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**Gender Equality in Malaysia: Islamic Feminism and Sisters in Islam**

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## **ABSTRACT**

This thesis aims to analyze the work of Islamic feminist in Malaysia as well as explores the role of traditional Malay custom *adat*, and the relationship between non-governmental organizations and the state. It uses Sisters in Islam as a case study to discuss the Islamic feminist movement in Malaysia.

This study uses books, journals, news papers, internet documents and interview information to analyze and discuss the research questions. It analyzed the impact of Islamization in Malaysia and the works of Islamic feminists to struggle for women's rights. It also discussed the difficulties of Islamic feminists in Malaysia and the role of Malay traditional custom in Malay world.

The theories of 'contraction and expansion of religious knowledge' and the concept of 'an accidental of history' explain how the Islamic feminists work for reinterpretation of the Qur'an. 'Panopticon' is another theory used to explain and discuss the power of the state resisting the struggle of Islamic feminists.

Keyword: Islamic feminism, women, traditional Malay custom, rights, laws, sexual issues, government

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# 1. Introduction

## 1.1 Introduction and Aims

Malaysia is a multi-ethnic and multi-cultural country. According to 2000 population estimate by Department of Statistics Malaysia, there are around 65% Malays and aborigines, 26% Chinese, 7.7% Indians and 1.2 % others.<sup>1</sup> Malay people are the main ethnic group in Malaysia and all of them are Muslim.<sup>2</sup> As a Malaysian, I live and study with other ethnic groups, so I am very interested in other cultures. In recent years, there is an extreme change in Malaysian society following the globalization, Islamization and economic development. However, I observe that different kinds of social problems are also increasing, such as baby abandonment. According to news and some of my Malay Muslim friends, I start to realize that there is a tension between religion and social development, especially in Malaysian Muslim society. Muslim women experience the greatest change in their lives, and they struggle hard to release the tension from their own traditional culture, religion and social changes. In view of this, I realize that this is a valuable research topic and intend to deal with it.

Malaysia gained independence from the British colonizers in 1957. UMNO (United Malays National Organization) has been the main political power in Malaysia until now, and Islam has also become the official religion. As a secular country, the role of Islam was merely ceremonial in the early years of independence and people usually followed patrilineal, matrilineal or bilateral kinship system. However, since the flowering of Islamic educational and missionary activities in the so called ‘Dakwah movement’ in the 1970s, Islam has become the major factor to change the lives of

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<sup>1</sup> See <http://www.statistics.gov.my/english/census/pressdemo.htm?file=pressdemo>

<sup>2</sup> According to Article III of Federal Constitution, Malays are legally Muslim. More details see Lau-Fong Mak, 2002:167-168.

Malay people.<sup>3</sup> Gradually, it seems to have replaced the more gender equal traditional Malay custom, *adat*,<sup>4</sup> and the Malay ethnic identity. Thus, Islam became the new identity of Malay people, and Malaysian society also became more patriarchal. In the late 1980s, a group of professional Muslim women began to counter this patriarchal society in different aspects. Later, some of them established Sisters in Islam (SIS) in order to struggle for Muslim women's rights within an Islamic context and to reform the prevailing male-biased interpretations of the Qur'an. They consider that interpretations of the Qur'an within patriarchal societies are diminishing the right of women, such as allowing polygamy, easier for men to get divorce and forced marriage of women etc. Through the methodology of feminist hermeneutics, SIS reinterprets the Qur'an in order to reform male-biased interpretations, and encourage people to become more aware of gender equality.

During the years, SIS has struggled for the amendment of Islamic Family Law and claimed for Muslim women's rights from the government and religious leaders. It has gradually become an influential Islamic women's group. Although its works incur a lot of debates and accusations from conservative groups, their struggle certainly improve the inferior situation of Muslim women, as well as encourage Muslim women to pursuit their own rights.

In view of this, my thesis aims to use SIS as a case study to discuss the Islamic feminist movement in Malaysia. My main aim is to analyze how does SIS work? What is its main concern? How does it interpret Islamic sources in order to formulate their arguments? Another objective is to discuss the relationships between SIS and the

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<sup>3</sup> Funston, 2006:55.

<sup>4</sup> In accordance with *adat*, people practice matrilineal or bilateral kinship system. See pg17 and pg 46 for more details.

state, other ethnic women groups as well as grass root Malay women. Besides these issues, I will discuss the role of *adat* in Muslim women's rights struggle. Since *adat* deeply influenced the lives of Malay people before Islam, it is interesting to see how the role of *adat* has changed after Islam's arrival in the area and especially during the recent Islamization process beginning in the 1970s.

## 1.2. Methodology and Material

There is not much literature related to gender issues in Malaysian Muslim society. However, there still are some authors who focus on this aspect. The book of Cecilia Ng et.al (2006), *Feminism and the women's movement in Malaysia: an unsung (r)evolution*, provides a lot of background information for my thesis. Ariffin's article<sup>5</sup> in 1999 truly analyzes and discusses the difficulties of Islamic feminists in Malaysia. Stiven's articles<sup>6</sup> in 2003 and 2006 discuss how Islamic feminists work and how the government disseminate its ideology and prevent NGOs against it. I use the information from these sources as my thesis foundation and discuss with the methodology of Islamic feminist hermeneutics, theories of Soroush and Foucault. The information about Islamic feminist hermeneutics mainly comes from Badran's article (2002).<sup>7</sup> Thesis of Ashk Dahlen (2002)<sup>8</sup>, and the book edited by Mahmoud Sadri and Ahmad Sadri (2000)<sup>9</sup> provide the sources of Soroush's theories. Foucault theory comes from the book edited by Rabinow (1984).<sup>10</sup> Besides these, I also refer

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<sup>5</sup> Ariffin's article, "*Feminism in Malaysia: A Historical and present perspective of women's struggles in Malaysia*"

<sup>6</sup> Stiven's articles, "*Reframing women's rights claims in Malaysia, and Family values*" and "*Islamic revival: Gender, rights and state moral projects in Malaysia*"

<sup>7</sup> Badran's article "*Islamic feminism: what's in a name?*" See <http://weekly.ahram.org.eg/2002/569/cu1.htm>

<sup>8</sup> Ashk Dahlen's thesis "*Deciphering the meaning of revealed law: The Surûshian paradigm in Shi'i epistemology*"

<sup>9</sup> Mahmoud Sadri and Ahmad Sadri (tr., ed.) "*Reason, Freedom & Democracy in Islam: Essential Writings of Abdolkarim Soroush*"

<sup>10</sup> Rabinow (ed.), "*The Foucault Reader*"

the work of Makiko Hanami (2002), *Gender in Rural Malay Community: Between Adat and Islam* and Lau-Fong Mak (2002), *Islamization in Southeast Asia*, to discuss the relationship between *adat* and Muslim women.

In order to get instant information and because of the sensitivity of this issue, this thesis uses abundant resources from internet, including news and literature from Malaysia and international. I also have telephone interview with SIS and two in-depth interviews with one Muslim woman and one Muslim couple. The SIS informant is the organization's program manager. The other three informants are thirty years old. The Muslim woman works at supermarket, and the Muslim couple studies master program at Lund University. Three of them are Malaysian. Informant from SIS will be named as SIS informant and the Muslim woman will be named as A informant. The husband of the Muslim couple will be named as B informant and his wife will be named as C informant. The date of interview with SIS was 28 Nov 2007, from 9.22 am to 9.55 am. The interview date of Muslim woman was 28 Nov 2007, from 11.00 am to 11.50 am. The interview date of the Muslim couple was 1 Dec 2007, from 3.50 pm to 5.00 pm. However, due to the limitation of time and sensitive of this issue, I couldn't get much information from SIS informant, but I have got much information from three others and they also share their personal experiences with me.<sup>11</sup>

### **1.3. Theoretical Approaches**

#### **1.3.1 Qur'anic Interpretation**

In order to understand the debates between different positions at Qur'anic interpretation, I provide a short overview from the history of Qur'anic interpretation.

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<sup>11</sup> For further details about my interviews and the informants see my fieldwork report.



The Prophet Muhammad was the first one to carry out the exegesis (*tafsir*) of the Qur'an.<sup>12</sup> After his death, the Companions followed the Prophet's wish to explain and interpret the Qur'an. They based on other parts of the Qur'an, *hadith* and their own understanding of the Qur'an to do interpretation.<sup>13</sup>

According to the professor of Islamic studies Abdullah Saeed, there are two main interpretations of the Qur'an in Islamic world since the early years.<sup>14</sup> The textualists are one group following the tradition-based approach. Textualists believe that interpretation of the Qur'an should be based on the Qur'an and the *tafsir* of the Prophet and earliest Muslims.<sup>15</sup> There are three principles in textualism,

“first, that the text provided a fixed and objective foundation to understand the Qur'ân; and, second, that there were many texts in the Qur'ân and hadîth that indicated that the religion of Islam was complete. It followed that rules pertaining to individual and social conduct were thus contained in the Qur'ân and the hadîth. Their third principle was that there was no need to seek further elaboration, clarification or justification based purely on reason.”<sup>16</sup>

They examine “each word in the text and identifying its literal meaning or, at sentence level, giving the sentence a direct word-for-word interpretation”.<sup>17</sup> The textualists, the traditionalist Islamic scholars, claim that the Qur'an is God's word, so every word or sentence can be applied to all society in anytime and anyplace. According to Abdullah Saeed,

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<sup>12</sup> One of the Prophet's missions was to explain the words of God in the Qur'an (Saeed, 2006:8-9).

<sup>13</sup> Saeed, 2006:9.

<sup>14</sup> Saeed, 2006:53.

<sup>15</sup> Saeed, 2006:42.

<sup>16</sup> Saeed, 2006:55-56.

<sup>17</sup> Saeed, 2006:113.

“From the Textualists’ point of view, the ethico-legal texts and the rules derived from them are to be followed in the modern period regardless of changed circumstances. Any attempt to move away from this is tantamount to subversion of Islam.”<sup>18</sup>

Textualists are against the rereading or re-examination of any part of the Qur’anic text.<sup>19</sup> Their assertion is a continuing influence in the following generations on the interpretation of the Qur’an, even in Malaysian society.

Another group is those people who have a reason-based approach to the interpretation of the Qur’an. The reason-based approach claims that “the laws of religion were based on reason and could be understood by studying the Qur’ân as well as the hadîth”.<sup>20</sup> For them, reason was to decide what was appropriate and what was inappropriate to interpret. They argue that

“interpretation was not merely preserving the views of the pious ancestors (salaf). It also meant recognizing and considering the views of the ulama, the textual sources such as hadîth, the law and principles of jurisprudence, and theology.”<sup>21</sup>

The reason approach of *tafsir* is based on linguistic and legal considerations. Those people who support *tafsir* based on reason consider that it is difficult for other Arabs and outsiders to understand the verses and its universally acceptable meaning through *Qurayshi* dialect.<sup>22</sup> Moreover, very few of the verses in the Qur’an are strictly related to legal issues, so since the early Companions they “relied on interpretation and

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<sup>18</sup> Saeed, 2006:50.

