

## 'Women and Islam: A Report on a Talk given by Zainah Anwar by Chai Mei Ling'

On Sept 24, AWAM held a gender and religion talk focusing on Islam from a feminist approach, in its Petaling Jaya head office as a monthly activity under the Writers for Women's Rights Programme (WWRP). Sisters in Islam (SIS) Executive Director Zainah Anwar was invited to share her views with WWRP members, who were interested in developing a better understanding on women's issues interwoven in the Islamic faith.

Zainah started off the talk with an explanation on the basis and origin of their understanding of Islam and women. SIS drew this understanding from the teachings of Aminah Wadud, a New Yorker religious leader and scholar. She had taught SIS the way of looking at the Quran from a feminist approach and to understand the Quran not just from its literal perspective and meaning, which is very patriarchal.

"This other way of interpreting and looking at the Quran was a liberating experience, a revelation," said Zainah.

Zainah also touched a little on the recent amendments made to the Islamic Family Law, which enables the first wife to claim her share of matrimonial property upon her husband's polygamy. The amendments, while aimed to protect the interest and welfare of first wives should their husbands take on a second wife, are still discriminatory towards women as the gender-neutral terms used provide loopholes for irresponsible husbands to abuse the law. Zainah cited the example of a Johorean couple as proof that a man now can also file a claim for assets from the wife should they part ways when he marries a second wife.

One of the many issues that SIS has been highlighting in its activities and programmes is polygamy. Men have always thought that they have a right to four wives. When Parliament members debated on the amendments to the Islamic Family Law, the focus was on how men are being inconvenienced in taking on second wives.

When it comes to interpreting the Quran, Zainah said the context must be studied. From the verse, it is said that many men died in war, leaving many women and children behind, which gave rise to the idea of polygamy. The context is that this verse was set back in history, and now, living in the 21st century, this verse is no longer applicable.

"The Quran also says that if you cannot do justice, marry only one."

Zainah went on to say that the reason why blind obedience to scholars occurs is because Muslims themselves have never seen and carefully read the Quran. The Quran says, marry only one, that's the best for you. Instead, the other 1/3 of the verse, which says men can marry more than one, is propagated.

"Only 1/3 of the verse says men can marry more than one, why is that 1/3 of a verse is dictating the whole issue? Who decides this line will become the law then?"

The second issue that SIS has been fighting against is domestic violence, and the notion that men have a right to beat the wife. As always, the social-historical context of the verse must be looked into. There is a need to go public on this, said Zainah. If not, men will believe that women have no rights and men should always dominate.

The root of all problems lies in Verse 4:34 - man is the protector, the leader, and is in charge of a woman in a hierarchical relationship. In short, men have the authority over women. However, there are a lot of interpretations to this verse.

In this verse, it is said that when there is a breakdown in marriage, there will first be a consultation between the two parties (*syura*). Then, they will be separated. Next is the *daraba* - 'beat the women in a single strike'.

Contrary to popular belief, the Quran does not order men to beat their wife. The jury interpreted *daraba* as a single word instead of in its plural sense. So it could mean a symbolic 'strike' e.g. to reprimand the woman with a strike using a handkerchief or toothbrush. Another interpretation is to 'strike out', which means to order the woman to leave the house, not to harm or beat her.

The power hierarchy in Verse 4:34 also gave rise to the ruling that women are not allowed to leave the home without a man. This stems from the basis that men have the authority over women's body. If a man wants to have sex but the woman is nowhere at home, he cannot satisfy his craving for sex. Thus this ruling. This relationship is more a slave and master one, or a contract of sale and purchase.

This 'contract' is explicitly spelt out: "A husband maintains the wife and in return, he has right of access to the woman's vagina at will. That's a woman's responsibility and a man's right."

Besides women's issues, SIS also takes on issues of fundamental rights such as the freedom of expression and the freedom to choose one's religion. In fighting for these causes, Zainah and five other writers have been subjected to a fatwa for supposedly criticising the hudud laws. Their criticisms were not just targeted at PAS, but also at other Islamic authorities.

