Seminar Report: 3rd International Conference on Islam and Higher Education

The 3rd International Conference on Islam and Higher Education (ICIHE 3), was held at the Pahang State Foundation Complex in Kuantan, Pahang on October 1-2, 2012. Over 25 conference papers were presented by participants hailing from South and Southeast Asia, the Middle East, Africa, Australia, Europe and the Americas. The conference focused on discovering the best means of empowering Muslim communities worldwide to manage and advance private higher education efforts.

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ARTICLES

Thinking Muslims: Being Muslim and Modern (part 2)

Previously, we stated that 'the challenge facing Muslims today is to present Islamic values and principles in authentic terms for the twenty-first century. Thinking Muslims must search for fresh ways to realise and make these values real and effective in our world.'

(Brbery and Corruption from Shari’ah Perspective

The on-going campaign Malaysia is waging against corruption has gained momentum. Tunku Abdul Aziz called it an “All-Malaysian duty” in which everyone should take part regardless of political affiliation.

Economic Thoughts of Umar ibn al-Khattab

Umar ibn al-Khattab's contributions to Islam are distinguished by his wisdom and practical intelligence, his innovative ijtihad and outstanding leadership. His thoughts on economics are equally impressive.

Risk-Sharing, Risk Transfer and Risk Management

One area in contemporary finance – in particular Islamic finance – that needs emphasis is the role that risk plays as an incentive for the efficient allocation of resources. As profit constitutes a positive incentive for investment, risk provides a restraining effect. Investors are driven by a hope of profits and restrained by the risk of losses.

Japanese Poetry and Art Symbolism

Japan developed its own unique forms of poetry with fine combinations of intuition, strict discipline of structure, content, and subtlety. The major forms of Japanese poetry are tanka (short ode), haiku and shi.
Focus: 3rd International Conference on Islam and Higher Education

The Role of *Awqaf* in the Development of Islamic Higher Education: The Past, The Present, and Future Prospects

by Michael Scott

(contd from page 1)

In discussing "*Waqf* in Shariah and its Contemporary Applications," Professor Kamali underlined the extent to which *waqf* has played a key role in the transfer of wealth from the wealthy to the needy, possibly even more substantial than that of alms-giving, or zakaat. Throughout the conference proceedings, many examples were presented of ways in which the Islamic vision of universal enfranchisement resulted in phenomenal growth in the Muslim community and its institutions of higher learning, through the workings of the institution of religious endowment, or *waqf*.

Conference organizers had jointly put together an impressive programme spanning seven working sessions, with diverse specialist presenters in each session. Participants, whatever their specialization or their origin, had been urged to make an effort to think of themselves as all being members of the global ummah. “We are all one body today, and the issue of *waqf* is an issue for entire ummah,” Professor Osman had stressed, adding that continuity and perseverance were key requirements to the success of any venture of the ummah, and acknowledged the 3rd ICIHE participants and guests for their contribution to the ICIHE in its third iteration. In a communication received subsequently to the close of the 3rd ICIHE, the University of Brunei Darussalam conveyed to Pahang State Foundation and IAIS Malaysia its formal interest in joining the other ICIHE sponsors as
a permanent co-organiser of future conferences.

And turning to the future, in his farewell remarks Professor Osman Bakar announced that employability of university graduates and leadership development would be a likely theme for the 4th ICIHE which would be held in November 2013 in the city of Madinah, in the Kingdom of Saudi Arabia, in cooperation with The Madinah Institute for Leadership and Entrepreneurship, and its CEO, Dr Mohamed Mostafa Mahmoud. The latter presented the closing special address of ICIHE 3, panning the way for achieving the required continuity and convening ICIHE 4 in Madinah.

Focus: International Conference on the Role of Science and Art in Islamic Civilisational Renewal

The Thoughts of Bediuzzaman Said Nursi

by Tengku Ahmad Hazi

On 4 December 2012, IAS Malaysia in collaboration with the Istanbul Foundation for Science and Culture (Turkey) and the Malaysian Turkish Dialogue Society organised the International Conference on the Role of Science and Arts in Islamic Civilisational Renewal, on the theme “Science and Culture as Key Dimensions of Civilisational Renewal: The Thoughts of Bediuzzaman Said Nursi”. Bediuzzaman (Wonder of the Age) Said Nursi (1877-1919) was a Turkish scholar during the twilight years of the Ottomans and the founding of the modern Republic of Turkey by Mustafa Kemal Ataturk. He is known largely for his intellectual-spiritual jihad in restoring the rational basis of religious truth and eliminating divisive tendencies between the religious and intellectual sciences.

The conference featured nine speakers with Opening Addresses by Professor Mohammad Hashim Kamali, Founding Chairman and CEO, IAS Malaysia, and Professor Faris Kaya, President, Istanbul Foundation for Science and Culture. It was divided into three sessions: (1) “The Role and Place of Knowledge, Science, Faith and Morality for a Better Future of Humankind: Said Nursi’s Perspective”; (2) “Said Nursi’s Ideas on Science and Development”; and (3) “Said Nursi and Civilisational Renewal (ajudid hadari)”. The conference deliberated, among others, on Said Nursi’s project to integrate the religious and intellectual sciences, particularly modern science, at a time when the dominant ethos was one of conflict and confrontation between the two, taking European historical experience as the universal yardstick to judge phenomena. The key to Nursi’s worldview, as explored by Colin Turner (Durham University, UK) in his paper, is the twin concepts of ma’na-ye ismi (self-referential) and ma’na-ye harf (other-indicative), two modes of hermeneutics that perceive, respectively, the physical cosmos either as exhausted by itself or as signs/indicators to ontologically higher levels of reality.

Nursi based his philosophical synthesis on solid theological ground. According to Betania Karrika Muflah (University of Malaya), Nursi’s philosophy must be understood within the framework of al-tawhid (Divine Oneness), so that all that happens in the universe are seen as the product of universal wisdom and under the direct control of the Wise Lord. On this basis then, Nursi understood the sciences as stemming from the Divine Attributes, i.e. the religious and intellectual sciences stemming from the Divine Attribute of Speech (kalim) and Power (qiyadat) respectively. Ismail Latif Hacinelisoglu (Suleyman Demirel University, Turkey) pointed out that both revelation and natural phenomena are ‘Books of God’, i.e. the Kitab-i Hikmet and Kitab-i Kebir-i Kainat respectively. This provides the unity of sources by which the material and spiritual worlds are seen harmoniously, thus contributing towards a holistic approach to knowledge, which is evident in Nursi’s approach to the Qur’an.

