

Introduction

Over the past several years, women in Malaysia have seen a steady erosion of their freedom and rights in the areas of law and access to justice in the *shari'a* system, social rights in the family, dress, public participation, and socialisation between the sexes. We see increasing segregation of men and women in the public space. In one state there is a separate queue for men and women in the supermarket. Women come under tremendous pressure to conform to the dominant Islamic practice of what constitutes a good Muslim woman, in terms of her role as wife and mother, in terms of dress, conduct and behaviour at home and in public.

At both the social and political levels, the discourse of Islamic groups demands a return to the pristine Islam of the first Muslim community in seventh century Arabia, the establishment of an Islamic state, and implementation of Islamic laws as formulated by the classical jurists of those first centuries of Islam. This is what is dominating the Islamic agenda in Malaysia.

Its dominant influence can be seen in the several new laws, policies and amendments to existing Islamic laws that have been introduced during the 1990s in Malaysia. They reflect an increasing trend towards repression both of women's rights and the fundamental liberties of citizens living in a democratic country. In all these instances, it is women's groups, in particular Sisters in Islam, which have led the way in protesting against efforts to reverse the gains women have enjoyed in Malaysia.

I would like to share the experience of, and the role played by, Sisters in Islam in pushing the boundaries of women's rights within Islam and within the framework of a fast modernising country. Malaysia is democratic, has a constitution that respects fundamental liberties and the equality of persons before the law, is multi-ethnic and multi-religious. At the same time, it is caught up in Islamic revivalism and demands for women to play a more traditional role.

SIS advocacy work

Our advocacy work takes several forms: as memorandums or letters to the government on law or policy reform; as letters to the editor on current issues to educate the public and build a constituency that will support a more enlightened interpretation of Islam on contentious issues; and public education.

Central to our advocacy work is our research into the interpretation of the *Qur'an*, since that work feeds into our writing and press statements on issues where the conservative religious authority or Islamic movements are pushing for laws and policies that discriminate against women or violate fundamental liberties.

This work is important, first of all because we are believers, and as believers we want to fight for change from within our religion.

Secondly, knowledge that the *Qur'an* supports the universal values of equality, justice and a life of dignity for women, is so empowering and liberating that it gives us the courage and conviction to stand up and argue with those who support discrimination against women in the name of religion.

It is this knowledge that gives us the confidence to tell them that there are alternative views on the subject and that their obscurantist view, which discriminates against women, is not the only view in Islam. Neither is it the view that best serves the interests of a modernising, industrialising, multi-racial and multi-religious society.

In making public our position we hope increasingly to expose Malaysians to alternative informed views on various issues from the Islamic perspective, and expose the fact that the fundamentalist/obscurantist view which discriminates against women is not the only position in Islam.

Advocacy through memorandums to the government

As part of our advocacy work SIS has submitted memorandums and letters to the government on issues such as the appointment of women as judges in *shari'a* courts, the right of Muslim women to equal guardianship, the Domestic Violence Act, reform of the Laws on Polygamy, of the Islamic Family Law as a whole and the administration of justice in the *shari'a* system, and reform of the *shari'a* Criminal Laws.

In these memorandums and letters, we expressed our concerns on provisions in the law or policies that discriminate against women in substance or implementation, or violate fundamental liberties. We offered a justification for why they should be amended, and then provided specific wordings to make clear the changes we wanted to see.

Advocacy through letters to the editor

Our memorandums to the government are often, though not necessarily, accompanied by letters to the editor which we send to major newspapers in the country to educate the public about alternative positions in Islam on a particular issue. Hopefully, through this process, we can help to engender more informed public discussion on the issue, and build a constituency that will support our advocacy for a more enlightened and progressive Islam to take root in Malaysia.

The major newspapers in Malaysia have been very supportive of our work and have given us much valuable space, most of the time without any editing, for our very long letters, some of which run to 4 or 5 pages (with single spacing!).

Another advocacy strategy we use is the writing of joint letters with other women's organisations to demonstrate that the women's movement is speaking with one voice on a particular issue.

