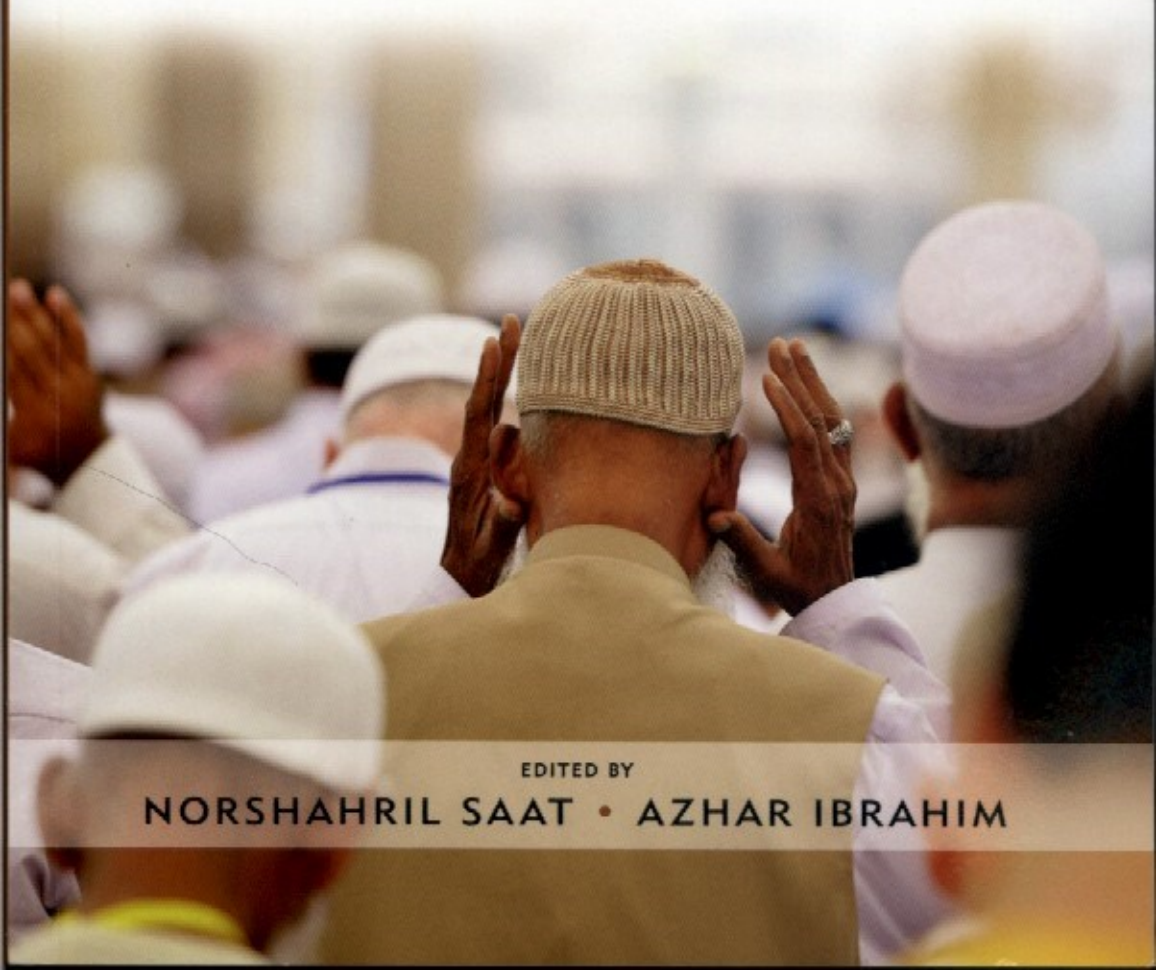


Alternative Voices in Muslim Southeast Asia

Discourse and Struggles



EDITED BY

NORSHHRIL SAAT • AZHAR IBRAHIM

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ISEAS YUSOF ISHAK
INSTITUTE

First published in Singapore in 2020 by
ISEAS Publishing
30 Heng Mui Keng Terrace
Singapore 119614

Email: publish@iseas.edu.sg
Website: bookshop.iseas.edu.sg

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ISEAS Library Cataloguing-in-Publication Data

Name: Norshahril Saat, editor. | Azhar Ibrahim, editor.
Title: Alternative voices in Muslim Southeast Asia : discourse & struggles /
edited by Norshahril Saat & Azhar Ibrahim.
Description: Singapore : ISEAS – Yusof Ishak Institute, 2020.
Identifiers: ISBN 9789814843805 (paperback) | ISBN 9789814843812 (pdf) | ISBN
9789814843829 (epub)
Subjects: LCSH: Islamic modernism—Southeast Asia. | Islamic renewal—
Southeast Asia. | Islam—21st century—Southeast Asia. | Islam and
politics—Southeast Asia. | Islam and state—Southeast Asia. | Islamic
sociology—Southeast Asia. | Muslims—Southeast Asia.
Classification: LCC BP173.25 A46

Typeset by International Typesetters Pte Ltd
Printed in Singapore by Mainland Press Pte Ltd

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According to some observers, Southeast Asian Islam is undergoing a conservative turn. This means voices that champion humanist, progressive or moderate ideas are located on the fringes of society. Is this assessment accurate for a region that used to be known for promoting the “smiling face of Islam”? *Alternative Voices in Muslim Southeast Asia* examines the challenges facing progressive voices in Indonesia, Malaysia and Singapore today. It examines their discourses, which delve into how multiculturalism and secularism are the way forward for the diverse societies of these three countries. Moreover, it analyses the avenues employed by these voices in articulating their views amidst the dominance of state and quasi-state religious officials who seek to restrict and discipline them.

Contributors to the volume include scholars, activists and observers, some of whom are victims of repression and discrimination. While most of the chapters cover developments of the last decade, some of them go back to the previous century, capturing the emergence of modernist thinkers influenced by parallel movements in the Middle East and the wider region. Others respond to recent developments concerning Islam and Muslims in the three countries: the Pakatan Harapan coalition victory in the 2018 Malaysian election, the re-election of Joko Widodo as Indonesia’s president in 2019, and recent religious rulings passed in Singapore. Readers should come not only to reflect on the struggles faced by this group but also to appreciate the humanist traditions essential for the development of the societies of these countries in the midst of change.

ISEAS
PUBLISHING

30 Heng Mui Keng Terrace
Singapore 119614

<http://bookshop.iseas.edu.sg>

SOUTHEAST ASIA
Social Issues

PIC276s

ISBN 978-981-4843-80-5



9 789814 843805

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Sunni-Shia Reconciliation in Malaysia

Mohd Faizal Musa

It is never easy to define Shiism as a collective category. There are the Zaidiyyahs, Isma'ilis, and the Imamis (Twelvers).¹ The Shias in Iran, Iraq, Saudi Arabia, Lebanon, Indo-Pakistan and Southeast Asia differ significantly.² With all the diversity within Shiism itself, I will have to go back to the basic definition of Shiism. Fundamentally, the Shias believe in the succession of Ali ibn Abi Thalib after the demise of Prophet Muhammad and in 'Adl, or Divine Justice:

The Imamate or wilayah is the very basic principle; 'Shiism, however, concentrating on the question of wilayah and insisting on the esoteric content of the prophetic message, saw in Ali and the Household of the Prophet (ahl al-bayt), in its Shi'ite sense, the sole channel through which the original message of Islam was transmitted, although, paradoxically enough the majority of the descendants of the Prophet belonged to Sunnism and continue to do so until today.³

On the principle of divine justice, in Asha'arism (Sunnism) there is "an emphasis upon the will of God, whatever God wills is just, precisely because it is willed by God; and intelligence ('Aql) is in a sense

subordinated to this will and to the voluntarism which characterizes this form of theology". Nasr further stated that rationality played a crucial role in Shiism and that this distinctive belief helps to define the Shias:

In Shiism, however, the quality of justice is considered as innate to the Divine Nature. God cannot act in an unjust manner because it is His Nature to be just. For Him to be unjust would violate His own Nature, which is impossible. Intelligence can judge the justness or unjustness of an act and this judgement is not completely suspended in favour of a pure voluntarism on the part of God. Hence there is a greater emphasis upon intelligence ('aql) in Shi'ite theology and a greater emphasis upon will (iradah) in Scorn kalam, or theology, at least in the predominant Ash'arite school.⁴

Sunnis and Shias agree on three basic principles: divine unity (monotheism), *nubuwwah* or prophecy and *Ma'ad* or resurrection. Thus, the basic differences between Sunnis and Shias are historical and philosophical.

