

**DECISION-MAKING AND *IDJTIHĀD* IN ISLAMIC
ENVIRONMENTS: A COMPARATIVE STUDY OF PAKISTAN,
MALAYSIA, SINGAPORE, AND THE UNITED KINGDOM**

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Despite the valuable input of the above, the contents - and any shortcomings - of this thesis remain wholly the researcher's responsibility.

Gary Bunt
Lampeter
August 1996

DECLARATION

This work has not been previously accepted in substance for any degree and is not concurrently submitted in candidature for any degree.

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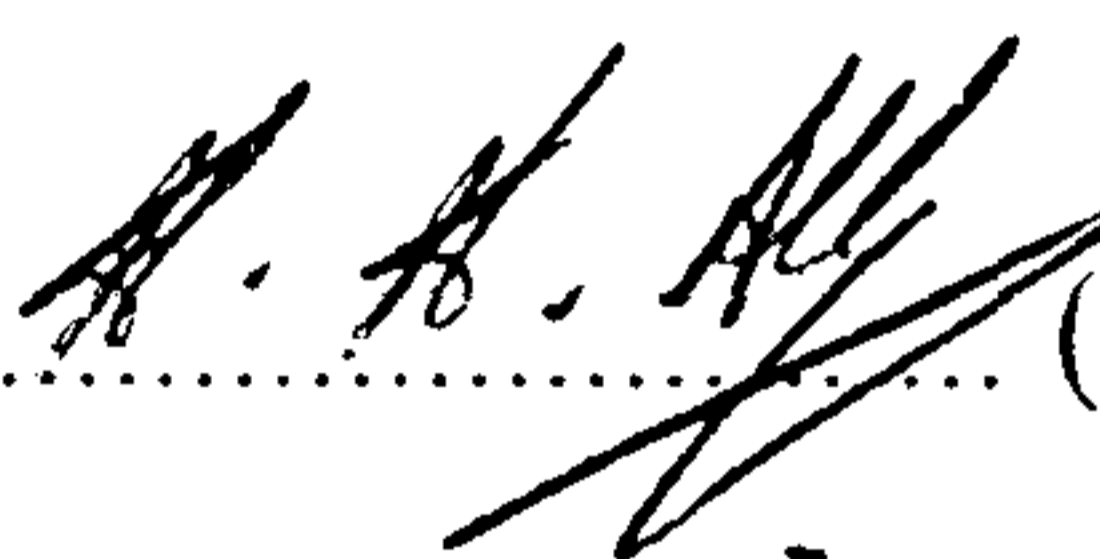
STATEMENT 1

This thesis is the result of my own investigations, except where otherwise stated.

Other sources are acknowledged by endnotes giving explicit references. A bibliography is appended.

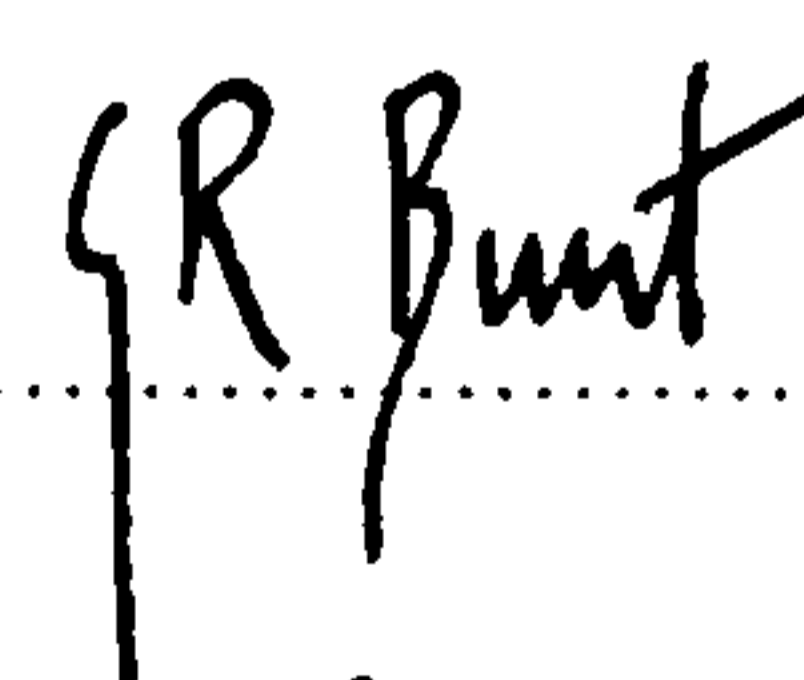
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ABSTRACT

DECISION-MAKING AND *IDJTIHĀD* IN ISLAMIC ENVIRONMENTS: A COMPARATIVE STUDY OF PAKISTAN, MALAYSIA, SINGAPORE, AND THE UNITED KINGDOM

This Ph.D. seeks to contribute further to the field of knowledge about Islam and 'Islamic' societies, specifically through examination of the processes and techniques of decision-making in different Islamic environments. Through the medium of fieldwork-interviews, the thesis compares Muslim minority communities' experiences in the U.K. with those of Singapore - and explores decision-making within 'modernising' Muslim-majority countries in which '*idjtiḥād*' is applied to varying degrees - such as Malaysia and Pakistan. Research focuses upon how contemporary Muslim communities are interpreting 'Islam', to meet the challenges of 'modern' issues - including aspects of leadership, politics, law, and technology.

SYSTEM OF TRANSLITERATION

All Islamic-Arabic words and terms have been transliterated according to the Encyclopedia of Islam: New Edition System of Transliteration of Arabic Characters. [Encyclopedia of Islam: New Edition, I, (Leiden: E.J. Brill, 1960), p. xiii.] This System is outlined overleaf.

Within the text of this thesis, the following exceptions to this System may apply:

- (1) Anglicised Islamic-Arabic terminologies i.e. 'mosque' for '*masjid*'.
- (2) Proper names of Arabic-origin following locally-used or personal spellings or transliterations, where appropriate, i.e. 'Mohamed' for Muhammad.
- (3) Bahasa Malay transliterations of Islamic-Arabic terminologies, where those transliterations have a specific Bahasa Malay meaning i.e. '*Syariah* Court' for '*Sharī'a* Court'.
- (4) English transliterations of Urdu-Islamic terms (which themselves may be transliterations of Islamic-Arabic or Islamic-Persian terminologies) i.e. '*Jama'at-e-Islami*' for '*Djamāat-i Islāmī*'.
- (5) Quotations from textual sources, which maintain their original transliterations.

Kur'ān-ic/Islamic Arabic words can have several shades of meaning and interpretation, as represented within different collections of *tafsīr*. Similarly, many Islamic-Arabic words have different levels of meaning within different historical, intellectual, social, and/or colloquial contexts for Arabic speakers. The meaning of these words within other languages and contexts has led, in some cases, to further, varied understandings of a word or term. This is demonstrated in the transcripts of interviews, and other materials discussed within this thesis. The exceptions to common meanings are annotated, with their transliterated Arabic-Islamic equivalent, where appropriate.

LIST OF TRANSLITERATION

SYSTEM OF TRANSLITERATION OF ARABIC CHARACTERS

CONSONANTS

ء (except when initial)	ع	'
ب b	غ	<u>gh</u>
ت t	ف	f
ث <u>th</u>	ق	k
ج <u>dj</u>	ك	k
ح h	ل	l
خ <u>kh</u>	م	m
د d	ن	n
ذ <u>dh</u>	ه	h
ر r	و	w
ز z	ي	y
س s		
ش <u>sh</u>		ة a; at (construct state)
ص s		ال (article), al- and 'l- (even before antero-palatals)
ض d		
ط t		
ظ z		

LONG VOWELS

أى ā

و ū

ي ī

SHORT VOWELS

ـَ a

ـُ u

ـِ i

DIPHTHONGS

ـَو aw

ـِـي ay

ـِـيِ iyy (final form i)

ـُـو uww (final form u)

BIBLIOGRAPHICAL NOTE

All *Kur'ān* quotations are taken from: Abdullah Yusuf Ali, The Holy Qur'an: Text, Translation and Commentary, (Jeddah: Islamic Education Centre, ed. 1946.)

Endnotes denoted 'Ency. of Islam' refer to the: Encyclopedia of Islam: New Edition I-VIII (8 vols.) (Leiden: E.J. Brill, 1960-1995). Specific volumes and page numbers are indicated.

Endnotes referring to other chapters within the thesis are denoted thus: Chap.'n', where 'n' is the chapter number.

1 Introduction

1.1. Preamble

The present study is an investigation into decision-making processes within Islamic environments, and the challenges faced by communities and individuals endeavouring to reconcile or balance - if they feel it necessary or relevant - the practice of Islamic beliefs, and living within contemporary societies. The main objectives of the study would be as follows:

- 1) To examine the emphases of Islamic sources - including the *Kur'ān*, *Sunna*, *Hadīth*, *Fikḥ* and *Sharī'a* - within decision-making processes in different 'Islamic environments'.
- 2) To examine the nature of authority within selected Islamic contexts, and to consider the wide impact of decision-making processes in such areas as personal law, economics, technology, education, and medicine.
- 3) To examine the various decision-making processes related to *idjtihād*, the relevance (or not) of which having been a topic of considerable debate by both Muslims and non-Muslims.
- 4) To examine and compare selected issues of 'Islamic values' in a U.K. context with related issues in Pakistani, Malaysian and Singaporean Islamic environments.

- 5) To examine how Muslims reconcile the dynamics of varied Islamic beliefs with life in secularising and/or modernising societies, and to what extent 'extra-Islamic' socio-political and religious interests aid or abet the decision-making processes.

The present study incorporates a dialogue on interpretations of Islam, based on extensive fieldwork, between different Muslim authorities and individuals, within variations of *Sunnī* and - to a lesser extent - *Shī'a* frameworks. An underlying theme is an interpretation of the *Kur'ān*, which suggests that there can be no separation of religious and secular concerns, and that solutions for all issues can be located in the *Kur'ān*:

" ... And no question do they bring to thee but We reveal to thee the truth and the best explanation (thereof)." ¹

What are the questions being brought for 'the best explanation' within contemporary Islamic environments? How do Islamic 'authorities' approach 'new' issues of practical concern to Muslims? Who is qualified to make a decision or provide an opinion, based upon interpretation of Islamic sources? Can these sources be utilised to tackle the different pressures of contemporary Islamic societies?

Exploration of these questions within this study may be of practical value to non-Muslims in the U.K. seeking to comprehend Islam more fully, and to

Muslims in the U.K. interested in alternate approaches towards the practical concerns of living life as a Muslim in the U.K. - however that is defined. One intention is to provide in this study a wide-ranging discussion document, in an attempt to represent some of the diverse Islamic approaches to decision-making processes on issues relevant to Muslims in the U.K.

The multi-disciplinary nature of a broad-ranging study such as this has been influenced by diverse existing research in numerous fields. As such, the study does not draw from a single 'school' or body of literature. Whilst existing research in related areas is discussed or referred to in the relevant chapters, it is useful to review additional related work that influenced the perspective of the present study.

1.2. Typologies of Research

Extensive literature exists on what could be described as the 'mechanics' of decision-making processes within Islam. Discussion on the nature of authority and decision-making processes dates back to the earliest post-*Kur'ān* Islamic sources, and existed not only in literary forms, but through oral transmission; for example, through the preservation and compilation of the *Kur'ān* and (separately) the various collections of *Hadīth*. Islamic written sources range from the *Kur'ān* to collections of *Sunna* and *Hadīth*; *Sīra* biographies of the Prophet Muhammad; works attributed to different *Madhhab*; *Fikh*, *Sharī'a*, and *Tafsīr* sources; and works of individual scholarship from a variety of Muslim perspectives.

Several English-language translations of the meaning of the *Kur'ān*, and other translated Islamic 'primary' sources, have informed this thesis and the researcher's earlier studies. The emphasis in this research is less upon the semantic and lexicographic nuances of Islamic terminologies - although aspects of selected key terms are incorporated in the discussion; instead, the focus is upon how Islamic understanding can have a direct impact upon people 'at ground floor level'. Given the divergence of opinions on meaning and understanding of sources within academic contexts and/or the Islamic spectrum, the researcher was interested in what key terms associated with Islamic decision-making processes meant to interviewees, and how they were applied (if at all) in varied contemporary Islamic contexts?

Research was informed by existing studies on Islamic terminologies and

concepts relating to Islamic decision-making in contemporary contexts. The work of Kemal A. Faruki provided an introduction to, and working definition of, '*idjtihād*', which he described as:

" ... exerting oneself to the utmost degree to understand *sharī'a* through disciplined judgement ..." ²

In terms of initial reference points regarding terminologies, surveying the work of Ignaz Goldziher, ³ Joseph Schacht ⁴ and Noel J. Coulson ⁵ was useful because of their influence upon other (Muslim and non-Muslim) theoretical studies in this area - although inevitably some of their conclusions (especially regarding *idjtihād*) have been superseded or disputed by later studies. Other studies influential in this thesis include: Georges F. Hourani's discussion of the role of *idjmā'* in decision-making; ⁶ Mohammad Hashim Kamali's introduction to *fikh* complexities; ⁷ Juma Mikadi Oman Mputah's discussion on the concept of *al-Maṣalīh al-Mursalāh* 'public interest' in Islam. ⁸ The scholarly debate on *idjtihād* received impetus in the 1980s through the studies of Wael B. Hallaq, in his challenge of the frequently-expressed notion that 'the gate of *idjtihād*' was closed. Hallaq's initial Ph.D. thesis on this subject has been further developed in his later work, and provided a pivotal reference point for this current research. ⁹

In terms of work emerging from a specific 'pro-*idjtihād*' Islamic perspective, a number of sources were surveyed, useful because of their association with institutions in which some of the later fieldwork was undertaken: Ahmad Hasan introduced a detailed analysis on *kiyās* and the development of *fikh*; ¹⁰ Imran

Ahsan Khan Nyazee provided a recent perspective on the theoretical role of *uṣūl ul fiqh* in the 'Islamic legal system'.¹¹ Inspired by earlier work by Fazur Rahman¹² and Ismā'īl Rājī al Fārūqī¹³, Tāhā J. al' Alwānī explored aspects of *idjtihād* in terms of "a methodology of thought,"¹⁴ relevant in 'modernising' Islamic societies.

The research was informed by other academic sources, which contribute through presenting different understandings of aspects of Islamic interpretation: Bernard G. Weiss raised important aspects of Islamic interpretative mechanisms, in terms of approaches towards the reconciliation of Islamic primary source material.¹⁵ Kate Zebiri's study of *ulamā'*, and the implications of Islamic 'modernising' decision-making on power structures in Egypt, demonstrated that there is some correlation of themes between differing Islamic contexts.¹⁶ Said Amir Arjomand provided a perspective on the influential Islamic interpretative archetype of post-Revolutionary Iran: although this thesis does not focus upon *Shī'a* Islam, Iranian developments have made an impression upon many *Sunnī Muslims*, in terms of providing an archetypal contemporary 'Islamic state.'¹⁷

The question of so-called 'modernisation' and 'reform' of Islam is a contentious one, occupying an extensive corpus of literature. In terms of the perspective(s) of this study, the examination by Seyyed Hossein Nasr on the validity of categories such as 'traditional', 'fundamentalism', and 'modern' in the context of Islam was initially useful in distinguishing 'Islam' from the 'Islamic world',¹⁸ although this paradigm has been extended further by other writers to provide various so-called 'Islamisms', which sought to avoid the reductive

tendencies of many interpretations.

These tendencies are discussed by Aziz al-Azmeh, who believes that the fragmented realities of Islamic understanding and expression are transformed and (mis)represented as " ... a cohesive, homogenous and invariant force":¹⁹

"With the Rushdie affair, a number of Muslim internationalist infrastructures of an educational, welfare and propaganda nature (beholden to networks controlled by Iran, Saudi Arabia and the Pakistani *jamaat-i islam-i*) were put into high gear and conjured up the notion of an 'Islamic community' as a distinctive and identifiable entity. But it must not be assumed that in these and cognate phenomena are in any sort of continuity, direct or indirect, with the Muslim 'culture' of origin, for there is no culture at origin, and the trans-Islamism we witness is highly recherché, and specific to the present and the very recent past, as well as to Britain and to political interests articulated here in the name of Islam."²⁰

This approach towards Islam and Islamic issues, by no means unique to al-Azmeh, forms an important reference point in examination of 'Islamic' decision-making processes. Trends relating to specific environments can be approached, but are not perceived as necessarily relating to every Muslim or every community. There may be an element of consensus on *arkān ul-Islām*, but even here there can be distinct variations in what al-Azmeh describes as 'Islamisms'.²¹

Ernest Gellner finds it necessary to distinguish between modernism in Islam, and modernisation in Islamic society. Gellner views the latter as " ... the key to wealth and power ..." involving " ... a denial of the local identity and a recognition of the authority of an alien model."²² There is a relationship between

modernisation and so-called Islamic 'modernism', but there is also a symbiotic relationship between modernisation and a 'return' to the fundamentals of Islam. The encouragement of modernisation in certain Islamic societies, especially during colonial ascendancy, led to a shift in values as some Muslims emulated perceived 'Western thought' and methodology as a means towards matching or reproducing colonial cultural and materialistic 'success'. This modernist approach, frequently accompanied by a compromise in the prevalent interpretative 'values' of Islam, often changed to disillusion when idealistic ambitions were not realised. Defining Islam(s) plays an important role in understanding decision-making processes made in 'Muslim' communities, and directly challenges the language and understanding of commentators.

The issues facing Muslim majority societies globally have been extensively surveyed as a component of The Fundamentalism Project's publications.²³ The term 'fundamentalism' is inherently problematic, but the diverse perspectives on Islamic issues presented in the publications of The Fundamentalism Project at times confront the monolithic stereotypes of Islam presented in certain 'Western' sources, and demonstrate the complexity of decision-making processes in Islamic environments. Decision-making also forms part of the 'postmodernist' equation on globalisation, and the impact of the juxtaposition of Islam and modern contexts and technologies. Akbar S. Ahmed and Hastings Donnan discussed the potential effects of a postmodernist perspective upon Islamic studies, and ask whether it would influence the methodology behind studying Islam?²⁴ There is no intention of engaging here in the semantics of postmodernism and its validity,

although it may be true that elements of this postmodernist interest - in their wider sense - fall within this study's remit. For example, the effects of mass-migrations on Islamic understandings, determining which elements of knowledge and cultural values are introduced to a new environment, form an important subtext to the present study. In a more general sense, the fact that this study was produced during the 'post-modernist' era, utilising a variety of sources and disciplines, inevitably influences the outcome of the research, and it could be said that postmodernism has affected the methodology of the present 'Islamic Studies' study. Ahmed and Donnan noted that:

" ... it is a critical moment in Islamic studies. We are at a cusp. It is time to point out the different features on the landscape - to point out where we were in the past and where we are heading for in the future." ²⁵

The features on the landscape for Muslims in the U.K. are changing rapidly.

In a sense, these include what Edward Said has described as:

" . . . new alignments made across borders, types, nations and essences [which] are rapidly coming into view, and it is those new alignments that now provoke and challenge the fundamentally static notion of identity that has been the core of cultural thought during the era of imperialism." ²⁶

These new alignments form a component of any discussion on reform-centred or modernising Muslim individuals. The degree to which their analyses has had an impact on the identity of Muslims in the U.K. is a contentious issue, depending greatly on whether the assessment is within the short-, medium-, or long-term.

For example, with greater hindsight, it may be possible to judge the medium- or long-term effect (or accuracy) in the U.K. of publications by individuals such as Sayyid Abul A'la Mawdūdī,²⁷ Fazhur Rahman, Ismā'īl Rājī al Fārūqī, Shabbir Akhtar,²⁸ and Ziauddin Sardar²⁹ - and the activities of their related institutions in the U.K. Their effect might be compared with the efforts of so-called 'traditionalists', quietist movements, and/or overtly political organisations.

The U.K. has a lengthy history of contacts with Islamic communities - not all of them peaceful or favourable to Muslims. There have been Islamic communities in the U.K. for at least one hundred years, and the U.K. now may have a Muslim population estimated at over one million people, the majority having ancestral links with the Indian sub-continent. History and current affairs demonstrate that there is an overwhelming need in the U.K. for an improved understanding of Islam and Muslim communities. Academic research, undertaken by Muslims and non-Muslims in the U.K., is one possible contribution in improving comprehension of international and local issues connected to Islam.

There are a wide range of sources produced about Muslims in the U.K. to date - of Muslim and non-Muslim origin: certain examples incorporate an 'Asian-centric' understanding of Islam, stereotypes of Muslim behaviour, and confusion as to defining 'the West' - betraying religious-cultural filters of 'knowledge'.³⁰ The concept and nature of 'objectivity' is perhaps a nebulous one, as all observers bring their own specific concepts of understanding to any dialogue. This, of course, fits into the long-standing discussion on perceptions from 'the West' of

other cultures and belief-systems, informed in particular by the work of Albert Hourani³¹ and Edward Said,³² and later writers who have updated and refined the discussion to fit contemporary circumstances and new contexts.³³ In the final analysis, especially in terms of discussing Islam, the matter of objectivity is probably best left to the individual reader to decide (applying their own cultural 'baggage' in turn!). The discussion on Islam in the U.K. is extensively covered on a number of academic disciplinary fronts, demonstrating the diverse issues faced by communities and individuals. This also forms part of a wider field, relating to Muslim communities in minority situations worldwide, for example in the United States of America,³⁴ and Western Europe.³⁵ The relationship between Islam and 'the West' is one that has influenced Muslim communities in the U.K., and is discussed at length elsewhere.³⁶

The position of Muslims in the U.K. has been the subject of increased academic activity, in various disciplines, during the past thirty years: important early work included Verity Saifullah-Khan's Ph.D. on Muslims in Bradford³⁷ and Muhammad Anwar's studies of Pakistani-origin Muslims in the 1960's and 1970's - both of which explored the motivations behind Muslim migration and its economic and social repercussions.³⁸ The emergence of the Centre for the Study of Islam and Christian-Muslim Relations (Selly Oak College, Birmingham), has contributed to this academic area through the production of a series of research reports and graduate work on areas associated with Muslims in the U.K.³⁹ Several other institutions have made contributions to this field of knowledge, although frequently with a social science emphasis - for example the Centre for

Research in Ethnic Relations at the University of Warwick,⁴⁰ the Centre for the Study of Race Relations, University of Bradford,⁴¹ and the Department of Theology and Religious Studies, University of Leeds.⁴² Researchers have been able to focus in and conduct field work on specific high-density Muslim environments in the U.K., noting the connections, developments, and changing nature of contacts between communities of ancestral origin and U.K.-based communities.⁴³

Researchers have also addressed issues relevant to Muslims in the U.K. through other publications: these have provided a forum for discussion on topics including identity,⁴⁴ media-coverage of Islamic issues,⁴⁵ and The Satanic Verses.⁴⁶ To a limited extent, a select group of Muslims have been given access to areas within the mass media in the U.K., providing a forum for discussion of issues relevant to Muslims in the U.K. (although the articles are not aimed directly at Muslims).⁴⁷ The development of a Muslim press, including magazines and newspapers, provides additional means for exploring Muslim issues. The material published and broadcast about Islam in the U.K. (from Muslim and non-Muslim sources) has had considerable repercussions for Muslims in the U.K. Discussion about these sources form a component of this study's exploration of contemporary issues in relation to decision-making processes.

The multi- and/or inter-disciplinary requirements of a study such as this reflects the diverse influences of its origins. The avoidance of a rigid disciplinary framework has allowed access to sources which have provided new perspectives

and clarified issues that would otherwise have remained obscure, had insistence been upon staying within one 'discipline'. The work draws strongly on an interest in the history of knowledge and ideas in relation to Islam, and how concepts were transmitted from generation-to-generation:

" ... The significant events are often the obscure ones, and the significant utterances are often of those men withdrawn from the world and speaking to the very few." ⁴⁸

Determining which will be the significant events for Muslims in the U.K., and who is really making the "significant utterances" amongst different Islamic communities, has formed a common theme in the analysis of fieldwork material.⁴⁹

The impact of Islam on individuals is documented within the field(s) of anthropology, and this study has been influenced by the methodology (not necessarily the results) of several recent works which fall within this area. In a discussion on the practical effects of decision-making within an Islamic environment (Morocco), Lawrence Rosen introduced the methodological possibilities of discussing decision-making practicalities at a 'grass-roots' level.⁵⁰

John Bowen examined the effects of 'modernism' on the Islamic practices and rituals in Sumatran Gayo Society, including the decision-making processes of *idjtihād* and the nature of religious authority.⁵¹ Michael Fisher and Mehdi Abedi compared *Shī'a* Islamic practices in Iran and the United States of America, drawing on extensive fieldwork to present the beliefs and comments of the 'ordinary' Muslim, including approaches to new issues and interpretations of

aspects of the *Kur'ān* (and other core Muslim sources). Fisher and Abedi also discussed the psychology of *Shī'a* Muslims in the United States, and drew out the important distinction between those exiled from Iran and those who voluntarily migrated.⁵² The present study does not attempt to provide a 'psychology of Islam', an inherently reductive proposal that might be compared with the differing perspectives offered by approaches to psychology of religion.⁵³ However, psychology has some part to play in analyses of decision-making processes, and the pressures upon those physically and psychologically distanced from places of ancestral religious-cultural origin(s).⁵⁴

Forms of dislocation, including enforced exile, provide a subtext for Bouthaina Shaaban's documentation of interviews with Muslim women, presenting detailed issues and allowing women in different locations to 'speak for themselves' on topics, including the role of religious authority in their lives, the presumptions of gender roles, and the implications upon decision-making processes of catastrophic changes to society.⁵⁵ Donna Bowen and Evelyn Early demonstrate the diversity of Islamic expressions and Muslim identities within the 'Middle East', presenting this in part through the documented actuality of day-to-day life.⁵⁶ As an example of Islam within a minority society, the day-to-day life and diversity of Muslims in America is presented by Steven Barboza - where decision-making processes on 'modern' issues include: Muslim responses to A.I.D.S., and the relations of *Sunnī* Muslims with members of Louis Farrakhan's 'Nation of Islam'.⁵⁷ These works, allowing interviewees the opportunity to 'speak for themselves', provide fresh and dynamic angles for analysis of long-standing

issues of concern to Muslims, at several levels within different Muslim societies.

Aspects of these approaches are utilised in this research, which seeks to contribute further to the field of knowledge about Islam and Islamic societies, specifically through examination of the processes and techniques of decision-making in different communities.

1.3. Theoretical Framework

The term 'Islamic' in this study refers to any influence - for example, cultural, social, textual, political, Divine - in which the primary sources of Islam's formation or interpretation have contributed towards an identity label. 'Islamic beliefs' are what an individual who describes him or herself as 'Muslim' undertakes in the name of Islam - whether that practice is approved by 'authorities' or not.

The term 'Islamic environment' does not refer to a specific delineated geographical, historical, or social entity: it is used here in the sense of a place where Islamic beliefs form an identity reference point (however marginal, 'secular' or 'religious'). For example, an 'Islamic environment' could be a *masjid*, a house or street with 'Muslim' residents, or an individual's sense of place and practice. The rigid criteria defining 'who is a Muslim' applied by various sources and schools does not apply within this research.

When discussing about Islam, care has to be taken to consider that there are many different interpretations of the concept of 'Islam'. Several of these perspectives are discussed within Annemarie Schimmel's phenomenology of Islam, which demonstrates the variance in symbols, sacred space, sacred time, sacred action, approaches to Islamic sources, and conceptions of God.⁵⁸ Critics of phenomenology - and perhaps Weber-ian forms of Sociology of Religion - indicate that it represents an attempt at reductive categorisation, being reductive in the sense of fitting the square pegs of the ineffable and transcendent into the

round holes of scientific archetypes of knowledge. Whether it would be fruitful in the future to produce a phenomenology of Islam in the U.K. is open to debate.

Within this study, awareness of the variables described by Schimmel and others is useful, if there is equal consideration of those concepts that represent to many Muslims the universal factors in Islam: for example, the *shahadah*, which can be translated as: "There is no god but God, and Muhammad is the Messenger of God", can be interpreted in different ways but is a 'universal' factor in Islam. Similarly, the *Kur'ān* is theoretically constant and immutable, although it may be interpreted in different ways, reflecting diverse influences and a multiplicity of systems and frameworks of understanding. There can be considerable disparity between an individual's levels of understanding, belief and practice of Islam, and comprehension on - for example - a community, state, or political level. This will directly influence the different approaches to shared issues, reflected during fieldwork discussions.

Awareness of this diversity has underpinned the research programme, which recognises that there is no homogenous Muslim community in the U.K., and that individuals and groups within communities in different 'Islamic environments' present many opinions and approaches - and bring varied personal experiences - towards what they define as 'Islam', 'Islamic', and 'Muslim'. Differing identities may be as much defined by cultural and traditional practices, or external influences, as by approaches towards Islam. It is also recognised that there are shared beliefs, platforms and interests - for individuals and for those operating on

specific agendas, which their advocates define as 'Islam', 'Islamic' and/or 'Muslim'. Some of these platforms go beyond small communities, to form national networks, or operate under the aegis of educational and social welfare programmes. The pressures of external influences, including financial and ideological links from outside of the U.K., also play a role within communities and related networks.

The study of the practicalities of decision-making processes can provide one key to determining how those within different frameworks of Islamic understanding approach issues which are not directly referred to within the *Qur'ān* and - depending on the individual Muslim viewpoint - other primary sources of authority. It is one way of discovering what is shared, and how decisions are shaped. Different communities and individuals in the U.K. have different priorities. For some, the technicalities of decision-making processes and religious authority may be seen as unimportant compared with the actuality of survival as a minority in a frequently hostile non-Muslim environment. The advocacy of specific decisions, opinions and processes by a Muslim élite can - according to some critics - indicate that a disparate Islamic 'leadership' is out of touch with the majority of Muslims. Yet, as the world approaches the twenty-first century (in the Common Era), there is a fear amongst some Muslims in the U.K. that Islamic identities may be (further) eroded and values assimilated, if approaches to issues and the mechanisms of decision-making are not reassessed.

1.4. Methodological Framework

This research focuses upon how contemporary Muslim communities are interpreting Islam, to meet the challenges of modern issues and questions. It compares Muslim minority communities' experiences in the U.K. with those of modernising Muslim-majority countries in which *idjtihād* is applied to varying degrees, such as Malaysia and Pakistan. Pakistan was selected because of its close historical links to the U.K., and its connections with a significant proportion of Muslims in the U.K. Pakistan constitutionally defines itself as an 'Islamic Republic,' and its macro-scale decision-making is theoretically influenced by 'Islamic principles'. Within Pakistan, the influence of 'traditional' practices are believed by some to be in conflict with the 'modern' world. Over 90% of Pakistan is Muslim, in comparison with Malaysia - with a Muslim (largely Malay) population of over 50%. The Malaysian Federation projects itself as reconciling Muslim interests with the demands of a modernising, industrialising country, whilst balancing different Islamic and political interest groups with the interests of non-Muslim minorities. Decision-making on Islamic issues has played a significant role in Malaysian political and economic development. Malaysian Muslim responses to contemporary issues can be compared with those of the Muslim minority within adjacent Singapore, at state administrative and personal level.

The question of objectivity is a valid one in any academic discipline, but is acutely sensitive in an area such as 'Islamic Studies'. Given the many 'schools' of thought within the *'ummah*, and the disputes between some of these schools, the

notion of a Muslim automatically being received as an 'insider' is an erroneous one. Personal experiences (as well as historical trends) have demonstrated that many sectors of Muslim understandings are not in friendly communication with one another. Some interviewees would not have received Muslims from certain other 'schools', seen as being in opposition, or even as apostates or unbelievers (this is in addition to differences based on other issues and 'values' - such as ethnicity, cultural and traditional values, politics, social class, and/or nationality).

Reactions to receiving a 'white' non-Muslim researcher have - as anticipated - been varied: motivation has been questioned and suspicion generated; assumptions have been made regarding partiality, and agendas associated with a former colonial power. The concept of non-Muslims undertaking Islamic Studies in the U.K. has been challenged, the subject-banner of Islamic Studies being interpreted only as the domain of a potential '*alim*'. The notion of Muslims having any decision-making processes and consultation has itself been dismissed. Discussions about the validity of research have been intense at times, but the experience of such dialogues has helped in the production of the final thesis. In some circles, interviewees took the opportunity of a non-Muslim audience to perform their Islamic duty of *dawā*, only occasionally focusing on the researcher's personal 'mission' of dialogue on Islamic issues.⁵⁹ The interviewer's relative 'neutrality', and guaranteed anonymity of subjects, has also had a cathartic effect - as some interviewees have felt free to discuss with a candour that they indicated may have been lacking had the interviewer been Muslim. Considerable

intellectual interest, and a certain amount of humour and/or disgust, was shown when interviewees were informed of others' (non-attributed) responses to similar questions posed. The researcher's first-hand in-depth experience of several Islamic environments, and awareness of levels of Muslim scholarship, frequently helped 'break the ice'.

Selection of interviewees has been based on a various criteria: several were selected on the basis of published work, academic reputation, or level of authority within respective communities. Others emerged during fieldwork as part of the networking process. Several sought the researcher out to ensure their view was incorporated into the analyses. Others were elusive or 'otherwise engaged': jail, fear of imprisonment, or governmental crackdowns on certain organisations contributed to a lack of availability in some quarters. Effort was made by the researcher to meet people at 'ground floor level', to discuss issues and the practical effects of Islamic decision-making processes. Interviewees range from academics, judges, government ministers, and *īmāms* - to farmers, fishing people, schoolchildren, and a steamroller driver. Within Pakistan, largely because of *pardah*, it was difficult to arrange discussions with women.

The concept of a 'representational sample' is a contentious one in this study, and the choice of interviewees was frequently based on opportunity rather than demographics or social science methodology. At least one hundred and fifty interviewees have contributed to the fieldwork of this research. Their personal experiences illuminate the debate on how Islam affects the daily lives of

individuals, what subjects are important to individuals and communities, and how it is possible to respond to those topics through application of an 'Islamic' decision-making process.

The majority of interviews - both formal and informal - were tape-recorded when permission was given by the interviewee. The desire for anonymity has been respected at all times: as a matter of personal security and integrity this was critical in some cases. Separate fieldwork transcripts and notes have been documented, and held securely with tapes. Interviewees were aware of the detailed nature of the research, having been facilitated with full information in advance by the researcher, the University of Wales, and also by those parties providing varying degrees of logistical support in Pakistan and Malaysia. As protocol varies from country to country, it was found particularly useful in Malaysia to provide a Malay-language statement of intent - whilst in Pakistan an English-language version stimulated discussion. Fieldwork in the United Kingdom and Singapore was conducted entirely in English - whilst in Pakistan and Malaysia the majority of interviews were conducted in English. Reliable translators were used in situations where interviewees did not speak English. (One interviewee spoke and wrote English well, but preferred to use Urdu in the interview setting.) The majority of decision-makers and academic authorities consulted spoke English well: many write and publish in the English medium.

Availability of interviewees was a key factor: in Pakistan, several potential interviewees became uneasy at the prospect of being interviewed, and cancelled

at the last minute. Within Pakistan, interviewees were generally more reluctant to be cited by name, whereas the opposite was generally true within Malaysia. The concept of the interview varied considerably during all stages of fieldwork, ranging from 'starched' formality in an office (and a desire to know the questions twenty-four hours beforehand, so that answers could be prepared), to increasingly relaxed discussions in a *madrasa* over take-away *halāl* fried chicken, Pepsi Cola, and sweet tea. In some cases, dialogues took place over a period of several days, allowing detailed discussions and a greater awareness of specific Islamic environments. Efforts were made to travel throughout areas of Pakistan and Malaysia, to determine (albeit at a general level) regional, ethno-tribal, and other differences in understandings based on diverse factors - in both urban and rural settings.

Fieldwork has been backed up by an extensive survey of other sources. Events concerning Islam in the U.K. have been monitored for several years, for previous academic work as well as for the present study. The Muslim press in the U.K. has been one indicator of opinion regarding issues discussed in this study. Close attention has been paid to events in Pakistan and Malaysia through their respective media; study of sectors within the Internet has also provided valuable opinions, through various discussion groups and news resources. During the past four years, time spent living in a predominantly Muslim area of East London has inevitably shaped this study.

It is hoped that the synthesis of these varied sources and experiences

contributes to an understanding of decision-making processes in selected Islamic communities. Certain trends and commonalities emerge in terms of shared issues, although contexts can be radically different, not only between countries - but within them too. Evaluation does not necessarily provide hard facts and quantifiable data, which may be seen as inappropriate and reductive when discussing Islam, especially when it is seen by many as a 'way of life'. The concept of moving towards a single, informed conclusion regarding Islam is reductive, in terms of this study, in the sense that such a conclusion would not represent the diversity of opinions and approaches to decision-making processes. Instead, the underlying intention of the study is to engage the reader, through provision of original source materials, to formulate an opinion and contribute to the discussion.

1.5. Structure

The concept of *idjtihād* is frequently referred to by a number of 'reform'-centred platforms, representing different theoretical perspectives within the 'Islamic spectrum.' This thesis seeks to discuss to what extent - if at all - *idjtihād* has practical implications in contemporary Islamic environments? The methodology focuses on analysis of fieldwork interviews undertaken in four, very different, 'Islamic' contexts:

Chapter Two considers the position of 'Islamic' decision-making processes in Pakistan, including their historical contexts and legislative implications. An analysis of fieldwork interviews is provided, based upon detailed interviews with authorities and individuals in Lahore, Islamabad, and North West Frontier Province. The intention is to determine the various perspectives regarding the interpretation of Islam within the 'Islamic Republic' of Pakistan. The international influence of Pakistan on Islamic issues is referred to, including its ramifications for (aspects of) the Muslim communities in the United Kingdom. Examples of 'Islamic' decision-making on contemporary issues - including finance, medical ethics and technology - are introduced in terms of possible applications of *idjtihād*.

Chapter Three discusses the historical position of 'Islamic' decision-making in the Malaysian Federation. Fieldwork interviews include representatives of institutional and other 'authorities' on Islam in Kuala Lumpur, Kedah, Kelantan,

Pinang, and Selangor. Approaches towards 'Islamic' decision-making are compared and contrasted. Examples of *idjtihād*, including in technological, legal, and political contexts, are explored.

Chapter Four contrasts the position of Singapore's Muslim minority with other Islamic environments. Fieldwork interviews focus upon the government-linked institutions responsible for Islamic decision-making, who refer to *idjtihād* and its role in a technologically-centred, economically-advanced republic.

Chapter Five surveys some of the variety of Islamic decision-making agendas within the United Kingdom's Muslim communities, in terms of the approaches towards different priority-issues. Fieldwork interviews incorporate perspectives from several levels within different communities, in particular those seeking pragmatic interpretation of Islamic primary sources in the minority, secularising context of the U.K.

Chapter Six draws together some of the "common threads" of Islamic understandings relating to decision-making processes within different contexts, and determines whether *idjtihād* has a positive role to play in determining certain future Islamic agendas.

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2 Pakistan

The Islamic Republic of Pakistan represents a major Islamic decision-making arena; the processes leading up to its foundation in 1947 incorporated a dialogue (or battle) between different Islamic ideological perspectives - some of which applied *idjtihād* as part of a political-religious rhetoric. In the context of this thesis, Islamic decision-making in Pakistan has particular influence in the U.K. - which has a substantial Pakistani ancestral origin population. However, this influence is also prevalent in other Muslim minority and majority contexts. Several of the fieldwork interviewees in this thesis have contributed, either individually or through specific organisational frameworks, to this influence.

Pakistan's estimated population in 1993 of 123 million within the four main provinces represents diversity on a number of levels.¹ This includes complex and varied approaches towards interpretation of Islamic knowledge. The Islamic decision-making debate in Pakistan offers no simple answers. Different 'political' and/or 'Islamic' platforms in Pakistan incorporate a wide range of beliefs and theories. Fieldwork interviewees (separately) made reference to different forms of potential Islamic decision-making interventions, including: Divine Intercession and an imminent Final Day of Judgement; acquisition of political power (democratically or otherwise); the re-emergence of *khalīfat*; a redefinition of *'ummah*; relocation of conceptual notions of moral-religious authority; **and/or** implementation of mass-Islamic education.²

Generalisations regarding the directions 'Islam' is taking in Pakistan are problematic. Islam as a concept may remain 'constant' in a wide number of core-beliefs, issues and principles. It could be more appropriate to explore which direction(s) 'interpretations' are following, and how these perspectives mark understanding of decision-making processes in relation to contemporary Pakistan, articulated primarily by an educated élite functioning in different fields of interest.

Fieldwork and interviews undertaken in Pakistan during 1995 sought to examine selected Islamic decision-making contexts, within an 'Islamic' state, and to question to what extent 'Islamicization' has occurred. This required identification of the different conceptual frameworks of 'Islam', analysis of the extent to which varied *madhhab*³ contribute to the decision-making debate, and an understanding of how their differing agendas are reconciled or conflict on specific issues.

During fieldwork in Pakistan, the researcher became increasingly aware of the question of 'flexibility' within Islamic interpretations, and the different priorities given towards specific 'Islamic' issues and agendas. The focus of fieldwork shifted from *idjtihād* (and related methodologies) towards the 'mechanics' and variety of approaches to decision-making agendas. Pakistan was often described as being 'in transition', striving towards various 'Islamic goals'. The utility of *idjtihād* was low on many agendas, often because there was an understanding that 'core' beliefs and the decision-making frameworks were not

in place at individual, community or state levels.

Fieldwork interviewees project alternative frameworks of 'rigidity' and 'flexibility' within interpretation - and points in between - in Pakistan. Organisational and individual opinions indicate different emphases and priorities, relating to core, primary Islamic sources: for example, *Kur'ān*, *Hadīth*, *Sunna*, *fikh*, *sharī'a*, *idjmā*, and *madhhab*-related sources. Perspectives vary on aspects of these sources, and related rigidity and flexibility of interpretation - dependent on the subject under discussion and specific circumstances. The emphasis on aspects of 'Islamicization' varies within Pakistan. The opinions of quietist, 'urf-centred belief-frameworks also form part of the Pakistan decision-making equation. Groups, movements, and individuals that have chosen a 'non-aligned' path can influence Islamic decision-making and opinion-formation, particularly in rural 'grass-roots' level. Followers of *Tablighi Jama'at*,⁴ *Deobandi*,⁵ *Barelwi*,⁶ and other interests⁷ can be insulated - through choice and control of their own institutions and agendas - from governmental Islamicization processes.⁸

Pragmatic interpretation of 'new' issues can have less relevance to those interviewees seeking to establish an Islamic framework through 'perfecting' basic principles of Islam - for example relating to *hudūd* or *hukm*. This can be compared to those interviewees whose agenda is centred around projecting into various 'futures' through implementation of 'new' interpretations and application of 'modern' concepts. There are also 'synthesist' reformers, modernisers, or renewers in Pakistan - selectively utilising aspects of tradition and 'modernity'.⁹

Interviewees frequently represented themselves within 'traditionalist', 'Islamist', 'academic', 'reform', 'modernist', 'fundamentalist', 'secular', and/or other categories.¹⁰ Their roles as Islamic decision-makers within Pakistan are closely associated with personal identities, operating in different socio-religious contexts and environments.

Constructing paradigmatic models of Islamic interpretation on contemporary issues in Pakistan also raises difficulties, except in the general theoretical sense, because decisions are responsive towards specific issues and circumstances. Certain interviewees are seen to look forward, in the creation of 'new' interpretations of (aspects of) primary sources on specific issues: the same interviewees are seen to consult past-sources and frames of reference on other specific issues. A different interpretative 'model' may be necessary for every specific decision and issue.

The extent to which the state mechanisms of Pakistan has had a positive impact upon matters of Islamic understandings and interpretations - beyond the spheres of Islamic personal law and *hudūd* ordinances - is questioned by some interviewees. Whilst not denying that power is exerted through the funding of institutions and control of political mechanisms, there was the suggestion of high degrees of independence from governmental or state control, and resentment of certain decisions that had been made on Islamic issues. Several interviewees (including some associated with national institutions) indicated - with varying degrees of candour - a dissatisfaction with the 'Islamic' nature of various Pakistan

administrations.

The impact of state and national networks at local levels was also questioned: in rural and urban settings, individuals and families may consult exclusively with local 'authorities' - for example a *müftī* and/or *pār* - on questions of personal 'Islamic' decision-making (centred around understanding existing interpretations, rather than making *idjtihād*). Tradition offers one widely-understood, 'Islamic' reference point dominant in rural and urban contexts: *pārs* can be prestigious, have honour, and at local level may be a dominant authority. During fieldwork, several examples of the impact of local level authorities on Islamic decision-making were observed.¹¹ Whilst broad conclusions cannot be drawn from brief episodes, the impact of 'other influences' and agendas on decision-making frameworks cannot be ignored.¹²

A fieldwork seminar in Lahore for postgraduates (on the researcher's U.K. findings) was significant in introducing a microcosm of Pakistan's primary decision-making issues.¹³ Concerns were expressed by participants as to whether 'change' and 'progress' were necessary within interpretations of Islam, when Islam as practised in Pakistan was understood (by some seminar participants) to be a 'perfect way of life' whose interpretation(s) required no modification, adaptation, or challenge. There was awareness amongst the group (if not an acceptance) of the diverse interpretations and readings of 'Islam' and 'Islamic life', in Pakistan and elsewhere. Deciding which elements - if any - of interpretation were to be challenged was seen to be the domain of the specialist scholars. However, some

of these were described as being 'out of touch' with the realities of modern Pakistan.

The seminar participants strongly identified with their personal beliefs and relationship to *Allāh*, expressed ritually and through '*āda/urf*'.¹⁴ Identification with decision-making processes was strongly linked to political agendas and processes. Some resented the concept of a religious élite enforcing practices and beliefs upon the population, or steering people away from '*urf*', which to them represented an important component of Islamic understanding - even though certain leaders condemned it as *bid'a*. There was disagreement - and confusion - from within the group as to the existence of a division between 'Islam' and 'politics'. There was no conclusion as to whether the implementation and policy-making should come from 'political' or 'Islamic' bodies, or a combination (i.e. through political parties with primarily Islamic agendas, or those promoting varying degrees of 'Islamic values'). Participants recognised that, for a combination of logistical and political reasons, only selective 'safe' aspects of Islamicization - primarily promoting the fulfilment of *ḥukm* and *ḥudūd* of *Allāh* - had been introduced at state level in Pakistan. These aspects included: *zakāt* collection, Islamic banking and elimination of *ribā*, Islamic personal law, Islamic broadcasts, and Islamic public holidays. These and other aspects were described by the group as marking Pakistan as an 'Islamic' state, through representation of visible Islamic values.

Some participants sought further 'Islamicization' in Pakistan, in particular at

the political representative level, and on aspects of decision-making that incorporated 'flexible' aspects of interpretation. Certain participants believed that promotion of 'Islamicization' in 'flexible' aspects reinforced the 'rigidity' of core-beliefs: priority topics for participants included In Vitro Fertilization, implementation of new technologies, gender-roles, and relations with non-Muslims.

During this seminar, there was a consensus and idealised recognition of a personal focus of belief in Islam, although the means towards this ideal varied. Some participants believed fulfilment of this goal was based on 'looking forward' to providing Pakistan with sound 'modern' economic frameworks and security, based upon what were described as 'Islamic values'. Others believed the correct frame of reference was 'looking backwards' to the model of Madīna. These ideals and goals are not simple or straightforward. The seminar concluded with the opinion that - whilst common ground was found in a synthesis of these ideals, and limited agreement on the 'problems' - there was no consensus on provision of a solid framework for 'solutions'.

The motivation behind changing Pakistan society's approaches towards Islamic decision-making, reflected by interviewees (about themselves and others), were not necessarily entirely altruistic in terms of improving the situation for the masses in Pakistan. However, rhetorically, Islamicization was understood to improve Pakistani society, develop the *'ummah*, educate the majority, combat 'Westernisation', and/or improve the legal system. Islamic political agendas

promoted specific interpretations of Islam, whether for *d̄m* or other reasons. ¹⁵

Interviewees made several references to the events leading to Partition in 1947, in which Islamicization played a significant motivating role for different factions - both for and against the creation of Pakistan. ¹⁶ After Partition, Pakistan governments have responded to changing pressures and interests relating to Islam. ¹⁷ *Ta'limat-i-Islami*, an Advisory Board of Islamic Teaching, fulfilled aspects of the 1956 Pakistan Constitution, abrogated in 1958 by General Ayub Khan. The 1962 Constitution included provision for the Advisory Islamic Ideology Council (renamed the Islamic Ideology Council [I.I.C.] in 1973). ¹⁸ The extent to which the I.I.C.'s constitutional duty has been fulfilled was challenged by several fieldwork interviewees. According to one, the I.I.C. failed:

" ... to open the flood-gates of *idjtihād* after a thousand years of intellectual inertia on the part of Muslim scholars ..." ¹⁹

It can be interpreted that there linkage between the promoting Islam's core values and *idjtihād*. However, the above criticism may suggest expectations beyond the constitutional scope of the I.I.C., and represents a commonly-expressed dissatisfaction with the speed of 'transition' towards Pakistan's Islamicization. Early I.I.C. priorities included: education of Islamic principles, observance of 'Islamic moral standards' and ritual practices, *zakāt* collection, and mosque organisation. Rather than replacing the existing law system, the I.I.C. sought to facilitate interpretation of existing laws, with an Islamic emphasis.

This process has continued, with varied interpretations, through different Pakistan state administrative agendas. For example, Zulfikar Ali Bhutto promoted an interpretation of Islamic values through utilising Islamic imagery in the 1970 election campaign. Bhutto's Pakistan People's Party (P.P.P.) emphasised aspects of secularisation and socialism, with what was promoted as an 'Islamic' basis. State-controlled media and education systems were provided with increased assistance to promote ritualistic Islamic core-values - whilst links with other 'Muslim' nations were encouraged. Bhutto's opponents attributed governmental failures - especially the loss of East Pakistan after the 1971 civil war - to God's displeasure at a lack of rapid Islamicization in Pakistan.²⁰ Pressure from 'Islamicist' platforms influenced an increased P.P.P. identification with 'wider' Islamic agendas.

General Muhammad Zia-ul-Haq's 1977 *coup d'état* altered the momentum within the Islamicization process.²¹ Punishments based around interpretation of *sharī'a* were introduced, and the I.I.C.'s role was expanded in an attempt to bring the legal system into line with interpretations of the *Kur'ān* and *Sunna*.²² Islamic symbolism and ritual practices were stressed by Zia.²³ After Zia's death, various political campaigns utilised Islamic imagery and rhetoric, including those of the Benazir Bhutto's P.P.P. Aspects of so-called 'Islamicization' receive criticism from some quarters, because they are believed to be oppressive, especially towards 'marginalised' or 'suppressed' groups within Pakistan's population:

"Unfortunately in Pakistan, not only has religion been politicised, but

religious sentiments and feelings are exploited to perpetuate un-Islamic laws, practices and laws. During the Islamisation process, no legislation was passed on the pressing issues, such as corruption, inefficient and inadequate law enforcement, lack of legal redress, delay in deciding cases and lack of public facilities."²⁴

The criticism that Islam and 'un-Islamic laws' were used to repress people, whilst those seeking Islamicization do nothing to solve the problems of Pakistan society, is perhaps a sweeping generalisation. However, it does represent a commonly expressed opinion amongst interviewees, tempered with the realisation that criticism of 'mis-interpretation' of Islamic sources was - according to some parties - tantamount to an attack on Islam itself.

Although representing a polarity of opinions, several interviewees saw their platform as 'the middle way':

"You should walk in the middle. Islam is '*al-sīrat al-mustaqīm*,' 'the middle way' [sic]. And the middle way is always a straight one, the shortest possible line between two points."²⁵

On certain issues, diversions from ideals of *al-sīrat al-mustaqīm*²⁶ were considered an essential component of Islamic expression, represented in Islamic history, especially in the Indian subcontinent:

"History of Islam represents diversity with common thread."²⁷

Through holding onto this common thread, despite (or because of) variations

in interpretation, the majority of interviewees believe Islam possesses a capacity to provide solutions to specific problems experienced by different generations and levels of Pakistan society. This requires (re-)interpretation of Islamic primary sources:

" ... *al-Kur'ān* says it [Islam] is a remedy - *ash-shifa* - and I used to say it was a spiritual remedy, but my son who studies economics in Islamabad says it has another meaning too: any system which functions without Islamic guidance is ill ... and unless you try that system in the light of the principles of the Holy *Kur'ān* and explanation of the Holy Prophet, then this isn't O.K." ²⁸

Exactly **how** Pakistan can function effectively with Islamic guidance is the key issue for those seeking to determine Islamic frameworks of interpretation and understanding. Several interviewees believed Pakistan was 'sick', and that the reason behind a commonly perceived sense of 'stagnation' within Pakistan was linked to an absence of specific Islamic interpretations and frameworks. This was particularly true of interviewees within academic and political fields, seeking 'reform' of Islamic interpretation in Pakistan. Others expressed optimism regarding Pakistan's future, and considered that contemporary concerns regarding changing frameworks and agendas were groundless, as the mechanisms for 'progress' were already in place - linked to 'inherent appeal' of *Kur'ān* and *Sunna*. This would 'positively' influence political shifts in Pakistan, linked to the on-going development of a new academic 'supremacy' within Islamic sciences and interpretations in Pakistan. ²⁹

Further visions of Pakistan's future emerged from a 'literalist' perspective of *Kur'ān* interpretation and understanding. This projected the '*Kur'ān*-ic' invocation of Islamic global domination in the long-term, prior to Doomsday. This concept is well-represented within the *Kur'ān*, and in itself could be seen as a component of the belief-framework shared with other Muslims.³⁰

Israr Ahmed extended this, to suggest that the world's imminent Divine Punishment was the responsibility of Arab Muslims:

" ... their betrayal of the Muslims is the biggest crime, because the word of *Allāh* is there in their own language, they have it: of all the Muslims about 200 million are Arabs and the rest, you know, nearly one billion they are not Arabs ...

" ... so they have the word of God in their own language, and they have turned their backs to the Message, to the system of the *Kur'ān*. So just as the Jews have been punished through history [the Arab Muslims will be punished too] ...

" ... to whomsoever *Allāh* gives his book, if they don't do as *Allāh* says, they are bigger criminals than those who don't believe."³¹

Ahmed also attributed blame for imminent Divine Punishment on Pakistani Muslims, and the bloodshed of Partition:

"I was fifteen years of age at the time and saw everything at my own eyes [sic], I have experienced it ... that was all done in the name of Islam, and what we have done here about Islam everybody knows, actually we are criminals in the eyes of *Allāh*. And maybe we got the first instalment of our punishment in 1971 [i.e. Pakistan losing the civil war] ...

"... but these things are transitory in nature, Islam will triumph: there have been parallels in history ... "³²

Personal experience has a key role within interpretation processes. It is interesting to note the attribution of crime 'in the name of Islam', and the belief that - in the Final Reckoning - the 'criminals' will be punished. Ahmed himself has faced accusations that he has misapplied 'the name of Islam' in pronouncements on the Islamic State and other subjects.

The dynamic of rhetoric, and the attribution of blame, are points to consider in discussions of interpretation processes, especially when those who do not **agree** with a perspective are attributed with the term '*kāfir*' (unbeliever) or condemned as 'criminals'. There is inherent inflexibility within certain platforms of interpretation and understanding, not just around the focus of *hudūd* or *ḥukm*. Some interviewees express superiority in their interpretation, especially through their determination that - within the general population of Pakistan - there is 'a wide scale ignorance of Islam'. The question is raised of whether this 'ignorance' is defined as **no** practice of Islam (in whatever belief-framework i.e. '*urf*-'/*pīr*-'/*sufi*-centred) or 'ignorance' based around not following a particular interpretation, *madhhab*, organisation, and/or leader:

"Here in Pakistan there are 120 million Muslims, and it is my humble opinion that 95% of them don't know '*bi'smillāh*' *l-rahmān*' *l-rahīm*". They don't know Islam. Islam in theoretical form is, in practical form, the lifestyle of the Prophet. The Muslims don't know the Holy *Ḳur'ān*, they don't know the lifestyle of the Holy Prophet, and then they say 'we are Muslim'. How can they be Muslim when they have not studied the actual quotes in the actual book - the *Ḳur'ān* and *Sunna*? 95% don't know the Holy *Ḳur'ān* and *Sunna*."³³

This model of Islamic understanding, in which (certain) interpretations of Islam are equated with 'ignorance'. The 'ignorance' has links with access to 'education' - both general education and specific 'Islamic' education. Saeed Ullah Qazi presents the ideal of education and 'educated' leadership at local levels being centred on the *Kur'ān* and *Sunna* models of interpretation: the role of *urf* is at best secondary.

However, '*urf*-centred individuals may have a high level of understanding and 'education' within their own frames of references, which include knowledge of: how networks function, local customs, special prayers, 'medicine', **and** specific interpretations of Islamic sources - including the *Kur'ān* and *Sunna*. This could be indicative of the 'flexible' aspects of interpretation in Pakistan, whilst retaining 'rigidity' in other areas. Determining validity of these belief-frameworks is an inherent value-judgement, frequently made by interviewees. There can be conflict between the agendas of those seeking to establish national and trans-national interpretative frameworks, and those operating in '*urf*-centred Islamic environments.

All parties claim validity of interpretation. The notions of Pakistan Islamic 'revival'(s) may not be appropriate, especially on local levels, when determining 'real faith' is open to varied interpretations:

"... unless we can have a revival of faith, of real faith, of living faith, without that we cannot have any advance in Islamisation or establishment of Islam or all of these slogans which are very common in the Muslim

world today. So that is the diagnosis ..."³⁴

An *'urf*-centred individual might feel that their 'faith' is 'living', and promoting an advance of Islamicization - in the same way as Israr Ahmed promotes his 'diagnosis' of 'revival'. Without customary aspects of Islamic interpretation, frequently interpreted as *bia'a* by opponents, the polarised frames of Islamic reference at rural levels could become disoriented.

The desire for 'revival' and 'progress' follows different agendas between different Pakistan platforms. This is reflected within the Pakistan political-Islamic frameworks, where there is emphasis on implementation of interpretation through promotion of legislation i.e. governmental interests such as I.I.C. and the *Shari'ah* Court, political parties, and non-governmental 'think tanks'.³⁵ Governmental interests are also reflected in various Islamic institutions, which either receive funding or have the tacit approval/acceptance of government. Other Islamic institutions may receive funding from followers, or external sources. Certain levels of 'difference' in terms of implementation of Islamisation are accepted within these broad institutional frameworks, as stimulating and representing the debate:³⁶

"... there are differences between sects, but the basic concepts must not be different. There are 'black sheep' in every area of life. There is room for different opinions, there should be a situation where people can sit together and have a mutual discussion. We have to sit together to deal with these differences ..."³⁷

No methodology was suggested as to how this discussion might be facilitated. ³⁸

Differences between 'Islamic' perspectives are provided with justification by interviewees. Maulana Abdur Rehman noted the unity of the *Sunnī 'īmāms'* on the principles behind *ḥadīdī*, even though some differentiation may occur within ritual. In contrast, Javed Ahmed Ghamidi stressed that even in areas where the *Sunnī 'īmāms'* have agreed and reached consensus, there have been marked differences of opinion between prominent scholars. ³⁹ Some platforms seek to stress similarities between *madhhab* on issues, whilst others place emphasis on differences between and within *madhhab*.

