

**MALAY WOMEN: A STUDY OF THEIR
MARGINALISATION IN POLITICS OF MALAYSIA**

**Dissertation submitted to Jawaharlal Nehru University
in the partial fulfillment of the requirements
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MASTER OF PHILOSOPHY

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CERTIFICATE

Certified that this Dissertation entitled, “**Malay Women: A Study of their Marginalization in Politics of Malaysia**”, submitted by me in partial fulfillment of the requirements for the award of the degree of **Master of Philosophy** is my original work and has not been previously submitted for the award of any other degree of this or any other university.

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*For the love and blessings of
Mae Nai Daen Tham*

&

*My Parents,
it is my pleasure to dedicate
this dissertation on them*

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PREFACE

Studies regarding the participation of women in formal politics have generally been neglected. It was only in the past few years that a few studies have been undertaken in the field of political sociology and political science. Such studies have attempted to analyze the participation of Malay women in politics (particularly in the movements towards independence) historically from the post world war II period. This participation has spurred women into engaging in social organization concerned with improving the roles and status of women, where women directly competed for positions of power and authority. Their participation in politics however, has neither presupposed nor effected changes in their fundamental role. Women still competed with each other within the marginal structure of the political system. Women's branch of political parties merely formed a sub-group, rather than strong viable forces of their own.

Another underlying observation of the present study is that class, professionalism and ethnicity continued to influence women's participation in political activities. Malay women leaders were descendent of highly educated, wealthy or influential families. These women enjoyed a high professional status mainly because of their family background. In many instances they were spouses of men were already active in politics and who already had a readymade network of ties and connections with important members of society. This cursory examination of women in politics in Malaysia serves to provide the backdrop of this present study.

This dissertation is divided into five chapters. All the chapters have different aspects in one way or the other but closely linked by one common aspect, that is, political representation of women and their marginalization in politics.

Chapter 1 of the dissertation has focused on the overview of political representation of women and their needs thereby introducing the problem at hand, along with the

theoretical insight is discussed. It focuses on the problems of women in their political representation in general and Malay women in particular.

Chapter 2 examines the role of Malay women in traditional Malay society and how far they enjoy their rights and freedom as well as their influence in public sphere. Here it also examines the difficulties faced by Malay women in the process of modernization and to maintain traditional Malay culture. The several conditions under modern Malaysia make them to change their traditional role where they enjoyed their own freedom in some way or the other and at the same time they forced to maintain the traditional role in the society.

Chapter 3 analyse and look into the impact of Islamic Revivalism on Malay women in various fields and its challenges to the state. Islam as a religion always favoured men and try to keep women in the private domain. In several phases of their history, women are used as the transmitters of their identity, culture and tradition but the real fact is that it adversely affects the status and conditions of women in the society. Besides, institutions like state, westernization, modernization and globalization also adds to this process of discrimination.

In chapter 4, the position of women in the constitution is examined as to whether it is really implemented. This chapter also examines the women's role in politics, their representation and how far does it affect their general living and their position in Malay society. It also discusses the status of political representation of women, thereby giving an analysis to the problems.

In chapter 5-conclusion, finally sums up the ideas which have been discussed in the previous chapters, while also providing probable suggestions and recommendations for enhancing women's political participation in Malaysia.


Hemam Karuna Devi

ABBREVIATIONS

AWA	:	Movement of Conscious Women.
AWAM	:	All Women's Action Society.
AWAS	:	Angkatan Wanita Sedar- Movement of Conscious Women.
CEDAW	:	Convention for the Elimination of all forms of Discrimination Against Women.
HAWA	:	Secretariat for Women's Affairs.
ISA	:	Internal Security Act.
JAC	:	Joint Action Group.
JAIS	:	Selangor State Religious Department.
JIM	:	Islamic Reform Congregation.
KEMAS	:	Community Development Division of the Ministry of Rural Development.
KI	:	Kaum Ibu.
MCA	:	Malaysian Chinese Association.
MCI	:	Malaysian Indian Congress.
NACIWID	:	National Council on the Integration of Women in Development.
NCWO	:	National Council for Women's Organization.
NDP	:	National Development Policy.
NEP	:	New Economic Policy.

NPW	:	National Policy for Women.
PAS	:	Parti Islam Se Malaysia.
SIS	:	Sisters in Islam.
SOCSSO	:	Employee's Social Security Act.
UKM	:	University Research Grant.
UMNO	:	United Malay National Organization.
VAW	:	Violence Against Women.
WLUML	:	Women Living Under Muslim Laws.

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CHAPTER – 1

INTRODUCTION

Women's political participation and representation is becoming an important field of research in the contemporary world. For several decades, it has been used as a measure of development for society in general and women's status in particular. Women today are facing many problems in society and as a result there is a lack of focus on their well-being and development. Women represent half the world population. But their role and work are not given due recognition in our society, which is generally patriarchal in character.

It was only after the announcement of International Women's Year and the International Women's Decade in 1975 by the United Nations that people became aware of women's issues and women across the world came together and discuss their issues and demanded to improve the status of women in this world.

In order to appreciate the visible role of women in politics, we need to study the dynamics of society, taking into account those social factors which determine the status and roles of women which may or may not offer avenues for political participation. Political participation according to M. Orem, may be defined as, the variety of ways in which people try to influence the political process.¹ Here the question is why do we need women's political representation? The reasons are more than one. Some of them are-

- 1) Despite contributing greatly to the nation's development process, their voices have always been suppressed by men in decision-making. And their contribution is often considered as supplementary or secondary.
- 2) Women are put into vulnerable situations and marginalized in every field by various discriminatory policies, practices and laws.

¹ Sumana Pandey, *Women in Politics*, (Jaipur: Rawat Publications, 1990).

- 3) Women are poorly represented in parliament. Even after representing half of the population they are still marginalized in the decision making process.
- 4) Slow implementation of the women's positive gains and their issues.
- 5) Women's political, social and economic rights are an integral and inseparable part of their human rights. But most countries still do not consider women's rights seriously.
- 6) Democracy is an inclusive process, and therefore in a functioning democracy, the point of views of different interest groups (men, women and minorities) must be taken into account in formulating any decision. But women are ignored in many fields.

Therefore, under the present circumstances it becomes imperative that women are politically represented. Political representation of women is unlikely to improve unless they use the political machinery to gain and assert their equality. The policy of representing women can help in exposing their problems and achieving justice. Women want to influence in areas that affect their lives and the lives of their families, the political economy and destiny of communities and nations, as well as the structure of international relations. Political participation and representation is essential for the achievement of these ends.

Malay women, especially Muslim women, are discriminated in various fields - socio-cultural, economic, political and religious. In Malaysia, one of the most developing countries of the Southeast Asia, Malay women experienced western education very late compared to other races like the Indians or Chinese women. The Islamic law and their customary law known as *adat* safeguard them. Today, despite having higher rate of literacy, their representation is very much lower in the decision-making process.

Historical Background of Malaysia

The history of Malaysia is predominantly a history of exogenous influences by different culture which is the result of maritime trade. The early influences on Malaysian society came through Hindu culture which dates back to the pre-Christian era. This is reflected by their many contacts with the Indian traders. From thereon Thai Buddhism and finally Arabic Islam came to prominence with their respective concomitant to social and political orders. By the time the Portuguese came, Christian evangelism could not shake Malay society because by then Islam had deeply penetrated. Such strong hold by Islam was possible due to the conversion of the rulers to the faith.²

Malaysia is one of the few countries in Southeast Asia, where there has been consistent economic growth since the late 1980s. Despite this, issues of women's development and their role have been very passive. Though various political parties represent the Malaysian legislature, they are committed either in theory or in practice, to organizing women's political auxiliaries as adjuncts to the parties themselves.³ Yet women's representation in the parliament is abysmally low. Though Malaysia is characterized by multiplicity of culture and religion, the stronghold that Islam occupies in their society as a whole plays a major role in constructing its national polity. But this plural existence also on the other hand leads to political divisions. In such circumstances women's issues have always been neglected. This coupled with the scarcity of research work in this field, provides the main reason for the growing importance towards the study of Malaysian women.

The constitutional status of women takes on an increasing importance in today's world. But Malaysia is a country where its federal constitution does not prevent gender-based discrimination. Even after ratifying the international convention on women like CEDAW (Convention for the Elimination of all forms of Discrimination

² <http://www.hauren.org/diaspora/asia/malaysia/racehis.html>

³ Virginia H. Danez, *Women and party politics in Peninsular Malaysia*, (Singapore: Oxford University Press, 1987).

Against Women), Malaysia still had a maximum number of reservations against women.

CEDAW is one of the most comprehensive treaty regarding women, adopted by United Nations General Assembly in 1979 and entered into force in 1981. CEDAW which challenges the various forces that discriminate women has been ratified by 170 countries including Malaysia. Under CEDAW, state requires to submit the reports about their implementation of the treaty and progress within the state. Malaysia has not yet submitted a report under CEDAW. Malaysia enters the treaty in 1993 by assuming that there will be no conflict between CEDAW, on the one hand, and Islamic *syariah* law and the Malaysian Constitution, on the other. But accepting the treaty with some reservation makes Cedar's provision incomplete especially in the field of Malaysia's nationality law, different marriage age limits for women and men, *syariah* inheritance law and, refusal of women as *syrah* court judges and religious officials.⁴

This chapter starts with some theoretical issues which may help in our understanding of women's political participation in Malaysia and particularly of Malay women. The problems which becomes an obstacles in their political participation and which makes them marginalized in the field of decision making process will be discuss elaborately in the following chapters.

Theory and Approaches

The study of women's political participation in a society involves a complex of multi dimensional thoughts. Women have been marginalized in every walk of life. According to the Liberal school of thoughts voting is necessary but it is not a sufficient condition for gender parity in politics.⁵ Two major obstacles stand in the way of such parity. First, given the close relationship between economic and political power, women as a group are at a disadvantage. Second, women as new comers in

⁴ A report on "Sociolegal Status of Women in Indonesia, Malaysia, Philippines, and Thailand" (Asian Development Bank, 2002).

⁵ Kiran Saxena, ed., *Women and Politics* (New Delhi: Gyan Publications, 2000).

overwhelming male institutions (political institutions) have to contain with issues of internal legitimacy.⁶ According to Liberal Feminists, society remains structured in ways that favors men and disfavors women in the competitive race for the goods with which our society rewards us power, prestige and money⁷. They are against the excuses or justification used to keep women in a lesser place.⁸ This gender parity is clearly reflected in Malaysian society. To start with, it is a clearly male dominated society. Women are always at a disadvantage, both in the field of economics and politics. Though women's participation is encouraged at the local level in Malaysian politics—especially for political mobilization at the grass root level—their presence is virtually absent at the state and national level, not because their participation is poor or inactive but because they are discouraged. These disadvantages become acute owing to their poverty which is not only economic in nature but also political (powerlessness). They have no independent access to financial resources. Most of the time they have to depend on their father or husband; and within a political party they depend on the male leader—who often harass, threaten and make fun of them. Thus, a strong relation between economic and political forces is seen.

Marxist Feminists believes and understand women's oppression are not so much as the result of the intentional act of the individual(s), but as the product of the political, social and economic structures associated with capitalism.⁹ Radical Feminist view 'society' or 'conditions' as situation that forces women into oppressive gender role.¹⁰ Malay women are always found at the receiving end even with the coming of colonization and globalization. This basic transformation in the social structure of their society both empowers and disempowers women. It empowers them in the sense that they are given some freedom to come out of their home and join the work force. It however disempowers them for they are taken in because of their cheap labour. They

⁶ Ibid.

⁷ Ibid, p. 14.

⁸ Ibid.

⁹ Ibid, p. 16.

¹⁰ Ibid. p.17.

remain unskilled and have no adequate knowledge to handle the sophisticated technical know-how of modern civilization (which remains male dominated zone). In the process they become more discriminated, oppressed and pauperized.

Not only in the economic and social sphere do they remain oppressed and victimized, this is true even in the religious field. With the Islamic Revivalism targeting women as their sole transmitter of traditional culture, women's positions become more and more degraded. Women are asked to observed strict dress code and follow specific code of conduct in accordance with their customary laws both in the public and private domain. All these goes to show that the changes that have taken place in all the major sphere have not help women in strengthening and developing themselves, but it has further reduced them to a mere scapegoat, thereby sharpening the gender inequality. Eco Feminist on the other hand, are of the view that the process of change have actually sharpened gender inequality where women have remained confined to the domestic sphere with none or reduced access to resources and decreasing control over their labour and knowledge. In contrast, men have not only gained control over resources and access to technology, but given their orientations and motivations, have derived benefit from most programmes. This may not hold true for men of all socio economic groups. Landless labour or artisans for example, men or women may not have such access to resources, but in such cases too men have found other options, such as migration, or merely transferring their responsibility to women, leaving women in a worse position.¹¹

There is unanimity among all the feminists that women are handicapped because they are bereft of power, therefore, they may be endowed with 'power', in other words, they should be empowered. In developing countries the general living standards are extremely low and women lives a very substandard life. They are even deprived of bare human necessity. The question therefore, revolves around rights and empowerment. It is under this context that the protagonists of 'rights' clamour that women should fight for their rights and they should place an emphasis on political,

¹¹ Ibid, p. 19.

social and economic rights of women. The participation of women in social and political life should not only be symbolic, but real. Women should struggle against the discriminating social practices which almost all societies practice. In economic sphere, their labour is underestimated. They slog and work as men, but it is generally unpaid or underpaid. They are always in the lower rung of society and very seldom get opportunities. Their mental capacities are ignored and are kept at bay where mental caliber is required.

In the sphere of politics at the present juncture, women's position is very contradictory. Furthermore, amongst the Malay women the political rights have been bestowed, without facilitating her exercise of these rights. The empowerment school of thought tackles this issue differently. It takes cognizance of the fact that women have to be given due shares in economic, social and political lives to have capacities to achieve their goals. Therefore, empowerment is necessary. Education, health and social awareness are primary conditions. Women needs at the moment, which would give her consciousness for exercising her 'rights'.¹²

Needless to say, political power plays a very important role in the domination of women. Therefore, engendering politics is the need of the hour. There are different aspects of politics in Malaysia that almost exclude women completely. The gender discrimination practiced for centuries has incapacitated women. Therefore, they cannot stand strong, unless a strong system is provided to them. They have been left behind and so they have to be brought forward.

Politics has many facets, and sociability is one of its important ingredients. Sociability implies duality of existence- public and private. The politics belong to public sphere where intrusion of women is forbidden. Women belong to private world only. This is anti democratic as it is against the principle of equality. It is recognized world over, that this gender division of public-private is unjust for both men and women.

¹² Ibid, p. 20.

In her essay "Women Empowerment: Redefining Agenda", Jinee Lokeneela emphasizes her view by pointing to the fact that political parties with no political commitment towards struggle for women's rights not only fail to transcend the state's agenda, but further collaborate with the state in order to keep the patriarchal process intact. Sangha mitra Budhapriya in her psycho-analytical essay, "Fear of Success Among Women Managers", an empirical study bordering theoretical issue with empirical evidences, analyses the psychological role of gender in social, political and professional life of women. According to her organizational roles and status have traditionally been gendered.¹³ Certain positions have been considered appropriate to women and filled by women or men. This gendered aspect is located within a large patriarchal social world, which is hierarchically based on men occupying position of dominance over women.

As early as 1955, Duverger stressed the need to study the nature and scope of female political participation on a multi national level. Mary Bread has also argued that history is incomplete if it does not include its historical and political participants.¹⁴ But unfortunately, there are very few literatures available on women issues.

Political status of Malay women in Malaysia

Malaysia is one of the smallest Muslim countries in Asia (in terms of its land and population size), but it is regarded as one of the most economically developed among Muslim nations. The fact remains that Malay women continue to be the most highly politicized and have been consistently the most politically active, as well as the best organized group. But their political representation is very low. That is why it becomes an important aspect to find out the reasons as to why their political representation is low.

As a multi-ethnic country, Malaysia's population is made up of more than thirty ethnic communities. People are very much aware about their ethnic identity. It is evident in

¹³ Ibid, p. 22.

¹⁴ Virginia H.Danez, "Women and Party Politics in Peninsular Malaysia", n. 3, pp. xii-xiv.

the 1969 ethnic conflict, which had severely affected on the political governance as well as the position of women. Women constitute almost fifty percent of its 23 million people.

Table 1: Malaysian population by gender 1980-2000 (Thousand)

	1980	1991	1993	1997	2000
Total	13,764	17,764	19,047	21,665.50	22,202.61
Female	6,860	8,804	9,441	10,583.20	10,999.09
Male	6,904	8,896	9,605	11,082.30	11,212.52
Female%	49.8	49.6	49.6	48.8	49.5
Male%	50.2	50.4	50.4	51.2	50.5

Source: Department of Statistics (2000)

But they have been under represented in Malaysian Politics. Currently, though women constitute almost half of registered voters, they form a fraction of ten percent of the total Member of Parliaments (MPs). In 2002, Malaysia had only three women in full ministerial positions. In the Dewan Rakyat (Lower House), out of 193 total members, there are only twenty women members of parliament. This shows that the presence of women in Malaysia's decision-making body is still far from being satisfactory.

Women of Malaysia are politically very active and took part in national movement and ruled in some of the islands during 17th century. They also formed a number of political organizations like Kaum Ibu of United Malay National Organization (UMNO) and Movement of Conscious Women (AWA). But their rewards has been ignored and neglected from the history. That is why only "his history" is counted not "her history".

In a report, "Islam and Women's Rights Advocacy in Malaysia", Jennifer Sleboda, pointed out that women are involved in various political and social movements (anti-colonialism, nationalism etc.). In late 1920 and early 1930 they formed their own organizations to educate women and girls. Throughout the mid 20th century, Malay women's political consciousness grew directly out of the national movement and was politically very active. Women formed a variety of political organizations, one of the principal ones being the women's auxiliary (Kaum Ibu) of the United Malay National Organisation (UMNO). Another organisation formed by women was the Angkatan Wanita Sedar (AWAS) – the Movement of Conscious Women. But many of these women in political organisations were from elite class.¹⁵

Writing in the *Asian Journal of Women's Studies* (1999), Mahfudzah Binti Mustafa's article, "Women's Political Participation in Malaysia: The Non-Bumiputra's Perspective", mentioned that women's involvement in political activities in Malaysia has become apparent since 1945. In the earlier periods, women's political roles are limited only to campaigning and voting. More recently, it is estimated that less than 5 percent are formally involved in politics and compete as candidates for parliamentary and state assembly seats. However the numbers still remain negligible, constituting only 4.64 percent of the total number of candidates competing for the total number of 586 seats.¹⁶

A Report on "Women in Politics: Australia, India, Malaysia, Philippines, Thailand", by UNESCO Principle Royal Office for Asia and the Pacific, Bangkok (1993), mentioned that the current position of Malay women in political parties like Parti Islam Se Malaysia (PAS) which uses Islam as their ideological base is significantly different from the Islam which was used hitherto as a part of the national movement. In PAS, women are not allowed to stand for elections; they support women only to use them to assist men in their campaigns. With the ideology to create Malaysia as an

¹⁵ Jennifer Sleboda, "Islam and Women's Rights Advocacy in Malaysia", *Asian Journal of Women's Studies*, Vol. 7, No. 2, 2001.

¹⁶ Mahafudzah binti Mustafa, "Women's Political Participation in Malaysia: The Non-Bumiputra,s Perspective", *Asian Journal of Women's Studies*, vol. 5, no. 2, 1999.

