Explaining Islam's Special Position and the Politic of Islam in Malaysia

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Although Malaysia is a multicultural society, Islam has a special position there *vis-à-vis* other religions practiced by Malaysians. The constitution of Malaysia recognizes Islam as the official religion of the Federation.[1] It guarantees the implementation of Islamic law, although limited, and the establishment of various Islamic institutions such as Islamic religious councils, *Baitul Mal*, *wakaf* and *fatwa*, under the jurisdiction of the states.[2] It also protects Islam by restricting the propagation of other religions among Muslims.[3]

However, the Reid Commission, which was responsible for drafting the Malayan constitution, reports that Malaysia's predecessor Malaya was established as a secular state.[4] Islam is taken as the official religion of the Federation for ceremonial and symbolic purposes only.[5]

However, the institutionalization of Islam as an official religion at the federal and state levels has significance in the public domain, such as with regard to the use of public funds to promote and protect Islam, and the implicit rule that the prime minister of Malaysia should be a Malay Muslim from UMNO, the dominant party in the ruling Barisan Nasional.

Over time, Islam's increasing role in public policy has affected the religiosity of Muslims there. At one point, Dr. Mahathir, then prime minister, even made a public pronouncement that Malaysia is already an Islamic government based on what it had been accorded by the constitution and the definition of its role in the government.

This article seeks to explain how Islam and the forces behind it achieved such a position since its arrival during the Malay sultanate period until the current time. Prime Minister Abdullah Badawi pushed for *Islam Hadhari*. In explaining the issue, it seeks to describe the interplay of various forces,

such as the Malay rulers as the head of the religion, the constitutions and various federal and state laws, the close connection between Malay and Islam, the effect of the worldwide Islamic resurgence and UMNO-PAS rivalry for political power that have directly and indirectly contributed to the proliferation of Islam in politics.

Islam's Early Period in the Malay Peninsula

Islam's early period in this area, which is currently known as West Malaysia, differs from that in the *Nusantara* (Malay Archipelago). Muslims had arrived in the *Nusantara* in the fifth century due to trade activities. However, the most significant period for the spread of Islam in the Malay Peninsula was during the twelfth and thirteenth centuries. This was when the message of Islam penetrated the Malay royal courts.[6]

The spread of Islam in the Malay Peninsula had two important characteristics. First, it was spread largely through peaceful *dakwah* (preaching) activities, not through military expeditions or expansion. Second, since the early period of Islam's arrival to the Peninsula, it was generally well received by the rulers. The Malay rulers' embrace of Islam in this early period spurred the quick incorporation of Islam into the running of the Malay kingdoms in the Peninsula.[7]

The rulers incorporated Islamic laws into the laws of their kingdoms, but these were mixed with *adat* (local customs) law.[8] Examples can be found *in Undang-undang Melaka* (Malacca Laws) on matters of marriage, trade, criminal law and rules of evidence and also *Undang-undang Laut Melaka* (Malacca Maritime Laws).[9] *Undang-undang Melaka* then influenced the Pahang Laws prepared by Sultan Abdul Ghafur Muhaiyyuddin Shah (1592–1614),[10] the Laws of Kedah (1605),[11] the Laws of Johore of 1789,[12] and the Ninety-nine Laws of Perak of 1878. Islamic laws were also found in the Laws of Dato' Sri Paduka Tuan (1667) of Kedah.[13] The influence of Islamic law in Terengganu can be seen during the rule of Sultan Umar, who came to the throne in 1837.[14]

All the above indicates a presence of force for Islam behind the attempt to modify Malay customs with Islamic law. If not for the British arriving on the Peninsula and exercising its influence on the Malay state, "the Muslim laws would have ended up becoming the law of Malaya."[15]

In the case of *Shaik Abdul Latif and others v. Shaik Elias Bux*, the judge wrote in his judgement that "the only law at that time applicable to Malays was Mohamedan [Islam] modified by local customs."[16] In *Ramah v. Laton*, the Court of Appeal held that Muslim law is not foreign law but local law and the law of the land. "The court must take judicial notice of it and must propound the law."[17]

The peaceful manner in which Islam spread and the rulers' early embrace of it not only helped to institutionalize Islam in various forms, it also expedited the spread of Islam among the local Malays and made the religion seem more appealing to others. The rulers' embrace of Islam influenced large numbers of Malays to embrace Islam also, which is consistent with the nature of the feudalistic and patriarchal society the Malays had then. Both factors also expedited the assimilation of Islam into Malay culture and identity, away from Hindu-Buddhist influences, although not totally. Islam became an integral aspect of Peninsula Malay identity.[18] This partly contributed to the way Malay was defined in the constitution of Malaysia.[19]

Islam became a symbol of unity. The Malays' loyalty to their rulers as their authority was rationalized and legitimized by Islam.[20] Those who were disloyal to the rulers were seen as causing disunity, which is abhorred in Islam. The institutionalization of Islam in the political set up of the Malay kingdoms and its assimilation were the two major forces that later shaped Islam's position during the colonial period and when it achieved independence.

The Colonial Period

The Malay Peninsula has witnessed four foreign powers on its soil: the Portuguese, the Dutch, the British and the Japanese. Among them, the British have had the most impact, especially on the position of Islam in the Malayan/Malaysian state.[21]

One of the main policies of the British in the Malay Peninsula was non-interference in religious matters. However, this could not be said to be totally true, because there were many instances where Islamic practices, especially the implementation of Islamic laws, were severely curtailed through direct and indirect interference to the extent that only Islamic Personal Laws were allowed to be practiced.[22] The policy recognized the position of the Malay rulers in the Federated and Unfederated Malay States as the Heads of Islam in their respective states. All matters related to Islam remained as the prerogative and under the jurisdiction of the Malay rulers, as stated in various agreements between the British and the Malay rulers when they accepted British residents as their advisers in managing the states.[23]

The policy reflected the British self-interested tolerance towards the practice of Islam among its subjects, its flexibility in policy making for the maintenance of its power and also its recognition of "the force of Islam." The British realized the importance of Islam in pacifying the Malay rulers, keeping them from rejecting the residential system proposed and minimizing resentment from the ordinary Malays. The British also acknowledged that it could be detrimental to its colonial ambition, despite its secular orientation, for not recognizing the position of the Malay rulers as the Heads of Islam and for

meddling too much with Islamic practices among the Malays. This was corroborated by the Malays' protests against the Malayan Union, which will be discussed later.

The position of Islam was also institutionalized through legal and judiciary means. Since the early period of the British presence in the Malay Peninsula, its court had made decisions that the *syariah* (Islamic law) is the law of the land.[24]

All this points out that the *syariah* had been implemented and practiced by the Malays long before the arrival of the British. It had been part of the custom that the Common Law of the British could not simply be disregarded in the settlement of disputes among the people. The British understood that it was not only unjust, but more importantly, detrimental to ignore or deny the practice of *syariah* totally.[25] One can deduce the existence of the force for Islam that had compelled the court into giving it its due recognition.

Before the arrival of the colonial powers, the *syariah* practiced by the Malays was beyond the Personal Laws of Islam. *Undang-undang Melaka* and other laws of the Malay kingdom contained the criminal law of Islam (*hudud* Law), business law, personal law and the law of evidence and procedures, although with the mixture of *adat* (customary) practices and laws.[26] British interference in the practice of the *syariah* law, in one aspect, could be seen as a degradation of Islam's position among Malays. Ironically, the means used by the British to limit the *syariah* also contributed to the institutionalization of Islam. The British introduced for the first time the Mahomedan Marriage Ordinance to "regulate the voluntary registration of marriage and divorce; for the recognition of kathis and for the improvement of the law relating to property as affected by marriage among Mahomedans" and similar laws in other states.[27]

The step taken subsequently shaped the First Constitution of Malaya and the form of the Malayan 'secular' state, thus contributing to the preservation of Islam and its special position *vis-à-vis* other religions in the multi-cultural society of Malaysia.

