

THE MUFTIS' DISPOSITIONS AND RELIGIOUS CONSERVATISM IN MALAYSIA

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Accepted date: 2 December 2017

Published date: 11 April 2018

To cite this document:

Majid, A. A. (2018). The Muftis' Dispositions and Religious Conservatism in Malaysia. *Journal of Islamic, Social, Economics and Development (JISED)*, 3(7), 48-55.

Abstract: *The flourishing of Islamic cultures and lifestyles among Malaysian Muslim society in the form Islamic way of dressing, Islamic greetings and mushrooming of Islamic programs or events are perceived as manifestations of conservatism. Increased conservatism however is also associated with exclusive attitude, discrimination and persecution against the non-Muslims and other minority groups. The Islamic bureaucracy in Malaysia such as the Shar'iah courts, National Fatwa Council and the Islamic Religious Department are deemed responsible for the creeping conservatism among Malaysian Muslim society. Present study therefore focuses on the Malaysian muftis since they are part of the bureaucracy. Apart from exploring the Muftis stances on few areas in order to measure their conservatism, this study also attempts to reassess the concept of conservatism itself. Six muftis have been interviewed including the Perlis Mufti, Penang Mufti, Perak Mufti, Federal Territories Mufti, Pahang Mufti and Melaka Mufti. This study proposes a revised concept of conservatism based on its theological underpinning. Theologically, conservatism denotes the idea of reliance on revelation and refutation of sole dependence on human reason in resolving issues and problems as propagated by Edmund Burke as a counter-response to the revolutionaries' ideas. In the context of present study, conservatism implies the idea of preservation and upholding the original Islamic teachings that are based on the Qur'ân and Īdith. Conservatism therefore is not related to the negative attitudes and actions as commonly understood. Based on this concept of conservatism, the muftis' dispositions could be categorized as conservative. They however differ in the manner of interpretation and contextualization of the revelation. Some of them are more progressive while some others are more traditional in their interpretations.*

Keywords: *Mufti, Conservatism, Revelation, Malaysia*

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Introduction

The increasing Islamic awareness among Malaysian Muslim society today can be seen through the adoption of Islamic lifestyles and cultures. For instance the more 'Islamic' way of dressing especially among Muslim women such as the wearing of *hijab* (headscarf), *jubah* and *arbaya* (Arabic long dress); the use of Arabic words in greetings and daily conversation such as *Assalamualaikum* for greeting, *iftar* for *buka puasa*, *solat* for *sembahyang*, *Eid Mubarak* for "Selamat Hari Raya" and many more. The multiplication of Islamic programs are also visible in the electronic and social media for instance the *QÉri Junior*, *Qur'Én hour*, *DaÑi* and in the national events such *Malam Cinta Rasul*. The recent demand by the Muslim masses to amend the *SharÉÑah Courts (Criminal Jurisdiction) Act 1965 (Act 355)* also signifies that Malaysian Muslims are becoming more Islamic.

The increasing Islamic awareness among the society and the expansion of *sharÉÑah* implementation in this country somehow are perceived as undermining the rights of non-Muslims and other minority groups. Some of the *SharÉÑah Courts'* ruling for instance appeared providing unfair treatment to the non-Muslims. In the case of the rights of burial Moorthy Maniam or his Muslim name's Muhammad Abdullah. This case was handled by the *SharÉÑah* court since the High Court refused to hear the application of his widow, Kaliammal Sinnasamy who claimed her late husband was a Hindu during his lifetime (Ahmad Fauzi Abdul Hamid & Muhamad Takiyuddin Ismail, 2014).