Islamic state, PAS follow the concept of “restructuring society” under which they support male leadership and women’s domestication. Its political manifesto rejects Malay *adat* as the legitimate basis of social organization. They also reject the leadership roles of women.¹⁷

It has been pointed out that women’s participation in the workforce generally is much desired compared to men’s participation.¹⁸ In the official Report on the status of women, the “Report on the State of Women in Urban Local Government Malaysia” of 1994, indicates that women constitute 49 percent of the total nominated numbers of Urban Councils. In the political arena, the increase in the number of women standing for elections, both in the Federal and State, has been slow although women make up almost half of the population. It is also to be noted that it took about 40 years for women to increase from 2.9 percent (only 3 women) of its representation in 1957 to 10.9 percent in 1999. The appointment of women as ministers remained almost constant at 2 people over the last 3 election in the 1990s.¹⁹

Malaysia has no laws or legislation that mandate a quota for women’s representation in local government. On the average, women councillors account for about 10 percent of the total number of councillors in Malaysia. There is no formal policy on affirmative action for recruitment of women neither at the local government service level nor is there any official quota or target set for employment based on gender. Though women have been appointed to professional and management positions such as engineers, architects, town planners and heads of the municipality council, they are always neglected to take part in active political participation and representation. Women have to struggle long time to come up in high post compared to men. That is why all women councillors are at the age 40 and 60 years.

¹⁷ Occasional paper on “*Women in Politics: Australia, India, Malaysia, Philippines, Thailand*” (Bangkok: UNESCO Principle Royal Office for Asia and the Pacific 1993).

¹⁸ Malaysian Report on ‘Report on the State of Women in Urban Local Government in Malaysia’ www.unescap.org/huset/women/reports/malaysia.pdf.

¹⁹ Malaysian Report on ‘Report on the State of Women in Urban Local Government in Malaysia’ www.unescap.org/huset/women/reports/malaysia.pdf.

Political participation may mean a democratization of various political process and groups within the society and could be linked with the various struggles for women's empowerment. In Malaysia this is however obviously ignored by the state. Women's political participation is regarded as a peripheral issue. Till date, the proportion of women ministers or deputies, compared to men, is very small and still far behind the developed countries. There is no quota system in Malaysia to increase women's political representation. The common definitions of democracy and politics generally do not lend themselves to a women friendly approach. In Malaysia, politicians especially women, who are aligned to the ruling party are not vocal enough about their representation. On the other hand, women organizations and NGOs are more vocal and focused on women issues rather than on gender opportunities in politics.

Malaysia is one of the countries which have maximum number of reservation after ratifying the international convention on women like CEDAW. It is also a country which has not yet submitted a report under CEDAW despite ratifying it. The recent Islamic resurgence has popularized some very neo-traditionalists and unrealistic idea of women's domestic roles. This neglects the realities of Muslim women's lives, especially in a modernizing society such as Malaysia. Women are always a major target group of government's efforts for political mobilizations; particularly in rural areas. Here the main strategy for encouraging women's active participation in community or national issues was to channel collective action through formal government organizations. Despite active mobilization of women, the fact remains that mobilization is limited to rural areas only and that they are not allowed to enter in the areas where the control of real politics lies. Another fact is that, women are not mobilized with a sense of giving empowerment (giving representation in the politics which can solve gender inequality). For the Malays, the participation of women was accepted as long as it was supportive and did not threaten party unity. None of the political parties are willing to have candidates in proportion to their (women) voting strength. Proportionate representation does not apply to women as group. It is argued that this situation is a result of the "gender factor" that places women in secondary sector.

Women's Position inside the Political Parties and Their Weakness

Historically, women's entitlement to citizenship has been determined by their relationship to men and subordinated masculinity, class, race and other community locations, thereby giving women an "auxiliary" status *vis-à-vis* the state. Every party in Malaysia has their own women's wings. But they treated it as secondary section and were under male leaders and make them function only at the local and state levels. Male leaders support them because it helps to increase votes and membership. Their interventions are therefore largely limited to activities connected with increasing the number of votes during elections and to social work efforts that promote the party's image.

Inadequate financial resources is one of the biggest obstacles in activating the party in women's favour. Poverty is more than a problem of income and consumption on shortfalls. It is about powerlessness which includes the inability to influence decision making process (that is women). The multiple dimensions of powerlessness create a vicious circle of poverty. In the case of poor women, the degree of powerlessness is even greater because of the gender-base discriminatory factors and other social and cultural barriers that limit their participation in the political sphere. We may say that there is a close linkage between low level of political representation of women and increasing level of poverty among women. Moreover, Women, if they are not from political elite families, may need to cultivate the patronage of a senior male politician and then feel they are permanently beholden to their patron. They are also likely to be compromised because of lack of adequate personal resources to cultivate the electorate or because their gender indirectly disqualifies them from accessing party funds.

According to Rashila and Saliha, there are at least five common factors which form obstacles to Malay women's active participation in politics. They classify the factors

as:²⁰

- 1) social discrimination against women's roles in the public domain,

²⁰ Rashila Ramli and Saliha Hassan, "Trends and Forms of Women's Participation in Politics", in Syarifah Zaleha Syed Hassan, ed., *Malaysian Women in the Wake of Change* (Kuala Lumpur: Gender Studies Programme, Faculty of Arts and Social Science, University of Malaysia 1998).

- 2) time constraints due to career and domestic demands,
- 3) cultural and religious agreements that a woman's place is in the home,
- 4) structural constraints within its political party that do not allow women to advance beyond a certain limit, and
- 5) lack of adequate resources in terms of organizational support, personal influence and finance.

State's Role in Marginalizing Women's Position

Yasmin Tambiah's article, "The impact of Gender inequalities on Governance" in *Essays on Gender and Governance*, stated that,

in the process of governance, the state compounds private patriarchy and the domesticated feminine when it nominates or (mis)recognises men as heads of households in contexts such as land distribution, local resource management or displacement compensation, regardless of whether or not women are land owners or head of households. State continues to see women as unqualified.²¹

This is what is exactly happening in the case of Malaysia. The state is playing a dual role in Malaysia, on the one hand they support Islamic Revivalism which suppresses the women (in order to adjust their economic policies) and on the other hand they favoured liberation of women in order to impress foreign investors. But the point here is that in any case women are the major victims.²²

The Malaysian Government launched its New Economic Policy (NEP) in 1971 to maintain political stability and raise their socio-economic position, most particularly of the Malay community. Notwithstanding, according to Sleboda, NEP has also created

moral confusion over the proper roles of men and women, and boundaries between public and domestic, Muslim and non-Muslim worlds" due to "cultural dissolution", the "changing sexual division of labour, and the new freedom of daughters, wives, female students and female workers."²³

²¹ Yasmin Tambia, "The Impact of Gender Inequalities on Governance", in *Essays on Gender and Governance*, (United Nation Development Programme: Human Development Resource Centre, 2003).

²² Yasmin Tambia, "The Impact of Gender Inequalities on Governance", in *Essays on Gender and Governance*, (United Nation Development Programme: Human Development Resource Centre, 2003)

²³ Jennifer Sleboda, *Islam and Women's Rights Advocacy in Malaysia*, n. 13, p. 109.

This moral confusion over gender roles and relations, as well as boundaries of the private and domestic of Muslim and non-Muslim spheres, fuelled the Islamic revivalist movements of the 1970s and 1980s also known as Dakwah.²⁴ The implementation of the NEP has also had a positive bearing on the economy, social and political position of women in the country. But, women continued in the customary style of political participation, i.e., supporting and supplementing the party's main ideological thrust. Hence two of the major forces that affected women during this period were the NEP and the Dakwah movements.

The Dakwah movements in Malaysia emphasised the patriarchal fundamentalist form of Islam in opposition to western's domination in various fields. With regard to Malay women, Dakwah was conceived as part of a re-education or re-socialization process, whereby women can be rescued from the influence of Westernization that disvalued the Asian family system which is widely practiced in Malay culture. Thus, gender has been employed as one of most important symbols of differentiating between Westernization and Traditionalism. The Dakwah movement in Malaysia generally stressed on women's domestic roles as wife and mother and also as symbols of religious nationalism for Malaysia and tried to maintain the superiority of male in various domain of life.

Impact of Industrialization, Globalization on Women

Industrialisation has adversely affected women in traditional societies. According to Laeeq-Futehally, in the case of Malaysia, young girls are migrated from village to urban areas to work in urban multinational industries, required to adopt the norms of behaviour preferred by their respective managements, and leads their life uncertain and insecure. Furthermore, within the society, their family and community no more willingly accept them.²⁵ While industrialisation is encouraged, nothing is done to halt or to remedy the dislocation of the lives of these women.²⁶

²⁴ Ibid.

²⁵ Laeeq Futehally, ed., *Women in the Third World* (Bombay, Delhi, Bangalore: Jaico Publications, 1980).

²⁶ Ibid.

In industrial world, women are concentrated in the occupations that are particularly monotonous and tedious and paid less than men for the same work as well as they have been discriminated against in matters of appointment and promotion. Women are also adversely affected by the system promoted by industrialisation which generates new forms of sexual exploitation and abuse. Their exploitation is facilitated by the fact that they are poorly organised to assert their rights as employees and as workers. The efforts of bodies like the ILO is not successful because the dice in the employment markets of development societies are so heavily loaded in favour of men that regulations and requirements aimed at protecting women are easily neglected.

According to the International Labour Office's report on "Gender Poverty and Employment: Turning Capabilities Into Entitlements", women's work fall outside labour organisations, social security systems and collective agreements which were formulated to regulate formal employee-employer relationships. Although some advances have been made towards wage equity, women still earn only about 50 to 80 percent of men's wages. In part, this gap is due to the several factors like the over crowding of women in low-skilled; low-status job; the segmentation of the labour market into masculine and feminine occupations; women's shorter working hours and unavailability for overtime; night work and shift work because of legal barriers and/or family responsibilities. ILO flexibility surveys in Malaysia have shown that the greater the casual degree of labour, the higher the proportion of women in overall employment and the more vulnerable these women are to exploitative conditions.²⁷

Along with the Industrialization, globalization has further added the problems which discriminate women in the modern Malay society. Instead of providing solutions to the gender inequality, globalization had sharpened the division between the two sexes, leading to disempowerment of women. Globalization has also entrenched gendered hierarchies in the labour force as well as increased the percentages of women living below the poverty line.

²⁷ International Labour Organization, "Gender, Poverty and Employment: Turning Capabilities Into Entitlements", (Geneva: International Labour Office, Development Policies Branch).

Globalization per se is male oriented. Its new technologies are made for male use. Hence, men become skilled labour and women unskilled. Women are therefore not fit in the higher level of payable works. Thus women have been exploited under the process of globalization. Female labour is thus increasingly integrated into global production, but in a fragmented form with contradictory consequences.

As the process of expansion of capitalism and globalization continued, efficient labour of women was found to be preferable to that of men because women's labour is cheaper and they are not organized. With the adoption of the Structural Adjustment programme women have become an integral part of this liberalized labour market, but have simultaneously been marginalized within it. In the process, they have had to develop strategies for dealing with conflicting demands of fragmented insecure work, domesticity and community participation.²⁸

Discrimination of Women in Malay Society

Discrimination of women in Malaysia is often identified with the commercialisation of agriculture which takes away their customary entitlement to land.²⁹ Because of the patriarchal culture, women's positions at home, society and in the work place is influenced by male dominance. Hence, women continue to be severely under represented in management and executive positions, in work that requires high technical skills as well as in positions of political power.³⁰

According to Jennifer Sleboda, women as the bearers of cultural values, carriers of traditions, and symbols of the community become a fundamental symbol in the politics of Islamic Revivalist movements or in Islamic state policy.³¹ Women frequently become a visible symbol of the political goals and cultural identity during processes of revolution, state building and when power is being contested or

²⁸ Haleh Afshar and Stephanie Barrientos, eds., *Women, Globalization and Fragmentation in the Developing World* (Great Britain: Macmillan Press. 1999).

²⁹ See Cecilia Ng and Chee Heng Leng, "Women in Malaysia : Present Struggles and Future Directions", *Asian Journal of Women's Studies*, Vol. 2, 1996.

³⁰ Ibid.

³¹ Jennifer Sleboda, "Islam and Women's Right Advocacy in Malaysia", n. 13.

reproduced. The mingling of Islam and *adat*, to a great extent, influenced the cultural and gender relations of the Malay community. Unlike Islam, where male specialist within a religious hierarchy controlled its functions, *adat* profoundly shapes gender relations giving Malay women a relatively high status and the ability to exercise power. However, they are restricted in other areas due to the influence of Islam.³² The customary laws in Malaysia had great influence on women's involvement in the public and political spheres which are considered as a male dominated arena. The fundamental obstacle that women face in politics is the division of public and private sphere.

In Malaysia, the problem lies in reconciling the resurgence of Islam with the challenges of globalization. In the name of religion, some group, mostly men, discriminate women by justifying that it is done in order to rescue them from the western influence and to safeguard the Malay culture. Thus, this process undermines women's abilities to access rights granted to them under the law. Women's groups are at the forefront in challenging the traditional interpretation of religious laws.

Traditionally, in Malaysia, women, as a mother and as a wife, are highly revered. Therefore, higher educations for girls are generally not encouraged. Likewise, the societal view of women's political candidates is still one that says women are more appropriate in the role of supporters. This implies the enhancing men's roles especially in the public sphere. Women's mobility is also limited by tradition, and customs, as exemplified by the Chinese proverb: "A men's place is outside the house and the women's is inside the house".³³

Though women are bound by customary laws and enlightened by western education very late, Islamic and state ideologies make Malay (Muslim) women subordinate to men in every departments. This imposition of patriarchal interpretation of Islam in Malaysia is a compelling indication of a contemporary Muslim's response to

³² Ibid.

³³ Muhafudzah binti Mustafa, "Women's Political Participation in Malaysia: The Non-Bumiputra's Perspective", pp. 18-34.

modernity and social change. Even within the Malay federal constitution gender based discrimination is not prevented and it clearly shows that it is permissible to discriminate on the basis of the person's sex.

According to Norani, patriarchal notions of gender relations in contemporary Malaysia, as in most of the other Muslim countries, are intertwined with the politics of Islamization, nationalism, state building and the rejuvenation of "Asian Values" and culture. Women are regarded as central to their country's projects of both cultural rejuvenation and religious orthodoxy. Thus using them as a measure to save their identity in the world.³⁴ Moreover, religion has been a source of power for women or a source of subordination, or both.³⁵ Religious beliefs may both reflect and reinforce the subordination of women. In many religious traditions whether Christianity, Confucianism, Hinduism, Islam or Judaism, women's are seen as a polluting element. Their activities and power are hence restricted.³⁶

According to the Asian Development Bank report on "Sociolegal Status of Women in Indonesia, Malaysia, Philippines and Thailand", indigenous women have been deprived of their rights to be co-owners of land as were practised under the customary law. Even in government resettlement projects, rehabilitation in the form of title to the land and head of the family is given to the male member, whereas in the customary law it was once in the name of women. With increasing development, along with the loss of their title over land, indigenous women who do not have the skills of fit into the market economy will end up on the lowest rung of unskilled jobs.³⁷

Malaysia's Muslim women inherit only half as much as men do. In Malaysia, inheritance is governed by the 1971 Inheritance (Family Provision) Act (39) and by

³⁴ Norani Othman, "Islamization and Modernization in Malaysia: Competing Cultural Reassertions and the Women's Identity in a Changing Society", in Rick Wilford and Robert L. Miller, eds., *Women Ethnicity and Nationalism: The Politics of Transition* (New York : Routledge, 1998).

³⁵ Barbara N. Ramusack and Sharon Sievers, *Women in Asia* (Bloomington and Indianapolis: Indiana University Press, 1999).

³⁶ Ibid.

³⁷ A Report on "Sociolegal Status of Women in Indonesia, Malaysia, Philippines and Thailand", n. 4.

the 1958 Distribution Act (30). These two acts discriminates against women. For example, if a married woman dies intestate, the whole of her estate goes to her husband. If a man dies intestate, only one third goes to his wife if there are children, and one half if there are no children.

Numerous discriminatory laws continue to exist, such as the Immigration Act, the Guardianship Act, or the Income Tax deduction schedules which are based on the assumptions that men are the main earners and head of the household, while women's incomes are supplementary and their roles secondary. There are acts and policies that are adversely affecting the daily lives of women, and have been voiced repeatedly. But, nothing changes or at best, small steps are taken slowly. Malaysia has not ratified the ILO Conventions on Maternity Protection (no.103), workers with family responsibilities (no.156), part time work (no.175), or home work (177).³⁸

Religious factors are used to deny women leadership roles and a place in worldly affairs. Women need to balance their time to perform her various roles as wife, mother, daughter, leaders, if she is involved in politics. Because of this double burden on their shoulder, they could not perform well as a leader in the political arena. They are physically and geographically less mobile than man. It is often implied that women cannot indulge in or develop an interest in political and public activity to the same extent as man. If a woman involves herself actively in any public work, she will be rejected and lose the support of her family or her husband if she is married. Politics is not considered as a woman's right and is deemed as a waste of energy and time for her as she will not be able to concentrate on the needs of the household. Such cultural notions towards women have thus limited their involvement in politics. A persisting lack of confidence in women's ability to lead presents a formidable problem in their political advancement.

The limitations of the social interaction between women and men, acceptance of women in the society as wives, mothers, housekeepers, importance of gender factors and femininity in society, their religious cultural values, lack of party support, family

³⁸ Ibid.

support and the masculine model of political life are some of the reasons adduced to limit the participation of women in active politics. Coupled with this, lack of funds, human resources and inadequate media exposure are other obstacles before women's political participation.

Conclusion

After looking at the available literature on women in general and Malay women in particular, we can still say that women are under represented. The patriarchal domination left no room for women to allow them freedom to live life of their own choice.

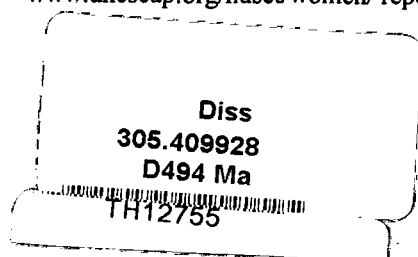
The opportunities created by rapid economic growth in Malaysia do not give the same benefits to women as it does to men. It is due to weak legislation and its enforcement along with male domination which is responsible for such crisis. Some women, who are there, are not gender sensitive and belong to elite groups who are not aware of problems faced by common women. That is why; there is a need for women representation based on quality not quantity.

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Women's involvement in political arenas suggests their strong desire to influence the process of policy-making on issues related to the welfare of the women and other issues concerning the community that they represent. However, their representation and participation in Malaysian leadership levels is still very unsatisfactory and is not commensurate with their participation in party politics. The question arises here is that why do men still dominates Malaysia's parliament?³⁹ These are the issues which make us find out and study Malaysia as a case study.

There are few women in high-level positions in Malaysian government, and of these, not all are cognizant of or sensitive to gender issues. Legal reform is hampered by the scarcity of female legislators. Hence, there is a need for political representation of women who are gender sensitive. While it is believed that globalization brings many

³⁹ Malaysian Report on 'Report on the State of Women in Urban Local Government in Malaysia' www.unescap.org/huset/women/reports/malaysia.pdf.



positive changes in Malaysian society, yet it has negatively affected women. This is because of the male headed governance which always tend to ignore women's issues and make projects and programmes which can progress and benefit men only.

After looking at all the problems faced by women particularly in Malaysia, a question arises, why are Malay women still under represented in politics despite their active participation in the national movement? How do customary laws interfere in women's involvement in politics? What are the impacts of New Economic Policy in the role of Malay women in politics? And what are the roles of Malay women's associations in Malaysian politics?

It is a given fact that most of the political parties in Malaysia have women's wing. But here the question is that-are the women coming together by cutting across the party ideologies for fighting common discriminatory laws? Or, do the parties' ideologies restrain women from coming together to resist society's discriminating attitudes towards them, despite the fact that they have equally suffered under some hard laws? Or, do the women use politics as the means to fight the patriarchal domination in Malay society?

