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**Citizenship from the Feminist
Perspective in the Multiethnic or
Cultural Context in Malaysia:
Rhetoric or Reality**

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Citizenship from the Feminist Perspective in Multicultural Malaysia Reality or Rhetoric?

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Abstract

The discourse and conceptualization of citizenship have been widely accepted and recognized with its universality attributes. However, this ostensibly gender-neutral concept is in fact deeply gendered. Either women are taken to be equal to men, in which case their specific capacities as women are unrecognized and their citizenship is substantively unequal; or else women are taken to be different, with the consequent risk that the rights citizenship allows and the obligations it imposes will again substantively unequal. A synthesis of rights and participatory approaches to citizenship, linked to the notion of human agency, is proposed as the basis for citizenship from feminist perspective. The aim of this paper is to discuss the theorization and conceptualization of citizenship from the feminist perspective by invoking examples of case studies and women and minority groups experiences within the context of multicultural and plural society in Malaysia; for then we will be in a better position to understand the practical possibilities for reformulating women and other minority groups citizenship in Malaysia.

The paper will be divided into two parts. The first reviews the different theories of citizenship in order to argue for reconceptualisation of citizenship for it to be inclusionary towards women and other minority groups. The second part considers citizenship's exclusionary nature which have served to exclude women and minority groups from full citizenship, both from within and from without the nation state with analysis of case studies and women experiences.

Part 1: What is citizenship? A contested concept

Citizenship is a famously slippery concept – different people use it in a range of different ways. It is difficult to arrive at an exhaustive and comprehensive definition of citizenship. However the most influential theorist of citizenship T. H. Marshall, a British sociologist,

has defined citizenship as 'a status bestowed on those who are full members of community. All who possess the status are equal with respect to the rights and duties with which the status is endowed'. The status includes civil, political and social rights and obligations. According to Lister (2003), the key elements here are membership of community (itself and increasingly contested concept), the rights and obligations that flow from that membership, and equality. Therefore, it is not simply an inference to a set of legal rules governing the relationship between individuals and the state in which they live but also a set of social relationships between individuals and the state and between individual citizens. It addresses an overall concept encapsulating the relationship between the individual, state and society.

Yuval (1997) mentions that Marshall's definition of formally linking citizenship to membership in a community rather than to the state, as liberal definitions do, enables us to analytically discuss citizenship as a multi-tier construct, which applies to people's membership in a variety of collectivities – local, ethnic, national and transnational. Yuval (1997) further elaborates by suggesting that such a multi-tier construction of citizenship is particularly important these days when neo-liberal states redefine and reprivatise their tasks and obligations. The intertwined linkage will raise question of the relationship 'the community' and the state and how this affects the people's citizenship. Marshall's vision of citizenship takes our focus beyond the concerns of politics, national government, and the legal systems, to consider individual people's interactions with collective groupings at all levels of society (Sweetman, 2003). There range from village councils allocating of land and resolving marital disputes, to the international bodies which shape macro-economic policy and prosecute war crimes. It is also with Marshall's conceptualization of citizenship that we see striking similarity to the vision of empowerment through awareness raising and popular participation that has been promoted since the 1970s by development organizations.

Citizenship rights

Lister (2003) discussed that there are varying attitudes towards the citizenship rights approach amongst feminists. As the liberal feminists embrace citizenship rights in any

reform programme, the radical feminists dismissed citizenship rights as merely an expression of male values and power (Lister, 2003). Feminist scepticism about citizenship rights who have highlighted that 'the failure of citizenship rights vested in liberal democratic institutions to meet the needs of women and racialised groups and the socially and economically marginalised' (Taylor, 1989).

