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Profile Books, 2019, pp. 218, ISBN: 978-1-78125-981-8.
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What Happened. By Hillary Rodham Clinton.
New York: Simon and Schuster, Inc., 2017.
ISBN-10: 1501175564; ISBN-13: 978-1501175565.
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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، اِ، اِيَّ	ā		اُو	aw
اُو	ū		اِيَّ	ay
اِي	ī		اُو	uww, ū (in final position)
			اِيَّ	iyy, ī (in final position)

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

Editorial Note

Intellectual Discourse (Vol. 27, No. 2, 2019) contains fifteen research articles, one review article and two book reviews. In recent times, the state of Higher Education and its relationship with Sustainable Development Goals (SDGs) in a number of countries have received much attention from concerned policymakers and academics. In Turkey, for example, there are concerns regarding how to shape Higher Education in line with sustainable development. In the first article entitled “Higher Education in Turkey: Responding to Sustainable Development Agenda,” Cihat Atar and Shukran Abdul Rahman review literature that analyses the history and current status of Higher Education in Turkey. In their article, the authors also review the Turkish Government’s agenda for Higher Education. The main reason for this article is to identify the extent to which the Turkish Government has responded to the sustainable development agenda. This paper also recommends ways to improve and develop Higher Education in Turkey so as to make it a significant sector that prepares stakeholders to achieve Sustainable Development Goals (SDGs).

The second article is contributed by Mariyam Shahuneeza Naseer and Dawood Abdulmalek Yahya Al-Hidabi. Entitled “Quality Assurance in Higher Education in the Maldives: Past, Present, and Future,” this study looks at the history and the current status of quality assurance mechanisms in the Maldives. In this paper, the authors have identified the strengths and weaknesses of the quality assurance mechanisms in Higher Education in the Maldives and have made informed recommendations.

Shafizan Mohamed and Syed Arabi Idid are the authors of the third article entitled “Who Sets the Agenda? Locating the Formation of Public Opinion during the Rantau By-Election”. On 13th April 2019, a by-election was held for the Negeri Sembilan State Legislative Assembly seat of Rantau in Malaysia. Due to social networking sites such as Facebook becoming popular sources of information, various news media organisations set up their own respective channels on these

sites, including Facebook. The authors maintain that this phenomenon allows for wider reach in news and an improvement in audience participation. They point out that audience members reading and subsequently commenting on Facebook news articles makes it possible to identify public opinion and sentiments on issues being covered. In this article, the research conducted by the authors showed that while newspapers and readers do share some issue salience, the relationship does not typify a traditional agenda-setting dynamic.

Dina Murad is the author of the fourth article entitled “The Socio-Political Context behind the Malayan Insurgency, 1948-1960.” She analyses the socio-political context surrounding the Malayan Insurgency (1948-1960) and how it shaped the outcome of counter-insurgency (COIN) operations in the Malayan peninsula. The author argues that the success of British COIN in Malaya was primarily due to the structure of Malayan society which was inhospitable towards a communist insurrection. Her argument is based on an analysis of the significance of race relations, religion, and culture in Malaya. She also took into account the impact of diaspora towards the changing social landscape of Malaya.

In “Islam and Sport: From Human Experiences to Revelation”, Baidruel Hairiel Abd Rahim, Nurazzura Mohamad Diah, Haizuran Mohd Jani, and Abdul Sham Ahmad analyse the relationship between Islam and sports. They examine sports sociology as an academic discipline in the context of a Muslim majority society. The authors of this paper also examine the philosophy of sports participation and the dilemma faced by Muslims in sports under the light of the al- Qur’ān, and Hadīth.

The sixth article is written by Kamaruzzaman Abdul Manan, Che Mahzan Ahmad, Aini Maznina A. Manaf, and Ahmad Shalihin Mohd Samin. Entitled “Factors Driving the Intention to Adopt a Tobacco-free Policy among Employees in a Public Higher Education Institution,” the authors use the Social Cognitive Theory (SCT) to examine how a conducive environment and knowledge influence employees’ intentions towards the tobacco-free policy in higher educational institutions. Statistical results as reported in this paper confirmed that all three constructs of employees—environment, self-efficacy, and knowledge—

have a significant influence on employees' intention to adopt the tobacco-free policy.

Mohammed Farid Ali al-Fijawi, Maulana Akbar Shah @ U Tun Aung, and Muneer Kuttiyani Muhammad contributed the seventh article. They titled the article "Violations of Basic Rights of Prisoners in Conventional and Islamic Law: Theory and Practice." The authors analyse the general problems of jailed prisoners. The paper highlights the violations of human rights suffered by the prisoners. The authors also focus on overcrowding in jails, inadequate educational facilities for prisoners, and poor health care facilities.

The charismatic leadership style of Tun Mahathir Muhammad is the subject of the eighth article. Suleyman Temiz, and Arshad Islam, in their article "Charismatic Political Leadership and Tun Dr Mahathir Mohamad's Malaysia: Power, Control, Stability and Defence," adopts a qualitative approach to analysing historical information, documents, memoirs and articles, and books to better understand Mahathir's leadership.

Francesca Bocca-Aldaqré is the author of the ninth research article entitled "Johann Wolfgang von Goethe: A life With Islam." In this article, she studies Goethe's religiosity throughout his life and, in particular, his relationship with Islam. She makes the point that of out of all religions Goethe studied and interacted with at length, Islam is remarkably absent from literary criticism; yet he elaborated on it throughout his life. This article proposes a periodisation which divides his relationship with Islam into four stages in which specific religious themes echo in his letters and works, most of which have not been pointed out before such as in the *Faust*. Finally, the author discusses the findings in the context of religious studies' scholarship, and approaches the issue of what Goethe could have suggested for the meaning of European Islam today.

Hafiz Zakariya is the author of the tenth research paper. It is titled "Major Trends in the Historiography of Muslim Reformism in Pre-Independent Malaysia." He points out that Muslim reformism was not only influential in West Asia but also in Southeast Asia. However, he makes the point that most studies on Muslim reform have privileged the "central Islamic lands" at the expense of its "periphery". Hence, this article discusses the historiography of Muslim reform in Malaya. The author argues that the existing studies tend to focus on the intellectual

history of reform, while the social history of the diffusion of reformism has not been adequately analysed.

The eleventh article is written by Ali Ahmed Zahir. Entitled “A Critical Analysis of Islamic Council of Europe: From a Juristical and Islamic Legal Maxim Perspective”, he provides a critical analysis of the Islamic Council of Europe. He examines its administrative structure, council members, as well as its procedural guidelines and principles. The author also discussed the Council’s arbitration cases, and a comprehensive breakdown was rendered according to the principles of Islamic judiciary and legal maxims.

Abdul Rashid Moten is the author of the twelfth article titled “Kashmir between India Pakistan: The Unfinished Agenda.” Using documentary sources, surveys, and other writings, the author analyses the genesis of the conflict in Kashmir. He has brought in historical facets together with discursive elements of the contemporary political crisis in Kashmir. The study found that the Kashmir dispute has multiple causes, with the major one being religious differences in a conflict between India -- a predominately Hindu state -- and the Islamic Republic of Pakistan.

Nor Razinah Binti Mohd. Zain, Engku Rabiah Adawiah Engku Ali, Adewale Abideen, and Hamizah Abdul Rahman, in the thirteenth article “Smart Contract in Blockchain: An Exploration of Legal Framework in Malaysia,” discuss the current position of smart contracts in Malaysia and the viability of the Malaysian framework in handling the latest developments. The authors found that smart contracts are more or less similar to traditional contracts. Therefore, they conclude that the requirements, as stipulated under the Contract Act 1950, are applicable in Malaysia and must be followed accordingly. The authors evaluate the current position of Malaysian laws in dealing with smart contracts.

The fourteenth article, “South-South Cooperation: A Case Study of Contemporary Sudanese-Malaysian Relations,” is written by Garoot Suleiman Eissa, Elfatih Abdullahi Abdelsalam, and Muhamad Fuzi Bin Omar. This paper is focused on Malaysia-Sudan relations as a case study of South-South Cooperation. The authors’ findings support the claims of potential rewards in South-South Cooperation.

The fifteenth and final paper titled “Diplomatic Ties between Malaysia and the Holy See: A Symbol of Mutual Respect, Inter-Religious Coexistence and International Cooperation,” by Roy Anthony Rogers, analyses the relationship between the Holy See and Malaysia. The author points out that although diplomatic relations between the Holy See and Malaysia were officially established in 2011, cordial engagements already existed between the Pope and local leaders. This article explores the relations between Malaysia and the Holy See, and analyses the reasons for Malaysia establishing relations with the Holy See and conducting bilateral activities.

A review article on “The Arab Uprisings and Worldwide Responses: A Review of the Literature,” by Mohd Irwan Syazli Saidin is included in this issue of *Intellectual Discourse*. Book reviews have been contributed by Syaza Farhana Binti Mohammad Shukri, and Mahmood Hossain.

Finally, words of my deep thanks are due to Muhammad Saadman, my Graduate Assistant. He worked untiringly, and with deep dedication.

Higher Education in Turkey: Responding to Sustainable Development Agenda

Cihat Atar*

Shukran Abdul Rahman**

Abstract: The study aims to review the literature that analyses the history and current situation of Higher Education (HE), henceforth known as HE, in Turkey and to review HE agenda of the Government of Turkey in order to identify the extent to which it has responded to the sustainable development agenda. This paper recommends ways to improve and develop HE in Turkey so as to make it a significant sector which prepares its stakeholders to achieve sustainable development goals (SDGs). Multiple sources of information: documents on the agenda of Turkey with regard to the objectives of HE; the findings of previous studies undertaken on different aspects of Turkish HE system; and documents prepared by organizations such as YÖK (Turkish Higher Education Council), MEB (Turkish Ministry of National Education) and the World Bank. The analysis of relevant literature suggests that Turkey aims to upgrade the HE system in line with its goals of becoming a more powerful player in the world. The initiatives to enhance enrolment of students at HE institutions; strengthen HE Education Curriculum, internationalise the Turkish HE are in line with the directions that support the attainment of SDGs. The findings provide an account of the HE system in Turkey, both strengths and weaknesses. It enhances understanding on the current situation of HE in Turkey vis a vis the Sustainable Development Goals. The study does not only describe the Turkish HE system, but it provides a case which can be used by HE researchers to study HE in different contexts.

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Keywords: Higher Education, Turkey, Problems in Higher Education, Malaysia, Sustainable Development

Abstrak: Kajian ini bertujuan meneliti dokumen dan tulisan yang menganalisis sejarah dan perkembangan semasa Pendidikan Tinggi (PT) di Turki dan mengkaji agenda PT Kerajaan Turki untuk mengenal pasti sejauh mana ia telah mengisi agenda pembangunan yang lestari. Kertas ini mengesyorkan cara-cara untuk merubah dan membangunkan PT di Turki untuk menjadikannya satu sektor yang penting dalam menyediakan pihak-pihak yang berkepentingan untuk mencapai Matlamat Pembangunan Lestari (SDGs). Ianya melaporkan ulasan dari pelbagai sumber maklumat; dokumen mengenai agenda Turki berkaitan dengan objektif PT; penemuan kajian terdahulu tentang pelbagai aspek sistem PT Turki; dan dokumen yang disediakan oleh organisasi seperti YÖK (Majlis Peningkatan Pendidikan Tinggi Turki), Kementerian Pendidikan Kebangsaan Turki dan Bank Dunia. Analisis tentang tulisan yang berkaitan menunjukkan bahawa Turki berhasrat menaik taraf sistem PT sejajar dengan matlamat untuk menjadikan Turki sebagai penyedia PT yang terbilang di dunia. Inisiatif untuk meningkatkan pendaftaran pelajar di institusi PT; memperkuat Kurikulum Pendidikan PT, mengantarabangsakan Turki adalah sejajar dengan hala-tuju yang menyumbang kepada pencapaian SDGs. Penemuan ini menyediakan satu latar belakang tentang sistem PT di Turki, termasuklah kekuatan dan kelemahannya. Ia meningkatkan pemahaman mengenai keadaan PT semasa di Turki berbanding dengan Matlamat Pembangunan Lestari. Kajian ini bukan sahaja menerangkan sistem PT Turki, tetapi ia menyediakan satu kes yang boleh digunakan oleh penyelidik PT untuk belajar tentang PT dalam konteks yang berbeza.

Kata Kunci: Pendidikan Tinggi, Turki, Matlamat Pembangunan Lestari, Malaysia,

Introduction

Turkey, as a developing country, aims to possess a well-educated workforce that will catch up with its political and economic goals. Accordingly, Turkey aims to form sound social, economic and cultural relations abroad in order to maintain and upgrade its role in the future. The aims have been linked to the development of higher education (HE) which was mandated to play significant roles in supporting the national development goals of Turkey through its education, research, and public services (Mizikaci, 2006).

The establishment of the modern HE system in Turkey dates back to the 18th century during the Ottoman Empire reign. The system underwent various changes throughout the tremendous and terrific events that affected the final decades of the Ottoman Empire. The changes in HE system similarly reflected the political and social changes in the newly-established Turkish Republic (Aslan, 2014). The first higher education institution dates back to 1773, before the republic era (Baskan, 2001). However, the number of HE institutions (HEIs) in Ottoman Empire time were limited and they mainly focused on military technology and engineering. The goal of HE in this era was to train students for a degree in engineering and technical issues, and the main focus was military technology. Accordingly, it is no coincidence that the first two HEIs in the Ottoman Empire were Mühendishane-i Bahri-i Hümayun and Mühendishane-i Berri-i Hümayun which were schools of engineering.

After the Turkish Republic was founded in 1923, HE system was given more importance in order to catch up with the world. The first significant regulation was done in 1933. In 1946 and 1973, further revisions were made to revolutionize the system. Mizikaci (2006) reported that until 1981 there were four types of HLIs in Turkey, namely universities, academies, vocational schools, and teacher training institutes. Their roles were to promote economic, social, ideological and scientific development. This required certain standards of HE provision among HEIs so as to ensure that all institutions were of the same direction in advancing the development in Turkey.

However, especially after the 1973 regulations, there were growing concerns. The main problem was that there was no central control system for the different universities and this resulted in huge variations in the goals, teaching styles and programs they offered. This resulted in many incompatibilities and there was difficulty in finding equivalency of the diplomas the universities offered. These problems, in addition to the will of the military coup makers (1980 military coup), led to a new regulation in 1981, higher education law (no. 2547), which is still mostly at work today. Accordingly, in the following sections the changes made in 1981 will be elaborated in relation to the philosophy and goals of HE in Turkey.

Sustainable Development (SD) as a term and idea has entered the education context only in recent decades. SD can be defined as an

agenda to equip individuals with competencies that enable them to lead a quality life and advance well-being among people hence, trying to eliminate poverty in society. Sustainability in a general sense has been discussed since the Bruntland Report in 1987 (Tuncer, 2008), however, its appearance and application in education took place much later. The implementation of education for SD in the curriculum is a must for raising the awareness of people about the SD issues such as poverty, environmental problems and increasing the level and extent of education. SD has already been integrated into the curriculums, but in developing countries it is still not acknowledged at a satisfactory level. For example, in Turkey there is not a coherent strategy and there are not enough studies done on SD for education (Öztürk, 2017). In this sense, the HE in Turkey and also other developing countries should systematically integrate SD into the curricula and the students should be equipped with this 21st century concept.

HE in Turkey, which are compatible with the Bologna three-cycle system (YÖK, 2014), includes all post-secondary education institutions which offer at least a program of two years of education. At the end of secondary education, students in Turkish secondary schools take centralized examinations whose result determines their chance to gain admission into a university programme. In 2001, 50% of Turkish individuals at the age of 20-24 received lower secondary education while the rate of enrolment in HE was lower than 25% of the age group. The low access to HE education suggests that lower proportion of the population have received education which equips them with job-related competencies, somewhat not available at secondary level education (Mizikaci, 2006). For those who did not pursue higher education, they had high likelihood of facing problems in earning a living due to the lack of basic knowledge and skills which were only provided by HEIs.

HE in Turkey has been developed to play significant roles for both the national and international community (Özoğlu et al., 2012). It has gone through various critical changes and development, all which are beneficial to the many parties in Turkey, including the stakeholders outside Turkey. Turkey, in its Ninth Development Plan, aims to increase educational attainment and develop a life-long education strategy to meet the requirements of a changing and developing economy. To meet its goals, Turkey requires education systems that are more flexible,

more effective and more easily accessible to a wider range of national and international students.

Accordingly, the objective of this paper is to review the literature that analyses the history and current situation of HE in Turkey and to review the Higher Education agenda (e.g. goals) of the Government of Turkey in order to identify the extent to which it has responded to the sustainable development agenda.

Method

Multiple sources of information have been analysed, including documents on the agenda of Turkey with regard to the objectives of Higher Education; the findings of previous studies undertaken on different aspects of Turkish Higher Education system; and documents prepared by organizations such as YÖK (Turkish Higher Education Council), MEB (Turkish Ministry of National Education) and the World Bank. The information gathered was analysed to highlight themes which correspond to the areas and issues that pertain to SD agenda.

Findings

The Goal of HE in Turkey: Attending to Sustainable Development Goals

The notion of Sustainable Development refers to development agenda that meets the needs of the present generation without neglecting opportunities for the future generations to meet their own needs (United Nations General Assembly, 1987). This effort requires individuals to be equipped with the right knowledge, skill and values among individuals at all levels and professions. This is achievable if there is a good agency which takes the roles of equipping individuals with desired qualities, a role which has been mandated to HE system. In short, education plays pivotal role in the SDG agenda in that it helps a country to equip its citizens (and the citizen of others) to have good livelihoods and eliminate negative or unwanted life circumstances.

The goals of Turkish HE

The administration of HE in Turkey was reconstructed in 1981 via higher education law (no. 2547). A centralized system was set up and all the HE institutions started to be governed by the Council of Higher Education (In Turkish: Yüksek Öğretim Kurulu, or YÖK). A central university

exam was introduced and placement system was standardized. In this way, higher education was centralized. Also, the 2547 Law allowed the foundation of non-profit private universities starting from 1984. Considering the 2547 Law, the main goals of Turkish HE entail the (i) massification of HE; (ii) centralization and accreditation of universities; and (iii) preparing human resources in accordance with the development plans of Turkey. (Başkan, 2001; Gür & Çelik, 2016):

Before the 2547 Law, universities in Turkey did not have an organized structure and this resulted in incompetencies among the universities. For example, for the same degree, some universities offered 2-year programs while others offered 4-year programs. Moreover, the same courses offered in different universities varied significantly content-wise. These kinds of issues caused administrative problems and some students faced losses in their rights. Accordingly, the 2547 Law, via the Council of HE, centralized the procedures and applications in state universities and the system was standardized. Also, at that time HE in Turkey was limited in terms of the number of both universities and students. The population of Turkey was in steep increase, but the HE system could not catch up with this and young people suffered from lack of HE opportunities. There were only 19 universities in Turkey before 1982, but this rapidly increased to 27 after the 2547 Law and the number reached 51 in 1992 (Başkan, 2001). However, this massification also caused problems despite its benefits, which will be detailed in the following section.

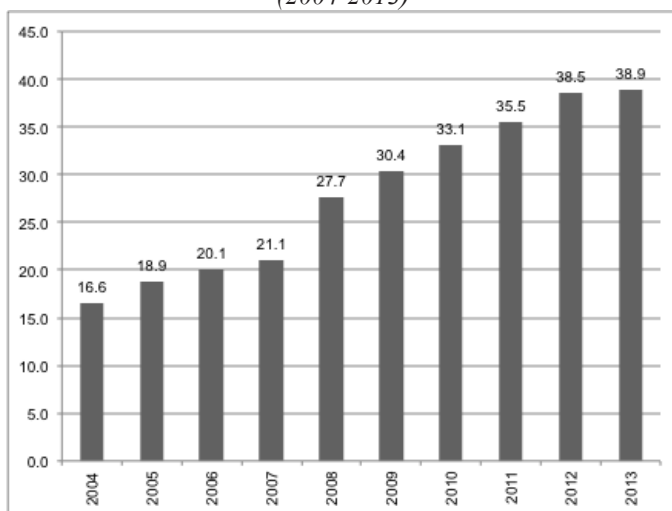
Turkey has attracted international students from Turkic countries such as Kazakhstan and Turkmenistan who share the same culture and origin with Turkey (Koçyiğit & Erdem, 2015). The other group of international students come from Muslim countries such as the ones in the Middle East, Africa, Asia, Caucasus and the Balkans. They are attracted to study in Turkey as a result of its recent economic development and international reputation. Tuition fees are also very low for international students in Turkey compared to the European Union and the United States of America. Living costs are also relatively much cheaper in Turkey. There is a strong need for the improvement of internationalization in Higher Education (HE) sector as the competition with the leading countries is quite challenging.

Ensuring Sustainable Development Agenda

The massification and funding of HE in Turkey

The 1981 HE law is still in effect, but in accordance with the new goals of Turkey after 2006, Turkey started to increase the number of students accepted at current universities and also new universities were opened to achieve massification of HE. Accordingly, Turkey almost doubled its budget for HE and also the salaries of the faculty was increased by 30 % in 2016 (Gür, 2016). Today, almost half of the Turkish students can pursue university education (Gür, 2016). The number of universities has doubled since 2006 (Figure 1) and as of 2017, there are 185 universities in Turkey (YÖK, 2017). These universities are recognized by the Council of HE. Considering these developments and especially considering the steep rise in the participation rates into Turkish HE (Figure 1 below), it can be suggested that massification is mostly achieved in Turkey (Koçyiğit & Eğmir, 2015), making the country much closer to meeting one of the characteristics of a developed country status. This is in line with the SDG agenda which underscores the roles of HE system to support and substantiate the development of a country, particularly in informing policy makers on the possible right ways forward to the country's socio-economic directions.

Figure 1 - The Net Participation to Higher Education for 18-22 Year Olds (2004-2013)



Source: Obtained from MEB (2015).

However, rapid massification has caused some problems for Turkish HE. The first issue is the number of students. Most of the new universities suffer from lack of academic staff and as a result, the quality of academic activities, including teaching and learning processes becomes affected... The statistics show that the number of HE students increased from 2 million in 2004 to 5.5 million in 2013 (Özoğlu et al., 2015). This demonstrates that the number of students increased three times while the number of faculty increased from around 80,000 to only 150,000 in the same period (Gür, 2016). This means that there is an imbalance between the increase in the number of students and the faculty. The need to deal with increasingly huge number of students has, to an extent, jeopardised the quality of teaching and learning, let alone the research-related activities. If this persists, then the effort to empower people, so as to ensure a sustainable future, is at risk.

Secondly, in parallel with the imbalance in the increase of number of students, Turkish universities seem to suffer from serious financial issues (Arap, 2010). The universities cannot get enough funds from the state, which affects their performance, especially the very new universities which do not have many options to make money. In effect, they could not avail good infrastructure, including the teaching and learning facilities. Since Turkish HEIs do not charge any tuition fees on students at undergraduate degree level, their financial capacities worsen. This is in line with findings of many studies conducted on HEIs without tuition fees, such as that of OECD report (2013) which suggested that the universities in countries which provide free access to higher education experience financial difficulties.

The HE Curriculum

In Turkish HE curricula, Turkish Higher Education Council (YÖK) has a dominant role. YÖK predefines some compulsory modules for each department and most of the selective courses are defined by Turkish Higher Education Council. There are some compulsory courses which must be attended to by all the university students in Turkey. These are: Turkish language, the history of the foundation of the Turkish Republic and the independence war (shortly referred to as the history of the revolution) and English language lessons. Turkish language, the history of the revolution and the English language lessons are typically offered in the first and second years of the undergraduate degrees. Other

than these obligatory courses, each department may decide to include a range of selective courses depending on the degree they offer. For instance, an English language teaching department can incorporate a special education module into their program to increase their students' awareness regarding students who have special needs.

In the initial years of the Turkish Republic, the main aim of the universities was to prepare students for certain jobs: teachers, architects or engineers, necessitating the universities to design specific curriculum accordingly. However, after the widespread globalization in the 90s, the Turkish HE started to incorporate lessons which prioritise individual development and more selective courses were allowed so that students can choose in which aspect they want to develop themselves. In some leading universities such as Boğaziçi University, they have a more independent style, which enables them to prepare their curriculum in a much more independent manner compared to most state universities.

It can be argued that Turkey struggles to adjust the curricula of the HE institutions with regard to its policies and the needs of the era, but the system is still too strict and universities do not have much control over their curriculum. This may threaten the universities' prospect of an individual focus and development. However, it must be noted that recently the government has some precautions, leading them to allow some universities to focus and specialise on certain subject areas. For instance, some universities, such as Gebze Technical University and Erzurum Technical University, were made to focus on engineering while some others under the name of Social Sciences University specialise in social sciences.

To sum up, as far as curriculum is concerned, the design of HE curriculum in Turkish HEIs has been driven by the need to have certain criteria or values among students. With the change of social, political and ideological scenario, various HE reviews have taken place. The ultimate aim of curriculum design or reform is to develop graduates' competencies and improve their quality, hence enhance the ability to fare well in the society and the world of work. Given that developing competent graduates is essential for enabling the students to realize social and economic transformation, the design of curriculum which attend to the need of stakeholders is highly appropriate. It is also in support of the sustainable development agenda which strives to empower individuals

to change the way they think and work so as to ensure a sustainable future.

The internationalisation of Turkish Higher Education

The Turkish HE system has embarked on strategic initiatives, characterised by significant HE development and changes that befit the agenda of making Turkish HE highly-reputable in the international arena. As result, the Turkish HE system has improved its international profile; and received increasingly high enrolment of international students in Turkish HEIs.

Turkey has actively participated in the Bologna Process, which defines the European Higher Education Area. The Bologna Process has been an important opportunity for reconstruction and internationalization of the Turkish HE system. Accordingly, in order to improve the quality, recognition and visibility of HE institutions at an international level, the Council of HE in Turkey, being the national authority of Bologna Process, has implemented relevant practices. One such practice is the implementation of various projects for the National Teams of Bologna Experts. The projects have been financed by the European Commission and coordinated by the Council of HE since 2004. In addition to these projects, the Council integrates all HEIs in Turkey to the European Higher Education Area. Consequently, academic staff, administrative staff and students have crucial roles in the implementation of this process so as to contribute in the development of Turkish HE system. Up until now, Turkey has mostly achieved massification of participation in HE and the number of universities in Turkey has doubled in the last decade (YÖK, 2017) However, what is needed in Turkish HE is achieving a more qualified system in addition to supporting the massification agenda, a critical need and aspiration of Turkey in order to accomplish its potential in the world arena.

The structure and administration of HE in Turkey

A worth discussion in the discussion of HE management is associated with the incumbents of HE Institutional Management positions. In Turkey the Rector leads the Senate, implements the regulations, and ensures co-ordination in the university. The Senate is the governing body of a university in terms of academic affairs which is composed of the rector, vice-rectors, deans, graduate school directors and the post-secondary

vocational schools, as well as a teaching staff members elected for each faculty for a three-year term. The University Administrative Board is led by the rector and the other members are deans and three professors who are appointed by the Senate for a four-year period. (YÖK, 2014).

In state universities, for the rector-ship, six candidates are elected by the faculty members via a secret ballot. Council of HE proposes, three of those six candidates to the President of Turkey, who then makes the final selection and appoints the rector. However, as a result of the military coup attempt on the 15th of July in 2016, state of emergency is declared and temporarily rectors are directly assigned by the president of Turkey. In non-profit foundation universities, the selection of candidates and the appointment of the rectors are done by the Board of Trustees. The dean of a faculty is appointed by Council of HE from among three candidate professors nominated by the rector.

The Focus on an Advanced Degree

As for degrees offered in Turkish HE institutions, an associate's degree is awarded for two-year programs which are offered by post-secondary vocational schools. However, students need to complete 4-year programs to earn a Bachelor's degree. This duration is 5 years for dentistry and veterinary medicine and it is 6 years for medicine. The degree obtained from these three fields are the equivalent of a Master's degree (YÖK, 2014).

The graduate and PhD system in Turkey is very similar to international norms. A Master's degree is a two-year program and it is offered with or without a thesis. However, most of the programs offered in Turkey requires the completion of a thesis. A Doctoral degree is usually a 4-year program. The program requires taking a minimum of seven courses, a dissertation and the oral defence of the dissertation. The defence is oral and it is made in front of a dissertation committee. A master's degree is required for doing a PhD, but students with a Bachelor's degree can apply for integrated PhD programs which last for 5 years (YÖK, 2014).

Discussion

Countries that invest heavily and effectively in education and skills to produce information and knowledge will benefit economically and socially. The European Union (EU) has set the goal to turn Europe

into the most competitive and flexible knowledge-based economy in the world (World Bank, 2007). Turkey, in its Ninth Development Plan, also aims to increase educational attainment and develop a life-long education strategy to meet the requirements of a developing economy. To meet its goals, Turkey requires an education system that is more flexible, more effective and more easily accessible.

As discussed in the previous sections, Turkey has experienced five major regulations to improve its HE in order to meet its goals. The final regulation of 2547 Education Law in 1981 is still at work. The aim of this Law was to achieve massification of HE, centralization and accreditation of the universities, and preparing quality work force and human resources in accordance with the development plans of the state. The review of the studies and statistics suggest that massification goal has been mostly realised. Turkey has multiplied the number of students in HE system almost by three (Özoğlu et al., 2015) and around two-thirds of people between the ages of 18-22 are in HE system now. Therefore, it can be argued here that, in Martin Trow's (1970, 1974, cited in Gür, 2016) terminology, Turkey has achieved massification and now it moves from a mass to a universal higher education system. As Koçyiğit and Erdem (2015) states, international students only constitute about 1% of the students at universities in Turkey (Koçyiğit & Erdem, 2015, p. 216). Moreover, it can be argued that the expansion of HE in Turkey is a success, but it must be directed into being an international system. The second main goal of Council of HE in Turkey, which is the centralization of the system, is also achieved thanks to the power Council of HE that is exerted on universities. Now, it can be argued that the university system is consistent and aligned internally as well as being adapted to the international system through systems such as Bologna Process.

However, there are also some issues faced in Turkish HE system. The first group of criticisms comes as a reaction to the outputs of rapid massification. The imbalance between the increase in the number of students and faculty are demonstrated by Gür (2016). He has shown statistically that while the number of students has risen around three times in the last decade, the increase is less than twice in the number of lecturers. Before the rapid massification, there used be one lecturer for every 25 students while it has risen to almost 37 students per lecturer. This means that lecturers have to deal with 50% more students

compared to only a decade ago and this definitely has negative effects on the quality of education in HE system. Moreover, as a result of the rapid massification and foundation of many new universities, these new universities have difficulty in finding faculty (Özoğlu et al., 2015). These universities have difficulty in especially recruiting experienced and qualified lecturers. Most experienced faculty do not want to work at these universities for two reasons. Firstly, most of these universities are in rural and underdeveloped parts of Turkey. Secondly, as these universities are new, they face many technical and economic problems. This significantly decreases the quality of education in these newly-built universities. Then, it can be argued that there is a substantial shortage of faculty in especially the new state universities in Turkey. This shortage is both quantitative and qualitative. These universities cannot only attract sufficient numbers of faculty members, but also they have an even more difficulty in attracting qualified and experienced faculty. This is mainly because, there is a mismatch between the increase in the number of students and the number of the faculty members.

There are also some relevant precautions taken by the government and Council of HE. In order to fill the huge gap in the number of faculty members, the government sent about 2.800 graduate students abroad on a scholarship so that these students study there, and return back and teach at the newly established universities. There was also a similar domestic program for research assistants who were expected to have education in well-established universities in Turkey and after, they are supposed to work at newly established universities (Gür, 2016). However, these attempts partly failed after the coup attempt in 2016, although qualified academicians are still recruited through these programs, especially using programs where in which students are sent abroad. The interior one, on the other hand, seems to be cancelled and further students are not accepted. Rather, some scholarships are offered under YÖK now.

Some other precautions taken by the Council of HE in Turkey to improve the quality of higher education include increase of salary by 30 per cent in 2014, a performance pay was also introduced. The faculty gets paid extra money for academic works he/she creates in a year. It can be argued here that these two attempts together are great incentives for faculty to work in public universities. Also, the government pays more money to the faculty members working at universities that are located in underdeveloped areas of Turkey. These three incentives of

government for increasing the quality of HE in Turkey are fair and efficient tactics, and they contribute to the quality of the system in a positive way. But, still these incentives need to be more target-specific and contextual variances must be checked carefully to ensure that these incentives serve their intended purposes.

One another issue is the financial sustainability of the Turkish HE. As there is no tuition fee for HE in Turkey starting from 2013 and as most of the new universities do not have diverse links and potential to make money, as Kurt and Gümüş (2015) argues, the responsibility for economic sustainability solely lies on both the government and the universities. Most of the universities in Turkey do not have efficient links with the community and businesses. When this is combined with the absence of the income from tuition and registration fees, HE system in Turkey faces great financial troubles. Accordingly, the universities should diversify their income options and they should focus more on producing applications into real life. The suggestion of World Bank (2007) that free education does damage to sustainability of HE systems is also a valid one in that free education may be misused and the sharing of the cost of education with individual students may be a logical move. However, these poses economic as well as political challenges. Free education system may be maintained for the lower classes of the society, but this will probably be unsustainable for the whole country. So, a tuition fee with regard to the income of students may be introduced. However, this area is a very complicated one as there are too many issues and thus, this area needs to be studied more to understand the benefits and disadvantages of free tuition policy at public universities in Turkey. To sum up the argument on financial sustainability of HE system in Turkey, there is a need for the universities in Turkey to increase and diversify their sources of income in line with Kurt and Gümüş's (2015) suggestion and free HE for everybody may be reconsidered, but this becomes a very sensitive issue.

The problems around massification, lack of experienced and unqualified faculty and the overwhelming issue of finance does damage to the HE system in Turkey. These problems will also do damage to the internationalization of Turkish HE system. The inherent problems faced in the system also have the potential to prevent international students from choosing Turkey and if sufficient precautions are not taken starting from the initial phases, this can damage the prestige of

Turkish universities which will have a significant negative effect on the image of Turkish HE institutions in the long run.

Finally, the 2547 Law that was enacted in 1981 is worth some discussion. Considering the problems of Turkish HE in the 70s, 2547 Law definitely helped Turkish HE in some respects. It helped in massification of HE, increasing the number of universities and centralising the system by which alignment and accreditation of the universities both within the country and also by international organizations were achieved in a general sense. Moreover, the amount of publication has risen and universities have become better connected to the universities within the system itself and also, they have become better connected to the systems below them (e.g. secondary schools). However, especially with recent trends throughout the world, 2547 Law has proven some problems for Turkish HE system. Firstly, it has decreased the autonomy of the universities which decreases the flexibility of the universities. For instance, as a result of the centralized system, universities cannot adapt to regional variables or needs and they cannot contribute to the sustainable development of their environment. So, despite having both criticisms and advantages, the 2547 Law definitely served for some significant purposes, but now in order to aim higher for Turkish HE and considering the future goals of Turkey, a new law is necessary. It may be suggested that the focus in this law should be quality and internationalization considering the discussion above.

Conclusion

This study has set out to review the literature that analyses the history and current situation of Higher Education in Turkey in relation to the Higher Education agenda (e.g. goals and 2547 Law) of the government. The paper has also aimed to identify and discuss the issues related to Higher Education system in Turkey and to make suggestions to improve and develop the issues and areas in Turkish Higher Education with regard to the discussion regarding purposes of HE above. Multiple sources of information were used as data in this study: the documents on the agenda of Turkey with regard to the objectives of Higher Education, the findings of previous studies undertaken on different aspects of Turkish Higher Education system and documents prepared by organizations such as YÖK (Turkish Higher Education Council), MEB (Turkish Ministry of National Education) and World Bank. The analysis

of the literature and the agenda of the government suggest that Turkey aims to upgrade the Higher Education system in line with its goals of becoming a more powerful player in the world. The findings suggest that Turkey has achieved massification, centralization and integration to the international system. However, despite these accomplishments, especially the rapid massification, it has brought about some negative outcomes. The main problems, which are also interrelated, are the decrease in the quality of education in HE system, lack of sufficient and qualified faculty, financial and infrastructure problems, and severe problems with the newly-built universities face. Some suggestions regarding the financial sustainability and the quality of education in HE system have also been mentioned. To sum up, this study has provided an account of the Higher Education system in Turkey, both strengths and weaknesses. The discussion in this study also provides a case, to be compared and contrasted with, which can be used by the researchers studying Higher Education in different contexts, especially in those other developing countries such as Malaysia.

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Quality Assurance in Higher Education in the Maldives: Past, Present, and Future

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Abstract: Quality assurance in higher education is a hot topic with the increased number of students graduating from postgraduate programmes offered by the higher education institutions. This qualitative study aimed to look at the history and the current status of the quality assurance mechanisms in the Maldives; identify its strengths and weaknesses; and make informed recommendations. Critical event narrative inquiry was used and data were collected through interviews and analysis of documents. Content analysis of data collected revealed that Maldives was one of the very first countries in the region to establish such a mechanism and it was very similar to that of Australia. The most significant finding was that the body mandated to assure higher education quality and did not have any power or regulatory authority. Therefore, it is important that the authority be an independent body established by an act of parliament with the regulatory power.

Keywords: quality assurance, higher education, Maldives

Abstrak: Jaminan kualiti dalam pendidikan tinggi adalah topik yang penting yang perlu diuruskan supaya selaras dengan peningkatan bilangan pelajar program pascasiswazah yang ditawarkan oleh institusi pengajian tinggi. Kajian kualitatif ini bertujuan untuk mengkaji sejarah dan status mekanisma jaminan kualiti di Maldives; mengenal pasti kekuatan dan kelemahan mekanisma tersebut; dan membuat cadangan berdasarkan maklumat. Data telah

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dikumpulkan melalui temuduga dan tinjauan literatur dan telah dianalisa dengan menggunakan metod siasatan naratif peristiwa kritikal. Analisis kandungan data yang dikumpul menunjukkan bahawa Maldives adalah salah satu negara yang pertama di rantau ini yang telah menubuhkan mekanisma jaminan kualiti dalam pendidikan tinggi yang mirip dengan Australia. Penemuan yang penting kajian ini adalah bahawa badan yang diamanahkan untuk menjamin kualiti pendidikan tinggi tidak mempunyai kuasa pengawalseliaan. Kajian mengesyorkan supaya wujudkan satu Akta Parlimen untuk menubuhkan satu badan berkuasa bebas untuk tujuan pengawalseliaan.

Kata Kunci: jaminan kualiti, pendidikan tinggi, Maldives

Introduction

Quality assurance in higher education is a debated topic in academia and has received substantial attention over the years particularly, with the increased number of students graduating from postgraduate programs offered by higher education institutions (Butter, Aguilera, Quintana, Pérez, & Valenzuela, 2017; Pham & Starkey, 2016; Sarrico & Alves, 2016). One of the key rationales for the discussions on quality assurance in higher education is the “mass production” of graduates from postgraduate programs offered by higher education institutions (Becket & Brookes, 2008; Butter et al., 2017; Eriksen, 1995; Oldfield & Baron, 1998; Pham & Starkey, 2016). Quality assurance in higher education was one of the agenda items of discussion at the Annual General Meeting of Private Higher Education Association of Maldives (PHEAM) which was held on February 27, 2018. The two main areas of this discussion were the importance of providing a quality education and private higher education institutions working together with the government in assuring the education quality provided, which has been always on the agenda since its establishment five years ago (Hassan, 2016; Nizar, 2018).

In the Maldives there are 91 registered local higher education institutions. According to the Maldives Qualifications Authority (2018), 12 of these institutions offer postgraduate programmes. Of these 12 institutions two institutions offer doctoral level programmes. Those two institutions are the only universities in the Maldives that are state owned. According to the statistics from the past three years, number

of students who graduate from postgraduate programmes offered by private colleges in the Maldives are relatively higher compared to that of the universities. Statistics indicate that more than 30% of the graduates from private institutions are from postgraduate programmes. At the graduation ceremony of one of the higher education institutions in the Maldives, the Chairman highlighted that one third of their graduates were from postgraduate programmes and questioned the quality of the graduates and criticized the quality assurance mechanism in the country (Graduation 2018, 2018; Nizar, 2018). This raised eyebrows and quality assurance became a hot topic among the general public. Following this, a research report entitled “*Mathee Thauleemuge Fenvaraamedhu Suvaalu!*” which roughly translates to “Questioning the Quality of Higher Education” was published by a local newspaper *Mihaaru*. According to the report, academics and top management of higher education institutions raised questions regarding the quality of education provided in regard to the modes of delivery and workload of students enrolled in universities and colleges. In addition, informants of the report who were well-known academics were very concerned about the fact that higher education institutions in the Maldives were highly dependent on part-time lecturers who most of the time took the workload of a full time lecturer at more than one institution within a week. Recruitment criteria used to employ these part-time lecturers were also criticized highlighting that a person who graduated from a bachelor’s degree program is hired to lecture a bachelor’s degree program within a year of graduation. The report also deliberated the quality of assignments and mechanisms set in place to ensure the work submitted is genuinely one’s own work explaining that there were numerous local advertisements which offered to do the assignments of students for a fee. The report wrapped up by raising serious questions regarding the mandate, execution of the mandate, and role performance of the quality watchdog - the Maldives Qualifications Authority (Ali, 2018).

Maldives Qualifications Authority’s mandate is to assure the quality of higher education. Starting 2017, the Maldives Qualifications Authority (MQA) has initiated external audit of higher education institutions for the first time in the Maldives. For this reason, it is timely to study the current status of quality assurance in higher education in the Maldives to identify the strengths and weaknesses. Identifying the

strengths and weaknesses would in turn contribute positively towards the improvement of quality assurance mechanism used in the Maldives. Moreover, the results of this study could contribute towards the enhancement of the system currently in place. Therefore, in order to ensure the quality of academic qualifications and to ensure that all the institutions adhere to the quality standards, it is important to investigate the current status of quality assurance in higher education in the Maldives. Given this context, this study aims to look at how the quality assurance mechanism was first established in the Maldives, identify the strengths and weaknesses in the quality assurance mechanism used in the Maldives, and make recommendations based on findings to enhance the quality of higher education provided in the country.

Quality and Quality Assurance

Quality is an ambiguous term and education quality is rather a vague concept (Becket & Brookes, 2008; Butter et al., 2017; Cheng & Tam, 1997; Pounder, 1999). Past research suggested that quality measurement tools and models implemented in higher education institutions differed and therefore, quality assurance in higher education is a challenging task not only because there is no universal agreement on how best to manage quality within higher education but also due to the complicated nature of the educational outcome or product (Becket & Brookes, 2008; Martens & Prosser, 1998).

Education has been viewed as a system which consists of inputs, transformation processes, and outputs (Becket & Brookes, 2008). In education there are human, physical, and financial inputs that go through processes such as teaching, learning, research, administration, and knowledge transformation (Sahney, Banwet, & Karunes, 2004). According to Elton (cited in Becket & Brookes, 2008) accountability, audit, and assessment are the quality “As” which are concerned with the quality assurance and the people who assured quality in higher education while quality enhancement focused on quality “Es”: empowerment, enthusiasm, expertise, and excellence. Quality assurance is carried out by government or other external bodies through accreditation and quality audits as external stakeholders are the ones who are more concerned with quality assurance procedures and the independence of these bodies are an important requirement in many countries (Becket & Brookes, 2008; Gümüş, 2018). Quality enhancement is rather an internal process

where internal stakeholders interpret and assess the quality of education provided which aims for overall increase in the quality of teaching and learning and this significantly contributes to the original efforts in quality assurance (Becket & Brookes, 2008; Hayward, 2017).

Foundation in quality assurance in higher education is the accreditation of education institutions through specialized accreditation agencies using mainly the process of audit which is one of the key elements in quality enhancement as well as in quality assurance as internal audit contributes to quality enhancement while external audit is part of quality assurance (Hayward, 2017; Schomaker, 2015; Welch, 2016). Council for Higher Education Accreditation (2019) defined accreditation as “review of the quality of higher education institutions and programs.” Greenberg (2014) defined accreditation as:

A first run at a new definition might contain these elements: Accreditation is a process by which recognized authorities validate that an institution meets minimal professional standards and accountability based on its mission. Standards established by professional groups and accrediting bodies are validated by government officials who also establish rules and regulations for the conduct of the accreditation process.

Hayward (cited in Hayward, 2017) defined accreditation as “the process of external quality review used in higher education to scrutinize colleges, universities and higher education programs for quality assurance and quality improvement” (p. 21). Maldives Qualifications Authority (2017) defined accreditation in their *Manual for Conducting Programme Accreditation* as “a process whereby programmes initially approved by MQA to be offered and awarded by a Higher Education Institutions in Maldives are quality assured by the Qualifications Authority against a set of nationally accepted standards” (p. 4).

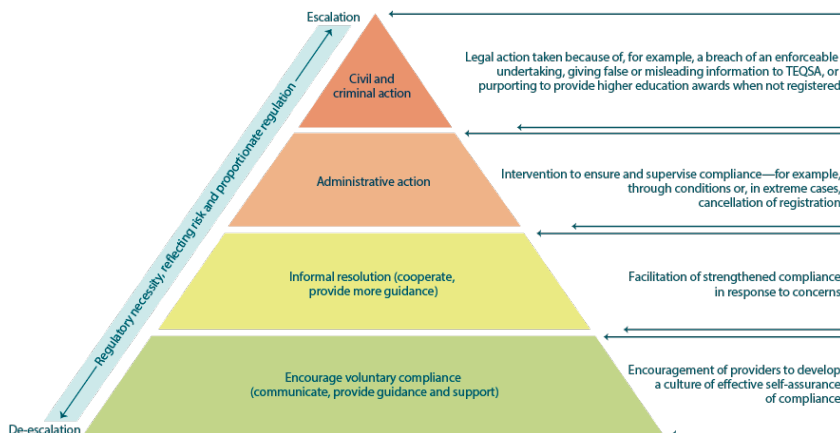
International Developments in Higher Education Quality Assurance

In Australian higher education, autonomous universities established under State, Territory, or Commonwealth government legislation have the power to accredit their own courses while State or Territory governments retain the power to accredit courses developed and delivered by other higher education institutions (Shah, Nair, & Wilson, 2011). It is also noteworthy that there are slight variations in accreditation

arrangements and approaches among States or Territories. From 1980 to 1990 there was no national quality management framework so individual universities were responsible for the development, implementation and enhancement of systems and processes for quality assurance (Shah et al., 2011). First quality assurance framework for higher education was implemented in the year 2000 along with National Protocols for Higher Education Approval Processes, Education Service for Overseas Students (ESOS) Act and an external agency named Australian Universities Quality Agency (AUQA) was endorsed (Anderson, Johnson, & Milligan, 2000; Shah et al., 2011; Skilbeck & Connell, 2000). It is apparent that governments played key roles in initiating quality assurance reforms in Australian higher education to improve the quality and standard of higher education. In summary, Australian quality assurance framework consisted of five key elements, namely, Australian Universities Quality Agency Audits, States or Territories Accreditation based on national Protocols, Universities Responsible for academic standards, Australian Qualifications Framework National register, and Commonwealth monitoring of universities performance via Institutional Assessment Framework (IAF). Shah and colleagues (2011) reported that AUQA processes which comprised of the preparation of the performance portfolio, self-reviews, trial or mock audit, improvements as a result of self-reviews, AUQA visit, and post-audit follow-up led not only to the strengthening of quality assurance processes in the universities but also promoting quality culture and engaging staff in quality. It was also reported that “the audit itself, which allows institutions to undertake self-review and address areas, needing improvement before the actual AUQA audit has been valuable” (p. 479), however AUQA does not have the authority to place sanctions or penalty on institutions. AUQA’s successor the Tertiary Education Quality and Standards Agency (TEQSA) was established in 2011 as a response to Bradley Review in 2009 to ensure that higher education providers meet minimum standards, promote best practice and improve the quality of the Australian higher education sector (Tertiary Education Quality and Standards Agency, 2017). TEQSA is Australia’s single independent national quality assurance and regulatory agency for higher education whose *core elements are to apply standards (which are set out in HES Framework) and risk-based quality framework to protect and promote the interests of higher education students and the reputation of the higher education sector* (TEQSA, 2017). The current

legal framework that governs the Australian higher education consists of Tertiary Education Quality and Standards Act 2011, Higher Education Standards (HES) Framework (Threshold Standards) 2015, Education Services for Overseas Students (ESOS) Act 2000, and National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code 2018). Figure 1 shows TEQSA’s graduated approach to exercising formal powers.

Figure 1. TEQSA’s graduated approach to exercising formal powers (TEQSA, 2017)



In Egypt, an independent body is responsible for assuring quality in education (Khalifa, n.d.; NAQAAE, 2019). The body, National Authority for Quality Assurance and Accreditation of Education (NAQAAE), was established by a president’s decree in 2006 with the aim to assure education quality (both pre-university and university education) and to provide technical support for higher education institutions and to accredit educational institutions. This body provides institutional accreditation as well as programme accreditation as part of ensuring education quality. The standards set out for institutional accreditation focus on two major aspects, namely, institutional capacity and educational effectiveness while programme accreditation focused on programme management and educational effectiveness. (Khalifa, et al., n.d.; NAQAAE, 2019). Khalifa et al. (n.d.) noted that each institution has a quality assurance unit which is mandated to implement internal mechanisms to ensure quality. Nationwide quality assurance is done through NAQAAE. It is noteworthy that this authority reports to

the Egyptian President, Prime Minister and the Parliament (NAQAAE, 2019).

The European Association for Quality Assurance in Higher Education (ENQA) is an umbrella organization which represents quality assurance organizations from the European Higher Education Area (EHEA) member states (ENQA, 2019). ENQA published Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG) in that seven standards to be followed by quality assurance agencies were mentioned. According to ENQA (2015, p 22-23) the standards are categorized under activities, policy and processes for quality assurance; official status; independence; thematic analysis; resources; internal quality assurance and professional conduct; and cyclical external review of agencies. It is noteworthy that ENQA also emphasizes the importance of having legal power so that the quality assurance agency could function independently without the influence of a third party.

Quality assurance system for New Zealand higher education consists of two parts, namely, internal and external quality assurance systems (NZQA, 2019; Shi, 2016). This is similar to that of other countries in the world and the current system in the Maldives. It is believed that self-assessment is the most powerful means for an institution to understand and improve its educational performance (Shi, 2016). There are two bodies overseeing the quality assurance of universities - Universities NZ's Committee on University Academic Programmes (CUAP) and the Academic Quality Agency for New Zealand Universities (AQA) established in 1993 by the New Zealand Vice-Chancellors' Committee as an independent body. The New Zealand Vice-Chancellors' Committee (operating as Universities New Zealand) is the statutory body with primary responsibility for the university sector's quality assurance matters (Universities New Zealand, 2019).

In summary, as per international best practices, quality assurance is carried out mainly in two folds. Internal quality assurance mechanisms such as internal audit, internal assessments are set in place and there are independent external bodies responsible for higher education quality. In most of the countries it is mandatory that an internal quality assurance unit is established within the higher education institution. These external bodies have legislative power to regulate and take corrective

action. Roles of these bodies varied slightly, however, in some countries programmes were accredited and even institutions were accredited. The accreditation as given for a period of 5-7 years.

Research Design, Methodology, and Approach

A critical event narrative inquiry method, which is a qualitative research design, is used to investigate the current status of quality assurance in higher education in the Maldives as this method was found most appropriate to investigate “human-centered and complex areas, such as higher education quality” (Mertova & Webster, 2009, p. 147) as experiences occur narratively they should be studied narratively, particularly educational experiences (Clandinin & Connelly, cited in Webster & Mertova, 2007).

Data was collected for this critical event narrative case study using semi-structured, one-on-one, face-to-face interviews and through analysis of documents. In this study the critical events which voiced the important issues and concerns in the higher education quality assurance mechanism in place in the Maldives are extracted from the stories of academics, heads of higher education institutions, leaders of higher education quality assurance in the Maldives, and those who have worked at policy level and those who have been actively engaged in the process of higher education quality assurance mechanism through the establishment of Maldives Accreditation Board (by a Presidential Decree on 14 August 2000) which later was renamed as the Maldives Qualifications Authority on 17 May 2010 (Maldives Qualifications Authority, 2019).

Data was collected from the 8th of June 2018 through 22nd of January 2019 from 12 different informants who were recruited using purposive sampling and then snowball sampling as these methods of sampling allowed to employ individuals who had the information required for this study as this is a critical even enquiry where data needed to be collected from a very specific group of individuals (Creswell, 2018). The guiding principle used to determine the adequate sample size was the concept of saturation (Baker & Edwards, 2015). As there was a high level of homogeneity among the population, saturation was reached after the seventh interview (Marshall, Cardon, Poddar, & Fontenot, 2013). However, as participants have given consent and appointments were confirmed, five additional interviews were carried out. It is noteworthy

that this helped to ensure that saturation was reached and there is no additional new information to be gained. A total of 29 interviews were carried as after the 12 initial interviews, another short 17 interviews were carried out as follow-up interviews during the data collection and analysis period to clarify and confirm findings.

Data collected through interviews and documents were analysed for themes and patterns using content analysis. Analysed and interpreted data was validated through member check to improve the accuracy, credibility, validity, and transferability of this study.

Conceptualization of Higher Education Quality Assurance in the Maldives

According to the interviewees who were directly involved with the establishment of quality assurance mechanism in the Maldives, the initial discussion of establishment of quality assurance begin in the year 1999 during the implementation of World Bank's Second Education and Training Project which took place from 1995-2000 (The World Bank Group, 2019). The initial idea was that the Maldives College of Higher Education (MCHE), which was established on 1 October 1998 by the government of Maldives to amalgamate the then existing institutions of higher education, needed a quality assurance mechanism and hence the first part of the three-part series of establishing the quality assurance in higher education in the Maldives was conceptualized.

The MCHE was established with the vision to be upgraded to a university at some point, therefore, it was planned to have a quality assurance unit called Accreditation Board within the MCHE according to the informants. Asian Development Bank provided the technical assistance to establish the Accreditation Board. Accreditation Board was to be an organ of the MCHE, hence, the mandate of MCHE included in addition to being a provider itself, accredit the programs of private institutions on delegated authority from the Ministry of Education (Hameed, 2019).

Maldives Accreditation Board (MAB)

MCHE with consultants from the Ministry of Education was working on developing the Maldives National Qualifications Framework (MNQF) in order to establish the Accreditation Board. According to the informants, a higher priority was given to developing the MNQF as there

were variations in entry requirements to academic programmes as well as certification standards due to lack of coordination in award criteria nationally. This was followed by the development of draft documents for programme approval.

It is also worth mentioning that at this time there were a few private higher education providers in the Maldives and they required the government to regulate the qualifications and one of the functions of Accreditation Board included regulation of qualifications. Considering all these, the education minister decided that it would be better if the Accreditation Board is under the Ministry of Education instead of being an organ or a unit of MCHE. Hence, the Maldives Accreditation Board (MAB) was established by a decree of the President on the 14th of August 2000, which is the general mechanism by which most government institutions have been established in the Maldives (Hameed, 2019; Maldives Qualifications Authority, 2019).

Establishment of the Maldives Accreditation Board was a significant step in enabling private providers to enter the higher education market, and positively contributed assuring the public of quality and confidence of the academic programmes offered by the private higher education institutions. According to Hameed (2019) “there were no such singular institutions of quality assurance in South Asia at that time, and the Maldives Accreditation Board was, in that sense, unique in the region”. It is important to acknowledge that Maldives was one of the first countries to establish a quality assurance mechanism in South Asia.

According to the director general of MAB Dr. Ahmed Anwar (personal communication, January 7, 2019) MAB’s mandate at that time was to enhance and assure quality of Tertiary Education in the Maldives and to validate qualifications awarded in testimony of educational attainments. Furthermore, prior to the founding of MAB, certificate validation of qualifications obtained overseas was carried out by the Department of Public Examinations. Data analysis revealed that the board composition of MAB included representation of MCHE, private higher education institutions, experts of specific subject areas or disciplines such as health, education, business, law, and higher education experts.

Initially the idea was MAB to approve programmes for five years and then start accreditation of programmes as at that time there was only

MCHE and a very few private colleges. According to the informants, although MAB targeted to start accreditation within five years of its establishment, it was unable to start accreditation process due to staff shortage and lack of staff with technical expertise. In addition, informants highlighted that a lot of time was taken for validating foreign qualifications and hence there was no time to carry out institutional audit. Therefore, accreditation had to be parked.

Maldives Qualifications Authority (MQA)

The MAB was renamed as Maldives Qualifications Authority (MQA) on the 17th of May 2010 (Maldives Qualifications Authority, 2019). Respondents confirmed that to date, the MQA has not accredited any programmes or institutions. Since its establishment in 2000, they have been approving programmes, and validating foreign as well as locally awarded certificates. However, validating local certificates was brought to an end in September 2016 and in the same year *Guidelines for Institutional Audit* was endorsed by the MQA (Maldives Qualifications Authority, 2016). In 2017 for the very first time institutional audit was carried out by the MQA as a first step towards accreditation.

Maldives National Qualifications Framework (MNQF)

One of the first steps taken with the establishment of MAB was to design and develop a framework to protect qualifications awarded in testimony of educational attainments. The work of this framework began with the establishment of MCHE. This framework is called the Maldives National Qualifications Framework (MNQF) and came into existence in 2001. Data analysis revealed that qualification frameworks of Australia, British, New Zealand, and United States of America were used initially as the main guides to design the Maldives Qualifications Framework. Interviewees explained that the main reason for using those frameworks was due to the fact that most of the Maldivians were going to those countries for higher education and to make sure credit transfer was made easy and possible, those frameworks were used. Somewhere about 2009 the initially developed framework was revised and the Scottish level descriptors were incorporated. This MNQF was revised again and released to public by the Maldives Qualifications Authority (formerly known as MAB) on the 31st of August 2016. In addition to that there were a few changes brought to the entry requirements with the recent revision, and it is specifically mentioned that the level descriptors

of Scottish Framework levels 3-12 are used as the level descriptors of MNQF levels 1-10 (one represents Certificate 1 and level 10 is equivalent to doctoral degree) (Maldives Qualifications Authority, 2016).

Interviewees noted that unlike the popular belief, the current MNQF do not exclude vocational training as technical expertise were used to purposefully include vocational training. Interviews with professionals who worked from the conceptualization to establishment and through the recent revision of MNQF emphasized that MNQF levels 1 through 4 was targeted for vocational programmes. Although MNQF closely resembled that of Australia, skill assessment procedures of Australian framework were neither considered nor adapted for the Maldivian context (Hameed, 2019).

Concerns Raised by Stakeholders

Main concerns raised by the academics and the heads of higher education institutions included the MQA not performing the functions it was established to perform. One of the respondents said:

“up until 2017 the main role played by MQA was to approve the programmes offered in the higher education institutions in the Maldives and validate certificates including locally awarded ones. They never checked whether the programmes were conducted in compliance with their standards. I believe MQA should be more responsible. It is public knowledge that some institutions are freely distributing certificates”.

Typical concerns raised by heads of higher education institutions included:

“... Institutions are openly advertising that students will have to attend classes only once a month for three days each month for a total of eight months. Some graduates have said that they don’t have to attend classes. All they need to do is come and register after that submit a written assignment and do a presentation for each module. Some institutions are conducting block mode classes which MQA says they never approved. Graduates don’t have any quality”.

“(Name of the institution removed) has enrolled individuals to a Master’s programme which we have rejected because they do not meet the minimum entry requirement set by the MQA. MQA has not taken any action and our students have

raised that concern too. MQA needs to be an independent body because now we see MQA favouring the government higher education institutions - maybe because MQA is a unit under the Ministry of Higher Education they simply ignore these things done by Universities”.

“As you know, MQA informed all higher education institutions that block mode classes cannot be conducted and MQA would revoke the registration of the institution if they were caught not complying with the regulations. I have a friend working in a very high post at a government institution and I have information that MQA has told them that MQA will be lenient with the universities. This is very unprofessional and unethical”.

One of the academics who taught postgraduate programmes said:

“my friend and I were asked by X (name of the institution removed) to teach Y (module names removed) and we were given three days to cover the entire module. We are talking about modules offered as part of a Master’s level programme. There was no assessment at all. You should talk to my friend”.

An academic whose designs programmes said:

“...MQA has approved two Master’s level programmes under two different names for a higher education institution. Of the total eight modules, seven modules are exactly the same modules. This remaining one module is the difference between these two Master’s level programmes. If MQA is doing its job, how could they approve the same programme under two different names for the same institution? I believe curriculum should contain a certain percentage of a particular specialization in order for that specialization to be reflected in the name of the programme. MQA just blindly approves all the programmes. I don’t think they are doing a good job. It is not surprising, considering the education level of their staff”.

An academic who’s worked in the student enrolment section said:

“MQA has validated same qualifications at different levels. There is no consistency. It seems that it depends on who is the head of the authority...”

The above comments are reflective of the concerns raised by the academics, the heads and senior members of higher education institutions. Respondents raised concerns regarding the ability of the staff working in the authority and here is one of the typical concerns raised:

“MQA staff including the head are not qualified to be there. MQA head doesn’t have a degree. Most of the staff haven’t completed a University degree”.

After the interviews were conducted MQA head was changed in January 2019 and the current head holds a PhD which was focused on higher education quality assurance model for small states. Organizational chart of MQA and the highest qualification obtained and area of specialization of the heads of three sections and the staff were requested. Organizational chart and staff details were available, however, MQA refused to share the highest qualification or their area of specialization. Therefore, the claim that MQA staff “haven’t completed a University degree” could not be verified.

Challenges in Assuring Higher Education Quality

Data analysis revealed that the most significant challenge is the lack of a legislation to exercise formal power to take corrective action against those higher education institutions which do not comply with the standards set out by the MQA or breach the standards. According to the respondents MQA is “*the quality watchdog without any teeth*”.

Secondly, lack of staff as well as lack of trained staff was identified as a challenge. Respondents highlighted the budgetary issues and other personal factors as challenges in sending the staff to attend overseas trainings. MQA acknowledged that in the past there have been some mistakes and certain areas were neglected. Therefore, at the moment they are working on identifying and correcting those mistakes. It was highlighted that systematic changes will be brought to strengthen MQA and improve their reputation and training opportunities will be sought and provided to staff.

Thirdly, MQA depends heavily on individuals in higher education in reviewing the programmes submitted for MQA approval and also institutional audit. As it is a small island nation, these academics teach at more than one institution there is always the conflict of interest.

External audit is carried out by a team consisting of MQA staff and independent academics who at some level are involved in these higher education institutions.

Lastly, respondents noted that MQA board and the certificate panel composition did at times negatively influence decisions due to conflict of interest for various “*reasons that could not be shared.*”

Way Forward

One of the most important and critical challenges noted is not having the legislative authority to exercise power. MNQF and the role of MQA very closely follows that of the Australia and it is evident that in order to protect and promote the higher education sector it is important that a legal framework which gives MQA the legislative power is brought into existence to govern the higher education quality in the Maldives (TEQSA, 2017; Waheed, 2013). ENQA published standards and guidelines for quality assurance agencies and it emphasized that “[quality assurance] agencies should have an established legal basis and should be formally recognized as quality assurance agencies by competent public authorities” (2015, p. 22) because “when external quality assurance is carried out for regulatory purposes, institutions need to have the security that the outcomes of this process are accepted within their higher education system, by the state, the stakeholders and the public” (2015, p. 22).

Private higher education providers have raised concerns regarding the independence of MQA. Therefore, it is vital in order to protect and promote the interests of students and private higher education providers and to gain the public trust, that MQA be an independent body that governs the higher education the in Maldives (NAQAEE, 2019; TEQSA, 2017). According to ENQA “to ensure the meaningfulness of external quality assurance, it is important that institutions and the public trust agencies” (ENQA, 2015, p. 22).

Quality assurance agencies should be independent and act autonomously. They should have full responsibility for their operations and the outcomes of those operations without third party influence (ENQA, 2015). In order to ensure a quality higher education and present MQA as a fair and a professional body, it is important that staff be very professional in a way that the standards are uniformly applied

and audited against a uniform standard irrespective of the ownership of higher education providers. ENQA guidelines also should have in place processes for internal quality assurance related to defining, assuring and enhancing the quality and integrity of their activities as they need to be accountable to their stakeholders. Thus, high professional standards and integrity in the quality assurance agency's work is obligatory (ENQA, 2015).

As highlighted under ENQA (2015) guidelines it is important that MQA have adequate and appropriate resources, both human and financial, to carry out their work. Given higher education's important impact on the development of societies and individuals, it is necessary that MQA is provided with adequate and appropriate funding which would enable them to organize and run their external quality assurance activities in an effective and efficient manner.

Lastly, MQA board and certificate panel composition need to be revised in a way that there is representation of all higher education institutions but this representation should be small enough so that decisions cannot be influenced or dominated by the representatives of higher education intuitions. It is important that more independent individuals are included so that there no conflict of interest. At the same time, measures can be taken to ensure that although the expert may be nominated by a third party, an expert is acting in a personal capacity and not representing their organization when working for MQA as independence is important to ensure that any procedures and decisions are solely based on expertise.

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Who Sets The Agenda? Locating the Formation of Public Opinion during the Rantau By-Election

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Abstract: This paper investigates whether online news that are shared on Facebook set the agenda for its readers. In response to the importance of social networking sites as sources of information, news media organizations have set up Facebook channels in which they publish news stories or links to articles. This allows for a wider news reach as well as audience participation. When audience members read and subsequently comment on news articles on Facebook, it becomes possible to identify public opinions and sentiments on the issues being covered. To investigate whether user comments mirror the issues and sentiments presented in the news articles, the agenda-setting approach was applied. Content analysis was used to analyse audience comments on over 450 news articles from 4 major newspapers written during the Rantau by-election in Malaysia (April, 2019). The findings showed that while the newspapers and the readers do share some issue salience, the relationship does not typify a traditional agenda-setting dynamic. The news readers are not just the ones receiving the news and issues. Rather, they are also commenters who are influencing how others receive news and issues hence disrupting the conventional public opinion model.

Keywords: Agenda setting, Election, Facebook, News Commenters, Online News, Political Communication, Public Opinion

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Abstrak: Kertas kajian ini meninjau sama ada berita diatas talian yang dikongsikan di Facebook menetapkan agenda para pembacanya. Disebabkan kepentingan media social dalam menyebarkan maklumat, makin banyak syarikat media hari ini yang berkongsi berita mereka di Facebook. Ini mampu menarik lebih ramai jumlah pembaca serta mendapatkan maklumbalas daripada para pembaca mengenai berita yang dibaca. Apabila para pembaca meninggalkan komen di ruangan yang disediakan, ia membolehkan para pengkaji mengetahui tentang sentimen pembaca serta pendapat umum mengenai isu politik nasional. Untuk mengetahui sama ada suratkhbar hari ini masih mampu menentukan agenda para pembacanya, teori ‘Agenda setting’ telah digunapakai. Analisis kandungan telah dijalankan ke atas 450 berita atas talian serta komentar pembaca ke atas berita tersebut. Berita-berita ini diambil dari 4 suratkhbar harian utama sepanjang musim kempen pilihanraya kecil Rantau (April, 2019). Dapatan kajian menunjukkan bahawa suratkhbar dan pembacanya masih lagi berkongsi kepentingan isu namun perkongsian ini tidak lagi menggambarkan dinamika tradisional “Agenda setting”. Malah, para pembaca berita bukan sahaja membaca, mereka juga menulis serta berkongsi mengenai isu-isu yang tidak dibawa oleh berita yang dibaca. Para komentar ini turut mempengaruhi pendapat para pembaca yang lain sehingga mengganggu model pendapat umum yang konvensional.

Kata Kunci: Agenda setting, Pilihanraya, Facebook, Komentar Berita, Berita Atas Talian, Komunikasi Politik, Pendapat Umum

INTRODUCTION

The traditional way for readers to publicly comment on the news was to write to the newspaper editors. The creation of news websites and its advancement in late 1990s and particularly during the era of Web 2.0, the great social internet turn during the early 2000s, news organizations have allowed readers to express their opinions and perspectives, and to interact with other users through the comment section at the end of the online articles. (Kim, 2018). Like other forms of Web use over that time period, the growth in news comments has been extraordinary.

The rise of Social Networking Sites (SNS) such as Facebook and twitter had further allowed news organizations to engage with online audiences by encouraging them to read, comment, and share news with other users. Today, large numbers of news organizations extend their content and interactions on SNS to get connected to the larger audience. Facebook is generally the primary platform used by news organizations to share their news stories and to encourage user interaction (Al-Rawi,

2016). This shift towards encouraging news comments on Facebook is based on the implicit assumption that commenting on social media platforms, especially Facebook, is a better alternative for commenting on news organizations' websites (Kim, 2018). Many news organizations have suffered from irrelevant, uncivil, abusive, and aggressive comments on their websites because of the anonymous/pseudonymous character of their comment sections (Coe, Kenski, & Rains, 2014). Facebook, in contrast, is less anonymous, a space where users can find out about one another and a system for notifying users of others' likes and comments, altogether giving commenters greater accountability for their posts (Rowe, 2015).

