

# Intellectual Discourse

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# *Intellectual Discourse*

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Volume 26

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2018

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“O People of the Book”: An Exegetical Analysis  
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International Conference on Religion, Culture and Governance in the  
Contemporary World (ICRCG2018) 3-4 October 2018  
(Wednesday-Thursday) 23-24 Muharram 1440.

*Atiqur Rahman Mujahid*

979

## Transliteration Table: Consonants

Arabic	Roman		Arabic	Roman
ب	b		ط	ṭ
ت	t		ظ	ẓ
ث	th		ع	‘
ج	j		غ	gh
ح	ḥ		ف	f
خ	kh		ق	q
د	d		ك	k
ذ	dh		ل	l
ر	r		م	m
ز	z		ن	n
س	s		ه	h
ش	sh		و	w
ص	ṣ		ء	’
ض	ḍ		ي	y

## Transliteration Table: Vowels and Diphthongs

Arabic	Roman		Arabic	Roman
اَ	a		اَ، اِيَّ	an
اُ	u		اُو	un
اِ	i		اِي	in
اَ، اِيَّ، اِيَّ	ā		اُو	aw
اُو	ū		اِيَّ	ay
اِيَّ	ī		اُو	uww, ū (in final position)
			اِيَّ	iyy, ī (in final position)

*Source: ROTAS Transliteration Kit: <http://rotas.iium.edu.my>*





## Editorial

This particular issue of *Intellectual Discourse*, Vol. 26, No. 2 (2018), will be a novelty. Articles have been divided into two sections; articles in the first section are grouped under the title Special Articles, while the remaining articles are grouped under Research Articles. There are twenty research articles in this issue; four of which are Special Articles, and the remaining sixteen are Research Articles. In addition, we have included four book reviews, one research note, and a conference report.

The focus of the Special Articles is on the plight of refugees and internally displaced persons (IDPs) in the world. According to an estimate made in 2018 by the United Nations High Commission for Refugees (UNHCR), there are now 68.5 million refugees who have been forcibly displaced. In addition, there is an astonishing 40 million IDPs in the world. Considering the seriousness of their plight, the first four articles are devoted to a discussion of the challenges IDPs face every single day.

The first article is titled “Politics of Forced Migration and Refugees: Dynamics of International Conspiracy?” by M. Moniruzzaman. Rather than following a conventional mode of analysis of various reasons behind the refugee crisis in the Middle East, particularly in Iraq and Syria, he advances the argument that the mass migrations from Iraq and Syria were artificially created by crises instigated by the military and economic strategies of the world’s hegemonic powers. In the second article, “Roots of Discrimination Against Rohingya Minorities: Society, Ethnicity and International Relations,” AKM Ahsan Ullah, and Diotima Chatteraj take up the statelessness status of the Rohingya Muslims, the second largest group of stateless people in the world following the Palestinians. An article based on interviews with the Rohingyas, the authors emphasise the importance of citizenship for the Rohingya Muslims. Without citizenship, the Rohingya Muslims are unable to access any entitlements from the government. The authors lament the fact that there seems to be no joint efforts by the international community to put

pressure on the Myanmar government. In the third article, “Exploring Ways to Provide Education in Conflict Zones: Implementation and Challenges,” Kamal J. I. Badrasawi, Iman Osman Ahmed, and Iyad M. Eid focus on an important issue for refugees – the challenge of educating their children. The paper presents two case studies on Syrian and Palestinian refugee children in Malaysia. After considering their needs and the challenges they face in terms of educating the refugee children, the paper recommends that though attempts are being made to meet the educational needs of children of the refugees, more facilities should be provided to them to meet their educational requirements. In the fourth paper entitled “Political Settlement Analysis of the Blight of Internally Displaced Persons in the Muslim World: Lessons from Nigeria,” Ibrahim O. Salawu and Aluko Opeyemi Idowu analyse the case of IDPs in Nigeria, and the lessons which may be drawn from this particular case. According to the authors, various actions taken by the Nigerian government can be blamed for the creation of the IDP problem in Nigeria. They are of the opinion that the Nigerian government should try dealing with the IDP problem in Nigeria by political means.

In the Research Articles section, the first article is written by Rohaiza Rokis. Titled “Women’s Work Empowerment through “Re-upcycle” Initiatives for Women-at-home,” the author takes up the important issue of recyclable items. The author, in this article, proposes women’s active participation in re-upcycling habits to maintain the ecology, which is under constant threat. In the next article, “The Islamization of the Malaysian Media: A Complex Interaction of Religion, Class and Commercialization,” by Shafizan Mohamed, and Tengku Siti Aisha Tengku Mohd Azzman, the focus is on the Islamization of media in Malaysia. The authors found that while the Islamic content in Malaysia’s media have grown in size, it is unfortunate that they have not grown in value. The next article, “Rise of Central Conservatism in Political Leadership: Erbakan’s National Outlook Movement and the 1997 Military Coup in Turkey” is written by Suleyman Temiz. In this article the author analyses the complicated relationship between the civilian authority and the military. In particular, the author critically analyses the relationship between the National Outlook Movement and the Turkish military when Necmettin Erbakan’s government was forced to step down on 28 February 1997, after a meeting of the National Security Council, and his Welfare Party was later outlawed.

Next, Maskanah Mohammad Lottie, and Hartono turn our attention to higher education institutions in Indonesia. In an article titled “Language Policy and Practices in Indonesian Higher Education Institutions,” the authors highlight institutional practices in student enrolment into, and graduation from, English programmes in Central Java, Indonesia. Based on interviews with academics from universities, the majority of whom are administrators, policy-related issues of the English language are identified in this paper. The authors’ findings include difficulties in communication faced by English majors and the juxtaposition of state and private universities in terms of student recruitment. Rahmah Bt Ahmad H. Osman, and Naseeb Ahmed Siddiqui in their article “A Novel Critique on ‘The Scientific Miracle of Qur’ān Philosophy’: An Inter-Civilization Debate,” analyses the scientific miracle of Qur’ān. In order to counter negative narratives against this, and to reveal the true status of prophet of Islam, arguments are presented in this article from the Qur’ān and Ḥadīth which are incontrovertible. In an article titled “Duties and Decision-Making Guidelines for Sharī‘ah Committee: An Overview of AAOIFI,” Muhammad Nabil Fikri Bin Mhd Zain and Muhammad Amanullah review the duties and decision-making guidelines of the Sharī‘ah Committee prescribed by the AAOIFI in 2010.

Nor Razinah Binti Mohd. Zain, Rusni Hassan, and Nazifah Mustaffha contributed the next article. Titled “Waqf Institutions in Malaysia: Appreciation of Wasatīyyah Approach in Internal Control as a Part of Good Governance,” it looks into the internal control in Waqf institutions in Malaysia. The conceptual approach to Wasatīyyah is provided in brief, and its appreciation in relation to internal control and its components are provided by the authors. Ali Ahmed Zahir, in his article “Muslim Jurists Debate on Non-Muslim Religious Festivals and Its effects on Minority Muslims in the United States of America,” uses qualitative methodology to analyse the fatāwā of permissibility and its effects on Muslims living as minorities in the U.S. This approach provides an insight, through a questionnaire that was conducted by the researchers, into how Muslims in the U.S. perceive the issue of congratulating and/or partaking in the religious festivals of non-Muslims. In “Archaeological Analysis of Arabic-Malay Translation Works of Abdullah Basmeih,” Azman Ariffin, Kasyfullah Abd Kadir, and Idris Mansor assess the contributions made by Abdullah Basmeih Utusan to the Melayu Company, Qalam Press Company, and Prime

Minister's Department in producing translations of academic texts. This literary study investigated and analysed his translated texts in the real life and the virtual world. In the next article, entitled "Takyiif Fiqh and its Application to Modern Contracts: A Case Study of the Central Provident Fund Nomination in Singapore," Mohamed El Tahir El Mesawi and Mohammad Rizhan bin Leman explores its application to modern contracts, taking as a case study the Central Provident Fund Nomination in Singapore. The article concludes that the Central Provident Fund Nomination, in terms of its essential characteristics and objective, resembles the Islamic Will Contract as discussed in books of Islamic Jurisprudence.

Wafa Zoghbor, in her article entitled "Revisiting English as a Foreign Language (EFL) vs English Lingua Franca (ELF): The Case for Pronunciation," assesses the controversial position of the LFC proposal in the literature, focusing on three main dimensions: the LFC's potential to result in intelligible communication, its teachability and its scope of function as an alternative target to the NS models (Received Pronunciation and General American), and the influence of different attitudes on the success of implementing the LFC. Ummu Atiyah Ahmad Zakuan, Mohd Azizuddin Mohd Sani, Norehan Abdullah, and Zaireeni Azmi in their article "'How did we Choose?' Understanding the Northern Female Voting Behaviour in Malaysia in the 14th General Election," examines the female voters' participation in the 14<sup>th</sup> General Election (GE-14) held in May, 2018, in Malaysia. The main objective of this paper was to examine the main factors which influenced the female voters in GE-14. The findings show that a majority of female voters were influenced by the candidates' social background. Significantly, the authors discovered that preference for political party was of least interest to them when voting. In "Unintended Consequences? The Commodification of Ideas in Tertiary Education and their Effects on Muslim Students," Anke Iman Bouzenita, and Bronwyn Wood reflects how, in contemporary tertiary education in the Islamic world, commodified concepts stemming from a non-Islamic worldview are being proliferated, and what the expected results are for Muslim students. The authors also demonstrate how the agency of the theory of Maqāṣid, the higher objectives of Islamic law, has immersed Islamic thought in reaction to bias in the educational system. In the next article entitled "Ultra Petita and the Threat to Constitutional Justice: The Indonesian Experience," its author, Muhammad Siddiq

Armia, analyses the doctrine in operation in Indonesia where the Constitutional Court appears to have expanded its jurisdiction by not only reviewing or analysing, but also by invalidating or annulling, acts. The article argues that instead of making use of the extra-constitutional Ultra Petita doctrine, the Indonesian Constitutional Court should return to a black letter approach to the law, thereby promoting certainty and coherence. In the final Research Article entitled “Methods of Qur’ānic Memorisation (Ḥifẓ): Implications for Learning Performance,” Mariam Adawiah Dzulkifli, and Abdul Kabir Hussain Solihu examine different methods of Qur’ānic memorisation being practiced in Malaysia. The authors point out that evaluation of those Qur’ānic memorisation techniques brings to the foreground the educative value of memorisation as a learning tool, and the implications memorisation methods have in enhancing an individual’s learning performance.

Research Note entitled ““O People of the Book”: An Exegetical Analysis of the Ahl al-Kitāb in Qur’ānic Discourse,” is contributed by Jonathan Alexander Hoffmann. Four book reviews and a conference report have been included in this issue of *Intellectual Discourse*.

This editorial note would not be complete without thanking the following two wonderful human beings, who have worked tirelessly with the editor to bring out *Intellectual Discourse* on time: Bilal Almas Ahmed and Muhammad Saadman.

**Ishtiaq Hossain**  
**Editor**



# Politics of Forced Migration and Refugees: Dynamics of International Conspiracy?

**M. Moniruzzaman<sup>1</sup>**

**Abstract:** Human mass migration from place to place is well recorded in history. The ancient patterns of mass migrations could have their origins in natural forces (Homo-erectus from Africa to Europe) or divine order (Israelites from the Pharaonic Egypt or early Muslims from Makkah). Simultaneously, modern recorded history suggests that human mass migrations were triggered by local and regional politics too such as political oppression (Nazi holocaust, Israeli occupation) or imperial invasion. However, a new pattern of mass migration emerged in the 20<sup>th</sup> century triggered by a complete new force-strategic redrawing of certain regional maps. This strategic redrawing of maps is not locally inspired but imposed from abroad as part of competitive economic and military strategies of a global scale. This article intends to analyse the mass migrations triggered by Iraq-Syria civil wars in the framework of international strategic global competition. The article argues that these mass migrations are artificially caused by the economic and military strategies of international hegemonic powers. Strategic national interest abroad is the underlying objective at the cost of the sufferings of the millions.

**Keywords:** Forced-migration, Iraq-Syria conflict, International hegemon, strategic interest.

**Abstrak:** Perpindahan besar-besaran dari satu tempat ke tempat yang lain telah direkodkan dalam sejarah. Corak perpindahan besar-besaran zaman dahulu adalah berasal daripada daya semula jadi (Homo-erectus dari Afrika ke Eropah) atau perintah tuhan (Orang Israel dari Mesir Purba atau Orang Islam dari Mekah). Pada masa yang sama, rekod sejarah moden mencadangkan bahawa perpindahan besar-besaran juga dicituskan oleh keadaan politik

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tempatan dan serantau seperti penindasan politik (holocaust nazi, penempatan Orang Israel) atau pencerobohan empayar. Namun begitu, corak baru dalam perpindahan besar-besaran yang muncul di abad ke-20 adalah dicetuskan oleh dorongan pemetaan strategik semula untuk beberapa peta wilayah. Pemetaan semula ini tidak diinspirasi secara tempatan tetapi di dibawa dari luar sebagai sebahagian daripada ekonomi berdaya saing dan strategi ketenteraan di skala dunia. Artikel ini akan menganalisis perpindahan besar-besaran yang dicetuskan oleh perang saudara Iraq-Syria dalam rangka kerja persaingan global strategik antarabangsa. Artikel ini membahaskan tentang perpindahan besar-besaran adalah disebabkan oleh strategi ketenteraan dan ekonomi sebagai kuasa hegemonik. Strategi kepentingan nasional di luar negara adalah dasar kepada kos dalam jutaan penderitaan.

**Kata kunci:** Perpindahan paksa, Konflik Iraq-Siria, Hegemoni antarabangsa, Kepentingan strategik.

## Introduction

The current overwhelming issue in the contemporary world is the influx of refugees. According to UNHCR records, as of June 2018, 68.5 million people have been forcibly displaced worldwide, of which 40 million are Internally Displaced Persons, 25.4 million are refugees in other countries, and 3.1 million are asylum seekers. On a daily basis, 44,400 people are forcibly displaced due to local conflicts and political persecution. Out of the 68.5 million people worldwide, about 57 percent come from only three countries; Syria (6.3 million), Afghanistan (2.6 million), and South Sudan (2.4 million); about 85 per cent of refugees are in poor and developing countries, and there are only five countries hosting the highest number of refugees. These countries are Turkey (3.5 million), Pakistan and Uganda (1.4 million each), followed by Lebanon and Iran with 1 million each (UNHCR, 2018).

Instances of human mass-migrations triggered by natural or human factors can be traced all the way back to the ancient days of Mankind. Therefore, the mass migration of humans from one place to another is not a new phenomenon. However, the phenomenon of mass-migration and influx of refugees in the contemporary world are more complex, sustained and politicized. The past two hundred years has recorded a number of mega refugee influxes that have made the refugee issue a particular international problem so much so that public and private international bodies and agencies are created to address and handle the



issue. International refugee regimes are created and national governments through being signatories to those regimes become committed to address the refugee issue systematically and institutionally.

However, despite the fact that more systematic and institutional approaches have been developed to address the refugee issue, the causes and factors that create refugees continue to persist with greater and more sophisticated capabilities. In addition, the number of refugees keep surging geometrically, and certain refugee problems apparently take a perpetual normality that their solutions seem uncertain (Peter, 2015). These modern faces of the refugee issue give rise to a legitimate question- why has the refugee issue been intensified with greater volume, complexity, frequency and endurance in the contemporary world? This article argues that modern refugee problems are artificially created by deliberate intentions of the big and influential powers in order to secure and advance national strategic interests which keep the issue perpetually unresolved. This article takes a special look into the Iraqi, Palestinian and Syrian refugee issues as case studies.

### **Migration and refugee defined**

Migration, in general, is considered a natural occurrence - that people would voluntarily move from one place to another for special purposes or convenience. In the ancient world, where there were borderless boundaries, people had the opportunity of free movement with little to no restrictions. Movements of individuals or small groups in such natural ways did not make them migrants or refugees (Ness & Peter, 2014).

In this work, migrants and refugees are defined as specific categories of people displaced by certain endogenous or exogenous forces from their claimed natural and original homeland. This means that the displacement in question is not voluntarily, instead carried out by force; therefore, it is considered either permanent or temporary forced migration. Such forced migration in the contemporary world can happen internally within national boundaries, or across borders. Various push factors such as political persecution and violence (asylum seekers in a foreign land, and internally displaced persons within the national border), development projects such as dams, airports, and highways, environmental change (desertification, deforestation, land degradation, water pollution or inundation), natural disasters (floods, volcanoes,

landslides, earthquakes), man-made disasters (industrial accidents, radioactivity), and finally, people-trafficking and smuggling (prostitution and sex-slavery) can lead to both forced internal and cross-border migration. All these factors force people to migrate temporarily or on a permanent basis; however, they are not necessarily called refugees (Elena et. al., 2016).

Pull factors, which involve better and more promising economic and life-style chances, are examples of factors that induces internal or cross-border migration. Skilled and unskilled labour migration falls into this category; they are not termed as refugees as well.

Therefore, forced migration and refugees in this article refer to a special category of people for whom special refugee regimes are created and applied. For convenience, the article adopts the definition as outlined in the 1951 refugee convention. According to the 1951 *United Nations Convention Relating to the Status of Refugees*, a refugee is a person residing outside his or her country of nationality “owing to wellfounded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it” (UNHCR, 1951). The Convention has given some legal rights and entitlements to such group of people.

This definition clearly reflects the presence of push factors which force people to migrate; hence refugees are forced-migrants. However, this definition is particular to the Push Factors specific to the endogenous environment. How about a situation in which exogenous factors create an endogenous pushing environment for forced migration? This is an aspect that is absent from the existing international refugee regimes. This article argues that the contemporary phenomenon of forced migration and refugees, as a result of endogenous and exogenous factors, are a political category of people created by the dynamics of international political conspiracy. The extent of complexity in the refugee issue is, therefore, deeper and enduring.

## **Forced Migration in History**

There have been numerous instances of politically motivated forced migration in human history. In the past, small or large scale migration caused by political factors have been integral to any political community. In addition, domination, exclusion and expulsion have been at the centre of power-politics in both small and large communities. Crude power-politics is, therefore, exemplified by instances of forced migration. A number of selective examples can be brought in here.

### *Political threat*

One of the most ancient instances of politically motivated forced migration is the Biblical account of the Exodus of the People of Israel from the land and kingdom of Pharaoh in modern day Egypt. According to the Biblical and historical claims, as many as 600,000 people of Israeli descent, and followers of Moses, were forced to flee the land (Hoffmeier, 1999). These people were considered non-native to the land, and a threat to the political establishment. Various types of oppression and persecution were inflicted on this minority community who were considered an enemy to the political authority. The Pharaoh of the time, therefore, decided to ethnically cleanse the community, forcing them to leave the land, and thus, making them a large refugee community in a foreign land. From a religious point of view, this exodus had a divine dimension as well; Moses was commanded, and guided, by his God during the course of the Exodus. Even though the divine dimension is clear, the immediate causes and factors that triggered the Exodus are temporal- the policies of the Pharaoh. The refugees were later rehabilitated by God through divine command in a different land.

A similar example of forced migration of a large community on the basis of political threat can be found in the early years of Islamic history in Makkah (Mecca), located in modern day Saudi Arabia. The nascent Muslim community, under the leadership of Prophet Muhammad, during the second decade of the seventh century CE was increasingly felt to be a political threat to the political authority in Makkah. Consequently, a few dozen early Muslims were forced to take refuge in a neighbouring East African Christian kingdom, modern day Ethiopia, in the face of severe torture and persecution. Years later, a larger number of people of the new religious community were socially and economically excommunicated by forcing them to take shelter in a cave for years; this is equivalent to a

form of, what is now called, Internally Displaced Persons. A few years later, the entire community of Muslims was forced to leave the city and became a refugee community in another city hundreds of miles away (Hodgson, 1977). This action was a divine sanction endorsed much later, but the initial triggering factors for the forced migration were local political threats.

### *Religious discrimination*

European medieval history is full of instances of forced migration, especially of the Jewish community. One such case in point is the forced migration of Jewish people from medieval Christian Spain due to differing religious beliefs and as a minority community. In Spain alone, during 1248 and 1492, the Jewish community encountered waves of expulsion and forced migration due to being a hated community. The Christian reconquest of Spain during 1248 and 1492 subjected the Jewish community to mass conversion, expulsion and forced migration. Historical accounts claim that, in the year 1391 alone, about 100,000 Spanish Jews were forcibly converted to Christianity (known as the Great Conversion), another 100,000 were killed, and yet another 100,000 were forced to become refugees in the Ottoman Empire. Similarly, the Jewish people living in the German lands, France, and Italy were pushed towards Eastern Europe by a series of expulsions during 1300 and 1500 CE (Beinart & Jeffrey, 2005).

The Jewish expulsion from Spain coincided in time and volume with the Muslim expulsion from the land following the Christian re-conquest. However, the Muslim expulsion continued over the subsequent 200 years in various phases. Following the dethronement of Muslims from political power in Spain, the Christian rulers and their church authorities forced the Muslim population to convert to Christianity (Lea & Henry, 1983). Most Muslims during the last decade of the 15<sup>th</sup>, and first two decades of the 16<sup>th</sup> centuries, chose to abide by the religious Fatwa issued by a North African religious scholar, Ahmad ibn Abi Jum'ah in 1504, to outwardly convert to Christianity or deemphasise Islamic rituals in public life. This was a less stringent fatwa than a fatwa issued in 1492 by Ahmad al-Wansharis, the contemporary North African scholar and leading authority on Spanish Muslims, to leave Spain completely (Dadson, 2018). The next generation of those Muslims who were superficially converted to Christianity, or secretly practicing Islam, were known as Moriscos or Moorish or crypto-Islamic people.

However, a hundred years later, the Moriscos were considered political threats and were expelled forcibly. Between 1609 and 1614, King Phillip III of Spain enacted a number of decrees that led to the expulsion of an estimated 275,000 to 300,000 crypto-Muslims. According to a study in 2007, 60% of the 500,000 Moriscos population were expelled (Dadson, 2011).

### *Land and nationhood*

Forced migration of people in large numbers is also exemplified by the ideology of modern nationalism which emphasises cultural, linguistic, religious and ethnic homogeneity, and territorial claim. The 20<sup>th</sup> century has witnessed probably the most frequent and largest number of forced migrated people in human history. A few examples of forced migration for the sake of nationhood and land include the creation of the modern Turkish states, the Jewish state of Israel, and the creation of India and Pakistan in the 20<sup>th</sup> century. The official creation of these states involved official and unofficial expulsion and displacement of a large numbers of people.

The so-called Greek-Turkish population exchange took place in May 1923 following the plan by the League of Nations. This involved about 1.3 million Anatolian Greek Christians moving to Greece while 354,000 Greek Muslims crossed to Turkey in an attempt to make their nation more homogenous (İğsız, 2018).

A classic example of political forced migration on the basis of ethnic purification and pure nationalism is Nazi Germany's so-called holocaust policy of its Jewish people. The policy was to eliminate the entire Jewish population; as a result, during Hitler's regime, large waves of voluntary and involuntary migration of the Jewish people out of Germany. It is estimated that more than 340,000 Jews were forced to migrate from Germany and Austria during 1933 and the 1945 Nazi era in Germany (Levinson, 2018).

Another classic example of political forced migration for the sake of land and nationhood is the forced migration of Palestinian Arabs by the Israeli's. Following the May 1948 Israeli declaration of independence, the inhabitants resisted and a war broke out. The Israeli army sacked up to 600 Palestinian villages and their urban areas, expelling more than 700,000 Palestinian Muslims to neighbouring countries such as Jordan.

Moreover, about 250,000 to 300,000 Palestinian's were expelled before independence was declared (Tessler, 2009). These massive expulsions through various means such as Israeli military advances, massacres, psychological intimidation, destruction of villages and direct Israeli government orders to evacuate lands, are considered to be ethnic cleansing so as to establish a pure Jewish state, which became official in 1948. Following the expulsions, the first Israeli government passed a series of laws that aimed to prevent refugees from returning to their homes or claiming their property. Both land and nationhood are primary elements behind these massive expulsions. The Israeli policy and practice of land grabbing through official eviction orders are still practiced. The expelled population have been living as refugees for the past three quarters of a century (Blecher, 2018).

A third example of forced migration for land and nationhood occurred a year earlier in 1947 through the creation of India and Pakistan following the British decision to leave the colony after 190 years of occupation. The two countries were created based on the principle of Two-Nations Theory along a religious divide where the Hindu majority areas would form a Hindu India, and the Muslim majority areas would form a Muslim Pakistan. The minority population on either side's territories were to move to their majority sides. This required a huge population movement by gentle agreements for the sake of nationhood and land. The forced population exchange involved more than 5 million Hindus and Sikhs moving to present day India from present day Pakistan. In reciprocation, the same number of Muslims from present day India had to move towards the other direction. And in-between more than a million people were killed either locally or on their way to their new destination (Zamindar, 2010).

Land and nationhood politics led to forced migration of people in Europe as well. Possibly the largest population transfer in history was the expulsion of over 12 million Germans after the Second World War from neighbouring countries. And as recent as 1999, the Kosovo war saw the deportation of 800,000 ethnic Albanians (Harbinson et.al., 2000).

A series of political forced migrations on the basis of nationalism are exemplified by the Myanmar government's policy of expelling the Rohingya ethnic minority Muslim population from its Rakhain state since

the late 1970s. The state policy of national homogeneity in citizenship identity has deliberately excluded the Rohingyas and denied their right to stay in the land. To clear the Rohingya people out of the land, the Myanmar authority adopted direct and indirect means of oppression that compelled the people to leave. At least three waves of Rohingya expulsions in 1978, 1990-91, and 2017 have resulted in creating over a million refugees in the neighbouring country of Bangladesh (Farzana, 2017).

### **Strategic Forced Migration**

Politically driven forced migration for the sake of political security, land, and the purification of national identity has been the most common pattern in human history until very recently when its dimension took on a different course. Onwards from the 1980s, strategically forced migration became the most sustained pattern in deliberately creating large numbers of refugees. Strategic forced migration can be defined as the forcible migration of people from a particular land and territory as a consequence of deliberate war or political instability created by outside powers for the interest of geo-strategic control over strategic resources and space. Political and geo-strategic ambitions of Israel and USA for land and petroleum resources have caused artificial political forced migrations in Iraq and Syria. To understand the matter, we need to analyze the grand strategic objective of the USA and Israel in the region.

#### *Strategic Forced Migration: Israeli Plan of a new middle east*

Israeli land, political and security expansion has been an integral and continuous policy agenda since its creation. Over the past seventy years since 1948, Israel has been aggressive, consistent and continuous in enlarging its boundaries, tightening its security and deepening its influence in regional politics. The sustained Israeli policy has been to widen the hinterlands to keep immediate military threats far away from the Israeli heartland. This is a strategic obsession reflected in a 1982 policy paper authored by Oded Yinon, a military strategist, entitled "A Strategy for Israel in the Nineteen Eighties" published in a Hebrew journal, *KIVUNIM*. Though it is not a government whitepaper, the Israeli military and security policies pursued since the 1980s do not characteristically differ from the policy suggestions put forwards by the paper. The paper theorized, in the context of a nuclear existential

threat to humanity and political survival of the state of Israel in a world of real-politik, that there be military and strategic military options towards the hinterland Arab countries; Egypt, Syria, Iraq, Lebanon and the entire Arabian Peninsula. To understand the categorical suggestions made within the paper, some selected quotes are warranted on key Arab countries.

As mentioned earlier, Egypt is considered to be as one of the main hinterland countries. Even though Egypt signed a peace treaty with Israel years before the paper was published, it nevertheless considered Egypt as an important candidate to be dealt with for long term strategic security on Israel's western frontier. It suggested "Israel will act directly or indirectly in order to regain control over Sinai as a strategic, economic and energy reserve for the long run." And eventually "[B]reaking Egypt down territorially into distinct geographical regions is the political aim of Israel..." Likewise Israel's long-term strategic security concern was its immediate north-eastern neighbor- Syria. Defusing the Syrian threat was considered to be a perpetual strategic aim of Israel. The paper advised "[T]he dissolution of Syria and Iraq later on into ethnically or religiously unique areas ... is Israel's primary target on the Eastern front in the long run, while the dissolution of the military power of those states serves as the primary short term target. Syria ... into several states ... Shi'ite Alawi state along its coast, a Sunni state in the Aleppo area, another Sunni state in Damascus ..., and the Druzes ... in our Golan, ... Hauran ... Jordan." The third most natural candidate state for Israel to be dealt with permanently was Iraq, in the distant hinterland area. The Oded paper regarded "Iraq, rich in oil on the one hand and internally torn on the other, is guaranteed as a candidate for Israel's targets." Therefore, "[E]very kind of inter-Arab confrontation will assist us in the short run and will shorten the way to the more important aim of breaking up Iraq into denominations as in Syria and in Lebanon... So, three (or more) states will exist around the three major cities: Basra, Baghdad and Mosul, and Shi'ite areas in the south will separate from the Sunni and Kurdish north." The paper quoted a military expert, Ze'ev Schiff, the military correspondent of Ha'aretz (Ha'aretz 6/2/1982) to substantiate his observation: "the "best" that can happen for Israeli interests in Iraq: "The dissolution of Iraq into a Shi'ite state, a Sunni state and the separation of the Kurdish part".



After making strategic and military policy suggestions on the three key Arab states, the Oded paper argued that, “[T]he entire Arabian peninsula is a natural candidate for dissolution due to internal and external pressures, and the matter is inevitable especially in Saudi Arabia.” An end product of such successful policy implementation is the division of the whole Middle East (ME) area into small states, and the dissolution of all the existing Arab states which Oded regarded as fragile as “House of Cards” or “House of Sands.”

As evident from the quotations, the 1982 Oded paper suggested policy options for Israel’s future and perpetual strategic security through rearranging the political structure, and resetting the boundaries, of the Arab hinterland states. An implementation of these policy advices would entail a number of obvious inevitabilities. Firstly, to deliberately interfere with the local politics of these countries to create political instability, sectarian tension and impose structural changes. Secondly, the Arab countries are regarded as free lands which can be twisted, tossed and played with at the whims of Israel, disregarding any international law with respect to territorial sovereignty and non-interference. Thirdly, the Arab states are regarded as objects that lack any substantive permanent national jurisdiction and are subjects to be molded according to the wishes of powerful outsiders. Finally, these Arab states are not empty deserts; they have huge populations in each state, with complex intersecting ethnic and religious mixture. Breaking down these states into pieces would inevitably require forcible population movement and transfer within, and across, boundaries which might create civil wars and huge artificial refugee communities. The dimensions of an enormous human disaster is considered irrelevant and immaterial in the Israeli plan. In other words, beneath the entire strategic security of the state of Israel lies the deliberate politics of forced migration and refugees. A clear reflection of these policy proposals can be found twenty years later in an expert report on Israeli policy called, “A Clean Break: A New Strategy for Securing the Realm” (Shapiro et.al., 2005).

*Strategic forced migration: the American strategic interest and policy in the Middle East*

Ever since the Iranian Islamic Revolution in 1979, in which American Middle Eastern and diplomatic policy experienced a shocking debacle, a new Middle East policy with greater vision and enduring dominance was

in the making due to various reasons (Bacevich, 2016; Pollack, 2008). First, to recover America's lost image as a great power. Following the humiliating defeat in the Vietnam War, the United States had a second blow to its image thanks to the Iranian revolution and the accompanying hostage crisis. Bent on recovering its tattered image as the world's superpower, this attempt was characterized by the rise of the neo-conservative political trend, aggressive Star Wars military initiatives, and the imminent decline and fall of the Soviet Union. America progressively carved out a new Middle East policy in the background of these new realities in order to achieve three grand objectives in the region: to check and counter the rise of an Islamic Iran, safeguard the steady flow of petroleum from the region, and protect the state of Israel (Mearsheimer & Stephen, 2008). All these objectives are to be achieved through a grand strategy of long-term strategic and military presence in the region. The grand plan started to materialize from the beginning of 1990 through the Gulf war following the Iraq invasion of Kuwait.

Whether the invasion was clandestinely orchestrated by the USA to set the stage for its designed military presence in order to achieve the three grand objectives may be debated under the rubric of conspiracy theories, the fact of America's military presence in the region under whatever pretense is obvious. What prompted the military buildup in the Gulf in 1991; forcing Saddam Hussein to leave Kuwait and in turn liberating that nation, ended up with regime change in Iraq a decade later under a different justification- Weapons of Mass Destruction (WMD). This led to the removal of the dictator, and bringing freedom to Iraq.

However, what became progressively obvious immediately after the American invasion of Iraq was that the claim of WMD was a calculated deception to justify the invasion, and that it was actually oil which was the most important American interest in the region. Among numerous studies that concluded similar results, the opinion of the topmost economic and monetary policymaker of the USA at the time- Alan Greenspan, Chairman of the Federal Reserve, is sufficient to substantiate the claim. In his book *The Age of Turbulence: Adventures in a New World* (2008) Greenspan commented "I am saddened that it is politically inconvenient to acknowledge what everyone knows: the Iraq war is largely about oil." So, one of the three objectives had been apparently achieved, but its future security needed to be guaranteed.

How could the ‘oil’ objective be secured for the future? The answer to this question lies in three related and complimentary factors and objectives- more sustained and long-term military buildup, protecting the state of Israel, and weakening the Arab countries by dismantling the current borders and redrawing the regional maps; thus cutting the population into segments.

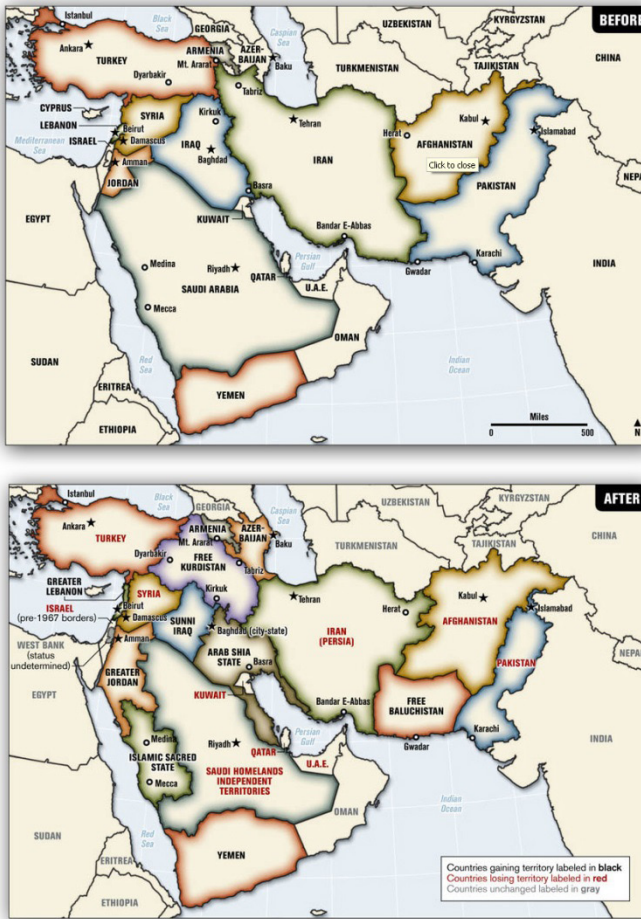
One unofficial military strategy policy suggestion to that effect was made by a retired Lieutenant-Colonel named Ralph Peters in his article “Blood Borders: How a better Middle East would look”, which appeared in *Armed Forces Journal* on June 1, 2006, and subsequently in his book *Never Quit the Fight* published in 2008. Even though the policy suggestions were shrugged off by the American government as private and unofficial, they appeared in official media of the American armed forces and NATO, which carried weight and credibility. Indeed, subsequent political developments in the region would test the credibility of the plan put forward by Ralph Peters.

To understand the extent and volume of forced migration and refugees the plan can potentially entail, we need to look at the major features of the plan. Peters had three basic assumptions laid out; firstly, the Middle East is ethnically and religiously divided; secondly, the borders are artificial; and thirdly, the states are fragile and political instability is never-ending. These assumptions provided Peters with the liberty and legitimacy to twist, play and rearrange the borders of the Arab states. The stated objective is, however, peace in the region.

To achieve the objectives, Peters made two basic proposals. Firstly, a reimagining of Middle Eastern and Asian borders along ethnic, sectarian and tribal lines might ease regional tensions; and secondly, redrawing the borders of the Middle Eastern countries from Israel to Pakistan.

What would follow if this or a similar plan is put in effect? The extent of land and population exchange that Peters himself anticipated is worth considering here.

## Map: The Middle East map before and after proposed redrawing



Source: Ralph Peters, "Blood Borders: How a better Middle East would look" *Armed Forces Journal*, June 1, 2006

According to Ralph Peters's own calculation of land and population swap, the result of the redrawn map would present the following map of the Middle East. Israel returns to its pre-1967 borders; Turkey, Syria, Iran and Iraq lose territory to create a Free Kurdistan; Free Kurdistan- a new state created for the Kurds; a greater Lebanon- a reborn Phoenicia that also gains territory at the expense of Syria; a greater Jordan through gaining territory from Saudi Arabia; a Sunni Iraqi state- one of three

successor states to Iraq; an Arab Shia state- another successor state to Iraq, would house Iraq's current Shia population along with gaining territory from Iran; an Islamic Sacred State- a new state created that would act as an Islamic Vatican carved from Saudi Arabia; a new Saudi Arabia through losing territory to Jordan, Arab Shia State, Yemen and the Islamic Sacred State; a greater Yemen through gaining land from Saudi Arabia; a UAE through losing territory to Arab Shia State: Kuwait and Oman maintaining the status quo; a new Azerbaijan through gaining territory from Iran; a new Iran through losing land to Kurdistan, an Arab Shia State, Azerbaijan and Free Baluchistan but gaining territory from Afghanistan. A Free Baluchistan- a new state for the Baluch people to be carved out from Pakistan and Iran; an Afghanistan through losing land to Iran in the west but gaining from Pakistan in the east; and finally, a trimmed Pakistan through losing territory to both Free Baluchistan and Afghanistan.

According to the plan, a total of twenty states would appear in the new map in the place of the existing fifteen. Apparently, a redrawing of the Middle East map along ethnic and sectarian lines offers an attractive solution to regional intra and inter-state tensions. It may also bring centuries' old questions of Kurdish and Shia-Sunni rivalry to an end. However, what skip from the public debate or the grand narrative of the proponents of such plans are some legitimate legal and consequential concerns. Firstly, the plan is a manifest denial of international law with regard to nonintervention, respect of territorial integrity and national sovereignty. Secondly, it assumes that the region is open and subject to foreign imposition of political and military settlements; it is a laboratory to test any political and military designs of external powers; and the external powers have the legitimate right to twist and turn and play with tangible and intangible aspects of political affairs of people in the region. Thirdly, an imposition of such a radical solution requires violent intervention from outside as none of the states in question would agree to lose land and, possible natural resources underneath. Finally, the social and ethnic fabrics are considered very straight and clear cut that straight boundary lines along ethnic or sectarian lines are the easy way out. It totally disregards the potential human cost involved due to resistance, confrontation, possible civil war, and sectarian or ethnic violence. All these inevitably entails forced migration of a huge number of people and a creation of region-wide refugee communities.

### **Strategic Forced Migration in the ME: the happenings on the ground**

The Middle East has been a region where wild international strategic fantasy and the crude reality of political realism have largely coincided over the past about two hundred years. What is known as the Middle East today was the landmass of the Ottoman Empire until a century ago. The intrusion of foreign powers, intervention into the borders and shaping and reshaping of the region is not new; rather these started from the latter days of the Ottoman Empire. Probably the first official channel that allowed European powers of the time to make inroads into the region was the Empire taking loans from France in the middle of the Crimean War (1853-1856), thus giving France leverage to influence the region's politics. The war, a European powers' move to punish Russia using the Ottoman Empire, caused an exodus of 200,000 Crimean Tartar refugees in the Empire. A second exodus of the Bulgarian Muslims took place during the 1877-1878 Russo-Turkish War in which the European powers had a major stake. During the 1912-1913 Balkan War, some 400,000 Muslims were forced to migrate to mainland Turkey. The so-called Armenian Genocide of 1915 was also caused by an imposed war of Russia on Turkey in which an estimated 1.5 million Armenians were forced to migrate to Syria and Iraq (then known as Mesopotamia). It was European concerns of strategic gains in the region that caused the forced migration (Rogan, 2016).

The rivalries between these great powers during the 19<sup>th</sup> century allowed the European powers to make known their strategic presence in the region. For instance, in exchange for British support of Turkey against Russia during the Russo-Turkish war of 1877-1878, Britain officially entered militarily to the region. Britain took control of Cyprus's administration in 1878, and France occupied Tunisia in 1881. On November 5<sup>th</sup>, 1914, Britain took complete control of Cyprus and Egypt.

By the turn of the new century, the Turkish Empire turned into an aging 'Sick Man of Europe', which in turn became an object in the British, French, and Russian political and military surgical operation theatre. The First World War turned the tables around; the old European enemies- Britain, France and Russia, were allied against the Empire, which allied with Germany. Through a series of treaties, the Empire was

stripped off its political and military power, and its territories were put into a newly carved out map that was both directly, and indirectly, under the control of the European powers. Thus, the direct strategic presence of the foreign powers was made official. It was the Arab revolts that hastened the process. By the beginning of 1919, Britain took control of the Arabian Peninsula, Syria and Iraq. On its Northern front, the Ottoman Empire had to give away Armenia, Azerbaijan and Georgia to Russia. In the end, the Treaty of Sevres officially partitioned the Empire into 39 territories which were divided among the European powers (Rogan, 2016).

What these historical trends suggest is that playing with the politics and map of the region is not new, not internal, and subject to foreign intervention. So when Oded Yinon, Ralph Peters and the Clean Break proposed redrawing boundaries and reorganising the region's geographic setting, it did not sound unusual. So even though Oded Yinon's 1982 plan, and Ralph Peters' 2006 plan may not be official, the actual happenings on the ground before 1982 and after 2006 did not differ from what they proposed.

Firstly, Israeli land, military and security expansion has been consistent over the past four decades, result in its grand strategic objectives appearing to be a replica of the 1982 strategic thinking of Oded Yinon. Internally, Israel has expanded progressively by encroaching on Palestinians' land to the point where their living spaces have been reduced to scattered dots on the Israeli landscape. But it is not the internal expansion that matters for Israel's greater strategic objectives; it is its hinterlands.

One of the two most important candidates for both Oded and Peters' restructuring of borders is Iraq. Both of them suggested creating a number of states out of the existing territory- a Sunni state, a Shia state, and a Kurdish state. The American military policy towards Iraq since 1990 have met a number of American and Israeli objectives simultaneously (Cooley, 2005). Firstly, there was the Oded proposal of weakening Iraq by eliminating its military capability through the American destruction of Iraq's air defense installations, limiting its air space by imposing No Fly Zones and UN-supervised destruction of its chemical industries in the 1990s. Even that did not fulfill the objective; Iraq's regime had to be changed, and its military totally dismantled.

In 2003, an invasion, defying global opposition, was carried out under the pretext of the existence of WMD's. In the end, Iraq descended into perpetual chaos, remaining weak for unknown future.

Secondly, the Oded strategy of dividing Iraq into a few smaller states by taking advantage of its sectarian divide was clearly reflected in post-invasion development in Iraq. The Kurdish region had been granted autonomy with its large control over oil resources; and its independence just fell short of a unsuccessful referendum which only one state, Israel, supported and recognized. The remaining regions remained loosely federated with the capital, but as a whole the state has been marred with sustained violence, and instability caused by sectarian chaos. Its very survival has been at stake, let alone being a threat to any neighboring country. So Oded and Peters plans are partially applied, but the Israeli objectives have been fully achieved.

Thirdly, the Iraq invasion helped achieve America's grand objective of securing control over oil resources in the region. Taking control of Iraqi oil began in the 1990s when Iraqi oil proceeds were given in the hands of an UN appointed body. This was to be formalized by transferring the control to largely American companies, which was effectively done immediately after the invasion in 2003. This became clear long before Alan Greenspan claimed that the Iraq invasion was largely for oil. Large and small American oil companies, some of which had business connections with American political elites who orchestrated the invasion, were awarded business contracts. The invaders were free to share oil resources as war booty.

The Iraq fiasco was nothing but a deliberate military adventure to initiate America's grand objectives in the region- strategic military presence, and control of Iraq's oil resources. Whether intended or not, the adventure helped achieve Israeli objectives in Iraq. According to a 2017 update by the UNHCR, the invasion forced three million people to be internally displaced and produced more than 4 million Iraqi refugees both at home and abroad. The sheer number of human casualties was simply disregarded by America's official attitude of "we aren't there for body count."

The second most ideal candidate state for both USA and Israel in the region to be terminally dealt with was Syria. Syria has been the most active frontline and hinterland state that posed an immediate military



threat to Israel since its creation. Syria and Israel's past wars, the Israeli control of Syria's Golan Heights, Syria's proxy-war with Israel in Lebanon in the 1980s, and Syria being a close ally of Iran and the Lebanese Hezbollah- are part of an existential threat to Israel. Therefore, the weakening of Syria or dismantling of its geographical, military and power structure is a foregone conclusion in achieving Israel's greater strategic objective (Phillips, 2016).

America's interest to see Syria weakened politically and militarily became more apparent and clearer since Bashar al-Assad came to power. Syria's forced roll-back policy from regional political and military engagement indicated the first signs of its decline as a major power in the region. The final blow came following the so-called Arab Spring which plunged Syria into an intricate civil war since March 2011. Numerous factions such as the Free Syrian Army, Syrian Democratic Forces, al-Nusra Front, and Daesh or Islamic State of Iraq and the Levant (ISIL) later Islamic State (IS), have been fighting against each other aided by foreign powers. The confusion and chaos is apparently deliberately sustained by the roles the foreign powers have been playing in this regard. The direct involvement of the two super powers- USA and Russia, has dragged the war for almost eight years. The objective of the USA and its allies has been to change the Syrian regime while Russia and its allies aim to maintain it. The entire country, save Damascus, has been subject to destruction, displacement of people and death. Active support by the USA and Israel triggered the civil war which was later sustained by complex alliances. The human cost has been monumental. According to the last estimate, out of 22 million, about 14 million Syrians live on humanitarian assistance, more than 6 million are internally displaced, and about 5 million became refugees abroad. According to the Syrian Observatory for Human Rights, an estimated 522,000 Syrian civilians have been killed until 12 September 2018 (SOHR, 2018).

The Syrian civil war is more of an imposed war than one that is homegrown, arguably as part of Israel-America's grand strategic and military objective to weaken and dismantle Syria. The Arab Spring was an opportunity to do away with the Syrian threat to Israel, just as Iraq's invasion of Kuwait was an opportunity to deal with the Iraqi threat. In both cases, a number of points are clear.

Firstly, the American and Israeli grand strategic and military objectives in the region are complimentary and identical. They work for

each other's interest. Secondly, they may deliberately cause a situation to occur through playful diplomacy, or conveniently and efficiently take advantage of a situation to interfere politically and militarily in order to achieve their grand objectives. Thirdly, they fundamentally disregard the national boundaries of the Arab states with the belief that they have legitimate rights to impose changes. And finally, they disregard the human consequence of their deliberate interventions as a mere byproduct, and make the neighbouring countries bear the burden.

### **Conclusion**

According to the UNHCR, there are 68.5 million people forcibly displaced worldwide, out of which 25.4 million are refugees. The instances of forced displacement and migration of people are not rare in human history; however, the frequency, intensity and volume of forced migration have increased rapidly over the past 200 years. Why is it so?

This article argued that in the past, forced migration and refugees resulted from natural forces such as disaster and climatic changes, political threats, divine order, religious persecution or nationalistic ideology and nation-state formula. However, in the contemporary world, forced migration and refugees are deliberately created as part of the dynamics of international conspiracies to achieve grand military and strategic objectives by dominant powers. An analysis of the cases of Iraq and Syria over the past thirty years reveal that local political turmoil, resulting in producing voluminous numbers of forcibly migrated and refugee population, is orchestrated by an international political conspiracy. Both Iraq and Syria have produced the biggest number of forced migrated and refugee population in the past thirty years. In these two cases, Israel and the United States had complimentary and identical grand objectives in the region. For Israel, these objectives were weakening and dismantling the Arab hinterland states for the greater security of the state of Israel. Both Iraq and Syria were ideal candidates for that. For the United States, the objectives were to make its long-term official military presence in the region, to safeguard its control over the region's oil wealth, and to counter any threat to the state of Israel. Again, both Iraq and Syria stood as the ideal candidates through which America achieved its objectives. America and Israel's Middle East politics dominated Iraq and Syria for the past forty years, and the consequences the two Arab countries experienced came arguably

from nothing but deliberate conspiracy politics played by the two allied powers.

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# **Roots of Discrimination Against Rohingya Minorities: Society, Ethnicity and International Relations**

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**Abstract:** According to the United Nations, the Rohingya people are the most persecuted minority group in the world. The atrocities perpetrated by Myanmar authorities could by any reckoning be called ethnic cleansing. This paper delves into the level of discrimination against the Rohingya population perpetrated by Myanmar authorities in myriad of ways. A team of researchers interviewed 37 victims. The pattern of persecution goes back to 1948 – the year when the country achieved independence from their British colonizers. Today, this population group is the single largest “stateless” community after Palestinians in the world. Their “statelessness” or lack of citizenship increases their vulnerability owing to the lack of entitlements to any legal protection from the government. Without citizenship, they are deprived of basic rights such as access to health services, education and employment. The illiteracy rate among the Rohingya, for example, is a staggering 80 percent. However, so far, no unified responses either from the ASEAN or the EU were provided to the crisis. As a result, the level of discrimination against and brutality towards them kept escalating.

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**Key words:** Rohingya, minorities, discrimination, international relations, ethnicity.

**Abstrak:** Menurut Pertubuhan Bangsa-Bangsa Bersatu, orang Rohingya adalah golongan minoriti terbesar yang dianiaya didunia. Kekejaman yang dilakukan oleh pihak berkuasa Myanmar boleh dikategorikan sebagai pembersihan etnik. Kertas kajian ini akan melihat kepada tahap diskriminasi ke atas populasi Rohingya yang dilakukan oleh pihak berkuasa Myanmar dalam pelbagai cara. Sekumpulan penyelidik telah menemu bual 37 mangsa isu ini. Corak penganiayaan ini adalah sama seperti pada tahun 1948 di mana negara baru mendapat kemerdekaan daripada kolonial British. Pada hari ini, kumpulan ini adalah satu-satunya komuniti tanpa kewarganegaraan terbesar didunia selepas orang Palestin. Ketiadaan atau kekurangan kewarganegaraan mereka telah meningkatkan keterdedahan mereka kepada kekurangan dalam mendapatkan hak perlindungan daripada kerajaan. Tanpa kewarganegaraan, hak asasi mereka akan dilucutkan daripada mendapatkan perkhidmatan kesihatan, pendidikan dan pekerjaan. Kadar literasi dalam kalangan orang Rohingya adalah pada 80 peratus. Walaubagaimanapun, sehingga kini tiada tindakan bersatu daripada ASEAN dan EU yang telah dijalankan untuk menguruskan krisis ini. Keputusannya, kadar diskriminasi ke atas kekejaman ini terus meningkat.

**Kata kunci:** Rohingya, Minoriti, Hubungan antarabangsa, Etnik

## Introduction

The population size of Rakhine state is around 3.2 million with Buddhists comprising an estimated 2.1 million and Rohingya Muslims around a million (John & Thomas, 2014). An accurate statistics is notoriously difficult to establish as they were excluded from participating in the 2014 census (Green et al, 2015). According to the estimate of uncounted persons in the 2014 census, the total number of Rohingya in Rakhine state is estimated over a million (Green et al, 2015; HRW, 2014).

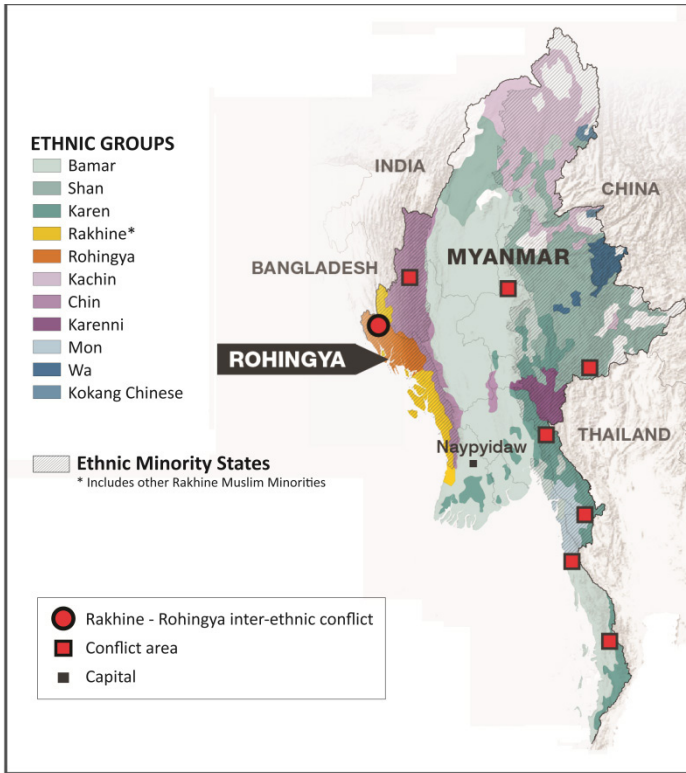
Debates are ongoing about the presence of Rohingya in the state of Rakhine in Myanmar. Historians document a longstanding stint of the Muslims in Rakhine state. Their presence is corroborated by ancient mosques and the use of coins and Islamic titles by Arakan rulers (Chan,

2005; Galache, 2014). While the etymology of 'Rohingya' is unknown, the Rohingya and their chosen ethnic designation were accepted by the Burmese State in the 1950s (Ba, 1958). The first President of Burma, Sao Shwe Thaik, a Shan, claimed in 1959, that the 'Muslims of Arakan' certainly belong to the indigenous races of Burma (Rogers, 2012; Buchanan, 1992). The Rohingya people were issued citizenship/ID cards (Moore, 2015) and granted the right to vote under Burma's first post-independence Prime Minister, U Nu. In addition, they held important positions in civil service. In the 1960s, the official Burma Broadcasting Service (BBS) relayed a Rohingya-language radio programme three times a week as part of its minority language programming, and the term 'Rohingya' was used in journals and school text-books until the late 1970s (Green et al, 2015).

Since the beginning of the current Rohingya crisis in August 2017, the gruesome brutality perpetrated upon the Rohingya civilians has turned to the most massive episode of ethnic cleansing the world has seen in the recent years (Illius, 2017). By any reckoning, what is happening in Myanmar on Rohingya population today is a humanitarian catastrophe. The UNHCR terms the attack on innocent children, women and civilians as 'text book example of ethnic cleansing'. As a result of the horrific human crisis, Rohingya people, due to the proximity, chose Bangladesh as a safe zone for them to take refuge. By January 2018, reports (Daily Sabah, 2018) show that the number of registered Rohingya refugees in Bangladesh to be around 1,004,742. This is too large a number for Bangladesh to take care of them. These people merit to be taken back with a guarantee of total safety and to be free from persecution.

Rohingya people have inhabited Myanmar continuously for centuries prior to colonial rule. Burma's first Prime Minister U Nu in a public speech on 25 September 1954 clearly mentioned that the people living in Buthidaung and Maungdaw Townships are Rohingya. On 3-4 November 1959, the Prime Minister and Minister for Defence U Ba Swe at a public gathering in Buthidaung and Maungdaw Townships reiterated that the Rohingya has the equal status of nationality with Kachin, Kayah, Karen, Mon, Rakhine and Shan. The Frontiers Administration office under the Prime Minister's Office on 20 November 1961 announced that the people living in Mayu Frontier is ethnic Rohingya. To mention, Mayu Frontier is composed of Buthidaung, Maungdaw and Rathedaung

Townships where around 1-1.5 million Rohingya are concentrated (Ullah, 2016:286).



Upon enacting discriminatory policies on Rohingya by General Ne Win in 1970s, National Registration Cards (NRCs) were revoked from them by a range of measures. Again, the Nagamin (the Dragon) operation in 1977-78 was designed to force out Rohingya from Burma. Despite all the systematic discriminatory and exclusionary policies were in place and IDs and other legal documents were seized, Rohingya people were citizens of Burma until 1982. The Citizenship Act, however, was promulgated in 1982 to strip off their citizenship. Yet, the current atrocities against the Rohingya enacted by the Buddhist majority under the pretext that they are illegal immigrants.

For decades, Rohingya people have been systematically marginalized; historically deprived of basic rights and curtailed the freedom of mobility deliberately. Numerous check-points have been



erected to restrict their mobility. Their choice of marriages is restricted hence intermarriages (Rohingya-Buddhists or else is prohibited) and their choice for work is limited. Forced labour and gang rape by the Myanmar army have historically been widespread. Many cannot believe that in retaliation the unarmed poor and meagre Rohingya ‘insurgents’ launched attacks on security sites in August 2017 that killed 12 people. This attack has given the government of Myanmar an excuse to unleash a brutal crackdown against the defenseless minority. It seems that the government has been waiting for this moment to totally wipe them out from Rakhine. The Myanmar government recently declared that Rakhine district would be transformed into a business hub and called for foreign investments. The Guardian (2017) therefore asked a question ‘is Rohingya persecution caused by business interests rather than religion?’ and added that both Buddhist and Muslim smallholders have been victims of corporate land grabs in Myanmar. This means the government needed to wipe out Rohingya from their homeland to implement this plan. Countries like Japan and Korea, among others, known to be upholding human rights, have already invested in Rakhine, are keeping their eyes blind to this annihilation.

Aung San Suu Kyi’s long silence and endorsement of the brutality and her cancellation to attend the UNGA speak about the fact that a deliberate ethnic cleansing drive has been underway (Illius, 2017). In her recent speech on the crisis, instead of promising a concrete action to protect the Rohingya, she appears to be downplaying the horrific brutalities that were transpiring. This is as well incomprehensible when she says her government is ready to accept refugees. However, this is fundamentally a wrong statement because Rohingya people are refugees to Bangladesh and other countries but not to Myanmar. She surprised many by her seemingly ignorant statement about what is happening on the ground, as she says, “we will have to consider why Rohingya people are failing”. She has the responsibility to immediately stop the genocide and as a leader she must facilitate and expedite their safe repatriation to Myanmar from the destinations of their refuge (Bangladesh, India, Thailand, Malaysia and elsewhere). As a leader, she has to take initiative to give back their citizenship. Here lies the best solution to this protracted crisis.

A horrific reality that was revealed by the ISCI is heart wrenching and telling. The International State Crime Institute (ISCI) discovered a

leaked document apparently adopted by the regime in 1988 which reveals the State Peace and Development Council's (SPDC) commitment to eliminating the Rohingya from Myanmar (Green, et al 2015). SPDC's Extermination Plan which outlines (hereunder) their gruesome tactics to eliminate this population group:

- I. The Muslims (Rohingya) are not to be provided with citizenship cards by identifying them as insurgents.
- II. To reduce the population growth of the Rohingya by gradual imposition of restrictions on their marriages and by application of all possible methods of oppression and suppression against them.
- III. To strive for the increase in Buddhist population to be more than the number of Muslim people by way of establishing Natala villages in Arakan with Buddhist settlers from different townships and out of the country.
- IV. To allow them temporary movement from village to village and township to township only with Form 4 (which is required by the foreign nationals for travel), and to totally ban them travelling to Sittwe, the capital of Arakan State.
- V. To forbid higher studies (university education) to the Rohingya.
- VI. No Muslim is to be appointed in government services.
- VII. To forbid them from ownership of lands, shops and buildings. Any such properties under their existing ownership must be confiscated for distribution among the Buddhists. All their economic activities must be stopped.
- VIII. To ban construction, renovation, repair and roofing of the mosques, Islamic religious schools and dwelling houses of the Rohingya.
- IX. To try secretly to convert the Muslims into Buddhism.
- X. Whenever there is a case between Rakhine and Muslim the court shall give verdict in favour of Rakhine; when the case is between Muslim themselves the court shall favour the rich against the poor Muslim so that the latter leaves the country with frustration.
- XI. Mass killing of the Muslim is to be avoided in order not to invite the attention of the Muslim countries.

This means that the actions such as genocide, discrimination, mobility and marriage restrictions seemed to have perpetrated against them as a part of Myanmar's long term plan.

There is visible scarcity of literature generated on this issue. It is clearly understandable that scientific research could not be conducted due to the restrictions on researchers and journalists from entering into the sites. There are, however, some reports from human rights organizations available. Most reports ignored the root causes of these atrocities. This paper explores the extent to which Rohingya, being the religious and ethnic minority community in Myanmar, has been discriminated against and the level of inequalities they face. This paper also explains the actions that the Myanmar government and governments of neighbouring countries as well as, the international organisations have taken for this marginalised group of population.

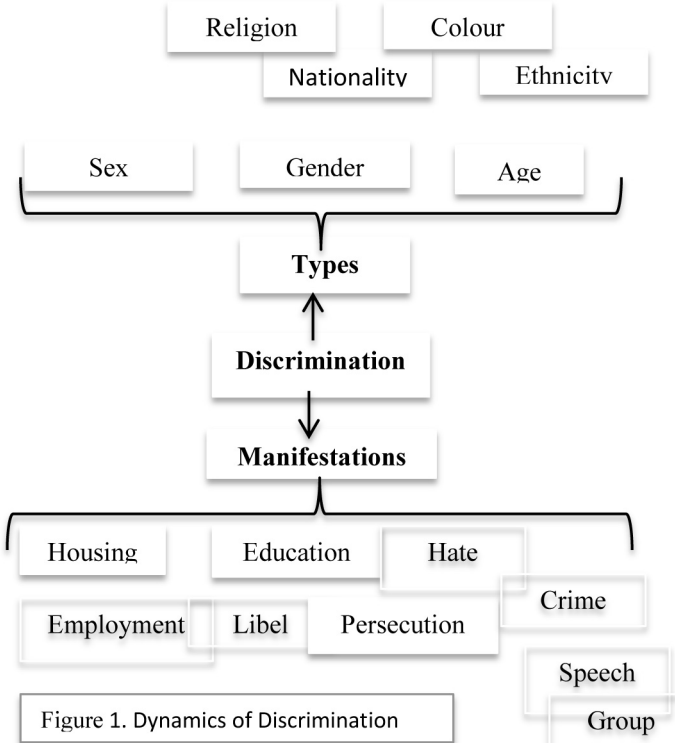
### **Methodology**

This paper is based on a study conducted in Bangladesh, Thailand and Malaysia. Our research team spent about five months in the field (primarily in Chittagong, Bangladesh; Thailand and Malaysia). The team conducted 37 formal interviews with key participants including Rohingya, INGO staff, Rakhine civil society leaders and Rohingya activists. Fieldwork involved ethnographic observation on some 19 Rohingya. The ethnographic fieldwork, which combined interviews with observation, provided the opportunity to analyse social relations in Rakhine state. The interviews were designed to elicit the experiences and perceptions of both perpetrator and victim communities and to document the state of persecution. An important goal was to understand the reasons that animate hostility against the Rohingya within the Rakhine community (Zin, 2015; Smith, 1999).

In-depth interview was selected as a research method due to its emphasis on process, depth, and complexity when explaining any phenomena. The open structure of qualitative interviewing allows for unexpected issues to emerge. These relate to the research aims of attempting to gain insights into how refugees make decisions (Ullah, 2014). Interviews with Rohingya were conducted in English or with English interpretation (in case they declined to speak English or they could not speak English). All interviewees understood the purpose of the interview, its voluntary nature, and the ways that the information

they shared might be used. We met most of the respondents during the Migration Day conferences in 2015 and 2016 held in Bangkok. As we were in an informal setting, they were enthusiastic in sharing their experiences. The interviews were scripted. Drafts of interview script were shown later on to the interviewees for validation.

**Theoretical Consideration**



Housing, employment, education, and other socioeconomic status are important indicators that characterize discrimination (Chae, et al, 2011). In employment, discrimination becomes evident during recruitment, advertisements, interviews, unequal pay for equal work, unjustified dismissals and harassment in the work place. Discrimination regarding goods and services occurs on the ground of race and ethnicity is widespread in accessing to goods and services in both the public and private sectors (Jah, 2013). This has the potential of seriously limiting a individual’s rights and quality of life (e.g. not allowing to use public transport, or to enter clubs, parks, bars and restaurants). Rohingya people

face barriers in accessing healthcare and social protection services due to the fact that they often live in segregated areas and lack basic infrastructure and money for accessing these services. In relation to accessing social protection services, Rohingya may face challenges due to institutional discrimination, a degree of mistrust in public authorities and general lack of awareness of rights as well as the failure of the authorities to adequately explain procedures (Carroll, 2014). Barriers to accessing (quality) education, as well as high dropout rates prevail in the Rohingya community (Nicosia, 2017).

In order to explain the discrimination against Rohingya, we applied the theory of ethnic groups and boundaries of Frederik Barth (1969) who underpinned ethnic group in anthropological literature to designate a population which: 'is largely biologically self-perpetuating; shares fundamental cultural values, realized in overt unity in cultural forms; makes up a field of communication and interaction, and has a membership which identifies itself, and is identified by others, as constituting a category distinguishable from other categories of the same order.' (Barth, 1969:10-11)

Most critically, boundary follows from the isolation which implies: racial and cultural difference, social separation and language barriers, spontaneous and organized enmity. This also limits the range of factors to explain cultural diversity: each group developing its cultural and social form in a relative isolation through a history of adaptation by invention and selective borrowing (Barth, 1969).

Since the 1960s, the study of ethnicity has become core to social science disciplines. Derived from Max Weber to Fredrik Barth & Pierre Bourdieu this tradition ends with a group of contemporary writers who pursue similar analytical strategies (Wallman, 1986; Loveman, 1997; Wacquant, 1997; Zolberg & Woon, 1999; Lamont, 2000; Tilly, 2004; Alba, 2005). In this tradition, ethnicity is primarily looked upon as a process of constituting and re-configuring groups by defining the boundaries between them (Wimmer 2008). Presently, there are two blocs of thoughts emerged based on this concept: earlier work was comparatively static and focused on the features of the boundaries themselves and the processes of their maintenance; and newer research prioritizes the 'making' of the ethnic boundary either by political movements or through everyday interaction of individuals. This shift of

emphasis towards ‘boundary making’ is perhaps the consequence of the general trend away from structural determinism towards theories that emphasize ‘agency’ (Emirbayer & Mische, 1998). Many have argued that, to take this study of ethnicity a bit further, there is a need of having a further analysis of how ethnicity is ‘made’ and ‘unmade’ in the everyday interaction between individuals (Barth, 1994; Brubaker, 2002; Lamont & Molna’r, 2002). Different philosophers explored different avenues to arrive at such an ‘agency-rich’ understanding of ethnic boundary making. Some of them relied mostly on the varied circumstances under which ethnicity works while others believe in evolutionary (Boyd & Richerson, 2007) or game-theoretic approaches (Kroneberg & Wimmer, 2012). Agent-based modeling has also been used by some (Lustick, 2000) in addition to the use of pragmatist tradition of social theorizing (Lamont, 2000). Adding to this agenda, Wimmer (2008) intended to look at the different options that the different actors pursued to react to existing boundaries, to overcome or reinforce them, to shift them to exclude new groups of individuals or include others, or to promote other, non-ethnic modes of classification and social practice (1028 p). Like in this case of Rohingya crisis, the context which has been marked by ethnic cleansing, ethnic groups and boundaries bear a particular quality. People have been denied recognition of their status of citizenship, have no legal documentation and are therefore stateless which characterizes their state of being. They have been forced out to neighbouring countries (i.e. Bangladesh) where they live in dire conditions. Rohingya, since decades, have been marginalized in almost all sectors due to their ethnic origin. Thus, applying this theory helps us to analyze the different issues of Rohingya: being ethnic minority and getting discriminated against by the majority. We will now turn to the historical context of Rohingya crisis and trace recent developments in order to locate this crisis.

### **The Roots & the Extent of Discrimination**

Since its independence in 1948, several regimes ruled Myanmar in rapid succession (Lederach, 2003; Huang, 2013). After a coup in 1962, led by General Ne Win, the military instituted an authoritarian government and banned all opposition parties (Huang, 2013; John & Thomas, 2014). While Myanmar is a Buddhist majority country, the Rohingya people are Muslim minority who mainly inhabited in the Rakhine state, located on the western coast bordering Bangladesh at the North. Historically, the Rakhine state was originally known as the region of the Arakans

and the Rohingya were originally known as the Arakan people, who inhabited the region since 3000 B.C. According to Sanskrit inscriptions and sources, the founder of the Arakan region were Indians, so their stint for centuries have also been endorsed by several timelines (Chan, 2005).

Throughout the history of the Rohingya forced migration, there have been several major migrations which began from 1942 and continuing until today (Topich, & Leitich, 2013; Al-Mahmood, 2016), involving unknown numbers of Rohingya leaving their homeland in search of political refuge. During the 4<sup>th</sup> - 6<sup>th</sup> century, the Arakan kingdom with Dhanyawadi being the first city, thrived economically. The etymology of Dhanyawadi is that it was derived from a Pali word Dhannavati meaning 'Blessed with grain' (Safdar, 2015). Dhanyawadi was a trading hub for traders from Persia, India and Arab because it is a large trading network connecting the southern silk road. During the 6<sup>th</sup> century, the city shifted from Dhanyawadi to Vesali in 788 BCE by the founder, Maha Taing Chandra. Vesali thrived as a trading port among Persians, Chinese and others and because of such wealth, they expanded their territory to Chittagong (Safdar, 2015). During the time, Buddhism excelled in Vesali and shrines, pagodas and temples were abundant. At the same time, arrival of Islam through Arab traders took place (Walton, 2017).

Between 9<sup>th</sup> and 14<sup>th</sup> century, Islam was adopted as the main religion due to the influence of Muslim Arab traders and interracial marriages between the Arab and locals. Hence, the Arab and the Bengals maintain strong ties. In 1784, King Bodawpaya conquered Arakan and hundreds of thousands of Arakanese Rohingya escaped to Bengal. The Burman King destroyed mosques, libraries, and houses in the annexation of Arakan with a great deal of bloodshed. However, in the 1790s (Chan, 2005), Hiram Cox, a British diplomat, was deployed to support the refugees and established a town in Cox's bazaar in Bangladesh which hosted the Rohingya population.

In 1824, the British captured Burma, and it became a province of British India. During that period, people migrated in various capacities (i.e. worker, engineers etc.) to Burma from other provinces of British India. However, in 1942, the Japanese occupation began and pushed the British away from Burma. During the time, the Burmese nationalists

(Buddhist) attacked the Muslims killing up to 40,000 people. This was because the Burmese believed that Muslims benefited from the colonial rule. The Japanese as well were involved in the Arakan massacre of 1942 (Crouch, 2016).

In 1945, again, the British rescued Burma from the Japanese occupation alongside Burmese fighters led by Aung San and Rohingya fighters. After the victory, the Rohingya felt betrayed as the British did not keep their words to grant full autonomy to the Arakan. The tension intensified in 1948 when the new independent Burmese government claimed Arakan state to be their own, while the Rohingya wanted Arakan to join Pakistan. The government backfired by excluding all the Rohingya from being civil servants and also from getting involved in political activities (Smith, 1999).

In 1962, a coup d'état began in which General Ne Win and his Burma Socialist Programme Party took power and removed the parliamentary system which impacted the Rohingya. Thus, the junta operation Nagamin conducted by the Burmese immigration and military authorities in 1977-78, aimed at registering citizens and screening minorities and foreigners out of the country (Tarabay, 2017). This led the Rohingya to lose their official documentation which made them stateless with more than 200,000 fleeing to Bangladesh. However, the Bangladeshi government negotiated in a UN brokered deal with the Burmese government for Rohingya repatriation (Ullah, 2011; 2014).

One form of discrimination is the deprivation of nationality and political and civil rights. The level of deprivation was aggravated during the socialist era of General Ne Win in 1962 who introduced several reforms in the period of 1962 to 1974 (Lall, 2016). The implication of the removal of government system has been widespread including the removal of Rohingya as members of parliament and from government offices. In 1982, a new immigration law redefined people who migrated during British colonial rule as illegal migrants which was applicable to the Rohingya population (John & Thomas, 2014). In the same year, a citizenship law was passed which as well did not recognize Rohingya as one of the nation's 135 ethnic groups. Defending this exclusion, the-then General Ne Win's government argued that the citizenship law recognizes those persons as citizens whose families had settled in the country before 1948 (Ullah, 2016; Tran, 2015; Tarabay, 2017; Equal



Rights Trust, 2014). The Burma citizenship law (Ullah, 2011) effectively denied the Rohingya recognition of their status. The law has three levels of citizenship where the main target is to achieve the essential naturalized citizenship as long as the person's family lived in Myanmar before 1948 and familiar with at least one of the local dialects. However, the immigration law stated that people who migrated during British colonial rule are considered to be illegal migrants which made them "resident foreigners" (Ullah, 2016:286; HRW, 2013). Section 6 under this law, Associate" and "Naturalised" citizenship were documented<sup>1</sup> and stated that the persons who became citizens in 1982 would continue to enjoy their citizenship (Ullah, 2016). However, the lack of adequate documentation forced them to become non-citizens in their own country. Much debate surrounds the reasons that have compelled Rohingya to migrate from Myanmar to Bangladesh (Amnesty International, 2017; Human Rights Watch, 2017; Office of the High Commissioner for Human Rights, 2017; United Nations, 2017a; Unicef, 2017).

Continuing discrimination against, attacks upon, and widespread violations of the rights of Rohingya have led to fresh refugee outflows from Myanmar. In 1991, more than 300,000 Rohingya escaped to Bangladesh following brutalities (forced labour, rape, gang rape, killing, persecutions, restricted mobility, etc.) perpetrated by NASAKA members (Ullah, 2011; 2016; MSF, 2008; 2009; 2012). In 1991-92 alone, discrimination, violence and the imposition of forced labour practices by Burmese authorities triggered an exodus of some 300,000 Rohingya into Bangladesh (Zin, 2015). Most of these refugees returned between 1993 and 1997 under a repatriation program brokered by the UNHCR.

In 2012, two waves of violence, between Rohingyas and majority Buddhists in Rakhine State, took place across the country (BBC, 2012; Stokke et al, 2018; Ibrahim, 2016). This violence, according to Stokke (et al. 2018), is characterized as communal violence between Rakhine Buddhist and Rohingya groups, and military violence between the military and Rohingya groups. The Rohingya, at present, are found

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<sup>1</sup> Associate citizenship was given to those whose citizenship applications were being processed at the time of the law in 1982 and Naturalised citizenship to those who are not citizens but can establish that they and their predecessors lived in the country prior to independence (See Ullah, 2016 for details).

largely in the north, while the Buddhist majority is concentrated in the central and southern parts of the state (Crouch, 2016). These were followed by a state of emergency that placed the region under military administration and brought mass arrests and arbitrary violence. Both communities are generally impoverished, as Rakhine State is marked by chronic poverty and relative underdevelopment compared to the national average (Tisdall, 2016). Communal antagonisms and violence are thus rooted both in the local political economy of underdevelopment (ADB, 2017; Buchanan, 2016) and in the antagonistic politicization of ethnic and religious identities at the local and national levels (Jones, 2013; UNCHR, 2014). In August 2017, in retaliation of the past events of brutalities, ARSA is reported to have attacked border guard posts, killing 12 Myanmar security forces<sup>2</sup>. The retaliation came in the form of most barbaric and brutal ways which killed thousands in gruesome terms and forced about a million Rohingya out of the country.

The recent violent crackdown committed by Myanmar security forces between August and October 2017 against civilian Rohingya has attracted widespread but ‘ineffective’ attention from the international community. Testimonies gathered by the United Nations (United Nations, 2017a) confirm that the Myanmar security forces had committed extrajudicial and summary executions, rape, and other forms of sexual violence, torture, the acts of which are cited as examples of ‘ethnic cleansing’ in a textbook.

There are a lot of discourses on the effects, causes and processes of statelessness. Governments, UNHCR, regional organizations, civil society organizations and other agencies have been working to end this issue of statelessness. However, Rohingya statelessness has been an issue which received the least attention from international community (Kerber, 2007). Presently, Rohingya are the single largest “stateless” community after Palestinians in the world. Their “statelessness” makes them vulnerable to a range of exploitations (Kerber, 2007) as statelessness strips off entitlements to any legal protection from the government. They are deprived of access to health services, education and employment. The illiteracy rate among them is exceedingly high because teachers mostly being Buddhist do not prefer to teach in the Muslim-dominant

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<sup>2</sup> <https://www.reuters.com/article/us-myanmar-rohingya/at-least-71-killed-in-myanmar-as-rohingya-insurgents-stage-major-attack-idUSKCN1B507K>

areas (Frydenlund, 2017). Also, due to travel restrictions imposed upon them only about 5 percent of the population pursue higher studies as high schools are generally located in distant villages where they are not permitted to travel. They have been denied the right to practice religious rites freely. To add, the plight of the Rohingya had been compounded by social customs which forbid females to work, thereby contributing to the problems of sustainable livelihood (Kyaw, 2008). Laws do not allow Rohingya couples having more than two children. Those who break the law risk imprisonment, and blacklisting their children (Nicosia, 2017). All these discriminatory measures are in fact the manifestations of the Rohingya extermination plans as revealed by the ISCI.

The deliberate destruction of crops and the burning down of villages are unleashed to drive entire populations out of their homes (HRW, 2018; Buncombe, 2017). The horror of brutality could be understood when a midwife of the Medecins Sans Frontieres tells in the NBC report (2017) ‘I’ve never had a population talk so freely about the assault that they were experiencing. I have had women come in who were gang-raped or brutally raped and are now recovering from fistula but I have never heard so many stories of so many women being publicly raped and then killed.’ The Sun (2017) reports under the heading ‘Faces of Horror’ that women were Gang-raped while pregnant, watching their sons be beheaded and burned and beaten by soldiers. Children and adults had their throats slit in front of their families. The summary executions of teachers, elders and community leaders; helicopter gunships randomly spraying villages with gunfire; people shut in their homes and burnt alive; women in labour beaten by soldiers and their babies stamped to death have been common atrocities (HRW, 2018; Buncombe, 2017).

Economic and developmental neglect, together with oppression and discrimination following the military coup led by General Ne Win in 1962 have had a devastating effect on social relations between communities (Crouch, 2016; John & Thomas, 2014). Levels of poverty contrast starkly with the state’s abundance of natural resources and its strategic geopolitical location, both of which are exploited by foreign powers. Rakhine state is home to the Shwe Gas project, for example, which involves natural gas extraction off the coast and generates vast revenues for the military and for China (Green et al, 2015). The benefits never go the cause of welfare of the inhabitants in Rakhine.

## International and Regional Response

International and regional responses to the crisis have been disappointing. Several governments remained silent while some supported Myanmar's fragile democratic reform (Lall, 2016; Edroos, 2017), and a few had strongly criticised the Government's failure to protect its population. Myanmar's de facto leader, Aung San Suu Kyi, has been criticised by the international community for not sufficiently condemning the renewed violence. In her first public address since the bloody military crackdown on the Rohingya minority in August 2017, Aung San Suu Kyi, did not criticise the army, and said she did not "fear international scrutiny". She insisted that there had been "no conflicts since September and no operations" against the Rohingya minority. There arose widespread demand that her peace prize be taken away as she has violated the principles of the prize by keeping silent about Rohingya annihilation which meant she is complicit in crimes against humanity.

While the scope of her actions is limited, she possesses one power in abundance: the power to speak out. Rather than deploying it, her response amounts to a mixture of silence and the denial of evidences (BBC, 2018). In response, to the massacre, Suu Kyi, in an attempt to shield the armed forces from criticism, has denied the atrocities, together with denying the very identity of the people being attacked, asking the US ambassador not to use the term 'Rohingya'. She has upheld the 1982 Citizenship Law, which denied the rights of these people. Her government ignored and obstructed UN officials who have sought to investigate into the atrocities and prevented aid agencies from distributing relief materials (Shivakoti, 2017).

Humanitarian organizations expected stronger sanctions on Myanmar from powerful countries (O'kane, 2018). This never happened. Instead, many countries involved in trade and business with Myanmar, which emboldened Myanmar to perpetrate atrocities on Rohingya. While there are criticisms that the international organizations have failed miserably to show that they care about humanity and human rights, their access to Rakhine district was restricted by the government.

The national government contemplated new legislation that would seek greater oversight of the work of international non-governmental organizations (INGOs), including the United Nations, prompting concerns of a crackdown on their activities. The Draft Law on INGOs,

contains a vague definition of the groups it would regulate, proposes monitoring of aid groups' work by Myanmar staff and provides the affected organizations with few safeguards against the government suspending their work (The Dhaka Tribune, 2018). This could be used to restrict their work in Myanmar.

Southeast Asian leaders failed to take any action or at least to condemn atrocities perpetrated by Myanmar security forces despite a summit meeting was held in Manila at a time when the violence was at its peak. The crisis posed a critical test for the ASEAN member states and its institutions, highlighting ASEAN's lack of a political and legal framework to deal with issues related to refugees (Gotinga, 2017). The plight of the Rohingya has been compounded by the response of several Southeast Asian nations who in 2015 turned away boats carrying thousands of desperate Rohingya. Intensified international pressure and media scrutiny over their refusal to help the boat refugees finally resulted in Indonesia and Malaysia permitting to land on a temporary basis (Letchamanan, 2013). It also led to several crackdowns on the human traffickers engaged in transporting Rohingya. In May 2015, both Thai and Malaysian authorities found mass graves of Rohingya at abandoned human trafficking camps along their shared border (Hutcherson & Olarn, 2015). This led members of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime to acknowledge the need for an urgent and collective response to such issues. They agreed to have a mechanism that would grant the co-chairs Indonesia and Australia the authority "to consult, and if necessary, convene future meetings to discuss urgent irregular migration issues with affected and interested countries in response to current regional issues (ASEAN, 2007)."

A distinctive principle of the ASEAN Charter is the "non-interference in the internal affairs of ASEAN Member States (ASEAN, 2007)". Despite this principle, due to increased tensions in the region some Muslim-majority countries, such as Malaysia and Indonesia, tried to show a strong stance on the protection of the Rohingya. Although Indonesia had stated that the Rohingya crisis is a regional problem, it has followed the non-intervention principle, emphasising that it would pursue its policy of 'constructive engagement' rather than putting pressure on Myanmar. Malaysia, on the other hand, was vocal in condemning Myanmar's treatment of the Rohingya: its ex-Prime Minister Najib

Razak told in a rally in Kuala Lumpur in 2016 that the “world cannot sit by and watch genocide taking place (The Guardian, 2016)”. The Organization of Islamic Cooperation (OIC) also held an emergency ministerial meeting in Kuala Lumpur in January 2017 to discuss the situation, at the request of the Government of Malaysia. Malaysia has called for ASEAN to coordinate humanitarian aid and to investigate alleged atrocities committed against them (Holmes, 2017). However, while most of the countries in Southeast Asia stayed quiet, thousands have taken to the streets in Indonesia and Malaysia to protest against the atrocities. The president of Indonesia sent the Foreign Minister to Myanmar and Bangladesh. The Malaysian ex-Prime Minister led a protest against what he calls genocide in Rakhine. However, no visible diplomatic efforts were made. Thailand has been hosting thousands of Rohingya for quite some time as well. Since Myanmar government kept denying the right and citizenship of the Rohingya, the ASEAN along with the international community could have realistically addressed the root causes of deep-seated discrimination against them.

## **Conclusions**

The Rohingya people have been struggling for identity, existence, peace and basic human rights. They want to work together with other citizens. However, according to the plan (revealed by ISCI), several policy reforms were taken by the government to exterminate the Rohingya people. They launched sophisticated de-nationalization tactics which automatically made them among the “most persecuted ethnic minorities in the world.

While there was no strong pressure from international community, some regional and international criticism resulted in the government of Myanmar taking some steps to try to ease concerns, if not to end the concern. At Malaysia’s request, Aung San Suu Kyi called a special informal meeting with ASEAN foreign ministers in Yangon in December 2016 to discuss international concerns over the situation. Suu Kyi promised that Myanmar would provide regular updates on the crisis to fellow ASEAN members and possibly work with them to coordinate aid efforts (Holmes, 2017). The Myanmar government allowed several pre-approved media members to visit one of the main sites of the conflict (Lederach, 2003; Asia Foundation, 2017). The Kofi Annan Commission recommended several ways in which to improve accountability and

find long-term solutions to them (Kerber, 2007). It also suggested that Myanmar could improve bilateral relations with Bangladesh and that both nations should facilitate the voluntary return of refugees to Myanmar through a joint verification (McLaughlin & Toe, 2014).

Years of conflict and violence in Rakhine State, which has attracted press coverage despite tight governmental control, have tarnished international goodwill. As Rohingya have fled to neighbouring countries, Myanmar can no longer insist that this is an internal issue and instead must work with receiving countries (such as Bangladesh) and members of ASEAN to address the situation (Shivakoti, 2017). As it is stepping into democracy, Myanmar must respect the different ethnicities and religions within the country, without systematically discriminating against any one group. Violations of the human rights of the Rohingya people may suggest “the possible commission of crimes against humanity, if established by a court of law (Green et al, 2015) by the ISCI concluded that “the Rohingya face the final stages of genocide”. Without looking at the root causes (reforms, changes in citizenship law, Nagamin) of these atrocities, motherhood statements about and against the human rights violation must not bring about any long-term solution to this humanitarian crisis.

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# Exploring Ways to Provide Education in Conflict Zones: Implementation and Challenges

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**Abstract:** Millions of children in conflict-affected countries are deprived of their fundamental rights to education. Using the qualitative exploratory research method, this study aims to explore ways of providing education to such children, and to identify the challenges facing their implementation. It also presents two short case studies conducted on Palestinian and Syrian refugees residing in Malaysia to explore their perceptions towards their education in their current situation and future orientation. The results show that despite the educational programmes initiated by various organizations, the affected community continue to face numerous political, financial, psychological, economic, administrative, or institutional challenges. The analysis of the interviews data revealed several categories and themes, among them related to the participants' current situation, educational needs, roles of different members of the community involved, and the challenges. The study recommends increasing efforts to meet the educational demands of the huge number of children out of schools.

**Key words:** Education; conflict-affected countries; refugees; strategies.

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**Abstrak:** Jutaan kanak-kanak di negara-negara bergolak sedang dinafikan hak asasi mereka untuk mendapatkan pendidikan. Melalui keadah penyelidikan kualitatif eksploratori, kajian ini meninjau kaedah-kaedah untuk memberikan pendidikan kepada golongan kanak-kanak ini, dan untuk mengenal pasti cabaran-cabaran berkaitan pelaksanaannya. Kajian ini turut membentangkan dua kajian kes pendek yang telah dijalankan ke atas pelarian Palestin dan Syria yang kini menetap di Malaysia untuk meneroka persepsi mereka terhadap pendidikan dalam situasi semasa mereka serta pandangan masa hadapan. Hasil dapatan menunjukkan bahawa walaupun program-program pendidikan telah diwujudkan oleh banyak pihak, golongan pelarian berterusan mengalami cabaran-cabaran dari segi politik, kewangan, psikologi, ekonomi, pentadbiran, serta perubahan institusi. Analisis ke atas temu bual menunjukkan kategori-kategori dan tema-tema, antaranya berkaitan pengalaman partisipan mengenai keadaan semasa, keperluan-keperluan pendidikan, peranan pelbagai anggota komuniti yang terlibat, serta cabaran-cabaran. Kajian ini mencadangkan supaya usaha-usaha dapat ditingkatkan untuk memenuhi keperluan pendidikan kanak-kanak keciciran yang bilangannya amat ramai.

**Kata Kunci:** Pendidikan; negara bergolak; pelarian; strategi.

## Introduction

The number of children affected by violent conflicts and other crises is increasing at an alarming rate. The literature reports varied estimates for statistics about the number of children who have been displaced from their countries or are still residing in conflict zones. According to UNICEF, around 50 million children from various countries of the world, mainly the Middle East, have fled their homes, with 28 million children being displaced due to violent brutal conflicts and other crises like extreme poverty or experiencing risky or dangerous journeys to get to school (UNICEF, 2016a; UNICEF, 2016b; UNICEF Ethiopia, 2016). The causes of these children's conflict may be direct or indirect, short-term or long-term, while the detrimental effects and risks of such conflict includes; abuse, exploitation, abduction, and deep emotional and psychological problems and trauma (UNESCO, 2016; UNICEF, 2014a; UNICEF, 2014b; Beste, 2015; Justino, 2015; Shaw, Espinel, & Shultz, 2007).

With regards to education, during the time of conflict or crisis, education is the least factor to be considered compared to other basic needs like food, water, shelter and protection (Nicolai, et al., 2016; Nicolai & Triplehorn, 2003; Roger, 2002). This means that children and



youth are deprived of the fundamental right of education that is upheld by the international conventions, agreements and declarations (OHCHR, n.d.; Zeldin, 2007). The 'Education Can't Wait' (ECW) initiative has highlighted that in 35 crisis-affected countries, around 75 million children and young people (aged 3-18) are currently out of school, with a high percentage comprising of girls (Nicolai, et al., 2016). UNICEF has also reported that millions of conflict-affected children are out of school, robbed of their education in conflict-torn Middle East and North Africa. It further reports that thousands of schools cannot be used; and hundreds of teachers, education personnel and school children have been killed (UNICEF, 2016c; UNICEF, 2015a). Millions of school children have experienced physical and psychological problems; schools have become places of fear, danger and death. For instance, in the Gaza Strip, school children have faced three major military confrontations in the last six years which has resulted in the killing of at least 551 Palestinian children in 2014. This figure exceeds the fatalities in other years. It was found that around 3,370 children were injured and many struggled with lifelong disabilities. In addition to this, at least 281 schools were damaged, while eight were destroyed (UNICEF, 2015a). Teachers were also detained, injured and killed. During the first *intifada* in Palestine, which broke out between 1987 and 1994, many schools and higher institutions were closed. Teachers were unable to reach their schools due to stringent curfews and occupation checkpoints. Thousands of students and teachers were exposed to harassment, arrests and killings by the Israeli occupation (Hussein, 2005). In 2000, when the second Intifada began, at least 803 children were killed and another hundred were arrested, while more than 300 schools were damaged as a result of attacks by the Israeli military occupation (PGAAWC, 2007). In Syria, the conflict has caused many problems that are threatening the whole education system. More than 3 million children aged between 5-17 are out of school. Many schools are unsuitable because they have been destroyed or are being used as shelters for the displaced families or for military purposes (UNICEF, 2015a). (See Case one below)

The literature maintains that priority should be given to education during and after conflicts (Education Can't Wait, 2017) because education is seen as "instrumental to economic development and social stability." It reduces the negative effects that children experience due to conflict, and provides them with the hope of a positive future

(Education Can't Wait, 2017). Education helps children to be mentally and psychologically healthy, confident, secure, and motivated (Roger, 2002). It also provides them with hope of reconciliation when the conflicts end and they return to their homes (UNICEF, 2015a). Briefly, without education, conflict-zone affected children will be at risk of losing their childhood ambitions; yet with education they will be better equipped to tackle poverty, violence and injustice (Nicolai, et al., 2016). Unless more rational, attainable and significant initiatives are taken, the current situation and future is likely to deteriorate. It is important to bear in mind that "high-level statements and promises are not enough to ensure every child's right to an education" (Manuchehr, 2011).

This paper aims to explore ways to provide education to conflict-affected children and discover the challenges of implementation and access to education as discussed in the literature. It also presents two short case studies conducted on Palestinian and Syrian refugees residing in Malaysia to further explore their perceptions about their current situation and future orientations towards education. This paper utilized an exploratory qualitative research methodology (Creswell, 2013).

### **Initiatives to Meet the Educational Needs of Conflict-Affected Children**

The literature reports upon a considerable number of educational projects and initiatives implemented in conflict-affected zones and other areas by international, local governmental and non-governmental organizations, including: UNICEF, UNHCR, UNESCO, UNDP, ICRC and many other NGOs (Breen, 2002). Other Islamic organizations include Islamic Relief Worldwide (IRW), the Organization of Islamic Cooperation (OIC) and many others scattered in different parts of the world including as Malaysia.

Below are selected educational initiatives that have been implemented for conflict-affected children (UNICEF, 2015a).