There are also other significant differences that put adherents from both schools in a difficult situation.⁵ First, some Sunnis treat Islam as a public right, while others treated it as a personal matter; "religion among the Sunni is not simply a personal matter; it is a public right that cannot be forfeited by individual whims."⁶ The Sunnis are keen to manipulate the law, in this case the Sharia, and employ "coercion to enforce religious (public) order", while the other sects "manipulate moral control".⁷ After the 1979 Islamic Revolution in Iran, Shiism has been perceived in almost the same manner—as controlling the public through legal means. In Iran, Wilayatul Faqih gives the state space to adopt the same approach (this applies only in the case of Iran and not necessarily to the whole Shia diaspora).

The Islamic Revolution in Iran adopted one of Imam Khomeini's famous works entitled "Islamic Government: Governance of the Jurist (Wilayat al-Faqih)". Khomeini's central argument was not to wait any longer for the return of the twelfth Imam (the hidden Imam Mahdi), and that during the Occultation, religious sages should take the rule of government into their own hands. According to Khomeini the reign should be in accordance with the model of the Prophet Muhammad—a combination of religious and political leader at one and the same time.

In other words, there should be no separation between religion and the state.⁸

The relationship between Sunnis and Shias is not a straightforward one, on account of the latter's characteristic of rebelliousness: "all sects in Islam initially emerged as groups in rebellion against the established Sunni dogma and/or authority and developed later into routinized religious systems. Among some groups, such as the Shia, rebelliousness continued as a ritualistic exercise, thus continuously reinforcing the collective consciousness of the sect."⁹ While the Sunnis treated other sects as "religious phenomena", therefore "historical realities", the other sects—including the Shias—did not see themselves as "historical accidents", but rather as "eternally ordained manifestations of divinity", as expressed in their rich literature.¹⁰

The Shias in Malaysia, as with other Shia diaspora, accept themselves as a "religious minority". As a minority they cannot behave as a sect, thus they have dropped their rebellious character and have effectively learnt to adapt to "centralized Sunni authority", to "work out an accommodative formula accepting the ideology of Sunni rule".¹¹ This is one reason why we can find many Shia elements expressed in Malay culture, and even in Sunni literature. And it is the sole reason why Shia have been off the radar in Malaysia for so long. Applying Khouri's position that "sects could turn into minorities and minorities into sects", we can understand how Malaysian Shias prior to the 1979 Islamic Revolution managed to "adapt differently to different sectarian orientations".¹² They have conformed with Sunnism, and this can be easily and effectively done as Shiism allows dissimulation (concealment of faith or *taqiyyah*).

However, new converts to Shiism, Shias born after the 1979 Revolution, or Shias who were former Sunnis have been caught up with the Iranian Wilayatul Faqih, where they continue to be amazed with the "enforcement of religious order", just like in Sunnism. Their admiration of Shiism did not necessarily begin with the essence of Shiism, but rather with its ability to apply Islam to the state. No similar arrangement has been found anywhere else since the fall of the Ottoman Empire, considered to be the last Islamic caliphate. In Malaysia in the 1980s and 1990s, many Sunni academics, political activists, Islamists and admirers of the Muslim Brotherhood became attracted to Shiism. The friction between Sunnis and Shias in Malaysia occurred with post-1979

Shias. Unfortunately, those who had all along been Shias (hereditary Shias) were victimized and caught in between.

After GE14

To rectify what the new Pakatan Harapan government believe to be the wrongdoings of Najib's Barisan Nasional administration, Prime Minister Mahathir Mohamad announced the establishment of a Council of Eminent Persons (CEP). The responsibility of this council is to advise the Pakatan Harapan administration to identify, correct and reform any seismic problems affecting the economy, finance, business, law, education, arts, electoral systems or Islamic affairs, among others. In sum, the main agenda of the CEP is to help the government shape policies and programmes in order to fulfil the government's hundred-day promise to the people. The CEP is headed by a former finance minister from Mahathir's previous administration, Daim Zainuddin. The CEP was given a hundred days to complete this enormous task, with a deadline of 22 August 2018. Other members are former Bank Negara governor Zeti Akhtar Aziz, former president and CEO of Petronas Hassan Merican, Malaysian billionaire residing in China Robert Kuok and prominent economist Professor Dr Jomo Kwame Sundaram.¹³

The CEP later founded two other groups—the Institutional Reforms Committee (IRC) and the Committee for Islamic Institutional Reforms—to help them collect and listen to proposals and suggestions to reach their objectives. The IRC comprises retired Court of Appeal judge KC Vohrah, commissioner of the National Human Rights Council and retired judge Mah Weng Kwai Mah, president of the National Human Rights Society Ambiga Sreenevasan, and constitutional law expert Professor Dr Shad Saleem Faruqi.¹⁴ The Committee for Islamic Institutional Reforms is headed by current Perlis mufti Mohd Asri Zainal Abidin. However, a number of relatively "unknown" religious scholars are also part of this committee, and their names have not been disclosed to the public.

There is another committee for Islamic institutional reform, with this one not coming under the CEP. The Conference of Rulers approved the formation of a new special committee for improving federal Islamic

institutions in Malaysia, called the High-level Committee on Federal Institutions of Islamic Affairs. This committee under the Malay Rulers only began its work on 9 August 2018.¹⁵

I have been summoned twice to the CEP: first on 27 June 2018 and again on 9 August 2018. My topics of discussion have mainly been about the criminalization of certain faiths in Malaysia and the reform of Islamic institutions.¹⁶ Many other subjects were brought up during the CEP meeting, but my focus here will be on issues pertaining to Shiism in Malaysia.¹⁷

The criminalization of faith and beliefs, in this context the Shias, began around two decades ago, during Mahathir's previous administration. The root of the problem lies in the fatwa (legal opinion) passed in 1996. The National Fatwa Council (NFC) introduced a fatwa or edict entitled "Shia di Malaysia" (Shias in Malaysia) in 1996. At a special *muzakarah* (conference) organized to discuss the Shia "problem", the NFC passed several resolutions, which were subsequently reflected in the fatwa that was issued. The first was to reaffirm an earlier decision, made at an NFC *muzakarah* in 1984, that two Shia sects that the government had recognized previously—the Zaidiyyahs and Jaafariyyahs—were no longer acceptable. Second, as far as matters of creed, religious laws and ethics were concerned, Muslims in the country could only abide by "the teachings of Islam based on the doctrine of the Ahl al-Sunnah wa al-Jama'ah [Sunni]". This definition of "official" Islam was to be written into the federal and state constitutions, and all religious laws would be amended to reflect this decision.

Third, "the propagation of any teachings other than that of the Ahl al-Sunnah wa al-Jama'ah [would be] prohibited". Accordingly, the "publication, broadcasting and distribution of any books, leaflets, films, videos, and others relating to the teachings of Islam that contradict with the doctrine of the Ahl al-Sunnah wa al-Jama'ah [was also] prohibited and unlawful (haram)." This passage from the fatwa was the main reason for the banning of my books. On 10 January 2018, the Court of Appeal quashed the banning of four of my books, citing the right to freedom of speech and expression of the Federal Constitution. A three-man panel comprising Tengku Maimun Tuan Mat, Ahmadi Asnawi and Zaleha Yusof decided that the banning of the books restricted my fundamental right, and that citing the fatwa was not sufficient to prove my works were likely to be prejudicial to public order or security.¹⁸

However, until today, seven of my books are still listed as banned by the Malaysian Home Ministry.

The 1996 fatwa was a pivotal turning point that paved the way for subsequent efforts at "othering" the Shia minority, and through this to discredit and deny them their human rights. That the fatwa was a federal initiative—rather than a state one—ought to have raised warning bells about the central government overstepping its boundaries and encroaching on to the jurisdiction state governments had over Islam. Instead, most states—except Sabah and Sarawak—took their cue from the centre and eventually passed variations of this fatwa, mostly keeping to what the NFC had prescribed.

Unlike elsewhere in the Muslim world, where fatwas are considered mere legal opinions, in Malaysia they have been given the force of law upon being gazetted. Contravening them could potentially lead to a maximum penalty of 5,000 ringgit and/or three years jail time—not hefty in the larger scheme of things but enough to compel many Muslims into conforming to, or at least not questioning, the state-endorsed version of Islam.