Criticisms thrown at Zainah: "Who are you to talk about this? You are no religious figure. You are not even covered (*tudung*) and you don't have a beard"

Zainah said that there are quarters in Malaysia calling for apostasy (converting out of faith - in this case, Islam) to be punishable by the death penalty. Currently, the government is considering a proposal whereby if a Muslim intends to leave the religion, he/she has to spend one year in detention whereby counselling will be provided.

The reason why Muslims have no freedom in choosing their religion (Malaysia is probably the only country with this ruling) is because the nation's political context

prohibits the government to really deal with this issue. If the government allows apostasy to happen, they will come under attack from PAS. Plus, the Malay-Muslims status quo will be threatened.

Unlike other countries, civil courts here are terrified of handling anything Islamic, and so hand over everything to the Syariah courts. The fact is the judiciary should be free, as stated in the Constitution, which also guarantees the freedom of religion.

"If the country wants to use Islam as a guide, the government has to admit that there is a diversity of ways of looking at the Quran. This issue must be open to public discussion so we can all have a say on what is best for the society," said Zainah.

Since Islam is used as a basis of laws and policies, the public has a right to having a say in how it is enforced and interpreted. If the government wants to separate religion from the state, then it is fine. But if not, the public must be allowed to have their say as with all matters of public interest.

"Most non-Muslims think - how do I speak out? I'm not a Muslim. But they don't have to speak out from the perspective of Islam. Instead, do it from the human rights perspective. Or from the civil liberties one. Islam doesn't exist in isolation in this country. The Islamic laws and the issues arising from how they are enforced and interpreted affect us all and therefore should be every citizen's concern. It should be every citizen's concern that the Constitution's guarantee of freedom of religion, for instance, is not violated. "

SIS has also been actively involved in projects in building a model Islamic Family Law. The NGO has been submitting memorandums to the authorities in this view. SIS hopes to follow the structure of Morocco's model of the Islamic Family law.

SIS's second project is to conduct a national survey on the financial and social impact on women whose husbands practise polygamy. SIS hopes to interview first wives, second wives, the husbands as well as the children involved.

Zainah lamented that most feminists in Asia feel that they should not go into religion as this will empower the ulama even more. They are afraid of being accused of going against Islam. They do not dare to challenge and therefore, cannot deal with these issues publicly. Some of them think that what SIS is doing is a mistake. However, Zainah said it is very important to engage in this issue because if we don't, there will only be one interpretation of the Quran, and that interpretation will remain patriarchal.

"I believe that God is just. I'm outraged that someone's defining my religion in ways which hasn't relevance to me."

The talk ended in silence as most felt drained listening to the constraints faced by SIS and Muslim women in particular. But the silence did not last as Zainah opened up a Q&A session to members of the floor who wanted further clarifications. Personally, I felt this

talk, though suffocating at times due to its depressive nature, is a beacon of light in providing me with an insight needed to have a better understanding on women and Islam. One of Zainah's interesting points which caught my attention is the varied interpretations to the verses in the Quran. I think what shook me was that Zainah managed to hit the nail right on the spot when she questioned who indeed had the authority to decide which verse to be used as an Islamic law and which not to. Though a non-Muslim and not acquainted with the Quran, I have nevertheless always thought of 'holy inscriptions from God' as such that they are never to be questioned, because they are 'just like that'. The talk also opened up the debatable matter of moral and religious policing.

Another point that struck me was how Malaysia handles, or rather mishandles, apostasy. As someone who once harboured the thought of converting to Islam, I was made to think twice as a result from Zainah's revelation. I think this can really thwart any non-Muslim's intention to convert to the faith and it certainly brings out into spotlight the lack of freedom of religion amongst Muslims. Yet, as Zainah said, this whole conundrum is more political than religious. Still, there is no reason why change cannot be brought about if people take on a more proactive role in fighting for their rights.

*Chai Mei Ling is a participant of the Writers for Women's Rights Programme (WWRP) which aims to develop the writing and analytical skills of young women writers. The WWRP is run by the Media Group under AWAM's European Union Project.*