# Peace and Protection of Minority Rights through Constitutional and Legal Institutionalization in Muslim-Majority Countries

BENJAMIN YEK KWAN PWEE

## Introduction

In Muslim-majority countries, there is an urgent need to engender peace through the protection of minority rights, as well as through legal, constitutional, and institutional processes. These countries run the risk of imposing Islamic law categorically over non-Muslim minorities, thereby encroaching on minorities' rights to peace, freedom, and their own identity.

Peace, as it pertains to Islam, is often discussed in terms of acts of violence by Muslim minorities in non-Muslim-majority countries, especially in the West. However, a much-less discussed topic is that of peace and acts of violence against non-Muslim minorities in Muslim-majority countries. This then relates to how the minority rights of non-Muslims in Muslim-majority countries should be protected and safeguarded against encroachment by acts of violence, discrimination, and the imposition of Islamic law on them.

Much of the news about Islamic violence and extremism in Asia tend to be focused on violence by Islamic groups and their acts of extremism. In 2017 alone, there were more than ten major and minor terrorist attacks across Southeast Asia associated with extremist, militant Islam. These attacks include two suicide bombers in a bus station in Indonesia, bomb blasts outside of a shopping mall in Thailand, open fights by the

*Benjamin Yek Kwan Pwee is a PhD (Political Science) student at the International Islamic University of Malaysia.*

ISIS in the Philippines[1,] a foiled ISIS attempt to fire a home-made hand-rocket at Singapore[2], and a grenade attack in a nightclub in Malaysia.[3]

Whilst news stories of religious violence and terrorism often take center stage, the reality is that realizations of majority-minority conflicts tend to spread across a wide continuum, from terrorism and violence on one far end to political contestation around minority representation in local governments on the other. Somewhere along the middle stretch of this continuum lies protests, advocacy groups, civic organizations, discrimination, pressure groups, and other forms of civic expression. In Muslim-majority countries in Asia, like Malaysia, Indonesia, and Brunei, these minorities are actually non-Muslim, and the majority-minority conflicts that play out do not necessarily manifest in the form of violence. The non-Muslim religious and ethnic minority groups in Malaysia, and the conflict over the imposition of Islamic law over them in Muslim-majority Malaysia, is one such specific example.

How can we engender peace and the protection of minority rights in religiously- and ethnically-diverse countries in Asia, and specifically Muslim-majority countries in Asia like Malaysia, Indonesia, and Brunei? Many of the non-Muslim minorities are calling for equal recognition, equal protection, and equal rights under their own Muslim-majority country's Constitution and laws. The more critical question is, how can non-Muslim minority rights be institutionally safeguarded in Muslim-majority countries governed under Islamic law?

This paper attempts to examine this topic by turning to some recent key researchers and academics to find relevant models and concepts that can help us make sense of minority rights in Muslim-majority countries, and how best to protect them from engendering peace.

## Methods and Data Sources

This paper uses a historical, archival, critical comparative approach. Key academic, legal, and constitutional documents and writings were studied and researched. The writings of different academics and theorists

---

1   http://www.npr.org/sections/parallels/2017/06/11/530949383/how-big-a-threat-is-extremism-in-southeast-asia

2   http://www.straitstimes.com/singapore/singapore-under-highest-terror-threat-in-recent-years-8-key-points-from-mhas-terror-report

3   http://www.channelnewsasia.com/news/asiapacific/malaysia-arrests-6-islamic-state-suspects-8813294

were compared and contrasted, to identify key thoughts and themes relevant to this study.

Additionally, both Western and Asian, as well as Islamic and non-Islamic, writers were drawn from and studied. Such a methodology draws from the traditions of both Western as well as Asian, Islamic as well as non-Islamic, philosophy, and thought. In doing so, it is hoped that key concepts of peace, rights, democracy, pluralism, and diversity are not seen and defined only from a Western philosophical and academic perspective, but also from an Asian and Islamic perspective.

This paper focuses on Malaysia as a specific example of non-Muslim ethnic and religious minorities in a Muslim-majority country in Asia, because of the easy availability of written literature in English on Islam and politics in Malaysia, and because the Malaysia government and courts use English as its official working language. However, its findings and arguments have wider relevance for other Muslim-majority countries in Asia.

