Shad equates the present situation to ‘madness’

WHILE the walls of racial and religious separation are being dismantled globally, they are fortified in Malaysia by overzealous people, a constitutional law expert told a forum.

Noting that racial and religious polarisation in Malaysia has reached alarming levels since the 90s, Emeritus Professor Datuk Dr. Shad Saleem Faruqi said the country has become a “nation of strangers”.

“Our children are being taught not to say ‘Rest in Peace’ to people of different faiths, they are told not to go houses of those of other religions, otherwise their faith will be threatened,” he said.

“Extremism has become mainstream and moderation is seen as capitulation to other races and religions, and as a betrayal of one’s own community,” he told some 20 law students at the forum organised by the National Unity Consultative Council (NUCC) in Kuala Lumpur.

The forum was held to consult the youths on whether the replacement of the Sedition Act with the Harmony Act was the answer to restore unity in the country.

It was mooted by NUCC member Datuk Saifuddin Abdullah, who is also Global Movement of Moderates chief executive officer.

Other speakers included Lim Chee Wee, the Deputy Chairman of NUCC’s working committee on law and policy, and political secretary to Minister in the Prime Minister’s Department Tan Sri Joseph Kurup, Vincent Wong.

In his speech, Shad pointed out, that the Constitution, even in its ethnic provisions, sought to avoid extreme measures and provided for a balance between the interests of the Bumiputera and non-Bumi communities.

“Article 153 was about affirmative action for the weak and not about racial exclusiveness or racial superiority or ketuanan Melayu,” he added.

“If we read about the making of the Constitution, we will see that our forefathers were animated by a remarkable vision and optimism of a shared destiny among the various people of the peninsula. They gave every community a stake in the nation. No group received an absolute monopoly of power or wealth.”

However, in reality, the law professor said overzealousness prevailed and in some areas, racism has been institutionalised.

“Affirmative action under Article 153 has metamorphosed into something else that is not easily possible to defend under constitutional theory,” said Shad, who is also Universiti Teknologi Mara’s legal adviser.

“It is a selfish attempt to secure advantages for oneself under the guise of Article 153.”

He said in the current situation, an incident that bothered him the most was the January 2 raid of the Bible Society of Malaysia by the Selangor Islamic Religious Department (Jais), and seizure of 321 Bibles in Bahasa Malaysia and Iban languages which contained the word ‘Allah’.

“What bothers is me is this – it means that all places of worship are subject to monitoring by Jais. No one should be given this authority.

“As if fighting with other religions is not enough, we have to fight among ourselves,” he said referring to hate campaigns against Muslims who are labelled liberals, deviationists and Shias.

On the Sedition Act, the law professor said the definition of the Act was broad and does not distinguish between government and nation.

“Unconstitutional laws are the order of the day, but I think this law has to go. We need a new law to bring parties together through reconciliation,” he added.

He, however, expressed optimism that the recent slew of racial and religious intolerance will pass.

“History never moves in a straight line. I am optimistic that this madness will not last.

Whether or not it will sadly take an explosion for us to learn, I don’t know, but it will pass,” he said, citing a revamp to the educational system and criminalising hate speeches as suggestions to restore unity.

Meanwhile, Lim, a former Bar Council president, said the new law should encompass elements of intention to commit crimes motivated by race, religion and ethnicity.

He also stressed that equality was one of the most important themes of the new law, adding that the scale of public discourse is narrowing because of selective
prosecution.

“There is, then, a need for a new law to address this,” he added.