



Religious Fundamentalisms and Their Gendered Impacts in Asia

Claudia Derichs and Andrea Fleschenberg (eds.)

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Preface

Amidst growing uncertainties in a globalised world, fundamentalist convictions have been gaining ground in many religions. Reinforced by the threat from international terrorism, this renaissance of religious fundamentalisms has created ideological conditions for polarisation between ‘us’ and ‘them’, from community to transnational level. At national level, it has affected both politics and society, leading to something of a ‘retraditionalisation’ of gender roles.

The understanding of fundamentalism is often one-dimensional, however, and dominated by the figure of the male Muslim. In fact, fundamentalism is multifaceted and rooted in different religious and cultural contexts. However, among the vast diversity of religions, cultures and peoples in Asia, a number of common features can be discerned with regard to religious fundamentalisms and gender:

- The authority to interpret sacred religious texts in order to construct an ideology is often monopolised by and enforced to sustain patriarchal structures, and therefore it is a question of authority and power.
- Women are often the first target of fundamentalist forces in an effort to demonise all difference and to prescribe codes of behaviour, thus either restricting or exaggerating the role of women.

The stereotypical assignation of gender roles limits the space for diversity, dissent and socio-political participation on the part of women. This gradually leads to the erosion of the democratic polity and respect for human rights, reversing many improvements that have been made in Asian societies in recent decades.

The Regional Office for Cooperation in Asia of the Friedrich-Ebert-Stiftung and the country offices in the region are trying to help foster gender equality in Asia and to promote women’s rights in accordance with the Beijing Declaration and the Platform for Action. Religious fundamentalisms are jeopardising these goals and making the struggle for universality of women’s human rights more difficult, but also more important.

With the conference ‘Religious Fundamentalisms and Their Gendered Impacts in Asia’ (a joint project with the University of Hildesheim) and with this publication the Friedrich-Ebert-Stiftung wishes to contribute to this vital debate within the triangle of gender, religion and politics in Asia and the West. We attempted to gather representatives from civil society – in particular pro-democracy and women’s rights activists confronted by fundamentalists in their work – politics, journalism and academia

to mirror the diversity of religions and prevailing fundamentalisms in Asia, Europe and the United States. The conference provided the participants with an opportunity to scrutinise definitions of religion, faith, fundamentalism, tradition and secularism. At the same time, it offered a space for exchange and reflection to develop creative strategies for overcoming possible gendered restraints on political participation.

I would like to thank the editors of this volume, Professor Claudia Derichs and Dr Andrea Fleschenberg, Institute for Social Science, Stiftung Universität Hildesheim, for their efforts and commitment to this joint project. We thank the authors, whose contributions reflect in part the very broad and fruitful discussion among the 30 conference participants.

If we assume that the roles and disparities perpetuated by religious fundamentalisms are socially constructed, then they are not immutable. Future responses must include strategies to curb the negative impacts of religious fundamentalisms on democracy, peace and human rights, while at the same time unwaveringly asserting the need for gender equality.

Singapore, January 2010

Dr Stefanie Elies
Friedrich-Ebert-Stiftung
Office for Regional Cooperation in Asia

Religious Fundamentalisms and Their Gendered Impacts in Asia

Claudia Derichs and Andrea Fleschenberg

Asia is home to 60 per cent of the world's population and includes all the major religions. Regionally, Asia encompasses Northeast Asia and Southeast Asia, South Asia, Central and Western Asia. The continent is characterised by an extremely diverse cultural landscape, with different political, economic and social traditions and demographic constellations. Transversal cultural and religious flows cross national borders and are often maintained through regional links between ethno-religious groups, such as the Malay Muslims in Northern Malaysia and Southern Thailand. This volume concentrates on South and Southeast Asia and examines the impact of religiously inspired policies on the female half of the population in Sri Lanka, the Philippines, Indonesia and Malaysia. It contributes to the field of global gender research and regards religious fundamentalism as a significant factor in shaping women's agency and room for manoeuvre in the public (political) arena. Participation in general, and political participation in particular, are to a great extent determined by gender ideologies which assign certain roles and patterns of behaviour to each sex. A case in point is the debate about whether a woman can become head of state (as described in the chapter on Indonesia). Arguments for and against in such debates are heavily informed by religious ideas and by recourse to 'eternal truths' which allegedly inhibit a woman from becoming a prime minister or a president, or even from becoming a politician at all.

The term 'fundamentalism' remains a subject of controversy and considerable sensitivity. It is difficult to establish a shared definition of the term which would be accepted by those who use the word, are confronted with it or feel inclined to debate it. At best, some sort of semantic and pragmatic approximation is possible. A survey conducted by the Association for Women's Rights in Development (AWID) in September 2007 collected answers from more than 1,600 women's rights activists to the question 'What do we mean when we speak of "religious fundamentalisms"?'¹

¹ The summary of the survey results can be downloaded from the AWID website (www.awid.org), available at: [http://www.awid.org/eng/content/view/full/44597/\(language\)/eng-GB](http://www.awid.org/eng/content/view/full/44597/(language)/eng-GB). (Aug 18, 2009).

8 As the title of our volume suggests, it makes sense to speak of fundamentalisms in the plural rather than in the singular – except for a discussion of the very concept of fundamentalism, which applies automatically to a number of religious and non-religious phenomena. AWID's survey revealed that 51 per cent of respondents found the term 'religious fundamentalisms' useful in their work, while the other 49 per cent were either not sure or rejected the term for various reasons, among them the feeling that it reinforces negative stereotypes, that it targets Muslims in particular or that it is too 'jargonistic'.² With regard to what the term meant to the respondents, whether they rejected it or found it useful, five categories received the highest scores: (i) absolutist and intolerant, (ii) anti-women and patriarchal, (iii) related to the fundamentals of religion, (iv) to do with politics and power, and (v) anti-human rights and freedoms.³ While these descriptive features might be considered common sense, definitions still vary. This is also due to the fact that fundamentalisms are frequently used interchangeably with terms such as 'conservatism', 'radicalism' and 'traditionalism'. Elizabeth Aguilin-Pangalangam, for instance, explains that she does not distinguish between conservatism and fundamentalism, in her contribution to this volume. Since each author has chosen her own working definition for the term, the editors have decided not to opt for a definition that could be shared by all authors. However, in order to at least convey to the readers the ideas which motivated us to convene a conference and publish a book on the topic of religious fundamentalisms and their impact on women's political participation, the following thoughts might be considered.

Our understanding of religious fundamentalisms and why we consider them an impediment (rather than a window of opportunity) to female political participation and both individual and collective autonomy is guided by the observation that 'the use of religion (and, often, ethnicity and culture as well) to gain and mobilize political power' is a frightening phenomenon in today's globalised world. We therefore agree with the Women Living Under Muslim Law Network's view that religious fundamentalism 'consists of an ideology that does not give attention to principles of universal human rights, is often anti-women, and is dogmatic about acceptance of "the Other", especially peoples of other faiths.'⁴ Having said that,

² Ibid., p. 16f.

³ Ibid., p. 5.

⁴ Rouhana, H., 2005, The Women Living under Muslim Laws (WLUML) Network's Understanding of Religious Fundamentalisms and its Response. In: N. Othman, ed. *Muslim Women and the Challenge of Islamic Extremism. Petaling Jaya: Sisters in Islam*, pp. 178–95, at p. 181.

we appreciate other approaches to the term, as shown, among other things, in the contributions to this volume.

9 A similarly controversial concept compared to fundamentalism is secularism. Although the term is not used frequently in this volume, it is worthwhile reflecting upon it because many readers and writers may juxtapose the secular and the religious. While this dichotomy is particularly common in Western democracies, which look back on a history of fierce struggles between state authorities and church/clerical authorities, it does not seem to be appropriate when applied to societies with different historical developments. As José Casanova remarks in his distinguished (draft) study on *Religion, Politics and Gender Equality*, the category of religion itself has undergone significant challenges and deconstruction.⁵ The unreflective usage of the term in the social sciences has, legitimately, aroused criticism among scholars of religious and comparative religious studies. The basis of the critique is the demand to acknowledge the term's historical contingency. The category of secularism, Casanova points out (with reference to anthropologist Talal Asad), has to be seen in its historical genealogy, too. It should be recognised 'that "the secular" emerges first as a particular Western Christian theological category, while its modern antonym, "the religious", is a product of Western secular modernity.'⁶ Hence the juxtaposition of the religious and the secular becomes distorted once taken out of its historical context and genesis. Following Meena Sharify-Funk, who addresses the peculiar relationship between religiosity, secularity, tradition and modernity with reference to Muslim communities, we prefer to regard these categories as floating and overlapping concepts which by no means contradict each other.⁷ Sharify-Funk designates religiosity a 'transcendent view', tradition a 'past orientation', modernity a 'future orientation' and secularity a 'worldly view'. 'Most Muslims', Sharify-Funk writes, 'do not simply live "in" tradition" or "in modernity"; rather, they dwell "in between" these two poles, as well as "in between" their secular and religious ideas.'⁸ This evidence holds, we believe, for affiliates of other religions or for non-religious people in a similar if not the same way.

⁵ Casanova, J., 2009, *Religion, Politics and Gender Equality. Public Religions Revisited*, UNRISD Draft Working Document, April 2009, p. 5.

⁶ Ibid., p. 6.

⁷ See Sharify-Funk, M., 2008. *Encountering the Transnational. Women, Islam and the Politics of Interpretation. Aldershot*. Hampshire: Ashgate, p. 61-86.

⁸ Ibid., p. 67f.

Religion, Gender and Politics

In many South and Southeast Asian countries, gender quotas have been introduced since the 1990s to break up androcentric policy- and decision-making structures and to open up public life for both sexes. Women politicians from across the party system have, consequently, entered politics at various levels, either through quotas on candidacy lists, reserved seats or general seats. They negotiate and bargain to implement their policy interests and agendas within their parties, executives and legislatures, with male and female colleagues at the local, regional and/or national level.

At the same time, the increased globalisation of social, political and economic practices has led not only to increased interaction (for example, transnational networks and global governance) across countries and regions, but also to a (re-)surge of various and contentious streams of religiously defined fundamentalisms, partly in response to the perceived threat of an increasingly complex globalised world and to the spread of putatively alien values, aimed at the establishment of a different set of socio-cultural values and socio-political systems.

These disputes about values and socio-political structures are of a highly gendered nature. Contested issues such as feminism, women's rights (for example, reproductive rights, personal status law), gender role prescriptions, sexual orientation and the role of religion in politics, as well as the role of religion vis-à-vis codified law and the judicial system(s) are focal points of discussion. With regard to politics, the increased public *voice* and leverage of religious fundamentalist parties/groups have a significant, although varying, impact on (i) public discourses and (ii) forms, embodied practices and opportunities with regard to political participation and interaction, as well as on (iii) the agenda-setting and value-framing of the policy-making and legislative initiatives of male and female politicians and civil society actors alike. Fundamentalist forces affect women disproportionately and frequently in a manner that prevents them from standing up for their rights and autonomy.

Structure of the Volume

The first chapter, by Sylvia Estrada Claudio, addresses the overarching question of religious fundamentalisms and their relationship to female political participation. Claudio refers to various impediments to women aspiring to become politically engaged or entering the realm of formal politics. Drawing on her own experiences with religious authorities in the Philippines, with women in urban slums who have never been listened to, and from encounters in practice and academia, this trained

medical doctor presents a clear stance. For Claudio, religious fundamentalisms pose a threat to women's rights and well-being, their political participation and their physical integrity, the latter coming to the surface via control of women's bodies and violence against women. Moreover, Claudio links fundamentalisms to power shifts that have served the emergence of neoliberal globalisation. Her assessment of the effects and ramifications of religious fundamentalisms is certainly debatable, but it is clear-cut and invites in-depth discussion.

Chapter 2 addresses the relationship between Sinhala nationalism and Buddhism in Sri Lanka. Kamala Liyanage refrains from treating nationalism and fundamentalism as synonyms and points out that it is difficult to identify Buddhist fundamentalists in Sri Lanka as a coherent group. She considers Sri Lankan Buddhist nationalism as an exclusive nationalism which is informed by ethnic (Sinhala), cultural and ideological features. This peculiar blend of religion, ethnicity, culture and political ideology serves the construction of a 'Sinhala Buddhist Womanhood' in Sri Lanka and, at the end of the day, discourages women from engaging in political activities and advocacy. While the concept of kinship is still strong in Sri Lanka and allows for female politicians standing in for or following their fathers, brothers and husbands into politics, political participation on the part of the average Sri Lankan woman is hampered by Sinhala ethnic and Buddhist religious interpretations of women's societal role.

In Chapter 3, Zarizana Abdul Aziz follows up on Kamala Liyanage's analysis of the connection between culture, ethnicity, gender and politics. Her country of reference is Malaysia, where a Malay Muslim majority dominates non-Muslim minorities. The strong bonds between politics and religion have provoked a power game between the ruling coalition and the opposition. While the political strength of the opposition relies heavily on the performance and appeal of the Islamic Party PAS, the de facto ruling party within the government coalition is increasingly introducing Islamic-oriented policies. Unfortunately, this trend tends to open the way for Islamist thought and the fostering of anti-women sentiments. The critical aspect pointed out by Zarizana is the fact that the Islamisation agenda is increasingly, although subtly, supported by Muslim civil society.

In Malaysia's neighbour Indonesia, Islamic discourse is lively and colourful. As Safira Machrusah argues in Chapter 4, the very fact that a controversial discourse is taking place among Muslim scholars, activists, intellectuals and spiritual leaders makes possible an accommodation of positions. Counter-discourses initiated by Islamic progressives seemed, at first glance, to threaten the positions of the Islamists, but since both the Islamist discourse and the counter-discourse relied on Islamic

sources to legitimise their arguments, it enabled the Islamist camp to accommodate the progressives' stance. Safira explores this process by discussing two major issues that have emerged in Indonesian politics, namely the issue of a woman as head of state and the question of female representation in parliament. In her chapter, too, the link between religion, gender and politics is significant.

Chapter 5 draws attention to Catholic fundamentalism in the Philippines. Elizabeth Aguilin-Pangalangan discusses the role played by the Roman Catholic Church in the lives of Filipino people. While Filipino women are granted a broad range of rights on paper, based on domestic as well as international laws, they are scarcely able to fully exercise and enjoy these rights. The reason why their capacity to make decisions and their emancipation from a role subservient to their male counterparts are constrained lies in the fact that women's formal rights collide with the normative power of Catholic conservatism/fundamentalism. The remarkable and important link which Aguilin-Pangalangan points out is not so much between politics and religion as such, as between religion and 'identity politics'. The reaffirmation of a religious identity is heavily promoted by the Catholic Church and is rooted in the perception of women as biological, social and ideological reproducers. This influential trait of Catholic fundamentalism is capable of putting the constitutional foundation of the Philippines as a secular state in jeopardy.

The final chapter, by Urmila Goel, looks at the topics of the preceding chapters from an observer's perspective. During the conference at FES Bonn, which formed the initial occasion for the authors of this volume to gather and present their views and findings, Urmila Goel observed the discussion closely. Her notes and records were summarised at the end of the two-day conference and provided the participants with a valuable wrap-up of the core arguments that had been exchanged between them. For the publication at hand, Urmila Goel took up the task of going through her notes and records one more time. Her chapter is an intentionally neutral, yet individual and personal assessment of the lively discussion, focusing on three essential goals of the conference: to clarify what is meant by religious fundamentalisms; to relate this question to the implications of fundamentalist religious attitudes for women's political participation; and to aggregate the results of the discussion into an agenda for future engagement. The reader is, of course, invited to join in and share his or her own suggestions for such an agenda.

Sanctifying Moral Tyranny: Religious Fundamentalisms and the Political Disempowerment of Women

Sylvia Estrada Claudio

Introduction

'Religious fundamentalisms' is a highly contested term, partly because the phenomenon cannot be defined succinctly. I believe one of the reasons for this is that manifestations of religious fundamentalisms occur in very different settings and one can only see their workings clearly if one has a deep understanding of the particular context.

In light of this, I take a more useful approach, addressing elements of religious fundamentalisms discussed in the literature rather than attempting a clear-cut definition. After this, I attempt a 'thick' contextual reading of the effects of religious fundamentalisms on women's political participation and empowerment. This contextual reading affirms dialectically that the elements mentioned in the literature are salient across the various manifestations of religious fundamentalism. Control of women's identity and roles, rights and protections, sexuality and bodies remains central to religious fundamentalisms. To achieve such overarching control requires the acquisition of political power in ways that threaten democratic and egalitarian processes and outcomes. As the purview of these political projects is both broad and profound, there are also relationships which come to be established by both design and circumstance with other political and social ideologies and movements. Entering a methodological caveat, I have attempted to mirror the plethora of documented manifestations and effects by choosing examples across religions, in transnational and national and local settings, and across a diverse set of violations and threats.

In recent years, the term 'religious fundamentalism' has become highly contested. Much of the literature recognizes this, even as it affirms that the term remains politically useful (Freedman 1996; Sahgal and Yuval Davis 2002; Ter Haar 2002; Bennoune 2007).

The term was first used by a group of orthodox Protestants in the United States who published a series of pamphlets entitled 'The Fundamentals' (Ter Haar 2002) at

the turn of the twentieth century. The articles were written in response to the rise of liberalism in US society and the *Social Gospel Movement*, both of which brought progressive elements into Christianity (Sahgal and Yuval Davis 2002).

The contemporary use of the term can be traced to the Iranian Revolution of 1979. The term was used in the press at that time to refer to the opposition of some Islamic believers to Western cultural and political values. In 1981, Anthony Burgess, in the *Observer*, claimed that there were similarities between *Mein Kampf* and the Qur'an and referred to 'the dangerous fundamentalism revived by the ayatollahs and their admirers as a device, indistinguishable from a weapon, for running a modern state' (quoted in Ter Haar 2002: 3).

In light of the upsurge of Islamic activism (International Crisis Group 2005) in the Muslim world and the *war on terror* of the US administration under George W. Bush, the association of the term *fundamentalist* with Islam is one of the reasons that the term has become politically charged. On the other hand, religious fundamentalism occurs in all the major world religions. The Christian fundamentalist right regained its dominance in the United States during the presidency of George W. Bush (Philips 2006). Fundamentalism also thrives in the Vatican, at the highest levels of the Roman Catholic hierarchy (Kissling 2003).

When used in relation to religion, the term 'fundamentalism' connotes the imposition of a single interpretation of religious doctrine and hostility towards contradiction or plurality (Sahgal and Yuval-Davis 2002). Religious fundamentalists often romanticise or mythologise a pure past or tradition. An affirmation of this mythological past or tradition is then presented as a final or overarching solution to contemporary social problems.

Modern Global Political Projects

However, the appeal to religious orthodoxy is but one element of the phenomenon. Religious fundamentalisms are global political projects. The goals of these projects vary with different groups, but there are broad commonalities (Sahgal 2006). Thus the plural term 'religious fundamentalisms' better describes the phenomenon.

Because they are political in nature, religious fundamentalisms cannot be separated from other fundamentalist movements based on ethnicity, nationality or culture (Kessler 1996, cited in Berer and Ravindran 1996: 8). Analyses of religious fundamentalist movements reveal cross-cutting alliances with political parties, nationalist, ethnic and innumerable other political projects. Such political alliances are encountered in relation to Christian, Hindu, Muslim or Buddhist fundamentalisms

(Berlet and Quigley 1995; Bartholomeusz and de Silva 1998; Patel 2004; Sahgal 2006).

Despite the stereotyping of religious fundamentalists as 'Muslim terrorists', the Christian Right in the United States is also fundamentalist. It also seeks to shape geo-political relations globally, just as much as Al-Qaeda and its affiliates. As Jacques Delors, the former European Union Commission President, notes of the fusion of religion with nationalism in the United States: 'the clash between those who believe and those who don't believe will be a dominant aspect of relations [between the United States and Europe] in the coming years' (cited in Philips 2006: para. 9). Dominique Moisi, a well-known commentator, elaborates on the US-European divergence: 'The combination of religion and nationalism in America is frightening. We feel betrayed by God and by nationalism, which is why we are building the European Union as a barrier to religious warfare' (cited in Philips 2006: para. 9).

Religious fundamentalisms are also closely associated with conservative politics characterized by various forms of intolerance, including racism, sexism, homophobia and elitism. Thus, despite the insistence on a single religious doctrine as the only 'true' doctrine, alliances are formed between conservatives from various religious groups. Such alliances caught the world's attention in 1994 during the UN International Conference on Population and Development in Cairo (Freedman 1996). Ten years later, in November 2004, Catholic, Muslim and US-based Christian fundamentalists met in Doha to discuss a united opposition to feminist interventions in the United Nations. Designated Muslim and Christian groups and individuals, who organized the first meeting, have since cooperated on joint actions. These joint actions have been particularly troubling in the United Nations, where the alliance has operated through the government delegations of several Arab countries. For example, a week after the Doha conference, the government of Qatar put forward a conservative resolution on the family to the UN General Assembly, which was approved without a vote. This dismayed European countries and several others (Whitaker 2005).

Indeed, one aspect of religious fundamentalism is that it has global, national and local effects. Religious fundamentalists can work formally through the state and informally through institutions and individuals. As already mentioned, fundamentalism can align itself with various religious doctrines. But it can also ally itself with various political trends in different countries. While a common facet is its allegiance to orthodoxy, even this has different forms. On the one hand, it can present itself as the maintenance of traditional mainstream values and a refusal to accept cultural change. On the other hand, it can also present itself as a call for radical change by dismissing current norms as a corruption of purer and earlier traditions. Fundamentalism can also be a

feature of powerful institutions with tremendous resources and transnational power or it can take root among oppressed minorities (Sahgal and Yuval Davis 1994).¹

Neoliberalism and Fundamentalisms

Fundamentalisms are implicated in the power shifts that have brought about neo-liberal globalisation. As Hélie-Lucas (2004: 25) notes:

Fundamentalisms are political movements of the extreme right, which, in a context of globalization, for example, forceful international economic exploitation and free-for-all capitalism, manipulate religion, culture, or ethnicity, in order to achieve their political aims.

Yet even as fundamentalisms are a factor in the process of neo-liberal globalisation, they may also be a reactive defence against the alienation, loss of identity, violence and economic hardships brought about by capitalist exploitation. Jennings (2000: 641) describes the mindset of the fundamentalist family he grew up in:

Somehow this rising tide of prosperity never lapped at our doors and the Jennings family was a bitter family indeed. Poor whites descended from Confederate veterans, we eagerly sought out scapegoats for our inexplicable failure to 'make it' in the land of opportunity. My uncles and cousins joined the Ku Klux Klan, while my father, a fundamentalist minister, used religion to excuse all his prejudices against blacks, against Jews, against Catholics, against Yankees, against Communists and liberals (basically the same thing, as far as he was concerned), and, of course, against gays. Somehow the golden rule of 'Do unto others as you would have them do unto you' never made it into his gospel. Instead I remember church services filled with outbursts of paranoia, as we were warned against those whom we (incorrectly) held responsible for our very real oppression.

Jennings goes on to state that he was born in 1963 and graduated in 1981 in order to make the point that his story is not about 'ancient history' (Jennings 2000: 641). On the other hand, some religious fundamentalisms have a history that dates back centuries (Bartholomeusz and de Silva 1998; Sahgal and Yuval Davis 2000; Kissling 2003). However the heightening of insecurities and oppressions in the era of globalisation has led to the resurgence of religious fundamentalism (Afary 1999).

¹ Sahgal, G. and Yuval Davis, N., 1994. The Uses of Fundamentalism. *WAF Articles*. (5): 7–9. Available at: [http://waf.gn.apc.org/j5p7.htm\[0\]](http://waf.gn.apc.org/j5p7.htm[0]). (accessed on 2 March 2008) [URL as submitted by author].

Jennings's story of economic insecurities in the 1980s is echoed by Chhachhi's (1988) analysis of the rise of fundamentalisms in South Asia. Chhachhi (1988: 21) notes that, for both Hindus and Muslims, capitalist development in the region has caused 'structural changes in the ownership and control over productive assets especially land which have furthered the process of class and sexual differentiation'.

These changes, which have led to increasing poverty and economic insecurity, caused a number of oppositional movements that were repressed by governments in the region, leading to a crisis of legitimacy. Religious fundamentalisms as an ideology promote national unity, reinforce the marginalisation of women even as they enter the work force in larger numbers and maintain patriarchal control within the family and in the public sphere (Chhachhi 1988).

The observation that the massive dislocations brought about by a world market founded on neoliberal economic principles is a major cause of the resurgence of religious fundamentalism is a common theme that emerges from the literature (Berlet and Quigley 1995; Freedman 1996; Hélie-Lucas 2004; Hardt and Negri 2000; Jennings 2000; Phillips 2006; Ter Haar 2002; Wee 2006).

Backlash

Another trope in the literature is that religious fundamentalisms are a backlash against the gains of women's movements which have worked at various levels (local, national, regional, international and transnational) and in various arenas (Afary 1999; Bartholomeusz and de Silva 1998; Bennoune 2006; Berlet and Quigley 1995; Chhachhi 1988; Hélie-Lucas 2004; Kissling 2003; Patel 2004; Sahgal 2006; Ter Haar 2002; Wee 2006; Whitaker 2005; AWID 2008).

Economic and social insecurities, as well as changing gender roles, set the stage for religious fundamentalisms in many ways. As I shall attempt to show in the next section, subjecting women once more to patriarchal norms re-establishes male control of women's sexuality and resources at various levels – family, tribal, community and state. Chhachhi (1988: 25) notes the link between the two tropes:

There has been extensive documentation of the link between the demands of the capitalist economy and the emergence of ideologies which justify the exclusion or incorporation of women into the labour force. The best example is of course pro-natalism in Nazi Germany in the early thirties and its reversal in 1937 when women were exhorted to contribute to the war industry. These ideologies do not always functionally respond to the needs of capital in a purely economic sense.

Apart from the return of male privilege, which benefits individual men and institutions, religious fundamentalisms also serve the purpose of creating new ideologies that stabilise other systems of oppression, such as those of caste, class, nationality and race. This is why religious fundamentalisms are very often implicated in other global political projects (Bartholomeusz and de Silva 1998; Wee 2006).

18 Controlling Women's Bodies and Violence against Women

Indeed, an analysis of the ideological and political alliances undertaken by religious fundamentalists points to a central feature of the phenomenon: the establishment of an identity for its adherents. Religion is offered as the unifying element for national regional, communal, tribal and ethnic identities. Attempts at building a unitary identity involve the control of women and their sexuality as religious fundamentalisms use women and their bodies as markers to define insiders and outsiders. As Yuval Davis and Anthias (1989 in Sahgal and Yuval Davis 2002: 14–15) state:

Women are affected by national and ethnic processes in several major ways. Some of these are central to the project of fundamentalism, which attempts to impose its unitary religious definition on the grouping and its symbolic order. The 'proper' behaviour of women is used to signify the difference between those who belong and those who do not; women are also seen as 'cultural carriers' of the grouping, who transmit group culture to the future generation; the proper control in terms of marriage and divorce ensures that children who are born to those women are within the boundaries of the collectivity, not only biologically but also symbolically.

Again, this aspect of women being used as identity markers and culture bearers is a centuries-old process that has become intensely relevant today (Freeman 1996). Sexual violence by fundamentalist groups highlights the fact that a key area of contestation is the subordination of women's desires and sexuality by and for individual men and/or collective male privilege. Thus, reproductive and sexual rights activists have always had to struggle against religious fundamentalisms, whether at local, national or international levels. The websites of groups working on sexual and reproductive rights – such as Women Living under Muslim Laws² or Catholics for Choice³ –

² Women Living under Muslim Laws, 2009. Website: <http://www.wluml.org/english/index.shtml>. (accessed on 6 April 2009).

³ Catholics for Choice (CFC), 2009. Website: <http://www.catholicsforchoice.org/>. (accessed on 6 April 2009).

on any given day will feature violations of women's sexual and reproductive rights at these different levels. The reports feature violations of ordinary women as well as violations against women who organise and advocate sexual and reproductive rights.

Patriarchal control of women in society at large and in fundamentalist movements is multi-layered. These layers include social constructions of women's purity and honour that define a woman's personal identity along lines of communal identity, whether this be familial, tribal, ethnic or national (Sahgal 2006). My analysis of purity and honour in Philippine culture (Estrada-Claudio 2002), for example, shows that a woman's humanity is measured by her sexual innocence before marriage and heterosexual exclusivity to her husband thereafter. Thus rape is seen as the loss of a woman's worth because it breaks either her sexual purity or her exclusivity.

This sense of 'dishonour' attached to women who choose relations outside those dictated by their culture is the justification for even more violence against women, such as honour killings or severe punishments under law in various national settings. What is particularly unjust is that, in many instances, women who are forced to go against these rules by men are subject to punishment as well. It should also be noted that the enforcement of sexual norms is managed generally by regulating only women's actions, when it could also be achieved by regulating the actions of men. These norms and punishments, coded as ways to protect women or as norms of social decorum, generally work to regulate only women's bodies and their sexuality. This has led to massive violations of women's individual rights which are justified by an appeal to a greater collective good. Thus, arguments for the imposition of sexual norms or the justification of sexual violence against women is often couched in terms of upholding cultural integrity, religious freedom or national autonomy (Patel 2004; Told 2004; Sahgal 2006; Bennoune 2006). The juxtaposition of individual freedoms and collective ones has posed a challenge to the evolution of human rights theory and practice (Bennoune 2007).

Furthermore, because women serve as markers for their group, tribe, nation or culture, rape and sexual violence become an assault on their family or the entire community in situations of conflict. A particularly bleak example is the rape and forced impregnation that accompanied the ethnic cleansing associated with the war in the former Yugoslavia. Sexual violence has marked situations of conflict in various settings that have involved fundamentalist groups. Rape and forced impregnation have also occurred in Algeria; by armed groups in Colombia as a means of humiliating the enemy group; and as a conscious strategy for terrorising an 'opposing' ethnic or religious group in Rwanda and Gujarat (Bauer and Hélie 2006).

A Threat to Women's Rights and Well-Being

Feminists confront the dire effects of these fundamentalisms. Regional meetings convened to assess the progress made on the recommendations made at the 4th World Conference on Women held in Beijing in 1995, after 10 years of implementation, warned that religious fundamentalisms were a threat to achieving the goals set forth in the Beijing Platform. The obstacles posed by religious fundamentalists were registered in all 12 critical areas of concern, including the area of women in power and decision-making (Saghal 2006).

Studies also show that religious fundamentalist practices sanction violence against women in various forms. Such justifications include the acceptance of violence perpetuated by men in families, as well as the religious authorities of Christian Evangelical Churches in Chile (Mosocso et al. 2002) or the enactment into law of religious doctrines that allow the sexual enslavement of women in Iran, Bangladesh, Pakistan and India (Amani 2008; Chhachhi 1988) or the failure to prosecute crimes against women during times of ethnic, national or religious conflict (Bauer and Hélie 2006).

What is more, those who attempt to defend women from violations are also threatened by religious fundamentalists. In 2005, the first-ever conference of women human rights defenders identified religious fundamentalists as a major threat (AWID 2008). One of the key points of that conference illustrates the pervasiveness of fundamentalist power:

It is vital that individual states are held accountable for abuses of women human rights defenders at the hands of all state and non-state actors within their jurisdiction. This includes both fundamentalist and paramilitary groups, as well as communities and individuals responsible for these violations. (AWID 2008: para 8)

The effects on women of religious and other fundamentalisms are so dire that, in 2006, UN Secretary General Kofi Anan stated that, '[t]he politicization of culture in the form of religious "fundamentalisms" in diverse geographic and religious contexts has become a serious challenge to efforts to secure women's human rights' (UN 2006: 30).

Threats to Political Participation

Women have won the vote in nation after nation since New Zealand became the first country to grant women the vote in 1893. Subsequent struggles in the area of political participation have included increasing women's access to and participation in government and international bodies. In various settings, organising has

evolved around supporting 'pioneers' who have become judges, representatives in legislatures, cabinet members and even presidents and prime ministers. In many countries, quotas have been implemented in the various sectors of government to ensure gender parity. In general, women have used various forms of political action, alongside other modes of struggle, to achieve gender equality.

These political gains cannot be separated from other gains of women. Political power has resulted from women's struggles in other arenas and political power has also contributed to empowerment of women. Women's rights in development, over economic resources, to be free from violence, to control over their reproduction and to enjoy their sexuality have all been pushed by women in politics as much as women in politics have been empowered by these other struggles.