His Risale-i Nur (Epistle of Light), a voluminous commentary (tafsir) on the Qur’an, was written for the general audience despite its depth and intensity, for Nursi recognised that the Qur’an addressed both the mind and man’s inner spiritual faculties. The spiritual component of religion carries implications beyond the person to the collective level. According to Mohammed Farid Ali (IAS Malaysia), Nursi’s exposition of self-contentment (qanun) contrasts it with greed (lisan), and establishes the former as being crucial to the formation of personal character. This personal character connects to the rise and fall of civilisation because spiritual concepts like self-contentment and greed relate to the question of allocation and distribution of resources as well as waste management.

Nursi had taken his ideas beyond theory. By his own account, his life was divided into the “Old Said” and the “New Said” which focused on study, contemplation and spiritual transformation. Fadhlullah Jamil (University of Science, Malaysia) placed Nursi alongside scholars and thinkers aspiring towards reform and renewal (sajidah) in Islam, who censured blind imitation, superstition and deviant innovation. Nursi had even proposed to the Ottoman ruler, Sultan Abdülhamid II for the formation of a religious seminary (madrasah), called the Medresete-ı Zebra, which would reflect the integrated curriculum that he envisaged. But the plan did not materialise as it was thwarted by the Great War, even though foundations had been laid down for the project. When secularist dictatorship held sway in Turkey, according to Saim Kayadibi (International Islamic University Malaysia (IIUM)), Nursi’s opposition to it was predicated on the maqasid of hifz al-adl (preservation of honor), echoed succinctly in his own words, “I can live without bread, but I cannot live without freedom”.

Honouring the Prophet’s Birthday that falls on January 24, 2013

- To honour an old person is to show respect for God.
- Charity is a duty for every Muslim. He who has not the means thereto, let him do a good act or abstain from an evil one. That is his charity.
- The best jihad is the conquest of the self.
- Heaven lies at the feet of mothers.
- He who eats his fill while his neighbour goes without food is not a believer.
- Powerful is he who knocks the other down, indeed powerful is he who controls himself in a fit of anger.
- God does not judge according to your bodies and appearances but He scans your hearts and looks into your deeds.
- The most perfect of the believers in faith is the best of them in moral excellence.

Hikmah

- Embroidering meaningless things is to mislead simple minds.
- Definite benefits should not be sacrificed for imaginary harms.
- Forgetfulness is also a bounty. It allows one to suffer the pains of only one day, and causes the rest to be forgotten.

- Bediuzzaman Said Nursi, Seeds of Reality
On 12 September 2012, IAIS Malaysia organised a public lecture on ‘Islam and Multiculturalism in Contemporary Bangladesh’ by Professor Golam Dastagir, a philosophy professor at Jahangirnagar University, Dhaka, Bangladesh.

Professor Dastagir began by noting how cultures cannot be exclusive but grow in society by nourishing the mind. Bangladesh is hardly a cultural vacuum; there were unbroken spiritual traditions even before the coming of Islam. Sufism, also known as ‘ Pirism’ in Bangladesh, was introduced as early as 10th-century by migrant Sufi saints. But some practices of contemporary Sufis (like superstitious and fatalistic beliefs) cast doubt as to their originality, authenticity and fidelity to the original Sufi doctrines: a survey Islamisation took place though the initiatives have been mostly cosmetic, such as the addition of the 'aliya' madrasas to the Constitution's preamble and requiring a license to drink alcohol. This was led partly by the Bengali ruling class who initiated a series of measures to improve the 'Islamicity' of the state, including the establishment of the Islamic Foundation, renewal of relations with the OIC and the replacement of English with Bengali at education institutions. In 1979, General Zia al-Rahman countered secular socialism with Islamisation initiatives. But in 2009, a secular government came into power which restored secularism and socialism. This active social effort can have been seen in education in the state's support for the 'ulama' madrasas, which, compared to the 'qawmii' (community-based) madrasas, have developed a more integrated approach to include vocational subjects.

On 18 September 2012, IAIS Malaysia hosted the renowned Muslim public intellectual Chandra Muzaffar for a public lecture on ‘Whither the Dialogue of Civilisations?’ The event was held amidst intense and furious debates regarding the blasphemous and provocative film, The Innocence of Muslims, purportedly made by an amateurish Copit film-maker. The greatest obstacle to civilisational dialogue is the hegemonic structure of global power, and this has to be addressed first before any meaningful dialogue can take place. Little wonder then that hegemonic superpowers are interested in dialogue, mainly as a means to perpetuate their own domination. Films like the Innocence of Muslims are just a fraction of systemic attempts to provoke Muslims which have been taking place for centuries. At the heart of the antagonism is the power relationship between the Muslim world and the West. In its early stages, there was no such antagonism; in fact there were Christians even in Arabia – and it was in fact the Christian cousin of the Prophet’s (pbuh) wife, Khadija, who recognised him as God’s final messenger as foretold by Jesus (pbuh). Yet the rapid expansion of Islam in the region left the reigning Christian Church, then at the helm of the Roman Empire, feeling threatened and challenged, and this feeling was cemented when inroads were made into the Iberian Peninsula. Accordingly, efforts were made to vilify Islam in various ways, including insults to disparage the reputation of the Prophet (pbuh). The Church even authorised the distortion of the Qur’an in Latin. Later during the Crusades, centres of power in Europe tried to win Jerusalem from the Muslims. After this period came the period of colonialism, during which vast lands belonging to the Muslims were taken control of the West. But Western control over Muslim lands did not simultaneously lead to the conquest of their minds. Uniquely among many other communities worldwide, Muslims have been steadfast and persistent in their rejection of the ideology propagated by global hegemony today, i.e. “secular democracy.” This strength and resilience is partly attributable to the absence of centralised authority in Islam. The independence of the Sharī’ah as a transcendent authority was fiercely guarded by independent scholars who have kept the political authority of the caliphs and rulers at bay. If Muslims were to have, say a “global mujtahid” or ijtihad as part of state bureaucracy, that would have played into the hands of global hegemony. Chandra reasoned along the lines of thinkers like Muhammad Iqbal and Malik Bennahi, that the absence of central authority in Islam is largely due to the completion of the message of divine revelation and consequent fidelity of the prophecy in Muhammad (pbuh), thus man is now equipped to think for himself. Yet ironically, some Muslims today have created their own institutionalised clergy of sorts, despite this being contrary to the Qur’an. Hegemony today is linked to Zionism and Israel, so that intellectuals and politicians who take a critical stance against Israel have to pay a huge price for it, such as Richard Falk, Norman Finkelstein and Paul Findley.

