

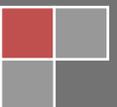
# Berita

## Malaysia/Singapore/Brunei Studies Group Association for Asian Studies

Chair's Address.....	2
Editor's Foreword.....	3
Members' Updates.....	4
Prizes.....	4
Announcements.....	6
Competitive Elections and Ethnic and Religious Politics.....	7
Malaysia's 2013 Election: The Nation and the National Front.....	14
Transforming <i>Melayu</i> Identities in Maritime Southeast Asia.....	21
What Islam, Who's Islam?.....	25



Rioting by South Indian foreign workers at Little India (Singapore), following an fatal accident involving an Indian worker and a passenger bus on December 8 2013.



---

## Chair's Address

I am pleased to report that at our business meeting at the Association for Asian Studies (AAS) conference in San Diego on 22 March 2013, the Malaysia/Singapore/Brunei Studies Group (MSB) awarded the John A. Lent Prize for Best Paper on Malaysia, Singapore, or Brunei presented at the previous annual meeting to Thomas Pepinsky, an assistant professor at Cornell University. Thomas' paper "*Tak Nak Mereform: New Media and Malaysian Politics in Historical Perspective*" was selected to be the best of the fine papers read. The prize committee, chaired by Patricia Sloane-White of the University of Delaware, included Sharon Carstens and Cheong Soon Gan, a former recipient of this prize.

I am also very happy to announce that we awarded the Ronald Provencher Travel Grant for the first time to Trixie Tangit, a Malaysian doctoral candidate at the Australian National University. Her extended paper abstract "If you are Kadazan, then speak Kadazan: Negotiating the culture and politics of standard language versus 'mother tongue' language among Kadazans in Sabah, Malaysian-Borneo" was selected to be the best submitted.

At the business meeting, chaired by Vice-Chair Eric C. Thompson in my absence, Patricia Sloane-White was appointed to serve another year as the chair of the John A. Lent Award Committee. James Jesudson, a distinguished scholar and veteran MSB member, and Thomas Pepinsky, this year's winner, will join Patricia on this committee. It was decided that dues and donations for MSB for this year would be made through the AAS website. I have been receiving reports of these payments from AAS. Thanks for your kind support!

Discussions about how to enhance MSB communications were also continued at the meetings. It was decided that for the time being, at least, that we maintain both platforms: the MSB listserv and Facebook group. Interactions and sharing has increased on both venues. I urge all MSB members and supporters to increase their active participation in discussions and sharing information in these media.

*Timothy P. Daniels, Hofstra University  
Chair, Malaysia/Singapore/Brunei Studies Group  
Timothy.P.Daniels@hofstra.edu*



---

## Editor's Foreword

I am pleased to present, after a period of hiatus, the *Berita* Newsletter for Autumn 2013. Appreciation is extended to the many contributors for their articles, comments and announcements that are included in this issue.

The theme of this issue is Malaysian politics and the role of ethnic identity and religion in society. 2013 has been a tumultuous year in Malaysian politics. Following the dissolution of parliament on the 3rd of April 2013, and the Malaysian general elections held on the 5th of May 2013, there has been significant discussions concerning the implications of the voting patterns and electoral results, and what these data sets imply in terms of the development and trajectory of Malaysian political society henceforth. Two feature articles in this issue, by Kikue Hamayotsu and Amrita Malhi, showcase the diverse currents in these scholarly discourses, examining and postulating the implications on the institutional strategies and social trajectories of the key stakeholders in Malaysian body politic.

A key theme that has emerged in the series of discussions carried out on various platforms over 2013 has been the issue of religion and its implication on identity formation and the operations of social groups within the context of Malaysia. Eric Thompson's summation of the MSB-sponsored panel at the 2013 AAS meeting at San Diego, entitled "Transforming Melayu Identities in Maritime Southeast Asia", demonstrates that identity discourse is still very much a salient part of everyday life, fluid in interpretation, presentation, and implication, and not just historic, but also in the present.

Along this grain, we are also delighted to include an edited transcript of Zainah Anwar's keynote speech at the AAS meeting at San Diego entitled "What Islam, Who's Islam? The Struggle for Women's Rights to Equality and Justice in Muslim Contexts". In it, she draws the links, and contradictions, between the interpretation and presentation of Islam to women, to challenges confronting NGOs in the face of such interpretations and presentations in an Islamic society, and where the paths of reconciliation may lie.

This issue is perhaps the most substantial one we have had the honour of producing, and I would like to extend my gratitude to all contributors for a wonderful issue of *Berita*!

*Derek Heng, Yale-NUS College*  
*Editor*  
*Derek-heng@yale-nus.edu.sg*

## Members' Updates

**Sharon Carstens** (Professor of Anthropology and Director of the Institute for Asian Studies, Portland State University) will be conducting sabbatical research in Malaysia from Jan - May 2014. The title of her new project is "Language Ideologies and Identities: Multi-lingual Chinese in Multi-ethnic Malaysia."

**Khoo Gaik Cheng** (Associate Professor, School of Modern Languages and Cultures, The University of Nottingham--Malaysia) teaches film and cultural studies. She recently co-edited (with Julian C.H. Lee) a special issue for *Citizenship Studies*, "New Ethnoscapes and different forms of belonging in Malaysia," Vol. 18, No. 8, forthcoming December 2014 (based on a Wenner Gren Foundation workshop grant). She is also working on a book entitled *Food, Space and Identity in Malaysia and Singapore* with co-author Jean Duruz, and is helping to organize the Association of Southeast Asian Cinemas conference (Salaya July 2014). Her research interests include film, food and cosmopolitanism.

**Derek Heng** was recently appointed Head of the Nalanda-Sriwijaya Centre, Institute of Southeast Asian Studies. The centre conducts research into the pre-modern and early modern history of Southeast Asia, with a special emphasis on trans-regional exchanges, state formation processes, and culture and identity. The centre is presently embarking on a digital humanities project.

**Patricia Hardwick** (Fellow, Institute of Sacred Music, Yale University) is an anthropologist and folklorist. She is presently working on a monograph that investigates how mak yong practitioners, confronted with changing interpretations of appropriate Islamic practice, are actively adapting how they think and speak about traditional Kelantanese Malay notions of the body, the origins of illness, and their healing performances. A former Fulbright and Javits Fellow, Patricia has done fieldwork in California, Malaysia, and Singapore documenting how individuals negotiate ethnic, religious, and historical identities through the performing arts. Her research has been published as book chapters and articles.

## Prizes

### *John A. Lent Prize (2013, San Diego)*

*Prof. John A. Lent founded Berita in 1975, editing it for twenty-six years, and founded the Malaysia/Singapore/Brunei Studies Group in 1976, serving as chair for eight years. He has been a university faculty member since 1960, in Malaysia, the Philippines, China, and various U.S. universities. From 1972-74, Prof. Lent was founding director of Malaysia's first*

*university-level mass communications program at Universiti Sains Malaysia, and has been professor at Temple University since 1974.*

*Over the years, Prof. Lent has written monographs and many articles on Malaysian mass media, animation, and cartooning. He is the author and editor of seventy-one books and monographs, and hundreds of articles and book chapters. Since 1994, he has chaired the Asian Cinema Society and has been the editor of the journal Asian Cinema. He publishes and edits International Journal of Comic Art, which he started in 1999, and is chair of Asian Research Center on Animation and Comic Art and*

Autumn 2013



---

*Asian-Pacific Association of Comic Art, both of which he established, and are located in China.*

The Committee for the John A. Lent Prize for the best paper on Malaysia, Singapore, and Brunei presented to the AAS in the previous year has chosen as its winner Thomas Pepinsky, for his paper “*Tak Nak Mereform: New Media and Malaysian Politics in Historical Perspective.*” The three committee members all agreed that Pepinsky’s paper deserves special recognition for its compelling and persuasive argument and the high quality of its writing.

Thomas Pepinsky’s timely paper asks, as many scholars of the politics of democratization today do, if the technologies of new media and a broadening online society “augur well for political liberalization.” This is a particularly relevant question in Malaysia, where ordinary citizens and the country’s official opposition have successfully harnessed technology to undermine the incumbent “Barisan National regime’s organizational and informational advantages.” Pepinsky’s approach is striking because he places what is indeed “new” in Malaysia—the growth of diverse news media and a vibrant online society that flourish beyond the reach of state censorship and political control, as well as new tactics and new kinds of social actors—within what might be called the *longue durée* of six decades of Malaysian politics to demonstrate that the essential logic and deep structure of (and arguments within) Malaysian politics have not changed. Thus Pepinsky argues that despite mobilization of new segments of society, aided by changes in the economy, society and technology, any fundamental reordering of the political structures that have underpinned Malaysian politics since independence is unlikely to take place. Until what he calls the “cleavage structures” that center on ethnicity

and class fall away, new forces may appear on the landscape. But the terms and the result of the political contestation will remain, he argues, perniciously the same.

In this well-written paper, Pepinsky engages with multiple academic analysts who are more optimistic over prospects of realignment in Malaysian politics arising from the formation of new coalitions and new tactics within protest movements. He supports his argument with three well-chosen (and well-known) examples of recent political movements: the Hindraf rally of 2007, the March 2008 General elections, and the 2011 Bersih 2.0 rally. Although other scholars might reach a different conclusion than his, Pepinsky’s perspective on Malaysian politics provides a useful framework for comprehending both the challenges to and the resilience of the current political structure and is important precisely because it sets the parameters for a necessary debate.

Finally, it gives the John A. Lent Prize Committee particular pleasure to note that Pepinsky’s paper addresses the relationship among what he calls the “emancipatory potential of new technology,” media, and social change, a topic that parallels and resonates with John A. Lent’s own research interests.

### ***Ronald Provencher Travel Grant (2013, San Diego)***

*The Ronald Provencher Travel Grant is named in honour of Ronald Provencher, distinguished cultural anthropologist of Malaysia, a long-time leader of the Malaysia/Singapore/Brunei Studies Group (Association for Asian Studies) and editor of Berita Newsletter. It carries with it a US\$750 award for a graduate student from Malaysia, Singapore or Brunei to travel to present a paper at the Association for Asian Studies meeting.*



The Malaysia/Singapore/Brunei Studies Group (MSB) has awarded its first Ronald Provencher Travel Grant to Trixie Tangit, a doctoral candidate at the Australian National University, for her extended proposal for the paper titled, “If you are Kadazan, then speak Kadazan’: Negotiating the culture and politics of standard language versus ‘mother tongue’ language among Kadazans in Sabah, Malaysian-Borneo.” She presented this paper at the 2013 AAS Meetings on the panel, “Negotiating the Culture and Politics of Language Choice in Contemporary Malaysia,” organized and chaired by Sharon Carstens.

Trixie Tangit is a Malaysian from Sabah with a background in linguistics and experience working with local ethnic groups. She earned her M.A. in Linguistics at the University of Hawaii, Honolulu in 2005, and worked as a Research Officer on Indigenous

Languages and Cultures for the Kadazandusun Language Foundation (KLF) Sabah, Malaysia.

