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Longer-term External Conditions Behind Legal Conservatism in Malaysian Islam

Mohd Faizal Musa and Siti Syazwani Zainal Abidin*



An imam reads the Friday prayers sermon during the Islamic holy month of Ramadan, at the National Mosque, which was reopened after the Malaysia government relaxed measures to combat the spread of the COVID-19 novel coronavirus, in Kuala Lumpur on May 15, 2020. In the last decade, conservative forces in Malaysia have been pressuring the federal government to amend the country's laws to increase the authority of the Sharia courts. Photo: Mohd RASFAN, AFP.

^{*} Mohd Faizal Musa is Visiting Fellow at ISEAS – Yusof Ishak Institute, and Research Fellow at Institute of the Malay World and Civilization, National University of Malaysia (UKM). Siti Syazwani Zainal Abidin was formerly a Research Officer at the Institute.





EXECUTIVE SUMMARY

- In Malaysia, the Iranian Revolution of 1979 is conventionally seen as one of the main external factors that contributed to rising conservatism in the country today. This association appears in the writings of numerous academic scholars and observers on Malaysian Islam.
- However, the fact that Malaysian Muslims generally exclude and demonise Shiites suggests that there are other underlying forces at play to account for this trend. Shiism is the dominant Islamic sect in Iran, and the revolution led to a Shia cleric coming to power.
- Malaysia's own Islamic traditions, its religious elites and the dakwah (missionary) movements also contributed to the rising conservatism and prevalence of different strands of Islamism in Malaysia today. These include the Wahhabi movement, as well as the Islamic Brotherhood (Ikhwanul Muslimin) ideology imported from Egypt.
- This paper argues that rising conservatism has led to an increased push towards a stricter and more rigid Sharia law influenced mainly by Wahhabism, which came to northern and eastern states in Malaya, namely Perlis and Kelantan, already in the early 19th century, as well as the Ikhwanul Muslim ideology which came a century later.





INTRODUCTION

In the last decade, conservative forces in Malaysia have been pressuring the federal government to amend the country's laws to increase the authority of the Sharia courts. Under the Najib Razak government (2009-2018), a controversial Bill to amend the Syariah Courts (criminal jurisdiction) Act (RUU355) was tabled in parliament by PAS president Abdul Hadi Awang in 2017. It never saw the light of day even though it was listed for a second reading in 2018. However, in November 2020, Dr Zulkifli Mohammad al-Bakri, Minister in the Prime Minister's Department of Religious Affairs under the current Perikatan Nasional (PN) government, said that he hoped that the RUU355 amendment would be realised one day.¹

The politicians' preoccupation with stringent Islamic laws is conventionally linked to the 1979 Iranian Revolution as one of the contributing external factors.² Prominent scholars such as Chandra Muzaffar,³ Jomo Kwame Sundaram and Ahmed Shabery Cheek ascribed the rise of political Islam in Malaysia to the Iranian Revolution, although they did not underplay the significance of domestic politicking among Malay political parties, such as the *kafir-mengkafir* phenomenon (calling one another infidels) between UMNO and PAS in the 1980s. 4 Suggesting that Islamic revivalism in Malaysia came in three phases, Jomo and Ahmed cited "Iran's Islamic Revolution in 1979" as the main external factor having "a most significant impact on the growth of political Islam in Malaysia"; 5 the other global factors cited being the Arab-Israeli war in the 1970s and the 1973 Oil Crisis. These external factors combined with other local developments such as the rise of dakwah movements among middle class and educated Malays. Their works have been highly cited by many scholars ever since. Similarly, Mohamed Nawab Mohamed Osman further alluded the obsession with Islam and hudud law (puritan interpretation of sharia) to the Iranian Revolution. The same suggestion was also made by political leaders such as Liew Chin Tong. He blames the Islamic resurgence movement, particularly citing the Iranian Revolution, for inspiring many Muslims around the world to put their faith in radical means to champion their cause.

This article argues that connecting Islamic resurgence solely to the Iranian Revolution needs a more nuanced discussion. Undeniably, the revolution led many Muslims in the region to be inspired by the 80-year-old cleric Ayatollah Khomeini's leadership of the movement, which ended up toppling the Shah of Iran. And some felt that the Muslim world needed the "leadership of the jurist (Islamic scholar)" such as Khomeini. Still, Islamic law in Malaysia does not subscribe to the Shia school of legal thought. Therefore, while the Iranian Revolution had an impact on Malaysian political thought during the resurgence, its impact on legal thought is less apparent. Instead, the push towards a stricter and more rigid Sharia law has existed since the 1900s and is undergoing an evolution. Lately, it has been the influence of what we define as the Salafisation of Islamic law. This phenomenon was strengthened further by the Qutbists or Muslim Brotherhood.