Thus, the backlash against the women's movement brought by religious fundamentalisms affects women's hard-won gains in the area of political participation as well. Amani (2008) points to the fact that a proposed 'New Family Code' instituted in Iran is not an isolated attack on women and their reproductive rights but is part of a more general climate of repression:

The assault of the Iranian regime on the rights and dignity of Iranian people has intensified in recent years. The bill is not an isolated measure, but rather aligned and consistent with other repressive measures to curtail freedom and democracy in Iran. Different social policies, such as limiting the number of women entering higher education, cracking down on women who do not observe strict Islamic dress codes, arrests and detention of women activists and human rights defenders, repeated censorship of women's/feminist websites, demanding outrageous bails for women activists, harassing the men who support the plight of Iranian women to change discriminatory laws, and other measures by the government are aimed at silencing the brave and inspiring women's movement in Iran.

A look at yet another women's website, the Women's United Nations Report Network or WUNRN,⁴ for example, shows a wide range of threats to and actual violations of women's human rights, including civil and political rights, by religious fundamentalists. According to its homepage, the WUNRN is 'a non-governmental organization to implement the conclusions and recommendations of a United Nations Study on Freedom of Religion or Belief and the Status of Women from the Viewpoint of Religion and Traditions' (WUNRN 2009a: para 1).

⁴ Women's United Nations Report Network (WUNRN), 2009a. Website: <http://www.wunrn.com/index.htm>. (accessed on 10 April 2009).

WUNRN (2009b: para 2) notes the global threat posed to women's empowerment by religious fundamentalisms. It reiterates the indivisibility of rights and argues that violations in one area of women's rights also affects other areas:

A common denominator of all forms of religious extremism or fundamentalism is often violent rejection of gender equality. Groups or states, as in the case of the Afghan Taliban, can create an apartheid for women, excluding women from society, employment and education, prescribing dress or restricting travel.

The Study further says that in some supposedly tolerant countries like Bangladesh, electoral campaigns have exploited issues such as religious dress. In other countries, women exposed to extremism are flogged or ostracised.

Underlying many restrictions is the common prescription of religious fundamentalisms that women's role is in the home and away from public spaces. Media outlets have been inundated by reports of restrictions imposed by Islamic fundamentalists in developing countries. It is therefore worth noting that the same prescriptions are given to women by Catholic fundamentalists in Europe as they are in other Catholic countries, such as the Philippines and Latin America. As Told (2004: 43) observes in her article on religious fundamentalism in Austria:

Catholicism constructs a particular womanhood that centres on Mary, the mother of Jesus. Catholic fundamentalist movements rely even more on the 'Virgin' Mary to affirm their Catholic identity and set boundaries with 'other' religions, such as Protestantism. The presentation by conservatives of Mary as the model for all women has several implications for the construction of a Catholic fundamentalist womanhood: Mary is defined in her biological role; she is first and above all a mother. On a symbolic level her motherhood is 'pure' because she remains a virgin, despite conceiving Jesus; she is thus without sin. The purity and chastity of Mary appear to demand specific sexual behaviour of women, which restricts and controls them. Mary's purity is also in stark contrast to Eve, the female seducer. Mary is a follower of Jesus; she is his admirer and student. She is hierarchically inferior and has no autonomous opinions. She is an instrument, an object and servant of God; this has clear implications for the sexual division of labour. However, through her spirituality she is a teacher and model for others. Finally, Mary is also the nurturer of Joseph and Jesus and responsible for social reproduction within the family, which results in her confinement to the house. All these roles are primarily linked to the domestic sphere. Mary is not seen in public, except in her traditional roles.

Keeping women in the home affects many of their rights, but it is also very much an obstacle to political participation. Women have indeed been arrested at demonstrations; prevented from voting; prevented from having meetings; prevented from

organising and doing other forms of community work; because all these made them visible in public spaces (WRURN 2009a).

Told's (2004) article also documents the close link between religious fundamentalist groups and rightist political parties in Austria. The link between rightist politics and parties and religious fundamentalists is another common occurrence across religions and across developing and developed countries.

Rightist political parties affect women's participation in yet other ways. Many rightist parties are predominantly, if not exclusively, male in their membership and androcentric in orientation (Chhachhi 1988; Shah 2004; Told 2004). Once in power, rightist parties tend to enact laws that enforce women's subordination and/or roll back any gains accomplished by feminist struggles. But even if they do not come to power, fundamentalist political parties affect the political climate by 'moving the centre to the right' in public discourse. This can also profoundly affect women because this limits the possibilities for the kind of radical social change that women need in order to be freed from gender and other forms of oppression. Thus, religious fundamentalisms stifle women's advancement and women's groups end up having to defend gains which have been previously won, instead of building on them.

At the time of writing, for example, the international news media reports the signing into law of a new Shia Family Law that is said to have been signed by President Hamid Karzai in Afghanistan as a move to woo Islamic fundamentalists in the upcoming national elections. The new law negates the need for sexual consent between married couples, tacitly approves child marriage and restricts a woman's right to leave the home (Boon 2009). The law has elicited widespread international condemnation from human rights groups and governments, including the United Nations (Starkey 2009). Fe_nic (2006) examined the policy positions of the adherents of two right-wing political parties in Europe that were growing in strength at the turn of the twenty-first century. These are the Greater Romania Party and the National Front in France. She notes that the clearest difference between progressive left party adherents and adherents of the two political parties was not economic policy but views on homosexuality, the role of women in society and the importance of religion. Conversely, Sacchet (2005) looking at when and how political parties work for women in Latin America, notes that centre and left-wing political parties are more responsive to gender sensitive demands. She relates this to these parties' avowed commitments to equality and inclusive citizenship, making them ideologically sensitive to demands for gender equality and the granting of full citizenship rights to women.

Furthermore, rightist political parties foster agendas that affect more vulnerable groups of women in profound ways. Modern day warfare, such as the various con-

flicts that fall under the rubric of the 'war on terror', victimises women and children in great numbers in ways different from men (ICRC 2008). Racist agendas directed against immigrant populations are also a common feature of religion-based parties. As I have mentioned, political parties need not even come to power in order to put stricter and less humanitarian immigration policies in place (Shah 2004; Patel 2004). The fact that migration resulting in cheap labour is increasingly becoming feminised (Ferraren 2007; UNESCAP 2008) means that more threats are emerging for immigrant women. I should note here also that immigrant women, even in the most liberal of times, tend to be a political underclass (UNESCAP 2008).

Lastly, religious fundamentalists pose a threat to women advocates in government. Before I left for this conference, civil society organizations, academia and various government agencies were waging yet another battle with the Catholic Church on the enactment of a reproductive health law. In this particular episode, the Catholic Church fired the first salvo when one of its bishops stated that he would deny communion to lawmakers who propose and support such a law. My personal conversations with lawmakers at various levels – city, provincial and national legislatures – reveal that lawmakers who draft bills labelled 'anti-life' are threatened by the Catholic Church in several ways. Thus, legislators who draft bills that support reproductive health, divorce and gay rights are denounced in pastoral letters, receive letters and SMS messages from Catholic groups and are told that the Church will ask its faithful not to vote for their re-election. Bishops and priests, in the guise of spiritual counselling, convince legislators to withdraw support from such bills. Should this fail, the Church exerts pressure through the family members of the legislator. Reports of misinformation and other forms of negative propaganda against pro-choice candidates emanating from the local parish, especially during elections, are common. One city councilman, who had successfully sponsored a reproductive health ordinance in the city where I live, had to get married in another parish because he was uncertain of the cooperation of his own parish.

The Philippines is an interesting case in point with regard to conceptualising fundamentalism and contrasting this with social conservatism. First, because the Philippines is a predominantly Catholic country, it illustrates the point that a religious fundamentalism may characterise the politics of large national and transnational institutions and not just small sects or community groups. The feminist dialogue process which brings together international women's organisations as part of the World Social Forum notes that the Vatican itself is fundamentalist:

Coupled with that is the imposition of a model of the traditional patriarchal family. Christianity and its control of women's bodies is as fundamentalist as the political Is-

lam of Bin Laden, the Vatican which in Latin America converts the sins of Catholicism into a crime for the whole society or Hindu cultural nationalism that blatantly uses fascist methods to contain dissent and dismantle all democratic mechanisms. (ISIS 2007: para 5)

Note that two elements are highlighted in the quotation above. The first is the control of women's bodies and traditional definitions of the family, beliefs shared by many social conservatives. But the definition also highlights the stifling of dissent and the dismantling of democratic institutions.

The Philippines is interesting because its laws adhere closely to the socially conservative agenda that characterises the Vatican's fundamentalism. It is one of only two countries left in the world that does not allow divorce and one of a diminishing set of countries where abortion is illegal under all circumstances. Apart from the lack of legislation protecting reproductive health services, the Philippines also has no legislation protecting lesbian, gay, transgendered and intersexed individuals from discrimination.

This situation is not due to lack of interest or advocacy on the part of affected groups. It is because the Catholic Church uses the same tactics of intimidation against proponents both within and outside the legislative bodies for all bills that deal with reproductive health, divorce, abortion and non-discrimination on the basis of sexual orientation.

The Philippine President, as a concession to the Church, has repeatedly promised to veto any reproductive health bill that comes out of the Philippine Congress. Similarly, former Mayor of the City of Manila, Lito Atienza, during his almost decade-long term of office implemented one of the most thoroughgoing bans on contraceptive services. The measures taken to impose the ban included the intimidation of health personnel both within and outside government institutions who wished to continue to provide services. Women's groups seeking to clarify the basis for the ban were also consistently denied their right to information because Manila City Hall refused them access to the executive order that instituted the ban (Linangan ng Kababaihan 2007).

Such overt politicking on the part of the Catholic Church in the Philippines is worrying because the right to family planning services and non-discrimination is enshrined in the Constitution. The Philippines is also signatory to international conventions that protect reproductive health and rights such as CEDAW, the Cairo Programme and the Beijing Platform for women. It should be noted also that the Constitution defines the Philippines as a secular state and that there is a wide diversity of religions and religious beliefs on divorce and contraception in the country.

The ability of the Church to prevent public officials from doing their constitutional duty exemplifies the threat that religious fundamentalism brings to political participation and democracy in general. But both the President and Mayor Atienza have repeatedly cited their religious beliefs as their justification for upholding Catholic precepts over international, national or local law. This reaches the point that religious fundamentalisms further endanger women's political participation because they erode democratic institutions and processes, including a government's accountability to its Constitution and international standards and treaties. Weak states abound where religious fundamentalisms are strong.

Finally, the ideology and political practices of religious fundamentalists impinge on the crucial ground on which women's political participation rests: citizenship. Religious prescriptions regarding national, ethnic and tribal and sexual identities tend to disenfranchise vulnerable sectors of a given population from recognition as citizens. But even where women's juridical citizenship is unquestioned, it is undermined by religious fundamentalists.

Mary Dietz (1987) advocates a citizenship which is participatory and democratic. She believes that the conception that a citizen is merely a bearer of rights is not useful for political movements. Her indicator of true citizenship is active political participation. Rian Voet (1998) argues further that active citizenship which encompasses gender equality is achievable only if women actually exercise the rights they have fought so hard to obtain on paper. She argues that women must actively exercise such rights, especially in the political sphere, if they are truly to enjoy citizenship. Thus, the repeal of laws women had fought for or the enactment of laws that discriminate on the basis of gender, hinder women's citizenship.

With this I return to the basics. I became a fully committed women's rights activist a long time ago, when I first began to pay attention to women in communities. I remember the first time I sat with women and asked their opinion of a particular event that had affected the urban slum where they lived. I recall women's consternation, fears and, finally, joy, when they realized that their opinions were actually being sought and listened to. These women and I were both experiencing a 'first' in our lives: political planning based on women's perceptions and analysis.

The sine qua non for women's political participation is that they feel themselves worthy and worthwhile. This cannot happen if their bodies, intimate relationships, identities, access to resources and rights are under someone else's control. It cannot happen until women are free from the dictates of religious fundamentalisms and other forces that treat women as less than equal human beings.

Sinhala Buddhist Nationalism/ 'Fundamentalism' and Its Impact on Gendered Political Participation in Sri Lanka

Kamala Liyanage

Nationalism is often seen as an ideology (or form of behaviour) which makes national self-consciousness, ethnic or linguistic identity into central planks of a doctrine which seeks political explanation (Vincent 1995: 239). Nationalism can be divided into two forms: inclusive nationalism (which includes certain groups and seeks to evoke integrating and legitimising effects) and exclusive nationalism (which has strong self-centring attitudes and seeks to distinguish itself from other nations) (Mackenzie 2005: 459).

According to Webster's Dictionary, fundamentalism is a 'movement or attitude stressing strict and literal adherence to a set of basic principles or set of beliefs' (Merriam Webster 2007).¹ Religious fundamentalism refers to a 'deep and totalistic commitment' to a belief in the infallibility and inerrancy of holy scriptures, absolute religious authority and strict adherence to a set of basic principles (*fundamentals*) away from doctrinal compromises with modern social and political life (Dawkins 2006: 19).

Richard Dawkins (2006: 19) used the term to characterise religious advocates as clinging to a stubborn, entrenched position that defies reasoned argument or contradictory evidence. Bartholomeuz and de Silva (1998: 2) describe fundamentalism as:

- a reliance on religion as a source of identity;
- boundary setting that determines who belongs and who does not;
- dramatic stories used to glorify a particular group;
- dramatisation and mythologisation of enemies.

They have used this definition to describe Sri Lankan Sinhala Buddhist nationalism as fundamentalism. Although some of these characterise are visible in the Sri

¹ Merriam Webster, 2007. *Merriam Webster online dictionary*. Website. Available at: <http://www.merriam-webster.com/>. (25 August 2007).

Lankan Sinhala – Buddhist case, it is important to determine whether it is fundamentalism or nationalism.

Buddhism: Fundamentalism or Nationalism

In Sri Lanka, the issue of whether Buddhism is a fundamentalist religion or not has been hotly debated. It is said that the Buddhists who are resorting to violence, for various reasons, cannot be labelled fundamentalists due to crucial differences between Buddhist teachings and monotheistic teachings. This difference exists because a person who strictly interprets authentic Buddhist texts, such as the *Tripitaka*, will not find any excuses to resort to violence. The Lord Buddha preached compassion and wisdom and every *sutra*, when interpreted strictly, should lead one to follow the non-violent noble eightfold path. Since a lay disciple also follows the five precepts, such a person refrains from activities that cause harm to others. Therefore this group believes that Buddhists cannot be labelled fundamentalists (Buddhist Association of Tibet 2006: 14).

However, from a macro level perspective, issues such as racism, communalism, sectarianism, exclusionism and struggle for power are justified by some Sri Lankan Sinhala Buddhist leaders and they occur in a wider Buddhist context. The groups who hesitate to characterise Sri Lankan Buddhism as fundamentalism argue that these acts are carried out by people who are not true followers of the Lord Buddha's words. They also emphasise that, regarding social status or race, the Lord Buddha stated 'a person does not become lower by birth but by actions' (Bartholomeuz and Silva 1998: 21).

Sri Lanka is politically dominated by a Sinhala Buddhist view. The fact remains, however, that the nation has a religious demography that may be 'as variegated as any in the world' (Bartholomeuz and de Silva 1998: 21). The Sri Lankan population consists of 73 per cent Sinhalese, 13 per cent Sri Lankan Tamils, 7 per cent Up-country Tamils and 7 per cent Muslims. With regard to religion, the population can be divided into Buddhists (67 per cent), Hindus (18 per cent), Muslims (7 per cent) and Christians (8 per cent). Although it has been argued that language, race and ethnicity – rather than religion – are currently the most important 'identity markers' in Sri Lanka, a chauvinistic 'fundamentalist Buddhist' movement emerged in the country under the Buddhist Revivalist Movement in the 1900s² (Bartholomeuz 1999: 174–75; Wriggins 1960: 169–210).

² The Sinhala Buddhist Revivalist Movement and the Hindu Revivalist Movement emerged in Sri Lanka in the early 1900s as nationalist movements against the British colonial rulers. The Buddhist revivalist movement was led by some Buddhist monks and educated lay leaders to restore the Buddhist religion and Sinhala ethnic identity.

Reliance on a mythic history is still very strong, providing most Sinhalese with an enduring sense of ethnic boundaries and of who the 'rightful heirs' to Sri Lanka are. According to Bartholomeuz and Silva (1998: 24), enough of this remains in Sri Lanka to use the term 'fundamentalism' legitimately and productively. However, only a minority of Sinhala Buddhists are nationalists/fundamentalists in a 'dangerous' sense and Sinhala Buddhist chauvinism, linked as it is with 'Sinhala Buddhist nationalism mainly occurred during the British colonial period' (de Silva 1977: 75–79). Although the Sri Lanka Buddhist revivalist movement resembles fundamentalist movements elsewhere in its selective emphasis on the 'essentials' of Buddhist doctrine and practices, it is otherwise fairly dissimilar. Certain features commonly associated with fundamentalism, such as a deep totalistic commitment to a holy scripture and strict adherence to basic religious principles, are absent in Sri Lanka.

Therefore, I would argue that Sri Lankan Buddhist nationalism, which can be identified as an exclusive nationalism, is different from other fundamentalisms in that there is no insistence on strict behavioural standards and believers do not form a coherent and readily identifiable group. Although there is no 'sacred' Buddhist text or scripture that serves as a blueprint for society, the mythic-historical tract the *Mahavamsa* (a chronicle written about the Sinhala Buddhist nation), has canonical authority. Sinhala Buddhist nationalism is determined not only by historical tradition and ideology, but also by politics. Sinhala Buddhist nationalism has been used as a platform for politicians and patriots since the late nineteenth century and is directly concerned with power and dominance, especially the dominance of the ethnic majority, the Sinhala Buddhists. It is true that this became more visible in the mid-1950s, mainly with S.W.R.D. Bandaranaike's encouragement of Sinhala Buddhists to pursue a policy to establish Sinhala as the official language.³ Thus, Sinhala Buddhist ethnicity is intimately linked to political ideology. In most cases, Sinhala Buddhist nationalism does not respect the fundamentals of the religion: for example, killing is forbidden in Buddhism, but some Sinhala Buddhist monks publicly support killing Tamil terrorists, who are fighting for a separate Tamil state in northern Sri Lanka.

³ After gaining independence in 1948, there were three Prime Ministers (D.S. Senanayake, John Kotalawala and Dudley Senanayake) in Sri Lanka before S.W.R.D. Bandaranayake was elected. Though there was a demand from Sinhala-educated middle class groups to make Sinhala the official language in Sri Lanka they considered the country a multicultural nation and did not change the language policy. But when S.W.R.D. Bandaranayake established a new political party with the support of the 'five forces' (Pancha Maha Balawega) (farmers, labourers, Buddhist monks, indigenous physicians and teachers) he promised to redress their grievances by making Sinhala the official language within 24 hours of coming to power (for more detail, see De Silva 1977: 75–80).

They are more ethnic nationalists than religious fundamentalists (Omvedt 1998: 99). This study examines the impact of Sinhala Buddhist nationalism on women's political participation in Sri Lanka.

Women in Buddhism

This study is restricted to Theravada Buddhism, which is practiced in Sri Lanka. According to Buddhism, neither sex has a claim to superiority over the other. Both are equal in status and have complementary roles in the propagation of the species. According to Aggannasutta of Dighanikaya, the manifestation of both sexes, male and female, was the result of a moral degradation (de Silva 1992–93: 26).

According to Elizabeth Harris (1992–93: 36), fundamentally, two levels of material about women emerge from the Buddhists texts. The first is that of symbol and image, the female representing something larger than herself, embodying forces central to life and death. The second is flesh and blood reality, the reality of the individual woman living within the constraints and contradictions of society.

According to Horner (1930), the Buddha *sasana* consisted of the *Bhikkhus* (Buddhist monks) and *Bhikkhuni* (Buddhist nuns), laymen and lay women, so that women were not left out of any sphere of religious activity. The highest spiritual status was within reach of both men and women and the latter needed no masculine assistance or priestly intermediary to assist them. Both Horner (1930) and Dewaraj⁴ (1991: 5) (quoted by Jayawardena 1994: 133) say that Buddhism accorded women a position approximate to equality.

However, there are two contradictory positions given to women by Buddhism. Once King Pasenadi Kosala was displeased with the birth of a daughter and the Lord Buddha explained to him that the value of a human being does not depend on the sex but on spiritual qualities (de Silva 1992–93: 25). According to the Pali Cannon, however, once, when responding to Ananda Thero, Lord Buddha replied that 'Women folk are uncontrolled, Ananda; women folk are envious, Ananda; women folk are greedy, Ananda; women folk are weak in wisdom, Ananda ... Women folk end their life unsated and unreplete with two things – sexual intercourse and childbirth' (as quoted in Harris 1992–93: 39).

⁴ Lorna Devaraja is a Sri Lankan historian and has written on early Sri Lankan women and Sinhala Buddhist women.

In one way, women were honoured, as mothers, wives and daughters by Buddhism. Widows were not despised as evil omens, and they were re-integrated as members of the household and Buddhism was not against remarriage. Working women also were not looked down upon by Buddhism (for more details, see de Silva 1992–93; Dharmasiri 1997; Harris 1998; Salgado 1987). However, Buddhist teachings have also spelt out the inferiority of female conduct, qualities and incapacity (Harris 1998: 41). Theravada Buddhism has reasserted some 'feminine' characteristics, such as kindness, patience, non-violence, non-aggression, compassion and nurturing of life. Some writers (Harris 1998: 41) argue that these qualities should be the possession of both male and female, according to Buddhist teaching.

Thus, I believe that Buddhism is less patriarchal than Hinduism or Islam (for more details, see Chakravarty 1981: 12–19) and we see that Sri Lanka is the only country in South Asia where women have a good deal of equality with men. In 2003, Sri Lankan women's literacy rate is 89.4 per cent, and 52.2 per cent of girls are in high school (Grades 11–13). The percentage of women university undergraduates is 56.2 per cent. The life expectancy of women and men at birth is 75.4 years and 70.7 years, respectively. Women's labour force participation rate is 34 per cent. However, the percentage of women in higher administrative positions (28.7 per cent) falls somewhat below their other achievements (Handbook on Sex-disaggregated Data, Sri Lanka, 2003, 8, 10, 19, 27, 55).

Construction of Sinhala Buddhist Womanhood in Sri Lanka

There is evidence that in Theravada Buddhist countries, women tend to have more social and legal rights than in societies dominated by other religions. Kandyan law in Sri Lanka, for instance, granted women the right to dissolve their marriage and to retain complete control over all their possessions and property during marriage and in the case of divorce (Le Mesurier and Panabokke 1988, quoted in Harris 1994–95: 74).

Hugh Boyd, who visited the Kandyan Court in 1889 as British envoy, made the following detailed demonstrations:

The Cingalese (Sinhalese) women exhibit a striking contrast to those of all other oriental nations, in some of the most prominent and distinctive features of their character. Instead of that lazy apathy, insipid modesty and sour austerity which have characterized the sex though the Asiatic world, in every period of its history, in this island they possess that active sensibility, winning bashfulness and amicable ease for which the women of modern Europe are peculiarly famed. (quoted by Dewaraja 1978: 74)

Dewaraja has drawn on such data and other favourable comments by Western observers of Sri Lankan society from the seventeenth to the nineteenth centuries to write:

The social freedom that women enjoyed in Buddhist societies, above everything else, has evoked from Western observers the comments we have quoted. It is not so much the equality of status but the complete desegregation of the sexes that has distinguished the women in Buddhist societies from those of the Middle East, the Far East and the Indian sub-continent. (Dewaraja 1991: 8)

However, there is enough evidence in Sri Lanka to show that Buddhist tenets concerning equality are not practiced properly. The egalitarian ideas of Buddhism appear to have been impotent against the universal ideology of masculine superiority. Some leaders of the Buddhist revivalist movement laid down conservative codes of behaviour and dress for Sinhalese women and also urged them to reject modern styles. Religious and ethnic consciousness preceded political nationalism in Sri Lanka in the nineteenth century and never receded, even in later years of moderate nationalism. Sinhala Buddhists began to assert an exclusive ethnic and religious identity rather than a Sri Lankan identity. They projected themselves (in gender terms) as sons of the soil, confining the daughters of the soil, as well as minority groups, in a space determined for them by the men of the majority group. An attempt was thus made to confine Sinhalese women to the narrow and strictly defined role of reproducing the Sinhalese nation (Jayawardena 2007: 25).

The mixture of 'race' and culture was seen as a sign of the decline of the Sinhalese nation, visible in its most deplorable form in the behaviour of women; if women were impure, then their progeny, too, would be corrupt and have no future. The protection of Sinhalese womanhood against this degeneration became one of the ethnic and religious duties of the Sinhala Buddhist revival. Rather than women's rights, the accepted slogan was that of purity of both Buddhist women and the Sinhalese ethnic group (Jayawardena 2007: 28).

The construction, within this framework, of a Sinhala Buddhist woman pervades the Buddhist revivalist debate, early nationalist discourse and the writings of Sinhalese novelists and poets. The correct way a Sinhala Buddhist wife and mother should behave, dress and conduct herself in society was defined categorically. While being exhorted to follow the patterns of conduct laid down in the discourses of the Lord Buddha, women were given the added roles of guardians of the Sinhalese 'race' and the inspirers of their men – dissuading them from alcohol, meat-eating, immorality and imitation of the despised foreigners (Jayawardena 1994: 116). Anagarika

Dharmapala, the most outspoken ideologue of the revival, visualized the Sinhala Buddhist wife and her family as follows:

The Aryan⁵ husband trains his wife to take care of his parents and attend on holy men, on his friends and relations. The glory of woman is in her chastity, in the performance of her household duties and obedience to her husband. This is the 'Aryan ideal wife'. (Guruge 1965: 345)

Although some Sinhala Buddhists stressed traditional dress codes and codes of conduct for Buddhist women, the need for them to be educated in both Sinhala and English was also recognised. All these constructions of Sinhala Buddhist woman, based mainly on Buddhist traditions, later responded in diverse ways to contemporary needs. Three such constructions which influence Sinhala Buddhist women's lives can be outlined:

- the Buddhist wife/mother formulated during the Buddhist revivalist movement in the British colonial period;
- the 'mother of the nation' constructed to protect the nation from the risk of disintegration, mainly after the sudden deaths of male political figures (after introduction of the universal franchise); and
- the mother of heroic sons, formulated to meet the threat of the current separatist struggle. (for more details, see Jayawardena 1994 and 2007).

These three constructions of Sinhala Buddhist women reflect an identity crisis which can be understood as a product of policies of discrimination and deprivation. Thus women are particularly targeted as the preservers of the Sinhala Buddhist nation and symbols of cultural and religious identity and thereby become objects of control.

The other accepted role for Buddhist women is that of *dasa sil matha* (mothers of ten precepts), who are lay women with shaven heads, wearing yellow or white robes. This is the furthest a woman can advance in terms of a religious life. From the days of the Buddhist revival to the present, leading monks have resisted any idea of women's ordination, although the *bhikkhuni* (Buddhist nun) order existed in Sri Lanka up to the tenth century.

In recent times, monks have publicly criticised *dasasil mathas* for acting as if they were *bhikkhunis*. In July 1991, a leading Buddhist monk, Rev W. Rahula, condemned their use of yellow robes like those of male monks, but did not mention the need for an order of nuns. This led to a lively correspondence in the press, in which

⁵ The Buddhist revivalists considered the Sinhala Buddhist ethnic group an 'Aryan race'.

one writer alluded to Rev Rahula as one of the 'anti-feminists' among the *Sangha* (Buddhist monk) and added 'the proposal to demote *dasa sil mathas*, give them white robes and oppose ordaining them as *bhikkhunis* ... should be condemned and resisted'. Also, the same press emphasised that 'the Sinhalese *Sangha* has an unenviable history of monopolism, casteism ... and male chauvinism' (Sunday Observer, 11 August 1991, quoted in Jayawardena 2007: 29). Taking steps to re-establish the *bhikkhuni* order is a move in the direction of granting nationally and internationally guaranteed women's rights in Sri Lanka. However, neither *dasa sil mathas* nor Buddhist lay women have yet come together as an organised social force to fight for this right.

Although these *dasa sil mathas* organised as a pressure group against state terrorism in the late 1980s in Sri Lanka, with the support of the Mothers' Front (an organisation of mothers who lost their sons in the 1988–89 civil war), it quickly faded away, owing to male chauvinism and state pressure.

Sinhala Buddhist Nationalism and Its Gendered Impact on Political Participation

A democratic political system based on universal adult franchise was introduced in Sri Lanka in 1931. However, with the exception of A.E. Gunasinghe, the leaders of the nationalist movement were against giving the vote to women. 'Giving the vote to the non vellala⁶ and to women was not only a grave mistake leading to mob rule but was an anathema to the Buddhist / Hindu way of life' (Ramanathan 1934: 155). He urged that the vote for women would lead to the destruction of domestic peace, purity and the harmony that prevailed in the family. Due to this opposition, Sri Lankan women had to organise themselves as the *Women's Franchise Union* to push their demands. In 1931, although women were granted voting rights for the first State Council, they were not given any opportunity to stand for election (Mettananda 1981: 68). This takes us to the old debate of private versus public, where the public is viewed as the other of the private. Women were again placed among the powerless and the nameless, which were invariably devalued ideologically. However, when a man is not available in a family to play a public role, a woman is pushed onto the scene.

Since women are considered the symbol of national preservation and of integration and unity (mainly when there is a risk of social disintegration), when Meedeniya

Adikaram died in 1931 his daughter was granted the nomination for the by-election. Thus kinship politics was the cause of Adline Molamure being the first woman elected to the State Council. Similarly in 1932, when Dr Saravanamattu was removed from the State Council after reviewing an election petition, Ms Saravanamuttu was given the opportunity at the by-election. She too was elected, establishing patriarchal norms. They were considered 'symbols of unity/integration' of the political groups to which their husbands belonged. This kinship pattern has been maintained in Sri Lanka until the present day and among 29 women who have been active in national politics, 27 were belonged to prominent political families (Liyanage 1999: 123). Thus, kinship has become the most influential factor enabling Sri Lankan women to enter politics.

Women as Voters

There have been twelve general elections in Sri Lanka and the percentage of voters has increased with each succeeding election, from 55.9 per cent in 1947 to 86.7 per cent in 1977 (Liyanage 1992: 5). Although there are no gender disaggregated voting statistics in Sri Lanka, several studies of women's political behaviour show that more women have voted than men in recent elections (Kiribamune 1999: 205; Liyanage 1996: 15 and 2001: 6). Voting is not time consuming and women can easily spare one or two hours for it. Sri Lankan women are socialised to play roles in the private sphere and they complete their domestic activities early and go to polling booths in their villages. Despite women's presence and intervention in the public sphere, they are largely confined to the private sphere or, at best, to the margins of the public sphere. In contrast, men, who are considered the breadwinners, do not want to take a day off, particularly when they work as day labourers, and send their wives to cast the vote on their behalf (Liyanage 1992: 7).

Democratic elections are conducted on a secret ballot, which is supposed to ensure independent decision-making in voting. However, it is generally assumed that women's votes do not always reflect their own voices and that they are often pressurized by husbands, fathers and even sons (see, for details, Randall 1987). Kiribamune's (1999: 221–29) study of 606 Sri Lankan voters shows that a considerable number of women (22 per cent of respondents) had felt such pressures, but only 4 per cent of men. The same study shows that the lower a woman's level of education, the more prone she was to accept the views of her husband (Kiribamune 1999: 221). This illustrates that there is a relationship between women's 'inferior, subordinate, docile and obedient' nature and their voting behaviour. Thus it is evident that Sri Lankan cultural socialization has a negative impact on women's political behaviour.

According to Kiribamune's (1999: 224) study, 69 per cent and 43 per cent of female and male respondents, respectively, had not attended a single election meet-

⁶ Vellala is considered the highest caste among Sri Lankan Tamils.

ing. It was observed in a recent village study in southern Sri Lanka that very few women went outside the village to attend political meetings and men outnumbered women 2:1 (Gamburd 1993: 34). The male-female ratio in relation to participation in political activities is due to cultural norms and time constraints due to domestic obligations. A study of the 1994 general election also shows that election violence was a factor. When Sinhalese women participated in the 1993 provincial election campaign, their houses were burned and destroyed, some were threatened and one was forced to remove her clothes and to walk naked in a demonstration. Sinhala Buddhist women are socialized to exhibit '*lajja*' (shyness) and '*biya*' (fear – of losing one's reputation). Male political activists try to control politically active women by violence, thuggery, threats and 'destroying their reputation'.

Women in Political Parties

Three Sri Lankan political parties (Sri Lanka Freedom Party, United Democratic Front and Muslim Congress) have been led by women. All these women took the job immediately after their husband's assassination or sudden death. Since Sinhala Buddhist women's identity is constructed as preservers of the family or nation in the face of potential disintegration, these women also accepted the male leaders' decision to take the leadership of the party in a difficult situation. They also managed to integrate the party by playing a symbolic role and promised the other leaders and party members that they would follow their husband's policies. These female politicians manipulated their 'private' identities to their advantage in the 'public' sphere. Their main platform was that they were merely carrying out the political pledges which their husbands had made to their voters.

