

Sharia, Islamic Revival and Human Rights of Women

-A Case Study of Malaysia

Prepared originally for the course

Transforming Gender Ideologies in Society

Gender & Development Studies, AIT

3.12.2006

Frank Martela

<u>1</u>	<u>INTRODUCTION.....</u>	<u>3</u>
1.1	POSITION OF WOMEN WITHIN ISLAM.....	3
<u>2</u>	<u>THEORETICAL UNDERSTANDING</u>	<u>5</u>
2.1	ORIGINS OF ISLAMIC LAW.....	5
2.2	HISTORICAL DEVELOPMENTS	6
2.2.1	ISLAMIC REVIVAL.....	7
2.3	DIVERSITY OF ISLAMIC LAWS NOWADAYS	9
2.4	LAWS AND REALITY.....	10
2.5	WHO DEFINES A CULTURE	10
2.6	WOMEN’S SUPPORT FOR ISLAM.....	12
2.7	CONCLUSION	13
<u>3</u>	<u>WOMEN IN MALAYSIA.....</u>	<u>13</u>
3.1	INTRODUCTION.....	13
3.2	GENERAL INFORMATION.....	14
3.3	ISLAMIC REVIVAL	15
3.4	DEMOCRACY AND ISLAMIC LAW.....	16
3.5	CONTEMPORARY SITUATION FOR WOMEN	16
<u>4</u>	<u>CONCLUSION</u>	<u>18</u>
<u>5</u>	<u>REFERENCES.....</u>	<u>19</u>

“Muslim women do, nonetheless, remain the most powerful symbol of what constitutes an ‘Islamic’ identity“

-Marcotte 2003 p.163

1 Introduction

This paper examines the position of women within Islamic societies. The aim is to focus on what challenges *Sharia* – the Islamic law – creates for equality of women within the societies. Many forms of discrimination against women in Islamic countries are claimed to be based on *Qur’an* and *Sunna*, therefore being unalterable will of God. This forms a major challenge for feminists and women working for equity as challenging the Sharia could be seen as rejecting the Islamic heritage and faith (Othman 2006 p.339). This fact effectively rises up the question of cultural relativism and how much these practices should be tolerated as expressions of an authentic and unchangeable Islamic faith. At the same time it remains an open question which practices of discrimination are really essential parts of Islamic culture and teachings of Prophet and which are more or less forms of oppression whose maintenance is not directly based on Qur’an but serve the interests of patriarchy and are therefore validated as part of Islam.

The text starts by a preliminary sketch of women’s role within Islamic societies which is then deepened and made more complex and varied by looking at it through different perspectives concerning for example who has the right to define a culture, or in how different ways Islamic law is interpreted both between different countries and also within one country.

Since the function and role of Islamic law within Islamic societies nowadays can not properly be understood without adequate understanding of the history of these societies and Islamic law, this aspect is given proper emphasis.

To make things more concrete, the latter part of this paper will concentrate on Malaysia and the recent Islamic revivalism there. What makes the Malaysian movement towards a more strictly Islamic society interesting is the fact it has taken place through a relatively democratic government. This revivalism has in general lead to more inequality and less rights for women as will be seen in the text.

1.1 Position of women within Islam

Position of women within Islamic societies is a much debated topic. By following the Western media the picture one gets is very negative one in which all women seem to be oppressed by religion (Hilsdon &

Rozario 2006 p.332). Islamic culture is thus stigmatized quite much by Western media hype where all women wearing a veil are represented as oppressed. Is the reality really that bad?

It is definitely true in Islamic countries that dominant cultural values are invariably masculine (Winter 2006 p.383) and that the religion itself carries a strong patriarchal element (Hilsdon & Rozario 2006 p.332). It is also true – though much contested by feminine readings of Sharia – that literal readings of the Qur’an and Sunna, are incompatible with equality of men and women (Moghissi 2000 p.140-141).

In practice this means that women are traditionally considered secondary and inferior or subordinate to men. This gives men the religious responsibility of protecting and taking care of a woman in every way including her basic needs, her life, morality and chastity (Othman 2006 p.342). This leads to a situation where a woman is very rarely independent. In law as well as in practice she is almost inevitably under custody of some male, usually her father or her husband.

Main role reserved for women in traditional Islamic societies is very much restricted to the family and home (Othman 2006 p.342). Being a care-giver, nurturer and service-provider for the male members of the family was seen as woman’s duty while her access to public places was restricted. Doing housework, bringing up children and serving the husband obediently covers largely what was expected of a woman.

The rationale behind veiling of women and their restrictions in public spaces is also based on the rationale of women being inferior and unstable moral beings thus needing protection from themselves by the paternalistic society (Othman 2006 p.243). Moreover in their unstable morals they are ”a constant sexual threat to men” causing men to lose their self-control and succumb to temptation and disorder (Othman 2006 p.343). Here it is to be noted that men’s weakness or temptation is not seen as a problem but the solution is restriction of women’s freedoms to make it impossible for men to end up in a situation of temptation.

