

*UCLA International Institute*  
UCLA Center for Southeast Asian  
Studies  
(University of California, Los Angeles)

---

*Year 2007*

*Paper anwarwomenislam*

---

CSEAS Occasional Papers  
Islam and Women's Rights

Zainah Anwar

# Islam and Women's Rights

## **Abstract**

The Islamic resurgence that has engulfed most Muslim countries today has thrown forth different levels of tension and competing ideologies within these societies: what Islam, whose Islam is the right Islam? Very often, it is the status and rights of women that have become the first casualty in this battleground. The struggle for equality and justice for Muslim women must therefore be placed within the context of women living in Muslim societies where Islam is increasingly shaping and redefining our lives. Very often, it is the Muslim women who are targeted to reflect society's renewed commitment to the faith in ways that are often discriminatory and oppressive.

## **Islam and Women's Rights**

by Zainah Anwar  
Executive Director  
Sisters in Islam

Presented at University of California, Berkeley and Los Angeles  
Distinguished Visitor Program  
30 September – 6 October 2007

### **The setting**

The Islamic resurgence that has engulfed most Muslim countries today has thrown forth different levels of tension and competing ideologies within these societies: what Islam, whose Islam is the right Islam? Very often, it is the status and rights of women that have become the first casualty in this battleground.

The struggle for equality and justice for Muslim women must therefore be placed within the context of women living in Muslim societies where Islam is increasingly shaping and redefining our lives. Very often, it is the Muslim women who are targeted to reflect society's renewed commitment to the faith in ways that are often discriminatory and oppressive.

It is therefore not surprising that in these countries, from Egypt to Iran, Pakistan, Indonesia and Malaysia, women's groups are at the forefront in challenging traditional authority and fundamentalists and their use of religion to justify women's subordination and inferior status, and most perniciously, to use religion to silence any dissent or defame or incite hatred against those who offer alternative views to protect and promote the rights of women in Islam.

The challenge we confront is: how do we as Muslims reconcile the tenets of our faith to the challenge of modernity, of plurality, of changing times and circumstances? How do we deal with the new universal morality of democracy, of human rights, of women's rights, and where is the place of Islam in this dominant ethical paradigm of the modern world?

The response to this challenge has led to various forms of discourses on Islam and rights. The discourse about women's rights in Islam has taken three broad strands: first, there are those Muslims who acknowledge that Islam liberated women and granted them rights unknown to any other society. They point out the Qur'anic injunctions that recognize a woman's right to contract marriage, to divorce, to inherit and dispose of her property as she pleases. The Qur'an also outlawed female infanticide and enforced the payment of the dowry to the bride herself, not to her father or guardian. Yet, while progressive in tendency, this ethical vision of equality and justice for women in the Qur'an did not develop further or sustain any emancipatory or egalitarian thrust within the Muslim juristic heritage. Instead, the process of interpretation and codification of the laws, dominated by male jurists and scholars, eventually led to an orthodox mainstream view that men and women in effect are not equal.

In responding to the international discourse on women's rights, such Muslims say that because men and women are not the same, there cannot be equality. Instead, they say that in Islam men and women complement each other and therefore what Islam recognizes is equity, not equality. What is meant is that because men and women are different, they have separate and distinct roles to play. This then leads to befuddled and contradictory positions. They believe in the equal right of women to education and to employment, but not, for example, equal right to divorce. Women can work outside the home, but only with the permission of their husbands; women can be doctors but they must not touch male patients; women can be heads of departments in charge of men, but they cannot be in charge at home for they must remain obedient to their husbands.

The second strand reflects the obscurantist view that men and women are inherently unequal in Islam, quoting verses in the Qur'an such as 4:34 which talks about men being responsible for women and 2:228 which mentions that men are a "degree higher" than women. Such verses are interpreted literally and

in isolation to legitimize men's dominance and superiority over women. Other verses in the Qur'an and traditions of the Prophet have been interpreted to mean that women cannot be leaders, women cannot work outside the house, a woman's voice is part of her *awrah* and therefore cannot be heard in public, women cannot participate in the performing arts, etc. Such Muslims believe in the total segregation of women and men and that women are best suited to remain behind the confines of the four walls of the house to take care of the husband and children and to do the household chores. If at all women can be educated, that education is not meant for a career outside the home, but to help women to be better wives and mothers.

