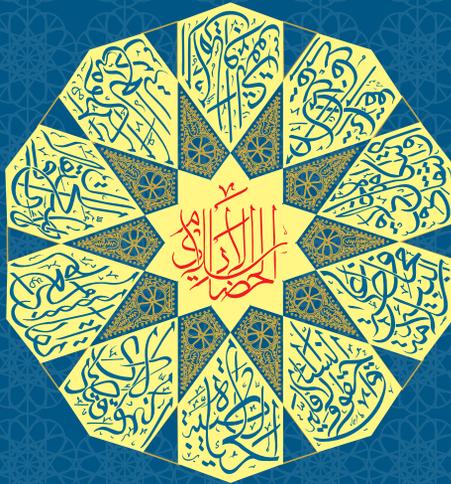


# Islam and Civilisational Renewal

KDN No. PP 16237/08/2012(030866)

ISSN 2041-871X (Print) / 2041-8728 (Online)

A journal devoted to contemporary issues and policy research



Volume 12 • Number 1 • June 2021



International Institute of  
Advanced Islamic Studies (IAIS) Malaysia

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A journal devoted to contemporary issues  
and policy research

Volume 12 • Number 1 • June 2021

Produced and distributed by



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Comments, suggestions and requests to: [journals@iais.org.my](mailto:journals@iais.org.my)  
Online journal: [icrjournal.org](http://icrjournal.org)

Published by IAIS Malaysia, P.O. Box 12303, Pejabat Pos Besar, 50774, Kuala Lumpur  
Office Address: Jalan Ilmu, Off Jalan Universiti, 59100 Kuala Lumpur  
Printed by Vinlin Press Sdn Bhd, Jalan Meranti Permai 1, Meranti Permai Industrial Park, 47100 Puchong, Selangor

# THE CONTEXTUALISATION OF ISLAM IN A SECULAR STATE: A STUDY OF SINGAPORE

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**Abstract:** Muslim minority communities throughout the world grapple with the contextualisation of Islam. Islamic religious scholars, or the '*ulama*', have to issue jurisprudential rulings in accordance with the social, political, and religious contexts in which they operate. In doing so, they simultaneously have to deal with matters pertaining to authority and legitimacy. This paper analyses the contextualisation of Islam in secular states, with specific reference to Singapore. A few arguments will be made. Firstly, the paper will tackle the theological justifications for the contextualisation of Islam. At the same time, the paper will highlight the limits of contextualisation. Secondly, the paper will focus on the secular state of Singapore, and the issue of contextualisation in the context of the Muslim minority community there. It is argued that the discourse on contextualisation in Singapore is not novel. We further contend that the socio-political context in Singapore rightly drives the discussion on contextualisation, but suggest areas of contention in such efforts. Even though the state is the most dominant actor in the country, and thus its ideologies and attitudes toward Islam are a key determinant in the faith's contextualisation, other actors display agency in the process, too. This paper is situated within the literature on state-society and state-Islam relations.

**Keywords:** contextualisation; Islam; secular state; Singapore; Muslim minority; *ulama*.

## Introduction

The very elliptical style of the Qur'an and the Hadiths, with their constant interaction with the shifting contexts of the Prophet's surroundings, makes them incomprehensible at times without context. This also leaves them dangerously vulnerable to misreading.<sup>1</sup>

Jonathan Brown's assertion is reflective of the approach taken by Islamic religious scholars, or the '*ulama*', in Islamic jurisprudence. Islam, a faith which is concerned with both individual practices and societal obligations, has to be

practised by members of a society; hence, when the contexts of those societies change, the Islamic laws governing them may be altered as well. Brown's reading is therefore not a modern one at all: from the outset, the Companions of the Prophet reinterpreted some Prophetic commands in accordance with their own assessment of both the texts – the Qur'an, which Muslims accept as the Word of God, and the Sunnah/Hadith, which refer to the Prophet's words, actions and even inactions – and their contexts. The second Caliph, 'Umar ibn al-Khattab, for example, overturned some of the Prophet's rulings when he felt the circumstances warranted such decisive moves.<sup>2</sup> 'Umar was not only one of the Prophet's closest Companions, but is also believed by Sunnis to be one of those promised paradise. The precedent set by 'Umar, an authoritative figure in Sunni Islam, shows that not only is it justified to contextualise certain Islamic injunctions, at times it is even necessary. Yet, obvious questions arise: under what circumstances can Islamic rulings be changed to fit shifting contexts? Who should be making the call as to whether a law be changed? Are all aspects of Islamic law subject to change?

