

PERSPECTIVE

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***‘Kafir Harbi’* in Malaysia: Another Path to Polarization**

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EXECUTIVE SUMMARY

- On 23 June 2016, the Mufti of Pahang shocked Malaysians by stating that it is a sin for Muslims to support the Democratic Action Party (DAP), which he labelled as *Kafir Harbi* (infidels against whom war can be waged).
- The statement received mixed reactions from the Muslims: some voiced their support while many opposed it. For non-Muslims, it became a source of fear, given recent threats announced by the Malaysian Islamic State (IS) based in Syria, and the first bombing incident by IS in Malaysia.
- Following the overall rejection of the labeling by Muslim scholars and intellectuals who claimed that the label was invalid and unsuitable under contemporary circumstances, the Prime Minister’s Office soon announced that no Malaysians should be placed under the *Kafir Harbi* category.
- There is in Malaysia an unfortunate practice of using the term *Kafir Harbi* for political reasons, and for demonising certain opposition political parties and certain non-Muslim groups.

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INTRODUCTION

On 23 June 2016, Malaysians were shocked by a statement made by the Mufti of Pahang that it is a sin for Muslims to support the Democratic Action Party (DAP), which he labelled as *Kafir Harbi* for its opposition to the implementation of *hudud* in Malaysia.¹ His statement had invited disapproval and condemnation from many parties due to the unwanted consequences that it may invite, with them demanding him to retract his statement. Several police reports, too, were lodged against the Mufti. The statement also created uneasiness amongst non-Muslims who fear the negative implications of the term *Kafir Harbi*.²

However, the Mufti claimed that his statement did not contradict Islamic teachings, and thus refused to retract it. Furthermore, he said that he was not referring to the DAP alone but to anyone who opposed Islam.³ The Mufti further denied that he was calling for hostility between the Muslims and non-Muslims,⁴ and added that he was indeed referring to the DAP's opposition to the implementation of *hudud* law.⁵

UNDERSTANDING THE CONCEPTS

The Arabic term '*kafir*' is derived from the root word '*kafara*', which means 'to have obscured'. In a technical context, this is the term accorded to someone to whom the undistorted message of Islam has been conveyed, but who rejects it unconditionally. The word '*harbi*' is a descriptive form of the word '*harb*', which means 'war'. In classical Islamic texts, the amalgamation of these two terms as '*kafir harbi*' refers to 'non-Muslims or infidels with whom war can be waged'.⁶ Such were the hues and colors which painted

¹ "*DAP Tergolong Kafir Harbi Wajar Ditentang*", Utusan Malaysia, 24 June 2016.

² See: "Mufti's 'kafir harbi' label seditious", says alarmed Council of Churches, in www.malaysiakini.com/news/347090; "MCA response to Pahang Mufti over Kafir Harbi statement", *english.astroawani.com*, 24 July 2016; "Retract Kafir Harbi Remark, MIC tells Mufti Pahang", *The Star Online*, 26 June 2016.

³ While clarifying his statement on *Kafir Harbi*, the Mufti was quoted as saying: "I have friends who are Chinese and Indians. Why would I want to trigger chaos? ...I never intended to call on the Muslims to slay the non-Muslims as I was just making a general statement" (*The Star*, 30 June 2016).

⁴ *The Sun*, 27 and 28 June 2016.

⁵ The issue of DAP's alleged anti-Islam stance has been raised and commented by the Mufti based on Parti Islam Se-Malaysia's (PAS) President Abdul Hadi Awang's tabling of the private member's bill to amend the Syariah Courts (Criminal Jurisdiction) Act 1965, which was later known as the RUU 355 or the 'Hudud Bill'. He later expanded his Kafir Harbi label to any non-Muslims who disagree with the proposed RUU 355 (or famously coined by PAS as the 'Hudud Bill') as '*Kafir Harbi*' (the Infidels) (See: <http://www.straitstimes.com/asia/se-asia/pahang-mufti-criticised-for-explosive-remarks>)

⁶ The term "*harbi*," as defined by Muslim jurists since the early writings of Muhammad bin Hasan al-Shaibani (749/50 – 805 AD) and Imam al-Awza'ie (707–774 AD), refers to persons or groups that can be legitimately killed due to their hostility and aggression against the Islamic state or community albeit only under clear indications and during which strict ethics are to be observed. (See: Muhammad Abu Zahrah, *al-'Alaqaat al-Duwalīyyah fī al-Islam*, Lebanon: Dar al-Fikr al-

the landscape of classical Islamic texts.