The Pre- and Post-Independence Periods

In the early decades of the twentieth century, the Malays in the Peninsula witnessed a reformation movement led largely by religious figures such as Sheikh Al-Hadi, Sheikh Tahir Jalaludin and Abas Taha. They were directly influenced by the Islamic reformist movement in the late nineteenth century. Through various print media, such as a notable monthly magazine called *al-Imam* and founded by Al-Hadi, these figures called upon Malays to return to the true teachings of Islam based on the *Qur'ān* and *Sunnah* (Prophet's tradition) in order for them to make progress. These scholars criticized Malay

rulers for being "ignorant, of bad character, greedy, stupid and of following crooked ways." The rest of the Malay leaders were not spared either, criticized for their failure to be role models for their community.[28] The movement also had a strong influence on the *madrasah* (Islamic school) system. It founded many prominent *madrasah*, such as *Sekolah Al-Hadi* in Malacca in 1917 and *Madrasah Al-Mashor* in Penang in 1918.[29]

The impact of this reformation movement can be seen in the debates between the *Kaum Muda* (the Young reformist) and the *Kaum Tua* (the Old traditionalist). The *Kaum Muda* alleged that the *Kaum Tua* had sold out the religion and that the *Kaum Tua*'s "little respect for reason and independent judgment, and unyieldingly blind allegiance for the rulers" had caused Malay backwardness. In return, the *Kaum Tua* labeled the *Kaum Muda* as deviants, and retaliated by calling for the boycott of their prayers, wedding ceremonies and other functions. It was noted that until 1940, "there was hardly a village in Malaya where the Malays did not argue and discuss the teachings of the *Kaum Muda*."[30]

The reformation movement produced important figures such as Dr. Burhanuddin Al-Helmy, who was seen to be the pioneer in the establishment of PAS (Pan-Malaysian Islamic Party).[31] The movement was not only important to figures within PAS, but also within UMNO. Since the early period of its establishment, significant numbers of *ulama* (religious scholars) among UMNO members were influenced by the reformist ideas. In fact, PAS was reportedly established in 1951 due to the break up of UMNO's Islamic religious bureau.[32] Such elements continue to play an important role in imbuing UMNO's nationalistic bent with Islamic values and thought. They have also contributed towards the Islamization program.

Prior to the establishment of PAS, the Hizbul Muslimin had been founded in 1947 with the aim of achieving independence and propounded a Darul Islam (Islamic state). In this period, the reformation movement established strong urban-based modernist ideas and popular politics as its platform. Its influence was not only limited to Islamic forces. By the 1940s it had helped rouse Malay nationalism and the nationalist movement towards independence. It provided "the first linkage between Islam and politics in the earliest form of Malay nationalism."[33] This tide was another indication of the presence of a social force for Islam, which in some way resembles the early seeds of Islamic resurgence in the 1970s.

It is important to note that during the early period of the twentieth century, the British policy of bringing foreign labor to the Peninsula had resulted in the influx of non-Malays to the point where the indigenous Malay were out-numbered. It was reported that in the 1920s, the Malays were actually the minority group in the Peninsula. Nevertheless, the British did not make any

change to the status of Islam. This was partly because of the agreement that it had with the Malay rulers[34] and also probably from its realization that any attempt to meddle with the status would only elicit serious objection from the rulers and trigger rebellion from Malays who hold Islam close to their hearts and consider it part of being Malay.

The Malayan Union Protest & the Preservation of Islam's Status Quo

True enough, when the British made the attempt through their proposal for the formation of the Malayan Union after the World War II, it received strong protest from the Malays. Although most of the Malay rulers acceded to the proposal by signing the agreement with the British, the idea was shelved because of wide mass protest by the Malays. They rejected the formation of the Malayan Union because it abrogated the special privileges given to them as the indigenous people of the Peninsula. Furthermore, it elevated the status of other ethnic groups to that of equal citizens, confiscated whatever power was left with the Malay rulers as protectors of Islam, and centralized the administration of the Peninsula under one central British rule reporting directly to the United Kingdom. The idea would have effectively brought the whole Peninsula under the British colonial system, abolishing the previous residential system, under which, from the legal point of view, British residents were merely advisers to the rulers.[35] In short, the Malayan Union would have diminished the Malay's status, culture and identity, incapacitated the rulers that they still largely respected as symbols of "*Ketuanan Orang Melayu*" (the authority of the Malays), and desecrated their much-revered religion of Islam.

Islam in the Constitution of Malaya

When the British realized that the independence of the Peninsula was inevitable, a commission led by Lord Reid was formed to draft the constitution for the would-be independent Malaya, which at that period was comprised of the Peninsula only. The draft constitution proposed by the commission was largely accepted by the alliance representing the major ethnic groups. It was subsequently adopted as the First Constitution for the Independent Malaya (now Malaysia).

The constitution states, "Islam is the religion of the Federation; but other religions may be practised in peace and harmony in any part of the Federation."[36] However, they did not grant Malaysia independence so that it could become a religious state. The commission responsible for drafting the constitution stated in its report that, "The observance of this principle shall not impose any disability on non-Muslim nationals professing and practising their own religions and shall not imply that the State is not a secular state."[37]

While the early Malay elites regarded the clause as mere symbolism and for ceremonial purposes only, the text itself is ambiguous as to the real meaning of "the official religion of the Federation." It is open to various interpretation.[38]

In rebutting PAS' struggle for the Islamic state, Muslim scholars in UMNO and the government argued that Malaysia is already an Islamic state by way of that clause.[39] The clause has in many ways facilitated the Malaysian government's inclusion of Islam in state affairs and in the public domain. Thus, over time, the clause has been viewed differently from the original intention of its crafters.[40]

Implementation of Syariah & Decentralization of Administration of Islam

This constitution also preserves the implementation of Islamic law, albeit in a limited way, among Muslims. It largely covers Islamic personal and family law, *wakafs*, *zakat* and "creation and punishment of offences by persons professing the religion of Islam against precepts of that religion . . . but shall not have jurisdiction in respect of offences except in so far as conferred by federal law.[41] Thus it is a duty of the Federation within the Federal territories of Kuala Lumpur and Labuan and the states within each of the respective territories to administer Islamic matters, such as providing necessary bureaucratic support and infrastructure, even if the Prime Minister at the federal government, or the Chief Minister of the state government, is not a Muslim. This is presently the case in the state of Penang under the leadership of Tan Soo Khoon from Parti Gerakan, a component of Barisan Nasional and previously in Sabah under the leadership of Pairin Kitingan, a Christian from Parti Bersatu Sabah.[42]

While the decentralization of Islamic administration has caused coordination problems and resulted in non-standardized practices among the states, in itself the arrangement actually protects the implementation of *syariah* in various parts of Malaysia.

Any effort to totally "secularize" Malaysia from Islamic practices will face a formidable obstacle as a similar clause is included in every state's constitution (generally known as *Undang-undang Tubuh Negeri*).[43] Thus, any attempt to change the status quo will not only have to face the hassle of the constitutional amendment process at the federal level, but probably also at the state level. Any such attempt will have to go through all fourteen state governments and the rich Malay rulers.[44]

During Mahathir's period as the prime minister, Malaysia witnessed what was known as the *Krisis Perlembagaan* (Constitutional Crisis) in which a successful attempt was made to reduce the power of the *Yang Dipertuan Agong* (King). Mahathir also amended the constitution to allow the

impeachment of any ruler for misconduct through a special process. Nevertheless, any attempt to free the federal and state governments from the responsibility of the administration of Islamic affairs will have to deal with an added complication, which is the sentiment of ordinary Malays. Mahathir was successful only after he received support from the ordinary Malays through engineered mass mobilization. But it is doubtful that similar support can be garnered, especially in the current period of increased religiosity among the Malays.

Establishment of Heads of the Religion

Islam was institutionalized in the constitution by according Malay rulers the status of the Head of Islam.[45] The constitution requires the establishment of a council generally known as the *Majlis Agama Islam* (Islamic Religious Council) to advise the *Yang Dipertuan Agong* in performing his function as the Head of Islam for Kuala Lumpur, Labuan, Penang, Malacca, Sabah and Sarawak.[46] Such councils with similar roles also exist in all other states.

Inclusion of Islam in the Definition of Malay

The position of Islam is also strengthened and institutionalized in the constitution through the definition of Malay; "Malay means a person who professes the religion of Islam, habitually speaks the Malay language, conforms to Malay custom . . ."[47] The definition is problematic from a social point of view because there are indeed Malays in the region who are not Muslims. Many can be found in Indonesia and the Philippines. Nevertheless, in the Malaysian context, at least, it reflects how closely Islam is integrated into Malay identity and cultural practices, and with the way Malays perceive themselves.

Since independence, Malaysia has had five prime ministers and all of them are Malays from UMNO. Up until now, it has been the unwritten rule for the appointment of the prime minister. This is largely because of the dominant nature of UMNO within the Barisan Nasional. For now, it is inconceivable that UMNO, as a party that champions the rights of the Malays, will change its position ensuring the premiership belongs to Malays. It is an essential aspect of its struggle for the *Ketuanan Orang Melayu* (the authority of the Malays). Even if UMNO chooses a definition of Malay that excludes Islam, it has to deal with the constraint established in the constitution. *Ketuanan Orang Melayu* (the authority of Malay) inevitably means also *Ketuanan Muslim* (the authority of Muslims). Juxtaposing this with the definition of Malay in the constitution points out that the prime minister should be not only a Malay but also a Muslim. The constitution's inclusion of Islam as one of the characteristics of Malays again provides Islam with a special status. It almost guarantees, although not absolutely, that the prime minister of Malaysia should be Muslim.