If these questions are relevant for all Muslim communities at all times, they are especially pertinent for Muslim minority populations living in the modern, secular world. The *'ulama'* in those communities have to grapple with the contextualisation of Islam, and have to issue jurisprudential rulings in accordance with the social, political, and religious contexts in which they operate. In doing so, they simultaneously have to deal with matters pertaining to authority and legitimacy. This paper analyses the contextualisation of Islam in secular states, with specific reference to Singapore. A few arguments will be made. Firstly, the paper will tackle the theological justifications for the contextualisation of Islam. At the same time, the paper will highlight the limits of contextualisation. While contextualisation has been the undisputed reality of Islamic practice from the outset, there are obvious challenges with regard to its theorisation and implementation, which will be articulated. Secondly, the paper will focus on the secular state of Singapore and the issue of contextualisation with regards to the Muslim minority community there. It is argued that the discourse on contextualisation in Singapore is not novel. We further contend that the socio-political context in Singapore rightly drives the discussion on contextualisation, but suggest areas of contention in such efforts. Even though the state is the most dominant actor in the country, and thus its ideologies and attitudes toward Islam are a key determinant in the faith's contextualisation, other actors display agency in the process, too. This paper is situated within the literature on state-society and state-Islam relations.

## The Theological Justifications for and Limits of Contextualisation

As a religion with a comprehensive value and legal system, ranging from the seemingly minute to the major, Islam is a faith which its adherents believe to be applicable to all times and places. This ‘relevance’ is not disputed here; what is contested is, what exactly does that relevance entail? Are all laws to be followed to the letter at all times? If not, which laws can be modified to suit the times, and which are immutable? Should a more literal or metaphorical approach be taken to understanding Islamic texts? Should the letter of the law be prioritised or should it be about adhering to its spirit? If it is the latter, who gets to define what the ‘spirit’ or ‘essence’ of the law is? Should Islamic practices be consistent between Muslim majority and Muslim minority communities? These are some of the questions that will be tackled in this section.

### Theological Justifications

As mentioned in the introduction, as a matter of practicality, the Companions of the Prophet issued edicts which sought to contextualise certain practices, even if this meant some Prophetic injunctions were not obeyed in their exact form. The following Qur’anic injunctions, amongst many others, provide the basis for such actions:

And (it is) a Qur’an which We have separated (by intervals) that you might recite it to the people over a prolonged period. And We have sent it down progressively. (17:106)

So fear Allah as much as you are able... (64:16)

The first verse quoted above shows that God sent down the Qur’an over a period of time so as to enable human beings to progressively adjust to the new regulations. The best example of this would be the prohibition against drinking alcohol, which was not immediately implemented, but only gradually so. The idea is that Islamic laws were revealed by God in accordance with the context of society at the time, which in this case involved the readiness of Muslims to accept those laws. The second verse quoted above is an acknowledgment of the limitations of being human: due to whatever limitations one may have, total compliance to all Islamic laws may not be possible. Instead, one must strive to do one’s best when adhering to them. The limitations here involve the practical difficulties of adhering to certain injunctions due to the surrounding environment.

The hadith, the second source of authoritative knowledge for Sunni Muslims after the Qur’an, also indicate the permissibility of contextualisation.

For instance, it is authentically narrated that the Prophet used to forbid the Companions from visiting graves, but later rescinded that prohibition. Likewise, initially he did not allow the Companions to recite the Christian Gospels, only to subsequently grant them permission to do so.<sup>3</sup> Classical '*ulama*' have surmised that these prohibitions were given at the start of the Prophetic mission, when the Companions were still new to Islam, and it is only when their knowledge and faith were firmer that the Prophet rescinded them. Evidently, in these instances, the Prophet's commandments were tailored to the context in which he operated.

Other than the textual evidence, the examples of the Companions after the demise of the Prophet are also instructive. Sunnis believe that the Companions are the most righteous human beings among the believers; while they are not infallible, their actions and words carry weight and may be of significance. Abu Bakr and 'Umar, especially, the Prophet's closest Companions and the first two caliphs after his death, are highly regarded by Sunnis. Significantly, therefore, history shows that even they made decisions which seemingly contradicted the Prophet. Abu Bakr made the monumental pronouncement, for example, after some initial reluctance, to compile the Qur'an, which had previously been recorded only in fragments. This decision was made because many memorisers of the Qur'an had perished in war; Abu Bakr decided – upon the advice of others – that the text's compilation was necessary for its preservation. 'Umar is also known for taking bold steps when it came to Islamic jurisprudence. For instance, he explicitly overturned the Prophetic practice of distributing *zakat* to tribes who were not Muslim but were friendly to Muslims. He opined that since Islam was already in a position of strength, the *zakat* should be given to new Muslims instead.<sup>4</sup> 'Umar took office just over two years after the Prophet's death and ruled for about ten years; within this short period of time, he deemed that circumstances had changed enough to warrant new approaches to jurisprudence. Subsequent generations of '*ulama*' followed the lead of Abu Bakr, 'Umar, and other Companions, coming up with innovative prescriptions for the jurisprudential issues they faced.<sup>5</sup>