The Fear Towards Shias in 1996

The causes of fear towards Shiism are manifold, and the Shias are partly to be blamed. By this I am referring to the newly converted Shias after the 1979 Iranian Revolution, and not to the hereditary Shias.¹⁹ In general, the Shias are widely accepted culturally and even theologically by the Sunnis. Malay Shias have practised various cultural rituals that are clearly Shia in nature. Remnants of Shiism among Malays can be seen in the *Dondang Siti Fatimah*,²⁰ a lullaby, the *Ilkayat Hasan Husin* (Tale of Hasan and Husin) and the *Hikayat Muhammad Hanafiyyah*²¹ (Tale of Muhammad Hanafiyyah), which are part of Malay literature. Other examples include the acceptance of the concept of the Imam Mahdi in the classical text *'Al-Mukhtasar fi'Alamah al-Mahdi al Muntazar* by Syeikh Muhammad Arsyad al-Banjari,²² praise of Imam Ali,²³ and many other traces of Shiism that cannot be denied.²⁴

Previously, Sunnis and Shias had lived peacefully together in Malaysia. In 1934 the Qadi of Johor allowed the marriage of a Shia man with a Sunni woman;²⁵ and the Mufti of Johor, Sheikh Habib Alawi (1934–61),

gave permission to transmit hadith (Prophetic tradition) to Ayatullah Mar'ashi Najafi.²⁶ Meanwhile, the Ismaili Bohra (Sevener) society was allowed to live in the state of Selangor in 1984. Although there were a few incidents of sectarianism, they were very remote and small. At least two vestiges of sectarianism can be traced in Malaya (before the separation of Singapore from Malaysia in 1965); namely, the commotion in Singapore in 1907,²⁷ and the opinions of Burhanuddin al Helmy and Za'ba, two highly regarded Malay figures, about the dissensions between different sects (*mazhab*) in the 1950s and 1960s.²⁸

However, it is the "post 1979 Shias" that have caused Malaysian society to fear and detest them on account of their obsession with the Islamic Revolution in Iran. Records in parliament's Hansard since 1982 highlight my point. The first issue concerning local Shias, which came up during a parliamentary debate in 1982, demonstrates how the fear of Shias in Malaysia is less about Shiism and more about the fear of exporting the Iranian Revolution to the country. Senator Othman Abdullah raised the matter.²⁹ The debate in the Senate on 11 January 1983 was obviously about how to regulate elements of extremism arising from competition between political parties along the east coast. The debate also raised the issue of freedom of religion, the power given to religious authorities, and mechanisms to restore harmony, with the cases of Northern Ireland and India being cited. The debate touched on deviant teachings, mentioning the Qadianis (Ahmadis) and subsequently the Shias.³⁰

The debate touched on the historical differences between the Sunnis and the Shias, or, as I stated in the introduction, "sects being treated as religious phenomenon", and it resulted in a tremendous bias against the Shias. The focus of the whole debate was very much on deviancy and potential extreme teachings, and it came from a single individual—Abdul Razak Hussain. And all the Shias, including the hereditary ones, were unfortunately lumped into one basket.

This narrative of Shiia deviancy, extremism and the potential to destabilize society grew consistently until 1985 when member of parliament Ibrahim Azmi Hassan from Kuala Nerus complained during a debate in the House of Representatives that Shiism was gaining many followers and asked whether the authorities were going to curb its teachings. Interestingly, Mohamad Yusof Haji Mohammad Noor, the minister in-charge of Islamic affairs, assured him that not all Shias are

deviant and that the hereditary Shias, the Zaidiyyahs and Jaafariyyahs, are recognized by the authorities.³¹ However, Mohamad Yusof came under pressure from some legislators to stop Shia teachings. In 1987 the status of Shias was raised repeatedly during parliamentary debates, and again Yusof as minister of Islamic affairs responded by saying that the increases in the numbers of Shias were relatively small and were limited to the urban areas, occurring particularly among academics. Later that year, in response to a question from Mohammad Subky Abdul Raof from Balik Pulau, Yusof emphasized the government was aware of the groups propagating Shiism and how it was going about regulating them. He also noted that the government would not hesitate to take any necessary legal action against them if they began to have a structured movement.³² This was the first direct step in intervention by the Malaysian government. The debate appeared to make no distinction between post-1979 Shias and hereditary Shias, or of the many factions of Shias. This resulted in a single framework generalizing all Shias.

By 1993 the narrative that the Shia community was a risk to Malaysian Muslim society had been widely accepted, as reflected in a debate in the Senate between parliamentary secretary in the Prime Minister's Office Othman Abdul, Senator Ghazali Embong and Senator Zaleha Hussin. The discussion was about a group of local academics (post-1979 Shias) propagating Shiism and sending students to Iran. Othman told the Senate that the state religious departments had been galvanized to take stern action against the Shias.³³

Confusion about local Shias, about who they were, about what rituals they practised and whether they had a political agenda were subjects of concern for the establishment. In response to a question from MP Awang Jabar in 1993, foreign minister Abdullah Fadzil Che Wan commented that the Malaysian version of Shiism is practically the same as its Iranian counterpart, since the latter exported its teachings to other countries. He noted how this version of Shiism is associated with "the revolution", although he also noted positive measures taken by the Iranian government to minimize differences between Sunnis and the Shias in order to unify the Muslim ummah.³⁴ This response by the foreign minister accentuated misconceptions about local Shias and Shiism. Shiism had been widely accepted in Malaysia even prior to 1979, with there being many Indo-Pakistani Shias long before the

country's independence in 1957. And the government continued to make no distinction between hereditary and newly converted Shias.

On 2–3 May 1996, during a meeting of the National Fatwa Committee in Langkawi, the council introduced the "Shia di Malaysia" fatwa banning Shiism and recognizing only Sunnism. The move emboldened anti-Shia activities. In 1997 there were calls from MP Mohd Zuki Kamaluddin to detain Shias under the Internal Security Act (ISA).³⁵ In October of that year, ten individuals were detained under the ISA. The 2003 parliamentary Hansard records that the ten Shias were detained because they represented a threat to national security and because their teachings allowed, among other things, self-flagellation.³⁶ Those who were released early were told to renounce their faith and "revert" to Sunni Islam as a pre-condition for their release.³⁷ In August 1998, the detained Shias were forced to participate in a counselling camp in Kamunting, Perak.³⁸ In 2000, six people were detained from 20 October until 5 January the following year.³⁹ Another case occurred in March 2001, with a Shia adherent being arrested and serving a two-year detention order. The Malaysian government made it a point to remind everyone that in addition to the ISA, it could use the Sedition and Public Order Act of 1959, or the Emergency Public Order Ordinance 1969 to arrest anyone misusing the term "Islam" to spread "deviationist" teachings.⁴⁰

The victimization of Shias under the ISA is not well known about, but it came to light after one Shia, Abdullah Hassan (detained from 2 October 1997 to 31 December 1999), filed a complaint with the Human Rights Commission of Malaysia (SUHAKAM) about the conditions he was subjected to under detention.⁴¹

It is important to note here that Kelantan banned Shiism before the 1996 fatwa, on 30 May 1995.⁴² Then, right after the 1996 fatwa was issued at the federal level, the federal territories of Kuala Lumpur and Labuan gazetted the banning of Shiism on 3 April 1997.⁴³ Terengganu gazetted the banning of Shiism on 2 September 1997. Selangor gazetted the fatwa on 24 September 1998.⁴⁴ Sabah issued a similar edict banning Shiism on 26 July 1996 and Sarawak following on 23 November 1996, although neither of these two states have gazetted the fatwa.⁴⁵

Although there was pressure on them as a result of the 1996 fatwa, Malaysian Shias under Abdullah Badawi's administration (2003–9) experienced a temporary peaceful era. Abdullah's administration

maintained good relations with Iran, and the prime minister twice visited the country. Mahmoud Ahmadinejad, the Iranian president, also visited Malaysia.⁴⁶ Abdullah's stand is important to note, since at this time Iran was facing pressure about its nuclear programme. During Abdullah's tenure, Malaysia also participated in two international meetings that reaffirmed that the Muslim world recognized Islam's diverse branches, including the two Shia sects—the Zaidiyyahs and Jaafariyyahs—that the National Fatwa Committee had ceased to recognize back in 1984. The first meeting was the signing of the Amman Message of 2005 in Jordan, where Malaysia was represented by Abdullah himself, as well as by Abdul Hamid Othman, the *de facto* minister of Islamic affairs. The second meeting was the 34th Session of the Islamic Conference of Foreign Ministers, held in May 2007. As with the Amman Message, Malaysia, through its foreign minister Syed Hamid Albar, signed the outcome document of this meeting, the Islamabad Declaration, which proclaimed:

No Muslim whether he or she is Shi'ite or Sunni, may be subject to murder or any harm, intimidation, terrorisation, or aggression on his property; incitement thereto; or forcible displacement, deportation, or kidnapping. All Muslims to refrain seriously from any provocation of sensitivities or sectarian or ethnic strife, as well as any name-calling, abuse, prejudice or vilification and invectives.⁴⁷

This move by Abdullah's administration explains why the 1996 anti-Shia fatwa, although issued at the national level, was not gazetted in all states.