Over the past 20 years or so, there has emerged a contemporary Muslim discourse about women's rights, human rights, democracy, and modernity - led by Muslim scholars and activists who advocate a review and critical re-examination and re-interpretation of exegetical and jurisprudential texts and traditions within Islam. It argues for gender equality on all fronts. It contends a difference between what is divine revelation and what is human understanding of the divine Text that allows for change in the face changing time, place and circumstances.

Just as the mores and attitudes of urban Middle Eastern society during the classical period - which treated women as sexual objects, which licensed polygamy, concubinage and easy divorce for men - had informed the ideology of the day, thus determining how the Text was heard and interpreted and then codified into law, so too should today's changing realities of women's lives inform our reading of the Text and how our interpretation of the Text is then rendered into laws for a modern, democratic, and pluralistic state where women demand for equality and justice.

For women and women's groups like Sisters in Islam it is the ethical vision of Islam which advocate the absolute moral and spiritual equality of women and

men found in verses such as Surah 33:35 (on common and identical spiritual and moral obligations placed on all individuals regardless of sex); 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 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.<sup>i</sup>

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.

It is this ethical voice of the Qur'an which insistently enjoins equality of all individuals that has been largely absent in the body of political and legal thought in Islam. When women decided to read the Qur'an for themselves, they discovered this ethical message of equality and justice in Islam. They began to question why this voice was silent in the exegetical texts of the religion and the codification of the laws. They began to read about different movements and sects that existed from the earliest days of Islam, but were silenced and marginalized by the dominant andocentric voice that validated men's superiority and control over women.<sup>ii</sup>

It is this voice that had dominated and held power in Islam. It is their interpretative and legal legacy that defined Islam for us. They interpreted the religion as intending to institute andocentric (male-centric) laws and an andocentric vision in all Muslim societies throughout time. (Ahmed 1992:67). The ethical injunctions of the Qur'an were rarely transformed into legally enforceable rules, but were recognized as binding only on the individual conscience.(Ahmed 1992:92).

By the time the Islamic law schools emerged, women were already excluded from the interpretative and intellectual process involved in deducing the terms of *shariah* from the sacred sources. (ziba, IFL p 105). Rather than embodying the egalitarian messages of the Qur'an, Islamic jurisprudential rulings became literal expressions of the classical jurists' ideal model of family and gender relations. It is this heritage that regards women and men as inherently unequal in nature and in reality that has come into conflict with today's changing realities.

This patriarchal and discriminatory Islam resulted in many Muslim women activists believing that it is futile to work within the religious framework because they believe that all religions, including Islam, are inherently patriarchal and unjust to women. To work with religion will only serve the interest of the male oppressors who use religion to control and maintain women's subjugation. To them, the choice that groups like Sisters in Islam has taken, to work within the religious framework, is a losing battle because for every alternative interpretation that women can offer to justify equality and justice, the *ulama* will offer 100 others to challenge that interpretation, they say. They have therefore chosen to struggle for women's rights within the framework of universal values and principles.

However, in the past 10-15 years or so, more and more progressive Muslim scholars and activists have challenged the Islamic agenda of the traditionalist and the Islamist *ulama* and activists and their intolerance and outright oppression of women. These works which recognize equality between men and women in

Islam, which argue for the imperative of *ijtihad* (re-interpretation of the Qur'an in the context of changing times and circumstances), which address the dynamics between what is universal for all times and what is particular to seventh century Arabia, which look at the socio-historical context of revelation, which articulate the need to differentiate between what is revelation and what is human understanding of the word of God. Such research, interpretive methodology, and conceptual frameworks, developed to deal with the challenge of Islam and modernity, have enabled more and more Muslim women activists all over the world to realize the validity and possibility of working within the Islamic framework, that indeed we can find liberation from within Islam. Women have begun to study the Qur'an for themselves, the traditions of the Prophet and the rich juristic heritage of Islam to understand the religion better, and with this knowledge and new-found conviction, have begun to stand up to fight for women's right to equality, justice, freedom and dignity within the religious framework.