Modern development has changed also Islamic societies in many ways. Women are getting more education – in many cases nowadays daughters are better-educated than their fathers – and are also more often entering the workforce thus creating new roles for women outside their home (Fargues 2003 p.45-47). Also the birth rates have dropped significantly in Muslim countries during one generation (Fargues 2003 p.43). Similar structural changes have elsewhere led to better position for women and tendencies of challenging the patriarchal system can be found in Muslim countries as well making some quite optimistic about the future of women in these countries (Fargues 2003 p.47). At the same time, however, most Islamic countries are

experiencing strong wave of Islamic revivalism with its almost inevitable claim of women's traditional role (Ahmed 1988 p.9 ; Marcotte 2003 p.160 ; Othman 2006 p.351). These two opposing forces – modernism and revivalism – make the situation of women within Islamic societies increasingly complex and changing as will be demonstrated in next chapters.

2 Theoretical understanding

2.1 Origins of Islamic law

Islam, as well as two other major religions of Christianity and Buddhism, is strongly linked with the life and speeches of its originator. Mohammad, living in the 7th century in the cities of Mecca and Medina of Arabic peninsula is considered to be the Gods last prophet, “final messenger of God”. To him God revealed the holy Qur'an, a divine book that forms the basis for Islamic religion. The Qur'an therefore is the highest authority in Islamic society. Alongside with it, however, the life and teaching of the Prophet have reached almost the same level of authority for many Muslims. *Hadith*, the Prophets sayings and actions and *Sunna*, the religious actions or customs instituted by Mohammed during his ministry are also seen as unchangeable parts of Islam although their vast number – there are said to be over million Hadith –, the problem of recognizing the genuineness of an Hadith or Sunna and different interpretations available make them a more diverse and complex source of authority. Different Muslim schools place different authority on certain parts of Hadith or Sunna thus allowing different interpretations of authentic Islamism. (Ahmed 1988 p.15-16, 24-25; Wikipedia 2006a)

For contemporary Muslims, Islam and the Qur'an have remained at the core of their religious and social identity (Marcotte 2003 p.160). Qur'an alongside with the teachings of the Prophet still has final word in many matters in Muslim society. As they are transcendent law they have higher authority than any positive law (Winter 2006 p.382) and are therefore above any argument or discourse. ”One God, one Book, one Prophet”, Islam comes with definite, specific ideas and does not encourage duality (Ahmed 1988 p.4, 17).

For a Muslim, arguing against the Qur'an or Hadith is impossible, only constructive way of arguing is providing different interpretations of them. But also this path is not easy. Although according to Islam there should be no middle-men between a Muslim and God, in practice Muslims – and especially women – in most of the societies are not encouraged to debate the religious interpretations provided by the religious authorities: Ulama and Mullahs. (Othman 2006 p.352) Still, the ambiguous nature of Qur'an and the Hadith creates many possibilities of interpreting the religion and alongside the major religious schools of Sunni and

Shi'ia there are many culture-specific differences in interpretations of Islam reflected in the variety of laws and customs. "One is bound to conclude that there is not one Islam but many Islams" (Mortimer 1982. Quoted in Ahmed 1988 p.4)

2.2 Historical developments

A brief historical account of Islam is provided here. The aim is not to tell the history of Islam but just to highlight certain tendencies which are of relevance in understanding the contemporary situation of women in Muslim countries.

First it might be stated that for women of Mohammed's time, Islam introduced an improvement to the conditions they had experienced before that. "From its very outset, Islam was a liberating religion that uplifted the status of women and gave them rights that were considered revolutionary 1400 years ago." (Sisters in Islam 2006)

Second it must be understood that Islamic history cannot be seen as linear and there is not one Islamic past, into which return to. Instead Islamic history is complex involving variety of more liberal and fundamental periods. Constant pressure from within to renew, change and reform is therefore nothing new to Muslim world. This inner critique and debate between different interpretations of ideal Muslim society have been part of its history all along since the time of the Prophet. (Ahmed 1988 p.4)

This is reflected also in the status of women in Arabic world which also by no means has been constant but has changed from time to time and from place to place. A notable early example of women participation was Mohammed's wife Aishah who both took part in politics and was a major authority on Hadith (Wikipedia 2006b; Ahmed 1988 p.59). In the early Muslim history, when Muslim empire reached its cultural and political zenith in the Umayyad and early Abbasid period, "women remained in the forefront of public life" (Ahmed 1988 p.42). This was a time when Islamic religion expanded to include regions from Northern Africa and Spain in west to India in east all led by one caliphate and when the cultural life was active taking influences from Hellenic, Persian and Indian sources to provide a flowering period of Islamic civilization in fields of philosophy, science, art and literature (Ahmed 1988 p.38-40, 44; Wikipedia 2006a). In this period starting only some 50 years after Prophet's death "Arab maidens as stateswomen, as commanders of troops, as poets and as musicians were prominent" (Ahmed 1988 p.42). Also after that the status of women has had its high- as well as its low peaks in different times and regions. This all challenges the assumption that

modern legal reforms enacted by Muslim states over the last century mark a transformation, in absolute terms, of women's status in Islam. (Marcotte 2003 p.154)

2.2.1 Islamic revival

To understand the modern situation, one essential element is the Islamic revival that has gained ground in most of the Muslim world. It has been said that "the greatest impact upon the human rights of Muslim women throughout the Muslim world has been the consequence of the rise of Islamic movements and their political and gender discourses. (Othman 2006 p.351)" These Islamist movements go under different names in different Muslim countries but common to them all is the "strive to Islamize society by imposing a collective enforcement of Islamic public morals". (Othman 2006 p.341) This means a return to some kind of 'Authentic Islamic values' which the modern societies have alienated from. In the straightforward thinking of revivalists Islam is the solution to everything, Sharia –Islamic law derived from Qur'an – the goal of their mission for society and all who resist are seen as enemies of God (Esposito 1992 p.50. Quoted in Saktanber 2002 p.7).