The present writer participated in a symposium “The US-Taliban Dialogue: Future Directions” on 18 November 2012 organised by the Qatar-based Forum for Arab and International Relations in Doha. The session discussed the obstacles creating impediments for productive US-Taliban dialogue and negotiations. The U.S. occupation and the subsequent developments in Afghanistan have plunged the country into a new cycle of continuous conflict. Considering the growing strength of the Taliban and the growing fragility and vulnerability of the Karzai government fear of civil war is growing as every day passes. At the same time, both the Taliban and the United States are unrealistic about their positions, their strengths, and their demands. In addition, the interference and demand of the neighbouring and regional countries create more obstacles for peace negotiation between the Taliban and the United States. In order to overcome these obstacles and achieve peace through dialogue and negotiations the United States and the Taliban need to change their goals and strategies. Abdul Sani Zaeef, one of the speakers at the symposium, said that the United States need to drop their demand of the Taliban to lay down their weapons and accept the constitution. “The Kabul regime should pursue real negotiations instead of its staged negotiation theater… The Taliban should adjust themselves to the speed of the world politics, recognise the world affairs, and participate in this high speed process. Only then they would be considered as a player.” Instead of carving the sphere of influence and directing peace negotiations to their own benefits, the neighbouring countries could play a constructive role in solving the conflict. The international community can help respect and secure agreements reached between the conflicting parties in Afghanistan. Efforts should be made by all sides of the conflict to reach political compromise.

Whither the Dialogue of Civilisations?

by tengku ahmad hazri

On 18 September 2012, IAIS Malaysia hosted the renowned Muslim public intellectual Chandra Muzaffar for a public lecture on ‘Whither the Dialogue of Civilisations?’ The event was held amidst intense and furious debates regarding the blasphemous and provocative film, The Innocence of Muslims, purportedly made by an amateurish Copit film-maker. The greatest obstacle to civilisational dialogue is the hegemonic structure of global power, and this has to be addressed first before any meaningful dialogue can take place. Little wonder then that hegemonic superpowers are interested in dialogue, mainly as a means to perpetuate their own domination. Films like the Innocence of Muslims are just a fraction of systemic attempts to provoke Muslims which have been taking place for centuries. At the heart of the antagonism is the power relationship between the Muslim world and the West. In its early stages, there was no such antagonism; in fact there were Christians even in Arabia – and it was in fact the Christian cousin of the Prophet’s (pbuh) wife, Khadija, who recognised him as God’s final messenger as foretold by Jesus (pbuh). Yet the rapid expansion of Islam in the region left the reigning Christian Church, then at the helm of the Roman Empire, feeling threatened and challenged, and this feeling was cemented when inroads were made into the Iberian Peninsula. Accordingly, efforts were made to vilify Islam in various ways, including insults to disparage the reputation of the Prophet (pbuh). The Church even authorised the distortion of the Qur’an in Latin. Later during the Crusades, centres of power in Europe tried to win Jerusalem from the Muslims. After this period came the period of colonialism, during which vast lands belonging to the Muslims were taken control of the West. But Western control over Muslim lands did not simultaneously lead to the conquest of their minds. Uniquely among many other communities worldwide, Muslims have been steadfast and persistent in their rejection of the ideology propagated by global hegemony today, i.e. “secular democracy.” This strength and resilience is partly attributable to the absence of centralised authority in Islam. The independence of the Sharī’ah as a transcendent authority was fiercely guarded by independent scholars who have kept the political authority of the caliphs and rulers at bay. If Muslims were to have, say a “global mujtahid” or ijtihad as part of state bureaucracy, that would have played into the hands of global hegemony. Chandra reasoned along the lines of thinkers like Muhammad Iqbal and Malik Bennahi, that the absence of central authority in Islam is largely due to the completion of the message of divine revelation and consequent fidelity of the prophecy in Muhammad (pbuh), thus man is now equipped to think for himself. Yet ironically, some Muslims today have created their own institutionalised clergy of sorts, despite this being contrary to the Qur’an. Hegemony today is linked to Zionism and Israel, so that intellectuals and politicians who take a critical stance against Israel have to pay a huge price for it, such as Richard Falk, Norman Finkelstein and Paul Findley.

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Human Rights and Islam

by karim douglas crow

This was a closed door RoundTable exchange held at IAIS Malaysia on 20 November 2012, presided over by Professor Dr Mohammad Hashim Kamali (Founding Chairman & CEO IAIS Malaysia) and Tan Sri Hasmy Agam (Chairman of Human Rights Commission of Malaysia (SUHAKAM)). Fifty participants contributed to the frank exchange of views, and the meaningful day-long discussion was moderated by Karim D. Crow (IAIS Malaysia).

This first collaborative effort between IAIS Malaysia and SUHAKAM had the following objectives: to identify pressing domestic human rights issues in Islam; to facilitate critical appreciation of such issues from the Islamic perspective and promote open discussion, analysis and research; and to explore appropriate mechanisms to intensify internal dialogues within Malaysia in a spirit of problem solving and continuing engagement. The Morning session saw two major presentations: Professor Mohammad Hashim Kamali, “Maqasid al-Shari’ah and Human Rights in Islam”; and Professor Najibah Mohd Zain (Deputy Dean, Ahmad Ibrahim Kulliyah of Law, IIUM), “Issues of Human Rights: Past, Present and Future Tread”. The Afternoon session comprised two and one-half hours of honest consultative exchange of concerns among all participants, where specific issues relevant to Human Rights in Malaysia were treated from a variety of perspectives. These included: the conception of and rationale for human rights from an Islamic perspective; gender specific topics and women & children disabilities; sexual minorities (LGBT); death penalty; and women’s rights including Malaysia’s reservations to CEDAW.

