



Ulema versus Ijtihad: Understanding the Nature of the Crisis in the Muslim World

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The 9/11 tragedy and its consequences led to an unprecedented international focus on the political, cultural and religious trends in the 57 Muslim majority states¹ and on Muslim communities in Europe and North America. Developments of the last few years, such as the recurring audio and video “lectures” of Osama Bin Laden and Ayman al-Zawahiri, the Iraqi insurgency in response to the U.S. “preemptive” attack in 2003, and the horrifying terrorist bombings in Karachi, Jeddah, Bali and Madrid have made it increasingly difficult to comprehend what is really happening in the Muslim world. Several issues have come under increasing scrutiny, ranging from a debate on the Islamic system of government to interpretations of *sharia* (religious) law, and from the nature of the curriculum in *madrassas* (Islamic religious schools) to the intricacies of the doctrine of *Jihad*. This attention has opened up many a Pandora’s box. What symbolizes Islam today, in the eyes of the Western world, is the cruel philosophy of Osama bin Laden, the memory of the brutal Taliban regime in Afghanistan (1996-2001), suicide bombings in the Arab-Israeli conflict, images of chained children rote-learning the Quran in orthodox *madrassas* of Pakistan, and the profiles of the 19 hijackers who wreaked havoc on 9/11. Most Muslims are pained to be associated with these images, but these descriptions and metaphors—while presenting only a part of the reality—are nevertheless real and tangible.

A great majority of Muslims would argue that these developments are an outcome of distorted versions of Islam and contrary to the essence of true Islamic spirit. Muslims also lament the fact that the West—while trying to understand this crisis—has altogether forgotten the history of Islam and the great contributions of Muslims in all fields of life, from art and architecture to astronomy and physical sciences. One may argue that reference to the past glory of Islam in terms of achievements of the Mughals, the Safavids and the Ottoman empires are irrelevant in the present context. Nevertheless, it deserves to be acknowledged that without knowing history, it is very difficult to recognize and understand the roots and foundations of any phenomenon.

This essay sets out to analyze the two major problematic areas of the modern Islamic legal discourse, namely (a) the status of the *ulema* (clerics or priests)² in Muslim societies as the sole or only “rightful” interpreters of religious doctrines; and (b) the differing interpretations of *Jihad* and its consequences. It is argued that the source of these two problems is the notion that the

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“gates of *ijtihad* are closed,” *ijtihad* denoting the deduction of laws and rules through rational thinking and reasoning for modern times. The closing of the gates of *ijtihad* refers to the fact that in the eyes of some Islamic thinkers, the time for interpretation of Islam was completed in the 10th century.

Whether Muslims, through reform and reevaluation of their religious doctrines, will be able to come out of the present predicament anytime soon is an important question, but beyond the scope of this piece. It will largely depend on the courage and potential of reformers in the Muslim states. The final outcome of the American projects in Iraq and Afghanistan, as well as prospects for a just peace between Israelis and Palestinians, however, will also have a crucial impact in this context. These issues are inextricably linked to one another due to the nature of politics in Muslim states, especially in the Middle East.

Roots of the Problems in the Contemporary Islamic Legal Discourse

Who interprets what Islam stands for?

In theory, there is neither an ordained priesthood or official clergy nor any specific group that has the sanction or exclusive right to interpret Islamic legal texts (primarily the Holy Quran and the hadith, the sayings attributed to the Prophet Mohammad). In reality,

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however, the institution of the madrassa has produced a class of scholars, the ulema,³ whose value and influence grew in Muslim societies over a period of time to the extent that they now claim to have almost sole jurisdiction in this domain. As a result, the Ulema has emerged as a powerful group in Muslim societies. According to Patricia Crone, a leading scholar on the subject, the first group of ulema emerged during the Umayyad dynasty (661-750).⁴ Several developments contributed to its formation, including the decadence of the political leadership and authoritarianism, which

strengthened the ulema's position; the fact that despots and monarchs needed *fatwas* (binding religious edicts issued by the ulema) in order to appear legitimate;⁵ and, finally, due to an increasing dependence of ordinary Muslims on this class for religious guidance, teachings and interpretation of scripture.

The madrassa institution produced a number of scholars of the highest intellectual caliber, including Al-Ghazali, Ibn Khaldun, Jabir ibn Hayan (Geber), Alhazen (ibn al-Haitham) and Al-Farabi,⁶ to name a few. Over time, however, the institution suffered from a consistent pattern of degradation and degeneration. As a result, many of today's madrassa “products” are known for anything but scholarship and learning. Interestingly, the Shiite clergy and some Shiite institutions escaped this downward trend to some degree. Due to their opposition to most Muslim rulers (of Umayyad and Abbasid dynasties) since the early days of Islam, Shiites had been removed from the power corridors and the public domain, and hence diverted their energies toward scholarship. However, Islam scholar Olivier Roy rightly argues that “aside from a segment of Shiite clergy, they [the ulema] simply neither developed a new form of thought nor integrated the new facts into their discourse.”⁷

The ulema's influence over society, however, continued to increase—or, at the very least, sustain—its position of significance. In most cases, the modern Muslim state accepted this role because the ruling elites in both monarchic and non-democratic states needed the ulema's authority in order to sanctify policies and bolster the regime's legitimacy. It turned out to be a mutually beneficial relationship. Even today, authoritarian regimes often use the clerical *fatwas* for political purposes. Simultaneously, the ulema's hold on the religious spectrum had a negative impact on the psyche of Muslims in the sense that ordinary Muslims largely gave up, or were forced to give up, their individual right to interpret and understand religion. More so, as Muslims believe Islam to be a comprehensive religion encompassing each and every aspect and sphere of life, and the ulemas' influence in society became widespread and extensive.

Islamic theology consequently became the reserve of a group that was increasingly out of touch with the realities of everyday life, while its standards of scholarship were negatively affected by a closed-door environment. A judgment or opinion on a legal issue, for instance, given by an *alim* or a group, even if several hundred years old, is still part of *Sharia* law and thus considered a legal precedent. As only *ulema* are supposed to be qualified and educated in this specific field of interpreting religious law, no ordinary Muslim is allowed to delve into this sphere. In essence, this isolating impact retarded the growth of *Sharia* law. The *ulema*, hence, became increasingly dogmatic, while ordinary Muslims became increasingly unaware of the essence of their religion.

Differing interpretations of Jihad

The concept of *Jihad* is one of the most debated and discussed issues in the West today, largely due to the fact that various terrorist organizations operating in and out of many Muslim states are trying to justify their ghastly acts through reference to this notion. *Jihad* literally means “striving” or “struggle,” and the highest form of *Jihad* is deemed to be personal struggle to attain piety by avoiding indulgence in immoral and sinful conduct. In a secondary sense, Jihad is resistance against aggression and oppression. In Islamic history, the phrase is used as an equivalent for religious war as well. In fact, there are many examples in Islamic history where Muslim warriors and clergy interpreted *Jihad* as divinely sanctioned struggle to establish Muslim rule and propagate faith through the sword. Some medieval Muslim theorists indeed defined *jihad* in terms of expansionist war, but the concept—even when taken in terms of holy war—is very similar to the Western theory of just war, i.e., a war to repel aggression, with limited goals, and by restricted means.

Resistance to aggression and occupation is very much permissible, even encouraged, in Islamic tradition, although there are rules that govern it. Retaliation, too, is an accepted norm under *sharia* law, but with certain qualifications as to the magnitude of its use. The Quran and the

hadith are quite unambiguous in this regard. Despite the differing notions and interpretations about the scope and meaning of the concept of *Jihad* as discussed above, there is a general consensus about the checks and restrictions to be observed in times of war. The Quran clearly says: “And fight in the path of God with those who are fighting with you but do not transgress.”⁸

Indeed, martyrdom, or *shahadat*, is considered a great accomplishment and noble act that will be highly rewarded in the hereafter, but only if the cause of the conflict is just and the opponent is a legitimate target, namely a combatant and an aggressor. Islam’s Prophet categorically prohibited acts of aggression, including the poisoning of wells in enemy territory and even the cutting of trees and other innoble tactics. Women, children and old men of the enemy camp were to be provided special immunity.

Unfortunately, the *ulema* distorted and misconstrued these principles for political reasons and vested interests of ruling elites. They would seldom disclose to their audiences that the Quran also states that “the recompense for an injury is an equal injury thereto, but if a person forgives and makes reconciliation his reward is due from God.”⁹ What Al-Qaeda and other terrorist groups propagate is clearly contradictory to the Islamic laws of armed conflict. Nevertheless, very few among the *ulema* class have stood up to challenge Al-Qaeda’s interpretation of the Jihad doctrine.

Can Ijtihad Solve the Crisis?

Over the centuries, the *ulema* has been able to strengthen its hold on state and society through various tactics. The most deadly weapon in their arsenal was introduced in the 10th century. In order to defend their institution and worldview, the *ulema* decided that the “gates of *ijtihad* are closed,”¹⁰ i.e., that new thinking is illegitimate under *Sharia* law. The *ulema* claimed that they had

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already answered all the conceivable questions in the realm of *Sharia* law, and that therefore no further interpretation was necessary or permitted.

The word *ijtihad* is derived from the same root as the word *jihad*. It stands for individual intellectual effort and rational thinking to arrive at

an answer to a question that has no direct reference in the original sources of Islam. It is the opposite of *taqlid* (blind following). Due to historical developments that have been briefly referred to above, *taqlid* became the rule and *ijtihad* became the exception.

Challenging the ulema's hold on religious discourse and opening up the "gates of *ijtihad*" could be a significant and powerful remedy

In view of these trends and factors, the key question that should be posed is how to change these negative trends within Islam, rather than how to "win the hearts and minds" of Muslims. Challenging the ulema's hold on religious discourse and opening up the "gates of *ijtihad*" could be a significant and powerful remedy, as such an intellectual breakthrough would lead to

"fresh opinions on questions of Sacred law"¹¹—a development that is desperately and urgently needed. This change could be achieved through reform of the madrassa education system, including the closing down of madrassas that have proven links with extremist militant groups; a heavy investment in the domain of public education; and, last but not least, the introduction of democracy which, by its very nature, will curb dogmatism and encourage tolerance and pluralism. Obviously, Muslims have to do their part. First and foremost, they must challenge the orthodox clergy. At the same time, the "traditional" Western support for dictatorial and authoritative regimes in the Muslim states should end, if the ultimate objective is a constructive, durable, and meaningful change.