In this light, it seems thoroughly uncontroversial to contend that the history of Islam advocates legal adaptability to suit the particular context of a community. What is contentious, however, are the limits to that contextualisation and the issue of when it becomes permissible. Here it is timely to introduce the work of Sheikh Yusuf al-Qaradawi, one of the Muslim world's most influential contemporary '*ulama*'. Al-Qaradawi has been at the forefront of the issue of contextualisation, especially for Muslim minority communities. He lists ten factors to determine whether an Islamic law or practice can be contextualised: time, place, circumstances, '*urf*' (custom), information, needs of humanity, abilities of humanity, the widespread nature of a matter (such that it cannot

be avoided), socio-economic and political conditions, and modes of thinking. The first four factors are to be found in the classical Islamic tradition and have been explicitly mentioned by prior *'ulama'*. The other six, however, are al-Qaradawi's own, based on his reading of the Islamic tradition. Naturally, while al-Qaradawi's list is exhaustive and extremely useful, some issues arise. Who, for instance, determines what the socio-political circumstances are that would require a rethinking of Islamic thought?<sup>6</sup>

### **The Limits of Contextualisation**

If contextualisation is both theologically sound and historically valid, why is it still viewed with some suspicion, if not disdain, amongst Muslims? This is for several reasons. First, there are those Muslims who argue that Islamic scholars and leaders do too much to appease non-Muslims, especially since 9-11.<sup>7</sup> These Muslims view acts of contextualisation as unnecessary attempts to appease others, to convince them that Islam is a 'modern' and 'progressive' faith. It is not, therefore, a genuine effort to ensure that Islam remains relevant fourteen centuries after its inception. A concomitant worry is that there may be no limits to appeasement; as one practice after another is labelled 'not suitable', at what point does the practice of Islam become unrecognisable? Second, and related to the first point, is a fear among traditionalist Muslims of 'liberal' interpretations of the faith. Typically accorded a magnified voice by both media outlets and commentators on Islam, particularly in the West, liberals seek to challenge established understandings of Islamic jurisprudence, usually by utilising the language of individual liberty – akin to modern Western liberal comprehensions of freedom.<sup>8</sup> Much of the resistance towards contextualising Islam stems from this traditionalist apprehension towards liberals/progressives. Of course, 'liberal' or 'progressive' Muslims are not a monolithic group; there are many differences between them. While the more 'extreme' examples, such as Irshad Manji, call for a thorough reform of Islam, including a disregard for core beliefs like adherence to Sunnah, others adopt a more scholarly and intellectual approach.<sup>9</sup> Scott Kugle falls in the latter camp, utilising an inventive reinterpretation of the story of Lot in the Qur'an, a story mainstream Muslims almost unanimously use as evidence of a prohibition against same-sex relationships, to argue Islam is not against homosexuality.<sup>10</sup>

One can see the bind traditionalist Muslims find themselves in: if Islam can be contextualised and reinterpreted, why can it also not be refashioned in the way Kugle attempts, in line with modern notions of justice and individual rights? The debate here is essentially about the limits of contextualisation, with mainstream Muslims using several criteria to determine the boundaries of

reinterpreting Islamic texts. First, basic theological tenets are non-negotiable: the Oneness of God, the Prophethood of Muhammad, the existence of the Afterlife and Day of Judgment, the Qur'an as the Word of God, are beliefs which cannot be compromised.<sup>11</sup> When progressives such as Manji question these tenets, they do themselves no favours, since their calls are antithetical to the sensibilities of most Muslims. Secondly, established religious practices are also immutable. The command to pray five times a day, fast during Ramadan, and ensure marriage is between a man and woman are integral to a Muslim's faith. No doubt specific situations may determine whether an individual should carry out those practices. For instance, a sick person may be exempted from fasting. However, the general command to fast during Ramadan must be adhered to whenever circumstances permit. Finally, who (if anyone) should be the gatekeepers of reinterpretation? For traditionalists, it should be the '*ulama*', or those with sufficient knowledge and stature (good command of Arabic, sound understanding of Islamic texts, and community recognition). The '*ulama*' and not any layperson should be the ones leading the way. In its essence, this third criteria is not exactly controversial; no one would take someone who cannot speak English seriously if that person says he/she is an expert in Shakespearean literature.

