



**Zainah Anwar Presentation  
Speakers' Forum Event  
Women's Empowerment, Gender Justice, and Religion  
May 16, 2015**

***Panel One***

I will discuss the possibility and necessity of equality and justice in Islam, and how a women's group, Sisters in Islam, has built a space for public debate in contexts where Islam is a source of public law and public policy, taking the position that everyone—citizens, Muslims and non-Muslims, experts and non-experts-- have a right to engage religion, particularly with regard to how it impacts women and women's rights.

We live today in an era when women's rights have been recognized as human rights. Our constitution and the constitutions of many Muslim countries recognize equality and non-discrimination for all citizens, regardless of gender. And economic changes have basically transformed the daily lives of Muslim women. However, to the point that was made earlier in the day, growing conservatism, extremism, in parts of the Muslim world has impacted Muslim women and their rights in many ways. Women's demands for law reform to end discrimination are resisted by forces claiming that these demands for equality and legal reform are against the teachings of Islam. Women's rights activists are often demonized, and sometimes their lives are threatened for challenging the authority of political Islamists. Very often they are told that this is 'God's law,' and therefore not open to change or negotiation. To question, challenge, or demand reform will supposedly go against sharia, and lead us astray from the true path. Muslim women who demand equal rights under the law are often accused of being westernized, agents of the west, and anti-Islam, anti-sharia, women who have deviated from the faith, and even infidels.

These problems in many Muslim societies are compounded by the fact that most Muslims have traditionally been led to believe that only the ulama, the religious authorities, and religious scholars, have the right and the expertise to talk about Islam. Very few Muslims and human rights advocates are willing to engage publicly in the debate on religion. Some feel they do not have enough knowledge to speak about Islam, while others take a strategic position not to engage with religion, believing that religion is inherently unjust and patriarchal, and that to engage with religion is to strengthen the power of the ulama and to validate the legitimacy of religion in the public space. Others take the ideological position that religion has no place in public life and must be ignored—that to engage in a debate is to legitimize the religion.

This fear or reluctance to engage with religion has left the field open and allowed the most conservative forces within Islam to define, dominate, and settle what it is and what it is not Islam.

They define how to be a good Muslim-- in the name of Islam, while everyone else cowers in fear and silence. For me, enough is enough. Today, many women's rights activists living in Muslim contexts have begun to realize the strategic need to understand Islam better, to acquire knowledge and courage, not just to challenge the ways Islam is used to discriminate against women, but to offer an alternative vision that reconciles religion with human rights and women's rights.

In countries and communities where Islam is used as a source of law and public policy in shaping culture and tradition, I believe this engagement is imperative. In Malaysia the group I helped to co-found, Sisters in Islam, has successfully created a public voice and public space for debate on matters of religion. We have broken the hegemony of religious authorities and publicly challenged the ways Islam is used to justify laws, policies, and statements that discriminate against women, violate fundamental liberties, and undermine democratic processes. And we do this through letters to the editor, press conferences, press statements, public education, memorandums to the government on law reform, and easy to read publications. Through this, we have promoted an alternative public discourse on an Islam that upholds equality and justice, and the possibility and necessity of reform to deal with our changing times and circumstances. This has successfully challenged the authority and the monopoly claimed by those in the religious establishment over matters of religion and public policy.

We point to all of those wonderful verses that exist in the Qur'an that can provide an equitable vision of Islam, one that advocates the absolute moral and spiritual equality of women and men. If we are equal in the eyes of God, why are we not equal in the eyes of man? We raise lots of questions on these issues. And in making these choices, which verse to use as a source of law and public policy, we raise the question—whose interests are served, protected and advanced, and whose interests are shunted aside? Is this really about living the will of God on earth as these men in authority claim, or is it really more about how men in authority could use the will of God to perpetuate patriarchy and resist the changing realities that are happening before their eyes? It is so obvious that it is these men in authority who are abusing religion to perpetuate patriarchy and justify their control over women's lives.

The real challenge we confront today is how do we as Muslims reconcile the tenets of our faith to the challenge of modernity, plurality, of changing times and circumstances? How do we deal with the universal morality of democracy, of human rights and women's rights, and where is the place of Islam in this dominant ethical paradigm of the modern world? Over the past 20 to 25 years, there has emerged a contemporary Muslim discourse on women's rights, human rights, democracy, and modernity, led by Muslim scholars and activists who advocate a critical reexamination and reinterpretation of the juridical and jurisprudential texts and traditions within Islam. This approach places emphasis on how religion is understood, how religious knowledge is produced, and how rights are constructed in the Islamic legal tradition. It locates the production of religious knowledge in the social and historical context of its time, and asserts that given the changing times and circumstances, new religious knowledge needs to be produced to deal with new challenges and new questions and issues that the tradition has not dealt with.

