

The Controversy of Universal Human Rights versus Local Perceptions and Muslim Gender Practices in the Philippines

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Abstract

Being a religious minority, Muslims in the Philippines live in a plural legal orders. By analyzing normative orders and practices, this chapter discusses how particular and universal values interact in the present context, especially in gender related issues. The Republic of the Philippines is generally known as a Christian-dominated country in Asia. However, about 5% of the population consists of Muslims, and there are numbers of other indigenous peoples. Corresponding to variety in the population, normative orders are plural. Customary, religious and national laws forming plural legal realities, and global influences interact with existing plural legal systems. Policies and legal systems to recognize and realize pluralistic elements have been long contested. In these situations, different actors behave according to different normative orders, and their behaviors transform these plural legal orders and plural identities. This chapter focuses on issues discussed about Muslim women in the Philippines in relation to international human rights discourse and movements, and clarifies the status quo as well as future prospects for institutionalizing legal pluralism in Muslim society in the Philippines.

Key words: Muslim Filipino, gender, human rights, legal pluralism, *Sharia*

1 Introduction

In the Philippines, Muslim populations make up only 5–7% of the total population. Recognition and realization of the religious and cultural rights of Muslims have been one of the political considerations of both the national government and Muslims themselves. It is also a central concern in the peace process between Philippine Muslims (Moros) and the Philippine national government,

alongside wealth and power sharing.

As a national institution, the Code of Muslim Personal Laws of the Philippines (Presidential Decree No.1083; CMPLP) was codified into the national legal system in 1977 as part of the reconciliation and accommodation process to relieve severe confrontations with Muslim secessionists. The code has been implemented for over thirty years, and can be considered partial acceptance of the cultural diversity in the framework of the Philippine state. However, many scholars, activists, and international agencies have claimed some problems and limitations. The concept and treatment of gender and human rights has been at the center of discussions. Also in the discussion: the contest between universal concepts and perceptions of gender, and local/particular practices among local Muslims.

This chapter attempts to describe the political and legal constellation and status quo of competing plural normative orders, especially in the field of gender perspectives. In choosing legal arenas, competing universal and local values require individuals and groups to decide or balance between multiple legal orders when making life decisions. An ideal social design realizing life aspirations of Muslim women has long been sought. Now, new laws - namely the *Bangsamoro* Basic Law (BBL) - are undertaking this challenge. In the lawmaking process, gender perspectives and women's participation are widely discussed. How do plural normative orders affect the choices of Muslim women? How do local, national, and global elements interact or conflict? What transition of gender perspectives can we observe?

To answer these questions, I will briefly review legal pluralism in the Philippines regarding Muslims. Local perceptions and practices on marriage and divorce among Muslims have competed with the Christian/Catholic-based Civil Code of the Philippines, and now international conventions on human rights claim problems with polygamy, child marriage, and divorce practices among Muslims in the Philippines. This contest and conflict between national, universal, and local perceptions and practices on marriage and divorce have shaped

legal pluralism in the Philippines. The accumulated choices of the people will transform the constellation of legal pluralism. I will clarify the status quo of these controversies in legal pluralism by utilizing both literature and legal anthropological data from Mindanao and Palawan.

2 Plural normative orders in Philippine Muslim society

In the legal system of the Republic of the Philippines, custom and tradition is considered a component. Members of certain ethnic groups have shared customary laws and the laws bind the collective and ethnic identities of the group.

As for religious laws, being a Catholic majority country, Canon law has occupied a very powerful position since colonial times. Since it regulates the family and marital matters, we still see the strong influence of the canon law in the basic concept of the Family Code of the Philippines. Prohibition of abortion and non-existence of divorce are characteristics of this influence.

