

COMMENT | What if Kelantan people reject Federal Constitution?

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S Thayaparan

“Wrong does not cease to be wrong because the majority share in it.”

- Leo Tolstoy, A Confession

COMMENT | PKR MP Hassan Abdul Karim in an attempt to justify PAS' syariah law implementation in Kelantan describes this as nothing more than the democratic will of the Kelantan people and should be respected.

By this rationale, the people of Kelantan could theoretically reject the Federal Constitution if they voted for leaders who expressed this idea.

Indeed, they could vote for leaders who wish to expel all non-Muslims from Kelantan and this could be construed as the will of the people.

They could vote for leaders who wish to televise executions, chopping off limbs and public floggings, with nary a concern for the provisions within the Federal Constitution and this could be considered the will of the Kelantan people.

According to Hassan, this is because: "The people of Kelantan are more than 90 percent Malays who are Muslims.

"For more than 33 years, they have elected PAS, an Islamic party with an agenda to enshrine syariah law in Kelantan.

"The people chose PAS in Kelantan through the ballot box, not through threats and force. PAS rules in Kelantan through democratic elections per the principles of democracy, not through violence."

What Hassan is describing is not democracy, it is majoritarianism. Never mind that the electoral boundaries in this country are unfairly drawn.

The weightage of votes is disproportionate with gerrymandering common.

Add to this constitutionally created voters, allegations of vote buying by political parties in power, compromised votes from the state security apparatus, restrictive laws when it comes to free speech and assembly and of course, the fact that non-Malays could never assume the highest office in the land because this would spook the Malays.

All of this, of course, affects the electoral system hence it affects democracy in this country.

So, claiming that the will of the people especially in this context, is democracy in action and is justification for bypassing the Constitution, is heresy not to mention a slap on the face for those of who believe in the primacy of the Constitution. This is democracy in Malaysia.

Hassan would like us to be fair to the people of Kelantan and PAS. Was PAS being fair when it attempted to override the Federal Constitution with these syariah provisions?

Do not for one moment think that PAS does not have the legal resources to have actually researched this issue. If anything, PAS has been extremely deliberate in its provocations against establishment power structures in this country.

However, I do understand the reasoning behind this argument. It is the same reason why the Malay uber alles crowd are deathly afraid of the local council election.

In urban areas, they are afraid that non-Malays would dominate such councils and in Malay majority areas, they prefer to have less democracy.

Has PAS been fair?

If you think the last bit is controversial, just pay attention to what PAS operatives

and other Malay uber alles types spew and you will see that democracy is the last thing on their minds.

When it comes to fairness, we also have to ask ourselves, has PAS been fair, in the way it has defended its political agenda when it comes to these syariah implementations in Kelantan?

Ever since this decision, PAS has attempted to craft a narrative that Islam is weakened under the Madani regime. When this decision came out, PAS claimed it was a “black day” for Muslims in this country.

Propagandists churn out articles claiming that the position of Islam and the royalty are in jeopardy. The women who brought this case have been threatened.

What really amazes me, and it really should not, is the fact that all these political operatives have no real interest in defending the sanctity of the Federal Constitution.

Maybe I am old-fashioned. After all, when I was with the state security apparatus, I took an oath to defend the king and country (country being the Constitution), so I retain this quaint idea that some documents and ideas are worth fighting for.

Hassan is a PKR political operative. One would have thought he could see the

danger in PAS and Umno mooted the idea of amending the Constitution to “protect” Islam and its laws.

Is it fair to want to amend the Constitution to fit the religious imperatives of the majority? Former law minister Zaid Ibrahim said that Malaysia was not a theocracy but how long can anyone really sustain this argument?

Do minorities’ concerns matter?

Which brings us to another important point. If all the Malay parties backed by the Malay electorate decided to make constitutional amendments to constitutionally disenfranchise minorities and their religions, would this be something Hassan could get behind?

And if you think this is farfetched, keep in mind that PAS has entered overt “Blut und Boden” (blood and soil) territory which was always there but now has become unhinged with the Kedah Menteri Besar Muhammad Sanusi Md Nor wanting the Federal Constitution changed so Kedah could annex Penang and PAS claiming that Malay land in Penang has been “systematically seized” like Muslim land in Palestine has been seized by Jews.

After all, Hassan is really talking about majoritarianism here and nothing resembling the foundational ideas of liberal democracy.

People don't support PAS because of their brilliant economic or social programmes - they support PAS because they believe they are the keepers of the faith.

Here is another perspective. Supposing the majority, let us say 90 percent of Selangor voted in a state government which was purely secular and believed in meritocracy and created laws which propagated such ideas.

Would it matter if that 90 percent were made up of Muslims and non-Muslims, or does Hassan's fairness only apply when it is a solely Muslim majority? I suppose I know the answer to that.

This is why religious extremism is the existential threat facing this country.

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