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Islamisms and Muslim Feminisms[1]

Introduction

During the last ten years, a variety of women's groups or organizations – independent, semi-independent as well as state-sponsored – have emerged in most Muslim countries: in the Middle East in Egypt, Morocco, Tunisia, Algeria, Lebanon and Kuwait, as well as in South Asia, notably Pakistan and Bangladesh, and in Southeast Asia, especially Indonesia and Malaysia. The emergence of these women's groups indicates yet another phase (or in some cases a new phase) of sociopolitical development in these countries: countries which, in varying degrees, are characterized by the continuing struggle between two main social forces, one promoting development through a variety of modernization processes, the other seeking an ever greater Islamization of state and society.

In this lecture I will show how these contemporary women's groups represent quite different forms of activism and resistance by Muslim women in response to the rise and at times ascendancy of resurgent Islam, even a variety of resurgent Islamisms. My empirical reference is to, and my examples are specifically drawn from, the two main Muslim countries of Southeast Asia – Malaysia and Indonesia – but I shall also refer to the Southeast Asian Muslim world more generally – the so-called *Alam Melayu* or "Malay World" – which includes the Muslim populations in Singapore, Brunei, Patani in the southern part of Thailand, and Mindanao and Sulu in the southern Philippines.

But first, some preliminary clarifications are required regarding ongoing developments of gender in the Muslim world. The issue of contemporary Muslim women is a subject often fraught with certain stereotypes. These emanate partly from some bad press (over-generalized, inaccurate or stereotyped reports in the media) and partly from a misunderstanding of the complex debate about and within Islam concerning rights to be accorded to women within the Muslim *ummah* – the worldwide society of Islam as a whole, and in the various societies which together constitute Islamic civilization.

Contemporary Muslim women, whose estimated number worldwide is well over half a billion, live under the widest variety of social and political conditions. The Islamic world itself encompasses enormous complexity:

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[1]   Lecture held at the Wissenschaftskolleg zu Berlin on 18 February 1999.

of varying cultural configurations, of different modes of consciousness and historical conjunctures. Muslim societies are found at all levels of social and technological development and within them Muslim women live under widely different economic situations. Accordingly, their position, social status and the influence they can exert over their own lives vary considerably: from one society to another, from one generation to the next, and from one social stratum to another. The trajectory of Muslim women's movement for emancipation, gender rights, civil liberties and freedom is therefore very much defined and circumscribed by their specific social class and their general sociopolitical milieu. This includes the global context of resurgent Islam and how the Islamization process is played out within the distinctive political and sociological dynamics of each nation-state.

Yet, in the face of this great variability, the Islamists – those in the vanguard of the worldwide Islamic resurgence and exemplified by movements as diverse as *Jama'at-i-Islami* in Pakistan, the *Ikhwan al-Muslimun* or "Muslim Brotherhood" in Egypt, the Islamic republic in Iran,[2] the *Islamic Salvation Front* (FIS) in Algeria, and the *Taliban* in Afghanistan – all share a common view: that the implementation of the *shari'a* (or what is conventionally or traditionally understood as Islamic law) must be the single most important task for their Islamization project and the preeminent criterion of its legitimacy and success. In this way they make Islam a political project: one of an explicitly regressive character or neo-traditionalist tendencies. They wish to restore the pristine totality of an imaginary past, of an ideal which never in fact existed. As they do so, they make women and their social status a key site or target of their efforts to actualize their unfounded nostalgia. They often single out women's physical bodies, their spatial movements, their participation in public life, their family and wider social responsibilities as well as women's legal status and relation to the body politic as the supreme test or hallmarks of the "authenticity" of the Islamic order. Common to all these Islamist policies is an insistent need to control (often, it seems to me, even an obsession with controlling) Muslim women, their bodies and lives. This control and restrictions, the Islamists assert, are required by Islamic teachings and law, indeed by the presuppositions of Islam itself and the very conditions of its integrity.

In many cultures women are often made responsible for family life as the locus not merely of family honour but of the wider society's reputability and integrity. Women become charged as the "guardians" for the main-

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[2]   The Republic of Iran just recently (1 February 1999) celebrated the twentieth anniversary of the Islamic revolution led by the late Ayatollah Khomeini.

tenance of important cultural values and of the society's moral integrity as a whole. In most Muslim societies, especially those that perceive themselves as vulnerable to outside forces and those that have bitter experiences and memories of foreign (colonial) domination, the question of women's honour is very much tied up with the integrity of that society's cultural or ethnic identity, its sense of its historical coherence and personality. Fundamental in this way to its politics of identity, the society's religious traditions are routinely invoked to buttress precarious "nationalistic" notions of autonomy and dignity. It is men who express and embody this autonomy and the dignity it makes possible, but it is women and their consent to certain ideas or orderliness promoted by men who can ensure, or compromise, those masculinist or patriarchal notions of collective national honour. The notion of women as "bearers of authentic values" has been a powerful force in many national and ethnic processes in both Muslim and non-Muslim societies.[3]

