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# Apostasy & Islamic Civil Society in Malaysia

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While Malaysian society is praised as a harmonious and peaceful patchwork of identities, religious issues are causing social strains. Some sections of the Malay-Muslim community have begun to challenge the official stance on apostasy. The Badawi government's awkward silence reveals its unwillingness to take a position on this issue, as any step forward would certainly cost it the loss of its Malay constituency. There is now a real struggle within civil society between those advocating complete freedom of religion and those condemning apostasy. The two main contenders in this debate are those defending the constitutional freedom of belief, brought together in the coalition named "Article 11," and the neo-conservative parties represented by the "Allied Coordinating Islamic NGOs" (ACCIN). This article looks at the debate on apostasy in Malaysia, focusing primarily on the neo-conservative Islamic movements that wish to turn Malaysia into a modern Islamic state.

## From semantic to legal ambiguity

Malaysian society has a long history of religious and cultural pluralism. All Malaysians, be they of Chinese, Indian, or Malay background, are unified under the banner of their common universal Malaysian citizenship. While some non-Muslims find themselves dubbed *kuffar* (non-believers) and, therefore, treated as second-class citizens, apostates who leave Islam are perceived as traitors to the faith. Because Islam is inscribed in the constitution as the official religion of the federation,<sup>1</sup> religion has become overtly politicized.

The emergence of a third category of citizen, the Malay non-Muslim, blurs the margins of a previously clear religious distinction. Malaysian apostates are a minority of Muslims who have renounced Islam. In the Malaysian context this decision has far-reaching consequences: it has taken them on a journey through a legal and social imbroglio.

According to the National Constitution of 1956, a "Malay is a person who professes the religion of Islam, habitually speaks the Malay language, [and] conforms to Malay customs."<sup>2</sup> This legal definition means that the term "Muslim" cannot be disassociated from the category "Malay."<sup>3</sup> Accordingly, ethnicity is the determinant of religious confession: a Malay has to be Muslim and popular conventions consider any Muslim as Malay. Therefore, the different usages and meanings of the term Malay create a major ambivalence: being a Malay could entail that someone is (1) a son/daughter of the soil or a Bumiputera, (2) a Muslim, or (3) both. This homogenized definition of "Malay," one that blends religion, tradition, and culture, is central to a heated debate.

The term Malay leads us into numerous ambiguities. The primary meaning of the word "Malay" describes the son/daughter of soil known as *bumiputera*. Nevertheless, the term "Malay" hijacked by the constitution and popular conventions is now widely synonymous to Muslim. Thus, the so-called "Malay category" includes Chinese, Indian, and, of course, Malay *bumiputeras* who also happen to be Muslim. In this category where Islam is the matrix, one may easily ask whether there exists any expression of ethnic differences.

The term Malay has been detached from its original meaning and is inappropriate to describe the Muslim community as a whole. For example, the Chinese Muslim association of Malaysia encounters problems when it comes to conversion. By converting to Islam, commonly defined as "*masuk malayu*" (literally "entering the Malay community"), they will in fact become "Malay." The new converts to Islam fear a loss of their Chinese cultural background. The Malaysian Chinese Muslim association, MACMA, has tried to counter the apprehension of new converts by stressing that being Muslim does not, of itself, entail being Malay.

**In Malaysia, legal definitions of the religious category "Muslim" and ethnic category "Malay" imply each other. Consequently, Muslims who have renounced Islam find themselves in an abyssal legal zone. The legal intricacies and the media representations surrounding apostasy reveal tensions between "the secular" and "the religious," thereby providing insight into the imbalanced and bifurcated nature of civil society in Malaysia.**

Nevertheless, this semantic route is not a major problem within the community itself. Ethnic differences do not readily lead to tensions within the Muslim community. Islam represents a link between people of different ethnic origins and tends to be a prime quality minimizing cultural differences. The tensions emerge when it comes to political issues and, of course, apostasy.

## The challenge of deserting Islam in Malaysia

The religious distinction between Muslims and non-Muslims has been institutionalized by the federal government: the word "Islam" appears on the national identification card of each Malaysian citizen professing Islam as his/her religion. Effectively, this ties the individual to the version of Islamic law active in their place of residence. Every Malaysian professing Islam is officially registered as "Muslim" and placed under the authority of the religious department and the Sharia court. This means that his/her life, from birth to burial, will be guided according to both Islamic and federal law. Consequently, Muslims who have renounced Islam find themselves occupying an abyssal legal zone.