WAHHABISM: BELIEFS, INFLUENCE AND DEVELOPMENTS

The term Wahhabism, also referred to as Salafism,⁸ was inspired by Muhammad Abdul Wahab (d.1787). The Wahhabis followed Ibn Taimiyyah's (d. 728 CE) theological ideas and accepted the Hanbali school of Islamic jurisprudence. They adopted special doctrines of Ibn Taimiyyah on Islamic theology and law, and followed the conventional Hanbali doctrines The Wahhabis accepted various commentaries including Muhammad Abdul Wahab's *Kitab al-Tawhid*.





Wahhabism was associated with many military actions, including the attacks on Karbala and Najaf in 1801, the centres of learning for the Shiites.

While the puritan type of Wahhabism reached the shores of the Malay world a century later, it was the reformist Muhammad Abduh and Muhammad Rashida Rida who managed to spread their teachings in Malaysia and who influenced many aspects of religious activities. This happened under British colonial rule. Muhammad Abduh and Muhammad Rashid Rida's brand of Salafism "emphasised political aims; anti-colonialism, Islamic solidarity and Arab unity, and of course, opposition to the Jewish invasion of Palestine." It was only in recent years that Salafism of the Wahhabi type made its way to Malaysia. According to Ibrahim Abu Bakar, "[it was] spread by those who received their religious training in Medina. They taught Salafism from Saudi Arabia in their informal religious classes." From his genealogical study on Salafism in Malaysia, he concludes that "Salafism in Jordan was from the Salafism in Saudi Arabia, Egypt and Syria" and that Malaysian students who studied in Jordan in yesteryears had adopted Salafism and brought it back to Malaysia.

Proponents of Wahhabism in Malaysia are of three fundamentalist orientations. The first is the purist, apolitical, and missionary type found within Islamic activist circles. The second is found among politicians, with dissident ulamas being spokespersons, calling for reform of the state and the religious establishment. The third is the jihadi-type movements, which aim to abolish the nation-state. They pay special attention to doctrinaire jihad, influenced by Muslim Brotherhood thinker Sayyid Qutb (referred to as Qutbism).¹¹

IRANIAN REVOLUTION AND ISLAMIC REVIVALISM

To better understand the rise of nationalism and Islamic revivalism, one has to reflect on developments in the Middle East between the 1960s and the 1980s. In Egypt, there was the Muslim Brotherhood, whose objective was to reinstate Islam as the foundation of Egyptian society. Politically, it sought to topple President Gamal Abdel Nasser's pan-Arabism project. Guilty of plans to stage a coup, many of the Muslim Brotherhood members, including Sayyid Qutb, were arrested. His brother, Muhammad, managed to flee to Saudi Arabia. ¹² Coincidently, between 1965 and 1975, King Faisal of Saudi Arabia was embracing pan-Islamism to counteract Nasser's pan-Arabism. Members of the Brotherhood, most of whom were teachers, were also given sanctuary in Saudi Arabia. The Saudi education system was suddenly awash with Egyptian Muslim Brothers and other Salafis. King Khalid (1975-1982) offered academic positions to proponents of Qutbism. Although both shared the same vision of Pan-Islamism and the ambition to revert to Islam, the Saudis however took most of their creed from Muhammad Abdul Wahhab and Ibn Taimiyyah. ¹³

In tandem with the rise of the Muslim Brotherhood, the revolution in Iran was also brewing. In the 1960s, the Shah continued to develop Iran using a Western model and was a dictator that controlled all aspects of life through the violent force of his secret police. By weakening the traditional role of the imams, the Shah incurred the wrath of the Shi'ite community.¹⁴

In the 1970s, the Shah tried to modernise Iran by importing Western culture, styles of dressing and general public behaviour. With further problems in the country, the Shah's regime became increasingly repressive. ¹⁵ The public mood shifted towards Ayatollah Khomeini; and the slogans of demonstrators were "God is Great" and "God, God, Khomeini." Once the Shah was





toppled, the public sought to increase the role of Islam in all aspects of life and undo West-centric policies, culminating in increased conservatism.