The position of Islam in the constitution is further described in various other legal acts such as the 1972 Sedition Amendments, which prevents any public discussion of sensitive issues such as the special position of the Malays and the position of the rulers.

Some Historical Background

Understanding the background and dynamics that occurred during the drafting of the constitution also provides a glimpse of the force for Islam. It also explains why, despite the secular orientation of the British and resentment by other ethnic groups, the commission had to include various clauses about Islam in the constitution, which departed from the earlier proposal of the Malayan Union. During the consultation period of the initial draft of the First Constitution, the commission faced a strong lobby from Malay elites to include a clause recognizing Islam as the official religion of the state. But the idea was strongly objected to by the Malay rulers.[48] The protest was not raised because of the rulers' contempt of the religion. Rather, they feared losing their status as the heads of the religion in their state, which gave them the prerogative in all matters pertaining to Islam, the only power that remains in their hands.

Eventually, the commission had to concede both to the pressure of the Malay elites and the Malay rulers' concerns. Thus, it took the middle path and accorded Islam as the official religion for the federation, with the power of the administration of Islamic affairs under each state jurisdiction. Hence, its inclusion in the state list of the constitution.[49]

The positions taken by the Malay elites representing the ordinary Malays, the rulers and the non-Malays, explains the decentralization of the administration of Islamic affairs in the constitution, which has become quite complex. But it shows the presence of the force of Islam represented by the rulers and the elites, and its significance in influencing the British when the constitution was drafted. With respect to the position taken by the rulers, one may argue that they were primarily motivated by the power, rather than an affinity for the religion. However, what is pertinent here is that their position helped Islam enjoy a special status in the Peninsula after the colonial and pre-independence period.

While the Malay elites' strong lobby for Islam's official status might have been motivated by a sense of nationalism, it nevertheless helped institutionalize Islam in the constitution, a document often regarded as the foundation for a state and for which special procedures are required for its amendment, as compared to other legislation. This has positively affected Islam's position in Malaysia.[50]

The British policy of non-interference in Islamic matters and of according privileges to the Malays as the indigenous people has also contributed towards

institutionalizing Islam in Malaysia. These policies created a privileged position for Islam and the Malays, which the British had difficulty changing later, as experienced during the Malayan Union crisis and later during the negotiations for independence.

From Tunku Abdul Rahman to Tun Hussein Onn

As the key figure in the negotiations with the British for the independence of the Malaya, Tunku Abdul Rahman must have played a significant role in institutionalizing Islam in the constitution. However, Tunku Abdul Rahman did not intend to establish Malaya then as a state with strong religious character. His notion of Malaya was as a truly multi-cultural society in which each ethnic group is free to practice their culture and faith, with no particular religion imposing its teaching on the others. He felt that religion should not be mixed with politics.[51]

He often quoted the bargain that he had to strike with the other ethnic groups: the Chinese through the Malaysian Chinese Assembly (MCA) and Indians via Malaysian Indian Congress (MIC), as the basis for the state of Malaya/Malaysia. Hence, he advocated that others stick with the original intention of the constitution that Malaya/Malaysia should be a secular state where "Islam as the official religion" was just for symbolic purposes.[52] His liberal attitude to Islamic practices, as seen in his participation in activities forbidden in Islam, such as horseracing, gambling and alcohol-consumption, reflected his understanding of the kind of Islam that should be practiced in Malaysia. He said, "Why must we bother about Malays who go to race horses or drink? Are they troubling others by doing what they like?"[53] He was against the idea of an Islamic state and the implementation of *syariah* because it would create racial problems like the 1969 riot. He reportedly said that establishing an Islamic state would require the drowning of every non-Muslim in the country. Foreigners would not come to Malaysia for fear their business interests would be compromised. He also criticized UMNO for wanting to Islamize the party that he once led.[54] This policy and attitude of the Malaysian government towards the practice of Islam largely continued unabated until the end of Tun Hussein Onn's premiership.

Nevertheless, a few developments during this period strengthened Islam's role in the Malaysian government and its position in Malaysia. The racial riots of 13th May 1969 led the government to introduce the New Economic Policy. The policy's key objective was to uplift the economic status of the Malays and to bridge the gap with the Chinese. It aimed to increase the Malays' economic share in the country to 30% by 1990 and to produce more Malays in the middle class as entrepreneurs. As part of the policy, many bright Malay students were selected to pursue undergraduate and post-graduate studies overseas.[55] During

such overseas study stints, many students were exposed to Islamic movements and ideas through Muslim activists from Islamic countries such as Egypt and Iraq who were flocking to the United States and Europe to escape persecution by their respective governments. This new experience created an Islamic resurgence in the students.[56] Upon return from overseas study, many of the students became Islamic activists. They either organized themselves into groups or joined available organizations such as ABIM (Malaysian Muslim Youth Organisation), PAS (Pan-Malaysian Islamic Party) and Al-Arqam.[57]

Various scholarships were also offered to Malay students to join local universities. Local universities such as National University of Malaysia (UKM) were also set up to increase the enrollment of Malay students in tertiary education. With increased enrollment of Malay students in the universities, the campuses witnessed a significant surge of student activism. Some took the government to task for the social conditions of the poor and policies that did not seem to serve the best interests of the people. Thus, student-led protests and demonstrations were rampant on campuses. The University of Malaya was one of the key campuses for these activities and Anwar Ibrahim was one of its key leaders. The arrest of Anwar Ibrahim and many student activists under ISA was part of this phenomenon.[58]

Upon graduation, many of these students joined hands with the students who returned from overseas on various platforms, including Islamic organizations. Anwar Ibrahim later joined ABIM and became its president. His leadership propelled ABIM into being one of the major forces for Islam. During his leadership, ABIM was seen as the champion of the Islamic cause in Malaysia.[59] Student movements in this period displayed a greater Islamic orientation and the activities transformed student politics into struggle through Islamic rhetoric.

In 1979, the success of the Iranian Islamic revolution by Khomeini and the call for jihad in Afghanistan further Islamized these social movements. The success of the Iranian revolution and the increasing influence of political Islam had encouraged more activists to take up direct political platforms to affect changes in society. The resurgence also gave PAS new spirit after its expulsion from Barisan Nasional (1973–1977) and its loss of Kelantan to UMNO, which it had ruled since 1959. PAS received a fair share of new memberships from graduates of local and overseas universities. ABIM witnessed the departure of some of its leaders such as Ustaz Fadzil Noor and Abdul Hadi Awang to PAS.[60] PAS's outlook changed from nationalist with some Islamic tendencies to "fundamentalist."

These developments showed the making of a new force for Islam in the Malaysian political landscape whose effects would be much felt and witnessed during Dr. Mahathir's period of premiership, after he took over the responsibility from Tun Hussein Onn in 1981.

One significant effect of these developments is that the Islamic socio-political agenda had extended beyond the political party system. The pressure also began to come from various Islamic social movements. This provided UMNO with greater challenges.[61] The genesis of groups such as the Islamic Representative Council (IRC) and Suara Islam (Voice of Islam) can be traced to this period and are by-products of these developments.[62]

Dr. Mahathir and his "Pro Islam Policy"

Islamization Policy

Mahathir's period of premiership was seen as very pro-Islam as compared to the prime ministers before him.[63] At the policy level, this was embodied in the *Penerapan Nilai-nilai Islam* (Inculcation of Islamic Values) policy, which called for the inculcation of universal Islamic values into the working culture of the government.[64] The idea was to inculcate Islamic morality in government leaders and bureaucrats that would protect them from negative practices such as corruption, hence improving productivity and efficiency.

