Malaysian Shi'ites Lonely Struggle

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Introduction

Since 2010, Malaysia one of the largest strongholds of Sunnism in the Islamic world, has been stigmatizing Shia followers tremendously. Historical accounts show that Shi'ism exists in Malaysia since ages. The discrimination and sectarian apartheid originated from a 1984, and 1996 fatwa by Malaysia's top Islamic clerics that Shia Islam was banned, and declared as a deviant teaching. Lately the oppression is getting worse as Wahabi movement within are embolden. This paper looks into Malaysian Shi'ites lonely struggle to demand their rights and how the religious edict and policies contradict to Malaysia's commitment at the international level.

1. Shia, Sunni and Wahabi in Malaysian Context

There are so many books, and articles giving many kinds of definition on Shia[i]. I have committed to follow the definition of Shia as suggested by Muhamad al Tijani Samawi (2000), which is as follows:

> They are the Islamic sect that follows the guide of and imitate the Twelve Imams of the Prophet's Household, Ali and his sons, taking from them all the jurisprudential (fiqhi) matters including ibadat (worships) and muamalat (transactions), preferring no one to them except their grandfather the message-bearer, God's Messenger – Muhammad (pbuh). This is the real and brief definition of the Shi'ah, leaving aside what the promulgaters of disconcerting news and fanatics claim that the Shi'ah are enemies of Islam, or that they believe in 'Ali's prophethood and his being the message-owner, or that they are related to 'Abd Allah ibn Saba', the Jew (p. 1).

The status of Ali is central in Shia Islam. Farhad Daftary (2010) explains that Ali is accepted as the real successor of Prophet Muhammad saw; 'it is the fundamental belief of the Shi'a of all branches that the Prophet himself had designated Ali as his successor, a designation (nas) instituted through divine command and revealed by the Prophet at Ghadir Khumm shortly before his death' (p.107). The late Profesor Dr Ahmad Ibrahim (1965), a notable law scholar in Malaysia also assesses almost the same; "the term Shia means faction and is an abbreviation of the term Shia Ali or the party which attached itself to Ali after the Death of the Prophet. The Shia accepts the authority of the Quran but differ from the Sunni as regards the traditions and other sources of law. The Shia do not admit the genuineness of any tradition not received from the Ahl al Bayt (the People of the House) consisting of the Prophet's son-in-law Ali, the Prophet's daughter and Ali's wife, Fatimah, and their descendants, and repudiate entirely the validity of all decisions not approved by their own spiritual Imams" (p.53).

I must stress from the start, I am not interested in theological issues between Sunni and Shia. My approach for this paper is plain sociology with human rights interest. However, in order to understand many aspects of Shi'ism, I have to present 'a limited and sufficient dose of theological components'. Aspects that I will tackle here among others are imamology (Shia view on leadership), and taqiyah (cautions). It is essential to facilitate the readers. One of the terminologies that might be questioned is what is Sunnism? And what is Wahabism? These are the few points that will be elaborated in the coming pages. But first of all, it is important to understand what is Shi'ism all about.

What is Imamate then to the Shi'ites?

Imams are "responsible to the ummah from the perspective of Islamic government, of Islamic sciences and injuctions and of leadership and innovative guidance in the spiritual life" (Sayyid Muhammad Husayn Tabataba'i, 2007, p. 191). There are misperceptions that Shi'ites believed and placed their Imam above the Prophet Muhammad (pbuh). The fact is Shia believes that the role of Prophet Muhammad (pbuh) is to receive Divine injunctions; while the Imams are the guardians of Divine religion. Therefore,

from their point of view; Shia Islam sees the existence of an Imam is necessity after the demise of the Prophet. Imam to them is responsible to guard the religion and to guide the ummah. Imam to the Shi'ites are the real al Khulafa al Rashidun, the twelve Imams of the Pure Prophet's Progeny (Muhamad al Tijani Samawi, 2000, p. 142). In addition, Shia also believes that the "functions of Prophecy and Imamate may be joined in one person. as appointed to prophet Abraham and Prophet Muhammad saw" (Sayyid Muhammad Husayn Tabataba'i, 2007, p. 206-207).

In conclusion, he added, the Imam is "the person on whose shoulders lies the responsibility for the guidance of a community through Divine Command" and that he is "the most virtuous and perfect of men" (p. 211). The quotation below explains those persons that are regarded as Imam among the Shi'ites:

> Numerous prophetic hadiths have been transmitted in Shi'ism concerning the description of the Imams, their number, the fact that they are all of the Quraysh and of the Household of the Prophet, and the fact that the promised Mahdi is among them and the last of them. Also, there are definitive words of the Prophet concerning the Imamate of Ali and his being the first Imam and also definitive utterances of the Prophet and Ali concerning the imamate of the second Imam the same way the Imams before have left definitive statements concerning the Imamate of these who were to come after them. According to these utterances contained in Twelve-Imam Shi'ite sources, the Imams are twelve in number and their holy names are as follows: Ali ibn Abi Talib, Hassan ibn Ali, Husayn ibn Ali, Ali ibn Husayn, Muhammad ibn Ali, Ja'far ibn Muhammad, Musa ibn Jaafar, Ali ibn Musa, Muhammad ibn Ali, Ali ibn Muhammad, Hassan ibn Ali and the Mahdi (p. 212).

Therefore, this study is only focusing on Ithna 'ashariyya (Twelver) excluding the Zaidiyyah and Ismailiyyah , which are other branches of Shia Islam. Ithna 'ashariyya Shia "formed an absolute majority among the Shia" and "played an active role in central regions of the Muslim world" (Etan Kohlberg, 1983, p. 110). Shia Islam is also common to be referred as Twelver Shia or Ja'fari as they followed Imam Jaafar Sadiq's school in Islamic jurisprudence (Muhamad al Tijani Samawi, 2000, p. 143). According to Ahmad Ibrahim (1965) the majority of "Imamiyyah school followed Imam Muhamad al Baqir and after him Imam Jaafar as Sadiq (d. 148 CE) who is distinguished not merely as an Imam of the Shi'a but also a man well versed in law and science" (p. 53). Etan Kohlberg (1983) wrote about Imam Jaafar as Sadiq imamate era as "the stage of initial crystallisation" and he was "held in high esteem by Shi'is and non-Shi'is alike" (p. 111). In sum, Twelver, or the Ithna 'ashariyya followers "established a solid doctrinal basis for Imami Shi'ism under Ja'far ibn Muhammad al-Sadiq" (Farhad Daftary, 2010, p. 113).

Ehsanul Karim (2007) in explaining the differences between Shia and Sunni mentions that the Imamology is the main pillar in Shia Islam:

> Shia Islam's distinctive institution is the Imamate, which holds that the successor of the Prophet is more than a political leader. He must have walayat, the ability to interpret the inner mysterious of the Quran and sharia; only those who are free from error and and sin (masum) and have been chosen by God (nass) through the Prophet possess walayat.
>
> The five Shia principles of religion (usual ad din) are: belief in divide unity (tawhid)' prophecy (nubuwwah); resurrection (maad); divine justice (adl); and the belief in the Imam as as successors of the Prophet (imamah). The latter principle is not accepted by Sunnis (p. 804).

Ithna 'ashariyya Shia is divided into three catagories; usuli, ahbari and syaikhi. The differences between them is technical as the usuli believed that "during the absence of the Twelfth Imam, the qualified Muslim scholars (mujtahid) are allowed to engage in independent reasoning to solve their daily problems" while the ahbari believed that during the occultation of Imam Mahdi "it is not permissible for religious scholars to engage in the use of reason to enact a certain judgement, to apply the principles of the law to a specific problem or situation" (Kallim Siddiqui, 1996, p. 112-113).

Akhbari school of thought was founded by Muhammad Sharif Astarabadi (d. 1623). He declared "the position of the mujtahids unnecessary" and claimed that "traditions of Prophet and the Imams provided sufficient guidance to understanding the Shi'i faith and doctrine" (Mangol Bayat, 1989, p. 281). The usuli Shi'ites follow guidance of their own elected marja'i taqlid (or any senior mujtahid selected to be their guidance in fiqh) while ahbari Shi'ites do not follow any marja'i taqlid or mujtahid. The usuli Shi'ites chose their own mujtahid "considered most worthy incumbent upon the believers, and following the ruling of a deceased one was forbidden". The title mujtahid was not easy to earn, "a mujtahid had to be learned in theology, grammar, arabic, logic and jurisprudence". A mujtahid also had to "demonstrate his knowledge and established for himself a scholarly reputation through the number of licences he held from

reputable ulamas, and through his teachings, sermons and books" (p. 282). The prestigious rank rely on "scholastic learning" and prove that Shia Islam is even complex than what certain people thought through their pre-conceived ideas, developed upon superficial newspaper or internet reports.