Abdur Rehman interpreted difference as an opportunity which provided stimulus for debate and pragmatic interpretation of Islamic sources:

"We Muslims we believe in God and our Prophet ... apart from those personalities we also believe in four spiritual leaders [the *Sunnī 'īmāms'*] ... all of the four spiritual leaders present their own thinkings [sic]. The point at which they differ provides a strong basis that there should be room for *idjtiḥād*.

"When the four don't have any dispute which each other, it means they are synchronised with each other. When they differ it means that our religion provides some room for *idjtiḥād* ..." ⁴⁰

One point where this lack of synchronisation occurs in Pakistan is in dealing with issues that cannot be responded to directly through recourse to Islamic sources.

Certain subject-areas where decisions or opinions are promulgated have no

immediate relevance to the majority in Pakistan. It is important to stress the 'situational' qualities of Islamic interpretation, decision and opinion-making (whether described as '*idjtihād*', '*idjmā*', '*fatwā*'. etc.):

" ... you cannot pass a *fatwā* on theoretical grounds - you have to be told the situation and according to the situation make the judgement. Although some Muslims do not abide by this, it depends on the time and the place, so it changes. At some time it is acceptable, at other times it is not acceptable ..." ⁴¹

The level of 'acceptability' clearly varies within Pakistan between (and within) different shades of opinion: e.g. from making no 'decisions' unless based on literalist interpretations (i.e. represented in different ways by Israr Ahmed); to adherence to a specific *madhhab* (Abdur Rehman); and/or interpretation centred around political-religious objectives (Abdul Malik). There may be common threads between these perspectives, as well as polarity.

The emphasis on *madhhab* is challenged by those seeking extension of Islamic decision-making beyond legal models or personal law, towards interpretation of all aspects of the contemporary world - using Islamic primary sources as the tool. Rather than responding to a particular situation after it has occurred, some interviewees sought anticipation of future developments, and answers to issues that had not been dealt with by 'authorities'. This does not necessarily mean that 'common threads' - including those referred to above - are discarded. Instead, they are integrated into a new understanding of Islamic interpretation, containing *hudūd* and *ḥukm* core/boundaries, and respect of Islamic

primary sources and ideals. Values acquired from these principles are re-applied or utilised within the 'new' models.

According to certain assessments, Pakistan is considered a 'third world' nation, which has not reached a high level of 'development'. However, issues and approaches concerning innovations in contemporary technology and science are actively considered by some Islamic scholars. This raises the issue of to what extent this demonstrate a forward-oriented flexibility in Islamic decision-making, or the priorities of Pakistan society:

"... I see that it is gross mis-understanding to confine *idjtihād* to a few legal matters, and that is where Islam becomes a ritual, Islam becomes something of the past; the real problems with Islam is that it addresses itself to every single issue, it wants a forward move that you apply such non-variables to evaluate the situation. The only non-variables are *Kur'ān* and *Sunna*, but their meanings are always variable. Therefore also the *Kur'ān*-ic statement cannot be revised, but its meaning can always be determined."⁴²

The reference to 'variables' would only relate to specific issues, in that certain concepts and values are 'fixed'. Some of these 'fixed' areas may be more 'flexible' for other interpreters.⁴³ Within Pakistan contexts, certain *urf*-centred interpretations would be difficult to change. The theoretical methodological frameworks may exist, but putting them into practice in Pakistan could be a long-term objective.

The impact of academic theorisation may remain within an 'educated élite'.

The so-called 'transitory' phase requires the input of theorists, even if their impact is long-term or gradual. The impact of an influential educated class, with experience in non-Muslim 'western' societies as well as different Islamic environments in Pakistan and elsewhere, is difficult to quantify. Whilst several interviewees discuss the principles of interpreting Islamic primary sources within contemporary 'modernising' contexts **in theory**, provision of examples within Pakistan (beyond the confines of I.I.C.-*Majlis* legislation) is limited. This may represent the 'stagnation' referred to earlier, for example in terms of *idjtihād*:

"In application, you find some people who do not accept it. In principle, they would accept it. So it is well entrenched in our history, nobody would deny that at all, but when we come to case-by-case [issues] people differ. The principle is accepted by everybody, but some people would say 'no'. And they would not accept that there is enough change." ⁴⁴

'Islamicization' becomes a slow-process on many issues, when there are so many conflicts of opinion and different agendas, and it does not provide the central focus for Pakistan state policy that some 'Islamic' platforms and frameworks would wish for - even within an 'Islamic Republic'.

Whilst some platforms seek 'immediate' change, others represent what they describe as a pragmatic approach towards 'evolution' ⁴⁵ in Islamic decision-making:

"The living conduct has always played such a part in the acceptance by the community - a democratic process if you like. This is an evolving process, people may reject any opinions, they may accept them - nobody

can force them. That has happened for fourteen hundred years, and a lot of opinions have been thrown to rest, into the dustbin ...

"... What we have to educate the Muslims that the real sources [are] the *Kur'ān* and *Sunna*, and a lot of human efforts have been done over fourteen hundred years ...

" ... We should also give importance to what the earlier people have deducted, but we should also understand what was the Will of God." ⁴⁶

Khurram Murad's level of 'acceptance' could be seen as idealistic, in the sense that societal pressures can 'force' acceptance of opinions, perhaps legislatively or through peer-pressure. The question could arise, in terms of Pakistan, whether such an opinion reflects 'realism' or 'theory'. Determining 'the Will of God', through the 'real' sources, is the foundation of *idjmā'*, *fikh*, and/or *urf* followed by many Muslims in Pakistan today.

The 'Islamic' authority to interpret the sources, and present 'opinions' or 'decisions' within Pakistan is represented at a number of levels and interpretations - based around different forms of expertise. One model applied to determine the basis of authority is in terms of:

"... *adab* (the ideal of the educated man), *shari'a* (the ideal of legal man), and *tariqa* (the ideal of holy man) ... The first was least the ideal of the religious or piety-minded. The *tariqa* ideal stressed the transformation of a person from within. The *shari'a* ideal laid emphasis on rituals and formalities in order to mould man's moral attitude; the perfection of man in this system consisted of obedience to the revealed laws of God. The ideal of this system was a 'legal man' who mastered the knowledge of the rules of *shari'a* in order to live his life according to them. Moral authority may, in this same way, be defined in terms of the perfection of the ideal within each particular system: the more one achieves perfection, the more one becomes an authority in that system." ⁴⁷

Forms of authority in Pakistan may contain these principles as a basis, but also extend to influence and knowledge in other domains: for example, political influence, technological training, and/or experience outside of Pakistan. Some of the interviewees consulted had not received 'training' in conventional Islamic science frameworks - such as al-Azhar University - but remained confident in expressing interpretations and opinions. The impact of these perspectives, pragmatically interpreting sources and making opinions on Islamic issues, needs to be considered.

There can also be integration of 'political' and 'religious' objectives and agendas: for example, an '*alim*' such as Abdul Malik working within an 'Islamic' political party such as *Jama'at-e Islami* (itself founded by a former journalist and 'interpreter' of Islamic sources). Similarly, individuals trained in technology, economics or engineering exert influence in Islamic decision-making, applying primary sources within their interpretations. Does this mean that the models of interpretation, the 'legal man',⁴⁸ the '*sharī'a* man', and the 'holy man' have to be re-evaluated? This depends on how holistic these models are, and on the notion of 'professional' Islamic leaders. Expertise in non-religious sciences has an application, when discussing new issues relating to 'development' and decision-making. It is useful to consider the levels of interaction between the 'professional' Islamic decision-makers, such as certain 'authorities' trained in Islamic sciences, and other areas of 'expertise'.

One of the key issues interviewees raised is determining the validity and

authority of Islamic interpreters and decision-makers. The 'conventional' training - within a *madrasa* - was described by many interviewees as appropriate for equipping an individual to respond to basic questions of *sharī'a* interpretation. Abdur Rehman described the study process for students as 'a very tedious job':

" ... they have to study 85 books related to the religion of Islam. After reading those books they have to read analytically and they have an exam. They are given two degrees, Masters of Islamic Arts and Masters of Arabic. They step into the field of *idjtihād* or any area in which they are capable of making decisions ..."⁴⁹

This capacity to make decisions is a key point, in traditional/conventional study processes for an *ālim* or *mūftī*.⁵⁰ The principles vary considerably between (and within) specific frameworks of Islam, for example within definitions of *mudjtahid*.⁵¹ Examples of the variations in 'qualification' can be found in Pakistan.

Abdur Rehman presented a personal interpretation of *mudjtahid* status, and described *Jama'at-e Islami*'s founder, Abul A'lā Mawdūdī,⁵² as an exemplar:

"A *mudjtahid* is a person who does *idjtihād*, but it is next to being the Holy Prophet. A *mudjtahid* is a super leader of scholarship, and Maulana Mawdūdī was one of the most efficient. He had great learning, was very well read in many languages, had a vast understanding of all religions, and he integrated it in the most suited manner. A very easy interpretation of Islam is found by Maulana Mawdūdī. He was a great *mudjtahid* of Islam ..."⁵³

This status is sharply contrasted in other fields of scholarship and interpretation,

where Islamic decision-making (in certain areas) is seen as the preserve of scholars fully trained in all the Islamic sciences:

"Everybody cannot be a *mudjtahid*. Everybody cannot give a verdict in the court, because he is not a qualified lawyer or a qualified judge ... In the same way, everybody cannot interpret the rules of Islam." ⁵⁴

Pragmatic interpretation of Islamic primary sources has theoretically been extended to other areas of expertise, especially in subjects beyond *ḥukm* and *ḥudūd* boundaries. In order to provide precedents for this in Pakistan, some academics have returned to Islamic historical precedents of '*mudjtahids*', representing an interpretative methodology which is part of a wider, flexible and creative process:

"Every single Muslim artist who was involved in architecture, painting, miniatures, handicrafts, for me was a *mudjtahid* because he knew the substance and he developed the form based upon a methodology ...

"... I think every single architect who built all those *masdjids* from Morocco to Jakarta knew what they were doing, you have a very clear continuity of departure and that is what *idjtihād* is ...

"... you see, you study the structures individually, there are certain universals. Within those universals and artist has made *idjtihād* and he said 'what about having this arch more pointed?', he says 'what about having a climbing arch?' ..." ⁵⁵

In many ways, this marks a radical departure from other interviewees, in terms of notions of 'interpretation'. The extent to which an analogy can be drawn from the artistic-architectural model is illustrated below, within discussion on specific

subjects for *idjtihād*. This approach extends the 'āda (*adab*)/tārīkha (*tariqa*)/*sharī'a* model, at least in determining a flexibility for opinion and decision-making by individuals not trained in Islamic sciences.⁵⁶

The extent to which Anis Ahmed's model of *idjtihād* occurs in practice in Pakistan may be limited. The indication was not so much that *fatwā* could be given by lay-persons, rather that a forum for discussion and debate could be developed. It represents a view that Islam covers all aspects of human life, and therefore interpretation should be extended to 'other sciences' to attain Islamic principles and meanings within 'new' areas in the light of contemporary circumstances. This viewpoint also promotes incorporating 'Islamic' perspectives and principles within all educational areas.

One interviewee, 'T.R.', suggested, albeit in a massive generalisation, that the 'Islamic sciences' do not attract 'high-calibre students' in Pakistan - and this was having an adverse effect on Islamic interpretation. T.R. stated that, if a student is 'an ill-educated individual' or has less 'intelligence', Islamic sciences provide one popular avenue for study(!). Religious scholarship was described as a 'low-ranking' option within the Pakistan education system - reflected in poor quality facilities and tutors. T.R. believed high-calibre students do not pursue a 'career' within Islamic sciences, which lack status, income, and relevance within Pakistan. As such, 'brighter' students were thought to be drawn away from Islam and Islamic sciences.⁵⁷

Such opinions introduce a key issue of Islamic interpretation in Pakistan - a perceived contrast in prestige and quality between 'Islamic sciences' and other disciplines.⁵⁸ Intelligentsia, trained in Pakistan and elsewhere, may also project an alienation towards religious scholarship (beyond certain cultural/'urf Islamic expectations).⁵⁹ However, introduction of Islamic components within other disciplines in Pakistan - combined with 'traditional' curricular and extra-curricular education in Islam - may mean that although the emphasis or status of Islamic sciences may have shifted, continuity of concepts and principles amongst future decision-makers and opinion-formers continues in other forms. Good examples of this would be economists educated with an 'Islamic economics' module, or lawyers receiving '*sharī'a*' training. These would seem to be in the minority in Pakistan:

"... One of the problems is that religious education becomes very theoretical, and excluded from life, not only in Britain but in the whole Muslim world. And secular education since the colonial period becomes the education that caters about real life and real situations, in history, geography, sociology, economics. You have this dichotomy between religious education and secular education.

"So you find very few people who can really combine theoretical knowledge with the actual situation. This is very few anywhere in the world. And many of them tend to rule according to the theoretical ..."⁶⁰

This division demonstrates the difficulties in determining appropriate authority and 'status' of leaders. A number of respondents described themselves - or were described by others - as being a '*mudjtahid*'. This illustrates that different definitions, expectations, and qualifications exist for a *mudjtahid* in Pakistan (and

elsewhere).

Some interviewees challenged the validity and authority of governmental bodies, to make 'Islamic' decisions - whether based on *idjtihād* or other criteria. These criticisms are associated with the wider political debate, especially in the disagreement about mechanisms applied to 'implement' Islamic principles, and dissatisfaction with the speed of 'Islamicization'. These problems reflect the lack of continuity within governmental administrations, the inherent problems of obtaining broad consensus on issues (even within a state committee), and methodological difficulties in establishing decision-making frameworks.

As discussed above, the emphasis of the I.I.C. was on approaching existing laws and 'Islamizing' them. Certain 'independent' scholars are also consulted by the state on determining Islamic approaches to law, and responses to other issues. Outside of the I.I.C. members, individual '*alim* such as Ahmad al-Assal may also be consulted:

"There are cases, on the state level, concerning the economy; concerning the interest, concerning *zakāt*, for example you can collect interest from individuals by law. There is a lot of *idjtihād* in this area, because many of the forms of wealth were not known at the time of the Prophet.

"So they ask some respected '*ulamā*', and take that ruling - which is what they did. So there is *idjtihād* on the state level also: concerning *Ramaḍān*, concerning pilgrimage, concerning subjects which affect many, many people."⁶¹

Within the Pakistan Parliamentary context, the consultative process for

determining 'Islamic' approaches to specific issues incorporates varied methods. Some consider *idjtihād* has had a greater role in Pakistan's constitutional and legal development than has been attributed to it, particularly in its initial formative phase. Others refer to the concept of 'a transitional phase', in which an 'ideal' framework has yet to be installed:

" ... we always try to start with identification of the roles and objectives of Islam, not specific instructions. We also formulate 'what are the values and principles in institutions in Islam that we seek to establish?'. It is in the context of these that we receive specific injunctions ...

" ... you have to respect each and every injunction fully, but the real goal and import of that instruction has to be understood. Only in this contextual framework. (When) We are just trying to put in the injunction without the framework, then we are faced with a problem. It is not a problem of specific *idjtihād*, it is more a problem of change of the framework, change of the system ..." ⁶²

Khurshid Ahmed believed that the changes in the framework sought by himself - and others in the Parliament of Pakistan, were difficult to achieve because of an inherent reluctance to compromise on the part of 'secularists' (his term) and 'Islamists' (his term, incorporating *Jama'at-e Islami*). This intransigence is perhaps not surprising, given the intricacies and diversities within different platforms and agendas:

" ... the problem within the Pakistani context is that the two sides - the Islamists and the secularists - they are not ready to compromise. Both are sticking to their own positions, and unless there is a compromise ... I think that middle way could have been worked out. But within the Pakistan context it's not the willing position of both the parties, it's a matter of losing power really." ⁶³

The relative lack of electoral success of *Jama'at-e Islami* has to be considered within Khurshid Ahmed's analysis,⁶⁴ especially in his disenchantment of state-leadership:⁶⁵

"I don't believe really, in my analysis of the Pakistani situation and society, that our leaders have never been interested in what will inform and improve the conditions of this country - they were always interested in their own personal benefits and interests.

"Therefore the question of making *idjtihād* is to follow the way the western scholars have expressed themselves on certain issues, without really thinking whether it will be suitable for the society in which these thoughts are being introduced. From my understanding, it would have been much better if the '*ulamā*' and the modern educated sincere scholars could have sat together, and evolved some mechanism.

" ... I think the Islamic element will be more alienated, and therefore perhaps both the groups - the secularists and the Islamists - would be on the line of confrontation rather than any cooperation or coordination or understanding. " ⁶⁶

Confrontation would have serious implications for Pakistani infrastructural development, as well as impacting on the Islamicization processes. 'Threats' of confrontation have not changed the existing patterns of decision-making to date.

The promotion of 'Islamic' interpretations based on the *Jama'at-e Islami* and other 'Islamist' models (which by no means form a 'common platform') face opposition from other political, governmental and state interests, which see their positions threatened:

"There's a group of people who have great influence in state institutions, whether it is law or military or civil service or judiciary, and the others are out of that circle. So they feel that if a compromise is worked out which would be based upon Islam, their actual position would be threatened, and therefore it is much better for them to stick to the old British framework and to live with that."⁶⁷

State institutions promote an Islamic position which does not match the views (in many areas) of opposition groups, which in turn seek to enhance their own interests ('Islamic' and otherwise).

Individuals within the Federal *Shari'ah* Court and I.I.C. privately also expressed dissatisfaction with the speed and levels of 'Islamicization' that took place.⁶⁸ 'Limited' budgets were further restricted and eroded by the government for 'political' reasons, causing the processes of Islamicization to stall or fragment.⁶⁹ Adding to these complexities, some interviewees believed that 'incorrect' interpretations of Islamic primary sources had been passed into legislation:

"This problem becomes more acute because a lot of laws were passed based upon these incorrect opinions, especially the law of evidence, the law of injury or of accidental death, and other penal laws like the punishment of murder, fornication and so on.

"Again, in the social areas, there is complete Muslim personal law which prevails - and the incorrect opinion in these areas has created large practical problems for many people. These need to be sorted out, and the correct opinions have to be presented. This is quite important."⁷⁰

It is beyond the scope of this thesis to discuss the 'accuracy' of these (and other)

subjective views. These perspectives indicate perceived specific theoretical problems, but cannot provide pragmatic methodological solutions, primarily because they do not represent the views of a **political** majority.

Several interviewees, operating within different state or non-governmental frameworks, believed that the emphases promoted by governmental platforms on Islamic decision-making issues related to a 'western conspiracy' against Pakistan and/or Islam. Their thesis was that, through diversion of attention towards technological and economic 'Islamicization', the 'real questions' facing interpretation of Islam in Pakistan were avoided or ignored. These included: 'disregard' of *urf*; neglect of specific *madhhab* perspectives; and erosion of 'Pakistani' or ethnic identities. 'Positive' *urf*-centred models of Islamic practice in Pakistan were presented, as an assertion of 'their viability' and 'influence' - particularly in rural frameworks. These views represent very different understandings of Islam and its interpretations, compared with those pro-Islamicization 'modernising' parties. One interviewee from this perspective gave the model of Muhammad as 'an optimistic pragmatist', and asserted that:

"... if Prophet Muhammad came back [today], he'd wear a suit(!)."71

The feasibility of reconciling such polarised views between Islamic frameworks in Pakistan illustrates the difficulties of locating cohesive, populist, wide-reaching Islamicizing policies.

This dichotomy reflects different reactions towards 'model' Islamic societies. Within Pakistan (and elsewhere), approaches towards 'contemporary issues' and 'modernity' are interpreted using varied 'Islamic' sources - to produce on occasions widely divergent viewpoints. Reactions to technological 'advancement' (itself open to varied definitions within the Islamic matrix) range from rejection to acceptance - depending on the technology. 'Advancement' can include weapons of mass-destruction: Pakistan's nuclear weapons were described as 'justifiable' on Islamic grounds by Abdur Rehman:

"... the religion of Islam does not conflict with technological advancement

"... the *Kur'ān* mentions that Muslims should always be ready to face attacks of non-Muslims or other forms of dangers. They must be ready in terms of weapons, morality, economy. Now the technological advancement is completely in accordance with the *Kur'ān* in every field. If we don't advance it is a sin." ⁷²

This also provides an example of the application of analogy within interpretation, incorporating an understanding of a '*Kur'ān*-ic principle' and extending it to fit contemporary technology. ⁷³ Whether this interpretation represents '*idjtiḥād*' may be a semantic argument, although it **was** presented as such by this '*ālim*. Rehman's opinion comes from an urban-centred perspective on a specific issue, where there is exposure to technological and 'modern' influences. The extent to which this opinion represents "'*ulamā*' who were dynamic and future oriented" ⁷⁴ is open to discussion.

Islamic authorities in other contexts - for example *mullahs* in villages - are

not necessarily confronted with technological issues such as nuclear technology(!). 'New' concepts can conflict with *taklīd* or 'urf-centred belief-frameworks. Difficulties in accommodating or accepting 'change' can emerge for interpretative reasons, as much as a loss of power and influence of a specific Islamic perspective. An example emerged during fieldwork in the city of Mingora, Swat:

"There are a lot of educated youth in our society, particularly in Landinkas [Mingora suburb], there are some people who are Masters [i.e. M.A. degrees] in different subjects. But they always wander in roads and sit in the barber's shop, and are only talking about this and that.

"So I thought that if we gather these educated people, they can help their society. We invited all the youths under thirty, and asked them that if they were co-operative, the nation has some rights on you - because you are more educated and more conscious: therefore you are more responsible than other people. They accepted our invitation, and we formed the 'Youth Friends'."⁷⁵

The intention was to remove the gap between generations and factions in Mingora, and to motivate young people. The initial programme included interpreting 'Islamic principles' to improve the local environment, and provide educational opportunities for Mingora's residents. Some local authorities and religious leaders felt threatened, especially from this alternate source of 'Islamic education' and interpretation. In this case, the disapproval reached its climax following the introduction of a *Kur'ān* recitation competition:

"So we started from our *tilāwa*⁷⁶ competition, recitation of the Holy *Kur'ān*, and the people were inspired by that programme. But when it

became popular amongst the youths, so some religious people were afraid [that] these educated westernised people ['Youth Friends'] may get some advantages from these people, so they criticised us crushingly [sic]." ⁷⁷

This might be interpreted as the intrusion of an 'educated' 'westernised' élite into an 'urf-centred Islamic environment - where for religious and political reasons, the introduction of the *tilāwa* competition was suppressed. The extent to which this competition represented 'innovation' or 'un-Islamic' practice is open to question. It would seem, from this example, that 'territorial' mosques or leaders who do not wish to see their influence, position, and/or income eroded may interfere - even if programmes potentially could lead to 'local improvement'.

Within Mingora, there were also claims of political interference in processes of Islamicization: the conflicting agendas impacted on the vocational adult education programmes sought after by local rural inhabitants, who understood that the relative prosperity of Mingora's urban population was linked to the educational opportunities denied to much of the ruralised sector. *Tablighi Jama'at* and *Jam'at-e Islami* sought to promote vocational education (and related 'ideologies'), as an alternative to diminished local resources.⁷⁸ Education has become a political-religious issue in Mingora, programmes for rural people instigated by one political party being dismantled when rival parties acquired power.⁷⁹

Reconciliation of 'contemporary' concerns with Islamic decision-making processes remains high on several agendas in Pakistan. Whilst defined as an

'Islamic Republic', the interpretations of this Islamicity's validity vary considerably, especially in terms of frameworks for interpretation and decision-making in areas beyond *ḥukm* and *ḥudūd*. Priorities vary considerably between different interest groups, slowing down processes of 'Islamicization': for example, the efforts to remove *ribā* has been on the I.I.C. agenda since 1964. This seeks the development of: interest-free commercial banking and financial institutions; a state Islamic banking and monetary policy; and an Islamic methodology of governmental financial transactions.⁸⁰ Frustration was expressed by some interviewees as to the speed of these policies' implementation. Blame was placed on various administrations, a failure of legislative mechanisms, and/or external economic factors associated with the low status of Pakistan within the 'world economy'. The 'urf-centred Islamic authorities were described by some interviewees as idealistic in their theories towards Islamic economics, resulting in disagreement between policy-makers, and processes of Islamicization being stalled.⁸¹ However, for the majority of the population, the Islamicization of the economy might be seen as a less-pressing issue than obtaining enough money for survival.⁸²

Discussions regarding Islamic education, finance, and health-issues acquire different meaning from perspectives of poverty. Access to quality medical treatment is a key-issue within Pakistan, especially for those of limited-income. Islamic responses to health issues in Pakistan - including population planning, organ transplantation, and genetic-engineering - emerged as decision-making concerns during fieldwork.

Family-planning is a contentious issue in Pakistan, which has a natural population growth rate of 3.0%.⁸³ Large families represent, to many Pakistanis, economic benefits and a means of parental security in old age. There is resistance to the concept of smaller families:

"We are spending 5% of national income on health, even less, so only 3% of this is on population planning programme in a country which would much benefit from this. Because you see China is a poor country like Pakistan, but China has introduced a co-ordinated, well-planned programme. They promote good policy data, 'one couple one child', so China is a big population, but they control it ...

"The big problem is the population explosion ... Government is sincere, but can't fight tradition. Government cannot fight in Pathan areas, tribal areas... in Swat, NWFP, there are too many bad traditions. Government came in and convinced [people regarding family planning] that it is for the value of society."⁸⁴

The absence of a population planning programme in this rural area was linked to a lack of education and awareness, and resistance from 'traditional', 'tribal', and 'religious' authorities.

"But I think that the basic solution of population is education. If the people have not been greedy ... they think that more children means more fruit, so it is good to have more children. But even the uneducated women, they don't like many children ...

"A lot of women, they have no institute, no health care, nowhere to go and beg some basic help, especially in mountainous areas. When a foreign researcher went there, all the women were asking her for help to stop having babies. So that was very sensitive, because the people there are very conservative and rigid people. So she was very careful, and said to the women that they should go to a lady doctor in [town] - because the men, they do not care, for the women it is a problem ... Because there is no education, local education is not available."⁸⁵

The extent to which an 'Islamic' decision-making process might form part of a Pakistan family planning programme is a contentious issue, where relatively large families - especially within rural areas - are seen as the 'norm'. The extent to which governmental health workers have been able to undertake work within a remote region is limited, because of the distance, tribal-traditional influences, security fears, and a lack of education amongst the rural population.⁸⁶ However, similar attitudes and approaches towards family size were found within urban environments too.

Sources indicate many rural women would like to practice forms of family planning, because of the health difficulties presented in near-continual pregnancy, and related economic problems. Women were prevented access to contraceptives by their husbands, families, and communities - either directly, or indirectly through social pressures - although preventative measures were practised surreptitiously.⁸⁷ This has a profound effect on the status and role of rural women, and their reproductive rights, although attitudes may vary in different sectors of Pakistani society.

Health issues related to 'family planning' provide indicators towards 'Islamic' decision-making processes within Pakistan. Abdur Rehman represents, on this issue, a 'traditional' viewpoint:

"... Anything that is new, for the betterment of the people, which is innovative - it is valid? The issue of contraception: is it legal to contracept? If the life of the mother is in danger [yes], otherwise it is not

allowed. We are not binding in this principle, we are doing *idjtihād*. Everything which is legitimate in Islam is permissible." ⁸⁸

Any 'flexibility' within this interpretation is linked to obtaining medical advice. Another interviewee, within the Federal *Shari'ah* Council, determined that family planning represented a 'western conspiracy' to reduce Muslim populations. The thesis was that, in the event of a Muslim-Christian 'holy war', Muslim forces would be depleted. Contraception was acceptable for a woman with health difficulties: in other cases, the opinion was '*Allāh* will provide', and unborn children were not to be 'killed' through 'western rumours' generating fear of food shortages and economic difficulties caused by 'over-population'. ⁸⁹ This stress upon population quantity emerged from a source within the state Islamic decision-making sector - and is perhaps a literalist reading of Islamic sources. The desire for smaller average family size was expressed privately by some interviewees. ⁹⁰

Family planning was regarded by several '*ulamā*' as one of the most difficult issues that they faced, alongside that of 'genetic engineering' and specifically 'gender-selection'. This is in the light of developments in embryology and In Vitro Fertilization (I.V.F.), which increase the chances of conception, with the possibility of selecting embryo-characteristics, including gender. In addition, foetal scanning can determine gender, and may result in gender abortion. Some scholars felt that scanning for the determination of gender was acceptable, but not if the result was abortion of a female foetus, which is against the *Kur'ān* (with

certain exceptions). These issues introduce an interpretative and ethical debate, given that 'traditional Pakistani society' represents (in general terms) a preference for male over female offspring. The reasons for this are partly based around the economic pressures of marriage and dowry, the differentials between male and female economic/earning potential, and inheritance issues. The reasons may also be linked to an interpretation of Islamic sources, which indicates that males are 'superior' to females.⁹¹

Concerns were expressed by interviewees about the implications of genetic engineering in the areas of family and property rights, and in the guarantees of 'legitimacy' of any conception. Certain areas of this technology were immediately determined to be 'forbidden', including the use of anonymously donated sperm or surrogate pregnancy. Interviewees' concerns were compounded by the feasibility of after-death conception, for example, a 'test tube baby' could be conceived after its father's death through sperm or embryo preservation. The impact of this upon an Islamic 'marriage contract' would be considerable. Although a marriage is 'finished' on the death of either partner, the existence of a contractual pact or agreement stating that - for example - upon the husband's death, the wife would use preserved sperm to conceive a child raises questions of 'legitimacy'.⁹²

This issue provides an indicator of Islamic decision-making methodological processes, in which modern technology and Islamic 'interpretations' may have to be reconciled. Interviewee responses centred around the following fieldwork question:

"A husband has a sample of his sperm 'preserved', prior to medical treatment (which could render him impotent e.g. radiation treatment for cancer). Two years later he dies in an accident. Following this accident, his wife decides to have a baby through I.V.F. treatment. What is the appropriate Islamic response to this issue?"

This issue provoked intensive discussions, prior to tentative responses being provided. The reaction of some interviewees was that they had absolutely no desire to ever face such a question(!):

"I don't like it in principle, the basic approach of modern secularists is if something can be done, it should be done ... If you do not have a child, it's just like not having money - it doesn't entitle you to go and break open the bank. If you can't have a child, because of blocked tubes or something, then you can do something about it. If it is beyond a certain point then it spins over into the sector of 'just because it can be done, it should be done'. This is not according to Islam.'⁹³

Several interviewees determined that, if faced with this issue in reality, consultation between authorities would be required - within a process associated with *idjtihād* - prior to any decision being made.

Certain core principles, including examination of specific case details, were maintained by one '*ālim*:

"Irrespective of the detailed situations, the principle ... is that we should keep the principle [sic] that the children belong to the husband, and belong to their mother. This is something which is basic in Islam ...

"But in your case, you are saying that the husband has died, or it [the

sperm] is frozen for some time, this could be so, although the bearing is such not to make a ruling outright..."⁹⁴

H.A.D. was asked how this alters the principle of a marital relationship 'ending' at the husband's death, if the wife subsequently conceives?:

"We should ask a question before that? 'Why has it happened?' For example without justification it should not be allowed in the first place. Why take the sperm and freeze it? There should be a good explanation of this process. You don't just do it for fun, or keeping an interval of two or three years. That is not a good justification." ⁹⁵

One 'justification' was reiterated by the researcher: that the husband's radiation treatment has the potential side-effect of impotency:

"That's good justification. But ... if the father is writing in his will that he accepts this process, again that is equivalent to a recognition that this process should take place even after his death. And again that his offspring would be acknowledged and recognised and there would be no problem for the child and no problem for his wife or his mother. Again it could be misused."⁹⁶

"It's another possibility. She plays around, and then says [laughter]: 'This was kept from the sperm of the husband, nobody knows what happened.' All these factors should be weighed together. But the objective of Islam is to keep the real children for their father and mother. This is the principle."

This issue represents the potential difficulties faced in maintaining various Islamic interests and principles, in the light of technological development. The principle objective was to keep "the real children for their father and mother", but other interests also have to be represented (i.e. desire for family, marital

contractual obligations, Islamic ethics and morality).

One scholar believed - in this case - that the conception process was lawful, because the husband died through an 'unnatural' process of radiation therapy.⁹⁷ The original justification for 'freezing' the sperm was another key element; would the same response would have obtained if a man had his sperm preserved, and was then killed in an accident or in war? Clearly, according to H.A.D., each case is circumstantial. The researcher asked H.A.D. whether this was the kind of case in which *idjtihād* had a role to play? The response was cautious:

"Yes. But now you are asking a theoretical [question]. I would not give you a theoretical [answer] at all. It must be the case brought to him. This mother. This father. Specifics. That would be possible. I will see it and then make a ruling. But not on theoretical grounds like this. As if you are giving a general *fatwā*. In this case it should not be allowed. You have to know, this is the mother, this is her situation, and this is the father. And this is the case what is happening. And this it should pass *idjtihād* for a specific situation. Especially in delicate cases like this."⁹⁸

Going beyond the response of the actual issues, H.A.D.'s response represents an example of theoretical implications surrounding Islamic decision-making processes - in particular the fact that it is a decision-making response to individual circumstances, whereas a *fatwā* literally represents a general opinion to an issue.

H.A.D. based his initial conclusion on *hudūd*, in that the 'after-death conception' represented a transgression of the boundaries of Islam. H.A.D.'s

thesis demonstrates his priority, of adhering to (what he understood to be) *Kur'ān*-ic principles, whilst applying lateral thinking to deal with the different issues and possibilities arising out of a decision. These include projected reactions within Pakistan society, and the responses of subsequent generations [i.e. towards possible inheritance disputes]. H.A.D.'s methodology demanded the root-cause of an issue, and matched it to a primary Islamic principle i.e. why the sperm was being frozen, and whether this was a response to a medical issue, or for more 'frivolous' reasons? H.A.D. then matched this to what he saw as primary 'Islamic' principles affecting the parties concerned, and of the wider society, notably the principle of attributing parenthood:

"Again we should weigh all these consequences. And when he [H.A.D.] passes *idjtihād*, he should pass it according to this. It's going to cause havoc in the balance of society. Again he may disallow it because of this ..."⁹⁹

Within Pakistan, this has to be seen in the light of society demands, including 'urf and state law relating to inheritance (which may or may not - depending on the perspective - have been 'Islamicized'). A Federal *Shari'ah* Court source, 'Z.X.', believed that I.V.F. issues raised intense difficulties regarding property right mutation, because I.V.F. was 'against nature' and offered 'no certainty' that preserved sperm comes from 'the legitimate father'. This opinion, based on an initial reading of the fieldwork question, represents Z.X.'s first exposure to this specific issue, which he accepted could play a prominent part in future interpretative agendas. Emphasis was on what were seen as clear injunctions

within the *Kur'ān* to 'go with what God gives', in terms of the *mubah* permissible and *makrūh* non-permissible aspects. However, Z.X. determined I.V.F. could be appropriate, if it was '100% guaranteed' that the sperm and eggs 'definitely belonged' to individuals concerned. Z.X. believed no '*madhhab*' within Pakistan had opposed I.V.F. or 'test-tube babies', when gender-selection was left 'in the hands of God'.¹⁰⁰

In contrast, Abdur Rehman had not been approached about 'gender selection' before, but indicated that it could be permissible. It was seen as being in the 'public interest' (*maslaha al muslahah*) - for example, when a couple had several girls, but no boys:

"According to this point of view the gender-selection is not forbidden in Islam, because for instance if the person has five girls and he does not have a boy then our religion provides a chance to do it. If he can do, he can select gender before the birth of a child. And, for example, a person who has five boys and he wishes to have a girl - then he can do that. Because it provides variations for him, and it is up to him. There is no harm ..." ¹⁰¹

This interpretation of the technology, in terms of 'public interest' and God's Will, is in contrast to that of other scholars:

"... this is laughing at values: even in this Frontier Province, if a male child is born to you then people are very happy and most of the time they start firing [their guns], and a female is born to you and they are very unhappy. This is not Islamic." ¹⁰²

Other sources indicate that gender-selection was not permissible:

" ... I am not a well-read Muslim. Although we are not very much aware of this latest technology that selective babies [sic] can be produced, it is very clearly mentioned in the Holy *Qur'ān* that whatever is in the womb is not known to the people, it is only known to *Allāh*, except a few things that mankind can know."¹⁰³

Whilst the 'technology' is available within Pakistan, the questions surrounding its implications have not been tackled by all decision-makers. To some interviewees, gender-selection represents a case of breaching *ḥukm*, based around clear principles contained within the *Qur'ān*. Z.X. understood the implications of a wider availability of I.V.F. (and related technology) in Pakistan, not just in terms of potential legal difficulties: the preference for male offspring could result in a disproportionate male:female balance in society (at least in those classes able to afford access to the technology). This view was supported by Anis Ahmed, described by some sources as 'progressive' towards technology and Islamic 'advancement' of Pakistani society:

"Don't you think that if this happens on a wide scale, it will change the composition of the human being? In Pakistan nobody would like a girl at all. Nobody. Even if he has ten boys, he will want eleven boys. Again that would be of very serious consequences. It's like these industrialists: years ago people didn't know about industry and smoke and now they realise the damage it does the environment. So if allowed it will cause havoc ..." ¹⁰⁴

Ahmed's understanding was that this 'unnatural' technology would interfere with nature, and therefore was against God's creational judgement - especially gene

selection:

"Perhaps I may be categorised as rather conservative when I say that [despite] all the knowledge of genetics that we have today, I still believe that *Allāh*, creator of all humanity, has much more knowledge than all of our scientists because He has created us from nothing ...

"I think these experiments work for a while ... but we are not yet in a position to understand what was the wisdom when *Allāh* created human beings by selecting one out of ten million genes to make successful fertilisation ...

"So I think this plan to 'play God' is rather ambitious, and we are not yet in a position to ethically judge which of the genes I should permit to survive, and which gene I crucify. It is too much of a claim for a human being to make." ¹⁰⁵

There can be reluctance to use I.V.F., even when it is affordable:

"... Even I should mention that for the well-off this artificial insemination is now available in Pakistan. In my own large family the girl lost the baby and they don't turn to this, despite the very strong pressures like you mentioned ... we don't look upon modern technology as the answer to everything, and this is most notably shown in our attitude to death ..." ¹⁰⁶

This reluctance would have to be balanced - in other cases - with intense family pressures for the production of male children. In some environments, this might result in the husband seeking another wife, through divorce or polygamy. Several interviewees considered there had been a lack of consultation on such issues in Pakistan. These questions are only now appearing on decision-making agendas, and provide examples of a 'new issue' not encountered directly within the *Kur'ān*, and in which different forms of interpretation based have to be applied. Those

who require such innovations do not always seek the opinion of a religious authority, prior to utilising them.

Other medical issues provide examples of 'contemporary issues' that required Islamic responses in Pakistan.¹⁰⁷ Despite opinions regarding preventing 'body-mutilation' after death, interviewees agreed that - according to all *madhhab* - organ transplantation was acceptable. The issues raised by this were not examined from a legal viewpoint, as the human body is seen as being 'owned' by God:

"I think that when I am donating my eye, do I have authority? Do I own it? Is it mine? And [according to] the approach of Muslim scholars through the centuries, my body is owned by *Allāh* and life is given by *Allāh* as a trust. I am authorised to use it, but not to misuse it, I am authorised to use my body in a healthy, natural way - but if I commit offence against my body, then the *Qur'ān* calls it '*zulm*': injustice and exploitation."¹⁰⁸

There was concern that an illegal trade in organs could emerge in Pakistan - as in certain South American states - which would be against public interest. Organ trade would have different implications (in terms of contractual obligations and morality) compared to organ donation.¹⁰⁹

As an extension of the discussion about medical issues with implications for women, gender roles are a prominent concern in interpretative matters.¹¹⁰ Male decision-makers make fundamental decisions for - or regarding - Pakistan's females. Several interviewees sought to promote an increased role for women (in

selected areas). Access to education for women - especially 'Islamic' education - was described as a key issue. Some *madrasa* - for example, *Jamia Ashrafia* - run parallel high-level 'Islamic sciences' courses for male and female students, and claim:

"Women also make an equal role in decision-making. About 400 women are studying in this *Jamia Ashrafia*, and they are also involved in this decision-making. They play important roles in this subject ..." ¹¹¹

Unlike high-achieving male students at *Jamia Ashrafia*, female students cannot progress to higher institutions to attain qualifications for 'ālim status (access to higher education is an issue for many Pakistanis).

For women, education may be restricted by family pressures to ensure a good marriage, which could be compromised by attendance at certain institutions. Opportunities for education after marriage are limited. Several sources believed the marriage contract's '*Kur'ān*-ic' nature was not generally observed in Pakistan, and that 'Islamicization' still had to make a positive impact in this area.¹¹²

"... Here in Muslim countries, we read it but don't practice it [the *Kur'ān*]. In Islam, a husband must provide food, shelter and dress to his wife, and it is a contract between two equals: two independent persons.

"And whenever they cannot stay to this contract, there are ways out. She can have her property, can do business, she has a share in her husband's property. But in practice, no.

"So these [are the] extremes: in the West she has been exploited in the name of 'freedom', and here in the Muslim countries, she is being exploited in the name of 'Islam'." ¹¹³

There was a widespread recognition that exploitation of women took place on a wide scale within Pakistan, and that reform of patriarchal, 'urf-centred societal interpretations of Islamic sources was a key issue.

Interviewees presented many idealised references to the role of women. Attention was drawn to the paradox of Pakistan having a female Prime Minister, whilst women's rights were in 'a poor condition'. Benazir Bhutto's position was frequently attributed to her family's power, particularly the status of her father, rather than as an indicator towards specific 'equal opportunities' or improved gender roles in Pakistan. There are still many long-standing problems within Pakistan's urban and rural environments:

"The biggest problem for our women is that they are now facing the traditional problems [sic] ... the traditional environment, which is different to British society, where women have the rights to work for their job ... the next hurdle is that the political system in this country does not care for the woman development problems [sic]. So these two problems are facing woman's society.

"The third big problem is that our society is backward ... and there are too much [so many] women, and they have too much [so much] experience, working in the field of agriculture mostly; they work in household and industry, they are working much higher [harder?] than men, but ... the government is not attending to their problems. And it does not know what to do for them." ¹¹⁴

If widespread women's repression is based upon interpretation on Islamic primary sources, then clearly decision-makers within Islamic frameworks **could** in theory make a contribution to improving the situation. In practice, a policy to

promote changes in attitudes - even with an Islamic basis - is unlikely to be implemented in the short-term. Certain Islamic interpretations - for example, those of Israr Ahmed - seek to increase the limitations upon women in the public sphere.¹¹⁵

Within one rural community, 'I.W.A.', an educationalist and activist, sought to increase governmental promotion of women's roles in society:

"For most women, they are bearing the sheep, the poultry, in their house, they are extending the earning for their families ... but the government are not promoting the programme for the woman.

"And you know that a woman Prime Minister is now in Pakistan ... the western media might think that women must have much progress in Bangladesh or Pakistan because they have women leaders, but I think the opposite is true."¹¹⁶

I.W.A. has observed the results of various Islamic decision-making processes within Pakistan - including those made with the backing of (different) religious 'authorities'. I.W.A. referred to how women in rural society have to contend with 'Islamic authorities' promoting localised Islamic interpretations, which have detrimental implications for women - in the areas of reproduction rights, education, marriage contracts, and financial security.

I.W.A. commented upon institutions that have been established to 'help' women, based on 'Islamic principles'. For example: the 'Woman's Bank' was intended to provide *ribā*-free loans to establish income-generating schemes, and

to provide a secure place to deposit funds inaccessible to those men, who - whilst often not working themselves - squandered family income on leisure pursuits. Despite the founding Islamic principles, it was not always possible for women to obtain sympathetic assistance from the Woman's Bank:

"In the first government of Benazir, she established a Woman's Bank, but all the officers, the managers, the staff were men."¹¹⁷

This made access, within local understandings of male:female contact, very difficult for women.

The level to which male-centred culture is confronted by women, even when based around institutions that are meant to represent and improve women's status is a key issue which - according to some sources - required re-evaluation of Islamic interpretations.¹¹⁸ For example, in terms of law and order, women frequently had problems gaining access to the predominantly male police force. There was a fear of police corruption, and a danger of being seen unchaperoned with a male officer - within a society where such an encounter could lead to ostracism (or death):

"... In this government, she [Benazir] established women's police stations, one station in Hyderabad, one in Pindi, [Rawalpindi], one in Karachi. In Pindi and Karachi they are working, but in Hyderabad the society is not yet ready.

"There was also a policy to establish one women police station in Peshawar, so there are enough unemployed and educated and needy women [to fill the posts], they all applied. But we heard nothing about what happened to that women's police station. ...

"Here I said there is a lot of opportunity for women, they are in need for women in law. If you provide law for women, they will resolve things [problems] ..." ¹¹⁹

I.W.A. believed it was 'un-Islamic' for Pakistan to claim to be an 'Islamic Republic', where over half the population has no access to basic avenues of law. Women police in major cities could not resolve the problem, but would provide one possible channel for women in difficulties. ¹²⁰

I.W.A. stated that, within her rural environment, the majority lacked basic education and health rights - as well as marriage rights, where early weddings were encouraged for daughters. These were all areas where I.W.A. believed re-evaluation of the Islamic basis of decision-making and opinion formation was necessary. I.W.A. expressed pessimism about the current '*ulamā*' achieving this in Pakistan, and was unimpressed with a Lahore interviewee who had stated that men had to be educated first, and that women's education would have to come second(!). ¹²¹ I.W.A. believed education provided one of the keys for women to improve their situation, especially within Pakistan's rural environments. Operating as an activist within such a male-centred environment, where oppression was 'justified' by specific Islamic interpretations, was in itself difficult for I.W.A. - with limited support-mechanisms available.

In the context of potential avenues for Islamicization or Islamic decision-making, other issues raised by interviewees included those relating to technology and its impact upon interpretation. ¹²² Priorities referred to were the increased

roles of computers and global communications. Examples were raised by the researcher of computers being applied as teaching tools for Islam, including in the pronunciation and reading of the *Kur'ān*.¹²³ The Internet, offering rapid global inter-personal communication and the wide dissemination of ideas, provoked some concerns - particularly accessibility to 'alternative' interpretations from other Islamic perspectives - and what agendas and interpretations these parties had. Comparisons were drawn with the influence of satellite television, which provides a wide variety of opinions and images, which some see as 'corrupting' or 'un-Islamic' (from 'Western' and non-Western sources).¹²⁴

Others believed that new technology could fulfil an important role in broadening the resources of Islamic interpretation, with implications for the 'global *'ummah*' and Pakistan's decision-making processes:

"The development of this technology is going to make *idjtihād* much more easier for people. I don't have to look into this encyclopedia of law, or a book of comparative law, or go to a concordance of *Kur'ān* and find out where in world *ribā* is used - how many times. I simply need to move to my keyboard and tap in the keyboard, and it is going to give me how many places it appears within the *Kur'ān*, in *Hadīth*, in *Fikh* books - and that is going to provide me with enormous material which can be analyzed.

"Yet the poor human beings' mind cannot be disregarded. With all this technological help, if I keep my mind locked and I never use it properly, no *idjtihād*. But I think modern gadgets make *idjtihād* much easier - and with Internet it is going to be easier for me to verify my findings, with a scholar in my micro-micro area who lives in Tunis. I just use my e-mail and reach him, and verify from him and compare with him his observations and modify my views. This makes *idjtihād* easier and not complex."¹²⁵

Computerised Islamic resources are being established in Pakistan. For example, the *Dawā* Academy at the International Islamic University, Islamabad, seeks to utilise networking opportunities - including inter-Muslim and inter-Faith dialogues. In comparison, a media-oriented source in *Jama'at-e Islami* did not seem concerned with the potential of the Internet or satellite television as a means of nationally or globally distributing their interpretation of Islam, or increasing the Islamicization processes.¹²⁶

For a significant proportion of the population, technological considerations are unimportant compared with 'spiritual matters'. The relationship with *Allāh* may be prevalent for all sources consulted in Pakistan. Priorities of interpretation varied: from those who sought to utilise Islamic sources within every aspect of life to 'Islamicize' Pakistan; through to those unconcerned with the 'minor' matters of the mundane world, concentrating on Revelations within the *Kur'ān* such as the predictions for Judgement Day.

Decision-making and opinion-forming processes incorporate the acceptance, (re)interpretation, and rejection of different aspects of Islamic 'sources'. There may be consensus on 'rigid' core-principles, but in matters deemed 'flexible', there can be variation in opinion. This in itself should not be surprising or interpreted as 'un-Islamic', being representative of Pakistan's diversity, and illustrative of the varied methodologies utilised in interpreting Islam's sources within different Islamic environments.

Pakistan incorporates several parallel models of Islamic interpretation, not necessarily in synchronisation with one another. There was no consensus in Pakistan (from the sources consulted) on the utility of *idjtihād*, within the different definitions and emphases of this term. The divergence of opinion represent some of the global Islamic debates on approaches to Islamic sources. The long-standing dialogue on interpretation, 'Islamicization', and implementation of 'Islamic' policies continues. The process of reconciling theoretical interpretative understandings with the practicalities of implementation occupies many authorities.

The creation of a single Islamic decision-making model in Pakistan requires the kind of consensus on **all Islamic issues** that is perhaps idealistic. Within a Republic of such divergent interests and understandings, many interviewees indicated that achieving the ideal was impossible, impracticable, or undesirable. Dealing with the interpretation of contemporary issues and concerns - including examples of technology, finance, politics, education, and medicine discussed above - demonstrates the difficulties of reconciling varied Islamic interpretations. Apart from 'new' issues, within the area of personal law there is also difficulty in re-interpreting existing laws to fully accommodate all Islamic interests. Recognition and acceptance of interpretative diversity varied.

The question of whether a radical **new** model of interpretation **or** a 'conventional' model will be effective involves challenging and discussing notions and ideals of Islamic decision-making and opinion-formation. Such a dialogue

is not represented on a wide-scale, at either national or local levels in Pakistan. This may indicate contentment with the status quo, resignation to the current situation, or an inability or unwillingness of Islamic 'authorities' to dialogue.

For the individual (especially at rural poverty level), the matters of state and religious authority in Islamic decision-making are of less concern compared with other issues - including economic survival, personal networks, and/or a personal relationship with *Allāh*. For the majority of Muslims in Pakistan, these interests continue to form the basis of any interpretations, interest in, or understandings of Islamic primary sources. Awareness of interpretative nuances is superseded by basic principles of (aspects and interpretations of) *hudud* and *hukm*: authority, doubts, and decisions on Islamic matters are influenced through local authority networks.

The impact of national or regional Islamic policies may filter down to these local levels, but their influence could be dissipated. The 'urf-centred model, based on ancestral practices, pervade 'Islamic' understandings of daily life. The likelihood of this primary Pakistan paradigm changing in the short-term - or indeed whether it is desired or feasible - remains a dominant subject, at least for theoretical discussion, amongst Pakistan intelligentsia.

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1. The 1993 population was estimated at 122,801,508 people. 66% of the population are estimated to be farmers. Federal Bureau of Statistics, Pakistan Statistical Yearbook 1992 & 1993 (Karachi: Economic and Statistics Division, Government of Pakistan, 1994), pp. 12, 66.
2. These models have precedents within Pakistani/Indian sub-continent/Islamic history, and are discussed elsewhere. G.R. Bunt, "*Idjtihād and Tadjdīd*," (Unpublished manuscript, Centre for Islamic Studies, University of Wales, Lampeter, 1995).
3. The term '*madhhab*' is applied here in the general sense of 'schools of interpretation', rather than specific 'schools' such as the four *Sunnī madhhab*.
4. See: Mumtaz Ahmad, "Islamic Fundamentalism in South Asia: The *Jamaat-i-Islami* and the *Tablighi Jamaat* of South Asia", Chap. in Martin E. Marty and R. Scott Appleby, eds., Fundamentalism Observed, (Chicago and London: University of Chicago Press), pp. 522-523. M. Anwarul Haq, The Faith Movement of Mawlana Muhammad Ilyas, (London: George Allen & Unwin Ltd., 1972), pp.210.
5. See: Barbara Daly Metcalf, Islamic Revival in British India: Deoband, 1860-1900, (New Jersey: Princeton University Press, 1982), pp.139-143. Hamza Alavi, "Ethnicity, Muslim Society, and the Pakistan Ideology" Chap. in Islamic Reassertion in Pakistan: The Application of Islamic laws in a Modern State, ed. Anita M. Weiss (New York: Syracuse University Press, 1986), pp. 30-32.
6. Ibid., Alavi, p. 31. Metcalf, pp. 265-267.
7. For example, see: Christian W. Troll, Sayyid Ahmad Khan: A Reinterpretation of Muslim Theology, (New Delhi: Vikas Publishing House, 1978), pp. 31-4. Gail Minault, The Khilafat Movement: Religious Symbolism and Political Mobilization in India, (Delhi: Oxford University Press, 1982), pp. 1-27.
8. The role of Pakistan's *pīr*'s has been contrasted with that of other '*ulamā*' - especially in terms of governmental attempts to create support in rural areas through granting of privileges, governmental control of shrines, and sponsorship of *īmāms*' training. See: Saifur Rahman Sherani, "*Ulema and Pir* in Pakistani Politics" Chap. in Economy and Culture in Pakistan: Migrants and Cities in a Muslim Society ed. Hastings Donnan and Pnina Webner, (London: Macmillan, 1991), pp. 216-241.

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9. The researcher was conscious that 'modernity' was equated with 'Westernisation' by some interviewees.
10. These terms - which can interlink with each other - are examples of those used by certain interviewees to indicate their personal positions within decision-making frameworks.
11. Maulana Abdur Rehman, an 'alim of *Jamia Ashrafiya madrasa*, Lahore, was observed being consulted on personal decisions requiring Islamic solutions - utilising what he described as '*idjtihād*'. People travel long distances for his expertise on aspects of Islam and interpretation of personal law. Abdur Rehman also mediated in family disputes, often 'as a last resort' after other avenues had been unsuccessful. *Jamia Ashrafiya madrasa* provides full-time Islamic education facilities for male and female children, and young adults.

Maulana Abdur Rehman, trans. Aamer Yaqub, interview by researcher, 18 April 1995, tape recording, *Jamia Ashrafiya*, Lahore.

12. In North West Frontier Province (N.W.F.P.), religious 'authorities' (from village-level upwards) were observed being approached by individuals, for access to their prestige and influence - associated with a family's religious status - as much as knowledge or interpretative skills. These incidental factors are analogous to detailed discussions on influence and status within Swat. See: Frederik Barth, *Political Leadership among Swat Pathans* (London: University of London, Athlone Press, 1959), pp. 93-102. Akbar S. Ahmed, 'Religious presence and symbolism in Pukhtun society', Chap. in: *Islam in Tribal Societies: From the Atlas to the Indus* ed. Akbar S. Ahmed and David M. Hart, (London: Routledge & Kegan Paul, 1984), pp. 326-328.
13. This seminar, with twelve male and four female postgraduates, was at the Institute of Leadership and Management, Lahore. They came primarily from wealthy, well-educated backgrounds. In terms of education-level, social class, and income, this group are not representative of the majority-population. However, they provide one perspective representing the future management/elite within Pakistan, and well-established 'class values'.

Institute of Leadership and Management Students, seminar with researcher, 17 April 1995, tape recording, Lahore.
14. These opinions may represent 'what was expected' in the seminar setting - in the presence of a course tutor - rather than personal opinions.

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15. A number of conspiracy theories emerged during various discussions, including: 'western' and 'Zionist' plots to 'control Islam', and certain political viewpoints being linked to 'external' agendas seeking to incorporate Pakistan within a future dominant Islamic world-view.
16. Muhammad Ali Jinnah applied aspects of 'Islamic' rhetoric, influenced by Indian sub-continent 'reformers', during the campaign for a Muslim homeland. In contrast, Abul A'lā Mawdūdī initially opposed the creation of (East and West) Pakistan, believing Islam's best interests were best served within a unified India.
17. For an 'insider' account of Pakistan's foundation, see: Afzal Iqbal, Islamisation of Pakistan, (Delhi: Idarah-i Ababiyat-i Delli, 1984), pp. 168.
18. Constitutionally, the I.I.C. was to include judges, academics, and at least one woman - in a membership ranging from eight to twenty people. The I.I.C.'s function was:

"... to make recommendations to *Majlis-e-Shoora* (Parliament) and the Provincial Assemblies as to the ways and means of enabling and encouraging the Muslims of Pakistan to order their lives individually and collectively in all respects in accordance with the principles and concepts of Islam as enunciated in the Holy Qur'an and Sunnah ...

"... to make recommendations as to the measures for bringing existing laws into conformity with the injunctions of Islam and the Stages by which such measures should be brought into effect."

Council of Islamic Ideology, Briefing about Council of Islamic Ideology (Islamabad: 1974), Section 230 (1), p. 5.
19. op. cit., Afzal Iqbal, p. 81.
20. For analyses of the opposition to Z.A. Bhutto, see: Rafiuddin Ahmed, "Redefining Muslim Identity in South Asia", Chap. in Accounting for Fundamentalisms: The Dynamic Character of Movement, ed. R. Scott Appleby and Martin E. Marty, (Chicago & London: The University of Chicago Press, 1994) pp.669-705. Mir Zohair Hussain, "Islam in Pakistan under Bhutto and Zia-ul-Haq", Chap. in Islam, Muslims and the Modern State, ed. Hussin Mutalib and Taj ul-Islam, (London: Macmillan Press, 1994) pp. 53-54.
21. op. cit., Afzal Iqbal pp. 107-121, for details of Zia's regime up to 1983.