In olden times, long before the territorial borders of today's countries were formed, Islamic scholars divided territories generally into 'Darul Islam' (Abode of Islam) and 'Darul Harb' (Abode of War). This politically driven binary used by classical jurists came into being at a nascent age for Islam, when it was striving to make its mark in the world amongst the civilizations that existed and when the waging of war was much more the order of the day than in modern times.⁷

THE SUPPORTERS

In support of the Mufti's position, Engku Ahmad Fadzil of the Malaysian Institute for Islamic Strategic Research (IKSIM) who appeared as the defender of the Mufti, argued that the default stance for Muslims to take against non-Muslims is one of vigilance, discretion, and restrained animosity. He built his case, based on verse 191 of Chapter 2 from the Quran, which explicitly 'orders Muslims to slay their non-Muslim foes'.⁸ Although Engku agreed that this could not be translated literally to mean that Muslims have a license to kill whimsically, he seemed to insist that it gave the impression of natural prejudice which Muslims should have against the people of other religion.⁹

Similarly, Zamihan Mat Zin of Pertubuhan Ahli Sunnah Wal Jamaah Malaysia (ASWAJA) concurred with the Mufti; and accompanying this stance, he took from the Quranic verses and Prophetic traditions which say that declaration of war against non-Muslims is normal even if they live amongst Muslims.¹⁰ Similar support to the Mufti's statement was also

⁷ Arabi, 1995; Dr Wahbah al-Zuhayli, *al-'Alaaqat al-Duwaliyyah fi al-Islam*, Dar al-Maktabiy, 2000)

⁷ In addition to this rudimentary categorization of territories, supplementary definitions concerning non-Muslims were formed. They were further divided into 'dhimmi' (those under Muslim protection in exchange for a special tax), 'mu'ahad' (those from kuffar lands which have a truce with Muslim lands), and 'musta'man' (those coming to Muslim lands temporarily for peaceful means). This process is dynamic, as a *kafir musta'man* can subsequently become *dhimmi* if he were to pay the 'jizya', the aforementioned special tax. (Dr Yusuf al-Qaradawi, *Fiqh al-Jihad*, Cairo: Dar Wahbah, 2009)

⁸ However, the verse which asks Muslims to 'slay (the *kuffar*) wherever they may find them' (2:191) were conveyed at a time when the Muslims of Madinah during the Prophet's period were under constant threat from their enemies in Makkah. In addition, this particular verse follows and is followed by other verses which dictate conditions of war. The surrounding verses speak of how Islam prohibits excessive violence in warfare and of how Muslims are to reciprocate if the enemy ceases to attack. (See: Abdullah Yusuf Ali, *The Holy Quran, Text, Translation and Commentary*, Chapter 2, Verse 191).

⁹ See: "Istilah *Kafir Harbi*, Relevan atau Tidak?" Forum, organized by Pertubuhan Ikram Malaysia (IKRAM), Universiti Sains Islam Malaysia (USIM), 16 July 2016.

¹⁰ See: "Istilah *Kafir Harbi*, Relevan atau Tidak?" Forum, organized by Pertubuhan Ikram Malaysia (IKRAM), Universiti Sains Islam Malaysia (USIM), 16 July 2016.

given by other quarters, like leaders and activists of Ikatan Muslimin Malaysia (ISMA),¹¹ Pertubuhan Tarekat Muktabar (PERMATA),¹² Dr Asmadi Naim from Universiti Utara Malaysia (UUM),¹³ Prof Dr Ridhuan Tee Abdullah,¹⁴ and others.