Due to the federal system of governance in Malaysia, each state is allowed to introduce and implement Islamic laws of its own: in the year 2000, the state of Perlis, under the rule of the ruling UMNO party, introduced its own faith protection bill proposing apostates be sent to faith rehabilitation centres. According to Article 4, the federal law edited in the constitution is supreme. Nevertheless, the conservatives claim that no law can supersede Islamic law, which they consider divinely sealed. Referring to Article 160 of the federal constitution, the renunciation of Islam by an ethnic Malay jeopardises the integrity of the legal category to which this individual belongs. At the same time, Article 11 paradoxically guarantees that each Malaysian citizen must be left to enjoy freedom of belief.

In all cases, conversion out of Islam is interpreted as a way of escaping the "Muslim administrative and legal category." Today, dozens of Malaysian citizens have been denied the right to change their religion and to practice the religion of their choice as allowed by the federal constitution.<sup>4</sup> For a more precise idea of the various ins and outs of apostasy in Malaysia, consider the case of Lina Joy.

Azlina Jailani, converted to Christianity in 1998, changed her name to Lina Joy and wanted to marry a Roman Catholic. The National Registration Department (NRD) accepted the change to her name, but did not remove the word "Islam" from her identification card. In 1999, Lina Joy filed a first complaint against the NRD and simultaneously asked for an official declaration from the federal territory religious department testifying her renouncement of Islam. Lina Joy subsequently entered—and promptly lost herself within—an administrative jungle: the federal court refused to take any decision as long as her renouncement was not certified by the religious department. The verdict of the federal court in May 2007 confirmed the fact that civil court has no jurisdiction in this matter. Therefore, the case has been left to the Sharia court even if the defendant claims not longer to be Muslim.

In other words, Muslims cannot rely on Article 11 relating to freedom of worship, while Sharia law does not allow them to convert from Islam to another religion. Consequently, the supremacy of the constitution is challenged and this decision will impact on other cases waiting for decisions from lower courts. Apostasy has now become a social and legal challenge.

## The power rise of a neo-conservative Islamic civil society

In Malaysia, the concept of "civil society" emerged in the 1990s and was promoted by the then Deputy Prime Minister, Anwar Ibrahim, dur-

ing his programme of Islamization. Civil society, or Masyarakat Madani, was a way of "rethinking and refashioning modernity for Muslim society" that would pave the way for Islamic principles in an imagined modern future.<sup>5</sup> According to this way of thinking, civil society is intrinsically linked to religion and particularly to Islam; it is the reflection of the binary Malaysian society. Malaysian society and civil society are divided in two parts: Islamic and non-Islamic. In fact, the Malaysian civil society is intrinsically linked to religious issues. Among those representing human rights, women rights, consumer rights and so on, numerous Malaysian NGOs are religious and a majority of them are Muslim.<sup>6</sup>

Malaysian Islamic NGOs play a key role in diffusing the Islamic message in Malaysia and encouraging conversions to the official line: Sunni, Shafi'ite thought. For example, some of the organizations within ACCIN coalition are offering Islamic teaching classes to Muslim families and, targeting non-Muslim Malaysians and foreigners, special courses to "discover Islam." The first government of Malaysia has created its own conversion organization. Nowadays, this NGO is still funded by the state. Of course, this fails to fit with the Western definition of NGOs according to which political independence is vital. In fact, many NGOs (in particular Islamic ones) in Malaysia tend to be linked to political parties and/or the government. Conversely, on the grounds that (1) some of their members belong to political parties and (2) their official statements often reflect the programmes or interests of specific political parties their claim to be apolitical is mere rhetoric. For example, local political figures and members of the Islamic party (PAS) joined the demonstration held by members of ACCIN in Penang in May 14 2006. In this context, one in which members of an NGO may also be members of a political party and another NGO at the same time, measuring the significance of Islamic civil society with any degree of accuracy is hard to do.

Only one Muslim organization, Sisters in Islam (SIS), joined the coalition "Article 11" in favour of the freedom of religion. SIS represents a real exception because it is the only Islamic NGOs fighting with the liberal front. The main Islamic organizations which joined ACCIN (the neoconservative coalition) consider SIS' positions extremely liberal and even deny its Islamic attribution.

ACCIN is an umbrella for no less than 14 NGOs. Their members are mostly from the urban middle class, students or professionals, but the branches spread throughout the country allow them to reach people from most, if not all, social backgrounds. Their activities range from Islamic and general education, social help, to proselytizing. Generally, their funding comes from their members and they have their own website and newsletter.

## ACCIN: support and actions

ACCIN's common enemy is the "Article 11" coalition and their partisans. ACCIN's ambition is clearly to put an end to the discussion initiated by "Article 11" and counter their arguments in favour of freedom of renunciation of Islam. ACCIN has taken the view that "Article 11" is a threat to Islam and to the right of Muslims to live under Islamic principles and laws.