<sup>19</sup> Saeed, 2006:5.

<sup>20</sup> Saeed, 2006:53.

<sup>21</sup> Saeed, 2006:63-64.

<sup>22</sup> Saeed, 2006:64.

extension of the Qur’anic guidance”.<sup>23</sup> Thus, according to the work of *tafsir* based on reason, the verse “should be interpreted not only by looking at the text itself but also by relating it to other Qur’anic commandments and principles”.<sup>24</sup>

However, since the caliph Mutawakkil oppressed reason-based interpretation in the ninth century, textualism gradually became the major methodology in the Qur’anic interpretation. Today, most of the Qur’anic interpretation is based on the way of textualism.<sup>25</sup>

### 1.3.2. Islamic Feminist Hermeneutics

Islamic feminism promotes gender equality and social justice within an Islamic framework.<sup>26</sup> Based on independent judgement (*ijtihad*) and *tafsir*, and along with other methods such as linguistics, history, literary criticism, sociology, anthropology etc, Islamic feminists distinguish what is universal value or timeless principle and what is contingent, particular and ephemeral.<sup>27</sup> They claim that there is a “need to differentiate between what is revelation and what is human understanding of the word of God”.<sup>28</sup> According to historian of the Middle East and Islamic societies Margot Badran , Islamic feminism,

“is a feminist discourse and practice articulated within an Islamic paradigm. Islamic feminism, which derives its understanding and mandate from the Qur’an, seeks rights and justice for women, and for

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<sup>23</sup> Saeed, 2006:65.

<sup>24</sup> Saeed, 2006:67.

<sup>25</sup> Saeed, 2006:117.

<sup>26</sup> <http://weekly.ahram.org.eg/2002/569/cu1.htm>;  
<http://www.asiafoundation.org/pdf/Anwarspeech.pdf>

<sup>27</sup> <http://weekly.ahram.org.eg/2002/569/cu1.htm>;

<sup>28</sup> <http://www.asiafoundation.org/pdf/Anwarspeech.pdf>

men, in the totality of their existence.”<sup>29</sup>

Based on this feminist hermeneutics, Islamic feminists argue that the Qur’an asserts the equality of all human beings but that patriarchal ideologies impede the practice of equality between women and men.<sup>30</sup> The pre-Islamic Arabic patriarchal culture heavily influences Islamic jurisprudence, *fiqh*, and this patriarchally-biased jurisprudence has informed the various contemporary formulations of the Shari‘a. Also, the record of sayings and deeds of the Prophet Mohamed, the *hadith*, have been used to support patriarchal ideas and practices. Thus, Islamic feminism re-examines the Qur’an through the methodologies of *ijtihad* and *tafsir* to reclaim its egalitarian messages.<sup>31</sup>

Margot Bardran gives some examples of new ways of interpretations of the Qur’an. For example chapter (*sura*) four, verse 34 which mentions that human beings have been created biologically different to continue the species, but there is no difference between all human being, regardless male or female. Thus, “only in particular contexts and circumstances will males and females assume different contingent roles and functions”.<sup>32</sup> Following the methodologies of Islamic Feminism, SIS eagerly promotes the idea of gender equality to Malaysian people.

### 1.3.3. Abdolkarim Soroush

Iranian philosopher Abdolkarim Soroush, in his aim to analyze the phenomena of

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<sup>29</sup> <http://weekly.ahram.org.eg/2002/569/cu1.htm>

<sup>30</sup> <http://weekly.ahram.org.eg/2002/569/cu1.htm>

<sup>31</sup> There are three steps in Islamic feminist hermeneutics. First, it tries to reread Qur’anic verses (*ayaat*) to correct the false stories which claim for male superiority. Then, it cites *ayaat* which clearly express gender equality. Finally, it deconstructs *ayaat* which refer to the difference between male and female, and justify male superiority in common interpretation. See

<http://weekly.ahram.org.eg/2002/569/cu1.htm>

<sup>32</sup> <http://weekly.ahram.org.eg/2002/569/cu1.htm>

different interpretations of the sacred text, is one of the most influential figures to Islamic feminists. His theory of ‘contraction and expansion of religious knowledge’ from the late 1980s, and his later concept of ‘an accidental of history’ deeply influence them. In order to grasp the religious reasoning of SIS, I give a brief presentation of Soroush’s ideas. His theories aim to analyze the phenomena of different interpretations of the sacred text. Soroush states that

“the text does not stand alone, it does not carry its own meaning on its shoulders, it needs to be situated in a context, it is theory-laden, its interpretation is in flux, and presuppositions are as actively at work here as elsewhere in the field of understanding.”<sup>33</sup>

In his theory of the contraction and expansion of religious interpretation, Soroush separates religion and religious knowledge, and aims to explicate the process of understanding and the transformations of the understanding. He considers the religious knowledge as human knowledge combined with different aspects of human understanding.<sup>34</sup> Thus, the expansion of human knowledge also broadens the framework on understanding of religion.<sup>35</sup> It works “as the mechanism behind the alternating moments of epistemic openness and closure of religious knowledge in general terms”,<sup>36</sup> thus the moment of openness and closure of religious knowledge decide and explain the process and alternation of human understanding of religious knowledge at different times. He believes that if people can’t distinguish between religion and religious knowledge, then they will be incapable of finding the truth. Religion is flawless and free from cultures, but there are abound defects in religious

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<sup>33</sup> Soroush,1998:245.

<sup>34</sup> Soroush, 2000:31

<sup>35</sup> [http://science-islam.net/article.php?id\\_article=778&lang=en](http://science-islam.net/article.php?id_article=778&lang=en) , Dahlen, 2001:252

<sup>36</sup> Dahlen, 2001:252

knowledge.<sup>37</sup> He states that religion is sacred and timeless. Contrastingly, the understanding of religion is human, earthly, subjectivity and presuppositions.<sup>38</sup>

In an interview with British Muslim weekly Q-News International in 1996, he brought up the concept of ‘an accidental of history’:

“All history is contingent, including the history of Islam. My criterion for separating the essentials and accidentals of religion is the knowledge that things could have been otherwise. Things that could have happened otherwise are accidentals.”<sup>39</sup>

Thus, according to Soroush’s saying, the most important thing of religion is its essentials. When he analyzes the Qur’anic text, he points out that there are two elements in the content of the Qur’anic text, namely essentials and the accidentals. Soroush says,

“accidentals being functions of the cultural, social, and historical environment of the delivery of the main message, and more generally those points and allusions which are considered to be beyond the proper field of expectations.”<sup>40</sup>

Soroush considers there are ‘substances’ and ‘accidentals’ in religion, thus Muslim people should make a distinction between these differences. Below follows a quotation of Soroush from Doctor of Philosophy in Iranian language Ashk Dahlen’s

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<sup>37</sup> Soroush, 2000:31.

<sup>38</sup> Soroush state that the understanding of religion is based on cultural context and different disciplines related to anthropology, theology, law and mysticism which is highly human, thus the religious knowledge is full of subjectivity and presuppositions (Soroush, 2000:31; Dahlen, 2001:252-253).

<sup>39</sup> [http://www.dr.soroush.com/English/Interviews/E-INT-19960614-A\\_conversation\\_with\\_Abdolkarim\\_Soroush.html](http://www.dr.soroush.com/English/Interviews/E-INT-19960614-A_conversation_with_Abdolkarim_Soroush.html)

<sup>40</sup> Soroush, 1998: 250.

thesis:

“A theory that constantly discovers new accidentals in the light of new constitutional propositions acquires a new character. This perspective points to the specific fact that no accidental norm can intervene in any substantial norm. The substances of Islam are islâm-i ‘aqîdatî (belief Islam) and the accidentals of Islam are islâm-i târîkhî (historical Islam). In the context of belief, Muslims are therefore submitted to the substances (of religion). While dîn-shinâsî (religious studies) is the undertaking of distinguishing the substances from the accidentals, juristic ijtihâd is the tarjumah-yi farhangî (cultural translation) of the accidentals (of religion)”<sup>41</sup>

Soroush believes that if there is a separation between the ‘substances’ and ‘accidental’, it will solve a lot of problems, including the problems of Islamic unity, Islamic law and Islamic culture.<sup>42</sup> Another quotation of Soroush from Dahlen’s thesis goes:

“The first accidental characteristic of the Islamic religion is the Arabic language in the sense that any other language can acquire its position. The second accidental is Arabic culture. The third accidental is those propositions, corroborations, theories and understandings that are made used of by the *shâi*’ (Lawgiver). The fourth accidental is the historical events that have made their way into revelation and sunnat. The fifth accidental is comprised of the questions and answers of the believers and disbelievers. The sixth accidental is the norms of *fiqh* and religious laws. The seventh accidental is the forgeries, attitudes and alterations that the disbelievers have formulated regarding religion. The eight accidental is the capability and ability of religious preachers.

To conclude, Islam (similar to any other religion) is after all Islam due to its substances, not its

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<sup>41</sup> Soroush quoted in Deciphering the meaning of revealed law-The Surushian paradigm in Shii epistemology. Ashk Dahlen, 2001:212.

<sup>42</sup> Soroush quoted in Deciphering the meaning of revealed law-The Surushian paradigm in Shii epistemology. Ashk Dahlen, 2001:214.

accidentals. A Muslim is someone who is responsible for and believes in the substances”<sup>43</sup>

Soroush asserts the important of substance, and claims that people should follow the substance but not accidentals. The Iranian Islamic feminist Fereshteh Ahmadi develops Soroush’s ideas and states that because of an accidental of history, the prophet Muhammad was an Arabian, and his way of thinking and his revelation were confined to Arabic culture.<sup>44</sup>

Thus, Soroush implies that if we ignore these accidental elements, Islamic religious knowledge will be based on fallacy. He also stresses that religion itself is silent, the voice of revelation only come from its interpreters.<sup>45</sup> Thus, the role of interpreters is very important in the history of religious knowledge. If the interpreters understand the Qur’anic texts totally out of their historic context, and rely on their own faith on what is “the Truth”, then these people definitely become religious tyrants. Because of their fallacy and stubbornness, ‘eternal *shari‘a*’ becomes a universal idea.<sup>46</sup>

In conclusion, the socio-historical context is very important to decide how to make an interpretation of the Qur’an. God’s words are presented in the Arabic language. When they are explained or translated to become an interpretation, and at the same time their essential meaning may be lost due to the personal experience of the interpreter or language complexities.