Mahathir also launched a number of pro-Islam initiatives during his tenure, such as the establishment of Bank Islam and the International Islamic University of Malaysia, increased air time on television and radio for Islamic programs and the introduction of Islamic Civilisation and Malaysia Studies as a compulsory course for all undergraduates in local universities.[65]

Co-opting Islamic Activists

After making sure that his government was very supportive of Islam's role in the government, Mahathir took another important step by co-opting Anwar Ibrahim into UMNO in 1982, knowing that Anwar would bring with him many other activists of Islamic resurgence to UMNO. The move was intended either to paint his government as more pro-Islam or to actually assist in his Islamization program.[66]

There are two ways to interpret Mahathir's pro-Islam posture. Firstly, Mahathir himself was affected by the tide of Islamic resurgence. Thus, his pro-Islam posture was an indication of his personal commitment to the religion. Secondly, it can be interpreted as a pragmatic way to ensure political survival. It was a reflection of "if you can't beat them, co-opt them." His co-opting Anwar near to the election period and nominating him as a candidate for parliament in Penang indicated that Mahathir also intended to strengthen his party's position and weaken PAS as its main challenger for the Malay votes. Mahathir's move was intended to attract more popular support from the Malays. Mahathir's strategy not only successfully divided the Islamic resurgence activists into those who support the idea of Islamic changes from within the system, as symbolized by Anwar Ibrahim, versus the proponents of

change from without, as propounded by PAS and other Islamic organizations, but also created serious conflict between the two camps.[67] Many of ABIM's leaders followed Anwar's step by joining UMNO. Subsequently, ABIM was seen as a pro-establishment entity, even though it claimed that its non-partisan policy was unchanged. This somehow contributed to the decline of ABIM's standing in the Muslim community, and PAS taking over the initiative of the Islamic cause.[68]

What is important here is that Mahathir's move towards a pro-Islam posture cannot be detached from the background of increased pressure by Islamic organizations for Islamic changes in the country and PAS as a constant challenger to UMNO. One can conclude that Mahathir's pro-Islam initiatives were directly related to the developments in the 1970s.[69] Despite Mahathir's effort to co-opt the Islamic agenda into his government, the pressure from without remained significant.[70] In the 1980s, PAS had made successful inroads on local campuses. Its activists and supporters among undergraduates had control over student bodies in almost all universities, ensuring a constant supply of "cadres." There was also a constant inflow of graduates returning from overseas into PAS's ranks. Many of PAS's current leaders and Member of Parliaments evidence this.

With Anwar in Mahathir's government, there was a more pro-Islam posture and further Islamization efforts in the public domain, with significant pressure of force for Islam from PAS and the increasingly religious Malay community.[71]

Pro-Muslim Countries' Foreign Policy

Against the background of local and worldwide Islamic resurgence, Malaysia's foreign policy began to shift towards a strong pro-Arab and pro-Islam stance. Compared to his predecessors, Mahathir showed more interest in strengthening Malaysia's relationship and position with Muslim countries. During Tunku Abdul Rahman's period, Malaysia supported India in the first Indo-Pakistan war in 1962. It was only after protest that his government retracted official recognition of Israel. In Tunku's view, although Malaysia is a Muslim nation, its interests in international relations had to come before Islamic considerations.[72] However, Mahathir took a more vocal and favorable position towards the PLO than any of his predecessors. His government initiated the International Conference on Palestine in 1983. This conference confirmed Malaysia's leading role in supporting the Palestinian cause. A month later, Malaysia participated in the PLO Summit Meeting in Algiers, where it received special compliments from Yasser Arafat. In 1984 and 1990, Mahathir gave Arafat a rousing welcome when he visited the country. Coincidently, Malaysia's trade with the Middle East and Gulf states increased substantially during the later part of the 1970s as compared to the

earlier decade. Mahathir also began focusing on relationship-building with countries in the Organisation of Islamic Countries (OIC), as compared to the members of the Non-Aligned Movement.[73]

Civil Society Forces

The Islamization policy also benefited many Islamic organizations and contributed to their having a stronger voice, which directly and indirectly proliferated the force for Islam. ABIM, although eclipsed by PAS after Anwar's entrance into UMNO, remained active in the community with its network of private childcare, kindergarten centers and Islamic schools. It had significant influence in the running of the International Islamic University of Malaysia, where many of its prominent figures continued working until the clamp down during the period of *Reformasi* (reformation) after Anwar's detention, which saw ABIM's president detained by the ISA.

In 1990, Jemaah Islah Malaysia (Malaysia Islamic Reformation Group) was established with a mission to develop Malaysia as a state that implements *syariah* fully by the year 2020. This organization also expanded rapidly under the Islamization policy. It has networks of Islamic childcare, kindergarten centers and Islamic schools in almost every state in the Peninsula. It was one of the leading NGOs that moved the reformation uprising in 1999, which caused the detention of its president twice under the ISA.

Seeing the threat from Al-Arqam, another Islamic social movement established in 1968 under the leadership of Ustaz Ashaari Muhammad, the government disbanded the groups and *fatwas* were issued by various state *fatwa* councils dismissing its teachings as deviant. Ustaz Ashaari Muhammad and his followers were arrested under the ISA in a special operation against Al-Arqam.[74]

All the above provides insights into another dimension of the force for Islam in the society, which, in one aspect, supported the Islamization policy of the government but, in another, added more pressure to it.[75]

Islamists Within UMNO

Mahathir's period also witnessed the development of voices with stronger Islamist bents within UMNO. In the 1986 general elections, issues related to Islam moved beyond UMNO to become the basis of the second principle of the Barisan Nasional manifesto. This principle promised to guarantee the elevated position of Islam and priority for Islamic education, while affirming religious freedom for other ethnic groups.[76]

Anwar's joining of UMNO and his Mahathir pro-Islam posture had brought many Islamic resurgence activists into the party. Some of them were Anwar's friends in ABIM or his supporters from other organizations. They came in with

a mission of assisting Anwar in strengthening the Islamization work that was going on, or to strengthen the Islamic revivalist camp in UMNO. A few from the opposition party PAS also came in, as they thought the Islamization initiative taken by Mahathir's government had more potential to serve the cause than continuing their work in PAS. An example was Mohammad Nakhaie Ahmad, chairman of Yayasan Dakwah Islamiah Malaysia (Malaysia Dakwah Foundation) and former PAS secretary general.

A significant number of them were Islamically oriented professionals who later attained important positions in the party due to their backgrounds. It was reported that the break-up between Dr. Mahathir and Tengku Razaleigh Hamzah-Datuk Musa Hitam's faction was partly due to the entry of Islamists to the party being increasingly favored by top leadership, and partly to dissension within the party over the appropriate degree of attention to Islam.[77]

More *ustazs* (religious scholars) were also brought into UMNO and put up as candidates to counter PAS's challenge. Some of them include Dr. Yusuf Noor (former minister in prime minister's Office for Religious Affairs), Dr. Abdul Hamid Othman (former minister for prime minister's Office for Religious Affairs) and Ustaz Fadzil Hanafi (Member of State Legislative Body for Alor Mengkudu Constituency and Chairman for Kedah Islamic Religious Affairs Committee). During the latest election, UMNO put up Ustaz Pirdaus (former imam of National Mosque), who contested the Permatang Pauh parlimentary seat and lost to Anwar's wife, Parti Keadilan's Wan Azizah, Dr. Masyithah Ibrahim (former lecturer of International Islamic University of Malaysia), a prominent public speaker within the Malay community, and Dr. Abdullah Mohd. Zain is currently a minister in the prime minister's Office for Religious Affairs. Among them, there are divergent views on Islam's role in politics, the need for Malaysia to be an Islamic state and what constitutes an Islamic state but, unlike the secularists, they all share a greater positive view of Islam's role in politics and are supportive of the government's Islamization work.[78]

Increased Religiosity Among UMNO Core Members

Islamization has also impacted UMNO members. Many have turned from secularism to Islam, or from pure nationalist to nationalist with Islamic orientation. The most apparent sign marking the religious orientation of UMNO members can be seen among Wanita UMNO (UMNO Women's Wing) delegations during the UMNO general assembly. Compared with three decades ago, today the majority of delegates are seen wearing *tudung*. After winning the contest for the head of UMNO women's wing against a *tudung*-wearing contender, Rafidah Aziz, the Malaysian Minister for International Trade and Industry, declared that at official UMNO womens' functions, "the headscarf will

be worn as part of the uniform." Otherwise, she said, "A person's dress is between her and God."[79]

Amid such a background of constant and increasing pressure by the force for Islam, one can understand Mahathir's drastic declaration that Malaysia is already an Islamic government, as embodied by the Islamization work that his government has undertaken and the institutionalization of Islam in the constitution.[80] This was in stark contrast to his previous statements made in response to the challenge of PAS, namely that Malaysia cannot be an Islamic state due to the nature of its multi-cultural society.