Instead, Muslims observe Islamic law (*Sharia*) or *Sharia*-influenced customary laws. Filipino Muslims consist of thirteen ethnic groups, and each group has formed customary laws to regulate daily life. Customary laws are basically orally transferred, and embedded in the practice of everyday life. Islamic influences on the formation of customary laws are evident in such names as *tartib ago igma*: the name for the customary laws of Maranao. *Tartib* means order and *igma* comes from the Arabic word *ijma*, which means consensus.

In 1977, during Marcos' administration, the "Muslim personal code of the Philippines" was codified based on *Sharia*. The rights of Muslims on marriage, divorce, custody of children, and inheritance were taken into legal consideration in the Philippine state legal system. In the process of codification of the CMPLP, research conducted in Muslim areas and many elements of customary laws of different ethnic groups were included in the regulations. As a result, *Sharia* or *Sharia*-influenced customary laws are partly recognized in the official laws of the Philippines as the Muslim Personal Code. Though it limited the scope of the law to personal matters, it also included the establishment of a *Sharia* Court

in Muslim concentrated areas in the southern Philippines. State laws are applied nationwide in the form of the Constitution, Family Code, Penal Code and many others. The state also recognizes certain rights of Muslim and Indigenous peoples in its legal system. The CMPLP and the Indigenous Peoples Rights Act (IPRA) are examples of such laws.

But the codification of law and its realization in society are two different things. In the early 1990s when the Autonomous Region of Muslim Mindanao (ARMM) was established, the *Sharia* Court came into operation under the supervision of the Supreme Court of the Republic of the Philippines. Based on the constitution, the Organic Act for the Autonomous Region in Muslim Mindanao (Republic Act No. 6734) was introduced in 1989. The ARMM was thus provided the substantive powers and functions vested in the regional government. It has jurisdiction in the following matters devolved to it by the Constitution and the Organic Act: administrative organization, creation of sources of revenue, ancestral domain and natural resources, personal, family and property relations, regional, urban and rural planning development, educational policies, preservation and development of cultural heritage, and such other matters as may be authorized by laws for the promotion of the general welfare of the people in the region. (Tiquia 1991: 11)

At present, the Philippine government and Moro negotiation panels are working on the conceptualization of the BBL, which was included in the framework agreement on the *Bangsamoro* (FAB) on 15 October 2012. Their target is the creation of the new autonomous Bangsamoro government in 2016.

In April 2014, a draft of the BBL was submitted to the Philippine government. It may provide a legal basis for the formation of a Bangsamoro government in 2016, after long struggles and negotiations between Philippine Muslims and the Philippine government. *Bangsamoro* means ‘Moro-Nation’, with Moro being a generic name for Muslims in the Philippines, regardless of ethnic and geographical origins. However, the term *Bangsamoro* includes not only Muslims, but also Christians and indigenous peoples in the areas designated ‘Bangsamoro’.

These designated areas replace the existing Autonomous Region of Muslim Mindanao.

The Bangsamoro Transition Commission published *A primer on the Bangsamoro Transition Commission and The Bangsamoro Basic Law*, supported by the EU in February 2014. According to the primer, The BBL is the governing law of the Bangsamoro political entity. As such, it establishes the Bangsamoro government, defines its power, and provides for its structure, among other things (Bangsamoro Transition Commission (BTC) 2014: 7). The Bangsamoro government will have exclusive powers within its territorial jurisdiction, with the Central government retaining reserved powers (id.9).

This is the most recent example of institutionalizing legal pluralism in the Philippines. If this new law is passed, the Bangsamoro government will have legal rights on the wealth and natural resources of the area. Judicial institutions will also be provided by the Bangsamoro government. Formal institutionalization and operation of the *Sharia* justice system and the expansion of *Sharia* Courts' jurisdiction over the *Sharia* justice system will be established. The supremacy of *Sharia* law will only apply to Muslims. (BTC 2014: 11) The rights, customs and traditions of indigenous peoples will be respected under the Basic Law, as they were natives and original inhabitants of the Bangsamoro area at the time of colonization. They may choose to identify themselves, their spouses and descendants as 'Bangsamoro' by so ascribing, or self-ascribing themselves. (ibid. 11)