Nowadays, the akhbari school of thought is minority within Ithna 'ashariyya Shia. Aqa Baqir Bihbihani (d.1793) was responsible to give the momentum to help the usuli school of thought gain its status as "the practical one" for ordinary non-scholars Shi'ites (mukallaf) during the pre-Qajar period in Iran. Bihbihani managed to set the validity of mujtahid by establishing the fact that "mujtahids are the vicegerents of the Prophet or Khalifat al Rasul" (Ahmad Kazemi Moussavi, 1989, p. 285-286).

Syaikhi, compared to usuli and ahbari, is a small division within Ithna 'ashariyya Shia. Syaikhi stressed more on metaphysics and cosmology aspects compared to the usuli (Juan Cole, 1994, p. 145-163). The famous reformer in the Muslim world, Sayyid Jamal al Din al Afghani (d. 1897) is claimed to be a Syaikhi Shi'ite. Syaikhi movement was founded by Sheikh Ahmadi Ahsa'i (d. 1825) from Ahsa, a region now in Bahrain. His follower, Sayyid Kadzim-i Rashti (d. 1844) led the movement after he passed away. The Syaikhi school "differed from usuli and ahbari in principles of religion" and "remain their strong presence in Pakistan" (Ehsanul Karim, 2007, p. 803).

In sum, usuli and ahbari is a scholastic dispute over jurisprudential methodology. These two perspectives offer different ways of thinking and acting. During the ziyarat or pilgrimage, the usuli and ahbari Shi'ites had their own ways to express social emotions. For instance, the act of qama zani (flagellations on the day of ashura in Karbala) is performed by the ahbari Shi'ites while the usuli Shi'ites avoid this controversial act since there are religious rulings (fatwa) by their mujtahid or marja' forbidding qama zani. Most of Malaysian Shi'ites are usuli, thus rationalist and progressive by following their living mujtahid or marja'. The controversy of flagellations has been explained briefly in a paper entitled 'Axiology of Pilgrimage: Malaysian Shi'ites Ziyarat in Iran and Iraq' (Mohd Faizal Musa, 2013a, p. 70-71).

Other than Imamate, another central teaching in Shia Islam is taqiyah. This particular tenet of Shia Islam can be "traced back to the generation of Muhammad al Baqir and his son Ja'far al Sadiq, the fifth and sixth Imams respectively". In fact, "the disappearance of the twelfth Imam in 260 CE/874 A.D is explained as an act of taqiyya designed to save him from harm until his return as Mahdi" (Etan Kohlberg, 1975, p. 396-397).

What is taqiyah? According to Etan Kohlberg (2008, p. 235), "taqiyah means fear or caution", or "self protection through dissimulation" to safeguard secrets. Another term used for taqiyah is kitman.

Hamid Enayat (1988a, 208-209) explains that there are four categories of taqiyah. The first one is the enforced (or ikrahiyyah) where a person of Shia faiths submitted himself to the oppressor. The second category is what he named as khawfiyyah or precautionary or apprehensive. This is where a Shi'ite will perform acts and rituals according to the Sunnites in order to avoid hardship. The third taqiyah is the arcane taqiyah, where a Shi'ite will have to hide or conceal "the number and strength of one's faith or ideology, as well as the number and strength of one's co-religionists" in the time of little support for him or her. The fourth taqiyah is mudarati taqiyah or symbiotic where a Shi'ite will "participate and coexist with the Sunni majority to help maintaining Islamic unity" and to stabilize the state. As will elaborate later, the Malaysian Shi'ites having denied their rights were forced to adapt all categories in their daily life.

After understanding the Shi'ites and part of their doctrines, the next question will be who are the Sunnites and how do Shi'ites regard the Sunnites? Ahl al Sunnah wa al Jamaah or Sunnism was founded by Abu Hasan al Asy'ari (d. 324 CE) and Abu Mansur al Maturidi (d. 333 CE) during the Abbasid era as opposed to Mutazilites, a very early school of thought in Islam (Mustaffa Suhaimi, 1993, p. 23). The Mutazilites "stressed human free will and the justice of God" (Ehsanul Karim, 2007, p. 818). Abu Hasan al Asy'ari was once a devoted Mutazilites, denounced the sect after series of theological debate with one the Mutazilites teacher, Muhammad Abdul Wahab Abi Ali al-Jubbai (d. 303CE). Later, Sunnism was regarded to comprise four schools on Islamic jurisprudence (fiqh); Hanafi, Shafie, Maliki and Hanbali. These four schools of Islamic law were established in between 750 to 850. All the schools agree to adhere four sources of law; the Quran, hadis and Sunnah (the Prophet's guidance), the ijma (consensus among the faithful) and qiyas or analogy in the absence of any direct guidance from the Quran and the Sunnah (Ehsanul Karim, 2007, p. 793). The Islamic jurisprudence between Shia and Sunni school of thoughts "has no clear line of demarcation". S. Waheed Akhtar (1988, p. xviii) explains how Hanafi, Shafie, Maliki, Hanbali and Ja'fari completed each other:

It is recorded in all Muslim histories that Abu Hanifah, the founder of the Sunni school of the Hanafi fiqh, fully supported Zayd ibn Ali ibn Husayn ibn Ali throughout his struggle to overthrow the Umayyad regime, and was later imprisoned because of this act and his fatwa in favour of Zayd. Zayd is accepted as an Imam, by a sect of the Shiah, known as the Zaydiyyah or Zaydis. Similarly other Imams of Sunni fiqh and hadith, such as al Shafi'i, Ahmad ibn Hanbal, al Tirmidhi and al Nasa'i are known for their great reverance and love for Ali.

It is also to be noted here that Abu Hanifah an Nu'man ibn Thabit, the founder of Hanafi school was also a student of Imam Jaafar as Sadiq, the sixth Imam of Shia. He attended the lectures by Imam Sadiq briefly before "abandoning Imam Sadiq in favour of his own jurisprudence" (Ahmad Ibrahim, 1965, p. 64).

When it comes to a political one Shia believe that there is "no distinction between the spiritual and worldly leadership" and it has to go back to the Imams, while Sunni believes that "any person that could maintain law and order in the Muslim world through his administrative and military power could be called caliph" (S. Waheed Akhtar, 1988, p. xvi)

Indeed, in the modern world Shi'ites have no problem with the Sunnites. Ayatullah Kamreh-yi, a notable Shia scholar of Iran once said in an international conference on Sheikh al Tusi, "If Sunnah is the criterion of Islam, all the Shi'ah are Sunni and if the love of Ali is the criterion of Shi'i faith, all the Sunnis are Shi'ah" (Ali Dawani, 1362 Sham, p. 44-45).

Denying Shia as part of Islam will only result in denying more than half of Islamic heritage and civilisations. It is a fact that Al-Azhar University in Cairo, the famous religious institution and academic centre in the Sunni world was "founded upon Shi'ite theology" (Abdul Aziz Muhammad al Shanawi, 1983, p. 3). The flourishing of the sciences in the Islamic civilisation is indebted to the Shia Islam. Names such as al Farabi, al Khawarizmi, Jabir bin Hayyan, and Ibnu Sina were all Shi'ites (Ali Akbar Velayati, 2008, p. 93-281.)

Another important Shia figure that contributed in the Sunni world politically was Sayyid Jamal al Din al Afghani. He was better known in Iran as Sayyid Jamal al Din al Asabadi, a Syaikhi Shiite "who abandoned his national and sectarian orientations for the sake of promoting the unity of Muslims." According to Ahmad Kazemi Moussavi (2005, p. 15-16), Sayyid Jamal al Din al Afghani "supra-sectarian approach to various trains of Islamic thought affected Muslim milieus of his time and inspired them with a better understanding of their common heritage regardless of their doctrinal differences." His successful cooperation with Sunni scholars such as Muhammad Abduh (d. 1905) shows how "political movement" can help "reconciliation of legal and doctrinal differences." Al Afghani was even confused by many as a Sunnite, despite his religious training in Najaf, Iraq (a Shia religious center after Qom, Iran). His primary concern was not Shia-Sunni differences but "rather the unequal encounter of Islam with European powers and values" Ahmad Kazemi Moussavi (2005, p. 10).

If Sunnites and Shi'ites are actually Muslims, what is the issue then between them? A plain answer: It is non issue until the Wahabites arrived into the picture. What is Wahabi Islam and who are the Wahabites?

Theologically, the Wahabites follow Ibnu Taimiyyah (d. 728 CE) and accept the Hanbali school for their Islamic jurisprudence. According to Ahmad Ibrahim (1965), "The Hanbali school seemed on the verge of extinction from the 14th century onwards but it was revived by Wahhabi movement on the 18th century. The Wahhabis have adopted the special doctrines of Ibn Taimiyyah on Islamic theology and law, though as far as positive religious law is concerned, they follow the normal Hanbali doctrines" (p. 77).