Several studies of political parties in Sri Lanka illustrate that 25 per cent of women and 33–35 per cent of men are engaged in party activities as party members (see, for details, CENWOR 1995; Kiribamune 1999; Liyanage 1999). In this regard too, Buddhist cultural conservatism and strong patriarchal attitudes are responsible.

A detailed study of female–male ratios in political party hierarchies makes it clear that women are very poorly represented. Patriarchal attitudes spread mainly by Sinhala Buddhist nationalists have prevented women from taking their due place in political decision-making. Experiences of citizenship depend on social position and roles – roles that are dictated by social relations of unequal power formed on the basis of race, ethnicity, caste, class and gender (Lister 2003: 6). Women's societal positions, gender roles and relations comprise one set of power relations. In Sri Lanka, Sinhala Buddhist nationalist leaders promote traditional beliefs and practices, including gender roles. They emphasise traditional 'feminine' char-

acteristics and confine women to care of the home and children. They opposed giving voting rights to women, and constructed women's identity as docile, irrational care-giving and not suitable for politics, which is considered dirty, competitive and aggressive. Although three major parties have been led by women, only three or four women work as leaders at district and national level (Liyanage 1999: 121).

Kiribamune's (1999: 246) study shows that only 0.4 per cent women in the sample were in the central organization of a party. In branch organizations, the percentage of women was 3 per cent and for men it was 20–30 per cent. Gender differences were clearly noticed in people's involvement in election campaigns. The same study illustrates that no woman addressed national-level political meetings, but 3 per cent of men had done so. While 1 per cent of women had addressed local meetings, 8.5 per cent of men had done so. Six per cent of women and 28 per cent of men had canvassed for candidates. Five per cent of women and 25 per cent of men had distributed party leaflets (Kiribamune 1999: 224–30). It is therefore clear that election campaigns are dominated by Sri Lankan men. Feelings of modesty, a lack of self-confidence and insecurity have inhibited women from public speaking. Attending national-level meetings involves travelling to outstations, staying overnight (possibly with male political activists) and keeping unusual hours, all of which are perceived as improper for 'decent women'. Therefore, the fear of social disapproval keeps women away from such active political participation (Kiribamune 1999: 223–30). The organization, structure and political life of parties make no allowances for the special difficulties faced by women. Political parties were mainly structured during the period when women were largely absent from these institutions and female lifestyles were generally not taken into consideration (Liyanage 1999: 132).

All political parties in Sri Lanka have women's sections, both at central and local level. The objectives of women's sections are awareness-raising, poverty alleviation and initiatives to increase women's participation in politics. They are active only at election time and organize pocket meetings, welfare and religious activities, raise funds and distribute leaflets. Furthermore, women's sections are controlled by male party leaders. They mushroom during elections and after that practically disappear (Liyanage 1999: 123–26).

Since the late 1970s, emerging ethnic and religious parties have become a particular feature in Sri Lanka. Previously, there had been the *Sinhala Bhumi Puthrayo* (Sons of the Sinhala Land) Party, organized by some educated Sinhala Buddhists. It faded away after a decade. Some Buddhist monks and lay Buddhists founded *Jathika*

Chintanaya (National Ideology) and *Jathika Hela Urumaya* (JHU, National Sinhalese Heritage). The *Janatha Vimukthi Peramuna* (JVP) (People's Liberation Front) emphasises equal rights for men and women, but its main objective is to establish a Sinhala Buddhist nation. The *Jathika Hela Urumaya*, although talking about equality, in practice tries to keep Sinhala Buddhist women in their traditional roles. In a television programme entitled 'Women's political representation after Independence', presented by the Swarnavahini channel on 2 February 2009, the JHU media representative said that 'women are given a natural role – motherhood – it is special and we cannot compare it with anything else ... By introducing a quota system, someone tries to push women into politics by force. It should not be done in Sri Lanka.'⁷ Immediately before the 2005 presidential election, some women activists organised a national level dialogue on increasing women's representation and a quota system with the support of the Ministry of Women's Affairs. All party leaders were invited to the meeting and were given a chance to discuss the issue. One female JHU leader got up and said 'it is not necessary to scream in this manner, women will be given opportunities gradually and you have to be patient! Only then will you achieve gender equality.' Although the JHU does not have systematic data, it is evident that many urban upper-middle and middle-class women support it. At the 2004 general elections, five Buddhist monks from the JHU were elected to parliament. The main objectives of the JHU are to create a Sinhala Buddhist nation, continue the war against Tamil terrorists, protect the 'royal' status given to Buddhist clergy and establish Buddhist values and norms in society. According to the JHU Election Manifesto (2004: 4–6) it is against 'Western feminist liberation' and modernization. It promises to function in accordance with the traditional 'motherhood' concept. The JHU emphasizes the Sinhala Buddhist women's dress code (Kandyani Sari-Osariya) and criticises the wearing of Western and/or black dress (they consider black a miserable colour). Also, they urge Sinhala Buddhist women to have more children, while criticising Muslim families for the very same thing. In the recent past, the JHU has organised several celebrations to honour Sinhala Buddhist mothers who have more than ten children, awarding medals and gifts. Sinhala Buddhist mothers whose sons were killed in the campaign against Tamil terrorists were also celebrated by the JHU, awarding *Weera Matha* (heroine-mother) medals. These activities were supported by leaders of the *Janatha Vimukthi Peramuna*, *Jathika Chinthanaya* and *Jathika Hela Urumaya*. Moreover, all these parties openly support the war against Tamil terrorists.

⁷ The author participated in this television programme and emphasised the necessity of a quota system to increase women's political representation in Sri Lanka.

Thus, Sinhala Buddhist political parties urge women to be 'culture carriers, and mothers of the nation', but not to be active citizens in politics. The mainstream parties, such as the United National Party (UNP) and Sri Lanka Freedom (SLFP), have traditional male-dominated structures and have not paid serious attention to women's active participation in politics. They are interested solely in getting women's votes (Liyanage 1996: 25–28).

Women as Political Representatives

The number of women candidates nominated for general and local elections has been very low in Sri Lanka. Until the 1990s, it was around 3 per cent, increasing to 7.5 per cent in the early twenty-first century. The percentage of women representatives elected to the national assembly has never risen above 5.8 per cent. Four per cent of representatives in provincial councils are women, 2.7 per cent in local governments and 1.9 per cent in *Pradesheeya Sabhas* (village councils). Again, Sinhala Buddhist cultural conservatism, fear of violence and lack of political experience are responsible for this situation (Liyanage 1999: 123–26).

In Sri Lankan politics, wives and daughters are very much part of the support structure of their men. Among 29 political women interviewed, only two had entered politics without a family connection (Liyanage 1999: 123). Some of these women entered politics as part of their wifely duties and as a symbol to integrate the party, immediately after the sudden death of the husband, as already mentioned. These women were socialized in political families and obtained experience, recognition and protection in that way. Many studies have illustrated party leaders' unwillingness to nominate women who are independent and have no political family connections (for more details, see de Silva 1993; Kiribamune 1999; Liyanage 2001, 1999, 1998, 1996, 1992; Samarasinghe 1998). Male politicians believe that men are more mobile, can stand up to violence, are sexually less vulnerable and have more time for public activities. However, when a man is not available next in line, men select a woman and urge her to fulfil her 'wifely or daughter's duty' and to save the nation, party or electorate, which is at risk of disintegration.

There is a widespread feeling that violence is one of the strongest deterrents against the participation of women in politics. In the abovementioned survey by Kiribamune (1999: 243–44) this view was repeated mainly by male politicians. According to Sinhala Buddhist perceptions, women need to be protected from violence – mainly sexual violence – because they are weak. Women should be kept apart from such public violence, maintaining respect for them as 'pure' women. While most people are apprehensive about physical violence, women are particularly mindful of psy-

chological violence, particularly character assassination (Kiribamune 1999: 243). Women do not wish to risk violence, as the safety and welfare of their children might be jeopardized. Sinhala Buddhist women are considered to be the custodians of family honour and they are not excused for transgressing behavioural norms, real or imaginary (Kiribamune 1990: xx). According to male party organizers, chaperones are an undue burden, but for women the threat of sexual violence, especially rape, can be a strong deterrent (Samarasinghe 1998: 252).

Cultural constraints have become a major barrier for women in politics, because they need to be sensitive to the cultural beliefs of their constituents. They are expected to be gentle, not aggressive, peaceful and should wear the traditional dress (sari). These feminine characteristics and dress codes are emphasised by Sinhala Buddhist nationalists. Their attitudes to gender remain traditional. For example, the wearing of Western dress (for example, jeans) by university women has sometimes been challenged by male students (Jayawardena 1994: 136). Such students are strong supporters of the Janatha Vimukthi Peramuna (JVP).⁸ The JVP dominates students' politics in all Sri Lankan universities and does not allow any other party to contest student councils. For the past three decades, the JVP has not provided an opportunity for any female student to hold the key office of student councillor or even to make a public speech. Also, some of them prevent students from taking courses in gender studies. Although Buddhism gives women adequate room to engage in public activities, some Sinhala Buddhist nationalists hesitate to take up issues related to gender equality and women agitating for their rights are condemned by them as 'traitors of the nation, mad women or destroyers of the Sinhala Buddhist family and culture'.

Buddhist teachings emphasize the value of mothers and label them 'the Buddha at home'. This motherhood symbolism has been used by almost all female politicians to gain popular acceptance. Mrs Bandaranaike used the motherhood symbolism when she appealed to the public as 'a wife and a mother' (de Alwis 1995: 149). Later, she was honoured and labelled as *Meniyo and Methini* (Mother of the Nation). Appealing to female voters during the 1994 presidential election, one of Chandrika Kumaratunga's campaign stances was 'I am a widow and mother, I have suffered and as a woman I understand your suffering' (Kiribamune 1999: 93).

⁸ The author has been teaching in the largest university (Peradeniya) in Sri Lanka since 1977. She has herself experienced and also witnessed several such incidents, mainly since the 1980s. The Janatha Vimukthi Peramuna became strong in students' politics after the 1980s.

Though both these women tried to subvert patriarchy (Samarasinghe 1998: 255), generally this traditional identity has had a negative impact on women's political participation in Sri Lanka. According to Sinhala Buddhist nationalist teachings, women should prioritise the duties of mother and wife and domestic roles. Many studies of women and politics in Sri Lanka point out that motherhood and domestic responsibilities keep women housebound and limit their interest and involvement in politics (CENWOR 1995; de Silva 1993; Kiribamune 1994; Leitan 2000; Liyanage 2005, 1999, 1996, 1992).

Women Cabinet Ministers and Female Portfolios

Even when elected, women do not have the same opportunities for participation in government policy-making. The first woman appointed a Cabinet Minister, Wimala Wijewardena, Minister of Health (1956–59), came from the *Mahajana Eksath Peramuna* (People's United Front). Mrs Bandaranaike headed the *Sri Lanka Freedom Party* cabinet as the world's first woman Prime Minister, from 1960 to 1965. Although she headed the government again from 1970 to 1977, no other woman was included in her cabinet. Since then, there have generally been two or three women in the cabinet and at present (2009) there are three women in the cabinet in comparison to 115 men. Women ministers have rarely been appointed to the more powerful ministries, such as finance, foreign affairs or the armed forces. The women appointed to the cabinet by both major parties – the Sri Lanka Freedom Party and the United National Party – were given such portfolios as health, rural development, local government, social welfare, education, teaching hospitals, housing, poverty alleviation, child development and women's affairs, all 'less influential' areas related to women's traditional role. Women perceive themselves and are perceived by others as being in their rightful place only when dealing with problems related to their supposedly natural interest in motherhood. Thus women have not shared power equally (in terms of either quantity or quality) at the top levels of the political hierarchy, due to patriarchal attitudes and gendered socialization, shaped mainly by Sinhala Buddhist nationalists (Liyanage 1999: 120).

This situation can also be explained as a direct result of the gender identity constructed by Sinhala Buddhist nationalists. As already mentioned, Sinhala Buddhist women are considered important symbols of ethnic identity. Their bodies are markers of Sinhala Buddhist ethnicity and they are considered to bear responsibility for historical traditions and customs. As a result, often the state asks women to fulfil their duties as mothers and preservers of the culture. Therefore, 'feminine' matters are assigned by all Sri Lankan governments to women, even cabinet ministers.

Present Scenario

In this situation, there are no progressive groups of women among Sinhala Buddhists who have emancipatory potential. However, several women's organizations have taken the initiative to lobby parliamentarians, for example by making representations to the *Parliamentary Select Committee on Electoral Reforms* for concrete affirmative and enforceable measures to increase women's political representation. Unfortunately, the interim and final reports of the Committee neither mentioned gender concerns nor incorporated recommendations suggested by women's groups. Several male political leaders have commented on the quota system as an undemocratic system and have expressed their fear of minority groups with similar proposals for quotas. It is interesting to note that the Sri Lankan government is very progressive in the passing of laws on maternity leave and against rape and sexual violence, but has not even initiated a discussion on a quota system. This clearly illustrates that the Sinhala Buddhist majority government is itself a key agent of traditional gender construction.

In the present scenario, the Sri Lankan government, Sinhala Buddhist political leaders and leading Buddhist monks are not at all interested in gender equality or women's equal political representation. They appeal to Sinhala Buddhist women through the media and call on them to send their sons to protect the nation from Tamil terrorists. At celebrations on International Women's Day, women who have lost several sons in the war are granted *Weera Matha* (heroine mother) medals.

Conclusion

Identifying the probable causes of and barriers to women's political participation cannot be done in isolation because such barriers may be socio-cultural, financial, political or attitudinal. However, one can conclude that in Sri Lankan political history, Sinhala ethnic and Buddhist religious interpretations of women's characteristics, roles, behaviour and expectations and socio-cultural norms have played a vital and sometimes an invisible role in women's active political participation. The patriarchal powers-that-be perceive woman as repositories of identity and honour. Hence women end up shouldering the greater burden of identity politics. Scores of power struggles in identity politics are settled by means of women's bodies via control (restriction of mobility, code of ethics, dress codes, racial purity and national duty), violence (rape, assault, sexual harassment) and psychological assault (terrorising, threats, humiliation, subjugation and character assassination).

It is difficult to answer the question 'Why do Sri Lankan women lag behind other Asian countries in political representation?' However, it is clear that the interpretations of Sinhala Buddhist nationalism have moulded the attitudes of men and women to prolong male hegemony in Sri Lankan politics. Unfortunately, there is not much pressure from women to change these attitudes and they have become the major obstacle to women entering politics. In most cases, women themselves are not conscious of their legal rights, exploitation and oppression and there is a belief that Buddhism has liberated women and has not been blighted by such social evils as foot-binding, sati or purdah. As a result, there is no militant nationalist or revolutionary/radical movement which might raise issues of women's liberation in order to mobilise women to participate in politics. Also, Sinhala Buddhist leaders still emphasise the importance of motherhood and correct patterns of women's conduct. Women are urged not to follow alien and demoralising examples and preventing the entry of such 'intrusions' is seen as the duty of righteous governments (Jayawardena 1994: 136). At present, Sri Lankan political parties and governments seek to fulfil this duty by excluding women from active politics.

Malaysia – Trajectory towards Secularism or Islamism?

Zarizana Abdul Aziz

Since independence, Malaysians have generally subscribed to ethnic and religion-based politics. Fifty-one years after independence from British colonial rule, the Malaysian political scene has changed little, with ethno-religious parties¹ dominating.

From a young age, Malaysians are made aware of differences based on ethnicity and religion. Due to the dynamic evolution of inter-ethnic and inter-religious integration, tensions have developed, with politicians, civil society and religious conservatives more aggressively presenting their claims to their constituents, resulting in new and shifting boundaries in terms of inter-ethnic, inter-religious and inter-gender relationships.

Consequently, there appears to be a developing trend towards rejecting diversity and secularism in favour of state regulation of behaviour, faith, status and identity, mostly in the name of the religious and ethnic interests of the majority Muslim Malays.

This development is cloaked in nationalism and cultural identity. Those who call for a more central role for Islam reject what they deem a colonial image of Malaysia as a secular state. In line with the agenda of making the legislative, executive and judiciary ‘*syariah*’² compliant’, government policies and legislation have been challenged. Even the Federal Constitution has not been spared in the debate.³

¹ A few parties – such as the Parti Sosialis Malaysia (PSM), the Democratic Action Party (DAP) and the Parti Keadilan Rakyat (PKR) – have attempted to cross the religious-ethnic divide. The three parties have formed a coalition with the Malaysian Islamic Party (PAS), which was voted into power in five States. It remains to be seen whether, with PKR as a new player, the face of Malaysian politics will change.

² In Malaysia, Islamic jurisprudence is generally referred to as ‘*syariah*’, although the more correct term would be ‘*fiqh*’.

³ Although Article 4 of the Federal Constitution declares itself the supreme law of the Federation and any law passed after Merdeka Day which is inconsistent with the Constitution shall, to the extent of the inconsistency, be void, those who oppose the supremacy of the Constitution rely on Article 3, which provides for Islam to be the religion of the Federation, as an indication that Malaysia is an Islamic state and Islamic law is the supreme law.

Islamisation in Malaysia, however, is not guided and shaped solely by overtly identifiable radical leaders with an ‘Islamist’ agenda. The Islamisation agenda is supported, more subtly, by a rising Muslim civil society.

As the Malaysian legal system moves closer towards accommodating *syariah*, there has been an increase in inter-ethnic and inter-religious tensions. These tensions have surfaced in the legal arena, ranging from the regulation of public and private behaviour, through demands for ‘culturally-sensitive’ interpretation and application of human rights (sometimes the outright rejection of human rights) to contestation between the civil and *syariah* jurisdictions.

This chapter will explore the costs of the politicisation of Islam for Malaysian society and its impact on ethnic and gender relations. In particular, it will refer to:

- The use of separate legal religious principles to deny the universal applicability of laws to all Malaysians. This includes the non-applicability of legal gains in gender equality for Muslim women, for example, with regard to child custody, guardianship rights and inheritance.
- The diminishing tolerance for diversity in and the policing of behaviour, for example, the policing of sexual misconduct directed against women.
- The role and ability of legal institutions to resolve everyday conflicts. This includes the spate of legal and administrative battles waged in the courts and/or through the law arising from inter-faith issues.
- The use of legal institutions in the political power struggle. This includes demands for the use of ‘*syariah*’ criminal principles in proving sexual crimes, which have proved detrimental to women in other jurisdictions.

Islam and ‘Malayness’

In order to understand the politicisation of Islam in Malaysia, it is necessary to understand the special relationship, interdependence and inter-changeability between Islam and ethnic Malay identity.

The Federal Constitution defines a Malay as a person who professes the faith of Islam, customarily speaks the Malay language, conforms to Malay customs and is born of parents, one of whom was domiciled in the Federation or Singapore before Independence or is a descendant of such a person.⁴

⁴ Article 160(2) of the Federal Constitution. Malays were given special constitutional protection as part of the negotiations to grant citizenship to the immigrant population who arrived in Malaya under British colonial rule.

By definition therefore, ‘Malayness’ is not a biological ethnic construct but a political one, as technically a person may be a Malay without actually being ethnically Malay. Furthermore, in a dynamic multi-ethnic society in which habits, customs and language evolve continuously, the only constant is religion.

So integral is being a Muslim to being a Malay that any loss of Muslim identity is equivalent to a loss of ‘Malayness’. In predominantly Muslim federal States,⁵ Malay culture and practices deemed un-Islamic or exhibiting Hindu or Buddhist influences or origins have been banned. These include dance-drama, such as the ‘*makyong*’ and theatrical performances such as the ‘*wayang kulit*’ (shadow puppets). Increasingly, parents also prefer Arabic-Muslim names for their children over traditional Malay names.

As the Federal Constitution also recognises limited special privileges for Malays, the identification of Islam and ‘Malayness’ ensures that both identities are vulnerable to and the subject of politicisation, as political parties vie, directly or indirectly, for the votes of Malay-Muslims, who constitute approximately 65 per cent of the population.

On a socio-political level, the worldwide religious revival has similarly influenced and changed the way in which Islam is defined and practiced in Malaysia and has contributed much towards hardening religious boundaries within the Muslim community. Indeed, Malay-Muslims in Malaysia have adopted increasingly conservative interpretations of Islam, with Islam becoming a pivotal identity marker.

This has resulted in more conservative Malay-Muslims jealously guarding their sphere of influence against encroachment, not only by other faiths but also by other persuasions and ideologies, such as human rights, equality and ‘liberal Islam’.⁶ Consequently, discourse on Islamic human rights (with reference to the Cairo Declaration of Islamic Human Rights as opposed to the Universal Declaration of Human Rights) and equity instead of equality are common topics of legal and academic papers, as well as of popular media articles.

⁵ Malaysia is a federation of 13 States, namely Johore, Kedah, Kelantan, Malacca, Negeri Sembilan, Pahang, Penang, Perak, Perlis, Sabah, Sarawak, Selangor and Terengganu.

⁶ The minister in charge of religious affairs went so far as to say that the government was serious about clamping down on liberal Islam. See also Malaysian National News Agency Wisma Bernama, 2008, ‘Government propose special funds to enhance propagation of Islam’, in Sabah Online. Available at: <http://www.bernama.com/bernama/v5/newsindex.php?id=372310>. (2 January 2009).

A Muslim Defined

Malaysians are, by and large, Sunnis who subscribe to the Shafie schools. The state recognises only two Shiite schools,⁷ namely Al-Zaidiyah and Jaafariah, and has declared Sufism as against Islam.⁸ It has also decreed that Wahdatul Wujud was un-Islamic and their followers apostates, their spouses divorced and their properties to be forfeited.⁹ Furthermore, Ahmadiyahs – also called Qadianis – were decreed non-Muslims.¹⁰ Even communal movements, such as the Darul Al Arqam, which was popular up to the 1990s, were disbanded and their activities declared deviationist and their publications banned.¹¹

A communal movement which suffered an even more severe attack was the Sky Kingdom, which was started in the early 1980s. On 18 July 2005, the structures and buildings erected by members of the Sky Kingdom at their commune in Besut, Kuala Terengganu – including, among other things, a giant teapot and a giant umbrella – were destroyed by unknown masked persons,¹² who tossed petrol bombs at the buildings and structures and set tyres ablaze. These masked assailants were never brought to justice, despite calls from many quarters for the authorities to protect the rights and freedoms of individuals and to act against the perpetrators of violence.¹³

Fifty-eight of the followers of the Sky Kingdom were arrested and charged in the *syariah* court with following deviationist teachings. Some followers were prosecuted under the Terengganu Syariah Criminal Enactment for flouting a fatwa which

⁷ Fatwa issued by the National Fatwa Committee for Islamic Religious Affairs dated 5 May 1996 against Shiites in Malaysia. Fatwas are religious edicts issued by religious scholars as a guide to Muslims. Malaysia has set up a National Fatwa Council, which meets to deliberate on aspects of daily life and issue edicts. As matters of religion are within the jurisdiction of the States (there are eleven States and two Federal Territories in Malaysia), these fatwas are then transmitted to each State, which may accept them and gazette them as laws binding upon Muslims.

⁸ Fatwa dated 15 November 1981 on Tarekat Naqsyabandiah Khalidiah and dated 3 April 2000 on Tariqat Naqsyabandiah Al-aliyyah Syeikh Nazim Al-haqqani.

⁹ Fatwa dated 3 April 2000.

¹⁰ Fatwa dated 24 September 1984.

¹¹ Fatwa dated 31 March 1994, 6 October 1986.

¹² Malaysian National News Agency Wisma Bernama, 2005, ‘Sky Kingdom comes tumbling down’. Available at: http://www.bernama.com/bernama/v3/news_lite.php?id=148073 (2 January 2009); *Sun2Surf*, 2005, ‘Masked group attacks Ayah Pin commune’. Available at: <http://www.sun2surf.com/article.cfm?id=10213>. (2 January 2009).

¹³ Yeo, Y.P., 2005, ‘The Ayah Pin saga’, *The Malaysian Bar*. Available at: http://www.malaysianbar.org.my/press_statements/the_ayah_pin_saga.html. (2 January 2009).

decreed that the Sky Kingdom's leader, Ayah Pin's teachings and beliefs had strayed from Islam.¹⁴ The local authorities also moved to demolish structures at the commune, despite a pending court action. Forty-five of the followers of Ayah Pin who were charged in court had difficulty getting *syariah* lawyers to represent them, prompting the Malaysian Bar Council to write to all *syariah* lawyers in Terengganu, reminding them of their responsibility to freely provide professional services.

48 Even before these incidents, some of the followers of the Sky Kingdom had been convicted of deviant practices in the *syariah* court and sentenced. One of them was Kamariah Ali, who was sentenced to 20 months in prison. A second charge was laid against her, but when her case was heard, Kamariah declared in open court that she had apostatised since August 1998. For that reason, she argued, she was no longer subject to the jurisdiction of the *syariah* court, which only had jurisdiction over Muslims. Despite that, she was found guilty and sentenced to three years. A further charge was brought against her for apostasy,¹⁵ arising from the declaration she had made in 2000.

She made two applications to the civil courts to obtain her release by a writ of habeas corpus on the grounds that her conviction and sentence of imprisonment were illegal. Kamariah applied for a declaration that she had the Constitutional right to profess and practise the religion of her choice and, consequently, to renounce Islam. Her applications were dismissed and the dismissal upheld by the civil Federal Court¹⁶ on the grounds that, in accordance with the 'purposive' approach to the law, a Muslim could not avoid prosecution by claiming that she was no longer a practising Muslim. In any event, said the court, the material time for deciding whether the appellant was a practising Muslim was the period in which the offence was committed,¹⁷ and when Kamariah committed the offence, she was still a Muslim.

As will be discussed below, this reasoning is somewhat problematic since a Muslim can only be legally and officially recognised as having left Islam upon obtaining an order from the *syariah* court and therefore the offence of apostasy or of attempting

¹⁴ Tengganu Fatwa and Malay Customs Committee, [no year]. Available at: [http://www.e-fatwa.gov.my/mufti/fatwa_search_result.asp?keyID=1982]. (13 January 2009) [URL as submitted by author]; *Sun2Surf*, 2005. 58 followers of Ayah Pin arrested. Available at: http://www.sun2surf.com/article.cfm?id=10254. (3 January 2009).

¹⁵ Apostasy is a crime under the Islamic Criminal Enactments of several States and is discussed below.

¹⁶ The apex appellate civil court.

¹⁷ [2004] 3 CLJ 409.

to renounce Islam would necessarily be committed before a *syariah* court issues any such order.

In setting itself up as the guardian of Islam, the state has taken upon itself the sole right to define what constitutes Islam and who is a Muslim. The negative effects of regulations governing individuals' public and private life have been felt by all communities in Malaysia, but the Malay-Muslim community has borne the brunt. Such regulation has become more acute over the past decade or so, coinciding with the revival of religious feelings worldwide.

Islam and Women's Rights

The emphasis on ethnic-religious identity affects women in a number of ways, highlighting worrisome and widening differences in the quest for equality and women's rights for both Malay-Muslim women and women of other faiths. In recent years, and particularly after tireless lobbying by women's groups in Malaysia, many of the legal provisions which were detrimental towards or discriminatory against women were amended. The effect of these amendments was to recognise women's equal rights over the guardianship of children, equal entitlement to social security and inheritance, as well as protection of insurance policies. The amendments also acknowledged a putative father's obligation to maintain children born out of wedlock. In a subsequent amendment, the provision limiting the amount a putative father could be ordered to pay was repealed.

The benefits of many of these amendments were denied to Muslim women, however. In relation to children born out of wedlock, Muslim fathers are exempted from these provisions and to date there has been no provision to either compel a Muslim putative father to provide for his child or for the state-administered religious fund (Baitulmal) to do so. Guardianship of a Muslim child is vested with its father, and upon the father's death, with the father's relatives. A Muslim mother, although she may have custody, is not the guardian of her child. By amendments passed in 1996, the proceeds of any insurance policy maintained by a Muslim for the benefit of his wife or children shall not be vested in the named beneficiaries but be subject to distribution in accordance with Muslim distribution rules.¹⁸ Muslim distribution rules

¹⁸ In 2000, the National Fatwa Council issued a fatwa that payouts from a deceased person's employee provident fund, as well as social security, should be deemed to be part of the estate to be distributed to the deceased's heirs instead of the deceased's dependants, as is the case presently. Fortunately, the fatwa was not enforced.

provide for unequal distribution in favour of male heirs, contrary to the equal rights to inheritance set up under civil laws.

This gap is further exacerbated by different rules set up for Muslims. These rules are issued either as policies by the religious authorities or as fatwas by the various fatwa councils and committees. The latter may be adopted by the respective State legislatures and, if adopted, may be gazetted to become legally binding.

For example, in 1982, the National Fatwa Council issued a fatwa on the definition of jointly acquired property (matrimonial assets).¹⁹ This fatwa declared that the matrimonial home and the furniture therein belonged to the husband unless there was evidence that the husband had made a gift of it to the wife or that the wife owned it; while the dowry,²⁰ clothes and maintenance provided by the husband to the wife belonged to the wife. This fatwa seem to imply that the matrimonial home which was deemed the husband's property was exempted from a wife's claims to division of jointly acquired property, although in practice women still claimed against the matrimonial home as jointly acquired property.

In 2003, another fatwa was issued declaring that it was lawful for a husband to pronounce divorce (*talaq*) by e-mail or even text (SMS), thus reducing divorce to the undignified act of electronic messaging. There was general dissatisfaction amongst women's groups who felt that divorce, like marriage, should be undertaken with due dignity and solemnity and SMS or e-mail have no place in this process. The fatwa on SMS divorce is yet another example of the easing of divorce requirements – compare this to the civil law requirement that compels couples to obtain a court decree for divorce.

In December 2008, HIV testing was made compulsory for all Muslim couples prior to registering their marriage.²¹ The Malaysian Aids Council, as well as many legal practitioners opposed pre-marital HIV testing, on the grounds of both its ineffectiveness in combating AIDS and the fact that it undermined the privacy of HIV-positive

¹⁹ The right to claim for division of jointly acquired property originated from Malay cultural practice and in 1984–86 was incorporated into the Islamic Family Law Enactments. Muslim laws allow for the adoption of cultural practices, which technically gives the law some flexibility.

²⁰ In Malaysia, the dowry is generally a nominal sum.

²¹ Although some States had already made HIV testing compulsory.

persons, particularly when there are no privacy laws, thus exposing HIV positive persons to social stigma and discrimination.²²

However, the most controversial of the fatwas issued by the National Fatwa Council were two fatwas issued in late 2008. The first was in relation to the banning of so-called 'tomboy' behaviour on the part of girls and women. Justifying the decision, the Council chairman said that it was prompted by cases of young women who were inclined to behave like men and indulge in homosexuality.²³

The fatwa understandably drew passionate responses from civil society and saw a small group of young women walking in protest, questioning why a woman's body invariably became the battlefield of society's morality.²⁴ Compelling women to conform to the Fatwa Council's concept of feminine behaviour is problematic both on the substantive and the enforcement level and an intense media debate ensued.

However, the tomboy fatwa was not the first attempt to regulate women's dress and behaviour. Various departments of the religious bureaucracy have often raided night spots and charged Muslim women with indecent dressing or being in places where 'immoral activities' took place. Notably, in 2007, a Muslim singer was charged for 'exposing her body' and 'encouraging immoral activities'.²⁵ Sometimes, the enforcement is more pervasive, for example, when the local authority in Kota Bharu, a State under PAS government, enforced, through the business licensing scheme, the Muslim dress code on Muslim women²⁶ working in businesses that required licences from the local authorities.

²² In the State of Perak, the Menteri Besar (Chief Minister) issued a statement that persons found to be HIV positive should not be allowed to get married or have children. The statement drew widespread criticism. *The Straits Times*, 2008, 'Don't isolate HIV-positive'. Available at: http://www.straitstimes.com/Breaking%2BNews/SE%2BAsia/Story/STIStory_318424.html. (5 January 2009).

²³ Malaysian National News Agency Wisma Bernama, 2008, 'National Fatwa Council forbids tomboyism', *The Star Online*. Available at: <http://thestar.com.my/news/story.asp?file=/2008/10/23/nation/20081023195011&sec=nation>. (5 January 2009).

²⁴ Ong, A., 2008, 'Protest against anti-tomboy fatwa', *Malaysiakini*. Available at: <http://www.malaysiakini.com/news/92648>. (5 January 2009). Ironically, this small protest prompted the police to issue a warning against those who opposed the tomboy fatwa, insisting that this might affect national security. The police also threatened that action would be taken against those who protested as such protests involved public order. 'They should also respect religion and not interfere in Muslim affairs' – see Brunei, 2008, 'Malay police warn NGOs not to oppose fatwa against tomboys'. Available at: <http://www.bruneinews.net/story/430099>. (5 January 2009).