Citizenship responsibilities/obligations

'A key issue for feminists is how care fits into any configuration of citizenship' obligations (Lister, 1997). Lister (1997) displayed a critical account by questioning 'the appropriate balance and relationship between rights and responsibilities/obligations and how does that balance reflect gender and other power relations?'. Lister (1997) further argues that 'the notion of agency helps knit together the different approaches to citizenship in the form of 'active citizenship'. Lister (1997) provided the conception of 'active citizenship' as 'local people working together to improve their own quality of life and to provide conditions for others to enjoy the fruits of a more affluent society', quoting the works of Ray Pahl (1990). Lister (1997) cautioned by expressing deeply the very kind of 'active citizenship' is the form of citizenship which 'disadvantages people, often women, do for themselves, through for example, community groups, rather than have done for them by the more privileged'. The notion of active citizenship also transgressed geographical boundaries of citizens' community in the notion of ecological citizenship obligations (Lister, 1997).

Citizenship as political obligation

Active political participation and obligation have been seen as a key tenet of citizenship. Feminists are split in this notion and some are attracted by the portrayal of citizenship as active political participation, while certain are critical of some of the other key tenets (see for instance, Young, 1989, 1990; Phillips, 1991, 1993). Narrow formulation of republican citizenship has particular implication for women, disadvantaged by the sexual division of time, the narrow conception of the 'political' built on, a generally, rigid separation of public and private spheres; and its uncritical appeal to the notions of universalism, impartiality and the common good. Feminist citizenship is to question the understandings

of the 'common good' and to define both citizenship and the 'political' in broad terms encompassing informal politics in which women often take the lead and the struggles of oppressed groups generally. Therefore a process of community action can both strengthen deprived communities and through collective action, promote the citizenship of individuals within those communities. Such action can boost individual and collective self-confidence, as individuals and groups come together to see themselves as political actors and effective citizens. This is especially true for women for whom involvement in community organizations can be more personally fruitful than engagement in formal politics which are often experienced as more alienating than empowering (Lovenduski and Randall, 1993). Placing value on informal politics as an expression of citizenship does not, however, mean ignoring the continuing need both to open up formal political arenas to women and also to make formal politics more accountable to informal (Lister, 2003). An example can be highlighted from an inspirational struggle of Alice's protest through signature campaign, leaflets, solidarity meetings amongst the village people, against the state government's largest waste incinerator which cost RM1.5 billion in Broga, Semenyih, Selangor from 2002 which will affect their livelihoods and pollute the environment extensively¹. Alice has united and mobilized her village people act as agent for change within her communities and instituted a class action suit against the state government to stop the project. During a interview with Alice, Ong (producer) mentions that "Alice spoke with such passion. She is just a simple, person talking about the incinerator and how it is going to affect her village. She was speaking as a civil person but it was so powerful it moved the entire audience. When we asked, she said she was just a clerk at a furniture company"². The Broga incinerator project has been called off by the government in 2007 after the class suit action instituted by village communities³.

Another form of active citizenship within the spheres of informal politics can be reflected by actions taken by six coalition women NGOs called Joint-Action Group for

¹ See documentary 'Alice Lives Here' by Reel Power Productions. Alice Lives Here is a 20 minute documentary which has won the amateur category Freedom Film Festival in August 2005 organized by Pusat Komunikasi masyarakat (KOMAS). <http://www.sun2surf.com/article.cfm?id=10838>. See further <http://www.malaysiakini.com/letters/30257>.

² Ibid.

³ <http://www.bernama.com/bernama/v3/news.php?id=271754>.

Gender Equality Gender (JAG) presented Members of Parliaments with kits at the Parliament in the first sitting of mix government structure which changes the political dimension after the 12 general election⁴. JAG presented folder kits to the 222 MPs, asking them to look into the urgent reforms which needed to be addressed relating to gender equality⁵. Themed "Kotakan Kata", meaning "keep to your promises", the folder contained a ruler, where JAG would be measuring the performances of the MPs, especially those who had made sexist remarks in the Dewan Rakyat previously⁶. Among the reforms JAG aspires are amendments to the Domestic Violence Act 1994, the Parliamentary Standing Order for zero tolerance of sexism in Parliament, the Law Reform (Marriage and Divorce) Act 1976; to enact the Sexual Harassment Act and Freedom of Information Act. At another press conference in Parliament House, JAG reminded MPs to re-activate the parliamentary gender caucus to curb gender discrimination and inequality⁷. Amongst their demands also includes amending Islamic Family Law in line with proposals made earlier and standardising Syariah law in all states and the federal territories⁸.