### **1.3.4 Theory of Panopticon**

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<sup>43</sup> Soroush quoted in Deciphering the meaning of revealed law-The Surushian paradigm in Shii epistemology. Ashk Dahlen, 2001:213.

<sup>44</sup> Ahmadi, 2006:39.

<sup>45</sup> Soroush, 1998:245

<sup>46</sup> Ahmadi, 2006:40



This thesis discusses the relationship between SIS and the government through the theory of panopticon. In the concept of panopticon from French philosopher Michel Foucault, a tower in the center of panopticon makes it easy for the surveillant to observe the criminals, and at the same time the criminals are aware of the existence of the surveillant. This architectural perfection let the power apparatus operates efficiently even when there is no guardian present.<sup>47</sup> Foucault explains how the power works:

“Not because the disciplinary modality of power has replaced all the others; but because it has infiltrated the others, sometimes undermining them, but serving as an intermediary between them, linking them together, extending them, and, above all, making it possible to bring the effects of power to the most minute and distant element, if assures an infinitesimal distribution of the power relations...”<sup>48</sup>

Here, the panopticon could be looked at as a society and the government represents the tower in the center. The government becomes a surveillant to discipline the people in order to create a disciplinary society. This theory will be very helpful to explain how the authoritarian government effectively oppresses dissenting views on the one hand, and promotes its own ideology on the other hand.

## **2. Background**

### **2.1 The history of Islamization in Malaysia**

As an important trade center in Southeast Asia, the Malay archipelagoes were deeply influenced by different cultures and religions. Before Islam, the major religions

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<sup>47</sup> Foucault, 1984:19.

<sup>48</sup> Foucault,1984:206-207.

among the Malay people were Hindu-Buddhism and animist beliefs.<sup>49</sup> Under the influence of multi religions, Malay people lived within their own traditional custom—*adat*. When Islam, mainly in the form of Islamic mysticism or Sufism, came to the Malay archipelagoes in the early 14<sup>th</sup> century, it mixed with Hindu-Buddhism and animist beliefs, thus Southeast Asian Muslims had a quite different religious view compared to the Arabic Muslims.<sup>50</sup> Since Malacca became an Islamic state in 1414 and gradually became the main power in Malay archipelagoes, Islam spread rapidly to all parts of the Malay Peninsula and gradually replaced the Hindu-Buddhism and animist beliefs.<sup>51</sup> However, *adat* was still the main source of Malacca's first written law—Malacca Law, a law that deeply influenced the following generations.<sup>52</sup>

From the 16<sup>th</sup> to 19<sup>th</sup> century, the colonial powers controlled the main parts of the Malay Peninsula.<sup>53</sup> The British controlled the administration of the state, and the Sultan of each state only regulated the religious affairs.<sup>54</sup> During the British colony, the governor accepted many Chinese and Indian labors for mining and planting, so the Malay Peninsula gradually became multi-racial.<sup>55</sup> After World War II, the 'Malaysian' people began fighting for independence from their British colonizers and many political parties were founded. The Malay party UMNO which was founded in 1946 became the main political power and succeeded to get independence for Malaysia in 1957.<sup>56</sup> Islam became the official religion, and each state's Sultan dealt

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<sup>49</sup> Mak, 2002:4; Hng, 2002:12.

<sup>50</sup> For example, the Sufi doctrine of 'perfect man' and 'the shadow of Allah on earth' became the raja and sultan (king), and these raja and sultan also gave new meanings to Islamic ritual and Islamic law, or shari'a (Mak, 2002:4, 22).

<sup>51</sup> Hng, 2002:14.

<sup>52</sup> Mak, 2002:55-56.

<sup>53</sup> Mak, 2002:32.

<sup>54</sup> Hng, 2002:34-35; Funston, 2006:53.

<sup>55</sup> Mak, 2002:33; Esposito & Voll, 1996:125.

<sup>56</sup> Hng, 2002:64.

with religious affairs and Islamic courts.<sup>57</sup> Malaysian Islam was moderate and western influence was common.<sup>58</sup> Until the 1970s, the ‘Dakwah movement’ re-positioned Islam to the Malay society. UMNO and another opposition Malay political party Pan Malaysian Islamic Party (PAS) changed their political strategies and agendas, and paid more attention to Islamic issues. Thus, Islam replaced Malay ethnicity as the main struggling point among those Malay political parties.<sup>59</sup> UMNO carried out Islamization programs in order to reconcile Islam with modernization and development, and PAS also tried to reconstruct Islam with democracy and social justice.<sup>60</sup>

## **2.2 The history of feminism in Malaysia**

The new role of Malaysian women began in the 1940s. Women’s groups were founded, aimed to take part in the struggle for independence from the British.<sup>61</sup> In 1946, the Malay Nationalist Party (MNP) was the first political party to establish a women’s wing, Angkatan Wanita Sedar (AWAS) (Awareness of women). The MNP was banned by the British colonial government in 1948 because of its pro-Japanese approach, so its women’s wing AWAS also was terminated. However, its main leaders continued being active in different political paths.<sup>62</sup>

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<sup>57</sup> Esposito & Voll, 1996:126;Funston, 2006:55.

<sup>58</sup> The impact of colonization experience and Malaysian Islam has mixed with other beliefs at that time caused the moderation and westernization of Malaysian Islam in the early years. For example, Malay people didn’t follow the dress code strictly, and their entertainments were also very Westernized. See Funston, 2006:56.

<sup>59</sup> Joseph Chin, 2004:365;Funston, 2006:58-59.

<sup>60</sup> In 1990s, Malaysia’s former Prime Minister Dr Mahathir Mohammad advocated a ‘modern’ understanding of Islam to encourage Malay Muslim actively pursued the wealth and engaged in economic development (Malhi, 2003:236-237, Joseph Chin, 2004:367). PAS accused “the bad governance, corruption, authoritarianism and money politics” of UMNO (See Joseph Chin, 2004:368). Thus, it claimed for democracy and social justice. (Joseph Chin, 2004:367-368)

<sup>61</sup> Ariffin, 1999:418; Cecilia Ng, Mohamad, Tani, 2006:17.

<sup>62</sup> For example the first leader of AWAS later became a cabinet minister (Cecilia Ng, Mohamad, Tan, 2006:17).

After the end of World War II, the British-allied party, UMNO became the main political party. During this time, the male-dominated UMNO set aside the women's issues and only focused on their political interest. Although the women's issues were no longer concerned, women activists still claimed for better education for women and more women political representatives.<sup>63</sup> However, women's representatives in the political arena have had a very slow growth.<sup>64</sup>

In 25 August 1949, UMNO established its first women's wing Ahli-ahli Perempuan UMNO (APU), and Putih Mariah became the first president. APU later become the Wanita UMNO in 1971.<sup>65</sup> Since independence, the UMNO-led government has dominated politics in Malaysia, putting radical demands and sensitive issues aside, such as reforming shari'a.<sup>66</sup>

Because of the global trend in the 1960s on struggling for the right of working women, a significant non-governmental multiracial women's organization, National Council for Women's Organizations (NCWO), was formed in 1963.<sup>67</sup> It became a national coalition body for women's NGOs, and provided the final channel of communication to the government. Over the years, different ethnic groups have tried to cooperate and cut across the ethnic- barriers. However, NCWO hasn't been able to run successfully due to several reasons. Firstly, it has a close cooperation with the Wanita UMNO which restrained NCWO's autonomy. Secondly, the ethnic elite leadership structure of NCWO. Although the leadership of NCWO was deliberately chosen from three

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<sup>63</sup> Ariffin, 1999:418.

<sup>64</sup> In the state assemblies, there was no women representative in 1950, and until the 1990s it rose to only 6.3%. At the federal level (in Parliament), women representatives have only increased from 1% in 1955 to 7.8% in 1995 (Ariffin, 1999:418-419).

<sup>65</sup> <http://www.wanita-umno.org.my/sejarah.html>

<sup>66</sup> Cecilia Ng, Mohamad, Tan, 2006:18.

<sup>67</sup> Cecilia Ng, Mohamad, Tan, 2006:19.

ethnic groups, these leaders usually came from upper class, so they failed to concern the demands of working women.<sup>68</sup>

In the 1970s, the rise of Islamic fundamentalism became a new form of patriarchy. It not only added to the existing patriarchal social structure, but also regressed the position of women.<sup>69</sup> Since then, Malay Muslim women use Islam to justify their choices on different aspects, such as clothes, lifestyle and social behavior. For example, most of them began to wear the veil because it was deemed as the symbol of Islam. Subsequently, the Islamization divides 'Islamized' women to others.<sup>70</sup>

However, since 1975, the United Nation's (UN) effort, through different regional and world conferences on women, "has led to a global cooperation among different women's organizations and also to the flourishing of a global feminist consciousness".<sup>71</sup> After the 1995 UN World Conference on Women in Beijing, educated middle-class Malay women have become increasingly active in women's NGOs. Among these NGOs, Sisters in Islam attempts to revise interpretations of Muslim laws and educate the public on women's rights in Islam.<sup>72</sup> During this period, there were many new women organizations such as Women's Aid Organization (WAO), Women's Crisis Centre (WCC—later Women's Centre for Change), Women's Development Collective (WDC), All Women's Action Society (AWAM), etc. These new women's organizations cooperated on the issues of Violence Against Women (VAW) and joined the Joint Action Group against Violence Against Women

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<sup>68</sup> Cecilia Ng, Mohamad, Tan, 2006:20.

<sup>69</sup> Ariffin, 1999:419.

<sup>70</sup> Cecilia Ng, Mohamad, Tan, 2006:23.

<sup>71</sup> Ahmadi, 2006:53; Verma, 2002:185.

<sup>72</sup> Ariffin, 1999:421; Verma, 2002:187.