Other than Ibn Taimiyyah, the Wahabites also "accept various commentaries including Muhammad Abdul Wahab's Kitab al-Tawhid." It is after his name, Muhammad Abdul Wahab (d. 1787), that Wahabism as a name and term is derived. The Wahabites currently prefer to use another term – 'Salafism' or 'the Salafist' (Ehsanul Karim, 2007, p. 796). Salafism was a term propagated by one of the Wahabi scholars named Muhammad Nashiruddin al Albani (Hasan Ali as Segaf, 1992, p. 20). Said Ramadhan al Buti views that the strategy of changing the name from Wahabism to Salafism is due to negative perceptions by other Muslims toward Muhammad Abdul Wahab, the founder of Wahabism, as his followers was responsible for aggressive military attacks that occurred in many places. Among them, were Karbala and Najaf, the centre of learning for the Shi'ites in 1801. Jaafar Sobhani (1996, p. 16-26) wrote at length in his book on this massacre:

One of the biggest flaws during the Sheikh's life was the fact that he treated Moslems who did not follow his notorious beliefs as infidels deserving to be fought against. He maintained no esteem for their life or property.

Sheikh Mohammad ibn Abdul Wahab died in the year 1206 CE. After the demise of Sheikh Mohamad, his followers also pursued this policy. For instance, in the year 1216, the Wahabi Amir Saud mobilised an army of twenty thousand warriors and made an in road on the city of Karbala. At this time, Karbala enjoyed utmost fame and grandeur. Iranian, Turkish and Arab pilgrims turned to it. After laying siege to the city, Saud finally entered it and brutally massacred the defenders and inhabitants of the city. The Wahabi army created such public disgrace in the city of Karbala that it can't be put to words.

Once again, a new sect sprang up in the Moslem community. Regret arose from the day Haramayn Sharifayn (the two holy sanctuaries) were put under the possession of this group as a result of compromise with Britain and the other super powers at that time. Also due to the dissolution of the Ottoman Empire and division of the Arab countries among the super powers, the Wahabis of Najd gained control over Mecca and Medine, as well as other vestiges of Islam. They exerted utmost effort in annihilating the vestiges and genuine matters and in ruining the shrines, sepulchers and Divine Houses. At this time, the Shi'ite ulamas, alongside the Sunni ulamas, made tremendous effort to criticise the views of Abdul Wahab. Both groups commenced logical and scientific jihad in the best possible manner.

The killings led by Saud ibn Saud resulted in the death of 5,000 residents and pilgrims of Karbala. The shocking account was boastfully narrated by a Wahabite historian, Usman Ibn Abdullah Ibn Bisyr (1982, p. 257), and published by the Saudi government. This act of aggression by the Wahabites surely is reminiscent of Abbasids' behavior. In the year 851, the Caliph Mutawakkil "found it politically necessary to level Husain's tomb and to prohibit pilgrimages to Karbala. But government intervention proved of little effect and the rebuilt grave has remained to this day the devotional center for pilgrims from all over the Shi'a world" (G.E Von Grunebaum, 1988, p. 86-87).

In 1802 an "army led by the sons of Muhammad ibn 'Abdal-Wahhab (the founder of Wahabism) and Muhammad ibn Saud occupied Taif and began a bloody massacre. A year later, the forces occupied the holy city of Mecca. They executed a campaign of destruction in many sacred places and leveled all the existing domes, even those built over the well of Zamzam", the Wahabites even denied permission for the Iranian, Iraqi, Syrian and Egyptian pilgrims to perform haj in 1805 and 1806 (Faizah Saleh Ambah, 2006, p. 10).

The most unfortunate scene was when the Wahabites brutally raided and attacked Medine city in 1804. Medine is where the Prophet Muhammad's (pbuh) tomb is located. Dwight McDonaldson (1933) wrote in his account regarding this tragedy:

> The idea of thousands of Moslems coming from all parts of the world to invoke the intercession of their dead Prophet and of the Imams stirred up the ire of powerful tribes of Wahhabis in the Hedjaz, who assumed the role of reformers, and declared that such worship even at the tomb of the Prophet was forbidden. They attacked Medine, therefore, in the year A.D 1804, and took the town plundered its treasures, and prevented pilgrimages to the tomb of Muhammad. An attempt to destroy the dome over the tomb failed, but the great treasures in pearls, jewels, etc presented by pious visitors to the mosque were carried off (p. 144).

During the year 1918-1920, after Ottoman Empire became weaker and Syarif Husin, the ruler of Hejaz (Central Arabia), surrendered and Saud tribe gained more power with the help of the British. On 21st April 1925, the Wahabites managed to raid the Baqi' cemeteries. These extreme measures were conducted, strangely, in the name of Islam. Irfan Ahmed (2006) pointed out what happened:

> On April 21,1925, the domes in the Baqi' were demolished once more along with the tombs of the holy personalities in Maqbarat'al-Ma'la in Mecca, where the Holy Prophet's (pbuh) mother, wife Khadija, grandfather and other ancestors are buried. Destruction of the sacred sites in the Hijaz continue still this day. Wahabis say they are trying to rescue Islam from what they consider innovations, deviances and idolatries. Among the practices they believe are contrary to Islam are constructing elaborate monuments over graves and making supplications there (p. 31).

In 1932 the Wahabites, were awarded full control of religious affairs by the Saud who then took control of Mecca and Medine. The Wahabites planned to "throw down the dome of Prophet and rebuild the Haram so as not to include the Prophet's tomb. But their leader, Ibnu Saud, exercised the statesman's restraint, for fear of arousing the hostility of the entire Islamic world" (Dwight McDonaldson, 1933, p. 145).

As mentioned above, Ibn Taimiyyah and his pupil, Ibn Qayyim (d. 751 CE) were the inspiring factor for the Wahabites which started in 1744 A.D when Muhammad Abdul Wahab got his assistance from the House of Saud to launch "a revivalist campaign based on the puritan Hanbali school and the anti Sufi policies of Ibn Taimiyyah and his followers." Obviously, with the help of Saud tribe in Central Arabia, they established a Kingdom, and advanced and spread little by little to the whole Muslim community globally. The Kingdom of Saudi Arabia, financially rich, started their out-reach program, exporting extremism to other corners of the world:

> In 1926, the House of Saud gained the upper hand and in 1932, the region was renamed as Saudi Arabia. In 1933, Oil was discovered in the Kingdom, and now everyone was interested in the area, and through the 1950s, the Saudi government built its infrastructure around the oil industry, and the wealth of the region grew exponentially. Today, Wahabism is strong in Saudi Arabia, and is regarded by many as the forefathers of the modern Islamist threat that the world is currently facing (Editorial, 2006, p. 5).

Ahmad Ibrahim (1965, p. 92-94) stressed how Wahabism first came in contact with the Malay world, according to him that "during the greater part of the nineteenth century however the revitalizing element in Wahabism was obscured by its revolutionary theocratic aspect" and the effect finally arrived in the Malay World, "where the Paderi War 1803-1838 took place in the Minangkabau region, the Wahhabi influence contributed to the outbreak of militant movements."

Today in Malaysia, the Wahabites, using their softer name, the Salafist, influenced many aspects of religious activities. It is important to understand that the term Salafist shouldn't be confused with Salafism promoted by Muhammad Abduh and Muhammad Rashid Rida in Egypt.

First of all, their geographical origins are different. Second, Abduh and Rida's salafism at the end of 19th century "emphasised political aims; anti colonialism, Islamic solidarity and Arab unity, and of course, opposition to the Jewish 'invasion' of Palestine" (Menahem Milson, 2004, p. 4). While Muhammad ibn Abdul Wahab salafism "based their call on Ibn Taymiyya's al-Salaf al Salih doctrine" (p. 5). Third, Abduh and Rida's Salafism was "not as puritanical as that of the Wahhabis of Arabia" and upheld "reformist principle of utilitarianism in ethics and law" (P. J Vatikiotis, 1985, p. 196-199).

The Abduh and Rida's Salafism "was brought to Malaya when Malaya was under the British rule or British colonial rule in the late 19th and early 20th centuries" (Ibrahim Abu Bakar, 2007, p. 55). It was known back then as Kaum Muda or progressive scholars, opposing the traditionalist ulamas, or simply called the Kaum Tua. This schism clearly does not involve Wahabism. The Wahabites' Salafism in Malaysia made appearance in recent years and "spread by those who have received their religious training in Medina. They have taught the Salafism from Saudi Arabia in their informal religious classes" (p. 56).