So strong and obvious are the Islamic forces within UMNO that one could easily draw the conclusion that UMNO has moved from being a moderate Malay-Muslim party to being a radical one. What was previously considered the agenda of Islamic organizations and PAS has now become government policy.[81]

Although Mahathir's Islamization policy was intended to offer his own brand of Islam as progressive and rational, the policy, which emerged as a response to Islamic resurgence, had positioned Islam as an essential part of the discourse of political parties and various groups.[82]

Forces At Play and the Effect

Moderating Forces

One cannot fully understand the move toward greater Islamization without understanding the counter-forces in the country that prohibit Malaysia from being a full-fledged traditional Islamic caliphate or a full-scale revolution for Islam like that in Iran and the Sudan. Understanding these forces will help one appreciate the changing positions taken not only by UMNO, but also by PAS and all other forces for Islam, as well as what have sometimes sounded like contradicting statements.

Within Malays

Firstly, a moderating factor exists within the Malays themselves. Although Islam and Malay are seen as identical, the understanding and practice of Islam among Malays is heterogeneous. This has created various tendencies or segments among Malays in relation to Islam's role in politics and their support for the Islamization project.[83] While Islam has been an important part of the Malay identity, the Malay sense of nationalism is not necessarily in line with Islamic principles, as Islam does not favor any particular ethnic group and does not condone racism. The closeness of Islam and Malay does not eradicate tensions between ethnic and religious interests. When Malays are made to choose between the religious and the ethnic, they will often give preference to their ethnicity.[84] For example, in the 1986 general election, in an attempt to

woo non-Muslims, PAS made a statement that it is dedicated to justice and equality for all people irrespective of their race, in line with the teachings of Islam. Ustaz Abdul Hadi, then its vice president, said that if non-Malays voted for PAS and PAS wins, the concept of *Bumiputra* and all its special privileges would be reviewed. UMNO took full advantage and labeled PAS as "un-Malay." PAS lost heavily in the election. Except in Kelantan, PAS's nationwide performance was again dismal in the 1990 general elections when it entered into coalition with Semangat 46 under Angkatan Perpaduan Ummah, which was a coalition with DAP and PBS under Gagasan Rakyat. UMNO campaigned against Semangat 46 for their collaboration with DAP, widely perceived as a Chinese-first party, and PBS, painted as both a Christian party and a betrayer for leaving Barisan Nasional at the last hour. PAS's indirect link to these parties had effectively roused Malay's sense of ethnicity above their sense of religiosity.[85]

There is also a contingent among Malays who embrace secularism and often prefer to live with a secular outlook.[86] This segment generally views Islam from the conventional secular perspective that it is a private matter and its role in the public sphere should be as limited as possible. Even in private life, commitment to practicing Islam should be between individuals and God, and not for the public to question or judge. To them, Islam's position in the Malaysian government should remain symbolic and for ceremonial purposes only. This segment is largely represented by the Malay elites and the upper middle class among the educated and professional.[87] Malay "secularists" generally dislike the Islamization process undertaken in the government and the public sphere. Due to their social status, they do not sit idle in the face of increased Islamization in the country. Instead, they voice their criticisms in the media and also organize themselves. Within UMNO, they play a role as the opposing camp against the Islamically oriented UMNO members under the leadership of Anwar.[88] Some of them use civil society platforms by joining NGOs or non-Islamically oriented organizations such as DAP (Democratic Action Party) and PSRM (Malaysian Socialist and Peoples' Party), later known as Parti Rakyat (People's Party). A significant number are also present among bureaucrats who will use their position to check the Islamization process.

Among Malays there are those who have a great affinity for Islam and who do not view the Islamization initiative by the government as negative for Malaysian politics, but who differ significantly with the "fundamentalists" in understanding and interpreting Islam in a modern setting. Their view is that Islam should be reinterpreted to suit the modern setting and not be strictly bound to the opinions of Muslim scholars from the past. The interpretation of Islam should not be monopolized by the *ulama* due to the complexity of the problems that occur today. They advocate the more universal aspects of Islam,

or the values, rather than the form. Thus, to them, the Islamic state or the implementation of *Hudud* should be seen within the spirit of the injunction, which is to establish justice.

Even among the *ulama*, there are differences in approaching the issue of the Islamization of the country. Not all *ulama* in Malaysia join or support PAS. Since the early days, UMNO has always been able to capture a fair share of *ulama* in its ranks and has constantly fielded them in elections. While the *ulama* of UMNO are supportive of the Islamization of the country, they differ with PAS on issues such as the establishment of the Islamic state and the implementation of *Hudud*. They argue that the obligation of establishing the Islamic state and implementing *Hudud* must be done through gradual and incremental changes so as not to cause greater harm, as Islam itself does not allow an evil to be overcome at the expense of greater benefit or by causing greater evil. To them, due to the multi-cultural nature of Malaysian society, the Islamization process should not be done in ways that provoke racial tension or disrupt racial harmony, which will in turn cause serious damage to the country as a whole. Some NGOs, which choose not to be affiliated with PAS such as ABIM, may be counted in this category also.[89]

Many Malays remain ignorant about their religion, despite the tide of Islamic resurgence. They view their religion as a cultural issue or ritualistic practice. They view a good Muslim as one who performs the five daily prayers, fasts during Ramadan, pays *zakat* (tithe) and performs one pilgrimage in a lifetime. They will be content as long as they are free to perform all those rituals. The government's effort to build mosques, organize *zakat* collection and improve services for pilgrimage are sufficient for them.

External Factors

The Islamization of the country is also often checked by the multi-cultural and pluralistic nature of Malaysian society itself. Although Malays form the majority among the ethnic groups, a close scrutiny of Malaysian ethnic demography will disclose salient features of ethnic dynamics. Malaysian demography has created some sense of insecurity among Malays and also in UMNO. The Malaysian 2000 census report states that the *Bumiputera* (indigenous people), of whom Malays form only one part, comprised only 65 percent of its citizens, and that Islam is professed by only 60 percent of the population. This data includes Sabah and Sarawak, where Malays are actually the minority ethnic group. Therefore, the number of Malay and Muslims in the Peninsula will be less than what was stated.[90]

The Malaysian political scene is communal-based. There is no one successful multi-ethnic party. Even Barisan Nasional is a coalition of parties representing various ethnic groups in the Peninsula and the east. Since

independence until now, it has been characterized by ethnic bargaining and compromises on many issues, such as the allocation of state and parliamentary seats for elections and positions in the cabinet. Although PAS has made an attempt to be multi-ethnic in its approach, it still relies largely on the Malays and remains a Malay-dominated party. In the same way, DAP's Malaysia for Malaysians rhetoric makes it sound appealing to the non-Chinese; however, during elections it is easy to recognize that its strategy of winning is based on winning over the ethnic Chinese.

Theoretically, UMNO does not require non-Malay support to predominate. However, it realizes that if the non-Malays and non-Muslims ever join forces against UMNO or Malays, they will pose a serious threat to UMNO having a stable national leadership. Thus, it cannot totally ignore or disregard all non-Malay voices, grievances or concerns about the government's Islamization policy.

At the same time, UMNO knows its credibility and dominant standing in Barisan Nasional relies heavily on the support and votes from the Malays. This is because the division of parliamentary and state legislative seats in Malaysia favors the Malays. Although Malays make up only slightly more than 50 percent of the population, the constituencies with the Malay majority make up 74 percent (as of 1984).[91] Independently, UMNO might find it difficult to remain the dominant party in Malaysia, because it will have to face challenges from both non-Malay parties and PAS. By taking advantage of the demarcation of electoral boundaries, which favor the Malays, and hence winning the most seats for the Barisan, UMNO maintains control over important positions in the government and so continues to shape the policy of the country. Nevertheless, this arrangement puts UMNO in a tight spot between the Malays' and PAS's demand for more Islamization and the non-Malays' concerns and demand for equal treatment.[92] Institutional and structural factors also help keep the Islamization process from leading to a full-fledge caliphate or Islamic state system. Malay rulers fear the loss of power, status and privileges they enjoy under the current system. In the true Islamic state as modeled by the early caliphs, every single person is equal under the law. This is in contrast with the current practice that provides rulers with immunity from being prosecuted by any normal court of law. Many of the rulers are also known for lifestyles that contradict the teachings of Islam, such as womanizing and gambling. Their lavish spending while a significant number of the people in their own state live in poverty also does not correspond with the examples of the Prophet and the early caliphs of Islam. Occasional reports of a strained relationship between PAS, the state government in Kelantan, and its ruler partly indicate the uneasiness of the institution with the increased Islamization. The privileges given to the rulers and their families have allowed them to amass significant amounts of money. Some of them are also involved in big businesses, which

adds force to their institutional influence. In this respect, Malay rulers are and have been influential in moderating the influence of Islamization in the country.[93]

The second institutional factor is the secular institutions left behind by the British, the most important of which is the constitution and the legal system. PAS's failure to establish *Hudud* law in Kelantan is an example of such an institutional constraint within the legal system against full Islamization. After the 1990 general elections, which saw PAS taking control of Kelantan, PAS quickly took the initiative to legislate *Hudud* law through the state assembly. The law was approved by the state assembly controlled by PAS, but it could not be implemented or enforced because it contradicts the article in the constitution that states, "This Constitution is the supreme law of the Federation and any law passed after Merdeka Day which is inconsistent with this Constitution shall, to the extent of the inconsistency, be void."[94] The *Hudud* law contradicts the constitution because the implementation of *syariah* is limited to what is provided in the State List[95] and has no jurisdiction over what is provided in the Federal List.[96]

Other examples of such legal constraints are the provisions in sections 3 and 5 of the Civil Law Act (1956), which state that the court shall apply the common law of England and the rules of equity as administered or in force in England, "save so far as other provision has been made or may hereafter be made any written law in force in Malaysia."[97] In essence, the implementation of *syariah* in Malaysia will require massive change in its legal system. The enormity of such a project will be a major stumbling block in any effort to establish an Islamic state.