Our strength comes from our conviction and faith in an Islam that is just, liberating and empowering to us as women. Groups like Sisters in Islam are reclaiming for ourselves the Islam that liberated women and uplifted our status by giving us rights considered revolutionary 1400 years ago - the right to own, inherit or dispose of our own property, the right to divorce, the right to contract agreements - all introduced by Islam in the 7<sup>th</sup> century.

It is this ethical vision of the Qur'an that insistently enjoins equality and justice, it is this liberating and revolutionary spirit of Islam that today guides our quest to be treated as fellow human beings of equal worth and dignity.

### **The Path**

How and why did women's groups like Sisters and individual Muslim scholars, women and men, many of whom have been incredibly generous with their time



and scholarship in helping us activists, decide to study the Qur'an and strive to hear the voice of the divine will speaking to our concerns?

Let me just share with you the process Sisters went through. Like many other women's groups, it is injustice, oppression and ill-treatment that mobilized us Muslim women. Sisters in Islam first got together because of our deep concerns over the injustice women suffered under the *shariah* system. As professional women and as activists, other women often approached us to confide their marital problems and the problems they faced when they approached the religious authorities to seek redress to these problems. We got together first to look into the problems women faced with the implementation of the Islamic Family law.

However, increasingly, we felt that dealing with law alone was not enough. We felt powerless in the face of complaints by women that they have to suffer in silence because Islam demands that they be obedient to their husbands, because Islam grants men the right to beat their wives or to take second wives. We felt powerless to hear talks, again and again, in religious classes, over radio and television, in interaction with those in the religious departments and *shariah* courts where women were often told that men are superior to women, that men have authority over women, that a man has a right to beat his wife, that a woman must obey her husband, the evidence of two women equals one man, the husband has a God-given right to take a second wife, and therefore it is a sin for a woman to deny him that right, that a wife has no right to say no to sex with her husband, that hell is full of women because they leave their heads uncovered and are disobedient to their husbands.

Where is the justice for women in all these pronouncements? This questioning, and above all, the conviction that Allah could never be unjust, eventually led us to go back to the primary source of our religion, the Qur'an. We felt the urgent need

to read the Qur'an for ourselves and to find out if the text actually supported the oppression and ill-treatment of women.

This process Sisters went through was the most liberating and spiritually uplifting experience for all of us. We took the path of *Iqra* ("Read", the first word revealed to Prophet Muhammad *saw*) and it opened a world of Islam that we could recognize, a world for women that was filled with love and mercy and with equality and justice. We need not look any further to validate our struggle. Women's rights were rooted in our tradition, in our faith. We were more convinced than ever that it is not Islam that oppress women, but interpretations of the Qur'an influenced by cultural practices and values of a patriarchal society which regard women as inferior and subordinate to men.

For much of Islamic history, it is men who have interpreted the Qur'an and the traditions for us. The woman's voice, the woman's experience, the woman's realities had been silent and silenced in the reading and interpretation of the text. The silence of the interpretive voice was seen as the silence of the Text. But when Sisters read the text, we discovered words, messages and meanings that we were never exposed to in all the traditional education on Islam that we went through in our lives.

For us, it was the beginning of a new journey of discovery. It was a revelation to us that the verse on polygamy (Sura an-Nisa, 4:3) explicitly said "...if you fear you shall not be able to deal justly with women, then marry only one." How come one half of the verse that said a man can have up to four wives becomes universally known and accepted as a right in Islam and is codified into law, but the other half of the very same verse that promotes monogamy is unheard of ... until women began to read the Qur'an for ourselves.

It dawned on us that when men read the verse, they only saw "marry up to four wives." In that phrase, they saw the word of God that validated their desire and

their experience. When women read the verse, we clearly saw "... if you fear you cannot deal justly with women, then marry only one." Those were the words of Allah that spoke to our fears of injustice. We understood that the right to polygamy was conditional, and if a man cannot fulfill those conditions of equal and just treatment, then Allah said marry only one. In fact the verse goes on to say that "... this will be best for you to prevent you from doing injustice." What further validation do we need to argue that polygamy is not a right in Islam, but is actually a responsibility allowed only in exceptional circumstances.

We did more research on the subject and found out that such interpretation of the verse on polygamy and the Qur'anic view on marriage is actually not something new. It is certainly not the invention of the women's movement in the 20th century. There were many prominent *ulama* over the centuries and Islamic movements which interpreted that monogamy is the ideal state of marriage in Islam. But their views were marginalized by the ruling elite or the religious establishment.