### **No Lost Generation**

The United Nations and other non-governmental organizations and international donors, along with UNICEF started the 'No Lost Generation' initiative in 2013 to protect the future of children affected by the conflict in Syria and other neighboring countries. Unlike other humanitarian initiatives and projects, UNICEF considers children's education and

protection to be at the heart of its initiative. It offers sustainable activities to achieve its ultimate objectives which include: increasing children's learning and skills, providing a protective environment and broadening opportunities for children and adolescents. The initiative has achieved significant results in Syria, Jordan, Iraq, Lebanon and Turkey. However, there are specific challenges to the implementation of these activities due to the continuous conflict in Syria (UNICEF, 2015b; UNICEF, 2014c; No Lost Generation, 2016a; No Lost Generation, 2016b; No Lost Generation Initiative, 2014).

### **Back-to-learning campaigns**

UNICEF has launched campaigns in order to help and encourage conflict-affected children to return to school and resume their learning in a more secure environment. Good examples are its campaigns implemented in Gaza, Jordan, Sudan and Syria. Educational supplies were distributed to children, and resources were distributed to replace those damaged in schools. Volunteers conducted visits to refugees to enhance their awareness of the importance of education. Training programs were also conducted to enhance teachers' skills. These campaigns have been able to reduce the number of children out of school (UNICEF, 2017b; UNICEF, 2015b). However, the campaign has faced financial and institutional challenges.

### **Expanded Learning Spaces**

Reports have shown that in conflict-zones, education infrastructures are often badly affected. For example, in Syria, Yemen and Gaza, thousands of schools cannot be used for teaching because they have been damaged or used as shelters. In neighboring countries like Jordan, Lebanon and Turkey, thousands of Syrian refugee children are failing to attend school because of the overburdened national education infrastructure (UN News , 2015). Thus, UNICEF and other agencies in the Global Partnership have started the process of rehabilitating damaged schools to make teaching there safer. They have also provided suitable furniture and other related supplies (UNICEF, 2015a). Yet, the challenge remains to secure more funds to meet these increasing educational demands.

### **Self-learning**

Millions of conflict-affected children are out of school. They have either left regular schooling or are not been able to join schools due to

conflict as is happening in the Middle East. Thus, UNICEF, UNRWA and other education partners have designed self-learning programs to support affected Palestinian and Syrian refugee children. UNICEF has supported the preparation and production of educational materials in line with the Syrian national curriculum covering all core subjects from Grade 1 to 9. UNICEF has also provided an accreditation process for a self-learning curriculum in cooperation with the Ministry of Education in Syria. The implementation of this program has been carried out using a range of online and offline learning tools in the local community such as in homes, places of worship and local centres. Trained local teachers and facilitators help to conduct the classes. In addition, UNRWA has developed an online Interactive Learning Program (ILP) containing lessons and educational games that focus on literacy and numeracy for children of Grades 1 to 4. Furthermore, UNRWA TV broadcasts lessons for children in Grades 5 to 9. The main challenges they face are funding and the obtaining the required infrastructure to keep the programs running (UNICEF, 2015c).

### **E-learning & Virtual School for Education in Crises**

The report 'Education under Fire' highlighted that e-learning initiatives can be used as an alternative to attending school in conflict zones, where students face difficulties to attend regular classes or travel to school due to conflict. This also reduces the need for printed materials. Another initiative, 'Virtual School for Education in Crises,' is being developed to help conflict-affected children and adolescents to continue their education and receive a certificate, regardless of their location or time lost from attending school. This initiative provides an online learning platform in Arabic language comprising four core subjects: Arabic, English, Math and Science, along with a system of online assessments and certification. The challenges facing this initiative are the on-line facilities as well as the skills needed to learn using these facilities (UNICEF, 2015a).

### **Accelerated Learning Program (ALP)**

The Accelerated Learning Program (ALP) is a program that was established by UNHCR and ECHO to offer opportunities for elderly refugees and asylum seekers who have missed the chance of schooling or who lack access to basic education. It has been applied in many countries like Kenya (Odhiambo, 2016). The Lebanese Ministry

of Higher Education (MEHE) offered the ALP program calling it “Reaching All Children with Education in Lebanon (R.A.C.E)”. It was intended for out-of-school Syrian children and adolescent refugees aged between 7-18 years who had no formal education or had been out of school for two years or more. It was intended to help children and adolescents to complete their basic education requirements in a short period. It also helped children and youth to catch up with the Lebanese school curriculum enabling them to continue into formal education (The Speed School Fund, 2016).

### **Islamic Relief Worldwide Initiatives and Projects**

The Islamic Relief Worldwide (IRW) has implemented several sustainable social and economic projects in response to disasters, and emergencies by working with local communities, regardless of race, religion or gender. The organization provides training programs for teachers, assists in building and equipping schools and offers literacy classes. The organization has conducted and delivered projects in more than 30 countries, including the Middle East (Islamic Relief Worldwide (IRW), 2015). In their Annual Report (2014), they detailed the projects offered to conflict-affected people in Syria and Gaza such as: ‘Protecting life and dignity: Providing vital relief and protection’: ‘Empowering communities: Changing lives with sustainable development’: ‘Campaigning for change: Tackling the root causes of suffering’ and ‘Keeping children safe’ (Islamic Relief Worldwide (IRW), 2015).

### **Challenges Affecting Education of Refugees**

Children and adolescents are the most vulnerable and the most affected among all victims of war. They are affected physically and psychologically. At the same time, they face many challenges in continuing their education. These challenges can be categorized into six factors; Psychological, Economic, Political, Security-related, Administrative and Institutional (The Speed School Fund, 2016).

#### **Psychological challenges.**

Being exposed to war, violence, death, and displacement from home countries are considered to be the most damaging factors for the development of children and adolescents, who are highly susceptible to psychological trauma. In addition, these traumatic events have long-term effects and have led to several psychological problems (Silove,

et al., 2014; Tempany, 2009; Shaw, Espinel, & Shultz, 2007; Conley, 2001). According to the American Psychiatric Association's mental health manual, (DSM) children and adolescents who are exposed to war are diagnosed with one or more serious symptoms of war trauma known as Posttraumatic Stress Disorder (PTSD) (American Psychiatric Association, 2013). "*Negative expectations about one's self, others, or the world*" is one of DSM's diagnostic Criteria for PTSD (Pai, Suris, & North, 2017; Baranowsky, 2013; American Psychiatric Association, 2013). Consequently, many psychological problems are associated with negative expectations about the future and have a large negative impact on education and learning capability Major depressive disorders (MDD), high levels of emotional distress, conduct disorders (CD), attention-deficit/hyperactivity disorders (ADHD), and a fear of failing are among the common PTSDs facing this segment of society (Tull, 2014; Conley, 2001). Many studies have supported this; illustrating that children and adolescents who experience traumatic events develop a negative future orientation, a feeling of helplessness, isolation, depression and hopelessness (Hall, et al., 2014; Dawson , 2011). Refugees education and learning abilities are significantly affected by war, and this could be one of the reasons behind the high number of students dropping out of school. Moreover, the roles of children and adolescents' changed from being students to becoming the breadwinners of the families, or they may have to be responsible for taking care of their parents or younger siblings. These new roles are stressful and place pressure on their learning abilities. Working for long periods without taking a rest affects them physically, such that they do not have enough time to study. It also affects their attention span and ability to focus in class.

The consequences of being placed in a new school environment or attending a new school in the host countries as a refugee have increased the risk of harassment, discrimination and bullying by local children (Secrest, et al., 2013).

### **Economic challenges.**

Many of the host countries who have not signed the 1951 Refugee Convention or its 1967 Protocol, such as Lebanon and Malaysia accept refugees but are only considered as transit countries i.e. they are not obliged to provide any help to these refugees. As a result, the refugees are exposed to economic problems. For example, in transit countries,

refugees are not provided with working permits (Brussels Conference Education Report, 2017; Mayer & Doyle, 2015) This means that many of them cannot find suitable jobs to meet the cost of living, including school fees for their children and transportation costs. Furthermore, some of the host countries do not accept the children of refugees to study in government schools, hence children must enrol in private schools or non-governmental organization (NGOs) schools. Many families are unable to send their children to such schools because they cannot afford the private school fees or there is a lack of NGO schools nearby. Moreover, in an attempt to overcome their financial difficulties some refugees force their children to work to increase the household income and to support their family which causes them to halt schooling after they arrive in the host country (Secrest, et al., 2013). In addition, they often marry-off the females in their family at a young age to reduce the financial burden and often these girls drop out of education (Human Rights Watch, 2016a). Lastly, difficulties into providing basic needs such as food, shelter, and clothing mean that most refugee families put children's education as a second priority (Secrest, et al., 2013).

### **Political Challenges.**

The internal policies of host communities restrict residential visas and work visas for refugees. At the same time, UN cards do not provide them with full rights or full protection. Additionally, many host countries are not willing to accommodate large number of refugees causing tension in the community (Mayer & Doyle, 2015). Part of the reason for this is that host countries do not get enough international support to handle the arrival of large numbers of refugees.

### **Security Challenges.**

Internally displaced refugees who relocate because of losing their homes or because their cities have been completely destroyed move to other cities inside their country are also considered at risk. They face similar problems to other refugees, such as danger on the way to school (UNICEF, 2015a). Girls face more problems that are dangerous since they can be kidnapped or sexually abused. Many children or adolescent refugees are working to support their families illegally; therefore, they are breaking the law. As a result, they are at risk of being arrested and imprisoned by the police (Mayer & Doyle, 2015). In addition, the

possibility of being unwelcome in the host country has resulted in harassment, discrimination and violence against them (Adam, 2015).

### **Administrative Challenges.**

People in conflict zones whose houses have been demolished or who are forcibly moved out are unable to collect their personal documents. In such cases, refugees who have lost their papers and documents such as birth certificates, school certificates, grades and diplomas cannot enrol in school in their new homes. This results in them being out of school for long periods (Human Rights Watch, 2016a).

### **Institutional challenges.**

Refugees face many problems in the schools of host countries. Language barriers are one of the most common problems (Brussels Conference Education Report, 2017); for example, in Syria the medium of instruction is Arabic at all educational stages up to college level, whereas in Lebanon and Turkey other languages are used (English, French and Turkish) (Human Rights Watch, 2016b). Additionally, refugees are unfamiliar with the host countries' curricula, which affects their academic performance and achievement (Brussels Conference Education Report, 2017). Unfortunately, the programs and certificates issued by some NGO schools are not accredited; therefore, refugees who studied in those schools cannot enter colleges. Moreover, countries that accepted refugees into the government schools such as Lebanon and Jordan are facing overcrowding in classrooms. Last but not least, refugee children might not be allowed to enrol in a school for age reasons. For instance, Syrian children in Jordan who are three years older than their peers are barred from formal education, based on the 'three-year rule' that bars school enrolment for all children who are older than their grade level by three years (Brussels Conference Education Report, 2017).

### **Possible Ways to Provide and Improve Education in Conflict Zones**

As discussed earlier, children's education should be given the same priority as other basic needs i.e. food, water, shelter and protection, because through education children improve mentally, emotionally, psychologically and physically. Education reduces the dangerous consequences of conflict and helps them maintain hope and a positive mindset about the future. Hence, the educational programs, initiatives



and services offered in conflict-affected zones and host countries are highly significant in contributing a positive impact to the targeted people, provided that the initiatives are well-designed, well-planned and well-implemented. The following are suggestions for way to improve the implementation of educational programs discussed in the literature. This is followed by two case studies conducted with Palestinians and Syrian refugees residing in Malaysia.

### **End the conflict and Remove the Reasons for Conflict**

The international community needs to increase its effort to force all conflicting parties in all locations to cease violence. All disputed issues should be solved through peaceful means and in a healthy, democratic way. The rights and differences of all people should be understood and respected. In this respect, educational programs and campaigns should be conducted to, “Raise people’s awareness about human rights, humanitarian law, tolerance, peaceful settlement of disputes and conflict management” (Breen, 2002). With regards to education, the international community must call for the de-politicization of schooling and ensure that the countries in conflict do not hinder children’s education. Premises used for teaching and learning should be made safe for both children and teachers (Abdel Ghafar & Masri, 2016).

### **Maintain the spirit of hope and determination among children**

As mentioned earlier, during and after conflict, children are affected psychologically, due to the damage, horror and killings they have witnessed and experienced. They feel hopeless about the future; therefore, conflict-affected children need constant guidance and counselling to inspire them to maintain the spirit of hope and determination to secure a better future. Teachers, parents, governmental and non-governmental organizations can play a significant role in this respect. A good example can be seen in the Palestinians who have faced Israeli occupation that seeks to deprive them of education. Nevertheless, Palestinians consider, “education as their right, a means for liberation, and a venue for becoming part of the modern world” (Hussein, 2005).

### **Understand the context, obtain accurate data & establish a consultative process**

The policymakers, program designers, and other significant stakeholders need to study the targeted areas before the implementation of any educational program (Education Development Center (EDC), 2017).

They should obtain accurate baseline-data on the numbers of children, schools, teachers and other facilities to increase awareness about the realities on the ground in targeted areas, and to satisfy the needs of children more effectively. At times, programs do not achieve their desired objectives due to insufficient information about the targeted context. If children feel that the program does not meet their needs or expectations, then the result will not be as expected or planned. Janke, EDC's Senior International Technical Advisor, further elaborates that, "Education is affected by the context in which it takes place, and it can also influence important local dynamics—for good or ill" (Education Development Center (EDC), 2017). He recommends that all agencies working in conflict zones should cooperate to meet the challenges and serve the young effectively (Io-Liyong, 2015).

### **Offer High Quality Programs, train teachers & create Secure Spaces**

It is essential that refugee children improve their knowledge and develop their skills to resume their normal lives and meet the challenges facing them in the future. This can be achieved through offering high quality educational programs that are implemented well by trained and qualified teachers and facilitators, similar to those in other stable countries (Education Development Center (EDC), 2017). Therefore, teacher-training programs should be conducted to meet children's educational needs. For instance, a teacher-training program conducted in the Teachers' College at Columbia University in 2016 covered much needed educational areas including pedagogy, curriculum planning, teachers' roles and well-being, child protection, and inclusion (Ladika, 2017). In this vein, the World Economic Forum on Africa 2015 recommended that children need secure environments i.e. schools, centres, clubs etc., where they can play, interact and develop skills. Furthermore, they should be provided with the skills to successfully transition into adulthood. Conflict-affected children often experience interruptions in their education and then become too old to return to formal education. At the same time, these young people often lack the basic skills needed to secure jobs once the conflict has ended (Ladika, 2017). It is a good idea if the young children are asked to participate sharing their opinions about their needs and the quality of the educational program they are receiving. This will increase their confidence and at the same time help

them to develop better planning and decision-making skills (Ladika, 2017).

### **Offer a Holistic Approach to Learning**

Creative Associates International has implemented many programs providing education to displaced students aged 6-17 in the conflict zones in Nigeria. They initiated a holistic approach to learning which included a psycho-social element, alongside basic education in reading and mathematics. They trained teachers on how to deal with students who have experienced trauma due to conflict. They also set up hundreds of informal learning centers in various places i.e. shelters, markets, churches, mosques and under the shade of trees to allow the young to learn (Okwonga, 2016).

### **Use Community-based Solutions**

Teachers and other qualified people in conflict zones can assist as classroom facilitators to provide students with education. They can create appropriate environments for the children to learn, mainly in classrooms and can be supported by people, local organizations, and international organizations. The facilitators should be selected carefully in order to carry out the teaching task effectively since children in conflict zones are affected psychologically and need to be treated in special ways. This strategy was applied in Nigeria by the Creative Associates International in cooperation with the local community, in order to teach children and help in other related matters. Another good example is *al-ta'lim al-ash'abī* (informal teaching) that existed during the first Palestinian Intifada from 1987 to 1994. During the Intifada, the Israeli Occupation closed many schools and higher education institutions. Teachers were not able to reach their schools due to stringent curfews and occupation checkpoints. Teachers and students were harassed and arrested. The local communities opened their own houses and buildings, turning them into classrooms for school children and university students. This shows the high level of importance given to education by Palestinians who see it as a means of getting rid of the occupation and becoming part of the modern world (Hussein, 2005).

### **Case Study 1**

The Syrian crisis has become one of the most dramatic cases of displacement in human history. Unfortunately, the conflict has entered its

sixth year without any imminent solution or signs of peace. According to UNICEF, the total number of the affected Syrians are 13.5 million, more than 6 million are under the age of 18. Around 6 million of Syrian have been forcibly uprooted from their homes and homeland, seeking shelter and safety as refugees in other neighbouring countries such as Lebanon, Iraq, Egypt, Turkey, and Jordan (UNICEF, 2017a). UNICEF asserts that around 3 million children in Syria and neighbouring countries are unable to go to school on a regular basis (UNICEF, 2017a; UNICEF, 2016b; UNICEF, 2015b).

Though Malaysia is not a signatory to the 1951 Refugee Convention, thousands of refugees have arrived in Malaysia. According to the Malaysian Social Research Institute (MSRI), Syrian refugees began arriving in Malaysia in 2012, totalling 5000 in 2015 (Rong, 2016). However, there are no exact statistics on the actual number of Syrian refugees in Malaysia. Most of the Syrian refugees in Malaysia rely on Non-Government Organizations (NGOs) like MSRI for support (Malaysia Social Research Institute (MSRI), 2013). Syrian children and adolescent refugees under the authority of UNHRC are not allowed to register in Malaysian public schools. However, in 2015, the Malaysian government promised to provide shelter, jobs and access to education for a maximum of 3,000 Syrian refugees in Malaysia (Berita Malaysia, 2015).

This case study explores the perceptions of Syrian refugee adolescents on their current situation, future orientations, and hopes for the future (Ahmed, 2017). Semi-structured interviews were used to collect the data. Eleven (11) Syrian adolescent refugees residing in Malaysia, aged 14-19 years old and recorded under the authority of UNHCR participated in the study. Most of them were exposed to war for short periods either directly or indirectly. The thematic content analysis approach was used to analyse the collected data.

The findings demonstrate that Syrian adolescent refugees in Malaysia were directly exposed to war and the reintegration process has had a negative impact on their mental health. They claim to suffer from culture shock, having to deal with diverse culture, endure poverty and deal with problems related to their family, including financial and educational challenges. As a result, they experience sorrow, sadness, anxiety, instability, depression, denial, and negative adjustment to the new society as can be seen in the following narration:

We don't feel comfortable. I'm alive, and try to accept and make ourselves happy to feel relaxed and to accept our lives, but we aren't feeling comfortable

I'm not adapting and I'm very [sic] stressed and I feel alienated. No one comes to visit us and we don't visit anyone. Even my kids feel more than this...

As a refugee, I feel sorrow and sadness for the house I had to leave which was ours. We built that house with our own hands. It was ours! But here, we've gone through renting and changing houses for the first time, and we could not settle down so far. But our house in Syria, we built it ourselves. We'll never abandon it.

With regards to their education, several Syrian refugee parents believe that their stay in Malaysia is only temporary, so they do not attempt to place their children in school or higher education. Furthermore, most of the parents said that they do not have the financial resources to pay for school fees. At the same time, they felt it is very difficult to enrol their children in school, and the NGO schools do not provide appropriate or sufficient education for their children.

The majority of Syrian refugee children and adolescents attend NGO schools in Kuala Lumpur, with a few others attending International Arabic schools. Almost all of the participants believed that their schools in Syria are much better than the NGO schools in Malaysia. They added that in the NGO schools, the children face many challenges such as language barriers, differences in curriculum and diversity of nationality and culture. The schools do not offer extra-curricular activities. One of them described his school back home as follows:

It was amazing. I mean everyday going and seeing my friends. I miss those crazy things that I did. It was like so perfect, and the school was so amazing, yeah. I mean everything was perfect. Even there were some teachers, who would be a little bit mad sometimes but I miss all of them. I miss my school.

Out of the 11 participants, four of them were not attending school at all at the time the data was collected. One participant did not have documents to continue her studies in Malaysia, and finally she got married at the age of 17. Another girl who was facing financial problems was unable to obtain her school transcript to apply for a university place

after having graduated from high school. In addition, her family was not able to pay for her college fees. Two male students dropped out of school because they wanted to work and support their families. One of them said that the situation inside the NGO school was unsatisfactory:

I studied at school here for two years. I did not like the idea because the school I was in, was a UN (NGO) school, and all students knew that it was not a real school. It just wasted our time. The chaos was surrounding us, and there was no certificate.... Later I dropped out from school

After we had arrived in Malaysia, I was registered as a home-schooling student in an Arabic School here in Malaysia. I studied for two years in that school, I already graduated from high school but I wasn't going to be able to get my certificate because my family didn't have the money to pay the school fees for my last semester at school. Now there is anxiety because since I am a refugee I can't find universities that will accept me.

Unfortunately, those who registered in Arabic schools were no better off as they faced discrimination and bullying in school. At the same time, three of them were not formal students as they were registered as home school students. This was because they could not pay for the school fees. The school capacity was limited forcing the school administration to give priority to fee-paying students. In addition, not all participants who attended the Arabic schools adjusted well to the school as one of the explained:

As a refugee I'm subjected to racism, you don't have any right to talk. If a problem happened between you and another student, you're always blamed. We have a lot of racism.

Unfortunately, Syrian parents were unable to assist their children's adjustment to life in a new country. One participant asserted that their parents could not adjust to the new society either, due to cultural and social differences and feelings of insecurity. Additionally, as refugees, the parents were unable to assist in the education of their children causing more anxiety and stress about their children's future.

Until now, since I arrived from Syria, I haven't felt any progress in their future goals. I believe that my children have the ability to accomplish their goals, I'm worried and feel anxious because their future is put on hold because of

financial problems, only financial problems. I can't pay for the IELTS exam or the college fees. I feel I'm a failure because of that.

Honestly, I don't feel that my children can achieve their goals because there is no hope. In my view, no more hope, especially for my older kids because they have lost three years already. Even if we go to a new country, those three years that they've lost are going to affect them because they need to work hard and put more effort to graduate after not studying for three years.

In spite of the current situation, Syrian adolescent refugees are willing to invest great effort in order to achieve their future academic and career goals. Most of them plan for their future, and are determined and motivated to achieve their goals, believing that their future will be better, regardless of the location i.e. in Malaysia or elsewhere:

As a refugee I feel that my desire to achieve my goals is strong. No, I do not feel the opposite. I mean, I am persistent; I mean, I must do it. Because after going through danger and living as a refugee, I said that's what I must do.

The participants showed strong belief, hope and trust in Allah (SWT) that all their hardships will one day be over, as one said:

I still have hope. We all still have hope. Because I still have Allah (s.w.t) next to me. If I stay with Allah, then Allah will not make me disappointed. One day it will be like they say ... one day everything is going to be alright.

Additionally, parents and teachers' guidance, encouragement, and support play a substantial role in helping children and adolescents plan for their future. Societal support too is a fundamental resource for adolescents:

Yes, family is very important because the environment in which one is living does affect him constantly. I mean, maybe one does not feel this effect but it remains inside. Family and society can all help through encouragement.

As revealed by the research interviews, since conflict broke-out in their country, the Syrian refugees have been facing various types of difficulty and hardship, which have influenced, significantly, the education of children and adolescents. Nevertheless, they still hope for a better

future, emphasizing the role of parents, teachers, and the community in assisting them to overcome their psychological, mental, emotional and educational problems in order to achieve their future goals.

## **Case Study 2**

One of the most challenging issues that Palestinian refugee families confront is providing education for their children. The following discussion is based on a case study conducted with 30 Palestinian refugee families who came to Malaysia and registered at the Office of United Nations High Commissioner for Refugees (UNHCR) and who are now wait for resettlement in a third country. Significantly, these families were forced to move from Iraq, Syria and the Gaza Strip to escape the horrors of war. The study explored the perceptions of those Palestinian refugees on their current situation and future orientations, mainly related to education. The data was collected using semi-structured interviews with the participants.

The study revealed that generally, the Palestinian refugee families have struggled to meet their basic needs, in particular, providing education for their children, which they viewed as one of the most challenging. The data indicates that some families have been staying in Malaysia for more than five years, yet their children remain absent from school, due to several reasons. In an interview with a Palestinian mother who moved from Iraq shows, that providing education for her children is the most important challenge she faces. She explains that she lives alone with her four children, after her husband migrated illegally to Australia. They await a family reunion. In this regard, she said:

I have the huge responsibility of taking care of four children. Arabic schools in Kuala Lumpur are expensive and this is a huge burden. Consequently, I send them to one of the NGO schools in KL to learn. I drive them to school and pick them up every day. After they come back home, I start teaching them.

For this mother, sending her children to the NGO School is the best available solution to the problem of her children's education. However, she pointed out that the school places students of different backgrounds, ages, gender and educational levels in one classroom. Needless to say, this situation has made her children become disappointed and



demanding. She places them in a regular school which she cannot afford. She said:

My children always ask me with frustration why they cannot go to a normal school like others. I noticed that my six-year old son became familiar with issues that are not his age. I can say that the school lacks an adequate educational environment. For example, teachers are mainly volunteers who might not have sufficient teaching experience. In this case, my child in level three only knows the days of the week in English and the teacher repeats the same lesson repeatedly. I am very sad for my children's future but I have no other options.

In another interview with a father from the same Palestinian community who moved from Iraq, he pointed out that he has two sons and two daughters. His eldest son is 15 years old, his daughter is 13, another son is 10 and another daughter is 9. All of them are of school age; however, none of them goes to school. The father proceeded to comment:

I do not want anything other than a satisfying school education for my children. I want them to go to school. I applied for the UNHCR in the hope of moving to a country where my children can obtain an education. The future of my children is the daily conversation topic among family members. In fact, I cannot register my children in Arabic schools and the main challenge is the expensive fees. I cannot send them to NGO schools because of the cost of transportation. Consequently, I send my two little children to a woman who lives in the same building to learn the letters and we try to teach them reading at home. For my older sons, they work to help me support the family and cover the basic household needs.

Similarly, some of the Palestinian families who came from Iraq moved from Syria. They face challenges in attending school. A 16-year old Palestinian boy coming from Syria mentioned that:

I wish I could join school, but I cannot because my brother and I work in restaurants to support our family. However, our wages are hardly enough to meet the basic needs, such as paying the monthly flat rent, utility bills and food. We wash dishes in a restaurant from 11 a.m. until 1 a.m. the next day.

In another interview with a grandfather, he expressed his concerns about the education of his grandchildren saying:

I am very concerned about my sons and their children. My eldest son has a child and tries to send him to a kindergarten to play and communicate with children of his age, but the tuition and transportation fees are very expensive. Can you imagine how difficult our life is? We cannot send one child to school. What would we do if we had many children and how could we deal with the situation?

In another case, a father pointed out that he has three young sons, 10, 7 and 2 years old. He sends them to an NGO school for education, even though he believes that they do not receive a good education. He believes that this school is only good for keeping his children away from the streets. In this regard, he said:

We live in tension and this way of living has affected us negatively. My children fight each other because they spend most of their time at home.

According to one of the participants:

We have lost everything because of the war in Syria. After I became sick, I stopped working and my children stopped their education to work in restaurants for more than 12 hours to cover the family's basic needs. We are refugees living in displacement just like what happened with our parents and grandparents after they were forced to leave Palestine in 1948 by the Israeli occupation.

A participant from the Gaza Strip described how her daughter is denied from registering in any school. The mother narrated the following account:

My eight-year old daughter is supposed to be in grade three now, but she does not have the chance to go to school. I sent her to the NGO School, but unfortunately, she could not adapt to the school environment there.

To understand the challenges of providing education for Palestinian refugee children, an interview was conducted with one of the NGO officials in Kuala Lumpur. She explained about the educational initiatives that her organization provides. In the beginning, she mentioned that her organization was one of the eleven operating organizations that work

with the United Nations High Commissioner for Refugees (UNHCR) in Malaysia. In addition, she remarked that the Ministry of Education in Malaysia does not officially recognize the schools for refugees. This is mainly because Malaysia does not recognize the 1951 Refugee Convention. However, it allows the UNHCR and other NGOs to provide educational services to refugee children because it signed the Convention of the Rights of the Child (CRC). In this regard, she said:

In fact, running the school is a challenge taken by us as the staff of the organization to support refugee children without being pay. We started with two classes to provide education for a few refugee children; one for primary and the other for secondary. However, the number of refugee students rapidly increased and almost reached 140. Later on, with limited space and resources we managed to open six more classes to absorb the students, putting students from Standards 1 and 2 together, Standards 3 and 4 together and Standards 5 and 6 together, recruiting refugee teachers and volunteers to teach the children. In fact, the school is not ideal but we opened it based on the principle that our education program is better than leaving children hanging out in the streets. If we received funding, we would assign one classroom for each standard; however, this is not easy to get.

She commented that refugee parents are interested in getting a good education for their children. Some of them expect the school system to deal with their children the way regular or international schools do. Some parents expressed their dissatisfaction with the limited support and resources provided for their children, while others choose not to send their children to the NGO school while awaiting resettlement in a third country. In this regard, she said:

Refugee families believe that once they resettle in a third country, everything will be fine, but it is the wrong idea. They must find their way during their life in Malaysia even with limited help. We always encourage students to do whatever they can do from learning, continue their education and do not stop attending or keep waiting for resettlement. Because if they stop coming to school in Malaysia, they will have a two or three year gap in their education which makes them too old to go to the same level after a resettlement and this is considered as a serious challenge to continue their education later on. This is why I do believe in what we are offering

in our school, despite challenges and limitations, it is better than nothing.

The findings reveal that the Palestinian refugees also face various difficulties, mainly in education. In addition to this, the NGOs face challenges that hinder them from providing education that is more satisfying for the refugee children.

## **Conclusion**

This paper aimed to explore ways to provide education to conflict-affected children and the challenges to implementation and access to education. It also presented two short case studies conducted on Palestinian and Syrian refugees residing in Malaysia, to further explore their perceptions towards their current situation and future orientations in terms of education. The study has shown that the number of conflict-affected children is increasing significantly without hope for an immediate end in sight. The children of these refugees have been exposed to various types of trauma including education. Millions of them are out-of-school and face an uncertain future. The literature has documented that at the time of conflict or crisis, education is given less priority compared to other basic needs such as food, water, shelter and protection. However, governmental and non-governmental organizations have been offering a considerable number of educational initiatives, programs, projects and services to the conflict-affected school children inside and outside their own countries. There is a clear focus on refugee children coming from the Middle East, including Palestine, Syria, Iraq, and Yemen, in addition to Libya, Sudan and many others. The most common objectives among these organizations is to secure children's right to education by all possible means, regardless of location, race, gender, religion or economic status. This is done to equip them with the necessary knowledge and skills to be able to improve themselves, their families and society, now and in the future. Examples of these initiatives are No Lost Generation, Back-to-learning Campaigns, Expanded Learning Spaces, Self-learning, E-learning & Virtual School for Education in Crisis, the Accelerated Learning Program (ALP), Islamic Relief Worldwide initiatives/projects and many others. These initiatives have assisted significantly in children's education. However, there are challenges facing an effective implementation process, including the increasing number of out-of-school children, lack of precise data, shortage of funds, political issues, restricted local laws and regulations, continuation of conflict, children's

psychological, mental and economic problems, limited teaching spaces and a lack of mechanisms for cooperation among organizations or stakeholders. For the children and their families, the challenges can also be categorized into political, financial, psychological, economic, administrative or institutional factors, keeping in mind that each country has its own circumstances and conditions.

To provide and improve the implementation of education in conflict zones, all challenges should be considered. The literature suggests the following as examples; ending the conflict and removing the reasons for the conflict, maintaining the spirit of hope and determination among children, understanding the context, obtaining accurate data and establishing a consultative process, offering high quality programs, training teachers and creating secure premises, offering a holistic approach to learning and applying community-based solutions etc.

The two case studies reflect the refugees' perceptions on their current situation and future orientations in terms of education. The interview inputs were in-line with the findings of many reports in terms of refugees' educational demands, the roles of parents, teachers and the community and NGO challenges, and recommendations. Most importantly, the participants stressed the importance of being positive and engendering hope for a better quality of life in the future. Most participants have hope for the future, and even those who felt despair took comfort in their religious beliefs i.e. they overcame their negative feelings by trusting that Allah (S.W.T) will support them in overcoming their hardships. The study recommends an increase in efforts to meet the basic educational needs of conflict-affected children education and that these needs to be met using all possible means including the use of new and advanced instructional technology.

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# Political Settlement Analysis of the Blight of Internally Displaced Persons in the Muslim World: Lessons from Nigeria

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**Abstract:** The menace of conflicts and natural disasters in different states of the world had spiralled into a global phenomenon of Internally Displaced Persons (IDPs). These are groups of humans who had helplessly drifted away from their natural and ancestral home due to conflicts and disasters but had not crossed international boundaries into another country. They merely take solace by the protection offered by the spirit and letters of relevant international laws which have domesticated by member states. This paper seeks to answer the question regarding the extent to which the IDPs have become a menace in Nigeria. The paper reveals that many governments' actions are the primary and the root cause of the IDPs while others are recipient of the domino effect. The paper relies on a panel data elicited from thirteen out of the thirty six states in Nigeria. The paper reveals the need for urgent measures by government to douse the upsurge in the number of IDPs. The political settlement analysis was used to proffer a better way of culminating the crises. Recommendations are directed to the individuals, civil societies and the government at all levels.

**Keyword:** Internally Displaced, Nigeria, Political Settlement, Refugee and Urban Violence

**Abstrak:** Ancaman konflik dan bencana alam dalam pelbagai negara di dunia ini telah merebak dalam fenomena global Orang Pelarian Dalam (IDP). IDP adalah kumpulan manusia yang terpaksa melarikan diri jauh dari kediaman

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mereka sendiri disebabkan oleh konflik dan bencana alam tetapi tidak keluar dari sempadan negara mereka. Mereka tidak diberikan keistimewaan untuk perlindungan yang ditawarkan oleh undang-undang antarabangsa seperti yang dipersetujui oleh negara-negara anggota. Kajian ini adalah untuk mencari jawapan kepada persoalan berkaitan sejauh mana IDP menjadi ancaman kepada Nigeria. Kertas kajian ini mendedahkan bahawa banyak tindakan kerajaan mereka sendiri menjadi penyebab utama IDP manakala yang lain-lain sebagai kesan domino. Kajian ini bergantung kepada data panel tiga belas daripada tiga puluh enam negeri di Nigeria. Kajian ini juga mendedahkan keperluan langkah segera oleh kerajaan untuk mengelakkan peningkatan jumlah IDP. Analisis penyelesaian politik ini digunakan untuk mencadangkan cara yang lebih baik bagi meredakan krisis. Semua cadangan adalah disasarkan untuk individu, masyarakat dan semua peringkat dalam kerajaan.

**Kata kunci:** Pelarian dalaman, Nigeria, Penyelesaian politik, Pelarian, Keganasan urban

## Introduction

The internal displacement of people among nations is a global challenge. There are over 65 million people in dire need of protection and assistance as a consequence of crises and various disasters resulting in forced displacement all over the world. These people include refugees, internally displaced persons (IDPs) and asylum-seekers. Globally, over 40 million people are displaced within their own country, while more than 21 million are refugees, and over 3 million are asylum-seekers. An estimated 12.4 million people were newly displaced due to conflict or persecution in 2015. Alarmingly, fifty one percent (51%) of the global refugee population are children under 18, the highest proportion in a decade. In addition, women and girls represent fifty percent (50%) of the entire refugee population (UNHCR Global Trends 2015; IDMC 2016).

Syria remains the world's largest country of origin for refugees in 2015 with over 4.9 million people, followed by Afghanistan with over 2.5 million, and Somalia with over a million people. They are followed by South Sudan, Sudan, the Democratic Republic of Congo (DRC), Central African Republic, Myanmar/Burma, and Eritrea. Around four-fifths of the world's refugees have fled from areas of crisis to neighbouring countries such as Pakistan, Iran, Lebanon, Jordan

and Turkey. **Turkey is the largest refugee-hosting country** with 2.5 million refugees. Turkey is followed closely by Pakistan, Lebanon, Iran, Ethiopia and Jordan (UNHCR Global Trends 2015). A **total of** about forty one million (40.8 million) internally displaced people (IDPs) were displaced as a result of conflict and violence at the end of 2015, an increase of about three million (2.8 million). Currently the states most impacted are Syria (6.6 million) and Colombia (over 6.3 million). They are followed by both Iraq and Sudan with over 3 million each. Yemen, Nigeria, South Sudan, Ukraine, DRC and Pakistan complete the list of the top ten countries, which together account for seventy five percent (75%) of the world's IDPs (IDMC 2016).

The phenomenon of internal displacement, however, is not new. According to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA 2003), the Greek government argued to the United Nations (UN) General Assembly in 1949 that people displaced internally by war should have the same access to international aid as refugees, even if they did not need international protection. India and Pakistan repeated this argument after partition. Recognition of internal displacement emerged gradually through the late 1980s, and became prominent on the international agenda in the 1990s. The chief reasons for this attention were the growing number of conflicts causing internal displacement after the end of the Cold War and an increasingly strict international migration regime.

It has been estimated that between 70% and 80% of all IDPs are women and children. Displaced persons suffer significantly higher rates of mortality than the general population. In addition, they remain at high risk of physical attacks, sexual assaults, abduction, and frequently deprived of adequate shelter, food and health services. The overwhelming majority of internally displaced persons are women and children who are especially at risk of their basic rights being abused. Internally displaced people tend to remain close to, or become trapped in zones of conflict, where they could be caught in the cross-fire and at risk of being used as targets or human shields by insurgents.

The Guiding Principles on Internal Displacement, created in 1998, restate and compile existing international human rights and humanitarian law germane to the internally displaced. In addition, it also attempts to clarify any grey areas and gaps in the various instruments with regard

to situations of particular interest to internally displaced people. The Guiding Principles note that arbitrary displacement in the first instance is prohibited (Principles 5-7). Once persons have been displaced, they retain a broad range of economic, social, cultural, civil and political rights, including the right to basic humanitarian assistance (such as food, medicine, shelter), the right to be protected from physical violence, the right to education, freedom of movement and residence. Even political rights, such as the right to participate in public affairs and the right to participate in economic activities are retained (Principles 10-23).

The IDPs in Nigeria grew through a dramatic scale of progression. There are about three million (3.3 million) IDPs across Nigeria with Borno, Adamawa, and Yobe States having 1,434,149; 136,010, and 131,203 IDPs respectively. The primary root cause of the crises which led to internal displacement is uneven development and mass poverty in the region. This scenario piled up and lingered in the polity for a long time with little to no attention from the state governments. These eventually triggered ethno-religious sentiments, resulting in the emergence of violent insurgence groups such as the Boko Haram and Fulani Herdsmen Insurgencies. This paper seeks to make a synopsis of the state of IDPs in developing states, particularly Nigeria, in world politics and to proffer a leeway for countries in protracted conflicts in developing states and other polities.

The theoretical framework of political settlement analysis as used in this paper explains the operation of amicable settlement, and the phenomenon of the build-up of the current social crises nemesis leading to internal displacements. The leeway out of this nemesis are also analysed in the framework. Conclusions is premised on the fact that many lives lost would not have been lost if the actors and stakeholders involved in the menace had seek for constructive collaborations to mitigate the crises instead of political alignment melancholy, ethnical chauvinism and religious bigotry paraded over national development. The recommendations are centred on collaborations between both international and local stakeholders so as to judiciously utilise available resources to rehabilitate IDPs back to their homes and minimise the root causes of crises in the community through a collective development approach.

## Conceptual Clarification

### Refugee

According to the 1951 Convention on the Status of Refugees, the definition of “refugee” is outlined as a person who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is now living outside the country of his nationality and is unable, or due to such fear or panic, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it. Subsequent international instruments, such as the Cartagena Declaration on Refugees and the Convention Governing the Specific Aspects of Refugee Problems in Africa, have expanded this definition for some states to persons fleeing the general effects of armed conflict and, or, natural disaster (UNHCR 2016).

A crucial requirement to be considered a “refugee” is crossing an international border. Persons forcibly displaced from their homes that cannot or choose not to cross a border, therefore, are not considered refugees even if they share many of the same circumstances and challenges as those who do. Unlike refugees, these internally displaced persons do not have a special status in international law with rights specific to their situation (Redmond 2009). Refugees are persons who are forced to leave the country in which he or she lives because of a well-founded fear of persecution. Such persecution may stem from race, religion, nationality, political opinions, or membership in a social group. An international agreement, adopted by the United Nations (UN) in 1951, established this definition in international law. The definition of a refugee is sometimes extended to people who flee their countries because of wars, human rights violations, and other disturbances. In popular usage, the term *refugee* is applied more generally to any individual who has been forced to flee from his or her home.

People who flee their homes seek *asylum* (safety and protection) in another country. According to the UN Universal Declaration of Human Rights, “Everyone has the right to seek and enjoy in other countries asylum from persecution.” However, not all countries wish to host refugees. Some countries fear that refugees may compete with the

citizenry for scarce resources, or that their presence may worsen racial, ethnic, religious, or economic conflict. In addition, the host country may not want to upset relations with the country of origin by accepting its refugees.

Refugees receive assistance from international and local organizations in acquiring necessities such as food, shelter, and healthcare when they seek asylum in another country. These organizations house the refugees in refugee camps until it is safe to return to their home country. If returning appears unlikely, they seek to resettle the refugees either in the host country, or another country. However, some refugees remain in camps for years. For many refugees, the flight to safety is not the end of the ordeal, but only its beginning (Redmond 2009).

The Encyclopaedia Britannica (2012) opined that a refugee is any uprooted, homeless, involuntary migrant who has crossed a frontier and no longer possesses the protection of his former government. Prior to the 19th century, the movement from one country to another did not require passports and visas; and the right to asylum was commonly recognized and honoured. Although there have been numerous waves of refugees throughout history, there was no refugee problem until the emergence of fixed and closed state frontiers in the late 19th century. By the 1920s and '30s, the tradition of political asylum deteriorated considerably, partly due to the growing insensitivity to human suffering, and partly because of unprecedented numbers of refugees (Encyclopaedia Britannica 2012).

### **Internally Displaced Persons (IDPs)**

The most commonly applied connotation is the one coined by the former UN Secretary-General's Representative on Internally Displaced Persons (IDPs), Francis Deng (1994), and used in the Guiding Principles on Internal Displacement (GP): Internally displaced persons are persons or groups of persons who have been forced or obliged to flee or leave their homes or places of habitual residence, in particular as a result of, or in order to avoid the effects of armed conflict, situations of human rights or natural or human-made disasters, and who have not crossed an internationally recognised state border (OCHA 1999; Federal Republic of Nigeria 2012).

The main difference between IDPs and refugees is that the internally displaced remain within the borders of their own country. Refugee



status entitles individuals to certain rights and international protection, while being an IDP is not a legal status because they are still under the jurisdiction of their own government and may not claim any additional rights to those shared by the refugees. However, IDPs are often in need of special protection, not least because the government responsible for protecting them is sometimes unwilling or unable to do so, or may itself be the cause of their displacement.

Despite the differences in legal status and of entitlement to aid from the international humanitarian community, the causes of displacement and the experience of being displaced are often similar for both IDPs and refugees. Much like refugees, IDPs often feel like strangers in their place of refuge where the local population may be from a different ethnic and or religious group and, or, may speak another language. Consequently, IDPs may not feel welcomed, despite sharing the same citizenship as the host population (Barutciski, 1999).

Generally, people who migrate voluntarily are not considered refugees. At the same time, not everyone who is “forced” to migrate is considered a refugee. People who flee persecution or violence, but do not enter another country are considered Internal Displaced Persons (IDPs) rather than refugees. Others not classified as refugees but as IDPs, are people who are forced to leave their homes because natural disasters such as floods, volcanic eruptions, earthquakes, and droughts (Redmond 2009).

IDPs have been forced to leave their homes in search of safety; either fleeing armed conflict, generalized violence, human rights violations or natural disasters. They are often more vulnerable to rights abuses than other migrant groups because there are fewer international and national legal instruments that apply directly to IDPs. In addition, they tend not to receive the same international recognition and subsequent protections that refugees do because they have not crossed an international border. While scholars, institutions, and international organizations have increasingly focused on IDPs, there are still many unanswered questions, and humanitarian and human rights responses continue to seek better ways of understanding and responding to the needs of IDPs.

It may be possible to identify two main views, or schools, in this debate. On one side of the debate are the UN and the Brookings-Bern

Project on Internal Displacement (2004) (formerly the Brookings-SAIS project). They have been advocates for a separate humanitarian category of IDPs, an argument that continues to dominate the tone of most IDP research. The opposing view is represented by the International Committee of the Red Cross (ICRC). Based on humanitarian principles and the realities of the field, the ICRC is critical about working with the internally displaced people as a separate humanitarian category, and on the grounds that the ICRC does not separate between IDPs, refugees and other civilians affected by conflict (Brookings-Bern, 2004).

## **Theoretical Framework**

### **Political Settlements Analysis**

Internally displaced persons are mostly forcefully evicted from their homes due to conflict situations. Conflicts can be settled in a more peaceful atmosphere amidst all odds if the warring factions and actors give reconciliation a chance. The series of conflicts in Nigeria that resulted in a mammoth crowd of Internally Displaced Persons (IDPs) can be laid to rest on the platform of mutual understanding between state and non-state actors. There is growing recognition within the international development community that political settlements can be a significant factor in determining the success or failure of a state. Instead of accepting the political status quo as a given, the political settlements framework implies that international actors recognize they have a degree of influence in shaping the direction and balance of power in elite politics, which in turn shapes institutions of development, security, and governance. While many current models have focused on reforming a single set of issues or sectors, the political settlements approach focuses on the central structure of power that determines the overall pace and direction of development and change in a country.

The political settlements that we observe today have evolved over time, sometimes as the product of many years of struggle, often violent, between contending elite groups. The evolution of political settlements in developing countries often resembles a game of musical chairs; constantly shifting elite factions come in and out of power over time. In unstable or fragile regions, new political settlements may emerge every few years as dominant elites seek to consolidate power by any means necessary, often leading to a winner-take-all political environment (Parks and Cole 2010). As societies evolve, political elites are more likely to

follow certain patterns of political competition and cooperation, leading to the establishment of more robust and durable political settlements.

The concept of political settlements has emerged through convergence of thought by a diverse group of theorists, researchers, and practitioners. First, some political economists have been trying to formulate a new theoretical basis for understanding the barriers to development in national contexts through a critique of new institutional economics. Second, a small group of bilateral donors and international development agencies have been tackling the problems of establishing a more durable foundation for peace and long-term development in the context of violent conflict and extremely weak government (Mushtaq 2009; Brown and Gravingholt 2009; Jonathan and Putzel 2009). Third, a few international development organizations, driven by deep local knowledge and decades of on-the-ground experience, have generated new thinking and experimentation with relevant programmatic models (Jonathan and Putzel 2009).

Recent DFID literature provides a sound working definition of political settlement as an expression of a common understanding, usually forged between elites, about how power is organized and exercised (DFID 2010). Other definitions have been used to capture aspects of political settlements, including elite-enforced social orders, informal balance of power, and informal rules of the game (Jonathan and Putzel 2009). The fundamental insight of the political settlements framework is that governance, stability, and the quality and pace of development are viewed as the outcome of struggles and ensuing arrangements among powerful elites. These struggles largely involve informal processes of conflict, negotiation, and compromise. Political settlement is a descriptive term that characterizes the nature of the arrangements among elites to manage conflict.

The political settlements framework provides an alternative approach to understanding conflict resolution capable of displacing citizens and influencing factors that shape development, governance and security. This framework places the power and interests of key political, economic, and security actors at the centre of the development process (Parks and Cole 2010). These actors use their influence to proactively shape and adjust formal institutions of governance, as well as policies to help create and maintain conditions that advance their interests. From

this perspective, state institutions are seen as malleable, even highly malleable, in earlier phases of development and in unstable and fragile environments.

The political settlements framework is useful for rethinking development in the context of nearly all developing countries. However, it is particularly relevant for countries affected by protracted conflict, fragile conditions, and state failure which result in the global crises of internally displacement of people and refugees. According to the OECD Development Assistance Committee (DAC), inclusive and stable political settlements are considered a critical foundation for both state building and peace building, and ongoing fragility and violence are often directly associated with highly exclusionary, predatory, unstable, or entrenched political settlements. Recent discussions within development policy circles have focused on how state building and peace building can support the emergence of inclusive, robust, and ultimately sustainable political settlements in the aftermath of war.

#### **Factor Conditioning Political Settlements:**

1) A powerful, excluded elite faction “opts in” to the political settlement: When a powerful elite group that formerly sought to destabilize existing arrangements joins the political settlement, the settlement becomes more durable. In addition, it may make the settlement more inclusive, if the group represents a significant portion of the population that was previously excluded. One possible scenario is when a ruling coalition brings new political factions or opposition parties into their government, making the political settlement stronger and more inclusive

2) A new alliance is formed between excluded groups and an elite faction: When an elite faction seeks an alliance with the leadership of a discontented minority and champions that minority’s causes, this can generate pressure for major adjustments in the political settlement. Such alliances may be used by factions in the dominant coalition to strengthen their position in the current political settlement, or they may be used by excluded elites to press for inclusion in the settlement.

3) An influential new group emerges: The emergence of a new elite faction or a well-organized, influential middle class, has been an important factor in the evolution of political settlements. In many cases, the emergence of an independent, organized entrepreneurial class, with

access to significant resources, has led to changes in key institutions and the emergence of new elite coalitions.

4) Non-elite groups mobilize around shared interests for reform: There are occasions when non-elite groups can mobilize enough people to put substantial pressure on elite coalitions to modify the political settlement. Occasionally, the leadership of these movements comes from the non-elite level, though they may be in alliance with elite groups. In cases such as these, the result is the emergence of a significantly revised national political settlement that may be characterized by greater inclusiveness, but also by deteriorating stability in the short term.

5) A state agency becomes powerful and independent of the settlement: In many cases, the leadership of militaries and powerful ministries are political actors themselves; becoming the dominant faction in a coalition that reshapes the political settlement. A military coup is the most common example of this type of change in the political settlement. Military leadership has the ability to threaten and coerce, and therefore it may have the ability to impose a political settlement on other elite factions.

6) Changes in legitimacy of the state or of its leadership: Public perceptions of the legitimacy of the state and its leadership have important implications for the resilience of a political settlement. As legitimacy erodes, potential opponents of the ruling coalition, especially excluded factions or factions within the ruling coalition, may see opportunities for changing the settlement.

7) Changes in coercive capacity under the control of the dominant elite coalition: When the ruling coalition increases its coercive capacity, and the threat to use that capacity becomes more credible, potential competitors may be forced to accede to changes in the settlement that favour the dominant elite faction. Similarly, the political settlement can become more unstable if the coercive capacity of the ruling coalition - its control of the police, military, or other armed forces, deteriorates.

8) An alliance of excluded elites challenges the current ruling coalition and the settlement it has established: When powerful excluded factions join forces to challenge the ruling coalition, this can lead to the collapse of the old settlement and the emergence of a new settlement. This has profound implications for stability, inclusiveness and development.

9) An outside force intervenes: When an outside power intervenes militarily against the ruling coalition, the current political settlement often collapses. The external force may then strengthen the hand of one or more elite factions, and broker a new settlement. However, the new political settlement that emerges from this type of event is often very unstable, especially when perceived to be a creation of the intervening power.

### **How Political Settlements Are Maintained**

There are several different ways that ruling coalition(s) typically establish, consolidate, or strengthen a political settlement and prevent crises leading to IDPs, refugees or state failure. The most basic example is coercion. The ultimate form of coercion is to amass the capacity to use, or threaten to use, physical force. This generally means securing control of the police and military forces. In extremely fragile conditions (e.g., a situation of state collapse), for an elite coalition to prevail, it must assemble enough military power to defend against, or defeat, competing coalitions (Parks and Cole 2010). More generally, coercion includes actions by the ruling coalition to impose their interests on other groups, including excluded elites that might challenge it.

The second method for sustaining a political settlement is through co-optation of potential threats from powerful excluded elites. This is often done by allowing these elite groups a role in the political settlement, which then may be formalized in, for example, a new coalition government. The third method to consolidate the position of a ruling coalition, and ultimately the most important for the long-term viability of a political settlement, is through building and maintaining the legitimacy of state institutions established and shaped through the political settlement. Alan Whaites (2008) notes that “even the most repressive states seek to stake a claim to some form of legitimacy, essentially a claim that state institutions have a moral right to continue to lead the state building process.” The more widely the claim to legitimacy is accepted, the greater the prospects for stability of the political settlement.

The fourth method through which political settlements are maintained is through the actions of the international community. International actors may exert a stabilizing influence through a wide range of mechanisms (Parks and Cole 2010). One obvious method

is through the presence of external security forces, which are able to extend or reinforce the capacity of the ruling coalition to keep potential competitors in check. Massive foreign assistance transfers may also strengthen a political settlement, especially insofar as the ruling coalition is able to capture most of the benefits.

### **A Synopsis of Internally Displaced People (IDP) in Nigeria**

It is estimated that there are twenty six million (26 million) IDPs worldwide as a result of various conflicts. About fourteen million (13.5 million) are children, and about three million (3.3 millions) IDPs of the world are Nigerians. At the international level, no single agency or organization has been designated as the global leader in regards to the protection and assistance of internally displaced persons. Rather, agencies and international organizations cooperate with each other to help address the needs of the IDPs. As a crucial element of sovereignty, it is the Governments of the states where internally displaced persons are found that have the primary responsibility for their assistance and protection. The role of the international community is merely complementary (OHCHR 2016)

Generally internally displaced children are driven away from the schools of their original home communities through civil insurrection, ethnic conflict, tsunami, typhoon, flood, drought, earthquake, volcanic eruption or other factors. Children, along with their parents who are involved in the mass migrations, leave the place where they may have been able to access primary education, and usually settle temporarily in a place where there is no provision of education.

The armed violence affecting many African countries is generating massive humanitarian consequences for entire communities. Karl Anton Mattli (2015)—Head of Delegation in Nigeria for the International Committee of the Red Cross, perceived that People living in the Lake Chad region and in north-east Nigeria are extremely exposed to armed conflict, and an estimated 2.4 million people have been displaced, and about seven million (7 million) people are in need of assistance. The IDMC (2015) *preliminary* estimates indicated that there are nearly two million (2,152,000) internally displaced people (IDPs) in Nigeria.

Nigeria as the largest black nation in the world, and the biggest in Africa polity, is having a huge share of the socio-economic, geographical

and political problems caused by communal clashes and internal insurrections. Wide spread poverty, among other factors such as little or no trust for the government by the citizens within the polity, cumulates to sparks of crises which led to displacement of the people from their homes (Aluko, Mu'awiyya and Balogun 2015). The major sources of internally displaced persons in Nigeria are the Boko Haram Insurgency in the North-East, the Federal government counter insurgency in the North, Farmers-Fulani Herders feud in the North, Central and Eastern Nigeria, and the Niger-Delta illegal oil bunker crises. The figures based on the assessment conducted by the International Organization for Migration's (IOM) and Displacement Tracking Matrix (DTM) team in 2016, using selected Northern and Central states in Nigeria 207 Local Government Areas (LGA) covering 13 States of Nigeria, is represented in Table I and Figure I and II below.

The DTM teams were composed of IOM staff, members of NEMA, the State Emergency Management Agency (SEMA), Nigerian Red Cross Society and other humanitarian partners on the field. The displacement assessments were conducted with key informants from LGAs, wards, and IDP sites (both in official camps and camp-like settings), as well as people in host communities. The assessments resulted in individual and household displacement estimates, including the identification of wards within the LGA with displaced populations and the type of displacement locations, reason for displacement, displacement history, livelihood and return intention, and time of arrival of IDPs as well as their place of origin.

*Table I*

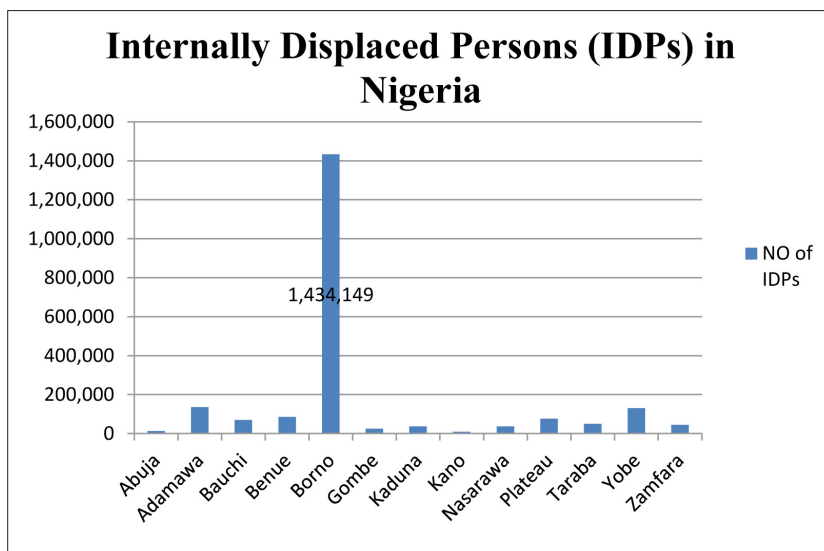
S/N	STATES	NO of IDPs	PERCENTAGE	GENERAL REASONS FOR DISPLACEMENT
1.	Abuja	13,481	0.63%	Boko Haram Insurgency
2.	Adamawa	136,010	6.32%	Boko Haram Insurgency
3.	Bauchi	70,078	3.26%	Boko Haram Insurgency
4.	Benue	85,393	3.97%	Fulani Herdsmen Insurgency
5.	Borno	1,434,149	66.64%	Boko Haram Insurgency
6.	Gombe	25,332	1.18%	Boko Haram Insurgency
7.	Kaduna	36,976	1.72%	Boko Haram Insurgency



8.	Kano	9,331	0.43%	Boko Haram Insurgency
9.	Nasarawa	37,553	1.75%	Boko Haram Insurgency
10.	Plateau	77,317	3.59%	Boko Haram Insurgency
11.	Taraba	50,227	2.33%	Boko Haram Insurgency
12.	Yobe	131,203	6.09%	Boko Haram Insurgency
13.	Zamfara	44,929	2.09%	Boko Haram Insurgency
	TOTAL	2,151,979	100.00%	

Source: (IOM/NEMA 2015)

Figure I Showing IDPs in Borno and other States in Nigeria



The Table I and figure I above shows the number and the corresponding percentage of the internally displaced people in thirteen selected states in Northern and Central States in Nigeria. Figure I specifically shows that Borno State has IDPs of above one million persons (1,434,149), about sixty seven percent (66.64%) of the total displaced in Nigeria. The general cause of this internal displacement is the Boko Haram insurgency from 2012 to 2018, and the federal government’s counter insurgency. This revealed that Borno state is the epicentre of the insurgency, and requires more attention from the Nigerian government and the international community. The primary root cause of the crises were acute poverty, strong individual non state

actors, gross neglect of the citizens’ welfare by the state government and weak and rather late reactive actions instead of strong proactive actions of the federal government. The political settlement applicable to this raging situation is to stop the reign of impunity, nepotism, favouritism and empowerment of a few non-state actors at the expense of the others with transparency and accountability in the public and private sectors.

**Internally Displaced Persons (IDPs) in Nigeria other than Borno State**

*Figure II Showing IDPs in Nigeria without Borno State*

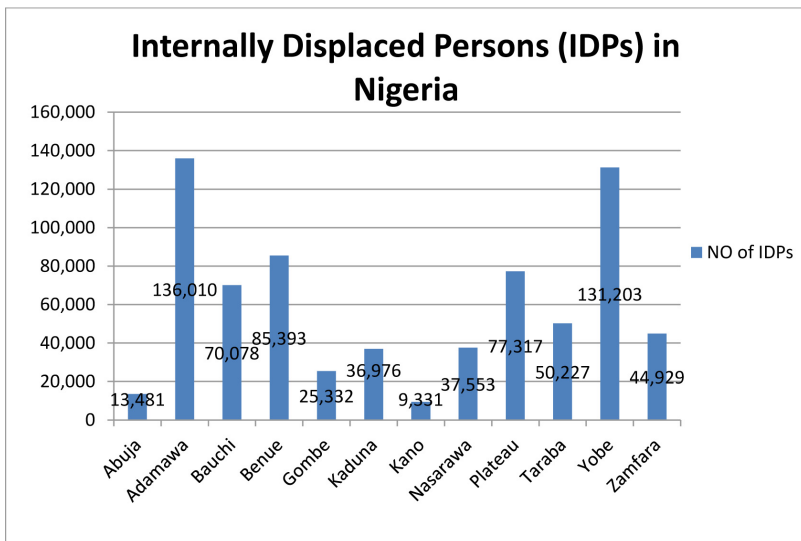


Table I and Figure II above shows the number and the corresponding percentage of the internally displaced people in thirteen selected Northern and Central States in Nigeria. Figure II shows the other twelve states, other than Borno State. As revealed in Figure I, Borno state has about sixty seven percent (66.64%) of the total internally displaced in Nigeria, the other states that closely follow it are Adamawa and Yobe States with about 136,010 and 130,000 internally displaced respectively. The percentages are about 6.32% and 6.09% respectively. The general cause of this internal displacement in many of the Northern states in Nigeria is the Boko Haram insurgency from 2012 to 2018. This revealed that the Boko Haram insurgency has had a protracted effect on the country, and this requires more attention from the government of Nigeria and the international community.

It can be inferred that the general root cause of the internal displacement of people in Benue, a Central state in Nigeria, is the Fulani Herdsmen Insurgency. This displaced about eighty five thousand (85,393) persons, about four percent (3.97%) of the displaced persons in Nigeria. The primary and the root cause of the ripple effects of the insurgency were acute poverty, climate change and greed on the part of the Fulani herders, strong individual non-state actors, gross neglect of the citizens' welfare by the state government, and weak reactive actions instead of strong proactive actions of the federal government (Aluko, 2017). The political settlement applicable to this raging and still growing incidence is the government at the state and federal levels putting an end to the reign of impunity, nepotism, favouritism and empowerment of a few non-state actors at the expense of the others within the country and beyond. Therefore, transparency and accountability in the public and private sectors should be upheld, taking note of adequate welfare packages for citizens.

The assessment based on the total figure of IDPs indicates that about thirteen percent (12.6%) were displaced due to communal clashes, 2.4 percent by natural disasters, and 85 percent as a result of insurgency attacks by the Boko Haram Islamists Sect. The decrease in the percentage of IDPs who were displaced by insurgency from 95.3 percent in August to 85 percent in December 2015, and the increase in the numbers of those displaced by communal clashes from 4.6 percent to 10.1 percent in October, were due to the inclusion of five additional States witnessing more communal violence than insurgencies by Islamist groups. However, there was a rise in IDPs caused by the Fulani herdsmen militia in 2017 and 2018 respectively, especially in the states that constitute Central Nigeria (Middle Belt).

In April 2016, the European Commission, in association with the European External Action Service (EEAS), adopted a new development-led approach to forced displacement aimed at harnessing and strengthening the resilience and self-reliance of both the forcibly displaced, and their host communities. Political, economic, development and humanitarian actors should be engaged from the outset, and throughout displacement crises to work with third partner countries towards gradual socio-economic inclusion of the forcibly displaced. If this is adopted in Nigeria, the IDPs will have more economic and political values, and rate of crises will drastically reduce.

## Conclusion

There is no doubt that the incidences of Internally Displaced Persons (IDPs) in the world constitute a global crisis. In terms of total headcount worldwide, about forty one million (40.8 million) Internally Displaced People (IDPs) were displaced as a result of conflict and violence at the end of 2015. This is an increase of about three million (2.8 million) in 2014, the highest figure ever recorded and twice the number of refugees in the world. Just ten countries accounted for over two-thirds of the total, or around 30 million people. Colombia, DRC, Iraq, Sudan and South Sudan have featured in the list of the ten largest internally displaced populations every year since 2003 while others like Yemen, Nigeria, Ukraine and Pakistan complete the list of the first ten countries, which together account for seventy five percent (75%) of the world's IDPs.

The rights of the IDPs had been catered for in the international community. The international laws on refugee and the Guiding Principles on Internal Displacement established in 1998 restate, and compile existing international human rights and humanitarian law germane to the internally displaced and also attempt to empower the various instruments with regard to situations of particular interest to the internally displaced. This had been domesticated in most countries including Nigeria.

The conflicts in Nigeria can be laid to rest on the platter of mutual understanding of both state and non-state actors. There is growing recognition within the international development community that political settlements can be a significant factor in determining the success or failure of a state. Instead of accepting the political status quo, the political settlements analytical framework explains that international actors recognize they have a degree of influence in shaping the direction and balance of power in elite politics that in turn shapes development, security, and institutions of governance.

The research methodology and design adopts thirteen states in Nigeria that has had recent surge in IDP numbers. The result revealed that Borno state has about sixty seven percent (66.64%) of the total internally displaced in Nigeria, followed closely by Adamawa and Yobe States with both at six percent (6.32% and 6.09% respectively). The primary root causes of the Internally Displaced Persons (IDPs) are the ripple effects from the Boko Haram insurgency, acute poverty, climate

change and greed on the part of the Fulani herders, strong individual non-state actors, and gross neglect of citizens welfare by the state government, as well as weak reactive actions instead of strong proactive actions by the federal government. The secondary causes of the internal displacement is the use of military force to combat the Boko Haram syndicates which forces citizens out of their homes to another location.

### **Recommendation**

The following recommendations can be meted out to the individual persons, the civil society and government at all levels. The individuals at the pre-displacement period should adopt simple means of communicating intelligence information to the security personnel assigned to their area so as to be prompt about the process. This is because the initiation and recruitment activities of anti-state groups start from the people at the grass roots level. Such actions can be foiled if people relay intelligent information to the necessary quarters when anti-state groups are still at the embryo stage of formation. Patriotism to the state should also be built more towards the state than to the ethno-religious, socio-political, geographical or economical alignments. This can be archived when the people derive proper and adequate social contract welfare benefits from the state.

The civil societies, which include the local religious groups, ethnic groups, professional groups, economic groups, political groups and their international counterparts should invest in the education of people on the need to be patriotic, instead of carrying group sentiments against the state. This will reduce the rate of internal fractioning, which has a tendency of degenerating to militia in the polity. They should also join the people in reporting marginalization of their interests, nepotism and favouritism of the government agencies to the relevant public domain. This will attract public sympathy, and the menace will be corrected before the affected group degenerates into militia or insurgent factions.

The state at all levels should provide adequate security for the layman in the street, as well as high intelligent gathering with efficient and effective feedback mechanisms. This will boost trust of the government, and the readiness of people to divulge important secrets of in-house groups to intelligent security stations. The government should be accountable to the people at all times, and the principle of adequate and equitable representation of each group should be upheld. This will in

turn enhance a high level of loyalty, trust and support to the government by the citizenry.

The rate of poverty in the community should also be reduced by equitable distribution of proceeds of national investments from the federal arrangement in Nigeria. The resultant implication will lead to a reduction in social vices such as prostitution, ‘baby factor’, child labour, human trafficking, illegal drugs dealings, state property vandalism and crime syndicate build up in the state. Finally, in situation of crises which leads to internal displacements, the government, should first of all, employ the political settlement approach while a military approach may be used as a last resort.

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## **Women’s Work Empowerment through “Re-upcycle” Initiatives for Women-at-home**

**Rohaiza Rokis\***

**Abstract:** Recyclable issues do not receive sufficient attention, which thus see low awareness among Malaysians. This paper<sup>1</sup> proposes women’s active participation in re-upcycling habits to maintain the ecologically challenging world today. Empowering women-at-home in this way enable them to sustain their own social and ecological well-being. Women can be active participants in community development activities. Even though they may be disinterested to work outside home, their involvement in their community should be encouraged. Embeddedness theory (ET) advocates empowerment of women through re-upcycling actions are to be initiated from home. With the support from community, in turn, these actions can be an economic resources for their households. Malaysian women are most affected by employment opportunities, supports and reassurances from various sectors, such as the government, non-governmental organisations (NGOs) and most importantly, the men in their lives. Depriving them from this socio-economic foundation will further impact the unemployment rate for Malaysia. On the other hand, if strategic planning is implemented by utilising the abundance number of unemployed women-at-home, the socio-economic conditions of the nation can also be improved. Indeed, this paper motivates discussions on the employment policy whereby re-upcycling activities may pave ways for women-at-home to get involved in employment, without leaving their homes.

**Key Words:** Action research; Community development; Employment policy; Re-upcycling; Social ecology; Women’s empowerment; Women-at-home; Work

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**Abstrak:** Pemerhatian yang cetek terhadap isu olah-semula menyebabkan kadar kesedaran masyarakat Malaysia berkenaan hal ini adalah rendah. Artikel ini mencadangkan penglibatan wanita secara lebih aktif kepada tabiat olah-semula dalam menghadapi cabaran ekologi dunia kini. Pemerksaan wanita di-rumah atau golongan suri rumahtangga membolehkan mereka mengekalkan kesejahteraan sosial dan ekologi mereka sendiri. Golongan wanita boleh terlibat secara aktif dalam aktiviti pembangunan komuniti. Walaupun mereka mungkin kurang berminat untuk bekerja di luar, penglibatan mereka dalam komuniti patut diberi galakan. Teori pembenaman (*embeddedness theory*) (ET) menyokong kepada pemerksaan wanita melalui aktiviti olah-semula bermula dari rumah. Dengan adanya sokongan komuniti, inisiatif ini boleh menjadi sumber ekonomi wanita tersebut. Wanita Malaysia merupakan antara golongan yang paling terkesan dengan peluang pekerjaan, sokongan dan galakan daripada pelbagai sektor dan pihak termasuklah badan kerajaan, badan bukan kerajaan dan lebih utama lagi, dari suami mereka sendiri. Tidak memenuhi keperluan asas sosio-ekonomi mereka akan memberi kesan kepada kadar pengangguran di Malaysia. Sebaliknya, jika perancangan strategik bagi membantu golongan wanita di-rumah atau suri rumahtangga yang tidak bekerja ini dilaksanakan, keadaan sosio-ekonomi negara boleh diperbaiki. Demikian, artikel ini menggalakkan lebih banyak diskusi berkenaan polisi pekerjaan di mana aktiviti olah-semula mungkin membolehkan lebih banyak ruang dan peluang kepada wanita di-rumah atau suri rumahtangga untuk terlibat dalam dunia kerjaya tanpa meninggalkan rumah mereka.

**Kata Kunci:** Kajian perlaksanaan, Pembangunan komuniti, Polisi pekerjaan, Olah-semula, Ekologi social, Pemerksaan wanita, Wanita di-rumah, Kerja

## Introduction

Globally, an increasing amount of recyclable resources has been generated due to economic development and population growth, particularly in Asia (Yoshida, Shimamura and Aizawa, 2007). Humans in the modernised and highly technological world generate a great amount of recyclable resources in varying qualities – precious, such as metal substances and harmful substances, like toxin. At the same time, the current global movement of recycling is increasing due to the concern with environmental pollution and other problems related to the environment.

Realising the potential of converting the waste into quality resources, this research searches effective ways for the inclusion and participation of women in the re-upcycling activities from home.

Empowering them in such activities lead to an increased use and reuse of wastes, while reducing the harmful effects of the worthless wastes. This is an action research that outlines some policy implications for women's empowerment in domestic recyclable activities.

Today, worldwide demand for resources, particularly economic resources, is increasing amid the onslaught of globalisation. Apart from natural resources, people also find that thrown away home materials, i.e., home garbage and waste, can be potential sources of new economic resources. Thus, this kind of waste should be managed effectively through re-upcycling efforts.

### **Women's work empowerment and global policies**

In its general concept, empowerment is an increase in power. Women's empowerment refers to women gaining control in various sectors. In their household, women's empowerment embraces the idea of contributing to the household income, making household decisions and having ownership of assets, equality in marriage, motherhood freedom and the right to contraception and safe abortion (Parveen and Leonhauser, 2004). In the socio-legal sector, women's empowerment is about having access to resources, like political and legal awareness (Ibrahim and Alkire, 2007). Women's empowerment is about having a right of entry to education, gender awareness and also freedom of movement (Beteta, 2006; Sen, 1999).

As much as women's empowerment is seen as a necessity by today's standards, nevertheless, it is still a hotly debated topic in developing countries. Ibrahim and Alkire (2007) attribute this situation due to lack of interpretation of the concept. Rohaiza (2011:2009: 2005) finds social cultural factors obstruct its existence.

The World Bank championed the 'gender equality is smart economics' slogan in 2006. It urges women to increase a country's Gross Domestic Product (GDP), yet it ignores the persistent presence of fundamental gender inequalities. Ironically, the World Bank's 2009 report concurs that gender inequality is due to an unequal market economy associated with the unpaid work of household maintenance and subsistence of society (ibid, 2009). For a real functioning of gender equality, women should have full access, equal participation and conscious decision-making power on matters concerning their own life (Pandey and Okazaki, 2004).

Many women cannot identify their capabilities easily, what more to empower themselves to better their situation. Women's empowerment implies the ability to strengthen their potential in the socio-economic sector, particularly in the developing countries. According to Sen (1999), the lack of money in households is an important factor impacting rural development. The fact that women have less control over money contributes to their low status (Mehra, 1997), which further situates them in an under-privileged condition. According to the report of the Malaysian Federal Ministry of Economic Cooperation and Development (2007), empowering women indicates a mutual respect, equality of opportunities, equality in day-to-day life and overcoming of prejudices. The commitment from Malaysia is also positive. According to the former Women, Family and Community Development Minister, Datuk Seri Rohani Abdul Karim: "the government has implemented various economic empowerment and poverty eradication programmes such as Development of Women Entrepreneurship Initiatives (DeWI), Women Site Women Bazaar (LaWa), 1Azam, and Two-Year Exit Entrepreneurship (2YEP) that continues to provide direct welfare assistance and facilities to improve themselves and get out of the poverty trap" (The Sunday Daily, 7 August 2017).

Many studies have found that the income earning activities of women can improve not only their position in the household but also contribute to family welfare, particularly to food and children's education, as well as to the wider society (Mayoux, 2008; Mehra, 1997). The UN Women (2013) declaration states: "Empowering rural women is crucial for ending hunger and poverty. Denying women's rights and opportunities means denying their children and societies a better future".

Undeniably, women's role in community development is relevant for the sustained survival of society. Women who work and earn income enhance not only their socio-economic standing in the household (Sen, 1999), but also affirm their presence in society.

### **Community development and women's empowerment for socio-ecological sustainability**

Community development is a concept that endeavours the empowerment of members in a community. In addition, Sanders (1966) defines "community development" as a process that depends on local participation in aspects of life, such as decision-making, socio-

ecological development and resource utilisation. Kotler and Keller (2006) view that "community development" is possible if members work together through sustainable organisations that provide them with employment and income. Micro and small enterprises are recognised as a major source of employment for many developing countries (Kotler et al. 2008). In the same report, Kotler et al. (ibid. 2008) find that women are the owners and operators of these cottage industries, which are relatively concentrated in a constricted range of activities, like craft products and food processing.

To eradicate poverty in Malaysia, women can be active participants in the community development activities. Even though they may be disinterested to work outside home, their involvement within their community should be encouraged. For instance, their participation in the re-upcycle activities. This empowerment effort can be initiated even from home. In turn, it can be an economic resource for the households (Battilani and Schroter, 2012). The survival of any empowerment efforts depends on the presence of social and economic components.

In such a programme, viability largely depends on how it is designed to meet the needs of the women. There are pulling factors for women's participation in this community programme. Among them are training, credit and technical assistance to upgrade the quality and increased demand for women's labour (Buvinic, 1989; Mercer, 2002).

Women's work empowerment can be seen as a supply chain that plays a significant role in developing a country (Mayo and Craig, 1995). Malaysian women are most affected by employment chances, support and reassurance from various sectors, such as the government, non-governmental organisations (NGOs), and most importantly, the men in their life. Depriving them from all these socio-economic foundations, will further contribute to the unemployment rate in Malaysia.

### **Research problem and significance**

According to forecasts prepared by the Okayama University (Yoshida, Shimamura and Aizawa, 2007: 102), the amount of waste generated around the world stood at 12.7 billion tons in 2000. It is estimated to grow approximately 19.0 billion tons in 2025 and to approximately 27.00 billion tons in 2050. Asia is predicted to generate a dramatic increase in the amount of waste (Tanaka, 2006). For Malaysia in particular, it is

predicted that the increase in waste generation will be 1.4 kg per person per day in 2025 compared to only 0.81 today (Zamali Mohd. Lazim and Abu Osman, 2009). That would be a tremendous increase for Malaysia, which must be handled properly and managed effectively. One of the ways is to manage the waste from home, which is the originating point of most wastes.

A review of literature shows that many studies dealing with waste in Malaysia have concentrated on the awareness towards solid waste management (Periathamby, Fauziah and Kahlil, 2009; Rafia, Muhammad Mehedi, Rulia, Jarita, 2013); efforts for waste recycling determination (Azahan, Jamaluddin and Samsu, 2002; Nasir, Rakmi, Chong, Zulina and Muhamad, 2000); the handling of municipal and private waste (Nasir, 2002; Juzhar, 2002; Zaini, 2003); and the administration of household solid waste recycling efforts (Moh and Latifah, 2014).

Taking on this academic challenge with the major purpose of improving women's sustainability of life, this action research attempts to put various major issues into context. One aspect of concern is with women's empowerment and participation in recyclable thrown away home materials for their socio-ecological sustainability. Recyclable issues have been discussed before, but the awareness about it among Malaysians is still low (Carol Boon-Chui Teo, 2016). It is pertinent for this research to address the issue further by including women's participation in re-upcycling activities.

Consequently, this research heads for a change and improvement that may indirectly influence policy.

### **Research objectives and methodologies**

The objective of the research is to explore the possibility for women-at-home to participate in re-upcycling activities for household economic improvement. To achieve that, the research reviewed several studies on empowering women as a part of the community development process and determination. Various international policies of the United Nations, the World Bank as well as the Malaysia government on women's empowerment in the country, were reviewed, that are relevant to women's empowerment and community re-upcycling efforts to improve women's socio-economic status.

Prominent social research methodologists have opined that exploratory research is one technique that is most suitable to find the unknown or less understood situations or seeks new insights (Bryman, 2004; Davis and Hughes, 2014). Since the case of women's participation in re-upcycling activities is yet to be documented fully, it is the utmost aim of this research to explore the possibility of employment opportunities for women-at-home. This is particularly true for some rural women in Terengganu as well as other states in Malaysia. Due to the persistent customary practices (or 'ādat), some women are mostly affected by limited access to job opportunities. Empowering the marginalised or oppressed group to be in charge of their lives through direct action (Brown and Strega, 2005) is significant. Based on a case study of women's experiences in the recycling activities, this action research explores the potentials of upcycling through empowerment efforts.

The case studies helps to develop a constructive understanding about a single case or a small number of cases (Robson, 2011), where it examines a phenomenon in its natural setting (McKenzie et al., 1997). Additionally, observation generates knowledge about specific issues (Robson, 2011), particularly when the participant observation technique involves the natural course of asking questions while observing the targeted social phenomenon. Finally, interviews help to elaborate on the issues related to the research objectives by posing specific questions (Blaxter et al., 2010; Fontana and Frey, 2005). These data were recorded, which was transcribed verbatim, and later thematically analysed with the assistance of Atlas.ti7 qualitative software analysis. For the field notes of the observation, networking map analysis were applied.

### **Sample unit, case study and analyses**

To tune in with the research objective, the research selected women who work in "RiD", a recyclable company in Terengganu as a case unit. They were five women waste separators whom were involved in this research project. These women were the hired workers who separate recycle goods, particularly plastic-based materials and paper-based materials, which exchanged with the public and collected by the company throughout the village.

These sample was observed and interviewed on the site to explore their work activities. All of them live nearby “RiD”. Their houses are either at the sides of the company or a little bit away from it. All of the arrived to work by foot. Thus, the sample fit well with the criteria of women-at-home. They do not really leave behind their households and cares for the sake of work. As quoted, “I can just run back, if anything needed at home”. By having this work-household arrangement, their spouses do not feel so much that their women are away from home. At the end of the day, spouses like to receive extra income been brought to the household. It is indeed irony, as being traditional as they are, these male spouses appreciated the monetary outcome out of working by their women. Additionally, neighbourhood connection played a vital role in supporting their work too. Community embeddedness is seen to be an important aspect for their work continuation.

By the agreement of the state’s authority, “RiD” uses a barter system for recyclable goods. Apparently, such a programme is the first to be initiated in the country. The programme encourages people to bring in thrown away, recyclable items to be exchanged for items, such as food, beverage containers, recyclable bags as well as money. Based on the interviews with the owner of “RiD”, most people whom they dealt preferred to have money in exchange of the recycled goods that they brought to the company.

However, this research is of the view that efforts can be further improved – for the sake of the environment. Based on research observation, “RiD” must not only rely on exchanging and collecting these reusable wastes. It should make use of the ever available domestic thrown away wastes from nearby households. Therefore, instead of having only five women waste separators, the company has the whole village or neighbourhood to work on this re-upcycling activities. Empty shampoo bottles, finished detergent containers, outdated newspapers, metal scraps, broken glasses, plastic shopping bags, old cloths – are all recyclable and reusable for a “new breath of life”.

It is a challenge to deal with the thrown away home materials or to put it simply, household wastes. Waste is mostly perceived as unclean and thus unwanted. Humans normally do not want to know how the waste is disposed. Some others may have little awareness about the wider environmental implications once waste is discarded. However,



there are evidences that some waste can be either valuable such as iron and steel scraps (Yoshida, Shimamura and Aizawa, 2007) or possess useful qualities if they are to be reused and redone, especially when they are transformed into specific goods and services. Not only these materials can be recycled, they can be upcycled too through the creation of new products. In this way, the thrown away home materials can be better managed and put into smarter use.

The re-upcycling activity is well on its way to meet this objective. Being close to home due to their physical and emotional attachment, women-at-home are definitely the right target group. By the support of the community and those people near to them, women-at-home can be economically productive too. The upcycled products that are made of recycled materials receive a universal demand. With the changing tastes in fashion among consumers, the upcycled products do not only have utility purposes but most outstandingly the idea of "giving a new life" attracts them (Hailstone. 2017). For instance, the creation of elegant handbags (Fig. 1), which is made of recycled plastic packaging and bags. All sorts of pretty brooches (Fig. 2) made of plastic containers. Also, an ever-stylish looking coin purse from shredded newspaper (Fig. 3). These recycled products do have potential buyers around the globe (Martin and Schouten, 2012)<sup>2</sup>.

*Fig. 1: Upcycled handbags made of sweet packaging and plastic bags*



*Fig. 2: Brooches made of plastic bags and plastic containers*



*Fig. 3: Coin purse with shredded newspaper designs*



*\*Sources: Author's own collections of upcycled products made of recycled materials*

The influence of community participation in re-upcyclable activities are extremely important to bring in major positive changes. Thrown away home materials have the potential for social ecological sustainability. If priority is rightly set, participatory development may lead to income generation (Kotler et.al. 2008). Women's equal participation in the planning process provides employment opportunities for them (Kotler and Keller, 2006). This policy initiative process may lead to more active participation among women. This initiative focuses on women's socio-economic empowerment, particularly in job creation, vocational training and literacy.

### **Embeddedness Theory (ET)**

The whole case of this research fits well with the embeddedness theory, formulated by Granovetter (1985). ET describes how economic behaviour affects social relations. According to this theory, humans react and respond to the social relations that surround them. Their actions are

constructed and deflected by their consciousness, beliefs and purposes in life. Indeed, development is an effort of empowerment.

Asian community like Malaysians still adhere to traditional values and normative system (Mohd. Azizuddin et. al., 2009). As illustrated earlier, the woman samples are "home-grounded" women whereby they were pleased about the work-household arrangement that they have. They work by getting the approval from spouses and receiving supports from the community. In fact, the overall success of many community programmes including among African countries depend on community involvement (Chirenje, Giliba and Musamba, 2013). Commitment of the participants in any community programme provides a good foundation for community development.

Kanter (1972) describes this relationship as mutual and communal between the authority and its people, based on the principle of "what is given to the community and what the community receives". The description is well suited to women in a community who are involved in recyclable activities. Individuals who manage thrown away home materials may have the urge to fulfil material and/or spiritual needs (Levi and Litwin, 1986; Kotler and Armstrong, 2004).

According to Murphy and Cunningham (2003), the whole context of social relations and economic behaviour encompasses social ecology. The term, 'social ecology' is derived from the Aristotelian concept of 'eudaimonia' or flourishing (ibid, 2003). Of late, the definition of social ecology encompasses the relations of institutional and socio-cultural contexts of community and environment. Social ecology motivates a pragmatic philosophy about persistent ills of society, among them, being poverty. Thus, women's involvement in economic action is always welcomed.

### **Socio-ecological policies for women's empowerment in community development through re-upcycling activities**

Women's empowerment effort will be effective with the application of embeddedness theory (ET). Women's participation in a community programme such as re-upcycling requires supports from community, particularly the 'blessings' from their husbands. At most times, women will receive 'blessings' when the husbands realised economic potentials for their households. ET provides the relationship between economic

behaviours and social relations. Thus, eventually this will lead to the provision of employment opportunities from home and consequently household income.

Managing thrown away home resources requires various means of management. The two most important aspects of managing the recyclable resources are searching for economic value and identifying the environmental impact. Harmful items, such as hazardous waste, should be handled by the authority. On the other hand, useful resources, such as metal, plastics, cardboard, paper, among other ordinary products, that are safe and durable, can be reused by effective techniques of redoing and remodelling.

Understanding the on-going academic discussions on women's empowerment and recyclable activities among women, this research proposes to include political, social and economic aspects in the new policies.

*Political aspects:* The success of the empowerment policies for women depends largely on meeting women's needs. For their involvement in recyclable activities, women should be provided with specific information and awareness about what kinds of thrown away home materials can be recycled. In addition, a clear policy should be directed towards having specific skills training and technical assistance on redoing and remodelling those materials. Another policy aspect is on the marketing strategy so that their empowerment effort can generate income and credit. One way is to emulate the cooperative system where everything is in its place – from selecting the potential recyclable materials, to redoing and transforming them to other useful products and finally, to marketing them, especially to those specific target buyers who are interested in buying recyclable items. A definite way is to urge the community members to participate in community development programmes. Policies must be legislated based on issues of organisation, participation and mobilisation in community activities. When a community gets involved in its socio-ecological surroundings, the people will feel the need to participate in decision-making to improve their material and social well-being.

*Social aspect:* Patriarchal structure issues, such as gender subordination, women's lack of freedom, restricted female mobility, unequal division of labour and domestic violence that govern the

community and households may also need to be addressed. In this case, it is recommended to establish initial briefings and trainings for both men and women in the household on having extra income through women's employment.

*Economic aspect:* Most importantly, the habits and routines of recyclable actions must be understood. This will lead to either the success or failure of the policy. Perhaps, the attraction to earn immediate cash by women will determine its relevancy. Additionally, policies should be put on the right promoting and marketing track. In doing so, it is necessary to familiarise the innovation and quality control of those recycled thrown away home materials produced by women from home. The re-upcycling activities enable the realisation of social enterprises. A "social enterprise" is defined as a business that conducts trade in the market in order to fulfill its social aims (Martin and Thompson 2010; 6). In this project, its principle is "to give a new economic value" to those waste materials so that it may benefit those who participate, in particular, and others, in general.

## **Conclusion**

Based on the existing discussions, women's empowerment effort is one of the most fundamental aspects for women's improved socio-economic status. They should participate in community development programmes to enhance their decision-making influence for their own sustainability – socially and materially. This is possible if they, especially women-at-home, get involved in the "work-from-home" project. The government, NGOs and other authorities must initiate proper policies so that this "work-from-home" project can be fully materialised. By identifying the political, social and economic aspects, this research hopes to advance further in empowering women towards a better socio-ecological well-being, particularly through re-upcycling activities. The utilisation of the embeddedness theory in the policy initiatives for women's empowerment programme is relevant. The theory emphasises on developing economic behaviour, collectively among all members. It requires responses to the social relations. In this case, if a woman is fully conscious of the importance of socio-ecological sustainability, then she may be able to provide positive reactions to sustaining the environment. A well-planned policy on women's empowerment that include the local normative values must be initiated in order to gain economic well-being.

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<sup>2</sup> The California Integrated Waste Management Board offers a comprehensive on-line directory of companies that sell recycled-content products ranging from paper, other office supplies, landscape and garden supplies and even construction materials at <http://www.ciwmb.ca.gov/rcp/>. The directory lists several businesses that sell a given recycled-content product and contact information for each firm.

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# The Islamization of the Malaysian Media: A Complex Interaction of Religion, Class and Commercialization

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**Abstract:** The Islamization of the Malaysian media industry has created a debate on whether Islam has been truly adopted for its religious significance or simply manipulated for commercial gains. While Islamic content is abundant, it seems to grow in size but not in value. This paper offers a political-economic look into this problem by 1) contextualizing the Islamization process in relations to Malaysia's socio-political environment, 2) delineating the development of Islamic media in Malaysia and, 3) identifying the influence of media ownership on the Islamization process by locating the role of Islam in contemporary Malaysian media.

**Keywords:** Media, Malaysia, Capitalism, Islamization, Commercialization, Class, Government

**Abstrak:** Proses Islamisasi industri media di Malaysia telah melahirkan suatu persoalan mengenai kesahihan proses tersebut. Terdapat kesangsian sama ada proses Islamisasi yang berlaku adalah benar-benar demi tuntutan Islam atau hanyalah suatu usaha komersial dalam mengaut keuntungan. Tidak dinafikan bahawa isi kandungan Islamik amat dominan didalam koteks penyiaran di Malaysia, namun apakah jumlah isi kandungan yang banyak itu menggambarkan ajaran dan tuntutan Islam yang sebenar? Kertas kerja ini

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akan memperhalusi persoalan ini berlandaskan idea politik-ekonomi dengan 1) memberi konteks terhadap proses Islamisasi yang telah mencorak sosio-politik di Malaysia, 2) menguraikan pembangunan media Islam di Malaysia dan, mengenalpasti pengaruh ketuanan media didalam proses Islamisasi media kontemporari di Malaysia.

**Kata Kunci:** Media; Malaysia; Kapitalisme; Agama Islam; perihal memperdagangkan; Kelas; pemerintah.

## Introduction

Islam is an inherent part of Malaysia. It has been the religion professed by the local Malays since Arab traders started embarking on business and religious ventures in this part of the world in the early 1500s. Today, Islam is acknowledged as the official religion in Malaysia. More than 60% of the Malaysian population is Muslims (Department of Statistics Malaysia, 2017). Since the late 1970s, the Islamization process has seen Islam legally and structurally incorporated into crucial aspects of public life. The enforcement of Islamic education in public schools and the promotion of Islamic banking system are examples of how in Malaysia, Islam is more than just a religion. It is an institution. The complex relationship between the Malaysian social, political and economic circumstances is the major driver to this development.

The centrality of Islam in everyday life and state institutions can be exemplified through the advancement of the local media industry. New Islamic broadcast channels and online platforms are emerging and are posing significant challenges to the established commercial media. In response, the mainstream media is also starting to incorporate more Islamic content in their programming. As a result, the number of programs considered Islamic is growing rapidly. While this may seem a positive phenomenon for the Muslim media consumers, some are questioning the nature of this programming. Mohamed (2012) argued that most of the Islamic programs available on Malaysian media is superficial in the sense that it does not appreciate the spirit and wisdom of Islam. Instead, what is shown on TV and heard on the radio are the simplistic rituals of Islam that may include the hijab, the *ādhān*, the *tadhkirah*. In many of the TV dramas for example, Islam is usually cosmetically depicted and not included as part of the narrative. For

example, the female characters are usually seen in hijab while engaging in romantic relations that includes physical touch. While such scenes are usually mild and hardly sexual, it is still not permissible in Islam. In almost all the local variety shows, women in hijab are often seen singing and dancing freely. In comedy shows, male comedians often dress up as woman. There are certain quarters (Wok and Mohamed, 2008) (Hussein, 2008) that see this development as more serious than the influence of western media. Mohamed (2012) suggests that such media contents are even more detrimental because it confuses the Muslim audiences. Immoral and hedonistic messages such as romantic relations and gender bending can easily be accepted when presented through what is seen as Islamic images.

This paper offers a political-economic look into this problem by suggesting that the Islamization of the Malaysian media is caught in a complex interaction between national politics, economic development and religious transformation. This interaction has much to do with the state's institutionalization of Islam that resulted in the commodification of Islam as an economic force. In this sense, the practice of Islam is measured through the consumption of Islamic goods. In relation to this, the paper also argues that the rise of the middle-class Muslims is driving the demands for more Islamic media contents that are modern, material and capitalistic.