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22. John Esposito, "Islam: Ideology and Politics in Pakistan", Chap. in The State, Religion and Ethnic Politics: Afghanistan, Iran, and Pakistan ed. Ali Banuazizi and Myron Weiner, (USA: Syracuse University Press, 1986), pp. 343-50.
23. Symbols and practices included: 'Islamic dress-code'; *Kur'ān* quotations on official buildings; close monitoring of *Ramadān*; *ḥaḍj̣ḍj̣* promotion, and the designation of Friday as a weekly holiday. In 1979, *Shari'ah* law benches were introduced by the Zia administration. op. cit., Mir Zohair Hussain pp. 60-66.
24. Rashida Patel, Socio-economic Political Status and Women and Law in Pakistan, (Karachi: Faiza Publishers, 1991), p. 35.
25. Professor Dr. Saeed Ullah Qazi, Director, Sheikh Zayed Islamic Centre, University of Peshawar, interview by researcher, 7 May 1995, tape recording, Peshawar.
26. The *Kur'ān*-ic Arabic term '*al-sīrat al-mustaqīm*' is more generally ascribed the meaning of "the straight path." M.A. Qazi translates the term as "the right path, al-Islām - the religion of truth." Ismā'īl Rājī al Fārūqī defines it as "the straight path of righteousness which Allah ... has revealed to the Prophet Muhammad for the guidance of humanity, usually joined to the epithet al mustaqīm ('the straightforward'). Yusuf Ali gives the term the meaning of "the straight way," in his translation of *Sūra Fātiḥa* [*Kur'ān Sūra* 1:6]. See: M.A. Qazi, A Concise Dictionary of Islamic Terms, (Delhi: Noor Publishing House, 1989), p. 64. Ismā'īl Rājī al Fārūqī, Towards Islamic English, (Virginia: International Institute of Islamic Thought, 1986). Abdullah Yusuf Ali, The Holy Qur'an: Text, Translation and Commentary, (Jeddah: Islamic Education Centre, Ed. 1946).
27. 'T.R.' [pseud.], interview by researcher, May 1995, transcript of notes, Islamabad.
28. op. cit., Saeed Ullah Qazi
29. Javed Ahmed Ghamidi, Director, *al-Maurid* Institute of Islamic Research and Education, trans., interview by author, 20 April 1995, tape recording, Lahore.

Ghamidi describes *al-Maurid's* purpose as seeking to: "... revive the academic world on religion and to re-evaluate all the relevant areas" through 'returning' to the *Kur'ān* and *Sunna* as definitive sources of *sharī'a*."

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30. For example, see: *Sūra al-Mutaffifīn*, (*Sūra* 83).
31. Dr. Israr Ahmed, Director of the 'Qur'an Academy', *Markazi Anjuman Khuddam ul Qur'an*, interviewed by researcher, 24 April 1995, tape recording, Lahore.
- Dr. Israr Ahmed is a medical doctor, who left India during the Partition, and was a former leading member of *Jama'at-e-Islami*. During the Zia regime, he sat on the I.I.C. and *Majlis-i-Shura*. Ahmed's regular television programme, *al-Huda*, was withdrawn in 1982, following his opinion (in a newspaper) that women should not participate in Pakistan society - if it was to become a truly 'Islamic State' - and that they should be confined to the home. See: Khawar Mumtaz and Farida Shaheed, Women of Pakistan: Two Steps Forward, One Step Back. (London: Zed Books, 1987). pp. 83-6. Israr's view that 'the Arabs' are responsible for 'the decline of Islam' is also reproduced in: Israr Ahmad, Calling People Unto Allah, (Lahore: *Markazi Anjuman Khuddam ul Quran*, 1993) pp. 8-10. Israr gave an address at the *Khilafah* Conference in London, 1994, organised by *Hizb ut-Tahrir*.
32. op. cit., Israr Ahmed (interview)
33. op. cit., Saeed Ullah Qazi
34. op. cit., Israr Ahmed (interview)
35. The 'think tanks' reflect specific interest groups and agendas. For example, the researcher visited Khalid Rahman, Executive Director of the Institute of Policy Studies (I.P.S.), Islamabad. I.P.S. has a wide academic brief, incorporating Islamic economics, diplomatic policies, human resources development, and international relations. I.P.S. publishes widely, and is involved in training in these areas.
36. The process of 'consultation' at local level i.e. with an '*ālim*, *mūftī*, or *pīr*' having been exhausted, people seeking further advice or qualification of existing decisions may in exceptional circumstances go 'higher up the chain' to a regional or national authority (if an appropriate one exists). This 'authority' is unlikely to be 'governmental' (which many seek to avoid), but is linked to other 'independent' religious authorities and interests.
37. op. cit., Maulana Abdur Rehman
38. The concept of dialogue between these different interests is limited, through failure to locate common ground, although efforts were being

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made to establish dialogue during 1995.

39. op. cit., Javed Ahmed Ghamidi

40. op. cit., Maulana Abdur Rehman

41. Dr. al-Tayib Z-Alabidin, International Islamic University, interviewed by researcher, Tape recording, Islamabad, 2 May 1995.

This was a joint interview (in English and Arabic) conducted by the researcher, with Dr. al-Tayib Z-Alabidin and his colleague Dr. A.M. al-Assal, Vice President, International Islamic University. Shaykh al-Assal is Egyptian-born, and was educated at al-Azhar University and the University of Cambridge. He is widely consulted in Pakistan for opinions and decisions on Islamic topics.

42. Professor Dr. Anis Ahmed, Director General, *Da'wah* Academy, International Islamic University (I.I.U.), interview by the author, 30 April 1995, tape recording, Islamabad.

Anis was formerly a Visiting Professor of Islamic Revealed Knowledge at the International Islamic University, Kuala Lumpur - and Professor of Comparative Religion at I.I.U. He is a Past President of the American Association of Muslim Social Scientists. Anis is the brother of Khurshid Ahmed (see below), but has a different approach on many issues.

43. An example of this could be the treatment of women. See: Anis Ahmed, Women and Social Justice: Some Legal and Social Issues in Contemporary Muslim Society. (Islamabad: Institute of Policy Studies, 1991).

44. op. cit., Dr. al-Tayib Z-Alabidin

45. 'Evolution' is used in the sense of 'gradually changing' rather than 'improving' (Islamic interpretation).

46. Khurram Murad, *Naib 'amir* (Vice President), *Jama at-e-Islami*, interviewed by author, 22 April 1995, tape recording, Lahore.

Senator Khurshid Ahmed is the other Vice President. In addition to influence in Pakistan, both Murad and Ahmed played key roles in U.K. Islamic institutional development, through creation of the Young Muslims and the Islamic Foundation, Leicester. These institutions receive financial aid from Saudi Arabian sources, including philanthropic agencies (such as World Muslim League and International Islamic Relief) and

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individuals.

47. Muhammad Khalid Masud, "Adab al Mufti: The Muslim Understanding of Values, Characteristics, and Role of a Mufti" Chap. in Moral Conduct and Authority: The Place of 'Adab in South Asian Islam ed. Barbara Daly Metcalf (Berkeley & London, University of California Press, 1984), p. 125.
48. Whilst the researcher seeks to avoid sexist language, within the Pakistan context, all opinion-makers and decision-makers encountered were male.
49. op. cit., Maulana Abdur Rehman
50. University education is not available for all levels of interpreters. Considerable variations in 'Islamic knowledge' may exist, especially between rural and urban settings. The title of '*mūftī*' may be honorary, rather than representative of a specific 'qualification'.
51. There is no consensus on the qualifications for a *Sunnī mudjtahid*. According to one source, in addition to knowledge of the *Kur'ān*, a *mudjtahid* requires: knowledge of the books of *hadīth*; awareness of the science of *riḍjāl* to recognise authentic *hadith*, and knowledge of how to debate *hadīth* authentically; the decisions of jurists in the past should be known, and a *mudjtahid* must have a deep knowledge of Arabic and the principles of jurisprudence (*uṣūl al-fikh*); personal piety, and knowledge of modern issues is also required. See: E. Khan ed., International Seminar on Reconstruction of Islamic Thought, (New Delhi, *Bait al-Hikmah* Trust, n.d.), pp. 63-64. *Ency. of Islam*, VII, pp. 296-297.
52. Sayyid Abul A'lā Mawdūdī (1903-79), a journalist, established *Jama'at-e Islami* in 1941. His experiences were shaped during the Partition period; he wrote extensively on a variety of subjects. For a brief biography of Mawdūdī, see: Ency. of Islam, VI, pp.872-4. Mawdūdī's publications include a *tafsir*, which has been translated (twice) into English: Sayyid Abul A'lā Mawdūdī, Towards understanding the Qur'ān (Tafhīm al-Qur'ān) Vol. I-IV, trans. & ed. Zafar Ishaq Ansari (Leicester: Islamic Foundation, 1988-1993).
53. Maulana Abdul Malik, trans. Jameel Khan, interview by author, 22 April 1995, tape recording, Mansoorah, Lahore.

Maulana Abdul Malik is an '*ālim* in *Jamaat-e-Islami*, and was interviewed at the *Jamaat* central offices.
54. op. cit., Maulana Abdul Malik

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55. op. cit., Anis Ahmed (interview)
56. This model can be compared with certain Islamic decision-makers in Malaysia, particularly those associated with A.B.I.M.
57. op. cit., 'T.R.'
58. One interviewee, a student undertaking an Islamic Master's programme (not at I.I.U. Islamabad), had a curriculum centred around learning *s̄ra* by rote. It was unfavourably compared by a contemporary (in a non-Islamic science programme) to elementary *madrassa* education.
59. For example, they may wish children to receive guidance in reciting the *Kur'ān*, or to follow specific 'Islamic' practices. 'Middle-class' individuals encountered expressed a wish that children received a professional training, for example in business or law (this was a usual - but not exclusive - expectation for male children).
60. op. cit., A.M. al-Assai
61. op. cit., A.M. al-Assal
62. Khurshid Ahmed, interview by researcher, 30 April 1995, tape recording, Islamabad.
- Professor Khurshid Ahmed is a Senator of the Pakistan Parliament, joint Vice President of *Jama'at-e Islami* (with Khurram Murad), and Chair of the Institute of Policy Studies. An engineer by training, he was associated with the establishment of the Islamic Foundation in the U.K.
63. op. cit., Khurshid Ahmed
64. This can be contrasted with *Jama'at-e Islami*'s pervasive influence in other areas, for example through Pakistani institutions such as the Institute of Policy Studies, and the International Islamic University, Islamabad - as well as through its international connections. Certain political compromises made by *Jama'at-e Islami* have disenchanted certain members, whilst its political and religious ideals have been taken out of the party and utilised by other 'Islamic' platforms. This is discussed in detail, in: Seyyed Vali Reza Nasr, The Vanguard of the Islamic Revolution: Jama'at-i Islam of Pakistan (Berkeley: University of California Press, 1994), p.43, pp. 60-62 & passim.
65. This desire to 'change' the 'democratic' system, in the light of political failure, is characteristic of other political systems. Khurshid Ahmed cited the effects of landlord power, influencing the voting patterns within rural

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communities, together with the pressures of (government) media on an electorate with a low standard of education and understanding.

66. op. cit., Khurshid Ahmed
67. op. cit., Khurshid Ahmed
68. The actual process of decision-making in the Federal *Shari'ah* Court is one of consultation. Petitions are presented by individuals, asserting opinions regarding the 'Islamic' natures of specific laws. Within a petition, there is a description of how a specific law is 'against the injunctions of *Kur'ān* and *Sunna*, and how it should be amended through legislation at the National Assembly of the Senate. The Federal *Shari'ah* Court issues a notice, prior to the issue being discussed by the I.I.C. Then a decision is provided. The government has the right to appeal against the decision within the Federal *Shari'ah* Court. Finally, the decisions and notes are published and circulated.
69. 'B.X.' [pseud.], interview with researcher, May 1995, tape recording, Islamabad.
70. op. cit., Javed Ahmed Ghamidi
71. op. cit., 'T.R.'
72. op. cit., Maulana Abdur Rehman
73. Rahman's interpretation did not extend to legitimating the control of the nuclear system - or whether it was simply non-Muslims who were 'the enemy'.
74. op. cit., 'T.R.'
75. Ihsan ul-Haq Haqqani, interview by researcher, 6 May 1995.
76. The word '*tilāwa*' is a transliteration of the Arabic word, meaning "reading; public reading; recital, recitation." op. cit. Hans Wehr, p. 96.
77. op. cit., Ihsan ul-Haq Haqqani
78. Ibid.
79. Further, additional difficulties were imposed on women seeking educational opportunities, both in urban and rural settings, especially when women sought to obtain family and local society approval for educational endeavours.

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80. Council of Islamic Ideology: Elimination of Riba from the Economy & Islamic Modes of Financing 2d. ed. (Islamabad: Council of Islamic Ideology, 1992), pp.172. Justice Dr. Tanzil-ur-Rahman - Islamic Criminal Laws (Part I - Hudud) (Islamabad: Council of Islamic Ideology, n.d.), pp.92.
81. 'S.O.A.' [pseud.], interviewed by researcher, May 1995, transcript of notes.
82. The discussions regarding 'survival' took many forms in Pakistan. Several people asserted that 'what God has given is enough' (these fatalistic individuals tended to come from relatively-wealthy 'middle'-/'upper'-class backgrounds).
83. There has been a decline in the infant mortality rate, from 143 per 1,000 live births in 1962-6 (average) to 14.7 per 1,000 live births in 1990. op. cit., Pakistan Statistical Yearbook, p. 14. "Pakistan is set to become the third most populous country. Average number of children per mother in Pakistan: 5.9. In India and Bangladesh: 3.4." Population Action International (n.d.), in "Digitations", The Guardian, May 19, 1996.
84. 'U.A.', [pseud.], interview by researcher, April 1995, tape recording.
85. 'I.W.A.', [pseud.], interview by researcher, May 1995, tape recording.
86. op. cit., 'I.W.A.'
87. 'F.A.', [pseud.], interview by researcher, May 1995, tape recording.
88. op. cit., Maulana Abdur Rehman
89. 'Z.X.' [pseud.], interview by researcher, May 1995, transcript of notes, Islamabad.
90. Several critics of the P.P.P. government in 1995 indicated that Prime Minister Bhutto **had** presented the 'correct Islamic view' at the 1994 Cairo Conference on Family Planning. This view was generated in part through consultation with religious leaders and advisors, including those placed within the Federal Shari'ah Court.
91. This is discussed in detail elsewhere: G.R. Bunt, Women, Gender and *idjtihād*, (Unpublished manuscript, Centre for Islamic Studies, University of Wales, Lampeter, 1994).
92. An alternate scenario would be, after a wife's death, the husband's use of 'their' embryos in a 'surrogate mother'.

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93. Dr. Khalid Alavi, Director, Sheikh Zayed Islamic Centre, University of the Punjab, interviewed by researcher, 20 April 1995, tape recording, Lahore.
94. 'H.A.D.', [pseud.], interview by researcher, May 1995, tape recording.
95. op. cit., 'H.A.D.'
96. Ibid.
97. 'P.A.' [pseud.], interview by researcher, May 1995, tape recording.
98. op. cit., 'H.A.D.'
99. 'I.N.', [pseud.], interview by researcher, April 1995, transcript of notes, Lahore.
100. op. cit., 'Z.X.'
101. op. cit., Maulana Abdur Rehman
102. op. cit., Saeed Ullah Qazi
103. op. cit., Maulana Abdul Malik
104. op. cit., Anis Ahmed (interview)
105. Ibid.
106. op. cit., Khalid Alavi
107. These responses can be compared with those of Muslim decision makers within Malaysia.
108. op. cit., Anis Ahmed (interview)
109. The opinions connected with the concept of *Allāh*'s provision of a body, can also be linked with the issue of euthanasia and the 'Islamic' stigmatisation of suicide; permitting euthanasia was seen as violating the ethics of society, and the authority of *Allāh*. As such, euthanasia was not high on the agenda for discussion or for *idjtihād*, as the *Qur'ān* was seen to have clear injunctions on related issues [for example, see *Sūra Imrān* (*Sūra* 3:145)].
110. For a male researcher in Pakistan, gaining access to female interviewees was difficult. A number were encountered as part of the socialisation processes (with the permission of males within their families).

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2: Pakistan

111. op. cit., Maulana Abdur Rahman
112. For a discussion on marriage contracts, see: Rubya Mehdi, The Islamization of the Law in Pakistan (Richmond, Surrey: Curzon Press/Nordic Institute of Asian Studies, Monograph Series No. 60, 1994), pp.118-22.
113. op. cit., Saeed Ullah Qazi
114. op. cit., 'T.R.P.'
115. op. cit., Mumtaz & Shaheed, pp. 83-86.
116. op. cit., 'I.W.A.'
117. Ibid.
118. There were difficulties in obtaining interviews with staff connected with the Women's Bank. The Bank's current status and policy is open to further research.
119. op. cit., 'I.W.A.'
120. The introduction of women police to date has been seen as a positive symbol and role-model for some women in Pakistan: one educated teenager encountered during fieldwork stated, in all seriousness, that it was her ambition to become Pakistan's first woman Police Commissioner. 'P.C.L.', [pseud.], interview by researcher, April 1995, tape recording, Lahore.
121. 'L.M.K.', [pseud.], interview by researcher, April 1995, tape recording, Lahore.
122. The impact of technology influenced many Islamic 'reformers', especially during the late nineteenth and early twentieth century.
123. Similar programmes are developed and available in the U.K.
124. 'P.U.R.' and 'B.A.H.', [pseud.] interview by researcher, April 1995, transcript of notes, Lahore.
125. op. cit., Anis Ahmed
126. This was probably linked to the short-term considerations of reaching a 'wider' audience through the distribution of audio and video tape materials within Pakistan.

3 Malaysia

Certain Islamic organisations and Muslim individuals in Malaysia maintain strong links with their Pakistani peers, and there is a mutual interest in their respective approaches towards Islamic issues. However, on a number of levels, this chapter will demonstrate that attitudes and approaches relating to Islamic decision-making vary considerably in Malaysia - indicative of diverse historical, political and other factors. Malaysian Muslim individuals interviewed for this thesis indicate some of this diversity, and radical differences in approaches to Islamic decision-making issues. This chapter incorporates fieldwork research undertaken in Malaysia during 1995, ¹ shortly after the 1995 General Election.² The intention was to explore different approaches towards Islamic decision-making, within a Islamically-diverse **and** multi-faith, multi-ethnic setting. As an ASEAN country, with a federal policy emphasising economic development, the researcher sought to understand approaches towards Islamic interpretation in a technologically 'modernising' context, and observe some of the results of these interpretations 'in action'. This research was conducted immediately following fieldwork in Pakistan, and the researcher was made aware of the broadly different emphases between these two 'Islamic environments'.³

Within Malaysia, the researcher sought to examine the extent to which '*idjtihād*' and related concepts are cited by different Islamic interest platforms as reference points, for decision-making and opinion-formation. The intention was to explore those issues that these platforms believed were (or had been) relevant

for Islamic decision-making, especially within the 'flexible' areas of interpretation. The extent to which these decisions had been ascertained as a 'success' or not by respondents was also considered. The researcher conducted a broad range of interviews in urban and rural Islamic environments, from 'grass-roots' level upwards - although there was no 'scientific sampling' in choice of respondents.

The Muslim population within Malaysia reflects a diversity of Islamic interpretations, with many *adat*⁴ closely identified with being 'Malay' and being 'Muslim'. Islamic interpretations in Malaysia represent - in some contexts - the changing values and aspirations of Malaysian society.⁵ The Malay Muslim population has been exposed to varied approaches towards Islamic interpretations, as improved communications have made the world 'smaller'. The government has to balance Islamic rhetoric with practical realities, in a predominantly secularly-oriented global context. Selected Islamic systems and infrastructures will, after their implementation, only appeal to a proportion of Malaysia's population. Questions arise as to whether Malaysia's intended role as an economic super-power in the twenty-first century - one of the 'Asian Tigers' - can be fully reconciled with the demands by some parties for an 'Islamic State':

" ... it is really the stark constituent realities of Malaysian society - a heterogeneous ethnic matrix, intra-ethnic disunity within all major ethnic-groups, the different socio-political culture of Sabah and Sarawak *vis-a-vis* peninsular Malaysia, and the secular-capitalist orientation of the whole country - which must suggest that the road ahead would indeed be arduous if pressures to see a much greater role for Islam in Malaysia were to escalate." ⁶

Elements within the Malaysian Federation will apply - or continue to promote - aspects of an Islamicization process. Whilst Islam might permeate the personal life of many Malay Muslims - within the Federal sphere, compromise is made to balance interests of varied sectors within Malaysia's population.

Recognition of the population diversity in the Malaysian Federation is significant, in terms of understanding issues relating to Islamic decision-making.⁷ The question of 'who is a Malay?' is a fundamental one, because to many Malays, being 'Malay' is directly linked to Muslim identity. Long-established 'non-Malay' communities are not recognised as 'Malay' - but as 'Malaysian'. Inter-mixing between different ethnic groups has compounded issues surrounding Malay identity. This impacts upon interpretations of Islam in Malaysia, on relations between and within Islamic interests in Malaysia - and on Malaysia's global relations with external Islamic interests.

The emphasis upon *dakwah*⁸ by Islamic interests in Malaysia - including Federal government departments - incorporates varied elements of Islamic and Malay identity, including specific pronouncements on Islamic sources. Interpretations can reflect 'rigid' aspects of Islam, with limited flexibility, confirming or promoting existing understandings. The requirements for interpretation of the 'flexible' aspects of Islamic sources in a rural Malaysian environment may be different to those of an urban environment, influencing the form of decisions or opinions made. The 'details of everyday life', *remeh temeh*,⁹ can differ from Islamic issues dealt with on a governmental level. The action of

pragmatic understanding and interpretation of Islam, in reaction to specific issues and circumstances, may be considered more important than the actual labelling of the process.

Compartmentalising 'reform' and 'tradition' can be interpreted as too rigid, as there can be interaction between these typologies. This is reflected within analysis of political groupings in Malaysia: individuals may attend meetings of (and join) several different Malay-Muslim interests. There can be links with *dakwah* movements, seeking to promote (interpretations of) Islam amongst Muslims and non-Muslims.¹⁰ Not all these groups have 'reform' or *idjtiḥād* on their agenda. Others make compromises to acquire a degree of political leverage.¹¹

Creation of state religious councils offers state administrations limited control over Islamic affairs, including: appointments of *kādīs* and *īmāms*, implementation of *sharī'a* interpretations (primarily in matters of personal law), and in Islamic services' provision (i.e. *hadjdi* organisation, and Islamic education).¹² There has been conflict between individual states' and Malaysian Federational interests, which has ramifications in interpretations of Islam.¹³ Reference towards '*idjtiḥād*'-related concepts by various platforms indicates diversity in Islamic understandings, reflected within Malaysian political dialogues nationally and locally, particularly in areas of interpretation seen as 'flexible' rather than 'rigid'. Promoting '*idjtiḥād*' comprises a component of U.M.N.O.'s strategy to Islamicize aspects of Malaysian governmental activities, and to broadly appeal to different Islamic interests, and to other members of the

government coalition.¹⁴ Areas of governmental Islamicization interests include: finance, technology, education, and foreign policy. *Syariah* Courts¹⁵ utilise Islamicization in cases requiring a new understanding of primary Islamic sources. The issuing of *fatwā* is promoted as providing 'expert opinions' on interpretative issues lacking 'clarity'.¹⁶

Rural leadership roles cannot be diminished, with their close proximity to specific regional interests, providing approaches towards issues requiring pragmatic Islamic interpretation. These responses could fall under interpretative categories of *idjtihād* or *idjmā*, not necessarily in line with major players in Malaysian political-religious structures. In certain cases, local religious leadership maintains higher prestige than state- or federal- authorities. Individuals may utilise decision-making and opinion-forming 'services' of diverse Islamic 'authorities', whilst retaining other personal or community Islamic interests and loyalties. Islamic decision-making is also associated within the Malaysian Federation with the Sultan's role within each State - deemed to be the 'Head of Religion' or *Ketua Ugama*,¹⁷ with the powers to appoint officials in the religious hierarchy. The power of Malaysia's Sultans has been open to abuses and criticism, perhaps indicative of a declining status for Malay royalty.

Contemporary Islamic decision-making models in Malaysia reflect historical patterns of development: Malay peninsular affairs were dominated by European powers between the sixteenth to the twentieth century. Several states were under British patronage (between 1824 and 1957),¹⁸ influencing approaches towards

authority and Islamic interpretation. ¹⁹ Long-standing contacts with Middle Eastern traders were an influential factor within the Malay peninsular. ²⁰ 'External' Islamic influences have been prominent in Islamic interpretations in South East Asia, especially when communications between the peninsular and the Middle East improved, through development of mass-steamship travel and the promotion of fulfilment of the *ḥadjj*. A secondary effect of this was exposure to *taḍjīḍ*-centred Islam, and an increase in Malays studying in *madrāsas*, particularly in Makkah and Cairo. ²¹

In the early twentieth century, exposure to Islam in the Middle East accentuated differences between those promoting *adat* and *taḍjīḍ*. ²² Whilst broad generalisations cannot be made, these differences often developed into conflicts between (and within) generations, and between urban and rural-centred interpretations of Islam. Different Malay Muslim factions that emerged were divided into '*Kaum Muda*' ('young party') and '*Kaum Tua*' ('old party'). ²³ These divisions influence political and religious diversity within contemporary Malaysia, and were significant in the foundation of various political parties. The 'reform-centred' *Kaum Muda* promoted *iḍj̣ṭihāḍ*, and sought a 'return' to perceived values of 'classical' Islam, and utilisation of 'Islamic' values, in an interaction with new social concepts and technologies introduced from outside the Malay states. Advocacy of *iḍj̣ṭihāḍ* influenced understanding of Malay state legal systems, especially through interaction of customary law, *sharī'a*, and British-Malay statutory law. ²⁴ The implications included increasing bureaucratization of religious affairs, gradually taken from the domain of village '*ulamā*' to the

departments of government.²⁵

Malay Muslim organisations reflect differences within the spectrum of Islamic interpretation and understandings, especially regarding decision-making processes. For example, *P.K.P.I.M.*²⁶ expanded from a student base, into the *kampungs*²⁷ during the 1970's.²⁸ Malay-Chinese riots in May 1969 were seen as a reaction to the prospect of a left-wing, Chinese-dominated government. A reassertion of Malay identity,²⁹ in an effort to retain political control, sought to bring Malay economic and educational aspirations in line with the majority of the Chinese population.³⁰ An increase in rural Malay attendance in urban universities stimulated reassertion of 'Islamic values':

"Uprooted from the integrated life and security of their rural environments and thrust into modern westernized cities dominated by Chinese, many Malay youth at campuses like the prestigious University of Malaya and the *kebangsaan* (National) University turned to their Islamic heritage to preserve their sense of identity and to provide the context, language, and rationale for their reformism."³¹

This influenced the foundation in 1971 of *A.B.I.M.*,³² which promoted a return to 'values' contained within Islamic sources.³³ In the late 1970's, *A.B.I.M.* allied with the rural-centred, 'conservative' *Parti P.A.S.*, indicating that it was not 'tied' to any specific political platform.³⁴ Within the spectrum of Malaysian Islamic understandings, outside of the governmental sphere, there are several different platforms promoting Islamic decision-making models.³⁵ Some have been seen as rivals by the government, such as *Dar ul-Arqam*,³⁶ whilst others have a 'non-

political' quietist approach, such as *Jama'at-i-Tabligh*.³⁷

As a reaction, in part, to organisations with 'Islamic' agendas, after the 1982 election, U.M.N.O. Prime Minister Dato' Seri Dr. Mahathir Mohamad promoted selective Islamic 'reform-centred' concepts in educational, economic, and broadcasting spheres.³⁸ *A.B.I.M.*'s co-founder, Anwar Ibrahim, was co-opted into the government in 1982, claiming he could implement Islamicization more effectively within 'the system'.³⁹ Islamicization processes within the Malay Federation have differing time-scales and emphases. Whilst there have been infrastructures in place for the administration of Muslim personal law, the political agendas of some parties represent demands for greater implementation of *sharī'a*, often going beyond the remit of the Federal Malaysian government.⁴⁰ The U.M.N.O. selective implementation of Islamic principles continued through Mahathir Mohamad's economic and social policy plan *Wawasan 2020* (Vision 2020), with an emphasis on **Malaysian** identity within a fully industrialised economy.⁴¹

The needs and requirements of Islamic decision-making in Malaysian Islamic environments contexts represent variations within and between different interest groups. The viability and demands for 'Islamicization' vary. The extent to which *idjtihād* represents practical rather than rhetorical concepts contextually associated with Islamic decision-making and opinion-formation is open to question. The need to strike a balance between the realities of contemporary society and the idealisation of 'Islamic' interpretations provides a (idealised?)

reference point within discussions on Malaysia Islamic issues:

"This is the way of Malaysians. We don't go to extremes. We don't try to push something just because it is Islamic. We ask first whether it is practical, whether it can be applied, can it bring about success, can it bring about justice, can it bring about prosperity?"⁴²

Interviewees made reference to *idjtihād* as a mechanism for interpreting Islamic primary sources in the Malaysian Islamic environments, and sought to provide practical examples of its utility. There are conflict and dynamics between forms of *adat*, 'modernising' Islamicization, and 'conservative' Malaysian Islamic interpretations. Dialogue on interpretative issues frequently occurs as part of wider political debates, forming a key component on agendas, which may even refer or allude to '*idjtihād*.'

Malay Muslim definitions of *idjtihād* often draw upon classic *fikh* understandings of the concepts surrounding the term, common in other Islamic environments. Malay sources emphasised how Islamic principles are interpreted and practised in their everyday life (*remeh tehme*) - and also how they related to Muslim identity in the Malaysian Federation. The democratic process in Malaysia means that proscription of *adat* can result in lost votes - given that the majority of the Muslim Malay electorate resides in rural, *adat*-dominated Islamic environments. The emphasis within Malaysia is on Islamic structures beyond *adat*, within common zones of Islamic interest and basic *hukm*, including creation of Islamic infrastructures within personal law, financial, and political spheres.

The advocacy of *idjtihād* at state and federal levels reflects concerns which do not seek to homogenise Malay Muslim diversity. Specific non-governmental organisations (N.G.O.) or political-religious platforms may promote other agendas, whose pragmatism is not always linked to obtaining a majority vote in federal or state elections. The extent to which these agendas can be advocated may be limited, by governmental or society pressures.

Islamic decision-making or opinion-forming authorities within Malaysia reflect different *adat* practices and Islamic value systems. For example, on an informal level, there is (theoretically) access to authorities within local mosques, including *müftīs* and *īmāms*. On a rural level on the Peninsular, there is also the option of consulting within the framework of *kampung penghulu* systems.⁴³ On a more formal level, there are *Syariah* Courts, *Fatwā* Councils, and access to religious offices and authorities at local, state and federal level. Information about opinions and decisions is promoted through various methods:⁴⁴

"Normally, the civilian, when they want to know the *idjtihād*, new *hukm* [sic], or new *fatwā* we have to refer to *müftī* - those who make the decision ... and sometimes we try to tell them when we have a new *fatwā*.

"We directly tell them through the sermon or in Kelantan, for example, every mosque they have their talk by *īmām* or by *ustaz* or member of parliament, the representative of the government. Every week they try to visit their area, so they tell them a new decision, a new *fatwā*."⁴⁵

Creation of clear, paradigmatic models of trans-Malaysian Islamic interpretation is restricted because of different approaches towards

understandings of *idjtihād*. The multi-ethnic, multi-faith, multi-Islamic environments of Malaysia additionally influences decision-making frameworks. Questions can be raised as to the extent that different Islamic interpretative models promote tolerance between different interest groups:

" ... If you just left things to the '*ulamā*', they would see things differently; they have a very conservative way of looking at things, whether it's women or mixing with others [other faiths].

"At the social level, this is my fear: that very narrow ideas from whatever quarter ... will catch on, unless there is an attempt to consciously provide an alternative way of looking at things ... [for] the Muslim community here.

"At a political level, I don't think [*Parti*] *P.A.S.* will ever come to power in this country, and I think it is good, in the sense that if Malaysia is going to offer anything to the world, I think ... they should try to show the world that: here you have a multi-ethnic society - 53%-54% Muslim - but a society in accordance with Islamic values; genuine universal compassionate Islamic values, through which we are able to create the sorts of efforts, that can sustain multi-religious understanding and respect ... " 46

Different views emerge regarding decision-making in Malaysia Islamic environments. The emerging industrialising, urbanised environment has created many 'new' issues and situations that Muslim authorities respond to in different ways. Generalisations cannot be made regarding *idjtihād* in all contexts, because the concept can represent a situational pro-active or reactive response. In many cases, questions raised can be dealt with in existing interpretations and understandings - guided by authorities. Radically different situations, with no direct basis in existing sources, may require exceptional Islamic interpretative

responses - although the interpretative capacity varies between inactivity and striving to reach new understandings.

The capacity to interpret is associated with Islamic education. In Malaysia, there are 'traditionally' educated '*ulamā*' actively involved in Islamic decision-making processes - and there are also people who do not possess this background applying what they describe as '*idjtihād*'. There is dialogue between differing areas of expertise, in order to interpret sources and situations. The capacity for Islamic authority and interpretation has been extended, although it is not universally recognised and accepted between and within the diverse Malaysian Islamic interpretative frameworks.

'*Ulamā*' represent different Islamic perspectives within Malaysia. Some actively promote *idjtihād* as a key Islamic decision-making response - either at individual or collective levels:

" ... *idjtihād* means we are using our capability of knowledge and our thinking and our effort - even our physical [effort] - just having to make people know what has to be done ...

"What is our stand? Do we have people running away, and keeping yourself closed from this worldly life? This is not Islamic ... " ⁴⁷

The labelling of the decision-making process is crucial. Malaysian platforms interpret situations Islamically, but do not necessarily present their interpretation as *fatwā* or *idjtihād* - even if the methodology is the same. *Parti P.A.S.* and

U.M.N.O. committees both produce *fatwā* on issues. U.M.N.O. is represented through official state *Fatwā* committees in all Federation states - except Kelantan. The implications behind assertions of Islamic authority, 'confined' to a 'politically allied' qualified élite, influences Malaysian Islamic decision-making frameworks. As a *fatwā* technically represents an opinion on a specific issue rather than legislature, an individual is not 'bound' to follow advice which may be inappropriate or situational. A *fatwā* can clarify an Islamic line on a specific issue. Political allegiance can also influence which guidance an individual 'chooses'. *Fatwā* Committee appointments (and decisions) have a political basis.⁴⁸

Within some perspectives, 'conservative' interpretations of Islamic sources are prevalent at state level. There is dissatisfaction with speed and levels of 'Islamicization'. Concern is expressed questioning whether 'Islamicization' is related to 'modernism' or 'conservatism' within different Malaysian frameworks. Identifying Islamic factors can be associated with wider frames of reference, beyond Malaysia. External influences on interpretation can impact at different Malaysian levels - reinforcing existing patterns or creating new trends. The lines can be blurred between individuals projected as 'modern' within their own environment, but representing 'conservatism' within the Malaysian context.⁴⁹

'Conservatism' can also represent *adat*, as projected in the disputes between *Kuam Tua* and *Kaum Muda*. Confrontation of traditional or conservative Islamic interpretations was a key factor for early *A.B.I.M.* developments. The "negative"

reaction of conservative 'ulamā', confronted by *A.B.I.M.* students "with long-hair and bell-bottomed jeans" ⁵⁰ in the early 1970s, represented the impact of new approaches towards Islamic interpretations of primary sources in 'flexible' areas. *A.B.I.M.* sought to break an interpretative "monopoly" - through making *A.B.I.M.* *idjtihād* and analyses of Islam in Malaysia, without consulting the 'traditional' or 'conservative' 'ulamā':

"In Malaysia since independence, the religious scholar, in order to get legitimacy in terms of the authority, they have to go to al-Azhar. Then coming back they become the great 'ālim, even though they only understand things there, and they do not understand the reality - and people refer to them and ask for all sorts of *fatwā*, which they [the 'ulamā] don't learn or they forget ...

"... Now with the coming of *A.B.I.M.* - led by Anwar Ibrahim - secular, educated, young students - persons like me and others who don't have any formal religious background - of course, we have problems with the *al-Azhari*. They don't like [us]. They will ask:

'You talk about Islam, where do you study? [laughter] Any formal religious education?'

"I say:

'None! But I learn through experience and mingling with my friends, they are knowledgeable.'" ⁵¹

Ahmad Azam continues to utilise his understanding of *idjtihād* within contemporary contexts, reflecting creativity and new approaches towards interpretation within an urban Malaysian Islamic environment. Not only does this conflict with *adat* in some areas, but also with 'conservative' 'ulamā' - who interpret this as an attack upon their training, reputation, and status. Ahmad Azam believes his understanding of *idjtihād* is a response to contemporary

pressures within Malaysia's modernising environment - without contradicting 'core-beliefs' and principles:

"I think the environment forces us to be like that. Not because we are going to compromise our [Islamic] principles. No, the principles are still maintained, but we have to be creative on how to implement it.

"I think most of the way we think, we used to refer to the earlier generation of 'ulamā'. And somehow - because of political stagnation, political problems - we have not produced great 'ulamā' in the modern century yet ...

"This is the problem. People aren't creative any more, people are scared to perform *idjtihād*, because the environment does not encourage such thinking." ⁵²

The discouragement of 'creative thinking' may even be reflected within *A.B.I.M.*'s own environment, through parameters and restraints of interpretation. Razali Nawawi emphasised methodological constraints in the undertaking of *idjtihād* - which have a familiar Islamic theoretical basis:

"To me, everybody is free to exercise *idjtihād* within the *idjtihād* methodology. You are free to have *idjtihād* but - of course - you must have your own methodology like the Muslim jurists of the past. They exercised *idjtihād* and they set up *idjtihād* methodology - *fikh* or legalistic methodology. Because of that legalistic methodology, they differ between different schools.

"But they are free ... if you are going to criticise, don't criticise their opinion, criticise their methodology. If methodology is wrong, then your opinion is wrong. But if your methodology is right, you expect your opinion based upon your methodology that you are right.

"So everybody is free to exercise *idjtihād*, but they must have good methodology. Not to just show opinions without an academic basis ...

" ... Of course, if I was to issue *fatwā* or certain legal decisions, this whole

question of 'what is the basis of my opinion?' [arises]. And after [all] people will not accept my opinion [if its basis is unsound].

" ... I issue an opinion to solve a problem of that time ..." ⁵³

This would indicate that - within some sectors of *A.B.I.M.* - 'conservative' interpretative values are respected. References to *fiqh*, an 'academic basis' for an opinion, and an emphasis on methodology have parallels in 'conventional' interpretative frameworks. It would suggest that 'formal religious education' still had value, within 'modernising' contexts. Those interpreters concentrating on the methodology, rather than the content, of the opinion have been criticised by some 'modernisers' in Malaysia.

Ahmad Awang's consultative '*ulamā*' N.G.O. provides unofficial advisory 'opinions' formulated through *ting tangs*: ⁵⁴

" ... we are not talking much about *idjtihād* but we do it. Every time we are confronted with these new contemporary issues, then people want to go back to the Islamic teaching: we go to the books, to the *fiqh*, jurisprudence books. We have the principles there, but how to make it [them] applicable to this contemporary issue?

"We are always getting together, and we have a *ting tang* to discuss all this ... two or three persons getting together, to discuss things ... this sort of issue, we as religious, knowledgeable people we know more about the principles of Islamic teaching, Islamic rulings - all these things - but how to make these things - with the realities.

"Those people who are expert in the present, separate system, we consult and only then can we suggest this formula that we can practice and implement. So then, in our Association, not necessarily those who are expert and religious - who do religious studies only - but those who are well-versed in economic studies, social studies, and medical studies ..."

⁵⁵

Whilst concerned with methodology, this represents an approach towards Islamic interpretation which is pro-active and pre-emptive, although limited in terms of policy-formation rather than implementation. The results of consultations and dialogue may be published, or go forward to parliament or government, but not necessary be introduced as policy. The extent to which this approach influences Islamic 'ethics' may be in the long-term, through formulation of Islamic approaches to issues of concern.

Such *ting tangs* can influence the Islamicization of federal legal processes. Malaysian law has an Islamic component for its Muslim citizens, largely within the field of personal law. However, other 'Islamic values' have been introduced, because they also represent concepts generally not in conflict with other ethnic-religious interests. This represents value-systems that are shared between communities. Wide-scale federal Islamicization could be met with resistance (depending upon its interpretation) from Muslim and non-Muslim interests, perhaps fearing 'fundamentalist' law. On a state level, administrations have limited influence in matters of personal law. This is reflected in Kelantan, where the *Parti P.A.S.* local administration's attempts to introduce their interpretation of Islamic law (on Muslim and non-Muslims) has met with federal and local resistance.

Within federal law, *idjtihād* has provided reference points for amending existing legislation, and responding to new situations in law. Understanding

Islamic interpretative processes is an integral component within the Malaysian legal system. All legal personnel, and Islamic law scholars, attend training on Malaysian Islamic procedure if they wish to practice within the *Syariah Court*. The Malaysian law system reflects a pre-Independence basis in English Common Law, with limited recourse to 'Islamic' personal law:

"In law, the main problem was when the English came here they introduced English Common Law, brushed aside Islamic Law, the *Syariah Court* was put at the bottom of the list. Now we are slowly trying to pull up the *Syariah Court* on an equal footing ...

"... For all matters relating to Muslim Law, when all parties are Muslims, they have to go to the *Syariah Court*. And our Constitution reminds us that if a case is presented in the *Syariah Court*, the civil courts have no jurisdiction.

"... the *Syariah Court* has a very small criminal jurisdiction. We don't deal with *hudūd* cases. So, if you know criminal law and family law, we are dealing mainly with *taz'ir* cases, which is a special law regarding drinking.⁵⁶ A Muslim cannot drink alcohol. If he is found to be drinking it in public, he can be charged. If he does not attend the mosque on Fridays, he can be charged ... But normally criminal cases are dealt with in civil courts."⁵⁷

The emphasis, from this perspective, has been on creating a legal framework for Islamic decision-making, and in expanding Islamic zones of legal reference within the Malaysian context. This goes beyond the sphere of personal law, such as cases involving marriage, divorce, and child-custody. Attempts are also made, institutionally, to apply 'Islamic values' within the civil courts through increased interaction between Islamic and non-Islamic legal spheres. Non-Islamic courts had become 'more Islamically inclined':

"We are trying to bring the judges of the *Syariah* Court into the High Court. Previously they were in separate worlds. Now we arrange meetings, so they are talking together.

"And the civil court judges are very receptive, in fact ... we are going to have a course for Supreme Court judges on Islamic banking, because they have to deal with cases, so they are willing to learn. This is quite different to the attitude in the past, in the past they just ignored them."⁵⁸

Adjustment of the Malaysian legal system, with reference to the *Syariah* Court, was interpreted as '*idjtihād* in action':

"We are not talking about *idjtihād*, but how to put it into action ...

" ... What we say in the modern times, it is very difficult to get a judge who is a *mudjtahid*, and we have to accept his decision. He is not a *mudjtahid*, but in his judgment he may give reasons for it.

"Before we accept his decision, we must know why. It was different with judges in the past, who were really experts. They give their opinion bountifully. So this is how we have developed *idjtihād*, although we say we should publish the reports."⁵⁹

Methodology has importance within Islamic legal interpretation. The extent to which *adat* is accounted for within this framework is open to discussion.⁶⁰ The increased role of the *Syariah* Court may diminish local Islamic authorities' influence, eroding traditional interpretations and authority frameworks. The *Syariah* Court becomes a tool through which specific Islamic interpretations are emphasised, to the detriment of others. This could lead to greater Islamic cohesion in the Malaysian Federation, but could also stifle the 'creative' decision-making processes. The Islamicization of law in Malaysia is selective, in the absence of *hudūd* punishment. This had led to criticism by platforms seeking a

broader Islamic legal framework, who believe that *Sharī'a* must be extended towards other legal areas in Malaysia. The current programme of Islamicization is seen by some critics as tokenistic and limited.

However, other sectors are reluctant to introduce rapid changes or innovations within legal and other Islamic frameworks:

" ... these people really are too scared to open new doors, to make a new innovation. Even worse, to make *idjtihād*. Especially when they know that their counterparts in other countries don't do it. They are scared by themselves, maybe others cannot accept it, so 'I am scared to do the same step'. This is what happened in the traditional circle." ⁶¹

This fear is represented in dialogues about Islamic interpretations. The motivation behind the fear could be a belief in the Divine Punishment that would result from incorrect interpretation; it could represent concerns over lost status and power in existing interpretative frameworks; it might indicate a narrow world-view or limited Islamic education. Different decision-making priorities and motivations exist. *Adat*, education, environment, and/or belief influence interpretation motives.⁶²

One critical analysis was that various 'Islamic agendas' in Malaysia were largely impractical, except in their function as:

" ... vote-catchers with *bumiputera* in *kampungs*."⁶³

This represents a view that Islamicization is simply 'lip-service' to ideals, with no benefit for the majority of Muslims in Malaysia. Within *kampungs*, *adat* is paramount. Therefore, implementing interpretations focused away from tradition is problematic.

Another analysis, from 'D.K.', states that the U.M.N.O. government infrastructure is corrupt, and Islam is manipulated as a political tool by all parties.⁶⁴ In terms of 'Islamicization', this critical thesis suggests that, at rural level, there has been little improvement in the quality of life: poor people were simply getting poorer. Islamicization was having no positive impact.⁶⁵ D.K. believed that this increasing poverty was caused by federal and state organisational detachment from the practicalities of everyday life. Islamicization programmes do not influence the Muslim majority, although Islamic practices are important to them individually. Mahathir Mohamad's *Wawasan 2020* lacks feasibility and is un-Islamic - according to D.K. - because it is interpreted as promoting a 'get rich quick' mentality at the expense of the majority-population. The desire to secure positions of status and authority resulted in reluctance to challenge the 'corrupt' Malaysian system.⁶⁶

Whilst Malaysia's Islamic nature and 'superiority' are promoted, according to D.K. national deficiencies are ignored or not confronted. Action taken in the name of Islam represented hypocrisy: for example, the Malaysian government statements on global poverty are publicised - whilst there is a failure to observe or act on similar situations within Malaysia. D.K. believed that those 'qualified'

to challenge were within the pockets of government - any challenge resulting in exclusion from positions of authority. The conclusion to D.K.'s analysis was that the next war in Malaysia would be between different Malay Muslim factions - if economic differentials between rich and poor intensify.⁶⁷

Concepts surrounding Islamic decision-making have significant impact upon Malaysian society. The different models of interpretation may be irreconcilable. State and federal Islamic policies may appeal only to an influential, educated minority within Malaysian society. They can be separate from, and may not impact upon, individual *adat*-centred belief structures. The political implication of current policy may have a greater impact on the majority than the actual decisions made, especially if the irreconcilable agendas lead to conflict, social unrest, or economic damage. Vigorous industrialising policies have been criticised for ignoring basic Islamic values and public interest, damaging Malaysian Muslim society. 'Islamic gloss' upon these industrialising 'advances' is interpreted by critics as detrimental to Islam, and to Malay values.

The 'divide' between different Malaysian classes and economic groups has significance within Islamic decision-making contexts. Re-evaluation of traditional approaches towards economic transactions, and of stereotypical assessments of other ethnic and religious communities, have been made by some entrepreneurs.⁶⁸ Emphasis was also made on how Islamic interpretations can accommodate the diverse environments and situations encountered within Malaysia, including economic differences, and that this was a strength. *Adat*

represented flexibility and fortitude.⁶⁹

The dynamics between different Malaysian Islamic interpretative 'models' are not always reflected legislatively, or in national Islamic interpretative authorities. The extent to which *adat* is tolerated is linked to how it impinges upon authority activities. Priorities at national level are in establishing 'Islamic frameworks', and adapting Islamic requirements within a modernising, industrialising multi-faith society.

One example offers insight into what was seen as reconciling 'Islamic requirements' with Malay Muslim society needs, utilising new technology and production methods, without damaging 'Islamic values': this is the mechanised mass-production of *halāl*-labelled meat products. The Malaysian *halāl* label was described as representing 'Islam in action'. Mechanised mass-production was not an issue in *Kur'ān* and *Sunna*, because:

" ... if you wanted to slaughter a chicken, you slaughtered your own ...

" ... We came to the resolution on this issue, we had to set a new methodology. But you see, [during] this time of *mudjtahid* ... they usually say that before we do *idjtihād* we must have the source for this. There must be *ahadīth* to indicate this, to make it [alright] or not. This is the methodology.

"We cannot just all of a sudden [implement it], because it is good or we approve it [because] according to our people's opinion it is good. It is not the methodology ...

"... So now when we come to this, we find that there is also *hadīth* to indicate that. If you cannot catch the bird, you can stone it, you can arrow it [sic], and then if it fell down, you can cut [slaughter] as soon as

possible. If the bird is dead, and you have the intention to slaughter by stone, so it is also accountable.

"So now we find that the methodology is intention, intention is the necessity: intention to cut - even if it is not cut properly, you have intention and the blood flows out. But maybe not totally, because the way of cutting is not like cutting by knife. So intention, and the second one is blood, it must be flowing. The means you use is not specified: you can use stone, knife, rock - to make the blood flow out ...

" ... Because in this era they have an *idjtihād* to say that you [intend to] stone one [bird], and come across two [birds], or the bird comes down with the intention, then you can pick [take it].

"We relate all this to the new *idjtihād*, and we come to the conclusion because we have intention to cut the throat and the blood is flowed, even if it is not directly by hand but it is by the tool, by this machine, so we come to the conclusion that it is *halāl*."⁷⁰

This example demonstrates how a concept is isolated from a *ḥadīth* source, in order to apply it within a contemporary context.⁷¹ By analogy, the intention to cut the chicken's throat and make blood flow through use of a stone, arrow, or knife can be applied to cutting its throat by machine. This is seen to justify such mass-production within Malaysia. The benefits of hygienic mass production of food fulfilled *maṣlahā* criteria. These *halāl* requirements had to be met by multinational fast food restaurants which had established chains in Malaysia, such as McDonalds and Kentucky Fried Chicken.⁷² Malaysia also sought to bring an international standards' marque to their *halāl* food production, for export purposes in Islamic markets, as well as for food deemed '*halāl*' produced abroad for the Malaysian market. In its *ḥadīth* basis, use of analogy, and *maṣlahā* focus - this represents Islamic justification through *idjtihād* methodology for mass-meat production.⁷³ It also promotes 'Islamic' concern on the part of the government, in

a 'non-controversial' area, impacting on daily life.

Islamicization is promoted on a pro-active basis in Malaysia on certain issues. For example, within the domains of Personal Law and personal problems, a number of 'Islamic' mechanisms have been introduced through governmental and N.G.O. agencies designed to solve problems or pre-empt situations developing further.⁷⁴ The Prime Minister's Office also suggested *idjtihād* had been utilised to clarify and enhance legal Islamic divorce procedures in Malaysia. Existing Islamic interpretations were described as not specific enough for current social conditions in Malaysia - especially on the number of pronouncements of divorce required. There was concern that divorce was too easy and spontaneous ("... as easy as sneezing."):

"You can divorce your wife but the way is not mentioned - now the *mudjtahid* here, they put it in a very systematic way, especially for *Shāfi'ī* - if you pronounce three [times], it is three; if you pronounce once, it falls once. Sometimes when wife and husband work together, they have their own burdens, their own responsibilities ... so maybe they cannot control their home, so they cail one another - sometimes it comes out quick, three times.

"So according to this *Shāfi'ī* school, it is pronounced three [times], there is no way to go back. And let the wife marry again, and divorce again, and get back to you. But of course there are other schools ...

"Now people in this time, they face this problem quite a lot. So can people shift from this way to another. They have their reasons why. They don't want the people to play with this. It is a serious matter.

"To make this divorce controlled by good management, so we [Prime Minister's Office] produce procedure. So either the *ṭalāq* divorce is like your sneezing, but you have to register, and you have to say again in front of the officer - but if you convince the officer that you have mentioned all of this.

"... You cannot play with it, but you have to be given a way out ... We have good intention - but now some Muslim scholars are rethinking. So now you sneeze many times [!] ..." ⁷⁵

This represents an adaptation or 'rationalisation' of specific Islamic legal principles regarding *ṭalāk*, in order to deal with what was described as a 'prominent' social problem within Malaysian Muslim society. State-Federal bodies now control divorce, having clarified a methodology for pronouncements, within an area which was previously 'unclear' (according to the government). Uncertainties and confusion regarding interpretations had to be dealt with, in order to deal with this 'social problem'. The government's work in this area could make 'Islamic processes' of divorce clearer, although may impinge upon other Islamic decision-making frameworks, as divorce pronouncements have to be made to a government officer. ⁷⁶

This policy, applying '*idjtihād*', is one example of 'Islamicization' that has had considerable impact upon Malaysian Muslim society. Other policies, with wide-implications in Malaysian society, are those linked to 'Islamic financial systems', including 'Islamic' banking, insurance, pawn-broking, and share-markets. These have priority status at federal level:

" ... the government is pushing the introduction of Islamic values in all aspects of life, and they have been particularly successful in the economic and financial field. We now have [the] Islamic Bank - we've had [the] Islamic Bank for some years, but now even the non-Muslim banks have decided to introduce Islamic banking."

" ... So in all aspects of economic life we have tried to introduce the

Islamic principles ... We are also introducing it in law." 77

Elimination of *ribā* represents a priority - at least rhetorically - amongst Islamic financial 'reforms'. Although finance is interpreted as the key to 'overall Islamic reform', critics suggest that the personal agendas of 'reformers' and the 'politics of self-interest' preclude any progress.⁷⁸ Islamic decision-making frameworks are influenced by the multi-ethnic, multi-religious components in Malaysia: this has resulted in Islamic systems operating in parallel with other finance systems - customers being able (theoretically) to select which system they want for their own finances. Multi-national 'conventional' banks in Malaysia operate Islamic counters - i.e. Standard Chartered Bank, Hong Kong Bank, and CitiBank - as well as Malaysian-based banks including as Bank Bumiputera and Bank Islam Malaysia Berhad - the latter credited with pioneering *ribā*-free banking systems (*Skim Perbankan Tanpa Faedah*).⁷⁹ Islamic bank counters' were cited as an example of *idjtihād*:

"... For me it is *idjtihād*, but it is not new *idjtihād*. Because it is written already by the old *mudjtahid*, by *Shāfi'ī*, *Hanāfi*, and those who have followed him. For me, it is not new."⁸⁰

"There is an existing *idjtihād*. We have already the *idjtihād*, and we are just implementing it: and the matter is the new *idjtihād* for the very contemporary issue."⁸¹

The Islamic financial systems are interpreted as implementing existing Islamic principles, rather than creating new concepts. The mechanisms to put this '*idjtihād*' into place could require forms of Islamic decision-making - including

aspects of *idjtihād*. Existing *fikh* or *sharī'a* principles, representing *hukm* or other core understandings, are being implemented within financial spheres. Defining whether it is 'new' or 'old' '*idjtihād*' does not seem such an issue as the policy's implementation.

Technical complications emerge within this *idjtihād* implementation. This includes establishing Islamic criterion and defining terminologies. One problem was the issue of '*halāl*' investment, where interest was not involved. Within this area, attempts had been made by scholars (frequently 'western'-educated, and lacking 'Islamic' education), to re-interpret and re-define *ribā*:

"So some say that *ribā* is not just interest, anything with interest is *ribā*. *Ribā* is: you take the money from someone or you give the money for someone, and then in return you double it, or you force him to pay an amount that is a great burden to pay, but now with business we tend to say it is nothing.

"Because he invests the money, with the return of 30%, but he has to pay only 10% for the bank. Now he has got 20% extra to profit. So can we say this level of interest is interest?

"It is just like the hire purchase: you buy a taxi with the hire purchase company, they charge you 6-8%. You buy the taxi, you've got the money from the taxi. So can we say [this is] the real interest i.e. *ribā*], because they try to reinterpret 'what is the meaning'? They say that 'interest must have a limit, to make a burden, exploit' ..." ⁸²

Defining *ribā* is an issue that continues to be discussed, by financial concerns and Islamic scholars. There is a pragmatic element to this, as customers are free to choose the financial deal that suits them: a deal with a reduced burden, that compares favourably with 'non-Islamic' equivalents, is likely to be successful.

Customers are unwilling to lose out financially because of Islamic 'restraints'. Therefore, any financial/Islamic authority decision has to have practical, financial advantages - as well as fulfilling Islamic principles.

A decision also has to be practical and beneficial for the financiers. Islamic finance schemes have been introduced for commercial reasons, because they are 'profitable'. Decision-makers have had to determine what is an 'acceptable' 'Islamically-correct' burden for financiers and customers. For example, a mortgage rate of 10% was described as 'an acceptable burden', within an urban property market where house-prices doubled every ten years.

"... Everything is not free. God created you in this world not free, you have to pray for Him, you have to pray five times a day. You have to follow His orders, He is not free for you ..."83

There are other indications regarding the semantic nature of Islamic decision-making within financial spheres. Some suggest that, because *ribā* is interpreted as prohibited in Islam, it has now simply been re-named as 'profits' within governmental 'Islamically-reformed' legislation, whilst the *ribā*-principle remains:

"I was in the committee ... because there is strong demand from the Muslims to abolish *ribā* ... so we changed the word 'interest' to 'profits'.

"For the Chinese, for the new Muslim, you get profits - whatever ... you can exclude profit under interest ...

"If you want to interpret the word 'profit' to exclude the word *ribā*, then that is your interest [sic]. So the word 'profit' has a wider meaning than the word 'interest', but the reason that the word is amended is because the

word 'interest' is given narrow meaning.

"... So that non-Muslim accept it, a Muslim also accepts it, and both ... accept it in Parliament." ⁸⁴

In order for legislation, with an Islamic basis, to be passed through legislative mechanisms a degree of flexibility and compromise was required. Financial legislation can have implications for the entire Malaysian population, and it was necessary to incorporate different ethnic and religious interests into the decision-making process, in order to make legislation effective. Therefore, an individual (Muslim or non-Muslim) can interpret the Malaysian law in this area of legislation as referring to 'interest' or to 'profit'.

Islamic opposition-platforms do not support the Federal position on all aspects of Islamicizing Malaysian financial systems. Whilst not necessarily disagreeing on principle, or methodological aspects regarding Islamic interpretations, for political, ideological and/or 'Islamic' reasons some interpretative policies were rejected:

"Most Malaysian Muslims accept the Islamic banking in Malaysia, because Islamic banking in Malaysia is totally based on Islamic principles ... for example you are the rich people [sic], and you give me your capital, and when I have used that capital as a merchant, I get profit and divide it between you and I. That is a form of Islamic banking in Malaysia ..." ⁸⁵

"As our *Ustaz* says, since our Islamic bank now, still it is under the influence of the National Bank. This National Bank still applies the *ribā* system, so there is no freedom for Islamic bank to move as it should be.

"But the Federal Bank is quite prejudiced towards [the] Islamic system,

so the image of Islamic Bank is not quite good in the face of the people, compared with the normal bank. So the Islamic Bank is not very popular with people ...

"Actually, if there is freedom, and given the right way, I think the Islamic Bank can overcome [this situation], especially [if it has] the chance to give the right service to the people."⁸⁶

Defining the 'right service' is an on-going concern within Malaysian Islamic frameworks.⁸⁷

Implementation of new financially-associated technologies and responses to new economic situations - at global and local levels - mean that the situation is still under constant review, by government and N.G.O. bodies. This review includes regular conferences, and *ting tang* for '*ulamā*'. A recent question had been the study of Islamic banking 'profitability':

"... because here we have Malaysian Islamic Banking, and it is very similar to the conventional banking system, and also they opened up what they called the Islamic banking system - the system is the same ... the bank will buy one house, and will sell the house to the customer, and he will make profit - say 10% or 5% or more ...