The third institutional factor is the special rights of the *Bumiputera*, which includes the Malays. Islam rejects the notion of "special people" and "their special treatment" indefinitely.[98] As a universal religion, Islam does not condone special treatment for Malay Muslims above non-Malay Muslims. But as mentioned before, the Malays are neither prepared nor willing to sacrifice their special rights yet for the sake of the religion.

The Effect of Moderating Factors

Indication that part of these factors' role in moderating the force for Islam can be seen in PAS's accommodating position. PAS realizes that it needs non-Muslim support to gain more political mileage, and to rule Malaysia and establish the Islamic state that it envisions. In an attempt to deliver the message of unity and prosperity for all, it established a consultative council especially for the Chinese in Kelantan.[99] PAS wanted to use the platform to help non-Muslims understand its struggle straight from them, and not via mainstream media that they see as being biased against it. It was also to

show PAS's accommodating stand. After the defeat in the 2004 elections, there was also discussion of the possibility of opening up PAS membership to non-Muslims.[100] In October 2004, for the first time, the PAS youths held a concert that included a rock singer.[101] After first winning the Kelantan state, Ustaz Nik Aziz, the Chief Minister of Kelantan, made a statement about its party's commitment to implement the *Hudud* and said that non-Muslims living in Kelantan will also be subjected to it.[102] But later, the *Hudud* law was drafted and passed by the state assembly in 1993 for implementation among Muslims only. The recent PAS annual assembly, after the defeat of the 2004 election, witnessed strong calls from the young leaders in PAS for reform and less orthodoxy.

The moderating factors, especially voices from non-Muslims, have pushed UMNO to constantly make clarifications on the issue of Islamization and its commitment to multi-culturalism.

"Unaligned" Bureaucrats and UMNO Members

Among the forces that perpetuate the Islamization project are the "unaligned" bureaucrats and UMNO members. These are people among the bureaucrats and UMNO who promote the Islamic agenda and are committed to it. They join the government and UMNO not for serving the secular purpose of the state or UMNO's nationalistic struggle, but to help effectuate Islamic changes from within. Some of them were ABIM former key figures who joined UMNO after Anwar was co-opted. Some came from other Islamic organizations or were devout Muslim professionals who saw the potential benefit of the government's Islamization impetus; there were also leaders from PAS such as Mohammad Nakhaie Ahmad, who "jumped ship" due to the attractiveness of the Islamization program. These elements make up the "Islamist" force within UMNO. Examples of these are elements within the government responsible for setting up the Islamic agency, IKIM (Institute for Islamic Understanding).[103] While these elements are pro-Islam, they differ from PAS in approach. They believe in gradual change, and are uncomfortable with PAS's confrontational orientation.

Among those in the "unaligned" category, teachers in government schools form a significant number of this category. Despite restrictions on being members in political parties, many government teachers are defiant and join PAS anyway. During the general election, they campaigned for PAS in school to spread Islamic messages or pro-PAS views.

A further example of such "unaligned" elements are the officials from the government's Department of Islamic Development (JAKIM, Pusat Islam Malaysia), who resigned and were fielded as PAS candidates in the elections, such as Ustaz Haji Taib Azamuddin (former Imam at National Mosque).

Non-Islamic Forces Direct Contribution to Islamization

One interesting element in analyzing the forces for Islam in Malaysia is the presence of non-Islamic forces that directly contribute to Islam's special status, and the Islamization of the country. Tunku Abdul Rahman, the first prime minister, was a nationalist and secularist. His statements against the increasing Islamization of the country and his lifestyle testify to this. Nevertheless, he played an important part in designating Islam's special status in the constitution, which helped to entrench Islam's position and later on became the basis for the Islamization program.

The Semangat 46 party, which was established after the split of UMNO in 1987, was largely a carbon copy of UMNO. The split was more because of leadership-style differences, rather than ideological ones. It joined forces with PAS in the coalition known as Angkatan Perpaduan Ummah in the 1990 elections and contributed directly to the PAS gaining control over Kelantan and capturing more seats in other states. PAS's control on Kelantan for the last 14 years has contributed to the increased pressure for Islamization. Semangat 46's bent, more nationalistic than Islamic, was confirmed when it merged back to UMNO in 1996. UMNO, itself a nationalistic party although with increasing Islamist elements, is another good example. Its responses to PAS challenges, either through the government or its party program, help proliferate the Islamization of the country.

Effect on Society At Large

As non-Islamic forces contribute to Islam, the forces for Islam benefit not only Islam and Muslims. The Islamic resurgence movement also contributed to the development of a more active civil society in Malaysia. More and more individuals have been encouraged to participate in politics through civil societies and political parties. Non-Islamic groups have taken advantage of the momentum created by the Islamic resurgence to express themselves and fight for non-Islamic causes. It seems also that the more pressure that comes from the forces for Islam, the more assertive the non-Islamic forces are to moderate them and protect their interests. Islamic resurgence plays an important part in inculcating the culture of political dissent against authority,[104] which is a departure from the traditional Malay attitude of "*pantang Melayu menderhaka*" (Malays will never be disloyal to the authorities), as exemplified by Hang Tuah.

"Vicious Cycle" Effect

It is interesting to note the escalating and "vicious cycle" effect of the Islamization effort and Mahathir's pro-Islam posture. Both had actually contributed to increased religiosity among the Malays, thus also contributing

to more demand for Islamization in the country.[105] The cycle continues and the government has to be ever-vigilant with its pro-Islam posture by constantly offering new initiatives or repackaging old policies and rhetorics. *Islam Hadhari*, launched by new Prime Minister Abdullah Ahmad Badawi is an example of a new initiative or repackaging effort by the government in response to the forces for Islam in the country.

The government's Islamization and the community's demand for more continue to feed off one another, although admittedly it has not brought Malaysia to a full blown Islamic state, as idealized by many Islamists.

One indication of the "vicious cycle" effect is that PAS support has not been diminished by Mahathir's Islamization programs. PAS managed to regain power in Kelantan in 1990 and still retains it. It also successfully wrestled Terengganu from UMNO. PAS's total popular vote does not indicate any drastic decline. Compared with the period known to be the beginning of Islamic resurgence in Malaysia in the mid 1970s to now, one can conclude that PAS has achieved significant improvement and increased support. From its expulsion from the Barisan and its loss of control over Kelantan due to the declaration of emergency in 1977, it regained control in Kelantan and more seats in other states. From 1955 to 1969, PAS had 20 percent of total votes received in general elections. But by 1978, it obtained 40 percent of popular votes in the Peninsula. Later also, for five years from 1999 to 2004, PAS was in control of Kelantan and Terengganu, and for the first time, leading the opposition in Parliament. All these are remarkable achievements and testimony to the increased force for Islam in Malaysia.[106] PAS may not be strong enough to rule Malaysia or Islamize it totally, but it has sufficient power to dent UMNO's credibility and dominance in the Malay community, especially when circumstances, such as Anwar's expulsion and ill treatment by the government, favor it. It has always had the ability to spring surprises, as shown in 1990 and 1999 general elections. It also has the strength "to expand the frontiers of civil society, and to thereby destablise the government by denying it the religious legitimacy it seeks."[107]

Heterogeneity Among Muslims

Some Muslims are pro-Islamization while others are not. Those who are pro-Islamization still differ on the meaning of Islamization and its approaches.[108]

These differences affect the progress of Islamization in Malaysia in different ways. Some become push factors while others become moderating factors. Changes in context may also change the effects of these forces from pushing for moderating Islamization. UMNO, for example, perpetuates Islam's role in politics but at the same time moderates PAS. Thus, it contributes in shaping the nature of Islam in society at large.