The issue of Islam and gender equality and women's rights, is an issue that Muslim jurists did not have to deal with until the late nineteenth century, and is still an issue that we are grappling with over 100 years later. Today, the idea of gender equality, which is integral to modern conceptions of justice, creates what some have called an epistemological crisis in the Muslim legal tradition. Alasdair MacIntyre also argues that every rational inquiry is embedded in a tradition of learning, and that tradition reaches what he calls an epistemological crisis when by its own standards of rational dissertation, rational disagreements can no longer be resolved rationally. This,

he goes on, gives rise to what is called an internal critique that will eventually transform the tradition, if that tradition is to survive. I find this concept useful to understand and share with you what is going on today in the Muslim world, where academics and activists are engaged in internal critique in order to reform the legal tradition governing family and marriage that has lost its logic over time.

Today families and scholars are working together to construct new knowledge in Islam, to rebuild a tradition that is able to assimilate ideas once considered alien to Islamic legal thought. This is a huge challenge of course, especially in the context of Muslim societies pummeled by the use and abuse of Islam for political purposes. But for those of us in the heart of this process of producing new scholarship on family law in Islam, it is, believe me or not, an exciting journey—intellectually, spiritually, politically—as we battle for what it means to be Muslim in the twenty first century.

Of course, in engaging with such a contested and very public issue, we come under attack. However, I don't believe that change can happen by engaging with ulama behind closed doors—it has to be a public debate and a public engagement to build a public constituency that supports equality and justice for women in Islam. So of course my group, Sisters in Islam, has come under attack—we've been in existence for over 20 years—Islamists accuse us of deviating from our faith because they claim that Islamic laws are divine and therefore unchangeable, and accuse us of going against Islam. Secular Muslim families as well attack us because they say our effort to reconcile Islam with human rights and women's rights is futile because religion is inherently unjust, and not only that but our strategy is dangerous as it legitimizes the role of religion in public space.

Twenty-five years later, of course we know that religion is not separate from public life, let alone private lives. To continue to willfully ignore religion, its significance to the lives of so many women that we claim to want to help, and its misuse and abuse in politics and public law and policy is, I believe, endangering the very women that we claim to be fighting for. It has already threatened the gains that women have already made over the decades. If only governments, international institutions, and human and women's rights activists had dealt with this angry giant in the room over the past decades, maybe the world would be a different today. Who knows.

As an activist, though, I am on the verge of giving up on trying to engage with the authorities to bring about change. Most Muslim governments, delegitimized, corrupt, and authoritarian as they are, do not have the political will, nor the courage, nor even really the authority, to deal with the challenge of political Islam—and some in fact actively use Islam to maintain power and control. I feel very strongly, though, that change is overdue. Change is going to happen, but only when civil society groups, women's rights groups, human rights groups and public intellectuals risk life and limb. It is they who will be the key players to bring about change in the terms of public engagement on Islam and its role and place in Muslim societies. For this to happen, however, public space for debate on matters of religion has to open up. This is why I believe the struggle for a more just and liberating Islam has to take place within the struggle for democratization within Muslim societies. I'm always amazed when my friends in the west are puzzled why Islam is backwards, misogynistic, undemocratic, extremist... but you really cannot expect a democratic, just, liberal Islam to thrive and develop and grow within despotic states, which also happen to be allies of the West. The West is culpable in this as well.

So the fight to open up the space for debate in this context is extremely critical, and so is the ability to stand your ground when you are under attack, because you *will* be attacked. That is par for the course, so you need to strategize how to respond to these attacks. For Sisters in Islam—and let me tell you, the attacks began from day one until today, 25 years later —every attack against us is seen

as an opportunity to bring more voices into the public space, and to challenge the myth that there can only be one opinion and one truth in Islam. For example, when the government banned our book *Muslim Women and the Challenge of Islamic Extremism*, we took them to court, challenging the ban on constitutional grounds. The government claimed that our book tarnished the purity of Islam, was prejudicial to public order, and caused confusion to the Muslim community and in particular to Muslim women. We won in the high court, the government appealed, we won in the court of appeal, and the government appealed again, and it went to the federal court and we won again. It really was music to our ears when one of the judges on the panel of five said that the minister of home affairs that signed the ban order was supposed to apply his mind to this case—he did not. Instead he had applied the mind of the religious authorities. It upheld the court of appeal decision that the book had not caused public disorder, and that the minister’s decision was unreasonable, irrational, and an outrageous defiance of logic.