The BBL, once enacted by Congress, shall undergo a process of popular ratification by qualified voters in core Bangsamoro territory identified in the Framework of Agreement not later than 120 days from legislative enactment. (Republic of the Philippines 2013)

However, criminal cases will remain handled under the sole penal code of the state. Cases of violence and breach-of-the-peace incidents such as *rido* would not fall within Bangsamoro jurisdiction, but be dealt with under customary or community mechanisms. In the worst-case scenario of a crisis of trust, imbalance, or disagreement as to conditions between the MILF and the RPG, the BBL's op-

eration will be deadlocked.

3 International Human rights and Local legal orders

Baderin addresses Halliday's summary of four Islamic responses to the international human rights debate. The first is that Islam is compatible with international human rights, which he considers most sustainable with Islamic law. The sources and methods of Islamic law contain common principles of good government and human welfare that validate modern international human rights ideals. (Baderin 2003: 13)

The second is that true human rights can only be fully realized under Islamic law. Baderin criticizes this perception as exclusionist and culpable of the same egoism of the oft-criticized exclusive Western perspective on human rights. (ibid. 13–14)

The third is that the international human rights objective is an imperialist agenda that must be rejected. Baderin says this is common in the human rights discourses of all developing nations.

The fourth is that Islam is incompatible with human rights. The last idea is based on a strict understanding of the universal humanitarian objective for the protection of individuals against the misuse of State authority and for the enhancement of human dignity. (ibid.14)

Apostolo compared Western and Islamic perceptions of the law. (Apostolo 2010) According to his summary, the idea of 'right' in western juridical tradition can be both claims to do something, and liberties to do (and not to do) something. The concept of right does not depend on governments: it is natural reality (ibid. 196). He also argues that the ongoing discussion about Islam and human rights has helped reveal that the UN Declaration has an implied dogmatic character, calling for corresponding faithful compliance. He adds that the UN Declaration of Human Rights is based on a particular metaphysical perception. (ibid. 198)

There is a range of perception regarding how concepts of human rights dif-

fer between Western and Islamic law. This chapter focuses more on the interaction between the international/western discourse on human rights and multiple legal orders related to Muslims in the Philippines. Multiple legal orders include not only Islamic laws but also Muslim customary laws that sometimes conflict with Islamic law.

4 Discussion on Polygamy

There are several points where plural values and normative orders conflict. Value pluralism, which Bowen discusses, based on Gayo society in Indonesia, can also be observed in Philippine Muslim society (Bowen 2003).

Bowen discussed public reasoning across cultural pluralism in Gayo and traced changes in the discourse of *Sharia* judges. In the 1960s, judges summarized the consensus of village people based on Islamic laws. In the 1990s, the emphasis shifted towards the individual rights of Muslim women and daughters in concluding conflicts. This can be considered public reasoning corresponding to changes in the social situation. In other words, judges and legal specialists became more gender sensitive and tried to combine values of gender equality with traditional Islamic jurisprudence and *adat* norms under the influence of Muslim feminist discourse. As a result we observe value pluralism in public reasoning applied to conflict management and the social life of the people. (Bowen 2003: 257)

In the Philippines, strong traditions of customary norms, traditional Islamic perception, western (sometimes colonial) originated state laws, newly revived Islamic values, and global and international concepts such as gender equality and human rights are all present simultaneously in society. These elements construct the dynamism of value pluralism and plural identities of the people. I will focus on some main points of discussion regarding gender perspectives of Muslim women in the Philippines. To do so, I will concentrate on two main concerns: polygamy and child marriage.

“A Muslim can have many wives,” is a common expression heard when a

Christian Filipino explains the difference between laws for Christians and Muslims. Polygamy may be considered immoral, as Christians consider marriage an inviolable virtue of a permanent union between a single male and female. Bigamy is considered a serious offence in the Penal Code of the Philippines, though polygamy by Muslim males is not categorized as bigamy (Muslim Personal Code of the Philippines (CMPLP) Article 180).