As the political participation or representation of women have become an important index to measure the development of the nation in today's world, this dissertation makes an attempt to analyse the issues of political marginalization of women with reference to Malay women as well as the effects of Islamic Revivalism on them and their political representation, and also the linkages between industrialization and their poor political representation. Therefore, there is urgency in studying the poor representation of Malay women. We need to examine the obstacles, the structure and socio-political conditions of a society which make women under represented in the decision making process.

CHAPTER – 2

TRADITIONAL ROLE OF MALAY WOMEN

The World Bank and the International Monetary Fund is making Malaysia a showcase of development as it is one of the few countries in the world, where there has been consistent economic growth since the late 1980s. This has been the result of the expansion of industry and related services in Malaysia. But this expansion has not benefited equally to all the sections of the Malaysian population. It favours men more than women. Under such circumstances women suffers more, in fact more than what use to prevail before. Therefore, in order to make a fruitful study it is essential to go back to traditional Malay society and their women's role in it.

Traditionally Malay women were not kept in isolation, at least not to extent of other Muslim countries. *Purdah* (veil) is not commonly accepted in Malaysia, except amongst the elite aristocratic class women. They were allowed greater freedom than her Muslim counterparts elsewhere. The traditional Malay women dressed modestly, covered their arms and legs and wore headscarves or loose shawls, but not as Arab Muslim society's women's large customary robes. Women's opinions were considered more importantly in the matters of house management, marriage of the younger, men's business, overall expenditures etc.

In traditional Malay village, women actively participated in the politics and other decision-making process. Though they were not allowed to occupy position of power in politics and have limited access to Islamic rituals, they exercised the right to vote.¹ The flexibility of Malay society enabled women play an active and forceful roles despite their domestic work. This is evident by their strong participation in political associations and nation building process since 1945 onwards.

¹ Jennifer Sleboda, "Islam and Women's Rights Advocacy in Malaysia", *Asian Journal of Women's Studies* (Korea), Vol. 7, No. 2, 2001, p. 104.

In traditional Malay society, women's status can be seen through their customary laws, religion and division of classes in the society. The Malay women enjoyed more freedom than their Muslim sisters of the other Muslim countries because of their customary law "*adat*" under which they enjoy freedom.

Adat

Adat means those traditions; customs and laws which helped determine the structure and organization of Malay society. Under *adat* women were identified with land-customary property. Inheritance is equally shared between son and daughter but it was Islam which gives double share to men.

A girl child is taught from the very early age to help her mother in the household chores, cooking, laundry, taking care of younger children. And boys are given more freedom. This is more clearly shown by the *adat* saying:

The girl is sent to learn weave and sew

She completes her mat and pillow

This delights her parents.

The boy is sent to read the Quran

He learns a verse or two to counter gambling and cockfighting.

When he reaches the age of maturity

If at sea, he is taught to handle the oar

If on the land, he learns the art of sword-play².

Girls are more restricted after they reach puberty. They are not allowed to go outside alone and most of the time confined in the house. Malay women gain their considerable amount of freedom and status only after they married. Marriage and divorce procedures of the Malays are governed by Muslim law. In matters relating to marriage, the position of Malay women is clearly illustrated by the following saying:

Untongsi-laki-laki ditanya-tanyakan

Utong si-perempaum di-di-nanti-nantikan.

² Virginia H. Danez, *Women and Party Politics in Peninsular Malaysia*, (Singapore: Oxford University Press, 1987), p. 7.

It means that the girls have no choice in the selection of their partners. It is solely in the hands of the parents³. Muslim girl can marry only a Muslim while Muslim male can marry other religion's women as-Christian, Jew, Hindu etc.⁴

Young girls are formally educated like their brothers, but not as equally as their brother when they reach the stage of higher education. The societal upbringing compels them to accept the subordinate position inside and outside home. This societal attitude refrain them from taking any risks and competition thereby making them look as if they are not serious about their careers⁵.

Traditionally, young girls' education was undertaken by mothers, aunts, and older sisters. They taught them household skills, reading Quran, crafts, at the same time handing down to them a wealth of oral tradition, which are expected to be suited to women in the Malay patriarchal society⁶. It was not until the 1950s that the majority of the Malay girls received a formal secular education. But in most of the schools girls were taught lace making, silk *sarung* weaving etc to gain future financial independence and remain in the private sphere only⁷. Till later part of the twenties, girls are not allowed to educate with the boys. Until then, girls were educated to read Quran, daily prayers, only in the sense to perform the household duties. Many of the Malay parents do not want to send their daughters for formal education as they do for sons. Many of them used to say that:

"It is better to let your children die than allow traditions and customs to lapse"

On the other hand, they are against the British rule and suspect their system of education and fear that if they send their children to British set up schools, their

³ Michael Swift, "Men and women in Malay Society", in Barbare E. Ward, ed., *Women in the New Asia: The changing social roles of men and women in South and South-East Asia*, (Amsterdam: UNESCO, 1963), p. 288.

⁴ Virginia H. Danez, *Women and Party Politics in Peninsular Malaysia*, n. 2, p. 9.

⁵ Mahfudzah Binti Mustafa, "Women's Political Participation in Malaysia: The Non-Bumiputra's Perspective", *Asian Journal of Women's Studies* (Korea), Vol. 5, No. 2, 1999, pp. 19-20.

⁶ Sir Richard O. Winstedt, *Malaya and Its History*, (London: Hutchinson University Library, 1966), p. 131.

⁷ Lenore Manderson, *Women, Politics and Change: The Kaum Ibu UMNO, Malaysia, 1945-1972*, (Kuala Lumpur: Oxford University Press 1980), p. 19.

children may convert into Christianity⁸. Thus, Malay women have been enlightened by English education very late compared to other communities. Therefore, the rural nature of the majority of Malays, the slow progress in educating girls, and the cultural traditions of the Malays kept young girls sheltered until married and precluded young women from seeking employment. Hence, Malay women have no option except to confine in the limited area of agricultural sector of the economy⁹.

Their elders choose her partner without her consent. But a boy can marry anyone of his own choice in some cases. If a girl does this, it is considered arrogant and shame on their parents. Therefore most of the Malay marriages are arranged and it is fragile. The general tenor of the figures occasionally announced by the Religious Affairs Departments of the various states is that for any one year the total of divorces registered amounts to more or less half of the total registered marriages in the same period¹⁰. The divorced women who are neither literate nor trained do not have any alternative and at the end they were forced to join prostitution. Prostitution has become a major problem in their society today. In order to ease this, Parliament and state governments passed maintenance law in 1968. Malay women are working so hard to reduce these problems by demanding not only to abolish polygamy but also to provide complete say and greater rights within marriage and divorce¹¹.

Regarding divorce, more freedom is given towards men. There are few conditions under which women can approach for divorce with the help of male relatives. But the rules of divorce which practice in traditional Malay society are likely to leave every advantage in favour of the husband.

Moreover, men are regarded as the main bread earner and head of the family. Women are not allowed to participate in the activities of public sphere, if she does, then she is

⁸ Michael Swift, *Men and women in Malay Society*, n. 3, pp. 291-292.

⁹ Verginia H. Danez, *Women and Party Politics in Peninsular Malaysia*, n. 2, p. 23.

¹⁰ Michael Swift, *Men and women in Malay Society*, n. 3, p. 272.

¹¹ Verginia H. Danez, *Women and Party Politics in Peninsular Malaysia*, n. 2, pp. 17-18.

considered mentally unbalanced. So, women are expected to be modest and stay in the background¹².

In the Malay society, husband is regarded as the dominant partner in the marriage and women in a subordinate position. The Quran clearly stated that “they (women) have rights similar to those over them (men), and men are a degree above them”. (Quran, 2:228) Women should not attain the male visitors at home, as far as the visitor is the close relative. Husband should participate anything related to public affairs and represent the whole family. Women have no say in this regard. Women have no power whatsoever over matters affecting the family as a whole. The man would lay down the rules and make all the decisions without the consent of the wife, whose role could then be said to be “not to reason why”, but “to do and die”¹³. At dinner, men are served first and therefore get the best while women have to make do with the left over foods of the men with children. Wives were expected to be obedient to their husbands under *adat* as they were under Islam. In traditional Malay society, when the Malay couples go for outings, generally women walk a few steps behind their husband. Thus, seven decades ago, men were the absolute master in all respects in the Malay family as he arrange and decide everything, and his words are considered as laws¹⁴.

Islam

According to Verginia, in *Women and Party Politics in Peninsular Malaysia*, the coming of Islam place men and women with its recognition of the husband as head of the family. This reinforced the fact that women were not to dominate in the family¹⁵. This statement clearly indicates that it was only after the coming of Islam that the Malay women’s position is decreased and subordinated in the society. This process was enhanced by the British colonizers and the Islamic revivalism in the name of anti-western and re-traditionalization.

¹² Ibid., p. 6.

¹³ Michael Swift, *Men and women in Malay Society*, n. 3, p. 290.

¹⁴ Ibid., p. 291.

¹⁵ Verginia H. Danez, *Women and Party Politics in Peninsular Malaysia*, n. 2, p. 16.

Religion has been a source of power for women, or a source of subordination, or both. Religious authority has often functioned as politically powerful figures and subordinate women in several fields. Women's status as a polluting person because of their bodily function - menstruation or child birth - restrict their activities and power in the patriarchal nature of Malay society under Islamic family law¹⁶.

Islam, as a religion of Malays affected the status and position of the women along with all the related issues of the women in the society. Some of the highly conservative Muslim leaders accept as proof of the exclusion of women from occupying religious or other public offices such Quranic inscriptions as:

..... (Allah prefers men) in the matters of mental ability and good counsel, and in their power for the performances of duties and for carrying out of (divine) commands. Hence, to men have been confined prophecy, religious leadership, saint ship, pilgrimage rites, the giving of evidence in law courts, the duties of the holy war, worship in the mosque on the day of assembly (Friday) etc. they also have the privilege of electing chiefs, have a large share of inheritance and discretion in the matters of divorce¹⁷.

Under Islamic family law, four types of *talak* have been recognized in Malaysia: the *talak* (or *cherai*, *biasa*, ordinary divorce), *ta'alik*, *fasah*, and *khula*. Along with the right of divorce, the right of revocation (*rojo*) lays in the hands of the husband in cases of a one or two *talak* divorce. Revocation remains the unique rights of the husband¹⁸.

From the above statement we can say that Malay women have been excluded from the political and religious leaderships and were subordinated under family law. They were always confined in the household works and were not allowed to appear in the public matters. Therefore, very less number of Malay women is present in the path of power and decision making process at the local, state and national levels.

¹⁶ Barbara N. Ramusack and Sharon Sievers, *Women in Asia: Restoring Women in History*, (Bloomington: Indiana University Press, 1999), pp. xxv-xxvi.

¹⁷ Virginia H. Danz, *Women and Party Politics in Peninsular Malaysia*, n. 2, p. 12.

¹⁸ *Ibid.*, 15.

Class

According to different scholars, the Malay society has been divided into various classes with different names but generally it is accepted that, it is stratified into peasantry - the lowest and largest class and aristocratic class which has been replaced by Malay elite class, consisting of western educated government servants in the present days. Peasant women cannot be subordinated and secluded easily because of their economic contribution in the family. In the upper ranks, some of the qualified educated women are holding prominent post. Some women are political leaders, although admittedly these are mainly from other community – Chinese, Indian etc.¹⁹

Regarding dress, older women still retain their traditional costume, that is, their sarongs and *bajus*, and young women wear western costumes. This gives a generalized picture of changes in the Malay society in its structure and institutions. Since the development took place in the 20th century, the position of women then could be considered the traditional one in the sense that it was largely unaltered. Therefore, women were then mere chattels, and largely confined in the house with their household works and thus isolated from the rest²⁰.

In order to know in detail about the traditional role of Malay women we will divide the periods into three phases as – Pre-colonial period, Colonial period and Post-colonial.

Pre – Colonial Period

During these periods the responsibilities of the government was vested in the hands of the Sultans or the raja class in every states. During this time women have played a significant role in maintaining the political welfare of the state. Marriage ties were significantly used to strengthen the alliances, military, economic, and political power of the state. Consequently, women have been counted equally with men in the matters of state affairs. Whether women do not play an appreciable role personally in the state

¹⁹ Michael Swift, *Men and women in Malay Society*, n. 3, pp. 284-285.

²⁰ *Ibid.*, 288.

matters but as a person she played a significant role as a political factor to bring ties between the states. Thus, women played a considerable role during this period.

Several women, where there was no male heir, play direct influence in the political history of the region by succeeding the throne and continuing the dynasty. From the death of Mansur Shah in 1584 until about 1688, the state of Patani was ruled by queens. At this time, the throne of Kelantan is guard by a woman. From 1610 to 1667, Cik Siti Wan Kembang ruled from Gunung Cinta Wongsa, Ulu Kelantan. The *fatwa* of 1699, which closed the female rule in Aceh under Islam, Raja Devi acceded to the throne of Kelantan dynasty as the fourth ruler till 1716 which marked the end of the female rule of the region²¹.

Colonial –Period

Colonial economy created jobs for the women but they were sent to the category where they face the problems of underpaid and overwork. But they somehow enjoy their economic autonomy. The colonial need to control the economy also marginalized women who had often exercised control over the production, pricing and distribution of agricultural, textile, and household goods²².

During the British colonial period, secular concepts of economic, social, and political life were introduced-- parliamentary democracy-bicameral legislature, prime minister, independent judiciary, blended with more traditional features of Malay society i.e, the rule of the Sultan and the feudal way of life. The development of the rubber, palm oil and tin industries in Malaysia from 19th to 20th centuries is due to the British policies. By these policies, there is overflow of immigrants in order to fulfill the labour needs and these groups soon set themselves up in a stable position leaving the Malays isolated and suppressed in that multicultural society²³.

Under the Japanese occupation, Malay women speeded their position in the Malay society. Due to the requirement of Malay men for the war by late 1943, Japanese

²¹ Lenore Manderson, *Women, Politics and Change: The Kaum Ibu UMNO, Malaysia, 1945-1972*, n. 7, p. 25.

²² Barbara N. Ramusack and Sharon Sievers, *Women in Asia: Restoring Women in History*, n. 16, p. 1.

²³ Verginia H. Danetz, *Women and Party Politics in Peninsular Malaysia*, n. 2, p. 4.

colonizers create opportunities for women to take up more active role in various fields, such as growing cotton and food and also as teachers, clerks, telephone operators, traders etc. The leaders of the Malay women agreed that Japanese occupation make progress in the Malay women's status. It forced them to struggle for survival and broke down many restrictions²⁴.

Contrary to the Japanese occupation, the British imperialism particularly in the 19th century marginalized Malay women in Malaysian society in various fields. Eighty years of British divide and rule policy categorized three major ethnic groups – Malay, Chinese, and Indian – on the basis of its socio-economic and religious pattern. Within such a divisive society, women were largely restricted in terms of social and economic mobility. The limited economic and educational opportunities created by colonial regime are not sufficient to empower them and come out from that sphere where they need to obey father in their childhood and husband after they got married. This configuration of colonial, religious and ethnic ideologies reinforced male dominance within Malaysia's patriarchal society²⁵.

One of the significant causes which severely affected the lives of the Malaysian men and women in the 19th century is the introduction of land and labour policies. Tensions were created between the *fara'id* (the Islamic law of inheritance) and *adat* laws of inheritance as a result of the implementation of new Torrens land tenure in 1980s. The new system of agriculture is also not suitable for women. Thus, the relative economic equality between men and women which they shared in the pre-colonial times was gradually eroded by the colonial policies which are very much in favour of men. And women were apparently confined to the subsistence economy and to reproductive activities²⁶.

²⁴ Ibid., p. 27.

²⁵ Dr. Rajendra Muthu, "Gender in Malaysian Society: Issues, Responses and challenges", *Journal of Asian Women's Studies* (Japan), Vol. 10, 2001, p. 44.

²⁶ Cecilia Ng and Maznah Mohamed, "Primary But Subordinate: Changing Class and Gender Relations in Rural Malaysia", in Bina Agarwal, ed., *Structures of Patriarchy: State Community and Household in Modernizing Asia* (New Delhi: Kali for women 1988), p. 56.

Imperial and colonial expansion had economic, social, cultural and political consequences for women. The colonial policy of wage labour which favour more on men tend to increase women's subsistence agricultural labour. The existence of widespread wage labour among men eroded the importance of the family economy and women's role in it²⁷.

The British colonial regime left a legacy of large business and plantation interests in ascending in the Malaysian economy. These lead to divide the society into different categories like, royal, aristocratic, bureaucratic, middle class and peasantry²⁸.

Women actively participated in the anti-colonial struggles by taking key part in protest march, economic boycotts, and armed rebellion. As with major societal upheaval resulting in challenges to existing authority, colonialism both created opportunities for and suppressed women²⁹.

Despite having important role in the family, Malay society does not allow the participation of women in religious and public affairs. After looking at the limited range of activities and educational opportunities of women, it is not surprising that the earliest stirrings of a women's movement were limited to a few individuals with limited goals. The separate development of Malay men and women is further enhanced by the influence of Islam in their social and political goals during the 1920s and 1930s. It was only in 1920s, that Malay political associations began forming. The first was the Kesatvan Melayu Singapura. It is known that women participate in these associations but as far as their active involvement in the association's decision-making is concern, it is not so clear. The education of women is the important issue of the pre-war goals. The earliest movement was lead only by some elite educated Malay women. It was the Malay school teachers led by the remarkable Ibu Zain, who foresaw

²⁷ Barbara N. Ramusack and Sharon Sievers, *Women in Asia: Restoring Women in History*, n. 16, p. xlvii.

²⁸ Maila Stivens, "Becoming modern in Malaysia: women at the end of the twentieth century", in Louise Edwards and Mina Roces, eds., *Women in Asia: Tradition, Modernity and Globalization* (USA: The University of Michigan Press 2000), p. 20.

²⁹ Barbara N. Ramusack and Sharon Sievers, *Women in Asia: Restoring Women in History*, n. 16, p. xlii.

the importance of education and maintained that without education Malay girl, would remain in the background of society³⁰.

From the above analysis we can state that the colonial regime severely affect the position of Malay women in socio-economic, religious, cultural, and political arena. Their policies eroded the freedom which women use to enjoy to a certain degree in their traditional society. This trend of marginalization of women continues. We can clearly witness this even in the post-colonial regime and in today's one of the most developing country in Asia i.e. Malaysia.

Post-Colonial period

It has been expected that the position of women will improve in the independence Malaysia. It was also believed that their issues and problems would be considered seriously by their sovereign government. With this expectation many of the women left their household works, sacrifice themselves and strongly joined in the freedom struggle. But ironically even after getting independence, their issues were neglected by their own leaders and government.

Improving women's status has been one of the central points of anti-colonial ideology. Despite this, in the independent societies, women have not become politically and economically equal with the men. In fact, the development of nationalist movements, at least in the 19th and 20th centuries, has often operated to subordinate women. In many desperate places and cultures, nationalism left women unrewarded after independence was achieved³¹. This situation has exactly happened in Malaysia too, where women took active part in the nationalist movements.

The evidence of women's active participation in anti-imperialist struggle is the establishment of Women's Federation as a section in the Anti-Imperialist League which was set up in 1930s. One group of the Malay women which took important role

³⁰ Virginia H. Danez, *Women and Party Politics in Peninsular Malaysia*, n. 2, pp. 25-26.

³¹ Barbara N. Ramusack and Sharon Sievers, *Women in Asia: Restoring Women in History*, n. 16, pp. xlii-xliii.

was Johore Women's Teacher's Union formed in 1929 and dissolved during the Japanese Occupation³².

Some of the major problem which women face in the post-colonial period is deeply associated with the impact of globalization and Islamic revivalism on the one hand and the role of the state in balancing both the economic and religious factors on the other. Under such circumstances, women have been marginalized more and more in various fields. They become major victims in the process of maintaining autonomy by different forces.