Reformulation of citizenship

Recognising the limitations of theorization of citizenship traditions and concepts, we need to move away and reformulate and transcend beyond these boundaries especially in the wake of plural society and multiculturalism. Lister, 2003; Yuval Davis, 1997 have provided theorization of citizenship which can be potentially value to women and other marginalized groups. Lister (2003) suggests that there should be a process to embrace both individual rights (and, in particular, social and reproductive rights) and political participation and the nexus between the two, with the core element of human agency. Lister (2003) postulates that citizenship as participation represents an expression of human agency in the political arena; citizenship as rights enables people to act as agents. Citizenship rights are not fixed but it remains as a political struggle which needs to be

⁴ The Star. 1 May 2008. 'Gender equality group present MPs with kits'.

⁵ Ibid.

⁶ Ibid.

⁷ Malaysiakini 1 May 2008. 'Gender equality demand'

⁸ Ibid.

defended, reinterpreted and extend them. Who is involved in these struggles, where they are placed in the political hierarchy and the political power and influence they can yield will help to determine the outcomes. Politics of citizenship must embrace an internationalist agenda with the emergence of global society, in which women are playing a central role, for example the participation of thousands of women from all over the world in the Non-Governmental Organisation Forum at Beijing and the wider electronic networks which linked up with it (Journal of International Communication, 1996). The goal of reconstructing citizenship should address the exclusionary inequalities which serve to perpetuate women's exclusion as a group from realization of full citizenship.

Yuval (1997) cautioned that in developing the theory of citizenship, it should not only be non-sexist, but also non-racist and non-Westocentric, but needs to be flexible enough to deal with global (dis)order and reconstructions of state and society. Yuval (1997) elaborates further by reinforcing the dismantling of identification; the private with the family domain and the political with the public domain. Yuval (1997) is of the view that once the notion of citizenship is understood as a concept wider than just a relationship between the individual and the state, it could also integrate the struggles of women against oppression and exploitation in the name of culture and tradition within their own ethnic and local communities.

Part 2: Citizenship rights are not universal: Case studies and women experiences

Are women and men considered equal citizens? What about people of minority groups? What difference does having citizenship rights make to people's lives? Both rights and obligations are implicit in the concept of citizenship. The emphasis on citizens having obligations to their state can be traced back to the ancient Greece, the birthplace of democracy. The cities of Greece were governed by participatory democracies. Men were citizens, and were required to participate directly in governance. However, women were not citizens; they were excluded from the system, together with children and slaves (Sweetman, 2003). Women are still discriminated against in almost every country, despite the fact that 185 UN member states pledged to outlaw laws favouring men by 2005 (Women's United Nations Report Network & Program 2007). 70% of the world's

poor are women and they own just 1% of the world's titled land (Women's United Nations Report Network & Program 2007). The report, which was prepared for UN Human Rights Commissioner Louise Arbour, says 'rape within marriage has still not been made a crime in 53 nations' (Women's United Nations Report Network & Program 2007). There are other laws discriminating women which included statutes on divorce, maternity benefits and pensions and these situations affect women's citizenship (Women's United Nations Report Network & Program 2007).