"We find that the Islamic banking system is getting more profit, compared to the other conventional banks ... once the customer realises this, he says 'what?', because in fact, the Islamic banking system is to remedy the problem of this interest ... "⁸⁸

Islamic finance systems require pragmatic decision-making, utilising Islamic sources and balancing these with public utility.⁸⁹ Within global contexts, there is a theoretical requirement to reconcile Islamic financial interaction with 'un-

Islamic' finance systems, a factor the Malaysian government has to balance with its desire for economic progress towards 2020.

Medically-related issues represent other subject-areas in which *idjtihād* is seen as necessary in Malaysia. Dialogues between '*ulamā*' and medical authorities represent the complexities of such Islamic interpretations. Technologically-aware, urban-centred and educated Muslims, in particular, seek Islamic opinions and responses to medical issues such as I.V.F.⁹⁰ Again, within the Malaysian context, the concerns of all population-sectors have to be considered. Medical issues raise questions of Islamic ethics, with implications beyond the confines of the surgery, influencing legal-interpretations and family structures.

Within Malaysia, because of common Islamic principles, there are parallels with dialogues in other Islamic environments regarding I.V.F.:

" ... if in vitro fertilisation is between husband and wife, who are legally married, in principle we can accept it. On one condition, because Islam is very particular on guarantees that it is not mis-used, because from the husband is taken the sperm and from the wife is the ovum, make sure this is definitely from the husband and the wife.

"Then we have at least two witnesses, and the doctor - we must have confidence that he is really doing the job, that he is responsible, not only to his patient or to his customer, but also responsible to the human being, to the religion."⁹¹

The Muslim doctor has a number of factors to consider here, but there are also

implications for non-Muslim doctors in Malaysia, treating Muslim patients. At this stage, the question is an ethical one, rather than a need to follow related legislation. A non-Muslim could not be punished under *Syariah* law in Malaysia on this issue, should legislation be introduced. Any legislation on this area would have to be introduced into national law, covering the interests of all Malaysians.

'After-death fertilisation' is also an issue for decision-makers:

"If the sperm taken from the husband and then is kept in the bank - the fridge - for one year. After one year, the husband dies. Then after six months the wife says 'yes ... now I want a baby, my husband's sperm is now in the bank'.

" ... in Islam we don't accept, because we have a ruling there. If a husband and wife, either by dying or by divorcing, then the embryo, the baby, [is] no more legal [sic]. So we are not against [the technology], but only how you implement it."⁹²

If there had been a pre-death contract, it was still considered unlikely that after-death fertilisation would be Islamically acceptable:

"Even if they had a contract, they must look to the period in which the death [occurred], whether it is within ninety days [after the death] ... Islam says that the death of the husband, if it [pregnancy, proof of conception] is within ninety days, it is still within the possibilities [of acceptability] ...

"Islam makes the three months, the time which is to be waited [sic], to make sure the woman's possibility of pregnancy is clear. If he dies this month, maybe she already carries a baby - that's why it happens normally after the death of the husband, six months, because the three months [the wife is] is already carrying the baby. So after three months, the practice [I.V.F.] can be done to some degree ..." ⁹³

There seems an inherent contradiction within this statement, representing a formulative phase of opinion-making. The synthesis of these opinions is that, because there is a three-month period required by a widow prior to any re-marriage, that was the waiting period required prior to I.V.F. However, as the sperm 'belongs' to her husband, then in practical terms there would be no difference whether I.V.F. was applied within this three-month period or not - as long as its origins were assured.⁹⁴ Several commentators suggested that Malaysians (Muslim and non-Muslim) were 'very conservative' on matters such as I.V.F.⁹⁵

The Islamicization agenda includes formulation of Islamic responses to issues connected with: drug-abuse, sexual-violence, child-abuse, and HIV-victims.⁹⁶ The current emphases are on political frameworks; the position of 'Islamist' platforms including *A.B.I.M.*, *Parti P.A.S.*, and *Dar ul Arqam*, and their 'Islamic' responses to *adat*. These are frequently discussed in relation to issues of Malaysian, Malay, and Muslim identities. The younger generation identified itself first as 'Malaysians', according to a non-Muslim commentator, whilst not forgetting racial or ethnic origins. Identification with difference was not seen as negative, when reference was also made to the collective identity:

"Because, like it or not, we have been put together by history to stay here together, and if we don't think of the larger identity and the interests of that larger identity, then there could be a lot of problems. But then that does not mean that we get everybody to think one way in uniformity, which can be very dangerous.

"Not just the question of singing the national anthem - but some people

think that unity can only be achieved if there is one voice, one of everything. If there is complete uniformity, then everybody must be on the same wavelength, which is frightening." ⁹⁷

This was reiterated by a Malay Muslim, who suggested Malaysians were by nature 'moderate' (however that might be defined), because of historical, cultural and linguistic interaction, linked to Malaysia's place on trade routes. ⁹⁸

At *kampung* level, a *penghulu* provided his understanding of 'Malay' identity:

" ... first you must convert to Muslim [belief], second you must speak in Malay, third you must follow Malay custom. If you do these three, then you are Malay, whether before you are Indian or Chinese ...

"You too [gesturing to the author] can be Malay, if you convert to Muslim, speak Malay, and follow Malay custom." ⁹⁹

This was acknowledged by the *penghulu* to be a theoretical construction, rather than the practical situation. Conversion from Islam to another religion was an (occasional) issue at grass-roots level:

"All non-Malays, you convert to Muslim, you are accepted. You are among our brothers, you are Muslim.

"The problem is Malay want to change their religion, wants to marry Chinese, he want to be a Buddha [sic, Buddhist] - this is a big problem. But among the Chinese and Indian, when the Chinese is still Buddhist and the Indian is Hindu. There is no problem, they can mix together.

"But with the Malay, that is a big problem. When Malays want to change their religion, it is the big issue in Malaysia." ¹⁰⁰

There was no available data on such conversions within Malaysia. This view regarding converts reflects the *Kur'ān* and other Islamic sources. Inter-marriage within Malaysian society is seen as more acceptable to Malay Muslims if a non-Muslim converts to Islam, but not *vice versa*.

The concept of Malaysian moderation was reiterated in several interviews. *A.B.I.M.* members sought to represent themselves as the Islamic 'middle ground'. *A.B.I.M.* is not a political party. Members may support U.M.N.O. or *Parti P.A.S.*, although social, cultural, and religious pressures - at local and national levels - can restrict this flexibility. That causes pressures on both sides of the equation:

" ... We are a non-political organisation, but we have concern over the counselling of these political parties, so we always keep our views/opinions to the government party, the ruling party, and the opposition party.

"But since part of our opinion may be sometimes in conformity with the views of the opposition party, so then sometimes the government says: 'you belong to the opposition party', but actually we do not belong to any political party ... "¹⁰¹

The *A.B.I.M.* hierarchy has regular *shūrā* in order to determine the approach to issues - especially whether to support U.M.N.O., *Parti P.A.S.*, or non-aligned platforms. An example of this was on the government suppression of *Dar ul Arqam*:

" ... should we support the government with their effort to break *Arqam*?

Yes, for sure." ¹⁰²

Dar ul Arqam represented a contentious 'Islamic' value system to *A.B.I.M.*, especially in forms of *adat*, *Ṣūfī* influences, and messianic invocations. On this issue, fieldwork indicated that the U.M.N.O. government was generally supported by *A.B.I.M.* and *Parti P.A.S.* ¹⁰³

It was widely felt that the most difficult issue *A.B.I.M.* membership has faced to date was the 'defection' of co-founder Anwar Ibrahim to U.M.N.O. in 1982.

A typical question at this time was:

"Should we [*A.B.I.M.* membership] support U.M.N.O., or together with the masses who are ignorant to criticise him? Or should we send Anwar from *A.B.I.M.*, what shall we do?"¹⁰⁴

It required more than a single *shūrā* for *A.B.I.M.* to solve this problem:

"It cost us [*A.B.I.M.*] ten years implementing this decision; there's a lot of problem in *A.B.I.M.*:"

"Some say: 'We disagree with the *shūrā*: we back out, we join *Parti P.A.S.*!'"

"Some say: 'We must take over the leadership: throw away the leadership!'"

"Some say: 'We must maintain and support Anwar!'"

"Some say: 'No'.

"There were a lot of problems.

"But after ten years, we realised our decision was right, just to let him go and support him ... for the sake of the greater *maslaha* in the 'ummaḥ, we sacrificed the smaller one. We did that. It took us ten years. Only now are things back to normal.

"Now we have to fight, we have to argue with them, people try to sabotage, people try to take over the leadership - but we fought back, and now all of them realise that the *idjtiḥād* was right.

"By sending Anwar into U.M.N.O., it is good for Islam and for Malaysia: because Anwar portrays a liberal Muslim, a moderate Muslim, a person who is not going to provide injustices for anybody. A person who can provide moderate views, who is acceptable by everybody ...

"When Anwar joined U.M.N.O., all the Islamic movements said that we set-out things in not the right way [sic], the right way is to fight the government, fight the *djāḥiliyya*, and make Islam [prevail] over the rivals of *djāḥiliyya*." ¹⁰⁵

This statement additionally demonstrates the application of '*idjtiḥād*' within an organisational context - being the acceptance and support of Anwar Ibrahim. Resistance to Anwar Ibrahim's 'defection' probably would not have altered his decision. One critic, not associated with organisational political processes or membership, believe that after Anwar Ibrahim joined the U.M.N.O. administration, *A.B.I.M.* totally lost its emphasis. ¹⁰⁶

Contemporary *A.B.I.M.* was described, by one source, as centred around 'ideals', without tackling 'practicalities'. *A.B.I.M.* academics patronised authorities to acquire power, jobs, and influence - whilst sacrificing objectivity. Governmental and academic research on Islamic issues and sciences is undertaken from this non-critical perspective. Those whom are deemed "too critical" are believed to "end up refrigerated." Research promoted by non-

governmental organisations such as *A.B.I.M.* was similarly described as providing a distorted picture.¹⁰⁷

Confusion within *A.B.I.M.* was seen as detrimental by insiders, which dissuaded younger people joining. Now, *A.B.I.M.* promotes itself as in a position of recovery:

" ... there are many groups trying to topple *A.B.I.M.*, but we are very strong, we are content with our position and our view and now people are coming back to the fold ... so we accept that, because people make mistakes."¹⁰⁸

A.B.I.M. makes certain demands upon members, although some of the 'Islamic' requirements were more difficult than paying subscriptions:

" ... We have 50,000 members ... and countless supporters. When you join *A.B.I.M.*, you must have '*usrah*'; this is where we transform them [new members] in terms of knowledge and understanding of Islam - and then you have to pay one percent of your salary every month to support the movement.

"With regard to paying this one percent, everybody can do it, but in regard to every week attending this '*usrah*' - trying to understand, and seeking *dawā*, and trying to memorise the *Kur'ān* - not many people are willing to do it ..."

" ... But if you want to hold leadership position, you must choose either one [i.e. choose a political party or join *A.B.I.M.* exclusively] ... if not, they [prospective leaders] will use *A.B.I.M.* for their political endeavours.

"This has been our *idjtihād*, this has been our strength. Our *idjtihād* of a previous generation, become a member, you can become [have] three or four membership, but leadership [of *A.B.I.M.*] - only one [membership]. Whether *A.B.I.M.*, or any other group you want to be [a member of]. That's it, there's no two ways about it. That's why Anwar joined U.M.N.O., he said 'I want to become leader of U.M.N.O.' so you resign

from your presidency - he just become an ordinary member of *A.B.I.M.*"¹⁰⁹

Membership of *A.B.I.M.* offers local and national social-networking possibilities for members, input into the 'decision-making' processes, and access to a modernising interpretation of Islam. Creating a membership structure represents an important '*idjtihād*' for leaders, in order that policies can have a stable basis.

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There have been criticisms that *A.B.I.M.* has an urban-emphasis, but its agencies are becoming more active at 'grass-roots' level. In some regions, *A.B.I.M.* is active in protecting small, *adat*-centred, rural Malay communities against specific encroaching industrialisation seen as 'oppressive' and 'un-Islamic'. For example, in Sungei Petani, Kedah, community activists and *A.B.I.M.* representatives are active amongst *kampung* communities, campaigning against industrial pollution, and a proposed 'Disney-style' theme park within a rural area. The objections were not against industrialisation *per se*, but in industrialisation keeping with the local environment and population, with consultation at every stage. There were protests against the imposition of industrialisation without consultation or consideration of all the factors, which was seen to illustrate 'the rural-urban divide', and a 'get-rich quick' mentality. The industrialisation decision-making process was seen to lack an 'Islamic' basis in keeping with Malay Muslim value systems, which have *kampung* life as a reference point. The *A.B.I.M.* response was described by one worker as illustrating "*idjtihād* in action":

"For instance, these people who are living here [Mirbok, a *kampung* near Sungei Petani], most of them are in favour of so-called development, but they want development of their own kind. They have tried this experience of battling against development, that was towards their own goals ... their own aspirations.

"That experience has hardened themselves to really talk to the government and say: 'This time, whatever so called development you are going to introduce, it should be consulted to us.' There must be a continuous dialogue. It does not matter that it will take time, but that it most crucial, that you should ask them." ¹¹¹

'Islamic' values, and decision-making processes, were being applied in the public interest on behalf of the rural minority in Mirbok, against interests seeking industrialisation without consideration of the many implications for traditional Malay *kampungs*. ¹¹² *A.B.I.M.* promotes Islamicization, whilst protecting many aspects of traditional values:

"Our community work is aimed at ... [different] levels: one is what we call an integrated level, where once we do the community work, it should integrate the whole [rhythm] of the community life.

"I mean, you talk about health, education, economy, youth development - you talk about the environment, it has to be in a wholesome way, a holistic way ...

"... Everybody will be in a group, and they will be talking about their village. And the children will be talking about their aspect, and the womenfolk will give their own input, everyone starts planning things - so it is a multi-level thing. So nobody is excluded. So we start from children to youth to adults. Everyone: farmers, fishermen, in respect of whatever he does or she does." ¹¹³

This micro-level construction of Islamic rural-development models sought to test and develop *A.B.I.M.* Malay-Islamic decision-making principles, which might be extended to national macro-levels, with governmental involvement and input adapting to each community's requirements.¹¹⁴

A.B.I.M. seeks to challenge traditional attitudes towards authority, increasing rural 'activism' and levels of dialogue. This meant informing individuals about their rights, and how decision-making processes function, in order to avoid total dependence on governmental agencies or traditional authorities:

"We don't want them to be trapped in that small world, they don't understand why this is happening to them. We've got a problem now, prices of food are on the increase ... people don't understand.

"They [people in rural environments] say that the country is doing wrong and they say inflation is such and such, and they say: 'Why am I suffering, why do I have to pay more?' So they couldn't understand, and when you can't understand things you can't see [there are problems]."¹¹⁵

One of the policies was reconciling elements of 'modernism' with Malay Muslim *adat* principles (including religious factors). The traditional aspects promoted include approaches towards health-issues. There is a strong Malay rural-tradition for homeopathic medicines and traditional care, centred around rurally-produced products.¹¹⁶ *A.B.I.M.* endorses women advocates on health issues, and emphasises values of 'traditional' medical care (in conjunction with 'modern' medicine): one example is the promotion of the *bidan*,¹¹⁷ who were suffering discrimination from local health-care administrations. This represented a clash between 'modern' and 'traditional' values, when medical practitioners

trained exclusively in 'modern' medicine were denying that *bidan* could have a useful role in contemporary Malay society.

Rural activists believe that there is a lack of awareness and knowledge amongst urban-based decision-makers on *kampung*-issues, and that the creation of an 'Islamic environment' is compatible with rural-life. Considerable effort is made to promote Islamicization within a modernising framework, with concern about technological development and 'progress'. Less attention has been paid to 'modernising progress' in Islamic rural environments:

" ... The policy makers, they think they know better. [They say] 'Rural people are supposed to know, but actually they don't.' And I have been fighting this. There must be a stop of this encroachment, of urban to rural. It's devastating.

"You have a situation where Malaysia has been able to preserve the rural areas, it can be productive, it can be sustainable, and it is really difficult to talk to them about these kinds of things, because they will see a land like this, [and the policy makers will say] it's not productive."¹¹⁸

This grass-roots activism within rural Malaysia may be altruistic by nature, although it also has immeasurable value in terms of political, social, economic, and/or Islamic influence.¹¹⁹ There are parallels with environmental activism elsewhere - albeit here with an Islamic focus. The degree of political influence such activities create, for Islamic platforms such as *A.B.I.M.*, is difficult to quantify.¹²⁰

'Divisions' within decision-making processes occur not only between rural and urban environments, but between and within state and federal government. The relationship between U.M.N.O. and *Parti P.A.S.* in Kelantan has been sensitive: in 1995, Kelantan was the only state with a *Parti P.A.S.* administration.¹²¹ Kelantan's chief minister is Nik Abdul-Aziz Mat, who has a reputation in Kelantan (and from *Parti P.A.S.* supporters elsewhere in the Federation) as a Muslim scholar with a 'pragmatic' interpretation of Islam, currently centred around implementing *hudūd* laws in the state.¹²² This has been criticised by U.M.N.O., who define Nik Abdul-Aziz Mat's interpretation as '*Parti P.A.S. hudūd*' rather than *hudūd per se*. *Parti P.A.S.* claims to seek alliance and consultation with all parties that accept Islam as *dīn* - whilst seeking good relations with non-Muslim interests.¹²³ Critics claim *Parti P.A.S.* represents a high level of political rhetoric, unable to bring ideals into action. However, Federal law prevents wide-scale state implementation of *hudūd* in Kelantan.

The *Parti P.A.S.* construction of a 'model' 'modern' Islamic decision-making environment includes utilising and referring to '*idjtihād*.' The *Parti P.A.S.* approach to Islamic decision-making is reflected in their 'official' definition of *idjtihād*, which follows a familiar methodology:

"Firstly we do *idjtihād* in the form of *djamā'at*, in the form of one group of '*ulamā*' make a decision to a new thing. If something happened, currently they sit together and discuss [it].

"Another method of *idjtihād* in Kelantan, our '*ulamā*' here sit together and study the opinions of Muslim *madhhab*, like *Hanāfi*, *Mālikī*, *Hanbalī*, *Shāfi'ī*. We try to find the best opinion among them. That is the scope of

idjtihād in Kelantan. In order not to go against Islam."¹²⁴

Consensus after '*ulamā*' discussion is integral to the *Parti P.A.S.* approach, *idjtihād* being undertaken by scholars trained in Islamic sciences. The input of other 'experts' does not form part of the process. The *Parti P.A.S.* agenda focuses around a desire to implement *hudūd* in Kelantan. This controversial demand has been met by resistance. Many people - especially non-Muslims in Kelantan - are uncertain what *hudūd* really means, or whether it would apply to them. The extent to which this represents a specific interpretation of *hudūd* has been a subject of fierce debate between U.M.N.O. and *Parti P.A.S.*:

"... according to '*ulamā*' jurists - Muslim jurists - there are two opinions about this. One, they say *hudūd* also implement [sic] to non-Muslim. Not only the Muslim.

"But they had another opinion: *hudūd* only for Muslims. Because we try to look, we select the *hudūd*, do not implement on the non-Muslim, because we try to look at the environment in Malaysia, there are sensitive issues, if we try to impose certain laws on non-Muslims.

"Because there is room for the selection of opinions: the selection of opinions is based on *maṣlaḥa* - public interest - in order to protect our agenda ... if we impose *hudūd* law on non-Muslims, maybe something will happen.

"So in order to protect the society in Malaysia, also to protect the religion, we will not impose *hudūd* law on non-believers ..." ¹²⁵

Critics question the extent to which such statements allay the fears of non-Muslims in Kelantan, as well as Muslims who are uneasy about '*hudūd*' (which represented several different concepts to various interviewees).

At this stage, the extent to which *hudūd* has been implemented is limited:

"A draft *hudūd* law has been passed by the Kelantan state assembly in respect of five crimes: Brigandage, Theft, *zīmā* (Adultery and Fornication), *kādāf* (False accusation of *zīmā*) and Consuming and dealing with alcoholic drinks. The bill has been remitted to the Federal government for approval by *Dewan Rakyat*, the Malaysian parliament. Criminal law is a federal subject under the Constitution." ¹²⁶

Although this draft *hudūd* law has been passed by Kelantan's state assembly, it has not received federal approval or passed through *Dewan Rakyat*: as an extension of constitutional state powers, the Bill threatens decentralisation from Federal control and would set a precedent for other states, as well as causing other difficulties within the Federation. ¹²⁷

The state assembly has been able to undertake 'Islamic' decision-making on those areas which fall constitutionally under their remit. A prime example of the *Parti P.A.S.* administration's approach is related to alcohol consumption, ¹²⁸ and whether taxation accrued from its sale is *ḥarām* money coming from an 'illicit' source:

"This kind of tax, according to this country, this state, we take the tax of liquor because there are two opinions among the Muslim jurists. For example *Hanāfīte* and *Hanābilite* [*madhhab*]. They promise to Muslim states to take this liquor, so why the other jurists don't allow this kind of thing?

"So we select this opinion, *Hanābilite* and *Hanāfī*, because we have to look after them -non-Muslim - so how can we get money to support them? ..."

" ... This does not mean that we originally wanted to take tax from those who sell liquor, but in order to support them, to look after them. So we need money to give facilities to them. Or we can use that money to build a road, to build a public toilet - and so on. So we can take [the tax].

"This is one example of practical *idjtihād* in Kelantan. We have to practice *idjtihād*, but in a scope, that is we try to select the opinion from the *madhhab*, so we select the better one, we select the easier one.

"Because we understand that we are in hostage [sic], in the implementation of Islam, so maybe next time we move to another stage."¹²⁹

This example was presented as a pragmatic approach towards an issue, through the selection of an opinion which most suited the circumstances of the situation. The concept of *maṣlahā*, public interest, was preferred to a refusal to take the money on *harām* grounds. However, there have been some restrictions within Kelantan on 'un-Islamic' activities - which have been seen as 'beneficial' to the public:

" ... It may not look that important to some people, but the mere banning of gambling, not licensing night-clubs, regulating the serving and taking of alcoholic drinks in public places, and discouraging mixing of sexes in public places has had an all round healthy effect.

"The social policy did lose some revenue to the government, but the absence of such diversions have enriched the life of the people and their families. These measures have also diminished crime and given more security to people. What was lost in revenue was more than compensated by adding to the quality of people's life."¹³⁰

In order to promote these policies, *Parti P.A.S.* conducted "outreach" programmes in *kampungs*, as well as using other channels such as *khutba* and the media. These activities were designed to 'educate' Muslims in Islam - or according to

some critics, the '*Parti P.A.S.* interpretation of Islam'.

The issue was raised regarding issues described by some as 'Islamic', which other parties refer to as 'un-Islamic' *bid'a*, associated with *adat*. The question was raised of the strategy *Parti P.A.S.* adopted towards those Muslims who sought to preserve an *adat*-focused 'Islamic' belief-framework, which conflicted with the *Parti P.A.S.* interpretations (in some aspects):

"So that is why sometimes to reconcile those who believe formally the Islam [sic], and those who don't understand Islam.

"Because we know the reason why some of them do not believe the *sharī'a* one hundred percent because they ignore their religion, so at this stage we use the *khātib* - you know those who give *khutba* at *djum'a* prayer, we write the *khutba* and give [to] the *khātib* to tell the Muslims in the country." ¹³¹

According to this interpretation, Muslims who do not follow the *Parti P.A.S.* approach "don't understand Islam", or "ignore their religion". This is challenged by many *bumputera* in *kampungs* - who value their interpretations as 'correct' and 'Islamic'. There were indications that the *Parti P.A.S.* *khutba* was not always favourably received in rural areas:

"Normally, the Muslim in Kelantan will accept the sermon written by the religious council in this country. But there are a few people who reject it, such kind of sermon, because they don't understand.

"That is why we don't fuss, that is why we continue to tell them because one time - *in shā'allāh* - they will accept **the Islam** [researcher's emphasis] ..." ¹³²

There was acceptance that customs or traditions conflict with *Parti P.A.S.* Islamic interpretations, as well as certain 'modernising' Islamic understandings:

"Islam is not a custom or tradition, so we can defend that tradition or custom is not in Islam, not in the *Kur'ān* or the *Sunna*. If we know the *adat* is against Islam, we try to correct it, to modify or correct ...

"We don't accept innovations, *bid'a* ... according to *uztaz* [Muhammad Daud], Malay people, they do not believe *adat* if against Islam. Malay people in Kelantan, they will follow their leaders, whether they love their leader [or not] ...

"I think this is not in Kelantan only, but in other countries. So therefore we try to find our leader here [Nik Abdul-Aziz Mat], [one of] those who understand Islam and practices Islam. So that is why we see in the last General Election most of the people select our leader." ¹³³

Clearly, there is a divide between Federal government and *Parti P.A.S.* in Kelantan. One reason for this is because Islam represents the central core of *Parti P.A.S.*, whereas U.N.M.O. has to consider non-Muslim, non-Malay interests:

"We ask the people to support Islam, not our party. It's different from the Federal Government. The U.M.N.O., they ask the people to support them ... for us we have the principle: to support Islam, Islam will give justice to society." ¹³⁴

The question was raised, regarding a comment from Mahathir Mohamad that in Kelantan (and elsewhere), *Parti P.A.S.* didn't want to implement Islamic law, but they wanted to implement "*Parti P.A.S.* law". This was interpreted as an U.M.N.O. political argument:

"If they [U.M.N.O.] accept that law [*hudūd*], it means they also have to implement that law.

"But in order to prolong the time not to implement the *hudūd* law ... so they invite the 'ulamā': and the 'ulamā' advise him [Mahathir Mohamad] not to implement the [law on] unbelievers.

"[U.M.N.O. says that] those who reject *hudūd* law in Kelantan, because this *hudūd* law [does] not belong to Islam, but belong to *Parti P.A.S.*

"If they say that this *hudūd* law come from Islam, that means all the Muslims have to support [the law] - including him [Mahathir]." ¹³⁵

Naturally, the 'political rhetoric' is a two-way process. Critics have enquired whether the practicalities of implementing the *Parti P.A.S.* system have been researched thoroughly. *Parti P.A.S.* indicate that they are open to suggestions and change regarding their policy, although this 'flexibility' may have certain limitations:

"Actually, we want to implement Islamic law. If U.M.N.O. want to do it, if there are some mistakes in our proposal, they can put it forward. We accept.

"But they just misinform. But they themselves never produce the right way, and even now our leaders - our *Parti P.A.S.* leaders - anytime invite the U.M.N.O. leaders, the federal leaders, to have a *muzakarah* or discussion for the implementation of Islamic law, especially *hudūd*."¹³⁶

Clearly, the focus of Islamicization within Kelantan decision-making is the 'political', 'democratic' debate. There is disagreement between different Islamic interests. Non-Muslim Malaysians also have to be represented within dialogues on *hudūd* in Kelantan. Apologists believe that many non-Muslims approve (or

will approve) current *Parti P.A.S.* policy:

" ... So if they understand *hudūd* law, I think the other races in Malaysia will accept the *hudūd* law, because ... according to research done in Kelantan, there are many Chinese here, and they praise this *Parti P.A.S.* government.

" ... Because they [Chinese wives] say today we not afraid to our husband [sic], because before *Parti P.A.S.* ruled this country [state] our husband [found it] easy to get liquor from the shops around Kota Bharu. So they drink as much as they want. And when they go back to their house, they fight with the wife.

"So now it is better. So they feel secure, because their husband cannot get liquor easily, and sometimes they do not drink the liquor, so their house is better than before." ¹³⁷

Whilst this may be a particular 'benefit', it does not necessarily imply acceptance by non-Muslims in Kelantan of all aspects of *Parti P.A.S.*'s *hudūd* platform. For example, non-Muslim women may not accept *Parti P.A.S.* interpretations regarding the 'Islamic' role of women.

Within Malaysia's 'democratic' Federal system, the government may be limited in how it can deal with popular opposition groups such as *Parti P.A.S.* Some sources represent *Parti P.A.S.* as 'an acceptable face of Islamicization', noting that other 'opposition' groups with Islamic agendas (not necessarily political parties) have suffered government repression. One source ¹³⁸ suggested that the equivalent of *Parti P.A.S.* would be "finished off" in many Middle Eastern Islamic environments. ¹³⁹

Parti P.A.S. believe that Malaysian law's basis in English [Common] Law is essentially 'un-Islamic'. One source indicates that the practicalities of 'Islamic law' in a contemporary context could be proven in Kelantan:

"So at present I believe that, as a democracy, if we want to see it as an Islamic law for Kelantan, we hope the Federal Government will give us [permission] to implement Islamic law in Kelantan. For Muslims only ... It gives a chance for non-Muslims to see how good is Islamic law [sic]."¹⁴⁰

However, other scholars - including those associated with governmental agencies - believe the conditions for such experiments are not yet in place:

" ... Well, I think that the view of our present government is that before we introduce *hudūd* laws, we must be sure to associate them with the social conditions in totality ... to be sure that everyone has a good income, that they have enough to eat, they don't have to steal to fend for themselves.

"We base [this upon] the principle [that] at the time of famine, the punishment of death is postponed. So conditions here are not such that everyone does not need to steal. Of course, he knows that evidence or proof that anything - *zīmā* - is very hard.

" ... So the main cases are *taz'ir* [alcohol drinking offences]. We are punishing them. We are convinced that they cannot be punished under the penal code. My own view is that we cannot say there are secular courts, because the judges who are punishing them are Muslim. They are following the penal court, the penal court is like the Islamic Court."¹⁴¹

This assertion that existing legal frameworks are 'Islamic' is often denied by government opponents. Other 'Islamic interests' believe *Parti P.A.S.* places them in a difficult position, regarding *hudūd*. For example, *A.B.I.M.*-members

understood it endangered the status of their organisation, and the promotion of 'Islamic values' in the Malaysian context:

"If we say 'no' [to *hudūd*], people will blame us, [and] say we are against Islam and against the *Kur'ān*, and we will lose this legitimacy as an Islamic movement. If we support [*Parti P.A.S.*], we know that there are a lot of problems, so what do we do?

"We convene and we discuss among our members. We say 'yes' *hudūd* is a must, but the question of timing and the question or readiness of the society [are important]' ..."

" ... So we say we agree with the *hudūd* law, but the question of timing, the question of educating the masses, the question of readiness of the *'ummah*." ¹⁴²

There was an indication that, at grass-roots level, there is wide-spread (in)comprehension about *hudūd*, amongst Muslims and non-Muslims:

"The Chinese, they are so scared, even the Malay who don't understand [sic] are so scared: they start talking about:

" - 'How many hands will we chop off?',

" - 'What shall we do with all those hands?',

" - 'How many stones will be used to stone them to death??',

" - 'Will we end up importing stones from overseas?'

"So these kind of arguments are coming up. That shows that the society is ignorant and not ready for that yet, so we argue our case. That is why the government of Kelantan does not agree with us ..." ¹⁴³

Whilst not disagreeing with the principle of *hudūd*, questions arose from critics regarding the appropriate time of implementation. The question arose of whether

the non-Muslim 'minorities' were useful to *A.B.I.M.* and *U.M.N.O.*, providing an 'excuse' to delay implementation of a 'full' Islamic agenda. Many sources opposed the concept of *hudūd* in Kelantan, or the Malaysian Federation, completely; some believed *hudūd* could be implemented first, and the appropriate 'Islamic' infrastructures would develop around it; some disagreed with the interpretations of *hudūd* presented by *Parti P.A.S.* (and other Muslim platforms); others felt certain criteria had to be in place, prior to introduction of *hudūd*:

"... Even though we used to be very close to *Parti P.A.S.*, we have to be different on these issues, for the sake of the 'ummah, for the sake of society, for the sake of the image of Islam.

"Because when the people are not ready, the religious scholar, those who want to implement it, even they are not ready. The idea of *hudūd* is to provide justice, but the implementation will create injustice, and this is because of *hudūd*.

"So we tell them: 'prepare the study, prepare all these religious officers, get the system ready and the government ready, then we implement' ...

"We agree with them, but you must be ready mentally, physically, psychologically. You cannot just blindly say that 'today I will implement *hudūd* law', because it will make a mockery of it ...

"... So I am learning every day, and when there are big problems, I need to do *idjtihād*, and consult according to the *shura* on this issue, then we make a decision and then I implement it."¹⁴⁴

Critics suggest that this 'stalling' represented reluctance to introduce or support *hudūd* measures.¹⁴⁵

One of the extreme reactions to a form of Islamic interpretation and decision-making has been the government prohibition of *Dar ul-Arqam*.¹⁴⁶ *Dar ul-Arqam*

members were instructed to attend religious rehabilitation centres, for 're-training', which can be interpreted as an attempt to forcibly alter individual and collective Islamic decision-making processes.¹⁴⁷ The reason is because of *Dar ul-Arqam's* alleged 'un-Islamic' activities.¹⁴⁸ The extent to which this action against *Dar ul-Arqam* is successful or not will influence future Islamic decision-making processes in Malaysia, especially in development of alternative, 'creative', *adat*-linked models of Islamic understanding and interpretation. The reasoning behind the ban has been linked to political, security, religious, and/or economic factors.

Islamic symbolism plays an important role within expressions of 'Islamicity' and Malaysian Muslim identity. Variations in Malaysian Islamic appearance-codes reflect ethnic, regional, organisational, and religious interests. As one assertion of affiliations and representation of Islamic decision-making processes, the example of women's clothing reflects pragmatic interpretation of Islamic sources in the light of the Malaysian Muslim environment and *adat*. One interviewee sought to demonstrate differences in approaches between Malaysian and other Muslim societies (although indicating a number of other generalisations and stereotypes):

"... for Arabs, the women cover the whole body, and they are very strict with it. When we go to the *Kur'ān* and *ḥadīth*, we find the conclusion is what is agreeable for all - *idjmā'*.

"Is that the question: 'That the women are to cover all the body, except for the face and hands'? Is this agreeable by the majority, what we can say is 'the consensus of *idjmā'*'?"

"But in Malaysia, we are very strict on this. Why? Because you see the source is *idjmā'*, it is not clear from the *Kur'ān* or the *hadīth*.

"It's *idjmā'*, it's *idjtihād* - so our people ten years ago or twenty years ago, when they are staying or living in the religious area, *pondok* [religious school] ... even the people who live in the area, they do not cover constantly the hair. Not the face ...

" ... Because we consider the nature of the people, it is very hot, and you will see if you go to the jungle. So the *guru* or the teacher there just say:

'... [if] it's comfortable for you to use, better for you to use the cover - but if you go to the field, to plant, I think it is permissible to wear [what is appropriate] for your full comfort.'

"So according to this, we see the difference between the Muslim in Malaysia and the Muslim abroad. If you go to Arabia, the ladies are covered, and the women cannot drive a car [unlike Malaysia]. I cannot say, but people say [in Saudi Arabia] because there is tradition also."¹⁴⁹

This example of pragmatic interpretation reflects the climatic environment, women's work-situations, and an Muslim Malaysian interpretation of 'Islamic demands' regarding dress.

The strategy through which one mode of Islamic dress was introduced to Malaysian society was described as represented 'modern' fashion demands:

" ... [in 1971] I said [regarding] Islamic dress: 'Introduce new designs comparable with Paris. If you want to use the cover [over the head], with Malay dress, they can look nice, right? Same colour, green, light green, co-ordinated.'

"They said, 'Oh, this is very nice'.

"The stylists, [they] introduced new design, then later on, no matter what design it is when it is popular, [they say] 'Oh, this is Islamic dress!'

"After it is popular, everybody accepts it ... if it is complicated to wear the

chador, then wear the three piece suit."¹⁵⁰

By making the decision 'popular', rather than imposing 'restrictions', the introduction of this version of Islamic values became easier.¹⁵¹ It could not be directly 'imposed'.¹⁵²

The reaction of other Muslim states and organisations to the various Malaysian Islamic decision-making approaches has been mixed. For example, one interviewee stated that when some visitors came from Saudi Arabia, there was considerable conflict. Malaysia (and Malay Muslims) were described as 'anti-Islamic'. This reaction to this was:

"One thing is, as far as we are concerned, we don't care what other people say ... this is our way to handle the problem, this is our way to Islamicise the situation ..."¹⁵³

Several Malaysian commentators supported this - albeit not as directly - and reinforced the importance of contextual environment on Islamic decision-making processes.¹⁵⁴

Within the dynamics of Islamic decision-making, different interpretations of Islamicization can be found in Malaysia. The level to which these are tolerated by federal and state governments is represented through the dialogues regarding *U.M.N.O.* and *Parti P.A.S.* - and through approaches towards *adat*, *hudūd*, *sharī'a*, *idjtiḥād*, 'Islamicization' and 'modernisation'. *Idjtiḥād* and associated

concepts provide reference points within Islamic decision-making processes, in Malaysian Muslim society, with repercussions on several levels. Malaysia does not represent itself as an 'Islamic state' - however that might be defined. A number of different interests have to be balanced, from Malay Muslim 'Islamicists' to non-Muslim Malaysians.

Amongst the varied approaches towards Islamicization, Malaysia provides several models of decision-making processes from 'modernising' Islamic perspectives, in an industrialising, economically-progressive environment which retains strong links to *adat*-centred Islamic-Malaysian cultures and expressions. These models remain in transition. Future Islamicization remains dependent upon various factors, including economic circumstances and political developments.

Questions arise whether there are elements within Malaysian Islamic decision-making processes that could cross the boundaries of culture, language, politics and 'Islamic environments'. Islamic frameworks are in the process of transition within the rapidly-changing Malaysian society, within which systems of decision-making attempt to adjust and develop 'flexible' elements of Islamic principles to accommodate the requirements of new urban-centred Muslim communities.

Degrees of participation or practice of 'Islamic values' vary. Islamic expression or identity has different emphases within members of families,

communities, and societies. Core-beliefs may remain constant, whilst attitudes change in response to 'flexible' or 'new' situations. The affiliation of ethnic-Malay identity with religious-Muslim identity continues to have a key role within the wider framework of Malaysian Islamic identities, and may remain one stability-factor within a society in transition.

The Islamic decision-making models proposed by different interest groups form a spectrum of interpretation. These range from: those advocating radical shifts in Islamic interpretation; those seeking adjustment of Islamic values; and those seeking maintenance of the status quo. Malaysian Islamic societies demonstrate that different priorities and interest groups in varied Islamic environments develop diffuse interpretative models - whilst maintaining 'common threads' recognisably affiliated with conceptualisations of 'Islam', representing shared core-values. Understandings of *idjtihād* and associated concepts provide one interpretative key, discussed at several levels, and practised by '*ulamā*' and other decision-makers as a means towards 'improving' Malaysian Islamic environments. In the context of an industrialised, 'modernising', technologically-proficient, Islamically-centred, urban Islamic framework within a multi-ethnic religious setting, Malaysia represents one example which those in similar settings may be able to learn from and exchange approaches.

Endnotes

3: Malaysia

1. References to 'Malaysia' relate to the contemporary Malaysian Federation. 'Malay states' refers to pre-1948 entities. The 'Malay Peninsular' does not incorporate Sabah and Sarawak. Singapore shared many issues of nineteenth and twentieth century Malay history, and is discussed separately.
2. For an analysis of Mahathir Mohamed's *Barisan National* coalition election victory, see: James Chin, "The 1995 Malaysian General Election: Mahathir's Last Triumph," *Asian Survey*, XXXVI, No.4, Apr. 1996, pp. 393-409.
3. Malaysia does not proclaim itself as 'an Islamic state', and the population diversity is very apparent within urban settings. As in discussions on Pakistan, the intention here is not to make value-judgements determining which party or individual is more 'Islamic', 'Muslim', and/or representative of 'Islam'.
4. *Adat*, taken from the Arabic word "*āda*", is Bahasa Malay for "custom; customary law; customary behaviour". Haji Abdul Rahman bin Yusop, *Collins Gem Malay Dictionary*, 2nd ed. (London, HarperCollins, 1994), p. 2. Another Arabic equivalent for 'custom' would be transliterated as "*urf*". *Adat* reflects continuity with pre-Islamic Malay peninsular religious beliefs. For a discussion on early links between the Malay peninsular and Islam, see: Ronald Provencher, "*Islam in Malaysia and Thailand*" chap. in R. Israeli (Ed.), *The Crescent in the East*, (London: Curzon Press, 1982), pp.140-53. Isma'il bin Mat, *Adat and Islam in Malaysia: A Study in Legal Conflict and Resolution*, (Ph.D. diss., Temple University, USA, 1985), pp.31-36.
5. Malay Muslims are associated predominantly with *Shafi'i madhhab*, whilst those of Indian sub-continent ancestry are linked with the *Hanafi madhhab*.
6. Hussin Mutalib, "*Islamisation in Malaysia: Between Ideals and Realities*", Hussin Mutalib and Taj ul-Islam Hashmi (Eds.), *Islam, Muslims, and the Modern State*, (London: The Macmillan Press, 1994), p. 169.
7. The Malaysian Federation, according to the 1990 Census, has a population of 17.9 million, within an area of 130,000 square miles (including Sabah and Sarawak). This population consists of 56% Malay, 33% Chinese-origin, 10.2% Indian, and 0.9% other minorities. *1990 Malaysian Census*, in: Wazir Jahan Karim, *Women and Culture: Between Malay Adat and Islam*, (Colorado: Westview Press Inc., 1992). p. xii. For a classification of population groups in Malaysia, see: *Information Malaysia 1994 Yearbook*, (Kuala Lumpur: Berita Publishing Sdn. Bhd.,

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1994), pp. 50-53.

8. The Bahasa Malay word *dakwah*, taken from the Arabic word *dawā*, has specific Malaysian social, religious and organisational connotations relating to the propagation and promotion of Islam (discussed below):

" ... *Dakwah* has become the all-embracing and all-meaning term, intuitively understood and experienced, but less often deeply analyzed, to cover the spectrum of deepened religious consciousness and culture now prevailing. Its *Verstehend* to participants clusters along the lines of 'returning to the holy faith' (*kembalikan ke agama suci*) or 'for the sake of God' (*kerana Allah*)." Judith Nagata, The Reflowering of Malaysian Islam: Modern Religious Radicals and Their Roots (Vancouver: University of British Columbia Press, 1984), p. xx.

Therefore, the Bahasa Malay word is preferred in this chapter.

9. op. cit., Nagata, p. 30.
10. Judith Nagata, "The Impact of Religious Revival (*Dakwah*) on the Religious Culture of Malaysia," chap. in Bruce Matthews and Judith Nagata (Eds.), Religion, Values and Development in Southeast Asia, (Singapore: Institute of Southeast Asian Studies, 1986). pp. 37-51.
11. See: Manning Nash, "Islamic Resurgence in Malaysia and Indonesia" chap. in R. Scott Appleby and Martin E. Marty (Eds.), Fundamentalisms Observed, (Chicago, London, The University of Chicago Press, 1993), pp.700-730.
12. Hussin Mutalib, Islam in Malaysia: From Revivalism to Islamic State (Singapore: Singapore University Press, 1983), pp. x-xi, p. 31.
13. Sabah and Sarawak, for example, with their considerably different ethnic compositions and substantial non-Muslim influences, have departed from government agendas on Islamic policies. Ibid, pp. 163-164.
14. For a survey of U.N.M.O.'s policies and activities, see: Khoo Boo Teik, Paradoxes of Mahathirism: An Intellectual Biography of Mahathir Mohamad, (Singapore: Oxford University Press, 1995), pp. 375 & passim.
15. The Bahasa Malay spelling '*syariah*' is used within the legal framework, including for the court structures, and represents an equivalent of the Arabic transliterated as '*sharī'a*'.

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16. The extent to which *fatwā* represent the results of *idjtihād* is open to discussion. Reference to the concept may be more important than defining the methodology of application.
17. The Bahasa Malay word '*ketua*' means "elder", whilst '*ugama*' is Malay for "religion". op.cit, bin Yusop, pp. 136 & 282.
18. The British presence led to increased migration of workers from the Indian sub-continent and China, and coincided with the continued migration of Indonesian-Sumatran peoples to the Malay peninsular - with whom Malays have ethnic, linguistic, ancestral, and socio-religious links.
19. "The secularizing elements that the British injected into Malay society emphasized achievement rather than ascription, a system of authority legitimized by rulers rather than mere charisma and descent, a pragmatic rather than a magico-mystical view of life and a strict compliance with a distinct body of rules rather than blind obedience to individual chiefs." Sharifah Zaleha Syed Hassan, From Saints to Bureaucrats: A Study of the Development of Islam in the State of Kedah, Malaysia (Ph.D. diss., Cornell University, USA, 1985), p. 158.
20. *Hadhrami* Arabs were prominent in the region, especially from the seventeenth century onwards. *Hadhrami*, from Yemen, inter-married with the local Muslim population, but maintained close ties with the Middle East - including Islamic practices uninfluenced by *adat*. This led to conflicts in Islamic interpretation. Willaim R. Roff, The Origins of Malay Nationalism, (New Haven & London: Yale University Press, 1967), p. 40. Mona Abaza, "Islam in South-east Asia: Varying Impact and Images of the Middle East", Chap. in: Mutalib & Hashmi (eds.), op.cit., pp.140-45.
21. Promotion of '*idjtihād*' in the Malay peninsular is linked to these changes, especially exposure to Egyptian 'reformers', including Jamal ad-din al-Afghani (1839-97) and Rashid Ridha (1865-1935). Foundation in 1906 of *Al-Imam*, a Malay-language publication, demonstrates these influences - and promoted *idjtihād*. This was through advocacy of *Kur'ān* and *Hadīth* as primary sources, for dealing with issues of concern to Malay Muslims. *Al-Imam* included translations of Arabic articles, together with readers' questions, and discussions on *fatwah*. op.cit., Roff, pp. 52-62. op.cit., Sharifah Zaleha Syed Hassan, p. 256.
22. This conflict was not unique to Malays, and there is correlation with approaches of Muslims in other parts of the world during this period, for example in the Indian sub-continent.

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23. "Arguments about whether it was permissible for a Muslim to wear trousers and a tie, and whether taking interest from post office savings banks and rural cooperatives was lawful or not, divided people along the same lines as arguments about whether it was proper to pray at the local *keramat* (spirit shrine) or what was the correct interpretation of a verse of the *Qur'ān* ... To be '*Kaum Muda*' was to espouse modernism in any form and go against tradition; to be '*Kaum Tua*' was to be in favour of all that was familiar, unchanging, and secure." op.cit., Roff, pp. 86-86.
24. Ahmad bin Mohamed Ibrahim, "The Influence of Islam on Law in Malaysia" chap. in: Syed Othman Alhabshi & Syed Omar Syed Agil (eds.), The Role and Influence of Religion in Society. (Kuala Lumpur: Institute of Islamic Understanding [I.K.I.M.], 1994), pp. 81-96.
25. op.cit., Nagata (1984), p. 10.
26. *P.K.P.I.M.* is an acronym for *Persatuan Kebangsaan Pelajar-Pelajar Islam Malaysia*, National Organisation of Muslim Students, (founded in 1961). It demonstrated Middle Eastern reform movement influences, taking as a model the Egyptian *Ikhwan al-Muslimin*.
27. '*Kampung*' means "village, homestead, house and garden." op.cit., bin Yusop, pp. 115.
28. *P.K.P.I.M.* activities were linked to *dakwah* movements, and provided impetus for 'Islamicization' by later U.M.N.O. governments. For example, through promotion of ritualistic Islamic practices, mosque-building programmes, and *Kur'ān* Reading Competitions. Tunku Abdul Rahman's U.M.N.O. government cited Pakistan as a model Islamic state. Tunku Abdul Rahman, Challenging Times (Selangor: Pelandu Publications, 1987), p. 115, quoted in: op.cit. Mutalib, p. 159. Also see: op.cit., Nagata (1965), p. 59.
29. For a discussion on the fears of different ethnic Muslim groups, and their responses to 'Islamization', see: Chung Kek Yoong, Mahathir Administration: Leadership and Change in a Multiracial Society, (Selangor: Pelanduk Publications, 1987), pp. 45-9.
30. op.cit., Nash, p. 704.
31. John L. Esposito, "Trailblazers of the Islamic Resurgence", Chap. in: The Contemporary Islamic Revival: A Critical Survey and Bibliography, ed. John L. Esposito, Yvonne Yazbeck Haddad, J.O. Voll, with Kathleen Moore and David Sawan, (Westport, Connecticut, USA: Greenwood Press: 1991), p. 47.

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32. *Angkatan Belia Islam Malaysia* (A.B.I.M.) principal founder was Anwar bin Haji Ibrahim (b.1947), who subsequently played a significant role in the development of 'Islamic values' within the Malaysian Federation, as a co-opted member of U.M.N.O. A.B.I.M. rapidly expanded, mobilising support against the 'old guard' within the United Malay National Organisation government. A.B.I.M. emphasised its Islamic basis, as a means of asserting Muslim Malay rights - particularly in rural areas. A.B.I.M. promoted the study of Islam, and made available Malay translations from Arabic of the writings of Mawdudi, al-Banna, and Qutb. Zainar Anwar, *Islamic Revivalism in Malaysia: Dakwah Among the Students* (Selangor, Malaysia: Pelanduk Publications, 1987), p.13. Also see: *Asiaweek*, "A Springboard to Power?", October 1994, p.26.
33. Malay students were also exposed to concepts from other Islamic environments, whilst attending European and U.S.A. universities. Islamic-Malay values were promoted abroad: for example, *dakwah* groups in Britain monitored students, and provided the 'security' of Malay Muslim values in a non-Muslim environment. A.B.I.M.'s increasing influence led to assertive Islamic expressions on campuses, including 'Islamic dress-codes', and formation of *usrah* cells creating 'Islamic environments' together.
34. *Parti Islam Se-Malaysia (P.A.S.)* advocated an 'Islamic State' in Malaysia, and the implementation of *sharī'a*.
35. For an analysis of different 'Islamic' movements in Malaysia, see: Anne Sofie Roald, *Tarbiya: Education and Politics in Islamic Movements in Jordan and Malaysia*. (Lund: Lund Studies in History of Religions: 3, 1994), pp.252-305 & passim.
36. *Dar ul-Arqam* was founded by Ashaari Muhammad in 1968, promoting *Ṣūfī*-focused Muslim Malay identity. *Dar ul-Arqam* established economic enterprises, centred in Selangor, which funded educational and medical facilities for a wide-spread membership of over 100,000 people. In 1995, accusations were made that the movement were training guerillas in Thailand, in line with a messianic prophecy. *Ul-Arqam* has Singapore, Indonesia, Thailand and Pakistan branches. Within Malaysia, it has a following amongst civil servants. *Ul-Arqam* members have been described as 'Technological *Ṣūfīs*' by members. *Dar ul-Arqam* became a proscribed organisation in 1995: establishments were closed, and some members ordered to attend Islamic 're-training' sessions organised by the government. During the fieldwork period, there were indications that *Ul-Arqam*'s business interests continue to function, but members were not accessible for interview. See: Karen Dabrowska, "The *al-Arqam* of Malaysia", *Dialogue*, November 1994, p. 7. "Malaysian Technological

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Sufis Await Islam Messiah", Reuters Press Agency, July 13, 1994.

37. See Chap. 2, p.39, regarding *Jama'at-i-Tabligh (Tablighi Jama'at)*.
38. R.S. Milne and Diane K. Mauzy, Malaysia: Tradition, Modernity, and Islam, (Boulder and London, Westview Press, 1986), pp. 50-52. op.cit., Khoo Boo Teik, p. 205, p. 232.
39. Divergent approaches towards Islamicization manifested within U.M.N.O. in the 1990 election, with a split in the U.M.N.O. leadership and the creation of separate platforms within the new opposition structure *Gagasan Rakyat* (Peoples' Might), under the aegis of U.M.N.O.'s Tengku Razaleigh.
40. In Kelantan's local state elections, for example, *Parti P.A.S.* sought implementation of *hudūd* laws (even for non-Muslims) and sought advice from Islamic legal experts on related procedures. *Parti P.A.S.* has continued to criticise the U.M.N.O. government's 'reluctance' to implement a rapid Islamicization programme.
41. op.cit., Khoo Boo Teik, pp. 327-338.
42. Professor Ahmed bin Mohamed Ibrahim, Dean of Law, International Islamic University Malaysia, interview by researcher, 27 May 1995, tape recording, Petaling Jaya, Selangor.

Ahmed bin Mohamed Ibrahim is a key figures in Malaysian governmental implementation of Islamic values within legal frameworks. As a judge and academic, he oversaw changes in the legal processes, particularly in relation to the *Shari'ah* Court. He has experience in English and Islamic legal frameworks, and responsibility for devising the programme for training court officials at all levels -including lawyers, judicial officers, clerks and judges - in court procedures.
43. op.cit., Information Malaysia 1994 Yearbook, p. 432. '*Penghulu*' is Bahasa Malay for "the headman of a small district". op.cit., bin Yusop, p.202.
44. Information about 'Islamic' decisions is available through the media: for example, newspaper articles, television programmes, and radio 'phone-ins' all disseminate information about approaches towards "Islamic" issues. N.G.O.s also promote Islamic decision-making frameworks - through service provision which may have an Islamic component.
45. Shamsuddin Mat Daud, *Parti P.A.S.* official, interview by researcher, 13 June 1995, tape recording, Kota Bharu.

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46. Dr. Chandra Muzaffar, Director, Just World Trust, interview by author, 3 June 1995, tape recording, Pinang.

Chandra Muzaffar was active within *Aliran Kesedaran Negara* (National Consciousness Movement), which emphasised *idjtihād*, and was influenced by Egyptian 'reformers' (including Abduh and al-Aghani).
47. Hj. Ahmad Hj. Awang, interview by researcher, 28 June 1995, tape recording, Kuala Lumpur.
48. Datu Sheikh Abd. Majid bin Mohd. Nou defined *idjtihād* as a form of initiative based around the *Kur'ān*, a process that was 'not for the common man'. Kedah has an U.M.N.O. state administration; its official *Fatwā* Committee provided guidance on a number of issues, including advice on divergent *Parti P.A.S.* and U.M.N.O. *fatwā* - promoting the latter opinion. Datu Sheikh Abd. Majid bin Mohd. Nou, Chairman of State *Fatwa* Committee, Kedah, interview by researcher, 6 May 1995, tape recording, Alor Setar.
49. Yusuf Qadari was cited by Razali bin Hj. Nawawi as an example of a writer promoted as "a modern Muslim jurist", whose 1994 writings remained "conservative": "We are talking about 1994, this is talking about the year 600! ... they've lost touch ... Although there is an extraordinary inclination to exercise *idjtihād*, but they still remain within the yolk of traditionalism and conservatism." Dr Razali bin Hj. Nawawi, *A.B.I.M.*, interview by researcher, 22 May 1995, tape recording, Kuala Lumpur.
50. Ahmad Azam Abdul Rahman, Secretary General, *A.B.I.M.*, interview by researcher, 22 May 1995, tape recording, Petaling Jaya, Selangor.
51. Ibid.
52. Ibid.
53. op.cit., Razali bin Hj. Nawawi
54. The Bahasa Malay equivalent of "think tanks".
55. op.cit., Ahmad Awang
56. The Arabic word *taz'ir* technically refers to discretionary punishment by a *kādī* - not just for alcohol consumption. See: J. van Lent and H.U. Qureshi, ed. Glossary and Index of Technical Terms to Volumes I-VII and to the Supplement, fasc. 1-6, (Leiden: E.J. Brill, 1995), p.51.
57. op.cit., Ahmed bin Mohamed Ibrahim (interview)

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58. Ibid.

59. Ibid.

60. Idealisation of a 'golden age' of Islamic law in Malaysia may not recognise the historical extent of *adat*, or greater individual state Islamic legal powers within Malay states. Judges in the past may have had narrower demands, in terms of issues requiring Islamic legal interpretations.

61. Hj. Abdullah Fahim Hj. Ab. Rahman, Director, Islamic Research Centre, Prime Minister's Department of Malaysia, interview by researcher, 26 May 1995, tape recording, Kuala Lumpur.

62. Chandra Muzaffar provided an example of an approach by '*ulamā*' within Malaysia towards a 'problem' - and how the emphasis in this approach perhaps did not address all the issues 'correctly': during the mid-1970s, a mass movement of factory women emerged, and 'religious elements' became interested in their welfare. However, their sole concern was whether the women were meeting men, or whether a prostitution racket had developed. Muzaffar pointed out that the '*ulamā*' lacked sensitivity towards other issues facing these women, including the poor working conditions within the factories.

63. 'R.Q.', [pseud.], interview by researcher, May 1995, transcript of notes.

The Malay word '*bumiputera*' means "patriots, sons of the soil." op. cit., bin Yusop, pp. 36.

64. 'D.K.', [pseud.], interview with researcher, May 1995, transcript of notes.

65. Ibid.

66. Ibid.

67. Ibid.

68. For example, 'T.H.' - a medical doctor - indicated that in order to be successful, Malays had to learn to communicate with Chinese entrepreneurs - who were believed to be more business and money-oriented. Urban Malays were now seen to be successful in this communication endeavour, whilst rural Malays were still impeded by insular, *adat*-centred attitudes. 'T.H.' believed most Chinese Malaysians do not perceive Malays as dynamic, and as such did not see (his) understanding of the 'truth' about Islam. 'T.H.', [pseud.], interview by researcher, June 1995, tape recording.

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69. 'B.R.', a Pinang architect, suggested Malay 'moderation' meant that all aspects of Islamic idealism and rigidity cannot be implemented, because Malays protected and cherished *adat*. 'B.R.' believed individual effort was important, to interpret Islam, and that this effort naturally led to variations in interpretation. 'B.R.' emphasised the urban-qualities associated with Islam's foundation, in the cities of Makka and Madīna, amongst an enterprising society. To 'B.R.', this meant that entrepreneurs - including early Islamic society - were open to meeting 'customer requirements', willing to understand and adapt, and profited from balance and moderation. 'B.R.' developed this analogy: if a merchant opened a clothing shop in a new location, he did not force a customer to wear his merchandise - but adapted to the local requirements. 'B.R.' was emphatic in the difference strengths of Malay urban and village life, represented in variations of Malay Muslim identity. In macrocosm, 'B.R.' stressed the diversity of interpretations - with a common Islamic thread - represented during the *hadjidj*. 'B.R.', [pseud.], interview by researcher, June 1995, tape recording, Georgetown, Pinang.
70. op.cit., Hj. Abdullah Fahim Hj. Ab. Rahman.
71. See: *al-Muwatta*, 'Book of Game', 25.1. for examples of *hadīth* regarding this form of slaughter. Imam Malik Ibn Anas, *al-Muwatta*, trans. 'A'isha 'Abdurahman at-Tarjumana & Ya'qub Johnson, (Norwich: Diwan Press, 1982), p.225.
72. The 'Islamic' merits of these multi-nationals were not discussed.
73. This would have less impact in rural settings, where local markets and household production is the norm. However, by provision of a standardised food marque, it provides an element of control over food production standards (the cost of obtaining the marque was not discussed).
74. The types of issues dealt with by N.G.O.s (with an Islamic component) include: confidential counselling and support on 'family matters' and 'marriage' (e.g. A.K.R.A.B., Kuala Lumpur), and consumer protection (e.g. C.A.P. Consumer Advice Penang). State agencies also provide marriage-counselling.
75. op.cit., Hj. Abdullah Fahim Hj. Ab. Rahman.
76. Whether this policy has influenced divorce-rates requires further research. The importance of intention in divorce was emphasised by government officers, especially within the issue of divorce, which is still being analyzed by scholars and authorities in Malaysia to prevent perceived 'abuses'. See: Singapore chapter for comparative approaches towards divorce.

