



UiTM@Media **2016**



Rencana Pilihan



UiTM@Media
2016



reflecting on the law Shad Saleem Faruqi

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Diversity is part of divine intent

The great challenge before us is to stop conflicts by strengthening links between human rights and religion.

A MIASMA of sadness and shame envelopes the Muslim community. The Muslim world seems to be on fire. There are civil wars in Syria, Yemen, Iraq, Libya and Afghanistan. Turkey is in turmoil. Pakistan is suffering due to decades of Western-inspired wars across its borders. There are mindless acts of violence in many parts of the world by supporters of the self-proclaimed "Islamic State".

Who is financing these horrendous orgies of savagery is open to debate. But what is certain is that 80% to 90% of those being butchered or maimed are Muslims.

With sickening regularity, American and European fighter planes and drones resort to targeted killings in Muslim lands. Often, innocent civilians are blown to smithereens. Only some of these attacks are worthy of media reports; others are merely collateral damage.

Despite this tragic backdrop, a thought-provoking forum on Islam was organised by the Islamic Renaissance Front last Sunday. It was titled "Human Rights and Diversity: Challenges for a Muslim Society". The main speaker, Dr Nader Hashemi of Denver University, addressed the issue eloquently and argued that diversity and pluralism are consistent with Islamic ethics and history.

Diversity and a pluralist worldview were part of the divine intent in the Quran. It is said in Surah 11:118: "Had Allah willed, He would have made mankind one communi-

ty. But they will not cease to differ". Another exquisite passage (49:13) states that "God made mankind into nations and tribes so that they may know one another".

Obviously, tolerance and peaceful social interaction by "knowing one another" was the divine design.

In relation to freedom of conscience, there are clear injunctions to respect diversity. "Unto you your religion, unto me mine" (109:6). "There is no compulsion in religion" (2:256).

Prophet Muhammad signed the Treaty of Hudabiyah to allow Muslim apostates to leave in peace and join their adopted community. The Prophets of Judaism and Christianity are venerated as predecessors to Muhammad. The moving story of the birth of Isa (Jesus Christ) is narrated in a beautiful chapter in the Quran named after Mariam (Mary).

Respect for others was commanded. "Dispute not with the People of the Book save in the fairer manner, except for those of them that do wrong; and say, We believe in what has been sent down to us, and what has been sent down to you; our God and your God is One, and to Him we have surrendered" (29:46).

For its first thousand years, Muslim societies generally tolerated and celebrated religious and cultural diversity. Muslims, Christians and Jews lived harmoniously. During the stewardship of Prophet Muhammad and the early Khalifs, Muslims and non-Muslims were equally entitled

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to public benefits granted by the state.

The Prophet gave dignity and honour to every human being. There are narrations from his noble life that on one occasion he stood up out of respect as the funeral procession of a Jewish woman passed by. He instructed his followers to pray for the soul of the departed non-Muslim Abyssinian king. Such respect for the dignity of others animated Muslim societies in the Ottoman Empire, Andalusia (Spain), Iran under the Safavids and India under the Mughals.

Regrettably, a dissonance between Islamic theory and Muslim practice has developed in some Muslim lands. The great Muslim civilisation has fallen into an abyss. One of the reasons is that the gates of *ijtihad* (independent reasoning) have been shut in the Sunni world. Reason is shunned, not just by the fanatics but by the vast majority of Muslims. The most conservative, narrow and regressive doctrines have gained an unassailable hold on Muslim minds.

Suppression of thought characterises some Muslim societies. Diversity is regarded as deviationism. For example, in Malaysia a public discourse on Islam without prior permission of the syariah authorities through a *tauliah* can be punished. The questioning of a fatwa, no matter how respectfully and intellectually, can be a crime.

Moderation, toleration and rationality are viewed with suspicion. *Taqlid* (unquestioning obedience) is mandated. A religion that shunned a priestly aristocracy has ironically developed an autocratic ecclesiastical elite that brooks no dissent, suppresses diversity and interprets the sacred texts in the most literal way.

After Merdeka, the curriculum of our primary and secondary religious education reflected the historical and internal schisms in the Malay community between various reli-

gious movements. Today the very conservative, Wahabi-Salafist version seems to prevail. In general, there is emphasis on memorisation of the holy text in Arabic without much understanding. An exclusivist vision of salvation is presented. Knowledge of other faiths is shunned. Arabisation of Malay society is in full swing.

According to Dr Ahmad Fauzi Abdul Hamid of USM, "the internalisation since the 1970s of the Wahabi brand of Salafism among South-East Asian Muslims is the major factor behind (an) apparent shift towards a more radical worldview". Regrettably there is considerable institutionalisation of this radical bent.

In mutual exchange of loyalty, the political elites support the religious elites even when the latter issue edicts and undertake actions that are divisive, seditious, intolerant and unconstitutional.

Further, in the context of Malaysia, speaking about extremist tendencies among the Muslims is politically and professionally dangerous because the terms "Islam" and "Malay" are regarded as synonymous. Any criticism of the religious establishment is wrongly translated to mean criticism of the Malay community.

In the years since the 1990s, innumerable conflict-of-law situations have gone to the superior courts. The aggrieved parties are Muslims as well as non-Muslims. The superior courts tend to rely on Article 121(1A) to decline jurisdiction. Barring some honourable exceptions, most judges of the superior courts look the other way when constitutional rights of the applicants are infringed.

What can be done? Most of us wish to treasure both human rights and religion. We need to find ways to reduce conflicts and to build bridges between these two great yearnings. The task is challenging but worth attempting at a future occasion.

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