Dynamism of the Forces

The forces at play are also dynamic. There has been a shift from instituting Islam for religious commitment at the early period of Islam by the Malay rulers to it being merely symbolic. PAS has also shifted from nationalism with Islamic tones to "fundamentalism." The government's original intention of instituting Islam in the constitution for symbolic and cultural reasons has shifted to Islamization of the country. ABIM itself made various transformations from a pressure group to an element closely associated with the government in supporting the Islamization program. However, it joined the reformation movement when the government sacked Anwar. Recently, it has shown indications that it is retracting its previous policy of being non-partisan.

In explaining the dynamism of forces that contributed to Islam in Malaysia, Vidhu Verma suggests:

> . . . in the case of the Malay community, ethnic differences are increasingly expressed through religious identity. The Islamic resurgence is not only an expression of spiritual dissatisfaction but also is linked to the drive toward building civil society organisations for greater popular participation in the political process. An important point is that besides being an expression of political opposition and social discontent, Islam is being used to acquire and sustain political legitimacy and to mobilise masses.[109]

Adding to this dynamism is the "double and opposite" effect of Islam. By its identity, it is a unifying factor for Muslims, but it also fragments them in intra-ethnic disagreements.[110] Nevertheless, the dynamism has helped shape and sustain a general consciousness of Islam, and contributed to the evolution of political and social attitudes.[111]

Interestingly, Islamic resurgence was also said to lead to "heightened cultural and religious revivalism within the non-Malay communities."[112] In this respect, Islamic resurgence also played a double role of both perpetuating and moderating the forces for Islam.

Conclusion

The above analysis provides a good illustration of Joel Migdal's "State-in-Society" approach in political analysis. The approach suggests that in affecting change and domination, the state is not a necessarily a cohesive entity. In reality, the state functions within an environment where there is a constant contest of values and interests posited by various forces. State and society are both identified as forces that interact in a dialectic manner, each influencing the other. Even within a state, there might be opposing forces that affect the implementation of policy.

In this approach, the state is seen from a dual perspective: image and practices. The image of the state is often that of a dominant, integrated, autonomous entity that controls in a given territory, making rules through its own agencies or other organizations, whereas the practice of state often contradicts that coherent image. There are various parts or fragments of the state that have allied with one another, as well with other groups outside, to further their goals. The result is often a variety of sets of rules that differ from the one officially sanctioned by the state. In this situation, the state is neither the preeminent rule maker nor is society the passive recipient of its rules. In analyzing forces within state and society, the approach suggests that one must view it "as it becomes, has become in the past, is becoming in the present and may become in the future."[113]

The "State-in-Society" approach is the middle path between those who view the state as the most important element in effecting change and those who place more emphasis on the role of society in change. The important aspect of this analysis is to appreciate the importance of understanding the forces and dynamics behind a situation and how these evolve. Unless this can be properly discerned, one may fall into a superficial understanding that may result in a disservice to the issues by providing inaccurate diagnosis and prognosis. While it is useful to understand the conventional theories of political science, largely developed in the West and based on the European historical experience, Islam's position in Malaysia's state identity as a case study highlights that implementing the theories without any room for variations and without due consideration to the context and forces at play could be detrimental to the country and is in itself against the spirit of development. By understanding the forces at play and context, one can better appreciate the situation. Taking these into consideration will help in devising a more realistic and practical strategy towards a construction of state identity that one believes in.

In the case of Islam's special position in Malaysia, it is suggested here that the "State-in-Society" approach is a viable tool in providing better appreciation of the issues. It provides a deep penetrating analysis beyond seeing the state as a unit of analysis. With such a perspective, a more comprehensive and multi-layered analysis, which is closer to the reality, can be made.

Islamization and Islamic resurgence have changed Muslims' understanding and practices. The level of religiosity has increased, and it is unlikely for now or in the immediate future that the level will decrease, or that Muslims will retreat to their past and practice Islam in ritualistic forms only. Failing to understand this will cause serious difficulty in bridging various forces in society for a peaceful and civil coexistence in Malaysia.

Endnotes

1. "The Constitution of Malaysia," Article 3(1), available at http://confinder.richmond.edu/local_malaysia.html (5 Jan. 2005).
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3. *Ibid*., Article 11.
4. "Report of the Federation of Malaya Constitutional Commission," 1957, Colonial Office, London, 1957, 73, para 169 cited in Hamid Jusoh, *The Position of Islamic Law in the Malaysian Constitution With the Special Reference to the Conversion Case in Family Law*, (DBP, Kuala Lumpur, 1991), 21; Tun Mohammed Suffian, *Pengenalan Sistem Undang-undang Malaysia*, (DBP, Kuala Lumpur, 1990), 16, 103; M. Suffian Hashim, "The Relationship between Islam and the State in Malaya," in *Intisari*, Malayan Sociological Research Institute Ltd., vol. 1, no. 1, 8.
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8. Hamid Jusoh, *The Position of Islamic Law in the Malaysian Constitution With the Special Reference to the Conversion Case in Family Law*, xiii.
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10. *Ibid*., 6.
11. *Ibid*., 8–9.
12. *Ibid*., 10–1.
13. *Ibid*., 8–9.
14. *Ibid*., 10; See also Ahmad Ibrahim and Ahilemah Joned, *The Malaysian Legal System*, 18.
15. R. J. Wilkinson, "Papers on Malay Subjects", in *Law*, Kuala Lumpur, 1971, cited in Ahmad Ibrahim and Ahilemah Joned, *The Malaysian Legal System*, 54.
16. In *Federated Malay States Law Review*, 1915, vol. 1, 204, cited in *Ibid*. See also 86.
17. In *Federated Malay States Law Review*, 1927, vol. 6, 128, cited in *Ibid*., 55. See also 86.
18. Hussin Mutalib, *Islam in Malaysia: From Resurgence to Islamic State?*, 17–20.
19. "The Constitution of Malaysia", Article 160.
20. Shanti Nair, *Islam in Malaysian Foreign Policy*, Routledge, London, 1997, 15.
21. Hussin Mutalib, *Islam in Malaysia: From Resurgence to Islamic State?*, 20.
22. *Ibid*. On the introduction of British law and its influence in the Straits Settlements, the Federated and Unfederated Malay States see Ahmad Ibrahim and Ahilemah Joned, *The Malaysian Legal System*, 20–9.
23. Hamid Jusoh, *The Position of Islamic Law in the Malaysian Constitution With the Special Reference to the Conversion Case in Family Law*, 14–6.

24. See Abdul Latif and others v. Shaik Elias Bux, in *Federated Malay States Law Review*, 1915, vol. 1, 204; also Ramah v. Laton, in *Federated Malay States Law Review*, 1927, vol. 6, 128.

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28. Hussin Mutalib, *Islam in Malaysia: From Resurgence to Islamic State?*, 21; Shanti Nair, *Islam in Malaysian Foreign Policy*, 16.

29. *Ibid*., 22; *Ibid*.

30. *Ibid*., 23. 26; *Ibid*.

31. *Ibid*., 24; *Ibid*.

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35. Harry E. Groves, *The Constitution of Malaysia*, (Malaysia Publication Limited, Singapore, 1964), 10–1; Shanti Nair, *Islam in Malaysian Foreign Policy*, 17; Wan Hashim Wan Teh, *Race Relations in Malaysia*, 45–8.

36. "The Constitution of Malaysia", Article 3.

37. "Report of the Federation of Malaya Constitutional Commission", 1957, Colonial Office, London, 1957, 73, para 169 cited by Hamid Jusoh, *The Position of Islamic Law in the Malaysian Constitution With the Special Reference to the Conversion Case in Family Law*, 21.

38. Harry e. Groves, *The Constitution of Malaysia*, 213.

39. "Malaysia Negara Islam (Malaysia is an Ismaic State)", in *Jabatan Kemajuan Islam*, available at http://www.islam.gov.my/lihat.html?jakim=105 (10 Jan. 2005); Abdul Monir Yaakob, "Takrifan Negara Islam Luas (Definition of Islamic State is wide0", in *Utusan Malaysia*, 3 May 2003, available at http://www.ikim.gov.my/bm/media/2003-utusan/a03-um13.htm (10 Jan. 2004).

40. Vidhu Verma*, Malaysia: State and Civil Society in Transition*, 96.

41. "The Constitution of Malaysia", the Ninth Schedule, List II.

42. *Ibid*., Article 12(2).

43. Ahmad Ibrahim and Ahilemah Joned, *The Malaysian Legal System*, 261.

44. Shanti Nair, *Islam in Malaysian Foreign Policy*, 15, 21.

45. "The Constitution of Malaysia", Article 3(2).