Political independence did not bring economic independence and eliminate the economic dependence on the former colonial powers. In fact hitherto colonialism today thrives in their imperialist policies. That is why lots of the multinational companies especially electronics and textiles, are seen in Malaysia. Since colonialism situated women overall as an easily exploitable class of labour, this situation has had profound economic implications for women. This process gives both advantage and disadvantage to women. On the one hand, these multinational industries preferred women's chief labour and this make women as an independent income earner. On the other hand, it means a sever exploitation of their labour at low wages in unskilled and low-skilled jobs with little stability or chances of promotion, and under unhealthy conditions³³. They were not allowed to join the union and bind them under many conditions. The women's perspective is always absent in the history of Malaysia's labour movement and the role of women in its evolution is not sufficiently recognized³⁴.

Malay women were selected in various fields not only to meet the requirement of 30 percent Malay participation under New Economic Policy (NEP), but also because they

³² Rohana Ariffin, "Malaysian Women's Participation in Trade Unions", in Noeleen Heyzer, ed., *Daughters in Industry: Work Skills and Consciousness of Women Workers in Asia* (Malaysia: Asian and Pacific Development Centre 1988), pp. 243-244.

³³ Barbara N. Ramusack and Sharon Sievers, *Women in Asia: Restoring Women in History*, n. 16, p. 1.

³⁴ Rohana Ariffin, "Malaysian Women's Participation in Trade Unions", in Noeleen Heyzer, ed., *Daughters in Industry: Work Skills and Consciousness of Women Workers in Asia*, n. 32, p. 239.

are easy to control as a workforce, since their traditional upbringing would not permit any kind of opposition to authority³⁵.

NEP created so much complexity in Malaysia as it makes clearer the division between different ethnic groups. The power shifts to technocrats or bureaucrats has widened the gap between rich and poor, as opposed to their main aim of poverty alleviation. In such a situation women is the major victim as an unpaid labour at home or as an underpaid worker in the factories under insecure environment. Therefore, modernity has been seen contradictory both as intensifying gender inequalities through, for example, displacing women from rural production, and as “freeing” women from oppressive, archaic “tradition”³⁶.

Industrialization and globalization brings those developments and progress which are suitable to men only. So, all the higher paid and prestigious works goes to the men and the left over unskilled and underpaid works are in the hands of the women. That is why very few women can find themselves in a prominent place. This can be clearly illustrated by the following table:

Table 2: Employment distribution by occupation and gender, 1990, 1995 and 2000

Occupation Category	1990		1995		2000	
	Male	Female	Male	Female	Male	Female
Professional, Technical & Related Workers	6.4	9.4	8.4	12.7	8.9	13.5
Administrative & Managerial Workers	2.8	0.6	3.9	1.8	4.7	2.2
Clerical & Related Workers	7.0	14.1	7.5	17.5	7.1	17.5
Sales & Related Workers	11.3	11.4	10.5	11.6	11.1	12.1
Service Workers	9.9	14.1	9.4	14.4	9.4	17.4
Agriculture Workers	29.4	28.1	21.9	16.6	20.4	14.8
Production & Related Workers	33.1	22.3	38.3	25.4	38.4	22.6
Total	100.0	100.0	100.0	100.0	100.0	100.0

Source: Seventh Malaysian Plan (1996-2000) and Eight Malaysian Plan (2001-2005)

³⁵ Lim Lin Lean, “Towards meeting the needs of urban female factory workers in Peninsular Malaysia”, in Gavin W. Jones, ed., *Women in the Urban and Industrial Workforce: Southeast and East Asia* (Australia: The Australian National University, Canberra, 1984), p. 166.

³⁶ Maila Stivens, “Becoming modern in Malaysia: women at the end of the twentieth century”, in Louise Edwards and Mina Roces, eds., *Women in Asia: Tradition, Modernity and Globalization*, n. 28, p. 19.

Here we can see that in the year 2000, 22.6% of women were employed as production and related workers. Very few of them are in the administrative and managerial position. Most of them are confined in the manufacturing sector of electronics and textiles where they face the problems of low wage, long hours of works including shift work as well as inferior working conditions and have very little prospect of promotion³⁷.

It is believed that today women are very much in advance and going along with the development process in the Malaysian society. Many of them are in professional, technical and other white collar jobs, although very few of them are employed at the highest levels of the occupational structure. Out of the total number of Malays employed in the professional, technical and other category, Malay women contribute 43.5% and 17.7% of the total managers. Malay women comprised 28.8% of all Malays employed in the administrative, managerial, technical and professional categories³⁸. From these we can say that women are not allowed to enter in the higher levels in any fields. They have been always discriminated and marginalized in various field by various forces.

State has undertaken some measures to improve the status of women and to integrate in the process of development, such as establishment of the National Council on the Integration of Women in Development (NACIWID) in 1976, Secretariat for Women's Affairs (HAWA) in 1983, the National Policy for Women (NPW) in 1989. However, critics has been argued that most of the programmes of the state were just for the name shake and very much feminine in character such that the Community Development Division of the Ministry of Rural Development (KEMAS) give more emphasis on the ideas of traditional gender roles through cooking, sewing lessons etc.³⁹

³⁷ Dr. Rajendra Muthu, *Gender in Malaysian Society: Issues, Responses and challenges*, n. 25, pp. 51-52.

³⁸ Maila Stevens, "Becoming modern in Malaysia: women at the end of the twentieth century", in Louise Edwards and Mina Roces, eds., *Women in Asia: Tradition, Modernity and Globalization*, n. 28, p. 22.

³⁹ *Ibid.*, pp. 23-24.

One thing which we cannot deny is that the status and standard of living of Malay groups are really improving after independence and especially after NEP. Under this, maximum opportunities are vest on Malay population in various fields such as politics, economy, employment, education etc. But these opportunities are more beneficial to men than to women. Even though in the field of education, number of enrolment of female students in the educational institutions are growing up faster than male but most of them are not in the higher educational level. Girls are generally encouraged to learn arts or vocational but not in the technical fields. This we can clearly see in the following table:

Table 3: Female students as percentage of enrolment by level and stream of education, 1970-90.

Level of education	1970	1980	1990
Primary	46.8	48.6	48.6
Secondary	40.6	47.6	50.0
Post Secondary	42.6	45.5	59.3
University	29.1	35.5	44.3
Polytechnics	13.2	21.5	25.2
Teacher Training Institutions	41.9	48.3	56.1
MARA Institute of Technology	32.4	42.9	45.8
Tunku Abdul Rahman College	23.5	33.9	37.2
Stream			
Arts	46.4	61.0	64.8
Science	24.5	36.3	44.7
Vocational	24.5	36.3	44.7
Technical	4.3	27.1	35.9

Source: Malaysia (1991, p. 421)

Women in Malay Society

Present day Malaysia has witnessed a widespread reshaping of gender relations within a highly contested process such as changes in the relationship about work and home, boundaries between private and public spheres with the modernizing process and has produced complex and shifting pressures and negotiations for women⁴⁰. In such a situation, it is quite difficult for women to maintain their dual role as well as balancing both the modernity and traditional role.

Malay women are living under such an atmosphere where family is given more value as a unit especially from the Islamic point of view. The discourse of "Asian Family",

⁴⁰ Ibid., p.32.

where women have no choice except to submit themselves in the arena of home, has been strongly supported by the state as well as some Muslim elements. A new Asian ethics and morality are to provide a buffer against the undesirable aspects of modernization especially the “toxic” imports of western culture, and to provide an alternative Asian path of modernity. Thus, State in Malaysia has been campaigning for ‘happy family’ in recent years as the steps to achieve their goal to maintain “Asian Family”. This is very much patriarchal in character, as it maintains that father is the head and protector of the family and mother is supporter in maintaining the happy family⁴¹. This also clearly shows that many forces including state tried to marginalize women and leave them in the private sphere. If the state support women also, it is only for their own benefit as they create opportunities for employment. Moreover they also want to attract the foreign investors and use women’s cheap labour for their industries.

The government has clearly campaigned to manipulate birth rates with some success. The first acted to limit birth at the behest of international agencies and later co-opted a long existing pronatalism in the 1984 “70 Million Policy”, which tried to persuade women to have more children for the nation⁴². This campaign has restated an often crudely patriarchal version of family life, of father as the head of the family and mother as a helpmate. Here we can say that women have been used by various groups at different stages for their own benefits. With regard to the countries family planning policy of giving birth to more children, nobody is concerned about the health of the women, their wishes, mortality, and many more problems which women face. This clearly shows that women were being used as a weapon and they are the major victim of the human race.

The happy family campaign and the Asian family discourse have an uneasy relationship with different versions of the Muslim future. On one side, some of the *dakwah* groups support the idea of motherhood as the true vocation of women. In addition to this, on the other side, Islam unlike the west, upholds and values women’s full participation in society. But such women and men are seen as having essentially

⁴¹ Ibid., pp. 25-26.

⁴² Ibid., p. 26.

complementary roles. In the whole process, many branches of the religion along with the government are united with a view to strengthen the family by promoting the idea of the Asian family⁴³.

It has been argued that women generally have no interest in the public matters as for example, when there is a proposal bringing reform in the religious rituals women cast no opinion of their own. But here we can mention that as far as women's issues are concerned women can easily understand it and she always have interest and opinion regarding it and also carried them forward in the proper direction.

Another severe problem which Malay women face after independence around 1970s is the impact of Islamic revivalism which is influenced by trends from the Middle East and characterized by a literal approach to the Quranic and Sunnah, the fundamental text of the Islam. One of the clear evidence of this influence is the increasing use of veil by the Malay women. Under such circumstances, women are left with no choice except to follow the religious leader's instruct i.e. to confine to the private sphere and behave as an obedient wife and responsible mother by rearing their children and maintaining a happy family.

Domestic Violence

Domestic violence is also one of the major problems which women face in the present day. Generally it is not considered seriously as a problem. Due to lack of proof, police also start investigating only after two or three complains. At the end, everyone blames the women. Even the religious leaders/officials told the wife not to provoke husband, but did not say anything to husband, despite having the rule of fine for beating wife under the Muslim law, though this is hardly applied. This reflects widespread beliefs about the sanctity of the family unit within Malaysian society and the reluctance to undermine this stability. The responsibility to avoid from rape lies on women, if they fail; they are blamed by giving the reason of their behavior or the dress they wore. It is however argued that, they never asked for rape; the question here is not what they

⁴³ Maila Stivens, "Sex, gender and the making of the new Middle classes", in Krishna Sen and Maila Stivens, eds., *Gender and Power in Affluent Asia* (London and New York: Routledge, 1998), p. 104.

dress or behave or of sex, but it is about the power which men shows in the patriarchal world. Here we can mention the statement of Wik Aziz Nik Mat, the spiritual advisor of the major Islamic opposition party PAS, on October 2000, that, women are somehow responsible for rape. He blamed women for all social problems, by mentioning about the young girls who exposed their bodies. Many women's organizations struggled to take up the issue of the protection of women in various ways including domestic violence for many years. In the early of 1985 several women's organizations and NGOs form the Joint Action Group (JAC) and organized a campaign for violence against women and reform of all discriminatory laws. Finally, in 1994, the Domestic Violence Act was passed in the parliament – the first act in an Asian country and it was renewed in the year 2000⁴⁴. But still women are widely facing this problem. Some of the women facing this problem are not coming up with complains due to lack of knowledge. They are scared of the societal attitude and also its long process to complete the case.

It is believed that the two most important role of the contemporary Malaysian state are - the hypertrophic public sector and the global factory regime. It is in the second part that women have been oppressed and suppressed as an unskilled and underpaid worker and here women as an unskilled labour has often come to signify Asian modernity for many a documentary marker and other commentator: she appears as both the sexualized figure of the new working class Malaysian women; the subject of local demonisation as Electric Minah; and as the workcrust, victim figure in some First World Feminist rhetoric about a conspiracy between capitalism and patriarchy⁴⁵. In such a situation, there exist a clear division between public sphere and private sphere and women have only one option to submit themselves in the patriarchal system.

Capitalist penetration has resulted in the emergence of new forms of relation of class and gender in Malaysia especially in the rural areas and which leads to the increased

⁴⁴ Rebecca Foley, "Violence against women: the challenges for Malaysian women", in Lenore Manderson and Linda Rae Bennet, eds., *Violence Against Women in Asian Societies* (London: Routledge Curzon, 2003), pp. 139-144.

⁴⁵ Maila Stivens, "Sex, gender and the making of the new Middle classes", in Krishna Sen and Maila Stivens, eds., *Gender and Power in Affluent Asia*, n. 43, p. 96.

exploitation of rural women i.e. control of reproductions by patriarchal system as one of the major themes of gender subordination. It has a material base in the economic realm, such as unequal gender control over the means of production and expressed itself in the gender division of labour, be it in production or reproduction⁴⁶.

In this case, state had taken up many programmes to improve the status of rural women but in reality that is their intervention. Through this state intervention, rural women are undergoing a 'housewification' process and this can be seen clearly through the various home improvement programmes which emphasize women to stay at home. One of such programme is the World Bank funded Karyaneka project of 1979 to enable rural women to earn an income. But the state involvement in such project did not help to improve the living standard of the poor especially of women. The reason is that, all the project which was launched for the betterment of women are controlled by the male leaders and they do not understand about the women as much as a women can understand about other women. And on the other hand, it makes easier the way for a reconstitution of rural women's roles from that of peasants to wage labourers within domestic confines. This makes easier, in the course of exploitation of women as both productive and reproductive workers⁴⁷.

Globalization raises larger questions about the role of women in the production and distribution of wealth, in the preservation of cultural and religious identities of the future generations, and on combating foreign political and cultural domination by making important sacrifices that go unnoticed in Malaysia. Globalization also gives new challenges to the women regarding the denial of their human rights, the exploitation of them by multi-national corporations as a cheap labour and their male surrogates in developing countries⁴⁸.

⁴⁶ Cecilia Ng and Maznah Mohamed, "Primary But Subordinate: Changing Class and Gender Relations in Rural Malaysia", in Bina Agarwal, ed., *Structures of Patriarchy: State Community and Household in Modernizing Asia*, n. 26, pp. 52-53.

⁴⁷ Mahfudzah Binti Mustafa, *Women's Political Participation in Malaysia: The Non-Bumiputra's Perspective*, n. 5, pp. 77-79.

⁴⁸ <http://www.Womenforwomen.org/Downloads/Journalv.1.pdf>

Marginalization of Women in the Name of Religion

Women have been discriminated and marginalized in various fields in this era of modernization instead of improving their conditions along with the development process. Women were being used as an important measure by various groups for their own benefits in the field of cultural identity, politics, economy, society etc. Even more threatening to women is the manner in which religious ideologies are used to perpetuate injustices to women in male-dominated societies. It was expected that after independence, women's position in several fields will be improved, especially their space in religion. But on contrary, Islamic leaders imposed more and more restrictions on Malay women to safeguard their identity and differentiate their culture and religion from the West. That is why, Islamic Revivalism as *Dakwah* movement ruled the stage of Malaysia in the late 1970s and 1980s in the name of re-educating the Muslim about their religion and culture as well as an anti-Western movement. This process of re-education did not force men to do anything and impose no restrictions on them but the real victim is women who are suffering in this modern world. They are neither enjoying the advantage of modernization and the safeguardness of their space in their traditional society. Thus, they are unable to counter the inevitable impacts of modernization and pressure to reconstitute their Malay Muslim identity. In such cases, Malay Muslim women are hunted psychologically as well as pragmatically to justify their choice of cloths, life styles, and social behaviour. That is why they gave their consent over the use of veil. Minimally, they accepted veil because the veil is taken to be undisputed symbol of Islamization and that eases their public acceptance⁴⁹. In the name of the religion, anti-west and re-educating the Malay culture, so many restrictions are imposed on women and they are bearing it but no compulsions on men. The clear evidence of this is, that, men are adopting the colonial pattern of western dress except when in the mosque and marriage ceremony, whereas women are

⁴⁹ Maznah Mohamad, "The politics of Gender, Ethnicity, and Democratization in Malaysia: Shifting Interests and Identities", in Maxine Malyneux and Shahra Razavi, eds., *Gender, Justice, Development, and Rights* (New York: Oxford University Press, 2002), p. 357.

constructed as bearers of a recreated nationality/nationalism and or Islamic piety in their everyday dress⁵⁰.

The position of both the Muslim women and sexualized working-class women, have become highly politicized, compressed and powerful symbols of versions of modernity within contemporary reworking of the Malay imaginary. The veil has become a symbol of Malay "modernity". A symbol, which has ethnic and class repercussions. Both figures in many ways represent a rejection of the traditional women associated with the nationalist Malay rural idyll⁵¹.

In the name of religion women have been discriminated in the Malay Muslim society. It is not the fault of religion per se, but some groups have wrongly interpreted it for their own vested interest, so as to maintain their authority in the society. If Quran is to be followed as is mentioned, women's status would have been quite high in the Malay society. Here exist the gap between theology and practice, which supports the inferior status of women. But it is clear that even if theology is applied to practice, women are denied some important and fundamental rights⁵². To make this point more clear mention can be made of Youssef's idea that said:

By the standards of the twentieth century, the religious sanctioning of polygamy and concubinage, divorce at will by the husband, guardianship of the children to the father, unequal weight of female inheritance, unequal weight to the legal testimony of women, are hardly in consonant with a women's equitable position in the modern world....Any voice that religious leaders would have concerning the structure of control over women would be to confirm and reinforce female subjugation to the authority of males...⁵³

⁵⁰ Maila Stivens, "Sex, gender and the making of the new Middle classes", in Krishna Sen and Maila Stivens, eds., *Gender and Power in Affluent Asia*, n. 43, p. 110.

⁵¹ Ibid., p. 117.

⁵² Heather Strange, *Rural Malay Women in Tradition and Transition* (USA: Praeger publications, 1981), p. 231.

⁵³ Youssef Nadia Haggag, *Women and Work in Developing Societies* (Westport: Greenwood Press, 1974), p. 100.

Conclusion:

In these whole issue and era of modernization the insecurity of women is increasing day by day. They are continuously losing their freedom and security which they used to enjoy in their traditional society. Along with the changes brought by urbanization, the policies of western notion created a situation in which women found themselves caught between dealing with the lack of protection provided by the state in their new roles while at the same time facing a reduction in the protection provided to women by their traditional family structure. In a time when the state is dealing with economic insecurity, increased poverty, and unemployment, women may find a return to traditional Islamic society with pre-defined gender roles as offering more security than the options provided to them by modern requirements⁵⁴. Thus, at the end, women submitted themselves in the course of marginalization and discrimination as no option is left for them. Instead of improving their position along with different stages of development, Malay women are confined more and more in the private sphere with limited roles and huge restrictions. They find themselves as a weapon of the society. Hence to conclude we can say that Malay women were relatively freer, and used to enjoy a sense of security in their traditional society as compared to their position in contemporary modern Malaysia.

⁵⁴ <http://www.Womenforwomen.org/Downloads/Journalv.1.pdf>, n. 48.

CHAPTER – 3

RADICAL ISLAM VIS-A-VIS MALAY WOMEN

With the drafting of the Constitution in 1956, Islam became the official religion of Malaysia. This however does not restrict other races (Indians, Chinese) to follow Islam as a religion. The federal constitution established in 1957 specified that:

Islam shall be the religion of the state of Malaya, but nothing in this article shall prevent any citizen professing any religion other than Islam, to profess, practice and propagate that religion, nor shall any citizen be under any disability by reason of not being a Muslim¹.

- (Islamization & Modernization p.170)

Islam is the only religion represented for the Malay ethnic group and it is one of the unique feature of the multi-ethnic society like Malaysia. When Islam became the state religion of Malaysia, this underscored the states of the Malays as the first class heirs to the country. This really gives more importance and opportunities to the Malay population. For this reason, politically, Islam became more and more important. Thus, they have instrumentalized Islamic religion to gain power and to control their community/country by some particular group. This idea is increasing throughout the world in the name of fighting against western ideas and to save their own identity. This movement is spreading all over the Muslim countries of the world. This movement is termed as Islamic revivalism. Islamic revivalism throughout the Muslim world also “relates to an intensifying frustration with a sense of loss, disempowerment, identity crisis, alienation, anomie, moral decay, and fear of “failure” due to western cultural imperialism and rapid economic development and social change².