To explore these arguments, a qualitative case study was conducted through reviews and analyses of literatures, reports, guides and policies. A general observation of the local media content also provided significant input in understanding the nature of Islamic media in Malaysia.

### **The Islamisation of Malaysian Life**

Since Independence in 1957, Malaysia has gone through a persistent process of Islamisation promoted by the state. Barr and Govindasamy (2010, p.293) argued that Islamisation in Malaysia "is basically a variation of the original Malay ethnonationalism, using the nearly complete symbiosis between Malay and Muslim identity as the point of articulation that allows religious nationalism to serve as a cipher for ethnonationalism". This means that the state's Islamisation project is also an ethnicised structural policy that continues to uphold the Malays' special position through a Malay-Muslim nationalist discourse. If Malay nationalism was the catalyst in the fight against the colonialists in the

pursuit for Independence, the state's Islamisation project perpetuates a Malay-Muslim identity to create and maintain the Malays' support for the ruling government. According to Martinez (2001), the Islamic resurgence was never directed at converting non-Muslims to Islam. Rather, it was a political strategy targeted at Malays to adopt a stricter Islamic identity that can bring Islam under the government's control and scrutiny.

Although Islam has been recognised as the official religion since 1957; analysts (Weiss, 2004; Hamid, 2009) claim that it was in the 1970s; during the wake of the Global Islamic Resurgence catalysed by the Iranian Revolution; that the Islamisation project found its footing in Malaysian politics. The ongoing Islamic discourse that was prevalent in the Muslim world revitalised debates about the fundamental questions of what being Muslim is about. Initially, the Islamisation movement was led by Malay university students exposed to the transnational resurgence of Islamic thought, but over time the movement penetrated into major national institutions and took root (Hamid, 2009). This rise of the new Islamic-educated Malays, who were mostly trained in the Middle East, and the influence of Islamic NGOs such as the Angkatan Belia Islam Malaysia (Muslim Youth Movement of Malaysia), asserted intense pressure on the ruling government, especially the United Malay National Organization (UMNO) to prove that it was Islamic.

The rise of political Islam was also entrenched within the rivalry between the two main Malay-Muslim political parties, namely, the historically secular-nationalist UMNO, and the more Islamist Parti Islam Se-Malaysia (PAS) in the contest to become the Muslim champion. In the wake of the Malay community's religious scrutiny, the UMNO needed to prove that it was more "Islamic" than the PAS. This led Weiss (2004) to argue that the UMNO Islamisation project was less a religious conviction than an invested electoral strategy.

Barr and Govindasamy (2010) argued that by the time Mahathir Mohamad became the Prime Minister in the early 1980s, it was becoming obvious that religious identity had replaced ethnicity as the central element of national identity among the Malays and that the Malaysian society has been systematically Islamised. One of Mahathir's most important strategies in confronting the Islamisation pressures coming from the PAS and Muslim NGOs was to recruit the then student

leader and Muslim activist Anwar Ibrahim into the UMNO in 1982. Weiss (2004) detailed Anwar's rapid rise through the ranks: elected a vice president of UMNO and head of the party's youth wing within a year; later holding several key ministerial portfolios; and ultimately becoming Deputy Prime Minister in 1993. Together, Anwar and Mahathir continued the Islamisation project by introducing Islamic reforms into the financial sector, establishing Islamic insurance schemes and usury-free banking, strengthening Islamic education policies, stressing the observance of Islamic rituals in official government settings, sponsoring centres for research and teaching on Islam, and enhancing Islam-related programming in the state-controlled media. Weiss (2004) and Hamid (2009) argued that it was the UMNO-led government's Islamisation policy that began in the 1980s that helped to normalise political religion in everyday life.

As a result, Islam in Malaysia has largely become a conservative, pro-establishment entity that enables the state to manufacture and control expressions of Islam in official and everyday Malaysian life (Osman, 2017). Islam has undoubtedly become a force affecting all citizens. In 1988, the Malaysian Parliament approved constitutional amendments and added Article 121 (1A) (Malaysian Federal Constitution, 2006), which reads: "The [civil courts] shall have no jurisdiction in respect of any matter within the jurisdiction of the *Syariah* courts". This initiative to restructure the Islamic legal institutions was followed by all the other Malaysian states. The climax of Islamic resurgence occurred in September 2001 when Prime Minister Mahathir Mohamad declared Malaysia to be an Islamic state (Martinez 2001, p.474).

### **Malayu Baru and the economic commodification of Islam**

A visionary leader, Mahathir understood that Islam is central within the Malay identity. In his effort to confront local pressures on his government to be more Islamic, while at the same time building an economically competitive nation, Mahathir had successfully constructed a unique application of Islam that is relevant within a capitalistic global environment. Mahathir promoted a progressive interpretation of Islam. In his nation building efforts Mahathir closely tied Islam, ethnicity and nationalism in one narrative. Mahathir depicts the inception of Islam and the radical break from the pre-Islamic past as turning away from the dark ages:

And so the animistic ancestors of the Malays embraced Islam with such enthusiasm and faith that they destroyed all their old idols and temples. Today, Malays are constitutionally only Malays if they are Muslims. The progress of the Malays after conversion and presently owes much to Islam as a way of life. There had been lapses of course but by and large Malay civilisation and its progress in the arts and sciences, in the systems of government, the concept of justice and the rule of law, have been the result of attempts to adhere to the teachings of Islam. (Mahathir 2001, p. 161)

This break was total in its refutation of the superstitious and traditional local beliefs of the past, and the rejection of a Malay cultural heritage to turn to Islamic modernity and enlightenment. The nationalisation of Islam in Malaysia has incited a broader fascination with the proper and correct 'Islamic way of life'. Mahathir foresighted a new social development of the Malays through 'Urbanization, acquisition of new skills and the acceptance by the Malays of new values which are still compatible with their religion and their basically feudal outlook' (ibid, 114). These visions were translated into the affirmative state social engineering – the New Economic Policy (NEP). Mahathir became the proponent of this policy, devised to improve the economic and social situation of the *bumiputera* through the manufacturing of an urban, educated, entrepreneurial, shareholding and high-consuming Malay middle class also known as Melayu Baru or 'New Malay'.

Generally, the NEP encompassed two major goals. The first was the reduction and eventual eradication of poverty by increasing income levels and employment opportunities for all Malaysians. The second aimed at restructuring Malaysian society to correct economic imbalance, so as to reduce and ultimately eliminate the identification of race with certain economic segments. More specifically, the NEP generated a number of benefits for the Malays especially by increasing their ownership of production and quota access in the educational system. The number and proportion of Malays engaged in the modern sector of the economy also rose significantly (Fischer, 2008).

By the early 1990s, the fruits of the NEP were very much visible. New generations of urban, educated, entrepreneurial and affluent Melayu Baru were taking control of the country's economy. This new middle class is actively manufactured by the state and is promoted as a class of



modern entrepreneurial, hardworking and consuming Malays who had incredible purchasing power. The economic transformation of Islam in Malaysia has displaced Islam as a source of traditional legitimacy of Malay rulers. Their historical mode of articulating Malayness based on universal Islamic authority and *'adat*, local customary law has been seriously destabilised. The NEP has unquestionably actively drawn Islam into the economic sphere through the proliferation of a multitude of Islamic institutions starting in the 1980s (Shamsul, 1998).

While the new Malay middle class upholds strict Islamic principles, their socio-economic development takes place within the context of intensified globalisation and neoliberal capitalism. Consuming *halal* goods is an example of an Islamic tradition that has become a commercial and competitive profit-making industry. In their effort to have an Islamic way of life, the Malay middle class is concerned with the principles of *halal*. In its most basic definitions *halal* is that which is permitted and *haram* is that which is prohibited by Allah. From this straightforward definition *halal* and *haram* in food and drink consumption are filtering into all aspects of Malaysian life (Fischer, 2017).

The increased demands for *halal* products by conscious Malay middle class have driven the development of the *halal* industry. Because of the still lack of available imported *halal* products, local industries were able to tap on this lucrative market. Today, the *halal* industry is not just confined to food but many other products such as cosmetics, fashion and even travel and tours. Malaysia is known to be a very popular destination among Muslim tourists because of its *halal*-friendly image. As such, *halālization* has helped create many local businesses, especially those owned by the Malay middle class. Many of these businesses have even expanded to other Muslim countries.

The state is very much involved in this commercialization of *halāl* goods. Through ministries and religious bodies, the state had control over the certification, commercialisation, standardisation and promotion by the state and private enterprise. Jabatan Kemajuan Islam (JAKIM) or the Department of Islamic Development is the governmental body that is responsible for *halāl* certification. Established in 1997, JAKIM's main purpose is to plan and protect Islamic development in Malaysia. As the only body that can issue *halāl* certification, JAKIM had major power over businesses and consumers. In 2006, the government established *Halāl*

Industry Development Corporation Sdn Bhd (HDC), an agency under the Ministry of International Trade and Industry, to ensure the integrated and comprehensive development of the national *ḥalāl* industry. HDC focuses on the development of *ḥalāl* standards; branding and promotion; and commercial development of *ḥalāl* products and services ([www.hdcglobal.com](http://www.hdcglobal.com)). By regulating and institutionalizing *ḥalāl*, the state was able to assert a certain kind of control over the consumption habits of the Malay middle class. This kind of control shows how the state benefits from the economic transformation of Islam.

Becoming middle class meant that the Malay Muslims are avid consumers. They have the ability to spend and are rewarded by the materials they own. Institutionalizing *ḥalāl* further supports the consumerist habits by assuring the Malay Muslim middle class that they are engaging in proper Islamic consumption (Fischer, 2008). Just like a typical capitalist citizen, the Malay Muslim middle class becomes both the consumer and the driver of the economy. By demanding for Islamic goods and services, this new Malays pushes the boundary of Islamic commercialization by creating new *ḥalāl* industries that range from Islamic fashion to fine dining to entertainment media. In this sense, ideas of capitalism materialise in the interfaces between class formation, religious revivalism and consumer culture.

### **Islamization of the Malaysian Media**

The Islamization of the Malaysian media industry can be contextualized from the dynamic intersection between the state's institutionalization of Islam and the consumerist demands of the new Malay Muslim middle class discussed in the previous sections. In line with the state's attempt to incorporate a modern and transformational version of Islam through the NEP, the local media industry was also driven to incorporate Islamic ideas and contents. Islamic dimensions can be seen in the increase of Islamic programming, the pervasiveness of Islamic images and identity, and the creation of Islamic channels. In the early years of Malaysian broadcasting, Islamic contents were limited to ritualistic programs such as the call of prayers, Quranic recitations, and Islamic sermons and religious talks. These programs run at specific times and day in accordance to the Islamic tradition. Islamic programs are mostly aired after the *ādhān* and special sermons are aired on Thursday nights and Fridays because these are the best times according to the Islamic belief

(Buyong and Ismail, 2012). Images of the pious Muslims can only be seen sparingly. Only the *Ustādh* and *Ustādhahs* in the Islamic programs will put on the full Islamic gear such as the hijab, the robe and the beard.

### *Increase of Islamic programming*

According to Buyong and Ismail (2012), this selective Islamic programming changed as Mahathir Mohamad declared to “Islamize” the government machinery in 1984. The Ministry of Information (now Ministry Communication and Multimedia) stated that all Malaysians should understand that Islam is the official religion and non-Muslim should accept its importance and dominance over other religions and therefore, in 1988, the ministry, through RTM, announced that Islam will be given airtime over radio and television. There are no specific policies regarding Islamic programs in Malaysia but the Department of Islamic Affairs Malaysia (JAKIM) has come out with a general guideline for entertainment in Islam. This guideline will assist anyone in Malaysia who is involved in entertainment industries namely singing, music, dancing, etc. It has since become a guideline in entertainment programs and has been used by most TV stations and production especially when producing Islamic programs. The Ministry of Information for example imposes strict rules on media contents. Contents that are deemed un-Islamic and can pose threats to the position of Islam in the country are strictly prohibited. Any media company that disregard these requirements risk getting summoned or their license revoked.

As Islam became more inherent in everyday life and as more middle-class Malay Muslims become increasingly concerned about the *halāl* and *haram*, demands for more Islamic content became apparent. Islamic images and contents gradually became a natural part of everyday programming. Women in hijabs are reading news, hosting shows, singing on the radio and acting in films and TV dramas. In 1996, the *nashīd* group Raihan took the local music industry by storm when their debut album, *Puji-Pujian* grossed sales of more than 750,000 units in Malaysia alone, with 200,000 units sold within the first two months after its launch. Today, 3,500,000 units of the album have been sold worldwide, which makes Raihan the most successful Malaysian artist of all time in terms of album sales (Barendregt, 2011). The first single off the album, also called *puji-pujian* was a light, melodious pop song

that was radio friendly. With simple lyrics that could easily stick to the listeners, the song became a staple on the commercial radio stations which had previously considered *nashīd* as a non-commercial genre. *Nashīd* used to only be played before and after the *ādhān*, if ever. The success of Raihan changed not only the local music industry but the whole media industry as well. They proved that Islamic content can be successful and most importantly, can sell. Since Raihan, *nashīd* has become a profitable musical genre. Local and international music companies continue to produce *nashīd* groups and artists. Like a typical media celebrity, these *nashīd* singers became familiar figures in gossip magazines, music awards and TV variety shows. They signify both the Islamization of the media and the commercialization of Islam.

#### *The pervasiveness of Islamic images and identity*

The increase of Islamic images became more rapid as Malaysia approached the new millennium. In 1998, Ezzah Aziz Fawzy became the first newscaster to don the hijab on prime-time news. What makes her image more significant is that she was working for TV3 which is the first private TV channel in Malaysia. TV3 was also the industry leader, consistently dominating the highest audience ratings and shares until today. By allowing its newscaster to portray her Islamic identity indicated that the channel was adopting a more Islamic approach. This also indicated that they were confident that Islamic images would not deter advertisers away.

When local model and actress Wardina Safiyyah announced in 2000 that she will still be active in the entertainment industry despite wearing the hijab, she pioneered a new image for the Muslim women on screen. Instead of getting fewer acting roles, Wardina became more popular. She was still playing the roles of the love interest, the career woman and the everyday woman. She was still fronting magazine covers and modelling for fashion brands. She brought into the media images of the typical Malaysian women who at the time were already modestly wearing the hijab. She represented the Islamic identity that were prevalent and familiar to the local audiences. Today, majority of the female celebrities wear the hijab. Despite the hijab, these women are made to look fashionable, wears the makeup, have the best accessories and are representations of the modern women. They portray the middle ground where Islam and modern consumption can meet. Muslim women

can buy a fashionable and attractive Islamic image (Hasim, Nayan and Ishak, 2017).

The popularity of Indonesian Islamic novels and films also pushed the local industry to acknowledge the profitability of Islamic media content. Novels by Indonesian author Habiburrahman El Shirazy became instant hits in Malaysia. With novels that merge ideas of romance, Islam and activism, El-Shirazy was able to capture the imaginations of the Malay Muslims who were looking for an alternative to romance novels. His novels like *Ayat-Ayat Cinta* (2004), *Ketika Cinta Bertasbih* (2007) and *Dalam Mihrab Cinta* (2007) were all readily accepted by the local readers. They were also translated into Bahasa Malaysia. These books were even sold in big, international book stores indicating its commercial value. When these titles were turned into films, local audiences went to watch and made these films commercial success. The success of these Indonesian imports showed that there was great demands for Islamic content that are contemporary (Fauzia, 2017) (Weng, 2017). The Malaysian audiences can identify with the Islamic characters portrayed in the novels and films despite them being Indonesian (Hun and Hassan, 2015). The local industry took note and published many Islamic novels. The rise of Islamic publishing houses further accelerated the popularity of Islamic Novels. Publishing companies such as Penerbit PTS, Telaga Biru and Alaf 21 make their profit through the sales of popular Islamic literatures.

#### *The creation of exclusive Islamic channels*

The demands for Islamic content and the potential for profit gave confidence to the industry that they were ready to establish Islamic channels that will exclusively focus on Islamic contents and adhere to Islamic traditions. Radio IKIM, established in 2001 by the state owned Institut Kefahaman Islam Malaysia (Institute for Islamic Understanding) was Malaysia's first fully Islamic broadcast media. Radio IKIM was a success. At its early conception, it managed to gather more than 1.4 Million listeners, a relatively big number for a new radio station (Mohamed, 2008). As an Islamic radio, IKIM offers listeners with a total package of Islamic content that range from nashīd, Quranic studies to Arabic lessons 24 hours a day, every day of the week.

Between 2004 and 2010, more Islamic channels were introduced. This development can be attributed to the commercial success of

Islamic content in general as well as the conducive environment for Islamic industries as the government adopted *Islām Al-Ḥaḍārā* as its new national vision. When Abdullah Badawi succeeded Mahathir Mohamad in 2004, he introduced the concept or a list of values called '*Islām Al-Ḥaḍārā*'. According to Abdullah (2006, p.3) *Islām Al-Ḥaḍārā* is an approach of 'progressive' or 'civilised' Islam that emphasises on development, consistent with the tenets of Islam, and is focused on enhancing the quality of life. It aims to achieve these through the mastery of knowledge and the development of the individual and the nation. In addition, through the implementation of a dynamic economic, trading and financial system, it aims to achieve an integrated and balanced development that creates a knowledgeable and pious people who hold fast to noble value and are honest, trustworthy and prepared to take on global challenges. It also ensures that the government upholds the practice of good governance and accountability, and transparency to the people. Critics (Sani, 2010) (Chong, 2006) argue that Abdullah's *Islām Al-Ḥaḍārā* is neither original nor new, it is simply an extension of Mahathir's existing policies on progressive Islam that was implemented through the NEP and the conception of Melayu Baru. What *Islām Al-Ḥaḍārā* did was further adding strong inputs on Islam and the Malay agenda. Abdullah's government promoted *Islām Al-Ḥaḍārā* as a bastion of Islamic moderation and a model for development for other Muslim countries. The government at the time also stressed for the application of *sharī'ah* code in Islamic-based industries (Osman, 2017). These policies extended to the media industry.

The government's Islamic vision drove the market at the time. The Muslim Middle class continued to grow and mature. Their consumption habit has also been defined by the state policies that emphasized on local and *ḥalāl* products. This gave confidence to the media companies to invest in Islamic channels. The commercialization of Islamic content was further sealed when the only Satellite pay TV; All-Asian Satellite Television and Radio Operator or better known as Astro introduced its first Islamic channel, ASTRO Oasis in 2007. Promoted as the Muslim Lifestyle Channel, ASTRO oasis offers 24 hours of progressive lifestyle content for Muslims that contains Islamic based educational, entertainment and documentary styled programs ([www.astro.com.my](http://www.astro.com.my)). ASTRO Oasis even claimed to have produced the world's first Islamic reality program called "Imam muda' or young imām. The show

featured young men competing for a post as the imām of a mosque and a scholarship to study at the Islamic University of Madinah. Over 1,000 people auditioned to enter the show that was open for only 10 contestants. Each week of the show, the contestants were tested by undertaking ritual tasks (such as delivering sermons) and on their religious knowledge. The head judge was former imām of Malaysia's National Mosque, Hasan Mahmood. Other prizes offered to winners were pilgrimage to Mecca and RM20,000 cash (Azzman and Manaf, 2017). Astro Oasis followed the success of Imām Muda by producing more Islamic programs like *Pencetus Ummah* and *Ustādhah Pilihan*. Media Prima, Malaysia's largest media conglomerate joined the Islamic bandwagon by rebranding one of its tv channel, tv9 to focus specifically on the rural Malay Muslims. With the channel tagline 'Dihatiku' or 'in my heart', TV9 was never declared as a proper Islamic channel. However, because of its' audience demographic, the channel is known to have heavy Islamic content. According to Buyong and Ismail (2012) TV9 has more hours allocated for Islamic programs compared to the other free to air TV channels TV1, TV2 and TV3. Their most popular Islamic program is "Tanyalah *Ustādh*" (Ask *Ustādh*), a talk show that discusses on the Islamic rules and laws in a form of *Hukum* and *Fatwa*. Other popular Islamic programs include "Halaqah Sentuhan Qalbu" and "Semanis Kurma". Both are recorded talk show that feature prominent Islamic figures as hosts and guests.

Established in 2009, TV AlHijrah is the first Malaysian free-to-air Islamic TV channel. Although it is registered as a private corporation, TV AlHijrah is managed by the AlHijrah Media Corporation, a government owned company under the Department of Islamic Affair Malaysia (JAKIM). Sani (2010) discussed that al-Hijrah television is a government initiative to establish a channel based on Islam and provide an Islamic perspective through its programs. Thus, al-Hijrah television is a commencement and contribution of the government to disseminate Islam (Kanaker and Ghani, 2016). The vision of *al-Hijrah* television is to be a channel that educates, entertains and unifies the community through creative, high-quality and universal programs that are in-line with Islamic principles and suitable for local and international communities. Al-Hijrah television shoulders the mission to become the first television station with an Islamic concept in Malaysia that broadcasts good quality and creative programs that encourage people to continuously migrate

towards the path of righteousness in all aspects of life (Hamdan, Majid and Hassan 2017).

In 2009, JAKIM introduced its own Islamic radio called SALAM.fm. Although Salam.fm's commercial success was not as big as Radio IKIM's, it managed to gather its own followings. In 2017, ASTRO introduces its own Islamic radio channel, radio Zayan. "Zayan" means beautiful in the Arabic language. Its slogan is #indahdihati, means beautiful is in the heart. Astro positions Zayan as "Contemporary Muslim radio station" that appeals to the modern Muslim community by serving them with contemporary content consisting of the latest fashion, technology, entertainment and lifestyle. All the while still holding true to the timeless creed of their faith. The radio station targets Muslim listeners aged 18-35 and plays music from local and international artists, as well as mainly Islamic-related content (<https://zayan.my>). In the same year, Al-hijrah Media Corporations announced that it will have its own radio station Hijrah.fm. the 24 hours radio station will broadcast Islamic content similar to those of IKIM.fm and Salam.fm. To date, Malaysia has 4 radio stations and 3 TV channels that are exclusively dedicated to Islamic Programming.

### **Media ownership and Islamization**

The section above explained the chronological development of the Islamization of the Malaysian media. From the 1990s till today, the Islamization process is still going strong. However, since in this equation Islam is considered both a religious virtue and an economic opportunity, issues on the sanctity of Islam as a divine revelation becomes universal. The media industry depends on commercialization, and as such, profit making will always be the bottom line. Therefore, this study suggests that the level of Islamization in the Malaysian media is very much dependent on the ownership. There are typically three types of media ownership in Malaysia. They are: the public or government funded, the private media conglomerate and the independently-owned small companies. While each of these media companies produce Islamic content, the ways they produce, promote and sell these contents differ greatly.

#### *The public or government owned media*

In general, the Malaysian government has interest in all the main media companies. Through licenses, laws and elite associations, the



government do have control over; and benefit from all the players in the media industry. However, there is a specific group of media operators that are strictly considered public. These organizations are directly funded by the government and are put under the responsibility of specific ministries. Where Islamic programming is considered, three media organizations fit in this category. Radio Televisyen Malaysia (RTM), IKIM media and Al-Hijrah Corporations are all broadcast companies that have radio and TV licenses. RTM, being the biggest media organization is the country's oldest and most prominent media outlet. Although RTM is not as popular as the more commercial media channels, it still is the Government's main mouthpiece and the biggest buyer for locally made content (Basri et.al 2011). RTM currently broadcasts 2 free-to-air TV channels and 33 radio stations ([www.rtm.gov.my](http://www.rtm.gov.my)). None of these channels are labelled as Islamic. However, since RTM falls directly under the responsibility of the Ministry of Communication, it strictly follows the government's rules and policies. RTM's content goes through strict scrutiny and they are known to be more conservative. Islamic content aired on RTM are more sensitive to the religious tradition. Islamic dramas must be *sharī'ah* compliant in the sense that it preserves the Islamic tradition for it to be accepted. Even the radio stations are expected to hold a certain standard (Basri et.al 2011). At the beginning of the new millennium, RTM introduced the 'infotainment' concept in its programming. The concept establishes the standard that RTM is not merely providing pointless entertainment but is also providing beneficial and informative content. While this does not imply that RTM is purely Islamic, it does indicate that it upholds social and religious responsibilities.

IKIM Media and Al-Hijrah media corporation are both state entities as they are funded by the government. They were specifically established to meet the government's aspiration of Islamizing the media industry as well as promoting progressive Islamic practices. Although both companies are partly commercial in the sense that they are also dependent on advertising revenue, government assistance enables them to be more selective in terms of content and advertising. IKIM and Al-Hijrah both claims to be fully *sharī'ah* compliant. Both only produce and promote true Islamic content and they only advertise *sharī'ah* compliant products and services. AlHijrah for example has its own *Sharī'ah* Advisory Board that will analyse the acceptability of programs

and advertisements. Al-Hijrah also follows JAKIM's policy on *sharī'ah* compliant products and services. For example, Al-Hijrah will not air any programs or dramas that display physical touch between man and woman. It will also not air entertainment programs that feature women singers. Al-Hijrah will only accept advertisers that sells *sharī'ah* compliant products and services. It will also only air advertisements that promote social responsibility (Johori et.al 2014).

As such it could be concluded that Islamic channels and programs that come from the government funded media entities are more careful in their presentation of Islam. They follow specific policies such as the one outlined by JAKIM. They also take considerable effort to ensure that Islam is portrayed in its entirety and not only used for image and representation. IKIM and Al-Hijrah specifically are more serious in promoting Islam as a way of life by accepting only *sharī'ah* compliant advertisements. In this sense they protect the purity of their source of income as well as promoting only Muslim friendly businesses.

#### *Private media conglomerates*

Currently there are only two private media conglomerates in Malaysia. They are conglomerates because they are large companies composed of many other smaller companies. Media Prima and ASTRO Holdings are media conglomerates that own numerous companies involved in mass media enterprises, such as television, radio, publishing, motion pictures, or the Internet. Because of their size and resources, these media conglomerates monopolize the local audience market share. Media Prima for instance, is a fully integrated media company in Malaysia that has equity interests on television stations, newspapers, radio stations, content creation and digital media. It owns four out of the seven free-to-air channels (TV3, 8TV, ntv7 and TV9) and four terrestrial radio stations (Fly FM, Hot FM, one FM and Kool FM). It also holds 98% percent interest over The New Straits Times Press (Malaysia) Berhad (NSTP), which publishes three daily newspapers *New Straits Times*, *BH* and *Harian Metro*. The group also owns the production companies Grand Brilliance and Primeworks Studios Sdn Bhd, which produce television and film content, and a group of outdoor advertising companies under its out-of-home platform. Through its subsidiary Media Prima CJ O Shopping Sdn. Bhd, it operates a home shopping business, CJ WOW SHOP. Media Prima's presence is prevalent in the

everyday life of all Malaysians. Media Prima claims that almost 90% of Malaysians are exposed to one of their platforms at least once a day ([www.mediaprima.com.my](http://www.mediaprima.com.my)).

ASTRO Malaysia Holdings is another media conglomerate. Astro's main business is satellite pay-TV. Boasting a penetration of 71% of total households in Malaysia, Astro broadcasts 188 TV channels in total. 60 of which are Astro-produced. It also owns 19 terrestrial radio channels and produces TV and film contents through its subsidiaries, Astro Shaw and Astro Productions ([www.astro.com.my](http://www.astro.com.my)). Astro has 6 dedicated channels that is focused on the Malay Muslim audiences. These channel's content ranges from film, entertainment and lifestyle. Islamic films and dramas are aired in all these channels. However, the only channel that is established as entirely Islamic is Astro Oasis.

Although the Malay Muslim audiences make up the majority of their audiences, these conglomerates do not offer Islamic content that matches their audience size. This is mainly because both conglomerates are entirely commercial businesses that are more concerned about profit making than religious or social responsibilities. While Islamic content and images are available on TV channels and radio stations that cater for the Malay audiences, they are disparate and are not adopted as the channels' identity. Media Prima's TV3 is the number one free-to-air channel in Malaysia for the past 20 years. It continues to be number one because of its focus on entertainment. Islamic programs are available but they are not the main attraction. For example, TV3 successfully produced an Islamic reality program called *Daie: Pendakwah Nusantara*. Just like Astro Oasis' Imām Muda, the program is moduled into a contest to find the best Islamic preacher. The contestants compete for the grand prize of RM50,000 and a package trip to perform the 'Umrah. Winners also have the opportunity to become celebrity preachers featured on any of Media Prima's platform. The program is open to both male and female contestants and this had invited many criticisms over how the contestants were asked to participate in activities that does not segregate the man and woman. In many of its lifestyle and entertainment programs, Muslim women in hijabs can be seen singing and dancing freely. Some of the Malay serials aired on TV3 has been criticized for not being sensitive to Islamic traditions. In 2014 The drama 'Ariana Rose' was heavily criticized when the storyline featured a woman who fell in love with the man who raped her. It was also denounced for using

non-Muslim actor to play the lead role in which he had to perform many Islamic rituals such as praying and reciting the du‘ā. The production company and TV3 were considered insensitive for allowing a non-Muslim to ‘act’ out sacred Islamic practices.

For these conglomerates, Islam is one of the many methods for attracting audiences. Islamic content is valued the same way as any other commercial programs. Islamic contents are not appreciated for its religious messages but more for its commercial potential. No special scrutiny or advisory board is given to assess the validity of what these organizations consider as an Islamic program. Although they too should abide to the guidelines provided by JAKIM, no strict enforcement has been put upon them. Furthermore, these organizations consider Islam as content for programming and not a principle to be adopted in their operations. *Shari‘ah* compliance is not their main concern. This is why the nature of the Islamic content coming from the commercial media conglomerates is not consistent.

*Independently-owned small companies.*

Big public media organizations and private media conglomerates dominate the broadcast media. Smaller, independent media companies are more prevalent in the small media markets. Small media in this sense refer to media outlets that are neither mass nor broadcast such as music, books, dvds and magazines. Because of their relatively smaller size, these independently-owned companies tend to focus on smaller media segments. Telaga Biru, and InTeam Productions are examples of independent media companies that actively produce Islamic media products. Telaga Biru was established in 1997 by Hj. Waharp Yusoff who wanted to produce Islamic and motivational media content. It started out by producing *nashīd* albums and have now expanded to include Music and spiritual CD’s, Children DVD’s, magazines and books. The music that they produce for example are strictly *nashīd* and often include Qur’ānic verses and *zikr*. Islamic novels published by Telaga Biru for example go through strict review before they are published. The content must be truly Islamic and not romanticized for profit. The company is also very concerned about protecting the Islamic messages and images that it promotes. Telaga Biru considers the business they do as Da‘wah. They want to promote Islam through contemporary means. The media allows them to reach the masses through popular culture. Telaga Biru’s

vision statement as explained on its website ([www.telagabiru.com.my](http://www.telagabiru.com.my)) reads:

“We aim to become an international media and consulting firm that offers quality, elective and efficient products and services for Da‘wah and to educate the masses into adopting Islam as a way of life based on aqidah, shari‘ah, Islamic conduct for the benefit of this world and the hereafter”

Inteam Records produces similar products. The company was established by the nashīd group InTeam who became popular in the local music scene in 2003. After years of serving under an international record label, Inteam realized that major labels showed little interest in their spiritual mission, they decided to launch their own independent record label, Inteam Records (ITR). They used social media to directly communicate with and distribute music to fans. The band members focused, incorporating more serious Islamic genres such as *Ṣalawāt* and *Dhikr* and turning to nasheed’s roots as ‘auditory *Da‘wah*,’ restyling themselves as *ḥalāl* entrepreneurs and lifestyle counsellors for Malaysia’s young Muslim generation.

Today ITR is both pioneer and leader of Malaysia’s Islamic education and entertainment industries, releasing recordings from Inteam, other Malay language nasheed acts and that of some of the biggest stars in the contemporary global Muslim music scene, such as Lebanese-Swedish singer Maher Zain and the charismatic Indonesian preacher Habib Syech. The Inteam members have quickly mastered new digital technologies, now running their own digital recording studio Inteam Studios, Inteam Publishing, and since 2012, Inteam Mobile, a mobile application selling Islamic books, body care, clothing, and DVDs (Barendregt, 2017).

These small independent media companies were able to find a successful interaction between Islam and commercialization. They were able to maintain strict Islamic virtues while exploiting the profitable Malay Muslim market. By keeping abreast with new technologies and entrepreneurial strategies, these companies are able to do Da‘wah in contemporary ways and making good use of popular culture.

## **Discussion and Conclusion**

The Malaysian government’s policy on institutionalizing Islam by culturing a modern and progressive application of Islam that goes

beyond traditional rituals has indeed been the main driving force in the Islamization of the Malaysian media Industry. By exploring the economic potential of Islam as a way of life, the government was successful in positioning Islam within global commercialism. *Halāl* and *sharī'ah* compliance become significant in defining and driving many modern industries that includes the media industry. The state's consistent and continuous manufacturing of the new modern Malay Muslim middle class that make up the majority of the local consumer market further contribute to this development. This group of Muslims are not only consuming the Islamic products and services, they are also providing them. This creates profitable cycles of production and consumption of commercial Islam. This group of middle class are trained to be religious, knowledgeable and entrepreneurial at the same time. They persistently find ways to become pious yet affluent Muslims. Improving the Muslim economy is *Da'wah* and *Jihād*. Engaging in Islamic industries provide material and spiritual gratification.

It is in this intersection between Islam, social class and commercialization that the Islamization of the Malaysian media could truly be understood. It is the balances and imbalances of these factors that contribute to the level of Islam practiced and portrayed in the Malaysian media. The ownership of the media companies define whether the level of commercialization precedes or exceeds the Islamic principles. This paper argued that between the three types of media ownership available in Malaysia, it is the public-based and small independent companies that are trying to put Islam first. On the other hand, big media conglomerates will always privilege commercial gains over Islam simply because of its commercial size and capitalistic nature. As such, issues of misrepresentation and insensitive manipulation of Islam in the Malaysian media will always be around. It would seem quite impossible to expect a capitalist media organization to conform to strict Islamic principles that will limit the way they do business. At the same time, while the government-sponsored media organizations are more Islamic, they nevertheless are still confined to portray only aspects of Islam that will benefit the status quo. These media outlets would not be able to present fair Islamic views on issues like politics, the monarchy and ethnic relations.

The smaller independent media could be the ones that are truly able to practice media as *Da'wah* as they are less tied to the bureaucracy and are often built own the owner's own Islamic principles. However, this

does not mean that these companies are not enticed to compromise Islam for the material gains offered by commercialization. In conclusion, the economic transformation of Islam in Malaysia has implicated the local media industry in two contrasting, paradoxical ways. On one hand, it has created a conducive and profitable platform to reconcile Islam and the media. On the other, it has opened up a space for Islam to be exploited and manipulated for commercial gains.

The year 2018 may bring radical changes to the Malaysian media because for the first time ever, Malaysia had a change in government. Pakatan Harapan, the new government coalition, aspires to become a more liberal and inclusive government, a stark contrast to the more Malay-centric UMNO led government. For the first time also, the Ministry of Communication and Multimedia which is in charge of the media system is led by a non-Muslim Minister. What would this mean to the Islamization process? Will the new government uphold the Islamist nationalist sentiment used by the previous government? How much would it use the media to its benefit? It would be interesting to observe these new developments in Malaysia. The new communications minister has promised to fight for more media freedom. Among others he has pledged to do away with political ownership of media companies and amend media laws that are deemed to limit free speech and free press (Sivanandam, 2018). While these promises are significant in upholding the media's objectivity and credibility, they are still vague and worrisome when it comes to Islamic programming. Will government owned bodies such as JAKIM and IKIM still be funded so that they can maintain a fully shari'ah compliant programming? Will RTM be able to maintain its conservative Malay-Islamist bias? Will a more open media system that will cut down on control and censorship allows for a further influx of foreign programs that will overshadow the amount and effectiveness of Islamic programs? This paper has established that Islamization of the Malaysian media has mostly been driven by the government's institutionalization and commercialization of Islam, however recent developments may further complicate this relationship. Therefore, it would be interesting to be able to observe the ever-changing dynamics that revolve around Islam, politics and the media in Malaysia.

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# Rise of Central Conservatism in Political Leadership: Erbakan’s National Outlook Movement and the 1997 Military Coup in Turkey

Suleyman Temiz\*

**Abstract:** In democratic countries such as Turkey, political parties are established around charismatic leaders and these leaders stay at the centre of the party, from naming the party to the arrangement of deputy candidates. National Outlook, a movement which prevailed in Turkish politics for forty years, won its biggest victory and formed a coalition government in 1995 with the True Path Party, under the leadership of Tansu Ciller. Having secularized its legal system in the early years of the Republic, successive regimes in Turkey aggressively westernized all aspects of life. However, during the multiparty period, the style of radical secularism in Turkey was opposed by conservative groups and it has been criticized since then. The relationship between civil society and the military has always been problematic in Turkey, as the Turkish Army has always been suspicious of conservative governments on the issue of secularism. On several occasions the military has intervened in politics in order to prevent Islam from impinging on the Republic’s secular identity, and it expected to continue in its role as the champion of secularism when the Justice and Development Party (AKP) came to power in November 2002. For the Turkish military, the National Outlook Movement is more dangerous than Kurdish separatist terrorism, being labelled *irtica*. The paper provides insights into the Turkish political context for the decision and analyses the roles of key actors in Turkish politics, such as Government and Army, during the 28 February 1997 process, their motivations and the policy processes in the country.

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**Keywords:** National Outlook, Erbakan, Erdoğan. Political Leadership, Turkey.

**Abstrak:** Di negara yang mengamalkan sistem demokrasi seperti Turki, parti politik yang ditubuhkan adalah berpaksi kepada pemimpin yang berkarisma. Pemimpin inilah yang membuat segala keputusan penting parti dari penamaan parti kepada pemilihan calon timbalan yang bersesuaian. Gerakan Pandangan Nasional, merupakan gerakan dengan jayanya berada di dalam sistem politik Turki selama empat puluh tahun. Gerakan ini telah menang besar dalam pilihanraya pada tahun 1995 dan membentuk pakatan kerajaan dengan ‘True Path Party’ dibawah kepimpinan Tansu Giller. Sistem undang-undang Turki telah disekularkan semasa tahun-tahun awal Turki menjadi negara republik. Regim yang memerintah Turki seterusnya telah cuba secara agresif memupuk budaya barat ke dalam setiap aspek kehidupan. Walaubagaimanapun, budaya sekularisme yang radikal telah ditentang dan dikritik oleh kumpulan konservatif. Disamping itu, hubungan antara pihak konservatif dan pihak tentera sentiasa bermasalah di Turki. Pihak tentera sentiasa curiga dengan kerajaan konservatif dalam isu sekularisme. Ini boleh dilihat apabila pihak tentera cuba campur tangan di dalam politik untuk menghalang Islam menyekat identiti sekular Republik Turki. Selain itu, pihak tentera juga meneruskan peranannya sebagai juara sekularisme apabila Parti Keadilan dan Pembangunan (AKP) mengambil alih kuasa pada bulan November 2002. Bagi pihak tentera Turki, Gerakan Pandangan Nasional adalah sangat berbahaya berbanding keganasan puak pemisah Kurdish dan dilabel sebagai irtica. Kajian ini adalah untuk memberi konteks sistem politik Turki disamping menganalisis segala keputusan dan peranan pemimpin di dalam politik Turki terutamanya pihak kerajaan dan pihak tentera pada 28 February 1997 dari segi motivasi dan membentuk dasar negara.

**Katakunci:** Gerakan Pandangan Nasional, Erbakan, Erdoğan. Kepimpinan Politik, Turki

## Introduction

The topic of leadership, including motives behind its appearance and its definition, is quite complex, questionable and debatable. There are thousands of potential definitions of leadership. (Elgie & Rhodes, 1996: 565) Bass counted 221 scholarly definitions. (Bass, 2008: 22) Furthermore, there is no universally acknowledged conceptual understanding of leadership. (Fiedler & House, 1988: 129)

According to Locke, a leader is someone who has the authority to tell a group of people what to do. In the simplest sense, a leader is somebody whom people follow. A leader is one who gets others to take

action towards a common goal, purpose and target. (Locke, 1999: 3) Leadership is an agent of human interactions in which some individuals exert, or attempt to exert, a determining influence upon others. (Tucker, 1981: 16; Avolio & Gardner, 2005: 315-338) Leaders are people who exercise control over the behavior of others so as to move them towards the desired direction. (Edinger, 1993: 3-20) Leadership is an influence on relationships between leaders and followers who intend real changes that reflect their mutual purposes. (Rost, 1991: 27) As noted by George and Brief, "leaders who feel excited, enthusiastic and energetic themselves are likely to similarly energize their followers, as are leaders who feel distressed and hostile likely to negatively activate their followers". (George & Brief, 1992: 10)

Leadership is a relationship between those who aspire to lead and those who choose to follow. According to Perry, leaders are not born, but they are made; they are grown. The capabilities that are needed by leaders - the behaviors, skills, mindsets, and attitudes – can be learned; the character qualities of leaders can be shaped within an organization's culture. This puts to rest the most common myth that leaders are born. Both the excellent capabilities and the proven character needed in public service leaders can be "grown" within the organization itself. (Perry, Hondeghem & Wise, 2010: 682)

Conversely, Stogdill claims that a person does not become a leader by virtue of the possession of some combination of traits. (Stogdill, 1948: 39) Abraham Zaleznik hypothesizes that there are two kinds of leaders: once-born and twice-born. The once-born transition from home and family to independence is relatively easy. Twice-born generally suffer as they grow up, feel different, even isolated, and so develop an elaborate inner life. As they grow older, they become truly independent, relying wholly on their own beliefs and ideas. According to him, leaders who are twice born are inner-directed, self-assured, and, as a result, truly charismatic. (Bennis & Bennis, 2010: 124)

Once-born have been invented by their circumstances, as in the case of Erdal Inonu and Adnan Menderes, who come from wealthy and celebrated families, while twice-born have invented themselves, as in the case of Necmettin Erbakan, Suleyman Demirel, Turgut Ozal and Recep Tayyip Erdogan, who come from ordinary families but who are extraordinarily talented individuals. When we look at the Turkish

politics we can claim that National Outlook Movement members, especially at the beginning, came from the latter, as they were people who were oppressed due to their beliefs by a militantly secular system.

Leo Tolstoy pinpointed personality factors that leaders exhibit, (Kirsner & Richards, 2008: 50) while House defines general leadership by giving purpose, meaning and guidance to collectivists by articulating a collective vision that appeals to ideological values, motives and self-perceptions of followers. (House, 1995: 25) Blondel's interpretation is more vague. According to him, political leadership is defined as the power exercised by one or a few individuals to direct members of a nation towards actions. (Blondel, 1987: 3) In this context, a political leader is a leader who correlates with audiences, organising and preparing them to be ready for action. We can easily interpret that political leadership is born from the relationship between directed-managed relationships.

The relationship based on consent between those directed-managed, is generally accepted by the people all the time in the past and future. Directed people do their duty willingly and intentionally most of the time. Especially in democratic countries, political actors who want to manage the country announce their nomination willingly before elections, and some political actors who want to affect the political system establish connections with non-governmental organizations (NGOs) for their support abroad.

According to Lord and Maher, (1990: 3-9) one must bear in mind that in incidents of leadership there is both a leader, or leaders, and a follower, or followers, and cognition occurs between both leaders and followers; if there is a leader, there must be a follower. (Drazin, Glynn & Kazanjian, 1999: 286-307) For Schmidt, it is not enough for a leader to create a vision. The real test of a leader is whether he or she can transmit that vision to followers, articulate it to them clearly, and mobilize their support. (Schmidt, 2007: 993) If a leader is perceived as a role model, followers tend to internalize a leader's vision, mission and/or inherent values into their self-concepts. (Shamir, House & Arthur, 1993: 577) Leaders' action or inaction can have multiple effects on other people. (Hollander, 1992: 43) Although leaders are usually directors of activity, all initiatives need not come from them. Followers also have the potential for making significant contributions to successful leadership. Indeed, at

every level in organizations, leaders are called upon to be responsive as are followers. (Hollander, 1992: 44)

Personally or socially, people have needs. Undoubtedly, the ability to solve problems is one of the most important distinguished features of leaders. (Zaccaro, 2014: 14) Leaders must solve social or organizational problems, (Mumford, Zaccaro, Harding, Jacobs & Fleishman, 2000: 12) so there is reason to suspect that cognition would also importantly influence leaders' emergence and performance. (Mumford, Watts & Partlow, 2015: 2)

If leaders do not have the ability to solve problems, people will not follow them. Ability and skills are of value in solving problems, including the problems presented to leaders, only then can these capacities be applied. (Hogarth, 1980: 12) Furthermore, the effectiveness of leadership actions is often defined by the successful implementation of target-linked problem solutions in systems. (Fleishman, Zaccaro & Mumford, 1991: 238; Yukl, 1989: 251-256) General or abstract intelligence is perhaps the individual characteristic that has been most consistently associated with leader emergence and effectiveness. (Bass, Avolio & Pointon, 1990: 6; Bass, 1985: 274) Effective leadership might require some problem-solving ability, just as creative achievement in the arts and sciences might require some persuasiveness. (Mumford & Connelly, 1991: 290) Relationships between followers and leaders occur over time. It is difficult, if not impossible, to consider leadership without time. (Bluedorn & Jaussi, 2008: 657)

### **Political History of the Development of National Outlook**

While processing of development and change of conservatism, it should be mentioned that it began with the establishment of the new Republic of Turkey in the 1920s and later became more powerful during the period of multi-party political life. Aggressive Westernization can be traced to the Tanzimat period (1839-1876), but Ottoman Westernization was always premised on modernization within an Islamic paradigm (even when adopting measures forbidden by Islamic Sharia), while in the Republic of Turkey the traditional civilization of Islam and the Turkish people was openly denounced and berated as backward and obsolete, to be swept away by the new secular Republic of Turkey. Commensurate with the ascendancy of this secular doctrine of Turkish

nationalism, a number of movements emerged, including Kurdish ethnic movements and the conservative political base, which achieved greater representation during the multi-party period.

The central tenet of Kemalism is that religion can be tolerated as a private personal interest at best, although not manifest in any signs of religious or cultural expression (e.g. in clothing), and it must never be allowed to exert any influence or characterization whatsoever in political considerations. This was particularly significant in the case of Turkey because it was formerly the pan-Islamic Ottoman Caliphate; conversely, many other former Ottoman territories dominated by colonial interests maintained a normative Islamic identity (e.g. the Saudi Kingdom of Hejaz, the Hashemite Kingdom of Iraq and the quasi-independent British Protectorate of Egypt). Despite decades of unremitting persecution, Islam continued to survive among the Turkish masses and to face new challenges.

Popular movements against the status quo have thus adopted a socially conservative orientation, in reaction to the militant secularism of the state bureaucracy. After the experience of the Democratic Party in 1950 alternative views were given some space in Turkish public life, including Islamic representatives. Islamist movements, which began in the center-right party tradition and developed with great support, were confronted by policy changes after the 1960 military coup. Necmettin Erbakan's National Order Party (*Milli Nizam Partisi*) was established as the first conservative Islamist party in 1970.

### **National Order Party**

The National Order Party (NOP) transformed from the National Outlook ideology was established on 26 January 1970 under Erbakan's leadership. It was shut down on 20 May 1971 by the military junta authorities after the 1971 Turkish Military Memorandum for violating the Constitution, especially the articles dealing with secular state understanding and Atatürk's Six Arrows. Albeit its life was short, the NOP was immensely significant in Turkish political history for two reasons. Firstly, the key persons that formed the party were the only representatives of the independent political Islamic movement during the next thirty years in the Turkish political history. Despite all criticisms, this movement retained this characteristic. Secondly, for the first time, small- and medium-sized industrialists and merchants played



a significant role in the party base, which was important in subsequent political formulation, such as the Welfare Party.

Under the political leadership of Necmettin Erbakan, the NOP talked about national and spiritual development; it carried an implicitly religious tone and emphasized the exploitative nature of usury, advocating more state regulation of the economic system. Heavy industrial development was also talked about in the Party program. The NOP opposed the European Community, the precursor of the European Union. (LaGro, 2007: 17) After being closed down following the 12 March military coup in 1971, it was re-established as the National Salvation Party with the same ideological system and program. By this time its goals were clearly Islamist in terms of seeking a role for Islam in the state, which provided the justification for such military crack-downs if the secular faction felt their influence was becoming a threat, but the general movement continued to endure under numerous banners. (Cook, 2007: 101)

### **National Salvation Party**

In the course of the National Outlook movement, the second important step was the National Salvation Party (NSP), established in 1972. Erbakan officially joined the party in May 1973 because of his political ban. The party participated in the 1973 elections with Suleyman Arif Emre as its party leader, and gained 11.8% of votes and was granted 48 seats in the Turkish Grand National Assembly.

After his ban was removed, Erbakan was quickly elected as Party President. The Party was successful in the elections and formed a coalition government with the Republican People's Party. As might be expected, this partnership did not last long. Partnership in governance with the Republican People's Party damaged the NSP, which was accused of being a leftist party collaborating with the communists to divide the country. (Besli and Ozay, 2011:19)

Erbakan became the unchanging and unquestionable leader in the eight-year political life of NSP. The party became an important vehicle for transporting the small and medium segments' political wishes to the center and became a representative of national conservatives. Even if it was sometimes exposed to harsh criticisms by its voters, it was a big success merely being able to find a place in the Assembly.

The NSP's biggest contribution to Turkish politics was recruiting its young supporters as future politicians. In 1974 it formed the coalition government with the secularist Republican People's Party of Bulent Ecevit. *Millî Gazete*, launched 12 September 1973, was the party's semi-official daily newspaper. The National Turkish Student Association (*Millî Türk Talebe Birliği*, MTTB) was its youth wing.

Meanwhile, the Iranian Revolution affected the National Outlook movement and its thought. This influence can be seen in intra-party politics. Sometimes the movement followed radical politics. We can say that the Iranian revolution affected both the rightist and leftist politics. (Yalcin, 137-138)

Following the September 12 coup d'état, politics became difficult and even the founding party of Turkey and Kemalism, the Republican People's Party, was closed down. Erbakan was again banned from politics. After the re-activation of political parties, the NSP changed its name and continued on its way again as Welfare Party in 1983. Some of the voters passed on to the Motherland Party, which was established under Turgut Ozal's political leadership. Despite this, the support from its party base did not diminish.

The Welfare Party (WP) won many districts and provinces in the local elections and in 1991 stood in the general elections in alliance with the Nationalist Working Party and the Reformist Democracy Party. In the end, the Alliance received 16% of the votes. After the separation of deputies of the other parties, 40 deputies remained and represented the National Outlook in the parliament. The alliance had proven to be successful and Welfare Party won many districts and provinces in the local elections. The real milestone for the WP was the 1994 local elections. Surprisingly, the party won major cities such as Istanbul, Ankara and many other key districts, attracting international attention. This unexpected success affected the 1995 general elections. The Party's vote significantly increased, like never before. Erbakan did not miss this opportunity and agreed to an alliance with the True Path Party under the political leadership of Tansu Ciller, and they formed a coalition government.

The government started to be successful. Nevertheless, Erbakan's party was once again accused of being the hub of an anti-secularist movement. The party was closed down through the same tactics as

previously used by the secular state bureaucracy. On 28 February 1997, the party was at a crossroads. Some party members, such as Abdullah Gul, Tayyip Erdogan and Bulent Arinc ventured into a different ideological path with the Virtue Party, which was established in place of the Welfare Party. This separation caused an emergence of new political actors, who proved to be quite effective in the following years. (Güngör, 2002: 36)

### **Erbakan's National Outlook**

The WP successfully garnered 21% of votes in the 1995 General Elections, but it shed serious numbers of votes in the 1999 elections, and it was torn by internal opposition. Erbakan did not pay any attention and ignored requests for change, as the Party's leader for 30 years. Indeed, he humiliated members who demanded change and his own party base. (Yılmaz, 2001: 206)

The Virtue Party was formed as a new party, with the same cadres, mindset and ideology as the traditional WP but with an innovative group advocating radical changes. This group thought that it was not very wise to continue the politics under the same conditions.

The biggest impact of the 28 February event that perhaps that the distinction between reformists and traditionalists for the first time was so obvious. The WP administration wanted to suppress the youth uprising and leaders started to use emotional language to control young members, who were expected to obey and accept unquestioningly. Following this, young members of the party started to strongly critique the 30-year unquestionable authority of Erbakan and his demand for utter obedience. (Besli & Ozay, 2011:17)

The 28 February coup freed those of the NO ideological affiliation from their institutionalized support for the WP and Erbakan, leading to a cascade of parties that were often closed down but which collectively signaled to the moribund secular bureaucracy that there was a serious groundswell of opposition to the decrepitude and stagnation of repression since the 27 May 1960 military coup, including the old parties and their personnel. PM Ozal's liberal policy, especially on economic, influenced by NO policies laid the foundation for certain social and political structures that were foundational in the rupture of the young members within the party.

### **Reformist Wing and Separation from the National Outlook**

Reformists members of the Virtue Party accused Erbakan of being silent of the 28 February process. Erbakan argued with Erdogan at a group meeting and he had come from Istanbul and attended the group meeting as Mayor of Istanbul Metropolitan Municipality. Erdogan was quoted saying to his party leader: “Do not sign National Security Council resolutions, do you not see, they want to murder your own child with your own hands”. Erdogan added that “after 30 years our political fight, if you send such a decision to the parliament, it will be the end of our movement. My hodja, it will be the end for you too”. (Besli and Ozay, 2011:18) However, Erbakan did not listen to anyone and he did not take these objections and warnings into consideration.

Had Erbakan forwarded the said decisions to the General Assembly, they would not have been approved, but things did not progress as Erbakan expected. First, the coalition partner abandoned them. The TPP did not want to continue with the Virtue Party. As Erdogan said, Erbakan had lost most of his supporters immediately after these decisions. As a leader of the NO movement and the Party, he could not continue with his current failing leadership charisma. The vast majority of NO supporters did not yield to this unconditional surrender.(Özalp, 2011: 32)

The general congress of the Virtue Party was held on 14 May 2000. Recep Tayyip Erdogan, who had a strong position in the party, was banned from politics by a court decision. Instead of Erdogan, Abdullah Gul was the head of the innovative wing. It seemed a good opportunity for the young members. If they managed to get any seat in the party management, they could apply their policies. On the day of Election of the party’s presidency, the traditionalists won 633 against 527 votes and the reformist wing started to become more vocal against the management cadres of the party. Within a month, the Virtue Party was closed by the Constitutional Court on 22 June 2001. In the following days, the traditional party members, under the leadership of Recai Kutan, established a new party named as Felicity Party, on 20 July 2001, and they continued their traditional policy. (Karpat, 2012: 243)

The Innovative wing of the party lost the party’s presidency election with a margin in the party convention; however, it was a clear Pyrrhic victory for Recai Kutan and the traditionalists. They seemed to have won, but in fact, many things had been lost. After this election, it was

apparent that, for the reformists, it was impossible to get administrator positions in the party. However, these events produced quite positive outcomes for the innovationists. According to Poyraz, as a result, all these developments affected the emergence of the AKP and led to no interruptions to the government's three-term rule. (Poyraz, 2010: 328-329)

While traditionalists had chosen to continue their way as the Felicity Party, reformists started a process to establish their own party. Also, there was a serious need for a representative party in the society, especially for the Islamic segment. From the very beginning, tariqats and conservative communities kept their distance from the NO; nevertheless, they sometimes supported them, and sometimes criticized them harshly. After the separation, they started to support the innovationist wing of NO. It was observed that the Islamic sects were very receptive towards the reformists, but they were careful about their general attitudes towards politics, which was why they did not support them openly. (Cevik, 2015: 120) It was an important development that the Innovative movement was especially supported by Islamic communities while they were a part of the WP and later on during the debate within the Virtue Party. Reformists, even though they were supported by the Islamic communities, had no operational power in party management, thus the Innovative Group was consistently encouraged to establish a new party by the said communities. (Cevik, 2015: 120) The Islamic communities accepted the opinion that, under the leadership and control of Erdogan, any Islamic development would not be allowed by the state bureaucracy and army and it could even be harmful to the Muslims. Therefore, they realized that they needed a new and more centralized political movement to support. (Güngör, 2002: 37)

Reformists announced that they would follow a peaceful policy, away from tension with states bureaucracy, but with a strong posture. They said that defending this understanding and promised that they would keep away from constant tension. They gave positive signs to the military and they made effort to choose candidates from army members and retired soldiers. In contrast, traditionalist Recai Kutan and his supporters continued their 30-year NO policy.

Reformists were searching for a new identity while establishing a new party; they claimed that they depended on their past and defined

themselves as conservative democrats. Traditionalists blamed reformists for treason to their belief. These blames by the old members, actually, facilitated reformists' allegations of change. If they were just another party which defended the traditional NO politics, they would not have jettisoned its policies so easily. (Özalp, 2011: 58)

There is no doubt that these public sections made serious contributions to the success of the AKP, the political wing that the reformists managed to establish in a short time, by 14 August 2001. According to Hale and Ozbudun, the AKP emphasized that they were different from NO as a conservative democratic party; they were on the verge of starting a new period. (Hale and Ozbudun, 2009: 28)

The AKP accepted democracy as its basic and universal principle. The members also accepted the ideas of the constitution and human rights and promised to show tolerance and respect cultural diversity. They announced that they accepted the national will, mind, knowledge and science as ethical guiding ideas and pledged to respect different religions and beliefs. (Silverstein, 2011: 51) At the same time, the party emphasized that cultural differences were not a weakness but the proof of power of national unity. (Karpat, 2012: 246)

### **Political Transformation**

The 1999 General Election results showed that Turkey entered a new era. In this election the Republican People's Party's won 8.7% of the votes and they could not enter the General Assembly. It was evident that old fashioned politics were no longer popular. The Motherland Party and True Path Party barely passed the 10% threshold. The Virtue Party, the direct descendent of the WP (closed due to a court decision) successfully gained 15.5% votes and sent to the General Assembly 111 deputies, but its success was short-lived as it was shut down by a court's decision declaring that it was the blatant continuation of the Welfare Party. The real surprise in this election was National Movement Party, which increased its votes to around 10% and became the most powerful party of the center-right. (Karpat, 2012: 12-158)

Erbakan's insufficiency to manage the 28 February process was not a barrier to increasing victory for the NO movement due to popular dissatisfaction with the system. The Virtue Party and other opposition groups benefited from "reaction votes" rather than their active appeal,

enabling Erbakan's party to stumble on with his traditional political views. Illegally shut down and victimized parties had rapport with a victimized society, whose voters thus supported victimized and excluded politicians. Victimized supporters of the party promoted Erbakan's political leadership and his charismatic *mujahid* leadership personality. (Gulerce, 2012: 347)

Militarist interference in politics on 28 February was not like the other coups Turkish society had seen before. If we compared it to the previous coups, we can say that it was more complicated and sophisticated. During the time, the media was manipulated, public perceptions were canalized, and the justice system was abused carelessly and blatantly by the secular bureaucracy. (Altınay, 2004: 2) The main reason for this was that the 12 September 1980 Constitution was established in three different steps. First, the justice system was used as the protection element for the secular system. Secondly, bureaucracy and civil servants were used as implementers. Finally, military power gave the ultimate sovereignty to the secular faction, enabling them to trump any democratic counter-measures that might overcome their legislative and political barricades. (Birand, 2012: 56)

According to Gulerce, Turkey was accustomed to military coups occurring in general once in every ten years, as in 1960, 1971 and 1980 – in each case society was punished and corrected by the secular army and bureaucracy. However, there was a delay after the 1980 military coup. In this incidence, especially after 1993, a well-known secular journalist, Ugur Mumcu, was murdered, after which violence erupted in Madimak, a small province in Sivas. This and other unknown murders caused chaos in nation and these developments created a foundation for a coup. These events were precursors to the said coup, but the status quo did not give the secular front permission to act. Finally, another military coup handled the situation a postmodern way. (Gülerce, 2012: 346-347)

After a historic meeting the National Security Council sent a list of 20 demands to the Ministerial Cabinet demanding serious action, including:

1. The space created by the removal of Article 163 must be filled with new laws to be adopted. (Article 163 had outlawed politically motivated religious activity and prohibited the

- establishment of religious organizations or political parties aimed at creating an Islamic republic).
2. 2. Atatürk's Six Arrows and secular principles must be applied carefully.
  3. 3. The Dervish Convent, which was against Kemalist principles, must be disbanded.
  4. 4. The government's education policies must be compliant with the law.
  5. 5. Movements against the secular and democratic state of Turkey must be stopped.
  6. 6. Primary education must be for eight years.
  7. 7. Imam Hatip schools, which were unnecessary, must be transformed into vocational high schools.
  8. 8. Radio and television broadcasting against secularism should be prevented. Religious issues, such as mosque building, should not be used advantageously in politics.
  9. 9. National Outlook's economic support to municipalities must be prevented.
  10. 10. Qur'an courses must be organized and administered by the Education Ministry.
  11. 11. The dress code law must be applied carefully and without concession.

The 28 February coup was a significant psychological operation perpetrated against the Turkish people by the secular faction in the state and in the media. Any who criticized the secular system's policy were described as dangerous, and the mask of enlightened toleration slipped to reveal the Islamophobia of the secularists, manifest in increasing aggression and a clampdown on any journalists or intellectuals who questioned this situation. In this process, the military never used weapons and did not need to kill anybody, because the media made an incredible effort to rally and cajole people into support for the secular republic, prostrating to the state bureaucracy and Kemalist jingoism. (Meriç, 2014: 28)

The 28 February coup triggered the biggest ideological transformation in the democratic history of Turkey, manifesting one of the worst discriminatory regimes in the nation's history. According to some conservative scholars, the main secular bureaucracy wanted to polarize citizens and incite a civil war. Victims of the 28 February coup,



especially politicians, turned this disadvantage to advantage by using people's accumulated feeling of anger and to seek revenge from the secular system.

There are two different economic capitals in Turkey, Istanbul and Anatolia; the latter has less capacity and control over the country. In this regard, Anatolian capital found a chance for expansion after the 28 February coup because conservative politicians wanted a new and controlled capital and they did not want to see any other coups like 28 February. (Ustaoglu, 2014: 12) If we look at the long-term effects of the coup, we have to highlight that the extension of active victimization expanded the base of support for political opposition, with middle-class conservatives beginning to shape the political, economic and social arenas. (Cizre, 2008: 127)

At the end of the 28 February coup, a process of attrition was started by the media and that can be seen more clearly today. In order to justify the post-modern coup, two actors were found by the media and disputing news started to occupy the agenda; they were Fadime Sahin and Muslum Gunduz, the so-called heads of the Aczmeni sect. This scenario made a huge impact when the police and media swooped on their house to arrest the paid for their beliefs and Islamic principles. The case was used to denounce Islam, with Fadime Sahin visiting all news and TV channels to explain how she had been "tricked", attempting to conflate Islam with treachery and misogyny. This was a very sensitive matter for the Turkish community. In the following years, it came to be understood that this was a psychological operation against the Welfare Party and Necmettin Erbakan's political views, and the secular media establishment had some success in smearing Islam. Contemporaneously, secularists became haughty in their oppression of the stirring Muslim masses, and Sukran Taylan, head of the secularist Modern Life Support Organization, said that "nothing happens in this country without our permission".

However, its increasingly reactionary and oppressive actions revealed that the secular elite was in fact losing its grip on the monopoly of power, becoming more aggressive and intolerant. The best example of this was when Merve Kavakci, an MP of the Virtue Party, entered the General Assembly wearing a headscarf. It was the first time the General Assembly had witnessed such a scene. Ecevit's secular Democratic

Left Party deputies stood up and started to jeer, saying “get out, get out...”. Ecevit spoke at the Assembly and he said that “this building is not the place to challenge the State”. His words were the hierarchical proof of the distance between secular elite that worked itself into a rabid frenzy at the prospect of a woman putting a cloth on her head and a long-suffering public seeking new opportunities and socio-economic development. (Islam, 2012: 378)

In order to understand the reasons for the success of the AKP we have to carefully read and interpret the effects of the 28 February on the people and society. The next election had more importance for the future of the country. After two years both segments of the society mixed with each other and the coup’s effects cooled down while other figures started to influence the election. Specifically, the PKK leader Abdullah Ocalan was captured, which seriously affected the election (the PKK is generally considered a terrorist organization by Turkey, other NATO members and the EU) as a major counter-terrorism issue for the Turkish state. When this subject was highlighted in the state agenda, the coalition called for an election, and despite not having much to do with the effort to capture Ocalan, the Democratic Left Party and Nationalist Movement Party were the main beneficiaries of the election, becoming the two biggest parties at the Assembly. Opposition leaders thanked the National Intelligence Service and openly announced that it was not the success of the coalition. Erbakan’s party votes were shared with the National Movement Party and they promised voters that they would solve the headscarf problem, because their nationalist targets and their worldview were sensitive about that. The leader of the nationalist movement, Bahçeli, vowed to stand against seculars who do not tolerate the headscarf, like a real man. It was classic populism and it worked in securing a high percentage of votes.

One of the main reasons for the loss of Erbakan’s popularity was his grating humbleness when the army or other politicians insulted his aims or targets; undoubtedly such behaviors was neither accepted nor welcomed by the opposition base in general, which signaled weakness and emboldened secular aggression against the WP and other conservative parties. It is proof that remarkable percentage of the nation could not accept or forget the 28 February and voters turned to National Movement Party because the party started to explain what society wants. In the 2002 elections, the NMP could not win any place

in the General Assembly and the main reason was their unskilled and unqualified politics. They did not keep their words, "to be real men". As a result, voters withdrew their support and punished them by not sending them to the General Assembly.

In this regard, it can be said that the real litmus test for the decisions and processes arising from 28 February was the 2002 elections, when the people exacted their revenge for economic and social corruption and secular bureaucracy. It was an unseen political event in Turkish history whereby voters punished all pre-2002 Assembly parties, while the party which was banned by the 28 February process became a powerful single ruling party with an overwhelming majority, and a person sent to prison for reading a poem, Erdogan, after establishing his new party, rode to power on a surge of popularity and optimism. (Kasaba, 2008: 259)

According to Aktay, the real lesson of the process was that being right is useless without a consistent and effective political stance. The WP did not demonstrate consistency and public opinion favored the Nationalist Movement Party. The 28 February process was really effective and some symptoms which belong to that process can still be seen today. 28 February was a military coup without blood and violence, but it massively formative in modern Turkish politics, whereby capturing the national psyche became more important than military control of the levers of power. There were many political parties but no leader was qualified to manage the nation. During the process, the nation did not fight for an imported ideology or belief; on the contrary, they were forced to fight for their own values. (Aktay, 2011: 41-44)

The second most important issue is the role, authority and position of the Chief of the General Staff and the Turkish Army's custom of prohibiting civilian governments from being elected on any ideological grounds, as manifest in three military coups and the post-modern coup of 28 February 1997 over the 82 years since the establishment of the state. (Sarıbrahimoğlu, 2005: 73) The 28 February coup was distinguished by the mobilization of an army of civilian allies who willingly alerted the army over 'fundamentalism' by evoking the effects of the press as well as many NGOs. The Turkish army carried out the said coups based on Article 35 of the Internal Service Law. The issue with Article 35 is that the authority to appoint the duty of conservation and surveillance is designated to the Turkish Army as opposed to a civil political power.

According to some soldiers in the Turkish military, what they had done would be continue for one thousand years; it only lasted only four. The outcomes of 28 February process were fully opposite of what was intended by the secular wing.

This event caused the awakening of the general public, particularly center-right conservatives. The said process made an impact in such a chaotic situation that the people rallied to Erdogan based on his reputation as a selfless and ethically consistent politician serving the people, who was persecuted by an evil system on this account. Undoubtedly his imprisonment was an important reason for the rise of his leadership charisma. The establishment of the AKP under Erdogan's leadership brought together the center-right votes that had been dispersed before the 2002 election. (Rahimi, 2015: 52) This was the clearest answer to the administrative tutelage by the public to purge old politicians from the General Assembly. In the victory of Erdogan, the masses, who were eliminated from public space during coup process, broke the chains imposed by the secular-Kemalist and state doors opened for conservatives.

## **Conclusion**

The two dynamics behind the post-modern coup of 28 February 1997 is: The first is that the status quo in the military, the judiciary, the bureaucracy, the capital, the media, and the financial world see a growing Islamization tendency as a threat to their future, in terms of positions and tangible assets. The second is that the Western bloc - after the communism - sees the increasing tendency of Islamization as a threat since 1991 and adopts this threat as a new area of struggle. Strong political leadership is always one of the most important agents that trigger effective growth and rise as a nation. This is a valid phenomenon as in the past. But, unfortunately, strong political leaders cannot always succeed. An example of this is the February 28 period. The secular military administration gave an ultimatum to the conservative Erbakan administration and this resulted in the resignation of the government. In this case Turkey dragged back into chaos. The period of weak coalition began and this situation continued until the AK Party.

Democracy in Turkey, usually revolve around an effective political leaders. The leader represents the entire party. Therefore, opposition structures that want to destroy the political movement often try to

neutralize the person who represents the movement and the party. However, of course, this was not the only reason why the Army's generals intervened in the process of February 28 as they wished. The secular front, which had been growing and progressing from the early years of the Republic, had been very firmly rooted in the Army. This paved the way for the Turkish Governments, which had difficulty in social chaos and weak coalitions, to be neutralized by coups.

One of the most serious breakpoints in the process leading to the separation of National Outlook was the February 28 coup. (Temiz, 2018, p.60-66) With this military memorandum, management had to return the task. Although the Welfare Party won the 1995 elections as the first party, its mandate to form the government was given to the Motherland Party, which was the second party. This shows that the February 28 plan, actually began much earlier than the establishment of the Erbakan government. At the same time, the propaganda that is frequently encountered in the media against Erbakan and his administration, before the election also reveals the situation. In the 1990s, the National Outlook line with the government, the political-religious relations in Turkey has started to be questioned again. The February 28 intervention was the third military coup experienced by Erbakan. In the process of February 28, 1997, National Outlook tradition damaged with a big wound. This process has brought a serious question about how religion should be related to politics. This situation has created a suitable ground for new options. After this process, members of the National Outlook have lived an internal feud. Innovators wing of the party emerged from traditionalists by the break-up. This compartmentation has resulted in the independence of the innovative movement and the establishment of the AK Party, on 14 August 2001.

The overthrow of the Welfare Party-led coalition government with the February 28 intervention is extremely important, in particular after the closure of the Party by a decision of the Constitutional Court. This is very critical, because, Turkey's Islamist comprehension has undergone a change after this incident. After this event, we can say that political Islam shifted to a conservative direction. After the closure of the Welfare Party, the newly established Virtue Party began to deal with internal conflicts and weak leadership issues. In this way, the charismatic leadership of Necmettin Erbakan has ended.

Political leadership system in this way is manifest in Turkey. In 1950's Democrat Party under the leadership of Menderes has ended by the military coup and seperated from the Republican People's Party. After coup, in 1960's, Justice Party under the leadership of Demirel, seperated from the Democrat Party. Lastly, after Frbruary 28 coup, Justice and Development Party has separated from the Welfare party. While the forty years of political fight, the National Outlook Movement continued to grow over the years, and finally, with a part separated from itself, took over the administration.

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# Language Policy and Practices in Indonesian Higher Education Institutions

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**Abstract:** English in Indonesia has foreign language status. Nevertheless, the language is greatly significant to the country due to its numerous regional and global appeals. The current language policy of Indonesia ensures that the language is taught to children from junior high school level. However, as a reflection of a language that has not been prioritised in school curriculum, school leavers largely have limited grasp of the language by the time they enrol into university programmes. This study attempts to highlight institutional practices in student enrolment into and graduation from English programmes. It is also concerned with issues that are perceived to have derived from the policy. Based on interviews with 23 academics from five universities in Central Java, the majority of whom are administrators, policy-related issues of the English language are identified in this paper. Findings include communication skill difficulties faced by English majors and the juxtaposition of state and private universities in terms of student recruitment. The findings are significant in informing stakeholders such as policy makers, administrators, language instructors, and other practitioners about the impact of language policy and planning on practices in higher education institutions in Central Java and in assisting future decision-making processes whereby the consequences are far-reaching.

**Keywords:** English as a foreign language, English programmes in Central Java, Javanese speakers of English, language policy

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**Abstrak:** Bahasa Inggris di Indonesia berstatus bahasa luar. Walaubagaimanapun, bahasa tersebut sangat penting di negara itu kerana ia banyak tarikan serantau dan global. Polisi bahasa di Indonesia memastikan bahasa tersebut diajar kepada kanak-kanak dari tahap sekolah menengah rendah. Dalam pada itu, sebagai refleksi suatu bahasa yang tidak diutamakan dalam kurikulum sekolah, bila tiba masanya untuk lepasan sekolah mendaftar program di peringkat universiti, mereka rata-ratanya mempunyai penguasaan terhadap bahasa tersebut. Kajian ini cuba menyorot amalan di institusi bagi pelajar yang berdaftar dan yang bergraduasi dari program ijazah Bahasa Inggris. Ia juga bertumpu pada isu-isu yang dipercayai disebabkan oleh polisi tersebut. Berasaskan interview dengan 23 ahli akademik dari lima universiti di Jawa Tengah yang kebanyakan mereka adalah pentadbir, isu-isu berkaitan dengan polisi bahasa dikenalpasti dalam artikel ini. Dapatan kajian termasuk kesukaran menguasai skil berkomunikasi yang dihadapi pelajar program Bahasa Inggris dan perbezaan universiti kerajaan dan swasta dalam hal pengambilan pelajar. Dapatan-dapatan tersebut penting untuk memaklumkan pihak berkepentingan seperti pengolah polisi, pentadbir, guru bahasa, dan pengamal lain tentang kesan perancangan dan polisi bahasa ke atas amalan-amalan di institut pengajian tinggi di Jawa Tengah dan untuk membantu proses membuat keputusan yang akibatnya memberi kesan yang lama.

### **Introduction:**

Rapid globalisation necessitates the use of a language that ensures effective communication among the world's citizens. In Southeast Asia where the different countries are tremendously rich in cultural and historical diversity, the variety of mother tongues spoken in the region dictates a need for a common language. Over the years, English has emerged as the lingua franca and its usage is doubly prominent with its adoption as the only working language of the Association of Southeast Asian Nations (ASEAN) (Kirkpatrick, 2011, 2012). In Indonesia, Indonesian (*Bahasa Indonesia* or *Bahasa*) is the lingua franca amongst its population, used in all aspects of communication by its citizens of varied mother tongues. Though English is the country's most important foreign language (Pasassung, 2003), its usage comes after Indonesian, and in Central Java where this study took place, it is the third language after Javanese and Indonesian, thus reflecting its status as a foreign language making its usage indubitably limited outside formal instructional sessions and thus impacting the level of proficiency school leavers have upon enrolment into universities or

higher education institutions (HEIs). Low competence may be caused by the lack of motivation to acquire the language as entry to HEIs, though requiring passing the final senior high exam, does not entail a specific English language proficiency requirement. In what seems like a vicious circle, language policy and planning, students' motivation to learn the language, and teachers' competence, create a situation where school leavers who become English majors tend to be those that still greatly need to improve competence in the language.

### **English in Indonesia: Status and Language Policy**

Historically, Indonesian was declared in 1928 to be used as a unifying language by the then leaders of Indonesia (Paauw, 2009). Since 1945, as stipulated in Article 36 of the Constitution, Indonesian has been made the national language of the country and it functions as the medium used in education as well as media broadcast and is essentially used for all purposes and transactions (Badan Pengembangan dan Pembinaan Bahasa, 2011; Montolalu & Suryadinata, 2007; Simpson, 2007). Its status shapes the policy of language medium and instruction in Indonesia and impacts the manner in which a language like English is perceived and taught in school. In Kachru's (1985) Three Concentric Circle Model of Englishes, Indonesia is placed in the Expanding Circle and therefore English has a foreign language status (Bolton, 2006) and this is evident in the way that English is only largely used in the classroom. Indonesia's national language policy has indisputably been effective in uniting the vast nation, creating a strong national identity and promoting education and literacy. The only area in which Indonesia's policy can be seen to have come up short is in terms of participatory function, in that Indonesia has yet to have a language which enables it to engage more effectively on world stage. This limitation can be overcome with improved foreign language education, without necessitating sacrifices on the impressive achievements of Indonesia's national language policy (Paauw, 2009).

In Indonesia, the mastering of English by Indonesians wishing to access international communication and strive for rapid economic development is critical. The ability to communicate in English is also a catalytic factor in determining employability of school leavers and HEI graduates (Zein, 2012; Gropello, 2013). Competence in the English language considerably enhances the possibility of securing favourable

positions and remunerations in the labour market and the importance of the language is signalled by advertisements listing job seekers' good command of English as one of the top requirements (Lie, 2007). Of great concern is employability of graduates in Indonesia and that employers are finding that skills of graduates do not match the ever-changing needs of industries. Gropello's study on employers' perspective on Indonesian employees highlights that the skill profile of the Indonesian workforce has not evolved in tandem with the demands of the labour market and that there is a need to address the unsatisfactory quality and lack of relevance of formal education. Gropello recommends, among others, a need to enhance employees' ability to communicate and this includes the ability to interact in English.

Apart from the foreign language status of English in Indonesia where it is taught and learnt in a non-English speaking environment, one crucial factor affecting acquisition is the policies that are in place nationally and in HEIs. The status of a language and the language policies of a country inevitably affect language planning, specifically, language-related implementation of teaching and learning practices, the management of resources and the nature of graduates each level of education has. Indonesia has gone through a number of educational curricula and those affecting English vary in their approaches (Bire, 2010; Lie, 2007). The latest education policy presented in the 2013 curriculum calls for English to be taught to students in junior and senior high schools while at elementary level, the language is referred to as a local content subject whereby the decision of its inclusion in a school's curriculum autonomously lies with individual school's authority (Ministry of Education and Culture, 2013, 2014). The teaching and learning of the language also face stiff competition from other subjects, specifically the national language, Indonesian, and in the case of Java, the mother tongue of the majority of children there, Javanese and thus, Indonesian children generally have limited exposure to English with only two to four hours scheduled for it weekly (Ministry of Education and Culture, 2013). While unification goals and ethnic diversity in Indonesia may have geared the national curriculum towards this, the policy affects the amount of formal instruction exposure of the language, the breadth and depth of instruction, and depending on students' background, how much of an effective user of the language they become at the end of their school years. As an important extension, this policy determines

the English language proficiency of school leavers who apply to HEIs and specifically, the type of applicants who become English language majors in those institutions in the country.

### **English language proficiency, teacher training programmes and Indonesian students abroad**

The language policy of Indonesia that is translated into curriculum in schools could quite accurately reflect the English language proficiency of those who exit the school system and enter HEIs. Competence in English among high school and university graduates is observed to be generally low (Lie, 2007). In 2017, Indonesia was ranked 39<sup>th</sup> out of 80 countries in the English Proficiency Index (EPI). Close to Indonesia was Vietnam which ranked 40<sup>th</sup>, while another ASEAN country, Singapore, ranked 5<sup>th</sup> (EF Education First, 2017). There are also studies such as Fuziati (2011) and Reisky (2013) that report perpetual difficulties in acquiring the language by Indonesian school children.

Of interest to the current study is the command of English by English majors, especially those who are enrolled in English Literary and English Education Studies programmes. Of concern is that, since English Education Studies are teacher training programmes, the majority of the graduates will become teachers of English in schools, either public or private (Juangsih, 2014), and that the quality of teacher training, of which in Indonesia includes courses to improve English proficiency, will influence their ability to teach. Depending on that quality of teacher training in English, devotion to improving own English skills and confidence level, English teachers may struggle with doubts over their ability to teach the language (Waterworth, 2016). Waterworth's study on challenges faced by teachers of English in ASEAN countries indicates that while their roles and responsibilities are undoubtedly very important as they provide access for their students to the Asian region and the world, Indonesian teachers have lower skill levels compared to teachers from other countries such as the Philippines and Brunei Darussalam. It is also found that all teachers from ASEAN countries strongly felt the need to study English further and Indonesian teachers felt the need the most.

Nguyen's (2011) research on Thai, Vietnamese, and Indonesian students studying in Australia is also relevant to the current investigation. These students, of which approximately 20,000 were Indonesians, had

to go through preparatory English courses prior to starting their degree programmes. Nguyen explored difficulties the students faced in learning English and how they overcame those difficulties. Analysed participant reflection data indicate that learning English in the three countries commonly emphasised grammar while other skills like speaking or pronunciation were not prioritised.

Another study on Indonesian students in Australia by Novera (2004) finds that the participants' difficulties with English possibly derive in part from insufficient exposure to English in the Indonesian education system, given that English is taught as a foreign language, with limited hours per week. Novera's study suggests that the preparatory courses in English provided to Indonesian students prior to enrolling in their degree programmes are insufficient to compensate for what is considered the weakness in English language instruction in Indonesia. Twenty-three out of the 25 participants reported at least some difficulties in the use of English in academic situations and the difficulties were most often faced in making oral presentations and writing essays. It can be deduced from analysed data that the specific difficulties are shaped not just by unfamiliarity with English *per se* but by the linguistic character of the Indonesian language, the approach to English instruction in Indonesia, and what happens when the two different pedagogical and linguistic traditions intersect. Although both English and Indonesian use the same script, there are differences particularly in their grammatical and syntactical structures. Grammatical mistakes are almost inevitable, and this is a source of frustration for some students, especially in relation to writing tasks.

There are other studies that are relevant to this current one and one of it concerns the use of the first language (L1) in the classroom. Zacharias (2003) investigated pedagogical principles in the teaching of English as a foreign language in Indonesia. The study examined issues that were part of the belief system of teachers and the extent to which they impacted actual classroom practice. Data were collated from 100 English as a Foreign Language (EFL) instructors teaching the language in universities in Central Java. The majority of the respondents believed in principle the use of students' mother tongue in class. They opined that the L1 is necessary for various purposes, especially for providing explanations for lexical and grammar items.



In a study on an English education programme at a state-owned university in Indonesia, Sulistiyo (2015) collected information about the programme with the purpose of improving it. Recent teacher graduates' and beginner teachers' perceptions on their experiences as pre-service teachers in the EFL teacher education programme were obtained. Information from school principals and teacher educators was also gathered. Sulistiyo found that a number of school principals perceived that the language teaching skills and language knowledge of new teachers were inadequate for the teaching profession and that English language education policy and the teacher education programme in the university needed to be reformed to improve the quality of programme delivery and outcomes. Recommendations included programme curriculum reform for developing language knowledge and language teaching skills. In addition, improving the programme's teaching practicum, teacher educator professional development, and teaching and learning resources were said to be crucial to the programme's quality.

### **Objectives of the study:**

With the background issues previously raised and findings reported in the abovementioned studies, this study aims to identify English language requirements for English Education Studies and English Literature programmes in selected universities in Central Java and examine how they are reflective of Indonesian and institutional language policies. Another objective of this study is to ascertain the perception of academics on impacts of language policies on institutional practices in selected Javanese universities that offer English programmes.

### **Methods:**

This study primarily involved descriptive analysis of data from interviews. Data were collated from academics from five universities of different backgrounds in Central Java. The universities consist of one state and four private ones and of the four private universities, three have religious orientations while one is an institution specializing in economics and entrepreneurship programmes. The varying backgrounds ensure that the data, as much as possible, are reflective of the types of universities in Central Java. All universities offer both or one of the following undergraduate degrees: English Education Studies and English Literature. The first refers to a programme that trains undergraduates to become language teachers or instructors. English

Literature programmes in Central Java would entail students enrolling in both literature and linguistic courses. In this study, English programmes refer to both abovementioned first degree programmes. English majors refer to undergraduate students of the universities who are enrolled in English programmes.

Names of participants and their institutional affiliations are kept anonymous in keeping with ethical conduct in administering research (Creswell, 2014). Altogether, data were collated from 23 academics who taught a combination of subjects from the fields of linguistics, literature, pedagogy and English proficiency. They were experienced academics who had been teaching for over five years with the most experienced having taught for 42 years. Seventeen of the participants were academics holding administrative positions. Their input was crucial for this study that investigates language policy and planning. Seventeen of the academics were Master's degree holders while four possessed doctoral degrees.

The instrument used in collecting data was a semi-structured interview protocol. Each academic participated in one-on-one interview that took place between 20 to 40 minutes resulting in rich transcribed data of more than 63,000 words. It should be mentioned that the current study is part of a larger research that includes data from English majors from the same participating universities. The following table shows the study's research questions, data collection and data analysis techniques:

Table 1. Summary of research design

	Research Questions	Data Collection Technique	Data Analysis
1	How are the English language requirements for English programmes in Javanese universities/HEIs a reflection of Indonesia's language policy?	Interviews of academics and academic administrators	Textual analysis of interviews
2	What do academics perceive as impacts of language policies on institutional practices of selected Javanese HEIs running English programmes?		

### **Findings and discussion:**

In the following sections, excerpts from interviews are reproduced with no changes made to them. Translated Indonesian are placed in parentheses.

#### **English programmes language requirements and how they reflect Indonesian language policy**

The analysed data provide three main themes and they are high school certificate and entrance examination, English proficiency exit test, and recruitment challenge.

##### *High School Certificate and Entrance Examination*

Applicants to English programmes in all five universities are required to pass senior high school and this annual national level assessment is carried out across the country. Analysed data indicate that universities administer selection or entrance exams but these exams do not contain specific items measuring English language proficiency of prospective English majors. A participant mentioned the following:

*AA03: To apply, students need to pass high school. There is a general test upon entrance but not specifically on English.*

Academics were also asked about their institutions' plans to have specific entrance tests for English programme applicants. A few academics such as the following mentioned the test.

*AA12: We have planned for years but it doesn't look like it's going to happen. So, that's why we have problems for some students here.*

Even though the entrance tests have been planned, universities have not had the chance develop and implement them due to possible reasons such as limited resources and manpower.

##### *English Proficiency Exit Test*

Universities in Indonesia make autonomous decisions on their language policy. The universities envision becoming world-class educational institutions (Royono & Rahwidiati, 2013) and so English has become increasingly important and is included in the curriculum. All five universities request students to sit for an institutionalised English

proficiency test at graduation point. This test is modelled after the Test of English as a Foreign Language (TOEFL) and the required score for a pass differ slightly from one institution to another. The five universities require the minimum score of either 450 or 500 for graduating English majors. Test results need to be available prior to the evaluation of students' undergraduate thesis, referred to as *skripsi*.

AA04: *They have to show to us the certificate of the test so they can join Sidang Skripsi (oral defence of theses).*

Graduating students are expected to pass the exit English test and it has gradually become an established practice in the universities.

AA01: *Actually, it is not included in our curriculum but it is university policy to require the students to pass TOEFL-like exam, yes, but like 450.*

A concerned participant mentioned that:

AA03: *500 is a lot for TOEFL.*

The practice of requiring graduating students to sit for English test is in place; however, some participants like the above opined that students face difficulty in fulfilling this requirement when the cut-off point for passing the test is rather high.

### *Recruitment challenge*

Related to English programme enrolment and the minimal university entry requirement is the public-private university conundrum where state universities are essentially favoured. An academic from a state university mentioned that it is common for his/her department to receive approximately 7,000 applications for a new programme cohort, but would only be able to offer 250 places. The academic said:

AA12: *English is the second most favourite department here. We only open for 250 students and the applicants can be more than 7,000.*

State universities are favoured essentially due to government funding which naturally means easier access to infrastructure, teaching and learning resources, etc. On the contrary, funding for private universities depends very much on fee-paying students. With the general preference for state universities, private universities often have to accept applicants

who have been filtered out by the former, and as a consequent do not have the luxury of choosing students who are highly proficient in English. In addition, not only is there competition between state and private universities, there is also competition amongst the latter. As a participant pointed out:

*AA03: Actually we have a very tight competition among universities. In this city we have a lot of universities offering English programmes. We are competitive in terms of recruiting students.*

It must be pointed out that there are participants who felt that their currently enrolled students do have better grasp of English than those from previous cohorts. The following is an example of such observation:

*AA01: Nowadays, we have better qualified students, of course. But five years ago private universities will have lower standard of students. Although they have the same experience from senior high school, they have different qualifications.*

Most participants, though hopeful for change, acknowledged that it is unlikely to occur soon. There is need for English majors to have good command of the English language and the level of command is reflected by exit test scores. But, not only will the requirement remain a graduation rule, participants believed that the score will not be increased soon. One experienced academic mentioned rather resignedly:

*AA03: Maybe not. Not yet this time. Later. Not in the near future.*

Indonesia is a nation where English is spoken as a foreign language or to use Kachru's (1985) model, it is placed in the expanding circle. The multi-ethnic and multi-lingual ecology of Indonesia together helped in moulding its educational language policy. There have been policy changes and amendments but the requirement for English is clear in that it is only compulsory from junior high school level where two periods of English are offered weekly and therefore, it is not surprising that the minimum requirement for enrolling into university English programmes is passing high school. The entry and exit requirements are rather low compared to other institutions that run similar programmes in the Southeast Asian region. Most universities including those in Brunei Darussalam, the Philippines, Malaysia, Singapore, and other ASEAN

countries require International English Language Testing System (IELTS) Band 6.5 or TOEFL score of 550 at entry rather than exit point. Nevertheless, English has a different status in each of those countries and among ASEAN countries only Indonesia does not implement the compulsory teaching and learning of English at the elementary or primary school level (Kirkpatrick, 2012). Thus, the requirement in the universities in Central Java is a reflection of the foreign language status of English and the language policy of Indonesia at school level. To expect more, in terms of entry point level of English from applicants would be unrealistic and unfair. Universities can attempt to obtain students whose command of the English language is better by imposing higher entry proficiency levels, but the number of qualified applicants would be considerably fewer.

It can be deduced that to have an English entry level prerequisite for English programmes is extremely difficult as students come from a background where English is a foreign language. However, equipping students with language proficiency prior to starting a degree programme is a possibility and not totally unprecedented. For instance, a university has started teaching Indonesian to its international students. A participant who answered to the question whether English majors can undergo English proficiency courses first, prior to joining the programme mentioned the following:

*AA07: It's already happening now. For the Engineering Faculty, we have two students from Jordan. I guess they already start studying Bahasa Indonesia untuk Penutur Asing (Indonesian for Foreign Speakers) with us because next academic year they will join the study in Indonesian. So they have to join a kind of matriculation before.*

It is to be inferred that a similar preparatory course can be arranged for English too.

### **Impacts of Language Policies: Institutional Practices of Universities Offering English Programmes**

Analysed interview data for impacts that academics perceived to have resulted from language policies can be divided into three. The first area of concern is English majors' skills to communicate; second, the use of mother tongue in class; and third, problems in furthering studies abroad.

### *Communication Skills*

The academics, apart from teaching pedagogy, linguistic and literature courses, also teach English proficiency courses to the students. Concurring with the earlier mentioned findings from studies by Fuziati (2011), Lie (2007) and Reisky (2013), the academics generally expressed difficulties in teaching the students because English is the third language after Javanese and Indonesian (*Bahasa*). An academic mentioned that:

AA22: *Here English is their third language so the first one would be Javanese and then*

Bahasa so sometimes we find some difficulties in teaching English.

In particular, the majority of the participants stated that their students face difficulties in writing and speaking as well as communicating in English with grammatical accuracy. In speaking, a participant expressed his/her concern as follows:

AA04: *It's very difficult to ask them to speak English. Sangat sangat perlu dibantu dan itu yang tidak mudah. (They greatly need help and that is not easy).*

Students are found to devise strategies to cope with tasks when verbal communication is unavoidable. They agree on mutual cooperation and this could occur during micro-teaching sessions to elude inability to respond to questions spontaneously. A participant mentioned:

AA04: *Junior or senior students, so, when they have to practise teaching in front of their friends, iya begitu jadi kayaknya sudah ada kongkalikong. sudah ada kerjasama (yes, they cooperate with each other). So, okay, "You have to read this." and then, "You have to ask me this question and I would like to prepare my answer."*

Similarly, in fulfilling a programme requirement, students find it challenging to present and defend final year projects or theses before a panel of evaluators. A lecturer made this observation:

AA04: *When they have Sidang Skripsi (undergraduate thesis defence) they have to explain in English but sometimes in the middle of the explanation they tend to say, "Miss, can I speak in Indonesian because I have to tell about this one, this one, this one, and I do not know how to speak in English?"*

In a state university where its two English programmes receive an overwhelmingly large number of applicants each year, the best students enrol there so the majority of them speak English well. However, the students still face problems in writing. A participant pointed out:

*AA12: Around 85 per cent of the students are very good in speaking but, if they are doing final projects in English, they are good in producing utterances but are rather weak in producing written language, even the best debaters. That's the problem.*

An academic from a private university mentioned that:

*AA01: I find they still face difficulty in writing. They go through a gradual process from sentence base, paragraph, yes, and so on.*

The English majors' level of mastery of English grammar can be observed in their written output. Participants felt that ensuring English majors' written accuracy of *skripsi* is also challenging. As one participant said:

*AA06: When we try to train the students to be grammatically correct in writing, it is very tricky. Students in the last semester have to write a report as a requirement in graduating from this programme. Yes, it's very challenging for the supervisor. The sentences are very far from being correct.*

It can be concluded from the participants' observations that the English majors face problems in demonstrating their language skills. One participant aptly summarised:

*AA04: They also have difficulty in mastering grammar and also writing. Gayanya semua. (All, actually).*

### *Use of the Mother Tongue and the National Language*

The most important source of English language input in a foreign language environment is the teachers or lecturers. Nevertheless, similar to the findings by Zacharias (2003), all interviewed academics agreed that they cannot possibly use English in its entirety in class. Switching to Javanese or Indonesian is a necessity that would avoid students from not understanding course content.