46. *Ibid*., Article 3(5).

47. *Ibid*., Article 161.

48. "Report of the Federation of Malaya Constitutional Commission", 73, para 169 cited by Hamid Jusoh, *The Position of Islamic Law in the Malaysian Constitution With the Special Reference to the Conversion Case in Family Law*, 21.

49. Hussin Mutalib, *Islam in Malaysia: From Islamic Resurgence to Islamic State?*. 117–8.

50. Shanti Nair, *Islam in Malaysian Foreign Policy*, 45.

51. Hussin Mutalib, *Islam in Malaysia: From Islamic Resurgence to Islamic State?* 94–6.

52. *Ibid*.
53. *Ibid*.
54. *Ibid*.; Shanti Nair, *Islam in Malaysian Foreign Policy*, 49.
55. *Ibid*., p. 27–9 Wan Hashim Wan Teh, *Race Relations in Malaysia*, 84–7.
56. *Ibid*.; *Vidhu Verma, Malaysia: State and Civil Society in Transition*, 101.
57. *Ibid*.; See Vidhu Verma, *Malaysia: State and Civil Society in Transition*, 104–6.
58. *Ibid*.
59. *Ibid*.
60. Vidhu Verma, *Malaysia: State and Civil Society in Transition*, 107; Shanti Nair, *Islam in Malaysian Foreign Policy*, 32.
61. Shanti Nair, *Islam in Malaysian Foreign Policy*, 28.
62. *Ibid*., 30.
63. *Ibid*., 33, 91–2.
64. See Interview with Mahathir, in *Utusan Melayu*, 26–27 Oct 1984 cited in Hussin Mutalib, *Islam in Malaysia: From Resurgence to Islamic State?*, 30.
65. Hussin Mutalib, Islam *in Malaysia: From Resurgence to Islamic State?*, 32–3, 36–9. See also Shanti Nair, *Islam in Malaysian Foreign Policy*, 34–5; Wan Hashim Wan Teh, *Race Relations in Malaysia*, 87–90.
66. Vidhu Verma, *Malaysia: State and Civil Society in Transition*, 108–9; Shanti Nair, *Islam in Malaysian Foreign Policy*, 33.
67. See *Ibid*., 106.
68. Shanti Nair, *Islam in Malaysian Foreign Policy*, 33.
69. Hussin Mutalib, *Islam in Malaysia: From Resurgence to Islamic State?*. 32–3.
70. Vidhu Verma, *Malaysia: State and Civil Society in Transition*, 95.
71. *Ibid*., 116; Shanti Nair, *Islam in Malaysian Foreign Policy*, 44.
72. Shanti Nair, *Islam in Malaysian Foreign Policy*, 57.
73. *Ibid*., 12–3, 32–3.
74. *Ibid*., 34–5, 40; For information on Jemaah Islah Malaysia, see http://www.jim.org.my (10 Jan. 2005).
75. *Ibid*.
76. *Ibid*., 36.
77. *Ibid*., 36.
78. Hussin Mutalib, Islam *in Malaysia: From Resurgence to Islamic State?*, 92–4.
79. "Veiled position," in *Asiaweek.com*, 26 May 2000, available at http://www.asiaweek.com/asiaweek/magazine/2000/0526/newsmakers.html (10 Jan. 2005); Baharom MaHussin, "Rafidah hadapi cabaran satukan semula Wanita (Rafidah faces challenge of uniting Wanita)", in *Utusan Malaysia*, available at http://www.utusan.com.my/utusan/specialcoverage/umno2000/index.asp?lang=&Sec=Rencana&Pg=20000511/rm14_full.htm (10 Jan. 2004).
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81. Shanti Nair, *Islam in Malaysian Foreign Policy*, 43.
82. Vidhu Verma, *Malaysia: State and Civil Society in Transition*, 109; Shanti Nair, *Islam in Malaysian Foreign Policy*, 38.
83. *Ibid*., 17.
84. Vidhu Verma, *Malaysia: State and Civil Society in Transition*, 93, 95.

85. Hussin Mutalib, *Islam in Malaysia: From Islamic Resurgence to Islamic State?*, 115–6; Shanti Nair, *Islam in Malaysian Foreign Policy*, 15; Shanti Nair, *Islam in Malaysian Foreign Policy*, 40.

86. *Ibid*., 92.

87. *Ibid*., 94–6.

88. Shanti Nair, *Islam in Malaysian Foreign Policy*, 36.

89. "Malaysia Negara Islam (Malaysia is an Islamic State)", in *Jabatan Kemajuan Islam* (Online); Abdul Monir Yaakob, "Takrifan Negara Islam Luas (Definition of Islamic State is wide)", in Utusan Malaysia, 3 May 2003, (Online); See also Shukri Muhammad, *Negara Islam Malaysia: Satu Analisis Ilmiah (Islamic State of Malaysia: An Intelectual Analysis)*, (Online).

90. "Press Statement: Population and Basic Demographic Characteristics Report, Population and Housing Census 2000", in *Department of Statistics Malaysia*, available at http://www.statistics.gov.my/English/frameset_pressdemo.php (7 Jan. 2005); See also Hussin Mutalib, *Islam in Malaysia: From Islamic Resurgence to Islamic State?*, 110–2. In 1991 national census report the Malays was only 50 percent. Other Bumiputera constituted 10.6 percent. Other ethnic groups are 28.1 percent Chinese, 7.9 percent Indians and 3.4 percent others. Malay dominance is slightly higher in the Peninsula alone which was 57.4 percent. Muslims as a whole make up only 58.6 percent. In 1979, The Malays were 52 percent, 35.4% were Chinese and 10.6 percent were Indians. In 1931, 41.4 percent of the population were Malays, 33.8 percent were Chinese and 15 percent were Indians. The figures indicate that there has not been significant difference in the ethnic composition in Malaysia. See Shanti Nair, *Islam in Malaysian Foreign Policy*, 18–9 and Wan Hashim Wan Teh, *Race Relations in Malaysia*, 60.

91. Shanti Nair, *Islam in Malaysian Foreign Policy*, 20.

92. See Interview with Dr. Tan Chee Koon (former member of opposition in Parliament) and Lee Kim Sai (MCA) in Hussin Mutalib, *Islam in Malaysia: From Islamic Resurgence to Islamic State?*, 101–4 and 107–10, 128; Shanti Nair, *Islam in Malaysian Foreign Policy*, 20, 38.

93. *Ibid*., 119–22.

94. "The Constitution of Malaysia", Article 4(1).

95. *Ibid*., The Ninth Schedule, List II-State List.

96. *Ibid*., The Ninth Schedule, List I-Federal List.

97. See Ahmad Ibrahim and Ahilemah Joned, *The Malaysian Legal System*, 99–101.

98. Hussin Mutalib, *Islam in Malaysia: From Islamic Resurgence to Islamic State?*, 118.

99. Shanti Nair, *Islam in Malaysian Foreign Policy*, 39.

100. Vidhu Verma, *Malaysia: State and Civil Society in Transition*, 115.

101. Laporan penuh Konsert Malam Kesenian Alternatif (Full report for Concert for Alternative Art Night), available at http://www.pemudapas.net/modules.php?op=modload&name=News&file=article&sid=550&mode=thread&order=0&thold=0 (10 Jan. 2004).

102. See *Asiaweek*, 5 June 1992, 27–31 and *Straits Times*, 29 Oct. 1991 cited in Hussin Mutalib, *Islam in Malaysia: From Resurgence to Islamic State?*, 38.

103. See http://www.ikim.gov.my (10 Jan. 2005).

104. Vidhu Verma, *Malaysia: State and Civil Society in Transition*, 118–9; Shanti Nair, *Islam in Malaysian Foreign Policy*, 18.

105. *Ibid*., 117.

106. *Ibid*., 113–5; Shanti Nair, *Islam in Malaysian Foreign Policy*, 27.

107. *Ibid*., 92, 118.

108. See Norani Othman (ed.), *Shari'a Law and the Modern Nation-State: A Malaysian Symposium*, i–v, 1–3, 81–6, 123–40; Rose Ismail (ed.), *Hudud in Malaysia: The Issue at Stake*, 1–3, 31–40, 85–7.

109. Vidhu Verma, *Malaysia: State and Civil Society in Transition*, 94.

110. Shanti Nair, *Islam in Malaysian Foreign Policy*, 24.

111. *Ibid*., 31.

112. *Ibid*., 33.

113. Joel S. Migdal, *State in Society: Studying How States and Societies Transform and Constitute One Another*, (Cambridge University Press, 2001), 10, 15–20.