Islamic Legal Education at the International Islamic University Malaysia (IIUM):

Some Suggestions for Improvement

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"Educators who refuse to transform the ugliness of human misery, social injustices, and inequalities, invariably become educators for domestication…."
– Donaldo Macedo

"The best way to colonise consciousness is to suppress it."
– Eduardo Galeano

"To be mistaught is worse than being untaught"
– William Wordsworth

"To study is not to consume ideas but to create and re-create them"
– Paolo Freire

*I*n September 2004, the last exam paper that I sat for as an undergraduate student at the International Islamic University Malaysia (IIUM) was *Asbab al-ikhtilaaf*. I remember that paper clearly because I said to myself that there would be no more exams and after living in Malaysia for 6 years, I would leave this place finally.

As a rule, law students at the Ahmad Ibrahim Kulliyyah of Laws, IIUM have to go through 4 years of legal education. They study Malaysian law like Malaysian constitutional law as well as Islamic law like Islamic jurisprudence. However, students can also opt to continue to the fifth year and earn a double degree in Law and Islamic Law. Those who opt to continue are known as the LLB(S) students.

Three years later, I went back to my alma mater for a reunion to meet and catch up with my professors and classmates. The reunion was perhaps the catalyst that caused me to

pen down these thoughts. This article contains my reflections on how Islamic legal education at IIUM can be further improved.

Typically, an LLB (S) student at IIUM will study the following[1]:

1) Ayat al-Ahkam wa Ahadith ar-Rasul (Commentaries on the Qur'an and Hadith)
2) Islamic Legal System
3) Fiqh Mu'amalat (Islamic Transactions)
4) Usul al-Fiqh (Islamic Jurisprudence)
5) Evidence and Procedure in the Malaysian Syariah Court
6) Nusus al-Fiqhiyyah (A study of an-Nawawi's Minhaj at-Talibin)
7) Asbab al-ikhtilaf (Causes of disagreement)
8) Al-Fiqh al-Muqaaran (Comparative fiqh)

At a glance, it would seem that the general course offerings adopt a technicist approach to Islamic legal education. Undoubtedly, this will enable a student to serve as members of the judiciary and the legal profession – to work as civil servants in the government sector or as professionals in the private sector, e.g. the banking industry. Obviously, a student will need to be trained in order to function competently as a working adult.

However, IIUM's mission[2] is not to function as a factory that churns out workers to drive the engines of growth. In fact, its mission is "to produce better quality intellectuals, professionals and scholars … to serve as agents of comprehensive and balanced progress…" Another of its mission is "to develop an environment which instils commitment for life-long learning and a deep sense of social responsibility among staff and students".

"Intellectuals", "life-long learning" and "social responsibility" are words that particularly appeal to me. (While the words "agents of comprehensive and balanced progress" are also appealing to me, I don't actually have any idea what these words mean.)

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[1] http://www.iiu.edu.my/laws/upload/course/llbs_structure2.pdf
[2] http://www.iiu.edu.my/about/mission.shtml

Intellectuals, according to Syed Hussein Alatas, produce ideas and spread them to other members of society whereas non-intellectuals (though highly educated) is incapable of forming an opinion beyond what is obvious, and has no capacity for a sustained and profound contextual appraisal of a problem. Any university can produce the intelligentsia – a group of people who has received higher education - but it takes a university of a different kind to prepare its students to be a functioning intellectual group.

What then can be done by to improve the Islamic legal education at IIUM so that its LLB(S) graduates become functioning intellectuals? I would propose that the general course offerings should be revamped to include courses that would:

i)   introduce students to Islamic intellectual discourses from beyond the Arab world;

ii)   allow students to have a socio-historical understanding of Islamic intellectual thought;

iii)   encourage students to appreciate intercultural understanding and to foster civilisational dialogues.

Let me now deal with each of these points in turn.

Islamic intellectual discourses from beyond the Arab world

Contemporary Muslims are offered by their tradition a massive and sophisticated heritage that is continually being enriched. It is in keeping with this tradition that students should be given the opportunity to listen to voices from Turkey, Indonesia, Sudan, South Africa, South Asia, and the Muslim diasporas in the U.S, the U.K., France, the Netherlands and Australia. The needs of the 21st century point to the fact that Islamic legal education should not be restricted to only Arab voices but should also include the plurality of voices that exist in the Muslim world.

But more importantly, Islamic legal education at IIUM must include courses that introduce students to works by Muslim jurists from the Malay world. This is by virtue of the

fact that not only did Southeast Asia give birth to many illustrious Muslim jurists and scholars but it was also the place where a Muslim civilisation developed comparable to Iraq and Andalusia. Another important reason to consider is to ensure that Malay-Muslim students studying Islamic law remain rooted to their heritage and tradition in a similar vein to those Malay jurists who understood their local context and interpreted Islamic law with creativity and originality.

Islamic intellectual discourses have also been considerably enriched by scholars writing in the post-colonial period like Fazlur Rahman, Nurcholish Madjid, Syed Ameer Ali and many others. Even with the passing of these scholars, there are many contemporary Muslim scholars like Khaled Abou El-Fadl, Abdullahi An-Na'im and Sherman Jackson, who have not only build upon the works of the past but also introduced new ideas to Islamic intellectual thought. Their books deserve to be studied for their strong intellectual and methodological rigour. No contemporary student on Islamic law can afford to dismiss those books.

