therefore, it is the responsibility of parents to teach, develop, and supervise children to ensure the physical and spiritual outcomes of Ramadan are achieved.

**Webinar: Konsep Tauhid dan Ibadah Puasa Para Nabi Sepanjang Zaman (The Concept of *Tawhid* and the Fasting of the Prophets throughout History)
(22 April 2021)**

Muhd Nur Iman Ramli

The Islamic concept of *tawhid* refers to monotheism, or the belief that God is only one. In Arabic, *tawhid* means ‘unification’, while in Islamic terms it means affirming that Allah is the only God. *Tawhid* is the foundation of *aqidah*, which has been embedded in the hearts of mankind since the creation of the universe. The *ummah* of Prophet Muhammad (PBUH) and the followers of previous prophets were commanded by Allah to worship Him, including by performing fasting. The commandment to fast was given to the Believers in order to train them to be steadfast, humble, and God-fearing. Although the manner of fasting differs between prophets and their *ummahs*, fasting shows the continuation of the teachings of *tawhid* from the time of Prophet Adam (PBUH) until Prophet Muhammad (PBUH).

IAIS Malaysia conducted a webinar to discuss the concepts of *tawhid* and fasting throughout the history of the prophets, featuring Professor Dr Solehah Yaacob from the Department of Arabic Language and Literature at the International Islamic University of Malaysia (IIUM). During this webinar, Professor Dr Solehah elaborated on the history of fasting among the earliest prophets, when it was done voluntarily as a symbol of redemption and to purify their souls. She also highlighted some historical facts regarding the prophets that Western writers have gotten wrong. She suggested that Muslims carry out detailed studies of the history of the prophets and their shariah. The act of fasting during Ramadan was not copied from previous prophets, but rather was a continuation of the message of *tawhid* as commanded by Allah.

**Webinar: American Journal of Islam and Society’s Symposium on the Theory and Uses of *Maqasid al-Shari’ah*
(2 May 2021)**

Muhamad Sayuti Mansor

On 2 May 2021, the American Journal of Islam and Society (AJIS), under the auspices of the International Institute of Islamic Thought (IIIT), hosted a

virtual symposium on the topic of ‘Theory and Uses of *Maqasid al-Shari’ah*.’ Professor Dato’ Dr Mohammad Hashim Kamali, the founding CEO of IAIS Malaysia, was invited to give a keynote speech at this symposium, talking on the ‘History and Jurisprudence of the *Maqasid*: A Critical Appraisal.’ The event started with opening remarks by Dr Ovamir Anjum (University of Toledo) and Dr Shuruq Naguib (Lancaster University). In his keynote address, Professor Kamali gave a broad overview of the recent renewed interest in *maqasid al-shari’ah*, citing a growing formalism and technicality in the discipline of *usul al-fiqh* as a primary cause of this. Professor Kamali then discussed *maqasid al-shari’ah* and its development as a distinctive field vis-à-vis *usul al-fiqh*, dividing this into five topics: i) historical, ii) epistemological, iii) criteria of evaluation, iv) implementation, and v) excessive use of *maqasid*. He demonstrated the prospect for the implementation of *maqasid* and *maqasid*-based *ijtihad* in our own times by giving an interesting example from the area of Islamic finance. His captivating presentation sparked interest among participants, with a lively Q&A afterwards, lasting for almost an hour.

**Webinar: Islamic Finance Talk Series: Transformasi Digital dalam
Lembaga Zakat Negeri Kedah: Pengalaman dan Cabaran
(The Digital Transformation of the Zakat Board of Kedah:
Experiences and Challenges)
(26 January 2021)**

**The Concept of Waqf in Agriculture
(4 March 2021)**

Apnizan Abdullah

An online discussion on ‘Transformasi Digital dalam Lembaga Zakat Negeri Kedah: Pengalaman dan Cabaran’ (The Digital Transformation of the *Zakat* Board of Kedah: Experiences and Challenges) was held on the IAIS TV channel and IAIS Facebook page on 26 January 2021. This programme, conducted in Bahasa Malaysia, came under the Islamic Finance Talk Series. It featured Syeikh Zakaria bin Othman, Chief Executive Officer of Lembaga Zakat Negeri Kedah (LZK, The *Zakat* Board of Kedah). The discussion focused on LZK’s experience of managing *zakat*-related matters in the state of Kedah via its new digital platform, the *Zakat* on Touch (ZOT) app. This app has improved the efficiency of *zakat* management as it allows LZK to monitor the collection and distribution of *zakat* via smartphones. This transformation through technological

advancement is crucial for the present narrative of *zakat* management, to ensure its efficiency and enhance public trust and confidence.

Another session under the Islamic Finance Talk Series was an online seminar, entitled ‘The Concept of *Waqf* in Agriculture.’ It was organised on 4 March 2021 and presented by Mr. Muhaimin Iqbal, the Co-Founder and Chairman of iGrow, via IAIS TV and IAIS Facebook channels. The speaker commenced his presentation by explaining the historical background of *waqf*, its nature and categories, and its traditional and current applications, especially in Indonesia. The speaker highlighted existing loopholes in the Indonesian regulatory regime and the need to leverage blockchain technology to manage *waqf* assets collected from the public, including in agriculture. To ensure the optimum mobilisation of *waqf* assets, professionals must manage them under a proper governance framework.

Both sessions were moderated by Assoc. Professor Dr Mohamed Azam Mohamed Adil, the Deputy CEO of IAIS Malaysia, and ended with a Q&A session.

CALL FOR PAPERS

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

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

ICR invites contributions on the following topics:

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

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