After Najib Abdul Razak came to power in 2008, both the Amman Message and the Islamabad Declaration appear to have been conveniently forgotten. Eight other states in Malaysia gazetted the 1996 fatwa during Najib's time in power. Pahang gazetted it on 30 December 2011. Perak gazetted it on 4 January 2012⁴⁸ and Johore on 9 January 2012. Perlis gazetted the fatwa on 20 February 2012—while other states stated that following Shiism led to deviancy and contradicted Sunnism, Perlis further declared that Shias could be excommunicated from Islam.⁴⁹ Negeri Sembilan gazetted the fatwa on 7 November 2013,⁵⁰ followed by Penang on 27 March 2014⁵¹ and Malacca on 24 September 2015.⁵² Kedah was the most recent state to gazette it, on 10 November 2016.⁵³

Shias under Najib Razak

Under the administration of Najib Razak (2009–18), Malaysia had been leaning towards Saudi Arabia and had allowed hard-line Islam to shape the government. Najib prioritized warmer relations with Saudi Arabia over other states in the Middle East, a nation known not only for exporting the intolerant Wahhabi-Salafi strand of Islam but also for repressing its Shia minority. Malaysia became a strategic ally of the oil-rich kingdom to the extent that the Saudi government disbursed “an additional cash profit of USD8.15 million to the 1Malaysia Development Berhad” in March 2011. It appeared the Malaysian government reciprocated this gesture by endorsing the Gulf Cooperation Council’s actions against the 2011 people’s uprising in Bahrain (where most Bahrainis are Shias). Najib also went the extra mile to label those in the uprising as terrorists and accused them of undermining “the stability and security of the country”.⁵⁴

Under the Najib administration, Wahhabism surreptitiously and gradually infiltrated government agencies, universities, schools and religious departments. Some followers even held ministerial posts in the previous and current administrations.⁵⁵ Since the 1996 fatwa, all Shias, be they hereditary or newly converted, have been treated in the same manner. Historically, Shias have been targeted by Wahhabis. Wahhabi teachings first reached the Malay archipelago in 1803, in the form of the Padri movement. Started by Tuanku Nan Tua to reform certain activities in Minang society in Sumatra, it was then radicalized by three pilgrims returning from the hajj. The movement began to enforce Islam in daily life. In order to do so, killings in the name of Islam were carried out. Then, due to Salafization in Johor Riau in 1845, strict laws forbade Malay people from exchanging *pantuns* (traditional poetry) or playing the lute during the rule of the young Sultan Ali. Although they belonged to the Shafi’i mazhab, they were also stirred by the rashness of laws resembling the Hanbali school of thought, the jurisprudential school of the Salafists or Wahhabists.⁵⁶ For the first time, the Malays were exposed to religious extremism.⁵⁷

Ill treatment of the Shias under the Najib administration had been clear even by the country’s second Universal Periodic Report in 2013, and nothing has changed since then.⁵⁸ There has also been an alleged

case of enforced disappearance involving a Shia activist, as mentioned during a National Human Rights inquiry looking into the abduction of Amri Che Mat. Amri disappeared on 24 November 2016 while driving near his home in Kangar, Perlis. Amri's wife, Norhayati Mohd Ariffin, believes her husband's disappearance is related to a speech made by a high-ranking police officer, DCP Awaludin, on 6 November 2016, where the officer claimed that the "Shia enemy" and Christian preachers are more dangerous than the terrorist group the Islamic State.⁵⁹

Possible Remedies and Challenges

During my meeting with the CEP, I shared how Malaysia's Islamic institutions need to be reformed. The following are my recommendations.

First, the country needs to return to secularism. I believe Islam can flourish better in a secular environment, where all faiths, beliefs, streams and schools of thought are celebrated. The Indira Gandhi case judgement by the Court of Appeals clearly states that Malaysia is a secular state.⁶⁰ Paragraphs 24 and 25 of the judgement make it clear that the constitution is above all, and that for a number of reasons—including protecting the rights of minorities—amendments cannot be tolerated. Paragraph 71 points out that the Islam recognized in the constitution has a secular "definition". Judge Zainun Ali cited the judgement in the Federal Court in the case of Che Omar Che Soh versus the Public Prosecutor in 1988, recounting that "after tracing the history of British intervention in the Malay States", judge Salleh Abas "summarised the notion of Islam as understood by the framers of the Constitution" as being restricted merely to the "narrow confinement of the law of marriage, divorce and inheritance only".⁶¹

Second, society must adopt the principle of "your fatwa does not apply here". The crux of the matter is how fatwas are passed in Malaysia. A mufti is not a lawmaker and a fatwa is merely an opinion. The power to enact laws for the peace, order and good governance must and can only be vested in the parliament and state assemblies. The legislative powers of the Federation shall be vested in the parliament, which shall consist of the monarch (Yang di-Pertuan Agong) and the two legislative houses (House of Representatives

and the Senate). However, the fatwa on the Shias has influenced the debate in both houses at the federal level. And at the state level, once gazetted, a fatwa becomes a force of law.

The Administration of Islamic Law enactments in various Malaysian states have provided the Islamic institutions—such as the fatwa committee or office of the mufti—powers to make legislation (delegated legislation) for the betterment of the Malay-Muslim majority.⁶² The legislation provides that any verdict issued by a fatwa committee and published in the Gazette shall be binding, both on individuals and on the government.⁶³ It is in fact a crime under the Sharia Criminal Offences Act to violate, disobey or fail to recognize any gazetted fatwa. The Act provides that:

Any person who acts in contempt of religious authority or defies, disobeys or disputes the orders or directions of the Yang di-Pertuan Agong as the Head of the religion of Islam, the Majlis or the Mufti, expressed or given by way of fatwa, shall be guilty of an offence and shall on conviction be liable to a fine not exceeding three thousand ringgit or to imprisonment for a term not exceeding two years or to both.⁶⁴

Similarly, the act also criminalizes the communication of an opinion or view that is contrary to the gazetted fatwa. Thus, "any person who gives, propagates or disseminates any opinion concerning Islamic teachings, Islamic Law or any issue, contrary to any fatwa for the time being in force in the Federal Territories shall be guilty of an offence and shall on conviction be liable to a fine not exceeding three thousand ringgit or to imprisonment for a term not exceeding two years or to both".⁶⁵

Furthermore, a provision in the act criminalizes the distribution or possession of any view issued contrary to Islamic law.⁶⁶ Therefore, by implication, the act prohibits any kind of disagreement (oral or written) to a fatwa issued in Malaysia; including aiding and abetting anything that would lead to the dissemination of information contrary to the fatwa. The 1996 fatwa against the Shias, for instance, caused so many human rights violations. I am, for example, affected by the fatwa. It directly impinged on my right to freedom of expression. In fact, the judgement by the Court of Appeal to lift the ban on four of my books clearly addressed this:

What we want to stress here is where is the part that could create public disorder and would threaten national security, except for those few lines mentioned earlier, which we agree with learned counsel for the appellant, are not evidence of prejudice to public order and security? Merely stating that the respondent was following the decision of Jawatankuasa Fatwa in our view is not sufficient to prove that the 4 books are likely to be prejudicial to public order and security as Jawatankuasa Fatwa's decision has not mentioned the 4 books. To state that the prohibition is on the recommendation of Bahagian Kawalan Penerbitan dan Teks Al Quran and on advise [*sic*] of experts from JAKIM without showing more is also in our view not enough to show that the 4 books are likely to be prejudicial to public order and security.⁶⁷

... We also find that the order is indeed a restriction on the appellant's constitutional and fundamental right to freedom of expression.⁶⁸

Third, Malaysia needs to adopt a human rights approach for Islamic institutions. By a human rights approach, I am not referring to the Cairo Declaration (1990), which is culturally relative, but to the universal one—the Universal Declaration of Human Rights of 1948. The previous Barisan Nasional government refused to ratify the International Covenant on Civil and Political Rights (ICCPR) with the excuse that “some items in the ICCPR, particularly on religion,... can cause discomfort among the races”.⁶⁹ There are many international covenants that Malaysia has not adopted or ratified. The covenants that need to be ratified are the International Convention Against All Forms of Racial Discrimination; the Covenant on Civil and Political Rights; the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the International Covenant on Economic, Social and Cultural Rights; the International Convention on the Protection of Migrant Workers and Members of their Families; and the International Convention for the Protection of All Persons from Enforced Disappearance. The new Pakatan Harapan government has made it public that Malaysia is willing to ratify six human rights covenants.⁷⁰ Having these covenants ratified and adopted by parliament will surely result in many changes, in particularly for Shias.