Few questioned that the 1979 Iranian Revolution was a counteraction against Western hegemony through Islam. Even for Malaysian Islamists, the Iranian Revolution was deemed as the ability of Islam or theological democracy to govern a state/country. Even those who blame the rising conservatism on the Iranian Revolution have not been able to answer why Malaysian Islamists solely adopted the political dimension of the Iranian Revolution but not the theological and legal dimension. One might argue that Malaysian Muslim elites were simply being selective in accepting the political dimension of the revolution but not the theological and legal aspects. But even then, one cannot deny that the concept of *velayet e faqih* or the "leadership of the jurists" which some Malaysian elites embrace is derived from the Shiite Twelver theology. *Velayet e faqih* as coined by Khomeini is indeed the continuity of the Imamate, after Prophethood.

Thus, the argument that the Iranian Revolution was the main factor of Islamic revivalism, and thus resulted in Malaysian Muslims' obsession with Sharia law was accepted unquestioningly. This argument was put forth by Jomo Kwame Sundaram and Ahmed Shabery Cheek in their paper, "The Politics of Malaysia's Islamic Resurgence." Chandra Muzaffar in 'Islamic Resurgence in Malaysia' mentioned that the success of the Iranian Revolution in establishing an Islamic State and in preserving an Islamic identity was a great inspiration for Islamic resurgence in Malaysia Liew Chin Tong in his op-ed, "The Evolution of Political Islam in Malaysia" similarly figured Iran for Malaysia's obsession with Sharia law. One also needs to remember, with the discourse on Shia Islam being more available today, the abovementioned statement needs to be tackled prudently, through a detailed discussion on marjaiyyat (religious authority, a concept within Shia Islam); also, the developing of political and philosophical doctrines such as hikmah muataaliyah (transcendent wisdom) or wilayatul faqih (guardianship of the Islamic jurist, a concept adopted by the Republic Islam of Iran as political, law and religious framework) cannot be neglected.

In short, if the Iranian Revolution was truly the main factor for the rise of conservatism in Malaysia in the 1980s, then the deep-seated hatred towards the Shiites today would not be as profound as it now seems to be.

OTHER FACTORS CONTRIBUTING TO ISLAMIC LAW RESURGENCE

Apart from the Iranian Revolution, there are other push factors that led to the eventual pressure for stricter and rigid Sharia law. They include the role of the Muslim Brotherhood of Egypt and the Wahhabi movement of Saudi Arabia. In the early 20th century, a spin-off, unique version of Islam, dubbed "Islam Kelantan" and "Islam Perlis" emerged. It gained traction in the north of the Malay Peninsula and was spearheaded by Saudi Arabia scholars such as Sheikh Hassan and Sheikh Nur al-Surur, who arrived in the Malay states in the 1920s. Sheikh Nur al-Surur came from a Wahhabi learning institution, and soon Wahhabism started spreading under a new name: Ahlus Sunnah of Perlis. The existence of Ahlus Sunnah of Perlis was further patronised by state officials, with four founding fathers – Haji Mat Hakim, Sheikh Ahmad Muhammad Hashim, Wan Ahmad Wan Daud and Abu Bakar al-Asyaari, all of whom also occupied important political positions. Wahhabism and Ahlus Sunnah of Perlis were interwoven because of the shared and basic concepts towards the interpretation of anthropomorphic verses; their stand on intercession (*tawassul*); the way to handle funerals, and





the eradication of superstitions and innovations. ¹⁶ However, Ahlus Sunnah of Perlis was restricted to Perlis and could not expand their influence due to strong resistance in other states.