(JAG-VAW).<sup>73</sup> The JAG-VAW was informally established in 1985, and is now known as Joint Action Group for Gender Equality (JAG).<sup>74</sup> It became an ad-hoc coalition of women activists and NGOs. Its campaign struggled for equality and democracy in Malaysia, especially for women. Later, National Women's Coalition (NWC) was formed in 1992. It comprised about 20 organizations and focused on different kinds of issues affecting women in different social classes and ethnic groups. However, the issues of VAW became the most important element to unite distinct women's NGOs, because it cuts across the border of class and ethnics. Thus, it became the main force to drive social changes.<sup>75</sup>

Under the NWC, the coalition of different ethnic women's groups can be a great power against the patriarchal society. However, like NCWO, NWC still have difficulties to promote their campaign, especially on the grass root women's level. After attending UN conference in Beijing, most of their activities have been suspended due to lack of resources.<sup>76</sup>

### **2.3 The Rise of Islamic Feminism and Sisters in Islam**

During the 1990s, the term Islamic feminism began to be used by many scholars, including Iranian scholar Afsaneh Najmabadeh and Ziba Mir-Hosseini, Saudi Arabian scholar Mai Yamani, Turkish scholars Yesim Arat, Feride Acar and Nilufer Gole, and South African activist Shamima Shaikh, etc.<sup>77</sup> In Muslim countries, such as Egypt, Iran, Pakistan, Indonesia and Malaysia, Islamic feminist began to challenge traditional authority and fundamentalists. Since the 1990s, women's organizations in Malaysia

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<sup>73</sup> Cecilia Ng, Mohamad, Tan, 2006:24.

<sup>74</sup> [http://awam.org.my/networks/jag\\_vaw.htm](http://awam.org.my/networks/jag_vaw.htm)

<sup>75</sup> Cecilia Ng, Mohamad, Tan, 2006:24-25.

<sup>76</sup> Cecilia Ng, Mohamad, Tan, 2006:25.

<sup>77</sup> <http://weekly.ahram.org.eg/2002/569/cu1.htm>

try to work from within an Islamic framework against the patriarchal Islamic society.<sup>78</sup>

Nowadays, after Islamization deeply influences Malay society, Sisters in Islam is one of the most successful Muslim women's NGO, struggling for gender equality through reinterpretation of the Qur'an. SIS was formed in 1988 by a group of Muslim professional women, and then registered as a NGO in 1993 under the name SIS Forum (Malaysia) Berhad.<sup>79</sup> The main mission of SIS is to promote an awareness of the true principles of Islam and the concept of equality between women and men. SIS claims:

“We assert that, given the use of Islam as a political ideology and a source of laws and policies to govern our lives, Islam can no longer remain the exclusive preserve of the ulama [traditionally-trained religious scholars]”;

“We point out that there exists in the rich and complex Islamic juristic heritage a diversity of positions and interpretations on a whole range of issues. Therefore, the one position taken by the religious authorities may not necessarily be the only "authentic" Islamic position.”;

“We stress that there is a difference between what is the revealed word of God and what is human understanding of the word of God. The former is divine, the latter is fallible and changeable in accordance with changing times and circumstances.”<sup>80</sup>

The above statements show that SIS uses the methodology of Islamic feminist hermeneutics for its claims. And, it strongly claims that people need to fully be aware of that the revelation of the Qur'an is within a social historical context. The main

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<sup>78</sup> Cecilia Ng, Mohamad, Tan, 2006:28.

<sup>79</sup> <http://www.sistersinislam.org.my/mission.htm>

<sup>80</sup> <http://www.forusa.org/fellowship/sept-oct-04/anwar.html>

strategy of SIS for promoting freedom of religion and equity of gender is public education and to make a group of activists and opinion-makers. In public education, study session on relevant issues in Islam, training workshop on women's rights in Islam and public lecture series by Islamic scholars contribute to the public awareness of gender equality. Besides these, it has a close relationship with media in order to maintain the space for advocating its ideas.<sup>81</sup>

SIS president Zainah Anwar takes a leading role on controversial issues, such as dress code and equity of gender. According to Anwar and SIS, patriarchal interpretations of Islam have led to a gender bias in Malaysian Islamic law. SIS considers that it is not Islam to discriminate against women, rather it is the way of interpretation by conservative religious authorities who live in a patriarchal society or Islamic movements “pushing for laws and policies that discriminate against women or violate fundamental liberties”.<sup>82</sup>

Through reinterpretation of the Qur’an, SIS advocates the absolute moral and spiritual equality of gender. In a paper of Zainah Anwar, *Islam and Women’s Rights*, she claims that:

“Surah 3:195 which declares that men and woman are members, one of another; 2:187 which describes Muslim men and women as each other’s garments; 9:71, the final verse on the relationship between men and women which talks about them being each other’s *awliyya* -protecting friends and guardians - and the obligations for both men and women, to enjoin what is just and forbid what is evil, to observe

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<sup>81</sup> <http://www.forusa.org/fellowship/sept-oct-04/anwar.html> ;  
<http://www.sistersinislam.org.my/programme.htm>

<sup>82</sup> <http://www.heidi-barathieu-brun.ch/en/archives/479>,  
<http://www.forusa.org/fellowship/sept-oct-04/anwar.html>



regular prayers, *zakat* (tithe) and obedience to Allah and his Messenger and they will be equally rewarded. These verses are unequivocally egalitarian in spirit and substance and reflect the Qur'anic view on the relationship between men and women.”

“This egalitarian vision also extends to human biology. The verses on creation of men and women, talk about the characteristic of pairs in creation (51:49, 53:45, 78:8, 50:7, 22:5, 36:36). Since everything created must be in pairs, the male and female must both be necessary, must exist by the definition of createdness. Neither one comes before the other or from the other. One is not superior to the other, nor a derivative of the other. This means that in Allah’s creation of human beings, no priority or superiority is accorded to either man or woman.”<sup>83</sup>

According to these verses, SIS certifies that there is gender equality in Islam. There is no superior and inferior between men and women, because they need to be responsible for each other. SIS engages in the articulation and practice of Islamic feminism for struggling gender equality. Its aims are,

“To promote and develop a framework of women's rights in Islam, which takes into consideration women's experiences and realities;”

“To eliminate injustice and discrimination against women by changing practices and values that regard women as inferior to men;”

“To create public awareness, and reform laws and policies, on issues of equality, justice, freedom, dignity and democracy in Islam.”<sup>84</sup>

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<sup>83</sup> <http://www.asiafoundation.org/pdf/Anwarspeech.pdf>

<sup>84</sup> <http://www.sistersinislam.org.my/mission.htm>

SIS believes that Islam does not oppress and ignore women in any aspect. It expresses painful that “religion has been used to justify cultural practices and values that regard women as inferior and subordinate to men”,<sup>85</sup> and men are endorsed the right to control the interpretation of the Qur’an. Because of these two main reasons, women are repressed on their basic rights and human dignity.

### **3. The Accomplishment of Sisters in Islam**

There are different kinds of Muslim women’s organizations in Malaysia.<sup>86</sup> However, these organizations don’t promote the principle of *ijtihad* and *ijma* (decision by consensus) to claim for gender equality. Thus, SIS becomes the vanguard in Islamic feminism in Malaysia and they are also well known on the international arena. SIS struggles for different kinds of women’s rights but their most important accomplishment is the challenge to the Islamic Law—*shari‘a*.<sup>87</sup>

#### **3.1. Islamic Family Law Act**

Most of the Islamic laws were accomplished during the Abbasid era (750-1258) which was an extremely androcentric culture.<sup>88</sup> Since then, the punishments of unlawful behaviors have become severer than ever.<sup>89</sup> The laws were based on the Qur’an and *hadith*. However, there are only 80 to 100 instances in the Qur’an which point to strict legal matters, so the *hadith* supplements most of the other laws.<sup>90</sup>

According to traditional Islamic scholars, revelation includes ‘recited’ and ‘unrecited’.

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<sup>85</sup> <http://www.sistersinislam.org.my/mission.htm>

<sup>86</sup> Such as Wanita UMNO (women’s wing of UMNO), Puteri UMNO, Wanita Keadilan, Helwa ABIM, Wanita JIM and Dewan Muslimat PAS

<sup>87</sup> SIS struggle women’s rights on the issues of marriage, reproductive health, inheritance, domestic violence and custody of children.

<sup>88</sup> Ahmed, 1992:67.

<sup>89</sup> For example, the punishment of *zina* (unlawful sexual intercourse), the early ruling on this punishment was house arrest, but this punishment later changed to stoning until death. (Saeed, 2006:81,86,135).

<sup>90</sup> Saeed, 2006:16.

“The recited revelation is the Qur’ân, the speech of God, whereas the unrecited revelation is the *hadith*, the sayings and deeds of the Prophet, considered as inspiration from God”.<sup>91</sup> However, there is a debate about the equation between Qur’an and *hadith*. A number of modern Islamic scholars criticize that if *hadith* is also part of revelation, then why God admonish Prophet in the Qur’an in some cases. In view of this, they reject the equation between Qur’an and *hadith*.<sup>92</sup>

In Malaysia, laws are usually very complicated and controversial, because there are some conflicts between human rights and *shari’a*. *Shari’a* is only applied for those who are Muslims, others follow civil law. There are two main differences between Islamic law and Western legal systems (civil law). Firstly, western legal systems mainly regulate the relationship between citizens and the state, while Islamic law is more concerned about both the relationship between God and human being as well as the relationship between citizens and the state. Secondly, western legal system mainly struggle for changing circumstances of contemporary society. Conversely, Islamic law aim to embody God’s will.<sup>93</sup> Islamic law has four aspects: family law, inheritance law, transactional law and penal law.<sup>94</sup> SIS is calling for an amendment of the Islamic Family Law Act in order to struggle for the issues on women’s rights in marriage and divorce, conditions in marriage contract, issue of disobedience to husband (*nuzhuz*), polygamy, recohobitation (*ruju*) etc.<sup>95</sup> SIS states that “Islam is a system of belief that is democratic and just to women” and promotes the principle of *ijtihad* and *ijma* in performing Islamic feminist hermeneutics, trying to reform

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<sup>91</sup> Saeed, 2006:18.

<sup>92</sup> Saeed, 2006:19

<sup>93</sup> Awde, 2004:85-86.

<sup>94</sup> Awde, 2004:88-89

<sup>95</sup> Nik Noriani, 2000:184-186.

male-biased interpretations of *shari'a* and the Qur'an.<sup>96</sup>

According to Zainah Anwar, the civil law which is applied for other ethnic groups has been gradually amended to strengthen the equality between men and women, while Islamic law still discriminates against Muslim women.<sup>97</sup> In 1982, the Law Reform (Marriage and Divorce) Act banned polygamy for non-Muslims, however, polygamy is still allowed for Muslim.<sup>98</sup> The civil law for Guardianship of Infants Act in 1999, was amended to allow non-Muslim mothers to get the equal right in guardianship of their children, but Muslim mothers still haven't the same rights.<sup>99</sup>

Although there are many obstacles for the amendment of Islamic law, SIS continue its struggle and clearly expressed its concern on the amendments of Islamic Family Law Enactment to the Selangor State Government in May 2003. At the same time, SIS also continues to advocate that both civil and *shari'a* jurisdictions should be under the Family Court System directed by federal government in order to have the same rights as other ethnic groups.<sup>100</sup> In recent years, the Federal Constitution has amended Article 8 to prohibit gender discrimination, however, Muslim women's groups still are under pressure from *shari'a* courts.<sup>101</sup> Meanwhile, SIS and other Muslim women's groups advocate female judges in *shari'a* courts in order to improve the inferior situation of Muslim women. They argue that there already have been female judges in general civil courts in the last two decades. SIS also states that Imam Abu Hanifah's interpretation of Surah al-Baqarah 2:282 affirms the women's eligibility as witnesses in commercial transaction. Moreover, classical jurists al-Tabari and Ibn

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<sup>96</sup> Cecilia Ng, Mohamad, Tan, 2006:88

<sup>97</sup> Anwar, 2005:127.