The sincere wide ranging discussions were guided by the informed parameters of the two morning presentations. In particular Professor Mohammad Hashim Kamali explored the potential for developing new resources which the Maqasid al-Shari’ah offer for purpose-oriented rethinking of moribund positions among Muslims. Human dignity and justice have the potential to serve as the matrix for a new architecture of human rights in Islam. Professor Najibah Mohd Zain pointed out the Malaysia-specific constraints on reforming human rights, obstacles to enforcement, and seeking uniformity of state laws. Tan Sri Hasmy Agam provided frank insights into SUHAKAM’s efforts for thirty years, and the urgency for Malaysia to acquire itself properly in its international obligations. All these efforts are predicated upon increased engagement of the Muslim community, and a transformed understanding of Islamic principles.
THINKING MUSLIMS: BEING MUSLIM AND MODERN

In order to maintain and refresh time-honoured principles, the essential vision of the Qur’an and the peerless model of God's Messenger Muhammad (pbuh) must be creatively drawn on. This is the immoveable bedrock providing nourishment for the awakening of our Ummah through transforming Self, Society and Polity. But how do we understand this foundation?

Key universal components that in the past were secondary or not emphasised, today need to be brought to the foreground. Some specificities of Muslim mentality in the past today need to be de-emphasised and recede to the background. Objectively speaking, this process has only just begun among the great majority of Muslims. There are indeed hopeful signs, primarily among Muslim minority communities in the West, in imaginative efforts by civic organisations in Muslim majority societies, and among creative thinking individuals. However, until these efforts become effectively institutionalised, they will remain marginal, and fail to move the majority of Muslims.

The crisis in Muslim leadership may not be overcome until there emerges a critical mass of individuals rooted in local societal concerns while exercising commitment to global activity, and who operate from an intelligent basis grounded upon living Islamic principles. The appearance of a more adequate leadership cannot wait for reform of nationalist states, ruling cliques, and selfish power groups. Thinking Muslims may avail themselves of community networks of association and avenues for transnational cooperation beyond the state, and seek solidarity with all peoples striving for shared goals of peace, justice, and security.

In the realm of our own society, we have to address the rise of governance by means of corruption and its by-products. To do so, it is necessary for us to understand the role of corruption in the shaping of our society. The crisis in Muslim leadership may have begun among the great majority of Muslims, but the causes are deeper than this. "Emphasis today need to be brought in the past were secondary or not necessary. The immovable bedrock providing nourishment for the awakening of the Muslims must be drawn upon.

Faith. This becomes possible only with a mature acceptance of responsibility in the family, neighbourhood and national arena. It must be grounded in humility seeking guidance and shan (most-beautiful-deeds), and global engagement in the international arena has to grow out of engagement with our immediate environment and social realities, otherwise it risks deflection into mere parochial or ethnic projections that only increase misunderstanding.

A changed relation with the ‘Other’ is necessary if the non-Muslim society of our own societies, as well as with the global family. This changed set of relations can only arise out of the new critical self-awareness of ourselves and our legacy if it is to be a genuinely authentic response. Muslims normally pride themselves on Islam’s traditions of tolerance and acceptance of diversity and difference. However, our reality today is increasingly under threat from a exclusivist way of thinking that rejects the non-Muslim ‘other’, as well as the Muslim ‘other’ (including Shi’ah, Sufis, Philosophers), thereby operating a self-defeating constricting narcissism.

A transformed sense of purpose and action, grounded on a striving for universals within the limits and constraints of our specific regional and historic circumstances. The Qur’ān recommends that: “We have imposed on you no burden above what we have enjoined on the messengers before you. We are your Lord, so fear Me. And practice that which is right for your benefit” (Q 4:1). This meaning and the experience of change, is that it is the role of Muslims today to bring about a change in thinking towards a new world view, that is an Islamic one. The crisis in Muslim leadership may have begun among the great majority of Muslims, but the causes are deeper than this. "Emphasis today need to be brought in the past were secondary or not necessary. The immovable bedrock providing nourishment for the awakening of the Muslims must be drawn upon.

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The energy for these factors must arise from within ourselves and the community of Muslims—they cannot be imported or borrowed from without.

By Karim Douglas Crow

BRIEFIG AND CORRUPTION FROM SHARI’AH PERSPECTIVE

by Mohammad Haseem Kamali

I would also add that it is an all-Muslim duty and a calling on the religious conscious of the Muslims of this country to support it. Playing a proactive role in this campaign is a veritable ‘amal ‘alālī – right moral action) that the Qur’an repeatedly impresses on all Muslims – an act also of great social benefit that elevates the standing of the ummah and Malaysia in the international community.

Fighting bribery (nasabah) and corruption (faizah) is an integral part of the teachings of the Qur’an and hadith. The Qur’an prohibits ‘diverting/ misappropriation of the property of others’ (qul al-maal bi’t-barā – Q 4:29 & 2:188), which is a broad concept that subsumes such other offences as fraud, hoarding, theft, and gambling. The text also condemns those in authority who seek to extend their will over others, be they among people, bestowing favours on the others that follow. A changed relation with the ‘Other’ needs to be brought about. This is the role of Muslims today to bring about a change in thinking towards a new world view, that is an Islamic one. The crisis in Muslim leadership may have begun among the great majority of Muslims, but the causes are deeper than this. "Emphasis today need to be brought in the past were secondary or not necessary. The immovable bedrock providing nourishment for the awakening of the Muslims must be drawn upon.

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What is most needed at this moment in our history is ‘Empowerment by Mind’ or jihād al-‘aql, creative conceptualisation and fresh thinking on the part of Muslims. Promoting this original jihād as a resource for current and future social and political transformation is increasingly being recognised by spiritually alive thinking Muslims. This is the struggle by means of critical intelligence and mature faith supporting bold action for change by peaceful conduct. We await the awakening of the ‘higher’ dimensions of Islamic teaching, the ethical, moral and intellectual resources for renewing Islamic civilisation.