Nevertheless, these criteria, especially the second and third, are not undisputed. For matters such as prayer and fasting, the rulings are quite clear-cut, but what about other issues which are more amorphous? The issue of inheritance, for instance, is increasingly contentious. While inheritance laws are specified in the Qur'an, progressives contend that our social context has changed, rendering those pieces of legislation obsolete. This is an area of contention which highlights the difficulties involved with contextualisation. An even more controversial issue has already been alluded to: the permissibility of same-sex relationships. The '*ulama*', both past and present, unanimously agree such relationships are impermissible. In modern times, however, some Muslim progressives and intellectuals have challenged this understanding, claiming that the Qur'an makes no such assertion. The aforementioned Kugle is amongst them, claiming that the story of Lot is not about homosexuality, but rather condemns lust. His interpretation is not shared by Muslim '*ulama*', however, because Lot's story in the Qur'an seems quite plain and unambiguous; any person who reads it is extremely likely to surmise the story is about a prohibition of same-sex relationships between males. Indeed, some hadiths are also, as Scott acknowledges, critical of all same-sex relationships.<sup>12</sup>

These two issues demonstrate the difficulties of contextualisation. To be sure, while Islam is a religion with a rich intellectual tradition, with various contesting opinions, there are 'boundaries'. If everything can be part of 'Islam', then 'Islam' does not really have any meaning. This is true of any other faith as

well. That is not in dispute. What is, however, is where the boundaries are and who gets to decide. Diversity of thought is largely encouraged in Islam; yet, at the same time, there are certain hard lines which are not to be crossed.

Even though we have argued that, in both theory and practice, the *'ulama'* are the ones who should be at the forefront of determining what can or cannot be contextualised, there are a few qualifications. Firstly, religious authority does not reside in any single *'alim* (singular of *'ulama'*) but rather, as Wael Hallaq argues, in the entire juristic enterprise.<sup>13</sup> Thus, no single *'alim* can claim to have the definite answers to complex modern jurisprudential issues. Secondly, the *'ulama'* have to rely on the broader expertise of the Muslim (and at times non-Muslim) community. For instance, regarding issues like cloning or organ transplant, the *'ulama'* must consult with the best available science to help them adjudicate. Third, no exercise can ever be divorced from power considerations. Throughout the history of Islam, power interests have intersected with Islamic legislation, with those in authority trying to nudge religious scholars in a particular direction.<sup>14</sup> It is vital for us to comprehend that there are power structures involved in decision-making, which is why diversity of thought is important. In the context of Singapore, it is crucial to involve *'ulama'* and community activists who are both state-aligned and independent.

With these three caveats in place, although messy, the process of contextualisation would surely yield much better results, both intellectually and practically. Intellectually, a range of diverse opinions and an atmosphere of openness would generate a better final product, while practically it would make it much easier for a decision to be accepted by members of the public. There would be no perception of religious authorities being pressured into making a decision, which is especially important in Singapore, where the Islamic Religious Council of Singapore (*Majlis Ugama Islam Singapura*, MUIS) is an organ of the state. A later section will discuss this matter in more detail.

As evinced by the preceding discussion, contextualisation is by no means a simple endeavour. Contestations within the *'ulama'* fraternity, and from outside, especially in an age where everyone's opinion can be heard via social media, regardless of whether it has the requisite proficiency, will always occur. What we have outlined, however, are the principles that should guide both the processes and limits of contextualisation. With it in mind, we turn to the city state of Singapore as a practical case study and point of reference for analysing the topic of contextualisation.

## The Contextualisation of Islam in Singapore

### Background: Islam in Singapore

It is important to provide a brief idea of Singapore's political system in order to properly comprehend the practise of Islam in the country. Since attaining independence in 1965, Singapore has been governed by the People's Action Party (PAP), practising a system best described as "illiberal democracy" or "competitive authoritarianism."<sup>15</sup> This means that, while elections are not completely fair, they are not fraudulent either. Thus, while the playing field is not level, opposition parties and candidates can and do contest, even winning at times, giving voters a genuine choice. PAP's almost unbridled power, however, has meant that it has been able to define, or at least influence, every facet of Singaporean society, including religion. Since PAP is the most important political entity in the country, the contextualisation of Islam cannot take place without acknowledging this dominance; Singapore is a self-avowed secular state and PAP has made no qualms about intervening in the religious lives of individuals, restricting personal liberties for the sake of attaining societal harmony. Certainly, Singapore's experience of Malay-Chinese racial rioting in 1964 while briefly part of the Malaysian Federation left an ineffaceable mark on the psyches of PAP leaders; they have subsequently viewed race and religion as points of difference to be consciously managed.<sup>16</sup> The following quotes best encapsulate PAP's approach to religion and politics in general. The first two are from Lee Kuan Yew, founder of PAP and the first prime minister of independent Singapore, who profoundly shaped the nation as we know it today, and the third is from the current prime minister, Lee Hsien Loong.