The views and opinions expressed in articles are strictly the author's own, and do not necessarily represent those of Al Nakhlah, its Advisory and Editorial Boards, or the Program for Southwest Asia and Islamic Civilization (SWAIC) at The Fletcher School.

¹ According to the Organization of Islamic Conference (OIC), established in 1969, there are 57 member states that have Muslim majorities and the population of Muslims in the world is estimated to be around 1.3 billion. For more details, see <http://www.oic-oci.org/>.

² For a detailed study on the role and status of *ulema* (especially in South Asia), see Mohammad Qasim Zaman, *The Ulama in Contemporary Islam: Custodians of Change* (Princeton, NJ: Princeton University Press, 2002).

³ This class is to be differentiated from *fuqaha* (jurists).

⁴ Patricia Crone, *God's Rule: Government and Islam* (New York: Columbia University Press, 2004), 42-44.

⁵ However, according to authoritative work of Joseph Schacht on Islamic law there existed no institutional authority in Islamic history for legally controlling the rulers. See Joseph Schacht, *An Introduction to Islamic Law* (Oxford: Clarendon Press, 1964), 54.

⁶ For detailed profiles of these scholars, see Seyyed Hossein Nasr, *Science and Civilization in Islam* (New York: ABC International Group, Inc., 2001).

⁷ Olivier Roy, *The Failure of Political Islam*, translated by Carol Volk (Cambridge, Mass.: Harvard University Press, 1996), 20.

⁸ Quran (2: 190).

⁹ *Ibid.*, (42: 40).

¹⁰ For details and a critical analysis of the concept, see Abdullahi Ahmed An-Naim, *Towards an Islamic Reformation: Civil Liberties, Human Rights and International Law* (New York: Syracuse University Press, 1990), 27-29, 49-50.

¹¹ Seyyed Hossein Nasr, *Traditional Islam in the Modern World* (London: Kegan Paul International, 1987), 64.



An In-depth Look at the Jemaah Islamiyah Network

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Seeking to destabilize regional governments and cultivate cooperation and sharing of resources with homegrown terrorist and separatist groups, the radical Islamist Indonesian group Jemaah Islamiyah (JI), poses a significant threat to the United States and its interests. The umbrella terrorist network exploits Southeast Asia's lax security controls to set up front companies, fundraise, forge documents, and purchase weapons. The predominantly weak states of the region suffer from limited reach of law enforcement, poor border controls, and underdeveloped financial institutions that combine to provide fertile ground for JI's growth. Political and logistical difficulties in monitoring Islamic charity networks, Islamic banks, and money-laundering operations encourage the growth of the organization through the creation of Al Qaeda syndicates and cooperation with organized crime networks. Poverty and underdevelopment further encourage terrorist sympathizers and recruits in the Muslim region of Thailand, where a large part of the youth have attended Saudi funded schools (*pendoks*), and follow a stringent brand of *Wahhabism*.¹ This article examines the JI organization in depth and presents the internal debate among terrorism scholars concerning the nature of the JI - Al Qaeda link. In this context, it will assess the JI's threat potential to harm U.S. interests in Southeast Asia and conclude with policy recommendations to contain the organization.

Background

Abdullah Sungkar, co-founder of the Pondok Ngruki schooling network in Central Java in 1971, established JI in Malaysia in 1995 as an "ideological hybrid" of Darul Islam and Saudi Wahhabism.² Sungkar found inspiration in radical thinkers that promoted literal interpretations of Islam, such as Hassan al-Banna, founder of the Egyptian Muslim Brotherhood, and Sayyid Qutb, who espoused doctrines legitimizing militant Jihad against non-Islamic regimes. JI envisions the founding of an Islamic state, Daulah Islamiyah Nusantara, which would include Malaysia, Indonesia, southern Thailand, the southern Philippines and Singapore.³ Based on its desire to replicate the pristine Islam of the founding ancestors (*salaf*), JI "justifie[s] violence against Muslim rulers who suppressed Islamic law... as well as violence against Americans and 'Crusaders' promoting secular societies responsible for the subjugation of Islam since the abolition of the caliphate in 1924."⁴ In October of 2002, the organization's current spiritual leader, Abu Bakar Ba'asyir, delivered a sermon that marked a public shift away from JI's strategy of a purely internal struggle against corrupt Muslim rulers; he preached that Americans are directing

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Indonesian affairs and assault Islam by orchestrating bombings and libels aimed at weakening the defenders of the faith.⁵ Attacking Western and U.S. interests may have replaced, if not overtaken, the primary focus on Indonesian Christian targets, as the attacks on a nightclub in Bali in 2002 and on the Australian embassy in Jakarta in 2004 have demonstrated. Moreover, JI bombers now seem much more willing to create mass casualties among fellow Muslims by choosing so-called “soft targets” such as malls, hotels, and restaurants.

Structure

Ji is characterized by a depth of leadership that gives it a regenerative capacity.⁶ The Amir, who stands at the apex of Ji’s hierarchy, appoints and presides over governing, religious, fatwa, and disciplinary councils. The governing council is headed by a central command that sets policy and determines operations, and controls the leaders of the four mantiqis and the heads of wakalabs. Mantiqis resemble territorially based administrative structures and are equivalent to

regions, while wakalabs correspond to districts.⁷ Each of the four regional divisions assumes different functions through independently operating cells. Mantiqi I cells cover Singapore and Malaysia and provide Ji with economic resources to support its operations; Mantiqi II cells operate in most of Indonesia, and consider the area to be the target area for jihadi operations; Mantiqi III covers Mindanao, Sabah, and Sulawesi and its cells are responsible for training; Mantiqi IV includes Papua and Australia and cells deal with fundraising. Radwan Issamudin, known as Hambali, was the overall head of the Mantiqis before his arrest in 2003.⁸

The senior Afghan veterans that constitute the core of Ji’s leadership try to recruit candidates from conflict areas, since these individuals will require little additional training. Participants can be recruited outside of the official structure, but

are usually a recycled group of experienced field commanders that are given two months extra training and then deployed to engage in bombing campaigns.⁹ In addition to ideology and the common Afghani experience that draws and inspires the organization’s core membership, an intricate network of arranged marriages between subordinates and leaders creates a “giant extended family” that helps keep the organization secure.¹⁰

Training

Training is essential to the military character of the Ji network. It provides a sense of purpose, expands its capabilities, increases religious fervor and commitment, and produces a new generation of fighters and instructors. Sungkar began sending groups of recruits to Afghanistan years before Ji formally came into being—an experience that shaped their worldview, provided them with combat skills, and formed a bond among the Indonesian trainees and members of Al Qaeda. All of Sungkar’s early followers trained in a camp led by Abdul Rasul Sayyaf, a mujahideen with close ties to the Saudi religious establishment and to Osama bin Laden, who at the time assisted with the international recruitment of mujahideen. The Afghan war and the Sayyaf camp became the training and bonding ground for most of Ji’s elite. There, they took extensive three-year military and religious courses, became experienced instructors, and encountered non-Indonesian fighters from Pakistan, the Philippines, and Egypt.¹¹

A Saudi funding shortage in 1995 forced Sungkar to relocate the Afghan training camps to the geographically closer southern Philippines. The new location also featured an Indonesian community able to provide a strong support structure to recruits. In 1996, Mukhlis,¹² an “Afghan alumnus” and now a commander of the Philippine Moro Islamic Liberation Front (MILF), established a Ji cell within the MILF main base at Camp Abu Bakr. The location offered Ji ready access to weaponry, explosives and cheaper training facilities and provided Ji members with real combat experience through participation in the local Mindanao conflict.¹³ MILF and Ji operated on the principle of reciprocity, including

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the agreement that MILF would accommodate JI fighters in its camps. In return, JI was to assist the MILF in conducting bombings in the Mindanao conflict.¹⁴ The goal in establishing the camp was to replicate Afghanistan training as closely as possible, featuring the same instructors. The pre-selected recruits received an all-expenses-paid training that included military, engineering, self-defense and leadership instruction. An obligatory period of service to JI was thus created.¹⁵ After the Philippine armed forces destroyed Camp Abu Bakr in 2000, JI moved its training facilities to Poso, Central Sulawesi, where the Muslims practiced a more fundamental form of Islam, thus increasing the organization's ability to wage Jihad through increased recruiting and support.¹⁶

The conflicts in Maluku and Poso were critical to JI's recruitment strategy and, according to ICG, "those conflicts may have taken the place of Afghanistan and the southern Philippines as training centers, not just for Indonesian Islamic radicals but for non-Indonesians linked to JI as well."¹⁷ While the training in Afghanistan enjoyed international funding and nurtured within mujahideen an interest in global Muslim struggles, the Mindanao training was supported with local funds raised by Singaporean and Malaysian wakalahs that geared fighters toward participation in Indonesian conflicts.¹⁸ The overall purpose of the schooling in Afghanistan and Mindanao was to increase the capabilities of fighting Jihad in Indonesia.

Motivation and Recruitment

JI's foot soldiers are mostly composed of young men from pesantren or Islamic high schools inspired by religious teachers with ties either to the Darul Islam rebellions of the 1950's or to the Pondok Ngruki network.¹⁹ ICG believes that "school and marriages become two instruments for strengthening ties among mujahideen and at the same time ensuring that the jihadist ideology was passed down to a new generation."²⁰ The children of JI members attend the most prestigious pesantren and these same schools have come up repeatedly during interrogations of suspects. Marriages are a way to bring siblings and relatives into JI activities, and

the reliability of a wife is often a criterion for formal JI membership.²¹ The impeccable lineage of one's wife enhances a member's standing within the organization and increases his network potential.²²

Religious and financial incentives and the appeal of solidarity entice both well-educated and poor JI recruits from a variety of countries. Spiritual emptiness is the original incentive that attracts most young men to seek out charismatic preachers.²³ Many of the Singaporean JI members first looked for religious training to become better Muslims and became awed by Ibrahim Maidin, the leader of the Singaporean wakalah, and his participation in Afghanistan and Al Qaeda training. The members of this Singapore cell were not marginalized elements, but had found purpose through belonging to a radical cause, even one which was to be realized through terrorist violence.²⁴ Similarly, many of the Malaysian JI cell members were well educated with university degrees from American, British, and Malay universities, and at least five senior JI members and recruiters were lecturers at Universiti Teknologi Malaysia (UTM).²⁵ Terrorism scholar Zachary Abuza believes that Ba'asyir ordered the Bali bombings to hurt the Indonesian economy, which in turn would attract people to religion and JI preaching.