<sup>98</sup> Nik Noriani, 2002:1

<sup>99</sup> Anwar, 2005:127

<sup>100</sup> <http://www.sistersinislam.org.my/programme.htm>

<sup>101</sup> Anwar, 2005:129.

Hazm expressed that a woman can be a judge when she has such ability.<sup>102</sup> SIS claims that Surah al-Taubah 9:71 says that “men and women are each other’s *awliyya* (protecting friends and guardians)”,<sup>103</sup> so it definitely shows the gender equality and there is no prohibition in the Qur’an and *hadith* to accept women as judges.

Allah does not change the situation of a people until they change it themselves.<sup>104</sup>

SIS especially quotes Surah ar-Rad 13.11 to encourage Muslim women to claim their right.

### **3.2 Marital Issues**

Another important aspect of SIS’s struggle is marital issues, especially on marriage, divorce matters and polygamy. SIS states that although the Islamic Family Law in Malaysia adopts Islamic jurisprudence (Maliki’s *fiqh*) which is more liberal on gender issues, there are still gender inequalities in some aspects.<sup>105</sup>

According to SIS, most Malaysian states concern the decision of both man and woman, however, some states, such as Kelantan, Kedah and Malacca, still allow women’s guardian, like father or paternal grandfather to control a woman marriage without her consent.<sup>106</sup> In order to protect Muslim women’s rights, SIS claims a valid marriage needs the consent from both man and woman. SIS especially criticizes the Kelantan Islamic family law enactment which applies the doctrine of compulsion

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<sup>102</sup> Nik Noriani (n.d.):2.

<sup>103</sup> Nik Noriani (n.d.):2.

<sup>104</sup> Nik Noriani (n.d.):18.

<sup>105</sup> Nik Noriani, 2000:183.

<sup>106</sup> Nik Noriani, 2000:184,188.

(*ijbar*) in marriage.<sup>107</sup> SIS points out that patriarchal society misunderstands the meaning of guardianship as a right given by law to control women's marriage.<sup>108</sup> However, SIS asserts that nowadays women are aware of their own interest and this tribal norm which comes from Roman law is not suitable for present social context.<sup>109</sup>

Concerning divorce matters, most states provide women the rights to annulment of a marriage (*faskh*) on different grounds; including the husband's being unknown more than one year, failure to provide marital obligations and maintenances, impotence, insanity, leprosy, virulent venereal disease and unlawful marriage.<sup>110</sup> Kelantan enactment only allows woman to divorce by *faskh* in six conditions, namely husband's impotence, insanity, leprosy, virulent venereal disease and unlawful marriage. It does not however include the husband's desertion or fail to provide maintenance, nor does it include irresponsibility in his marital obligations or domestic violence.<sup>111</sup> Another important marital issue is polygamy. Polygamy is often regarded a male right in Muslim societies. SIS is strongly against this notion, and states that "unlimited polygamy was a pre-existing practice prior to the revelations of the Qur'an".<sup>112</sup> In 2004, SIS carried out a national research on 'The Impact of polygamy on the family institution'.<sup>113</sup>

SIS provides several verses from the Qur'an and claims that Islam doesn't encourage polygamy, and that the condition for polygamy is extremely restrictive.

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<sup>107</sup> SIS asserts that this doctrine is against democracy and justice in the Qur'an or the *Sunnah* of the Prophet, because several *hadith* even show the importance of getting a women's consent in her marriage ( Nik Noriani, 2000:188).

<sup>108</sup> Nik Noriani, 2000:188

<sup>109</sup> Nik Noriani, 2000:188.

<sup>110</sup> Nik Noriani, 2000:187.

<sup>111</sup> Nik Noriani, 2000:189

<sup>112</sup> Zaitun Mohamed Kasim, 2002:i.

<sup>113</sup> <http://www.sistersinislam.org.my/programme.htm>

Surah An-Nisa' 4:3 (translated by Abdullah Yusuf Ali)

“If you fear that you shall not be able to deal justly with the orphans, marry women of your choice, two, or three or four; but if you fear that ye shall not be able to deal justly (with them), then only one....that will be more suitable, to prevent you from doing injustice.”<sup>114</sup>

Surah An Nisa 4:129

“You are never able to be fair and just as between women, even if it is your ardent desire...”<sup>115</sup>

From the first part of the verse in *sura* An Nisa 4:3, “if you fear that you will not be able to deal justly with the orphans, then marry women of your choice, two, three or four...”, SIS states that “polygamy is not a right, but a restriction and a responsibility to ensure that justice be done to orphans”.<sup>116</sup> The most severe criticism comes from *sura* An Nisa' 4:129 which clearly expresses that “you are never able to do justice between wives even if it is your ardent desire”.<sup>117</sup> SIS clarifies that the Prophet's polygamous marriage was aimed to spread Islam throughout Arabic world.<sup>118</sup> It also points out that the Prophet prohibited his son-in-law Saidina Ali Ibn Abi Talib to marry another woman as evidence that the Prophet did not encourage polygamy.<sup>119</sup>

In marital issues, Zainah Anwar criticized that the amendments of Islamic family law since the early 1990s led to discrimination of Muslim women.<sup>120</sup> There have been three amendments that deeply affected women's interest. Firstly, polygamy is allowed

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<sup>114</sup> Zaitun Mohamed Kasim, 2002:2.

<sup>115</sup> Zaitun Mohamed Kasim, 2002:2.

<sup>116</sup> Zaitun Mohamed Kasim, 2002:2-3.

<sup>117</sup> Zaitun Mohamed Kasim, 2002:3.

<sup>118</sup> Zaitun Mohamed Kasim, 2002:4.

<sup>119</sup> Zaitun Mohamed Kasim, 2002:5.

<sup>120</sup> Anwar, 2005:128.

if the husband gets permission from a *shari'a* court. There are five conditions for a polygamous marriage; the husband's financial ability, the necessity and justice of the polygamous marriage, the ability of husband to act fair and just toward his wives, and that marriage shouldn't cause danger or harm to the existing wife. If a polygamous marriage has no permission from the Court, the husband will be punished to pay a fine not exceeding RM1000 or get into jail not more than six months.<sup>121</sup> However, men actually easier to get a polygamous marriage through this law, because they only pay a little money for fine to get a polygamous marriage. Secondly, deleting the fifth condition which requires the polygamous marriage should not lower the living standard of existing wife and dependants. Thirdly, allowing a man to get divorce without permission of the court.<sup>122</sup> In 2003, there even was a case of getting divorce through sms. The government's adviser on religious affairs declared that the divorce through sms was valid if the message was clear and unambiguous. Under Islamic law a man just need to say the word *talaq* (repudition) three times to get a divorce.<sup>123</sup>

SIS claims in marital issues are consistent with the theory of 'Contraction and Expansion of Religious Knowledge' from Soroush. Soroush argues that people need to distinguish between religion and religious knowledge, because religious knowledge is human knowledge combined with different aspects of human understanding. Therefore it is not strange that many verses in the Qur'an are misunderstood by people from patriarchal societies. In view of this, *ijtihad* is very important to correct the false interpretations. Besides this, Soroush concept 'accidental of history' also clarifies that the presence of the Qur'an within the Arabian tribal context is 'accidental', so people need to differentiate the 'substances' and 'accidental' in

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<sup>121</sup> Zaitun Mohamed Kasim, 2002:7.

<sup>122</sup> Anwar, 2005: 128, <http://www.sistersinislam.org.my/legalcolumn/2005/11022005-Eng.htm>

<sup>123</sup> <http://news.bbc.co.uk/2/hi/asia-pacific/3100143.stm>



religion. For example, the doctrine of *ijbar* in marriage can be according to SIS and Soroush's concept, be regarded as not 'substance' but 'accidental' of religion.

### 3.3 Gender Equality

In order to arise an awareness of gender equality, SIS brings up verses from the Qur'an which convey such a message. The Qur'anic verses 53:45, 78.8, 50.7, 22.5 and 36.36 express "the characteristic of pairs in creation".<sup>124</sup> Verses 33:35-36, 9:71-72, 4:124, 3:195, 40:40 and 16:97 state that both women and men have "equal role and responsibilities in spiritual life and in the Islamic struggle, and equal rewards and punishment for their actions".<sup>125</sup> Verse 2:187 conveys the message of "Muslim men and women as each other's garments",<sup>126</sup> which is interpreted by the Qur'an-commentator Abdullah Yusuf Ali as women and men united in "mutual support, mutual comfort and mutual protection, fitting into each other as a garment fits the body".<sup>127</sup> These verses clearly express that God is fair to everyone, regardless man or woman.

SIS discovers several problems, sometimes androcentric, in current interpretations of the Qur'an. Firstly, interpreters often leave out the context of a Qur'anic verse in order to isolate it and make it a universal rule or moral demand. SIS especially gives the example of polygamy to certify this problem. The Qur'anic verse 4:3 states that,

"if you fear that you will not be able to deal justly with the orphans, marry women of your choice, two, three or four..."<sup>128</sup>

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<sup>124</sup> Sisters in Islam, 2006:3.

<sup>125</sup> Sisters in Islam, 2006:4.

<sup>126</sup> Sisters in Islam, 2006:10.

<sup>127</sup> Sisters in Islam, 2006:10-11.

<sup>128</sup> Sisters in Islam, 2006:5.

This verse clearly states that the aim of polygamy is responsibility for orphans. SIS claims that the Qur'an is highly integrated and cohesive, thus people can't read and understand a passage or a verse of the Qur'an without considering its context.<sup>129</sup> Secondly, the period of Qur'anic revelation is 23 years. Earlier revelations may allow some behaviors, but later prohibit them, so people must truly understand the successive verses of the Qur'an.<sup>130</sup> Thirdly, "the Qur'an was revealed within a sociohistorical context".<sup>131</sup> Thus, some verses might be applied for a certain situation, but most of the traditional *ulama* believe that the application of these verses is universal. For example verse:2.282 states that two men or one man and two women are needed to witness a written transaction or contract. SIS explains that it is because most of the women at that time were housewives and not familiar with business and financial transactions, thus women were considered less reliable than men.<sup>132</sup> However, this situation is changed now, so these 'accidental' elements should be removed.