I am often accused of interfering in the private lives of citizens. Yes, if I did not, had I not done that, we wouldn't be here today. And I say without the slightest remorse, that we wouldn't be here, we would not have made economic progress, if we had not intervened on very personal matters – who your neighbour is, how you live, the noise you make, how you spit, or what language you use. We decide what is right. Never mind what the people think.<sup>17</sup>

Churchmen, lay preachers, priests, monks, Moslem theologians – all those who claim divine sanction or holy insights – take off your clerical robes before you take on anything economic or political.<sup>18</sup>

We have no illusions about the depths of the religious fault lines in our society, and the harm that will befall us if we neglect to manage them.<sup>19</sup>

The PAP government's obsession with maintaining societal stability by keeping religion in check is evinced not only by these statements from its leaders, but by numerous laws, including: the Internal Security Act (ISA), under which offenders can be detained without trial for "acting in a manner prejudicial to the security of Singapore"; the Maintenance of Religious Harmony Act (MRHA), under which any religious figure can be punished for activities that cause ill will between religious groups; and Section 298 of the Penal Code, under which a person can be punished for "uttering words with deliberate intent to wound the religious or racial feelings of any person." These draconian laws reflect the government's unapologetically interventionist approach to managing race and religion.

However, these harsh tools are by no means the only, or even primary, mode of addressing religious issues in Singapore. The government also tries to ensure it leaves nothing to chance by supporting inter-religious harmony via bodies like the Inter-Religious Organisation and Inter-Racial and Religious Confidence Circles.<sup>20</sup> Perhaps nowhere, however, is the state's interventionist stance more evident than in its management of Islam.

Due to certain historical realities, Islam occupies a special position in the Constitution of Singapore, being considered the religion of the indigenous people of Singapore, the Malays. This is despite Muslims being a minority, constituting only about 14 per cent of the resident population (compared to Buddhists/Taoists, 43.2 per cent; Christians, 18.8 per cent; and people of no religion, 18.5 per cent).<sup>21</sup> Most Muslims in Singapore are Malay (who generally practise the Shafi'i school of jurisprudence), although there are also sizeable Indian and Arab Muslim communities too, not to mention other smaller groups. Article 153 of the Constitution reads: "The Legislature shall by law make provision for regulating Muslim religious affairs and for constituting a Council to advise the President in matters relating to the Muslim religion." The manifestation of this constitutional guarantee is the continued existence of the aforementioned Islamic Religious of Council of Singapore (MUIS). Under the Administration of Muslim Law Act (AMLA), in 1968 MUIS became a statutory board that today finds itself under the purview of the Ministry of Culture, Community and Youth (MCCY). It is supposed to advise the President of Singapore on all matters pertaining to Islam and appoints Singapore's mufti, the highest official religious authority in the country. This mufti chairs a *fatwa* committee composed of '*ulama*' from both within and outside MUIS, who issue edicts on Islamic matters relevant to the Singaporean context. MUIS works closely with and reports to the Minister of Muslim Affairs, a position within the cabinet. The authority of MUIS is wide-ranging, with the organisation handling everything from mosque management to *zakat* collection.<sup>22</sup> Thus, while

Singapore proclaims itself to be a secular state, the existence of MUIS and a Ministerial position for Muslim affairs means its version of secularism does not conform to conventional understandings of that term. Scholars have termed Singapore's brand of religious management "pragmatic" or "accommodating" secularism.<sup>23</sup>

MUIS plays an important role in contextualisation, not only by issuing edicts and advisories, but also by training *asatizahs* (religious teachers) to be well-versed in both texts, and context. For instance, the Postgraduate Certificate in Islam in Contemporary Societies (PCICS) is mandatory for aspiring religious teachers; this one-year programme accustoms participants to the realities of teaching Islam in modern-day Singapore.<sup>24</sup> However, the practical socio-political realities described in the preceding paragraphs make the task of contextualisation in Singapore arduous for MUIS. Since both MUIS and the mufti are linked to the state, even when they make pronouncements that are jurisprudentially sound, such are often met with cynicism. This has been acknowledged by two previous muftis, Shaykh Isa Semait and Dr Fatris Bakaram.<sup>25</sup> Moreover, this situation has worsened since the implementation of the Asatizah Recognition Scheme (ARS), whereby anyone wishing to teach Islam in Singapore must be certified by the Asatizah Recognition Board (ARB). Even though the ARB comprises senior '*ulama*', it reports to MUIS, ensuring many questions arise – fairly or otherwise – about decisions to disallow certain individuals from teaching Islam. Again, this makes acceptance of contextualisation recommendations by the '*ulama*' problematic.