Solidarity, i.e. empathy with the suffering of fellow Muslims, appears to be the primary incentive to participate in communal conflicts of Maluku and Poso. With few exceptions, attacks in these areas were directed at Christian priests and churches, and the "recruitment of foot soldiers was often preceded by discussions about Maluku and Poso or the showing of videos about the killings taking place there."²⁶ Imam Samudra, arrested for involvement in the Bali attack, reported his motives to avenge the death of Muslims in Afghanistan, Ambon, Poso and Bosnia, to punish the Australian intervention in

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East Timor and “to prove to Allah that we have done all we can to protect the weak Muslims and [that we] fought against oppressors.”²⁷ The foot soldier that planted explosives for the Christian bombing attacks in 2002 reported receiving 100,000 rupees as a monetary incentive for his involvement.²⁸

Financing

Zachary Abuza is convinced that Al Qaeda funds Jemaah Islamiyah’s Jihad operations. Much of the funding comes from charities where Al Qaeda inserted its own and top JI operatives into leadership positions to divert resources for terrorist purposes.²⁹ Even if Al Qaeda’s funding plays a limited role, JI members have capabilities to take advantage of the above financial resources

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independently. In addition to funds skimmed from Islamic charities throughout Southeast Asia, funding sources include profit from corporate entities, Al Qaeda’s investments and accounts already established in the region, and contributions from sympathizers and members themselves. Additional sources, equally difficult to intercept,

include cash transported by individuals, proceeds from hawala shops and weapons smuggling, and extortion.³⁰

Jl established an early alliance with criminal elements (preman) for the purposes of funding, logistics and additional manpower by incorporating into its teachings the practice of fa’i, robbing infidels to secure funds for defending the faith. Jl sought young men who lacked a criminal background but wanted to prove their courage and religious commitment by carrying out robberies.³¹ Preman assisted in arranging for Jl operatives’ border crossings, false identity documents, and transport of goods and people. Haris Fadillah, for example, father-in-law of Al Qaeda operative Omar al-Faruq, was a well known preman and debt collector from Indonesia,

who joined Darul Islam in 1996 and later became a Laskar Mujahideen commander in Ambon. He was particularly useful since he had connections to the Indonesian army, which was a good source for acquiring weapons.³² Jl accepts cooperation with preman to fulfill the goal of Jihad to allow sinners to repent. Criminals and gangsters can thus become mujahideen if they want to achieve God’s grace. As long as the ultimate end of waging Jihad in the defense of Islam is achieved, Jl accepts a large share of preman in its fighting forces.

Links with Al Qaeda

Scholars’ conclusions about the extent of Jl’s affiliation with the Al Qaeda network are contradictory. The International Crisis Group (ICG) believes that Jl follows Al Qaeda’s jihadist ideology and that the organization has a long period of shared experience in Afghanistan. However, it disputes that Jl is operating simply as an Al Qaeda subordinate because “virtually all of its decision making and much of its fund-raising has been conducted locally, and its focus, for all the claims about its wanting to establish a Southeast Asian caliphate, continues to be on establishing an Islamic state in Indonesia.”³³ The authors contend that Jl’s relationship with bin Laden’s organization is one of mutual advantage and reciprocal assistance, and can be compared to the relationship between an NGO and its funding agency. Jl submits proposals as an independent agent to the donor, and gets a grant when the proposal is accepted. In this case, Al Qaeda funds projects that correspond to its goals, but neither directs nor controls Jl.³⁴

Abuza, on the other hand, calls Al Qaeda Jl’s “parent organization” that trained and developed Jl operatives to make them the support personnel in its operations against Western targets in Southeast Asia.³⁵ As Al Qaeda’s affiliate organization in Southeast Asia, Jl developed its own capabilities, with Hambali and Jibril fundraising and putting together Laskar Mujahideen and the Laskar Jundullah to fight in Ambon and Poso in the late 1990’s. Furthermore, Al-Faruq also admitted having worked closely with Ba’asyir to plan Al Qaeda attacks by offering

logistical support and the services of JI operatives, a relationship which Ba'asyir denies.³⁶

In a similar vein, a Congressional Research Service (CRS) report declared that Al Qaeda operatives helped to create an indigenous, semi-autonomous, arm—a “mini-Al Qaeda.”³⁷ Sungkar and Ba'asyir “merged their evolving network into Al Qaeda and began setting up a sophisticated organizational structure while actively planning and recruiting for terrorism in [Southeast] Asia.”³⁸ In a possible support of this claim, Omar al-Farouq allegedly confessed to planning joint JI/Al Qaeda simultaneous bomb attacks in Indonesia, Malaysia, Singapore, the Philippines, Thailand, Taiwan, Vietnam, and Cambodia to commemorate the first anniversary of 9/11.³⁹

The complex web of interconnections between JI and Al Qaeda members makes it difficult to unravel each group's exact responsibility. Leading up to Bali, for example, Khalid Sheikh Mohammed, the mastermind of the 9/11 attacks, made \$150, 000 available for the Bali operation, while Hambali delegated the planning and execution of the mission to JI commander Mukhlas.⁴⁰ From this account, it appears that Al Qaeda provided the funding, while JI carried out the mission. The lines between the two operations remain blurred, however, since Hambali and Mukhlas have ties to Al Qaeda. Al Qaeda also provided the initiative for JI plans to hit American targets in Singapore and relied on JI cell members to carry out video reconnaissance, target surveillance and procurement of explosive materials. Attesting to the vast resources of the JI network, Singaporean cell members borrowed talents of other cells for tasks they were unable to perform themselves.⁴¹ These charges could either point to a close relationship between Al Qaeda and JI, or to the JI's versatility in carrying out massive attacks outside of Indonesia.

Whatever the case may be, it is clear that JI leaders take advantage of strategically placed individuals through a range of networks and associations in Indonesia to wage Jihad in accordance with Abdullah Sungkar's teachings. JI's reach through Darul Islam followers, Pandok Ngruki alumni and its Malaysian counterpart, Pesantren Luqmanul Hakiem, is widespread. The

number of senior JI leaders might be small, but the linkages through family and old school ties are quite extensive.⁴²

Threat assessment

Although in the past several years the central command lost some of its top members and the organization experienced over two hundred arrests in Indonesia, Malaysia, and Singapore, JI remains extremely dangerous due to its wakalah network. While the pesantren are raising a new generation of Salafi jihadists, “the network of alliances, such as that between JI and the MILF in the Philippines or JI and Wahdah Islamiyah in South Sulawesi, means that even if JI members lie low for the time being, others can work with the large pool of trained cadres that exists outside the JI organization to undertake acts of violence.”⁴³

JI's greatest strength is its flexible guidelines for recruiting new members and establishing relations with other organizations. The General Guidelines for the Jemaah Islamiyah Struggle (PUPJI) manual proclaims that anyone who is a Muslim, subscribes to Salafi principles, practices a pure form of Islam devoid of corruption or innovation, and takes an oath administered by the Amir or his deputy, can become a JI member.⁴⁴ Moreover, JI can work with any other Islamic community that shares the same principles and goals, because “any leader of a mantiqi or wakalah can establish relations with other organizations with the permission of the amir, and any JI member can work with another organization with the approval of his mantiqi or wakalah leader.”⁴⁵ These rules allow JI to provide training and assistance to like-minded organizations in other parts of Indonesia, to work with MILF, Abu Sayyaf Group and Al Qaeda, and allow its members to participate in activities outside the JI command without having to compromise its jihadi mission.

JI's focus on “soft targets” like tourist venues instead of symbolic embassies indicates a strategic change in tactics rather than decreased

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organizational capabilities. While the arrests of Hambali, Mukhlis, al-Ghozi and other top JI commanders have seemingly diminished the group's ability to carry out large scale attacks, the apparently endless pool of foot soldiers, and myriad of connections with smaller groups, renders the organization still highly capable of lethal action. Geographic circumstance, lax border and financial controls, and weak reach of law enforcement make the movement of operatives and funds between Malaysia, Indonesia, and Philippines essentially trouble-free for JI.

Policy Recommendations

Indonesia must find a way to balance its religious domestic politics with American demands for greater cooperation against terrorism. Former President Megawati's administration hesitated calling JI a terrorist organization at home, because it worried about alienating Muslim voters ahead of the 2004 presidential elections.⁴⁶ The public is reluctant to acknowledge that terrorists have acted in the name of Islam, especially when Vice-President Haz, head of the Muslim-oriented United Development Party (PPP) denied the existence of terrorists and terrorism in Indonesia before the Bali bombings and was a big supporter of Ja'far Umar Thalib, founder of Laskar Jihad.⁴⁷ The government risks allowing Islamic fundamentalism to make further inroads in Indonesia if it fails to mobilize secular forces and moderate Muslim leaders in order to wrest the political and ideological agenda from the radicals.

An effective strategy to undermine the influence of political Islam in these communities requires first that one understand the JI phenomenon as an ideological struggle in competition with moderate forces for the hearts and minds of Muslims.⁴⁸ Public diplomacy is vital to the success of the war on terror. Soft power is one of the most important tools in the American toolbox to combat terrorism, and needs to be more frequently used in the regional ASEAN framework. Al Qaeda, JI and other groups that they support rely on a foundation of charities, non-governmental organizations, mosques, websites, and banks and financial institutions.⁴⁹

Although politically difficult, Southeast Asian governments need to enact stringent security and financial controls.