Secondly, the Muslim Brotherhood was already making significant strides in Malaysia long before the Iranian Revolution. As stated earlier, the Muslim Brotherhood had an amicable relationship with Saudi Arabia during King Faisal's rule. As a result, the writings of Sayyid Qutb flourished all around the world, also spreading to the Malay world. It must be noted that Qutbist ideas, mainly introduced by PAS, an Islamic party with a vision for an Islamic State, had arrived earlier in the 1940s and 1950s when PAS members first received "revelations" from Muslim Brotherhood leaders and members and even had direct contact with Sayyid Qutb and Hasan Al-Banna. This shifted PAS' focus from one that was strictly political to one that became increasingly religious. The spread of these ideas stems from when the Muslim Brotherhood flocked to destinations in Europe and Southeast Asia due to the organisation being banned in 1954 by the Egyptian government. By the 1960s, several Muslim Brotherhood members were present such as Dr. Nabil a-Tawil, a member of the Syrian branch of the Muslim Brotherhood who was then working at the University of Malaya. He helped spread the Brotherhood's ideology of *tajdid* (renewal) and *Islah* (reform) to Malay-Muslim students at the University of Malaya, particularly students from the Islamic Studies Department. 18

As a consequence, they became familiar with Qutb's ideas. Among the viewpoints that they were impressed with was Qutb's rejection of secular notions such as nationalism, socialism, and capitalism, which he described as *jahiliyyah* (uncivilised) philosophies. These notions were later documented in his book, *Fi Zilal Al Qur'an* (In the Shade of the Qur'an) that was read by many, including Malay students, who were exposed to the Brotherhood.¹⁹ The arrival of the so-called Qutbists opened a wide path for Islamic activism. The Brotherhood for instance emphasises the jihad doctrinaire, and with takfir (the act of excommunication or declaring other Muslims as no longer Muslims) being its main approach, it is also a political call for the sovereignty of God. Their principle is 'the Qur'an is our Constitution'.

Thirdly, the discourse on hudud law was advocated by a group of religious elites. In 2012, a survey done by University of Malaya's Centre for Election and Democracy found that about 62% of local Muslims supported the implementing of hudud law, believing it would bring about a more just judiciary. This belief stems from Harun Din who was very influential in the academia and dakwah (missionary) scenes in the 1970s. He first called for 'hudud' as a 'remedy of crime'. It should be noted here that many years later, Harun would become PAS's *Mursyidul Am* (Advisor).

In April 1978, Harun Din presented at a seminar and published in *Dewan Masharakat* (15 July 1978),²⁰ arguing that those who opposed hudud law in Malaysia were siding with the enemy of Islam, and that opposing its implementation was a sin for Muslims. Harun Din's call for hudud in Malaysia was well reflected among other important Muslim figures. The call for the implementation of hudud law emerged in 1978, a year before the Iranian Revolution exploded to the scene. Since the majority of Muslims in Malaysia are not Shiites, the fight against the corrupted Shah of Iran long before 1970s was not felt in Malaysia. Moreover, the Iranian Revolution was not about implementing hudud, but about the Iranian people's struggle against the Shah's corrupted regime, and their strong hatred of Western imperialism.

Prior to 1978, several other leaders were also receptive to the idea of hudud. For example, High Court Judge as well as Secretary of PERKIM, Dato' Syed Agil Barakbah, proposed elevating





Sharia law to the level of Malaysia's civil law. When questions about potential opposition from non-Muslims and liberals who were uncomfortable with the idea of hudud law arose, the questions were dismissed with simple rebuttals.

CONCLUSION: THE SALAFISATION OF SHARIA LAW IN MALAYSIA

I argue that the stricter push for Sharia law, together with the greater shift towards conservatism in Malaysia, is mostly derived from Wahhabi-oriented scholars. This argument does not mean that the Shiites are free from rigidity. One problem with the Wahhabi approach to the Sharia is its negligence of the development of human rights within Islam when it should be the main objective of Sharia. Many Muslim fundamentalists who identify with the Wahhabi approach to the Sharia are criticised for the 'intellectual laziness' of their opinions. More recently, Wahhabism has been associated with the religious and political views of Islamic militants including Osama bin Laden and members of the Taliban. Characterized by the strict rejection of beliefs, practices, and rituals considered as modifications away from the original followers of Islam, Wahhabism has faced much opposition to their violent attempts to enforce their worldview on other Muslims. Although Wahhabis subscribe to the value of ijtihad (process of legal reasoning on the basis of Islamic scriptures), their intellectual intolerance renders the movement rigid and simplistic. One of the process of the rigid and simplistic.

The more radical version of Wahhabism retracted the rationalisation process of the Sharia which in definition, refers to the studying of the general goals and objectives of the Sharia to illuminate the understanding, development and implementation of Islamic laws within contemporary circumstances.

