IS MAQĀṢĪD AL-SHARĪ‘A SUFFICIENT?
REFLECTIONS ON ISLAM IN CONTEMPORARY MALAYSIA*

Ahmad Fauzi Abdul Hamid

School of Distance Education, Universiti Sains Malaysia, Penang, and currently Visiting Research Fellow, Southeast Asia Regional Centre for Counter-Terrorism (SEARCCT), Ministry of Foreign Affairs, Malaysia
e-mail: afauzi@usm.my

Abstract: During its brief 22-month administration (May 2018 – February 2020), Malaysia’s Pakatan Harapan government put forward the idea of Maqāṣīd al-Shari‘a or higher objectives of Islamic law as one of the precepts governing its Islamic agenda. While such an approach has demonstrated streaks of viability in extricating Islam from overly legalistic mores, it is epistemologically undetached from the sharia-centric paradigm that has dominated the post-colonial Muslim intellectual make-up. This article argues that proponents of Maqāṣīd al-Shari‘a in Malaysia might have overlooked the more urgent need for a morally based framework that evaluates human action not on the extent to which humans observe external law but rather on how sensitively humans connect with God in the event of legal injunctions being adhered to, ignored or transgressed. What is needed in Malaysia in addition to Maqāṣīd al-Shari‘a is Maqāṣīd al-Akhlāq, whose origins are rooted in the Islamic spiritual tradition of taṣawwuf or sufism.

Keywords: Maqāṣīd al-Shari‘a, Maqāṣīd al-Akhlāq, sufism, Malaysia

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Introduction

FROM MAY 2018 until February 2020, Malaysia was governed by the Pakatan Harapan (PH: Pact of Hope) ruling coalition made up of the multi-racial Parti Keadilan Rakyat (PKR: People’s Justice Party), the social democratic but Chinese-dominated Democratic Action Party (DAP), the Islamist Parti Amanah Negara (AMANAH: National Trust Party) and the Malay-centric Parti Pribumi Bersatu Malaysia (PPBM: Malaysian United Indigenous Party) as its major component parties. Its turbulent 22 months in power was characterised by constant allegations by its political opponents regarding PH’s more liberal approach in both racial divisions of power and practical application of Islam in the lives of Malaysians befitting multi-cultural realities of their way of life. One of the main planks of its Islamic agenda was fulfilment of Maqāṣīd al-Shari‘a (higher objectives of Islamic law) in all its policies. The so-called maqasidic approach to Islamic injunctions calls for a holistic reading of scriptural sources, in particular the Quran and Sunnah, towards arriving at inclusive answers to modern societies of which Muslims form an integral part. It was meant to be implemented parallel with the other two precepts, namely the feasibility of a Malaysian model and the Raḥmah li al-‘ālamīn (mercy to the worlds) emphasis. This article aims to briefly examine the appositeness of the Maqāṣīd al-Shari‘a framework in Malaysia in the wake of rising extremism among Malay-Muslim youth. It looks particularly at the extent to which Maqāṣīd al-Shari‘a offers a comprehensive solution to Malaysia’s ethno-religious problems. It looks especially at whether Maqāṣīd al-Shari‘a can be successful as a standalone policy, or whether PH had unwittingly overlooked distantly related conceptions whose absence may threaten the utility and integrity of the Maqāṣīd al-Shari‘a agenda.

Conceptual background

It is not uncommon to read observations and assessments of Islam as lived and practised by Muslims in Malaysia and
Indonesia – the two easternmost Islamicate countries of the ummah (global Muslim community), to be more culturally tolerant and religiously open to external influences. This has consequently led to debates on whether Muslims of the Malay world could be regarded as religiously lax owing to a purported intransigence of refusing to follow Islamic scriptures by the book. Some past authors have sought to lay the blame for the Malays’ relaxed religious attitudes to age-old religio-cultural traditions inherited from the sufis i.e. Muslim mystics credited in large part for the early spreading of Islam in Southeast Asia.