To improve the effectiveness of U.S. counterterrorism efforts abroad, Congress needs to ensure that Southeast Asian law enforcement agencies translate into a police force specializing in counterterrorism strategies. Such measures should be combined with a strengthened judicial system to legitimately convict terrorists in the eyes of the skeptical public.⁵⁰ Establishing professional and accountable police forces will include reforming and training judiciary to minimize corruption, and improving oversight over treasury, customs and immigration officials.⁵¹ The CRS report on terrorism in Southeast Asia concludes that "thwarting terrorist activities will require a coordinated, international response in a region where multinational institutions and cooperation are weak."⁵² Improving multinational intelligence sharing, border controls and extradition agreements will complicate JI's crossing national boundaries, sharing talents, and exploiting tensions arising from conflicting national jurisdiction throughout Southeast Asia.⁵³ If the Bush administration wants to succeed in its battle against JI's regional network, it should consider the following options:

- Strengthen regional security structures while simultaneously promoting the growth of judicial and democratic institutions in the region
- Examine the role of women and families in the JI network
- Engage in an aggressive public relations campaign to improve the image of the United States in Southeast Asia and the Middle East
- Endorse the adoption of stricter financial controls

These policies will complement and enhance U.S. efforts in combating the JI regional network.

The views and opinions expressed in articles are strictly the author's own, and do not necessarily represent those of Al Nakhlah, its Advisory and Editorial Boards, or the Program for Southwest Asia and Islamic Civilization (SWAIC) at The Fletcher School.

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¹ Eric Teo Chu Cheow, "The Changing Face of Terrorism in Southeast Asia," *PacNet Newsletter*, 14 August 2003. Accessed 1 May 2004. Available from <http://www.csis.org/pacfor/pac0334.htm>.

² International Crisis Group (ICG), *Asia Report No. 43, Indonesia Backgrounder: How The Jemaah Islamiyah Terrorist Network Operates*, 11 December 2002, last accessed 14 May 2004. Available from http://www.crisisweb.org/library/documents/report_archive/A400845_11122002.pdf, 3.

³ Barry Desker, "Islam in Southeast Asia: The Challenge of Radical Interpretation," *Cambridge Review of International Affairs* 16, no. 3 (2003).

⁴ *Ibid.*, 416-417.

⁵ Zachary Abuza, *Militant Islam in Southeast Asia: Crucible of Terror* (Boulder: Lynne Rienner, 2003), 167.

⁶ ICG, *Asia Report No. 63, Jemaah Islamiyah In Southeast Asia: Damaged But Still Dangerous*, 26 August 2003, last accessed 14 May 2004. Available from http://www.crisisweb.org/library/documents/report_archive/A401104_26082003.pdf, 1.

⁷ *Ibid.*, 11.

⁸ *Ibid.*

⁹ *Ibid.* Some of the acts, like the Makassar bombings of 5 December 2002, were carried out by men who trained at Mindanao's JI camp.

¹⁰ ICG, *Asia Report No. 63*, executive summary.

¹¹ *Ibid.*, 3-4.

¹² In 2002, Mukhlis replaced Hambali as the leader of Mantiqi I.

¹³ Mike Winchester, "Philippine Terrorists; the ASG Still Bombing, Beheading, and Massacring," *Soldier of Fortune* 28, no. 6 (2003), 67.

¹⁴ ICG, *Asia Report No. 63*, 16.

¹⁵ *Ibid.*, 19.

¹⁶ *Ibid.*, 23.

¹⁷ ICG, *Asia Report No. 43*, 2.

¹⁸ ICG, *Asia Report No. 63*, 23.

¹⁹ ICG, *Asia Report No. 43*, executive summary.

²⁰ *Ibid.*, 26.

²¹ For examples of intermarriages between JI members, see ICG, *Asia Report No. 63*, 28.

²² ICG, *Asia Report No. 63* makes a note that there are few Philippine-Indonesian marriages, suggesting that the link between JI and MILF is reciprocal rather than institutional.

²³ *White Paper - The Jemaah Islamiyah Arrests and The Threat of Terrorism*, Ministry of Foreign Affairs, The Republic of Singapore, 7 January 2003, last accessed 14 May 2004. Available from

- <http://www2.mha.gov.sg/mha/detailed.jsp?artid=667&type=4&root=0&parent=0&cat=0&mode=arc>.
- ²⁴ Desker, 8.
- ²⁵ Zachary Abuza, *Militant Islam in Southeast Asia*, 134.
- ²⁶ ICG, Asia Report No. 43, executive summary.
- ²⁷ Zachary Abuza, *Militant Islam in Southeast Asia*, 167.
- ²⁸ ICG, Asia Report No. 43, 18.
- ²⁹ Zachary Abuza, "Funding Terrorism in Southeast Asia," 2.
- ³⁰ Zachary Abuza, "Funding Terrorism in Southeast Asia: the Financial Network of Al Qaeda and Jemaah Islamiyah," *Contemporary Southeast Asia* 25, no. 2 (2003): 2.
- ³¹ ICG, Asia Report No. 63, 24.
- ³² *Ibid.*, 24-25
- ³³ *Ibid.*, 2.
- ³⁴ *Ibid.*, 30.
- ³⁵ Zachary Abuza, *Militant Islam in Southeast Asia*, 153.
- ³⁶ *Ibid.*, p. 162.
- ³⁷ Congressional Research Service, *Terrorism in Southeast Asia*, updated November 18, 2003, last accessed 1 May 2004. Available from <http://fpc.state.gov/documents/organization/27533.pdf>, 3.
- ³⁸ *Ibid.*, 5.
- ³⁹ *Ibid.*, 6. This confession was attained in 2002 under a three-month CIA interrogation that throws some doubt on its authenticity.
- ⁴⁰ David M. Jones, Michael L.R. Smith, and Mark Weeding, "Looking for the Pattern: Al Qaeda in Southeast Asia – The Genealogy of a Terror Network," *Studies in Conflict & Terrorism* 26 (2003): 450.
- ⁴¹ Desker.
- ⁴² ICG, Asia Report No. 63, 25.
- ⁴³ *Ibid.*, 31.
- ⁴⁴ *Ibid.*, 11-12.
- ⁴⁵ *Ibid.*
- ⁴⁶ The September 2004 election of Susilo Bambang Yudhoyono (SBY) as Indonesia's new president makes it possible for the state to adopt a stronger counter terrorist position. He is considered an outspoken critic of Islamist terrorism, as a coordinating minister for security under President Megawati.
- ⁴⁷ Jessica Stern, *Terror in the Name of God: Why Religious Militants Kill* (Ecco/HarperCollins, 2003), 64.
- ⁴⁸ Desker, 423.
- ⁴⁹ Zachary Abuza, "Funding terrorism in Southeast Asia," 2.
- ⁵⁰ Anthony Smith, "A Glass Half Full: Indonesia – U.S. relations in the Age of Terror," *Contemporary Southeast Asia* 25, no. 3 (2003): 8. The Indonesian public questions the government's motives behind Ba'asyir's arrest that might have been orchestrated to please international opinion. See Tatik S. Hafidz, *The War on Terror and the Future of the Indonesian Democracy*, Institute for Defense and Strategic Studies Singapore No.46 (March 2003). Last accessed 14 May 2004. Available from <http://www.ntu.edu.sg/idss/WorkingPapers/WP46.pdf>.
- ⁵¹ Dana R. Dillon, *The War on Terrorism in Southeast Asia: Developing Law Enforcement*, 22 January 2004, last accessed 1 May 2004. Available from <http://www.heritage.org/Research/AsiaandthePacific/BG1720.cfm>.
- ⁵² Congressional Research Service, *Terrorism in Southeast Asia*, 23.
- ⁵³ Desker, 426.



Time for Arab History to Follow its Course

Rudy Jaafar

America is now more than ever engaged in a historical dynamic it has so far failed to fathom. At present, the single most important source of international instability is America's problematical relationship with the Muslim world generally, and with the Arab world in particular. The sheer volume of American news headlines concerning this relationship eclipses all other world issues. However, to the majority of Americans, the true causes of this conflicted association remain inscrutable. From their worldview, all would be well if one were to simply eliminate the violent minority, epitomized by Usama bin Laden, which subscribes to radical Islam and engages in terrorism, and dictatorial governments were to embrace democracy. Indeed, such a simplistic belief is enforced by Washington's rhetoric on the War on Terror and on the latest Iraq War. Surely, the thinking goes, none could refuse America's liberal democratic ideals and its vibrant culture—hence the American bewilderment at the recent violent resistance to America's "benevolent travail" in Iraq, once again blamed on terrorist elements or radical clerics.

To Muslim Arabs, however, the perception and understanding of the present situation is very different. The Muslim worldview finds its roots over a millennium ago, in the Prophet Mohammed's effort to establish an Islamic state where the divine laws of God would be implemented as prescribed in the Quran and Sunnah. All latter Islamic political and religious

endeavors, by the Prophet's companions or subsequent followers, sought to emulate the functioning of that perfect first Islamic polity.

With the death of the Prophet in 632 AD a predicament was born that has proven exceedingly difficult to resolve, and that has direct consequences for the present state of affairs. The predicament revolves around the Muslims' struggle to balance the exigencies of temporality with the transcendental requirements of the

Shari'ah, the Muslim holy law. Muslims believe their polities must be governed by the divine regulations dictated to the Prophet.¹ However, with some exceptions, these provide only finite generic principles; what are God's answers to the increasingly complex necessities of life? To respond to the specific contingencies of their governments, Muslim rulers in the past adopted an expedient principle called *Siyasa*, where worldly utility was used for state policy and public law positivation, as long as it contradicted no explicit *Shari'ah* statement. On the other hand, the Muslim clerical class maintained its autonomy to dictate the application of Islamic principles in the private sphere, acting as the ultimate authority on the concurrence of law with the *Shari'ah*. This uneasy equilibrium remained

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until the seventeenth century, when the balance of power between Europe and the Muslim world shifted, and the Christian West expanded.