Trixie Tangit’s extended paper proposal reviewed much of the pertinent literature about language use among Kadazans, which describes their language shifts to Malay and a ‘mixed language’ comprised of Malay, English, and Kadazan. She used text analysis and ethnographic interview data to highlight Kadazan perceptions of linguistic elements, language ideology, and sites of identity, and to argue that Kadazans view the Kadazandusun language as ‘Dusunizing’ them. This proposed research paper, an integral part of her doctoral research, potentially makes a major contribution to the literature by explaining how Kadazan language ideology articulates with ethnic identity and belonging in Sabah.

## Announcements

### *New Film*

*Di Ambang: Stateless in Sabah* follows the lives of two undocumented Filipino migrant families, one ethnic Suluk and one Bajau, living in the Malaysian state of Sabah. Fleeing conflict in the southern Philippines, thousands have migrated across Malaysia’s porous sea borders. Following the families through their day-to-day lives, this documentary explores statelessness and the consequences it has on the generations of people living unrecognized by any country.

The website with the trailer can be found at <http://diambangfilm.com/>.

### *Conference Announcements*

Title: **Security, Sovereignty and Socio-Economic Development: Asia-Pacific Island Issues in the Early 21st Century**

Venue: Penang, Malaysia

Date: 1st & 2nd February 2014.

Organisers: Institute of Ethnic Studies, Universiti Kebangsaan Malaysia (KITA-UKM, Malaysia) and the Asia-Pacific Islands Program at Southern Cross University (Australia) in collaboration with SICRI – The Small Island Cultures Research Initiative.

Autumn 2013



## Special Report 1

### *Competitive Elections and Ethnic and Religious Politics in a transforming Malaysia<sup>1</sup>*

*(By Kikue Hamayotsu)*

It is a well-established proposition in political science that it is difficult to achieve and maintain stable democratic rule in a plural society (Lijphart 1977). Some also argue that competitive elections, a minimal procedural condition in a modern democracy, could potentially generate *more* instability and violence rather than rectifying them in such a society (Snyder 2000). Regardless of who is in power, the challenges of maintaining delicate ethnic relations will remain the same in a deeply divided society like Malaysia.

In spite of extraordinary economic, socio-cultural and political transformations over the past decades, the basic characteristics of Malaysia's "plural society" politics, and ethnic-based mobilization in particular, have remained remarkably the same (Pepinsky 2009, 2011).

Will Malaysia's increasingly competitive elections and more liable and assertive "multi-ethnic" opposition bring about more equality, equity and stability, as promised by the opposition coalition, People's Alliance

---

<sup>1</sup> An early draft of this article was posted in *Mandala: New Perspectives on Mainland Southeast Asia* on May 17, 2013 (<http://asiapacific.anu.edu.au/newmandala/2013/05/17/revisiting-democracy-in-plural-societies-in-transforming-malaysia/>).

(*Pakatan Rakyat*, PR)? Will the democracy under PR be significantly different from the polity we have seen in Malaysia under the National Front (*Barisan Nasional*, henceforth BN) in terms of equality and equity among various communities? Have issues, ideologies, and institutions of identity, ethnicity and religion in particular, receded or increased as a result of more competitive elections? If so, why?

In order to address these broader questions beyond the immediate outcomes of the 13<sup>th</sup> General Elections held on May 5, 2013, this essay seeks to place the recent political development in a broader perspective that pertains to the questions of identity, religion and ethnicity. The findings and arguments I present here are mostly based on primary data I gathered through fieldwork, in-depth interviews and online research.

My primary findings suggest that ethnocentric and communal sentiments are in fact on the rise, especially among the traditional and religious elites in the Malay community. I argue that the rise of ultra-nationalistic and antagonistic attitudes is the result of the expansion of an unprecedentedly assertive pro-democracy movement and multi-ethnic opposition.

The pro-democracy movement's emphasis on equal rights and equitable development for *all* Malaysians has threatened not only the party-dominant regime but also the pro-Malay principles and institutions, including sultans and religious authorities. The perception that the movement is dominated by urban-middle class interests, especially non-Muslim communities, also has contributed to rising tensions between the majority Malay-Muslims and the rest of the Malaysian populations. The prospects for



democratic transition and consolidation do not appear to be as bright as the election results of 2008 and 2013 indicate.

### **The political use of ethnicity and religion in election campaigns: political learning and ideological moderation**

On the positive side, one finding that could be highlighted and commended in the recent election, GE13, is that the use of parochial ethnic sentiments and symbols for short-term electoral gains was not as conspicuous as some observers may have expected.

To be sure, there were ultra-nationalistic (and frankly racist) rhetoric and claims circulated in mainstream media by pro-regime forces, most famously Perkasa. Founded by the former UMNO politician from Kelantan, Ibrahim Ali, in the aftermath of the General Elections in 2008, Perkasa is committed to the promotion of Malay supremacy and privileges. However, this ethnocentric and xenophobic rhetoric and mobilization aimed at inciting ultra-nationalistic sentiments has proven to be ineffective and counterproductive, as seen in the defeat of Ibrahim in his home state of Kelantan. Moreover, physical violence related to ethnic or religious divisions has largely been restrained.

Overall, the PR—as well as the ruling coalition—has been reasonably successful in overcoming and limiting narrow parochial ethnic and religious sentiments and agendas in running election campaigns. Instead, PR has focused on pragmatic—and universalistic—values and programs such as equal rights and equitable development, clean and fair elections, elimination of corruption and money politics, and transparent and accountable governance

(Pakatan Rakyat 2013). The national and democratic vision based on equality and equality among all Malaysians certainly sounds good and has worked well to win more urban and young pro-reform voters. Alongside unprecedentedly active participation of Malaysian citizens in anti-regime movement and street demonstrations since 2007, this encouraging development seems to be evidence of growing political awareness and maturity, at least among urban voters who overwhelmingly supported the opposition.

Have such universalistic campaigns of PR worked for all the component parties to bring the impressive electoral showing for the opposition seen in 2013? It is helpful to carefully look at the broader voting patterns after the onset of the 1998-99 political crisis and the *reformasi* movement in order to better understand why ultra-nationalistic sentiments and antagonistic attitudes are on the rise among the Malay-Muslim community. The election results seem to suggest some interesting, and potentially worrying, patterns and dynamics.

First, as seen in the table (Table 1) below, the opposition coalition parties, namely the People's Justice Party (*Parti Keadilan Rakyat*, PKR), the Democratic Action Party (DAP) and the Malaysian Islamic Party (*Parti Islam Se-Malaysia*, PAS), *collectively* have won significant support in terms of the number of votes and parliamentary seats against BN especially in the last two general elections in 2008 and 2013. In 2008, the ruling coalition has lost a two-third majority in parliament as well as five states in Kedah, Kelantan, Penang, Perak and Selangor.<sup>2</sup> In 2013, BN suffered its

<sup>2</sup> PR has been removed from power in Perak after the election due to the defection of three assemblymen.



worst electoral result since 1969 when it lost more votes than the opposition.

Second, it is the predominantly Chinese DAP who has gained the most from the anti-regime movement and has expanded its support base, although PR

contested parliamentary seats under single tickets. In 1999 in the aftermath of the political crisis after the sacking of Anwar Ibrahim, as seen in the table (Table 2) below, DAP won only 10 seats (27%) out of the 37 seats it contested in peninsular Malaysia (excluding the eastern states, Sabah and Sarawak). The result indicates that the *reformasi* movement and the declining popularity of BN (especially UMNO) had little to do with

DAP or non-Malay voters. Since then, however, DAP's growth in popularity is by far the most conspicuous among the three coalition partners. In 2013, DAP achieved an overwhelming victory winning as many as 31 seats (81%) out of the 36 seats it contested, 5

additional seats to the 26 seats it gained in 2008.

By stark contrast, the performances of the other two predominantly Malay partners were less successful than DAP in both in 2008 and 2013, despite having contested far more electoral districts. PKR, led by the

charismatic and popular icon of the opposition movement, Anwar Ibrahim, only managed to win less than a half of the constituencies they contested (49% in 2008 and 41% in 2013). PAS won only 23 (35%) out of 65 seats they contested in 2008 and 21 (33%) out of 66 seats they contested in 2008 and 2013 respectively. Among those 21 seats it won in

2013, 9 seats are in Kelantan, the location of much of their support base *before* the onset of the anti-regime movement. Overall, PAS's growth in the post-

*reformasi* era remains modest despite the growing anti-regime movement. The limited expansion of PAS may be even more perplexing if we remember that PAS was the most viable alternative opposition party to

**Table 1: Number of seats and votes won by BN and PR (1999-2013)**

	BN			PR			Total
	Seats	Seats (%)	Votes (%)	Seats	Seats (%)	Votes (%)	
1999	148	76.68	56.5	45	23.32	43.5	193
2004	198	90.41	63.9	21	9.59	36.1	219
2008	140	62.61	52.2	82	36.93	47.8	222
2013	133	59.91	47.38	89	40.09	50.87	222

Source: The Election Commission of Malaysia; The Star Online: 13th Malaysian General Election; the author's own data.

**Table 2. The number of electoral districts the opposition parties contested and won**

	PKR*		DAP		PAS		PRM		
	Contest	Win	Contest	Win	Contest	Win	Contest	Win	
GE10 (1999)	42	5	37	10	60	27	4	0	PKR*=Keadilan+PRM
		12%		27%		45%		0	
GE11 (2004)	47	1	38	11	83	7			
		2%		28%		8%			
GE12 (2008)	63	31	35	26	65	23			
		49%		74%		35%			
GE13 (2013)	64	26	36	31	66	21			
		41%		81%		33%			

Source: Author's calculation based on the results available from the <http://elections.thestar.com.my/>.



UMNO up till the onset of the 1998-99 political crisis.

Third, to make the already disappointing situation worse, so-called rising young “progressive” pro-reform leaders from PAS, Dzulkefly Ahmad, Mohamad Sabu, Husam Musa and Salahuddin Ayub, have lost not only in UMNO’s strong hold, Johor but also other states such as Kedah and Selangor. According to these results, PAS and its moderate and pro-reform leaders in particular are not gaining much ground in the urban constituencies despite their efforts to alter the old ultra-conservative outlooks and religious visions of the Islamist party.

With everything equal, these results may not simply be attributed to strategic miscalculation (e.g., a wrong candidate in a wrong constituency), electoral manipulation, or dirty tactics of the regime. DAP was able to defeat their BN rivals under the *same* adverse institutional and political conditions. Clearly PAS is not gaining many rewards from their position in the coalition, their new reformist identity, and the leadership they have chosen to adopt at the expense of their traditional Islamist identity, policies, and leadership. It is important to realize that PAS’s support base remains exclusively in Kelantan as it was 10 years ago, in contrast to the assertion that it has been transformed into a more open and national party.

It is reasonable to conclude that the electoral success of the opposition coalition has much to do with their ability to appeal to more urban, cosmopolitan, and largely middle-class constituencies. As widely discussed elsewhere, BN, and UMNO in particular, has not lost much support in primarily Malay-dominant rural constituencies as much as its non-Malay BN partners have in their non-Muslim

constituencies. Both in 2008 and 2013, PAS’ contribution to the opposition’s victories remain modest and obviously less than DAP’s, despite the fact that there are disproportionately more Malay-majority electoral districts that PAS (and PKR) are likely to contest.