A unifying theme for these revivalists seem also to be their emphasis on women's role: "Their targets for this project of 'Islamisation' are first and foremost women – women's rights and status in the family and society – and woman's body. The control of women, their social roles, movements and sexuality form the core of the Islamic fundamentalist's view of gender roles and relations" (Othman 2006 p.341) For many of these political groups laws and discourses pertaining to gender are central to their self-definition (Moghadam 1994 p.2). This has become increasingly evident in these groups' political and cultural projects as was the case for example in revolutionary groups of Afganistan and Iran (Moghadam 1994 p.10).

Looking at the origins of these movements they can be seen as counter-reactions to two interrelated phenomenon: modernization and westernization.

Firstly it can be seen as a reaction to the earlier colonization of many Muslim countries by west and the increasingly strong influence the West has on their culture and society. The reassertation of an 'authentic cultural identity' and clearing of colonial influences is a common post-colonial phenomenon (Othman 2006 p.343). As the colonial era left deep scars for many Muslim societies it is seductive to berate the contemporary shortcomings of Muslim countries to colonialists and therefore reject western influences (Ahmed 1988 p.9). Being rightfully proud of one's own culture in a time where it seems to face a threat

from outside has also lead many young Muslims to adapt an even more strictly Islamic lifestyles than their parents (Winter 2006 p.390).

Secondly, it can be seen as a reaction to the internal modernization of Islamic societies. The backwardness of Islam has been part of Muslim discourse since the beginning of 19th century (Marcotte 2003 p.154). This has lead to different intellectuals and reformers striving for different modernizations of Islamic society. Ataturk's Turkey, Hussein's Iraq or pre-revolutionary Iran all are examples of this modernization. From the beginning these reformers have had to fight against traditionalists opposing all innovations (Marcotte 2003 p.155). The whole 20th century of Islamic countries could therefore be narrated as an ongoing struggle between the reformers and the traditionalists in almost all Muslim countries. In these struggles women and women's rights have mostly played a central part of the debate. (Marcotte 2003 p.155)

Looking at the history of different Muslim countries during 20th century it can be seen that this struggle between modernizers and conservative Islamist has taken many forms and yielded various results. Although local variety is great and different countries have had considerably different paths, it can in general be said that reformers gained more ground until somewhere around the 70s getting gradual improvements also in the laws considering women. During this time also many reforms had to be postponed, especially those pertaining to the status of women due to traditionalists opposition (Marcotte 2003 p.155). Since the 70s the resurgence of Islamic movements has gained more ground and in many countries, notably in Iran and Malaysia, the status of women has faced a new downturn. In the light of history of 20th century Islam, the much-quoted rise of Islamism is nothing new. It is more a convenient way of describing the fact, that in many Muslim countries the conservatist side has gained more power in a struggle, that has been ongoing the whole century, if not the whole Muslim history.

Modernization provides additional pressure to established patriarchal system also through all the major structural changes ongoing in Muslim societies. Changing role of women and the place of children in the family and society, increased urbanization, the shift to service economies, spread of education and it encompassing also women and the increased amount of women in the workforce all participate in challenging women's traditional roles (Fargues 2005 p.43). When customs suited for tribal lifestyle have to be suited to fit modern urban environments and women in workforce some conflicts will arise. Too fast changes of culture create always a counterforce propagating the return to values. As this shift towards modernity has occurred quite fast indeed in Muslim societies it is almost inevitable that part of the resistance of Muslims comes from this unwillingness to adapt to these new values.

Additionally economic reasons play an important part in the 'rise of Islamism'. Modernizers gained support by promising to bring Muslim countries economies to better conditions thus rising the standards of living of the countries. Economic problems that many Muslim countries have faced since the 70s have created much discontent among the general populace and thus created a backlash against the modernising governments. (Othman 2006 p.340) "The crucial backdrop to the Islamist challenge in the Middle East is widespread disillusionment with the national liberation model, the inability of existing political systems and regimes to live up to the promises of the 1950s-70s, and especially the failure to deliver the benefits of socio-economic development (modernization to some)." (Moghadam 1994 p.8) Here Malaysia forms an exception as their economic situation has improved continually during last decades.