Because of the growing popularity of leaving and reading comments online, these spaces for public discourse have become an important topic for communication research. Scholars have examined news comments to understand the impact of interactivity and other content features (Weber, 2014), the quality of news comments (Rowe, 2015), motivations for commenting (Stroud et al., 2016), personal characteristics of news commenters (Wu & Atkin, 2017), and the influence of news comments on users' evaluation of news articles and social issues (Prochazka et al., 2016) and their future commenting behaviors (Rösner & Krämer, 2016).

In an attempt to also contribute to this growing body of study, this article is interested to problematize the relationship between news and news comments. More specifically do news comments reflect the sentiments presented in the news content? And, can these comments be constituted as a form of public opinion? Ksiazek (2018) proposed that news comments could indicate user engagement with the news, as well as offer insight into how users are participating in virtual discussions of current events. The emergence of interactive digital platforms for the provision of news has sparked an interest in capturing the ways that users are engaging, experiencing, and reacting to content. When users choose to comment on a news story, they are signaling a heightened interest by not only processing and reacting to the news, but by choosing to share their thoughts in a public forum. Therefore, news comments offer the possibility to learn about the effectiveness of news stories in influencing user opinions. The comments users share after reading an article can suggest whether they agree, disagree or are not affected at all by the news. Aggregating the news stories and comparing it with the

overall comments can further acknowledge the level of influence news media have over the readers/public opinions.

LITERATURE REVIEW

News Comments Agenda Setting and Public Opinion

Agenda setting offers a way to understand this relationship between news and public opinion. Undeniably, the volume and theoretical richness of research activity on Agenda setting have made it one of the most studied concepts in media effect research (McCombs, 2005). The concept of agenda setting was innovated by Walter Lippmann (1922) in his famous book, "Public Opinion," where he posited the notion that the media construct public views of the world. Fifty years later, McCombs and Shaw conducted the seminal study of agenda setting. This study has been called one of the 15 milestones in mass communication research (Lowery & Defleur, 1995). The central thesis of a 'first-level' agenda setting is the transfer of object salience from the mass media to the public (McCombs & Shaw, 1972). It mainly focuses on the issues, events or political figures of the media agenda, and how the media agenda impacts audience perceptions about what issues are worthy of attention. Coleman, McCombs, Shaw and Weaver (2009), defined it as:

"the process of the mass media presenting certain issues frequently and prominently with the result that large segments of the public come to perceive those issues as more important than others ... the more coverage an issue receives, the more important it is to people" (p. 147).

In other words, the amount of news coverage of an object would largely determine the perceived importance of that object by the audience. The level of importance or what McCombs (2004) referred to as salience indicate the transfer of influence from the media to the audience. To examine the effect of the media, agenda setting lists and compares the media's issue salience with the public's issue salience. The media's issue salience can be identified by studying the media news coverage while public's issue salience can be learned by asking the public about the issues that are important to them. Traditional methods of investigating whether news influences public agendas require comprehensive and sometimes complex field study wherein a public opinion survey becomes the prominent way to identify public sentiments. But with the availability of direct user comments on news, it

becomes possible to look at how media users respond to news articles and whether they place the same level of issue salience when compared with the issues covered by the news media. Therefore, the main objective of this article is to identify whether there exist a first-level agenda setting relationship between news media and the readers by comparing and analyzing the issues highlighted by online newspapers with the issues talked about by the news commenters during the Rantau by-election.

Facebook Usage in Malaysia

The rise of the online media and the continuous pressure for global openness has rapidly and steadily transformed both the media and political culture in Malaysia (Wok & Mohamed, 2017). Malaysians are actively challenging the conservative political culture by sharing their political opinions loud and clear online where government control is limited. In 2018, Malaysians overthrew a 61 year old government that had a powerful hold over the country's media and political apparatus. The Internet, especially SNS offered Malaysians the avenue to get alternative news and to discuss and contemplate over local politics. It would not be too far-fetched to claim that Facebook is where most of the political discourses took place (Salman, Yusoff, Salleh and Abdullah, 2018) (Lee, 2017)

Malaysians are generally Facebook savvy. With a population of 31.2 million, the country has some 16 million Facebook users (MCMC, 2017). The popularity of social networking sites (SNSs) such as Facebook was made possible by the improved Internet backbone, increase in Internet penetration and overall better utilization of Information Technologies in terms of mobile phones, computers and Internet access (Wok and Mohamed, 2017). Overall, Internet usage amongst individuals in Malaysia increased from 57 percent in 2013 to 71.1 percent in 2015, although the digital divide between rural and urban areas remains significant in states such as Sarawak, Sabah, Negeri Sembilan and Perak (Lee, 2017).

A 2016 study on the usage of social networking sites conducted by the Malaysian Communication and Multimedia Commission (MCMC) found that Malaysians access the Internet very frequently (86.6% at least once a day) and are very participative in social networking sites (84.3%), Primarily, Facebook. The study found that 96.5 percent of

Internet users surveyed owned at least a Facebook account and 53.8 percent of the Internet users accessed Facebook on a daily basis.

The survey by MCMC also found that some 18.3% percent of social media users share political views. While the percentage of social media users sharing political views may not be that high, it is still a significant source of information for those who access it (90.1%). 86.9% of those who were surveyed identified that social media was one of the main online sources of information for them. A study on political engagement among Malaysian voters by Salman et al. (2018) supports the centrality of SNS in Malaysian political discourse. The study found that 63.5% of voters identifies SNS as their main source for political information with 86.5% claiming Facebook as their main SNS platform.

All the major newspapers in Malaysia operate actively on Facebook. They do so mainly because it is legally and politically more conducive for them to engage with the readers on SNS where the government cannot assert its full control. The mainstream newspapers that have direct link to the old government do not have a comment section in their online news portal. This is to avoid negative and controversial user discussions. However, when extending their news stories on Facebook and allowing for user comments, these newspapers are able to technically defy the imposed self-censorship and allow readers to interact. Therefore the Facebook pages of Malaysian newspapers are definitely more alive and popular when compared to their online sites.

The Rantau By-Election

The political discourse that went on during the weeks going into the 14th General Election is a testament to the popularity of the Facebook pages of local newspapers. Every news article that relate to the election was responded with high volume of user shares and comments. In the comment sections, the users were unabashed and were very daring in sharing their opinions despite the still strict media environment. The sentiments shared by the users at the time were quite cohesive and presented an obvious public opinion. However, no careful study had captured the public opinion that was forming in the comment sections of the Facebook pages of the local newspapers at the time.

Interestingly, less than a year after the historic 14th General Election that saw a change in the federal government, Malaysia had experienced

6 by-elections. In addition to general elections, a by-election occurs when a particular seat in the lower house of the parliament becomes vacant when, a member of parliament (MP) dies or is disqualified from being a member of the parliament. In each of this election, the Facebook pages of the Malaysian newspapers were alive with continuous stream of news coverage and an overwhelming user comments. It is interesting to look at how the users are discussing about the election and how they identified with the issues around the elections. On April 13th, 2019, a by-election was held in Rantau, a state legislative seat in Negeri Sembilan, Malaysia. The by-election was called because the seat became vacant after the uncontested election of incumbent Mohamad Hasan of the United Malays National Organisation (UMNO), a component of Barisan Nasional (BN) coalition was declared null and void.

In the 2018 General election, Mohamad Hasan, the 3-term former Chief Minister of Negeri Sembilan won the seat uncontested after Parti Keadilan Rakyat (PKR)'s candidate Dr Streram Sinnansamy was not allowed to enter the Nomination Centre to file his papers because he did not have a pass issued by the Election Commission (EC). However, the Election Court has on the 16th of November 2018, allowed the petition by Dr S. Streram and passed a ruling that Mohamad Hasan had not been duly elected. A fresh election was called to be held after Mohamad Hasan's appeal was dismissed by the Federal Court on the 18th of February 2019.

The nomination day was on the 30th of March, with a about 2-week campaigning period until Election Day. The constituency has 20,926 registered voters- 20,804 ordinary voters, 118 early voters and four absentee voters.

Just like in the previous local elections, the Rantau election garnered high attention because there was raising political tension in the aftermath of the GE 14. The current opposition parties seemed to have gathered a strong support and was challenging the popularity of the newly elected Pakatan Harapan government. In fact, the opposition coalition Barisan Nasional had won the two previous by elections in Cameron Highlands and Semenyih. Therefore by focusing on the news coverage on the Rantau by-election and relating it to the responding news comments, this article tests the 'first-level' agenda setting effects of online news by asking:

1. Do the issues presented by the Malaysian Newspapers parallel with the issues talked about by the news commenters on Facebook during the PRK Rantau's campaign weeks?
2. Do the comments section in newspapers' Facebook pages represent public opinion?

METHODOLOGY

For this election, the candidates were allowed to officially campaign from March 30th 2019 to April 12th 2019. This election rule is unique to Malaysia where it is illegal by law for politicians to campaign openly outside the allocated time. Therefore, this period of time was very suitable to observe the hype surrounding the election. It was in these two weeks that all the newspapers had daily updated coverage on the local election. The study also extended to a day after the election in order to capture how the news media and the news commenters responded towards the election results. As such, the study was conducted for duration of over two weeks starting from March 2nd, which was nomination day until midnight March 18th, the day after the election.

Four main newspapers with large Facebook followings were chosen for the study. They consists two Malay newspapers: Berita Harian and Sinar Harian and two English newspapers: Malaysiakini (English), and TheStar. These newspapers have prominent online presence and represented a slightly varied readership. Malaysiakini, both the Bahasa and English versions were mostly read by the more urban, educated and politically-liberal demographic group (Lee, Nayan and Othman, 2016). TheStar mostly attracted the urban, English-speaking and mostly non-Malay readers. Berita Harian and Sinar Harian both have large online followings which are staples for most low to middle-class Malay readers (Lee et al., 2016). These variations in the demographic and psychographic of the readers are important in capturing a more inclusive data that represented majority of Malaysians.

Table 1: Descriptions of the sampled newspapers

	Number of Facebook Followers	Total number of all news stories	Total number of comments for all news stories
Malaysiakini (English Edition)	1.7 million	90	3850

Sinar Harian (Bahasa)	3.9 million	160	7642
Berita Harian	5.3 million	140	7200
TheStar (English)	1.08 million	65	2500
Total		450	21,192

Content analysis was used to collect the data. It is a common method used in electoral studies (Idid, 2017) especially when looking at news coverage during elections. Ahmad and Buyong (2017) content analysed the political issues covered by several online newspapers during the Malaysian 13th election. Similarly, Salman et al. (2017) explored the agenda setting functions of the English newspapers in that same election. Studies that focused on the use of Facebook during election have also relied on content analysis. Manaf, Taibi and Manan (2017) content analysed the issues presented on the Facebook pages of Malaysian newspapers and compared them with the public issues identified through a public opinion survey. On the other hand Zainuddin et al. (2017) content analysed both the Tamil newspapers and Facebook pages of Indian politicians in the attempt to look at the issues concerning the Indian voters during the 13th general election.

A standardized code book and code sheet was designed to record the data. The code book detailed all the variables included in the study while the code sheet was designed to capture the issues and slants shared by both the newspapers and their readers. Three coders were trained on the materials by the researchers. Each coder was assigned with a newspaper and was asked to code the 10 most popular news on the ‘PRK Rantau’ during the study period. Popular in this sense refers to the amount of response an article gathers in terms of the number of comments and shares. This lasted for 15 days. Therefore, each coder worked on 150 pieces of news. However, the English newspapers (Malaysiakini and TheStar) appeared to covered less on the election, thus a coder was assigned to look at both newspapers and was asked to code 75 pieces of news from each paper. Since the number of comments on each news article was very big, only the top 50 most relevant comments were coded. On Facebook, most relevant comments are comments that have the most replies. This meant that each coder needed to code 7, 500

comments (150 news stories x 50 comments) which totals up to 22,500 comments. However, some news articles had less than 50 comments. In these instances, the coders were asked to code all of the available comments. In sum, 21, 192 comments were analysed.

To gauge the agenda setting relationship between the newspapers and the readers, two main variables were studied. They were the issues reported by the newspapers and the issues discussed about by the readers. The issues discussed in all news articles were aggregated and ranked based on the total coverage. The same approach was used on the news comments. All of the issues discussed by the commenters were aggregated and ranked according to the number of times the issues were discussed. All data was recorded and analysed using IBM's statistical SPSS software.

RESULTS AND FINDINGS

Results from the content analysis conducted showed that there is a relationship between the issues highlighted by the newspapers with the issues talked about by the news commenters. However, this relationship is not as linear and as direct as proposed by the traditional agenda setting relationship. The study identified more than 20 main issues discussed by the newspapers and the news commenters during the campaign weeks. These issues included Politics, Election, Economy, Crimes, Development, Education, International Relations and many more. These main issues are generic and are an umbrella to a variety of related sub-issues. For example, issues such as corruption, human trafficking and counterfeits are categorized under Crimes. The table below describes the 10 most popular main issues discussed by both the newspapers and the commenters.

Table 2: Description of the ten most popular Issues

No	Main Issue	Description
1.	Politics	Issues relating to the political system, the strength and weaknesses of the political parties and the act of the politicians.
2.	Election	Issues about the electoral system and the election process such as the election dates, rules and logistics

3.	Economy	Issues relating to Malaysia's finances such as recession, inflation, poverty, tax, exchange rates and cost of living
4.	Campaign	Issues about the candidates' campaign activities such as manifestos and election speeches and promises
5.	Leadership	Issues relating to the leadership in the government and the political parties
6.	PH Admin	Issues relating to the effectiveness of Pakatan Harapan government's manifestos, policies and actions
7.	Development	Issues concerning the country's modern physical development that includes infrastructure, public transportation, highways, internet speed and many others
8.	BN Admin	Issues relating to the effectiveness of the previous Barisan Nasional government's manifestos, policies and actions
9.	Malay-Islam	Issues involving Malay privileges and Islam as the country's official religion
10.	Unity	Issues relating to the conflicts around racial integration between the different ethnic groups

However, in order to identify the issue salience, the results will only show the 7 most popular issues written about in the news to compare with the 7 most popular issues written about by the news commenters.

Issues Salience in the Newspapers

Table 3 lists the top 7 most popular issues written by each of the newspapers. Although the ranking of the issues differ among the newspapers, the differences were minor, as the newspapers tend to focus on the same issues.

Table 3: Top seven issues discussed in the newspapers

Issues	Malaysiakini (English)	Sinar Harian	Berita Harian	TheStar
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1. Politics	22 (18%)	86 (25%)	40 (19%)	12 (15%)
2. Leadership	37 (31%)	72 (21%)	31 (15%)	34 (42%)
3. Campaign	24 (20%)	95 (28%)	22 (10%)	8 (10%)
4. Election	16 (13%)	55 (16%)	81 (38%)	14 (17%)
5. PH Admin	11 (9%)	6 (2%)	26 (12%)	3 (4%)
6. Unity	4 (3%)	15 (5%)	2 (1%)	4 (5%)
7. Development	7 (6%)	11 (3%)	10 (5%)	6 (7%)
Total (n)	121 (100%)	340 (100%)	212 (100%)	81 (100%)

For example, all four newspapers wrote heavily on ‘Politics’ and the issue was more popular with the Malay newspapers. Sinar Harian wrote about ‘Politics’ 86 (25%) times while Berita Harian wrote about it 40 (19%) times. The most popular issue for the English newspapers was ‘Leadership’. Malaysiakini English wrote about ‘Leadership’ 37 (31%) times while TheStar wrote on it 34 (42%) times. The Malay newspaper focused less on ‘Leadership’ issues as it only made up 21% of the news in Sinar Harian and 15 % of the news in Berita Harian. News on ‘Campaign’ was also among the main issues covered by the newspapers. 28% of the news on Sinar Harian was focused on ‘Campaign’ and this made it the most salient issue for the newspaper. On the other hand, the most salient issue in Berita Harian is ‘Election; (38%). The other issues that were given attention by the newspapers were ‘Development’ and ‘PH administration’. The newspapers also wrote significantly about ‘Unity’. Racial integration and ethnic unity were significant components in the Rantau by election especially because of the racial makeup of the electorate that were almost evenly districted among the different racial groups. Unlike the previous by elections where the electorate were majority Malay-Muslims (Yusof, 2019), Rantau had a significant number of non-Malay voters. In Rantau, 55% of the voters are Malays, 26% are Indians and 18% are Chinese, while the remainder are made up of smaller minority groups (Macintyre, 2019). As such the candidates

and their respective political parties were careful when talking about the racial issues and instead chose to use the ‘unity’ narrative when campaigning.

Issues Salience among News Commenters

Table 4 lists the top 7 issues discussed by the news commenters. The news commenters appear to respond more to the news shared by the newspapers that mainly focused on ‘Politics’.

Table 4: Top 7 issues discussed by the news commenters

Issues	Malaysiakini (English)	Sinar Harian	Berita Harian	TheStar
1. Politics	81 (14%)	146 (21%)	119 (20%)	44 (14%)
2. Leadership	83 (15%)	159 (23%)	125 (21%)	59 (18%)
3. PH Admin	44 (8%)	111 (16%)	132 (22%)	27 (8%)
4. Election	21 (4%)	139 (20%)	117 (19%)	18 (6%)
5. BN Admin	24 (4%)	28 (4%)	46 (8%)	5 (1%)
6. Malay-Islam	19 (3%)	83 (12%)	46 (8%)	6 (2%)
7. Economy	11 (2%)	28 (4%)	13 (2%)	2 (1%)
TOTAL (n)	283 (100%)	694 (100%)	598 (100%)	161 (100%)

Just like in the newspapers, ‘Politics’ was the second and third most popular issue among the news commenters. There appears to be a direct transfer of issue salience when it comes to political issues. The most popular issue among all the news commenters was ‘Leadership’. Except for the news commenters in Berita Harian who ranked ‘Leadership’ as second most popular issue, all the commenters in Sinar Harian, Malaysiakini (English) and TheStar wrote significantly about ‘Leadership’. The commenters were mostly critical of the current leadership. They expressed concerns about the abilities of the current PH ministers as well as criticizing the credibility of the previous BN ministers. This indicated that there is a strong connection between the issues raised in the English newspapers and their readers as ‘Leadership’ was equally the most popular issue written about in the

English newspapers. The commenters also agreed with the newspapers on issues of Election and 'PH Administration'

There were three main issues that were heavily commented upon by newsreaders but were not highlighted as much by the newspapers. This is a unique find as it challenges the theoretical assumptions of Agenda setting that predicts a transfer of issue salience from the newspapers to its readers. In this instance, there is a considerable disagreement between what the newspapers promote as important issues with what the news commenters accepted and discussed about. Therefore there is a fracture in the role of newspapers as curators of public opinion. This meant that the newsreaders were writing about 'BN Administration' 'Malay-Islam' and 'Economy' when commenting on news pieces that were not specifically focused on the three issues. Hence, their opinion on these issues do not necessarily relate with what news they read. It is interesting to know, although not too surprising that the 'Malay Islam' issues is more prominent among commenters in Malay newspapers compared to the English papers. It was made up of 12% and 8% of the most popular issues discussed by the Commenters in Sinar Harian and Berita Harian respectively. On the other hand, the 'Malay Islam' issues only made up 3% of the comments made by the readers of Malaysiakini (English) and 2% of comments made by the readers of TheStar. This means that there is a significant division among the newsreaders when it comes to the 'Malay-Islam' issue. Does this mean that the readers of the Malay newspapers who represented the general Malay bottom and middle classes perceive threats to their privileged positions? Another interesting finding, was the significance of 'BN Administration' to the commenters. While, the commenters did echo the newspapers interest in the PH Administration, it appeared that the readers were also interested to talk about the Administration of the previous BN government.

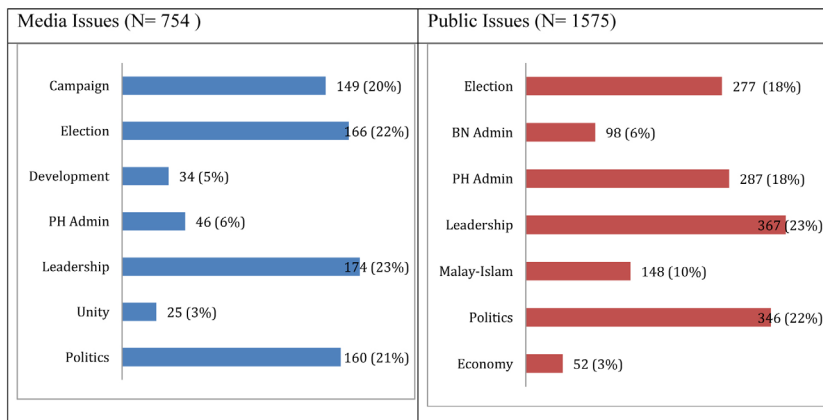
Barisan Nasional was still emphasized by the readers in their comments. It was topic discussed by the readers of all the newspapers: Berita Harian (8%), Malaysiakini English (4%), TheStar (1%) and Sinar Harian (11%). Although, the comments were both appreciative and depreciative of the failed political coalition, it was apparent that it was still relevant to Malaysians in general. More specifically, the commenters acknowledged the contribution the BN government had brought to Rantau. Especially, under the leadership of the candidate,

Dato’ Mohd Hassan who had served as the Negeri Sembilan Chief Minister for 14 years prior to GE 14 and the fall of the BN government.

Issue Salience in the Newspaper and In the Comment Sections

To identify whether the issues presented by the newspapers parallel the issues written about by the news commenters, the total numbers of issues were aggregated and compared. In broad, both the newspapers and the commenters focused on a list of similar issues. Both focused on issues such as ‘Politics’, ‘Leadership’, ‘PH Administration’ and ‘Election’. However, there were also issues that were not shared by both parties. For example, the newspapers placed importance on issues such as ‘Development’ and ‘Unity’ while the commenters did not find these issues as significant. Instead, the commenters were more interested on issues concerning ‘Economy’, ‘BN Administration’ and ‘Malay-Islam’. The graph below compares the issues salienc between the newspapers and the news commenters.

Figure 1: Issue Salienc in the newspaper and in the comment sections



The most popular issues for both the newspapers and the commenters were ‘Leadership’ ‘Politics’ and ‘Election’. There was an exact match whereby 23% of the issues focused on by both the newspapers and the commenters were on ‘Leadership’. There was also an almost exact sentiment among the newspapers (21%) and the commenters (22%) on issues of ‘Politics’. Political issues are popular mainly due to the

complex and sometimes instable political climate that had evolved in Malaysia post GE-14. Since it was the first time Malaysia had ever experienced a government change, all those involved including the politicians, the government and the people were still adjusting to the new political status quo. The new PH government is still learning on how to administer a country while coordinating within its own loosely tied component parties that have different ideals and work ethics. The Barisan Nasional on the other hand, is still reeling over its loss and trying to salvage whatever political influence it still has. In the aftermath of its loss in GE14, BN was faced with internal conflicts in which some of its coalition parties and members have chosen to leave and even join the PH government. At the same time, several of its top leaders are currently facing legal charges for many different reasons. To ensure its survival, Barisan Nasional or UMNO especially has moved towards building a strong relationship with PAS. PAS is the Islamist party that has significant support among the Malays. An UMNO-PAS partnership can mobilize the support of the majority Malay voters. These constant and rapid political changes affected the public who are also trying to come to terms with the new political climate. PH's inability to show that they are an effective government and BN's slow recovery is making the public nervous about the country's future.

The newspaper captured these political activities extensively during the campaign weeks. Among the prominent political issue that arose during the Rantau election was the lack of support PKR, the party representing the Pakatan Harapan government in the election; was getting from its counterparts from the coalition resulting in the newspapers and the public to speculate that there is a crisis and lack of agreement among the parties in the PH coalition. Another minor issue that garnered major attention was the candidacy of Mohd Nor Yasin, who initially claimed that he was running under Parti Islam-SeMalaysia (PAS), which was an ally to the Barisan Nasional. It created a controversy as PAS had denied that it was running in the election and had promised to give its full support to Barisan Nasional. It then turned out that Mohd Nor was no longer a PAS member but was instead a member of AMANAH, a member of the PH coalition. Running under AMANAH would not be feasible as it is accepted that PH will run in elections as a united coalition. The newspapers and commenters were equally interested in these political issues and responded to them as well referring to them

when commenting on other issues. Therefore it appears that stories with dramaturgical values appeal most to the newspapers and its readers.

Although 'Leadership' was the most popular issue, it was also the only main issue that shared the same level of importance among the newspapers and its readers. The ranking of issues differed from the second to the seventh places. For the newspapers, significant attention was given to issues of 'Election' (22%) and 'Campaign' (20%). This is probably due to the fact that the newspapers were reporting on the statements and announcements made by the Election Commission and also covering all the candidates' campaign activities. This included the live updates on nomination day and polling day. Despite the extensive news coverage on these issues, the commenters did not find them to be appealing. 'Campaign' did not even make it into the commenters' top 7 most popular issue.

'PH Administration' was more popular with the news commenters (18%) than the newspapers (6%). The newspapers were reporting significantly on the Pakatan Harapan, primarily focusing on the government's plans and activities. Meanwhile, the commenters were expressing their satisfaction and dissatisfaction with the government's current performance. Another interesting finding is the significance put by the commenters on issues relating to 'Malay-Islam'. Although the news coverage on the topic was scarce, the commenters kept referring to it even when discussing about other news stories. The 'Malay-Islam' issue became prominent among the commenters mostly due to it being used by UMNO-PAS when explaining their political partnership that had gone stronger post GE-14. UMNO-PAS had used the Malay-Islam narrative to gain support from the Malays. The two largest Malay parties used to be traditional foes but have recently been coordinating as a united opposition front. Among the issues played on by these parties were the threats brought by Pakatan Harapan's supposed liberal stance against the Malay privilege and the role of Islam as the official religion.

Another issue that was very significant to the commenters but not to the newspapers was the 'Economy' (3%). The commenters were especially concerned about the continued rise in cost of living. They were also apprehensive about Pakatan Harapan's strict handling of the economy where many projects proposed by the previous government had been cancelled and postponed. The PH's government's inability

to fulfill their GE14 manifestos in which they promised to reduce the people's financial burden by demolishing student loans, highway tolls and cutting down fuel price were among the points often made by the commenters. In short, the commenters were not happy about the country's current economic state.

'BN Administration' was more popular among the commenters than with the newspapers. It did not make it into the seven most popular issues in the newspapers but was number six among the issues talked about by the commenters (6%). This showed that the commenters were still comparing the PH government with the previous BN government. While the comments were not entirely positive, it does indicate that the Barisan Nasional is very much still relevant to the commenters. This could be attributed to the Barisan Nasional's strong victories in the previous by elections in Semeniyih and Cameron Highland as well as it's united show where its components UMNO (United Malay National Organization), MCA (Malaysian Chinese Association) and MIC (Malaysian Indian Congress) were seen to be campaigning together where else, Pakatan Harapan coalition parties did not appear to support one another.

Overall, it appears that while the newspapers did focus on issues that were more focused on the Rantau voters such as 'Campaign' and 'Development', it is still the broader national-based issues such as politics, economy and Leadership that were more important for the newspapers to write about and more significant to the commenters to talk about. Therefore, in the attempt to look at public sentiments in social media it would be essential to acknowledge that online commenters are not the locals that will be casting the vote. Therefore, they may not be able to offer a strong indication of voting behavior as a locally focused survey would. However, it is also crucial to consider that while these commenters may not be directly voting in the election, they are contributing to the political climate by asserting importance on issues that may not be significantly covered by the media.

DISCUSSIONS AND CONCLUSIONS

The results of the study showed that during the Rantau election, the Malaysian newspapers and their readers were focusing on similar issues but were not giving the same amount of significance to the issues. As such, the issue salience between the newspapers and the readers did

not exactly match. Issues such as ‘Malay Islam’, ‘Economy’ and ‘BN Administration’ were not significantly covered by the newspaper but were extensively discussed about by the commenters. This proposed that the commenters were not directly influenced by the news they have read. This brings into question the roles of news organizations that are often acknowledged as social institutions ‘that produce and communicate statements about reality on a regular basis’ (Ekström, 2002: 274). As agenda setters, news media provides the public with the information that helps the public understand the opinion climate around them (Hoffman, 2012).

However, the commenters in this study showed that their opinions on issues are not necessarily dictated by the news they read. This could be due to the nature of the comments section itself. In it, the commenters as well as the silent readers are exposed to other opinions and expressions about the same news stories. Just like in a ‘marketplace of ideas’, these commenters are not just informed and influenced by the news content but also by the ideas brought upon by other commenters. As such, even a straightforward news piece could trigger discussions about many different things. Two main propositions can be derived from this. That is, first, the commenters are probably more affected by the issues brought by the other commenters, making the role of the news media less of agenda setters but more of a ‘discourse centers’. Second, while this may undermine the role of news media as agenda setters, it increases the significance of the comment sections as areas where public opinions are formed and can be observed.

When assessing the role of the ‘other’ commenters, the ideas of opinion leaders, third-person effects and even the spiral of silence are relevant frameworks that can help explain how media influence have become less direct and is at often times, mediated by others’ opinions. In this case of the user comments in news sites or Facebook, both the authoritative journalistic outlets and the opinions of ‘ordinary people’ appear on the same web page. If a news article on a certain issue is followed by contradicting user comments, it would not only affect the news readers but also the public opinion climate. Thus, while the news media is still an important source of news and distributors of agendas, its role as a powerful agenda setters may be in question. It is not that the media no longer sets the agenda, as this study suggests the issues brought up by the media are still almost similar to the issues discussed

by the commenters. Yet, the ways in which the news commenters are able to relate these issues to other problems, agreeing and disagreeing with one another or even proposing a different and unrelated ideas altogether suggest that while the news media may not be directly setting the public agendas, they are significant discourse centers where issues are discussed and contemplated upon before they are accepted as a salient agenda. Thus, the proposition that news media are agenda setters is still very much relevant but this relationship has evolved into a more dynamic interaction between the news, the readers and the commenters. Therefore, to remain as an important source of news and agendas, news media must be able to strategically coordinate its role as agenda setters and discourse centers.

As discourse centers, news sites are now significant sites to learning about current public opinion. The number of comments supporting or opposing certain issues can become a direct cue in indicating the public's attitudes and trends (albeit bias to the demographics of the news readers). Facebook has integrated the technical capability of expressing emotions and sentiments supporting or objecting to the news article or user comment. The number of likes or dislikes a comment receives might strengthen readers' perceptions on the popularity and importance of certain issues. While there is the threat of how populist and radical views will drown democratic opinions, optimists such as Soffer (2017) argued that the larger the number of comments, the higher is the ability of public discourse in balancing out bias and populist views.

In conclusion, the public engagements and discussions that occur in the news site's Facebook comment sections are indications of public opinion. These comments go beyond public expression as it has the potential to also influence the agenda setting process. Therefore, news media must now acknowledge the significance of news commenters not merely as readers but also opinion leaders that mediate the transfer of issues. Similarly, scholarly research needs to recognize the nature of online opinions especially in regards to how they form and effect the public sentiments. Hence, the need for more sophisticated methods that can help strategically learn about how ideas and opinions transfer through networks.

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The Socio-Political Context Behind the Malayan Insurgency, 1948-1960

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Abstract: This article examines the socio-political context surrounding the Malayan Insurgency (1948-1960) and how it shaped the outcome of counter-insurgency (COIN) operations in the Malayan peninsular. It will put forward the idea that the success of British COIN in Malaya was primarily due to the structure of Malayan society that was inhospitable towards a communist insurrection by analysing the significance of race relations, religion, culture and the impact of diaspora towards the changing social landscape of Malaya.

Keywords: Malayan Insurgency, British Counter-Insurgency (COIN), Malayan Society.

Abstrak: Artikel ini mengkaji konteks sosio-politik semasa Darurat Tanah Melayu (1948-1960) dan bagaimana ia telah menyumbang kepada kejayaan operasi-operasi menentang komunis di Malaya/Semenanjung Malaysia. Esei ini akan mengemukakan idea bahawa kejayaan pihak British dalam memerangi komunis di Tanah Melayu adalah terutamanya disebabkan oleh struktur masyarakat Malaya pada masa itu yang tidak bersekutu dengan ideologi komunis. Untuk menyokong hipotesis ini, analisis akan dibuat ke atas kepentingan hubungan kaum, agama, budaya dan kesan diaspora kepada landskap sosial Malaya.

Kata Kunci: Pemberontakan Malaya, Kaunter Pemberontakan British (COIN), Persatuan Melayu

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Introduction

The operation carried out by British forces against the Malayan communist threat has often been cited as counter-insurgency (COIN)'s biggest success story – in fact, with the exception of the Cold War, some may go so far as to describe it as “the only war the West won against Communism” (Burton, 2011). Compared to other failed COIN efforts by the French in Algeria or the United States in Vietnam, the Malayan operation was often credited for its effectiveness in eliminating communist influence due to Britain's strategic policies and skilled leadership (Paul, Clarke, Grill & Dunigan, 2013). While acknowledging the positive impacts of British COIN efforts, this article will nevertheless argue that the Malayan socio-political context throughout the insurgency was the dominant cause of defeat for the communist insurrection. To forward this idea, three points of argumentation will be addressed: First, the Malayan communists were primarily ethnic Chinese and were incapable of gaining enough support from the majority Malay population. Secondly, although the Communist Party of Malaya (CPM), formed in 1930, had mainly Chinese members, the Malayan Chinese community itself was not monolithic and there existed internal disputes within CPM and Chinese Malaysians who rejected the far-left turn. Finally, Malaya during the Emergency was gearing up for independence and its socio-political climate was one that aspired democratic self-governance over communism.

Background

The Malayan Emergency (1948-1960) and the Second Malayan Emergency which continued communist armed struggle from 1968 until 1989 was a predominantly guerrilla-style jungle affair which saw British, Commonwealth and Malayan forces in arms against the communist uprising, represented by CPM whose goal was to transform Malaya into a China-inspired People's Republic (Burton, 2011). Burton explains that when conflict broke out, the British-led Malayan government was insufficiently prepared and had to promptly mobilise security forces to face the communists who were armed and operating from camps in the jungle. The British government appointed High Commissioners Sir Henry Gurney and his successor Sir Gerald Templer to oversee anti-communist operations, security reform and whom history regards as being skilled in delivering effective initiatives.

Among the most successful COIN operations devised was the Briggs Plan, credited to Malayan Director of Operations General Sir Harold Briggs, whose idea was to cut insurgents off from their supporters via creation of New Villages. The plan involved the forced relocation of about half a million rural Malayans squatters, mostly ethnic Chinese, who were living in the fringes of the jungle into fortified camps (Chin, 2009). As CPM fighters depended on rural Chinese for supplies (Hack, 1999), this population control strategy hit communist operations hard. Although the initial plan was received with resentment, in time sentiments changed as villagers were later given ownership of land along with improved living standards and financial aid (Burton, 2011). While the tactic was advantageous in starving out guerrillas hiding in the jungle, curbing communist support, removing networks of supplies and information, the relocation of Chinese squatters changed the geographic composition of Malaya's multi-ethnic population and contributed to long-term issues such as increased racial tension. Another strategy which Templer strongly advocated was the 'hearts and minds' approach which led to improved governance, expanding benefits to a wide range of communities and committing Malayans to the application and ownership of these policies (Stockwell, 2006), a move that managed to turn many potential communist sympathisers away from CPM. This included providing medical aid and food to Malays and indigenous tribes (Burton, 2011) and after 1952, providing resettled Chinese with medical, educational and social facilities (Hack, 2001). Government forces actively encouraged defections by dropping leaflets in the jungle promising "safe conduct" and monetary rewards for those who decide to leave CPM, restructured the Special Branch intelligence police unit and provided funds to pay informers (Deery, 2007). At the height of power, CPM commanded some 8000 guerrilla fighters but the number drastically dwindled to only 400 or so in Malayan territory by the end of 1953 as the rest sought refuge in neighbouring Thailand (Chin, 2009).

To further separate communists from the public, the British introduced a national registration system where photo identity cards bearing thumb prints were required to be carried at all times by all civilians above 12 years old (Oganesofy, 1964). As communist guerrillas generally avoided registration, this made it easier for security forces to detain suspects without ID cards for investigation.

While the significance of the policies above is recognised, this essay argues that they function primarily as tools to hasten CPM's defeat as it was the socio-political climate of Malaya during the emergency that ultimately contributed most to the communist downfall.

No Support of the Majority

Malaya during the years of insurgency was a tapestry of diverse ethnic backgrounds due in part to its centuries-old function as a central trade route between Asia and the West, and the movement of Indian and Chinese labourers by Britain to work the rubber estates and tin mines. Chinese movement to Malaya by the British started around the 1820s and by the time of the insurgency, the community already had a long established history in the peninsular (Paul et al., 2013). According to Paul *et al.*, the population of Malaya in the 1940s numbered around 5.3 million, of which 49 per cent were native Malays, 38 per cent Chinese and 11 per cent Indian. Some studies put the number of Malay to Chinese communities in Malaya during the Emergency as approximately equal (Carnell, 1953), while others say that the Malays outnumbered the Chinese by a comfortable margin (Peng, 2015). Nevertheless, it is generally understood that the makeup of CPM was nearly all Chinese, and had immense difficulty attracting Malay members who were the majority of the population and likely regarded the insurrection as an alien uprising (Short, 1970) or a movement led by 'foreigners' (Yong, 1996).

Mackinlay (2009) describes a winning COIN formula as $I + POP > SF + GOV$. The equation explains that when insurgents (I) are capable of acquiring the support of the population (POP), the balance of power would tip to the rebel side over that of the government (GOV) and security forces (SF). In short, the outcome of insurgent campaigns generally favour the side which is able to wrestle the support of the population. It is evident that through the four decades of armed struggle, the CPM failed decisively in securing the allegiance of the people due to their inability to attract enough Malay supporters (Sebastian, 1991). This arguably contributed most to their undoing as the communist campaign was bound to fail without population support. Although CPM included Malay and Indian members among its ranks, the numbers are negligible and the party was seen as being strongly Chinese-driven (Hack, 1999) with some 95 per cent of its fighters being Chinese (Sebastian, 1991).

Contrast this situation to that of the Việt Minh, who were successful in securing the allegiance of the majority of the Vietnamese population and therefore capable of winning the protracted war (Stockwell, 2006). In comparison, Stockwell explains that CPM had enough support to sustain an extended campaign, but were incapable of rallying enough of the population to achieve their goal. This was despite the CPM leadership's many attempts to appeal to the Malays (Sebastian, 1991).

One of the reasons CPM fared badly in gaining Malay support was the pre-existing tension between the two largest ethnicities, aggravated in part by the British 'divide-and-rule' system (Carnell, 1953), which made it less likely for the Malays to join CPM. The Chinese community's economic strength was a source of insecurity among many Malays, who felt their position in the country to be under threat (Finkelstein, 1952). This rift was exacerbated further by the 1951 assassination of Gurney by CPM's guerrilla wing, the Malayan National Liberation Army (MNLA). Gurney's death magnified anti-Chinese feelings among the other ethnic groups (Edwards, 2012), escalated public rejection of the communist campaign and created widespread fear for public safety (Burton, 2011). In another view, the insurgency could be translated by some Malays as an immigrant minority's attempt to forcefully seize power and impose a totalitarian system in Malaya (Morrison, 1948).

It can be argued that armed revolt is only as strong as the propaganda war it wages. Unfortunately for CPM, language barriers hampered their efforts to reach out to the other ethnic groups and limited their ability to transfer ideology as few CPM members spoke Malay or Tamil (Yong, 1996). Then-Home Minister Musa Hitam described a CPM strategy to overcome this by improving radio broadcasts and producing Malay-language pamphlets (Sebastian, 1991) but the efforts did not appear to bear much fruit. Furthermore, Chinese dialects were often used as the lingua franca among communist units which may cause Malay recruits to feel alienated from the group (Hack, 1999).

History suggests that Malay culture and nationalism preferred the negotiating table over armed struggle. Unlike Indonesia which underwent armed conflict against the Dutch empire, Malaya's independence was largely achieved via diplomatic channels (Ahmad Fauzi, 2007) although this might also be attributed to Britain's post-war decolonisation efforts. Even until recently, Malaysia has looked to non-confrontational means

to resolve conflicts such as when it negotiated the 2017 release of its embassy staff held 'hostage' in North Korea by Pyongyang (BBC, 2017) or swiftly brokered a 2014 deal with pro-Russian rebels to retrieve MH17 plane crash bodies from a war zone in Donetsk, Ukraine (NBC News, 2014). However, this paper does not purport to dismiss all forms of Malay armed revolt. In 1875, Malay resistance figure Maharaja Lela led an uprising against the residential system which resulted in the murder of the state of Perak's first British resident, James Birch (Stockwell, 2006). Another Malay nationalist figure Mat Kilau is also highly regarded in Malaysian history for leading a rebellion against British presence in Pahang from 1891-95 (Stockwell, 2006). Nevertheless, for the most part armed resistance like the instances of Maharaja Lela and Mat Kilau have been limited to specific states in Malaya and there was never a unified national armed uprising involving the entire peninsular to demand autonomy from Britain. Finkelstein (1952) points out that the Malayan independence movement never grew to the magnitude of India and Indonesia, and appeared 'tame' in comparison to French Morocco. He describes the nationalist movement in Malaya as one that eschews revolutionary activity, preferring instead to cooperate with Britain. This seemed a reasonable solution as both Malaya and Britain had similar objectives at the time - independence and decolonisation. It would have been a counter-intuitive move for the Malay community to opt for communist insurgency over a relatively-peaceful transfer of power and establishment of democracy via negotiations.

An under-examined aspect of CPM's inability to attract Malay supporters is the role played by the Malay rulers, whose history stretch back to the Malacca Sultanate of the 15th century. The Malay community, for the most part, is loyal to its monarchy and attempts for armed subversion without royal approval is unlikely to succeed. While contemporary Malaysia functions as a constitutional monarchy and does not have codified *Lese Majeste* laws as that of neighbouring Thailand (Tee, 2019), the significance of the Malay Rulers still remain. Seditious laws, originally introduced to maintain British Rule during the colonial era, has been used to protect the Rulers from criticism (The Star Online, 2019) while the 'Rukun Negara' or code of national philosophy introduced in 1970, lists loyalty to King and country as its second principle, after belief in God. Burton (2011) even describes the Malay community at the time of insurgency as "overwhelmingly

traditional, monarchist and devout Muslims”. A unique point in history when nationwide open (non-violent) civil disobedience occurred among the Malays was over Britain’s 1945 Malayan Union proposal, which was eventually scrapped following widespread protests. A large number of Malays gathered in demonstrations against the agreement which the Malay Sultans had allegedly been coerced into signing and which would have eased citizenship requirements of Malaysians and stripped significant royal power from the state monarchies, the latter a move seen as disrespectful to Malay Sultans and ‘adat/culture (Ho, 2015), and indirectly weakening Malay political control. Acknowledging Malay loyalty to the Sultans, it appears implausible that the community would support the CPM agenda, which included overthrowing “feudalism as represented by the Sultans” (Yong, 1996). Ngoi (2015) explains that religion is another critical factor behind CPM’s inability to appeal to the Malay population: Being Muslims, Malays were likely resistant to communism which is often perceived as being an areligious doctrine, and Malay leaders encouraged this perception by emphasizing the need to counter communism with “a strong Islamic faith”. CPMs attempt at producing propaganda to prove that communism is compatible with Islam largely failed and managed to convince only a small number of Malay recruits (Carnell, 1953).

CPM’s leadership was chiefly Chinese - its most prolific member being Chin Ping who headed the party through both insurgency campaigns. Although there were Malays like Abdullah C.D., Musa Ahmad and Rashid Maidin who were prominent members (Stockwell, 2006), their efforts to influence fellow Malays to join were largely ineffective. Despite Abdullah C.D.’s claim that CPM proposed to uphold the special position of the Malays, acknowledgement of Islam as an official religion, protect Malay culture and support a constitutional monarchy, his statements did not make much headway (Ngoi, 2015). It could be that Malays felt CPM, as a predominantly Chinese party, had little incentive to uphold policies which were not favourable to their ethnic majority. Additionally, the lack of Malay leaders could also be interpreted as having less ability to direct the course of CPM to uphold pro-Malay policies (Ngoi, 2015).

Segmentations within the Malayan Chinese community

The Chinese Malayan community during the emergency was not a singular one. While CPM members were predominantly Chinese, the party itself did not manage to garner full support from the Chinese diaspora. After years in Malaya, many Chinese had assimilated and embraced a worldview different to that of communist China. There existed a changing landscape of identity where some Malayan-born Chinese now regard Malaya as their home (Finkelstein, 1952) over a China they have never visited. A British estimate puts the number of potential communist sympathisers to only around one million, approximately 20 per cent of the Malayan population in the 1950s (Hack, 1999). Hack describes the Malayan Chinese community as being at a crossroads where loyalties are divided between Malayan nationalism and Communist China, cultural introversion and engaging in the creation of a budding Malayan state to which the Chinese community could contribute its mark. He further points out that the “over-abundance of identities” and choices within the Chinese community not only decreased the number of possible communist supporters, but it also inadvertently increased potential enemies for CPM.

Among those who were unlikely to welcome a communist revolt were a group comprising Chinese traders and those from the middle-class (Finkelstein, 1952). The economic migration which the Chinese community underwent upon moving to Malaya meant that Malaya was also nurturing a burgeoning business-oriented segment of that society which was considerably large and influential (Hack, 1999). Anticipating a negative impact on their business interests, it was a logical step for these commerce-driven individuals to reject CPM and the communist system it idealised.

Hack explains that the establishment of the democratic-leaning political party, the Malayan Chinese Association (MCA) provided a counter-weight to communist influence, drawing from its ranks many members of the Chinese community who were involved in commerce. He adds that MCA, led by Tan Cheng Lock, was set up as a Chinese mirror to the Malay political party United Malays National Organisation (UMNO) and played an important role as an intermediary between the government and the Chinese community by managing social welfare in New Villages, promoting communist surrenders, assist in detainee

screening and providing a channel for Chinese political expression. MCA's well-coordinated machinery, its influential members who could negotiate directly with the government and its function as a channel for addressing Chinese grievances made the moderate party an appealing and safer alternative for the Chinese community to engage in political activity without having to turn to CPM's armed revolt. Most importantly, MCA promoted a nationalistic Malayan outlook and was a point of unification for the Chinese community. It endeavoured to raise awareness amongst the Chinese that "their social, economic and political states were far more intertwined with the future of Malaya than with their traditional homeland" (Ongkili, 1974).

Looking inward, cracks were showing even within CPM itself. The unmasking of secretary-general Lei Teck as a triple-agent came as a shock betrayal to the party's Central Committee, which was already plagued by grievous financial troubles (Chin, 2009). The collapse of party unity, internal disputes and intra-party killings created competing groups which frequently clashed over territory (Sebastian, 1991) and led to a fragmented CPM incapable of moving forward with its operations. As Stockwell (2006) observes, although CPM fighters had immense courage, stamina and will power, this could not make up for the growing party schisms, youth and inexperience of the party leadership, lack of food, intelligence and ineffective communication channels between its members who were dispersed around the peninsula.

Putting aside internal divisions and the party's failure to convey ideology convincingly, CPM also committed many tactical errors which led to the estrangement, even likely resentment from their target group. Compared to the Malays, the Chinese community was most affected by communist terror (Carnell, 1953) with CPM members even admitting to the party's excessively coercive campaign (Hack, 1999). By October 1948, only shortly after the Emergency was declared, the MNLA had killed more than 200 mostly-Chinese civilians who were reluctant to support the uprising (Paul, et al., 2013). The brutality and tactics of intimidation carried out against their own Chinese population was a double-edged sword for CPM. While it induced fear and obedience, it also turned potential supporters away, creating antagonism among the Chinese who were CPM's main source of support. The rural Chinese whom CPM depended on suffered more as the burden of providing

supplies was thrust upon them, effectively crippling their own economic security (Hack, 1999).

To make matters more difficult for CPM, the international political climate of the day was unfavourable towards it. By 1974, Sino-Malayan relations had normalised and while Beijing could not officially denounce CPM, it nevertheless moved to end the provision of material aid to the party (Sebastian, 1991). It is uncertain how much additional damage this would have dealt CPM because unlike their compatriots from Vietnam, the support CPM received from China was almost negligible indicating that the party's communist struggle was an isolated one (Stockwell, 2006). Geographically as well, Malaya was a peninsular which bordered only Thailand. This limited CPM's capability of expanding supply routes, safe havens and foreign supporters. Looking at the Malayan communist struggle, it appears unfeasible that a minority-led uprising holding a communist agenda so antithetical to the general culture of Malaya could even hope to successfully carry out a popular uprising when it did not even have strong external backing to compensate for a lack of internal support.

The Road to Independence

The Japanese occupation from 1941 to 1945 was remembered as one of Malayan history's darkest years – marked by starvation, immense brutality and institutionalised fear. The Japanese had first come to Malaya and attempted to counter British support in the peninsular by playing a propaganda war titled “Asian for Asia,” (McDonald, 1950) which was marketed as an empowerment movement but was later revealed to be just another form of colonial suppression. After the defeat of Japan, the British returned to rule in Malaya but sentiments had changed. Malaysians who had spent some 150 years under British colonialism were now disillusioned by Western power after witnessing the defeat of the British army by Japan (Ahmad Fauzi, 2007). Malayan society was now one that was walking a steady path towards democratic self-governance, especially with the establishment of the Federation of Malaya in 1948. The arrival of communism was in opposition to that zeitgeist. This is further compounded by the view that a Chinese-led communist government would be seen as a scion of China. A fair question would be whether the communist insurgency hastened the decolonisation of Malaya. It can be argued that Malayan independence

was a compromise for Britain who was channelling significant resources to Malayan COIN efforts at a time of post-WWII financial constraints. After all, the insurgency cost Britain an estimated £700 million between 1948 and 1957 (Deery, 2007). However, there is debate on this issue. Hack (2001) describes the Emergency's impact on decolonisation as 'complex and unanswerable'. Nevertheless, the fact that the communist insurrection took place within the same timeframe as Britain's worldwide move to decolonise particularly in the 1950s was especially damaging to MCP's cause. Both sides of the conflict appealed to the Malayan anti-colonial sentiment but Britain's promise of self-governance proved to be the more attractive option.

Independence was a win-win option for Britain and the general Malayan population. Suffering from the aftermath of World War II and unable to financially maintain the expansive empire they once held (Deery, 2007), Britain's calculus was that decolonisation and a transfer of power to a reliable Malayan government would "prevent a communist take-over of a much-valued country" (Stockwell, 2006). Independence would also translate to the best outcome for Britain, which could continue amicable relations with a Malayan government friendly to British interests and trade while ensuring that the "front-line state in Asia's Cold War" (Stockwell, 2006) would have an established government with which to address the continued communist threat. With Britain promising self-governance (Carnell, 1953), a political alliance had been formed by Malayan parties comprising the three major ethnicities – UMNO representing the Malays, MCA representing the Chinese and the Malaya Indian Congress (MIC) for the Indians (Hagiwara, 1972). Although the Alliance began as a temporary arrangement between MCA and UMNO to contest in the 1952 municipal elections, it strengthened with MIC in 1954 and in 1955 won the first general election before officially registering as a political organisation and taking over the reins of government after independence in 1957. The stability and political representation offered by the Alliance Party had proven to be a more logically enticing option for the average Malayan compared to the uncertainty of a communist revolt.

Conclusion

In the years following the 1989 peace accord between CPM and the Malaysian government (Sebastian, 1991), the threat of communism fast

dissipated. The country's 40-year battle with communist insurgents is often lauded as one of the few successful COIN operations in recent history. Much credit had been attributed to British efforts in curbing the spread of the communist ideology using strategies which, although not immune to criticism (Chin, 2009), were still overall effective. Noteworthy was the Briggs plan which cut off CPM from their main source of supplies, food and intelligence by forcibly relocating some half a million Chinese Malaysians and implementing population control. If the Briggs plan succeeded in cutting off communist lifelines, Templer's 'hearts and minds' strategy further aggravated communist operations by turning the population away from CPM and towards the Malayan government.

However, the question remains why these COIN efforts, while successful in Malaya, did not produce similar outcomes in insurgencies around the world, namely in Vietnam, Palestine and Algeria (Hack, 1999). This paper argues that Malaya's victory in confronting communism compared to similar methods employed elsewhere was due to its unique local conditions. It is the socio-political environment of Malaya which was the deciding factor in determining CPM's future and while British policies were effective in countering communism, it would not have been able to do so without capitalising on Malaya's societal, cultural and political context.

This essay proposes that the main reason behind CPM's defeat was because the Malayan ethnic makeup was against them – CPM was unable to gain the allegiance of the Malay majority and therefore, could not amass enough support to mobilise a successful insurrection. The reasons why many Malays did not buy into the communist ideology could be due to the reasons addressed in this essay: the idea that the communist movement was a 'foreign' uprising, pre-existing racial rifts between the Chinese and Malays, language barriers, Malay reverence to their Sultans and the perception that communism was antithetical to Islam, the religion professed by the majority Malay population.

Furthermore, the Chinese themselves did not wholly support the communist agenda. Among the Chinese who rejected communist ideology were those who identified themselves as Malayan and preferred national independence. The growth of a pro-business and middle class Chinese community were unlikely to accept a communist system

which would principally be in opposition their financial freedoms. The establishment of MCA provided a channel for political voice and produced a safer, more stable alternative to the communist influence. Moreover, CPM's tactics of fear-mongering and brutality did little to win supporters to their side. Taking into consideration CPM's internal dispute and lack of external support, it appears that the party did not just have trouble attracting Malay members, they could not even secure the full support of their own Chinese community.

Finally, in analysing the cause of communist defeat, one cannot ignore the atmosphere of impending freedom and independence that caught Malaya in the years of the Emergency, and later a nationalistic spirit to maintain that long-sought independence post-1957 until the end of the insurgency. This paper holds that although British strategies contributed much to the success of the counter-insurgency efforts, it is the factors discussed above which were the primary cause of the communist defeat. In the end, the main battleground CPM failed to conquer was the population – the most important chess piece that cost them their revolution.

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Islam and Sport: From Human Experiences to Revelation

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Abstract: Sport is viewed as a multidimensional phenomenon. Most countries, including Muslim nations, invest heavily in sports to ensure the participation of their citizens both for recreational and competitive purposes. Indeed, the involvement of Muslim countries in significant multi-sport events such as the Commonwealth, the Asian, and the Olympic Games are inevitable. Therefore, a proper projection should be given to Muslim athletes as their participation reflects the identity and culture of Muslim civilizations. To date, the issue of Muslim athlete's involvement in sports from the notion of Islamization has yet to be elucidated by any scholar. This paper aims to scrutinize the sports sociology as an academic discipline in the Muslim majority society context. It also views the philosophy of sports participation and the dilemma faced by Muslims in sports under the light of *al-Qur'an*, and *Hadith*. In obtaining relevant information for this paper, we employed qualitative content analysis from various literature. In conclusion, this discourse of sport, Islam, and

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society has potentially triggered the new social movement that accommodated the needs of the Muslim community towards sports participation and physical activity.

Keywords: Culture; History; Islamization; Identity; Sport

Abstrak Sukan dilihat sebagai satu fenomena pelbagai dimensi. Kebanyakan negara termasuklah negara-negara Muslim telah membuat pelaburan yang besar bagi memastikan penyertaan warganya dalam aktiviti sukan sama ada untuk tujuan rekreasi mahupun tujuan pertandingan. Pada hari ini, penyertaan negara-negara Muslim dalam acara sukan seperti Sukan Komanwel, Sukan Asia dan Sukan Olimpik tidak dapat dibendung lagi. Selain itu, satu projeksi perlu dibuat berkaitan penyertaan orang-orang Muslim dalam sukan kerana ianya menggambarkan identiti dan budaya tamadun orang-orang Muslim. Sehingga ke hari ini, isu berkaitan penyertaan Muslim dalam sukan dari konteks agenda Islamisasi tidak dikupas secara tuntas oleh mana-mana sarjana. Penulisan ini bertujuan menggarap disiplin ilmu sosiologi sukan dalam konteks masyarakat majoriti Muslim. Adalah penting juga untuk kita melihat dilema dan falsafah sukan bagi orang-orang Muslim dari sudut al-*Qur'ān* dan *Hadith*. Bagi tujuan tersebut, kami menggunakan analisis kualitatif (kandungan) daripada pelbagai sumber rujukan. Kesimpulannya, wacana sukan, Islam dan masyarakat berpotensi sebagai pencetus satu gerakan baru dalam masyarakat yang menitikberatkan keperluan masyarakat Muslim dalam konteks penyertaan dalam sukan dan aktiviti fizikal.

Kata kunci: Budaya; Sejarah; Islamisasi; Identiti; Sukan

Background

Sport, as noted by Coakley (2017), is a multidimensional phenomenon. Thus, it is often seen through different perspectives. For the sociologists, they view the sport from the perspective of socialization, social institutions, and other social dimensions. Similarly, if someone views sport as a religionist, he or she might see it from the perspective of rites and rituals (Maishnu, 2009), and the implication of sport in their spiritual well-being (Sanchooli, 2016). It is regularly perplexing to differentiate between the word sport and its related terms such as play and game (Leonard, 1998) as well as physical activities. Therefore, Tomlinson (2010) has made it vivid that sport is:

A human activity, usually associated with a degree of physical exertion, in which a skill is accomplished in performance and contest, and for which there is either a competitive outcome (winner, loser, or position), a measureable achievement (logged by rowing-machine or the timer's stopwatch), or some other or further perceived benefits (health, fitness, pleasure/fun).

(431)

Over the years, the subject of Islam and sport has been narrowed down into several perspectives by Western researchers. The notable one is centered on the issues of women participation in sport (Walseth & Fasting, 2003; Knop, Theeboom, Wittock & Martelaer, 1996; Kay, 2006; Zaman, 1997). The trend in research related to Islam and Sport reflected the research settings in which studies have taken place. Research by Dagkas and Ben (2006) was conducted in non-Muslim countries of Greece and Great Britain, unlike Pfister (2003), who thoroughly researched women and sport in Iran. Therefore, it is hard to read Western literature relating to Islam and Sport because they focus more on the social reality behind the participation of Muslim community (especially women) in sports rather than the Islamic teachings and thoughts itself.

In the Muslim world, the term that is closely related to sport is *riyāḍah* or the use of free time with beneficial activities, particularly physical activities. Therefore, the term sport is related to the word, which requires the use of physical strength to preserve good physical health and fitness in spreading Islamic teachings (Maishnu, 2009). When Muslims keep their physical condition in good shape, it is easy for them to perform *jihād* or to strive and exert effort, in many fields of specialization in their life. In Islamic history, there are many sport activities practiced by Muslims, inter alia; (1) running (2) horse-racing (3) archery (4) fencing (4) wrestling (5) weight lifting (6) high jump (7) swimming (Maishnu, 2009; Marwat, Zia-ul-islam, Wassem & Khattak, 2014; Sanchooli, 2016). However, in these modern times, the participation of Muslim athletes in sports is not confined only to physical wellness but also for competitive purposes.

The nature of sports participation amongst Muslim athletes in this paper is limited to those who reside in the Organization of Islamic Cooperation (OIC) countries. The writers chose the OIC because they

shared similarities in terms of social, political, and cultural identities of the Muslim community who lived in those nations. As noted by Prodromou (2013) OIC is a multi-national organization that presently encompasses 57 member-states, globally and considered as the Muslim world. Their religions and ethnic groups do not determine those who represent the OIC countries in competitive sport, rather excellence in sports, especially at the national level. Moreover, the participation of athletes and para-athletes from OIC nations at both the Olympics and Paralympics Games has significantly increased through the years, as illustrated in Figure 1.

Figure 1: Participation of OIC Athletes/Para Athletes in Olympics and Paralympics 2004 - 2016

Host	Number of Athletes/Para Athletes
Athens 2004	1343
Beijing 2008	1350
London 2012	1575
Rio De Janeiro 2016	1603

Note. Data for OIC Athletes from Olympic (2019), for OIC Para Athletes from Paralympic Movement (2019)

From the Western perspective, a wide range of sports and play had already existed since the time of the ancient Romans and Greeks (Kyle, 1983; MacAuley, 1994; Scambler, 2005). Therefore, it is not an exaggeration to say that the root of Modern Olympic Games can be traced back to the Greek tradition, where the Games were held every four years in a small village called Olympia. It is also similar in the case of the Chinese and Egyptian civilization, where some archeological evidence and artifacts (MacAuley, 1994) have proven the existence of sports in their respective society. The Chinese, past, and present have always been closely associated with sports such as gymnastics, badminton, and volleyball (Adnan & Ismail, 2009); the ancient Egyptians was associated with swimming and fishing, and the ancient Persians was connected with polo and jousting. In Islam, the issue related to sport should be discerned from its primary revelation that is the *Qur'ān*, and *Hadith* and the works of Muslim scholars on education and philosophy. This paper

focuses on the *Qur'ānic* principles, social realities, and philosophy of sports participation.

This article starts briefly with the nature of sport from multiple contexts and perspectives. It also placed the discussion on the emergence of the sociology of sport and its significance to humanity at large. Knowing the potential triggered by sports development in society, the effective integration between sport and revelation needed based on some lessons from *al-Qur'ān* and *Hadith* with some essential discussion regarding the Muslim world-view, the concept of man, dilemma, epistemology and fuqaha's view highlighted.

The field of Sociology of Sport

Sociology of sport is the discipline that studies the group interaction in sports settings. It is quite right that very little interest is given to this research area. While describing the field of sociology of sport in Malaysia, we are always confused with its closely related subject that is social psychology. In Malaysian universities, the discipline of sociology of sport is offered as a core subject for undergraduate and diploma students by the faculty of sports science. Recently, the discipline of Sociology of Sport is offered at postgraduate level as separated specialization (by research).

The fields of Sociology of Sport and sport-related studies are not new to the Muslim world as exposure to sports, and physical activities began from childhood. From the Muslim intellectual discourse, Sociology of Sport is considered as important and significant to the well-being of the society. Indeed, in most Muslim universities around the world, the trend in research in sport and society-related studies are those focusing on the issue of *hijāb* (and covering the *'awrah*), masculinity, religiosity and moral definition of sports participation (Maishnu, 2009). This trend might lead to the limitation and lack of interest among Muslim sports scholars in further exploring the issue of sport and society, as compared to the Western epistemological development.

The area of discipline is as old as the existence of sociological knowledge itself. Since the introduction of the 1896 Athens Olympic Games (the first summer modern Olympics), social thinkers of the sport have evaluated sport from various angles; from the impact of the games towards social unity, solidarity and economics to studying the social

problems of the sport itself (Scambler, 2005). As the term combines the two important words, which are (1) sociology and (2) sport, Sociology of Sport can be defined as the study of sport in relations to social organizations and relations. Nowadays, the knowledge of Sociology of Sport, particularly in the UK and US, has contributed to the formulation of Sport's Policies in the respective nations.

In the West, the content of Sociology of Sport is taught by the Department of Sociology, in most cases. For example, the postgraduate program for Master of Science (MSc.) and Ph.D. in Sociology of Sport offered by Loughborough University is constructed under the School of Sport, Exercise and Health Science – the top-ranking school of sport-related studies not only in the UK but throughout the world (“QS World University Rankings,” 2019). Similarly, in the US, the term Sociology of Sport has been interchangeably used with the term social study of Sport and the social aspect of the sport. Apart from Loughborough, The University of Queensland in Australia and the University of British Columbia in Canada are well known for their sport-related studies (“QS World University Rankings,” 2019) as they are way ahead in terms of research and development in sport science, biomechanics, the psychology of sport, nutrition, coaching and physical education (and pedagogy).

Hence, academic sports syllabus has a big family. Apart from Sociology of Sport, there are some other sport-related studies that are popular among sport's fraternity around the world, notably; (a) Sport Science – a study of natural and social science in relation to sport, (b) Biomechanics/Kinesiology – a scientific study of movement in physical activities, (3) Psychology of sport – a study of individual behavior in sport, (4) Nutrition – a dietary study in relation to athlete's nutritional needs, (5) Coaching – a study of sports coaching and pedagogy, (6) Physical Education – a pedagogy of teaching physical activity (Tomlinson 2010) and (5) Sport Geography – relating to landscapes and cultures (Gaffney 2013 cited in Maguire, 109). These fields are well-developed in the West as compared to the Muslim nations.

In understanding sport from the sociological context, sociologists have limited their observation towards three indispensable entities or units of analysis. Firstly, related to (1) the athletes – who are directly involved with sports activity via competition and training. Second, (2)

the organizers – the organizing or responsible party or person that are involved directly with the sports or physical activities such as sports competition organizing committee, coaches, physiotherapist, sports psychologist, and volunteers. Third, (3) the spectators – the audiences that witness the sports competition either in the proper venue or through mass media channel (Leonard, 1998). These triad units of analyses are genuinely the primary concern among sports sociologists in analyzing the social issues in sport and physical activity's settings.

Sociological analysis of sport has viewed it through two primary purposes, notably, sports for (1) competitive purposes and also for (2) recreational purposes (Khoo, 2005). As we are all aware, through competitive sports, athletes will be competing with each other, winning for their teams. As a result, the winning team or personality will be rewarded with glory and wealth. From the smallest games in the village to national games, from South East Asian Games (SEA Games) to Olympic Games, the athletes will be the focal concern as they carried the name of their teams. The respective bodies and governments have invested heavily in ensuring the success story of these athletes. In Malaysia, sports personalities such as Nicol Ann David (squash) and Lee Chong Wei (badminton) are clear examples of how worthy and valuable an athlete becomes when they perform exceptionally well in various international competitions.

Recreational sport is an activity for the masses to promote good living and health. It is the vision of every government to ensure that their citizens are aware of the purpose of sport in keeping good life (Khoo, 2005). Thus, many governments have introduced the policy of sports to society (Aman, Mohamed & Omar-Fauzee, 2009; Khoo, 2005). For this purpose, too, sport sociologists have discerned sport as the tool of integration (Abd Rahim & Mohamad Diah, 2019; Walseth, 2016), solidarity and unity among members of the society especially minority groups (Abd Rahim, Mohamad Diah & Aman, 2018). Through recreational activities, people from different segments of social backgrounds will adhere to the rules and regulation of the games, learn the proper way of interactions and integrate well into solidarity and unity (Elbe, 2016; Spaaij, 2013). It is also interesting to see how sociologists analyze sport from (1) functional, (2) conflict as well as (3) symbolic interaction perspectives (Leonard, 1998). As for the functionalist, they viewed sport as an essential tool in creating and maintaining social

order in one particular society as opposed to conflict theorists. The latter is primarily concerned about the issues raised as a result of sport and physical activities. Finally, the role of symbol and sign will be the main focus of symbolic interactionists when they analyze sport from their perspective.

Islamizing the discipline

As the discipline of Sociology of Sport contains too many Western characteristics, we must view sports-related issues under the ideologies of Islamic thinkers. Prominent Islamic scholars such as the late al-Farouqi, al-Alwani, al-Attas, and Osman Bakar are much remembered for their contributions to the Islamic civilization. Their thoughts and ideas have traversed multiple sections and segment of Muslim societies. Their views also serve as a foundation for the *Ummah's* objectivity and for the future generation that carries the task as a *khalīfah* (vicegerent) in this world.

To achieve said objectives, the scholars have integrated the many works and legacies of previous scholars, namely Ibnu Khaldun, al-Farabi, Syed Qutb, al-Afghani, Shah Walliyullah el-Dehlavi, and many more. Their thinking, objective, philosophy, vision, mission, and inspiration in raising the status of the Muslim *Ummah* have proven fruitful through the existence and appearance of the notion called Islamization. The idea of Islamization, without proper understanding, might lead to misconception. The term Islamization is always interchangeably used with some other terms such as Islamicization, Islamification, Re-orientation and De-westernization (AbuSulayman, 1981; al-Faruoqi, 1988; al-Attas, 1993; al-Alwani, 2005; Ahsan, Mohamaad Shahed & Ahmad, 2013). Thus, it is used as opposed to the term secularization and westernization. Indeed, the project, vision, and notion of Islamization are to preserve the identity of Islam and its holistic relationship with other aspects of human life as all of the deeds, rites, and rituals are considered as *'ibādah* (worship).

The earlier proponents of Islamization, as based on history, show us many previous stories on the rise and fall of civilizations. History has taught us to be conscious of social, economic, and political surroundings. The Muslim Intellectual congregation in 1977 held in Makkah was indeed a platform for this overall scenario. Perhaps, the Muslim thinkers viewed Muslims all over the world at that moment to

be fraught with economics, political, and cultural-religious' malaises (AbuSulayman, 1981). The Muslim *Ummah* is, directly or indirectly, exposed to many forms of sport and physical activities. Therefore, it is crucial to guide them with a proper understanding and world view regarding their participation in sports activities.

As sport is seen as agents of change and socialization, it is also vital to all of us, mainly Muslim sociologists, to study it intellectually for the benefit of the *Ummah* in total. Therefore, the concept of Islamization in Sociology of sport is indispensable. As sport is a multidimensional phenomenon, there is a need to understand the philosophical aspects of sport by relating it with relevant verses from *al-Qur'ān*.