A big question now is what would be an option for PAS. After the 2013 elections, PAS seems to be suffering from a sense of defeat, uncertainty, and urgency to reconsider its position in the coalition and Malaysian politics in general. The more conservative religious elites such as former deputy president, Nasharuddin Mat Isa have been regaining more force within the party, although they had been pushed aside as a result of their resistance against the new direction of the party (Hamayotsu 2010 ). On the other hand, some of the pro-reform party leaders such as Husam Musa and their close allies have been quietly pushed aside within the party structure. Are the political and ideological costs they are paying small enough for them to stay as they are?

### **The rising pro-Malay-Muslim ultra-nationalism and inter-ethnic tensions**

It is still uncertain how committed the opposition parties actually are to their moderate outlooks and a national vision where *all* Malaysians are treated equally. The question looms large because, so far, the opposition leaders have agreed not to talk about delicate issues such as issues of ethnicity, religion, and equity. This agreement is meant to keep the parties together to achieve their primary and immediate goal, to oust the dominant party regime.

What is more concerning is the rise of ultra-nationalistic and antagonistic attitudes



among the Muslim-Malay community, especially traditional Malay and religious elites including sultans and state religious officials, which have led to inter-ethnic tensions since 2007. The trend is intriguing because it has occurred when the UMNO elites adopted a more accommodative and integrative approach to balance out various ethnic interests.

One of the most prominent cases includes violence and hostility that has intensified against Christians in regard to the use of the word Allah. Inter-ethnic tensions have arisen after the High Court ruled in December 2009 to overturn a government's ban on Roman Catholics using the word as a translation for God in the Malay languages edition of their newspaper, the Herald. After the court ruling, a number of churches, a convent, and a Sikh temple were attacked across the country.

After the 2013 elections, inter-ethnic and religious tensions have deteriorated further due primarily to the Malay elites' antagonistic and provocative attitudes against the constitutional rights and sentiments of religious minorities. The federal religious authorities, JAKIM, for example, called for a "jihad (holy struggle)" among Muslims against non-Muslims as the hearing of the appeal case on the use of the word Allah neared. Under such massive pressures, non-Muslim religious leaders are doubtful if the judiciary (dominated by Malays) could be impartial to the interests and predicaments of non-Malays. Indeed, at the time of writing, the Court of Appeal ruled unanimously against allowing the Catholic Church to use the word Allah in its weekly publication, saying that the government did not impugn on the Church's constitutional rights in banning the use of the word.

It is in fact the ambiguity about the special rights of the Muslim-Malay community and the relations between majority and minority communities among the pro-democracy movements, especially the PR elites that has put the traditional Malay and religious elites on the defensive. The unprecedentedly assertive pro-democracy civil and political societies and their emphasis on "equality" and "equity" are perceived as a threat to the cultural, religious and political dominance of the traditional Malay elites, even if the pro-democracy movement is not explicitly demanding to reduce the privileges and special rights of Malays. Moreover, both UMNO and PAS are seen making too many concessions to the non-Malay communities to achieve electoral gains, while weakening organizationally. The fear that the Malays are losing powers and influence in a Malaysian society at large has contributed to the rising ultra-nationalistic sentiments and antagonistic attitudes among the Malay community, and traditional elites in particular.

The fear and antagonism among the Malay elites should be understood against a historical and institutional context of the state institutionalization of ethnicity and religion. The Malaysian constitution is based on ethnic and religious exclusivism so that the supremacy of the Malay majority would never be challenged. Numerous legal codes and bureaucratic institutions and regulations are tightly in place to perpetuate the ethnic divisions and to keep minorities inferior to the Malay majority. Additionally, the Malaysian state has reinforced the apparatus of religion it inherited from the colonial regime, including the Syariah courts and many other religious agencies that dispense generous public goods and services to increasingly pious Malay community. It is the traditional Malay and religious elites who have benefitted



handsomely from the state institutionalization of ethnicity and religion (exclusively Islam) and expanded formal powers and authority under the pro-Malay regime.

The question remains if the votes cast for the opposition are based on a belief that the powerful and resourceful state institutions and interests based on ethnic exclusivism will be reduced when the opposition comes to power.

Or are these votes based on a tacit understanding that these institutions and interests—and the Malay supremacy—will remain intact and a new multi-ethnic regime will try to figure out a better balance than the incumbent BN among contending ethnic interests? What do their power-sharing formulas look like?

### **Constitutional freedom of individual citizens in a deeply divided non-secularized society**

An even more challenging question for Malaysia is if a new and more democratic regime is able and willing to protect and secure constitutional rights and freedom of citizens which do not always come together with democratic rules and competitive elections in deeply divided and religious societies. If we could gain some insight from her Muslim majority neighbor, Indonesia, the future of constitutional rights of religious and minority communities may not be so bright even if Malaysia somehow attains a new regime and manages to reduce corruption to attain clean governance.

In a democratic Indonesia, Christian and Muslim minorities remain vulnerable to various abuses, intimidation, and discriminations both by state and societal actors, although the popularly elected ruling

elites are equipped with more egalitarian national ideology and more secular constitution and legal institutions. It is speculated that electoral incentives in democratized and decentralized elections in part have facilitated the use of religious symbols and interests by opportunistic politicians (and religious actors), thereby leading to anti-minority mobilization and violence (Hamayotsu 2013).

In short, the competitive election and strong performances of the opposition certainly have threatened the predominance of the ruling coalition, BN and UMNO in particular, while raising the prospect of regime transition which was never considered possible a decade ago. It is undeniable that an unprecedented large number of the Malaysian electorates are tired of the BN's decade-long undemocratic rule and are ready to try out a new leadership. However, we are not certain if and how many of them are in fact ready to let go of the fundamental features of ethno-centric state institutions and ideology that have sustained the incumbent regime for so long. If the votes cast for the opposition are based on a tacit expectation that the fundamental rules and state institutions will be unaffected, it remains to be seen what formula the opposition leaders intend—and are capable of—to craft in order to bring about a truly new Malaysia with equality and equity in a peaceful manner.

The bottom line is that changing the society and the regime is one thing, and changing the state is another (Slater 2012). A tragedy of Malaysia's plural society is not only that it is deeply divided socio-economically and culturally, but also that the state and legal apparatus have been developed extensively and effectively to maintain these characters and structures based on ethnic and religious cleavages and exclusivism. A regime change in



itself will not automatically bring the powerful state down in order to advance a new deal for all Malaysians that transcends narrow parochial and emotional boundaries.

Snyder, Jack L. (2000). *From Voting to Violence: Democratization and Nationalist Conflict*. New York: Norton.

## References

- Hamayotsu, Kikue (2010). "Crises of Identity in PAS and Beyond: Islam and Politics in Post 8 March Malaysia", *The Commonwealth Journal of International Affairs* 99 (407):145-57.
- (2013). "Explaining Religious Violence in the Context of Democratic Consolidation: Comparative Cases from West Java, Indonesia". Paper read at Association for Asian Studies Annual Meeting, March 21-14, 2013, at San Diego.
- Lijphart, Arend (1977). *Democracy in Plural Societies: A Comparative Exploration*. New Haven and London: Yale University Press.
- Pakatan Rakyat (2013). *The People's Manifesto: The People's Pact, the People's Hope*. Pakatan Rakyat.
- Pepinsky, Thomas (2009). "The 2008 Malaysian Elections: An End to Ethnic Politics?", *Journal of East Asian Studies* 9 (1):87-120.
- (2011). "*Tak Nak Mereform*: New Media and Malaysian Politics in Historical Perspective. Paper read at The Jasmine Revolution and the "Bamboo" Firewall: The Impact of the Internet and New Social Media on Political Change in East Asia". August 23-25, 2011, at Center for Asian Democracy, University of Louisville.
- Slater, Dan (2012). "Strong-State Democratization in Malaysia and Singapore", *Journal of Democracy* 23 (2):19-33.

*Kikue Hamayotsu is Associate Professor at the Department of Political Science, and Faculty Associate at the Center for Southeast Asian Studies, Northern Illinois University, DeKalb, USA. She can be reached via e-mail at: khamayotsu@niu.edu.*



## Special Report 2

### *Malaysia's 2013 Election: The Nation and the National Front'* (By Amrita Malhi)

*Winning an election may still be one of life's great thrills, but the afterglow is diminishing.*  
(Naim 2013: 1713)

If ever an election victory could be interpreted as a humiliation by the winning side, then the Malaysian federal election, held in May this year, was profoundly humiliating for the National Front (*Barisan Nasional*, or BN).

BN won government for the thirteenth time, and extended its uninterrupted hold on federal government in Malaysia. It also continues to hold a majority of states in the federation. In this sense, BN's political primacy—as the sole government Malaysia has ever known—remains in place, in the nation it argues its predecessors brought in to being in 1957 (Cheah Boon Kheng 2002; Hooker 2003).

Aside from remaining in government, however, BN has nevertheless had to reconcile itself to a new political environment, in which its domination of the architecture of 'the national' is no longer guaranteed. The polls and technics that group together within this new environment have generated much academic

---

<sup>1</sup> This article is part of a longer journal article in progress, currently entitled 'Malaysian New Media Campaigning: Cleaving the Nation from its National Front'. Please direct any comments or feedback to [amrita.malhi@unisa.edu.au](mailto:amrita.malhi@unisa.edu.au).

commentary since May.<sup>2</sup> Yet one feature of this recent election that remains undiscussed is the extent to which it reveals that BN's hold over narratives of the nation's past, present and future has weakened considerably over the past decade. Indeed, the May election has revealed that BN is no longer assured that it can smoothly weave narratives of its own history together with those of the nation's development (Hooker 2003:Chp 1).

This effect has exposed a heightened level of contestation about how the nation itself should be understood—indeed, how it should be constituted—and this contestation is played out in several key national spaces in which political debate is conducted. These spaces include the federal parliament, in which BN relies on an electoral gerrymander to retain sufficient seats to form government; and the public sphere, which is characterised by the rise of the digital media and the erosion of older print and broadcast mediascapes (Surin 2010; Yeoh Seng Guan 2010). As a result, absolute parliamentary numbers aside, both spaces are increasingly fragmented, and are no longer BN's exclusive domain.

The result is a new narrative instability in the public sphere, as control over the nation's foundational discourses has palpably slipped away from BN. For example, it is no longer the sole custodian of the text of the national constitution, nor can it alone elaborate a doctrine of multi-ethnic unity in the service of development. This is because the capacity for intervention in these two narrative fields is intrinsically linked with access to three

---

<sup>2</sup> For example, refer to New Mandala: <http://asiapacific.anu.edu.au/newmandala/category/malaysia/>; and Tom Pepinsky's blog: <http://tompepinsky.com/>.



important enablers—which BN once appeared likely to control with impunity for the indefinite future. The first two of these enablers were first lost to BN in 2008, and the 2013 election confirmed these losses. They consist of the federal parliamentary supermajority, and control of every state parliament except for Kelantan. This year, in addition to these two facets of its power, BN also lost the national popular vote, shaking its narrative foundations even further still.