In countries whose systems of government are democratic face serious challenges in putting the vision of universal citizenship rights into practice. If everyone is to be able to claim rights, laws and administrative institutions need to aim for equality of outcome (*de facto*)⁹, rather than assuming – wrongly – that everyone is starting from a position of equality taking into account historical, social and cultural context of women's position, access and participation in the process of citizenship rights. According to Kathleen Jones (1990), not only women lack the full complement of "rights" included in citizenship, but also the conceptualization of citizenship in these systems- the characteristics, qualities, attributes, behaviour, and identity of those who are regarded as full members of the political community – is derived from a set of values, experiences, modes of discourse, rituals, and practices that both explicitly and implicitly privileges men and the "masculine and excludes women and the "female". The dominant conceptualization of citizenship displaces "women, their work, and the values associated with that work from the culturally normative definitions of objectivity, morality, citizenship, and even, of human nature (Kathleen Jones, 1990). It is further contested by Kathleen Jones (1990) that identification of citizens and the definition of citizenship is derived from the representation of the behaviour of a group with particular race, gender, and class characteristics (Western liberal democracies, it will be the white, male elites) as the model of citizenship for all individuals. The discursive power of this group includes the ability to define normatively the practice of citizenship. Therefore, citizenship is delimited conceptually by falsely universalizing one particular group's practice of it. For

⁹ *De facto* refers to what happens in fact, in reality – provided under the principles of substantive equality under the CEDAW Convention. Refer to n. 4.

example, the process of amendments to Islamic Family Law Bill (Federal Territories) (Amendment) Bill 2005¹⁰ in Parliament which contains provisions that is discriminatory and unjust towards women especially in making it easier for polygamous marriage and divorce for men. The Upper House of the Malaysian Parliament passed unanimously the Islamic Family Law (Federal Territories) (Amendment) Bill 2005 on 23 December 2005 despite vehement objections from several women's groups and severe objections from at least 12 women Senators; in which the Senators ultimately voted in favour of the Bill, because the ruling party invoked a three-line whip on potentially dissenting Senators clearly witness the power relations and hierarchy between women and men representatives in the legislative which comprise the dominant male/elite/Malay group that dictates the framework of women citizenship rights in Malaysia. The process of instituting gender equality and justice within the framework of Syariah receives many challenges and only remaining at the discursive level (Maznah Mohamad, 2004). This is as a result of 'entrenched systems of authority and deep fears among ordinary Muslims of possibly committing heretical wrongs by engaging in a "sacred" terrain (of religious debates)' (Maznah Mohamad, 2004). Therefore leaving the process of Syariah reforms in the hands of patriarchal 'religious' and political dominant group/authorities/institutions to be at the forefront determining its direction. This leaves Muslim women within the concept of exclusionary citizenship in terms of access to justice and issues of sexuality¹¹.

In global terms, women are the biggest group of people who are denied full citizenship of rights. In some countries, women are denied citizenship outright. In others, women are declared in the constitution to be full and equal citizens, but the laws – in particular those dealing with issues of family, inheritance and violence – often contradict and undermine

¹⁰ The draft of the proposed Islamic Family Law (Federal Territories) Amendment Bill will be 're-circulated' to the ministers before it is brought to the cabinet for final approval said Attorney-General (AG). He also mentioned that the Ag had 'consulted all relevant parties including non-governmental organizations, muftis, Interfaith Council and the Syariah Judiciary Department' (The Sun, April 18, 2008 'Draft Proposal on Islamic Family Law to be 're-circulated').

¹¹ In areas where Islamic state governments can exercise control over issues of sexuality for Muslim women when it enforced separate payment counters at supermarkets and closing down unisex hairdressing saloons. 'Quasi legal-means of compelling headscarf and dress code for employees when the Chief Minister will meet employers in order for them to enforce headscarf towards their employees (Maznah Mohamad, 2004:74).

national and international commitments to equality. In Malaysia, women are declared constitutionally (*de jure*)¹² to be full and equal citizens under the equality provision of Article 8(2) Federal Constitution. Ironically, the equality provision does not translate into actualization or reality of outcomes when we analyse women's experiences and women's access to justice in Malaysia be it in the civil, criminal or syariah legal system. It is also worth to note the Malaysian Government has ratified an international human rights treaty i.e. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1995 with reservations to Articles 9(2), 16 (1)(a), (c),(f), (g) and 16 (2) (CEDAW Committee on the Elimination of Discrimination Against Women, 2006)¹³. The cases, analysis and examples below will serve an indication to the non-actualisation and exclusionary citizenship status for women in Malaysia.