The slowly intruding Western influence upset an Islamic politico-religious poise that had taken centuries to develop, and set in motion a transformation process, the effects of which can be felt today. In the eighteenth and nineteenth centuries, several Muslim polities witnessed a rapid change in their legal systems. For example, a modernizing Ottoman empire, eager to catch up with its European competitors, gradually displaced the traditional Islamic legal system, adopting a Western penal code and expanding Western legal positivization. The shockwaves of

Always measured by its deviation from, or proximity to, Western principles, it has thus become impossible to analyze Islamic political—and by extension legal—thought on its own merit...Western imperialism and Western freedom drive Islamic civilizational discourse.

such Western interference reverberated in the Muslim world—particularly among the intellectual elites—and revived the debate on Islamic governance and legislation. The nineteenth century crusading activist, Jamal al-Din al-Afghani, traveled tirelessly across the Muslim world, warning his coreligionists of the threat of European domination, while preaching the necessity of an inner revival. Indeed, al-Afghani was instrumental in formulating a line of

thought later carried by Mohammad Abduh. He postulated that Islamic society was undergoing a particular decay; Muslims had to reform, and the answers to their predicament were to be found within the all-encompassing and comprehensive sources of the Islamic scriptures.² From this was born the movement for an Islamic development orthogonal to the European path, one that differentiated itself from its Western antagonist, and sought to divest Muslim societies of pernicious European secular influence.

Simultaneously, however, these Muslim reformists admired other European ideas, and realized the strengths of such concepts as parliamentary democracy or public opinion.

Consequently, the reformers absorbed these tenets, creating a parallel development to the West. Nonetheless, these European ideas were made to be derivable from Islamic principles for purposes of legitimacy; in other words, they were said to be taken from Islamic scriptures and traditions so as to be acceptable to Muslims. An instance of this integration of Western concepts into an Islamic idiom can be seen with the transformation of the old Islamic *Shura* custom, or consultation, into full parliamentary democracy.³

The shock of expanding European power therefore resulted in an Islamic revival and reform movement which has until today only defined itself in relation to the West. Moreover, this revival has consisted of the superposition of two mutually antagonistic components—the orthogonal ‘anti-Western’ and the parallel ‘pro-Western’—that have produced an inherent contradiction. The West became simultaneously the object of emulation as well as of revulsion. The tension between these two contending perspectives characterized all subsequent reformist Islamic legal and political thinking. Always measured by its deviation from, or proximity to, Western principles, it has thus become impossible to analyze Islamic political—and by extension legal—thought on its own merit. The West is always the lens through which it is considered. Western imperialism and Western freedom drive Islamic civilizational discourse.

The seed of reform, with its internal contradiction vis-à-vis the West, produced two extremes, each supporting maximum efforts to respectively adopt or remove Western influence from Muslims' lives. Indeed, a liberal wing, epitomized nowadays by Abdulahi An-Na'im⁴ and Khaled Abu el-Fadl,⁵ calls for a secularism and liberal democracy not unlike the American experience. These reformers see no contradiction between the principles of the *Shari'ah* with Western concepts such as individual freedom, human rights, and liberalism. In fact, they believe the tenets of Islam would find their finest expression within the framework of secular liberal democracy. On the other side exists a radical current—for lack of a better adjective—whose only purpose is to efface all Western intrusion.

This movement, represented by Sayyid Qutb⁶ in the 1960s, and Usama Bin Laden today, carries no programmatic project for a modern Islamic polity; its revulsion of the West has become its *raison d'être*. This politically activist Islamic current maintains that no reform, and no Islamic state, is possible in the presence of any Western political interference, be it military or diplomatic. Only when the West is forcibly extracted will the development of Muslim polities be possible. The spectrum of Arab opinion spans the two extremes, but America is now playing the leading role in shifting the balance away from the liberal and towards the radical group.

For the sake of stability, maintaining the status-quo, and ensuring a constant flow of oil, America today supports authoritarian Middle Eastern dictatorships and monarchies whose sole purpose is political survival. Much as it did with the Shah's Iran, America now provides the sheikdoms of the Gulf, along with authoritarian rulers such as Hosni Mubarak of Egypt or King Abdallah of Jordan, with high levels of intelligence and military assistance, most of which is used to suppress legitimate internal dissent. Today, only Syria and Lebanon escape this pattern. The Muslim belief in an American plan of domination is further strengthened by the unending support the United States provides the colonial state of Israel, which subjugates the Palestinians and expropriates Arab lands for Jewish settlements. Given these circumstances, there is no doubt among Arabs that America's activities in the region constitute an extension of historical Western subjugation and previous European colonial domination. From this perspective, held by a majority of modern Arabs, America is a predatory entity that is absorbed in subjugating them for her interests by expropriating their strategic resources. Furthermore, her support of tyrannical and corrupt governments is preventing the realization of Muslims' true potential.

In this mindset, America is inherently evil. Consequently, the resistance to the new empire must be total. No good can result from American principles, which are perceived to be subtle and subversive colonial instruments aimed at ruining

Muslim civilization. It is hence no surprise that at present, the liberal faction enjoys hardly any support in the Middle East. America's policies have redirected the internal dynamic of Islamic reform towards a resistance to Westernization. The United States' recent war in Iraq only intensified this process: it is a further proof of America's rapacious and deceitful character, for it claims to bring freedom to the Iraqis, all the while supporting Israel and other tyrannical clients in their oppression of Arabs. Given the present environment, where Islamic reform defines itself in opposition to America, every American policy is doomed to fail. The messenger is distrusted, and her messages are thus considered inherently treacherous.

The case of Iran

The Iranian experience highlights other consequences of Western influence on Islamic thought, and perhaps suggests a solution to the present American-Arab predicament. As mentioned earlier, America had been heavily involved with the Shah of Iran, providing his government with a tremendous military and security organization. As a result, the Shah was very successful in clamping down on all political dissent within his realm. Most severely hit were the Communists and the Muslim clerical opposition, among whom Ruhollah Khomeini was preeminent. From forced exile, Khomeini developed his political ideas, all heavily infused with the spirit of resistance to Western imperialism.⁷ Once again, Islamic political and legal discourse was defined in relation to the West. Indeed, in a very close parallel to other Sunni Islamic thought, Khomeini advocated the removal of the Shah of Iran, an imperialist agent, in order to end the spread of Western values in Iranian society. In 1979, for reasons beyond the scope of this essay, Khomeini's revolutionary effort succeeded in

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deposing the Shah and capturing the reigns of the state.

This event marked a watershed—it was the first instance of a Muslim state shedding all Western political interference since the birth of the Islamic reform movement. A government emerged that was prepared to fully implement an Islamic ideology. Most importantly, this event separated the West from the development of Islamic thinking. Islamic legal and political thought could now stand on its own and develop naturally, by itself and in itself, as opposed to in reaction to exterior Western stimuli. Khomeini's Iranian Islamic Republic, however, was faced with the same conundrum mentioned earlier:

America must realize and admit to itself that, *nolens volens*, it has inherited a colonial legacy in the Arab world...Even if formulated with genuinely "good" intentions, America's policies can only have negative effects in a world defined by its opposition to Western intrusion.

How does one implement the transcendental principles of Islam in the temporal context of a nation-state? How does one interpret, then positivize, the indefinite Islamic *Shari'ah*, all the while responding to the contingencies of a modern state? Islamic thought, having met its first challenge of divesting itself of Western interference, now faced its true dilemma.

The Iranian Islamic revolutionary state has, so far, failed to overcome this

obstacle. The present Iranian government has applied mixtures of Western and Islamic legal systems, all of which have created much friction in the workings of the state. The Republic has also reverted to the classical Sunni *Siyasa* practice to solve the need for expedient legislation. The failure of the Iranian Islamic state is further compounded by its growing illegitimacy in the eyes of its people.⁸ Iranians today, in their majority, have lost faith in their Islamic government, questioning the very essence of its legitimacy. Writings by Abdolkarim Soroush and Mohsen Kadivar⁹ advocating a secular liberal democracy are most popular in Iran, especially among the young, in blaring contrast to the

unpopularity of such liberal discourse in Arab states.

Lessons for the United States

What lessons does the evolution of Islamic political and legal thought in the case of Iran hold for the United States in the present day? Firstly, America must realize and admit to itself that, *nolens volens*, it has inherited a colonial legacy in the Arab world. Its actions are perceived through the historical lens of past experiences. America's worldview clashes with the Arabs' and it is important that America understand that its every action will be perceived as reinforcing the neo-colonial structure. Even if formulated with genuinely "good" intentions, America's policies can only have negative effects in a world defined by its opposition to Western intrusion. Current Arab reactions to events in Iraq and elsewhere only prove this point.

Realizing that every further involvement only deepens the chasm in such a reactionary environment, America should break its direct linkages and disengage from the Middle Eastern realm. America should end its military and political cooperation with Arab dictatorships and monarchies. Normal diplomatic or economic relations could be maintained, as long as no support is shown to any party in Arab internal struggles. Potentially emerging popular Islamic governments may very well be, at first, anti-American. However, over the longer term, this should not prevent the flow of oil to the United States; Middle Eastern states will always need to trade their most valuable commodity with the world's greatest consumer. Furthermore, if America ends its support for corrupt governments and colonial Israeli policies, there would be no reason for long term popular animosity towards the U.S. to remain.

The Muslim world must find, on its own, a native and natural system of government which will allow it to express its civilizational spirit. The effort to reengineer societies of the Middle East so as to reflect Western ideals is but a baneful and deadly delusion. Too defined by its opposition to the West, the Muslim world will never permit exterior reformation. External, and hence

artificial, political engineering only strengthens the internal position of the radical camps. Arab liberal democrats, viewed as Trojan horses, have virtually disappeared. American-supported governments are, and will always be, perceived as colonial viceroys.

Only when genuinely native governments emerge will the internal historical Muslim debate redirect from its present anti-Western vector towards a search for genuine inner development. This may well mean that several Islamic governments may come to life. Nevertheless, this may be the best America could achieve given the present situation. As the Iranian case demonstrates, such a development could prove to be positive over the long run. The West has won millions of supporters for the principles of democracy since the revolution of 1979; if given the choice, most Iranians would replace their theocratic state with a Muslim liberal democratic government in order to secure their personal freedoms and enhance their economic prosperity. Turkey, whose regime does not depend on Western assistance, is also governed by an Islamic party closely attached to the principles of liberal democracy.

A direct intervention to create a liberal Arab order will only backfire, as the Iraq case is slowly proving to be. America's longing to export its values will be better served by giving Arabs a real opportunity for self-determination. Maybe it is time the United States practiced what it preached and allowed Arabs to determine their own future, free from interference. Maybe it is time to let go, strip the neo-colonial mantle, and allow Arab history to follow its course.