In the late 19<sup>th</sup> and early 20<sup>th</sup> centuries, renowned Egyptian *ulama* such as al-Tahtawi and Muhammad Abduh who was Egypt's Grand Mufti both held the opinion that the Qur'an viewed monogamy as the ideal marriage in Islam. In the modern age, Abdullah Yusuf Ali, the translator and interpreter of the Qur'an into English that is widely used throughout world, also held the same view. However, in the new edition of his translated Qur'an, published in 1989 by IIIT based in Washington, his commentary on the verse on polygamy in which he says that the ideal and original state of marriage in Islam is monogamy, has been conveniently deleted by the publishers. Maybe the review committee felt that too many women were reading his translation of the Qur'an and were quoting his interpretation to oppose polygamy. Sisters certainly did. But only God only knows their motives.

Those who support polygamy very often say that they are only following the Prophet's way; but they have conveniently ignored the fact that the Prophet

married a woman 15 years older than him and he remained monogamous for the 25 long years of his first marriage, i.e., throughout the life of Siti Khadija, his first wife. It was only after Khadija's death that he married other women, and except for Aisha, the other women were all widows or divorcees whom he married to cement family ties and unite warring tribes. For very different reasons from why most Muslim men take second wives today.

There is also an authentic *hadith* (sunan Ibn Majah) which reported that the Prophet objected to his cousin, Saidina Ali Abi Talib, the fourth Caliph of Islam, who was married to the Prophet's daughter, Fatimah, from taking another wife. He said, Ali could take another wife, only if he divorced Fatimah, "...because my daughter is a part of me and what saddens and hurts her, saddens and hurts me too, and any problems that befall her will befall me too."

And yet while from a young age we knew that a Muslim man could have four wives, we did not know that the verse on polygamy actually advocated monogamy, that key Islamic scholars had supported monogamy, that an authentic *hadith* existed which expressed the Prophet's displeasure that his son-in-law wanted to take a second wife. In fact, the Prophet's great-granddaughter, the granddaughter of Ali and Fatimah, Sakinah, inserted a clause in her marriage contract which forbade her husband from marrying another woman during the tenure of their marriage. And during the Ottoman period, the most popular condition in the marriage contract was a clause on the wife's right to divorce should her husband take a second wife.

Therefore the question that arose was obvious to us: WHO decides which interpretation, which juristic opinion, which *hadith*, which traditional practice would prevail and be the source of codified law in this modern world, to govern our private and public lives and punish us if we fail to abide, and which would fall by the wayside? On what basis is that decision made? Whose interests are

protected and whose interests are denied? It was clear to us that this is more about power and politics rather than living the divine will on earth.

As feminists, as believers, and as activists living within a democratic constitutional framework, we decided to assert and claim our right to have our VOICE heard in the public sphere and to intervene in the decision-making process on matters of religion that must take into consideration the realities of our lives and the justice enjoined by the Qur'an.

### **The Challenge**

As we continue to study, to campaign for women's rights, for the right for people like us who did not go to that venerable university in Egypt for the study of Islam, al- Azhar, and who cannot speak Arabic, and who are not covered up, to participate in matters of religion, we know the task before us is uphill.

Through our readings, through consultations and studies with progressive Islamic scholars inside and outside the country, through networking with other women's groups engaged in the same struggle, we claimed our right and created a public space for women like us to stand up and argue for justice and equality for Muslim women in contentious areas such as polygamy, equal rights, dress and modesty, domestic violence, *hudud* laws, and freedom of expression, freedom of religion and other fundamental liberties.

### **SIS Advocacy Work**

There are several strategies that Sisters in Islam use to achieve this. Our advocacy work takes two main forms: as memorandums or letters to the Government on law or policy reform; and as letters to the editor on current issues to educate the public and to build a constituency that would support a more enlightened interpretation of Islam on specific issues that are in contention.

Central to our advocacy work, is our research into alternative interpretations of the Qur'an and alternative juristic positions in Islam that uphold the principles of equality, justice, freedom and dignity. This work feeds into our writing and press statements on contentious issues where the conservative religious authority or the Islamic movements are pushing for laws and policies that discriminate against women or violate fundamental liberties.