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77. op.cit., Ahmed bin Mohamed Ibrahim
78. op.cit., 'D.K.'
79. Other banks introducing SPTF include: Oriental Bank Berhad, Malaysian Credit Finance Berhad, BSN Commercial Bank, and Bank Utama (M) Bhd. See: Salina A. Rahman, "Important role of IT in Islamic banking", New Straits Times, May 29, 1995.
80. Fauzan Nordin, postgraduate, Centre for Islamic Studies, University of Wales, Lampeter, interview by researcher, 26 May 1995, tape recording, Kuala Lumpur. (Fauzan Nordin participated in the discussions with Hj. Abdullah Fahim Hj. Ab. Rahman).
81. op.cit., Hj. Abdullah Fahim Hj. Ab. Rahman
82. Ibid.
83. Ibid.
84. The example provided of revised legislation where this occurred was the 1948 Property Act. op.cit., Razali bin Hj. Nawawi.
85. Ustaz Muhammad Daud, Deputy Minister, Kelantan State Government (*Parti P.A.S.* Administration), interview by author, translation, 13 June 1995, tape recording, Kota Bharu.
86. op.cit., Shamsuddin Mat Daud
87. Opposition groups, such as *Parti P.A.S.*, do use the Islamic banking system in Malaysia -although they felt it was a compromise in the absence of 'Islamically correct' alternatives. Kelantan's *Parti P.A.S.* administration is legally required to use the federal banking system.
88. op.cit., Hj. Ahmad Hj. Awang
89. Islamic financial systems eliminating *ribā* can cause complex interpretative problems: a *ribā*-free government housing loan for Malaysian civil servants resulted in excessive demand. The government had to borrow from banks (at interest) to provide easy-payment interest-free loans to employees.
90. See Chap. 2, pp.70-81, regarding In Vitro Fertilisation (I.V.F.) in Pakistan.
91. op.cit., Hj. Ahmad Hj. Awang
92. Ibid.

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93. Ibid. Awang's position regarding I.V.F. is similar to that of Hj. Abdullah Fahim - which is not reproduced here.
94. At the time of writing, there were no known published Malaysian *fatwa* on this subject.
95. On the related issue of gender-selection, it was believed the pressures for male children in Malaysia were 'less extreme' than pressures within Pakistan. The opinion of Ahmad Fahim was that technology was not "changing" the "gender" of the sperm - but matching the appropriate *halāl* sperm "created by *Allāh*". *Parti P.A.S.* opinions on this issue were unavailable. op.cit., Ahmad Fahim.
96. These issues are emerging on Islamic agendas in Malaysia, and will require future research.
97. Fan Yew Teng, Executive Director, *Pusat Inisiatif Keamanan* [Centre for Peace Initiatives], interview by researcher, 24 June 1995, transcript of notes, Petaling Jaya.
98. op. cit., 'B.R.'
99. Mohd. Zohdi bin Ishak, *Penghulu Mukim Derga*, interview by researcher, translator Ahmad b. Kasim, 6 May 1995, tape recording, Kedah.
100. 'S.I.', [pseud.], interview by researcher, June 1995, transcript of notes.
101. op. cit., Hj. Ahmad Hj. Awang
102. op. cit., Ahmad Azam Abdul Rahman
103. *Dar ul Arqam* is discussed below.
104. op. cit., Ahmad Azam Abdul Rahman
105. Ibid.
106. 'U.W.' [pseud.], interview with researcher, June 1995, transcript of notes, Kuala Lumpur.
107. op. cit., 'D.K.'
108. op. cit., Ahmad Azam Abdul Rahman
109. Ibid.

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110. *A.B.I.M.* promotes Malay Muslim identity, and interpretations of Islam centred around 'returning' to *Kur'ān* and *Sunna*: some aspects of *adat* are discouraged. The majority of members encountered in fieldwork were 'middle-class' university-educated professionals, receptive to 'modernising' Malay-focused Islamicization.
111. Mohd. Azmi Abdul Hamid, Coordinator, *Program Penyertaan Pembangunan Komuniti, A.B.I.M.*, Kedah, interview by researcher, 6 June 1995, tape recording, Mirbok.
112. Does this represent a challenge to the paradigm that *A.B.I.M.* is anti-*adat*? *A.B.I.M.* promotes Malay-ness, in terms of those 'cultural' values which do not contradict 'Islamic' principles, or represent *bid'a*.
113. op. cit., Mohd. Azmi Abdul Hamid
114. Similar projects were introduced by *A.B.I.M.* within three urban areas - in Sungei Petani, Georgetown, and Alor Setar. The work has been in progress for four years, and has seen the development of networks for: paddy-planters, rubber-tappers, factory workers, students, 'fisher-folk', *bidan*, plantation-labourers, *orang asli*, youth, and women.
115. op. cit., Mohd. Azmi Abdul Hamid
116. In one *kampung* in Melaka, a travelling Indonesian saleswoman was selling factory-produced herbal medicines, advertised with an 'Islamic' label, and receiving an enthusiastic response from Malay villagers (and their urban-based relatives). Products promoted includes different pills and effusions to: 'increase fertility', 'make a woman beautiful', and 'make a man more virile'. Forms of traditional medicine are also available through (mainly) Chinese herbalists, drugstores, and chemists. Different shops represented different mixtures of 'traditional' products available. In Malaysia, homeopathic or herbalist medicine is not simply a rural phenomenon.
117. In this context, *bidan* refers to a **traditional** 'midwife', which may function in a rural or urban setting. Anecdotal evidence suggests that they are used by all society-levels, from ministerial-families 'downwards'. Services provided include: ante- and post-natal massages, the application of special oils and herbal medicines, and special prayers and other 'Islamic' practices.
118. op. cit., Mohd. Azmi Abdul Hamid
119. One example observed was the attendance, at a *dakwah* camp, of around 30 young children, the daughters and sons of indigenous *orang asli* [lit.

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- "original people", non-Malay, primarily animistic/traditionally religious 'indigenous' non-Muslim] peoples. Through games and teaching sessions, they were being educated in 'Islamic' value systems, in a rural setting away from their homes. The children were wearing 'Malay Islamic' dress. There is no doubt that many were enjoying the 'outing' (staying away from home), and the *A.B.I.M.* workers had close rapport with the children. The parents (and presumably the children) had 'converted' to Islam, although one worker stated that this conversion might be 'flexible' - depending upon the 'material' and 'social benefits' accrued through conversion. He said that a number of *orang asli* had 'converted' several times, often by different groups working within the region. 'I.P.', [pseud.], interview by author, June 1995, tape recording, Kedah.
120. In terms of 'outreach programmes', these may influence decision-making processes at all levels, from rural and legislative. Their effect was observed in some *kampungs*: for example, in a Kelantan *kampung*, where posters and illustrative materials indicated clear demarcation lines between U.M.N.O. and *Parti P.A.S.* supporters. One interviewee, a Kelantan steamroller driver, suggested that this rivalry - certainly prior to the 1995 election - had split some families and divided some communities. 'S.R.' [pseud.], interview by author, June 1995, transcript of notes, Kelantan.
121. Kelantan has returned a *Parti P.A.S.* state-government since 1979. Several Malaysians, from other regions, stressed that Kelantan was 'different' from the rest of the Federation: not just politically, but also in terms of dialect (deemed "impenetrable"), and in terms of cuisine. Several Malaysians from outside of Kelantan said that the state gives the impression of being "backward". The people are said by these sources to have a reputation for being stubborn and hard working - especially the women, who are known for their business sense.
122. Nik Abdul-Aziz Mat was away from Kelantan during the fieldwork period.
123. One example of the former is a *Parti P.A.S.* alliance with an U.M.N.O. breakaway faction, *Semangat 46*.
124. *op. cit.*, Ustaz Muhammad Daud
125. *Ibid.*
126. Nik Abdul-Aziz Mat, "In Kelantan we take a very broad view of governance," *Impact International*, February 1995, p.13.

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127. The extent of State Governmental powers are described as follows: " ... the State Government has the right to enact Islamic law within the court provided by the Federal Constitution - the scope is limited, the power given is limited ... Not just [in] the personal sphere. Any case can be tried by the *syariah* court, *syariah* court at state level, punishable by not more than '3-6-5': three months, six [strokes?], and five thousand dollar fine ...
- " ... the state has no power for *hudūd*, punishable by death or one hundred lashes or cutting off the hand ... it operates within certain confines, and the Parliament has no authority because the constitution provides that religion is within the authority of the State Government. In other words, Parliament has no authority to enact Islamic law at Parliament or Federal level, unless this provision is repealed or substituted by giving the power to the Federal government. This again, the state level, the Sultan is the only power the state has, the State Government is not prepared to give the power to the Federal Government. Federal Government has no power, State Government has no power."
- op. cit. Razali bin Hj. Nawawi
128. Alcohol is widely consumed and available in Malaysia. There are several multinational breweries operating in the Federation, including Guinness and Carlsburg. Alcohol is available in (non-Muslim) cafes, restaurants, and shops. Through observation, it was concluded that consumption is not 'limited' to non-Muslims.
129. op. cit., Ustaz Muhammad Daud
130. op. cit., Nik Abdul-Aziz Mat, p. 13.
131. op. cit., Ustaz Muhammad Daud
132. Ibid.
133. Shamsuddin Mat Daud, *Parti P.A.S.* worker, interview by researcher, tape recording, Kota Bharu, 13 June 1995.
134. Ibid.
135. op. cit., Ustaz Muhammad Daud
136. op. cit., Shamsuddin Mat Daud
137. op. cit., Ustaz Muhammad Daud
138. op. cit., 'D.K.'

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139. Malay Muslim critics based overseas have been the subject of controversy. For example, a Glasgow-based publication, Signs, attacked Malaysia's dominant 'ulamā':

" The pseudo Arab ulema with their turbans and beards will always remain alien misfits in Malay society. This is because they are neither true followers of the Prophet nor are they proud of their own Malay heritage."

The government Islamic institution *Institut Kefahaman Islam Malaysia (I.K.I.M.)* (the Institute of Islamic Understanding) was criticised for hiring a:

"... freelance ulema (complete with turban, robes, and beard) to speak on its behalf. This particular turban is said to have predicted the end of the world sometime ago. However, because no one can predict the future (Quran 27:65) this 'ulema for hire' is now back to dressing like an Arab and unloading ulema compost on unsuspecting audiences - for a fee of course. It is so easy in Malaysia." "The Polite *Ulema* Busters", Signs Magazine International Edition: 8 (Glasgow: 1996), pp. 4-5.

The result was a warning from *I.K.I.M.*, recommending that Signs circulation could be restricted in Malaysia, and that its writers could be detained under the Internal Security Act. One *I.K.I.M.* critic suggested that the Signs' stance was an example of "*ampu mengampu*" ('scrotum polishing') by "dissidents" seeking to cause division amongst Muslims - " ... an attempt at 'divide and rule', a weapon our once colonial masters [sic] were fond of using." Ahmad Faiz bin Abdul Rahman and Anwar Ab. Razak, "Controversy Over Signs Publication: IKIM's Memorandum to the Ministry of Internal Affairs", (Kuala Lumpur: unpublished memorandum, IKIM, 1996), pp. 4-5.

140. op. cit., Shamsuddin Mat Daud
141. op. cit., Ahmed Ibrahim
142. op. cit., Ahmad Azam Abdul Rahman
143. Ibid.
144. Ibid.
145. Chandra Muzaffar thought it was unlikely *Parti P.A.S.* would be elected to Federal government during the next twenty years: *Parti P.A.S.* had to

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be more conscious of Malaysia's multi-religious, multi-ethnic nature of Malaysia, at this time, what U.M.N.O. represents is supported by the vast majority of Malays - who did not wish to be instructed in how to conduct their beliefs. op. cit., Chandra Muzaffar.

146. 'U.C.' noted Malaysia had inherited an Internal Security Act from the pre-independence British administration. This Act could be applied to place individuals into detention indefinitely, for reasons that could be interpreted as 'political' or 'discriminatory' by nature, against those elements in society that chose not to conform. 'U.C.' suggested that, in this case, Mahathir benefited from the colonial legacy he so often criticised. Since independence, Federal administrations had utilised this Act "in the interests of national security" in "hundreds" of cases - including opposition members, trade unionists, and most recently against *Dar ul-Arqam*. Critics suggested that the 'illegality' of *Dar ul-Arqam*, pronounced by the Federal *Fatwā* Council, could not be defended by *Dar ul-Arqam* members - who were not given 'a fair trial' and a chance to 'defend' themselves. 'U.C.' [pseud.], interview by researcher, Transcript of notes, June 1995.
147. Ahmad bin Abdullah suggests the activities of *Dar ul-Arqam* had been 'acceptable' at the time of its foundation, in the early 1970s. When original members left and new ones joined, the organisation's agenda changed to one he believed to be detrimental to Islam. There had been concern about the influence of pre-Islamic tradition and culture, especially that linked to Hinduism: these include the attribution of 'miracles' and special 'power' to holy men, to cure the sick. *Dar ul-Arqam* was moving away from Islam because of *bid'a* - especially the claims of prophecy. In Alor Setar, the State *Fatwā* Committee endorsed the *fatwā* given at Federal level proscribing *Dar ul-Arqam*. Setiausaha Ahmad bin Abdullah, Head of Administration, Religious Department, Kedah, interview by researcher, Transcript of notes, Alor Setar, 26 May 1995.
148. The impression that *Dar ul-Arqam* was against the U.M.N.O. government had to be countered by the fact that - according to one critic - they shared many beliefs and approaches to Islamic decision-making issues. This included economic, social, and educational activities. Since being 'proscribed', *Dar ul-Arqam* business interests have continued under other names - including publishing and media interests. The rehabilitation centres were supported by some members of *Parti P.A.S.*, who additionally indicated that the priority for 'rehabilitation' was not *Dar ul-Arqam* - but the U.M.N.O. government. op. cit., 'D.K.'
149. op. cit., Hj. Abdullah Fahim Hj. Ab. Rahman

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150. op. cit., Razali bin Hj. Nawawi
151. Pressures to adopt this dress theoretically could emerge through family, community, leadership, religious, and/or environmental influences. It is useful to consider that, even in the area of women's dress, it took a male to make the initial decision and suggest the design. Questions emerge as to what the input of women was into the decision-making processes?
152. As a male researcher, access to Muslim female decision-makers in Malaysia was limited, although at 'grass-roots' level there was dialogue with individuals. In terms of women's participation within Malaysian Muslim organisations, in urban areas, attempts that had been made in some states to initiate grass-roots 'women's branches' of organisations were described by one source as 'unsuccessful' - although this seems to represent a generalisation.

U.M.N.O. has an active women's organisation '*Wanitan*' - which was described (by a spokesman) as 'very effective' and 'outspoken'. *Wanitan*'s chief is a man, the Minister of International Commerce. *Parti P.A.S.* has a women's wing, as does *A.B.I.M.*: it is difficult to assess levels of participation and input. During fieldwork, the author attended an *A.B.I.M.* local policy meeting: its decision-making participants were male; their wives remained outside of the hall - although they participated in a communal meal at the end of the meeting. Other organisations include *Muslim Sisters* - described as 'exclusive', with membership limited to 'intellectuals' and 'high society'. The issues influencing Muslim female society in Malaysia require further research.

153. 'E.D.', [pseud.], interview with researcher, May 1995, transcript of notes.
154. Whilst there are close ties with external Islamic agencies, their impact can be difficult to ascertain, and is contextual. The influences of 'external' Islamic interpretations, agencies and individuals upon decision-making processes require further research.

4 Singapore

Singapore provides a useful contrast to the Islamic decision-making processes in Pakistan and Malaysia. Despite geographical proximity and certain close links with the Malaysian Federation, Muslim communities in Singapore represent a number of significant differences to their peninsular neighbours (whilst there are several immediate contrasts with approaches in Pakistan). This chapter demonstrates that, although there are some parallels with certain Muslim Malaysian approaches towards decision-making, the nature of Singapore as an example of a minority Islamic environment introduces some new concepts to the debate,¹ in particular in the way in which aspects of religious activity are controlled in association with governmental organisational mechanisms.

Muslims in Singapore² live in a technologically-centred, economically-'advanced' framework. Singapore shares a considerable amount with adjacent Malaysia - in terms of history, Islamic issues, and approaches to decision-making processes. The regional and global influence of Singapore, and its links with other Islamic countries, also impact on Singapore's own Muslim communities. This has contributed to the development of a specific Islamic decision-making framework, aspects of which have relevance to other Muslim minority contexts - such as the U.K. Decision-makers and opinion-formers have referred to *idjtihād* when making *fatwā*, and through pro-active approaches have pre-empted responses to particular 'modernising' issues. Singapore provides one model of a 'proto-minority' Muslim environment, utilising 'Islamic' decision-making

frameworks.

Representatives of Singapore's Muslim population anticipate the Islamic community(-ies) having an increased role in international dialogues concerning Islam and 'Islamic' countries.³ This could include input regarding networking, 'Islamic' protocol, and international representation. Priorities for interviewees⁴ include relations with Singapore's other ethnic and religious communities, educational improvements, and economic prosperity. State-controlled Singaporean Islamic organisations naturally seek to promote the 'benefits' of their role in Singapore's Muslim communities.⁵ The Census indicates that Muslims in Singapore attain disproportionately low educational qualifications, relative to the population as a whole.⁶ This influences subsequent access to economic and political power, and general 'quality of life'.

The proximity and historical links between Singapore and the remainder of the Malaysian peninsular may mean that some parallels can be drawn between respective Muslim communities. However, to an extent Muslims in Singapore differ in certain 'Islamic' aspirations, living in a minority context with a different historical background. Muslim traders had been active in Singapore region for several hundred years, prior to Sir Thomas Stamford Raffles founding an East India Company trading post on the island of Singapore in 1819. The small Muslim communities on Singapore at this time expanded during Singapore's rapid development, attracting migrants from throughout the Peninsular and elsewhere. By 1880, Muslim interests were contained within the colonial legal

framework, represented by the Mahomedan Marriage Ordinance, which regulated marriage and divorce under a *kādī*. Singapore had a significant role as a *hadjji* port, facilitating movement of people and ideas, as well as increasing the number of Muslims who stayed permanently in Singapore.⁷

Assertions of Muslim identity and 'rights' in the British colony increased in the early 20th century. After independence, in 1963 Singapore merged with the Malayan Federation, departing twenty-three months later (in August 1965).⁸ Rioting in 1964, involving Muslims, influenced the development and implementation of the Administration of Muslim Law Act (A.M.L.A.) in 1966.⁹ The social, economic and cultural changes in Singapore during the 1960s included extensive resettlement of Malay-Muslims, from *kampungs* into tower blocks, coupled with declining educational opportunities for Muslims.¹⁰ The Singaporean Muslim communities' disenchantment with loss of 'majority' status - coupled with a decline in social, economic, and educational opportunities - required rapid governmental action in order to prevent potential unrest.¹¹ There was also a need to appease neighbouring Muslim nations and communities, as well as the wider 'Islamic world.'

A.M.L.A. legislated the creation of the governmental body, *Majlis Ugama Islam Singapura (M.U.I.S.)*, which opened in 1968. This was headed by a state-appointed President, a *Muftī*, and a Committee (nominated by the *M.U.I.S.* President and appointed by the state President). A.M.L.A. has wide jurisdiction in matters of Muslim personal law: this includes issues associated with marriage

and divorce, through the *Syariah* Court.¹² *M.U.I.S.* controls administration and development of *wakf* endowments,¹³ and collection of Islamic alms, including *zakāt* and *fitra*. *M.U.I.S.* has a legislated role in the coordinated development of new mosques and religious schools. In theory, at least one Singaporean dollar a month is given as a minimum to *M.U.I.S.*, by each working Muslim, to assist the building of modern mosques; this is matched dollar-for-dollar by the Singaporean government.¹⁴ The intention is to have 80% of Singapore's total Muslim population served by 'new generation' mosques - no more than three kilometres from their places of residence.¹⁵ The emphasis is on multi-functional mosques, which include offices, conference rooms, and classrooms - 'on-line' with computer facilities. The designs of these new mosques incorporate 'traditional' features, reflecting cultural influences, combined with modern architecture.¹⁶

The *M.U.I.S.* Legal Committee - or *Fatwā* Committee - forms part of Singapore's legislative framework for Muslims, sanctioned through A.M.L.A.¹⁷ It provides the public with access to an 'official' channel of Islamic decision-making and opinion-formation,¹⁸ with the (state-approved) ability to make what is described as '*idjtihād*', and to provide *fatwā* opinions which may subsequently be published.¹⁹ The Committee works on majority decisions and normally follows the *Shāfi'ī* line - with questions that are not unanimous being referred back to *M.U.I.S.* membership:

"Provided that if the *Majlis* of the Legal Committee considers that the following of the tenets of the *Shafi'i* school of law will be opposed to the public interest, the *Majlis* may follow the tenets of any of the other

accepted schools of Muslim law as may be considered appropriate, but in any such ruling the provisions and principles to be followed shall be set out in full detail and with all necessary explanations."²⁰

The extent to which this could be seen as promoting *idjtihād* and *maṣlahā* has to be considered, in the context of *M.U.I.S.* operating within a minority framework. The *M.U.I.S.* remit is associated primarily with personal law issues, and the observation of (selected) 'Islamic' principles (centred around *ḥukm*). The extent to which state-input influences the 'independence' and 'impartiality' of *M.U.I.S.* must be considered.

The *Fatwā* Committee met twelve times in 1993, and published fourteen *Fatwā*. Four examples are discussed below, to represent the approaches to Islamic decision-making issues in Singapore (researcher's emphasis in bold type):

- (a) "... **smoking** is '*makrūh*' or discouraged and Muslims should refrain from indulging in the bad habit. It becomes '*ḥarām*' or forbidden to those whose health have been affected [sic] and who have been advised to stop smoking by their doctors."
- (b) "... **Pork** and its derivatives are an example of the highest category of food which are forbidden to Muslims. Crockery which have been used to serve food contained such forbidden food cannot be used for Muslims. Crockery used to serve forbidden food of other categories can be used to serve food to Muslims as long as the crockery is first washed in clean water."
- (c) "The ceremony or practice [**'Lenggang Perut'**]²¹ is not Islamic."
- (d) "**Marriages involving Transsexual and Hermaphrodites:** It is unlawful in Islam for a person to go through a sex change operation. The change in sexual status is not recognised for the purpose of marriages."²²

The following responses are made by the researcher in relation to these *fatwā*:

- (a) The *fatwā* on smoking represents an issue that is not directly forbidden or mentioned within the *Kur'ān* and *Hadīth* - although its prevention could be analogous to *maṣlahā* in terms of harmful effects to public health and welfare (e.g. prevention of: passive smoking, cancer, bereavement of families), or because cigarettes possess 'addictive' or 'intoxicating' stimulant qualities. Extending the *fatwā* to a total ban on Muslims is potentially impractical, would produce wide-spread resentment, and damage tax income. Smoking is illegal in public places in Singapore.
- (b) The *fatwā* on 'forbidden crockery' raises a common issue in Muslim minority environments of Muslims mixing with non-Muslims, especially sharing meals, when pork is a staple food of non-Muslims.²³
- (c) The *fatwā* on '*Lenggang Perut*' represents the familiar conflict between '*āda* and 'modern' Islam, the ceremony implicitly being interpreted as innovation (*bid'a*) by the *Fatwā* Committee. This could be compared with other practices promoted by *M.U.I.S.*, including *Hari Raya* (celebrations of the Prophet Muhammad's Birthday) - deemed innovative or 'customary' in some other Islamic contexts.²⁴
- (d) The *fatwā* on the legal position of changes in sexual status reflects an issue that is not directly found in Islamic primary sources. It represents the impact

of medical technology on Muslim society. The fact *M.U.I.S.* had received a question on this issue, and believed it necessary to publish an answer to it, could represent a number of potential issues: for example, a lack of 'awareness' on the part of the questioner, in terms of gender roles and Islam; it could also represent 'openness', and perhaps an awareness on the part of *M.U.I.S.*, that this could be an issue for Muslims in Singapore - especially if it is under discussion amongst non-Muslim communities in Singapore.

During fieldwork, it was clear that the *M.U.I.S.* officials²⁵ wished to promote (their interpretation of) *idjtihād*. It was described as indicating the practicalities of Muslim life in the Singaporean context - a matter of survival of self and religion:

" ... like *idjtihād* itself, maybe it is just a theory - in some countries it practised like that, some people say we cannot practice *idjtihād* ... because they say the books written by the Muslim scholar, hundreds of books in different *madhhab*, why [do we] need an *idjtihād*? But more radical '*ulamā*' say 'Yes', the *idjtihād* until the hereafter and all that ... but living in a country like Singapore, you must say 'yes' to *idjtihād*, otherwise you cannot live. You cannot survive.

"We are the *Shāfi'ī* school of thought, but many things dealing with our daily life - economy, social - we sometimes adopt other schools of thought. Like *Īmām* Abu Hanīfā, because Hanīfā was in Baghdad, which at that time was multi-religious, multi-racial, and our *Īmām* *Shāfi'ī* was in Hidjaz in Madīna. They have only Muslims there, no other culture..."²⁶

This pragmatic approach incorporates precedent, for example the exploration of context (Abu Hanīfā in Baghdad) and acceptance of *fikh*, whilst contextually adapting it to fit a period in circumstances and time - especially in aspects of

Islamic interpretation seen as 'flexible' in orientation.

The approach of an individual or group with a question to the *Fatwā* Committee represents an exhaustion of other channels of communication and decision-making. The 'formality' of approaching *M.U.I.S.* with a question contrasts with the 'cathartic' element of other levels of decision-making. These are specific, technical questions which have the potential for conflict: a local *īmām* may find that his viewpoint on a specific issue contradicts that of *M.U.I.S.* (although the extent to which this is a 'problem' in a community of state-funded *īmāms* is open to discussion). The *Muftī* has to balance his viewpoint with that of the interests of the general Muslim public (and the rest of the Singaporean population):

"Because [an] *īmām* [local *īmām*] might worry that his view might contradict any view that the *fatwā* committee comes up with, because ... *fatwā* is a religious ruling we come out with after considering *kiyās* and all that. At the same time, you must also consider the community, our requirements and all that, so sometimes the *īmām* might keep his view, because his view might suit him but not suit the Muslim community as a whole."²⁷

Mohd. Murat Md. Aris was asked whether, in the context of the *Majlis*, *fatwā* represented "more of a ruling than an opinion?"²⁸ The response was:

"Yes, and it will change, according to the time, according to the places, the environment and all that."²⁹

There was an emphasis on 'pro-active *idjtihād*' and decision-making, where individuals unable to wait for a *Fatwā* Committee ruling were encouraged in some areas to make their own decisions at a personal *idjtihād* level - and dialogue with colleagues on 'new' issues.³⁰ This can be compared with those Muslim approaches which discourage or prohibit such decision-making:

"So that is why we encourage even our Muslim workers ... to be more pro-active, to discuss things that have not happened yet."³¹

This ideal contrasts with the concern that Singaporean Muslims were 'afraid' to raise certain issues - for fear of contempt or ostracism - indicative of the 'traditional nature' and understandings of the region:

"But most of our people here, in this region they are very apologetic you see. It is not easy to come out with something which people has not think [sic] about it. It is not an issue yet. You are the person who started it, who creates the problems. That's why you keep quiet, and keep to yourself, until it becomes an issue, when we come with an opinion and all that."³²

This factor has an effect on decision-making processes, especially in terms of access towards authority (referred to in other Islamic contexts). Another source indicated a reluctance on the part of the authorities to make decisions:

"The scholars need to come out, because they are frightened ... [on *idjtihād*] there is much more that can be done, unfortunately there was a psychological block on that. Founders of Islamic schools of law were radical reformers in their own time, if they were to have this fossilised form of thinking, they would never have founded a school."³³

This may be lined to a 'scholar' believing in personal qualities and qualifications, enabling Islamic decision-making and interpretation.

There are examples of this pragmatic interpretation of Islamic sources within Singapore. The development of property through *wakf* development schemes has provided, according to *M.U.I.S.*, Singaporean Muslim religious institutions with financial security:

"One of the unique rulings the *Fatwā* committee came out with, our *wakf* development, because according to our *Shāfi'ī* school of thought we cannot develop *wakf* property [endowment] anyhow ... even *Shāfi'ī* scholars say that even if this property will be destroyed we cannot do any thing with it, because this property belongs to the person who give up [sic] his will before his death. So there were certain benefits or beneficiaries.

"But even though we are attempting *Shāfi'ī* school of thought, the *Fatwā* Committee has come up with a ruling saying that this *wakf* property can be developed, it is necessary to do it and there are urgencies and all that, but if we just let it go, if we don't do something with this *wakf* property, Singapore government law is if you don't develop, government will acquire the property, the government will develop it you see. You cannot just leave it like that.

"We have developed a few *wakf* properties, after the *fatwā* committee come up with this ruling, so we have developed a few *wakf* property. One was an old village house, which is rented out for 500 dollars a year, but after developing it, it is 60,000 dollars a year ... the *wakf* stays in Muslim hands, and this is one of the rulings." ³⁴

This represents a pragmatic approach, contextually linked, designed to 'improve' the Islamic environments for Muslims in Singapore. Without this ruling, the logistics of the mosque-building programme would have been difficult to fulfil. It also represents an example of *gotong royong*:³⁵

"We consider ourselves lucky that we have been able to motivate the spirit of self-help amongst Muslims ... we create a sense of belonging, because we want Muslims not to ask for free from people ... you must spend within your budget. You want to extend the mosque-building, you must spend within your budget ..." ³⁶

The extent to which this example of Muslim self-help has become part of 'the state system' in Singapore is demonstrated by this mosque-building policy:

"Muslims have to donate the minimum of one dollar a month, nowadays most of us will contribute more than two dollars ... with that money, we buy land and we build mosques. The government is very supportive towards these mosque projects, they give us special offer for the mosque site, any new town they develop the site for the mosque. Not only for the mosque, but for other religious groups as well. For the mosque, no need for us to buy land through open tender. But other group have to buy land through open tender. Very expensive ...

"We make use of government agencies, the central building fund, and make use of that system. The employer will deduct the contribution from employers every month, that money will be channelled through the ... system, the *īmām* will be informed about the commission for that particular month, every month we manage to collect about 400,000 dollars. Every year about four to five million [dollars]. From 1975 when the scheme was introduced until now, we have managed to raise almost 60 million dollars. We have built 15 mosques, with great help from the government. Without that, it is not easy to build. Every mosque will cost four-five-six million, it is not easy to raise on the spot through pocket."

³⁷

Only one of Singapore's new mosques has been constructed through 'external money'. All mosques produce audited accounts, and are bound to raise funds for utilities and salaries of an *īmām*, *bilāl*, teachers, and full-time security officers. Through donations, it was suggested by *M.U.I.S.* that an 'average' mosque could

raise \$15-20,000 (Singaporean dollars) a month. ³⁸

These could be cited as good examples of *maṣlahā*, representing a pragmatic interpretation of 'Islamic values' in the 'public interest'. Islamic values are also promoted through education in these mosques, from kindergarten level upwards:

"So from small they are exposed to the religious values, so when they grow up they will become good Muslims: dynamic, progressive and rational. And also good citizen. That is why government introduced Religious Harmony Act, to prevent the religious schools over-promoting their own reason, so we are now multi-religious multi-racial society, we don't want to create disturbance amongst our citizens. So that is important - to limit activities of every religious group ...

"Singapore is a small country, we cannot afford social unrest... with stability we can concentrate on education, to organise activities for our people ..." ³⁹

There is not unreserved support for this (idealised) view of religious education, however, and one person noted the following:

"I educate my own children rather than send them to traditional school, because it is completely different from what the *Kur'ān* teaches ..." ⁴⁰

In terms of higher education on Islamic issues, no university currently runs courses in Islam as a religion (nor on any other religion), although religious-Islamic issues form components of other courses (i.e. sociology, political studies). Students seeking to study 'Islamic sciences' travel outside of Singapore. This is partially for economic reasons, although sending students to an institution such

as al-Azhar is seen by 'too traditional' by some sources. Others feel that it is worthwhile to expose students to values from other Islamic environments - as Singaporean students already have been 'inculcated with modern values' such as knowledge of English, science and technology.

The level to which these educational values influence the Islamic decision-making process might properly only be evaluated in the long term. However, the diversity of issues raised by *M.U.I.S.* provide one indicator. *Muftī* Sahibus Samaha Syed Isa bin Mohamed Bin Semait, educated at al-Azhar and *Muftī* of Singapore since 1972, has broad experience of Singaporean-Islamic decision-making contexts. One of the most controversial issues he faced was human-organ donation and transplantation, not permitted in an initial *fatwā* in 1974, but revised 'for times of emergency' in 1986:

"Among the reasons for the *Shāfi'ī* school of thought to give this kind of *fatwā* on this kind of issue is that we must make sure that the medical facilities [are adequate] ... [and that we] can assure that the people who receive the organ and the people who donate the organ must be safe. This is 70-75% confirmed. But during that time [of the original *fatwā*] doctors cannot confirm. So the *fatwā* committee say 'no'. Just recently ... [?], the *fatwā* committee says 'yes' because the doctor can confirm, because they do the transplantation, check the blood and all that ... Now the doctor can confirm that the success rate is high, so the *fatwā* committee says 'yes' ...

"Even if some of the rulings are like other countries, like organ transplantation and things like that, in the context of Muslim as a minority in the plural countries like Singapore, this kind of view is quite difficult for the *fatwā* committee to come out with it, and to tell the public that you are allowed to donate [your organs]. People might ask: 'Am I allowed to donate one of my kidneys to a non-Muslim, and what will happen?' But the *fatwā* committee comes out with a decision, and the *fatwā* committee has their own reasons ... it is to save life."⁴¹

In this instance, progress in medical technology has led to a revision of the original decision, in the light of improved survival chances (of recipient and donor, in 'live-transplants' of a single kidney). However, the decision-making process continues formulating itself in terms of related issues (for example, the final question regarding organ-donation to a non-Muslim). The implications relating to the medical-ethical area of I.V.F. and genetic engineering have not yet been fully formulated by *M.U.I.S.*, which was aware that it was a priority area that could take its place on the agenda immediately. However, it was felt that a decision could not be made until all the facts were at the disposal of *M.U.I.S.* This assembly of information may incorporate dialogue with other Islamic interests outside of Singapore, such as through *M.A.B.I.M.S.*

In relation to education, one of the principal 'problem areas' for *M.U.I.S.* was 'sex-education'. This has parallels with other Islamic environments, notably within the U.K. In Singapore, the interests of all population and interest groups had to be accommodated within the state education system - which could contradict values within an Islamic framework. The approach of the Singaporean Muslims is placed here to inform the debate:

"... In Islamic education there is a way of approaching teenage young people ... in Singapore and Malaysia they have started off a campaign, and they have a sketch, something like that, about safe sex. Of course, our Muslim scholars' response to this is: 'How safe sex, there is no safe sex out of wedlock .. it is not allowed.' ... In Malay, '*sex lambang*' means 'avoid 'free sex' [safe sex]' ... the '*ulamā*'s response is that this is not correct [i.e. no sex is better than safe sex] ...

"For the community [in Singapore], especially western-educated,

especially Chinese-educated, they are facing this problem more and more frequently. They have more freedom, and that is really worrying government. That's why we have to educate, and other kinds of precautions ...

" ... from the Chinese, there is also comments [sic], if they are going to teach this subject, the teachers must also be properly trained in the skill of introducing such education. He or she must know the psychology of such education, not over-emphasise, impart in the proper way, not to make things worse. Chinese community is worried. Eastern people, it is very difficult for them to talk to the children, talk to the youths. It is not easy for them. They are very shy and very modest.

"For Islam we usually use indirect way ... now it is not an issue in Singapore, any move to introduce it in Singapore school, even though it was discussed, but it is still not implemented in our school here." ⁴²

This provides an example of different ethnic and religious elements having shared goals and objectives (albeit negative and prohibitive in some sources' opinions). In Singapore, there was common correlation between sex education and sex out-of-wedlock. ⁴³ The reasoning behind reluctance to promote sex-education was linked to 'traditional' 'Eastern' behaviour, and was interpreted as part of a wider picture incorporating other belief-systems and/or ethnic groups. ⁴⁴

Marriage and divorce law procedures provide an example of how 'minority' Islamic frameworks can be incorporated into a state system. This gives an indicator of some approaches to Islamic decision-making processes and issues within the state. A.M.L.A. legislates the requirements for marriage and divorce of Muslims in Singapore - for example the form of the marriage solemnization ceremony; the *kādī's* role; and the procedure of the *Syariah* Court regarding divorce ⁴⁵ and polygamous marriage - which is discouraged but not prohibited. ⁴⁶

Concern was expressed by sources regarding 'high' levels of divorce in Singapore, and what were judged as resultant 'social problems':

"The children will become the ... drug addict, school drop-out, we are facing such problem and we try to make attempt [to resolve them]." ⁴⁷

An innovation designed to pre-empt such 'problems'⁴⁸ has been the development of compulsory 'marriage preparation classes', which are held within mosques:

"We teach them how to be good father, good mother, good husband, good wife. How to look after their children, the family, how to do the budgeting, these things are very important. Financial [control] is very important, it will create the gap between husband and wife.

"Hopefully from our course they will know their responsibility, they will know the problems they will face, because once you get married it does not mean all problems are solved. After beginning another era, a lot of problems (!) ..." ⁴⁹

During fieldwork in Singapore, the offices of the Registrar of Marriages were visited. In addition to an (optional) *nikāh* mosque ceremony, all Muslim couples have to be married and registered at these offices, where they are provided with a certificate and their details are entered onto a state computer database. ⁵⁰ According to the Registrar, the marriage guidance course had been 'copied' by Malaysia: other religious organisations in Singapore had also 'borrowed' the programme, such as Hindus, who had adapted the blueprint for their own needs. ⁵¹ Approximately 4,500 Muslim couples married every year in Singapore, 80% of whom attended the course. Passouli commented that, of the eight components in

the course,⁵² the non-participatory lectures more popular than workshops in which couples had to discuss issues and potential problems. 'High risk' couples were provided with special workshops, linked to educational background and ability. Couples also attended 'follow-up' post-marriage courses.⁵³

The *Syariah* Court provides an practical example of how Islamic injunctions regarding divorce procedures have been adapted to fit the circumstances of the Muslim communities within Singapore.⁵⁴ A.M.L.A. explicitly covers the details of divorce procedure.⁵⁵ The Court oversees all actions over divorce, including procedure over property divisions, maintenance, and child custody. It also has a counselling section - of three male counsellors - through which all cases (and potential cases) have to pass. Each couple has to have at least three counselling sessions. If, after this, there is agreement for divorce, the case is processed by the *Syariah* Court. Mosque counselling also exists, but it was indicated that - because of the Court's status and power - the couples preferred to visit the Court for counselling. Prior to any divorce hearing, efforts are made to achieve a pre-trial agreement, to save departmental time and expense. If there is a hearing, families may attend - although at times there has been conflict and they have to be ejected. Court findings have not been published since 1970, to stop scandal circulating within Muslim communities.⁵⁶

The *Syariah* Court handles approximately 2,500 reports (on potential divorces) a year, and of those 1,500 a year come to the *Syariah* Court. This means that, on average, one-in-four married Muslim couples in Singapore come

for consultation and divorce. Compared with the divorce rate of approximately one-in-ten in other sectors of Singaporean society, this may indicate a number of factors relating to Muslim couples in Singapore: ⁵⁷

"If you look at the reasons cited by women, most of them have been deserted. The decision is not that popular, but for most of them to get adequate maintenance [they need a Court decision] ... for most of the couples who come here for a divorce, during the first five years of marriage is the most volatile period - if they can survive the first five years, most likely their marriages will stay longer [sic].

"If you study the trend, most of them are from the lower primary, lower secondary level and you would expect that economic reasons must affect the marriages, and most likely if they are from the lower income, they are unable to support the family, [and] it leads to such problem. But many couples these days are citing 'personality differences', that's one of the most popular [sic] reasons you find here." ⁵⁸

This puts a strain upon the decision-making processes and resources of the Court. Another reason cited for the high-divorce rate was the growing economic role of women in Singapore, increasing expectations within marriage. The changing context of marriage provides one example of 'Islamic' reconciliation of tradition with living in a 'modernising' environment.

Cases included dealing with marriages where one party has come from outside of Singapore, and then deserted the other partner. Although lawyers are not necessary during the process, legal aid exists for their provision in some cases. There is also interaction with the civil courts, for example when an exclusion order is required in a case of domestic violence. The *Syariah* Court provides a model of an Islamic-oriented institution working under the aegis of a

non-Muslim majority state. In terms of decision-making processes, it has given some organisations in other Muslim minority environments a stimulus.⁵⁹

Another Islamic decision-making model operating within Singapore is '*Pertapis*'⁶⁰ - one of several non-governmental organisations (N.G.O.) working in the field of Muslim welfare. *Pertapis* is discussed here, because of its Islamic responses to issues that are often dismissed as *ḥarām* in other Islamic contexts. There are parallels behind the kinds of issues faced in Singapore and other Muslim minority environments, including the United Kingdom. *Pertapis* was founded in 1969, initially to provide socially deprived youth with religious education classes. Now it runs social welfare programmes on a wide scale, including homes for the elderly, hostels for abused and battered women, crisis centres for single mothers and children, and kindergartens. They also manage an Outward Bound scheme for youth with low educational attainment, providing them with opportunities to escape from the urban environment for the first time.

The *Pertapis* Centre for recovering Muslim drug addicts provides a rehabilitation model, centred around an 'Islamic' value system:⁶¹

"[*Pertapis* seeks to] impress upon the public that social service is an integral part of religion, especially the Muslim religion. The *Kur'ān* is the constitution of Islam. Whatever you say you have to profit from the *Kur'ān*. And there is so much people do not know."⁶²

Drug-'abuse' is un-Islamic, according to interpretation based on *Kur'ān*-ic

prohibition of alcohol (this in itself is an often cited form of *idjtihād*). Drug-use is seen as a significant problem within Singapore, and drug-trafficking carries a death penalty. *Pertapis* is a 'last chance' for many addicts,⁶³ and was described as a Singaporean example of Islam 'in action' - utilising a decision-making process centred around values emphasising compassion rather than punishment for 'transgressors'.⁶⁴

The programmes for drug addicts have a basis in an American model of behaviour modification, psycho-emotional support, and spiritual and intellectual growth.⁶⁵ According to one worker (a recovering heroin addict), the 'spiritual' aspect centres around Islam, the intention being that interpretation is not just a set of rituals and traditions, but also provides a framework of values as well.⁶⁶ Zainuddin Ismail, the Centre's Director, believed that a spiritual vacuum in Singapore contributed to people taking drugs, within a socially deprived urban environment. This may reflect the result of the rapid changes in Singapore - and the shift from rural to urban settings - for Muslims. *Pertapis* promotes an approach which adapts a drug-rehabilitation scheme to fit Islamic values:

"The last part is, although we are Muslim, we do take in the parts [of Islam] which fit in with our programme, but we do not proselytise, right, because ... it is more about the universal values that are shared with all [addict programme] communities all over the world ...

"The last part, the most important part, is survival. It includes coping skills and vocational rehabilitation. Not just giving them a job here, but infusing them with correct vocational sincerity, the work ethic.

"For example you've [the addicts have] got to work, you've got to regulate the work, regularity is important. They've got to start very early in the morning, so that part we simulate for them, we simulate interviews, we

make them doing everything - the whole joint here is run by addicts, it's not run by [the] administrative office, it's run by addicts."⁶⁷

The 'Islamic influence' is not immediately obvious to the eye, in terms of building design or decoration, symbolism, or clothing worn in the Centre. ⁶⁸

Quotations from the *Kur'ān* are on some office and meeting room walls. The library has small amounts of Islamic material within it. *Pertapis* publicity illustrates that certain Singaporean festivals and Islamic rituals are carried out on site - for example *Hari Raya* and *Qurbani*. At the gate, there was a security officer; there is fencing around the perimeter of the Centre:

"... So what happens is that we have to provide them with a safe environment. We don't have security guards. If they want, they can just climb over the fence. The fence there has been there from the very beginning. We provide them with a safe environment, not just physically but emotionally. A place where they can come out with their secrets, and they also know that whatever secrets they share will be kept confidential ... we provide the environment, but they create the environment, they create the programmes themselves."⁶⁹

The onus of responsibility is placed on the addicts themselves:

"... you might come in as a hardcore drug addict ... but if you have the skills, you can become a co-therapist. In fact, three-quarters of the staff here are former hardcore drug addicts ... in fact I would say it is more like 95%. But it is so wonderful, there is hardly any turnover of staff here. And we do not give them gorgeous salaries - just tolerable. But at the same time, because you are dealing with a residential centre, you must be careful not to take in those cases that are suicidal ... also very severe psychiatric cases.

" ... Our screening process [is quite strict], they go in front of addicts and they know if you are trying to pull a fast one, they will test you, and they

will test your patience as well. They will ask you to come at seven o'clock, 'bloody hell, I've been here for five hours, you've pushed me around.'

"Social workers would not put up with that, it is not the regular way. They [addict applicants seeking to come to the centre] have to be patient, because the process is very gruelling. Just imagine, a hardcore addict, 45 years old, drops a piece of paper - he is immediately confronted by a young addict, who says: 'Excuse me, brother, what did you do that for? Pick it up. Don't do it again.' If he does it again, he is immediately confronted at different levels ..." ⁷⁰

Within this 'Islamic environment', a realignment of certain 'external values' is necessary for *Pertapis* Centre to thrive:

"... We don't allow any kind of drugs, no substitutes down there. No narcotics of any kind, no methadone, no sex and no violence. During the encounter groups, someone comes up to you and says: 'Brother, do you know why you are here?' You say 'you don't know?' They say 'you didn't flush [get withdrawal pain/symptoms] for a few days.'

"It's very small [i.e. a small achievement], but for them, it is a very big thing ... they go through your history, and it really works ... that's why normally you can't find a piece of paper, they've got no attenders, there are no papers, they've got no cooks. It's all done by them. There are no boys in the kitchen who are good at cooking. Those who **don't** know how to cook are put there. They have to suffer! And now they [ex-addicts, going through *Pertapis*] are in the top hotels in Singapore! ..." ⁷¹

Pertapis promotes itself as providing vocational guidance, as well as support at all levels for recovering addicts. The notion of *gotong royong* provides another reference point, within the Islamic framework of approaches towards intoxication and transgression. The Singaporean government supports the *Pertapis'* role with these addicts, referring cases to the N.G.O. from prison, as well as providing funding and advantageous rates for property purchase and rental, medical care,

and provision of equipment. *Pertapis* provides a model worthy of further exploration and study, in the context of drug-rehabilitation in an Islamic environment, and in the provision of social welfare for Muslims who are in a minority. It represents a fusion of pragmatic Islamic values with the realities of a modern social situation; its staff saw these values reflected in the *Kur'ān* and other Islamic sources, and understood their implementation as practical responses to issues facing Muslims in Singapore - without simply being part of a *dakwah* programme. As such, *Pertapis* was cited by its workers as an example of *maṣlahā* and '*idjtiḥād*'.

The position of Muslims in Singapore may give the impression of a 'quietist' community(ies), unwilling to cause confrontation and anxious to improve its role within the multi-ethnic, multi-religious setting. Issues deemed of importance in Muslim majority environments do not have the same immediacy for the Muslim community in Singapore - although their importance within an Islamic framework is recognised. Proximity to Malaysia provides access to an Islamic 'finance' system; Malaysian banks have branches in Singapore; an Islamic insurance scheme runs within Singapore. Some 'Islamic' issues are dealt with without the need for high-level state intervention, for example *ḥalāl* meat production. Certificates are available from *M.U.I.S.*, but locally produced meat slaughtered by Muslims in the *ḥalāl* method does not require a *ḥalāl* certificate.⁷²

M.U.I.S. policy indicates a quietist approach to other issues, even if they transgress 'Islamic values'. For example, the researcher noted a proliferation of

advertising on the M.R.T. (Mass Rapid Transit) railway system that might be deemed 'sexually explicit' in its representation (primarily) of women. This was seen as an issue of concern to the Chinese population in Singapore, as well as the Muslim community, according to *M.U.I.S.*:

"Normally our *Fatwā* Committee would come into the picture [sic] when people have problems that they cannot solve themselves. On this issue they will just complain to the government. They can say that 'I don't want my children to see all this and all that!'" ⁷³

"Another thing we ask for is open society ... They [commerce, financial concerns] emphasise commercial [activity], make money-money-money, investment-investment-investment, and Muslims understand that we cannot expect everything to suit our [belief], we must give and take, that is where tolerance comes, harmony, we must respect peoples. Commercial advertisers feel that the best way to attract business - I think we must be reasonable, because that one [advertisement is] not designed for Muslim communities, for general public. So Muslims understand there is tolerance, otherwise you can't move! For them it is art [laughter]." ⁷⁴

M.U.I.S. noted that non-Muslims had contacted its officials, expecting 'an Islamic response' against such advertising. It was believed that there was a need, in the minority context, to 'draw a line' as to where and how *M.U.I.S.* responded to certain issues. There was a belief that, given an appropriate Islamic education, a Muslim would be able to respond in a pragmatic fashion to such 'non-Islamic' values:

"The concept of agreeing to disagree is very important practice, because you know we are minority ... we cannot do something, so find the positive way of relating, and that is what we are doing. We don't want people to be forced to accept our values ..." ⁷⁵

This may not be a 'uniform' response amongst Muslims in Singapore, as there are a number of interests that are not directly aligned with *M.U.I.S.* interests. The majority of Singapore's Muslims, however, have interests which are represented directly or indirectly by its actions and rulings (through the *Fatwā* Committee). As indicated in the population survey, it would be incorrect to assume that Muslims in Singapore are homogenous in beliefs or interests.

The prospects for the Muslim population of Singapore in the future is linked to the decision-making processes and institutions outlined above. Responding to 'modernity' plays a key issue in this minority setting. The population size of Singapore, and the Muslim communities' 'representation' or 'control' by a single government special interest umbrella group, also plays a factor in the immediacy of *fatwā* and *idjtihād* in Singapore's Muslim communities. Part of this is associated - according to *M.U.I.S.* - with interaction between Muslim and other groups in Singapore:

"The condition in which Muslims see themselves as a community in isolation - denying the world beyond narrowly-defined boundaries, deaf to new logic and quarrelling - has gone on too long.

"We the Singapore Muslims know where we shall be when the twenty-first century arrives. We know what point we shall have reached in our own history. We shall be on the starting grid, along with Christian, Taoist, Buddhist and Hindu Singaporeans. We shall be ready and keen to move forward."⁷⁶

The future role of Singapore's Muslim community, given the (current)

governmental position on Islamic affairs, is in a transitional phase. Singapore's emphasis on technology and economics could benefit further from a higher attainment of educational levels amongst Muslims. *M.U.I.S.* seeks to influence the region (and elsewhere) in Islamic issues, which could have subsidiary political, economic, and strategic benefits. The extent to which *M.U.I.S.* interacts with religious leaders in other Islamic societies would also have implications on a global level - especially as an emphasis is placed on Muslim leaders having experience of science and technology - as well as the English language.

The projected growth of ASEAN economic influence and power during the 21st century could increase the emphasis on Islamic interpretations emerging out of South East Asia. The frameworks for decision-making which have been set in place in Singapore (and Malaysia) could have far-wider implications for the *'ummah* in the future. Whether this influence supersedes or augments current major Islamic influences, for example those coming from Saudi Arabia (especially if there is an economic shortfall in oil production), may be a factor within 21st century Islamic developments.

Singapore's proposed role as a global provider of high-technology services and personnel, partially through computer systems and the 'information super-highway', may in itself have a subsidiary impact on the nature of Islamic information and interpretation circulating electronically throughout the growing number of 'Islamic databases'. This at least could increase the amount of discussion about decision-making processes amongst a global *'ummah*, including

the future roles of *fatwā* and *idjtiḥād*. Whether this assists in a fusion of values, or a further dispersal of interpretations, remains to be seen. Potentially, in Singapore, the infrastructure is in place for one model of a future-oriented Muslim community pragmatically interpreting Islamic sources in the light of contemporary needs and circumstances.

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1. According to the 1990 Census of Population, Singapore has a resident population of 2,276,734. Specific questions in the Census addressed matters of affiliation and adherence, providing details that the equivalent United Kingdom Census does not provide. The proportion of Singapore's population professing Islam in 1990 was 15.4%. This compares with: Buddhism (31.1%), Taoism (22.4%), Christianity (12.5%), Hinduism (3.7%), 'Other Religions' (0.6%), and 'No Religion' (14.3%). All Census data cited is based on persons aged ten years or over. Therefore, estimated calculations of the total population would have to account for those children under ten years of age. Eddie C. Y. Kuo & Tong Chee Kiong, *Religion in Singapore*, (Singapore: Singapore National Printers Ltd, Census of Population, 1990, Monograph No. 2, 1995), p.5.
2. Muslims in Singapore are defined here as any individual born into a Muslim family, or identifying themselves as 'Muslim' - whatever the level of belief. The Census included questions on frequencies of 'religious practices'. There are reservations about such analyses which quantify religions in this manner. However, the Census provides some indication of 'Islamic practices' in Singapore: data indicated 84.3% of Muslims practised Islam at home; 7% visited a mosque daily; 45% visited a mosque weekly; 19.1% did not visit a mosque at all. Defining what is meant by 'practising Islam at home' is in itself a negligible area, with many interpretations - whether it be occasional prayer, five times daily prayer, living life as *dīn*, visiting a mosque, or self-identification with Islam (however 'secular' an individual may be). Kuo & Kiong, *op. cit.*, pp. 44-48.
3. Singapore is a member of *Menteri Agama Negara Brunei Darussalam, Indonesia, Malaysia dan Singapore (M.A.B.I.M.S.)*, Ministers in-charge of Religious Affairs of Negara Brunei Darussalam, Indonesia, Malaysia and Singapore. *M.A.B.I.M.S.* has held regular meetings since 1989, in an attempt to create regional Islamic co-operation on selected issues.
4. Fieldwork consisted of formal interviews, observation of 'Muslim environments', and informal (off-the-record) discussions with Muslims. The nature of Singapore means that opportunities for dissident expression (beyond certain 'acceptable' boundaries) are limited. Access to parties expressing such views was not possible during fieldwork.
5. According to the 1990 Census, the Muslim population of Singapore consisted of 350,520, 85.2% of which is 'Malay'; 12.2% is 'Indian', 1.0% is 'Chinese', and 1.6% 'Others'. Census data can be supplemented by the following observations: the Malay population of Singapore includes non-Muslim Malays, such as peoples of Javanese, Bugis, and Minangkabau Sumatran ancestral origin; the 'Others' category includes those who designate themselves as 'Arab' and 'Pakistanis'. 'Indian' Muslims are mostly Tamil

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Muslims, ancestrally linked with southern Indian (there is also a community of Khoja Shi'a Muslims, primarily of South India origin). The 'Indian' population in of 158,385 is 27% Muslim, the majority of 52.6% being Hindu. Kuo and Kiong, pp. 9-10. The utility of such categories can be called into question - especially if Census respondents have 'mixed' heritage. See: John H. Stanfield II, "Epistemological Considerations", Chap., in: John H. Stanfield II and Rutledge M. Dennis (Ed.), Race and Ethnicity Methods, (London: Sage Publications, 1993), pp. 16-35.

6. 7.2% reached the Upper Secondary and Polytechnic levels, and 2.6% attained University level qualifications. 'Other' groups, particularly Christians and 'No Religions', attained significantly higher University level qualifications (39.4% and 31.1% respectively). op. cit., Kuo & Kiong, p. 20.
7. For a history of Singapore's Muslim community and the role of the *hadjji*, see: op. cit., Roff pp. 34-43 & passim.
8. The psychological impact on Muslims becoming part of the majority Muslim community in the Federation - and then losing that status - is open to assessment.
9. Zuraidah Ibrahim, Muslims in Singapore: A Shared Vision (Singapore: Times Editions Pte Ltd/*Majlis Ugama Islam Singapura*, 1994), p.25
10. For a discussion on the social implications relating to the development of Singapore's Malay communities, see: Tania Li, Malays in Singapore: Culture, Economy, and Ideology, (Singapore: Oxford University Press, 1989).
11. op. cit., Zuraidah Ibrahim, p.26.
12. *Syariah* is the Bahasa Malay transliteration of the Arabic '*sharī'a*'.
13. See: Yaacob Ibrahim, "Wakaf Development in Singapore," in Fikrah: Shaping the Future, 1, (Singapore: *M.U.I.S.*, 1996), pp. 31-40.
14. op. cit., Zuraidah Ibrahim, p.82
15. M.U.I.S. New Generation Mosques and Their Activities Bringing Back the Golden Era of Islam in Singapore (Singapore: *Majlis Ugama Islam Singapura*, 1991), p.6.
16. Within Singapore, there were seventy-six mosques in 1995: sixty-three of these are 'old' mosques, whilst thirteen are 'new generation' mosques. *M.U.I.S.*, New Generation Mosques, op. cit., p. 8.