Other than Saudi Arabia, Wahabites' Salafism also came to Malaysia via Jordan. Ibrahim Abu Bakar (2007, p. 59) in his exciting genealogical study on Salafism in Malaysia concludes "the Salafism in Jordan was from the Salafism in Saudi Arabia, Egypt and Syria. Nasir al-Din al-Albani was from Syria and then went to Saudi Arabia and then went to Jordan and lived in Zarqa, the second largest city in Jordan after Amman. He has been the most important leader of the traditional or missionary Salafism in Jordan." It is not impossible that Malaysian students who studied in Jordan in the yesteryear adopted Salafism and presented it back here.

Karim Crow (2005) explains the Wahabites programs of 'deformation' outside Saudi Arabia are threatening Islam in many ways:

> Regrettably, such a Deformist mindset is now becoming widespread, misleadingly labeled 'Salafist', 'Deobandi' or 'Wahhabi', This mentality strongly condemns the intellectual diversity of Islam's rational and spiritual legacies expressed in the legal theories of the juridical schools (usul al fiqh), in speculative theology (kalam), in Sufi psycho-anthropology and metaphysics (tasawuf), or in philosophy (falsafah, hikmah or irfan), in favor of a coerced doctrinal uniformity characterized by an anti rationalist intellectual minimalism.

Above all, Deformists are uncompromising in their condemnation of diversity, critical thinking and spiritual experience represented by other streams of Islamic thought and practice, particularly the Sufis and the Shi'ah (p. 34-35).

Historically, as shown from the points above it cannot be denied that the Wahabites played crucial role in demonizing the Shi'ites. Their current factor in playing the same role to marginalize the Malaysian Shi'ites will be discussed further.

Another aspects to understand is that in Malaysia, there are legal pluralism that very much intertwined and therefore make legal cases in many situations rather complicated. There are three sets of law in Malaysia. A secular law inherited from the British, a Malaysian version of Sharia law and custom law especially related to the indigenous:

> In practice, however, the legal system during the British rule was divided into three. Firstly, there was the 'English common law' system which was accepted as the general legal system and was responsible to deal with all matters in the sphere of criminal justice affecting all citizens. In the sphere of personal laws it is only applied to immigrant non-Muslims (for instance, European, Chinese, Indian, etc). TheMuslims, largelyMalays, were subjected to the Islamic laws, or Syariah, particularly, in matters relating to marriage, divorce and inheritance. Therefore, the Syariah laws formed the second legal system in British Malaya. The third legal system operating then was the Adat system, or the Customary or Native legal system, appliedmainly in the areas of personal laws and, in a very limited context, in the sphere of criminal justice, too, of some groups of native peoples in the Peninsula Malaysia, Sabah and Sarawak. The Adat legal system was a heterogenous one because there were many distinct and large 'native' or 'tribal' groups, mostly non-Muslims, especially, in Sabah and Sarawak, each having their own tribal-specific adat codes, mostly in the form of oral traditions, applied in a localised context (Shamsul Amri Baharuddin, 2005, p. 5).

It is under the 'second legal system' or the Sharia law that stated Shia is not part of Islam as the religion of the state since Shia is considered 'deviant teachings', thus "Shi'ite Islam and certain Islamic sects, are banned and their adherents discriminated against" (Andreas Ufen, 2009, p. 320).

Having a long introduction in this paper shows how difficult and complex the subject is. I have to remind the readers again that this paper is purely an academic attempt to understand one of Malaysia's forgotten minorities – the Shi'ites. Thus, this essay is not interested to venture into any sectarian quarrel or any unnecessary religious debate. I am here to offer an insight into this controversial issue.

2. Is Shi'ism New Phenomenon in Malaysia?

It is common assumptions by the media and layman that Shi'ism arrived in Malaysia after 1979, following the Islamic Revolution of Iran. However this notion is very much inaccurate. Among the first scholar writings on Shi'ism in Malaysia is by Syed Farid Alatas (1999) arguing that the emergence of Shi'ism in Malaysia is not something novel:

> To date, the literature on Islam in Indonesia, Malaysia and the rest of the region has not taken note of this phenomenon, with the exception of a few journal articles and a handful of newspaper and magazine items. Even then, these works falsely labour under the assumption that the rise of the Shi'i school in the region is symptomatic of the current wave of Islamic fundamentalism, being a result of the establishment of a Shi'i republic in Iran in 1979. It would be more accurate to say that the Iranian revolution had resulted in whatever Shi'i tendencies that had already existed among the Alawiyyun of the Malay world being articulated with greater clarity, fervour and sense of mission (p. 323).

There are so many evidences that Shia Islam has been in this region for extended period of time. For instance, it is stated in Commentarios, a document on the conquest of Melaka in 1511 by the Portuguese, that there were "at least three thousands Khorasones or Persians" in Melaka during the fall of Melaka (Mc Roberts, 1984, p. 26-39). In the 16th century, Shi'ism was already very much widespread among Persians in Iran and it is difficult to omit the fact that they, the Khorasones, were actually Shi'ites. This was supported by a Thai scholar Plubplung Kongchana (1995, p. 253-269), who stated in her academic paper, 'The Historical Development of the Persian Community in Ayuthya in The Court of Ayuthya', that after the fall of Melaka to the Christian Portuguese, many Muslims from Melaka (that included Malays and Persians) find their peace in Ayuthya. This was the reason why the Muslim population dramatically increased in Ayuthya after 1511. There is no reason to dismiss the hypothesis that Shi'ites in Ayuthya are

also disseminating Shi'ism beyond the borders of Siam. According to Julispong Chularatana, one of the main reason why Shi'ites were given so many attention by the Siamese Kings was because of the effectiveness of taqiyah. Chularatana (2008, p. 51-52) also added that later, the Ayuthya Shi'ites also married with Sunnites from Pattani, the southern part of Thailand (very close to Malaysia).

I have mentioned earlier that the author of Commentarios observed that there were 'at least three thousands Khorasones or Persians' in Melaka during the fall of Melaka. One might argue here that the existence of Persians in Melaka does not mean that the Malay Sultanate was actually rooted to Shi'ism. This is rather speculative. It is also seriously noted here that perhaps the Melaka Malay Sultanate had already established the intimate relationship with Shi'ism, as may be indicated by three points.

First, on the night before Melaka fell into the hands of Portuguese in 1511, the last ruler of Melaka, Sultan Mahmud Syah, requested Melaka warriors or Malay war chiefs to read Hikayat Muhammad Hanafiyyah to boost their morale and courage to face the enemies. This is important to understand because Melaka was under siege by the Portuguese. Again, bear in mind that there were three thousand Khorasones in Melaka at that time. There is no argument that Hikayat Muhammad Hanafiyyah, an amazing canon and one of the oldest Malay literary texts, was a Shia one. Ismail Hamid (1983, p.154) for instance stated that Hikayat Muhammad Hanafiyyah "is presented from the viewpoint of the Shi'i advocates. The Shi'is claimed the rightful place of the descendents of Ali in leading the Islamic state. But their right has been usurped by the Umawis." Similarly A.H John (2002) noted the motives behind the Sultan's choice:

> Other stories that became popular from this period centered on the prophet's uncle Amir Hamzah and the Shi'i hero Muhammad Ibn al-Hanafiyah. The Malay annals suggest that versions of these stories were preserved in the Malacca library and as of 1511 were held in great esteem. The reference to them may be apocryphal: it indicates that they were to be recited to the Malaccan soldiers to give them courage for battle against the Portuguese occupation of Malacca. Nevertheless, their symbolic role was well known at the time that the 1612 recension of the Malay Annals was compiled. Equally important, the popularity of such works suggests at least the presence of a Shi'i flavor to Islam in Aceh during this period. Shi'i or not, there is certainly a strong Persian flavor in the literary works that were rendered into Malay, the most outstanding of which at this early period is a version of the Tuti-Namah (Book of the Parrot) known in Malay as Hikayat Bayan Budiman (Story of the Wise Parrot) (p.185).

One might wonder now for what reason a 'Sunnite Sultan' dictated his people to read a strikingly Shi'itic text such as Hikayat Muhammad Hanafiyyah at the peak of a crisis? According to Ismail Hamid (1983, p. 207), Malay Islamic hikayats were used by the missionaries to "teach the Malays about the meaning of Islam". What kind of Islam did they propagate then? Was it Shia Islam since Hikayat Muhammad Hanafiyyah received a celebrity status in the court of Melaka? Perhaps, Ismail Hamid already answered the previous question:

> Some of the Malay narratives about the Prophet Muhammad were based upon the Persian works of Shi'i literature. The Shi'i view of speculative thought, especially in regard to the theory of creation which dominated Shi'i literature, had been transmitted into Malay Islamic hikayat (p. 76).