Yet, if we were to conceptualise Islam in much broader terms than just legal categories, Islam’s greatest contribution to Malay-Muslim heritage lies arguably in the field of akhlāq, broadly translated into English as morality or etiquette. There is a subtle difference between akhlāq and its Anglicised equivalents, however. While morality and etiquette can be practised in a purely horizontal human-to-human relationship and thus might be devoid of theological significance, akhlāq in Islam is a way of glorifying God by displaying sublime behaviour towards fellow humans worthy of respect as mortal creatures of God. Ādamīyya (humanity i.e. the fact that all humans derive their presence in the world from a genealogy that goes back to the Prophet Adam) serves as the dominant criterion here, and is inclusive of all humankind irrespective of ethnic identity and religious affiliation. According to this universalist perspective, one’s very existence as a human being confers on him or her ‘īsmah (inviolability). As far as worldly justice and peace is concerned, non-Muslims deserve

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1 A term introduced by historian Marshall Hodgson in his Venture of Islam (1974) to characterise regions in which Muslims were culturally dominant although not necessarily from a religiously legit point of view.
respect and fair treatment as much as Muslims do. The Prophet Muhammad’s (PBUH: peace be upon him) own words during his farewell sermon form the basis for this humanistic worldview: ‘O People, all mankind is from Adam and Eve. An Arab has no superiority over a non-Arab, nor does a non-Arab have any superiority over an Arab; a white has no superiority over a black, nor does a black have any superiority over a white; [none have superiority over another] except by piety and good action.’

In the Holy Quran, God praises the Prophet Muhammad (PBUH) for possessing khuluqin ‘azīm (supreme akhlāq): ‘And thou (standest) on an exalted standard of character’ (Qs. al-Qalam 68: 4). Combining this with the Divine exhortation to follow the Prophet’s example as uswatun hasanah (the good example), ‘Ye have indeed in the Apostle of God a beautiful pattern (of conduct) ....’ (Qs. al-Ahzāb 33: 21), it is obvious that God expects noble values to be embedded as the integral aspect governing the lives of human beings as His servants. In several hadīth (words and deeds of the Prophet Muhammad), the importance of inculcating virtuous akhlāq receives special emphasis. For example, he is reported to have declared, ‘The best amongst you are those who have the best manners and character,’ and ‘I have been sent to perfect good character.’

Good Manners in the Malay-Muslim Worldview

In Malay language, akhlāq is couched in the concepts of budi pekerti and budi bahasa, which translate loosely as moral character.

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and good manners respectively. From the root word *budi*, which in Indonesia has been philosophically explicated and generically understood to have acquired a spiritual connotation in connection with the Divine, we derive its plural version of *budaya* and its cognate *kebudayaan*, both of which are used widely today to mean ‘culture.’ Etymologically, the core foundation of Malay culture revolves around the concept of *akhlāq*, which is simply the Arabic terminology which entered Malay parlance as Malays gradually adopted Islam as their faith. Without the praxis of virtuous *akhlāq* in the daily lives of Malays, their identity as Malay-Muslims known for refinement in character is compromised. Malay-Muslim identity is founded on a synergy between Malay cultural elements and Islamic elements with special emphases on qualities that prioritise the sowing and fostering of virtuous *akhlāq*.\(^7\) In modern Malaysia, *akhlāq* has seeped into the country’s Rukun Negara (Pillars of the Nation), the fifth of which is *kesopanan dan kesusilaan*, or ‘good behaviour and morality.’

To the younger generation, however, *budi* is more often taken to mean favours or good deeds, which need not necessarily be reciprocated immediately in the belief that God will repay them to one’s descendants if not later in one’s lifetime. Politically, the term has been abused by Malay-Muslim politicians demanding that the government’s and ruling party’s *budi* in educating and enabling the Malay populace to climb the socio-economic ladder be remembered and repaid through votes, although these ulterior motives are often only indirectly expressed.\(^8\) One is easily reminded of former Prime Minister Najib Razak’s poignant reminder during the United Malays National Organisation (UMNO) General Assembly of 2014 to be mindful that the rice\(^9\)

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\(^9\) Representing ‘food’ in general, since rice has been the staple diet of the Malays since time immemorial.
that the Malays enjoy nowadays in the comfort of their homes is the outcome of UMNO’s long-standing struggle to uplift them.\(^\text{10}\)

The importance of *akhlāq* aka *budi* in Malay-Muslim culture is highlighted in classical rhyming Malay stanzas called *pantun*. Consider for example the following quatrains:

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\text{Pulau Pandan jauh ke tengah (Pandan island furthest in the centre),} \\
\text{Gunung Daik bercabang tiga (Daik mountain has three peaks),} \\
\text{Hancur badan dikandung tanah (As the body decomposes underneath the earth),} \\
\text{Budi yang baik dikenang juga (Our good deeds will still be remembered).}\(^\text{11}\)
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\[
\text{Di sana padi di sini padi (Paddy there and here),} \\
\text{Itulah nama sawah dan bendang (What we would call rice fields),} \\
\text{Di sana budi di sini budi (Good character there and here),} \\
\text{Barulah sempurna bernama orang (Only then could we properly call one a human being).}\(^\text{12}\)
\]

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\text{Biarlah orang mencabut cendawan (Let others pluck the mushrooms),} \\
\text{Kita cabut padi kan mati (If we pluck the paddy will die),} \\
\text{Biar orang berebut bangsawan (Let others scramble for nobility),} \\
\text{Kita berebut budi pekerti (We prefer good character).}\(^\text{13}\)
\]

In a nutshell, in traditional Malay-Muslim culture, *akhlāq* or *budi* defines what it means to be human. Without *akhlāq*, humans demean themselves to the level of beasts and other soulless creatures who need not be accountable for their good or bad deeds in the Hereafter. Such was part of the sufi heritage inherited by the Malays. The tolerant culture adopted by sufi travelers who came to pre-colonial Southeast Asia as traders and missionaries


contributed to the largely peaceful scenario of Islamisation in the Malay world.¹⁴ In contrast to the aggressive evangelisation that we encounter today in the likes of Dr Zakir Naik and his Peace TV,¹⁵ the sufis of yesteryears initially compromised the externally stricter components of the sharia (Islamic law) in winning the hearts and minds of the native Malays, whose early religious lives had been conditioned around an admixture of Hinduism, Buddhism and animism. The following anecdote of how one of the illustrative Wali Songo (Nine Legendary Saints of Java) propagated Islam in Java is instructive:

Cock-fighting or sabung ayam was a popular sport in Java at that time and villagers would gather together in a big circle, each bringing their champion and throwing it into the arena. Sunan Ampel saw this. He joined them in their sport. He brought the smallest-sized chicken or rooster to the fighting arena. But before he started, he recited in front of the rooster, “Laa ilaha illa Allah…” And with God’s will, his chicken beat all the champions. Soon, the people around him were following what he did. They also recited, “Laa ilaha illa Allah…” before they started getting their rooster to fight. And their chickens won! And so their hearts began to be attracted to the recitation of “Laa ilaha illa Allah.”¹⁶

What Malay-Muslims inherited from this sufi heritage is a non-judgmental attitude when it comes to religion. At a glance, this might be viewed by sharia-minded Muslims as lax; yet the trait that has won the hearts of many non-Muslims as the Islam as communicated to them by the Malays displayed less than pushy methods and complete trust that if God wills one’s change of heart to Islam, the change will ultimately happen regardless of the

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prevailing circumstances. A non-Muslim migrant to Australia reminisces fondly about her adolescent years growing up in Malaysia and contrasts it with the prevailing climate she sees around her:

For most of my childhood, the Muslim call to prayer in the old colonial port town of Malacca, Malaysia was my alarm clock. In the purple gloom of a tropical dawn, I’d drift out of sleep to the sound of the azan, or the call to worship, as the muezzin at the neighbourhood mosque performed his first religious ritual of the day. “Allahu Akbar” was a musical stream of notes, unfurling like a silk ribbon. I was born in 1973, a non-Muslim in a Muslim country…. In the Malaysia I grew up in, we all mixed easily. To me, the Muslim faith was peaceful, warm and benign. My friends and I ate at each other’s homes, celebrated each other’s holidays. On Saturday mornings, an elderly teacher would come to our home to teach my sister and me the beautiful Arabic alphabet for writing Malay called Jawi. ‘Alif, ba, ta, sa’, we would chant after him… My aunty recalls wearing the baju kurung – the traditional Malay dress – in solidarity with her Muslim best friend during high school. In primary school, I would occasionally fast along in sympathy with my Malay school friends – or at least abstain from openly scoffing lollies – during the month of Ramadan, the holy month of fasting. My mum, too, remembers ‘covertly’ supplying a lunch of rice and curry to our hungry Muslim gardener, Mohammed, because she felt sorry for him during the fast. In the evenings, the streets would fill with families breaking the fast at market stalls with giant platters of aromatic beef and chicken rendang. And on Eid-ul Fitr, or Hari Raya Puasa, the traditional Malaysian tradition of open house would see us flock to our Malay friends’ homes to gorge on kek lapis and pineapple tarts…. It was only when we emigrated to Australia in 1988 that another, more malign form of Islam emerged on my consciousness. This was the type of Islam seen on the news, a militant, warped offshoot associated with terrorism which erupted in murderous spotfires all over the globe over the next few decades, from Tunisia to New York, from Nice to Turkey. To me, it was strange and terrible. I didn’t recognise it, couldn’t process it. How did the musical ‘Allahu Akbar’ of my childhood morph into the chant of a jihadi bent on murder? Had Malaysia spawned a peculiarly inclusive and non-violent benign form of Islam or was I being too nostalgic? Had I simply not seen flaws in the fabric of faith around me?