If indeed the Iranian Revolution was the epitome of Islamic revivalism in Malaysia, then, why was Shia Islam rejected by the Muslim society? To be sure, political considerations could explain why Shi'ism was considered deviant as late as the 1980s, after some PAS activists converted to the sect.²³ The growing dislike of Shia Islam is also evident in how Malaysian Muslims are often bombarded by propaganda against the Shiites in the mosques and the media.

A late Professor at Johns Hopkins University School of Advanced International Studies once issued the warning that we were blaming the wrong quarters, and 'missing the elephant in the room'. It is indeed important for us to understand who were/are responsible for the current situation of Islam in Malaysia. Undoubtedly, creeping Salafization had been ignored. and instead, Malaysian authorities since the 1980s had forbidden and banned Shia Islam while allowing Wahhabism to command the religious sphere.

Many have attributed the Malaysian obsession with hudud and Islamic law to the Iranian Revolution. However, the demonisation of Shiites in Malaysia renders this argument invalid. It is instead Islamic traditions and the dakwah (missionary) movement that contributed to today's rigidity in Malaysian Islam. The Islamic revivalism of the 1980s and 1990s, if it really was a healthy step for Malaysian Muslims to take, should have advanced us. Instead, what happened was the Salafisation of Sharia law in Malaysia, resulting in increasing pressure for the implementation of hudud law.

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¹ Arfa Yunus. 2020. Zulkefli: RUU355 Amendments Will Hopefully Take Place Before I Die. New Straits Time. August 10. https://www.nst.com.my/news/government-public-policy/2020/08/615575/zulkefli-ruu355-amendments-will-hopefully-take-place-i

⁶ Mohamed Osman, M. N. 2013. Transnational Islam in Indonesia and Malaysia. In B. Rubin (Ed.). Islamic Political and Social Movements: Critical Concepts in Political Science. London: Routledge.

⁷ Also blaming Iran for the rising Islamic temperature that created an obsession with Sharia was Liew Chin Tong in his op-ed 'The evolution of political Islam in Malaysia' [Liew Chin Tong. 2015. The evolution of political Islam in Malaysia. Malaysiakini. 27 September.

https://www.malaysiakini.com/news/313604]. He stated that Iranian Revolution radicalised Muslims at the global stage; "the Iranian Revolution in 1979 inspired Muslims around the world to put their faith in using radical means to obtain victory".

⁸ Ehsanul Karim, *Muslims History and Civilization: Modern Day View of Its Histories and Mysteries* (Canada: Pragmatic Publishings, 2007), p. 796. Refer also Muhammad Abdul Wahab. Without Year of Publication. Muallafat al Sheikh Muhammad bin Abdul Wahab: Part Five al Rasail al-Shaksiyyah. Islamic University of Imam Muhammad Su'ud al-Sheikh Muhammad bin Abdul Wahab. P. 189. Also see Wahhabist rubbishes Sufi followers, Abdul Rahman Abdul Khaliq. 1412 H. Fadha'ih al-Sufiyyah. Maktabat Dar as-Salam. Riyadh. P. 46-47. Also Ibnu Baz. 1988. Fatawa Islamiyyah li Majmuatin Minal Ulama' al Afadhil. Darul Qalam. Beirut. P. 165. On excommunicating Shia followers, see Ibnu Baz. 1990. Majmuk Fatawa wa Maqalat Mutanawwi'ah al Riyasatul Ammah Li Idaratil Buhuth al Ilmiyyah wa Ifta' wa al Dakwah wal Irsyad: Al Tauhid wa Yulhaqu bihi Vol 4. al Idarah al Ammah Li al Tab'ie wa al Tarjamah. Riyadh. p. 439.

⁹ I. Abu Bakar, "Salafism in Malaysia and Jordan: An Overview", Issues of Culture and Thought. Malaysia-Jordan Perspectives (Bangi: Department of Theology and Philosophy National University of Malaysia and Faculty of Syariah University of Jordan, 2007), p. 55.

¹⁰ Ibid.

¹¹ Andreas Armborst, "A Profile of Religious Fundamentalism and Terrorist Activism", *Defence Against Terrorism Review* 2, no. 1 (2009): 53, 60.