Alongside this is the fact that usually the modernization that was carried out benefited mostly women of elite families and middle class who welcomed education, employment opportunities and the possibility to travel abroad. For the poorer women and also for many middle class women content with their roles inside the family these liberations mostly created confusion. Some considered the need to work as an encumbrance rather than a means towards autonomy and equality. (Moghadam 1994 p.9) So also the class-specific effects of women's liberation partly restrained it from getting more popularity.

2.3 Diversity of Islamic laws nowadays

"There is no such thing as a monolithic Islamic law" (Marcotte 2003 p.154). Instead there are at least five traditional schools of law all with different interpretations of a proper Muslim lifestyle (Wikipedia 2006b). This has led to different rulers selecting legal opinions from different schools to suit specific conditions and interests (Marcotte 2003 p.155). In addition to this there is tremendous variance in the interpretation and implementation of Islamic law in Muslim societies today. Some countries have more secularist laws while others base their laws more firmly on *shari'ah*, the codified Islamic law. Some even have specific religious courts taking care of matters of Shariah. (Wikipedia 2006b) Still *shari'ah* prevails in almost all contemporary Muslim societies (Othman 2006 p.339).

As Islamic laws are complex and by no means uniform (Hilsdon & Rozario 2006 p.331), making general statements about them is hard. This means also that the discriminatory aspects of these laws women face are different in different countries. Therefore often the solutions and improvements can be only implemented by concentrating on one country and its specific problems.

2.4 Laws and reality

Another general point of view is the fact that there often is a gap between the national laws of a country and the local practices. In many cases, just passing a law has little influence in the way people practice their culture. This is due to many reasons.

Firstly many forms of oppression are not codified in law. "Subordination of women through family codes and personal laws can operate at least at two levels, the local level of social practice and the political level of the state" (Hilsdon & Rozario 2006 p.333). Making men and women equal before the law in marriage doesn't necessarily lead to them or the society to view them as having equal status or equal decision-making power. The discrimination caused by the assumptions and customs of people are hardly eradicated by law. Thus the reality women are facing is many times significantly stricter than the state laws imply.

Secondly, many rights that women have gained are not enforced. For example the new marriage laws guaranteeing women better position in divorce or in case husband is taking another wife. But as in the rural regions about 40% of marriages are never registered, these rights are of no use to these women, who often are those mostly in need of them. (Marcotte 2003 p.162) At the same time juridical systems are often discriminating against women making the force of law often not available to women (Othman 2006 p.344). Courts and judges might neglect the charges women are trying to rise against their husbands in cases of divorce or domestic violence. In the worst case, as has happened in Afganistan, women reporting rape or beatings to the courts are often themselves put behind the bars, ostensibly for their 'protection' (Amesty International 2004). Discriminatory and biased courts have lead many women for example in Iran to be very cynical about the laws knowing that juridical system does not work in their favor (Marcotte 2003 p.162).

2.5 Who defines a Culture

Next question that rises is the question of who has the power to define the practices and values of a certain culture and for what purposes he uses this power. There is a constant struggle in defining 'What Islam and whose Islam is the right Islam' (Othman 2006 p.341). Firstly it needs to be understood that culture is not a 'thing'. It does not exist outside human interaction, but is essentially "a process, that is both constituted by and constitutive of human experience and social relations" (Winter 2006 p.382) This fact makes culture strongly bound up with power relations and – as religion is an essential part of a culture – makes also every interpretation of a religion a matter of power structures (Winter 2006 p.382). This all makes the question of religious authority and who it is given to, a central part of an analysis of culture and religion.

Cultures are not monolithic. Westerners are easily seduced to believe there is one notion of Islam, one overarching Islamic culture. This oversimplification totally misses the point of cultural variety. All societies, including the Islamic one are composed of "disparate, conflicting, and multiply positioned interests represented by class, ethnic, racial, religious, gender and other groupings" (Joseph 1998 p.365) and "contain multiple notions of selfhood, operative and functional" (Hilsdon & Rozario 2006 p.334).

The myth of one unifying culture serves the interest of those who are in position to define that unifying notion of culture. "The will of the collective is often the will of those sectors (usually male) who have managed to assert and maintain control over critical institutions at a particular point in time." (Joseph 1998 p.365) Those in power in a nation – whether religious or political leaders – are therefore in a position where they are able to define many aspects of culture and social norms. Many times they are using culture and especially religion to support their own goals. "Most of the Muslim nations are ruled by authoritarian figures in or out of uniform often employing an Islamic idiom to support their rule" (Ahmed 1988 p.11-12). Leaders in Islamic countries tend to choose at times to legitimate their policies or actions in Islamic terms while other times using secular grounds even to a point of contradiction (Hilsdon & Rozario 2006 p.331). Many leaders seem to be using religion as a powerful and unifying tool to gain support from and control the general public.