Or perhaps Mahayudin Yahya agreed with Ismail. In explaining why there are so many Shi'itic doctrines and Jafarites teachings in so many classical religious texts, Mahayudin admitted that probably the writers have changed it on purpose: "hukum fiqah yang tidak sesuai dengan mazhabnya iaitu mazhab Syafi'i diubah supaya sesuai atau sekurang-kurangnya tidak bercanggah dengannya (my translation: any fiqh laws that are not suitable with their school of thought that is Syafi'i were modified to make it coherent, or at least not too contradictory with the Syafi'i.)". Thus, what kind of Islam did they modify? Obviously the changes and modifications are not done properly and can be detected as have been raised by R.J Wilkinson (1908, p. 5-6). It is not strange then that the Malay culture is indebted to Shi'ism. Taib Osman (1987, p. 110-149) claimed that determination of good and bad days to get married, or to start building a house, or to begin cultivating paddy field are all influenced by Shia teachings. In fact, traditional ways to commit the crescent among Malays are 'borrowed' from "works of Abu Ma'shar and Jaafar Sidik the sixth Imam within Shia Islam." As a notable Malaysian cultural anthropologist, Taib Osman's observation that Shi'itic culture is visible and dominant in Malay culture until today shows how Shi'ism still manages to survive since its old days.

Second, bear in mind again that there were three thousand Khorasones' in Melaka. Muzaffar Mohamad and Suzana Othman (2006, p. 168-177) related that Mani Purindan, the forefather of all Melaka Bendahara (Prime Minister) and the great grandfather of Tun Seri Lanang, the author of The Malay Annals, had Persian blood. Mani Purindan was from Delhi, and his father was a Nizamul Muluk (governor of the extended Persian empire in Northern India). In fact, they believed that Mani Purindan most probably belonged to Ahlul bayt's family. They arrived to that conclusion as one of Melaka's dignitaries, Mani Purindan's great grand son, Tun Hassan Temenggung refused to accept 'sedekah' (alms) from a Tamil merchant. This is because "sememangnya Ahlul bayt Rasulullah (saw) diharamkan dari menerima sedekah" (translation: Ahlul bayt Rasulullah (pbuh) are forbidden from accepting sedekah but permitted to accept gifts).

Finally, if it was not because of Shi'ism – what else? G.E Marrison (1955, p. 55-56) pointed out that Sultan Mahmud Syah, the last Sultan of Melaka often referred to his theological problems to the Pasai court. The theologians consulted in Pasai in the year 1480 A.D were directly from Transoxiana, Khurasan and Iraq. At the time, Ibnu Batuta, the great Muslim traveller, arrived in Pasai in the year 1336 A.D. He mentioned about religious teachers named Amir Dawlasa from Delhi, Kadhi Amir Sayyid from Shiraz and Taj al Din from Isfahan and without doubt they were all Shi'ites. These claims according to Marrison became more credible with the existence of a Shia gravestone. The gravestone belonged to Naina Husyam al-Din Naina Amin dating back to 1420 A.D. The gravestone was crafted with a fragment of poetry written by a famous Persian poet, Sa'di. Further information regarding historical aspects of Malaysian Shi'ites can be found in Mohd Faizal Musa's (2013b, p. 411-463) essay entitled 'The Malaysian Shi'a: A Preliminary Study of Their History, Oppression, and Denied Rights'.

3. Malaysia's Sectarian Apartheid: The Wahabi Factor

In 2013, United Nation Special Rapporteur on Freedom of Religion or Belief, Heiner Bielefeldt stated that Malaysia should reverse a ban on a Christian newspaper using the word Allah to refer to God; according to him, state has no business in people religious life:

> Freedom of religion or belief is a right of human beings, not a right of the state. It cannot be the business of the state to shape or reshape religious traditions, nor can the state claim any binding authority in the interpretation of religious sources or in the definition of the tenets of faith (Heiner Bielefeldt, 2013).

While Christians in Malaysia easily get many supports whenever they stumble in difficulties, the Malaysian Shi'ites are left alone in their struggle. It is perfectly accepted to be non-Muslim in Malaysia; however, there is no tolerance in being Muslim but practicing any branches of Islam besides Sunni. In 1984, and a 1996 fatwa by Malaysia's top Islamic clerics, Shia Islam was banned, and declared as a deviant teaching. On 24 and 25th September 1984, The 40th Special Conference of the Fatwa Committee of the National Council for Islamic Religious Affairs Malaysia convened to discuss the status of Shias in Malaysia agreed that an earlier provision "after discussing and deliberating on this working paper, the Committee has decided that only the Zaidiyyah and Jafariyyah Shia sects are accepted to be practiced in Malaysia" is abolished (Fatwa Committee of the National Council for Islamic Religious Affairs Malaysia, 2011). As a result, Muslims in Malaysia must only follow the teachings of Islam based on Ahlus Sunnah wal Jamaah (Sunni) on creed, religious laws, and ethics. Twelve years after, on 5th May 1996 the Fatwa Committee of the National Council for Islamic Affairs in Malaysia again discussed the state of Shi'ites in Malaysia and decided to recognise only Sunni Islam. Significantly, other teaching of Islam which is opposed to the beliefs of Sunni Islam is prohibited.

It is important to note here that the move contradicted the spirit of Shaikh al-Akbar Mahmood Shaltoot, the Head of al-Azhar University. In his fatwa dated 6th July 1959, Shaikh ruled that "the Ja'fari school of thought, which is also known as al-Shia al- Imamiyyah al-Ithna Ashariyyah (i.e., The Twelver Imami Shi'ites) is a school of thought that is religiously correct to follow in worship as are other Sunni schools of thought. Muslims must know this, and ought to refrain from unjust prejudice to any particular school of thought, since the religion of Allah and His Divine Law (Shari'ah) was never restricted to a particular school of thought. Their jurists (Mujtahidoon) are accepted by Almighty Allah, and it is permissible to the non-Mujtahid to follow them and to accord with their teaching whether in worship (Ibadaat) or transactions (Mu'amilaat)" (Fatwa Shaikh al-Akbar Mahmood Shaltoot, 1959).

Hamid Enayat (1988b, p. 81) observed the fatwa as an important step from the Sunni world to recognize Shia Islam since al-Azhar is a major institution in the Muslim world; "this was tantamount to the

recognition of Shi'ism as on an equal footing with the four orthodox legal schools in Sunnism. When Shaltut gave his fatwa, Shi'i studies had been absent from the curriculum of that university for over nine hundred years. Although al-Azhar was created in 361/972 by an Isma'ili Shi'i, the Fatimid Caliph al Mu'izz, two centuries later the Sunni Ayyubids turned it into a center of orthodox scholarship. Thus rather than constituting a simple case of curriculum reform, Shaltut's fatwa indicated a major psychological breakthrough."

This particular al Azhar edict was never withdrawn or repealed, in fact previous Syeikhul Al-Azhar, Dr. Muhammed Sayyid Tantawi upon receiving his honorary doctorate from University Science Islam of Malaysia (USIM) pointed out that Sunnites and Shi'ites are one body of ummah (community) as both hold on to the same God, Allah and Prophet Muhammad (saw). A day after, his statement was reported by leading Malaysian newspaper on the front page (Marhaini Kamaruddin, et. al, 2008).

Two years after Syeikhul Al-Azhar, Dr. Muhammed Sayyid Tantawi's statement in Malaysia regarding Shi'ism, on the evening of 15th of December 2010 more than 200 Malaysian Shi'ites including children, who were attending a closed religious gathering to remember the martyr of Imam Husin (a.s.) were arrested by the Selangor Islamic Religious Department (JAIS) at a community centre called Hauzah Ar Ridha Alaihissalam. They were then charged under section 12(c) of the Enactment 9 1995 Sharia Criminal Enactment (Selangor).

According to section 12 (c) of the Enactment 9 1995 Sharia Criminal Enactment (Selangor) any person who acts in contempt of lawful authority, or reject, in violation of or disputes the orders or directives of: a) His Majesty the Sultan for His attribute as the Leader of the Islamic religion; b) The Council; c) The Mufti, expressed or provided by a fatwa, is guilty of an offence and liable to a fine not exceeding three thousand ringgit or to imprisonment for a term not exceeding two years or to both. Charged under this particular enactment implicates that being a Shi'ite is 'a crime' in Malaysia as only Sunnism is accepted for Muslims.