²⁵ *The Star Online*, 2007, 'Singer held over dressing'. Available at: <http://thestar.com.my/news/story.asp?file=/2007/7/6/nation/18229763&sec=nation>. (5 January 2009).

²⁶ The latest directive was issued in June 2008, with the Kota Bharu Municipal Council requiring that Muslim women not wear heavy lipstick or high heels.

Overemphasis on dress and women's behaviour not only reflects a tendency to control women's bodies and sexuality, but also to assign women blame and responsibility for the violence committed against them, from the failure to avert rape to the inability to ensure that they are not abused by their spouses, hearkening back to the discredited notion that women provoke violence against them, as can be seen from the statement issued by the National Islamic Students Association of Malaysia.²⁷ This tendency could potentially set the discourse on rape and other violence against women back decades and dangerously divert attention away from global women's movements' attempts to promote the understanding of violence against women as a women's human rights issue.

The second fatwa was in relation to the banning of yoga exercises due to its Hindu origins.²⁸ Coming so closely on the heels of the fatwa banning tomboy behaviour, the fatwa banning yoga resulted in a public debate and objections not only from Muslim NGOs and practitioners of yoga, but also from civil society.

While Muslims took religious leaders to task over a reported statement, 'Can we appeal to God to change the rules according to our whims and fancies?' and questioned the attempts at elevating a fatwa which was, after all, issued by fallible religious authorities to the level of 'God's rules', Hindus asserted that they were offended by the Council's lack of sensitivity in ruling a 5,000 year old practice as corrupting Islam.²⁹

As the public debate heightened, the Rulers of the Malay States³⁰ intervened to raise concerns about fatwas that could cause disharmony amongst Malaysians. The

²⁷ In a statement issued in May 2008, the National Islamic Students Association of Malaysia objected to the school uniform worn by girls. 'The white blouse is too transparent for girls and it becomes a source of attraction ... It becomes a distraction to men, who are drawn to it, whether or not they like looking at it.' 'Covering up' was important to fend off social ills, including 'rape, sexual harassment and even premarital sex. This leads to babies born out of wedlock and, to an extent, even prostitution'. *The Star Online*, 22 May 2008, 'School uniform sexy, says group'. Available at: <http://thestar.com.my/news/story.asp?file=/2008/5/22/nation/21326822&sec=nation>. (5 January 2009).

²⁸ Interestingly, the Indonesian Council of Ulema declined to ban yoga, preferring to view the commercial yoga taught and practiced at gyms and yoga centres as a sport. See the *Jakarta Globe*, 24 November 2008

²⁹ *The Star Online*, 2008, 'Group: No consensus on edict'. Available at: <http://thestar.com.my/news/story.asp?file=/2008/11/25/nation/2635052&sec=nation>. (4 January 2009).

³⁰ *The Star Online*, 2008, 'Consider fatwa very carefully, says Nazrin'. Available at: <http://thestar.com.my/news/story.asp?file=/2008/11/26/nation/2645682&sec=nation>. (6 January 2009); *The Star Online*, 2008, 'Rulers to have final say'. Available at: <http://thestar.com.my/news/story.asp?file=/2008/11/26/nation/2642665&sec=nation>. (5 January 2009).

Rulers reminded the National Fatwa Council not to issue fatwas without due consultation with the States, thereby overstepping their jurisdiction. Consequently, most States did not adopt or gazette the fatwas, which mainly remained advisory opinions without legal effect.

The Elusive Concept of Asian Moral Values

Attempts to control moral behaviour have in recent times also appeared in cases brought before the civil courts. In August 2003, a young couple was charged in Kuala Lumpur with 'behaving in a disorderly manner, to wit, kissing and hugging' under the Parks (Federal Territory) By-Laws 1981.

During the hearing, Chief Justice Ahmad Fairuz was reported by the media to have said, 'So, they should be given freedom to live as they like? The constitution allows all citizens to do that [hugging and kissing] even by the roadside, in a public park? In England, those acts are acceptable to the people in that country but is kissing and hugging acceptable to Malaysian citizens? Is the act according to the morality of Asian people?'³¹

The remark aroused controversy not only on the issue of whether city officials, in the guise of regulating parks, could legislate on and define indecent behaviour, but more importantly on the question of who decides and what determines Asian morality.

Although the subsequent written judgment³² of the Federal Court made no attempt to interpret indecent behaviour and went to great lengths to emphasise that the decision was based solely on legal principles, the Chief Justice's outburst was understood by many Malaysians as showing that the Federal Court supports the notion of moral policing by city officials and of using Islam as the moral yardstick in a multi-religious country to judge the behaviour of a couple who do not profess the religion of Islam.³³

³¹ Daily Express, 2006, 'Public can be summoned for hugging, kissing: Court'. Available at: <http://www.dailyexpress.com.my/news.cfm?NewsID=41250>. (6 January 2009).

³² *Ooi Kean Thong & Anor v PP* [2006] 2 CLJ 701.

³³ Chong, C.J., 2006, 'Kissing and hugging in a public park – chargeable under Section 8(1) of the Parks (Federal Territory of Putrajaya) By-Laws', DapMalaysia Online. Available at: <http://www.dapmalaysia.org/english/2006/april06/bul/bul2966.htm>. (5 January 2009); Cumaraswamy, P., 2006, 'Judges must be free from personal beliefs', *Sun2Surf*. Available at: <http://www.sun2surf.com/article.cfm?id=14013>. (5 January 2009).

Islamic Family Laws

The other area which has seen several changes over the decades is Islamic family law. Starting from 1984, Islamic family law enactments have been passed by the respective State legislatures incorporating jurisprudence from all four main Sunni jurisprudential schools, namely the Shafie, Hanafi, Maliki and Hanbali schools. These enactments were largely recognised as amongst the more progressive Islamic family laws worldwide.

Starting from the early 1990s, however, many of the more ‘progressive’ provisions of these enactments have been amended in favour of more conservative interpretations. These include the provisions pertaining to divorce, jointly acquired assets and polygamy.³⁴

The last of these amendments were passed in 2005. Women’s NGOs lobbied against the 2005 amendments which, amongst other things, liberalised the conditions for polygamy and extended a husband’s rights to divorce and jointly acquired assets. Consequently, the amendments, although passed, were not enforced in the Federal Territories and the government promised to ‘re-amend’ the relevant provisions.³⁵ Many rounds of discussions were held but to date, no further amendments have been tabled, again proving that it is easier to lose progressive gains than to regain progress, once lost.

Interfaith Conflicts

Yet another layer drafted onto the already complex legal bureaucracy is the dual legal system (*syariah* and civil) which governs Muslims and persons of other faiths.

Malaysians are, by and large, subject to civil laws. In family law and inheritance, however, Muslims are subject to Islamic laws administered by *syariah* (Islamic) courts. Each State may also enact laws pertaining to the administration and regulation of the Muslim faith. Under all circumstances, such laws are applicable only to Muslims and the *syariah* courts have no jurisdiction over non-Muslims.³⁶

Consequently, religion is not a personal choice restricted to the private realm but constitutes a legal and hence public choice, in that it affects a person’s legal rights and the rights of their family members.

³⁴ See the amendments to the Selangor Islamic Family Law Enactment.

³⁵ These amendments were passed and implemented by other State legislatures, however.

³⁶ Ninth Schedule of the Federal Constitution.

In a multi-ethnic, multi-religious society, it is inevitable that individuals, in pursuit of happiness, turn a blind eye to ethnic and religious boundaries intricately set by society, thus challenging cultural and ethnic norms as well as religious edicts. Society, in turn, responds to this challenge, either by relenting in favour of respecting those choices or hardening its resolve and sharpening the tools used to control such individuals.

A state of conflict is thus created. Since a person’s identity is inscribed through the enforced requirement to declare adherence to a specific religion and ethnicity, a person’s marriage and even death is the subject of public contestation in Malaysia. These contestations have given rise to public concern and their legal resolution have left many dissatisfied. Admittedly, legal solutions are not optimal in solving everyday conflicts nor do they necessarily reflect everyday realities in multicultural living. What is required is the political will to carry through reform at the level of administrative procedure, which will provide much needed certainty.

Of late, many of the conflicts brought before the courts have pertained to freedom of religion. Freedom of religion is a fundamental right guaranteed by the Federal Constitution and recognised in international human rights instruments.³⁷ Yet these rights have been subject to legal challenges. Shamala, Lina Joy, Revathi and Moorthy are four persons who have been caught in the web of contestations between freedom of religion, personal rights and the rights of family members. These cases illustrate how the complexities, both sociological and legal, as well as the acrimony that normally accompanies family disputes are further heightened by the unexpected intervention of the religious mechanisms of the state. This is further complicated by the fact that the operational limits of these religious mechanisms are often unclear and ambiguous.

In the case of *Shamala a/p Sathiyaseelan v Jeyaganesh a/l C. Mogarajah*,³⁸ the parties were married according to Hindu rites and their marriage was registered under the civil Law Reform (Marriage & Divorce) Act 1976 (‘LRA’). Four years later, Jeyaganesh converted to Islam and, within a week, converted their two young sons (then aged about 2 and 4 years old) to Islam, without Shamala’s knowledge or consent.

³⁷ See Articles 3 and 11 of the Federal Constitution and the Universal Declaration of Human Rights.

³⁸ [2004] 1 CLJ 505; [2004] 3 CLJ 516.

Shamala filed a suit in the civil court for custody of the children. In the meantime, Jeyaganesh filed and obtained an order from the *syariah* court granting him interim custody of the children. The civil court, however, granted Shamala custody of the children. The civil court was critical of the husband's conduct, finding that the husband had misled the court and suppressed evidence when it was within his knowledge that an application for custody had been made to the *syariah* court.³⁹

In this case, Shamala did not petition for divorce. As the Hindu civil marriage was still valid, the civil court held that a Muslim father's obligation under the said civil marriage 'could not and would not be extinguished or avoided by his conversion to Islam'.

The court further held that the custody order obtained by the Muslim father from the *syariah* court was given by mistake (*per incuriam*), as the *syariah* court's attention was not drawn to the fact that the civil laws apply in this case and thus the order was given without acknowledging the mother's equal rights to guardianship under civil laws. Just as the *Law Reform (Marriage & Divorce) Act 1976 (LRA)* applies to the marriage, notwithstanding the conversion of the husband to Islam, the civil *Guardianship of Infants Act 1961 (GIA)* applies to the children and their parents. The *syariah* court order was thus not binding on Shamala, who was not a Muslim.

Shamala also attempted to have the conversion of her infant children by her husband declared invalid, but she was unsuccessful.⁴⁰ While the court was critical of the conversion of the children to Islam by the father, which was 'shrouded in secrecy' and held that the father, although a Muslim convert, could not 'unilaterally convert the two infant children to Islam without the consent and knowledge of the mother', the court did not invalidate the conversions⁴¹ as, reasoned the court, the Constitution⁴² only required the consent of a parent or guardian (in the singular, which the court went at great lengths to emphasise) for conversion purposes.

³⁹ [2004] 1 CLJ 505 at 512.

⁴⁰ [2004] 2 CLJ 416.

⁴¹ [2004] 2 CLJ 416 at 427.

⁴² Article 12(3) of the Constitution reads, 'No person shall be required to receive instruction in or to take part in any ceremony or act of worship of a religion other than his own' and sub-article (4) reads: 'For the purposes of Clause (3) the religion of a person under the age of eighteen years shall be decided by his parent or guardian'.

In summary, Shamala was granted custody over her children, with the caveat that she was not to expose them to Hindu religious instruction. While the decision granting Shamala custody was sound, given the ages of the children, in reality the caveat that she should not expose them to her own religion is problematic, given the many family activities that have a religious basis in Malaysian families.

Syariah law is, by and large, codified through State enactments in Malaysia. There are 13 States in Malaysia and two Federal Territories (the latter sharing the same law), making an aggregate of 14 different enactments regulating the personal lives of Muslims in Malaysia.

In all States, persons who convert to Islam present themselves to the religious authorities and their conversion is validated and registered.⁴³ Registration, however, is not the only criterion for determining a person's conversion, as the State enactments generally recognise persons as Muslim if they are generally reputed to be Muslim or have declared themselves to be so.⁴⁴

Upon conversion a person shall be subjected to *syariah* law and their marriage, unless their spouse similarly converts, shall be deemed, in the eyes of *syariah* law – but not under civil law – dissolved. To further complicate matters, only the non-converting spouse can apply to the civil court to dissolve the marriage.⁴⁵

While conversion from a non-Islamic faith to Islam is not only legally possible but openly welcomed by the Islamic state bureaucracy, conversion *from* Islam is problematic and often unlawful.

Previously, these State enactments did not deal with conversion from Islam; the conventional wisdom presumably being that the commission of the crime of apostasy should not be facilitated.

⁴³ For example, Part VII, *Administration of Muslim Law (State of Penang) Enactment 1993*, Part IX *Administration of Islamic Law (Federal Territories) Act 1993*.

⁴⁴ Section 2 of the *Administration of Islamic Law (Federal Territories) Act 1993* defines a Muslim as follows: 'Muslim' means: (a) a person who professes the religion of Islam; (b) a person either or both of whose parents were, at the time of the person's birth, Muslims; (c) a person whose upbringing was conducted on the basis that he was a Muslim; (d) a person who has converted to Islam in accordance with the requirements of section 85; (e) a person who is commonly reputed to be a Muslim; or (f) a person who is shown to have stated, in circumstances in which he was bound by law to state the truth, that he was a Muslim, whether the statement be verbal or written.

⁴⁵ Section 51, *Law Reform (Marriage and Divorce) Act 1976*.

Gradually, some of the States enacted laws to address apostasy.⁴⁶ In some States in which apostasy has been legislated on, it is dealt with as a crime punishable by a fine or imprisonment. In one State, the apostate is liable to be whipped, while in other States, apostates are detained and counselled at faith rehabilitation centres.⁴⁷

In all States, except the State of Negeri Sembilan, no express provision is made to register or formalise the conversion of a Muslim.⁴⁸ These asymmetrical conditions have taken a heavy toll of the multicultural constitution of the Malaysian populace and those seeking to challenge the legal regime.

It was in this context that Azlina Jamaluddin, a born Muslim, declared herself a Christian at age 26. She began practising the Christian faith and was baptised in 1998. She requested a change of name to Lina Joy and that her administrative records be modified to reflect her change of religion.

While the National Registration Department agreed to record her change of name, they rejected her application to remove the particulars of her religious affiliation in her national registration identity card (NRIC), which was noted as Islam.

Lina Joy argued that the National Registration Department was unreasonable in rejecting her declaration that she was a non-Muslim and her baptismal certificate, as well as in requiring an order from the *syariah* court that she had apostasised. Lina Joy further argued that the determination of her religion should not be dependant on an order from the *syariah* court.⁴⁹

Lina Joy informed the Court that she wished to marry a Christian and start a family. So long as her NRIC showed her to be a Muslim, she was unable to do so. The respondents (the government of Malaysia and the Federal Territory Islamic Religious Council) did not reply to her averments of facts and instead applied to strike out the

application, contending that the renunciation of Islam lies solely within the jurisdiction of the *syariah* court.

Her application was dismissed and the dismissal upheld by the Federal Court. In the majority decision, the Court held that the actions of the National Registration Department were reasonable and, further, that if a Muslim intends to renounce Islam, they are deemed to be exercising their rights under *syariah* law, which has its own jurisprudence relating to apostasy. Therefore, the *syariah* court, and not the civil court, should decide on Lina Joy's apostasy. Freedom of religion under the Federal Constitution, added the court, required that Lina Joy comply with the rituals or law of the Islamic religion regarding renunciation of the religion. Once the decision of the religion of Islam had been complied with and the religious authority admitted her apostasy, she could profess another religion, namely Christianity.⁵⁰

In another case, Revathi, born a Muslim, was brought up Hindu by her grandmother and married a Hindu man under Hindu religious rites. After the birth of her first child, she applied in the *syariah* court to formalise her change of religion. Instead, the *syariah* court sent her for 'rehabilitation'. After 180 days, she was released into the care of her father, on the condition that she no longer lived with her husband.

Another aspect of conversion which has caused much distress arises from the death of persons who had converted to Islam. Moorthy's family was not allowed to proceed with Hindu funeral rites for him because he had allegedly converted to Islam.⁵¹ His family maintained that he was a Hindu up to the time of his death. Both Moorthy's family and the religious authorities raced to apply in the civil court and the *syariah* court, respectively, for an order that the deceased's body should be released to them to conduct the final rites. Moorthy was declared a Muslim by the *syariah* court and given Muslim funeral rites.

⁴⁶ For example, Part IV, *Malay Custom of Pahang Enactment 1982*, section 102, *Kelantan Enactment No. 4 of 1994*.

⁴⁷ 'States' approach to apostate issue varies', *The Star*, 26 January 2007, quoting Dr Azam Mohamed Adil speaking on *Conversion from Islam and the Jurisdictional Conflict: Civil Court versus Syariah Courts*.

⁴⁸ Section 90(3), *Administration of Islamic Law (Negeri Sembilan) Enactment 1991*. Azam's research found that, out of 84 applications in Negeri Sembilan over a period of 10 years from 1994 to 2003, only 16 applications were allowed, while 29 were dismissed and 39 were 'on hold'. In 2005, out of 13 applications, five were allowed, while one was dismissed. Five applicants withdrew their applications and returned to Islam, while two others were 'on hold'.

⁴⁹ *Lina Joy v Majlis Agama Islam Wilayah Persekutuan & Ors* [2005] 4 CLJ 666. For the Federal Court decision, see [2007] 4 MLJ 585.

⁵⁰ The minority decision of Richard Malanjum CJ (Sabah & Sarawak) considered apostasy to involve complex questions of constitutional importance, especially when some States in Malaysia had enacted legislation to criminalise it and emphasised that the civil courts cannot abdicate their constitutional functions when jurisdictional issues arise.

⁵¹ There are other, more conciliatory opinions on the issue. For example, the Mufti of Perlis, a State in northern Malaysia, said that the Perlis Syariah Committee unanimously decided that remains which are confirmed to be those of Muslims should be given an Islamic burial. If there exist circumstances which hinder or create untoward incidents, then this obligation (of giving an Islamic burial) is negated. 'If there is doubt over the Islamic status of the deceased, then (the remains) must be surrendered to the families or claimants.' See Malaysiakini (2008) 'Mufti: Surrender "corpses in doubt" to families'. Available at: <http://www.malaysiakini.com/news/89596>. (13 January 2009).

Apart from the tussle over a deceased person's remains, the practical issues of maintenance, inheritance, insurance and employee provident funds can cause great hardship to surviving family members. Moorthy's widow, not being a Muslim, could not inherit from his estate. The religious authorities, however, released the estate to Moorthy's widow on humanitarian grounds. However, the gesture from the religious authorities was by no means a policy and dependants of deceased persons are unlikely to be comforted by the fact that a deceased person's estate can be distributed to dependants only if the Islamic religious authorities, at their discretion, allow it.

A Hindu soldier who died after converting to Islam left his mother fighting a legal battle with the public trustee company over his insurance policy, which was taken out with a cooperative. The cooperative said that the widowed mother could not inherit the money because, under *syariah* law, a non-Muslim cannot inherit the property of a Muslim.⁵²

Prior to this, on 23 September 2000, the National Fatwa Council issued a decree that all payouts from a Muslim deceased's employee provident fund and national social security scheme were to be distributed in accordance with Muslim distribution rules. This was opposed by women's groups who advocated that the present system of paying the contributions to the person nominated by the deceased – normally the widow and children – be retained, otherwise the very objectives of these schemes, namely to provide for the dependants of the deceased, would be defeated.⁵³

On the issue of jurisdiction, the Federal Court, the apex civil appellate court, in three other decisions⁵⁴ somewhat clarified the separation of jurisdiction between the civil courts and the *syariah* courts. First, for the *syariah* court to be vested with jurisdiction, not only must the subject matter of the dispute be within the *syariah* court's express jurisdiction, but all parties to the dispute must profess the religion of Islam. Therefore, the *syariah* court has no jurisdiction to dissolve marriages solemnized under the civil law nor do *syariah* court orders have any effect in civil courts. Conversely, the civil courts could not restrain Muslims from seeking remedies in the *syariah* court.

⁵² See http://www.nst.com.my/Current_News/NST/Friday/National/2058669/Article/index_html. (16 September 2007) [URL as submitted by author].

⁵³ The fatwa was not made binding and these contributions continue to be paid to the nominees, usually the widows and children of the deceased.

⁵⁴ *Subashini v Saravanan* [2008] 2 CLJ 1, *Latifah bte Mat Zin v Rosmawati bte Sharibun & Anor* [2007] 5 MLJ 101 and *Abdul Kahar Ahmad v Kerajaan Negeri Selangor* [2008] 4 CLJ 309.

Secondly, the civil High Court is superior to the *syariah* court and has supervisory powers over it. Only the Federal Court has jurisdiction to interpret the Federal Constitution. However, even the Federal Court acknowledges that there may be cases in which neither the civil court nor the *syariah* court has jurisdiction. This in fact demonstrates the dire need for Parliament to legislate in order to plug these loopholes. Unfortunately, although discussions on conversion issues, as well as its effect on family law and inheritance, have been ongoing, the necessary amendments have yet to be tabled in Parliament.

The present state of uncertainty is distressing. As a person's religious status has legal implications, immediate steps must be taken to resolve the conversion issues.

While the ideal is to uphold the unfettered right to freedom of religion, given the grave legal implications, the focus must be on how to regulate this right, yet still protect religious freedom. There is a need to differentiate between an individual's right to freedom of religion and its legal implications for others. The question here is not which court could best deliver justice, as some are wont to argue.⁵⁵ The question is, how best to deal with everyday conflicts, enabling all parties to go away feeling that their problems have been heard and resolved.

A regulatory framework of registration and interviews (but not detention or rehabilitation) should be set up for conversions to or from Islam. In this framework, the person's spouse, whose rights are immediately affected by any conversion, must be informed of the conversion and the convert advised to settle their legal affairs prior to conversion. The convert must also be told to make provisions for their dependants and heirs, as only Muslim family members can inherit a Muslim's estate.

The requirement to inform others of one's intended conversion may constitute a fetter on religious freedom in Malaysia, but due to its legal implications, a change of status following conversion cannot and should not be shrouded in secrecy and mystery. Likewise, the right to marry and have a family is a basic human right. But by requiring all applications for the registration of marriages to be posted at the relevant registries, Malaysia already imposes duties on couples to announce their marriage to the community.

⁵⁵ The Attorney General of Malaysia, Abdul Gani, was quoted in a Malay daily as having said that *syariah* law was best, as it emphasised justice and equality. Daud, N., 2007, 'Undang-undang syariah terbaik – Gani'. *Utusan Malaysia Online*. Available at: http://utusan.com.my/utusan/info.asp?y=2007&dt=0823&pub=Utusan_Malaysia&sec=Muka_Hadapan&pg=mh_07.htm. (5 January 2009).

Although conversion is an emotively charged issue, a responsible government must initiate a workable legal response and citizens must not be left uncertain with regard to their rights.

Diminishing Spaces

However, what is more worrisome is the diminishing spaces in which civil society can discuss and explore solutions to resolve these conflicts, accompanied by the increasing intolerance exhibited by politicians, who, not having brought forward the mechanisms to satisfactorily resolve the interfaith conflicts, have attempted to stop other discussions and explorations for solutions to these issues.

Almost on the eve of the 50th anniversary of Independence in August 2007, the Deputy Prime Minister, Najib Abdul Razak, described Malaysia as an Islamic state.⁵⁶ Almost immediately, the government issued a directive to all mainstream media not to publish any news on or debate the issue of whether Malaysia was an Islamic state. ‘Reactions from political parties and the public cannot be published, especially negative reactions’, said a spokesman from the Internal Security Ministry.⁵⁷

Less than ten days later, however, the Prime Minister, Abdullah Ahmad Badawi, who had earlier declared Malaysia as neither a secular nor a theocratic state, declared that Malaysia was an Islamic State,⁵⁸ ‘which is administered based on the principles of Islam and at the same time adheres to the principles of parliamentary democracy’.

What was disappointing was not so much that both the Prime Minister and the Deputy Prime Minister had declared Malaysia to be an Islamic state – although that in itself was disturbing and had upset not only civil society and persons of other faiths, but also Muslims who maintained that the Federal Constitution had set up Malaysia as a non-theocratic state – but the fact that public discussion of this issue was banned.

A second incident that affected the right to intelligently discuss issues of concern amongst Malaysians occurred when the forum organised by the Malaysian Bar

⁵⁶ Najib Abdul Razak, officiating at an international conference, had said, ‘Islam is the official religion and we are an Islamic state’.

⁵⁷ Fong, N. L. and Tsin, S. L., 2007, ‘Ministry bans Islamic state debate in media’. *Malaysiakini*. Available at: <http://www.malaysiakini.com/news/70148>, (5 January 2009).

⁵⁸ It is possible that what he meant was that Malaysia was an Islamic country, as the statement was issued in the Malay language.

Council to discuss the cases involved in conversion to Islam (including Shamala’s case) was unceremoniously disrupted by two protesters who marched into the auditorium, accompanied by the police.⁵⁹ Prior to the disruption, police had advised the organisers to wrap up the forum in an hour instead of three hours, as originally planned.

On the morning of the forum, two Molotov cocktails were placed on the steps of the Bar Council building and another Molotov cocktail was thrown into the compound of the former home of the Bar Council President. In neither case was any person charged. Despite such unlawful threats against the Bar Council, after the forum, the Deputy Prime Minister hinted that it was up to the police and the Home Ministry whether ‘to use the Internal Security Act⁶⁰ against the forum’s organisers’.

A third matter is the enforcement of discretionary censorship by the state. In January 2008, the Internal Security Ministry banned eleven books on Islam which were ‘found to deviate from the teaching of the religion’.⁶¹ In August, two other books were banned on the grounds that they were capable on confusing Muslims and ‘containing twisted facts on Islam which could undermine the faith of Muslims’.⁶² Such acts have been criticised as demonstrating a severe state of paranoia. It is also symptomatic of the state’s preoccupation with religious control at the expense of freedom of expression and academic research.⁶³

Whether it involves media discussion of the Prime Minister’s exhortations that Malaysia is an Islamic State or a forum organised by the Malaysian Bar Council to discuss the effects of court decisions in *Shamala* and similar cases months after the

⁵⁹ ‘Don’t play with fire! Don’t touch on religious and racial sentiments’, see *The Star Online*, 2008, ‘Najib: Bar Council forum can incite emotions’. Available at: <http://thestar.com.my/news/story.asp?file=/2008/8/8/nation/22030583&sec=nation>. (5 January 2009).

⁶⁰ The Internal Security Act provides for detention without trial. Abd Rahman, Z., 2008, ‘Najib: Bar Council was “stubborn”’. *The Star Online*. Available at: <http://thestar.com.my/news/story.asp?file=/2008/8/10/nation/20080810151726&sec=nation>. (5 January 2009).

⁶¹ See <http://www.bernama.com.my/bernama/v3/news.php?id=311031>. (5 January 2009) [URL as submitted by author].

⁶² Liang, T. Y., 2008. ‘Book banning is book burning’, says Sisters in Islam. *Sun2Surf*. Available at: <http://www.sun2surf.com/article.cfm?id=24885>. (5 January 2009).

⁶³ The Mufti of the State of Perlis also questioned the ban, warning that the banning of academic materials or knowledge could stifle the development of knowledge and enlightenment. See <http://www.negarakita.com/11089-Pandangan+Dr+Mohd+Asri+Tentang+Pengharaman+Buku+Buku+Ilmiah.html>. (5 January 2009) [URL as submitted by author].

decisions were delivered or a peaceful protest against the tomboy fatwa by a dozen or so young women or the banning of books, the state policy of clamping down on knowledge, research, peaceful and legitimate discussion and protest, particularly on issues involving Islam, is worrisome.

The manner in which Islam is administered, controlled and enforced by the state affects all Malaysians, not only Muslims, and must be subject to open discussion. The faith of Muslims is surely not so fragile that it has to be protected, nay, closeted from open, mature and intelligent discussions and debates.

The Political Struggle for Implementation of *Hudud*

In the run up to the by-election in Kuala Terengganu, the Vice-President of the opposition party PAS, Husam Musa, announced that PAS would implement *hudud* laws⁶⁴ if the opposition coalition, Pakatan Rakyat, took control of the federal government.⁶⁵ The announcement was seized upon by the ruling government in its political campaign and caused unease among the other Pakatan Rakyat parties, which finally prompted all other coalition members of Pakatan Rakyat to deny that they shared the same political agenda.

In fact, the State of Terengganu, under the PAS government, had previously passed the *Syariah Criminal Law (Hudud and Qisas) Enactment 2003*. Civil society, particularly women's groups, objected to the law as being discriminatory against women and persons of other faiths.⁶⁶ The law also concentrated solely on meting out the prescribed punishments without due regard to human rights and rehabilitation of criminals. Furthermore, the law broadened the number of prescribed offences to include apostasy and consumption of alcohol, which are not *hudud* offences.

The civil society campaign, however, failed to persuade the then Terengganu PAS government to change its mind. The enactment was passed and gazetted by the PAS government in the full knowledge that it could not be brought into effect, as it was

⁶⁴ *Hudud* laws refer to a criminal code which provides for maximum punishments of amputation and whipping (sometimes stoning) for such offences as theft, robbery and *zina* (consensual extramarital and premarital sex). The State of Terengganu, under the PAS government, had previously passed the *Syariah Criminal Law (Hudud and Qisas) Enactment 2003* but was unable to bring it into force, as the law contravenes the Federal Constitution.

⁶⁵ Lau, L., 2008, 'In *hudud*, Khairy seizes his chance to widen Pas-DAP divide'. *The Malaysian Insider*. Available at: <http://www.themalaysianinsider.com.my/index.php/malaysia/14700?task=view>. (6 January 2009).

⁶⁶ For example, only the testimonies of Muslims are accepted in the *syariah* courts.

in breach of the Constitution. Crime is within federal government and not State government jurisdiction. Politically, however, PAS achieved what it set out to do, namely to demonstrate its earnestness in implementing the Islamic agenda and keeping the issue of *hudud* in the public consciousness.

The Terengganu enactment was not the only arena in which Islamic criminal laws were played out. Last year, a charge of sodomy⁶⁷ was preferred against Anwar Ibrahim, coincidentally just prior to his contesting a by-election which would have ensured him the position of leader of the opposition in Parliament, should he win. Calling for the sodomy charges to be referred to the *syariah* court, Anwar lodged a complaint at the religious department,⁶⁸ challenging his accuser to produce four adult male Muslim witnesses to substantiate his claims, as required under the Islamic law.

Anwar's lawyer demanded that the accuser, Saiful, be investigated for *qazaf*,⁶⁹ again citing the fact that, under *syariah* law, the burden is on Saiful to prove his claim by producing four credible male witnesses, as evidence based on forensic science is insufficient.

Conflating the civil accusation of sodomy with the *hudud* offence of *zina* (extramarital and premarital sexual intercourse) draws uneasy similarities with the conflation of rape and *zina* which has resulted in women alleging rape being punished for *zina*.⁷⁰ The conflation of rape with *zina* also means that, to prove rape, women in some of the jurisdictions which implement *hudud* laws are required to bring forward four adult male Muslim witnesses who witnessed the rape, and if they fail to do so, they in turn may be subjected to punishment for *qazaf* (the offence of false ac-

⁶⁷ Anwar has a prior conviction for sodomy in 1998, but his conviction was quashed by the Federal Court.

⁶⁸ Teoh, S., 2008, 'Anwar claims slander by Saiful'. *The Malaysian Insider*. Available at: <http://www.themalaysianinsider.com/index.php/malaysia/1580-anwar-claims-slander-by-saiful>. (6 January 2009); Bnet, 2008, 'Malaysia's Anwar challenges sodomy accuser to produce witnesses'. Available at: http://findarticles.com/p/articles/mi_m0WDQ/is_ai_n27972191. (6 January 2009).

⁶⁹ *Qazaf* is the offence of falsely accusing chaste women of *zina* (illicit sexual intercourse). *Zina* is required to be proved by four adult male Muslim witnesses. Anwar tried to widen the application of *qazaf* to include falsely accusing men of sodomy.

⁷⁰ Cf. the stoning of 13-year-old Aisha Ibrahim Duhulow on 27 October 2008. Aisha was said to have reported that she had been raped by three men. Instead, she was accused of *zina* and stoned to death, while the three men were not even arrested. See 'Women living under Muslim laws, 2008, 'The global campaign to stop killing and stoning women! Somalia: Stoning to death of a 13-year old girl'. Available at: <http://www.stop-stoning.org/node/433>. (6 January 2009).

cusation which was originally intended to prohibit false accusations of *zina* against chaste women), which is punishable with eighty lashes.