Another significant actor on the scene is the Singapore Islamic Scholars and Religious Teachers Association (*Persatuan Ulama dan Guru-Guru Agama Islam Singapura*, Pergas). Pergas is an independent body of '*ulama*' dedicated to building a "credible leadership of *ulama*" and developing "a generation of Asatizah who are experts in guiding the community."<sup>26</sup> Although formed in 1957, the organisation did not rise to national prominence until the late 1990s and early 2000s, when it became an advocacy group pressuring the government into acceding to its requests concerning the donning of *hijab/tudung* (Muslim female headscarf) and *madrasah* (Islamic school) education.<sup>27</sup> During those episodes, Pergas was willing to publicly disagree with both the government and MUIS. In 2003, Pergas also released a publication following an '*ulama*' convention, entitled *Moderation in Islam: In the Context of Muslim Community in Singapore*. This book represented a definitive attempt to contextualise Muslims as a minority community in a secular state. It was also meant to define moderation from an Islamic perspective in a post-9-11 world, where many politicians and commentators were trying to propagate conceptions of a 'moderate Muslim'. In the years after 9-11, there was a lag on the part of

MUIS to recognise and tackle the discourse of moderation, leaving Pergas and other *'ulama'* to fill the void. Thus, while MUIS has had an important role in contemporary Islam in Singapore, the role of other actors cannot be denied.<sup>28</sup>

Over recent years, Pergas has become less confrontational, adopting a more cooperative attitude towards both the government and MUIS.<sup>29</sup> It remains an organisation, however, with significant moral authority; for many Muslims its independence from the state lends it greater credibility.

### **Contextualisation in Singapore: Prominent Examples**

This section will demonstrate how Islam in Singapore, as elsewhere, has been contextualised through the issuance of several major *fatwas* that have since become accepted amongst Singaporean Muslims. These examples prove how the *'ulama'* have engaged with both text and context, demonstrating the applicability of everything discussed in the first section.

The first example is the 1978 decision by MUIS to determine the start of the months in the Islamic calendar – including Ramadan and Shawwal, when Muslims celebrate Eid – through calculation (*hisab*) instead of by sighting the moon (*rukayah*). This *fatwa* was based on advancements in modern science and astronomy capable of determining with near-precise accuracy the position of the moon. This eliminates (or mitigates) the possibility of weather conditions or human error affecting the sighting. MUIS surmised that, even though the Prophet had instructed Muslims to view the new moon to signal the start of a new month, the essence of his instruction was to determine whether the month had indeed begun. Since technology now enabled us to do this more accurately, we should determine it through those more modern means.<sup>30</sup>

A second example concerns the Human Organ Transplant Act (HOTA). In 1973, Singapore's *Fatwa* Committee ruled it was impermissible for Muslims to become organ donors after death. This position, however, came into conflict with HOTA when the latter was passed by parliament in 1987, making donation the law of the land. Initially, Muslims were excluded from the act but, after much deliberation, the *Fatwa* Committee ruled in 1995 that it was permissible for Muslims to donate their organs, effectively overturning its 1973 decision. They ruled that medical advancements had made the transplant procedure more effective, and hence there was value in it. This new *fatwa* was then progressively modified to the point that, in 2007, it was ruled Muslims could automatically be included as donors without the need for them to give written permission while still alive, as the 1995 *fatwa* had stipulated. This action was taken after the Muslim Kidney Action Committee suggested it, since many kidney patients in need of a transplant were Muslim.<sup>31</sup> As in the previous example, scientific

advancements were crucial in changing the initial 1973 *fatwa*, although the evolving needs of the community were also relevant.

Another example is the October 2018 decision to increase the minimum age of marriage from 16 to 18. While classical Islamic jurisprudence does not overtly specify a minimum age for marriage, merely stating that individuals must have reached the age of puberty, today mores have changed, with youthful marriages being disapproved of. Coupled with the fact that in Singapore many Muslim divorces occur between younger couples, the decision was taken to raise the minimum marriageable age to ensure the presence of emotional maturity when starting a family. Here, *maslahah* (public interest) determined the need for the *fatwa*. It also must be noted that, even though classical jurisprudence does not specify a minimum age, there is no explicit prohibition in the Qur'an or Prophetic tradition against determining one.<sup>32</sup>

A more recent controversial case has been the *fatwa* closing mosques, including during the obligatory Friday prayers, due to the spread of COVID-19. This decision was generally greeted with community support, although there were still some who criticised the mufti for it.<sup>33</sup> The *fatwa* was issued on the basis that protection of life is more important than the Friday prayer, which could have become a potent conduit for transmission of the disease.<sup>34</sup>

Numerous other examples of successful contextualisation exist: the ruling that *zakat* be paid with money and not rice; allowing payment of *zakat* by cheque, over the telephone, or by e-payment; or the Joint Tenancy *fatwa* that ruled a place of residence owned by both husband and wife will, after the death of one, automatically belong to the other without the need for a written will. In each instance, the '*ulama*' came to the conclusion that the needs of the community required a fresh look at certain Islamic practices, prompting them to extract new, contextually appropriate rulings from the texts that nevertheless remained faithful to the essence of the latter. Al-Qaradawi's list of factors, together with the other issues discussed above, can be seen to apply here.

### **Contextualisation and Areas of Contention**

The previous section highlighted examples of contextualisation that were well received by the Muslim community in Singapore. No doubt, none of the *fatwas* issued were unanimously accepted by every member of the Muslim community but, generally, these efforts at contextualisation have been uncontroversial for two reasons: most (if not all) of the '*ulama*' (including Pergas) supported them and the issues affected were not viewed as overtly 'political' by the public. Here, we will illustrate a few cases where efforts to contextualise Islam were not so straightforward.