SIS criticizes that patriarchal societies cause androcentric interpretations of the Qur'an. They skip the context of Qur'anic verses, and totally ignore the values and principles behind these verses. Thus, according to SIS, many contemporary Muslim societies are against the essence of the Qur'an and its claims for justice and equality. In fact, they argue that the foundation of subordination of women is not from Islam, but comes from pre-Islamic civilizations and later prevailed in various medieval

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<sup>129</sup> Sisters in Islam, 2006:6.

<sup>130</sup> For example, earlier revelations (2:219, 4:43) just discourage intoxicants and gambling, but later revelations totally prohibit them (Sisters in Islam, 2006:6.).

<sup>131</sup> Sisters in Islam, 2006:6-7.

<sup>132</sup> Sisters in Islam, 2006:6-7.

societies and cultures.<sup>133</sup> According to professor of Women's Studies Leila Ahmed, through interpreting religion, they "institute androcentric laws and an androcentric vision in all Muslim societies throughout time".<sup>134</sup> Thus, the 'substance' of the Qur'an is almost rejected by patriarchal societies as 'accidentals of the history' become universal values. Besides this, patriarchal societies fail to differentiate between 'religion' and 'religious knowledge'. Accordingly, people in patriarchal societies almost lose the meaning of the Qur'an and SIS continues to challenge authoritarian religious leaders through the methodologies of Islamic feminist hermeneutics.

#### **4. The Challenge of SIS**

Malaysia is a religious country and its people carefully deal with the social-cultural framework, the religious establishment and the government. Especially, the Malaysian government acts as guardian for its own set of ideologies. Thus, women's groups take a smooth and compromising position in their fight for women's rights in order to avoid any debate, especially on the issues of sexuality.<sup>135</sup> Likewise, although SIS struggles hard for women's rights in different aspect, they have some restrictions, especially in sex issues.

#### **4.1 Sex Issues**

##### **4.1.1. Sex Education**

Malaysia follows the step of Singapore to promote sex education. In December, 2005, Malaysia's Ministry of Higher Education announced the plan of sex education in

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<sup>133</sup> These civilizations include Byzantine and Persian empires, Greek and Roman civilizations which are highly feudalistic and patriarchal societies. Besides these, the Biblical tradition in Judaism and Christianity led Muslims to believe that woman comes from man's rib, therefore she is subordinate to man. See Nik Noriani (n.d.):18.

<sup>134</sup> Ahmed, 1992:67.

<sup>135</sup> Ariffin, 1999:418,422, Cecilia Ng, Mohamad, Tan, 2006:146-147

school.<sup>136</sup> According to Education Minister Hishammuddin Tun Hussein, sex education would be implemented in schools, including the pre-school, in early 2006 and it should focus on issues related to social ills, such as rape, incest, sexual harassment and sexual exploitation, etc.<sup>137</sup>

The main objective of this program is to prevent rampant sexual crimes and help the youth to understand a proper sexual behavior. According to a study carried out by the University Technology Mara (Universiti Teknologi Mara) in 2006, 50% of students from collages or universities are sexually active, and 80% of these sexually active students haven't adopted contraception measures.<sup>138</sup> Rashidah Abdullah, the founder of The Asian-Pacific Resource & Research Centre for Women (ARROW), also pointed out that only 30% of the Malaysian population uses modern contraception.<sup>139</sup>

In 2007, the international condom and contraception company Durex's Sexual Wellbeing Global Survey also revealed that "60% of Malaysians considers themselves sexually uninhibited".<sup>140</sup> That same year, the psychology researchers from University Kebangsaan Malaysia (UTM) presented a very controversial result on the sexual activities of young schoolgirls. One conclusion was that only one out of 887

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<sup>136</sup> <http://www.islamonline.net/English/News/2005-12/21/article06.shtml>

[http://english.people.com.cn/200512/21/eng20051221\\_229699.html](http://english.people.com.cn/200512/21/eng20051221_229699.html)

<http://www.thebody.com/content/art25860.html>

<sup>137</sup> This program was created by the Women, Family, and Community Development Ministry (WFCD), the Education Ministry, the Malaysian Islamic Development Department, NGOs, and educational experts. It would be divided into "six main parts namely human development, relationship, marriage and parenthood, living skills, health and sexual behavior, and society and culture." (<http://www.islamonline.net/English/News/2005-12/21/article06.shtml>)

<sup>138</sup> The study included students at two private collages and two national universities, and their age is from 18 to 25.

(<http://www.sinchew-i.com/article.phtml?artid=200608180636&data=scnews&spid=25076>)

<sup>139</sup> <http://www.sinchew-i.com/article.phtml?artid=200611062175&data=scnews&spid=98050>

<sup>140</sup> <http://thestar.com.my/news/story.asp?file=/2007/9/30/focus/20070930075625&sec=focus>

secondary schoolgirls has never had a sexual relationship.<sup>141</sup> The above cases show that the rate of young people who engage in sexual activity is increasing. However, due to lack of sex education, baby abandonment and sexual transmitted diseases (STDs) become serious social problems.<sup>142</sup> Sex education has become a hot topic among different government departments and NGOs. However, until now Malaysian government still hasn't put sex education into practice and people gradually forget about it.

The plan of sex education actually involves several problems. Firstly, many people are still against this plan, especially religious figures. It is generally regarded that, sex education will encourage free sex and sexual activities outside of marriage, so it can't be taught either at schools or universities. Thus, students in their biology courses learn only the difference between male and female bodies.<sup>143</sup> Secondly, according to Education Minister Datuk Seri Hishammuddin Hussein, "the sex education would be absorbed into the existing subjects such as Islamic education, moral, health, and science", but it won't be a separate subject.<sup>144</sup> Thus, the quality and quantity of teachers become a serious problem when sex education is absorbed into the existing subjects.

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<sup>141</sup> <http://archive.nanyang.com/index.php?ch=7&pg=175&ac=705197>

Many people felt surprised due to this result and questioned its validity, especially WFCD's Minister Sharizat Abdul Jalil. However, she actively advocated sex education to all people, especially the young generation. She said that people have to learn how to protect themselves since the age at four and when they get older have to learn about risky sexual behavior and sexual transmitted diseases (STDs) when they get older. See

<http://www.thebody.com/content/art25860.html>

<sup>142</sup> The executive director of Tenaganita, one of the NGOs dealing with different kinds of human rights issues, have reported many cases of teenage pregnancies and abandoned babies in every day newspapers. See <http://ipsnews.net/news.asp?idnews=37873>

<sup>143</sup> Baba, 2001: 158; Cecilia Ng, Mohamad, Tan, 2006:133;

<http://www.sinchew-i.com/article.phtml?artid=200609122528&data=scenews&spid=25105>

<sup>144</sup> [http://english.people.com.cn/200512/21/eng20051221\\_229699.html](http://english.people.com.cn/200512/21/eng20051221_229699.html)

Several verses in the Qur'an and *hadith* discuss sexual issues, *sura* 2:228 reads: "For it is not lawful for women to hide what God might have created in their wombs"<sup>145</sup>; *sura* 13:8, "God knows what every female bears in her womb, and how soon or how late the issue will be born, for with Him all things are created with a purpose."

<sup>146</sup>However, because of religious leaders, the government and most of the people have another understanding of these verses, sex education still can't be promoted effectively. In fact, the main opposition comes from the government. In 1980s, in order to advocate cooperation between all Asian countries, Malaysian and Singaporean government bring up the ideology of Asian Values.<sup>147</sup> Since then, Malaysian government inculcates an anti-western ideology to the Malaysian people and persists that the main reason of social ill is the Westernization. Malaysian government eagerly promotes traditional Asian values, especially the 'family value', to counter this process.<sup>148</sup> According to anthropological professor Maila Stivens,

"many women's organisations take a far less critical view of the implications of family relations for women's gender equity than do many western feminists. Instead they frequently share the view that the 'family' forms a central building block of society."<sup>149</sup>

That theory of panopticon helps us to understand this case. The Malaysian government becomes a guardian to inculcate its ideology and control thinking and act of its people. Even SIS is reluctant to discuss the sexuality issues beyond the socio-cultural framework constituted by the government, they only discuss these

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<sup>145</sup> Awde, 2000:11.

<sup>146</sup> Awde, 2000:125.

<sup>147</sup> 'Asian Value' originated in 1980s, by Malaysia's former Prime Minister Mahathir Mohammad and Singapore's former Prime Minister Lew Kuan Yew. Each country promotes its own good. For example, Malaysian government promotes the Islamic values, such as traditional gender relations and family value. Stivens, 2006:356.

<sup>148</sup> Stivens, 2006:356,359.

<sup>149</sup> Stivens, 2006:364.

issues within the context of marriage.

#### **4.1.2. Abandoned Babies**

Today, there are many social problems due to lack of sex knowledge. In the cases of abandoned babies, according to sources of the Hospital University Kebangsaan Malaysia, most of the abandoned babies come from young unmarried girls. According to data from Alor Star Hospital, every year around 455 pregnant young unmarried girls come for help, and 80% of them are under 18 years old.<sup>150</sup> Abortion is legal in Malaysia when continued pregnancy constitutes a threat of the mother. However, because of the illegal premarital sex and pregnancy in Islam, those premarital pregnant Muslim young girls still solve their problems through improper ways, such as abortion in illegal clinic or baby abandonment.<sup>151</sup> This sensitive issue is seldom discussed in public, especially among the Muslim population. In 2007, from January to August there were four news regarding baby abandonment in Chinese newspapers, however, there were no report in other newspapers. News from International Infant Abandonment Resource,<sup>152</sup> illuminate how serious the problem of baby abandonment is in Malaysia.

“Abandoned babies don’t make news in Malaysia anymore. Five years ago, incidents of dumping newborn babies in dustbins, places of worship and other public areas often made it to the front pages of the newspapers.

Today, these cases have taken a backseat. The act is so common that it has ceased to shock.

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<sup>150</sup> <http://www.sinchew-i.com/article.phtml?artid=200609122528&data=scnews&spid=25105>

<sup>151</sup> <http://www.sinchew-i.com/article.phtml?artid=200609122528&data=scnews&spid=25105>

<sup>152</sup> Originally published by the *India Abroad News Service*, April 2, 2001.