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17. The Committee consists of the *Muftī*, two *M.U.I.S.* members, and two non-*M.U.I.S.* members.
18. Government of Singapore, The Statutes of the Republic of Singapore: Administration of Muslim Law Act (Chapter 3) Revised Edition 1985 (Singapore: Government of Singapore, 1986), Section 32 (1-2), pp.14-15.
19. This provision includes published compilations incorporating 96 '*fatwā*', on questions relating to diverse subjects, including: adoption, marriage, divorce, insurance, prayer at graves, horoscopes, yoga, and *arak* rice-spirit production. *Kumpulan Fatwa (1)*, (Singapore: *Majlis Ugama Islam Singapura*, 1987), pp.40. *Kumpulan Fatwa (2)*, (Singapore: *Majlis Ugama Islam Singapura*, 1991), pp.41.
20. Government of Singapore, Administration of Muslim Law Act op. cit., Section 33, p.15.
21. *Lenggang Perut*: "... to bathe ceremonially in [the] seventh month of pregnancy." op. cit., bin Yusop, p.159.
22. These examples have been edited (with emphasis added) by the researcher from a list of *fatwas*. *Majlis Ugama Islam Singapura*, Annual Report 1993, (Singapore: *Majlis Ugama Islam Singapura*, 1993), p. 22.
23. In the U.K., this issue was discussed by Dr. Syed ad-Darsh, regarding eating utensils for *halāl* and *ḥarām* foods. Citing *Sūra al-Mā'idah* regarding 'lawful' foods (Surah 5: 4-5), Darsh said that utensils used for *ḥarām* foods can be washed and used. Syed ad-Darsh, "What you ought to know," Q-News, 2-9 June 1995.
24. *Mawlid*, the Arabic term for the celebration of the Prophet Muhammad's birthday, has a number of different forms internationally. It has been opposed by some as '*bid'a*'. For examples of the origins, celebratory forms, and controversy surrounding *Mawlid*, see: New Encyclopedia of Islam, VI, pp.895-6.
25. *Muftī* Sahibus Samaha Syed Isa bin Mohamed Bin Semait (*Muftī* of Singapore since 1972) was outside of the country during the fieldwork period.
26. Mohd. Murat Md. Aris, Public Relations Officer, *Majlis Ugama Islam Singapura*, interview by researcher, 20 June 1995, tape recording, Singapore.
27. op. cit., Mohd. Murat Md. Aris

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28. Within A.M.L.A., '*fatwā*' is defined as "a ruling." This could be compared with other definitions in Islamic contexts, where the term can allude more towards 'opinion'.
29. op. cit., Mohd. Murat Md. Aris
30. This might reflect on Islamic sources which state that there should be no fear in discussing issues, but also that too many questions are not necessarily a positive thing. Sahih Bukhari. trans. Muhammad Muhsin Khan, Translation of the Meaning of Sahih Bukhari: Arabic-English IX, (New Delhi: Kitab Bhaban, 5th Rev. Ed., 1971, 1984), pp.164-165.
31. op. cit., Mohd. Murat Md. Aris.
32. Ibid.
33. Maideen Sulaiman, Personnel and Administrative Manager, PERTAPIS, interview by researcher, 21 June 1995, tape recording, Singapore.
34. op. cit., Mohd. Murat Md. Aris
35. The Bahasa Malay term '*gotong royong*' means 'co-operating.' op. cit., bin Yusop, p.84.
36. Hj. Jaffar Kassim (Senior Public Relations Officer) *Majlis Ugama Islam Singapura*, Islamic Centre of Singapore, interview by researcher, 20 June 1995, tape recording, Singapore.
37. op. cit., Hj. Jaffar Kassim
38. See: Mardiana Abu Bakar, "Rebuilding Programme of Old Mosques by M.U.I.S.," Warita: 104, (May-June 1996).
39. op. cit., Hj. Jaffar Kassim
40. 'I.S.T.' [pseud.], interview by researcher, June 1995, tape recording, Singapore.
41. op. cit., Mohd. Murat Md. Aris
42. Ibid.
43. The researcher did raise with *M.U.I.S.* and other interviewees the possible correlation between the sex-education issue and the relatively high divorce rate within Singapore. See: U.K. chapter for a discussion on sex-education and Islam.

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44. Reluctance to implement sex-education because of 'traditional' 'Eastern' values conflicts with other aspects of Singaporean society, including widespread promotion of sexuality and sexual-imagery within advertising, fashion, and media.
45. op. cit., Government of Singapore, Administration of Muslim Law Act, Section 32 (1-2), p.14.
46. During 1994, according to anecdotal evidence provided in the *Syariah Court*, there were 80 applications for polygamous marriage - of which 20 were approved by the Court. For the A.M.L.A. provision regarding polygamy, see: Government of Singapore, The Administration of Muslim Law Act (Chapter 3): Revised Edition of Subsidiary Legislation, (Singapore: Government of Singapore, 1990), Sect. 11, p.5.
47. op. cit., Mohd. Murat Md. Aris.
48. This in itself represents a value-judgement regarding 'one-parent families', which some would suggest as contentious.
49. op. cit., Mohd. Murat Md. Aris
50. Non-Muslims have to marry at the Department of Civil Marriages, the equivalent (and adjacent) department to that of the Registrar. The Muslim Registration Hall included a 'traditional' canopy and a sofa - set upon the front of the hall. Several couples were observed being 'processed', and outside of the building, official wedding photographs were being taken in the adjacent gardens of Fort Canning Park. The Muslim couples seen had non-Muslim friends in attendance (and vice versa). Unfortunately, the wedding that was scheduled to be 'observed' for fieldwork purposes was - at the very last minute - postponed 'indefinitely' due to a heated dispute between the families of the bride and groom.
51. The department did not currently have a religious scholar understanding Tamil - therefore non-Bahasa Malay speaking Tamil Muslims could not attend the marriage guidance course.
52. Components of the marriage course include: the meaning of marriage in Islam; the pressure for marriage; husband/wife responsibilities; how to find insurance; household administration; divorce and its implications for society; the role of religion in marriage.
53. M. Pasouli, Registrar of Marriages, interviewed by researcher, 23 June 1995, tape recording, Singapore.

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54. Due to the nature of cases in the *Syariah* Court, they were examined *in camera*. However, issues were explored by the interviewer in discussion with the *kādī*.
55. op. cit., Government of Singapore Administration of Muslim Law Act (1986), Sect. 49., p.20.
56. Hj. Sallim Jasman, *Kādī, Syariah* Court, interview by researcher, 23 June 1995, tape recording, Singapore.
57. Government of Singapore, Statistics of Marriages & Divorces in Singapore (Singapore: Government of Singapore, n.d.)
58. Jamilah Beevi Bte. Suleman, Executive Officer, *Syariah* Court, interview by researcher, 23 June 1995, tape recording, Singapore.
59. Parties from South Africa, Australia, and Germany were cited as interested in the Singaporean Muslim decision-making model.
60. *Pertapis* literally means 'pioneer' in Bahasa Malay. It is an acronym for *Persatuan Taman Pengajian Islam Singapura* - the Islamic Theological Association of Singapore.
61. It would be useful to compare this Islamic perspective towards drug addicts with that of approaches towards addicts in other Islamic environments. During fieldwork in both Pakistan and Malaysia, the researcher observed 'drug cultures': for example, in Pakistan these included heroin addicts begging for alms in a Peshawar mini-bus station. Many people chewed betel-nut derivatives, which the researcher was informed have narcotic qualities, and are openly available in *pan* shops. In Malaysia, there were many media references to *penyalah gunaan dahdah* (drug abuse), particularly amongst youth. Both states have heavy penalties for drug smuggling. Further research is necessary in this sensitive area to determine Islamic rehabilitation responses - other than punishment and prohibition - towards drug addiction.
62. op. cit., Maideen Sulaiman
63. The *Pertapis* Centre is based in an old school premises, in a Singapore suburb. At the time of the visit, an anti-drug programme for schoolchildren, run by ex-addicts, was in progress: children were being marshalled in rigorous games on various apparatus set out in the centre's grass square. All around the Centre, there was activity: vehicle maintenance, cooking, classes, a kindergarten, and social activities; the Centre's administration shared the complex. Nearly all the activities within the centre - at all levels - were being undertaken and managed by addicts and ex-addicts. Similar schemes, based on an American model, are located worldwide. One example is in Dyfed,

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Wales: 'Teen Challenge' is an evangelical Christian project for rehabilitation of substance abusers.

64. Zianuddin Ismail, Executive Director, *PERTAPIS*, interviewed by researcher, 21 June 1995, transcript of notes, Singapore.
65. op. cit., Zainuddin Ismail
66. 'S.Y.A.' [pseud.], interview by researcher, 20 June 1995, transcript of notes, Singapore.
67. op. cit., Maideen Sulaiman
68. Some women were seen wearing 'traditional' Malay-style dress, including head-scarf, but this was optional. No men were seen in 'traditional dress' (jeans and t-shirts - complete with *Pertapis* slogans - were seen).
69. op. cit., Maideen Sulaiman
70. Ibid.
71. Ibid.
72. "Halal Meat: Clarification from M.U.I.S.," *Warita* (Singapore: M.U.I.S., April 1995), p.14.
73. op. cit., Md. Murat Md. Aris
74. op. cit., Hj. Jaffar Kassim
75. Ibid.
76. "Muslims Ready To Set Aside Problems That Divide Them." *Warita* (Singapore: *Maglis Ugama Islam Singapura*, April 1994), p.4. Citing: Hj. Zainul Abidin Rasheed, President of *M.U.I.S.*, Islamic Pluralism - Challenges and Opportunities for the 21st Century speech, 16 April 1994.

5 United Kingdom

Islamic decision-making in the United Kingdom represents a number of alternative models, which may have some links and commonalities with Pakistan, Malaysia, and Singapore. Muslims in the U.K. are having to evolve infrastructures and approaches towards any desired 'Islamic decision-making' in a relatively-short periods of time - synthesising or introducing a wide range of influences both from within and outside of the 'Islamic world.' Some of these influences are connected with the strong historical and ancestral associations between Pakistan and a proportion of Muslims in the U.K. - who may maintain close family ties with Pakistan, or other organisational links. Whilst the influence of the Malaysia Federation on Muslims in the U.K. may be less 'obvious,' Malaysia represents an example of a contrasting Muslim majority framework, with varied perspectives endeavouring to 'Islamically' approach issues - including technology, ethnic diversity, political representation, and coming to terms with rapid economic 'advancement.' These issues, and the presence of substantial numbers of Malay Muslim students in the U.K. since the 1960s, presents opportunities for certain comparisons between Malaysia and the U.K. Islamic environments. Both Malaysia and Singapore maintain strong economic and political links with the U.K. Like Singapore's Muslim communities, the U.K. provides a further example of a Muslim minority environment, although in terms of the creation of decision-making infrastructures, unlike Singapore, governmental input has been minimal. Whilst the majority of Muslims in Singapore share a common (if nominal) 'Malay' identity, Muslims in the United

Kingdom represent a diffusion of identities and approaches towards Islamic decision-making. An exchange of experiences and approaches - between Pakistan, Malaysia, Singapore, and the U.K. - may prove valuable in analysis of Islamic decision-making issues:

Muslims in Britain are often represented in U.K. sources - for example, within certain academic, media, political and social welfare environments - as possessing an homogenous identity, which affiliates them directly and indirectly with Muslims and Islamic issues internationally (whether they have any direct interest, concern or contact themselves). This is influential in discussions of Islam and Islamic issues in Britain, by Muslims and non-Muslims, and is detrimental in the manifestation of direct and indirect discrimination, prejudice, and anti-Islamic bias.¹ It also has an impact upon the varied Islamic decision-making processes, linked to interpretations of primary sources, that can be found within the U.K. Despite a prevalent societal view that persists of Islamic homogeneity, Muslims in Britain do not have a fixed, national representative platform. The debate on relevant issues within Muslim communities incorporates wide views and diverse platforms.

Examining statistics can contribute to research into this diversity of opinion within Muslim communities in Britain, and the contexts of decision-making. The 1991 Census introduced a question on ethnic-origin, but not religious affiliation. Calculating the Muslim proportion of the U.K. population using this ethnicity question is problematic: ethnicity identities are not exclusively 'Muslim'. Arab,

African, Afro-Caribbean, European, Indian, Bangladeshi and Pakistani categories include non-Muslim and Muslim components; the 'Indian' category could incorporate people from East Africa or the Caribbean; 'Pakistani' could include migrants from pre-1971 East Pakistan. With these factors in mind, several theories and estimates have been considered, with significant variations in figures:

"Various sources estimate the Muslim population between 550,000 and 3,000,000. Any figures over 1.5 million are normally mentioned by Muslim organisations. The most common estimate of the Muslim population is about one million." ²

Anwar's study of the 1991 Census estimates the number of Muslims at 1.5 million in 1993. ³ The proportionally most significant number of Muslims come from Pakistan and Bangladesh (pre-1971 East Pakistan) origins. Other Muslim populations in Britain have ancestral links with India (pre- and post-Partition boundaries), Cyprus (pre- and post-partition boundaries, including the Turkish Republic of Northern Cyprus), sub-Saharan African countries, Turkey, the Maghreb, Egypt, Somalia, Somaliland, Sudan, and Arab Gulf/'Middle East' states. Minor discrepancies occur with figures concerning non-Muslim migrants from Muslim majority countries. ⁴ Migrants whose statehood has been, or continues to be, 'undefined' include: migrants of Kurdish origin, Gulf Marsh Arabs, Palestinians, Kashmiris, and Muslims from the former-Yugoslavia.

Population analysis can be augmented with information on religious

affiliation, to create more accurate understandings of the diverse Islamic platforms within U.K. Islamic environments - representing varied approaches towards decision-making processes. Statistically, there is no current analysis of Muslim religious affiliations in the U.K. Networks of Islamic affiliation include: *Tablighi-Jama'at*; *Jamā at-e Islami*; *Brelwi/Ahl-i-sunna wa-jāma at*; *Ahl-i-Hadīth*; *Ahl-i-Kur'ān*; *Deobandi*; *Salafi*; and various *Ṣūfī' tarīkh* (including *Suhrawardiyya*, *Qadiriyya*, *Chīsti*, *Nakshbandiyya*).⁵ Organisations and individuals with connections to some of these networks are discussed below, in relation to approaches towards decision-making processes and *idjtiḥād*.

Different emphases are apparent on certain issues, between and within broad bands of Islamic interests in the U.K. Platforms may be influenced by commitments to ancestral origin-centred agendas and priorities. These can shift to incorporate a greater 'Islamically' focused agenda, within the minority context, under the influence of other U.K. Islamic networks and communities. Levels of co-operation between and within Islamic interest groups may, however, be limited or non-existent. Amidst the diversity, it is recognised that certain issues have received a wide response from within different sectors of Islamic expression in the U.K., although not all have - or wish to have - high profile platforms with which to express their viewpoints to other Muslims, as well as non-Muslims. Specific issues have immediate personal impact on living life 'Islamically' as a Muslim in Britain. 'Being a Muslim' has many different meanings and levels of practice. The intention here is to explore issues relating to Islamic decision-making processes and interpretations of various sources - whether the individual

Muslim wishes to utilise or observe these interpretations or not. A 'secularised' Muslim may not be concerned with issues of interpreting Islamic primary sources in a contemporary context, or in observing *hukm* or other boundaries.

The non-Muslim 'external' environment also influences the decision-making processes of Muslims in the U.K. The history of key contact points between Muslims and Britain demonstrates that many formative manifestations of anti-Muslim prejudice in Western Europe and - more specifically, Britain - have continuity with contemporary patterns of prejudice experienced within contemporary U.K. Islamic environments.⁶ The current research has indicated that these prejudices influence the decision-making processes and the structures of contemporary environments within which the majority of Muslims in Britain live.

Non-Muslim prejudices have influenced Muslim community activities - at local and national levels. Occasionally, prejudices have contributed towards organisations advancing their aims, through the catalyst of indignation and anger mobilising action - notably during the initial flash-point and aftermath following publication of Salman Rushdie's The Satanic Verses.⁷ The responses of the non-Muslim majority towards 'Islamic' issues has influenced Muslim self-perception in the U.K., and demonstrated a need for stronger or different forms of lobbying, organisation, and leadership:

"Until recently, the community was concerned only with jobs. The Labour

Party was a natural ally ... During the Rushdie affair we found out that not only did our M.P.s not support us, but they opposed us." ⁸

The 'Rushdie Affair' stimulated efforts within sectors of Muslim communities to promote the knowledge of Islam, even in the High Court.⁹ Efforts at lobbying for, and analysing, the requirements of Muslims in Britain have been severely restricted by lack of funding, and organisational difficulties. ¹⁰

Muslim individuals, families and communities in the U.K. can be classified by contextual indicators, including: gender, Islamic 'affiliation' (if any), ethnic identity and age; the number of family-generations born and/or raised in the UK.¹¹ Contextual indicators are influential within analysis of decision-making - and should be considered in terms of interviewee responses discussed below i.e. when comparing the responses of teenage youth to the responses of 'elders.'

The majority of Muslims in the U.K. are linked (either directly or through ancestry) with migration after World War Two. British Commonwealth Muslims comprised a significant proportion of the two million migrants to Britain. 'Pioneer' Muslim immigrants were often young, single males - who sought to work, save, and subsequently purchase property within places of origin. These pioneers formed the basis of existing Muslim communities, remaining in the U.K. for diverse reasons, including acquisition of rights of residence restricted or denied to later prospective migrants. Acquisition in the U.K. of employment, property and businesses facilitated improved economic opportunities and security

than in places of origin. Certain pioneers became alienated from places of origin, through distance of time, as well as shifting cultural patterns and practices linked to 'westernisation': wars, class-clan conflicts, political shifts, and other 'crises' also influenced patterns of settlement.¹² New family ties and networks of patronage and status influenced many pioneers to remain in the U.K. The ambition of acquiring 'British' standards of education and enculturation for their U.K.-born (and passport-holding) children also contributed to the reticence to return to places of origin.¹³

Despite pressures - including poverty, declining employment opportunities, and manifestations of prejudice - these factors persuaded many 'temporary' migrants to stay. Specific, new Islamic 'community infrastructures' were gradually formed, by migrants and their descendants who sought:

" ... to preserve religion and culture in a minority situation. It is not simply the predominance of another religion which caused concern to Muslims; they wanted to safeguard Islam from the growing secularisation of British society."¹⁴

It could be disputed whether this was desire for preservation of 'Islam' *per se*, or preservation of specific interpretations based - for example - on varieties of cultural, religious, and traditional expression. The creation of infrastructures included development of frameworks for Islamic decision-making processes, linked (although not exclusively) to places of origins and 'imported' decision makers, including *īmāms*. One reaction to the 'threat' of 'secularisation' (which has

several possible definitions) was the creation of 'barriers' around Islamic interpretations, which endeavoured to shelter offspring from secularisation pressures (which were similarly being experienced in places of origin). In particular, there was a fear that Muslims in the U.K. would be 'assimilated' into the majority non-Muslim population - especially those Muslims born, encultured and/or educated in the U.K. - and that there would be a subsequent loss of identity. Similar fears have been expressed in Pakistan and Malaysia - and other Islamic environments - regarding so-called 'Western' values 'corrupting' youth. These opinions - however rhetorical in nature - have informed the nature of Islamic decision-making in Britain, and reactions to 'modernity'. They have been expressed amongst a cross-section of Muslim opinion in the United Kingdom.

Fieldwork in Pakistan, Malaysia and Singapore demonstrated that - to a certain extent - a number of concerns are broadly shared. It has already been seen that approaches and solutions can differ considerably - although the differences transcend national boundaries, and relate more to specific groupings within each country. Many of the issues are interlinked, and cannot be easily incorporated into narrow categories. However, a central theme throughout all the fieldwork has been the focus of the family - and different approaches towards maintenance of 'values'. These approaches **may** incorporate so-called 'Islamic values', although generalisations cannot be made as to which situation is 'better' or 'worse'. For Muslims seeking to maintain 'Islamic beliefs', their priorities may be reflected in the observation of Ahmad bin Mohamed Ibrahim:

"The problems of a Muslim in following the Islamic law in a Muslim minority country are many, but the most acute are in the fields of marriage and divorce. Marriage in Islam is a solemn covenant ..." ¹⁵

Concern was expressed amongst interviewees that the numerically predominant non-Muslim population - through cultural, religious, secular, 'moral', and other influences - would 'corrupt' or adversely influence the 'Islamic values' of individuals, the family, and the 'community' (whether that is perceived in the eyes of individuals on a local, national, or international *'ummah* basis). The understanding of this 'corruption' is itself enlightening: the concept of 'corruption' can be used as rhetoric, attempting to mobilise Muslims (perhaps in association with an Islamic or political platform). This 'corruption' can also be linked to a fear of assimilation, where values determined as 'un-Islamic' are incorporated into the identity of an individual or community. The level to which an 'Islamic identity' is interwound with a cultural specific identity - incorporating aspects of Islamic understanding and interpretation which may not be seen as 'universal' by other Muslim individuals or groups - should be considered when assessing the responses below. Descriptions of Islamic identity vary across cultural, religious, gender, geographic, and ethnic boundaries - even though they may incorporate key similarities and concepts.

One interviewee believed that 'Muslim values' were affected by the external environment, and work pressures of work upon individuals within that family unit:

" ... in England, a person goes for work for example, the distance of the work involved means he doesn't find time or energy to pay attention to his wife and children - matters get out of hand - that is causing some problems ...

" ... And sometimes because of economic situation both have to work ... And they have children, and that is a problem ... Although quite a number of our families still maintain this joint family... and the majority of the mothers are quite helpful."¹⁶

Such pressures on the family, of course, have similar effects on non-Muslim family structures - and this provides an example of a 'shared concern'. These difficulties can also be found within countries with Muslim majority populations. Malaysian Muslims in urban environments alluded to the pressures facing families in the context of increasing industrialisation and demands upon the work-force - and the detrimental effects this had on the ideals of family life. Within Singapore, the pressure was such that individuals postponed marriage because of lack of socialisation opportunities, and the time-demands of the office workplace. Youth delinquency in Singapore was directly associated with a lack of parenting and an absence of 'Islamic values' - because of pressures on parents to achieve specific work-objectives and high-income. In the U.K., work pressures have been one factor in an increasing divorce rate, changing aspirations, and development of single parent families. These trends have been described as problematic by Muslims in Britain, and seen as one of the pressures facing the 'Muslim family ideal'.

Another interviewee interpreted the pressures on the family unit that emerged

as linked to the fact that the U.K. is not a 'Muslim country'. She stated that, for the majority of Muslims, *sharī'a* does not apply to wider circles of life - only within the context of private life. This led to double standards and tension, compounded by the difficulties Muslims had in achieving within predominantly non-Muslim settings.¹⁷ It could be argued that this is to some extent a representation of an 'ideal', as within 'Muslim countries', *sharī'a* does not apply to wider circles of life - and may only be effective in limited private sectors. For example, several interviewees in Pakistan felt that the lack of implementation of *sharī'a* (which itself was described in varying ways) was a problem, despite the fact that the majority of the country was 'Muslim'. That in itself was not seen as a solution. Similarly, *sharī'a* in Malaysia was linked only to elements of personal law. The comment of this interviewee may, therefore, represent a distancing between herself and the practicalities of life within a 'Muslim country'. It may also represent an idealised assumption of how Muslims live in the private context in the U.K.

'Q.S.', an newly-qualified *īmām*, had spent only a few years in the U.K., working within a Muslim community and its extended national network. Q.S. was directly involved in decision-making processes at grass-roots level. Q.S. considered that his primary concern was linked to youth and Islamic education - particularly values associated with the family. According to Q.S., British schools were not disciplined, and mixed gender classes led to ill-discipline and parental concern (this concern centred on girls obtaining boyfriends, rather than boys obtaining girlfriends.) Q.S. believed that, because of different cultural influences,

it was unsafe to allow young girls out at thirteen years of age - walking alone (this view would also be found in non-Muslim contexts in the U.K.) Q.S. believed that a quick marriage offered 'relaxation' to the parents. The opinion of the girl was not discussed by Q.S.¹⁸

Q.S. raised the example of what he described as a 'Pakistani Muslim girl' who found [sic] a 'Hindu boyfriend'. This had not pleased the girl's parents, who came to the *īmām* for advice: he asked them why she had not married earlier? It was his belief that the girl should be sent to Pakistan or other 'Islamic countries', deemed 'safer' environments for young women, where they might find marriage partners (or partners might be arranged for them). The parents' response was that it was expensive to travel. Q.S. recognised that the majority of parents he encountered 'look after their girls well' in the U.K., but that there were many difficulties. Q.S. believed that Muslims should remove their children from 'mixed schools' for such reasons, even at great personal sacrifice.

Q.S. suggested that, within the U.K. school environment, with six hours speaking English in class - and a subsequent three hours watching children's television, there was no time for children to learn about Islam or 'home' cultural values.¹⁹ Q.S. had difficulty recognising and dealing with the pressures associated with living in his 'first generation' minority context - whilst involved with decision-making processes of a community with a long history within Britain. Whilst extensively-trained in Islamic sciences, the practicalities of applying this knowledge was tempered (within certain issues) by limited personal experience

within his new environment - albeit a relatively small, well-organised and funded community.

Certain points Q.S. raised conflict with existing norms within much of the wider society: for example, the desire to have a girl married at twelve years of age would not be well-received by the majority population. Whilst girls are still 'sent away' to be married abroad, increasing assertiveness of girls raised and influenced within a predominantly non-Muslim environment has led to some girls running away from home, fearing being sent to a country of which they have limited or negative knowledge or experience. Family ties, parental upbringing in the U.K., and a distancing from places of ancestral origin, also influence decisions regarding sending a girl abroad for marriage.

Certain non-Muslim opinions within the censorship debate would strongly agree with the Q.S.'s views on the media, as well as wider issues related to mixed schools and the 'morality' of early marriage. The views of Q.S. regarding these values have - to some extent - been answered by his community developing its own school system, promoting its understanding of Islam within the National Curriculum, and ensuring (after a certain age) only limited gender-mixing in school. Not all parents are able (or wish) to send their children to such a school. Some believe that better education standards are found outside of Muslim-run schools.²⁰

Within the family context, there are many possibilities for disputes requiring

decision-making in an 'Islamic' framework. A single example will not be representative of the complexities and the 'entirety'. The following example does, however, raise a number of issues connected with the decision-making processes. Q.S. found, on arriving in the U.K., that he was expected to have a role intervening in family disputes, for example between a husband and a wife. He provided the following example, of an approach towards a common issue:

Q.S. was contacted by a man, 'M', who was having problems with his wife, 'W'. She had been shouting at him that she wanted a divorce, although 'M' did not know why. Q.S. visited the couple's house, and was well-received by both parties. Q.S. talked to 'W', who said that 'M' did not care for their baby; when the husband came home from work, he just went to sleep. 'W' was expected to attend to the child at all hours, with no assistance, resulting in 'W' getting little sleep herself. 'W' had no opportunity to leave the house, because 'M' would not look after the child.

Q.S. provided his solution, on 'Islamic' lines: he suggested that 'M' was responsible out of home (he described the husband as 'foreign minister'), whilst the 'W' was responsible in the house (he described the wife as 'interior minister'). The whole process of mediation was time-consuming and wearing, according to Q.S., although he said it was always 'a pleasure' for him to solve problems. Q.S. said that problems occur in all families, even his own. He suggested that 'M' be responsible for the child in the evening (and that each partner was to sleep for four hour periods, alternately caring for the baby if required during the other four hours).

Q.S. concluded his story with the example of Muhammad, who stated that peace between two families is as important as prayer and fasting - and that divorce is the worst thing. Q.S. felt that there were many problems regarding divorce within the Muslim communities, and suggested a two to three year attempt at reconciliation prior to final divorce. He was conscious of what he considered as the related social problems, especially linked to finance.²¹

This provides one approach to decision-making within a so-called 'traditional'

Islamic framework within the U.K. External marital relations counsellors were not consulted. It has a resemblance to equivalent processes practised within Singapore by the *Syariah* Court (which functions in a state-funded capacity). Muslim couples in Singapore may take their dispute to a councillor in the *Syariah* Court, for arbitration. This pattern of arbitration is also reflected in other Islamic contexts. In the first instance, Muslims in Britain may consult local Islamic 'systems' or authorities for help and guidance. Whilst they have no legislated 'legal' power or authority, their capacity as 'representatives' of Islam and their status within the local community provides the status for consultation. Whether the process outlined in the example can be described as *idjtiḥād* or not is open to discussion.

Q.S. also noted that he was consulted to help families find marital partners for their children. This was described as another 'problem' within Islamic environments, demonstrated by the responses Q.S. received when providing his selections: they were rejected by assertive U.K. Muslim families, because the men chosen did not come from Britain but from a 'foreign' culture - frequently not speaking English - and without jobs and prospects. Another criterion was that the women simply did not like the 'looks' of the men 'chosen'(!).²²

Another full-time *īmām* indicated that 80% of his time concerned interpretation of the *Kur'ān*, and that a high proportion of those interpretations related to marriage and divorce. 10% of his time was spent on associated social issues, visiting people, as well as being contacted on the telephone and fax

machine. He suggested that many people sought a listener to their problems, and through discussing them 'Islamically', it becomes a cathartic process. When subjects cannot be dealt with, within a marital dispute, if both parties are 'strong', they seek assistance from others in the U.K. Alternatively, a religious leader can be consulted abroad via the U.K.-based *īmām*.²³

A Muslim decision-maker in London, 'H.I.', widely consulted for his expertise and self-defined 'modernising' approaches towards Islamic interpretation, provided further examples of Islamic issues within the family context, and the problems when parties are unfamiliar with the issues from an 'Islamic perspective' - or have been provided (deliberately or otherwise) with incorrect information:

H.I. was consulted by two young women, both seeking divorce from their husbands after one year's marriage. They did not believe that - 'Islamically' - they had the choice of initiating separation, believing that the initiative could only come from their husbands (who were reluctant to provide it).

H.I. told them that, according to his interpretation of Islam, women had the choice of initiating divorce too. This calmed the situation for the women, through providing them with empowerment. They were able to inform their husbands and families of the 'correct' authoritative Islamic position within this particular belief framework. This contradicted the opinions obtained by the women's families, who had consulted two 'culture-centred' scholars, who presented their interpretation that the woman has no choice regarding divorce.

H.I. was able to prove, through his interpretation, that he was 'correct'. It demonstrated to H.I. that, in his view, many Muslims lack understanding of basic principles regarding Islam. He reflected, however, that the erroneous 'traditional' perspective frequently prevailed in similar cases - and that he was in a 'minority'.²⁴

This is one of several examples of the clash between so-called 'traditional' and 'modern' perspectives, discussed in greater detail below. It demonstrates that a diversity of opinions (whichever one is 'correct') are available within U.K. Islamic contexts, and that a lack of 'knowledge' regarding what are 'Islamic' procedures and principles can be 'damaging' to individuals.

H.I. is not a 'professional' decision-maker - and is employed by other means. His duties are voluntary; he found the complexities and pressures in this part-time situation too time-consuming - especially being contacted at unsocial hours with 'trivial' questions. H.I. also found it frustrating that - having made decisions - those to whom he gave his time and knowledge did not always accept his authority or that of the affiliated mosque. One individual chose to ignore H.I.'s advice on an important religious issue relating to something 'forbidden', whilst continuing to use the mosque, in which H.I. led the prayers and delivered the *khutba*. H.I. considered this was 'hypocrisy', but also commented that such selectivity regarding authority reflected the 'general situation' within Muslim communities in Britain.²⁵ Several other interviewees in positions of authority also expressed disappointment that they were frequently ignored, or only followed when it was convenient to an individual. Further research is necessary regarding the value judgements associated with such feelings, both on the behalf of the decision maker, and the individual or community to whom the decision is directed. Determining whether H.I. is 'correct' in his assessment of those individuals who ignored him may simply be disquiet and 'dejection' at being

undermined - H.I.'s advice is not 'compulsory'.

According to the *Kur'ān*, there is no reason why an *īmām* or decision maker should be a 'professional'. In the U.K., the pressures - especially in a minority context - have led several communities and mosques to pay for an *īmām*'s services. The amount of money available to a community may - according to some commentators - be reflected in the 'quality' of the *īmāms*. Some 'imported' *īmāms* have little knowledge of the contexts in which Muslims in Britain live, or knowledge of the English language. This can lead to conflict and factionalism within mosques and communities.²⁶ Muhammad Khalid Masud noted that Islamic context(s) in the U.K. lent themselves to the development of a '*īmām*' class to a greater extent - proportionally - than an equivalent community in Pakistan. This also related to increased community mosque use in Britain, and a changing emphasis of the mosque.²⁷

Some mosques and Islamic organisations provide Marriage Reconciliation Committees within their structure, to deal with attempts to bring marriage partners back together, according to 'Islamic' principles.²⁸ The Islamic *Shari'ah* Council of Great Britain and Northern Ireland, founded in 1982, sought to advise Muslims in Britain on matters of personal and family law referred to it. Amongst its publicised aims were:

"To strive to resolve problems confronting Muslims in the light of the Qur'an and *Sunnah* and according to the agreed principles of the Islamic jurists and to establish a bench to give decisions (*fatawa*) on any problem

referred to it by Muslims in the light of the Qur'an and *Sunnah*." ²⁹

In 1985, the *Imams and Mosques Council* separately founded The Muslim Law *Shari'ah* Council, which included 23 *'ulamā*. Within certain parameters, these were intended to representing the differing interpretations of Islam in the U.K., in order to deal with issues of personal law. ³⁰

Whether these bodies were successful is open to speculation. Their financial resources were limited, a factor contributing to their current state of inactivity. Whilst active, these bodies answered enquiries and deal with cases related to aspects of interpretation of Islam - in particular those relating to *nikāh* (marriage), *talāq* (divorce), and custody of children after separation or divorce. A common problem the *'ulamā* had to deal with was incompatibility between a married couple, represented in this example:

"... of a girl from a 'British' background and a boy from Pakistan (who) was imported, and they could not carry on. And therefore the question of separation came, and we were struggling, we were fighting ... on that Islamic issue.

"I was part of that, that Islamic law - particularly the Islamic personal law: this is one of the demands by the Muslims, that Islamic personal law should be accepted within British courts. It has not been accepted up until now. So if a couple is separated, on the decision of a British court, a magistrate has issued a separation certificate, but the community does not accept that.

"Therefore an Islamic separation or an Islamic divorce has to be acquired, and therefore there were cases where the decisions of the British court was there, but the girl approached the *Shari'ah* Council, that: 'I want to marry, but the community does not accept that separation. Therefore I should be issued an Islamic divorce.'" ³¹

Whilst the matter of Islamic personal law being fully accepted within the U.K. courts has been on several Islamic agendas, the possibilities of it occurring in the short-term have not improved. This may reflect the difficulties of integrating separate 'Islamic' aspects into the legal system, or identifying common Islamic ground; some people believe it is an example of discrimination and 'anti-Muslim' sentiments. A legislative acknowledgement of 'Islamic' personal law would open the way for other religious interests to present the case for acceptance of their 'law'. There is also the '*Kur'ān*-ic' viewpoint that, when an individual is present in a non-Muslim land, that individual must follow the laws laid down there, and have friendly relations with non-Muslims (within certain limits).³² Islamic decision-making processes are restricted by a jurisdiction that is to an extent 'voluntary' on behalf of members of a given community, in that it is not or cannot be enforced by officers of the law or the courts, unless it matches or falls into line with the laws of the majority society (for example, a process of Islamic decision-making which is made with the intent of clarifying and agreeing with new legislation or laws). There are no restrictions on voluntary observation of 'Islamic' personal law, unless that observation contradicts with British law. Community and family pressures can change the 'voluntary' nature of this observation, through applying pressures and 'forcing' an individual to follow a specific code or interpretation.

There is limited legislative provisions specifically relating to Islam and Muslims.³³ The Marriage Act (1983) provides one example, of how an 'Islamic' practice is incorporated into law: it requires that a couple attend a Registrar prior

to a marriage in Britain, if the official (usually an *īmām*) undertaking the *nikāh* ceremony does not have the appropriate Registrar authority. A marriage which does not have a licence from a Registrar is not valid in Britain. The usual practice would be for a couple to arrange a state recognised ceremony to obtain the marriage licence, prior to a Muslim wedding - which is often in a mosque. This is one area which may see an increasing number of mosque officials obtaining validation to function as a Registrar.

Family issues dominate Syed ad-Darsh's column in the London-published Muslim newspaper Q-News International (formerly Q-News), and provides indicators of other topics that Islamic decision makers have to deal with. Syed ad-Darsh attempts to provide Islamic responses to issues raised by readers, utilising knowledge acquired at al-Azhar. He also relates his own experiences as an Islamic decision maker in the U.K., including work at the *Shari'ah* Council. Frequently asked questions on family matters have included approaches towards 'mixed-marriages' between *Sunnī* and *Shī'a* Muslims, and Muslims and converts.³⁴ Whilst promoting conversion to *Sunnī* Islam, Darsh's view has shifted away from 'mixed-marriages', because of fears regarding custody of children and their Muslim upbringing in the event of separation, within marriages his experience has indicated have a 'short-shelf life'.³⁵ Darsh was critical of non-Muslim men who do not want to convert in order to marry a Muslim woman; these men are described as narrow minded, seeking to destroy the women.³⁶ Darsh believed that the problem of 'mixing' between men and women, where one partner is not a Muslim, is indicative of the dangers contained within a minority,

non-Islamic environment. It also reflected what was seen as the failure of 'a community' to provide 'Islamic' 'pass-times' for children.³⁷ Citing *Shari'ah* Council experience, Darsh also opposed marriages between Muslims and 'Peoples of the Book', i.e. Christians and Jews.³⁸ Darsh has been opposed to the concept of an 'engagement', because of the 'dangers' of unchaperoned meetings between the couple prior to marriage.³⁹ He did, however, describe how scholars permitted the presentation of 'decent' photos between the couple prior to their marriage.⁴⁰ He also said there was nothing 'un-Islamic' in the concept of a 'honeymoon'.⁴¹ One particular issue related to marriage that has proved controversial has been the dowry, and its growth in value: this growth - which in the U.K. can incorporate provision of cars, expensive domestic appliances, and houses - has been seen as disproportionate and 'un-Islamic' by Darsh, who seeks a return to more modest dowries which he believes do not impede marriage.⁴²

Issues concerning Islamic 'moral values' and the Muslim family form a focus of Darsh's column, and also have implications within the wider debate on decision-making processes, given the importance of family structures and networks for Muslims in Britain. The notion of 'partner choice' (disparagingly termed 'love marriages' by some sources) and arranged marriages is a dominant one for a minority existing in a society where partner choice is the norm. These pressures may surface within the British legal-system.⁴³ As Muslims interact and form friendships and relationships with non-Muslims, the issue of 'mixed marriages' is likely to remain on the decision-making agenda. This provides one indication of the 'transition period' certain Muslim frameworks are passing

through, in the U.K. There is potential growth for more 'mixed' marriages between different Muslim groups that have traditionally been separate within the U.K. context (reflecting the removal of linguistic and cultural barriers).⁴⁴ Not all Muslims wish to observe an Islamic agenda regarding their relationships, particularly those outside of marriage. These have clear-cut responses within the Islamic sources, and have generally not been dealt with in Darsh's column in great detail - although adultery has been referred to at least twice, once in the context of the burden of proof requiring four reliable witnesses.⁴⁵

Issues of Islamic morality have links with Islamic 'education' values; these include concepts instilled in the family environment, those provided in the context of Islamic communities in the U.K., and/or those values presented by 'external' Islamic sources, leaders, and 'authorities'. The educational process also incorporates those values obtained within various education systems (from pre-school through to university), and those influences obtained from the wider non-Muslim society (i.e. through interaction with people and media). All these complex factors play integral roles in the impact of decision-making processes within U.K. Islamic environments, in that they inform the community about responses towards various issues.

The *madrasa*, or mosque school (as frequently defined in the U.K. context), provide facilities for children and youth to learn about Islam out of school hours. Concern was generally expressed regarding the low quality of education provided in some mosques and *madrasas*, although some people believed that 'something

is better than nothing'. It was identified that there is a need to move away from 'ad-hoc-ism', towards recognisable standards of achievement for students in the *madrasas*. It was also suggested that 'understanding Islam' means more than mastering recitation of the *Kur'ān*, and should incorporate actual understanding of the meaning of texts. Whilst studying the *Kur'ān*, *Sunna*, and *Hadīth* had importance, it was one interviewee's belief that students in *madrasas* should be taught about their fundamental rights within British society, in order to preserve them against anti-Islamic values.⁴⁶ Such changes could be effective within a national *madrasa* framework, if there was co-operation between different 'Islamic interests'. There was an impression that systems of teaching had been 'imported' - along with their teachers - without being structurally adjusted to accommodate British-born and raised Muslims. National development of new systems would require the input and experience of trained professionals, with the likelihood of encountering resistance amongst established educational interests within *madrasas* and mosques. This is a significant area for future Islamic decision-making processes and policy in the U.K.

The comments of teenagers, who had attended an inner-city *madrasa* in Leicester,⁴⁷ on the quality of the education they received reflects some of the difficulties. These have similarities with the comments of other interviewees. Three male youths ['A.A.', 'B.A.', 'C.A.'] were interviewed by the researcher ['G.B.']: two had attended classes on 'learning the *Kur'ān*', at the insistence of their parents (the third had learnt at home). They reflected and encapsulated criticisms heard elsewhere about *madrasa* education:

- G.B.** Did you learn what the *Kur'ān* actually means, rather than simply recitation?
- B.A.** Sometimes we don't learn the meanings. We would like to learn more. We've got a new priest [sic], who tells you the meaning.
- A.A.** Priests tell you the meaning of an important part. But it is hard to learn all of it.
- G.B.** Do you feel that the *imāms* and teachers should be selecting what portions you understand? Shouldn't you have the choice to be able to read about any issue, and then to make up your own mind?
- C.A.** We learn progressively. First learn the *Kur'ān* by rote, and then understanding and meaning.
- G.B.** What about if you were taught [*Kur'ān*] in school?
- C.A.** If schools had a facility whereby you could learn Arabic, then we'd be successful in school, and in praying in *Kur'ān*.
- G.B.** Shouldn't the *madrassa* teacher do it [teach them]?
- A.A.** Well, they have big classes, and there is not enough time.
- B.A.** Also we speak Gujarati and Urdu. Arabic should be learnt in the mosque, though, not Urdu. Then we would understand the *khutba* fluently.
- C.A.** There is a lack of priests and mosques. Arabic speaking is not for the lower class. For *hāfiẓ* [learning the *Kur'ān* by heart] only.⁴⁸

Whilst not reflecting the experience of every mosque school in Britain, these comments are indicators of several issues connected with decision-making priorities in Islamic environments. As well as recitation, understanding the meaning of the *Kur'ān* held a significance for these youth, who had access to English language translations of the meaning of the *Kur'ān*, but sought to learn the Arabic properly. They expressed a desire to learn Arabic as part of the National Curriculum, seeing it as 'more useful' than - for example - French and

German. They believed it would enhance their overall educational performance, and could even be useful in the workplace.

The youth felt there were also pressures to acquire knowledge in languages linked to places of ancestral origin, including Urdu and Gujarati. They were concerned that they did not understand the *khutba*, which was delivered either in Arabic, Urdu, or Gujarati - a problem compounded by a lack of educated personnel to teach them. They were dissuaded by the 'methodology' of learning the *Kur'ān* - and provided examples of bullying and beating by *madrassa* teachers (an issue that has also appeared in the Muslim press): many contemporaries were disenchanted, and had given up studies in the subject altogether. Educational achievement in school was believed to be a greater priority. Several of these comments were also reflected during fieldwork in Pakistan, although learning Arabic and the *Kur'ān* had a place within some school curriculums (to a certain level) and was augmented in after-school classes.⁴⁹ Within both the U.K. and Pakistan, several interviewees stated that once a child had learnt to recite some portions of the *Kur'ān*, there was no obligation for the child to attend further studies. Criticisms of religious teaching in these settings is consistent amongst several interviewees, including former teachers. However, some smaller, more insular community leaders expressed satisfaction (or complacency?) with the quality of religious education - whilst believing that this was not the situation amongst other Muslim communities. 'L.T.' - a youth worker - noted that Islamic schooling within mosques was insufficient, because of large classes, and the fact that they were taking place in children's 'peripheral time' - children having a

limited attention span. L.T. indicated that, for the majority of children, given a choice about attending such schools, they would refuse.⁵⁰

The provision of 'Islamic education' features strongly in demands for Muslim schools, where it can be incorporated into the school curriculum. There are a number of examples of Islamic schools in Britain, and the demands of the Islamia Trust for state-funded Islamic schools by Yusuf Islam has placed the issue prominently upon the national education agenda. Several educational platforms exist, within the Association of Muslim Schools, Muslim Educational Trust, Iqra Trust, Islamia Schools Trust, Union of Muslim Organisations, Islamic Foundation, U.K. Education *Waqf*, Muslim Parliament, and Islamic Academy. Fieldwork indicated severe disagreement between members of these platforms, resulting in a general lack of consensus. Several Islamic schools have achieved high positions in U.K. school league tables, including Bradford Girls' School and Tower Hamlets Islamic College, London. Education within state schools remains the predominant issue, given that many parents do not have access - geographically or financially - to privately-run Islamic schools: the majority of Muslim students are in state education. One interviewee stated that Muslims should seek greater participation within education provision, and encourage the training of more Muslim teachers. Within U.K. Islamic environments, the status of teachers has been undermined by cultural pressures, and because of the relatively low income of teachers compared with other professionals.⁵¹

Demands for Islamic components within the state system are not universal

or consistent in terms of priorities amongst Muslim parents, who prefer an emphasis on education that will enhance their children's economic chances, and future educational and employment opportunities. One interviewee, a Muslim head working within a state school with a large Muslim studentship, felt it was important for Muslims to function within the mainstream of society, learning the National Curriculum, rather than Muslims being 'marginalised' within Islamic schools.⁵² This raises the issue of working and influencing attitudes within a state system, reflecting not just 'Islamic decision-making' - but 'external' decision-making factors influencing Muslims. This raises the hypothetical question of whether - in the long term - 'Islamic' principles and/or policies promoted by Muslims could influence the state-education system?

The debate about funding for education can only be referred to briefly here: some interviewees sought to present the arguments regarding financial assistance from the Department for Education [D.F.E.]. The D.F.E.-Islamic platform dialogue regarding Muslim schools not receiving full-funding is a long-standing one. Whilst other religious schools obtain funding - for example, Roman Catholic, Jewish, and Church of England schools - no Muslim school had received full state support. The arguments are complex: some authorities believe that this is because Muslim schools have not attained specific standards; some Muslim platforms see the refusal as a manifestation of anti-Muslim prejudice. Discussions remain in progress. Given that the majority of Muslim pupils will continue to attend state schools, some platforms have concentrated on developing links with educational bodies and providing an 'Islamic' input in this way. One

example is the Muslim organisational and individual contribution to 'S.A.C.R.E.' (Standing Advisory Committee on Religious Education), developing syllabus material.

The influence and quality of education contributes towards the shaping of Islamic decision-making processes in the U.K. A well-educated (and employed) Muslim workforce is clearly going to make a greater impact on the wider society than a poorly educated one. The political ramifications of education provision impact directly upon the future structures of Muslim frameworks in the U.K., and the attitudes towards Islam expressed by generations of Muslims educated within the state system. 'H.O.' noted that the different gender roles expressed within certain interpretations of Islam also had implications for educational standards. In a generalisation, it was stated that males had a greater freedom of movement, whilst females remained in the home environment. This meant that females had more time to study, and were enjoying superior examination results which could be attributed to this factor. It was felt that males did - in certain cases - 'catch up later'. This comment, however, may reflect a wider pattern amongst non-Muslim pupils. The relative academic success of female Muslim students had contributed to changing parental attitudes, together with parents' own experience within the educational system: this had led to an increase in opportunities for female students to achieve at higher academic levels, such as college and university.⁵³ This includes students who have attended 'Islamic' schools:

"If the girls are properly disciplined during this age, then they should be

O.K. to attend universities after they get their G.C.S.E.s. When girls leave school, they know how to conduct themselves in public and should have no difficulty in handling the cultural conflict, arising from growing up between home and schools."⁵⁴

Higher achievement at non-Muslim institutions, and the issue of choosing appropriate places of education, has been raised within Syed ad-Darsh's column. Despite the concern that children might academically under-perform at a single sex Muslim school, Darsh still recommended that children attended the Muslim school, indicating that Islam took the priority:

"... we are here either by accident or by birth or by necessity." ⁵⁵

The contents of the National Curriculum has been a cause of contention and discussion between Muslim educational lobbyists⁵⁶ and educational authorities.⁵⁷ The dialogue has included conferences and establishment of a consolidated charitable platform of (select) interested parties - the United Kingdom Islamic Education *Waqf*, chaired by Yusuf Islam of Islamia Schools Trust.⁵⁸ Amongst the issues of concern within the Islamic agenda, one of the priorities has been provision of 'appropriate' sex education. There is no single 'Islamic' viewpoint regarding sex education: views of interviewees ranged from parents/interested parties not wanting children/young adults to receive sex education, through to acceptance that it is part of the National Curriculum and has to be covered within a Muslim school (teachers also having to be trained to answer questions appropriately). The Muslim Educational Trust has provided one approach, based

upon an interpretation of primary Islamic sources, with which it has endeavoured to lobby Parliamentary and other authorities. It incorporates a 'sexual etiquette of Islam', a discussion on approaches to Local Educational Authorities, and advice on how parents can approach teachers and question them regarding sex education.⁵⁹ The realisation that compromise is necessary - accommodating and balancing National Curriculum demands, the needs for awareness on sexual issues, the pragmatism of living in Britain, and the requirements of Islam - has led in some cases to conflict not just between Muslims in Britain, but between platforms and individuals who maintain contact with Muslims overseas:

M.J. ... we had a conference on sex education. We were trying to prepare our response to sex education being given in schools. The *īmāms* from the [Indian] sub-continent, they protested. They said:

'What you are trying to prepare and bring to the attention of the children, it is not proper.'

So we said:

'We know better. Whether you like it or not, this education is being given. And they see these things on TV and they read about them in newspapers. They see it outside. Unless we prepared an alternative Islamic response to it our children go astray.'

G.B. ... Do you find that there is a two-way traffic - do you find that your concept of sex-education is going back to Pakistan or wherever?"

M.J. No. I happened to receive a telephone call from Karachi, and [that] he was talking to me, saying that he thought I'd gone to the UK to try to make them better Muslims - 'now you have become like them in trying to prepare sex education!'⁶⁰

This provides an example of the difficulties and pressures experienced within the decision-making/opinion-forming frameworks of U.K. Islamic environments.

The concept of sex education was seen as anathema to certain *īmāms* and authorities in Pakistan. However, during fieldwork in Pakistan, it was recognised by some interviewees that Islamic sources and resources exist regarding sex education - but that some authorities were selective in choosing to incorporate these views or ignore them completely. When the subject of sex education was raised in Pakistan, several interviewees determined that it was symptomatic of a 'Western' or 'secular' 'immorality'. One interviewee in the U.K., a community worker with strong links to Muslim youth, asked where, if *īmāms* and other authorities were reluctant to provide advice, would the answers be found? Even writings on sexual issues by otherwise respected sources such as al-Ghazali were seen as 'too frank' by some Muslims.⁶¹

It could be asked whether this provides one indicator of a so-called 'tradition'-bound approach towards interpreting Islam? Is it indicative of the trend (suggested by several fieldwork sources), that the geographical and chronological 'distance' - between migrants (and their descendants) and places of origination - has contributed to a time-bound Islamic interpretations by some *īmāms*? One interviewee in Pakistan believed this was true, and that some Muslims in Britain had an incomplete knowledge of Islam:

" ... the Muslims who have been to England (sic) some thirty to forty years before, they were not much learned, and the knowledge of Islam was not complete to them. So most of the people who were living there, in UK, they belong to labour, work in factories - their knowledge was not complete. That is the reason they have narrowed down their minds, and do not want to change that. One of the reasons I came to England was to put the concept of Islam in a modern way. Muslims living in England,

they should cope with situations." ⁶²

This is a view directed at the 'average' Muslim, rather than those within areas of leadership or academia (even though those areas may incorporate the traits discussed). Other interviewees in Pakistan believed that levels of individual knowledge and scholarship about Islam were improving in the U.K., and compared 'favourably' with those in Pakistan (whether that is a compliment or not is open to discussion).

Examples surface of practices described as 'Islamic' that are resonant of aspects of 'traditional' rural culture in the Indian subcontinent. These are, on occasion, described negatively by other Muslim interests:

"The really backward-looking imams, who can't even speak English, have tried to take control of the mosques everywhere, from Walthamstow to Bolton. I heard one the other day saying that our children shouldn't read literature. Another said girls should not be educated after the age of 10. And people are listening to these crazy things, particularly those troubled that their daughters are getting too independent. One said that eating with knives and forks is un-Islamic." ⁶³

This reflects a recognition of certain difficulties facing decision-making processes and Islamic interests in Britain, in particular the conflict between different interpretative aspects of Islam. The impact of so-called 'traditional outlooks' has an impact on many Muslims in the U.K., especially those educated within the state system. Decision-making based on 'traditional' concepts is likely to be further challenged throughout this transitional phase, without necessarily any

reconciliation between interests and parties.

Certain 'Islamic' practices receive adverse publicity, for example in the media. Apologists often equate these practices with 'tradition', although 'tradition' in itself does not equate with 'harmful'; it may reflect a Muslim apologist's personal or organisational 'Islamic' viewpoint, for example through equating *'urf* with *bid'a*. It is not intended here to enter into the semantics of these terms, or to make value-judgments regarding these concepts. There is no doubt, however, that media coverage of certain stories which indicate an 'Islamic' or 'Muslim' connection do cause harm to wider communities. These include criminal cases regarding *'pār'* 'exorcisms', which have resulted in the death of the 'exorcised'.⁶⁴ Whilst such extreme activities are not representative of the majority Muslim population, they provide 'ammunition' for an increase in anti-Muslim feeling. They also impact upon Muslim communities, influencing the maintenance of other 'traditional' practices that are not 'harmful' (in the sense of resulting in death or injury), and enhancing 'anti-traditionalism' and/or 'selective traditionalist' platforms. Certain practices may be driven 'underground', or practitioners ostracised.

Such practices - even if atypical - put severe pressure on 'leadership' within communities, at local and national levels. Within some spheres, it increases the demands for 'British'-centred 'modern non-traditional' interpretations of Islam. There are varied theories behind the implementation of this ideal. 'Q.F.', an interviewee with experience in U.K. and Pakistan Islamic contexts, believed it

would be the experience of U.K. Muslim scholars that would provide the required levels of knowledge and interpretations of Islam for a 'modern, non-traditional' society (both in the U.K. and Pakistan) - and that this would be promoted by U.K.-born and raised *mudjtahid*:

Q.F. The need of the time is that the British Muslim scholars who know Western culture very much, and they are well versed with Islamic religion, they should try to bring these incompatible theological solutions. The problem is that the '*ulamā*' from Pakistan, from India, they are well versed [in Islam] but they don't know Britain. That's why there's a mish-mash. So we need those *mudjtahids*, innovators, that should cultivate within those environments.

G.B. Where do you think they are going to come from? In the lack of any developed educational system within the U.K., some people would say there was a decline in the standards of teaching of Islam, that there is no infrastructure at this stage - so where do you think these *mudjtahids* might appear from?

Q.F. ... Of those scholars, I'm just giving examples, whether they are ten, twelve, fifteen, it doesn't matter - because they have been living in Britain for many decades. They know oriental and Islamic culture very well, and they are good scholars. The selective few we can, of course, but you are very right, that we can't hang on for new scholars, emerging scholars, who are not really competent.⁶⁵

The paradigmatic 'Islamic education system', therefore, is not just about informing Muslims about living life 'Islamically' in Britain. It is also about creating an environment and an opportunity, in which 'indigenous', culturally-attuned leadership(s) will emerge at all levels:

"They [elders] are still operating the mosques as though they were still in Karachi... We want better educated *imams* with more modern views, and more say in the management. But they won't let us in."⁶⁶

The issue of training for such a role is a difficult one, given the limited number of organisations providing specific courses for 'Islamic knowledge' in the U.K.: institutions includes the Muslim College in London, which runs a course for training *īmāms* (incorporating history, English language, and counselling components) and *Darul Ulum*, in Dewsbury, Lancashire (based on a Deoband model of training).

The discussion also incorporates university education, and the acquisition of degrees within related areas. This includes the nebulous areas within 'Islamic Studies', which has broad definitions and can contain markedly different 'primary source' components, depending upon the institution.⁶⁷ These institutions can be influential in providing knowledge about Islam and related issues to Muslim and non-Muslim students.⁶⁸ Deciding on an appropriate curriculum and location for such a course would raise logistical and ideological difficulties. Whilst several universities provide courses for aspiring Christian clergy, the likelihood of parallel Islamic frameworks emerging within universities in the short-term is remote. The concept of university institutions training Islamic religious leadership (however that may be defined) has not yet been incorporated within British academic frameworks. External funding institutions could influence existing or new departments of Islamic Studies in this direction in the future, given that governmental or educational authorities in Britain are generally reluctant to provide funding for Islamic-related studies in schools. The approaches of current Islamic decision makers, and whether or not they apply *idjtiḥād* or related concepts in the formulation of approaches, will require consideration in future

analyses. Some sectors within U.K. Islamic environments believe such education on a more extensive scale would be beneficial for Muslim societies in Britain:

"It would have advantages; '*alims* [sic] could be trained within the society and would understand the problems, but otherwise they should visit the same institutions - al-Azhar and the other schools - but here what they would get would not be the full breadth of knowledge at separate institutions, because the '*ulamā*' who run these institutions, they don't understand what the challenges of the modern times are. But they command the confidence."⁶⁹

No data is available on the number of students who may be undertaking education outside of the United Kingdom, with a view to returning as an '*ālim/īmām/ müftī*. There are different levels of education and institutions that provide such training, ranging from traditional schools centred around *pīrs* on the Indian sub-continent, through to long-established institutions such as al-Azhar. During fieldwork, it was interesting to compare approaches to this issue: within the minority context of Singapore, there were no university options for individuals seeking any Islamic Studies education: it was necessary to study abroad. The length of time of certain courses, such as al-Azhar, meant that there was a trend to direct students to those courses based on more intensive, 'western' university models (i.e. 3-4 year degrees for undergraduates). Other courses were described as prohibitive (in time and expense), by interviewees in Malaysia, Singapore, and Pakistan.⁷⁰

Within the *Kur'ān* and other sources, the notion of 'professional' *imams* is not obligatory: anyone may lead the prayers, if they have sufficient 'knowledge'. In

both national and local British spheres, there is no 'professional Muslim clergy', at least not in the same sense as 'clergy' found in - for example - churches or synagogues. Larger mosques do have paid full or part-time staff, leading prayers, delivering *khutbas*, teaching, and/or providing other services. The leading of prayers requires different skills to dealing with 'personal' issues.

Effective leadership at local and national level was felt necessary by many interviewees, in order to counter differing forms of pressures and prejudices that can be experienced by Muslim communities and individuals. Leadership is associated with the question of Muslim identity in the U.K. context, especially because leaders as 'spokespeople' often (consciously or unconsciously) operate as paradigmatic Muslims to non-Muslims. Leadership can represent effective responses to issues, contextually incorporating interpretation of primary sources, which are followed by sectors within U.K. Islamic environments. This following can be on every issue: alternatively, it can be selective, and vary from case to case. As in other Islamic contexts, the forms of authority that exist vary, and it is impossible to make generalisations regarding 'Muslim leadership': some may be pro-active, others reactive; some focus upon a small community, others on the U.K.'s entire Muslim population; a 'leader' may be based outside of the U.K., and may not be familiar with U.K. contextual environments. Authority may incorporate 'pronouncements' on well-publicised platforms (to Muslim and non-Muslim audiences); to *idjtihād* or *fatwā*; through to simple comments on issues of minor concern. These responses can form a framework for decision-making processes, on personal or community level: they could be given in publications

or other media, within a *khutba* (either directly by the leader or indirectly through a reading), or in another forum incorporating interpretation and direction of individuals (for example, a study circle or personal consultation). As discussed in earlier chapters, the roles and definitions of Islamic leadership vary between different schools and areas of interest, and certain of these variations are reflected within the U.K.