¹ Norani Othman, “Islamization and modernization in Malaysia: Competing cultural reassertions and women’s identity in a changing society”, in Rick Wilford and Robert L. Miller, eds., *Women, Ethnicity and Nationalism: The politics of transition* (London and New York: Routledge, 1998), p. 170.

² Jennifer Sleboda, “Islam and Women’s Rights Advocacy in Malaysia”, *Asian Journal of Women’s Studies* (Korea), Vol. 7, No. 2, 2001, p. 97.

One common feature of Muslim nations throughout the world is the presence of revivalist movements. Many western scholars characterize such movements as “fundamentalists” movements. The presence of Islamic revivalist movements in Muslim nations is often due to rapid and profound social change resulting from unbridled economic development, a strategy that was pursued by Muslim nations in the effort to enhance their power and status in the global community³.

Another factor contributing to the rise of Islamic revivalism in Muslim nations is the failure of past-colonial political systems in bringing about significant societal change. Thus, Islamic revivalism in the form of opposition politics is a response to the effects of “incoherent nature of capitalist development in many Muslim societies, the uneven socio-economic consequences of globalization and Structural Adjustment Programmes, the strains provoked by increasing internal and external migration, and the perceived failure of secular leaders to deliver an equitable government.”⁴

Islamic Revivalism in Malaysia

As a Muslim populated country, Malaysia has also been affected by this trend of Islamic revivalism. Though this movement has affected the Malay community, its impact and influence on Malay women and their status is hardly recognized.

In Malaysia, Islamic revivalist discourses surrounding gender, tradition and culture includes the question of race. This is because of the racial diversity of Malaysia. Since race and religion are conflated in the Malaysian context, Malay women became markers that define not only the boundaries of the Muslim Community, but also the Chinese and Indians. Muslim women are thus, the bearers of culture, tradition and national identity in opposition to the west and other ethnic and religions groups within Malaysia⁵.

³ Ibid, p. 96.

⁴ Nayereh Tohidi, “The Issues at Hand”, in Herbert L. Bodman and Nayereh Tohidi, eds., *Women in Muslim Societies: Diversity within Unity* (Boulder: Lynne Rienner Publications, 1998), pp. 282-283.

⁵ Jennifer Sleboda, *Islam and Women's Rights Advocacy in Malaysia*, n. 2, p. 100.

In the whole process of safeguarding their identity and to differentiate themselves from the Non-Malays, Malay people often used “Islam” as a weapon. Such tendency is clearly seen in the experiment of New Economic Policy (NEP) which gives major opportunities to Malays. This also coincides with the growing process of Islamization throughout the Muslim countries.

When the global revivalist Islamic-movement swept over Malaysia from the 1970s onwards, a hyper ethnicized feminine identity (the veiled, modest, maternal Malay Muslim woman) took pre-eminence over other identities. Like so many past and contemporary examples, elsewhere, women quickly became the touchstone of a new project for recasting ideological foundations. Likewise, in Malaysia, women’s agency was used to rebuild Malay-Muslim identity⁶.

The contests around the Islamization of Malaysia in recent years have become critically centered on the nature and costs of “development”. It is in such movements, that revivalist groups started to mount rigorous criticism of the perceived costs of western concept of modernization. Indeed, one might agree that religion and modernity are mutually self-defining in contemporary Malaysia. Women, therefore, became the bearer of all including religion, identity, culture, tradition and private sphere within the family⁷.

With the growth of the Malaysian economy and rapid modernization, the position of women in various fields—socio-economic, political and cultural— has been transformed. However, such changes do not exempt Malaysia from the Islamization agenda. Still there are various forces which are invariably perceived and represented as part of the political phenomenon of the resurgence of “retraditionalizing” Islam worldwide (otherwise popularly known as Islamic fundamentalism)⁸. In this whole process of

⁶ Maznah Mohamad, “The politics of Gender, Ethnicity, and Democratization in Malaysia: Shifting Interests and Identities”, in Maxine Malyneux and Shahra Razavi, eds., *Gender, Justice, Development, and Rights* (New York: Oxford University Press, 2002), p. 357.

⁷ Maila Stivens, “Sex, gender and the making of the new Middle classes”, in Krishna Sen and Maila Stivens, eds., *Gender and Power in Affluent Asia* (London and New York: Routledge, 1998), p.113.

⁸ Norani Othman, *Islamization and modernization in Malaysia: Competing cultural reassertions and women’s identity in a changing society*, n.1, pp. 174-175.

transformation women faces many problems. They neither get the freedom that they enjoyed in earlier periods of traditional Malay society nor do they enjoy the era of modernization. Islamic leaders, often argue that such restriction on women's development is to defend the society against the onslaught of western model of modernization. The argument that modernization of Malay women will disintegrate the family values of Muslims society is seen against the male justification of the conventional norm of male domination and women subjugation.

Muslims, especially radical preachers and influential teachers of Islam reacts aggressively to western value systems. They see the conditions of women, the rise in divorce rates and break down of families in the Middle Eastern metropolitan areas as evidence of the threat to traditional, cultural and religious values and therefore they emphasised on a "Return to the traditional of the Elders" (Salafijja) in order to wage holy war against Western domination⁹.

The dismay expressed by many Muslims at the breakdown of the Muslim family because of modernization has its roots not only in conservatism but also in history. The fear that the breakdown of the Muslim family will cause the disintegration of the Islamic state and reversion to past splits is a fear that Muslim society will move away from its firm social foundation and will ignore the Prophet's injunctions that have moulded Islamic thought and unity. In essence, they rear a void being created within themselves and their society, a void that cannot be filled by mere materialism. Nowhere is this more apparent than in the relationship between the sexes and the institutions that govern those relationships¹⁰.

⁹ <http://www.womenforwomen.org/Downloads/Journalv1.pdf>

¹⁰ Theodora Foster Carrol, *Women, Religion, and Development in the Third World*, (USA: Praeger Publications, 1983), p.206.

Islamic Revivalism and its Impact on Women

The recent Islamic revivalism impacts severely the lives and status of Muslim women (Malay women) especially developing and modernizing countries like Malaysia. By introducing neo-traditionalist and unreasonable ideas of women regarding their domestic roles in the society, it clearly indicates that this Islamic revivalist movement adversely affect women's status and neglect the roles of women in various fields in the Malay society.

In their conceptualization of domestication of women, traditional Islamist is based on the theological view that women are secondary and subordinate to men. Moreover, men have responsibility (*quwwamuna*) over women is based on their interpretation of a key Quranic verse. (Quranic Verse, 4:34). Such construction has increasingly come from traditional religious social movements as well as the government's programme of social development. Since the rise of Islamic resurgence in the late 1970s we find an ascendancy of ideological assertions in both Asia and Middle Eastern Muslim countries which tend to inhibit the public and political participation of women¹¹.

Malaysia is caught in the throes of an Islamic resurgence which has given strength to an obscurantist strand of the religion. This threatens to reverse the gains made in multi cultural Malay society¹². At present, a heightened awareness of Islam is felt in almost every sphere of society; much of it is seen in the long list of dos and don'ts for Muslims. But the groups most affected are Muslim women were words like "submissive", "selfless" and "obedient" have become their nomenclature. In other words, Muslim women are being taught that they are inferior to men¹³. Such explanation is clearly expressed in the writings of Islam as-

"Men have authority over women because Allah has made the one superior to the other, and because they spend their wealth to maintain them"

- Mohammad, *The Quran*

¹¹ Norani Othman, *Islamization and modernization in Malaysia: Competing cultural reassertions and women's identity in the changing society*, n. 1, p. 182.

¹² http://kyotoreview.cseas.kyoto.ac.jp/issue4/article_348.html

¹³ Ibid.

From the above mention points, we can say that Islam as a religion has been used by some sections of people as an instrument to gain power and authority within the community and also globally. In this whole process the victims are women who usually are the transmitters of culture and tradition. By using the name of Islam as religion, some Islamic leaders (mostly men) suppress women in every field and place them in the private sphere. Thus, religion has been interpreted and practiced in a different and unrealistic tradition in Malaysia.

However, traditionally, religion was not always practiced in this manner. The Islam of thirty years ago, for instance, was a kinder, softer, and gentler religion which allowed the use of conscience and commonsense in Malay's daily lives¹⁴. In fact, for decades, Muslim women, have enjoyed for more freedom and rights compared to their sisters in the Middle East and South Asia. Their cultural tradition and customs often defines and affirms women's role and their public contribution or participation in positive and non-hierarchical ways¹⁵.

Women's Position according to Quran

Islam, as a religion gives equality between men and women and thereby giving opportunities to all. However, it was the misinterpretation by some Islamic leaders for their own advancement that distort the concept of equality which is in contrast to Islamic writings especially the Holy Quran where men and women are often position in the same pedestal. For example:

“Lo; men who surrender into “Allah” and women who surrender, and men who believe and women who believe, and men who obey and women who obey. “Allah” has prepared for them forgiveness and vast reward” (33.35).

To further illustrate this, mention can also be made of the Prophet's declaration that “Paradise lies beneath the feet of the mothers”. These citations vividly indicate that Islam does not permit any discrimination on the basis of sex. Moreover, according to the Holy Quran, both men and women are addressed by a single term *Oye*, not *Oye men* or *Oye women*. Islam also acknowledges the importance of women in the society both

¹⁴ Ibid.

¹⁵ Ibid.

socially and politically. For instance, political rights, reflects the dignity and noble status of women in Islam¹⁶. It is in this context that Islam as a religion encourages men and women to express their opinion and to speak freely without fear or reluctance¹⁷. More importantly, according to the tradition of the Prophet(s) (Sunnah), “freedom to express one’s opinion is an established right of every Muslim woman”¹⁸. This observation is based on instruction that Allah has ordered every Muslim to “help women who have left their homes escaping persecution in the land of the disbelievers and who wish to join the Islamic community by accepting Islam as their religion”. It is therefore clear that such message paved the way for Islamic Jurisprudence where the dignity and honour of women is given due importance. Thus enabling them to lead tranquil and respectable lives¹⁹. The spread of education has further lead to the awareness of their rights.

Despite such emphasis on equality by the Holy Quran, these teachings are not taken seriously in Malaysia. Women are not encouraged to take part in the public sphere. On the contrary, women are encouraged to take up domestic works. It is for this reason, that despite high literacy rate amongst women, their presence in the decision-making bodies are very minimal. While the Holy Quran ensures that women, by giving birth to soldier, renders better services to the society, Jihad on the other hand, has not been made a duty upon women. Again, while Islam grants women the right to grant asylum and protection to the enemy, in Malaysia such concept is very far. Moreover, though Islam has dignified and honoured women by providing them the rights and responsibilities in all aspects of the political sphere, these are hardly found in the Malay culture. For example, they cannot even attain the male visitors at home. There are still separate lines for men and women in the supermarket. In the social function too, there are separate places for men and women²⁰. All these go to show that, in practice their

¹⁶ Fatima Umar Naseef, *Women in Islam: A discourse in rights and obligations* (New Delhi: Sterling Publications Pvt Ltd., 1999), p. 143.

¹⁷ Ibid., p. 147

¹⁸ Ibid., p.147.

¹⁹ Ibid., p. 147.

²⁰ Ibid., p. 147.

actual status is determined in the un-codified laws (mostly in the shape of the Muslim Family Laws)²¹.

Discrimination of Women under Islam

Islam can be seen to affect women's lives in direct and indirect ways. Women's economic possibilities are affected somewhat directly through inheritance rules, and indirectly in a number of ways through ritual and social groupings into which either sex is likely to be integrated. *Kelantan* is one of the places where women have good status. This is perhaps because the major parts of the trade in marketplaces and small village shops are in the hands of women.

But women's active life is tuned in its special way. Men belong to the public sphere and women's place is in the private sphere. Women do not sit in coffee shops, which is filled by men and boys. A woman is hardly ever seen about town and countryside alone. They are always seen in pairs and groups. Women and men are both present but segregated to the highest degree that is practically possible, at social gatherings²².

The disabilities from which Muslim women have been traditionally suffering, and most of them still suffer today, are primarily due to the social milieu that has developed in Muslim societies over the centuries - a milieu that has resulted from the interpretation of many diverse cultural traditions. Although some cultural disabilities are also legal (disabilities which are being progressively remedied by Muslim governments), these are also by and large, the result of the social temperament rather than of the mental teachings of the Holy Quran²³.

Along with the wrong or unrealistic interpretation of Holy Quran, the unreasonable social and cultural set up affect the status of Malay women. This has become a big

²¹ Syed Abdul Quddus, *The Challenge of Islamic Renaissance*, (Karachi: Royal Book Company, 1987), p. 115.

²² Ingrid Rudie, "Women in Malaysia: Economic Autonomy, Ritual Segregation And Some Future Possibilities", in Bo-Utas, ed., *Women in Islamic Societies: Social Attitudes and Historical perspectives* (London and Malmo: Curzon Press Ltd and USA: Humanities Press Inc, 1983), pp. 130-131.

²³ Syed Abdul Quddus, *The Challenge of Islamic Renaissance*, n.15, p. 116.

obstacle for Malay women to come up and climb up the ladder of success and high position in society especially in the field of decision making process. Thus, social set up and reactions are a hindrance in women's progress in the society in one way or the other.

Social attitudes that maintain and justify an ideology that devalues women are among the more abstract means of controlling women. In more concrete terms this control is achieved by denying women access to economic, social and political power. The constraints already imposed on women's access to legal and political rights in Malaysia, are, as we have seen, increasing. This has undermined the freedom and capability of women. Their position is further aggravated in the early formative years of post-Merdeka and before the rise of the Islamization movement in Malaysia²⁴.

Sexual segregation is not unique to Islam, but the people themselves as a feature of Islam codify this feature of social life. Whatever the origin of sexual segregation, this segregation lays at the roots of socialization to male and female roles. As their independence and ability to roam increases, boys are allowed increasing freedom, while girl's freedom is highly restricted. Girls are encouraged to stay around the house and take minor responsibilities from the age of 7 or 8, while fewer demands are made on boys. About the age of 10 to 12 children are expected to take a more active part in religious life, and are then met with sex segregation at its highest form. Control over the girl's movements is intensified at the onset of puberty, not to be relaxed again until she is married for the first time. These different patterns of growing up probably imprint different social horizons in the minds of the two sexes; at least they are endowed with different social repertoires²⁵.

Such kind of social attitudes, which oppress women in the society, is still widely prevalent among the Malay community of Malaysia. Parents generally support the

²⁴ Norani Othman, *Islamization and modernization in Malaysia: Competing cultural reassertions and women's identity in the changing society*, n. 1, p. 183.

²⁵ Ingrid Rudie, *Women in Malaysia: Economic Autonomy, Ritual Segregation And Some Future Possibilities*, n.16, p. 134.

education especially higher education for sons not for daughters. They considered from the Islamic point of view that nurse and teacher are the perfect jobs for girls.

Education for women was encouraged, not for women to further their professional lives, but because “women are primary educators of children; hence, to educate one woman is to educate an entire family.” In societies where there is a perceived threat of western values, Islam is promoted as an answer to re-establishing order and women are seen as playing a major role in this process as responsible wives and mothers²⁶.

Islamic laws: *Adat, Syariah*

The domain of law is as complex as most of its other cultural and social heritage, with several intertwining traditions. According to the Muslim inheritance rule, for instance, men can inherit twice the share of women, among relatives of the same degree. On the other hand, and sometimes in a sharp contrast to this they also practice *adat*, which accords a more advantageous position to women. According to law of *adat*, brothers and sisters should get equal shares²⁷. This clearly indicates the contradictory and complex functioning of their law.

To describe further, Malay culture and gender relations are shaped by the interaction of Islam and *adat* i.e., the customs, traditions, and laws, which determine the structure, and organization of Malay society. Whereas male specialists within a religious hierarchy control Islam, *adat* is communal and accessible to women. There are two major types of *adat* in Malaysia: *adat temenggong*, which emphasizes bilateral kinship ties, and *adat perpatih*, or matrilineal societal organization²⁸.

Islam gives men dominant roles as religious specialists and scholars; *adat* gives women dominant ritual roles in rites of passage, such as sacrifice at childbirth, circumcisions, weddings, and associated feasts. *Adat* further defined the socialization of children to

²⁶ Walley, Lucy A, “Urban Minangkabau Muslim Women: Modern Choices, Traditional Concerns in Indonesia”, in Herbert L. Bodman and Nayereh Tohidi, eds., *Women in Muslim Societies: Diversity Within Unity* (Boulder, Lynne Rienner Publishers, 1998): 229-250

²⁷ Ingrid Rudie, *Women in Malaysia: Economic Autonomy, Ritual Segregation And Some Future Possibilities*, n.16, pp. 132-133.

²⁸ Jennifer Sleboda, *Islam and Women's Rights Advocacy in Malaysia*, n.2, p. 101.

include the everyday skills they should necessarily be taught. Thus, the young boy is taught to sail and fight, the sisters to weave and sew. Hajid Mohammad Din Bin Ali, in his 'Malay Customary Law and the Family', writes thus,

The girl
is sent to learn to weave and to sew.
She completes a mat and a pillow
which delights her parents.

The boy
is sent to read the Koran.
He learns a verse or two to counter
gambling and cock-fighting.

Then the boy
when he reaches the age of maturity
if at sea is taught to handle the oar,
if on land, the art of sword-play.²⁹

Wives were expected to be obedient to their husbands under *adat* as they were under Islam.

The Raja rules his country
The Penghulu rules his province
The Lembaga rules his tribe
The Buapak rules his people and
The husband rules his wife.³⁰

Whilst it was usually only after her child bearing years were over that a woman could enjoy some status and independence, independence was sometimes forced on her with divorce. In this respect, the subordinate status of women was clear³¹.

²⁹ Hajid Mohammad Din Bin Ali, "Malay Customary Law and the Family", in David C. Buxbaum, ed., *Family Law and Customary Law in Asia: A contemporary legal perspective* (The Hague: Martinus Nijhoff, 1968), p.183

³⁰ *Ibid.*, p.189.

³¹ Lenore Manderson, *Women, Politics and Change: The Kaum Ibu UMNO, Malaysia, 1945-1972* (Kuala Lumpur: Oxford University Press 1980), p. 17.

Islam sanctioned both polygamy and divorce. Divorce for a man was a simple procedure; he only had to utter the repudiation (*talak*) three times to render the divorce irrevocable, after which he was bound to register the divorce with the *Kathi* (religious judge)³². In practice, both men and women take the initiatives to divorce, although the formal right to do so belongs to men. Regarding the practice of polygamy marriage is also wrongly established in the society from the real purpose and mention in the Quran.

Polygamous marriage is said to have been encouraged because many women and children were left destitute when innumerable men were killed in battle; many of the orphans were girls who needed protection³³. But this system of polygamous marriage is still widely practiced among Malay society where there is no war. So, it is clear that such practices of polygamy and system of divorce badly suppress and discriminate women and left them in the category of second citizen or sub-human beings. Thus, Islam as a religious ideology is used as an instrument, and has been politicized by some group of people to maintain their power in the society.

In the case of women, the role of religious ideology in maintaining political control is most forcefully manifest in the areas of marriage, reproductive rights and the control of female sexuality. During such political and social processes, there is "intensified community pressure on women to become symbols of authenticity and the primary repositories of national or ethnic identity". Consequently, working for women's rights is perceived as being in opposition to the identity and goals of the particular political, national, or ethnic group. Islamic revivalist movements and Islamist governments emphasize women's roles as wives and mothers and the integrity of the patriarchal family³⁴.