One recent letter to the editor we submitted was on the issue of the implementation of *hudud* laws in Terengganu, one of the states in Malaysia. In a long letter, we questioned the rationale of their implementation. We argued that while it is true that human judgement cannot abolish the offences as stated in the *Qur'an*, human judgement can decide whether the conditions for enforcement of the penalty have been satisfied. We took the position that the *hudud* law should not be adopted and enforced in Malaysia for several reasons:

the discriminatory provisions in the act, such as: non-acceptance of women as witnesses; the usage of *al-li'an* (accusing one's wife of *zina*) to dissolve a marriage and deny paternity; obliging a survivor of rape to prove her claim by providing four male witnesses; and using pregnancy as evidence for *zina*;

the conflict between state laws and the federal constitution - in Malaysia the federal constitution provides that only the federal government can enact criminal laws;

the human rights framework - Muslim societies today face the challenge to examine the relationship between our understandings and practice of Islam, on the one hand, and human rights on the other. Muslims must first accept equality for women and not see women as second grade citizens;

the gender framework - for as long as the implementation of *hudud* law discriminates against women, the law cannot be implemented.

Advocacy through public education

Throughout our years of advocating to the government and the media we found that many women are still not aware of their basic rights. We see the necessity of educating them, to equip them with legal knowledge and assist and support them in their struggle with the religious authorities and the *shari'a* courts.

In February 2002 we successfully negotiated with a leading newspaper to have a weekly column called Legal Literacy. We solicit questions from the public, and submit these questions to our panel of lawyers. On receiving the answers from the lawyers, we edit them to ensure they do not contain anything that could be discriminatory before forwarding them to the editor.

We have received many questions from readers - men and women - pertaining to their rights in distribution of property, matrimonial property, divorce procedures, maintenance for the wife and children, custody of children, and legal procedures in dealing with the religious authorities and *shari'a* courts. However, we found that many women prefer to talk rather than to write their grievances. We were flooded with telephone calls, and had to set aside time for answering them.

Education is the best tool to give to women. Armed with our research, we have started to develop two further advocacy tools - training and publications.

SIS has recently started to train women about their fundamental rights. Using a module that took us a year to formulate, we have begun training students and community leaders. We also train those who have been through our course to become trainers themselves.

Our publications have become an important advocacy tool, assisting us in disseminating information and educating the public on their rights. We have conducted research on those subjects which are traditionally used by the literalists to exert their influence in the public space. These topics include polygamy, women as *shari'a* judges, equality and reproductive rights.

Public response

There are many who support the work we do, and of course many who don't - in particular the religious authorities and young activists in the vanguard of the Islamist movement in the country. We are now very used to attacks against women's groups like ours that challenge mainstream orthodox views.

There is a thunderous demand to silence any dissent, to silence calls for reform in response to changing times and circumstances, to prevent questioning of the interpretations propagated by religious authorities and the Islamist opposition movements.

In the context of Malaysia, SIS asks: How can a modernising democratic society search for solutions to the multitude of problems facing the *ummah* when that search is conducted in ways that are so exclusive, restrictive and intimidating, and sometimes even life-threatening? The world is far more complex today than it ever was. No one group can have the exclusive monopoly on knowledge. In a modern democratic nation-state, *ijtihad* must therefore be exercised in concert and through democratic engagement with the *ummah*. The experience of those who have traditionally been excluded from the process of interpreting, defining and implementing Islam must be included. The role of women, who constitute half of the *ummah*, must be acknowledged, and included in the process of dialogue, policy making and law making.

If we, as citizens of a democratic country, have the right to participate fully in the economic, social and political development of the country, why is it that when it comes to religion, we must suddenly shut up and be denied the right to participate in matters of religion? We pose this challenge to those in the vanguard of the Islamic movement that wants to turn Malaysia into an Islamic state: Why would Malaysians support the concept of an Islamic state which asserts different rights for Muslim men, Muslim women and non-Muslims and minorities, rather than equal rights for all? Why would those whose equal status and rights are recognised by a democratic system support the creation of such a discriminatory Islamic state? If an Islamic state means an authoritarian theocratic political system committed to enforcing androcentric doctrinal and legal rulings, and silencing or even eliminating those who challenge its authority and its understanding of Islam, then why would those whose fundamental liberties are protected by a democratic state support an Islamic state?

These are real dilemmas that must be dealt with by those who want to create an Islamic state in multi-ethnic and multi-religious democratic societies. If as believers we want to live a life according to the tenets of our faith, a simplistic call to return to an idealised golden age of Islam, that has little bearing on the realities of today's world, cannot be the answer. And yet the answers can be found within our faith - if only we have the intellectual vigour, the moral courage, and the political will to strive for a more enlightened and progressive interpretation of the *Qur'an* in our search for answers. For us in Sisters in Islam, this is not heretical; rather it is imperative, if religion is to be relevant to our lives today.