### ***Advocacy through Memorandums to the Government***

As part of our effort to influence law and policy making, SIS has submitted several memorandums and letters to the Government on issues such as the appointment of women as judges in *Shari'ah* courts, the right of Muslim women to equal guardianship of their children, Reform of the Laws on Polygamy specifically, Reform of the Islamic Family Law as a whole and the Administration of Justice in the *Shari'ah* System, and Reform of the *Shari'ah* Criminal Laws.

In these memoranda, we express our concerns on provisions in the law that discriminate against women in substance or implementation, or violate fundamental liberties, or conflict with the federal constitution and with civil law, offer a justification for why these laws should be amended or repealed and then provide specific wordings or positions to make clear the changes that we want to see take place.

### ***Advocacy through Letters to the Editor***

Our memoranda to the Government are often accompanied by letters to the editor which are sent to the major newspapers in the country. This strategy plays a crucial role in educating the public about alternative positions in Islam on a particular issue and hopefully, through this process, we can help engender a more informed public discussion on the issue and build a constituency that would support our advocacy and pressure the Government to take into consideration our voice.

Some of our letters and memoranda are submitted jointly with other women's groups to demonstrate to the government and the public that the women's movement is speaking with one voice on a particular issue, that the position SIS has taken is not an isolated position.

We also have an extensive public education program where we conduct monthly study sessions, a Public Lecture series where we invite progressive Muslim scholars from overseas to speak on topical issues in Islam from a rights perspective. In the past four years, we have embarked on a training program on women's rights in Islam to targeted rights groups of opinion makers, such as human lawyers and activists, women leaders, journalists, young political leaders, and in the past two years, we began to train in different parts of the country, targeting, grassroots women.

We also run a weekly legal literacy column which gives advice on Islamic Family Law matters in the largest-selling daily newspaper in Malaysia. The overwhelming response led us to open a legal clinic. We receive between 600-800 cases a year, mostly from women, for assistance on Islamic Family Law matters.

We are a very small group. For a long time there were only eight of us; but in 1998 we finally set up office, hired full-time staff, and our membership has grown to 30. And we have just opened our membership to men.

Of course by claiming our right and creating the space to speak out in public on Islam, we have made enemies. We are often criticised by conservative scholars and Islamist activists – a common experience of other women's groups and progressive scholars in other Muslim countries.

The attacks and condemnations usually take three forms:

First, they undermine our right and our legitimacy to speak on Islam by questioning our credentials. They say we have no right to speak on Islam because we are not traditionally educated in religious schools, we do not have a degree in Islam from a recognized Arab university, we do not speak Arabic, and we do not cover our heads. They say we are western-educated feminists representing an elite strata of society who are trying to impose western values on Islam and the *ummah*. To them, the discourse on Islam is therefore exclusive only to a certain group of Muslims, the *ulama* with the right education, status, and position. Others do not have the right to express their opinions on Islam.

Second, they accuse us of having deviated from our faith. They equate our questioning and challenging of their obscurantist views on women and fundamental liberties, and their interpretations of the Qur'an as questioning the word of God, and therefore they say we doubt the infallibility of God and the perfection of the message. Consequently, we are accused of being against Islam. They also accuse us of using our brains, logic and reason (*akal*) instead of referring to classical exegetical and jurisprudential texts of the early centuries of Islam. They claim that these texts by the great theologians and jurists of centuries past have perfected the understanding of Islam and the doors of *ijtihad* should therefore remain closed.

Third, they contend that it is dangerous to offer alternative opinions and interpretations of the religion as this could confuse the *ummah* and lead to disunity. There can only be one interpretation to be decided upon by the *ulama* and all citizens must abide by this interpretation. Alternative views that differ from the mainstream views are an insult to the Qur'an, inculcate hatred against *Shari'ah*, and degrade women, they assert.

However, for us it is ironic that many of those who often challenge and question the credentials of women's groups to speak on Islam, themselves do not speak Arabic and have not been traditionally educated in Islam. Many of those at the



vanguard of the Islamic movement calling for the establishment of an Islamic state and supremacy of *shariah* rule today are professionals, engineers, doctors, academics, administrators, without any formal religious training. Actually, many of them are third-rate engineering graduates from third-rate American universities. (Someone's got to study this correlation). Their right to speak out, however, is not questioned. The issue therefore is not so much about who has a right to speak on Islam, but what is being said about Islam. Thus those who echo the mainstream view on men's rights and women's inferior status in Islam, those who believe in the leadership of the *mullahs*, and those who advocate the establishment of an Islamic state and imposition of Islamic laws, have the right to speak on Islam, but those who challenge these views are denied the right and legitimacy to speak out.