Religious influences are also evident in the legal system of Malaysia. The values that underlie Islam have defined the status of Muslim women in Malaysia, particularly in the areas of family and personal law. Recent Islamic resurgence throughout the region

³² Ibid., p. 17.

³³ Theodora Foster Carrol, *Women, Religion, and Development in the Third World*, n. 8, p. 208.

³⁴ Jennifer Sleboda, *Islam and Women's Rights Advocacy in Malaysia*, n.2, pp. 98-99.

has resulted in renewed efforts by Muslim activists to bring about greater Islamization of the state and its legal system. This trend has been noted by many women's organization in the region, which discerns a direct relationship between growing Islamic resurgence and greater discrimination against women, particularly in the areas of family and personal law³⁵.

It has been agreed that men and women are equal in public sphere but somehow it has been very much masculine in character and in practice. This idea is clearly reflected in various fields - socially, economically, culturally, politically, and more seriously in the field of religion. Religion is emphasised mainly in the private sphere where women are ignored and neglected to the extreme.

Another religious law known as the *syariah* was also maintained, particularly to regulate the "private" or the family code. So, while they come out from home and work as a labour force with the industrialization process, on the other hand religious laws continued to regulate family codes that include marriage, divorce, inheritance, and other aspects directly affecting women. Religious law is interpreted strictly from a perspective of male privilege. Women in this case find themselves losing on both ends: they are neither enjoying the freedom brought about by modernization nor the protection dictated by religious traditions³⁶.

There is today a severe power struggle taking place on the grounds of gender in many Muslim countries. This is best exemplified in feminist reactions all over the Muslim world. The Iranian model and the growing influence of the *Mullahs* in many Muslim countries are regarded as a direct threat to women. The hard 'Realpolitik' of the Parti Islam Se Malaysia (PAS), in Malaysia is seen as twisting the Quran to consolidate male domination and the further discourage women from public spheres³⁷.

³⁵ A report on *Sociolegal Status of Women in Indonesia, Malaysia, Philippines and Thailand* (Asian Development Bank, 2002), p. 18.

³⁶ <http://www.womenforwomen.org/Downloads/Journalvl.pdf>

³⁷ Mona Abaza, "Images on gender and Islam: the Middle East and Malaysia, affinities, borrowings and exchanges", *Orient*, Vol. 39, No. 2, 1998, p. 277.

With regard to local and socio-political specificities (the events in Algeria, Pakistan, Egypt, or Malaysia), the manipulation of Islamic symbols indicates that a large effort is being directed towards the question of how to “control women”. Control here is mental and physical, entailing the most punitive ways. Furthermore, observers of the Malaysian scene argue that with Islamic revivalism, the peripheral status of women has been reinforced even more strongly³⁸.

In Malaysia, the *syariah* Islamic laws are only applicable to the Muslim population of the country, while non-Muslims are governed by another set of family laws under the jurisdiction of the civil laws of the country. Under the *syariah* court, women are suppressed and discriminated against in several departments. Most opportunities go in the favour of men. The all-male judiciary of the *Syariah* court explains this. Women are not allowed to become religious leaders. They are always left in the household chores and treated them as sub-human beings.

Women need tremendous support in seeking justice through the *syariah* courts as compared to men. The rights of Muslim men are imposed upon them even outside the realm of the *syariah* court. In the case of divorce, for example, men are not prohibited from unilaterally pronouncing the divorce outside of court, and divorce is swiftly affected once the *talak* is pronounced. On the other hand, a woman has to go through an extensive rigmarole of judicial interventions and deliberations to make an application for divorce³⁹.

Women are often subjected to the vagaries of judicial partiality, inconsistent with Islamic standard of justice. Many of the judgements made in the *syariah* courts favour male plaintiffs and defendants, or are inconsistent with, and not substantially based on precedence or strict Islamic doctrines⁴⁰.

³⁸ Wazir Jahan Karim, *Women and Culture Between Malay Adat and Islam* (San Francisco, Oxford: Westview Press, 1992), p. 277.

³⁹ Maznah Mohamad, “Feminism and Islamic Family Law Reforms in Malaysia: How Much and to What Extent?”, *Asian Journal of Women's Studies* (Korea), Vol. 4, No. 1, 1998, p. 21.

⁴⁰ Ibrahim Ahmad, *The Status of Muslim Women in Family Law in Malaysia, Singapore and Brunei* (Singapore: Malayan Law Journal Ltd. 1965), p. 21.

Thus, almost all the decisions are taken in favour of man. Despite the progress made in the fields of modernization, industrialization and globalization, the status of Malay women is still very low especially in the decision-making process. One of the major reasons for this as has been stated already is – the traditional *ulamas* (male religious official and leaders) who still control the area of family law and personal status because women are not allowed to become the religious officials and leaders. In such a situation it is quite impossible for Malay women to enter and bargain for their rights.

Patriarchal notions of gender relations in contemporary Malaysia, as in most other Muslim countries, are intertwined with the politics of Islamization, nationalism, state building and the rejuvenation of “Asian values” and culture. Within these political projects, women are linked to the demand of modernization and progress, yet are also charged with ensuring cultural continuity as the basis of society’s moral integrity. Women are regarded as central to their country’s projects of both cultural rejuvenation and religions orthodoxy⁴¹.

Islamic Revivalist Movements

The Islamic revivalist movement of the 1970s and 80s brought about major tensions in the multi-ethnic society of Malaysia, affected particularly by two forces namely, the National Economic Policy (NEP) and the *Dakwah* movement.

The NEP has adversely affected the position of Malay women both negatively and positively. Various programme of NEP, especially regarding education benefited the Malay women by giving them the opportunity to attain non-religious schools. Further, many young unmarried girls from rural areas migrated to urban areas and became labour force in many factories thereby enhancing the family earnings.

Further, NEP has also created “moral confusion over the proper roles of men and women, and boundaries between public and domestic, Muslim and non-Muslim worlds” due to “cultural disolution”, the “changing sexual division of labour, and the new freedom of daughters, wives, female students and female workers”. This moral

⁴¹ Norani Othman, *Islamization and modernization in Malaysia: Competing cultural reassertions and women’s identity in the changing society*, n. 1, p. 176.

confusion over gender roles and relations, as well as boundaries of the private and domestic and Muslim and non-Muslim spheres, fueled the Islamic revivalist movements of the 1970s and 1980s⁴².

Dakwah Movement

The *dakwah* movement in Malaysia occurred in the context of the international Islamic resurgence. It emphasizes on the patriarchal and fundamentalist form of Islam in opposition to the economic, political and social dominations of the west. With regard to Malay women, *dakwah* was conceived as part of a “re-education or re-socialization process, whereby women can be rescued from the throes of Westernization which have permeated Malay culture”⁴³.

Dakwah movement used gender (Malay women) as a means to differentiate between traditionalism and Westernization. It is also used to define their identity and race as against other races. In this whole process women have to follow the strict Islamic rule and accept the position of mothers and wives. Above all, to become more visible and unique, they need to observe the Islamic dress code, such as veiling. This provides a clear picture that the *dakwah* movement in Malaysia supports the male authority over women. This in turn accentuates the inequalities between men and women by excluding women from public spheres and leaving them in the private sphere as household unpaid worker, who always depend on men politically, culturally, socially and economically.

Dakwah organizations promoted a more gender-stratified social system than actually existed in Malay society based on Arab culture. Ong (1990:269) defines this process as the “Arabnization of Malay society”. This Arabnization has a homogenizing effect, because it is promoted as the only “authentic” Islam despite the cultural and geographical diversity of the Muslim world. It is for this reason that alien practices such as veiling for women were adopted in Malaysia *vis-à-vis* *dakwah* organizations. It is in this manner that *dakwah* became an attempt to revive “pristine” or “orthodox Islam”

⁴² Jennifer Sleboda, *Islam and Women's Rights Advocacy in Malaysia*, n.2, p. 109.

⁴³ *Ibid.*, p. 110.

through ritualistic means⁴⁴. This movement therefore relies on the reproduction of archaic and patriarchal character based on the 7th century Arab society⁴⁵.

Dakwah movement also has an affect on the women of urban areas especially those of university students and professionals during 1970s and 1980s. They however ignored the women factory workers in the rural areas. It is clear from the above analysis that *dakwah* movement is very much patriarchy in character and mobilized by some male leaders to gain powers and exclude women from the public spheres. During this whole process of discrimination of women, state plays a major (double) role by balancing both Islamization and modernization.

The Role of State

After the 1980s, the *dakwah* movements and Islamic consciousness have started to lose its fervor. The government has institutionalized an official or “corporate” Islam in order to co-opt the *dakwah* movement and neutralize their influence on politics and religion. The increased intervention on the part of the state is seen as a way to legitimize and establish its authority among Muslims, as well as to temper the extremes of the religious revivalist⁴⁶.

The government also wishes to “curb the influence of Islamic revivalism so that Malaysia is not perceived negatively by western invertors as a fundamentalist country. Such efforts on behalf of the state to control Islamic revivalism reveal the strong links between multinational corporation strategies and dominant national agendas. The presence of fundamentalist movements and veiled women are viewed as hindrances to such agenda, which are promoted innocuously as “economic development”. Moreover, the state does not want women to appear visibly oppressed, for example, by being veiled, since it requires their inexpensive labour for work in foreign factories. Ong (1997) has rightly argued that the government is intent on promoting women’s social

⁴⁴ Karim Wazir Jahan, *Women and Culture: Between Malay Adat and Islam* (Boulder: Westview Press, 1992), p. 174.

⁴⁵ Jennifer Sleboda, *Islam and Women's Rights Advocacy in Malaysia*, n.2, p. 112.

⁴⁶ Funston, N. John, “The Politics of Islamic Reassertion: Malaysia”, in Ibrahim Ahmad, Sharon Siddique, and Yasmin Hussain, eds., *Reading on Islam in Southeast Asia* (Singapore: Institute of Southeast Asian Studies 1985), pp. 171-179.

and economic status in a way that is alternative to international capitalism⁴⁷. In recent years the government has introduced many programmes to improve the status of women socially and economically, especially since the implementation of NEP, which benefited Malay group tremendously. But it does not encourage women to take active part in political sphere and decision-making process. They are still very much lacking behind in this field. The State also supports only those programmes of women, which are in parallel to the societal conception of superiority and inferiority of men and women respectively.

In recent years, the central government has become inextricably enmeshed with the project of local revivalism and the corporate Islamic modernity. The state has faced a complex juggling act in championing what can be seen as a “moderate” reinvented, neo-traditionalist Islam while managing revivalist discontents. The neo-traditionalist construction of “family” places women as important bearers of the nation’s honour and creators of the Asian families, which in turn is believed to bring about a new Malay country. This underlines the ways in which issues relating to women, gender, family and sexualities are regarded as central to the Malaysian state’s politics and in further building the religious nationalism⁴⁸.

Islam was, in actual fact, a two-edged sword. It was a force, which the state wanted to contain as well as to co-opt. It serves to legitimize the politics of “Malay domination” but on the other hand, it was also the site in which remnants of any Malay opposition or its latent variety could safely be ensconced. As such, even as Islamization was co-opted as a state project, the strongest opposition against this state was the Islamic party⁴⁹.

Despite the disappearance of official *dakwah* organizations, Islamic revivalism has taken a new form. The Islamic *ulamas* that are the religious leaders and judges of the family court have now gained a new power. Some of their power has been co-opted by

⁴⁷ Jennifer Sleboda, *Islam and Women’s Rights Advocacy in Malaysia*, n.2, p. 115.

⁴⁸ Maila Stivens, “Becoming modern in Malaysia: women at the end of the twentieth century”, in Louise Edwards and Mina Roces, eds., *Women in Asia: Tradition, Modernity and Globalization* (USA: The University of Michigan Press 2000), pp. 30-31.

⁴⁹ Maznah Mohamad, *The politics of Gender, Ethnicity, and Democratization in Malaysia: Shifting Interests and Identities*, n. 6, p. 358.

the government in its effort to standardize the Islamic law particularly to suit its economic policies. Owing to this the *ulamas* have now begun to resist by implementing reactionary policies and ruling in the *syariah* (Islamic law) courts. This had a particularly negative effect on women. Ong (1997) explained that the truths emphasized by the *ulama* and backed by the Quran and Sunna, are that men are superior to women, husbands have power over wives, and such norms should be maintained. Since the *ulama* have authority and legitimacy in the religious community, whatever they say is taken to be God's truth and hence cannot be challenged. For example, in recent years, the *ulama* have been responsible for expanding and promoting the solution to social ills such as prostitution and male lust, among others⁵⁰. Here we can say that, from every point of view women has been discriminated by reducing them to the position of household unpaid workers, obedient mothers and wives. All this things are imposed on women by some sections of male leaders especially in the field of religion, economy, and politics to maintain their authority. These show that women are discriminated against in various walks of life.

In such a situation, women's groups such as the feisty Sisters in Islam (SIS) – a group of Muslim women fighting for women's rights within an Islamic framework – and individuals who point out the illogicality of certain pronouncements made by the *ulama* (religious teachers), have all been accused of confusing the community and insulting Islam. In direct and subtle ways, Islamic laws pertaining to divorce, inheritance, child custody, and maintenance are giving men a decided advantage over women. Even in Islamic criminal laws, women face inbuilt discrimination believed to be sanctioned by God⁵¹.

By the late 1980s, some feminist groups began to associate themselves with Islam. This activity was initially spurred by feminist international networking of Women Living Under Muslim Laws. (WLUML). SIS was formed around the early 1990s and sought to reinterpret Islam from a feminist viewpoint. But there was never any project to challenge the hegemony of Islam per se; it was always to engage with Islam by entering

⁵⁰ Jennifer Sleboda, *Islam and Women's Rights Advocacy in Malaysia*, n.2, p. 116.

⁵¹ http://kyotoreview.cseas.kyoto-u.ac.jp/issue4/article_348.html

into dialogue with it, while deploying its discourses within an “Islamically” acceptable politics⁵².

Thus, women’s movements gradually began in Malaysia. It has been emerged out of a growing consciousness among women (Malay women) regarding the suppressive functions they face in many fields especially in *syariah* court regarding polygamy and divorce. Above all, Malay women have gained a level of awareness regarding their constructed subordinated status in the society.

The NEP created a large class of professionals and urban workers from the scores of *bumiputera* – middle class Muslim Malays. A majority of Malays, especially among the youth was only drawn (either by choice or peer pressure) to Islamic movements. Malay women who constitute a large membership of this movements, whether the Darul Arqam or Islamic Reform Congregation (JIM), kept clear of secular feminist discourses and organizations. The overall project of Islamic movements was to integrate, not separate, gender interests within a larger rubric of Islamization. Therefore, educated, professional Muslim women within these organizations advocated the principle of gender by staying within domain of Islam. Even though the Violence Against Women (VAW) campaign during the 1980s and 1990s was engaged in by a wide spectrum of women’s groups, ranging from the mainstream to the feminist activists (largely non-Malay-based), the absence of Malay women’s representatives of Islamic groups was striking. Like the rest of the hyperethnicized civil society, they were also an extension of the state (which portrayed itself to be committed to Islamic governance), and did not identify with labour, women or human rights cause in any prominent way. Even the VAW issue did not provide enough of a bridge to bring middle class Islamic women and feminist groups together⁵³.

At the outset though, the majority of Muslim women in Malaysia do not want to identify themselves as feminist, the influence of global feminism on their sense of self-awareness has been unavoidable in many ways. They see themselves as wanting to

⁵² Maznah Mohamad, *The politics of Gender, Ethnicity, and Democratization in Malaysia: Shifting Interests and Identities*, n. 6, p. 363.

⁵³ *Ibid.*, pp. 363-364.

establish their own notion of gender rights, or rights that are negotiated, rather than based on a platform of absolute individual rights. Prevailing Islamic laws governing the rights, responsibilities and position of women in society are not based on the notion of absolute gender equality. Men and women are parts of the whole unity and therefore have specialized functions and privileges. The privileges of rights and ownerships (material and personal) are conferred upon males, while right to protection and shelter is that of women's. This ideal of harmoniously functional entity is nevertheless undermined by the condition of contemporary life. Statistics point out that the rate of rape, incest, abused by their protectors are very high among Malay women than other races⁵⁴.

Muslim feminist regard the early days of Islam as an enlightened period, as they require Islamic validation of their arguments for women's rights. They supported the Islamic movements throughout, but the main reason behind their support of such movement is Islamic movement's very promise to return to the "golden age" of Islamic civilization where women will regain their freedom and equality, as well as to ease from the problem of double burden brought by clashes of modernity and tradition.

The post-crisis period of 1998 saw the active participation of women in various feminist programmes and reform movements. Muslim women in Islamic organizations started speaking the language of feminism and they became more and more open. They began to challenge the government's policies and programmes, which discriminates women. They stressed on the restoration of democracy and justice, where they will find enough space for themselves. This is what Islamic leaders do not agree with Muslim women's organizations, as they are anti-western and they considered that the very idea of feminism is borrowed from the west. This is why the Islamic leaders fail to appreciate the ideas of Muslim feminist groups and their demands.

Even some modern, western-educated Muslim men prefer the traditional patriarchal system that leaves them in a dominant position to control women and perhaps deprive

⁵⁴ Maznah Mohamad, *Feminism and Islamic Family Law Reforms in Malaysia: How Much and to What Extent?*, n. 37, pp.12-13.

them of their financial independence - the main source of women's autonomy in the traditional system. The militant ascendancy of Islam from the 1970s to the present comes not from religiosity but is largely a response to western domination. The emergence of religious fundamentalist movements in different parts of the world in the latter part of the 20th century is the result of a variety of historical and socio-political processes. In their support of such movements, women operate as active agents seeking to advance their own interests through the revival of religious traditions⁵⁵.

The active support of revivalist and other versions of Islam by women in contemporary Malaysia show that a version of political agency is opening in the minds of women. The adoption of dress code in its many variants by the women, especially the veil, clearly supports the view. With the emergence of the veil as a symbol of politicized Islam, women became important religious and political agents⁵⁶. In Malay, the veil per se has not been the site of more general political contest in the way in which it was during the colonial period in some other Muslim countries like Egypt or Algeria. Its adoption by the members of the new middle classes at the present juncture provides ready support for Lila Ahmad's arguments about the relationship of this protest against the west⁵⁷.

In the modernizing agenda, women receive conflicting messages of newly forged opportunities restricted by religious law and economic insecurity. Because of this, women often feel deceived by modernization and seek a return to traditional Islamic society with pre-defined gender roles as offering more security. Within such fundamentalist movements, women continue to advance their own interests through patriarchal bargains and wearing veils⁵⁸.

Islamic moderates are selective in their integration of modernity and they are not supportive of women's demands of equality because they suspect them to be influenced

⁵⁵ <http://www.womenforwomen.org/Downloads/Journalv1.pdf>

⁵⁶ Maila Stivens, *Becoming modern in Malaysia: women at the end of the twentieth century*, n. 46, pp. 30-31.

⁵⁷ Maila Stivens, *Sex, gender and the making of the new Middle classes*, n. 7, pp. 115-116.

⁵⁸ <http://www.womenforwomen.org/Downloads/Journalv1.pdf>

by western feminist ideas. Above all, their main agenda is to upgrade the *syariah* vis-à-vis the civil laws. Even if they consider women's agenda, most of the time, they tried to re-fashion it according to their perspective.