Moral policing that is executed by the Islamic authorities is also perceived as one of the signs of increasing religiosity in the society. Among the examples of moral policing are, particular dress code that is enforced at government buildings and centres and raids led by the Islamic religious departments at budget hotels in the search for unmarried *khalwat* couple and many more. The repression of unorthodox Islamic groups, people of other faiths and minority groups such as people of different sexual orientation are also often being associated with religious despotism (Fauzi Abdul Hamid, 2013). This is evident with few fatwas issued by the *muzakarah* of the National Fatwa Council related to these matters. Among the religious movements that have been issued as *Íaram* including the *Al-Arqam, Rufaqa'* Corporation Sdn. Bhd (later version of *Al-Arqam*), *SyÉÑah* and *Tariqat Naqsyabandiah Al-Aliyyah Syeikh Nazim Al-Haqqani* (JAKIM, 2009).

All these reflections of exclusive attitudes and discriminatory measures are often associated with the increased level of conservatism among Malaysian Muslim society. Ahmad Fauzi Abdul Hamid (2014) for instance has attributed the failure of Islam Hadhari to Islamist conservatives comprised of UMNO ultraconservatives, religious bureaucrats and a burgeoning Islamist civil society that has tainted the originally moderate Islam Hadhari into a conservative doctrine. This trend without a doubt will give bad impression on Islam and it will impede the Islamic development in this country as Islam is associated with despotism, exclusivism, intolerant and rigidity. But does conservatism really denote the idea of despotism, exclusivism and other negative attitudes? Does the religious bureaucracy is the source of those attitudes?

Present study therefore attempts to explore the real meaning of conservatism and determine the extent to which the religious bureaucracy especially the muftis are conservative and are responsible in spreading the 'conservatism' among Malaysian Muslim society. For this reason, six muftis have been interviewed for this study which represented different zones in Peninsular

Malaysia. This study focuses on Malaysian muftis since they are part of religious bureaucracy and supposedly the agent of conservatism.

1. Northern zone:
 - 1.1 Perlis Mufti (Dato' Dr. Mohd Asri Zainul Abidin)
 - 1.2 Penang Mufti (Datuk Dr. Wan Salim Wan Mohd Nor)
2. Southern zone
 - 2.1 Melaka Mufti (Dato' Haji Abdul Halim Tawil)
3. Central zone
 - 3.1 Perak Mufti (Tan Sri Harussani Haji Zakaria)
 - 3.2 Federal Territories Mufti (Datuk Dr. Zulkifli Mohamad Albakri)
4. Eastern zone
 - 4.2 Pahang Mufti (Datuk Seri Dr. Abdul Rahman Osman)

The conservatism among the muftis, will be examined based on two main themes; Islamization trends in Malaysia and intra/inter-religious engagement. The concept of conservatism however will be reassessed based on its theological underpinning.

Conservatism: Despotism or Upholding the Revelation?

Muslim scholars such as Tariq Ramadan (2004) has classified Muslim's thought into six major tendencies; scholastic traditionalism, *salafi* literalism, *salafi* reformism, political literalist salafism, "liberal" or "rationalist" reformism and sufism. Abdullah Saeed (2006), has also identified few trends in Islamic thought such as progressive *ijtihadis*, militant extremists, theological puritans, secular muslims, political islamists and legalist traditionalists. None of these scholars nevertheless have described the clear conception of conservatism even though it has been widely used as opposed to the liberal and progressive thinking.

As a concept, conservatism is fluid and dynamic which is highly depending on the context of particular generation and the demand of particular groups in particular time. There is no fix and precise benchmark to describe conservatism. Most researchers have produced their own concepts and characteristics of conservatism. In her study on Islamic Reform and conservatism, Indira Falk Gesink (2010) for instance has broadly identified the conservative as those who opposed the elements of reform. In this sense, the conservative are known as the protectors or in Arabic *mu'afidun* as the root "h-f-z" connotes protection of something. The conservatives are also known for their sharing of certain characteristics such as 'support for the pedagogical traditions of the madrasa, the separation of religious and temporal authority (especially over education), the unity and stability of the community, and *taqlid*' (Gesink, 2010:6).