*AA19: I'm afraid that it's not going to be applicable if my teaching is conducted a hundred per cent in English. They*



*are asked to learn and I cannot be selfish and fully speak in English. But, I can say that it's around 70 to 80 per cent in English, and 20 per cent is Indonesian. This is not because I do not want to speak English but because I would like to make sure that my students will fully understand.*

Lecturers are aware of their important role to model the target language for their students. A participant maintained that students' mother tongue is not used in skills course, but only in core courses.

*AA20: I usually try to fully speak in English, but for literary criticism, social psychology, theory of literature, sometimes I mix with Indonesian because some of the students still couldn't catch the meanings, or my explanations of a theory.*

On their usage of Javanese or Indonesian, a participant's practice is in contrast to AA20's in that for him/her, the use of English is needed in teaching grammar.

*A23: Twenty-five per cent, mostly just English, because when I teach grammar, the transfer of knowledge about grammar will be understood by the students sometimes in Indonesian.*

It is not uncommon, for various reasons that students speak in their LI in an English class. The same happens with the participants' students too. Consequently, the students have to be forced to speak the language they are majoring in. A participant mentioned the following:

*AA19: I commonly force them to speak English. I myself, you know, are allowed to speak a little bit of Bahasa Indonesia but you (the students) have to speak English. Types of Applicants to English Programmes*

Of great concern and a recurring issue brought up by the participants is the kind of students that they accept into their undergraduate English programmes. Language policy may greatly determine most school leavers' level of English language proficiency but the choice to become an English major is not up to policymakers. There are students who, despite lack of interest and low English proficiency, become English majors not by choice but by parental preference.

*AA20: ...some students, they don't like English. But when I ask them, "Then why did you choose this programme?" Yes, because of their parents.*

Another recruitment issue is when students enrol in a programme because of the assurance of scholarship offers from universities. This is acknowledged by the participants who said that:

*AA07: Our students are not really at the first time keen to join our university. Some of them, they join this uni because of the scholarships. So the one who got scholarship they don't really actually want this programme.*

The greater worry, however, is in terms of student qualifications. A participant pointed out:

*AA19: People who come to our department are commonly from the second layer in education. The qualification, their proficiency of English, is just sometimes zero. They know nothing but they would like to learn English, they go to us.*

Another opined that:

*AA18: And from my perspective the quality of teaching and learning English during their SMA was unstandardized. Some students are really good, but there are those who are still poor. Sometimes we have to start from the beginning again.*

Academics, especially from the private institutions lamented the fact that they have make do with whatever is available to them. That alone sets the tone for the students' journey as English majors and one that can perhaps only be drastically changed by an equally drastic amendment in the language policy.

### *Studying abroad*

Relevant also to the issue of how language policies impact English majors is their journey in pursuing graduate studies abroad. In their studies, both Nguyen (2011) and Novera (2004) observe the difficulty Indonesian students face in adjusting to English language requirements when studying abroad. This is another observation of the current study where it was mentioned that graduates from the universities planning to pursue masters or doctoral degrees abroad are not normally accepted directly into the programmes of their choice. They have to spend some time attending English preparatory courses. A participant, an experienced academic administrator, mentioned that:

*AA10: Somehow our graduates, when they study overseas, are not directly accepted. This is unlike those who graduated from universities in Thailand and the Philippines where they can directly do their masters and then continue with their doctorates.*

The delay in enrolling into graduate programmes will not only have the potential to create anxiety, but will also add to the financial burden, among other myriad of possible problems to the students.

The above section presents the findings on impacts of language policy as perceived by the academics from the five universities. They include difficulties in using language skills detrimental to English majors' academic pursuits, without which they face acute limitations in being effective students, accomplishing the necessary objectives of their study domains and developing to the fullest their youthful potential. The academics also explained the need for L1 and L2 usage to ensure students' comprehension of courses. Although understandable, the use of languages with English majors deprives them even more of the exposure of English that they gravely need from their lecturers. The findings also include an infrequently mentioned concern but of no less significance that is the impact of language policy on graduates studying abroad.

This study's findings on state versus private universities are thought provoking. More than ten universities offer English programmes in the city where this study was conducted and only two are fully state-funded institutions. Private universities are largely students' second choice after state universities so the competition is stiff for the institutions to recruit students and this could be one of their reasons for not having any requirements on applicants' level of English proficiency. It is unlikely that public funding for higher education in Indonesia will increase significantly in the future (Royono & Rahwidiati, 2013) so non-state universities especially, will have to continue to largely rely on student fees for operating expenditure. As a result, such universities could not hope to compete in terms of the kind of students they accept at enrolment point. Private universities with a means to provide scholarship to students, however, still have the advantage of recruiting the number of English majors they need and the kind of students that they prefer. Even so, the academics interviewed mentioned the cases where English

majors choose the field for scholarship availability, not for their deep interest in the programmes.

While the rest of the universities have to compromise on quality, the state university has the envious opportunity to select the best English majors. As a state university has a huge surplus of applications, change can perhaps start gradually with it whereby English graduating requirements can be changed to an entry requirement. This improvement will ensure that English majors are of considerable proficiency at entry level, will not spend lengthy periods in proficiency enhancement classes, and will be more effective in programme courses and activities. The benefit of that can be translated into having more highly qualified graduates, some of whom will join the workforce as teachers/lecturers. It would be great if English programme graduates can be confident teachers who will not need further English language proficiency training unlike those mentioned by Waterworth (2016).

### **Conclusion:**

This study is concerned with the language policy of Indonesia, the teaching of English in schools and its perceived impacts on English Literature and English Education Studies programmes in selected universities in Central Java. Analysed interviews of academics establish that a pass in high school certificate is the requirement for students applying for the English programmes. The findings also indicate that the universities have English language graduation requirements in place for their English majors. The participants' perspective on various issues or problems that can be traced back to language policy include the English majors' communication skills, L1 and *Bahasa* usage, as well as applicant types. An essential way of helping English majors to perform better in their programmes that require mastery of the language is to change relevant policies, but policy change, anywhere in the world, is not an inconsequential challenge, what more in Indonesia where the total number of population is over 260 million people (Spillan & Virzi, 2017).

Indonesia, without a doubt, has been forward thinking and successful in making Indonesian the language of national unification and coherence. The monumental task of creating national identity through a shared language ensures peace and harmony in the vast region. This current study though, concerns current global English

use and the need for Indonesia to equip its youth to become effective communicators with the world at large. The academics who are the participants in this study believe English is needed in the youth's future because it is the language of survival in a globalised world. The English language then, should be embraced not because of English's sake but because the students need to understand that it is part of their survival strategies. In terms of sequential far-reaching impacts, an excellent grasp of the English language can play an important role in securing employment (Gropello, 2013; Lie, 2007; Zein, 2012) and for those who make teaching English their profession, their contribution to the nation would last for generations to come. The current policy concerning the teaching of English at school level does not seem to favour the needs of school leavers who are potential English majors.

Sulistiyo (2015) has also recommended change including programme curriculum reform for developing language knowledge and language teaching skills. It has also been aptly advocated that sustained quality teaching policies require long-term, non-linear efforts and thus call for a permanent institutional commitment from the top-leadership of an institution (Hénard & Roseveare, 2012). Thus, national level change of language policy is the ideal trajectory forward but its implementation is predictably unfeasible. As desirable as change is, the educational resources needed for it are not abundantly available and accessible. Making English compulsory to be taught at an earlier level would be ideal, but such a huge change requires large financial resources in terms of infrastructure and manpower and therefore not attainable, yet. It is perhaps more realistic to gradually amend policies at university level involving changing exit exam to entry requirement, and from a lower passing cut-off point to a higher one but such decisions must be strongly and valiantly supported by the university as such requirements, at least initially, put a burden on the universities and the students.

Some academics interviewed in this study do not believe it is necessary to ensure high English proficiency prior to enrolling into an English programme. They believe that the system is good enough i.e. students do have English proficiency courses offered and that there are prerequisites for certain content courses. The academics also positively believe that success as an English major is not determined by competence in English at entry level; it is their attitude in facing challenges that determines their academic outcome. Universities may

not have the luxury of getting English majors of high proficiency, but they try hard to compensate for that in many ways through courses and activities created for students.

Nevertheless, from the perspective of producing English programme graduates who are globally competitive, the challenges faced by Indonesian students are numerous. Globalisation requires Indonesia's attention on foreign languages (Montolalu & Suryadinata, 2007), and the country needs English to be an active member of ASEAN and thus embracing English from now is inevitable for the sake of the students/graduates if they are to be competitive in the job market and contribute positively to their great nation.

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# A Novel Critique on ‘The Scientific Miracle of Qur’ān Philosophy’: An Inter-Civilization Debate

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**Abstract:** In recent decades we have been given one of the most interesting concepts in Islamic intellectual history, ‘the scientific miracle of Qur’ān whereby the proponents have almost established the scientific theories in the Qur’ān. However, such ardent claims must not come to be without any inspiration and methodology. This article, firstly, tries to trace the inspiration of such concept and then describe the methodology. However, as exciting as this concept seems, the methodology brings forth a very negative approach to prove the miracle of the Qur’ān, which is value free. That negative value free mentality which is related to the status of prophet of Islam will be exposed and it will detail how the status of prophet of Islam was abated so badly to prove the science from the Qur’ān. To counter this negative narrative and to reveal the true status of prophet of Islam, arguments will be presented from the Qur’ān and Ḥadīth which are incontrovertible. Let it be known than, this analysis is not general but particular. However, it will be a novel critique to re-visit this concept.

**Key words** – Miracle of Qur’ān, Islam and science, status of the Prophet (S.W.T), scientific exegesis, Inter-civilizational debate, Current state of Muslim world

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## Introduction

Romantic narrations creates ephemeral stories realized by no one, they simply deceive people(Gustave, 2008)<sup>1</sup>. Why one needs to romanticize, in this realist world? The answer could be shocking but indeed reserves a serious attention to contemplate. There are two causes for that, firstly, people who do not have strength to create their own world and secondly, the nostalgia of being superior in past.

For the current article, it is the inability to understand, develop and contribute to the scientific development of the human civilization. It can be applied to Muslim civilization without any hesitation considering recent works done in this field. The reckless sleep was so deep which is hard to be ignored. In 2005, Harvard University produced more scientific papers alone compared to 17 Arabic-speaking countries combined. 1.6 billion Muslim of the world has produced only two Nobel laureates, one in physics and one in chemistry, but both moved to the west. The OIC spend 0.81% of GDP on research and development which is about a third of the world average. In overall Muslims around the world produce a significantly small amount of scientific literature and much of it relatively low in quality (Aaron, 1996; Economist, 2013). On the other hand, the exaggerated flattering of past achievements has penetrated in the minds. It was not only done by Muslim scholars but also by the secular governments. The famous `Shiqwa' (*The complaint*) poetry of Muhammad Iqbal expounds the Muslim legacy with critical analysis of present situation (Iqbāl & Bannerth, 1945). Similarly, recent propagation of `1001 invention' project has caused great attention from government and public whereby the scientific developments of the so called Islamic golden age has been detailed (Al-Hassani, 2012).

Given such facts, the frustration remains the same; there have been no significant contributions from the Muslim world since a few centuries. But then accidentally claims appeared on the websites, articles and books like `A New Astronomical Qur'anic Method for The Determination of the Greatest Speed C'(Mansoer Hassan, 1990), `subatomic world in the Qur'ān , `Science and Sunnah: the genetic code', The grand unification theory (GUT): its prediction in al-Qur'an',

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1 The shocking journey of romanticizing the reality of life has been well described in the 17<sup>th</sup> century novel that narrates the up & downs of enlightenment.

and Islam and the second law of thermodynamics. To corroborate such concepts, conferences have been held and awards were given to contributors like Zaghoul al-Najjar who was awarded 'the personality of the year in 2006' (Guessoum, 2011).

It seems plausible that to counter such frustrating environment of backwardness people of intellect thought to develop a whole new concept to prove science from the Qur'ān. It can be an argument for opponent but it cannot be out of nothing. However, this article does not indulge into the war of 'intention' behind such projects but to scrutinize only the part which deals with the Prophet of Islam. In what follows the concept will be described in brief with their methodology. Then the issue of defaming the status of prophet of Islam will be scrutinized and it will be countered from Qur'ān and Ḥadīth.

### **The emergence of 'Miracle of Qur'ān philosophy**

Two different approaches towards science came into existence in the Muslim world. One is called Al-Tafsīr Al-'Ilmī (*Scientific exegesis*) which tries to restore the real meaning of Qur'ānic verses utilising modern scientific knowledge. The second approach called *I'jaz* Al-'Ilmī (Miraculous content of the Qur'ān hereby referred as MOQ) is bold enough to claim that 'there are some verses in the Qur'ān which reveals the facts of nature recently discovered by science'. In another words, that the Qur'ān miraculously precedes modern science in terms of containing natural truth (Zaghoul, 2003) The accidental search for the natural sciences in the Qur'ān throws by default question of inspiration.

As for 'scientific exegesis' history tells us that one of the first uses of natural sciences to explore the meaning of the Qur'ān was done by Imam al-Razi, which can be seen very clearly in his various books and specifically in his *Tafsīr-e-Kabir* (Al-Dhahabi, 1985; Al-Razi, 1987). Imam Badi'uzzama Sayed Nursi worked hard to harmonize and express the scientific nature of Qur'ān. He has also written a whole exegesis of the Holy Qur'ān with a scientific perspective (White, 2008). The traditionalist rationalist *Ibn-Nafis* of Egypt, who is called second Ibne-Sina, now famous for his theory of pulmonary blood circulation, had used logic and reason to prove the higher status of Ḥadīth compared to other sciences (Fancy, 2006). Whatever form of scientific explanation we trace in the history of Muslim intellectuals, they all are free from any comment on the status of Prophet of Islam (S.W.T).

One can trace the MOQ inspiration from the traditions of the Prophet (S.W.T) where he was recorded to have said `Qur'ān has no end in marvels'(Al-Nishapuri, 2009). Then there are statements of Imam al-Gazali and Imam al-Suyuti which may be acquired to make the case strong. For instance al-Gazali said "In the Qur'an are symbols and indications which can only be understood by the specialists, so could a simplistic rendering of its apparent meanings do?" (Al-Gazali, 1995, p.210). Nevertheless, what you seek is seeking you' will be a perfect fit to use such arguments because as Ahmad Dallal has pointed out, even after such claim neither Imam Gazali nor Imam Suyuti turn to Qur'ān with that obsessed mentality, even no one from the golden age did it (Dallal, 2004). If not within the Islamic circle then from where does this inspiration come from?

Starting with 18<sup>th</sup> century some new ideologies emerged in Muslim lands which was not something out of the ordinary. However, this time their foundation was different. The great *Muhaddith* of the Indian sub-continent Shah Abdul Aziz Dehlwi said that "till my time there is no disagreement whatsoever on the status of Prophet Muhammad (S.W.T)". One of the main ideas of those new ideologies was to shift the attention of the Muslim from the path of Prophet Muhammad (S.W.T) by excluding his value and character.

The person who had the greatest impact in this field was Joseph Schacht. In his various books, the author attacked the very foundation of Islamic Legal system- The Ḥadīth & Sunnah. Schacht has applied all the possible arguments to show that Ḥadīth and Sunnah are not binding on the Muslim and they are the fabrication of later generations (Forte, 1978). Due to such new inquiry our modern western style Muslim thinkers started to question same as Schacht and demanded to re-open the gate of Ijthād, which was never a hurdle in creative problem solving of new questions. This trend is still prevailing in the mind of Modern Muslim thinkers and they are trying to forge new ways in the already complete religion of Islam (Hallaq, 1984).

What Joseph Schacht did with the Islamic legal system, Doctor Maurice Bucaille did with the science of Qur'ān and Ḥadīth. Their line of argument remains the same. The similarity between both the orientalist is that, `they at the one hand pointed out that the Qur'ān is the revealed scripture and is full of legal and scientific truths but on the

other hand denied from the base the authority of *Ḥadīth & Sunnah* and its authenticity. Joseph Schacht has published his research during 1950's and subsequent years and Dr. Maurice Bucaille has published his book '*The Bible, The Qur'ān and science*' during 1976 in French (Maurice Bucaille, 2003). They have taken great care in showing the unscientific character of Ḥadīth and purported to the learned people that for Muslim only Qur'ān is the source of everything. However, due to impressive and scientific approach that they acquired, it anyhow penetrated into the Muslim circle. The central damage to Islam was the exclusion of ādāb from action and belief. Ādāb that was the core of Islamic knowledge has been poisoned without even mentioning it.

### **The Development of Wrong Premise**

Bucaille had discussed the historical compilation and related contradiction of the Bible. Then he attempted to expose the scientific problems in the Bible. He pointed out that lot of things have been altered in the bible, that were attested by several bible scholar. Then he turned to analyse the historical compilation of the Qur'ān and concludes that, Qur'ān is protected revelation and full of scientific facts. It shows his unbiased research on both the scriptures. But accidentally, he starts to discuss the analysis of Ḥadīth following closely the line of arguments proposed by Schacht's. He says:

'The collections of Ḥadīths are to Muhammad what the Gospels are to Jesus: Descriptions of the actions and sayings of the Prophet. Their authors were not eyewitnesses' (Maurice Bucaille, 2003, p.86)

To start with, he compares the Ḥadīth with the Gospels; both are compilation of actions and sayings. Then according to him Ḥadīth were not compiled by the eyewitnesses. At first, the question arises, when he selected & chose to show the scientific miracle of Qur'ān and named his book accordingly, then what was the need to discuss Ḥadīth & Sunnah here? This is totally offset from his inquiry hence motivates further the idea of intentional inclusion of this discussion. It is clear that whatever he discussed about the books of Bible, all are related to the Bible itself, on the contrary Qur'ān and Sunnah are two separate fields of study but they are compatible to each other so much that, no one can understand Qur'ān in absence of Ḥadīth; this is what Islamic scholars have attested to for centuries. Secondly, while writing, the author mentioned that

these are true for the most authentic Ḥadīth books like Sahih Bukhari and Sahih Muslim. The question is not about these two but in what perspective he claimed such extraordinary information to the reader who may not be much aware of the historical development of Ḥadīth text. If he knows about the *Saheehain* then he must know about the various Ṣaḥīfah which were written during the time of Prophet (S.W.T) a collection of sayings and actions. It is so famous that one of the well-known Ṣaḥīfah known as Abdullah bin Amr the *-Al-sahifa al-sadiqa* about which he himself said:

“Abdullah bin Amr, (radiallahuanhu) said-` I used to write everything I heard from Allah’s messenger seeking to preserve it, until Quraysh discouraged me, saying `Why do you write all what you hear from Allah’s Messenger? He is a Human: He speaks in anger and in pleasure? I mentioned this to Allah’s Messenger and he raised his finger to his mouth and said, ` Rather, write! For by who owns my soul, only truth comes out of it” (Kamali, 2014)

This same incident and Ḥadīth has been recorded by Ibn-Kathir under the Qur’ānic verse Ch-53, V-3-4:

“And he does not speak of his own desire. It is only through the revelations that are sent to him” (See, Hafiz Ibn Kathir, 2000)

The question arises, why did not the author mention such well known facts? And if he was not aware then there should not be any discussion of any Ḥadīth as per logic. Thirdly, if he intended to criticize the Ḥadīth & Sunnah to show the Miracle of Qur’ān, then being an unbiased author, he should discuss the whole historical development of Ḥadīth. On the contrary, it seems that his approach was to conclude the research of Schacht to undermine the authority of Ḥadīth which was very recent to him, otherwise there does not seem a single premise to start such an inquiry. Fourthly, he was aware that this book will most probably be read by the well-known French & English people and it is also evident that it was very less in chance to reach traditional Ḥadīth scholars, which is why this philosophy of Ḥadīth denial did not prevail in the major parts of the Muslim world including the Indian sub-continent. He further says that:

“They do not in any way constitute books containing the written revelation...In these books which are very widely read statements are to be found containing errors from the scientific point of view, especially medical remedies” (Maurice Bucaille, 2003, p.86)

There are lot of things where scientific enquiry is still lagging to solve the medical issues. And why is there is a need to compare medical remedies of that time with the current era, when nature has drastically changed? The remedies prescribed by the Prophet (S.W.T) to the companions (radiallahuanhum), we found no error within them; on the contrary people were cured with those technique (Al-Bukhari, 5686.). One can ask why the author did not mention & discuss those un-scientific traditions related to medical remedies he claimed for. If one says, the scope of book does not permit to include such discussion, then logically the author intentionally touched this point for the sake of creating premises to the people un-familiar with such tradition. At least he should have mentioned some references to deepen his claim, but unfortunately, there is none. Secondly, for more than a thousand years Muslims around the world have used those prescriptions as the Sunnah of Prophet (S.W.T) and worked on the premises to explore the detailed nature of medicines. Ibn Qayyim Al-Jawziyya wrote in one of the most influential books on prophetic medicine – *Al-Tibb Al-Nabawiyya* engulfing 277 chapters. Imam Jalaluddin Suyuti has written two books on this subject. He also divided medicine in three categories- Traditional, Spiritual and Preventive (Elgood, 1962). The legendary doctors of Islam like Ibn-Sina, Ibn-Nafis & Al-Razi were all aware of such tradition that is why they practiced & learned the cure of disease with the help of new books from other countries. Thirdly, the medical richness of Qur'ān was discovered in the recent century (Moore, 1986), but the remedies suggested by Prophet (S.W.T) were always well known and used. Its proof can be traced from the books of Ḥadīth in which contain separate books with the name of *Tibb* and lot of tradition has been recorded on the cure (Al-Bukhari,1997.; Muslim, 2007). Fourthly, it is unjust to compare medicine practiced in 21<sup>st</sup> century with the medicine of past. This comparison is out of context because those medicines specified by the Prophet (S.W.T) are not outdated or not worthy to be practiced, on the contrary nature has changed so much to digest that process of cure. Yet prophetic traditions demand as per its status some extraordinary explanation of nature.

It is very clear from the writings of Joseph Schacht and Dr. Bucaille that they developed the premises by criticizing their own scriptures and then applied the same methodology to comment on the foundation of Hadīth and Sunnah. However, it was applauded by only one branch of Muslim intellectuals having some proclivity towards it. Taking inspiration from such important works Muslim scholars started the project of finding scientific miracles in the Qur'ān. The methodology was setup up by the leading expounders of this theory like of Zaghoul Al-Naggar, Fahd A. al-Yahya, Abdellah Al-Mosleh and Abdulmajid Az-Zindani. Cobbling the different but close methodologies proposed by these four, it can be summarized as below:

1. The practitioner must employ the established facts of science not the uncertain theories except in the case of creation and extinction, life and humans as they are not settled, hence are conjecture. The Qur'ān and certain tradition can be used to elevate some conjectures over other.
2. For scientific exegesis one must employ the dominant scientific theories; on the contrary for finding Miracle in Qur'ān only established facts should be used.
3. A cosmic truth mentioned in the Qur'ān which recently came to be known, will end the multi-layered meaning of that verse.
4. Taking inspiration from the Qur'ān, Muslim scientist should venture on to find new discoveries. (Zaghoul, 2005, 2006)

These are the most important methodological principles to be employed by an expert in this field. Apart from the above four there are others too, but those are very general in academic research work. However, it can be easily demonstrated that to follow such methodology in itself is impossible. In the philosophy of sciences, there is an eternal war of methodologies as to how to describe reality and truth. The recent constructive argument proposes the apparent reality to be the definition of truth, hence denying the need for believing something to be a truth in itself or of something. It simply denies the struggle to find final cause to be unnecessary (May, 2016). It is not the intention to discuss the problems of methodology but to specify that there is no mention whether the miracle of Qur'ān will be proved by defaming the Prophet's knowledge of scientific nature of the universe? Even after decades nothing has been established concretely on this matter which shows the lack of concern of the scholars dealing with such projects. Now, it



will be shown how the theoretical and practical methodology differ in contrast.

### **The Defamation of Prophet of Islam**

By following this trend our modern Muslim scholars have attempted to search each and every piece of modern science from the Qur'ān which has resulted in an ocean of books and papers. Even various governments had taken keen interest in this battle and people were given support. Their philosophical way was not correct and even in obsession of faith they disregard the receiver of the Qur'ān, the Prophet (S.W.T) himself. It has been written by Caner Taslaman in his book 'The Qur'ān unchallengeable miracle' that:

“This may contribute to the formulation of a judgment for the inquiring minds, probing whether the Qur'ān is God's revelation or not. We have, on the one hand, Muhammad in the desert, neither a philosopher nor a physicist, and, on the other hand, the assumptions of great thinkers and philosophers such as Aristotle, Ptolemy, Giordano Bruno, Galileo Galilei and Isaac Newton, to name but a few. The greatest minds in history, basing their arguments on observations and formulas they had ingeniously devised, claimed either that the universe had its confines or that it was an endless space, but it occurred to none of them to think of a dynamic expanding universe”(Taslaman, 2006, p.27)

At second place while trying to prove big bang hypothesis and prove that Qur'ān is the miracle he says:

“We have witnessed the verification of data received from the satellites sent into space. How did it happen that the Prophet had an insight into the fact that the earth and the heavens were an integrated mass before they were split? We asked whether the Prophet could have had a telescope concealed under the sand dunes, a telescope as sophisticated as the Hubble telescope. Are the unbelievers going to claim now that Muhammad discovered the primeval unity of the heavens and the earth by having recourse to calculations of the cosmic background radiation, and that he had sent his satellite long before the launch of COBE, 1400 Years ago? Penzias and Wilson shared the Nobel Prize for the discovery. Would the unbelievers nominate Muhammad for the Nobel Prize for physics for having announced 1400 years ago that

the universe had once been a whole before space began expanding?" (Taslaman, 2006, p.36)

The author at one end says that the Prophet of Islam (S.W.T) is not even comparable to the philosophers like Aristotle, Ptolemy etc. On the other hand, he has used such an insulting way of reasoning to illustrate that Qur'ān is a miracle by defaming the status of Prophet (S.W.T) and abated him below the likes of Wilson & Penzias. From where did such philosophy come into existence which necessitates such harsh and insulting reasoning to prove scientific facts from the Qur'ān? Truly, this is not from the Islamic teachings; this is not from the Qur'ān and Ḥadīth. The author could have referred to the Qur'ān as guide on how to talk and discuss about the Prophet (S.W.T), the Lord Al-Mighty alone is enough to tell him the manner and punishment of defaming his Prophet (S.W.T). This is the ideology of orientalist who propagated throughout the century that the Sunnah is not binding to Muslims and he the Prophet (S.W.T) was an ordinary man like others. Now, if people who are unaware about the real status of Prophet Muhammad (S.W.T) will try to contemplate the matter as per the author's ideology, because he has provided arguments which seem logical to general people.

Aristotle was considered to be a pioneer in the field of philosophy. Of the many philosophies he fathered, most if not all have been outdated. His most popular worldview known as the Geo-centric solar system mathematically perfected by the Ptolemy, is no longer in existence. Galileo propagated the helio-centric model which was based on the mathematics of Copernicus and he based his idea on Aristarchus of Samos. Galileo & Copernicus were not able to prove the reason behind sun centred solar system and how it works until Sir Isaac Newton supported it with universal attraction law (Stein, 1967). Then his support gets a huge blow from the theory of relativity, and now space & matter play the role of attraction and nobody knows how gravity works if space is not absolute (Chen, 2003). If that's the case then nobody knows how the solar system is working. And the author is giving examples of these philosophers whose theories has been critiqued by their own colleague philosophers as done by Tycho Brahe (Dreyer, 2007; Sullivan, 1974). What is the basis of even making sense of comparison with Prophet (S.W.T) who's sayings & action paved the foundation of Islam and whatever he speaks is nothing but the revelation in itself. Does not the author know the essence of this qur'anic verse & the commentary of the

Mufassirūn? If he affirms this truth then why such illogical comparison? And if not than academically he cannot comment on the status of Prophet (S.W.T) without knowledge.

Logically speaking, the premise of the author's comparison is not logical in itself. The comparison should be made between the candidates of similar horizon. It will be illogical to compare the work of historian with the work of physicist. The listed personalities were philosophers or scientists observing the effect of the material world not the causes. That is why in the name of causes they are always trying to come up with new hypotheses to explain the question of existence. Contrary to this when he the prophet (S.W.T) says something it will be an absolute truth & will remain without alteration. Can the author attribute this special characteristic of correctness to anyone of the philosophers of the history? He cannot, because there is none more powerful in knowledge than him which is blessed directly by the Lord.

Worse than the arguments above is the new approach the author takes in explaining space satellites. This action is extraordinarily daring and makes fun of the Prophet (S.W.T). He names the headline:

COULD MUHAMMAD HAVE SENT A SATELLITE TO  
SPACE? (Taslaman, 2006, p.36)

This headline itself is a symbol of insult. This cannot be words of a true Muslim intellectual rather these are the words of the so called modern western Islamic thinkers who in the name of Miracle are trying to propagate a western version of Islam. The main argument the author tries to make is by using slander and judgment and could have been easily said in many other ways. Nevertheless, wisdom is rare and it does not belong to everyone. Lacking any enlightening arguments to prove the scientific miracle of Qur'ān he ended up in invective comments on the knowledge of Prophet (S.W.T) without introspection on the supposed consequences. Such apologetic stand creates inferiority complex in the Muslim's mind that they do not have any way to resolve the issue of proving the Qur'ānic miracle but by declaring that because Prophet (S.W.T) was illiterate from the beginning so the information contained in the Qur'ān could not be in his wisdom, it was revealed to him from the Lord. Islam and Muslims do not need such an apologetic approach to prove the miracle of Qur'ān and neither has it ever had to in the history of Islam. Now, it is mandatory to inquire how the Lord

approached his Prophet in the Qur'ān and how the Lord prescribed the manners to talk with his Prophet (S.W.T).

### **The status of Prophet (S.W.T)**

God said in the Qur'ān, that:

“And O beloved! (Prophet) If there had not been the grace and mercy of Allah upon you, then some people of them had wished to defraud you. And they are misleading themselves only and they will not hurt you in anything. *And Allah has sent down to you the Book and Wisdom and has taught to you what you did not know and great is the grace of Allah upon you*” (Raza, 2010, Ch-4, V-113)

Allah has sent the Qur'ān which is full of wisdom & knowledge of all the things, including the miracle the author is trying to prove. It is said that God has taught his beloved Prophet (S.W.T) whatever he was not knowing. This means only two things, certain things he knew and then the remaining part of the missing knowledge was taught to him. Secondly, he did not know anything but then Lord Al-mighty has taught him everything. Whatever the case may be, what one may agree upon does not leave the scope of denying the knowledge of Prophet (S.W.T) after it has been taught to him by the Lord of the universe.

Imam Al-Tabari says in his Tafsīr under the verse Ch-4, V-113:

“Allah saying: {Allah has sent down to you the Book and Wisdom} This is Allah's Fadhl (Bestowed Grace) upon you O Muhammad (Salallahu alaihi wasalam) among all other graces upon you, this bounty is superior. He revealed unto you the Kitaab which is al-Qur'an containing “mention of everything” and guidance and admonition. {The wisdom} meaning He revealed unto you along with Kitaab also Wisdom... {Taught you what you did not know} which includes “news of first most and last most” of what was and it is regarding what had happened before. That is the grace of Allah upon you O Muhammad (Peace be upon you) in creation, so thank him” (Al-Tabari, 1987)

It narrated in the book of Ḥadīth Sahih al-Bukhari:

“The Prophet was asked about things which he did not like, but when the questioners insisted, the Prophet got angry. He

then said to the people, "Ask me anything you like." A man asked, "Who is my father?" The Prophet replied, "Your father is Hudhafa." Then another man got up and said, "Who is my father, O Allah's Apostle?" He replied, "Your father is Salim, Maula (the freed slave) of Shaiba." So when 'Umar saw that (the anger) on the face of the Prophet he said, "O Allah's Apostle! We repent to Allah (Our offending you)" (Bukhari, V.1, Book 003, Ḥadīth Number 092).

“And Lo, I found myself in the presence of my Lord, the Blessed and the Glorious, in the best form. He said: Muhammad! I said: At Thy service, my Lord. He said: What these highest angels contend about? I said: I do not know. He repeated it thrice. He said: Then I saw Him put his palms between my shoulder blades till I felt the coldness of his fingers between the two sides of my chest. Then everything was illuminated for me and I recognized everything” (Tirmidhi, volume. 5, p.368-369).

Was the knowledge of knowing one's father a religious knowledge? It is the unseen and no one knows except the parents, then how come that man asked about such a strange thing? More interesting is that, the prophet (S.W.T) did not reply to that. Why are you asking such a question or it does not pertain to me and only God knows it. On the contrary he answered the question directly. Does the author want to say, that the one who has been taught by the Lord of the universe has less knowledge about the universe than the so called philosophers like Aristotle, Galileo, Newton and Einstein? The book which the author is referring to, the Qur'ān and Ḥadīth tells us very explicitly about the knowledge of Prophet (S.W.T). Then how is it the author neglected this information? There can be only two reasons- either the author did not know, if this is the case then the author is not entitled to write whatever he wills to prove his case and to use such bad examples. He should concentrate on the topic and relate it from the verses without going into the discussion of the status of Prophet (S.W.T). Because it is forbidden by the God to discuss about his beloved in any manner which is disrespectful to him. God says in the Qur'ān that:

“O People who Believe! Do not raise your voices higher than the voice of the Prophet, nor speak to him loudly the way you shout to one another, lest your deeds go to waste whilst you are unaware.” (Ch-49, V-2).

God has ordered not to raise voices louder than the Prophet's (S.W.T).  
God says:

“Do not presume among yourselves the calling of the Noble Messenger equal to your calling one another; Allah knows those among you who sneak away by some pretext; so those who go against the orders of the Noble Messenger must fear that a calamity may strike them or a painful punishment befall them”(Ch-24, V-63).

God has forbidden even calling his Prophet (S.W.T) as people use to call one another. God is teaching in the Qur'an such micro manners. If we deny this, beware, all our deeds will be null & void without our awareness. The fear of the companions (radiallahuanhum) about this can be seen from below incident:

“Narrated Anas bin Malik: The Prophet (S.W.T) missed Thabit bin Qais for a period (So he inquired about him). A man said. “O Allah's Apostle! I will bring you his news.” So he went to Thabit and found him sitting in his house and bowing his head. The man said to Thabit, “What is the matter with you?” Thabit replied that it was an evil affair, for he used to raise his voice above the voice of the Prophet and so all his good deeds had been annulled, and he considered himself as one of the people of the Fire. Then the man returned to the Prophet and told him that Thabit had said, so-and-so. (Musa bin Anas) said: The man returned to Thabit with great glad tidings. The Prophet said to the man. “Go back to him and say to him: “You are not from the people of the Hell Fire, but from the people of Paradise.”(Bukhari, V. 6, Book 60, Number 369).

That was the sense of *Ādāb* for the companions (radiallahuanhum) who were very fearing of God. So where does that put us? If they were feeling like that then, how much we should feel if we did the same sin now? God did not stop here to teach *Ādāb* of his Prophet (S.W.T) but declared that:

“O People who Believe, do not say (to the Prophet Mohammed- peace and blessings be upon him), “Raena (Be considerate towards us)” but say, “Unzurna (*Look mercifully upon us*)”, and listen attentively from the start; and for the disbelievers is a painful punishment. (To disrespect

the Holy Prophet – peace and blessings be upon him – is blasphemy.)”(Ch-2,V-104).

Imam al-Qurtubi narrates the tradition behind the revelation of this verse:

“Ibn Abbas (ra) narrates that Muslims used to call the Prophet (S.W.T) as “**Ra’ina**” which meant “Please do Riyaat for us i.e. please listen to us, or give us your time” When Muslims did not understand something properly, they used to say Ra’ina. However in the language of Jews this word was used for praying evil for someone and it meant: Hear because you will not be heard! The Jews found an opportunity to misuse this word and started to say that we used to first degrade the Prophet in alone but now we will do it in open gatherings, so they started to address the Prophet as “Ra’ina” and then laughed over it. Hadrat Sa’d bin Muadh (ra) was well aware of Jewish lughat, when he heard Jews saying this he said to them: “may allah’s lanah be upon you, if i ever hear you saying this word again then i will chop your heads off” at this the Jews replied: Don’t you use the same word? At this point the verse was revealed (i.e. not to say Ra’ina but say Unzurna) so that Yuhud do not get an opportunity to displace words from its place and make good words into bad, and also Muslims should hear the Prophet’s words carefully so that “such a situation never even arises” (Qurtubi, V.2, Pg.57).

God has prohibited the use of ambiguous and unequivocal words to ascribe to the Prophet (S.W.T). The author did the same mistake, while thinking he is doing a great job of explaining scientific miracles of the Qur’ān, he has defamed the status of Prophet (S.W.T). The lord of heavens, has prohibited even the use of a single word which is not worth to use to describe his Prophet (S.W.T), but the author has used whole paragraphs to do the same. Saad bin Muadh (radiallhuanhu) was very angry that he warned to chop the head of that Jew. Can we imagine the level of love & Ādāb companions were having for the Prophet (S.W.T)? If the author knew all such extraordinary glimpses of Ādāb then it will be considered a serious charge to defame the Prophet (S.W.T) and it shows a total modernization of Islam. Overall, the author has not done the justice with his line of inquiry. He also hurt the sentiments of Muslims in general, and made fun of the Prophet’s (S.W.T) great knowledge & status.

The reason for such mentality is that they are not aware of the real status of Prophet (S.W.T). God described in the Qur'ān ways to talk, behave, call and most importantly how to choose the correct words to describe his Prophet (S.W.T). The human mind should ponder on this very important & historical point, as to why these things happened?

God has not separated his Prophet (S.W.T) in any rulings except 'Ibādah. Now the explanation of Qur'ān on the status of Prophet (S.W.T) will be presented, here is it clear that the commandments of God and his Prophet (S.W.T) are same. God says in Qur'ān:

“But if you do not do like this, then be sure of war from Allah and the Messenger of Allah. And if you repent then take your principal sums, neither you wrong any one nor be wronged yourselves”(Ch-2, V-279).

The war from God and his Prophet (S.W.T) is same. Then God says:

“Say you, ‘Obey Allah and the messenger; then if they turn their faces, then Allah loves not the infidels”(Ch-3, V-32).

Anyone obeying God has joined his Prophet (S.W.T). Again he says:

“And remain obedient to Allah and Messenger, in the hope that you be shown mercy”(Ch-3, V-132).

“These are the limits of Allah and whoso obeys Allah and His Messenger; Allah will make him enter Gardens beneath which Flow Rivers will abide therein. And this is the great success”(Ch-4, V-13).

“And whose disobeys Allah and His Messenger and transgresses His all limits; Allah will cause him to enter the Fire, in which he will abide and for him is degrading torment”(Ch-4, V-14).

“Whoso obeys the messenger, has indeed obeyed Allah, and whoso turns away his face, then we have not sent you to save them”(Ch-4, V-80).

“Then O beloved! By your Lord, they shall not be Muslims until they make you judge in all disputes among themselves, then they find not any impediment in their hearts concerning whatever you decide, and accept from the eve of their hearts”Ibid Ch-4, V-64.



“...And if when they do injustice unto their souls, then O beloved! They should come to you and then beg forgiveness of Allah and the messenger should intercede for them then surely, they would find Allah Most Relenting, Merciful”(Ch-4, V-64).

“They ask you O dear Prophet (*Mohammed - peace and blessings be upon him*) concerning the war booty; say, “Allah and the Noble Messenger are the owners of the war booty; so fear Allah and maintain friendship among yourselves; and obey Allah and His Noble Messenger, if you have faith.”(Ch-8, V-1).

“How excellent it would be, if they were pleased with what Allah and His Noble Messenger had given them and said, “Allah suffices us; Allah will now give us by His munificence, and (*so will*) Allah’s Noble Messenger - and towards Allah only are we inclined.”(Ch-9, V-59).

There are more than a hundred places in the Qur’ān whereby God included his Prophet (S.W.T) in his commands. A survey of the above verses reveals that, there is no way to accept the command of God and neglect the Prophet (S.W.T). Similarly, it is incontrovertible fact that, no one has right to praise only God but not the Prophet (S.W.T) or it is a Bid‘ah to prove the miracle of Qur’ān by paying the price of status of Prophet (S.W.T). It is the attribute of hypocrites to come towards God but not toward Prophet (S.W.T). So, if someone makes fun of Prophet (S.W.T), he is making fun of God, if someone disrespect Prophet (S.W.T) he is disrespecting the Lord of the heavens. Lord of the heavens says that He is alone the ‘Rabb’ of all the worlds. He also says that his beloved Prophet (S.W.T) is the ‘Raḥmah’ for all the worlds. This is very basic essence of Islam, and one needs to pondered upon it.

This essence of the Qur’ān has been very well understood by the companions (radiallahuanhum) and later generations, that is why they respected the Prophet (S.W.T) like nobody can imagine. It is important here to cite the actions of companions ((radiallahuanhum) when it comes to the status of Prophet (S.W.T). To complete the argument and establish the apparent wrong that the miracle of Qur’ān project has. It is necessary to explain the consequences of defaming Prophet (S.W.T) first. God says in the Qur’ān:

“There is a painful punishment for those who hurt the messenger of Allah”(Ch-9,V-61).

“and those who hurt Allah and His messenger (S.W.T); Allah’s damnation upon them in this world and the hereafter and a humiliating punishment for them is readied”(Ch-33,V-57).

None can hurt God as He is transcendent from a being that can be hurt; but He has described those who disrespect His Prophet (S.W.T) as those who hurt God. These verses mention seven whips for a person who has affection towards those who are disrespectful towards Prophet (S.W.T).

God says in the Qur’ān:

“They (hypocrites) swear by ALLAH that they have never said so (things disrespectful to the prophet). But verily, they have uttered words of disbelief (Kufr) and have become disbelievers after having been Muslims”(Ch-9,V-34).

Ibne Jarir (Al- Tabari), Tabrani, Abu’l shaykh, ibn Mardawih reported from Abdullah ibn Abbas (radiallahuanhu) who narrates the reason of revelation:

“Rasul’allah (S.W.T) was sitting in the shade of a tree, presently, he said: A man will come to you now and look at you with the eyes of Satan, do not speak with him when he comes. After a while, a man with amber eyes speared. Rasul’allah (S.W.T) called him and asked: why were you and your friends saying disrespectful things about me? The man went back and brought his companions and they swore that they did not say anything that was insulting or disrespectful. Allah has revealed these verses on this occasion and said, you swear that you have not said it, but certainly, you have said it and it is an utterance of disbelief, and because of this, you have become Kafir after having been Muslims”(Tabari, 1987)

Notice that God bears witness that those who say things disrespectful about the Prophet (S.W.T) become Kafir even if they insist that they are Muslims. And God says:

“If you ask them (why they said so,) they reply, we were joking and being playful. Tell them: Do you make fun of Allah taala and his Verses and his Prophet? Do not

find excuses- you have become infidels after professing faith”(Ch-9, V-65-66).

Ibn abi shaybah, ibne Jarir, Ibn al-Mundhir, ibne abi hatim and Abu'l Shaykh reports from Mujahid (radiallahuanhu), a prominent disciple of Abdullah Ibn Abbas (radiallahuanhu) narrates the reason behind the revelation of this verse:

“Concerning the verse: When you ask them, they say ‘we were jesting and were being playful. A man among the hypocrites said: Muhammad (S.W.T) tells us that the camel of so-and-so is in such-and –such a valley, what does he know about the Unseen?’”(Tabari, 1987)

It is apparent that God has not allowed to slanders of the Prophet (S.W.T) in any manner. The reason behind the revelation makes it very explicit, that making fun of the knowledge of Prophet Muhammad (S.W.T) was considered disbelief. Because, to possess knowledge of the unseen is a distinct attribute of prophets as said by Imam al-Gazali, Imam Qastallani, Mawlana Al al-Qari, Allamah Muhammad Zarqani and other senior scholars (Khan, 2013). It is exceedingly strange and an obvious crime, that author (quoted above) denies that Prophet Muhammad (S.W.T) has less knowledge compared to Plato and Aristotle, whereby God has bestowed the knowledge to his Prophet himself. On the topic of Prophet’s knowledge great scholars’ have written lengthy works. No one have ever tried to unveil the mysteries of the Qur’ān by disrespecting the Prophet (S.W.T).

The crux of the whole discussion is this, it is not allowed in Islam to prove the Miracle of Qur’ān by compromising the other tenets of Islam. One cannot for the sake of proving one verse deny and twist other verses and simply overlook the traditions related to that. Moreover, if someone goes beyond that and tries to treat Prophet (S.W.T) as a normal human who can be criticized and defamed for the sake of one’s understanding to prove the Qur’ān than beware, as per the Qur’ān he has crossed the limit. He will be committing a serious sin unable to be repented from as has been explained earlier. The whole employed methodology of called *I’jaz Al-‘Ilmī* and the people involved in this project must take necessary steps to avoid the consequences of Islamic law. It was never beneficial to compromise the status of Prophet (S.W.T) in exchange for anything because the faith of a Muslim rests on the love and respect of Prophet Muhammad (S.W.T).

“O Prophet! Tell them: If your fathers, your sons, your brothers, your wives, your family, the wealth that you have amassed, and the business that you fear will be ruined, and dwellings that delight you; if any of these are more beloved to you, than Allah and His messenger, or more precious than striving in the path of Allah- then wait, until Allah sends His wrath; verily, Allah does not give way to the contumacious”(Ch-9,V-24).

“None amongst you is a true believer, unless I am most beloved to him; and dearer to him than his own father, his children and all the people in the world”(Bukhārī, book 1, Ḥadīth:70)

## Conclusion

This inquiry attempts to discuss the roots of free-thinking methodology while exploring the scientific miracles of the Qur’ān. The article tries to trace the inspiration behind such a project and raises objections on it. While discussing the theoretical methodology of this project it becomes clear that, it is based on the orientalist methodology when it comes to deal with the status of Prophet (S.W.T) and his Sunnah. The methodology in of itself is impossible to be implemented and requires a person who is well acquainted with religion and science at the same time. Knowing the philosophy of sciences and understanding how to define the facts and truth. There is no clear rule on who is entitled and qualified to do that. After this, a particular book as an example was considered to examine and it was exposed that there are several grave insulting statements for Prophet Muhammad (S.W.T). The author employed the value of free scientific methodology and tried to prove the miracle of the Qur’ān by defaming the Prophet (S.W.T). This trend has been criticized from the Qur’ān and Ḥadīth which are very explicit in ruling such actions as disbelief. It is not intended to give any ruling but to establish the real status of Prophet (S.W.T) and understand the manners on how we should talk about him. However, this criticism may not apply to all the works related to this project but to those who commit such sin.

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# Duties and Decision-Making Guidelines for *Sharī‘ah* Committee: An Overview of AAOIFI

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**Abstract:** The *Sharī‘ah* ‘Committee is a board which is independent in directing, reviewing and supervising an Islamic Financial Institution (IFI). It consists of those who are specialised in *Fiqh Mu‘amalāt* or those who know it with expertise in other fields. In conjunction with IFIs emergence, the Accounting and Auditing Organization for Islamic Financial Institutions (AAOIFI) was established and has issued numerous standards on accounting, auditing and also governance for IFIs. The researchers intend to review the duties and decision-making guidelines of the *Sharī‘ah* Committee prescribed by the AAOIFI in 2010. The review undergoes a thorough search and critical analysis of any related content about the topic throughout the whole standard. Some important results are: AAOIFI mentions directly the duties of the *Sharī‘ah* Committee along with the definition of this *Sharī‘ah* Committee. These duties are directing, reviewing and supervising. On the other hand, decision-making guidelines are indicated indirectly and they are scattered throughout the AAOIFI governance standards.

**Key words:** AAOIFI, *Sharī‘ah* Committee, duties, decision-making, guidelines

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**Abstrak:** Jawatankuasa Syariah adalah lembaga yang bebas untuk mengarah, menyemak dan mengawasi Institusi Kewangan Islam (IFI), terdiri dari mereka yang mengkhususkan diri dalam *Fiqh Mu'āmalat* atau mereka yang mempunyai pengetahuan tentangnya dengan kepakaran dalam bidang lain. Selain itu, seiring dengan perkembangan IKI, Organisasi Perakaunan dan Pengauditan untuk Institusi Kewangan Islam (AAOIFI) telah ditubuhkan dan telah mengeluarkan banyak piawaian mengenai perakaunan, pengauditan dan juga tadbir urus IFI. Penyelidik telah menyemak Piawaian Tadbir Urus dan Etika yang dikeluarkan oleh AAOIFI pada tahun 2010, mengenai tugas dan garis panduan membuat keputusan oleh Jawatankuasa Syariah. Semakan tersebut dijalankan secara menyeluruh dan kritikal untuk mencari apa-apa kandungan berkaitan mengenai topik tersebut di dalam piawaian tersebut. Hasilnya, AAOIFI hanya menyebut secara langsung tugas Jawatankuasa Syariah dalam definisinya mengenai Jawatankuasa Syariah, iaitu mengarah, menyemak dan menyelia, sementara garis panduan membuat keputusan pula didapati secara tidak langsung secara berselerak sepanjang piawaian tadbir urus AAOIFI .

**Kata Kunci:** AAOIFI, Jawatankuasa Syariah, tugas, membuat keputusan, garis panduan

## Introduction

The Accounting and Auditing Organization for Islamic Financial Institutions (AAOIFI) is a non-profit autonomous international corporate body that prepares the accounting, auditing, governance, ethics and *Shari'ah* standards for IFIs and the Islamic finance industry. AAOIFI, within the *Shari'ah* rules and principles, aims to improve the quality and uniformity of auditing and governance practices related to IFIs through the introduction of Accounting, Auditing and Governance Standards for IFIs (AAGSIFI). The researcher will examine the duties and decision-making guidelines from the AAGSIFI; whether they are constructive and well-elaborated for practitioner uses.

From the researcher's knowledge, there is not a single study yet that has been made on this topic which is focusing on the duties and decision-making guidelines issued by AAOIFI. However, the researcher was successful in finding some related studies. Among them is an article wrote by Al-Shubayli (2011) which mentions that the roles of the *Shari'ah* Supervisory Board are to set up the *Shari'ah* guidelines toward IFIs and confirm its application in the IFIs. There is also a comparative study by Nawal Kasim, Htay and Syed Ahmed Salman

(2013) which did an analysis of AAOIFI, IFSB and BNM *Sharī'ah* governance guidelines. However, this study did not touch on the duties and decision-making guidelines directly but compared the whole of AAOIFI's guidelines with the other guidelines. Other than these, the researcher did not find any other related works of literature on decision-making guidelines for the *Sharī'ah* Committee.

As an international autonomous body of standards, AAOIFI's guidelines for the *Sharī'ah* Committee on its duties and decision-making processes should be examined to ensure that it is compatible internationally. Besides, the absence of previous literature on this topic necessitates a need to conduct a critical and thorough study towards it.

### **The Chronological Development of AAOIFI**

The modern record of accounting was first issued in Italy by Luca Pacioli in 1494 by using double-entry bookkeeping (Lauwers & Willekens, 1994, p. 302). In the nineteenth century, accounting shifted from local expert organisations in England to establish the Institute of Chartered Accountants in England and Wales in 1880 (Perks, 1993, p. 16). However, long before Pacioli pioneered his book, the Muslim world had already instituted the *Bayt al-Māl* system which is a monetary institution that serves as the treasurer of the state and also safeguards social welfare. Muslims also had their *Kitābāt al-Amwāl* which means cash recordings.

These *Kitābāt al-Amwāl* manuscripts can be traced back to the late first century of the Islamic era, which corresponds to the early eighth century C. E., which was much earlier than what was issued by Pacioli in the 15<sup>th</sup> century. Among the works that contributed to *Kitābāt al-Amwāl* manuscripts are *Kitāb al-Kharāj* by 'Abū Yūsuf Ya'qūb ibn 'Ibrāhīm (d. 182/799), *Kitāb al-Kharāj* by Yaḥyā ibn 'Ādam (d. 203/819), *Kitāb al-Amwāl* by 'Abū 'Ubayd al-Qāsim ibn Sallām (d. 224/839), *al-Kharāj wa Ṣinā'at al-Kitābah* by 'Abū al-Faraj Qudāmah ibn Ja'far al-Kātib (d. 320/932), *Kitāb al-Amwāl* by 'Abū Ja'far Aḥmad ibn Nasr al-Dāwūdī (d. 402/1011) and *Kitāb al-Istikhrāj li 'Aḥkām al-Kharāj* by 'Abū al-Faraj 'Abd al-Rahmān ibn Rajab al-Ḥanbalī (d. 795/1393).

*Kitāb al-Amwāl* by al-Dāwūdī, for example, is one of the significant works on the revenue administration of the early phase of Islam. It contained verdicts of the disputes related to problems of settlement of lands and administration of properties. It was being used for a practical

purpose in the fourth/fifth centuries of Hijrah in North Africa, Spain and Sicily. The manuscript remained in demand for even five hundred years after the death of al-Dāwūdī. All of these precious manuscripts are concrete evidence of progressive accounting history in Islamic civilisation (al-Dāwūdī & Abu'l Muhsin, 1784, p. 2).

Furthermore, accounting or accountancy is the measurement, processing, and communication of financial information about economic entities such as businesses and corporations (Needles, Powers, & Susan V. Crosson, 2014, p. 4). It evaluates the results of the commercial activities of any organisation. The term ‘accounting’ is used habitually as a synonym of the term ‘financial reporting.’ Its practitioner is known as an accountant.

Accounting organisations such as standard-setters, accounting firms, and professional bodies facilitate accounting practices by announcing the financial statements which are prepared by accountants following generally accepted accounting principles (GAPP) (Horngren, Datar, & Rajan, 2015, p. 25). Various standard-setting organisations set GAPP such as the Financial Accounting Standards Board (FASB) in the United States and the Financial Reporting Council in the United Kingdom.

Besides that, the word audit is derived from a Latin word “*audire*” which means “to hear” (Ajao, Olamide, & Ayodejitemitope, 2016, p. 33). During the medieval times, auditors in Britain used to hear the accounts read out for them and checked that the organisation’s personnel were not negligent or fraudulent at a time when manual book-keeping was prevalent (Matthews, 2006, p. 6). An audit is a “systematic, independent and documented process for obtaining audit evidence (records, statements of fact or other information) which are relevant and verifiable” as defined in ISO 19011:2011—Guidelines for auditing management systems (ASQ, “What is auditing?”). Through the audit, a set of policies, procedures or requirements are fulfilled. The practitioner of auditing is called an auditor. The auditing process has three different stages of different types of auditors in conventional practice.

The process of conducting accounting and auditing of conventional financial institutions is well-established. However, its establishment is based on following the framework of the traditional system which was based on usury in their transactions. Meanwhile, the emergence of IBF needed accounting and auditing organisations that could provide

standards for IFIs. Therefore, after a working paper presented by the Islamic Development Bank during the annual meeting of its board of governors in Istanbul in March 1987, some committees were formed to examine and formulate the appropriate methods of accounting standards for IFIs. They made intensive effort and conducted several studies to provide a basis for the rules. They placed these studies in five volumes and deposited them in the library of the Islamic Research and Training Institute of the Islamic Development Bank in Jeddah. These studies led to the establishment of the Financial Accounting Organization for Islamic Banks and Financial Institutions (FAOIBFI) in 1991 which was signed by IFIs by the Agreement of Association in the State of Bahrain, as an international autonomous non-profit corporate body (Bucheery, 2001, p. 58).

After four years of work, the:

“[r]ecognition of the importance of auditing led the FAOIBFI to change its name in 1995 to the Accounting and Auditing Organization for Islamic Financial Institutions (AAOIFI), to include a specific reference to auditing (Archer & Karim, 1997, p. 100).”

The renaming of the organisation has resulted in a new organisational structure. The new arrangement is headed by the Secretary-General (AAOIFI, «Introduction», 2002, pp. 2-3).

Nowadays, AAOIFI is an international organisation primarily responsible for the development and issuance of standards in the areas of *Sharī'ah*, accounting, auditing, ethics and governance for the global Islamic finance industry. AAOIFI is also responsible for secondary objectives which are:

- i. Spreading accounting and auditing concepts relevant to IFIs and their applications through training, seminars, publication of a periodical newsletter, carrying out and commissioning of research and other means,
- ii. Preparing, promoting, and interpreting accounting and auditing standards for IFIs, and
- iii. Rechecking and revising accounting and auditing standards for IFIs (AAOIFI, “Objectives”).

Karim claims that the reasons behind AAOIFI's issuance of accounting standards for Islamic banks are:

- i. The fear that the regulatory agencies might intervene to regulate the financial reporting of these institutions using conventional supervision in the countries in which Islamic banks operate, and
- ii. To achieve an appropriate degree of comparability between these banks' financial statements (Karim, 1990, pp. 299–305).

AAOIFI started the process of producing Islamic accounting and auditing standards by developing a statement of the objectives and concepts of financial accounting for Islamic banks, in a way similar to that of its Western counterpart, FASB (Financial Accounting Standards Board) in the USA (Karim, 1994, pp. 53-59). It started with the objectives and the concepts set forth by international accounting standards-setting bodies, tested them against *Sharī'ah* principles and accordingly accepted standards which are in agreement with *Sharī'ah* and rejected those that are not.

AAOIFI follows a due process which provides interested parties with the opportunity to express their opinion on the standards before they are finally approved by the Accounting and Auditing Standards Board and the *Sharī'ah* Board (Karim, 1994, pp. 53-59). Moore says:

“Each accounting and auditing standard undergoes a rigorous process of scrutiny and revision before issued as an exposure draft. Each exposure draft is subject to extensive debate at a public hearing before being promulgated as a standard (Moore, 1997, p. 99).”

Gambling et al. described AAOIFI as an organisation which has been set up with a remit to produce a set of standards, but its remit does not extend to enforcing the implementation of them. AAOIFI is expected to work very closely with the current regulatory agencies in the countries where the Islamic banks operate, to gain their support in encouraging Islamic banks under their supervision to implement AAOIFI's standards (Gambling, Jones, & Karim, 1993, pp. 195-207). Karim further explains:

“...so as long as important stakeholders perceive AAOIFI's role as a private self-regulatory body within the context of setting morally governed standards, this might help AAOIFI to have its standards at least voluntarily implemented by Islamic banks” (Karim, 1996, p. 132).

## The Structure of AAOIFI

Every organization, whether profit or non-profit based, political or NGO, international or national, has its vision and objectives, which are achieved through task allocation, a grouping of expertise, a hierarchy of conduct which together are called an organizational structure. A suitable, realistic and significant arrangement is needed to achieve the organization's vision in a periodical timetable. There are many types of corporate structures depending on the kind of image being aimed for.

AAOIFI is an international non-profit organisation primarily responsible for the development and issuance of standards for the global Islamic finance industry. At the beginning of its establishment, AAOIFI used the name of FAOIBIFI. At that time, the structure was slightly different from the current organisational structure. FAOIBIFI comprised of the Board of Trustees, the Financial Accounting Standards Boards, the Executive Committee and the *Sharī'ah* Committee.

After four years of progressing, FAOIBIFI changed its name to AAOIFI and consequently also changed its organizational structure. After that, the new corporate composition comprised of the General Assembly, the Board of Trustees, the Accounting and Auditing Standards Board, the Executive Committee, the *Sharī'ah* Boards, and the General Secretariat to be headed by the Secretary-General (Bucheery, 2001, p. 58). The upper hierarchy changed, some additional boards added and standardization of the structure occurred.

The change was substantial for the democratization process of the organization's structure. This process was indicated when the Board of Trustees, which comprised of a limited number of committees as the organization's highest decision maker, changed to the General Assembly, which involved all members including ordinary members. This change proves that the AAOIFI significantly expanded and became more democratic for its general purpose.

The AAOIFI has a constructive hierarchical structure and an inter-linked connection between boards. The ultimate authority over the organization is the General Assembly which convenes at least once a year. The General Assembly has the power to approve, amend AAOIFI's statute, appoint the Board of Trustees which situates under the General Assembly in the hierarchy, and adopt the annual financial statements (AAOIFI, "General Assembly").

Besides that, the General Secretariat is responsible for the rapporteur and secretarial work. The AAOIFI's Secretary General heads the General Secretariat. This secretariat combines all of the secretaries on all Boards in AAOIFI for administrative and operational purposes. It is responsible for, amongst others, day-to-day operations, preparation of standards (in coordination with AAOIFI's standards' Boards) and carrying out standards-related activities (AAOIFI, "General Secretariat").

The AAOIFI also comprises of committees that support the Board of Trustees. There are three of them: the Executive Committee, Audit Committee, and Nominating Committee. All the committees are founded functionally with their job scopes. The Executive Committee is responsible for, amongst others, discussing the work plan, the annual budget, and annual report (AAOIFI, "Executive Committee"). Meanwhile, the Audit Committee upholds the integrity, transparency, disclosures, and risk management (AAOIFI, "Audit Committee"). The Nominating Committee is the one who nominates, selects and appoints the technical boards which consist of the *Shari'ah* Board, the Accounting and Auditing Board, and the Governance and Ethics Board (AAOIFI, "Nominating Committee").

Furthermore, the three technical boards similarly aim to come up with a set of standards relevant to their functionality, such as the Governance and Ethics Board came up with the AAOIFI Governance and Ethics Standards. The compositions of the boards are multi-disciplined, profession-based individuals from among practitioners in the industry and also from among academicians in respective fields. The researcher's concern is on the Governance and Ethics Board as it is the one that drafted the roles and decision-making guidelines for the *Shari'ah* Committee.

The AAOIFI Governance and Ethics Board (AGEB) held its first meeting on the 25<sup>th</sup> of April 2016. A few months earlier, the General Assembly of AAOIFI approved its establishment next to the former two boards that were already founded. Dr Hameed Merah, the Secretary-General of AAOIFI said that the purpose of AAOIFI's foundation is:

“[i]n continuation of AAOIFI's pioneering efforts to serve the global Islamic finance industry through the development of its governance and ethical standards, and in its keenness to enhance governance within the industry (Merah, 2016).”



Moreover, to preserve the diversity of the board, its members are recruited from many different sectors within IBF as follows:

- i. At least five members are representing IFIs (commercial banks, investment banks, insurance, financing companies, etc.).
- ii. Up to five members representing accounting and auditing firms, and professionals in the field of governance, risk management, and compliance (GRC).
- iii. Up to three members representing central banks, regulatory authorities, and international or multilateral organisations (such as the World Bank, International Monetary Fund (IMF), the Islamic Financial Services Board (IFSB), etc.).
- iv. At least one member who is a *Sharī'ah* scholar (and does not serve at the same time on AAOIFI *Sharī'ah* Board).
- v. At least one member is representing academicians (universities and educational institutions) (AAOIFI, “Composition”).

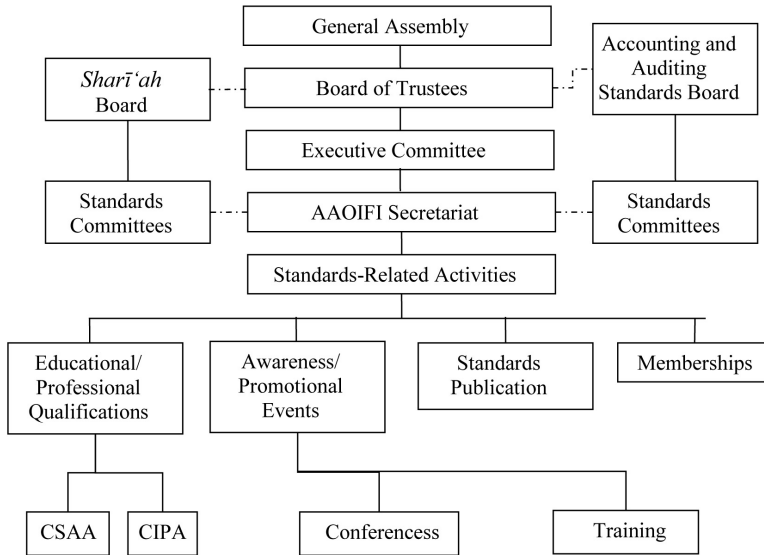
The composition is also involving stakeholders outside IBF. It shows the commitment of AAOIFI to make its standards as relevant as possible worldwide. The table below shows the persons who are involved in AGEB:

Table 3.1 Members of AGEB (aaoifi.com, “AGEB Members”)

Name	Position	Status
Mr Jamil Darras	Head, Central Accounting Section, Finance Department, Islamic Development Bank, Saudi Arabia.	Chairman
Sheikh Essam Mohammed Ishaq	Shari'ah Advisor & Board Member, Discover Islam Centre, Bahrain.	Member
Dr Hussein Said Saifan	Assistant General Manager, Jordan Islamic Bank, Jordan	Member
Mr Oliver Agha	Managing Partner, Agha & Co, United Arab Emirates	Member
Mr Qudeer Latif	Partner, Clifford Chance LLP, Dubai, United Arab Emirates.	Member
Dr Hatim El-Tahir	Director, Islamic Finance Group, Deloitte & Touch, Kingdom of Bahrain	Member
Dr Hamed Hassan Merah	Secretary-General, Accounting and Auditing Organization for Islamic Financial Institutions	Member

The structure of AAOIFI is illustrated in the chart below:

Figure 3.1 The Structure of AAOIFI (aaoifi.com, "Structure")



### Duties of *Sharī'ah* Committee According to AAOIFI

A duty is a moral or legal obligation (Oxford dictionaries, "Duty"). It is derived from an old French word, '*deu*', a past participle of '*devoir*' from a Latin word which means "debt." Therefore, '*deu*' itself means 'that which is owing' (Encyclopædia Britannica, "Duty"). Thus, duty is the combination of words that consist of a sense of morality added to accomplishing legal obligations. The commitment comes as a sense of belonging, like someone who is in debt with another.

The Muslim world is familiar with the concepts of '*al-'amānah*,' '*farḍ al-kiḥāyah*' and '*al-dayn*'. '*Al-'Amanah*' is an act of completing or state of being completed or finished (*al-Mu'jam al-Wasīt*, 2004, p. 28). Every Muslim must accomplish their religious obligations as stated in the verse no. 72, *sūrah al-Aḥzāb*:

"We did indeed offer the Trust (*al-'amānah*) to the Heavens and the Earth and the Mountains; but they refused to undertake it, being afraid thereof: but man undertook it;- He was indeed unjust and foolish;- " (*Qur'ān*, 33:72).

'*Al-'Amānah*' here is all the religious obligations according to the majority of scholars' opinions (al-Qurtubī, 1996, p. 254).

This duty is the effect of the personal vow by all mankind in front of Almighty as captured in the Holy *Qur'ān*:

“When thy Lord drew forth from the Children of Adam - from their loins - their descendants, and made them testify concerning themselves, [saying]: “Am I not your Lord [who cherishes and sustains you]?”- They said: “Yea! We do testify!” [This], lest ye should say on the Day of Judgment: “Of this, we were never mindful” (*Qur'ān*, 7:172).

This vow shows the promise humans made in front of the Almighty which makes it justified for humans to keep the obligation of fulfilling all the Almighty's orders.

All obligations are not the same for every person. It is only according to their level of knowledge and ability as Allah doesn't burden His servant beyond their limitations. The different stages of responsibility can be reflected through the *farḍ al-kifāyah* concept in Islam, i.e. things of public interest, whether for religion or material purposes, without which a society cannot be organised and sustained. If someone capable does it, all others are liberated from committing a sin (Al-Zarkashī, 1992, p. 251). However, if none of them does it, the society as a whole will bear the sin collectively. Therefore, every aspect of *farḍ al-kifāyah* should be assigned to a specialist to accomplish it. Allah said:

“Indeed, Allah commands you to render trusts to whom they are due and when you judge between people to judge with justice. Excellent is that which Allah instructs you. Indeed, Allah is ever Hearing and Seeing” (*Qur'ān*, 4:58).

The deed of putting a specialised person in the right position is the nearest way to achieving fairness in a society. Islam teaches us to establish a sustainable and independent religious society with sufficient statesmen and qualified personnel in every section of human life since the time of the Prophet (S.A.W).

Therefore, the *Sharī'ah* scholars who are *Sharī'ah* Committee members, perform their responsibility for the interest of a society by contributing and supervising the IFIs; if they are not there, most of the public will remain in *Sharī'ah* non-compliant transactions. Their effort

contributes to preserving both the religion and a prosperous society in this world. It is an additional '*amānah*' from Allah (S.W.T.) given to this committee for the benefit of the Muslim society, besides the common duties that they are obliged to perform individually like other Muslims.

The AAOIFI, in its Governance Standards, has assigned the *Sharī'ah* Committee a few entrusted job scopes for the accomplishment of the activities of IFI (AAOIFI, "Governance", 2010, pp. 4-5). They are as follows:

- i. Directing.
- ii. Reviewing.
- iii. Supervising.
- iv. Reporting.

All these roles are to fulfill the requirement of *Sharī'ah* -compliance of an IFI.

These roles of the *Sharī'ah* Committee have been inserted in the duties of the *Sharī'ah* Supervisory Board in the AAOIFI Governance Standards as follows:

"The *Sharī'ah* Supervisory Board is entrusted with the duty of directing, reviewing, and supervising the activities of the Islamic financial institution to ensure that they comply with Islamic *Sharī'ah* Rules and Principles (AAOIFI, "Governance", 2010, pp. 4-5)."

It is understandable that the *Sharī'ah* Committee also needs to make sure that the report is in-line with standards and accurate with the activities although its secretariat usually prepares it.

Moreover, to ensure that an IFI is *Sharī'ah*-compliant, the *Sharī'ah* Committee needs to direct the Board and other stakeholders towards it, as the AAOIFI entrusts this committee to do so. The *Sharī'ah* committee has to address the issues related to instructions, regulations, forms of contract, and development of *Sharī'ah* principles. In case of any inquiries and questions, from any stakeholder, they need to give *fatwās* that answer and direct those questions (Malek Marwan, Mohamad Sabri, Rashila, & Raghad, 2016, p. 29).

*Sharī'ah* review is a screening process of all IFI activities including but not limited to contracts, agreements, policies, products, transactions, memorandums and articles of association, financial statements, reports

(especially internal audit and central bank inspection), and circulars. It aims to create a parallel situation between IFI activities and *Sharī'ah* teachings (AAOIFI, "Governance", 2010, p. 14). This review is the most crucial part in converting a conventional institution to an Islamic one. The *Sharī'ah* Committee has a duty to participate in this review.

Observing the execution of *fatwā* pronouncements and compliance of IFI activities with them is the supervising process that needs to be carried out by the *Sharī'ah* Committee directly or indirectly. This supervision includes the method of preventive, remedial and, complementary control. The preventive process is an early review of an end user product before an IFI markets it. The remedial method is in charge when IFI markets the product through the auditing process. Then the *Sharī'ah* internal auditor's report is reviewed for complementary control as a certainty of *Sharī'ah* compliance (Garas & Pierce, 2009, p. 395).

The three main roles of the *Sharī'ah* Committee of directing, reviewing and supervising complement each other. Directing is essential in the early processes, while supervising is a process in the execution period of a *fatwā*. The *Sharī'ah* executive in the office plays a vital role in ensuring that this period is a success. The reviewing is then a startup and complementary looking-back process in converting conventional products to Islamic products and also in the post-mortem process; later, if some loops are found, the *Sharī'ah* Committee can put an instant remedy to them.

### **Decision-Making Guidelines for *Sharī'ah* Committee Issued by AAOIFI**

Decision-making is an integral part of daily processes, especially in modern corporate governance in a company. The right decisions from the Board of Directors will direct all the activities of the organization towards a fruitful outcome. However, a contrary result will appear, if an improper decision is made from the decision maker. This situation puts any decision-making job at high-risk in the corporate environment. Consequently, the risk will increase if it involves the *Sharī'ah* as the main subject of decision-making.

The Oxford Dictionary defines decision-making as the action or process of making important decisions (Oxford dictionaries, "Decision-making"). Meanwhile, Trewatha & Newport define the decision-making

process as follows: “Decision-making involves the selection of a course of action from among two or more possible alternatives in order to arrive at a solution for a given problem” (MSG, “What is Decision-making?”). If both definitions are merged, then we can prescribe that decision-making is the selection of a course of action from among two or more options in a significant problem.

However, when the *Sharī‘ah* Committee members decide on a *Sharī‘ah* matter, it is called ‘*ijtihād*’. ‘*Ijtihād*’ is a traditional practice of Muslim scholars for any decision on *Sharī‘ah* matters, since the Prophet’s (S.A.W) time. Hence, the Prophet (S.A.W) himself made ‘*ijtihād*’ at certain times. ‘*Ijtihād*’ is not poor decision-making since the scholars refer a *Sharī‘ah* matter to the sources of revelation to an extraordinary extent. The person who makes ‘*ijtihād*’ is called a ‘*Mujtahid*’. There is a list of criteria or requirements in order to be a ‘*Mujtahid*’. And the process to conduct any ‘*ijtihād*’ is also systematically done.

The AAOIFI in its Governance Standards didn’t mention directly any decision-making standards for *Sharī‘ah* Committee in *Sharī‘ah* matters. However, the researcher has extracted some points related to the decision-making process from AAOIFI’s governance standards. They are as follows:

- i. To ensure the independence of the *Sharī‘ah* committee (AAOIFI, “Governance”, 2010, pp. 44-45).
- ii. To determine that the management has brought all principal transactions and dealings requiring the review of the *Sharī‘ah* committee to the *Sharī‘ah* Committee and to ensure the accuracy of the information (AAOIFI, “Governance”, 2010, p. 66).
- iii. The *Sharī‘ah* Committee shall consist of at least three members, and the involvement of consultative expertise is encouraged (AAOIFI, “Governance”, 2010, p. 4).
- iv. The *Sharī‘ah* team then provides a report for any decree or *fatwā* following AAOIFI’s standards of reporting (AAOIFI, «Governance», 2010, pp. 5-8).

Based on the above points, the researcher divides the decision-making process issued by AAOIFI into three, i.e. pre, current and post decision-making processes. The first step is in the pre-decision-making process. The second step is the current decision-making in action,

while the last level is in the post decision-making process period. Also, he concludes that the first step is continuously needed by a *Sharī'ah* Committee, not only at the beginning of the process.

Among the first step is to ensure the independence of the *Sharī'ah* Committee members. Independence, in AAOIFI's Governance Standards, is mentioned as follows:

“[a]n attitude of mind which does not allow the viewpoints and conclusions of its possessor to become reliant on or subordinate to the influences and pressures of conflicting interests. It is achieved through organizational status and objectivity” (AAOIFI, “Governance”, 2010, p. 44).

Objectivity is an independent mental attitude which *Sharī'ah* Committee members should maintain in performing *Sharī'ah* supervision. The standard mentions that a *Sharī'ah* Committee member should not be an employee of the same institution, and he shouldn't be involved in any operational or managerial responsibilities in the system. He also can't subordinate the judgment of any *Sharī'ah* supervision to that of others. The *Sharī'ah* Committee also must not be in any engagement with any officer or employee in his supervision institution for at least three years in the preceding period of his contract (AAOIFI, “Governance”, 2010, pp. 44-45).

This principle, therefore, necessitates *Sharī'ah* Committee members to be just, intellectually sincere and impartial by avoiding any conflict of interest. A lack of independence and conflict of interest can occur in the following examples:

- i. Financial involvement with, or in the affairs of, clients such as shares ownership, guarantees, etc.
- ii. Personal and family relationships between *Sharī'ah* Committee members and any member of the Board of Directors, or any executive in the management team of the institution.
- iii. The recurrent fees' bill of the IFI shows a broad representation of the proportion of the total gross payments of a *Sharī'ah* Committee and also the due payments for prior periods.
- iv. When IFI make contracts to pay the fee of the *Sharī'ah* Committee with the contingency fee method.
- v. If any of the *Sharī'ah* Committee members is offered a performance-related bonus.

- vi. If IFI gifts the *Sharī'ah* Committee members any goods or services or provides them with undue hospitality out of common courtesy of social life.
- vii. Any actual or threatened litigation has occurred between the IFI and a *Sharī'ah* Committee member.
- viii. Long association of the *Sharī'ah* Committee with the IFI which has exceeded five years (AAOIFI, "Governance", 2010, pp. 47-48).

The *Sharī'ah* Committee's independence is important since it will affect the decisions made by this committee. Any selfish and non-independent decision-making from the *Sharī'ah* Committee will result in lousy decisions being made towards the community. Which will ultimately lead to the tarnishing of the image trying to be portrayed by *Sharī'ah* Committee among the public. This situation will bring a high-level of risk towards Islamic Finance and will take a long time to rectify and re-convince the public about it.

Furthermore, the *Sharī'ah* Committee needs to assure that all matters related to the *Sharī'ah* in IFI's activities are discussed in the *Sharī'ah* Committee meetings, and the most important thing is that the information must be accurate and comprehensive. For that purpose, the *Sharī'ah* Committee should have complete and unrestricted access to all records, transactions, and data from all sources including professional advisers and the IFI's employees. Therefore, *Sharī'ah* Committee shall appoint someone from its members, or any other person, as a supervisor to help it in performing its duties. The accuracy of any information brought by any stakeholder will affect the decision that will be taken by the *Sharī'ah* Committee.

The researcher observes that in AAOIFI's Governance Standards, there is no statement that indicates a specific methodology or medium through which the *Sharī'ah* Committee can decide on any *Sharī'ah* matter. There is also no explanation about how any ruling or *fatwā* by *Sharī'ah* Committee is reached, either by a simple majority or otherwise. Moreover, the AAOIFI hasn't mentioned in its standards whether the *Sharī'ah* Committee needs to appoint a leader from among them or not.

However, in AAOIFI's standards there is indirect guidance to form a *Sharī'ah* Committee for the decision-making process in a meeting. The standard states that an IFI shall consist of at least three *Sharī'ah*



Committee members and they may seek assistance of consultants who have expertise in business, economics, law, accounting and other fields. The members should not include directors or significant shareholders of the IFI. The committee can also have members who are not specialized in *Fiqh al-Mu'āmalāt* but have expertise in IFIs.

Lastly, the *Sharī'ah* Committee, after pronouncement of a *fatwā* or ruling is obligated to prepare a report following the format set by AAOIFI's standards. The *Sharī'ah* Committee's report should contain the following essential elements:

- i. "Title;
- ii. Addressee;
- iii. Opening or introductory paragraph;
- iv. Scope paragraph describing the nature of the work performed;
- v. Opinion paragraph containing an expression of opinion on the compliance of the IFI with Islamic *Sharī'ah* rules and principles;
- vi. Date of report; and
- vii. Signature of the members of *Sharī'ah* supervisory board (AAOIFI, "Governance", 2010, p. 5)."

## Conclusion

After three years of research since 1987, the AAOIFI was established to provide accounting standards for IFIs. During its early establishment, FAOIBFI (the first name of AAOIFI) only focused on accounting standards. However, after the awareness of the importance of auditing four years later, it made a change to its name, which emphasizes both accounting and auditing. In its later progress, AAOIFI also strengthened its view on contributing to the governance and ethics' standards.

The current structure of the AAOIFI is well-established with a definite composition, hierarchy, and objective. However, currently, the AAOIFI's standards are not binding for IFIs to follow. In order to make its standards more beneficial and effective, the AAOIFI is suggested to make these standards as binding law for all IFIs worldwide. This can be done by creating a memorandum of understanding between the AAOIFI and the countries that have Islamic finance institutions.

The duties and functions of the *Sharī'ah* Committee issued by the AAOIFI consist of three roles, which are directing, reviewing and

supervising. Despite their importance, these functions in the AAOIFI standards are only stated in the definition of the *Sharī'ah* Supervisory Board without any particular subtopic for them.

The decision-making guidelines provided by the AAOIFI are scattered in various parts of its governance standards without a proper subtopic discussing them. The silence of the AAOIFI standards in some decision-making processes, such as the methodology for reaching a decision will open a chance for misconduct. Therefore, robust and more specific standards are needed from the AAOIFI for the decision-making process by the *Sharī'ah* Committee in *Sharī'ah* matters.

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## ***Waqf* Institutions in Malaysia: Appreciation of *Wasatiyyah* Approach in Internal Control as a Part of Good Governance**

**Nor Razinah Binti Mohd. Zain<sup>\*</sup>, Rusni Hassan<sup>\*\*</sup> and Nazifah Mustaffha<sup>\*\*\*</sup>**

**Abstract:** Good governance is important for the sustainability of *Waqf* institutions in Malaysia. As a part of good governance, the evaluation of internal control and its components are essential to be considered. While reaching the *Maqāṣid al-Sharī'ah* (the objectives of the Lawgiver), the appreciation of *Wasatiyyah* approach can be utilised in the evaluation of internal control in the *Waqf* institutions. Based on qualitative research method, this research explores the internal control and its components in *Waqf* institutions. The conceptual study on *Wasatiyyah* approach is provided in brief, and the appreciation of *Wasatiyyah* approach in relation to internal control and its components are provided. It is found that *Wasatiyyah* approach can be used in the evaluation of internal control of *Waqf* institutions in improving their good governance.

**Keywords:** Good governance, *Wasatiyyah*, *Waqf* institutions, internal control, and Malaysia.

**Abstrak:** Tadbir urus yang baik adalah penting untuk kelestarian institusi *Waqf* di Malaysia. Sebagai sebahagian daripada tadbir urus yang baik, penilaian

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kawalan dalaman dan komponennya penting untuk dipertimbangkan. Bagi mencapai Maqāsid al-Sharī'ah, penghargaan terhadap pendekatan *Wasatiyyah* seharusnya dihayati dalam penilaian kawalan dalaman dalam institusi *Waqf*. Berdasarkan kaedah penyelidikan kualitatif, penyelidikan ini menghuraikan kawalan dalaman dan komponennya dalam institusi *Waqf*. Kajian konseptual mengenai pendekatan *Wasatiyyah* ini disediakan secara ringkas, dan penghargaan terhadap pendekatan *Wasatiyyah* berkaitan dengan pengendalian secara kawalan dalaman dan komponennya adalah disediakan. Adalah didapati bahawa pendekatan *Wasatiyyah* dalam penilaian kawalan dalaman institusi *Waqf* dapat meningkatkan tadbir urus institusi *Waqf* secara baik dan berkesan.

**Kata kunci:** Tadbir urus, *Wasatiyyah*, institusi *Waqf*, kawalan dalaman, dan Malaysia.

## 1.0 Introduction

Good governance is an essential consideration that needs to be evaluated in relation to management of a certain institution (World Bank, n.d.). With good governance, the institution has the ability to perform its responsibilities towards its stakeholders in effective and fair manners. The rights of the stakeholders can accordingly be met and fulfilled either directly or indirectly by the institution. Additionally, any possible risks that may relate to the institution and its management can be minimized. While, the optimum performance of the institution can be maximized in a long run (Brown & Caylor, 2004). Furthermore, any possible threats to the institution's management such as corruption and fraud can be avoided or at least can be easily detected (Farber, 2005). From a perspective of dispute avoidance, this is important to avoid occurrences of future legal disputes with the relevant stakeholders, breach of trust and misappropriation of the institution's funds (Labelle, 2010).

The good governance of an institution can be categorized into the evaluations of internal control and external control. The external control is closely related to the institution's market-based mechanism in handling external issues such as competition, government regulations, compliance with the laws, media pressure, demands from the public and assessment of its performance (Walsh & Seward, 1990). The internal control is more focused on the integral part of the institution in managing and monitoring risks, its administration, its treatments

towards threats and opportunities in reaching the institution's objectives (Tophoffs, 2012).

As a non-profit charitable and religious foundation, a *Waqf* institution is not exempted from carrying their responsibilities as an institutional trustee towards the relevant stakeholders, especially towards the *Wāqif* or the founder of *Waqf* (Sulaiman & Zakari, 2015). The practices of good governance in the *Waqf* institutions' managements and their organizational systems can be carried out through their internal control. By investigating the internal control of *Waqf* institution, this research aims to appreciate the *Wasatiyyah* approach for sake of achieving the practice of good governance, while reaching the *Maqāsid al-Sharī'ah* (the objectives of the Lawgiver).

By employing a qualitative research method, this research is structured as follows: (i) the introductory section, (ii) *Wasatiyyah* approach in a brief analysis, (iii) the internal control of the *Waqf* institution and its components, (iv) the appreciation of *Wasatiyyah* approach in the internal control of *Waqf* institution, (v) recommendations, and (vi) conclusion.

## **2.0 Wasatiyyah Approach: A Brief Analysis**

The concept of *Wasatiyyah* is originated from *Sūrah al-Baqarah*: 143 that said “*And thus we have made you a just community that you will be witnesses over the people and the Messenger will be a witness over you. And We did not make the qiblah which you used to face except that We might make evident who would follow the Messenger from who would turn back on his heels. And indeed, it is difficult except for those whom Allāh (God) has guided. And never would Allāh (God) have caused you to lose your faith. Indeed Allāh (God) is, to the people, Kind and Merciful*” (Quran.com, 2017). Based on the works of the 21<sup>st</sup> century Muslim scholar, Imam Yusuf al-Qaradawi, the intellectual discourse on *Wasatiyyah* is expanded further in tackling issues in socio-political dimension of modern Muslims (al-Qaradawi, 1992). The works of Imam Yusuf al-Qaradawi are focused to provide guidelines that extremism that leads to violence and terrorism is abhorred in Islam. With the existence of *Wasatiyyah*, extremism or laxity is excluded from being a part of Islam as a religion and *Sharī'ah* as the prescribed laws. From the early works of Imam Yusuf al-Qaradawi, the intellectual discourse on *Wasatiyyah* is expended further to other field of studies.

This can be seen from the works done by the celebrated Emeritus Prof. Dr. M. Kamal Hassan. According to Hassan, *Wasatiyyah* provides a holistic approach in viewing the civilization and inter-societal order of modern Muslims (Hassan, 2011). As an approach, *Wasatiyyah* can be found throughout different field of studies that related to Islam and *Shari'ah*. In subsequent works such as in “Applications of *Wasatiyyah* in the Contemporary Muslim World” (2015) and “*Wasatiyyah* (Moderation): A Multidisciplinary Study” (2014), the traces of *Wasatiyyah* in legal, counselling, insurance, historical and economics studies are explored.

This research is an attempt to explore the existence of *Wasatiyyah* approach in relation to the internal control as a part of good governance for *Waqf* institutions in Malaysia. Therefore, it is necessary to evaluate the definition of *Wasatiyyah* as used in the related Islamic intellectual discourse. The discussion is presented here in brief.

## 2.1 Definition of *Wasatiyyah*

The term ‘*Wasatiyyah*’ originates from Arabic word that has no equivalent term in English that can define its true meaning (Mohd. Zain, 2014; Kamali, 2008). From the term of ‘*al-Wasatiyyah*’, a root word i. e. ‘*wasat*’ is derived. ‘*Wasat*’ means ‘middle or balance or moderate’ (Ibrahim et al., 2013). In the opinion of Imam Ahmed Saad, the word ‘*wasat*’ has similar meaning with ‘virtue’ that indicates ‘the mid between two bad characters or two bad extremes’ (*Al-Wasatiyyah*, 2013). There is a variety of technical meanings of ‘*wasat*’ which includes ‘fairness, moderation, sticking to virtue and striking balance’ (Mohd. Zain, 2014). In relation to *Wasatiyyah*, its meanings connote ‘moderation, justly balanced, justice and fairness’ (Mohd. Zain, 2014). For the purpose of this research, *Wasatiyyah* is taken to indicate the meaning of ‘justly balanced’.

In the context of *Wasatiyyah* as a justly balanced, the discussion provided under the Islamic intellectual discourse is wide and comprehensive in nature (al-Qaradawi, 1992; Hassan, 2011). Thus, Muslim jurists do not depend on a specific definition for *Wasatiyyah* (Mohd. Zain, 2014). Based on the on-going intellectual discourse among Muslim scholars, there are several definitions of *Wasatiyyah*. Among others are listed as the following:



- i. Abdul Hayei Abdul Sukor defines *Wasatiyyah* as a “place that is located in the middle of equal length around it” (Ibrahim et al., 2013);
- ii. Zainal Kling indicates *Wasatiyyah* as “fair, the best, selected (in quality), most refined (as art) and honour” (Ibrahim et al., 2013);
- iii. Hassan takes *Wasatiyyah* as “one does not exaggerate and go beyond the limit set by Allāh (God), and that one does not neglect it and fall short of the limit set by Allāh (God) ... to follow the example of the Prophet Muhammad (bless and peace be upon him)” (Hassan, 2011);
- iv. Ibnu Taymiyyah considers *Wasatiyyah* as “the opener or key to the straight path” (Muhammad, 1998).

By following the definitions as given by Ibnu Taymiyyah and Kamal Hassan (Hassan, 2011; Muhammad, 1998), when a person or an institution follows and applies *Wasatiyyah* in their daily activities or in their organizational system, they have to follow the limits as set by Allāh (God) the Exalted and not to breach such limits. This can be done by following the *Sunnah* of Prophet Muhammad (bless and peace be upon him). This can also be extended to religious institutions such as *Waqf* institution through their management, policy and administration. Ibnu Taymiyyah also considers that *Wasatiyyah* or justly balanced is important for a Muslim in understanding their religion (Mohd. Zain, 2014).

## 2.2 *Wasatiyyah* Approach in *Waqf* institutions

In reaching the *Maqāṣid al-Sharī‘ah* (the objectives of the Lawgiver), *Wasatiyyah* or justly balanced is important to be applied. This is not limited to an individual level alone, but it extends beyond any level, organizational or institution that claimed to be religious and Islamic in nature. As found by Masudul Alam Choudhury, consistent with *Tawhid* (Oneness of Allah) (Choudhury, 2016), *Wasatiyyah* or justly balanced as an approach must be observed where the limits must not be transgressed and the stipulated rights must be fulfilled. Based on the circular causal interrelationship between *Tawhid*, *Wasatiyyah* and *Maqāṣid al-Sharī‘ah* (Choudhury, 2016), when the *Wasatiyyah* approach is applied especially in a religious or Islamic institution, it is expected that: (i) the institution will be operated consistently to achieve the *Maqāṣid al-Sharī‘ah*,

(ii) abstinence from any deviation of Islamic values in relation to management and administration, and (iii) avoidance of two extremes, either laxity or extremism (Mohd. Zain, 2014), especially in carrying the religious responsibilities of the institution.

*Waqf* institutions in Malaysia are accepted as religious, charitable and Islamic philanthropy institutions (Yaacob et al., 2017; Pitchay et al., 2014; Ab Hasan et al., 2015). It is designed in providing assistances to the socio-economic development of the society (Hodgson, 1974). *Waqf* itself can be defined as the “confinement of a property (whether movable or immovable) by a founder(s) and the dedication of its usufruct in perpetuity to the public or to the family” (Mohsin, 2009). It is akin to the charitable endowment that is famously utilised under the English law (Gaudiosi, 1987). Upon the creation of *Waqf*, the sustainable financing for the society is ensured with the main characteristics of *Waqf* which are: (i) it is perpetual subject to the existence of the property, (ii) it is inalienable to others, and (iii) once, it is made it cannot be revoked (Al-Shirbini, 2015). In Malaysia, the management of *Waqf* is placed under the *Waqf* institutions. This is necessary to ensure that the created *Waqfs* fulfil their specific purpose of creation, *Maqāṣid al-Sharī‘ah* and properly utilised for the society.