In this new political situation, BN is unable—for now—to make the very claim that has always been central to its very political rationale. This is the claim embodied in its name: namely that BN alone can unite a multi-ethnic plural society, protecting each group from the others' divergent interests, and acting as the sole legitimate channel through which national aspirations should be funneled (Mauzy 1983). Indeed, the 2013 election result does not only illustrate the extent to which the nation identifies with the National Front which leads it; rather it also brings in to question the extent to which the National Front is able to identify itself with the nation it leads.

Barisan Nasional can no longer project its exclusive authority over the national narrative in the public sphere. This is because the erosion of its electoral domination carries profound implications for how BN, the 'national front, projects its affinity with, and its authority over, the polity and the public known as 'the nation'. The crux of these implications is that BN can no longer smoothly conflate its identity and interests with those of the nation; whereas the capacity to do so has been essential to its exercise of power for more than fifty years.

Granted, 'power' is impossible to quantify as an accumulation of elemental

components. Yet in the contest of narratives embedded in Malaysian politics, BN's capacity to claim that only it can represent the nation has been a critical feature of its modality for wielding it. This is particularly the case if 'power' is understood very simply as 'an arbiter of a menu of actions' available to a national executive (Naim 2013: 619). As such, this erosion of power also underpins and enables an argument prosecuted since May by the People's Alliance coalition (*Pakatan Rakyat*, or PR) that it, and not BN, now represents 'the nation'. Now that it commands the national popular vote in addition to strong multi-ethnic credentials of its own—in addition to three state governments and the new media public sphere—PR, in its turn, currently possesses a greatly enhanced capacity for national claim-making. In this dynamic, and at least for this moment, it appears that the nation and its national front are cleaving apart.

### Institutional Capacity

BN's loss of access to the three enablers described above is of critical importance because of the multiple ways in which they enforce each other. First, it has now decisively, and possibly even permanently, lost its two-thirds majority—also known as a supermajority—of seats in the House of Representatives (*Dewan Rakyat*). BN originally lost this supermajority at the last election in 2008—the first it had suffered such a loss since 1969. This is therefore only the second period of time in the nation's history during which BN has not held a supermajority. Indeed, this is the first time this has happened within the living memory of the nearly three-quarters of Malaysians who are younger than forty (Weiss 2013: 308-309). Further, the historic 2008 result saw BN win 140, or 63 per cent, of 222 seats.



This year, rather than make up ground this year as it had hoped, BN won only 133, or 60 per cent, of 222 seats. The 2013 result has therefore taken BN back even closer to its 1969 low point, when its predecessor, the Alliance, won only 77, or 53 per cent, of 144 seats.

In part, the significance of this supermajority has been found in the way in which it operates as a form of psychological set point; a base performance trend line beneath which confidence plummets in an increasingly competitive political marketplace. Without it, BN's capacity to command parliamentary authority—even while still in government—is diminished from its previous peak, rendering it psychologically enervated and defensive as a result. The supermajority is also significant because of the relationship it has underpinned between BN and the nation's constitution. Without an automatic assurance of two-thirds of the parliamentary vote, BN has also thereby lost its capacity to unilaterally amend the constitution.<sup>3</sup>

The loss of the supermajority, then, represents a loss to BN of the institutional capacity it once possessed to '[privatise] the rules and procedures used by a nation-state to keep control over the activities within its territory' (Castells 2008: 81). This loss only underscores BN's humiliation again: the constitution is the nation's founding document, statement of fundamental principles, and an operating manual for the polity. It was drawn

---

<sup>3</sup> Article 159 of the Constitution allows for its revision if amendments are supported by 'the votes of not less than two-thirds of the total number of members' in either House of Parliament. For more details, refer to (2010). *Federal Constitution: Reprint*. Kuala Lumpur, The Commissioner of Law Revision Malaysia.

up by BN's predecessors, alongside British administrators and members of Malaysia's various royal families (Cheah Boon Kheng 2002; Hooker 2003; Sham Saleem Faruqi 2008). Parliamentary supermajority, the constitution, and BN have therefore existed in symbiosis until very recently, and BN has held unchecked power over both institutions as a result. Indeed, according to one recent estimate, BN has invoked its supermajority to author more than 700 amendments to the constitution over the years since independence (Adilah R.A. Nasir 2013). Now that it can no longer make such amendments on its own, it can no longer adjust the nation's textual foundations to reconfigure how the polity operates, whenever it judges this option expedient. This is a significant blow to BN's narrative-making power.

BN's second important loss is that it can no longer claim to function as a force that unites discrete ethnic groups, each possessing distinct, and divergent, interests. This is because, in federal parliamentary terms, BN is now barely a multi-ethnic coalition of parties at all. Of its three component parties, the Malaysian Chinese Association (MCA) and the Malaysian Indian Congress (MIC) are now barely represented in the federal parliament at all, having won only seven and four seats respectively. As a result, the United Malays National Organisation (UMNO) now dominates BN, holding 88 of its 133 seats (Suruhanjaya Pilihan Raya Malaysia 2011). BN is also now closely identified with the Malay supremacist organisation, Pertubuhan Pribumi Perkasa Malaysia (Perkasa), whose membership largely overlaps with that of UMNO (Chin 2012: 272). Perkasa serves a dual purpose for UMNO. It is both an external body to which UMNO can outsource its more provocative ethnic wedge campaigns (Malhi 2010); and a pressure group constituted both inside and outside UMNO,



which asserts a chauvinistic pressure on UMNO leaders when they make their political calculations (Welsh 2013).

Second, in addition to this result in the federal parliament, BN no longer commands institutional capacity in relation to the resources and machineries associated with the state governments of largely-urban Selangor and Penang. Its loss of these diverse economic and demographic hubs has also dented its capacity to claim that it alone embodies and represents the multi-racial national public. As a result, BN can no longer claim that it alone can bring this public together to overcome imminent racial strife, guiding it instead toward a common good: economic development. Further, now that it can no longer make this claim, it can also no longer write off largely-rural, agrarian and Malay Muslim-dominated Kelantan—the only state it has failed to hold for nearly the entire period since independence—as an anomaly (Roff 1974; Kessler 1978). Under the leadership of former Prime Minister, Mahathir Mohamad (1981–2003), for example, BN used to frequently make both these claims to characterise support for political alternatives as evidence of religious fanaticism and anti-development stupidity (Malhi 2003).

Third, a new loss of institutional capacity, freshly inflicted by voters in May this year, has also further eroded BN's power over the narrative it has constructed of the nation's foundation and subsequent development. This was the critically important loss of the popular vote, for the first time ever since the nation came in to being. Despite winning government by winning a majority of parliamentary seats, BN won only 47 per cent of votes cast. Even in 1969, the first election in which BN (in its previous avatar, the Alliance) lost its

supermajority, the only government the nation has ever known was still returned with 51 per cent of the popular vote (Nohlen, Grotz et al. 2001). This new development also affects BN's capacity to project its narrative in the public sphere. For one, this is because it entirely exposes the importance of the rural gerrymander in ensuring BN wins sufficient seats in parliament, even while its vote has fallen so far in percentage terms. Granted, BN maintains a distinct advantage in rural seats in which demographic and political tendencies favour the operations of its campaign machinery, namely certain of those known to largely consist of Malay Muslim voters (Aspinall 2013). Nevertheless, as one recent analysis demonstrates, the gap in population size between the largest and the smallest electoral constituencies in Malaysia has grown steadily since 1972, and as a result, the number of seats dominated by Malay Muslim voter populations now comprises 75.2 per cent of the total seats (Lee Hock Guan 2013: 8).

BN's loss of the popular majority vote also holds a deep narrative significance because the 2013 result was not followed by ethnic violence, as the 1969 election result was, although that result was characterised by a loss to BN of the supermajority alone, and not the popular vote as well. Nor did the 2008 result lead to violence, when the supermajority was first lost for this, the second time. That violence did not occur does not concord with the BN-propagated narrative of national and inter-ethnic instability being the most likely result of voters rejecting their permanent domination of the federal parliament. Indeed, it is for this reason that the question of violence, similar to that which occurred in 1969, has been posed by media commentators at every election since Pakatan Rakyat's emergence as an opposition



coalition, in successive iterations, since 1999.<sup>4</sup> Most Malaysians today, however, do not remember 1969, and it seems that recent election results have done little to remind them of it. This was despite Kuala Lumpur being on high alert on the night of 5 May—election night; with police check points established on the deserted freeways leading in and out of Kuala Lumpur, and a ban imposed on politically partisan pedestrian and vehicular convoys.<sup>5</sup>

### National Claim-Making

The new media has emerged as a relatively free and open aspect of a global public sphere in which Malaysians—regardless of where they might live—participate to produce and shape alternative narratives of the nation and its trajectory (Castells 2008). Due to BN's lack of institutional capacity for maintaining national structures of control around the new public sphere, its capacity for national claim-making is weakened. As a result, a genuine recovery of alternative narratives appears to be gathering pace, and these narratives are increasingly recovered as forms of national memory inscribed within digital networks, in addition to functioning as campaign narratives for *Pakatan Rakyat*. This recovery is afforded not only by the relative freedom of the new public sphere, but also by the increasing levels

of experience, and indeed professionalisation, commanded by certain sections of its participants. It is therefore in the new media public sphere that BN has most obviously suffered a major blow to its capacity to conflate its identity and interests with those of the nation, especially since losing its exclusive access to the other political enablers discussed above.

These alternative national claims are the subject of the full-length article that expands on this half-length contribution to *Berita*. Some of these claims operate as advances on the institutional capacity inherent in the legacy of the *original* constitution (Khoo 2013). Others constitute assertions that PR 'won the election', only to be blocked by the electoral gerrymander and the Election Commission.<sup>6</sup> Others function to withdraw from BN the multi-ethnic currency which comes with holding the nation's diverse population centres, accusing BN of anachronism and racism instead (Malhi 2013). Additional claims serve to differentiate the 'national' public—that of Malaysian citizen-voters—from the extra-national 'constitutive outside' populated by foreign workers. These workers included the 'planeloads', or '40,000' Bangladeshis alluded to in the 'get out the vote' campaign run by PR, the *Sarawak Report* and campaign pressure group, Anyone But UMNO, along with the electoral reform NGO, *Bersih*.

Ultimately, these new national claims are also accompanied by an urge by sections of

<sup>4</sup> Refer, for one example from the many surely which abound, to an interview I gave to Radio 2SER in Sydney. It is available at <http://www.2ser.com/component/k2/item/3358-the-daily-3rd-may-2013-malaysians-heads-to-the-polls>.

<sup>5</sup> From personal observation of driving on the Federal Highway and the New Pantai Expressway, in and out of the Lembah Pantai electorate, centred on Bangsar on Kuala Lumpur's southwest boundary.