Women's groups and other civil society groups have documented numerous cases of abuse of and violence committed against women under the guise of religion, especially in the interpretation and application of *hudud* laws. Advocating that sodomy⁷¹ should be proved under *syariah* laws by the testimony of four adult male Muslim witnesses, failing which the accuser should be charged for *qazaf*, is one step away from equating rape with *zina* and the inability of women to obtain a conviction for rape due to *qazaf*.

Although, at present, *hudud* is not implemented in any part of Malaysia, some have argued that corporal punishment, such as that delivered by the *syariah* courts in the State of Pahang for what would otherwise be viewed as the minor offence of beer drinking, are indicative that Malaysia is already implementing *hudud*-like provisions.⁷²

A Trend towards Secularism or Islamisation?

Malaysia has for decades portrayed itself as a moderate Muslim nation which has a mature and democratically elected government, subscribes to capitalism and is economically stable and technologically successful.

Unfortunately, in Malaysia's quest to create a niche for itself among respected Muslim nations, the state, whether under the ruling or opposition coalitions, has taken on a new and rigid religiosity. A government monopoly on defining Islam and enforcing its values upon Muslims and, to a certain extent, non-Muslims, accompanied by the silencing of dissent and protest,⁷³ have brought about an authoritarian regime in which the state is the sole interpreter and protector of Islam, which must be obeyed unquestioningly.

This is a misrepresentation of what Islam is and a reflection of how we, as Malaysians, have approached religion and ethnicity – by wrapping up both as sensitive is-

⁷¹ It is unclear whether the complaint was one of non-consensual sodomy.

⁷² In January 2009, a man and a woman were ordered to be caned for drinking beer. In 2005, two brothers were also ordered to be caned for alcohol consumption. The brothers' appeal against their conviction is pending. See: http://www.nst.com.my/Current_News/NST/Tuesday/National/2451574/Article/index_html. (6 January 2009) [URL as submitted by author].

⁷³ Particularly through the *Internal Security Act 1960* (ISA), which provides for detention without trial. The ISA has been used against politicians, bloggers, journalists and lawyers, as well as accused terrorists.

suces which are beyond rational discussion and dialogue by common folk, but which can be exploited at will and orchestrated by political opportunists.

The teaching of religion devoid of rationalism and the practice of inter-ethnic relations, devoid of humanism, cannot create a mature society. Humans are social beings who are wont to discuss and debate issues. This should not generate fears of creating disharmony. It should be encouraged as a means of understanding and deepening our knowledge, spirituality and respect for one another.

Undeniably, religion and morality are crucial to many of our ideas about fairness, justice and equality. To all intents and purposes, however, in order to maintain independence, justice and equality of legal application in a multi-ethnic and multi-religious country, government policies, the law and the courts must be, and be seen as being, equidistant from all religions and ethnicities, even if internalising equality is difficult in practice. After all, difficulty should never be an excuse for not embarking on human exploration in the quest for justice, equality and the rule of law.

Islam and Women's Political Participation in Indonesia: Discourses and Practices¹

Safira Machrusah

68

Introduction

In recent decades, a number of different tendencies have emerged among Indonesian Muslims with regard to women's participation in politics. Debates based on religious texts and arguments have resulted in increasingly divergent discourses. This chapter discusses these discourses, particularly in relation to female political leadership and political representation. At least two general tendencies are discernible: the first promotes the participation of women, and is often supported by progressive Muslims, while the second seeks to impose limits on women in the public sphere, and is supported by Islamist groups and conservative Muslims.

However, women's political participation is not only a matter of discourse, but also of practice within the framework of dynamic political reality. In accordance with their discourse, progressive Muslims have attempted to implement the principle of equality between men and women in their political participation, for instance, by accepting female leadership. Meanwhile, some Islamist groups have demonstrated inconsistencies on this issue. Their practices exhibit some accommodation of political realities endorsed by the majority. Some groups have fallen in line with the majority, even if it was in disagreement with their initial pronouncements in the public discourse.

This gap between discourses and practices, demonstrated by the view that women's role in the public sphere should be limited, raises several questions. One is whether the practices of Islamists (and theological debates on issues of women's political participation as well) are merely political strategies. Another question is how Islamists justify their practices on religious grounds. I argue that, although their practices could be seen as political strategies, these practices have made it difficult to return to their initial biased discourses (or have even become points of no return). In addition, the existence of counter-discourses promoted by progressive Muslims,

¹ I would like to thank Mr Muhammad Taufiq Prabowo, lecturer at the Department of Arabic Literature, Universitas Negeri Malang, who collaborated in the writing of this chapter.

which have used similar religious texts and arguments, has helped some Islamist groups and conservative Muslims to accommodate political realities and change their stance, since their new stance is still, after all, Islamic.

This chapter argues, finally, that, while it is necessary to analyse the debates on women's political participation in political terms, theological questions must not be neglected. They might well serve to promote gender equality in the future.

Debate: Women's Leadership

Islamists and Conservative Muslims: A Woman Cannot Be Head of a Nation

The issue of whether or not, according to Islam, a woman can assume the leadership of a nation started to be heavily discussed in Indonesia following the victory of Megawati Sukarnoputri's party (PDIP) in the first fair elections after the fall of Suharto in 1999. The debate resumed when, in 2004, Megawati ran for re-election (van Wichelen 2006: 42). Due to its timing, the suspicion that the purpose of the debate was to undermine the success of Megawati's political campaign is understandable. As reported by van Wichelen (2006: 42), Megawati's supporters both inside and outside her party reacted fiercely to the religious claim that a woman could not be head of the nation, arguing that it was in fact nothing but a political manoeuvre.

Islamist groups and conservative Muslims,² on the other hand, made reference to religious texts, which they claimed supported their stance that a woman could not be leader of a nation. They based their argument on some passages of the Qur'an, sayings of the Prophet (*hadith*) and traditional Islamic jurisprudence (*fiqh*). Moreover, they stated that the issue was discussed and agreed upon by earlier Muslim scholars (see, for example, Al-Jawi 2001; Husaini 2001; Awwas 2004; detik.com 2004; Suara Merdeka 2004; see also van Doorn-Harder 2002).³

² According to van Doorn-Harder (2002), Indonesian Muslims can be categorised into four groups with regard to this issue, namely traditionalists, modernists, neo-modernists and Islamists. But there are conservative elements among both the traditionalists and the modernists.

³ Awwas, I., 2004, *Halal-Haram Presiden Perempuan*. Available at: [http://swaramuslim.net/more.php?id=A1954_0_1_0_M[0]]. (17 July 2008) [URL as submitted by author]; detik.com, 2004, *MMI: Perempuan Jadi Presiden Langgar Syariat Islam*. Available at: [http://jkt.detikinet.com/index.php/detik.read/tahun/2004/bulan/06/tgl/07/time/142919/idnews/160777/idkanal/10][0]. (17 July 2008) [URL as submitted by author].

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The often cited passage from the Qur'an, which was interpreted as prohibiting women from assuming positions of leadership, was: 'Men are *qawwamun* of women, because Allah has given the one more (strength) than the other, and because they support them with their means' (Q 4:34). Islamists and conservative Muslims translated the Arabic word *qawwamun* as leaders. According to Awwas (2004),⁴ head of the executive committee of MMI (Indonesian Mujahedin Council), this verse made it clear that the right to lead, in terms of making policies on behalf of citizens and governing a country, is only for men. He went on to say that this right is a tradition rooted in the Qur'an.

Fauzan Al Anshari, head of information of MMI, in an interview said that electing a woman as president is a form of disobedience to Islamic law (detik.com 2004).⁵ In addition to the previous verse he also refers to chapter 2, verse 228 of the Qur'an: 'And women shall have rights similar to the rights against them, according to what is equitable; but men have a degree (of advantage) over them.' Thus, Islamists and conservative Muslims based their arguments on the claim that, because God has given men an advantage over women, they have the exclusive right to lead.

Another religious text often referred to on this issue was a famous saying of the Prophet (*hadith*) meaning 'A nation which makes a woman its ruler will never succeed'. This *hadith* was reported by Muslim scholars who had authority in the matter of *hadiths*, such as al-Bukhari, at-Tirmidhi, an-Nasa'i and Ahmad. Thus, Muslims often accept such *hadith* as authentic. According to Al-Jawi (2002), an HTI (Indonesian Liberation Party, *Hizbut Tahrir Indonesia*) activist, this *hadith* explains clearly that women are prohibited from leading a state. Furthermore, syariaonline (nd[a]),⁶ in a political *fatwa* (religious guidance), claimed that, on the basis of this *hadith*, Muslim scholars from different schools of thought agreed that electing a woman to become head of a state is strongly prohibited. They also agreed that one of conditions of being a head of state is being a man (see also Husaini 2001). This *ijma'* (consensus between Muslim scholars) is, in fact, maintained by conservative

Muslims as an authoritative reference in jurisprudence. To show that this issue is a matter of *ijma'*, syariaonline (nd[a])⁷ referred to books written by Muslim scholars from different schools.

Another argument from Islamic jurisprudence which is claimed to prohibit female leadership was that the function of head of state was a matter of *walayah kamilah* (total leadership) and *walayah 'amah* (public leadership) (syariaonline, nd[a])⁸. This implied that a woman head of state would exercise *walayah diniyah* (religious leadership) and *walayah harbiyah* (military leadership). For instance, in Indonesia she would become commander-in-chief of the army. These two leadership qualities could not be possessed by women, however, because of their nature (*kodrat*). Women are often depicted by Islamists and Muslim traditionalists as mentally and physically weak (van Doorn-Harder 2002).

Progressive Muslims: A Woman as Head of State – Why Not?

Progressive Muslims have stated clearly that a woman could be elected head of state as well as a man. According to Said Aqiel Siradj (Suara Merdeka 1999), general secretary of the consultative committee of the *Nahdlatul Ulama*, a survey indicated that this view represented 70 per cent of *Nahdlatul* Muslim scholars in Java and Lampung. For example, Abdul Moqsih Ghazali (2006),⁹ director of an Islamic boarding school in Madura, maintained that Islam promotes equality between men and women. He cited a *hadith* which declares 'Women are men's own sisters', implying that the one is not more valuable than the other. He went on to say that women and men have equal rights which no one has the right to infringe. In politics, women have political rights enabling them to become leaders, just as much as men, because leadership is not a monopoly of men. So, if either men or women have leadership qualities they have the same right to be elected. As leaders, men and women have an equal opportunity to succeed or to fail. This view contrasts with Islamist and conservative views, which van Wichelen (2006: 42) has called an absolutizing scripturalist understanding of the Qur'an and the *hadith*. Here, Ghazali offered a contextual understanding of Islam or what van Doorn-Harder (2002) described as based on long and laborious interpretations of the sacred texts.

⁴ Awwas, I., 2004, *Halal-Haram Presiden Perempuan*. Available at: [http://swaramuslim.net/more.php?id=A1954_0_1_0_M[0]]. (17 July 2008) [URL as submitted by author].

⁵ detik.com, 2004, *MMI: Perempuan Jadi Presiden Langgar Syariat Islam*. Available at: [http://jkt.detikinet.com/index.php/detik.read/tahun/2004/bulan/06/tgl/07/time/142919/idnews/160777/idkanal/10][0]. (17 July 2008) [URL as submitted by author].

⁶ Syariaonline, nd[a], *Fatwa Politik Tentang Presiden Wanita dalam Pandangan Islam*. Available at: [http://www.syariaonline.com/new_index.php/view/fatwa/id/10/cn/34[0]]. (26 Jun 2008) [URL expired Oct 10, 2009].

⁷ Ibid.

⁸ Ibid.

⁹ Ghazali, A. M., 2006, *Hukum Kepemimpinan Perempuan*. Available at: [http://www.syirah.com:80/new/index2.php?option=com_content&task=view&id=105&pop=1&page=0&Itemid=66][0]. (17 Jul 2008) [URL as submitted by author].

This contextual approach to Islamic texts has also been shown by progressive Muslims when they have responded to the religious references cited by Islamists and conservative Muslims. They have argued that those texts were taken out of context (see, for example, Sukri 2002: 119; van Doorn-Harder 2002; Siradj 2004).¹⁰ For instance, both cited passages of the Qur'an (Q2:228 and Q4:34) should not be interpreted as concerning the public sphere because they relate entirely to domestic affairs. Verse Q2:228 clearly concerns divorce, where men merely have to declare a divorce if the couple want to break up. With regard to Q4:34, the Arabic word *qawwamuna* should be interpreted as 'providers' or 'sustainers' and not 'leaders', since in the matrimonial relationship men are obliged to sustain their family's needs (van Doorn-Harder 2002). Siradj (2004)¹¹ referred to the historical context (*asbabun nuzul*) of this passage, which was related to a marital issue, and argued that using this passage outside the private realm is stretching the argument. Furthermore, this passage is only a narrative, not a direct command.

Nasaruddin Umar (1999: 147–50) proposed another way of reading this later passage. He maintained that translating the Arabic word *ar-rijalu* at the beginning of this verse as 'men' is not entirely correct, since the Qur'an uses two different terms in relation to human categorization (*dhakar vs. untha* and *rijal vs. nisa*). According to Umar, here the verse highlights a gender quality (i.e. masculinity) rather than a man as a biological entity. In this context, characteristics of protecting and sustaining are emphasized and people with these characteristics are generally to be found in more advantageous positions. In this regard, Sukri (2002: 120) stated that there were a lot of examples of successful women leading their families because their husbands had died or suffered from long-term illness.

With regard to the famous *hadith* 'A nation which makes a woman its ruler will never succeed', many have disagreed with Mernissi's claim that its reporter renders it tenuous (see, for example, Al-Jawi 2001; Sukri 2002: 117). Some Indonesian Muslims have argued its weakness on the basis of its content. For instance, Siti Mulia (2004) said that criticisms of the content of a *hadith* can also determine whether it is flawed or authoritative. She further argued that three criteria can be

applied for this purpose. First, whether a *hadith* is in agreement with the moral principles of the Qur'an, such as equality and humanity. Second, whether its content tallies with historical events. Third, whether it is in accordance with scientific facts. According to Mulia, critical studies of the famous *hadith* have revealed flaws. First, the *hadith* was only reported 23 years after the Prophet's death. Second, the *hadith* contradicts well-known passages in the Qur'an that describe the success of Queen Sheba in governing her country. This country is depicted in the Qur'an as *baldatun tayyibatun wa rabbun ghafur* ('a pleasant country which received God's mercy'). (Mulia 2004; see also Sukri 2002: 119) Thus, if the *hadith* is still perceived as authoritative, Siradj (2004)¹² argued that it should be put in its historical context and the failure to govern was attributed to the Persian queen Buhan because of her lack of leadership ability (Sukri 2002: 118). Furthermore, like the previous passage of the Qur'an, this *hadith* contains a description, not a direct interdiction. So it is not to be interpreted as a prohibition but as a prophesy related to Persian history.

Moreover, Siradj (2004)¹³ rejected implicitly the claim that the issue of female leadership was a matter of consensus among Muslim scholars by citing the fact that Ibn Jarir Al-Tabari once said that being a woman is not a handicap for leadership in the eyes of Islamic law. This opinion was supported by some scholars from the Maliki school.

The argument that the leadership of a nation implies total control is also rejected because in the modern system, as argued by Abdurrahman Wahid (2002),¹⁴ the leadership is institutionalized and so quite different from seventh-century Arabia. Now, in a democratic country, a president or a prime minister works with their ministerial cabinet, the government makes laws with the legislative body and so on. A similar argument was also used by the *Nahdlatul Ulama* in its *fatwa* (religious guidance) of 1999, which promoted the abandonment of political practices which discriminated against women. It admitted that political leadership is no longer a matter of private leadership (*az-za'amah asy-syakhsyiyah*); that is, that leadership in modern societies has changed from a personal matter, based on charisma, such as the chief of a tribe, to collective leadership within an institution (*nidzam* or sys-

¹⁰ Siradj, S. A., 2004, Presiden Wanita (1). *Suara Pembaharuan*, 28 August 2004. Available at: [http://www.humanrights.go.id/index_HAM.asp?menu=artikel&id=380][0]. (17 July 2008) [URL as submitted by author].

¹¹ Siradj, S. A., 2004, Presiden Wanita (1). *Suara Pembaharuan*. 28 August 2004. Available at: [http://www.humanrights.go.id/index_HAM.asp?menu=artikel&id=380][0]. (17 July 2008) [URL as submitted by author].

¹² Ibid.

¹³ Ibid.

¹⁴ Wahid, A., 2002, Islam dan Kepemimpinan Wanita. Available at: [http://www.gusdur.net/indonesia/index.php?option=com_content&task=view&id=1771&Itemid=57][0]. (18 July 2008) [URL as submitted by author].

tem). (Sekjen PBNU 1999: 58–59; see also Machrusah 2005: 81) Another criticism of applying the ancient model of Muslim government (*khilafah*) to the modern system derives from the fact that Muslims do not hold to another obsolete view in Islamic jurisprudence which requires that the leader of a Muslim country should be from the *Quraish*, the tribe of the Prophet Muhammad (Qodir 2001).

74 Debate: Female Parliamentarians

Islamists: Restriction to Necessity

This issue is partly related to the previous section, but to a lesser extent. The core argument is similar: men must lead women. For instance, the Central *Syariah* Council (*Dewan Syariah Pusat*) of *Partai Keadilan Sejahtera* (Prosperous Justice Party, PKS) issued a *fatwa* outlining its position on female members of the legislature (as cited in syariahonline, nd[b]; Bidang Kewanitaan DPP PK Sejahtera as cited in Trotter 2006: 31).¹⁵ This party is one of Indonesia's Islamist parties (Trotter 2006) and the Central *Syariah* Council is its highest body. The *fatwa* recognized that there are aspects of Islamic texts which can be interpreted as both allowing and prohibiting that women become legislators. Men and women have a joint responsibility to promote goodness and prohibit evil (*amar ma'ruf nahi munkar*) in society, including in politics. However, the *fatwa* also asserted that men are the leaders of women and a position in parliament would put a woman in a position of leadership over men (syariahonline, nd[b]; Trotter 2006: 31–32).¹⁶

Furthermore, the *fatwa* stated that parliamentary functions would have a negative impact on women (lead them into sin). For instance, they have to mix with men during political campaigns [*ikhtilath*], be alone with a man when lobbying [*khalwah*] and leave their home to visit constituents. For these reasons, for prevention purposes, (*Sadduzzrai*) women are better off at home (syariahonline, nd[b]).¹⁷

The *fatwa* laid out the arguments and finished with some recommendations. First, it recognized that political acts are inherent in Islam as means of promoting justice. Second, there is a need for women to take the same actions as men in this regard. Thus, women's participation in politics is allowed under certain conditions: they

must have permission from their husbands; their participation must not have a negative impact on their family; they have both moral and professional abilities to avoid *fitnah* (features which incite men's desire); and they must behave in accordance with Islamic law in personal interaction and dress. Regarding their number, it should be determined by necessity, with no minimum or maximum.

A more recent article published by the PKS faction in the national parliament (FPKS DPR-RI 2007) argued for the promotion of women's participation in politics. But it still acknowledged that there is an opposing opinion, which would seek to prohibit women from becoming members of parliament because of their physical and mental characteristics.

Progressive Muslims: Promoting Women's Participation in Politics

From a historical point of view, Kodir (Rahima 2003) maintained that the first period of Islamic history showed that women had made an important contribution to public affairs, though in simple ways. Religious sources from that period, which he presented, appeared to suggest that women's participation in politics was not prohibited in Islam. Hussein Muhammad (2003) therefore said that '[i]t was sad that Muslim women's political participation declined and diminished significantly in the course of Islamic political history. Women's activities were confined to the domestic sphere and they were subordinated'.

In the modern era, many Muslims finally acknowledged, as Kodir (Rahima 2003) further claimed, that political participation is not a matter of sexuality. It concerns a shared responsibility for improving the life of society. It also involves the realisation of one's humanity as *khalifah* of God (administrators of the world). However, this view, especially in the Middle East, is only on the margins of public awareness. Until 1997, as reported by Yusuf al-Qardawi (cited in Rahima 2003),¹⁸ Middle Eastern Muslim scholars were still debating the right of women to sit in parliament. In some of these countries, women are struggling to obtain the right to vote (van Doorn-Harder 2002; Rahima 2003).

In Indonesia, however, Muslim women have done rather better. In the past there were several female sultans in Aceh (Sukri 2002). In the modern era, even before independence, Indonesian women participated actively in politics, as in the 1928 Youth Oath, sitting on the committee that wrote the constitution, members of parlia-

¹⁵ Syariahonline, nd[b], Fatwa Politik Tentang Caleg Wanita. Available at: [http://www.syariahonline.com/new_index.php/id/7/cn/5368[0]]. (26 Jun 2008) [URL expired Oct. 10, 2009].

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Ibid.

ment since the first general elections in 1955 and so on. However, their participation in formal politics remains low, as indicated by their presence in parliament. Women make up only 11.3 per cent of members of the national parliament and often less in local parliaments (see Siregar 2006). Local culture and a misogynistic interpretation of Islamic teachings combine to produce unsatisfactory political representation among women (van Doorn-Harder 2002).

For decades, progressive Muslims in Indonesia, particularly women, have campaigned for better female representation in politics. Asmah Sjachruni, a former head of *Muslimat* NU and a former member of parliament for the *Nahdlatul Ulama Party* confirmed this during an interview (Machrusah 2005: 83–84). She said that the debate over female political representation started in the 1950s. According to her, women were often described as constituting the 'left wing' during the period of the 'Old Order'. Based on this perception of women, she tried to empower women.

It is fine that women are the left wing. But with a bird or a plane the left wing must be the same as the right wing in terms of its power. A bird could not fly with a paralysed left wing.

This argument encouraged her to further propose to her party's local leaders the concept of a 'priority arrangement' (like a 'zip system'), as well as the selection of a woman as a member of the committee which drew up the candidature list. In 1955, she was elected to a seat in the national parliament. In 1957, her party, now the largest Indonesian Muslim organization, issued a *fatwa* that allowed women to become members of legislative bodies.

As reasons for promoting Muslim women's participation in politics Umroh Machfudzoh, another parliamentarian, argued that less women's political participation means that women's interests have to await men's willingness to take them up. She also stated that women's participation in politics is, in fact, part of their religious duties. She referred to a passage of the Qur'an (9:71) stating '[f]aithful men and faithful women, part of them, are guide to each other. They order what is just and forbid what is evil'. Based on this verse she concluded that part of Muslim men as well as Muslim women share the same responsibility and that is to find out what are *munkar* (evil doings) in the society in order to forbid them and what are *ma'ruf* (just doings) in order to command them. All aspects of life in this world, in fact, may contain justice and evil. Therefore, women have to participate in all aspects of life as well as men. She further claimed that having 30 per cent of women in the parliament is not enough if women want to fulfil their religious duty (Machrusah 2005: 86).

In summary, Islamists and conservative Muslims take the view that men and women are biologically different and therefore have different gender roles. They must sub-

mit to these roles, which are determined by religious teachings which have to be interpreted literally, otherwise the whole community will suffer. Concerning the head of state, it is appropriate solely for men because of their specific qualities. Restrictions should be imposed on women's participation in politics in order to preserve public morality and to avoid negative effects on the home.

Meanwhile, progressive Muslims think that the world which they live in has changed. It would be incorrect to understand religious teachings without taking account of their contexts. The great principles of Islam, such as justice and equality between human beings must guide the understanding of Islamic law. For instance, women and men are equal before God and share the responsibility of promoting those great principles within their community. Therefore, women have the same political rights as men do. Women are allowed to lead their country and their participation in politics should be encouraged because men are unlikely to pay much attention to their interests.

Dynamic Political Development and Its Impacts

The Election of Megawati

After the downfall of Suharto and his *New Order* regime and the democratic elections in 1999, Megawati appeared to be the most eligible candidate for the presidency. First, her party, PDI-P (*Partai Demokrasi Indonesia-Perjuangan*, Indonesian Democracy Party-Struggle), won the elections, even though it did not get a majority of votes (34 per cent of the vote and 153 seats in parliament).¹⁹ Second, she was the elder daughter of the first charismatic Indonesian President, Soekarno. Furthermore, she played an important role in the struggle for democratic reform (*reformasi*) and opposing Suharto's authoritarian regime. In addition, the 'accountability' speech to the People's Consultative Assembly delivered by the transitional president Habibie was rejected by a vote of 355 to 322 (Liddle 2000: 37), which effectively reduced his chances of being re-elected.

¹⁹ At the national level, PDI-P (*Partai Demokrasi Indonesia-Perjuangan*, Indonesian Democracy Party-Struggle), won 34 per cent of the vote and 153 seats in parliament; Golkar (*Golongan Karya*, Functional Groups), 22 per cent and 120 seats; PKB (*Partai Kebangkitan Bangsa*, National Awakening Party), 12 per cent and 51 seats; PPP (*Partai Persatuan Pembangunan*, Development Unity Party), 10 per cent and 58 seats; and PAN (*Partai Amanat Nasional*, National Mandate Party), 7 per cent and 34 seats. Those were the five most popular parties. Two other parties with significant support were PBB (*Partai Bulan Bintang*, Star and Moon Party), which won 2 per cent of the vote and 13 seats in parliament and PK (*Partai Keadilan*, Justice Party, the earlier incarnation of PKS *Partai Keadilan Sejahtera*, Prosperous Justice Party), which won 1 per cent and 6 seats. (Liddle 2000: 33).

78 Despite those facts, the People's Consultative Assembly did not elect Megawati as president.²⁰ Instead, it elected Abdurrahman Wahid, whose party came third, by 373 votes against 313 votes for Megawati (Liddle 2000: 36). He is a charismatic Muslim intellectual and during the elections he sought an alliance with Megawati. But when he realised that Habibie's speech might be rejected, that many Assembly members, particularly from Muslim parties, would implacably oppose Megawati's election as president, he reached out to form a coalition with other Muslim parties called *Poros Tengah* (the Central Axis) and presented himself as presidential candidate. With support from the Golkar Party, the party of the incumbent president Habibie, Abdurrahman Wahid won the presidential election (Liddle 2000: 36–38; van Doorn-Harder 2002). The election of Abdurrahman Wahid, in fact, assuaged disappointed supporters of Megawati, who gathered in the streets during the presidential election. The drama came to an end when, the next day, the Assembly elected Megawati with an overwhelming majority as vice-president.

During this period, Islamist and conservative arguments prohibiting a woman from becoming president, as well as arguments from progressive Muslim supporters, were widely circulated (Robinson 2004: 191). For instance, during and after the 1999 electoral campaigns PPP (Unity Development Party) declared its firm objection to a female president. A statement after the elections said that 'PPP refuses to back a woman as President' (Robinson 2004: 192). This party, whose members are mostly traditionalist and modernist Muslims, had many conservative leaders in its central committee. It lobbied in 1999 for the introduction of the Islamic law in Indonesia. Legislators from PK (*Partai Keadilan*, now PKS), an Islamist party, which many observers linked with the Islamist *Ikhwanul Muslimin* (Muslim Brotherhood) of Egypt (Trotter 2006: 12), opposed the candidature of Megawati for the presidency on the basis that a woman could not be accepted as a leader in Islam (*Damanik*, as cited in Trotter 2006: 32).

On the other hand, Muslim women's organizations, such as *Fatayat NU* (the young women's association of 'traditionalist' NU) and *Aisyiyah* (women's organization as-

79 sociated with 'modernist' *Muhammadiyah*), asserted the right of women to become president. *Fatayat*, for instance, took that view that leadership is a matter of personal capacities and the Quranic passage had to be interpreted contextually rather than textually (Robinson 2004: 191). *Aisyiyah* issued a statement that Islam did not bar a woman from holding office as long as she was capable and credible (Robinson 2006: 192). Many other male groups also backed this view and one group maintained that the debate on gender and religion was being strongly manipulated by 'status quo political groups' (Robinson 2006: 192).

In addition to the fierce debate on female leadership, many observers also argued that the failure of Megawati to become president in 1999 was also due to the widespread argument that she did not represent the true Islam and its interests (Liddle 2000; van Doorn-Harder 2002; van Wichelen 2006). Its supporters were mostly Javanese formal Muslims (*abangan*), ideological nationalists, non-Muslims and ethnic minorities throughout the archipelago (Liddle 2000: 33). There were also smear campaigns in the mass media which sought to discredit the religious beliefs of Megawati: 'She sometimes worships at a Hindu temple, she might be a Hindu' (van Doorn-Harder 2002).

Abdurrahman Wahid's presidency did not, however, last long. By 2001, his performance as president was deemed unsatisfactory. The parliament started to prepare his impeachment. Megawati then became 'the inevitable choice' (van Doorn-Harder 2002) since, according to the Indonesian Constitution, the vice-president takes over the office in the event the president is removed.

This dynamic political development had a radical impact on Islamist and conservative Muslims' discourses and attitudes. They revised their stance, now asserting that Megawati is 'a true Muslim'. Hidayat Nur Wahid, the president of PK, affirmed: 'We do not see any problem in supporting her to replace Gus Dur (referring to president Wahid)'. Hamzah Haz, chairman of PPP, asserted that his party would support Megawati if Wahid was to resign (*The Jakarta Post*, 2001).²¹ Finally, Megawati was elected as Indonesian president on July 2001. Hamzah Haz became vice-president and some of her opponents among Islamist and conservative Muslims joined her cabinet. I will return to some of their religious arguments later on.

²⁰ Until 1999, the People's Consultative Assembly was a kind of super-parliament charged constitutionally with crucial responsibilities for the nation, including the election of the president and vice-president. It included elected members of parliament and appointed members. Before the *reformasi*, the number of its appointed members exceeded the elected ones. In 1999, the number of appointed members was reduced from 500 to only 200 (Liddle, 2000).

²¹ *The Jakarta Post*, 2001, Megawati backed to be President. 3 March 2001. Available at: [http://old.thejakartapost.com/Archives/ArchivesDet2.asp?FileID=20010303.@01[0]]. (26 June 2008) [URL as submitted by author].

The 30 Per Cent Quota for Women

At the beginning of the *reformasi* era, Indonesian society at large expected that political reform would significantly increase women's political participation. In December 1998, KPI (Indonesian Women's Coalition) organized the Women's Congress for the specific purpose of demanding gender mainstreaming in politics, preparing a platform for justice and democracy and implementing a joint intent. At the Congress, many young participants had already demanded a quota of 30 per cent for women's political participation (Bianpoen 2000: 292–293).

While civil society in general has benefited from reform, women were poorly represented in the 1999 elections, in which they gained only 9 per cent of the seats in the national parliament (45 members). The number of women had, in fact, declined over four general elections. In 1987, women held 13 percent of the seats in the national parliament, falling to 12.4 percent in 1992 and 10.8 percent in the 1997 general elections (Machrusah 2005: 79).

This poor result made women realize that euphoric sentiments were not enough. Laws and regulations which guarantee an increase in women's political participation must be enacted. One possible strategy is an affirmative action policy which should first be embraced by the state. In 2002 and 2003, women activists from NGOs, academia political parties and mass organizations struggled for the introduction of quotas for women. At first, they wanted quotas to be mentioned in Law No. 31/2002 on Political Parties, which required that 30 per cent of political board members should be women, but they failed (Siregar 2006: 5). Only four women MPs rejected the law, from Golkar (Party of the Functional Groups), PKB (National Awakening Party), PAN (National Mandate Party) and PPP (United Development Party) (Soetjipto 2003: 24). The last three are Muslim parties.

Women's struggle for a 30 per cent quota through the legal system was ultimately successful – though still unsatisfactory – when Law No. 12/2003 on General Elections was enacted. In this law, every political party was only encouraged to consider nominating women for 30 per cent of their candidates' list (Siregar 2006: 5–6). Thus, it was not compulsory and there were no sanctions against parties which did not implement the quota system in the 2004 elections. According to Siregar (2006: 7), in 2004 only three out of seven popular parties studied complied with the 30 per cent quota for women in the national parliament. Those three parties are Islamist parties, namely PKS, PKB and PAN. But no single party fulfilled the quota in all 69 electoral districts (that is, some districts had less than 30 per cent women in the list). Interestingly, PKS, which has an Islamist orientation, had the highest proportion of women in its candidate list (40.3 per cent) and the highest number of electoral

districts which had more than 30 per cent women (65 out of 69). PKS was also better than other parties with regard to local parliaments in East Java and Sidoarjo (Siregar 2006: 7–9).

Although there was an increase in the number and proportion of women MPs in following the implementation of the quota system, it was unsatisfactory, amounting to only 45 women out of 500 MPs in the national parliament (9 per cent) after the 1999 elections, rising to 62 women out of 550 MPs (11.3 per cent) in 2004, a 2.3 per cent increase (Siregar 2006: 17). Siregar also pointed out that the result at local level was not encouraging either (2006: 19–20).