As an Islamic and religious institution, the approach of *Wasaṭiyyah* or justly balanced should be considered by the *Waqf* institutions in relation to their management and administration. This is not only beneficial in achieving the *Maqāṣid al-Sharī‘ah*, it is also consistent with *Tawhid* and advantageous in reaching good governance. There are no fast and hard rules on the application of *Wasaṭiyyah* approach. This allows the *Wasaṭiyyah* approach to remain flexible to be adopted in any system, as long as the limits prescribed in *Al-Qur’ān* and *Sunnah* are followed. Based on a presentation by Kamal Hassan (2013), *Wasaṭiyyah* as an approach must have three main components which are:

- i. Justice (*Adl*) (*Al-Qur’ān*, 2:143): it requires “being in the middle-most position between two or more opposing sides, without inclining to or favouring any of the sides, and not swayed by emotions, biases or prejudice in making judgements, decision or solving dispute” (Hassan, K., 2013);
- ii. Excellence (*Khairiyyah*) (*Al-Qur’ān*, 3: 110; *Al-Qur’ān*, 3:104): it relates to being “the best, most preferred and goodness”

(Hassan, K., 2013). As commanded by Allāh (God) the Exalted, a Muslim or Muslim community or Islamic institution or Islamic civilization must always “enjoin all that which is good (*al-ma'ruf*) and prohibit the evil (*al-munkar*)” (Hassan, K., 2013). Thus, they can stand as the best examples.

- iii. Balanced (*Tawassut*): There is a lengthy discussion among Muslim scholars in relation to balanced. In summary, balanced can be in form of (a) personal conduct or behaviours (*Al-Qur'ān*, 31: 18; *Al-Qur'ān*, 31: 19); (b) balance between worldly goals and goals for the hereafter (*Al-Qur'ān*, 28: 77); and (c) balance in economic consumption by taking what is permissible and avoiding prohibited things (*Al-Qur'ān*, 5: 88).

From a perspective of public administration, these three components can be measured by looking into the performance evaluation process that is used to ensure the effective governance (Abdul Ghani Azmi, 2015). The performance evaluation process is related to measurable elements such as: (i) integrity, (ii) accountability, (iii) monitoring, and (iv) transparency (Abdul Ghani Azmi, 2015).

### 3.0 Internal Control of *Waqf* Institutions and its Components

As a part of good governance, the evaluation of internal control is a must for *Waqf* institutions in Malaysia. It is not only beneficial for the performances of *Waqf* institutions, but it is also essential for detection of any misappropriation and mismanagement.

At its early development, internal control is known as internal check (Sawyer, 2003). Internal control is related to the institution's structure in managing their activities. AICPA (2006) defines the internal control of an institution as “the plan of organization and all of the coordinate methods and measures adopted within a business to safeguard its assets, check the accuracy and reliability of its accounting data, promote operational efficiency, and encourage adherence to prescribed managerial policies”. In relation to an institution that possesses the same features as a company, the internal control is “a process, effected by an entity's board of directors, management and other personnel, designed to provide reasonable assurance regarding to the achievement of objectives in the following categories: (i) effectiveness and efficiency of operations; (ii) reliability of financial reporting; and (iii) compliance with applicable laws and regulations” (COSO, 1994). Without having a

proper internal control, the effectiveness of the institution's governance cannot be claimed as satisfactory.

There are basically five (5) main components which are essential to be present in measuring the effectiveness of internal control of an institution (Noorvee, 2006). Based on a research done by Johari et al. (2016), *Waqf* institutions may also have the said five (5) components in consideration of having an effective internal control. The said five (5) components of internal control are:

- i. Control environment: it concerns about the overarching approaches that are used by the *Waqf* institution in relation to their commitments, control system and management of the entire organizational structure. The significant features that may include in control environment are control objectives, integrity and ethical values, function of the top management, style of operation, organizational structure, competencies of financial reporting, management's authority and responsibilities, and human resources (Noorvee, 2006; Colbert and Bowen, 2006; COSO, 2005);
- ii. Risk assessment: it concerns about the identification of risks that are faced by the institution and the manners on how the risks are accordingly handled. It can be related to risk identification, risk analysis and risk reporting (Tchankova, 2002; Covelto, 1985; Slovic et al., 2004; Linsley & Shrivess, 2006; Amran et al., 2008).
- iii. Control activities: it concerns with the policies and procedures that are applied by the *Waqf* institution to safeguard the smoothness of their management. The control activities can be subjected to the activities which under the institution's control such as approvals and segregation of duties among their staffs, elements of control activities i.e. the established policies and procedures, the development of control activities such as through the trainings of the officers, and the control over the information where certain information can be subjected to confidentiality (Noorvee, 2006: 30; COSO, 1994; Pettigrew, 1972).
- iv. Relevant information and communication: they concern about the collection of correct and relevant information by the *Waqf*

institution. Such information should be delivered accordingly to the right people in the *Waqf* institution. They are closely related to sources of information and communication, the process in handling and delivering the information or communication, and the period of time that is taken to convey such information or communication (Klein, 1996; Reisman, 1981; Hovland, 1951).

- v. Monitoring: it concerns about the examination of the internal control system such as through the internal audit with a purpose to safeguard its functions. Monitoring is related to the on-going monitoring, the separate evaluation for each of the internal control's components, and the identification of reporting deficiencies (Tsay, 2010; Noorvee, 2006; Spira & Page, 2003; Rittenberg et al., 2007).

By having the said five (5) components of internal control with embedded *Wasaṭiyyah* values, the *Waqf* institutions can be elevated especially in their good governance practices. Additionally, the identification of strengths and weaknesses of the said institution can be carried out simultaneously. In eliminating the weaknesses and appreciating the strengths, the *Waqf* institutions eventually may be operated in effective manner and sustainable for the future.

#### **4.0 *Wasaṭiyyah* Approach in Internal Control of *Waqf* Institution**

By following the discussion above, it is clear that the internal control is important in achieving good governance and it stands with five (5) main components. *Wasaṭiyyah* approach is essential to be considered in the evaluation of the internal control of *Waqf* institutions. The components of *Wasaṭiyyah* approach which are justice, excellence and balanced must be applied accordingly in order to assist and improve the *Waqf* institution to be consistent with the *Maqāṣid al-Sharī'ah* (the objectives of the Lawgiver).

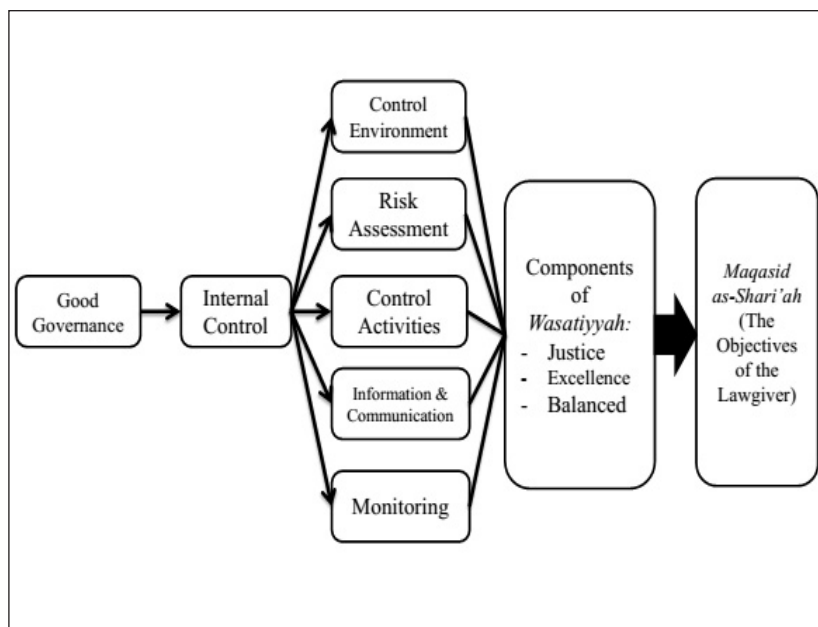
The appreciation of *Wasaṭiyyah* approach in the internal control of *Waqf* Institutions can be seen as follows:

- i. Control environment: when *Wasaṭiyyah* approach is applied to the control environment, all the related features are developed to be within the limits as set by the *Al-Qur'ān* and *Sunnah*. The *Waqf* institution's control objectives may be set to incline towards promoting good and avoiding harm. Indirectly, it will

open to new opportunities in appreciating the Islamic principles from organizational structure, functions of the top management and in their financing reporting. The human resource, integrity and ethical values may be increased accordingly;

- ii. Risk assessment: the *Wasatiyyah* approach can also be used in relation to risk assessment. It will not only encourage the *Waqf* institutions to be just in their risk reporting, but also to evaluate the risks and analyse them in balanced and fair manners.
- iii. Control activities: in relation to the *Waqf* institutions' policies and procedures, the *Wasatiyyah* approach encourages the appreciation of concept "doing good and preventing harm" in safeguarding their managements. By having so, the policies and procedures of the *Waqf* institutions can be avoided from being too strict or too loose in handling certain issues or problems. The serious detriment to the *Waqf* institutions' core values or objectives may also be avoided by considering a proper control in the institution's activities;
- iv. Relevant information and communication: in appreciating the *Wasatiyyah* approach in relation to information and communication, the *Waqf* institutions must not extremely confine themselves towards one specific source of information, views or Islamic school of legal thought (*Madhab*). Involvements of experts are necessary in identifying the authenticity of information obtained. Moreover, they must open themselves up in utilizing the use of modern technology of communication such as e-mail and online social media. By having so, they can provide a better understanding about *Waqf* and their institutions to the public at large. This can shorten the use of valuable time in conveying any information.
- v. Monitoring: by appreciating *Wasatiyyah* approach in the ongoing monitoring and identifying the deficiencies in reporting, the monitoring must be done with just and without favour or fear. This is essential in identifying the *Waqf* institutions' strengths and weaknesses. It is also important in detecting any existence of mismanagement and dysfunctional in the *Waqf* institutions. Moreover, existence of fraud and misappropriation of *Waqf* fund can be detected through the identification of deficiencies in reporting.

Figure 1.0: Relationship of internal control's components and Wasatiyyah approach.



Source: Authors' own.

## 5. Recommendations

In improving the internal control as a part of good governance in the *Waqf* institutions, it is important to appreciate the *Wasatiyyah* approach. Therefore, it is recommended that the *Waqf* institutions to evaluate their internal control. Such evaluation of their internal control should be based on *Wasatiyyah* approach's components which are justice, excellence and balance. Moreover, the components of the internal control in the *Waqf* institutions must be examined separately in order to detect any discrepancies (especially in reporting) and weaknesses. When such weaknesses are identified, the *Waqf* institutions must be fair in admitting their weaknesses and improve such weaknesses. *Wasatiyyah* approach is also important in the improvement of their staffs' or officers' ethical values and integrity. In doing so, it is necessary to develop suitable tools in measuring the internal control and its components as applied in the *Waqf* institutions in Malaysia.

## 6. Conclusion

As a part of good governance, it is necessary to evaluate the internal control of *Waqf* institutions in Malaysia. There are still less researches done pursuant to the internal control as applied in *Waqf* institutions, even though there is a significant improvement detected in relation to reporting of the *Waqf* assets (Yaacob et al., 2016). Moreover, the internal control is important to be practiced in supporting the institutions in reaching its objectives. Meanwhile, *Wasatiyyah* approach is important to safeguard the internal control of the *Waqf* institution to be consistent in achieving the *Maqāṣid al-Sharī'ah* through the appreciation of justice, excellence and balance. Hence, *Wasatiyyah* approach should be appreciated in the internal control of *Waqf* institutions and it can assist the *Waqf* institution to achieve good governance in their systems.

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# **Muslim Jurists Debate on Non-Muslim Religious Festivals and Its effects on Minority Muslims in the United States of America**

**Ali Ahmed Zahir**

**Abstract:** Muslims in the U.S. are increasingly looking to integrate into its society while trying not to lose their identity as Muslims. They find themselves in a dilemma when it comes to the issue of congratulating and even partaking in the festivals of non-Muslims in the U.S. This issue has gained prominence and momentum after the event of 9-11, in which the Muslims wanted to show and prove their tolerance and acceptance towards others while trying to hold onto and maintain the core principles of Islam. For this reason, this topic is a hotly debated issue in the U.S. and the West in general and a cause of division and confusion amongst Muslims. However, in order to justify their position and feel that they are following the teachings of Islam, they turned to the Islamic scholars, both in the West and the Muslim world, regarding the permissibility or prohibition of congratulating and partaking in non-Muslim festivals. This paper employs a qualitative methodology to analyse the *fatāwā* of permissibility and its effects on the Muslims living as minorities in the U.S. This qualitative method will give readers an insight, through a questionnaire that was conducted by the researchers, into how the Muslims in the U.S. perceive the issue of congratulating and/or partaking in the religious festivals of the non-Muslims.

**Key Words:** Muslim Jurists; Non-Muslims; Religious Festivals; Minority Muslims; United States.

**Abstrak:** Umat Islam di Amerika Syarikat (AS) di lihat semakin berusaha untuk menyatukan masyarakatnya taktala tidak mahu kehilangan identiti mereka sebagai umat Islam. Mereka mendapati diri mereka berada di dalam

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dilema apabila membicarakan isu mengucapkan tahniah dan juga mengambil bahagian dalam perayaan agama bukan Islam di Amerika Syarikat. Isu ini telah mendapat perhatian dan selalu dibincangkan selepas peristiwa 9-11, di mana umat Islam ingin menunjukkan dan membuktikan toleransi dan penerimaan mereka terhadap orang lain taktala masih memegang dan mengekalkan teras prinsip-prinsip Islam. Di atas sebab ini, topik ini menjadi satu isu yang hangat dibahaskan di AS dan Barat secara umumnya dan menyebabkan pembahagian pendapat dan kekeliruan di kalangan umat Islam. Walau bagaimanapun, untuk mengesahkan kedudukan mereka dan merasakan bahawa mereka mengikuti ajaran Islam, mereka berpaling kepada ulama Islam, baik di Barat dan dunia Islam, mengenai keizinan atau larangan mengucapkan tahniah dan mengambil bahagian dalam perayaan agama bukan Islam. Kajian ini menggunakan metodologi kualitatif untuk menganalisis fatwa terhadap kebolehpercayaan dan kesannya kepada umat Islam yang hidup sebagai minoriti di Amerika Syarikat. Kaedah kualitatif ini akan memberikan pembaca pengertian, melalui soal selidik yang dilakukan oleh para penyelidik, ke arah bagaimana umat Islam di AS melihat persoalan mengucapkan tahniah dan / atau mengambil bahagian dalam perayaan agama bukan Islam.

**Kata Kunci:** Ulama Islam; Bukan Islam; Perayaan Agama; Muslim Minoriti; Amerika Syarikat

## 1. Introduction

One of the most controversial topics in the U.S. that is a source of division and confusion amongst the Muslims every year is the permissibility or prohibition of Muslims congratulating the non-Muslims with regards to their festivals and partaking in those celebrations. There is a significant amount of pressure upon Muslims living in the U.S. with regards to the lack of integration into the melting pot culture of the States. This pressure comes both from non-Muslims, namely the media, as well as Muslims, especially reverts and 2<sup>nd</sup> and 3<sup>rd</sup> generation Muslims with regards to the prohibition/permissibility of congratulating their fellow Americans in their religious festivals and/or partaking in the festivals itself.

The scholars in America have taken two opposing stands on this issue. One is that of absolute permissibility for Muslims, to not only congratulate them in their festivals but also to partake in them if they so desire. In fact, some have gone as far as to say that it is an obligation

to partake in them if they are reverts and their families are still non-Muslims. On the other hand, there are a group of scholars who have issued a verdict of absolute prohibition. They go as far as saying that if a Muslim were to be approached by a non-Muslim congratulating them on one of their festivals that it is prohibited for them to return the greeting and in doing so may lead one to commit a sin and even an act of *Kufr* (disbelief). This causes the lay Muslims to have confusion and leads them to doubt the unity in Islam and its laws. It also, causes many of them to doubt the spirit of Islam and the message it came with. Last but not least, it leads many to have a crisis that affects their identity as Muslims.

The problem that the researchers find with this is what are the short-term and long-term ramifications that these *fatāwā* have on the identity of Muslims living as minorities in the U.S. Additionally, the scholars did not differ on the prohibition of congratulating the non-Muslims on their religious festivals at all in their *fatāwā*, up until the end of the 20<sup>th</sup> Century. It was only after the events of 9-11 did the contemporary scholars started to give *fatāwā* on this issue and hence, the researcher would like to explore the reason(s) behind the change of heart.

Therefore, the researchers will bring into light most, if not all, the *fatāwā* associated with this topic and will determine, through a critical, whether *Ijmā* (consensus of scholars) was broken due to the sudden pouring of *fatāwā* after the events of 9-11. Additionally, throughout this paper, the researchers will make an effort to answer the following questions:

1. What are the different *fatāwā* being issued with regards to congratulating and partaking in the religious festivals of the non-Muslims in the U.S.?
2. What are the effects and ramifications of their *fatāwā* on the Muslims living in the U.S. and what is the solution?

In writing this paper, the researchers will be employing the qualitative method, which is well-suited for this type of paper since the researchers intend to achieve a deeper understanding of this issue and the ramification(s) it has on the Muslim minority living in the U.S.<sup>1</sup> By employing a qualitative method the researchers would like to give the readers a better understanding of some of the practices, think processes

and attitude of the Muslims in the U.S. Hence, a survey of 100 participants was conducted, asking them ten (10) questions in an online questionnaire and survey provided by SurveyMonkey.<sup>2</sup> Participants chosen were Muslims from across the U.S., that followed different schools of thought, reverts and Muslim born, native and foreign born and those that differed in their views on the permissibility or prohibition of congratulating the non-Muslims on their religious festivals. The researchers seek to attain the following from the survey:

1. Percentage of Muslims that participate in congratulating and/or partaking in the religious festivals of the non-Muslims in the U.S.
2. The source(s) or the *muftīs* the Muslims in the U.S. refer to for their *fatāwā*.
3. The social effect(s) that the *fatāwā* of permissibility and/or prohibition has amongst Muslims, both as individuals and as a community.

## **2.0 Fatwā on Congratulating and Partaking in non-Muslims' Religious Festivals and their Effects on the Muslim Minority in the USA.**

In this section the researchers would like to shed some light on the *fatāwā* that were issued on the permissibility and prohibition of congratulating and partaking in the religious festivals of the non-Muslims. In doing so, the researchers will analyse how those *fatāwā* has had a direct effect on the Muslims living in the U.S. through a questionnaire conducted by the researchers.

### *2.1 Fatāwā of Permissibility*

There are several prominent scholars and Islamic personalities who have issued a *fatwā* that it is permissible for the Muslims living in the U.S., and the West in general, to congratulate and/or partake in the religious festivals of the inhabitants of the country even if they may be non-Muslims. Amongst them are Yūsuf al-Qarāḍāwī,<sup>3</sup> ‘Abdullah ibn Bayyah/Hamza Yusuf<sup>4</sup> and Suhaib Webb.<sup>5</sup> For the purpose of this paper, the researchers will limit this paper to the opinions of these scholars and personalities for the following reasons; a) the scholars have a wide influence on the Muslims in the U.S., b) their opinions are sufficient for the reader to get an overall picture of the opinion of permissibility, and



c) to avoid redundancy since the opinions of other scholars fall under the general *fatwā* of permissibility.

## 2.2 *Yūsuf al-Qaraḍāwī*<sup>6</sup>

Al-Qaraḍāwī was asked a question on whether or not it is permissible for him to congratulate the non-Muslims on their festivals, especially Christmas, and to exchange gifts with them because he feels that it is rude not to do so. In replying to the question, al-Qaraḍāwī states that it is permissible based on the following principles:<sup>7</sup>

1. Allah has ordered the Muslims to deal justly with the non-Muslims and to be kind to them based on the verse of the Qur'ān, "Allah does not forbid you to deal justly (*al-birr*) and kindly with those who fought not against you on account of religion and did not drive you out of your homes. Verily, Allah loves those who deal with equity." (Qur'ān, *al-Mumtaḥinah*: 8).
2. The Prophet (S.A.W) ordered Asmā' bint Abi Bakr, when her polytheist mother came and visited her, by saying: "Keep good relations with your mother."<sup>8</sup> He states that if this is the (good) stance we must have with the polytheists then the stance towards the People of the Book is even more lenient.
3. Allah has allowed for Muslims to eat from the meat of the People of the Book and marry from their (Qur'ān, *al-Mā'idah*: 5). Furthermore, he states the verse of the Qur'ān in which Allah says that He has put affection and mercy between the spouses so we can live in peace (Qur'ān, *al-Rūm*: 21). He argues by asking, how is it possible for a man to live in harmony, peace and love with a woman from the people of the Book and not congratulate her or her family on their festivals and holidays?
4. The validity of congratulating the non-Muslims on their festivals is emphasized in the Qur'ān especially in the case when they also congratulate Muslims on Islamic holidays. He states the verse of the Qur'ān in which it states that we must return the greeting of those that greet us (Qur'ān, *al-Nisā'*: 86). He argues that it is from the characteristics of a Muslim that he should not be rude and return good with good.
5. The Prophet (S.A.W) accepted gifts from non-Muslims including the Christian priest of Egypt, and based on that it is permissible for Muslims to exchange gifts with them on the

condition that they do not contain items which are forbidden for Muslims such as pork and alcohol.

### 2.3 'Abdullah ibn Bayyah/Hamza Yusuf<sup>9</sup>

Ibn Bayyah in his book, *Şinā'at al-Fatwā wa Fiqh al-Aqalliyyāt*, quotes the exact same proofs and principles as Yūsuf al-Qaraḏāwī, but adds the following commentary:

The Scholars have disagreed upon this issue of congratulating the non-Muslims (on their festivals). In the Madhhab of Imām Aḥmad there are three opinions: a) it is prohibited, b) it is disliked and c) it is permissible. It is this last opinion (of permissibility) that Sheikh Taqī al-Dīn Ibn Taymiyyah chose due to its *maṣlahah* (overall good) and this is the opinion that we choose as well. Therefore, it is permissible to congratulate them (non-Muslims), to console them on their grief and to visit their sick. Al-Mardāwī has quoted all of these narrations in his book, *al-Inṣāf*. And what is mentioned in some of the other books in regard to Ibn-Taymiyyah may not be in agreement with his confirmed opinions.<sup>10</sup>

### 2.4 Suhaib Webb

Amongst those that also allowed congratulating the non-Muslims on their festivals is Suhaib Webb. On December 25, 2012 he posted on his personal Facebook page what can be considered a justification for greeting the non-Muslims on Christmas and New Year's. He states:

The European Fatwa Council; made up of 20 of the world's greatest Muslim Jurists, stated that it is permissible to greet people on these days (exchange gifts even) as long as it does not involve approving any creedal differences between us, or open evil (drinking and so on). In other words, a simple happy holiday is not a sin or going to take that person out of Islam. It is reported with authentic chains that Ali (ra) celebrated the Persian New Year, even eating ice cream with Imam Abu Hanifa's relative. Many of the fatwa quoted by sincere folks are rooted in an age of empire and war (the crusades) or a social reality that does not fit ours in the West. Most importantly, a person should ask those who use words like "Haram" "Kufur" "Halal" and "encouraged" about their religious training. Yelling and over blown emotionalism does not equal training and scholarship. Allah knows best.<sup>11</sup>

### 2.5 *Effects on the Muslim as an individual*

When a Muslim individual hears and accepts these *fatāwā* that permits him to congratulate the non-Muslims in their festivals a sense of calm and ease overcomes him. He no longer has to think twice whether it is permissible for him to congratulate the non-Muslims on their holidays and does so with a huge smile and full confidence. He feels that Islam is a religion of peace and tolerance and ‘accepts’<sup>12</sup> the diversity that is present amongst humankind in terms of their religion and practices. He feels that it is perfectly acceptable in Islam to take and follow a ‘second opinion’ on this matter, especially if it brings him comfort and ease. When conducting a survey amongst Muslims in the U.S., the researcher found that 10% of respondents said that when seeking a ‘second opinion’ they follow it because: a) it is easy and comforting, and because b) they want to follow the ‘easy’ path in Islam no matter what.<sup>13</sup> Hence, he feels in himself a sense of satisfaction and contentment in that he is following the manners of Islam by being kind and respectful to other people, regardless of their faith. When asked whether congratulating the non-Muslims is a form of ‘kindness’ and ‘respect’ that they show, 34% of respondents said yes.<sup>14</sup>

### 2.6 *Effects on the Muslim community*

As soon as a Muslim hears and implements this *fatwā* he feels obliged to share this with his family, friends and Muslim community. He feels that he has found the ‘true’ message of Islam and the ‘correct’ opinion of the scholars that he is overwhelmed with joy and happiness. He thinks of others, who choose to abstain from any of this, as narrow minded and being intolerant towards other people. He views the Muslims, who choose not to follow this *fatwā*, as being harsh not only with themselves but also with their families, friends and co-workers. Though the overwhelming majority of Muslims, 70%, said they do *not* criticize other Muslims that do not congratulate the non-Muslims in their festivals, a good 10% of Muslims said they *do* criticize them for not doing so.<sup>15</sup>

### 2.7 *Effects on the Muslims’ interaction with non-Muslims*

When a Muslim starts to feel the favors and tolerance of non-Muslims towards him, he feels that he must be as courteous and respectful to them as they are. After all, this is what the teachings of Islam is; to be

kind to those who are kind to you and be patient with those who are rude to you.<sup>16</sup> So he sees that to congratulate the non-Muslims on the days that they are being greeted on is the least sign of respect he can have towards them. When asked whether they feel that being ‘kind’ and ‘respectful’ means they should congratulate the non-Muslims on their religious festivals, 34% said yes.<sup>17</sup>

As for the Muslim who is suffering from mistreatment, discrimination and rudeness from the non-Muslims, he sees the holidays as a means to show them the true *akhlāq* (manners) of a Muslim in order to exhibit in himself the mannerism of the Prophet (S.A.W) when he was mistreated by the polytheists of Mecca. He also hopes for that their hearts will open up towards Islam and that they will become curious in knowing more about Islam, eventually leading them to accept Islam as their religion. When asked whether they use religious holidays as a form of *da‘wah* (proselytizing), 16% replied saying, “yes, I congratulate and partake in the holidays with them to show the beauty and tolerance of Islam.”<sup>18</sup>

### 3.0 Fatāwā of Prohibition

There are several prominent contemporary scholars who issued a *fatwā* that it is absolutely prohibited for the Muslims, whether living in the U.S. or anywhere in the world, to congratulate and/or partake in the religious festivals of the non-Muslims. From amongst them is Šāliḥ al-Munajjid,<sup>19</sup> Yasir Qadhi<sup>20</sup> and Muzammil Siddiqi.<sup>21</sup> Again, for the purpose of this research, the researcher will limit the opinions to the above said scholars for a number of reasons; a) the scholars have a wide influence on the Muslims in the U.S., b) their opinions are sufficient for the reader to get an overall picture of the opinion of prohibition, and c) for the sake of brevity. However, for those that wish to consult the *fatāwā* of those scholars who are more in line with their school of thought and/or methodology, can visit their respected websites.<sup>22</sup>

#### 3.1 Šāliḥ al-Munajjid<sup>23</sup>

When asked about whether a Muslim can celebrate the holidays of non-Muslims, al-Munajjid states that is prohibited for Muslims to do so. The following is a synopsis of how he based his conclusion:<sup>24</sup>

1. *Ijmā* “that is highlighted by Ibn al-Qayyim in his book, *Aḥkām Ahl al-Dhimmah*, in which he states: “Congratulating the non-

Muslims on their rituals that belongs only to them is *ḥarām* by consensus, as is congratulating them on their festivals and fasting by saying ‘A happy festival to you’ or ‘May you enjoy your festival,’ and so on. If the one who says this has been saved from disbelief, it is still forbidden. It is like congratulating someone for prostrating to the cross, or even worse than that. It is as great a sin as congratulating someone for drinking alcohol, murder, or having illicit sexual relations, and so on. Many of those who have no respect for their religion fall into this error; they do not realize the offensiveness of their actions. Whoever congratulates a person for his disobedience or *bid’ah* or kufr exposes himself to the wrath and anger of Allah.”<sup>25</sup>

2. Congratulating the non-Muslims on their religious festivals implies that a Muslim is accepting or approving, indirectly, of their disbelieving customs.
3. Their festivals are innovations in their religions, and even those which may have been prescribed formerly have been abrogated (*mansūkh*) by the religion of Islam. The Qur’ān states: “And whoever seeks a religion other than Islam, it will never be accepted of him, and in the Hereafter, he will be one of the losers.” (Qur’ān, *Āl-‘Imrān*: 85).
4. Muslims are forbidden to imitate the non-Muslims by having parties on such occasions, exchanging gifts, giving out sweets or food, etc., because the Prophet (S.A.W) said: “Whoever imitates a people, he is one of them.”<sup>26</sup>
5. Commenting on the above Ḥadīth, Ibn Taymiyyah said: “Imitating them in some of their festivals implies that one is pleased with their false beliefs and practices, and gives them the hope that they may have the opportunity to humiliate and mislead the weak (in faith).”<sup>27</sup>

While quoting the above proofs and principles, al-Munajjid concludes that it is forbidden for Muslims to congratulate the non-Muslims in their religious festivals, to accept invitations to such occasions and to exchange gifts with them on these festivals. He goes as far as saying that if the non-Muslims were to greet the Muslims on their festivals then the Muslims should not return their greeting and remain silent. He argues that politeness and friendliness should not get in the way of compromising with the non-Muslims in their festivals and

whoever does congratulate or partake in their festivals with them is a sinner.<sup>28</sup>

### 3.2 *Yasir Qadhi*<sup>29</sup>

In acknowledging the fact that the younger generation of Muslims ask on why Muslims can not celebrate Christmas or congratulate others on this festival Qadhi states that it is not permissible based on the following:<sup>30</sup>

1. Every religion has their own celebrations and days of festivals. Buddhists and Christians do not celebrate the festivals of the Muslims and likewise Muslims should not celebrate the religious holidays of theirs.
2. By celebrating the holidays of other religions, it is as if one is celebrating the concept behind those holidays. Therefore, Christmas is celebrated on the 25<sup>th</sup> of December by the Christians to commemorate the 'birth' of Jesus (S.A.W) whom they consider to be the son of God, and this is not acceptable in Islam.
3. By wishing the non-Muslims 'Merry Christmas' it is problematic in that it is a form of 'blessing' their Christmas and Muslims believing in it.

He goes on to offer a solution for Muslims in dealing with the non-Muslims when such religious holidays occur. Instead of using a Christian phrase or terminology that can be problematic, he suggests that Muslims should use generic greetings such as: 'May God bless you', 'May God guide you' or 'Happy day today'. On his personal Facebook page, he also addresses this topic and states what should be intended when these generic statements are said:

It is my position (based on many classical scholars) that there is absolutely nothing wrong with saying a generic greeting, even on the occasion of a non-Muslim holiday. Examples of this are: 'May God bless you', and 'Best wishes' and other such neutral phrases (or even Islamically positive statements - for each of these can be a du'a for hidaayah as well.<sup>31</sup>

### 3.3 *Muzammil Siddiqi*<sup>32</sup>

In answering a question whether it is permissible to celebrate Christmas, he states the following:

Christians celebrate at Christmas what they believe to be the “day of the birth of God’s Son” or what they call “God Incarnate”. Thus, it is not only a celebration of another religion, it is also a celebration that is based on a belief that is totally against the teachings of Islam. From the Islamic point of view, the belief in the “Son of God” or “God in the flesh” is blasphemy and *kufir* (denial of God’s Oneness). By participation in Christmas, it is possible that slowly one may lose his or her consciousness of this basic point of difference. Muslims must be very careful in this matter. The greatest danger is for our next generation, who may slowly lose their Islamic faith in *tawhid* and may start believing in Jesus (A.S) «more than a prophet and servant of Allah». The argument that “Christmas is, after all, Prophet Jesus’ birthday and so there is no harm in celebrating Christmas” is neither logical nor Islamic. Why should Muslims celebrate Jesus’ birthday? Why not the birthdays of the other 24 prophets and messengers who are mentioned in the Qur’ān by name?<sup>33</sup>

By stating that the youth and the next generation of Muslims will slowly lose their Islamic identity, Siddiqi is confirming the fears the researchers have; that the Muslim youth are increasingly losing their Islamic identity through many avenues, one of which is through congratulating and partaking in the non-Muslim holidays. This is further supported by a survey the researchers conducted in which it was asked of them whether or not they believe that the future Muslim generation in the U.S. will lose their Islamic identity (eventually) by partaking in the non-Muslim religious holidays. Forty-three percent said *yes* while another 27% said *maybe*.<sup>34</sup>

### 3.4 Ramifications of these *Fatāwā* on the Muslims

It is without a doubt that the above *fatāwā* have certain consequences that are both positive and negative in results. This is due to the fact that, as mentioned above, Muslims living in the U.S. live side by side with the non-Muslims and have established links and ties with them as part of their life which warrants interaction and communication between them and the non-Muslims. Such interaction in return has certain ramifications that are evident in both the Muslims and non-Muslims behavior towards oneself, the Muslim’s community and towards the non-Muslims. Therefore, the researchers would like to highlight the cause and effects of the *fatwā* of prohibition on the Muslim communities in the U.S.

### 3.4.1 *Effects on the Muslim as an individual*

When a Muslim hears and accepts these *fatāwā* that prohibits him from congratulating and partaking in the religious festivals of the non-Muslims, a sense of genuineness is felt. He feels that he is following the true teachings of the Qurʾān and the Sunnah as explained by the early generation of Muslim scholars, known as the *Salaf*.<sup>35</sup> He feels that those were the scholars who were more deserving to be listened to and followed in their opinion because: a) they were free from distorting the Islamic legal texts in order that it may fit into their agendas or desires, b) they had the true understanding of the Islamic legal texts as they were the closest to the time of the Prophet (S.A.W) and the Ṣaḥābah, and most importantly c) they were not influenced by the destructive cultures of the Romans (West) nor were they ever colonized in a manner which made them adopt the ways and traditions of the Romans into their lifestyle. Thus, this Muslim feels within himself a sense of pride and honor that he is following those scholars that had a pure and orthodox interpretation of Islam, resulting in the protection of his religion.

### 3.4.2 *Effects on the Muslim community*

No sooner does a Muslim hear and implement this *fatwā* except that he feels obliged to share this with his family, friends and Muslim community. On every major and minor non-Muslim holiday, he makes and posts flyers that states the *fatāwā* of the scholars, both classical and contemporary, prohibiting the Muslims from congratulating them or partaking in them. Friday sermons are filled with rhetoric prohibiting the congregation in imitating the non-Muslims in matters pertaining to their religion and holidays. Overzealous youths criticize those that do congratulate and partake in the non-Muslims holidays. When asked whether they criticize those Muslims that congratulate and partake in the religious festivals of the non-Muslims, 24% of them said yes. One went as far as commenting, “I prefer Socratic method with those I disagree with so that they may admit the holes in their arguments.”<sup>36</sup> This clearly shows how polarizing this topic is every holiday season.

### 3.4.3. *Effects on the Muslims’ interaction with non-Muslims*

When a Muslim sees the true nature of the disbelief in *tawḥīd* (oneness of Allah) by non-Muslims, he wants to stay as far away from it as possible. This is especially true for revert Muslims, who have left their



*kufir* and accepted the teachings and ways of Islam. One of the ways is abstaining from congratulating the non-Muslims in their festivals which is, according to them, a form of accepting and acknowledging the *kufir* that is associated with it. He refuses to congratulate them or partake in their holidays because he is sending a message that, although they (the non-Muslims) are kind and courteous to him and may even be related through the bonds of kinship, he is different and unique in his lifestyle and religion. This brings about curiosity in the non-Muslim to ask more about his beliefs and religion, and the Muslim takes advantage of this opportunity to convey the message of Islamic *tawhīd* and the true origins of these festivals that are filled with worshipping and revering the pagan gods and even the devils.

Though this may bring about an initial negative backlash upon the (revert) Muslim by his family, nonetheless they will soon come to accept the fact to respect his decision to stay away from them during their holidays. It is because they come to realize that they (non-Muslims) too abstain from partaking in the festivals of their Muslim child(ren). Furthermore, when the Muslim abstains from congratulating any of his co-workers on their religious festivals, he does not put himself in a position of harassment or any threat of being terminated from his work, as the laws in the U.S. prohibit any employer from discriminating based on religion or religious beliefs.<sup>37</sup>

#### 4.0 CONCLUSION

It can safely be concluded that the reader has a holistic view on the two diametrically opposing *fatāwā* of the scholars; one which permits the Muslims in congratulating and partaking in the festivals of the Muslims while the other prohibits the Muslims from doing so. After analyzing the effects that the two *fatāwā* have on the Muslim minority living in the U.S. the researchers are concluding the following:

1. The negative effects that is brought about by the *fatāwā* of permissibility outweighs its supposed and potential positive effects.
2. There has been no documented proof that the Muslim minorities faces a backlash or negative treatment brought about due to them abstaining from congratulating and/or participating in the festivals of the non-Muslims in the U.S.

3. The *fatāwā* of permissibility is one that goes against the consensus of the classical scholars which is not allowed according to Islamic jurisprudence.
4. The effectiveness of Islamic *da‘wah* that is preached and advocated by those who permit the congratulating of non-Muslims in their religious festivals is actually obtained by those that abstain from congratulating and/or partaking in their festivals in the sense that it arises curiosity and an opportunity for a (religious) dialogue.
5. The positive ramification that results from those that prohibit the congratulating of the non-Muslims in their festivals is one that is directed at the Muslim identification and to safeguard their creed and belief from being diluted and/or mixed with external alien beliefs.

Point number five is especially true given the fact that some Muslim families are raised in a household environment which condones the practice of congratulating and eventually celebrating the festival of the non-Muslims. To them, celebrating Christmas by receiving and giving gifts to their non-Muslims friends and family, and even amongst themselves, is innocent and full of fun. When asked whether ‘Eīd was *more* or *less* fun than Christmas, about 10% of respondents said Christmas was *more* fun than ‘Eīd with another 10% saying it was the same.<sup>38</sup> Some of the respondents commented saying “Children think Christmas is *more* fun”, while another respondent saying, “We failed to make ‘Eīd *more* fun.”<sup>39</sup> It is statements such as these that confirms what the researchers have personally overheard children telling their parents that: “We love celebrating Christmas because it is more fun than ‘Eīd.”

Additionally, when such holidays arrive, schools hold a celebration and gift-giving ceremonies of their own that tend to glamorize such festivals and make them appear more attractive to the children.<sup>40</sup> By following these *fatāwā*, the Muslim community struggle with what to do and how to react when it comes to their children going to school and being corrupted by being forced in partaking in the ceremonies. Some choose not to send their children to school for that day and sacrifice the education that their children would have gotten. Fortunately, their sacrifice brings about several *maṣlahah* for their children: a) there is no real education or learning taking place during these days, b) they instill in their children the importance of having a Muslim identity, c)

they save their children from partaking in the ceremonies that clearly involves immoral and despicable acts, d) they spend quality time with their children since they rarely see each other except on the weekends, and most importantly d) they will be fulfilling his responsibility as a shepherd who protects and guards his flock (family) from any adulteration and contamination in regard to their Islamic upbringing.<sup>41</sup>

Lastly, since the majority of the holidays are days off work and school, Muslims can use such holidays to their advantage by having a community potluck, a youth educational camp or any other event that will involve giving the Muslim community, the youth in particular, an alternative to having fun. The message that is relayed to the families and Muslim community will be: we are Muslims with our set of values and holidays, but can still have fun and take advantage of these days off with the above extra-curricular activities and without compromising our religion by partaking in the religious festivals of other.

## Endnotes

<sup>1</sup> Neil Murray and David Beglar, *Writing Dissertations and Theses*, (England: Pearson Education Limited, 2009), 47.

<sup>2</sup> Ali Ahmed Zahir, "Effects of Congratulating non-Muslims on their festivals on the Muslim think process," SurveyMonkey, 7 September, 2015, <<https://www.surveymonkey.com/r/2DR96YD>>, (accessed 20 September 2015).

<sup>3</sup> Yūsuf al-Qaradāwī, *fi Fiqh al-Aqalliyāt al-Muslimah*, (Cairo: Dār al-Shurūq, 2<sup>nd</sup> Edn., 2005), 145-150.

<sup>4</sup> ‘Abdullah al-Mahfūz ibn Bayyah, *Ṣinā‘t al-Fatwā wa Fiqh al-Aqalliyāt*, (Jeddah: Dār al-Minhāj, 1<sup>st</sup> edn., 2007), 342.

<sup>5</sup> Suhaib Webb, Facebook post, 25 December, 2012, <<https://www.facebook.com/suhaib.webb/posts/10151299865648080>>, (accessed 3 August, 2015).

<sup>6</sup> Even though al-Qaradāwī does not live in the U.S. or the Western world, he is considered to be a *mufī* for the Muslims living there. In fact he is the current presiding Chairman of the European Council for Fatwā and Research (ECFR) based in Ireland. See European Council for Fatwā and Research, <<http://e-cfr.org/new/members/>>, (accessed 3 August, 2015).

Furthermore, he is one of the most influential scholars of our time whose influence is not confined to the Muslims in the Islamic world but plays a key role, through his *fatāwā*, in shaping the identity of the Muslims in the West. See, Sagi Polka, "Constructing Muslims Identity in Western Society: The Rulings (Fatawa) of Shaykh Yusuf Al-Qaradawi for Muslims in the West," in *Arabs in Israel*, edited by Elie Rekhess and Arik Rudnitzky, (Israel: Tel Aviv

University, 2013), 49.

<sup>7</sup> Al-Qaradāwī, *fi Fiqh al-Aqalliyāt al-Muslimah*, 145-150.

<sup>8</sup> Al-Bukhārī, Muḥammad ibn Ism'él, *SaĪĒĪ al-Bukhārī*, (Riyādh: Dār-us-Salām, 1997), Ḥadīth no. 2620, vol. 3, 164.

<sup>9</sup> The researchers have exhausted their efforts in finding any literature pertaining to congratulating and partaking in the religious festivals of the non-Muslims in the U.S. that can be authentically associated to Hamza Yusuf. However, given the fact that Hamza Yusuf have studied under Ibn Bayyah it can safely be concluded that the views and *fatāwā* given by ‘Abdullah ibn Bayyah are also the views and opinions of Hamza Yusuf. See, Hamza Yusuf, “Who is Shaykh Abdullah bin Bayyah”, YouTube, 22 April, 2012, <<https://www.youtube.com/watch?v=fhi-6BEItpE>>, (accessed 15 June, 2015).

<sup>10</sup> Ibn Bayyah, *Šinā‘at al-Fatwā wa Fiqh al-Aqalliyāt*, 342.

<sup>11</sup> Suhaib Webb, Facebook post, 25 December, 2012, <<https://www.facebook.com/suhaib.webb/posts/10151299865648080>>, (accessed 3 August, 2015).

<sup>12</sup> The researchers uses quotation marks on the word *accept* because in reality Islam does not accept other religions and their disbelief in the *Tawḥīd* of Allah. It is clearly stated in the Qur’ān: “Indeed, the religion in the sight of Allah is Islam.” (Surat Āl ‘Imrān, 3:19). Therefore, *acceptance* should not be confused with *tolerance* of other religions.

<sup>13</sup> Appendix, Question 4.

<sup>14</sup> Appendix, Question 6.

<sup>15</sup> Appendix, Question 10.

<sup>16</sup> See Surat al-Baqarah, 2:109; Surah Āl ‘Imrān, 3:186; Surah Ṭāhā, 20:130; Surah al-Aḥzāb, 33:48; and Surah Qāf, 50:39.

<sup>17</sup> Appendix, Question 5.

<sup>18</sup> Appendix, Question 7.

<sup>19</sup> Muḥammad Šāliḥ al-Munajjid, “Ruling on celebrating non-Muslim holidays and congratulating them”, Islam Question and Answer, <<http://islamqa.info/en/947>>, (accessed 4 August, 2015).

<sup>20</sup> Yasir Qadhi, “Muslims Celebrating Christmas-Love for Jesus and Mary”, YouTube, 27 December, 2013, <[https://www.youtube.com/watch?v=\\_cJvbI7BzY8](https://www.youtube.com/watch?v=_cJvbI7BzY8)>, (accessed 4 August, 2015).

<sup>21</sup> Muzammil Siddiqi, “Can Muslims Celebrate Christmas?”, OnIslam, 26 December, 2014, <<http://www.onislam.net/english/ask-the-scholar/morals-and-manners/customs-and-traditions/174414-can-muslims-celebrate-christmas.html?Traditions=>>, (accessed 4 August, 2015).

<sup>22</sup> Main Khalid Al-Qudah, “Celebrating Non-Muslim Holidays,” Assembly of Muslim Jurists of America, 8 February, 2006, <<http://www.amjaonline.org/>

fatwa-22994/info> (accessed 4 August 2015); Ikram Ul Haq, "Christmas," Fatwa Center of America, 18 January, 2015, <<http://askamufti.com/question-details.aspx?qstID=6085>>, (accessed 4 August 2015).

<sup>23</sup> Like al-Qaraḏāwī, al-Munajjid does not live in the U.S. or the Western world, the researcher is including him and his *fatwā* on this issue because he plays a key role, through his famous website, *islamqa.info*, in relaying the opinions of contemporary scholars such as Muḥammad ibn Ṣāliḥ al-‘Uthaymīn, ‘Abdul ‘Azīz ibn Bāz and others to the Muslims across the globe, including the U.S. According to the survey the researcher conducted, 61% of Muslims in the U.S. rely on al-Munajjid and his online *fatwā* website. This, while only 11% of the Muslims relied on al-Qaraḏāwī and Bin Bayyah’s books and/or website. Because of this, the researcher deems him to be the *de facto muftī* for the Muslims living in the U.S. See Appendix, Question 8.

<sup>24</sup> Muḥammad Ṣāliḥ al-Munajjid, "Ruling on celebrating non-Muslim holidays and congratulating them", Islam Question and Answer, <<http://islamqa.info/en/947>>, (accessed 4 August, 2015).

**Note:** There are several *fatāwā* on the website relating to this topic that covers the issue from various angles. The researcher chose to pick this particular one was it was the most comprehensive amongst the rest.

<sup>25</sup> Ibn Qayyim al-Jawziyyah, Muḥammad ibn Abu Bakr, *Aḥkām Ahl al-Dhimmah*, (Bayrūt: Dār al-Kutub al-‘Ilmiyyah, 2<sup>nd</sup> Edn., 2002), vol. 1, 162.

<sup>26</sup> Abū Dāwūd, Sulaymān bin Ash‘ath, *Sunan Abī Dāwūd*, (Riyadh: Dār al-Salām, 1<sup>st</sup> ed., 2008), ḥadīth no. 4031, vol. 4, 388, *ḥasan*.

<sup>27</sup> Ibn Taymiyyah, Aḥmad ibn ‘Abdul Halīm ibn ‘Abd al-Salām ibn ‘Abdullāh, *Iqtidā’ al-Ṣirāṭ al-Mustaqīm fi Mukhālafat Aṣḥāb al-Jahīm*, (Kuwait: Al-Maktabat Al-Sādisah, 4<sup>th</sup> ed., 2011), 252.

<sup>28</sup> Al-Munajjid, "Ruling on celebrating non-Muslim holidays and congratulating them," Islam Question and Answer, <<http://islamqa.info/en/947>>, (accessed 4 August, 2015).

<sup>29</sup> Yasir Qadhi is a well-respected scholar in the U.S., who is the Dean of Academic Affairs at Al-Maghrib Institute based in the U.S. He has studied extensively in the Islamic world and in the U.S. and because of this he combines the traditional Eastern Islamic seminary education with the Western academic training of the study of Islam. See Al-Maghrib Institute, "Shaykh Yasir Qadhi: Dean of Academic Affairs, Instructor," Instructor Profile, <<http://almaghrib.org/instructors/yasir-qadhi#profile>>, (accessed 4 August 2015).

<sup>30</sup> Yasir Qadhi, "Muslims Celebrating Christmas-Love for Jesus and Mary," YouTube, 27 December, 2013, <[https://www.youtube.com/watch?v=\\_cJvbI7BzY8](https://www.youtube.com/watch?v=_cJvbI7BzY8)>, (accessed 4 August, 2015).

<sup>31</sup> Yasir Qadhi, Facebook post, 21 December, 2013, <<https://www.facebook>.

com/yasir.qadhi/posts/10151917993123300>, (accessed 4 August, 2015).

<sup>32</sup> Muzammil Siddiqi is a well-respected scholar who is recognized as a highly influential community leader, both by the local government and the Muslim community that he serves, in Southern California. He was the former President of ISNA and is the current vice-chair of Fiqh Council of North America. He issues *fatwā* on various contemporary topics affecting the Muslims in the U.S. See, Islamic Society of Orange County, *Religious Director*, 2015, <<http://isocmasjid.weebly.com/dr-muzammil-siddiqi.html>>, (accessed 17 June, 2015).

<sup>33</sup> Muzammil Siddiqi, “Can Muslims Celebrate Christmas?”, OnIslam, 26 December, 2014, <<http://www.onislam.net/english/ask-the-scholar/morals-and-manners/customs-and-traditions/174414-can-muslims-celebrate-christmas.html?Traditions=>>>, (accessed 4 August, 2015).

<sup>34</sup> Question 9.

<sup>35</sup> See Appendix, Question 4.

<sup>36</sup> Appendix, Question 10.

<sup>37</sup> U.S. Equal Employment Opportunity Commission, “Religious Discrimination”, <<http://www.eeoc.gov/laws/types/religion.cfm>>, (accessed 12 August, 2015).

<sup>38</sup> Appendix, Question 3.

<sup>39</sup> Ibid.

<sup>40</sup> John M. Hartenstein, “A Christmas Issue: Christian Holiday Celebration in the Public Elementary Schools is an Establishment of Religion”, *California Law Review*, Vol. 80, Issue 4, Article 6 (1992): 982.

<sup>41</sup> This idea of being a shepherd is taken from a ḥadīth of the Prophet (S.A.W) that states: “All of you are shepherds and each of you is responsible for his flock. An Imam is a shepherd and he is responsible for those in his care. A man is a shepherd in respect of his family and is responsible for those in his care. The woman is a shepherd in respect of her husband’s house and is responsible for those in her care. The servant is a shepherd in respect of his master’s property and is responsible for what is in his care. All of you are shepherds and each of you is responsible for his flock.” See al-Bukhārī, *Ṣaḥīḥ al-Bukhārī...*, ḥadīth no. 893, vol. 5, 2; Muslim ibn al-Ḥajjāj ibn Muslim al-Naysābūrī, *Ṣaḥīḥ Muslim*, (Bayrūt: Dār al-Iḥyā’ al-Turāth al-‘Arabī, n.d.), ḥadīth no 1829, vol. 3, 1459.

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## Archaeological Analysis of Arabic-Malay Translation Works of Abdullah Basmeih

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**Abstract:** Utusan Melayu Company, Qalam Press Company and the Department of Islamic Affairs, Prime Minister's Department are the main contributors to the translation discipline of religious texts in Malaysia. Abdullah Basmeih has worked with these institutions as a translator. His purpose is to assist the translation of religious writings from *Al-Muṣawwar* magazine and multi-disciplinary religious texts, among them *sīrah*, stories of the Prophet's companions, *'aqīdah*, *'ibādah*, social and politics. Sheikh Abdullah Basmeih migrated to Singapore in 1939 and worked with Qalam Press Company from 1950 to 1962 as assistant author for monthly magazines published by Qalam Press. Within the 12-year period he worked in Qalam Press, he had successfully translated more than 30 books on the life of Prophet Muhammad (SAW), his wives, children and companions. Abdullah Basmeih then returned to Malaysia. During that time, his great work was produced, which is *Tafsir Pimpinan Ar-Rahman Kepada Pengertian Al-Quran* in 1968 in Jawi edition, and a Roman edition was published in 1980 by the Department of Islamic Affairs, Prime Minister's Department. Another great work by him was *Mastika Hadis*, which is a translation of ḥadīth collection, produced in three volumes, also published by Prime Minister's Department on 1973. Both works become important materials to enhance the quality of lives of Muslims in Malaysia. Therefore, this study looks at his service and contributions with Utusan Melayu Company, Qalam

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Press Company and Prime Minister's Department in producing translations of academic texts. This literary study is conducted to investigate and analyse the translated texts by him in knowledge hub in reality and virtual.

**Keywords:** translation, translation archaeology, Arabic, Malay, Abdullah Basmeih.

**Abstrak:** Syarikat Utusan Melayu, Syarikat Qalam Press dan Bahagian Hal Ehwal Islam, Jabatan Perdana Menteri adalah antara penyumbang utama dalam bidang penterjemahan teks agama di Malaysia. Abdullah Basmeih pula pernah bekerja dengan institusi-institusi ini sebagai penterjemah. Tujuannya adalah untuk membantu menterjemah rencana-rencana agama daripada Majalah al-Musawwar dan teks-teks agama dalam pelbagai disiplin antaranya sīrah, kisah-kisah sahabat, akidah, 'Ibādah, sosial dan juga politik. Syekh Abdullah Basmeih berhijrah ke Singapura pada tahun 1939 dan bertugas dengan Syarikat Qalam Press mulai tahun 1950 hingga tahun 1962 sebagai Pembantu Pengarang bagi majalah bulanan agama penerbitan Qalam. Dalam tempoh dua belas tahun beliau bertugas di Syarikat Qalam Press, beliau telah berjaya menterjemahkan lebih daripada 30 buah buku meliputi riwayat hidup Rasulullah s.a.w, isteri-isteri, puteri-puteri dan juga sahabat-sahabat baginda. Abdullah Basmeih kemudiannya kembali ke Malaysia. Pada masa inilah lahirnya karya besar beliau iaitu *Tafsir Pimpinan Ar-Rahman Kepada Pengertian Al-Quran* pada tahun 1968 edisi jawi dan pada tahun 1980 edisi rumi yang diterbitkan oleh Bahagian Hal Ehwal Islam, Jabatan Perdana Menteri. Sebuah lagi karya besar beliau ialah *Mastika Hadis* iaitu terjemahan koleksi hadis yang dihasilkan dalam tiga jilid dan juga diterbitkan oleh Jabatan Perdana Menteri pada tahun 1973. Kedua-dua karya besar ini menjadi wahana kepada pembangunan kualiti hidup umat Islam di Malaysia. Justeru itu, kajian ini menelusuri khidmat dan sumbangan beliau dengan Syarikat Utusan Melayu, Syarikat Qalam Press dan Bahagian Hal Ehwal Islam, Jabatan Perdana Menteri dalam menghasilkan karya-karya terjemahan teks agama. Kajian kepustakaan ini dijalankan dengan mengkaji dan menganalisis teks-teks terjemahan tinggalan beliau di gedung-gedung ilmu nyata dan maya.

**Kata Kunci:** terjemahan, arkeologi terjemahan, bahasa Arab, bahasa Melayu, Abdullah Basmeih.

## Introduction

Translation plays an important role in shaping manifestation of thoughts, knowledge and culture of a race. Through translation, the

process of shaping thoughts and developing the society according to the thinking patterns and positive foreign culture which are in demand and implemented. Translation works portray the demands of the society during that time. Upon entering the era of the 50's, independence was a tool to achieve the ambitions and justice aspirations of the society, prosperity and harmony of the society. The people's problem and the country's issues demand solution in many forms of struggle. The Malay Muslims have to find their own identity and free themselves from the shackles of colonial influence. Efforts to learn and dominate Islamic platforms was much needed. Due to the importance of nation and religion, a few bodies, institutions and figures appeared to contribute and educate, also spread the understanding of Islam through writing and translation. Translation of religious texts was heavily emphasized by community leaders during that time. Tunku Abdul Rahman himself led and funded efforts to translate the al-Qur'ān al-Karīm. Among the personality and institutions which ought to be remembered are Abdullah Basmeih, Utusan Melayu Company, Qalam Press Company and the Department of Islamic Affairs, Prime Minister's Department.

According to Wan Ramizah Hasan (2000: 4), the younger generation today, however are more familiar and appreciative of figures who contribute to the physical development of the country and celebrities who entertain the public compared to figures involved in spiritual development. Based on the interview he conducted, only 10% respondents are familiar with Abdullah Basmeih. Whereas the contributions by Abdullah Basmeih have been very significant for Muslims in Malaysia.

If he is not well known, what more the origins and his great works for the nation and country of course are not known especially by the younger generation today. Among great works by Abdullah Basmeih are *Tafsīr Pimpinan Ar-Rahman Kepada Pengertian Al-Qur'ān* and *Mastika Hadis*. Both products are translation of the main source of Islam, the Qur'ān and Ḥadīth, which should be read or at least known to Muslims especially in Malaysia. This matter is worrying because al-Qur'ān and ḥadīth are the source of guidance for life of mankind, whereas generally Malaysians do not understand al-Qur'ān and ḥadīth because the original sources are in Arabic. For that, translation is the only method to build understanding of the texts.

Based on the statement of this problem, this study is conducted to highlight the role and contribution of Abdullah Basmeih especially in the field of translation from Arabic to Malay language. The public needs to know Abdullah Basmeih and appreciate his service and contributions especially in producing local translations of Islamic texts since early Independence until the end of his life, which was on 14<sup>th</sup> July 1996. For that, this paper is regarding Abdullah Basmeih's contributions in the field of translation through the works he produced.

This study is a qualitative study which employs the descriptive approach in the field of translation as stated by Holmes (1988). Holmes (1988: 72) in his mapping on the translation field divided into pure and applied. Under the category of pure translation, there are two more, which are theoretical and descriptive. Descriptive is then divided into three forms of study, which are 1) product, 2) function and 3) process. These three are connected to each other. Based on Homes category (1988), this study focuses on the product of translation by identifying and analysing translation works produced by Abdullah Basmeih. This study was conducted by referring to a theoretical framework of translation history suggested by Pym (1998) under the theory of archaeological translation. Through this theory, Pym (1998) listed the questions 'who translates what', 'how', 'where', 'when', 'for whom' and 'what are the effects'. Based on the theory of archaeological translation suggested by Pym (1998), this study limited the research scope to the only question 'who translates what'.

### **Abdullah Basmeih and Related Intellectual Works**

Abdullah Basmeih was an intellect and Muslim scholar who had contributed significantly to the development of Islamic knowledge and Malay civilization which had uplifted the dignity of Islam and Malay education (Mahmud, 2008: 144; Mohd Farid Ravi Abdullah, 2011, 87). The understanding and mentality of the society during that time and the independence era was mainly influenced by Muslim scholars and their works. At the same time, the influence and effect of colonialism also formed a pattern of confusing thoughts that often conflicts with Islamic ideas. The role of Muslim scholars and writers had helped a lot in clearing and balancing these thoughts. Abdullah Basmeih was one of the intellectuals, thinkers and writers who had a high perception and deep sensitivity regarding issues relating to the community. He started

contributing officially through Utusan Malaysia Company by translating articles on religion and women from *Al-Muṣawwar* magazine issued by *Al-Hilal Company*, Egypt. Abdullah Basmeih also worked with Qalam Press Company for 12 years, from 1950 to 1962 (Mahmud, 2008: 146; Wan Ramizah Hasan, 2000: 126).

Abdullah Basmeih also wrote and translated Islamic papers covering topics like *taṣawwur*, *tafsīr*, *ḥadīth*, *‘aqīdah*, history, Muslim figures, *‘Ibādah*, *ākhlāq*, social and politics on monthly basis through *Al-Qalam* magazine (Mohd. Farid Ravi Abdullah, 2011: 73; Mahmud, 2008: 146; Wan Ramizah Hasan, 2000: 126). Works produced by Abdullah Basmeih and fellow Qalam Press Company writers attracted the attention of University Kyoto in Japan. One of the agreements made between Malaysia and Kyoto University was an effort to digitalize all issues by *al-Qalam* magazine online to that it can be accessed free of charge (“Transformasi Qalam Dalam Dunia Moden,” 2013).

Abdullah Basmeih’s prominence and importance of his contributions was highlighted when almost all writings whether thesis, research papers, articles, books and such in the field of Islamic knowledge in Malaysia or Bahasa Melayu will refer and give credits to Abdullah Basmeih especially through his famous work, *Tafsīr Pimpinan Ar-Rahman*. His prominence was also studied through the works he produced.

A study in his biography and *tafsīr* methodology was done by Wan Ramizah Hassan in his academic training in 2000 in Universiti Malaya. Detailed information on his life and occupation has been included in the thesis. Wan Ramizah Hasan (2000: 109-202) has stated that Abdullah Basmeih was very dedicated and had sacrificed his time for writing and translation works. He was very firm and courageous in standing up for Islam and the importance of Malay people even though he was an Arab.

Nor Azrina @ Nor Azura Ab Rahman (2007) in her study entitled *Ḥadīth Methodology in Mastika Hadis Rasulullah (S.A.W)* by Sheikh Abdullah Basmeih and friends, discussed the methodology used by Abdullah Basmeih in producing *Mastika Hadis*. This study also discussed the contents of the book in details and highlighted a few weaknesses detected to improvement purposes.

Mahmud (2008) in his paper published in Arabic *‘Majallat al-Buhuth Wa al-Dirasat al-Qur ‘āniyat’* issued by Saudi Arabia has praised

Abdullah Basmeih and his contributions as a scholar and al-Qur'ān translator. However, he criticized Abdullah Basmeih's translation on *mutashābihah* verses based on *Asya'irah* 'aqīdah because to him, the 'aqīdah of the Companions and salaf is truer.

Mohd Ikbal Ahmad Zohdi (2010) in his thesis that studied the *tafsīr* methodology used by Abdullah Basmeih in his work *Tafsīr Pimpinan Ar-Rahman* stated that Abdullah Basmeih used the method *tafsīr ijmalī* or *tafsīr* that is enough to understand the meaning of al-Qur'ān. The language used was easy and simple. However, there are verses that have been interpreted in a manner that is too simple. Many aspects of the *tafsīr* were not highlighted and detailed such as grammatical aspects, rhetoric and *Asbāb al-nuzūl*. Mohd Ikbal also commented Abdullah Basmeih's method and ability to use Malay proverbs accurately and provide a clear idea of the meaning of the translation from some Qur'ānic verses.

Muhammad Hafiz Bakar (2012) used *Mastika Hadis* as a corpus study of a translation entitled *Terjemahan Kata Kerja Berpreposisi Bahasa Melayu Bahasa Arab dalam Kitab Mustika Hadis Rasulullah (S.A.W)*. Translation of Verbs in Malay-Arabic in book *Mustika Hadis Rasulullah (S.A.W)* -This study looks at the translation of Arabic-Malay verb collocations in ḥadīth in *Mastika Hadis* volume 1. Studies found matching verb collocations based on *Kamus Besar Arab Melayu Dewan* amount up to 83.64% valued as accurate or almost accurate, compared to the inaccuracy in meaning which is valued at 16.35%. This study concludes that the book has been successfully translated and can be accepted and applied to understand the ḥadīth in its content.

Mohd Farid Ravi Abdullah (2011) in his study entitled *Abdullah Basmeih bin Mohammad Basmeih: Kajian Terhadap Mastika Hadis* discussed Abdullah Basmeih's methodology in translating ḥadīth by the Prophet PBUH to the Malay language. Mohd Farid Ravi commented that the language used in this work employed an interesting methodology, and is organized, and used a user-friendly pedagogy. Among his findings is that *Mastika Hadis* is one of the *talaqqi* ḥadīth syllabus which is the third popularly used in mosques all over Malaysia after *40 Ḥadīth* and *Riyādh as-Sālihīn* by Imam-Nawawi.

*Tafsīr Pimpinan Ar-Rahman* was also made a corpus study by Nasimah Abdullah & Haji Ahmad Ismail (2015) in studying Abdullah Basmeih's approach on translating plural words to Malay language.

They concluded that Abdullah Basmeih used a few approaches to refer to plural meaning in the Qur'ān. However, there have been inconsistencies in meanings in estimation plural words of *taksir*. Therefore, they suggested a review with the purpose of improving Abdullah Basmeih's translation and to uphold the dignity of correct use of Malay language.

A study on lexical gaps in translation of verbs in the Qur'ān by Badrul Hisyam & Syed Nurulakla (2017) has chosen *Qur'ān Mushaf Malaysia and Terjemahan* and *Tafsīr Pimpinan Ar-Rahman* as corpus study. The study stated that lexical gaps have been discovered in both translations. Disparity of meanings have also been identified. This is not an issue of right and wrong in matching the meaning, but refers to the views and opinions of scholars in giving the meaning.

Azman Arifin & Idris Mansor (2017) also made *Tafsīr Pimpinan Ar-Rahman* their corpus study to observe the problems that arise in translating some of the Qur'ān's style of language to Malay language, which are analogy, metaphor, ellipsis, displacement and extraposition. This study found that the TRP translation has neglected a few implicit meanings from some language styles of the Qur'ān. This happened may be due to the reference and methodology used by Abdullah Basmeih is translation in sufficient through *ijmali* that cannot cover the implicit meaning on the data used.

Disparity in meaning when giving meaning of *rūh* to Malay language was also detected. Abdullah Basmeih has been deemed as a translator influenced by translation requirements on al-Qur'ān that has to match the 'aqīdah of members of Sunnah wa l-jamā'ah which are *Al-sharī'ah* and *Maturidiyah* (Kasyfullah Abd Kadir & Idris Mansor, 2017: 276). This is because he was bound to his employer's policy, who is the Malaysian government through a contract work memorandum signed with the Department of Islamic Development Malaysia (JAKIM). Mahmud (2011) was the opinion that Abdullah Basmeih followed the *madhab khalaf Al-sharī'ah* stream in 'aqīdah. However, there have been some verses translated according to *salaf* interpretation which is not in line with *madhab khalaf*. One of the possibilities is because he was influenced by his early education in Saudi Arabia which is *salaf* division.

Based on this literature review, it is clear that there has been no study on Abdullah Basmeih's service and contributions in the translation field, specifically religious texts.

## Findings and Discussion

Translation is an effort of translating a work to obtain information. It has a strategic meaning as a medium of education to stimulate a nation and develop the civilization. Hence, translation plays its own role in a nation's development. Translation, according to Suhendra Yusof (1994: 31) is an activity of changing conceptual thoughts written by writer of source language with all the ideas and experience which can enrich cultures and boost development of civilization. Progress of nation is not limited to the maximum ability of fulfilling daily needs and life's comforts, but also means perfecting knowledge and thoughts, intelligence and faith that can uplift mankind's life to a higher level. With that, a nation which achieved high civilization not only have material prosperity, but also developed intellectual and spiritual values.

Abdullah Basmeih's service and contributions in this field cannot be denied. He was extremely committed with knowledge and was constantly trying to develop the thoughts of Malay people. A lot of his time was used in writing and translating religious books that become main references during that time, and until now his works continue to be the reading and reference for Muslims especially in Malaysia. His diligence was so much; he could do two works at the same time. His sincerity and interest in producing works is illustrated in his statement:

*Antara senduk dan pena saling tukar menukar kerja. Bila senduknya bekerja menyiapkan masakan yang ditempah pelanggan, penanya beristirehat. Bila pelanggannya tidak ada mata penanya mula menjalankan tugas.*

(“Tokoh Penulis Islam Yang Tak Kenal Jemu,” 1979)

His sacrifices in writing and translation was indeed huge. He focused on writing even though he was at home. He was willing to receive a lower salary even though he had many children, and he worked more than his responsibility. His persistence finally showed him as a famous translator when he successfully translated the Qur'ān which took five years. His translation of *Tafsīr Pimpinan Al-Rahmān* only was repeatedly reprinted due to high demands. It was even translated to other languages like English. The Mandarin and Tamil editions are in the process of translation. To remember his contributions to the religion and country, Abdullah Basmeih was awarded a few decrees of honour (“Kertas Kerja Biodata Sheikh Abdullah Basmeih bin Mohd Basmeih, n.d.”: 179).



Siti Hawa Salleh (1997: 223-226) stated that the literature of religious translation can be classified into a few proses or poems; 1) Literature of holy book in Islam contains explanations and Islamic lessons which are not in shape of stories, 2) Prophetic literature which is a translation of the prophetic stories, 3) Literature of Islamic figures which is a translation of stories of prophet's families for instance wives, children and grandchildren, 4) Literature of Muslim warriors, who are the Prophets companions and Muslim leaders throughout the time.

Based on an analysis conducted on Abdullah Basmeih's works, the disciplines he ventured into when translating Arabic to Bahasa Melayu are as follows:

### **Translation in the Field of Al-Qur'ān and *Tafsīr***

Among Abdullah Basmeih's efforts in translating the Qur'ān and its interpretation is translating *Tafsīr Pimpinan Ar-Rahman Kepada Pengertian al-Qur'an*, *Muqaddam* (1963), *Pengertian Ayat-ayat al-Qur'ān (Jawi dan Rumi)* and *Tafsīr Ahmad Shaltut* which was named *Intisari Al-Qur'ān* (1974). These works are translations from Arabic to Malay language.

*Tafsīr Pimpinan Ar-Rahman Kepada Pengertian al-Qur'an* is a translation of the meaning of the Qur'ān which is very popular among Malays. At first, Tunku Abdul Rahman appointed Ustādh Faisal bin Haji Othman as the translator of the Qur'ān. He did the translation works for only a few months before he resigned. After his resignation, Abdullah Basmeih was requested to continue his translation works of the Qur'ān into Malay language ("Kertas Kerja Biodata Sheikh Abdullah Basmeih bin Mohd Basmeih, n.d.": 178). He was responsible to translate the 30 chapters of the Qur'ān into Malay language. He took five years to perfect the translation. His translation work was examined by Tuan Haji Muhammad Noor bin Haji Ibrahim, who was the former mufti for the Kelantan state government. The publishing was done in stages. In the earlier stage he published the first volume which contained only 10 chapters from the Qur'ān in 1968. Later the second volume was published on 1970 and the third volume was released on 1972. These works have propelled him as a big name in Qur'ānic translation to Malay language. The first edition in Roman writing was published in 1980 under the control of the Department of Islamic Development Malaysia ("Kertas Kerja Biodata Sheikh Abdullah Basmeih bin Mohd Basmeih," n.d.: 178)

The translation received encouraging response by Muslims in the Nusantara. This is proved when it was reprinted a few times which were on 1982, 1985, 1987, 1988, 1992, 1995, 1998, 1999, 2000, 2001 and 2010 (Nasimah Abdullah & Haji Ahmad Ismail, 2015: 2). The positive response by the society especially in Malaysia was may be because of the way the meanings were translated with simple language and easy to be understood by readers, besides explanation on footnotes to explain verses that require more explanation (Ismail Yusoff, 1995: 25). The acceptance of the Qur'ān translation by the Muslim community in Malaysia was strengthened by it being JAKIM's choice, thus a guide that should be followed by all translation of the Qur'ān which have just been worked into Malay language (Mansor & Kadir, 2016: 2212). Besides that, Abdullah Basmeih's contribution towards translating of the Qur'ān to Malay language have been very significant, because the translation has been made reference for various disciplines of knowledge.

In the field of translation itself, *Tafsīr Pimpinan Ar-Rahman Kepada Pengertian al-Qur'an* was often made corpus study by researchers especially on values, accuracy of meaning, grammar, methods, approaches and ways of translating. Among those researches are by Wan Ramizah Hasan (2000), Muhammad Arsyad Abdul Majid (2009), Azmi Subhi (2013) Nasimah Abdullah & Haji Ahmad Ismail (2015), Kasyfullah Abd Kadir & Idris Mansor (2017), Badrul Hisyam Mohd Yasin & Syed Nurulakla Syed Abdullah (2017) and Azman Arifin & Idris Mansor (2017).

### **Translation in Ḥadīth**

In the discipline of ḥadīth, Abdullah Basmeih translated ḥadīths by Prophet Muhammad (S.A.W) in four volumes including *Mukadimah Mastika Hadis* (1973). Efforts to publish *Mastika Hadis* in many stages took more than 20 years, beginning from the early 1970s until the end of his life. Besides that, Abdullah Basmeih also translated ḥadīth *Khutbah Haji Wida': Khutbah Rasulullah (S.A.W)* which was released remotely in Roman writing in 1976 (Wan Ramizah Hasan, 2000: 159).

Publishing and translation of the book *Mastika Hadis Rasulullah* was Abdullah Basmeih's second most important project published by JAKIM after the book *Tafsīr Pimpinan Ar-Rahman Kepada Pengertian al-Qur'an*. The effort by JAKIM in the early 1970s was from the inspiration of Tun Haji Abdul Razak bin Husin, Prime Minister of

Malaysia at that time. The series of books was a continuation of *Tafsīr Pimpinan Ar-Rahman Kepada Pengertian al-Qur'an* to provide a clearer elaboration on Islam and its teachings from the Prophet's (S.A.W) ḥadīth. The volume on introduction and the first volume are the work of collaboration between Mohd. Noor bin Ibrahim, Ismail bin Yusuf and Abdullah Basmeih. The second volume was the work of Abdullah Basmieh and later examined and validated by Abdul Mohsein Haji Salleh. The third volume was also by Abdullah Basmieh. The book contains a collection of selected ḥadīths as a complete guidance from Prophet Muhammad PBUH including aspects of faith (*tawḥīd*, Islam, sharī'ah laws and *iḥsān* and *ākhlāq*) ("Kertas Kerja Biodata Sheikh Abdullah Basmeih bin Mohd Basmeih," n.d.: 181).

This ḥadīth collection became more popular within the Muslim community in Malaysia when it became the source of reference by mosques all over the country as the text of ḥadīth studies. Besides, the book was also made a corpus study and reference by academicians in the discipline of Ḥadīth. *Mastika Hadis* has been benefited by researchers in the field of ḥadīth. Among the research on *Mastika Hadis* as corpus study are by Nor Azrina @ Nor Azura Ab Rahman (2007), Mohd Farid Ravi Abdullah (2011) and Aminuddin bin Mohamed & Fadlan Mohd Othman (2017). Even so, the discipline of translation, only one study was found, which is a research by Muhammad Hafiz Bakar (2012).

### **Translation in the Field of 'Aqīdah**

With high abilities in the Arabic language, Abdullah Basmeih also learnt from the works of scholars and writers from the Middle East and also works of intellectuals and thinkers from Europe. This combination from various knowledge learned by Abdullah Basmeih finally provided him a basis to translate Arabic works which have been assimilated by elements of Malay community and Islamic teachings. Thus, all this shapes the attitude and thoughts of Abdullah Basmeih which are parallel to the aspirations of the Malay community and Malaysia's policy. Even though he came in the world of writing in the era of clash between the Old Group and Young Group, he took the moderate approach.

Malay Muslim thoughts that require change was moved by young scholars like Burhanuddin al-Helmy, Za'aba, Nahmir and many more. Many among them were fellow writers in Qalam Press Company where Abdullah Basmeih worked. However, even though he received his early

education in Saudi Arabia and mingled with the influential thinkers from the Yong Group in Malaysia, an analysis of his works showed that he is of the same flow with the traditional people of the Old Group. This can be proven through the translation of *mutashābihah* (ambiguous) verses in *Tafsīr Pimpinan Ar-Rahman Kepada Pengertian al-Qur'an*. He chose to translate it through *takwil* according to the *Al-sharī'ah* sect (Mahmud, 2008: 4). The same goes with his works in *fiqh* that showed that he practiced *maḏhab Shāfi'ī*, which is parallel to the Old Group. Among the religious books and articles on '*aqīdah*' translated from Arabic to Malay language are *Allah Jalla Jalaluhu - Tawḥīd* (1953), *Qadha dan Qadar: Menurut Sayyid Jamal al-Din al-Afghaniy* (1953), *Berjihad Pada jalan Allah* (1953), *Taasub Menurut Pandangan Syeikh Muhammad Abduh* (1953), *Masalah Keza dan Kadar* (Qalam, no. 121, Ogos 1960, page.14) and *Orang-Orang yang Sempurna Imannya* (Qalam, no. 39, Oct. 1953, page. 33). The main result of his translation in the discipline of '*aqīdah*' is the book *Mastika Hadis Volume 1* which contains translation of ḥadīths related to '*aqīdah*' of Islam.

### **Translation in the Discipline of Fiqh 'Ibādah, Munakahat and Muamalat**

Abdullah Basmeih had his own stand and beliefs in developing the thoughts of Malays. He is with the Young Group in accepting modernism and fighting against the colonialism, and also orientalist thoughts. However, he also defended the Old Group's school of thought by writing and translating *fiqh* materials according to the local *maḏhab* which is *Maḏhab Shāfi'ī*. He even wrote about the *bid'ah* issue that became a polemic between the Old Group and Young Group in his book *Panduan Mengurus Jenazah*. He commented that the problem with *talking* within the Malay community which was disputed by the Young Group based on the proofs from *Maḏhab Shāfi'ī* that promotes the act. He concluded that their argument was based on a *khalīfahyah* issue that can be settled with forgiving one another (Abdullah Basmeih, 2015: 57-60). The rest of his works also follow *Maḏhab Shāfi'ī*. In the discipline of '*Ibādah*', among his translation works are *Panduan Kanak-Kanak Sembahyang*, the book *Panduan Mengurus Jenazah*, a translated religious article entitled *Menyambut Kedatangan Bulan Ramadan al-Mubarak* (Qalam, no. 127, Feb. 1961, page. 8), translation of religious article entitled *Ibadat haji dan hikmatnya: Amalannya dari segi Falsafah* (Qalam, no.120, Jul. 1960, page 10) and a translation of article on Hajj entitled 3

*Bulan di Tanah Suci Mekah al-Karimah* (Qalam, no. 145-148, Aug-Nov 1962).

In the discipline of fiqh women and *munakahat*, among the texts he translated is *Panduan Wanita* (1979). This book was originally written by Syed Muhammad bin Salim al-Husaini al-Hadhrami. The book explains clearly to women about Shariah laws and 'Ibādah, including principles of Islam, Iman and 'ihsān (Syed Muhammad, 1979: t. page). It is said to be the best religious text especially for women. He also translated many religious articles pertaining fiqh women, among them *Soal Berbilang Isteri Di Dalam Islam* (Qalam, no. 143, June 1962, page. 19), *Soal Talak dalam Islam* (Qalam, no. 147, Oct. 1962, page. 16) and *Hak dan Kewajipan Suami Isteri di dalam Islam* (Qalam, no.136, Nov. 1961, page. 12).

In the discipline of muamalat and Islamic economy, he translated the book *Panduan Zakat dan Khairat* (1985). He also translated the collection of recent fatwas in Egypt, among them the book *Fatwa Umum Kesatuan Hukum-Hukum Islam* (1953).

### **Translation in the Discipline of History and Muslim figures**

Abdullah Basmeih was someone who translated a lot of historical texts and stories of Muslim figures. For 12 years he worked with Qalam Press, he successfully translated more than 30 books which mostly are in these disciplines. His works were even considered the earliest translations on stories of Muslim figures into Malay language. These stories were popular in Arabic writings, known as *Sīrah Zatiyah*. His work on Muslim figures were produced through the translation method *talkhisiyah*. *Talkhisiyah* translation is reconstructing in a different style (Mo'men, n.d: 8). These works have been published in form of books and there are some published in serial release through Qalam magazine. His works in this discipline includes all classification by Siti Hawa Salleh (1997) on translation of religious literary texts.

On the Prophetic stories' category, Abdullah Basmeih translated *Riwayat Hidup Nabi Muhammad (S.A.W)*. (1952) into 4 volumes and 500 pages, published in 1952. This works were praised by Za'aba. Za'aba stated that the language used by Abdullah Basmeih is simple and easily understood. The value of these works, according to Za'aba cannot be measured with gold, as the content is very valuable and important to

the society (JAKIM, n.d: 2). According to Wan Ramizah Hasan (2000: 129), these books are the earliest to tell the story of the life of Prophet Muhammad PBUH into Malay language.

Books on history of Islamic figures among the Prophet's family that he produced are *Sejarah Hidup Siti Aisyah* (1950), *Sejarah Hidup Baginda Ali* (1950), *Sejarah hidup Saidina Husein Di Padang Karbala* (1953), *Puteri-Puteri Nabi* (1957), and *Isteri-Isteri Rasulullah* (1958). The translation works he produced on Islamic figures among the Prophet's companions are *Sejarah Hidup Abu Bakar al-Siddik* (1951), *Sejarah Hidup Umar bin Al-Khattab* (1952), *Sejarah Hidup Uthman bin Affan* (1953), *Sejarah hidup Bilal Tukang Bang Rasulullah s.a.w'*(1955), *Riwayat Yang Bersejarah : Abu Dzar al-Ghafiri* (Qalam, no. 3, Oct. 1950, page 42) and *Sejarah hidup Khalid al-Walid* (1957).

Abdullah Basmeih also translated stories on Islamic warrior figures besides the companions for example *Puteri Sepanyol* (1952), *Hikayat Salahuddin al-Ayyubi* (Mohd. Farid Ravi Abdullah, 2011: 75). Some of the works on Islamic figures have been featured in Qalam magazine, which are *Fatimah al-Zahara: Suatu Gambaran dari Riwayat Hidupnya* (in eight series from no. 134, Sep. 1961 to no. 142, Mac. 1962), *Syed Sheikh Al-Hadi* (no. 90, Jan. 1958, page. 3), *Wahab al-Jduln* (no. 41, Dis. 1953, page. 33), *Kisah Pengembaraan Ibn Batutah Mengelilingi Dunia* (no. 105, Apr 1959, page. 12) and *Musa bin Nasir* (in three series beginning from issue no. 148, Nov. 1962 to issue no. 150 Jan.1963).

Abdullah Basmeih also translated *Sejarah Islam* in three volumes on 1964 1964 (*Majalah Dewan Siswa*, July 1979, page. 4). Besides, through Qalam magazine on its seventh release, he translated parts of the events in history of Islam, which are *Peristiwa Tentera Islam Merempuh ke Mekah* (Qalam, Feb. 1951, page 43) dan *Perkembangan Islam di Negeri Cina: Riwayat Asal Mulanya Benih Islam Bercambah di Benua Itu* (Qalam, no. 119, Jun 1960, page. 12).

### **Translation on Local and International Issues**

Through observation in books and articles translated regarding local and international issues, it can be concluded that Abdullah Basmeih is someone very sensitive towards issues related to the community especially the position of Malay Muslims. This is proven through his writings that become a polemic between him and writer Yahya Ismail

who glorified orientalist and Western ideas, who is not honest about Islam (Majalah Kiblat, October 1975, page 4-5), arising debates with Kassim Ahmad and open interview with the Prime Minister of Singapore, Lim Kuan Yew.

Abdullah Basmeih actively criticized and educated the society on the teachings of Islam and promoted Islam as the solution for social issues like alcohol, gambling, divorce, splits and so on. Regarding these issues, he translated religious articles like *Arak dan Judi Racun Masyarakat* (Qalam, no. 27, Oct. 1952, page. 19), *Bahaya Judi dan Bencananya* (Qalam, no. 28, Nov. 1952, page. 43), *Dari Sebulan ke Sebulan Masjid-Masjid Kita dan Loteri* (Qalam, no. 132, Jul. 1961, page. 7), *Perikatan Suami Isteri* (Qalam, no. 41, Dis. 1953, page. 30) and *Perpecahan Umat Islam* (Qalam, no. 30, Feb. 1953, page. 18).

Disputes between the Yong Group and the Old Group due to differences in political ideas has triggered conflicts in the unity of the society. Following that, Abdullah Basmeih has urged the society to always maintain the unity and give priority to spreading Islam than trivial issues. This is proven through the articles he translated, like *Kenaikan Sesuatu Umat dan Kejatuhannya* (Qalam, no. 19, Feb. 1952, page. 6) and also, through his book *Kedudukan Masjid Dalam Islam* (1977).

Abdullah Basmeih also played a role in connecting the Muslims in Malaysia to be aware of the global issues related to Muslims in other countries. He translated the news and articles on the tragedies that befall the ummah in Palestine, Egypt and Africa. This is seen through the articles he translated like *Pujangga Islam Melahirkan Negara Palestin dan Masalah Palestin* dan *Propaganda Yahudi dan Zionis Amerika* (Utusan Melayu, 27 Oct. 1967; Utusan Melayu, 1 Jul. 1966), *Pergerakan Yahudi Sahiwni (Zionist) dan Bahayanya* (Qalam, no. 139. Feb. 1962, page. 10), *Ikhwan al-Muslimin dan Jamal Abdul Nasir* (Qalam, no. 54, Jan. 1955, page. 36) and *Afrika Menggelegak: Penjajah Dihantam dalam Segala Pelusuk* (Qalam, no. 134, Sept. 1961, page. 16).

### **Translation on Politics and Islam Statehood**

Even though Abdullah Basmeih was not directly involved in local politics, he was seen to be concerned about matters of the country and Islamic politics. He made an effort to give understanding to the

Malaysian people on the importance of politics for the sovereignty of Islam and the country. This is proven through his translation of a fatwa by al-Azhar scholars, *Perempuan dan Pilihanraya* (1952) and an article on *Wakil Rakyat Dalam Islam* (1953). Due to his concern in politics, he also gave views on the issue of merging with Singapore. He suggested that the parties involved to be firm but cautious towards communist works. This is seen through his articles entitled *Soal Percantuman dan Masalah Komunis di Singapura* (Qalam, no. 133, Ogos 1961, page. 39).

Among his valuable contributions to this discipline are; 1) Translation of *Tafsīr Mahmud Shaltut* which was named *Intisari Al-Qur'ān*. This is *tafsīr maudu'i* which means it is based on themes. A few topics in the content mentions on leaders and the people. 2) translation of articles on Islamic Law entitled *Hukum-Hukum Islam Sesuai Bagi Tiap-Tiap Tempat dan Tiap-Tiap Masa* (Qalam, no. 32, March 1953, page. 16).

### **Translation in Adab and Akhlak**

Ākhlāq (morals) and Ādāb (manners) are the third main element in *taṣawwur* in Islam after 'aqīdah and *Shariah*. Therefore, Abdullah Basmeih also contributed to this discipline through his translation works. All these works are religious articles in form of *talkhisiyah* translation which is based on Qur'ānic verses and many disciplines of knowledge in Islam. Among Abdullah Basmeih's translated works in this discipline are *Agama dan Kesannya di dalam Jiwa Manusia* (Qalam, no. 1, July 1950, page 4), *Sifat-Sifat Orang yang Takwa* (Qalam, no. 46, May 1954, page. 7), *Ākhlāq yang Buruk Bukan Hasil Penderitaan* (Qalam, no. 37, Aug 1953, page. 36), *Rahsia Al-Qur'ān: Kesannya kepada Ākhlāq* (Qalam, no. 15, Sept. 1951, page. 24), *Keadilan Islam Meliputi Kawan dan Lawan* (Qalam, no. 18, Jan. 1952, page. 16), *Orang-Orang yang Beriman: Tahan Menerima Ujian* (Qalam, no. 36, Jul. 1953, page. 17), *Tanggungjawab yang Dipercuikan* (Qalam, no. 38, Sept. 1953, page. 29) *Tabligh dan Cara Menyampaikan* (Qalam, no. 149, Dec. 1962, page. 6) also, *Hak dan Kewajiban Suami Isteri di dalam Islam* (Qalam, no. 135, Oct. 1961, page. 30).

### **Translation in Islamic Literature, Literature and Malay Language**

Abdullah Basmeih can be listed as one of the fighters for literature and Malay language. He produced critic works on language. Among those



were published in *Medan Bahasa; Bahasa Melayu Lama dan Baharu* (Qalam, no. 39, Oct 1953, page. 5), *Sejarah Terkembangnya Bahasa dan Persuratan Melayu* (Qalam, no. 20, Mac 1952, page. 11), *Soal Memodenkan Bahasa Melayu* (Qalam, no. 66, Jan 1956, page. 14), *Rahsia Tulisan Melayu: Menurut Pandangan Islam* (Qalam, no. 73, Ogos 1956, page. 15) and *Pepatah Melayu dan Falsafahnya* (Qalam, no. 74, Sept. 1956, page. 16). He also wrote books on Malay literature, *Taman Cerita-Cerita Melayu*, that was released for 10 terms by Pustaka Nasional Singapura in 1963 (Wan Ramizah Hasan, 2000: 130-131).

His contribution in translation of literature and Islamic sociology can be detected in the translation of *Kisah Pengembaraan Ibn Batutah Mengelilingi Dunia* (Qalam, no. 105, Apr. 1959, page. 12). Abdullah Basmeih also translated a few poems by Syair Muhammad Iqbal in the section Mimbar Islam entitled *Pujangga Islam Muhammad Iqbal*. Wan Ramizah Hasan (2000: 138) praised and expressed admiration towards Abdullah Basmeih in translating the poems because his translation was very orderly without compromising the rhyme, as in a quality Malay poem.

Among his contribution in literature translation which is also unique is the translation of the story *Perempuan Dirasuk Iblis* (Qalam, bil 4, Nov. 1950, page 41). He translated the story from Arabic to Malay language. It was originally written in English by Margaret Elizebeth Jenkins (31 Oct. 1905 – 5 Sept. 2010). It was quite a rare literary work found during those times. The book is also very unique and very suitable to be made a corpus study to analyse the effect of multilingualism in the translation.

## **Conclusion**

Abdullah Basmeih was an individual who made great contributions to the translation field from Arabic to Malay language, especially in many disciplines of Islamic knowledge. His translation work covers various knowledge disciplines including al-Qur'ān, *ḥadīth*, *'aqīdah*, *fiqh*, history of Islam, social issues on local and international level, politics and statehood of Islam, *Ādāb* and *ākhlāq*, and Islamic literature. The vast scope of knowledge in translation shows that he loved knowledge, and had a high sense of responsibility to spread the knowledge to the Muslim community in Islam, who generally do not understand Arabic texts. His service and contributions in translating religious texts was

an effort to enrich the treasure of knowledge. The knowledge is able to shape the minds of the readers and become a prospect that is always available for the next generation to explore new findings in future research. Even though he had inclination to support the Young Group, he tried to take the middle road to balance the opinions of the Young Group and the Old Group. Therefore, many of his translation works are texts held by followers of the *Sunnah wa l-jamā'ah* sect *Al-sharī'ah* and *fiqh* Maḍhab Imam *Shāfi'ī*. To him, society conflicts that arise have to be put in line with the government's policies to maintain unity and harmony of the society.

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# ***Takyīf Fiqhī* and its Application to Modern Contracts: A Case Study of the Central Provident Fund Nomination in Singapore**

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**Abstract:** The term *takyīf fiqhī* stands for one crucial concept in Islamic jurisprudence and refers to one of the important steps in the process of formulating *fatwā*. It basically revolves around the categorization of particular issues under the appropriate rules and precedents established in Islamic juristic thought. The present article attempts to examine the concept of *takyīf fiqhī* in a comprehensive manner in terms of its meaning, authority, types, importance, and governing criteria as can be gleaned from the works of *Shari'ah* scholars. This is then followed by an exploration of its application to modern contracts, taking as a case study the Central Provident Fund Nomination in Singapore. The article concludes with the view that the Central Provident Fund Nomination, in terms of its essential characteristics and objective, resembles the Islamic will contract as discussed in books of Islamic Jurisprudence.

**Keywords:** *Takyīf Fiqhī*, modern contracts, Central Provident Fund, nomination, Singapore.

**Abstrak:** Istilah *Takyīf Fiqhī* merupakan satu konsep penting dalam Perundangan Islam dan salah satu langkah utama dalam proses penggubalan fatwa. Pada dasarnya, *takyīf fiqhī* merujuk kepada pengkategorian isu-isu tertentu di bawah hukum dan duluan yang sesuai di dalam Perundangan

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Islam. Artikel ini mengkaji konsep *takyīf fiqhī* dengan secara komprehensif dari sudut pengertian, otoriti, pembahagian, kepentingan dan kriteria, yang diambil daripada tulisan para ulama Shariah. Ini kemudian diikuti dengan usaha menerokai aplikasinya kepada akad-akad baru, mengambil Nominasi Tabung Simpanan Pekerja (CPF) sebagai kajian kes. Artikel ini menyimpulkan bahawa Nominasi CPF, dari sudut ciri-ciri asas dan objektifnya, menyerupai akad wasiat sebagaimana yang dibincangkan di dalam buku-buku Perundangan Islam.