Sport: Some lessons in the *Qur'ān* and *Hadith*

Muslims need a healthy body to perform their daily activities. A healthy body is possible to achieve through physical activities such as walking and playing sport. Hence, sport is an activity that aims at obtaining physical health based on the guideline of *al-Qur'ān* and the *Hadith*. Indeed, *Allāh* loves the believers who are strong based on the saying of Prophet Muhammad (PBUH):

From Abu Hurairah Radhiyallāhu 'anhu he narrated, Rasūlullāh (PBUH) said the strong believer is more beloved to Allāh than the weak believer, but there is goodness in both of them. Be eager for what benefits you, seek help from Allāh, and do not be frustrated. If something befalls you, then do not say: If only I had done something else. Rather say: Allāh has decreed what he wills. Verily, the phrase 'if only' opens the way for the work of Satan.

(Muslim, *Sahih Muslim*, *Hadith* no. 2664)

Islam encourages its followers to be healthy and fit. By having an excellent physical body, it will enable them to protect themselves from any threat that might harm them primarily by the enemy of *Allāh*. As stated in *Qur'ān*, Al-Anfāl 8:60 that:

And prepare against them whatever you are able of power and of steeds of war by which you may terrify the enemy of Allāh and your enemy and others besides them whom you do not know [but] whom Allāh knows. And whatever you spend

in the cause of Allāh's will be fully repaid to you, and you will not be wronged.

The principle of physical activities, movement, and sport have been accentuated in the *Qur'ān* in a very thoughtful way. The beauty of *al-Qur'ān* has been enshrined when we explore the meaning of worship or *'ibādah* and relate it to the idea of sport. As mentioned in *al-Qur'ān, Aḍ-Ḍāriyāt* 51: 56 :

And I did not create the jinn and mankind except to worship.

The notion of *'ibādah* in Islam is broad. It should not be confined to specific worship only. In the case of sport, if the implementation and practice of sport observe the regulation of *Sharī'ah*, man will be rewarded accordingly. Sport is considered an *'ibādah* if it fulfills the following requirements: to have a noble intention, to adhere to Islamic regulations, to preserve one's well-being, to obtain rations for family, to fulfil necessary *'ibādah* such as ṣalāh (praying), to fast and to cover the *'awrah* (humility). The concept of *'ibādah* should not be limited to specific rituals. It must encompass the whole aspects of Muslim life. Therefore, noble intention is required before the activity of sport. As supported by Syaikhul Islam Ibnu Taymiyyah (R.A), the meaning of *'ibādah* is wide. It encompasses all matters of *Allāh*'s love, either through verbal or physical actions, seen and unseen. He added that *'ibādah* is a form of obedience to *Allāh* by fulfilling all His ordains through the speech of all Prophets (al-Matroudi, 2004).

Man is a distinct creation of *Allāh*. Thus, man is created in the best form and considered as the best creation of all beings. Man has been created equipped with emotional, spiritual, intellectual, and physical power. Therefore, the engagement in sport fulfills all the requirements that are bestowed by *Allāh*. As stated in the *Qur'ān*:

We have certainly created man in the best of stature.

(*al-Qur'ān, At-Tīn* 95: 4)

And when I have proportioned him and breathed into him of My [created] soul, then fall down to him in prostration.

(*al-Qur'ān, Al-Hijr* 15: 29)

Furthermore, the ability to feel, hear, and listen is essential in the practice of a sport. These three abilities have been specifically mentioned in

the *Qur'ān* to guide Muslims in their worldly affairs. For sport, these abilities should be used decently and gratefully. It is stated vividly in the *Qur'ān*:

Then He proportioned him and breathed into him from His [created] soul and made for you hearing and vision and hearts; little are you grateful.

(*al-Qur'ān, As-Sajdah* 32: 9)

From a macro perspective, sport is a global phenomenon and is practiced regardless of race and nationalities. In the multi-sport events such as the Olympics and the Asian Games, we have witnessed the involvement of many nations across the globe, and they are united in the name of sports. This situation is indeed in line with the spirit of *al-Qur'ān*:

O mankind, indeed We have created you from male and female and made you peoples and tribes that you may know one another. Indeed, the most noble of you in the sight of Allāh is the most righteous of you. Indeed, Allāh is Knowing and Acquainted.

(*al-Qur'ān, Al-Hujurāt* 49:13)

To conclude, the idea of sport should be understood while interpreting from the textual evidence of *al-Qur'ān*. Sports and physical activities should fulfill all the requirements underlined by the scripture and follow the necessary regulations of *Sharī'ah*, such as observing the principle of modesty and being just to others.

Discussion on some issues and considerations of sport in Islam

Apart from *Qur'ānic* verses that are implicitly related to sport, some basic Islamic thoughts should also be discussed. These basic thoughts and considerations are essential because they will give clear direction to the future of sports participation, particularly among Muslims. For this reason, we have divided our arguments into five parts; (a) Muslim world-view on sport, (b) the concept of man and his existence, (c) Muslim dilemma on sport, (d) Muslim epistemology and (e) The principles of the lawful, the prohibited and the detestable in sport.

a. Muslim world-view on sport

The first understanding will be based on the question of world view. It is a world view that transforms a traditional-agrarian society into a modern one. It is also a world view that elucidated the existing social and world orders. What is the definition of world view? Perhaps for many people, they assumed that world view is related to religion and culture. Some might view this as perspectives. Some social thinkers may also interpret world view as a theory of the world. The term *weltanschauung* or world view, as suggested by Ortiz (1972), is

a distinctive vision of reality which not only interprets and orders the places and events in the experience of a people, but lends form, direction, and continuity to life as well.

(91)

Ortiz states that people have utilized the term world view interchangeably with the term religion. In sports, the differences in world view will lead to a different interpretation of specific issues. For instance, in the case of covering the *'awrah*, the Islamic world view has made it clear that all Muslims must cover the *'awrah* as opposed to those from the Western world view. As Muslims, our world view must be based on Islam as the whole way of life. This means that anything that we do must reflect our world view.

Thus, it is the task for all Muslim scholars to Islamize knowledge in their respective specialization (in this case, Sociology of Sport) as it reflects the Islamic world view. If this duty is not supported out by Muslim scholars, who else will?

b. The concept of man and his existence

This second argument will be more on ontological, tautological, and philosophical aspects of the concept of man as prescribed in the Islamic world view and its relationship with sport. A great example in explaining this concept is with the book *Islam and Secularism* by Muhammad Naquib al-Attas (1993). In this book, the author has associated the nature of man's existence in this universe through the word *ad-dīn* (religion). In his analysis, the term *ad-dīn* can be manifested into four dimensions. First and foremost, it is related to (1) indebtedness – a man is indebted to his existence in this universe (*ex-nihillo* i:e from a state of nothing to

something). Second, it is connected to (2) submissiveness – when a man realized that he is indebted to his existence, hence, he must repay it, that is through total submission and obedience to his Master (God). Third, it is associated with (3) natural inclination (*fiṭrah*) – when a man managed to re-pay, he has agreed to his existing state of natural inclination as *Allāh*’s vicegerent on earth. Finally, it speaks the idea of (4) justice – the knowledge of putting things according to its place. In the context of sport, as a Muslim, we need to participate in sport for physical and social wellness. By engaging in sport, we will be able to maintain our bodily systems as sport promotes good blood circulation and leads to a healthier life. Thus, keeping our body fit and healthy through sport is a natural way for our wellness. Eventually, by achieving physical wellness, it leads to better productivity.

This Islamic concept of man is, however, in contrast to the secular world view that is manifested in the theory of human evolution by Charles Darwin. It is, again, due to the differences in world views and ways of looking at things. The researchers believe that this concept of man and also other interpretations done under the spirit of Islamic teaching could only be accepted if the person agrees to the totality of Islam as a complete world view.

c. The Muslim dilemma in sport

Based on the understanding of the Muslim dilemma, the researchers see the necessity to Islamize knowledge, especially in sports. Post-September 11 (2001) has been the darkest moment for the entire image of the Muslim community around the world. They have been accused of being terrorists and traitors by other cultures and nations. This incident eventually led to the Iraqi invasion by the Unified Armies under the name of justice and liberation.

The Muslim dilemma can be distinguished through three vital areas, i.e. (1) economic (2) political and (3) cultural-religious aspects (al-Farouqi, 1988). Throughout the world, from historical exegesis to modern times, Muslims have always been victimized by others. Muslims who live in their homeland can be subject to discrimination and harassment by the existing world power as seen through the Palestinian Conflict in the Middle East. As noted by al-Alwani (2005), Muslims all over the world often succumbed to the negative label that made them inferior compared to other people. In the context of sport, the economic

and political situations of Muslim nations are relatively unstable. This unstable situation has hampered the involvement of Muslims to participate actively and competitively in sport. In competitive sport, for example, Muslim countries need to invest if they intend to produce world champions. This could only happen when the nations are politically and economically sound.

Therefore, in dealing with this matter, the authors are unanimous on the efforts of Islamizing knowledge. Perhaps, reforming the education system is the answer to all these dilemmas, as propagated and advocated by many Muslim thinkers of Islamization of knowledge.

d. The concept of Muslim epistemology

The fourth aspect is related to Muslim epistemology, which explains the theoretical background over the problem faced by the Muslim *Ummah* nowadays. It is because the system of education that the *Ummah* utilizes presently is based on a western-secular framework. The western-secular context is under significant criticism even by their advocates. Leopold Von Ranke, the German historian (and secularists by his approach) rejected the notion of teleology as proposed by many secularists in studying history. According to Leopold, history should be based on primary sources, rather than relying solely on the narration of previous people. It is similar to the approach employed by Ibnu Khaldun in studying society (the science of *al-'Umrān*).

Be as it may, the shortcomings of western approach and methodology to epistemology could be discerned via (1) denying the relevance of a priori data, (2) false sense of objectivity, and (3) personalist approach rather than Ummatic axiological framework, as elucidated by Isma'il Raji al-Farouqi (1988), in his attempt to Islamize the social sciences. A proper understanding of teleological and tautological elements is needed in interpreting Sociology of Sport from Islamic epistemology.

e) The principles of the lawful, the prohibited and the detestable in Sport

Specific rules and regulations govern the life of every Muslim. Muslim participation in sports activities either for psychological or physical wellness must abide by these rules and regulation. Therefore, what can be done or not is determined by the principles of the lawful – *ḥalāl*, the prohibited – *ḥarām*, and the detestable – *makrūh*. The term *ḥalāl* is

something acceptable and no restriction. While the word *ḥarām* denotes things that prohibited. The *makrūh*, however, designates the disapproval matter but not as serious as the second principle (al-Qaradawi, 1999; Maishnu, 2009; Marwat, Zia-ul-islam, Wasseem & Khattak, 2014; Sanchooli, 2016).

Apart from these three rulings, al-Qaradawi (1999) has underlined eleven principles in determining the values of *ḥalāl*, *ḥarām* and *makrūh* namely; (1) permissibility of things, (2) *ḥalāl* and *ḥarām* are Allāh 's right, (3) approving *ḥarām* and prohibiting *ḥalāl* is considered the act of *shirk*, (4) impurity and harmfulness, (5) *ḥalāl* is sufficient, *ḥarām* is insufficient, (6) things favor to *ḥarām* is *ḥarām*, (7) misrepresenting *ḥarām* as *ḥalāl* is *ḥarām*, (8) good intentions never make *ḥarām* as *ḥalāl*, (9) avoiding doubtful things, (10) *ḥarām* is applicable to everyone, and (11) needs edicts exemptions.

In relating to the Muslim participation of sport, their engagement in sport is unique, especially in the modern era of sport professionalism. Not only are Muslims nowadays participating in sport for emotional and physical wellness but there are also many Muslims who are participating in the sports sector on a full-time basis as athletes and coaches. Therefore, they could have observed those eleven principles to their best ability without neglecting their spiritual duties.

Conclusion

Indeed, sport is becoming a more prominent global agenda. It has united people from all corners of the world and strengthened its spirit of unity across the globe. Hence, proper guidelines are needed in ensuring the continuous participation of Muslim athletes in sport both for recreational or competitive purposes. As Muslims, we should be grateful that the *al-Qur'ān* is a complete reference and inspiration to us. The beauty of *al-Qur'ān* is multidimensional; leading to the different ways verses are studied and interpreted. Also, the contribution of previous scholars in the Islamization project was amicably substantial and appreciated. As their initial work and knowledge have now been adapted into sports, it is hoped that the field of Sociology of Sport will be more usable and marketable for people around the globe, especially among Muslim countries.

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Factors Driving the Intention to Adopt a Tobacco-free Policy among Employees in a Public Higher Education Institution

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Abstract: Due to their role as a centre of knowledge and character development, public higher education institutions serve as the best platform for emphasising health communication messages and promoting a healthy lifestyle. Higher educational institutions' employees should have good physical and mental health to enable them to demonstrate good values to the students. Thus, the social cognitive theory (SCT) was specifically selected to take a close look at how a conducive environment and knowledge influence employees' intention towards the tobacco-free policy. This study used the partial least squares (PLS) and structural equation modelling (SEM) software to examine factors influencing the adoption of tobacco-free policy among employees in a Malaysian higher education institution. It also measured the impact of workplace health promotion on employees' intention to comply with tobacco cessation regulations. Statistical results confirmed that all three constructs of employees' environment, self-efficacy, and knowledge have a significant

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influence on employees' intention to adopt the tobacco-free policy. The results of the study contribute to a better understanding of the effectiveness of higher education institutions' tobacco-free policy in Malaysia. The findings are useful for policymakers, higher education institutions, and practitioners in enhancing tobacco cessation policy in Malaysia. Limitations and suggestions for future research are also included in this paper.

Keywords: environment, health communication, knowledge, self-efficacy, tobacco-free policy

Abstrak: Oleh kerana peranan mereka sebagai pusat pengetahuan dan pembangunan karakter, institusi pendidikan tinggi awam berfungsi sebagai platform terbaik untuk menyebarkan mesej komunikasi kesihatan dan mempromosikan gaya hidup yang sihat. Pekerja institusi pengajian tinggi harus mempunyai kesihatan fizikal dan mental yang baik sebagai contoh dan tauladan yang baik kepada para pelajar. Oleh itu, Teori Kognitif Sosial dipilih secara khusus untuk melihat bagaimana faktor keberkesanan diri, persekitaran dan pengetahuan yang kondusif mempengaruhi niat pekerja dalam menyokong pengaplikasian polisi bebas tembakau. Kajian ini menggunakan perisian *partial least squares (PLS) and structural equation modelling (SEM)* untuk mengkaji faktor-faktor yang mempengaruhi niat pekerja dalam menyokong polisi bebas tembakau di institusi pengajian tinggi Malaysia. Ia juga mengukur kesan promosi kesihatan tempat kerja ke atas niat pekerja untuk mematuhi peraturan pemberhentian penggunaa produk tembakau. Hasil statistik mengesahkan bahawa ketiga-tiga persekitaran persekitaran pekerja, keberkesanan diri dan pengetahuan mempunyai pengaruh yang signifikan ke atas hasrat pekerja untuk mengamalkan dasar tembakau bebas. Hasil kajian menyumbang kepada pemahaman yang lebih baik mengenai keberkesanan dasar bebas tembakau institusi pendidikan tinggi di Malaysia. Penemuan ini berguna untuk penggubal polisi, institusi pengajian tinggi, dan pengamal dalam meningkatkan polisi pemberhentian tembakau di Malaysia. Batasan dan cadangan untuk penyelidikan masa depan turut disertakan dalam artikel ini.

Kata kunci: persekitaran, komunikasi kesihatan, pengetahuan, keberkesanan diri, polisi bebas tembakau

Introduction

Higher education institutions have often encountered the dilemma of producing successful graduates with quality skills. In line with the

essential role of higher education institutions as a centre of knowledge and virtue, their employees should possess not only good physical health but also first-class mental health to be able to achieve the vision of the institutions. The majority of smoking behaviour among smokers begin before the age of 24, which makes the higher education years a critical period for tobacco cessation to convince the students to not pick up the habit of cigarette smoking (Martínez, Méndez, Sánchez, & Martínez-Sánchez, 2016).

Many authors have argued that tobacco smoking in higher education institutions has become a significant public health concern, and hence, there has been an increase in the number of campuses enforcing a smoke-free policy as well as other cessation programmes to reduce the prevalence of tobacco smoking (Jancey et al., 2014; Braverman, Hoogesteger, & Johnson, 2015). Therefore, to educate the students to leave the habit of smoking, higher education institutions should adopt the concept of leadership by example starting with the employees then followed by the students (Al-Naggar, Al-Dubai, Al-Naggar, Chen, & Al-Jashamy, 2011). However, due to the employees' stubbornness in choosing to neglect the bans and continuing to smoke cigarettes, smoking cessation programmes have become pointless.

Thus, banning smoking and prevalence activities alone is not enough. Strict tobacco-free policy needs to be enforced at higher education institutions. In Malaysia, the tobacco-free policy is not yet well received at higher education institutions as smoking is seen as a private matter (GATS Malaysia, 2011; Lee & Tam, 2014). According to the Malaysia Ministry of Higher Education, as of the 31st of July 2017, there were 21 public higher education institutions and 495 private higher education institutions in the country.

Among the higher education institutions in Malaysia that envision a tobacco-free culture as part of creating excellent human capital is a public higher education institution (Dzulkifli, 2004; Yasin, Retneswari, Moy, Koh, & Isahak, 2011). The public higher education institution is one of the active organisations that uphold tobacco cessation seriously and have launched a tobacco-free policy. The policy's objective is to make the university's campuses free from tobacco smoke. For the realisation of this policy, higher education institutions provide free consultation, motivation, and training for the relevant parties (Mohamad, 2013).

According to Omar (2013), the public higher education institution is committed to making the tobacco-free campus a reality, not only in terms of cigarette smoke pollution but also regarding advertising, promotions, sponsorships, and sales of cigarettes.

In line with this commitment, the public higher education institution has collaborated with the Ministry of Health on the enforcement against smoking. The legal action under regulation 11 (w) and 11 (x) of the Tobacco Rule Control Regulations will be enforced on anyone found guilty of smoking on campus. This research was conducted to examine how a conducive environment and knowledge influence the employees' intention towards the policy.

Literature Review

Social Cognitive Theory

The social cognitive theory explains that human behaviour is caused by two basic factors, which are the personal factor and environmental factor (Bandura, 1989). These basic factors contribute to developing the intention towards engaging a behaviour. It is an extension of social learning theory which states that people's learning process is influenced by their environment through the process of observational learning (Bandura, 1989). In other words, human intentions are based on knowledge level, confidence in executing, and a favourable environment towards the behaviour.

According to Bandura (1999), the first determinant of human intention is the amount of knowledge that one has about the desired behaviour. This is because human intentions always begin with an analysis of the consequences of the intended behaviour. Thus, the more knowledge an individual possesses, the easier for him to analyse and make decisions. The second determinant, self-efficacy, refers to the belief that develops the individual's internal ability to perform the desired behaviour successfully. Self-efficacy is what a person believes he or she can accomplish with his or her ability in a particular situation (Snyder & Lopez, 2007).

The third determinant, a conducive environment, refers to the surroundings' encouragement as to whether or not to engage in the behaviour. The more favourable the environment is, the more likely the individual's intention to perform that behaviour. Environment plays a

critical role because perceived social pressure has a substantial influence on developing human intention.

Tobacco-Free Policy in Higher Education Institutions

The implementation of a tobacco-free policy in higher education institutions could range from simple campaign activities to show support towards the policy to more strict enforcement which is specifically tailored for a particular organisation. Many higher education institutions only commit to conducting tobacco-free campaigns because of the indifferent attitude towards the dangerous effect of tobacco smoke (Braverman, Hoogesteger, Johnson, & Aarø, 2017). Russette, Harris, Schuldberg, and Green (2014) argued that most higher education institutions do not enforce the tobacco-free policy. Moreover, the non-compliant higher education institutions' employees have less knowledge of the location where smoking is permitted, and they have a higher tendency to violate the policy compared to the higher education institutions that comply with the policy.

Establishing a tobacco-free policy in higher education institutions has the potential to increase cessation rates among the employees. Studies conducted on higher education institutions in many countries such as the United States (Mamudu, Dadkar, Veeranki, He, Barnes, & Glantz, 2014), Australia, Germany, and Canada (Fichtenberg and Glantz, 2002), Saudi Arabia (Almutairi, 2014), and Malaysia (Yasin, Masilamani, Ming, & Koh, 2011) found that with the efficient enforcement of a tobacco-free policy, allocation of efforts and resources for cessation programmes among the employees are more likely to reduce tobacco use in such environments.

Benefits, Drawbacks, and Challenges of the Tobacco-Free Policy in Higher Education Institutions

In their exploratory study on the effectiveness of the tobacco-free policy, Yasin, Masilamani, Ming and Koh (2011) found that the tobacco-free policy in higher education institutions has a potential of increasing the cessation rates not only among the employees but also among the employers. According to Bergen and Caporaso (1999), higher education institutions will realise many advantages from implementing the tobacco-free policy. First, a tobacco-free work environment creates a safe and healthy workplace. Second, the tobacco-free policy is a good

strategy for employers to express their care and interest in employees' well-being. Third, the non-smoking employees will not be exposed to dangerous tobacco smoke at the workplace. Finally, higher education institutions that comply with the tobacco-free policy will develop a better corporate image.

On the other hand, there are some drawbacks of the tobacco-free policy in higher education institutions which are mostly related to criticisms that tobacco bans are a violation on smokers' personal liberty, as smoking is a personal choice on which everybody has the autonomy to decide. Also, banning tobacco use at the workplace will provide smokers with no choice but to smoke somewhere nobody can see them (Veeranki, Mamudu, & He, 2012), which might expose them to danger such as when they smoke near a gas tank. Smokers will also tend to leave the higher education institutions' compound so that they can smoke, thus wasting more time and reducing employees' productivity. Banning tobacco smoking will also expose the higher education institutions to the risk of losing their best talents as the smokers who might feel their personal right has been violated may move to other organisations that are not in favour of tobacco bans (IARC, 2009).

Radwan, Loffredo, Aziz, Abdel-Aziz, and Labib (2012) in their study pointed out the challenges in implementing a tobacco-free policy at the workplace. The main barrier to the implementation of this policy is related to inadequate enforcement. Some employers do not have a good strategy for putting the policy into practice. Moreover, the committee in charge of the policy does not have proper cessation knowledge and training. Another critical obstacle is to get the top management's commitment to practising the policy. In any organisation, the law will only be carried out seriously when the leaders are firm in enforcing compliance.

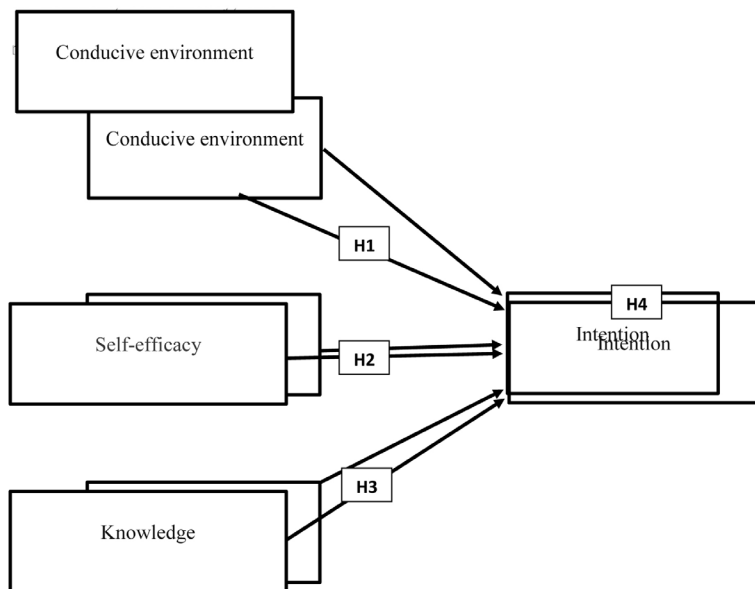
Also, policy enforcement requires funds for its execution. Thus, the top management needs to commit to not only approving the policy but also providing support through funds allocation and a willingness to implement the policy. Finally, the barrier to achieving success in implementing the policy is related to the attitude of the employees towards tobacco use. Tobacco is still being portrayed as less harmful than drug abuse. Therefore, many non-smoking employees tend to ignore it when they see someone smoking in the workplace. This

situation causes smokers to think that they are not committing any wrongdoing. Therefore, non-smoking employees also need to play their role by showing that they do not like to be exposed to tobacco smoke.

Research model and hypotheses

Previous research has shown that higher education institutions’ tobacco-free policy is influenced by multiple factors (Russette, Harris, Schulberg, & Green, 2014; Braverman, Hoogesteger, Johnson, & Aarø, 2017). This study investigates four factors thought to be fundamental to the higher education institutions’ tobacco-free policy: conducive environment, self-efficacy, knowledge, and intention. Figure 1 presents the hypothetical model for this study.

Figure 1. Key dimensions of higher education institutions’ tobacco-free policy



Conducive Environment

Tobacco use in an organisation has become a social justice issue. This is because of the behaviour of the smokers who are more likely to smoke in groups in which the harmful effect is five times higher (Chin, Hung, Sun, & Lin, 2016). Thus, non-smoking employees are vulnerable to the consequences of disease and death from tobacco-related illnesses.

The environment that is free from tobacco smoke reduces the risk of illnesses caused by exposure to second-hand smoke such as lung diseases and heart failure. Creating a tobacco-free environment is a substantial contribution to improving the health and welfare of the employees. Also, MacNaughton, Adamkiewicz, Arku, Vallarino, and Levy (2016) found that the implementation of a tobacco-free environment is able to reduce second-hand smoke exposure and protect the non-smokers.

Creating a tobacco-free environment presents a consistent message that the organisation views smoking as harmful. The aim of a tobacco-free environment is not to infringe upon the rights of smokers but to encourage and support the smokers to reduce the number of cigarettes they smoke and eventually help them to quit (Chen, Lee, Chou, Kuo, & Hsu, 2007). Furthermore, it highlights the management's dedication to preserving the health and wellbeing of the employees.

Cigarette butts and matches pollute the workplace in addition to exposing the workplace to the risk of fire damage, explosions, and other accidents. Thus, having a tobacco-free workplace will lead to low cleaning maintenance fees and a reduction in the risk of workplace hazard. It is also beneficial to the employer in reducing the employees' health care costs. Similarly, healthy employees are able to perform a good job, reduce absenteeism, and enhance employee productivity and the higher education institutions' service. This discussion leads to the formulation of hypothesis 1:

H1 A conducive environment around the employees has a direct positive effect on the extent of their intention.

Self-efficacy

Despite the well-known dangers of tobacco, the rates of tobacco use are increasing every year. Even though numerous cessation activities have been conducted to assist tobacco users to quit smoking, the success rate remains very low. Not many people are interested in supporting the cessation policy. Previous studies identified that tobacco cessation failure is caused by insufficient motivating factors such as self-efficacy among smokers and non-smokers (Schuck, Otten, Kleinjan, Bricker, & Engels, 2014).

Self-efficacy in the tobacco cessation context is defined as people's judgement of their ability to plan and implement causes of action to

support a tobacco-free policy. The idea of self-efficacy was derived from the social cognitive theory, which was introduced by Albert Bandura in 1977. According to Bandura (1994), efficacy is a belief and effort that will determine whether one will be able to cope with the intended behaviour. Self-efficacy is an important component to the success of the tobacco-free policy in higher education institutions.

As noted in many smoking prevalence studies, the people who believe about their capability to comply with the policy are motivated to behave accordingly with the policy's objectives (Zheng, Guo, Chen, Fu, Ye, & Fu, 2007; Berndt et al., 2013; Morphet, Carter, Hall, & Gartner, 2016). Fallin, Johnson, Riker, Cohen, Rayens, and Hahn (2013) in their study suggested that merely adopting a tobacco-free policy in higher education institutions is not enough to initiate behaviour transformation. Successful implementation requires stimulation of self-efficacy among the stakeholders by the task force of the policy.

When a person has the confidence that he can stay free from tobacco smoking, the chances of supporting the tobacco-free policy is high. Similarly, Nguyen, Nguyen, Chapman, Nguyen, Kumar, VanDevanter, and Shelley (2017) argued that 92.2% of employees agreed that self-efficacy plays a significant role in the tobacco cessation policy at the workplace. Thus, the element of self-efficacy is incorporated into this study to measure the employees' motivation to support and implement a tobacco-free policy. This leads to the formulation of hypothesis 2.

H2 Self-efficacy among the employees has a direct positive effect on the extent of their intention.

Knowledge

Many higher education institutions in Malaysia have adopted the policy to ban the use of tobacco products on campus. This action is in line with the declaration on non-smoking areas in the Food Act 1983 (Attorney General's Chambers of Malaysia, 2011). However, many people are still violating the policy (Fasoro, Rampal, Sherina, & Salmiah, 2013). Russette, Harris, Schuldberg, and Green (2014) argued that a lack of knowledge on the benefits of the tobacco-free policy causes low compliance towards the policy. Grassi et al. (2014) highlighted that many people with medical knowledge still have limited and inadequate knowledge of the benefits of stopping smoking. Also, Awan, Hammam,

and Warnakulasuriya (2015) in their study found that misunderstanding of tobacco hazard is the main cause of the failure of the tobacco cessation policy.

Thus, knowledge on the importance of the tobacco policy and its benefits must be disseminated consistently to all higher education institution employees. Previous research acknowledged the importance of knowledge in providing employees with good support and assistance to combat smoking (Bader, Travis, & Skinner, 2007; Mitzzy, Fitriani, Rasmin, & Antariksa, 2017). Moreover, Rashid, Manan, Yahya and Ibrahim (2014) suggested that knowledge of the adverse effects of tobacco must be up to date and aligned with the changes in the smoking trend. Perhaps the higher education institutions' tobacco-free task force can be more creative in disseminating knowledge about the policy through new mobile applications or games, which would attract people to support the tobacco-free policy. Thus, this leads to the formulation of hypothesis 3.

H3 Knowledge among the employees has a direct positive effect on the extent of their intention.

Intention

Intention is an important element in measuring human behaviour. This is because it measures an individual's indication of readiness in performing the desired behaviour (Conner & Norman, 2005). Fallin, Roditis, and Glantz (2015) in their study highlighted the importance of intention to the success of the tobacco-free policy. Puljević and Segan (2018) in their systematic review further confirmed the significance of intention in supporting the tobacco-free policy. They argued that people who are intent on supporting the tobacco-free policy have a higher tendency to comply compared with those who are not.

Furthermore, Cai et al. (2015) argued that a tobacco-free environment plays an important role in developing a positive intention among the community. People who live in a smoke-free area will have a strong intention to comply with the policy. Cremers, Mercken, De Vries, and Oenema (2015) further confirmed the importance of a supportive environment in ensuring the success of the tobacco-free policy.

However, focusing on a conducive tobacco-free environment alone is not sufficient to initiate intention. The people themselves need

to have the will power to develop a positive intention towards the tobacco-free policy (Owusu, Quinn, Wang, Aibangbee, and Mamudu, 2017). Brouwer-Goossensen et al. (2016) found that self-efficacy is the strongest determinant of intention. Thus, positive self-efficacy puts forward signals of readiness to apply the necessary motivation to cease smoking. Consequently, a person's self-efficacy is an important factor and predictor of intention to support the tobacco-free policy.

Hence, it is not an overstatement to say that the people who live in a tobacco-free environment and have a positive self-efficacy are more likely to have the intention to support the tobacco-free policy. This leads to the formulation of hypothesis 4.

H4 Employees' intention is influenced by their conducive environment, self-efficacy, and knowledge.

Methodology

This study used the survey method to collect data. This method is practical for this study as the respondents were located in three different campuses. Employees are always occupied with their daily duties; thus, the distribution of questionnaires had to enable them to complete the questionnaires at their convenient and appropriate time (Mohd. Yusof, 2006). This approach would provide more reliable data for the study. A total of 400 employees were identified as the research respondents using systematic, stratified random sampling. The ratio of the sample size for each campus was based on the percentage of employees for each campus: Main Campus (N1 = 174) respondents, Health Campus (N2 = 192) respondents, and Engineering Campus (N3 = 34) respondents.

In ensuring data reliability, only respondents who had been working for at least one year were selected. This is because new respondents might not have sufficient knowledge regarding the tobacco-free policy.

This research employed the Partial Least Squares (PLS) analysis technique using the SmartPLS 3.0 software (Ringle et al. 2015) for data analysis. Following the recommended two-stage analytical procedures by Anderson and Gerbing (1988), we tested the measurement model (validity and reliability of the measures) followed by an examination of the structural model (testing the hypothesised relationships) (Ramayah et al., 2011, 2013). To test the significance of the path coefficients and loadings, a bootstrapping method was used (Hair et al., 2014).

Goodness of measures

The two main criteria used for testing goodness of measures are validity and reliability. Reliability is a test of how consistently a measuring instrument measures the concept it is measuring, whereas validity is a test of how well an instrument that is developed measures the particular concept it is intended to measure (Sekaran & Bougie, 2010).

Table 1. Goodness-of-fit measures

Types of Fitness Value	Acceptable Value of Fitness
Factor Loading	Acceptable if greater than or equal to .50**
Composite Reliability	Acceptable if greater than or equal to .70**
Average Variance Extracted (AVE)	Acceptable if greater than or equal to .50**
Discriminant validity	Correlation value must not be greater than .90**
Q2	The value must be greater than 0.0 to predict

*Source: Hair et al. (2010)

Results of the Study

Convergent validity

Data analysis begins with examining the construct validity to testify how well the results obtained from the use of the measure fit the theories around which the test is designed (Sekaran & Bougie, 2010). This can be assessed through convergent and discriminant validity.

Convergent validity analysis of the constructs was conducted to check the degree to which the multiple items used to measure the same concept were in agreement. As suggested by Hair et al. (2010), we used factor loadings, composite reliability, and average variance extracted (AVE) to assess convergent validity. The loadings for all items exceeded the recommended value of .50.

First, the respective loadings and cross-loadings (refer Table 2) were observed to assess the presence of problems with any particular items. A cut-off value for loadings of .50 indicates a significant measurement (Hair et al., 2010). Table 2 shows that all the items measuring a particular

construct have loadings ranging from .602 to .844, thus confirming construct validity.

Next, the composite reliability values (see Table 2), which depict the degree to which the construct indicators measure the latent constructs, are from .757 to .814 thus exceeding the recommended value of .70 (Hair et al., 2010). Hence, it can be concluded that the measurements are reliable.

Finally, to measure the variance captured by the indicators relative to the measurement error, the AVE value was observed. The values should be greater than .50 to justify using a construct (Barclay et al., 1995). As displayed in Table 2, the AVE values are between .509 and .597.

Thus, the results show that of all the four factors for the higher education institution's tobacco-free policy: a conducive environment, self-efficacy, knowledge, and intention are valid measures of their respective constructs based on their parameter estimates and statistical significance.

Table 2: Results of convergent validity measurements

Model construct	Measurement item	Loading	Composite Reliability	Average Variance Extracted (AVE)
Conducive Environment			.794	.562
	env442	.713		
	env443	.767		
	env444	.769		
Intention			.757	.509
	intn441	.710		
	intn442	.739		
	intn444	.691		
Self-efficacy			.814	.597
	self441	.830		
	self442	.844		

	self443	.623		
Knowledge			.783	.551
	know441	.602		
	know 442	.833		
	know 443	.771		

Loadings: correlation of the items with the latent construct

AVE = (sum of squared factor loadings)/{(sum of squared factor loadings) + (sum of error variances)}

Composite reliability (CR) = (square of summed factor loadings)/{(square of summed factor loadings) + (square of summed error variances)}

Discriminant validity

The study continues with the second analysis to test the discriminant validity. The discriminant validity of the measures (the degree to which items differentiate among constructs or measure distinct concepts) was assessed by examining the correlations between the measures of potentially overlapping constructs. Items should load more strongly on their own constructs in the model, and the average variance shared between each construct and its measures should be greater than the variance shared between the construct and other constructs (Compeau et al., 1999). As shown in Table 3, the values in the diagonal (in bold) are higher than all other values in its own construct, thus indicating that the measurements have adequate discriminant validity.

Table 3: Discriminant validity of constructs

Variable	1	2	3	4
1 Environment	.750			
2 Intention	.417	.714		
3 Self-efficacy	.315	.516	.772	
4 Knowledge	.299	.512	.216	.742

Diagonals (in bold) represent the AVE while the other entries represent the squared correlations

Hypothesis testing

After confirming the model's validity and reliability, path analysis was conducted to test the four research hypotheses. This stage involves the assessment of the relationship between the latent constructs and other latent constructs which is also where the hypotheses are tested. Table 4 provides a summary of the overall results of hypothesis testing.

The R^2 value of .460 suggests that 46% of the variance in the higher education institution's tobacco-free policy can be explained by the conducive environment, self-efficacy, knowledge, and intention. A close look shows that knowledge is the most significant contributor ($\beta = 0.376$, $t = 6.443$, $p = .000$) to the intention to adopt the tobacco-free policy, followed by self-efficacy ($\beta = 0.376$, $t = 4.749$, $p = .000$), and a conducive environment ($\beta = 0.064$, $t = 2.927$, $p = .004$). As for the overall model prediction, as suggested by Ramayah (2011), for the model to be considered valid to predict Universiti Sains Malaysia's (USM) corporate brand equity, Q^2 value needs to be greater than .00. Thus, $Q^2 = .199$ in this study indicates that the model is valid for predicting the higher education institution's tobacco-free policy. Therefore, based on the analytical results, H1, H2, H3, and H4 of this study are supported.

Table 4: Path coefficients and hypothesis testing

Hypothesis	Relationship	Std. Beta	Std. Error	t	p	Decision	f ²	R ²	Q ²
H1	Environment ↑ Intention	.186	.064	2.927	.004	Supported	.055	.460	.199
H2	Self-efficacy ↑ Intention	.376	.079	4.749	.000	Supported	.234		
H3	Knowledge ↑ Intention	.376	.058	6.443	.000	Supported	.235		

Discussion

This study provides new knowledge regarding the effectiveness of the tobacco-free policy at a higher education institution in Malaysia. Moreover, this study fills the information gap on the issue in the context of Asian countries. The findings indicate that knowledge, self-efficacy, and a conducive environment are required to foster a positive intention on the tobacco-free policy.

Among the contributing factors, knowledge is the strongest factor in the success of the tobacco-free policy. The result shows that the employees are knowledgeable and have access to the information on the tobacco-free policy. The finding aligns with Nuzzo et al. (2013), who argued that knowledge on tobacco hazard will develop a sense of worry on how tobacco affects personal health. Thus, this leads the employees to develop the intention to support the policy. This finding also suggests that organisations need to consistently educate their employees on tobacco hazard. Furthermore, employees must be exposed to the benefit of the policy. When employees can connect their personal benefit with the policy, they will be motivated to stay away from tobacco. This will further develop a form of urgency among the employees to combat tobacco abuse.

Another finding of this study that is significant to employees' positive intention towards the tobacco-free policy is their ability to plan and implement the causes of intention to support the tobacco-free policy. Thus, the finding indicates that the employees have a positive self-efficacy towards the tobacco-free policy. In other words, the employees are confident that they can comply with the policy's objective. This finding also indicates the importance of employees' support in ensuring the success of the tobacco-free policy. This further confirms the previous finding by Nguyen et al. (2017) that employees acknowledge the importance of self-efficacy as a contributor to tobacco cessation at the workplace. Hence, employees must continuously show their support for the policy to be a success.

The third factor, which is a conducive environment, is also important in developing positive intention. This finding highlights the importance of preparing an environment that supports the tobacco-free policy in higher education institutions. When the environment is supportive, it will boost the motivation of employees to comply with the policy. Thus,

this leads to the success of the buy-in of tobacco-free policy ideas in higher education institutions. This finding supports the prior study by MacNaughton, Adamkiewicz, Arku, Vallarino, and Levy (2016) which highlighted the importance of organisation management providing a smoke-free, friendly working environment to support the tobacco-free policy.

The finding portrays the success of the Malaysia higher education institution in implementing a tobacco-free policy. This shows that Malaysians are starting to gain awareness and realisation of the dangerous effects of tobacco on their health and the environment. The finding also highlights the important role of higher education institutions in promoting and implementing a tobacco-free policy. If all higher education institutions in Malaysia are able to implement the tobacco-free policy fully, it will significantly contribute to the success of tobacco cessation activities in this country.

Conclusion

This research showcases employees' knowledge, self-efficacy, and a conducive environment in relation to their intention towards the tobacco-free policy at a Malaysia higher education institution. These employees were found to be highly satisfied with their knowledge on the tobacco-free policy, which led to their favourable intention towards the tobacco-free policy. They also perceived that their self-efficacy had provided them with a positive intention towards compliance with the policy.

Apart from that, the employees indicated their readiness to practise the tobacco-free policy for themselves, at their workplace, while using transportation, and at home. They received great support from their workplace environment, making them feel more inspired in supporting the tobacco-free policy. Furthermore, the employees had started to plan on ways to implement the tobacco-free policy as well as converting the plan into action. This implies that the employees' knowledge had been transformed into intention and behaviour. Overall, the combination of excellent knowledge, self-efficacy, and a conducive environment had ensured the realisation of the benefits of the tobacco-free policy and the policy's success as a whole.

In addition, the employees were noted as ever ready to contribute towards the success of the tobacco-free policy. The success of the tobacco-free policy will undoubtedly lead to the enhancement of employees' health quality as well as creating a conducive atmosphere in their working environment. Hence, this research highlighted the potential of the tobacco-free policy at the workplace as well as the employees' success in complying to be better than other institutions.

While this move will promise greater career achievement, it will also assist the higher education institution in achieving its collective goals, and hence, becoming a better-recognised organisation. The positive development and acceptance of the tobacco-free policy are a result of increasing workplace health promotion activities, manifesting a growing interest among organisations in Malaysia. Thus, this predicts a brighter future for the development of a smoke-free workplace policy in Malaysia.

In the spirit of continuous improvement, this research is in cognisance of its limitations, especially in the research design and data analysis. This research used the quantitative method due to its suitability with the research objectives. Thus, this research might miss the gap supported by qualitative data. Another limitation of the research concerns the generalisation of its findings. Considering the respondents selected for this study, the findings could only be generalised among public higher education institutions. Therefore, the findings may not be applicable to private higher education institutions and other types of organisations.

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Violations of Basic Rights of Prisoners In Conventional and Islamic Law: Theory and Practice

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Abstract: In jails, the prisoners are often maltreated by the jail authorities. They are abused, and, their fundamental rights as human beings are frequently violated. Although laws upholding the rights of prisoners are plenty, unfortunately, these seem ineffective in preventing the abuse of prisoners in jails. This paper examines the problems of jailed prisoners in general and highlights their violations of human rights. In particular, this paper discusses sexual abuse of prisoners, their mental and physical tortures, and enforcement of prison labour laws. The paper also focuses on overcrowding in jails, inadequate educational facilities for prisoners and poor health care facilities. This article analyses these issues from the perspectives of Islamic Law and attempts to provide a conceptual frame work of solutions. An analytical approach is employed in this study.

Keywords: Prison, right of the prisoner, human rights, International law, Islamic law

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Abstrak: Di dalam penjara, tahanan penjara sering dilayan dengan tidak baik oleh pihak berkuasa penjara. Mereka didera, dan hak asasi sebagai manusia seringkali dilanggar. Walaupun terdapat banyak undang-undang yang mendokong hak asasi tahanan penjara, namun demikian, undang-undang tersebut dilihat tidak berkesan dalam menghalang penderaan terhadap tahanan penjara di dalam penjara. Kertas ini meneliti masalah-masalah tahanan penjara secara umum dan memberikan fokus kepada pelanggaran hak asasi mereka. Secara spesifik, kertas ini membincangkan mengenai penderaan seksual terhadap tahanan penjara, penderaan mental dan fizikal, dalam penguatkuasaan undang-undang berkaitan kerja tahanan penjara. Kertas ini juga memberikan fokus tentang kesesakan di dalam penjara, kemudahan pendidikan yang tidak mencukupi untuk tahanan penjara dan kemudahan perubatan yang lemah. Artikel ini melaksanakan analisis terhadap isu-isu yang dibangkitkan ini daripada perpektif undang-undang Islam dan cuba untuk menyediakan rangka kerja berkonsep sebagai langkah penyelesaian. Pendekatan beranalisis turut digunakan dalam kajian ini.

Kata kunci: Penjara, hak banduan, hak asasi manusia, undang-undang antarabangsa, undang-undang Islam.

Introduction

Generally, public and legal institutions look at prisoners differently. The people who are usually imprisoned in prisons might be criminals in the sight of law, but the people are unlikely to realize that the prisoners are human beings who deserve humane consideration and proper treatment. Although the nature of crimes committed by prisoners can be beyond one's perception, nevertheless, the penalties and punishment enforced on prisoners must be within an acceptable level of human rights parameter. The inmates are also human beings, and they are entitled to be treated with dignity and provided with their rights. Generally, the outside world would not know what is going on inside the prisons and the inhumane treatments inflicted on the prisoners. This type of mistreatments has led to increased suffering of the prisoners. The law prevailing in the international community appears to be ineffective in addressing the problems of prisoners efficiently. Otherwise, the enforcement of such laws would have solved many of the mistreatments taking place in prisons today. This paper attempts to examine some of the common complications faced by prisoners and suggests a conceptual frame work of solutions from an Islamic point of view. The article is divided into two parts. The first part deals with the importance of preserving rights

of the prisoners in general, and the second part deals with the various problems of the prisoners, accompanied by proposed solutions.

Respect for Inherent Dignity of Human in Conventional and Islamic Law

There have been systematic laws and regulations in relation to the protection of human rights at the global level. At different times, the International society has legislated numerous laws and regulations with the aim of protecting the rights of prisoners. Nowadays, various international bodies and systems such as United Nations, The International Covenant on Civil and Political Rights (ICCPR) are working on realization at this end. The UN has its own agencies that have initiated a number of programmes in order to protect human rights in general. ICCPR and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Human Rights Library) prohibit torture, cruel, inhuman, or degrading treatment of prisoners without any exception or derogation. In addition to this, rights of prisoners have also been stressed, particularly by the UN. It has published a pocket book for prison officers with the title *Human Rights and Prisons* (2005). Article 10 of the ICCPR, in addition, mandates that “All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.” It also requires that “the reform and social re-adaptation of prisoners” be an “essential aim” of imprisonment (Human Rights Projects). In Scotland, where penal law is considered highly sophisticated, the first book (McManus) on the rights of prisoners was published in 1995. It illustrates a wide range of rights for the prisoners. Similarly, Article 21 of the constitution of India guarantees “Protection of life and personal liberty; no person shall be deprived of his life or personal liberty except according to procedure established by law.” In new dimension of article 21, The Indian Supreme Court declares, “right to live” does not mean mere confinement of physical existence, but it includes within its ambit the right to live with human dignity (Constitution of India, 2018). However, all these laws and regulations and the various international agencies working for it seem partially successful and partially not.

According to Islamic law, the five essentials are considered as the fundamental rights of human to be preserved by the society or ruler at large. The rights are; the preservation of religion, preservation of life

and honor, preservation of family, preservation of wealth, and protection of intellect. These are the fundamental rights to be protected by society irrespective of their race, religion, and gender (Al-Qur'an, 4:29). The sanctity of life of a human is protected in Islam regardless of if they are a Muslim or a non-Muslim. This law is regarded as a universal principle (Hathout, 2006). In other occasion, the Qur'an exhorts:

Because of this did We ordain unto the children of Israel that if anyone slays a human being, it shall be as though he had slain all mankind; whereas, if anyone saves a life, it shall be as though he had saved the lives of all mankind (Al-Qur'an, 5:32).

One of the fundamental rights of men, in line with this verse is preserving human life. The preservation of life implies not only the security of life from any attack, which causes death but also the protection of life from mental and physical harm such as abuse and torture. The preservation in the form of saving someone from being killed and efforts to avoid being harmed, tortured and persecuted unjustly is also preservation of life (Al-Qur'an, 2:190). Here, the Qur'an strongly exhorts its believers not to transgress the limits even in the context of war. Torturing and abusing or afflicting harm to the prisoners are considered as transgression in the sight of Islamic legal system (*Shari'ah*).

So, the prisoners should not be tortured unjustly. The punishment for the crime of the offenders needs to be within the rubrics of justice. It should not be more and rigorous than the offense the offender actually deserves. This means the punishment should be equal to their crimes. According to the Islamic law (*Shari'ah*), each and every crime committed by a criminal is subject to certain type of punishment. The one who committed a crime should not suffer torturing or abusing more than what the *Shari'ah* prescribed. The Quran exhorts; "Eye for eye, nose for nose, ear for ear, tooth for tooth and for wounds retaliation (Al-Qur'an, 5:45)." The Qur'anic statement clearly demands the equal and just proportioned punishment that does not exceed the limits. This special treatment given to humans is because of the inherent dignity gifted to every human being by Almighty Allah.

Violation and Abuses in the Prisons

Overcrowding

One of the problems the prisoners generally suffer from is overcrowding in jails. Many of the prisons around the globe accommodate prisoners more than its capacity. Prisons are built for the rehabilitation of criminals. The government is responsible for ensuring that prisons are not over crowded. A survey report conducted by Penal Reform International (A US based human rights agency which is working to protect human rights of prisoners) disclosed that there are around 115 countries that have overcrowded prison systems (Overcrowding, Penal Reform International). This issue can lead to a number of consequences. At worst, it can be life-threatening, and at best, it prevents jails from functioning correctly. The problem of overcrowding is not just because of an increase in the number of criminals, but it is also due to delays in prosecution and the trial of the accused individuals.

Following the problem of overcrowding, a number of subsequent problems also emerge in the prisons. For example, overcrowding creates mental suffering of inmates leading to suicides, self-harming, hygienic issues, and unnecessary quarrel among prisoners. Delay in the judiciary system is the master cause of overcrowded prisons, which needs serious attention by the authority. The government can actually eradicate some bureaucratic red tape from the system so that some minor offences can be settled immediately. The government can also prevent the imprisonment of mentally disordered criminals (Box, Steven, and Chris Hale, 1999). In order to alleviate the difficulties of inmates in prisons some measures can be suggested here:

1. A big crowd of prisoners could be divided according to age and type of crime committed. This may reduce the difficulties of overcrowding to a certain extent.
2. The cases of perpetrators who committed minor crimes such as driving issues, drunkenness should not be handled in the criminal justice system. Instead, they should be trialed at magistrates' courts, where their cases can be settled faster and more efficiently. These measures will improve access to justice, speed up judicial procedures, and will reduce high rates of pre-trial detention. This will lessen the crime rates, as well as the number of perpetrators and prisoners.

3. Criminal judiciary courts should accept indictable-only offence cases such as murder, manslaughter, rape, and robbery for which the court can take a reasonable period of time to issue the judgment according to the seriousness of a case. This kind of trial would leave only serious offenders as prisoners.
4. At the same time, the government's crime agency should introduce some strategies for crime prevention and a reduction of crime in cities. Proactive measures, such as patrolling high crime areas, can reduce many possible crimes. It subsequently reduces the chances of having more prisoners.

Maltreatment of Female Inmates

Women inmates are often more vulnerable than their male counterparts in a place like prison, where they are subject to various kinds of abuses due to their physical and biological nature. Females are somehow treated differently by authorities who are supposed to look after their welfare. The authority itself often becomes the predator.

It should be a national government initiative to instruct the Ministry of Justice to provide a proper medical service that can assist women in prisons. A majority of female prisoners do not know the importance of health and mental care when they enter a prison. The female prisoners' mental condition becomes worse when their hardships in prisons increase. Therefore, permanent medical staffs are needed in prisons who can attend to female prisoners (U.S. Report, 2013). Women who are suffering from mental breakdowns, maturational abnormalities, and other problems, particularly for pregnant and lactating mothers need special consideration (*Human Rights and Prisons*, 2005).

Human Rights and Prisons (2005) clearly stated the rights of women prisoners. The document states:

“Women prisoners shall not suffer discrimination and shall be protected from all forms of violence or exploitation.”
 Women prisoners shall be detained separately from male prisoners. Women prisoners shall be supervised and searched only by female officers and staff.”

The *Shari'ah* gives great concern to the issues of women and destitute since they are considered a weak group that deserves more attention and care. The Qur'an upholds certain regulations (Al-Qur'an, 4: 2, 9, 36, 75, 98, 127 & 17: 34) in order to give additional protection and support to

women and children (Rahaie, 2009). This is why the Prophet (Peace Be Upon Him) showed much more concern for women. He occasionally reasserted the need for protecting the rights of women. The women who are in the prisons are not exception to this general rule. They should be treated humanely wherever they are, whoever they are. Even if they are convicted and proved by the court as the offenders, the fundamental rights as human beings in no way should be violated.

Sexual Assault

Among all types of violence, sexual abuses against women are the worst type of violence. Sexual violence may be defined as behaviors that lead to a person to feel that he/she is the target of aggressive intentions. A thorough review and meta-analysis of studies of prison rape concluded that 1.9% of inmates had experienced a complete episode of sexual victimization during their entire period(s) of incarceration (Lockwood, 1980). A survey by the United States Department of Justice showed that 2.1% of prisoners reported inmate-on-inmate victimization, and 2.9% reported staff on-inmate victimization. A study in a juvenile correctional center in South Africa revealed that 29% of inmates had been assaulted, attacked or physically hurt while in the facility. Of the 29%, 7% had been assaulted sexually. A random sample of current prisoners in California illustrated that 4% had experienced sexual violence (rape, other sexual assault) and 59% of transgender prisoners reported that they had been the victim of such experiences. A British study found, by interviewing ex-prisoners, that 1% of prisoners had been sexually coerced into sexual intimacy (Beck AJ & Harrison PM, 2007). Violence and torture against women in prison are 27% higher compared to women in society. Around 25% of prisoners are victimized by violence each year, while 4–5% experience sexual violence abuse, and 1–2% are raped.

Sexual violence on women is common nowadays. It happens not only in prisons but in all the places where women are present. She becomes the object of abuse at workplace, public transport, and even in house. Women are the most vulnerable victims of war, riots, migration and natural calamities. They are brutally abused, tortured and also killed during war and when they are being caught as prisoners. Their condition in prisons are not different. The Prophetic warning given to the companions during the time of war is noteworthy here. When the Prophet (PBUH) appointed the commander of army, he specifically

warned them not to attack innocent women, children and old people (Al-Munajjad, 2018). Women are viewed with great respect in Islam. Her status as woman should be considered even if she is in prison. The victimized woman should be given the protection and courage to report and lodge the complaint against the culprit if she is victimized. Her honor and personality should be protected in any circumstances. The universal values and religious teachings which induce them to respect fellow being especially women need to be taught to prison officers. Such kind of education should be imparted to both prisoners and the security officials. Some special or alternative arrangements for vulnerable groups, such as children, mothers with dependent children, and people with mental health issues should be provided to minimize the deterioration of their health and welfare in prisons (Tewksbury, Richard & Dean Dabney, 2009).

Torturing

Torture is collective violence. It is defined by the severity of the pain, the intentionality, the purpose, and the perpetrator. Carrying out physical or mental pain inflicted intentionally with a specific purpose such as to obtain a confession or to punish is called torture. It leaves severe effects on the body and mind. Punishment during an investigation on pre-trial detainees is more critical, as harsh pain is thought to produce information related to crimes. Extreme torture causes mental illnesses. One particular pain is isolation of detainees. In fact, severe pain and solitary confinement are aimed to extract confessions from detainees, which is not fair. Torture is prohibited according to international law, and there are no circumstances that justify an exception to this prohibition. Nevertheless, according to human rights reports, torture is practiced in about 130 countries and is widespread and systematically used in 80–100 countries (Modvig J, Jaranson J, 2004).

Prisons are meant for rehabilitation and corrective measures of social illnesses of prisoners. According to Principle 5 of the United Nations, Basic Principles for the Treatment of Prisoners:

“Except for those limitations that are demonstrably necessitated by the fact of incarceration, all prisoners shall retain the human rights and fundamental freedoms set out in the Universal Declaration of Human Rights.”

Thus, prisoners are entitled to protection against violence such as assault, rape, and torture. Therefore, it is the state authority's responsibility to ensure that inmates in prisons are all taken care of and not tortured (Douglas V. Porpora, Alexander Nikolaev & Julia Hagemann, 2010).

The general rule of Islamic law in this regard is that no one should be treated ill or tortured. Universal Islamic declaration of Human Rights states:

No person shall be subjected to torture in mind or body, or degraded, or threatened with injury either to himself or to anyone related to or held dear by him, or forcibly made to confess to the commission of a crime, or forced to consent to an act which is injurious to his interests (Mahaer Hathout, 2006)."

To be secured from all kinds of abuse and torturing, whether mental or physical is derived from the fundamental human right of a person to live with dignity. Since life is granted by God, no one has the right to inflict harm on it wholly or partially. In Islamic law, it is the state's responsibility to protect the fundamental human rights of its citizens as part of its overall duty to treat its citizens with justice (Mahaer Hathout, 2006). There should be no discrimination between the people who are in prison and outside in the matter of protecting the fundamental rights of humans.

Denial and Delaying of Trial

Another critical area worth mentioning here is the violation of human rights of the accused. The accused may not strictly be the offender always. Among the prisoners some might be innocent. Many have been imprisoned in jail for an extended period without trial in court. The accused have been treated as criminals and, therefore, subjected to torture by jail officials before their offence is proven. The accused should not be considered as an offender or criminal until the accusation against him is proven. "An accusation means that there is a possibility of doubt" as pointed out by Taha Jabir al Alwani (1994). Almost all modern legal system theoretically acknowledges this norm as a basic human right of an individual. For instance, US constitution guarantees this right as the most prominent right (Joffe Federal Defense) that a citizen should be presumed innocent until proven guilty (Al- Alwani, 1994). Primarily the accused has the right for self-defense. The right to defense by the

accused should not be considered as the right of the accused alone, but it should also be understood as the collective responsibility of the society (Al-Alwani, 1994). According to a survey report of the National social watch, a huge percentage of the total prisoners in India are under trials (Arora, 2018). It is not strange in India that many of the prisoners have been behind bars for more than the maximum term of imprisonment in the law (Arora, 2018). BBC reported a strange case of a man in India who had recently been released by the court after a long 50 years of imprisonment due to the absence of trial (Subir Bhaumik).

Islamic law clearly guarantees the rights of the accused, as well. In Islamic law, the accused has the right to free expression without the fear of reprisal. In Islamic law, three fundamental elements should be included in a crime. If any of these elements is lacking, the accused shall not be liable to the punishment (Anwarullah, 1997). In a well-known Prophetic tradition, the Prophet (PBUH) is reported to have said to his companion Ali Ibn Abi Talib who was appointed as the governor of Yemen:

O, Ali! People will come to you asking for judgments. When the two parties to a dispute come to you, do not decide in favour of either party until you have heard all that both parties have to say. Only in this manner will you come to a proper discussion, and only in this way will you come to know the truth (Al-Alwani, 1994).

It is reported that Umar Ibn ‘Abd al-Aziz said to one of his judges:

When a disputant comes to you with an eye put out, do not be quick to rule in his favour. Who knows, may be the other party to the dispute will come to you with both eyes put out (Al-Alwani, 1994).

Any prisoner who is subject to unnecessary torturing by the authority has the right to justice and has the right to approach the court fearlessly and to lodge the complaint against the perpetrators. The equivalent punishment or compensation and the effective enforcement of the law for the sake of victims too will surely deter the crime rates against prisoners. It would not be unreasonable to enforce the same degree of torturing to the offender who abused the prisoner unreasonably. Most often, justice will be realized only through such rigorous measures.

Racial Discrimination

Racial discrimination is part of the violence that most often occurs in prisons. Discussion on this issue was raised when many cases of racial based abuse increased recently in many prisons around the world. A majority of the cases were related to African Americans, Latinos and Asian inmates, who happened to be victims of racial discrimination not only in social environments but also within prisons. There is no doubt that racial issues in prisons exist because there are hundreds of reports by the UN, US Courts, and UK human rights institutions. It was found that colored prisoners were disciplined at a higher rate than whites and in some cases, twice as often. Solitary confinement was used for colored inmates. There are various terminologies that refer to minority perspectives, such as ‘black criminology’ and ‘African American Perspectives’ which also indicates the discrimination in prisons (Philips et al., 2003). Colored inmates are blamed for a majority of more serious crimes; they are also seen to be more disobedient to prison officers. Thus, according to a review in the New York Times (2016), this was the reason behind discrepancies in discipline. In India, majority of prisoners constitute Muslims and lower caste people (The Indian Express). The biased approaches in prison towards the black exist with facilities like access to jobs and educational programs. In the case of getting bail as well, the discrimination exists. Whereas one out of four white prisoners is allowed to get bail, one out of six black prisoners attain parole (Smit et al., 1991).

One of the principles that Islam upholds endlessly is its equality. According to the Qur’an, human beings are created from a single father and mother. All are equal in terms of race and ethnicity.

Prison Labour

The term ‘Hard Labour’ describes the punishment which prisoners have to face. Prisoners are often used as the main work force in quarrying, building roads, or labouring on docks. Criminals could be sentenced for just a few days, weeks or even years. Prisoners are also tasked with hard labour within prisons. Inmates are given jobs and are asked to work while they are serving time in prisons. The prisoners undertake responsibilities in concentration centers to train and change their bad behaviors into good ones. Teaching the prisoners the value of hard work, avoiding the temptation to mischief, and deterring them from committing crimes are

the prime motives behind the practice of assigning labour to prisoners. The works offered to the prisoners are either paid jobs or volunteer jobs. However, in many cases it was found that inmates are not paid. Instead, their labour and skills are being exploited. It was found that the labour hours that the prisoners worked in jail is much more than working hours outside the prisons. Indeed, the prisoners need to work 12 hours a day in the prisons (Smit et al., 1991). Discrimination in the job selection of inmates and their payment is also an issue among prisoners. Black and other minorities would not be called for jobs often, and they are paid less (Cox; Afi, 2009).

Restriction to the Right of Correspondence

Another major area of violation of prisoners' rights is the denial of the right to correspondence with their family, friends, and relatives via letters. There is strict surveillance on each and every letter going through the prison. In general, inmates are free to write letters to anyone by law. They can write to public officials, judges or even officers in prisons. Nevertheless, all the correspondence of the inmates are subject to inspection. Although the sole purpose of inspection and surveillance is due to security reasons, the law is widely misused by security officers and prisoners' rights are denied. If a letter is considered to violate the law or lead to harm, then it will be prevented by the jail warden. Although the prisoners have right to appeal, it remains insufficient. Since 1975, there was an 'Inmate Grievance Procedure,' which was a formal view for letter disputes that could not be resolved informally. There were about 8230 grievances that could not be resolved in 1988. The total volume of correspondence is enormous. The ineffective procedures surrounding letters in prisons have an impact on the communication of prisoners (Cox; Afi, 2009).

Educational Issues

Education is an essential aspect of prison that has to be taken into consideration. After the prisoners have completed their time in prison, they will return to the community. If a rehabilitation scheme was not in place, the prisoners who had been imprisoned due to the crimes would reengage in crimes. A majority of prisons are unable to provide educational and training facilities to the inmates. Nevertheless, many of the jails have started education programs that train inmates. This allows inmates to improve their condition, moral character as well as to acquire

skills that can be useful for their future life when they are released. Notwithstanding the challenges in providing education for prisoners, many authorities have initiated training for their inmates though there are shortcomings (Hawley et al., 2013).

It is noteworthy to mention that some prisons have already proved their success in utilizing the work force of prisoners constructively in prisons by letting the prisoners to engage in most productive areas like production of food items and manufacturing different household stuffs etc. For instance, major prisons in Kerala, India, train the inmates to produce food products like chapatti, papad, chicken curry, etc. The successful story of the food products produced by the prisoners in Kerala, and their supply around the state has been celebrated by the media (*The Hindu*, 2018). The Jail superintendent, Alexander Jacob former Director General of Police of Kerala state is the one who introduced chapatti making in prison. During an interview, he acknowledged his motivation was driven from a practice of Prophet Muhammed (PBUH) (John Brittas Show). It was when some war prisoners had been caught by the Muslim army, and the Prophet (PBUH) appointed the literate prisoners to teach the illiterate Muslim children as part of making use of the human resource in a most positive way. He required the poor but literate prisoners to teach ten Muslim children to read and write (Rebaz R. Khdir, 2017).

Educating prisoners is very important as it will help reduce crime levels in society. A survey by the SPCR (Prisoner Crime Reduction Committee is an official agency functioning under the Ministry of Justice in the United Kingdom to curb the crime rate in the prisons of UK) reassured that crimes occurred as the result of ignorance and impatience. Through imparting proper education, a person will have better control over calling of lower desire (Duncan Stewart, 2008).

Unhealthy Facilities

Prisons are places where inmates suffer mental & physical health issues as well. The record of mental illness among prisoners shows that 64 percent of inmates, 54 percent of state prisoners, and 45 percent of federal prisoners have been reported to have mental health concerns. Furthermore, around 10 to 25 percent of U.S. prisoners undergo severe mental illnesses such as affective disorders or schizophrenia (Pardon Our Interruption, 2014). It is due to indifferent and disinterested

staff who do not see their jobs as humanitarian work (Pardon Our Interruption, 2014). Prison doctors and medical staff are also essential for prison inmates. The staff team with good ethics and behaviors can cure half of the suffering of a patient. Tension and stress forces, in particular women, to fall sick and mentally ill soon after they are imprisoned. In order to alleviate stress, they smoke severely, allowing themselves to develop body malfunctions and hypertension, which leads to cardiovascular diseases. Survey results show that women are at a high risk of developing cardiovascular diseases if precautionary measures are not taken (Plugge et al., 2009).

The sanitation of prisons, as well as prisoners' access to toilet facilities are also unacceptable. Some prisons do not allow inmates to urinate in toilets. Instead, plastic bags are given to them in case they want to urinate. Lighting arrangements are also a challenge for inmates, as poor lighting and sometimes total blackouts cause eye-sight problems as well as unnecessary abuses in the dark by perpetrators. It has been found that up to 40 prisoners had to share two showers and two wash-hand basins and were restricted to one bath each week. During the winter, prisoners had to sleep with their dirty uniforms as there was no heating system (Scraton et al., 1991). According to a study, there are more than 213000 women that need attention to reproductive rights and health care in prisons in the US (Sufrin et al., 2015).

Foods served in prisons also endanger the health of prisoners. The kitchen management and lack of cleanliness of plates and utensils are also one of the reasons inmates get sick. They serve food to prisoners where infection and disease can come into contact with the prisoners. This is why, occasionally, food poisoning has been reported in prisons (Scraton et al., 1991). There is the issue of HIV/AIDS in prisons, especially in the United States. The latter has become a leading cause of death in the US (Tewksbury et al., 2009).

In short, international organizations and judicial systems acknowledge and work for the rights of prisoners.. The supreme court of the United States,, as well as the Indian Supreme Court, held that prisoner is a human being, a natural person, and also a legal person. Being a prisoner one does not cease to be a human being, natural person or legal person. A conviction for a crime does not reduce the person into a non-human, whose rights are subject to the whim of the prison

administration, and therefore, the imposition of any major punishment within the prison system is conditional upon the absence of procedural safeguards (Charles Wolff v. McDonnell). However, in protecting the prisoners' right practically the international community in general, has failed to a certain extent.

Conclusions

There is no doubt that prisoners are human beings. Prisoners should receive proper treatment and entitlements as human beings. They have been put in jail because they committed crimes. However, it is the responsibility of the government and judicial system that their rights are not violated. In order to protect their rights, several constructive educational health measures are crucial alongside the laws. The International law & judicial systems, Human rights associations, and Islamic law strongly urge for the preservation of the rights of prisoners. However, their emphasis most of the time is theoretical rather than practical. A preventive measure is to have an independent monitoring system for prisons where authentic reports can reach the outside world. When the message is spread through media and newspapers, people's awareness of the problem will force state authorities to take proper actions. The suggestions put forth in this paper are not final. More practical measures are to be discussed further.

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Charismatic Political Leadership and Tun Dr Mahathir Mohamad's Malaysia: Power, Control, Stability and Defence

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“You have to lead. You should be sensitive to what your followers think. But if you do exactly what they want, you're not a leader.”