We are really thankful for that decision, pushing the boundaries open and getting new language into the public sphere on the relationship between religion and law, religion and constitution. Currently we are under attack yet again by a state religious authority. There is a *fatwa* issued against Sisters of Islam declaring us as deviants for subscribing to liberalism and pluralism—so to believe in liberalism and pluralism makes you un-Islamic. And again we’ve taken the case to court, challenging the *fatwa* on several constitutional grounds, including freedom of expression, freedom of religion, and freedom of association.

### **Panel Two**

I’m also from Musawah, the global movement for equality and justice in the Muslim family, which is a global movement that was initiated by Sisters in Islam. Sisters in Islam is a Malaysia-based group, but the impact of our work has been global. There was a lot of interest globally from other women’s groups, from the UN, and from donor agencies. The Asia Foundation sent people from South Asia for trainings in Malaysia on various issues relating to religion and women’s rights, religion and reproductive health and rights. Academics and researchers and journalists visited us to find out more about our work. We realized that there was much demand and interest in our work at the international level. And so we decided that it was really time for us to bring together women’s groups and scholars who have worked on issues of women’s rights in Islam, and particularly on family law. Women’s groups in many Muslim countries are pushing for reform of the family law, because Muslim family law is really based on a legal framework that regards women as inferior to men, that the man is the provider and the protector, and therefore he is entitled to certain rights and privileges that women are not entitled to. But whether the men live up to those responsibilities that they have, that’s like “oh, God will decide when he dies;” in this world he is superior, he is the protector, he is the provider, and therefore he has superior rights, and never mind what the reality is on the ground.

So women’s groups calling for law reform, for equality, and non-discrimination in Muslim family law all face the same challenges—“this is against Islam, anti-sharia, anti-God, this is Western,” and all that. We felt that there was a need for us to come together and to assert that there is equality and justice within the tradition, that there are juristic tools and concepts within the Islamic legal tradition, that enable us to argue for equality and justice. I look at the change in family law in Morocco—if Morocco can change its family law to recognize marriage as a partnership of equals, why can’t we? Morocco is a Muslim country.

We felt that the time has come for us to get together to assert a global public voice of Muslim women demanding change, arguing for equality and justice, and seriously challenging our

governments. We ask how at the international level, they can ratify all of these wonderful treaties to show the West how progressive they are, but at the national level, all these obligations are not at all enforced. So we wanted to challenge this at a public level. I keep emphasizing that this work must be done at a public level. Because Sisters in Islam does not work at the international level, we felt that we did not have the capacity to launch a global network, to organize a global meeting, and so we formed a planning committee made up of activists and scholars from different regions with whom we have engaged with over the years. I think it's extremely important to bring scholars and activists together, because if you want to engage with religion, you need the scholarship. Scholarship and knowledge are extremely important because without the scholarship, it is very difficult for you to stand your ground when you are under attack. As I said, you're going to be attacked, so you need to be confident in the scholarship in order to be able to argue back and to stand your ground, and also to feel confident about your convictions, that they supported by Qur'anic teachings and the legal tradition.

We brought together a planning committee of activists and scholars from the Middle East, from Africa, from Asia, and from minority Muslim communities in the West as well, to plan for what eventually became Musawah, which means equality in Arabic. It was a strategic decision, to call it equality, to call it Musawah—we're not going to tiptoe around the fact that the issue is equality—this is a position, an ideological position that we want to assert: the concept of equality in Islam. It took us two years to prepare for Musawah, because again we wanted to have conceptual clarity of what we mean about equality and justice, and the possibility and the necessity for change. We spent two years developing what we call the Framework for Action that argues for the possibility of equality and justice, to develop a theoretical book called *Wanted: Equality and Justice in Islam*—all of these are available on the Musawah website in English, Arabic, and some in French—and also a little booklet called "Home Truths" where we asked the activists who were coming to the Musawah meeting to prepare a two-page report on the state of the debate on family law reform in their countries. We wanted to ground our movement in the realities at the national level to show the necessity and the possibility for reform.