## Why Muslim-majority Countries in Asia?

Although Muslim-majority countries are not a majority, nor are they a politically-salient force, in Asia, they do form a significant regional "bloc" in Southeast Asia with Malaysia, Indonesia, and Brunei located within close proximity to each other. This region has also been variously called the Malay Peninsula and archipelago (which includes Indonesia and Borneo), and the Malay Seas. Such terms unnecessarily conflate "Malay" as an ethnicity, with "Muslim" as a religion, as Malays are often also Muslims. However, equating Malay with Muslims is unhelpful because not all Malays are necessarily Muslims, and not all Indonesians are necessarily Malay by ethnicity.

The importance of studying minorities in Muslim-majority countries in Asia lies in the nature and function of Islam as a religion in these Muslim-majority countries. Islam is a monotheistic religion, and Islamic political thinking often looks back to the time of the Prophet and Medina, as well as the subsequent era of the Four Rightly-Guided Caliphs, where the Islamic caliphates were led by a Muslim political leader, and an Islamic state was built upon Islamic Law. Today, while there are many forms of government in Muslim-majority countries that declare Islam as the state religion, in many such countries, there have been long-standing and, recently,

more frequent demands by the Muslim majority to apply Islamic Law across their entire country. Who is at stake here is the non-Muslim minority population who are also citizens under the same national Constitution, who feel their rights as minorities are either being overlooked or subsumed under Islamic Law.

## The Concerns of Non-Muslim minorities in Muslim-majority Malaysia

There are many non-Muslim minority writers in Malaysia who have written about the safeguarding of non-Muslim minorities in Malaysia. Their common concern is the increasing imposition of Islamic law over them as citizens in Islam being the official state religion of Malaysia. They argue that the Malaysian Constitution that simultaneously states that Islam is the official state religion also guarantees freedom of religious belief and practice to non-Muslims in Malaysia. Many authors from a diverse range of backgrounds take a socio-political and legal-constitutional approach to their critiques and arguments against the Muslim-majority government of Malaysia.

Many of these writers highlight the increasing Islamization of Malaysia's government, civil institutions, and media, and how they all inadvertently led to the intrusion of Islam and Islamic laws into the private and public lives of non-Muslim minorities. The end result is often either arbitrary enforcement of Islamic laws and regulations on non-Muslim minorities because they are Malaysian citizens or discrimination against them as non-Muslims that make them appear as second-class citizens to their fellow Muslim Malaysians. It is when this sense of marginalization begins to affect the non-Muslim minorities' everyday lives in terms of education, healthcare, housing, business, and employment that the majority-minority conflict begins to manifest more clearly, and the non-Muslim minorities become more vocal and protesting.

One of the key vocal non-Muslim minority critics, Chinese-Malaysian protestant, Kam-Weng Ng, argues for the building of a pluralist democracy based on a secular constitution in Muslim-majority Malaysia. For over two decades, his work has focused on non-Muslim minorities in Malaysia, and how their rights are being impacted by the increasingly strong influence of Islamic law in Malaysia over them. Ng argues that this is in contradiction to Malaysia's supposedly "secular" Constitution. One of

his early works of significance is a booklet titled *Bridge-building in a Pluralist Society* (1994). In it, he calls for "each cultural community … to offer ethical resources that positively promote social harmony and national unity based on mutual respect and equality."[4]

Ng believes that non-Muslim minorities must achieve a delicate balance between recognizing their minority cultural identity and also being able to transcend it for a larger national identity. He calls for mutual respect and equality as the basis for social harmony and national unity, but he also calls on the minorities to proactively offer "ethical resources" towards this end. He also articulates the term "common good."

Ng heavily criticizes what he calls the "pressure" that Islam as a "pervasive force" puts on society as a whole in Malaysia, where "the Christian [community's] … sense of anxiety as a community under pressure is no less acute." He believes that:

> *"the resurgence of Islam has pushed the government into taking an active role in the Islamization of the public life of the nation … [where] Islam is experienced as a pervasive force throughout society … [and] has effectively entrenched itself into the civil institutions … [and] the government policy of Islamization invites anticipation of increasing conversions and assimilation into the Islamic community.5"*

What Ng goes on to importantly highlight is how such an Islamic presence has infringed and curtailed the freedoms of minorities in Malaysia, specifically the freedom of religious belief as enshrined in the Constitution of Malaysia. He highlights how local churches in Malaysia "experience many 'legal' restrictions to the practice of the Christian faith imposed by state officials," and other "pressures brought to bear on the churches"[6] He goes on to show how this applies not just to the Christian minorities in Malaysia, but also to other religious minorities too, where "the pressure of Islamization is also felt at large by other religious communities [and] has provoked a resurgence of the other major religions … it is in response to a public order perceived as a threat to one's self-identity that leads religious fundamentalists to pursue an agenda of infusing or imposing their religious values into the social order."