The defensive strategy of ACCIN is defined by its committee members, presided over by Yusri Mohammed, head of the country's largest Islamic organization Angkatan Belia Islam Malaysia (ABIM).<sup>7</sup> Two important NGOs not directly related to ACCIN support its activities: Peguam Pembela Islam, commonly known as Pembela or PPI, and Badan anti-IFC, or BADAI. Pembela was created in 2006 by a group of 100 lawyers willing to fight against the Malaysian Bar council members siding with "Article 11."

BADAI was created to undermine the project of an Inter Faith council (IFC) which aimed at creating a space where religious issues could be discussed openly. The IFC project was abandoned in 2005 because the main Islamic organization, led by Abim and Jemaah Islah Malaysia (JIM)<sup>8</sup> were opposed to having their own religious principles challenged. BADAI and its members initiated numerous actions set up in order to reach a large audience through massive media coverage.

## A media strategy

The Malaysian media scene broadcasts in all of the languages used in the country (Chinese, Malay, English, Tamil, Hindu). The media voice is controlled by severe rules embodied in the Freedom of Information Act. Nevertheless the coverage of the debate on apostasy is massive. Media provides a useful tool for civil society to reach a large audience



PHOTO BY SOPHIE LEMIERE, 2006

**Demonstration held by ACCIN, BADAI, and PAS members, Penang, 14 May 2006**

and to promote their respective positions. The rule of the game consists in organizing attractive events bankable for the media: "media coup." The "media coup" strategy then leads the organization to reach a large audience and overthrow the other party.

"Article 11" started a road show entitled "Federal Constitution: protection for all" about freedom of religion in Malaysia. As the forum started to gain resonance among the public and increasingly received attention in the national media, ACCIN and its allies organized protests in front of the venues where the public talks were held. The forums in Penang and Johor had to be aborted by the police because of security risks, due to the tensions growing among the protesters. The event made the front page of the main newspaper exaggerating the numbers of demonstrators from 200 to 400.

Following the event, the government urged "Article 11" to end the discussion and stop its forums, seen as a threat to social peace. A few days later, ACCIN and its co-allies, the youth branch of the ruling party (UMNO) among them, organized a massive public meeting in Kuala Lumpur. The subject of the forum was: "Challenge to the Rights of Muslims."

ACCIN coalition is using the media strategically by organizing spectacular demonstrations, such as that occurring on May 14 in Penang. Actually, the media scene represents a virtual room of debate for both coalitions playing the game of provocation and answers through the Internet, newspapers, newsletters, etc. and providing a tool of propaganda by which neo-conservatives aim to create a virtual common front. Without minimizing its importance, the debate on apostasy must be seen as a pretext (similarly to the debate in the film *The Da Vinci Code*, or during the crisis stirred up by cartoons of Muhammad) to affirm their existence and to announce a wake up call to the entire Muslim community. The media are a channel to reach an international audience and the "Muslim public sphere."<sup>9</sup>

The rise of power of "neoconservative" fronts supported by political allies signifies the imbalanced nature of civil society, which, in turn, underlines the frail balance of Malaysian society. The recent denouement in apostasy cases has not pacified the debate; rather, it has intensified the division between Muslims and non-Muslims. The verdict of the Federal court in Lina Joy's case refusing the recognition of her conversion to Christianity and highlighting the fact that Sharia court is the only jurisdiction with any authority on this matter reveals the perversion of a dual legal system. From both legal and social perspectives, this decision has limited the debate on apostasy to an exclusively Muslim sphere.

## Notes

1. Article 3: "Islam is the religion of the federation; but other religion may be practiced in peace and harmony in any part of the federation."
2. Article 160: "Malay means a person who professes the religion of Islam, habitually speaks the Malay language, conforms to Malay customs ...."
3. Farish Noor, "Kafirs 'R Us: Why we need to think beyond the Muslim-Kafir Divide (Part I, II, III)," *From Majapahit to Putrajaya: Searching for another Malaysia* (Kuala Lumpur: SilverfishBook, 2005).
4. Federal constitution Article 4: "This constitution is the supreme law of the federation ...."
5. Norani Othman, "Islamization and democratization in Malaysia," in *Challenging Authoritarianism in Southeast Asia: Comparing Indonesia and Malaysia*, ed. Ariel Heryanto and Sumit K. Mandal (London: Routledge/Curzon, 2004).
6. According to a survey issued by the author in 2006 those NGO's described themselves as Islamic or Muslim organizations without distinction.
7. Muslim Youth Movement of Malaysia.
8. Malaysian Society for Reform.
9. Olivier Roy, *L'Islam mondialisé* (Paris: Seuil, 2002).

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