Nothing could be more contrasting to the scenario above than the ethno-religious tension prevailing in post-millennial Malaysia, as brought out by Thomas Fann, a civil society activist who since October 2018 has been chairing the Coalition for Clean and Fair Elections (BERSIH 2.0) in a recent *Malaysiakini* piece. Recounting recent incidents of violence and threats of violence, whose severity would nonetheless pale by comparison to global standards of conflict, such as ‘Muslim worshippers who attacked a motorist who honked incessantly when his path was blocked by indiscriminate parking outside a mosque in Johor Bahru during Friday prayer’ and a ‘slapping incident in front of a mosque in Penang by a protester who was offended by a question posed by Major (Rtd) Zaidi Ahmad, the information officer of the chief minister of Penang.’ Fann reflects:

Before you start labelling me Islamophobic, let me say that I grew up believing that the Malay-Muslim people are some of the most wonderful people in this world. My memories of the Malays are a gracious, courteous, hospitable, kind and pious people, with strong family ties. These are the kind of values I admire and yearn for as a person. Many of my Malay friends still exemplify such values but more and more these positive images are being replaced by Malays who are intolerant, disrespectful, greedy, hateful, easily offended, bullying and violent to others who don’t share the same beliefs as them and that includes other Muslims who are not Sunni and from the Shafi’i school of thought. They have no respect for anyone who does not see the world the way they see it. It’s their way or burn in hell. No, rudeness, discrimination, bullying, hatred, violence and killings are just not acceptable in any society, let alone manifested in people who claim to be closer to God than others. We, as members of the human race, regardless of religion, race or creed, must unite against these deviants of the human race who uses [sic] their religion as a justification for bad behaviour and violence. If Muslims truly believe theirs is a religion of peace and want to defend God, then defend Him by speaking up and acting against these blind zealots.19

**Skewedness of Contemporary Malay-Muslim Understanding and Practice of Islam**

The Islamic intellectual tradition as developed by the classical *ulama* (religious scholars) revolved around three fundaments of

religious knowledge, viz. *tawḥīd* (theology), *fiğh* (jurisprudence, literally ‘understanding’) and *taṣawwuf* (spirituality or Sufism). In traditional Muslim epistemology, *tawḥīd*, *fiğh* and *taṣawwuf* are collectively recognised as *fard ‘ayn* (individual obligation) disciplines, meaning doctrinal and ritual obligations that must be acknowledged and practised by every adult male and female Muslim. History has witnessed the emergence and passing of various schools of thought in different branches of knowledge including *fard kifāyah* disciplines encompassing both the religious and worldly sciences, based on wide-ranging and even varying interpretations of Islam’s scriptural sources, chiefly the Quran and hadith. Myriad schools of thought emerged, progressed, flourished, declined and phased out due to lack of followers, as the ‘*ulamā* continually developed, debated, deconstructed and reconstructed branches of knowledge in highly systematic, broad-minded and diverse ways whereby differences of opinions were sorted out in a gentlemanly manner.