Adopting a human rights approach will also discipline religious leaders and clerics from propagating hate speech in the name of *dakwah*. For instance, Malaysia should surely implement “The Rabat

Plan of Action on the Prohibition of Advocacy of National, Racial or Religious Hatred that Constitutes Incitement to Discrimination, Hostility or Violence".⁷¹ The plan was developed through a series of international expert workshops organized by the Office of the United Nations High Commissioner for Human Rights (OHCHR). The plan was officially published on 13 February 2013, in Geneva, Switzerland. It was designed to be a series of practical steps to use legislation, jurisprudence and executive policies to achieve the implementation of Article 20 of the International Covenant on Civil and Political Rights, which includes a clause that reads: "any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law".

Under international human rights standards, "hate speech" can be restricted on different grounds, including respect for the rights of others, public order, or even sometimes national security. States are also obliged to "prohibit" expression that amounts to "incitement" to discrimination, hostility or violence. The plan concludes with a series of recommendations for states, the United Nations and other stakeholders. For example, it explains that any limits on speech must meet threshold requirements of legality, proportionality and necessity—all state restrictions on speech must be provided by law, be narrowly defined to serve a legitimate societal interest, be necessary in a democratic society to protect that interest, and be proportionate so that the benefit to the stated interest outweighs the harm to the freedom of expression.

The plan formulated six factors to determine which expressions could be criminally prohibited:

1. context—placing the speech act in the socio-political context it was made and disseminated to assess whether it was likely to "incite";
2. speaker—considering the speaker's standing in relation to the target audience of the speech;
3. intent—determining whether or not the speaker intended the speech act to cause incitement, excluding from limitations those cases arising from negligence or recklessness;
4. content or form—analysing the content of the speech for its level of provocation, looking at the form of arguments deployed;

5. extent of speech—looking at the reach of the speech act, analysing its level of publicity and magnitude, the amount and extent of communication; and
6. likelihood—determining whether or not there was a reasonable probability the speech would incite harm and identifying the degree of risk of that resulting harm.

If adopted, the Rabat Plan of Action would censure any associated fatwa that incites hatred against Shias.

The plan also lays out steps for civil society involvement. It encourages the media to be aware that they are often the vehicles for perpetuating negative stereotypes and they should thus avoid reference to unnecessary group characteristics that could promote intolerance. The plan urges journalists to properly contextualize their reporting while ensuring that acts of discrimination are brought to the attention of the public. It also says that the media need to play an active role in giving different groups a voice in the national conversation.

For civil society generally, the plan recommends that NGOs and other civil society groups create and support mechanisms to encourage cultural exchanges and dialogue among different communities, and it calls for political parties to establish and enforce strong ethical guidelines for their representatives, especially with regard to public speech.

There are many challenges ahead to reconcile Sunnis and Shias after more than two decades of demonization of Shias, but one major challenge is confronting religious traditionalists. Traditional Islamists do not accord with the idea of a more open and democratic country. They do not believe in equality in politics. They believe that the ulama know better, that it is better for men to lead, and that it is better for Muslims to be ministers. Traditional Islamists also believe that laws or fatwa based on religious sources are divine and should therefore not be questioned.

As I have stated earlier, religious commandments should not be turned into law. In recent years, Malaysian policymakers have been embroiled in controversy over sharia law in relation to civil law and over which of the two should take precedence, particularly in relation to family matters involving non-Muslim partners in marriage. The Indira Gandhi case judgement has nailed the issue.

However, will Malaysian Muslims be ready to embrace and be open to reformist Islam? By reformist Islam, I refer to the following. First, proponents of reformist Islam reject discrimination based on religion, gender, race or ideology and perceive no difference between different schools of law in Islam, between Muslims and non-Muslims, men or women, or between religious scholars and non-clerics in the public sphere. Second, they hold that all people possess freedom of belief and religion, and that no one should be compelled to accept a particular belief or religion. Third, social responsibility and fulfilment of religious commitments should occur with the consent of others; the propagation of religion should be based on convincing others of the superiority of religious solutions over non-religious ones, and people should be free to make their own choices. Fourth, religious precepts that are respected by believers are still open to discussion, criticism and questioning. Fifth, articulations of Islam in the current context should adhere to three requirements: they must be just, reasonable (open to intellectual debate), and superior to alternative solutions. Sixth, reformist Islam believes that Islam provides general principles that allow space for human experience, collective human wisdom and initiatives relevant to various temporal and locational circumstances.

How will Malaysian Muslims—already accustomed to traditional Islam, jurisprudential Islam and institutionalized Islam—reform so that their religious understanding can be compatible with reality, modernity and the contemporary world? If Sunnis and Shias in Malaysia willingly adopt reformist Islam, then Sunni and Shia reconciliation can succeed. This means that the Sunnis must be willing to tolerate the Shias, including the newly converted and the hereditary Shias. The local Shias however need to drop their behaviour as a sect and to remain as a religious minority so that they can blend in with the Sunnis, as they did before 1979. In other words, the Shias need to drop their obsession with *Wilayahul Faqih*, which generated the fear that led to the 1996 fatwa.

Conclusion

The 1996 fatwa against Malaysian Shias had the unintended consequence of causing sectarian apartheid. What is happening in Malaysia with

the Shia community is like what took place in South Africa under apartheid rule. However, instead of being based on the colour of a person's skin, discrimination and persecution is taking place against a minority group based on their religious beliefs. Culturally, the Sunni-Shia adherents have lived peacefully side by side for ages, but the situation and context gradually changed after 1979, caused, among other things, by the newly converted Shias and by the Wahhabization of Islamic institutions in Malaysia.

"Reconciliation" of the Malaysian Sunnis and Shias is in the hands of the Pakatan Harapan government. The adoption of a human rights framework and the reformation of Islamic institutions are essential to put these two factions of Muslims together. If not, the hard-line Muslims will again hijack the long-lost camaraderie.

Notes

1. Existing research on Shiism has covered the origins and evolution of the religion; its theology and philosophy; laws, rites and rituals; relations between Shia followers and the state; and Shiism and artistic expression.
2. To start with, I would suggest the four volumes of Shiism edited by Paul Luft and Colin Turner, *Shi'ism: Critical Concepts in Islamic Studies* (Routledge: New York, 2008). Farhad Daftary has also contributed a lot through his works. See Farhad Daftary, *A History of Shi'i Islam* (London: Tauris and the Institute of Ismaili Studies, 2013). In order to understand the Shias in Iran, I would like to suggest Pedram Khosronejad, *Iranian Shi'ism* (New York: Tauris, 2012), although I have to say the presentation of essays are mainly on how Shiism is being expressed in the arts. Meanwhile, the book by Faleh A. Jabar, *The Shi'ite Movement in Iraq* (London: Saqi, 2003), is still in my view the best book to explain Iraqi Shias. The Saudi Shias may be observed in Fouad Ibrahim, *The Shi'is of Saudi Arabia* (London: Saqi, 2006). The only collective work I can recommend for understanding the mysterious Southeast Asian Shias, since studies of their histories and survival are still underdeveloped, is a book edited by Dicky Sofjan, *Sejarah dan Budaya Syiah di Asia Tenggara* (Jogjakarta: Penerbit Universitas Gadjah Mada, 2013). The contributions to this edited volume are from the Shias themselves or from people who have worked on them for a long time in the field. The Daudi Bohras may be understood from Jonah Blank, *Mullahs on the Mainframe: Islam and Modernity among the Daudi Bohras* (Chicago: University of Chicago, 2001).