Ng then calls for what he terms *"democratic pluralism"* as a way forward for Malaysia's majority-minority, ethnic-based, and religion-based conflict, where

---

4    Ng, Kam Weng. *Bridge-building in a Pluralistic Society.* Kuala Lumpur: Pustaka SUFES, 1994, p.18

5    Ibid, p.43

6    Ibid, p.43

> *"democratic pluralism … promotes the plurality of patterns and contexts of social interaction … Plurality in diversity … authorities need to … [grant] social space to all religions so long as they demonstrate their desire to work towards a just and peaceable society."7*

Ng further develops his key themes on the rights of minorities in the Muslim-majority country of Malaysia, into what he then calls *"Pluralist Democracy in an Islamic Context.*"[8] More than a decade after his first work in 1994, Ng continues to articulate the challenges faced by minorities, where:

> *"[M]ore disturbing for non-Muslims living in Muslim majority countries like Malaysia is the intention of Muslim authorities to assimilate them in the name of unity (tawhid) of all society under Shariah … much anxiety has been expressed over recent legislation that increasingly curbs the ability of citizens to fully express freely their democratic rights.9"*

He further points out that "the fact that the present government could easily pass laws that favor Muslims but discriminate against non-Muslims has also led to a heightened sense of vulnerability amongst the other racial and religious communities."[10] Ng goes on to propose arguments for what he calls "Procedural Democracy": "By procedural democracy we mean a political system that provides for meaningful participation in deliberation and decision-making concerning common action and formulation of social policies."[11] This is a clear attempt by Ng to call for the institutionalization of pluralist democracy, where national laws dictate the involvement of all in politics.

The same argument for the institutionalization of involvement by non-Muslim minorities in Malaysia's politics, as expressed by Ng from a religious-minorities perspective, is also a shared concern by the ethnic Malaysian-Chinese community in Malaysia from an ethnic perspective. The ethnic-Chinese minority group in Malaysia have expressed themselves less so in academic writing, but a lot more so through political action and involvement. This has been chiefly in the form of the Malaysia Chinese Association (MCA), Malaysia's largest ethnic-Chinese based political party,

---

7   Ibid, p.54-55

8   Ng, Kam Weng. *The Quest for Covenant Community and Pluralist Democracy in an Islamic Context.* Singapore: Trinity Theological College Publications, 2008.

9   Ibid, p.5-7

10   Ibid, p.5, 7

11   Ibid. p.11

as well as the majority-ethnic-Chinese Democratic Action Party (DAP).

There have been considerable academic and research literature and writings on the electoral involvement of both the MCA and the DAP, expressing especially the political concerns of ethnic-Chinese citizens in Malaysia. Malaysia's Centre for Malaysian Chinese Studies published a book in 2008 entitled *Malaysian Chinese and Nation-building,* that describes and discusses the involvement of ethnic Malaysian Chinese in Malaysia's "nation-building and civil society formation."[12] It charts the involvement of the ethnic Chinese-Malaysian minority in their political involvement in Malaysia's nation-building, through such platforms as the MCA and Gerakan, another largely Chinese-based party, and the opposition DAP.[13] Each of these largely ethnic-Chinese political parties hoped to "be a strong political party able to address the real social and political concerns of the community," and reflect "concern of the Chinese about the future position and political role of the community." Their concerns are similarly shared by the ethnic Indian-Malaysian community through ethnic-Indian-based political parties like the Malaysian Indian Congress (MIC)[14] and Hindu Rights Action Force (HINDRAF), both of which combine both ethnic-minority concerns as ethnic Indians, and religious-minority concerns as Hindus.