**Kata Kunci:** *Takyīf Fiqhī*, kontrak moden, Tabung Simpanan Pekerja, nominasi, Singapura.

## 1. Introduction

The task of formulating *fatwā* is indeed a heavy responsibility. Likewise, scholars who wish to undertake this task need to fulfill certain strict conditions pertaining to knowledge of the sources and methods of Islamic law as well as of the juristic views and doctrines that have been developed within particular schools or among the different schools. It is not our purpose here to provide any detailed exposition of those epistemic and methodological requirements, which are sufficiently elaborated by scholars of Islamic legal theory (*usul al-fiqh*) (al-Ghazāli, 1997, vol. 2, pp. 379-389 & 462-470; al-Amidī, 2003, vol. 2, pp. 197-290; Bernard G. Weiss, 2010, pp. 675-719; Wael B. Hallaq, 1997, pp. 117-124). Suffice it to emphasize that failure to fulfill them simply makes venturing into issuing *fatwā* a dangerous business both ethically and socially. What we are concerned with in this article is to examine an important aspect that has to do with the intellectual and discursive process of *fatwā* formulation and issuance. This process includes four important stages, as will be expounded hereafter (The Craft of Issuing Fatwas: <http://daralifta.org/Foreign/ViewArticle.aspx?ID=77&text=takyif>).

The first is the *taswīr* stage. This refers to the correct conceptualization of the particular issue at hand as it actually occurs, that is, our view of the issue must correspond to its reality. Failure to do so will cause the *fatwā* to be dissociated from the truth of the matter.

The second is the *takyīf* stage. This refers to the categorization of the issue being considered under the appropriate category in Islamic Jurisprudence. In other words, the issue requiring a juristic evaluation



and verdict has to be subsumed to where it juristically belongs in general manner before a specific ruling is passed on it.

The third stage is the elucidation of the specific ruling conforming to the issue at hand. It requires the *muftī* to have strong mastery of the Qur'an, Prophetic Traditions, Consensus (*ijmā'*), analogical deduction (*qiyās*) and other relevant knowledge as stipulated in Islamic legal theory (*usul al-fiqh*).

The fourth stage is the issuance or pronouncement of the ruling on the issue. In final this stage, the *muftī* must ensure that the verdict passed on the issue (*fatwā*) does not contradict or violate the objectives of the *Sharī'ah*, any explicit and definitive text of the *Qur'ān* or the Prophetic traditions, the ascertained consensus of scholars, or a well-known and established Islamic legal maxim. Any violation of the above necessitates that the *fatwā* be revised.

Due to the fact that the second stage is a crucial one in the process of *fatwā* issuance, the present article is devoted to provide a comprehensive analysis and discussion of this stage from its different aspects.

## **2. Takyīf Fiqhī: Meaning and Definition**

As a start, it is important to first explain the meaning of the term *takyīf fiqhī* both from the linguistic and technical sense.

The word *takyīf* comes from the root word *kayyafa*. The linguistic and technical meanings of this word are similar, which is to know the state of something and its characteristics (Shubair, 2014, p.12).

The word *fiqh* linguistically means understanding the intention of the speaker from his words (al-Jurjānī, n.d., p.141). The technical meaning of the word *fiqh* refers to “the science related to the deduction of practical legal rules derived from exhaustive evidences” (al-Qaradawi, 2013, p.17).

Before explaining the technical meaning of the term *takyīf fiqhī*, it is important to highlight that the usage of this term specifically amongst *Sharī'ah* scholars is of a recent provenance in modern times. It emerged in Egypt and other Middle Eastern countries from the encounter of *Sharī'ah* scholars with experts of modern legal studies whose academic formation took place in modern colleges of law. Its use gained momentum in the twentieth century especially in the context of comparative studies

between Islamic juristic doctrines (*fiqh*) and conventional law (*qānūn*) (Shubair, 2014, pp. 23-24).

In what follows some definitions and explanations are provided regarding the technical meaning of the term *takyīf fiqhī* given by contemporary prominent scholars and *fatwā* councils.

According to Yūsuf al-Qaraḏāwī, it refers to “applying the legal text to practical occurrences.” (al-Qaradawi, 1988, p.72) In their *Mu‘jam Lughat al-Fuqahā’* Qal‘aji *et al.* define it as “determining and explaining the original case to which it belongs.” (Muhammad Rawas Qal‘aji, Hamid Sadiq & Qutub Mustafa Sano, 1996, p. 123)

Al-Qaḥṭani defines it as “complete understanding of occurrences and determining the origin to which it belongs.” (Al-Qahtani, 2010, p. 354) For al-Jizani it consists of “categorizing issues according to their relevant categories from the *fiqhī* perspective.” (Al-Jizani, 2008, vol.1, p. 47) In Shubair’s view *takyīf fiqhī* is “to determine the true nature of new occurrences so as to categorize them under an original *fiqhi* precept (*‘asl*) bearing certain characteristics in Islamic Jurisprudence, with a view to establishing those characteristics in the new occurrences by virtue of the essential similarities between the original precept and those occurrences.” (Shubair, 2014, p. 30)

According to the official *fatwā* institution of Egypt, Dār al-Iftā al-Misriyyah, *takyīf fiqhī* “involves classifying the issue in question under the relevant categories and *furū’* (secondary issues) of jurisprudence. For instance, a question may be designated under transactions and not under acts of worship, contracts or under one of its types, or under a new type of transaction [not mentioned in the books of jurisprudence].” (The Craft of Issuing Fatwas: <http://dar-alifta.org/Foreign/ViewArticle.aspx?ID=77&text=takyif>)

As can be clearly seen from the above quotations, although the words used to express the meaning and definition of *takyīf fiqhī* might differ, the meaning that they intend to convey are almost similar, which is to categorize new occurrences under their relevant categories in Islamic Jurisprudence.

It is important to highlight that there is a close relation between *takyīf fiqhī* and *takyīf qānūnī*. *Takyīf qānūnī* means categorizing new occurrences under the relevant rules of the Law which governs them

(Didani, 2017, vol. 4, no.1, pp. 92-113). *Takyīf fiqhī* and *takyīf qānūnī* share some similarities in several aspects:

1. In terms of their objective, both are similar in the sense that their main objective is to give a ruling to the new occurrence by looking at its' essential features.
2. In terms of the process of *takyīf*, both are similar from the following aspects (Shubair, 2014, pp. 24-25):
  - i. Determining the true nature of the new occurrence.
  - ii. Searching for the original case (*'asl*) which is similar to the new occurrence.
  - iii. Extending a ruling to the new occurrence which is similar to the ruling of the origin.

Despite these common features, there is a fundamental difference between the two in terms of their sources. The concept of *takyīf fiqhī* is based on the textual sources of the *Sharī'ah* and *ijtihād* inferences and formulations of Muslim jurists, whereas that of *takyīf qānūnī* is based on the conventional state law in a particular country (Shubair, 2014, p. 25).

Though it is of modern provenance, the concept of *takyīf fiqhī* has some affinity with already established terms in Islamic jurisprudence. Three such terms require command our attention here, namely *al-ashbāh wa al-nazā'ir*, *takhrīj*, and *taḥqīq al-manāṭ*.

(i) *Al-Ashbāh wa al-Nazā'ir*

The plural form of the singular *shabah* the word *ashbāh* connotes similarity. Technically, it refers to “juristic issues that resemble one another in their essential features and share the same ruling.” (Mohamad Akram Laldin, Said Bouheraoua, Riaz Ansary, Mohamed Fairouz Abdul Khir, Mohammad Mahbubi Ali & Madaa Munjid Mustafa, 2013, pp. xii-xiii) On the other hand, the word *nazā'ir* is the plural version of *nazīr* which means ‘comparable’. This refers to “*fiqh* issues that resemble one another in their features but have different rulings.” (Mohamad Akram Laldin, Said Bouheraoua, Riaz Ansary, Mohamed Fairouz Abdul Khir, Mohammad Mahbubi Ali & Madaa Munjid Mustafa, 2013, pp. xii-xiii) There is, in fact, a close relationship between *al-ashbāh wa al-nazā'ir* and *al-takyīf fiqhī* as both aim at contrasting the essential features of

various juristic issues in order to determine similarities and differences amongst them before bringing them under a specific rule.

(ii) *Takhrīj*

The usage of the term *Takhrīj* amongst scholars of *Fiqh* and *Usūl al-Fiqh* can be divided into three categories, mainly, *Takhrīj al-Usūl min al-Furū'*, *Takhrīj al-Furū' 'alā al-Usūl*, and *Takhrīj al-Furū' min al-Furū'*.

*Takhrīj al-Usūl min al-Furū'* refers to the branch of knowledge which aims at discovering the method (*usūl*) and legal precepts (*qawā'id*) of the imāms by analyzing their opinions on secondary issues of *Fiqh* and their causation (*ta'līlāt*) of legal rulings.

*Takhrīj al-Furū' 'alā al-Usūl* refers to the branch of knowledge which aims at searching for the effective cause (*'illah*) and method of legal rulings to be used as a point of reference for secondary issues of *fiqh* (*furū'*) in order to explain the reasons for differences of opinion or explaining the ruling in a situation where there is no explicit text from an *imām* regarding that particular issue.

*Takhrīj al-Furū' min al-Furū'* means transferring the ruling of a particular issue to another issue which resembles it and equating between them.

There are some similarities between *Takhrīj Fiqhī* and *Takyīf Fiqhī* which include ascertaining the presence of the effective cause (*'illah*) in the new case (*far'*), and giving the same ruling of the original case (*asl*) to the new case. Despite these similarities, there is a difference between the two. In *Takhrīj Fiqhī*, the original case must be a text from an *imām* whereas in *Takyīf Fiqhī*, the original case could be a text from the *Qur'ān* or *Sunnah* (Shubair, 2014, p. 21).

(iii) *Tahqīq al-Manāṭ*

*Ijtihād* related to the identification of the *'illah* can be divided into three categories. They are *Takhrīj al-Manāṭ*, *Tanqīḥ al-Manāṭ*, and *Tahqīq al-Manāṭ*.

*Takhrīj al-manāṭ* is the first step that a jurist needs to go through in order to identify the *'illah*. *Takhrīj al-manāṭ* literally means extracting the *'illah*. From the linguistic sense, *takhrīj* means 'extracting' while *manāṭ* is synonym to the word *'illah*. In this stage, the jurist extracts the effective

cause through the process of *ijtihad* and he might identify more than one cause for a particular ruling (Kamali, 2009, p. 214).

The second step in the process of identifying the '*illah* is *Tanqīh al-Manāṭ* which literally means isolating the '*illah*. Linguistically, *tanqīh* means 'purifying'. Technically, *Tanqīh al-Manāṭ* means "connecting the new case to the original case by eliminating the discrepancy between them" (Kamali, 2009, p. 214). In *Tanqīh al-Manāṭ*, there might be more than one cause for a particular ruling and it is the duty of the jurist to identify the one that is proper (*munāsib*) (Kamali, 2009, pp. 213-214).

The final step is *Tahqīq al-Manāṭ* which literally means ascertaining the '*illah*. In the literal sense, *tahqīq* means 'ascertaining'. In this stage, the presence of an '*illah* is ascertained in the individual cases (Kamali, 2009, p. 214). According to Al-Shāṭibī, this category of *ijtihad* will not stop until the arrival of the Hour (Al-Shāṭibī, 2009, vol. 5, p. 11).

There is a close connection between *Takyīf Fiqhī* and *Tahqīq al-Manāṭ*. One of the guidelines for the correct usage of *Takyīf Fiqhī* is that the essential characteristics between the original case and the new case must be the same (Shubair, 2014, pp. 92-93; Hmitu, 2013, p. 113). This is similar to *Tahqīq al-Manāṭ* where a jurist needs to ascertain the presence of the effective cause of the original case in the new case.

### 3. Authoritativeness of *Takyīf Fiqhī*

The authoritativeness of *takyīf fiqhī* has its roots in the Qur'ān, Sunnah as well as the words of prominent companions of the Prophet. Some of these evidences directly point to the legality of *takyīf fiqhī* while others are indirect. Although some scholars have quoted some Qur'anic verses to support the legality of *takyīf fiqhī*, it is our view in this article that those verses are general verses which support the legality of *ijtihad* and do not directly point to the legality of *takyīf fiqhī*. As such, we would like to quote two pieces of evidence that clearly indicate and lay ground to the authoritativeness of *takyīf fiqhī*. It was narrated from Ibn 'Abbās [may Allah be pleased with them] that a woman came to the Messenger of Allāh and said: "My mother has died, and she owed one month of fasting." He said: "Don't you think that if she owed a debt, you would pay it off?" She said: "Yes." He said: "The debt owed to Allāh is more deserving of being paid off." (Muslim, vol. 3, pp. 215-216)

In the *ḥadīth* cited above, the Prophet made a comparison between debt owed to Allāh and debt owed to humans. The fast which was not performed by the deceased was seen as a debt owed to Allāh and was compared to debts owed to humans. If it is obligatory to settle debts owed to humans, debts owed to Allāh is obligatory too and more deserving to be settled. This is an example of the application of *takyīf fiqhī*.

The authoritativeness of *takyīf fiqhī* can also be supported by ‘Umar bin al-Khaṭṭāb’s instruction to Abū Mūsā al-Ash‘arī: “Know likes and cognates; then draw analogies between matters. Hold on to the one which is most acceptable to God and closer to the truth in your understanding.” (al-Suyūṭī, n.d., p. 7)

The famous Shāfi‘ī scholar Jalāl al-Dīn al-Suyūṭī relied on the words of ‘Umar above to support the authoritativeness of the separate study of *al-ashbāh wa al-naẓā‘ir* to which he devoted a well-known and well-received work. The subject matter and issues discussed under this rubric are closely related to *takyīf fiqhī*.

Emphasizing the importance of *al-ashbāh wa al-naẓā‘ir*, al-Suyūṭī says:

“Know that the discipline of *al-ashbāh wa al-naẓā‘ir* is a great discipline by which one can discern the realities of Islamic jurisprudence, its deep meanings, its sources and secrets. By means of it one can become proficient in understanding rulings and have them at one’s fingertips. By it one develops the ability to extend rulings (to similar cases), analyze issues for their essential features and arrive at rulings for issues that have not been previously discussed and for new matters that continue to arise – and will keep arising – as time continues to unfold.” (Mohamad Akram Laldin, Said Bouheraoua, Riaz Ansary, Mohamed Fairouz Abdul Khir, Mohammad Mahbubi Ali & Madaa Munjid Mustafa, 2013, pp. viii)

#### 4. Types and Importance of *Takyīf Fiqhī*

*Takyīf fiqhī* can be divided into two main types: *al-takyīf al-basīṭ* and *al-takyīf al-murakkab*.

- i. *Takyīf Basīṭ* encompasses issues whose original case (*‘asl*) can be easily identified.

- ii. *Takyīf Murakkab* encompasses issues which are complex because the issue at hand resembles more than one established original rule (Al-Jizani, 2008, p. 49). *Bay' al-wafā'* is a good example of an issue which resembles more than one such established rule. This issue consists of "a sale with a right of the seller, having the effect of a condition, to repurchase (redeem) the property by refunding the purchase price" (Lahsasna, 2010, p. 152).

Here is an illustration of *bay' al-wafā'*: A purchases an asset from B with the condition that if B pays back the cost of the asset to A, the asset needs to be returned to B. This sale is called *wafā'* because this contract contains an obligation that needs to be fulfilled. The obligation is the buyer needs to return the goods to the seller if he pays back the amount to reclaim the goods (Lahsasna, 2010, p. 153).

There are at least six opinions amongst Muslim scholars regarding the status of this contract (Barudi, 2012, pp. 137-229):

1. It is a valid sale contract.
2. It is considered as a valid sale contract if the condition regarding the repurchase of the goods is mentioned before or after the contract.
3. It is not a valid due to the existence of *ribā*.
4. It is not valid because it contradicts the legal text.
5. It is considered as a form of mortgage.
6. It is a combination of several contracts.

*Bay' al-wafā'* is an example of a contract whose *takyīf fiqhī* is not simple and straightforward. From the six opinions mentioned above, we can see how widely scholars have differed on determining its nature and how much this variation affects subsuming under one or the other of the established rules. Likewise, some view it as a form of sale and purchase contract, while others see it as a form of mortgage. Others, still, consider it a combination of several contracts.

As for the importance of *takyīf fiqhī*, it can be seen from the following angles:

- i. *Takyīf fiqhī* is necessary in order to explain the ruling of contemporary issues (Shubair, 2014, pp. 41-42). When

performing *takyīf fiqhī*, the relationship between the contracting parties will be explained. It is impossible to issue the correct ruling of a particular contract without knowing the relationship between the different parties involved in the contract (Abu Sulayman, 2015, p. 273).

- ii. *Takyīf fiqhī* is a form of exercising *ijtihād*. Performing *ijtihād* to explain the rulings of contemporary issues is needed especially after the death of Prophet Muhammad. Quranic verses and prophetic traditions are limited whereas new issues and occurrences will continue to appear (Shubair, 2014, p. 42). *Takyīf fiqhī* is needed to explain the rulings of these new issues and occurrences.
- iii. *Takyīf fiqhī* is considered as one of the reasons for the differences of opinion amongst scholars. There are many factors which lead to disagreement in the issuance of rulings amongst scholars. Apart from differences in *qirā'āt*, authentication of *ḥadīth*, as well as understanding of Qur'anic verses and texts of *ḥadīth*, differences in *takyīf fiqhī* is also an important factor which results in the differences of opinion amongst scholars (Shubair, 2014, p. 43).

### 5. *Takyīf Fiqhī*: Approaches and Guidelines

There are three main approaches regarding the usage of *takyīf fiqhī* in dealing with modern contracts.

The first exaggerates the usage of *takyīf fiqhī*. This approach does not see the permissibility of new contracts if they do not resemble any of the nominate contracts (*'uqūd al-musammāh*) as discussed in the books of Islamic Jurisprudence (Al-Qaradawi, 2010, pp. 22-23).

As opposed to the first, the second totally neglects the usage of *takyīf fiqhī* when dealing with modern contracts and considers them as totally new contracts which were not discussed in books of Islamic Jurisprudence (Al-Qurashi, 2013, p. 67).

The third analyzes critically the true nature of new contracts. If they resemble the nominate contracts in terms of their pillars, objective of the contract, and the intention of the contracting parties, then these contracts will be given the same ruling as the nominate contracts. On the contrary, if they are fundamental differences between the essential characteristics of the two contracts, then these new contracts will be considered as new independent contracts. These contracts are considered as valid as long as



there are no elements which contradict the principles of *Sharī'ah* (Shubair, 2007, p. 208). This approach, in the lens of this researcher, is the most just and closest to the truth.

In order to avoid any misapplication of *takyīf fiqhī*, scholars have laid down several guidelines for its usage. As *takyīf fiqhī* is a form of analogical deduction (*qiyās*), the guidelines laid down by scholars are mostly similar to the guidelines related to analogical deduction. These guidelines cover the following aspects; the new case, the original case, the original ruling and the effective cause.

1. Guidelines related to the new case include the following (Shubair, 2014, pp. 67-71; al-Qahtani, 2010, pp. 366-367, Hmitu, 2013, p. 113):
  - i. There should not be any clear text from the *Qur'ān* or *Sunnah*, or *Ijmā'* which explain the ruling of the new case.
  - ii. All information pertaining to the new case, which include the pillars, conditions, objective of the contract, and intention of the contracting parties must be clearly understood.
2. Guidelines related to the original case (*'asl*) include the following (Shubair, 2014, pp. 79-80):
  - i. The original case should be from the *Qur'ān*, *Sunnah*, *Ijmā'*, general principle or *ijtihād* of the *Fiqh* scholars.
  - ii. The original case should be clearly understood.
  - iii. The original case should not contradict the *Qur'ān* or *Sunnah* especially if it comes in the form of general principle of *ijtihād* of the *Fiqh* scholars.
3. Guidelines related to the original ruling (*hukm 'asl*) include the following (Shubair, 2014, pp. 83-85):
  - i. The ruling should not be abrogated.
  - ii. The ruling could be comprehended by the mind.
  - iii. The objective of the ruling could be discovered.
4. (4) Guidelines related to the effective cause (*'illah*) include the following (Shubair, 2014, pp. 90-91):
  - i. The effective cause should be clear and not hidden.

- ii. The effective cause should be a constant attribute (*muḍabbiṭ*).
  - iii. The effective cause should be a proper attribute (*al-wasf al-munāsib*).
  - iv. The effective cause could be extended to other cases (*muta'addī*).
5. With regards to the guideline related to both the original case and new case, the essential characteristics between the original case and the new case must be similar (Shubair, 2014, pp. 92-93; Hmitu, 2013, p. 113).

## **6. Application of *Takyīf Fiqhī* to Central Provident Fund Nomination in Singapore**

### *1. Background to/of CPF Nomination*

The Central Provident Fund (CPF) is a comprehensive social security system created for working Singaporeans whose main objective is to assist them to save up for retirement and tackle issues related to healthcare, family protection, home ownership and asset enhancement (CPF Overview: <https://www.cpf.gov.sg/Members/AboutUs/about-us-info/cpf-overview>).

CPF members are allowed to choose the beneficiaries of their CPF savings by utilizing CPF nomination. For those members who choose not to utilize the CPF Nomination, their CPF savings will be handled by the Public Trustee's Office (PTO) who will distribute them under the Intestate Succession Act for non-Muslims or Inheritance Certificate for Muslims (CPF Nomination Scheme: <https://www.cpf.gov.sg/Members/Schemes/schemes/other-matters/cpf-nomination-scheme>).

Currently, there are three main ways of utilizing the CPF nomination.

The first is known as Cash Nomination. When a CPF member chooses to utilize this option, his CPF savings will be distributed to his nominee(s) after his death in cash (CPF Nomination Scheme: <https://www.cpf.gov.sg/Members/Schemes/schemes/other-matters/cpf-nomination-scheme>).

The second is called Enhanced Nomination Scheme Nomination. By utilizing this option, CPF savings of a CPF member will be channeled to the nominees' CPF accounts after his death.

The third is referred to as Special Needs Savings Scheme Nomination. CPF members who have children with special needs can utilize this option so that their children could receive monthly disbursements after their death (CPF Nomination Scheme: <https://www.cpf.gov.sg/Members/Schemes/schemes/other-matters/cpf-nomination-scheme>).

## 2. Applying Takyīf Fiqhī to CPF Nomination

In applying *Takyīf Fiqhī* to CPF Nomination, the following steps shall be taken.

The first step is to have a correct and holistic understanding of CPF Nomination. This is done by identifying the relevant parties/components related to CPF nomination, as well as explaining their roles, and conditions related to them.

**Table 1.1:** A detailed explanation of the relevant parties/components related to CPF Nomination (CPF Nomination Scheme: <https://www.cpf.gov.sg/Members/Schemes/schemes/other-matters/cpf-nomination-scheme>).

Parties/Components related to CPF Nomination	Explanation of their roles and/or intentions	Conditions related to the relevant parties/components
Nominator	The nominator is the CPF account holder who chooses the person(s) who will benefit from his CPF monies after his death.	<ol style="list-style-type: none"> <li>1. The CPF account holder must be at least 16 years of age in order to make a nomination.</li> <li>2. The CPF account holder can change his nomination during his lifetime.</li> </ol>
Nominee	The nominee is the person who is chosen by the CPF account holder to benefit from the CPF monies after his death.	<ol style="list-style-type: none"> <li>1. A person under the age of 18 can be selected as a nominee.</li> <li>2. A person who is residing outside of Singapore can be a nominee.</li> <li>3. Legal entities can be specified as nominees.</li> <li>4. A Trust Company can be named as a nominee.</li> </ol>

Nominated CPF monies	The nominated CPF monies is owned by the CPF account holder which is intended to be given to the nominee(s) after his death.	<ol style="list-style-type: none"> <li>1. Only savings in the Ordinary, Special, Medisave and Retirement Accounts, as well as Discounted SingTel shares can be given to the nominee(s).</li> <li>2. The nominated CPF monies can only be distributed to the nominee(s) after the nominator's death.</li> </ol>
CPF Board	CPF Board is the body which is assigned by the CPF account holder to disburse his CPF savings to his nominee(s) after his death.	
CPF Nomination form	In the CPF Nomination form, the nominator makes a declaration to distribute his CPF moneys to his nominee(s) which is payable on his death.	<ol style="list-style-type: none"> <li>1. The CPF nomination form must be signed in the presence of two witnesses who are at least 21 years of age.</li> <li>2. The share of the nominee(s) must add up to 100%.</li> </ol>

The second step is to search for a contract with the same essential characteristics as CPF Nomination in the vast literature of Islamic Jurisprudence.

It is the view of this researcher that the essential characteristics of CPF Nomination tally with the essential characteristics of the Islamic will contract. The Islamic Will that is meant here encompasses both *wasiyyah* (bequest) and *wisāyah* (entrustment).

*Wasiyyah* refers to “a gift of legacy which takes effect after the death of the Testator” (Amir Bahari, 2014, p. 123) whereas *wisāyah* refers to “making a request or entrusting someone to do or implement something after the giver of the trust (*amānah*) passes away or in his absence.” (Amir Bahari, 2014, p. 124)

Below is a comparison between CPF Nomination and the Islamic Will Contract.

**Table 1.2:** Comparison between CPF Nomination and Islamic Will.

Parties related to CPF Nomination	CPF Nomination	Islamic Will
Nominator	The nominator is the CPF account holder who chooses the person(s) who will benefit from his CPF monies after his death.	The role of the nominator in CPF nomination is similar to the testator ( <i>al-Mūsī</i> ) in an Islamic Will contract. The testator is the person who intends to give his wealth to others after his death.
Nominee	The nominee is the person who is chosen by the CPF account holder to benefit from the CPF monies after his death.	The role of the nominee in CPF nomination is similar to the beneficiary ( <i>al-Mūsā lahu</i> ) in an Islamic Will contract. The beneficiary receives the wealth of the testator after his death.
Nominated CPF monies	The nominated CPF monies is owned by the CPF account holder which is intended to be given to the nominee(s) after his death.	The nominated CPF monies in CPF nomination is similar to the subject matter ( <i>al-Mūsā bihi</i> ) in an Islamic Will contract. The subject matter is the wealth which is intended to be given to the beneficiary after the death of testator.
CPF Board	CPF Board is the body which is assigned by the CPF account holder to disburse his CPF savings to his nominee(s) after his death.	The role of CPF Board in CPF nomination is similar to the role of the executor ( <i>al-Mūsā ilayhi</i> ) in an Islamic Will contract. The executor is the person who needs to execute the will of the testator.

<b>CPF Nomination form</b>	In the CPF Nomination form, the nominator makes a declaration to distribute his CPF monies to his nominee(s) which is payable on his death.	The CPF nomination form is similar to the offer ( <i>sīghah</i> ) in an Islamic Will contract. The offer can be made orally or in writing. In the case of CPF nomination, the offer is expressed in written form.
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The third step is to pass the ruling on CPF Nomination. This ruling must be similar to the ruling passed on the original contract which shares the same essential characteristics as CPF Nomination. Based on the comparison made between CPF Nomination and the Islamic Will contract in the table above, it is clear that the essential characteristics of CPF Nomination tally with the essential characteristics of the Islamic Will contract. As such, CPF Nomination takes the same ruling as the Islamic Will contract.

As mentioned previously, the Islamic Will which is meant here encompasses both *wasiyyah* (bequest) and *wisāyah* (entrustment).

There are several rulings pertaining to *wasiyyah* (bequest).

- (i) The bequest should not exceed one-third of the total estate of the deceased. If the bequest exceeds the one-third limit, it will only be considered valid if the other legal heirs consent to it (Nasrul Hisyam, 2012, pp. 62-65).
- (ii) A bequest for legal heirs will only be valid if the other legal heirs give their consent after the death of the testator (Nasrul Hisyam, 2012, p. 33).

There are several rulings pertaining to *wisāyah* (entrustment) (Nasrul Hisyam, 2012, pp. 98-99).

- (i) Entrustment which is related to debts is not limited to one-third of the deceased's total estate.
- (ii) Entrustment which is related to *farā'id* is not limited to one-third of the deceased's total estate.

It is the view of this researcher that there are several methods of utilizing CPF nomination in a manner which conforms to the rulings of the Islamic Will contract.

First, the nominator can distribute his CPF monies solely according to the Islamic Inheritance Laws. The nominator can list down the names of his legal heirs as nominees in the CPF nomination form and allocate their respective shares based on the Islamic Inheritance Laws. By doing this, it is as though the nominator is entrusting the Central Provident Fund Board to distribute his CPF monies according to the Islamic Inheritance Laws. This can be considered as a form of *wisāyah*.

Second, the nominator can distribute his CPF monies in accordance with the laws of *wasiyyah*. This can be done in a situation where the total amount of the CPF monies at the point of death does not exceed one-third of the CPF account holder's total estate and he intends to nominate his CPF monies to non-legal heirs.

Third, the nominator can combine between *wasiyyah* and *farā'id*. This can be done by nominating one-third of the CPF monies to non-legal heirs, and nominating the rest of the CPF monies to legal heirs according to their respective shares in *farā'id*. By doing this, the nominator is actually utilizing both the *wasiyyah* (bequest) and *wisāyah* (entrustment).

## Conclusion

*Takyīf Fiqhī* refers to the categorization of a particular issue under the appropriate classification in Islamic Jurisprudence. This is a very crucial stage before elucidating and issuing rulings to contemporary issues. The usage of this term specifically amongst *Sharī'ah* scholars emerged from the encounter of *Sharī'ah* scholars with experts of modern legal studies and gained momentum in the twentieth century especially in the context of comparative studies between Islamic juristic doctrines (*fiqh*) and conventional law (*qānūn*). Though it is of modern provenance, the concept of *takyīf fiqhī* has some affinity with already established terms in Islamic jurisprudence such as *al-ashbāh wa al-naẓā'ir*, *takhrīj*, and *taḥqīq al-manāṭ*.

The correct application of *takyīf fiqhī* to modern contracts requires a critical analysis of the true nature of those contracts. If there is a true resemblance between these modern contracts and the nominate contracts in terms of their pillars, objective of the contract, and the intention of the contracting parties, then these contracts will be given the same ruling as the nominate contracts. On the contrary, if there are fundamental differences between the essential characteristics of the two contracts, then these

modern contracts will be considered as new independent contracts. These contracts are considered as valid as long as there are no elements which contradict the principles of *Sharī'ah*.

The Central Provident Fund (CPF) is a comprehensive social security system created for working Singaporeans. CPF members are allowed to choose the beneficiaries of their CPF savings by utilizing CPF nomination. Although the term 'CPF Nomination' was not used in classical books of Islamic Jurisprudence, this type of nomination, in terms of its essential characteristics and objective, truly resembles the Islamic Will contract as discussed in books of Islamic Jurisprudence. Therefore, utilizing CPF Nomination is permissible if it conforms to the rulings of the Islamic Will contract.

Three methods have been identified in order to utilize CPF nomination in a manner which conforms to the rulings of the Islamic Will contract. First, the nominator can distribute his CPF monies solely according to the Islamic Inheritance Laws. This can be done by listing down the names of the nominator's legal heirs as nominees in the CPF nomination form and allocating their respective shares based on the Islamic Inheritance Laws. Second, the nominator can distribute his CPF monies in accordance with the laws of *wasiyyah*. This can be done in a situation where the total amount of the CPF monies at the point of death does not exceed one-third of the CPF account holder's total estate and the nominees chosen are the non-legal heirs. Third, the nominator can combine between *wasiyyah* and *farā'id*. This can be done by nominating one-third of the CPF monies to non-legal heirs, and nominating the rest of the CPF monies to legal heirs according to their respective shares in *farā'id*.

## Endnotes

<sup>1</sup>. Formulating *fatwā* means "elucidating the ruling of the *Sharī'ah* in response to a question concerning an occurrence issued by a qualified person called Mufti". (The Craft of Issuing Fatwas: <<http://dar-alifta.org/Foreign/ViewArticle.aspx?ID=77&text=takyif>>)

<sup>2</sup>. Of the Qur'anic evidence for the legality of *takyīf fiqhī* some scholars adduce verse 4:83 in sūrat al-Nisā', which reads: (And if any [secret] matter pertaining to peace or war comes within their ken, they spread it abroad - whereas, if they would but refer it unto the Apostle and unto those from among the believers who have been entrusted with authority, such of them as are engaged in obtaining



intelligence would indeed know [what to do with] it. And but for God's bounty towards you, and His grace, all but a few of you would certainly have followed Satan). According to Shubayr, "the believers who have been entrusted with authority" in this verse refers to the people of knowledge and scholars of *Fiqh* who are capable of performing *ijtihad*. (Shubair, 2014, p. 38)

<sup>3</sup> *Ijtihad* means "exerting effort to understand legal ruling from its' detailed evidences". (Hukm al-Ijtihad fi al-Islām wa Shurūṭ al-Mujtahid: <https://islamqa.info/ar/111926>)

<sup>4</sup> Bay' al-Wafā' came to be known in the fifth century of the Hijrah in Bukhārā and was addressed of the Hanafī jurists of the time as valid (Muhammad Bayram II, 1992, vol. 3, no. 7, pp. 187-306; *The Mejelle*, n. d., pp. 58–59; al-Zarqa, 1999, pp. 155–165).

<sup>5</sup> According to Mustafa al-Zarqa, nominate contracts refer to "contracts which the legislation has approved both the name that denotes their particular subject and original rulings that result from initiating them" (Al-Zarqa, 2014, p. 514).

<sup>6</sup> "Persons with special needs are persons whose prospects of securing, retaining places and advancing in education, training institutions, employment and recreation as equal members of the community are substantially reduced as a result of physical, sensory, intellectual and/or developmental impairments. This may also include persons with mental disabilities." (Trust Services: [https://www.sntc.org.sg/Pages/trust\\_faq.aspx?MainMenu=Trust Services](https://www.sntc.org.sg/Pages/trust_faq.aspx?MainMenu=Trust%20Services))

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## **Revisiting English as a Foreign Language (EFL) vs English Lingua Franca (ELF): The Case for Pronunciation**

**Wafa Zoghbor\***

**Abstract:** The spread of English as the world lingua franca has evoked the rethinking of the significance of native-speaker (NS) norms and models in teaching English, and as a result, the target of pronunciation teaching and learning has shifted from imitating native accents to achieving speech intelligibility. The Lingua Franca Core (LFC) proposal introduced a list of phonological features in English that are, arguably, the minimum required to achieve intelligibility and argued that mispronouncing these features is expected to cause a breakdown in communication among non-native speakers. As a consequence of this, it has been suggested that LFC be prioritized in teaching and learning English pronunciation. In response to the LFC proposal, researchers have become polarized; while some have found LFC a promising approach, others have argued against its appropriateness as a target of pronunciation teaching and learning. This paper evaluates the controversial position of the LFC proposal in the literature, focusing on three main dimensions: the LFC's potential to result in intelligible communication, its teachability and its scope of function as an alternative target to the NS models (Received Pronunciation and General American), and the influence of different attitudes on the success of implementing the LFC.

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**Keywords:** English as a Lingua Franca, The Lingua Franca Core, Pronunciation, Intelligibility, Attitude.

**Abstrak:** Perkembangan bahasa Inggeris sebagai lingua franca di dunia telah membangkitkan pemikiran semula kepentingan menggunakan norma dan model penutur asli dalam mengajar bahasa Inggeris. Kesannya, sasaran untuk pembelajaran dan pengajaran bahasa Inggeris telah berubah daripada imitasi loghat penutur asli kepada mencapai kecerdasan bertutur. Lingua Franca Core (LFC) atau teras lingua franca mencadangkan untuk memperkenalkan senarai ciri-ciri fonologi dalam bahasa Inggeris yang menekankan keperluan minimum dalam mencapai kecerdasan dan penghujahan tentang kesalahan sebutan ciri-ciri ini dijangkakan menyebabkan keruntuhan dalam komunikasi antara orang-orang bukan penutur asli. Sebagai kesan kepada isu ini, satu cadangan telah diusulkan terhadap mengutamakan LFC dalam pembelajaran dan pengajaran sebutan bahasa Inggeris. Ikutan daripada cadangan yang diusulkan, dua analisis telah dikeluarkan oleh para penyelidik. Sebahagian daripada penyelidik berpendapat bahawa LFC merupakan pendekatan yang memberikan kesan baik, manakala sebahagian yang lain menolak LFC sebagai sasaran pembelajaran dan pengajaran sebutan bahasa Inggeris. Kertas kajian ini menilai posisi kontroversi cadangan LFC dalam kajian sebelum ini dengan fokus kepada tiga dimensi: potensi cadangan LFC dalam kecerdasan komunikasi, kebolehan LFC dalam pengajaran dan skop fungsi sebagai sasaran alternatif model-model NS (Received Pronunciation and General American), dan pengaruh pelbagai sikap ke atas keberjayaan melaksanakan LFC.

**Kata kunci:** Bahasa Inggeris sebagai lingua franca, Teras lingua franca, Sebutan, Kecerdasan, Sikap

## Introduction

The English language has a position that no other lingua franca has ever had as the language of communication across all social classes and the official language of business, education, economics, and technology. The powerful position of English is attributed to the imperial expansion of Britain toward the end of the nineteenth century and the emerging status of the United States as the leading military, scientific, technological, and economic power. These factors—along with globalization, by which the entire world started to behave as a single society—benefited English and made it become the international auxiliary language (Smith, 2015) and the single world lingua franca (Crystal, 2003; Svartvik & Leech, 2006). Kachru (1985) visualized the spread of English in three circles:

the *inner circle* (or the native-speaking countries), the *outer circle* (or former British colonies where English is used as a second language), and the *expanding circle* (the rest of the world, which comprises the biggest number of speakers of English, who learn it as a foreign language). In addition to Kachru's (1985), there have been several other attempts to describe the global spread of English, such as those by Strevens (1980), Modiano (1999), Rajadurai (2005), and Svartvik and Leech (2006). While all of these proposals were successful in reflecting the spread of English across the globe, they all reveal the dichotomy of native and non-native speakerism.

As a consequence of its unprecedented worldwide spread, knowing English became like possessing the 'fabled Aladdin's lamp' that opens opportunities and doors to a person that would not exist if he did not know English (Kachru, 1986). Since English has grown beyond the inner-circle countries, the 'ownership' of English has shifted: It has become denationalized (Smith, 1976) and should no longer be considered the property of its native speakers but the world's speakers' property (Kachru, 1986, 1992; McKay, 2002, 2003; Smith, 1976, 1983, 2015; Widdowson, 1994). This generates several implications: Speaking English differently from native speakers (NSs) does not mean the speaker is speaking incorrectly, and it is not necessary to appreciate NSs' culture to use English effectively (Smith, 1976, 1983, 2015). This movement in ELF-based research has been subject to criticism by what ELF scholars perceive as constructivist criticism that could inform ELF thinking, or unconstructive criticism resulting from misunderstanding ELF's principles, rationale, scope, and function that could never contribute insight to ELF researchers (e.g., the reply of Baker & Jenkins [2015] and Baker *et al.* [2015] to O'Regan's [2014] 'English as a Lingua Franca: An Immanent Critique').

Since the main role of English in lingua franca settings is to facilitate cross-cultural communication in a globalised world, speakers' potential to be understood and communication success have become the primary concerns amongst ELF users and researchers in the expanding circle (Berns, 2008) and are prioritized over native-speaker norms (Greenwood, 2002). The term 'intelligibility' is widely used by ELF scholars in discussing interlocutors' potential to be understood, although it does not have a definition that is widely subscribed to, nor an agreed way to measure it. One definition of intelligibility that

is widely adopted by some ELF scholars (e.g., Jenkins, 2000; Walker, 2010) was offered by Munro and Derwing (1995), Derwing and Munro (1997), Derwing *et al.* (2006), and Derwing (2006), who defined it as the extent to which a speaker's utterance is actually understood. They distinguished this from the notion of 'comprehensibility', which refers to the listener's estimation of the difficulty or ease of understanding an utterance. Another definition for intelligibility that has been adopted by some writers in classroom-based research and ELF implications (e.g., Bayyurt, 2018; Zoghbor, 2016a; Zoghbor, 2018) is that of Smith and Nelson (1986), who referred to it as recognition of utterances, while 'comprehensibility' is understanding the meaning of the utterance.

Pronunciation has been given attention in the discussion of the global spread of English due to its strong link with accent and its potential to reflect the identities of NNSs in lingua franca settings (Zoghbor, 2016b). Pronunciation is a more noticeable indication of the speaker's identity than grammar or vocabulary, as it is salient in spoken language at the start of communication, while some time is needed for the speaker to use words that could be unfamiliar to the listener's vocabulary repertoire (Nelson, 2008). Despite the strong connection between a person's first language and identity, this premise (of the potential of language to indicate a speaker's identity) is not universally accepted, nor it is clear what the nature of this connection is (Suleiman, 2003). A foreign accent that is noticeable in verbal communication might reveal the speaker's first language and, consequently, the country where the person might have come from (what is referred to as *jinsiyya* in Arabic). However, 'identity' can be a more generic term than *jinsiyya* to refer to the person's belonging to a bigger group of people with more than one *jinsiyya*, as in the case of Arabs coming from several Arabic-speaking countries sharing their first language. Arabic is also the language of the Quran, the Holy book of Islam, and the Hadith, the saying and deeds of the prophet Mohamed, peace be upon him (Alsohaibani, 2016), allowing the Arabic speaker to reflect the Arabic and Islamic identity and nationalism (or *qawmiyya*), although Suleiman (2003) used both *jinsiyya* and *qawmiyya* to refer to nationalism. It is important to mention that Arabs might too reflect an identity that shares *qawmiyya* despite belonging to different religions. For example, an Egyptian (whether a Muslim or a *Qibti* [Copt], which refers to the minority Christians in Egypt) will still reveal from his accented English his or her belonging to Egypt, reflecting the Arab identity with no indication of religion, with the recognition that the



Arabic speaker might be associated with Islam due to the inseparable relationship between Islam and Arabic (Alsohaibani, 2016). In this paper, identity is referred to in the discussion about pronunciation and accent in its narrow definition as an indication of ethnicity and the group of people, social class, and nation that the person belongs to and with which he or she shares common values and traditions (Suleiman, 2003).

The leading empirical study on the phonological features that could influence speech intelligibility was conducted by Jenkins (2000), who observed communication between advanced NNSs of English from different first languages and developed a record of the pronunciation features where breakdown in communication occurred. This pronunciation feature inventory was later referred to as the Lingua Franca Core (LFC), and it initially included a certain set of phonological features: In terms of segmental features, the LFC includes all the consonants except for /θ/ and /ð/, the RP intervocalic /t/ ([t]), clear /l/, GA's rhoticity, vowel length, and the quality of the vowel /ɜ:/. All the other segmental features are non-core features. In terms of suprasegmental features, only nuclear stress is considered to enhance intelligibility. The LFC was also proposed to be the inventory upon which the pronunciation syllabus of English as a lingua franca can be based instead of the traditional pronunciation syllabus that was based on the native-speaker norms of Received Pronunciation (RP) and General American (GA). Table 1.1 introduces the differences between the targets of syllabi that are based on LFC and NS norms.

*Table 1.1: Targets of the EFL and ELF pronunciation syllabus (Zoghor, 2011: 285, Modified from Jenkins, 2005, p. 149)*

	A	B	C	D
		<b>EFL targets</b>	<b>Impacts ELF intelligibility?</b>	<b>ELF (contents of the LFC)</b>
1	The consonant inventory	All consonants	Yes, but not all	All consonants except /θ/ and /ð/
		RP non-rhotic /r/ GA rhotic /r/	Not clear	Rhotic /r/ preferred
		RP intervocalic [t] GA intervocalic [ɾ]	Not clear	Intervocalic [t] preferred

2	Phonetic requirements	Rarely specified	Yes, but not all	Aspiration after /p/, /t/, and /k/. Appropriate vowel length before fortis/lenis consonant phonemes.
3	Consonant cluster	All word positions	Yes, but not all	Word initially, word medially
4	Vowel quantity	Long–short contrast	Yes	Long-short contrast
5	Vowel quality	Close to RP or GA	No	L2 (consistent) regional qualities
6	Weak forms	Essential	No	Unhelpful to intelligibility
7	Features of connected speech	All	No	Inconsequential or unhelpful
8	Stress-timed rhythm	Important	No	Unnecessary
9	Word stress	Critical	Yes, but not all	Recommended in words of more than two syllables.
10	Nuclear (tonic) stress	Important	Yes	Critical
11	Pitch movement	Important	No	Inconsequential

In addition to the above list of ELF inventory, four main principles accompany that establish the LFC:

- The LFC is argued to be more able than NS pronunciation features to enhance speech intelligibility.
- The LFC is a more achievable target than the traditional syllabus based on RP and/or GA.
- The LFC is not to be imposed on learners, nor should all English learners be intelligible to all English speakers. A speaker should be intelligible to the target community he or she is (or will be)

in contact with, and according to this, the decision whether to follow an EFL or an ELF syllabus can be made.

- Teaching ELF pronunciation should be accompanied by developing accommodation skills for successful communication rather than depending entirely on one aspect of the language, such as pronunciation.

In response to Jenkins' LFC, researchers have become polarized. Some (e.g., Cook, 2002; Seidlhofer, 2005; Walker, 2001a, 2001b) have found the LFC the salvation of foreign language learners and NNSs, as it is the solution to many challenges they encounter, and some have carried it further and implemented it (e.g., Sifakis, 2018; Walker, 2010; Walker & Zoghbor, 2015; Zoghbor, 2009, 2011). Parallel to this line of effort, others (e.g., Dauer, 2005; Sobkowiak, 2005; Trudgill, 1998; Wells, 2005) have argued against it, considering that the LFC is only a temporary, rather than a permanent, solution to the challenges that might currently exist in teaching/learning English and in using it as a lingua franca, and that it might even have negative side effects in the future if it is legalized and widely implemented or if it replaces the current considerations in language learning and usage.

The following two sections will address the two sides of this argument. While doing this, it is important to mention that this paper is more in favour of the LFC trend. However, LFC supporters will need to have a more inclusive approach than their current one in addressing LFC matters to consider in ELF settings in non-European contexts.

#### Salvation of Foreign Language Learners, Teachers, and Speakers

LFC's proponents have claimed that it is better able to increase the interlocutor's intelligibility in ELF settings, and they have based their argument on a body of empirical data in addition to Jenkins's. Smith and Rafiqzad (1979), Tauroza and Luk (1997), and Smith and Nelson (2006) revealed that NNSs might be more intelligible to their NNS counterparts than NSs. Nevertheless, other studies have found that NSs are easier to understand than NNSs. Munro and Derwing (1995 and 1999) demonstrated that speaking English with a foreign accent does not impede intelligibility, and communication can be remarkably successful when foreign accents are noticeable or even strong. However, Rubin and Smith (1990) found that foreign-accented speakers were perceived

as less intelligible, less competent, and even less attractive than native speakers. Zoghbor (2014) also found that native speakers (except for an American from South Carolina) were easier to understand than an Indian speaker to Arab listeners. But there are also writers such as Matsuura *et al.* (1999) and Rajadurai (2007) who have shown that lower intelligibility ratings assigned to NNSs might be attributed to factors other than NNS phonology, such as tolerance and attitudes towards the speaker. Overall, these contradictory research findings suggest that what is required from NNSs is not to sound exactly like native speakers but rather to be more intelligible, and being a NS is not equivalent to being able to communicate successfully.

Secondly, it is also important to note that intelligibility is not only a concern in NS/NNS or NNS/NNS communication but in communication among NSs themselves. Larry Smith started reporting this in 1976 when he started talking about the ownership of English as an International Language (EIL). Smith referred to Marckwardt (1958), who suggested that NSs (not only NNSs) who speak different varieties of English may not understand one another and should modify their speech to communicate successfully. Wells (2005), Kubota (2001), and Yamaguchi (2002) demonstrated that even NSs need to modify their English and use simplified, sometimes ungrammatical, speech with each other, resulting in a register known as 'Foreigner Talk' (Yamaguchi, 2002). Although the concept of 'Foreigner Talk' and ELF might be polar opposites of one another, since the first involves NSs, while the latter looks at legitimating NNSs' Englishes, 'Foreigner Talk' is referred to here to show that making efforts to be understood and communicate successfully is not just NNSs' responsibility, and what is required in ELF communication is to accommodate interlocutors, where modifications of pronunciation and other language aspects are possibly required, but it is far from necessary to sound like a NS.

The third issue is linked with speaker identity, which is carried through accent, and the influence of this on the success of communication. Speech Accommodation Theory (Giles & Smith, 1979), or Communication Accommodation Theory (Giles & Coupland, 1991; Giles *et al.*, 1991), holds that people change their speech according to the topic of the discourse and the people involved in communication. The goals of speech adjustments can be to evoke the addressee's social approval, to promote communicative efficiency between interlocutors,

and to maintain a positive social identity (Beebe & Giles, 1984). To achieve these goals, three strategies are used: *convergence*, whereby individuals adopt each other's communicative behaviours in linguistic-prosodic-nonverbal features; *divergence*, whereby speakers accentuate verbal and non-verbal differences between themselves and others while communicating; and *maintenance*, a type of divergence whereby interactants preserve their speech patterns and other communicative behaviours across situations in order to maintain their group identity (Giles *et al.*, 1991). According to Giles and Smith (1979), large convergence might have a negative rather than positive influence on communication, as the listeners might interpret this as the speaker's projection of their identity in copying them. For that reason, it is appreciated if the speaker moves a little in the linguistic direction of the listener but resented if the speaker copies the listener too precisely (Preston, 2005). Giles and Smith (1979) also discussed the phenomenon of 'overaccommodation', which occurs when a speaker is considered by the recipient to be over-adjusting. This often leads to miscommunication despite the speaker's precise intention to produce the opposite effect. The LFC is significant in its link to this matter, as it is conservative about overaccommodation or large convergence to the interlocutor's L1 linguistic system, encourages the speakers to maintain their L1 linguistic features where intelligibility is not affected, and allows speakers to reveal their identities through their foreign accents.

A fourth rationale adapted by LFC proponents is LFC's potential to allow NNSs the same sociolinguistic rights as are enjoyed by L1 speakers by validating (or legitimating) NNS accents in ELF settings (Jenkins, 2005). English learners are allowed the same, and this is partially due to the implications of the LFC that do not reside at the phoneme inventory but are echoed in overall classroom practice (Jenkins, 2000; Lee & Ridley, 1999; Tomlinson, 2006; Walker, 2001b). For example, the teaching of pronunciation is no longer the replacement of NS sounds in the phonology of the learners' L1, but it rather builds on their existing repertoire. While in the traditional EFL syllabus, divergence from NS norms is considered an 'error', it is a 'variation' from ELF perspectives. 'Code-mixing', or making use of words or grammatical features in L2 that belong to another language (Crystal, 1997), is considered primarily the result of gaps in the learner's knowledge of NS forms, yet it is an acceptable (even a positive rather than a negative) phenomenon from the

ELF perspective (Jenkins, 2006). Accent loss has long been an aspect of EFL pronunciation instruction, but it is discarded in ELF perspectives, in which learners are encouraged to maintain their regional accents. These practices allow learners to appreciate their L1 and retain the right to the English language ownership that has been associated with native speakers of the inner-circle.

The teaching of ELF pronunciation has also helped in reconsidering the role of some theories in language teaching and learning. The Contrastive Analysis Hypothesis (CAH) (Lado, 1957, cited in Celce-Murcia *et al.*, 1996), which holds that while L1–L2 similarity equates with simplicity in L2 acquisition, L1–L2 difference equates with difficulty, was primarily used to predict students' errors. From the ELF perspective, CAH is valuable for investing learners' L1 in the acquisition of L2 and maintaining sounds that are similar in L2 and L1, and the inclusion criteria of these sounds depends on their influence on intelligibility rather than native-speakerism. It is realized that the CAH has been challenged for the idea that similar sounds are not necessarily more acquirable than dissimilar sounds (Eckman *et al.*, 2003; Flege & Hillenband, 1987) and for its inability to predict the degree of difficulty learners would experience with a given item (Celce-Murcia *et al.*, 1996). These claims could be valid if English sounds replace similar phonemes in the learner's repertoire, while in ELF principle, these sounds should be maintained rather than replaced.

To further enhance students' potential to understand NNS varieties, the LFC entails exposing learners to several NNS varieties (Bayyurt, 2018; Deterding, 2016a; Sifakis, 2018; Walker, 2010; Zoghbor, 2009). Arguably, exposure to several NNS varieties, despite being helpful in increasing learners' familiarity with other NNS varieties and their admiration of these (as well as their own) varieties, might have a negative influence if the NNS used in class includes non-core features. Hewings (2004) distinguished between two levels of learning and teaching pronunciation: *receptive* (listening) and *productive* (speaking) skills. Introducing NNS varieties in class without encouraging the students to produce the same might function at the receptive level. While receptive skill is intended to help learners to improve their listening ability and develop discrimination skills, it provides a foundation for pronunciation improvement in their own speech (Hewings, 2004). Considering this, teachers implementing the LFC are expected to show control over the

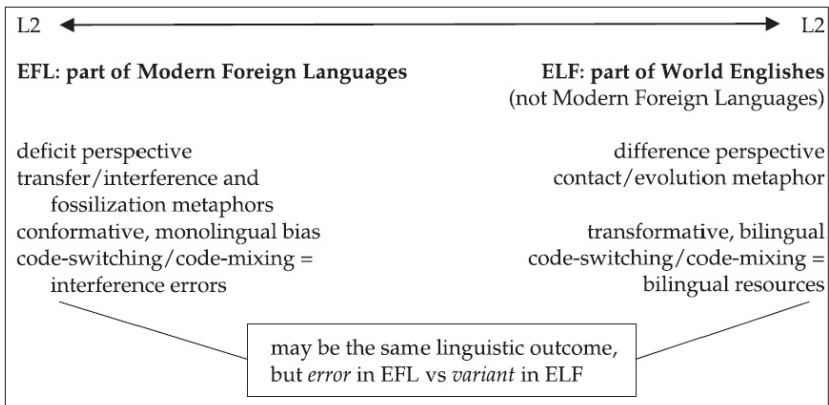
classroom's input by bringing to learners' attention the differences between the non-core phonemes used by the NNS sample and the core features being aimed at.

The fifth claim of the ELF approach's proponents concerns the issues of second language acquisition in reference to the work of Lenneberg (1967). Lenneberg posited a *critical period*, which occurs around puberty and refers to biological constraints after the period of life during which the optimal conditions of language acquisition happen. Scovel's (1969) and Krashen's (1973) research also demonstrated that native-like pronunciation appears to be biologically conditioned to occur before adulthood. Consequently, researchers have continued to suggest that aiming for native-like pronunciation is an unrealistic burden for both teachers and learners (Cook, 2002; Levis, 2005). The LFC fits in this argument as a more appropriate target, as it does not require learners to acquire native-like models, and intelligibility is its main concern. However, not all second-language researchers subscribe to the critical period hypothesis, and some argue against it (e.g., Flege, 1981; Marinova-Todd *et al.*, 2000). Nevertheless, several NS pronunciation features seem to remain unacquirable. Apart from age constraints, there are other factors that still affect children's and adults' chances of acquiring the L2; for example, the environment in which adults typically learn a second language (i.e., the classroom) may not be as rich as that experienced by children acquiring a second language in a more natural, input-rich environment (Jacobs, 1988). Disparity between children's and adults' performance may be a reflection of a complex interplay of social and psychological factors (Ausubel, 1964; Schumann, 1975), and other factors such as amount and type of proper pronunciation instruction, as well as learners' aptitudes, attitudes, and motivation, can all add to the complexity of pronunciation acquisition (Celce-Murcia *et al.*, 1996), making intelligibility, rather than native-like pronunciation, the priority and target.

The sixth reason to support the ELF approach, which is also linked with the acquisition of L2 pronunciation, is the possible outcomes of implementing the EFL and LFC syllabus. ELF has been mistakenly positioned along the 'interlanguage continuum', the system that L2 learners develop (Selinker, 1972), with L1 at one extreme and L2 at the other. From ELF perspectives, positioning ELF learners at any point on this continuum is biased against them, as NS pronunciation is not the

aim of L2 learners. In addition to demonstrating inequity against EFL learners, Figure 2.1 indicates that the actual outcome of ELF and EFL may possibly be the same but reached by different routes, despite the differences in EFL and ELF perspectives (Jenkins, 2006). Therefore, marginalizing the LFC in favour of the traditional EFL does not leave learners with native-like pronunciation but leads them to be considered under-achievers for a target that was recognized by Cook (2002) and Derwing and Munro (2005) not to be achievable in the first place.

Figure 0.1: EFL contrasted with ELF (From Jenkins, 2006, p. 140)



Despite all the above reasons to shift from a syllabus based on EFL to one based on ELF, some scholars find the LFC an inadequate solution for several reasons, which will be addressed in the following section.

### A Temporary Solution for English Language Learners

The first argument against the LFC is the concern that it encourages and legitimates a wide range of Englishes, which might lead to diversification in language use and, consequently, to unintelligible varieties (Dziubalska-Kołodziejczyk, 2005; Lee & Ridley, 1999; Tarone, 1987; Trudgill, 1998; Yamaguchi, 2002). However, Smith (1992), Widdowson (1994), and Jenkins (2000) argued that this is unlikely to happen, as, according to the language universals theory (Anderson, 1987; Jakobson, 1941, cited in Macken & Ferguson, 1987), there is a universality of solutions and/or substitutions of sounds used by interlocutors in cases where L2 features do not exist in L1. For example, the dental fricatives /θ/ and /ð/ are commonly substituted in L2 by a limited set of alternatives – /t/ and /d/, /s/ and /z/, or, less commonly, /f/



and /v/ – and, thus, first language transfer will not impair intelligibility (Jenkins, 2000). In other words, change in pronunciation will remain within a frame in which limited substitutions for /θ/ and /ð/ exist. Another study has the same claim about substituting NNSs' regional vowel qualities for NSs'. Low (2016) investigated the vowel quality patterns in five Asian Englishes in an informal ELF setting and found that the varieties under study were statistically similar in terms of vowel quality (and overall rhythmic patterning), suggesting unity in the regional vowel quality that the speakers of these varieties could produce when they were speaking English.

However, Evans and Levinson (2009) challenged the idea of linguistic universality and the trend amongst cognitive scientists that languages are all built to a common pattern. For them, languages differ so fundamentally from one another at every level of description (sound, grammar, lexicon, meaning) that it is very hard to find any single structural property that they share. With this misconception of language uniformity, according to Evans and Levinson, the diversity of languages may not have a limited number of forms, and the concern that diversity might end up leading to unintelligible varieties, to some extent, is still valid. Even if one could demonstrate that a given feature of language is an absolute universal in the sense that it is found in every currently spoken language, this does not exclude the possibility of unknown counterexamples in the lost languages of the past or in the innumerable possible languages of the future. However, Longobardi and Roberts (2010) believed that Evans and Levinson's position was built on a narrow and unwarranted definition of the notion itself, explaining that the question of language universals can be approached either *inductively*, like the Greenbergian typology, which is based on finding recurrent patterns and making generalisations on that basis, or *deductively*, like the Chomskyan tradition, which is based on a hypothetico-deductive approach making inferences from an already available set of theoretical postulates, although of course both traditions combine induction and deduction to varying degrees. Longobardi and Roberts (2010) agreed with Evans and Levinson that an inductive approach is inherently limited; however, they believed that Evans and Levinson took an extreme position and neglected, virtually by definition, implicational universals of the classical Greenbergian format. A statement such as 'If a language has nasal vowels, then it has oral vowels' reflects empirically correct

implicational universals. For these reasons, the idea that encouraging variety among NNSs might lead to unintelligibility is, temporarily, declined.

The second argument against ELF concerns the claim of Widdowson (1994) and Smith (1983, 2015) about the shifting ownership of English. Sobkowiak (2005) argued that this position is ‘highly emotional, even hysterical’ (p. 136), being more likely to be the result of mixing linguistics and political/ideological matters. The outcome of mixing these matters, according to Sobkowiak (2005), does not provide ground on which new pronunciation standards can be established. Along the same line of argument, Sobkowiak (2005) argued that statistical matters and the unpopularity of a certain variety of English (e.g., the case of the Received Pronunciation, which is spoken only by between 3% and 5% of the English population, according to Trudgill & Hannah, 2008) cannot be the criteria upon which a variety is excluded from being a target to work toward and achieve. For Jenkins (2007), this is a ‘curious’ claim to make, as it neglects the fact that the vast majority of English speakers are NNSs, and this seems to evoke NNS ‘self-castigation’ for not having a NS accent. Sobkowiak’s position also seems to sidestep the LFC boundaries and involves the whole argument about the existence of English as a lingua franca and the influence of this in different aspects of its users’ lives (Jenkins, 2007, 2008). It is insensible to underestimate the influence of the statistics and the vast number of English users; English derives its position as the worldwide lingua franca from these statistics, which also make English subject to conclusions that other languages are not subject to. Additionally, this statistical matter ignores the issue of ‘intelligibility’, a core factor in interaction and the criterion upon which the LFC has been developed. And it is this particular criterion, not statistics, that matters in communication worldwide.

The third argument against the LFC concerns the potential of empirical education and ELF research to make changes. Sobkowiak (2005) argued that having arrived at a corpus (referring to the LFC) through empirical work does not mean that the resulting corpus can automatically become part of teachers’ curricula or meet learners’ needs. However, this marginalizes the role of empirical research in education and social sciences to influence practices and make changes. What is recommended is to generate studies that could validate research findings rather than underestimating the potential of current projects to meet the

professional needs of learners and teachers. Jenkins (2000) and (2007) mentioned that the LFC is not definitive, and there is a need for more research to fine-tune its contents. These studies are, although limited, available. For example, Low (2016) revised the contents of the LFC, providing a modified ELF pronunciation syllabus for Asian learners. Zoghbor (2018), in addition to providing a revised syllabus based on the LFC for Arab learners, along with Deterding (2016b), supported the LFC's position that vowel quality can be excluded from the phoneme inventory, though Deterding (2016b) asserted that it is possible that vowel quality may cause misunderstanding if it is combined with variation in length. In contrast to the findings by Deterding (2016b) and Zoghbor (2018), O'Neal (2015) found that vowel qualities that are not in adherence with NS norms may harm mutual intelligibility. In another feature of pronunciation, Lewis and Deterding (2018) found some evidence that word stress may be a cause of misunderstanding in an ELF setting. Similarly, Zoghbor (2018) found that, in contrast to Jenkins' LFC, word stress is significant for the intelligibility of Arab learners in words of more than two syllables. It is important to point out that, although Lewis and Deterding (2018) and Zoghbor (2018) have similar findings regarding the importance of word stress for intelligibility, they drew different conclusions and came from different positions: Lewis and Deterding (2018) concluded with appreciation of the NS norm due to the lack of a clear model to guide students on how to improve their pronunciation if there is no adherence to NS norms, while Zoghbor (2018) reinforced the need to investigate the validity of the LFC in non-Jenkinsian (European) contexts to arrive at a list of the inventory that can meet the needs of English learners, concluding that what is a core feature for one group of learners (like the case of word stress for Arabic speakers) is not necessarily a core feature for another group (like word stress in Jenkins' group of speakers).

### **Rebalancing Positions**

Although this paper supports shifting the mainstream SLA perspective to the ELF position, it is conservative about its scope of function and the role of ELF as described by its proponents. This section will provide details of why these concerns have emerged and will shed some light on what is currently considered to be a major challenge to learning ELF pronunciation, focusing on attitude and its influence, which might

surpass the factors that were subject to argument between the two groups above.

### *Goals of teaching pronunciation*

Scholars such as Smith and Nelson (2008), Smith (1992), Taylor (1991), and Munro and Derwing (1995, 1999) all argued that it is unnecessary for every user of English to be intelligible to every other user, but rather, he or she must be intelligible to those with whom he or she is likely to communicate in English. Jenkins (1998, 2002, 2005) drew on the distinction between users of EFL, who learn English to facilitate communication with NSs, and users of ELF, who learn English for international communication, mainly with NNSs, rather than for communication with its NSs.

To this end, as Trudgill (2005), Wells (2005), and Sobkowiak (2005) counterargued, it is not realistic to ask for a choice between EFL and ELF/EIL or for English users, teachers, and learners to predict which particular students are going to be ELF and not EFL users in the future. Polish learners, for example, according to Wells and Sobkowiak, will need to be speakers of both EFL and ELF. Al-Issa (2006) showed that most students who are sent abroad by the Omani government for postgraduate studies go to inner-circle countries. It is unwise to assume that those learners were given the chance to choose between becoming learners of ELF or of EFL. It is equally difficult to assume that a learner could predict that he or she will live in the inner circle (where communication with NSs is expected) and accordingly plan to aim at NS pronunciation when he or she starts learning English. This type of prediction, in addition to being impossible to some extent, does not sound helpful in the decision to be a learner of EFL or of ELF. For Kirkpatrick (2007), it is not necessarily true that learning a native-speaker model will help learners who plan to study in the UK, the United States, or Australia, because these host countries are likely to have a mixed, multicultural population who speak 'localised' versions of their own varieties of English.

Additionally, although Kachru's (1985) description of the three concentric circles is widely used and referred to in literature, the division between these circles is not rigid, and a grey area exists between them (Brown, 1992; Kachru, 1985). A case in point is the situation of approximately twenty countries (for example Denmark,

Ethiopia, Lebanon, and Belgium) that are in transition from English as a foreign language (EFL) to English as a second language (ESL) status (Graddol, 1997). Another example of these contexts is the United Arab Emirates, a small country in Western Asia at the southeast end of the Arabian Peninsula with more than 200 nationalities living and working in the country. Amongst the 9.543 million residents, 11.48% of the total population are Emiratis, while the rest of the residents (88.52%) are expatriates (GMI, 2018). The top countries these expats come from are, in order, Iran, Pakistan, Bangladesh, the Philippines, Iran, Egypt, Nepal, Sri Lanka, and China. In this list, the only Arab country whose people can communicate in Arabic with the locals is Egypt (0.404 million), while all the other countries in the list are non-Arab countries, making English a necessary tool of communication across all of these nationalities who do not speak the country's first language. The UAE has a norm-oriented system, similar to the EFL context, and heavily depends on English, which has been deeply rooted in the community system since the 1800s, to the extent that it is argued to have been an ESL, rather than EFL, context until 2004, the period which is referred to as 'nativization' (Boyle, 2012). Although Arabic is the official language of the UAE, its cultural norms are associated with the multicultural residents of the country, including residents from inner-circle countries (Hopkyns *et al.*, 2018). In such context, the targeted community is the entire UAE community, with all its language diversity that is exemplified in the 200 nationalities that currently exist. The Emiratis will need to be able to communicate in English with both NSs and NNSs.

If theoretically being intelligible to the target community (whether NS or NNS) requires different demands, learners will prefer to be EFL users (according to Jenkins, this means to learn for the purpose of communicating with NSs). The fact that NNSs dramatically outnumber NSs and that most communication settings are among NNSs, although significant, might not be sufficient to motivate NNSs to learn ELF instead of EFL or assume that it is enough to be intelligible to NNSs. The current situation of the inner circle as the leading economic, military, and technological powers makes communication with NSs unavoidable, and the idea of being unable to communicate with them becomes a concern, even if this communication is uncertain to occur in the future of the NNS.

Another deficit in ELF proponents' discussion, and linked with the above, is the ongoing assertion that the LFC is a choice, and it is up to the learners to decide whether to learn NS-based or ELF-based pronunciation (Jenkins, 2000, 2005, 2007; Walker, 2018). This negotiation began in 1998 when Jenkins suggested the LFC briefly; then, she addressed the matter in detail in 2000, and as recently as July 2018, Robin Walker reinforced, in his speech during the 11th International Conference of English as a Lingua Franca in London, that the learner can decide which pronunciation to learn. Despite the long run of this position, no clear recipe has been provided on how possible it is to offer two choices, EFL and ELF pronunciation syllabi, leaving several questions in this regard unanswered: At what age can learners be given the choice? Whose decision is it, the child's or parents'? What about the mechanism of setting up the facilities to offer syllabi with two different targets? Will the school have different classes teaching different syllabi?

It is worth recalling that the LFC was the outcome of the English Language Teaching shift to ELF, and Lopriore (2018, p. 162) demonstrated that 'ELF is not a fixed predetermined entity, it is a way of seeing language, and as such it cannot be added as a course component in traditional ELT lessons or in a teacher education course'. Although Lopriore was referring in the above extract to ELF awareness in teacher education courses, the indication that ELF is not a fixed entity reveals that ELF pronunciation is not something that can be offered as a choice for the person to select if he or she wants to adhere to an 'ELF' entity (which does not exist). ELF pronunciation rather entails looking at NNSs' accented English through different lenses, reflecting awareness of why different accents and varieties of English exist, what their role in communication could be, and how they are linked with a person's aspects of life, which are discussed in the different sections of this paper.

#### *ELF pronunciation and attitude*

Numerous studies have provided evidence that a negative attitude towards a language variation, way of speaking, or ethnic group can influence the degree to which a person is understood (Jenkins, 2007; Pickering, 2006; Rajadurai, 2007; Scales *et al.*, 2006; Smith and Nelson, 2008, 2006). Eisenstein and Verdi (1985) investigated the influence of attitude towards ethnic groups on intelligibility and found that Black

English was the least intelligible of the three English varieties in their study (Standard English, New Yorkese, and Black English), despite the considerable contact of the population of their study with Black English speakers, showing that attitude towards ethnicity can override familiarity in influencing speech intelligibility. Wolff (1959, cited in Jenkins, 2007) found that although the languages spoken by two communities in the Niger Delta, the Nembe and the Kalabari, were linguistically similar, the Nembe group, who were economically poor and politically powerless, said they could understand the speech of the Kalabari, yet the politically powerful Kalabari claimed to find the Nembe's speech unintelligible. Similarly, Giles and Powesland (1975) and Ryan and Carranza (1975) found that some accents or language groups are rated more favourably than others based on ethnicity and position in the social scale.

Attitude towards the interlocutor's speech can also influence the intelligibility threshold if 'irritation' is experienced. For Fayer and Krasinski (1987), irritation is seen as consisting of two components: *distraction* (which diverts attention from the message) and *annoyance* (negative, subjective reaction to the form). For Ludwig (1982), errors in the message may affect comprehensibility by making the listener irritated or by drawing attention away from the contents of the message. According to Kenworthy (1987), self-corrections, hesitations and low confidence, and grammatical restructurings can all influence the interlocutor's ability to understand speech, increasing the likelihood of forming a negative attitude about it.

In addition to ethnicity, an attitude of positive expectation can also have an influence on speech's perceived intelligibility. According to Smith and Nelson (1985), a listener who expects to understand a speaker will be more likely to find that speaker comprehensible than one who does not. Rubin (1994) tested how listeners' expectations about speakers' accents can be related to success or failure in comprehending their speech. In his study, the participants listened to a recorded mini-lecture by an American NS with little regional accent. In one group, the participants listened to the lecture with a photo of an Asian supposedly delivering the lecture, while the other group was shown a photo of a Caucasian lecturing. The former group rated the speaker as having a heavier foreign accent and scored lower on a task measuring recall of the lecture than the latter group, despite the fact that the speech the two groups heard was identical.

Despite the positive influence of familiarity with certain varieties on intelligibility (e.g., the studies by AMEP, 2002; Catford, 1950; Gass & Varonis, 1984; Giles & Smith, 1979; Jenkins, 2000; Rajadurai, 2007; Smith, 1992; Smith & Nelson, 2006; Taylor, 1991; Tauroza & Luk, 1997), several studies have found that attitude towards speech overrides familiarity. A negative attitude toward the speaker of a particular variety of English will tend to decrease intelligibility in spite of the listener's frequent exposure to that variety (Fayer & Krasinski, 1987). As mentioned earlier, in the study by Eisenstein and Verdi (1985), Black English was the least intelligible of the three dialects in their study (Standard English, New Yorkese, and Black English) despite the fact that the sample population had considerable contact with Black English speakers. Thus, developing a tolerant attitude, familiarity, and accommodation skills are argued to enhance NSs' as much as NNSs' abilities to communicate intelligibly and comprehensibly (Bamgbose, 1998; Kubota, 2001; Rajadurai, 2007; Smith, 1983, 1992; Smith & Nelson, 1985; Taylor, 1991).

The influence of attitude towards the interlocutor's ethnicity on intelligibility can be discussed through ethnolinguistic identity theory, which was introduced by Giles and Johnson (1981, 1987) but has its roots in earlier research on social identity theory (Tajfel, 1982; Tajfel & Turner, 1979). Tajfel's theory holds that individuals categorize the social world and, hence, perceive themselves as members of various groups. Such knowledge of ourselves as group members is defined as our social identity, and it has meaning only in social comparison with other relevant groups, which results in either positive or negative self-concept. It is assumed that one strives to achieve a positive identity (or positive 'psychological distinctiveness') by seeking dimensions that make our own social group favourably distinct from outgroups (Tajfel, 1982; Tajfel & Turner, 1979). Thus, individuals in the ingroup may attempt to make themselves favourably distinct on dimensions such as language by achieving 'psycholinguistic distinctiveness' (or the accentuation of ethnic speech and non-verbal markers such as vocabulary, slang, and gesture) (Giles *et al.*, 1977; Giles & Coupland, 1991). According to the ethnolinguistic identity theory, when comparison with the outgroup results in positive perception, speakers accentuate their linguistic specification. However, when the comparison with the outgroup results in negative perception, the members of the minority group tend to



identify with the powerful majority group when in contact with them and attenuate the linguistic distinctiveness of their own group (Giles & Johnson, 1981, 1987).

Within ethnolinguistic identity theory, Giles *et al.* (1977) and Giles and Johnson (1981, 1987) proposed the ethnolinguistic vitality construct, which can influence a person's sense of ethnic belongingness and, accordingly, the desire to accentuate or attenuate his or her ethnolinguistic identity. Giles *et al.* (1977) suggested that 'ethnolinguistic vitality' is influenced by three factors: group status (economics, political, and linguistic prestige), group demographics (absolute numbers, geographical concentration, and birth rate), and institutional support (recognition of the group and its language in media, education, and government). The powerful status of the inner circle is documented in Phillipson's (1992) 'Linguistic Imperialism' as an example of group status. However, in addition to the demographic power of English NNSs, which is exemplified in the large number of NNSs in Kachru's expanding and outer circles, their first languages may also have linguistic power that has not yet been invested in the fight for the recognition of ELF and the claim over its ownership. An example of this is the considerable prestige of the Arabic language among Muslims and the potential of ELF pronunciation to reveal the Arabic national identity of Arabic native speakers (Zoghbor, 2016b). Arabic, which is the official language of 24 countries with a total population of around 325 million, is carried through Islam, and it can be assumed that without Islam and its spread beyond the Arabian Peninsula's boundaries to the east and west, the Arabic language would have been spoken limitedly in the Arabian Peninsula (Alsohaibani, 2016), and it is this spiritual and religious power of the Arabic language that generates enmity or calls for hostile termination (Suleiman, 2003).

Attitude has proved to be the challenge that greatly influences intelligibility and lies with the individuals themselves more than with ELF/EFL scholars. Three controversial issues are linked with the influence of attitude on intelligibility. Firstly, attitude does not necessarily act at the subconscious level. According to Munro *et al.* (2006), participants can choose to downgrade or ignore speakers' accents in evaluating their intelligibility, despite the penetration of prejudice in the listeners' assessment of the utterance. This means that attitude can be influenced when targeted, and attitude-related aspects

should be systematically addressed in language classrooms, in addition to focusing on the phonological aspects.

Secondly, NNSs are not necessarily more tolerant than NSs towards NNS varieties. Fayer and Krasinski (1987) found that Spanish listeners were less tolerant toward non-native English speech than British listeners, who are theoretically classified as native speakers. Similarly, Ingram and Nguyen (1997) reported that Arab and Japanese listeners demonstrated significantly greater difficulty understanding the utterances of Vietnamese speakers than did NSs. This suggests that aspiration towards native speaking accent(s) may influence the perceptions of NNS listeners towards their NNS counterparts and, to a large extent, tolerance towards their own ethnic group.

Thirdly, intelligibility is not always reciprocal; if speaker A can understand speaker B, this does not entail that speaker A's speech is equally easy for speaker B to understand. Therefore, teaching and learning pronunciation should focus in parallel on two aspects: (1) exposing learners to several NNS varieties in class along with developing tolerant attitude towards NNS varieties and (2) increasing learners' potential to be intelligible, focusing on their phonology along with improving their accommodation skills.

## **Conclusion**

The purpose of this paper was to shed some light on the controversial position of the LFC, the list of the phonological features that are arguably the minimum requirement to secure intelligibility, and the basis upon which the pronunciation syllabi of English as a lingua franca should be developed. The article reinforces the idea that, since the LFC is generated from the position of English as the worldwide lingua franca, it is subject to conclusions that other non-global languages may not be subject to. The article addressed three main mainstream arguments: the potential of the LFC to promote intelligibility in lingua franca settings, the reachability of ELF pronunciation, and the retainment of speakers' and learners' identities. Although this article is more in favour of the LFC principle, it introduced two main aspects of a drawback in the ELF discussion that need to be addressed by its proponents: The first was the argument that English learners do not need to be intelligible to every user of English, and that they are given the choice to select between the two pronunciation syllabi (EFL or ELF) according to the target

community; the second was the necessity of addressing the influence of attitude on intelligibility, as it overrides the influence of other factors, such as familiarity with the variety of English and knowledge about its phonology system.

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## **“How did we Choose?”: Understanding the Northern Female Voting Behaviour in Malaysia in the 14<sup>th</sup> General Election\***

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**Abstract:** Pakatan Harapan (PH) won the 14th General Election (GE-14) held in May, 2018 in Malaysia. PH thus ended sixty-one years rule of Barisan Nasional (BN). While the slogan of Malaysia Bahru (New Malaysia), indicating changes to come in the country, became a popular slogan, one thing remained constant. This was the number of women contesting the GE-14 as candidates and the number of them who were elected was much less than the number of men contesting and getting elected in GE-14 although women represented slightly more than 50% of the total registered voters in that election. The main objective of this paper is to examine the main factors that influenced the female voters in GE-14. Two states in the northern Malaysia were selected with 200 eligible female voters. They were clustered and conveniently sampled and were given self-administered questionnaires. Demographic variables were

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cross-tabbed while asking the women which factors had influenced their votes. The findings show that majority of the female voters were influenced by the candidates' social background. Younger women were very concerned with the issues directly affecting them. Significantly, preference for political party was of least interest to them while voting. While the majority of women voters from the three main ethnic groups supported more women to be nominated as candidates in elections, the Malay women showed the highest level of disagreement on that matter as compared to the rest. The study also shows that majority of the female voters, whether young or old, rural or urban, use social media as the main and the most trusted source of news on election. These findings have concluded that, their demographic background interplayed with each other constructing their voting preferences. Female voters are crucial and each contesting parties need to pay closer attention to the women's concerns in order to secure their votes.

**Keywords:** Female voters, voting behaviour, Malaysia, election

**Abstrak:** Di Malaysia Pakatan Harapan (PH) telah memenangi Pilihan raya Umum ke 14 (PRU14) yang diadakan pada bulan Mei, 2018 dan mengakhiri 61 tahun pentadbiran Barisan Nasional (BN). Walaupun slogan Malaysia Bahru menjadi indikasi kepada perubahan yang berlaku dalam negara ini tetapi satu perkara masih tidak berubah. Bilangan wanita yang bertanding dalam PRU14 sebagai calon dan dipilih masih ketinggalan berbanding dengan bilangan lelaki walaupun bilangan pengundi wanita melebihi 50% daripada jumlah pengundi dalam pilihan raya. Objektif utama makalah ini adalah untuk mengkaji faktor utama yang mempengaruhi pengundian pengundi wanita dalam PRU14. Seramai 200 orang responden wanita yang layak mengundi telah dipilih daripada dua buah negeri di utara Malaysia. Mereka dipilih secara berkelompok dan persampelan mudah. Soal selidik diedarkan untuk dijawab. Pemboleh ubah demografi disilangkan dengan persoalan faktor utama yang mempengaruhi undi wanita. Penemuan menunjukkan bahawa majoriti pengundi wanita dipengaruhi oleh latar belakang calon apabila mengundi. Wanita muda sangat prihatin dengan isu-isu yang memberi kesan secara langsung kepada mereka. Faktor parti politik bukanlah keutamaan yang signifikan. Walaupun majoriti wanita daripada ketiga-tiga kumpulan etnik utama menyokong lebih ramai wanita dicalonkan tetapi wanita Melayu menunjukkan tahap tidak bersetuju paling tinggi berbanding dengan wanita etnik lain. Kajian ini juga menunjukkan bahawa majoriti pengundi wanita, muda atau tua, di luar bandar atau bandar, menggunakan media sosial sebagai sumber berita utama dan paling dipercayai mengenai pilihan raya. Penemuan ini menyimpulkan bahawa, latar belakang demografi adalah saling berkait antara satu sama lain dan ia membentuk pilihan dan keutamaan dalam pengundian wanita. Pengundi wanita adalah penting dan

setiap parti yang bertanding perlu memberi perhatian yang lebih mendalam terhadap perkara yang dititikberatkan oleh wanita bagi meraih undi mereka.

**Kata kunci:** Pengundi wanita, tingkah laku pengundian, Malaysia, pilihan raya

## Introduction

It was the women's vote “that brought Hitler to triumph” (Evans, 1976: 2). It was the women who have made a businessman to run one of the most powerful country in the world. Trump won in the presidential election due 53% of white women voted for him whereas Hillary Clinton lost due to female voter did not support her (Jaffe, 2018). These examples have shown that women voters actually really matter.

In the context of Malaysia, there were 12, 229, 514 voters had casted their votes on the 9<sup>th</sup> May 2018 which led to a historic event where, *Barisan Nasional* (BN) had ceased to become the government of the day after 61 years in power, replaced by the then opposition front, *Pakatan Harapan* (PH). Of all these registered voters, slightly more than 50% are women (Election Commission, 2018). Based on this numbers, it can be claimed that women voters matter. Due to this fact, it is crucial to examine women voting behaviour, for example, what motivates or influences them to vote, or why they voted in such as way?. These questions are going to be discussed in this paper. It is important to understand the voting behavior by voters in order for the political parties to gauge which party will be the winner for an election (Junaidi Awang Besar et. al. 2016).

There are quite a number of studies which could reflect voting behaviour in Malaysia. In the context of this paper, previous studies relating to voting are categorized into two, namely “Voting behaviour in general”, and “Voting Behaviour in Malaysia”. It could be seen that there are less coverage on women voting behaviour in the country.

## Voting Behaviour in General

In any electoral democracy, the significance of political participation cannot be undermined. Though partisanship in politics encompasses different dimensions, voting in an election remains as one of the key constitutional mandates enjoys by the citizens. To Lindberg (2004), election is central to democracy and voting is a civic political right

that can be solely exercised by the citizens. This merit to qualify the democracy to be people's government since votes are translated into consent by the citizen. This places both men and women equal as stated in the principle of the universal adult suffrage.

Voting behaviour is a set of personal electoral activities including participation in electoral campaigns, turnout at the polls and choosing whom to vote (Bratton, 2013). Lazarfeld et al. (1994) mention that the act of voting is an individual act which affected mainly by the personality of the voter and his exposure to the media. This is consistent with several studies which stated that the mass media, particularly television, can influence voting behaviour since the general public tend to rely on it to get information about the political candidates (Javaid and Elahi, 2014; Hayes, 2009; Ladd, 2010). Beside media, other factors like social group identities or membership of a group or organization (Brooke et al, 2006), personality of the candidate ( Miller, Wattenberg and Malanchuk, 1986), and party membership (Kingdon, 1981) influence voting behaviour. A study by Tigue et al. (2012) mention that male candidates with the lower-pitched voice are more favourable in political elections than those with higher-pitched voice. Demographic factors such as race and gender have a strong influential role on voting behaviour (McDermott, 1998), socio politics and economic status, party affiliation, candidate's qualification, family affiliation and unemployment level have also contributed to the preferences of the voters in the elections (Asher and Weisberg, 1980; Hossian, Aktar and Islam, 2017).

### **Voting behaviour in Malaysia**

Mansor et al. (2016) focuses on the changing voting patterns in a plural society of Malaysia in which ethnicity dominated the election outcome. The authors found that development agenda could transform a plural society that ensured a peak of democratic culture in the nation. According to Nurul and Ilyas (2014) in their article titled "Election and Voting Behavior of FELDA Settlers in Felda Chini Pahang, Malaysia" mention that FELDA Chini became a stronghold for BN because of the settlers prefer the party as a sense of gratitude in order to express their appreciation for the government's contribution.

Furthermore in the study finds that, Dato' Najib is not the leading factor for them to vote in the election. Wan et al. (2013) focuses on political attitude and perceptions that may motivate citizens to vote

in general elections. The article compares political attitude into three categories of voters which are “occasional voters” or those who did not consistently come out for general elections, “non-voters” or respondents who never voted, and “frequent-voters” or those who reported that they voted in all general elections and regularly came out for elections. While, according to Haque and Sheppard (2015) mention that voter’s psychological dispositions are rarely examined in the Malaysian context.

### *Female Voting Behavior in Malaysia*

Malaysian women enjoy the liberty to vote and be voted in accordance to the country’s federal constitution. As stated in Article 119 (1) of the Constitution that

“every Malaysian citizen has attained the age of twenty-one years on the qualifying date; ... is entitled to vote...in that constituency in any election to the House of Representatives or the Legislative Assembly unless he is disqualified under Clause (3) or under any law relating to offences committed in connection with elections; but no person shall in the same election vote in more than one constituency” (Federal Consitution, 2010 :109-111).

UNESCO (1993) stated that majority of women voters in Malaysia voted for the candidates rather than the party although many added that they felt more reassured if the candidates was of a similar ethnicity and stood for the same issues they believed in. Furthermore, women were fiercely secretive about the candidate and party they voted for, even from their partners. The majority of women voters also formed their opinions through television reports, circulars, newspaper and rallies.

According to Saliha Hassan (2004), rural women votes influenced by party of choice (party loyalties), local politics rivalries and conflicts, election incentives, party loyalties, promises of a better economic future, gratefulness for past favors and perceived fulfillment of life’s expectation, and some financial help to get to the polling stations. While, women in urban areas influenced by the personality of the candidate, what were the candidates’ parties’ positions on various issues close to the voters’ hearts, which party can ‘deliver’ certain development projects, which party would actually act as successful leverage to certain demands-the role of the party in meeting the voter’s needs. It shows that women in rural and urban areas did not vote base on gender bias perspective. Party

loyalty and candidate preferences were still the main influence among women voters. Khadijah and Halimah (2008), in their study about 2004 general election, shows that almost all Malays would prefer a Muslim to be the number one leader of this country, a small proportion of the Malay respondents were fearful about the possibilities of living in an Islamic State. Surprisingly, the study shows that women voters were less supportive of the idea of an Islamic State than men. This could be because of the fear of strict restrictions and losing some kind of freedom that would affect their lives. Abdul Rashid Moten (2009) stated that the women votes have contributed to BN losing the dominance in the parliament simultaneously changed the political landscape of the country. Both BN (the ruling party) and PR (the opposition party) have always canvassed for women votes which remain as powerful deciding factors in the political configuration of Malaysia.

Abdul Rashid Moten (2011) asserts that since 2004 general election, it has marked an improvement in women turnout including in the subsequent 2008 and 2013 elections. Abdul Rashid has related to women political culture as to be participatory. Arguing on the same line, Lynda (2013) also witnesses the trends of women partisanship in voting also gains momentum at every different spheres of electoral contest in Malaysia. However, she also notes that, despite of massive turn out of women voters during elections, the level of female representatives in government, elected or appointed, is still lower than 30 per cent as recommended by the International Convention on the Elimination of Discrimination against Women (CEDAW). In fact, Malaysia is ranked among the lowest within the South East Asia region when it comes to women representation in the parliament (IPU, 2018). Kartini (2014) also argues that despite the number of women registered voters is higher than male from 1959 until 2013, the quantity of women's representatives in the parliament has been minimal compared to men in Malaysia. It shows that women are viewed as the supportive group and unfit to lead the society.

Pandian (2014) found that female students in universities in Malaysia in last the general elections were more positive about and supportive of Najib's leadership style as compared to male students. This may be due to the transformation program undertaken at the time by the BN administration. Zaireeni (2014) examined women's political participation in FELDA Ulu Tebrau, Johor, Malaysia and associate



the value of *budi* embedded in women’s political behavior reflects in their unwavering support to the ruling party. They justified their party preference and loyalty is because the ruling party has provided their family with a piece of land and a house in FELDA scheme in which improved their livelihood as compared to other people in other traditional villages. Women in Felda Ulu Tebrau actively involved in activities conducted by UMNO although majority of young women in the third generation claimed they are not interested in politics. Party identification is strongly evident among FELDA women and they have a long-standing loyalty to the ruling party that affects their voting behaviour and obediently continue to vote for BN in every election.

Nevertheless, most of local studies on voting behaviour in Malaysia sidelined gender difference in vote choice, public opinion, party identification, and/or policy preferences. For example studies done by Mohd Azri dan Sity (2012; 2015) , Mohd Azri (2013), Mohd Jalaluddin et al. (2013), Junaidi et al. (2014), Junaidi et al.(2015) Junaidi et. al (2016) on voting behaviour in general elections in Malaysia and selected constituents did not focus on female voters. Besides, the claimed made by Junaidi et al.(2016) in his studies that women supported BN because of emotional factor and they are easily influenced as compared to men who are more matured and thinking for a long term in voting is gendered and stereotypical. Thus it is imperative for a new study to examine the “new force” of female voters, constituting now at present, slightly more than half of the voters in Malaysia. This will enable basic a understanding of why women voted they way they did in order to project the dynamics of their voting.

## **THE OBJECTIVES OF THE STUDY**

This study aims to understand the voting behaviour of women in Kedah and Perlis. In the context of this paper, questions relating to their voting preferences in the recent 14<sup>th</sup> General Election (GE14) were asked to the female voters and their stated preferences later were cross tabbed with five demographic variables, namely, age, ethnic group, marital status, place of residence and educational level.

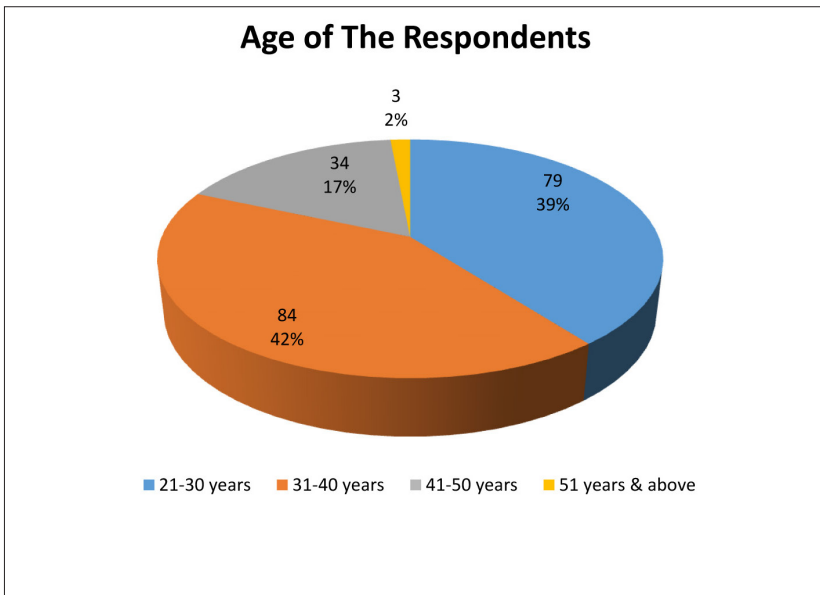
## **METHODOLOGY**

The targeted population of this study is female voters in the northern peninsular Malaysia, namely in the state of Kedah and Perlis. A

combined cluster and convenient sampling design is used. Firstly, for each states, the targeted population is divided into two clusters: rural and urban using the local authorities classifications to define urban as “Majlis Perbandaran”; and rural as “Majlis Daerah”(district council). To ensure participation of the non-Malays, all the respondents (female voters – aged 21 and above) in the chosen housing areas and shopping malls or market places are the targeted sample of this study. The researchers conveniently approach any women voters to invite her to participate in the survey. The participation in this survey is voluntary.