The issue of women's rights and gender equality usually arises in contexts which are highly politicized. These issues arise and become keenly contested in many Muslim countries buffeted by the interplay between impatient but often frustrated modernization and reactive Islamization. They become caught up in a fateful contestation between rival ideologies: usually the state with its hegemonic claims, on the one hand, and a variety of influential, even radicalized, political movements sometimes labelled "political Islam", on the other. Both the rivals – the state and the Islamists – make it a principal aim to define and shape key ideas of human rights, of gender identity, and of gender rights and duties as well as the political and citizenship status of women.[4]

The struggle for women's rights in Muslim countries accordingly involves many questions. Foremost among them are questions of faith and conscience, of the claims of religion including the validity and hegemony of certain religious interpretations and those who provide them and impose them upon others. It therefore involves questions of gender bias

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[3]   On this point, see D. Kandiyoti, ed., *Women, Islam and the State* (London: Macmillan, 1991); also H. Shoukrallah, "The Impact of the Islamic Movement in Egypt" *Feminist Review*, 47, Summer 1994: 15-32; and V.M. Moghadam, ed., *Gender and National Identity* (London: Zed Books, 1994).

[4]   Norani Othman, "Islamization and Modernization in Malaysia" in R. Wilford and R.L. Miller, eds., *Women, Ethnicity and Nationalism* (London: Routledge, 1998). See also Norani Othman, "Grounding Human Rights Arguments in Non-Western Culture: *Shari'a* and the Citizenship Rights of Women in a Modern State," in Joanne R. Bauer and Daniel A. Bell, eds., *The East Asian Challenge for Human Rights* (Cambridge: Cambridge University Press, 1999).

and the politics of gender, patriarchy, and issues of identity and cultural authenticity. The criticism offered by many Islamists and a *leitmotif* in their discourse on these issues is that Western-influenced conceptions of women's rights and gender equality contradict Islamic principles of gender relations. But this criticism can no longer be accepted at face value. In recent times Muslim women activists (or feminists) and other Muslim human rights advocates have challenged this neo-traditionalistic or socially nostalgic contention, both doctrinally and historically, and have questioned its plausibility. Why, we must ask, have some Muslims persuaded themselves, and why do they seek to persuade others, that the preservation of Islam's "cultural authenticity" and spiritual integrity requires, as its perhaps central presupposition, the control of women's bodies, the narrowing of their social space, and the limitation of their social access and participation. Made in the name of Islam, such demands, we now recognize, find no justification in the modern historical understandings of the evolution of Islamic society and civilization. Fortunately, in a number of Muslim countries such as Indonesia, Malaysia, Morocco, Tunisia and Egypt, some space for this kind of critique, and contestation of regressive Islamist assertions, has been gradually opening up over the past two decades.

Wherever religious orthodoxy influences the political impetus to impose laws which transgress contemporary notions of women's rights and freedom, an internal cultural and religiously-informed contestation is imperative.[5] The arguments adduced must contest the idea that humanly made social conventions and customs actually represent divine and therefore absolute and unquestionable imperatives. In the case of Islam, various ideas, customs and conventions about the special position and duties of women – ideas abound that have no secure foundation within the sacred text of the *Qur'an* but which arose in post-Qur'anic times as mundane practice in the often quite stagnant and patriarchal societies of classical Islamic civilization; they find much support and favour among the partisans of conventional religious orthodoxy and obscurantism.[6] Opposition to this actually quite idolatrous tendency to attribute divine status or sacred charter to mundane humane practice has to be initiated by Muslim women themselves, since it is women who often become the "sites" of demands by their men that they ensure the continuity of these historically

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[5]   See Abdullahi A. An-Na'im in J.B. Bauer and D.A. Bell, eds., op. cit. (1999); also A.A. An-Na'im, ed., *Human Rights in Cross-Cultural Perspectives: A Quest for Consensus* (Philadelphia: University of Pennsylvania Press).

[6]   See Leila Ahmed, *Women and Gender in Islam: Historical Roots of a Modern Debate* (New Haven: Yale U.P., 1992).

problematic traditionalistic notions about the moral integrity of their societies, and even of human existence itself.