<sup>6</sup> For example, refer to recent comments to this effect by *Pakatan Rakyat's* Dato' Seri Anwar Ibrahim at the Adelaide Festival of Ideas in October this year: [http://www.youtube.com/watch?v=KESZYyzz\\_MA](http://www.youtube.com/watch?v=KESZYyzz_MA).



the pro-PR activist public to recover, memorialise and celebrate alternative possibilities extant in the period of the national liberation struggle, when alternative trajectories for Malaya and Malaysia appeared possible. This urge was evident in the social media circulation in September of images of young activists displaying the *Sang Saka Malaya* flag—a red and white standard popularised by the 1940s Left, illegalised by the Emergency Declaration of 1948. The flag is controversial because it invokes a historical vision of Malaysia as a republic, and appears to blend the national flags of Singapore and Indonesia.<sup>7</sup> This urge was again evident in the social media circulation of images, videos and debating points after the funeral of Chin Peng, leader of the Malayan Communist Party, in Bangkok in September.<sup>8</sup>

## References

- (2010). Federal Constitution: Reprint. Kuala Lumpur, The Commissioner of Law Revision Malaysia.
- Adilah, R.A. Nasir. (2013). "Malaysia and the Constitution: The Future Outlook Post-13th General Election." (<http://www.cpps.org.my/images/articles/CPPS%20-%20Malaysia%20and%20the%20Constitution%20%E2%80%93%20The%20Fut>

<sup>7</sup> For one version of this flag, refer to <http://www.themalaysianinsider.com/malaysia/article/hes-a-hero-that-guy-who-grabbed-sang-saka-from-activists-says-utusan>.

<sup>8</sup> For example, refer to video interviews produced by Malaysiakini's video channel, Mediakini, at [http://www.youtube.com/results?search\\_query=chin+peng&sm=3](http://www.youtube.com/results?search_query=chin+peng&sm=3).

- ure%20Outlook%20Post-13th%20General%20Election.pdf).
- Aspinall, E. (2013). "Triumph of the Machine." *Inside Story* (<http://inside.org.au/triumph-of-the-machine/>).
- Castells, M. (2008). "The New Public Sphere: Global Civil Society, Communication Networks, and Global Governance", *The Annals of the American Academy of Political and Social Science* 616(1): 78-93.
- Cheah Boon Kheng (2002). *Malaysia: The Making of a Nation*. Singapore, Institute of Southeast Asian Studies.
- Chin, J. (2012). "Malaysian Politics: Anwar and Najib's Moment of Truth", *The Round Table: The Commonwealth Journal of International Affairs* 101(3): 271-274.
- Hooker, V. (2003). *A Short History of Malaysia: Linking East and West*. Sydney, Allen & Unwin.
- Kessler, C. (1978). *Islam and Politics in a Malay State: Kelantan 1838-1969*. Ithaca, Cornell University Press.
- Khoo, G. C. (2013). "The Rise of Constitutional Patriotism in Malaysian Civil Society", *Asian Studies Review* (<http://www.tandfonline.com/doi/pdf/10.1080/10357823.2013.767309>).
- Lee Hock Guan (2013). "Steadily Amplified Rural Votes Decide Malaysian Elections." in *ISEAS Perspective*. Singapore, Institute of Southeast Asian Studies. 34.
- Malhi, A. (2003). "The PAS-BN Conflict in the 1990s: Islamism and Modernity." in *Malaysia: Islam, Society and Politics*. V. Hooker and Norani Othman (eds). Singapore, Institute of Southeast Asian Studies: 236-268.
- Malhi, A. (2010). "Identity Politics." *Inside Story*, (<http://inside.org.au/identity-politics/>).



- Malhi, A. (2013). "Can Malaysia Find Life After the National Front?" *Inside Story* (<http://inside.org.au/can-the-malaysia-find-life-after-the-national-front/>).
- Mauzy, D. K. (1983). *Barisan Nasional: Coalition Government in Malaysia*. Kuala Lumpur, Marican & Sons.
- Naim, M. (2013). *The End of Power: From Boardrooms to Battlefields and Churches to States, Why Being In Charge Isn't What It Used to Be*. New York, Basic Books.
- Nohlen, D., F. Grotz, et al., Eds. (2001). *Elections in Asia and the Pacific: A Data Handbook: Volume II: Southeast Asia, East Asia and the South Pacific*. Oxford, Oxford University Press.
- Roff, W. R., Ed. (1974). *Kelantan: Religion, Society and Politics in a Malay States*. Melbourne, Oxford University Press.
- Sham Saleem Faruqi (2008). *Document of Destiny: The Constitution of the Federation of Malaysia*. Petaling Jaya, Star Publications.
- Surin, J. A. (2010). "Occupying the Internet: Responding to the Shifting Power Balance", *The Round Table: The Commonwealth Journal of International Affairs* 99(407): 195-209.
- Suruhanjaya Pilihan Raya Malaysia. (2011). "Keputusan PRU Ke-13." Retrieved 1 November, 2013.
- Weiss, M. (2013). "Parsing the Power of "New Media" in Malaysia", *Journal of Contemporary Asia* 43(4): 591-612.
- Welsh, B. (2013). "Malaysia's Elections: A Step Backward", *Journal of Democracy* 24(4): 136-150.
- Yeoh Seng Guan, Ed. (2010). *Media, Culture and Society in Malaysia*. London, Routledge.

*Amrita Malhi is a research fellow at the Hawke Research Institute, University of South Australia. A historian interested in space and subjectivity, and processes of enclosure and circulation in Malaysia and the world, Amrita is currently working on a monograph on enclosure, the Caliphate and notions of the global in colonial Malaya. She completed a Social Science Research Council fellowship for trans-regional research, supported by the Andrew W. Mellon Foundation. Her PhD thesis was awarded the J.G. Crawford Prize at the Australian National University in 2010. Amrita will contribute to the Penang Institute's Federalism Project in 2014.*



## Feature Article

### *Transforming Melayu Identities in Maritime Southeast Asia (By Eric Thompson)*

*Report: MSB-Sponsored Panel (San Diego 2013)*

Alexander R. Arifianto (University of Miami)  
Patricia Ann Hardwick (Independent Scholar)  
Ronit Ricci (Australian National University)  
Patricia Sloane-White (University of Delaware)  
Eric C. Thompson (National University of Singapore)

*Melayu* (or in English, “Malay”) has been a signifier of identity for well over a thousand years in the realm of Maritime Southeast Asia. For at least as long as modern scholarship has existed in the Malay world (or *Alam Melayu*) the polyvalence of *Melayu*-inspired reflection on its meaning and significance – for instance in the works of the nineteenth century author Munshi Abdullah. In just the past decade, at least two important volumes of collected essays have interrogated the multiple instantiations of *Melayu* past and present (Tim Barnard, ed. *Contesting Malayness: Malay Identity across Boundaries*, 2004; Maznah Mohamad and Syed Muhd Khairudin Aljunied, eds. *Melayu: The Politics, Poetics and Paradoxes of Malayness*, 2011). The 2013 MSB Sponsored Panel at the Association for Asian Studies built on this critical engagement with *Melayu* identities, by offering three new case studies and two conceptual papers aimed at furthering the field of Malay Studies. The panel was organized by Patricia Sloane-White and Patricia Hardwick, who both contributed papers to the panel. Three additional papers were

presented by Alexander R. Arifianto, Ronit Ricci and myself (Eric C. Thompson).

I was also asked to act as a discussant for the panel. Given the full set of five papers and the presence of a large and engaged audience, in the event, I deferred my discussant’s comments in order to allow substantial time for questions, answers and discussion with the audience in attendance. It is thus my pleasure to take this opportunity to discuss the panel here in the pages of *Berita*. I begin by discussing my own paper and Arifianto’s, which both lay out conceptual and methodological research agendas; then turn to those of Sloane-White, Hardwick and Ricci, each of which provided rich ethnographic cases in which *Melayu* is an important, if contested, term in the present.

Thompson’s paper (my own) was entitled “Thinking through Islam and de-racializing *Melayu*.” The paper presented at the conference laid the groundwork for thinking through how application of certain Quranic and Arabic terms to the concept of *Melayu* might challenge the racialization of that term which occurred through the colonial and postcolonial nationalist period – from the 18<sup>th</sup> and 19<sup>th</sup> centuries into the present. Drawing mainly on the mainstream English-language cannon of Malay studies – authors such as Milner, Roff, Nagata and others – the paper traced the broad historical shifts in *Melayu* over fourteen or more centuries. The main point of this narrative was to demonstrate the shifting signification of *Melayu*, for example from a toponym (place-name) to ethnonym (name for people) and across different points of reference of describing a people, such as in place, polity, religion, ethnicity or race. This history reminds us that *Melayu* is a floating signifier *par excellence*. To put it simply, the term *Melayu* has held powerful



resonance over more than a dozen centuries despite (or perhaps because of) the place or people to which it refers has been elusive and unstable.

Drawing on this historical context, which points to the ways in which *Melayu* has conceptually shifted over time, the paper turned to two proposals for thinking about how contemporary Islamic discourse in Malaysia might be brought to bear on re-conceptualizing and specifically de-racializing *Melayu*. First, the paper challenged the implicit notion found in English-language scholarship that the hybrid sign Malay-Muslim could or should be disentangled. Rather, we need to “examine their integration and how the configuration and meanings of Malay influence and intersect with the meanings of Muslim and *vice versa*.” Second, we should think through how terms drawn from Quranic and Arabic sources might lead to different ways of thinking about *Melayu* – in particular, what might the consequences be of thinking in terms of an *umat Melayu* as opposed to *bangsa* (from Sanskrit) or *ras* (from English). The former, the paper suggests, is a more open system of relationship whereas both *bangsa* and *ras* are closed systems based on blood ties. Of course, at this stage, these remain suggestions to be more fully developed through further research and theorization.

Arifianto’s paper, “Changing Malay-Indonesian political identity in the early 21<sup>st</sup> century,” similarly laid out a rationale and framework for further research. Arifianto outlined the historical role that Malay-Indonesians, as the second largest ethnic group after Javanese, have played in the social, economic and political affairs of pre- and post-independence Indonesia. The paper provided an overview of many contributions of Malay individuals in the context of anti-colonial

struggles and early nation building. Arifianto argued that while these contributions are well documented in the Indonesian past, over the past few decades there is an apparent silence with regard to ongoing contributions of Malay-Indonesians into the present.

To address this silence, Arifianto outlined a plan of research – through archival and textual materials, interviews and surveys – to develop a better body of knowledge about the place and endeavors of Malay-Indonesians in more recent history and up to the present. On the one hand, such a project would highlight contributions of individuals who identify as Malay within Indonesia. More broadly, it would shed light on the meaning of *Melayu* in contemporary Indonesia, which might go beyond mere reference to *Melayu* as one among a multitude of ethnic groups within Indonesia.

Sloane-White’s “Interrogating Malayness: Islamic Transformations in the Malay College Kuala Kangsar (MCKK) Cohort” was the first of three case studies presented in the panel. Sloane-White reported on follow-up research to her 1990s work on Malay entrepreneurialism. In this more recent work, she has interacted with a more recent cohort of MCKK old-boys. The earlier cohorts of MCKK old boys identified with a particular brand of Malay nationalism, which formed the ideological basis for building Malay business networks with strong ties to the Malaysian government under the NEP from the 1970s into the 1990s. The more recent cohort of MCKK old-boys Sloane-White came to know – who she calls ‘outlier’ old-boys – reject the Malay-centered identity of the earlier cohorts in favor of a more explicitly and exclusively Muslim identity.