The amendments to Federal Constitution in 2001 to include the prohibition on the grounds of gender, the legislature omitted to make corresponding amendments to other articles of the Federal Constitution which contain provisions discriminatory to women, for example Article 15, 24 and 26 and the Second Schedule which affect the residence and citizenship status of foreign spouses and the citizenship of the children of such unions (NGO Shadow Report Group, 2004). The Government has reported to the CEDAW Committee under Article 9 that the 'Malaysian Constitution accords equal rights to men and women to acquire or retain their Malaysian nationality' (Ministry of Women, Family and Community Development, 2004). CEDAW Committee has stated in their General Recommendation No.21 that 'nationality is critical to full participation in society'. A woman's nationality affects her right to vote, stand for public office and also access and opportunities to social and economic rights like housing, education, employment, healthcare services (including reproductive rights). In the context of Article 9 of CEDAW, nationality means citizenship. In 1959, Malaysia acceded to the United

¹² *De jure* refers to what is contained in written laws. Compare it with *de facto*. As stated under the CEDAW Convention that there should be substantive equality i.e. the results or the reality is for the real measure of state performance.

¹³ The Malaysian Government has submitted combined initial and second CEDAW Report to the United Nations Committee on the Elimination of Discrimination Against Women on 24 May 2006. The Committee made Concluding Comments to the Malaysian Government. The Concluding Comments is divided into two parts; firstly comments on positive aspects and followed by principal areas of concern and recommendations. Part two will serve as an integral part of the analysis in this paper.

Nations Convention on the Nationality of Married Women, however, the government has not taken any steps to grant Malaysian women the right to confer citizenship on their children (NGO Shadow Report Group, 2004).

The existence of the dual legal system of civil law and multiple versions of Syariah law, results in continuing discrimination against women, particularly in the field of marriage and family relations. Restrictive interpretation of Syariah law, the lack of clarity in the legal system, particularly as to whether civil or Syariah law applies to the marriages of non-Muslim women whose husbands convert to Islam hampers gravely the concept of multiculturalism and plural society in Malaysia. Majority decision of the Court of Appeal in the case of Saravanan a/l Thangathoray vs. Subashini a/p Rajasingam which denied the non-muslim wife her right to seek legal redress with regards to her civil marriage and the conversion of her minor son to Islam by her (recently converted) muslim husband shows the implementation of plural legal system i.e. jurisdiction between civil and syariah courts permeates inequality and discrimination towards non-muslim and muslim women¹⁴. The Court of Appeal further violated the constitutional right of Subashini by subjecting herself to the Syariah Courts especially when Section 46 (2) (b) Administration of Islamic Law (Federal Territories) Act 1993 clearly states “A Syariah High Court shall in its civil jurisdiction hear and determine all actions and proceedings in which all the parties are muslims.....”. The Federal Constitution clearly provides that syariah courts “shall have jurisdiction only over persons professing the religion of Islam” (see paragraph 1, List II, 9th. Schedule). In addition, state laws that establish syariah courts have provided that the syariah courts shall only have jurisdiction in civil cases “in which all the parties are Muslims”. Maznah Mohamad (2004) echoes that ‘the completely different premises upon which Syariah family and civil family laws are based and the clash between federal and state jurisdiction imply the issue of reform and maintenance of boundaries will become more explosive in time to come’.