This phenomenon, of course, is not unique to Muslim countries; in many contemporary societies similar forms of culturally traditionalistic "religious revivalism" have been promoted by various so-called "religious fundamentalist movements" – be they Islamic, Hindu, Jewish or Christian. The efforts of contemporary Muslim women to make demands for equality and justice must be seen in this wider context.

"Islamism/s" and "Muslim Feminism/s": A Clarification

As is obvious from my remarks above, "Islamisms" is a term I use to denote the ideology and discourses of Muslim groups, organizations or parties which the Western media often label as "Islamic fundamentalism". Concomitantly, "Islamists" refers to individuals, groups or parties who make strong political claims to implement some form of Islamization project within their society and/or state. I prefer to use this term "Islamism" because the term "fundamentalism" serves to limit and homogenize different forms of Islamic thinking and practice. Furthermore, recent developments indicate that many such activist Muslims, whether they are affiliated to the state institutions or to various opposition parties or other organizations, seek to establish their legitimacy, often in competition with one another, by invoking Islamic authenticity. In consequence, a crucial part of their contestation involves the competitive invocation of Islam, or more precisely their preferred interpretations of Islamic doctrine and their related approach to the actualization of Islam in the present time.

Seeing in an imaginary premodern past an ideal Islamic society, they seek to reactualize that society or bring it once more into being; in this way, they make of Islam a political project, whose imperatives they then treat as absolute. Islamism is therefore a form of absolutist political religion. Hence the Islamists' routine recourse to the stratagem of *takfir* – that is, of declaring an adversary a *kafir* or heretic or apostate. Such recourse becomes a disciplinary practice aimed at dividing people: those who "really" believe from those who do not, those who must be heard and heeded from those who may be cast out and repudiated unheard. The practice of *takfir* becomes an exercise in radical delegitimation, a means for turning those who offer an alternative into outright adversaries. Essentially, by labelling their enemies as *kafir* (non-believer) or *murtadd* (apostate), the Islamist ideologues have developed a potent disciplinary practice and, in turn, created a specific form and rich source of power. They fashion a means of social control by intensifying division, thereby empowering

themselves, whilst marginalizing their opponents whom they pejoratively label as "secularists" or "un-Islamic".

How can there be an Islamic feminism? Indeed, many may regard this as a contradiction in terms. So is there an Islamic feminism and what do I mean by Muslim feminism? First, let me state that I use the term "feminism" to refer to individual or collective awareness that women have been and continue to be oppressed in diverse ways and for diverse reasons because of their gender. Part of that awareness includes attempts to eliminate this oppression and to evolve more egalitarian relations between men and women. The women I refer to here as "feminists" are either affiliated with political parties or have stated political aims in their organizational and group agendas. Such aims may include, among others: to uphold or advance the rights of women; to review, repeal and/or amend laws that they deem oppressive towards women; to eradicate all policies, laws and practices that discriminate against women in both the public and private domains; and to ensure and improve the participation of women at all levels and in all spheres of social, economic and political life. These women are all activists, in the sense that they are actively involved in articulating forms of social discourse about and for women on a broad sociopolitical level. The principal aim of their activism is to improve women's legal, social and political awareness and position. These are women who attempt to change women's lives by consciously participating in directly political activities or in particular women's movements in order to effect "some change".

Admittedly, the term "feminism" is one that has originated in the West. In fact, on occasions my insistence on applying the term "feminism(s)" to the activities and approach of these Muslim women activists has triggered controversy, as some of them openly rejected it as a self-definition for reasons of their own. For some of these women, feminism as a philosophy or as a theoretical tool of analysis grounded in an intellectual discipline and employed to critique and counter dominant social and political practices, has not yet been fully developed in the Malaysian or Asian context.[7] For many others, their dislike of the term stems from the belief that it implies "having a perspective which emphasizes a dislike of men or one which seeks absolute liberation of women, including from domesticity". Perhaps strangely, this belief is expressed by most women who are active in the Islamist movements. They insist that their objective is to claim women's

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[7]   See A. Karam, *Women, Islamisms and State: Contemporary Feminisms in Egypt* (London: Macmillan Press, 1997). She also describes a similar dynamic among women activists in contemporary Egypt.

rights "as granted in Islam" without nullifying the importance of Muslim women's role in the family.[8]

These women are working at a variety of levels on day-to-day issues of concern to women as well as on larger issues of women's rights under Muslim laws – in society, in the family and the work place. Their common ground is that whether they call themselves or are labelled by others as Islamist, Muslim, modernist or secularist, they are fighting for what they deem a better society. They seek to do this by establishing a separate voice for women on the major issues of the day, often producing a lively debate on the role that Islam needs to play in society and the kinds of role and choices that contemporary Muslim women need to have.