### a. *Hijab*

One of the most important moments in the history of Singapore's state-Islam relationship was the *hijab* episode, which has already been alluded to. Muslim activists and groups were clamouring for the state to allow Muslim girls and certain frontline workers (such as nurses) to wear *hijab*. In early 2002, four children wore the *hijab* to school in defiance of the government's existing policy. PAP leaders, including the then Prime Minister Goh Chok Tong, rebuked those involved in the incident while Mufti Shaykh Isa Semait issued an advisory stating that seeking knowledge was more important than donning *hijab*, meaning Muslim parents need not worry too much about sending their girls to national schools.<sup>35</sup> Pergas, however, were dissatisfied with this statement and urged Muslims to continue pursuing the cause and convince the government to change.

Here, efforts by the mufti to contextualise Islamic jurisprudence based on socio-political realities received a mixed response. While the essence of his statement was valid, what Muslim activists were questioning was why there needed to be a dichotomous choice between seeking knowledge and putting on the *hijab*. Pergas was vocal throughout the episode, providing a counterweight to MUIS's predictably measured response.

This incident, like many others, aptly demonstrates the complications of contextualisation in Singapore. There will always be contestation when it comes to making Islamic teachings more applicable to modern society; when these objections come from '*ulama*', the process becomes even more difficult. When compounded with the perception that any edict or religious advisory issued by state-linked '*ulama*' will be politically influenced, the matter becomes acute. The state's forceful efforts to discredit the *hijab* movement as antagonistic, rather than engaging with it, did not help the mufti in this regard.

### b. "Merry Christmas" Greetings

A more recent example involves the exchanging of religious greetings. In 2016, the Minister of Home Affairs, Shanmugam, identified a "worrying" trend among younger Muslims against wishing Christians a "Merry Christmas" or Hindus a "Happy Deepavali" because they felt doing so contradicted their religious beliefs. Mufti Ismail Menk, a popular preacher from Zimbabwe, was subsequently barred from giving religious talks in Singapore after saying it was indeed impermissible for Muslims to wish Christians a "Merry Christmas".<sup>37</sup> Instead, he advocated saying "Happy Holidays". The Singaporean government took an unequivocal stance on this issue, with various PAP leaders intimating that it was unacceptable for Muslims to hold on to the opinion espoused by Menk. The Minister of Environment and Water Resources, Masagos Zulkifli,

who later became Minister-in-Charge of Muslim Affairs, remarked that “they say things that can sow the seeds of terrorism or intolerance towards other religions, including forbidding Merry Christmas greetings and so on without taking into account its context...this is very dangerous.”<sup>38</sup> Another Muslim parliamentarian, Senior Minister of State Dr Maliki Osman, said that opinions like Menk’s had “no Islamic basis.”<sup>39</sup> MUIS further supported the idea that it was permissible to exchange religious greetings, as evinced by the mufti’s own “Merry Christmas” wish to the Christian community.<sup>40</sup>

What was missing from the above state-initiated discourse, however, was acknowledgement that there are in fact a myriad of opinions within Islamic jurisprudence on the matter of exchanging religious greetings, in spite of Maliki’s aforementioned claim to the contrary. Many senior *‘ulama’* in Singapore subscribe to the opinion (or, at least, used to) that it is not permissible to greet those from other faiths as described above because doing so would be tantamount to acknowledging the validity of their beliefs.<sup>41</sup> While none of these *‘ulama’* advocate an adversarial relationship with other faith communities, for them social tolerance does not come hand-in-hand with theological tolerance; one can have the conviction that other faiths preach beliefs that are wrong while nonetheless being kind to everyone. This principle will be expounded in the next section. This diversity amongst *‘ulama’*, was acknowledged by Pergas, which said that it was inclined towards stating that sending greetings was permissible—which, incidentally, is the position of al-Qaradawi—but while acknowledging that other opinions exist within the Islamic corpus of knowledge.<sup>42</sup>

Here, mild tensions arose between the state’s idea of an acceptable Islamic opinion and the *‘ulama’*’s. The government adopted its typical interventionist stance, prodding Muslims towards a particular jurisprudential opinion, one which it thought would preserve racial harmony. However, Muslims may not necessarily share that idea; even those who were comfortable expressing “Merry Christmas” to their Christian friends felt unease at the securitisation of conservative Muslim jurisprudential opinions in this case, such that not exchanging greetings was directly linked to the potential radicalisation of the Muslim community. When contextualisation efforts are viewed to be overtly political like this, even if they are jurisprudentially valid, they may be subject to scepticism among the laity. As W. J. Abdullah points out, there may be segments within the Muslim community who are uncomfortable with the seemingly cosy relationship between religious elites and the political establishment, however well-intentioned that relationship might be.<sup>43</sup>