Ahmad Fauzi and Muhamad Takiyuddin (2014:160-161) has listed few attributes of "religious conservative":

possessing a great desire to adhere to the original teachings of the Qur'an and traditions of the Prophet Muhammad; displaying absoluteness and intolerance in decision-making; exhibiting patriarchal attitudes towards women; having a fixation with the jurisprudential aspects of Islam as if they were more important than the scripture itself; and, finally, demonstrating rigidity with respect to law and punishment at the expense of inner Islamic consciousness and missionary considerations

This definition of conservatism and the aforementioned issues such as the unfair *Shar'Ēñah* Courts' ruling and the inappropriate moral policing convey the ideas that conservatism is associated with negative attitudes such as absoluteness, intolerance, patriarchal attitudes, obsession, refutation and rigidity. These notions of conservatism however are incongruent with the theological conception of conservatism as underscored by few scholars and philosophers. Noel O'Sullivan (1976) for instance identified conservatism as an ideology rather than a subjective attitude. Distinct from attitude, ideology is related to an endeavour to produce an intelligible theory of man, society and the world.

Originally, conservatism arose during the French Revolution as a counter-response to the idea of total or radical change in the form of gratifying full autonomy to human reason that is deemed imperfect. The revolutionaries believed that human reason and will are potent therefore sufficient to create new social order, operated within the framework of liberty, equality and fraternity. This ideas, however according to the conservatives were against the imperfect nature of man that repudiated the role of revelation. For this reason, conservatism is known as a "philosophy of imperfection" (O'Sullivan, 1976).

Edmund Burke known as the Father of Conservatism also addressed few arguments as oppose to the revolutionaries ideas. Among the arguments are: Both Church and State were inseparable spiritually (not mechanically) since both were derived from God; human conscience was guided by prescription, presumption and pre-judgement; life was not only meant to be free but it must also have meaning (that can be found in tradition, folklore and myth); the authority of a government lies on virtuous principles and not on a social contract; ancient wisdom that contained collective intellect were safeguarded and transmitted by culture; principles are learned through the understanding of nature and history. Theological vision of conservatism therefore envisaged that a just and fair state and society can only be achieved through God's order and not solely on human reason that deemed imperfect (Stanley Ayling, 1988).

Based on the idea of protection and the theological roots of conservatism that upholding revelation instead of human reason, conservatism in the context of present research, signifies the idea of preservation or upholding of original Islamic teachings that is based on Qur'Ēn and Īadith.

Islamization Trends and Intra/Inter-religious Engagement: The Muftis' Dispositions

The muftis' utmost recognition to the supremacy of the Qur'Ēn and Īadith that is found in their views on these two themes (i.e. Islamization trends and intra/Inter-religious engagement), ascertaining their conservatism. They differ in their interpretation and contextualization of the revealed sources. Some of them are more progressive while some others are more traditional in their views.

The concept of progressiveness used in this study is adapted from Chandra Muzaffar (2011). According to him, the progressive approaches in interpreting the text focus on the spirit, the underlying philosophy and the reasoning behind particular injunctions prescribed in the scriptures; the application of historical and sociological context of the Qur'Ēn and Sunnah in order to understand the values and principles of Islam; the understanding that Islam is an evolutionary and dynamic movement or process which continuously rejuvenating through the absorption of new knowledge; the openness to dialogue with other intellectual traditions in the

process of ‘absorption of new knowledge’; and the promotion of constant interaction with other spiritual traditions.

The concept of traditional approach that is taken from Yusri Mohamad (2016) depicts any idea that is traditional, classical and orthodox, remain loyal to the established sources of the *sharĒnah* and *fiqh* as fixed in the *madhhab*.

Islamization Trends in Malaysia

All muftis’ thoughts in this theme can be categorized as conservative-progressivist.