The Context/Scenario

Contemporary Muslim women's engagement with the forces of political Islam and other proponents of various Islamization projects has now produced two strands of feminism or two kinds of feminist voices within the Muslim women's movements. These may be referred to as (a) "Muslim feminism" and (b) "Islamist feminism".

My research and activist work focus on the role of political Islam and state regimes (in Malaysia and recently in Indonesia), with an interest in understanding the dynamics of interaction between these two entities and how they have affected responses, resistance and in some cases rebellion by Muslim women themselves. In these ideological encounters between political Islam and the state, Islam is often invoked as the basis of their conflict; when this occurs, argument often centres upon their differences over the position of Islam towards the status and rights of women. Such encounters have surfaced at various moments in the history of the Muslim world. In Malaysia and Indonesia, similar encounters are very much influenced by, and often reproduce, the debates of Muslim intellectuals and scholars at the turn of the twentieth century, particularly those in Egypt.

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[8]   For recent studies of Muslim or Islamic feminism in other Muslim societies, see A. Karram, op.cit. (1997); M. Badran, *Feminists, Islam, and Nation* (Princeton, New Jersey: Princeton University Press, 1995). See also E. W. Fernea, *In Search of Islamic Feminism* (New York: Doubleday, 1998). S. Mojab "'Muslim' Women and 'Western' Feminists: The Debate on Particulars and Universals," *Monthly Review*, vol.50, no.7, December 1998: 19–30; and N.S. Al-Ali "Feminism and Contemporary Debates in Egypt" in D. Chatty and A. Rabo, eds., *Organizing Women: Formal and Informal Women's Groups in the Middle East* (Oxford and New York: Berg Publications, 1997).

For example, the historian Margot Badran in her richly-documented book *Feminists, Islam and Nation* (1995) has demonstrated "how Muslim Egyptian women's reinterpretations of Islam, influenced by the example of the Muslim reformer Muhammad Abduh, paved the way for cloistered women to gain access to public space, to remove the veils from their faces, to claim a public voice and demand educational, work, and political rights" (this was about a hundred years ago at the turn of the century). Women who remain aware of them now invoke these efforts as precedents in similar contemporary struggles throughout the Muslim world, including Southeast Asia.

Looking back to that period at the turn of the twentieth century, we see that the Muslim world was already confronted with a modernist impulse which later influenced the development of a feminist movement in Egypt and that of contemporary Southeast Asia. Both Muslim feminists and their Islamist interlocutors now draw a large part of their Islamic arguments from the ideological debates of their earlier Egyptian counterparts. The Egyptian theologian and legal authority Muhammad Abduh and later Rashid Rida, followed by the journalist-lawyer-politician Qasim Amin, had initiated a modernist debate, one which resonated within their own countries as well as the wider Muslim world, which placed special emphasis on the issues of the emancipation of women. These male Muslim thinkers vigorously debated with other groups of Muslim scholars and leaders; they also promoted reform measures through the education of women and made a strong call for the abolition of polygamy (*polygyny*). The general consensus among historians and scholars of modern Islamic thought is that, since that time, three main strands of modern Islamic thought have become discernible. These three tendencies are identified with three broad groups: the modernists, the conservatives and the so-called fundamentalists, whom I prefer to call "neo-traditionalizing Islamists".

The modernists perceive Islam as a "dynamic" religion, and emphasize its "openness" and "flexibility", not only as legislated in the *Qur'an* but also as exemplified in the precedental practice of the Prophet Muhammad and his companions. They argue that Islam allows and even requires its adherents to consider societal change in their interpretations. To the modernists, contemporary social concerns are eminently compatible with the flexible blueprint of original Islam as realized in the way of life of the early Muslim community. Their objective and methodology is to reach beyond the kinds of essentialist and narrowly literalist interpretations offered by traditionalist scholars and provide instead culturally-situated, historically-contingent and contextualized interpretations of the *Qur'an*. For them, interpretations yielded by the efforts of reasoning individuals can become a basis for questioning old practices and creating new ones.

The conservatives view Islam as an inherited, balanced system of faith and action based on both the foundational texts themselves and on the accumulated body of traditional scholastic interpretation which has been supported by the authority of a continuously unfolding community consensus. For the conservatives, the core of Islam is the *shari'a*. They admit some adaptation of the texts to the needs of the time, but in their view the processes involved must necessarily require consensus-building and institutionalization, within the boundaries of Islamic law as established by classical jurists. That is, for them the endorsement by merely individual exercises in faith-driven reasoning [*ijtihad*] are insufficient.