### c. Religious Pluralism

Alami Musa, President of MUIS<sup>44</sup> and head of the Studies in Inter-Religious Relations in Plural Societies Programme at the S. Rajaratnam School of International Studies (RSIS), wrote in an op-ed in *The Straits Times*:

The moderate position is to have an inclusive view of the “religious other”. They believe that their religion provides the preferred way to salvation, but do not discount the reality that other religions contain truths, goodness and even pathways that may or can lead to salvation. Such a view is an important condition for one to be inter-religious.<sup>45</sup>

Here, Alami was advocating a position that has never been mainstream in any Islamic sect, whether Sunni, Shia, Mu’tazilite, or Kharijite. In another op-ed, entitled ‘Religious Harmony: Stop the Tolerance, Start Appreciating’,<sup>46</sup> Alami argued that no one religion should claim superiority over another. This is a view most Muslims do not share, as they generally believe that Islam is superior. Indeed, that Islam challenges the core beliefs of other faiths, such as Christianity, is evident from the Qur’an and Sunnah. What Alami was doing in his op-ed, however, was conflating supremacism and superiority; a supremacist attitude may lead to violence or oppression against others, but merely believing that one’s faith is correct does not necessarily entail something similar. The very fact that someone subscribes to a belief must mean that he/she thinks it is superior to others. Otherwise, why subscribe to it in the first place?

Even though Alami is not an *‘alim*, he is an influential voice within the Singaporean Muslim community and has close links to the state.<sup>47</sup> His op-eds represent an attempt to further contextualise theological beliefs in line with modern sensibilities on religious pluralism. Underlying this drive, however, is a conflation between theological exclusivity and social exclusivity. Even if Muslims believe in theological exclusivity – that Islam is the one true path toward salvation – that does not automatically translate into social exclusivity, to Muslims socially distancing themselves from other communities. However, Alami seems to suggest that the two are indeed correlated.

Alami’s op-ed pieces provide an instructive look at the limits of contextualisation. If a contextualisation narrative is pushed but not accepted by the vast majority of *‘ulama*’, it is likely to be unsuccessful. However, just because a view is not mainstream at a particular point in time does not mean it will remain so in the future. Nevertheless, at the moment the idea that all religions are equal does not seem to be intellectually compelling for Muslims.

As can be seen from these three examples, even though the state wields a disproportionate amount of power in Singapore, it is never the only entity that

matters. Other Muslim actors push back against state proclamations, resulting in a battle of ideas. Increasingly, non-state aligned individuals, ranging from Muslim activists to non-state '*ulama*', participate in the discourse on Islam and how it should be practised in Singapore. With the advent of social media and the concomitant increased scrutiny of those in authority, including state-linked '*ulama*', pronouncements by MUIS are likely to be even more hotly contested.<sup>48</sup> Nonetheless, the state remains the pre-eminent actor, as already acknowledged in this paper.

## Conclusion: Contextualisation and the Way Forward

This article has attempted to elucidate the justifications, need, and limits to contextualising Islamic teachings. Islam has always been contextualised to suit particular social settings. However, there are guidelines and limits to this process, in which the '*ulama*' are vital (though by no means the only) actors. Since Islam belongs to all Muslims, it is expected that every Muslim will have an opinion on a particular matter and may contest the contextualisation efforts emanating from the '*ulama*' or from outside. The specific Singaporean examples given here highlight these issues and complexities.

Moving forward, we propose that contextualisation efforts, not just in Singapore, but elsewhere too, be more encompassing of Muslim societal and intellectual diversity. In Singapore, more often than not only lip service is paid to diversity of opinion. In an attempt to develop new rulings, however, while staying true to Islamic principles, the ideas of those who may not be mainstream must be taken into account. At the very least, active engagement with those who have a penchant to be critical must take place. Alternative thought must not be silenced as 'keyboard warrior opinions' or as 'unconstructive'. Engaging with ideas does not mean necessarily agreeing with them, but intellectual dissenters may be able to point out otherwise hard to see blind spots. In a country like Singapore, used to top-down decision making,<sup>49</sup> it would help if contextualisation efforts involved as many voices as possible, including those of people outside the formal state machinery. This makes it much easier for the Muslim masses to accept them. It is also perhaps judicious to make any contextualisation effort as apolitical as possible. When political leaders issue statements pertaining to certain jurisprudential practices, they often undermine any subsequent edict by the '*ulama*' agreeing with them.

Contextualisation is here to stay. The dynamism of Islam is best reflected in its ability to adapt to various societies and cultures, without losing its essential teachings. That process is, however, at times contentious, and rightly so: only

through genuine debate can the best ideas emerge. Stifling differing opinions does not achieve the optimal outcome.

## Notes

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