Discussion: Changing Religious Interpretations and the Importance of Counter-Discourses

Religious Parties Change Their Arguments for Supporting Megawati

As already mentioned, PPP was one of the Muslim parties which opposed a female president. Its chair, Hamzah Haz, was reported as saying that 'a woman (was) unfit to be the president of Indonesia' (Suryadinata as cited in van Doorn-Harder 2002). However, when the political current shifted towards selecting a female president he was reported to have said that '[i]f Megawati was President she could be accepted since now the situation is urgent (*darurat*)' (detik.com 2001).²² According to Amien Rais, this changing religious opinion on the part of Hamzah Haz was the result of consultations with PPP's *ulama* (Muslim scholars) who had previously delivered a *fatwa* against a female president.

Another political party which in 1999 refused to accept a women president was the PK (Justice Party, now PKS). This Islamist party had a *fatwa* of prohibition delivered by its *Dewan Syariah Pusat* (Central Shari'a Council), the highest party body (Dos 2008).²³ Some of its local committees were still following this *fatwa* in the 2004 presidential election. For instance, Marzuki, head of the public policy department of a local committee of PKS in Klaten, Central Java, stated: 'If we support Megawati, members of PKS will blame us because this party does not allow a female president' (Tempo Interaktif 2004). However, in 2001 when the

²² detik.com, 2001, *Megawati didukung Islam?*. Available at: <http://www.hamline.edu/apakabar/basisdata/2001/03/05/0025.html>. [26 Jun 2008].

²³ Dos, 2008, *Mukernas Bali: Parade Inkonsistensi*. Available at: [<http://pkswatch.blogspot.com/2008/02/mukernas-bali-parade-inkonsistensi.html>][0]. (17 July 2008) [URL as submitted by author].

party formed a coalition with other parties to impeach Abdurrahman Wahid, its chairman Hidayat Nur Wahid, was reported as saying: 'Muslim people would never have a problem with a female leader, particularly if she is Muslim too' (*The Jakarta Post* 2001).²⁴ He also downplayed the importance of the issue of a female president by affirming that, for the Muslim community, this issue was not a serious one. He further said, in an interview with the Arabic department of the BBC, a day after the election of Megawati in 2001, that Islam knows what is called *qaul qadim* (old opinion) and *qaul jadid* (new opinion), including issues such as women's leadership (as cited in Thabrani 2001; Abdurrahim 2008). Furthermore, a PKS member (Jundimuthiah 2008)²⁵ reported that Hidayat Nur Wahid in a meeting also justified the changed approach to women's leadership among PKS members by saying that the issue was *khilafiyah* (debatable) between Muslim scholars.

Scholars who have studied Megawati's election as president have often highlighted, in relation to the facts just described, the political reasons underlying the religious debates (see, for instance, van Doorn-Harder 2002; Robinson 2004). Almost all scholars agree that the religious arguments were used, particularly by Muslims who spoke out against a female president, as a political manoeuvre. In her conclusion, van Doorn-Harder (2002), for example, maintained that the question surrounding a woman's authority was used as a manipulative tool to prevent Megawati from becoming president. She also argued that the goal of re-evaluating Islamic jurisprudence in relation to women's political rights and capacities was entirely political.

While it is incontestable that such political analysis is necessary, it is also important to discuss the theological questions of the changing discourses. In this regard, Robinson (2004: 194–95), for instance, argues that the attempt to bring religious interpretation into politics as a strategy for neutralising Megawati has influenced the political terrain in which the issue of gender equality itself is being contested. It is equally important, therefore, not only to expose the initial theo-

logical debates on female leadership but also to present how religious arguments have changed and how they have impacted on the broader issue of gender equality. The following discussion is an attempt to present further theological developments with regard to the female leadership issue and their effects on promoting gender equality.

When the initial resort to religious texts by the leaders of Muslim parties who rejected the prospect of a female president failed as a result of political developments, other methods of religious interpretation were adopted. Hamzah Haz, for instance, shifted his argument onto the grounds of *darurat* to support Megawati's election. *Darurat* (urgency) is, in fact, a specific term in Islamic jurisprudence that involves critical thinking more than textual reading. According to Wahid (2001), *darurat* is an urgent need which cannot be avoided and may lead to death if the need is not met. Wahid (2001) states further that scholars have expanded personal urgency to cover *darurat* in society as a whole. At the community level, *darurat* means a critical situation in which the community's survival is at stake, both religiously and physically. The evaluation of *darurat* relates thus to one's own reasoning or that of community leaders. However, since the application of *darurat* implies suspending some religious rules (for example, making a prohibited food a legitimate one), as well as putting to one side certain textual references, the reasons behind it must be very strong.

Therefore, with regard to the impeachment of Abdurrahman Wahid and the election of Megawati, Wahid (2001) questioned the coherence of claims that it was due to *darurat*. What was the situation which implied *darurat*? Would Indonesia have disintegrated and collapsed if Megawati had not become president (Wahid 2001)? The *darurat* argument would also be paradoxical since it would mean that the community would avoid collapse in the first case but then experience collapse of another kind (with reference to the famous *hadith* about the fate of nations which appoint women leaders).

Although other questions can be posed regarding the use of *darurat* reasoning, there has been an important development, namely the move by Islamists and conservative Muslims from the scriptural reading of sacred texts from the Qur'an and *hadith* towards reasoning. In other words, they have moved towards the contextual reading of sacred texts which is promoted by progressive Muslims.

It is similarly interesting to note that Hidayat Nur Wahid used also Islamic argumentation to justify its change of stance in support of Megawati. In fact, he utilized two famous terms of the Shafi'i school, namely *qaul qadim* (old opinion) and *qaul jadid* (new opinion). In Shafi'i tradition, the old opinion refers to Shafi'i's opinion

²⁴ *The Jakarta Post*, 2001, Megawati backed to be President. 3 March 2001. Available at: [http://old.thejakartapost.com/Archives/ArchivesDet2.asp?FileID=20010303.@01[0]]. (26 June 2008) [URL as submitted by author].

²⁵ Jundimuthiah, 2008, *Comment #85 of Ketika Qiyadah Tidak Lagi Amanah*. Available at: [http://pkswatch.blogspot.com/2008/06/ketika-qiyadah-tidak-lagi-amanah.html[0]]. (17 July 2008) [URL as submitted by author].

when he was in Baghdad, while the new opinion refers to his opinion after he moved to Cairo. Muslims who follow the Shafi'i school consider that both opinions are acceptable since both opinions were backed by strong religious arguments. Thus, one can stick to the Baghdad opinion or the other, in particular with reference to different local conditions. By referring to these religious terms in Islamic jurisprudence Hidayat Nur Wahid seemed to argue that people have the right to change their religious opinions because a great scholar such as Shafi'i himself changed his religious opinions. Second, the acceptance of women's leadership is also Islamic, like both *qaul qadim* and *qaul jadid*. This second implication was supported by Nur Wahid's assertion that the issue of whether there can be a female president was a *khilafiyah* (debatable) issue. It means that Muslim scholars were divided between prohibition and permission. Although this acknowledgment was not circulated in the ranks of Nur Wahid's party until the process of electing Megawati began, it demonstrated the importance of religious counter-discourses based on a contextual reading of sacred texts because in future other people might use and refer to them.

The changing religious discourses and practices of Muslim leaders had an impact on gender-related practices in their parties, although some elements continued to show resistance. PPP, for instance, started to promote women to the rank of governor. Recently, it nominated Khofifah Indar Parawansa, the head of *Mulimat* NU and former Minister of Women's Empowerment, as governor of East Java in the 2008 provincial elections.²⁶ This is an important province with a Muslim majority. PPP was the first Muslim party to nominate a woman to such an important office.²⁷ But some elements, particularly members of the *Majelis Syariah* (Shari'a Assembly) of this party, dominated by conservative *ulama*, were reported as still opposed to a female president in the 2004 elections (Liputan6.com 2004).²⁸

²⁶ In these provincial elections, Khofifah Indar Parawansa won second place which allows her to go on to the second round, since no candidate had won more than 30 per cent of the votes. The second round was held in October 2008.

²⁷ Golkar was the first Indonesian political party to nominate a woman for governor and she was duly elected. Hj. Rt Atut Chosiyah, who was elected as governor of Banten in 2006, is the first female governor in the history of Indonesia (www.Banten.go.id). If Khofifah is elected she will be the second female governor.

²⁸ Liputan6.com, 2004, PPP Membantah Menolak Presiden Perempuan. Available at: <http://berita.liputan6.com/politik/200404/76658/PPP.Membantah.Menolak.Presiden.Perempuan>. (10 October 2008).

Since PK(S) backed Megawati's election for president in 2001, its leaders at national level repeated their declarations that their party is not against female leaders. In 2007, Hidayat Nur Wahid, former chairman of PKS, gave a speech in front of sixteen thousand board members of PDI-P: 'Today, it is not yet time to debate the issue of a female president again' (detik.com 2007).²⁹ At another event, he stated: 'The presence of Mrs Airin with Mr Jazuli in the local election in Tangerang District shows that PKS is not a party which is against female leaders' (Partai Keadilan Sejahtera 2007). But elements of PKS, particularly at local level, still oppose female leadership. Recently, the *Dewan Syariah Daerah* (local shari'a council) of PKS East Java spoke out against Khofifah Indar Parawansa's candidature for governor, the only woman candidate for the office, although the council acknowledged that there are different opinions concerning female leadership. For these reasons, PKS could not form an alliance with PPP, which nominated her (Gatra 2008).

From Restrictions to Promoting Female Parliamentarians

In a recent publication (FPKS DPR-RI 2007), the PKS encouraged women's participation in politics. It said that differences of opinion on this issue are intellectually enriching. Without rejecting the other camp's opinion, the publication suggested that women should be permitted or even encouraged to participate in politics, as long as it is in accordance with Islamic precepts. This opinion was based on the argument that every human being, man and woman, is responsible for managing the world by enjoining goodness and prohibiting evil. The publication referred to Q9:71 in support of this argument. Second, women's qualities of reasoning, management, communication, social empathy and so on are equal to those of men. Moreover, women have characteristics such as gentleness and sensitivity which, in the political arena, are likely to result in policies that benefit the community (FPKS DPR-RI 2007).

In response to a number of political objections, such as the assertion that politics is a dirty business, the publication maintained that there are, in fact, good and bad forms of politics. Good politics involves assuming power in the full consciousness that such office is intended to be used to struggle for the truth, justice and well being

²⁹ detik.com, 2007, *Hidayat: Tidak Zamannya Lagi Perdebatkan Capres Perempuan*[0]. Available at: <http://www.detiknews.com/read/2007/09/10/180233/828087/10/hidayat-tidak-zamannya-lagi-perdebatkan-capres-perempuan>. [18 Jul 2008].

in accordance with the Qur'an and the prophetic tradition. In this sense, participation in politics is a common responsibility in order to campaign for and promote good politics (FPKS DPR-RI 2007).

In its conclusion, the publication argued that because the responsibility for enjoining justice and forbidding evil is a shared responsibility between men and women, every man should be encouraged to give his wife permission to take up that shared responsibility. This permission is not an act of recommended gift, but it is a compulsory one upon the husband, though if the husband finally denies giving permission his wife should follow him. The publication also mentions the responsibility of women who participate in politics to maintain a balance between public life and home life, because organizing the home is also compulsory for women (FPKS DPR-RI 2007).

In a statement, the women's wing of PKS affirmed that women's interests would be better served if women were given more opportunities to participate in decision-making through the legislative body. Furthermore, it pointed out that PKS is ready to nominate qualified female candidates, not only to comply with the quota legislation, but also because of their merits and the party's acknowledgement of gender equality. It is hoped that more women's participation in politics will bring changes with regard to gender equality and reduce corruption (PKS 2008).

This publication, along with other statements, particularly those affirmed by the women's section of PKS, show that many in this party have started to move from the opinion that women's participation in politics should be restricted towards promoting their participation since they may have a positive impact on the community and, more particularly, on women. All members of society, particularly husbands, are therefore required to give them every opportunity for political participation. The religious argument seems to be shifting from viewing women as *fitnah* (a source of evil) towards viewing women as essential in contributing *maslahah* (beneficial public impacts) and thus to be encouraged. Furthermore, women are no longer characterised as weak and less competent than men. As such, they are just as qualified as men to sit in the parliament.

The political endorsement of a 30 per cent quota for women nominees on candidature lists has helped to change religious discourses and practices with regard to women's participation in politics. Every party wants good publicity from compliance with the 30 per cent quota. As one female PKS MP has argued, although there are no administrative sanctions if a political party does not comply with the women's quota, no political party will want its image to be tarnished because of it. As already mentioned, in 2004 PKS was the party which complied with the women's quota most readily.

Concluding Remarks

Robinson (2004: 119) maintains in her conclusions on the relationship between gender and Islam in Indonesia, following the election of Megawati as president, that the reference to sacred texts as a basis for understanding the nature of gender relations in Indonesia seemed to have the opposite effect to the one desired by people who wish to limit women's participation in the public sphere. This study supports her view. It may be a little odd that fierce religious debates which were brought into the political arena served to advance gender equality in Indonesia, but that seems to be the case. Since the religious debates on Megawati's election, people are more aware of divergent religious opinions about female leadership and women's participation in politics. There is no conclusive religious opinion on these issues (or what van Doorn-Harder [2002] called 'authoritarian opinion'). Even though Islamists and conservative Muslims seemed to hold such an opinion at the beginning, dynamic political developments opened the door to more gender equality from an Islamic perspective.

We have also underlined the importance of promoting the counter-discourses of progressive Muslims in the struggle over authoritative religious interpretations. The change in religious discourses and practices demonstrated by Islamists and conservative Muslims has been helped by the existence of such counter-discourses, which use similar religious texts and arguments. If they finally adapted themselves to political realities and changed their stance it was because their new stance was still Islamic.

Catholic Fundamentalism and Its Impact on Women's Political Participation in the Philippines

Elizabeth Aguilang-Pangalangan

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Introduction

Philippine history, as recorded by Europeans, began with the arrival of Portuguese navigator Ferdinand Magellan in 1521, sailing under the Spanish flag.¹ Many expeditions followed, including one in 1543 by Ruy López de Villalobos, who gave the archipelago the name 'Las Islas Filipinas', after Philip II of Spain. Another was from New Spain (Mexico), led by Miguel Lopez de Legaspi in 1565, which paved the way for the formation of the first Spanish settlements, in which Catholic priests took on the task of spreading Christianity.²

Spanish colonization lasted more than three centuries and, despite the numerous abuses committed during this period, the Roman Catholic Church – which has survived the Second World War, schisms and internal splits – has remained the dominant Christian denomination in the country.³ Eighty five per cent of the population is nominally Catholic, with Protestants and Muslims representing 5 per cent of the population and another 5 per cent home-grown religions, such as the *Iglesia ni Kristo* and the *Philippine Independent Church*, also known as the Aglipayans.⁴

Religious Fundamentalism

Fundamentalism is defined as 'a religious movement or point of view characterized by a return to fundamental principles, by rigid adherence to those principles, and often by intolerance of other views and opposition to secularism.'⁵ It refers to a 'deep and totalistic commitment to a belief in the infallibility of holy scriptures, absolute reli-

¹ Goh, R. (2005), *Christianity in Southeast Asia*, Singapore: Institute of Southeast Asian Studies; Russell, S., *Christianity in the Philippines*. Available at: <http://www.seasite.niu.edu/crossroads/Russell/christianity.htm>. (2 August 2008).

² Goh, *supra* note 1, at 20.

³ *Ibid.* at 26–27.

⁴ Data on the breakdown of religious groups in the Philippines came from the Department of Tourism. Their website can be found at <http://www.wowphilippines.com.ph/discover/religion.asp>.

⁵ The American Heritage® Dictionary of the English Language, Fourth Edition. Updated in 2003.

gious authority, and strict adherence to a set of basic principles (*fundamentals*), away from doctrinal compromises with modern social and political life.'⁶ Wolfgang Beinert identifies five attitudes common to Catholic fundamentalism as follows: the use of war metaphors and a clear identification of enemies; a dualistic world view that eschews self-criticism and self-reflection; reductionism embedded in traditionalism; inflexibility and strong authoritarianism; and the cult of personality.⁷ Michaela Told adds gender relations and the construction of womanhood to this enumeration.⁸

There remains a controversy concerning the use of the term 'fundamentalism' and whether it should include a broad range of conservative religious movements.⁹ For the purpose of this chapter, the terms 'fundamentalism' and 'conservatism' are used interchangeably, since both show a marked intolerance for the views of others or interpretations of Christian texts, and try to transform religious doctrine into legal rules.

Catholic fundamentalism exists in the Philippines. The role that the Roman Catholic Church plays in the lives of the Filipino people has been consistent and pervasive, as pastoral letters are read at Sunday Masses to comment on contemporary political and social issues. El Shaddai¹⁰ is a fundamentalist Christian movement within Roman Catholicism that has a significant number of followers,¹¹ both in the Philippines and among overseas Filipino workers. The El Shaddai movement, led by a layperson, 'Brother Mike' Velarde, stages regular 'healing' rites and huge mass rallies which receive radio and television coverage beamed into homes via El Shaddai owned stations. They raise their passports to the heavens and pray that they will be given visas to work abroad and turn their open umbrellas upside down to catch

⁶ Beit-Hallahmi, B., *Fundamentalism*. Available at: www.globalpolicy.org/wtc/fundamentalism/0501def.htm. (2 November 2008) [URL as submitted by author].

⁷ Told, M.R. (2004), *Catholic Fundamentalism, Right Wing Politics and the Construction of Womanhood: The case of Austria*. Available at: <http://www.wluml.org/english/pubs/pdf/wsf/05.pdf>. (6 February 2009).

⁸ *Ibid.*

⁹ The Associated Press's *AP Stylebook* recommends that the term 'fundamentalist' be used only for groups that apply the term to themselves. Many scholars, however, use the term in the broader descriptive sense to refer to various groups in various religious traditions.

¹⁰ Sorra DD MA, R. (1993), *The Etymology of El Shaddai*. Available at: http://www.geocities.com/elshaddai_dwxi_ppfi/. (7 February 2009). On their website, the El Shaddai etymology is explained as having come from two Hebrew words 'El' meaning God and 'Shaddai' translated as Almighty; therefore 'El Shaddai' means 'God Almighty'.

¹¹ *Ibid.* El Shaddai has an estimated covenanted membership of 219,758 and about five million non-covenanted group members who regularly attend prayer rallies.

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blessings forthcoming from God. The Opus Dei Prelature has more than 87,000 members all over the world, including 3,000 in the Philippines.¹² According to its website, 'its mission is to spread the message that work and the circumstances of everyday life are occasions for growing closer to God.'¹³ However, the organization's intolerance for other religions and even other Catholic organisations has led many to consider it one of the most vigorous advocates of religious fundamentalism.

With weakened social institutions and a government that cannot command the loyalty of its people, many Filipinos have turned not only to the official church, but to fundamentalist religious movements for guidance. They look to religion as the only way to solve their everyday problems, abject poverty and personal loss ranking highest for most of them. In exchange, however, it is not unusual for a fundamentalist group to impose its will on its followers through the practice of bloc voting during elections.¹⁴ Bishops and priests have exhorted the faithful not to vote for politicians who support reproductive health and women's rights legislation, with huge banners posted in churches, labelling them pawns of the devil.

The worst effect of Catholic fundamentalism is its perpetuation of gender inequality. It is pervasive in Philippine family law, in which the rights and obligations of spouses are overtly unequal, and in the arena of politics, where the disparity assumed with regard to the decision-making capabilities of men and women covertly undermines their readiness and credibility in making decisions in the public sphere.

This chapter will show that religious fundamentalism has led to undue restrictions on the political participation of Filipino women in particular. The subject of this study is the impact of Catholic fundamentalism on women's rights, legally recognized and protected by existing domestic and international laws, focusing on the political rights of women, which are superficially equal to those of men. It looks further at the factors that affect political participation and how Catholic fundamentalism has in reality collided with the exercise of women's rights, held back their capacity to make decisions and conditioned them into accepting a role subservient to their male counterparts.

¹² Opus Dei (2007), *General Information*. Available at: <http://www.opusdei.ph/art.php?p=22618>. (7 February 2009).

¹³ Ibid.

¹⁴ Teodoro, L. (2007), *Power Elite*. Available at: <http://www.luistodoro.com/archives/2007/04/13/power-elite/>. (6 November 2008) [URL as submitted by author].

Constitutional and International Law Standards and Commitments

The *Millennium Declaration* seeks to advance a shared vision of an improved world by 2015 and the *Millennium Development Goals* (MDGs) are as follows: to cut extreme poverty in half, to reduce child mortality, to eliminate gender disparities in primary and secondary education, to empower women, and to improve health and environment indicators within a global partnership for development.¹⁵ This Declaration was signed by 189 Member States, including the Philippines, in September 2000, and recognizes equality and empowerment of women and girls as among the most effective ways of fighting poverty and spurring sustainable progress. States are duty-bound to ensure women the right of participation in the formulation and implementation of government policies.

The *Philippine Constitution, Article II, Sec. 14*, provides: '[t]he State recognizes the role of women in nation-building and shall ensure fundamental equality before the law of women and men'.¹⁶ The *Women in Development and Nation-Building Act*¹⁷ reiterates that women of legal age, regardless of civil status, have the capacity to act and enter into contracts of any kind.

Under international treaties, governments shall ensure women's right to participate in non-governmental organizations (NGOs) involved in national public and political life. Political rights enjoyed by citizens are those enumerated in the *International Covenant on Civil and Political Rights* (ICCPR)¹⁸ and in the *Philippine Constitution*. The Constitution unequivocally embodies the principle of the equality of men and women and imposes on the state the obligation to abolish discriminatory laws.

Article 18 of the ICCPR speaks of the right of everyone to freedom of thought, conscience and religion. Article 19 recognizes every individual's right to 'hold opinions without interference' and to freedom of expression, which includes freedom to seek, receive and impart information and ideas of all kinds. Article 22 of the ICCPR

¹⁵ Gender and Development Group – World Bank (2003), *Gender Equality and the Millennium Development Goals*, World Bank. The leaflet is available at: http://www.mdgender.net/upload/tools/MDGender_leaflet.pdf. (7 February 2009).

¹⁶ Phil. Const. art II § 14.

¹⁷ An Act Promoting the Integration of Women as Full and Equal Partners of Men in Development and Nation Building and for other Purposes, Republic Act 7192 (1992).

¹⁸ United Nations International Covenant on Civil and Political Rights, 23 March 1976. Available at: <http://www.hrweb.org/legal/cpr.html>[0]. (7 September 2008).

protects the right to freedom of association with others as a human right,¹⁹ while Article 25 recognizes that every citizen has the right 'to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage', both acts manifesting participation in the conduct of public affairs.²⁰

The Philippine government likewise signed the *UN Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW) and, as such, undertook the obligation to 'take all appropriate measures to eliminate discrimination against women in the political and public life of the country'.²¹

Political Rights

Right to Suffrage

The first *Philippine Election Law* (Act No. 1502), giving male citizens the right to suffrage, was passed on 15 January 1907.²² On 9 November 1933, *Act 4122* was passed, extending this right to Filipino women, starting 1 January 1935.²³

However, this was reversed by the 1935 Philippine Constitution, which reverted the right to suffrage solely to male citizens.²⁴ Although the deliberations of the Constitutional Convention conceded that Filipino women were capable of exercising the right of suffrage, opposition by convention delegates was based on the following: (1) there was no popular demand for suffrage on the part of Filipino women them-

selves; (2) women's suffrage would only disrupt family unity; and (3) it would plunge women into the quagmire of politics, dragging them from the pedestal of honour on which they had heretofore been placed.²⁵ Thus, in its report to the President of the Convention, the Committee on Suffrage explained that the right of suffrage could not be enjoyed by women because 'the sweet womanliness of Philippine women should be protected from political strife and passion in order that the sweet home may not lose any of its sweetness'.²⁶

The proponents of women's suffrage saw the unfairness of depriving Filipino women of a right already granted them by the legislature. They also submitted that the right would make them more interested in the management of the affairs of government and that 'it was necessary as a matter of justice to extend the frontiers of our democracy to our women, who had laboured hard, side by side with our men, for the progress and development of the country'.²⁷

Women underscored that suffrage is 'not a matter of sex' and that 'qualified citizens, men and women alike, can and should make their valuable contribution in deciding what their community will undertake to do through its government, by what means, and through what officials'.²⁸ Pointing out that, under the law, women suffer penalties, pay taxes and may be summoned before the courts, it was tyranny to be held responsible in such ways, without the right to have their voices heard. On 30 April 1937, a plebiscite was held in which more than three hundred thousand women voted for female suffrage. Thereafter, Filipino women were allowed to vote, which in turn led to women's participation in government. The 1987 Philippine Constitution²⁹ now states that all citizens of the Philippines exercise suffrage.

Statistics show the increasing rate of political participation of women in the Philippines. The Fact Sheet on Filipino Women, issued in March 2008 by the National

¹⁹ The only limitations on this are national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others[0][0].

²⁰ United Nations International Covenant on Civil and Political Rights, Art. 25, 23 March 1976. Available at: <http://www.hrweb.org/legal/cpr.html>[0]. (7 September 2008).

²¹ *Convention on the Elimination of All Forms of Discrimination against Women*, Art 7, 18 December 1979. Available at: <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>. (7 September 2008).

²² Separate Opinion of Justice Puno, *Macalintal v. Comelec*, G.R. No. 157013, 10 July 2003.

²³ *Ibid.*

²⁴ 1935 Phil. Const. Art 5 § 1 (superseded 1973). The provision reads: 'Suffrage may be exercised by male citizens of the Philippines not otherwise disqualified by law, who are twenty-one years of age or over and are able to read and write, and who shall have resided in the Philippines for one year and in the municipality wherein they propose to vote for at least six months preceding the election. The National Assembly shall extend the right of suffrage to women, if in a plebiscite which shall be held for that purpose within two years after the adoption of this Constitution, not less than three hundred thousand women possessing the necessary qualifications shall vote affirmatively on the question.'

²⁵ Separate Opinion of Justice Puno, *Macalintal v. Comelec*, G.R. No. 157013, 10 July 2003.

²⁶ *Ibid.*

²⁷ *Ibid.*

²⁸ *Ibid.*

²⁹ Phil. Const. Art V §1. The provision reads as follows: 'Suffrage may be exercised by all citizens of the Philippines not otherwise disqualified by law, who are at least eighteen years of age, and who shall have resided in the Philippines for at least one year, and in the place wherein they propose to vote, for at least six months immediately preceding the election. *No literacy, property, or other substantive requirement shall be imposed on the exercise of suffrage.*'

Commission on the Role of Filipino Women, confirms that in recent elections Filipino women had a higher voter turnout rate than men.³⁰

Right to Run for Public Office

There have been two female presidents³¹ and one female vice-president³² in the Philippines. At present, there are four women senators out of the twelve members of the Senate (25 per cent)³³ and 51 congresswomen out of the 238 members of the House of Representatives (28 per cent).³⁴ There is one women's group and three multi-sectoral groups advocating women's rights out of 15 party list groups in Congress.³⁵ The party list group *Gabriela*, in particular, aims 'to transform women into an organized political force'³⁶ towards their liberation from all forms of economic and political oppression.

The *Party List System Act* was enacted to increase women's representation in government on 3 March 1995. The Constitution states that the House of Representatives shall be elected from legislative districts 'through a party-list system of registered national, regional, and sectoral parties or organizations'.³⁷ The sectors include labour, peasants, the urban poor, indigenous cultural communities, women and young people. The religious sector is excluded.

In 2004, women occupied only 2,901 out of the 17,463 elected positions in the Philippines, from the president to councillors.³⁸ It is noteworthy also that a number of women who hold political positions do so as 'benchwarmers'. Although they may

³⁰ National Commission on the Role of Filipino Women, 2008, *NCRFW Factsheet on Filipino Women*. Manila: National Commission on the Role of Filipino Women. During the 1998 Elections, there were 14,481,612 actual male voters, while there were 14,992,697 actual female voters. As for the 2001 Elections, there were 14,562,530 actual male voters, while on the other hand, there were 14,011,160 actual female voters.

³¹ Presidents Corazon Aquino and Gloria Macapagal-Arroyo.

³² Vice-President Gloria Macapagal-Arroyo.

³³ Senate of the Philippines, 2008, *14th Congress Senators*. Available at: <http://www.senate.gov.ph/senators/sen14th.asp>. (7 September 2008).

³⁴ House of Representatives of the Philippines, 2008, *Congressional Profile – 14th Congress*. Available at: <http://www.congress.gov.ph/members/profile.php?congress=14>. (7 September 2008).

³⁵ Gabriela is a party list group which primarily advocates women's rights. The other multisectoral groups which also advance women's rights are Akbayan, Bayan Muna and Anakpawis.

³⁶ Gabriela (2008), *About Gabriela*. Available at: <http://www.gabrielaphilippines.org/index.php>. (9 November 2008) [URL as submitted by author].

³⁷ Phil. Const. Art VI § 5.

³⁸ National Statistical Coordination Board (2006), *Statistical Handbook on Women and Men in the Philippines*, Makati: National Statistical Coordination Board.

be qualified in terms of educational attainments and professional accomplishments, they merely reserve the political seat for their husband or father, who has just ended three consecutive terms of office and is not legally entitled to run for a fourth consecutive term. After the one term they serve, they yield the seat back to their male family members.³⁹ Even the two women presidents won by virtue of their connection to powerful men: Corazon Aquino was the wife of a slain opposition leader who ran for President and Gloria Macapagal-Arroyo was the daughter of a former President.

Table 1. Number of Elected Women and Men by Position, Year and Sex⁴⁰

Position	2004		2007	
	Women	Men	Women	Men
President	1	0	–	–
Vice-President	0	1	–	–
Senators	3	9	1	11
Congressmen	32	178	45	172
Governors	15	62	18	62
Deputy-Governors	7	70	13	67
Board Members	124	616	123	635
Mayors	244	1,354	273	1,319
Deputy-Mayors	222	1,377	230	1,362
Councillors	2,253	10,895	2,322	10,776

Source: National Statistical Coordination Board.

In the courts, only 20–25 per cent of Supreme Court justices are women.⁴¹ This percentage is reflected at all other levels of the judiciary: 23.5 per cent in the Court of Appeals, 20 per cent in the Sandiganbayan, 16.6 per cent in the regional trial courts

³⁹ Hega, M. (2003), *Participation of Women in Philippine Politics and Society: A Situationer*. Philippines: Friedrich-Ebert-Stiftung. Available at: <http://library.fes.de/pdf-files/bueros/philippinen/50067.pdf>. (11 November 2008).

⁴⁰ National Statistical Coordination Board (2008), *Number of Elected Women and Men by Position, Year and Sex*. (pa43). Available at: <http://www.nscb.gov.ph/gender/toc.asp?path=PX/DATABASE/NSCB/Areas/publicad/publicad.asp>. (6 November 2008).

⁴¹ According to the Statistics on Filipino Women of the National Commission on the Role of Filipino Women, there were three women out of 15 justices in 2001; four out of 15 in 2002; four out of 14 in 2003; five out of 15 in 2004; and five out of 15 in 2007. The factsheet is available at http://www.ncrfw.gov.ph/index.php/downloads/doc_download/246-vaw-statistics-philippines-2008. (7 September 2008).

and 23.9 per cent in municipal and metropolitan trial courts. However, there are no women judges at all in the Shari'a District and Circuit Courts.⁴²

Right to Freedom of Speech, Expression and Association

The Constitution protects freedom of speech and expression, and the right of people to assemble peaceably and petition the government for redress of grievances.⁴³ It prohibits the passage of any law abridging these freedoms. Article III, Section 7 speaks of 'the right of the people to information on matters of public concern', while Section 8 asserts 'the right of the people, including those employed in the public and private sectors, to form unions, associations, or societies for purposes not contrary to law'.⁴⁴

Factors that Affect the Political Participation of Women

Gender and Education

The elimination of gender disparities in the Philippine education system should be viewed not only in terms of participation and completion rates at school, but also measures taken to eliminate stereotypes which reinforce gender inequalities. Article 11 of the CEDAW recognizes the importance of eliminating discrimination against women in education 'through [t]he elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging ... and, in particular, by the revision of textbooks and school programmes and the adaption of teaching methods'.⁴⁵ The education system is one of the most powerful vehicles for spreading knowledge and inculcating values through subjects ranging from the sciences, civics, literature and the arts to non-formal courses on livelihood and life skills.