Musawah was launched in Malaysia in Kuala Lumpur in 2009, with over 250 scholars, activists, and policymakers from 47 countries—so it was really a huge event. I want to emphasize that when we called women's groups in over 50 countries we just cold called them—'are you interested in this issue?' We emailed the concept paper and everybody was interested (well not everybody, but most people). We had to cap attendance at the launch because we could not manage more than 250 people well. At the launch we asserted what we hoped to contribute to the global human rights and women's rights movements: that Islam can be a source of empowerment, not a source of oppression and discrimination. We wanted to open new horizons for rethinking the relationship between human rights and women's equality and justice in Islam; we wanted to open a new constructive dialogue where religion is no longer an obstacle to equality for women but can be a source of liberation; we wanted to build a collective strength of conviction and courage to stop governments, patriarchal authorities, and ideological non-state actors, from the convenience of using religion and the word of God to silence our demands for equality. We wanted to build a space where activists, scholars, and decision-makers, working within the human rights or the Islamic framework, or both, can interact and mutually strengthen what is in the end our common pursuit—equality and justice. Whether you work with religion or work with human rights, how can we all work together on this?

I want to share with you three key areas of work at the intersection of rights and religion that we're dealing with now. A key area is the knowledge-building work that we do. We see Musawah as a knowledge-building movement to create new feminist knowledge in Islam and to challenge the

patriarchal, discriminatory tradition that we have inherited for a long time and that remains the root of the discrimination against women in the Islamic legal framework, family law, and, of course, local practices as well. The latest work that we've done is to engage with the issue of male authority over women. It is this twin concept of *qiwamah* and *wilayah*, of male authority over women, that today still underpins the discriminatory legal framework. We commissioned a group of scholar-activists to deal with different aspects of this issue, at the Qur'anic, *fiqh*, ethics and lived realities levels. One chapter dealt with the interpretive legacy of, verse 4:34—men have authority over women because God has preferred them, analyzing how far removed the justifications for male superiority are from the Qur'anic message. What we hope to develop is a new contextual understanding of *qiwamah* and *wilayah* in the light of equality and justice in the twenty-first century. We've just come out with a new book, *Men in Charge? Rethinking Authority in Muslim Legal Tradition*. When we launched it in London at SOAS many academics were there. It was wonderful to see many law and Islamic studies professors saying immediately 'I'm changing my curriculum, I'm putting this into required reading, and I'm integrating this in my lectures' and all that. This is really exciting work, that's why I've been in this mission for over 20 years and remain excited about it.

The second key area of work is capacity building. This is extremely important because women's rights activists and feminists, know gender and know human rights, but really have very little understanding of Islam, except for the misogynistic, patriarchal Islam that they grew up with. They are not aware of the incredible new Islamic scholarship and thinking that has emerged in the past 20 years. We conduct a course called Islam and Gender Equality and Justice at the national, regional and international levels. We just did a training in Sri Lanka for South Asian activists and policy makers, including four people from Bangladesh, one of whom was a CEDAW committee member. I just got back from Uganda. We did a training for the Horn of Africa, and we're doing a training for the MENA region later in the year. Again, there is incredible demand for these trainings from women's rights activists, because religion has not gone away from our lives, and they don't know how to deal with the challenge of religion in the public space. So this training gives them the knowledge, and the courage as well, to start building this public culture of debate and to start challenging the religious authorities and their governments and the abuse of Islam to justify discrimination against women.

The third key area of work is international advocacy, and this is where we go to Geneva to engage with the CEDAW committee and the UN human rights system. We did a major research on CEDAW, critically examining how Muslim governments use Islam to justify reservations and non-compliance with treaty obligations. We analyzed and challenged the language that government use to justify their positions and provided the approach of the Musawah Framework for Action to justify why change is possible. This is important because too often when governments fly the flag of religion, everybody cowers—'oh, that's your religion and that's your culture, you deal with it.' That's not going to work, and there's a lot of frustration among some governments, in OHCHR, and in the CEDAW committee, about their difficulties in dealing with those governments that fly the flag of religion. So the work has been most welcome in Geneva. We submit shadow reports on Article 16 on marriage and family, we issue Oral Statements and we work with the NGOs from key reporting countries. We lobby the CEDAW committee, providing them information and language to challenge the governments and their use of religion. This is all relatively new work, but I think nothing is more powerful than an idea whose time has come, and certainly the idea of engaging with Islam from a rights perspective and creating an alternative public voice to challenge governments, religious authorities, Islamist activists, and their use of Islam to justify discrimination, oppression, violations of fundamental liberties and constitutional guarantees has come. All of this is extremely important and is extremely needed in Muslim contexts.

In sum, it is possible to bridge that divide between Islam and human rights, Islam and democracy, Islam and women's rights. The concepts and tools do exist within the tradition to enable a new understanding, to recognize our changing times and realities, to make equality and justice for Muslim women possible. It is possible. It is a huge struggle, it can be life-threatening, it can be dangerous, but I think we have no choice—if not, we let them define our lives, so we need to take control of the situation and assert our voice and influence the kind of role that religion should be playing in the public space in our societies.