The tripartite classification of knowledge into *tawḥīd*, *fiğh* and *taṣawwuf* was derived by scholars from the second hadith in the famous collection of forty hadith by Imam Nawawi (d. 1278 AD) which encapsulates the fundamental concepts of Islam. In the hadith, the Prophet Muhammad (PBUH) was reported to have elaborated on the meanings of Islam, *imān* (faith) and *iḥsān* as such:

Islam is that you should testify that there is no deity save Allah and that Muhammad is His Messenger, that you should perform *ṣalah* (ritual prayer), pay the *zakah*, fast during Ramadan, and perform *Hajj* (pilgrimage) to the House (the Ka’bah at Makkah), if you can find a way to it (or find the means for making the journey to it). ... It (*imān*) is that you believe in Allah and His angels and His Books and His Messengers and in the Last Day, and in fate (*qadar*), both in its good and in its evil aspects. ... It (*iḥsān*) is that you should

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20 *Fard kifāyah* refers to collective obligations that must be observed by at least one unit of a group of believers so as to exempt the others from responsibility in the Hereafter. Examples of classical subjects are *al-hisāb* (mathematics), *al-handāsah* (geometry), *manṭiq* (logic), *al-ṭib* (medicine), *al-jīghrafiya* (geography), *al-bādi’* (metaphor) and *al-bāyān* (rhetoric).

21 Hence the sprouting of different *tafsīr* (exegesis) of the Quran written by scholars from different schools of thought.
serve Allah as though you could see Him, for though you cannot see Him yet He sees you.\textsuperscript{22}

In short, \textit{imān} has to do with inner beliefs systematised in studies of \textit{tawhīd}. Islam refers to its five basic pillars which are forms of worship that are to be externally practised. The physical rules and regulations regarding the outward actions generated myriad of studies of \textit{fiqh}. \textit{Iḥsān}, meanwhile, concerns actions of the heart in worshipping God, thus sparking in time studies of \textit{taṣawwuf} - the Islamic science of spirituality. This triad of branches of knowledge, duly explicated, comprehended and internalised as part and parcel of a Muslim’s way of life, constitute the \textit{dīn} (religion). The overall guidance for a Muslim to conduct his or her life in accordance with the \textit{dīn} is called the sharia (literally, the way), which in modern terminology has unfortunately been reduced to merely ‘Islamic law,’ minus its spiritual-ethical dimensions and hence resulting in excessive literalism and legalism. Without due consideration being given to its \textit{maqāṣid} (higher objectives), sharia is reduced to mere \textit{fiqh}, thus minimising its significance in the modern lives of both Muslims and non-Muslims.\textsuperscript{23}

Sharia studies, in tandem, became obsessed with legal technicalities rather than innovation and creativity, in the belief that fixed precepts and decisions should not be challenged and improved upon even in the ever-changing realm of human relations (\textit{mu‘āmalah}). Whenever sharia is discussed as a modern concept, contemporary reforms taking place in the global Muslim legalscape notwithstanding,\textsuperscript{24} one gets a skewed impression of it as a rigid, uncompromising and even brutal code of law. Unfortunately, it is this constricted framework of sharia that has


\textsuperscript{23}Bakar, \textit{Islamic Civilisation}, 310.

heavily influenced Malay-Muslims of the post-Islamic resurgence era of the 1980s. In the worst case scenario, sharia becomes the rallying cry of Muslim extremists who see the non-application of the *hudūd* (literally, ‘limits’) criminal code as a sign that an ostensibly Muslim-led government has become *kāfir* (infidel) and could therefore be deposed, with violence if necessary. In the extremist paradigm, sharia no longer serves as a means towards Godliness, instead, legalistically interpreted sharia becomes the definitive criterion defining Godliness. Law effectively becomes the be all and end all of Islam. Khaled Abou El Fadl explains the puritan aka extremist worldview in the following words:

God’s will is accessible through God’s law, not love. God’s law is the full expression of God’s will. One is not engaged in knowing God; one is engaged only in obeying God. Puritans hardly mention love as a desirable or even possible engagement between God and human beings. As a pure act of benevolence, God might love his servants, but there is no reciprocity in this relationship. In this puritan framework, people should properly fear God, not love Him. And even if they do love God, they gain no special knowledge, intimacy, proximity, or familiarity from that love. God remains the emotionally inaccessible Supreme Commander that expects obedience, not love. Ironically, however, puritans also believe that God is completely accessible through law. If one knows the laws of the Supreme Commander, one knows the Supreme Commander.

Malay-Muslim Religious Dilemmas in Contemporary Malaysia: Is Maqāṣīd al-Sharī‘a the Solution?

In June 2014, the Malay-Muslim community was delivered a rude shock by the news that Malay-Muslim youth were waging a campaign of *jihād* (holy war) against the ‘infidel’ Syrian government of Bashar al-Assad. A handful of them, while...