According to the supporters, the label *Kafir Harbi* is important to warn non-Muslims against belittling Islam. Most of these supporters believed that any criticism or argument against Islamic teaching in Malaysia, especially with regards to Islamic laws such as the proposed ‘*Hudud Bill*’, are considered ‘belittling’ or ‘undermining’ Islam.

THE REFUTATIONS

The first refutation against the labeling of *Kafir Harbi* from those who oppose the proposed bill came from the Mufti of Perlis.¹⁵ The Mufti of Perlis’s statement was later echoed by the Mufti of Pulau Pinang in an unofficial statement he made in asserting the necessity for mutual respect and the embracing of the meaning of citizenship. Dato Dr Siddiq Fadzil, the director of the Selangor state think-tank, Institut Darul Ehsan also expressed the Institute’s stance on the irrelevance of the *Kafir Harbi-Kafir Dhimmi* demarcation¹⁶.

Other Muslim leaders who criticised the mufti include Parti Amanah Negara (AMANAH) Vice-President, Dr Mujahid Yusof Rawa; former professor of constitutional law and DAP member, Dr Abdul Aziz Bari; PKR Youth religious bureau chief Wan Ji Wan Hussin; the popular medical doctor turned preacher, Dr Danial Zainal Abidin; the Group of 25 (G25); Solidariti Anak Muda Malaysia chief Badrul Hisham Shaharin (popularly known as Chegubard); Former Inspector-General of Police Tan Sri Musa Hassan; and Perkasa leader, Ibrahim Ali.¹⁷

According to Dr Dzulkefly Ahmad, strategist of Parti AMANAH Negara, the Mufti’s refusal to retract his position was extremely deplorable. Dzulkefly also insisted that the spirit and practice of the demand of the principle of ‘check and balance’ during the ‘Legislative Phase’ of ‘turning a Bill into Law of the Land’ which allows ‘legitimate dissent and debate’ be not only constitutionally allowed but thoroughly upheld and protected.¹⁸ The

¹¹ See: <http://www.ismaweb.net/2016/06/isu-kafir-harbi-solidariti-bersama-mufti-pahang/>; <https://inijalanku.wordpress.com/2016/07/02/istilah-kafir-harbi/>; <http://isma.org.my/v2/harbi-tetap-harbi/>

¹² <https://www.facebook.com/tarekatmalaysia/posts/1748986242017844>

¹³ See: [madi.mohamednaim/posts/1054808201253570](https://www.facebook.com/mohamednaim/posts/1054808201253570).

¹⁴ <http://www.ismaweb.net/2016/06/melayu-tak-akan-apa-apakan-kafir-harbi-ridhuan-tee/>

¹⁵ Mohd Asri Zainul Abidin, “*Siapa Kafir Harbi*”, *Malaysiakini.com*, 24 June 2016.

¹⁶ “Kafir harbi atau Warganegara? Kepelbagaian Dalam Bingkai Kesatuan”, Dr Siddiq Fadzil, IDE Director’s statement, 27 June 2016.

¹⁷ “Get tough with IS global terrorism; stop extremist labelling; promote debate on kafir harbi at home”, Francis Loh, *Aliran.com*, 11 July 2016.

¹⁸ He further questioned why the Mufti took the liberty to express such an opinion, especially in shutting people from questioning the proposed bill, which is considered as not only undemocratic, but also un-Islamic. According to Ahmad, the process of legislation must be subjected to critical scrutiny of all the legislators or law-makers (Members of Parliament) and it must ultimately be

pronouncement or name-calling of someone who opposes or amends such bills as *Kafir Harbi* is thus entirely uncalled for and grossly misplaced. Interestingly, Parti Islam Se-Malaysia (PAS) Deputy President Tuan Ibrahim Tuan Man issued a statement refuting the labeling of *Kafir Harbi* on any non-Muslims in Malaysia,¹⁹ despite the perceived support of the party president's proposal for the bill given by the Mufti of Pahang through his statement.