The paper argues that these Muslim-identified old-boys are forming their own networks with strong Islamic sensibilities through which they distinguish themselves from and reject the values and business practices of the NEP-era Malay or *bumiputera* entrepreneurs. Sloane-White traces the distinctive practices which distinguish these newer, Muslim-identified entrepreneurs and how they form networks in competition to the older MCKK old-boy networks. At the same time, she also argues that there are substantial overlaps in these competing networks and highlights certain ambivalences which throw into question whether or not these networks and the Islamic business ethics that underwrite them auger substantive change in Malaysia's capitalist, developmental, and growth-oriented political-economy.

In similar fashion, but in a far different domain, Patricia Hardwick drew on recent research in Singapore to discuss the contested place of *kuda kepang* or hobby-horse trance dance among contemporary Malay popular and performing arts. Hardwick records that *kuda kepang* is a flourishing practice in Singapore, with the number of dance groups growing from eight in the 1980s to somewhere between 40 and 60 at present with around 1,500 practitioners. In addition to describing the dance itself, the paper provides ethnographic vignettes of the sort of negotiations that go on between practitioners, neighbors and the authorities, particularly the police and the *Majlis Ugama Islam Singapura* (MUIS, Singapore Islamic Religious Council).

One way to read Hardwick's account is as an example of how practices from outside of Islamic history and tradition are brought into alignment with Islamic value. In general, they are acceptable if they are not against Islamic

values; but such acceptability must always be negotiated. In the present, while MUIS authorities have objected to at least some elements of the *kuda kepang*, Hardwick demonstrates various ways in which practitioners synthesize *kuda kepang* with Islamic piety. At the same time, she emphasizes the ways in which the performance of *kuda kepang* material ground senses of Malay identity within cosmopolitan Singapore for its practitioners.

Finally, Ronit Ricci's paper provides yet another and relatively unfamiliar case of the instantiation of "Malay" in Sri Lanka. Ricci recounts the history through which Malay came to signify a particular group of people in Sri Lanka who are descendants of various individuals from the Indonesian archipelago – despite the fact that many if not most of these individuals might just as reasonably be considered to be Javanese, Bugis or other non-Malay groups in Indonesia. In this regard, Ricci's case might usefully be compared to Singapore or for that matter Malaysia, where many "Malays" are of Javanese, Bugis, Minangkabau or other descent, but have been incorporated under the sign *Melayu*; a point that Hardwick also makes.

The other particularly interesting part of Ricci's paper, which could be developed further, is the way in which "Malay" has been mobilized politically by this group of people who want to carve out a space for themselves as distinct from the more general category of "Muslim." Whereas in Malaysia and Singapore, the terms Malay and Muslim have come to be thought of as nearly synonymous, in Sri Lanka, Malay has developed as a distinctive ethnonym within a larger community of Muslims. Yet again, we see the ways in which the notion of



Malay or *Melayu* functions as a floating signifier not only in the past but into the present.

One might think, in light of the edited volumes mentioned above and a wealth of other scholarship past and present that all that could be said about Malay and *Melayu* has been said; but the papers presented here as well as the lively reception they received at the March 2013 Association for Asian Studies Meeting demonstrate that this is far from the case. These, and certainly other work to come, continue to contribute to ongoing and changing understandings of Malay identities historically and in the contemporary world. They are one indication of the ongoing salience of Malayness

in and beyond the *Alam Melayu* and the certainty that no time soon might *Melayu*, in Hang Tuah's oft-quoted phrase, "*hilang dunia*" (vanish from the world).

*Eric C. Thompson is Associate Professor and Chair of Graduate Studies in the Department of Sociology at the National University of Singapore. He teaches anthropology, gender studies, urban studies and research methods. He has conducted research for over two decades throughout Southeast Asia, primarily in Malaysia, Singapore, Thailand, and Indonesia. His research interests include transnational networking, gender studies, urbanism, culture theory, and ASEAN regionalism.*



## Speech Transcript

### *What Islam, Who's Islam? The Struggle for Women's Rights to Equality and Justice in Muslim Contexts*

*(By Zainah Anwar)*

*Keynote Speech: Association for Asian Studies Annual Meeting (San Diego 2013)*

#### **The setting**

If God is just, if Islam is just, if Shariah law is supposed to bring justice, then why do so many laws, policies and practices made in the name of Islam lead to injustice and discrimination against women? This is the question that confronts women's groups today all over the Muslim world and in minority Muslim contexts as we struggle to end discrimination against women, and face the challenge of patriarchy in government and Islamist groups who say that our demands for equality and justice, for law reform are against the teachings of Islam.

One of the most fundamental challenges we as Muslims face today is the search for a way to live our faith at a time when human rights, women's rights, and democracy constitute the dominant ethical paradigm of the modern world. In the twenty-first century, there cannot be justice without equality. It is as simple and undisputable as that.

As someone who believes that God is just, that Islam is just, I am outraged that so much injustice, cruelty, and violence are

perpetrated in the name of Islam. I will not go into the long depressing list of outrageous acts against women and children justified in the name of Islam that occurs daily throughout the Muslim world. You are all too familiar with them, and for us as Muslims living in the Muslim world, we live them on a daily basis.

Enough is enough. Muslim women today are taking charge, taking the lead to define how religion today is understood and practised and making our voices heard. We may not be wearing the hijab, we may not be speaking Arabic (only twenty percent of Muslims live the Arab world, as too many people often forget), we may not have a degree in some branch or other of Islamic knowledge from some Arab university, but we demand that our experience of living Islam and being impacted by laws and policies made in the name of Islam give us the right and the authority to decide and shape what Islam means and should mean in our lives and as a source of law and public policy.

It is because women have borne the brunt of this suffering in the name of religion, that it is us women who have organised and are at the forefront of our societies in pushing for change in our understanding and practice of our religion to recognise equality and justice and to push for law reform to uphold these principles.

But of course bringing change is never easy. Those who have benefitted from the status quo are resistant to change and use all kinds of tactics to demonise and delegitimise the voice of change.

Very often Muslim women who demand justice and want to change discriminatory laws and practices are told, 'this is God's law' and are therefore not open to negotiation and change.

**Autumn 2013**



To question, challenge, or demand reform will supposedly go against *Shari'ah*, weaken our faith in God and lead us astray from the straight path. We are often accused of being westernised elites, anti-Islam, anti-*Shari'ah*, women who have deviated from our faith – our *aqidah*, and our *iman* (faith) are weak. Reports are made against us to the police, to the religious authorities and to the Rulers as Heads of religion to take action against us, to silence us, to charge us for insulting Islam, to ban our groups, ban our publications.

I should share with you a glimmer of good news in this long struggle for justice. Just last week, Sisters in Islam won our case against the Malaysian Home Affairs Minister who banned our book, on *Muslim Women and the Challenge of Islamic Extremism*. The govt claimed that our book was a threat to public order as it confuses Muslims, especially women and those whose faith is shallow! We took the govt to court, we won at the High Court, the govt appealed, we won again at the Court of Appeal and the govt appealed yet again to the Federal Court, the apex court and the Federal Court threw out the govt's leave for appeal. It was music to our ears when one of the judges, in a panel of five, that included two smart women, said the Minister was supposed to apply his mind to this case, he did not, instead he applied the mind of the religious authorities.

Why is it so difficult to acknowledge that women's lives throughout the world have changed? Our realities, our needs, our roles and status have changed. For many of us who have decided to engage with the religion, it is our utter faith in a just God and a just Islam that have made us embark on this perilous, but compelling public struggle to push for an understanding of Islam that recognises the realities of our lives, and our yearning to be

treated as human beings of equal worth and dignity. We believe these principles and the ideals of equality and justice are intrinsic in the Qur'an and are also upheld in universal human rights principles that regard all human beings as equal. What could be more Islamic than the first article of the UN Declaration on Human Rights, which states, "All human beings are born free and equal in dignity and rights".

There are numerous verses in the Qur'an that provide for an ethical vision of Islam, advocating the absolute moral and spiritual equality of women and men. Verses such as Surah 33:35 (on common and identical spiritual and moral obligations placed on all individuals regardless of sex); Surah 3:195 which declares that men and woman are members, one of another; 2:187 which describes Muslim men and women as each other's garments; 9:71, the final verse on the relationship between men and women which talks about them being each other's *'awliyya* - protecting friends and guardians - and the obligations for both men and women, to enjoin what is just and forbid what is evil, to observe regular prayers, pay the *zakat* (tithe) and obey Allah and his Messenger and they will be equally rewarded. These verses are unequivocally egalitarian in spirit and substance and reflect the Qur'anic view on the relationship between men and women.

This egalitarian vision also extends to human biology. The verses on creation of men and women talk about the characteristic of pairs in creation (51:49, 53:45, 78:8, 50:7, 22:5, 36:36). Since everything created must be in pairs, the male and female must both be necessary, must exist by the definition of createdness. Neither one comes before the other or from the other. One is not superior to the other, nor a derivative of the other. This means that in



Allah's creation of human beings, no priority or superiority is accorded to either man or woman.

It is this ethical voice of the Qur'an, which insistently enjoins equality of all individuals that has been largely absent in the body of political and legal thought in Islam. When women decided to read the Qur'an for themselves, they discovered this ethical message of equality and justice in Islam. They began to question why this voice was silent in the exegetical texts of the religion and the codification of the laws. Who decided that these verses in the Qur'an will be put aside? Why couldn't these egalitarian and compassionate verses be used to guide the laws governing marital relations in Islam, while the verses that could be read as discriminatory towards women be the source of law and public policy?

In making these choices, whose interests are served, protected, and advanced and whose interests are shunted aside? Is this really about living the will of God on earth as these men in authority would like to dupe us into believing or is it more about how they could use the word of God to perpetuate patriarchy and resist the changing realities galloping before their eyes?

### The Challenge

The challenge we confront today is: how do we as Muslims reconcile the tenets of our faith to the challenge of modernity, of plurality, of changing times and circumstances? How do we deal with the new universal morality of democracy, of human rights, of women's rights, and where is the place of Islam in this dominant ethical paradigm of the modern world?

The response to this challenge has led to various forms of discourses on Islam and rights. The discourse on women's rights in Islam can be categorized into three broad strands:

First, there are those Muslims who acknowledge that Islam indeed liberated women and granted them rights unknown to any other society. They point out the Qur'anic injunctions that recognize a woman's right to contract marriage, to divorce, to inherit and dispose of her property as she pleases. The Qur'an also outlawed female infanticide and enforced the payment of the dowry to the bride herself, not to her father or guardian. Yet, while progressive in tendency, this ethical vision of equality and justice for women in the Qur'an did not develop further or sustain any emancipatory or egalitarian thrust within the Muslim juristic heritage. Instead, the process of interpretation and codification of the laws, dominated by male jurists and scholars, eventually led to an orthodox mainstream view that men and women in effect are not equal.

In responding to the international discourse on women's rights, such Muslims say that because men and women are not the same, there cannot be equality. Instead, they say that in Islam men and women complement each other and therefore what Islam recognizes is equity, not equality. What is meant is that because men and women are different, they have separate and distinct roles to play. This then leads to befuddled and contradictory positions. They believe in the equal right of women to education and to employment, but not, for example, equal right to divorce. Women can work outside the home, but only with the permission of their husbands; women can be doctors but they must not touch male patients; women can be heads of departments in



charge of men, but they cannot be in charge at home for they must remain obedient to their husbands.

