

By Angela C. Wu

For more than 40 years, Malaysia has successfully balanced its democratic, secular form of government with its citizens' deep roots in Islam. Slowly, however, those roots are gradually ripping up the fabric of freedom in the country. No case better exemplifies this conflict than that of Lina Joy, a Muslim-turned-Catholic persecuted for her religion. However it's resolved, Ms. Joy's case should expose just how far Malaysia is swinging toward Islamization.

An ethnic Malay born into an Islamic family, Azlina binti Jallani converted to Catholicism in 1998. Because her name was Muslim, the Civil Registry of Marriages refused her application for marriage to a Catholic man. In Malaysia, this refusal was legal: The Civil Marriage provision of the 1976 Law Reform Act prohibits Muslims from registering marriages under civil law.

Ms. Joy persisted. After multiple at-

tempts, the National Registration Department relented and permitted Ms. Jallani to change her name to Lina Joy in 1999. Her identity card, however, stated that she was a Muslim, despite her affirmative declaration that she was a Christian. The Registration Department refused her application to have the statement removed, and instead insisted that she obtain an order from the Islamic Law (Shariah) Court stating that she had become an apostate.

Without any other options, Ms. Joy took the matter to the civil courts, believing that her constitutional right to "profession and practice" religion would be upheld. Yet the trial court dismissed her application, pointing to provisions in the federal constitution privileging Islam, and defining a Malay to be a Muslim. Malays could not renounce Islam at all, the court argued, because they were defined by the federal constitution to be persons of the Islamic faith. Further, the judge reasoned, if the civil court recognized Lina Joy's new faith, it would open the floodgates to other converts.

In effect, the lower civil court disregarded the federal constitution's status as the highest law of the land and ceded jurisdiction to the Shariah Court—to which Ms. Joy never applied. According to the civil court, a conversion out of Islam was a religious matter that could only be dealt with by the Shariah Court. This conclusion not only flies in the face of Malaysia's constitution, but Article 18 of the Universal Declaration of Human Rights, to which Malaysia, as a member of the United Nations, is a signatory.

Ms. Joy is not the only person in Malaysia suffering from this Kafka-esque maze. In

2005, the country's federal court dismissed *habeas corpus* applications by four former Muslims who were sentenced by the Shariah Court to three years in jail for wrongly attempting to leave Islam. Last December, over the objections of his Hindu wife and family, M. Moorthy—part of the first Malaysian team to climb Mount Everest and an army commando—was declared a Muslim after his death, and buried as one.

The prospects for Ms. Joy's petition aren't bright. No Malaysian Shariah Court has ever granted permission for an ethnic Malay to leave Islam. Such applicants have instead been sentenced to religious rehabilitation camps. This is, sadly, part of a broader trend world-wide toward anti-conversion laws. At least 14 nations, including Saudi Arabia, Pakistan and Iran have already outlawed apostasy against Islam. In a handful, the crime is punishable by death.

Ironically, Shariah law as applied in Malaysia is actually discriminatory only against Muslims, or people the court decides are Muslims—the very people the separate Shariah Courts are supposed to protect. Why? Because every other citizen is afforded the ability to choose his or her own religion except for ethnic Malays, who, born into Islam, have no way out. Similarly, if the federal court refuses to recognize Lina Joy's conversion, it will have announced to all Malaysians that they are not free to choose God. It's unclear, as yet, when the court will rule on the case.

Some Malaysians argue that freedom of religion is a foreign, Western construct that does not respect the dignity of religious communities. Yet the ability to choose one's religion comes from a purely Eastern

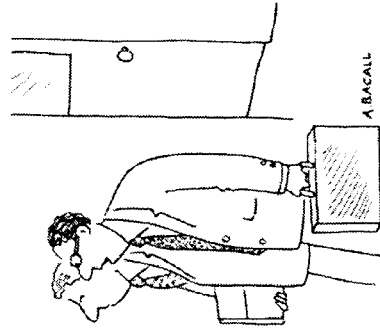
source. Muslims claim the legacy of Abraham, Moses, and Jesus—all considered prophets in Islam—as the very beginnings of Islam. And it is the Judeo-Christian tradition of a higher being who endowed all persons with inalienable dignity, including the dignity to choose God, that is at the very core of religious freedom.

Ms. Joy, now 42, has waited eight years to realize her dream to live and worship freely. Her case represents a critical juncture between constitutional and Shariah law in one of Southeast Asia's most important countries. Malaysian law does and should protect the freedom of religion of Muslims who willingly profess Islam. Now it is time for the law to protect everyone else, too.

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Pepper . . . and Salt

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"It wasn't an easy decision for me to make. Lots of coin tossing went into it."