What are the discriminations suffered by the Malaysian Shi'ites nowadays? A news portal Free Malaysia Today published a report regarding this matter stating briefly their worsening conditions of marginalisation, repression and State stigmatisation over the years:

> The many misunderstandings have led to what Shiites regard as religious persecution. In 1997, the government detained 10 Shiites under the Internal Security Act (ISA) for not being Sunnis. Three years later, six more Shiites were arrested under the ISA. Since then, there have been no ISA arrests. Even so, anti-Shiite sentiments in Malaysia do not appear to have died down, especially with a 1996 fatwa declaring Shiism as a 'deviant ideology'. In May 2011, a lunch celebrating the birthday of Fatimah Zahra, daughter of Prophet Muhammad was broken up by JAIS officers. Four Shiites were arrested that day, including Kamilzuhairi. Shiites were also allegedly targeted in mosques around the country. In September 2011, Kamilzuhairi said that the Islamic Affairs Department of Terengganu issued anti-Shiite sermons to all mosques in the state, ordering them to be read on the 23rd. According to a police report lodged by Kamilzuhairi, the sermon included accusations that Ar-Ridha members beat themselves with chains to absolve themselves of sin and that Shiites used a different Quran than Sunnis did. Other alleged accusations by local clerics included the killing of Sunnis as halal. A Dec 20, 2010 Sinar Harian report said that the Malaysian government 'respected foreign Shiite teachings', but prohibited Shiism from being practised in the country. At the time, the minister in charge of religious affairs Jamil Khir Bahrom warned of bloodshed if more than one Islamic school of thought was allowed to be taught (Patrick Lee, 2012).

The recent attitude of the establishment towards the Shi'ites in Malaysia confirmed a despair situation for them. Shi'ites are Muslims and discriminating them is wrong as Islamabad Declaration (2007, p. 91-93) adopted by The Thirty Fourth Session Of The Islamic Conference Of Foreign Ministers stressed that "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." The Islamabad Declaration, an official one from OIC (the Organization of the Islamic Conference), was established from The Amman Message quoted by interviewee, Kamil Zuhairi in his statement above.

The Amman Message (2004) summary among others stress that Shi'ites are Muslims and violating their rights is wrong, as partly quoted below:

> In order to give this statement more religious authority, H.M. King Abdullah II then sent the following three questions to 24 of the most senior religious scholars from all around the world representing all the branches and schools of Islam: (1) Who is a Muslim? (2) Is it permissible to declare someone an apostate (takfir)? (3) Who has the right to undertake issuing fatwas (legal rulings)?

Based on the fatwas provided by these great scholars (who included the Shaykh Al-Azhar; Ayatollah Sistani and Sheikh Qaradawi), in July 2005 CE, H.M. King Abdullah II convened an international Islamic conference of 200 of the world's leading Islamic scholars 'Ulama) from 50 countries. In Amman, the scholars unanimously issued a ruling on three fundamental issues (which became known as the 'Three Points of the Amman Message'):

> They specifically recognised the validity of all 8 Mathhabs (legal schools) of Sunni, Shi'a and Ibadhi Islam; of traditional Islamic Theology (Ash'arism); of Islamic Mysticism (Sufism), and of true Salafi thought, and came to a precise definition of who is a Muslim.

> Based upon this definition they forbade takfir (declarations of apostasy) between Muslims.

> Based upon the Mathahib they set forth the subjective and objective preconditions for the issuing of fatwas, thereby exposing ignorant and illegitimate s in the name of Islam (The Amman Message, 2004)

These Three Points were then unanimously adopted by the Islamic World's political and temporal leaderships at the Organization of the Islamic Conference summit at Mecca in December 2005. And over a period of one year from July 2005 to July 2006, the Three Points were also unanimously adopted by six other international Islamic scholarly assemblies, culminating with the International Islamic Fiqh Academy of Jeddah, in July 2006 .

Another international declaration violated here is The Durban Declaration and Programme of Action "to combat racial discrimination, xenophobia and related intolerance". It is difficult to legitimate the treatment towards Shi'ites in Malaysia. The discriminations have been institutionalised and have been done systematically. This ideological violence transformed in to State policies is strictly condemned in this particular Declaration supported by the United Nation:

> Religious discrimination often takes the form of ideological violence. Such ideological violence is encouraged by elites, politicians and media adopting a certain posture that predisposes the general public to discriminate against a particular religious community. Although in general this posture refers to the legitimate expression of ideas, it creates an ideological environment that favours the existence and legitimisation of physical acts of violence. In particular, the legitimising role played by intellectual violence tends to encourage the trivialisation of discrimination and may lead to other forms of discrimination such as the institutionalisation of discriminatory practices, physical violence against believers and attacks on their places of worship and culture, and increasingly on their use of religious symbols

> Ideological violence is sometimes institutionalised in written or unwritten rules and behaviours that de facto create social discrimination and restrictions to religious freedom. Apart from increasingly openly discriminatory legislation, a number of practices can make the full enjoyment of religious freedom more difficult, such as barriers to the construction of places of worship and use of religious symbols. Institutionalised discrimination is a key obstacle faced by religious minorities in various countries and is reflected in policies such as discriminatory registration procedures with State authorities for religious communities, particular restrictions for the free circulation of religious texts or explicit ban on the practice of minority religions (The Durban Declaration and Programme of Action, 2007).

The absurdity of this situation grows as Malaysian government also signed The Asean Human Rights Declaration 2012 in Phnom Penh on November 18th 2012. This landmark declaration for ASEAN countries stated obviously that "every person has the right to freedom of thought, conscience and religion. All forms of intolerance, discrimination and incitement of hatred based on religion and beliefs shall be eliminated" (The Cambodia Herald, 2012).

Since those 'Declarations' are only 'declatory', one might argue that Malaysian government is not bound by them. But, the fact is Malaysia has violated so many international standards by denying Malaysian Shi'ites their rights. Among others are United Nations General Assembly (UNGA) Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (1981), the United Nations General Assembly (UNGA) Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities (1993), and the UNESCO Declaration on Race and Racial Prejudice (1978). It is worth mentioning here that Article 2 of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities (1993, p. 36-37) protects the minorities and prohibits discriminations and therefore guarantees the rights of Shi'ites to "participate in the public and cultural life of society, including, maintaining their own associations". Article 2 also stresses that minorities "have right to participate in decisions on the national, and regional level", where appropriate when it concerns them.

As have presented earlier, in view of all the intolerances, rights abuses and discriminations towards the Shi'ites in Malaysia, it is important here to set the standard terminology for tolerance. In the context of this paper, I am adopting the concept of tolerance as suggested by C.S Momoh (1993). Basically Momoh sees that all religions are equal in the message of their founders. Applying it here is rather strange since Shia and Sunni are recognised as Islam, as proposed by The Amman Message and The Islamabad Declaration signed by OIC countries including Malaysia. Of course, there are differences between Sunnite and Shi'ite Muslims but that should not be an excuse for disunity among Muslims. But I have to consider views of placing 'Shi'ism out of Islam' has been 'practically' adopted in Malaysia. The Malaysian government's treatment towards the Shi'ites is similar to the Saudi Arabia treatment towards their Shi'ites. Adil Al-Kalbani (2009), the first black imam of the Grand Mosque in Mecca for instance suggested "Shiite clerics are heretics. As for expiating Shiites, we could possibly discuss it." A few years before, Abdul Rahman al Barak, another cleric from Saudi who is close to the Saudi Royal family, made another provocation by denouncing Shia as "an evil sect …more dangerous than Jews and Christians" (Curtin Winsor J.R, 2007). According to Natana J. Delong-Bas (2004, p. 84-90) the Saudi Wahabi interpretation of Islam usually portrays Shi'ite as unbelievers. Having Shi'ism as 'another religion', and considering the Shi'ites as 'infidels', 'unbelievers', 'heretics', 'deviants' and 'non Islamic' compared to the Sunni Islam in Malaysia, Momoh's thesis as follows should be applicable:

> Tolerance sees all religions and ethnic worldviews as equal not statistically but in their basic positive, noble and soul-enriching messages…Tolerance does not see any religion as evil and so cannot and does not condemn any religion (p. 109-110).

Why is it that religious tolerance towards Shia cannot be incorporated by the Malaysian establishment? Obviously, with that amount of facts, "religious tolerance could be beneficial to social order and human development; for in this kind of toleration of, our hearts and intellects go out to the other in a psychic intermingling, through sharing, genuine willingness to learn, and open-mindedness. It is on this token that a genuine human rights position of religious freedom is founded. (Okeregbe, 2001, p. 203)."

What are the reasons of such intolerance towards the Shi'ites in Malaysia? Kamil Zuhairi, the Malaysian Shi'ite figure in the Free Malaysia Today report, blames it on the Wahabist:

> Before the (Iranian) Revolution, Shiites could mix with other people. Every year we call about 2,000 people (from all communities to join in our festivities). Nobody here believes that we go out to slaughter people. Who believes this (slander)? The bad reputation comes from those who attack us… not even the police (in Malaysia) disturb us… before 1997, we weren't that significant. The problem here is not the Sunnis, but the Wahhabis… they are hiding behind the Sunnis… JAIS and JAKIM are not Wahhabi, but there are elements that are trying to penetrate it (Patrick Lee, 2012).