Figures for 2004 show that more girls started school than boys (45.99 per cent versus 41.88 per cent of eligible starters). Girls have a higher cohort survival rate

(63.13 per cent versus 59.50 per cent), as well as high school completion rate (63.7 per cent versus 47.88 per cent) than boys.⁴⁶ The 2003 Functional Literacy, Education and Mass Media Survey results showed that 8 out of 100 Filipino women compared to 11 out of 100 Filipino men cannot read and write. For school year 2005–2006 in terms of higher education enrolment, females accounted for more than half of the total 2,483,645 enrollees, at 54.48 per cent. In 2006, the percentage of licensed professional women was higher, at 57.72 per cent, than that of male licensed professionals.⁴⁷

In 1995, ReproCen⁴⁸ published a study on the content analysis of stories and pictures in ten elementary textbooks. It uncovered gender stereotypes in the portrayals of gender roles, occupations and capacities.⁴⁹ Women were much more often depicted in stories and pictures as wives and mothers, while men were described in terms of their productive roles. The study undertook a similar content analysis of the stories and pictures in Filipino and English textbooks, where 11 out of 12 names of scientists were male. Madame Curie was the only female scientist named. Findings revealed an over-representation of men as artists, poets, astronauts and philosophers and under-representation of women in the stories and even in illustrations, implying that it is men rather than women who are norm-setters and trailblazers. Male characters were dominant husbands and decision-makers in the family. Most of the women characters were docile, submissive and dependent housewives and mothers, leaving girls with few positive role models.

Borresen's study on the gender of religion highlights that 'sociological gender roles are shaped by theological gender models' and that Catholic doctrinal symbolisms endure 'where androcentric gender models are transposed from God's creation

⁴² Feliciano, M. (2002), *Gender Sensitivity in the Court System*, Quezon City: University Center for Women's Studies.

⁴³ Phil. Const. Art III § 4.

⁴⁴ Phil. Const. Art III § 7–8.

⁴⁵ *Convention on the Elimination of All Forms of Discrimination against Women*, Art 11., 18 December 1979. Available at: <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>. (26 February 2008).

⁴⁶ National Economic Development Authority (2005), *Second Philippine Progress Report on the Millennium Development Goal*. Available at: http://www.neda.gov.ph/econreports_dbs/MDGs/default.asp. (7 September 2008).

⁴⁷ National Commission on the Role of Filipino Women (2008), *NCRFW Fact Sheet on Filipino Women*. Available at: http://www.ncrfw.gov.ph/index.php/downloads/doc_download/246-vaw-statistics-philippines-2008. (7 September 2008).

⁴⁸ The Reproductive Health, Rights and Ethics Center for Studies and Training is based at the University of the Philippines College of Medicine.

⁴⁹ Aluning, J. (2004), *Gender Bias in Secondary English and Filipino Textbooks*, ReproCen Special Publications No. 4.

to the order of redemption'.⁵⁰ That the 'God-like Adam prefigures Christ' who is Saviour and symbol of 'perfect maleness' is juxtaposed with 'non-godlike Eve' and 'Mary as new Eve represents dependent, and, therefore, womanlike humanity'.⁵¹ The perception as to the proper position of women in the family reflects the conservative view of a pre-ordained division of male and female roles. This is buttressed by the Biblical verse in which wives must obey and be subject to their husbands.⁵²

Hence, the indoctrination in textbooks concerning acceptable behaviour for women that insists on the public-private divide and the idealization of the submissive woman could explain why, despite the significantly high achievement rate, girls grow up unaccustomed to forming opinions that will hold sway in discussions in public spaces.

Gender and Employment

Unfortunately, education does not automatically translate into higher levels of labour force participation for women. Although recent statistics reveal that, in the first quarter of 2008, there were more employed women than men,⁵³ the figures do not adequately reflect the reality of unemployment among women. First, this number does not include full-time housewives, who are not considered part of the labour force. Second, increases in jobs for women are mostly confined to unpaid family work and domestic work, which are extensions of their traditional role in the family.⁵⁴

Research conducted by the ILO in over 50 countries revealed that Filipino women worked 41.3 hours a week, while Filipino men put in 40.4 hours a week. The Philip-

pinas is the only country which displayed this 'role reversal or the only exception to the general trend of longer average working hours for men'.⁵⁵

Despite the higher educational attainment, the higher survival rate and the higher literacy rate of women, why are women not in positions of leadership? Dr Lorraine Corner, Regional Programme Adviser for the United Nations Development Fund for Women (UNIFEM), Bangkok, provides three answers.⁵⁶ First, the majority of Filipina girls are socialized to play passive roles and trained to accept that being a 'good girl' is largely dependent on how much time is spent at home, keeping parents company and learning traditional roles, such as helping with household chores. Compared to boys, who are allowed more freedom, girls have fewer opportunities to make decisions or develop leadership skills outside the family context. Many women thus lack experience in decision-making and leadership in the public sphere. Second, even if educated women are able to enter the decision-making mainstream, the institutional setting in which they find themselves already mirrors men's needs and realities and ignores women's different needs and experience. Corner cites the inflexible working days, overtime and inaccessible location of work as factors which further burden women in fulfilling the dual functions imposed upon them by society. For example, the call centre industry is currently one of the biggest employers of Filipinos in the country. A survey revealed that 55.5 per cent of those employed in this industry are women, and 61 per cent of them are night shift workers.⁵⁷ Unfortunately, the unfavourable working conditions could expose women not only to the possibility of violence (that is, crime), but also to other occupational health problems peculiar to women, such as breast cancer, an illness which can be induced by erratic sleeping patterns.⁵⁸ Third, women's primary roles as wives and mothers require their attention 24 hours a day and thus, for working women, must be carried out simultaneously with work. For men, however, their family and personal roles are subsidiary to their primary work role.

⁵⁰ Borresen, K.E. (2004), 'Religion Confronting Women's Rights: The Case of Roman Catholicism', in Swell and Larsen (eds), *Facilitating Freedom of Religion or Belief: A Deskbook*, Norway: Martinus Nijhoff Publishing, pp. 546–52.

⁵¹ Ibid.

⁵² Eph 5:22–24.

⁵³ According to the National Statistical Coordination Board, for the first quarter of 2008, there were 20,654,000 employed Filipino males out of the 22,395,000 males in the labour force. The employment rate for males was 92.22 per cent. On the other hand, out of 13,973,000 females in the labour force, 13,038,000 were employed, yielding an employment rate of 93.31 per cent.

⁵⁴ Center for Women's Resources (2007), *The Real State of the Nation: Women Facing Greater Challenges Ahead*. Available at: <http://www.cwrweb.com/womensit2007.pdf>. (7 September 2008).

⁵⁵ Lee, S., McCann, D., and Messenger, R.J. (2007), *Working Time Around the World*. London and Geneva: Routledge and ILO.

⁵⁶ Corner, L. (1997), *Women's Participation in Decision-Making and Leadership: A Global Perspective*. Available at: http://www.iknowpolitics.org/files/Decision-Making&Leadership_Global.pdf. (7 September 2008).

⁵⁷ Center for Women's Resources (2007), *The Real State of the Nation: Women Facing Greater Challenges Ahead*.

⁵⁸ Ibid.

Gender and Reproductive Rights

There have been several legislative initiatives to promote women's rights.⁵⁹ However, their passage into law is uncertain, given the consistent opposition of conservative sectors of society, primarily the Catholic Church. The Roman Catholic hierarchy has adopted a fundamentalist and non-negotiable stance on these bills. It has been active in organizing letter writing and signature campaigns on petitions it supports. The influential Catholic Bishops Conference of the Philippines (CBCP) has adopted a hard-line 'shock-and-awe' policy, under which Catholics who support the use of modern contraception and 'defy the teachings of the Church would be denied communion, baptism, confirmation, wedding and burial rites'.⁶⁰

Furthermore, Ozamiz City Archbishop Jesus A. Dosado,⁶¹ in a pastoral letter, threatened to deny Holy Communion to proponents of the bill until the latter 'bring to an end the objective situation of sin'. He explained that he was not 'passing judgment on the person's subjective guilt, but rather is reacting to the person's public unworthiness to receive Holy Communion due to an objective situation of sin'.⁶² His flawed premise is that pro-reproductive health legislators are 'pro-abortion'.⁶³

The Church Encyclical *Humanae Vitae* is adamant in prohibiting the use of contraceptives. It reaffirms that the 'biological finality of procreation is normative for

each single conjugal act', thereby condemning artificial contraception as 'intrinsically evil'.⁶⁴ On this point, the church believes that abortion and contraception are similar in that they interrupt the generative process and therefore violate natural law.

In February 2000, Executive Order (EO) 003 was issued by then Manila Mayor Jose Atienza to promote 'natural' family planning methods. In practice, however, it prohibited modern contraceptive services in all hospitals and health centres funded by the city 'as a way of self-awareness in promoting the culture of life while discouraging the use of artificial methods of contraception'.⁶⁵

In 2002, President Gloria Arroyo laid down the four pillars of her population policy: responsible parenthood, respect for life, birth spacing and informed choice.⁶⁶ These reflected the unchanging tenets of the Catholic hierarchy on population issues since 1973. Arroyo emphasized that no funds from the national government will be spent to procure contraceptives, despite the total cessation of contraceptive donations by the United States Agency for International Development (USAID) in 2007. In her 2008 State of the Nation Address, she categorically announced her rejection of the reproductive rights bill and reiterated her support for natural family planning methods, with complete disregard for constitutionally protected human rights and the Philippines' obligations under international law.

The grave effect of the government's reproductive health policy on women's lives and health, and the denial of women's basic human rights, is best illustrated in the study of the Manila policy entitled 'Imposing Misery'.⁶⁷ The research on the experiences of women and reproductive health providers covered by the EO documented the harm caused by this Order. Although poverty and non-recognition of reproductive rights are interrelated but not causal, our study established that driving families into extreme poverty was one of the direct outcomes of the EO. According to the International Food Policy Research Institute, 11 million Filipinos are among the 1 billion people across the globe living on less than \$1 a day.

⁵⁹ Hontiveros, R. (2007), *On Gender Balance in Politics and Governance*. Available at: http://www.akbayan.org/index.php?option=com_content&task=view&id=96&Itemid=94. (7 September 2008). The Reproductive Health and Population Development Bill, which establishes a rights-based national policy on reproductive health; the Magna Carta for Women, which creates a national policy framework to protect the rights of Filipino women; the Anti-Prostitution Bill, which decriminalizes prostituted women and shifts criminal liability to the sellers and buyers of prostitution; the Magna Carta for Rural Women Bill, which recognizes the needs of women in rural areas and establishes a gender-oriented framework for rural development, and the Gender Balance Bill, which establishes a quota system to allow for the meaningful participation of women in politics and governance.

⁶⁰ *Manila Standard Today*, website. Available at: www.manilastandardtoday.com/?page=news05_feb20_2006. (7 September 2008).

⁶¹ Talibong, W. (2008), *Pro-abortion Catholic politicians should be denied Communion, prelate says*. Available at: <http://www.cbcnews.com/?q=node/3708> (9 November 2008). Dosado cites the General Principles of Joseph Cardinal Ratzinger (now Pope Benedict XVI), June 2004, entitled 'Worthiness to Receive Holy Communion'. Dosado said taking Communion should be a conscious decision, based on a reasoned judgement regarding one's worthiness but aside from this 'the minister of Holy Communion may find himself in the situation where he must refuse to distribute Holy Communion to someone, such as in cases of a declared excommunication, a declared interdict, or an obstinate persistence in manifest sin'.

⁶² *Ibid.*

⁶³ *Ibid.*

⁶⁴ Pope Paul VI. 1968. *Humanae Vitae*.

⁶⁵ Linangan ng Kababaihan Inc (Likhaan), Reproductive Health and Rights and Ethics Center for Studies and Training (ReproCen), and Center for Reproductive Rights (2007), *Imposing Misery: The Impact of Manila's Ban on Contraception*. Available at: www.reproductiverights.org/pdf/Philippines%20report.pdf. (7 September 2008).

⁶⁶ *Ibid.*

⁶⁷ Generalao, V. (2007) '11 M Filipinos among 1B living on less than \$1/day', *Philippine Daily Inquirer*, 8 November.

The *UN Charter* and the *Universal Declaration of Human Rights* (1948) expressly recognized equality of all human beings as an imperative of non-discrimination on the basis of sex. The UN CEDAW acknowledged that the commission of discriminatory acts against women was an international issue that needed immediate attention and action.

The Constitution, under Article XV, Section 3(1), likewise affords spouses the right 'to found a family in accordance with their religious convictions and the demands of responsible parenthood'.⁶⁸ Manila's EO 003 and similar legislation by local government units headed by fundamentalists violate human rights.⁶⁹ This contravenes the individual's right to decide the number and spacing of children pursuant to the teachings of their religion. The EO unequivocally imposes one religious and moral viewpoint regarding family planning and restricts the free exercise of religion by others who live by a different faith.

The Wall of Separation

This brings us to the central principle of the separation of Church and State, of which discriminatory laws, in general, and the contraceptive ban, in particular, are in breach.⁷⁰ The Philippine Supreme Court has decided in a case that, in order to survive the test of separation of Church and State, the government's action must 'have a secular legislative purpose and a primary effect that neither advances nor inhibits religion'.⁷¹

The doctrine of separation of Church and State means that the state cannot establish a religion or show preference for one religion over others. This doctrine prevents the government from establishing a state religion, providing tax money in support of religion or otherwise favouring any single religion. For church and state to remain separate there must be guarantees that the 'majority church does not end up using state power to promote its own agenda (e.g. against population control) while still enabling members of the majority church to operate freely ... to advance its welfare causes'.⁷²

⁶⁸ Phil. Const. Art XV § 3(1).

⁶⁹ Phil. Const. Art II § 11. The provision guarantees the dignity of every person and full respect for human rights.

⁷⁰ Phil. Const. Art II § 6. The provision provides that 'The separation of Church and State shall be inviolable.'

⁷¹ *Victoriano v. Elizalde Rope Workers Union*, G.R. No. L-25246, September 12, 1974.

⁷² Pangalangan, R. (2008), 'Transplanted Constitutionalism: The Philippine Debate on the Secular State and the Rule of Law', *Philippine Law Journal* 82 (3): 1–23.

The Philippine government egregiously ignores laws protecting reproductive rights so as not to provoke the Roman Catholic hierarchy. Pleasing the powerful Catholic Church leadership is perceived to yield tangible political support. During every election period, politicians woo religious groups into endorsing them, one of them the influential Catholic charismatic group El Shaddai. Some Catholic Church bishops back the openly Catholic party-list group *Kapatiran* that has declared its commitment to 'God-centred politics'.⁷³ This evidences the 'core dilemma' of the separation doctrine, 'namely, that it operates in a democracy governed by the rule of the majority where the majority are Roman Catholic' and 'to read the non-Establishment clause as requiring absolute neutrality among competing faiths is to ignore that they do not compete on a level playing field and that ... the dice are loaded'.⁷⁴

Government policies that brazenly ordain the teachings of one religion, even with the best intentions of laying down rules of ethical conduct, damage the wall of separation.

Gendered Impact of Fundamentalism

In the 'Letter to the Bishops of the Catholic Church on the Collaboration of Men and Women in the Church and in the World', then Joseph Card. Ratzinger, now Pope Benedict XVI, criticized 'new approaches' to women's issues:

A first tendency is to emphasize strongly conditions of subordination in order to give rise to antagonism: women, in order to be themselves, must make themselves the adversaries of men. Faced with the abuse of power, the answer for women is to seek power. This process leads to opposition between men and women, in which the identity and role of one are emphasized to the disadvantage of the other, leading to harmful confusion regarding the human person, which has its most immediate and lethal effects in the structure of the family.⁷⁵

He said further that:

[I]n order to avoid the domination of one sex or the other, their differences tend to be denied, viewed as mere effects of historical and cultural conditioning. ... The obscuring

⁷³ Ang Kapitan (2008), *Platform and Principles*. Available at: <http://angkapatiranparty.org/index.php?id=6>. (15 October 2009).

⁷⁴ Pangalangan, *supra* note 70, at 58.

⁷⁵ Ratzinger, J. (2004), *Letter to the Bishops of the Catholic Church on the Collaboration of Men and Women in the Church and in the World*.

of the difference or duality of the sexes has enormous consequences on a variety of levels. This theory of the human person, intended to promote prospects for equality of women through liberation from biological determinism, has in reality inspired ideologies which, for example, call into question the family, in its natural two-parent structure of mother and father, and make homosexuality and heterosexuality virtually equivalent, in a new model of polymorphous sexuality.⁷⁶

In this perspective, the Millennium Development Goal of promoting gender equality and the empowerment of women will be seen not as a way to end poverty and hunger but as a precursor of the end of the world as we know it. Pursuing this thinking to its logical conclusion, human rights instruments will be deemed merely as potent tools that will bring about the destruction of institutions, the foremost of which is the family.

The Letter further says that the assertion of women's reproductive rights is a 'human attempt to be freed from one's biological conditioning' which is one's 'essential constitution'. The inevitable consequence of this, it is surmised, 'entails criticism of Sacred Scripture, which would be seen as handing on a patriarchal conception of God nourished by an essentially male-dominated culture'.⁷⁷

Although the Letter adds that 'women should be present in the world of work and in the organization of society, and women should have access to positions of responsibility which allow them to inspire the policies of nations and to promote innovative solutions to economic and social problems',⁷⁸ there is a constant reminder of woman's primordial role as mother and wife, where involvement in matters outside the family is pursued if it does not interfere with these main duties.⁷⁹ The gender stereotype is perpetuated and, together with the admonition against snatching power from males, it is unrealistic to speak of equality between men and women.

⁷⁶ Ibid.

⁷⁷ Ibid.

⁷⁸ Ibid.

⁷⁹ In the Letter, Cardinal Ratzinger says: '[W]omen who freely desire will be able to devote the totality of their time to the work of the household without being stigmatized by society or penalized financially, while those who wish also to engage in other work may be able to do so with an appropriate work-schedule, and not have to choose between relinquishing their family life or enduring continual stress, with negative consequences for one's own equilibrium and the harmony of the family.'

Conclusion

The foregoing discussion shows that the various domains of gender equality are tightly interwoven. Thus there is a need to pursue women's rights in each domain. The link between religious fundamentalism and 'identity politics' is unquestionable. The reaffirmation of 'religious identity relies on women as biological, cultural, social and ideological reproducers', which in turn translates into 'domestic women'.⁸⁰ Religious fundamentalism constantly tells women what roles they can and cannot play in society. These are carried over and manifested in laws and policies – so much so that they enfeeble grand Constitutional guarantees that recognize women and men as equals. The other constitutionally protected rights – to assembly, speech and expression – ostensibly enjoyed by both male and female citizens do not carry great weight. Women's disempowerment is exposed not only by blatantly oppressive laws but in the slow but consistent programming that men are brighter, wiser and more important in the life of the nation.

The constitutional intention is for the Philippines to remain a secular state. But due to the failure of government to introduce true reforms to directly improve people's lives, the Church's interpretations and selective literality with regard to what it claims to be core Christian teachings are rarely questioned. To illustrate, Catholic fundamentalists in government, elected by the general public, act as religious advocates who cling to their inflexible and entrenched positions that defy reason and contradictory evidence of grinding poverty, as well as continuing maternal and infant deaths and illnesses.

To allow the predominant church to direct public policy and apply it equally to Catholics and non-Catholics alike is to ignore human rights protected by the Constitution and other laws. It dilutes the role of free will and the duty to act according to one's conscience which, ironically, the Church likewise teaches. It perpetuates discrimination against women and the continued subjugation of their rights, freedoms and identity.

In the Philippines today, there is merely superficial success in the exercise of political rights of suffrage, running for public office, freedom of thought, speech and

⁸⁰ Told, *supra* note 7.

assembly. Political rights detailed by domestic and international laws are rendered nugatory by the fact that the legislators are unable to pass laws that will promote women's rights. How can one speak of female autonomy when women's reproductive autonomy is not respected? How can one have the time, energy or predilection to exercise political rights when she does not even have the power to decide whether or not she should have a child or when to have one?

For as long as the unremitting prescription of submission is hammered into women's consciousness, they will be conditioned to accept what are obvious and incontrovertible messages of disempowerment and inferiority. The bias is reinforced in women's private lives and is unmistakably played out in their public lives as citizens.

Religion, Women and Politics

An Observer's Analysis

Urmila Goel

'Religious fundamentalisms and their gendered impacts on political participation' was the title of an international conference organised by the Friedrich-Ebert-Stiftung in Bonn in August 2008. This chapter is an analysis and interpretation of what was discussed at the conference from my perspective as an observer.¹ It is not an attempt to provide an uncommented account of the conference proceedings, but rather a conscious reflection of what I saw and heard. Its aim is to raise issues which were discussed at the conference ex- or implicitly, and thus to induce further discussion and reflection. To do this, I will shift between recounting what the participants said and my analysis of the discussions. In the title of my chapter I use neither 'fundamentalisms' nor 'gender', which form the basis of the conference title, because I am not sure whether these really reflect the core aspects of the discussions. It is my impression (as will become clear in the course of the chapter) that the main topic was religion in a broader sense, rather than fundamentalisms, and women, rather than gender in general.

The chapter follows the three core questions of the conference, first, by giving an account of the discussions on what is meant by religious fundamentalisms and the gender question, then proceeding to describe the implications of religious fundamentalisms for the political participation of women and concluding with agenda-setting for the future. I shall make some reference to the other chapters in this volume, as they influenced the discussions at the conference, but the main emphasis will be on those strands of the discussion which are not included in the rest of this volume. Before proceeding to the contents of the discussion, however, I will provide some information on the conference participants.

¹ My analytical perspective is that of a social and cultural anthropologist from Germany with some knowledge of South Asia, theoretically and methodologically based in postcolonial as well as gender and queer studies, who is using a particular method of discourse analysis.

Conference Participants

The concept of religious fundamentalisms was understood by the organisers in a broad sense and not, as is often the case in current debates, used as a synonym for Muslim fundamentalisms only. Thus, experts on the gendered impact of Catholic, Evangelical, Hindu, Buddhist and Muslim fundamentalisms were invited from Asia, Europe and the USA. Most of the participants were women, many of whom defined themselves as feminists. Few openly expressed a religious allegiance by the display of symbols, through their affiliation to a religious institution or in their contributions. But it was clear that many, if not most of the participants felt a belongingness in one form or another (which does not necessarily include faith), to a religion, in particular to Islam, Christianity, Hinduism and Buddhism. Since the focus of the conference was Asia, several participants were invited from there or, to be more specific, from South East Asia, South Asia and Central Asia.² The ascription of 'Asian' is, however, not an easy one, as there were also participants raised in Asia, but now living in Germany, as well as participants raised in Germany, who had lived for some time in Asian countries. Through the latter, also East Asian experiences were brought into the conference. Participants from West Asia were missing, however, thereby reproducing the usual construction of Asia as that region which encompasses the East, South and parts of the centre of the Asian continent. With regard to occupation, most of the participants based in Asia were gender and/or human rights activists, some were also researchers and there were also some active or former Members of Parliament among them. Among the participants from Germany, as well as from Poland, France, Serbia and the USA, there were far fewer activists. Most were representatives of donor organisations, several were researchers and some journalists. The speakers were mainly female activists and researchers from South East and South Asia.

An observer team was formed from among the participants, which documented the discussions, shared their observations with one another and presented an on the spot analysis of the conference proceedings.³ The observers came from Malaysia, Afghanistan, Kazakhstan, Serbia and the USA; most were women; and none of them openly displayed a strong allegiance to a religion. They were activists and/or

² I am not sure whether the participant from Kazakhstan was considered one of the Asian participants; at least, she was not addressed as such.

³ For their insightful documentation and analysis of the conference discussions, as well as for the very agreeable cooperation, I would like to thank Aziz Rafiee, Zarizana Abdul Aziz, Svenka Savic, Svetlana Shakirova and Marcia Pally.

researchers. It was my privilege to be the coordinator of this observer team and I was the only one who did not participate actively in the conference discussions. The following is based both on my own observations and on my interpretation of the other observers' accounts.

Religious Fundamentalisms and the Gender Question

At the end of the first day of the conference, one of the observers noted that definitions of both fundamentalism and secularism were missing from the discussion and added "*not to arrive at a consensus, but to lay out the range of working definitions*". With this she captured the feeling of many participants, who wished for more clarity with regard to what was discussed. Thus, on the second day of the conference, a working group was formed to discuss the constituents and contents of fundamentalism and secularism. When I now look with hindsight through the material of the conference, my impression is different, however. In fact, fundamentalism was defined over and over again and there were also several attempts to define secularism. Thus the desire for a working definition cannot really have arisen from a lack of definitions. The problem might have been that there was no consensus on one particular definition and thus several notions continued to coexist in the discussions making mutual understanding more difficult. And/or the uneasiness may also have been due to the fact that the phenomenon to be discussed – religiously legitimised exclusion of women from politics (to attempt a reformulation of the conference topic) – was not really captured for all cases by the notion of fundamentalism.

On the question of what is meant by gender, there seems to have been a much greater consensus. There was not much discussion of the term and the underlying concepts. The participants seemed to share a similar interpretation. In what follows, I will provide an interpretation of the discussions on fundamentalisms and secularism, as well as an analysis of the non-discussion of gender. These will explain why, in my choice of a title for this chapter, I omitted the term 'fundamentalisms' and changed 'gender' into 'women'.

Religious Fundamentalisms

In her opening words, Beate Bartoldus, the FES representative, said:

We have organized the conference ... because we feel it is high time to face the fact that fundamentalism is not only a matter of long-bearded, stern-looking, martial Muslims – as some people here and there would like to make us believe since 9-11. Fun-

damental threads have existed in every religion ... Very often the fundamentalisms went along with intolerance, narrow-mindedness and oppression of dissenters. ... Nowadays, it seems that there is a sort of resurgence of religiously defined fundamentalisms.

Bartoldus thus not only made it clear that fundamentalisms are part of all religions and that they existed in the past as they do in the present, but also highlighted that, at present, the term 'fundamentalism' primarily evokes the image of Muslims. To counter the latter perspective, the conference organisers were careful to include a discussion of a wide range of religions: in other words, besides Islam, also Christianity, Hinduism and Buddhism. The respective case studies showed the diverse ways in which the topic of religious fundamentalisms can be approached. Thus, for example, the Philippine case study showed how the Catholic Church uses its power to impose its perspective as the only legitimate one and how, on this basis, women's rights – in particular, reproductive rights – are restricted. Hearing this, I asked myself: Is this a sign of fundamentalism? Can one call the Catholic Church (including the Pope) a fundamentalist organisation? If yes, then why, and if no, why not? Other case studies raised other questions: Is it religious fundamentalism when the Malaysian state instrumentalises Islam for an exclusive nation-building process and, by doing so, not only defines but also controls who a Muslim is? Is there a link between the secular government in Indonesia, founding its laws and practices in religion and tradition, and fundamentalism, and if yes, what is the link? These very diverse interdependencies of religion and politics, and the difficulty of thinking them together, were probably the reason why so many participants wanted a clearer definition of fundamentalism.

In the discussions, it was stated repeatedly that religious fundamentalism can take very diverse forms and that one must look closely at what kind of fundamentalism one is confronted with. The participants mentioned, as criteria for differentiation, in particular whether it was a conservative or a new fundamentalism and whether it was promoted by the dominant or a marginalised group. Furthermore, it was also mentioned that one must analyse how far the fundamentalisms are part of transnational networks.

The Fundamentals of Religion

Several participants pointed out that the term 'fundamentalism' was coined by Protestants at the beginning of the twentieth century. In its original meaning, it refers to a religious interpretation and practice which claims to rest solely on the fundamentals of the religion as described in the sacred text. Fundamentalists claim to take the sacred text as their guide in all matters and as legitimising their

actions. Several questions arise from this definition, which were voiced ex- or implicitly at the conference: Do all religions have fundamentals? What about those religions which do not have one sacred text? What exactly are the fundamentals of religions? Who has the right to provide the accepted interpretation of the sacred texts and thus the fundamentals? Can the religious fundamentals be used also to claim women's rights?

The term 'fundamentalism' in this definition can be used for Christianity and Islam, since both religions have a sacred text. But the participants questioned how far one can talk of fundamentalism with respect to Hinduism and Buddhism. Neither religion has a sacred text comparable to the Bible or the Qur'an. Thus Kamala Liyanage from Sri Lanka argued, in relation to Buddhist extremist movements, that the term 'fundamentalism' is not really suitable (in this volume). While this can be argued also for Hinduism, the Indian participant, Ranjana Kumari, observed that Hindu nationalists are attempting to construct a sacred text for Hinduism. In their endeavour to make the Bhagavad Gita the text of the Hindus, they can be considered as pursuing fundamentalism in the above sense. However, their chosen text does not have the same legitimacy or authority among Hindus as have the Bible and the Qur'an among Christians and Muslims. While some Hindus do follow the Hindu nationalists in considering the Gita the sacred text, many others do not.

This leads to the question of who is acting as interpreter of the fundamentals. Among the conference participants it was argued that the interpretation of the fundamentals is not only a privilege of clerics, as one might assume, but that there are also several other actors, some of whom are not so obvious. Besides the religious authorities, the state, party representatives and intellectuals also engage in the interpretation of the fundamentals (with differing degrees of authority). Thus, for example, in Malaysia the state defines the fundamentals of being a Muslim and enforces them, as well. Being a Muslim is equated with being Malay and thus religion is used to construct and stabilise an exclusive national belongingness. Similarly, in Sri Lanka, Buddhism is taken as a symbol of the nation and used to exclude some from the nation. These two examples then raise the question of how religion or religious fundamentalism and nation-building are linked.

Since the participants agreed that several interpretations of the same text are always possible, it is not only necessary to analyse who acts as an interpreter, but also who has the legitimacy and authority to convince believers of their interpretation. As one of the observers noted: *'There have been multiple interpretations of sacred texts: who has the power to choose the interpretation and practice for the group/law*

within religious life, socio-political life outside the religious group membership? This is the power struggle.' Concerning this question, some participants pointed to the fact that, in most cases, men (not women) have the authority to interpret. Some went further, claiming that women are actively excluded from interpretation in order to prevent them from challenging male dominance. It was also argued that some men use their authority to define the fundamentals to legitimise cultural practices, such as forced marriages, on a religious basis.

Female Muslim participants, in particular, emphasised that there are different possibilities for interpreting a sacred text, such as the Qur'an. This was occasionally illustrated at the conference, when Muslim participants engaged in a discussion of the interpretation of a quote from the Qur'an or the hadiths. Safira Machrusah from Indonesia differentiated between an absolutising scripturalist understanding of the texts and a contextual understanding of Islam (in this volume). She, like others, thus argued that both conservative interpretations, which stabilise the existing power relations (in particular, with regard to gender), and progressive interpretations, which question existing power relations and aim for emancipation (in particular with regard to gender), are possible. Referring to religious fundamentals can thus have both repressive as well as emancipatory potential.

The Indian participant, Shahida Murtaza, stressed the emancipatory potential: *'Among Islamic feminists and other progressive Muslims the Qur'an is the central text and point of reference for rights, freedoms, justice and harmony within the Muslim community.'* She argued (like others) that the foundation of Islam was an improvement for women at a time when other religions, such as Christianity, were still keeping women in inferior positions. In line with other Muslim feminists, she claimed that sexist practices were not part of the fundamentals of Islam but rather the consequences of misinterpretations, which have to be eradicated: *'The new wave feminist's argument rests on a transition from idealism to reformism, focusing on reinterpretation of the Qur'an and filtering out inauthentic hadiths.'* In arguing, furthermore, that such practices were the consequence of Western imperialism or assimilation of the cultural practices of non-Muslims, she established her belief in a faultless Islam which, in its fundamentals, cannot be wrong, and defined other religions as imperfect and corrupted.

Caroline Fourest, from France, who in general displayed great scepticism with regard to Islam, acknowledged that there are reformist movements in Islam, which can seem attractive to women, in particular as the Qur'an allows more room for feminist interpretations than the Bible. But she also mistrusted these reformist movements, considering them a pretence, which will not really question the in-

scribed patriarchy. She also argued that, in a contest between religious interpretations, the conservative one will always prove stronger than the reformist one.

For me as an observer, the perspectives of Fourest and Murtaza formed the two poles of the discussions during the conference. Both were given space at the conference; both were able to voice their perspective (as could many more between the two poles). But I did not have the impression that a real dialogue between these different positions was possible. Those sceptical of a feminist reading of religious texts (in particular of the Qur'an) and those involved in precisely that could not really understand each other.

Fourest's differentiation between the text and its interpretation, which is then used for the political instrumentalisation of the text, remained, from my perspective, a rather abstract differentiation since she displayed a general mistrust of the interpretation, in particular in the case of Islam. To acknowledge that a text can have feminist potential (as she did in the case of the Qur'an) and, at the same time, to argue that one cannot trust any interpretation, ultimately means that the text must be considered irrelevant. I would thus argue that Fourest took the opposite position to the fundamentalists by stating that the fundamentals exist but are of no consequence.

The participants from Asia seemed to pursue a different way of approaching the topic of fundamentalisms. For many of them, it was important to distinguish between religiosity and fundamentalism. They considered religiosity as driven by faith, custom and other social and religious forces, all of which are intertwined and diffuse. Fundamentalism, in contrast, was seen as the pursuit of a political agenda, with the aim of attaining resources. Such a differentiation was also made for those interpreting the fundamentals. Those with a political agenda were considered fundamentalists, while those who have no intention of imposing their interpretation on others were termed literalists. Such a differentiation, however, begs the question of whether it makes sense to differentiate between political and non-political or whether all actions (including the interpretation of a text) are always also political.

