

19 October 2013

Dear Pastors, Elders and Church Leaders,

**Re: Discerning and Understanding the Implications of *The Herald* Case Judgment by the Court of Appeal**

On 14 October 2013, the Court of Appeal delivered her judgment on the appeal by the Government of Malaysia against the use of the word “Allah” by *The Herald*. In short, the Court of Appeal overruled the earlier judgment of Justice Lau Bee Lan at the High Court which held that *The Herald* had the constitutional right to use the word “Allah” and that the Minister of Home Affairs was wrong to impose the condition prohibiting the use of the word on the publication license of *The Herald*.

The Court of Appeal was of the view that the Minister had exercised his discretion rightly under the Printing Presses and Publication Act to impose the condition prohibiting *The Herald* from using the word “Allah” in its Bahasa Malaysia publication. The judges felt that to allow *The Herald* to use the word in their publication would likely lead to public disorder and confusion amongst the Muslim community.

What is disconcerting and of great concern for the Christian community are the views and opinions expressed by the judges as their reasons for arriving at such conclusions:

1. Islam is the religion of the Federation and all other religions must be practiced in peace and harmony with it. In the case of using “Allah”, the peace and harmony of Muslims will be affected as it will cause confusion to the Muslims and may provoke Muslims sensitivities.
2. The use of “Allah” is a practice that is not essential and integral to Christianity. This is because “Allah” is not the God of the Bible and a proper name for the God in Islam. Christians should not use the word as their understanding of God is very different from the God in Islam. The finding of fact at the High Court that the use of the word “Allah” is essential and integral to Christianity was set aside based largely upon opinions of writers as was cited in one of the judgment.
3. Since Islam is the official religion of the Federation and the welfare of a group must yield to the interest of the larger/ majority Muslim community, it is only proper for the Minister to impose the prohibitive condition to protect the sanctity of Islam and to ensure that Islam is immune to any threat or attempt to weaken its position as the religion of the Federation.

**Implications**

Several implications may draw out here.

1. Freedom of religion in Malaysia for the minority is now subject to the dictates of Islam and Muslim sentiments. This state of affairs is unacceptable nor is it desirable in a plural society like Malaysia. The Sikhs are affected too as they use the word “Allah” in their holy writings.

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2. The State apparatus and institution like the judiciary has taken on the role to define what is essential and integral to religion. This is uncalled for simply because the scope of what constitutes religion and what is the essential and integral practice of religion must be defined by that religious community herself. For the State to arrogate to itself this function is contrary to Article 11(3) of the Federal Constitution whereby each religion has a right to manage its own affairs.
3. To say that one group or community must yield to the interest of a bigger community will eventually lead to the tyranny of the majority where what is right is no longer defined by truth but by the wishes of the majority. This goes against the grain of constitutionalism and the role of a pluralist democracy.

### **Role of the Church**

There is never a more important time to come together to intercede for the nation. Like in the days of Esther, a season of prayer and fasting is appropriate. Christians therefore ought to pray that those in authority will administer the nation for the welfare of the people so that the nation may truly prosper and develop.

We should seek to work with people of other faiths, like-minded intellectuals and the international community to expose the tyranny and spirit of confusion that is being sown in our nation, so that peace and harmony might prevail. May we as Christians continue to build bridges with those of other religious persuasions so that together we may contribute to an atmosphere of mutual respect and acceptance whereby all may celebrate each other's uniqueness and differences.

Christians in this season must be bold and continue to hold fast to the truth and where we can to arise and speak up - to our elected representatives, our friends and colleagues to make a stand for the common good so that Malaysia will be truly a just and harmonious nation.

Meanwhile, let us not fret, as the Psalmist exhorts us in Psalm 37. Let us rest in Him and wait patiently for Him to move on our behalf.

In Him,

A handwritten signature in black ink, appearing to read 'Eugene Yapp', followed by a period.

Eugene Yapp  
Secretary-General  
NECF Malaysia