¹² Virginia Murr, "The Power of Ideas: Sayyid Qutb and Islamism", *Rockford College Summer Research Project* (Illinois: Rockford College, 2004), p. 8. See also Jacob Olidort. 2015. Analysis Paper No 18: The Politics of "Quietist" Salafism. Center for Middle East Policy at Brookings. Brookings. P. 17. http://www.brookings.edu/~/media/research/files/papers/2015/02/salafism-quietist-politics-olidort/olidort-final-web-version.pdf

¹³ Quintan Wiktorowicz, "A Genealogy of Radical Islam", Studies in Conflict & Terrorism 28 (2005): 81. See also Quintan Wiktorowicz, "Anatomy of the Salafi Movement". Studies in Conflict & Terrorism 29 (2006): 213.

¹⁵ Ibid: 35-36. By January 1978, the first revolution was sparked, provoked by a newspaper article attacking Ayatollah Khomeini, a clergy who was actively criticising the Shah regime for his backward ideas. Widespread protests erupted in Qom, Tabriz, the city of Yazd and soon, spread to other cities. The Shah regime responded to this by clamping down on protesters, resulting in the death of innocent lives. On 27 August, the government was dissolved and replaced by a new government – Government of National Reconciliation.

² Shamsul Akmar. 2005. Iranian Revolution the catalyst for 'tudung code'. 13 November. The Star Online. https://www.thestar.com.my/opinion/letters/2005/11/13/iranian-revolution-the-catalyst-fortudung-codeation for this?

³ Chandra Muzaffar, *Islamic Resurgence in Malaysia* (Petaling Jaya: Penerbit Fajar Bakti, 1987), p. 37.

⁴ Jomo Kwame Sundaram and Ahmed Shabery Cheek. 1988. The Politics of Malaysia's Islamic Resurgence. Third World Quarterly 10 (2). Islam & Politics. Pp. 843-868]. ⁵ Ibid, pp.843-844.

¹⁴ Potočnik, Dragan, Plemenitaš, Katja (2018). The Iran revolution and its influence on the revival of Islam. Annales. Series historia et sociologia 28 (1): 29-40.

¹⁶ Shaharuddin Saad, "Tok Senggora: Sumbangannya Terhadap Penulisan Kitab Tajwid Lama di Malaysia", Proceeding International Research Management and Innovation Conference 2014, 17 – 18 November (2014): 383. See also Mahir al Hujah, "Pengaruh Fahaman Wahhabi di Kalangan Masyarakat Islam di Malaysia", blog post, 15 May 2009, available at http://mahir-alhujjah.blogspot.my/2009/05/pengaruh-fahaman-wahhabi-di-kalangan.html. Or further Maszlee Malik and Hamidah Mat, "The Historical Development of the "Sunnah" Reform Ideology in the State of Perlis, Malaysia", SAGE Open, July-September (2017): 8. For more clarification see Jabatan Penerangan Malaysia Negeri Perlis and Jabatan Mufti Negeri Perlis facebook page, 28 April 2015,

https://www.facebook.com/permalink.php?story_fbid=1620214098197344&id=1502935163258572. See also Jabatan Mufti Negeri Perlis facebook page, 21hb April 2015, available at https://www.facebook.com/muftiperlis/posts/1419548871695936 and Mohd Rizal Yaakop and Asmady Idris, Wahabi Doctrine in Malaysia-Saudi Relations, Undated, pp. 6-7, available at http://ssrn.com/abstract=1695742.

¹⁷ Zulkifly Abdul Malek, 2011, From Cairo To Kuala Lumpur: The Influence of The Egyptian Muslim Brotherhood on The Muslim Youth Movement Of Malaysia (Abim). Thesis Faculty of the Graduate School of Arts and Sciences of Georgetown University. Washington. Georgetown University. p. 22.

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¹⁸ Ibid. 22.

¹⁹ Ibid. 23.

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²⁰ Harun Din. 1978. Hudud Pengubat Jenayah. Dewan Masharakat. Dewan Bahasa dan Pustaka. Kuala Lumpur. pp. 9-11.

²¹ I have discussed this matter in other works entitled 'Sunni-Shia Reconciliation in Malaysia'.

²² Irene Oh, "Islamic Conceptions of Human Rights", in Thomas Cushman (ed.), *Handbook of Human* Rights (New York: Routledge, 2014), p. 260.

²³ Mohd Faizal Musa, "Sunni-Shia Reconciliation in Malaysia", in Norshahril Saat & Azhar Ibrahim (eds.), Alternative Voices in Muslim Southeast Asia: Discourses and Struggles (Singapore: ISEAS – Yusof Ishak Institute, 2020), pp. 156-182.