Other Interpretations of Fundamentalisms

The discussion of the fundamentals of religion and the applicability of the term 'fundamentalism' to different religions is an important one for academic analysis, but at the conference it did not seem to be the central one. Most of the participants did not seem to consider adherence to the fundamentals of religion as the decisive factor in defining fundamentalisms. What they were most concerned with was the

religiously legitimised intolerance and oppression of others (both within the religious community and outside it). In what follows, I will present the main aspects of the diverse definitions of fundamentalism which were offered in the course of the conference.

One characteristic was considered to be a '*deep and totalistic commitment to religious belief*' or a '*passionate and unerring commitment*', thus stressing that fundamentalisms not only emphasise the importance of religion but also evoke or use passions. They do so by centring on (constructed) fundamentals of the religion and offering an own world view, which reduces the complexity encountered otherwise and offers clear rules for all aspects of life. The danger of fundamentalisms was seen to be their claim to have the only correct interpretation of religious doctrine and world view. Compromises with modern and political life are discursively negated. Arguments, discussions and, in particular, contradictions of the ideology are not accepted, making fundamentalisms inherently undemocratic.

Furthermore, hostility to plurality and other views was emphasised in many definitions and discussions. It was emphasised that fundamentalisms are based on intolerance and the exclusion of others, including others among one's own. Through this setting of boundaries between the self and the others, the self is defined and one's own interpretation of religion acts as a source of collective identity. Fundamentalisms can thus create a feeling of belongingness and security in a world characterised by change and insecurity. Some argued, therefore, that the resurgence of fundamentalisms was a reaction to the alienation experienced as a result of neo-liberal globalisation. It was argued that fundamentalisms are attractive to people faced by poverty and social frustration. Some Asian participants considered fundamentalisms to be a colonial legacy, implanted by the colonial powers in Asian countries, for example through the policy of divide and rule. This view was not shared by all. One German participant clearly spoke against it, arguing that fundamentalisms had existed in, for example, South Asia also in pre-colonial times. A further catalyst for the success of fundamentalisms was seen as the distance of populations from their governments, in which they do not share ownership. It was argued that fundamentalists use this gap for their own aims. Many participants, furthermore, believed that the motivation of both fundamentalist actors and followers lies in a struggle for or an attempt to secure resources and power. What is common to all these attempts at explanation and analysis of religious fundamentalisms is that they are not sought in religion and faith itself; rather, religion is seen as a point of refuge from changes in the globalising world or as being instrumentalised for other ends.

In the latter sense, religious fundamentalisms were also seen as a reaction to feminism and the successes of the women's movement. As women have gained more rights, it was argued, men are looking for measures to secure their patriarchal control. Here religions with their notions of complementary gender roles can be used by men to stabilise and legitimise the existing inequalities. They allow them to control women and in particular their bodies and thus deprive them of access to political power.

Secularism

Many participants – in particular, those from Europe and the USA – claimed that only a secular state can protect its population against repressive religious fundamentalisms. Fourest, for example, argued that the impact of religious fundamentalisms on individuals differs in Israel and Saudi Arabia, as in the former the secular courts can be addressed to counter human rights violations, while in the latter this is not possible. It was claimed that secularism is the only way to protect all human rights, including the rights of women and sexual minorities, as well as freedom of religion. It was argued that secularism is necessary to secure freedom of conscience and non-discriminatory treatment of all citizens. In this, secularism and democracy seemed often to be considered synonymous. A dichotomy was constructed by some participants. On the one side were '*countries with long sturdy definitions of democracy with individual, civil rights, freedom of conscience, pluralism, rule of (secular) law*' – it was argued that, in these countries, religions also act within this framework and even US American evangelicalism accepts the secular rules of the state. On the other side '*countries with traditions of patriarchal hierarchies*' were identified – in these states, it was argued, religions act within the framework of patriarchy and the default position is religion.

As far as I could see, the notion of long-standing secular institutions in the global North was not challenged. It was not (at least not very audibly) questioned whether the Northern notion of secularism really guarantees the separation of state and religion. It was not debated whether the Northern notion of secularism was founded in Christian ideas and values and thus privileged Christianity over other religions. In looking through my material I also wonder how the dichotomy of democratic and patriarchal countries came about, given that it was generally accepted that also democracies of the global North are patriarchally organised. I also wonder about the statement that US American evangelicals abide more by secular rules than Muslim fundamentalists since, looking at the USA (and also other countries), it can be seen that evangelicals successfully pursue the imposi-

tion of their gender and sexuality norms. In some states of the USA, for example, they have campaigned successfully against same-sex marriages, which had already been legalised. In Germany, the protests of evangelicals against being called fundamentalists in a state-funded youth magazine provided them with an opportunity to publicise their views in another state-funded magazine, while Muslims, who were also described as fundamentalists in the youth magazine, were not accommodated in the same manner. The states of the global North thus offer Christian fundamentalists many more opportunities to impose their fundamentalist beliefs about gender and sexuality than they offer Muslims. This raises the question of how secular the Northern states really are and to what extent they treat all religions equally.

At the conference, it was also only occasionally discussed that in the Northern democracies there exist very different notions of secularism, which are in competition with each other. Fourest, for example, considered the French (pre-Sarkozy) notion the best. Marcia Pally from the USA seemed to see advantages in the US American version and the Germans probably considered their own version to be the best, but this was not really an issue for discussion. Thus the question remains, what is the Northern model which Asian countries should look at? Again, it was, in particular, the Asian participants who emphasised that there are different forms of secularism and that more discussion of them is needed. The Indian notion of the state's equidistance from all religions was mentioned as an example. It was demanded that religious institutions and texts should not play a role in state political institutions.⁴ It was also emphasised that it is not only a matter of the state; funds from government and non-government actors in other countries play a role as well. Some participants, furthermore, argued that secularism can also provide a supporting framework for religion and that what was needed is democracy in religion. In the discussions, it was emphasised in particular that secularism is not a neutral system opposed to religions, which are based on values; secularism, too, is a value system which competes with other value systems.

Pally, in her observation, raised a different question. Considering secularism as protection against religious fundamentalisms puts a great deal of trust in the state. Pally questioned whether one should trust the state to this degree since states can be repressive, too. She argued that states are as much human institutions as

religions are, and that it is thus open to discussion whether one should trust one more than the other.

The Gender Question

Much less discussed than fundamentalism and secularism was what is meant by gender. Svenka Savic raised the question '*What is gender?*' in one working group, but there did not seem to be much of an in-depth discussion of the question afterwards. One consequence, at least, seems to have been an examination of the role of men in fundamentalisms. Later, a working group was formed on this topic. This shows that in all the other discussions the focus was on women. One reason for this is probably that it was generally agreed that religious fundamentalisms regulate, in particular, women and not so much men. Another reason, probably, was that gender was taken as a synonym for women.

It seemed to be the consensus at the conference that religions are based on notions of complementary gender roles. Many argued that, in these roles, women are restricted, although some of the religious participants did not see the inevitability of this link. In my observation, the participants remained subject to the same dichotomy by taking the dichotomy of men and women as given. There was no questioning (at least none that I heard) of given biological differences, that is, sex. There was no audible consideration of those outside this dichotomy, such as people categorised as intersexual or transsexual in Northern discourses or different Asian categories such as Hijras in India, who claim to be a third gender. These could well have been part of the discussion on political participation as, for example, in India there is a discussion about whether a Hijra can contest a seat reserved for women or not. Desire and sexuality were also hardly mentioned. There were a few references to reproductive rights, but these were not discussed much further. Non-normative sexuality, such as same-sex or outside of marriage, were not further explored. The framework of discussion was thus very heteronormative, taking the naturalness of two sexes as given, not questioning the norm of heterosexual desire and focussing solely on shifting the gender roles somewhat. There was no analysis of the ongoing performative (re)production of matching sex, gender and desire, as would be done in gender theories resting, for example, on Judith Butler's work.⁵

⁴ According to this criterion, Germany would not qualify as a secular state.

⁵ This the approach I take in gender studies and thus noticed the absence all the more.

The central topic of the conference was male dominance and female marginalisation. It was analysed what roles are ascribed to women in religious fundamentalisms and in nation-building processes. It was discussed how these ascriptions have an impact on women's possibilities of political participation. The male roles, however, were hardly discussed, thus reproducing the notion of women as a deviation from the (male) norm, which needs to be further analysed, while the norm goes unmentioned and unquestioned. The complementary roles of men and women were questioned to different extents. The degree to which the differences in roles were considered natural and thus unchangeable differed between the participants. In general, heterosexuality and family were taken as given, and considered the natural context in which women have to live. Questions about women's rights were raised within this framework, not questioning the latter. Thus patriarchy and male dominance were seen as the common repressive structures.

Religion and Women

It was generally agreed in the discussions that patriarchy is a feature of (most) societies, independent of religion and existed, for example, also under communism. The participants were referring to different situations concerning religion, but as observer Savic put it '*once we discuss gender issues then similarities appear*'.

If male dominance is a feature of all societies, then the question remains, what is specific about religion/religious fundamentalism and patriarchy? How are complementary gender roles legitimised, naturalised and stabilised through religion? How are religiously legitimised gender roles linked to the construction of national or ethnic communities? A functionalist answer to these questions is that religion is used to stabilise patriarchy. But certainly that is too simplistic and too focussed on only one aspect. Religion and religious fundamentalisms are heterogeneous and context specific. Spiritual and worldly interests are intertwined and cannot be reduced to only the one or the other. This complexity seems to me the reason for the heterogeneous approaches and partial lack of understanding among the participants, the latter being increased by the different positionings of the participants with respect to (post)colonialism.

In the presentations and discussions it was often unclear whether the marginalisation of women was seen as a result of religious fundamentalisms specifically or patriarchy more generally. Clear-cut differences between the two were often hardly perceivable. Sometimes, the focus of the discussion was on religious fundamentalisms, sometimes on gender, sometimes on both aspects together. The participants did not focus only on the gender question within fundamentalisms, which could

have been an option. That seemed to be too narrow a focus. The organisers and participants seemed to seek and pursue a broader perspective on religion, politics and women, thus making broader insights possible and at the same time making the discussion less focussed.

The difficulty of dealing with religion, politics and women at the same time is a consequence of their interdependence, which makes it difficult to extract only one aspect and makes all additive analyses of only religion, politics or women unsatisfying, falling short of what was to be analysed. Looking at interdependences (or intersectionality as they are more often called) can help in capturing this complexity. This was discussed in some presentations and came up in discussions. Sylvia Estrada-Claudio (in this volume) argued that fundamentalisms tend to impose only one identity, namely the religious or national identity, as the master or sole identity against which all others are constructed as secondary or of no importance. But as all persons have many identities this fundamentalist reduction to only one is, according to Estrada-Claudio, always a violent and restricting one. This is the case in particular for women, who should in this logic not deal much with their role and marginalisation as women since the religious/national issue is constructed as the much more important one. By thus shifting women's attention away from gender inequalities male dominance can be stabilised.

Implications for Women's Political Participation

In the discussions, it was highlighted that religious fundamentalisms can influence politics in different ways. The most obvious is when religious fundamentalists have gained political power: when they form the government and can implement fundamentalist policies and laws. But also when they are not able to enter governments and also in secular states, their presence and activism will influence political decisions. Through advocacy groups, religious fundamentalists can place their agendas in the public arena and force other parties to react to them. By mobilising voters on religious issues they lead other parties to support similar issues in an attempt to keep or win the vote. Thus, it was argued, the active presence of religious fundamentalists has a tendency to shift other parties to the right, taking up some of the issues of the fundamentalists. There are, furthermore, instances where legislators are pressured by religious fundamentalists to act according to their agendas. Elizabeth Aguilin-Pangalangan (in this volume), for example, described how in the Philippines representatives of the Catholic Church put pressure on legislators not to pass a bill on reproductive rights. They threatened the exclusion of the legislators from the church community, in particular by refusing Holy Communion or the performance of a wedding ceremony. By imposing their

interpretation of the issue under debate as the only possible one and branding all other interpretations as not Christian, the church representatives in this case fulfil one of the central characteristics of fundamentalism debated during the conference.

A further way in which religions influence politics is by regulating and controlling how the individual can act in the public sphere and thus can participate in politics. This is true for women, in particular, as religions and, especially, religious fundamentalists tend to promote a submissive role for women and restrict them to the family sphere. In many cases, this restriction of women has been inscribed also in social norms, institutions and political structures. As Aguilin-Pangalangan argued for the Philippines: '*Adherence to the tenets of Catholic Faith is most manifest in the field of family law, specifically in the roles, rights and duties of husbands and wives.*' Family planning and reproductive rights are thus regulated by religious beliefs with a restrictive impact on women. One of the participants argued that if a woman does not have the right of decision in reproduction, she can hardly make any other choices as she has to concentrate on raising her children. Women are thus forced to conform to social/religious gender roles. Since the latter are considered natural not only by religions but also by women themselves, the regulation of women's political participation through restrictive gender roles is hardly questioned. The non-participation is rather considered the choice of the women. As Aguilin-Pangalangan put it: '*Women are being socialised in a patriarchal society. It is really hard to change women's embedded opinions.*'

The conference participants seemed to agree that the religiously legitimised relegation of women to the private sphere is a major hindrance to women's political participation. It was, however, also discussed that those who manage to enter the public sphere face further obstacles in their endeavour to exercise political participation. As among the participants there were several female politicians and activists from Asia, they were much concerned with analysing these hindrances. In a working group they discussed the bottlenecks hindering women from gaining more political power in their countries. Many argued that the increasing fundamentalisms were further diminishing the spaces available for women's political participation. They saw this as part of a long struggle for women's rights, in which many of them were involved and the gains of which have, as has been argued before, led to a backlash by fundamentalists, who try to fortify male dominance.

Women as Symbols

Not only in religiously based politics, but in particular in these particular roles in society are ascribed to women. Several of these were discussed in the course of the

conference. It was argued that, in many contexts, women are used as national symbols which have to be kept pure. It was shown how women are ascribed as forming the basis of collective identity and have to live up to this ascription. Being honoured as the carriers of the common culture was linked to the struggle to perform this task. It was argued that women are considered less in their own right and more as the mothers of the nation and of heroic sons, as the daughters of the soil and the wives of male actors, thus fixing the heteronormative role of a woman as devoted to her father, husband and sons.

From the discussions of the conference I conclude that all these highly symbolic and honoured roles for women demand of them the fulfilment of duties and sacrifices rather than offering them rights. Women have to conform to the thus constructed ideal of religious/national womanhood. It is the men's task to protect them in fulfilling their role and the men's right to control them. As the honour not only of the family but of the community lies in women, their purity has to be preserved and protected both from external enemies and also from themselves. The religion/nation is symbolised by the female body and the latter has thus to be controlled. This can be done best when women are relegated to the private space, where protection and control through their fathers, husbands and sons is greatest and the danger to their purity is considered smallest. The dangers outside the private space are real, as in a society based on complementary gender roles, where women are constructed as weak and as carriers of the honour of the family and community, attacks on women in public spaces are common. This, however, also means that women have little access to public spaces and thus can hardly participate in politics. This is a restriction which cannot easily be abolished.

Many national/ethnic movements use women in such a way as symbols of the community and many legitimise this religiously. Patriarchy functions by honouring female purity and controlling all women in order to protect this demanded purity.

Women as Representatives

In discussing women's political participation in Asia the question was raised of what kind of participation was meant and also what kind of women. The latter question was raised in particular with regard to elite women, that is, women with social privileges, who by many participants were not seen as really caring for and promoting women's rights. They were considered to attempt rather to defend their elite class position and thus side with men of the same elite circle. This discussion questioned the often supposed unity of women and their universally equal experiences. Focussing only on gender and neglecting other lines of difference, such as class or geographical location, assumes an imaginary solidarity among women, which in the

complexity of the real world must necessarily be repeatedly violated. If, however, the common interest of all women is questioned then it is necessary to specify which women are to be supported.

The question of which kind of participation should be supported was raised in particular with regard to the widespread practice in Asia of installing the wives or daughters of male politicians in positions of power, when the men themselves cannot occupy these anymore. This has been practised for a long time in particular in dynastic traditions: when there were no male successors from within the family, the political position went and still goes to female successors. The Nehru-Gandhi family in India is one such example, where not only Indira Gandhi's access to power was driven by her being the daughter of Jawaharlal Nehru, but also foreign born Sonia Gandhi, the widow of Rajiv Gandhi, became President of the Indian Congress Party only because she was a member of the family. Many more such examples at the highest and all other political levels could be named (and some were mentioned at the conference). Another practice in this context was that of male politicians, who cannot run again (due to restrictions on the number of successive legislative periods a politician can stay in his seat or due to criminal charges raised against him) and so install their wives until they can return to power themselves. A participant from a country ruled by military dictators said that there, some military officers married educated women with the aim of installing them as politicians later. In these cases, women gain political power not so much because of their own merits and intentions, but rather because they belong to a family and because men instrumentalise them for their own gain. This, however, does not imply that none of these women use the gained political power for their own interests. Sometimes, the logic of dynastic relations works also in the other direction, as in the case of Asif Ali Zardari, who became Pakistani president only because he is the widower of Benazir Bhutto and despite his unpopularity.

Certain measures to promote women's participation in politics have also contributed to men installing their wives as their representatives. In many Asian countries (in contrast to, for example, Germany) quotas have been introduced to secure a minimum percentage of women in political offices. In India, for example, one-third of politicians at the village level have to be women. Many claim – including some participants in the conference – that this quota is filled by men installing their wives in seats, using them as puppets and keeping the political power to themselves. Another claim voiced at the conference was that unqualified women are thus getting into politics with adverse results for women's rights. Supporters of the quota, on the other hand, argue that this is the only way to get women into political power, that they need to be qualified on the job and that, once they are

involved in politics, they will not let the men so easily take their power away again. They thus argue that quotas can empower women, even if they gained the seat as representatives of men.

But even if women can gain political power as members of elites, as representatives of their husbands or fathers or due to measures to promote the political participation of women, it was argued that, as in Europe, a glass ceiling remains. Very few reach the highest posts in politics; most will always have relatively less power than men of the same class and privilege. It was argued, furthermore, that many women are so much embedded in the patriarchal system that, even in exercising their right to vote, they act as representatives of their men, rather than expressing their own political view.

Women's Participation in Fundamentalist Movements

In her presentation on Hindu nationalism in India, Kumari raised the issue that women were often in the front line of fighting for the Hindu nationalist cause. In reaction to this statement (and not for the first time at the conference), the question was raised of why women participate in fundamentalist movements when such movements restrict their rights as women. A separate working group was formed to discuss this issue in more depth. Its presentation later showed that the lure of fundamentalist movements for women is complex. It is based on the proposition that most women (like men) accept the traditional gender differences as natural and normal. They thus adjust themselves to them and do not question them fundamentally. It is also founded on the fact that women are not only women, but also, for example, believers. Religious fundamentalisms have a special appeal for this combination of womanhood and religiosity. They assure women that God (or whatever the transcendent entity in the religion might be) loves them, even if they might feel rather unloved in their everyday lives. Women are told that sacrifice and the fulfilment of duties is a religious deed and will be rewarded. Thus women get the possibility of interpreting their experiences of being controlled and restricted as part of a religious duty, which will be compensated in due course. Furthermore, the observance of religious strictures can offer comfort, security and protection. Kumari, for example, argued that Hindu nationalists are able to make women feel good in being used for the Hindu nationalist cause. Hindu nationalists offer them positive identifications by, for example, worshipping goddesses. Women, as a consequence, take pride in being protectors of this form of Hinduism. In general, it was argued that religious fundamentalisms offer women a sense of belonging and identity. They also offer security to women and their families by promising to fight against corruption and crime. At the same time, religious fundamentalisms convince women that

the fight for gender equality is secondary to the fight for religion. First, the religious cause must be supported and, when this is achieved, other issues, such as gender equality, can be tackled. Furthermore, worldly reality is distinguished from the ideal. On the path to the ideal, worldly failures will be encountered, but these are only temporary and do not call the ideal into question. Thus women can overlook worldly deviations from the promised ideal. In this way, means are offered for reconciling seeming paradoxes, in particular the infringement of women's rights by religious fundamentalisms. This ability, it was argued, is not only a characteristic of religious fundamentalisms. It seems that in general people are able to sustain paradoxes.

Fourest agreed with parts of these explanations. She argued, in particular, that one must distinguish between the collective interest of all women and the individual interest of particular women. Joining an anti-feminist movement, in her view, can improve the lives of individual women. Becoming an activist in a religious fundamentalist movement offers possibilities for activity which are lacking when the woman remains reduced to her role as a family member. Fourest also agreed that Muslim reformist fundamentalisms can seem attractive to women, as they often refer to progressive elements in the Qur'an. But she remained sceptical about the trustworthiness of these promises.

Fundamentalisms and Empowerment of Women

While Fourest thus does not see much scope for women's empowerment by religious fundamentalisms, other participants were much more optimistic. In particular, some of the Muslim female participants argued – as has been said before – that an interpretation of the fundamentals of Islam can help in the fight for women's rights. For example, Murtaza argued: *'It appears Islamic revival does not necessarily repress women but empowers some of them, granting a more public role in the religious community and providing a platform for launching critical discussions on religion, rights and nationhood.'* Also, Pally in her observations noted: *'Islamic feminists are trying to promote reform from within the community using several approaches: reinterpretation of texts, looking back into tradition to legitimise multiplicity of interpretation, of practice, different identities are respected (not just being Muslim) and there are many ways of being Muslim, and to fight for secular space which is good for religious development.'* But this question was much less discussed than others. The different points of view were voiced but did not lead to an overt discussion, developing understanding further.

A male participant from Germany, however, saw another way in which religious fundamentalisms can empower women. According to him, if there is a danger that religious fundamentalism will gain power, women are likely to notice that their

rights are in danger and this will encourage them to stand together and fight for women's rights. One of the observers summarised this as follows: *'Religious fundamentalism is an incentive for women to become active members of society in order to weaken male dominated policy. Religious fundamentalism can thus be a catalyst of political change.'*

Consequences for Agenda-setting

Responsibility and Legitimacy in the Postcolonial Context

In the global context one basic question is, who has the responsibility and legitimacy to act, in which fields and in which geographical areas? Is the impact of religious fundamentalisms on women a question of universal human rights, in respect of which everybody is not only allowed but has a responsibility to interfere? This, however, raises the question of who defines universal human rights. Do marginalised groups have a voice in defining them or are human rights defined by those in hegemonic positions, that is, by men, heterosexually identified, from the global North, secular, middle class, able bodied, etc.? These questions were raised at the conference sporadically and primarily implicitly. They did not lead to an open discussion of the issue. Different approaches remained unchallenged alongside one another.

There was also no systematic analysis of whether there are differences between the global North and Asia concerning the question of religious fundamentalisms and their impact on women and what such differences might be. However, one dominant line of thought in the discussions, voiced in particular by participants from the global North, was that religious fundamentalisms are located mainly in the global South and that the global North not only has the legitimacy but also the responsibility to interfere in the global South in this matter. Some participants considered the global North as a role model for the establishment of stable secular institutions, which protect human rights against religious fundamentalisms. Fourest, in particular, considered it misguided political correctness when people from the global North refrain from criticising Muslims out of fear of being considered racist. She argued that wherever there are violations of human rights these have to be criticised. From this position of believing in universal human rights and sound democratic and secular institutions in the global North, some participants demanded that funds from the global North should be given to Asian countries only on condition that they recognise human rights and women's rights in particular.

The participants from Asia took up rather different issues. They focussed less on general discussions and more on specific cases and their analysis. In doing so, how-

126 ever, they referred the specific cases to global developments and analysed the effects of neo-liberal globalisation, the postcolonial situation today and the colonial legacy in supporting religious fundamentalisms. They linked the discussion of religious fundamentalisms in particular places to transnational flows of ideas, people and funds, arguing that the global South cannot be assessed without considering the interference and interests of the global North. This is particularly obvious in the case of Christianity, since church representatives based in the global North have a direct (negative) impact on the situation of women in Asian countries. The participants from India, furthermore, argued that Hindu nationalism is a colonial legacy and a reaction to the postcolonial situation. The direct support of religious fundamentalisms in Asia – for example, in Afghanistan – by the global North, however, was not discussed (at least, not in my hearing).

As far as I can tell, no systematic comparison was made with religious fundamentalisms in the global North. There were some references to evangelicalism in the USA and a very brief reference to Catholic fundamentalism in France, but not much more. The claim that the global North has a better way of dealing with religious fundamentalisms than Asian countries thus remained a claim. Considering the impact the Catholic Church has in restricting women's rights and the rights of same-sex-desiring people, for example, in Poland and the similar impact of evangelicalism in the USA calls this claim into question. Most countries in the global North are as heteronormative as Asian countries. Their representatives also believe in the natural dichotomy of two sexes, which goes hand in hand with the idea of different gender roles and heterosexual desire. In many countries, gender roles have been somewhat liberalised and non-heterosexual desire has gained more acceptance, but equality is still far away. This normative system in the global North is, furthermore, legitimised by Christian beliefs and their inscription in culture and knowledge production.

Another important question is who decides, and with what legitimacy, who can raise a voice and whose voice is listened to. Thus it must be analysed what aims are pursued by using the power to decide the audibility of perspectives and what aims are pursued by those who raise their voices and listen – or do not listen – to other voices. The question is also what issues are instrumentalised in debates like these for other means. Thus, for example, it is common that the gender question is used in the global North to discredit, in particular, Muslims (also by those who do not really care about women's rights). This is a major challenge for feminists from the global North. They have to balance a critique of the violation of women's rights without falling into a general depreciation of religions and cultures attributed to the global South. At the same time, it is also important not to fall into the other

extreme, which Fourest in particular emphasised, of not criticising the violation of women's rights for fear of reproducing racism. Generalisations in either direction are not helping women anywhere.⁶

Looking at religious fundamentalisms and the gender question one must be aware that several power inequalities come into play and that they are interdependent. It is not only gender which must be considered, but also postcolonial power asymmetries in the world, as well as reactions to them and the specific power inequalities within a particular country. These are highly interdependent, since the respective hegemonic positions aim to preserve their privileges and in this power play marginalised women, in particular, suffer.

Taking Religion Seriously

In the dominant discourses about religious fundamentalisms, religion seems to be made responsible for everything. This was considered by some participants as the wrong path, as religion cannot be expected to deal with all questions. However, it was also emphasised by participants that it is important to take religion and, in particular, religiosity seriously. The non-religious, it was argued, need to develop modes of communication with religious people in order to work together for equal human rights for all. The difficulty of such communication was seen during the conference and can also be seen in this volume. In secular discourse, religious arguments are not considered as equally valid with secular/rationalist arguments and thus do not get the same attention (and vice versa in religious discourse). Thus a gap of understanding necessarily develops, which must be bridged somehow.

The participants stressed that it is important not to equate religion with fundamentalism and sexism. Equating religion with the latter would construct an unbridgeable barrier between the religious and the non-religious. Instead of creating a dichotomy of religious and non-religious, it was argued that differentiation should be carried out in accordance with human rights, that is, between those who protect human rights and those who violate them (both within and outside religion). Thus it was argued that those within a religion, who are working for equal human rights for all,

⁶ It was no surprise that the statement by one Asian participant: '*All ill of the society are due to moral degradation due to the Western imperialism which has already created havoc in our homes*' was not taken up for discussion.

should be supported by secular activists with the same aim. The latter should support the strengthening of internal democratic structures within religion, as well as progressive counter discourses and re-interpretations with the aim of securing human rights within religions. By supporting such counter discourses, it was argued, religious interpretations can be changed and a critique of repressive religious texts and practices can be strengthened. Following this argument, for example, Muslim or Christian feminists should be supported as they fight for their rights within the religious context and thus question the legitimacy of anti-feminist fundamentalists. It was agreed that this would also empower women to leave private space and become active within their religious group, thus taking a first step towards political participation.

The participants emphasised that both oppressive and progressive forces are acting in the name of religion. The latter should be acknowledged, encouraged and supported, as the discussions showed that there are a number of counter discourses within the religions, which are attempting to strengthen women's rights. In one working group, for example, a reformed Muslim personal law based on a reinterpretation of the Qur'an was demanded for India. The participants did not call for a uniform civil code, because they saw dangers of this being instrumentalised by Hindu nationalists. Some information was also shared about the efforts of Muslim feminists to introduce a standard matrimonial contract to protect women.

Changing Gender Roles

Political participation of women is – as was seen – in particular restricted by excluding women from public space. This exclusion is legitimised by the need to protect and control them in order to protect the culture/nation/religion. To make political participation of women possible it was thus agreed that the underlying gender roles need to be changed. It was argued that differences between men and women need to be minimised to enable progress. As the gender roles are reproduced through internalisation, it was also argued that a change of gender roles can be achieved only through education and changes in the socialisation of boys. For this and more to take place it was agreed that it is necessary to sensitise state authorities and civil society about gender issues. A gender perspective must enter all institutions which promote change in society in order for gender roles to change effectively.

This demand implies that the heteronormative framework of societies – that is, the normative coherence between sex, gender and desire – must be changed. Even though the conference participants did not question sex and desire, they asked,

to a greater or smaller degree, for changes in gender roles. The question is, how far these changes are wanted and, indeed, how far they are considered possible. If there is a belief in complementary gender roles, which is the basis of religious and non-religious heteronormative frameworks, then there must always be a difference between male and female roles. Thus, it must be debated how much change in female roles is wanted and what this implies for male roles. These questions could and probably should be addressed further. But probably, as a consequence of activism for women's rights, the changes will occur in unpredictable forms and the heteronormative framework will change accordingly.

Political Spaces for Women

Besides changing gender roles, it was emphasised that spaces for the political participation of women must be created and extended. Encouragement to participate politically can be successful only when there are opportunities to participate. Given the status quo, which tends to exclude women from politics, the creation of spaces for women must be pursued actively, for example, by implementing quotas. This instrument, however, was not considered adequate by all participants. A male activist from Afghanistan complained that, in his country, the quotas failed their purpose, since they led to unqualified women entering politics, who were not fighting for women's rights but were instead instrumentalised by fundamentalists. This statement led to some discussion, in the course of which it was also mentioned that the form of a quota system – for example, reserved seats vs. candidate lists – was important. Another problem was seen by some in the fact that many parties do not have enough active women to fill the reserved seats. Here, again, a participant from India said that 1.3 million women were elected in local bodies in India, many of whom were poor. Fourest raised a different issue, arguing that there was no need for women in power, but for feminists in power.

The Role of Civil Society and the State

One common suggestion was to support civil society against religious fundamentalisms and for the rights of women. But it was also asked how far civil society is able to go, as it is also male dominated and often needs to obtain legitimacy from religious institutions. Thus, it must be debated who should be supported to do what. Furthermore, Estrada-Claudio (in this volume) argued that one should not create an opposition between women in civil society and in politics. She argued that the women's struggle and women in power can strengthen each other by different means. The women's struggle makes it possible for women to gain political power and women in power can empower other women to follow in their footsteps.

While it was argued by many that religion must be taken seriously and counter-discourses should be strengthened, there remained a demand for state intervention whenever women are restricted in their freedom by religious fundamentalists. Such intervention was called for, both in the case in which all women in a country are affected and also when only the women of one particular religious community are restricted. Participants argued that, in both cases, the state must interfere and protect the rights of the women concerned. In the discussions, it was also emphasised that, in many cases, the law was already quite progressive but that the implementation of the law was lagging far behind. Thus the political will to implement the law must be strengthened.

Enable Complexity

One strength of (religious) fundamentalisms was seen to be their ability to make religion/nation/ethnicity the most important consideration, compared with which all others are of minor importance. Thus, for example, women's rights become for the followers of such a fundamentalist movement a secondary issue. The fight for them is postponed to a later time, a later time which probably will never come. Similarly, women's movements tend to take their collective identity as the master category, which is considered more important than all others. This makes it difficult for religious women to join these movements. Especially those women, who experience marginalisation on the basis of their religion, often find themselves in a need to defend their religion, if it is attacked, even if they themselves experience restrictions within the religion. This poses a challenge for feminists. To form broad alliances, it was argued, it is important to accept the multiplicity of identities in each person. Women should not be forced to choose between their religion and their gender (and other identities). Existing complexities and interdependencies need to be taken account of in order to make it more difficult to use the different identities against each other. By accepting the multiplicity of identities, feminist movements could become more attractive and the lure of anti-feminist movements could be better challenged. As Estrada-Claudio argued, a simultaneous fight against racism, sexism and homophobia is needed or, as one of the observers noted, '*Less hierarchy – lower chance for fundamentalism*'.

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