Kamil Zuhairi's statement above could be true since Wahabi teachings rejected Shia Islam; in fact the bloodshed, violence and terror that have been documented in historical accounts as presented in the very first part of this paper shows that Shia Islam has been treated badly by the Wahabites. In order to refresh, Cheryl Benard (2003: xvi) describes Wahabism as "an extremist, puritanical, and aggressive form of Islamic fundamentalism founded in the 18th century and adopted by the house of Saud; disrespecting other versions of Islam, including Sufi Islam, Shi`a Islam, and moderate Islam in general as incorrect aberrations of the true religion. Its expansionist ambitions are heavily funded by the Saudi government."

The PBS news program Frontline noted that Saudi Government has been franchising Wahabism all over the globe; disguising their operation by funding charity work, education and religious institution. A

transcript of PBS program entitled 'Saudi Time Bomb?' reported how over the past few decades, "Saudi charities established hundreds of religious schools, or madrassas, from Malaysia to Uzbekistan, from the Sudan to Pakistan" (Smith & Bergman, 2001).

In addition, local scholars Rizal Yaakop from National University of Malaysia (UKM) and Asmady Idris (Undated, p. 9) from University Malaysia of Sabah (UNIMAS) have shown how Saudi Arabian financial aid successfuly channeled Malaysia to ignore the rise of Wahabism exported by Saudi Kingdom through the education, business and welfare sectors. For example, The 40th Special Conference of the Fatwa Committee of the National Council for Islamic Religious Affairs Malaysia that convened in 1996 to discuss the status of Shias in Malaysia also agreed that Wahabi Islam is not deviant in contrast to Shia Islam. Thus, Wahabi Islam has never been ban or outlaw as experienced by Shi'ism (Mohd Aizam Mas'od, 2013). However, from time to time, the rigidity of Wahabi Islam manage to provoke certain quarters that aware of how risky it can be to Malaysian religious climate. For example, in a letter to a news portal, Malaysiakini, a scholar from Singapore, Dr Syed Alwi Ahmad raised his concerns on the emergence of Wahabi Islam; "stop sending Malaysian students to Middle Eastern universities and colleges for an Islamic education. The Middle East have a completely different social context. They are not multi-cultural as is Malaysia. In what sense can the Middle East be a relevant model of Islam for Malaysian Muslims? Perhaps the time has finally come for Malaysia to admit the obvious - that Islam as practiced in Malaysia is not equivalent to the Islam as practiced in the Middle East. Wahhabism has no place in cosmopolitan Asean countries. Consequently Malaysia has no further need to train its future ulama in Al-Azhar or Medina. They can get more relevant training in Malaysia itself" (Syed Alwi Ahmad, 2004).

MN Harisudin (2011) wrote in an official website of Nahdatul Ulama Indonesia that permitting Wahabism in the society is like planting risk at the backyard. Wahabites according to Harisudin are hardliners who cannot tolerate other views than theirs. Wahabism movement, in exporting hatred towards Shi'ism, is causing radicalisation among Muslims society and this can be easily done since Sunnites do not have proper leadership compared to the Shi'ites. Therefore, the empty space of religious guidance can be easily filled in by the Wahabites preachers with all their dogmas and doctrines. All this is made easy through huge financing as observed by Curtin Winsor J.R:

> While Saudi citizens remain the vanguard of Islamic theofascism around the world, the growth potential for this ideology lies outside the Kingdom. The Saudis have spent at least $87 billion propagating Wahhabism abroad during the past two decades, and the scale of financing is believed to have increased in the past two years as oil prices have skyrocketed. The bulk of this funding goes to the construction and operating expenses of mosques, madrassas, and other religious institutions that preach Wahhabism. It also supports the training of imams; domination of mass media and publishing outlets; distribution of Wahhabi textbooks and other literature; and endowments to universities (in exchange for influence over the appointment of Islamic scholars). The lack of a formal ecclesiastical hierarchy within Sunni Islam renders traditional religious institutions weak in the face of well-funded Wahhabi missionary activities. Most Sunni Muslims look to their local imams for religious guidance. In poor countries, these imams and local leaders often find it difficult to resist the siren song of small amounts of Saudi aid that accompany Wahhabist missionaries in poor. Moderate imams do not have a comparable source of financial patronage with which to combat its spread. Important fronts in this campaign are in south and southeast Asia, where the majority of the world's Muslims live. In Pakistan, Indonesia, the Philippines, Malaysia and southern Thailand, Wahhabis have co-opted (or replaced) village and neighborhood imams, and there is a fresh stream of converts returning from stays as guest workers in Saudi Arabia. The children of poor converts are often taken to Saudi Arabia for "education" and many are returned as cannon fodder for use by Wahhabi terrorist fronts (Curtin Winsor J.R, 2007, p. 5-6).

The above passage highlights how Wahabi Islam expanded through regions, penetrating into education and religious institutions. The idea is that being indebted to Saudi Arabia's generosity, the establishments would turn blind and deaf on what is happening and the same tendencies have infected Malaysian government lately. At the same time, the spotlight are turn to the Shi'ites as deviant followers with association to Iranian Islamic Revolution. Only once in a while, the risk of Wahabi militants appear in media reports. For instance in, 2010, Malaysian authorities believe that Wahabi militants are recruiting new cadres in Malaysian campuses (Kosmo, 2010).

It is significant to note here that the Shi'ites pose less threat to the national stability compared to the Wahabites (Mazwin Nik Anis & Zulkifli Abdul Rahman, 2010). Malaysian Home Minister, Hishamuddin Hussein confirmed this, saying, "the Shi'ites are not a threat from security point of view." There are so many views supporting this fact academically. Through his careful exploration, Curtin Winsor J.R (2007, p. 10) believes that "Shi'ites do not regard non Shi'ite Muslims as unbelievers", while they "comprise only 10-15% Muslims in the world that make any project of revolution impractical", he also added that Shia Islam is "rigidly hierarchical", and "they loyal to their own clerical establishments." In another meaning, they would not launch any 'jihad attempt' against the State without clear or official dictation from their clerical establishment (the Marjas).

This view is not something unexpected. The late Kallim Siddiqui (1982) explained at length how Shia structure is completely different from the Sunni counterpart. They are unlikely to revolt or become a threat since they obey their marja' in all aspects of religious life:

> In Iran, the Shi'a ulama have had the added responsibility of interpreting their role in view of their theological position that, while the twelfth Imam remains in occultation, the exercise of all power is usurpatory. The ulama were thus put in a position of permanent opposition. This worked well for nearly a thousand years while the Shi'a remained a minority everywhere and power was exercised by Sunni Kings, Caliphs and Sultans (p. 349).

History has proven that Shi'ites remained silent and chose to be a well-mannered minority under Sunnite control, as shown in Southeast Asia, or the Malay region before the existence of Wahabites.

4. The Current Stigmatization of Malaysian Shi'ites

Malaysia is a multireligious and multiracial nation, however Minister in the Prime Minister's Department Jamil Khir Baharom clearly stated in his remarks that Shi'ites in Malaysia have no rights; "we have rules, we practise the teachings of Ahli Sunnah Wal Jamaah under the Shafie School, so we do not allow proselytising of Muslims. So, there is no issue of human rights violation here" (New Straits Times, 2013a). According to Malaysian Home Ministry Secretary General on August 5th 2013, an estimated 250 000 Shia have been identified nationwide (A. Azim Idris, 2013).

There are numerous crackdowns have been targeted towards the Shia community, one being in 1997, where 10 people were arrested under the Internal Security Act for alleged grounds of practicing Shia Islam. The preventive detention law, now annulled and replaced by Security Offences (Special Measures) Act 2012, permits government to detained individuals without trial for a period not exceeding one year; "the 10 were taken in under the Internal Security Act (ISA) barely a week after the 10th anniversary of a mass crackdown by the government with the use of the same law. One of those held, Lutpi Ibrahim, is a professor at University Malaya's Islamic Studies faculty. The oldest detainee, 63-year-old Paharuddin Mustapha, is reported to be suffering from serious diabetes and to be almost blind. Four of those detained are from the east coast state of Kelantan, ruled by the opposition Islamic Party PAS. Authorities in Malaysia, where the vast majority of Muslims are Sunni, say the 10 were held on suspicion of spreading teachings apparently in conflict with the Sunnaah wal-Jamaah or Sunni Islam" (Anil Noel Netto, 1997).

As mentioned earlier, in December 2010, more than two hundred Shias including Iranians and Pakistanis were arrested by Selangor State Religious Department in a lightning raid at a local Shiite community centre called Hauzah Ar Ridha Alaihissalam (Associated Press, 2010). Since the raid, the Shias have been subject to continuous intimidations by Malaysia's Islamic Religious authorities. Another raid conducted was in May 2011 during a lunch celebrating the birthday of Fatimah Zahra, daughter of prophet. The luncheon was broken up by Selangor State Religious Department officers. Four Shiites were arrested that day.