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Only when genuinely native governments emerge will the internal historical Muslim debate redirect from its present anti-Western vector towards a search for genuine inner development. This may well mean that several Islamic governments may come to life.

- 1 It is important to emphasize here that Islamic political and legal thought are intertwined, due to the Muslim belief that the interpretation and application of God's laws on earth necessitate a proper Islamic political setting.
- 2 Albert Hourani, *Arabic Thought in the Liberal Age: 1798-1939* (Cambridge: Cambridge University Press), 2nd edition, 136.
- 3 *Ibid*, 137.
- 4 See Abdullahi Ahmed An-Na'im, *Toward an Islamic Reformation: Civil Liberties, Human Rights, and International Law*, (Syracuse, N.Y.: Syracuse University Press); see also An-Na'im, "Sharia and Positive Legislation: Is an Islamic State Possible or Viable?," in *Yearbook of Islamic and Middle Eastern Law*, ed. Eugene Cotran and Chibli Mallat (The Hague: Kluwer Law International, 2000), vol. 5, 29-42.
- 5 See Khaled Abou El Fadl, *Speaking in God's Name: Islamic Law, Authority, and Women*, (Oxford: Oneworld).
- 6 For a sample of Sayyid Qutb's writings, see *Milestones* (originally published as *Ma'alim fi al-Tariq*) <http://www.youngmuslims.ca/online_library/books/milestones/index_2.asp, last accessed 18 November 2004.
- 7 Ruhollah Khomeini, *Islam and Revolution: Writings and Declarations of Imam Khomeini*, translated by Hamid Algar (Berkeley, California: Mizan Press), 149.

8 For a critique of the Iranian Islamic Republic by Iranian Islamic scholars, see Charles Kurzman, "Critics Within: Islamic Scholars' Protests Against the Islamic State in Iran," *International Journal of Politics, Culture, and Society* 15, no..2 (Winter 2001): 341-359.

9 For a sample of Mohsen Kadivar's writings, see "The Velayat-e Faqih and Democracy," <http://www.kadivar.com/Htm/English/Papers/Velayat-e%20Faghih.htm>, last accessed 18 November 2004.



The Role of Islam in Malaysian Political Practice

Erica Miller

The historical, ethnic, religious, cultural, and political realities that fuse to inform the state of affairs in modern Malaysia make the country a fascinating study in contrasts. Malaysia can be simultaneously characterized as democratic and authoritarian, Asian and Islamic, developed and underdeveloped, and stable and tenuous. With a population that is 60 percent Muslim, however, Islam is the factor that most critically impacts Malaysian politics.¹ Examining Malaysian government and affairs of state, it becomes clear that Islamic symbols and concepts permeate a variety of aspects of political life, from its historical and structural foundations, to its continuing political discourse and practices. With the goal of better understanding Islam's role in Malaysian political life, this essay will describe the historical evolution and circumstances that gave Islam its preeminent status in Malaysian politics, and analyze the symbolic and substantive manifestations of Islam in this context. This description and analysis will make evident that the religion plays a vital role in the politics of the two primary Malay-Muslim political parties, but that this role is largely symbolic, due to the highly pluralistic nature of Malaysian society.

By Way of Background: the Malay-Muslim Connection

In analyzing Islam in Malaysian politics today, it is helpful to provide some historical background. Although there is disagreement as to the exact date of Islam's appearance in the region, scholars typically connect it to the first

travels by Muslim Arab sailors to the islands of Southeast Asia around the 8th century. Islam is believed to then have been brought to the port city of Malacca on the west coast of the Malay Peninsula by Muslim Tamil Indian traders around the 14th century.² These Indian bearers of Islam were *Sunni* Muslims who were greatly influenced by *Sufi* mysticism. Subsequently, the fusion of *Sunni* and *Sufi* practices combined with indigenous Malay beliefs and customs—such as animism—allowing for the evolution of a unique form of Islam still practiced in Malaysia today.³ As author Fred R. von der Mehden writes, until recent years, “extreme regional theological influences have been less significant in Malaysian Islam, giving it a certain parochialism.”⁴

After its introduction, the influence of Islam grew. It became engrained in the political dominion of Malacca in 1445, when a coup resulted in the installment of a Muslim ruler and the beginning of the Malacca Sultanate. The Sultanate's Islamic legacy to Malaysia was longlasting, and its espousal and promotion of Islam marks the start of the political entrenchment of Islam in Malaysian political life. As a mechanism for increasing its allies and support, the Sultanate encouraged the rapid and peaceful conversion of its subjects and other Malay royal families to Islam.⁵ When the anti-Muslim Portuguese conquered Malacca in 1511, the Sultanate was forced move to Johor on the southern tip of the Malay Peninsula, prompting the further spread of Islam. The Dutch later ousted the Portuguese from Malacca in 1641.⁶

Islam became even more integral to indigenous affairs of state with the arrival of the British. The English East India Company arrived on the island of Penang in northwest peninsular Malaysia in 1786, and over the next 100 years expanded its sphere of influence throughout the peninsula as a means of countering Dutch power.⁷ In 1874, the British signed the Pangkor Engagement with the Muslim Sultan of Perak, which allowed for the presence of a British “resident” in the royal court, and the furthering of British influence. This resident advisor could advise on all matters except those involving Islam and Malay customs, which would remain the

exclusive domain of the Sultan. Eventually there were British residents in all Malay Sultanates.⁸ In implementing this system, the British fostered the growth of a Malay-Muslim political elite. As British influence spread, Islam was one of the only areas over which the Sultans had any practical control, and they thus sought to retain and develop this domain of influence. Many of the descendants of these same Sultans became the Malay-Muslim political elite following independence.

The British furthermore created schools of colonial administration, whose graduates would one day also contribute to this elite class.⁹

Once the British began to liquidate their colonial empire at the turn of the 20th century, they envisioned for Malaya, as it was then known, a system of parliamentary democracy, governed jointly by a “Malay Union,” and comprised of representatives from each of the major ethnic groups: the Muslim Malay majority, the Chinese, and the Indians. The British wished thereby to decrease the “power” of the Sultans and allow non-Malay minorities the rights of citizenship. Instead, this move prompted an abrupt Malay

backlash that marks the inception of modern Malay nationalism and Muslim politics.¹⁰ This backlash can be traced in part to strong feelings of economic insecurity among Malay-Muslims with respect to the Chinese and Indian worker and entrepreneurial populations, as well as to the belief that Malays, as *Bumiputras* (“sons of the soil”), should be provided certain “safeguards” and “special privileges.”¹¹

The emergence of Muslim politics in Malaysia is therefore tied to the issue of Malay nationalism that arose at this time, and to the deep and indelible connection between Malay identity and Islam. Indeed, Islam, along with *Bahasa Malayu* (the Malay language), has been called the *chief* component of Malay identity.¹² The Malay nationalist movement served to move Islamic issues to a central role in Malaysian political life and in 1946 produced a powerful, organized political force that remains a key player in current Malaysian politics: the United Malays National Organization (UMNO).¹³

The Malay elite that led the UMNO successfully challenged the ill-fated British-supported Malay Union. This resulted in the decision of the British to establish the Federation of Malaya in 1948, the Constitution of which – because it was drawn up exclusively by the UMNO, the Sultans, and the British – fully protected the special rights of Malays.¹⁴ Despite inter-ethnic tensions, the UMNO and the Malayan Chinese Association (MCA) then forged a temporary alliance in 1952 as a *quid pro quo* which ensured victory for both parties. This Alliance was made permanent in 1953, and expanded to include the Malayan Indian Congress (MIC) in 1954, but remained in the control of the UMNO.¹⁵ In expectation of national independence, the first national elections were held in 1955 with the Alliance winning 51 of 52 seats.¹⁶

Following the elections, the leadership of each Alliance party negotiated for four-months over the creation of a national constitution. The result was a compromise known as the “ethnic bargain,” that enshrined Islam as the national religion, in return for guarantees for the rights of other groups in Malaysia. The bargain is manifest in Article 3(1), which stipulates that “Islam is the

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religion of the Federation; but other religions may be practiced in peace and harmony in any part of the Federation.” In turn, Articles 8 (1) and 8 (2) reassure the non-Malay communities that “[a]ll persons are equal before the law and entitled to the equal protection of the law”; and that “...there shall be no discrimination against citizens on the ground only of religion, race, descent, or place of birth.”¹⁷ The Constitution provides citizenship and naturalization rights for non-Malays, but Article 12 (2) also makes it “lawful for the Federation or a State to establish or maintain . . . Islamic institutions or provide or assist in providing instruction in the religion of Islam and incur such expenditure as may be necessary for the purpose.”¹⁸ Finally, there are state-run *syariah* (the Malay for *sharia*, or Islamic law) courts that enforce personal and family laws for Muslims only.¹⁹

Experts on Malaysia have argued that the establishment of Islam as the official state religion was not intended to produce a theocracy, but rather was included at the insistence of the UMNO as a means of symbolically giving the Constitution the external features of an Islamic state.²⁰ Thus, the Constitution further built upon the centuries-old tradition of fusing Islam with the state. However, the constitutional framers also clearly went beyond the symbolic to consider the temporal concerns of modern political life, as is evidenced by the Constitution’s substantive and concrete language addressing important non-Malay concerns.