The claim made by such Islamist forces that only their perspective and interpretation of Islam, of its values and its view of human rights and women's rights are the "universal" and legitimate view for all Muslims at all times must be challenged. In the face of general ignorance, fear or indifference by the public at large, the obscurantist view of the traditional *ulama* and Islamist activists on issues such as women's rights, *shariah* law and fundamental liberties have dominated the Islamic agenda in much of the Muslim world, and seen as the gospel truth of Islam by the Western world.

It must be understood that while all Muslims accept that the Qur'an as one, the human effort in interpreting the Qur'an had always led to diverse and differing opinions. It is precisely because of this wealth of diversity that Islam has survived and flourished to this day in different cultures and societies – all could accommodate the universal message of Islam. And yet in many Muslim societies today, there are many who condemn those who offer alternative views as infidels and apostates and choose to deny or negate the richness, complexity and diversity of our heritage.

There is also a denial of the historical context within which the *shariah* itself was constructed, and of the consequently historical character of the *shariah* as it was developed and applied within early and classical Islamic civilisation. For example, in classical Islamic jurisprudential texts, gender inequality is taken for granted, *a priori*, as a principle.<sup>iii</sup> Women are depicted as “sexual beings” not as “social beings” and their rights are discussed largely in the context of family law. The classical jurists’ construction of women’s rights reflected the world in which they lived where inequality between women and men was the natural order of things and women had little role to play in public life.

But the conservative *ulama* that dominate the religious authorities and Islamist activists of today seem unable or unwilling to see Islamic law from a historical perspective as rules that were socially constructed to deal with the socio-economic and political context of the time, and that given a different context, these laws have to change to ensure that the eternal principles of justice are served. In this process, it is human agency that determines which texts are relevant, and how they should be interpreted to serve the best interest of the community. While the source is divine as it is the revealed word of God, human understanding of the word of God is a human construct that is fallible and changeable in accordance with changing times and circumstances. Therefore the role of human experience and intellect in the pursuit of the divine, will lead to the production of Islamic knowledge and Islamic laws that cannot then be regarded as divine.

They can therefore be changed, criticised, refined and redefined. Unfortunately, in the traditional Islamic education most of our *ulama* have gone through, the belief in *taqlid* (blind imitation) and that the doors of *ijtihad* are closed is so strong. This rationale is based on the belief that the great scholars of the classical period who lived closer to the time of the Prophet were unsurpassed in their knowledge and interpretative skills.

But to adopt such an attitude is totally untenable in today's world when we face new and different challenges: the issue of human rights, of democracy, of women's rights, the challenge of modernity, the challenge of change. How to find solutions from within our faith if we do not exert in *ijtihad* and produce new knowledge and new understandings of Islam in the face of new problems?

This problem is compounded by the fact that most Muslims have traditionally been educated to believe that only the *ulama* have a right to talk about Islam. What are the implications to democratic governance, to human rights and gender justice, if only a small group of people, the *ulama*, as traditionally believed, have the right to interpret the Qur'an, and codify the text in a manner that very often isolates the text from the socio-historical context of its revelation, isolates classical juristic opinion especially on women's issues, from the socio-historical context of the lives of the founding jurists of Islam, and isolates our textual heritage from the context of contemporary society, the world that we live in today.

I feel very strongly that the role played by civil society groups, such as women's rights and human rights activists, and public intellectuals will be key in bringing about change in the terms of public engagement on Islam in many Muslim societies.

For this to happen, however, the public space to debate on Islam and Islamic issues has to open up. Ironically, post-September 11 was a wake-up call to many Muslims. One important impact in a number of Muslim countries has been the opening of the public space for debate, for discussion, for a diversity of opinion on Islam and Islamic issues to be heard in the public sphere, from both Muslims and people of other faiths.