3. Sayyid Husayn Nasr, *Preface: A Series of Islam and Shia* (Qom: Ansariyan Publications, 2007), p. 27.
4. *Ibid.*, p. 26.
5. I have often been asked in Malaysia, what is wrong with Shiism that the Shias cannot live in peace with the Sunnis?" And my answer will be, "You are looking into the wrong premise. All other sects in Islam should be asking the Sunnis, what is wrong with Sunnism that the Sunnis cannot live in peace with the others." Perhaps Fuad I. Khouri explains it best in his book, Fuad I. Khouri, *Imams and Emirs: State, Religion and Sects in Islam* (London: Saqi, 1990).
6. *Ibid.*, p. 19.
7. *Ibid.*, p. 20.
8. Ali Siyar Rezai, "Velayat-e Faqih: Innovation or Within Tradition" (Master's Thesis, Arizona State University, 2016), https://repository.asu.edu/attachments/170651/content/Rezai_asu_0010N_15994.pdf.
9. Khouri, *Imams and Emirs*, p. 19.
10. *Ibid.*, p. 20.
11. *Ibid.*, p. 22.
12. *Ibid.*, p. 23.
13. "Tun M Announces 'Council of Elders'", *New Straits Times*, 12 May 2018, <https://www.nst.com.my/news/politics/2018/05/368729/tun-m-announces-council-elders> (accessed 15 April 2019).
14. Yuen Mei Keng, "Reform Committee Identifies Key Institutions on Its List", *The Star Online*, 17 May 2018, <https://www.thestar.com.my/news/nation/2018/05/17/reform-committee-identifies-key-institutions-on-its-list/#hktSO1MThlyMpU2S.99> (accessed 15 April 2019).
15. Vinodh Pillai and Nur Hasliza Mohd Salleh, "Okay to Task 2 Groups to Reform Islamic Bodies, Says Don", *Free Malaysia Today*, 9 August 2018, <http://www.freemalaysiatoday.com/category/nation/2018/08/09/kay-to-task-2-groups-to-reform-islamic-bodies-says-don/> (accessed 15 April 2019).
16. See Sheith Khidhir Bin Abu Bakar and Ho Kit Yen, "Islamic Bodies Need Advisers, Banned Author Tells Putrajaya Council", *Free Malaysia Today*, 27 June 2018, <http://www.freemalaysiatoday.com/category/nation/2018/06/27/islamic-bodies-need-advisers-banned-author-tells-putrajaya-council/> (accessed 15 April 2019). See also Vinodh Pillai and Nur Hasliza Mohd Salleh, "Fatwas Violated My Right As an Author, Says Faisal Tehrani", *Free Malaysia Today*, 9 August 2018, <http://www.freemalaysiatoday.com/category/nation/2018/08/09/fatwas-violated-my-right-as-an-author-says-faisal-tehrani/> (accessed 15 April 2019).

17. Mohd Faizal Musa, "The Malaysian Shi'a: A Preliminary Study of Their History, Oppression, and Denied Rights", *Journal of Shi'a Islamic Studies* 6, no. 4 (Autumn 2013): 411-62; Mohd Faizal Musa, "Religious Freedom in Malaysia: The Reading of Qur'an 2:256", in *The Qur'an in the Malay-Indonesian World*, edited by Majid Daneshgar, Peter Riddell, and Andrew Rippin (New York: Routledge, 2016), pp. 177-97; and Mohd Faizal Musa, "State-Backed Discrimination against Shia Muslims in Malaysia", *Critical Asian Studies* 49, no. 3 (2013): 308-29.
18. "Court of Appeal Quashes Ban on Faisal Tehrani's Books", *Free Malaysia Today*, 10 January 2018, <http://www.freemalaysiatoday.com/category/nation/2018/01/10/court-of-appeal-quashes-ban-on-faisal-tehranis-books/> (accessed 15 April 2019).
19. I have written extensively on the existence of hereditary Shias in the Malay world prior to 1979. See Mohd Faizal Musa, "The Malaysian Shi'a".
20. See Faisal Tehrani, "Dondang Siti Fatimah", *Free Malaysia Today*, 8 March 2018, <http://www.freemalaysiatoday.com/category/opinion/2018/03/08/dondang-siti-fatimah> (accessed 15 April 2019).
21. Mohd Faizal Musa, "Sayyidina Husein Dalam Teks Klasik Melayu", in *Sejarah dan Budaya Syiah di Asia Tenggara*, edited by Dicky Sofian (Universitas Gadjah Mada, 2013), pp. 153-72.
22. Faisal Tehrani, "Imam Mahdi Dalam Teks Melayu", *Malaysiakini*, 27 April 2018.
23. See Faisal Tehrani, "Imam Ali, sebelum jabatan agama", *Free Malaysia Today*, 29 March 2018, <http://www.freemalaysiatoday.com/category/opinion/2018/03/29/imam-ali-sebelum-jabatan-agama/> (accessed 15 April 2019).
24. See Mohd Faizal Musa, "The Malaysian Shi'a".
25. Letter from Johore Kadhi 2 30 (34), dated 24 March 1934, subject 82/34 Perkahwinan Sah, Johore State Archive Department.
26. Habib Alawi bin Tahir al-Haddad (1884-1962) was a prominent mufti of Johor from 1934 to 1961. He demonstrated his openness by granting permission (*ijazah*) to transmit hadith (sayings of the Prophet Muhammad) to senior Iranian Shia cleric Ayatullah Mar'ashi Najafi. See Syed Farid Alatas, "Salafism and the Persecution of Shi'ites in Malaysia", Middle East Institute, 30 July 2014, <http://www.mei.edu/content/map/salafism-and-persecution-shi%12%80%98ites-malaysia> (accessed 15 April 2019).
27. An Arab Muslim named Sayyid Muhammad al-'Aqil al-Hadrami said that cursing Mu'awiyah, the first Umayyad caliph, was "meritorious". Sayyid Muhammad al-'Aqil al-Hadrami was a local Shia from the Arab community in Singapore. See Mohd Faizal Musa, "The Malaysian Shi'a".

28. Though it is difficult to trace Shia practice throughout the nineteenth and twentieth centuries, there are many indications of its existence. In 1960 a prominent politician, the former president of the Pan-Malayan Islamic Party (later known as Parti Islam Se-Malaysia), Burhanuddin al-Helmi, mentioned in his opening speech at a symposium on Sufism that the Shia-Sunni conflict in society should be resolved and that the conflict was only instigated by greedy rulers. Years before, in 1953, a well-known linguist, writer and religious figure, Za'ba, mentioned in an article that Shiism should be tolerated and that Malay Muslims should be more open to pluralistic ideas coming from various schools of thought. The works of Za'ba were banned in the state of Perak and he was accused of disseminating Mu'tazilite doctrines. Thus, sectarian awareness was already present among Muslims in Malaysia, and this suggests that Shia practice never truly ceased among the Malays. See Mohd Faizal Musa, 'The Malaysian Shi'a'.
29. Othman Abdullah, *Parliamentary Debates, Senate, Sixth Parliament, First Session*, vol. 1 (2), 9 December 1982, p. 106:
- Begitu juga dengan Revolusi Islam, dengan fahaman Syiah. Setiap yang berkata Islam itu adalah Islam dan di Malaysia ini orang Melayu Islam, itu Islam; serupa macam itu sehingga kita confused mengatakan apa yang berlaku di sana itu Islam, inilah Islam. Maka kita perlu meminta penjelasan daripada Kerajaan apakah bentuk, apakah sikap kita terhadap Mazhab Syiah yang mengelolai dan mengetuai sebuah Kerajaan revolusi. Kita mengetahui di dalam Perlembagaan tiap-tiap buah negeri dalam negara kita mengatakan bahawa Islam ialah ugama rasmi negara dan Mazhabnya ialah Mazhab Shafie, kecuali negeri Perlis yang mengatakan mazhab tidak pakai, dia Ahli Sunnah Waljamaah selain daripada itu semua mazhab Shafie. Mazhab Shafie bukan mazhab Syiah. Sekarang kita hendak membawa satu fahaman daripada satu negara yang fahamannya Syiah. Ataukah ulamak-ulamak Syiah ini yang dimaksudkan di dalam Titah Ucapan ini antara ulamak dan umarak? Adakah ulamak yang dimaksudkan ini ulamak Syiah atau ulamak ini dimaksudkan ulamak ahli sunnah wal jumaah? Apakah sikap ulamak-ulamak kita.
30. Abdul Razak Hussain, *Parliamentary Debates, Senate, Sixth Parliament, First Session*, vol. 1 (19), 11 January 1983, pp. 2177-79:
- Kita semua tahu bahawasanya ia lebih kiblata kepada Ali radhia'llahu'anhu. Apabila dia selepas membaca bang,