The scope of nasabah is extended to financial transactions between members of the public and government officials, which are manifestly favourable to the latter. In this way, false economies are established, and the public treasury is misused. The Prophet Muhammad (pbuh) said that all the parties to bribery "the bribe-taker, the bribe-giver, and their go-between," invoke Allah’s wrath and condemnation upon themselves. It is further reported that the "Messenger of Allah cursed the donor of nasabah and its recipient in all matters respectively of Bahrain, Egypt, Makkah, Kufah and Sham. The practice was later institutionalised under the Abbasid caliph, Jaafar al-Mansur, when a department, known as Diwan al-Musadirin, was established for handling expropriation matters involving government officials, merchants, contractors and others, who worked or conducted business with the government and accumulated disproportionate amounts of wealth. An interesting incident of this is the case of the two sons of the caliph ‘Umar b. Al-Khattab, ‘Abdullah and Ubaydullah, who accompanied an army contingent from Madinah to
In his eagerness to please his guests, the governor of Basrah, Abu Musa al-Ashaari, told them: ‘Here is some money for me which I was given by the Caliph. Maybe I can advance it to you to buy some goods in Iraq and sell them in Madinah. Give the capital to the treasury and keep the profit.’ They did so, but when the Caliph learned of it, he asked: ‘Does he (al-Ashaari) give similar advances to everyone in the army?’ His sons were present and were ordered to pay both the capital and the profit to the treasury.

The pious caliph ‘Umar b. Abdul-Aziz (d.724 CE) went on record to say: ‘It was something which I feared that people with means would buy the stock and block its supply in the market until they could sell them for the comfort of their houses. Just to attain this, some of the governors and officials hoarded food which they had received from the capital to the treasury and keep what Allah wills.’2 This part of the report shows that cUmar did not intend to do so.

Fasad is more general than trust, abuse of power, and deceit is more general than lawful for an officer also to trade in virtually all societies, attitudes vary to gift giving and cronyism between countries and cultures.

It is forbidden for government officials to accept bribe of any kind, whether in the name of gift, donation or contribution from anyone in the course of duty. The gift may be specified or unspecified and it may benefit the official directly or in some other way. Other forms of enticement that materialise through misuse of public assets may amount to a breach of trust (khijanah) and embezzlement (ikhrialat), which are also prohibited.

A gift that has not yet been received by the official should be returned to the donor, but if this cannot be done, he should put it in the public treasury. If an official takes bribes or unjustly appropriates the property of another, the ruler is under duty to return the assets to its true owner and to punish the offender accordingly.

The result of what bribery leads to is immaterial as all bribery is presumed to distort justice and violate public interest. In a section of their book, The Islamic Attack on Corruption, Zafar Iqbal and Mervyn Lewis wrote: ‘On the moral plane, there is zero tolerance for bribery in Islam, and Islam rejects the idea that bribery serves as ‘the grease that oils the economic wheels.’’ Further, there is no scope for legalising corruption in the name of commission, gift, donation, advances and soft loans whatsoever. The touchstone of differentiation revolves around the question whether these payments and favours would accrue had the suspect stayed at home and had no official position or profile.

Prohibition of Hoarding

In al-Muwatta of Imam Malik it is reported that ‘Umar Ibn al-Khattab prohibited hoarding. He said: ‘There is no hoarding in our market, and men who have excess gold in their hands should not buy up one of Allah’s provisions which he has sent to our courtyard and then hoard it up against us…’’ He prohibited hoarding because he feared that people with means would buy the stock and block its supply in the market. The unavailability of the stock in the market would not satisfy consumer demand. Taking advantage of this situation they would then release the stock in the market at a higher price.

The second part of ‘Umar Ibn al-Khattab’s report says: ‘Whoever brings imported goods through great fatigue to himself in the summer and winter, such a person is the guest of ‘Umar. Let him sell what Allah wills and keep what Allah wills.’ This part of the report shows that Umar did not ignore the rights of importers (jalib). He respected their effort and difficulties in getting the goods from afar and supplying it to customers. These importers were selling their goods directly to the consumers, so ‘Umar gave them discretion in the manner and the price they wanted to sell their goods. He limited his prohibition of hoarding to those local businessmen who did not leave the comfort of their houses. Just to monopolise the price, they bought the goods, then blocked them from the market until they could sell them at higher prices.

‘Umar Ibn al-Khattab’s decision is based on the hadiths of the Prophet which prohibit hoarding. Al-Muwaqqaf of Ibn Shaybah collected 10 hadiths on the prohibition of hoarding. One of the hadiths reported by ‘Umar Ibn al-Khattab’s son ‘Abd Allah from the Prophet says: ‘He who holds up food for forty days, he has freed himself from Allah and Allah has freed Himself from him; any person of a courtyard amongst whom a man becomes hungry, then those people (the hoarders) are free of Allah’s liability.’’ This hadith purports that blocking food from the market especially staple food items, which require a continuous supply in the market, could lead to hunger and difficulty. So ‘Umar Ibn al-Khattab’s prohibition from hoarding was not only concerned about the rich monopolising the market, but he was also concerned about the welfare of his people. A group of selfish people by their exploitation could cause disaster in the society in exchange for a dubious profit.

Selling at Market Price

‘Umar Ibn al-Khattab’s fight against exploitation and social injustice was not one-sided. He gave special care to businesses as well. Sai’d Ibn Musayyab reported that: ‘Umar Ibn al-Khattab passed by Háib Ibn Abi Bal‘ar‘ah who was underselling some raisins in the market. ‘Umar said to him, ‘Either increase the price or leave our market.’’ Shah Wali Allah al-Dehlawi in his Izālat al-Khafā quoted the same report with a different chain. In this report ‘Umar said to Háib: ‘I have told you that a caravel is about to reach from Taif carrying raisins. They will follow your price. So either you increase the price or take your raisins to your house and sell it according to how you want it.’ Later ‘Umar went to Háib and told him his reason for what he had said earlier: ‘It was something which I said for the betterment of our city.’’

Here we can see that ‘Umar Ibn al-Khattab was concerned about the other sellers in the market. People set a price considering the value and effort involved in supplying a commodity. When one or two individuals gain the general good price and start selling at a lower price, this will affect other peoples’ business and the market will face a loss.

ECONOMIC THOUGHTS OF ‘UMAR IBN AL-KHATTAB

by Mohammed Farid Ali

(contd from page 1)

Note:

MUSLIMS IN WEST AFRICA - LEADERS IN ISLAMIC RELIGIOSITY

by Daud Abdul-Fattah Batchelor

Muslims in West African countries are the most diligent in performing their Ibadah (daily prayers, Friday congregational prayers and fasting in Ramadan) compared to other parts of the world with only Afghanistan achieving a similar standing. This was a recently published finding of the US Pew Center which conducted 38,000 interviews of Muslims in 39 countries.