Cases of abandoned babies continue in this country, where the majority of the population is Muslim. Single mothers are scared to come out in the open to face the criticism that is sure to follow from religious quarters.”<sup>153</sup>

In order to solve this problem, the Malaysian government has started to offer education and consultation through The Welfare Services Department to those young mothers-to-be. Moreover, the Malaysian government amended the law to give more rights to parents adopting a baby, such as issuing birth certificates for adopted children but hide their adopted status.<sup>154</sup> Recently, the minister of WFCD Datuk Seri Shahrizat Abdul Jalil also claimed that “fathers of abandoned babies should be held liable for the action just as the mother of such abandoned infants”.<sup>155</sup> But, this claiming still in discussion, and have a long time to wait for practicing. However, these efforts are not effectively to help these women. Muslim women won’t search for help because they will be punished in accordance with shari‘a.

#### **4.1.3. Sex Workers**

In Malaysia, sex work is illegal and women in the sex sector are poorly protected. They are also heavily stigmatized because of Islamic purity values. Sex workers mainly come from poor families, but some of them are forced to leave home because being transsexual. Besides police harassment and raids, these women also face the risks of sexual transmitted diseases (STDs). Official measures to protect sex workers are currently ineffective, especially concerning the sexual health aspect. Recently some women’s groups have been trying to help these women, but due to practical

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<sup>153</sup> [http://www.vachss.com/help\\_text/archive/true\\_lies.html](http://www.vachss.com/help_text/archive/true_lies.html)

<sup>154</sup> [http://www.vachss.com/help\\_text/archive/true\\_lies.html](http://www.vachss.com/help_text/archive/true_lies.html)

<sup>155</sup> <http://thestar.com.my/news/story.asp?file=/2007/2/11/nation/16849848&sec=nation>



problems it is not very successful. Other neighboring governments have been able to control and help this vulnerable and exposed group. For example, the Singapore government has strictly controlled sex workers and forced them to carry out a health examination every two or three weeks. In Thailand, the government distribute free condom to sex workers and also force them to use it when they work.<sup>156</sup> Conversely, the Malaysian government closes its eye on this issue. Some government officials even blame this marginalized group of ‘voluntary’ selling themselves to get quick money. One national leader also instructed Malaysian women to focus on their outside beauty, such as put on more lipstick and maintain an attractive body shape to lead their husbands away from sex workers.<sup>157</sup> Indeed, the state is still conservative on this issue, especially if the sex workers are Malay. However, the film ‘Bukak Api’ which is directed by Osman Ali clearly describe the difficulties of Malay sex workers. As a former voluntary worker in Pink Triangle Foundation (PTF), a NGO aiming on HIV/AIDS and STDs issues, he said, “I feel it is my responsibility to portray what’s going on in society, and making a film about society’s ills is a good way of doing so”.<sup>158</sup> When talking about its reality, he expresses “There are many people living like that. Actually, reality is far worse. I’ve inserted some elements in the film to take away some of its edginess,”<sup>159</sup> However, there are some people or groups who engage in these sexual issues, but SIS does not.

#### **4.2. The Gap Between Ethnic Groups and Classes**

Besides the resistance of religious leaders or the government, the gap between SIS and other ethnic women’s groups is one of the most important reasons for failing to

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<sup>156</sup> <http://www.sinchew-i.com/article.phtml?artid=200702242199&data=scnews&spid=98041>

<sup>157</sup> Cecilia Ng, Mohamad, Tan, 2006:129; <http://www.aliran.com/oldsite/monthly/2004a/5f.html>

<sup>158</sup> [http://www.nst.com.my/Current\\_News/NST/Tuesday/Features/20071105180247/Article/index\\_html](http://www.nst.com.my/Current_News/NST/Tuesday/Features/20071105180247/Article/index_html)

<sup>159</sup> [http://www.nst.com.my/Current\\_News/NST/Tuesday/Features/20071105180247/Article/index\\_html](http://www.nst.com.my/Current_News/NST/Tuesday/Features/20071105180247/Article/index_html)

reach their aims during their 14 years of existence.

However, women's NGOs organize different coalition trying to cut across racial barriers, for example the NCWO, JAW (Joint Action Group) and WAC. According to Stiven,<sup>160</sup> these coalitions usually are just "a matter of alliances rather than of unified struggle around a universally shared interest or identity". However, Stiven seems optimistic towards these alliances in Malaysia because they can provide a space for different races to voice out their claims.<sup>161</sup> The most successful cooperation may be the Violence Against Women (VAW) in 1985. They succeeded to lobby the parliament to reform the law relating to rape in 1989. These include increasing the mandatory jail term for rapist and sexual molestation, changing the statutory age of rape from 14 to 16 years, allowing for the abortion of rape survivors, prohibiting to exam a rape survivor's past sexual history.<sup>162</sup> However, very few Muslim women's groups joined the VAW campaign from 1980s to 1990s.<sup>163</sup> Besides the violence against women, there are few issues that can unite different ethnic women's groups and membership is often limited to a specific ethnic group.<sup>164</sup> Likewise, SIS works from within an Islamic framework something that directly restricts their possibility for cooperation. In my interview with SIS, however, the SIS informant emphasized that SIS has taken part in coalitions and works with different kinds of women's groups, such as in the single mother issue.<sup>165</sup> Generally, these coalitions are often silent on issues which are against the government's position.<sup>166</sup> In conclusion, Malaysian feminist groups are in their work heavily restricted by the authoritarian methods of the

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<sup>160</sup> Stivens, 2003:137.

<sup>161</sup> Stivens, 2003:137-138.

<sup>162</sup> Cecilia Ng, Mohamad, Tan, 2006:45.

<sup>163</sup> Cecilia Ng, Mohamad, Tan, 2006:29.

<sup>164</sup> Ariffin, 1999:421.

<sup>165</sup> Interview with Sisters in Islam on 28 November 2007, from 9.22 am to 9.55 am.

<sup>166</sup> Ariffin, 1999:422.

government.

The gap between classes is another difficulty in the struggle for women's rights. In the early feminist movement, most participants were elite women.<sup>167</sup> However, this situation hasn't changed much and the problems of working class women are often ignored. SIS keenly builds a group of activities and opinion makers to engage into national and international activities to promote the idea of gender equality, but the grass root women rarely join with SIS's campaign. However, during my interview with the SIS informant, she insisted that they don't ignore grass root women.<sup>168</sup> She clarified that SIS has organized different level forums for different people, and these forums are usually held in other states or in the countryside. Due to my own experience, most Malay Muslims don't know about SIS and they also don't know the concept of Qur'anic 'reinterpretation'. Before I started my thesis, I had some informal interviews with ordinary Malay Muslims over thirty years old, and especially working class women. These discussions confirmed my own previous experience. When I explained this situation to my SIS informant,<sup>169</sup> she stated that these answers usually depended on who I asked. She mentioned that if those people don't care about women's issues or don't like to read the newspaper, then maybe they don't know about SIS. Although my interview material is very limited, it gives us a hint on the prevailing opinions and attitudes among non-elite Malay Muslim women.

### **4.3. Quasi Non-Governmental Organization**

NGOs can accept fund from government. However, it also raises a question about how these NGOs maintain their autonomy when they accept the governmental fund at

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<sup>167</sup> Cecilia Ng, Mohamad, Tan, 2006:26,34.

<sup>168</sup> Interview with Sisters in Islam on 28 November 2007, from 9.22 am to 9.55 am.

<sup>169</sup> Interview with Sisters in Islam on 28 November 2007, from 9.22 am to 9.55 am.

the same time, because government will indirectly devolve its power to them. In view of this, these NOGs risk to become quasi non-governmental organizations (quango). According to analyst in American National Government Kevin R.Kosar, “A quanqo, on the other hand, is essentially a private organization that is assigned some, or many, of the attributes normally associated with the governmental sector”.<sup>170</sup>

In Malaysia, most of NOGs get their fund from government. Besides this, they also can get around 80% additional subsidies from the government welfare department, such as food, accommodation and pin money.<sup>171</sup> According to Minister Datuk Seri Shahrizat Abdul Jalil, “Although NGOs may still have funds in their account, we still disburse money to them because they have good projects to implement, which would benefit those under their wing”.<sup>172</sup> However, government has its power to decide what is ‘good project’ and how to distribute the fund. According to Cecilia Ng et.al, good relations with the minister will let these NGOs to get more funds, thus the amount of funds are not totally based on the needs of the NGOs.<sup>173</sup> For example, Pink Triangle (PT), a NGO working for issues of STDs, receive governmental grant to carry out the HIV/AIDS program, but the government clearly expresses that it won’t support PT in homosexual activities. Since then, PT deliberately changes to focus on HIV/AIDS program and becomes reluctant to pay an active role in homosexual issues.<sup>174</sup> Likewise, according to Cecilia Ng et.al, SIS got “high-level governmental support for their campaign” and they “also implicitly receives the backing of the country’s highest leadership”.<sup>175</sup> Many NGOs seem ambivalent toward SIS because

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<sup>170</sup> Kevin, 2007:2-3.

<sup>171</sup> <http://www.sinchew-i.com/article.phtml?artid=200709113680&data=scnews&spid=111757>

<sup>172</sup> <http://thestar.com.my/news/story.asp?file=/2007/9/10/agreport2006/18833749&sec=agreport2006>

<sup>173</sup> Cecilia Ng, Mohamad, Tan, 2006:79.

<sup>174</sup> Baba, 2001:147.

<sup>175</sup> Cecilia Ng, Mohamad, Tan, 2006:99.

of this background. However, my SIS informant strongly denied this accusation.<sup>176</sup> She stated that SIS gets a lot of accusations from other groups, and these accusations include too liberal, westernized, against Islam etc. She mentioned that SIS eagerly criticizes the government on the issues of human rights, democracy and the Internal Security Act 1960 (ISA), so it is impossible to say that SIS is supported by government, because the government won't support a group which is against it. However, Cecilia Ng et.al, give the example of Iran and Peru to explain this phenomenon:

“But this may not be unique to Malaysia. Authoritarian regimes in places such as Peru and Iran are not necessarily averse to progressive women's rights and have been cultivated women's support by granting gender equality laws and institutional support for their mobility, albeit while disregarding political rights (Kazemi, 2000; Blondet, 2002). An alliance with progressive feminist groups provides benefits for an authoritarian regime. It prevents more damage to its battered political legitimacy and disarms a full-scale attack by its detractors.”<sup>177</sup>

Thus, the relationship between the government and progressive groups seems very complicated in many countries, even in Malaysia. For example, in the amendment of Islamic family laws 2005, SIS and other women groups work against this amendment through different activities,<sup>178</sup> however, their actions incurred the blame from Minister Datuk Seri Shahrizat Abdul Jalil.<sup>179</sup> Thus, it is very interesting to see how much these groups can challenge the government.

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<sup>176</sup> Interview with Sisters in Islam on 28 November 2007, from 9.22 am to 9.55 am.

<sup>177</sup> Cecilia Ng, Mohamad, Tan, 2006:99.