More recently, in his book *Power sharing in a Divided Nation* (2016), Malaysian-Indian political scientist Johan Saravanamuttu examines what he calls "ethnic power-sharing," using the term "mediated communalism." He highlights how "standard political theories do not take into account the problems encountered in ethnically divided societies where democratic processes as in Malaysia's case, are constitutive of complex ethnic, religious as well as regional bargaining processes." He also highlights the racial and religious demographic profile of Malaysia as of the latest 2010 Population and Census Report, where on the racial front, Malays constitute 55% of the population followed by 25% Chinese, whilst on the religious front, Muslims constitute 61% followed by Buddhists at 20%[15] and observes that "it is against this backdrop of cultural and regional diversity that the contestation for political control has taken place.[16]"

---

12  Voon, Phin Keong (ed.).  *Malaysian Chinese and Nation-building.*  Kuala Lumpur: Centre for Malaysian Chinese Studies, 2008, p.575

13  Ibid, p.489

14  Ibid, p.491

15  Saravanamuttu, Johan.  *Power Sharing in a Divided Nation:  Mediated Communalism and New Politics in Six Decades of Malaysia's Elections.*  Singapore: ISEAS, 2016, p.4

16  Ibid, p.7

Saravanamuttu ends his book by arguing for "the imperative of power-sharing," where "a communally charged and regionally diverse political entity like Malaysia requires consociational power-sharing arrangements within the rubric of grand coalitions of ethnic and regional forces."[17]

Three years later in 2019, one of Malaysia's Muslim, ethnically-Chinese members of parliament Maria Chin Abdullah, said at a local conference:

> *The challenge we face today is that the identity is being politicized by groups whether they are political or non-political actors to exclude and discriminate. … Malaysia is still one-sided towards a specific race, and such events perpetuate the already strained race relations among the multiracial community in the country…. in the past one to two years we are seeing an increase in racial and religious bigotry.18*

Engendering peace and protecting minority rights in a Muslim-majority country like Malaysia continues to be a challenge, and this is a challenge increasingly shared by many other Muslim-majority countries having to find the right balance between the reality of a Muslim-majority nation ruled by Islamic laws and protecting the rights of its non-Muslim minority citizens.

## Understanding Minority Rights

Minority groups and their concerns, as expressed by the various writers mentioned above, are often seen as special interest groups with their own demands, pressuring the majority for recognition and special treatment. In reality, the concerns of minority groups are much more complex and diverse. Researchers in the field of minority rights theory frame these concerns in terms of rights, on the basis that minority groups demand the same level of respect and treatment as the majority. Research in minority rights theory has significantly contributed to a deeper analysis of the taxonomy of minority rights, and how they reveal very different underlying concerns.

Researchers and proponents of minority rights theory examines the concerns of different minority groups, but more importantly, argue for

---

17  Ibid, p.285

18  https://www.malaymail.com/news/malaysia/2019/10/19/time-for-malaysia-to-move-away-from-identity-politics-says-maria-chin/1801802

ways that minority groups can participate in national politics to make their minority concerns heard. Even more critically, they also look at ways in which such political involvement of minority groups, and the political safeguarding of their minority rights, can be properly institutionalized. This is an important process to ensure that the involvement of minorities, and safeguarding of minority rights, are not subject to such changes by their current political administration.

Will Kymlicka wrote a book in 1995 entitled *Multicultural Citizenship: A Liberal Theory of Minority Rights*.[19] In it, he articulates the challenge facing minority rights as follows:

> *Minorities and majorities increasingly clash over such issues as language rights, regional autonomy, political representation, education curriculum, land claims, immigration and naturalization policy, even national symbols, such as the choice of the national anthem or public holidays … These questions have been left to the usual process of majoritarian decision-making within each state. … [and] the result … has been to render cultural minorities vulnerable to significant injustice at the hands of the majority, and to exacerbate ethnocultural conflict.[20]*

Kymlicka also identifies three forms of group-differentiated rights: self-government rights, poly-ethnic rights, and special representation rights. Self-government rights relate to multination states which demand political autonomy or territorial jurisdiction. Poly-ethnic rights relate to immigrant groups who seek assimilation without discrimination or prejudice, but also the freedom to protect their own cultural particularities. Special representation rights relate to disadvantaged or marginalized groups that seek greater inclusiveness and representation, like women, the poor, and the disabled.[21]

By Kymlicka's definition, Malaysia falls into all three of these categories. Malaysia has states like Sabah and Sarawak with their own ethnic minorities, who see themselves as separate autonomous states, as well as powerful local state Sultans who want to govern their states like their own Sultanates (Kelantan, Terengganu, Johor). Malaysia obviously also has different civic groups advocating for the minority rights of women, the poor, and the disabled. But the minorities' rights in Malaysia that are

---

19  Kymlicka, Will.  *Multicultural Citizenship:  A Liberal Theory of Minority Rights.*  Oxford, Clarendon Press, 1995.

20  Ibid, p.1, 5

21  Ibid, p.31-32

referred to in this paper refers not to these civic advocacy groups, but to "poly-ethnic groups" and their "poly-ethnic rights." Non-Malays (ethnic) and non-Muslims (religious) form such local minority groups, with members who, as legal citizens, are demanding that their citizenship rights be protected and that they are treated as equal to Malays and Muslims before the law.