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26 Criminal penalties instituted by the Quran and *Sunna* (exemplary traditions of Prophet Muhammad) after lawful conviction in a court of law.


ostensibly being aligned to the amorphous Free Syrian Army, somehow got entangled with the terrorist outfits Al-Qaeda via its affiliate Jabhat al-Nusra (Al-Nusra Front) and the Islamic State of Iraq and Syria (ISIS).29 ISIS is itself an offshoot of Al Qaeda in Iraq founded by the notorious Abu Mus’ab al-Zarqawi (1966-2006). Pronouncements of loyalty to their Islamist cause is more than enough to convince us of their politically skewed Salafi30-jihadist leanings.31 Salafi-jihadism, an ideology deriving from the writings of ideologues such as Sayyid Qutb (1960-1966) and Abdullah Azzam (1941-1989), sanctions the use of force to install an Islamist regime that implements sharia to the letter of the law, even if such an endeavour necessitates violence.32 In contrast to the general picture presented to the public of madrasah (religious school) graduates turning jihadist, the bulk of Malay-Muslim converts to


30 Deriving from the word salaf, which carries the literal meaning of ‘those who precede’ i.e. predecessors. The original Salafists or salaf al-sālih i.e. pious predecessors were faithful Muslims who organised their lives strictly around the traditions and commandments of the Prophet Muhammad (PBUH) in the first three hundred years following his demise in 632 AD. With regard to Salafism as a modern reincarnation, most people who categorise themselves as Salafists are in practice influenced by the Wahhabi school of thought, referring to the puritanical stream pioneered by Muhammad ibn Abd al-Wahhab (1703-1792) of Nejd in the Arab Peninsula and dominant in present-day Saudi Arabia. Marriage between the revolutionary thoughts of Egyptian radical thinker Sayyid Qutb and Wahhabism is generally deemed to be ideologically responsible for engendering the violence-legitimating strand of Salafi-jihadism; see Shadi Hamid and Rashid Dar, “Islamism, Salafism, and Jihadism: A Primer,” Brookings, November 30, 2016, accessed September 17, 2020, https://www.brookings.edu/blog/markaz/2016/07/15/islamism-salafism-and-jihadism-a-primer/. for a brief introduction.


Salafi-jihadism were in fact national school leavers who were drawn to the doctrine through their secondary and tertiary educational networks. To the question of whether it was true that sekolah agama (religious school) graduates formed a significant proportion of Malaysia’s Islamist militants, police Special Branch Counter Terrorism Division chief Ayob Khan refuted such an oversimplification based on the arrests and convictions of a few miscreants. On the flip side of the coin, among youths, a group particularly vulnerable to jihadist propaganda are national school leavers and technology-based university students. The story of one Muhammad Fadly Zainal Abidin who was apprehended by the Thai authorities in 2009 for preparing to wage physical jihad against the Thai military after becoming influenced by an extremist religious teacher is a case in point.

As the present author has argued elsewhere, it has become urgent to redress the sharia-centric bias in the national religious education curriculum, particularly the one designed for non-religious stream students up to university level. The prevailing bias has rendered an understanding of religion as first and

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foremost the internalisation of a series of physical injunctions and prohibitions. Emphases invariably placed on Islam’s legalistic and creed-related aspects have relegated its spiritual, civilisational and philosophical aspects to the periphery. Thus subjects that encourage critical-mindedness and a holistic view of faith such as philosophy and *tasawwuf* occupy peripheral places in the formation of worldviews of Islamic studies graduates in Malaysia.\(^{36}\) Worse, comparative religion hardly features at all in Malaysia’s higher education, and where it is taught such as at the International Islamic University of Malaysia (IIUM), it essentialises non-Islamic religious traditions in a less than appreciative way.\(^{37}\) The impact of such closed-mindedness will diffuse to the population once graduates of such a system enter the workforce and assume respectable positions as *ustādh* and *ustādhah* (Muslim religious teachers). The youth are particularly vulnerable, and if any symptoms of extremist behaviour develop as a result of the skewed understanding of religion, it will most likely happen among the youthful audience of the teachers, duly Salafised via sessions in informal cells outside official work or study hours, usually with the help of visual technology to create a secondary trauma effect which accelerates radicalisation.\(^{38}\)

On 9 May 2018, for the first time in Malaysian history, the ruling *Barisan Nasional* (BN: National Front) multi-ethnic but UMNO-led coalition lost power at the federal level, amassing just over thirty per cent of the popular vote and retaining only two states in Peninsular Malaysia viz. Perlis and Pahang. The unexpected victory of the erstwhile opposition bloc known as