Mahathir Mohamad (*Asiaweek*, May 9, 1997, p. 39)

Abstract: Prior to his renewed incumbency, as the fourth Prime Minister of Malaysia, Mahathir Mohamad (b. 1925) was able to remain in power for a more prolonged period compared to his predecessors. He was actively involved in galvanizing political action immediately after the independence of Malaysia and did not abandon active politics until his 2003 resignation. Under Mahathir's leadership and guidance, Malaysia made remarkable economic and political progress. He oversaw many innovations in the fledgling democracy and was able to develop the country due to his exceptional leadership qualities. His style and attitude towards engaging with problems, particularly his stance during the Asian Monetary Crisis in 1997, was highly criticized by some, and labelled as dictatorial. This stigma did not detract him from the path he considered right for Malaysia, and under his leadership he garnered worldwide appreciation for his national efforts and success in overcoming the economic crisis. Mahathir is undeniably an excellent case study as a prime minister, as well as a highly

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productive person. He contributed to a better understanding of modern Malaysia and his own tenure as PM in a series of books and articles. One of the significant aspects of his political heritage is his influential charisma and leadership. In all of his undertakings he has attracted both passionate support and hatred from friends and foes, but his political footsteps have always been certain and directed toward Malaysia's national wellbeing. Mahathir is a politician with sharp views on many issues and he was profoundly brave in verbalising them in the public arena, within Malaysia and internationally. His clear posture and speeches without fear made him a world-embracing political personality. This descriptive research study adopts a qualitative approach to analyse historical information, documents, memoirs and articles, and books to better understand the leadership of Mahathir.

Keywords: Mahathir, Charisma, Leadership, Malaysia, National development.

Abstrak: Sebelum beliau memperbaharui jawatan yang disandang, Bekas Perdana Menteri Malaysia yang ke-empat, Tun Dr Mahathir Mohamad (b. 1925) merupakan Perdana Menteri Malaysia yang paling lama berkhidmat berbanding Perdana Menteri terdahulu. Beliau terlibat dalam politik Malaysia dengan aktif sejurus Malaysia mencapai kemerdekaan pada tahun 1957 sehingga beliau telah meletak jawatan tersebut pada tahun 2003. Dibawah kepimpinan dan bimbingan beliau, Malaysia menikmati kemajuan ekonomi dan politik yang progresif. Beliau membawa banyak inovasi kepada demokrasi yang masih baru dan membangunkan negara kerana kualiti kepimpinannya yang luar biasa. Sikap dan gaya kepimpinan beliau menyelesaikan masalah negara boleh dilihat terutamanya semasa Krisis Kewangan Asia pada tahun 1997. Krisis ini sangat dikritik oleh beberapa pihak dan beliau dilabel sebagai diktator. Walaubagaimanapun, stigma tersebut tidak mengalih perhatian beliau dari jalan yang dianggap betul untuk Malaysia. Dibawah pimpinannya, beliau mendapat penghargaan dari seluruh dunia kerana usaha dan kejayaannya dalam mengatasi krisis ekonomi tersebut. Tun Dr Mahathir tidak dapat dinafikan subjek kajian kes yang sangat terbaik sebagai seorang Perdana Menteri dan juga individu yang sangat produktif. Dalam beberapa siri buku dan artikel yang diterbitkan, beliau telah menyumbangkan kepada pemahaman yang lebih baik tentang Malaysia moden. Salah satu aspek penting dalam warisan politik beliau ialah pengaruh berkarisma dan kepimpinan. Semua usaha-usaha beliau telah menarik banyak sokongan dan juga membina sifat kebencian dari pihak musuh pada masa yang sama. Jejak politik beliau adalah selalu pasti dan terarah kepada kesejahteraan negara Malaysia. Tun Dr Mahathir merupakan ahli politik yang mempunyai pandangan yang tajam mengenai beberapa isu dan beliau sangat berani dalam mengutarakannya dalam arena awam, di Malaysia dan antarabangsa. Sikap dan ucapannya yang jelas tanpa rasa takut menjadikan

beliau personaliti politik yang dikenali dunia. Kajian penyelidikan deskriptif ini menggunakan pendekatan kualitatif untuk menganalisis maklumat sejarah, dokumen, artikel, memoir, dan buku untuk lebih memahami kepimpinan Mahathir.

Kata Kunci: Mahathir, Karisma, Kepimpinan, Malaysia, Pembangunan Nasional

Introduction

'Politics' is derived from Greek roots to mean 'task of state'. It is useful to clarify the position of leadership in the political context, as its imprint can be seen everywhere in this framework. While leadership must exist in politics, political leadership *per se* is a more comprehensive and inclusive field. History teaches how humanity has achieved progress by following leaders with political visions, and leadership is always political (Awamleh & Gardner, 1999). Indeed, leadership predates the creation of political institutions, and cannot wait upon them for entitlement (Weaver, 1991, p. 158); political leadership is the very origin of politics (Helms, 2012, p. 8). According to Blondel, it seems feasible to describe political control as the authority executed by one or a few people to the members of a nation towards movements (1987, p. 8). Concordantly, a political leader is a leader who correlates with followers, organising and preparing them to be ready for motion. Political leadership emerges from the connection between directed-managed relationships, which are generally accepted by the people every time in the past and future. Especially in democratic countries, such as Malaysia, political actors who want to manage the country notify the populace of their candidacy before elections. According to Lord and Maher, one must remember that in conflicts of leadership there is both a leader, or leaders, and a follower, or followers, and cognition happens between both leaders and followers (1990, p. 3). If there is a leader somewhere, there must be followers (Drazin, Glynn, & Kazanjian, 1999). George and Brief (1992, p. 310) elucidate that leaders who feel zealous, passionate and vigorous themselves are likely to equally invigorate their followers, while leaders who suffer anxiety and antagonism are likely to pessimistically stimulate their supporters. Schmidt argues that it is not adequate for a leader to generate an image; the genuine trial of leaders is whether they

can convey their vision and scheme to supporters, communicating it to them clearly, and rallying their support (2007, p. 993).

If a leader is perceived as a role model, followers are apt to internalize the leader's vision and purpose, mission, and/or inherent values into their self-concepts (Shamir, House, & Arthur, 1993, p. 577). Intrinsically, leaders' action or ineffectiveness can have multiple effects on followers and others. Although leaders usually manage activities, this does not mean that all initiative comes from them. At the same time, followers have the capacity for making considerable additions to accomplished leadership. At every level in any organization, leaders are called upon to be responsive, as are followers (Hollander, 1992).

Moreover, the impact of leadership performance is normally précised by the proper execution of target-linked problem resolutions in related systems (Fleishman, Zaccaro, & Mumford, 1991). Concrete or intangible skills are the most indelibly associated features of leaders' appearance and competence (Bass, 1985, p. 274). Effective leadership might need some problem-solving capability, just as creative achievement in the arts and sciences might require heightened cogency (Mumford & Connelly, 1991, p. 290).

Charismatic Political Leadership

Some leaders are exceptional in their incredible influence on their supporters and wider social contexts, with particular leadership styles called charismatic, visionary, transformational, and inspirational, which are bound to inspire cohorts in ways that are more and superior in their diverse qualities (Yukl & Fleet, 1982). Charismatic leadership is the most common paradigm to understand exceptional political leaders. Magnetic leadership qualities are deliberated in different disciplines, for example history, management, political science, psychology, and sociology, to classify leaders who challenge modest groupings with available leadership constructs (Beyer, 2000). Weber's (1047) charismatic leader explanation creates a sophisticated, mystical model of personally magnetic and talented individuals (Avolio & Yammarino, 1990, p. 193).

Trice and Beyer (1986) have acknowledged that charismatic leadership can manifest in astonishing forms and roles during crises, offering a vital explanation and presenting decisive strength. Contrary

to the abovementioned principles, in Butterfield's understanding, charismatic leadership is neither a willingly visible marvel nor one that could be simply measured. The deficiency of a steady or broadly accredited classification of charisma exacerbates the problem of gauging magnetic leadership behaviour. It is similarly challenging that numerous prevalent descriptions of charm could not be interpreted into effective procedures (Butterfield, 1972). According to Bass (1985), charismatic leadership signifies one of the main concepts of the revolutionary, energetic formula of leadership. Bettin and Kennedy (1990, p. 227) identified three features of charismatic leadership: the impact of decision style, outcome, and observer characteristics. Characteristics of charismatic leadership are signalled by a clustering of behaviours, thus attributes of charismatic leadership are a matter of appraisal. Explication of the probability that a specific person will ostensibly be a charismatic leader is related to some fascinating behaviours or qualities accredited to him or her, the passion of a distinct behaviour, and the significance of the behaviour to the existing conditions (Deluga, 1997).

Viewers infer hazardous behaviour as a mark that leaders are devoted to satisfying their notions. This position strengthens followers' confidence in the leader and trust in unusual tactics. Good leader's actions inspire positive reactions in followers. Charismatic leadership comprises a set of special features that other people perceive to be astonishing (Conger, 1989). A critical mass of people is drawn to leaders who demonstrate such dynamic potentials, ability, and ability to generate enthusiasm. People might be in admiration of leaders who possess such attributes and are very much driven and stimulated by them. These features, which cause a delicate relation to the leader, are considered the stuff of charisma. One of the most vital roles in the leadership is strong decision-making capability. This attribute of charismatic leadership gives the leader the authority to make decisions, validate proficiency, and demonstrate firmness in circumstances that have indeterminate consequences (Puffer, 1990). According to House and Howell, there is a very strong and deep connection between personality traits and charismatic leadership (1992, p. 82). If we look at Malay political history, we can easily see that Tunku Abdul Rahman (1903-90) and Mahathir are very good examples of charismatic leaders. This paper explores the charismatic political leadership of Mahathir in Malaysia.

Heredity - Family Value

The notion of Malay leadership has roots in early history as well as cultural practises that played an important role in influencing many of the elements of perceptual knowledge (Shome, 2002, p. 13). Traditional cultures believed that great leaders are born, not made. More modern analyses posit the potential to develop leadership skills, but some authors still consider leaders' traits to be inherited and unchangeable (Zaccaro, 2007, p. 6). When it became clear that some traits could be learned, analysts started to investigate behaviours and later into situational factors that affect leadership effectiveness, and outcomes show that any effect of traits on leadership behaviours depend on the contextual situation in which leadership occurs (Funder, 1991, p. 33).

Mahathir's style was not archetypally Malay; while approving of conservative Asian values such as family, consensus, and deference, his own personal political style was confrontational and, in a sense, Western (Sheridan, 1995, p. 215). According to Lucian Pye, Asian leaders in general tend to cling to power. Objectively, continuity of leadership – up to a point – may be advantageous to good governance, as Mahathir himself does not neglect to point out. “Asian” leaders are implicitly “traditional” in some senses, and leadership implies status but does not involve heavy responsibilities (Mohamed, 1985, p. 225). Mahathir himself notes the role of his education, culture, and environment in his leadership. For him, the most important factor in his life was the education he received from his family. His father was a very disciplined and serious person who educated his children in this way. As Mahathir reminisced:

“My father was a strict disciplinarian and was not much liked by his students. He was equally strict at home. Because he demanded that we study hard. My brothers, sisters and I lived in awe of my father, even though he never laid a hand on us. I was the luckiest one because my father gave me the highest level of education. That is why I was better off than all my siblings. I was closer to my mother than to my father, and as a result, she shaped my personality more. She taught me very clearly that if I wanted something, I had to work for it.” (Mohamad, 2011, p. 12).

According to Mahathir, he owes everything to his mother (The Star, 2019). When he became Deputy PM and PM, according to his

statements, under no circumstances did he move any members of his staff for poor performance, as was the normal custom. As an alternative, he made efforts to carry out tasks that he expected them to achieve, leading by example, and thus winning their dedication. Consequently, they raised their skill to advance their performance to the satisfaction of their superiors. He strongly believes that it is the duty of a leader to work with the team to achieve the optimum from them (Mohamad, 2011, pp. 12-23). This is a very elementary level of charismatic leadership behaviour, driven by a vision, and nurtured by education. Mahathir always wanted to be a leader, and his life and experiences strengthened this wish.

“I wanted to be a leader so that I could get this done. At school, my schoolmates had readily accepted me in this role, but it’s not acceptable for orderlies. I decided that the only way I could get them to listen to my ideas and opinions was to improve my credentials.... I had never seriously considered medicine and it was clearly not my first choice, but fate had played its hand. I was appreciating its intervention greatly in later years, as medicine would prove to be a strangely appropriate education for a political career. My medical training, for example, came in useful when tackling the problems of administration. Running a country is not just about debating in parliament or making laws, but also about curing social, economic, and political diseases. At least in principle, the treatment resembles medical procedures (Mohamad, 2011, p. 127).

According to Mahathir’s background we can see that his family education was the most affective on his character and development. Significantly, even in his resignation he acknowledged his debt to his mother. Mahathir updated and developed his leadership according to a mindset that believes that the greater the prerogatives, the more effective the leader (Shome, 2002, p. 128).

A Banned Book Writer and Charisma

Mahathir’s political career commenced with anti-Japanese protests in Malaya, against confirming the residency of non-Malays as citizens of the Malayan Union (Wain, 2009, p. 9). Subsequently, he advocated affirmative action to support Malay admissions to medical institutions in Singapore. During his student life he used to write for *The Sunday*

Times (currently *The Straits Times*) under the nom de plume “C.H.E. Det”, strongly supporting Malay rights and voicing their problems. After graduation, he started his career as a medical officer at Alor Setar General Hospital. He was among the earliest members who joined UMNO just after its formation in 1946. He played a dynamic and significant role in UMNO and won the parliamentary seat for Kota Setar Selatan in 1964 (Wain, 2009, p. 19).

Despite his significance in the party, Mahathir did not want to be a nominee for the 1959 general election, because of his contrary political views with Prime Minister (PM) Tunku Abdul Rahman. After Malayan independence, relationships between the two had been frosty since Mahathir began to criticize Tunku’s pact of keeping the British and Commonwealth Forces in Malaya during the Emergency. Despite his young age, Mahathir raised a serious challenge to Tunku’s leadership by divulging his charismatic personality and revealing his fearless side, being entirely opposite to Tunku Abdul Rahman.

At another occasion, Tunku rejected Mahathir’s draft plan for regulating UMNO’s members by requiring minimum qualifications. Since Mahathir’s dynamic, thoughtful, and amazing ideas upset the status quo, they served to delay his access to Malay politics, thus he realised that it was not an opportune time for him to enter politics. This adverse delay did not continue long (Wain, 2009, pp. 18-19). In the subsequent general election in 1964 he advertised his candidacy as a nationalist doctor, and as a result was elected as a Member of the Federal Parliament for the Alor Setar-based seat of Kota Setar Selatan (Lee, 1996).

Tunku Abdul Rahman’s concerns of facing an overall Chinese majority if Malaya joined with Singapore could be allayed if the non-Chinese peoples of the Borneo territories were brought into the equation, but it was not enough to solve the nationality equation (Jones, 2002, p. 63). Thus, Singapore was separated from the Federation of Malaysia in Mahathir’s first year as parliamentarian. Mahathir lost his parliamentary seat in the 1969 general election despite his significance as an educated physician. Concurrently, his personal character and leadership attitude were disliked by the Tunku, because his charismatic sides were manifested in strong opposition to the incumbent regime (White, 2004, p. 183).

The 1969 general election was dominated by the issue of ethnic relations and state structure. Thus, the May 1969 general election crusade was overflowing with deliberate phrases concerning a communal outlook, and accusations by the political parties. Vulnerable topics like culture, education, language, and Malay special rights were heatedly debated and argued with much animosity. As a result, racial tensions increased and communal relations deteriorated, undermining the country's political solidarity. Finally, Malaysia fell into an importunate political catastrophe (Mutalib, 1990, pp. 52-3). The 1969 election was fought in an atmosphere of suspicion between the two principal groups, the Malays and the Chinese. The surprising losses of the ruling Coalition enabled opposition parties to carve their way into Parliament in substantive numbers. This shocking result and opposition victory stoked communal ferocity in the May 13th riots of 1969 (Mutalib, 1990, pp. 53-4; Stuart, 1970, p. 320).

The upshot of the communal violence was the up surging demands for the indigenous Malays (bumiputra); however, Mahathir's conjecture was that communal relations might be affected in terms of ethnic enmity and social anarchy. Thus, he started openly criticizing the government, writing an open letter to Tunku accusing him of lacking assistance to the Malays. Obviously, this letter had a wide impact to the government policies. Hence, Mahathir called for Abdul Rahman's resignation (Wain, 2009, p. 26). This unwanted retort was punished by the Tunku, who orchestrated the dismissal of Mahathir from the UMNO Supreme Council and his expulsion from the organisation (Hooker, 2003, p. 232). Abdul Rahman was feeling extremely annoyed with him, and had to be persuaded not to have him arrested (Wain, 2009, p. 28).

While Mahathir was consigned to a hostile political wilderness, he expressed his thoughts on the predicament in 'The Malay Dilemma', in which he resonated his opinions and vision for the Malays (Wain, 2009, pp. 29-30). Due to Mahathir's daring stand and frank criticism of the government, the book was officially banned (and was only permitted when he became PM in 1981). Despite being the author of an outlawed book, he worked his way up to obtain the positions of minister and then deputy PM, representing a unique case in Malaysian politics (Morais, 1982, p. 26). According to Milne and Mauzy, Mahathir's fierce and combative hostilities were one of the main reasons of Tunku's

deteriorating fame and his ensuing resignation as PM in 1970 (1999, p. 25). During that period Mahathir criticised Tunku's feeble leadership:

“As the 1969 general election approaches, Tunku's easy-going policies became of great concern, not just to me but to other young Malays. They subjected him to unprecedented questioning, which was something that he was ill-suited to handle. The Tunku seemed content to hand Malays civil service jobs instead of getting them actively involved in the economy. Moreover, considering how the British had tried to impose the Malayan Union on us, I thought the Tunku's subsequent pro-British stand was unacceptable. In short, in the Malay interest, I thought it was time for a change in Malay leadership” (Mohamad, 2011, p. 237).

Conspicuousness of His Leadership

UMNO was essentially constituted to represent the Malay national interest, and was led by Malay aristocrats, given the absence of a substantive Malay middle class or religious leaders with extraordinary charismatic powers. The founder of UMNO, Dato Onn Jaafar (1895-1962), and his successor, the Tunku, were both products of the traditional elite (Milne & Mauzy, 1999, p. 14). While Mahathir never had friendly relations with Tunku, he realised upon his return to the party that Tun Razak Hussein (1922-76) had an energetic and pleasant personality, and he declared that Razak was a person he could work with. In the changing political scenario of Malaysia Tunku had to step down in 1970 and was succeeded by Tun Razak. He welcomed Mahathir's return in the UMNO and subsequently appointed him as a senator, and he was soon elected as a member of the UMNO Supreme Council in 1973 (Morais, 1982, p. 27). He took a keen interest in state affairs and displayed impressive competence, which ensured his rapid ascent through the political hierarchy under the leadership of Tun Razak, and he became a member of the University Malaya Council and Chairman of the University Kebangsaan Malaysia. In 1974, he won the uncontested election of MP for Kubang Pasu and was subsequently appointed Minister of Education (Belle, 2015, pp. 331-335). After strengthening his position in the party, he became one of the nominees for three vice-presidencies in 1975. This party election was crucial for the future leadership of UMNO, for both Tun Razak and his deputy Hussein Onn (1922-90). The successful

candidates were Ghafar Baba (1925-2006), Mahathir Mohamed, and Tengku Razaleigh Hamzah (b.1937) (Hamzah, 1990).

Soon the leadership of UMNO and the premiership of Malaysia passed into the hands of Tun Hussein Onn, because of the sudden death of Tun Razak in 1976. After much deliberation, Tun Hussein Onn appointed Mahathir as Deputy PM, which indicated that the latter was the likely successor as PM (Milne & Mauzy, 1999, pp. 27-28). However, Tun Hussein was a watchful leader who did not accept all of Mahathir's frank and persuasive political proposals. The bond between Hussein and Mahathir was relatively distant, and Mahathir's rivals Ghazali Shafei and Razaleigh Hamzah became Hussein's close allies within the party, enabling them to contain Mahathir's influence in the party and over Tun Hussein. These reactive efforts acknowledge the charisma and leadership quality of Mahathir, who was clearly identified as the main obstacle to those who coveted power for themselves. Nevertheless, when Tun Hussein's ill health prevented him from continuing as PM in 1981, he supported Mahathir as his successor, in the national interest (Wain, 2009, pp. 38-40).

Mahathir noted that his ascent to leadership of the country was not foreseeable in his earlier years, and he noted the role of good fortune. More prosaically, above the political tumult of everyday politics, Mahathir had sympathisers behind the scenes and in the upper echelons of the traditional Malay elite, who recognised his vision for the national interest. Additionally, when Mahathir faced numerous bureaucratic obstructions and political hurdles, his qualities of perseverance and a keen intellect enabled him to overcome them. Because of these abilities, it can be concluded that no one strong enough and tough enough had emerged to challenge Mahathir during his premiership because of his own baptism of fire in Malay politics (Thomas & Faruqi, 1987, p. 69).

A large number of people felt that his political rehabilitation was proceeding too quickly and that his rise through the party ranks was exceptional. As a member of cabinet, he was at the very centre of decision-making in the Malaysian system of government (Mohamad, 2011, p. 284). After this, Mahathir had to find a place to introduce his ideas for national development. He always employed what he later discovered was called "lateral thinking", if he could not achieve something in one way, he would try another, moving sideways instead

of seeking to bulldoze his way via a frontal assault. Consequently, he almost always succeeded in finding some way of doing the things that he wanted (Mohamad, 2011, p. 253).

Cue Signal to Transformation

At the age of 56 years, Mahathir was sworn in as PM on 16th July 1981. His initial task was to set free 21 prisoners held in custody under the Internal Security Act (Wain, 2009, p. 28). Contrary to his rapid ascent, Mahathir did not set about an abrupt campaign of political reform. He cautiously moved in his early years in office, strengthening his control over the party and working hard for the success of UMNO in the 1982 general election (Sankaran & Adnan, 1988, pp. 18-20). After taking the reins of government he encountered several challenges, including the ordeal of the constitutional status of monarchy. Mahathir started to work on identifying the legitimate role of sovereigns, which was a very difficult and risky task. The objective was clearly to modernise Malay governance, which entailed *ipso facto* removing elements of effective political power and authority from the traditional elites, who were and are respected by the Malay masses and who play an important role in national unity and stability.

The traditional elites had protected the Malays from some aspects of British colonialism, and subsequently rallied the nation against Communist insurgency, thus revolutionary political reform was most unwelcome in the fledgling state. This sensitive task was particularly difficult for Mahathir as a technocratic professional from the emerging middle class, with no direct stake in the traditional feudal model. Conversely, Tunku was a prince and Tun Razak came from a distinguished family of administrators. Tun Hussein belonged to the privileged family of Johor, and heading government administration was a family tradition for him. Mahathir had none of this heritage, so any attempts at political reform had to be particularly sensitive. At the same time, he energetically and diligently took on the difficult task, displaying his leadership capability. He administered a number of changes to the Constitution, notably 'The Constitution Amendment Act A566 of 1983', which restricted the role of Yang di-Pertuan Agong and the State Rulers. Initially, Mahathir attempted to curtail the authority wielded by the new Agong over the government by tabling constitutional amendments compelling the Yang di-Pertuan Agong to give royal assent to any bill

passed by Parliament within 15 days. This entailed the assumption of supreme executive power by the PM, such as accruing to that office (from the Yang di-Pertuan Agong) the authority to declare a state of emergency (Hickling & Wishart, 1988-1989).

The constitutional model of Malaya upon independence was a continuation of the ancient tradition of local sultans reformulated as a British-style constitutional monarchy. In the British system, numerous aspects of executive power nominally held by the Crown (i.e. the monarch), such as supreme authority in matters of policing and defence, are in effect wielded by the Prime Minister, thus subject to some measure of democratic oversight due to the nature of the Parliamentary system. These subtle nuances were not clear in Malaysia prior to the 1980s. In principle, the present Yang di-Pertuan Agong, Sultan Ahmad Shah (1930-2019) of Pahang, initially consented to Mahathir's modernisations but vacillated after reading the documents, and he and the other sultans sought to avoid becoming redundant relics, holding their authority to be a sacred trust. Consequently, with the support of the sultans, the Yang di-Pertuan Agong refused to give royal assent to the said amendments, which had by then been passed by both Houses of Parliament (Milne & Mauzy, 1999, p. 32). This represented a constitutional crisis that was only mediated with the good will of both the Agong and Mahathir (Lee, 1996, p. 31).

While Mahathir's political reforms were thus in essence an attempt to Westernise Malaysian constitutional arrangements by bringing governance in-line with British democratic standards, he was keen to avoid the hegemony of Western powers, especially Britain. His patriotism remained rooted in the anti-colonial fervour of his formative years, and he could be stirred up to anti-British actions if they pressed his buttons. When he became PM in 1981, in order to fulfil a target of the New Economic Policy (NEP), British plantations were compulsorily purchased to repatriate a stock of land and capital for the Bumiputra. As a result, Guthries, one of the prominent plantation holdings, was acquired by the government agency Permodalan Nasional Berhad and was nationalised. The takeover on the London Stock Exchange was legal, but as expected, Guthries attempted to obfuscate the nationalisation, and they connived with the British government to claim that the usual standard notice had not been given, and the London Stock Exchange rules were changed to support their cause. This takeover process

also coincided with Britain raising tuition fees for overseas students attending tertiary institutions, affecting close to 13,000 Malaysians, which would clearly result in hampering Malaysia's development. As can be understood, Mahathir reacted intensely and launched a boycott campaign called "Buy British Last". This problem was solved in April 1983, partly as a result of diplomacy with Margaret Thatcher (1925-2013), who got on well with Mahathir, and who did not want Britain's historic ties (and interests) in Malaya to be severed. Clearly at this juncture they realised that Mahathir could not be bullied, and they were perplexed by the presence of a strong leader (Milne & Mauzy, 1999, pp. 139-140). During the whole process, he exhibited a role as a "visionary leader" of a developed Malaysia (Chio, 2005), and was consequently labelled an "Ultra Malay" due to his patriotic policies and political positions (Khoo, 1995).

By the mid-1990's Mahathir's government had embarked on an extensive programme of economic reform, including the privatization of airlines, utilities, and telecommunication companies, representing around 50 entities (Milne & Mauzy, 1999, p. 57). The astute reader will note that this is generally an entailment of IMF financial assistance by which multinational corporations gain a windfall of cheaply priced public assets, of the very type Mahathir sought to avoid, but these autonomous reforms were premised on *Malaysian* private ownership of such assets, and the PM's resistance to foreign expropriation of such resources in the face of the 1997-1998 crisis formed the crux of Western hostility to his economic policy (as discussed later). His exceptional problem-solving capability showed itself in responsiveness to public needs and he incrementally found solutions. During Mahathir's strong governance, individuals were given more space to express their minds without distress, but nationalist views in concurrence of preserving the supremacy of Malay rights were also permitted to prevail, and peaceful coherent dialogue of matters considered subtle, like race and belief (Khoo, 2011, p. 200).

Coincident with Mahathir's premiership, Malaysia witnessed the signs of Islamic resurgence among the Malays. At that time, Muslim population in Malaysia were becoming more sensitive about religion and seemed to be drifting in a more socially conservative direction. Characteristically, Mahathir could not be indifferent to this situation. During the 1970s, PAS and UMNO formed a coalition government by

making a progressively Islamist community under the leadership of Yusof bin Abdullah, also known as Yusof Rawa (1923-2000). Mahathir took a positive stance to boost up the Islamic teaching by setting up Islamic institutions like the famous International Islamic University of Malaysia, to uphold Islamic and scientific education under government control, modernizing while resisting colonial and neo-colonial ideologies and control. One of Mahathir's most able lieutenants in this political programme was Anwar Ibrahim (b. 1947), the Malaysian Islamic Youth Movement's leader (ABIM). Mahathir identified Anwar's own charismatic leadership qualities that could in future benefit UMNO and Malaysia in general (Milne & Mauzy, 1999, pp. 80-89). Mahathir had handpicked and personally groomed Anwar and declared him to be his successor on several occasions (Shome, 2002, p. 151).

Mahathir established a series of large infrastructure projects during his tenure. Under his leadership, the Multimedia Super Corridor was created south of Kuala Lumpur, a local version of Silicon Valley, planned to advance national IT and communications industries, but this plan did not meet with success for industrial reasons. His other projects, Putrajaya, was more successful as one of the most prestigious and finely decorated administrative centres in Southeast Asia. He managed to set up a Formula One Grand Prix in Sepang, as well as the massive investment project of the Bakun Dam in Sarawak, a hydro-electric project to address energy problems in West Malaysia via the South China Sea, but this project was terminated due to the Asian financial crisis in 1997-1998 (Wain, 2009, pp. 185-189). Mahathir amazingly dashed into his projects like a force of nature, all the while fulfilling his conventional responsibilities as PM and head of UMNO, and significantly advancing the deprived and disadvantaged condition of the Malays beyond recognition while fostering harmony among Malaysia's communities (Wain, 2009, p. 53).

After assuming office Mahathir decided to review and modify the tradition of the country's foreign policy. For him, Malaysian people should disregard ideological differences and should be sincere to everybody. He started this task within ASEAN, establishing and strengthening relationships with other member states, promoting cooperation and collaboration with neighbouring states. Before starting his heavy economic process, Mahathir wanted to avoid any potential for conflicts with other ASEAN states, which is the fundamental reason

ASEAN was established in the first place. Mahathir remembered how Western powers had dominated the region with a divide and rule policy, stoking Indonesia against Malaysia during the confrontation era, and there were latent issues with the Philippines, such as their claims in Sabah. He was determined that solution of conflicts between Malaysia and its neighbours must be avoided through good relations with ASEAN members (Mohamad, 2011, p. 417). For him, globalization can bring about a better world if people are not fanatical about particular interests (Mohamad, 2000a, p. 42). Mahathir came into office with a favourable disposition towards Japan and a less favourable disposition towards Britain, and he was much more pro-Japanese than any other Southeast Asian leader, which represented bold leadership given the sensitivity of Japanese relations in many Asian states due to the experiences of WWII (Milne & Mauzy, 1999, p. 123).

Mahathir's "Look East" policy of preferring Asian neighbours over Western economic and political interests increasingly revealed itself during his tenure, aiming to prove that world powers such as the USA and European countries came last as far as Malaysia was concerned. Mahathir thus fostered mutually beneficial relations with Japan and South Korea, as models of regional developed countries. Later, when China left its Communist insurgent support in Malaysia, Mahathir accelerated the establishment of firm relations with China, exhibiting a remarkable spirit of rapprochement and reconciliation that would have been acknowledged as great peacekeeping had he been a stooge of the West (Mohamad, 2011, p. 417). However, Mahathir's "Look East Policy" was a general vision, and under no circumstances was it transformed from an idea into a detailed political programme; rather Mahathir was always first and foremost a pragmatist, seeking in every individual situation and relationship the best interests of Malaysia (Salleh & Meyanathan, 1993, p. 21). Naturally seeking the best interests of Malaysia as opposed to the West was anathema to the latter, who subsequently began a massive campaign of critique against the upstart Malaysia. Malaysia's manifest prosperity and socioeconomic development under Mahathir's rule was ignored, and he was personally eviscerated in global media, habitually described as a dictator by the petulant former colonial masters in the West.

Mahathir nominally respected traditions but used them only to drive the passion of his rhetoric for unity. He was not interested in the

conventions that characterized the leadership style of his predecessors when this hampered national progress. Nevertheless, he wanted Islam to be an integral part of a moral and socially conservative society, he wanted for his country, alongside rapid economic development and improved education and opportunities for all Malaysians, particularly Malays. Mahathir was the epitome of the modern leadership paradigm required by Muslim-majority countries. He was modern but not Westernized in the way previous PMs were. Nevertheless, his political career by the 1990s had come up against increasing international censure and pressure, and he realized that it was necessary to redefine his leadership to suit the changing political landscape (Shome, 2002, p. 128).

2020 Project Perception

Regardless of his massive capacity for work, Mahathir was a compassionate person who did not pursue his activities for the incentives or any monetary gains. His enduring mission was to stimulate and revolutionise the social and economic conditions that turned Malaysia into a developed nation. Due to his firm devotion and strong leadership, political permanency was vital for the development of the nation. This prescription shows that he has purely charismatic leadership features and that he applied them frequently (Wain, 2009, p. 54).

Charisma must show the way and must enter from the door. Mahathir felt that he set ambitious but realistic targets for the nation, and he even laid the groundwork for this work to be continued by his successors. Charismatic political leaders are always showing a target to their nation as Mahathir did. The NEP was terminated during the early 1990's, and it was very good opportunity for Mahathir to draft his economic ideas for Federation of Malaysia. In 1991, Mahathir expected that under Vision 2020 Malaysia would be reaching to a height of an industrialised state within 30 years (Wain, 2009, pp. 1-3).

Vision 2020 was introduced by Mahathir while tabling the Sixth Malaysia Plan in 1991. This Vision calls for Malaysia to attain the autonomous status of an industrialised nation by the year 2020, including in terms of daily life, economic welfare, social security, a world-class education system, psychological balance, and political stability. To attain Vision 2020, Mahathir benchmarked a national growth requirement of 7% annually over the period of thirty-years (1990–2020), at the end of which the economy would be eight times larger than its 1990 GDP of

RM115 billion. Subsequently, with this strategy, Malaysia's GDP would be RM920 billion to the year 2020 (Mohamad, 1991).

The Vision 2020 (1991-2020) was subdivided into a successive 10-year advancement plans, known as OPP2 (The National Development Policy 1991-2000); The Third Outline Perspective Plan OPP3 (The National Vision Policy 2001-2010); and the New Economic Model (NEM) 2011-2020 with National Transformation Programme NTP. As Mahathir elaborated:

“Malaysia, as a developed country, must not have a society in which economic backwardness is designated with race. Surely, it does not imply individual income equality, a situation in which all Malaysian population will have the same income. This is an impossibility because by sheer dint of our own individual effort, our own individual upbringing and our individual preferences, we will all have different economic worth, and will be financially rewarded differently. An equality of individual income as propounded by socialists and communists is not only not possible, it is not desirable and is a formula for disaster. But I do believe that the narrowing of the ethnic income gap, through the legitimate provision of opportunities, through a closer parity of social services and infrastructure, through the development of the appropriate economic cultures and through full human resource development, is both necessary and desirable. We must aspire by the year 2020 to reach a stage where no-one can say that a particular ethnic group is inherently economically backward, and another is economically inherently advanced. Such a situation is what we must work for efficiently, effectively, with fairness and with dedication” (Wawasan2020).

Telecommunications is a vital sector for the development of a nation, and the Malaysian government gave many incentives and encouragements to its telecommunications industries to prioritise local entrepreneurs. To boost Vision 2020, the dawn of the new millennium saw a rejuvenation of the process, and local telecommunications industries were expected to play a dynamic role in producing a well-informed society (Mohamad, 2000e, p. 13). Vision 2020 was Mahathir Mohamad's call for “industrial discipline” and “mental revolution” (Chio, 2005, p. 80).

Mahathir had many reasons to be proud of the growth he presided over during the 1990s and for displayed a target for Malaysia to become an entirely developed nation by 2020 (Stewart, 2003, p. 9). For this reason, he pioneered two flagship projects: the formation of Proton Saga as a national car, and its subsequent variations; and the steel industry, which channelled funds and energy into subsidised products that were more symbolic of nationalist aspirations than meaningful contributions to the nation's wealth (Stewart, 2003, p. 10).

Economic Defence of the Country

In 1994, Mahathir described the West's switch of tactics in order to impair East Asian economies' ability to compete. According to him, they liked to see the Asian egalitarian societies as feeble, unbalanced, and inferior. He castigated intrigues by the West to dent East Asian financial prudence. Their primary efforts were camouflaged in talk of fairness and basic rights, which were fundamentally superfluous given their long and recent history of warmongering in ASEAN and throughout the world. Subsequently, they were pleasantly offering to eradicate the resources of Asian thrift in order to stop Asian countries from effectively challenging the West. The suggestion for a universal minimum wage was one clear case. They knew that this was a perfect solution to remove at a stroke the only substantive competitive advantage of emerging nations in attracting industrial investment (Milne & Mauzy, 1999, p. 89). He believed that the Western powers did not want developing nations like Malaysia to outdo them in terms of progress (Mohamad, 2000d, p. 17).

The year 1997 should have been victorious for Mahathir. The Malaysian economy was displaying good acceleration after a decade of growth at an annual rate of more than 8 per cent, and the National Front coalition was in firm political control, so he could step back as head of the state and enjoy retirement, and let his deputy, Anwar Ibrahim, take over (Stewart, 2003, p. 3). However, the financial crisis in Southeast Asia started in mid-1997 (initially in Thailand), and subsequently spread throughout the region. The Malaysian ringgit collapsed because of exchange rates, resulting in a flight of external capital and the subsequent fall of the main stock exchange index by around 75 per cent. The IMF pounced with its demand for reduced social spending, and the government thus began to think to reduce executive expenditure and increase interest rates, which exacerbated

the hardships of normal people. Policy differences between Mahathir Mohammad and Anwar Ibrahim affected governmental harmony, but this was not the main reason for the conflict between Mahathir and Anwar. At any rate, Anwar subsequently resigned in the context of the failure of his soft policy, in contrast to Mahathir's orthodox challenge to the IMF and big money speculators. Mahathir contumaciously increased governmental spending and fixed the Malaysian Ringgit to the Dollar. The outcomes surprised all of the world, and especially the IMF. As a result of Mahathir's emergency solution policy to exit from crisis, Malaysia emerged smoother and quicker than its regional neighbours. In internal affairs this represented a triumph for Mahathir, and during the economic repercussions in 1998 Mahathir discharged his Finance Minister and Deputy PM Anwar Ibrahim, and assumed direct control of the economy (Wain, 2009, pp. 105-109).

Unlike Tun Razak or Tun Hussein Onn, who were quite detached in their outlook, Mahathir tended to look at problems in a more personal way; perhaps this had to do with his 'doctor-patient' approach. It can be said that his medical background coloured his political ability, and he was definitely dissimilar from previous leaders in one major style, preferring his own diagnosis of issues, savouring dominance, and avoiding delegation (Shome, 2002, p. 132):

"My training as a doctor also helped me to approach problems in a rigorously methodical and logical manner, another skill that would help me in politics. When faced with political or administrative problems I always apply the same approach. The solution may not always be right, but mid-course corrections can be made as problems arise. The results from this methodical way are seldom entirely negative. During the currency crises of 1997-1998, when the value of the Malaysian ringgit was plummeting, we were told that our problem was our mismanagement of the economy. I refused to believe this, as only months earlier, the IMF Managing Director Michael Camdessus had praised Malaysia's administration. I had to find out exactly why the crisis was happening to identify the causes, or aetiology as we say in medicine. In politics as well, if you can remove the causes you may be able to overcome the problem. And as in medicine, standard formulae may not always work. Sometimes, outwardly similar occurrences of the same

problem in different places may be due to different causes. The IMF apparently believes that all financial problems can be overcome simply by reducing expenditure, achieving a surplus, increasing interest rates, and bankrupting inefficient business. The IMF merely looks at the numbers, caring little that bankrupting such companies can have far-reaching social repercussions. Although I have no clear evidence of it, there seemed to be something of a hidden agenda to prevent upstart nations from becoming established economies” (Mohamad, 2011, p. 294).

Mahathir referred to “sinister powers” who were using their economic might to weaken developing countries. These neo-colonialists wanted nations like Malaysia to “bow down and end up being debtors to them”, so they could dictate what Malaysians should or should not do. He accused the West of a conspiracy to bring down governments in South-East Asia (Stewart, 2003, p. 4). Mahathir did not surrender his country to the IMF and he led Malaysia successfully through an unprecedented economic crisis, holding his nerve against Western hostility and domestic cowardice in the face of the diktats of the international financial system. This courageous stance made him popular all over the world among anti-colonialists. Ostensibly, we can say that he saved his country. In choosing to follow an autonomous, rational, and orthodox policy to save the country from deeper crisis, Mahathir saved Malaysia and its people from the tyranny of the IMF, who cared nothing for the socioeconomic and political ravages of their crude management solutions. When Mahathir saw the crisis of confidence due to the fall of ringgit, and businesses problems, he sensed that Malaysia was under attack, and he knew the objective was to seize the country’s private sector, which was why he refused the poisoned chalice offered by the IMF.

Before the economic crises, Mahathir had actually been planning to step down, having served 18 gruelling years by 1998, and he only reluctantly remained in position at this juncture due to the crises and problems in Malaysia and UMNO. He saw the crises in very black and white terms as a coherent attack on Malaysia’s economy, and there were opportunist traitors inside his own party trying to capitalise on the confusion and instability in order to grab power, thus he acted decisively to prevent the plundering of Malaysia and its people’s assets. Naturally, this angered the enemies of Malaysia, including George Soros (b. 1930), who did not think Mahathir’s idea about a ban on currency

trading deserved any serious consideration. For Soros, Mahathir's policy was a danger, and Mahathir was outrageous (Stewart, 2003, p. 3). In the following process, spin-doctors appeared, and Mahathir was criticized and humiliated. A London-based analyst said that Malaysia was suffering from an "IQ crisis" (i.e. the former colonial subjects were too stupid to govern themselves and manage their economy properly without the IMF and international financial system to hold their hands), and for them what Mahathir knew about economics could be "written on the back of a postage stamp" (Mohamad, 2000c, p. 31).

Time for Changing Leadership - Being a Legend Instead of Becoming Retired

There was no doubt though that Mahathir's stirring leadership was an enigma that cannot be ignored, and to belittle him would be to give scant regard to one of the most important personalities of Asian political history. To measure Mahathir by any yardstick can be difficult, since his length in office provided an assumption of his success. As a prerequisite to continuing leadership, he naturally needed to be re-elected to Parliament, but that had always been an easy hurdle to get over even when his political works were outlawed. Political manoeuvres within the inner circle of UMNO were more difficult to manage, but he had consistently triumphed over petty political squabbles by skilfully capitalizing on the loyalty of those who mattered most in the survival of his leadership (Shome, 2002, p. 129). His rise under UMNO was unparalleled, as well as his resignation. At this point, he began to sense that his intense efforts to promote the socio-economic conditions of Malays and Malaysia were not as welcome as they had been:

"For 21 years I had done my job as best as I could, but I was becoming increasingly mindful of what my mother had always said when I was a young boy: never overstay your welcome... When I was finally sure that the time was right, I kept it to myself... I had made up my mind to announce my resignation at the end of 56th UMNO Annual General Assembly in 2002, when I was to give my closing speech. I chose that time and place because then the announcement would be a public statement that I would not be able to retract. I thought that if I told a few people, they would try to dissuade me. If I then reserved my position, my critics would say I had reneged. The foreign press would also have

a good laugh if they heard me say I would resign and then did not.... Throughout my tenure, I tried hard to establish certain standards. Firstly, I did not encourage the adulation and excessive glorification that is often given to leaders. I was determined that there would be no personality cult. Even when I held the education portfolio, I stopped the practice of naming schools after the prime minister. When I became prime minister, I also refused to allow the naming of buildings and facilities after myself or any living person other than the Malay Rulers. I gave instructions that my official picture should not be displayed in government buildings, although this was widely ignored. To date, nothing has been named after me, except an orchid. I even rejected the idea of memorial library" (Mohamad, 2011).

During his time in office, Mahathir had adopted a slogan "leadership by example" and tried to live by that slogan in every way. His stepping down voluntarily was part of that creed, as he declared in his memoirs. For him, leaders should not cling to their position but should learn to recognise the signs of what their followers feel; if they felt it was time that their leaders should go, they should go. Although he knew that those who benefited from his decision would not always be grateful or even appreciative, he never regretted resigning voluntarily. "*I still think that leaders, no matter how popular they may be, should listen to their conscience and not wait until they are pushed out*" (Mohamad, 2011, pp. 762-763).

Conclusion

The task of governance is intrinsically difficult, and multi-ethnic nations often struggle to produce effective leaders capable of uniting disparate communities in pursuit of common national interests, governing the country with equality fairness. In such contexts, strong leadership is essential to perform effective governance. In response to the Asian Monetary Crisis of 1997-1998, Malaysia's economy bounced in an upward trajectory. As one of many fledgling post-colonial nations of the late 20th century, Malaysia had never countenanced a charismatic, powerful, and modest leader like Mahathir, who seemed to be an aberration in the malaise of stunted development that faced comparable countries, in Southeast Asia and throughout the world (Wain, 2009, p. 55). He was obviously and absolutely a man of principle and action (Rashid, 1993, pp. 171-172). Mahathir was constantly in a rush in his

intense drive to push Malaysia forward, utilising all available national and personal resources to that end, and his only regret was that he did not do more (Kulkarni, Jayasankaran, & Hiebert, 1996, p. 18). Mahathir tried to inject an element of sagacity in public and national symbols, concluding strategies such as the national car Proton, the Sepang Formula One circuit, and the iconic PETRONAS Twin Towers.

Mahathir faced intense opposition, both internationally and in Malaysia itself, and he was criticized mercilessly by rich elites who resented his modernising reforms. In comparable context, authoritarian leaders in nearby states crushed press freedoms and freedom of expression, but Mahathir let his actions be the best riposte, and the stunning Malaysian response to the 1998 Crisis was attributable to his charismatic leadership, steering the country clear of the IMF ambush promulgated by Soros and the international financial pyramid of domination.

Politically, his policy differences damaged his friendship with his protégé Anwar Ibrahim, his implicit successor as the next Prime Minister of Malaysia. One of Mahathir's superb talents was his aptitude to encounter a calamity tranquilly, and not capitulate to dread and panicked responses. At critical junctures where the country and political class were engulfed in mayhem, he steered an even course above the squall. With Stoic resolve he noted that "*the world will not come to an end*" (in relation to monetary fluctuations), and there was ultimately nothing to worry about (Wain, 2009, p. 57). There was a widespread antipathy among foreign (particularly Western) leaders and officials to his failure to capitulate into cowardice and servitude on the familiar pattern of 'developing' nations, arising from his rightful position underpinned by his formidable personality and non-conformity (Stewart, 2003, p. 12).

Mahathir's management of Malaysia during the late 20th century changed the perception of Malaysia from another third-world failure to a vibrant and dynamic global economy and society. As a commoner his ability to transcend traditional class structures in Malaysia's conservative society while respecting the unassailable values of religion, family, and culture was remarkable, and was based purely on his inherent talents and hard work. After becoming PM he was able to implement his patriotic vision for the country. In the eyes of people and in their imagination, Malaysia was not a poor country on the "African" model anymore, but

a well-developed and globally respected Tiger Economy. Mahathir was the one of the most important political figures during this development process. Throughout Mahathir's tenure of office, Malaysia enlarged from a developing country position to become the world's 13th largest economy. When he began as PM in 1981, Malaysia's gross national income per capita was at \$1930 (US), while by the time he left office in 2003 this had more than doubled to \$4,160. His risk-taking personality undoubtedly enabled this economic success. For him:

“some say to be a big frog in a small pond is no great achievement, but we have proven that even a little frog in a big pool can thumb its nose at the largest, most powerful toad. That it can has not only been gratifying to us, but has also vindicated our foreign and national policies and has brought us self-respect and pride, and given us a sense of accomplishment. Malaysia has shown that a well-intentioned policy of engagement, cooperation and practical involvement with small countries can prove far more beneficial and successful on the international stage than a policy of antagonism, aggression and domination as practised by world powers. There is no need to toady to the powerful” (Mohamad, 2011, p. 440).

Mahathir in many ways was an outsider. A nationalist and modernizer, he was essentially realistic, and had little regard for obfuscating rules, morals, and values that might hamper his highly motivated campaigns. Even though Mahathir accumulated numerous honorific titles reflecting his unique importance in Malaysian history (Datuk, Datuk Seri, and Tun), we generally prefer to call him “Dr.” Mahathir, a title he warranted with his valediction from medical school in 1953. As he said himself, “I earned that one” (Wain, 2009, p. 1).

It is a great irony that some critics refer to Mahathir as a dictator, ignoring the fact that he was a democratically elected PM. When this charge is levelled by Malaysians, it reflects the internalisation of the Western paradigm of dominion, where those who enable the international financial system to expropriate national resources – the land, resources, labour, and even bodies and souls of the people – are good guys and democrats, while those who safeguard national interests and the integrity of current and future generations are decried as dictators and despots. Mahathir has amply received his share of such

smears. When Western leaders display uncompromising politics and leadership they are lauded as strongmen and inspirational visionaries, such as the 'Iron Lady', Margaret Thatcher. Much of the vitriol directed against Mahathir was due to his statements about the Jewish lobby, and international indoctrination inspired some local academics to join this caravan of criticism. Had Mahathir capitulated to the Zionist lobby and surrendered his country to the IMF he would have been labelled a great peacemaker and would have been feted worldwide and by the intellectual stooges of Western neoliberalism within Malaysia, but due to his principles he was labelled a dictator, and his essential role in saving Malaysia is unacknowledged by such prejudicial views. Bary Wain (1944-2013) attached great importance to the concept that few had the courage to appear as opposing leadership candidates to Mahathir, which reflects his outstanding qualities; some opposing party members described him as an "extraordinary leader" and acknowledged that it would be difficult to discover another seminal leader of his type in centuries (BBC, 2002).

Mahathir has implemented an extraordinary dominating impact over his country's public life. As an economic modernizer without fear of registering a scepticism of democracy and human rights, he directed the politics of Malaysia to his wish and in the process he successfully subordinated the constitutional monarchy (with its track record of fatal weakness in the face of Western agendas), the judiciary, and the predominant political party, the UMNO, which he led continuously despite a major challenge in 1987 that almost unseated him (Milne & Mauzy, 1999). He was careful of his status with Islamic world leaders, with whom he enjoyed enormous popularity. While he revelled in international compliments and support, he was also cautious of Islamic conservatives back home who feared that economic and technological modernisation might be harbingers of Westernisation. Mahathir is an enigma of 21st century leadership style *per se*, and his case is particularly interesting in presenting an Islamic vision of modernity (Shome, 2002, p. 196).

Malaysia is one of the most respected states in the world today. Its socioeconomic development is a shining example of the possibilities of multinational states. Unquestionably Mahathir is at the heart of this development process as a leader and visionary. Perhaps his most significant and enduring legacy is not the economic transformation he

oversaw, but his fostering of ethnic harmony among the minorities of Malaysia, especially his peaceful management of the inequalities between the Malay majority and Chinese economic and professional elite. When he became PM, most Malays were extremely poor and very few had tertiary education or professional qualifications. Mahathir prioritised the elevation of the Malays through education and employment, alongside public planning and development. Charismatic political leadership features are evident in Mahathir's personality, conditioned by his family education and his formative years, and he was a shining example of good leadership qualities from his very first years in politics. The dominant political party's sovereignty permitted such radical leadership. Tunku Abdul Rahman, as the first PM who governed Malaysia during its initial independence era was considered the "father of the nation", and is generally commended for his efforts for national harmony and economic effectiveness. The second PM, Tun Abdul Razak, had an agenda of rural progress and transformation. The third, Tun Hussein Onn, prioritised stability and clean government (Salleh & Meyanathan, 1993, p. 36). Mahathir Mohammed built on these efforts with his illumined vision and public sector restructuring to drive national progress toward developed status. As a result, we can claim that among the Malaysian PMs, Mahathir's status is exceptional and demonstrates distinctive charismatic leadership.

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Johann Wolfgang von Goethe: A life With Islām.

Francesca Bocca-Aldaqr*

Abstract: Goethe’s religiosity appears at the same time profoundly sincere yet escaping confessional labels. It has been claimed that Goethe was Christian, theist, mason, and even a pagan. Our work aims at studying Goethe’s religiosity throughout his life, and in particular in his relationship with Islām. Of all religions Goethe studied and interacted with, Islām is remarkably absent from literary critic, yet he elaborated it throughout his life. We will propose a periodisation which divides his relationship with Islām into four stages, in which specific religious themes echo in his letters and works, most of which have not been pointed out before, such as in the *Faust*. Finally, we will discuss our findings in the context of religious studies scholarship, and approach the issue of what can Goethe suggest for the meaning of a European Islām today.

Keywords: Islām, Goethe, Religious studies, Literary criticism, European Islām

Abstrak: Keagamaan Geothe menunjukkan keikhlasannya, namun pada masa yang sama telah lari daripada label ‘pengakuan’ dirinya yang sebenar. Ada yang mengatakan bahawa Goethe adalah seorang yang beragama Kristian, percaya kepada konsep ketuhanan, mason, dan seorang pagan (beragama kuno/jahiliah). Kertas kerja ini adalah untuk mengkaji keagamaan Geothe sepanjang hayatnya dan khususnya berkenaan dengan perhubungannya dengan agama Islām. Daripada semua agama yang dikaji dan dikaitkan oleh Goethe, Islām merupakan satu agama yang tidak mendapat satupun kritikan daripada pengkritik sastera tersebut, yang beliau mendalaminya sepanjang hayat beliau.

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Penulis ingin mencadangkan satu tempoh yang merangkumi hubungan beliau dengan Islām kepada empat peringkat yang mana agama tertentu dilantunkan dalam surat-suratnya dan dalam hasil kerja-kerja beliau, yang kebanyakannya tidak diberi penekanan dalam penulisan beliau sebelum ini, seperti *Faust*. Akhir sekali, penulis turut membincangkan hasil kajian dalam konteks kelebihan pengajian agamanya, dan menerangkan pendekatan isu kemampuan Goethe dalam mencadangkan makna Islām Eropah pada masa kini.

Kata kunci: Islām, Goethe, Pengajian Islām, Kritikan kesusasteraan, Islām Eropah

Introduction

The literary output¹ of Johannes Wolfgang von Goethe (1749-1832) contains an abundance of religious references (Durrani 1977); the intensity of his spiritual life is evident from his letters, diaries and private conversations. Such references, although might appear diverse and even syncretic, have given rise to a variety of contraposing theories concerning Goethe's religiosity: already in classical works, however, it has been observed that labelling Goethe as either Christian, Jew or Pagan cannot be true in a literal sense (Naumann, 1955). This didn't discourage, amongst others, Christian apologetics to claim Goethe as a proponent of the superiority of Christianity over other religions (Moltmann 1993, 32). More recently, Goethe's spirituality has been re-read as a version of "classical humanism" (Nisbet 2002), stressing the more free-thinking aspects of his spirituality.

Goethe and religions

The methods employed by the proponents of these positions, although arriving at radically different conclusions, are remarkably similar: they either examine themes and characters of Goethe's works (for example, the presence of Greco-Roman virtues and characters as a clear indication of his closeness to paganism), or they start from moral remarks as the

¹ All Goethe's works are cited referring to the Weimarer Ausgabe, in 143 volumes: J.W. von Goethe, *Goethes Werke. Herausgegeben im Auftrage der Großherzogin Sophie von Sachsen*, 143 vols. 1887-1919, reprint, Munich, DTV, 1987. Cited by division, volume and page.

base of religious belonging (for example, Goethe's description of Jesus as a moral ideal to mean an acceptance of Christianity).

We believe that this method is inappropriate to approach Goethe: first of all, given the sheer length of his life and his extraordinary literary output, it is possible to extrapolate either appreciation or criticism towards almost any religious affiliation.

His positions, furthermore, went through considerable re-elaboration during his life, while other influences have been intense but fleeting, occupying him only for a short period of time. For example, it is well-known how, through the influence of Katharina von Klettenberg, Goethe embraced many pietistic aspects of belief during his stay in Strasbourg, in the years 1770-1771 (Bohm 2006), abandoning them immediately afterwards. Elements of open religious adherence, in Goethe's personal life, are remarkably scarce (Safranski 2017).

Finally, another aspect that should be kept in mind, when analysing Goethe's religious references, is the importance of symbols in Goethe's production. Such symbolism have been the object of numerous exoteric interpretations of his belief, the most well-known of which is Steiner's (1900), who made the poet into an antroposophist *ante-litteram*.

Such difficulties on the side of Goethe might seem enough to claim the impossibility of determining his religion, yet there is one other obstacle, this time on the side of the authors trying to investigate his religiosity. The methods employed are usually suitable for identifying literary influences, not religious ones. The presence of a religion, a religious character or a spiritual element in Goethe's works cannot be taken, by itself, as an indication of his belonging to that particular tradition.

The purpose of the present work is to take a specific religious tradition – the Islāmic one – and show its continuity in Goethe's religious experience, hoping of setting a systematic method for future analyses of other religious influences in his overall spiritual position.

Goethe and Islām

The reasons for choosing Islām as a relevant religion for Goethe's spirituality are many. The first is that, as we will show in our following analysis, it is a religion with which Goethe continuously dealt with – in

his life and works – throughout his life; we believe that continuity is one of the key characteristics an authentic spiritual experience must have.

Nevertheless, even in the most recent discussions of Goethe's religiosity, Islām is completely absent (Nisbet 2002), or at best briefly mentioned (Almond 2017).

Apart from the interest for the scholars of German literature, the study of Goethe's relationship with Islām can be helpful to reimagine the role of Islām in the West; at the times of Goethe, arguably, the Turks were seen as "the others" (Mommsen 1995), just like today Muslims are perceived (Eid 2014). Goethe might actually help opening a new road, as we will discuss later.

The earliest instance of an analysis of Goethe's Islāmic influences is the PhD thesis of S.H. Abdel-Rahim (1969), "Goethe und der Islām" which, unfortunately, has not been published. We believe it is not a coincidence that it was an Egyptian native scholar who opened the door for Goethe's Islāmic influences; Qur'ānic references are not of immediate identification to the Western scholar of literature, and even less so are echoes of Islāmic poetry or sayings of Muhammad (SAW); many times Goethe refers to Islāmic values that are not apparent from an academic reading of the sacred texts, but are fruit of an in-depth, religious meditation.

Abdel-Rahim's work, however, limits itself to discuss the different works in which Islāmic influences are most explicit, namely the Mahomet drama, his translation/adaptation of the Voltaire's *Mahomet*, and the *East-Westerner Divan*. His findings, slightly expanded to include the *Götz von Berlichingen*, have been the subject of research of Katharina Mommsen (2001). Her overall outlook on Goethe's relationship with Islām is, however, limited to the orientalist view of the Islāmic religion; for her, religious figures like Muhammad (SAW) and Oriental characters, such as the poet Hafez, are equally important for Goethe's relationship with Islām. Her work, however, brings a very important method: expanding the search for Goethe's Islāmic influences in his letters and conversations as well, and not only relegating it to his published works.

However, these works do still not respond to the question: What is the role of Islām in Goethe's religiosity? This question is – it is very

important to stress it – different than simply asking: “Was Goethe a Muslim?”. To the second question, Mommsen (2014) responds with a dry “no”, accusing the proponents of a “Muslim Goethe” of misquoting him. Her theory is that Goethe, although respectful of the Muslim religion, was actually more interested in the Oriental aspects, and that his acting as Muslim would equate the norm of the respectful traveller: “When in Rome, do as the Romans do” (Mommsen 2014, 248).

Aims and methods

Our aim is to analyse Goethe’s relationship with Islām with the tools of religious, rather than literary, sciences. To do so, we will employ two methods: in the first part of the article, we will formulate a periodisation of Goethe’s engagement with Islām, through an analysis of his published works as well as the material from his letters, conversations and autobiography. In the second part, we will discuss the topic of Goethe’s religion at the light of those findings, arriving to elaborate on the relevance of Islām for his spirituality, and its relevance for religious sciences at large.

The current work is situated as the conclusion of an analysis we have been conducting. The first step (Bocca-Aldaqr 2019a) was to show how the Qur’ān – a text that is in its nature religious – is the guiding text of the *Divan*, bringing Goethe’s work closer to the field of Islāmic studies. The second step (Bocca-Aldaqr 2019b) has been to analyse Goethe’s letters and highlight the presence and meaning of Islāmic terminology, introducing the religious importance of Islāmic themes to Goethe.

The present work will focus on Goethe’s published works, although his letters, conversations and autobiography will be referred to when necessary.

A proposed periodisation

Our purpose of creating a periodisation to analyse Goethe’s relationship with Islām serves the purpose of analysing religion as a dynamic entity, keeping therefore track of the different aspects of Islām that interested the poet at different times, and his spiritual elaboration of various themes. Another reason for following a strict periodisation, in the first part of the article, is to avoid the risk of being anti-chronological, which can happen when just extrapolating religious material.

The periods differ in many ways, of which four have been the criteria to distinguish them. First of all, the sources used; while the first period is based almost exclusively on the reading of the Qur'ān, the third is encyclopaedic in nature. Periods can also be distinguished on the basis of the dominating interest; in the first phase Goethe was concentrated on the figure of the Prophet (SAW), while on the third it is the style of the Qur'ān to catalyse his attention. Openness also varies; at the beginning of his Islāmic interests, Goethe is more vehement in his criticism of Christian dogmas, while in the second period a much more private meditation seems to prevail. Finally, with each subsequent period, the religious quality of the Islāmic material seems to get more and more important; while in the letters of the first period the references to the Qur'ān are occasional and almost always literal, in the last two he actively resorts to the religion of Islām as a spiritual solace.

Employing those criteria, we have identified four periods, summarised in Table 1. For each, we have proposed a time frame, a theme, and then have shown how Islāmic references are present in Goethe's work. In the last column, we refer to a few of the Islāmic references in Goethe's letters, autobiography and private conversations that were the object of our previous analysis (Bocca-Aldaqr letters).

1. Discovery: 1770-1777

In this formative period, Goethe entered in contact with the Qur'ān, read it, translated it, annotated it, and studied it (Bocca-Aldaqr Qur'ān). The characteristics of this phase are those of discovery: enthusiasm – in particular towards the figure of the Prophet (SAW) – and rebellion for those ideas and dogmas related to the past – for example the issue of crucifixion, as we will explain soon.

In this period, religious Islāmic elements can be found in two works: the *Satyros* (1770, WA I 16, 74), and the *Mahomet* (1772, WA I 39, 187). We should note that a Qur'ānic resonance is also present in the coeval *Götz von Berlichingen* (Mommsen 1972); however, it is a literary, and not religious, influence, and as such not relevant to our work.

The *Satyros* and the *Mahomet*, instead, develop crucial aspects of the Islāmic religion for Goethe. They are also very different in the way the Islāmic influence manifests itself and should be examined as

if one is mirroring the other. The *Satyros*, as we will see, limits itself to criticism of the religiosity surrounding Goethe, coherently with the Qur'ānic arguments, while the *Mahomet* will construct Goethe's new religious vision. In a way, while the *Satyros* has an approach closer to negative theology, the *Mahomet* adopts instead a positive one.

a. *Satyros* (1770)

Up to now, no analysis of the *Satyros* under a religious light has been accomplished, nor an analysis of its Islāmīc contents. The only reference to its theological relevance we could find is in the book *Der Einzige und sein Eigentum* [The Individual and his Property], by Max Stirner (1844), although interpreted in an existentialist light. However, the close proximity between the writing of this text and Goethe's first reading of the Qur'ān should be a clue of the possible presence of religious material.

The play is characterised by a mixing of entertainment and serious matters. The setting is populated by creatures of the Greek tradition (Trevelyan 1981), however, from the title itself – *Satyros oder der vergötterte Waldteufel* [*Satyros, or the divinized forest demon*]– a religious theme is present.

In it, is expressed a deep dislike for the ritual worship of the cross, at the beginning of Act II (WAI 16, 82). The first element of the monologue of *Satyros* is a dislike for the symbol itself and its worship, affirming that he “rather worship an onion” [*Lieber eine Zwiebel anbeten*] than that “image of carved wood” [*Schnitzbildlein*]. The second element, and the main theological point, is concerning God's transcendence, a key Islāmīc doctrine that Goethe found resonating with his personal spirituality. The *Satyros*, indeed, affirms: “God is God, and I am me” [*Denn Gott ist Gott, und ich bin ich*].

Of course, such a position could not have been expressed explicitly by the young Goethe, and therefore it is understandable Goethe's recurring to this symbolism.

Finally, similar observations concerning the cross will also occur in the *Faust* (2c), while the transcendence of God will be a key theme of all of Goethe's religious elaboration, starting from the *Mahomet*.

b. *Mahomet* (1772, 1777)

Mahomet, an unfinished tragedy, has been usually categorized, together with the *Prometeus*, as a representation of the *Titanismus*, proper of the *Sturm und Drang* period of Goethe (Kimura 1961). Another position is to take the *Mahomet* at face value, thinking that the only interest of Goethe was to describe the Prophet (SAW) in a way that resembled the romantic interest in him as a “hero” (Einboden 2014).

Our position is different. Goethe’s interest in Muhammad (SAW) was twofold; in him being a Prophet (SAW) - and therefore the one to whom the Qur’ān was entrusted - and secondarily in his positive human characteristics. The poet “never considered him an impostor” (WA I 28, 294), which give additional emphasis to the religious key in reading the *Mahomet*.

The first part of the tragedy, the Hymn, is a moving monologue in which Muhammad (SAW), before the beginning of Prophecy (which means, before the revelation of the Qur’ān had begun), seeks God in the astral entities, arriving to the conclusion that the only God must be transcendent and therefore beyond creation. This theme is, of course, of central relevance to Goethe who, since his earlier days, saw nature as a means to get closer to God, an omnipotent and transcendent being (WA I 26, 63).

We should also note that the exact same narrative flow is present in the Qur’ānic story of Abraham (PBUH) where, before being a Prophet (SAW), he sought God and, through observation of the astral beings, concluded the necessity of the One God. The story was well-known to Goethe, who translated the surah narrating it from Latin during his first reading of the Qur’ān (Bocca-Aldaqr, Qur’ān).

The second part of *Mahomet* is a dialogue between Muhammad (SAW) and Halima. The context is completely fictional; Halima was Muhammad (SAW)’s wet nurse, and it is unlikely that the two met again in Muhammad (SAW) adulthood, and that she heard his preaching.

In the dialogue, Muhammad (SAW) invites Halima to a pure form of monotheism, without obtaining any result. While keeping a Qur’ānic rhetoric, the frustration of the Prophet (SAW) in seeing his people not understanding his spirituality is very much Goethe’s frustration, who

will confess it to Eckermann when describing to him this phase of his life: “I believed in God, in nature and in the victory of good upon evil; but to the pious souls this was not enough; I should have also professed that three are one, and one is three, but this repulsed my soul’s sense of truth”².

The final part of the tragedy is the most well-known; it is a dialogue between Ali and Fatima, which Goethe later transformed into a monologue and published under the title *Mahometsgesang* (Kahn 1974). Literary criticism has usually studied it for the uncommon image of the river, to which the Prophet (SAW) is, compared (Elmarsafy 2009, 167). In it, Ali and Fatima are celebrating the success of Muhammad (SAW), while, at the same time, keeping true to his Prophetic mission. We remind that Muhammad (SAW)’s victories have often been read in a violent light, perceiving him more as a military leader than a religious one. In the dialogue, Goethe overturns this myth; the Prophet (SAW)’s actions have a clear soteriological purpose, and the conclusion of his mission is to re-conduct people to God. This is, we note, different than the view of the *Mahometsgesang* being about the Prophet (SAW)’s “trajectory, not his teachings” (Nicholls 2006, 134).

To summarise the characteristics of this first period of Goethe’s engagement with Islām, they revolve around two poles: the criticism of widespread religious practices in his Christian environment and the positive affirmation of values contained in the Qur’ān, as well as teachings from the Prophet (SAW).

2. Elaboration: 1786-1813

In this second period, Goethe’s explicit Islāmic references become more scarce. He begins, in our opinion, a deep process of rendering Islām more personal, for example through a usage of Islāmic vocabulary to express his spirituality, or through a re-definition of other terms to suit Islāmic theological concepts (Bocca-Aldaqrè letters). This is the meaning of the “elaboration” he undergoes in this period.

Goethe’s works referring to Islām are three: his notes from the *Italian Journey*, the translation of Voltaire’s *Mahomet*, and finally the first part of the *Faust*.

2 Conversation of January 4th, 1824

a. *The Italian Journey (1786-1788)*

The *Italian Journey* was Goethe's "quest", which should be examined as "a psychological document of the first importance" (Auden 2010). To discuss its religious importance, its soul-searching dimensions should be kept in mind. Goethe left Weimar with a deep sense of dissatisfaction and returned with a clear poetic and human identity.

Recently, Goethe's approach to travelling has been appreciated for its authenticity, when compared to the ostentation of the other tourists of his time (Dainotto 2004). The poet himself described his state of mind, similar to the one of a pilgrim, by calling the *Journey* "Hegire" (WAI 32, 86) after the Prophet (SAW)'s own migration from Mecca to Medina. Subsequently, Goethe will use again this term, to refer not to a physical, but to a spiritual and intellectual pilgrimage (Bocca-Aldaqr letters).

Even though the *Italian Journey* would be published much later than the actual journey, in 1813, it is important to note that Goethe already used the term Hegire to refer to it in his letter to the Duke Carl-August, during the travel, (WA IV 8, 33), and therefore it is to this date that the connection Italian Journey-Hegire must have been established.

b. *Voltaire's Mahomet (1799)*

Goethe's translation of Voltaire's *Mahomet*, commissioned to him by the duke Carl August, has been examined thoroughly by Abdel-Rahim (1969, 143-166). As a matter of fact, Goethe performed an adaptation, rather than a translation, of the drama. His contributions are not simply linguistical, but often time mitigate Voltaire's harshness towards Muhammad (SAW), safeguarding the character of the Prophet (SAW).

Voltaire's opinion of Muhammad (SAW) as a mere impostor clashed strongly with Goethe's belief in his sincerity, as well as with the descriptions he made of him in his own *Mahomet* drama (1b), as well as in the *West-Eastern Divan* (3a, 3c).