Kymlicka makes a case for group-differentiated "collective rights" being different from individual rights, where:

> *"[G]roup-differentiated rights, in short, seem to reflect a collectivist or communitarian outlook, rather than the liberal belief in individual freedom and equality. … the claim of a group against the larger society … to protect a group from the impact of external decisions (e.g. the economic or political decisions of larger society) … [called] "external protections.[22]"*

Kymlicka describes such 'external protections' as an ethnic group seeking "to protect its distinct existence and identity by limiting the impact of the decisions of the larger society" that also runs the risk of "unfairness between groups." He argues for such protections as "putting the various groups on a more equal footing, by reducing the extent to which the smaller group is vulnerable to the larger."[23]

Kymlicka, therefore, describes citizenship as "an inherently group-differentiated notion" where "distributing rights and benefits on the basis of citizenship is to treat people differently on the basis of their group membership."[24] While this makes sense, it does not address the situation in Malaysia where the ethnic and religious minority groups are themselves also citizens and should be, by the definition of the citizenry, treated as equals to their fellow Malay-Muslim citizens.

Kymlicka goes on to raise the very relevant topic of political rights for minorities: "we need to think about the fairness, not only of specific group-differentiated rights but also of the decision-making procedure by which these rights are defined and interpreted." He explains how:

> *"… fairness in a decision-making procedure implies, amongst other things, that the interests and perspectives of the minority be listened to and taken into account. To achieve this, the standard political rights provided by*

---

22 Ibid, p.34-35

23 Ibid, p.36-37

24 Ibid, p.124-125

*the common rights of citizenship are obviously of critical importance. Whether minorities have the right to vote and run for office, to organize politically, and to advocate their views publicly, this is often sufficient to ensure that their interests receive a fair hearing.[25]"*

Minority rights researchers, i.e., Stephen May, Tariq Modood, and Judith Squires, in their book *Ethnicity, Nationalism and Minority Rights*[26] go further to examine minority rights within the context of multiculturalism. They highlight the challenge "of multiculturalism as public (state) policy" and "real multicultural dilemmas"[27] They also point out the fallacies of the arguments of critics of multiculturalism, who "often adopt essentialist and closed constructions of (national) identity – treating traditional constructions of a nation-state with almost quasi-ontological status –to foreclose the possibility of a fluid, changing and dynamic public culture, or at least a more equally negotiated one.[28]"

May, Modood, and Squires rightly point out how nation-states are facing "a plethora of ethnic, regional, and other social and cultural minority demands, many of which are couched in the singular, collectivist terms," often resulting in "real fragmentation occurring within and between nation-states in a global era."[29] They argue that "political theory, with its focus on the institutions of the state, provides an important counterbalance to the cultural focus of social theory."[30]

In this regard, the real challenge for ethnic and religious minorities in Muslim-majority Malaysia then becomes a question of political theory and institutions. More specifically, Muslim-majority countries like Malaysia urgently need to find or construct a suitable political theory of multiculturalism, pluralism, and diversity in a Muslim-majority state that allows for the institutional protection and safeguarding of non-Muslim minority rights under the national Constitution.

---

25  Ibid, p.131

26  May, S, Modood, T and Squires, J (eds). *Ethnicity, Nationalism, and Minority Rights.* London: Cambridge University Press, 2004

27  Ibid, p.5, 7

28  Ibid, p.11

29  Ibid, p.12

30  Ibid, p.13

# Islamic Political Thinking and the Place of Minority Rights

The safeguarding and protecting non-Muslim minority rights in Muslim-majority states like Malaysia are not easy or a simple topic of study. A country governed under Islamic law is often seen to have specific definitions and regulations that favor Muslims over non-Muslims that define non-Muslims as second-class citizens, and that dictates that political leaders—especially the heads of state—have to be Muslim. Where and how then can non-Muslim minority citizens ever be seen, treated, and protected equally under the law? What does Islamic political theory have to say about the place of minority rights?