Sisters in Islam (SIS)

According to Jennifer Sleboda, there are two fundamental approaches that Muslim feminists take in promoting women's rights within an Islamic framework: (Sleboda pg 126-127)

- i. Quranic reinterpretation, which includes contextualizing specific versus culturally and historically and seeking the universal message of the text and,
- ii. looking to the early historical period of Islam, specifically during the time of prophet. Sister in Islam (SIS) stressed that universal Quranic principle must be taken out of their historical context and applied to modern day socio-legal contexts in order to bring about justice for women in society. SIS makes a point of emphasizing that it is not Islam that oppress women, but rather the interpretation of Islam, which was produced by fallible human, primarily man in patriarchal society.⁵⁹

Shortly after its founding in 1989, Sisters in Islam (SIS Forum Malaysia) entered the ongoing public debate in Malaysian society on women's equality. SIS is composed of women with diverse backgrounds and disciplines-sociology and anthropology, law, Islam and Koranic studies, gender studies, social work, media, health, and political science. The group embraces Islam as a liberating religion that at its inception uplifted the status of women and gave them rights that were considered revolutionary 1,400 years ago. Such right include: the rights to contract marriage, to divorce, and to inherit and dispose of property. SIS also seeks to ensure gender equality in Malaysian society today. Such movement by organization like the SIS is a struggle against the increasing gap between the ethical principles of the Koran on gender equality on the one hand and the retrogressive, male-centered interpretations of the *syariah* law on the other⁶⁰.

⁵⁹ Jennifer Sleboda, *Islam and Women's Rights Advocacy in Malaysia*, n.2, pp.126-127.

⁶⁰ <http://www.carnegiecouncil.org/viewMedia.php/prmID/567>

With the onset of NEP and the *dakwah* movements, SIS benefited in terms of educational opportunities and economic independence. Taking Quran as a reference point, they believe it is necessary to create what they call a “Muslim culture of modernity” in Malaysia through re-interpretation and application of universal Quranic principles to modern society⁶¹. In the course of the movement, SIS has confronted a variety of major issues including violence against women; women’s equality and Islam; polygamy; marriage and divorce; Islamic criminal law (*budud*); rape; appropriate dress for women.

Polygamy in Malaysia has also become a major area of concern for SIS, particularly in the late 1996 and early 1997 when the Selangor State Religious Department (JAIS) ruled that husbands no longer require written permission from their first wives to marry for a second, third, or fourth time. Furthermore, they could change the legal requirements for polygamous marriage without public notice. According to the SIS, in the Quran, polygamy is not a right, but a privilege, and it should only be practiced under specific and limited circumstances⁶².

One of the major incidents where SIS took active part is with regard to the arrest of three contestants in the beauty pageant by Selangore State Religious Department in July 1997 without any notice given. What is appalling is that such arrest was done without any clear legal provision being implemented on this issue. These clearly signify the inferiority status of women in the Malay society. With regard to such issues, SIS is working hard for the justice of women by organizing conferences on women’s rights, workshops, counseling and thereby helping women understand their legal and fundamental rights. They trained students and community leaders by conducting research on various issues mostly relating to their rights like- polygamy, women as *syariah* judges, equality and reproductive rights etc. Furthermore, SIS has also submitted several memoranda and letters to the government on the issues such as the appointment of women as judges in *Syariah* courts, the rights of Muslim women to equal

⁶¹ Jennifer Sleboda, *Islam and Women's Rights Advocacy in Malaysia*, n.2, p. 117.

⁶² *Ibid.*, pp. 119-120.

guardianship, passing Domestic Violence Act, laws on polygamy, Islamic Family Law and reform of the Syariah Criminal Laws⁶³.

There are many NGOs and Associations working on women's issues in Malaysia. Among them SIS is considered to be one of the best and most successfully operated organization. However the question arises as to why SIS is going so well despite the fact that it comes as a challenge to the government policies as well as Islamic systems and laws which are very much patriarchy in character?

According to Jennifer Sleboda, the reason is deeply engrained in its activities and philosophy which fits well with the economic policies of the government that strikes a delicate balance between the government's attempt to portray a secular character of the state and also adhere to the philosophy of "Islamic difference". These balancing act, she argued, will invite foreign investment on the one hand and show Malaysia as a nation which supports women's rights on the other⁶⁴. Sleboda further argues that:

foreign investors require cheap female labour to profitably operate factories in Malaysia, so it is of utmost importance to them that Malaysian women are "liberated" enough to participate in the workforce. Hence, Malaysia is promoted as a modern secular nation which adheres to a "kinder gentler" Islam which will not scare away investors. Since SIS has visibility both nationally and internationally, the government uses the group as evidence of Malaysia's liberalism and support of women's rights.⁶⁵

Further, as long as the group adheres to this balance they will continue to receive the support of the government. However, it seemed that this government support comes owing to the SIS's compromising status in terms of maintaining its middle class character - like not calling themselves "feminist" - whereas a grassroots movement on the part of women workers, for example, would probably not be tolerated by the government. It is for this reason that SIS inadvertently supports the governments programme of rapid, capitalist economic development through its efforts to promote women's rights in the context of Islam⁶⁶.

⁶³ <http://www.whrnet.org/fundamentalisms/docs/focus-sis-0311.html>

⁶⁴ Jennifer Sleboda, *Islam and Women's Rights Advocacy in Malaysia*, n.2, p. 130.

⁶⁵ *Ibid.*, p. 130.

⁶⁶ *Ibid.*, p. 131.

From the above analysis, we can say that, the intervention of state is too high and handle every civil society for their own beneficial way by relaxing some of its rules. Among those civil society women organization is also one of the important measures used by the state from time to time.

However, there are number of factors by which women's movements are not successful. There are still fractions inside women's organization especially on ethnic lines. Most of the time, students who are educated in the Middle East, once they returned back become "*ulama*" and teachers of Arabic and religious subjects with a borrowed alternative intellectual streams of thought from the Middle East. They are rather interested in borrowing the ideas of intellectuals (*methaqqafein*) who diverge in their view from the traditionally trained *ulama*⁶⁷.

However, with the colonization of Muslim people by western nations, there exist a "problem of separating identification with Islam from other dimension of cultural identity".⁶⁸ This has pushed Muslim women to search for a "politics of women's liberation within Islam"⁶⁹. Thus, Muslim women activists have the monumental task of negotiating the complex interactions of identity politics, anti-western sentiments, Islamic revivalism, gender dynamics, national agendas, and various cultural, economic, and political contexts when they approach women's rights issues and plan strategies for advocating these in their particular societies⁷⁰.

The physical weakness of the women (especially Malay women) is also one of the reasons of women's discrimination in society and thereby a failure in their movements. The religious leaders and male members took the advantage of women's physical weakness and impose the household work and left them in the private sphere and keep their authority both inside and outside home. Malay women often refer to fear as

⁶⁷ Mona Abaza, "Images on gender and Islam: the Middle East and Malaysia, affinities, borrowings and exchanges", *Orient*, n. 35.

⁶⁸ Jennifer Sleboda, *Islam and Women's Rights Advocacy in Malaysia*, n.2, pp. 123-124.

⁶⁹ *Ibid.*, pp. 123-124.

⁷⁰ *Ibid.*, pp. 123-124.

something very characteristics of themselves. Wherever they go they are required to be accompanied by someone. They have a fear to go to the new places, doing new things. They stoop lower than men to some extent. This is all because of the social set up and attitudes of the society where girls and boys had been treated differently. Boys are giving more importance and freedom compared to girls. All these result in their lack of confidence and loss of personality. In such a situation it becomes quite easy for men to suppress women in every department.

Despite such obstacles, the status and position of Malaysian Muslim women is quite distinctive and different from their counterparts in the Muslim heartlands of the Middle East or other Muslim countries. It is believed that Malay women's position is somewhat better than others because of the Malay cultural tradition known as *adat*, under which women are granted some freedom like equal inheritance to both son and daughter.

One of the most severe causes which hit Malay women and their position in the society is the Islamic revivalism. In the name of re-education of Islam and going back to the "golden age" or enlightenment period of Islam of 7th century where equality between men and women were maintained, restriction were imposed on Malay women, so much so, that in the era of modernization they could not stand to these restrictions. The fact that Malaysia has a relatively high percentage of women workforces is an indication to these struggles. Women's representation in higher education and in the professional sector is relatively high. At present there are two women senior cabinet ministers.

With the rapid economic growth in the late 80's and early 90s, institutionalization of Islam has been more rapid. This is seen as a way to counteract the growing opposition to Islam from various quarters of the society, be it socio-cultural or political. Socially, controls over the deprived strata and issues of moral and sexual domination have been more of an issue of moral policing. Politically, punishment for political opponents is generally a way to maintain Islam's authority over the other political forces⁷¹.

⁷¹ Mona Abaza, "Images on gender and Islam: the Middle East and Malaysia, affinities, borrowings and exchanges", *Orient*, n. 35.

Conclusion

Current Malaysian political discourse manifests dynamics of patriarchy and control similar to those by many of this century's most authoritarian regimes. The political and legal status of women as citizens in the state and their position in the institution of marriage and the family are implicated in the realization of these political constructions. With the exception of Indonesia, none among the forty Muslim countries of the world allow a woman to be a judge in the relevant *syariah* court. The limited view of women's capacity and potential as a citizen is also attested by the position of Islamist and many of the Islamic authorities within and outside the Malaysia who opposes the promulgation and implementation of the Domestic Violence Act 1995⁷².

It is in the process of Islamization, in Malaysia, the aim to reassert and strengthen the primary of historical *syariah* as the basis for legal or jurisprudential greatly affected the community life and its gender relations. This form of social construction emerged from both the resurgent Islamic and state ideologies. Muslim Malay women thus have very little choice other than to submit themselves to a subordination defined and upheld to be a universal Islamic value. This imposition of such a patriarchal interpretation of Islam in Malaysia is a compelling example of a contemporary Muslim response to modernity and social change⁷³.

From the above analysis it is evident that Malay women's position is very low in Malaysia. Despite having higher percentage of educated women, their representation in public sphere especially in political field is very low. A number of factors forced them and suppresses them to come up in the public sphere. Among them Islamic revivalism is one of the strongest reason to discriminate the Malay women. Even during the colonial period, Malay men have often used women's identity as a tool to fight against western forces. Islamic revivalism is therefore, a way to show and maintain Islam's identity and integrity in the world. In the whole process, women become the most visible evidence of measure to show the difference between them and westerners. This

⁷² Norani Othman, *Islamization and modernization in Malaysia: Competing cultural reassertions and women's identity in the changing society*, n. 1, p. 181.

⁷³ *Ibid.*, 186.

trend continues and most seriously in the era of capitalism, globalization and modernization during 1970s and 1980s. With the increasing forces of modernization, women are more and more restricted. Emphasis on her dress code, duties as an obedient wife and a mother are argued as a need to conform to Islamic societal behaviour. Moreover, the opposition against western ideas is the result of fear that societal foundation where Muslim family values are maintained will breakdown and may even lead the people not to obey and believe the prophets anymore.

Sometimes states listen to women's demands only when they feel that it is going to benefit them. In that case, they are certain to solve the religio-political and socio-economic problem, where women are severely affected. The need to increase their number in the legislation and political representation is one of the most critical demands. By increasing their representation, problems relating to women's development will be adequately addressed. This in turn will bring about societal change and enable them to achieve and maintain justice in every field; this includes traditional customs, usage and attitudes within Malaysian Muslim societies.

CHAPTER – 4

CONSTITUTIONAL POSITION OF WOMEN IN MALAYSIA

It has been considered that with the growth and development of the country, the status of women would also increase. But in the case of Malaysia, which is one of the most developing countries in the world, the position of women, especially of Malay women, is becoming worst than ever. Like other countries of the world, the Malaysian constitution also guarantees to its citizens rights and duties, but the question here is – whether these rights are guaranteed to all its citizens without any discrimination on the basis of gender? This question raises important issues about constitutional rights and its relation to their political participation in the country.

A nation's constitution is the recorded repository of the ideals, values, and aims of the citizens. In order to achieve the equal rights as citizen, for a woman, their status under constitutional provision must be clear and unambiguous. In today's world of growing economic integration and globalization, the constitutional status of women takes on an increasing importance¹. The Malaysian constitution guarantees equality before law, equal enjoyment of rights and obligation, equal protection of the law. But somewhere somehow, gender discrimination endured. So, it can be said that, the federal constitution of Malaysia does not prevent gender-based discrimination. Some of the examples mentioned below will make it clearer.

Gender Based Discrimination under Constitution

Article 8, Clause 2 of the federal constitution of Malaysia prohibits discrimination on various grounds-based on religion, race, descent or place of birth, but it does not

¹ A report on *Sociolegal Status of Women in Indonesia, Malaysia, Philippines and Thailand* (Asian Development Bank, 2002), p. 39.

include sex. This omission therefore implies that it is permissible to discriminate on the basis of a person's sex².

Citizenship

Article 15 of the Malaysian federal constitution states that a child born outside Malaysia with a Malaysian father is automatically a citizen, but if the mother is the citizen, the birth needs to be registered in order for the child to be recognized as a citizen. If a foreign women marries a Malaysian man then she will be the citizen, but same privilege is not vested on foreigners married to Malaysian women³.

Marriage and Divorce

In Malaysia, two system of family law exists, for Muslims and non-Muslims. Under Islamic law on marriage, it is fundamentally believed that men have authority over women. This is clearly indicated by the practice of polygamy and system of divorce, which is in favour of men. This also shows that the constitution of Malaysia do not favour equally on both gender.

Child Custody

The Guardianship of Infants Act 1961 clearly indicates that equality between mother and father is not safeguarded, and women are discriminated under this act. The father is automatically deemed to be the guardian of the child and property as long as he lives. In other case, mothers can be the guardian of the child, although the court has the ability to appoint some other person (usually male) to be the guardian or act jointly with the mother⁴.

Inheritance

The system of inheritance in Malaysia is governed by the 1971 Inheritance (Family Provision) Act (39) and by the 1958 Distribution Act (30). Both these acts discriminate against women. Because if a married women dies intestate, the whole of

² www.ipu.org/wmn-e/classif.htm

³ A report on *Sociolegal Status of Women in Indonesia, Malaysia, Philippines and Thailand*, n. 1, p. 41.

⁴ Ibid., p. 51.

her estate goes to her husband but it does not happen if the husband dies. If the man dies intestate, only one third goes to his wife if there are children, or one half of it if there are no children. Malaysia's Muslim women inherited only half as compare to men by justifying on the ground that man is responsible for family⁵.

The Income Tax Amendment Act of 1975 falls short of fully recognizing the economic status of women. The wife has no right of appeal with respect to separate or joint payment or for the relief of dependents. Rents and dividends of the wife's property continue to be accessed as part of the husband's income. Maximum deductions are denied to widows, divorces, and women living apart from their husbands⁶.

The above given examples clearly shows that women have been discriminated in Malaysia and it is not protected by the federal constitution also. All these adversely affect the participation and representation of women in public affairs and in the parliament. There are number of reasons why their representation is less in the Malaysian parliament. Here we can briefly discuss about it.

Women and their role has always been neglected and ignored since the beginning of history. That is why 'his history' is counted but not 'her history'. Here we can refer to the role of Malaysian women throughout the history and their active role during national movement. During the national movement of 1940s, there were some changes on the status of women leading to political awakening among them. During those times, women were supported to participate in the public affairs because it was feared that, nationalist movement towards independence would not be successful unless the women were to support it. Therefore women have been encouraged to take an active part in all political and social issues regarding nationalist movement and nation-building. During Japanese occupation where the conditions were so disturbed and unsettled, women took active responsibility to maintain the family and face the

⁵ Ibid., p. 53.

⁶ A report on *Achievements of the United Nations: decade for women in Asia and the Pacific* (Bangkok: United Nations Economic and Social Commission for Asia and the Pacific, 1987), p. 129.

problem of scarcity of food by giving supplement income in the family⁷. This is a clear indication that Malay women took responsibilities and actively participate in various movements throughout history. But it has not been counted. Their issues of gender equality have been taken up by independent Malaysian government. But we can say that nowadays, mere domestic traditional role of Malay women is not enough for them. They need their roles in social, economic, religious and political activities. Among these the most important is their role in the political affairs. They have the capability to lead the country and become the leaders in various fields. But still their political participation is so less despite contributing half the registered voters. According to McCloski, political participation is defined in general as “activities by which members of a society share in the formation of public policy”⁸.

The political, economic, social, legal as well as cultural environment of the 1950s and 1960s prevented women from achieving any notions of gender parity with males in the Malaysian society because the government was very much engaged with political and security issues, for the construction of the nation-building. Therefore, the issues of gender were not even in the agenda of the government policies and completely ignored by the government⁹. Even the studies of political activity and leadership development have generally tended to neglect women.

Women’s participation in governance and the political life of the nation does not reflect their numerical strength since they comprise almost half of the voting population.

⁷ Michael Swift, “Men and women in Malay Society”, in Barbare E. Ward, ed., *Women in the New Asia: The changing social roles of men and women in South and South-East Asia*, (Amsterdam: UNESCO, 1963), p. 239.

⁸ Joni Lovenduski and Jill Hills, *The Politics of the Second Electorate: Women and Public Participation* (London, Boston, Henley: Routledge and Kegan Paul, 1981)

⁹ Dr. Rajendra Muthu, “Gender in Malaysian Society: Issues, Responses and challenges”, *Journal of Asian Women’s Studies* (Japan), Vol. 10, 2001, p. 45.

Table 4: Number of Registered Votes at Federal/State Elections by Sex-1999

Number of Votes at Federal Parliament/State Legislatures	
Female	Male
4,737,395(49.82%)	4,771,937(50.18%)

Source: the Election Commission

The Malaysian women received the right to vote in 1957 and are not prohibited from standing for election at any level of office. But it took forty years for women's representation at the Federal Legislative Assembly (the Lower House of Parliament) to increase from about 2.9% (only 3 women) in 1957 to 10.9% in 1999 election. In 2002, Malaysia had only three women in full ministerial positions. In the Dewan Rakyat (Lower House), out of 193 total members, there are only twenty women members of parliament. This shows that the presence of women in Malaysia's decision-making body is still far from being satisfactory¹⁰.

Women can make easy access in education and employment but it is quite difficult even for the educated and capable women to make a place in the Malaysian power and political decision-making process. Malaysia has no laws or legislation that mandate a quota for women's representation in local governments. Women have to struggle more than men in their career of politics to reach in the high level position because they are bound by so many forces. That is why; most of the women attending a fairly good position are mostly after they have crossed 60 years of age¹¹.

There are few women in the high level positions in the Malaysian government. Of these, not all are cognizant of or sensitive to gender issues. Most of those women who are in the political positions belong to the elite class and are hardly conscious of the gender issues. They are not really aware of the problems faced by women who belong to the lower rung of the society. The lack of women in positions of power in government agencies makes it far more difficult to implement law reforms and programmes to redress gender bias in government. So, legal reform is hampered by the

¹⁰ www.unescap.org/huset/women/reports/malaysia.pdf

¹¹ www.unescap.org/huset/women/reports/malaysia.pdf

scarcity of female legislators¹². There are various factors that hamper the career of the women in the politics. Some of them are as follows:

- 1) The British policy of divide and rule.
- 2) The societal and cultural upbringing of Malay women.
- 3) The role of state.
- 4) The attitude of Political Parties towards women.
- 5) Religious Factors.
- 6) Lack of financial support.
- 7) Performance of dual role.

1. The British Policy of Divide and Rule

In order to maintain the long lasting rule in Malaysia, the Britishers accomplished the policy of divide and rule between Malays and immigrants-Indians and Chinese. Because of these, Malays were laid back in most of the fields. On top of it, there is racial division on most of the issues. This severely affects the position of women, because in such a situation women become the victim and measures to safeguard their racial identity. On the other hand, to make the demands on the issues of the women, it is needed to unite all the races, but it is hardly possible in Malaysia. Continued race based development policies would also reinforce division among women from different ethnic communities rather than uniting them towards their pursuit of gender equality and a greater role in national development. It is believed that an obvious outcrop of British colonization is the growth of newly emergent Malay male-dominated elite, whose access to authority and influence depend on western education¹³.

¹² A report on *Sociolegal Status of Women in Indonesia, Malaysia, Philippines and Thailand*, n. 1, p. 94.

¹³ A report on "Women in Politics in Malaysia" in Latika Padgaonka ed., *Women in Politics: Australia, India, Malaysia, Philippines. Thailand* (Bangkok: UNESCO Principal Regional Office for Asia and the Pacific, 1993), p. 84.