Reference cannot be made to every form of Muslim leadership, or determine how 'representative' community leaders are. There is a need to differentiate between Islamic leadership - for example from *īmāms* and *pīrs* - and other community leaders on political and social platforms, although these may be interlinked. Acceptance by non-Muslims of a community's leader has in the past been compounded by communication difficulties, when a limited number of a community spoke English - or had knowledge of the appropriate channels within Britain for the access of assistance or representation. The diversity of Muslim environments in the U.K. suggests that the creation of a single representative platform could not possibly serve all agendas and viewpoints. It should not be assumed that all communities or individuals **want** such leadership, especially if it is founded around interests or belief frameworks dissimilar from their own.

Attempts have been made to form national or majority Muslim platforms in Britain - which at this stage have often failed to find common ground or become accepted by the majority of Muslims in Britain. The 'Muslim Parliament' has been an important development, if only because of its high media profile for initial

meetings and pronouncements. Critics argue that Muslims should gain access to normal channels of power - rather than form 'separatist' platforms. The Muslim Parliament's founder and first leader, Kalim Siddiqui, directed the Muslim Institute for Planning and Research - which drew up a 'Muslim Manifesto' as a reaction to issues of concern to different Muslim communities. The initiatives included the creation of a Muslim 'house of representatives', later known as the Muslim Parliament.⁷¹ The reaction of the media was generally negative, especially towards the pronouncements of Siddiqui, who was accused of having connections with Iran, and being influential in the imposition of the Rushdie '*fatwā*'.⁷² Siddiqui utilised his professional background in the media in publicising and promoting the Parliament and his own community position. His impact was the creation of a 'Muslim platform', which intended to develop representation at grass-roots level. It publicised recruitment from all sectors in the communities, male and female. Members of the Lower House pay a financial contribution to become an M.M.P. (Members of the Muslim Parliament), whilst an Upper House has members who raise a significant financial contribution.⁷³ The Muslim Manifesto attempted to define a role for the General Assembly of Muslims in Britain (later known as the Muslim Parliament), and:

" ... to provide a framework for the healthy growth of all parts of the community as well as a common Muslim identity and purpose."⁷⁴

Muslims that did not consider themselves represented by Siddiqui or M.M.P.s have often been alienated by the assumptions of the 'Parliament', and its

pronouncements on Islam. In terms of decision-making processes, at this stage, the Parliament's influence is unquantifiable. As a forum for discussion, through various Committees and Conferences, the Parliament has generated publicity - if not 'policy' that is followed by the majority of Muslims in Britain.⁷⁵

The lack of interaction between groupings with different interests on a national level is also reflected locally. L.T., an activist within a youth organisation, suggested that this was having a harmful effect upon the youth, and that some kind of decision-making processes were necessary to break down the sectarian divisions. There was a fear that the cycle of 'difference' was perpetuated, because when youngsters attend mosques, they heard sectarian speeches. This creates an impression, according to L.T., of serious divisions within the Muslim communities. L.T. suggested that, within his community and others, there is poor leadership. It was felt that this was taken for granted by Muslims, who were perceived by L.T. to have an apathetic approach to participation in Muslim community affairs: going to the mosque and receiving lectures was seen as sufficient for getting through everyday life 'Islamically'. Changing this situation was difficult, according to L.T., because the leaders are local people seeking to maintain power bases and status. No other catalysts existed for change. L.T. believed that, despite a lack of Islamic knowledge in the community - especially amongst youth who are 'well-mixed' with local non-Muslim subcultures - leaders are reluctant to intervene.⁷⁶

These comments reflect the influence of so-called 'traditional' stances

towards leadership, which have parallels elsewhere in the U.K. Islamic environments. The community discussed above has a substantial Indian sub-continent origin composition: the types of 'power struggles' and uncritical acceptance of religious authority is reflected in analyses elsewhere, and some basic comparisons could be made between Pakistan and U.K. environments: these include notions of infallibility linked to religious status and knowledge, where a challenge against authority might be described as a challenge against *dīn* or Islam. The question of *izzat*⁷⁷ of a leader or the challenger might also be compromised. An emphasis on 'spiritual' matters, and the interpretation of issues such as leadership being part of the 'mundane world', also has an impact on the power of authority within Islamic environments. L.T. represents a Muslim worker who has a position in local administration, knowledge of the local situation, but is powerless primarily because of a lack of impetus, awareness, and consensus from the local Muslim leadership. Without this common platform, there is little political reason for the local area authority to contribute or participate in improving the situation for youth.

On the other hand, an interviewee believed that lack of consensus has a positive role to play in some aspects of Muslim communities, whilst 'homogenisation' could also be of practical value:

"The community members often find an excuse to argue. The situation is that the community came into being by default: through eco-political factors. Faced with responsibilities which have not been planned, equalled *ad hoc-ism*, and weaknesses. I hope that the community learns from it.

"There can be strengths in homogenisation. Politically there are power struggles regarding mosques. Leadership is in a process of evolution: communities were established at different times. Functional leadership has to learn political and religious ways. Often the difficulties are only seen by the media, and are difficult for outsiders to comprehend.

"... Islamic society is a self-propelling self-motivating society. It requires co-ordination on common issues. It is currently going through a search. The Muslim Parliament is part of that search, but it has not arrived yet. Muslim society has a devolved structure. Muslims do not have to think alike. Islamic society is not monolithic."⁷⁸

Education (or its absence) has a high degree of influence on current formulations of Islamic leadership, especially in promotion in some quarters of the ideal of *khalīfat*.⁷⁹

In the U.K., a minority activist organisation *Hizb ut-Tahrir* has vigorously promoted this ideal, especially at campus level, where students can be distanced from community influences.⁸⁰ The organisation has been accused of inciting racial violence, through anti-Jewish statements. It has also been opposed by other Muslim groups in Britain, including Young Muslims U.K.⁸¹ A 1994 Conference in London, organised by *Hizb ut-Tahrir*, passed without serious incident.⁸² *Hizb ut-Tahrir* may represent a selective historical reading of a phenomena which itself contained diversity, at different times in its history.⁸³ The promotion of *khalīfat* represents the articulation of a view by Muslims in Britain, that speculatively may not have been a common view amongst their forebears. As such, it represents in part the acquisition of 'new' values and a 'new' identity. The leadership issue illustrates that, in terms of decision-making, there is not necessarily a correlation between generations on key issues concerning Muslims. The same intentions can

be promoted in disparate ways, leading to disagreement within Islamic environments:

"The *khalīfat*, when established, was OK. But the organisation - no! It stresses only part of community life. I don't approve. They are clutching at straws. *Hizb ut-Tahrir* are based in Jordan, and are a relentless organisation. They are taking power through power. Within Tunisia and Libya they are not significant. The young generation is not fully educated in Islam. This leads to anger. I don't recommend *Hizb ut-Tahrir* as part of the community ... Islam is not just about reading texts, but about translating what is right and good. It is about intention. Many are going through the motions." ⁸⁴

The targeting of youth by *Hizb ut-Tahrir* may lead them to question elders' attitudes within their community; the organisational stance also empowers youth to break away from their community and traditional practices/interpretations, providing appropriate alternative Islamic support system. Questions asked by *Hizb ut-Tahrir* are not necessarily the ones that others in a community feel should be asked. Many parents and elders fear the impact of *Hizb ut-Tahrir*, especially its influence at local levels - which can damage their own position:

"I have to deal with them in my community and I cannot go against them. Nobody can. I'm only going to the meeting to be seen. I don't agree with their views at all, there's too much hate in them. But you can't fight them." ⁸⁵

Long-term growth of *Hizb ut-Tahrir* could impact upon the existing decision-making processes within Islamic environments. The expansion of this platform is indicative of frustration felt (by some) of living in a 'minority' context, which

is dominated by elders described as unresponsive towards the contemporary demands of U.K. society. The profile and publicity accorded to *Hizb ut-Tahrir* 'events' reflects curiosity and 'a good story' on the part of certain media sources, whereas - to many Muslims - the content of the rhetoric has a familiar edge:

"We've heard all this stuff before. It means little to us, and to be honest, you can hear speeches like this in every mosque in the country."⁸⁶

Whether this reflects a need for greater non-Muslim media accessibility to mosques and leadership - and a need for publicity for 'other kinds' of speeches and discussion frameworks (not necessarily as 'sensationalist') - is open to question.⁸⁷

Interviewees generally considered that questions on leadership had to be encouraged (if only to discourage 'dissident' elements or innovatory interpretations deemed 'un-Islamic'). A reluctance to question or intervene was expressed on local levels by interviewees. Barriers around communities and individuals still have to be broken, perhaps through the example of leadership. 'Z.A.' believes that Islam's 'inherent practicality' is not demonstrated, until it is applied to enhance interaction between Muslims:

"Z.A. recounted the example of awaking early one morning during *Ramadān*, prior to the commencement of the fast. Looking outside his house, he noticed that his neighbours curtains were still drawn, indicating that they were still asleep and would soon miss the opportunity to eat prior to fasting.

"Z.A. and his wife did not know how to react: as Muslims, it was their duty to wake their neighbours; living in Britain, other pressures regarding neighbourly relations exist. Eventually, Z.A. decided to tell his wife to go outside, and 'accidentally' make a noise with a dustbin (this delegation in itself is revealing in terms of male:female roles)." ⁸⁸

To Z.A., this example is an analogy demonstrating that, on a community level, Muslims are not interacting or forging bonds with each other. Whilst one example may not represent the entire situation, it could be a useful model of the state of inter-Muslim relations. It indicates the conflict of interests that can occur, in some settings. The final decision might be a pragmatic interpretation of the situation, in the light of circumstances and an evaluation of knowledge regarding *Ramaḍān* (perhaps a form of personal *idjtihād*?). A reluctance of Muslims at community level to form bonds is also reflected at leadership level. What has been described as '*āda* - in terms of 'manners' - has not found a footing in elements of U.K. Islamic environments.

The interaction (or lack of it) may be engendered by values instilled through local level leadership. Confidence can be built at an early stage, through accessibility to leadership, and being able to ask questions without fear of ridicule. Leadership also has to 'create' Islamic environments, through provision of facilities, as well as the appropriate 'atmosphere'. In one inner-city environment in Leicester, youth believed that those mosques and leaders who were gradually becoming more accessible to them reaped the benefits of increased attendance and interaction as a result:

"... What they've done is - especially at Cleethorpes Mosque - just a few streets away from here like, they've made an 18 year old in charge of all the youth. Then after the prayers, they usually have a little talk and thing."⁸⁹

"I think that what the mosques should do is try and attract more youths, like, by holding more sessions - doing sports and everything like. For example ... they could play football and everything, and they can go to prayers. They enjoy it and they say, yeah, we've got company and we feel like going to mosque."⁹⁰

On the part of decision-makers, this requires a re-evaluation of the usage of mosque space, particularly in the U.K. context. This may lead to clashes between youth and leadership:

"Whenever I go, right, to the prayers, some people just - mainly aged people, they just sit there and pray to themselves. And the youngsters, they get together in a group and then an older person comes along and tells them how they should be."⁹¹

The development of younger leadership may change decision-making processes in this area:

"I've seen that the biggest influence at Berners Mosque in Highfields. There's a *Mullasab* [*īmām*], and in *Ramadān* what he used to do was attract a lot of kids you see. I went there personally. I had said 'I don't want to go there, I don't want to go there', but one of my friends said: 'Go there, see what happens, it's really good.'

"And you see, the way he approaches the children, he speaks in English, he speaks in Gujarati, he makes some jokes. He talks serious, you want to be interested because there are some other *īmāms* around Leicester, right, you go in there, you sit in there, right, wondering what he is talking about. He speaks in another language to me, he speaks in Urdu. I understand Urdu, right, but not too much, just understand the key words.

"But what *Mullasab* Salim Tara used to do was to speak in English, speak in Gujarati and everything, and they used to actually stay there for hours, listening to him every day in *Ramadān*. And I was really fascinated. And the crowds that used to come! First it started off on the first day, right, it started with like thirty to fifty people, and then a couple of days later the whole prayer hall was full. There was no space to sit. I was really fascinated with that. And from then on, right, really he has become a kind of idol to me... not an idol but he has really touched me. I think because he is attracting so much people [sic]."

"The thing about it is, it could be because he is more younger [sic]. They're more older [predominant existing leadership]. I think they should try, at least try, to attract more youths because the old people, right, what they've got in their hearts is that we're gonna die so we'd better pray as much as we can.

"But the youths, right, they'e thinking let's enjoy our lives, let's do that, right, they think let me smoke today, I won't do it tomorrow. Let me just try it. They get addicted to it, right. And you know *Mullasab* Salim he used to make sure that you are aware of what happens when you are smoking. Even going to scientific terms, telling them what happens to you and stuff like that, whereas the other *īmāms* they don't speak in scientific terms, they just want to tell stories from the past. In a way you would learn things from it, but you wouldn't learn it. They wouldn't express what the story tells you, they'll just tell out the story."⁹²

This transcript demonstrates the importance to 'A.E' of a leader understanding his community, and the types of decisions that have to be made within it. The '*mullasab*' represents a person who speaks the language of a tough inner city area, and attains popularity through pragmatic explanation and interpretation of Islamic sources to the youth.

According to H.I., this example may be a rarity, in that he believes that the majority of young people are (still) not understood by elements within the '*ulamā*', who are seen to take its own assumptions and prejudices to interpret Islam, and to protect their own position. H.I. suggests that U.K. '*ulamā*' have lost

scholarly qualities, through laziness, lack of resources, and/or lack of time. To H.I., this represents a lack of the willpower to create decision-making processes within the local and national leadership, primarily through the inability of many *īmāms* to communicate to the majority of Muslims in the U.K. Ultimately, H.I. states, this means that there is a lack of qualities for application of *idjtihād* in the U.K.

H.I. responds to this situation through a belief that the current leadership will be brushed aside, by those seeking the meaning of primary sources of Islam, speaking English, and having a knowledge of British society. This trend has, according to H.I., led to many '*ulamā*' and leaders fearing for their personal positions. H.I. believed that the '*ulamā*' steer away from *idjtihād*, abstracting themselves from textual sources, and losing the meaning of Islam.⁹³

H.I. provided a pessimistic analysis of the current situation regarding leadership at local levels, which can be compared with the optimism generated by A.E. at being exposed to a *mullasab* who can be understood by youth. Unlike the elder leaders, A.E. feels he can approach the *mullasab* with his problems, to assist in an 'Islamic decision-making process':

G.B. Do you feel that you can go to him if you've got some kind of problem and he'll understand?

A.E. Yeah, he'll understand. Like, if I went and said, 'well, I'm addicted to smoking', I'd go to him for a solution and he really would you know.

Like last time I was visiting one of my cousins, right, whose mother was

sick, I think he was feeling shy going to the *īmām*. But this one, he went up to him and ... (the *īmām*) explained what he should do. He felt relief ...

A.E. ... And the thing about it right, is that we've even got a *mullasab* that makes people pray the *Ḳur'ān*. And the thing is, I've noticed about other *mullasab* is we go to the other *mullasabs* in the line of *subub* - I mean prayers, right - it hits you straight away. You do it, they're really be angry on you.

Whereas Mullah Sahib don't do that, he'd try to win the child's heart by being kind to him at first. He would hit him, yes, he wouldn't be too kind so the child goes overboard and starts messing about but he uses both ways, right, to keep the child under control. And I've noted that he's been getting enough people going to him, wanting to join his class, so it's the way he approaches people.

But I can't really pinpoint the *īmāms*, it's the communities, the *īmām* s, it could be anybody, right but I think that the main job for the *īmām* is to settle everybody down ... because people, there are big people, if they start telling us other things, like, you're undecided.

G.B. You want somebody who understands the kind of issues you are going through?

A.E. That's what I mean.

G.B. When he comes from the same streets?

A.E. He was actually saying, right, 'I was just like you', into the same problems as us.¹⁹⁴

This represents 'A.E.'s expectations of the kind of role and services a '*mullasab*' should provide, entering counselling roles that may not reflect the training received. This 'pastoral' role has some parallels with - for example - the expected roles of Christian clergy.

The ease of accessibility and type of knowledge required in 'A.E.'s model *mullasab* requires detailed further research, and a comparison of roles within

U.K. and other Islamic settings. However, the role of *īmāms* and mosques in the U.K. were briefly discussed during fieldwork, where the viewpoints of 'A.E.' and 'A.F.' were presented to a number of high-level decision makers within Pakistan. This presentation related to discussions on leadership, and also the self-identity of Muslims within a U.K. Islamic environment. The dialogue from the U.K. is juxtaposed (without the researcher's comments) with the reactions of Pakistani academic Muhammad Khalid Masud (abbreviated to M.K.) who had experience of similar U.K. environments:

A.E. ... I think the small children, right, they enjoy being Muslims but the thing about it is that they are not full time Muslims. Like myself really. I'm not being a hypocrite, but, you know, they do it part time. They call themselves Muslims, but they do something else. They do bad. They go around thieving, they go around bullying people but they still call themselves Muslims, and you know the main thing about Islam is not to hurt another person.

The biggest problem is that they don't really go to pray as much as they should do. There should be five times daily prayers, and they don't attend it. I don't, right, but I think it's mostly because of the community, because if the whole community and everybody around is Muslims, if my neighbour was Muslim, it would be like 'do you want to come to the mosque?' - and you feel that you've got somebody to talk to when you're going to mosque. And it's no use, right, living in some place like Oldby where you're surrounded by Christian or maybe other people where they can't even offer you to go to the mosque, and then you yourself do not feel like going to mosque.⁹⁵

A.F. Some Muslim people I know they dress up in *khufniz*, *jabuz*, go to prayers as well, but once they are outside the mosque it's like a completely different attitude. They smoke, they swear at other flat tenants. They go around skiving lessons, things like that. So it's just like alter-ego.⁹⁶

M.K. My reaction to that is that it is typical, in the way they are doing things: for instance, going to mosque is a substitute for going to church. Now for me, going for prayer, whether you do it at home or in the mosque, that would be expressing a Muslim practice. Now going to mosque Friday, once a week, that is something that comes from Christian environment, also the role of *īmām* and the role of mosque - this is interesting to me

also ...

... The role of *īmām* in our communities here is very limited, just leading the prayers, but in Britain and in other societies the role of *īmām* is like that of a pastor, that he has to be consulted and he has to be at home with people and guide them in his ways, so that is something new that is coming in those Muslim communities and is not yet coming in Muslim lands, in Muslim societies, and I think even the concern of that young girl or boy - the ideal - now I don't think that any Christian or Hindu or Jew differs in how he defines a good Muslim, a good Hindu, a good Jew would be defined the same way - that he should not be thieving, he should not be - now, that person has got that idea.

If you speak to a thirteen year old Muslim here [in Pakistan], he will define it differently. Although I should say that, as a general rule, that the moral concern is more vital, more crucial, in Muslims living in Christian societies. Here it will be more like saying prayers, fasting, and keeping beard, these will be the things with which he will be identifying for an ideal Muslim.

So I think that it is a new dimension which is coming to a new generation of Muslims living in a totally different area where the concerns are different. He or she has reacted to that moral deprivation and his or her ideal is that these are the things which he or she should be doing - whether they are specifically Muslim or not ...

... But the language, that has a Christian background. We in Urdu or even in English here, we don't say we don't say that a 'good Muslim' goes to mosque, so that is a literally substitution for a term that has a Christian connotation. Similarly for *īmām*, *īmām* is almost a substitute or a translation for 'pastor' or 'priest'.⁹⁷

The changing framework of defining terms is a reflection of the evolving nature of Muslim communities in Britain, and the (projected) changing roles of leaders within communities. These transcriptions provide one indication that different conceptions of Islam within different environments require pragmatic evaluation of priorities, in the light of specific circumstances.

Questions were raised by some interviewees, in the U.K. and elsewhere, as

to the levels of understanding of these issues amongst U.K. Muslim decision-makers - and how this impacts upon ordinary individual Muslims. How useful is it for an 'authority' in Pakistan to interpret Islamic sources pragmatically for Muslims in the U.K.? Some decisions may be applicable in both contexts, but there are many issues in the U.K. that have no direct correlation with Pakistan. Whilst the thirteen year old in Pakistan might share **certain** values (depending on varied environmental factors discussed above), the level of difference could be irreconcilable. To an extent, this strengthens the case for U.K.-based Islamic decision-making processes, that recognise the needs specifically of British-born Muslims.

Khurram Murad, who has extensive experience in 'Islamic' contexts both in Pakistan and Britain, confirmed the problem regarding 'inter-generational' communication:

"The people who are leading religiously in Britain, unfortunately they are incapable of doing *idjtihād*, and many of them don't want to look at the word *idjtihād*. And they think that everything that is needed has already been said, which I don't think is the right thing ... and they cannot communicate with the new generation."⁹⁸

This reluctance to make decisions in the light of new or changing circumstances clearly impacts on the perception of Islam by individuals - such as the youths interviewed above - seeking to reconcile cultural interpretations of primary source material with their environment. It would be useful to determine the level to which the youths' views represent a transitory opinion, and to what extent it is

maintained in the future. There is also the attribute of 'adaptability' within certain Islamic frameworks:

"My fear is that if the proper facilities are not provided for the Muslim youth, and if Muslims are not allowed to live according to their identity within a British framework, I think that the Muslims in Britain have to develop their way of adjustments. That adjustment is going to be made definitely, but that adjustment is available within an Islamic framework.

"We all need something new. Islam is a universal religion, and cultures and nations and communities have come into that and therefore it adapts. British Islam, as far as the current situations are concerned, is different from Pakistani and Indian and Malay situations. They will be having trousers and shirts and ties and everything."⁹⁹

This process of adjustment is also linked to a perceived need for changing mosque roles, and their 'success' when initiatives were taken to present activities centred around youth requirements. An example was provided, by one interviewee, of a South London mosque, which cleared the prayer space for youth club activities (interspersed with prayer) creating an 'Islamic environment' free from external influences, which had a long-standing impact on the immediate community in that the youth attracted to it became long-term members of the mosque.¹⁰⁰ However, a disadvantage of the new-found centrality of mosques was expressed several times, in the 'creation' of 'exclusive' mosques geared for specific culture-centric mosques (i.e. for people with links to specific *p̄r̄s*, ethnic groupings, etc.):

"When I went to one of the mosques in East London, the people were looking at me as if I was someone that does not belong there. This was a Bengali mosque, and all of them they had the mosque, but they had their

own books, and almost of them were Bengali..."¹⁰¹

This example is, however, reproduced in other environments (within Muslim majority countries and other minority settings) where there is diversity within Islamic frameworks.

Exclusivity may also be linked to gender: it is not proposed here to fully survey the extensive leadership responses to decision-making issues concerning women.¹⁰² One issue that is significant in terms of decision-making is access to mosques. Only a small proportion of mosques in the U.K. encourage women to use them (or connected facilities); access to places of communal prayer can be limited. This can be because of the restrictions within the construction of mosque, limited space, because men do not want women in their mosques, or because women feel intimidated entering them. Within some interpretations of primary source material, women are seen to be a distraction to men praying, and were expected to pray at the back of the mosque. Mawdudi - whose English-language translated *tafsir* has some influence in the U.K. context - indicated that men should keep silent on the matter of mosque access, unless their wife asked permission to attend.¹⁰³ Syed Mutawalli ad-Darsh believes that restricting mosque access for women (in Britain and elsewhere) has contributed

" ... to a large extent, for the absence of deep Islamic knowledge in many of our wives and mothers who are charged with the responsibility of bringing up the young; teaching them, playing with them, acting as role model. Recently, a man from a West of England city approached me with a view to opening up for women one of the city's two magnificent

mosques. Nine ladies had just converted to Islam, he told me, who were keen to pray in the mosque. But when I approached the *imam*, he threatened to resign if a woman ever set foot inside his mosque. Faced with overwhelming evidence to the contrary, the *imam* insisted he could do nothing until he received a *fatwa* from his *Darul Uloom* in India. We are still waiting.¹⁰⁴

Clearly there is conflict in this area that needs to be resolved. Inherited tradition-centred attitudes are interfering with some women's desire to pray within a mosque. It seems that purpose-built mosques in the U.K. can be accommodating (in some areas) towards women. For example, a Leicester mosque invested in a women's gallery.¹⁰⁵ This may be an area in which Islamic decision-making is responsive to the U.K. context, and the different expectations of women's roles (i.e. acquiring work and a financial status that could be greater than that of men). The pragmatic interpretation of Islamic sources has the potential to significantly alter the roles of Muslim women in the U.K. Other society pressures, and the impact of new female expectations, could impact beyond the basic issue of mosque access. Whether any future changes have an 'Islamic' basis or not is open to speculation.

All issues connected with decision-making processes have implications for Muslim women, although the question arises of the degree to which women have input into these processes in the U.K. There are specific gender-centred issues, several of which are focused on the effects on Muslim women of living within the minority context of Britain. The position of women is often seen as very different, compared with those of women in certain majority contexts - in

particular on the Indian sub-continent, where many individuals in Britain have ancestral links:

"Women here have a better position. Girls are bolder, and can have economic independence. Cultural differences are sanctified by religious interpretation. The question is how far Islam will cope, especially with the changing family structure? Women have far more rights, organised within the structure of law."¹⁰⁶

This 'better position' is particularly asserted by those people who have been educated within 'the British system'. The acceptance of this difference, however, is not universal within families seeking to maintain all aspects of their 'traditional' cultural expression. This can lead to conflict within families, for example on issues such as: dress-code, employment, education, relationships, and marriage. In the worst possible scenario, these conflicts lead to forms of domestic violence. The options for victims are limited, in particular with the fear of ostracism from a community, or limited access to appropriately sympathetic and culturally-attuned social services.¹⁰⁷

Some interviewees, who could be described as following a 'middle ground' within the decision-making debate, presented more 'traditional' approaches to women in authority within the U.K. Islamic environment. For example, one believed that:

"Women were not taking lead for physiological and psychological reasons [!!]."¹⁰⁸

Whilst not representative of all interviewees' viewpoints, another interviewee suggested that only 'one per-cent' of Islamic decision makers in the U.K. were 'enlightened' on the issue of gender, and did not follow 'traditional' understandings.¹⁰⁹ An example was given of women that sought to join a (all-male) mosque committee. A separate women's committee existed, with its own agenda and Annual General Meeting. The problem was raised of communication between respective committees - and how to contribute when attendance of women was prohibited at the all-male committee. The interviewee suggested that (potentially) managing the respective 'tensions' was difficult - and felt that the committees' agendas of seeking single sex schooling meant that joint male/female committee represented 'hypocrisy'.¹¹⁰ This issue is indicative of the issues connected with establishment of appropriate decision-making structures, and the problem of women establishing an agenda which can be presented and acted upon by (male) decision makers. Women raised in a British educational framework - either as Muslims or later becoming converts to Islam - are contributing to the changes in these processes. Clarification of gender issues influences decision-making processes, in terms of fully informing agendas.

Given the resources and inclination, social support frameworks, committees, and self-help groups could be viable within more U.K. mosques and Muslim communities. These could exist on an 'Islamic' or 'Islamic-culture-centric' basis: the issue of language is important here. An 'Islamic' approach would have to cross the varied linguistic barriers that exist within U.K. Islamic environments - requiring a 'common tongue'. Many current Islamic 'services' provided, of

necessity, have to be divided at least on the basis of linguistic differences. Certain groups, for example the majority of Somali Muslims, have not had the time to build infrastructures necessary for these services - survival and adjustment to the 'new' environment being a necessity. However, as many more Muslims in Britain (for example, proportionally to twenty years ago) have been raised in English-speaking environments, this eliminates one 'barrier' preventing unity. Dividing lines based around other factors are strong, inhibiting emergence of large scale common platforms and leadership.¹¹¹

Significant barriers exist regarding notions of 'class', 'tribe', and/or 'clan', within groups perceived by many outsiders as 'homogeneous'. Places of (ancestral) origin and time of (ancestral) migration are also significant, in placing an individual and a family within a community.¹¹² For example, during war within (and between) north and south Yemen, the conflict was reflected on a micro-scale within Yemenite communities of Britain - including at community organisational levels.¹¹³ The issues and identities of specific groupings alter, according to circumstances developing in places of (ancestral) origin: for example, clan-consciousness has emerged to further divide the East London Somali community, which has also seen the development of expressions of an 'Islamic' identity based on 'Arab Gulf' models.¹¹⁴ Notions of organisation also vary significantly between (and within) places of ancestral origin and communities in the U.K., especially in terms of the nature of funding, influences the framework of decision-making processes. For example, Bengali Muslim institutions and mosques in Sylhet are funded by endowments, whilst the Sylheti

community in Bradford relies entirely on voluntary funding and occasional aid - many of its people also being unemployed.¹¹⁵ Occasionally, conflicting approaches towards mosque funding and institutional management has led to violence.¹¹⁶

Islamic environments perpetuate cultural and religious traditional diversity. Attempts to go beyond these boundaries can be met by community resistance. There is no motivation for families to raise their children in non-culture specific environments, or send children to a *madrasa* or mosques which do not present a cultural-centric perspective. If parents send their children to these establishments, one reason may be because they believe it is best for their child, providing values which can be useful to them within their community in the future, as well as instilling Islamic knowledge (which is seen as having value in this world and the next); parents may also send children because of local community/family 'pressures' and expectations. The extent to which this has to be balanced alongside not isolating the child (and the community) from the wider environment is a key issue of future decision-making processes. Exposure through state educational systems is balanced with maintenance of 'Islamic' value systems.

This balance of values can be linked to the wider picture of relationships between Muslim individuals and communities, in the U.K. and abroad. It can also be linked to so-called 'Inter-Faith' dialogues, involving discussions between representatives from different belief-systems. The 'success' of such platforms cannot be quantified.¹¹⁷ The extent to which Muslims are fully represented at

national and local level is open to question. Some Muslim representatives are willing to have dialogue, but unwilling to attend sessions of joint prayer in non-Islamic settings; this is seen as unhelpful by members of other faiths, who may not see the wider religious and social implications of such interactions. Similarly, a fear of the undue effects of such interaction between Muslim and non-Muslim exists on both sides of the debate. Dialogue may be conditional. Although there have been 'success stories' at local levels regarding inter-faith dialogues, assessing effect such inter-faith platforms have on 'ground-floor' level for Muslims requires further research.

The following extract provides an indication of one North London community, endeavouring to make religious links within its local environment, and the kind of responses it received:

"... our community has been active in Inter-faith and also in trying to establish our relations with the Councils ...

"... and we have visitors, non-Muslim visitors, and sometimes we talk to them; and we go out and meet other senior citizens from other communities. But we sometimes find that the churches and the synagogues are reticent, are hesitant - they can be very friendly but they tend not to have relations with us. They invite you to come to their church or synagogue. But I suggested that we should have meetings in the centres, so on behalf of my community I offered our centre [at the mosque]. For one month I would like a Jew, a Rabbi, to come and speak about Judaism and Jews. Next month I suggested a Muslim would go to a church - they [the community] refused! ...

"... So we have been trying to work together on common issues. There are a few Christians who are worried about morality in this country - so we have been trying to co-operate with them. I wrote to Mrs Mary Whitehouse, so she wrote back to say that 'this is a Christian organisation'! So I saw a letter in a newspaper from somebody in

Leicester about sex and morality - so I wrote to him and he replied - so we co-operated on that issue, the community circular for the community to protest and all that. So on a number of issues of common interest we can join hands - if we can do that more often, it will bring a lot better understanding ...

"... We are nearer to the Catholics than the Protestants, and that is why even in Africa we preferred our children to go to Catholic schools, where the nuns would be teaching them."¹¹⁸

The level to which this dialogue is 'typical' is difficult to determine, but it raises some of the issues facing efforts at inter-faith dialogue. The discovery of 'common ground', including on issues regarding sex and morality, may make further inter-faith dialogues a priority issue within certain Islamic decision-making frameworks in the U.K. Some interviewees cited the comfort from (selective) Christian authority sympathy, for example during The Satanic Verses' controversy, education and morality debates, or during disputes regarding 'Planned Parenthood'/contraceptive debates. A lack of inter-faith dialogue may be linked to a common assumption that the U.K. is not a 'religious' society, or that the majority of non-Muslims are 'non-religious' - without recognition of other value systems and moral frameworks not directly associated with 'religion'.

In terms of the decision-making processes, it would be incorrect to assume that all interviewees believed there were grounds for pessimism. Some felt there were grounds for optimism, and that gradually a framework was being put into place which - some time in the future - would provide a foundation for 'Islamic' system(s), with integrated knowledge of 'British' society pressures and values. The 'Young Muslims', an organisation linked to the Islamic Foundation, was

founded to establish such a idealised framework. One of its instigators, Khurram Murad, had a degree of optimism regarding the instilling of 'Islamic' values (based around a specific agenda) in Young Muslim members:

" ... I am very hopeful out of the young people [sic] and my help in building the Young Muslims ... last year [1994] 1,500 young students and men and women [were] all together, and I addressed them. So I think that most of them must go to the sources, and get a good grounding in the *Kur'ān* and *Sunna* of the Prophet - and by analogy, and by examples, and deduction, so many methods which are commonly applied by our jurists - because they can find it. But they must have the knowledge.

"Because just because people think this is the Revelation, they do not accept that unless it is grounded in the basic sources ... they should not be doing it [undertaking *idjtihād*] because of social pressures, but because they are convinced it is the right thing - the right understanding of the *Kur'ān* and *Sunna* interpretation in our times: then they will accept and follow [Islam] ..." ¹¹⁹

This is not a 'typical' viewpoint, as not every Islamic perspective accommodates *idjtihād*. If the Young Muslims follow a policy of attracting educated, motivated people - especially within professional groups - the influence of a small minority could be pervasive, including an impact upon non-Muslim attitudes towards Islam (utilising financial, social, and political contacts). The extent to which such 'knowledge', described by Khurram Murad, is acquired and applied by Muslims in Britain in the future could alter the nature and structure of the Islamic decision-making processes, conceivably with impact beyond the U.K. Islamic contexts.

Links between Muslims in the U.K. and various external Muslim

organisations and decision-making processes vary considerably, and - as with other issues approached here - generalisations cannot be made. Connections can be intensive and frequent, but there are also examples of self-contained communities, with limited links outside of local or U.K. networks. The nature of these links causes confusion to observers. For example, during the Gulf War, several mosques and community centres were approached by police or government security interests - incorrectly assuming sympathy between the U.K.-based mosques and external 'Islamic' interests, or linkages between mosques with similar constituencies:

M.J. ... we are far from the Middle East communities. Middle East communities are either in central London or East London - not this side [North London]. So anything that happens there does not affect us in the same manner.

We are mostly non-political. Even in British politics I personally have been going around trying to persuade people to vote. They are not interested in the vote ...

We are a business community, whether it will be to our benefit or not, in the short term and in the long term. So even if it were beneficial in the short term, but harmful in the long term, we would not do it.

G.B. And what about links internationally, with other communities? Are they quite close?

M.J. Not very close. We have been trying to help our community in the poorer areas, supporting them in India and Pakistan. But we are not very close with any organisation in any communities. We communicate, we write, we receive the letters and the newspapers.

G.B. And in terms of the decision-making process?

M.J. Nothing... there is nothing whatsoever.¹²⁰

Within some communities there are closer links, affecting decision-making processes on a day-to-day level. Several interviewees described the use of fax machines and telephones in these processes, which could be two-way. H.I., who believed that an international Islamic decision-making 'structure' was necessary prior to any local infrastructure being formed, saw the vestiges of such a structure in his own experiences. H.I. received regular faxes from a religious centre in India, seeking answers to basic questions regarding Islamic practices (such as the issue of 'intent' during prayer). He believed such questions were time-consuming and unnecessary, only sent because the individuals in India had nothing 'better' to do, or enjoyed using the technology. H.I. also utilises the technology himself: for example, during a controversy regarding *ḥalāl* meat and animal slaughter, H.I. faxed to peers in South Africa and India. He believed this desire for alternate or corresponding opinion covered his own status and reputation too, especially because the effort to acquire advice from external decision-makers was about 'being seen to care'.¹²¹ The role of technology in integrating Islamic communities, and decision-makers, in the U.K. with their peers abroad could be seen as a realisation of increasing *tawḥīd*. Incorporation within this network has implications for communities with close links abroad, especially with the possibility of decisions and approaches being rapidly reproduced and electronically distributed throughout the world, through computer technology. Alternatively, this technology could lead to greater fragmentation and less unity, through increasing the forum for discussion (and arguments).

Whether information technology could restrict Islamic decision-making

processes in the U.K., through suppressing U.K. authorities and imposing precedents relating to other environments, is an area open to discussion. Examination of Internet discussion groups relating to 'Islamic' topics indicates wide-scale disunity amongst participants - and the negative impact of aggressive, polemical minority platforms promoting the 'definitive' Islamic position on specific issues. The impact of electronic technology cannot 'compensate' for living in a non-Muslim environment - especially when that technology is only accessible to a minority of ('educated') people. Despite the growth in computer accessibility, this technology has yet to make mass impact into worldwide Islamic contexts. Similarly, the agendas of certain Islamic platforms cannot reach down to the majority of Muslims in the U.K., and change the way society is developing:

"Here we cannot escape the reality that we have become members of this society. We may deny that: we may have people shouting their heads off that we are not of this society - let us say *Jama'at-e-Islami* - but these people are irrelevant. These people are generally the megaphone of politicians in our countries and they do not reflect the society here. And their children are growing here, and whatever else they might pretend to be otherwise, they are becoming more and more Anglicised. So there is no way that the Muslim world can sit still and not bring forth new interpretations of the *sharī'a*."¹²²

This suggests that decision-making processes within external (and U.K.) Islamic environments have to adapt and respond to changing conditions - recognising shifting identities and requirements of Muslims (in Britain and elsewhere).

Zaki Badawi is Principal of the Muslim College, Ealing, London. Egyptian-born, and educated at al-Azhar, he is frequently consulted by non-Muslim media

as a 'spokesperson' on Islamic issues. Badawi indicates that certain platforms face a struggle to be accepted in U.K. Islamic environments, at least on certain issues, and that the 'distance' between these platforms and the U.K. is increasing as the Muslim community becomes more 'British'. This negates the impact of culture-centred 'Islamic' practices; although this projection may be more long- than short-term, the impact of these factors is still significant. The implication of Badawi's view on this issue could be linked to a homogenisation of Islamic identity, although the 'Anglicization' could still contain diverse Islamic threads. The level to which 'Anglicization' could change Islamic decision-making processes - if at all - is open to discussion.

Within this discussion, reference should be made again to levels of understanding, and communalities between sectors of U.K. Islamic environments and peers abroad. For example, a wealthy U.K. business-person of Pakistani ancestry could have more in common with his/her contemporary equivalent in Pakistan (more so if they shared cultural, traditional, interpretative, linguistic and/or ethnic perspectives); the commonalities could be greater than those between two contemporaneous wealthy business people in the U.K., one of Pakistani ancestry and one of Bangladeshi ancestry, even if they lived in the same street. Badawi's 'Anglicization' may only, therefore, have a limited impact on decision-making processes, even in the long-term. During fieldwork in Pakistan, this topic was introduced, as an indication that different approaches towards Islamic issues reflected 'politics' or 'class' rather than directly 'Islamic' trans-boundary issues. The point was made that 'ordinary' Muslims engaged in

attempting to establish their understanding of the 'true' 'Islamic' position have different decision-making resources and approaches, compared with those in 'higher' social echelons, especially those in positions of power.¹²³ The emphasis on Islamic conscience and belief, which have to be considered, centred around notions of intent. Different emphases lead to variations in the decision-making processes. The motivation behind a decision have to be considered, including political and economic agendas. Some examples were introduced as 'indicators' of how political and other factors impact on decision-making processes, and how these factors influence the U.K. Islamic environment. Whether these indicators are representative of the 'complete' picture, or isolated examples, is open to discussion.

One issue that reflects diversity of Islamic decision-making processes is the sighting of the *hilāl* new moon, to mark the commencement and conclusion of *Ramadān*. For example, in 1992, different 'authorities' pronounced four separate *'īd al-fitr*, based on various calculations and sources, on occasion dividing families and causing disputes within communities.¹²⁴ According to Syed ad-Darsh:

"It is not a legal requirement for Muslims to celebrate *īd* on the same day. But it is important. The exigencies of living in a non-Muslim society required that timetables be compiled well in advance so that employers can be notified."¹²⁵

Moon sighting represents practical problems within the United Kingdom,

where a physical sighting may be obscured by clouds. Questions have continued for several years, on whether a sighting should be dependent on the resources of an 'external source', for example, from Saudi Arabia or the Indian sub-continent. Differences of opinion have led to a lack of uniformity on this issue, particularly (but not exclusively) in Muslim minority environments where there is no state-centred national 'policy' or holiday (such as in Saudi Arabia, Pakistan, or Malaysia) where national/Islamic-astronomical resources are applied for moon sightings - and timings of commencement and conclusion of *ṣawm*:

"Really should we have an 'īd on that day, should we insist on the visual sighting of the moon, as it is done back home, or should we say on the basis of scientific calculations and decide ahead of time, which just makes for convenience and so on?

"I think that a great deal has been done in the States on this. I met someone from Canada two years ago and he was saying that they had to a very large extent been able to solve this problem, by bringing people of the communities together - although it sounds too good to be true. A lot of Muslims agreeing with one another! It astonished me...

"We do have to make decision by consensus, all Muslims accept it. What I am trying to say is that there ... for the leaders of the community for their country back home, a certain privileged status, so when they say it is 'īd, the fasting begins. And of course these people would have an element of consensus in so far as they look upon Islam as an instrument.

"But a fairly good proportion of them think about these matters as Muslims: their religious consciences and piety is involved. They might for instance say that it is safest to be conservative, it is safest to hold off to a position we are familiar with, but I think they are not doing that kind of cynical approach."¹²⁶

Ansari suggested that varying levels of sincerity exists within decision makers and processes, despite an awareness of related 'political' problems and

issues. Muhammad Khalid Masud noted the implications of such a decision-making dispute:

"Now on that issue, if you look at the dispute, the dispute is carried over or looked upon: for instance, a person coming from Libya or a person coming from India, both of them will be looking at the moon-sighting incident in their own countries. Now scientifically or from the Islamic point of view, it [the timing] becomes secondary. So Arabs will have 'īd day at a different time.

"So for me it looks like, when I've looked at a dispute, that is not an Islamic legal issue, but it looks like the political domination of a certain country. That they want to hold, not only the people who have come to work in their country, but also to claim a leadership of Muslims - Saudi Arabian leadership or Libyan leadership, Egyptian leadership or Pakistani leadership. It is a different kind of dimension of *idjtiḥād* - it's not really an Islamic legal issue." ¹²⁷

In the U.K., this issue provides one indicator of the demands for 'unity', giving as it does the precedented possibilities for three different 'īd timings. The wide-scale implications in Britain would be if 'īd *al-fitr* (and other festivals) were to become national holidays, or if employers sought to co-ordinate 'days off' (both unlikely scenarios). Whilst noting the efforts made towards consensus on this basic issue of timing, Syed ad-Darsh has been inconclusive to date on a definitive timing for *Ramaḍān*. ¹²⁸ The observation and intent behind the commencement of *Ramaḍān* may have greater import than the actual timing. The influence of political and other factors on *idjtiḥād* and decision-making processes will be considered further below.

On occasion, these 'external' factors have been reflected in dialogues between

'leadership' at local and national levels, within U.K. Islamic environments. One example was provided of the diverse platforms represented in Birmingham:

"Up until now the position in Birmingham was that each sect - because the community is divided on sectarian lines - the *Ahl-i Hadīths* [sic], and the *Deobandis* and the *Barelwis*, so a person would go to one of their mosques or leaders for his opinion. I don't know anybody who has a cross-section approach, and who is well aware of the cultural situation in which the Muslim community is living there.

"... there was a meeting in Birmingham in which they were trying to perform a sort of Federation of the Organisations of the Muslims: to have a forum from which they unified viewpoint of the Muslim could come out. An alternative to the Muslim Parliament ... because Muslim Parliament is an Iranian viewpoint, and therefore the majority of the *Sunnīs* do not agree with that. Moreover it has taken a more aggressive stance within a British context, a stance of conflict with[in] the Muslim minority group ...

" ... I know one institution ... that is Islamic *Shari'ah* Council - I was a member of that Council. And the Council, which is organised on the pattern of Saudi model, it has a cross-section representation. *Deobandis* have their *wa-Hanāfīs*, the Chairman of the Council is a *Shāfi'ī* from Egypt,^a the secretary is from *Ahl-i-Hadīths*, and I was an independent person who believed that all the schools of legal thought are valid ..." ¹²⁹

The *Shari'ah* Council had a decision-making agenda, seeking to influence processes within U.K. Islamic environments, but did not 'represent' all Muslims in the U.K. Limited funding influenced its efficiency (being a voluntary Council), although this limitation has the 'benefit' of 'independence' from certain interests and agendas potentially linked to external funding.¹³⁰ One interviewee, 'I.S.A.', suggested that the more mature the Islamic environment became, the less reliance there would be on external funding. He also indicated that finance can be

^a Syed ad-Darsh

obtained from abroad without 'strings attached', and that institutions can get 'positive' donations. The notion of such 'independence' is disputed by many observers. 'I.S.A.' suggested that the more mature the Islamic environment became, the less reliance there would be on external funding. He also indicated that finance can be obtained from abroad without 'strings attached', and that institutions can get positive donations. This is disputed within several Islamic circles.¹³¹

The *Shari'ah* Council centred activities around issues connected with marriage, divorce and custody of children. All cases were recorded and documented in Arabic, Urdu, and English. H.I. considered that, in 98% [his figure] of cases, the rulings were clear - but the difficulties came in arbitration. The procedure required paying attention to the background of interviewees, and attempted to re-establish relationships within divorce rights, based on 'Islamic' procedures. Whilst H.I. was involved with the Council, over 400 cases per year were considered. H.I. believed *idjtihād* was applicable in a minority of cases, and that every *madrassa* was considered within decision-making processes. Despite the activities, H.I. remained pessimistic regarding the creation of a more united Muslim community - either in microcosm in the U.K., or as an 'internationally-defined' *'ummah*.¹³²

Critics of this view pointed out that there has to be an appropriate developmental timescale to implement both a united community, and appropriate infrastructures within it. One interviewee believed that forms of consensus are

created through an evolutionary process, establishing a practical workable structure, without abolishing or displacing existing mechanisms of understanding.¹³³ No hard evidence was provided for this - and others would say that the existing structures need to be demolished, because they are hindering the development of 'new' systems of decision-making.

M. Hashir Faruqi suggested that, in the 1990s, *idjtihād* on a wide scale was impossible - and that only 'personal' *idjtihād* had any viability. This may not represent a denial of *idjtihād*, so much as a recognition that in local and international contexts, the environment is inappropriate. It could be said that this represents a generalisation, assuming a global stagnancy within Islam and decision-making. Such a generalisation may not be of practical value, despite the interviewee being a professional commentator on global issues. M. Hashir Faruqi believed in the concept of pragmatism within Islam, as encapsulated within *idjtihād*, but that issues which could utilise pragmatic decision-making based on Islamic sources were generally not confronted on a wide scale; this was primarily because of political reasons, rather than a lack of *mudjtahids* (although the two can be connected).¹³⁴

This recognition of the mechanics of *idjtihād* and its relevance is coupled with acknowledgement by several interviewees of the principle of *shūrā*.¹³⁵ Whilst acknowledging that certain Islamic societies contained aspects of *shūrā*, some believed that *shūrā* did not exist as a mechanism applied by 'Muslim' or 'Islamic' countries, and that - in the U.K. - *shūrā* is non-existent. Faruqi felt that,

when reference was made towards *shūrā*, it was only symbolic and not implemented in its original spirit.¹³⁶ This tokenism towards consultation was also reflected by interviewees during fieldwork in Malaysia and Pakistan. It may reflect *‘āda* not to argue pedantic details of a case, but many wider issues are also at stake. As discussed throughout this thesis, the decision-making priorities vary within and between Islamic environments, priorities incorporating responses to technology, 'traditional' practices, and the creation of an infrastructures to provide 'basic' decisions relating to personal law. The perceived lack of *shūra* within U.K. Islamic contexts may be reflected in several issues - including disputes between and within mosques, especially in relation to leadership. Definitive structures of authority and consultation have yet to be installed - given the diversity of Islamic expression within Britain, the likelihood of *idjtihād* processes becoming part of the Islamic frameworks is associated with the establishment of infrastructures that accommodate these interests.

Determining trends of these processes at a national level raises specific difficulties, notably a reluctance of 'authorities' and individuals to commit themselves beyond their ideological frameworks (especially to a non-Muslim academic researcher). Numerically small, well-organised and funded communities can illustrate a wide-range of Islamic decision-making on contemporary issues.¹³⁷ On a wider, primarily *Sunnī*-centred scale, decision-making processes are in a state of flux. The personnel who deal with decisions have to be considered. Two opinions are selected, as indicators of diverse approaches towards decision-making. Both recognise levels of *idjtihād*, at least

on a theoretical level.

H.I., a Deoband-trained *Hanāfī* *ālim*, promoted flexibility and independence of decision-making within a 'traditional' framework, whilst acknowledging his position as one of the '1%' [his estimate] minority of pragmatic decision-makers utilising *idjtiḥād*: the majority of decision-makers were described by H.I. as 'blind followers'. H.I. raised the problem of training and educating these decision-makers. Their training had a practical slant, including the selecting at random of letters - what was described as 'encounter through experience'. Students in Deoband were faced with U.K. petitions, which they dealt with without knowledge of the U.K. environment, conforming to 'traditional' practices through training and also because of consideration of employment possibilities. The pattern of *taklīd* was maintained, even when these students acquired positions in the U.K. ¹³⁸

H.I. discussed how approaches towards the promotion of flexibility in interpretation could be linked to association with external agencies, but there was reluctance on the part of decision makers to make such an 'innovation'. The minority of thinkers who had capability to provide pragmatic interpretation of Islam based upon primary source material often lacked the courage, according to H.I., to articulate their views. This was linked to traditional 'baggage'. However, H.I. suggested that newcomers to Islam had:

"more open minds and practices: they are adaptable."¹³⁹

H.I. believed that, if converts became scholars, with independence and courage, they could provide a framework for new decision-making processes - free of cultural prejudices and historical distortion. The practicalities of this idealistic viewpoint may be realised in the long-term.

This opinion can be contrasted with that of 'P.Q.', who lives in the West Midlands, and states that he follows '*Mālikī madhhab*'. He wants Muslims in Britain to address *idjtihād*, but questions why Muslims are in the U.K.? Are they here to change the 'British' system, or is the 'British' system changing Muslims? P.Q. seeks definition of *idjtihād*, after which there can be *idjmā'*. P.Q.'s understanding of the *Mālikī* 'school' is that it is based on the judicial opinions of what people did, during the time of the Prophet. By returning to these opinions, through a process of education, P.Q. believed the Madīna community can be re-created. Within the U.K. context, he believed that actions rather than speeches are most effective in terms of decision-making processes. In terms of his own decision-making, P.Q. is himself consulted by local people, but will also approach the 'empowered' '*Emir*' on *sharī'a* matters (the *Emir*'s authority has been 'transmitted' to P.Q.). This approach enables P.Q. to 'escape the rhetoric', and provide practical decisions based on *Mālikī* interpretations of primary source materials.

The key issue for P.Q. is to deal with the enquirer in a '*āda* environment, exploring those aspects of interpretation which are negotiable using the tools of judgement. The *Emir* refers to *Mālik*'s *Muwatta* and the *Ash-Shifa*, whilst -

according to P.Q. - applying 'common sense' within decision-making: being a Muslim is seen as a 'sub-text' by P.Q. to the decision-making processes. P.Q. understands that this means *idjtihād* operates and is established within the framework of his Islamic environment. In terms of informing the decision-making process, P.Q. believes that every Muslim can make decisions, if they fulfil the 'basic requirements' of Islam and have an 'Islamic' lifestyle. According to P.Q., this includes applying *Kur'ān* and *Sunna*, with interpretations if required based on *Mālik's 'amal* (and appropriate advice if necessary from the *Emir*), and contributing to an 'Islamic' environment based on '*āda*'. These factors could be applied to empower many Muslims in the decision-making processes, within any location or community. According to P.Q., this represents *idjtihād* within the U.K. Islamic environment. People seek his opinions through personal consultation, telephone, and by the holding of a weekly 'surgery'. However, P.Q. understood that there was a need to make 'instant decisions', where 'culture-centric' frameworks could prevent immediate responses: these decisions could be made on the basis of '*amal*', where a specific situation can be analyzed, and an appropriate response made immediately.¹⁴⁰

As a means of approaching some of the variables in the decision-making processes, these two advocates of *idjtihād* are compared: H.I. and P.Q. both promote *idjtihād*, but have different frames of reference for its operation, representing complex and diverse nuances of understanding. They are both involved in the consultative process, although - unlike P.Q. - H.I. has had a traditional training in a *madrassa* (P.Q. believed that he was consulted through

'personal circumstances', seen as possessing the widest knowledge of Islamic issues in his community, rather than 'formal' qualification). Both represent differing patterns of decision-making, specific reactions to prevalent tradition-bound frameworks that do not offer flexibility within interpretation. Whether it would be seen as *idjtihād*, or not, was not really of importance to either H.I. or P.Q.: the practicalities of the decision took priority. Both felt that they were within a 'living community', rather than a time-bound, hermetically sealed Islamic framework.

P.Q. believed that these decision-making processes formed part of the *Kur'ān*-ic sub-text of social justice, and that every Muslim community and individual in the U.K. needed a similar framework of consultation. Both interviewees agreed on the need for appropriate organisation within Islamic communities, although they have different approaches to how this would be done: P.Q. basing his model on Madīna, and seeking elimination of current decision-making bodies, whilst H.I. seeks to compromise and utilise existing mechanisms where feasible. P.Q. centres his model of decision-making on effective, Islamically-empowered leadership - to whom allegiance has to be given. H.I. has an approach based around the effective education and empowerment of qualified individuals, who have the courage to implement decisions, and the power to challenge existing systems.

This brief comparison demonstrates that - even between pro-*idjtihād* advocates - there can be a limited common ground. The likelihood of them

sharing an agenda, even on the most basic issues, is probably remote. If placed together on a hypothetical *madjlis-i-shūrā*,¹⁴¹ location of common ground would present difficulties. Differences in approaches they express provide one indicator of the problem of identifying communalities between different Islamic frameworks in the U.K. Motivation is limited, especially when infrastructures are not intact or are in development.

As demonstrated within the fieldwork, these difficulties are not exclusive to the U.K., but represent issues of concern within and between communities worldwide. Identifying common ground was seen as a key *question* within Malaysia and Pakistan, although it was not necessarily a key *concern*. In Malaysia, the common ground had linkage to the wider political debate - including the Islamic components within different political perspectives, and identification with traditional practices. The question of leadership and infrastructures within these perspectives had been largely resolved (i.e. through creation of governmental and opposition Islamic agencies). Defining decision-making processes, both within and outside of a political framework, and determining the levels of 'Islamicization' in society, were seen as key issues in Pakistan - where the search for common ground was seen by many as elusive within the current decision-making frameworks. Questions need to be asked of to what extent the decision-making process has an impact at grass-roots levels, given the varied agendas and diverse interpretations of Islam - and whether issues surrounding *idjtihād* retain theoretical rather than practical implications for the majority of Muslims in the U.K.?

Some Muslims in the U.K. believe that the need for *idjtihād* is actually greater in the minority context than in majority environments such as Pakistan and Malaysia, and that in the U.K. the practical implications of situations requiring immediate decisions actually over-ride the slow mechanisms of decision-making currently consulted. This trend also exists outside of the U.K.:

"Our communities at the other end, of course, they move as slowly and sometimes artificially slowly, while the society actually outstrips the scholars - as usual. On the whole, our communities everywhere need their own solution, practical solution, and survive with it. And one has to accept the fact that our people are loyal to their faith. They don't want to be outside their faith at all. But they make their own - what I call - practical *idjtihād*. And the theologians have to come in and look at what happened, and try to see whether that can be justified within the terms of the law. Or has to be modified in some form or other. These are the *mudjtahids* who really would be relevant." ¹⁴²

This view indicates the pragmatic need to deal with a situation reactively, rather than endeavouring to change a situation pro-actively. Whilst Islam can be presented as a formulaic way of life, offering (varying) approaches to specific situations, there is also the need for Islamic responses either to issues not directly referred to in primary sources; situations requiring clarity; or situations in which an individual or community was unaware of the appropriate 'Islamic' response(s) to it. Within the U.K. context, the majority of questions sent to the *Shari'ah* Council - for example - were reactive, in that they are dealing with specific situations that have occurred. By contrast, the nature of Syed ad-Darsh's column is essentially pro-active - in that it is dealing with a wide range of 'new' issues and

situations - as well as reacting to events readers have experienced.¹⁴³ It could be considered to what extent *idjtihād* is reactive rather than pro-active in the U.K. context. Fieldwork suggested that a majority of decision-makers encountered in Malaysia and Pakistan were emphasising and dealing with situations which had already occurred, rather than projecting towards future possible scenarios.¹⁴⁴

Islamic understandings in the U.K. are centred upon interpretations, based on ancestral history, as well as upon varying sources of *fikh* and *Sharī'a*. The level to which this can be continued within the modern urban context of Britain - which itself is radically shifting - is open to question. Recognition of similar parallel shifts in environments of ancestral origin are also promoted by some interpreters in the U.K.:

"You'll have other people, who will say 'Well, look, any change whatsoever is rejected and what we need to do is to go back to our tradition.' And they become advocates of cultural purity - not religious [purity], mind you - 'We Pakistanis must retain our Pakistani traditions: it's our great heritage and we are proud of it.'

"Very good! Nobody will stop you. But unfortunately you cannot live in this society with many aspects of the Pakistani culture. Not even in Pakistan itself can you survive on the old tradition of Pakistani culture, because it is a change even in Pakistan as well. Despite all the appearance of movements of what you might call reaction against any change, a change is taking place in our societies, however it's going."¹⁴⁵

Again, it can be questioned to what extent this is a real issue for Muslims at grass roots level, particularly those located in a rural environment. It should be asked to what extent 'the old tradition of Pakistani culture' (and other locations) was

itself static, given the constant shifts in Indian sub-continent population groups and the diversity within different traditions and cultures of Pakistan.