Conservative-progressivist

The muftis agree that the perceived Islamic development are actually only the labels and not the values. The Islamic labels have led to several issues that have deleterious effect on Islam. Federal Territories Mufti raises the issue of dualism (*sanawiyyah*) such as in thought (*sanawiyyah al-fikrah*) and in education (*sanawiyyah at-attaĒim*) that was born from the labelling of organizations, institutions or systems with Islamic ‘labels.’ In higher educational system for instance, there are universities with Islamic names while there are universities that consist of Muslim majority but without Islamic names. He questions the level of ‘religiosity’ of those universities. According to him, the labelling framework is no longer relevant hence need to be changed (Federal Territories Mufti, personal communication, October 6, 2016).

Other than the issue of dualism, the Penang Mufti highlights the ‘exclusiveness’ that was produced by the labelling. This exclusivism will distance the non-Muslim from Islam since it seems those institutions or systems with Islamic labels were made exclusively for Muslims (Penang Mufti, personal communication, October 25, 2016). The same concern is raised by the Pahang Mufti who insists that the *u’mmah* is the one that needs to be Islamized and not the institution (Pahang Mufti, personal communication, October 20, 2016).

Melaka Mufti identifies the issue of priority (*aulawiyyĒt*) that afflicting the Muslim society today. According to Melaka Mufti the Muslim society today tend to give the priority on recommended (*mandĒb*) practices instead of the obligatory (*wĒjib*). He gives an example on the priority to perform *uĒmrah* over the obligation to settle the debt (Melaka Mufti, personal communication, November 22, 2016). Perlis Mufti identifies the commercial elements in today’s Islamic trends which can be found in Muslim’s wear, fashion and beauty products. The variety and revolution of *hijĒb* among Muslim women for instance has generated a great deal of profits for traders (Perlis Mufti, personal communication, October 14, 2016).

The mushrooming *daĒwah* programs and events apparently signifies the increasing public interest in religion but few issues are raised by the Muftis related to the methods applied by the contemporary Muslim preachers or *dĒiĒ*. The current unconventional *daĒwah* methods are also subjected to the Muftis’ disapproval. Among the issues is the element of entertainment that was inserted in the *daĒwah* programs. For instance, excessive jokes, singing, and acting are part of today’s *daĒwah* programs. According to Melaka Mufti this form of *daĒwah* also reflects the superficial practices of Islam since the focus is on entertainment rather than content and knowledge (Melaka Mufti, personal communication, November 22, 2016). Among the examples of superficial religious practices that has been highlighted by the Melaka Mufti is the trend of ‘concert-like religious event’ such as *Malam Cinta Rasul* that gathered thousands of

Muslims in the remembrance of the holy Prophet Muhammad (S.A.W). Even though it is a good event but the main concern of Melaka Mufti is the content of the event itself.

According to Perak Mufti, despite the mushrooming *da'wah* platforms (mass media, radio, newspaper etc.) and Muslim preachers, the effectiveness of the contemporary *da'wah* can barely be seen (Perak Mufti, personal communication, November 16, 2016).

Intra/inter-religious engagement

The muftis' stances towards intra/inter-religious engagement demonstrate two different tendencies: conservative-progressivist and conservative-traditionalist.

Conservative-Progressivist

The muftis that belong to this category are the Muftis of Penang, Melaka, Federal Territories and Perlis. The main concern for the Muftis who belong to this category is *da'wah*. They believe that, openness and inclusiveness will do favour to Islam not the other way around. Education is the main principle in disseminating the correct understanding of Islam. It is also believed can reduce fear and prejudice among the non-Muslim. This view is shared by the Federal Territories and Penang Mufti since they rest assured that lack of understanding that caused the enmity of the non-Muslim toward Islam.

The Federal Territories Mufti insists that Islam came to educate (*ta'dib*) and not to punish (*ta'dhib*) (Federal Territories Mufti, personal communication, October 6, 2016). The Muslims' attitudes also have been emphasized by the Federal Territories and Melaka Mufti. The Federal Territories Mufti for example emphasises that Muslims should display their *akhlak* as an important element for *da'wah* as portrayed by the Prophet Muhammad's (Peace be upon Him).