Muslim majority countries in West Africa with over 65 million Muslims comprise Mauritania, Mali, Senegal, Gambia, Nigeria, Chad, Guinea-Bissau, Guinea, and Sierra Leone. Nigeria with 75 million Muslims is expected to become a Muslim-majority country within 15 years. The West African region borders the Maghrib countries with the Sahel zone on the southern Sahara representing its northern limit.

West African countries display commonalities in dress, cuisine and music. Islam is the predominant religion of most countries while Christianity brought by French, British and Portuguese colonialists is dominant amongst the coastal populations. The nefarious slave trade began shortly after colonisation and deliberated local communities.

These countries regained their independence following World War 2. With the exception of Arab League member Mauritania, all are members of the Economic Community of West African States (ECOWAS), which aims to promote the region’s economy. A closer union of Muslim majority states here would seem advantageous. It is encouraging in this respect, to see resource development in border areas of Mali, Niger and Burkina Faso being undertaken jointly.

The notable high Islamicity levels in West Africa may reflect the continuing influence of Tijaniyya.
RISK-SHARING, RISK TRANSFER AND RISK MANAGEMENT

by Abdul Karim Abdullah

One area in contemporary finance – in particular Islamic finance – that needs emphasis is the role that risk plays as an incentive for the efficient allocation of resources. As profit constitutes a positive incentive for investment, risk provides a restraining effect. Investors are driven by a hope of profits and restrained by the risk of losses.

The underutilisation of risk as an incentive for the efficient allocation of resources may stem in part from a misunderstanding of the role that risk plays in investment. This commonly takes the form of unwarranted assumptions about risk. One of these is that risk can be accurately measured. Another is that there is a difference between risk (which can be measured) and uncertainty (which cannot).

In retrospect, both assumptions turned out to be false. No one expected the dramatic collapse in the prices of the collateralised debt obligations (CDOs). Moreover, given that risk turned out to be just as hard to measure (and therefore predict) as uncertainty, the assumption that there is a difference between risk and uncertainty was also discredited.

Another issue is that managing risk by intuition has been underated.

In terms of mu'amalah indicators ECOWAS countries fare poorly. More than 50% of people live on less than one dollar a day and the countries lag far behind in education, health and basic infrastructure. In 2011-12, conflicts, food and fuel price increases and a serious drought in the Sahel have slowed growth. The region has been subject to rebellions in Chad, Mali, Nigeria, and Senegal. Since June 2012 Tuareg Islamist fighters have been attempting to establish an Islamic state with Shariah rule in northern Mali.

West African Muslims who are shown to be dedicated Muslims surely deserve our financial assistance (sadaqah) and other support from fellow Muslims worldwide to help alleviate severe hardships and provide opportunities for sustaining their socio-economic development.

Thus, in the lead up to the last financial crisis, investors committed substantial resources to investments that in retrospect turned out to be highly risky. Rating agencies made the moral hazard worse by assigning triple “A” ratings to securities that in hindsight did not merit such optimistic ratings. These ratings reinforced the false sense of security among investors that initially arose as a result of the claim that the proposed investments were “collateralised.”

The possibility and risk of suffering losses act as powerful incentives to investors to allocate resources efficiently. Where investors feel there is little or no risk, they may commit resources on a scale greater than what is justified by a more accurate assessment of risk and realistic prospects of returns.

Rather than seeking to devise ways of sharing risk, however, conventional finance – and to a degree Islamic finance – has been seeking ways to reduce risk for lenders, if not completely eliminate it. This is commonly done by transferring it to borrowers. At the same time, however, little attention is paid to risks faced by debtors. This appears to be a rather one-sided approach.

Even the belief that risk can be eliminated by transferring it to borrowers or insurers turned out to be unfounded. Neither borrowers nor insurers in many instances could make good on their promises to pay at a time of systemic failure. The risk was transferred, but not eliminated. Moreover, third parties (such as AIG) to whom the risk was transferred turned out to be unable to bear it. In the end, the risk was transferred to the taxpayers. It does not seem fair, however, to burden taxpayers with the need to pay for the large bailouts of private companies.

The risk was overlooked partly because many of the investments were touted as safe, in particular the “collateralised debt obligations” (CDOs). In a bizarre turn of events, the very securities – products of “financial innovation” – that were expected to reduce the risks for investors not only did not protect investors from risks but in fact made investors more vulnerable to risk by giving them a false sense of security.

Investors who “heded” their investment by purchasing credit default swaps to protect themselves against defaults of the CDOs fared no better, in so far as a number of companies that sold this “protection,” such as AIG, themselves did not hedge their own positions, and went bankrupt precisely at a time when they were expected to save others (their counterparties) from bankruptcy.

The lesson to be drawn from this is that risk transfer neither fosters an efficient allocation of resources, nor provides protection against risk. By contrast, risk sharing does both. It reduces risks to investors and fosters the efficient allocation of resources – at the same time. In fact, this is one of the most appealing features – at least in theory – of Islamic finance.

Quotable Quotes

The more a person follows his intellect and calms down his passions, the closer he comes to the spiritual life and the love of God and of his neighbour.

- Tolstoy

Our greatest glory consists not in never falling, but in rising everytime we fall.

- Confucius

Religion is not a set of doctrines but it is experience. And religious experience is based on the realisation of the presence of the divine in man.

- Dr Radhakrishnan

He who smiles rather than ages is always stronger.

- Japanese Wisdom

Until there is peace between religions, there can be no peace in the world.

- Professor Hans Kung

The fruit of silence is prayer, The fruit of prayer is faith, The fruit of faith is service, The fruit of service is love, The fruit of love is peace.

- Mother Theresa

The most powerful weapon is the weapon of blessing. And therefore a clever person relies on it. First of all he appreciates peace and calm. He wins with peace, not with war.

- Lao Tzu

Goodwill towards all is the true Religion. Let a man overcome anger by Love.