Consequently, after the *Kafir Harbi* issue had become contentious, The Prime Minister's Office (PMO) came out with the a statement that no Malaysian citizens should be classified as '*Kafir Harbi*' as they are citizens of this country, are protected by the country's laws and are not at war with the government.²⁰

DECONSTRUCTING THE '*KAFIR HARBI*' ISSUE

The usage of *Kafir Harbi* label is not new in Malaysian politics. In the past, the term was used to demonize the DAP and anyone who co-operated with it. Chinese and non-Muslims who supported Barisan Nasional (BN), mainly coalition members Malaysian Chinese Association (MCA), Parti Gerakan Rakyat Malaysia (Gerakan) and Malaysian Indian Congress (MIC) were labeled '*Kafir Dhimmi*' (friendly non-Muslims) to differentiate them from the alleged anti-Islam DAP, who were labeled as '*Kafir Harbi*'.

The practice of using the term emerged again after the 2008 political tsunami after the DAP and the Islamic party PAS got together to work together under the loose coalition of Pakatan Rakyat (PR). The close relationship between some DAP leaders with PAS leaders ignited dissatisfaction among status-quo supporters because, to them, recognition of DAP will eventually lead to the enhancement of the grand-design of DAP, which is to come to power, undermining Islam eventually.

The term '*Kafir Harbi*' was also repeatedly uttered by pro-UMNO traditionalist scholars against PKR and PAS who were co-operating with the '*Kafir Harbi*' DAP, especially on the eve of the 2013 election. Abdullah Saamah, from Kelantan, a Tok Guru or religious teacher who was known for his support of UMNO had then declared that DAP is indeed a '*Kafir Harbi*' party and should never be supported by Muslims.²¹ The controversy

debated and endorsed (or rejected) through compelling, persuasive and superior intellectual argument from the proponent of the bill. Hence in that sense, the legislative process must be totally civil and constitutional. Nobody should take the moral high ground to represent God and speak on behalf of God. (Dr Dzulkefy Ahmad, 'Beyond the *kafir harbi*' and '*kafir dhimmi*' debate', in: www.malaysiakini.com/news/347520)

¹⁹ "Tuan Ibrahim: Rakyat bukan Islam automatik bukan Kafir Harbi", *freemalaysiatoday.com*, 27 June 2016. Tuan Ibrahim's statement was in line with the opinion of PAS' Spiritual Leader (*Murshidul Am*), Dato' Dr Haron Din when he in 2012 refuted claims that he had said that DAP was a *kafir harbi* party then (See: "Kafir Harbi: Kenyataan Dato' Dr Haron Din", *TVSelangor.com*, 12 August 2012.)

²⁰ The Star, 30 June 2016.

²¹ Amran Ahmad, "DAP jadi '*Kafir Harbi*' bila M'sia di ambang PRU14", *malaysiakini.com*, 28 June 2016.

surrounding Abdullah's statement was brought to Parliament where he received support from UMNO parliamentarians and senators; who said that such labeling did not connote real physical war, but rather a mere 'categorization' of non-Muslims according to classical Islamic texts.²² The debate caused a storm in a teacup, and was not taken seriously. It was always considered a political gimmick that tended to emerge during an election period.

However, the statement of the Mufti of Pahang came at the wrong time, and in a wrong situation. His statement was unfortunately made just a few days after a statement made by the Malaysian ISIS fighter in Syria, Rafi Udin, who declared war on Malaysian leaders, security forces and non-Muslims, which had gone viral on the internet.²³ The coincidence of the threat from IS and the statement of *Kafir Harbi* made by the Mufti was unmistakably not a good combination for the nation. The concern over this was also voiced out by the Deputy Minister of Home Affairs, Datuk Nur Jazlan Mohamed.²⁴ Although there was no direct connection between the Mufti's *Kafir Harbi* remarks and the first IS bombing in Malaysia, i.e. the attack on Movida Pub at Puchong, Selangor; it appeared that some Malaysian IS sympathizers had justified the attack with the offending statement on their Facebook.