The purpose of expanding the reading list to include voices beyond the Arab world serves several purposes. Firstly, it allows the students to be open to differences and to see that the articulation of Islam is diverse, competitive, and ideological in nature. Secondly, students are able to gain a contextual understanding of Islamic law as such discourses speak of particularities grounded in human experiences that explicitly address present conditions and societal realities. And thirdly, it encourages students to have a critical examination of received wisdom and to steer away from being passive learners who allow themselves to be a repository of information, i.e. merely consuming ideas.

Socio-historical perspectives

It is useful to have socio-historical perspectives in the study of Islamic law because the study of Islamic law should not only be about the study of legal rulings (*ahkam*) but it should also include a study of how such rulings develop and evolve. LLB(S) students are familiar with the books written by Abdul Karim Zaidan and thus have a basic introduction to such perspectives. However, what is needed is for those students to go beyond the basics

and develop critical understanding of the interplay between Islamic law and its socio-economic and cultural contexts.

For example, in the study of Islamic legal system, LLB(S) students are introduced to al-Mawardi and his treatise, *Al-Ahkam As-Sulthaniyyah.* An *a*historical understanding of the text would tend to inculcate a belief that such a classical text symbolises the epitome of Islamic governance while in reality, al-Mawardi and many other scholars of Islamic political theory, were also influenced by their environment and would see the world through their socially-constructed filters.

It is only when the students understand that Islamic law developed within the context of human history, grounded in human thought that students are able to appreciate the idea of human agency. What this means is that our intellectual heritage is not the result of a pure act of transmission or handing down. Rather, it is negotiated process where dominant groups are able to endorse or suppress old and new ideas and practices to the effect of marginalising alternative discourses. Thus, what we deem presently as mainstream Islamic legal theory is in fact due to the existence of ideological and institutional elements that have coalesced to generate and sustain it.

Intercultural understanding & civilisation dialogues

Another of its mission statements is that IIUM endeavours to "enhance intercultural understanding and foster civilisation dialogues in Malaysia as well as across communities and nations". Unfortunately, because of the technicist nature of Islamic legal education at IIUM, courses that can help cultivate an appreciation of other religions are not offered. It must be remembered that all LLB(S) students are Muslims and would probably have no or limited contact with people of other faith traditions. This alone should warrant the need to understand and appreciate diverse faiths based on a theoretical framework that all religions share a common bond of humanity though I think the urgency of this task is further exacerbated by the current hysteria on apostasy and the fear of Christian evangelisation.

At this point, let me digress a little to the issue of Christian-Muslim relations. I have, of course, read cruel and hurtful diatribes written by Christian evangelists but I am sure Muslims have also written similar writings against Christianity. So it's important to be able to separate the wheat from the chaff, to be able to distinguish between groups that wish to see the Muslim world converted to Christianity[3] and groups that believe in building bridges and inter-religious dialogues like the professors I met at Hartford Seminary, USA[4], or the monks I met at Mar Musa al-Habashi monastery[5] in the desert of Nebek, Syria.

Howard Thurman, the African-American theologian was fond of saying, "I want to be me without making it difficult for you to be you." Is it possible for Muslims to say I want to be Muslim without making it difficult for Buddhists to be Buddhists, Christians to be Christians, Hindus to be Hindus? As Muslims, I think it is important for us to appreciate diversity and be sensitive to those whose lifestyle or faith perspective is different from our own. When we begin to appreciate and understand diverse faiths, we will enrich and deepen our own faith.

The global trend of religious resurgence makes political and civil society dynamics all the more important in order to promote trust and civic harmony among the various social groups. The way forward is to highlight religious commitments to compassion, religious pluralism, human dignity, social justice and peacemaking. And this means that Islamic legal education at IIUM must go beyond training a person in one denominational, sectarian approach but rather to transcend parochialism and speak instead in the language of ethics and social responsibility. This is the language that gives a voice to the voiceless, the oppressed and marginalised and as such must necessarily also include our Hindu neighbours, living in squalid conditions at the doorsteps of our university. Joseph James says it best when he suggests that the laissez-faire notion of live and let live be transformed into the principle of live and help live.

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[3] http://www.ad2000.org/1040broc.htm
[4] http://www.hartsem.edu/
[5] https://www.deirmarmusa.org/index1.html

Conclusion

The whole point of this article is to reflect on the question how LLB(S) students can develop into a functioning intellectual group that will reflect upon the dehumanising conditions that still persist despite the amazing technological advancements and chart a way out of this. They need to have conceptual and intellectual tools that will enable them to have a critical understanding of their context and reality, including their language, gender, relations with other races and social strata as well as the profound economic, cultural and social transformations that are taking place.

I am sure that IIUM's mission statements are not meant to be warm and fuzzy aspirational statements. As such, Islamic legal education at IIUM must be a discipline that renews and revises its awareness of its history and inquires into its differential relations with other academic fields. It must also be a discipline that is actively engaged in social critique and self-criticism. To do otherwise, would be to have an Islamic legal education that is disarticulated from its socio-cultural reality.

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