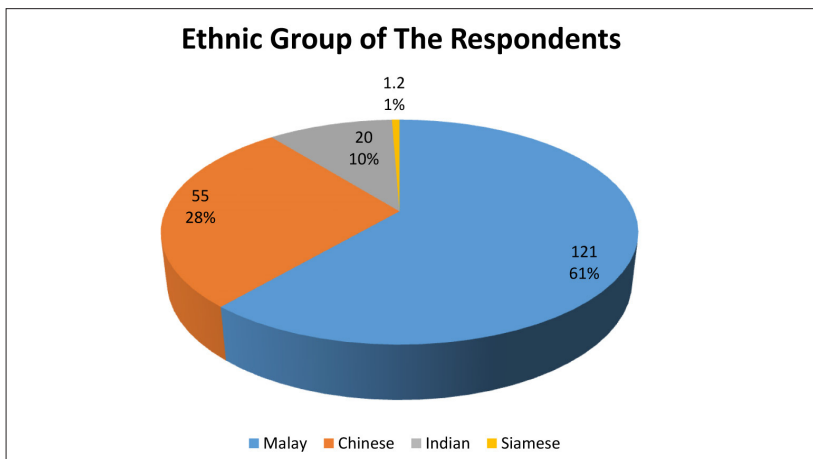
Face-to-face interview using structured questionnaire is the data collection method. The researchers pre-determined the targeted sample size and successfully obtained a sample of 200 respondents of both Kedah and Perlis. Numerical descriptive statistics (mean and standard deviations) with cross-tabulation are used to analysis the voting behavior of the females and its association with the individual characteristics.

*Table 1. Age of the respondents*



Nearly half of the respondents are in the category of 31-40 years old, comprising 42%, followed by those between 21 to 30 years representing 39%, 17% of the respondents aged between 41 until 50 years old and only 2% are 51 years old and above.

Table 2. Ethnic Group of the respondents



Malay is the main ethnic group in this study representing 61%, followed by 28% Chinese, 10% Indians and 1% Siamese. This may be due to both states are Malay heartland hence making the Malays majority.

Table 3. Marriage status of the Respondents

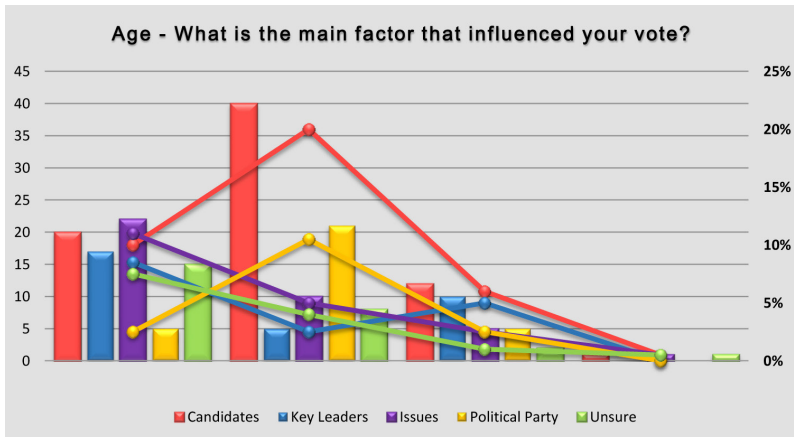
Marriage Status	Frequency	Percentage (%)
Single	73	36.5
Married	115	57.5
Divorcee/ Widower	12	6.0
Total	200	100

Majority of the respondents are married and they are the biggest block constituting 57.5%, followed by single women with 36.5% and only 6% are divorcee or widower.

## FINDINGS AND DISCUSSION

As stated earlier in this paper, it aims to investigate the voting behaviour of women in the Northern region, and two states are selected, Kedah and Perlis. The first question asked to the women was - factors that influenced their voting in the recent GE14. Then, to enlighten us further, their demographic variables; age, ethnic group and marital status, place of residence and educational level are cross tabbed with the earlier question.

Table 4. Age and the Main Factor that Influenced Women Votes



There are five choices to the question [what factor influenced you to vote in the election?]; “candidate”, “key leaders”, “Issues”, “Political Party” and “Unsure”. From the table above, it can be seen that, in general, majority women in all three age groups (31-40; 41-50 and 51 years old and above) have opted for “candidate” as their choice to vote in the recent GE14 while as for the youngest group (21-30 years old), majority of them chose “issues” as the main factor in casting their votes.

As for the youngest group, 27.8% of them chose “issue” to determine their voting, 25.3% selected “candidate” as the main factor to cast their vote and followed by “key leaders in a political party” which constitute 17%. “Political party” was the least favoured factor by the young female voters which influenced their voting. Only 5 out of 79 young women picked that factor.

For slightly older group, the 31-40 years old women, almost half of them banked on “candidate” (47.6%), and 25% of them chose “political party” when casting their votes. “Issues” also appeared as significant, slightly more than 10% chose that factor.

For 41-50 year old women, majority of them chose “candidate” (35.2%) and 29.4% selected “key leaders of a political party” as the main factor determining their votes. Equal number of women in this group chose “issue” and “political party” which represent 14.7% respectively. Due to a very small number of women in the 51 years and above group, we have decided not to discuss it in this paper.

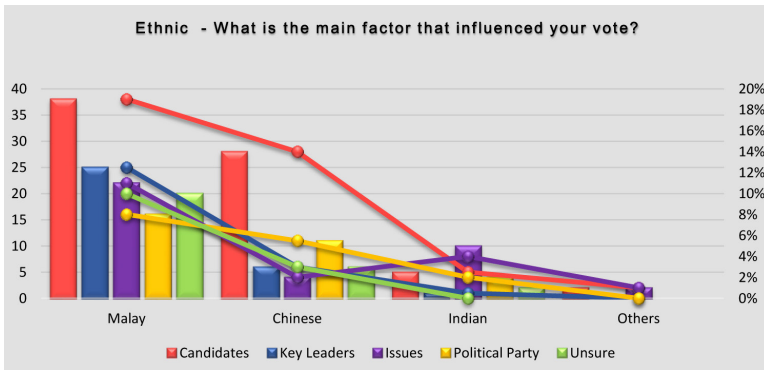
From the findings, it can be argued that, overall, the female voters are concern with who is the candidate contested in the election, rather than other factors like political party and issues. However, a closer observation reveals different perspectives, that, young women are more alert with what happens around them and what affect their lives, hence making them chose “issues” as the main consideration when voting. Candidate and key leaders are another consideration, suggesting that they believe in good representatives who can bring up their voices and concerns rather than the political party. It can be argued that as young persons, perhaps, as first time voters, or someone who just entered employment, or someone who are seeking employment after college graduation, an involvement in any political party is not within their interest and they are more comfortable as non-members and observers, yet highly alert with their surroundings and its impact on their lives.

In addition, we could also see that, a slightly older women whose aged between 31-40 years old, while majority chose “candidate”, quite a number of them also voted based on political party. It is most likely that, they are members of political parties, and hence, the latter has become the primary factor in influencing their voting. For these women, their decision how to vote come down to party loyalty. Unlike the subsequent much older age group (41 -50 years), political party is not a favourite factor but human factors - “candidate” and “key leaders” , are the top picks. Thus, overall conclusion is that, women voters paid attention on who are contested in the election, rather than looking at the political party. They made their choice by assessing the candidates’s potential, their capability to govern well and attentiveness to people’s problems. To the women,the candidate’s educational level, or activism in social media were not their main concerns when they weigh up the candidate contesting in the election. In fact the women voters also were not concern with the sexes of the candidates contested. Refer to Table 5 below.

*Table 5. Criteria of a candidate which preferred by women voters*

Criteria of a candidate	Sex of the candidate	Interesting personality	Alert with people’s problem	Education level	Active in social media	Religious	Governance ability
Count	3	3	87	5	2	8	92
Percentage	1.5%	1.5%	43.5%	2.5%	1.0%	4.0%	46.0%

Table 6. Ethnic and the Main Factors Influenced Women Votes

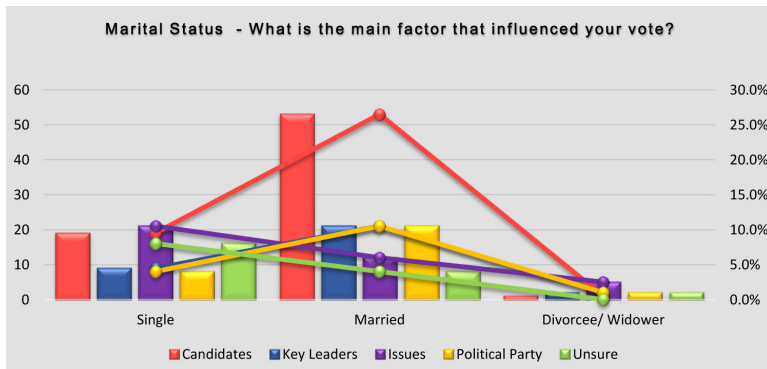


Next, the same five choices to the question [what factor influenced you to vote in the election?]; “candidate”, “key leaders”, “Issues”, “Political Party” and “Unsure”, were cross tabbed with ethnic group variable. This demographic variable is considered significant as Malaysian political context is heavily shaped by ethnic politics. Political parties are formed mainly based on ethnic identities, among the major ones are the United Malays National Organization (UMNO) for the Malays, Malaysian Chinese Association (MCA) for the Chinese while Malaysian Indian Congress (MIC) for Indians and the United Pasokmomogun Kadazandusun Murut Organisation (UPKO) , which cater to advance the rights and development of the people of Kadazan-Dusun in Sabah (Tunku Mohar Mokhar, 2018) . The findings suggest that majority of the Malay women (31.4%) opted for “candidate” when voting and followed by “key leaders of a political party” (20.7%). Whereas half of the Chinese respondents chose “candidates” (50.9%) and 20% of them chose political party. As for the Indian women, half of them were influenced by “issues” when they marked their preferences in the election and 25% of them selected “candidate” as the main factor influencing their decision. It can be argued why “issues” had become the main factor in casting their vote is might be due to the limited representation of Indians as candidates in the recent election. As for the Malays, they have adequate candidates and several political parties which claim to fight for the Malays rights and well-being. Similarly, the Chinese also have few alternatives which could provide enough representation for them to choose in the election. However, for the Indians, there is no political party that represent the Indian strongly other than the Malaysian Indian Congress (MIC), an Indian based

political party and Indians do not constitute as majority voters in any constituency in Malaysia. Hence, we argue that, due to lack of a strong representation of Indians, the majority of the Indian women chose “issue” when casting their votes. This way enable their needs and problems being taken care via issue-based approach by any candidate.

Marital status was cross tabbed with the same questions with five choices to the question [what factor influenced you to vote in the election?]; “candidate”, “key leaders”, “Issues”, “Political Party” and “Unsure”. This demographic variable is also considered significant as women’s roles and functions are defined by their identities in the communities like “ a wife” or “a divorcee” or a widower” as well as “single lady”. These identities not only functions as labelling or naming, but also attached to it is societal expectation. Therefore, it is crucial to see whether marital status poses any influence on factors to cast their votes.

Table 8. Marital Status and The Main Factor that Influenced Women Votes



From the table, it can be seen that, slightly more women in the single women category as well as divorcee and widower, have chosen “issues” when considering their votes, while an overwhelmed majority of married women picked “candidate” as the main factor in the recent voting. It can be argued that, due to their independency, these two women groups are more alert on what surroundings them, affecting them directly or indirectly in their daily lives. Hence, they have to think what is best for them leading these women to choose “issues”. If they choose “candidate”, it might be that candidate does not champion the issue that these women were facing or dealing with, hence, might putting them in much more distress situation. Thus, by considering “issues” , there is a

chance of it being taken into attention and action since it is part of the party's manifesto or the candidate's own mission. As for the married women, perhaps they are more informed and interested in politics thus rather than stick to a particular political party they made their choice based on the best candidate who can deliver dan fulfill their needs.

The place of residence were divided between urban and rural areas. This variable is equally significant as previous literatures show that rural area voters are likely to be loyal to political party as they feel indebted to various benefits that they have received. In the context of this study, contrary to the previous studies, most of the rural female voters in these two states considered key leaders (24%) and followed by issues (24%) when voting. It means that certain personalities in political parties are able to attract the female rural voters to vote for their parties though they were not contested in that area. That personalities locked the voters to vote for the parties which they belong too What issues are women voters prioritizing in voting? Perhaps rural women are concern with issues close to their daily survival such as cost of living, GST, employment and/or issues related to religion and race relations. Thus political party that would offer the best solution to their predicament situation would get their vote. In contrast to previous studies, political party was the least factor to be considered by the rural female voters when voting in the last election. However, majority of the female voters in the rural areas were also unsure what exactly influenced their preferences in the recent GE14. As for the urban female voters, as consistent with the previous studies, majority of them decided their votes based on the candidates. The urban female voters are concerned about who represent them the best. Unlike their rural counterpart, political party appeared as the another factor which influence their preference, followed by issues and lastly the key leaders of political parties. The level of uncertainty among urban female voters is lower than those in the rural areas.

**Table 9. Place Of Residence and the Main Factors Influenced Women Votes**

	Candidate	Key leaders	Issues	Political party	Unsure	Total
Urban	65	20	23	27	15	150
Percentage	43.33	13.33	15.33	18	10	



Rural	8	12	12	4	14	50
Percentage	16	24	24	8	28	

The finding of this study shows that educational level does not influence much the preference of the female voters in voting in the recent GE14. Majority of the female voters, which represent 36.5% of women of different educational levels, except one with a PhD, had chosen candidate as the main consideration when voting. Other three factors like issues, political party and key leaders, are another factors to be considered with slightly varying degree depending on the educational level. Issues appear to be the second highest factor to be considered when voting by female voters who have higher educational level starting from diploma until master level. Whereas political party is the second favoured factor to vote by female voters who have secondary school education and a PhD. Refer to Table 10 below.

*Table 10 Educational level and the Main Factors Influenced Women Votes*

Educational Level	Candidate	Key leaders	Issues	Political Party	Unsure	Total
Primary	1	1	0	0	1	3
Secondary	21	15	12	19	18	85
Matriculation	7	6	4	2	2	21
Diploma	11	6	9	1	1	28
Undergraduate degree	28	3	10	6	3	50
Master degree	5	2	3	2	0	12
PhD	0	0	0	1	0	1
Total	73	33	38	31	25	200

The female voters also were asked whether more women needed to be nominated in the election. Majority of the female voters in each age group agreed that more women need to be nominated. However, among of all age categories, female voters whose age between 21 until 30 years old also showed the highest rate of objection and uncertainty on the needs of more women to be nominated as election candidates,

illustrated in Table 11a. The same question was crosstabbed with ethnic group variable, and it was revealed that the Malay female voters do not only displayed the highest level of uncertainty as compared to other ethnic groups but also the highest number who disagreed on more women nomination as candidates, as can be seen in Table 11b. This could be associated with their interpretation or understanding of Islam on women activism in politics, or to conform to societal expectation in fulfilling the roles of good mothers and wives, hence, politics is not appropriate to women. These two factors are known as hindrance to women active and meaningful participation in politics which exist until present time (Salbiah Ahmad, 1994; Jamilah Ariffin, 1995; Zaireeni Azmi, 2001; Rashila Ramli & Saliha Hassan, 2009).

*Table 11a. Age and More Women Should be Nominated to be Election Candidate*

Age group	Agreed	Not agreed	Not sure	Total
21-30	36	16	27 (34.17%)	79
31-40	58	6	20 (23.80%)	84
41-50	20	4	10 (29.41%)	34
51 years and above	1	1	1 (33.33%)	3

*Table 11b. Ethnic Group and More Women Should be Nominated to be Election Candidate*

Ethnic group	Agreed	Not agreed	Not sure	Total
Malay	54	23 (19%)	44 (36.36%)	121
Chinese	43	3 (5.45%)	9 (16.36%)	55
Indian	14	1	5 (25%)	20
Others	4	0	0	4

In the context of source of information, majority of the female voters in these two states had opted for social media as the most trusted source of information. Nearly half of the women chose social media, followed by news paper (32.5%), television (13%) and *ceramah* (4%). Female voters, in the urban or the rural areas, both regarded social media as the most trusted source of information. Refer to Table 12.

Table 12. The Most Trusted Source of Information Relating to GE14

Area	News paper	Television	Social Media	Radio	Magazine	Ceramah	Total
Urban	57	13	72	0	1	7	150
Rural	8	13	27	1	0	1	50
Total	65 (32.5%)	26 (13%)	99 (49.5%)	1 (0.5%)	1 (0.5%)	8 (4%)	200

Table 13 explains about the main issues of concerns by the female voters in the GE14. Economic appears as the main issues of concerns among the female voters in these states, representing 42.5%, followed by employment which is 38%, women and social issues constituting 6.5% respectively. Health and religious issues as well as main government personalities are the least concerned issues among the female voters in the recent GE14.

Table 13. The Most Important Issues in the GE14

Issues	Employment	Women	Health	Social	Economy	Religion	Government personalities	Total
Numbers of female voters	76	13	7	13	85	4	2	100
Percentage	38%	6.5%	3.5%	6.5%	42.5%	2%	1%	100%

## DISCUSSION AND CONCLUSION

In the context of Malaysian politics, studies on voter behavior or voting preference can be examined through three approaches namely sociological approaches, party identification approaches and rational choice approaches (Ghazali, 2006). The three approaches are relevant with each other and in the context of elections in Malaysia. The model that helps to explain voters behaviour when an individual cast their

votes depending on the benefits that they believed they will get by voting such candidate or political party is known as rational choice approach. The approach find its roots from The Rational Choice Theory which is identifying electoral behaviour as a rational choice among the electorates. The theory suggests that, economic indicators, resources allocation as well as goods and services distribution are related with the outcome of political choice in an election (Downs, 1957 and Arrow, 1986) and voters will choose a party and candidate based on the profit obtained as a result of the choice (Down, 1957; Colomer, 1991). The data obtained in this study is perceived as best explained by this approach.

This study has revealed that women as voters, have multiple identities which influence their voting preferences. According to Mohd Fuad (2013), women's party's identification is higher and they are the most loyal to the party. They are seldom to change party thus their votes normally goes to the party that they most identified with. But the findings of this study reveals that the vote choice of the respondents in this study is influenced by their demographic background such as marital status, age, ethnic group, the place they stayed and educational level, in varying degree. Although women voters are loyal but their votes are also influenced by the information they gathered from various sources on the candidates. A similar finding concluded by Fatimi Hanafi (2017) that women voted for eligible candidates to be elected. Age has appeared as one of the most pronounced factor in determining their choice in the recent general election. Younger female voters are more concerned with the issues instead of other factors like political party, when casting their votes. Political party was the least considered when they vote. Unlike those who are olders, their primary determinant in voting is candidates or key leaders in the political party. Possible explanation is as they aged, they have been exposed to and participated in the political life and activities which construct their values, perceptions and principles. Hence, this has made the older female voters are likely to choose candidates or key leaders in political parties. Ethnic group, is another strong factor which influence the voting preference, in particular, the Indian female voters prefer issue over other factors, whereas, the Malay and Chinese female voters are incline towards choosing candidates or political parties over other factors. It could be argued that since Indians have less effective representation of their voices through political

parties as compared to the Malays and the Chinese, opting for issues can be seen as the best strategy to ensure the Indians' voices are heard. Furthermore, although majority of female voters from the three major ethnic groups supported the idea of having more women as candidates, the Malays show some reservation to have more women contesting in the election. The reservation are reflected through a high number of disagreement and a high level of uncertainty. It can be argued that female Malay voters are still tied up with the interpretation of religion and societal norms that eventually making women activism in politics is inappropriate.

Marital status do not influence voting greatly, but married female voters have shown the tendency to consider candidate over other factors when voting. The place of residence do not influence much of the voting preferences as the findings show both rural and urban female voters considered candidature factor when voting. Educational level also does not influence much. For young educated urban Malay women voters who are very independent, has a distinctive career and exposed to new media such as social media, they are not bound by the choice of the husband and are very sensitive with women's issues. Thus their vote choice is no longer constrained by political parties but determined by the candidate. But it would be different for women in rural area who are not exposed to or less susceptible to political developments and political news or tend to gain biased views and difficult to obtain alternative information. These women voters would normally opt for the ruling party. The female voters, majority of them, used social media as their main and reliable source of information. Economic issues are the most important issue of concerns among the female voters in these states. It is one of the major issue that lead to defeat of Barisan Nasional (BN) in the recent GE. It is justified to claim that young educated Malay in urban area look beyond the political party in voting and chooses which party she feels best represents her interests. These women are rational because they evaluate the various alternatives that are available to them in terms of cost and benefits before making a choice.

It can be seen that multiple identities and the context surrounding them have interplayed with each other shaping the voting preferences of the women. Beyond gender, voter choices are determined by other attributes such marital status, age, race and political party. But in this study for some respondents, gender is not a strong pull on the vote. The

rationalization of the voting preferences have taken their dynamics and they are inter-related with each other, such as a young urban female voter may have similar preference with the young rural voter . In Malaysia context, party and incumbency have been the most significant influenced in the voting calculus of women voters but this study has proven differently. The female voters have rationalized things surround their lives which might benefit them or disadvantaged them, and later construct their decisions. Hence, this make women as unique voters, at the same time are difficult to predict. Understanding their rich diversities enable candidates or political parties to secure their votes. They are the force to be reckoned because they have the numbers!.

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# Unintended Consequences? The Commodification of Ideas in Tertiary Education and their Effects on Muslim Students

Anke Iman Bouzenita\* and Bronwyn Wood\*\*

**Abstract:** Islamic education, from a holistic point of view, is more than just the direct transmission of the pure Islamic sciences. It encompasses other branches of specialisation and ideally accompanies Muslims, through reflections of the Islamic worldview, during their formal and informal formation. This paper reflects how, in the contemporary tertiary education in the Islamic world, commodified concepts stemming from a non-Islamic worldview are being proliferated, and what the expected results are for Muslim students. The paper expounds on differences in worldview and educational systems and the commodification of ideas. It gives examples from business school curricula, psychology and the impact of teaching in a foreign language, to summarise (un)intended consequences on the students' educational developments. It also shows how the agency of the theory of Maqāṣid, the higher objectives of Islamic law, has immersed Islamic thought in reaction to the bias in the educational system.

**Keywords** Islamic education, worldview, commodification, Maqāṣid, business schools, tertiary education

**Abstrak:** Pendidikan Islam daripada perspektif holistik bukan sahaja dilihat melalui perpindahan terus sains Islam tulen. Ia juga mengandungi beberapa

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cabang lain seperti kepakaran dan iringan orang Islam menerusi cerminan pandangan dunia Islam semasa proses pendidikan formal dan tidak formal. Kertas kajian ini menunjukkan bagaimana pendidikan tertiar kontemporari dalam dunia Islam telah mengubahsuai konsep diambil dari pandangan dunia bukan Islam yang sedang berkembang, dan apakah kesan yang dijangkakan kepada pelajar Islam. Kertas kajian ini juga menerangkan tentang kepelbagaian dalam pandangan dunia dan sistem pendidikan serta idea-idea pengubahsuaian. Disertakan juga, contoh-contoh daripada kurikulum sekolah perniagaan, psikologi dan kesan pengajaran dalam bahasa asing sebagai rumusan kesan-kesan tidak diinginkan dalam pembangunan pendidikan para pelajar. Kertas kajian ini juga melihat kepada bagaimana agensi teori maqasid sebagai objektif yang lebih tinggi undang-undang Islam, telah menggunakan pandangan Islam dalam mereaksi terhadap ketidaksamarataan dalam sistem pendidikan.

**Kata Kunci:** Pendidikan Islam, Pandangan dunia, Pengubahsuaian, Maqasid, Sekolah perniagaan

## Introduction

The contemporary education system in the Islamic world has its roots in colonialism. It has, with its institutions, curricula and teaching methodology, either been implanted after the traditional Islamic system of education had been eradicated; or been introduced as the saviour of societies in the Islamic world whose education systems had become stale due to neglect (Hegazy, 2006; Denman, 2012; Progler, 2004)<sup>1</sup>. The problem is not new to research and analysis; however, there may have been disparities between the analysis of the problem and the attempt to find solutions; as well as between the problem-solving strategy and its realisation. Mistakes have been made either in methodology or implementation; the trajectory of the school of Islamisation of human sciences may serve as a recent example of this phenomenon (Hussain & Bouzenita, 2011).

Education is a significant political topic in many societies and, also, between them. In democracies, the education system is frequently 'overhauled' as each of the various parties of competing ideologies takes their turn in power, resulting in varying emphases in the curriculum over time (Denman, 2012; Hegazy, 2006), depending on the government, but, in the era of neoliberalism, increasingly, on the market (Bridges & McLaughlin, 1994; Hatcher, 2006; Hogan, Sellar, & Lingard, 2016; Roberts, 1994).

Criticism directed at the education systems of the Western, industrialized countries and those following their pathways is increasingly being voiced (Gatto, 2000). Critiques usually mention that the system is a product of industrialization, merely aiming at producing a mass of obedient, non-critically thinking human resources to work in factories, some people who are qualified to do administrative jobs to run and manage the factories, and a chosen few to pursue an academic career (Chomsky, 2014). This ‘development’ of students in the school system aims for them to take their place in an industrialised workplace, meaning educational emphases are primarily social conformity, rather than creative (Robinson, 2011), but also vocational, right up to the highest levels of terminal degrees.

These structures have been internalised through the representatives of the system in a way that unwritten rules are being followed, and those characterized as ‘outsiders’ in terms of socialization or descent may find difficulties in succeeding within the system (Chomsky, 2014; Robinson, 2011; Gatto, 2002). There have been criticisms of the education model from a wide range of groups and interests, who criticise it as stifling creativity, subjugating personality and inculcating servitude. Our interest is in how far this model, imported across the Muslim world, has served Muslim students.

This paper looks into some of the problems Muslim students may face with regard to an imported system of education, studying in a foreign language, and being consumers of commodified ideas without the expertise to deconstruct them. It particularly asks what the (un)intended consequences of these ideas may be.

### **Commodification of Ideas**

Commodification has a number of possible definitions, with the original meaning attributed to Karl Marx (Marx, 1975). The term is used to describe the process whereby something which does not have an economic value is assigned one— illustrating how market values can replace social values across society. This allows relationships between things or objects, which formerly had no economic connection to be commercialised.

Strasser (2003) refers to commodification as a historical process, a process where things “at one time produced or distributed in non-market

contexts” (p.7) as collected up as capitalism encourages societies to take “the rules of the market as our culture’s default setting” (Agnew, 2003:21). The culture referred to here is the Western one.

Commodification, in this sense, means to take something special or unique, and treat it as if it is indistinguishable, interchangeable, every day. The education system worldwide, both in etic and emic views, is a victim of this kind of commodification. Globalisation, a phenomenon of exporting of Western models, duplicated across the world through colonisation or imitation, resulted in a monolithic format of schooling being adopted worldwide. This system, which is instilled with the values, perspectives and goals of a Western society naturally reflect values of Christianity and secularism, capitalism, industrialism and, perhaps most significantly, of consumption/consumerism. A remake of the export and duplication may currently be observed in the wake of the accreditation process many universities in the Islamic world strive for.

Western business school discourses consider consumption to apply to the gamut of human experience – from idea generation to purchase, from material goods to observations, ideas and experiences (Solomon, 2016). This approach essentially commodifies participants – people and institutions. A simple example of this is the management studies term ‘human resources’, which refers to the people who work for a company, the human workforce. Obviously, one unique person is not interchangeable with another, however similar their characteristics, despite the rise of the term ‘human resources’, the age of a contracted, ad-hoc workforce and other manifestations of capitalist hegemony (NPR, 2018; Forbes, 2015).

Commodification, then, is the re-packaging of things and concepts in order to make them more attractive, more convincing, and more palatable in the service of a capitalistic global economy.

The authors of this paper have previously used the term commodification so as to mean “the choice of certain ideas, their simplified symbolic representation (sometimes with a lack of consideration of their intellectual or societal background) and their translation into a standard and/or merchandise” (Bouzenita and Boulanouar, 2016, p.61). We will use the term in that sense here as well.

Recently, Adi Setia has remarked the conflation and co-optation of the theory of Maqāṣid (Setia, 2016). We use the term commodification

in a comparable way, with the additional focus on how the conflated and cooptated concept (Setia) is being proliferated.

### **Traditional Islamic Model of Education**

Traditionally, Muslims were taught in mosques, beginning with the fundamentals of Islamic Dīn (Qur'an, Sīrah, Ḥadīth, Arabic) as a backdrop to all vocational and cultural education which followed (maths, science, languages, poetry etc). Ibn Khaldun wrote “‘It should be known that instructing children in the Qur’an is a symbol of Islam. Muslims have, and practice, such instruction in all their cities, because it imbues hearts with a firm belief (in Islam) and its articles of faith, which are (derived) from the verses of the Qur’an and certain Prophetic traditions” (Ibn-Khaldun: 1958, #38). In this way, learning was located within a comprehensive Islamic learning, meaning students had a good resource of Islamic learning even with very little formal education. It also meant that students learned Islamic models and ethics as starting points for all evaluations.

This point is very important, because the development of the various educational systems has reflected their emphases and requirements. In the West, schools developed from Christianity to philosophy to economics and the other business disciplines. In the Islamic tradition, all learning developed from the Qur’an.

Similarly, the physical structure of teaching meant that students sat with teachers in circles in the mosque working together on various lessons (Al Khateeb, 2012) – the groupings being made up by level, rather than age. In this way, one could find a tutor far younger than some of the students in his/her group, as is natural.

In modern times, finding a traditional Muslim model of education may prove a futile endeavour. With decolonisation stagnant and under the influence of globalisation in the Muslim world, the education systems may still be used to ‘re-educate’ Muslims to conform to (Western) values and (Western) norms; with legal systems similarly modified (Charrad, 2001), schooling has been a boon in encouraging conformity in Muslim countries all over the world. In the wake of accreditation, tertiary institutions of learning in the Islamic world streamline their university systems even more along the lines of ‘Western’ standardisation.

## A Difference in Worldviews

It is vital at this point to discuss the differences in worldview, so as to understand the dimensions for importing ideas and systems to the Islamic world for the educational sector.

The Islamic worldview is, first and foremost, based on the concept of *Tawhīd*, the oneness of the Creator of the heavens and the earth, Allah (S.W.T) Man has been created as the servant of Allah, his *khalīfah* or vicegerent on earth. The purpose of his existence is to serve his Creator, obey His commands and prohibitions. This is also the very basic concept, aim ('learning outcome', in pedagogical terms) in any Islamic education on any level. While acquiring basic Islamic knowledge is an individual obligation (*farḍu 'ayn*), acquiring any other kind of useful (i.e., not harmful) knowledge is recommended, basically permissible or could even be given the rule of collective obligation (*farḍ kifāyah*). Harmful knowledge is a kind of knowledge that entails or leads to disbelief, like magic, witchcraft and the likes. The basic sources of the Islamic way of life, and therefore its educational system, are the Qur'an and Sunnah of the Prophet (S.A.W). It is a commonplace that, while Islamic culture found active implementation, Muslims were at the peak of scientific expertise and development; a reality that finds its secret in the first verse of revelation; "Read! In the name of your Lord Who created, created the human being from a clot of blood ('*alaq*)." (Qur'an, 96:1-2)

Secular materialist worldview as manifest in Western societies, and imported to the rest of the world in the wake of colonialization and then globalisation, in its technology-minded version, basically states that a Creator may – or may not – exist, but the human being is free to make his own choices of good or bad, right or wrong, create his own systems, according to his own whims and desires, or a real or conjectural 'benefit' (*maṣlaḥah*). Benchmark of action is the material benefit, ethical guidelines of different proveniences may well exist, but are often sacrificed for this purpose. Secularism is, so to speak, the keeper of the Holy Grail and undisputable.

Observation needs to be made while embarking on scientific expertise of any kind developed within the framework of a different, here the secular capitalist worldview; while the pure sciences, life sciences etc, are often considered to be neutral, they may still express a point of view on life that is in contradiction to the Islamic worldview, either in conceptualisation (theory), or in implementation (practice), or both



(Boulanouar, 2017). As far as human and social sciences, philosophy, psychology, pedagogics is concerned, the guiding principle should be to accept these concepts only after thorough scrutiny with regard to its compatibility with the Islamic worldview. This requires that the students (as well as teachers!) of these sciences are well equipped and versed in the Islamic culture. Particularly here lies the weak spot of Muslim students in tertiary education in the Muslim world (and beyond) today. As a result of the growing secularisation of societies in the Islamic world, and the Westernisation (and secularisation) of the educational systems, Muslim students are practising their Islam on an individual basis (with regard to prayer and fasting), but are not well versed in the Islamic systems, history, and understanding of its sources.

Accordingly, what does it mean to take ideas from one worldview, here the secular materialist, and import them to the other, the Islamic? We need to consider that ideas and concepts carry values and that, from the Islamic point of view, any action needs to be evaluated by and aligned with the stipulations of Islamic law. It may then take the rule of being obligatory (*wājib*), recommended (*mandūb*), permissible (*mubāh*), discouraged (*makrūh*), or prohibited (*ḥarām*). The field of *mubāh*, the permissible, is quite wide. With regard to the natural sciences, for instance, whatever comes under the description of a given reality is value-free and may be adopted under this category; provided that its usage is embedded in an Islamic framework. In case an idea / a concept stems from a secular point of view, its adoption would run counter to a person's belief system and could entail disbelief; in case it is in contradiction to an Islamic legal rule, it would amount to acquiring a *ḥarām* status. Importantly, the difference in worldview entails a difference in methodology, merging the two worldviews on the basis of concepts and rules will lead to a hybridised methodology that subtly undermines Islamic concepts.

### **Teaching in a foreign language and its implications**

Although it is not the main focus of this paper, the language aspect certainly counts as one educational factor in the absorption of ideas, the lacking ability to deconstruct, and continuity of dependence. We may therefore summarise some ideas to support the main topic of this paper.

The field of psycho- and cultural linguistics is definitely important for any topic related to education in an international context. The

Whorf- Sapir hypothesis, or rather the theory of linguistic relativity, as Whorf preferred, suggests that language influences thought (Chafe, 2013, 122). If this is so, it certainly matters which language is used to acquire basic and more advanced scientific concepts. It may also matter to which degree a student masters the medium of instruction so as to be able to excel and be innovative.

Education in tertiary, and sometimes secondary and even primary levels in the former colonies very often takes place in a foreign language – English in countries historically affiliated with British colonialism or influence; French in former French colonies, and so forth.

Teaching basic concepts in a foreign language, usually for claims of competitiveness, modernity, or functionality, has a number of effects on the learner; among them the danger of a growing disability to express these concepts in the mother tongue; the learners may find themselves restrained or even incapacitated from developing ideas in their own language, while not mastering the foreign language well enough to be able to excel. In addition, the network of meanings that naturally exist while studying in the mother tongue is lost. The process may lead to a disability to refer to the own cultural legacy, as texts and sources the learner gets familiar with are expressions of a different culture; or the learners may start referring to their own culture and heritage through the filter of the (former) colonial language and its sources (Pennycook, 1998).

A certain conviction may spread that the own language/culture is unable to produce ‘modern’ concepts, solutions, that it is not competitive in the modern world. Reliance on foreign expertise, foreign teachers, and sending young students to foreign universities – an unneglectable economic factor for the former colonial powers (Universities UK, 2017), mainly, is expected to persist. Any language is also a vehicle for cultural concepts; concepts that may be taken over as part of an acculturation process. The usage of a foreign language in tertiary education may have some advantages; however, negative consequences are multi-layered and manifold. Most former colonies have seen discussions on the usage of the former colonial language as medium of instruction, to cite but a recent example, we may refer to the discussion and change in decision making in Malaysia on whether math and science ought to be taught in English or Bahasa Malaysia (Tan, 2011).

Besides the inherent ideological issues with the adoption of a Western, and particularly English language, curriculum by Muslim speakers of other languages, Muslim students are at a fundamental disadvantage within the system when compared to their Western (or even more Westernised) contemporaries (Chase, 1980).

### **Business School Examples**

To give an example of a typically secular connotation and its – non-existent – Islamic counterpart in textbooks of tertiary education; students are exposed to the concept of the economic ‘invisible hand’ as credited to Adam Smith in his very famous text *The Wealth of Nations* (Smith, 1776). The explanation reflects a Western capitalist or Industrialist viewpoint in its formulation that ‘the baker does not bake bread out of benevolence’. The idea is being used – in neoliberal circles, and has probably also seen a commodification and decontextualized usage since Adam Smith formulated it – so as to suggest that individual self-interested actions lead to social benefits, and that, therefore, the state is not in charge of social welfare – as the deregulated market regulates it on its own account. The Muslim student is not exposed to the mechanisms of an Islamic economy; or even the Islamic perspective, as once formulated by Imam al-Shāṭibī in his *Muwāfaqāt*, that a baker bakes to produce bread for his neighbours to buy as an act of worship, meaning they are fed and he is paid (Al-Shāṭibī, 2003, 2/300). There are many examples of this across disciplines, and certainly the anecdotal result is a compartmentalising of ideas in the Muslim students’ minds. They are Muslim at home, but at university, work and especially in business it is perceived as having nothing to do with Islam – different rules apply, different norms abound in these contexts. The link between the Islamic belief, education and professional life is being lost.

Students face a ‘clash’ when taught of resource scarcity, when Islam teaches abundance (Qur’an 7:10, 15:21, 2:29). As Zarqa (2003) points out, there is much academic work reflecting the worldview that there is a “possible incompatibility between available resources and human needs” (p.18) when, for Muslim students “the only source of incompatibility that might arise between human desires and the quantities of natural resources available would be man’s misbehaviour and his deviation from the norms of production and consumption that have been ordained by God” (p.19). These conflicts can be further reinforced, when Islamic

concepts such as *Maqāṣid al-Sharīʿah*, are commodified to make Islamic teaching palatable or ‘relevant’, or to package these complex concepts to ‘meet the needs’ of established human theories such as scarcity (eg, Rice, 1999), but also many others.

Students are also disadvantaged with the understanding of some concepts. For example, the concept of interest (Qur’an 2:279) is taught as standard in the Western business school (and from the seventh grade in school mathematics). An enquiry into how money can increase in values is naturally answered by interest, inflation and the like, while for a Muslim student *ribā* is *ḥarām* (eg, Qur’an 3:130, 4:161, 2:275-276, 278-279). So, this answer may be difficult to get to, and to learn, and, therefore, to teach. Getting it ‘right’ actually requires a compartmentalization of belief. In answer to the question of why interest is taught at all, academics may cite globalisation and the global economy. However, with interest being taught primarily or fundamentally, rather than supplementary, the concept of, in this case, interest, is either compartmentalised in a student’s mind or it supersedes their ‘Islamic self’. It loosens the hold on the rope of Allah (Hussain & Bouzenita, 2011).

Marketing, perhaps the most materialistic business school discipline, is a discipline which strongly supports and promotes the capitalist economy. At the core of this discipline a course called consumer behaviour is taught. This subject examines the behaviour of consumers – be they buyers or ‘end-users’ – and develops strategies to both interest them (using psychology, anthropology, sociology etc) and to communicate with them (eg, advertising).

Despite the fact that the vast majority of the world’s population are so-called ‘collective’ societies, which focus more on the group than the individual (‘we’ versus ‘me’), consumer behaviour textbooks dedicate a great deal of attention to the (individuated) self and various social science theories related to the concept. A foregone assumption, for example, is that people consume to stand out, to show their individuality, their personal uniqueness, and that consumers generally dislike having the same product as someone else – particularly in the case of female consumers. Within interdependent-self societies this is seldom true, in fact in Islamic understanding this concept could be considered absolutely inverted with this type of display reserved for private gatherings rather than public ones.

### **Maqāṣid al-Sharī'ah, the Higher Objectives of Islamic Law, and their commodification**

The theory of maqāṣid al-sharī'ah, the higher objectives of Islamic law, has been developed in an Islamic framework and by Islamic scholars deeply rooted in the Islamic sciences. Through the comparison and assessment of numerous detailed legal rules, these scholars have found that there are certain objectives which are met through the holistic implementation of these rules, such as the preservation of dīn, life, intellect, progeny and wealth. Although these five values are often (particularly in contemporary textbooks) being presented as the only possible solution, different scholars have named different values or diversified them more.

Imam al-Ghazali has defined the maqāṣid as either acquiring benefits (maṣāliḥ) or warding off harm (madharrah), be it in this world (dunyā) or the afterlife (ākhirah). The preservation of these values takes place on different stages of strength (which have come to be called necessities (dharūriyyāt), needs (ḥājjiyyāt), and embellishments (taḥsīniyyāt). He also underlines the difference between the maṣāliḥ as defined by the Lawgiver, Allah s.w.t, and benefits as intended by the human being. Ghazali imposed a number of conditions to be applied to unrestricted or maṣāliḥ murslah, i.e. benefits not defined through a specific text which are generally not part and parcel of the commodified version. (Al-Ghazali, 1904).

What we need to keep in mind here is that these scholars lived and found themselves under the intellectual and cultural impact of an Islamic system, i.e. the holistic implementation of the Islamic way of life. Therefore, their value system and ideas can be considered as originally Islamic. Within an implemented Islamic way of life, the interpretation of whatever is beneficial or harmful will follow an Islamic conceptualization. Within a capitalist, profit-maximising system, however, the interpretation will tend to be materialistic and profit-orientated, sometimes even without bad intentions. In addition, the contemporary methodology resorted to is to deny the importance of textual evidence and declare the objectives as open-ended; in this way, any appraised concept, from modernity to progress to science to human rights can be claimed to be part and parcel of the objectives of the sharī'ah (Setia, 2016).

Interestingly, it seems that a revival and renewed interest in the theory of *maqāṣid al-sharī'ah* in the academia has taken place in the last few decades. The reason to this phenomenon may easily be found: Bearing in mind that daily life in the Islamic world is more and more the result of a capitalist way of life, with the absence of the Islamic systems, the gap between reality and Islamic rules becomes wider, leading to disparity between the demands of the legal rule on one hand and a non-Islamic reality on the other. As a result, Islamic rules may seem stale, isolated, unrealistic, not suitable for application. Resorting to a – commodified – model of *maqāṣid al-sharī'ah* seems, superficially, like a reminder to what the Islamic legal rule is intended to be for, seeming like a defence to the rule; however, it may serve as a cover to introduce capitalist values and thought, trying to ‘close the gap’ between reality and law; not by changing an un-Islamic reality, but rather by changing the law in the end. Characteristic of attempts to close the ranks between the systems is to refer to the ultimate *maṣlaḥah* – in faulty reference to Ibn Qayyim – “wherever there is the *maṣlaḥah*, this is Islam”; with no differentiation between the different systems in term of origins, rules, values and intentions. Interestingly, even non-Muslims have discovered the theory of *maqāṣid al-sharī'ah* as a means to “harmonise” the Islamic and secular (legal) systems (Bohlander, 2014).

To give an example on how the – commodified – theory serves as a closing of ranks between the outer appearance of an Islamic legal rule and the content of capitalist values, we may resort to the interpretation of benefits and harms in the contemporary *ijtihād* on genetically modified organisms (GMOs) (Bouzenita, 2012).

It is not astonishing that the theory is very often resorted to in the field of Islamic finance and banking, as the commodified model, i.e. the *maqāṣid* as decontextualized from their original worldview and textual evidences, offers a vehicle to merge decontextualized Islamic legal rules with a secular capitalist setting.

On the level of specialised writings in economics, social sciences, psychology and others, the reference to a watered-down concept of *maqāṣid* often takes place with rather good intentions; where Muslim academics attempt at Islamising concepts pertaining to their specialisation, thereby attempting to make their contribution to the betterment of the Muslim Ummah. Despite the good intentions, harm

can be done by the non-observation of fundamental differences between the Islamic and Western capitalist worldviews through these laypeople. As Setia (2016) has observed, it is often the Muslim specialists of the Islamic sciences who deepen the co-optation of concepts despite their in-depth Islamic knowledge, under ignorance of the reality of the Western concepts and their rootedness in the secular worldview. Positively laden terms such as modernism, development, science, and progress are used as exchange maqāṣid, sometimes like the classically mentioned five maqāṣid, and turned into open-ended objectives. The very fact that these, just like the ‘maṣlaḥah’ and ‘madharrah’, are then interpreted within a secular materialistic framework is completely neglected. Setia (2016) forwards examples from the pervasive Islamic finance sector and the Halal Industry to illuminate how “original epistemological and axioteological parameters of what really counts as maslaha are disregarded so that it can be identified with core Western values such as progress, science and development.” (p.127). Setia’s (2016) critique also encompasses how the hierarchical order of maqāṣid, is often undermined, although substantial for the realization of maqāṣid within the theory, where dīn is the most, māl the least important; he also remarks how the levels of strength within one maqṣad, the ḍarūriyāt, ḥājīyāt, taḥsīniyāt, are being misconsidered.

What can be observed in contemporary academic writing, and this is to be seen as one of the consequences of the idea’s agency; is a tendency to link an already commodified model or theory to the commodified version of maqāṣid. To give an example; Zakaria and Abdul Malek in their 2014 paper briefly refer to maqāṣid as “purpose, objective, principle, intent, goal and end. Meanwhile, Maqṣid of Syariah is the objectives or purposes behind Islamic laws.” (p.43) This- and otherworldly dimensions of maqāṣid al-sharī‘ah are not mentioned. In the detailed explanation of religion, physical life, knowledge, family and wealth, however, are presented not as objectives that are to be realized upon an implementation of Islamic laws, but *human needs*, with the aim of setting them on a par with Maslow’s needs. This merger is then used to assess the efficiency of zakāh distribution, concluding that “human needs based on the integration of human needs as stipulated in Maqāṣid Syariah and Maslow’s hierarchy of needs have strong effects on Zakah distribution efficiency. Further, this multi-dimensional evaluation provides useful insights to zakah institutions to not limit of

zakah in monetary form but also can be in other non-monetary forms.” (p.40) The academic reach of the paper is assessed as “evaluation of the development of multi-dimensional evaluation of human needs based on the integration of human needs as stipulated in Maqāṣid Syariah and Maslow’s hierarchy of needs. It is hoped that this multi-dimensional evaluation would lead to a more realistic, fair and holistic management.” (p.50).

In a similar vein, El-Din (2013) in his *Maqāṣid Foundation of Market Economics* draws analogies from the five maqāṣid, as formulated by al-Shāṭibī, to principles of economics: “Thus, ‘religion’ is the strategic vision of well-being; ‘self’ is the overall economic goal; ‘mind’ is the productive human resource; ‘progeny’ stands for intergenerational continuity; and ‘wealth’ is the material economic resource.” (p.11)

“In the final analysis, economics is a human science setting out to understand human behaviour with the primary objective being to promote *well-being*, which means targeting socio-economic goals to promote the state of satisfaction in goods and services. This is precisely the major cause of concern in Islamic economics so long as reliable tools of analysis exist to help define and realise socio-economic goals.” (p.14)

The author obviously sets the major assumptions of capitalist economics, such as production as the key initial problem (“central economic problems (what to produce?, how?, to whom?)” p. 12), or the scarcity of goods as formulated by Adam Smith, as default and tries to wrap a maqāṣid-based interpretation of Islamised capitalism around it. (“This chapter approaches the objectives (that is, maqāṣid) of Islamic law (that is, shari’ah) in the socio-economic context as an enquiry of how shariah prioritises the allocation of scarce economic resources in the pursuit of socio-economic goals.” (p.11).

In his chapter on “Law of scarcity as a trigger of maqāṣid economics”, shariah is presented as the more civilized and ethical way to distribute scarce (!) resources, and the three layers of maqāṣid as described by al-Ghazali (necessities, needs, and embellishments) are re-focused under the angle of satisfaction: “This makes up a three-stage development model starting from the satisfaction of Necessities, (darurat) to the satisfaction of Needs (hajiyat) and finally towards the satisfaction of open-end perfections (tahsiniyat).” (p.16)



Instead of presenting the Islamic economic system in its own right, *sharī'ah* remains but an ethical cloak to 'embellish' capitalism through its *maqāṣid*. Setia uses the term "reverse engineering" for this process (Setia, 2016). The authors of this paper have previously researched the hierarchy of needs theory as referred to Abraham Maslow (Bouzenita and Boulanouar, 2016). Maslow's hierarchy of needs is a pervasive model in many specialisations, so many students in the Islamic world will be exposed to it; albeit its intrinsic contradiction to Islamic concepts. To summarise the most important parts of criticism, the model is not empirically proven and is based on randomly chosen US-American experiences of the 1950's, making it ethnocentric. The model does not give room for any spiritual aspect as a motivation to action in human life, while the possibility of "self-actualisation" demands a fulfilment of the basic human needs – quite in contradiction to the reality of human existence. (Bouzenita and Boulanouar, 2016) Teaching this model and its likes as default – without an Islamically founded evaluation – deprives the students of any link to their belief system.

### **The (un)intended consequences: Effects on students' mind-sets**

Muslim students are, either in or outside of the Islamic world, exposed to a seemingly overwhelming, successful modernism they are not able to digest, let alone evaluate as against Islam as a way of life. They are therefore alienated from their innate culture and – intentionally or not – hybridised in a self-perpetuating circle. Their relationship to their own Islamic culture will at best be emotional, not intellectual; they may look at Islamic culture as remnant of a glorious past, but not to be realised in today's age; a creator of problems and ambiguities rather than the solution to it.

Tragically, they will most likely not even be able to excel, their success will be in the shallow reproduction of ideas, not in their development, as long as the hybridised framework has not been left behind. Success under these circumstances is rather surprising.

Confusion will exist as students' privilege Western 'evidence' over Islamic knowledge – thinking of Western knowledge as the 'right way'. They have a compartmentalised mentality, where they live as Muslims at home and with family and friends, but operate in business and profession in another ethical and legal framework entirely. While in the past, backed through an Islamic system of education, students

and scholars found their grounding in Islam to filter outside knowledge and take the good from it, they now filter Islamic knowledge through Western culture, because they are learning it, in English, including its ethical approach and secularised civil law.

As Ghazali put it, people imagine inconsistency in the religion (*dīn*) because of their own impotence: “He is indeed like a blind man who entered a house and there stumbled over some of the vessels of the house and said, ‘what are these vessels doing in the path; why are they not put in their place?’ They answered him, ‘Those vessels are in their place, but you did not find the way because of your blindness. How strange it is of you not to blame your stumbling on your blindness, but rather to blame it upon the negligence of someone else.’ This is the relationship between religious and intellectual sciences”. (Ghazali, 2010, p.48).

Through the Western lens, Muslim students may think nothing really innovative came from Islamic sciences. As a matter of fact, they are taught lots of things that did, but have been ‘hybridised’ into a gross, unnatural form and then ‘sold back’ to them as examples of the awe-inspiring superior, progressive, modern west (fuelled by capitalism).

Also, there is the sending of the ‘best and brightest’ to the west to study. And the home country bias towards those students as if they are better quality graduates, even if they clearly are not.

Then they do research on themselves as ‘other’ (Self-Orientalization), using the frameworks and methodologies they learned from their Western textbooks, their Western educations, their Western trained teachers.

French colonialism has produced the ultimate example for brainwashing younger generations, the future indigenous co-optated (to use Setia’s term) elites of the colonies, with the cultural force of the textbook. “Nos ancêtres les Gaullois étaient blonds”<sup>1</sup>, the famous phrase lurching into the mind-sets of primary school students wherever French colonialism had taken hold, and creating the ultimate sense of an inferiority complex amongst the perpetually colonized. As time passed on, the means of colonizing people’s mindsets have become subtler, and more pervasive, and maybe more difficult to recognize and

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<sup>1</sup> Our ancestors, the Gauls, were blond.

deconstruct. Roles have been changed; where it used to be the scholars who deconstructed non-Islamic concepts as what they are, it is now very often Muslim scholars and those presenting themselves as such who introduce non-Islamic concepts in a pseudo-Islamic garb. As the Algerian intellectual Malik Bennabi sharply realized in the middle of the 20<sup>th</sup> century, colonialization, to be successful, needs the colonisable mind-set, “la colonisabilité” (Bennabi, 2005). The North African polymath Ibn Khaldun, in his *Muqaddimah*, aptly formulated the relationship between the conquered and the conqueror. The conquered, he says, will always follow the conqueror in habits and attitude (Ibn Khaldun, 1958). It is unlikely that Ibn Khaldun could possibly have imagined the far-reaching consequences of colonisation, particularly in the education system. However, his observation is completely transferrable to our example.

Commodified secular capitalist concepts in textbooks and, to a lesser extent, in academic papers, are absorbed by future generations. From our observation, students in tertiary education (let alone beyond) very often do not have the ability to distinguish between an original concept and a commodified one, nor have they been equipped with the intellectual abilities of deconstructing a concept that defies Islamic culture.

The commodification of ideas, as has been described in this paper, with the assistance of a number of other factors, results in the perpetuation of what Malik Bennabi aptly described as “colonisabilité”.

## Conclusions

The paper has showcased, based on examples from the current curricula and teaching approaches in universities, some of the difficulties Muslim students face in the contemporary system of tertiary education. It has explained the importance of worldviews and their main differences in this process. It has further shown how the very phenomenon of commodification becomes an agent to change Islamic thought so as to accommodate the current situation.

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# Ultra Petita and the Threat to Constitutional Justice: The Indonesian Experience

Muhammad Siddiq Armia\*

**Abstract:** The doctrine of Ultra Petita has been the subject of much criticism and poses a threat to constitutional justice. This article examines the doctrine in operation inside of Indonesia where the Constitutional Court appears to have expanded its jurisdiction by not only reviewing or analysing but also by invalidating or annulling acts. The impact of this is a creation of a high-degree of legal uncertainty and ambiguity in the judicial process. The article argues that instead of making use of the extra-constitutional Ultra Petita doctrine, the Indonesian Constitutional Court should return to a black letter approach to the law, thereby promoting certainty and coherence.

**Keywords:** Ultra Petita, Constitutional Justice, Indonesian Constitutional Court

**Abstrak:** Doktrin tentang Ultra Petita telah menjadi subjek kritik dan telah mengancam keadilan perlembagaan. Tulisan dalam artikel ini mengkritik dan menguji beberapa doktrin yang terjadi dalam perlembagaan Indonesia. Dalam hal ini, Mahkamah Perlembagaan Indonesia terlihat telah melebarkan kekuasaannya untuk melakukan pengujian dan bahkan membatalkan beberapa akta yang berlaku di Indonesia. Dalam hal ini, penulis menegaskan bahwa Mahkamah Perlembagaan Indonesia tidak perlu mempertahankan doktrin *Ultra Petita*, karena terlalu banyak menimbulkan ketidakpastian hukum. Sebagai gantinya Mahkamah Perlembagaan Indonesia perlu kembali kepada pendekatan *black letter law*, untuk mencapai kepastian hukum secara menyeluruh.

**Kata Kunci:** Ultra Petita, Keadilan Perlembagaan, Mahkamah Perlembagaan Indonesia

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## Introduction

The Ultra Petita cases in the Indonesian Constitutional Court (ICC) are particular challenges for Indonesian law reform. This article will critic several judgments identified as Ultra Petita during 2003 to 2012. There were more than ten cases acknowledged as Ultra Petita with different variations, but only ten are discussed, covering the different variations occurring in that time. To analyse those judgments, the writers use basic theory from Kelsen on the constitutional courts as the negative legislator, and other methodologies including comparative constitutional law (Ran Hirschl 2013) and black-letter law (Michael 2007).

Before going further, it is appropriate to define the term Ultra Petita. It is a Latin term defined legally as *beyond that which is sought*, or a decision of a court which *grants more than was asked for*. This implies that a judgment which is Ultra Petita may be successfully appealed as it is not good law. For example, where a court grants more damage than was claimed by the plaintiff ([Http://Definitions.Uslegal.Com/U/Ultra-Petita](http://Definitions.Uslegal.Com/U/Ultra-Petita) 2014)

In the Indonesian legal system, Ultra Petita is known in the context of private law, derived from the Dutch law called HIR (HIR 1848; R. Tresna 1956) and RBg (RBg 1927; Syaifuddin 2011). A judge is prohibited to give a judgment which is not asked in a claim/suit, or granting more than what a plaintiff asked for; but may reduce a plaintiff's claim/suit. (HIR 1848; RBg 1927)

In the ICC, Ultra Petita has been widely defined beyond the definition given in HIR and RBg. Based on several judgments produced by ICC, the judges have expanded their jurisdictions regulated by several acts, including judging ICC's judgment, granting more than what is claimed, interfering in other court jurisdictions, and intervening in other state organ jurisdictions. The Ultra Petita ICC judgments are not based on the original intent of the constitution, which is known as the highest legal norm in Indonesia. The case of Ultra Petita will happen if the ICC reviews more than what is asked for by the applicant. For instance, in some cases an applicant only asks for reviewing a clause or an article in an act. However, the ICC may go further, by not only annulling a clause or an article, but also invalidating the whole act.



### **Ultra Petita and its Future challenges**

Ultra Petita judgments have been widely criticized in Indonesia by academics, newspapers, and social media. The future challenge faced by the ICC regarding Ultra Petita is the judges' unlimited power potentially violating a value of democratic justice. ICC can easily choose a specific act which can be annulled easily. Ni'matulhuda stated that the Ultra Petita judgment has appeared because the ICC had an improvisation sense in the tribunal process. Ultra Petita judgments may happen again in coming years (Ni'matulhuda 2010).

Moreover, Mahfud also insisted that the ICC has claimed itself as a superior state institution, sheltering its final judgments under the constitution. For this reason, in some cases the ICC has made judgments that come from out of ICC's authorities. The judgments can be based on the judge's argument instead of article present in the Indonesian constitution (Mahfud 2009). Adnan has also given a critic on Ultra Petita judgement. He claimed that the controversial judgment of Ultra Petita judgements have indicated the judges' arrogance. Adnan has also claimed that the ICC has infringed legal tradition and legal doctrine of the court, with the judges becoming the final arbiter, with no chance for further appeal (Adnan 2014). The expanded jurisdiction by the ICC has also occurred in other countries, often making it hard to draw the line between legal and political questions.

Furthermore, to get a comparative constitutional approach, we can look into Germany's Constitutional Court (GCC). The reason is that most of ICC's authorities have some similarities with Germany's Constitution. The GCC's jurisdictions consist of constitutional complaint, abstract regulation control, specific regulation control, federal dispute, state–federal dispute, investigation committee control, federal election scrutiny, impeachment procedure, and prohibition of a political party. The GCC will only process a case which is submitted by the applicant. Thus, the judges are required to base their consideration on the constitution (Mancini 2018).

In some cases, the justices try to send a message to the legislature or other state bodies through statement in passing (called *obiter dicta*).<sup>1</sup> An example is the Classroom Crucifix case. The GCC decided that putting the crucifix symbol was unconstitutional by the panel majority. The mere presence of a cross in the classroom does not compel the pupils

to particular modes of conduct, nor make the school into a missionary organization. Nor does the cross change the nature of the Christian nondenominational school; instead it is, as a symbol common to the Christian confessions, particularly suitable for acting as a symbol for the constitutionally admissible educational content of that form of school. The affixation of a cross in a classroom does not exclude consideration of other philosophical and religious contents and values in education. The form of teaching is, additionally, subject to the precept of Art. 136(1) BV, according to which, at all schools, the religious feelings of others are to be respected (FCCG 2014). The Federal Constitutional Court, furthermore, stated in connection with the precept of neutrality, that the school may influence children's decisions as to beliefs and conscience, while only containing the minimal amount of elements of compulsion. It may not be a missionary school nor claim binding validity for Christian beliefs, and must be open to other philosophical and religious contents and values. In this case, GCC did not annul the regulation and closed the case by just giving some note for the regulation. Thus, it accords with the judicial review concepts of Kelsen, not to annul the entire statute. Kelsen's concept is clear that constitutional court has a function of reviewing a mistake in a regulation, and not making a new regulation through the court's judgment (Hans Kelsen 1942).

Another comparison can be made with South Korea's Constitutional Court, which has just had its twentieth anniversary, an important milestone. Of the five designated constitutional courts in East and Southeast Asia (the others being Indonesia, Taiwan, Thailand and Mongolia), it is arguably the most important, and merits close examination as a case study in constitutional politics in Asia. The Act of South Korea Constitutional Court (SKCC) has allowed the Court to expand its jurisdiction for invalidating an act:

The Constitutional Court shall decide only whether or not the requested statute or any provision of the statute is unconstitutional: Provided, that if it is deemed that the whole provisions of the statute are unable to enforce due to a decision of unconstitutionality of the requested provision, a decision of unconstitutionality may be made on the whole statute (South Korea Constitutional Court Act, Article 45).<sup>2</sup>

The Article above states that the SKCC can only magnify access to constitutional justice and can apply their authorities to cover ordinary

court decisions. In 1995 the court confirmed a tax law as partly illegitimate, and said that it might only be applied on a particularly narrow interpretation by ordinary courts (Tom Ginsburg 2003).

This comparison shows two models of expanded jurisdictions in the constitutional court. From the German case, the court is not too bold of expanding its jurisdiction out of the regulation, whilst South Korea is brave enough to expand its jurisdiction, because its regulation has allowed for that. In the context of Indonesia, ICC does not have authority to expand its jurisdictions, but in practice has done so through Ultra Petita. The Ultra Petita might be the enabling principle if in a constitution has clearly stated about the mechanism of Ultra Petita, but if not stated in a constitution, the Ultra Petita mechanism must be avoided.

### **Analysis of Ultra Petita cases**

#### *Intervening parliament's jurisdiction*

To review an act that is contradicting with the constitution, the ICC has only permitted to interpret the constitution that refer on the constitution. The ICC has been allowed to declare whether an act conflicts with the constitution, or cannot be justified by the constitution. Therefore, the ICC cannot be permitted intervention into parliament's jurisdiction that include the act of being able to amend an act or to revise it. Amending and revising an act are the parliament's jurisdiction. So, the ICC only has the authority to say that an act has some mistakes, and let the parliament fix those mistakes through a parliamentary session. Unfortunately, this does not happen in the case of Ultra Petita as ICC has also intervened into parliament's jurisdiction, including to amend and to revise a mistake in an act.

The jurisdiction border between ICC and parliament are clear. ICC has to find a mistake in an act, and parliament must amend and revise a mistaken act. In Kelsen's terminology states that ICC has an essential role as negative legislator (known as the norm canceller), and parliament has a role as the positive legislator (known as norm maker) (Kelsen 1942). Constitutionally, the ICC is prohibited to cross the border of parliament jurisdiction (Cariás 2011). The theory and reality have not always been followed. In some cases, the ICC has intervened into parliament jurisdiction, by making several changes within an act.

Consider the Case of Children Outside of Marriage, Machica Vs the Act No.1 of 1974 on Marriage (ICC 2010). On 20 December, 1993, Machica married with Moerdiono in Jakarta, and had a son one year later. The marriage was held in the Islamic tradition fulfilling all requirements in Islamic law. Unfortunately, in that time, Machica and her husband did not register their marriage in the Marriage Office.<sup>3</sup> Their marriage was held legitimate fifteen years later, receiving a Religious Court judgment in 2008 (IRCJ 2008).

On 7 October 2011, her husband passed away, and Machica claimed the inheritance for his son, but the Religious Court denied her inheritance claim, arguing that his son was not legitimate<sup>4</sup> because the marriage was not held in the Marriage Office, and had not been officially registered.<sup>5</sup> Machica claimed judicial review of the clause within the Marriage Act to the ICC. She argued that with the enactment of Article 43 (1) of Act No.1 of 1974 that the Marriage has violated her constitutional rights as a mother and also her son. Thus, she cannot receive legal endorsement of her marriage, and also cannot legalize the status of her son. Even though her marriage is guaranteed by Article 28B paragraph (1) and paragraph (2) and Article 28D (1) of the 1945 Constitution stating that: *(1) Every person shall have the rights to establish a family and to procreate based upon lawful marriage. (2) Every child shall have the rights to live, to grow and to develop, and as well as of protection from violence and discrimination.* To strengthen the Article 28B, the 1945 Constitution also regulates the recognition rights in Article 28D of Clause (1) stating that *Every person shall have the rights of recognition, guarantees, protection and certainty before a just law, and of equal treatment before the law.*

After judiciary process and long debate, finally, the ICC reviewed and amended Article 43 (1) of Act No.1 of 1974 on the Marriage:

Children born outside of marriage only have a civil relationship with their mother and their mother's family.

After the judgement, it was stated:

“Children born outside of marriage only have a civil relationship with their mother and their mother's family as well as with men as her father, who can be proved based on science and technology and/or other evidences under the law

to have a blood relationship, including civil relationship with his family (ICC 2010).”

The judgement shows the ICC expanding its jurisdictions. Editing and changing the article in an act that is in DPR’s jurisdiction. The ICC should simply state that the act is invalid and have no legal power to enforce, and allow the DPR to fix it.

### *Judging itself*

The ICC has infrequently judged the act, ruling itself. In this case, ICC has reviewed all acts having connection with the jurisdiction with ICC authority. If an act has reduced ICC power, the act will be annulled. This category is against the principle of *Nemo iudex in causa sua*, a Latin phrase that means, literally, no-one should be a judge in his own cause. In this case, ICC has invalidated jurisdiction of the Judicial Commission to observe the behaviour of ICC’s judges (ICC 2006). They ruled that the Judicial Commission has constitutionally no jurisdiction to observe the constitutional court’s judges, rather the jurisdiction to observe belongs only to the Supreme Court’s judges.

This judgment has violated the Act of Judicial Power (Judicial Power 2004), which stated that a judge, or a registrar, must resign from a session if they have a direct or indirect interest with the case being examined. If a judge, or a registrar, are still continuing a case regardless of the act, then their judgments are invalid. A judge also will receive administrative sanctions, or will be sentenced based on the regulations. In fact, in this case ICC has still continued the case, and the judgment has had also a legal enforcement.

The reason for forming the Judicial Commission was to build the checks and balances mechanism among state organs, mainly in the judiciary power. The commission, born by the reformation era, has prevented a judicial mafia during the authoritarian era. The invalidation of this watchdog function has placed the ICC as the superior court. Unfortunately, after seven years of this judgment, a worrying judicial mafia has been created.

In October 2013, the head of the ICC was been caught red-handed by the Corruption Eradication Commission accepting bribery from the election case that he was handling. After this case, all judgments’ involving the bribed judge have been questioned, whether to be validated

or re-examined. Thus, the idea of establishing a watchdog body for the ICC is back on the reform agenda.

### *Reviewing president decree*

The constitution states that the ICC can only review an act. In fact, the ICC also has reviewed several president's decrees, such as president emergency decree (known as *Peraturan Pemerintah Pengganti Undang-Undang - Perppu*).<sup>6</sup> The presidential decree has had a lower level in Indonesia's legal system, which means that it is not the jurisdiction of ICC to review, but the Supreme Court's jurisdiction. Nevertheless, Perppu is not equal to an act and does not have a same hierarchical power in the Indonesian legal system. There is no clause in the constitution or other acts, that states a Perppu can be reviewed by the ICC. Constitutionally, Perppu is legislated by the president in an emergency situation. Perppu can only be implemented for two years, unless the DPR upgrades Perppu status to be an act. If, in two years, Perppu has not been upgraded, a Perppu cannot be enforced as Indonesian law. The mechanism of reviewing Perppu belongs to the DPR, whether it will be accepted or be rejected. If the ICC really wanted to review a Perppu, the ICC has to wait until the Perppu becomes an act (Siddiq 2014).

### *Inconsistencies in the judgment format*

The formats of ICC's judgments' have been regulated within constitution and in Act Number 24 of 2003 on the Constitutional Court (ICC 2003). However, ICC has not fully obeyed to those imposed judgement-formats, and has created new judgement-formats which are not coming from Act of ICC. The official judgement-formats of ICC consist of;

- 1) *Denying*: The denying judgment is where ICC believes that the applicant and/or the application do not fulfil the requirements requested by the ICC.
- 2) *Granting*: The granting judgment is where ICC believes that the application is reasonable. It is also used for a judgment where the disputed formulation of an act does not fulfil the requirements stipulated by the constitution.
- 3) *Rejecting*: The rejecting judgment is where the disputed act does not contravene the constitution, either on its formation, parts, or overall material content.

- 4) *Not-legally-binding*: The not-legally-binding judgment is where the material content of a sub-article, article, and/or parts of the act, contradicts the constitution. The ICC may state that the formulation of an act, referred to in the application, does not fulfill the requirement of the constitution.
- 5) *Justifying the DPR's petition*:<sup>7</sup> The *justifying the DPR's petition* judgment is when the ICC decides that the President and/or the Vice President is proven to violate the law through an act of a treason, corruption, bribery, serious criminal offence, or through moral turpitude; and/or no longer qualifies as President and/or Vice President.
- 6) *Rejecting the DPR's Petition*: The *rejecting the DPR's Petition* judgment is when the ICC decides that the President and/or the Vice President is not proven to violate the law through an act of a treason, corruption, bribery, serious criminal offence, or through moral turpitude; and/or no longer qualifies as President and/or Vice President.

These formats have not always been applied by the ICC, which has made new formats, not in the constitution or the Act, as follows: 1) the conditionally constitutional judgment, and 2) conditionally unconstitutional judgment (ICC 2004).

1) *The conditionally constitutional* judgment states that an act provision is not contradicted by the constitution, with giving a condition to a state organ implementing an act provision, for considering the ICC's interpretation, on the constitutionality of an act provision, which has been reviewed. In contrast, 2) *a conditionally unconstitutional* judgment states that an act provision is not fulfilling the requirement stated in the ICC's judgment.

An example of ICC's own-format-judgment is in the case of the Presidential Election 2009 (ICC 2009). The Act of Presidential Election stated that voters must be registered in the election list to get their right to vote. Unfortunately, the plaintiff, because of administration failure by the Election Commission, was not registered as a voter, asked the ICC for his voter rights, and won. The ICC made its own-format-judgment that the plaintiff could vote by showing his ID, such as Passport, ID card, or other valid ID documents—ID types not stated in the act, or

the Constitution. Was his right to vote constitutional? These judgments' take the ICC into the jurisdiction of the DPR, as legislative. The ICC has bravely abolished the clause stated in an act, and made its own version, acting as a positive legislator (rule maker) rather than a negative legislator (rule canceller).

### *Invalidating all over act*

The ICC can annul or invalidate an act, although not asked to do so. Two cases illustrate this fact: firstly, is the invalidation of Act number 27 of 2004 on the Truth and Reconciliation Commission. The human rights organization called Elsam, which asked the ICC to judicially review Act 27 of 2004 on the Truth and Reconciliation Commission. Elsam found unfairness within Articles 1, 27, and 44, about restitution, compensation, and rehabilitation for victims affected by gross human rights violation during Indonesia's authoritarian era. After the reviewing process, on the contrary, ICC abolished and annulled all over the act in its judgment, making the act unfit for enforcement. This judgment made the plaintiff, Elsam, feel hopelessly confused because they never asked for the abolishment and annulment, only for review. This Ultra Petita judgment has produced long debate on the authority of the ICC, whether having authority to annul an act or only reviewing the specific article submitted by plaintiff.

Secondly, in the case of Act Number 20 of 2002, on the Electricity Power, after reviewing four articles (8, 16, 22, and 68), submitted by plaintiff, the constitutional court annulled the whole act, and asserted that the act was unconstitutional. One court reason was because the act mentioned that electric power is a commodity, the price of which can be increased competitively. This was a free-market price, putting the price that depended on the demands of the market. The ICC similarly argued that the act unpowered the role of state in safeguarding public interest.

The ICC judges argued that the state does not fully have control to enhance the benefit of electricity for the people's needs, because the price might be controlled by the market and private sector (ICC 2003). Subsequently, the ICC interpreted that the act was dangerous on protecting energy security, because it did not belong to the state. The judges also stated that the act has contradicted with Article 33 (Clause 2) of Indonesian's Constitution. The Article 33 (Clause 2) states that *production sectors that are vital to the state and that affect the*



*livelihood of a considerable part of the population are to be controlled by the state.*<sup>8</sup> This implies that the annulment of the Act Number 20 of 2002 on the Electrical Power influenced on the law of certainty. In to this situation, the government has to refer to the previous act, the Act Number 15 of 1985 on Electrical Power, although it was old the House of Representative had been considering the new act.

#### *Incorrect judgment code*

This judgment followed the Aceh Election of 2012, to elect a governor and vice governor, and head of regency and vice. This election was unique in implementing the election law in a special autonomy province. The Election has to follow Election Law regulation, yet Aceh has its own autonomy law. It followed a long debate pertaining to which law could cover the election, and became more complicated because of the political interest amongst candidates who took part in this election. After long debate, the ICC made the judgment, but unfortunately put the code judgment with PHPU (Disputes on General Election Results), whilst the election result was not released yet. The ICC was still stating the judgment's code as the Disputes on General Election Results, and was reluctant to revise it (ICC 2011).

#### *Intervening Supreme Court authority*

Clash with other state organs has often occurred, including the Supreme Court. A plaintiff who failed in the ICC could win in the Supreme Court, and vice versa. A parliament candidate could be judged by the ICC as unable to contest because they do not fulfil the requirements, but the Supreme Court could permit a candidate to join the election process. This case has happened frequently, because the Supreme Court and constitutional court has the same jurisdiction in handling election disputes (Akil Mochtar 2013).

Ultra Petita has usually happened in election dispute cases. The ICC has frequently decided to hold re-election in some places, instead of examining carefully each of the cases. In the election cases, most of the plaintiffs have filed a lawsuit to the ICC, seeking an election justice rather than hold re-election. Now elections have cost a lot of time and energy. Election dispute cases are the most prominent cases in the ICC. The election in Indonesia has consisted of presidential election, parliaments, governor, until district level. In 2010, the ICC made more

than 230 judgments on election cases (ICC 2014). The number of judgments can increase in election seasons.

The ICC's record in handling election cases has not always been good. Occasionally, a crucial mistake has been made. In the parliament election 2009 dispute involving the Democrat Party and the National Amanat Party at Donggala district, Centre Sulawesi, the ICC decided that the National Amanat Party won one chair in the parliament (ICC 2009). Feeling unsatisfied, the Democrat Party filed a lawsuit to the district court. Astonishingly, the district court decided the Democrat Party as the winner. The National Amanat Party was found guilty of inflating the number of voters. This fact of trial could not be identified during the session in the ICC, because it was manipulated by an election commission member.

#### *Judging based on another country's experiences*

Based on research by Zhang, between 2003-2008, the ICC has adopted foreign resources rather than the constitution itself. In her qualitative research, Zhang discovered 813 foreign references scattered in 62 ICC judgments, referring to 34 international agreements, legislations and case law from 26 foreign countries, as well as the jurisprudence of supranational courts. To interpret the constitution, the ICC has referred to international agreements, case law and practices of other countries, the United Nation resolution, the general opinion of the Human Rights Council, and customary international law (Diane Zhang 2010). Using other foreign resources instead of the constitution could be as *Ultra Petita*, the ICC's judges being regarded reluctant to use the constitution as the supreme resource, with several implications.

Firstly, the constitution should be placed as an expression of national interest. Using foreign law in constitutional adjudication has no legitimacy because the preparation of foreign law is not made by the representatives of the people elected democratically.

Secondly, it is impossible for judges and legal practitioners to know the context and historical background of other countries, which have influenced the development of foreign law to address cases in their countries.

Lastly, each case has constitutional views, opinions, and positions, which are different in other parts of the world. There are no agreements

amongst the judges to use one methodology in making a judgment, which can lead to reasoning that can support the personal views of each judge. If the ICC really wanted to adopt foreign law, the constitution itself should give a license for picking other sources. In this issue the constitution must have a license to use comparative foreign law for the court as part of the constitutional authority (Mark 2000), such as in South Africa.

Not all ICC judges agree on adopting foreign law as ICC sources. Some judges had a dissenting opinion in the case of imposing the death penalty for drug dealers, where the ICC's judgment was decided by 9 judges attending the session, of whom four disagreed with the judgment. In this judgment, the ICC neglected the constitution protecting the life of a human being, and referred to the *International Covenant on Civil and Political Rights (ICCPR)* (ICC 2007).

Using foreign sources instead of the constitution may strengthen judges' opinion, because if they were to use the black-letter approach, the opinions could be against the constitution itself.

#### *Judging based on scholarly theory*

The ICC's judgments have often adopted several legal theories, instead of the constitution. However, the ICC's judgment should not be based on theories not clearly embraced by the constitution—because it is very much theory. Theories contradict other theory, which affects law certainty. One such theory picked by the ICC in its judgment is the theory by Quinney (Richard 1970), regarding ICC's judgment on the death penalty for the drug dealer (ICC 2007).

ICC's judgments also should not be based on what works in other countries, even though those countries are well developed. This is because in other countries, the provisions of the constitution have a difference between each other (Mahfud MD 2009). Therefore, it should be the content of the constitution which will be the basis, and all of its original intent of ICC resources.

#### *Adding jurisdiction in handling provincial and district election*

As regulated in the Constitution, the ICC's jurisdiction only consists of reviewing laws, determining disputes over the authorities of state institutions, deciding over the dissolution of a political party, deciding

over disputes on the result of general election, and to issue a judgment over a petition concerning alleged violations by the President and/or the Vice-President as provided by the constitution (ICC 2007).

Regarding “general election”, Article 22E Clause (2), states that: *General elections shall be conducted to elect the members of the House of Representatives, the Regional Representative Council, the President and the Vice President, and the Regional House of Representatives* (ICC 2007). In fact, ICC has extended its jurisdiction to adjudicate provincial and district election disputes, even though that jurisdiction was not stipulated within the constitution, which has excluded the provincial and district election disputes, including the governor and mayor elections, as part of the meaning of “general election”. In the beginning, the disputes of those elections were handled by the Supreme Court. At that time, the ICC still focused on its jurisdiction in reviewing the act against the constitution.

### **The causes of Ultra Petita**

In general, Ultra Petita not only has created a significant impact to Indonesian legal system, but also to the constitutional rights of the Indonesian citizen. The causes of Ultra Petita have been indicated by several factors, including the judges, the approach of judicial interpretation, the undisclosed recruitment process, and political interference, as discussed below.

#### *The judges*

The ICC judges’ decisions have received praise and criticism for their judgments’. The ICC has nine judges: three derived from representatives of the DPR, three from the President, and three from the Supreme Court. The three judges coming from Supreme Court have more experiences from their judiciary record. In contrast, the six judges representing the DPR and President have a lack of judiciary experiences, some of them none at all. This is because most of them come from different backgrounds, such as academician, politician, and solicitor or barrister. For educational qualification, a candidate holding a master’s degree can register to be an ICC judge although lacking the experience in judicial mechanism. This policy has the potential chance of creating Ultra Petita, because of the lack understanding on constitutional court (ICC 2015).

The ICC's Act has not clearly stated on what mechanism can be used for selecting the judges, making it hard to select a judge with integrity. Moreover, the three states organs representing the ICC's judge do not have a specific regulation regarding the recruitment mechanism (ICC 2003). The judges from DPR and the President have lack of experience in the tribunal process. Most of them have not been trained before becoming a judge, and also do not have knowledge background in constitutional law. Usually they follow the ICC-judges-selection because they are not elected as parliament members. Some cases have happened in the selection process of ICC judges, where the judge candidate who was unelected in the DPR selection, will often be switched to the President selection, because the President selection process is very simple, only needing a political and personal approach compared with the DPR, who have cognitive and interview tests (Patrisalis Akbar 2014).

#### *The approach of judicial interpretation*

The judicial interpretation in the ICC is supposed to be based on the constitution. However, the ICC's judges have used international conventions instead of constitution, such as referring *Protocol to the International Covenant on Civil and Political Rights, Aiming At The Abolition Of The Death Penalty* (ICC 2007). Another example can be seen in the case of supervising the ICC's judges, where the word "judges" stated in the Act of Judicial Commission excludes the ICC's judges. The excluding of ICC's judges has made ICC's judges more superior, and cannot be supervised through Judicial Commission (ICC 2006).

From those cases, it seems that the ICC has used unlimited interpretation in making a judgment. It means that the interpretation has come purely from the judges understanding and interpretation, without considering acts, regulations, and even the constitution itself. The unlimited interpretation has made a diversity of meaning, and is also vulnerable to misuse for personal interest, such as what has happened in the Akil's case. In this case, Akil has used unlimited interpretation to receive bribes from various election cases.

#### *The undisclosed recruitment processes*

The undisclosed recruitment process has commonly occurred. This secret process can select a judge who can collaborate with political

party that selecting a judge. Thus, this kind of judge has the chance to produce Ultra Petita judgment if required by someone who selected him previously. It can be seen from the elected judges, Patrialis Akbar (Patrialis Akbar 2017) and Maria Farida, who have been elected by President without any proper tests, leading to public protest and a lawsuit in the Administration Court, which decided that the recruitment process invalidated.

In this case, the Administration Court was giving a consideration that the recruitment process should be publicly declared, instead of being hidden by the President. ICC's judge is a public office; consequently, the public should know all of the process, from the beginning (Akbar and Maria 2013). The judges have continued their job pending on appeal to the Supreme Court. Morally, they should be suspended, respecting the first judgment from the Administration Court because publicly they are unaccepted for the judge position.

Another incongruity was the Akil selection process which was being held behind closed doors violating the ICC-judges-selection, because the quota of DPR attended members was insufficient. Also, in that time, Akil did not attend the fit and proper test, as is one of the requirements to becoming an ICC judge (Martin 2014). Usually, as the state organ having authority to select the ICC judges, the DPR starts the selection process by publishing in public media, including newspapers, television, and so forth. Furthermore, the selected candidate fulfilling all of the requirements will be attending the fit and proper test in the DPR, but being extended. He was caught-red handed by the Corruption Eradication Commission accepting bribery in an election dispute case.

#### *The political interference*

Akil's case has indicated that political interference has contaminated ICC's judgment. Akil has made a confession that he designed to make Ratu Atut as the winner of governor election in Banten. Akil and Ratu Atut were later found out to be colleagues in the Golkar Party. As reported by the head of Corruption Eradication Commission, Akil abused his power in several provincial election cases (Abraham 2014). The warning of abuse power by Akil had been indicated since 2010, until in October 2013, his was caught red-handed receiving an amount of money from provincial election cases, namely the provincial elections of Lebak and Gunung Mas.

Thus, interference of a political party does occur, and the ICC has no mechanism to prevent interferences. Six judges of ICC have potential to be interfered by political interest. Those six judges have been selected through a political process by a political party and president. Thus, the selected judges have been indebted to political party and president. This causes several judgments vulnerable to be dictated by political attention. For future ICC judges, special arrangement is needed to select them, including their relationship with the political party.

### **The impact of Ultra Petita judgments'**

The main tool of constitutional courts is the power to interpret the constitution and to ensure its application (Carías 2011). The establishment of ICC has created a debate on the unlimited interpretation of Indonesian's Constitution. The Constitution gives open space for making unlimited interpretation.

Ultra Petita judgment does not have a supporting norm in the Indonesian constitution. The Indonesian constitution only explains the ICC's jurisdictions. In the Act of ICC it has not elucidated about Ultra Petita, and no norm in the Act justify Ultra Petita. First judgement of Ultra Petita has been made as the reference, and positioning the judgment as doctrine and also jurisprudence. The Ultra Petita doctrine has threatened public trust. The wide range of interpretation has indicated that the authority of ICC is equal with the Indonesian constitution. Alternatively, the rule of interpretation asserted by Bennion states that the process of interpretation has to look at the main problems connected with drafting, interpreting, and applying legislation, though there are many lesser problems (Bennion 2009).

Furthermore, juridical formalism allows courts to conceal legal improvement under the guise of constitutional interpretation. The shift from formalism to balancing marks a key transition in the emergence of courts as self-confident actors has a creative role in constitutional maintenance (Miguel Schor 2009).

Above all, the decisions handed down by courts are self-validating in the sense that they situate themselves within a context representing the source of their authority. Authentication is a co-operative social process in which legal theory generates an evolving structure of reasoning. Responding to this fact, Alexander insisted what remains from

pluralism and cosmo-pluralism, unless they are to recast as a version of monism, is the mutually assured trust in capacities of problem solving. This self-confidence is shared among networks of international actors whose free-floating and self-ascribed authority lacks an impeccable legal pedigree. (Alexander 2012). Thus, the basic philosophy behind the establishment of a constitutional court is to protect the constitutional rights of the citizen. The constitutions are often seen as creating a closed and hierarchically organized system of law. Constitutional systems are taken as closed to claims of legality from outside the system, setting forth a hierarchy of norms and institutions within the system. This consolidation of authority is predominantly associated with a radical political reestablishment of the state.

Furthermore, the constitutional rights have the character of individual rights against the DPR; they are positions which by definition form legislative duties and limit legislative powers (Daniel 2012). Similarly, the mere existence of a constitutional court has created legislative breaches of duty, and also has abused power for constitutional reasons. The establishment of constitutional court does not mean a jurisdiction transfer from parliament to constitutional court. If the constitution grants an individual right against the legislature and intends there to be a constitutional court in the field of legislation to uphold these rights is not an unconstitutional assumption of legislative competence; it is not only constitutionally permitted, but also required (Robert 2002). In this context Comella have insisted that constitutional courts cannot be a passive court when reviewing legislation. Constitutional court judges cannot easily abstain from ruling on constitutional matters that they might otherwise wish to avoid; nor can be extremely deferential toward the governmental majority. Despite some dangers, this tendency toward activism is not a trait we should condemn (Victor 2009).

### *The impact for the parliament*

The DPR as the lawmaker has always been involved in judicial review by ICC, which gives attention and consideration in earnest testimony given by the DPR as the lawmaker. Instead of being a good partner, the DPR is a state organ which has been aggrieved by ICC judgment. Thus, ICC judgment has reduced DPR sovereignty and positioned DPR as one of weak state organ not as the strong organ, although having sovereign power and as representative of people power.



The process of act legislating is a parliamentary process, related closely to the political bargaining or the majority domination, which has the potential to bring in legal inconsistency against the constitution. For this reason, most Indonesian scholars are fully aware, that the judges have to be involved throughout the process of democracy, chiefly to protect the constitution. Furthermore, constitutional court has function as agent of constitutional rights. These courts, when considered as functional solutions to the mixed dilemmas of contracting and commitment, appear to conform, paradigmatically, as it were, to the delegation theorist's preferred logic of institutional design (Alee Stone 2002).

In contrast, the National Legislation Program designed yearly has seemed that the DPR has tended to avoid an act affected by the ICC judgment. For instance, the Electrical Power Act invalidated in 2004, and the Truth and Reconciliation Act invalidated in 2006, those acts had not been redrafted until 2014 by the DPR (National Legislation 2014). Even though, DPR has redrafted and has made a new one, the ICC still has power to annul or invalidate it again in the future. Because ICC has the power to interpret the Indonesian constitution independently, and ensuring the application constitution through ICC judgements (Carias 2011).

This implies that the presence of the ICC has not only manufactured positive impacts in the Indonesian judicial system, but also has created a long debate over the interpretation over the 1945 Constitution. The *subjective interpretation* of the constitution *has been made by the judges*. This has indicated that the position of the ICC is equal with the supremacy of the 1945 Constitution, even in some cases are higher than the 1945 Constitution.

#### *The impact for the president*

As the holder of executive power, the president directly affects the ICC's judgments because he constitutionally has the role as the partner of the DPR. Although the legislator is constitutionally parliament, in the process of discussion with the DPR in matters such as mutual consent, the president plays a large role, and so is also involved in the process of the legislation of an act.<sup>9</sup> For the President, the ICC judgments moreover are hard judgments. This means that the President must implement what the ICC judgments order to do, including to solve dispute amongst state

institutions, dissolution political party, dispute on general election, and impeachment issues.

For instance, ICC has reviewed the Act Number 22 of 2001 on the Oil and Earth Gas, that have indicated to break the Article 33 in the Indonesian's constitution. The ICC, significantly, has made other breakthroughs in protecting energy security, most importantly, the annulment of some articles in the Act Number 22 of 2001 on the Oil and Earth Gas. In its judgement ICC stated that the function of the Executive Organ (*Badan Pelaksana*) in the act is against the constitution. Consequently, the function of the Executive Organ has reduced a stated role in ensuring and controlling the distribution of the oil and gas, which could have a deep impact on the providing of energy security in Indonesia (ICC 2012).

On its decision, the ICC explained that the act was unconstitutional and does not have a binding power. The ICC asserted that the act had openly liberated the oil and gas management, because of influence by foreign parties. The unbundling method, separating upper course and lower course, indicates that the strange parties want to split national industry on oil and gas. So, the foreign company can easily occupy the oil and gas industry in Indonesia. In this case the president was quickly to react, responding by making a new president decree.

#### *The impact for the Supreme Court*

Like other judgments, the Supreme Court has also been affected by the judgements of ICC. Constitutionally, the Supreme Court has to fully obey all of ICC's judgments. However, the Supreme Court has sometimes seemed reluctant to fully obey ICC's judgments, in some cases even ignoring a judgment. This can be seen in the Dr. Bambang's case, where the Supreme Court made judgment based on an article abolished by the ICC in 12 June, 2007, which was nevertheless used by the Supreme Court in 20 October 2013 (ICC 2007). Dr. Bambang was sentenced to 18 months in prison (Imam Anshori 2014). Responding to this case, the Judicial Commission has suggested Dr. Bambang to use the appealing mechanism to final stages for reconsideration. The Commission has serious concern to the case, and has also looked for further indication of violation code of conduct and undignified behaviour by the Supreme Court's judges.

From that case, it can be analysed that the ICC judgments has not widely impacted to the Supreme Court. Because the ICC does not have power to force its judgment to be implemented by other state institutions. On this it seemed that the ICC's judgments were voluntarily judgments, which only have power to be obeyed voluntarily. In this case, the Supreme Court has seemingly classified the judgment as soft judgment, which is allowed to not be immediately implemented after the judgment is declared by the judges, even displaying a tendency to ignore the judgment.

### **The arrangement of Ultra Petita in ICC ordinance**

Ultra Petita is a serious violation for the existence of the ICC. Constitutionally, there are no single acts or other regulations allowing the ICC to decide more than what is asked for. As stated in ICC's Ordinance, every request has to be clear in its legal standing, containing the plaintiff claim on the rights and authorities in the constitution which has been aggrieved by the implementation of an act (ICC 2005).

The legal uncertainty in ICC procedural law creates difficulty for the ICC judges. For the time being, the procedural law implemented in the ICC is the ICC's Ordinance Number 06 (2005) on the Guidelines for the Hearing Judicial Review Cases. This procedural law still does not arrange the limit of Ultra Petita that allowed in the ICC.

For this reason, ICC has adopted other countries experiences, justifying the need of Ultra Petita. The ICC has also stated "public interest" as the reason for the legal background of establishing Ultra Petita. They have interpreted that, if the public interest is more important than the plaintiff's claim, then the judges can expand their jurisdiction to protect public interest (Haposan 2010). This point of view is highly subjective, the judges could decide anything on behalf of public interest, although this does not happen. The situation can lead a judge to become an authoritarian person with his interpretation power.

Responding to the superiority of ICC, Mahfud MD stated that the Ultra Petita has not only been forbidden in the civil court, but has also been restricted in the ICC; because if Ultra Petita has been allowed in the ICC, all contents in the act could be reviewed, although not asked for. In this situation, the ICC can justify that it is very important and necessary for public interest (Mahfud MD 2007).

Therefore, even though the ICC has been given the mandate by the constitution as the single interpreter of constitution, it does not mean that its interpretation can be made in a limitless manner, including using other resources instead of the constitution, demolishing supervising mechanisms, and becoming more supreme than parliament.

In carrying out its duties and responsibilities, the ICC must follow the existence of rule of law, instead of rule by law. In *rule of law*, the law is something the ICC serves; in *rule by law*, the ICC uses law as the most convenient way to judge and interpret. Otherwise, the ICC would truly be the state organ called ‘the superior one’.

### **Conclusion**

Ultra Petita judgment has received many criticisms, which addressed judges as the key actor. Regarding constitutional practice in the ICC, Ultra Petita judgments are not based on the original intent of the constitution, and the ICC has widely expanded its jurisdiction, not only reviewing or analysing, but also invalidating or annulling all over the act.

The Ultra Petita judgments’ can be classified into several categories; namely, 1. intervening parliament’s jurisdictions; 2. judging itself; 3. reviewing president decree; 4. inconsistent on judgment formats; 5. invalidate all over act; 6. incorrect judgment code; 7. intervening supreme court authorities; 8. judging based on other countries experiences; 9. judging based on scholar theory; and 10. adding jurisdiction in handling provincial and district election.

So far, the Ultra Petita has been caused by several aspects; namely, 1. the judges; 2. approach of judicial interpretation; 3. undisclosed recruitment process; and 4. political interference.

The ICC’s Ultra Petita has slightly manufactured the positive impacts in the Indonesian judicial system, rather than creating negative impact. The clear impact is a legal uncertainty, because an annulled act as a result of Ultra Petita cannot be replaced in the near future. Therefore, the DPR has tended to avoid an act affected by the ICC judgment. For instance, the Electrical Power Act invalidated in 2004 and the Truth and Reconciliation Act invalidated in 2006 have still not been redrafted by the DPR until 2014. If the DPR had redrafted and made a new one, the ICC would still have the power to annul or invalidate it again in the future.