Goethe made clear to the Duke that his views were contrary to the ones of the drama, highlighting his work was only accomplished "for duty" (WA IV 15, 8). The response of the Duke, encouraging Goethe in his work, while nicknaming him "Meccanus" (Abdel-Rahim 1969, 147), shows that Carl August was aware of the poet's affinity with Islām.

We do not know whether the Duke noticed the many “free translations” of Goethe, as well as his omissions. While Abdel-Rahim analyses chronologically the differences between the French original and the German rendering, we will limit ourselves to grouping the relevant ones for religious reasons, along two themes; defending the figure of the Prophet (SAW), and defending the religion of Islām.

Goethe’s defense of the Prophet (SAW) is achieved mainly through the choice of words describing his character that are much milder than the original. While Voltaire describes Muhammad (SAW) as “cruel” or “impitoyable” [merciless], Goethe instead limits himself to “Härte” [severity] (Abdel-Rahim 1969, 152). When one of the characters, in the original from Voltaire, spends two lines in praising Muhammad (SAW), Goethe catches the occasion, transforming it in six verses of praise in the German version (Abdel-Rahim 1969, 157). Several passages, in which the Prophet (SAW) was described as committing heinous actions, have been cut from the German version (Abdel-Rahim 1969, pp. 162-163).

The defense of Islām, instead, has to do with more substantial changes that Goethe operated. Voltaire’s Mahomet is an impostor, and therefore his plans are shrouded in secrecy. Goethe, instead, while minimizing Muhammad (SAW)’s plotting, includes dialogues in which he communicates them with his companions (Abdel-Rahim 1969, 152). The most striking defense of Islām as a religion, though, occurs in the fact that Goethe simply omitted to translate some passages into German. Mahomet’s verse “Mon triomphe en tout temps est fondé sur l’erreur” [My triumph is always founded on error]. Similarly, Goethe does not translate the verse “Je viens mettre à profit les erreurs de la terre” [I will always benefit from the error on Earth], substituting it with a verse in which Muhammad (SAW) feels destined to rule the Earth (Abdel-Rahim 1969, 153-154).

c. *Faust. First Part (1808)*

The last work belonging to this period of elaboration is the *Faust*; in it, aside from mythological and historical elements, a huge amount of Biblical scriptural allusions can be found (Durrani 1977). It is, therefore, surprising how none of the previous referenced works on Goethe and Islām mentioned the presence of Islāmic elements in the *Faust*.

We will point out two passages that have clear Qur'ānic allusions and that are relevant to the overall religious themes of the Faust as well.

The first explicit reference is in the *Prolog in Himmel* [Prologue in Heaven], in which a dialogue takes place between God and Mephisto (WA I 16, 22). Mephisto proposes to God a deferment, a period of time in which he could act on Earth, tempting humans. God grants it to him, stating that man is prone to error as long as his earthly life continues. A very similar dialogue happens in the Qur'ān (7:14-17), in which Satan "said, "Reprieve me until the Day they are resurrected." [God] said, "Indeed, you are of those reprieved." [Satan] said, "Because You have put me in error, I will surely sit in wait for them on Your straight path."

The second passage is Faust's monologue, when, in Marta's garden, he is interrogated by Gretchen concerning his faith (WA I 16, 172-173). She is reluctant in conceding herself to him, and therefore asks him, with more and more pressing questions, his stance on religion. Faust begins by reassuring her that he "wouldn't rob anybody of his sentiment or his church", but Gretchen isn't convinced, asking him: "Do you believe in God?". Faust's response is a long monologue, in which he tries to defend his faith in God, with particularly Qur'ānic expressions: God is the one who supports everything ("*Allerhalter*", Qur'ān 20:6), the one who encompasses everything ("*Allumfassender*", Qur'ān 6:103). Faust then moves on to formulate rhetorical questions, in which the signs of nature become proofs of the omnipotence of God; this is the case for the curvature of the heavens ("*wölbt sich der Himmel nicht dadoben?*", Qur'ān 13:2) and the solidity of the ground ("*liegt die Erde nicht hierunter fest?*", Qur'ān 31:10).

Interestingly, the response of Gretchen is a sharp: "you are not Christian" ("*du hast kein Christentum*").

3. *Maturity: 1814-1819*

This period in Goethe's life, overlapping with the composition of the *Divan*, was dense with Islāmic studies. Differently from the first period, it is much more thoroughly documented. Goethe's meticulous notetaking of his activities and readings in his diaries is a very precious source in understanding the extent of his involvement in Islāmic studies. A complementary source is the critical apparatus of notes and essays

[*Noten und Abhandlungen*] that Goethe decided to append to the lyrical material of the *Divan*.

In the past, we have analyzed Qur'ānic influences in the *Divan* (Bocca-Aldaqrē, Qur'ān), concluding that their ubiquity, as well as the depth of reflection on the main themes of the Book, which strongly suggests Goethe's usage of the text with a spiritual, rather than only literary, involvement.

Mommsen (2014, Chapter 5) noted that in the *Divan*, however, dissent from Islām is also present. We agree. Goethe's involvement with any religious tradition is personal, critical, and sometimes generating dramatic tensions, almost conflicts. The presence of dissent – which, we argue, is limited to matters of law, and never of creed, concerning Islām – does not invalidate the authenticity of the religious experience.

What characterizes this period, from a religious perspective, is the codification of the term “Islām” as abandonment [*Ergebung*] to God, a virtue that Goethe struggled to practice in his daily life, as witnessed by his letters (Bocca-Aldaqrē, letters)

a. Poems of the Divan (1814-1819)

When observing religious themes in the *Divan*, it is useful to trace their origin in the previous periods that we have identified. We will limit ourselves here to religious themes of the *Divan* that have their origin in Goethe's previous periods, referring for a more complete analysis to other publications (Abdel-Rahim 1969, Bocca-Aldaqrē Qur'ān)

The first theme we analysed was the figure of the Prophet (SAW), first with the composition of *Mahomet*, in 1772, and second with the translation/adaptation of Voltaire's *Mahomet*, in 1799. In the *Divan*, the view of the Prophet (SAW) view is coherent with the previous works of Goethe, as has already been observed (Leder 2001).

The second theme is monotheism, which served as reading key for the *Mahomet*, as we mentioned before, and which is the nucleus of *Faust*'s religiosity. We should mention that Goethe's position towards religions in the *Divan* has been already analyzed (Preisker 1952). The reading of the *Divan* as a Christian work, in which several others religious traditions flow into, is however fundamentally incorrect.

Although Christ is present in the lyrics, the Christology of the *Divan* is fundamentally Islāmic (WA I 6, 288-289; Bocca-Aldaqrē Qur’ān).

The third theme regards the word *Hegire*, the term Goethe referred to in the Italian journey and his letter for his soul-searching experience (2a). In the years of the composition of the *Divan*, Goethe uses the word *Hegira* to refer to his studies of Islām and Arabic (WA IV 25, 154), and then titled “*Hegira*” the introductory poem of the *Divan* (WA I 6, 5).

b. Literary Review (1816)

A supplementary source to understand the religious state of mind that produced the *Divan* is a short article, in the form of an author’s review, which Goethe produced for the *Morgenblatt*, a literary journal. As it was published in 1816, many of the poems would have been already composed, while the *Notes and Essays* wouldn’t have.

In this review, Goethe describes his interior travel to the East, stating: “The poet does not reject and suspicion that he himself might be a Muslim” (WA I 41, 86). He proceeds outlining the contents of the respective books.

There has been quite some controversy on this particular statement by Goethe; in particular Mommsen (2014) has accused those who take it to mean Goethe’s adherence to Islām to “manipulate the text”, and arriving to “incorrect conclusions”. We will propose a different interpretation in the Discussion, in the light of all four the periods of our division.

c. Notes and Essays (1819)

In the notes and Essays, Goethe’s Islāmic reflections are much more evident and open compared to the lyrical material. As they have already been the source of deep analysis (Abdel-Rahim 1982), we will just briefly sum them before continuing to the final period. Goethe discusses the style of the Qur’ān, finding its complexity fascinating (Mommsen 1964). He also discusses many of his contemporaries’ positions regarding Islām and, although never openly stating his own in detail, one can deduce his deep appreciation for this religion and culture (Golz 1999, 132).

At the same time, we are puzzled as to how the importance of Islāmic material has been downplayed when discussing Goethe’s

own belief, and on the basis of the very same essays (Plathow 2012). Others, rightfully so, have argued that “riddles and masquerades belong to the *Divan*’s poetics”, and therefore the Essays could be useful for understanding what is authentically Goethean, beyond the Oriental play that permeates the lyrics (Purdy 2015).

In the notes, Goethe identifies the connection between ‘*das Sinnliche*’ [meaning both “sensory” and “sensuous”] and ‘*das Übersinnliche*’ [transcending the “*sinnliche*”] as the foundation of the poetry of the Orient, and his own (Bell 2000); the overall role of poetry is one of “elevating” the human beyond earthly domain, to a Heavenly one (Bell 2000, Bocca-Aldaqrre letters). The statements that seem to confirm Goethe’s partaking in the Islāmic experience are those praising the Prophet (SAW) (Abdel-Rahim 1982), to which the pinnacle is the well-known statement: “And what should prevent the poet himself from riding Muḥammad’s miraculous horse and travelling through the heavens? Why should he not, full of veneration, celebrate the holy night, in which the Qur’ān was revealed, complete, to the Prophet (SAW) from above? »³” (WA I 7, 152-153, discussed in Mommsen 1964)

4. *Spirituality: 1820-1832*

The last phase of Goethe’s involvement with Islām is mainly spiritual in characters. All the themes have matured, as we have outlined in the previous sections, and Goethe’s experience of the Muslim religion becomes more “lived” in his day-to-day life.

The event that triggered this shift, we propose, was the publication of the first collection of poems of the *Divan*, after which Goethe, as stated in a conversation with Eckermann, wasn’t completely satisfied (dated to January 14th, 1827, see point 4b). The poet was unsatisfied with the “Oriental” aspects of his poetry, wishing instead to deepen the aspects of the “Muslim religion” that he found “befitting my age: Unconditional surrender to God’s will, the joyous observation of the rotating and recurring movement of Earth, as well as love, affection between two worlds, all reality purified, all symbols dissolved» (WA IV 33, 27).

a. *Second edition of the poems (1820-1826)*

This spiritual tension can be found in the second edition of the *Divan*; as we have already observed, in them the Qur'ānic references are less literal and more personal (Bocca-Aldaqrē Qur'ān). We will limit ourselves to an example of such tension; the transfiguration of sexual forces.

One of the earliest criticisms that Goethe made to Christianity, and in particular to monastic life, is the negative opinion of human sexuality. It recurs, explicitly, in the *Satyros* (WA I 16, 90) and in the *Götz von Berlichingen* (WA I 8, 14), where the figure of the hermit/monk is pitied for his chastity which is a “force of habit” [*Gewohnheitsposse*] in the words of *Satyros*, and, in *Gotz*, by the words of Martin himself, a monk, “a state which condemns the best instincts [...] in name of a misunderstood desire of getting closer to God” [*eines Standes, der die besten Triebe, [...], aus mißverständener Begierde Gott näher zu rücken, verdammt*]. These earlier remarks were not formulated under an Islāmic light at first, while in this last period Goethe adopts the image of the sensual aspects of the Muslim Heaven as deeply consonant to his sensibility. In this way, even eroticism gains a religious dimension; the beloved (Suleika/Marianne, Abdel-Rahim 1982) is transfigured into a *ḥouri* (WA I 6, 257), and the moment of union on Earth becomes a mirror of the blessed union in Paradise (WA I 6, 253).

b. *Conversations with Eckermann (1823-1832)*

In the *Gespräche*, or *Conversations* (Eckermann 1836-1848), Goethe's secretary, Johann-Peter Eckermann, transcribes the occasional colloquia between him and the poet, in the last years of the latter's life. Although technically not authored by Goethe, the poet's intentions of transmitting his own view and image, while at the same time serving as a mentor to Eckermann – and the following generations of readers – are primary.

Proceeding to the Islāmic elements in the *Conversations*, they are of two types; in the first, Goethe tries to introduce Eckermann with some lesser-known aspects of the Muslim world, in an attempt to mentor him culturally, while in the second the reflection is authentically religious. We will present one example for each.

The first type occurs in the conversation of April 11th, 1827, which is a discussion of the educational systems of Islām. Goethe defines the curricula of the Muslims “remarkable”. He observes that their

educational system “starts by strengthening the conviction – which is the basis of their religion – that is that nothing can happen to man, that it wasn’t long before established by an all-powerful divinity.” This is, of course, the doctrine of *qadar*, that Goethe himself held in very high esteem (Mommson 1982; Bocca-Aldaqr Qur’ān). Its effect is to make Muslims “equipped and tranquil for life”. Goethe also shows a remarkable knowledge about the dialectic methods of Muslim education: “In philosophy, the Muhammadans begin their teaching from the premise that there is nothing whose contrary couldn’t be convincingly argued”. The fruit of this aspect is “a great agility of thought and word”.

Moving to the second type of Islāmic reference in the *Conversations*, it occurs on March 8th, 1831; its theme is the absolutely unfathomable essence of God. To explain it, Goethe resorts to the Islāmic doctrine of the names of God, which are a topic that he was studying in the same period, according to his diaries (WA III 10, 235). Goethe starts by asking Eckermann: “What do we know of the idea of the Divine, and

what can our limited concepts ever say about the Highest Being?”. He brings, to illustrate his point, an example from the Muslim world: “Even if I invoked him, as the Turk does, with one-hundred names, I wouldn’t ever encompass Him, as I wouldn’t have said anything of his infinite attributes.”

As the Colloquia have been abundantly used to discuss Goethe’s religiosity (Bell 2000; Osten 2002; Naumann 1952), we strongly believe the Islāmic elements should be taken into account as well.

c. *Faust. Second Part (1832)*

Faust represents the concluding work by Goethe, and the one which composition and interest pervaded his whole life. Goethe himself defined his work “an obvious puzzle”, and an appropriate literary criticism of this work, therefore, should take a different approach, based on the coupling between revelation and concealment (von Molnár 2002). Following this exegetical suggestion, we will therefore propose a few aspects of the puzzle that might be indeed of Islāmic origin.

The matter of Goethe’s self-identification with Faust has been insightfully discussed (Brown 2014), and therefore it is befitting that the same themes highlighted in our previous periodisation would now re-echo in the *Faust*.

The main topic which should be addressed is Faust's salvation (Henning 2013). The theodicy of the Faustian Lord is, at a first reading, incomprehensible. An attentive critic like Citati (1990) has observed that the salvation of Faust is incompatible with the Christian dogma. In the words of Citati, Faust is saved because he has "an original nature oriented towards goodness", and because, despite all his sins and mistakes, it remains "pristine" (*ibid.*, p. 239). This description, however, is the exact definition of the doctrine of the "original predisposition" – *al-fītrah* – in Islāmic theology. The aspect of man's nature being inclined towards salvation, and towards recognition of God, is the exact same topic we mentioned when discussing the *Mahomet* drama, in this very article (1b).

Another aspect in which the interests of religious and literary studies conflate, is the wealth of symbols that pervade the Faust (Emrich 1957); as the Islāmic imagination was so well-known to Goethe, in it might be some aspects of the "obvious puzzle". One example: the "good king", described in the first act, shows two characteristics that resonate with the image of the Prophet (SAW). The king's face is "like the moon [*Mondgesicht*]" (WA I 15.1 42), and Muhammad (SAW) "resembled, in his face, the full moon" (Schimmel 2014). The head of the king, furthermore, is adorned with a turban, a symbol that Goethe deeply identified with the Muslim world; in the *Divan*, it is described as one of the "four graces" donated by God to the Arabs (WA I 6, 12).

Discussion

Although the question of Goethe's religiosity is far from settled, in the last years no new theories have emerged. Even more recent and authoritative works on Goethe's religiosity, however, continue to neglect Islām totally (Plathow 2012). Recent works on other aspects of Goethe, although not focused directly on his religiosity, have proposed nevertheless new readings of his spirituality. For example, in an analysis of his naturalistic writing, his approach to sciences has been read as analogous to Einstein's "cosmic religion" (Amrine et al. 2012). Often, they list qualities of Goethe's religiosity that are unequivocally Islāmic, but without providing a coherent framework. For example, Goethe's dislike of the symbol of the cross, of mediation in the relationship with God, or of the doctrine of the original sin. When an explanation is proposed, it is usually in the line of Goethe's "debt to the Enlightenment"

(Nisbet 2002, p. 221), although many religious views of Goethe, such as predestination and eternity of the souls, are not coherent with this explanation.

The question of Goethe's religiosity is nevertheless crucial today, not only for providing a key for the interpretation of his works, but for the understanding of the complex life of one of the most important figures in Western culture and, in a wider contextualization, for the issue of the belonging of Islām in the West.

We hope, with the periodisation above, to have contextualised better and brought to light new elements that link Goethe and the Muslim religion. What remains to be made is to discuss such elements into a coherent view of Goethe and Islām.

Once understood the limits of the current view of Goethe's religiosity, we can ask: how does our analysis differ then from older works on Goethe and Islām? The distinguishing points are three: continuity in time, harmonization of public and private, and explanation of symbols.

The first aspects regards the important religious characteristics of continuity; the first interest of Goethe in Islām happened when he was in his early twenties, and it continued up to a few weeks before his death.

Continuity, though, shouldn't only be temporal, but also between the different spheres pertaining to a person's life. In this article, we have highlighted how Goethe's Islāmic religious references can be found in his works, while previously we have shown their presence in his letters and private conversations (Bocca-Aldaqr letters).

Finally, the presence of an Islāmic religious component has helped to identify symbols and references that had been ignored up to now.

The last point to discuss, therefore, is Goethe's religious belonging. As we mentioned (3c), some authors criticised harshly the idea of a "Muslim Goethe" (Mommsen, 2014), while others do admit the authenticity of his spiritual engagement with the Muslim world (Abdel-Rahim 1989), yet without discussing it in the context of Goethe's religiosity.

We believe that this topic is intertwined with the complex issues of religious and cultural identities. The issue of what a European Islām

means is a hot topic in Muslim theology (Ramadan 2013) as well as in academic discourse (Cesari 2007).

Goethe, by engaging directly with the Muslim sources and incorporating them in his religious experience has, with the strength of his example, given a possible response. For him, Islām is not a religious denomination whose belonging is ratified by the fulfilment of some obligation, or the pronouncement of a creed. Islām is rather a spiritual attitude of “abandonment” [*Ergebung*] to God, that can be achieved through the humble observation of nature (as does the *Mahomet* by gazing at the sky), through the affirmation of uncompromising monotheism (as does *Faust*, or the *Satyros*) and, finally, through a Hegira, a continuous state of seeking, of which the *Divan* is the best example.

It is with this conception of Islām that the researcher must deal, when trying to answer the question: was Goethe a Muslim? Only under this light it is possible to reconcile Goethe’s statement: “I am only seeking to hold onto Islām” (WA IV 33, 240) with his verses: «If Islām means submitting to God, / In Islām we all live and die” (WA I 6, 128), together with his appreciation and incorporation of other religion traditions, from the pagan to the Christian.

Conclusion

Many aspects of Goethe’s belief that have been previously read as being part of a subjective view of religiosity, can be read in a coherent frame knowing that they belong to Islām, as we attempted to do in explaining Goethe’s theory of salvation, or divine transcendence. We believe that the analysis shown here can compensate a widely overlooked aspect of Goethe’s religiosity.

We have shown how the interest for the Muslim religion is the reason for Goethe’s self-identification, or Hegira, with the Oriental elements of his later poetry, and not the other way round. This overturns the primary role given to Hafez (Einboden 2014) or to the cultural dimension of the East (Almond 2017) in Goethe’s later poetic production.

The elements shown in our work are therefore relevant to the field of cultural studies; Goethe’s effort in overcoming the East-West dichotomy has already been observed, through the usage of the term “Hegira”, and the figure of Hatim, the poet’s alter-ego in the *Divan* (Weber 2001). Such intercultural approach, paired with the Islāmic elements shown in the

periodisation above, can be useful in approaching another, even more urgent, dichotomy: Islām and the West. As an intercultural translation of the *Divan* has already been accomplished (Bidney 2010), we wish a religious one will follow soon.

The last discipline that could benefit from a more in-depth understanding of Goethe's relationship with Islām is literary criticism, and in particular German studies. The early roots of Goethe's interest in the Islāmic faith, as well as his effort in translating the key Muslim terms into German, as well as the Qur'ān, could be sources to be connected to his later production. The *Divan*, therefore, should be read as a religious, as much as a literary work. Also, a more in-depth analysis of the *Faust* should be accomplished, in search for Islāmic symbols that might help decipher the "obvious puzzle".

Although by no means a conclusion, a further prompt for discussion – both academic and practical – is the possible belonging of Islām in European culture. The position of Goethe seems to bypass common stereotypes of what it means to be a Muslim; by defining Islām as a religious state, and incorporating Islāmic attitudes and narratives in his works and private spirituality, Goethe shows a way of engagement with Islām that is neither syncretic, nor an erasure of one's other identities. To the theologians now the task of discussing if Goethe's Islām is, indeed, a possible European Islām for today.

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Table 1. A scheme of the four periods of Goethe's engagement with Islām, their characteristics and references in his works.

Period	Characteristics	Islāmic references and influences	
		In the published works	In the personal sources ¹
1770-1777 Discovery	- Religious struggle - Interest in the figure of Muhammad (SAW)	Satyros (1770) Mahomet drama (1772) Mahometsgesang (1777)	Dichtung und Wahrheit Letters Koran-Auszüge
1786-1813 Elaboration	- Seeking: the travel as Hegira - Indirect meditations on Islāmic sources	Voltaire's Mahomet (1799) Italian Journey (1786-1788) Faust I (1808)	Letters Letters to Goethe
1814-1819 Maturity	- Systematic studies of Islāmic - theology - Studies of Arabic language	Divan (first edition, 1819) Review (1816)	Diaries Letters
1820-1832 Spirituality	- Interest in more spiritual, less oriental themes - Elaboration on the theme of predestination (qadar)	Divan (second edition, 1827) Faust II (1832)	Diaries Letters Conversations with Eckermann

(Footnotes)

1 (Adapted from Bocca-Aldaqr, 2019b)

Major Trends in the Historiography of Muslim Reformism in Pre-Independent Malaysia

Hafiz Zakariya*

Abstract: Muslim reformism, which emerged in West Asia during the closing years of the nineteenth century, and the early twentieth, was spearheaded by Jamal al-Din al-Afghani and Muhammad ‘Abduh. It responded to the socio-economic and political challenges confronting the Muslim society. Muslim reformism was not only influential in West Asia but also in Southeast Asia. However, most studies on Muslim reform have privileged the “central Islāmic lands” at the expense of its “periphery”. As a result, Muslim reform in Malaysia has been marginalised. Thus, this article, discusses the historiography of Muslim reform in Malaya. An analysis of the major writings in English and Malay identified the major trends, issues, and gaps. It argues that the existing studies tend to focus on the intellectual history of reform, while the social history of the diffusion of reformism has not been adequately analysed. Similarly, most works on reform in Malaysia focus on its development in the country alone without embarking upon comparative analysis with other areas such as West Sumatra, Aceh and Java. Existing biographies of reformists focusing on prominent figures such as Syed Sheikh al-Hadi and Sheikh Tahir have been thoroughly examined while other reformists such as Abu Bakar Ashaari, Abdullah Maghribi, and Abu Bakar Bakir have not been adequately studied.

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Keywords: Muslim reform, Islām in Malaysia, Kaum Muda, Iṣlāḥ in Malaysia, Malaysian historiography

Abstrak: Aliran pembaharuan Muslim yang muncul di Asia Barat pada akhir kurun ke sembilan belas dan awal kurun kedua puluh telah dipelopori oleh Jamal al-Din al-Afghani and Muhammad ‘Abduh. Ia memberi tindak balas terhadap cabaran-cabaran ekonomi, sosial dan politik yang dihadapi masyarakat Muslim. Reformisme Muslim bukan sahaja berpengaruh di Asia Barat tetapi juga di Asia Tenggara. Bagaimanapun, kebanyakan kajian tentang pembaharuan umat Islam memberi tumpuan kepada perkembangan di “negara-negara Islam utama” dan mengabaikan negara yang berada di “pinggiran”. Sebagai kesannya, kajian tentang pembaharuan umat Islam di Malaysia diabaikan. Justeru itu, makalah ini membincangkan perkembangan historiografi gerakan pembaharuan umat Islam di Malaysia. Analisis terhadap kajian-kajian utama dalam Bahasa Melayu dan Bahasa Inggeris mengenalpasti perkembangan utama, isu dan ruang yang belum diisi sepenuhnya dalam kajian sedia ada. Makalah ini menegaskan bahawa kajian sedia ada menumpukan kepada sejarah intelektual gerakan Islah manakala sejarah sosial penyebaran pemikiran tersebut tidak dikaji secukupnya. Sedemikian juga, kebanyakan kajian sedia ada memfokuskan perkembangan Islah di sesebuah negara sahaja tanpa melakukan analisis perbandingan dengan perkembangan di tempat lain seperti di Sumatra Barat, Aceh dan Jawa. Arah dalam kajian biografi pula memfokuskan kepada tokoh-tokoh utama seperti Syed Sheikh al-Hadi dan Sheikh Tahir yang sudah dikaji secara mendalam manakala tokoh-tokoh lain seperti Abu Bakar Ashaari, Abdullah Maghribi, dan Abu Bakar Bakir belum dikaji secukupnya.

Kata kunci: Reformisme agama, Islam di Malaysia, Kaum Muda, Islah di Malaysia, historiografi Malaysia

Introduction

The internal restoration and reform are continuous features of Islāmic history since the 9th century until the contemporary era. Indeed, according to the *ḥadīth* (Prophetic tradition), “God will raise, at the head of each century a person to renew the faith and practice of Muslims” (‘As’ad, 2019). In modern scholarship, Muslim reformism primarily refers to the efforts of Muhammad ‘Abduh (d. 1905) and Rashid Rida (d. 1935) while in fact, reform (*Iṣlāḥ*) and renewal (*Tajdid*) in Islām, carry a broader meaning encompassing various groups and individuals who come into existence throughout Muslim history “to reform the socio-moral failures of the Muslim community ... All of these movements,

without exception, emphasised a ‘return’ to pristine Islām in terms of the Qur’ān and the Sunnah of the Prophet (Peace Be Upon Him).” (Fazlur Rahman, 1970, p. 640). Therefore, since pre-modern time until today, there are numerous groups and individuals who have discharged the duties as specified in the above Prophetic tradition, which may be classified as reform-oriented. However, for practical purposes, Muslim reformism in this article refers to reformist ideas and practices as promoted by ‘Abduh, Rida, and their followers.

‘Abduh-led reform emerged during the late nineteenth century, to the early twentieth, as a response to the socio-economic and political degeneration of Muslim society. Against the background of colonisation, economic backwardness and intellectual stagnation, it “attempted to revitalise the conditions of Muslims – to rid the *Ummah* of intellectual stagnation; to reform the moral, social and political conditions; and to reinterpret the tradition to make it compatible with modernity” (Zakariya, 2011, p. 139). This mode of Muslim thinking not only influenced West Asia but also Southeast Asia. Thus, unsurprisingly, Muslim reformism has attracted the attention of many scholarly works. Most of the seminal studies on this topic have primarily focused on West Asia. Among these studies are those of Adams (1932), Hourani (1962), Kedourie (1966), Kerr (1966), Enayat (1982), and Keddie (1983). Concomitantly, Muslim reformism in Southeast Asia also receives the attention of modern scholarship. Among the important studies examining Muslim reformism in Indonesia are those of Mukti Ali (1975), Federspiel (1970), Abdullah (1971), Boland (1971), Noer (1973), Affandi (1976), Peacock (1978), Alfian (1989), Steenbrink (1993), and Abaza (1994). The advent and development of Muslim reform in Malaysia during the first half of the twentieth century (ca. 1900-1940) have not received the attention they deserve.¹ In view of the relative dearth of literature especially in English on this subject, this article discusses the historiography of Muslim reform in Malaysia. Though it is not an exhaustive literature survey, the review identifies the major themes, debates, and gaps on Muslim reform in Malaysia.

Terminology issue

The existing literature has used various terms to call and define the religious thinking associated with ‘Abduh. As Zakariya (2011) observes, “a controversy often arises in attaching a specific label to a particular

trend of Islāmic thought” (p. 139). Two terms have been employed to designate Muslim thought associated with ‘Abduh, Rida, and their followers—Muslim/ Islāmic modernism and Muslim/ Islāmic reformism. Charles Adams adopts the term Islāmic modernism, which he defines as “...an attempt to free the religion of Islām from the shackles of too rigid orthodoxy and to accomplish reforms which will render it adaptable to the complex demands of modern life. Its prevailing character is that of religious reform. It is inspired and dominated chiefly by theological considerations” (Adams, 1933, p. 1).

Several Muslim intellectuals objected to the term Islāmic modernism because Islām and modernism are purportedly incompatible. This line of thought assumes that modernism is founded upon Western thought that emerged out of specific Western historical experiences. Further, it is argued that modernism entails rationalism and secularism that reject or at least restrict the role of divine guidance in human life (Garaudy, 1982).

However, Deliar Noer, a prominent Indonesian scholar, does not find the term objectionable. In fact, Noer uses the term Muslim modernist in his study, *Modernist Muslim Movements in Indonesia*. Noer uses the terms reformists and modernists interchangeably. Noer contends that such usage is justifiable because the two are equivalent because the Indonesian reformists called for a return to the basic principles of Islām, which are eternal and compatible with modern demands and challenges (Zakariya, 2007a).

Fazlur Rahman provides a more detailed definition of Islāmic modernism. To Rahman, the essence of Muslim modernism is to synthesise Islāmic thought and modernity, resulting in the integration of modern institutions with the moral-social underpinnings of the Qur’ān. Rahman adds that the modernists uphold the Qur’ān and *Sunnah* as the only determinants of religious rulings. As for new problems, Muslims are responsible for finding solutions through *ijtihād* (independent reasoning) (Zakariya, 2007a). Rahman argues “the modernists championed the use of reason in a major way and even reopened to the issue of the place of reason in Islām” (Rahman, 1981, p. 29). Rahman considers Jamal al-Din al-Afghani and ‘Abduh as the Muslim modernists.

Conversely, Hisham Sharabi (1970) identifies ‘Abduh’s ideas as reformism rather than modernism. For Sharabi, “there is a fine line

between the two intellectual categories, and it is inaccurate to label Islāmic reformism as Islāmic modernism. First, reformism was at heart, tradition-bound whose major concern is to safeguard Islām, whereas modernism derived its central assumption not from Islāmic tradition but from Western thought. Second, unlike the modernists, the reformists advocated and adopted Western technology and knowledge only in a limited sense” (Zakariya, 2011).

Though Sharabi and Rahman employ different terms for ‘Abduh’s stream of thought, they concur that ‘Abduh’s reformism does not entail full adoption of the West. In addition, *ijtihād* occupies a central place in ‘Abduh’s formulation of ideas. Thus, Rahman’s and Sharabi’s choice of a label for ‘Abduh thought, “may well be a matter of individual preference rather than of substance” (Zakariya, 2011).

Three terms—Kaum Muda, Muslim/ Islāmic reformism, and Muslim/ Islāmic modernism— have been primarily used to refer to ‘Abduh-influenced Muslim intellectual trend in Malaysia. A widely used term for the reform-minded Muslims in Malaya is *Kaum Muda*. “Whereas the word *muda* denotes young, new or modern, the word *kaum*, derived from the Arabic *qawm*, means people, community. Two general meanings can be extracted from the label *kaum muda*: first, a group of people who subscribed to new, modern trends, and second a group of young people. The conventional view suggests that this group of Muslims was labeled *kaum muda* because most of its members who were relatively young in age and the principles that they stood for represented new trends that undermined the old order” (Zakariya, 2007a). It is also probable that the term *kaum muda* was used “to associate the reform-minded Muslims with the Young Turks of Turkey—whom the Malays generally perceived negatively (Zakariya, 2007a). *Kaum Muda* was a derogatory label given to the reformist Muslims by their opponents. The following statement by Sayyid Alwi al-Haddad, The Mufti of Johore, lends credence to this view. According to Syed Alwi Haddad, there is no *Kaum Tua* and *Kaum Muda* in Islām. These labels, *Qawm Atiq* (Kaum Tua) and *Qawm Jadid* (Kaum Muda) were introduced in Turkey (during the reign of Sultan Abdul Hamid II in the early twentieth century). *Qawm Jadid* or the Young Turks had launched an aggressive attack against religion until Islām was removed from public life (Sidek Fadzil, 1978).

As for the opponents of the reformists, they were popularly known as *kaum tua* (old faction). Unlike the Malay word *muda* (young), which can imply less favourable connotations, the word *tua* (old) is generally associated with positive characteristics such as wisdom, experience, and maturity. Furthermore, a prominent Indonesian Muslim scholar, Hamka (1958), argues that the label of *kaum tua* can be considered as the equivalent to the Arabic term *madhhab al-salaf* (the way of the virtuous ancestor). It is probable that the traditional 'Ulamā' refer to themselves as *kaum tua* as part of their strategy to support themselves in the contest for Islāmic legitimacy against the reformists. According to Hamka, those who should be called *kaum tua* are the reform-minded Muslims, not the traditional Muslims, because the reformists strove to restore the precedents of the *salaf al-ṣāliḥ* (Cited in Sidek Fadzil, 1978, p. 401).

Although different scholars have used divergent terms, they generally agree on a number of important key points embodying this Islāmic trend. For practical and consistency purposes, this study adopts the term Muslim reformism for 'Abduh-inspired intellectual orientation.

General studies on Muslim reform in pre-independent Malaysia

Muslim reform in Malaysia has attracted the attention of both local and foreign scholars since the early 1960s. These studies varied in terms of topics and approaches. Despite that, unlike West Asian/Middle East studies, Muslim reform in Malaysia remains an understudied area. Undergraduate students at the University of Malaya undertook early writings on Muslim reform in Malaya. Among the notable works are those of Marina Merican (1961) on Al-Hadi, S.H. Tan (1961) on Al-Hadi and Zabedah Awang Ngah (1960) on Za'ba. Generally, these academic exercises deal with a particular thinker/specific topic on Muslim reform and remain unpublished, thus, inaccessible to a large audience. William Roff's (1962) "Kaum Muda-Kaum Tua: Innovation and Reaction amongst the Malays, 1900-1941" provides a useful overview of the lives of major reformists such as Tahir Jalaluddin, al-Hadi, and Abbas Taha. This study also clearly describes the conflict between the reformists and traditionalists and the ways in which this tension was expressed in the Malay-Muslim context. Roff argues that the Malayan reformists were inspired by the reformist ideas of 'Abduh, and one of the most visible manifestations of the latter's influence on

the former was the publication of the Malay reformist periodical, *al-Imām*. Roff further states that although the reformists through their periodical made important contributions in creating Malays' awareness about the problems confronting them, the reformists were unable to form mass organisation capable of exercising a wider influence in the society. Roff adds that after several decades of activism, Islāmic reform slowly disappeared in the 1930s. When it was first published about four decades ago, Roff's article was considered a ground-breaking study on the little-known subject. However, by today's standard, obviously, Roff's account has left several issues unsatisfactorily answered. For example, the extent of 'Abduh's influence on Malay reformists was not fully answered. Thus, a major contribution of Roff's article is that it certainly made a strong case for the necessity of an in-depth study of Malayan Islāmic reform, and more importantly, it provided a point of departure for our understanding of Islāmic reform in Malaya (Zakariya, 2007a).

Zaki Badawi's (1965) "Modern Muslim Thought in Egypt and Its Impact on Islām in Malaya" primarily examines modern Muslim thought in Egypt with little discussion on its impact on Malaya. Badawi divides his study into two major parts. The first part, which represents the most substantial part of the work, focuses on Egyptian Muslim intellectual trends covering what he calls Reformist Islām, i.e. the ideas of al-Afghani, 'Abduh, and Rida, Revolutionary Islām and Secularist Islām. Although the title of this work indicates that the influence of Egyptian Islāmic trends on Malaya is supposed to form a significant part of the dissertation, Zaki only made references to such issues in passing. Zaki primarily deals with what he calls "modern Muslim thought" in Egypt ranging from 'Abduh and his followers to the Muslim Brothers. His analysis of Malayan reformists is too brief -- only six pages in chapter three and a few others in chapter four are devoted to the impact of Egyptian Islāmic trends on Malaya. Section two, which examines Islām in Malaya, comprises roughly 60 pages, and out of these pages, only 13 pages are devoted to the reformists (Zakariya, 2007a).

Sarim Mustajab's (1975) "*Islām dan Perkembangannya dalam Masyarakat Melayu di Semenanjung Tanah Melayu*" provides a more thorough discussion of Muslim reform in Malaysia. A thematic approach was adopted, concentrating on important events and trends pertaining to Islāmic and Malay development in Malaya from 1900 to the 1940s. In

contrast to Roff and Zaki, Sarim has provided a much more detailed account of the lives and ideas of the prominent reformists. He also examines the role of the reformist periodical, *al-Imam*, in spreading reformist ideas in Malaya and the development of Islāmic educational institutions inspired by the reformists. Sarim challenged Roff's contention that the reformists were not able to form a well-organised movement capable of creating a broad-based group sentiment. Sarim highlighted the basic flaw of Roff's argument as the assumption that the reformists only represented a passing stage in the eventual development of Malay nationalism, which was later spearheaded by secular-educated Malay elites. Sarim adds that while it is true that the reformists seemed to die out in the 1930s, reformist-minded Muslims in Malaya who formed several significant mass organisations in Malaya took up the reformist ideas and aspirations, thus, providing an outlet and continuity for Muslim reform (Zakariya, 2007a).

Sidek Hj. Fadzil's (1978) study, "Syekh Muhammad 'Abduh: A Critical Observation about his Thought and Influence among the Malay Society" provides a detailed analysis of 'Abduh's thought and devotes one chapter to his influence on Malay society. Given the nature of the study that primarily deals with the life and ideas of 'Abduh, his treatment on 'Abduh's influence in Malaya is rather brief. However, Fadzil provides important points of departure for our understanding of Islāmic reform in Malaya. He argues that 'Abduh's ideas exercised meaningful influence on an important segment of Muslim society (Zakariya, 2007a).

Abu Bakar Hamzah's (1981) *Al-Imām and Its Role in Malay Society 1906-1908*, examines a narrow topic, the reformist periodical, *Al-Imām*. It thoroughly analyses the contents of *al-Imām* and its role in Malay society. Hamzah's analysis of the periodical is thorough, which is a major merit of his study. Nevertheless, Hamzah does not adequately discuss other issues related to the reformists—ideas, major activities, and the development of reformist thought (Zakariya, 2007a).

Safie Abu Bakar's (1985) "Muslim Religious Thought in Malaya, 1930-1940" examines the broader history of Muslim religious thought in Malaya between 1930 and 1940. He focuses on legal, theological, political, social, and economic ideas of Malayan thinkers who belonged to three major groups: the traditional 'Ulamā', the reformist scholars,

and English-educated intellectuals. Safie firmly places the intellectual development within the context of historical milieu and scholars of the time. He convincingly argues that Muslim intellectual development then was primarily motivated by three major problems confronting the Malay society: Malay backwardness, the repercussions of colonial rule, and the advent of Islāmic reform (Zakariya, 2007a).

Mohd Redzuan Othman's (1994) work, "The Middle Eastern Influence on the Development of Religious and Political Thought in Malay Society, 1880-1940", has provided a thorough discussion of West Asian influence on the development of religious and political thought in Malaya for the period 1880-1940. Redzuan emphasises the role of Hijaz, Egypt, and Turkey. Redzuan argues that Hijaz played an important role through the conduct of the pilgrimage and its religious education that influenced early Malay Islāmic education. The significance of Egypt primarily derived from its position as a prominent centre of Islāmic learning. Apart from religious influence, Egypt also exercised literary and political influence in Malaya. Besides providing an analysis of the Middle Eastern influence on Malay society, Redzuan concurs with the argument that Abduh's ideas have exercised some influence on Malay society. An important indication of this influence is *al-Imām*, which translated or elaborated articles or works produced by the prominent reformists. Concerning the extent of the reformists' appeal in Malaya, Redzuan contends that despite the reformists' crucial contribution as the first exponents of the social and economic awareness in the Malay society, they were not able to fully channel this consciousness into a more concrete form of programme or organisation, which would be capable of creating mass awareness (Zakariya, 2007a).

Abdul Rahman Abdullah's (1998) *Pemikiran Islām di Malaysia: Sejarah dan Aliran*, provides an overview of the major trends of Muslim thought in Malaysia. He identifies three major categories of Muslim thought: traditionalist, modernist, and reformist. Abdul Rahman identifies the Muslims who were influenced by 'Abduh's ideas as the reformists and provided a brief history of its emergence in Malaysia. Though his account on the emergence of Muslim reformism in Malaya is not detailed, his discussion is broad as it covers its development in the Straits Settlements and various Malay states –Perak, Selangor, Negeri Sembilan, Johore, Perlis, and Kelantan. Moreover, instead of limiting his discussion on religious reformists; Abdul Rahman also extends his

discussion of the reformist to include social, religious, and political organisations in Malaysia including Hizbul Muslimin (Hamim), The Pan Malayan Islāmic Party (PAS), and ABIM (The Malaysian Muslim Youth Movement).

Case studies of reform in various states

In addition to general studies on Muslim reform, a case study was adopted by several researchers. Case study is “a method of studying elements of the society through comprehensive description and analysis of a single situation or case e.g. a detailed study of an individual, setting, group, episode or event. Case study research can refer to single and multiple case studies (Zina O’Leary, 2010, p. 174). One of the first studies to adopt this approach is Abdul Aziz Mat Ton (1973) “Gerakan Ansarul Sunnah dalam kegiatan Kaum Muda di Melaka”, which examines the Kaum Muda in Malacca. The author explains that Muslim reformism in Malacca was found in the following three areas: Banda Kaba (central Malacca), Alor Gajah, and Jasin. This study provides useful information about the emergence, development, major figures, challenges, and activities of reformist in Malacca. While providing important departure point on Muslim reformism in this state, it does not provide a detailed analysis of reformist ideas.

Perlis, the smallest and northernmost state in Malaysia, has received more scholarly attention. Abdul Rahman Abdullah’s (1989) *Gerakan Işlāh di Perlis: Sejarah dan Pemikiran* discusses reformist movement in this state. Adopting the method of historical research, aided by oral history, the author traces the history and the spread of *Işlāh* in Perlis. Moreover, he discusses the impact of *Işlāh* thought on belief (*‘Aqidah*), worship (*‘Ibādah*), and funeral rites (*Janazah*).

Similarly, the development of reformism in Perlis has attracted the attention of Mohd. Radzi Othman and O.K. Rahmat (1996) *Gerakan Pembaharuan Islām: Satu kajian di negeri Perlis dan hubung kaitnya dengan Malaysia*. This study focuses on Muslim reformism in Perlis and its connection with other states and areas in Malaysia. The authors examine primary and secondary documents; utilise semi-structured interviews along with survey research involving 1028 respondents. Though reformism was widely disseminated throughout Malaysia, it is well entrenched in Perlis through the control of politics as well

as religious administration of the state. Unlike, other Malay state, the Shāfi'ī Madhhab was not well established in Perlis. This can be attributed to *Iṣlāḥ* figures' control and domination of both political and religious powers in the state.

Mohd Nasir Abd. Hamid et. al (2009) "The role of the *Iṣlāḥ* movement in the state's constitution of Perlis, Malaysia" discusses the factors for the spread of *Iṣlāḥ* ideas in Perlis. Using document analysis as well as interview with selected figures, the authors argue that the *Iṣlāḥ* movement has been successful in its contest with the traditional (Shāfi'ī) interpretation of Islām. The state has culminated with the elevation of *Ahl al-Sunnah wa al-Jama'ah* as the official religious doctrine of the state without adhering to any *madhhab*. The success of the *Iṣlāḥ* movement in Perlis, over the years can be credited to the support it received from the King as well as the state administration.

More recently, Maszlee Malik and Hamidah Mat's (2017) "The historical development of the "Sunnah" reform ideology in the state of Perlis, Malaysia" traces the evolution and history of the "*Sunnah*" reform ideology in Perlis from the 1920s to 2000s. The authors state that Perlis is unique because unlike other Malay states, which have been dominated by the traditionalist version of Islām; conversely, reformist/Sunnah interpretation of Islām is well established in Perlis. They have presented nuanced information about the development of *Sunnah* ideology in Perlis into six distinct phases. The first phase is the establishment period, the 1920s-1930s; Second, stagnation period, 1941-1945; third re-enhancement period, 1945-1960s; fourth, crisis period, 1960s; fourth revival period, 1980s and fifth, the golden period, under the administration of Shahidan Kassim.

Studies on reformism in Malaysia as a whole, though providing useful light on the subject under study; have not generated nuanced discussion of Muslim reformism. Thus, the appearance of case studies is much welcome because these case studies have provided us with more in-depth information about Muslim reform in various parts of Malaysia. Overall, the number of published works, employing case studies method is still minimal. Furthermore, it does not help that most of the academic exercises and theses employing this approach remain unpublished for the benefit of the public at large.

Biographies of reformists

The existing literature does not give a balanced treatment of Malay reformists. While some reformists have received disproportionately close attention, others have been marginalised or neglected altogether. It appears that Syed Sheikh Ahmad al-Hadi has received the most significant scholarly attention from modern scholarship. Abdullah Basmih (1958) “Almarhum Sayed Shaikh al-Hadi: Pujangga dan pelopor kesedaran politik” presents Al-Hadi as a prominent reformer along with other leading Malay reformists. As mentioned previously, in the early 1960s, two B.A. honours academic exercises were written on him. Roff (1962) provides brief information about Al-Hadi’s life, career, and writings. In his short discussion about Al-Hadi, Roff clearly demonstrates the significant contributions of Al-Hadi to Muslim reformism, especially through writings and journalism.²

Ibrahim Abu Bakar (1994) presented *Islāmic Modernism in Malaya*, which focuses on the life and intellectual contributions of Sayyid Shaykh Ahmad al-Hadi. Utilising the thinker’s original writings, Abu Bakar provides a detailed analysis of al-Hadi’s life. Apart from that, he also examines al-Hadi’s thought on technical Islāmic matters, education, women, and politics. Abu Bakar’s basic argument is that al-Hadi represented a Muslim modernist figure who attempted to discover solutions to the problems confronting the Malay society based on rational Islāmic ideas of the modern *salafīyya*. Ibrahim further contends that al-Hadi’s approach to Islām emphasises the practicality, rationality, and usefulness of Islām. Moreover, al-Hadi also was receptive to the positive aspects of the progressive ideas and institutions of the West. The merit of this study is that it provides an exhaustive treatment of al-Hadi’s life and works (Zakariya, 2007a).

Another important work is an anthology edited by Alijah Gordon (1999) entitled “*The Real Cry of Syed Shaykh Ahmad al-Hadi*”. This book is the fruit of collaborative efforts by various scholars, including personal accounts by al-Hadi’s own descendants. It chronicles the life, times, and ideas of Syed Shaykh. Gordon’s introductory chapter delineates the historical milieu during the formative stage of al-Hadi’s life. This is followed by two articles by al-Hadi’s own descendants – his son, Syed Alwi, and grandson Syed Mohammad Alwi. These two chapters present a passionate version of al-Hadi’s life seen through the

eyes of his descendants. The next chapter provides an insightful analysis of al-Hadi's life, times, and contributions by Linda Tan. Perhaps a more substantial contribution of this work is a section that contains a translation of al-Hadi's selected writings into English. An edited work of this nature does not really develop a coherent theme. It appears that the common thread of the various articles in this work is the recognition of al-Hadi as an important figure that contributed to the development of Muslim society in Malaya (Zakariya, 2007a).

The continuing popularity of Al-Hadi is reflected through another anthology edited by Mohamad Mokhtar Abu Hassan and Mohd. Hanafi Ibrahim (2019) entitled *Syed Sheikh al-Hadi: Pembaharu semangat Islām dan sosial*. It examines various aspects of Al-Hadi's legacy which encompass his biography, influence, role as a printer/publisher, literary contributions, and religious thought. This work is, in fact, an anthology of different works by various authors on Al-Hadi.

Besides Al-Hadi, Tahir Jalaluddin has also received significant scholarly attention. In several general studies of Muslim reformism in Malaya, Tahir is referred to in connection with the development of Islām in Malaya. However, most of these references are made in passing. The notable exceptions are the works of Roff, Hamdan, Sarim, Sidek, Bachtiar and Hafiz. Roff's seminal article, which was mentioned earlier, only provides a brief coverage of Tahir, but it represents the first scholarly work in English that brought our attention to Tahir and made a case for the necessity of studying Tahir because, as Roff has noted, among the reformists, Tahir was probably the most notable in religious credentials and scholarly achievement (Zakariya, 2007a).

Hamdan Hassan's article (1973), "Syekh Tahir Jalaluddin: The Pioneer of Islāmic Reformist Thought in Malaysia," throws further light on Tahir's life, works, and ideas. Drawing on primary and secondary sources, Hamdan argues that Tahir represents a group of Middle Eastern-educated Malays through whom 'Abduh's ideas were transmitted to Malaya. The reformist Islām propagated by Tahir intends to call for a return to Qur'ān and *Sunnah* and to restore the pristine Islām that is free from innovations and superstitions. It appears that the basic objective of this work is to establish the prominent position of the thinker in the development of Islāmic reform in Malaya. As such, it only analyses

limited aspects of Tahir's life and ideas. Thus, it does not represent an exhaustive treatment of Tahir's life and ideas (Zakariya, 2007a).

A much more detailed study of Tahir's life is provided by Sarim Mustajab's article, "Syeikh Tahir Jalaluddin: The Pioneer of Islāmic Reform in Malaya." This study supersedes other earlier accounts on Tahir as the author utilises Tahir's personal papers more extensively than other works. This work surveys the life, activities, and certain aspects of Tahir's ideas. However, Sarim does not address Tahir's life adequately (Mustajab, 1977). For example, Sarim only makes a general reference to his religious studies and the institutions that he attended without specifying the nature of the learning that he acquired. His treatments of Tahir's ideas, though more detailed than Roff's and Hamdan's, still does not present us with an adequate account of Tahir's life and times (Zakariya, 2007a).

The most detailed study on Tahir in any language is that of Bachtiar Djamily (Djamily, 1994), *The Life and Struggles of Shaykh Tahir Jalaluddin al-Falaki*. It provides a much nuanced description of Tahir's life from his early life in Minangkabau, his sojourn years in Mecca and Cairo, and his later years in the Malay-Indonesian world. Though Bachtiar does not really utilise Tahir's personal papers extensively, he is privileged to be able to get Tahir's own reflections about his life. Furthermore, Bachtiar also managed to obtain personal recollections of Tahir's surviving elderly relative in Bukit Tinggi about the thinker. These things have enabled Bachtiar to write a nuanced description of Tahir's life in a way that many other works have not been able to do. Bachtiar formed a close relationship with Tahir in his capacity as a student during the latter part of Tahir's life. However, his close relationship with the subject has also proved to be a disadvantage for the writer. The obvious drawback of this work is the lack of a critical historical approach. Rather, it appears to represent a passionate work about Tahir as a form of a tribute from a disciple to his respected teacher (Zakariya, 2007a).

Sohaimi Abdul Aziz's (2003) *Syeikh Tahir Jalaluddin: Palikir Islām* is an edited book comprising of selected conference papers presented at the seminar organised at USM in 2003. The authors discuss various aspects of Tahir Jalaluddin's life and ideas such as his significant contributions as the pioneer of reform. Al-Afghani's and Muhammad

‘Abduh’s influence on him was also presented. Besides discussing Tahir’s contributions on religious reforms, Lubis and Abdul Aziz deal with Tahir’s contributions to Islāmic literature, which was not covered by the existing literature. Though an edited book of this nature does not have a coherent theme, it brings together useful scholarship on various aspects of Tahir’s life and ideas.

Hafiz Zakariya (2005) examines the contributions of Tahir Jalaluddin to Muslim reformism by focusing on his major writings and activities in both Malaya and West Sumatra. Tahir is widely regarded as the most eminent reformist “Ulamā” in Malaya. He emphasised on the adherence on the “pristine” teachings of Islām by referring to the Qur’ān and Sunnah. Hafiz Zakariya (2006) “The life and times of Tahir Jalaluddin” provides detailed information about Tahir Jalaluddin’s life. Besides, providing narratives about Tahir’s life and activities, this article provides a detailed account of Tahir’s ancestors and their role in reform in Minangkabau.

Most biographies of the Malay reformists tend to focus on al-Hadi and Tahir Jalaluddin. Unfortunately, minimal book-length analysis of other reformists in Malaya such as Abbas Taha, Abdullah Maghribi, Ibrahim Aqibi, Abu Bakar Al-Ashaari, and Abu Bakar al-Baqir.³ Despite his immense contributions, Abu Bakar al-Baqir received minimal attention in the existing literature. To date, there are only two book-length surveys on Abu Bakar. The first by Nabir Abdullah (1976) written more than 40 years ago on Madrasah Ihya Al-Syarif, established by the figure being studied. Nabir’s main contribution lies in his analysis of the establishment, challenges, and achievements of the Madrasah Ihya al-Syarif, 1934-1959. Through access to primary sources including interviews with Abu Bakar himself, Nabir presents a very useful account about the history of the madrasah and Abu Bakar’s role in the establishment and growth of the madrasah. As a testament to its merit, even more than 40 years after publication, Nabir Abdullah’s work *Maahad Il Ihya Assyariff Gunung Semanggol 1934-1959* remains a standard reference on the school founded by Abu Bakar. More recently, Khairul Nizam Zainal Badri (2008) has written *Ketokohan dan pemikiran Abu Bakar al-Baqir*. Relying primarily on secondary sources, this work comprises of two main sections. Part One provides useful information about Abu Bakar’s background, education, and role in the establishment of the Ihya al-Syarif madrasah. Part Two discusses

various aspects of Abu Bakar's ideas and contributions such as his philosophy of education and curriculum contents at his *madrasah*.

Another exception is Nornajwa Ghazali and Mustafa Abdullah's (2015) *Syeikh Abu Bakar Al-Ashaari: Mufasssir Işlāh penerus zaman*. Relying on the primary and secondary sources along with interviews, the authors provide detailed account about various aspects of the 'alim's life, contributions in the sciences of ḥadīth and Qur'ānic exegesis, involvement in politics, reformist ideas and contributions to society. This study makes an important contribution to the study of Abu Bakar Al-Ashaari as it probably represents the first book-length survey on this reformist scholar.

Social history: the transmission of reformism to Malaya

One of the least explored topics of Muslim reformism in Malaya is the process facilitating its transmission from the Arab world to Malaya. Most of the existing studies have made references to its transmission to the Malay world, it is unfortunate that most of these references are made in passing, without the support of more detailed studies. The notable exceptions are the works of Roff, Bluhm, Redzuan, Azra, and Zakariya.

William Roff's (1970) article entitled "Indonesian and Malay Students in Cairo in the 1920s" informs us of Cairo's significance in influencing Malay students who were sojourning there at that time. Redzuan's (Othman, 1999a) article "Call of the Azhar: The Malay Students' Sojourn in Cairo before World War II", similarly provides a penetrating analysis of Cairo's role in promoting reformist activism among Malay students in Cairo and further deepens our understanding of the subject. Analysing Indonesia, Azra in "The Transmission of *al-Manār*'s Reformism" illuminates the major means that facilitated the transmission of *al-Manār* reformist idea to the Malay-Indonesian world. This important work demonstrates that the printed media played a crucial role in the transmission of the Islāmic reform in the Archipelago. Juta Bluhm's (1983) "A preliminary statement on the dialogue established between the reform magazine, *Al-Manar* and the Malayo-Indonesian World" provides a brief but very useful account of the dialogue between the audience in the region and *al-Manar*. This work clearly indicates the importance of an in-depth study about dialogue between reformists in the Malay world and those of West Asia.

Hafiz Zakariya's (2007) "From Cairo to the Straits Settlements: Modern *salafiyah* ideas in Malay Peninsula" discusses how 'Abduh's reformism was transmitted to Malaya. Utilising both the primary as well as reliable secondary sources, he argues that the transmission of reformist ideas to Malaya was "facilitated by both "traditional" factors and new conditions associated with modernity" (p. 139). The Malay students who were in sojourn in the *haramayn* and Cairo played an important role in the transmission of reformist ideas in the Malay world. Furthermore, reformist literature was also crucial in this process.

To date, book-length surveys on the transmission of reformist ideas during the late nineteenth century to the early twentieth, from West Asia to the Malay world is lacking. It is high time to expand Azra's study on scholarly networks across the regions in earlier centuries (17th and 18th centuries) to the scholarly connections linking those associated and influenced by 'Abduh's reformism throughout the Muslim world.

Comparative analysis

While there are numerous studies examining various aspects of Muslim reformism in Malaysia, Indonesia or Egypt, there are only few works which engage in comparative studies of Muslim reformism whether it is a comparison of reformists from the same area (such as Malaya) or comparison between one area to another (such as a comparison between Malaysia and Indonesia). Such comparative analysis is significant because "it may enrich knowledge about this fascinating chapter in the modern history of the reformist movement in the Malay-Indonesian world. Perhaps it may even provide insights regarding the movement that go beyond the confines of the said period" (Eliraz, 2002, p. 52). Among the few works, a comparative approach of Islāmic reformism was adopted by Giora Eliraz (2002) who presented "The Islāmic reformist movement in the Malay-Indonesian World in the first four decades of the twentieth century: Insights gained from a comparative look at Egypt". Eliraz contends that Muslim reformism in the Malay-Indonesian world, especially in Indonesia and the British Straits Settlements was successful. Moreover, he argues that Muhammad 'Abduh's ideas exert greater influence in Indonesia than in his native country of Egypt. Eliraz cites Muhammadiyah as a story of success in Islām reformism in Indonesia. While adhering to the pristine teachings of Islām by rejecting deviated innovation (*bid'ah*) such as communal

feast for the dead, Muhammadiyah runs schools, colleges, and hospitals. Similar comparative studies on Muslim reformism in Malaysia and Indonesia or with another country in the Arab world would enrich the current body of literature.

A significant work compared the lives and contributions of the two prominent reformists from Malaysia and Indonesia. Mohamad Muzammil Mohammad Noor's (2015) *Pemikiran Politik Islām: Perbandingan antara pemikiran Dr. Burhanuddin Al-Helmi dengan Muhammad Natsir* undertakes a systematic comparison of the lives, careers, and political thoughts of both reformists. Using both primary sources and extensive secondary sources, Mohamad Muzammil concludes that both reformists who hailed from Minangkabau shared a common struggle in the name of Islāmic politics. Moreover, they shared similarities in terms of their stance towards reformism (Kaum Muda-Kaum Tua dichotomy) and political thought. Their disparity primarily lies in the details of their careers. For example, while Dr Burhanuddin served as the Member of Parliament, Muhammad Natsir was appointed as Indonesia's fifth Prime Minister. In addition, Dr Burhanuddin occupied the most important positions in various political parties; however, never founded any political party. Conversely, Muhammad Natsir founded the Indonesian Islāmic Party—Masyumi and Dewan Dakwah Islāmiah Indonesia (DDII).

Though there is a growing body of literature on various aspects of Muslim reformism in Malaya, very few analyses the Malay reformists from a comparative perspective. This is significant because though the Malay reformists share a lot of commonalities on reformism, they are not monolithic. Hafiz Zakariya (2017) examines such issue by comparing the careers and ideas of Tahir and Al-Hadi. He argues that Tahir and al-Hadi differed from each other in educational background, genre of their writing, originality of ideas and more importantly, their take on different aspects of 'Abduh's ideas. Despite such significant differences in their backgrounds, education, and intellectual approach, they collaborated very effectively through several ventures in promoting the cause of Islāmic reform. He adds that though these two Malay reformers were generally in agreement with each other in their acceptance of the religious and educational aspects of 'Abduh's ideas, they differed in their attitude towards the liberal strand of his thought. Tahir did not clearly demonstrate his attitude toward the liberal aspects of 'Abduh's

thinking regarding the relation between Islām and reason. Al-Hadi, on the other hand, fully endorsed and actively promoted liberal reformist thought. Al-Hadi emphasises on ‘Abduh’s thoughts rather than on Rida’s, as he was more impressed with ‘Abduh’s ideas. Therefore, al-Hadi may well be considered as the ‘Abduh-like reformer in Malaya, while the learned Tahir represented the conservative reformism of Rida.

Conclusion

Most studies on reform in the field of Muslim studies have privileged the “central Islāmic lands” at the expense of its “periphery”. As a result, the development of Islāmic reform in Malaysia has become comparatively marginalised. Though numerous studies have been published over the last 50 years, especially in Malay, there is still a lot more room for improvement. For example, most of the existing studies tend to be descriptive and focus on the development of the history of ideas. Few works focus on social history of Islamic reform such as the processes that facilitated the transmission of reformist ideas from Cairo to Malaya. To date, there has yet to be a book-length survey examining the Malay reformist scholarly networks with West Asian reformers. In Indonesia, Azra (1992, 2004) has produced a ground-breaking and widely acclaimed work, *The Origins of Islāmic Reformism*. Similarly, to enrich and add value for scholarly works in the field, besides using the traditional approaches, scholars should utilise new methodologies such as the post-colonial theory in the analysis of the history of ideas, thus, providing new perspectives on Muslim reformism in Malaysia.

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(Endnotes)

1 Malaysia was only officially established on the 16th September 1963. Before the formation of Malaysia, it was known as Malaya. However, in this study, the name Malaysia is used because this nomenclature is better known to most contemporary readers.

2 There are two master's on al-Hadi by Zainon Ahmad (1979) UM and Jamilah Othman (1984), NUS. There are not reviewed here due to inaccessibility.

3 Besides Tahir and Al-Hadi, two reformist intellectuals who have received a lot of scholarly attention are Za'ba and Burhanuddin Al-Helmi. They are not covered here because most of the existing studies on these two figures analyses their contributions in areas outside the focus of this article. For example, most of the literature on Za'ba discusses his contributions in enhancing the Malay language and the problems facing the society as a whole while studies on Burhanuddin Al-Helmi concentrates on his political thought and political activities.

A Critical Analysis of Islamic Council of Europe: From a Juristical and Islamic Legal Maxim Perspective

Ali Ahmed Zahir*

Abstract: Muslims living in England are living in a predicament. On the one hand, they have to face the reality that the laws governing the family institution are secular in nature. This poses a threat to their identity and freedom of religion. On the other hand, they are commanded by Islam to settle their disputes according to its laws and principles. However, this is unrealistic, simply due to the fact that the only recognized legal system in England is the English Law. To circumvent this situation, certain Muslim scholars and communities have established quasi-judicial courts, acting in the capacity of mediators, counsellors, arbitrators and even judges, in order to settle marital disputes. These courts, known as Shariah councils, provide a modern approach to alternative dispute resolution, whereby Muslim families and individuals can have their disputes resolved amicably. It was also set up as a response for Muslims to adapt to life under the English secular laws in which they live in, that do not afford them the right of having a SharĒ‘ah-based institution. One such Shariah council offering a modern approach to settling marital disputes amicably is the Islamic Council of Europe. The researcher conducted an in-depth interview with the said council and was able to collect a couple of arbitrational cases and analysed them in order to give a better understanding into its inner workings, its structural set-up and operation. Hence, this paper aims to critically and juristically analyse them from an Islamic legal maxim perspective while taking the Muslim minority context into consideration.

Keywords: Islamic Council of Europe, Muslims, England

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Abstrak: Umat Islam yang bermastautin di negara England berada dalam keadaan kesukaran dan belengu. Mereka terpaksa akui undang-undang yang merangkumi isu kekeluargaan yang berunsur sekular. Sudah pasti ini akan menimbulkan ancaman terhadap identiti mereka dan kebebasan beragama. Sebaliknya, mereka sebagai umat Islam dituntut untuk menyelesaikan segala pertikaian mengikuti Quran dan Sunnah. Walaubagaimanapun, ini adalah sesuatu yang tidak realistik, kerana hanya sistem undang-undang Britain yang diakui di negara itu. Untuk mengelakkan pertikaian ini, sesetengah ulama dan masyarakat Muslim di sana telah menubuhkan mahkamah kuasi-kehakiman, yang diberi kuasa untuk menjadi pengantara, kaunselor, penimbang tara dan juga hakim, untuk menyelesaikan masalah masalah perkahwinan. Mahkamah yang dikenali sebagai Majlis Syariah, menyediakan cara penyelesaian kaedah moden sebagai cara alternatif menyelesaikan masalah perkahwinan. Di mana mereka boleh menyelesaikan masalah mereka secara baik dan aman. Majlis ini juga memainkan peranan menolong mereka mengadaptasi kehidupan di bawah undang-undang sekular di England yang tidak membenarkan hukum Syariah dijalankan. Salah satu perbadanan berkenaan adalah Islamic Council of Europe. Penyelidik telah menjalankan interbiu secara teliti dengan Majlis ini dan telah mendapatkan dan menganalisa beberapa kes timbang tara yang menunjukkan selok belok struktur dan operasi kes kes tersebut. Oleh itu,

Kita Kunci: Majlis Islam Eropah, Muslim, England

Introduction

Muslims in Britain today trace their origins from all over the world, being described as the most ethnically diverse community (Office for National Statistics 2013), however, the majority of them trace their origins to India, Pakistan and Bangladesh (Abbas 2011, 44). According to the 2011 Census, 68% of Muslims living in England and Wales are from Asian background, with Pakistanis and Bangladeshis making up 38% and 15% respectively (Office for National Statistics 2013). This is due to the fact that the *1948 Nationality Act* gave citizens of former British colonies the right of free movement to and from Britain, and therefore the West Indians and South Asians dominated the immigrant stream (Abbas 2011, 44). However, with the rise of racial discrimination and resentment towards Muslim migrants, Britain introduced several bills from the period of 1960's to 1980's in order to restrict such migration (Julios 2008, 92-94 & Bowen 2016, 11). As a result of those bills, the migrant settlements became more permanent and family-

oriented (Abbas 2011, 48). In fact, according to Censuses that have been conducted since 1950, Muslim population has seen a healthy and steady growth (Kettani 2010, 157).

Although Muslims are a minority in England, yet the Muslim population is larger than any other non-Christian faith combined, hence, making it the second largest religion after Christianity (Ali 2015, 16-17). According to the 2011 Census, there are about 260,000 Muslim married households with dependent children and over 77,000 Muslim single parent families with dependent children. These are consistent with the cultural and religious values Muslim communities adhere to when cohabiting outside of marriage. Additionally, the percentage of married couples is much higher than that of a single person household, confirming further that the shift to a family-oriented household is becoming more prevalent than ever before. Furthermore, one in three families with dependent children are single-parent ones. It might be said that due to this high ratio of single-parent to two-parent household with dependent children, the need for Masjids and Imams offering counselling and arbitration services is at an all-time high.

According to the Office for National Statistics (2013), 76% of the Muslim population live in just four regions: London, West Midlands, the North West and Yorkshire and The Humber, with London having the largest population, more than 1 million Muslims. Based upon this statistic, the researcher has chosen, for the analysis of arbitration cases, a Sharī'ah council in East London, as it best reflects the overall Muslim population in England.

Islamic Council of Europe

The Islamic Council of Europe, henceforth ICE, was founded and established by Dr. Haitham al-Haddad shortly after he left ISC in 2015. It is located in the East London Mosque, although it is not a part of the Mosque or its services. The East London Mosque was established in 1910, making it the oldest Mosque in the heart of the East End. By default, the council is situated in the heart of the Bangladeshi community that typically follows the *Hanafi* school of law. According to al-Haddad (2018):

We are located in one of the most heavily Muslim populated communities in the whole of the U.K. The Masjid that we

are situated in, although not part of our council, is one of the biggest and busiest Masjid in the whole of the U.K. The Bangladeshi community here are *Ḥanaḥī* although they are not that strict.

There are mainly four council members working at ICE with an additional two on a need only basis. They all work from council premises with an average of 15-25 hours per week. Ranging in age from 40-55 years old, they all have extensive involvement in their community in the form of Islamic advisors, educators and *Da‘wah* (proselytization). Although there is no formal method of applying or requirement to be a council member of ICE, individuals are chosen based upon the above criteria. When asked what kind of training do council members receive and if they have any formal degrees in Islamic arbitration, al-Haddad (2018) replied:

Normally they are Islamic advisors, involved in *Da‘wah*, or involved in teaching. So they are much involved in the Islamic community since they are already serving their community in various capacities. We have two types of training. First we have a preparatory training that is required to join and which is specific to this type of job. And second we have on-going training. The minimum we require is that they are tested, examined that they have enough knowledge, experience and wisdom to perform the job. The presence of a formal degree is an advantage. These tests or examinations are done by other council members in an oral form whereby they are given a scenario and it is determined how they will solve such a case.