minta izin, Tuan Pengerusi, sebahagian daripada bang itu. "Muhammada rasulullah, Ali yalalqalam, Al radhia'llah", dia sebut begitu. Kalau siapa yang pernah berjemaah dengan orang Iran, dia mesti sebutkan "Ali" itu. Pada kita Ali ialah sahabat Nabi, yang akhir Muhammad. Kita pada masa itu macam mana fikiran kita, adakah kita bersekutu dengannya ataupun kita mufarikkan sembahyang kita, bahawa dia bukan Islam, kita yang Islam. Kita tidak boleh kata dia bukan Islam sebab undang-undang ini mengatakan kita tidak boleh mengatakan seseorang itu bukan Islam jikalau tidak cukup syarat-syaratnya. Tetapi kenyataannya sudah ada. Tuan Pengerusi, sebagaimana kita semua maklum, Iran berbalah dengan Imam yang empat selepas Nabi kita wafat, bukan kerana hukum tetapi kerana "ummamah", kepimpinan, sebab mengikut selepas daripada Nabi wafat, Iran mesti menegakkan bahawa Ali lah yang menjadi kalifah yang pertama. Orang Iran yang syiah ini tidak akan mengakui bahawa Abu Bakar itulah yang pertama dan sampai sekarang ini pun, itulah yang saya katakan tadi selepas daripada bang menyebut, "Asyhadu anlaa ilaaha illallah Muhammadar rasulullah" mesti sebutkap Ali kalamullah atau Ali radhia'allah, sebaliknya dan kita tidak ada lagi. Selain daripada itu, sehingga sekarang pertandingan perebutan antara Iran dengan negeri Arab ini bukan pertandingan mengesahkan kufur tetapi mengesahkan "ummamah" selepas Nabi wafat. Hingga sekarang orang Iran tidak akan mengakui bahawa pengikut Abu Bakar, pengikut Othman, pengikut Omar kecuali Ali. Menangislah mereka itu di-kubur Madinah dan Mekah umpamanya dengan secara sungguh-sungguh kasih sayang mereka kepada Ali sedangkan Ali terbiar tercampak sedangkan Ali ialah menantu Rasulallah, Alilah yang berhak menjadi khalifah yang pertama pada masa itu. Adakah orang ini yang kita mahu katakan dia Islam atau tidak Islam. Kalau kita katakan dia bukan Islam, kita akan sendiri menarik diri kita ke dalam jel dan Kerajaan boleh bertindak seperti itu. Saya minta bertanya Yang Berhormat Menteri yang bijaksana macammana kedudukan saya supaya saya terang dan menerangkan kepada yang lain.

31. Mohamad Yusof Mohammad Noor, *Parliamentary Debates, House of Representatives, Sixth Parliament, Third Session*, vol. 3 (22), 24 July 1985, pp. 4098-99.

Bukan semua aliran Syiah itu terkeluar dari akidah Islamiah. Di Malaysia umpamanya, Majlis Muzakarah Mufti-mufti mengakui aliran Syiah Jaafariah dan Zaidiah tidak terkeluar dari akidah Islamiah. Walau bagaimanapun dalam usaha untuk mengukuhkan akidah Islamiah kepada penganut-penganut Islam di Malaysia, Kerajaan dengan agensi-agensi dan institusi-institusi keagamaan yang ada sentiasa mengawasi pengaruh Syaiah yang tidak diiktiraf keislamaannya terus meresap kepada penganut Islam di sini.

32. Mohamad Yusof Mohammad Noor, *Parliamentary Debates, House of Representatives, Seventh Parliament, First Session*, vol. 1 (56), 30 June 1987, pp. 9067–68. See also Mohamad Yusof Mohammad Noor, *Parliamentary Debates, House of Representatives, Seventh Parliament, First Session*, vol. 1 (76), 28 October 1987, pp. 12659–660.
33. Othman Abdul, *Parliamentary Debates, Senate, Eighth Parliament, Third Session*, vol. 3 (9), 4 August 1993, pp. 1307–9.
34. Abdullah Fadzil Che Wan, *Parliamentary Debates, House of Representatives, Eighth Parliament, Third Session*, vol. 3 (1), 27 April 1993, pp. 137–38.

Mengikut maklumat yang ada pada pihak kerajaan, tidak terdapat perbezaan di antara Syiah di Iran dengan Syiah yang terdapat di Malaysia kerana penyebaran fahaman gerakan Syiah di Malaysia merupakan lanjutan daripada dasar luar negara Iran yang ada hubungannya dengan revolusi di negara tersebut. Walau bagaimanapun, sudah terdapat usaha-usaha positif kerajaan Iran untuk memperdekatkan fahaman di antara golongan Syiah dengan Sunni demi menjaga perpaduan ummah.

35. Mohd Tajol Rosli Mohd Ghazali, *Parliamentary Debates, Senate, Ninth Parliament, Third Session* (31), 10 December 1997, pp. 15–16.
36. Abdul Kadir Annuar, Noh Omar, Mohd Apandi Mohamad, and Mohamad Aziz, *Parliamentary Debates*, 1 October 2003, pp. 12–13.
37. One of those held—Lutpi Ibrahim, a former professor at University Malaya's Academy for Islamic Studies—confirmed this in a conversation with the author on 13 June 2015.
38. Engku Ahmad Zaki, *Ajaran Sesat di Sebalik Liputan Sejarah Islam* (Selangor: Mustread, 2013), p. 132.
39. Leong Kar Yen, "Use of ISA against Shia Followers Unislamic and Unconstitutional", *Malaysiakini*, 18 June 2001, <http://www.malaysiakini.com/news/3500> (accessed 14 May 2010).

40. Suaram (Suara Rakyat Malaysia), *Malaysian Human Rights Report 2001: Civil and Political Rights* (Petaling Jaya: Suaram Komunikasi, 2002), p. 5.
41. Abdullah had been accused of "receiving secret funds, distributing pamphlets, and sponsoring secret meetings ... and certain activities on teachings deviating from the teachings of Islam that may cause confusion and disunity among the Muslims in Malaysia". Cited in Leong, "Use of ISA against Shia".
42. Sharifah Nor Ainnul Khairiyah Syed Abdul Rahman and Mohd al Adib Samuri, "Fatwa Sebagai Mekanisme Mengawal Ajaran Syiah: Satu Tinjauan Literatur", in *Prosiding Kolokium Siswazah Syariah Peringkat Kebangsaan 2014*, edited by Anwar Fakhri bin Omar Muhammad Adib Samsudin Ahmad Dahlan Salleh (Jabatan Syariah, Fakulti Pengajian Islam, UKM, 2014), pp. 83–95.
43. <http://efatwa.muftiwp.gov.my/fatwa/24f1d9a2e68003e1054a26bba4ff462b>.
44. <http://www.muftiselangor.gov.my/soalan-lazim/85-fatwa/akidah/59-fatwa-tentang-fahaman-syiah>.
45. Sharifah Nor Ainnul and Mohd al Adib, *Fatwa Sebagai Mekanisme Mengawal*.
46. "Iranian President Ahmadinejad Meets Malaysian Prime Minister Abdullah Ahmad Badawi in Tehran", United Press International (UPI), http://www.upi.com/News_Photos/view/upi/826125b99975120671f218fc584467f4/Iranian-President-Ahmadinejad-meets-Malaysian-Prime-Minister-Abdullah-Ahmad-Badawi-in-Tehran/#ixzz3JNuUROpd (accessed 25 December 2008). See "Iran's Ahmadinejad Arrives for Visit to Malaysia", *Bernama*, 1 March 2006, <https://www.kln.gov.my/archieve/content.php?t=4&articled=16600> (accessed 12 February 2014).
47. A/61/981 S/2007/656, "Islamabad Declaration", The Thirty-Fourth Session of the Islamic Conference of Foreign Ministers Session of Peace, Progress and Harmony, Resolution No. 28/34-Pol on Strengthening Islamic Unity, pp. 91–93.
48. Sharifah, Nor Ainnul and Mohd al Adib, *Fatwa Sebagai Mekanisme Mengawal*.
49. *Ibid.*
50. <http://www.muftins.gov.my/index.php/arkib2/himpunan-fatwa/169-fatwa-mufti-negeri-sembilan/867-penyelewengan-ajaran-taslim-qadiani-syiah> (accessed 15 April 2019).
51. <http://mufti.penang.gov.my/index.php/index.php/2014-11-12-02-37-08/2014-11-12-03-34-32/2014-11-12-06-39-56> (accessed 15 April 2019).
52. <http://www.muftimelaka.gov.my/jnm/index.php/en/perkhidmatan/fatwa-warta/akidah/267-pengukuhan-fatwa-pengharaman-ajaran-syiah> (accessed 15 April 2019).
53. Alias Azhar and Mohd Shauki Muhammad Baderuddin, "Kesalahan Ajaran Sesat Dalam Kerangka Perundangan Dan Fatwa Di Negeri Kedah: Satu