As the part of executive institution, the President has also been affected by the Ultra Petita, because of his role as the partner of parliament. In process of law making the legislator is the DPR but the President still plays a significant role and also is involved in the process of the legislation of an act.

In the Supreme Court, by contrast, the ICC judgments' have not strongly been impacted. The Supreme Court has seemingly classified the ICC's judgment as soft judgment, which is allowed to not be implemented immediately after the judgment is declared by the judges, even displaying a tendency to ignore the judgment. The ICC does not have power to force its judgment to be implemented by other state institutions. On this, it seemed that ICC judgments' have looked like voluntarily judgments, which only have power to be obeyed voluntarily.

In terms of a supervising mechanism, the recent mechanism has a crucial weakness. The judge monitoring mechanism basically involves two supervising bodies, namely, the internal monitoring supervisor, and external monitoring supervisor (which involves institutions outside the organizational structure). In order to uphold the honour, the dignity, and to maintain the behaviour of judges, the need of an independent agency to supervise judges' behaviour and also be free from the interference of other institutions is absolutely necessary. This is a part of making good and clean governance. If not, the ICC will truly be the state organ called the superior one.

The ICC authority to handle provincial and district election has drawn in too many critics. This jurisdiction has positioned the ICC as the 'election bin'. With a limited number of judges, the court needs to decide cases within a limited time. In 2013, there were 178 provincial elections in Indonesia, of which more than 90% were brought to the ICC. This means, more than 160 provincial election disputes were brought to the ICC. If a year is 365 days, excluding holidays and weekend is roughly 300 days, this means that every 2 days ICC had to judge 1 case of provincial election dispute. The session has only three chances, and then hearing a judgment. With these statistics and logic, quality judgments' and judicial fairness are almost impossible to achieve. The situation is vulnerable to abuse of power.

The main change that must be made regarding the ICC is changing the constitution, because the main problem of ICC is strongly located

within the constitution—called the “Fifth Amendment of Constitution”. The main points for amending the constitution are; namely 1. the prohibition of judging beyond its jurisdictions, such as *Ultra Petita*; 2. centralizing the judicial review of regulations under ICC jurisdictions; 3. creating the mechanism of asking for constitutional opinion; and 4. supervising state organs. At this time, the supervising state organ has been abolished by ICC judgment, stating that the ICC’s judges did not find necessary a supervising body. This judgment makes an ICC judge vulnerable to abusing his power.

If we compare with another country such as Germany, it seemed that the court is not too interested in expanding its jurisdiction out of the regulations. Unlike the case of South Korea that is brave enough to largely expand its jurisdiction, because their regulations have allowed for it. In the context of Indonesia, the ICC does not have a tool, such as South Korea to expand its jurisdiction, but in practice ICC has regularly made its own tool to expand its jurisdiction, known broadly in Indonesia as *Ultra Petita*.

Finally, whilst waiting for the new amendment of the constitutional court, the ICC must return to the principle of black-letter law, deciding based on what is stated in the constitution, without expanding or interpreting more widely. This is one of the ways to prevent *Ultra Petita* in years to come. The ICC judges should be negative legislator, rather than the positive legislator.

## Endnotes

<sup>1</sup> *Obiter dicta* (sometimes referred to merely as *dicta*), is a Latin expression literally meaning “said by the way” or a “statement in passing”. It is used for statements, remarks or observations made by a judge that re incidental or supplementary in deciding a case, upon a matter not essential to the decision. Thus, although they are included in the body of the court’s opinion, such statements do not form a necessary part of the court’s decision. Under the doctrine of *stare decisis*, statements constituting *obiter dicta* are therefore not binding, although in some jurisdictions, they can be strongly persuasive.

<sup>2</sup> South Korea Constitutional Court Act, Article 45 (Decision of Unconstitutionality).

<sup>3</sup> Marriage Office is called Kantor Urusan Agama (KU).

<sup>4</sup> Article 43 Clause 2 the Act No.1 of 1974 on the Marriage, stated that Children born outside of marriage only have a civil relationship with her mother and her mother’s family.

- <sup>5</sup> Clause 2 Article 2 the Act No.1 of 1974 on the Marriage stated that each marriage has to register according to the act.
- <sup>6</sup> *Peraturan Pemerintah Pengganti Undang* (Perppu) is the president decree produced by president in the emergency situation. This decree is fully the rights of president to announce it, even though; the state situation is not really emergency. The rights to decide whether state in emergency or not are under president's overviews.
- <sup>7</sup> DPR (Dewan Perwakilan Rakyat) is House of Representative of Indonesian. See <http://www.dpr.go.id/> (Detailing information about the role of DPR)
- <sup>8</sup> In the Article 33 (2) imply that sectors of production, which are important for the country and affect a life of people shall be under the powers of the state.
- <sup>9</sup> Regarding relationship between the President and Parliament is regulated in the Indonesian Constitution Article 20 Clause (5)

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## **Methods of Qur’ānic Memorisation (*Hifẓ*): Implications for Learning Performance**

**Mariam Adawiah Dzulkifli\* and Abdul Kabir Hussain Solihu\*\***

**Abstract:** Memorisation of the Qur’ān occupies a central position in Muslim conception of religious education. The awareness of preserving the Qur’ān through memorisation (*hifẓ*) is becoming prevalent and is still continued in these modern days in many educational institutions in many parts of the Muslim countries. This article examines different methods of Qur’ānic memorisation being practiced in Malaysia. Similarities and uniqueness of those methods will be presented. The evaluation of those Qur’ānic memorisation techniques brings to the foreground the educative value of memorisation as a learning tool and the implications memorisation methods have in enhancing an individual’s learning performance.

**Keywords:** Qur’ānic Memorisation; Rote learning; Preservation of the Qur’ān; *Hifẓ*; Religious value.

**Abstrak:** Penghafalan Al-Qur’an menduduki kedudukan sentral dalam konsepsi Muslim mengenai pendidikan berkaitan agama. Kesedaran untuk memelihara Al-Qur’an melalui penghafalan (*hifẓ*) menjadi semakin ketara dan masih diteruskan pada zaman moden ini di banyak institusi-institusi pendidikan di banyak bahagian negara-negara Islam. Artikel ini meneliti pelbagai kaedah penghafalan Qur’ān yang diamalkan di Malaysia. Persamaan dan keunikan kaedah-kaedah tersebut akan dibentangkan. Penilaian terhadap kaedah-kaedah

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penghafalan Qur'ān tersebut membawa kepada rumusan mengenai nilai pendidikan melalui kaedah penghafalan sebagai satu alat pembelajaran dan implikasinya dalam meningkatkan prestasi pembelajaran individu.

**Kata kunci:** Penghafalan Al-Qur'an; Pembelajaran secara ulangan; Pemeliharaan Al-Qur'an, *Hifz*; Nilai Keagamaan

## Introduction

The Qur'ān was revealed in the Arabic language to Prophet Muhammad (S.A.W) through Jibrīl (A.S). The revelation came in stages and took over a period of twenty-three years. The contents of the Qur'ān are sacred and guarded by Allah (S.W.T) from any form of corruption or fabrication. Prophet Muhammad (S.A.W) and his companions took very seriously the preservation of Qur'ān and it was done entirely through oral transmission or memorisation. The act of memorising the Qur'ānic verses is indeed traditional since it can be dated back to the time of Prophet Muhammad (S.A.W) who was taught by Jibrīl (A.S) to recite and memorise the Qur'ān (Cimen, 2012). The tradition of memorising the Qur'ān was then continued and practiced by the companions to preserve the authenticity of the contents of the Qur'ān. The title *Hāfiẓ* is given to a person who memorises the entire Qur'ān and the word *Tahfīẓ al-Qur'ān* refers to the activity of Qur'ānic memorisation.

Qur'ānic schools, that classically patronise the culture of Qur'ānic memorisation, were the bedrock and torchbearers of a system of Islamic education that flourished in many parts of the Muslim world and they continue to play significant roles in shaping the development of the Muslim world. Drawing on data from an extensive field research in Morocco, Yemen, and Nigeria, Boyle suggests that Quranic memorization in these schools “is a process of embodying the divine—the words of God—and as such is a far more learner-oriented and meaningful process than is typically described” (Boyle, 2006, p. 480). Thus, Qur'ānic schools “constitute an authentically non-Western tradition of education that predates the penetration of European institutions into the non-European world in the nineteenth and twentieth centuries” (Boyle, 2004, p. 1). The tradition of memorising the Qur'ān in these schools continues until today with the establishment of many formal and informal educational institutions, commonly known in Malaysia as

Tahfīz institutes or Ma'āhid Tahfīz. Various techniques of memorisation have been discovered and all come with the only aim to ensure that the Qur'ān remain intact in the heart of its followers (Ariffin et al., 2013).

This article reviews different methods of memorisation of the Qur'ān practiced in many institutes of Tahfīz Al-Qur'an in Malaysia. Prior to this, the article presents the virtues and significance of memorising the Qur'ān within the life of a Muslim. Following the review on the memorisation methods, the importance of memorisation as a learning tool to enhance any individual's learning performance will be highlighted.

### **Religious Value of Qur'ānic Memorisation**

The act of memorising the Qur'ān has been a tradition to Muslim starting from the time the Qur'ān was revealed and continued until today. Prophet Muhammad (S.A.W) was considered the first memoriser as he was asked to commit the first revelation (96:1-5) via the form of oral transmission by the Angel Jibrīl (A.S). The Prophet (S.A.W) is instructed in the Qur'ān to follow the Qur'ān recital: "When we have recited it to you (O Muhammad through Gabriel) then you follow its (Qur'ān) recital" (75:18).

The tradition to commit the Qur'ān to memory is followed by Prophet's companions. While a number of them could read and write, particularly the scribes who were formally charged with the task of recording the Qur'ān, a greater majority relied on memorisation (al-Zarqānī, 1995, p. 202). Verbatim memorisation was heavily utilised. As a result, many companions memorised the entire Qur'ān word by word. Some of the noticeable companions who memorised the Qur'ān include Zayd ibn Thābit, Ubayy ibn Ka'b, Mu'adh ibn Jabal, Abū Zayd and Abū al-Dardā' (al-Zarqānī, pp. 198-201). Muslims, regardless of background and native language have been highly encouraged not only to read the Qur'ān, but also to memorise it. Allah (S.W.T) has stated that the Qur'ān is made easy for memorisation (54:17) "And We have certainly made the Qur'ān easy to understand and remember, so is there any who will remember?" In the life of Muslim, memorising the Qur'ān can be considered as a way to continue the tradition of Prophet Muhammad (S.A.W) as well as one of the modes to preserve the authenticity of the Qur'ān as the guidance to mankind. The Qur'ān from the time it was revealed has been preserved via the superb memory ability of the

Prophet (S.A.W) and his companions. The Qur'ān states that Allah (S.W.T) Himself is the protector of the Qur'ān (15:9) "We have, without doubt, sent down *al-dhikr* (the Message); and We will assuredly guard it (from corruption)." As the Qur'ān is under the protection of Allah (S.W.T), in the general sense those reading and memorising the Qur'ān can be understood as under the protection of Allah as well.

Allah has promised special privileges to the one who memorises the Qur'ān in a number of ways in this world and hereafter, as stated in several *ḥadīth* of the Prophet Muhammad (S.A.W): "The most superior among you (Muslims) are those who learn the Qur'an and teach it" (Al-Bukhārī, v. 6, h. 546). He also states: "The example of the person who knows the Qur'an by heart is like the owner of tied camels. If he keeps them tied, he will control them, but if he releases them, they will run away" (Al-Bukhārī, v. 6, h. 549). In another *ḥadīth* reported by Al-Tirmidhī, the Prophet Muhammad (S.A.W) is reported to have said:

The one who memorized the Qur'an shall come on the Day of Judgement and (the reward for reciting the Qur'an) says: 'O Lord! Decorate him.'" So he is donned with a crown of nobility. Then it says: "O Lord! Give him more!" So he is donned with a suit of nobility. Then it says: "O Lord! Be pleased with him.'" So He is pleased with him and says: "Recite and rise up, and be increased in reward with every Ayah (Tirmidhī v. 5, h. 2915).

On the virtue of recitation of the Qur'ān, the Prophet Muhammad (S.A.W) states: "It shall be said to the Companion of the Qur'ān, 'Recite [of what you have memorised] and rise up, recite [melodiously] as you would recite in the world. For indeed your rank shall be at the last Ayah [verse] you recited'" (Tirmidhī v. 5, h. 2914). All this demonstrates a significant role Qur'ānic memorisation and recitation plays in the life of a Muslim.

### **A Review of Methods of Qur'ānic Memorisation**

This section reviews different methods of memorisation of Qur'ān practiced in many institutes of Tahfīz Al-Qur'an in Malaysia. These include Deobandy method, Panipati method, a method from Saudi Arabia and a method from Indonesia. These methods of Qur'ānic memorisation are among the most commonly practiced methods in

India, Pakistan, Saudi Arabia and Indonesia as well as in many institutes of Tahfīz Al-Qur'an in Malaysia. The following review is based mainly on several studies conducted by Ariffin, Abdullah, et al. (2014, 2015), Ariffin and Wahid, (2014), Ariffin, et al. (2013), Ariffin (2011), and Ariffin, et al. (2011).

#### *Deobandy and Panipati Methods*

Deobandy method is a method of memorisation that originated from India and has gained a great prominence among the *Tahfīz* students in Malaysia. The term 'Deobandy' refers to the region of Deoband which is located in Uttar Pradesh India. In the Deobandy method, there are five basic techniques of memorisation known as *Sabak*, *Para Sabak*, *Ammokhtar*, *Halaqah Dauri* and *Syahadah Hafiz*.

Panipati method is also known as the Pakistani method as the term Panipati refers to the name of the first teacher who pioneered this method in Pakistan. The teacher was from a province called Panipati. This memorisation method is composed of seven techniques or stages known as *Sabak*, *Six Sabak*, *Sabki*, *Separah*, *Mutlaah*, *Tertib Wifak* and *Dastar Bandi*.

In both Deobandy and Panipati's first stage, *Sabak* is a term used to describe new memorisation of Qur'ānic verses. In other words, each new verse being recited to the teacher is referred to as *Sabak*. In Deobandy method, the students are required to repeat their reading of the new verses 40 times with the *mushaf* before they commit the verses to their memory. Interestingly, the memorisation starts from the last five *juz'* (division), that is starting from *juz'* 30, then followed by *juz'* 29 reversely to 26. This backward technique of starting the memorisation from the last *juz'* is assumed to be practiced because these *ajzā'* (plural of *juz'*) are easy to memorise since the verses are shorter and simpler, and are commonly recited in prayers. The students will then proceed to memorise from the front (*juz'* 1) up until *juz'* 25. *Sabak* in Deobandy method starts before the dawn as early as 4.30 am until 7.30 am, which is later on continued from 8.30 am to 9.30 am, bringing the total period/duration of memorisation to four hours every day.

Similarly, in Panipati method, its *Sabak* involves repetition of Qur'ānic verses in which students need to memorise the verses smoothly within the allocated time. The range of memorisation pages for *Sabak* is

to be on average half of page to four pages, the students normally will be able to memorise about one to two pages. What is unique in the *Sabak* phase of Panipati method is the consideration on the students' ability to memorise and monitor the recitation. The students' memorisation is monitored by the teachers. The role of teachers is deemed significant in the monitoring and checking of *Sabak* recitation. If the students are not able to present smooth recitation, canning punishment or reduction in the number of *sabak* is necessary.

The difference between the *Sabak* stage in Deobandy and Panipati methods is in terms of the time allocated for the new memorisation. While the *Sabak* in the Deobandy method is carried out in the early morning for a total of four hours daily, in the Panipati method, its *Sabak* stage takes a shorter time that is about two and half hours and starts in the evening. The memorisation continues till before the dawn where students are to be awakened to smoothen up their *sabak* before presenting them to the teacher for recitation after the dawn prayer.

The second technique or second stage of the Deobandy method is termed *Para Sabak*, also known as weekly memorisation. *Para Sabak* is done by reciting one *juz* 'in the back of the new memorisation (*Sabak*) and the session usually starts in the morning. The process requires the students to revise their *Para Sabak* before being read in front of their teachers. In carrying out this stage, the students are paired with their respective partners of the same level or nearly the same level to ensure the compatibility between them. The role of the partners is to check for the students' reading by looking at the *mushaf* and calculate the number of mistakes which will then be reported to the teacher. This second technique of Deobandy method is similar to the third technique of Panipati method; *Sabki*. However, in Panipati method, prior to moving from the *Sabak* stage to *Sabki* stage, students need to first pass the *Six Sabak*. *Six Sabak* refers to six times memorisation of the latest memorisation materials. Moving from one page to another, both *Para Sabak* in Deobandy method and *Six Sabak* accompanied with *Sabki* in Panipati method require patience and fortitude for students to follow. This is because students are not allowed to proceed to the new memorisation if their recall is not smooth and not approved. Again here, the element of blind repetition or maintenance rehearsal is also brought to light in order to promote smooth recitation and memorisation with minimal mistakes.



The next stage in Deobandy method is *Ammokhtar*, referring to the revision of past memorisation with the addition of one new *juz'*. For example, for a student to retain the 15<sup>th</sup> *juz'*, he needs another 14 days to accommodate one *juz'* each day before reading *juz'* 15 (*ammokhtar*). Similar to *Ammokhtar*, Panipati method promotes *Separah* as a technique for repeated memorisation of the verses which were long remembered. The time for *Separah* in Panipati method is from 10 in the morning until noon; two hours period for the students to repeat the memorisation of verses that have been memorised to smoothen up those less fluency verses. In Panipati method, following *Separah* stage, students proceed to *Mutlaah* technique which requires the students to recite verses of the Qur'ān which will later to be memorised. *Mutlaah* is usually done in the afternoon in front of the teacher and by looking at the *mushaf* to ensure that the recitation is accurate and with good *tajwīd*. After recitation of *Mutlaah* in front of the teacher, students are required to proceed with the preparation of *separah* recitation for the next day. Different from previous techniques, the recitation limit is not determined by the teacher, instead it depends on the students themselves. Normally, the students will choose the *juz'* which they are not so fluent in recitation. To compare between *Ammokhtar*, *Separah* and *Mutlaah*, their uniqueness on the whole, lies in the concept of revision that is making a full round of all the past memorisation of verses or *juz'* while memorising the new ones. This is done to avoid students from forgetting those *ajzā'* that have been memorised.

The last stage of the Deobandy method is *Halaqah Dauri*. *Halaqah Dauri*, also termed as repetitious memorisation class, is a group that involved the students who already finished memorising the whole Qur'ān to repeat their memorisation. Those who failed at *Halaqah Dauri* will have to repeat *Sabak* technique, while only those who pass *Halaqah Dauri* are qualified to sit for *Syahadah Hafiz* (memorisation test). Likewise, Panipati method consists of *Tertib Wifak* referred to a timeframe for each student who has memorised the 30 *ajzā'* of the Qur'ān to repeat memorisations of the entire Qur'ān. Memorising the 30 *juz'* of the Qur'ān is the first level of *Tertib Wifak*. The second level is *tertib syahadah* – the stage where the students strengthen their memorisation prior to taking the final examination. The time taken to sit for this class is within three months. Upon completion of three months the *tertib wifak*, students will sit for an examination specifically for 30 *juz'* of the Qur'ān. To compare, in *Syahadah Hāfiz* of Deobandy method,

the students cannot do mistakes for more than 10 times for all 30 *juz'* being recited or else, this test is considered void and the student shall be asked to re-enter the *Halaqah Dauri*. Similarly, those students who succeed at *Tertib Wifak* of Panipati method will be considered to have passed the memorisation of the whole Qur'ān, whereas those who failed will have to repeat this *Tertib Wifak* class by sitting an examination for the next session. *Dastar Bandi* in the Panipati method is a stage where students who have successfully passed in *Tertib Wifak* would be given graduation certificates for completing their memorisation.

### *Saudi Arabia Method*

The Saudi Arabia module of Qur'ānic memorisation entails four techniques, known as *Tasmi' Luh*, reversed memorisation, repetition of memorisation, and *Syahadah Hifz al-Qur'an*. *Tasmi' Luh* refers to the technique of listening to the recitation of the verses by the teacher. The teacher will first read the new verses to be memorised to the student. Then, the student will recite the same verse to the teacher. The second stage is the reversed memorisation stage. This stage involves memorisation in the reverse order that is it begins from the last *juz'* (*juz'* 30) to the first *juz'* (*juz'* 1). Students will then proceed to repetition of memorisation stage in which new memorisation is done alternately with old memorisation. The new memorisation in Saudi Arabia method is similar to *Sabak* technique in Deobandi and Panipati methods. In Saudi Arabia method, every old memorisation requires 10 times recitation in front of the teacher. As with the Deobandi and Panipati methods, the final stage in Saudi Arabia method is the certification stage known as *Syahadah Hifz al-Qur'an*. This stage consists of an examination that is divided into two levels. The first level is the completion of the last 15 *juz'* in the Qur'ān. Students must recite one page for each question asked (total of 3 questions) and results are graded in *mumtāz* (excellent), *jayyid jiddan* (very good), *jayyid* (good), *maqbul* (satisfactory) or *rāsib* (failed). Any grade qualifies the students to proceed to the next level. The second examination level is the *Khatm* the whole Qur'ān (30 *juz'*). Students are required to recite one page for each question asked (total 10 questions). Questions are randomly picked. Completion of this level with success qualifies the students with *Syahadah Hifz al-Qur'an*.

The Saudi Arabia method seems to emphasise on the role of the teacher to monitor the student's memorisation. It is with no doubt that

Qur'ānic memorisation is more effective if monitored by a teacher or mentor and this is also applied in the Saudi Arabia method especially in the first stage that is *Tasmi' Luh*. The role of the teacher is to monitor the student's recitation and correct any errors in *tajwīd*. Interestingly, this method also proposes memorisation to begin from the last *juz'* up to the first *juz'*. The reason can be assumed to be also similar to the reason inferred in India, Pakistan and Indonesian methods. The only difference is that the Saudi Arabia method prioritises the order of *surah* more than the order of *juz'*. This is to why memorisation should also begin from the last *surah* in every *juz'*, starting from *juz'* 30. Repetition again plays a role as revision in the students' memorisation to ensure they will not forget their old memorisation while adding new memorisation. The last technique is the examination in which the students will be assessed in two levels. Interestingly, the students are qualified to proceed to the second level for whatever grade they receive in the first level. However, they should still take the first assessment seriously since the second assessment will be tougher and harder, and it determines whether or not they will pass the examination.

It can be concluded that the Saudi Arabia method also practices *tasmi'* which highlights the role of teacher in the process of *hifz*. Unlike those methods from India, Pakistan and Indonesia, though memorisation starts from the last *juz'*, yet priority is given more to the order of *surah* than the order of *juz'*, with repetition becomes important in securing the memorisation in the memory. Students should pursue the *hifz* class with total honesty and perseverance because the real challenge comes in the final examination.

#### *Indonesian Method*

This method was founded by a teacher named Maesun binti Talmad in Western Cirebon Jawa, Indonesia (Ariffin, 2011). *Hifz* module from Cirebon, Indonesia involves *Hifz al-Jadīd* (memorisation of the new), *Al-Hifz al-Uṣbū'ī* (weekly memorisation), *Al-Hifz al-Qadīm* (memorisation of the old), and *Syahadah Hifz al-Qur'an* (certificate of the memorisation of the Qur'an). The Indonesian method also applied the backward memorisation in which students start memorising verses from *juz'* 30 up until *juz'* 1. This will facilitate the students' memorisation as the verses in the later chapters are shorter, simpler and easier to memorise compared to those in the front chapters of the Qur'ān.

There are many similarities between Indonesian method and the methods from India (Deobandy) and Pakistan (Panipati) that have been reviewed above. In Indonesian method its *Hifẓ al-Jadid*, is similar to Sabak in Deobandy and Panipati methods. Next, the weekly memorisation or *Para Sabak* in Deobandy and Panipati methods refers to *Al-Hifẓ al-Uṣbūʿī* for weekly repetition. *Al-Hifẓ al-Qadīm* in Indonesian method is the revision of past memorisation. Similarly, with the other methods reviewed before, the last stage of Indonesian method is *Syahadah Hifẓ al-Qurʿan* which can be assumed to adapt and combine *Halaqah Dauri* and *Syahadah Hāfīz* in the Deobandy method.

### **Rote Learning and Learning Performance in Qurʿānic Memorisation**

Memorisation was a practice well known to the Arabs long before the emergence of Islam. Noticeably, since Prophet Muhammad (S.A.W) was illiterate and also because of lack of sources, the only way for the people to possess retention of information was to memorise. Memorisation during that time was not only an ordinary practice to preserve knowledge but also a fundamental trait and character of a knowledgeable person. Furthermore, according to Imam Shāfiʿī, knowledge is that which we keep in the heart and always remains accessible (Yusuf, 2010). Memorisation has indeed been a backbone of learning in the Arab culture. Their enhanced memory ability has enabled them to learn fast and imprison information within a short period. The memorisation practice has prepared them to further receive the Qurʿān and internalise its wonderful information into their hearts (al-Zarqānī, pp. 197-198).

The review of these methods has brought to light several common standardisations in the implementation of the memorisation techniques. Above all standardisations, the most significant standardisation in all the methods is credited to the concept of ‘memorise and repeat’. All the methods start with new memorisation whereby students start memorising the chosen verses in a verbatim manner. This means students recite and then memorise verse by verse and this needs to be done in a continuous manner, which means students repeat the recitation consistently to ensure the newly memorised verses or pages are committed to memory.

In the context of Western psychological literatures, learning via memorisation with no consideration to its meaning has been referred as rote learning (Mayer, 2002). In this form of learning, any information

is learned merely by repetitive reading or recitation, and it is meant to imprint and retain the material into the memory stores in much the same form in which it was taught. Memorisation in rote learning is done with the intention to access and regurgitate that information when needed. This form of learning, which emphasised on constant repetition and recitation and recall of content, is a very common pedagogical technique used in the field of education especially in Asian countries (Chua and Fatimah, 2014). As for the Qur'ānic memorisation, all the methods of Qur'ānic memorisation reviewed in the above section do emphasise on rote learning. This can be interpreted to reflect that this rote memorisation learning method is well recognised and acceptable as a way of learning and is always viewed as an effective learning method in Islamic education (Boyle, 2004, 2006; Iqbal and Ahmad, 2015).

Memorising without understanding of the memorised materials is a typical way of a surface learning approach, which is synonymous with a passive form of learning (Biggs, 2001, Duarte, Cabrito, Figuera, and Monge, 2015). In this surface or passive learning, the learner is simply and merely the receiver of the information. It is in contrast to a deep or an active form of learning whereby the learners are the explorer, the one who will look for and select information to learn and actively process the information (Duarte, Cabrito, Figuera, and Monge, 2015). A consistent research finding provides support for the advantages of an active form of learning over a passive learning form (Settles, 2012, Markant and Gureckis, 2014). Similarly, Cano (2005) and Diseth (2013) found that a surface approach is associated with poorer examination results in comparison to an active learning strategy. In some other studies, the mutual relationship between passive and active learning is found, whereby a high-quality active learning, which subsequently led to better overall performance, starts in a form of passive recipient of information (MacDonald and Frank, 2016).

The apparent downside to a surface or passive learning approach is its relatively superficial level of information processing. Within the framework of cognitive theories, the degree to which the information is processed can influence memory performance. Craik and Lockhart (1972) in their levels-of-processing theory argue that the deeper the level of information processing, the longer the information is kept stored and the better the memory performance. Thus, any information that is not subject to a deeper processing will result in a poor memory

performance. In rote memorisation, the learners simply go over materials again and again without actually properly absorbing and understanding or knowing the materials being learned. Learning via rote memorisation is said to not promote reflection or any analysis and challenge within that learned information.

This underrated value of rote memorisation highlighted in the Western psychological literatures goes beyond the framework of learning of Qur'ān via rote memorisation techniques. As reviewed above, rote memorisation forms part of a Muslim tradition of learning that stretches back to the time of Prophet Muhammad (S.A.W) and his companions. The process of memorisation of the Qur'ān needs to be conceptualised differently from the existing psychological learning theories. The Qur'ān is revealed in Arabic language and is made accessible to all Muslims irrespective of their native mother tongue. *Hifẓ* or Qur'ānic memorisation is done by heart which fundamentally involves repetition of verse after verse. The voluminous amount of text of the Qur'ān has not been changed and remained to be the exact same words from the time of Prophet Muhammad (S.A.W) to the present day. Every Muslim, regardless of their native language is expected to uphold the trust to protect the Qur'ān from any errors and changes over time. This preservation of the Qur'ānic text 'as it is' is made possible by rote memorisation form of learning. Unlike studying any other materials which requires understanding and analysing of concepts for higher order executive functions, the learning of the Qur'ān involves the repetition of Qur'ānic text verbatim to ensure its authenticity.

The reviewed methods to memorise the Qur'ān differ only in details of techniques like the order of memorisation of the 30 *juz*', the order of page memorised first, number of times students are required to repeat the verses and how revision is done i.e. after a week or a month and individually or by peer-review. It can be argued that in the context of Qur'ānic memorisation, rote learning does provide educative value and can be regarded as the essence of learning. Apart from focusing on the preservation of the Qur'ānic text 'as it is', rote memorisation provides command over foundational principles of a concept, thus assisting for deeper consideration of further crucial and critical task. This means, rote memorisation of the Qur'ān is not the end of itself. Rather it becomes a means to an end of having meaningful understanding and application of the whole Qur'ān.

Mental health, which is instrumental for learning performance, could be improved by Qur'ānic memorisation. Research investigating the effect of the Qur'ān on human psychology has found positive relationship between Qur'ānic memorisation and one's mental health elements. Kimiaee, Khademian, and Farhadi (2012) have found that Qur'ān memorisers had better mental health, particularly in the areas of anxiety, depression, sleep disorders, and social function; the greater the number of the parts they memorised, the better their mental health was. Mahjoob and Nejat (2016) have also indicated that even a mere listening to the Qur'ān could improve mental health and help to achieve greater calmness.

In addition, the various activities of *hifz* enhances the memory capacity for further memorisation of other information. For instance, a great deal of attention and focus towards the Qur'ān is needed. The memoriser has to be consistent and committed in memorising and revising the Qur'ānic verses (Al-Hāfiz, 2002; Hashim, Tamuri, and Che Noh, 2014). Memorising the Qur'ān does challenge one's mental capacity as it requires a person to repeat and rehearse the text every day. This can be related back to the concept of training and automaticity because the memory enhance exercises in *hifz* makes the brain skilled and automatised for other learning and memory-based tasks (Yusuf, 2010). This automaticity in memorising ability makes it easier for the memoriser to perform other memory-based tasks such as other formal educational contexts. As a result, this certainly provides significant improvement in one's academic performance. In addition, in a study reported by Nawaz and Jahangir (2015), the academic achievement of students before and after memorising the Qur'ān by heart has been found to be significantly different. Furthermore, the study provided an overall positive impact on the educational and social cultural life of the students who engaged in rote memorisation of the Qur'ān.

Looking at the facts presented, it comes as no surprise that memorising the Qur'ān is not an easy task. The task of memorising the Qur'ān demands great patience and high self-discipline to ensure the targeted verses are memorised within the stipulated time. Students need to prepare themselves physically and mentally to face all forms of difficulties and challenges throughout the memorisation process. Consistency, perseverance and motivation are no doubt the essential traits that students need to have because what they have memorised can

easily fade away from the memory unless students are truly committed in ensuring the preservation of memorisation. As much as it is difficult for the students to memorise the Qur'ān, it is also difficult for the teachers to play their role in determining which technique is effective for Qur'ānic memorisation, as well as assessing the suitability of the technique each student adopts based on his/her ability and motivation. To crown it all, both students and teachers play their respective roles and commitments towards the goal of *hifz*.

In short, rote memory enhanced practices involved in the act of memorising the Qur'ān can indeed assist in any form of learning process. It sharpens and enhances memory capacity for other learned information and as a result, it will eventually promote improvement in academic and non-academic performance.

### **Conclusion**

Memorisation has been practiced for centuries dating back to ancient times. It serves not only as a tool for learning but also preservation of knowledge and information, and this includes the preservation of Qur'ān. Learning will always involve the acquisition of knowledge and acquiring knowledge will always rely on ability to memorise. As learning and memory are closely related, it is often used interchangeably; learning is to memorise what is being learnt as similarly as memorising is to learn something. In general, memorisation as a learning tool is manifested as significant in the learning and understanding processes. It can also be regarded as a form of training which results in automaticity, hence elevates learning phase.

This article reviewed the methods of Qur'ānic memorisation and argued on the educative value resulting from rote memorisation methods. The current effort may lead to a more detailed analysis of other methods used to memorise the Qur'ān as at present this article only includes several methods of Qur'ānic memorisation commonly practised in Malaysia. Comparative studies on the various methods used may allow for more understanding and application of the most effective and efficient methods to be used. It is probable that each of these methods reflects the distinctive cultural-psychological characteristics of the locality in which it was introduced. The knowledge of peculiarities of each method and the understanding of each student traits will be helpful in matching and prescribing a particular method for a particular student.



This effort not only will promote Qur'ānic memorisation among anyone but also can lead to better learning experiences.

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**Saudi Arabia in Transition: Insights on Social, Political, Economic and Religious Change. Edited by Bernard Haykel, Thomas Hegghammer and Stephane Lacroix. New York, USA: Cambridge University Press, 2015, pp. 351. ISBN: 978-0-521-18509-7**

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*Saudi Arabia in Transition* is a collection of works by scholars from various backgrounds who have carried out in-depth research on one of the most obscure countries in terms of its cultural identity and political system. Since the Arab Uprising which started in 2011, countries in the Middle East have had to look into the mirror and reformulate their claim to legitimacy. While Saudi Arabia did not have the same revolutionist fervour as did its neighbours to the east and west, it cannot escape pockets of rising dissent in its own community. While this book was published in 2015, it may provide important insights into how Saudi Arabia is changing, and more importantly, provide a background to help understand the direction and pace of reform that is undertaken by Crown Prince Mohammad bin Salman who has been the de facto ruler of Saudi Arabia since 2017.

The book is edited in such a way that it reads like a textbook for academic purposes. Therefore, the style of writing in this edited book is academic in nature with political theories and concepts that aimed at providing readers with enough information to make a sound judgment. It is divided into four main parts that discuss pertinent issues in the country: Politics, Oil, Islam and Islamism, and Social Change. Within each part, there are three to four chapters which allow readers to focus on specific issues of interest. For example, under Oil, the chapters are divided to discuss three different but interrelated topics namely the oil market, national cohesion and the place of oil in the culture of the country. The contributors of the book make their argument based on their expertise and field work inside the opaque country.

In the introduction it is argued that Saudi Arabia faces four imminent challenges. The first challenge is the need for the country to find a capable successor. In 2017, we witnessed the rise of Crown Prince Mohammad bin Salman as heir apparent to the throne. Since then, there have been controversial decisions made that are giving mixed signals to the international community. Secondly, like other countries in the Middle East, the kingdom must cater to the youths who are seeking quality jobs. Third is the fact that Saudi Arabia is not totally immune to the calls for greater democracy and transparency that swept the region since the Arab Uprising. Finally, the country is also entangled with other crises within the region as it seeks to establish its role as a regional power. These challenges, however, did not materialize overnight. They have been brewing for at least three decades, which have led previous rulers to propose reforms to placate the people. Nevertheless, the most recent and jarring challenge for Saudi Arabia is to keep further demand on liberalization at bay.

A chapter of the book that would shed light on the peculiarity of Saudi Arabia is Chapter 2, “Oil and Political Mobilization in Saudi Arabia”, in which F. Gregory Gause points out that despite the country’s dependence on oil money, Saudi Arabia does not fall into the cycle of other countries in the region that had to offer political reforms when oil price declines. Gause argues that political mobilization in Saudi Arabia has happened during times of high or steady price of oil, which goes against the literature on rentierism. The reason for this is twofold: “(1) the government had revenue cushions that allowed it to sustain higher levels of deficit spending during low oil revenue period... (2) Saudi Arabia is the only oil producer that can, by its own actions, affect the price of oil” (p. 24). To support this argument, the Gause points to the peak of the *Sahwa* movement in the 1990s. Although there was a period of economic downturn in the 1980s, the *Sahwa* movement’s critique of the government did not materialize until after the Gulf War. Regional issues, as opposed to domestic economic issues, are better predictors of political mobilization. The significance of this chapter is that it provides a framework to understand how Saudi Arabia is unlike her neighbours which are at the mercy of the oil market, and thus it can delay calls for reforms in the political system.

The book also points to a similar argument found in literature on other countries—such as Egypt—that the co-optation of religious

movements by the government has little to do with religious piety but more towards the survival of the regime. The Saudi government encouraged the development of the Muslim Brotherhood-influenced *Sahwa* movement to reduce the effect of leftists and Arab nationalists in the 1960s and 1970s. The *Sahwa* is also in direct opposition with the *al-Jama'a al-Salafiyya al-Muhtasiba* (JSM) in terms of the JSM's rejectionist attitude towards the government and its institutions. Stephane Lacroix's explanation of different Islamist movements allows the readers to appreciate and understand that Saudi Arabia is a country with multiple Islamist currents instead of a monolithic country with a population that provides feudal loyalty to the regime. Another example provided in Chapter 8 is the divergence between Al-Qaeda in the Arabian Peninsula (QAP) and the *Sahwa*-linked *jama'at*. Lacroix argues that "the *jama'at*'s opposition to the QAP...partly accounts for the QAP's growing inability to recruit followers after late 2003." (p 177)

Another interesting observation in the book is about the role of women in Saudi Arabia as a tool to legitimize the government. In Chapter 14, Madawi Al-Rasheed writes "As the state is gradually losing its Islamic identity, both the ulama and the government have embarked on a process whereby the visible signs of adherence to Islam need to be promoted...and women in particular are doomed to be such signs [of piety]" (p. 296) For observers of Saudi Arabia and the Middle East in general, that is an important argument to grasp to make sense of the conservative nature of the government especially when it comes to issues relating to gender segregation. However, not much is changing in Saudi Arabia in terms of liberalization of women. For example, while the ban on women driving has been lifted on 24<sup>th</sup> June 2018, there have been arrests on women activists since May 2018. All these events prove the tendency of the Saudi government to compartmentalize similar issues into different contexts, and thus creates contradictory policies. Even if change is taking place in social media (p. 334), it is very difficult to make the argument that Saudi Arabia is on a trajectory of transition if the regime's legitimacy continues to rely on morality and piety instead of popular support.

The book provides a multitude of narratives to paint a picture of the 'real' Saudi Arabia. While it is a worthwhile read for anyone interested in the country in general, the book's title may be a bit misleading. The authors tried to sprinkle the book with 'evidence' of a country in

transition, but if one is to know the history of the country, the content of the book does not really provide a clear argument on how exactly Saudi Arabia is transitioning. Most of the facts in the book appear to be a rehashing of what scholars on Saudi Arabia are already familiar with but without a framework to indicate that it is going through a process of change in any direction whatsoever. Nevertheless, if one is to separate and read each chapter independently, the book may contribute to a better understanding on specific issues. While this book may need updating given the many changes that have taken place in the country since it was published, there is still value to those who want a deeper understanding of the country's recent past without much expectation on what the future holds in Saudi Arabia.

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**‘Arab Spring’: *Faktor dan Impak* (‘Arab Spring’: Factors and Impact). Edited by Wan Kamal Mujani & Siti Nurulizah Musa. Bangi: Penerbit Fakulti Pengajian Islam, Universiti Kebangsaan Malaysia. 2015, pp. 164. ISBN 978-967-5478-91-8.**

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In 2015, Wan Kamal Mujani, a Professor of Islamic History and Siti Nurulizah Musa, a postgraduate student in Arabic and Islamic Studies, both from Universiti Kebangsaan Malaysia published an edited book entitled ‘Arab Spring’: Factor and Impact (‘Arab Spring’ Faktor dan Impak). Written in Malay and published by the Faculty of Islamic Studies of Universiti Kebangsaan Malaysia (UKM). This volume comprises of fourteen chapters on the ‘Arab Spring’. They approach this phenomenon from different perspectives in order to guide the readers understand selected issues arising arose from those momentous events that shook the Arab world between 2011 and 2012.

The first part of the book (Chapters 1, 2, 3, 4 and 5) is devoted to an analysis of the terminological and linguistic validity of the term ‘Arab Spring’ as well as the factors that contributed to the uprisings in Tunisia, Egypt, Libya, Yemen and Syria. Drawing from these chapters, a number of themes can be identified that largely constitute the causes of the uprisings, namely, economic development, social demography,



political legitimacy and the role of new social media. The second part of the book (Chapters 6, 7, 8 and 9) focuses more on the theoretical aspects that are closely related to the on-going issues in post-Arab Spring Egypt and Tunisia. This part of the book offers insights into how the elements of democracy and theories of democratisation - championed by Huntington, Lipset, Rustow, Linz and Stepan could fit into the context of the Arab Spring.

The last part of the book (Chapter 10, 11, 12, 13 and 14), highlights the most fascinating issues, namely the polemics over the possibility of a 'Malaysian Spring'. It mainly addresses the question of the impact of the Arab Spring in the context of Malaysia's experience as well as lessons that should be learned by the society. Wan Kamal and Salmi Edward (Chapter 10) provide discussion on the influence of the Arab Uprisings on Malaysian society by focusing on three main areas, namely, the tourism industry, health sector and university students. Based on their study, all these three areas were affected by the popular Arab Uprising. The first two areas - tourism and health - produced relatively positive outcomes with the former recording an increase in the number of tourists coming from the Middle East and North African countries between 2011 and 2012. The arrival of these Arab tourists supported the tourism industry in Malaysia as well as the health sector, since many of them 'enjoy' receiving medical treatment or surgery from well-established private hospitals in the country. The majority of these tourists preferred to visit Malaysia due to the Muslim-Friendly environment of the country. With regard to the influence of the Arab Uprisings on Malaysian university students, the authors did not provide solid evidence of how the events affected students' idealism. Referring to only a single case - the incident of two Malaysian students who were detained by the Lebanese authorities in Beirut after being accused of an involvement with a terrorist group (Al-Qaeda) cannot be generalized to the whole population of Malaysian university students. Moreover, the origin of the Arab Uprisings was initially far from the agenda of any Islamic terrorist group. The authors also agree that the series of Bersih rallies (in 2011 and 2013) in Malaysia were inspired by civil protests during the Arab Uprisings. This statement, however, is not supported by concrete proof or based on proper investigation (such as survey - interview or questionnaire). Thus, Salmi and Wan Kamal's writing does not address the real question of how does the Arab Uprisings influence

Malaysian society – and on whether they have any clear connection with Bersih movement and local political activists.

Safar Hashim (Chapter 11) empirically exposes the attitudes of 575 postgraduate students (Malaysians, Arabs and non-Arab nationality) at the National University of Malaysia (UKM) toward the Arab Spring phenomenon through questionnaire-survey research. The research addressed four major questions: - 1) Sources of information on the event; 2) How the respondent defines the Arab Uprisings; 3) Hopes resulting from the Uprisings; and 4) Changes that are expected to happen. Although the outcome from the research indicates a variety of answers, the majority of the respondents believed that the Arab Uprisings was a revolution, along with a hope that the affected countries would become more democratic. However, concerning the long term prospect, 60% of the respondents were sceptical about the political stability in the MENA region, as they believed more and more mass mobilizations, civil protests and demonstrations would occur before the final stage of democratic consolidation. Although this research does not assist the reader who wishes to know why UKM postgraduate students were selected and other aspects of their views on the Arab Uprisings, it is worth noting that Safar's study is the only empirical study on the Arab Spring phenomenon from Malaysia's perspective.

Syed Abdul Razak Al-Sagoff (Chapter 12), a prominent political analyst in Malaysia focuses on the Malaysian government's reactions to the Arab Spring. According to Al-Sagoff, following the uprisings that occurred in the Arab world, the previous Malaysian government, headed by its former Prime Minister, Najib Razak, announced planned reforms of several laws and acts in order to give more political freedom to citizens. For example, the Internal Security Act (ISA) 1960, commonly known as the "detention without trial" act, was abolished and replaced with a new law - the Special Offences and Security Measures Act (SOSMA) 2012, which completely removed the previous element of 'forced detention'. The Peaceful Assembly Act was also enacted to allow any group or movement to organize a peaceful rally in the country. He believes that all the regulation-related adjustments were made as a 'soft response' to the Arab Uprisings. This suggests that the Malaysian government were alert and well-aware of the potential threat of the Arab Uprisings and its influence on the citizens – and therefore took accommodating actions to maintain the status quo of the regime in power. Despite the

author managed to highlight the reactions of the Malaysian government towards the Arab Uprisings influences, Al-Sagoff did not seem aware that for many years the opposition parties and NGOs in Malaysia had been fighting to abolish various 'draconian acts' - including the Internal Security Act, Sedition Act, Printing Act and University and College University Act. The Arab Uprisings events might have served as a spark or 'panic alarm' for the previous government to repeal the constitution, but it came relatively late in the local 'political game'. However, Al-Sagoff's study is undoubtedly useful as regards whether the political activists in Malaysia were influenced by the Arab Uprisings, since he argued that the act of the previous government to amend several laws was due to its reaction to the impact of the Arab Uprisings.

Nidzam and Kartini (Chapter 13) attempts to predict whether the waves of mass uprisings and regime change in the Middle East and North Africa would claim a new 'victim' - the state of Malaysia. According to the authors, the region of Southeast Asia had already experienced Arab Uprising-style protests which had succeeded in toppling several dictators - Marcos of the Philippines (1986), Suharto of Indonesia (1998) and Thaksin of Thailand (2006). The previous Malaysian regime was a close neighbour that yet seemed 'immune' from the 'threat' of civil protest. Several reasons pointed out by the authors might have prevented the regime change via street protests in Malaysia. These reasons are detailed as follows: i. Social structure and ethnic issues; ii. The nature of unemployment and poverty; iii. State control; iv. Media and Hegemony; v. External influence. All the factors stated above provide reasons why Malaysia is unlikely to a mass uprising akin to the Arab Spring. In other words, the authors believe that there was no such thing as a "Malaysian Spring". Regrettably, I think that these optimistic views from the authors are still debatable. The previous government under the leadership of Najib Razak had suffered from a series of political scandals, mismanagement by government officials, power abuses, human right violations, implementation of unnecessary taxes, price hikes, inflation and racial tensions as reported by Freedom House, Amnesty International and Human Right Watch- and these cannot simply be overlooked. Indeed, the former Malaysian Prime Minister, Najib is not Mubarak, Ben Ali or Qaddafi. However, to merely neglect the numerous mass protests, such as series of Bersih movements against his leadership over the past several years indirectly gives this chapter a less balanced perspective.

Muhamad Razak (Chapter 14) claims that the Arab Uprising phenomenon was driven and mobilized by Nahdah Islam, or the sense of Islamic revivalism among the Arab populations. By adopting Hegel's philosophy of history, he claims that the Arab Uprisings is a thesis of new hope for changes in modern Arab-Muslim civilization and therefore a birth from its previous synthesis stage. It will then be followed by an anti-thesis movement, which suggests that more and more political uncertainties will occur before reaching a new cycle of synthesis – which he proposes as the Arab Uprisings 2.0. Muhamad's study seems to have an element of bias towards Islamists and Islamism, as most of the arguments are drawn from his personal view as a member and former president of the Islamic Youth Movement of Malaysia (ABIM). Whilst not providing a critical analysis, the author also fails to consider the role of secularists, Arab nationalists and leftists in contributing to the success of Tunisia's Jasmine Revolution, as well the January 25th Egyptian Uprising. I argue that the main challenge of the previous Tunisian and Egyptian regime – from Ben Ali to Mubarak - came not only from Islamist opposition but also from secular intellectuals.

Overall, this edited book has presented a number of thoughts on the Arab Spring phenomenon from different contexts – most interestingly regarding its possible influence and impact on the Malaysian society and politics. Despite several shortcomings, I believe that this volume could provide some valuable references to interested Malay readers, students and researchers on the issues of post-Arab Spring. This book is certainly a compilation of works that I highly recommend.

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**Faith in an Age of Terror. Edited by Quek Tze Ming and Philip E. Satterthwaite. Singapore: Genesis Books, 2018, pp.150. ISBN: 978-981-48-0707-4**

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This book is timely considering that the beginning of the 21st century is marked by the tragedy of 9/11 which witnessed the most heinous act of terrorism committed in the land of democracy. This tragedy has changed

the discourse on religion and terrorism and continues to be discussed by scholars. Experts are interested to explore the role of religion especially Christianity and Islam in the age where religious fundamentalism has been closely linked to violent acts. The book contains nine chapters that are based on papers presented at the conference on 'Faith in an Age of Terror' organised by the Biblical Graduate School of Theology (BGST), Singapore. The editors of this book, Quek Tze-Ming and Philip E. Satterthwaite, are lecturers at the BGST. The most interesting fact about the book is that it includes the perspective of inter-faith relations especially Muslim-Christian relations and the discussion on how to move forward in a multi-cultural and diverse society such as Singapore. The other contributors to the book are from various academic disciplines such as Sociology, Political Science, and Theology. They are Kumar Ramakrishna, Robert M. Solomon, Timothy T.N Lim, Lewis E. Winkler, Kiem-Kiok Kwa, Sng Bee Bee, Benjamin Pwee, and Mohammad Alami Musa. Through the inter-disciplinary perspective of these contributors the book discusses terror acts that are inspired by religious values, and methods that religious community can adopt in trying to understand and curb them.

The first chapter is fundamental as it sets up the foundation for further discussions on religion and society. It is the chapter that caught this reviewer's attention instantly as the author, Kumar Ramakrishna, discusses how religious fundamentalism results in extreme behaviour. Through the sociological perspective of religion, he explains in details the process which creates the in-group and out-group whereby the values shared by a group may clash with others. The fundamentalist groups that are more prone to use violence to achieve their purposes are often extreme in their religious views especially regarding the 'end of the world'. They also, more often than not, have charismatic leaders who convince them that they are on the right path of achieving the pleasure of God. He draws the example of the Buddhist monk Ashin Wirathu (known as the 'Buddhist bin Laden) of Myanmar and suggested that Muslims and Christians should learn that religiously motivated violence is not a characteristic of any particular religion; rather, it transcends all religions given their common tendency to create in-group feeling based on shared values. Therefore, all religions are susceptible to be hijacked by groups that struggle to establish their own version of 'truth'. As for that, he reminds religious communities to be alert on the intensification of these tendencies within their own communities.

The majority of the other chapters mainly discuss Christian perspective in dealing with terrorism. Their titles are: 'Religious Violence: A Biblical and Theological Response', 'Christian Pastoral Responses to Islamist Terrorism', 'On Overcoming Mimetic and Contagion Violence', 'Christian-Muslim Dialogue: Challenges and Opportunities', 'Discerning the Truths about Theological and Religious Belief', and 'Evangelical Christianity: Abetting or Abating Terror?', and 'Moving from Missional Evangelism to Public Theology in Asia Today'. Most of the chapters mentioned above analyse the role of Christians as responsible citizens in Singapore's multi-cultural society; and the importance of engagement with other faiths especially Muslims in order to ensure that terrorism would not gain ground in Singapore. The narratives of religious dialogues should also take into consideration the existence of multi-faith society, and therefore, both Christians and Muslims should collaborate and cooperate. Instead of focusing on theological differences what should be emphasized is their shared Abrahamic covenant. The needs arise as Christians are often seen as the target of terrorist attacks in Asia. Christians in Southeast Asia are conscious of the fact that there are three predominantly Muslim countries in the region namely Malaysia, Indonesia, and Brunei. The other countries such as Singapore, Thailand, Cambodia, Myanmar, and the Philippines have significant Muslim minority population. Therefore, the dialogues between Muslims and Christians need to take place in progressive direction which hopefully will lead to mutual cooperation and understanding. To move forward, both religious communities have responsibilities to reform their discourses to enable the creation of safe space for dialogues in a pluralist society.

Mohammad Alami Musa contributed a chapter on 'Muslim Perspectives on the Rise of Islamist Terrorism'. He discusses the confusion of identity due to imperative modernisation process, often as a result of colonial legacies, which, according to him, breeds terrorism in Muslim communities. The failure for these Muslims to reconcile their religious identity with the modern identity is often manifested in the resentments they have towards the State which has failed to address the socio-economic and political crisis. They see the State and its mismanagement as the product of Western invasion and interference. This led to the rise of violent sentiments and the use of religious values to legitimise the terror acts. He proposes revisiting the reform of Islamic

political thought in order to reconcile with secularism, democracy, and modern nation-states. Lewis E. Winkler also touches on the role of Muslims in the chapter titled 'Christian-Muslim Dialogue: Challenged and Opportunities'. Here, he raises the challenges in having peaceful and enlightened discussions between the two faith groups due to high level of distrust and cynicism. He suggests that there are opportunities for both communities to move beyond the existing stage by concentrating on having dialogues on themes that will enable both Christians and Muslims to discuss on the same wavelength.

The book provides a new insight on the role of religion in dealing with terrorism. It proposes that faith groups play a crucial role in addressing the issue of terrorism. The missing link in previous discourse on terrorism in Asia is addressed in the book which is the relations between different faith groups in addressing religious extremism and terrorism. Nevertheless, the book suffers from a serious drawback. It pays too much attention on Christian conversation. Perhaps this is understandable considering that the book is an outcome of a Christian-themed conference. However, it would be more interesting to see the perspective of other dominant religions in Singapore and Southeast Asia such as Hinduism and Buddhism. Nevertheless, the book is extremely useful for readers who seek to understand Christian perspective on the issue of terrorism and how they view their relationship with others especially the Muslim religious groups. Religion, undeniably, throughout the history of mankind has shown potentials to be used as a tool for extremism and violence. However, religion also promotes positive values that should not be disregarded such as peace, kindness, love, and righteousness. Therefore, it is important for religious groups especially in a multi-cultural society such as in Singapore and Malaysia to promote mutual understanding and mutual respect among them and to deny extremist and terrorist groups from using religious values as their drive.

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**Karl Marx: Greatness and Illusion. By Gareth Stedman Jones.**  
**London: Penguin Books, 2017, pp. 768. Paper Back. ISBN 978-0-141-02480-6.**

Reviewer: Zahid Zamri, Department of International and Strategic Studies, University of Malaya. E-mail: zahidzamri@yahoo.com

As early as page 2 in *Karl Marx: Greatness and Illusion*, Stedman Jones boldly highlights that “(t)he invention of what came to be called as ‘Marxism’ was initially in large part the creation of Engels in his books and pamphlets, beginning with *Anti-Dühring* in 1878”. He further adds, as keepers of Marx’s works, the leaders of the German Social Democratic Party, including August Bebel, Karl Kautsky, Eduard Bernstein, and Franz Mehring, were also responsible for further mystifications of Marx by hiding the embarrassing gaps between the image and reality of Marx and his theory. This was ostensibly done in order to protect the party – which had Marx as its founding theorist – from being attacked and discredited by the ruling power which was the imperial government of Wilhelmine Germany (p. 2-3). Jones subsequently states, “From the beginning, what came to be called as ‘Marxism’ had been built upon an unambiguously selective view of what was to count as theory, not only in relation to would-be heretics, but also in relation to Marx himself” (p. 4). Afterwards he reveals a content from Bebel’s letter to Kautsky: “By the way, I want to tell you – but please keep absolutely quiet about it – that some of the letters (Marx’s) were not published, above all, because they were too strong for us” (p. 4). These punchlines are more than enough to shake the general understanding of Marx and “Marxism” to acclaiming Marxists and critical theorists alike.

The first chapter provides detailed descriptions of Marx’s family background, starting from his father’s career and, later about Marx himself as an enthusiastic young man who communicated with his father, who “knew Voltaire and Rousseau by heart” (p. 29), through letters reporting on his intellectual journey. It is also appealing to know that Marx in his youth had almost died due to pulmonary disease (p. 35). Then the chapter explains that the reasons for Marx’s father’s conversion to Christianity were due to suppression from the Prussian authority and for his family survival (p. 23). Simultaneously, Jones presents an exceptional account that contextualises Marx’s life within 19<sup>th</sup> century Prussia. In this account, we could feel the Prussian polity at work, including rifts between liberals, radicals, republicans, constitutional monarchists, Bonapartists, nationalists, and democrats (p. 30) as well as international factors (post-French Revolution Europe) that shaped the cultural, political, and economics of the country at that time. It is also fascinating to know, via the second chapter entitled ‘The Lawyer, the Poet and the Lover’, that Marx as a young man was actually dedicated to become a poet. The chapter shares a few of Marx’s romantic poems (p. 44-46).



In the following chapters, Jones displays Marx's strong passions in seeking knowledge. Marx is shown to have been constantly challenging his intellectual capability through meetings, learning, and debates with great scholars and his contemporaries, such as the Hegelians Eduard Gans (chapter 3, Bruno Bauer (chapter 4), Moses Hess (chapter 6), as well as the so-called "utopian" socialists like Ludwig Feuerbach and Charles Fourier (chapter 5), and Pierre Joseph Proudhon and Louis Blanc (chapter 6). Afterwards Marx's atheism takes centre stage, when Jones highlights Marx's concern with the degradation of men by religion as stated in the foreword section of his doctoral dissertation, "All heavenly and earthly gods who do not acknowledge human self-consciousness as the highest divinity" (p. 92) as well as in 1844's *On The Jewish Question*, wherein he theorized Judaism: "Money was 'the worldly God' of the Jew, and 'huckstering' his 'worldly religion', since the secular basis of Judaism...was 'practical need' and self-interest" (p. 151). Further, Jones shows that Marx in 1844 had concluded that to reconcile between reason and revelation is defective for human emancipation as opposed to the argument of Bauer, his former teacher (p. 132-135). Perhaps Marx, up to this stage, never had the chance to be acquainted with other religious traditions that were able to balance between rationality and faith.

In chapter 7, 'The Democratic Dictator', Jones provocatively portrays Marx's totalitarian tendencies. In 1846 in Brussels, Marx, together with Engels and Philippe Gigot, set up a Communist Correspondence Committee to supervise and "cut off" rival socialist popular writings so as to keep the German, English, and French socialists ideologically and organizationally intact. The same dictatorial image of Marx was projected by Jones in chapter eight, when Marx was the editor-in-chief for *Neue Rheinische Zeitung* (p. 263).

Further, in chapter 9, Jones suggests, rather indirectly, that Marx was anti-oriental, due to his antagonistic perception towards monarchical power that dominated India and China at that moment. Jones excerpts Marx's 1853 *The British Rule in India*, "Indian society has no history at all, at least no known history" (p. 357). Marx then degraded the age-old 'village system' in India and applauded British invasion of India. In addition, religion in India was, according to him, "at once a religion of sensualist exuberance and...self-torturing asceticism" (p. 358). When Marx came to know about Taiping Rebellion in China – the country he

called “that living fossil” (p. 57) – Marx scoffed, “they are aware of no task except changing the dynasty. They have no slogans...destruction without any nucleus of new construction” (p. 359).

Chapter 10 derides *Grundrisse* as having only a single paragraph – in addition to the word “if” as a starter – to hypothetically explain about “surplus value”, the idea that has since become the article of faith of Marx’s followers (p. 401). Chapter 11 accentuates that Marx’s framework of analysis in *Capital* has actually come from the ‘Provisional Rules’ of the International, which was earlier drafted by the Owenites (John Weston and ‘Major’ Luigi Wolff) and a French republican by the name of Victor Le Lubez.

However provocative these anti-Semitic, anti-oriental, anti-religion, pro-European colonization, and undemocratic images of Marx could be, in the last chapter entitled ‘Back to the Future’, Jones does highlight some reversals that were made by Marx. The chapter reserves some, yet important clues for future theoretical projects on Marx. Jones argues that in the last 15 years of his life, Marx started to cherish the social and political settings of “village community” that had traditions of communal ownership, democracy and liberty which existed in the ancient Europe as well as Asia particularly in Russia, China, and India. Marx also criticised European (French) colonization over Asia (Algeria), “To the extent that non-European, foreign law is “profitable” for them, the Europeans recognise it, as here they not only recognise the Muslim law – immediately! – but “misunderstand it” only to their profit, as here” (p. 583). To large extent Marx in his last years began to think like those whom he used to call as “utopian” socialists and Jones states Charles Fourier as one that he had come to agree with. Furthermore, in the epilogue, Jones claims that David Riazanov, the Marxist scholar, had disappeared into Stalinist purges for his research on Marx’s 1881 letter which urged the Russian Group for the Emancipation of Labour to support the village community as opposed to the orthodox “Marxist” strategy in building an urban-based workers’ social-democratic movement. As Jones has consistently argued throughout the book, “But this only reinforces the point that the Marx constructed in the twentieth century bore only an incidental resemblance to the Marx who lived in the nineteenth” (p. 595).

Previously having edited Marx’s *Communist Manifesto* for the Penguin Classics, the *New Left Review*, and an authority in Victorian

studies, Jones is another Marxist historian after the late Eric Hobsbawm that came from the King's College, Cambridge. Stedman Jones however, as we could see, appeared to be more transparent in tabling Marx's historical background including ignoble facts that may spoil the 'noble' image of and personality cult surrounding Marx compared to Hobsbawm, as the latter was criticised, for instance, for turning a blind eye on Stalin's terrors in his works. If Louis Althusser had stressed for the readings of the four volumes of Capital line by line at least ten times to really understand Marx's philosophy, it then should be done with the accompaniment of this definitive biography. *Karl Marx: Greatness and Illusion* thus leaves revisionists plenty of tasks ahead.



# “O People of the Book”: An Exegetical Analysis of the *Ahl al-Kitāb* in Qur’ānic Discourse

**Jonathan Alexander Hoffman\***

## **Introduction**

The purpose of this research is to develop a methodological framework through which to analyse the Qur’ān’s dialogical engagement with the *Ahl al-Kitāb* (the People of the Book – Jews and Christians). A substantial portion of the Qur’ānic revelations are directed towards, or about, the Jews and Christians, warranting a critical analysis of *why* such a dialogue was necessary and what the nature of that dialog entailed. Indeed, the Qur’ān’s engagement with the *Ahl al-Kitāb* is one of the most critical elements of the Qur’ānic revelation, evidenced by the sheer number of verses addressing them. This research seeks to address *why* the Qur’ān engages so heavily in polemics with the *Ahl al-Kitāb* and the evolutionary nature of the engagement and polemical tone throughout Muhammad (SAW)’s prophethood.

The overall argument of this analysis is that the Qur’ān engages heavily in dialogue with the Jewish and Christian communities in order to establish and legitimize itself within, as a continuation of, and as the final solidification of Abrahamic-monotheism. Explored within this analysis will be the polemical tone/interaction of the Qur’ān towards other religious communities, specifically Jews and Christians, and *why* this dialogue is so prevalent within the text. Since the Qur’ān was revealed within the context of other religions (particularly Judaism and

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Christianity), the text sought to legitimize itself by claiming to be a continuation of the monotheistic tradition beginning with Abraham, but at the same time it sought to separate itself and make an authoritative new claim in order to distinguish itself from these already established communities.

This dialogical exchange between these communities is particularly interesting considering the large body of knowledge about monotheism that existed before the Qur'ānic revelations in Makkah: the people of Arabia were familiar with the *Suhūf* (scrolls) of Moses and Abraham, the *Tawrāt* (Torah), *Zabūr* (Psalms), and the *Injīl* (Gospel) of Jesus at the time of the Qur'ānic revelations. Indeed, the *Tawrāt* is mentioned in the Qur'ān 18 times, the *Zabūr* three times, and the *Injīl* 12 times (Albayrak, 2008). This research will therefore focus on the development of the polemical nature of the revelations dealing/interacting with the People of the Book and how they fit into the overall historical background. This study does not seek to advance the theological position of one of these traditions over the other, but rather strives to contextualize the Qur'ānic revelations within the historical communities that the text was revealed.

However, it must be noted that this specific term is not always needed/used within the Qur'ān when dealing with either the Jews or Christians, each of which are often addressed either specifically by name or by using a different collective expression, ultimately reflecting the particular context – i.e. audience – at hand. Besides the expression *Ahl al-Kitāb*, there are also other expressions by which the Qur'ān refers to the Jews and Christians collectively: *alladhina utū al-Kitāb* (those who have received the book), *ataynāhum al-Kitāb* (those unto whom We have given the book), *utū nasīban min al-Kitāb* (those who were given a portion of the book), *wa awrathnā al-Kitāb* (those we gave the book as an inheritance unto), *alladhina yaqra'ūn al-Kitāb* (those who read the book), and *fa'salū ahl al-dhikr* (the followers of remembrance). The Jews and Christians are also often addressed individually through terms such as *yahūd* (Jews), *Banū Israīl* (children of Israel), *nasārā* (Nazarene), *Ahl al-Injīl* (people of the Gospel), and *hawāriyyūn* (disciples of Jesus). For the sake of this analysis, the term *Ahl al-Kitāb* – the most frequent expression used when addressing these two communities collectively – will be the primary focus of this study in order to gain a holistic understanding of the Qur'ān's dialogical engagement with these two communities as a whole.

The foregoing analysis is separated into three interconnected sections. The first, “Major themes, patterns, and observations” presents the overarching concepts and frameworks that form the foundation of this study. It analyses and seeks to answer the original question that spawned this inquiry into Qur’ānic polemics vis-à-vis the *Ahl al-Kitāb*: why does the Qur’ān engage so heavily in dialogue with the People of the Book and what is the nature and purpose of that dialogue? The next section – “Confirmation of that which has already been revealed” – analyses specific Qur’ānic verses that serve as an attempt to legitimize the Qur’ānic revelation amongst the *Ahl al-Kitāb* and that attempt to portray the Qur’ān as a continuum of the previously-established Abrahamic traditions. The final section – “The Qur’ān as the epoch and solidification of the Abrahamic-monotheistic tradition” – analyses the specific verses which contain polemical claims against the *Ahl al-Kitāb* and that ultimately serve to separate Islam as its own religious community distinct from the People of the Book. These polemical engagements serve to establish the new Islamic identity of the community of the believers and is the most important dialogical exchange with the *Ahl al-Kitāb*.

### **Major themes, patterns, and observations**

The polemical engagements between the Qur’ān and the People of the Book are critical to understanding both the religion of Islam and the inner-working of the Qur’ān itself. In order to understand the polemical engagement between the Qur’ān and the *Ahl al-Kitāb*, the nature of the Qur’ān itself must be holistically understood as well as its stark differences from the previous Abrahamic scriptures. The Qur’ān is not meant to be a narrative, but rather a communicative process between God and man through the Prophet Muhammad (SAW). As opposed to being revealed/delivered in totality, the Qur’ānic revelations were revealed in piecemeal according to the specific context at the time. Therefore, it is natural that different revelations employ different polemical tones according to their respective contexts and specific audience(s). This becomes evident when examining the gradual change in the tone in the engagements with Jews and Christians within the revelations.

At the time of Prophet Muhammad (SAW), monotheism was well known throughout Arabia. There were large communities of Jews and Christians, and Arabia itself was surrounded by strong powers – such

as the Byzantine Empire – which were monotheistic in doctrine. The Qur’ān is, therefore, presented with the challenge of legitimizing itself amongst these communities and then tasked with convincing the *Ahl al-Kitāb* of the superior nature of this final revelation. In other words, the Qur’ān must demonstrate to the Jews and Christians that it is the legitimate successor to and continuation of the tradition established by and continued by prophets such as Abraham, Moses, Jesus, etc. At the same time, the Qur’ān also had to attempt to establish its supremacy and separate itself as a distinct “entity” from the already established communities of Jews and Christians.

The term *Ahl al-Kitāb* – the most common expression used when the Christians and Jews are being addressed collectively – occurs 31 times verbatim within the Qur’ān (Wahyudi, 1997). The distribution of the term *Ahl al-Kitāb* within the Qur’ān is broken down accordingly: twice in *Sūrah al-Baqarah* (Q 2: 105, 109); twelve times in *Sūrah al-‘Imrān* (Q 3: 64, 65, 69, 70, 71, 72, 75, 98, 99, 110, 113, 199); four times in *Sūrah al-Nisā* (Q 4: 123, 153, 159, 171); six times in *Sūrah al-Mā'idah* (Q 5: 16, 21, 62, 68, 71, 80); twice in *Sūrah al-Bayyinah* (Q 98: 1, 6); and once each in *Sūrah al-‘Ankabūt* (Q 29: 46), *Sūrah al-Aḥzāb* (Q 33:26), *Sūrah al-Ḥadīd* (Q 57: 29); and *Sūrah al-Ḥashr* (Q 59: 2, 11) (Wahyudi, 1997). It is important to note that out of these 31 verses, only three of them were revealed in Makkah: (*Sūrah al-‘Ankabūt* (Q 29: 46); and *Sūrah al-Bayyinah* (Q 98: 1, 6), while the rest were revealed in Madinah. The different verses were, as will be shown, addressed to different representatives of the People of the Book with whom Prophet Muhammad (SAW) came into contact at different times within different contexts.

The disparity between Qur’ān’s varying tones relating to the *Ahl al-Kitāb* in Makkah and Madinah has to do with the intended audience(s) of those particular revelations. When the Prophet Muhammad (SAW) initially embarked on his mission within Makkah, his primary audience (therefore, also the primary audience of the Qur’ān) were polytheistic pagans, not Jews or Christians. Therefore, the Qur’ān is staunch in its denunciation of polytheism, which was the prevalent religion of those peoples, and the verses directly addressing the *Ahl al-Kitāb* are limited in number. The revelations relating to the People of the Book within the Makkah period (examined in more detail in the next section) are inherently positive because the Qur’ān is attempting to confirm the



previous revelations and establish the parallels between these new revelations and previous ones.

The verses revealed after the *Hijrah* (migration) of the Prophet (SAW) and his community of believers from Makkah to Madinah are far larger in number and have a strikingly different tone. Within Makkah, the audience of the revelation changed dramatically: the Prophet (SAW) was in direct – constant – interaction with the Jews and Christians of the city (particularly the former). During the earlier days in Madinah, the Qur’ān speaks highly of the *Ahl al-Kitāb* and the relationship/discourse between the Jews of the city and Prophet Muhammad (SAW) and his followers was one of mutual friendship (Yaman, 2011). In time, however, political and religious disagreements arose between the People of the Book and the Muslim community, causing revelation to take a more forceful tone due to the fact that criticisms were levied against the Prophet. In other words, the progressive hardening of the opposition to the message of Muhammad went hand in hand with a progressive intensification of the Qur’ānic polemic (Robinson, 2004).

This change in polemical tone raises a critical question: are these polemical statements meant to be essentialist – the ultimate overarching reality and nature of how the Muslim community should conduct themselves vis-à-vis the People of the Book – or contextual in nature and therefore subject to the events taking place at those specific moments? As the specific cases will show in the following two sections, the revelations should be considered as contextual, not essentialist, and cannot be separated from their specific contexts and intended audiences. In other words, the condemnation (when present) of Jews and Christians and their practices within the Qur’ān cannot be separated from the historical conditions which lead to the development of those specific revelations within those respective contexts. The intensification of the Qur’ānic rhetoric towards Jews and Christians represents the increasing tensions on the ground in Arabia between the Prophet Muhammad and members of these two other communities.

### **Confirmation of that which has already been revealed:**

The Qur’ān goes to great lengths in order to engage with the People of the Book and demonstrate that it is the confirmation and continuation of that which has previously been revealed to the other prophets within the ongoing tradition of Abrahamic-monotheism. The Qur’ān must first

position itself as the natural continuum of the Abrahamic-monotheistic tradition before it can make an attempt to separate itself from the Jewish and Christian communities as the alleged final divine truth. Therefore, the verses discussed in this section reflect Qur'ānic polemics attempting to legitimize itself, and Muhammad, to the People of the Book by utilizing similar themes and concepts found within previous revelations in order to portray itself as a continuation of those revelations.

An important concept to understand when analysing Qur'ānic polemics with the attempt to legitimize itself amongst the pre-established traditions is that of Qur'ānic self-referentiality. The Qur'ān is aware of the presence of other scriptures, specifically the *Suhūfs* of Moses, Abraham, etc., the *Injīll* of Jesus, etc. It is within this context that the Qur'ān demonstrates that it is aware of these previous revelations, and seeks to place itself at the top – i.e. the culmination of – that same tradition. The Qur'ān does this in two specific ways. The first is that the Qur'ān is the only scripture to actually call itself scripture in order to grant it the ultimate, self-reflexive authority it needs within the emerging polemical context:

This is the Book in which there is no doubt, a guidance to the God-fearing (Q 2: 2)

Another way in which the Qur'ān is self-authoritative is the self-designation it grants itself in relation to its position on earlier scriptures: “Confirmer – *Muṣaddiq*” (Q 2: 89 & Q 3: 3-4). According to the Qur'ān, God has always provided a “guide” (Q 13: 7) and a “warner” (Q 35: 24) for mankind and has sent a number of different prophets to different communities at different times to show them the right path (Yaman, 2011). Furthermore, the Qur'ān claims that each prophet brought a message or a “book” from a common and single source termed the “Mother of the Book – *Umm al-Kitāb*” (often referred to as the Celestial Kitāb) (Q 43: 4) (Yaman, 2011). In this sense, the Qur'ān is presenting itself as a part of a succession of divine messages and messengers, all of which emphasize the same universal and essential principles which the Qur'ān is now professing. This self-authorization through self-reflection is critical because it demonstrates a direct polemical engagement with the People of the Book who would seek to challenge Muhammad.

It is within this overarching context that the Qur'ān engages with the People of the Book in order to portray itself as the natural

continuum of the monotheistic tradition originally established between God and the Israelites. In pursuit of this goal, the Qur’ān begins by inviting the People of the Book to common ground on the basis that neither party worships any other than God:

Say: “O People of the Book! Let us come to common terms between us and you: that we worship none but God; that we associate no partners with him; that we erect not from amongst ourselves, lords and patrons other than God.” If then they turn back say ye: “Bear witness that we are Muslims (in submissions to God’s will).” (Q 3: 64)

Similarly, in the early days within Medina, the Qur’ān capitalizes upon the good-standing relationship between the Muslims and the People of the Book:

Today the good things are permitted to you, and the food of those who were given the Book is permitted to you, and permitted to them is your food. And [permitted in marriage] are chaste women from among the believers and chaste women from among those who were given the Book before you, when you have given them due compensation, desiring chastity, not unlawful sexual intercourse or taking [secret] lovers. And whoever disbelieves in the faith, his work has become worthless, and in the hereafter he will be among the losers. (Q 5: 5)

Both of these verses hold paramount importance to the overall goal of the Qur’ān. They both serve to establish Muhammad and his followers, and the People of the Book, as equals. Furthermore, they also serve to establish Muhammad on the same prophetic level as earlier prophets within the same Abrahamic-monotheistic tradition. The first verse aligns the two groups theologically (i.e. the belief in the one true God), while the second verse establishes them as equals on a societal level. It allows them to eat together, intermarry, and – essentially – strive towards establishing themselves as one community under the rule of God. These equalizing verses serve as the foundation for later revelations that would appear once those among the People of the Book began to challenge Muhammad. But, even when they began to challenge him, the Qur’ān emphasizes that even this must be done in the most respectful manner, because both the People of the Book and the Muslims were receivers of divine revelation from the same (One) God:

And dispute not with the People of the Book save in the fairest manner, except for those of them that do wrong; and say “We believe in what has been sent down to us, and what has been sent down to you; our God and your God is One, and to Him we have surrendered. (Q 29: 46)

The Qur’ān also goes to great lengths mentioning the stories/prophets already believed in by the People of the Book. By speaking about prophets such as Moses, Abraham, Joseph, Jesus etc., and by applying their experiences to the specific contexts within which Muhammad and the People of the Book are faced at that particular time of revelation, the Qur’ān is attempting to demonstrate to the People of the Book that these revelations are confirming and continuing what has already been sent down to them. For example, there are numerous narratives found throughout the Qur’ān of how, in the time of Moses, God repeatedly forgave the Children of Israel after chastising them (Q 2: 40-121) (Robinson, 2004). Within these chronicles, Muhammad is clearly portrayed to the People of the Book as having a similar function to Moses (Q 2: 108; 4: 153) and the same status as Abraham, Ishmael, Isaac, Jacob, Moses, Jesus, and other prophets (Q 2: 136; 3: 84; 4: 163; 33:7) (Robinson, 2004). Moreover, Muhammad is portrayed as the messenger for whom Abraham prayed (Q 2: 129; 2: 151; 3: 164; 62: 2) and who’s future coming was foretold by Jesus (Q 61:6) (Robinson, 2004).

A similar theme the Qur’ān evokes during this period (for the specific goal of portraying itself as a continuum) is that of the “Children of Israel.” As mentioned above, these verses are very present throughout (Q 2: 40-121). However, it is worth analyzing a few verses in particular to show the direct polemics being engaged in by the Qur’ān in relation to the People of the Book:

O Children of Israel! Remember my favor which I have bestowed upon you. Fulfill my covenant that I may fulfill your covenant, and be in awe of me alone. Have faith in that which I have sent down confirming that which is already with you. Do not be the first to reject faith in it. Do not exchange its verses for a meager price, and fear me alone. (Q 2: 41-42)

O Children of Israel, remember my favour toward you and that I have favoured you over all peoples. (Q 2: 47)

These verses are only some of the myriad of examples of attempts by the Qur’ān to portray itself (and Muhammad’s prophetic nature) as the natural continuum of the tradition originally established between God and the Children of Israel. In these verses, God is explaining to the People of the Book that these revelations through Muhammad are the continuation of the covenant he began with them and a confirmation of “that which is already with” them. Without this foundation of legitimacy, the Qur’ān would not have been able to later criticize the alleged improper practices by the People of the Book (see next section). The Qur’ān, through polemical verses like the ones listed above, is attempting to establish its legitimacy among the already existing scriptures possessed by the People of the Book and is serving to grab their attention to later revelation that will correct some of their improper practices. Without first establishing itself within the trajectory of the Abrahamic-monotheistic tradition, the Qur’ān would not have been able to have legitimately and critically engage with the *Ahl al-Kitāb* in later revealed verses.

### **The Qur’ān as the epoch and solidification of the Abrahamic-monotheistic tradition**

This section of the Qur’ān’s polemical engagement is the most important element when analyzing the Qur’ān’s dialogical engagement with the People of the Book. In analyzing this polemical dynamic, a question arises that needs to be answered: how does the Qur’ān separate itself from the older traditions (while still claiming to be a continuation of them) and how does it go about asserting its claim of supremacy? Ultimately, the polemical dynamic/tone of the verses analyzed in this section serve to establish a specific, separate identity for the Muslim community in relation to the Jews and the Christians. This societal differentiation (what differentiates Islam and the Muslim community writ large) is critical in the formation of a distinct Islamic community because it serves to establish a unique and separate identity for the Muslims.

The Qur’ān criticizes the *Ahl al-Kitāb* for accepting previous scriptures but failing to acknowledge the divinity surrounding the current revelations:

If they are told, “Have faith in that which God sent down, they [Ahl al-Kitāb] say, “We should rather have faith in that

which was sent down to us.” Yet they reject that which came after it, even though it is the truth, confirming that which is already with them. Say, “Why did you slay the prophets of God in times past, if you were true men of faith?” (Q 2: 91)

The Qur’ān continues in its criticisms of the People of the Book: it criticizes them for their belief that they alone will enter paradise without being able to prove it (Q 2: 111), their claim that Hellfire shall not touch them save for a number of days (Q 2: 80), and their claim that they are favored by God apart from all the rest of mankind (Q 62: 6) (Yaman, 2011). The Jews are particularly criticized for their misunderstanding of the gifts (revelations) from God and their subsequent belief that they possessed a higher status than all other people.

There are also distinct polemical condemnations of the Christians, specifically revolving around their concept of Jesus as the Son of God (Q 4: 171), the crucifixion (Q 4: 156-157) and the idea of the Trinity (Father, Son, and Holy Ghost) (Q 5: 73-75). While the Qur’ān accepts the special humanity of Jesus (the fact that he was a prophet), it strictly denies his divinity with such verses as (Q 4: 171) and (Q 5: 73-75):

O People of the Book! Commit no excess in your religion, nor say nothing but the truth about God. The Messiah, Jesus son of Mary, was only the Messenger of God, and His Word that he conveyed to Mary, and a Spirit from him. So believe in God and His Messengers, and say not “three”. Refrain; better is it for you. God is only One God. Glory be to Him that He should have a son! To Him belongs all that is in the heavens and on earth; God suffices for a guardian. (Q 4: 171)

They have certainly disbelieved who say: “God is the Third of Three.” No God is there but One God...The Messiah, son of Mary, was only a Messenger; Messengers before him passed away; his mother was just a woman; they both ate food. Behold, how We make clear signs to them; then behold, how perverted they are! (Q 5: 73-75)

And because of their unbelief and their uttering against Mary a might calumny. And because of their saying, “We slew the Messiah, Jesus son of Mary, the Messenger of God.” Yet they did not slay him, neither crucified him, but it appeared so to them; and those who disagree concerning it are in doubt about it; they have no knowledge of it except the following

of surmise; and they slew him not for certain. But God raised him up to Himself, God is All-Mighty, All-Wise. (Q 4: 156-157)

These verses are meant to correct the People of the Book who have, according to the Qur’ān, distorted their previous scriptures/revelations. The Qur’ān therefore engages critically with the People of the Book, portraying itself as the continuation and solidification of the covenant that began with Abraham (Q 2: 135). It summons the Children of Israel to remember and respond to God’s favour (Q 2: 47-48) and proclaims Muhammad and his followers as the true adherents to the religion of Abraham, and that the Jews and the Christians are the ones who are “feeble-minded” despite their counter-claim (Robinson, 2004). To the Jews and Christians who attempt to convert the Muslims, Muhammad is instructed to reply that they follow the religion of Abraham, who was neither a Jew nor a Christian, and that they believe in the revelation sent down to them and in the revelations sent down to the previous prophets including Moses and Jesus (Q 2: 135-140) (Robinson, 2004). These verses serve to legitimize the Qur’ānic revelation within the Abrahamic-monotheistic tradition, but at the same time serve to separate the new Islamic tradition from those of Jews and Christians with these new theological differentiations.

There are two specific instances of polemical engagement between the Qur’ān and the *Ahl al-Kitāb* that serve as prime examples of the text attempting to establish a unique/separate religious identity for the Muslims: the fast on the tenth of *Muḥarram* and the fast of Ramadan, and the *qiblah* (direction of prayer). Beginning with the former, during the early days of the community’s presence within Medina, Muslims (at first) like the Jews observed the fast on the Jewish Day of Atonement (Yom Kippur) (Robinson, 2004). However, as tensions within Medina increased between the Muslim community and the Jews of the city – and the need for the Qur’ān to establish Muhammad and his followers as their own distinct religious community – the Qur’ān instituted the Muslim Fast of Ramadan (Q 2: 185-178). Similarly, Muhammad initially instructed his followers to fast on the tenth of *Muḥarram* as the Christians and Jews did. Later, however, he instructed them to fast on the ninth and tenth, or tenth and eleventh, in order to make themselves distinct from the People of the Book (Albayrak, 2008). In terms of the *qiblah*, the Qur’ān instituted the change in prayer direction by asserting

that it was Abraham who had built the Ka‘bah (Q 2: 124-127), that Islam was the true religion of Abraham and that he was not a Christian or a Jew (Q 2: 128-141), and then finally ordered the Muslims to pray facing the direction of the Ka‘bah as opposed to Jerusalem (Q 2: 142-150) (Albayrak, 2008). These actions served to separate the Muslim community from the People of the Book so that they would form their own religious identity and practices in order to differentiate themselves.

This new identity for the Muslim community is classified by the Qur’ān as being a “middle nation”. The Jews and Christians began criticizing the Muslims for longer facing in the direction they used to face (Jerusalem) (Q 2: 142) and in response God explains that He has established the Muslims as a “middle nation” and has implemented the change in order to distinguish those who follow the Messenger from those who turn on their heels (Q 2: 143) (Albayrak, 2008). In other words, these changes were implemented in order to distinguish the new Muslim identity from those of the *Ahl al-Kitāb*. Now that the Muslims have been constituted as a “middle nation” distinct from the Jews and the Christians, the Islamic community, according to the Qur’ān, replaces the Children of Israel as the chosen (God’s) people for the continuation of the original covenant and are now “favored” (Q 2: 40, 47, 122; Q 2: 150). In other words, according to the Qur’ānic text, this revelation represents the “final seal” and signals the completion of the original covenant that began with Abraham and has now ended with Muhammad.

## Conclusion

In conclusion, the purpose of the Qur’ān’s polemical engagement with the People of the Book is to first establish itself as a continuum within the Abrahamic-monotheistic tradition, and then separate the newly formed Islamic community from the two previous traditions (with a greater emphasis on the latter aspect). Ultimately, by engaging in polemics with the *Ahl al-Kitāb*, the Qur’ān establishes the Muslim community not only as a continuation of the original covenant that began with Abraham, but as its own separate entity apart from the Jews and Christians. The revelations involved in this polemical engagement were revealed within specific contexts to address specific circumstances as they arose and as different challenges presented themselves to Muhammad and the Muslim community. The Qur’ān’s polemical engagement with the *Ahl*



*al-Kitāb* severed the newly formed Muslim community from the alleged distorted previous traditions and was designed to usher in a new chapter for God’s covenant with man.

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## ***Conference Report***

### **International Conference on Religion, Culture and Governance in the Contemporary World (ICRCG2018), 3-4 October 2018 (Wednesday-Thursday), 23-24 Muharram 1440.**

The contemporary world is passing through a very crucial time. According to UN reports, the world is facing its ‘worst humanitarian crisis’ since the end of World War II, with more than 20 million people facing starvation and famine in four countries. (AFP). Different regions of the world are marred by wars and conflicts. Unfortunately, attempts to end those so far have come to naught. As a consequence of these wars and conflicts ordinary people continue to suffer from hunger, and diseases. They continue to be victims of ethnic cleansing and genocide. Despite all efforts to stymie poverty, social, economic and gender inequalities, religious conflicts and extremism of all kinds, these continue to increase at an alarming pace. As if these were not enough, people have to deal with the negative impacts of rapid climate change in terms of increased number of floods, wild fires, and global warming.

Given the prevailing conditions in the world, it was timely that the International Islamic University Malaysia (IIUM) organised an international conference titled “International Conference on Religion, Culture and Governance in the Contemporary World (ICRCG2018)” at IIUM’s picturesque Gombak campus. It was a privilege for the Kulliyyah of Islamic Revealed Knowledge and Human Sciences (KIRKHS) to organise the conference on behalf of the IIUM.

In the age of unprecedented technological advancement and information revolution, it would be devastating for humanity without ethics and divine guidance. This point is well emphasized by Professor Tan Sri Dato’ Dzulkipli Abdul Razak, the Honourable Rector of International Islamic University Malaysia. In a message to the conference he pointed out “with the coming into second decade of

the 21<sup>st</sup> century, the promise of great advancement in knowledge, and economic and technological development is high on everyone's mind. When pursuing these in zeal, the possibility of overlooking the potential and tangible negative side effects are very high, specifically when ethics does not play its role. This may result in detrimental consequences such as intensifying conflicts between societies, poverty and threats to environment". The Honourable Rector further pointed out that "the answers to the challenges facing us, politically, socially, ethically and spiritually, today are reached through the combination of the Divine revelation and a scientific worldview."

In another message Professor Dr. Mohammad A. Quayum, Dean, KIRKHS, IIUM, demonstrated the inclusiveness and uniqueness of the conference, as he put, "it is inclusive and encyclopaedic in that it harnesses and integrates themes associated with religion, with those related to culture and good governance." One of the main aim and objective of the conference, as Assoc. Professor S M Abdul Quddus, the conference Convenor, pointed out in his message "a refocused attention on the philosophy of 'development' and 'modernization' in light of the role of religion, culture and value-laden governance system and their impact on human life and society, politics, administration and governance in the globalized and technology driven world can no longer be ignored." He also hoped that the conference would provide a comprehensive insight for the future sustainable development in our societies.

The conference was attended by paper presenters and participants from Bangladesh, Brunei, India, Iraq, the Philippines, Indonesia, Pakistan, Qatar, Saudi Arabia, Oman, Sri Lanka, Turkey and international scholars from Algeria, Myanmar, Nigeria and Tunisia, Tanzania, Sudan based at IIUM. A total of 175 papers, which included 40 in Arabic language were presented in 20 clusters (parallel sessions with 10 venues) spread over two days (October 3<sup>rd</sup> and 4<sup>th</sup>).

The keynote speeches were given by three distinguished scholars respectively Her Excellency Dr. Merve Safa Kavakci, Ambassador of Turkey to Malaysia. She provided an impressive speech on "Enterprising and Humanitarian Foreign Policy: A Case Study of Turkey." She highlighted the role of Turkey in solving Middle East, especially the Syrian crisis and the case of millions of Syrian refugees in Turkey. Dr

Kavakci's following comment struck a chord among the participants: "We do not treat Syrian people as 'refugees' rather as guests of Turkey." Dr. Kavakci, as a former lecturer in international relations, presented her paper quite academically and demonstrated how Turkey is shifting from block influenced foreign policy to independent humanitarian foreign policy.

Emeritus Professor Muhammad Haji Salleh, the most renowned literary writer in Malaysia delivered his speech on "A Place for Literature in a New World." Professor Salleh quite dispassionately analysed the current world order and the status of literature in the world. He emphatically demonstrated the importance and necessity of literature in the age of technology and artificial intelligence. Mohamad Abdalla, Professor at University of South Australia, another resource person talked on "Being an Australian Muslim: Challenges and Opportunities." He was very articulate while presenting the current situation of Australian Muslims and their challenges within the community. Professor Abdalla pointed out that the biggest challenge of Australian Muslims is the lack of 'competent Islamic scholars' with the contextual understanding of Islam. He also further illustrated that having Muslims from different regions and schools of thought, the Australian Muslims often had to encounter diverse practices and legal opinions. Despite some internal challenges, including Islamophobia, Professor Abdalla in his speech explained how the number of Australian Muslims had increased over the year. Islam is now the fastest growing religion in Australia and the second largest faith community.

The papers of conference were categorized under fourteen sub-themes, for example, from Economic Development, Modernization and Development agencies, Religion and Science, Philosophy, Ethics, Religion and spirituality to Politics, Political institutions, Law, Rule of Law and Human Rights, and so on. The issues of Governance, Public Policy, Geopolitics, Religion, Culture, Social dynamics and Islamophobia were covered by significant number of papers at the conference.

The discussions made at the conference were academic, scholarly and festive in nature. The conference was incorporated with Kulliyah Celebration Day. The conference organisers collaborated with two well-known institutions, International Institute of Islamic Thought (IIIT) and

Islamic University Maldives (IUM). It is hoped that the proceedings of the conference would be published as soon as possible. At the end of the conference, certificates and token of appreciations ceremony were held with the presence of YB. Dr. Maszlee Malik, Honourable Education Minister of Malaysia and President of IIUM. The conference officially was ended by reciting prayer and serving Hi-Tea.

**Atiqur Rahman Mujahid**

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## **Chapter in a Book**

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Alias (2009)

Reference:

Alias, A. (2009). Human nature. In N. M. Noor (Ed.), *Human nature from an Islamic perspective: A guide to teaching and learning* (pp.79-117). Kuala Lumpur: IIUM Press.

## **Journal Article**

In-text:

Chapra (2002)

Reference:

Chapra, M. U. (2002). Islam and the international debt problem. *Journal of Islamic Studies*, 10, 214-232.

## **The Qur'ān**

In-text:

(i) direct quotation, write as 30:36

(ii) indirect quotation, write as Qur'ān, 30:36

Reference:

*The glorious Qur'ān*. Translation and commentary by A. Yusuf Ali (1977). US: American Trust Publications.

## **Ḥadīth**

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(i) Al-Bukhārī, 88:204 (where 88 is the book number, 204 is the ḥadīth number)

(ii) Ibn Hanbal, vol. 1, p. 1

Reference:

(i) Al-Bukhārī, M. (1981). *Ṣaḥīḥ al-Bukhārī*. Beirut: Dār al-Fikr.

(ii) Ibn Ḥanbal, A. (1982). *Musnad Aḥmad Ibn Ḥanbal*. Istanbul: Cagri Yayinlari.

## **The Bible**

In-text:

Matthew 12:31-32

Reference:

*The new Oxford annotated Bible*. (2007). Oxford: Oxford University Press.



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