The second strand reflects the obscurantist view that men and women are inherently unequal in Islam, quoting verses in the Qur'an such as 4:34 which talks about men being responsible for women and 2:228 which mentions that men are a "degree higher" than women. Such verses are interpreted literally and in isolation to legitimize men's dominance and superiority over women. Other verses in the Qur'an and traditions of the Prophet have been interpreted to mean that women cannot be leaders as they are weak and emotional, women cannot work outside the home as they are best suited to be wives and mothers in the service of others, a woman's voice is part of her *awrah* and therefore cannot be heard in public. If at all women can be educated, that education is not meant for a career outside the home, but to help women to be better wives and mothers.

Over the past twenty years or so, there has emerged a contemporary Muslim discourse about women's rights, human rights, democracy, and modernity - led by Muslim scholars and activists who advocate a review and critical reexamination and re-interpretation of the exegetical and jurisprudential texts and traditions within Islam. This work places emphasis on how religion is understood, how religious knowledge is produced, and how rights are constructed in the Islamic legal tradition. It locates the production of religious knowledge in the socio-historical context of its time and asserts that given changing times and circumstances, new religious knowledge needs to be produced to deal with new challenges and questions and issues that the tradition had not dealt with.

Foremost for Muslim feminists of course, is the issue of gender equality, of women's rights. This was an issue that Muslim jurists never had to deal with until the late 19<sup>th</sup> century, and an issue that they are still grappling with over one hundred years later.

Today the idea of gender equality, which is integral to modern conceptions of justice, creates what can be called an 'epistemological crisis' in the Muslim legal tradition. The moral philosopher Alasdair MacIntyre argues that every rational inquiry is embedded in a tradition of learning, and that tradition reaches an epistemological crisis when, by its own standards of rational justification, disagreements can no longer be resolved rationally. This, MacIntyre goes on, gives rise to an internal critique that will eventually transform the tradition, if the tradition is to survive.

I find this concept useful to understand and share with you what is going on today in the Muslim world where thinkers and activists are engaged in an internal critique in order to reform a legal tradition governing family and marriage that has lost its logic over time and the ways in which feminists and scholars are working together to construct new knowledge in Islam, to rebuild a tradition that is able to assimilate an idea once considered alien to Islamic legal thought.

This is a huge challenge of course, especially in the context of Muslim societies pummelled by the use and abuse of Islam for political purposes. But for those of us in the heart of this process of producing new knowledge in Islam, it is an exciting journey, intellectually, spiritually and politically as we battle for what it means to be Muslim and feminist in the 21<sup>st</sup> century.



## The Path

Let me share with you the beginning. How and why did women's groups like Sisters in Islam and individual Muslim scholars, women and men, many of whom have been incredibly generous with their time and scholarship in helping us activists, decide to study the Qur'an and strive to hear the voice of the divine will speaking to our concerns?

Like many other women's groups, it is injustice, oppression and ill-treatment that mobilized us Muslim women. Sisters in Islam first got together because of our deep concerns over the injustice women suffered under the *shariah* system. As professional women and as activists, other women often approached us to confide their marital problems and the meanness they faced when they approached the religious authorities to seek redress to their problems. We got together first to look into the obstacles women faced in accessing their rights under the Islamic Family law. The difficulties in getting divorce, maintenance, a share of the marital assets, custody and guardianship of their children – all rights that exist under the law, but given the gender bias in the system, women face an uphill battle when their husbands decide to challenge them. This was in 1987.

However, increasingly, we felt that dealing with law alone was not enough. We felt angry and powerless in the face of complaints by women that they have to suffer in silence in the face of advice from the religious authorities and hearing talks, again and again, in religious classes, over radio and television, where women were often told that men are superior to women, that men have authority over women, that a man has a right to beat his wife, that a

woman must obey her husband, the evidence of two women equals one man, the husband has a God-given right to take a second wife, and therefore it is a sin for a woman to deny him that right, that a wife has no right to say no to sex with her husband, that hell is full of women because they leave their heads uncovered and are disobedient to their husbands.

Where is the justice for women in all these pronouncements? This questioning, and above all, the conviction that Allah could never be unjust, eventually led us to go back to the primary source of our religion, the Qur'an. We felt the urgent need to read the Qur'an for ourselves and to find out if the Text actually supported the oppression and ill-treatment of women.

This process Sisters went through was the most liberating and spiritually uplifting experience for all of us. We took the path of *Iqraq* ("Read", the first word revealed to Prophet Muhammad *saw*) and it opened a world of Islam that we could recognize, a world for women that was filled with love and mercy and with equality and justice. We need not look any further to validate our struggle. Women's rights were rooted in our tradition, in our faith. We were more convinced than ever that it is not Islam that oppresses women, but interpretations of the Qur'an influenced by cultural practices and values of a patriarchal society that regard women as inferior and subordinate to men.

For much of Islamic history, it is men who have interpreted the Qur'an and the traditions for us. The woman's voice, the woman's experience, the woman's realities had been silent and silenced in the reading and interpretation of the Text. The silence of the interpretive voice was seen as the silence of the



Text. But when Sisters read the Text, we discovered words, messages and meanings that we were never exposed to in all the traditional education on Islam that we went through in our lives.

For us, it was the beginning of a new journey of discovery. It was a revelation to us that the verse on polygamy (Sura an-Nisa, 4:3) explicitly said "...if you fear you shall not be able to deal justly with women, then marry only one." Why is it that one half of the verse that said a man can have up to four wives becomes universally known and accepted as a right in Islam and is codified into law, but the other half of the very same verse that promotes monogamy is largely unheard of until women began to read the Qur'an for ourselves.

It dawned on us that when men read the verse, they only saw "marry up to four wives." In that phrase, they saw the word of God that validated their desire and their experience of multiple sexual partners. When women read the verse, we clearly saw "... if you fear you cannot deal justly with women, then marry only one."

Those were the words of Allah that spoke to our fears of injustice. We understood that the right to polygamy was conditional, and if a man cannot fulfill those conditions of equal and just treatment, then Allah said marry only one. In fact the verse goes on to say "... this will be best for you to prevent you from doing injustice." What further validation do we need to argue that polygamy is not a right in Islam, but is actually a responsibility allowed only in exceptional circumstances?

The question that arose was obvious to us: WHO decides which interpretation, which juristic opinion, which *hadith*, which traditional

practice would prevail and be the source of codified law in this modern world, to govern our private and public lives and punish us if we fail to abide, and which would fall by the wayside? On what basis is that decision made? Whose interests are protected and whose interests are denied? It was clear to us that the outcome of this process was more about power, privilege and politics rather than living the divine will on earth.

As feminists, as believers, and as activists living within a democratic constitutional framework, we decided to assert and claim our right to have our VOICE heard in the public sphere and to intervene in the decision-making process on matters of religion that must take into consideration the realities of our lives and the justice enjoined by the Qur'an.

### The Challenge

As we continue to study, to campaign for women's rights, for the right for people like us who did not go to that venerable university in Egypt for the study of Islam, al- Azhar, and who cannot speak Arabic, and who are not covered up, to participate in matters of religion, we know the task before us is uphill.

Through our readings, through consultations and studies with progressive Islamic scholars inside and outside the country, through networking with other women's groups engaged in the same struggle, we claimed our right and created a public space for women like us to stand up and argue for justice and equality for Muslim women in contentious areas such as polygamy, equal rights, dress and modesty, domestic violence, *hudud* laws, and freedom of expression, freedom of religion and other fundamental liberties.



## SIS Advocacy Work

Central to our advocacy work, is the creation of a public voice and a public constituency to recognise equality and justice between women and men in Islam, and consequently to demand for reform of laws and politics made in the name of Islam that discriminate against women. There are several strategies that Sisters in Islam used to achieve this:

From the start, we used the letters to the editor column in the newspapers to create a public voice for ourselves and our alternative understanding of various contentious issues in Islam – be it domestic violence, polygamy, dress and modesty, equality, leadership, etc. By challenging the traditional discriminatory views and quoting alternative interpretations and juristic opinions within Islam, and using legal concepts that enable change and diversity, we hoped to engender a more informed public discussion on the issue and build a constituency that would support our advocacy and pressure the Government to take into consideration an understanding of Islam that upholds the principles of equality, justice, freedom and dignity.

Second, we submit memorandums and letters to the Government on issues such as the appointment of women as judges in *Shari'ah* courts, the right of Muslim women to equal guardianship of their children, Reform of the Islamic Family Law, Reform of the *Shari'ah* Criminal Laws, and the Administration of Justice in the *Shari'ah* System.

In these memorandums, we express our concerns on provisions in the law that discriminate against women in substance or implementation, or violate fundamental

liberties, or conflict with the federal constitution and with civil law, offer a justification for why these laws should be amended or repealed and then provide specific wordings or positions to make clear the changes that we want to see take place.

We also have an extensive public education program where we conduct regular study sessions, training workshops on women's rights in Islam all over the country. We also run a legal clinic that has served over 8,000 women over the years, providing gender-sensitive legal advice on matters under the Islamic family law and Syariah criminal law.

Our work of course has had an international impact. Our question and answer booklets on a range of issues, including equality, domestic violence, polygamy, family planning, have been translated into other languages for use by women's groups in other Muslim countries. We are also invited to conduct trainings on women's rights in Islam from different parts of the Muslim world and build the capacity of Muslim women activists who feel the necessity to reconcile the teachings of Islam with human rights and women's rights.

All this have of course led to Sisters in Islam taking the initiative to launch Musawah, the Global Movement for Equality and Justice in the Muslim family in 2009.

Given the frustrations and opposition Muslim women activists faced in trying to push for reform of the discriminatory Islamic Family law, we felt it was important that all us who have for decades struggled against patriarchy in government, society, and our private lives to recognise our right to equality, should come together and create a very collective international public voice demanding our rights



to equality and justice. Thus Musawah, which means equality, was launched in February 2009 with over 250 participants from 47 countries. It was an exciting moment that until today we savour.

What Musawah hopes to bring to the larger women's and human rights movement is this:

- An assertion that Islam can be a source of empowerment, not a source of oppression and discrimination.
- An effort to open new horizons for rethinking the relationship between Islam and human rights, equality and justice.
- An offer to open a new constructive dialogue where religion is no longer an obstacle to equality for women, but a source for liberation.
- A collective strength of conviction and courage to stop governments and patriarchal authorities, and ideological non-state actors from the convenience of using religion and the word of God to silence our demands for equality, and
- A space where activists, scholars, decision makers, working within the human rights or the Islamic framework, or both, can interact and mutually strengthen our common pursuit of equality and justice for Muslim women.

Of course by claiming our right and creating the space to speak out in public on Islam, we have made enemies. We are often criticised by conservative scholars and Islamist activists – a common experience of other women's groups and progressive scholars in other Muslim countries.

The attacks and condemnations usually take three forms: first, they undermine our right and our legitimacy to speak on Islam by questioning our credentials. They say we have no right to speak on Islam because we are not traditionally educated in religious schools, we do not have a degree in Islam from a recognized Arab university, we do not speak Arabic, and we do not cover our heads. They say we are western-educated feminists representing an elite strata of society who are trying to impose alien western values on Islam and the *ummah*. To them, the discourse on Islam is therefore exclusive only to a certain group of Muslims, the *ulama* with the right education, status, and position. Others do not have the right to express their opinions on Islam.