The Muslim Personal Code of the Philippines provides conditions for polygamous marriage by husbands in Article 27.

Article 27 By a husband. Notwithstanding the rule of Islamic law permitting a Muslim to have more than one wife but not more than four at a time, no Muslim male can have more than one wife unless he can deal with them with equal companionship and just treatment as enjoyed by Islamic law and only in exceptional cases.

Buat, a prominent Muslim legal specialist in the Philippines, remarks that present-day Muslim husbands rarely practice polygamy. Like Christian Filipinos, Muslims as a rule take only one wife. Exceptional cases where a man may be allowed to take a second wife are due to physical or psychological incapacity, if a wife fails to perform her marital obligations, if the wife cannot bear a child, or when the wife without justifiable causes refuses to live in the conjugal home. Taking a second wife is considered a lesser evil than keeping a mistress; considered equally immoral or adulterous under Muslim and Christian law (Buat 2002: 128).

In Maranao society, some suggest that there were once males like powerful sultans who had more than ten wives. Having enough wealth to support many wives and children was considered a symbol of their power. Customary laws require the consent of the first wife to engage in subsequent marriage and to treat wives and children equally and mercifully. My field research in Mindanao found that many Muslim women did not want their husbands to have subsequent wives. Some women told me that she would divorce if her husband dared to have second wife without her consent. Some such troubles have occurred because of polygamous marriages.

There are also happy polygamous marriages. One elderly man married a

second wife chosen by his first wife. According to his first and older wife, she wanted her husband to be taken care of by another younger wife so that he would be happier. The husband rigidly follows what their customary law stipulates as equal treatment. While Maranao custom basically prefers matrilineal co-residence, he spends two nights in the house of his first wife and the next two nights with his second wife. He shares money, food and necessities to support his families. In his explanation of their customary law, his first wife should receive a greater amount, not an equal amount as the Muslim Code provides.

The United Nations Human Rights Council reviewed the situation in the Philippines regarding compliance with the International Covenant on Civil and Political Rights. The council's draft report on the observation of the 106th session from 15 October to 2 November 2012 pointed out polygamy as a principle matter of concern as follows:

11. The Committee is concerned that the Muslim Personal laws codified by Presidential decree NO.1083 discriminate on the basis of religion regarding the minimum age for girls and also permits polygamy amongst Muslims, which undermine the principle of non-discrimination as provided under the Covenant (arts. 2, 23,24 and 26).

The State party should revise the Code of Muslim Personal laws to prohibit polygamous marriages and repeal the provisions that discriminate on the basis of religion regarding the minimum age for marriage for girls.

A study of a Manila Muslim community reports the experiences and perceptions of Muslim women in polygamous marriage. Muslims of different ethnic origins, Muslim converts, and non-Muslims live together in a rather unsanitary environment. Pula (2003) studied thirty women who had experienced polygamy and were mostly dissatisfied with the outcomes of polygamous marriage. Their main dissatisfactions were economic difficulties, such as lack of support from their husbands. Twenty of them were housewives and thus economically dependent. Twelve of them were first wives and fourteen were second. Most of them understand that Islam permits polygamy and so believe that they have to accept their own polygamous marriages. Twenty of them completed Islamic elementary edu-

cation.

Pula also described one wife who was totally satisfied with polygamous marriage because of the wives' equal treatment. She said that the problem lay not in polygamy itself but in the fair treatment of wives and children by husbands. (Pula 2003:77)

Pula then asked the wives for their solutions to emotional, physical, social, and economic problems in polygamous marriages. Twenty six suggested seminars for women abused by their husbands. Twenty three wanted an arbitration council or the *Sharia* Court to maintain records of wives' consent. Fourteen wanted welfare outreach programs to help women abused by their husbands. Pula also proposes seminars for husbands to learn their obligations toward their wives and families. She also recommends the participation of *imams* and *ulamas* in teaching husbands the punishments prescribed by the *Quran* and *Hadith*.