As for the "neo-traditionalizing Islamists", they insist on the immutable nature of Islam as legislated in the texts. Everyday reality is judged as being either "righteous" or "sinful" by criteria of the "eternally valid norms and laws as laid down in the *Qur'an* and interpreted by the Prophet's *sunnah*" (habitual practice as traditionally recorded). Accordingly, social reality and social developments have no influence on religion, while religion unilaterally shapes and guides them from above. For the adherents of this perspective, "any historical change offers not new possibilities but imposes troubling remoteness, even alienation, from Islam's foundational experiences and moments in the life of the Prophet Muhammad. As history advances, it takes the *ummah* ever further away from the paradigmatic ideal of its founding generations, from the secure example and guidance of those who enjoyed a direct understanding of Islam in its authentic and formative phase".[9] For them, accordingly, the way to close that gap is to reaffirm and to re-impose in the present the understandings of *Qur'anic* ethical imperatives of those early times. Thus they seek to move Islam forward by taking the *ummah* back to the supposed security of its past practices. For them the early generations of Islam – being closer to the life and example of the Prophet – were giants or at least exemplars, who necessarily knew better from their involvement in early Islamic history than do we, or any successors ever could.

Similar currents of thought play dominant roles in the contemporary ideological contestation between Islamist political forces in Malaysia.

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[9]   Norani Othman, ed., *Shari'a Law and the Modern Nation-State: A Malaysian Symposium* (Kuala Lumpur: SIS Forum Malaysia [Berhad], 1994), p.149.

Islamization and Politics in Malaysia:
Their Effects on Women

The ideologues and promoters of Islamization projects in Malaysia are currently divided over the support they accord to the two main Malay political parties: UMNO (*United Malays National Organization*, the main component of *Barisan Nasional* [The National Front], a coalition of parties which has ruled Malaysia since independence in 1957) and PAS (*Parti Islam Se Malaysia* or the Malaysian Islamic Party, which has strong electoral support in the rural areas of peninsular Malaysia, especially the two northeastern states, Kelantan and Trengganu). Malaysians regard both the UMNO and the PAS as the main voices of Malay and Muslim interest. In the early 1980s, the Malaysian government, led by the UMNO party, was facing strong pressure from the Malay opposition (PAS) and from within the UMNO itself to enhance its role as the defender of Islamic interests. Under Malaysia's federal system of government, the PAS, which plays an oppositional role in national-level politics, has provided the government for the northeastern state of Kelantan for much of the period since independence in 1957 (1959–78 and again since 1990). In response to pressures from the PAS, to ensure that the PAS does not outbid it (the UMNO) in its appeals to Muslim voters, the federal government has increasingly sought to implement numerous policies and social changes that some deem vital if the society is to be identified as legitimately "Islamic". Under UMNO leadership, the *Barisan Nasional* government has sought to establish its unimpeachable Islamic credentials, while at the same time pursuing rapid industrialization as a party committed to the demands and logic of state-led socioeconomic development.

Islamization policies in Malaysia are articulated by specifically political organizations and by more diffuse social movements. The political pressures come mainly from two sources: federal and state, especially from the UMNO-led federal government and the PAS-led state government of Kelantan. The federal government's Islamization endeavours include those of a variety of official or government-supported religious agencies, functionaries and of various UMNO party leaders or activists who are *ulama* (Islamic scholars) or who have some Islamic credentials; many of these initiatives are promoted directly by the federal government, while others are also channelled through the various state governments led by the UMNO and their own religious department and instrumentalities. At the same time, and especially since it regained political control of Kelantan state in 1990, the PAS has been assiduously advancing its own Islamization within Kelantan itself while also using Kelantan as a plat-

form from which to promote nationwide its far-reaching plans for the accelerating Islamization of Malaysian society generally. In addition to the efforts of its own party ideologues and political activists, the PAS also garnered much support from sympathetic *ulama* and other religious teachers and leaders who are critical of and therefore politically oppose the federal government and its various state-sponsored projects of Islamization. Contemporary Malaysian Muslim women consequently confront two "male-dominated Islamizing forces"[10] – (a) those of the state or state-sponsored authorities (i.e. of the federal and state governments other than Kelantan) and (b) those from the Islamist political opposition party PAS and its supporters not only within Kelantan but also widely dispersed nationwide in the other states.