Turning to feminists political theorists Lister (2003) and Yuval (1991a, 1997) that the notion of active agency and political participation is critical in actualizing citizenship

¹⁴ See also the case of Shamala Sathiaseelan.

rights, examples will be cited with reference to the current results of the 12th general election with regards to women's representation in Parliament. Quoting from a brief survey conducted by the Joint Action Group for Gender Equality (JAG) has shown that the percentage of women candidates in the 12th general election is only 8.2% (128 candidates) of the total 1,568 seats contested – falling short of the government's policy of ensuring at least 30% women in decision-making positions¹⁵. Eventhough there is an increase from 2004 which accounts for 6%, the increase of 2.2.% is very minimal¹⁶. JAG is also disappointed that women candidates have been pitted against one another (for example, the Barisan Nasional's Carol Chew takes on Teresa Kok of the DAP for the Seputeh Parliamentary seat). This defeats the objective of getting more women into formal politics¹⁷. Interestingly, there are significantly more women PAS candidates this time, from only nine in 2004 to 15 candidates – an increase of 40%¹⁸. Seven women are contesting parliamentary seats this time, compared to only one in the last elections¹⁹. Evidently from the statistics of women's representation in decision making in formal politics of 8.8% and also non-committal of political parties (entrenched with patriarchal traditions and values) to ensure affirmative action of 30% women representation in the male-dominated political parties reinforces the fact that women are still denied their full access to citizenship rights and political participation. Feminists studies of human rights, the law, and institutions have shown us that these are the products of decades and centuries of debate and decision making. They are founded on the age-old stereotype of men as actors in public life and governance, representing the interests of all family members. The corresponding stereotype of women in that they are dependant on a (benevolent) male household head. This means that women have no independent status of enabling them to make claims on resources, or to appeal to the state for the protection or support. Modernising these laws and systems is an enormous challenge – in particular, because women are still marginalized from participation in politics and governance.

¹⁵ *The Star*. 6 March 2008 'Equal Terms'.

¹⁶ *Ibid.*

¹⁷ *Ibid.*

¹⁸ *Ibid.*

¹⁹ *Ibid.*

Rising gender violence in Malaysia; increase of rape cases from 1,217 cases in 2000 to 2,341 cases in 2006 and most of the victims being below 15²⁰ years diminishes women's citizenship rights to be free from violence but reinforces the power relations between men and women; sex roles and stereotypes that is culturally entrenched within the society. An alarming figure of 6.6 women are raped everyday²¹ requires a revisit to our social, economical, political conditioning and construction. Increase cases of sexual harassment, domestic violence and migrant domestic worker abuses shows that the existing laws and policies (*de jure*) are not effective in addressing these issues. It is reported that there are inadequacy and gaps in existing laws covering violence against women, judicial process and structures which are not sensitized to handle violence against women cases in terms of corroborative evidence, prolonged trial procedures, burden of proof, disclosure of victim's identity, cross-examination of rape' survivors past sexual history with the accused; lack of gender sensitive personnel which deals with such cases from the police, medical doctors, social workers at all levels, unavailability of One-Stop Crisis Centre (OSCC) in all state and district hospitals and lack of monitoring of the services being provided (NGO Shadow Report Group, 2004).

Social and economic rights for women is still lag behind in terms of non-recognition on unpaid labour of rural women in the agricultural economy with 51.1% in Peninsular Malaysia, 61% in Sarawak and 50.3% in Sabah (NGO Shadow Report Group, 2004). According to NGO Shadow Report Group, 'as a result of government's industrial and educational development strategies and the conversion in the early 1990s of many of the plantation estates into residential, industrial and other mega infrastructures, many rural women migrated into the manufacturing as well as government sectors. Unpaid women workers employed as family labour in small holdings in the villages throughout the country still toil at their labour unrecognized as bona fide farmers and indivisible to official statistics'. Access to health care, credit loans, the right to adequate housing are challenges for women in to participate as active citizens. Issues of indigenous women and land rights and effects of resettlement under the Aboriginal People's Act 1954 exploits

²⁰ Women's United Nations Report Network & Program 2007 'Rising Gender Violence Worries Malaysian Women' <http://ipsnews.net/news.asp?idnews=36863>

²¹ Ibid.