Irresponsible husbands abusing polygamous marriages have led to many tragic outcomes. It is, of course, very difficult to support multiple families equally. And, as the literature shows, Muslim women consider polygamous marriage problematic in terms of the husband's financial responsibilities.

5 Discussion on a Minimum age for marriage, or child marriage

Regulating the minimum age of marriage for girls is one of the main concerns regarding the protection of women's rights to choose their spouse

The Family Code sets the minimum age for marriage at eighteen years for both males and females, and prescribes other age-related requirements.

Article 35 The following marriages shall be void from the beginning:

Those contracted by any party below eighteen years of age even with the consent of parents or guardians.

Article 14 In case either or both of the contracting parties, not having been emancipated by a previous marriage, are between the ages of eighteen and twenty-one, they shall, in addition to the requirements of the preceding articles, exhibit to the local civil registrar, the consent of their marriage of their father, mother, surviving parent

or guardian, or persons having legal charge of them, in the order mentioned.....

Article 15 Any contracting party between the age of twenty-one and twenty-five shall be obliged to ask their parents or guardian for advice upon the intended marriage.....

On the other hand, the Muslim Personal Code allows marriage for males at fifteen years of age and females at puberty (CMPLP Article 16 (1)). The *Sharia* District Court may, upon petition by a proper *wali* (guardian), grant the solemnization of marriage of a female who, though less than fifteen but not below twelve years of age, has attained puberty (CMPLP Article 16 (2)).

The code does not prohibit child marriage, especially for females. Both NGOs and international organizations strongly oppose this regulation. They propose to make eighteen years the minimum age for marriage, in line with international standards of adulthood. (Solamo-Antonio 2003: 104) This opinion is based on the idea that children are not aware of the consequences of marriage, and that marriages between persons under eighteen years old should be considered child marriage. This also relates to ideas of the age at which a person attains self-determination. Generally speaking, under-age children are considered to lack judgment as legal persons.

In my research in Mindanao and Palawan on Muslim marriages, I sometimes encountered very young brides and grooms. Many Muslim parents in recent times prefer their daughters to get married after they finish schooling. Those who have finished schooling in colleges get married at later age. Regardless of sex, education is considered the key factor to succeed in life. However, it is still considered proper for marriages to be arranged by parents. Love marriages have become very common, though couples usually try their best to get parental consent.

In one case, a young Palawan couple eloped without prior permission of their parents. The groom was seventeen and the bride was sixteen. They were classmates in high school. People, including the parents of the bride, were very upset when they came to know of their elopement. The mother of the bride told

me crying that she wanted her daughter to be a professional because she had very good performance in school. She felt that hope for her daughter's future had ended because of the thoughtless elopement initiated by the boy. Common relatives and community elders brainstormed solutions to get them married, since the virginity of the girl had been lost. The parents of the groom were very happy because they wanted the girl to be the wife of their son but the parents of the bride did not attend the wedding. The wedding took place in the house of the aunt of the bride instead of the house of the bride. Both Christian and Muslim teachers and friends came to visit her wedding and could not hide their surprise about the incident. Later on, I heard that their marriage was not registered in the municipal registrar office and that their marriage itself did not last long. The girl re-married shortly after divorce to another man who her parents recommended and arranged.

This case reveals some important points for discussion. First point: the minimum age of marriage. People may perceive that arranged marriages encourage marriage at an early age. However, as I mentioned previously, more and more parents prefer their children to marry after finishing their education. As in this case, sometimes love brings marriage at an even earlier age. Virginity is also the main concern of the marriages. Spending a night with a male is tacitly considered a loss of female virginity. And that presumption pressured the female side to accept marriage. Otherwise, the female and her family would lose honor and opportunity to find another spouse. Honor is an important concern. Traditional customary laws of Muslim ethnic groups also highly emphasize the honor of both individuals and families. Losing virginity outside marriage is considered to be severely damaging to the female's family. Honor has been often the central element of long lasting conflicts, such as *rido*, among powerful families in Muslim communities.

