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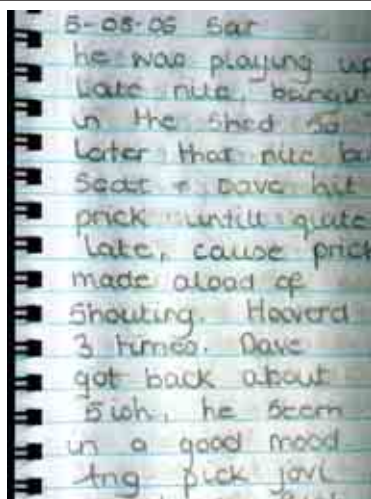
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Abstract	The article examines the state of Malaysia on the occasion of the 50th anniversary, in 2007, of the end of British rule. According to the author Malaysia, which had been considered a model of a tolerant Muslim democracy, is in danger of instituting Islamic law, thus abrogating the rights of its non-Muslim citizens. Incidents wherein the Islamic law has been applied to non-Muslims are reported.

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Diary of a captor: was Kevin Davies's cruel death a disability hate crime?

this July in Northampton, Brian Sheppard was tipped out of his wheelchair and kicked while on the ground, causing a head injury. He died a day after the attack.

The language used by police and prosecutors about these crimes is strikingly similar – the attacks are described as “senseless” and “motiveless”. Yet there seems to be a pattern. The victims were dehumanised and often assaulted by “friends” who, in many cases, stole their money. All the incidents were vicious and unprovoked. But none of the attacks was investigated or prosecuted with a possible hate crime linked to disability taken into consideration as an aggravating factor.

Disability hate crime is not a separate criminal offence, but the Criminal Justice Act 2003 created what is known as a “sentencing provision”. If there is evidence of hostility to somebody because of their disability, that must be seen as an aggravating feature (as is also evidence of racist attitudes, for example). The courts must inform everyone involved that an offence is being treated more seriously because of this. The judge can then increase the sentence (or the life tariff for murder), but the police are responsible for gathering the evidence and the Crown Prosecution Service for bringing it to the attention of the judge.

Robin van den Hende, the policy officer for Voice UK, which

campaigns for justice for disabled people, says that such cases “raise questions about whether the section on disability hate crime is being applied”. David Congdon of Mencap agrees. “Crimes against disabled people are as serious as race crimes or domestic violence. At one stage the police didn’t want to know about those, either. We are at the same stage with crimes against disabled people.”

Commander Rod Jarman, who leads on disability matters for the Association of Chief Police Officers, acknowledges that “this is an extremely important area of how policing is delivered”. He says that in the cases mentioned, “we have clearly not been able to prove the aggravating factor to a sufficiently high level in order for us to put it to the courts”. But that does not chime with the fact that the crimes were not investigated properly as hate crimes and that little, if any, police time went into establishing if there was a pattern of hostility against disabled people, culminating, in these four cases, in torture, hostility and death.

The CPS relaunched its policy on disability hate crimes this year, acknowledging that more needed to be done to raise awareness of the problem. Since April, the police have been recording incidents of hate crime and hostility towards disabled people. And the CPS is working with the Disability Rights

Commission to develop new guidance on the treatment of disabled victims of crime.

Elizabeth James, the mother of Kevin Davies, the “gentle giant” brutally tortured in the Forest of Dean, still mourns the death of her son. Her constituency MP, Mark Harper, wrote to the Attorney General to ask for an increase in the sentences passed on his captors. The reply was that they were deemed “not unduly lenient”. If disability hate crime had been cited as an aggravating factor, the sentences might well have been longer in the first place. ●

Katharine Quarmby is news editor of Disability Now

MALAYSIA

Creeping Islamisation

Sholto Byrnes

Fireworks exploded above Kuala Lumpur on 31 August to mark the 50th anniversary of Malaysia’s independence from the British. Tens of thousands gathered to watch the festive displays in front of Prime Minister Abdullah Badawi, the country’s king and queen, and foreign dignitaries including the Sultan of Brunei and the Duke of York. “We will hold true to the concept of justice and fairness for all our citizens,”

said Abdullah in his speech. “We must take care of our unity.”

But that unity is under threat. Malaysia’s status as a model of a moderate Muslim democracy is being called into question by a creeping Islamisation, eroding the compromises that have enabled the mainly non-Muslim Chinese and Indian minorities (who make up 40 per cent of the population) to live peaceably alongside the Muslim Malay majority.

The attorney general, Abdul Gani Patail, recently suggested that the country’s legal system be changed to take Islamic rather than English common law as its basis. Non-Muslims worry that this is already happening. In May, Lina Joy, a Christian convert, lost a court battle to remove the word “Muslim” from her identification card, even though the constitution guarantees freedom of religion. The previous month, a Hindu man was forcibly separated from his Muslim wife of 21 years and their six children after religious officials ruled their marriage invalid. All female police officers are now required to wear the *tudung* (headscarf) at official functions, regardless of their faith. Last November, religious enforcement officers even raided the apartment of an elderly American couple on the holiday island of Langkawi, accusing them of committing *khalwat* (close proximity between unmarried men and women), ▶

Moodometer

We test the temperature of the nation this week

 ● Thousands of central Americans flee Hurricane Felix ● Bombs kill at least 24 in Pakistan as President Musharraf faces political turmoil ● Times World Atlas redraws coastlines because of global warming	 ● Massive Tube strike cripples London’s transport network ● Ninety per cent of those suffering mental illness in the developing world receive no care ● Manchester suffers sixth earthquake in a month	 ● Tougher theory test for learner drivers but fee rises by £7 ● North Korea says it has been removed from list of “terror countries”, but US disagrees ● Parents required to take greater responsibility for unruly schoolchildren	 ● First-ever female Beefeater begins work ● Thousands of British families forced to pay back tax credits could be in for a refund ● UK divorce rate hits 22-year low	 ● Summary: Stormy at home and abroad as British troops pull out of central Basra and Tube strikes cause chaos ● Forecast: Dark clouds gather over Brighton as TUC conference gets under way - Jo Barrett
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Can Malaysia's leaders bridge the gap between secular and religious principles?

