

Why The Hudud Controversy Will Not Die
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PAS and DAP's decision to 'agree to disagree' on hudud must be taken for what it really is: a politically-motivated temporary ceasefire.

It does not resolve the hudud controversy.

The controversy can never be resolved as long as the fundamental questions of the hudud debate continue to be avoided. The questions are:

1. What goals are hudud meant to achieve?
2. What are the pluses and minuses of hudud?
3. Do *all* Malaysian Muslims as well as non-Muslims want hudud?

A national dialogue on implementing hudud must exhaustively probe these questions before anything else.

An open and critical exploration of these questions will help the public learn and decide about whether hudud is necessary, worthwhile, appropriate or out-of-date. It will enable policymakers to discover whether the informed public desires hudud or not.

Without full public discussion and public consent, it is immoral for policymakers to presuppose the value of hudud and speak about its implementation. It is also wrong to assume that a simple parliamentary majority (which is all that is needed) is an automatic mandate to incrementally amend the Constitution to accommodate hudud.

The public on their part should not leave it to the politicians, the religious scholars or the royalty to decide matters for them. The politicians, mullahs and kings do not know all the answers or what's best for society; they have a personal or biased interest in the matter; and it is undemocratic to allow the preferences of these vested interest groups to influence a decision that should be in the hands of the people.

The politician's role should be confined to satisfying the independently determined wish of the people. If after careful deliberation the people choose to reject hudud, this decision must be respectfully accepted. The Islamic theologians are useful insofar as they can provide the evaluating public with technical input, such as the scope, workings and other details of hudud. Likewise with the political scientists and other relevant experts.

All members of the public including interest groups and civil society organisations should thrash out the questions about the purposes and worth of hudud. The Muslims must be able to evaluate and decide on hudud free from social pressures and political or religious brainwashing. This includes the notorious 'bad Muslim' stigma that could prevent them from saying 'no' to hudud when 'no' is what they truly desire. As for the non-Muslims, they are not free to wash their hands of the issue; they are

responsible parties to any law that the politicians they had elected might enact and administer upon their fellow citizens.

PAS and all other proponents of hudud have a special obligation to explain the explicit and implicit aims they believe hudud is to serve and the rationales for these. They must engage in discussions about the value of hudud and the problems and concerns associated with it. The burden of proof is on the shoulders of the proposers of the law.

What is unacceptable is for hudud advocates to justify hudud purely on grounds of religious faith and conviction. Statements such as 'hudud is ordained by Allah', 'it is our duty as Muslims to implement hudud no matter what' and 'nobody on Earth can be fair, only Allah knows best' are useless for assessing the strengths, weaknesses, impact and relevance of a law with far-reaching consequences for the lives of both Muslims and non-Muslims. If hudud is God's gift, let it stand on its own merit. A thorough assessment of the desirability (or undesirability) of hudud should be welcomed, not feared.

Issuing gag orders on hudud, sidestepping core hudud issues and whitewashing hudud-related statements - these are the behaviours of political plotters and ideologues for whom having things their way is more important than doing things right.

If PAS and DAP - and the Barisan Nasional too - truly hold the interest of the Malaysian people at heart, they should push for a national conversation that focuses on the core of the matter, that is, the pros and cons of hudud and whether the people want it or not.

To refuse to talk it out is to leave the door open to tyranny.

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