Post-Independence Political Practice in Malaysia

Since Malaysia gained independence from the British in 1957, it has held periodic state and national elections, as required by the Constitution. In theory, these have been open to all political parties. In practice, the Malay-Muslim UMNO has gained the largest share of the popular vote in every federal election since independence. Furthermore, the UMNO alliance of Malays and the major Chinese and Indian parties, as well as 11 smaller or regional parties (the *Barisan Nasional*, or BN), has always obtained the two thirds

majority of the *Parlimen* (Parliament) necessary to change the Constitution if it so desired.²¹ However, such changes would not be automatic in spite of this technical majority—it is vital to recognize, that Malaysian politics do not occur in an Islamic vacuum, absent any other considerations or influences. Despite the unparalleled hegemony of the UMNO in the BN and of the BN in Malaysian politics, the power of these groups is nonetheless checked by the multiple ethnic and religious groups and interests represented within the BN. Islamic symbols and issues do indeed play an important role in Malaysian politics, but they remain subordinate to, and linked with, the broader role of politics in a highly pluralistic society where Malays, who are predominantly Muslim, comprise 58 percent of the total population; the Chinese 24 percent; and the Indians, 8 percent.²² Indeed, UMNO’s political success can be attributed in part to its recognition and acceptance of these ethnic considerations, and to its successful pursuit of consociational democracy, even if by default.²³

UMNO’s principal rival for support of the Malay-Muslim population, the *Parti Islam se Malaysia* (Islamic Party of Malaysia) or PAS, took longer to understand and react to the practical demands of a pluralistic society. While the UMNO can best be described as espousing a “secularist” Islamic ideal classification, or, “the belief that it is possible to separate the religious and political spheres of life,” PAS can be characterized as a hybrid of “modernist” and “fundamentalist” ideal classifications. It is modernist in the sense that it accepts “a compromise between a traditional Islamic and a modern Western nation-state model.” It is fundamentalist in that it espouses a government that seeks a return to the *Sunnah* (customs of the Prophet) and is rejects Western political models.²⁴

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PAS was created in 1951 to directly challenge UMNO's secular stance, in favor of elevating Islam's purely symbolic status in the Constitution to a more substantive and operational level.²⁵ Strong emphasis was also placed—in the words of PAS' third leader, Dr. Burhanuddin al-Hemi—on the fusion of “Malay nationalism with Islamic ambitions.” The party accused UMNO of selling out Malay interests to the Chinese and Indians in exchange for electoral success, and advocated an incremental approach toward its ultimate objective of Islamic governance, achieved within the established democratic framework of Malaysia.²⁶

PAS' first electoral victory in the 1959 elections gave it control of the largely traditional, conservative Malay states of Kelantan and Terengganu in the east, and of 13 national parliamentary seats. The 1969 elections yielded similar results, and PAS won almost half of the Malay-Muslim vote. These elections marks the beginning of real rivalry between UMNO and PAS.²⁷

The emergence of Islamic revivalism in the early 1970s marks the start of the most critical epoch of Islam's influence in Malaysian post-independence political

practice. Revivalism in Malaysia was not monolithic, but a multi-faceted movement with many causes, internal and external. Scholar Mohamad Abu Bakar attributes an internal re-education about the holistic nature of Islam as the primary cause of Malaysian revivalism.²⁸ This re-education created a greater awareness and understanding of Islam among Malay-Muslims and a heightened feeling that as *ad-din*, or a way of life, Islam needed a greater role in the public sphere.²⁹ While the primary forces behind revivalism were internal to Malaysia, there were

external factors that also played a part, including: the spread of Islamic literature, the influence of foreign fundamentalist movements and international Islamic organizations, the return of Malay-Muslim students from study abroad, and the struggles of co-religionists in the 1973 Arab-Israeli War and in the Iranian Revolution.³⁰ New technologies aided the spread of these trends during this time frame. The popular and well-respected leader of the Muslim Youth Movement of Malaysia (ABIM), Anwar Ibrahim, was the linchpin of Malaysian Islamic revivalism, which has been characterized as a balance between the return to and strict adherence to Islam among the faithful, and by an emphasis on education, modern technological skills, and economic progress.³¹

As a result of the emergence of Islamic revivalism in Malaysia and the wider Muslim world, as well as in response to PAS' continued electoral successes, UMNO began a trend author Syed Ahmad Hussein terms the “Islamization of UMNO.”³² When controversial UMNO Prime Minister, Mohamad bin Mahathir, took office in 1981 to begin what became a 22 year reign over Malaysian political life, he pursued a variety of policies, and is credited with modernizing the Malaysian economy to the point that it became known as one of the Asian Tiger “cubs.” His initial focus, however, was to defeat the radical PAS challenge. To this end, he more readily embraced Islamic themes and projects, and became more accommodating to Islam and pursued various Islamic policies. As UMNO Islamized, PAS further radicalized in order to distinguish its policies from that of its rival; this move provoked electoral defeats throughout the 1980s and PAS therefore ultimately returned to a more moderate approach.³³ As Mahathir's approach to governance became more authoritarian, PAS shifted its focus from Islam, per se, toward the promotion of democracy and transparency within a framework of Islam. UNMO itself, meanwhile, grew progressively marked by scandal and undemocratic practices. However, the resignation of Mahathir in October 2003 and the accession to Prime Minister of Abdullah Ahmad Badawi, a man with

The rivalry between UMNO and PAS has prompted a competition to win the hearts and minds of the Malay-Muslim electorate, while also trying to appeal—or at least not completely alienate—the non-Muslim voters of Malaysia. Both parties have invoked Islamic symbols and pursued substantive policies pertaining to Islam in an attempt to win public support.

outstanding Islamic and political credentials, has reinvigorated the ailing party.

Islamic Symbol and Substance in Post-Independence Political Practice in Malaysia

The rivalry between UMNO and PAS has prompted a competition to win the hearts and minds of the Malay-Muslim electorate, while also trying to appeal to—or at least not completely alienate—the non-Muslim voters of Malaysia. Both parties have invoked Islamic symbols and pursued substantive policies pertaining to Islam in an attempt to win public support. Purely symbolic gestures include rhetoric, statements, and moves of support or disapproval for certain policies, while substantive measures include legal actions that change or attempt to change state or national law, as well as establish permanent or more substantial programs and policies. It is difficult to completely separate each of the statements, actions, and laws that will be described below into the clear categories of “symbol” and “substance,” but the distinction presents a useful framework through which to view the broader connection between Islam and political practice in modern Malaysia.³⁴

Symbol

Over the decades, both UMNO and PAS have engaged in highly symbolic rhetoric and actions designed to appeal to the religious sentiments of Islamic voters for the purposes of political gain. PAS has, among other incidents, been recorded as calling UMNO leadership *kafir* (unbeliever or infidel) and has equated support of UMNO as tantamount to “apostasy.”³⁵ During the 1990s, the modernist-fundamentalist party also distributed a poster calling on PAS supporters to wage jihad and martyrdom against the UMNO and the BN alliance.³⁶ Moreover, there is documented evidence that PAS’ predecessor PMIP employed what could be called “scare tactics” during the 1959 and 1964 elections, for example forcing rural voters to swear on the *Quran* that they would vote for PMIP candidates, or handing out guides for Muslim voters that referenced the *Quran* and *Hadith*.³⁷ In all fairness, as PAS has gained more practical political

experience, it has softened its rhetoric and now often notes its commitment to democracy and transparency, thus subtly criticizing UMNO’s trend toward authoritarianism under Mahathir. As PAS’ message has evolved, it has also expressed its certainty that the tenets and practices of Islam are fundamentally compatible with democracy.³⁸ This evolution is evidenced by PAS’ election slogans during different periods; in 1986, PAS’ election slogan was the forceful “PAS: Party of Allah,” which softened to “Progress with Islam” during the 1990 and 1995 campaigns.³⁹

For its part, UMNO has associated rival PAS with Islamic extremism and terrorism as a means of frightening voters. This trend has been especially pronounced since the September 11 attacks, when UMNO linked PAS to the Taliban regime in Afghanistan and other Islamic extremist movements, such as *Kumpulan Militan Malaysia* and *Jemaah Islamiyah*. Analyst Joseph Liow notes that UMNO justifies these verbal attacks on the grounds that PAS has been slow to condemn terrorists and extremists in the past, and because several members have voiced support for Palestinian suicide bombers.⁴⁰

More positively, one UMNO action that had a strong symbolic impact was its invitation to Islamic revivalist leader Anwar Ibrahim to join the Mahathir administration in 1981, a period marked by high Islamic sentiment in Malaysia. Scholar Syed Ahmad Hussein suggests that this move—also described as “the Anwar factor,” due to Anwar’s popularity and capacity for political mobilization—served to reinforce the party’s new commitment to Islam.⁴¹ When Mahathir later dismissed Anwar in 1999 on charges of sexual misconduct, the Anwar factor and its associated symbolism worked against the UMNO, leading to a public outcry over Anwar’s mistreatment in prison.⁴² At around the same time that UMNO co-opted Anwar, it also considered changing the “M” in its acronym to stand for “Muslim” rather than “Malay,” but later decided against the change.⁴³

Furthermore, during its nearly five decades in office, UMNO has had the opportunity to pursue many “feel-good” Islamic initiatives, such as sponsoring *Quran* reading contests, building

new mosques, scheduling Islamic programming on TV, and providing subsidies to civil servants who perform the *hajj*.⁴⁴ Initiatives such as these are generally politically safe in a highly pluralistic society like Malaysia, as they do not have a great impact on non-Muslim sectors of society, but at the same time are politically advantageous in that they do appeal to citizens who are Muslim. Under Mahathir, UMNO also began to encourage the use of Islamic greetings and salutations, and many government speeches now start with the Arabic greeting, *a salam a' laikum* ("peace be upon you").

PAS has also pursued feel-good initiatives in states where it has held political control, most notably in its stronghold state of Kelantan. For example, in Kelantan's state capital of Kota Bharu, Nik Abdul Aziz Nik Mat, *Menteri Basar* (Chief Executive of the State government) of Kelantan since 1990 and a *Tok Guru* (traditional leader), gives a *kuliyah* (lecture) in the street every Friday morning that typically has a religious *and* political message. These well-known *kuliyah* are recorded in books and on audio and video tapes and are then distributed throughout Malaysia.⁴⁵ They have served at once to spread the PAS religio-political message and to increase political visibility, while also building a strong sentimental connection between the PAS leader and the people of Kelantan. Symbolic initiatives such as these have actually allowed PAS to build political power and influence despite the substantial fiscal and administrative restraints imposed upon PAS-controlled states by the UMNO-led central government.

Substance

PAS and UMNO have also undertaken more substantive Islamic statements and policies in the years since independence, although these are fewer in number than the largely symbolic gestures described above. During the 1970s and 1980s, UMNO national leadership established several permanent bodies to promote Islam and Islamic education, including an Islamic Research Center and an International Islamic University. UMNO also elevated the National Council of

Islamic Affairs to a permanent status within the Prime Minister's office.