The knowledge each council member has that is deemed ‘enough’ is subjective and vague, especially since there is no criteria that is stipulated. Additionally, none of the council members hold the qualification of a *mufīī*, even though they give *fatwā* on the validity of certain divorce cases. Al-Haddad (2018), clarifying the stance of ICE when asked whether they adjudicate, give *fatwā* or only give advice, states:

We adjudicate. But we give *fatwā* on the validity of divorces. Sometimes a client have obtained a *fatwā* with regards to their divorce but they come to me for a second opinion and that is what I mean by we give *fatwā* on the validity of their divorces.

In their defense they do have a consultative body amongst themselves that meet weekly for deliberations and to review their work. Additionally, what they lack in having a formal *mufṭī* is made up for al-Haddad's extensive studies and training in the field of Muslim family arbitration in Saudi Arabia and the U.K. He has worked as an arbitrator, dealing and resolving cases of divorce, *khul'*, *faskh*, child custody, distribution of inheritance and financial disputes, since 2003. In fact, al-Haddad's expertise in Muslim family law is so widely accepted that, according to him, even expert legal counsels and English courts may ask for his opinion on a particular marital issue. During the June 2017 Grenfell Tower fire, in which 42 Muslims were killed, al-Haddad claimed that his expertise in the sphere of marriage was sought after by lawyers and the courts. Additionally, during an interview with the Sharee Council of Dewsbury (2018), the researcher was informed that they consult and seek al-Haddad's expert opinion on complicated marital disputes. It is probably due to al-Haddad's extensive expertise and knowledge surrounding Muslim family law that there is a growing demand for his adjudication. On average they receive around 70 cases per month with over 400 cases in 2017 alone. And this, according to him, is due to the "level of trust amongst the people" (Al-Haddad 2018).

Al-Haddad, along with other Sharī'ah councils in England, tried to create an umbrella body that can act as an appeals council. He (2018) states:

There is no formal appeal. We tried at the Islamic Sharia Council to form an umbrella body. One of its aims was mainly to act as an appeal body. We wanted the clients, who may have a complaint against our decision or not agree with our decision, to formally raise the issue with this umbrella body. And the various council bodies would agree to such an appeal. But right now it is in the initial stages.

The need for having such an umbrella council is primarily driven by three factors: 1) to give a chance to disputants to seek a second opinion, especially given that many were given erroneous verdicts that had devastating consequences, 2) to have a formal process for appeals without the fear of negative repercussions and/or backlash to both the disputants and any of the councils involved, and 3) to have a diplomatic and systematic approach towards reviewing and possibly overturning the verdicts of other Sharī'ah councils. Such a process would indeed

meet the Islamic objective of dispensing justice while preserving the integrity of disputants and harmony amongst Sharī‘ah councils. During the Prophet’s (Peace Be Upon Him) time, the Muslim community used to appeal a decision that was made by a Companion of the Prophet (PBUH), acting as a judge, to the Prophet (PBUH) himself. Moreover, the *Khulafā’ al-Rāshidīn*, the Umayyads and the Abbasids all had put in place a judicial apparatus, known as the court of *Mazālim*, along with certain steps that a litigant can take to appeal the decision a judge made. Sometimes even the Caliph himself would intervene and reverse the decision if he found a breach of justice. Based on this the scholars have stated that it is possible to appeal the judgment of a *qāḍī* and stated when it could be nullified and appealed and laid down certain Islamic legal maxims to that effect (Coulson 1964, 122, Kamali 1994, 19, Power 1992, 316, & Schacht 1964, 189).

Based on this principle, if the adjudication of the arbitrator is not in agreement or goes against the basic principles and laws of the Sharī‘ah then that can be grounds for an appeal. This is according to a legal maxim that states: «A ruling is repealed that opposes the (Islamic legal) text(s) and *ijmā* (‘scholarly consensus’)” (*yunqaḍ al-ḥukm al-mukhālīf li-l-naṣṣ wa al-ijmā*) (Al-Zuhaylī 2006, 394, & Kamali 1994, 25). Some of the scholars such as al-Qarāfī (1998, vol. 4, 40) from the *Mālikī* school of law even went further and said that if the judgment by the *qāḍī* goes against an apparent (*jalīyy*) analogical reasoning (*qiyās*) which is safeguarded from any ambiguity or contradiction then that also can be a grounds for an appeal. In Anglo-American terminology this would be interpreted as a means for an appeal based on the grounds of law and not based on the grounds of facts (Masud, Peters & Powers 2006, 31).

Furthermore, verdicts and adjudication given that are based on false testimony, forged documents/evidences or even insufficient information then such decree is non-binding Islamically. For this reason Islam has given an opportunity for an appeals to disputants who may feel that this was the case. According to a legal maxim, “Re-examining the truth is better than persistence in falsehood” (*murāja‘at al-ḥaqq khayr min al-tamādī fī al-bāṭil*) (Kuwait Encyclopedia of Fiqh 1995, vol. 33, 338). The reason that the truth must be re-examined and sought after is that any contracts that is based on falsehood is rendered void and hence, non-binding (Al-Zarqā 1998, vol. 2, 664). Additionally, it is further supported by another maxim: “Contracts are valid by default

until an anomaly is proven” (*al-‘uqūd aṣluḥā al-ṣiḥḥah ḥattā yuthbit al-fasād*) (Al-Subkī 1991, vol. 1, 253). And in the case of arbitration an arbitrator may have rendered his ruling based upon a false pretense, due to false testimonies, lack of evidences or qualification or any other valid reason(s) and therefore, will render his ruling void and non-binding.

Al-Haddad takes a more classical, principled and textual approach on certain issues that are in stark contrast to other Sharī‘ah councils interviewed. For example, he makes a clear distinguishment between an Islamic marriage/divorce contract and that issued by the civil courts. Elaborating on this al-Haddad (2018) explains:

One of the basic principles I follow is that I do not consider civil contracts to be Islamically legal contracts. That is because these are two separate and different types of contracts which have different consequences and serve different purposes. For example, if a woman seeks a divorce from her husband through the civil courts then this divorce is not legally binding according to the Sharī‘ah. The only time it would be Islamically legal is if the husband was to intend the divorce in front of the civil courts. As for the objectives, then these two contracts are also different. The Islamic *nikāḥ* contract serves the primary purpose of making sexual relations permissible. Whereas the civil marriage contract, well at least in the European countries, is for tax purposes and other such financial issues. So we look very closely to a case where a couple come to us for the dissolution of marriage based upon the fact that the civil courts has issued a divorce but no such pronouncement of *ṭalāq* was given by the husband.

This unique stance of al-Haddad seems to be in compliance with several legal maxims, the most important of which are:

1. 1. “Matters are judged by their motives/objectives” (*al-umūr bi-maqāṣidihā*) (Al-Suyūṭī 1983, 8, & Ibn Nuḡaym 1999, 23). If a divorce case is brought by the wife against her husband then his appearance is not necessarily a confirmation of his approval of the divorce proceedings. Even if he was to pronounce, write and sign off on the divorce papers then this would still not constitute a divorce as long as he did not initiate the proceedings and/or intend to divorce her.

2. 2. Coercion voids a contract” (*al-ikrāh yubṭil al-‘aqd*) (Al-Zuḥaylī 2006, 625). According to this maxim if a man is somehow forced to divorce his wife through intimidation, either by the wife or the legal system, then the divorce is not given effect or consideration. Even if he pronounces, writes and signs off on the divorce papers then one would need to look at his intention and/or if he was coerced or not.
3. 3. “Statement should not be ascribed to one who is silent” (*lā yunsab ilā sākit qawl*) (Al-Zarqā 2012, 309). If a wife is seeking divorce through the civil courts and the husband is silent throughout the procedure without uttering the words of divorce then their marriage is still Islamically binding. Just because the civil courts issued a divorce does not constitute an Islamic divorce, especially if he is silent and/or absent throughout the proceedings.
4. 4. “A person will be held responsible for his confession” (*al-mar’ mu’ākhadh bi-iqrārih*) (Kuwait Encyclopedia of Fiqh 1995, vol. 33, 338 & Al-Zuḥaylī 2006, 574). This maxim restricted and limited to the above first two maxims. A divorce is counted and binding only if a man intends to divorce his wife in the civil courts and is not coerced into doing it.
5. 5. “The fundament is the continuation of marriage” (*al-aṣl baqā’ al-nikāḥ*) (Ibn al-Qayyim 2012, vol. 1, 270 & Ibn Taymiyyah 1987, vol. 3, 264). According to this maxim, if a civil divorce is sought after and finalized by the wife then the marriage between her and the husband is still continuous unless it is established that he intended to divorce her in the civil courts without any coercion. Thus, it is not permissible for her to remarry unless the husband initiates and intends to divorce her.
6. 6. “The presumption of continuity of the status quo” (*Al-aṣl baqā’ mā kān ‘alā mā kān*) (Al-Suyūṭī 1983, 51, & Ibn Nujaym 1999, 49). If a couple contracted a marriage according to an Islamic ceremony then it would be continuous until they dissolve the marriage according to Islam. It would be inconsistent that the marriage contracted is initiated according to Islamic law but then dissolved through a procedure other than an Islamic one.

7. 7. “If the leaders are non-Muslims it is permissible for the Muslims to establish a group and appoint a judge by their consent” (*law kān al-wulāh kuffāran yajūz li-l-muslimīn iqāmat al-jamā‘ah wa yasīr al-qāḍī qāḍiyan bi-tarāḍī al-muslimīn*) (Ibn ‘Ābidīn 1992, vol. 2, 144). This maxim was coined by the *Hanaḥī* jurists which the researcher deems fit in the context of Muslim minorities living in the West. It is not a valid reason for one to leave being adjudicated by the *Sharī‘ah* and resorting to the secular English laws. The reason for this is that appealing to civil courts in order to dissolve a marriage according to secular laws may be considered disbelief (*kufīr*) if it is done willingly and one is content with it (Al-Ṣāwī 1994, 13).

Due to the absence of an Islamic government, and hence an Islamic judge, Muslims in the West are not compelled to follow the legal rulings of the *Sharī‘ah*, especially when it comes to marriage and divorce contracts. This had led many Muslims, especially men, fleeing from their Islamic obligations as husbands and fathers. For example, according to the researcher’s own research as well as other academic researchers, one such failure in obligation Muslim husbands have failed in is in the case of a ‘limping marriage’ (Bano 2012, 15 & Rutten 2013, 102-104). In order to solve this dilemma al-Haddad considers his position to be more than just an arbitrator, mediator, and/or marriage counselor. He considers himself to be an Islamic judge, whose ruling is Islamically, if not legally, binding. Al-Haddad (2018) explains the reason for this by saying:

The other principle I follow is my position acting in the capacity of a judge and not just an arbitrator. The reason for this is because for an arbitrators’ decision to be Islamically binding on both the parties, consent must be given by both of them initially. But what if the husband refuses to give me permission to adjudicate between him and his wife, shall I leave his wife being stuck in a marriage that she wants to dissolve or get out of? Therefore, we don’t consider ourselves to be mere mediators or arbitrators, which require the permission of both the parties in order for our award to be Islamically binding, but as judges who have the authority to make a decision when the defendant refuses to attend or recognize our legitimacy. The wife wants to arbitrate and

seek a solution to her marital problems but the husband is refusing and is keeping her in a 'hanging marriage' situation.¹ So our legitimacy comes from Islam and will not let anyone take advantage by running away from their responsibility due to the fact that we are not 'official' judges appointed by a head of state or government body.

While a plaintiff, here, the wife, cannot be forced into litigation, the defendant, the husband, can be forced to answer the claim against him. This basic principle of *qaḍā'* has been outlined by several legal maxims, and it seems that al-Haddad is adhering to those basic principles. One of the legal maxims outlining the procedures of litigation is that, "The plaintiff is one who is not forced to litigation" (*al-mudda'ī man lā yujbar 'alā al-khuṣūmah*) (Al-Marghīnānī n.d., vol. 3, 154). This applies to a woman, both before and during a claim, who may have raised her case with an arbitrator about her 'limping marriage'. Just like it is her right whether to seek a settlement for her 'limping marriage', it is also her right not to seek it, be forced to seek it and/or continue with her litigation.

Similarly, the jurists coined another sub-maxim relating to the plaintiff concerning initiating a litigation case stating, "A ruling is not to be given except with a request from the plaintiff" (*lā yaḥkum illā bi-ṭalab min al-mudda'ī*) (Al-Bahūtī 1996, vol. 3, 514). If a woman is seeking a settlement for her <limping marriage> case then that is her right which no one has the authority to take away. This will prevent unnecessary meddling from a Sharī'ah council into a couple's marital affairs as well as those who seek to negatively portray the Sharī'ah councils tasked with litigating marital cases. In order for a litigation to proceed the defendant must be present. However, in a case where a defendant refuses to respond then the scholars coined a maxim stating, «A defendant is one who is forced to answer the claim (made against him/her)» (*al-mudda'ī 'alayh man yujbar 'alā al-khuṣūmah*) (Al-Zu'bī 2008, 97). If a defendant fails to appear in person or through correspondence, then according to the *Mālikī*, *Shāfi'ī* and *Ḥanbalī* jurists

1 Al-Haddad uses a 'hanging marriage' which is synonymous to a 'limping marriage'. The researcher will continue to use 'limping marriage' in order to be consistent with what has become a known terminology amongst other academicians and researchers.

the *qāḍī* can pronounce a verdict against him, provided that the plaintiff has presented sufficient and valid evidence (Masud and et al 2006, 22).

Furthermore, a case where the husband initially responds and/or appears before the Sharī‘ah council and subsequently refuses to abide by the proceedings then he is still subjected and bound by whatever verdict may come out as a result. According to the *Shāfi‘ī*, (Al-Māwardī 1972, vol. 2, 380), *Hanafi* (Ibn al-Hummām n.d., vol. 5, 500), and some of the *Hanbali* (Ibn Qudāmah 1968, vol. 11, 484) jurists it is not a requirement for the consent of any of the litigants to be continuous throughout the proceedings. In other words, if any one of the disputants refuses to collaborate and/or continue with the arbitral proceedings, then any ruling that comes as a result of it would still be valid and binding. The Shāfi‘ī scholars even coined a maxim stating, «It is not permissible to void the ruling of a judge after he has adjudicated» (*lā yajūz naqḍ ḥukm al-ḥākim ba‘d al-ḥukm*) (Al-Nadwī 2013, 250).

Whatever capacity al-Haddad assumes, whether that of an Islamic *qāḍī* or a mere marriage counselor/arbitrator/mediator, it is unlikely that his, or any other Sharī‘ah councils, award verdict will be enforceable in the court of law. It is up to individuals and disputants whether they want to enforce the verdict(s) handed down to them or not. However, given the fact that the demand for Sharī‘ah councils’ work is ever increasing it can only be assumed that people normally follow the councils’ decisions. According to al-Haddad almost 100% of his arbitration award is accepted and followed by disputants that come to him.

Divorce Case Study #1

This was a case that was filed by both couples seeking a verdict to the husband’s pronouncement of *ṭalāq*. Both husband and wife were having a heated argument that included; shouting, exchanging harsh words, and use of profanity. The husband ended the argument by pronouncing, “I give you first *ṭalāq*, second *ṭalāq*, and third *ṭalāq*”. He placed his hand on the Qur’ān in order to show the seriousness of his words. When seeking *fatwā* from the Sharī‘ah council, they asked him, «Do you understand and know the procedure for divorce in Islam»? The husband replied, «I believe in order for a divorce to count, it must be said three times, otherwise it is of no consequence». The wife believed *ṭalāq* needed to be pronounced once, then wait, twice, then wait, and then third time for it to occur.

The council deliberated as a panel and after a couple of weeks from the date of receiving the application, decided with the following verdict:

In this case it is deemed that the occurrence of *ṭalāq* is counted as a single *ṭalāq*, due to the belief of the husband that this, to pronounce *ṭalāq* three times, is the method to issue *ṭalāq*. Due to this the couple can continue their marital life with the knowledge that one revocable *ṭalāq* has been issued and only one more revocable *ṭalāq* remains.

It can be argued that one the reason the Sharī‘ah council issued the above verdict may be due to the fact that the husband was ignorant of the procedure of divorce and, hence, the consequences of issuing three divorces in one sitting. If he was to be held liable for his three divorces, which results in an irrevocable separation between the husband and wife, then this will bring undue and unwarranted hardship on the couple. In order to thwart this hardship from them then one of the *major/universal legal maxims* can be applied, and that being: “Hardship begets facility” (*al-mashaqqah tajlib al-taysīr*) (Al-Suyūfī 1983, 76, & Ibn Nujaym 1999, 64). One of the seven reasons this legal maxim can be applied towards is in the case of ignorance (*al-jahl*) (Al-Suyūfī 1983, 77-80, & Ibn Nujaym 1999, 64-70).

Defining what constitutes ignorance some of the scholars said it is, “To believe in something with certainty that is in disagreement to what it actually is” (Al-Zabīdī 1987, vol. 28, 255). In order for ignorance to be used as an excuse one must be living in a non-Muslim country in which there is no easy access to a scholar, unlike those who live in a Muslim country in which access to them is readily available. Ignorance may also be about a ruling/matter that the common Muslim has no access to, since those matters/rulings are known to specialists in the field. It may also be used in an *ijtihādīc* and/or dubious matters that may be interpreted in several ways (Al-Zarqā 2012, 161 & Ibn Nujaym 1999, 261-262).

It is clear, from the admission of both the husband and wife, that he was ignorant of the ruling on how to issue a proper divorce, and that issuing three in one sitting constitutes an irrevocable separation, according to all four major schools of law (Ibn Rushd 2004, vol. 3, 84, Al-Māwardī 1999, vol. 10, 117-118, Al-Ramlī 1984, vol. 7, 8 & Al-Sarakhsī 1993, vol. 6, 57). Moreover, he exercised his *ijtihād*,

however wrong it may be, on a matter that may be deemed dubious to the common person. Because he assumed, according to his limited *ijtihadic* capabilities, that the appropriate manner in issuing a divorce is three times, his assumption will bear no legal ruling against him. This is according to a legal maxim that states: “No consideration is given to a wrong assumption” (*lā ‘ibrah bi-l-ẓann al-bayyin khaṭa’uh*) (Al-Suyūṭī 1983, 157, & Ibn Nujaym 1999, 134). When mentioning this legal maxims, some of the scholars mentioned that if a person issues a divorce based on a (faulty) *fatwā* then the divorce would not materialize (Al-Zarqā 2012, 357 & Al-Zuḥaylī 2006, 179). Lastly, because they live in England, which is a predominantly non-Muslim country, it is conceivable that they were limited and/or had very minimal access to scholars or Sharī‘ah councils in their immediate vicinity. This would qualify their grounds for claim of ignorance.

It can also be argued that the council delivered the above verdict for the greater good of the family and to ward off any potential harm that results in a divorce. This, especially since the couples were married since 2005 and had two daughters, ages nine and six.² Hence, preventing harm is an essential principle that every Sharī‘ah council must take into consideration, especially when it deals with the protection and preservation of the Muslims’ lineage (*al-nasab*). For this reason, jurists coined a legal maxim stating: “Harm is to be prevented to the extent that is possible” (*al-ḍarar yudfa ‘bi-qadr al-inkān*), which can be applicable in the above situation (Al-Zarqā 2012, 207 & Al-Zuḥaylī 2006, 208). To deflect the harmful effects that a broken family, especially when children are involved, may have is one of the main objectives of the *Sharī‘ah* and should be taken into consideration, as the Sharī‘ah council so did.

On the other hand, one may argue that the couple’s may not have been truthful about their ignorance with regards to the ruling of a triple *ṭalāq* and that they used ignorance as a means to stay married together. Such an argument may be considered without merit, especially given the fact that they were the ones who approached the council to seek their ruling rather than being forced to. They could have chosen not to seek their adjudication and, instead, chosen to stay ‘married’ with

2 The year the case was brought to the Sharī‘ah council was on 3 September, 2018. Based upon this date, the researcher is basing their children’s age.

or without their verdict, especially since the Sharī‘ah councils have no legal jurisdiction in England over their marital affairs. Additionally, supposing that the married individuals were untruthful in their ignorance pretext, then that is something the Sharī‘ah council cannot be held liable according to Islamic judicial proceedings. According to the legal maxim: “A *qāḍī* adjudicates based on the obvious and Allah takes care of the secrets» (*yaḥkum al-qāḍī bi-l-zāhir wa-Allāh yatawallā al-sarā’ir*), if an arbitrator issues a verdict based on the facts presented, then his ruling would be considered valid and binding, both legally and religiously (Al-Nadwī 2013, 111 & Al-Zuḥaylī 2006, 881).

Marriage Annulment (faskh) Case #2

This is a case that was filed by a woman against her husband in order to seek a divorce from a Sharī‘ah council. In her application she states:

On February 3rd, 2016, my estranged husband told me that he thinks, “it is best for us to go our separate ways”. This came as a shock to me. When I asked him what his reason was, his response was that “he respects me too much to tell me”. He then proceeded to pack up his bags and left without a backward glance. I did not ask for a divorce and he never gave me one then. I then proceeded to let my family and his family know. Multiple efforts were made to have him come and sit down for mediation, and after a few months, he finally agreed. After the sit down he left and chose to never come back again or be a part of our lives. He does not call or visit us or his child, nor does he support us financially. The reason I am seeking a divorce (through your council) is because it has been one year since he left. He hasn’t given me a divorce and I cannot wait any longer for him. The divorce is to make it official and so I can have in my possession a divorce certificate and continue to move on with my life.

Although the wife had approached other Imams and Masjids for a solution to her dilemma, she could not get a definite answer. She then approached the said Sharī‘ah council, which opened an investigation into her case in May 2017. One of the first things they did was to contact the husband to get his version of the story but, after multiple attempts through phone calls, e-mails and mailed letters, they were unsuccessful in reaching him. This is in order to determine the accuracy/inaccuracy of the wife’s claim against her husband. Such a procedure is in accordance

with the maxim stating: “A defendant is one who is forced to answer the claim (made against him/her)” (*al-mudda‘ī ‘alayh man yujbar ‘alā al-khuṣūmah*) (Al-Zu‘bī 2008, 97). This sub-maxim is one of the most important principles, because a hearing cannot proceed without a defendant. However, in this case the defendant is inaccessible, due to which the wife is left in ‘limping marriage’ situation. In such a case, the *Mālikī*, *Shāfi‘ī* and *Ḥanbalī* jurists stated that a *qāḍī* can still proceed with the hearing and even pronounce a verdict against the defendant, provided that the plaintiff has presented sufficient and valid evidence (Masud and et al 2006, 22).

In order to proceed without the defendant, the council asked for witnesses to come before the council in order for her claim to be substantiated. Altogether, three witnesses were brought; her grandfather and two local Imams, all of whom were familiar with her case. The first to appear and give testimony was her grandfather, who claimed that she has been divorced. Upon cross-examination the grandfather said he is basing it on her statement only. In Islamic judiciary, just like any other judicial apparatus, impartiality on the part of witnesses is of utmost importance. This is due to the fact that testimonials given by witnesses have a great degree of influence on a judge’s decision (Al-Māwardī 1972, vol. 2, 58). For this reason, some scholars, such as Imām al-Shāfi‘ī (1961, 600) stated that:

The testimony of witnesses should be carefully considered: if we detect a certain bias or an excessive interest in the person on whose behalf they are testifying, we do not accept their testimony. If they testify regarding a difficult matter beyond their ability to comprehend, we do not accept their testimony, for we do not believe that they understand the meaning of that to which they have testified. We do not accept the testimony of...witnesses who make many errors in their testimony.

According to al-Khaṣṣāf (1978, vol. 2, 101), the testimony of father and son cannot be used for each other due to the strength of blood ties. The same can be extended to grandfathers and grandsons. Accordingly, the testimony of the grandfather should not been taken into account when reaching a verdict of *ṭalāq*. It may be for this reason that the council requested and/or were provided with two additional witnesses. It is highly unlikely that more witnesses were requested and/or provided solely on the basis that the more witnesses’ one provides the more

strength it gives to the case. A greater number of witnesses would not lend additional value to the argument brought by any of the litigants in a lawsuit (Schacht 1964, 193). The only exception would be in the case involving adultery, then the testimony of four witnesses of just character is required (Qur’ān, *al-Nūr*, 4).

Thus, it can be safely assumed that the reason an additional two witnesses were requested and/or provided is due to the bias that may be present by the grandfather (plaintiff-witness) for his granddaughter (plaintiff). When two additional witnesses, two Imams, were presented before the Sharī‘ah council, they also claimed that the husband had divorced his wife, but stated that the husband declared, “it is over”. After taking testimonials from the three witnesses over the phone, they were required to send written and signed statements to the council. Although written testimonies have always been looked at with disfavor by judicial practice, nevertheless it may have been requested for documentation and future reference purposes (Coulson 1964, 173 & Tyan 2010, 253). Subsequent to the receipt of their written and signed testimonials, the council then proceeded to deliberate as a panel. Thereafter, the council issued a divorce to the wife on the 21st of December, 2017 and with an effective date of 3rd February, 2016.

In the absence of the husband confirming his unequivocal divorce, it appears that the said council based their verdict on the statement of the wife who claimed that the husband stated to her, “it is best for us to go our separate ways”. This was further corroborated by the testimony of the witnesses who confirmed that he said, “it is over”. Such implicit (*kināyah*) words given by the husband cannot be taken to mean that a divorce has taken place. Rather, there must be other elements that must be looked at. One such element is, according to the *Hanafī* jurists, whether the husband intended divorce by uttering such implicit words. If so, then divorce would have taken effect (Ibn Nujaym n.d., vol. 3, 322 & Ibn al-Hummām n.d., vol. 4, 4). This is according to two legal maxims that state: «An implicit (word) is in need of an intention» (*al-kināyah taftaqir ilā al-niyyah*) (Al-Suyūfī 1983, 42, & Ibn Nujaym 1999, 20), and “Clear words are affirmative and not in need of intentions, and vague words are not affirmative except with an (accompanying) intention” (*mūjib al-lafẓ yuthbat bi-l-lafẓ wa lā yaftaqir ilā al-niyyah, wa muḥtamal al-lafẓ lā yuthbat illā bi-l-niyyah*) (Al-Nadwī 2013, 149 & Al-Zuhaylī 2006, vol. 2, 798). However, in this case the husband

is unavailable for questioning, in order to determine his intent behind those words, which makes for this opinion ineffective.

On the other hand, according to the *Shāfi'ī* (Al-Rāfi'ī 2002, 57) and some of the *Hanbalī* (Al-Sharbīnī 1968, vol. 4, 227) jurists, they consider implicit words, such as <breakup> (*firāq*) and 'separate' (*sirāh*), to be explicit in nature, since they were mentioned in the Qur'ān to mean divorce. Since the husband used the word 'separate' in his initial conversation, then according to them an explicit divorce has taken effect. Still it can be argued that the exact word 'separate' has not been corroborated with the testimonial of the witnesses who claimed that he said "it is over".

It is the opinion of the researcher that the council had looked at another element in order to determine the exact intention behind the husband's implicit words; circumstantial evidence. The fact that the estranged husband left his wife immediately after uttering the words "it is best for us to go our separate ways" and/or "it is over", depending on whose version one takes, is a confirmation itself that he intended divorce. Because his action of leaving her and not returning for almost two years is an embodiment of his words, it cannot be taken to mean anything else except for divorce. According to Ibn Taymiyyah (1996, 342) the objective(s) of a person words and actions should be taken rather than the obvious. Elaborating on this, he explains:

Consideration is given to the meaning and objective of words and actions. If a person's words differ in their expression but the meaning is one then the ruling is the same. And if the words are similar but the meaning differs then the ruling differs (i.e. according to the meaning). Similarly to actions, if the (outward) appearance/pattern differs but the objective is the same then the ruling is one (i.e. according to the objective).

The statement of Ibn Taymiyyah can be said as according to a legal maxim, that states: "Implicit (words) supported by circumstances is similar to explicit (words)" (*al-kināyah ma' dalālat al-ḥāl ka-l-ṣarīḥ*) (Ibn al-Qayyim 2012, vol. 1, 323). What this means is that looking at supporting circumstances will take the position of one's intention behind such implicit words (Ibn Taymiyyah 1986, vol. 8, 386). Consequently, the verdict reached by the council seems to be in agreement with the

objectives and wholesomeness of the *Sharī'ah*, which is to deliver a verdict that can result in the welfare and good (*maṣlahah*) for the wife and ward off evil/harm (*mafsadah*) from her.

Conclusion

In this research article, the researcher presented the findings of his field research of the Islamic Council of Europe. Its administrative structure, council members and procedural guidelines/principles were presented to the reader with an exhaustive analyses from the researcher. Moreover, the researcher presented arbitration cases from the said council and a comprehensive breakdown was rendered according to the principles of Islamic judiciary and legal maxims. It can be concluded with great confidence that the analyses presented in the application of Islamic legal maxims in Muslim family arbitration by the said council, deserves praise and appreciation for the most part. Although there is certainly room for development and improvement on the part of the above council, nonetheless they should be taken as an exemplar model by others in the West, who aspire to serve their communities with an alternative dispute resolution. Last but not least, the above analyses of the researcher can, in return, be critically analyzed by those who wish to improve the system further.

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Kashmir between India Pakistan: The Unfinished Agenda

Abdul Rashid Moten

Abstract: India and Pakistan has fought four wars over Kashmir and has held rounds of talks without resolving the 72-year-old issue. The Indian government's revocation of the special status of Kashmir sets the stage for new clashes in the disputed region. Using documentary sources, surveys, and other writings, this study analyses the genesis of the conflict in Kashmir, bringing in historical facets together with discursive elements of the contemporary political crisis in Kashmir. The study found that the Kashmir dispute has multiple causes the major one being the religious difference, a conflict between India, a predominately Hindu state, and the Islamic Republic of Pakistan. In the early phase, the conflict was between religion and secularism, embodied in Pakistan and India, respectively both needing Muslim majority Kashmir to prove their basic political ideology right. Currently, the conflict has assumed purely the religious colour: India aiming at integrating Kashmir into the Hindu polity and Pakistan claiming Kashmir for its having a Muslim majority. Thus, the unfinished agenda of partition continues.

Keywords: India, Pakistan, Kashmir, Article 370, Religion

Abstrak: India dan Pakistan telah berperang sebanyak empat kali ke atas Kashmir dan telah mengadakan perbincangan tanpa menyelesaikan masalah 72 tahun itu. Pembatalan kerajaan India mengenai status khas Kashmir menetapkan pentas untuk pertempuran baru di rantau yang dipertikaikan itu. Menggunakan sumber dokumentari, kaji selidik, dan tulisan lain2, kajian ini menganalisis punca konflik di Kashmir, membawa aspek sejarah bersama unsur-unsur diskursif krisis politik kontemporari di Kashmir. Kajian itu mendapati bahawa pertikaian Kashmir mempunyai banyak sebab utama yang

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menjadi perbezaan agama, konflik antara India, negara Hindu, dan Republik Islam, Pakistan. Pada fasa awal, konflik antara agama dan sekularisme, yang terkandung di Pakistan dan India, masing-masing memerlukan majoriti Muslim Kashmir untuk membuktikan ideologi politik mereka yang betul. Pada masa ini, konflik itu telah dianggap sebagai warna keagamaan: India bertujuan mengintegrasikan Kashmir ke negara Hindu dan Pakistan mendakwa Kashmir mempunyai majoriti Islam. Oleh itu, agenda pembahagian masih belum selesai dan masih berterusan.

Kata Kunci: India, Pakistan, Kashmir, Perkara 370, Agama

Introduction

Kashmir, “a land of immense beauty,” is considered to be the most dangerous place on Earth (Carter, 2003:2). Since the partition of India and Pakistan in 1947, Kashmir has been at the root of constant tension between India, and its neighbour Pakistan. The two countries engage in strengthening their military power manifested in the arms race in the region, develop strategic partnerships with other global powers, and accuse each other of supporting the insurgency in territories under their control.

The two nuclear-armed neighbours have fought three wars and a limited conflict over Kashmir with no solution to the problem. They have been engaged in sporadic and fruitless dialogues that constitute little more than a “cold peace” (International Crisis Group, 2006). The on-going tension between the two rivals could lead to a nuclear conflagration with catastrophic consequences for humanity. “The prospect of two nuclear powers facing off across such a comparatively small space is frightening indeed” (Carter, 2003:2). For decades, an uneasy stalemate has prevailed, broken by occasional military incursions, terrorist attacks and police crackdowns. But on August 5, 2019, the administration of Prime Minister Narendra Damodardas Modi decided to permanently incorporate the territory it controls into the rest of India. The move has sparked fierce rhetoric from Pakistan’s Prime Minister, Imran Khan, with the Pakistan Army Chief, General Qamar Javed Bajwa, vowing to “go to any extent to fulfil our obligations,” to stand by Kashmiris (Dawn, August 06, 2019).

Being the most protracted and militarised regional dispute, the Kashmir issue has received much scholarly attention. Many scholars like, Korbel and Mohan, blame British colonialism for the birth of the conflict (Mohan, 1992). Ahmed (2002) argues that the partition of British India has replaced trust and understanding with fear and insecurity between the two neighbours (Ahmed, 2002). Choudhry and Akhtar (2010) focus on terrorism as the major impediment to peace between the two countries. Vaish (2011:55)'s focus is on the negative legacy of colonialism as well as different religious commitments. Krepon (2013:01) analyses the conflict in terms of poverty combined with a power imbalance between distinct ethnic and religious groups.

There are others who argue that the conflict is due to the competing visions of nationalism and state-building. For India, under the Indian National Congress, Kashmir was symbolic of secular nationalism and state- building. This was desired by Jawaharlal Nehru, the first prime minister of India, known for his strong emotional attachment to the Kashmir valley (Snedden, 2015). Pakistan, however, looks at the Kashmiri accession as integral to its Islamic identity (Ganguly & Bajpai, 1994). The literature on Kashmir does not consider the economic dimension as a significant source of the conflict (Tremblay, 1996-97). Studies lay much emphasis on the ethno-religious aspects of parties to the conflict. Religion, as an object of study, has long been neglected in the Westphalian system of international relations that emerged at the end of the war in Europe. In recent decades, however, the global resurgence of religion, especially after the 9/11 terrorist attacks, changed people's views on religion and international issues. Contrary to the belief espoused since the age of the Enlightenment, religion did not fade in importance (Aldridge, 2000). Rather, religion has returned from the so-called "Westphalia Exile" to the "central stage of international religions". Religion has become a resource that all parties on the international stage compete for. There is the growing saliency and persuasiveness of religion "in ways that have significant implications for international politics" (Thomas, 2005:72). Religion influences many aspects of domestic and foreign policies. Religion is a source of political mobilisation or the organisation of political activities (Fox and Sandler, 2003).

This study analyses the ways religious elements of the foreign policies of India and Pakistan affect Kashmir. The conflict surrounding

Jammu and Kashmir has multiple reasons, the issue of religion is a major one. The vitality of the religious dimension in understanding the domestic and foreign policies on Kashmir stems from the fact that India and Pakistan were created according to ethno-religious differences and conflicts. Hindus and Muslims created their own organizations, Indian National Congress and All-India Muslim League and fought for independence from British rule. Congress desired a united nation, under a single government, the Muslim League worked for the division of India and a separate Muslim state. The Kashmir conflict, as such, is based upon religious differences. The two neighbours clash about Kashmir because of their adherence to religion. Without undermining the influence of other factors, the Kashmir dispute is a conflict between Hindus and Muslims: Pakistan is a Muslim state, India a predominately Hindu state. Pakistan is an Islamic republic which, following the “two-nation theory”, and was established as the homeland of the Muslims. India, on the other hand, rejects two-nation theory nevertheless Hindu religion predominates. India needs Kashmir as a Muslim majority province to prove that the country with majority Hindus can accommodate Muslims. It is the “testing ground” for the struggle between secular and religious politics (Behera, 2002). Pakistan claims Kashmir on the basis of the applicability of the Two-Nation-Theory.

The Kashmir Issue

Kashmir, with a total area of some 85,800 square miles (222,200 square km), was one single entity before the partition of British India into Pakistan and India in 1947. Kashmir is wedged between Pakistan, India, China, and Afghanistan. Its geographical area encompasses the Indian-administered state of Jammu and Kashmir (the Kashmir Valley, Jammu and Ladakh), the Pakistani-administered Azad Kashmir, Gilgit and Baltistan, and the regions of Aksai Chin and Trans-Karakoram Tract (Hilali, 2001). According to the Census of India 2011, Indian Administered Jammu & Kashmir had a population of 12,548,926, which in 2017 was estimated to be 14,280,373. Pakistan administered Jammu & Kashmir recorded a population of 4,045,366 as per the 2017 Census (EFSAS, 2017, p. 2). Kashmir is estimated to contain a Muslim majority population of about 71%, a Hindu population of 26% and the remaining 3% of Buddhists and Sikhs.

Kashmir though a Muslim majority region had a Hindu ruler,

Maharaja Hari Singh. With a clear Muslim majority in 1947, Kashmir should have been acceded to Pakistan. Maharaja Hari Singh, who was toying with the idea of declaring its independence, eventually signed the Treaty of Accession to India on 26 October 1947 (Jha, 2014). The following day, the British Governor-General, Lord Mountbatten, recognised it (Indurthy and Haque, 2010). Sheikh Muhammad Abdullah, a popular mass leader known as the lion of Kashmir, is reported to have favoured the accession to India. He was reportedly attracted by the secular ideals advocated by Mahatma Gandhi and Jawaharlal Nehru. Gandhi publicly praised Abdullah saying: “You see Sheikh Abdullah with me ... [who] although a pukka Muslim, has won the hearts of both [Hindus and Sikhs] by making them forget that there is any difference between the three (communities).” (Mahatma Gandhi, 1984, p. 123).

Pakistan did not cease to lay claim over Kashmir and used all means, including war, to achieve the goal. India and Pakistan exert their competing claims over Kashmir through the violent divisions of the territory of Kashmir enacted through a series of four border wars between the two rival states since 1947.

After the first Kashmir war of 1947–1948, India referred the case to the United Nations Security Council (UNSC) on January 1st, 1948. The UN Security Council Resolution (UNSCR) 38 of January 17, 1948, called for direct talks between India and Pakistan. (UNSCR, 1948, p. 1) On January 20, 1948, the UNSC constituted the United Nations Commission on India and Pakistan (UNCIP) to proceed to the spot to “investigate the facts pursuant to Article 34 of the UN Charter” and two, “to exercise, without interrupting the work of the Security Council, any mediatory influence likely to smooth away difficulties” (UNSCR, 1948, p. 2). Subsequently, the Security Council adopted Resolution 47 of April 21st, 1948, desiring an “early restoration of peace and order in Jammu and Kashmir” and urging India and Pakistan to “do their utmost to bring about a cessation of all fighting”, [and] noted with satisfaction that the warring parties “desire that the question of the accession of Jammu and Kashmir to India or Pakistan should be decided through the democratic method of a free and impartial plebiscite” (UNSCR, 1948, p. 4). The UNSCR 47 recommended measures for “a free and impartial plebiscite to decide whether the State of Jammu and Kashmir is to accede to India or Pakistan” (UNSCR, 1948, p. 4). A few months later, the UNCIP passed a resolution on August 13th, 1948.

The resolution had three parts that dealt with a “ceasefire”, terms of the truce, and procedure for determining the status of J&K in accordance with the “will of the people” (Official Records, 1948). On July 27 1949, the UNCIP supervised the signing of the *Agreement between Military Representatives of India and Pakistan Regarding the Establishment of a Cease-Fire Line in the State of Jammu and Kashmir*. This line, known as the Cease-fire Line, was re-designated as the «Line of Control» following the Simla Agreement signed by India and Pakistan on the 3rd of July 1972. It separates Kashmir into Azad Jammu and Kashmir and the northern territories of Gilgit and Baltistan administered by Pakistan, and the Valley, Jammu and Ladakh administered by India.

The UN-Security Council recommended holding a plebiscite or referendum to ascertain the wishes and allegiance of the people of Kashmir. The plebiscite was never held and Jammu and Kashmir continued to remain divided shattering peace and normalcy in the region (Indurthy, 2005). Pakistan views the LoC as a provisional border that severs Muslim communities across Kashmir and Pakistan and identifies the portions of Kashmir under Indian rule as “occupied” Kashmir. This reminds India and the world at large about the long-forgotten promise of a free and fair plebiscite for Kashmiris (Junaid, 2016). For India, the LoC represents a brutal reminder of Pakistan’s transgressions into Kashmiri territory in 1947, when Pakistan seized portions of Kashmiri territory forcefully, triggering the first India-Pakistan war and the world’s most drawn-out border conflict. India considers Kashmir’s accession to be absolute and final.

The Instrument of Accession and Article 370 of the Constitution of India

The Instrument of Accession (IoA) was signed on October 26, 1947, declaring that the state accedes to India. This Instrument entitled India’s Parliament to enact laws in respect of J&K only on the matters of defence, external affairs and communications. Apart from defence, communications and external affairs, the IoA mentions ancillary subjects that include elections to the dominion legislature and offences against laws with respect to any of the said matters.

Using the IoA, Article 370 was incorporated in the Constitution of India which established Kashmir’s “special status” and is interpreted by many Kashmiris as a critical legal mechanism to ensure the region’s

exclusive place in India. The article limits the jurisdiction of the Indian Parliament in the state such that laws passed by the Parliament in all areas except defense, communication, finance and foreign affairs are not applied to the state unless passed by its own government. Article 370 gives the people of the state the right to form their own constituent assembly, draft their own constitution, and choose their own flag. It also established a category of “permanent residents,” or state subjects, and prohibits any non-resident from purchasing land in the state. Only subjects with proof of permanent residency status can own land in the state. Article 35A, which was added to the constitution in 1954, gave the state of Jammu & Kashmir the right to define permanent residents of the region. The permanent residents alone have the right to own property in Kashmir. It forbids non-permanent residents from settling in the state, buying land, holding government jobs or winning educational scholarships in the region.

The Indian government did accept Kashmir’s “special status” and claimed Jammu and Kashmir as “Indian administered” rather than Indian occupied. On its part, Pakistan continued its rhetorical emphasis on the solution of Kashmir dispute according to the UN resolutions. The Pakistani leadership showed very strong commitment towards the Kashmiri cause and stressed the need to resolve the Kashmir dispute as per UN resolutions. President Ghulam Ishaque Khan, addressing the Joint session of Parliament on the 2nd of December 1989, stated:

Pakistan shall not waver in its support for the exercise by the people of Jammu and Kashmir of their right of self-determination through a free and impartial plebiscite (Ahmed, 1993, p.148).

In December 1990, Pakistan’s delegate at the UN told the special session of General Assembly:

Jammu and Kashmir is a disputed territory and we have always maintained that this problem needs to be resolved in accordance with the relevant UN resolutions and in the spirit of the Simla Agreement (Ahmed, 1993, p. 150).

Pakistan’s government continued to internationalize the Kashmir dispute. Pakistani leaders used Muslim solidarity view basing its foreign policy substantially on its Muslim identity. The international responses were positive. Pakistan has sought the support of all Muslim nations.

As a result, many Arab countries of the Middle East have supported Pakistan against India and their hope of seeing the “salvation” of the Kashmiri Muslims. The OIC, in particular, appreciated Pakistan. The communiqué of the OIC summit in 2008, stated:

57. The Conference appreciated Pakistan’s commitment to the on-going Composite Dialogue with India and the flexibility shown by Pakistan in moving forward towards the resolution of Jammu and Kashmir dispute through sincerity, flexibility, and courage. It called upon India to positively reciprocate to arrive at a just and final settlement of the Jammu and Kashmir dispute being the core issue of their conflict. The Conference commended Pakistan for its continuing efforts to create and sustain an enabling environment for the Composite Dialogue with India (OIC, 2008, p. 12).

Although India was the first to go to the United Nations and agreed to settle the Kashmir issue through plebiscite as recommended by the UN Security Council. Gradually, India moved away from the earlier stand and argued against the internationalization of the conflict and rejected any involvement by international organizations. The Simla Agreement of 1972 signed after 1971 Indo-Pakistani War, which led to the break-up of Pakistan and the emergence of Bangladesh as an independent entity, required Pakistan and India to resort to bilateral negotiations to settle all issues including Kashmir. Clause 1(ii) of the Simla Agreement mentions that “[t]he two countries are resolved to settle their differences by peaceful means through bilateral negotiations or by any other peaceful means mutually agreed upon between them.... (Dixit, 1995, p. 321). Clause 4(ii) says, “In Jammu and Kashmir, the Line of Control resulting from the ceasefire of December 17, 1971 shall be respected by both sides without prejudice to the recognized position of either side. Neither side shall seek to alter it unilaterally, irrespective of mutual differences and legal interpretations” (Dixit, 1995, p. 321).

Using the Simla agreement, India refused to consider any third-party mediation and prevented interference by other states on the Kashmir issue. The Indian leaders, beginning with Indira Gandhi, took a hard line against Pakistan. Indira Gandhi centralized the federal system of India and took power away from local governments. The policy was followed by the subsequent Prime Ministers of India. The transition from secular nationalism and pluralism, espoused by Nehru, to centralization of the

Indian state led to a substantial decline in the autonomy of Kashmir to control religious and ethnic divisions peacefully. Between 1988 and 2000, the war in Jammu and Kashmir led to the loss of 26,266 lives (Annual Report, 2003-2004, p. 29). Between 2001 and November 27, 2004, a total of 11,780 people have been killed. In the 1980s, the Indian government dismissed two state governments headed by Farooq Abdullah in 1984 and Ghulam Muhammad in 1986. Later, the Congress party at the Centre allied with the National Conference in Jammu and Kashmir and fought the 1987 elections, which were considered to be an “electoral fraud” (Santhanam, 2003, p. 22).

Over time, Article 370 has been modified through a series of presidential orders and Supreme Court judgments. Duschinski and Ghosh have called this process “occupational constitutionalism” which is:

a form of foreign dominance and control produced through the annexation of part of Kashmir’s territory and its legal sovereignty to India in the aftermath of independence and reproduced through a series of legal mechanisms and processes across time that institute a state of emergency and permanent crisis in Kashmir (Duschinski & Ghosh, 2017).

In the 1980s, Indian public opinion was supportive of centralisation. Eventually, India witnessed, since 1989, an increase in Hindu nationalism replacing “Nehruvian secularism” (Embreen 2003). These developments led to the rise of the Hindu nationalist Bharatiya Janata Party (BJP).

BJP and Hindu Nationalism

Though the Indian politicians often championed the cause of secularism but manipulated religion when it proved politically expedient. Congress leaders were playing “fast and loose” with the Indian state’s commitment to secularism (Chadda, 2000). The Bharatiya Janata Party (BJP) accused the Congress Party of engaging in “pseudo-secularism” which was not in the interest of India. The need is to construct an “organic” secularism built on the “natural” tolerance of Hinduism.

The important characteristic of Hindu nationalism is its religious nature. It is a kind of religious ethno-nationalism aimed at consolidating and reinforcing the Hindu rashtra (Hindu polity). This movement is

also called Hindutva or Hindu nationalist ideology desiring to establish the hegemony of Hindus and the Hindu way of life (Kondo, 2001). Hindutva, to Chetan Bhutt, is an extreme form of “conservatism” or “ethnic absolutism” (Bhatt and Mukta, 2000). Hindutva, or Hindu nationalist ideology, suggests:

showing less tolerance to minorities, such as Muslims and Christians who are not loyal to the Indian state or assimilated into Hindu society. Hindutva ideology has been actively involved in communal conflicts in India (James & Ozdamar, 2005, p. 461).

Using Hindu nationalism as a base, the BJP, in 2014, defeated the incumbent Congress Party, and gained a single-party parliamentary majority. Led by Prime Minister Narendra Modi, who earlier served as the Chief Minister of the state of Gujarat, the BJP secured 282 out of 543 seats in the Lok Sabha, the lower house of parliament. The Congress secured a mere 44 seats, its worst electoral showing since independence. The BJP campaigned on such themes as corruption, caste, and traditional Hindu nationalist themes. He also relied on the support of the Rashtriya Swayamsevak Sangh (RSS), the right-wing, Hindu nationalist, volunteer organisation that champions Hindutva (Jaffrelot, 2015). In several campaign speeches, Modi and his followers made disparaging remarks about Muslims in India linking the Muslim dominated beef trade to terrorism. “In the eastern state of Bihar, a BJP candidate said in a campaign speech that those who did not vote for Modi should seek exile in Muslim-majority Pakistan—Modi later made him a junior minister” (Dawn, April 20, 2014). Thus, the BJP placed a “high value on the general will of the Hindu community, and implied that existing institutions, including those of the state, were not expressions of that will and therefore lacked legitimacy” (Jaffrelot, 1996, p. 235). At the national level, however, the BJP blended its Hindutva agenda with promises of economic development, anti-corruption, and good governance. Hindu religiosity has gained ascendancy in the public eye as expressed through temple construction and renovation, and the renewal and the invention of ritual. There has emerged, according to Nanda, a “state-temple-corporate complex” that has rendered Hindu nationalism banal: “The banal, everyday Hindu religiosity is simultaneously breeding a banal, everyday kind of Hindu nationalism” (Nanda, 2009, p.140).

Since the 2014 election, politics in India has undergone a great change characterised by a surging Hindu nationalism and the marginalisation of secularism. Even the Congress Party is seen as downplaying secularism and embracing pro-Hindu sentiments by indulging in “soft Hindutva,” to differentiate it from the BJP type of religiosity. During the 2017 and 2018 state election campaigns in Gujarat and Madhya Pradesh respectively, the Congress President Rahul visited dozens of temples and presented himself as a *Shiv bhakt* (disciple of the Hindu God Shiva) (Jaffrelot, 2019, p. 56). This “soft-Hindutva” strategy did not help stop Congress’s decline. The BJP, building on its historic 2014 performance, continued to attract mass appeal and increased its vote bank. The resurgence of BJP resulted in a more vigorous Hindu nationalism which is evident in the general election of 2019.

The 2019 General Elections in India

The 2019 Indian general election for the parliament (17th Lok Sabha) was held from 11 April to 19 May 2019. The election was fought largely by two alliances, the United Progressive Alliance (UPA) headed by the Indian National Congress and the BJP led National Democratic Alliance (NDA). Following the BJP’s decisive 2014 electoral victory, many analysts believed that BJP under Modi would win the election. Opinion polls revealed that Modi remains popular after four years in office. The Indian National Congress and some regional parties have struggled to counter the popularity enjoyed by BJP. The BJP campaign under Narendra Modi focused on promising strong personal leadership and a clean governance. Economic development did not receive much mention because Modi’s term was marred by declining commodity prices for farmers and insufficient job creation. BJP’s campaign was focused exclusively on appealing to Hindus, eulogising Hindu nationalism and demonizing the Muslims living in India. Such appeals may have helped consolidate a Hindu vote for the party.

The BJP Manifesto began with the promise of “Zero Tolerance” against terrorism and extremism. The government will strengthen the Armed Forces, modernize the Central Armed Police Forces and undertake effective steps to prevent illegal immigration in the North-eastern states. The manifesto promised that “Hindus, Jains, Buddhists, and Sikhs escaping persecution from India’s neighbouring countries will be given citizenship in India.”

On Kashmir, it states: “In the last five years, we have made all necessary efforts to ensure peace in Jammu and Kashmir through decisive actions and a firm policy... We reiterate our position since the time of the Jan Sangh to the abrogation of Article 370. We are committed to annulling Article 35A of the Constitution of India as the provision is discriminatory against non-permanent residents and women of Jammu and Kashmir. We believe that Article 35A is an obstacle in the development of the state” (Bharatiya Janata Party, 2019, p. 12). It “poses a psychological barrier for the full integration of the people of Jammu & Kashmir with the national mainstream.” Apparently, Kashmiris were not happy with such a provision and hence most of them refrained from voting. Only 29.39% of the Kashmiris turned out to vote. The Congress Manifesto 2019 on Kashmir reads: “We also acknowledge the unique history of the State and the unique circumstances under which the State acceded to India that led to the inclusion of Article 370 in the Constitution of India. Nothing will be done or allowed to change the Constitutional position” (Indian National Congress, 2019, p. 41).

The election witnessed the highest ever voter turnout of about 67.1 percent of about 900 million eligible voters across 542 parliamentary constituencies. The highest turnout of 71.2 % was in Madhya Pradesh and the “biggest dip in terms of turnout was in Jammu and Kashmir with 29.39% polling which is 20.33 % lower than 49.72% recorded in 2014” (Jain, 2019). The election results were announced on May 23rd, 2019. BJP won 303 seats and the BJP-led National Democratic Alliance won 353 seats in India’s 543-seat Parliament. The Indian National Congress won only 52 seats and the Congress-led United Progressive Alliance won 91. The rest of the seats went to other smaller parties and their alliances.

The Revocation of Article 370

On winning an outright majority in the Lok Sabha, the BJP government decided to fulfil the promise it made with regards to Kashmir. The BJP has frequently expressed its intention to get rid of Article 370. It has always claimed Kashmir to be an integral part of the Hindu nation, and categorically rejected the Pakistani claim to the territory. Consequently, on August 5th, 2019, the Government revoked Article 370 of the Indian Constitution which is described by the Constitution as a purely “temporary provision.” The revocation resolution bill

was debated and passed first by the upper house of parliament (Rajya Sabha) by a majority of 67% members and the following day it was passed by Lok Sabha by a majority of 91.73 percent. The revocation of Article 370 extends to a key provision added under it, i.e. Article 35A. This gives special privileges to permanent residents, including state government jobs and the exclusive right to own property in Jammu and Kashmir. This provision aimed at protecting the demographic character of this Muslim-majority region.

On August 6, 2019, the government brought forward plans to reorganize the administrative borders in the region. The Home Minister Amit Shah introduced a Reorganisation Bill in the Parliament to “form a new Union territory to be known as the Union territory of Ladakh comprising the following territories of the existing State of Jammu and Kashmir, namely: Kargil and Leh districts” and to form “a new Union territory to be known as the Union territory of Jammu and Kashmir comprising the territories of the existing State of Jammu and Kashmir....” It is specified that “the Governor of the existing State of Jammu and Kashmir shall be the Lieutenant Governor for the Union territory of Jammu and Kashmir, and Union territory of Ladakh for such period as may be determined by the President” (Ministry of Law and Justice, 2019: 2). Thus, Jammu and Kashmir will have a state legislature while Ladakh will be ruled directly from New Delhi. The Lok Sabha passed the bill for the reorganisation of the region by about 86% of the members of parliament. The passage of the bill makes it possible for people from other parts of India to enjoy the right to own property in Jammu and Kashmir and settle there permanently. It is feared that this may lead to a demographic transformation of the region from majority-Muslim to majority-Hindu.

The Indian government correctly assessed that the revocation decision may lead some Kashmiris to revolt. Hence, prior to the announcement, the government deployed thousands of new troops to the union territory to prevent unrest. Tourists and pilgrims were ordered to evacuate. All internet access and phone lines were shut down to mute anticipated adverse reactions of Kashmiris. Finally, around five hundred mainstream political leaders, including three former chief ministers, were put under house arrest. These measures indicate the realistic threat perception of the government. Noticeably, nearly half of the 3,700 people interviewed in Kashmir, in 2010, desired independence

(Lawson, 2010). Some fear that violence is now inevitable. The Indian government is sure of its ability to keep violence under control.

From the government's point of view, the revocation decision was in effect the legalisation of the policies taken by the earlier government. Kashmir's autonomy had already been largely stripped away by a series of integrative measures imposed on the state by federal governments between the mid-1950s and the mid-1960s. What remained of Article 370 was largely symbolic - a state flag, a state constitution, and a state penal code. Article 35A continued to apply but its provisions were not unique to Jammu and Kashmir as a number of Indian states have very similar protections for native residents. In any case, the revocation of Article 370 is meant to bring development to the region. It is India's internal matter and should be of limited concern to its neighbours. The supporters of BJP would like the government to adopt a tough and security-oriented foreign policy vis-a-vis Pakistan over Kashmir (Chadda, 2000). This should not be a problem since India, having the fourth largest military in the world, maintains the best of security relations with the United States and Israel which is India's second-largest arms supplier, estimated at ten billion dollars across the past decade. (Ningthoujam 2014).

Pakistan, on its part, has embarked on a desperate and vigorous diplomatic offensive against New Delhi. It has drawn the attention of the UN Secretary-General and written to the Security Council alleging Indian violations of the earlier UN resolutions on Kashmir. The UN Secretary General has called for restraint. Pakistan has expelled India's high commissioner (the equivalent of an ambassador) from Islamabad and stopped the newly-appointed Pakistani envoy to move to Delhi. It has suspended all trade between the two countries and cancelled train and the Samjhauta Express bus linking Lahore to New Delhi. The Western governments and some countries in the Muslim world urged the two parties to resolve the dispute peacefully. Muslim countries have refrained from condemning India. The responses of the members of the Organisation of Islamic Cooperation (OIC) have been un-substantive. In the end, Pakistan refrained from any more vigorous action as the international environment was not receptive to harsher steps by Pakistan.

Conclusion

In analysing the Kashmir conflict, specific emphasis needs to be given to ethno-religious aspects of Indian culture. Evidently, the emergence of Pakistan and India was based on the religious identifications of the two main ethnic groups of the subcontinent: Hindu and Muslim. Kashmir was a Muslim majority area ruled by a Hindu who acceded to the Hindu majority India. Pakistan, an Islamic republic, laid the claim on Kashmir. The conflict between the two neighbours ensured which remains unsettled. Religious dynamics, therefore, shaped governmental and political structures and affected the foreign and domestic policies of the two states. The Congress claimed the Muslim majority Kashmir to strengthen its brand of secularism. The BJP government aimed at establishing a Hindu Rashtra and wants Kashmiris to be fully integrated to India. With the passage of the revocation bill, the BJP government has closed all doors to a peaceful settlement of the dispute either through bilateral dialogue with Pakistan or third-party mediation. The Indian government stated categorically that the revocation of the special status of Kashmir is an internal affair and hence no need to negotiate with Pakistan except the “return” of “Pakistan-occupied Kashmir” to India” (Akram, 2019). With Pakistan suitably deterred, India’s security planners think that the insurgency levels in Kashmir can be managed.

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Smart Contract in Blockchain: An Exploration of Legal Framework in Malaysia

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Abstract: In 2017, the global Blockchain technology market was predicted to reach 339.5 million U.S. dollars in size and is forecasted to grow to 2.3 billion U.S. dollars by 2021. The smart contract has an increasing role in governing the legal relationship between the interested parties. This research explores the current position of smart contracts in Malaysia and the viability of the Malaysian framework in handling the latest development. This research adopts the qualitative and doctrinal legal approaches in analysing the current legal practice, the relevant statutes and the viability of the Malaysian legal framework. These approaches are necessary to be carried out in ensuring the workability of smart contracts in Blockchain. Additionally, the practices of smart contracts from international experiences are collected as case studies in this research. As a part of the findings, the researchers found that smart contracts are more or less similar to traditional contracts. Therefore, the requirements as stipulated under the Contract Act 1950 that are applicable in Malaysia must be followed accordingly. In this study, based on the nature of Blockchain

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technology, the researchers evaluate the current position of Malaysian laws in dealing with smart contracts. Additionally, the researchers also looked at the acceptable legal practice of smart contracts in Malaysia.

Keywords: Smart contract, Blockchain, Fintech, Contract Act 1950, and Malaysia.

Abstrak: Rangkaian blok atau blockchain menerima peningkatan populariti sehhubung dengan pelaburan digital, matawang kripto, dan teknologi kewangan (fintech). Pada tahun 2017, pasaran teknologi rangkaian blok di peringkat global dijangka mencecah US\$339.5 juta dan dijangka bertambah kepada US\$2.3 bilion menjelang 2021. Kontrak pintar (smart contract) mempunyai peranan yang semakin bertambah dalam mengawal hubungan undang-undang antara pihak-pihak yang berminat. Makalah ini mengkaji kedudukan semasa kontrak pintar dan daya maju rangka perundangan di Malaysia dalam menghadapi kemajuan teknologi tersebut. Penyelidikan ini menggunakan pendekatan kualitatif dan pendekatan doktrinal dalam menganalisis amalan undang-undang semasa, undang-undang yang berkaitan dan daya maju rangka perundangan di Malaysia. Pendekatan ini perlu dijalankan untuk memastikan kesesuaian kontrak pintar dalam rangkaian blok di bawah undang-undang yang terpakai di Malaysia. Di samping itu, amalan kontrak pintar dari pengalaman antarabangsa dikumpulkan sebagai kajian kes dalam kajian ini. Sebagai sebahagian daripada penemuan, para penyelidik mendapati bahawa kontrak pintar adalah bersifat lebih kurang sama dengan kontrak tradisional. Oleh itu, syarat yang ditetapkan di bawah Akta Kontrak 1950 yang terpakai di Malaysia mesti diikuti dengan sewajarnya. Dalam kajian ini, berdasarkan sifat teknologi rangkaian blok, para penyelidik menilai kedudukan semasa undang-undang Malaysia dalam menangani kontrak pintar. Di samping itu, para penyelidik juga melihat amalan undang-undang yang boleh diterimapakai berkaitan kontrak pintar di Malaysia.

Kata Kunci: Kontrak pintar, rangkaian blok, teknologi kewangan, Akta Kontrak 1950, dan Malaysia.

Introduction

Closely related to the famous cryptocurrency or Bitcoin, a new technology was unleashed to the world and it was known as Blockchain. With the increasing popularity of Bitcoin, Blockchain technology has received an increasing interest from the public. This innovation is considered important, especially with vast public and private sectors that are gradually adopting Blockchain in their systems. Based on Statista Report 2017, there is a gradual increase worldwide in the size

of Blockchain technology market. It is predicted that the said market value is reaching 339.5 million U.S. dollars and with a forecast to grow up to 2.3 billion U.S. dollars by 2021 (Statista Report, 2017). This statistic portrays the increasing demands on Blockchain technology and the shift of the global market towards more innovative Fintech based transactions. With such increase, a new form of contract i.e. smart contract gains significance in daily digital transactions.

In Malaysia, there is an increasing interest in the utilisation of Blockchain technology and smart contracts. The Central Bank of Malaysia issued the Financial Technology Regulatory Sandbox Framework on the 18th of October 2016 (The Central Bank of Malaysia, 2018). Thus, from the perspective of the legal framework of Malaysia, this chapter seeks to achieve four main objectives. These objectives are: (i) to explore the current position of smart contracts in Malaysia, (ii) to identify the viability of the Malaysian legal framework in facing the practices of smart contracts, (iii) to analyse the international experiences in practising smart contracts as case studies, and (iv) to evaluate the current position of Malaysian laws in dealing with smart contracts.

Additionally, the study also looks at the acceptable legal practice of smart contracts in Malaysia. Based on a best practice approach, the researchers provide some recommendations at the end of the discussion. This research is carried out based on a qualitative research method. In analysing the legal framework of Malaysia, a doctrinal legal method is employed in exploring the existing laws and legal practices of smart contracts.

The Operation of Smart Contract

In normal transactions involving sale and purchase agreement, the involved parties usually agree to the terms of an agreement and conclude it with an exchange of asset and payment of money. Under the English Common Law, which also regulates *Sharī'ah*-compliant transactions in Malaysia, the traditional contract depends on four main elements. These main elements are: (i) offer, (ii) acceptance, (iii) consideration, and (iv) intention to create legal relation (which usually presumed or derived from the conducts of the parties). A traditional contract can be formed either directly or indirectly. The direct form can be done with a face-to-face offer and acceptance (this can be done orally or with understandable sign language), with a certain payment as consideration

and the exchange of the goods or asset on the spot. While, the indirect form of contract can be concluded via writing or exchanges of letters or emails with indications of offer and acceptance. Later, it can be transmitted with the exchange of payment as a consideration for the goods or assets. The sealed agreement itself can be treated as binding and can be considered as a kind of record between the parties.

Unlike the normal transaction, the smart contract in a digital transaction (such as for the purpose of sale and purchase) has its own complexities. The early practice of smart contract can be traced to the operation of digital vending machine. The inventor of smart contract i.e. Nick Szabo (a computer scientist and cryptographer) explained that “The basic idea of smart contracts is that many kinds of contractual clauses (such as liens, bonding, delineation of property rights, etc.) can be embedded in the hardware and software we deal with, in such a way as to make breach of contract expensive (if desired, sometimes prohibitively so) for the breacher. A canonical real-life example, which we might consider to be the primitive ancestor of smart contracts, is the humble vending machine. Within a limited amount of potential loss (the amount in the till should be less than the cost of breaching the mechanism), the machine takes in coins, and via a simple mechanism, which makes a beginner’s level problem in design with finite automata, dispense change and product fairly. Smart contracts go beyond the vending machine in proposing to embed contracts in all sorts of property that is valuable and controlled by digital means” (Szabo, 1996). As predicted by Szabo earlier, smart contract reaches its highest potential within the digital transaction depending on the use of cryptocurrency and recorded by Blockchain.

The application of smart contracts gains a momentum when the parties that participated in the use of cryptocurrencies want to have a solid financial obligation in the exchange of asset. The first use of smart contract in Blockchain can be traced from to the operation of Ethereum. Unlike Bitcoin, Ethereum as the Blockchain platform ties down the exchange of ether (the cryptocurrency token) and the asset to the terms of smart contract. Unlike the hardcopy and printed version of an agreement, smart contract is attached and depends on the Blockchain as the digital ledger system.

Blockchain and Smart Contract

The early introduction of Blockchain technology can be traced back to Satoshi Nakamoto in 2008 through a white paper titled *Bitcoin: A Peer-to-Peer Electronic Cash System*. Basically, Nakamoto proposed for “a system for electronic transactions without relying on trust... with the usual framework of coins made from digital signatures, which provides strong control of ownership...” (Nakamoto, 2018). Such system is supported with “a peer-to-peer network using proof-of-work to record a public history of transactions” (Nakamoto, 2018). At the early stage, Blockchain technology is used as the underline technology for the operation of digital money or cryptocurrency that is called Bitcoin. Later, the said technology continues to be developed which enable new usage and spread to other industrial systems. As the underlined platform for creation of smart contracts, Blockchain is important as the recording digital ledger system for any changes done to the smart contracts or their terms.

In comparison to another earlier established technology like TCP/IP (transmission control protocol or internet protocol) in 1972 which gave birth to the development of the Internet. Blockchain technology stands with significant advantages to smart contracts. According to Williams (2017), these advantages can be traced from: (i) transparency, (ii) less costs of transaction, (iii) speedy settlement of transaction, (iv) user-controlled networks, and (v) decentralisation.

(i) Transparency is important, especially when it involves finance, business and trades. Blockchain technology receives a round of applause from investors when it comes with a transparency feature. Blockchain technology ensures that it is always an open source that is visible to the public. There is no secrecy with Blockchain. Any user has the chance to modify it as it fits with their businesses or transactions. Even though, Blockchain technology is open source, it does not mean it is easy to be modified. The logged data of the Blockchain is extremely difficult to be modified because any single action is visible to everyone in the network. Moreover, anyone in the network can go and check the modified logged data. With any improper modification of logged data within Blockchain, everyone in the network can be alarmed and the person who modifies it can be easily detected. This kind of open access security is added value to Blockchain technology.

(ii) Blockchain technology has the capacity to lessen the costs of transaction. Under Blockchain technology, an emphasis is given to peer-to-peer transactions. This peer-to-peer transaction allows the conclusion of business-to-business without any existence of intermediary or third party. Without the existence of any intermediary or third party, the transaction can be completed directly and without any increase of costs or any kind of related fees. This eventually leads to reduction of costs for every transaction.

(iii) Speedy settlement of transaction can be ensured with peer-to-peer transaction under Blockchain technology. Instead of having the time consuming, lengthy and complicated processes or procedures, Blockchain technology can be used for settlements of transactions within 24 hours. With different time zones around the globe, Blockchain technology ensures that business can be carried out around the clock. This advantage has the ability to multiply the settlements of transactions and speed up the profit-making process. It is also a convenience to investors, regardless of their different places and time zones.

(vi) Blockchain technology appreciates the user-controlled networks. This means, instead of depending on one particular party to control the networks, the users of the Blockchain have the privilege to control it. Any changes in the network can be detected and known to the users of the network.

(v) Blockchain technology also celebrates the decentralisation of central data hub which allows the operation of individual transactions. Without going through into a certain data centre, the validity and authorisation of individual transactions can be carried out without any restriction of approval. Moreover, when there is a leak in information, Blockchain technology ensures that only a small amount of information can be obtained due to the usage of individual servers. The decentralisation may be viewed negatively since it “was conceived by many as disruptive, as it challenges not only the current operating model and protocol, but it also tries to disconnect human conduct from a centralised power hierarchy” (Bakar, 2018). According to Buterin, the decentralisation of Blockchain indicates “politically decentralised (no one controls them) and architecturally decentralised (no infrastructural central point of failure) but they are logically centralised (there is one

commonly agreed state and the system behaves like a single computer” (Buterin, 2017).

Thus, when the Blockchain technology is adopted or improvised, it does not mean it can be excused from being legally regulated. It also indicates that the roles of legal and regulation may have become more important than previously accepted. Moreover, Blockchain has the potential to effectively record any changes in smart contracts.