In many cases of escaped marriage, it is customary to reduce dowries since the virginity of the girl is considered to be spoiled. Some young couples who cannot prepare a dowry decide to elope with the consent of both families.

In Islamic law females cannot independently contract marriage, because it is considered that marriages should be solemnized by guardians to distinguish true marriages from fake marriages initiated to cover up adultery. (Yanagihashi 2001: 14–15) The CMPLP also defines the role of the guardians in Article 18. This forms a clear contrast to ideas in the Family Code.

Article 1. Marriage is a special contract of permanent union between a man and a woman entered into in accordance with law for the establishment of conjugal and family life. It is the foundation of the family and an inviolable social institution. ...

On the other hand, the Muslim Code defines the nature of marriage in Article 14 as follows: “*Marriage is not only a civil contract but a social institution.*” We can see a clear difference in the definition and social meaning of marriage between Muslims and the Christian Family Code of the Philippines. Marriage among Muslims is not an individual event but a family event. The social contract is concluded between adult guardians, so there may be no religious basis for Muslims to prohibit marriage at a young age.

6 Discussion on the Dissolution of marriages

The nature and concept of marriage as a social institution is commonly recognized in the Muslim Personal Code and Family Code. However, the Muslim Personal Code and the Family Code provide parallel provisions.

In the Muslim Personal Code, marriage is considered a civil contract, but the Family Code considers it a permanent union and inviolable institution. This difference in opinion on the concept and nature of marriage forms the basis for whether the law allows divorce or not.

Divorce regulations are another important and contested point. The Muslim Personal Code recognizes absolute divorce (*talaq*). It defines divorce, its nature, and form as follows:

Art. 45. Definition and forms – Divorce is the formal dissolution of the marriage bond in accordance with this Code to be granted only after the exhaustion of all possible means of reconciliation between the spouses. It may be effected by:

- (a) *Repudiation of the wife by husband (talaq)*;
- (b) *Vow of continence by the husband (ila)*;
- (c) *Injurious assimilation of the wife by the husband (zihar)*;
- (d) *Acts of imprecation (li'an)*;
- (e) *Redemption by the wife (khul)*;
- (f) *Exercise by the wife of the delegated right to repudiate (tafwid)*; or
- (g) *Judicial decree (faskh)*.

Conversely, the Family Code only allows relative divorce, or legal separation (TITLE II), and annulment of marriages. Annulment of marriages by judicial process has the effect of absolute divorce. Article 45 of the Family Code provides precise conditions for the annulment of marriages. In addition to these conditions, Article 36 of the CMPLP specifies psychological incapacity as another ground for the judicial annulment of a marriage. According to Buat's (2002: 133) analysis, this ground for nullity was essentially drawn from the Canon Law of the Catholic Church.

However there are many criticisms about male-centric *sharia* procedures for divorce. *Talaq* is often criticized since husbands tend to abuse their rights to divorce wives. Extracting support for children from divorced husbands is said to be most problematic. There is no legal sanction if husbands do not perform their duties. Pursuing unpaid dowries upon divorce usually faces difficulties. Adjero-Morados (2003) summarizes the opinions of *sharia* judges on divorce according to the CMPLP in four points. Firstly, there is no punishment for husbands who abuse their wives. Second is the necessity to establish a clear set of conditions for *talaq* to avoid abuse of process by husbands. Third is a lack of enforcement powers for the *Sharia* Court to order seizure of a husband's property to recover support for his divorced family. The fourth problem is a lack of *sharia* counselors to advise troubled couples.