<sup>178</sup> SIS and other women groups presented a protest statement, and SIS also called for help from international progressive groups to against this amendment. See <http://www.wao.org.my/news/20050112jagmfl.htm> ; <http://www.wlumf.org/english/actionsfulltxt.shtml?cmd%5B156%5D=i-156-500574>

<sup>179</sup> <http://www.puteri.net.my/modules.php?name=News&file=article&sid=1015>

## 5. The Role of *Adat*

Before Islam came to the Malay archipelagoes, Malay people lived in accordance with their own Malay culture—*adat*.<sup>180</sup> After the 14th century, Islam gradually penetrated into Malay life. However, this situation didn't create great tension among Malays until the independence of Malaysia. Islam became the young state's official religion and the tension between *adat* and Islam increased. Islam gradually replaced *adat* and became the official feature of Malay culture.

Unlike Islamic law that propagates the universal value and demands universal subjugation, the *adat* law varies according to the different situations. There were two type *adat* customary laws in Malaysia, but these two sets of law actually were brought from Sumatra, Indonesia. One was the matrilineal law called *Adat Perpatih* which primarily prevailed in the state *Negeri Sembilan*, and another was *Adat Temenggong* which was later mixed with Hindu and Islamic laws and widely used in other parts in the Malay Peninsula. *Adat Perpatih* practiced matrilineal or female inheritance, while *Adat Temenggong* is the bilateral kinship system entitled for gender equality.<sup>181</sup>

Today, some of the *adat* original elements are codified in the Islamic family law. For example, in the rule of matrimonial property, a divorced wife can have a share in the property obtained during marriage.<sup>182</sup>

Under the conservative interpretation of the Qur'an, women are inferior, but the women in *adat* are at the center of family life and control their family finance.<sup>183</sup>

According to anthropology researcher Makiko Hanami, women in her research village

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<sup>180</sup> Hanami, 2002:xii.

<sup>181</sup> Mak, 2002:56; Nik Noriani, 2000:178.

<sup>182</sup> Nik Noriani, 2000:178.

<sup>183</sup> Mak, 2002:57; Hanami, 2002:281.

usually have their own autonomy to pursue what they want, even the marriage.<sup>184</sup> But, she considers it is the ideology of individualism rather than gender equality in *adat* that let women freely to pursue their interests and autonomy.<sup>185</sup> In Makiko Hanami's research, she found that the Malay women know clearly how to get their own interest and play the main role in family life. After Islamization, outsiders usually can see some contradictory phenomena in Malay society. In public, husband is the dominant partner in marriage, however, whenever women's interests are involved, they usually eagerly assert themselves.<sup>186</sup> Moreover, both men and women strictly follow the dress code and the rule of social space divided by sex in formal occasions, but they have a free interaction with each other in their everyday lives.<sup>187</sup> According to Makiko Hanami, "The norms that govern the formal dimension of Malay life today are rooted in Islam".<sup>188</sup> However, Malay villagers manage very well to balance the tension between the formal dimension and their everyday life.<sup>189</sup> Thus, according to Makiko Hanami's research, gender norms are flexible and egalitarian under the traditional institution.<sup>190</sup>

Likewise, according to sociology professor Lau-Fong Mak, "custom rather than Islam contributes to the status of Malay womenfolk".<sup>191</sup> He comments that Islamic interpretations make Malay women inferior, but they can get equality and self-reliance in *adat*. Informant A and informant C also agreed that *adat* is more equal than Islam in gender relationship.<sup>192</sup> SIS informant stated that SIS is continuing to

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<sup>184</sup> Hanami, 2002:167-168, 286.

<sup>185</sup> Hanami, 2002:286-287.

<sup>186</sup> Hanami, 2002:16.

<sup>187</sup> Hanami, 2002:266-267.

<sup>188</sup> Hanami, 2002:267.

<sup>189</sup> Hanami, 2002:267.

<sup>190</sup> Hanami, 2002:125.

<sup>191</sup> Mak, 2002:51.

<sup>192</sup> Interview with A informant on 28 November 2007, from 11.00 am to 11.50 am. Interview with B informant on 1 Dec 2007, from 3.50 pm to 5.00 pm.

lobby the government to enact those *adat* laws which are more equal in gender relationship.<sup>193</sup> Under the pressure of the government, it is still quite difficult to enact those *adat* laws. However, Islam and *adat* continue to contest each other in Malay society. As Lau-Fong Mark put it, when Islam wins there will be an ‘Islamization of *adat*’, but when both are compatible an ‘*adatization* of Islam’ will occur.<sup>194</sup>

Makiko Hanami points out that the idea of male supremacy in Islam is de-emphasized in local culture because those Malay villagers maintain their traditional life dimension, and the center of family life is women.<sup>195</sup> Although Islam is the official religion, the religious power fails to penetrate the rural Malay life, and government also can’t succeed to maintain its role of guardian. *Adat* still survives, thus men and women continue to maintain their own rights and interests.<sup>196</sup>

## **6. Conclusion**

Since the last decade, SIS has keenly promoted reinterpretation of the Qur’an to claim for women’s rights in order to improve the inferior status of Muslim women. SIS argues that the male-biased interpretation of the Qur’an causes the practice of polygamy, compulsive marriage etc, which diminish the rights of women. Thus, SIS eagerly led women to get the basic human rights within Islamic context. As an Islamic feminist group, SIS struggle for Muslim Malay women right consistently with the theory of ‘contraction and expansion of religious knowledge’ and ‘accidental of history’. In order to pursue the substance of religion, it is important to distinguish between religion and religious knowledge and to realize how the contraction and

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<sup>193</sup> Interview with Sisters in Islam on 28 November 2007, from 9.22 am to 9.55 am.

<sup>194</sup> Mak , 2002:210.

<sup>195</sup> Hanami, 2002:280-281.

<sup>196</sup> Hanami, 2002:285.



expansion of religious knowledge influence human understanding. Islamic religious knowledge is penetrated by different ideas from pre-Islamic civilizations and later the andro-center societies. Thus, ignorance of the difference between religion and religious knowledge will lead to misunderstanding of God's word and the substance of religion. SIS believes Islam is democratic and just, but the male-biased religious knowledge in patriarchal society gradually diminishes the status of women because men interpret the Qur'an from their own viewpoint and almost disregard women's perspective. Moreover, male-biased Qur'anic interpretations which focus on 'accidental history', for example polygamy and forced marriage, also deviate the substance of the Qur'an. However, according to Soroush and Islamic feminists, blindly following the Qur'anic interpretations by early generations of Muslims is the main reason leading to a misunderstanding of the Qur'an. This leads to an ignorance of the difference between religion and religious knowledge, making the 'accidental of history' becoming a universal value, which finally spoil the element of gender equality in Islam.

In Malaysia, SIS bravely challenges the traditional Islamic scholars who consider any departure from early Qur'anic interpretation as a subversion of Islam. As mentioned previously, SIS believes that Islam does not oppress and ignore women in any aspect, so they criticize that "religion has been used to justify cultural practices and values that regard women as inferior and subordinate to men".<sup>197</sup> They also argue that men have been endorsed the right to control the interpretation of the Qur'an. Thus, through different kind of activities, SIS eagerly promotes the concept of *ijtihad* to correct false interpretations and awakes the awareness on women's perspective within the Islamic context. These efforts have undoubtedly been important, especially in advocating the

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<sup>197</sup> <http://www.sistersinislam.org.my/mission.htm>

amendment of Shari'a Law and pursuing the gender equality.

However, SIS also has their limitations and shortcomings. Firstly, SIS seems reluctant to deal with the issues beyond the socio-cultural framework regulated by the state and against the value of Islam, especially on sexual issues. SIS discusses sex issues only within the context of marriage and never mention sex among singles or homosexual or transsexual persons in Malaysian society. Secondly, struggling alone and lacking help from other women's groups will definitely reduce the power to challenge the authoritarian religious leader and state. SIS's struggle takes place in an Islamic framework something which limits the chance to cooperate with other ethnic women's groups in order to get more support to challenge the religious leaders and state. Although there have been some coalitions between women's groups and SIS also joins with them, these coalitions can't work efficiently because each ethnic group has its own interests and issues related to its cultural and religious context. The fail of NCWO and NWC in the early years can prove this. Thirdly, what SIS advocate still can't penetrate into the grass root people. SIS actively engages in different kinds of activities, especially international conferences, to promote gender equality, but grass root people still do not realize its effort and join its campaign. According to informants, and my own experience, there is a gap between SIS and grass root people, because there is no connection between ideology and reality. Grass root people don't understand the claims of SIS, and SIS ignores the need of grass root people. It seems like SIS is claiming the rights for middle and upper class women only, and the grass root women pursue their own interest through the traditional Malay custom—*adat*.

From the research of Makiko Hanami and Lau-Fong Mak, and the information from

my informants,<sup>198</sup> we can conclude that women actually have two types of lives at the same time. On the one hand, they act in accordance with the official Islam ideology during formal occasions, but on the other hand they follow *adat* in their everyday lives. When interpretation of the Qur'an becomes an elite activity, grass root women base their own interests and rights on *adat*. This illustrates the existence of a gap between these classes. The upper or middle class Malay women or those living in urban areas usually follow the ideology of Islam, however, grass root Malay women living in villages usually experience what can be called an '*adatization of Islam*'. In sum, according to my research materials, upper class women or those living in urban areas are maybe influenced by Islamization, but the rural and working class women experience '*adatization of Islam*'.

Finally, the authoritarian government effectively prevents SIS to work for total gender equality. The role of the state is like the guardian of panopticon to oversee and prevent people to work against the state and the socio-cultural framework. Especially, through the fund supply, the state indirectly controls the management of NGOs. Thus, those NGOs who get funding from the state will be reluctant to awake their 'patron' anger. They need the funding but at the same time are restricting their efforts due to loyalty with the supporter. This is a problem shared by all so called 'Quasi non-governmental organizations'. Although SIS informant denies that SIS is backed by the state, SIS still seems reluctant to work against the socio-cultural framework controlled by the state. On the one hand, SIS follows the methodology of Islamic feminist hermeneutics and promotes the theory and concepts of Soroush. On the other

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<sup>198</sup> Interview with Sisters in Islam on 28 November 2007, from 9.22 am to 9.55 am; Interview with A informant on 28 November 2007, from 11.00 am to 11.50 am; Interview with B informant on 1 Dec 2007, from 3.50 pm to 5.00 pm.

hand its ideas fail to penetrate rural and working-class people, and it is also reluctant to go beyond the socio-cultural framework confined by government. This constitutes a dilemma for SIS in its struggle for women's issues within an Islamic context in Malaysia.

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