In addition to these two major political players, there is also a rich proliferation of religiously-based associations, organizations and NGOs which invoke Islam as their main agenda. Islamist social movements such as ABIM (The Muslim Youth Movement of Malaysia), JIM (Movement for the Renewal of Islam in Malaysia) and the now defunct *Al-Arqam*, (which Prime Minister Dr. Mahathir Mohamad declared illegal and disbanded six months before the general elections in 1995, but which often seems to be quietly reasserting its existence) represent some of these various types of "traditionalizing Islamisms". Professional organizations such as the *Persatuan Ulama Malaysia* (The Association of Malaysian *Ulama* or PUM) and the *Muslim Lawyers Association of Malaysia* are other Muslim bodies which often articulate very conservative views and give strong support to the public positions and views of the neo-traditionalizing Islamist political forces in the country, including the PAS.

To counter the resurgence of political Islam, from the mid-1980s the Malaysian federal government under Dr. Mahathir Mohamad embarked upon its own policy of the Islamization of various state laws and Malay society in Malaysia. One of the most significant political moves he made at that time was to coopt Anwar Ibrahim, then the President of the ABIM and a prominent young Islamist leader, into the UMNO party and the

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[10] I describe them as "male-dominated" because in both political parties – UMNO and PAS – only men are the formulators and architects of their respective party's "Islamization projects and agenda". Furthermore, in both parties, a woman's membership is only possible within the "women's wing or section" of the party; i.e. women party members are merely complementary and secondary to the mainstream (in this case: *male*stream) party.

government. Anwar's meteoric rise into the posts of the UMNO Deputy-President and the country's Deputy Prime Minister placed him in the position as the "heir apparent" to Dr. Mahathir. Throughout the two decades of 1980s to the 1990s, both men presented themselves as modern Muslim leaders committed to a "modernizing Islamic agenda" aimed at intensifying the Islamic character of all aspects of Malay society while at the same time implementing, with all their inherently modernizing and implicitly secularizing tendencies, a range of socioeconomic development policies directed towards rapidly turning Malaysia into a "fully-industrialized Muslim country". They also declared that, in governance, they would remain faithful to the principles of religious tolerance and coexistence, which as modernist Muslims they saw as characteristically Islamic values befitting a complex multi-ethnic society.

Despite this declared commitment to a modernist and moderate Islamization approach, it was during this period that the Malaysian government sponsored some significant and, in their implications, far-reaching changes to the constitution permitting an expansion of the jurisdiction of *shari'a* laws in all the states of the federation and of the autonomy of the *shari'a* court system [especially the 1988 amendment to clause 121 (1) (a)]. Meanwhile, numerous amendments made to the existing Muslim Family laws are detrimental to women. For example in 1994, Section 55 (A) was introduced to the Muslim Family law, initially in the Federal Territory of Kuala Lumpur and later extending to the states in the federation. This amendment grants a Muslim husband the right to seek a unilateral divorce. This amendment is a retrogressive step for Muslim women in Malaysia, since it has in effect negated the efforts of the Law Reform Committee, which had carefully drafted the Islamic Family Law back in 1984 with the objective of preventing unilateral declarations of divorce by irresponsible husbands.

For each progressive step achieved for women's rights as recognized in Islam and granted in the Muslim Family laws in the early post-independence years (throughout the 1960s and 1970s), amendments and new legislation introduced between 1986 and 1996 (such as the new Muslim Family laws) have had the effect of "taking Muslim women two steps backward". Other legal reforms or changes by the federal government of Malaysia and especially the state government of Kelantan introduced in the name of "Islamization" have further eroded, either directly or indirectly, the legal status and citizenship rights of Muslim women. In cases where the letter of the law does provide certain entitlements or rights to Muslim women, a very different practice is to be found. For example, while even according to the existing law a married woman is entitled to a divorce if her husband has breached any of the terms of the marriage

agreement (*surat taklik* or *taqliq* certificate),[11] in practice many women face numerous obstacles in obtaining such a divorce. Again, in cases of wife abuse, despite the implementation of the Domestic Violence Act, 1995, the *shari'a* court has often rejected medical and police reports of violence, demanding instead the evidence of eyewitnesses (in accordance to their traditionalist interpretation of evidence laws in Islam).

Furthermore, research undertaken by the Women's Crisis Centre (WCC, a women's NGO in Malaysia) funded under the international "Women Living Under Muslim Laws" Project (1995-96), has shown that in cases of abandonment, the court often insists on taking an extraordinarily long time to trace the whereabouts of the husband simply to verify the fact that he has departed, instead of relying on the evidence of witnesses. Such delays only serve to further disadvantage the abandoned wife. And in cases of non-maintenance, whilst the *taklik* provides that the wife is entitled to a divorce upon the non-payment of maintenance after a minimum period of four months, the court is often reluctant to grant a divorce as provided for under Section 50 of the Act even when the husband has failed to maintain the wife (and his children) for several years.