There is also the problem of the accessibility of *Sharia* Courts. Women may file for divorce independently, according to the CMPLP, but requirements on the litigants are so onerous as to limit access to justice. *Sharia* Courts in the Phil-

ippines are located only in Mindanao and Sulu. There are no *Sharia* Courts in Palawan, Metro Manila, or other major cities, where considerable Muslim populations concentrate. Considering that displaced Muslims were forced to scatter all over the Philippines, there should be more access to local *Sharia* Courts.

Finance remains a main constraint for those who need legal support to bring their problems into the public legal sphere. Although the Public Attorney's office in the Philippines offers services to those with economic constraints, there is not enough *Sharia* lawyer assistance for Muslims.

People's organizations and NGOs have been very active in making the voices of Muslim women heard. However, these activities tend to be based mainly on western gender-equality perspectives and sometimes single out a traditional type of woman, even though there are variations among Muslim women themselves.

7 Conclusion

The topics of gender equality, or women and children's rights have brought issues once confined to the private sphere into the public sphere. Marriage, divorce, and child rearing were once considered "domestic" and "private" matters in the conventional concept of the law. Child abuse and domestic violence are typical examples of such issues. Through struggles with these issues, many values and rules have been transposed into a gender sensitive framework. In the case of the Philippines, departments of health and social welfare promote the protection of women and children's rights, but this process requires the transformation of people's socio-legal spheres, usually causing identity conflicts.

Through the recent negotiation process in which the concept and substantive elements of gender were discussed, the FAB includes 'the meaningful political participation of women' in the *Bangsamoro* among protected rights. Women committee members, members of NGOs, and other women advocacy groups add more input into the process. The effects and limitations of the work of these advocacy groups deserve coverage in future studies (cf. Merry 2006).

Last year, news broke of a government order to reform and further school

religious sensitivity by allowing schoolgirls to wear veils on campus as well as religiously appropriate clothing in gym classes. While female Muslim schoolteachers may wear veils outside class, most are told to remove their veil during lessons so they can interact better with students. (Tribune online, July 24 2013). Considering the great number of Muslim female schoolteachers and the widespread practice of wearing veils in the classroom, this order may conflict with Muslim professional participation.

At the time of Philippines Islamic resurgence in the 1960s, interpretations of Islam-ness, and levels of commitment to the religion were as diverse as individuals. But even in local communities, nobody expressed that Islam was unimportant. In other words, becoming more Islamic and Islamic discourse is the main driver of social change. It has reconstructed identities and plural normative orders among Muslims in the Philippines. Now gender perspective has become widely accepted and people no longer openly claim that women's rights are unimportant. Even Islamic scholars and judges are basically positive toward these changes. However, as I have repeatedly argued, realization of rights is distinct from the recognition of rights. We need more steps to realize the self-determination of Muslim women; regardless of whether they choose customary, Islamic, or universal paths.

There are studies on the political participation of Muslim women in the Philippines. Alejandria (2008) conducted research in Palawan and reported that exposure to urbanism and capitalism, and level of education closely relates to the political participation of Muslim women. One very interesting finding is that it was said that a truly pious Muslim woman should be seen to be moderate in action and in speech, especially in public places (Alejandria 2008: 167). Piousness or Islam-ness thus becomes the preventive discourse for women's political participation in public. In contrast, education at school promotes political participation, indicating that a more western set of values on gender perspective and "global" or "universal" values and standards is transmitted through education. The contents of education define the attitude of the individual. One related ac-

tivity initiated by a women's advocacy NGO is worth mentioning. The program aims to promote gender sensitivity through sermons at mosques. To accomplish the goal, they share ideas first with Islamic leaders and teachers, like *imams* and *ulamas*. It also promotes gender sensitivity among those who listen to the sermons at mosques. The target audience is mainly male, and the impact of the program is to change gender perspective dialectically, through both males and females. It will take long time and change may be very gradual and partial. Still, it is worth persisting to offer the freedom of choice to all.

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