Pakatan Harapan (PH) brought new hopes for the reformation of the administration of Islam in Malaysia after decades of Salafisation, whether unwittingly or advertently under the guise of Islamisation and other programmes with similar nomenclature, under BN rule. Under the leadership of 93-year old Dr Mahathir Mohamad in his second stint as Prime Minister, Malaysia’s Pakatan Harapan government put forward the idea of Maqāṣid al-Shari‘a or higher objectives of Islamic law as one of the three precepts governing its Islamic agenda, the other two being the feasibility of a Malaysian model of Islamic governance and the Rahmatan lil-‘alamin (mercy to the worlds) emphasis. As articulated by newly minted Minister at the Prime Minister’s Department Dr Mujahid Yusof Rawa in his opening speech during a meeting between Prime Minister Dr Mahathir and selected Islamic scholars and intellectuals on 31 July 2018, PH’s Islamic vision is built upon the convictions that Islam is a bountiful faith for all humankind, that the maqāṣid approach is most suitable for the solution to contemporary problems of life, and that Malaysia must be a model of Islam for the world, bearing in mind the seemingly insurmountable troubles currently besetting other parts of the ummah, especially the Middle East.

The so-called maqasidic approach to Islamic injunctions calls for a holistic reading of scriptural sources, in particular the Quran and Sunnah (trodden path of the Prophet Muhammad), towards

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arriving at inclusive answers to modern societies of which Muslims form an integral part.\(^{41}\) While such an approach has demonstrated streaks of viability in extricating Islam from overly legalistic mores, it is epistemologically undetached from the sharia-centric paradigm that has so dominated the post-colonial Muslim intellectual make-up, so much so that sharia studies has emerged as the major plank of Islamic studies, with sharia being seen as synonymous with Islam itself as commonly understood by the lay populace. This is underlined by perception surveys undertaken to assess the general population’s impression of Islam.\(^{42}\) Typical is an opinion expressed by a former schoolmate of the present author through the email group mcoba-mail@googlegroups.com on 25 July 2019, reproduced in anonymised form below:

> It was in the States [United States of America] that I learned how beautiful Islam is. Not here in Malaysia. It was there that I saw how inclusive and loving is our religion. Totally humbled by the experience. Forgive me for saying this but imho [in my humble opinion], Malaysia’s Islam is all about the negatives. You can’t do this. You can’t do that. You’re wrong. Must repent. Islam has such a bleak and unhappy face here. It’s mostly the holier than thou attitude of those in power. If you don’t follow what I preach, it’d be hell for you. As far as LGBT [lesbian, gay, bisexual, transgender] goes, the Ustazs and Imams will in a heartbeat condemn them. Some even wanted to kill them by throwing them from a hill. I’m not an ustaz (not even active in BRU [Badan Revolusi Ugama i.e. Malay College Kuala Kangsar’s Islamic Students’ Body]). But this kind of reaction towards our social ills will only exacerbate the situation. Instead of pulling people in towards Islam, they are doing the opposite.

While there is no reason to doubt the honesty of the endeavour to implement *Maqāṣid al-Shari’ā* in Malaysia, its advocates, in their enthusiasm to foreground the rejuvenated concept as an alternative to BN-UMNO’s mode of Islam, might have overlooked the more urgent need for a morally based framework that evaluates human action not on the extent to which humans observe external law but rather on how sensitively

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\(^{42}\) As reported for instance by Patricia A. Martinez, “The Islamic State or the State of Islam in Malaysia,” *Contemporary Southeast Asia* 23, no. 3 (2001): 474–503.
humans connect with God in the event of legal injunctions being adhered to, ignored or transgressed. The emphasis of lawmakers and law enforcers following the commission of a wrongdoing should be on repentance, forgiveness and readjustment in society, failing which then only is punishment resorted to, with preference given to forms of punishment with rehabilitative and re-educative functions.\textsuperscript{43} It is time that policy makers take stock of the overall akhlaq environment based on input from not just religious scholars but also from professional educationists, sociologists, economists, psychologists and even scientists where circumstances are relevant. It is time to realise that punitiveness just for the sake of it does not have a magical effect in creating a morally conscious and godly society. As respected legal scholar M.B. Hooker once observed, ‘thousands of studies in Western and non-Western societies’ have shown that ‘law on its own’ cannot ‘succeed in changing individual behaviour for the better and thus create a better society.’\textsuperscript{44}