For women this usage of religion is problematic because "only interpretation that dominates society is still a traditionalist (non-historicized) interpretation that often discriminates against women" (Othman 2006 p.339). Those in position to define the religion and culture are almost exclusively men in Islamic society and interpretations they give usually serve the interest of keeping women under control. There are far too many good examples of "how the policies of these governments in relation to women are motivated more by immediate socio-political interests than by religion as such" (Mayer 2001. Quoted in Hilsdon & Rozario 2006 p.331). This doesn't restrict itself to the government as pointed out by Winter (2006 p.382): "Applications and interpretations of rights by State and non-State actors alike are inconsistent and opportunistic, especially where women's rights are concerned"

Also the new Islamic movements are using the religion and culture to support their own goals. Here of interest is Hobsbawn's notion of invention of tradition (Winter 2006 p.383) in which history is interpreted to suit one's own needs. This is true of many of the revivalist movements which use "many archaic social and political ideas from a largely imagined or idealized Islamic political past into the present" (Othman 2006 p.345). These groups paint a picture of the past suitable to their interests and drive a 'return' to this imagined past. This can be a strong rhetoric weapon.

2.6 Women's support for Islam

Despite all the critique the Islamic countries have received due to their discriminatory policies and attitudes regarding women it must be borne in mind that not all women are against the situation nowadays in their countries. In fact it seems like a majority of women are quite satisfied with their inferior condition. Whether it is due to internalized oppression, manipulation or acceptance of general cultural values remains an open question but still this fact must be taken into account when discussing Islam and women.

Although any statistics of women's true acceptance of their situations seem not to be available this satisfaction is demonstrated in many ways. Many women are satisfied with the fact that their main role and responsibility are in the family (Othman 2006 p.342) and many have been opposed to the idea of women entering the worklife (Moghadam 1994 p.9).

It is also widespread belief that Islam provides Muslim women more rights than any other type of secular society (Marcotte 2003 p.162). This is not only true considering uneducated women but a survey of young Algerian women attending university in the early 1990s revealed that they "believed that Islam improves their social status and gives them more rights" and that Islam is the means to greater liberation (Marcotte 2003 p.163). This is also true of veiled Egyptian university women who are both educated and urbanized.

Islamist women are also quick to reject the western image of woman with its objectivation of woman's body. They are strongly opposed to these "sexual images of women that they say are produced by modern capitalism and popular consumerist culture." (Othman 2006 p.343) Many also believe that the Islamist mode of dress "would ultimately enforce societal respect for a woman especially when she is in a public space" (Sharif, Zaleha & Cederroth 2004. Quoted in Othman 2006 p.341).

The last decades have seen Muslim women both in western countries and in Muslim countries "increasingly choosing to adopt precisely those Islamic values and practices which are often viewed as backward or oppressive within a Western perspective." (Hilsdon & Rozario 2006 p.331) Many women are even participating in the political movements that unwittingly support or result in the curtailment of rights or social equality of Muslim women (Othman 2006 p.340). This might be partly explained by the fact that religion and culture can sometimes provide women with sites of resistance against other forms of domination (Winter 2006 p.381) and partly by the fact that women have fully internalized their classical role as mother and wives (Marcotte 2003 p.162). Still it represents a powerful dilemma for people coming from outside trying to 'liberate' women that feel they are in no need of liberation.

2.7 Conclusion

As has been demonstrated the situation of women is complex in Islamic countries. There is an ongoing struggle in Islamic societies between westernized or secular elites trying to reform the society on the one hand and traditional Islamist parties or movements resisting every form of modernization on the other hand (Othman 2006 p.340). In these debates women and women's rights are very much the central of attention (Marcotte 2003 p.163).

Traditional Islamic societies have a strong patriarchal element (Hilsdon & Rozario 2006 p.332), women are considered secondary and subordinate to men (Othman 2006 p.342) and their primary role is restricted very much to the family (Othman 2006 p.341). For those wanting to change all this Islamic faith represents a hard challenge. On the one hand it is impossible for Muslim women to reject Shari'ah, as this would be seen as rejecting their heritage and faith (Othman 2006 p.339). Only way for women to drive their cause seems to be in interpreting the Qur'an and Shari'ah in new ways as only interpretations dominating society now are often discriminatory to women (Othman 2006 p.339). This way also has its limitations because it has been stated that "literal readings of the Qur'an and hadith, it is incombatile with a feminist perspective" (Hilsdon & Rozario 2006 p.332).

As generalizations of situations hardly lead to any solutions we will next look at a particular case of women's rights to better understand the possibilities women have in negotiating their rights and position in society.

3 Women in Malaysia

3.1 Introduction

Malaysia offers an interesting example of Islamic revivalism. Since the mid-70s there has been a period what many commentators have described as a "period of dramatic Islamisation" (Stivens 2006 p.355). What makes the Malaysian experience unique is that it has taken place in a country with fully functional democracy without any revolution or other forms of enforcement. From the point of view of cultural relativism this makes refuting the discriminatory parts of Malaysian law system even harder than usual when they have been established by political representatives chosen in free election.