Currently, there is no definite or precise definition of smart contracts under the existing Malaysian laws. Under the National Institute of Standards and Technology, US Department of Commerce, they defined a smart contract as “... a collection of code and data (sometimes referred to as functions and state) that is deployed to a Blockchain (e.g. Ethereum)” (Yaga *et al*, 2018).

Prior to the researchers from National Institute of Standards and Technology, Szabo explained in another short version of definition that smart contract is “a set of promises, specified in digital form, including protocols within which the parties perform on these promises” (Szabo, 1995). The researchers of National Institute of Standards and Technology (US Department of Commerce) explained the operation of smart contract as “Future transactions sent to the Blockchain can then send data to public methods offered by the smart contract. The contract executes the appropriate method with the user provided data to perform a service. The code, being on the Blockchain, is immutable and therefore can be used (among other purposes) as a trusted third party for financial transactions that are more complex than simply sending funds between accounts” (Yaga *et al*, 2018).

Instead of having written clauses in a piece of paper like the traditional contract, smart contracts depend on the use of code in computer language. The clauses of the smart contracts appear virtually and the Blockchain records themselves within a specific block, together with the process of offer and acceptance between the network’s users. Figure 3 shows the smart contract’s basic code that was used in the Ethereum’s blockchain. The terms of the smart contract are encoded to the Blockchain.

Blockchain and Smart Contract in Malaysia: A Change in Regulations

Closely influenced from the global finance and business market, Malaysia has an earlier exposure to the Blockchain technology through its robust dual banking and financial services. With the growing momentum of cryptocurrencies such as Bitcoin and Ethereum among the investors at the global scale, the Central Bank of Malaysia takes a cautious step in ensuring the safety of Malaysian local finance and business market. On the 2nd of January 2014, the Central Bank of Malaysia declared that the Bitcoin is not to be treated as a legal tender in Malaysia, and thus the operations of Bitcoin are not regulated under the supervision of the Central Bank of Malaysia. Based on their official statement, any member of the public that invested in the Bitcoin were advised to be cautious with the usage of Bitcoin and its related risks (The Central Bank of Malaysia, 2014). Later, on February 2014, the advice from the Central Bank of Malaysia was viewed positively especially with the loss of 850,000 Bitcoins that valued USD\$450 million from the world largest Bitcoin exchange Mt. Gox (Greenberg, 2014).

Reaching towards 2015, majority of Central Banks of the developing and developed countries started to make their own pilot experiments with digital currencies, Blockchain technology, and smart contracts. According to the Economist, they identified that: “All large banks already have teams poring over Blockchain. Many of their back-office settlement platforms seem destined for a move to decentralised ledgers. One barrier is the difficulty of finding staff who can get them up to speed on the technology” (*The Economists*, 2015). Moreover, the legal obligations of the banks and their customers become more complex and the digital transactions need to be tied down to smart contracts. In catching up with the regulatory trend, the Central Bank of Malaysia issued the Financial Technology Regulatory Sandbox Framework on 18th of October 2016 (The Central Bank of Malaysia, 2016).

The said Sandbox Framework incorporated the proposals outlined in the discussion paper issued in July 2016. The related administering laws that are relevant to the said Sandbox Framework are: (i) the Financial Services Act 2013, (ii) Islamic Financial Services Act 2013, (iii) Development Financial Institutions Act 2002, and (iv) Money Services Business Act 2011. With another advance step, the Central

Bank of Malaysia is planning to issue regulations on cryptocurrencies by the end of March 2018. The draft of the regulations for cryptocurrency exchanges is made available in the Central Bank of Malaysia's website since December 2017 (De, 2018).

Moreover, an amendment is made to the Anti-Money Laundering and Counter Financing of Terrorism (AML/CFT), specifically on Digital Currencies (Sector 6) (The Central bank of Malaysia, 2018). The amendment is made pursuant to the Guidance for a Risk-Based Approach for Virtual Currencies issued by the Financial Action Task Force on June 2015. Any form of crypto-currency exchange (crypto-to-fiat, or fiat-to-crypto, or crypto-to-crypto), the identity of the trader must be fully recognised. The trader cannot be treated as an anonymous as previously practiced.

There is also a new trend of crimes involving digital assets and mining machines. Recently, a local newspaper reports that police officers from Malaysian Criminal Investigations Department have arrested nine suspects for thefts of Bitcoin mining computer equipment that valued approximately RM1 million since January 2018 (Tee, 2018). However, it is apparent that no changes are made relating to Malaysian Penal Code for misuse of digital currencies or fraud in the usage of Blockchain technology or smart contract. Up to 2018, the crimes that involved digital assets, mining machines, misused of digital currencies or fraud in the usage of Blockchain technology or smart contract are still scarce in Malaysia. Thus, it does not warrant any possible change to the applicable laws. However, this position may be changed in the future.

Blockchain transactions as transpired from the booming Islamic financial services industry in Malaysia are also emerging Fintech companies that offer the use of Blockchain and smart contracts that are in compliance with *Sharī'ah* nature. While, the position of cryptocurrencies received mixed feedback from Muslim scholars. Majority of Muslim scholars are divided into two main groups. The first group said that the cryptocurrency is prohibited due to elements of *Gharar* (uncertainty) and *Maysir* (speculation). The second group insisted that the cryptocurrency is permissible based on *Maṣlahah* (public interest). Such a situation does not constrain the Fintech companies to come out with their version of Blockchain and smart contracts that they considered *Sharī'ah* compliance. The great efforts can be traced

from several Fintech companies. For examples, it is provided here two Fintech companies i.e. HelloGold and Finterra claim to be *Sharī'ah* compliant in providing platforms for smart contracts and Blockchain.

- HelloGold: It introduced the first *Sharī'ah* certified gold-backed cryptocurrency or GOLDX. The *Sharī'ah* consultation is carried out by Amanie Advisors. Every single GOLDX token issued by the HelloGold is backed up with an existing and physical gold. The Gold is stored in a secured vault in Singapore. By employing Blockchain technology, the HelloGold's Chief Executive Officer Mr. Robin Lee hoped for "democratize assets such as gold for the mass market" (Cosseboom, 2018). According to Mr. Robin Lee, it is important to have a high standard for the usage of Blockchain (Cosseboom, 2018). Based on their website, the clarification on the operation of GOLDX's Blockchain and smart contract is not presented; unless with a serious participation with the GOLDX (learning t
- Finterra: It introduced the world's first philanthropic Blockchain that is called Finterra Endowment (*Waqf*) Chain. Since it is based on the instrument of *Waqf*, it must accordingly follow the *Sharī'ah* compliance nature. They utilised a crowdfunding platform that depends on Blockchain technology which eventually creates the smart contracts. These smart contracts will be linked to certain *Waqf* projects. According to Finterra's Chief Executive Officer Mr. Hamid Rashid, "We are trying to change the financial terrain in its approach to crowdfunding and development of *Waqf*". Based on their official website (Finterra, 2018), the operation of the *Waqf* Blockchain is described as a structured transaction where (i) the tokens are backed by real assets, (ii) the dividends earning tokens, and (iii) tokens are transferable. This is expected to be the first successful project to have *Waqf* on the Blockchain.

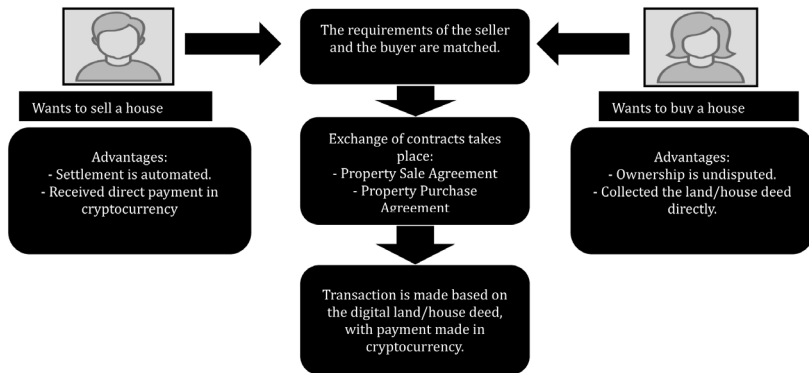
There is an apparent increase in the usage of Blockchain technology and smart contracts in Malaysia. According to the International Data Corp. (IDC), Malaysia was predicted to spend in 2018 worth of US\$17.57 billion on technology, where 50% goes to telecommunications. Moreover, the gross domestic product (GDP) in Malaysia is predicted to be at least 20% digitalised by 2021. Based on analysis made by Datuk

Seri Nazri Razak (former CIMB Group Chairman), “Transactions in Malaysia are projected to be almost ‘cashless’ by 2025, given rate of development in today’s technology, coupled with the fierce race to profit from optimising technology in banking” (Daily Express, 2018). With such situation, it is important for Malaysia to have a viable legal framework.

When it comes to a smart contract, it is important to know that the terms of the contracts are coded in a certain computer algorithm. This certain computer algorithm is a series of instructions (step by step) that execute immediately and automatically to the next step. These series of steps will be continued until the transaction cycle is completed. This kind of smart contract can be recognised legally when it fulfils the required conditions stipulated by the laws. In Malaysia, the main reference for smart contract is the Contracts Act 1950. One may argue that Contracts Act 1950 is only suitable for traditional contracts. However, regardless of how innovative the smart contract is, it needs to fulfil the required main elements in obtaining its validity and legality. Faster in comparison to the traditional contract, the smart contract has the ability to secure and record all transactions from the automate execution to settlement of the contract. Moreover, with the existence of Blockchain, the data of the contract is stored in every computer within the network. Once the smart contract is concluded, it is difficult to repudiate its existence. Thus, there are two important parts of smart contract that does not employ the traditional contract, i.e. (i) recorded transactions, and (ii) automated ledger.

Upon the agreement of the parties to the coded terms of the contract, they may place their cryptographical signature or digital signature on the smart contract. Later, the smart contract is automatically recorded in the Blockchain distributed ledger. Upon conclusion of the smart contract, the computer programme will automatically update the subsequent action. The subsequent action is the final action that depends on the regulators of the network. The final action for a smart contract of Blockchain that is created by a specific Fintech company depends on their final evaluation and control. In relation to confidentiality, the details of the concluded contract between the parties may be controlled by using the Blockchain.

Figure 1.0: Operation of Smart Contract



Source: Authors' own

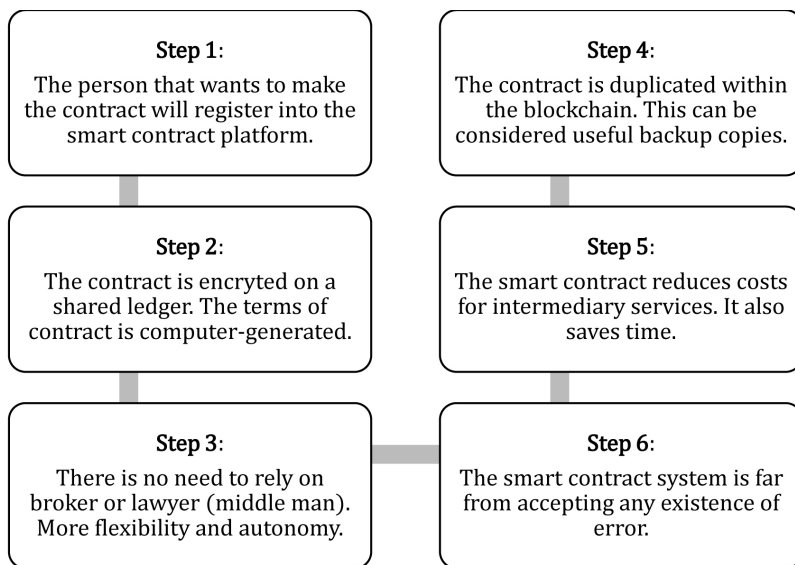
The consideration of the smart contract can be done through two main methods, which are: (i) digital assets or on-chain assets, and (ii) physical assets or off-chain assets. The digital assets are in the form of cryptocurrencies. When the party has cryptocurrencies stored within his cryptocurrency's wallets or accounts, the consideration or payment for the transactions can be completed automatically without any delay. This can be considered similar to the practice of payment on the spot in the real world. If the consideration or payment is completed with physical assets, the smart contract is tied down to exchange of stocks or payment with tangible fiat money or any other form of valuable materials such as gold. All of these transactions are recorded in the Blockchain distributed ledger. Based on the stipulated provisions of Contracts Act 1950, the most important and relevant provisions are listed as follows:

- Section 10 (1) Contracts Act 1950 states that: "All agreements are contract if they are made by the free consent of parties competent to contract, for lawful consideration and with lawful object, and are not hereby expressly declared void";
- Section 2 (a) Contracts Act 1950 (offer): "When one person signifies to another his willingness to do or to abstain from doing anything, with a view to obtaining the assent of that other to the act or abstinence, he is said to make a proposal".
- Section 5(1) Contracts Act 1950: revocation can be made at any time before communication of acceptance is complete.

- Section 2(b) Contracts Act 1950: Acceptance is a final and unqualified assent to all the terms of the offer.
- Section 2 (d) Contracts Act 1950: “When at desire of the promisor, the promisee or any other person has done or abstained from doing, or does or abstains from doing, or promises to do or to abstain from doing, something, such act or abstinence or promise is called a consideration for the promise”.

The abovementioned provisions of Contracts Act 1950 must be followed accordingly in the process of smart contract. This is essential to avoid any disputed issue that may bring the involved parties of smart contract to the court of law.

Figure 2.0: Flow of Smart Contract



Source: Authors' own

International Experiences in Practising Smart Contracts

In viewing the international experiences in practising smart contracts of Blockchain technology, this study chooses several countries in different regions based on their advancement in the Blockchain technology. Their experiences are provided as follows:

Australia: There is no reported case recorded concerning smart contract in Australian courts. Australian legal firms are amongst the earliest firms that embarked into a process of learning and training about Blockchain technology and smart contracts. One of the legal firms in Australia, known as Allens published a comprehensive report titled “Blockchain Reaction” which considers the regulatory and legal challenges that may be faced in Australia due to the adoption Blockchain technology and smart contract (Allens, 2016). Another legal firm of King Wood and Mallesons published an open source report titled “Digital and Analogue (or DnA) smart contract architecture” that tried to bridge the gap in development of smart contract (Thomson Reuters, 2016). Gilbert and Tobin had a full day workshop with Taylor Gerring the co-founder and advisor of Ethereum Foundation (Thomson Reuters, 2016). Hall & Wilcox also made their participation with their client Westpac in the Westpac’s BlockHack 16 to know further about the application of Blockchain technology (Thomson Reuters, 2016). Mr. Michael Bacina from Piper Alderman observed the current legal issues for smart contracts in Australia by saying: “A legally enforceable smart contract must still meet all the

traditional elements of a binding contract. Any duress, undue influence or unconscionable dealings could render a smart contract void at law, despite being potentially unstoppable in the digital world. Of particular concern are the purest ‘the code is the contract’ smart contracts, lacking any notification of their terms as the terms exist only in machine readable code. The identity of the other party to the contract, or whether that party has capacity to enter into the contract, is usually unknown. Australian courts are yet to address a smart contract dispute” (Bacina, 2017). Based on research, it is considered as a good practice in Australia to reduce the

smart contract into printable format, instead of leaving it virtually on the Blockchain distributed ledger.

United States of America: the legal movement of cryptocurrency laws in USA can be observed as aggressive with the competition States to become the first crypto capital. Pioneer laws can be traced to Tennessee and Arizona. In California, an Assembly Bill 2658 was introduced to update the laws on electronic records on Blockchain signatures and smart contracts. The said Bill submitted by Ian Calderon

an Assembly member expands the definition of electronic records and signature as provided under the Uniform Electronic Transactions Act. The wording of the said Bill is “a record that is secured through Blockchain technology is an electronic record”. The current law stipulates that “a record or signature may not be denied legal effect or enforceability solely because it is in electronic form and that a contract may not be denied legal effect or enforceability solely because an electronic record was used in its formation”. The said Bill is currently approved by Governor of California, it was approved on the 28th of September 2018 and it was filed with the Secretary of State on the same date. The accepted Bill (now an Act) focuses to add and repealed Sections 11546.8 and 11546.9 of the Government Code on the use of Blockchain technology (California Legislative Information, 2019). Beside of having the introduction of the new cryptocurrencies’ laws and amendments to electronic transactions laws, there were recorded cases in US that related to money laundering. There is no landmark decision from US courts concerning smart contracts as of yet.

Europe: in this region, Malta becomes the first country that has a robust legal framework with their own version of crypto-friendly laws. As the Maltese Parliament officially passed three purposed Bills into Acts on the 4th of July 2018, the practice of Blockchain, cryptocurrency and distributed ledger technology are accepted in positive vibe (Forbes, 2018). The said Acts are: (i) Malta Digital Innovation Authority Act introduced the Malta Digital Innovation Authority that is responsible to certify any distributed ledger technology platform. (ii) Innovative Technology Arrangement and Services Act governs the setting up of companies that involve in the cryptocurrency market, and (iii) Virtual Financial Assets Act that covers the provisions relating to ICOs, exchanges in cryptocurrency, wallet providers, and etc. These Acts are important to protect the market integrity, industry, and stakeholders’ legal protections, especially for the consumers.

Earlier in 2018, the Government of Spain indicated that they would have their own Blockchain-friendly legislation with possibility of tax incentives. According to MP Teodoro Garcia Egea, the new legislation was expected to be completed by the end of 2018 (Coin Telegraph, 2018). However, reaching towards March 2019, there is no new update on the new legislation from the Government of Spain. The motivation behind the new legislation is to make Spain as the first country to have

the safest framework in the investment of Initial Coin Offerings in Europe.

There is an active movement made by the European legislatures to have cryptocurrency laws and electronic transactions. However, there is no recorded case from European courts concerning to Blockchain and smart contract directly. However, there is a significant increase in money laundering cases. According to Director of Europol, around 5.5 billion US dollars is laundered in Europe through various types of cryptocurrencies.

England: John Thomas (Baron Thomas of Cwmgiedd) is one of the top and long serving judges for England and Wales, he made a statement about Blockchain technology and smart contract. As the Lord Chief of Justice for England and Wales and most senior judge, Baron Thomas indicated that the UK law may require certain updates when it comes to digital currencies, Blockchain and smart contracts. He recommended for an establishment of independent body to monitor and recommend reform actions on the legal development in UK to the government. Baron Thomas said: “Certainly, the European Commission takes the view that legislative change will be needed to deal with new forms of contract such as the Blockchain and smart contracts. I have no doubt that we must consider whether our law (as it will then be) will need similar legislative updating” (Higgins, 2017). There is also an initiative made by the UK Law Commission to do a new research project on how Blockchain-based smart contracts can keep the competitive environment within the global market (Coin Law, 2018).

Catching up with the booming industry, University of Oxford through their Law Faculty initiated a research collection on law and technology. This is important to ensure their young legal talents are coping up with the latest changes in the industry (Oxford Law Faculty, 2017). They also offer to the public a 6 week online short course through their Oxford Blockchain Strategy Programme under their Business School. Besides having a few money laundering cases, there is no recorded case directly concerned about smart contracts in England. There is also an absence of any amendment to their laws.

The Viability of the Malaysian Legal Framework for Smart Contracts

When viability is mentioned here, it indicates to the practicality of Malaysian legal framework in facing the new innovation of smart contracts that directly or indirectly interlink with Blockchain technology. As a highly regulated country, it is interesting to see that Malaysia already has a rather comprehensive legal framework in catching up with Blockchain and smart contracts. These laws are important to protect all the relevant stakeholders, especially the customers. It seems that only minor amendments or a guideline can be done to the legislations, instead of having an in-depth introduction of a new legislation. The viability of the laws is summarised as follows:

- **Banking and Financial Laws:** under this category of laws, there are several important legislations that can be referred to. Among others, the laws are: (i) the Financial Services Act 2013, (ii) Islamic Financial Services Act 2013, (iii) Development Financial Institutions Act 2002, (iv) Money Services Business Act 2011, and (v) Financial Technology Regulatory Sandbox Framework.
- **Security and Criminal Laws:** under this category of laws, the most visible laws are: (i) *Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act* 2001 (AMLA); (ii) Malaysian Penal Code, (iii) all the guidelines under the authority of CyberSecurities Malaysia, (iv) Computer Crimes Act 1997, and (v) Prevention of Corruption Act 1961.
- **Customers Protection Laws:** (i) Consumer Protection Act 1999 (which the researchers propose for the inclusion of new part relating to digital assets); (ii) Personal Data Protection Act 2010; (iii) Consumer Protection (Electronic Trade Transactions) Regulations 2012.
- **Digital and Multimedia Laws:** the relevant laws are: (i) Electronic Commerce Act 2006, (ii) Electronic Government Activities Act 2017, (iii) Digital Signature Act 1997, (iv) Digital Signature (Amendment) Act 2001, (iv) Communication and Multimedia Act 1998, (v) Copyright Act 1987, (vi) Trademarks Act 1976, and (vii) Patents Act 1983.

- Business and Competition Laws: the relevant laws are: (i) Companies Act 2016, (ii) Partnership Act 1961, (iii) Limited Liability Partnership Act 2012, (iv) Contract Law 1950, and (v) Competition Act 2010.
- Taxation and Revenue Laws: the relevant laws are: (i) Income Tax Act 1967, (ii) Guidelines on Taxation of Electronic Commerce, (iii) Goods and Services Act 2014, (iv) Digital tax (which is yet to be announced by the end of 2018).
- Dispute Resolution Regime: it related to court system in Malaysia and alternative dispute resolution regime. The relevant laws are: (i) Mediation Act 2012, (ii) Arbitration Act 2005, amended by Arbitration (Amendment) Act 2011, and (iii) the Rules of Court 2012.

In relation to *Sharī'ah* compliance nature of Blockchain and smart contracts, a proper reference should be made to the principles of *Sharī'ah* accompanied with methodological aspects of Islamic jurisprudence. A careful treatment should be taken by the industry stakeholders and Muslim scholars in analysing the *Sharī'ah* compliance nature of Blockchain and smart contracts. This is necessary since they are new innovations that never exist during the time of Prophet Muhammad (SAW). The general rules on prohibition of *Gharar* (speculation), *Maysir* (gambling) and *Ribā* (interest) must be taken carefully, especially when the products of the Blockchain and smart contracts involve *Ribawi* items such as gold and silver.

In Malaysia, with the establishment of Shariah Advisory Council under the Central Bank of Malaysia, it can be seen that the members of the Shariah Advisory Council are needed to increase their knowledge regarding to Blockchain and smart contracts. These new innovations can be treated as their new challenges in issuing rulings according to *Sharī'ah* principles. Thus, a careful treatment should be employed to every aspect of Blockchain and smart contract. Moreover, it is necessary to consider the mixed opinions of Muslim scholars globally when it comes to the permissibility of cryptocurrency.

Acceptable Legal Practice of Smart Contracts in Malaysia

As a part of the findings, the researchers found that the smart contracts of Blockchain technology are more or less similar with the traditional

contracts. Therefore, the requirements as stipulated under the Contracts Act 1950 that are applicable in Malaysia must be followed accordingly. The Malaysian legal framework can be considered viable and practical in facing these new innovations of Blockchain and smart contracts. However, it is recommended that the definition of electronic transaction is expanded to cover the smart contract and Blockchain transactions. Under the law of taxation, digital assets should be considered as taxable property. With the increasing number of Fintech companies that offer their services, it is necessary to avoid any existence of unhealthy competition among them.

When comes to *Sharī'ah* compliance nature of products offered by these Fintech companies, it is recommended to the Malaysian regulators and authorities to make a proper investigation on their operation, regardless whether they engaged with popular *Sharī'ah* advisors or famous *Sharī'ah* advisory firms. Such investigation is not to diminish the *Sharī'ah* advisors' reputations, but to ensure that the *Sharī'ah* compliance nature is not compromised due to high payment. Moreover, such a step is necessary to secure public trust and Malaysia's reputation as the best Islamic investment market in the world. The researchers suggest for a certificate to be issued by the relevant Malaysian regulators and authorities to this so-called *Sharī'ah* compliance Blockchain and smart contract-based products after the investigation is carried out. A continuous independent examination to the Fintech companies by the regulators and authorities must be carried out annually to ensure that they are promoting and using proper *Sharī'ah* principles and fulfil the requirements of *Sharī'ah*.

In a matter of legal drafting, a concern should be placed on whether such computer codes manage to clearly portray the intention of the parties in doing their offer and acceptance. Moreover, regardless how paperless smart contracts are, a tangible proof must be presented before the court or the alternative dispute resolution channels in reaching into a just and fair decision. A reminder should be placed here that computer codes cannot be treated or accepted as terms of contracts especially when the computer codes cannot be understood.

Conclusion

Nowadays, the smart contracts of Blockchain technology are widely used to seal the transactions between the parties within the network.

The smart contracts generate new type of assets that are called digital assets. In order to have valid and binding contracts under the laws, it is necessary for this smart contract to fulfil the required elements as stipulated under the laws. It is also necessary to acknowledge that computer scientists are not lawyers and vice versa. Regardless of how the computer scientists claim that smart contracts are binding contracts, it is still the roles of the lawyers to examine the laws and legality of the smart contracts. Nevertheless, it is the responsibility of the computer scientist to come out with the correct computer codes for the smart contracts' terms. Thus, a bridging between these two different fields should be done through having proactive exchanges of knowledge and understanding.

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South-South Cooperation: A Case Study of Contemporary Sudanese-Malaysian Relations

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Abstract: South-South cooperation is an approach to international economic and political relations among developing countries to enhance development prospects; it has been increasing in significance. Such a strategy was adopted bilaterally at the outset between Malaysia and Sudan but eventually evolved to include a broader network of Asian and African Countries. This paper is focused on Malaysia-Sudan relations as a case study. It adopts a qualitative approach comprising reliance on primary and secondary sources of data to study the relations of exchange between the two countries. Findings lend support to claims of potential rewards in South-South Cooperation. Through it Sudan managed to exploit its idle oil reserves and achieve high rates of economic growth. Similarly, Malaysia achieved very good results in areas of trade and investment and managed to open up business opportunities in other African countries. Sudan was also able to build productive cooperation with a number of Asian countries. All countries involved benefited from the cooperation.

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Key Words; South-South cooperation, political relations, economic relations, PETRONAS, foreign policy

Abstrak: Antarabangsa di kalangan negara-negara membangun yang semakin meningkat kepentingannya. Strategi tersebut diguna pakai secara dua hala pada awalnya antara Malaysia dan Sudan tetapi akhirnya berkembang untuk merangkumi rangkaian yang lebih luas merangkumi negara-negara Asia dan negara-negara Afrika. Berdasarkan kepentingan ini, kertas kajian ini dibuat untuk menerangkan hubungan antara Malaysia-Sudan sebagai kajian kes yang lebih mendalam. Ia megguna pakai pendekatan kualitatif termasuklah sumber rujukan yang terdiri daripada pergantungan kepada sumber-sumber primer dan sekunder untuk mengkaji hubungan pertukaran antara kedua-dua negara. Hasil daripada kajian ini menunjukkan betapa benarnya potensi faedah yang boleh diperolehi daripada kerjasama Selatan-Selatan tersebut. Melalui kerjasama ini, Sudan sudah berjaya mengeksploitasi sumber yang terbiar dan mencapai kadar pertumbuhan ekonomi yang tinggi. Begitu juga, Malaysia mencatatkan keputusan yang sangat baik dalam bidang perdagangan dan pelaburan dan berjaya membuka peluang perniagaan yang lebih luas di negara-negara Afrika yang lain. Negara Sudan juga telah berjaya membina kerjasama menguntungkan dean beberapa buah negara Asia. Begitujuga semua negara yang terlibat telah mendapat manfaat daripada kerjasama tersebut.

Kata Kunci: Kerjasama Selatan-Selatan adalah satu pendekatan untuk hubungan ekonomi dan politik

Introduction

Until 1991, when Sudan approached Malaysia to enhance their economic and political relations, Sudan's foreign policy and international trade relations were directed towards Western countries in a traditional North-South pattern. Malaysia and Sudan always had good relations with each other since their independence, but stronger ties and redirection of Sudan's relations towards South-East Asia, South Asia and East Asia as well as towards African economic integration was a recent development which was largely motivated by an attempt to circumvent the Western boycott imposed on the Islamic government of Sudan. In addition, some leaders in the Sudanese government of the early Nineties of the Twentieth Century were well acquainted with Malaysia and the countries of East Asia. The most prominent among leaders acquainted with Malaysia was the President of the Republic and the Minister of Finance. Hence, Sudan

took the initiative to approach Malaysia and China first to help exploit its oil reserves abandoned by American companies which accepted to sell their franchise to the Sudan Government. Ever since the Sudan government followed this line of policy consistently towards other developing countries, particularly Asian countries. By now most other African countries redirected at least partially their international trade and investment towards Asian countries.

Yet, while adoption of the South-South Cooperation approach was imposed on the Sudan by the circumstances, it is useful to note that in the case of Malaysia it was a strategy deliberately pursued as part and parcel of its foreign policy and development strategy. Thus, immediately after the independence of Malaysia followed a pro-Western stance in its foreign relations; but, during the 1970s, Tun Abdul Razak, as the second prime minister, changed the course of policy to join the Non-Alignment Movement (NAM) (Abdul Hamid 2005)). Furthermore, Dr. Mahathir as prime minister introduced two important policy orientations: first a policy of 'look east' that sought to learn from the examples of South Korea and Japan. Second the Malaysian foreign policy was reoriented to emphasize South-South Cooperation by virtue of which economic integration with countries of ASEAN and closer relations with Muslim countries were cultivated while maintaining good relations with the rest of the World. Eventually, Malaysia emerged as a leading champion of South-South Cooperation and assumed a leadership role in the Organization of Islamic Conference (OIC). It was also an active member of NAM, the Group of 77 and the Group of 15 (Abdul Hamid 2005, Khalid 2016). Hence Malaysia's positive response to the proposal by the Sudanese government to invest in oil and gas production was hardly surprising. Abdul Hamid (2005) Identified: 'National interests, external sources and leadership variables' as the most important influences on Malaysia's South-South Cooperation policy orientation.

In this specific case under consideration it is important to note that Malaysia had its own reasons for cooperation with Sudan, paramount among which were: cultural relations and national economic interests. Thus Malaysia's adoption of South-South cooperation and 'look east' policy was part of its development strategies and was not imposed by any boycott (Khalid 2016). On a broader perspective Sudan also learned from the example of Malaysia by following a 'look east' policy that

resulted in further engagement with China, South Korea, India and Japan (Large 2008).

The Research Problem

This paper handles a case study pertaining to contemporary political, economic and human resource development relations of exchange between Malaysia and Sudan which started back in 1991 in light of a South-South Cooperation framework. It is imperative to face up to such questions such as: how has this relationship started and evolved? Has this relationship gone smoothly and yielded sufficient benefits for both countries? What obstacles were faced? What lessons can be learned for South-South cooperation based on this case and what policy reforms are indicated?

Objectives of the paper

The following salient objectives are envisioned:

1. To examine the implications of the strategy of South-South Cooperation.
2. To explore Malaysia-Sudan relations in terms of South-South Cooperation.
3. To point out factors which have set limits on these relations of cooperation.
4. To indicate the implications of this specific case of cooperation for the two countries and the fledgling cooperation between African and Asian countries.
5. To derive lessons and suggest policy reforms

Literature Review

South-South Cooperation

South-South Cooperation (SSC) was a late Twentieth Century development with some ambiguity about its specific connotation as a concept. Thus, some of the definitions lay emphasis on the political solidarity side while others underscore the economic exchange dimension; but both viewpoints recognize the significance of the other dimension. This was apparently due to the fact that its introduction as an approach by the United Nations in 1978 (McPherson 2015) was

preceded by a number of political forums set up by developing or underdeveloped countries, which had just gained their independence, mainly as organizations for political solidarity. The most significant institutions included: the Non Alignment Movement (NAM), the Group of 77 (G77) and the Group of 15 (G15). These same forums, including NAM eventually directed their attention to cooperation for development; particularly after non-alignment lost its rationale after the end of the Cold War (Modi 2011). Thus, Abdul Hamid defines SSC as: ‘—the strategy for greater mutual use of developing countries resources in order to promote economic independence, increased self-reliance and improved bargaining power with the developed countries’ P.2. He suggests that the purpose of mutual cooperation is to end dependency on advanced Western countries and increase bargaining power. This viewpoint underscores political cooperation at the multi-lateral level to promote mutual economic interests. It must be admitted that political solidarity as a means and economic cooperation as the end is an appropriate perception of this concept.

A glaring example was the solidarity shown by developing countries during the World Trade Organization (WTO) Negotiations at Doha in 2001. It looked as if advanced countries were trying to open up markets of developing countries for their export commodities while at the same time closing their own markets to exports from developing countries. Actually this has always been the case providing the rationale for the South-South cooperation argument. International financial institutions generally dubbed as: ‘the Bretton Woods Institutions’ were alleged to be used as instruments for advanced countries’ hegemony. They gave advice which resulted in doing more harm than good to developing countries applying for financial loans. Hence, it is believed, the best chance for developing countries to get developed is to cooperate among themselves (Modi 2011, Silva 2010)).

The other viewpoint, advocated by the United Nations and development economists does not imply any multi-lateral polarization between advanced and developing countries. The UN coined the specific terminology as a development strategy in 1978 and established an office for that purpose to encourage developing countries to cooperate between themselves in order to promote their development prospects. Yet, it was suggested as a strategy that complements the usual North-South cooperation and not as a substitute for it. There was

no suggestion of political solidarity against the North or developed countries. Todaro, et. al. (2012) confined the concept of South-South Cooperation to: regional economic integration associations, customs unions, trade in commodities and foreign direct investment, in addition to technology transfer. Economic integration and customs unions help widen the size of the market to enable industrialization in countries with small economies which do not enable establishment of industries that require economies of scale. While trade between them is more likely to realise benefits from trade and speed up development. Thus, the United Nations Office for South-South Cooperation (UNOSSC) defines the concept as: ‘South-South cooperation is a broad framework for collaboration among countries of the South in the political, economic, social, cultural, environmental and technical domains. Involving two or more developing countries, it can take place on a bilateral, regional, sub-regional or interregional basis. Developing countries share knowledge, skills, expertise and resources to meet their development goals through concerted efforts.’ (UNOSSC, retrieved from WIKEPEDIA) This definition recognizes political cooperation as important but underscores tangible economic benefits resulting from exchange. Anyway, at the international level political and economic relations are inextricably intertwined and cannot be dissociated from each other; whenever one of them is mentioned the other is implied. Silva (2010) considered the first 30 years of South-South Cooperation to be politicized where developing countries’ cooperation was aimed mainly at the establishment of a ‘new world economic order’; but by the turn of the century it took the form of cooperation for development.

Theories of International Political Economy

While South-South Cooperation is an argument in favour of multi-lateral cooperation between the group of countries designated as ‘developing’, it is important to review theories of international political economy which provide explanation for: why and how countries establish relations at the bilateral level? Some international relations scholars may explain foreign policy in terms of extension of domestic policy into the international arena (Hiscox, 2008). While Ravenhill (2008) using a realist approach to international relations sees foreign policy as rational decision making whereby each country seeks to achieve its national goals at the international level. Thus, foreign economic policy, in the present case, can be explained in terms of rational pursuit of tangible

national interests paramount among which are economic interests; other theories pertaining to international influence or hegemony and strategic advantage need not be reviewed here since neither of the two countries involved is showing interest in international hegemony or power politics at the international stage.

Literature pertaining to Sudan-Malaysia relations, however, attributes the beginning of the recent more productive relations to two reasons: the ascendance to power of General Omer Al Bashir, who had completed his military studies in Malaysia; and the Western boycott to which Sudan was subjected (Ahmed 2000). Sudan approached Malaysia to help exploit its untapped crude oil resources. Eventually, relations developed beyond that to wider horizons.

In the case of Malaysia, it appears that it was caught up in a similar situation to that of Sudan, inspiring redirection of policy to 'look east' and adopt a South-South orientation. The reorientation took place in the wake of the economic crisis that struck the country in the early 1980s and reflections on its possible causes. It became important to aim a drive at industrialization and consequently to look for foreign direct investment, human resource development and economic integration as well as foreign markets (Abdul Hamid 2005).

Explaining Sudan's foreign policy designs, two well informed authors, Mansour Khalid (1990) and al Mahgoub (1974), emphasized the point that Sudan's foreign policy had always been based on the pursuit of national interests. It should be noted that both were former foreign ministers and Mahgoub was, in addition, twice a prime minister of the country in the periods preceding 1985. They dominated the field before 1989 and were the most credible observers. But Woodward (1990), another well informed author, considered Sudan's foreign policy to be an extension of its internal politics, as the country has always been plagued by political instability forcing incumbent governments to approach foreign policy from the standpoint of achieving security and political stability. Woodward's view was inspiring, useful and realistic; it seems to be applicable even in this particular case. By the same token views underscoring national interests in terms of national political and economic development are even more applicable as will be explained later. Hence, it appears that Sudan's foreign policy was mostly geared towards the pursuit of national interests particularly highlighting the

urgent needs of development and political stability. However, the country's foreign policy during the Nineties of the Twentieth Century, before building relations with Asian countries, did not seem to conform to these principles as will be explained later. Yet, after 1999, under duress, the government of Sudan learned the lessons of how to adopt more realistic foreign policies aiming at the pursuit of national interests.

International trade and investment relations, as the most visible feature of the relationship between Sudan and Malaysia, relate to economic interests that can be explained in terms of international economic theories pertaining to: trade, finance and investment. It is useful to bear in mind that theoretical models in this field pertain to economic liberalism. Thus, the most widely used theoretical explanation in this field is Heckscher-Ohlin's model of comparative advantage and factor endowments. Ohlin proposes that countries engage in international trade because they are essentially different in their factor endowments i. e. labour, capital and natural resources endowments; and the proportions in which they hold such factors of production. This may also be extended to include intangible factors such as entrepreneurship and management capacity in addition to technical know-how, as additional factors of production in today's world of K-economies. This diversity inspires countries to specialize in production of commodities that utilize their available factors of production efficiently; and import from other countries goods which can be produced more efficiently and, therefore, cheaply in the other country with factor endowments more suitable for production of the imported commodities. Both countries will benefit from this relationship of exchange which enables them to obtain locally produced as well as imported goods at the lowest cost (Krein 2002). The model is widely used to explain North-South trade relations but can also explain the present trading situation since one country, Malaysia, is more advanced in technology and capital intensity while the other country, Sudan- by way of contrast, is less so and is predominantly using labour intensive production methods. Malaysia is an industrialised country while Sudan is still a producer of agricultural commodities and raw materials. Malaysia has the investment capital which can be invested profitably in other countries while Sudan provided for lucrative investment opportunities. Ladd (2010) argued that developing countries are by now at different stages of development; hence notions about comparative advantage were applicable to them.

They may benefit from exchange of commodities, finance, technical knowhow and experiences.

Pertaining to this same issue Elfaki (2012) completed a dissertation and published a paper on Malaysia-Sudan relations that was full of information about Sudan and Malaysia. But it was generally descriptive. Osama Idarous also wrote a publication on this topic but focused on the earlier period up to 1999 which marked the beginning of useful cooperation. In this paper we use a south-south frame of reference as an entirely different approach and Sudan-Malaysia relations as a case in point; this approach has not been used before but we relied on the same sources of information as the two authors.

Framework for Analysis

Based on the foregoing theoretical part, the remaining substantive part of this paper will assume that at the international exchange level of political relations between the two sides to a bilateral relationship have to be established first in order to facilitate and coordinate cooperation, negotiate agreements and manage other features of international relations aimed at the achievement of mutual interests. Then that will be followed by tangible exchange of commodities, investment and transfer of knowledge and technology. If the international engagement is successful tangible economic and political solidarity benefits can then be reaped. The present paper will, therefore, first discuss the beginning and evolution of political relations to be followed by economic relations and finally transfer of knowledge, knowhow and capacity-building under the rubric of: human resource development. In the conclusion, tangible benefits will be indicated and implications for cooperation between Asian and African countries will be highlighted.

Methodology and Sources of Data

The adopted methodology of this paper was essentially qualitative involving the use of primary and secondary data sources. Primary data took the form of interviewing some members of the Sudan embassy in Kuala Lumpur who possessed useful knowledge pertaining to our project. We also obtained some written materials and information about events and agreements from the embassy. Relating to the factual aspects; the source of any factual information where no source is mentioned can be assumed to be the embassy. In addition, two of the authors were

witnesses to many of the events during the Nineties in Sudan and the 21st Century in Malaysia. Secondary sources vary over a wide range featuring: books on the subject matter, papers, reports, internet sources and sources of statistical data.

Areas of Cooperation: Political, Economic and Human Resource Development

It is important to remember, at the outset, that the bilateral cooperation between the two countries started as political contacts to eventually evolve into economic and cultural exchange. Although geographically located in two different continents, Sudan and Malaysia share some important cultural, social and religious values. Both countries were former British colonies and gained their respective independence in the same decade: Sudan became a sovereign state in early 1956 and Malaysia achieved that status in 1957. The two countries seemed to face similar problems of nation-building: Sudan, being a multi-ethnic country, was fighting to determine its national identity. The country was confronted with a costly civil war in the south on the issue of conflict of identities. Malaysia on the other hand, was facing similar challenges. Malaysian leaders worked hard to maintain stability, security and racial harmony within a fragile multi-racial society. Comparing the two contexts, it becomes obvious that Malaysia's experience with nation-building was met with much more success than the Sudanese counterpart. It is by now on the verge of full-fledged development. While the Sudanese experiment faltered and reached a climax as the two parts of the country, the North and the South, split into two separate political units in 2011. In terms of development only recently that Sudan has crossed the boarder-line between the least developed and low-middle income countries. Thus, the stage is right for useful exchange as Malaysia has comparative and competitive advantage that Sudan lacks and Sudan has plenty of untapped resources. Back in the early 1970s when Tun Razak was outlining the new economic policy, Sudan was slightly better in terms of development than Malaysia. However, due to bad politics time was wasted in fighting and generation of conflict and no progress was achieved in economic development.

Political Cooperation

It is important, at the outset, to explain the specific context and circumstances within which closer relations between the two sides

were promoted. It should be remembered that Sudan took the initiative to promote the relationships with Asian countries including Malaysia under the duress of international sanctions. The scenario of events started when the National Islamic Front seized power by means of a military coup starting an Islamic movement generally known as: 'the Salvation Revolution' which continued to rule Sudan up to this day. However, the early days of Islamic rule were characterized by extremism and unrealistic ambitions. Yet, in spite of the many misguided policies and acts, it is useful to assert that rhetoric voiced out by zealots had done more damage to the country's image and interests than tangible behaviours. Those earlier policies and rhetoric eventually involved the country into much trouble that led to its isolation and other consequences from which it continues to suffer. The government had to waste much of the 21st Century to work itself out of the trouble stemming from events in the 20th Century. The 'look east' policy was one of the earliest avenues for circumvention of international sanctions and isolation.

Events leading to international sanctions had their beginning when the government took the wrong position on the outbreak of the first Iraq war in 1990 as it stood on the side of Iraq; the result was isolating itself from Middle Eastern countries. In addition, an open door policy was followed towards opposition and revolutionary movements throughout the Muslim World including the Egyptian Islamist groups and Afghan Arabs who could not find a haven anywhere else. That helped largely to isolate the country in the Muslim World. Moreover, the different guest movements continued to practice violence inside and outside the country. The most serious event that led to imposition of international sanctions was the failed assassination attempt against the Egyptian President in the city of Addis Ababa on the 25th of June 1995 by an Egyptian Islamist group. It was alleged that those who committed the act came from Sudan and that three of them who survived the failed attempt went back to it (Niblock 2001). Following that international sanctions involving diplomatic sanctions and air embargo were imposed on the country by the UN Security Council. Generally speaking those sanctions were not effectively observed by most countries. But the United States, who considered the UN sanctions as not effective, imposed its own sanctions which featured the blocking of Sudan government property and discontinuation of all transactions with the country (Niblock, 2001). Other Western countries did not pass any such

decisions but generally observed the American boycott. After 1998 a split took place within the ranks of the Islamic movement that was ruling the country resulting in the ability of the military establishment to impose its will by excluding the civilian zealots and started to follow more realistic policies, gradually working it out of earlier liabilities. Yet the spectre of American sanctions still looms over the country.

Narration of these events is important for three reasons: first to explain how the chain of events forced the incumbent Sudan government to 'look east' towards Asian and Muslim countries after working itself out of isolation. Second, American sanctions forced Western companies to pull out of oil exploration and production in the country to avoid the threat of heavy fines and other losses which could be imposed by Americans. Finally, the financial boycott is still being used to thwart transactions of funds for foreign companies, including Chinese and Malaysian companies, in and out of the country.

The Malaysian experience was already alluded to but some further elaboration is imperative. Malaysia, with the turmoil of the 1960s behind, moved with a more conciliatory approach in its foreign policy. The country's relations with the Arab and Muslim world improved remarkably in the 1970s. The Arab oil producing countries exempted Malaysia from oil cutbacks during the energy crisis following the October 1973 war between Arabs and Israelis. Malaysia began to cash in on its improved Arab ties by concluding a number of cultural, scientific, technical and economic agreements with several Muslim states in the Middle East (Khalid 216). It was within this context that Sudan and Malaysia started to establish normal relations based on reciprocity and mutual interest. Up to that point, there was just a non-resident diplomatic representation between the two countries.

Before the beginning of the recent relations cooperation was largely confined to the level of participation within regional and international organizations such as the Organization of Islamic Conference (OIC), Non-Aligned Movement (NAM), and the United Nations (UN). In this regard, the two countries shared identical views on many regional and international issues such as the Palestinian issue, support for the national liberation movements, opposition of apartheid in South Africa and the call for a New World Economic Order (Mustafa Osman Ismael, 1998, 4).

Diplomatic relations between the two countries go back to the 1970s; yet it was only in the late 1980s and early 1990s that they witnessed rapid promotion. At the outset the enhancement of relations took the form of exchange of visits between heads of state. The beginning of serious contacts was marked by a 1991 visit by General Bashir, the president of Sudan, to Malaysia. That was the first state visit at this level to Malaysia by a Sudanese head of state. During the visit Sudan opened its embassy in Kuala Lumpur to upgrade the non-resident representative status. It must be noted that Bashir was well acquainted with the country and its experience in development; he completed a course at the Malaysian Military Academy. Relations between the two states grew gradually and steadily, reaching their highest level after a state visit to Khartoum by Malaysian Prime Minister, Dr. Mahathir Mohammed in May 1998. After receiving an honorary Doctor of Laws from Khartoum University, the Prime Minister announced the need for Malaysia to restore and boost its relations with Sudan and other countries in order to rebuild its economy after suffering the worst currency crisis. In his entourage was a large delegation of Malaysian businessmen who were looking for joint economic ventures with their Sudanese counterparts (New Strait Times, 1998).

State visits at the ministerial level continued with high visibility. These visits were facilitated by a commonality of interest: Malaysia was frustrated with the hegemonic attitude of the leading Western countries, hence its policy of “looking East”. On its part, to achieve that goal, Sudan strove to build relations with countries like China, India, Korea and Malaysia. In July 1999, Bashir paid his second state visit to Malaysia to attend the Fourth Langkawi International Dialogue. He was accompanied by a large group of Sudanese businessmen with the goal of negotiating with their Malaysian counterparts (The Sun Newspaper, 1999). A month later, in August 1999, Malaysian diplomatic mission flew to Khartoum to open the first resident Malaysian embassy in Sudan (SUNA, 1999). At this point, Sudan and Malaysia had already concluded very close ties with many bilateral projects and investment, the most important of which was cooperation in the oil sector.

One of the early expressions of solidarity and cooperation was the Malaysian assistance in the efforts to reach an amicable resolution to the intractable conflict in Southern Sudan. When Sudan signed the Peace Agreement in Khartoum on April 21st 1997, Malaysia’s representative

was among the foreign witnesses at that historic moment. Malaysia took the unusual step of introducing Sudan to Asian States, particularly the ASEAN group of nations, the matter that opened a window of opportunity for a besieged Sudan. As a result of that, Sudan's representation in Asian countries increased from four missions to nine. In addition, as a result of Malaysian efforts, Japan invited Sudan to participate in the Tokyo International Conference on African Development (TICAD), which was organized in Tokyo on the 19th of October 1998. Sudan's participation in that gathering, not only helped to break Western isolation/embargo imposed on it, but also signified the acceptance of Sudan in the Asian community (Elfaki, 2012 a).

It can be upheld that Sudan's involvement with Malaysia paved the way for establishment of relations with other influential Asian countries providing a feasible alternative to relations with the West. By the same token Sudan acted as a gateway and a bridge for engagement of those countries with Africa. The opportunity that opened up for Malaysia was more productive this far than in the case of Sudan where relations with Korea and Japan were hampered by Western sanctions. Malaysia made the best use of its relations with Africa. This point will be expanded further when assessing impacts.

High level state visits by officials of the two countries visibly increased after 1998. Sudanese President Bashir paid official visits to Malaysia in 1991, 1999, 2002, 2003 and 2007. Most of these visits were conducted within the context of participating in the "Smart Partnership" Conferences, annually organized in Langkawi Island. Malaysian Prime Minister, Dr. Mahathir Mohammed visited Sudan in May 1998. This was followed by a state visit by his successor, Abdullah Ahmad Badawi, in April 2007, who was then the Chair of the OIC. During that visit, the Malaysian PM argued against the imposition of more international sanctions against Sudan. Upon returning to Kuala Lumpur; Badawi moved to mobilize support for Sudan within the OIC and other forums. He addressed some of the leading members of the OIC and the general manager of the Islamic Development Bank to establish a mechanism to contribute to the development of the war-torn state of Darfur and to extend emergency aid to that region. To follow up his diplomatic drive, Badawi appointed a special envoy in Darfur.

The significance of Malaysia as a smart partner stems not only from its remarkable economic success, but also from its principled attitude against the exploitation of the developing nations by the developed countries and the unfair terms of international trade. During a number of international gatherings, Malaysia together with some developing nations have successfully resisted efforts by the developed countries, particularly the US, to use global issues such as human rights, democracy, labour standards and the protection of the environment to impose their values and interests on others (Badawi, 1997). Such factors singled Malaysia out as a potentially good trade and investment partner for Sudan to help the country to implement its vital development program.

Economic Cooperation

Political Relations between and among nations cannot be dissociated from their economic context. Whatever the strength of diplomatic and political contacts, they are usually embedded in a network of economic relations. There is evidence that Sudan was heavily dependent on aid provided by Western countries during the years before 1989 (Saeed, 1985 b). But after that date aid, economic relations with the West were greatly downsized. Political stances made by the incumbent government at the beginning of post 1989 era only made matters worse by alienating most other non-Western countries. Thus, after most Western countries stopped aiding and financing Sudanese developmental projects, Malaysia helped in filling that economic and financial gap. PETRONAS and Advance Synergy, two Malaysian giant companies, invested in and financed the Sudanese oil project (Elfaki a, 2012).

Just as Sudan was badly in need of exploiting its available oil reserves, Malaysia had genuine reasons for engagement. First, the enhancement of relations and the beginning of genuine Malaysian involvement in the oil ventures coincided with the aftermath of the 1997 ASEAN economic crisis and the country was in need of economic recovery. Second, it was becoming evident with foresight that the Malaysian economy would soon be in need of crude oil importation and therefore should consider any chance to invest in energy resources abroad. Finally, Malaysian companies had the technical know-how and investment capital to venture abroad and undertake profitable opportunities to add to the national wealth; it made sense for the country to capitalize on the opportunity.

PETRONAS, Malaysia's National Petroleum Company, which represented the bridge and spearhead in building relations between the two countries invested heavily in Sudan's oil industry. Sudan's oil exploration and production program was undertaken by a consortium incorporated in 1997 made up of: China National Petroleum Corporation (CNPC) with 40% stake, PETRONAS which owned 30% and the Sudanese company SUDAPET (Sudan Petroleum) having a stake of 5%. The consortium was known as: Greater Nile Petroleum Operating Company (GNPOC). Canadian Talisman, which invested substantially in the venture, was forced to pull out of its projects in Sudan under US pressure and sold its stakes to the Indian company INOGC (India Oil and Natural Gas Corporation) with 25% stake (Sadasivan, 2011). Eventually, that encouraged India to promote further its trade and investment relations with Sudan. Between them those companies helped produce crude oil from abandoned American fields, built oil pipelines to the ports of exportation and built refineries. By doing so they prepared the ground work for the Sudan oil industry. Without this technical knowhow and financial investment it would have been very difficult for Sudan to make any use of its oil reserves. Revenue from oil represented about 70% of Sudan government's budget. Of more importance was the fact that the cooperation resulted in almost a decade of sustained economic growth.

Very substantial investments were involved at the beginning. PETRONAS' activities covered two sectors: Upstream and Downstream. The Upstream activities included: exploration, development and production, costing at the initial stage over US \$1 billion. The Downstream activities included the construction of an export pipeline from the oilfields in the Southern-Western belt Sudan to Port Sudan terminal on the Red Sea. The pipeline (1600 km) had a capacity of 250,000 barrels per day. The Downstream project cost another US \$1 billion. PETRONAS investment in Sudan is her largest in a foreign country (Suhaimi, 1999). The entry of PETRONAS into Sudan formed part of the company's global drive in the 1990s. For Malaysia, the venture represented a choice to put into practice its concept of South-South cooperation and smart partnership. From the Sudanese perspective, the venture was by all means beneficial: Sudan which was money-stripped needed finance and foreign currency to fund its development projects

and relations with Malaysia and other Asian countries helped achieve that ambition.

Understandably, the economic sector and investment received the most attention in the course of the Sudanese-Malaysian relations. PETRONAS investment in the oil sector was and remains the most substantial. Until 2013, the company's total investment in Sudan amounted to US \$4 billion compared to its outlays of US \$3 billion in Egypt, and US \$2 billion in South Africa, the two other countries where it made substantial investments. This success has encouraged other Malaysian companies to engage in various investments in the country (PETRONAS, 2013, Annual Report).

Oil revenues enabled Sudan to build its basic infrastructure and develop energy resources in addition to making improvements in service delivery. These factors helped to improve the country's rates of economic growth. Meanwhile the country became an attractive destination for foreign direct investment; a trend which continued despite the slowdown in economic growth rates as can be seen from table (1). The following table illustrates the impact of oil production on the Sudanese economy in terms of economic growth and foreign direct investment.

Table (1): Sudan's Rates of economic growth and foreign direct capital inflows between the years of 2000 and 2014 (\$millions).

Year	2000	2007	2008	2009	2010	2011	2012	2013	2014	2015
Economic Growth %	6.3	11.5	7.8	3.2	3.5	-2.0	-2.2	3.3	3.1	3.4
Foreign Direct investment	392.200	1,504.380	1,653.120	1,726.298	2,063.731	1,734.377	2,311.461	1,687.884	1,251.281	1,736.784

Source: www.databank.worldbank.org

Even a cursory glance at the above table can disclose the impact of production of oil starting in 1999 on the Sudanese economy. It resulted

in high rates of economic growth up to 2008 when the impact of the international economic crisis slowed down economic growth. The drop in production of oil resulting from the secession of the Southern Sudan in 2011 caused temporary negative rates of economic growth for the next two years. However, after 2013 the Sudanese economy started to grow again albeit slowly realizing low rates of growth due to reduction of oil revenues.

Investment in oil production is not the only feature of economic cooperation between the two countries. Investment in other areas included some lucrative fields of activity; in addition to trade in commodities. After the two countries signed two milestone agreements on technical, cultural, educational and economic cooperation in 1990, a solid foundation of mutual understanding had grown and opened the door wide for shared economic activities between the two countries. Consequently, a number of subsequent agreements were signed: the agreement for the avoidance of double taxation (7 October 1993); payment arrangement agreement (11 October 1996); the agreement for the promotion and protection of investments (14 May 1998); and the trade agreement (14 May 1998); together with a number of agreements for investment in the mining and energy fields (Sudan Embassy, Kuala Lumpur, 1998).

These agreements and others encouraged businessmen and companies, public and private, to work in different fields of investment. Malaysian companies operated on a division of labour basis: PETRONAS “petroleum and gas”, Advance Synergy “mining and hotels” and Tabung Hajji “plantations”, particularly palm oil and oil seeds. Malaysia appointed Lembaga Tabung Hajji and Jawala Corporation Sdn. Bhd. as the exporters of palm oil to Sudan under the Palm Oil Credit Payment Arrangement (POCPA). The agreement called for the Sudan Oil Seeds Company and Lembaga Tabung Hajji to conduct research on palm oil plantation in Sudan. The cost was repayable by Sudanese products on barter basis through a counter purchase agreement between the two companies. The arrangement was beneficial to the two countries as it did not involve transfer of hard currencies (Haikal 1999). Malaysia would import from Sudan sesame seeds, groundnuts, meat, hibiscus flower, fruits and vegetables, sunflower and sorghum, among other Sudanese products. Currently, over 50 Malaysian companies are operating in

Sudan where Malaysia is the second most important economic partner after China and one of the major investors.

But, unlike foreign direct investment, trade in commodities was not equally successful. Thus, even as late as 2013 and 2014 the size of trade amounted to no more than \$194.7 and \$287.4 respectively (Bank of Sudan Annual Report 2014). It is substantial but low in comparison to trade with China and India. This was probably due to a number of factors that hampered the full realization of the goals of the cooperation. The most salient among these were: lack of regular direct shipping lines as an obstacle to the development of trade relations as reflected in higher shipping costs and shipping delays, which also affected the cost of commodities given that geographically the two countries are too far from each other. In addition, the exchange of trade was made through intermediaries, whether for Malaysian exports or Sudanese imports which increased the cost of those goods and rendered them less competitive. The lack of information on Sudanese goods and products in the Malaysian markets and lack of information of Malaysian products in Sudanese markets have all hampered the development of bilateral trade between the two countries. Another formidable obstacle was the fact that Malaysian companies and investors complained of the difficulty of transferring their profits from Sudan because of the impact of American sanctions. Finally, Sudan, after the independence of the Republic of Southern Sudan, has lost almost 70 per cent of its oil revenues. However, recently concerted efforts are being made to open up new oil fields in North Sudan to compensate for the loss of Southern oil fields. Exploitation of gold deposits became another important source of foreign currency.

Human Resource Development and Capacity Building

Starting in 1996, Malaysia offered partial scholarships to Sudanese graduates to pursue their higher degrees in Malaysian Universities. A number of agreements were signed between the two countries to implement similar programs, the most important of which is a protocol to train Sudanese medical personnel in Malaysian hospitals. In addition, Sudanese students continue to pursue their undergraduate studies in private colleges in Malaysia. By 2010 their number exceeded 3000 (Elfaki a, 2012). On the other hand, initially, the Malaysian community in Sudan was comprised of a few students in the Africa International

University, Khartoum. They mainly studied Islam and the Arabic language. Gradually, the number of Malaysian students climbed to reach 145 in 1999. After PETRONAS started its operations in full swing, the number of Malaysian families in Sudan multiplied, reaching over 300 in Khartoum alone. (Nadzri, 1998). The increase of the number of PETRONAS professionals and skilled manpower fostered the impression of interaction between two nations sharing a lot in common.

Sudanese students in Malaysia are divisible into undergraduates and postgraduates. Many Postgraduates had benefited from Malaysian Technical Cooperation programme and are studying either medicine and health sciences in general or are staff of Sudanese universities; there are few private students at that level. Undergraduates predominantly choose to study either engineering or technology; but it is noticeable that few choose to study social sciences or English language. Currently the Sudan embassy in Kuala Lumpur estimates the total number of Sudanese students to approximate 5000.

PETRONAS helped to set up a skills development centre and a research centre in Sudan, to train Sudanese workers in the field of oil industry. The Malaysian company participated in the development of a petroleum laboratory for the Sudanese Ministry of Energy and Mining, besides holding joint studies for the upstream technical evaluation of Northern blocks and for the expansion of Port Sudan refinery (Beladi, 1999). The capacity building programme undertaken by PETRONAS and Chinese companies was so effective to the extent that recent exploration and test drilling for oil were recently done almost entirely by Sudanese staff.

Conclusions

This paper purported to place in perspective the contemporary bilateral relations between Malaysia and Sudan as a case study using South-South cooperation and political economy pertaining to it as frames of reference. Case studies are not generalizable but this case serves at least as a strong indicator to the potential in the South-South Cooperation for the promotion of economic and political interests of countries of the South. Both countries reaped substantial benefits from it. Through it Sudan was able to exploit its oil reserves and other resources based on cooperation with Malaysia and other Asian countries. Sudan achieved its best development performance in decades; while Malaysia also made

substantial benefits in the form of returns from trade and investments. It also opened the way for Malaysia and some other Asian countries to venture into other African Countries where they managed to open up very substantial opportunities and build trading relations, make very substantial investments in oil and gas fields; in addition to other areas of investment and cultural relations. It must be emphasized that Malaysia has better comparative advantage and competitive advantage in dealing with Africa. It is generally seen as a hub of education and halal products and characterized by more developed technical knowhow.

On a broader scope Sudan's engagement with Malaysia and China served as a gateway for those countries into the African landscape while Malaysia introduced Sudan to Asian countries including South Korea, India and Japan. Ostensibly, China and India had a very successful engagement with Sudan and other African Countries and they continue to enhance their trade and investment relations with Africa which they adopt as a strategic policy as part of their economic development planning. Reuters (2013) reported that Malaysian investments in Africa went ahead of other Asian countries standing at \$19.3 billion, followed by China with African Investments amounting to \$16 billion and India investing \$14 billion. In addition to this there were investments by Western countries and emerging countries such as Russia and Brazil in Africa. Mougani (2012) speculated that Africa was going to be the next most attractive destination for investment.

Today, African countries are more inclined to do business with Asian countries because it resulted in visible development. This supports the contention that trade in commodities, human resource development and direct capital inflows proved to be better than aid offered by the West (Malhotra 2010). In addition, unlike Western countries, Asian countries follow policies of non-interference in internal affairs of host countries. It surfaced in the news recently that Japan was planning to invest tens of billions of dollars in East Africa to help uplift its backward infrastructures.

It appears that South-South Cooperation within a wider context has the potential to become on par with the Western alternative. Yet, it is still wise to use both channels of cooperation simultaneously in an increasingly globalized World. Yet, it appears that cooperation with both groups of countries and beyond will speed up a country's

development by more than insistence on one alternative approach. Thus it is advisable for countries like Sudan to mend its relations with the international community. In addition, it has to improve its infrastructure and the general investment climate to be able to reap the benefits of globalization and make use of its huge idle resources.

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Diplomatic Ties between Malaysia and the Holy See: A Symbol of Mutual Respect, Inter-Religious Coexistence and International Cooperation

Roy Anthony Rogers*

Abstract: The workings within the Holy See has one of the oldest diplomatic institutions. Unlike other states with their national interests the diplomatic role of the Holy See within the international community is based on the moral authority of the Pope in favour of the wellbeing of people. Malaysia is the 179th state to have diplomatic relations with the Holy See. The relations are rather unique because no economy and consular divisions are involved. In fact, the core of the relations is based on the mutual interest of promoting justice, peace and tolerance. Although the diplomatic relations were established in 2011, this article demonstrates that there were already cordial engagements between the Popes and local leaders. This article explores the relations between Malaysia and the Holy See and analyses the reasons for Malaysia to establish relations with the Holy See and the bilateral activities.

Keywords: Malaysia's Foreign Policy, Holy See, Vatican Diplomacy, Inter-religious Dialogue.

Abstrak: Holy See merupakan salah satu institusi diplomatik yang tertua. Bukan seperti negara lain dengan kepentingan negara peranan diplomatik Holy See dalam masyarakat antarabangsa adalah berasaskan autoriti moral Paus yang mementingkan kesejahteraan manusia. Malaysia merupakan negara 179 yang menjalinkan hubungan diplomatik dengan Holy See. Hubungan yang agak unik kerana ia tiada ekonomi dan penglibatan cawangan consular. Walaupun hubungan diplomatik telah tertubuh pada 2011, artikel ini menunjukkan sudah ada penglibatan mesra antara Paus serta para pemimpin tempatan. Artikel ini

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meninjau hubungan antara Malaysia dengan Holy See serta menganalisis sebab-sebab Malaysia menjalinkan hubungan dengan Holy See serta aktiviti bilateral.

Kata Kunci: Dasar Luar Malaysia, Holy See, Diplomasi Vatikan, Dialog Antara agama.

Introduction

The diplomatic service of the Holy See is one the oldest diplomatic services in the world. Early popes during the Middle Ages used to send delegates (or envoys) to represent them in the European courts. In fact, it is noteworthy to mention that the diplomatic service of the Holy See is one of the oldest ancient institutions which has survived till this day.

Currently, the Holy See has formal diplomatic relations with 183 states (Vatican, 2018). It is also a Permanent Observer State in several international organizations such as the United Nations (UN), International Labour Organization (ILO) and World Trade Organization (WTO). In addition, the Holy See is a member in other international organisations: the Organization for Security and Co-operation in Europe (OSCE), International Organization for Migration (IOM) and International Atomic Energy Agency (IAEA)

Although the Holy See is the administrative centre of the Vatican City State and the Roman Catholic Church, its interest lies beyond creed or race. It is interesting to note the Holy See is the only state that does not have its own armed forces except a handful of Pontifical Swiss Guards whose function is to protect the Pope, yet the Holy See has been a moral authority in championing international justice, peace and harmony. The Popes have been highly concerned about international issues regardless if they involve Christians or non-Christians. For example, the Holy See has established relations with Palestine since 1948, and has supported the two-state solution of the Israel-Palestine conflict. Besides, in 2003 the Holy See also opposed the Gulf War.

In July 2011, Malaysia and the Holy See officially established diplomatic relations (*The Star*, 2011). Malaysia is the 179th state to have diplomatic relations with the Holy See. Besides Malaysia, a Muslim majority country, the Holy See has diplomatic relations with other

countries whose majority population is Muslim, such as Iraq, Iran, Jordan, Pakistan and Indonesia.

Similar to other states, the Holy See receives official visits from world leaders such as Queen Elizabeth II of the United Kingdom (1951, 1961, 1965, 1980, 2000 and 2014), King Abdullah of Saudi Arabia in November 2007, President Yasser Arafat of Palestine (1982, 1988, 2001) and President Donald Trump of the United States in May 2017. Malaysia was no exception. In 2002 Mahathir Mohamad, who was then the Prime Minister of Malaysia, visited the Vatican to meet Pope John Paul II (*Utusan Malaysia*, 2002). Nine years later, the former Prime Minister, Najib Tun Razak visited the Vatican and met Pope Benedict XVI (*The Star*, 2011). It was during this visit that the official diplomatic ties between Kuala Lumpur and the Holy See were established.

Relationship between Malaysia and the Holy See can be traced back to the 20th century when His Royal Highness Sultan Abu Bakar ibni Daing Ibrahim Seri Maharaja of Johor visited the Vatican and met with Pope Leo XIII in 1885 (Candilio & Bressan, 2000). Thus, the diplomatic relations between the Holy See and the Malay States is not a recent development. At present, Malaysia is represented by its ambassador who is based in Rome near the Vatican, since 2013, Archbishop Joseph Marino has been appointed as the Holy See's first Nuncio (ambassador) to Malaysia (Garrison, 2013). In 2017, the Holy See opened its official chancery in Kuala Lumpur (*The Star*, 2017).

The purpose of this article is to analyse the work of the diplomatic service of the Holy See (Vatican) and the role of the Holy See's diplomatic service in promoting international peace and contributing to international diplomacy. It also discusses in particular, the Malaysia-Holy See's diplomatic relations. It is crucial to note that this article does not focus on the spiritual roles of the Holy See. Rather, it aims to examine the role of the Holy See and its contributions to international relations. The article does not include discussions nor theological arguments regarding the Holy See, but instead it discusses the Holy See's good relations with Malaysia. Hence, the article primarily deals with the issue of Holy See diplomacy within the discipline of International Relations.

This paper will answer the following questions;

- Since Roman Catholics/Christians are minorities, why does Malaysia want to establish diplomatic relations with the Holy See?
- Why did Malaysia open its embassy in the Vatican City when it had the choice of the continuing its operations from Bern, Switzerland?

In order to answer the questions raised, the discussions in this article is divided into three sections. Firstly, it focuses on the background of the Vatican City State and Holy See. Secondly, it discusses the historical ties between Malaysia and Holy See prior to the official diplomatic relations in 2011. Thirdly, it highlights the contemporary relations between the two political entities. The final section provides a summary of the major findings of this paper based on the research questions stated above.

The Vatican City State

The Vatican City is located on the bank of River Tiber in Rome and it is the smallest state in the world with a total area approximately 0.44 hectares or 110 acres (Central Intelligence Agency, 2018). It has the smallest population in the world. In 2017, the total population of the Vatican City was estimated to be around 1000 (Central Intelligence Agency, 2018). What is unique about the Vatican City is that it is ruled by the absolute authority of the Bishop of Rome – the Pope, who is also its sovereign ruler. Therefore, Vatican City is considered as an ecclesiastic monarchical state.