Concluding Remarks

Although the subject of akhlaq does feature in the modern education system which PH inherited from past BN governments, it has never occupied as central a place as sharia. From traditionally being the core concept that defines one’s humanity in one’s relationship with God and with fellow human beings, akhlaq now is conceptualised loosely as moral-cum-ethical values which need not necessarily encompass the inculcation of spiritual nourishment.\textsuperscript{45} For Muslim graduates of such a system, the marginalisation of akhlaq studies within the rubric of the Islamic


sciences has had devastating consequences as far as the long term images of Islam and Muslims are concerned. We see for instance implicit condoning of violence in the general lack of Malay-Muslim empathy towards the grieving families of Pastor Koh and Amri Che Mat, the respective Christian evangelist and alleged Shi’a activist purportedly kidnapped by members of the police Special Branch during the dark days of the BN-UMNO regime and are still missing today.46 In July 2019, a seminar planned by the International Institute of Advanced Islamic Studies (IAIS) to deliberate on the Amman Message that calls for the recognition of all major schools of thought in Islam including mainstream Shi’a sects, had to be cancelled after a bomb threat was received over social media.47 A cursory glance through Malay language social media will reveal unbridled use of vulgar and obscene language, employed even on the pretext of defending Islam. A PH-related preacher, Wan Ji Wan Hussin, for instance, was vilified as Syaitan Anjing Komunis DAP (DAP’s communist devil dog) amidst protests against his presence at a mosque in Malacca to deliver a talk.48 Without dismissing the seditious nature of Wan Ji’s once republican stance,49 for which he was duly convicted under the


Sedition Act,\textsuperscript{50} will such coarse language cursing him endear people to Islam? Separated from its sufi pedigree, the performance of akhlāq becomes mechanically related to human interests rather than being a sign of God’s Rahmah (mercy) that traverses all denizens of the earth in sync with the slogan of Islam Rahmah li al-ʿālamīn. What tasawwuf does is to concomitantly call for the love of both God and fellow human beings to be practised hand in hand with upholding of the sharia. Unless and until sharia is understood and internalised in multi-dimensional terms beyond external manifestations of the Islamic faith as is currently fashionable,\textsuperscript{51} Maqāṣīd al-Shari’a will be an incomplete package of Islamic reforms. What is needed further to accompany Maqāṣīd al-Shari’a in Malaysia are parallel Maqāṣīd al-ʿAqidah (higher objectives of Islamic belief) and Maqāṣīd al-Akhlāq (higher objectives of Islamic morality) schemes whose origins are not divorced from the Islamic spiritual tradition of tasawwuf, as proposed by Dr Amran Muhammad of the Kuala Lumpur-based Islamic and Strategic Studies Institute (ISSI) during a townhall session with Dr Mujahid Yusof Rawa.\textsuperscript{52}

Taken together, Maqāṣīd al-Shari’a, Maqāṣīd al-ʿAqidah and Maqāṣīd al-Akhlāq effectively serve as enablers of Maqasid al-Insāniyyah – the higher objectives of humanity as couched in the


triple obligations of ʿibādah (worship), khilāfah (vicegerency) and ʾistīʿmar understood in its more positive rendition as ‘prosperity’ rather than pejoratively as ‘colonialism.’ Freed from its traditional identification with the usul fiqh (origin of jurisprudence) methodology, Maqāṣid al-Shariʿa may as well be widened to encompass ummah-centric rather than just individual-centric concerns, but without Maqasid Akhlāq as an overseer, Maqāṣid al-Shariʿa-based endeavours towards tajdi ḥadārī (civilisational renewal) of the ummah can only end up in disappointment.

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Ahmad Fauzi Abdul Hamid, *Is Masjid al-Shari'a Sufficient?*...


“Biar orang mencabut cemdawan, Kita mencabut padi kan mati,
Biar orang berebut bangsawan, Kita merebut budi perkerti.”


All Quranic references are from *The Holy Qur’an: Translation and commentary* by A. Yusuf Ali, Durban: Islamic Propagation Centre International, n.d. (first edition 1934). The relevant chapter name and number are given, followed by the verse number; for example, ‘And thou (standest) on an exalted standard of character’ (Al-Qalam 68: 4).