In many parts of the Muslim world and within minority Muslim communities, scholars, writers, and activists are beginning to debate such issues publicly: What is the role of religion in politics? Is Islam compatible with democracy? Who

has the right to interpret Islam and codify Islamic teachings into laws and public policies? How do we deal with the conflict between modern constitutional provisions of fundamental liberties and equality with religious laws and policies that violate these provisions? Should the state legislate on morality? Is it the duty of the state, in order to bring about a moral society, to turn all sins into crimes against the state? Can there be one truth and one final interpretation of Islam that must govern the lives of every Muslim citizen of the country? Can the massive coercive powers of a modern nation-state be used to impose that one truth on all citizens? How do we deal with the new universal morality of democracy, of human rights, of women's rights, and where is the place of Islam in this dominant ethical paradigm of the modern world?

Within the context of modernizing Malaysia, Sisters in Islam takes the position that if religion is to be used to govern the public and private lives of its citizens, then everyone has a right to talk about religion and express their views and concerns on the impact of such laws and policies made in the name of Islam. The world is far more complex today than it ever was. No one group can have the exclusive monopoly on knowledge. In a modern democratic nation-state, *ijtihad* must therefore be exercised in concert and through democratic engagement with the *ummah*. The experience of others who have been traditionally excluded from the process of interpreting, defining and implementing Islam must be included. The role of women who constitute half of the *ummah* must be acknowledged and included in this process of dialogue, of policy-making and law-making.

This search for answers to important questions on the role of Islam in today's modern nation state cannot remain the exclusive preserve of the religious authorities, be they the *ulama* in government or in the opposition parties or Islamist activists pushing for an Islamic state and *shariah* law.

For me the hope for change lies in the growing voices of dissent against intolerant, oppressive and discriminatory teachings of the religion, the opening up of the public space, and the breakdown in the monopoly that the traditional religious authorities have over the discourse on Islam. The democratization project in Muslim countries today must go hand in hand with the debate on the public role of Islam. You cannot demand for more democracy, justice and respect for human rights on the one hand in order to get rid of an oppressive state, and at the same time demand that all these principles stop at the door of Islam. That somehow, Islamic law and policies cannot, should not be put to the same test that you demand of the despotic rulers. Public law must be opened to public debate. Even if the law is made in the name of religion, it is no longer tenable to hide behind the sanctity of the divine to silence dissent.

The challenge is to expand this public space, to open up the debate, to turn the dissenting voices into a clamor for justice and equality, for freedom and dignity at the national, regional and international levels. Women's groups in Muslim countries are already organizing and building bridges across regions to multiply their voices and to take the lead in reforming the teachings and understanding of Islam to deal with the challenges of the modern world.

How we live our faith in this world remains a work in progress, an exciting work in progress actually. The challenge is not just for Muslims, but also for Christians, Jews, Hindus, Buddhists. That there is a resurgence of faith in public life is obvious. There is a yearning for the transcendence, for spirituality, for faith in an age of rapid change and all the uncertainties and fear of the unknown that change brings.

As a Muslim, I do not believe that a simplistic call to return to an idealized golden age of Islam that has little bearing to the realities of today's world can be the answer. And yet the answers can be found within our faith - if only we have the intellectual vigor, the moral courage, and the political will to strive for a more

enlightened and progressive understanding of our religion and our heritage in our search for answers to deal with our changing times and circumstances. For us in Sisters in Islam, this is not heretical, but an imperative if religion is to be a source of peace, and a source of goodness, rather than a source of conflict and oppression. The task is long, difficult and challenging; but I believe it is necessary and it is possible. It is a task that we as citizens of modern nation-states, of an increasingly interdependent globalized world must care about and must engage in.

---

<sup>i</sup> For an expansion of Sisters work on equality, see Sisters in Islam, *Are Men and Women Equal Before Allah?* (Kuala Lumpur, 1991).

<sup>ii</sup> For example, the Qarmatians which challenged Abbasid rule militarily, also departed fundamentally from the norms and values of the existing social order. Qarmatian women were not veiled, polygamy was outlawed, and men and women socialised together. See Leila Ahmad, 1992:99.

<sup>iii</sup> Mir-Hosseini, Ziba: “The Construction of Gender in Islamic Legal Thought and Strategies for Reform”. Paper presented at the Sisters in Islam Regional Workshop on Islamic Family Law and Justice for Muslim Women, Kuala Lumpur, 8-10 June 2001.