- Buddha
Legal education should embrace a universal concept of law. Although in modern times law tends to be wedded intimately to the nation-state, legal education still should be premised on universal moral or ethical principles beyond any particular society. But it has always been the case that the curriculum of legal education takes national laws to be the objects of inquiry. A global perspective to law demands commitment to principles that transcend the particularities and idiosyncrasies of any society, while yet remaining capable of adapting to local conditions. But such principles, often termed “ethics” or “morality”, are sometimes avoided lest agreement on such matters should prove elusive when developing viable institutions for a rule of law founded on consensus and multi-lateralism. International law for example, relies not on enforcement by a ‘higher authority’ but by the self-consciousness of states. Even legal positivists, for whom law and morality are separate and separable, nevertheless maintain that such distinction functions precisely to preserve morality as a higher standard to evaluate laws. The leading legal philosopher Ronald Dworkin thus argues for the “best moral interpretation” of existing laws and institutions—what he terms “communitarian” and “operatorial”—and the idea of ‘laws’ as inherently universal. The Roman statesman and thinker Cicero thus writes of “true law” as “one law eternal and unchangeable, binding all times and upon all peoples.”

In the pre-modern West, law meant more than state legislation. The jurist William Blackstone in the 18th century could identify six types of “law”, including revealed law, municipal law and laws of nature. But the failure of the Enlightenment to provide a rational ground for morality that could function as the basis for social order meant that ethics became thoroughly individualised, consigned to what Alisdair Macintyre called the “emotivist self”. Parallel to this development was the rise of the modern state, which increasingly came to dominate social affairs in an all-pervasive sense. By the 19th century, the state was such a formidable force that jurists had to come to terms with various existing norms that came into conflict with an ever-expanding state legislation, until, the jurist John Austin (1790-1859) conceded that “laws properly called” are only laws enacted by the state or revealed by God. But even the latter came to be increasingly marginalised. If historically law did not convey notions of power and perhaps Foucauldian notions of surveillance and domination, in Austin’s scheme, the power relationship is crucial, for he defined law as the commands of sovereign to political inferiors rather than of sanctions or punishments. That the very word “law” today is practically synonymous with state law is itself reflective of the powerful Austinian legacy that we have inherited, thanks to the modern state system.

The preceding arguments point to the inadequacy of conceiving law—and hence legal science or legal studies—as confined exclusively to the applicable laws of a particular nation-state, for even these laws need to be examined on such more solid ethical and moral foundations. Such foundations should not be vulnerable to contingent factors like the political preferences of the ruling government, but rather built upon virtues which reflect human nature and human aspirations themselves. Ultimately, this means the restoration of legal discourse as inseparable from ethical inquiry, and law school curriculum should appreciate and faithfully reflect this restoration. These foundations should be the basis of both enacting legislation as well as for the critical evaluation of policies or judicial decisions, through a comprehensive assessment and rigorous moral interpretation of existing institutions: a holistic and comprehensive framework for evaluating public policies, statutes and judicial decisions. Methodologies need to be formulated to reconcile the competing demands of universalism and local needs, and to arbitrate between competing norms and standards.

Hikmah
If you wish for a pearl
You must leave the desert
And wander by the sea;
And even if you never find
The gleaming pearl, at least
You won’t have failed to reach
the water.

- Hakim Sanai, Haqiqat al-Haqqat
in Malaysia” to ICR for its January 2013 issue. She is currently editing an IAIS Book: Islamic Finance & Transactions: Principles & Developments and has submitted an article for the IAIS bulletin on “Japanese Poetry and Art Symbolism” and an article to a forthcoming IAIS Book: Malaysia’s New Shariah Governance Framework for Islamic Financial Institutions: An Impact Analysis.

Dr Abdul-Qayum Mohmand completed research on peace and security in Afghanistan and a brief article on Development in Islam for ICR. He also submitted a “Viewpoint” piece to ICR, “Why Pursue Negotiations with the Taliban” for its January 2013 issue. He presented a paper to the Panel Discussion: “Peace and Security in Afghanistan: Before and after 2014” at IAIS Malaysia and participated in talks organised to enhance Afghanistan-United Arab Emirates relations, organised by ‘United Arab Tribes’ (Sharja, UAE). He presented a paper on US-Taliban Dialogue “Negotiations or No-Go Sessions” in a forum in Doha, Qatar, and also a paper on “The Influence of Wayf’On the Higher Education of Afghanistan” to the 3rd International Conference on Islam and Higher Education, in Kuantan, Malaysia.

Tengku Ahmad Hazri continues his research on constitutionalism in Islam, focusing on post-Westphalian strands unleashed by globalisation, international human rights norms, and the diffusion of centers of power (both domestically and globally); and the impact these have on the rule of law generally and in Islam and the Muslim world specifically. He is also helping Prof Hashim Kamali with the latter’s book on the maqasid al-shari’ah (higher objectives of the Shari’ah) and has been editing a Malay translation of Prof Kamali’s monograph, *Moderation and Balance in Islam: the Qur’anic Principle of Wasatiyyah*. It also featured two performances by (1) Micro-level (as a Malay performance tradition); and (3) micro-level (as

Anis described it), zapin functions as dhikr (remembrance of God), particularly when performed and undertaken by devotees of Sufi orders (sariqah), with the zapin music seen as silent dhikr, while the rendition of zapin songs or qasidah is seen as passionate praises to the Divine Names or to the Prophet (pbuh).

By the three-fold analyses he showed the multi-layered meaning and role of zapin: the macro view connects civilisations and humanity through cultural exchange and dialogue; the meso-view offers space and scope for the locals to indigenise what seems foreign to them while instilling a local sense of ownership; and last but not least, the micro-view affords the transposition of sonoral forms and physical movements of zapin as exterior support for the inward mystical journey.

Prof Anis stressed that zapin cannot be distilled and analysed into artificial constituent units such as “dance” or “music” without compromising its gestalt, for zapin embraces dance, music and dhikr as a single performative entity. Zapin is thus “played” (main zapin), not “danced” (menari zapin). Zapin can also be seen as a cultural bridge, connecting the Hadrami Arabs with the Malay society, while recognising the special role of the Hadrami sayyid in propagating Islam to this part of the world. At the local (or “meso”) level, zapin is cement for social cohesion and provides the community with a religious identity, providing an avenue to be religious in a creative and artistic sort of way. When interiorised (the “micro” view as Prof Anis described it), zapin functions as dhikr (remembrance of God), particularly when performed and undertaken by devotees of Sufi orders (sariqah), with the zapin music seen as silent dhikr, while the rendition of zapin songs or qasidah is seen as passionate praises to the Divine Names or to the Prophet (pbuh).