Second, they accuse us of having deviated from our faith. They equate our questioning and challenging of their obscurantist views on women and fundamental liberties, and their interpretations of the Qur'an as questioning the word of God, and therefore they say we doubt the infallibility of God and the perfection of the message. Consequently, we are accused of being against Islam. They also accuse us of using our brains, logic and reason (*akal*) instead of referring to classical exegetical and jurisprudential texts of the early centuries of Islam. They claim that these texts by the great theologians and jurists of centuries past have perfected the understanding of Islam and the doors of *ijtihad* should therefore remain closed.

Third, they contend that it is dangerous to offer alternative opinions and interpretations of the religion as this could confuse the *ummah* and lead to disunity. There can only be one interpretation to be decided upon by the *ulama* and all citizens must abide by this interpretation. They accuse us of promoting the



ideology of “liberal Islam” which is deviant and dangerous as it imposes alien ideas onto Muslim society.

However, for us it is ironic that many of those who often challenge and question the credentials of women’s groups to speak on Islam, themselves do not speak Arabic and have not been traditionally educated in Islam. Many of those at the vanguard of the Islamist movement calling for the establishment of an Islamic state and supremacy of *shariah* rule today are professionals - engineers, doctors, academics, administrators, without any formal religious training. Actually, many of them are third-rate engineering graduates from third-rate American universities. (Someone’s got to study this correlation). Their right to speak out, however, is not questioned. The issue therefore is not so much about who has a right to speak on Islam, but what is being said about Islam. Thus those who echo the mainstream view on men’s rights and women’s inferior status in Islam, those who believe in the leadership of the *mullahs*, and those who advocate the establishment of an Islamic state and imposition of Islamic laws, have the right to speak on Islam, but those who challenge these views are denied the right and legitimacy to speak out.

The claim made by such Islamist forces that only their perspective and interpretation of Islam, of its values and its view of human rights and women’s rights are the “universal” and legitimate view for all Muslims at all times must be challenged. In the face of general ignorance, fear or indifference by the public at large, the obscurantist view of the traditional *ulama* and Islamist activists on issues such as women's rights, *shariah* law and fundamental liberties have dominated the Islamic agenda in much of the Muslim world, and seen as the gospel truth of Islam by the Western world.

It must be understood that while all Muslims accept that the Qur’an as one, the human effort in interpreting the Qur’an had always led to diverse and differing opinions. It is precisely because of this wealth of diversity that Islam has survived and flourished to this day in different cultures and societies – all could accommodate the universal message of Islam. And yet in many Muslim societies today, there are many who condemn those who offer alternative views as infidels and apostates and choose to deny or negate the richness, complexity and diversity of our heritage.

There is also a denial of the historical context within which the Islamic law itself was constructed, and of the consequently historical character of the corpus of the Islamic legal tradition as it was developed and applied within early and classical Islamic civilisation.

For example, in classical Islamic jurisprudential texts, gender inequality is taken for granted, *a priori*, as a principle. Women are depicted as “sexual beings” not as “social beings” and their rights are discussed largely in the context of family law. The classical jurists’ construction of women’s rights reflected the world in which they lived where inequality between women and men was the natural order of things and women had little role to play in public life.

But the conservative *ulama* that dominate the religious authorities and Islamist activists of today seem unable or unwilling to see Islamic law from a historical perspective as rules that were socially constructed to deal with the socioeconomic and political context of the time, and that given a different context, these laws have to change to ensure that the eternal principles of justice are served. In this process,



it is human agency that determines which texts are relevant, and how they should be interpreted to serve the best interest of the community. While the source is divine as it is the revealed word of God, human understanding of the word of God is a human construct that is fallible and changeable in accordance with changing times and circumstances. Therefore the role of human experience and intellect in the pursuit of the divine, will lead to the production of Islamic knowledge and Islamic laws that cannot then be regarded as divine.

They can therefore be changed, criticised, refined and redefined. Unfortunately, in the traditional Islamic education most of our *ulama* have gone through, the belief in *taqlid* (blind imitation) and that the doors of *ijtihad* are closed is so strong. This rationale is based on the belief that the great scholars of the classical period who lived closer to the time of the Prophet were unsurpassed in their knowledge and interpretative skills.

But to adopt such an attitude is totally untenable in today's world when we face new and different challenges: the issue of human rights, of democracy, of women's rights, the challenge of modernity, the challenge of change. How do we find solutions from within our faith if we do not exert in *ijtihad* and produce new knowledge and new understandings of Islam in the face of new problems?

This problem is compounded by the fact that most Muslims have traditionally been educated to believe that only the *ulama* have a right to talk about Islam. What are the implications to democratic governance, to human rights and gender justice, if only a small group of people, the *ulama*, as traditionally believed, have the right to interpret the Qur'an,

and codify the text in a manner that very often isolates the text from the socio-historical context of its revelation, isolates classical juristic opinion especially on women's issues, from the socio-historical context of the lives of the founding jurists of Islam, and isolates our textual heritage from the context of contemporary society, the world that we live in today.

I feel very strongly that the role played by civil society groups, such as women's rights and human rights activists, and public intellectuals will be key in bringing about change in the terms of public engagement on Islam in many Muslim societies.

For this to happen, however, the public space to debate on Islam and Islamic issues has to open up. Ironically, post-September 11 was a wake-up call to many Muslims. One important impact in a number of Muslim countries has been the opening of the public space for debate, for discussion, for a diversity of opinion on Islam and Islamic issues to be heard in the public sphere, from both Muslims and people of other faiths.

In many parts of the Muslim world and within minority Muslim communities, scholars, writers, and activists are beginning to debate such issues publicly: What is the role of religion in politics? Is Islam compatible with democracy? Who has the right to interpret Islam and codify Islamic teachings into laws and public policies? How do we deal with the conflict between modern constitutional provisions of fundamental liberties and equality with religious laws and policies that violate these provisions? Should the state legislate on morality? Is it the duty of the state, in order to bring about a moral society, to turn all sins into crimes against the state? Can there be one truth



and one final interpretation of Islam that must govern the lives of every Muslim citizen of the country? Can the massive coercive powers of a modern nation-state be used to impose that one truth on all citizens? How do we deal with the new universal morality of democracy, of human rights, of women's rights, and where is the place of Islam in this dominant ethical paradigm of the modern world?

The Arab Spring and the transition to democracy, while spewing out undemocratic forces to the fore, also provides an opportune space for diverse voices to speak out. It is in this context that Musawah's work at the global level becomes urgent as we build knowledge and build an ever expanding pool of activists with the knowledge and courage to stand up, speak out and challenge the use of Islam to discriminate against women and violate fundamental liberties, and offer an alternative vision of the possibilities and necessity for reform.

Within the context of modernizing Malaysia, Sisters in Islam takes the position that if religion is to be used to govern the public and private lives of its citizens, then everyone has a right to talk about religion and express their views and concerns on the impact of such laws and policies made in the name of Islam. The world is far more complex today than it ever was. No one group can have the exclusive monopoly on knowledge. In a modern democratic nation-state, *ijtihad* must therefore be exercised in concert and through democratic engagement with the *ummah*. The experience of others who have been traditionally excluded from the process of interpreting, defining and implementing Islam must be included. The role of women who constitute half of the *ummah* must be acknowledged and included in this

process of dialogue, of policy-making and law making.

This search for answers to important questions on the role of Islam in today's modern nation state cannot remain the exclusive preserve of the religious authorities, be they the *ulama* in government or in the opposition parties or Islamist activists pushing for an Islamic state and *shariah* law.

For me the hope for change lies in the growing voices of dissent against intolerant, oppressive and discriminatory teachings of the religion, the opening up of the public space, and the breakdown in the monopoly that the traditional religious authorities have over the discourse on Islam. The democratization project in Muslim countries today go hand in hand with the debate on the public role of Islam. You cannot demand for more democracy, justice and respect for human rights on the one hand in order to get rid of an oppressive state, and at the same time demand that all these principles stop at the door of Islam. That somehow, Islamic law and policies cannot, should not be put to the same test that you demand of the despotic rulers. Public law must be opened to public debate. Even if the law is made in the name of religion, it is no longer tenable to hide behind the sanctity of the divine to silence dissent.

The challenge is to expand this public space, to open up the debate, to turn the dissenting voices into a clamor for justice and equality, for freedom and dignity at the national, regional and international levels. Women's groups in Muslim countries are already organizing and building bridges across regions to multiply their voices and to take the lead in reforming the teachings and understanding of Islam to deal with the



challenges of the modern world. Musawah is already acknowledged as a key international actor in this endeavour. For truly, nothing is more powerful than an idea whose time has come.

How we live our faith in this world remains a work in progress, an exciting work in progress actually. The challenge is not just for Muslims, but also for Christians, Jews, Hindus, Buddhists and all who believe in justice. That there is a resurgence of faith in public life is obvious. There is a yearning for the transcendence, for spirituality, for faith in an age of rapid change and all the uncertainties and fear of the unknown that change brings.

As a Muslim, I do not believe that a simplistic call to return to an idealized golden age of Islam that has little bearing to the realities of today's world can be the answer. And yet the answers can be found within our faith, a faith that is engaged with our lived realities, with the human rights principles we believe in, and with our constitutional framework that recognizes equality and non-discrimination on the basis of gender. What we need is the intellectual vigor, the moral courage, and the political will to strive for a more enlightened and progressive understanding of our faith in our search for

answers to deal with our changing times and circumstances. For us in Sisters in Islam, this is not heretical, but an imperative if religion is to remain relevant to our lives, to be a source of peace, and a source of goodness, rather than a source of conflict, cruelty and oppression.

The task is long, difficult and challenging; but I believe it is necessary and it is possible, and it is exciting. It is a task that we as citizens of modern nation-states, of an increasingly interdependent globalised world must care about and must engage in.

*Zainah Anwar is a founding member and former Executive Director of Sisters in Islam, a Malaysian non-governmental organisation working on women's rights within the Islamic framework. Zainah is currently the Director for Musawah, a global movement for equality and justice in the Muslim family. She also writes a monthly column on politics, religion and women's rights, called Sharing the Nation, in the Sunday Star, Malaysia. She is a former member of the Human Rights Commission of Malaysia. Her book, Islamic Revivalism in Malaysia: Dakwah Among the Students (Pelanduk: 1987), has become a standard reference for the study of Islam in Malaysia.*



*Berita* is a newsletter of the Malaysia/Singapore/Brunei Studies Group (Association for Asian Studies).

The editorial team is presently seeking submissions of articles, research and field reports, book reviews and announcements (including calls for grants, workshop announcements, and calls for papers) for the next issue (scheduled for April 2014).

All enquiries and submissions should be directed via e-mail to:

Chair: Timothy P. Daniels ([Timothy.P.Daniels@hofstra.edu](mailto:Timothy.P.Daniels@hofstra.edu))

Editor: Derek Heng ([Derek.heng@yale-nus.edu.sg](mailto:Derek.heng@yale-nus.edu.sg))

All issues of *Berita* may be accessed via internet at  
<http://www.library.ohiou.edu/sea/berita/>