- Tinjauan", *Journal of Humanities, Language, Culture and Business* 2, no. 8 (2018): 1–16.
54. "Malaysia Supports Saudi Arabia and GCC's Peace Initiatives In Bahrain", *Bernama*, 22 March 2011, http://web6.bernama.com/bernama/v3/news_lite.php?id=572665 (accessed 1 April 2011); Liew Chin Tong, "Troops to Bahrain: Worst Idea Ever for Our Armed Forces", *Media Statement*, 15 May 2011, <http://dapmalaysia.org/english/2011/may11/bul/bul4575.htm> (accessed 15 May 2011). During the recent earthquake in the state of Sabah, Najib's absence from the country was conspicuous. He claimed this was unavoidable because he had to meet the new Saudi king, King Salman. See Mohd Farhan Darwis, "Important Bilateral Ties with Saudis Kept Me from Sabah, Says Najib", *Malaysian Insider*, 9 June 2015, <http://www.themalaysianinsider.com/malaysia/article/important-bilateral-ties-with-saudis-kept-me-from-sabah-saysnajib> (accessed 9 June 2015).
55. See Lee Shi-Ian, "Rise of Salafism Cause of Controversial Fatwas, Says Sociologist", *Malaysian Insider*, 18 October 2014, <http://www.themalaysianinsider.com/malaysia/article/rise-of-salafism-in-malaysia-cause-of-controversial-fatwas-says-sociologist#sthash.m0avn5dn.dpuf> (accessed 19 October 2014). See also "The Wahhabi Threat to Southeast Asia", *Malaysian Insider*, 30 March 2015, <http://www.themalaysianinsider.com/sideviews/article/the-wahhabi-threat-to-southeast-asia-dennis-ignatius> (accessed 2 April 2015); "Wahhabism Has No Place in Malaysia", *Malaysiakini*, 16 August 2004, <http://www.malaysiakini.com/letters/29193> (accessed 16 August 2004).
56. Michael Cook, *Commanding Right and Forbidding Wrong in Islamic Thought* (New Jersey: Princeton University, 2001).
57. In Barbara Watson Andaya, "Gender, Islam and the Bugis Diaspora in Nineteenth and Twentieth-Century Riau", *Sari* 21 (2003): 85–86, the notable historian wrote:

Raja Ali was particularly concerned with social reform in accordance with stricter interpretations of Islamic law. He ordered women to be veiled, for instance, and forbade activities that "led to loose behaviour between men and women, and those who sang and crooned pantun with veiled invitations to adultery. On occasion he sent people to confiscate the lutes played by those who were serenading near the homes of decent folk." Observation of the obligatory prayers was enforced, and like the Wahhabis in Mecca Raja Ali even instituted a dawn watch to ensure that people rose for the morning prayer.

58. The Coalition of Malaysian NGOs in the UPR Process (COMANGO), "Stakeholder Report on Malaysia for the 17th Session in the 2nd Cycle of the HRC's Universal Periodic Review in 2013", <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=181&file=EnglishTranslation> (accessed 15 April 2019). The human rights report discussing the situation of the Shias was based on a report by Liz Gooch, "In a Muslim State, Fear Sends Some Worship Underground", *New York Times*, 27 January 2011, https://www.nytimes.com/2011/01/28/world/asia/28iht-malay28.html?pagewanted=all&_r=0. See also Patrick Lim, "Malaysian Shiites Face Growing Persecution", *Free Malaysia Today*, 14 January 2012, <http://www.freemalaysiatoday.com/category/nation/2012/01/14/malaysian-shiites-face-growing-persecution/> (accessed 15 April 2019).
59. Norhayati Mohd Ariffin and Susanna Liew, "Open letter to PM from the Wives of Raymond Koh and Amri Che Mat", *Malaysiakini*, 12 June 2018, <https://www.malaysiakini.com/news/429417> (accessed 15 April 2019).
60. Zainun Ali, Federal Court of Malaysia, Appellate Jurisdiction, Civil Appeal No. 01(f)-17-06/2016 (A), Indira Gandhi A/P Mutho vs Pengarah Jabatan Agama Islam Perak, Pendaftar Mualaf and Kerajaan Negeri Perak, 29 January 2018, pp. 13-14, http://ejudgment.kehakiman.gov.my/ks_builtin/file_dispatcher_pub.php?id=1636&key=86f4ee0d71846f2c19db3068d46cd10d (accessed 15 April 2019).
61. *Ibid.*
62. See Article 32 of the Administration of the Religion of Islam Enactment (Federal Territories) Act 505, 1993. The article provides:
- (1) The Yang di-Pertuan Agong may, on the advice of the Minister, after consulting the Majlis, appoint fit and proper persons to be the Mufti and the Deputy Mufti for the Federal Territories.
 - (2) Upon the commencement of this section, any person who immediately before the commencement, was the Mufti of the Federal Territories appointed under the Enactment shall be deemed to have been duly appointed under this section to be the Mufti of the Federal Territories and shall hold office as such.
63. See Section 34 of the Administration of the Religion of Islam Enactment (Federal Territories) Act 505, 1993. The Article provides:
- (1) The Mufti shall, on the direction of the Yang di-Pertuan Agong, and may, on his own initiative or on the request of any person made by letter addressed to the Mufti, make and publish in the Gazette, a fatwa or ruling on any unsettled or controversial question of or relating to Islamic Law.

- (2) No statement made by the Mufti shall be taken to be a fatwa unless and until it is published in the Gazette pursuant to subsection (1).
- (3) Upon publication in the Gazette, a fatwa shall be binding on every Muslim resident in the Federal Territories as a dictate of his religion and it shall be his religious duty to abide by and uphold the fatwa, unless he is permitted by Islamic Law to depart from the fatwa in matters of personal observance, belief, or opinion.
- (4) A fatwa shall be recognized by all Courts in the Federal Territories as authoritative of all matters laid down therein."
64. Section 9 of the Shari'ah Criminal Offences Act 1997.
65. Section 12 of the Shari'ah Criminal Offences Act 1997.
66. Section 13 of the Shari'ah Criminal Offences Act 1997, the section provides:
- (1) Any person who: (a) prints, publishes, produces, records, distributes or in any other manner disseminates any book, pamphlet, document or any form of recording containing anything which is contrary to Islamic Law; or (b) has in his possession any such book, pamphlet, document or recording, shall be guilty of an offence and shall on conviction be liable to a fine not exceeding three thousand ringgit or to imprisonment for a term not exceeding two years or to both.
67. Tengku Maimun Tuan Mat, Ahmadi Asnawi, and Zaleha Yusof, Court of Appeal, Civil Appeal No. W-01(A)-336-08/2016, Mohd Faizal Bin Musa vs Menteri Keselamatan Dalam Negeri, 10 January 2018, pp. 34-35.
68. Ibid.
69. Martin Carvalho, "Deputy Minister: Malaysia Will Sign ICCPR Only If Beneficial to Nation, *The Star Online*, 3 December 2013, <https://www.thestar.com.my/news/nation/2013/12/03/malaysia-iccpr-signatory/#KXAwLRgiVyYG4LB6.99>.
70. Martin Carvalho, "Saifuddin Pledges to Push for Ratification of Six International Human Rights Conventions, *The Star Online*, 2 July 2018, <https://www.thestar.com.my/news/nation/2018/07/02/saifuddin-pledges-to-push-for-ratification-of-six-international-human-rights-conventions/#t210vL.Hl.Jp9usb1G.99> (accessed 15 April 2019).
71. United Nations, "Report of the United Nations High Commissioner for Human Rights on the Expert Workshops on the Prohibition of Incitement to National, Racial or Religious Hatred", A/HRC/22/17/Add.4, 11 January 2013, Human Rights Council Twenty-second Session, <https://www.ohchr.org/EN/Issues/FreedomReligion/Pages/RabatPlanOfAction.aspx> (accessed 15 April 2019).