3.2 General information

Malaysia is a middle-income South-East Asian country with 24.4 million people. Since its independence from British rule year 1957 it has been a federal constitutional elective monarchy with a king as a nominal head of state. (CIA 2006) The two-housed parliamentary system is closely modeled on the British equivalent with a cabinet led by the prime minister. (CIA 2006; Wikipedia 2006c). Since the times of independence the political system has been relatively stable without any major uprisings or conflicts and with the same multi-racial coalition known as the Barisan Nasional having held the power through all the elections. To be noted is that the three major component parties of the coalition each restrict membership to those of one ethnic group. Malayan party is the leading one. (Wikipedia 2006c)

Since the beginning of the 1970s Malaysia has experienced a rapid transformation from a producer of raw materials into an emerging multi-sector economy with emphasis on exports (CIA 2006). This state-promoted industrialization has produced high economic growth, low unemployment and extensive general improvements in life expectancy, infant mortality and literacy (Stivens 2006 p.355)

The ethnic situation of Malaysia is interesting. Since a long time country has had a substantial Chinese and other minorities but the economic growth of the last decades provided a shortage of labor which increased migration and number of guest workers in Malaysia (Wikipedia 2006c). At the moment 50.4% of population are Malays while another 11% consists of other indigenous groups. Chinese combine 23.7% of population while Indians and other minorities make up the rest (CIA 2006). 60.4% of people are officially counted to be Muslims with substantial Buddhist (19%), Christian (9%) and Hindu (6%) minorities (Wikipedia 2006c).

Although Malaysia is not officially a Muslim country and constitution guarantees a freedom of religion the reality isn't always that easy. Peaceful coexistent between the religions has so far lasted (Wikipedia 2006d) but Amnesty reports of an growing intolerance towards other religions (Amnesty 2006). In addition there are many discriminatory practices and laws in effect putting other religions in a worse position than Islam (US Bureau of Democracy, Human Rights and Labour 2003).

Challenges to Malaysian democracy include the increased power of executive branch of government in expense of the legislative and judiciary. Another major challenge is the freedom of expression and assembly which have been compromised for some opposition figures, journalists, students and other members of civil society. (Amnesty 2006). Additionally the national media are largely controlled by the government and by ruling coalition of political parties and thus the opposition has little access to the media (Wikipedia 2006c).

3.3 Islamic revival

Since the mid-1970s, at the same time when the dramatic modernization of Malaysia has taken place Malaysian's have also experienced an Islamic revival (Stivens 2006 p.355). In comparison to for example the violent Iranese revolution this Islamisation process of Malaysia has mostly happened relatively peacefully and within the democratic system. Islamic organizations have found "some of their strongest support among the state-sponsored middle classes of the hyper-modern urban conurbations" (Stivens 2006 p.356). The background reasons for this development can be traced to the global strengthening of Islamic revivalism and the rise of many Islamic organizations, especially local missionary groups, *dakwah*. This all led to the increased popularity for more Islamic reforms and the emergence of more Islamic opposition parties forced the government to react to these demands (Stivens 2006 p.355) Thus the state began to embark on an Islamisation project in the 1980s (Othman 2006 p.344). This project included instituting procedures and government agencies to bureaucratize the role of Islam in the economy and giving functions and authority to religious leaders inside government organizations. This penetration of religious figures inside government and its human resources personnel "has played a key role in spreading and normalizing an Islamic neo-traditionalist or extremist worldview among Malaysian Muslim society." (Othman 2006 p.344)

Governments project also featured a process to upgrade, systematize and bureaucratize the Islamic judicial and legal system. This has lead to an expansion of Shari'ah jurisdiction leading to several overlappings between Shari'ah and civil laws. For example the Shari'ah Criminal Offences Enactments further regulated the moral as well as gender and sexual behaviour of Muslims inside Malaysia. These new developments were mostly gender-biased and meant among others that polygamy and divorce was made easier for men while men's financial responsibility towards women has been reduced. (Othman 2006 p.344) Other developments of Islamization included campaigns against entertainment considered un-Islamic including 'traditional' Malay song and dance forms, moves to develop Islamic banking and Islamic industrialization (Stivens 2006 p.355).

In all these activities government seems to be balancing between satisfying the diverse demands of different Islamic forces of society and at the same time trying to promote a more 'moderate' Islamic modernity. The pressure for an Islamic state has been especially strong from the Pan-Malayan Islamic Party (PAS) which has had considerable electoral success, especially in northeastern state of Kelantan. (Stivens 2006 p.355) Still both the state and opposition both are seen pursuing an Islamic modernity, the difference being only in the extent of their Islamisation project (Othman 1998 p.186-187. Quoted in Stivens 2006 p.356).

3.4 Democracy and Islamic law

Although the progress of Islamisation has taken place under relatively democratic government there are still features of this revivalism that might be seen as not complying to the ideals of democracy. For example between 1995 and 1997 the Shari'ah Criminal Offences Act was quietly adopted by most of Malaysian states. This happened without any public debate or any human rights groups even noticing the decision but afterwards. It seemed as if the legislators were too afraid of public debate to let the decisions to be made in public. (Othman 2006 p.346) The passing of such an impactful law without debate is symptomatic of the pernicious state of silence in religious matters in Malaysian government and society in general.

Additional challenge for democracy is the *fatwa*, a legal pronouncement made by religious law specialist (Women's Studies International Forum 2006). By the above-mentioned Act it was given an automatic force of law by just publishing it in official magazines (Othman 2006 p.346). This totally bypasses the democratic process. Worse still, it has also been made a criminal offence for any person to give, propagate or disseminate any opinion contrary to any *fatwa* for the time being in force (Othman 2006 p.346).