More significantly, Mahathir introduced Islamic banking, securities, and insurance laws and amended the constitution to increase the power of Islamic legal authorities.⁴⁶ Donald Horwitz describes the trend:

Nowhere . . . in Asia has the Islamization of law preceded more methodologically than in Malaysia where, in the span of a decade, dozens of new statutes and judicial decisions have clarified, expanded, and reformulated the law applicable to Muslims . . . what has been attempted is the creation of two parallel, relatively autonomous systems, one secular and one Islamic.⁴⁷

These changes are indeed revolutionary, however they are administered by each state and are still applicable only to the Muslims of Malaysia, in accordance with the 9th Schedule, List II, Paragraph 1 of the Malaysian Constitution.⁴⁸

Because PAS has maintained political control over several states on the eastern side of the Malay peninsula, it has also had the opportunity to pursue some more substantive Islamic policies. The clearest example of this is its 1992 introduction of *hudud* legislation—which the UMNO has been hesitant to pursue—in its stronghold state of Kelantan. *Hudud* is a portion of the *syariah* comprising a set of laws and punishments for offenses such as adultery, stealing, consumption of alcohol, and apostasy. Hussein suggests that PAS introduced the *hudud* legislation knowing that it would not be enforceable without amendments to the federal Constitution, which would be nearly impossible since it requires a two thirds majority in parliament. PAS itself has noted that the *hudud* requires strict rules of evidence and stated that it would not be enforced until society had fully understood its requirements.⁴⁹ Each time *hudud* has been introduced, it has been subsequently withdrawn on "technical grounds."⁵⁰ The PAS-controlled state legislature in Terengganu actually

passed *hudud* legislation, but its implementation was impossible because of the state's subordination to the federal Constitution.⁵¹

A more recent example of substantive PAS action is its Islamic State Blueprint document, which was officially presented in November 2003, but failed to be subsequently released to the public following criticism from both Muslims and non-Muslims.⁵² Despite the substantial media hype surrounding the terms of the Blueprint, the president of PAS repeatedly emphasized at its official release that PAS's concept of an Islamic state would uphold all of the current principles of the Malaysian Constitution, including freedom of religion, status quo of the court system, and the democratic rights of each citizen.⁵³ Because PAS never publicly released the full text of the Blueprint, it is impossible to know the true contents of the document and to verify the truth of its claims. Despite its failure to be released, this action is considered substantive because the Blueprint was several years in the making and was intended to serve as the party's strategic plan.

Conclusion

Islam has been intimately tied to Malaysian government affairs and political life since the time of the Malacca Sultanate in the 15th century, but its modern roots can be traced to the start of British decolonization, which produced the Malay nationalist movement and the birth of Malaysian Islamic politics. Islam, as one of the key characteristics of Malay identity, has served as both a mobilizing and polarizing force in Malaysian politics since independence in 1957. The symbolic and substantive examples described in this paper further underscore this fact.

The two primary Malay-Muslim parties, the more secular UMNO and the more religious PAS, have vied for dominance of the Malay-Muslim vote, while simultaneously striving not to alienate non-Malay-Muslims or infringe upon their Constitutionally-guaranteed rights. The primary mechanism for achieving this balance has been the deliberate, creative, and continuing use of Islamic symbolism and substance. However, symbolic statements and acts pursued by UMNO and PAS greatly outnumber the amount of

substantive actions, as is demonstrated by the previous examples, and further borne out by other recorded incidents of Islamic-influenced political acts. Moreover, of those substantive actions that have been pursued, a large number have had little or no impact on society, as political leaders have been unwilling or unable to effectively implement these initiatives.

The underlying reason for the political emphasis on symbolic actions and gestures over substantive ones can be traced to the pluralistic nature of Malaysian society, which informs the nature of the Constitution and the political party coalition structure in parliament. In a highly pluralistic society like Malaysia, where Islam has played an important role in the state since its inception, symbolism has been an important mechanism for expressing Muslim identity without substantially infringing upon the rights of minority groups. Scholar Hussein notes that Malaysian political parties are keenly "aware of the value of the politics of symbolic action," and have used it to their advantage.⁵⁴ Indeed, the skillful employment of Islamic symbolism has helped the UMNO maintain political control, but has also allowed PAS to gain political ground. In 1979, Prime Minister Hussein Onn of UMNO said, "you wonder why we spend so much [money] on Islam . . . [if we do not] Parti Islam [PAS] will get at us."⁵⁵ Likewise, "PAS would define the [UMNO] government's Islamization as cosmetics, long on symbolism but short on substance."⁵⁶ In other words, both parties recognize and exploit the power of symbol for political gain. It is—after all—the fight for hearts and minds, and subsequently votes, that is the ultimate political objective of every political party in a democracy, and in this regard, Malaysia is not an exception to the rule.

In a highly pluralistic society like Malaysia, where Islam has played an important role in the state since its inception, symbolism has been an important mechanism for expressing Muslim identity without substantially infringing upon the rights of minority groups.

The views and opinions expressed in articles are strictly the author's own, and do not necessarily represent those of Al Nakhlah, its Advisory and

Editorial Boards, or the Program for Southwest Asia and Islamic Civilization (SWAIC) at The Fletcher School.

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- ⁶ *Ibid.*, 12.
- ⁷ *Ibid.*, 13.
- ⁸ McAmis, 38; Milne, 15-16.
- ⁹ Syed Ahmad Hussein, "Muslim Politics and the Discourse on Democracy," in *Democracy in Malaysia: Discourses and Practices*, Francis Loh Kok Wah and Khoo Boo Teik, eds. (Richmond, UK: Curzon, 2002), 81.
- ¹⁰ *Ibid.*, 81-82.
- ¹¹ *Ibid.*, 81; K.J. Ratnam, "Religion and Politics in Malaya," *Readings on Islam in Southeast Asia*, Ahmad Ibrahim, Sharon Siddique, Yasmin Hussain, eds. (Singapore: ISEAS, 1985), 143.
- ¹² Ratnam, 143.
- ¹³ Hussein, 81-82.
- ¹⁴ Milne, 23.
- ¹⁵ Milne, 27.
- ¹⁶ Milne, 28.
- ¹⁷ Constitution of Malaysia, <http://www.helplinelaw.com/law/constitution/malaysia/malaysia01.php>.
- ¹⁸ *Ibid.*
- ¹⁹ Constitution of Malaysia, "Schedule," <http://www.helplinelaw.com/law/constitution/malaysia/malaysia15.php>.
- ²⁰ Ratnam, 143-144.
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- ²² Central Intelligence Agency, "Malaysia," *The World Factbook*, 2004, <http://www.cia.gov/cia/publications/factbook/geos/my.html>. Note: "Other" ethnic groups comprise 10 percent of the total population.
- ²³ Arend Lijphart defines consociational democracy as "government by elite cartel designed to turn a democracy with a fragmented political culture into a stable democracy." Arend Lijphart, "Consociational Democracy," in *World Politics*, 21, no. 2, 1969.

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- ²⁵ Ratnam, 144. The original name of the party was the Pan-Malayan Islamic Party or PMIP; the name was changed to PAS in 1973.
- ²⁶ Hussein, 85.
- ²⁷ *Ibid.*, 85.
- ²⁸ Mohamad Abu Bakar, "External Influences on Contemporary Islamic Resurgence in Malaysia," *Contemporary Southeast Asia* 13 no.2 (September 1991), 220.
- ²⁹ Liow, *Reconstructing*, 2
- ³⁰ Abu Bakar, 220 – 228.
- ³¹ McAmis, 81.
- ³² *Ibid.*, 86.
- ³³ Syed Ahmad Hussein, "Muslim Politics and the Discourse on Democracy," in *Democracy in Malaysia: Discourses and Practices*, Francis Loh Kok Wah and Khoo Boo Teik, eds. (Richmond, UK: Curzon, 2002), 74-107.
- ³⁴ Clearly, because PAS leadership has not had the depth of political experience at the most senior levels that UMNO has had over the decades, they have not been in a position to enact substantive Islamic policies, but there are several more substantial actions and statements taken by PAS that can be analyzed for this purpose.
- ³⁵ Ratnam, 146.
- ³⁶ Hussein, 91-92.
- ³⁷ Ratnam, 146-147.
- ³⁸ Hussein, 96; Dato' Seri Tuan Guru Hadi Awang, President, PAS Party Malaysia. Full-Text Speech. "The Launching of the Document on Islamic State." November 12, 2003. www.freeanwar.net/July2003/facnews121103b.htm.
- ³⁹ Hussein, 93.
- ⁴⁰ Joseph Liow, "Outlook for Malaysia's 11th General Election," Institute of Defence and Strategic Studies, Singapore, March 2004.
- ⁴¹ Hussein, 88.
- ⁴² Joseph Liow, "Outlook for Malaysia's 11th General Election."
- ⁴³ Hussein, 87.
- ⁴⁴ *Ibid.*, 74-107.
- ⁴⁵ Khoo, *Searching*, 18.
- ⁴⁶ Hussein, 88.
- ⁴⁷ Donald Horwitz, "The *Quran* and Common Law: Islamic Reform and the Theory of Legal Change Part I," *American Journal of Comparative Law* 42 no. 2 (Spring 1994), 236.
- ⁴⁸ Constitution of Malaysia, "Schedule."
- ⁴⁹ Hussein, 95, 97.
- ⁵⁰ Liow, *Deconstructing*, 4.
- ⁵¹ *Ibid.*, 14.
- ⁵² Dato' Seri Tuan Guru Hadi Awang, President, PAS Party Malaysia. Full-Text Speech. "The Launching of the Document on Islamic State." November 12, 2003. www.freeanwar.net/July2003/facnews121103b.htm. Lim Kit Siang, "The PAS Decision to not Make Public its Islam State Blueprint is most Disappointing," September 17, 2003, <http://www.malaysia.net/dap/lks2617.htm>.

⁵³ Dato' Seri Tuan Guru Hadi Awang, President, PAS Party Malaysia. Full-Text Speech. "The Launching of the Document on Islamic State."

⁵⁴ Hussein, 88.

⁵⁵ Ibid., 86.

⁵⁶ Ibid., 94.