On 12 December 2012, IAIS Malaysia jointly organised the ‘Seminar on Music Spirituality and Islam’ with the National University of Singapore's Department of Malay Studies and the University Scholars Programme, and the Department of Museums, Malaysia. The seminar carried two presentations, by Raja Zulkarnain Raja Mohd Yusof (The National Conservatory of Arts) and Professor Mohd Anis Md Nor (Cultural Centre, University of Malaya). It also featured two performances by Masoud Ariankhoo, who recited the Ma’bud, and Abdullah Shatri, who performed the tazim al’ud.

Raja Zulkarnain’s presentation, “An Overview of the Maqasid & Music of the Arabs”, introduced the concept of maqasid (plural: maqam) in a mainly pedagogic and descriptive manner, and presented the different types of religious and ‘secular’ music among the Arabs. The former include the Qur’an recitation, adhan, ma’dah, mahd al-nabawi and dhikr. He also explained and demonstrated the eight principal maqasid of Arabic music, namely, the Ajam, Nahawand, Rust, Bayasti, Hijaz, Kurd, Saba and Sekah.

Professor Mohd Anis Md Nor’s presentation posed a question, “Zapin: Is it Dance, Music or Dhikr?” In answering this question, he analysed zapin at three levels: (1) macro-level (signifying Arabic-Islamic-Malay representations); (2) meso-level (as a Malay performance tradition); and (3) micro-level (as dhikr, or remembrance of God).

According to Prof Anis, Malay zapin originated from the Hadrami zaffin, which was introduced in the Malay world by the Hadrami sayyid (descendants of the Prophet, pbuh) to propagate (da’wah) Islam. But when zaffin was received in this part of the world, it interacted with various art forms and practices that were already indigenous. The result of that interaction was a new and original performative art, which we now call zapin. By comparing the Malay zapin and Hadrami zaffin, Prof Anis showed the distinctive traits of the former to show how it has actually been a hybrid and syncretistic indigenisation of the latter. Zapin is performed at special functions and ceremonies, such as weddings, circumcisions and Prophet’s birthday (ma’ulid al-nabawi).
Japanese Poetry and Art Symbolism

by Sheila Ainon Yussof

The Haiku is a popular three-line unrhymed poem restricted by 17 syllables or moras written in three metrical lines of 5/7/5 syllable count. Often focusing on images from nature, haiku emphasizes simplicity, intensity, and directness of expression. The object of the haiku poetry is to portray a universalised emotion derived from a natural fact and to achieve an expression of that emotion with economy of words.

Japanese poet Matsuo Basho (1644-1694) was a great haiku master. As a disciple and priest of Zen Buddhism, his work is steeped in that doctrine. Basho had reformed the haiku by introducing everything he wrote a deep spiritual significance underlying the words. The most famous haiku that Bashō wrote might be literally translated thus:

"An old pond
And the sound of a frog leaping
Into the water."

The poem is laden with three meanings. First, it is a statement of fact. Second, an emotion deduced from that. Third, a sort of spiritual allegory. One can read into the simplicity of this haiku poetry to conjure images of the beauty of such a life of retirement and contemplation, where the sound of a frog’s leap into the water may symbolise the passing of vanity and a leap into the silence of eternity.

Or one can even use the allegory of becoming illuminated after immersing oneself in a deep pursuit of knowledge, as water symbolizes knowledge. The humble frog is also used in other civilisations (although not in the form of a poem but a proverb) to symbolise parochialism when man persists to see the world from a restricted vision, or from under a coconut shell, as the Malay saying goes: “sepeka katak di bawah tempurung” (like a frog under a coconut shell), as Muslims are encouraged to seek knowledge from cradle to grave and travel to far away lands “and as far as China” to contemplate on the greatness of creation (and the Creator), so you can “see a World in a grain of sand and a Heaven in a wild flower.” Bashō’s poems have consistently reflected these three meanings in his seventeen syllables as seen below:

"On the mountain-road
There is no flower more beautiful
Than the wild violet."

The spiritual allegory of this haiku is that the wild violet, scentless, growing hidden and neglected among the rocks of the mountain-road, is likened to the life of the Buddhist hermit, an exhortation to “shun the world, if you would be sublime.” One can even capture another spiritual message: where beauty is said to shine forth in times of adversity just as the beautiful lotus flower grows out of murky waters.

When haiku is combined with a painting it becomes haiga. Haiga is said to be the haiku’s more visual cousin as it unites a haiku poem, written in calligraphy, with a simple painting. Haiga paintings, like the haikus accompanying them, are usually restrained, with minimal ink brush strokes and light color. Simplicity and innery are quintessential traits of the traditional haiga.

While the haiku and the painting in a haiga share the same space, they are meant to complement, and not explain, one another. In fact, in some cases the haiku and the painting have nothing to do with one another, because, explains Takiguchi (Founder of the World Haiku Club), “if the painting and haiku are (similar), it would mean that one has been added because the other is not adequate.”

Hence the frog, the flowers and all forms of nature, Japanese geishas, the rickshaw pullers, the elements of water and earth, were woven into the haiku to express a universalised emotion with economy of words but with a deep spiritual meaning which finds its way into the visual art forms of the haiga.
## EVENTS AT IAIS MALAYSIA

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Jorge Fernando Branco de Sampaio with the Patron of IAIS Malaysia, Tun Abdullah Ahmad Badawi, and CEO of IAIS Malaysia

Some of the panelists of the Conference on the Role of Science and Art in Civilisational Renewal

International Conference on the Role of Science and Art in Civilisational Renewal

Tun Dr Siti Hasmah with CEO of IAIS Malaysia, Mohammad Hashim Kamali

Participants at the roundtable discussion on Human Rights in Islam

Prof Golam Dastagir at the lecture on Islam & Multiculturalism in Contemporary Bangladesh

Dr Wahabuddin Ra’ees and Dr Abdul-Qayum Mohmand at the Seminar on Afghanistan

Da’ee Ahmed Moait at the lecture on the Art of Da’wah in Contemporary Modern Society

Dr Chandra Muzaffar and participants at the public lecture “Whither the Dialogue of Civilisations?”