There was no direct connection between the Mufti's statement and the IS threat; but many were cognizant of the fact that such statements could easily be misinterpreted and manipulated, due to the current volatile relationship between people of different faiths and races in Malaysia. The '*Kafir Harbi*' statement could only lead to unnecessary consequences and further intensify the discourse of IS²⁵, especially after Rafi Udin's threat. Needless to say, many contemporary Muslim scholars oppose the classical demarcation of the world into the two abodes (abode of war and abode of Islam), hence the categorizing of non-Muslims into *harbi* and *dhimmi* is no longer valid.²⁶

After all, the modern world is such that the intermingling of ethnicities, cultures, and religious groups within the framework of constitution and citizenship has left little room for

²² See: "Bukan Islam terima kepimpinan PM adalah kafir zimmi", *malaysiakini.com*, 7 November 2012.

²³ "Malaysian ISIS Fighter From Negeri Sembilan in Beheading Video Warns Bukit Aman on Attacks", *malysiadigest.com*, 24 June 2016 and "IGP Challenges IS Leaders to 'Come Back to Malaysia'", *New Straits Time Online*, 24 June 2016.

²⁴ "Pundits fear Malaysia Muslim Self-Radicalism may grow after Mufti's '*Kafir Harbi*' label", *Bernama.com*, 5 July 2016.

²⁵ "Sarjana Tegur Mufti, 'Fatwa Undang Pertumpahan Darah'", *Malaysiakini.com*, 24 June 2016.

²⁶ Muhammad Abu Zahrah, Abdullah bin Bayyah, Yusuf Qaradawi, Wahbah al-Zuhayli, Fahmi Huwaidi and Muhammad Emarah, have said that the categories of "*kafir harbi*" and "*kafir dhimmi*" are no longer relevant and applicable within the socio-political structure of the modern world. Instead, under the framework of the constitutional modern state that has been acknowledged by most Muslim scholars of prominence (which do not include the spokesmen for al-Qaeda, ISIS, Boko Haram and the like), these terms should be replaced by "*muwatin*," which denotes citizens who are granted rights equal to the rights of Muslims in the contemporary Islamic state. (See: Maszlee Malik & Musa Nordin, "Slippery Slope to Anarchism", *FreeMalaysiaToday.com*, 2 July 2016)

faith-based citizenship.²⁷

CONCLUSION

Kafir Harbi was a term frequently used in the past to demonize DAP for political reasons, and currently it is used on non-Muslims who are critical of the establishment and of the rigorous Islamization of the authorities. Unfortunately, given the current deepening racial and religious antagonism in Malaysia and the rise of IS globally, this sort of practice does not bode well for a nation that is pursuing urgent and critical nation-rebuilding. Additionally, putting such labels on a group of people who are living as citizens in a country is viewed as a gross aberration to the values of equality, diversity, mutual respect and harmony espoused by the teachings of Islam.

It is clear and evident that the call of Islam is not towards the homogenization of society into one culture, identity or faith but rather the observation and practice of good conduct and civility so as to ensure that diversity will nurture peace and the common good.²⁸ Religious hegemony and intolerance in a pluralistic society such as Malaysia invariably results in conflict and will only encumber the claim that Islam is a religion of compassion, peace and freedom. Therefore, mutual respect and recognition of other believers and their beliefs should be kept sacred and *sine qua non* to ensure a harmonious and peaceful world community.

²⁷ And this is in line with verse 8 of Chapter 60 of the Qur'an, where God decrees that Muslims have no case for enmity with non-Muslims who do not oppose them out of religious differences and who do not expel them from their abodes (Abdullah Yusuf Ali, *The Holy Quran, Text, Translation and Commentary*, chapter 60, verse 8).

²⁸ The Qur'an proclaims that differences among human beings will remain (see al-Quran: 11:118–19). Hence, it is neither possible, nor commanded, to make everyone believe in one faith (see al-Quran: 10:99). Peaceful co-existence with the other and mutual respect has always been the fundamental teaching of Islam. This is manifested through Islam's commands to respect other faiths, to avoid interfering in matters concerning other religions (see al-Quran: 109:1–6), prohibitions against any form of compulsion and coercion in faith (see al-Quran: 2:256, 272; 10:99) and rebuking or insulting other faiths (see al-Quran: 6:108).

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