How could these weakening of democracy and transmission of power to religious leaders take place? The problem seems to be that in a generally pro-Islamic atmosphere of the society very few elected representatives are willing to stand up and challenge any decision forwarded in the name of Islam in fear of being accused for being 'against Islam' and thus losing their public support. At the same time, the interpretation of Islam is and has been in the hands of narrowly based religious estate, the *ulama*. Their unquestioned authority leads also to suffocation of public debate about matters of Islam with people being socialized to accept the view of the *ulama*. All this has led to a situation where "Malaysians have, in effect, mindlessly delegated total and absolute responsibility for the interpretation and implementation of Islam to a tiny, often authoritarian, minority whose views and values are often contrary to the vision of Islam held by some Federal leaders and by the silent majority of Malaysians." (Othman 2006 p.347).

3.5 Contemporary situation for women

The Islamisation movement of Malaysian government and society has mostly been detrimental for women's rights. Ideas of 'Asia family' and 'Islamic family' (Stivens 2006 p.356) and a situation where family and domestic space are highly politicized (Stivens 2006 p.355) has had both negative and oppressive impact on Muslim women (Othman 2006 p.344). Gender bias and discrimination have been normalized. The Shari'ah Criminal Offences Act which strongly controls women's proper dress and behavior is said to be in conflict with basic democratic principles and fundamental liberties guaranteed by the Federal Constitution of

Malaysia. In addition it had several provisions with little basis in textual sources of Islam. (Sisters in Islam 1997)

Examples of the recent Islamic laws and the room they leave to interpretation are many. 'Indecent dressing' has been one law creating controversy and leading to many questionable arrests and prosecution (Othman 2006 p.345-346). The same applies to *kehalwat*, close proximity between a male or female who are not relatives and indecent behavior. The interpretations have varied and have additionally been biased against working class and young Muslim women (Othman 2006 p.345). A traditionalist interpretation of a modern situation was the Malaysian courts ruling in 2003 that allowed a man to divorce his wife via text messaging as long as the message was clear and unequivocal. (Wikipedia 2006e)

In addition to the laws and policy makers also the judges in Shari'ah courts have adopted discriminatory attitudes leading to the force of law not being available to women. (Othman 2006 p.344) "Women who are divorced, abandoned, beaten up or neglected by their husbands often complain of injustice and discrimination in their search for redress through the Malaysian *Shari'ah* legal system"(Othman 2006 p.344).

Malaysian society has also seen different government-supported campaigns for 'strengthening the family' which more or less incorporate the 'traditional' Islamic conception of proper roles for men and women. 'Happy Family' campaign, 'improve parenting' workshops, pre-marriage courses for couples all promote and idealize the picture of taking care of home and children as woman's most important task and responsibility. (Stivens 2006 p.359) This same attitude is also strengthened in the largely government controlled media such as TV and newspapers (Stivens 2006 p.359-360).

The pressure towards a more Islamic society is still strong. A fully Islamic society with enforcement of outdated *hudud* laws, creation of more undemocratic public laws and retrogressive family laws seems to be the goal of many organizations (Othman 2006 p.345). But despite all this Islamisation the contemporary situation has also seen some progress of women's situation. Sources of resistance to religious extremism can be found among progressive Muslim scholars, various NGOs and some political parties (Othman 2006 p. 347). Among these, Sisters in Islam has gained most publicity, initiated many campaigns and had significant grassroots activity in increasing the public awareness on gender issues in Islam (Othman 2006 p.348-349). Through these movements some improvements have been gained in for example family laws concerning polygamy or equality (Sisters in Islam 2000; Sisters in Islam 2005).

4 Conclusion

The challenges women are facing under increased pressure for a more Islamic society are many. In addition to the law system referring increasingly to more discriminating 'traditional' family laws also the general attitudes of society play a big role in this detrimental development. Many times the legal rights are not available for women because of biased and unequal court decisions and ignorance. Although theoretically there should be many different interpretations of Islam available to women, in practice the religious authorities have a monopoly in interpreting the Islam and discussions about religious matters are suppressed.

In Malaysia the general attitudes of people have seen a change to more pro-Islamic views during the last 20 years. Along with this the government has introduced an Islamisation campaign which has in many spheres narrowed women's rights and roles. In general this has led to a transformation of power away from democratic institutions and into the hands of the exclusive group of religious leaders who have the authority to define the 'right Islam'. Sharia laws and Hadith have been given the force of the law and the field of human life they cover has been expanded. As in other Muslim countries, this has led to stricter family laws, more inequality between husband and wife and men and women in general.

In the forthcoming part of this essay these matters will be discussed from the point of view of human rights of women. The focus will be on how to challenge the current interpretations of Islam and thus turn the development again towards a more equal and less discriminating society.