Malaysia is an interesting case study in this regard because it is a modern secular democracy built on the British legal, constitutional system based on its colonial past. It is also a Federation of States bound together under a secular, civil Federal Constitution. Yet, its Constitution also officially declares Islam as the State Religion and recognizes Islamic Law through its Shariah courts, under which Muslims in Malaysia are bound. The Federal Constitution of Malaysia falls just short of calling Malaysia an Islamic State, even if many of its key political leaders have used this term to describe Malaysia while at the same time speaking to the freedom of religious belief and practice in Malaysia, especially for non-Muslims.

The question of engendering peace and protection of minority rights under Muslim-majority Malaysia, therefore, depends on the position and rights of minorities in Islamic political theory. Given the extent of Muslim-related ethnic and religious conflict and violence, it is straightforward to assume that Islamic political theory is at odds with pluralism and diversity in society today, especially in the context of Muslim-majority countries, and countries ruled under Islamic Law. Much of academic and political research and writings have surfaced over the recent years from Islamic countries in Central, South, and Southeast Asia, that explores this issue and attempt to find ways forward, both in terms of political theory and in terms of political institutions.

Islamic studies researcher, Arif Kemil Abdullah, in his 2014 work *The Qur'an and Normative Religious Pluralism: A Thematic Study of the Qur'an,* clearly lays out the twin issues of peace and pluralism in Islam. He observes that in Islam, "peaceful co-existence is one thing, but tolerance of religious difference … is quite another." He points out how "some complex theological and other related issues have come to

the fore, sparking at times heated debate, and focusing much attention on the field of religious pluralism and Islam's role in relation to not only simply living intolerance with other faiths, but seeking to understand them through real, positive dialogue."[31]

Abdullah sees this task as one of theology, not as one just unique to Islam, where "… it is vitally important for theologians from all faiths to derive from their own religious sources conceptions of religious pluralism corresponding to the reality of the present world. … New efforts are needed in the field of theology to develop up-to-date patterns for peaceful religious co-existence and inter-faith dialogue."[32] Abdullah then takes a hermeneutical, exegetical, and theological approach, making the bold statement that "the most important key to answering all these questions is Qur'anic exegesis or *tafsir* which has a decisive religious impact on Muslim consciousness and is a vital prerequisite for Muslim understanding of interfaith relations." For him, therefore, his "main purpose … has therefore been to derive from the Qur'an a coherent conception of normative religious pluralism.[33]"

Abdullah, as an Islamic scholar and theologian, makes a very significant contribution to the discussion about pluralism in Muslim-majority, Islamic countries, that shows a potential way forward towards peace. Drawing from another Islamic scholar Muhammad Legenhausen (2005), Abdullah distinguishes between three different types of religious pluralism: (i) soteriological pluralism or pertaining to the issue of salvation, (ii) alethic pluralism or pertaining to the truth of beliefs, and (iii) normative pluralism or how believers treat followers of other religions.[34] He points out that, "… since religious truth and consequently, religious salvation claims are considered as irreconcilable and thus inherent divisive, religious pluralism reduced to that particular level becomes an unmanageable issue … In this respect, the best solution might be to concentrate on the terrestrial dimensions and ramifications of religious pluralism, namely normative religious pluralism, which is the most relevant type with respect to Islamic theology and the Qur'anic content."[35]

By focusing on normative religious pluralism, and not on soteriological or alethic pluralism, Abdullah shows a theologically Islamic way forward

---

31  Abdullah, Arif Kemil.  *The Qur'an and Normative Religious Pluralism: A Thematic Study of the Qur'an.*  London: International Institute of Islamic Thought, 2014, p.ix

32  Ibid, p.xv

33  Ibid, p. xvi

34  Ibid, p.6

35  Ibid, p.44

that allows Islamic and Muslim-majority states to embrace and accept pluralism into its Islamic political thinking and models of state and governance. This shows the way for non-Muslim minority groups to co-exist peacefully in a Muslim-majority state, without fear of having Islamic religious laws being imposed on them.