The Muftis unwavering support for inter-religious dialogue also demonstrating their tolerance and inclusiveness. This is evidence with some of the inter-religious programs organized and participated by the Muftis. Penang Mufti for instance had organized a program known as '*rahmah li al-anlam*' that was intended to spread the correct understanding of Islam not only for the non-Muslim but also to the Muslim. The informal dialogue that occurred during these programs allowed Muslims to explain about Islam especially on the misunderstanding on few *shar'iah* issues such as the rights of women in Islam (Penang Mufti, personal communication, October 25, 2016). Federal Territories Mufti had received few visits from inter-religious groups to the Mufti's office (Federal Territories Mufti, personal communication, October 6, 2016). Melaka Mufti emphasises that *tasamul* or tolerance should be the strength for Muslims. He adds that dialogue as part of Islamic tradition can be one of the means to demonstrate the concept of tolerance in Islam (Melaka Mufti, personal communication, November 22, 2016).

Conservative-Traditionalist

Among the six muftis interviewed, only Pahang and Perak Mufti have revealed the conservative-traditionalist approach in the issue of intra/inter-religious engagement. These two muftis for instance, support the restriction for other religious symbols and rituals in public domain. According to the Perak Mufti other religions' rituals should not be made public (Perak

Mufti, personal communication, November 16, 2016). The Pahang Mufti, suggests that the restrictions should also apply to Islamic school of thoughts other than *As-Syafi'ī*. (Pahang Mufti, personal communication, October 20, 2016). These two muftis also display discouraging attitude towards inter-religious dialogue. Pahang Mufti for instance asserts that it is unnecessary for the Muslim to learn and know about other religions.

Conclusion

The recent phenomena of burgeoning of Islamic cultures and lifestyles such as the Islamic way of dressing especially among Muslim women and the use of Arabic greetings and speeches in daily conversation apparently a promising future for Islam in Malaysia. However among these developments, the expansion and stringent *shar'ī* implementation are perceived as a threat to the tolerance and moderate values recommended by Islam. Some of the *shar'ī* court rulings seemingly undermined the rights of the non-Muslims and minority groups while some of the actions such as moral policing is perceived as a violation of personal privacy. This authoritarian trend of Islamic developments are often associated with increasing conservatism that stems from the religious bureaucrats such as the muftis.

This study reveals that, the revised concept of conservatism shows that conservatism is an ideology rather than an attitude since it involves the formation of theory of man, society and the world. Therefore conservatism is not directly associated with exclusive attitude, absoluteness, rigidity and many more as commonly understood. Moreover, theologically, conservatism acknowledges revelations and God's sovereignty in keeping the world's order as oppose to the revolutionaries ideas that rely solely on human reason and will. The injustice and oppression that occurred in the society today are actually due to the reliance on human reason that lack of guidance from revelation. It can be argued that those detrimental attitudes and measures are not because of increasing conservatism but because of decreasing conservatism. Based on this revised concept of conservatism most muftis are conservative but conservative in the sense of preservation and upholding the revelation. Since the muftis are conservative, then those attitudes should not have derived from the muftis. Those attitudes probably caused by other factors that need to be scrutinized further.

The muftis' dispositions on the specified themes (i.e. Islamization trends in Malaysia and intra/inter-religious engagement) can be considered as conservative. Some of them however are more progressive while some others are more traditional in their views. For that reason, their ideas are categorized as conservative-progressivist and conservative-traditionalist. Their progressiveness is identified in their ideas that reflect the progressive attributes such as emphasize on the spirit, the underlying philosophy and the reasoning in interpreting the sacred scriptures rather than taking it literally, application of historical and sociological context of the Qur'ān and Sunnah and openness to dialogue. There are only few muftis that demonstrate their traditional stances especially on engagement with others.

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