► although as Christians they were not subject to Islamic law.

It didn't used to be like this. A few weeks ago Tengku Razaleigh Hamzah, the ex-finance minister who nearly unseated the long-standing premier Mahathir Mohamad in 1987, spoke at a wedding anniversary dinner attended by politicians and one of the country's nine sultans at the Mines resort on the outskirts of Kuala Lumpur. Most of the women were uncovered, and none of the good Muslims present batted an eyelid as the wine flowed. "Don't you know that it is *haram* [forbidden] for Muslims to drink water in this country?" joked a leading lawyer as a waitress proffered an Evian bottle. "We must have red wine, and lots of it."

That tolerant attitude was common among the generations that founded and then built the country. Malaysia's first prime minister, Tunku Abdul Rahman, was fondly known as a whisky-loving playboy, while the private lives of many of the sultans scarcely reflected the values of the religion they head in their states.

But today the government, dominated by Umno (United Malays National Organisation), increasingly panders to a resurgent conservative Islam, not least to

fend off the challenge from the main opposition, the fundamentalist Pan Malaysian Islamic Party (PAS). "Government ministers are so afraid of attracting the ire of the religious right, there are hardly any with the courage to say anything more progressive," says Dr Mahathir's daughter Marina, a prominent Aids and women's rights activist.

Since Abdullah took office in 2003, he has attempted to bridge the gap between religious conservatives and those who wish to maintain the country's secular principles with his theory of Islam Hadhari (civilisational Islam). Not everyone is convinced. "What's the difference between a lift and an elevator?" asks a former minister. "It doesn't mean anything at all."

The west may have seen Dr Mahathir as a repressive dictator – especially after his sacking and subsequent imprisonment of his deputy Anwar Ibrahim on trumped-up charges – but he was firm in opposing religious hardliners. "He always worked to make the state pluralist, secular and Islamic," says Abdullah Ahmad, a former Malaysian special envoy to the UN. While Anwar, now released from prison, is still portrayed abroad as a liberal reformer, he offers no hope to

those worried about creeping Islamisation. His party has fought elections in alliance with PAS, which has introduced strict sharia law in the states it controls; one of its leaders recently issued a fatwa declaring followers of Islam Hadhari to be infidels.

Malaysia is a very long way from being a theocratic state, but the western-dressed youths who throng the malls and bars of modern Kuala Lumpur fear for the future. "Make sure you keep your home abroad," was the advice given to one Malay woman contemplating moving back to Malaysia, "so you've got somewhere to go if the extremists take over." ●

ETHICAL SHOPPING

Zoned outrage

Zoe Williams

It sounds like a joke out of *Smack the Pony* – a woman, nine months pregnant, goes into labour at work, and her employer won't let her go home until she's spent an hour and a half filling in forms. Accordingly, she gives birth in the street outside. Only this isn't a hilarious sketch show, the employer isn't Anna Wintour, high fashion is not involved, and the baby dies. This is one of the more savage stories about working conditions in Indian factories that supply retailers such as Gap, though we play into high-street hands when we fall back on the fail-safe anti-globalisation rhetoric of zoning our outrage at one company over another.

The *Guardian's* recent investigation concentrated on one of India's largest clothing manufacturers, Gokaldas Export, which supplies clothes to M&S, Mothercare and H&M. Typical wages, at £1.13 a day, are so low that the workers often rely on state food aid. But here we run into the other cognitive pitfall that acts like a protective shield for businesses: seemingly contradictory, but existing quite happily alongside, is the idea that they're all the same, so there's very little we consumers can do about it, unless we want to run about naked. And the

cyclists have already done naked.

In every industry, there is a *bête noire*. In the UK, campaigners point to Tesco as the most violent bully of agriculture, which is why Tesco was the first, last month, to claim a moral victory by raising the price of chicken in response to Asda's more usual manoeuvre of slashing theirs. There is something to be said for focus – when one company is singled out for criticism, it shapes up pretty fast.

But these changes are, for the most part, pretty cosmetic: companies can get a long way up the ethical hierarchy with fairly flimsy policies and an awful lot of noise. M&S has the best reputation of any British high-street retailer, and yet still uses Gokaldas; Hennes has won plaudits for its environmental policies (it aims to sell one million certified organic items by the end of 2007), but this is the worst kind of ideological pick'n'mix, waving baubles at the green lobby while continuing to use labour so poorly paid that it's at the point of starvation.

Choosing one high-street chain over another for special disapprobation serves one crucial purpose, to which the company itself is largely irrelevant: it makes us feel as though we've done something, we've made an ethical decision and stuck by it – at considerable khaki-cargo-pant-sacrifice to ourselves! We haven't just floated along the high street buying stuff at random, like so much credit-carded flotsam. We don't have to build on this block, however, because upon closer examination, all companies are as bad as each other; you'll make a fool of yourself swimming against a tide as strong as this. This is the attitude that gives companies just the boost they need to behave with total arrogance and disregard.

We've been trying these jerky, intellectually inchoate boycotts for nearly two decades now, and they don't make any difference to working conditions. The only way to shop is to make an honest appraisal of how much a thing is worth, which we can all do, with simple reference to how much it used to cost. If it costs a lot less, don't buy it. Someone is making up that shortfall, and it's probably not the managing director. ●

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