5 References

- Ahmed, Akbar S. 1988. *Discovering Islam – Making Sense of Muslim History and Society*. Routledge and Kegan Paul Ltd, Great Britain.
- Amnesty International 2004. *Report 2004: Afganistan*. Amnesty International.
<http://web.amnesty.org/report2004/afg-summary-eng> [referred 18.10.2006].
- Amnesty International 2006. *Report 2006 : Malaysia*. Amnesty International.
<http://web.amnesty.org/report2006/mys-summary-eng> [referred 18.10.2006].
- CIA 2006. *CIA The World Factbook – Malaysia*. CIA.
<https://www.cia.gov/cia/publications/factbook/geos/my.html> [referred 18.10.2006].
- Esposito J. L. 1992. *The Islamic Threat*. Oxford University Press, Oxford.
- Fargues Philippe 2003. *Women in Arab Countries : Challenging the Patriarchal System?* *Reproductive Health Matters* 13(25): 43-48.
- Hilsdon Anne-Marie & Rozario Santi 2006. *Special Issue on Islam, gender and human rights*. *Women’s Studies International Forum* 29: 331-338.
- Joseph Suad 1998. *Comment on Majid’s ‘The politics of feminism in Islam’: Critique of politics and the politics of critique*. *Signs* 23(2): 363-369.
- Marcotte Roxanne D. 2003. *How far have reforms gone in Islam?* *Women’s Studies International Forum* 26(2): 153-166.
- Mayer Ann Elizabeth 2001. Religious reservations to the convention on the elimination of all forms of discrimination against women: What do they really mean? In Courtney W. Howland (Ed.): *Religious fundamentalism and the human rights of women*. Palgrave, New York.
- Moghadam Valentine M. 1994. Introduction and Overview. In Valentine Moghadam (Ed.): *Gender and National Identity*. Zed/Oxford University Press, London.
- Moghissi Haideh 2000. *Feminism and Islamic fundamentalism: The limits of postmodern analysis*. The University Press, Dhaka. (HilsdonRosario)
- Mortimer Edward 1982. *Faith and Power: the Politics of Islam*. Random House, New York.

- Othman Norani 1998. Islamization and modernization in Malaysia: Competing cultural reassertations and women's identity in a changing society. In R. Wolford & R. L. Miller (Eds.) *Women, Ethnicity and Nationalism*. Routledge, London.
- Othman Norani 2006. *Muslim women and the challenge of Islamic fundamentalism/extremism: An overview of Southeast Asian Muslim women's struggle for human rights and gender equality*. *Women's Studies International Forum* 29: 339-353.
- Saktanber Ayse 2002. *Living Islam: Women, Religion and the Politicization of Culture in Turkey*. I.B. Tauris, Bodmin, Great Britain.
- Sharif Hassan, Zaleha Syed & S. Cederroth 1997. *Managing marital disputes in Malaysia: Islamic mediators and conflict resolutions in the Syariah courts*. Curzon Press, Surrey, U.K.
- Sisters in Islam 1997. *Memorandum on the Provisions in the Syariah Criminal Offences Act*. Sisters in Islam Memorandum. <http://www.muslimtents.com/sistersinislam/memorandums/08081997.htm> [referred 18.10.2006].
- Sisters in Islam 2000. *Mother's Right to Sign Documents*. Sisters in Islam Press Release. <http://www.sistersinislam.org.my/presstatement/17082000.htm> [referred 18.10.2006].
- Sisters in Islam 2005 *Proposed Amendments to Islamic Family Law Act, Federal Territories*. Sisters in Islam Press Release. <http://www.sistersinislam.org.my/presstatement/14092005.htm> [referred 18.10.2006].
- Sisters in Islam 2006 *Publications: Are Women & Men Equal Before Allah?* Sisters in Islam. <http://www.sistersinislam.org.my/pubs-equality.htm> [referred 18.10.2006].
- Stivens Maila 2006. *'Family values' and Islamic revival: Gender, rights and state moral projects in Malaysia*. *Women's Studies International Forum* 29: 354-367.
- US Bureau of Democracy. Human Rights and Labour 2003. *Malaysia - International Religious Freedom Report 2003*. US Bureau of Democracy. Human Rights and Labour. <http://www.state.gov/g/drl/rls/irf/2003/23838.htm> [referred 18.10.2006].
- Wikipedia 2006a. *Islam*. Wikipedia. <http://en.wikipedia.org/wiki/Islam> [referred 18.10.2006].
- Wikipedia 2006b. *Women in Islam*. Wikipedia. http://en.wikipedia.org/wiki/Women_in_Islam [referred 18.10.2006].

Wikipedia 2006e. *Sharia*. Wikipedia. <http://en.wikipedia.org/wiki/Sharia> [referred 18.10.2006].

Wikipedia 2006c. *Malaysia*. Wikipedia. <http://en.wikipedia.org/wiki/Malaysia> [referred 18.10.2006].

Wikipedia 2006d. *Status of Religious Freedom in Malaysia*. Wikipedia.
http://en.wikipedia.org/wiki/Status_of_religious_freedom_in_Malaysia [referred 18.10.2006].

Winter Bronwyn 2006. *Religion, culture and women's human rights: Some general political and theoretical considerations*. *Women's Studies International Forum* 29: 381-393.

Women's Studies International Forum 2006. *Glossary of Islamic and local terms* *Women's Studies International Forum* 29: 431-432.