Fieldwork demonstrates this diversity. Islamic frameworks - even those described as 'tradition-bound' - of necessity react to and incorporate specific shifts according to circumstances. Individuals from these frameworks maintained specific interpretations, when they relocated from rural Indian sub-continent environments to urban U.K. environments:

"... There's a very good term, which is 'cultural brokers,' you see the people who are defining these terms who are those, either they are '*ulamā*' from villages in Pakistan or India who have gone there [to the U.K.], or they are the first-generation Muslims, who built the mosque, who associate with mosque, they don't have much broader knowledge about Islam.

"But they are emotionally very attached to it, and their own concepts of tradition, and they want their new generations to abide to these traditions; they are very powerful, [and] influential in the mosque: they are on the committees, they know who to bring in [as] an *Imām*, things like that - so those are the people also who are defining [Islam and its interpretations]." ¹⁴⁶

The responses of younger generations to this has been to react to these traditions:

"They are looking for ideas, they are looking for something which should be there, but they don't find. Now it is quite natural for you to look back on your roots.

"Some of them I met, they have their own Virtual Reality of Islam." ¹⁴⁷

This analogy is a useful one, and could be developed, in terms of expressing individual creation(s) of specific understandings of Islam: the Virtual Reality can draw on different hardware and software, from 'traditional' sources and elsewhere. This Virtual Reality could extend itself, through drawing upon communications with other systems and 'realities', and borrowing/copying other computer systems. It is also open to future developments, and innovations in technology and design of the environment. Other equipment and software can become obsolete. The Virtual Reality can be reproduced by anybody, but it is unlikely that identical realities can be created separately - every reality being open to subtle interpretative differences and specific creative influences. The creation of distinct 'U.K. Muslim identities' offers variations in the Virtual Reality analogy, developing and changing through the generations, especially with inter-mixing within non-Muslims at different social levels. Some commentators believe that this has brought Muslims partially into the mainstream - although there is still a level of exclusion linked to racial identities.

In terms of Islamic values, one interviewee believed that many Muslims in Britain fail to 'live up' to requirements of Islam - and that there is an element of hypocrisy within the community (singular) in its 'rebellion against the Laws of God'.¹⁴⁸ The extent to which decision-making processes based around *idjtihād* will be incorporated into the Virtual Reality of Islamic interpretations in the U.K. is open to question. As such, dealing with 'new issues' - including topics related to technology, medical issues, morality, and living as a minority within a non-Muslim context - will have variable results.

The efficiency of support systems, and future results of current diverse decision-making processes, play significant roles in shaping the future of Islamic environments in the U.K. This could involve the creation of numerous reference frameworks, for reactive and pro-active decision-making processes, interlinked with external Islamic influences whilst generating responses specific to the U.K. environment. Responses to these issues could, in turn, influence international Islamic frameworks. Levels of interaction between shared minority contexts may also increase. A body of literature and other reference material, together with contextually appropriate education, could incorporate 'new' interpretations - and fuse aspects of culture-specific interpretations. The extent to which totally 'tradition-bound' interpretation will isolate its practitioners from the mainstream in the future - or conversely **become** the mainstream - is difficult to determine, given that simplistic models and trends are difficult to justify. Changing decision-making processes, or increased application of interpretations of *idjtihād* (and related practices) will not - in the medium term - radically alter the diversity of practice and interpretation for the majority of Muslims in Britain. Specific social and interpretative groups are more susceptible towards integrating new decision-making processes into their Islamic frameworks, or discarding practices deemed as (detrimental) innovations or '*bid'a*' by others. Despite external or 'alternate' interpretative pressures, seeking to change existing practices, the dominance of 'tradition' - however defined - remains an integral component in Islamic decision-making processes in U.K. contexts.

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1. 'Prejudice', taken from the Latin '*Prejudicium*', indicates a preceding judgement. There are several forms of prejudice experienced by Muslims: in the context of this thesis, whilst relevant and interlinked, prejudice based upon 'racial', ethnic, national, and 'non-Islamic' criteria are not discussed. This is not to say that prejudice against Muslims expressed in terms of attacks on Islam does not have a basis in prejudice based upon these criteria.
2. Muhammad Anwar, Muslims In Britain: 1991 Census and other Statistical Sources, (Selly Oak: Centre for the Study of Islam and Christian-Muslim Relations, 1993), p. 2.
3. Ibid., p. 7.
4. Ibid., p.7.
5. For an overview of the different Islamic groupings in the U.K., see: Jørgen Nielsen, Muslims in Western Europe, (Edinburgh: Edinburgh University Press, 1992), pp. 117-149. On *Deobandi* and *Tablighi-jama'at*, see: Barbara Daly Metcalf, Perfecting Women: Maulana Ashraf 'Ali Thanawi's *Bihishti Zewar*. A Partial Translation with Commentary. Berkeley, University of California Press, 1990, pp. 1-38. Muhammad Khalid Mas'ud, 'Trends in the Interpretation of Islamic Law as Reflected in the *Fatawa* Literature of Deoband School: A Study of the Attitudes of the 'Ulama' of Deoband to Certain Social Problems and Inventions', M.A. Thesis, McGill University, Montreal, 1969.
6. G R Bunt, Formative Contacts between Britain and Islam, and their Repercussions for Contemporary British Muslim Communities University of Durham, M.A. (by Research) 1992.
7. See: M.M. Ahsan and A.R. Kidwai, Sacrilege versus Civility: Muslim Perspectives on 'The Satanic Verses' Affair, Leicester, The Islamic Foundation, 1991. pp. 383.
8. Sher Azam, Bradford Council of Mosques, interviewed by Julie Flint, "Britain's Muslims start to demand a price for their votes," The Guardian, 20 March 1992.
9. For example, in February 1989, the British Muslim Action Front's counsel Ali Azhar explained to the High Court's three Lord Chief Justices about details of Islamic belief and practice. The *Kur'ān* was produced and distributed in the High Court. During proceedings, the Front's supporters were photographed in prayer, near the entrance to the Court.
10. For an example of an Islamic organisation researching and analysing a specific situation regarding Muslims, see the work of the Iqra Trust, London.

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It conducted a survey of District and Regional Health Authorities regarding specific Muslim requirements. Whilst identifying the needs, the report offered only limited advice as to action that could be taken. See: Iqra Trust, National Health Service Hospital Facilities for Muslim Patients, (London: Iqra Trust, Research Report No.4, (n.d.)) pp. 2.

11. Other contextual indicators include: the levels of contact with countries, cultures, or Islamic authorities, organisations, or leadership outside of the U.K.; whether an individual converted to, or 're-acquired', Islamic identity; individual membership of specific social 'class', clan, and/or caste groupings (here and in other countries); levels of family prestige and networks; motivation of (ancestral) migration; the place of residence: i.e. within strongly-defined Muslim community (mosques, *halāl* butchers, shops and restaurants serving Muslim needs: social services allowing for religious/cultural requirements, etc.) **or** in predominantly non-Muslim setting, with limited (or non-existent) Islamic support structures; levels of assimilation, and contacts with non-Muslims; occupation or employment (if any); languages used and acquired; education level (including attendance at *madrasa* or other religious education); religious activities (if any).
12. For examples of the reasoning of one group of Muslim migrants remaining within the U.K., see: Fazlul Alam, "Salience of Homeland: Societal Polarization within the Bangladeshi Population in Britain," (Coventry: Centre for Research in Ethnic Relations, University of Warwick, Research Papers in Ethnic Relations No. 7, 1989), pp. 24-27.
13. Muhammad Anwar, The Myth of Return. London: Commission for Racial Equality, 2nd ed., 1978.
14. *op. cit.*, July (1988), p. 32.
15. Prof. Tan. Sri Datuk Ahmad bin Mohamed Ibrahim, "Application of the Shariah in a Minority Context," The Australian Minaret, December 1991, p. 15.
16. Mohsin Jaffer, interview by researcher. Tape recording, *Khoja Shia Ithna-Asheri* Muslim Community, Hussein Shia Mosque, Stanmore, Middlesex, 29 April 1994.
17. 'T.M.', [pseud.], interview by researcher. Tape recording, May 1994.
18. 'Q.S.', [pseud.], interview by researcher. Transcript of tape-recording. London. May 1994.
19. 'Q.S.' cited an example which he felt represented the intrusion of 'Western' values into the Muslim home, that appeared on the Australian television

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'soap' Neighbours. One episode, shown twice during daytime hours, showed a boyfriend and girlfriend seeking to murder one another. 'Q.S.' felt this was something negative that children might learn, which could affect later relationships or perceptions of their parents. His own daughter, then aged six, had been 'trained' to switch off Neighbours at the first note of the theme music(!).

20. A central theme of the Muslim Education debate has been a continued reluctance of the state to fund Islamic Schools (for a variety of reasons); it can also be noted that several Islamic schools have consistently achieved high academic standards, according to the national average; there are also a number of state schools operating, particularly in inner-cities, with a Muslim majority amongst their pupils - but often without provision of attendant 'Islamic' facilities or demands (*halāl* food, uniform, separate games, school prayer room, non-Christian assemblies, etc.).
21. op.cit., 'Q.S'.
22. Ibid.
23. 'D.D.', [pseud.], interview by author. Transcript of tape recording. London. May 1994.
24. 'H.I.' [pseud.], interviewed by the author. Transcribed from notes. March 1994. London.
25. op.cit., 'H.I.'
26. See: Alison Shaw, Between Two Cultures: A Pakistani Community in Britain, 1988, Basil Blackwell, London. pp. 148-153.
27. op. cit., Muhammad Khalid Masud (interview, Ch.2)
28. op.cit., Mohsin Jaffar
29. The Islamic Shari'ah Council of Great Britain and Northern Ireland: An Introduction (London, Islamic Shari'ah Council, n.d.), pp. 1-2, cited in: Muhammad Ibrahim H.I. Surty, 'The *Shari'ah* Family Courts in Britain and the Protection of Women's Rights in Muslim Family Law with Special Reference to the Dissolution of Marriage at the Instance of the Wife', Muslim Education Quarterly, Cambridge, 9:1, 1991, pp. 59-61.
30. Ibid.
31. op.cit., Khalid Alavi

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32. For example, see: *Sūra MumtaHana* (Sūra 60: 8-9)
33. For an early discussion on Muslim law in U.K. contexts, see: Why British Family Law for Muslims, (London: Union of Muslim Organisations of United Kingdom and Eire, 1983). 48 pp.
34. Syed ad-Darsh, "What You Ought to Know," Q-News, 10 April 1992.
35. Syed ad-Darsh, "What You Ought to Know," Q-News, 5 February 1993
36. Syed ad-Darsh, "What You Ought to Know," Q-News, 19-26 May 1995.
37. Syed ad-Darsh, "What You Ought to Know," Q-News, 5 June-2 July 1993
38. Syed ad-Darsh, "What You Ought to Know," Q-News, 17-24 June 1994 & 10-17 March 1995.
39. Syed ad-Darsh, "What You Ought to Know," Q-News, 10-17 December 1993
40. Syed ad-Darsh, "What You Ought to Know," Q-News, 7-13 January 1994
41. Syed ad-Darsh, "What You Ought to Know," Q-News, 27 October-9 November 1995
42. Syed ad-Darsh, "What You Ought to Know," Q-News, 7-13 January 1994
43. For example, in March 1993, a long legal battle to annul an arranged marriage of a Scottish woman, Nasreen Rafiq, concluded when a high court judge ruled in her favour for a divorce; the 'marriage' occurred on a 'holiday' arranged by her father in Pakistan, when she was fourteen (below the Scottish legal age for marriage), and had not contented to marrying her cousin (whom she had never seen). Robert Reid, "Child bride wins fight to be single," The Daily Telegraph, March 9, 1993.
44. These aspects are discussed in detail, with regard to Bradford Muslims and the adjustments the community has to make, in: Kauser Mirza, The Silent Cry: Second Generation Bradford Muslim Women Speak, Muslims in Europe, No. 43. (Birmingham: Selly Oak Colleges, Centre for the Study of Islam and Christian-Muslim Relations, 1989), pp. 20-30.
45. Syed ad-Darsh, "What You Ought to Know," Q-News, 23-30 July 1993
46. M. Hashir Faruqi, Editor, Impact International, interview by researcher. Transcript of notes. April 29, 1994. London.

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47. For a discussion about the Islamic environment of Leicester, see: Syed Farooq Ahmad, "The Muslim Community in Leicester," unpublished manuscript, 1986. Islamic Foundation Library, Leicester, No. 594, pp. 12.
48. 'A.A.', 'B.A.', 'C.A.' [pseud.], interview by researcher, tape recording, Leicester, May 1994.
49. Within Pakistan, the issue is compounded by the fact that - despite legislation - the majority of children do not receive a school education either to the same level or the same age as in the U.K. Within a rural setting in Swat, for example, children were encountered whose total exposure to education was receiving limited and sporadic lessons in *Kur'ān*-ic recitation. Education was linked to factors including the child's economic value in the fields, the expense of education, the lack of family precedents within education, and the gender of the child.
50. 'L.T.', [pseud.], interview with researcher, transcription of notes, May 1994.
51. Moeen Yaseen, Association of Muslim Schools of United Kingdom and Eire, interview by researcher, transcription of notes. 4 May 1994. London.
52. 'H.O.', [pseud.], interview by researcher, tape recording, May 1994.
53. op.cit, 'H.O.'
54. Nighat Mirza, Head, Bradford Muslim Girls; School, quoted in: Mohammed Siddique, Moral Spotlight on Bradford, (M.S. Press, Bradford, 1993) p. 76.
55. Syed ad-Darsh, "What You Ought to Know," Q-News, 2-9 June 1995.
56. See: U.K. Action Committee on Islamic Affairs, "Need for Reform: Muslims and the law in multi-faith Britain," London: U.K. Action Committee on Islamic Affairs, 1993. 82 pp.
57. For a 'locally' oriented example of the problems related to a specific Muslim grouping and their children's see: Tazeen M. Murshid, "Needs, Perceptions and Provisions: The problem of achievement among Bengali (Sylhetti) pupils," Chap. in 'Multicultural Teaching', n.d. (London: Trentham Books, 1990). pp. 12-15.
58. The founding all-male board of twenty trustees included representatives from several Muslim educational platforms, in addition to educationalists and teachers.
59. Ghulam Sarwar (author) & Ibrahim Hewitt (editor of revision), Sex Education: The Muslim Perspective, London, The Muslim Educational

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- Trust, 2nd revised edition 1992 (with supplementary 1994 update). 34 pp.
60. op.cit, Mohsin Jaffar ('M.J.').
 61. 'P.Q.' [pseud.], interview with researcher, transcript of notes, May 1994.
 62. op.cit., Maulana Abdur Rahman,
 63. 'Abdul', a Muslim pharmacist, interviewed by Yasmin Alibhai-Brown, "A New Islam for the West," The Independent, February 14, 1994.
 64. Martin Wroe, "Holy men and evil spirits," The Independent, 14 April 1992. "Priestess guilty of exorcism killing," The Guardian, November 26, 1994.
 65. 'Q.F.', interview by researcher, tape recording, April 1995, Lahore.
 66. Ehsan Massoud, Editor, Q-News, quoted in: Kathy Evans, "Radical time-bomb under British Islam," The Guardian, February 7, 1994.
 67. See: Isa Samat, List of Staff and Courses Offered in Relation to Islamic Studies in the United Kingdom, 1996, Unpublished survey, University of Wales, Lampeter. pp.2.
 68. 'Islamic Studies' courses can - in the researcher's personal experience at three U.K. universities - contain linguistic, theology/religious studies, history, sociology, artistic, literary, musical, media-analysis, anthropology, geographic, statistical analysis, media studies, hermeneutics, philosophy, current affairs, and political components.
 69. op.cit., Khurram Murad.
 70. Malaysia and Pakistan also had their internal training institutions (including International Islamic Universities), although it is still a preference of some students to study abroad - either in conjunction or augmentation to a 'indigenous' course **or** instead of it. The status of external institutions and reputations of teachers (and their chains of 'authority') contributed to this attitude. Within Malaysia and Singapore, it was felt by some interviewees that - in addition to 'Islamic' training - a degree in another subject without a (direct) Islamic subject base was an asset, either at undergraduate or postgraduate level. This was seen as opening up a student to the 'wider world'. However, as noted, the actual economic and social status of an Islamic education can be low within certain Islamic circles (even if that is not directly indicated, the preference for the security of professions was articulated by several interviewees). There is also, especially within traditional contexts, the notion that an individual enters 'leadership' or religious authority because of family status and precedents, and 'hereditary'

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values.

71. The Muslim Institute, The Muslim Manifesto - a strategy for survival, (London: The Muslim Institute, London, 1990), 42 pp.
72. Prior to his death in 1996, Kalim Siddiqui started to acquire more 'positive' coverage in the U.K. non-Muslim broadsheet press, especially in the wake of *Hizb ut-Tahrir's* emergence (and his opposition to them). For 'objective' articles about Siddiqui, see: Walter Schwarz, "The Muslim firebrand and pragmatic card player." The Guardian, May 9, 1992. "A rallying cry for Muslims," The Guardian, May 20, 1996.
73. In 1992, the cost was £500 per annum to be a member of the 'Upper House'. For further details on the organisation of the Muslim Parliament, see: Saeeda Khanum, "The search for power," New Statesman & Society, 10 January 1992.
74. op. cit, Muslim Institute, p.1.
75. For example, see: Kalim Siddiqui, "Islam and the West after Bosnia," (London, The Muslim Parliament of Great Britain, 1993), pp.20.
76. op. cit., 'L.T.'
77. Used in the sense of honour or status, this term has linguistic variations: i.e. Urdu's 'izzat' has the Bengali equivalent of 'sanman.'
78. op. cit., M. Hashir Faruqi
79. See: Taqiuddin an-Nabahani, The Islamic State, (London: Al-Khilafah Publications, n.d.), 247 pp. Khilafah Magazine Supplement, London: Al-Khilafah Publications, 1994).
80. J rgen Nielsen, interviewed by Ben Oliver, in: "Fundamental questions of Hatred," The Times Higher Educational Supplement, February 25, 1995.
81. See: David Harrison, "Battle for Islam's Future," The Observer, 13 August 1995.
82. The International Muslim Khilafah Conference took place at Wembley Conference Centre, London, on 7 August 1994. The programme of speakers included *Hizb ut-Tahrir's* founder, Dr. Mohamed Malkawi (Abu Talha) from Jordan; Dr Israr Ahmed of *Tanzeem e-Islam* (a fieldwork interviewee in Pakistan); and Omar Bakri Mohammed, Chair of U.K. *Hizb ut-Tahrir* and 'Principal' of the 'School of *Shari'ah* for Teaching *Usul ad-Deen*', London - an organisation unaffiliated to any British academic institution. The

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- Conference concluded with a declaration from a '*Shura* Council of Muslims in Europe. This Conference was witnessed by the researcher. The speech content was high on rhetoric, and low on practical solutions to issues. It could be described as a 'confirming' exercise for people attending, rather than a conference discussing new challenges and issues.
83. See: Albert Hourani, *A History of the Arab Peoples*, (London: Faber and Faber Limited, 1991), pp. 22-3, 25-6, 346-7.
84. op.cit., M. Hashir Faruqi
85. 'Elder', West London, interviewed in: Kathy Evans, "Radical time-bomb under British Islam," *The Guardian*, February 7, 1994.
86. 'Mohammed Ali' (interviewee), "God is Great' Chant Rings Out at London Conference," *The Guardian*, August 9, 1994.
87. *Hizb ut-Tahrir* underwent leadership changes during 1996, with Omar Bakri Mohammed leaving to concentrate on the London School of Shari'ah, and 'academic' approaches towards Islamic issues. He also founded *al-Muhajiroun* - and was seeking to raise funds for 'international Islamic brigades'. "Howard says Britain is preparing to bring in new conspiracy law," *The Guardian*, March 11, 1996.
88. 'Z.A.', [pseud.], interview by researcher, transcription of notes, May 1994.
89. 'A.F.', [pseud.], interview by researcher, tape recording, Leicester, May 1994.
90. 'A.E.', [pseud.], interview by researcher, tape recording, Leicester, May 1994.
91. 'A.D.', [pseud.], interview by researcher, tape recording, Leicester, May 1994.
92. op.cit., 'A.E.'
93. 'H.I.', [pseud.], interview by researcher, transcript of notes, April 1994.
94. op. cit., 'A.E.'
95. Ibid.
96. op. cit., 'A.F.'
97. op. cit., Muhammad Khalid Masud (interview)
98. op. cit., Khurram Murad

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99. op. cit., Khalid Alavi
100. 'S.Q.I.', [pseud.], interview with researcher, transcription of notes, May 1994.
101. op. cit., Muhammad Khalid Masud (interview)
102. See: G.R. Bunt, Gender and *idjtihād*, unpublished manuscript, University of Wales, Lampeter, 1995.
103. Maududi, II, op. cit., pp. 192-3, 204-5.
104. Syed ad-Darsh, "What you Ought to Know", Q News 2:47, 18-25 February 1994.
105. "Women's Gallery for Mosque," Leicester Mercury, 8 March 1994.
106. Zaki Badawi, Principal, Muslim College, interview by researcher, tape recording, London, August 1994.
107. In London, this gap has been partially filled by The Muslim Women's Helpline, a telephone counselling service. However, limited funding has restricted the facilities that can be offered.
108. 'P.Q.', [pseud.], interview by researcher, transcript of notes, May 1994.
109. op. cit., 'H.I.'
110. op. cit., 'P.Q.'
111. For a discussion on factionalism within London Somali communities, and the lack of infrastructures (within social welfare and community-organised contexts), see: Tim Kelsey, "Bitter crop that dulls the pain of a life in exile," The Independent, 23 March 1992.
112. For a specific analyses of these factors, see: Fazlul Alam, op. cit., pp.13-26.
113. For a detailed discussion of these divisions, see: Fred Halliday, 'Arabs in Exile', (London: I.B. Tauris & Co. Ltd, 1992) pp. 84-88.
114. Camillia Fawzi El-Solh, 'Somalis in London's East End: a community striving for recognition', New Community, 17:4, July 1991, pp. 539-552.
115. Stephen William Barton, "The Bengali Muslims of Bradford," (Leeds: Monograph Series, Community Religions Project, Department of Theology and Religious Studies, University of Leeds, 1986), p. 86.

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116. For example, there has been a long-running dispute at the Central Mosque, Luton. This led to a High Court case, and subsequent violence at the mosque between factions.
117. For an Anglican perspective, see: Bishop Jim Thompson, "Confrontation or Dialogue?" Discernment Vol. 4, No. 1., 1992.
118. op. cit., Mohsin Jaffer
119. op. cit., Khurram Murad
120. op. cit., Mohsin Jaffer
121. op. cit., 'H.I.'
122. op. cit., Zaki Badawi
123. op. cit., Zafar Ishaq Ansari
124. op. cit., Mohammed Siddique, p. 76.
125. Syed ad-Darsh, Q-News, "Divided by the moon," 12-18 January 1996.
126. op. cit., Zafar Ishaq Ansari
127. op. cit., Muhammad Khalid Masud (interview)
128. Syed ad-Darsh, "What you ought to know," Q-News, 13-20 January, 1995.
129. op. cit., Khalid Alavi
130. However, *Dar ul-Ifta* of Saudi Arabia provided a delegate, to sit on the Council.
131. 'I.S.A.', [pseud.], interview with researcher, transcript of notes, May 1994.
132. op. cit., 'H.I.'
133. op. cit., M. Hashir Faruqi
134. op. cit., M. Hashir Faruqi
135. This has been broadly defined as "management by consultation and open egalitarianism." S.H. Amin, Islamic Law and Its Implications for the Modern World, (Glasgow: Royston Ltd., 1989) p. 14.

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136. Ghulam Sarwar, Director, Muslim Educational Trust, interview by researcher, transcript of notes, 4 May 1994, London.
137. This was particularly reflected in discussions within two *Shīa* communities: notions of *idjtiḥād* and *shūrā* do have a different basis within their interpretation, notably in the provision of textual decisions on a wide-range of issues, provided by the spiritual leader of respective communities. For example, *fatwā* have been published, based on *idjtiḥād* by Ayatullah al-Uzma al-Khoei, and Ayatullah al-Ozmā Sayyed Mohammad Redā Musavi Golpāygāni. See: Ayatullah al-Uzma al-Khoei, *Articles of Islamic Acts*, (Karachi: Islamic Seminary Publications, 1985), 662 pp. Ayatullah al-Ozmā Sayyed Mohammad Redā Musavi Golpāygāni, *Resālah (Epistle): Concise Commandments of Islam*, (Qom: Dar al-Quran al-Karim, 1992), 250 pp.
138. op. cit., 'H.I.'
139. Ibid.
150. 'P.Q.', interview by researcher, transcription of notes, May 1994.
141. *Madjlis-i-shūrā* is used here in the sense of an advisory council or consultative authority.
142. op. cit., Zaki Badawi
143. Quantification of the *Q-News* column is inappropriate, given the editorial criteria of demonstrating interesting and new issues relating to everyday life for Muslims in Britain, rather than the minutiae details of specific personal law cases with a (potential) basis in the nuances of interpretation - unlikely to be attractive for the everyday reader.
144. One example of this 'practicality' within the *Kur'ān* is contained in the following *āya*: "O ye who believe! Ask not questions about things which, if made plain to you, may cause you trouble." *Sūra Maīda* (*Sūra* 5:104). Revelation within the *Kur'ān* dealt a combination of reactions to current events, and proscriptions for futures. The *Hadīth* and *Sunna* offered reactions and outcomes, based on precedent. There is the suggestion that Islam is an 'easy religion', and that there should be no hardship within interpretation. For example, see: *Sūra* 73:20, 2:185, 22:78.
145. op. cit., Zaki Badawi
146. op. cit., Muhammad Khalid Masud (interview)

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147. Ibid. N.B. 'Virtual Reality' is a computer-generated spatial environment, in which an individual can dimensionally 'move' and discover specific computer-generated facets. 'Virtual Reality' is enhanced by the wearing of specially designed visors, and the development of devices which permit an individual to replicate physical movement 'on-screen'.
148. op. cit., Ghulam Sarwar (interview)

6 Conclusion

This thesis demonstrates that *idjtihād*, and related concepts, can provide important reference points within aspects of 'Islamic decision-making', in different Islamic contexts and 'environments'. The term *idjtihād*, and its varying definitions, exists not only as a theoretical concept - but is applied "in practice" to deal with specific circumstances and issues, within certain Islamic environments. *Idjtihād* as a reference point on occasions transcends the 'barriers' of nationality, and is shared between groups globally, with similar ideological reference points. It is not possible to determine 'national' characteristics of Islamic decision-making, e.g. 'Pakistani Islamic' or 'Malaysian Islamic'. Instead, the processes of decision-making often represent aspects of the Islamic spectrum of diversity.

There are dangers in making generalisations about *idjtihād*, or other forms of Islamic decision-making: each decision has a contextual reference point, linked to the subject, people, and environments. 'New' *idjtihād* may be specific to certain individuals in a certain context (i.e. historical-geographical-political-cultural). However, *idjtihād* itself does not possess a fixed definition, and the fieldwork represents some of the varied definitions and applications of the term. It is not the place of the researcher to determine which is 'right' or 'wrong' - although certain interviewees sought to stress that their definition(s) and interpretations of Islam were 'superior' to others, some going so far as to state that anyone who did not follow their line of reasoning was a '*kāfir*' or representative of '*djāhiliyya*.'

Locating consensus amongst interviewees regarding *idjtiḥād* - and its utility (or not) - was never the intention of the researcher. Obtaining agreement about Islamic interpretation was also difficult, given the varied frames of reference contextually applied by interviewees. These ranged from: maintaining a fixed, possibly 'urf- centred understanding; maintaining a fixed, possibly *fikh/madḥhab* understanding; through to making 'new' interpretations based on varied sources, to pragmatically respond to contemporary situations and circumstances. However, some parties that describe themselves as 'progressive' or 'modernist' in outlook are described to the contrary by others. Some interviewees felt that the best way to deal with contemporary situations was to follow 'urf. Individuals described as 'non-progressive' by others were found to be using computers, fax machines, and other technology in their interpretations. The question arises of what is meant by 'modernity' or 'progress', within the field of Islamic interpretations?¹

Fieldwork demonstrated that different contexts had different priorities. The ideal of the 'ummah articulated by some is contrasted with recognition by others that there can be no homogeneity of belief; fieldwork suggests some "common threads" ² of understanding are recognised between and within different contexts (albeit often interpreted in different ways). The creation of a single statement regarding the practical validity of *idjtiḥād* - or common trends in Islamic decision-making - therefore raises clear logical difficulties, except perhaps in the more abstract, theoretical sense. Some interviewees see a 'danger' of breaking-up the single text of the *Ḳur'ān* into "shreds", in order to promote specific viewpoints.³

Reactions towards the common issues, explored during fieldwork, often demonstrate a polarity of opinion. There is no reason why this should be 'surprising', or indeed be a 'negative characteristic' of interpretation. The history of Islam, even during the time of the Prophet, demonstrate that there were conflicts of opinion in interpreting Islam:

"The differences in my community are a sign of God's grace." ⁴

The nature of Islamic decision-making can involve challenging the existing norm, and determining its validity. This may raise the issue of to what extent it represents a challenge to the primary Islamic source of the *Kur'ān*; and to varied interpretations of the meaning of the *Kur'ān* and other 'Islamic sources' e.g. *Hadīth*, *Sunna*, *Fikh*, and *Sharī'a* (which can have different priorities and levels of 'authenticity' within diverse contexts). The will, freedom, knowledge and/or desire to explore the diversities of interpretation also vary. Again it may be issue-specific: perhaps the difference between definitions of '*makrūh*' and '*ḥalāl*', or staying within the defined boundaries and frames of reference of *ḥudūd* and *ḥukm*. Aspects of some Islamic environments in which fieldwork was undertaken did not encourage challenges to the status quo in interpretative matters. Critics indicate their belief that, in certain cases, they felt the status quo was 'un-Islamic', perpetuating an incorrect interpretation or a 'false' belief - perhaps for 'un-Islamic' reasons. In this respect, this may represent an historical continuity of the dialogues attempting to determine the 'correct' interpretative viewpoint - and what is meant by 'Islam'.

In endeavouring to determine the 'correct' understanding, fieldwork indicates that a number of Muslims - at all levels within Islamic environments - are attempting to come to terms with contemporary situations and issues, and attempting to deal with them 'Islamically'. This often demands that many questions and challenges are made - although there was a fear that too many questions made Islam more 'regulative' and 'restrictive'.⁵ This was reflected within a *Hadīth*:⁶

"Narrated Anas: The people started asking the Prophet too many questions importunately. So one day he ascended the pulpit and said, 'You will not ask me any question but I will explain it to you.' I looked right and left, and behold, every man was covering his head with his garment and weeping. Then got a man up who, whenever quarrelling with somebody, used to be accused of not being the son of his father. He said, 'O Allah's Messenger! Who is my father?' The Prophet replied, 'Your father is Hudhaifa.' Then 'Umar got up and said, 'We accept Allah as our Lord, Islam as our religion and Muhammad as our messenger and we seek refuge with Allah from the evil of afflictions.' The Prophet said, 'I have never seen the good and bad like on this day. No doubt, Paradise and Hell was displayed in front of me till I saw them in front of that wall.' Qatada said: This *Hadīth* used to be mentioned as an explanation for this Verse:-

"O you who believe! Ask not questions about things which, if made plain to you, may cause you trouble."⁷

This may support the fear amongst some interviewees that too much (or any) *idjtihād* is unnecessary and causes difficulty. Others felt that this was a misinterpretation, that was erroneously applied to support the alleged closure of the 'Gates' of *idjtihād*:

"Narrated Sa'd bin Abi Waqqas: The Prophet said, 'The most sinful person

among the Muslims is the one who asked about something which had not been prohibited, but was prohibited because of his asking."⁸

Certain interviewees expressed concern as to what the 'appropriate' questions to raise were, and whether asking a question promoted 'freedom' or 'restriction'. Clearly, this again is contextually related, and is reflected within the Prophet Muhammad's lifetime,⁹ where sources demonstrate how decision-paradigms were altered and adapted to fit specific circumstances. Fieldwork demonstrated the (perhaps inevitable) numerous differences emerging during 'Islamic' decision-making processes.¹⁰ However, there was also a stress on the possibility of Rewards for undertaking Islamic decision-making, if certain criteria were satisfied - even if the decision was 'wrong'.¹¹

According to one *Hadīth*, Muhammad himself stressed that his personal *idjtihād* possessed limitations,¹² compared with the 'infallibility' of the *Kur'ān*,¹³ and that there was potential for 'error' in his judgement:

"Narrated Um Salama: Allah's Messenger said, 'I am only a human being, and you people (opponents) come to me with your cases; and it may be that one of you can present his case eloquently in a more convincing way than the other, and I give my verdict according to what I hear. So if ever I judge (by error) and give the right of a brother to his other (brother) then he (the latter) should not take it, for I am giving him only a piece of Fire.'¹⁴

The fear of making 'errors' or 'asking too many questions' continues to influence contemporary Islamic decision-making contexts explored during

fieldwork, and in some cases inhibit '*idjtihād*' (within its varying definitions). The mechanism(s) of '*idjtihād*', on a personal level, were also considered responsible for aspects of Islamic interpretation deemed as '*bid'a*' - although clearly according to some interviewees not every innovation had negative connotations. Again, the qualification of *bid'a* is circumstantial: one person's *bid'a* is another person's *idjtihād*. This was particularly evident in discussions regarding In Vitro Fertilisation (I.V.F.) and its 'Islamic' implications in Malaysia, Singapore, and Pakistan.¹⁵ Not only is it a question of determining where to draw the line between *ḥarām* and *ḥalāl* activities, but to continually re-evaluate the historical 'movement' of the line between these polarity points. In Singapore, the re-evaluation of kidney transplants is evidence of such a process of re-evaluation - although contextually the scale of such processes varies within and between Islamic environments.¹⁶

The time-scale of such processes of alteration is often difficult to measure, requiring correlation between different spheres of: personal interpretation; local contexts and 'authorities'; non-government institutions and 'authorities'; and/or national decision-making frameworks. On some issues, the lack of cohesion and consensus is evident. Whether the possession of a national decision-making framework or authority is a benefit or a hindrance is also contextual: certain 'threads' within Islamic communities in the U.K. do not wish to be governed or pressurised by a central (self-proclaimed) authority, and see positive benefits in relative autonomy in aspects of decision-making.¹⁷ An intrusive system, which does not promote what certain individuals or groups require (especially around

certain core issues), is naturally negatively received by these groups.

In Malaysia, Pakistan, and Singapore, national government-linked 'Islamic' institutions were criticised by opponents to varying degrees. Where a decision seen as 'negative' or 'un-Islamic' by some parties is forbidden within the legislative framework, opposition to it in the form of action is tantamount to breaking the law (and vice versa) This is not just in the case of 'secularised' 'Muslims' interviewed, but also the case of 'religious' 'Muslims'. Islamic decision-making in some cases becomes a 'political football', when associated with specific ideological stances. It is applied to press for certain specific interpretations and understandings, which may not be a 'priority' for the majority population. The term *idjtihād* can be utilised to promote political platforms, and aid cohesion, even though there can be some distance between the theoretical articulation and the practical application of *idjtihād*. Questions can be raised as to whether those promoting 'pragmatic interpretation' have a clear idea of what they are seeking, and why they need to construct the paradigmatic model of *idjtihād* as a solution for problems and a wide-range of issues. Political views may be represented as the 'definitive' Islamic interpretation, the implication being that refusal to support a specific stance is the equivalent to being 'anti-Islamic'. Fieldwork demonstrated two such views by established political parties, in Malaysia (*P.A.S.*)¹⁸ and Pakistan (*Jama'at-e Islami*)¹⁹ (although these were not the only parties to hold such a view). This 'division' is also represented in various dialogues regarding so-called "*urf*-centred interpretations, and other parties or groupings representing themselves within non-'traditional' frameworks (even though there may be

elements of "*urf*" within their interpretations too).

The majority of interviewees believed that **they** were on the 'right path'; not all of them believed that there was more than one path,²⁰ or that all their contemporaries were on the 'right path.'²¹ Whether this diversity is contained within a single '*ummah* - or not - is clearly a question of individual interviewees' beliefs and consciences (some were more candid than others). Some felt that the depiction of an '*ummah* as a single entity was the ideal, but that was not matched in reality; however, there was also recognition by some interviewees that the thesis of disparity within the '*ummah* was a paradigm that could be used by 'anti-Muslims' or opponents of the '*ummah* to somehow 'damage' Islam. Some interviewees believed defensiveness was the best strategy, when faced by this thesis of disparity; other interviewees believed that Islam was strong enough to face such criticism, especially when discussing Islamic decision-making contexts.

These responses would suggest that, whilst Islamic sources are seen as important within different decision-making environments and contexts, visions of the 'Islamic ideal(s)' vary considerably. On the one hand, readings of Islamic history represent certain periods in an idealised light.²² Interviewees were not able to provide a contemporary example of a 'perfect' model to follow, although historical models (especially referring to the so-called 'Golden Age of Madīna') were often cited. The methodology to achieve these ideals did not necessarily rest in human hands: some felt that Divine Interventions would provide the solution;²³ some others believed that a combination of human and Divine effort was

required. It was interesting that some interviewees saw Pakistan as an 'ideal model' of an Islamic society, although these interviewees were generally living outside of the 'Islamic Republic.' Aspects of developments in Sudan, and Iran (after 1979), connected with Islamic decision-making, were also commended by some interviewees. Within Malaysia, some interviewees believed that Malay Muslim society was developing a paradigm that could be followed by other 'Islamic countries'; others were emphatic that developments to date were inadequate.²⁴ In Singapore, governmental institutional representatives promoted their viewpoints (naturally, largely in support of the government), believing that their model could be useful in other Muslim minority contexts.²⁵

In the U.K., many interviewees felt that Muslim communities continued to be within a state of transition; current 'authorities' were in flux, and several future decision-making models were proposed which represented various combinations of pragmatism and idealism - ranging from a governmental representative body to 'an Islamic state of Britain'. The likelihood of 'Islamic authority' being incorporated within state mechanisms - in the medium- or long-term is slight - given the lack of parliamentary and institutional representation, and long-standing anti-Muslim prejudices - as well as disparate Muslim agendas. Current Muslim demands - for example, for Muslim education and personal law spheres - are also likely to meet continued governmental and parliamentary resistance. Therefore, any *idjtihād* is likely to remain in the personal sphere (as long as it does not contradict British statutes). Within certain parameters, some parties indicate that this represents a greater 'freedom of expression', but others are motivated to seek

to legislate (and control?) their contemporaries. This is frequently associated with a desire to 'maintain identity', or 'preserve Islam'. Again, the definitions vary as to what this really means. Some Muslims interviewed in Pakistan saw U.K.-based Muslims (of Pakistani ancestral origin) as 'straying' from Islam; others saw U.K.-based Muslims as 'better Muslims'[,], who would provide a future key to Islamic interpretation in the contemporary world.²⁶ The researcher recalls a discussion within the initial seminar in Lahore,²⁷ where one participant suggested that the U.K. was a 'dangerous place' with a 'high crime rate' and a 'corrupt police force', because it was not an 'Islamic country' - unlike Pakistan; the participant was reminded by the researcher of the high murder rate in Karachi in 1995, caused by different factions (several of which operating under the banner of 'Islam') and a major police corruption scandal in Pakistan.²⁸ The tendency for individuals, however 'well-educated', to 'demonise' The Other in order to promote a religious argument has a number of historical precedents. This is often at the expense of observing 'the back yard'. Similar thoughts were expressed in Malaysia and Singapore.

Conversely, distant places are also 'idealised' as decision-making models. To what extent does this idealisation take account of the reality of a particular place or period of time? The extent to which historical 'authorities' would (re)interpret *Kur'ān*-ic principles could be described as demonstrating considerable imagination, and a hint of the divergence prevalent within Islamic societies at an early period.²⁹ Yet many 'authorities' are not challenged or examined closely. To what extent was **their** '*idjtihād*' a specific response to a context, time, and place?

How suitable is it for contemporary society? To what extent is it an accepted 'Islamic' practice? Questions can be raised regarding the nature of decision-making and 'authorities', especially those seeking to compel others to follow their path. The pressure to follow a certain interpretation is discouraged (within certain parameters) within the *Kur'ān*:

"Let there be no compulsion in religion: Truth stands out clear from Error: whoever rejects Evil and believes in God hath grasps the most trustworthy hand-hold, that never breaks. And God heareth and knoweth all things." ³⁰

On certain issues, individuals are encouraged to seek out their own understandings - from 'experts' or by their own effort in reading the *Kur'ān*:

"... And no question do they bring to thee but We reveal to thee the truth and the best explanation (thereof)." ³¹

If an avenue of inquiry is available, it is incumbent upon an individual to ask questions to that more learned source on matters of *idjtihād*:

"If you follow (right) guidance no hurt can come to you, from those who stray. The goal of you all is to God: it is He that will show you the truth of all that ye do.' ³²

Many interviewees during fieldwork raised the problem of determining the 'right guidance'. The youth in the inner-city Leicester mosque felt it had to come from someone 'in tune' with their own generation, who would provide them with

the basis of sound decision-making (not necessarily a 'trained' *īmām*).³³ Some authorities in Pakistan and Malaysia believed that the 'right guidance' could only come from individuals 'properly trained' in a 'traditional' institution - such as al-Azhar.³⁴ Also in Malaysia, an *A.B.I.M.* founder recalled the disgust of *ulamā* confronted by students (including himself) 'making *idjtihād*.'³⁵

Malaysia provided one illustration of state responses to those 'unofficial' decision-makers who transcended the expected society boundaries - such as *Dar ul-Arqam*.³⁶ Singapore was notable for controlling decision-making under the auspices of a state body, for example through management of mosque finances and specific legislation, and where 'deviation' from expected behaviour was severely suppressed.³⁷ In the U.K., Muslim institutional and local rivalries - centred around decision-making issues - have at times divided communities.

Islamic decision-making processes are clearly shaped by their environments, and can - in certain cases - be associated with specific ethnic or national identities, in which specific interpretative keys shape 'national' expressions of religious understanding.³⁸ 'Traditional' understandings and practices can also be maintained through Islamic decision-making processes;³⁹ the negative attribution of *adat* in Malaysia and *'urf* in Pakistan is an over-simplification, applied in specific visions of 'modernising' Islam. This reflects the differing definitions of *bid'a* in different Islamic contexts, which can divide communities and nations.⁴⁰ The treatment of 'transgressors' within these different contexts can also vary, and '*idjtihād*' can incorporate decision-making that would seem 'radical' or 'un-Islamic'

in other contexts.⁴¹

Fieldwork demonstrates that the reconciliation of the dynamics of varied Islamic beliefs with life in 'secularised' or 'modernised' societies takes different strategies and emphases. Within global, (so-called) 'post-modern' contexts, various levels of society are affected in different ways by 'extra-Islamic' socio-political and religious interests. These can introduce 'new issues' into the decision-making debate. The researcher, during fieldwork, was himself responsible for confronting certain decision-makers and 'authorities' in Pakistan and Malaysia for the first time with specific issues (i.e. I.V.F.). Those elements with society who travel extensively internationally, or have close international contacts, inevitably are often influenced or confronted with different situations and perspectives. This may include other Muslim institutions or ideologues - presenting specific 'world-views'. Developments in communications - such as the Internet and satellite T.V. - already increasingly facilitate the dispersal and dialogue (if not consensus) on Islamic decision-making issues. Control of such facilities influences decision-making processes.

Certain interviewees felt threatened by the prospect of 'intrusive' external Islamic decision-makers, or a wider dialogue that might negatively influence their own status and power. However, others believed such developments had their positive elements, and offered the paradigm of communications along trading routes in early Islamic societies. They also felt it would make *dawā* and dissemination of *fatwā* more effective. Whilst computer access remains in the

hands of a relative élite in Pakistan and Malaysia, fears were expressed regarding the impact on 'Islamic values' of media presenting 'alternative' moral values and/or 'anti-Islamic' broadcasts. Reconciling or dealing with the implications of these media would appear to be dominant themes, transcending the boundaries of all four 'Islamic environments' surveyed.

Within the post-modern context, the transcending of geographical and political frontiers by electronic communications will have a significant impact upon Islamic decision-making processes in the next century. Traditional controls by 'authorities', through mosques and organisations, will be short-circuited. Confidential dialogues and access to a wide-range of opinions and decisions will alter the perspectives of the new, computer-literate élite. Whilst education has been seen as a traditional key to 'preserving' and 'promoting' Islam, access to Information Technology will also be high on decision-makers' agendas. Modern technology in itself is not 'un-Islamic'.⁴² Control of and access towards knowledge provides interpretative power and influence - at low cost.⁴³ The creation of 'networks' exchanging information can be facilitated with ease (although getting people to **read** a specific view is more difficult, given - for example - the large number of competing opinions on the Internet). There is also the issue of governments attempting to control or censor electronic communications systems they see as damaging. However, influential Islamic institutions are already exploring the possibilities of these resources.⁴⁴

During fieldwork, the researcher frequently questioned the validity of data

received, in interview and other formats. Getting to the 'truth' about specific issues raises difficulties, when interviewees seek to promote particular ideological or religious lines, and respond with 'what is expected' rather than 'what you need to know.' Fieldwork was undertaken with disparate interviewees, with varying insights and qualifications. The thesis was never intended to present the 'whole picture' regarding Islamic environments, but sought to raise some of the many themes and issues concerning Muslims and their decision-making processes. An overwhelming trend is that the idea of 'change' in interpretative values is not universally sought, and the construction of alternative models (on 'Islamic' lines) is frequently resisted or extremely selective. Many interviewees sought 'successful' models to follow, and were at times desperately searching amongst other Islamic environments, and then finding that what they sought could not be practically transplanted to their own specific context.

On their own personal levels, many individuals felt that they fulfilled 'Islamic ideals' and performed their own 'decision-making' (with or without guidance from authorities); their personal satisfaction with their behaviour was often contrasted with dissatisfaction with the wider local, national, or international Islamic 'community'. Reference was made to the 'universal vision' of Islam, but few felt this ideal was matched in reality, and felt that the ideal of the *'ummah* was at time over-stressed, to the detriment of more practical concerns. Some felt drawn into a specific, idealised vision of Islam, promoted by an educated élite - and funded through publications, educational institutions, and external organisations - which often stressed the 'benefits' of (a specific form of) *idjtihād*. The whole notion of

'progress' in interpretation was associated by many with manipulation of religious ideals, and distorted readings of sources.⁴⁵

On the other hand, others generally considered dialogue on issues was healthy - even if no consensus was reached. Islamic core sources were seen to bring Muslims (loosely) together. International institutional links - for example, between Pakistan, Malaysia, and/or the U.K. - were interpreted as beneficial. The work of individuals, and less publicised events, would also seem to hold significance in terms of influencing specific decisions and approaches to knowledge.⁴⁶ The qualifications and experiences of 'authorities' clearly influence the processes of decision-making, especially when Islamic Sciences are undermined and the status of their practitioners eroded by wider society values.⁴⁷ To an extent, this may be influenced by what some see as the 'ineffective' decision-making to date, and the difficulties in achieving consensus: long-standing dialogues in Pakistan, for example on 'Islamic' legislative changes, have not necessarily enhanced the status of participants to these processes. However, legislative changes are tempered by a need to reconcile the requirements of all sectors of the population, if 'draconian' measures are not proposed.

Locating *idjtihād* amongst these processes causes difficulties, both for Muslims and non-Muslim observers:⁴⁸ pragmatic decision-making based on Islamic sources takes place, and is called *idjtihād*; other forms of decision-making also attract this label, although the classification of *idjtihād* can be disputed by others. Within this confusion, perhaps it is understandable that *taklīd* and a

reluctance to change (and make a 'mistake') is preferred by many. Autonomy amongst the disparate groupings occurs, although the wider (Muslim and non-Muslim) society is generally unconcerned with the ramifications of this, unless - as in the cases of the Muslim Parliament and *Hizb ut-Tahrir* - statements deemed 'controversial' reach a wide national (Muslim and non-Muslim) audience.⁴⁹ These statements are often (mis)represented by media and other sources as belonging to an Islamic 'mainstream' or representative of every Muslim in the U.K., although this arrogation of representation is rejected by many. Matching the rhetoric within *khutba* with the needs of specific communities is also a prevalent issue,⁵⁰ reflected in those individuals seeking Muslims to 'work the system' from inside (non-'Islamic') institutions rather than outside them.⁵¹

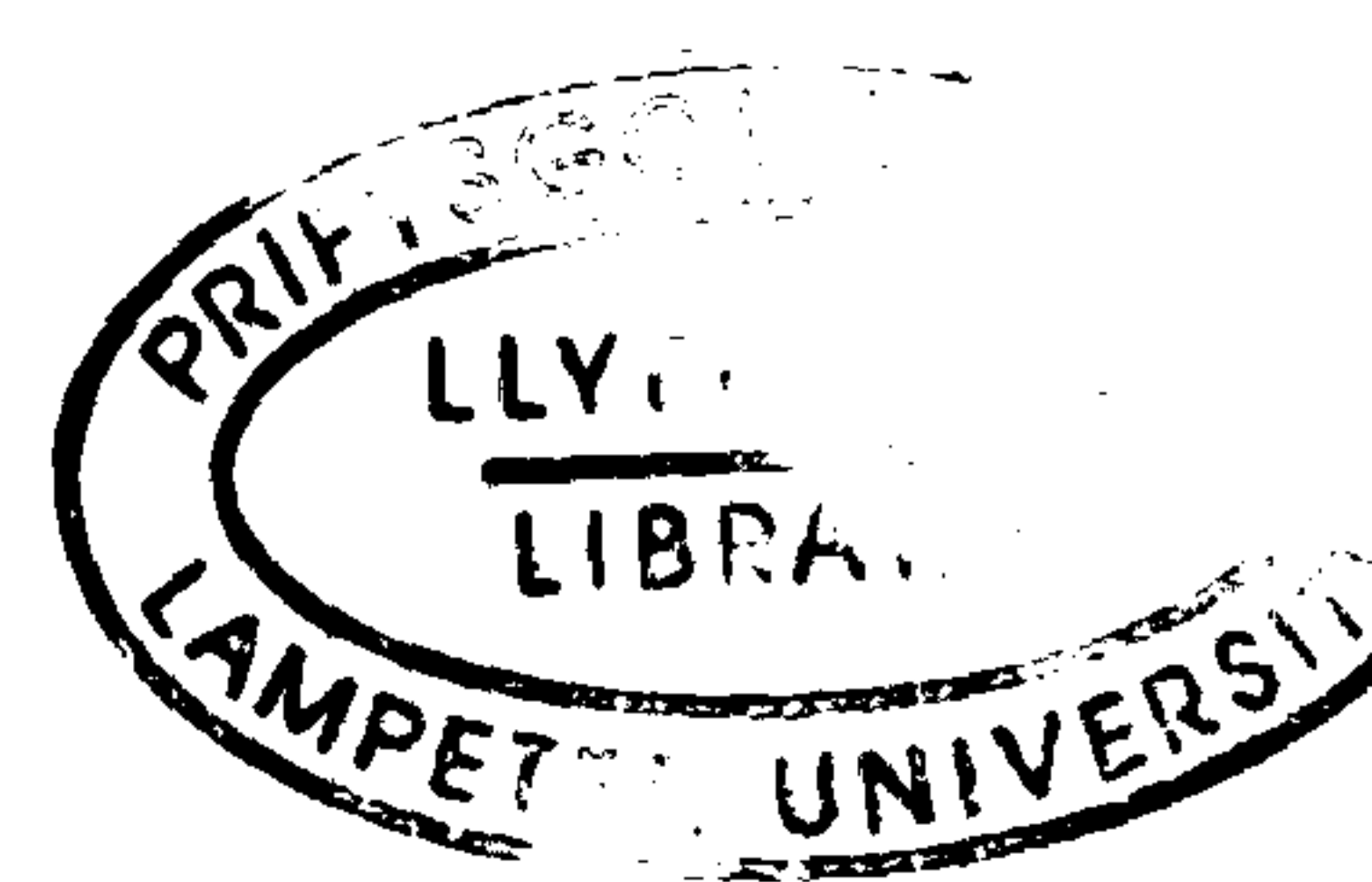
The thesis commenced by inquiring whether *idjtihād* is of practical value to Muslims in the U.K., and whether Islamic communities in the U.K. could benefit from the experience of other Islamic communities elsewhere? In the Islamic communities in transition in the U.K., there is no doubt that - amongst many Muslims - there is a clear emphasis on the primary Islamic sources, but significant differences in the way that they are interpreted. To an extent, this is associated on the disparate nature of 'authorities', which have different priorities and agendas. The application of *idjtihād* does not necessarily dominate their decision-making processes, and some felt that it was definitely a minority preoccupation.⁵² Decision-making priorities vary locally, nationally, and internationally. *Idjtihād* possesses a reactive nature, responding to specific circumstances and situations, rather than the more general *fatwā* providing opinions (perhaps based on

idjtihād).⁵³ In the U.K. context, fieldwork indicates that family issues and personal relationships dominate decision-making agendas. The absence of a state legislative basis (centred on Islamic sources) by which decisions can be formulated in the U.K. is seen as causing difficulties for some Muslims in the U.K. Others would resent the intrusion of a legislated basis for decision-making formulas in such areas, preferring to rely upon specific extra-legislative interpretations based on (so-called) *Sharī'a* and/or other sources.

Whilst some would seek to promote the creation of a 'state agency' to determine such personal matters for religious minorities - such as *M.U.I.S.* in Singapore - coming to a consensus on issues such as divorce is clearly problematic. Non-legislative bodies, attempting to determine such issues, have had limited success in the U.K. The dynamics of Islamic belief systems are clearly influenced by existing within a secularising society, especially for those Muslims born and raised in the U.K. Whether this results in an erosion of 'Islamic' value-systems, or the creation of new models, is open to speculation. Fieldwork in the U.K. indicated that there was idealisation of other Islamic environments (both past and present), and a reliance on external sources of interpretation and information. Questions can be raised as to whether certain individuals and groups are 'right' to seek government and/or legal institutional recognition and assistance - and to what extent this ideal would diminish local centres of power and control? Similarly, the quest (in some circles) for a unified or cohesive Muslim platform may not be interpreted as 'universally beneficial' by every Muslim in the U.K. To what extent is the concept and 'evolution' of a

'British Muslim' identity actually damaging to the majority, especially in terms of decision-making? Can it take account not only of so-called 'secular' influences, but the wide range of other influences seeking to promote themselves within the U.K. Islamic contexts?

The current research reinforces the impression of a variety of interpretative models in the U.K., albeit containing the "common thread" of basic Islamic principles, but not necessarily recognising or acknowledging alternative models or approaches. Islamic educational models do not always promote or recognise the diversity contained within Islamic environments, in the U.K. or elsewhere. The means by which information about Islam is conveyed to future generations clearly will influence the balance of decision-making, and the priorities for generations seeking to confront the practicalities of living as a minority (religious and often racial) within a largely-secularised (and frequently hostile) environment. Given the varied options of 'Islamic decision-making processes' within different Islamic environments, depending how it is interpreted, *idjtihād* and related concepts may play a role in future decision-making processes of (some) *Sunnī* Islamic communities and Muslim individuals in the U.K. Exploring the issues associated with *idjtihād* also provides a useful key for aiding the understanding of issues confronting and concerning diverse Islamic environments.



Endnotes

6: Conclusion

1. op.cit., Ahmad Azam, Chap.4, p.112
2. op.cit., 'T.R.' [pseud], Chap. 2, p.42
3. *Kur'ān, Sūra Hidjra (Sūra 15: 90-93)*.
4. al-Suyuti's *al-Jami'al 'al-Saghir*/Ali al-Kari's commentary on *Fiqh Akbar*, cited in: Kemal Faruki, op.cit, p. 166.
5. See: Bukhari, op.cit., IX, No 395, p. 292
6. It is not proposed to discuss the "validity" of specific *Hadīth* in this thesis.
7. Bukhari, IX, No 211, pp. 164-165, citing the *Kur'ān, Sūra Māida (Sūra 5:101)*
8. Bukhari, IX, No 392, p. 290
9. Bukhari, op.cit., IX, No 211, pp. 164-165; Imam Muslim, *Sahih Muslim, Being Traditions of the Sayings and Doings of the Prophet Muhammad as narrated by his Companions and Compiled under the title al-Jāmi'-us-sahīh, Vol. 4*, (New Delhi: Kitab Bhavan, 1977, 1986), CMLXXXV, No 5818, p. 1257.
10. See: Malik, op. cit., 43.9., p. 410.
11. This may reflect the precedent of a discussion in *Hadīth* sources, on the issue of 'blood money,' where different judgements were made by varying authorities. None were deemed 'wrong', although ibn al-Musayyab stated that his decision was "... the fair blood-money, and every one who strives for 'ijtihad' is rewarded." Malik, op. cit., 43.12., p. 411
12. Muslim, op. cit., Vol. 2, CCXCIV, No 1813, p. 397
13. *Kur'ān, Sūra Kahf (Sūra 18: 1-3)*.
14. Bukhari, IX, No 281, p. 212
15. Chap. 2, pp. 66-78, Chap. 3, pp.130-33, Chap. 4, p.188-89.
16. Chap.4, p.188-89.
17. Chap.5, p.243-4.
18. Chap. 3, pp.142-153
19. Chap.2, p.52 & passim.

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20. Chap.2, pp.42
21. Chap. 2, p.44
22. Chap. 2. pp. 46.
23. Chap. 2, p.44
24. Chap. 3, p.119
25. Chap.4, passim.
26. Chap. 5, p.284.
27. Chap. 2, pp.37-39.
28. See: Newslines, 6:10, (March 1995) "Cry, Karachi".
29. op. cit. Malik, 20.15., p. 164
30. *Ḳur'ān, Sūra Baqara, (Sūra 2:256).*
31. *Ḳur'ān, Sūra Furqān. (Sūra 25:33)*
32. *Ḳur'ān, Sūra Māida, (Sūra 5: 108)*
33. Chap. 5, p.255-6 & passim.
34. Chap. 2, p.54
35. Chap.3, p.113.
36. Chap.3, p.153.
37. Chap.4, p.187 & passim
38. op.cit., Esposito, p.102
39. Chap.3, pp.139-42
40. Chap.3, p.149.
41. Chap.3, p.154. Chap.4, p.187.
42. Chap. 2, p.63. Chap.3, p.122-3. Chap.4, p.191.
43. Chap. 2, p.84

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44. Chap.2, p.84.

45. Chap.3, p.113.

46. op.cit, Southern, Chap.1, p.13.

47. op. cit., 'T.R.', Chap.2, p.42.

48. Chap.2, pp. 85-6.

49. Chap. 5, pp. 252-3

50. Chap.5, p.289.

51. Forthcoming General Elections are likely to see the emergence of successful Muslim candidates, who may or may not promote specific 'Muslim' issues as part of their parliamentary duties.

52. Chap.5, p.287-8.

53. Chap.2, p.73 & passim.

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