The response of Muslim feminists has been to activate some public intervention whenever the government and its authorities announces such new policies or undertakes law reforms. Advocacy work through the mass media has proved quite effective in raising the consciousness of women and other members of the public. At the same time, these intervention or advocacy strategies have also served to generate public debate which, in some notable instances, ultimately persuaded some political figures in the relevant ministries and governmental departments or some religious functionaries to respond to the questions raised. From 1994, the Prime Minister and the Deputy Prime Minister were also led to reconsider their government's own Islamization policy. In some cases, including the issues of polygyny and the gender bias of the *shari'a* courts, both came out in support of women's groups.

Initially, most of the women leaders or activists in the Islamist organizations or movements (such as ABIM and JIM) tended to remain mute or reluctant to challenge religious authorities on these issues. However, in their various workshops and seminars, they have made similar arguments that some of the changes recently introduced into the *shari'a* judicial sys-

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[11]   With regard to *taqliq* (Malay: *taklik*) i.e. terms agreed upon marriage, the current standard *taklik* agreement in the marriage certificate of the *shari'a* law in Malaysia provides for divorce in cases of desertion, non-maintenance or cruelty. There is no provision for redress in cases where the husband contracts a polygamous marriage without the agreement of the existing wife.

tem need to be reviewed, on the grounds that they may not necessarily represent "true Islam". Women activists in the *Dewan Muslimah of PAS* (Women's Wing of PAS) have often been critical towards the changes or amendments made by the federal government; but, politically consistent though inconsistent on matters of principle important to many women, they have been amongst the earliest and loudest Muslim groups to laud, support and justify changes in the *shari'a* laws or new rulings and regulations suggested by the Kelantan state government; when many other women's groups have argued that many of these rulings discriminate against women.

Since the PAS's landslide victory in elections to the Kelantan state legislature[12] in 1990, debate arose within various women's groups and in the press regarding a number of new rulings and policies announced by the Kelantan state government. Not surprisingly, as soon as he entered his new office, the state's Chief Minister Nik Abdul Aziz Nik Mat announced his government's intention to impose an "Islamic dress code" for all Muslim women in the state. He also suggested that women should no longer be offered employment in the kinds of jobs that require them to work at night; a suggestion primarily targeted at female electronic workers who do the night shift as machine operators in these factories (*Utusan Malaysia* 22 December 1990; see also *New Straits Times* 12 January 1991 and *Utusan Malaysia* 10 to 14 January 1991 for the response from *Sisters in Islam* and the letters from the public and other women's groups about this issue).

Between January 1991 to December 1995, many women's groups, often led by *Sisters in Islam*, began to participate actively in public debates regarding Islam and women's rights as well as on "national issues" such as the adverse implications for non-Muslim Malaysians of promulgating several new Islamic criminal enactments. Some of the topics which Muslim feminists debated and on which they mobilized some public response were: the rights and freedom of women in Islam; gender rights (i.e., the rights of husband and wife) in a Muslim marriage; the ideal state of marriage in Islam; the newly proposed domestic violence law and Islam; polygyny; gender bias in the mandatory pre-marriage courses provided by *Pusat Islam* (a federal government agency in charge of the planning and management of Islamic affairs); the concept of decency and modesty for men and women in the *Qur'an*; Islamic criminal enactments and *Hudud*

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12   Kelantan is the PAS stronghold. This party was in power in Kelantan from 1957 until 1976. From 1976 until 1990, the UMNO party won every elections and formed the state government.

laws[13]; the basic question of "what is an Islamic state?"; the growing conflicts that have arisen between civil and *shari'a* laws as a result of the government's efforts to widen the implementation of Islamic laws; the question of justice and conflict of jurisdiction between the two parallel systems of laws (*shari'a* law and the derivatively common law tradition and their respective courts) now instituted in Malaysia; the arbitrary use of *fatwa* (advisory legal opinion given the force of law by regulation or simple notification) in the implementation of *shari'a* criminal laws; problems in the Muslim Family laws of Malaysia; and court procedure and administration in the *shar'ia* judicial system. The feminists also submitted two major memoranda to the Prime Minister's Department detailing the suggestions of women's groups for judicial reforms.