Pakistani Muslim academic, Abdul Alim, is another such recent Islamic researcher who attempts to discuss pluralism within the field of modern Islamic political thought. In his book *The Rights of Minorities in Islam* (2013),[36] Alim describes this process as "new imagining techniques" and "an attempt to fashion a pluralist Muslim theology of religions," where "… the globalization of our modern world and these new developments demand that Muslim theology be reconstructed—not in isolation but in relation with other religions and theological visions" and "… to create a Muslim theology of religions from this sort of pluralistic point of view constitutes a new paradigm in Muslim theology, for it requires a rethinking of all theological categories."[37]

Alim, like Abdullah, also believes that under Islamic law, Muslim-majority and non-Muslim minorities can co-exist "based on Allah's rule … [which] has identified the ethical and legal basis, with which Muslims must treat non-Muslims, namely kindness and justice with all those who do not have enmity against them", and also that "Islamic law allowed non-Muslims to enjoy the freedom of belief, it enacted rules to preserve their lives, on the ground that they are human beings who have the right to life and existence."[38]

Alim draws heavily from Islamic political thinkers through the decades, including Muhammad Abduh, Rashid Ridam, and Muhammad Asad. He exposits the Qur'anic doctrine of God, and clearly states that the Qur'an strongly emphasizes that "Allah is not only the Lord of those who follow the teaching of the institutionalized religion of the Prophet Muhammad, but also the Lord of the Universe." By this, Alim states that "God's grace and mercy are not limited to only a particular community but are extended to all God's creatures without any limitation."[39]

It is critically important for Islamic and Muslim-majority countries and states to see and discover their own Qu'ranic and theological basis for pluralism in an Islamic political worldview, one that accepts and embraces

---

36   Alim, Abdul. *The Rights of Minorities in Islam.* New Delhi: Random Publications, 2013.

37   Ibid, p.55-56

38   Ibid, *Preface*

39   Ibid, p.68

non-Muslim minorities as part of what the Islamic God has created, whose security and freedom of belief is to be protected and safeguarded by Muslims and Islamic religious and political leaders alike. Only then can Islamic and Muslim-majority countries see pluralism is inherent in Islam and the teachings of God and the Prophet, not as something that derives from the West, or from other religious traditions.

## Good Governance, Civil Society and Islam in Malaysia Today

How can such a fundamental Islamic political and theological belief in pluralism can and should lead to the establishment and development of government and civil institutions that institutionalize the protection and safeguarding of the rights of non-Muslim minorities?

There have been attempts in modern-day Malaysia to articulate the development and institutionalization of legal, constitutional, and governmental processes to enshrine the protections of non-Muslim minority rights in Malaysia. One key academic and religious Islamic thinker is Malay-Muslim academic Maszlee Malik, an Assistant Professor at the International Islamic University of Malaysia (IIUM), and former Education Minister of Malaysia.[40]

Malik has published three key works that put forth a call for the establishment of Islamic Governance: two short works in the same year of 2015 titled *Good Governance: A Critical Introduction*[41] and *Good Governance, Civil Society & Islam,*[42] and a larger work titled *Foundations of Islamic Governance: A Southeast Asian Perspective.*[43] In all three, he outlines his vision of how religions and faiths "play a proactive role in the field of civil society, but more importantly in the development of societies, which is a major factor in the political and economic development of a country, as well as its governance." He sees the role of religion in society and politics as "a form of ethical doctrine [that] could potentially provide the 'internal good' for development through its doctrines on social cohesion, mutual cooperation, and virtue-based community."[44]

---

40  Malik left IIUM in May 2019, and became an MP and Minister for Education

41  Malik, Maszlee. *Good Governance: A Critical Introduction.* Kuala Lumpur: IIUM Press, 2015

42  Malik, Maszlee. *Good Governance, Civil Society and Islam.* Kuala Lumpur: IIUM Press, 2015

43  Malik, Maszlee. *Foundations of Islamic Governance: A Southeast Asian Perspective.* London: Routledge, 2017.

44  Ibid, *Preface*

Malik believes that "rationally, culture and values that enhance both human and social capital will generate public order through the production of good citizens who live in mutual cooperation and assistance, transcending conflicts that mount up to establish social stability."[45] Malik argues that such social stability is achieved not just through institutions of the state, but through the involvement of every citizen, where"… citizens must be acknowledged in the decision-making process as problem solvers and co-creators of public goods … they can no longer be perceived only as voters, volunteers, clients, or consumers, whilst the state is left solely as the determining factor of the country's decision-maker."[46]

He introduces the term "social capital," and believes that such social capital mediates differing interests to reach a broad consensus on what is best for the group. He also sees social capital as preparing the way for people to make their contributions towards the country's development. He further draws from the Qu'ran and Islamic thought by arguing that "… the spirit of 'al-amr bi al-ma'ruf wa nahy 'an al-munkar (enjoinment of good and forbidding the evil)" must be expanded to include a broader realm of moral, ethical and social responsibilities. He also believes this concept can lead to the "active role of the people," and that it will also "mobilize the civil society."[47]