In 2013 two Shia adherents were arrested on August 5, right before Muslims celebrate Eid by the Perak Islamic Religious Department. One of them was a woman who is also a homeopathic practitioner. Her clinic in Taiping was raided by twenty officers from the Perak Islamic Religious Department in which they seized the books in her possessions and later arresting her. Later on 10th September 2013 four more adherents were arrested also in the state of Perak. It is hard to determine the numbers of arrest as Shia followers refused to report the intimidations that they faced. Furthermore, they will strictly perform taqiyah in order to avoid attention. However, Minister in the Prime Minister's Department reported to say that "enforcement authorities have detained 16 people and carried out 120 inspections in connection with

those identified as linked to the dissemination of Shia teachings in the country. Minister in the Prime Minister's Department Datuk Seri Jamil Khir Baharom said based on reports from state religious departments, 139 more cases were being monitored" (The Malaysian Insider, 2013).

In commenting the arrest made in the state of Perak, Perak Islamic Religious Department enforcement chief Ahmad Nizam Amiruddin stated that, "Shia is a serious issue and we will try our very best to eradicate it" (New Straits Times, 2013b). The choice of word 'eradicate' or to eliminate or destroy, shows how serious the problem befallen on the Shi'ites. In fact, for example, wikipedia.com links the word eradicate to "genocide, the deliberate, systematic destruction of an ethnic, religious or national group of people" (see http://en.wikipedia.org/wiki/Eradication).

On the 28th September 2013, another raid was conducted at the community centre in Selangor (Hariz Mohd, 2013). Religious authorities seized properties, a sum of charity money for orphans and numerous valuable items belonging to Shia adherents from the mentioned location. The raid has caused severe damage to the premise. Also, on the same day another Shia adherent was arrested in the state of Pahang.

The violence, aggression, abuse, and cruelty committed on minority Shiites are run in tandem with the speech given by the Prime Minister, Najib Tun Razak at the headquarters of the United Nations Association of New York during the 68th UN General Conference addressing Sunni-Shia devotees to commit to concord and peace. Najib calls on "reaffirming commitment to moderation, and solving the political problems that drive instability", seeing the only way to do it is to "marginalise the extremists" to "advance an agenda for peace, harmony and justice" (Sharif Haron, 2013).

Even teenagers at schools are not spared. Perlis Islamic Religious Department claimed to have 'spotted' a student who happen to be a Shia adherent (Wartawan Sinar Harian, 2013a). The news report further added that the Perlis Islamic Religious Department together with the National Council for Islamic Religious Affairs Malaysia and the Islamic Da'wah Foundation Malaysia will hold faith consolidation program to bring awareness on the dangers of Shiism to Muslims that will be attended by school teachers all across the state.

Accusations upon accusations also have been made that foreign traders and students from Iran and Iraq are to be blamed for the spread of Shia belief among the society (Khairul Azran Hussin, 2011). The religious authorities had been called upon to investigate not only the local students, but also the foreign students in regards to the Shia issue (Wartawan Sinar Harian, 2013b).

On 9th March 2011, Malaysian Minister Jamil Khir Baharom (2011, p. 8-11) responded to a question by two Members of Parliament; he insisted that Malaysian government permits Shi'ism to be practised in Malaysia with a condition it cannot be propagated to others. This confusing 'fact' is not definitive as the term 'not allowed to propagate Shi'ism' was never defined properly in the law and subjected to many interpretations by religious agencies and law enforcers. As shown from the points above, Malaysian government have never permitted Shi'ism to exist in Malaysia and violates human rights without the knowledge of international community. Thus, over and over the Malaysian Shi'ites were tricked-discriminated again and again.

Forcing Muslims to adhere to the teaching of Sunni Islam under the Shafii school basically negates the co-existence of other schools of thought in Islam that have been practiced for ages. This is a clear assault on the percept of freedom of religion and an aggression against fundamental liberty.

Rather than applying pressure to the Shia community, violating their rights and provoking them to retaliate, Malaysia should be working together with this minority group to ensure that the well being and the rights of the community are preserved. The government should promote policies and practices that ensure the right of every religious group to exercise its faith free from legal, political, or economic restrictions, this includes the Shia minority. However, the government is not showing any signs to take decisive action to protect the group from threats and violence; in fact, it's playing a major role in carrying the stigma towards the community. This clearly undermines Malaysia claims to being a rights-respecting democracy.

5. Conclusion

There are so many misconceptions and confusions among the public on Shia and Shi'ism. In 1905, the third Congress of Muslims in Russia declared "Ja'farite Shi'ism as a fifth legal school, equivalent to the Hanafi, Maliki, Hanbali, and Shafi'i madrasahs" (Ehsanul Karim, 2007, p. 805). It is difficult to

contradict a study by S. Waheed Akhtar (1988, p. xx), a former Professor at Aligargh Muslim University, as in his book entitled, Early Shi'ite Imamiyyah Thinkers. His assessment is clear, "the main differences between the Sunnis and the Shi'ah are no more than the differences that exist among various Sunni schools of fiqh and kalam. As for fiqh, the Ja'fariyyah Imamiyyah fiqh on each furu'i issue conforms to one or the other fiqhi school of the Sunnis."

According to Ahmad Ibrahim (1965), it is not a new experience to the Muslims in Malaysia to change their school of law; his words are quoted in the following:

> The law as applicable to individual Muslims is personal and hereditary. A man is Hanafi or Shafi'i because his ancestors were so. An adult Muslim is, however, free to choose the law by which he is to be governed and some authorities allow a man to change his school of law in one particular matter if his conscience so permits. The courts in India and Malaysia have allowed a person to change his school of law partially to avoid an inconvenient rule of his own school" as shown in the cases of "Mohamed Ibrahim v. Gulam Ahmad, 1 Bom, N.C Rep. 239; Salmah v. Soolong (1878) Kyshe 421; Noordin v. Shaik Noordin (1908) 10 S.S.L.R. 72 (p. 77).

Having the Ja'fari school recognised by so many official bodies at the international level through many declarations and edicts, therefore the Malaysian orthodoxy, intolerance and rigidness towards the Shi'ites is questionable. Shi'ites as 'the minority' have contributed to the Malay civilisation and modern day nation building. It is about time that, Malaysia particularly, recognises their contribution, and look upon other threats portrayed by the Sunni extremist:

> This is currently not always the case in Southeast Asia (e.g, Malaysia). The positive contributions that the Ja'fari school is making to the Islamic world still await more time to be appreciated in Southeast Asia, where the fear of revolution or anti state movements aroused by the experience of the Iranian Revolution of 1979 still lingers. Yet the revolutionary potential of Iran's Shia' that aroused apprehension or alarm among neighboring conservative monarchies several decade ago, has now been dwarfed by the forces unleashed since 11 September 2001 with the global presence of Sunni Jihadist terror networks who pose genuine threats to state security in several part of Islamic world, including Muslim majority states in Southeast Asia (Ahmad Kazemi Moussavi, 2005, p. 23).

It is not possible to deny the existence, historical facts, and the rights of Shi'ites in this region, in Malaysia particularly. The time has come to accept them and learn how to communicate, accommodate and live with them without fear. A logical and rational approach should be adopted towards them. Chandra Muzaffar (2005) a well-known scholar in Malaysia insists that Shia's contributions to the Muslims world are plenty:

> Let us underline the fact that at least 13 percent of the global Muslim ummah are Shi'ite. Shi'ite majority states such as Iran, Iraq, Lebanon and Bahrain are full fledged members of the Organization of the Islamic Conference (OIC). Shi'ism has been a major force in shaping Muslim history, philosophy, science and culture. Without the illustrious Shi'ite scholars and their illuminating scholarship, the content and character of Islamic knowledge would have been much poorer (p. viii).

One of the biggest reasons why Shia Islam is treated badly in Malaysia is "the establishment ulama in Malaysia" who "have seen themselves as the protector, the custodian of Islam and Muslims in the country", and they felt responsible "to preserve the purity of the Shafi'i legal school" (p. ix). This egoistic attitude should be toned down and more tolerance should be adopted. Malaysia should stop being hypocrite. Meanwhile, the lonely struggle of Malaysian Shi'ites continue.

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Notes

Note 1: There are many kinds of spellings related to Islamic terms. In the text I have standardised it to one but I tolerate other kinds of spelling when it happened to be quotations from other sources. In this essay, the term "Shi'ism" indicates the sect that is in contrast with Sunnism; while "Shi'ite" refers to a follower or devotee in singular form and its plural is "Shi'ites". The same applies to "Sunnite" (singular) and "Sunnites" (plural). The term "Shi'itic" is used for adjective and Shia for noun.