From 1989 to 1995, *Sisters in Islam* (SIS) was in effect the only women's "voice" participating in the public debate on "Islamic" issues, which normally were very much within the male domain. These debates revolved around issues relating to the interpretation and codification of Muslim laws, the validity of a *fatwa* (legal opinion of State Mufti) and interpretation of *Qur'anic* verses pertaining to women. Other Muslim women's groups did not at that time clearly articulate views within these debates. On the contrary, they raised the question whether SIS and all the other women's groups supporting SIS were really just Western-oriented feminists encouraged or sponsored by foreign Western bodies seeking to create confusion and disarray among Muslims. This contribution of theirs complemented the response of many of the male Islamists, who tended to suggest that many arguments provided by SIS were "far too liberal" and that some arguments relating to SIS's critical review of *Qur'anic* interpretations were "very dangerous and threaten the integrity of a Muslim's *taqwa* (faith/piety)"

As the range of public participation of SIS members began to increase, especially within some "high-profile" debates with respected religious leaders, the group gradually established its reputation in the media as an active (perhaps too vociferous!) yet serious and committed group of Muslim feminists. By the time the United Nations Fourth World Conference on Women in Beijing was convened, a number of government-sponsored

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[13]   *Hudud* in its legal sense means a punishment prescribed by God in the revealed text of the *Qur'an* or the *sunnah* (of the Prophet), the application of which is in the right of God (*haqq* Allah). Meaning literally "limits", the *hudud* in their original legal sense and intent were instituted as a set of maximum, and in effect mandatory, punishments for various major categories of crimes. See also Rose Ismail, ed., *Hudud in Malaysia: The Issues at Stake* (SIS Forum Malaysia Bhd. Publications: Kuala Lumpur, 1995).

women's groups as well as those women's groups sponsored by Islamist political parties or social movement found themselves having to respond to a variety of issues which were already raised by groups like SIS as well as other women's NGOs not necessarily Muslim in their social identity. In this sense, events now drew them in the direction of making common cause with SIS, and even of taking their lead from SIS. Perhaps it was because a group like SIS initiated an open or public discussion on problems faced by a modernizing Muslim country such as Malaysia that it enabled some of the other women's groups working under the aegis of largely male-dominated Islamist organizations or movements to make the claim that they too are "feminist" in so far as they are working towards achieving "rights for Muslim women", but within an Islamic religious framework.

Women's groups from Pakistan and Egypt who were also working on the project of women's rights but not through any religious or "Islamic" framework used to express their doubt whether Muslim women's groups such as SIS can possibly go far in achieving their goals and objectives. Their doubt is based upon the fact that the project of raising critical questions about religious interpretation can be futile if not indeed hazardous. They have argued that patriarchy is so universally entrenched that it is futile to challenge male authority simply in the area of "interpretation of religious texts". But a number of women who are Muslims and active in such so-called "secular" women's groups are themselves now beginning to utilize similar strategies in presenting their arguments regarding women's rights.

As a member of a Muslim women's group, I cannot "objectively" evaluate how far this trend will prevail among Muslim women activists and feminists working under varying conditions or in different cultural milieux and political contexts. But as long as a somewhat stable political order and the rule of law are in place for Muslim women and men to express their views and even social dissent without fear of physical violence, there is some space for Muslim women to "negotiate and re-negotiate their rights" with state regimes and political Islamists. What remains important to state here, after examining closely the conditions under which women's groups or movements are working, is that we must be very careful in generalizing about either the "specificity" or the "universality" of the experience of Muslim women and their sisters within other faith communities.

There is one final observation that I do feel confident in emphasizing here, one which arises from my research experience on that broad subject of "Islam, Politics and Women". Muslim women are now increasingly faced with the interactions of two great forces of change which bear

directly upon their lives. These are the forces generated by the state's promotion of its various far-reaching economic modernization policies and by its commitment to its programmes of Islamization. Muslim women have themselves helped to formulate or circumscribe the question of their cultural identity on their own terms, both as followers and complementary actors in various Islamist movements. There are also some Muslim women who work as human rights activists and Muslim feminists in women's organizations, seeking equal rights and challenging many of the political and religious efforts mounted to curtail their public and domestic roles. They have learnt to differentiate between different types of Islamization agendas within their own country, to formulate relevant responses, and to mobilize the support of other women and also some men. In the case of Malaysia, the formulators and architects of both the state, notably those of the UMNO and the PAS, and the non-state Islamization approaches also share a similar social concern and personal formation. Whatever their political identification, interest or party affiliation, on issues involving women and gender rights, most of them are informed by the same Islamic world view – a "neo-traditionalizing" Islam – or at best they conform to the conservative strand of Islamic thought. One simple explanation for this similarity in the conceptions of Islamization of these state and oppositional Islamist actors and in their ideas on women and women's rights is that the adherents of both groups come from similar educational backgrounds. In recent times, the milieu of their cultural reproduction has consistently been characterized by the preeminence of conservative or "neo-traditionalizing" Islamisms. An explanation or analysis of this phenomenon, the preponderance of conservative over progressive Islamisms in our times, requires another lecture.