The Vatican City State was established in 1929 by the Treaty of Lateran which was signed between the Holy See, represented by its Secretary of State, Cardinal Pietro Gasparri (on behalf of Pope Pius XI) and the Italian government represented by the then Prime Minister Benito Mussolini. It is noteworthy to mention that the history of the Holy See dates back to the Middle Ages when the popes used to be the sovereign rulers of a larger territory known as the Papal State (Encyclopaedia, 2018).

The Papal State was established in 754 AD and the Pope was its sovereign ruler, a legal person within international law. Its territory included parts of the Italian peninsula (present day Lazio, Marche, Umbria, and part of Emilia-Romagna and Rome), Avignon and Comtat Venaissin, in southern France. However, in 1870 the Papal State lost

its territory in France and Italy (Encyclopaedia, 2018). The annexation of the Papal States was the result of the unification of Italy under the Kingdom of Italy led by King Victor Emanuel II (Cesare, 1909).

The conflict between the Pope in the Vatican and the Kingdom of Italy worsened to the extent of Pope Pius IX surrendering all his territories. As a sign of protest, subsequent popes refused to leave the Vatican and called themselves the “Prisoners of Rome”. Historically, the conflict was known as “Roman Question” (Kertzer, 2004). Finally, a settlement was achieved through the Treaty of Lateran in which the Kingdom of Italy agreed to recognise the Pope’s sovereignty and the independence of Vatican City. Besides, it also acknowledged the Holy See’s authority to conduct international relations. Hence, the Lateran Treaty put an end to the Roman Question once and for all. During the time between 1870 and 1929, when the Pope effectively had no recognized territory as such, he nonetheless continued to send his ambassadors to various countries and vice versa. This activity indicates that the diplomatic role of the Holy See within the international community is based on the recognised moral authority of the Pope in favour of the wellbeing of people.

The legislative body of the Vatican City is the responsibility of the Pontifical Commission for the Vatican City State (Vatican City, 2000). It consists of seven cardinals appointed by the Pope for a five-year term. The commission is headed by a president. In addition, there are other departments that deal with issues related to security, communications and health. However, issues related to foreign relations are managed by the Holy See’s Secretariat of State.

It is worth mentioning that the Vatican City State who uses the *jus officii* system for its citizenship which means citizenship is granted to those who work for the service of the Holy See (Vatican, 2018). In addition, spouse and relatives of those working for the Holy See are also granted citizenship. Therefore, the citizenship is non-permanent since the moment the individual ceases to serve the Holy See, the citizenship will be terminated. It is interesting to note that as of 2011, the number of citizens of the Holy See was 594, and they consisted of clergy, non-clergy workers and the Pontifical Swiss Guards (Vatican, 2018). As stated earlier, the Pontifical Swiss Guards are the security force of the Pope. Since the 15th century, they have been in-charge of the Pope’s personal security.

The Holy See

Fundamentally, the Holy See must not be mistaken for the Vatican City State. It predates the Vatican City State as the Holy See is the episcopal see of Rome headed by the Pope who is the Bishop of Rome as well as the leader of the Roman Catholic Church. It is also the highest governing institution of the church and a sovereign entity of international law (government of the Vatican City State).

The Holy See consists of the Pope as the ruler; the Roman Curia as the main governing institution, and the College of Cardinals that elects the Pope. As a sovereign ruler, the Pope appoints a cardinal to preside over the Holy See, known as the Cardinal Secretary of State. The post may be compared to that of a 'prime minister'. For instance, in 2013, Pope Francis appointed Cardinal Pietro Parolin to the position of the Cardinal Secretary of State.

The Roman Curia may be compared to the cabinet of a civil government as it consists of the most important administrative bodies of the Holy See such as the Secretariat of State, nine Congregations, three Tribunals, several other Pontifical Councils and Pontifical Commissions. Their history can be traced back to medieval times. For example, the Roman Rota which functions as the highest judicial body of the Holy See can be traced back to 1171 (Charles, 1913). Another interesting body of the Roman Curia is the Apostolic Signatura – the appellate court of the church which can also trace its origins to the middle Ages (13th century).

The Holy See like the other states continues to function upon the resignation or death of its ruler. When a Pope resigns or passes away, the affairs of the Holy See are temporarily administered by a cardinal known as the Camerlengo of the Holy Roman Church. This period is known as *sede vacante* or vacant seat (Vatican, 2018). During this period, the Conclave will be held in the Sistine Chapel, in the Vatican, to elect a new Pope among the cardinals below the age of 80. The recent *sede vacante* period of the Holy See took place when Pope Benedict XVI resigned on 28 February 2013 until the election of Pope Francis on 13 March 2013.

The Secretariat of State is the central administrative body of the Roman Curia that is headed by the Cardinal Secretary of State (Hannah,

2018). It can be divided into two sections. The first is the Section for General Affairs which is in charge of the bureaucracy of Roman Curia such as publishing papal documents, handling appointments, and keeping the papal seal. Therefore, the Section for General Affairs shares certain responsibilities similar with the 'keepers of the royal seal' and 'home affairs'. The second is the Section for Relations with States that is in-charge of the foreign relations of the Holy See. This section is headed by an Archbishop who is also the Secretary for Relations with States who is equivalent to that of 'foreign minister' for the Holy See. He reports directly to the Cardinal Secretary of State and is assisted by the Under-Secretary for Relations with States who can be compared to the 'foreign minister' of the Holy See. Archbishop Paul Richard Gallagher has been holding the post of the Secretary for Relations with States since November 2014 (ABC News, 2014).

The origins of Holy See diplomacy can be traced back to the Middle Ages. Historically, as early as 453 AD, the Pope used to send Papal legates (representatives) to the emperor of Constantinople and other European kingdoms (Cardinale, 1976). By the 11th century, the title of 'Nuncio' (messenger) was used, instead of Papal legates. This practice continues till this day for the ambassadors of the Holy See to differentiate them from the other ambassadors, and the embassy of the Holy See has been known as the Apostolic Nunciature ever since then.

The Vatican City State and the Holy See are separate entities although they are inter-related with each other. However, they are not synonymous. According to international law, the Vatican City State and the Holy See are two separate entities. The Vatican City State is recognised as a state that possesses all legal personality in international law. It is interesting to note that the Holy See has a special status in international law because it has full legal personality even though it does not have any features of statehood. In fact, the Holy See maintains diplomatic relations with other states and is considered a member state in several international organisations, but not the Vatican City State.

Relations between Malaysia and the Holy See Pre-2011

Based on available historical records, one of the earliest relations established between the Holy See and the Malay States was the visit by His Royal Highness Sultan Abu Bakar ibni Daing Ibrahim Seri Maharaja of Johor on 24 April 1885. His Royal Highness was on the

way to visit Queen Victoria when he decided to stop in Rome, and had audiences with the King of Italy and the Pope. Prior to this, Sultan Abu Bakar had visited the United Kingdom in 1866 and 1878 and met with Queen Victoria and other members of the English royalty such as Prince Edward, the Prince of Wales. This was part of the foreign policy advocated by Sultan Abu Bakar to gain international recognition for his reign (Candilio & Bressan, 2000).

In his continued efforts to gain recognition as a sovereign ruler and to establish diplomatic ties, the Sultan requested audiences with the King of Italy and the Pope. On 24 April 1885, His Royal Highness met King Umberto I, the second king of Italy at the Quirinale Palace, where dialogue was conducted with the assistance of interpreters. He subsequently requested for a Papal Audience with Pope Leo XIII at the Vatican City. Prior to the audience, Sultan Abu Bakar had asked for the assistance of Cardinal Edward H. Howard, an English clergy who was related to the Duke of Norfolk to make the necessary arrangements with the Holy See for the meeting with the Pope. On 22 April 1885, the Pope's Master of the Chamber, Mgr. Luigi Macchi was notified of the request for a Papal Audience (Candilio & Bressan, 2000).

It is important to note the Holy See was impressed with the leadership of His Royal Highness and his cordial relations towards the Catholic mission in the State of Johor. Therefore, the audience with Pope Leo XIII was fixed for 24 April 1885. The *Osservatore Romano* recorded the event as follows (Candilio & Bressan, 2000):

“Today, the Holy Father, surrounded by the members of his noble Court, received in the Throne Hall His Highness the Maharaja of Johore, independent Sovereign living in the Malacca Peninsula. His State is situated near Singapore. Together with him his brother His Highness Prince Khalid.

His Highness the Maharajah was also accompanied by the Camp Adjutant Inchi Abdullah and his Secretary Inchi Abdul Rahman and other gentlemen belonging to his suite. At the Audience also were present as interpreters three Apostolic Vicars and the Rector of the Scottish College in Rome (Mr. James Campbell).

His Holiness spent a long time in conversation with His Highness the Maharajah and expressed appreciation for the special protection he

grants to the Missionaries and Catholic subjects and for all the good actions which he practices in his State. In particular, the Pope thanked His Highness for the churches that he generously built or intends to build.

(At the end of the private meeting) His Highness the Prince, his brother and all the members of the suite were introduced to His Holiness, who had for everyone, cordial benevolent words. Once the Papal Audience was over, His Highness was accompanied with all the honours due to his high dignity.”

It is interesting to note that during the visit, the Secretary to His Royal Highness, Dato Abdul Rahman was shown a map of the Malay Peninsula which was kept at the Vatican gallery. Although the word ‘Johore’ was not highlighted on the map, the word ‘Muar’ was mentioned at bottom of the peninsula, and just above it was Malacca. According to Dato Abdul Rahman during the Papal Audience, Pope Leo XIII was well aware of Johore, although it was the first time the Pope was meeting a Ruler from the Malay States. Dato Abdul Rahman wrote (Candilio & Bressan, 2000):

“In 1885, I had the honour of accompanying the Sultan of Johore to have an Audience with the Pope at Rome, and much to our astonishment His Holiness knew about Johore, and sent someone to take us to the gallery, where there was actually a map of the Malay Peninsula, but Johore was not marked on it.”

It is equally important to note that His Royal Highness Sultan Abu Bakar was one the earliest non-Christians d monarchs from Asia to visit the Pope in Rome. For example, although King Chulalongkorn of Siam visited Pope Leo XIII on 4 July 1897, this was 12 years after Sultan Abu Bakar’s visit to Rome. However, the visit by His Royal Highness did not receive much media coverage by the Italian media as they confused Johore with Lahore (Candilio & Bressan, 2000). The relations between the state of Johor and the Holy See continued until Johor came under the British Protectorate in 1914. In fact, on one occasion, the Johor State wanted to send an officer to the Vatican City State to study Latin.

The engagement between the Holy See and Malaya continued despite the absence of official diplomatic relations. For instance, in conjunction with Malaya’s independence on 31 August 1957, His Holiness Pope

Pius XII requested Mgr. John Gordon the Charge d' Affaires of the Apostolic Delegate to Thailand, Malaya and Singapore who was based in Bangkok to send congratulatory wishes and felicitations to the Yang di-Pertuan Agong and the people of Malaya. As a result, Mgr. John Gordon personally greeted and conveyed the Pope's message to His Royal Highness Yang di-Pertuan Agong Tuanku Abdul Rahman at the Istana Negara on 28 August 1957 (*Straits Times*, 1957). As a gesture of friendship and goodwill between the Federation of Malaya and the Holy See, the Yang di-Pertuan Agong and Prime Minister Tunku Abdul Rahman requested the national flag to fly at half-mast upon knowing the passing of Pope Pius XII on 7 November 1958 (*Berita Harian*, 1958).

Besides the relations with the leaders of Malaya, the Holy See also engaged with the ordinary people. For example, on 3 December 1953, Archbishop Martin Lucas, the Apostolic Internuncio in India who was responsible for relations with the Southeast Asia states, visited Malaya where he met with Christians and non-Christians while touring major towns like Malacca, Kuala Lumpur, Muar and Georgetown (*Straits Times*, 1953).

The Holy See also encouraged local Catholics to be good citizens who would contribute to the nation-building of the country. For instance, in 1958, Pope John XXIII conferred the Papal award of Knight Grand Cross of the Order of Pope St. Sylvester to J.F. Augustin, a Malayan citizen, Headmaster and Superintendent of Education in the states of Kedah and Perlis for his outstanding contribution in the area of education. It is interesting to note that J.F. Augustin from Malaya was one of the 102 nationals selected to attend the Papal Installation of Pope Paul VI in 1963 and was conferred the Vatican's Silver Medal by Pope Paul VI (*Straits Times*, 1963). Apart from J.F. Augustin, the Holy See has conferred Papal awards such as the *Benemerenti* to local Malaysian Catholics for their outstanding contribution to the society and nation building as an encouragement.

The friendship between Malaysia and the Holy See was further strengthened with the appointment of Tan Sri Wong Pow Nee as Malaysia's first ambassador to Italy in May 1970. As the Malaysian ambassador to Italy, Wong Pow Nee was accredited to the Italian Government, but not to the Holy See. It has been a practice that no ambassador can be accredited to both the Holy See and the Republic

of Italy. However, Wong Pow Nee being a Catholic himself, played a major role in fostering ties between the two governments. For example, on 21 November 1970, Wong Pow Nee as the Malaysian ambassador had met with Pope Paul VI in the Vatican City and requested the Pope to offer prayers for Malaysia as it was then facing problems in achieving racial unity in post-1969 elections. In response, Pope Paul VI advised (Peter & Koay, 2014):

“Which country in the world has no problems? The only country that has no problems is Heaven; so as long as we are in this world, let us be prepared to face all the problems bravely and pray for guidance.”

Despite the absence of any official diplomatic relations between Malaysia and the Holy See until 2011, the Holy See demonstrated goodwill and friendship to Malaysia. In November 1970, Pope Paul VI while on his way to Manila, sent an on-flight message to the Yang di-Pertuan Agong as he flew across the Malaysian air-space. A week later, Pope Paul VI made a similar gesture while he was flying from Hong Kong to Mumbai as he passed the Malaysian air-space (Peter & Koay, 2014).

However, there were domestic issues that the Holy See was concerned about especially the ones related to the Christians living in Sabah ruled by the then Chief Minister Tun Mustapha in the 1970s. In 1973, Tunku Abdul Rahman, who was then the Secretary General of OIC and Ambassador Wong Pow Nee met with Pope Paul VI in Vatican City to explain the situation (Abdul Rahman, 1977). The meeting was significant in the Malaysia-Holy See ties as it was the first time a retired Prime Minister went to Vatican City to meet the Pope.

Subsequently, another significant milestone in the Malaysia-Holy See relations was the visit by Prime Minister Dr. Mahathir Mohamad to the Vatican City on 7 June 2002 (*Utusan Malaysia*, 2002). Dr. Mahathir was on his seven-day working visit to Europe. Upon arriving in Vatican City, Mahathir was welcomed by an 18-man Swiss honour guards normally accorded to a statesman. During the visit, Dr. Mahathir met with Pope John Paul II, and the two leaders discussed several issues including inter-faith relations in Malaysia and dialogue between Islam and Christianity. Prime Minister Dr. Mahathir also met with the Vatican Secretary of State - Cardinal Angelo Sodano and Archbishop Jean-Louis Tauran, the Vatican's secretary for relations with states. Dr. Mahathir

was accompanied by two other Catholic ministers, Datuk Amar Leo Moggie, Minister of Energy, Communications and Multimedia, and Bernard Dompok, Minister in the Prime Minister's Office. It was indeed a historical meeting as it was the first time a serving Prime Minister of Malaysia met with the Pope, and it paved the way for closer ties with the Holy See (*Utusan Malaysia*, 2002).

The meeting between Dr. Mahathir and Pope John Paul II was important as it was a recognition by the Holy See of Malaysia's role in the international arena. In addition, it provided Malaysia a precious opportunity to play a leading international role in promoting inter-religious and inter-civilisational dialogues in partnership with the Vatican. Pope John Paul II had been known for his commitment in linking different cultures, civilizations, and faiths. On 2 April 2005, Pope John Paul II passed away. Dr. Mahathir remembered the Pope as a man "clear in thoughts" who spoke against violence and injustice. According to Mahathir (*The Star*, 2005):

"The Pope's (John Paul II) death was a great loss not only for Roman Catholics but also for the whole world. He supported Palestine. He tried not to be biased and gave due consideration to international issues. He also did not support violence like in Iraq."

Abdullah Ahmad Badawi then the Prime Minister of Malaysia and Najib Tun Razak who was the Deputy Prime Minister also made similar remarks regarding the contributions of Pope John Paul II. According to Abdullah Ahmad Badawi (*The Star*, 2005):

"His message of religious tolerance, dialogue and reconciliation has contributed significantly in promoting better understanding between Christians and believers of other religions including Islam."

Prime Minister Najib Razak further commented:

"It is a big loss not only for Catholics but the world over because the Pope, during his lifetime, championed universal causes. He was against war and violence and believed in peaceful resolution of the Palestinian problem and war in Iraq (*The Star*, 2005)."

It is clear that despite the absence of diplomatic relations prior to 2011, this historical records suggests that there were already friendly ties and official engagements with the Holy See, as proven by the visits

of Sultan Abu Bakar Seri Maharaja and Dr. Mahathir Mohamad to the Vatican City.

Relations between Malaysia and the Holy See since 2011

It is noteworthy to mention that despite having an Apostolic Delegate based in Bangkok that represented the Pope in countries like Malaysia and Brunei Darussalam Malaysia had no formal diplomatic ties with the Holy See. All the Apostolic Delegates assigned to Malaysia have been engaging with the government officials. The various engagements between Malaysia and the Holy See prior to 2011 have been crucial to set the background to foster closer ties. In fact, the Holy See had been interested to establish diplomatic relations with Malaysia since it recognises the latter as a moderate Muslim country consisting of various ethnic groups. Therefore, the move to establish diplomatic ties was not an impromptu decision, but a gradual process.

On the 18th of July 2011, former Prime Minister Najib Tun Razak visited Pope Benedict XVI at the Papal summer palace in Castel Gandolfo. This was another important milestone in the Malaysia-Holy See relations. Najib was the second Malaysian Prime Minister to visit the Pope. During the visit, both leaders agreed to establish diplomatic relations at the ambassadorial level on the part of Malaysia and at the level of Apostolic Nunciature on the part of the Holy See. The diplomatic relations were officially established on 27 July 2011 (Reezal, 2017).

Christians only make up nine percent of the Malaysia's population and as of 2010, there were 1,007,643 Catholics in Malaysia – approximately 3.56 percent of the total population (Department of Statistics Malaysia, 2011). Despite the relatively small number of Christians in Malaysia, the establishment of diplomatic relations between Malaysia and the Holy See was important as the two states shared a common interest in promoting international peace, harmony and moderation.

Malaysia by itself is a manifestation of harmony. The Federal Constitution defines Islam as the religion of the federation, but at the same time the rights of every citizen and community are protected by the Federal Constitution. This includes the right to profess and practise one's religion. On the other hand, the Holy See's interests are not solely confined to the Roman Catholic Church, but it is a 'voice' for moral values and peace irrespective of creed. This is best demonstrated by

the Papal's visit to Jerusalem where Pope Benedict XVI expressed his support for Palestine and even criticised Israel for erecting barriers (Butcher, 2009).

Malaysia and the Holy See are committed to reject the use of violence, extremism and war. In the words of former PM Najib when asked why Malaysia established diplomatic relations with the Holy See:

“This is the main reason why Malaysia established diplomatic relation with the Holy See. The world is at crossroads, the forces of irrationality and discord are threatening our long-cherished and hard-gained stability and prosperity. What is worse is that certain quarters use religion to justify acts of terrorism (*The Star*, 2011).”

Moreover, through its diplomatic relations with the Holy See, Malaysia hoped to forge closer links with the Pontifical Council for Inter-religious Dialogue and the Pontifical Institute for Arab and Islamic Studies. This would certainly enable Malaysia to project itself as a moderate and progressive Islamic country. It is noteworthy to mention that other Islamic countries such as Turkey (1886), Pakistan (1961), Bangladesh (1973), Indonesia (1947), United Arab Emirates (2007), Kuwait (1969), Iran (1954) and Iraq (1966) had already established diplomatic relations with the Holy See. In addition, by establishing diplomatic relations with the Holy See, Malaysia demonstrated the openness of the government to the local Christians.

The establishment of diplomatic relations between Malaysia and the Holy See was welcomed by both Christians and non-Christians. Rev. Dr. Thomas Philips, the former President of Malaysian Consultative Council of Buddhism, Christianity, Hinduism, Sikhism and Taoism stated that the ties would contribute to positive developments, particularly in inter-religious understanding (*The Star*, 2011). A similar sentiment was shared by Dr. Chandra Muzaffar, the President of the International Movement for a Just World (JUST).

According to Dr. Chandra Muzaffar, the diplomatic relations between Malaysia and the Holy See should spur both Muslims and Christians in Malaysia to combat extremist attitudes and overcome religious prejudices. He also argued that at the global level, Malaysia and the Holy See should cooperate with each other to overcome the

underlying causes of various global injustices which had contributed to the current global insecurity (*The Star*, 2011).

Initially, the Malaysian ambassador to Switzerland was accredited to the Holy See as the Non-Resident Ambassador. Another milestone was created on the 4th of May 2012 when Malaysia's ambassador to Switzerland, Ho May Yong met with Pope Benedict XVI at Vatican City to present her credentials (Catholic Press, 2012). Ho May Yong was Malaysia's Non-Resident Ambassador to the Holy See until September 2013. Subsequently in 2014, Zulkephli Md Nor replaced her as the ambassador to Switzerland. On the 18th of December 2014, Zulkephli Md Mor, the second Malaysian Non-Resident Ambassador to the Holy See met with Pope Francis to present his credentials at Vatican City (Catholic Press, 2012). Sadly, Zulkephli passed away in February 2016. Pope Francis during the 2017 New Year Address to the Diplomatic Corp Accredited to the Holy See expressed his heartfelt condolence (Vatican, 2017).

Meanwhile, in 2013 the Holy See appointed American Archbishop Joseph Marino, a senior diplomat of the Holy See as the first Apostolic Nuncio to Malaysia, in addition to his accreditation to East Timor and as Apostolic Delegate to Brunei Darussalam. It was also confirmed that the Holy See would establish its nunciature (embassy) in Kuala Lumpur. Archbishop Marino previously served as Nuncio in Bangladesh, and prior to that was involved in peace talks in Kosovo in 1999 (*The Star*, 2013). In 2003, he was part of the delegation sent to Washington from the Vatican to express to the US President George W. Bush the opposition of Pope John Paul II to the imminent war in Iraq. He had served in predominantly Muslim Bangladesh.

His appointment also demonstrated the seriousness of the Holy See in its relationship with Malaysia by selecting a senior diplomat as its first Nuncio. Archbishop Marino arrived in Kuala Lumpur on the 15th of April 2013, and subsequently had an audience with the Yang di-Pertuan Agong Tuanku Abdul Halim Mu'adzam Shah in the Istana Negara to present his credentials on May 27 (*The Star*, 2013). It was indeed a historic moment in the Malaysia-Holy See relations as he was the first Holy See Nuncio to the country.

Archbishop Marino highlighted that part of his role as the Holy See's Nuncio was to encourage inter-religious dialogue, promote peace

and cooperation among all believers. The archbishop said “It is the people who are the primary actors behind inter-religious dialogues and my role is merely to encourage it.” He added “Inter-religious dialogue has nothing to do with trying to convert each other but more of as coming together to talk about their experience of God (*The Star*, 2013).

In response to the gesture of the Holy See, in October 2015, the Malaysian government selected Tan Sri Bernard Gulik Dompok, a veteran politician as Malaysian Resident Ambassador to the Holy See. Dompok had served various key positions in the government such as former Chief Minister of Sabah, Minister in the Prime Minister’s Department, Plantation Industries and Commodities Minister. He had previously accompanied Dr. Mahathir and Najib Razak when they visited the Pope in the Vatican City.

Besides, serving as an ambassador to the Holy See, he was also accredited to Malta and Albania. On 18 March 2016, Tan Sri Bernard Dompok received his letter of appointment from the Yang di-Pertuan Agong at the Istana Negara (*The Star*, 2016). The Malaysian Embassy to the Holy See was established on March 21st 2016. Dompok arrived at the Vatican City on the 17th of April 2016, and subsequently presented his credentials to Pope Francis on June 9th 2016 (*The Star*, 2016). He was the first Malaysian and 83rd resident Ambassador accredited to the Holy See. Dompok served for two years (2016-2018) in Vatican City.

Despite the short period of two years, he was able to organise significant programmes. One of them was the inauguration of the Chancery of the Malaysian embassy in Vatican City on May 9th 2017 by the former Foreign Minister Datuk Seri Anifah Aman. During the inauguration ceremony, Anifah Aman stated, “Malaysia strongly believes that moderation is a fundamental element for fostering greater integration and in ensuring peaceful coexistence through the rejection of extremism that undermines the universal values of religion.” (*The Star*, 2017) He also welcomed further collaborations with the various Pontifical councils. The Malaysian flag was raised at the Malaysian embassy in Rome on the Via Conciliazione, the main road leading into the Vatican. Anifah Aman also met with his counterpart, Archbishop Paul Gallagher, Secretary for Relations with States and other top officials of the Holy See such as Secretary of State Cardinal Pietro Parolin to discuss regional and global issues of common interest (*The Star*, 2017).

At the same time, the Holy See, took steps to build its Nunciature Residence and Chancery in Kuala Lumpur. Since the fostering of diplomatic ties in 2011, the Holy See's Nunciature had been housed in rented property. This ended when the Nunciature in Kuala Lumpur finally owned its own permanent property with the support from the Catholic Bishops Conference of Malaysia (*The Star*, 2017). The Nunciature functions as the embassy of the Holy See. However, unlike other ordinary embassies, it does not issue visas nor does it have consulates. More significantly, it is a gesture of solid and permanent relations between the Holy See and Malaysia.

With the establishment of the nunciature, an inauguration ceremony was held on the 23rd of November 2017. It was attended by Archbishop Angelo Becciu who represented Pope Francis while the Malaysian government was represented by Deputy Minister of Foreign Affairs, Dato' Seri Reeza Merican Naina Merican. Also present were Tan Sri Bernard Dompok and Archbishop Joseph Marino, the Nuncio himself. Reeza Merican said, "Today we are very pleased to mark yet another positive achievement, with the opening of a permanent site for the Apostolic Nunciature. This lends further impetus to the effort to elevate Malaysia-Holy See relations to greater heights. Besides enabling further collective efforts at global peace building, we now have an essential platform on which to enhance other areas of bilateral cooperation such as in the education field" (Reeza, 2017).

Furthermore, during the tenure of Tan Sri Bernard Dompok in the Holy See, he participated in events organised by the Holy See as a means for Malaysia to voice its opinion on international issues. For example, Dompok participated in the International Conference on Prospects for a World Free of Nuclear & Weapon and for Complete Disarmament on the 10th of November 2017. The Conference was organised by the Dicastery for Promoting Integral Human Development of the Holy See. The Conference enabled Malaysia to participate in the debates on the challenges of proliferation of nuclear weapons and their impact (Malaysian Embassy in Vatican City, 2017).

In addition, Tan Sri Bernard Dompok also voiced Malaysia's concern over issues related to sustainable development. For example, the palm oil industry - especially the status of the small holders in facing the challenges from the anti-palm oil movement from the European

Union (EU). On this issue, he strived to meet and discuss the matter with Cardinal Peter Turkson, the Prefect for the Dicastery for Promoting Integral Human Development of the Holy See. During the discussion, Dompok highlighted his concerns to Cardinal Turkson (from Ghana) over the impact of the anti-palm oil campaign on the livelihood of the palm oil small holders (Bernard Gulik Dompok & Clara Soon May Lynn, personal communication, 2019). Though the Holy See was not a member of the EU, it was represented by an Apostolic Nuncio in Brussels, Belgium and thus the Holy See participated regularly in the EU conferences.

In addition, the Malaysian embassy to the Holy See received visits from several local dignitaries such as the former Speaker of the Malaysian Parliament Tan Sri Pandika Amin Haji Mulia, former Deputy Foreign Minister, Dato' Sri Reezal Merican and former Minister of Science, Technology and Innovation, Datuk Seri Panglima Wilfred Madius Tangau during their visits to Rome and Vatican City (Malaysian Embassy in Vatican City, 2017). The embassy also has organised regular events for Malaysians in Vatican City and Rome. Some of these events include the National Sports Day or *Hari Sukan Negara Malawakil Holy See*, Hari Raya Adilfitri, Deepavali, Christmas, *Pesta Kaamatan* and Kadazan cultural performance in Vatican City to promote Malaysia's multi-ethnic and religious identity (Malaysian Embassy in Vatican City, 2017).

As Malaysia's ambassador, Tan Sri Bernard also met with the Holy See's officials such as Secretary of State Cardinal Pietro Parolin, Archbishop Paul Gallagher, and Secretary for Relations with States to discuss bilateral issues. In 2017, the Malaysian embassy in the Vatican City celebrated the 50th Anniversary of the formation of ASEAN together with the other members of ASEAN such as Indonesia, the Philippines, Singapore and Thailand that have diplomatic ties with the Holy See (Bernard Gulik Dompok & Clara Soon May Lynn, personal communication, 2019).

Malaysia also participated in several inter-religious and social engagement activities held in Vatican City such as the 'Assisi 30 (1986-2016): Thirst for Peace', visits to the Grand Mosque and Islamic Culture Centre in Rome, and feeding of the homeless in Rome (Malaysian Embassy in Vatican City & Bernard Gulik Dompok, 2018). Apart from

these, the embassy also hosted Malaysian students who were studying and conducting research in Vatican City. For example, the ambassador met with Wan Norhaziki Wan Abdul Halim who visited Vatican City for his doctoral research on comparative religion as well as the Malaysian Catholic clergies who were pursuing their studies in Rome.

It is important to note that Tan Sri Bernard Dompok also initiated discussions for the possibilities of cooperation with major Catholic education institutions based in Rome such as the Pontifical University of Urbaniana and the Pontifical Institute for Arabic and Islamic Studies (PISAI), and the Missionary Brothers of Saint Gabriel (who had already contributed to the education in Malaysia with the Monfort Youth Training Centre in Malacca and Sabah, and the Monfort Boys Town in Shah Alam, Selangor) (Bernard Gulik Dompok, Clara Soon May Lynn, personal communication, 2019). In addition, the Malaysian embassy also engaged the media section of Vatican City such as e Vatican Radio - Press Office of the Holy See to explain Malaysia's position in international issues as well as provide information about Malaysia (Malaysian Embassy in Vatican City & Bernard Gulik Dompok, 2018).

Tan Sri Bernard Dompok returned to Malaysia in July 2018 and was replaced by Westmoreland Edward Palon of Sawarak. On 21 March 2019, Westmoreland received his letter of appointment as the ambassador to the Holy See from the Yang di-Pertuan Agong Al-Sultan Abdullah Ri'ayatuddin Al-Mustafa Billah Shah at the Istana Negara (*The Star*, 2019).¹ Upon arriving at Vatican City, Westmoreland presented his credentials to Pope Francis on the 18th of June 2019.

Another important milestone in the Malaysia-Holy See relations was the appointment of Archbishop Emeritus Anthony Soter Fernandez, the former Archbishop of Kuala Lumpur as Cardinal (second highest rank within the Roman Catholic hierarchy) on November 19th 2016 by Pope Francis (*The Star*, 2016). Although Cardinal Fernandez was already above 80 years old, and was no longer eligible to participate in the Papal Conclave according to Canon Law, his appointment as the first Cardinal was positively received as it was an honour for Malaysia.

The Malaysia-Holy See relations have been positive despite the instances of misgiving caused by the protest in front of the Nunciature in July 2013 due to the comments made by the Nuncio Archbishop Marino on the use of the term 'Allah' by non-Muslims (*The Star*, 2013).

However, the Nuncio subsequently met with the Foreign Minister to clarify that his comments were not intended to interfere with the internal affairs of Malaysia, and extended his apology for any misunderstanding (*The Star*, 2013).

Conclusion

The Malaysia-Holy See relations is unique unlike other diplomatic relations as it does not involve economy and trade. Despite being the smallest country in the world, the Holy See has the second largest diplomatic mission besides the United States. It is also a member of several international organisations. The Holy See is neither an economic nor military power, but its strength lies in its moral force always standing for justice and peace irrespective of race and religion. Hence, statesmen visit the Pope not because of economic reasons, but rather look upon the Pope as a moral figure.

This article has highlighted that many prominent figures in Malaysian history that have visited the Pope – Sultan Abu Bakar Sri Maharaja of Johore, Tunku Abdul Rahman, Tun Dr. Mahathir Mohamad and Datuk Seri Najib Tun Razak. Despite being Muslims, these leaders demonstrated their willingness and openness in conducting diplomacy. For them, the Pope is not merely the spiritual leader of the Roman Catholics, but he also represents the voice for justice. The Holy See and Malaysia thus share many common interests in international relations such as achieving peace for Palestine. In addition, they were against the invasion of Iraq by the US. As demonstrated by Dr. Mahathir Mohamad and Pope John Paul II who were the two world leaders who spoke out strongly against the use of force, and were both well-known for their anti-war stance.

Malaysia and the Holy See have been concerned over the rise of extremism and radicalisation. They have been working together on inter-religious dialogue to foster greater understanding among various religions. In addition, there are other benefits from the bilateral relations such as cooperation in the area of education between local universities and Catholic institutions of higher learning. As Malaysia aspires to be a modern and progressive nation, its relations with the Holy See demonstrates the high level of tolerance and mutual respect.

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Review Article

The Arab Uprisings and Worldwide Responses: A Review of the Literature

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Introduction

A literature review can be defined as locating, gathering, highlighting and summarizing the previous studies that most strongly relate to research topic. It helps a researcher to determine whether a research topic or subject is worth studying and it also provides insight into ways in which a researcher can limit the scope to a required area or subject of inquiry (Creswell 2016, p. 25). This article will scrutinize earlier studies on the influence and impact of the Arab uprisings – beyond the affected states in the region of Middle East and North Africa.

Since the outbreak of the Arab Uprisings in late 2010, it is not an exaggeration to say that thousands of peer-reviewed papers, conference proceedings, theses, books, abstracts and articles relating to the events have been produced and published all over the world. Journals such as *Contemporary Politics*, *Democracy*, *Democratization*, *Mediterranean Politics*, *Middle East Journal*, *North African Studies* and the *British Journal of Middle Eastern Studies* are notable for their coverage on the Arab Uprisings since the launch of the Tunisian Jasmine Revolution in December 2010. Many perspectives have been discussed and covered - ranging from common topics such as the roots of the events, factors contributed to the uprisings, states and actors involved, timelines

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and backgrounds to the events, prospects for political transition and economic reform and the “new waves of democratisation” – to newer subjects such as the role of new social media and technology during the protests, military issues, the rise of Islamist parties, the influence and impact of the events on other states beyond MENA and the debates on “democracy” – since the old narratives of Middle East politics were mainly dominated by the ‘persistence of authoritarian’ discourses. To narrow down these narratives into more specific issues, this review article focuses on two aspects: 1) Views and perceptions of other states; and 2) Its influence and impact on other states and the Islamists. The following sub-sections will thematically and contextually examine in further detail the selected previous studies which discuss the Arab Spring phenomenon – from the view point of its implication for Islamists and other states and also how the global community – from Europe, Russia, and Southeast Asia - observed it.

The Arab Uprisings and Islamists

In general, the term ‘Islamist’ is derived from a wide concept of Islamism. According to Masaki (1996), the concept of Islamism is used to refer to political ideology which advocates the establishment of an Islamic political order, mostly via establishment of an Islamic state or Islamic community. Meanwhile, an Islamist is a person who adopts Islamism as his or her political ideology. Islamist groups and political parties, on the other hand, are social and political movements that justify their ideologies, goals, political values and principles based on their interpretation of Islam and certain past Islamic traditions (Ashour 2010, p. 4). Researchers such as Asef Bayat, Jillian Schwedler, Peter Mandaville and John Esposito who have looked at this particular field of Islamism found that study on Islamist movements and democratic politics generally falls into two broad and overlapping areas. The first views at Islamism and political participation, with scholars largely examining, among other issues – Islamist political parties, their relations to the state, the conditions under which they enter elections, and the impact of political participation upon the parties. The second broad area of research looks more closely at Islamism and civil society, with scholars examining other types of Islamist organisations and activities, for instance their role in promoting political Islam and democratisation (Clark 2012, p. 120). It seems that both areas of study share common methodological debates concerning what exactly one should view at

when observing Islamist movements – for example the extent to which their ideology and activism progress.

Throughout the Muslim world today, one can find an abundance of Islamist movements – from the smallest moderate groups to the largest radical organisations. The post-Arab Uprisings could potentially trigger what would be the new region-wide democratisation and regime change dynamic in an overwhelmingly Muslim region, which raises many significant questions about Islam and democracy in general (Saikal and Acharya 2014, p. 2). Furthermore, one of the most remarkable aspects of the Arab Uprisings, as claimed Ahmad (2013, p. 124) and Clark (2012, p. 119) was the electoral victory of Islamist parties in the two countries that heralded the ‘Spring’ – Tunisia and Egypt. Although Olivier Roy (2012) consistently argues that Islamists did not play a prominent role during the Arab uprisings, it is undeniable that the rise of Islamist parties is one of the main features of the political landscape in the new Middle East and North Africa post 2011 Uprisings (Al-Anani 2012, p. 466). The following paragraphs will discuss the question of whether the Arab Spring phenomenon really has impacted the development of Islamists.

The article written by Iona Matesan entitled “The Impact of the Arab Spring on Islamist Strategies” (2012) draws on the experience of certain Islamist movements in the Middle East and North Africa which are becoming more moderate after the victory of nonviolent protest in ousting several dictators in the region. Drawing on insight from Eva Bellin, as well as the case of *Al-Jamā‘ah al-Islāmīyah* (“Islamic Congregation”) movement in Egypt, Matesan maintains that the political change in the post-Arab Spring has made nonviolent strategies more appealing to Islamist groups. The experience of political transition from the Tunisian Jasmine Revolution and Egyptian 25th January Revolution have sent powerful signals to the Arab world that nonviolent resistance can be more meaningful for opposition groups, especially the Islamists, than the act of violent rebellion. Given the founding ideology of *Al-Jamā‘ah al-Islāmīyah* and its violent past, the commitments of its leaders to respect the law and participate in politics through the formation of a political party became even more significant after the Revolution (Matesan 2012, p. 39).

Yet, the author realizes that this statement may not be applicable to other regions beyond the Middle East and North Africa when she

compares the development of the Indonesian *Jemaah Islāmīyah*, which still has difficulties in abandoning violent tactics. Matesan's work perhaps offers sufficient analysis of how and why some of the Islamist groups in the post-Arab Spring era accept nonviolent protest as one of the methods to practice that important element of democracy – freedom of expression. However, the study is largely based on 'ex-radical' groups with a limited time frame (since the launch of the Arab Uprisings until summer 2012). The overthrow of the Islamist coalition government in June 2013 by the Egyptian army may shift the present Islamist confidence in democracy – meaning that a new analysis should be developed with regard to Mateson's main findings, which could include the recent trend of political Islam worldwide.

In addition to Matesan's study, Tarek Chamki (2014) views the recent developments of Muslim politics in the post-Arab Spring as a "Neo-Islamism trend" since one of the most obvious outcomes of the 2011 Arab revolutions is the rise of Islamists and Islamic-oriented political parties. The regime changes in the Middle East and North Africa in late 2010 (starting with Tunisia and followed by Egypt) and the role performed by the Islamists in these countries added new urgency to developing fresh approaches to Muslim politics (Dagi 2013, p. 72). For Chamki, this trajectory represents a new modified path of Islamist political thought called "neo-Islamism"- which is considered more a tactical strategy than a new ideology. To emphasise his words:

...[By] acknowledging that Islamism and Islamists did not completely fail [in the post-Arab Spring events]...we distinguish these post-Arab Spring Islamists from traditional Islamists by classifying them as neo-Islamists (Chamkhi 2014, p. 460).

Neo-Islamism can be understood as a tendency that emerged within majority Islamist movements to use liberal sets of concepts - for tactical and strategic purposes - whilst pursuing and adjusting the original traditional aims. Six main trends were identified by Chamkhi as the characteristics of neo-Islamism. The trends are explained as follows:

1. *The renewal of religiosity* – Increased secularization in private and social life, as well as day-to-day private and public religious practices among neo-Islamists.

2. *Gradualism of Islamisation* – Neo-Islamists believe that small changes towards Islamisation are better than rapid ones. These could be undertaken via an official or unofficial adoption of the Turkish AKP-style of ‘pretended secularism’. ‘Open-door policies’ for membership could be proposed for any citizen regardless of religious practice. The focus of political parties is more on the quantity rather than the quality of members’ religious devotion.
3. *Modernising Islam* – The concept of modernisation and tools of modernity are well accepted by Neo-Islamists as they argue that Islam is compatible with modern scientific inventions, technologies and the democratic and pluralist values that originated from the West.
4. *Nationalist Islamism* – Some neo-Islamists refuse to consider the Ummah being brought to a single Islamic transnational state. Their political and economic objectives are directed exclusively to the nation-state in which they reside.
5. *Pragmatic relations with the Western world* – In general, neo-Islamist leaders from Ennahda, the Egyptian Muslim Brotherhood and AKP were seen as eager to have positive and ‘enjoyable’ relationships with the Western bloc, particularly USA and the European Union states.
6. *Moderation* – Although to transform and practice the “middle-path’ is a long journey for the Islamist, within the Tunisian neo-Islamist context, they have partially succeeded in presenting their commitment to democracy, flexibility, pluralism, justice, balance and tolerance.

Following the development of several Islamist movements in the post-Arab Uprisings, the idea of neo-Islamism based on Chamkhi’s definition reflects the most modern trends and features of Islamist political parties. From all the characteristics mentioned, moderation was perceived as a core element of neo-Islamism during the post-Arab Spring events. Nevertheless, his study focuses mainly on Egyptian Muslim Brotherhood branches across the Arab world and thus the scope seems to be limited, which indirectly leaves a question about the other parts of Muslim Brotherhood inspired movements like Malaysia’s

PAS, Indonesia's PKS or Pakistan's *Jamaat-e Islami*. Indeed, there is no argument to claims about an upsurge of Islamism in the post-Arab Spring, as agreed by many scholars including Al-Anani (2012), Bradley (2012), Haynes (2013) and Schenker (2015).

Matesan and Chamkhi's study indicated that the Arab Uprisings has affected the ideologies and activity of some Islamist movements in the Middle East and North Africa particularly in Egypt, giving them a new brand of 'progressive' Islamist identity. The question that arises here is: do Muslims support the Islamists now? Charles Kurzman and Didem Türkoğlu (2015) sought the answer through observations, as well as updated empirical data on Islamic political parties' performance in the post-Arab Uprisings in legislative elections towards the end of 2014 in 15 respective countries. Surprisingly, although the political environment in which these parties operate had changed dramatically, their study showed that Islamist parties had actually been less successful in parliamentary elections after the Arab Uprisings. Kurzman and Türkoğlu (2015, p. 100) thus hypothesized that "the freer the election, the worse Islamist parties progressed". This hypothesis could be challenged if it included the latest developments of Islamist parties and political situations in other regions, for example in Malaysia, where the ruling Pakatan Harapan coalition is struggling hard to maintain the support and status quo since the emergence of a new Malay-Muslim opposition coalition – the UMNO and PAS alliance. Regarding the trend in Islamist parties' political platforms, the authors stated that Malaysia's PAS retained a stable position on 'liberal directions' (based on several issues coded in the study), for example – the implementation of Shari'ah, human rights, Jihād and democracy. However, since 2015 this has no longer been the case, as PAS has officially proposed the implementation of Shari'ah Criminal Law in the state legislative hall of Kelantan.

On the whole, one can find commonalities in the studies by Matesan (2012), Chamki (2014) and Kurzman and Türkoğlu (2015) as regards the emergence of interconnectedness between the post-Arab Spring phenomenon and the development of Islamist movements and parties. Indeed, the current presence of Islamists in a national political arena seems to be welcomed and can be considered as part of development of the larger Arab Muslim societies. However, in other places and outside the region, scholars such as Sadiki (2015) and Saikal and Acharya (2014) have suggested that impacts from the political upheavals in the

Arab world could possibly be felt in other parts of the world, specifically in Asia. The following sub-section will highlight previous crucial work on the Arab Uprisings and its worldwide reactions and implications.

The Arab Uprisings and Worldwide Responses

In the few years that have passed since the Tunisian Jasmine Revolution, the Middle East and North Africa has continued to experience momentous changes. Most notable of these, are the consequences of the Arab Uprisings which continue to have enormous impact across the region and the wider world (Fawcett, 2016). Various scholars and researches have wrote the possible impact of the Arab Uprisings towards global community. For instance, in 2015, Sadiki publishes a Handbook of the Arab Spring, which also includes a collection of essays on the Uprisings in a global context – South Africa, North America, Nordic, Europe and India. A year before that, in 2014, Amin Saikal and Amitav Acharya have also contributed an edited volume of their own entitled *Democracy and Reform in the Middle East and Asia: Social Protest and Authoritarian Rule after the Arab Spring*, which addresses inter-regional implications of the Arab revolts in relation to Asia, particularly in terms of their ideological influence on opposition groups and the prospects for democratic transition in a variety of authoritarian and semi-authoritarian regimes.

As pointed out by the authors, Asia is considered as the region that is most affected by the Uprisings, due to issues of democracy and democratisation which remain blooming and striking as a key factor for the region's security. Furthermore, in many Asian states, one can find experiences of 'people's power' revolutions that toppled some long serving autocratic rulers - for example the case of the Philippines (1986 and 2001), Indonesia (1998), and Thailand (2006-08) – which suggest the Arab Uprisings might have a 'snowballing effect' in Asia (Saikal & Acharya 2014). This edited volume, which the reviewer has reviewed in a previous publication (Saidin 2018a) is unquestionably significant as regards to recent implications of the Arab Uprisings on several Asian countries for instance Iran, India, China, Myanmar, Indonesia, Singapore and Central Asia. However, it is worth mentioning that the book does not consider detail views among the youth, opposition parties, political activists, civil society groups and NGOs in those countries and thus loses its touch from the Islamist perspective almost entirely.

In order to explore the global reactions and implications of the Arab Uprisings, there needs to be close examination of numerous case studies of regions or countries which have responded to or been affected by the phenomenon. Europeans were seen as enthusiastically embracing the recent wave of popular protests and revolts in the Arab world (Asseburg 2013). According to Muriel Asseburg – a Euro-Mediterranean expert who was based in Berlin - European citizens interpreted the unprecedented events in the Middle East and North Africa as a welcome opportunity for the liberalisation of political and economic systems, which would lead to long-term stabilisation. The European officials and policy-makers viewed the events as a starting point for an establishment of strong bilateral relations between the EU and its Arab neighbours. However, due to the Eurozone's financial crisis, the European Union has lacked major influence in the post-Arab Spring era. The impact of European monetary problems has rapidly eroded the willingness of EU member states to contribute significantly to the agenda of Arab transformation via the '3Ms' mechanism - that is, money, market access and mobility (Asseburg 2013, pp. 47-48).

Within the same Caucasus region, it seems Russia too did not want to miss an opportunity to react to the developments of the Arab Uprisings. For Russia, it seems that being in a sceptical and pessimistic position is acceptable as a way to deal with the Arab Uprisings developments. As reported by Roland Dannruether, although they initially welcomed the popular demands for political reform throughout the MENA, Moscow finally rejected the US-Western idea of associating the Arab Uprisings with a positive process of political transition and democratisation. Instead, these dramatic events were negatively viewed as strengthening and consolidating Islamist extremism, which could undermine stability, not just in the Middle East, but also potentially within Russia itself. Likewise, the dominant narrative amongst Russian analysts was that the Arab Uprisings was much more a return to the traditional values of Middle Eastern societies, such as incorporating a more Islamic identity rather than a shift into Western-style democracy (Dannreuther 2015, pp. 78-80). It was this fear that drove Putin's administration to implement an uncompromising stance towards the developments in Syria – an action that led Russia to become more influential and emerge as a powerful player in contemporary Middle East and North African affairs.

The Arab Uprisings and Malaysia

With regard to the 2011 Arab Uprising and its connection with Malaysia, there are several materials published in English that stand out, specifically by: Joseph Liow (2015) on Islamist activism in Southeast Asia (Malaysia and Indonesia) in the post-Arab Spring events; Osman Bakar (2015) on Malaysian responses to the Arab Uprising; Alan Chong (2014) and Nidzam and Kartini (2017) on the question of the “Malaysian Spring”; and Ahmad Al-Battat et al (2013) on the effect of the Arab Revolution on the Malaysian Hospitality Industry. Compilation of Malay publication on the Arab Spring, which is largely based on Wan Kamal and Siti Nurulizah Musa’s edited book titled *Arab Spring: Factor and Impact* (2015) is not included in this article since the full review has already been published in 2018 – (Saidin 2018b).

Published in 2015, Joseph Liow – who works on Muslim politics in Southeast Asia - provided up-to-date critical thought on the issue of Islamist activism in Southeast Asia and its connection with the Arab Uprisings. Given the recent increase in Islamist political activism in Malaysia and Indonesia, he agrees that there has been growing interest in observing how developments in the Middle East and North Africa, particularly in Egypt and Tunisia in the post-Arab Spring era, have affected Islamists in Southeast Asia region. However, the author chose to be sceptical as he argues political mobilization and mass protest which involved Islamists had already taken place much earlier – in the late 1990s during the Asian Financial Crisis - and remains as a ‘standard’ political scenario compared to the Arab world. He has also cast doubt over the relations between Islamists in the Middle East and North Africa and their counterparts in Southeast Asia, as the links have remained unclear despite potential for deeper ties to be established. For Liow, Islamists in Southeast Asia – in this case Malaysia - have primarily avoided revolutionary approaches for a regime change, since the concept of moderation and accommodation have started to influence the movement’s ideology along with its commitment to prioritize the ‘democratic’ political process – such as by referendum and election. Indeed, participation in the political process has encouraged Islamists to uphold a broader and more inclusive political agenda (Liow, 2015; Ashour, 2010).

However, if we closely view the present situation in Malaysian politics, some of Liow's points seem arguable, although the writing does provide a profound insight on the latest ideological development of the Islamist movement in Malaysia, particularly regarding the Pan-Malaysian Islamic Party (PAS) in the post-Arab Uprising. For example, the author failed to demonstrate whether the unpredictable change in PAS ideology (e.g. the issues of Sharia law and Islamic state formation) and activities (e.g. the establishment of a transnational Islamism network) were due to the impact of the Arab Spring phenomenon. Moreover, his claim that the Arab Uprisings failed to trigger a deepening of relations between Islamist parties in the Middle East and Southeast Asia (Malaysia) seems inconsistent if one looks at the several occasions in both Malaysia and Tunisia when there were formal meetings and gatherings of PAS and Ennahda top-ranked representatives (respectively). Obviously, a large part of the paper concentrates on a 'snapshot' of latest development – the character and content of Islamist parties in Indonesia and Malaysia - without addressing the central issue of the connection between these parties and the post-Arab Spring phenomenon.

Equally significant is *The Arab Spring: Malaysian Responses* by Osman Bakar (2012). He provided observations about the response of ordinary Malaysians to the unprecedented events in the Arab world. As the author points out, many Malaysians considered the eruption of people's protests as something unforeseen. Given the huge numbers of Malaysian students who were studying (tertiary education) in Arab countries like Egypt, Jordan, Saudi Arabia and Syria, the Malaysian public started to become aware and deeply concerned about the wave of anti-government protests across the Middle East and North Africa. This resulted in the Malaysian government taking immediate steps to airlift more than ten thousand of its students from Egypt and Yemen to Kuala Lumpur. Apart from that response, Osman believes that the Arab Uprisings had a meaningful effect on political awareness in Malaysia, predominantly among the large Muslim population – based on efforts by some groups to 'indigenize' the issues that constituted the core concern of the Arab Uprisings.

Sadly, Osman did not specify which groups fall under the claim and the way he generalizes the political consciousness of the Muslim community without appropriate measurement and empirical data – such as survey or ethnography studies - could possibly suggest these points

to be baseless. In addition Osman also claims that civil society groups and the opposition parties in Malaysia expressed their open support and solidarity with the protesters in Tunisia, Egypt and Libya for the sake of democracy and good governance. For PAS, involvement was also dictated by religious considerations as it hoped that the Muslim Brotherhood would be a key player in the post-Arab Spring politics of the Arab world. Indeed, some of the PAS members did organize a protest near the Egyptian Embassy in Kuala Lumpur in response to the 2013 Egyptian coup d'état. However, this does not necessarily imply that all the Islamist political parties, especially the National Trust Party (Amanah) - had the same view on the Arab Uprisings. Again, lack of concrete evidence is apparent in the paper, therefore suggesting a definite exclusive view to his analysis.

The last of the four English publications on the Arab Uprisings from Malaysia's perspective is Ahmad Al-Battat et al's study on how the Arab revolution crisis affected the Malaysian hospitality industry – in particular the hotel and tourism sector. The statistical results from the study showed an increase in number (since 2011 to 2012) of international arrivals from Arab states – Saudi Arabia, Oman, Kuwait, UAE, Iraq, Yemen and Egypt - to Malaysia. This suggests that the uncertainties in MENA created positive opportunities for Malaysia to attract more Arab visitors to spend their holiday in the country. In this sense, Malaysia offered numerous attractions to satisfy tourist needs and expectations, along with a good reputation as a safe destination. Besides, since Al-Battat and his team's findings attest that the Arab Uprisings affected the tourism industry in Malaysia, the other sectors including the focus of this research – politics and the Islamist movement – could also have been impacted. This suggests that a proper investigation must be done so that a broad perspective on the Arab Uprisings impact in the context of Malaysia can be achieved.

Conclusion

All in all, this article has discussed a number of studies on the Arab Spring phenomenon from different contexts and perspectives – mainly regarding its influence and impact on other nations beyond the key players in the Middle East and North African countries. It has also considered international reactions to the events – from government, society and Islamists. There are states and institution that are actively

involved in the post-Arab Uprisings' developments such as European Union, Russia and Iran, while parts of Asia and Southeast Asia continent have shown great interest in the wave of uprisings and mass protests across Middle Eastern countries. It is also evident some countries were neither influenced nor much affected by the phenomenon – both from the government and citizen perspective. Such a study undoubtedly would contribute to the larger body of knowledge on the issues of the post -2011 Arab Revolutions. Perhaps, it would also stand as what Larbi Sadiki (2015) suggests - a 'knowledge production' in the age of the Arab Uprisings, yet from a different angle and context.

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Book Review

Identity: Contemporary Identity Politics and the Struggle for Recognition. By Francis Fukuyama. London, UK: Profile Books, 2019, pp. 218, ISBN: 978-1-78125-981-8.

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Famous for his declaration on the end of history after free-market liberal economy triumphed over communism at the end of the Cold War, Francis Fukuyama is back to elucidate on the recent rise of identity politics in the second decade of the twenty-first century. Starting with the vote by the British electorate to leave the European Union, we have seen the rise of more populist leaders such as Donald Trump, Viktor Orban, and Geert Wilders using the rhetoric of identity to rile up voters. While there is a growing body of literature on the subject, what Fukuyama does best is explaining a complex phenomenon in a simple yet elegant prose to make his arguments digestible to a wider audience and thus, helping him make a case on the danger of ignoring identity politics and its roots.

Identity politics is any civil movement that is spearheaded by people with shared experiences based on a social construct whether it be race, religion, gender, or sexual orientation. While the twentieth century saw class conflict taking centre stage, the struggle now has evolved to be between people with different social identities. As Fukuyama pointed out, this is a natural evolution because there has been a gap in our understanding of human motivation. Why would developed countries such as the United States and the United Kingdom experience the rise of discontented voters? While economics has been understood as human desire for maximum utilization, there is a desire that cannot be met in material terms—dignity. Fukuyama talks about the politics of resentment whereby “a political leader has mobilized followers around

the perception that the group's dignity has been affronted, disparaged, or otherwise disregarded. This resentment engenders demands for public recognition of the dignity of the group in question." (p. 7). The argument is that while free-market economy has brought countries and people out of poverty, it has not successfully made the middle-class politically and socially visible. This feeling of marginalization is the glue that has mobilized people across specific countries.

Identity is not just a book on politics, but it is also an abridged philosophical and historical reference on the development of the modern man since the Enlightenment. For that reason, it is easy to follow Fukuyama's argument on the concept of *thymos*, its relation to Rousseau's idea of man and society, and how human conception of the self has changed with the slow decay of religious authority in the West. Although as a species we have had more liberties to choose our form of existence today, it has also led to anxiety and insecurity because our identity is still tied to our own understanding of society. Fukuyama writes:

This crisis of identity leads in the opposite direction from expressive individualism, to the search for a common identity that will re-bind the individual to a social group and re-establish a clear moral horizon. This psychological fact lays the groundwork for nationalism. (p. 56)

It is, therefore, not surprising to see the current rise of populist nationalism in which leaders utilize nationalist rhetoric to gain the people's trust to supposedly bring a country back to its purported former glory. People have been too detached in the modern world that they are now seeking commonality that used to exist in the form of national or religious identity.

On the outset, this book might appear to discuss a uniquely western phenomenon. However, the author makes a good point to emphasize that current identity politics is not just one of nationalism, but it also incorporates the ongoing debate on religious extremism, specifically Muslim radicals, whether they are in Europe or the Middle East. Of course, this is not a new argument, for scholars on political Islam have been proposing the idea of the marginalized Muslims that lies behind the anger towards their own government and the West. What is unique about this chapter called "Nationalism and Religion" is how Fukuyama

situates this possibly separate issue into a wider discussion on identity politics that is affecting humanity as history unfolds today. Nationalism and Islamism “both provide an ideology that explains why people feel lonely and confused, and both peddled in victimhood that lays the blame for an individual’s unhappy situation on groups of outsiders.” (p. 73). Understanding this would allow policymakers to approach Islamism as a psycho-social phenomenon as opposed to irrational religious interpretation, though it does play a role.

Another important discussion by the author is on how our understanding of experiences have become much narrower to only include those who share the same “lived experiences”. In other words, the subjective experience of one group differs from that of another, and thus making it difficult to find common grounds that could unite people of different races, genders, or even nationalities. At the end of the twentieth century, we saw the left’s enthusiasm to uplift minority cultural groups to gain some sort of equality at the expense of individual liberty. It is impossible to downplay the importance of this development; but with it, identity politics now brought a different sets of problem. Fukuyama outlines a number of those problems: 1) identity politics has become an easy way out for policymakers from having to deal with rising inequality; 2) as identity politics focused on the traditionally marginalized, the problems of the majority has not been given adequate attention; 3) the rise of political correctness has limited vital political discourse on identity; 4) polarization in society has increased as identity politics does not appeal to a wide audience; and 5) the rise of identity politics on the left stimulated the same passion on the right. Therefore, while identity politics per se is not a problem, it is how it has been understood and implemented that has brought us to where we are today.

This book is a valuable contribution to the debate on identity, nationalism, and populism. The author’s assertion that the path we are on is not irreversible is due to the nature of identity itself which is that it is not set in stone. However, there is a strong drive for dignity and recognition especially from one’s own government. Interestingly, identity politics entered the vocabulary in the late 1970s and early 1980s and yet, the full-blown impact of it is only being felt now. Is it because it is unfolding in the West? For example, scholars have debated the role of identity formulation to understand the interminable crisis in the Middle East. The different and persistent manifestation of identities in

the Middle East have made it difficult for liberal democracy to take foot. This situation perpetuates the rise of authoritarian leaders that pit citizens against one another. So, when the world declares the victory of liberal democracy, the 'world' seems to be limited to the West and the rise in identity politics has been considered perplexing. However, to the rest of the non-Western world, identity politics have always been prominent especially in post-colonial societies. This is not a fault of Fukuyama per se, but it is worth pondering.

As the name implies, *Identity* attempts to be a concise book. Fortunately, it is able to do so without compromising on the wealth of information that is included to help readers understand the phenomenon that is widely reported in the press these days. The narrative style of writing is definitely useful, especially to general readers who may or may not be familiar with research-based writings. However, there were times when the book feels like it has been patched by different anecdotes as some chapters are not equally distributed in length. Nevertheless, the argument is clear, and the author tries his best to appear non-biased in his judgment. There is no doubt that the book is calling for greater awareness by everyone that identity is a social construct and it does not have to be jealously protected. Once creedal identity takes the front seat, liberal democracy may be back on its track to lead us to a possible second end of history.

What Happened. By Hillary Rodham Clinton. New York: Simon and Schuster, Inc., 2017. ISBN-10: 1501175564; ISBN-13: 978-1501175565.

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One of the most consequential American Presidential elections in recent years saw nominees Hillary Rodham Clinton, the Democrat nominee; and Donald J. Trump, the Republican nominee battle head to head for the honour to occupy the Oval Office. The 2016 Presidential campaign

was hard fought and could be categorized as one candidate running for the Presidency while espousing the best of America while the other started his run by latching onto the fears, insecurity, and the frustrations of Americans and eventually rode that fear to victory.

Clinton campaigned on many issues; from crime being at historic lows, the seventy-five months of job growth under President Obama, the fact that the Affordable Care Act helped twenty million more Americans get health insurance, and the unequalled strength of America's military. She campaigned on the energy and optimism she had seen across the country. On the other hand, where Clinton was campaigning on facts available to any voter, Trump was campaigning on the exact opposite; he screamed out during campaign rallies and debates that the American economy was tanking, the military was weak and that he was the only one who could strengthen it, that the border was weak and that a Wall was needed to stop Mexicans from entering the United States, then Muslims needed to be banned, and so on and so forth. For many people, the eventual victory of Donald Trump was a shocking event; this shocking event was even more so for Hillary Clinton who, like many Americans thought, was expected to win.

What Happened is Clinton's personal account of why she ran in the first place, how she ran her campaign, the people who surrounded her during her run and those who had an affect on her during her campaign, as well as her feelings after her loss. She talks about her childhood and how being a woman in male dominated fields – as a law student, then as a lawyer, and then as the Senator from New York, and then as the first woman Presidential nominee of a major American political party. She writes about her stunning loss to Donald Trump who had broken the vast majority of rules that previous candidates had followed, the twists and turns that occurred during the campaign, her reflections on mistakes she made and how she coped with those mistakes, and her feelings in regard to the interference by Russia. The book itself is divided into themes of Perseverance, Competition, Sisterhood, Idealism and Realism, Frustration, Resilience, and there is an Afterword. The themes are then divided into chapters.

The first two chapters falling under the theme of Perseverance deal with the Inauguration of Donald Trump as the immediate aftermath. Hillary's appearance with Bill Clinton, the 42nd President, along with

other previous Presidents and First Ladies, at the Inauguration of number forty-five, Donald Trump. She writes that there was a part of her that did not want to attend the inauguration, however she had “felt a responsibility to be there”. Despite her feelings towards Trump, Hillary Clinton showed up to the Inauguration since she felt responsible for showing other nations that the “peaceful transfer of power is one of our country’s most important traditions.” If she wasn’t at the Inauguration, one would only have to wonder what the countries of the world – many of which Hillary Clinton had touted the strength and traditions of American democracy when she was Secretary of State– would have thought about her. She writes her account of the inauguration with bits and pieces of humour; there was an account of her meeting the future Interior Secretary Ryan Zinke and how he brought his wife over to meet her. Clinton joked that she wasn’t the Antichrist – which was what Zinke had called her in 2014 – and led to a mumbled apology of how he hadn’t meant what he said. She writes about her distress at the loss, at the thought of the concession speech she had to make, and at the thought that a man who built his campaign on dividing American people had won the Presidency. Clinton wrote about how she leaned on her husband, her daughter and her grandchildren to eventually return to some semblance of a regular routine. Clinton wrote of how, over time, she began getting calmer and stronger.

The next three Chapters covers the theme of Competition and begins with the reasons why she ran for the Presidency. Her reasoning was simple; she believed that she would have been good at the job of running the United States. She goes on to outline that she was the most experienced in government, she had made more meaningful accomplishments, and she had “ambitious but believable proposals.” She was aware that everything she and Bill Clinton had ever touched – especially the Clinton Foundation – would come under increased scrutiny. And she was right; despite three independent philanthropic watchdogs giving the Clinton Foundation top marks, the partisan attacks on the charity were heavy and numerous, and “nearly all of it was negative”. She wrote of her paid speaking engagements and how her opponents spun and twisted those talks into something that fit their agenda – that she was now in the palms of bankers and moneymen; that she was now under their control.

She continues to talk about the differences between the Clinton Foundation and the Trump Foundation; how one was a philanthropic force in the world while the latter was “little more than a personal piggy bank.” Clinton continues to talk about the reasons why she felt she should not run for the Presidency; one of the reasons being that she enjoyed being a Grandmother. In these chapters, she laments the lengths that the GOP had gone over the years to stoke the public’s fear and distrust in government and then, after having rejected several means to improve the lives of people such as through expanding Medicare, they are rewarded. From her words it is easy to infer how she feels about Trump and how he prefers humiliating others or how much he prefers that others do worse so that he doesn’t have to do anything better. She then goes into how the GOP “stoked the public’s fear and disappointments” and the impact of their willingness to “sabotage Barack Obama’s agenda” and the spread of misinformation. Clinton continues talking about how she began forming her campaign teams and the ups and downs they experienced during the campaign, as well as the beginnings of her plans to battle the Opioid crisis among other issues. In the second chapter of this theme, Clinton touches on the email controversy and how it affected the negative perception towards her. The last chapter under this theme, *A Day in the Life*, is self-explanatory; Clinton takes readers through the days of setting up her campaign, fund-raising events and how much she thought they were much more difficult than traditional campaign events, rallies and how she enjoyed them, her participation in roundtable events, her health scares that were exaggerated by opponents, the debates against the other Democratic nominees as well as the ones against Trump, until the day of the election.

The third theme in this book is *Sisterhood*, consisting of three chapters. As the title of the theme implies, these three chapters deal with what it means to be a woman, the first woman partner Arkansas’ oldest law firm, the first First Lady to be elected to public office as New York’s first woman senator, to the first woman from a major party running for the most powerful position in the United States. Clinton writes of how sexism and misogyny played a part in the campaign, news media and social media coverage, and in Trump and Republican rallies where there were shouts of “lock her up!” On the other side, she spoke of how much support she received from women’s organizations and how it is “deeply rewarding to be a woman in politics”. Clinton would go on to talk about

being a daughter, wife, mother and grandmother and how these affected her personal and professional life, and her attitude towards running for office.

The fourth theme in the book, begins by acknowledging the challenges Clinton faced being perceived as a candidate who was protecting the status Quo. In this section Clinton begins by talking about the gun epidemic and the role of the NRA in the Presidential campaign. She spoke of mass shootings and how mothers of victims would form support groups to help each other. Then there is the ongoing struggle of having NRA and gun manufacturers accept responsibility for the deaths caused by guns. In addition, she talks about the need to strengthen the current gun laws including the need for better background checks. Clinton then goes on to talk about her activism, both past and present, particularly her push for healthcare reform in the nineties.

In *Frustration* begins the recollections about the Presidential Campaign, why she lost the election, and she goes in-depth on the aftermath of that loss. She starts the chapter with one of her low points in the campaign trail; the right-wing outlets focused on her words “we’re going to put our coal miners and coal companies out of business” and took them out of context. These chapters then go on to the infamous emails and the Russian interference in the Presidential Election. Here Clinton explains her affinity for the blue-collar, working class Americans and how she understood their plight for example, Loss of jobs, reduced opportunities – even though she admitted that she hadn’t relayed her feelings during the campaign. It was something that hindered her since many people who could be categorized as blue-collar saw her as someone who didn’t understand what they were going through. According to Clinton’s own words in the book, she had many ideas on how to improve the situation of blue-collar workers and the towns and cities where they lived if she became President. She then went on to the actions of the FBI and Federal Agencies, during this time. She then went on to explain what the Trump team did as they took advantage of the situation while the Russians continued their efforts to interfere in the election. Clinton also touched on the role played by Trump team’s alleged collaboration with Wikileaks in addition to any collaboration between the latter and Russia. She even suggests four steps that could be taken to meet the threat from Russia and other unscrupulous actors and protect democracy. This section ends with election night and, from

her words, readers are able to feel her frustration and disbelief as Trump broke the so-called Blue Wall and became the President-elect before she begins the post-mortem of her campaign and why she lost.

The final chapters deal with Clinton's defeat and her reactions before discovering that she should move forward instead of dwelling more on the past. The book fulfils what she set out to do. She examines her defeat, her reactions, offers suggestions on what to do from the election onwards, and how to deal with the Trump years. She highlights how vulnerable the American electoral system is to outside interference and posits that it is very possible for outsiders such as the Russians to interfere once again in 2020. The book is an essential read if a reader desires a point of view perspective on the 2016 Presidential election in the United States of America.

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(i) direct quotation, write as 30:36

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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

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(i) Al-Bukhārī, M. (1981). *Ṣaḥīḥ al-Bukhārī*. Beirut: Dār al-Fikr.

(ii) Ibn Ḥanbal, A. (1982). *Musnad Aḥmad Ibn Ḥanbal*. Istanbul: Cagri Yayinlari.

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