He also develops the concept of a "common identity" in civil society, which needs to be developed over time by participants in collective actions and regular interaction with others outside.[48] He outlines his vision for such a civil society in Islamic Malaysia where "all parties, including men and women, race and community members should have a voice in decision-making, either directly or through legitimate intermediate institutions that represent their intention." He calls on such broad participation to be built on freedom of association and speech so that people can participate constructively. He also believes that "the institutionalization of participation" by all people without any discrimination is a "cornerstone of good governance."[49]

For Malik, Islamic good governance not only embraces pluralism and all aspects of peoples and society but also manifests itself through the institutionalization of political participation by all peoples of all

---

45  Ibid, p.xii

46  Ibid, p.16

47  Ibid, p.27

48  Ibid, p.33

49  Ibid, p.47

backgrounds, regardless of race or religion. Malik takes Abdullah's and Alim's concepts of pluralism in Islamic political thinking, one critical step further into the area of implementation and execution through institutional good governance—and in doing so, engendering peace across diversity in pluralistic Islamic Malaysia today.

## Conclusion: Common Good and Good Governance – Twin Pillars of Peace

From 1994 when Kam Weng Ng started writing about bridge-building in the pluralist society of Malaysia and pioneered the term "common good" through Maszlee Malik's 2015 writings on the common good and good governance, the political and theological concept of "common good" has been an ongoing thread that has strung together many Malaysian academics' and theologians' thinking about majority-minority conflicts and relationships in Muslim Malaysia.

The concept of "common good" is also one that is common across the major religions and faiths of this world, especially the monotheistic faiths of Islam, Christianity, Judaism, and Roman Catholicism. It has functioned as a powerful concept and term, which is also shared by political scientists and theorists who might not necessarily believe in religion but do argue for the empirical "common good" of public policy and politics. Such a concept appears to allow players of all backgrounds in civic society to have a shared vocabulary to define a sense of commonality and communalism.

Malik's concept of good governance within an Islamic context, and from the perspective of Islamic political theology, takes the concept of "common good" into the realm of institutional implementation and execution through both government and civil structures and processes. This could well be the way forward for minorities in Muslim-majority countries like Malaysia to have their rights and interests taken into consideration under common good, and protected under the idea of good governance. If Malaysia can translate such common good and good governance into practice, it could well become a showcase for other Muslim-majority countries to engender peace and protect the rights of their non-Muslim ethnic and religious minorities.

This paper posits the following key points in relation to developing peace in Muslim-majority countries:

1. Peace amongst majority-minority groups in Muslim-majority countries needs a proper identification and understanding of who the minorities are and what their concerns are that result from, or lead to, majority-minority conflict. Such minorities in Muslim-majority countries tend to be ethnic and religious minorities, with a different culture and degrees of concerns.

2. Peace amongst majority-minority groups in Muslim-majority countries can helpfully be seen in terms of minority rights rather than just as minority concerns. Once defined as such, peace becomes a matter of how ethnic and religious minority rights can be properly safeguarded and protected against the intrusion of Islamic law and practice into their personal and public lives.

3. Peace needs to be effectively engendered by identifying and deriving concepts of pluralism and diversity that come directly from the Qu'ran and Islamic thought and teachings. There has to be a fundamental belief in the existence and embrace of plural and diverse peoples in the society which demand and deserve the same level of recognition and protection as their Muslim counterparts in an Islamic and Muslim-majority state.

4. Peace needs to result not just from fundamental concepts of pluralism and diversity in Islamic political and religious thought, but more critically, from the development and institutionalization of Islamic good governance that protects and champion common good in a pluralist and diverse society.

5. Modern-day Malaysia, being a secular democratic modern nation-state, built on Western concepts of constitutional law and government, at the same time also being a Muslim-majority country with Islam as its official state religion, has the opportunity and potential to develop a modern-day Islamic political governance model, that can show the way forward for other similar Muslim-majority countries how to establish and maintain societal peace through the institutionalized safeguarding of non-Muslim minority rights.

It is hoped that this paper can generate further research, discussion, and experimentation in this direction of Islamic good governance as a means to institutionalize the protection of non-Muslim minority rights in Muslim-majority countries, and in so doing, also institutionalize peace into the country's legal and political structures and processes.