the traditional land concept by allowing state authorities to only gazette land as Orang Asli areas and reserves but not to alienate land (i.e. to confer land titles) to Orang Asli (NGO Shadow Report Group, 2004). When land is taken away and these communities are pushed further interior, this impact women gravely as it increases for women the burden of production and reproductive work (NGO Shadow Report Group, 2004). There has been reported cases loss of access to food, medicine and material for handicraft from the forest, river and loss of land for farming makes women walk further to collect forest produce (NGO Shadow Report Group, 2004). Unavailability of legal documents amongst Orang Asli women hinders them for access to healthcare, education for themselves and their children, lack of access of transportation, which either 'not available or monopolized by men, women find themselves house bound and the sole carers of the children and elderly. This will reduce women's role as producers, carers, educators, holders of communal knowledge, and guardians of culture, which will increase their dependency of the community with reduced decision-making power, little bargaining power and diminished respect and status' (NGO Shadow Report Group, 2004). Rights, opportunities and access for indigenous women and other marginalized groups need to be critically addressed to ensure their membership of multiculturalism tapestry community in Malaysia.

Recommendations will be built within the framework of CEDAW Committee Concluding Comments 2006 (Committee on the Elimination of Discrimination against Women, 2006).

- Incorporate CEDAW into national law and make it fully applicable in the domestic legal system. The Committee urges the State party to incorporate in its Constitution and/or other appropriate national legislation, the definition of discrimination, encompassing both direct and indirect discrimination, in line with article 1 of the Convention. The Committee further recommends that the State party enact and implement a comprehensive law reflecting substantive equality of women with men in both public and private spheres of life. It also recommends

that the State party include adequate sanctions for acts of discrimination against women and ensure that effective remedies are available to women whose rights have been violated.

- With regard to the interpretation of Syariah, CEDAW Committee encourages the State party to obtain information on comparative jurisprudence and legislation, where more progressive interpretations of Islamic law have been codified in legislative reforms. It also encourages the State party to take all necessary steps to increase support for law reform, including through partnerships and collaboration with Islamic jurisprudence research organizations, civil society organizations, women's nongovernmental organizations and community leaders. The Committee further recommends that a strong federal mechanism be put in place to harmonize and ensure consistency of application of Syariah laws across all States. The Committee is concerned about. The Committee urges the State party to undertake a process of law reform to remove inconsistencies between civil law and Syariah law, including by ensuring that any conflict of law with regard to women's rights to equality and non-discrimination is resolved in full compliance with the Constitution and the provisions of the Convention and the Committee's general recommendations, particularly general recommendation 21 on equality in marriage and family relations.
- While welcoming the fact that the Convention has been translated into Bahasa Melayu, Chinese and Tamil and disseminated to various women's non-governmental organizations and appreciating the State party's initiative to create a children's handbook on the Convention, the Committee is concerned that the provisions of the Convention are not widely known by judges, lawyers and prosecutors. The Committee calls on the State party to ensure that the Convention and related domestic legislation are made an integral part of legal education and the training of judicial officers, including judges, lawyers and prosecutors, so as to establish firmly in the country a legal culture supportive of women's equality and non-discrimination.

Conclusion

Interpretation, implementation of laws, policies and programmes by institutions at every level needs to critically engage the notion of citizenship from a feminist perspective which broadens the 'inclusionary' membership of community, addresses the historical, social, political, economical and cultural context of women's status and experiences within the process of nation-building, embraces the agency of informal politics as well as formal politics, the dynamics and flexibility of membership of community which are multi-tiered and intersects and international citizenship. Reformulation and reframing of citizenship base on experiences of women and minority group of all identities will enrich the process of nation-building in a multicultural setting in Malaysia. Is women citizenship a reality or rhetoric?

Notes

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My conceptualization been inspired and influenced by great works of Ruth Lister and Nina Davis Yuval, both extensively provided the tools to analyse people's citizenship , especially in this era of globalization on the hand, and ethnicisation on the other hand, with the dynamics and rapid pace at which relationships between state and their civil societies are changing; especially with the argument of 'differentiated universalism' with regard to both participation and rights-based conceptions of citizenship.

The case studies and examples are results of my close observation, informal interviews, discussions with certain communities, colleagues, family members and friends.

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