2. Societal and Cultural Upbringing of Malay Women

In Malaysia, women's involvement in the political activities has become noticeable since 1945. Earlier, women's role in the field of politics is only confined in the course of campaigning and voting. They face many obstacles and challenges for becoming active in the politics and contesting election as a candidate. These obstacles and challenges were closely linked to socially given notions about gender¹⁴. In general, women are considered as inferior to men. There is sharp division between public sphere and private sphere, and they believe that women belong to the latter category. In the Malay society, men is considered as the head of the family and the main bread earner, and the best women is the one who obeys what the male head of the family says, and the one who maintains the welfare of the house. In such an atmosphere, it is quite difficult for a Malay woman to participate in the public sphere and become a political representation at the local, state and national level.

Even if they have the chance to enter the political domain, most of them refused to enter and choose the role of a homemaker because since from the very beginning they were taught that the primary role of women is to nurture their immediate family¹⁵. Women always remained as a second class citizen. Even in the political participation as inside the political parties, women remained a subordinate member without influencing the internal party affairs. This separation is resulted from the views of the women's place in the society which are very much patriarchal in character.

The status of the Malay women in the Malay society is most strongly influenced by the family law, which in turn is influenced by customs, religion and local cultural practices. For instance, religious laws are interpreted through patriarchal cultural values, and these values often become entrenched in their legal system. This situation can be especially detrimental to women, since they use personal and family laws to defend themselves. Patriarchal values that dictate that women should be 'protected' by

¹⁴ Mahfudzah Binti Mustafa, "Women's Political Participation in Malaysia: The Non-Bumiputra's Perspective", *Asian Journal of Women's Studies* (Korea), Vol. 5, No. 2, 1999, pp. 9-10.

¹⁵ *Ibid.*, pp. 32-33.

men can become a source of inequality for women and prevent them from realizing their full potential. Religious resurgence, particularly in Muslim societies, threatens to undo many of the gains made by governments in the past¹⁶.

Society still views women political candidates as more appropriate in the role of supporter and more suitable as homemaker. This thinking of the society about women candidates has not changed. This enhances man's role in the political activities and public sphere. Daughters in the family are taught since childhood that their space is limited in the private sphere and politics are not their dispositions. Thus they were discouraged to take part in outside activities since childhood. Despite such restrictions, if a woman is active in the public activities especially in politics, she will be rejected by the family or there will be lack of support from the family and society and from the husband's side if she is married. Thus, politics is considered only an arena of men, and is deemed a waste of energy and time for her as she will not be able to concentrate on the needs of the household¹⁷. In such bondage of societal concept and cultural notions of the Malays it is quite impossible for Malay women to participate in large numbers in the politics. Thus, they remained in the private sphere and confined themselves in the household works as being most suitable to them.

3. The role of State

The expectation of the women that their issues will be looked into by an independent state proved futile, as no major changes occurred even after gaining independence. The state is also one of the major factors which make women a means for their own benefits and that leads them to confine more and more in the private sphere. Any specific provision on the integration of women into the development process have not contained in the Malaysian development plans, instead it focused on family related aspects of their welfare. Only one paragraph on women appears in the Third

¹⁶ A report on *Sociolegal Status of Women in Indonesia, Malaysia, Philippines and Thailand*, n. 1, pp. 43-44.

¹⁷ Mahfudzah Binti Mustafa, *Women's Political Participation in Malaysia: The Non-Bumiputra's Perspective*, n. 14, pp. 32-33.

Malaysian Plan (1976-1980). Specific mention of women in fourth Five Year Plan (1981-1985) appears only in the section on maternal and child care¹⁸.

According to Rebecca Foley, the semi-democratic Malaysian state has acted to silent discussion on sexuality, and fear of its repressive powers has caused some women's groups to "self-censor" their public statements and activities. Due to the terrible technologies of the state to control the public discourse, the women organization does not discuss openly about the violation of women and discrimination on the basis of sexuality. This leaves women of marginalized sexualities upon to discrimination and violence¹⁹.

Among the most feared laws, the Internal Security Act (ISA), 1960 and the Sedition Act, 1968 are the laws which state used very often. Under Sedition Act many social issues especially related to ethnicity, are not allowed for broader discussion. Here we can cite an example of one of the women group - National Council of Women in early 1990s, which was considered as 'left-of-centre' - that fail to register because this group considered harder issues of women relating to land and labour rights. Those who belong to the coalition looked at the women's issues as basic individual rights, and perhaps because of this they were unable to obtain registration²⁰. Here we can mention another example - in the year 1987, a number of female NGOs members, along with 100 other people including political party members and social activists, were arrested, beaten and tortured under ISA, supposedly for arising ethnic tensions. This event continues to act as a warning to women, so as not to take up bold issues and steps in demanding women's rights. And this also act as an example of the state protecting violence against women by creating a climate of fear. State in the name of controlling the conflict of ethnicity, suppresses the issues of women²¹. Therefore, state used such cruel steps and techniques to suppress the demands of the citizens especially women.

¹⁸ A report on *Achievements of the United Nations: decade for women in Asia and the Pacific*, n. 6, p. 172.

¹⁹ Rebecca Foley, "Violence against women: the challenges for Malaysian women", in Lenore Manderson and Linda Rae Bennet, eds., *Violence Against Women in Asian Societies* (London: Routledge Curzon, 2003), p. 131.

²⁰ *Ibid.*, p. 133.

²¹ *Ibid.*, p. 135.

Thus, in such a situation, major issues like political participation is a far away dream for women, they are even scared to take up issues of their basic rights.

In Malaysia, the state has promoted a conception of womanhood to harmonize the ideals of a patriarchal social ideology and the need for a modern workforce which is cheap, to meet the national development strategies. This concept of womanhood is generally meant for the women's limited place in the society and places women's primary role as a mother and wife, but also acknowledges her secondary role as a paid worker. Women's participation in the field of economy as industrial workers, as foreign domestics, and feminized professional had always been encouraged by the state.

Political participation may mean a democratization of various political process and groups within the society and could be linked with the various struggles for women's empowerment. In Malaysia this is however obviously ignored by the state. Women's political participation is regarded as a peripheral issue. Till date, the proportion of women ministers or deputies, compared to men, is very small and still far behind the developed countries. There is no quota system in Malaysia to increase women's political representation. The common definitions of democracy and politics generally do not lend themselves to a women friendly approach. In Malaysia, politicians especially women, who are aligned to the ruling party are not vocal enough about their representation. On the other hand, women organizations and NGOs are more vocal and focused on women issues rather than on gender opportunities in politics.

The government failed to enact the principle of equal pay for equal work in the public sector as 1969 to the private sector. Similarly, despite implementing the Code of Practices on the Prevention and Eradication of Sexual Act in the workplace in June 1999 as a voluntary code, the government ignored to legislate an anti-sexual harassment act. Consequently only 1.1% of the 400,000 employers had adopted the code by March 2001²².

²² Dr. Rajendra Muthu, "Gender in Malaysian Society: Issues, Responses and challenges", *Journal of Asian Women's Studies*, n. 9, p. 57.

Given the lack of strong constitutional guarantees and the absence of a Sex Discriminatory Act, this piecemeal legislation was insufficient to create a major impact in protecting the rights and dignity of women in addition to ensuring their empowerment. Moreover family and marriage are considered as private matters. The government also encountered difficulties in implementing uniform laws related to family and marriage given the Muslim non-Muslim dichotomy. Even within the context of Islamic Family Law, there was a lack of uniformity in terms of interpretation and implementation (e.g. in cases of polygamy, some states require the permission of the first wife while other states do not) since family matters among Muslims come under the jurisdiction of states²³.

On the international scene, the Malaysian Government does not want to appear as a country which had conservative ideas about the women's rights especially to attract the foreign investors who are looking for the cheap labour for their multinational industries. This, along with the pressure from the Malaysian women organizations, the government pretend to sign the international treaties for the improvement of women's conditions. But still the Malaysian state does not try to bring the equality between men and women because they do not take up seriously the women's issues. They either delay in implementing the treaties or come under some reservation²⁴.

As a response to the International Conference on Women, Malaysian government established two noticeable organizations for women during 1970-1990. They are the National Advisory Council for the Integration of Women in Development (NACIWID) 1976 in response to an international conference in Mexico in 1975 affiliated to the United Nation's Decade for Women; and Women Affairs Secretariat (HAWA) in 1983, following the Second Conference in Copenhagen in 1980. Therefore, we can say that the evolution of NACIWID and HAWA were largely motivated by UN endeavors to promote the development and empowerment of

²³ Ibid., p. 58.

²⁴ Rebecca Foley, "Violence against women: the challenges for Malaysian women", in Lenore Manderson and Linda Rae Bennet, eds., *Violence Against Women in Asian Societies*, n. 19, p. 46.

shift, and lack of chances of promotion because most of the supervisory and managerial positions are dominated by males. This combination of factors imposed a heavy burden on female workers who find it difficult to balance their career with matrimonial as well as domestic chores²⁸.

Along with the Industrialization, globalization has also added to the problem thereby discriminating women further even in the modern Malay society. Instead of providing solutions to gender inequality, globalization had sharpened the division between the two sexes, leading to disempowerment of women. Globalization has also entrenched gendered hierarchies in the labour force as well as increased the percentages of women living below the poverty line²⁹.

The government's preoccupation with race rather than gender sensitive policies was clearly reflected in its Development plans covering the NEP period (1971-1990) as well as the post-NEP period: National Development Policy (NDP) 1991-2000 and National Vision Policy 2001-2010. These maintained most of the basic aims and strategies of the NEP like the issues of women as major contributors to mainstream development which was not formally addressed until the Sixth Malaysian Plan (1991-1995)³⁰.

The state is playing a dual role in Malaysia. On the one hand they support Islamic Revivalism which suppresses women (in order to adjust their economic policies) and on the other hand they favoured liberation of women in order to impress foreign investors. But the point here is that in any case women are the major victims.

²⁸ Dr. Rajendra Muthu, "Gender in Malaysian Society: Issues, Responses and challenges", *Journal of Asian Women's Studies*, n. 9, pp. 51-52.

²⁹ Haleh Afshar and Stephanie Barrientos "Introduction: women, Globalization and Fragmentation", in Haleh Afshar and Stephanie Barrientos eds., *Women, Globalization and Fragmentation in the Developing World* (Great Britain: Macmillan Press and USA: St. Martin's Press, 1999), p. 5.

³⁰ Dr. Rajendra Muthu, "Gender in Malaysian Society: Issues, Responses and challenges", *Journal of Asian Women's Studies*, n. 9, p. 46.

4. The Attitude of Political Parties towards Women

In the evolution of the party system in Malaysia, women took major role but they are almost excluded from the Malaysian history and politics. They remain as an auxiliary body of the party and play their role in the development of the electoral politics and it begins with the establishment of Kaum Ibu – United Malay National Organization - UMNO (KI).

Malay women were quite active in the political activities in number of organization after World War II. They were represented especially in two parties i.e. UMNO and Parti Islam. It was considered that the political auxiliaries can be understood within the cultural context to Malaysian history and with an understanding of women's place in traditional Malay society³¹. The emergency and government crackdown on political parties and trade unions encouraged Malays to expand their political roles. This gives a golden opportunity for Malay women to enter in the field of politics although as a subordinate member.

One of the factors which impressed the women in the auxiliary body is the direct concern of the issues of the women. One tactic used by the KI over the issue of Muslim marriage and divorce reform, was to raise the issue repeatedly. But this does not mean that women are participated in the decision-making making bodies. No women serve the important position in the party like party national treasurer, attorney-general, vice-president, or most obviously, as party president. The political leader supports the women's wing not only for campaigning and collecting funds of the party. They hardly challenge the party elites as they are staying under limited space. If they started challenging the party's hegemony, the power to dismiss the wings is in the hands of the male members. The women's section remained under the control of the party leadership and was never considered a parallel section of the party. According to Danez, for the Malays, the participation of the women in the political participation or

³¹ Virginia H. Danez, *Women and Party Politics in Peninsular Malaysia*, (Singapore: Oxford University Press, 1987), p. xx-xxi.

in the parties was accepted as long as it was supportive and did not threaten party unity³².

Women express their interest and motivation in the political activities, by joining in the village based organizations but their opportunities for upward mobility depend on the support of the political parties. But they unable to develop their potential to the fullest because of the political party system which reduces a women's bureau within the party to an organization of minorities. And the political leaders are always neglected women who have the potential to become a leader as they wanted their patriarchal domination in political fields³³.

The first federal election to the Legislative Council in 1955 clearly set the pattern for future role of the women in the elections as campaigner, voter and also could be a successful candidates. But, none of the political parties which were almost dominated by males were willing to have female candidates in proportion to their voting strength³⁴.

With the election for the Federal Legislative Assembly in 1955(as a prelude to independence in 1957), the participation of women in the elected legislative politics has begun. In the first election in post-independent Malaya in 1959, three women (2.8%) were elected for the Federal parliament.

Table 5: Women in Political and Leadership Positions 1990-2001

Positions	1990				2001			
	M	F	Total	Females as %	M	F	Total	Females as %
Members of Parliament	171	9	180	5.7	174	19	193	9.84
Minister	23	2	25	8.0	26	3	29	10.34
Deputy Minister	27	3	30	10	25	1	26	3.85
Parliamentary Secretaries	14	-	14	0	12	3	15	20.00

Source: Women's Affairs Secretariat (HAWA)

³² Ibid., p. 232.

³³ A report on "Women in Politics in Malaysia" in Latika Padgaonka ed., *Women in Politics: Australia, India, Malaysia, Philippines, Thailand*, n. 13, p. 86.

³⁴ Mahfudzah Binti Mustafa, *Women's Political Participation in Malaysia: The Non-Bumiputra's Perspective*, n. 14, p. 28.

From the above table we can see that only 5.7% of the female elected representative in Parliament is increased in 1990 to 9.84% in 2001. It cannot be denied that women's representation is increasing and they are becoming active in the political arena but it took long time to increase a few number of women representation in the parliament. They are still under-represented in the Parliament. Above this patriarchal system is prevalent inside the governance. That is why major important portfolios are always with male representative; it is hardly with women representatives except Rafidah Aziz who is the Minister of International Trade and Industry. Perhaps this factor coupled with their weak representation in Parliament partly explains why the constitution was never amended to guarantee equal rights for women although they comprise about half of the electorate³⁵.

Due to the nature of ethnic based political parties - where race rather than gender has been the primary criteria for leadership - there is lack of representation of women in the higher position of the party machinery. All the major established parties are headed by the male leaders and in such a course it is difficult for women to make their space in the ethnic based parties like UMNO, Malaysian Chinese Association (MCA) and Malaysian Indian Congress (MIC). Money politics and the close matrix between politics and business, particularly UMNO and the business elite, have also limited women's access to position of power within the party hierarchy since big business is still a male preserve. Here we can say that, under such circumstances, it is difficult for Malaysian women to come out from their supplementary role and reach the pinnacles of the political power³⁶.

Political parties are generally dominated by men, thus creating problem for potential women candidates. Structural factors are closely related to women's opportunity to become candidates in the party structure. Despite contributing 50% of the members in the party, the number at the leadership level is very low. They remain as the supporter of the party, to help the party whenever they need. The parent party does not give

³⁵ Dr. Rajendra Muthu, "Gender in Malaysian Society: Issues, Responses and challenges", *Journal of Asian Women's Studies*, n. 9, pp. 53-56.

³⁶ Ibid., pp. 56-57.

equal opportunities to its women members, by assuming that women does not have the ability to lead the society. Apart from this, the men were reported as non-supportive, as paying inadequate attention to the women's wing, and establishing limited quotas for women³⁷. The absence of women at the leadership is prevalent in all the political parties and it will continue too. Thus, it is not surprising and obvious that the ratio of women to men in the parliament also does not adequately represent the female membership.

Table 6: Ratio of Representative at Parliament Women: Men

Year	Candidacy						Winners				
	No. of seats	No. of candidates	M	%	W	%	M	%	W	%	W:M
1986	177	456	449	98.0	7	2.00	170	96.0	7	4.0	1:24
1990	180	398	384	96.0	14	4.00	169	94.0	11	6.0	1:15
1995	192	420	395	94.0	25	6.00	177	92.0	15	8.0	1:12

Legend: W: Women, M: Men

Source: Data for 1986 and 1990, Election Commission.

Data for 1995, University Research Grant (UKM), 1995

These data clearly shows that less number of women candidates are nominated as representative in 1986, 1990 and 1995. In the recent 11th Malaysian Parliamentary Election, 2004, women represent 20 seats out of 219 seats of the Lower House and in the Upper House 18 out of 70³⁸. Thus, it can be said that, candidacy in parliamentary seats still favours men.

The political participation or mobilization of the women in Malaysia took place solely within the party system. UMNO, the MCA and Parti Islam (all communal) had separate women's wings and bring women into politics for their own benefits. A separate women's wing in the political parties give a chance to involve in the parties affairs while holding to Islamic customs that separated the public activities of men and women³⁹.

³⁷ Mahfudzah Binti Mustafa, *Women's Political Participation in Malaysia: The Non-Bumiputra's Perspective*, n. 14, pp. 33-34.

³⁸ www.ipu.org/wmn-e/classif.htm

³⁹ Verginia H. Danetz, *Women and Party Politics in Peninsular Malaysia*, n. 31, pp. 225-226.

All the political parties are using different techniques to increase the women members and voters of their parties in the village areas. Hence, literacy, cooking, sewing and religious classes together with fun fairs are introduced by the political parties especially by UMNO.

4. Religious Factors

Cultural and religious way of life of the Malay society added obstacles to the campaign of the women's rights. Their conservative views are clearly seen in response to the Beijing Platform for Action, by the Malaysian delegate by putting reservation on reproductive rights (to only apply to married couple) and sexuality (promiscuity, homosexuality, and lesbianism not endorsed). Giving this conservative stance, women's organization are careful about challenging the status quo⁴⁰. Malay women could not come out and discuss openly the women's issues. They have fear in their mind that if they discuss anything which is of non-Islamic or against the teaching of Islam then, they will lost their identity of Muslim.

Traditionally, women had been denied education because of Islam. Nonetheless, they became educated and developed a radical political consciousness through Islam, which promoted women's political action and power throughout the Muslim world, including Malaysia. Despite the widespread education of elite Malay women, most of them did not benefit from education due to poverty, apathy toward secular education, and religious norms restricting women's mobility⁴¹.

The Malaysian Federal Constitution does not prohibit women from holding public (elected or appointed) office. However, by custom and under religious Islamic laws women are not allowed to become members of the influential Islamic religious councils and *syariah* courts. All the *syariah* court judges are men and all *hakim* (arbitrators) have to be men. So, all the position where major decisions are taken is

⁴⁰ Rebecca Foley, "Violence against women: the challenges for Malaysian women", in Lenore Manderson and Linda Rae Bennet, eds., *Violence Against Women in Asian Societies*, n. 19, p. 147.

⁴¹ Jennifer Sleboda, "Islam and Women's Rights Advocacy in Malaysia", *Asian Journal of Women's Studies* (Korea), Vol. 7, No. 2, 2001, p. 107.

hold by the male members. That is why; it is not surprising that, their decisions tend to reflect primarily the interest of men. Islamic laws give Malay women little room to maneuver for their status or rights. Within last 20 years or so, Islam has been increasingly politicized for adoption as the basis for statehood and governance⁴². In the name of religion and re-education of the traditional Malay society (Islamic Revivalism) religious leaders – all male - imposed many restrictions in order to show their identity as different from the west. The visible symbol of this is seen in the increasing number of women putting veil in Malay society. These restrict them in the participation of public sphere especially as political representation. With the advent of Islamic resurgence in the late 1970s women in Malay-Muslim organizations have invariably slipped into the clasp of this resurgent movement whether as victims, pawns or beneficiaries⁴³.

A Report on “Women in Politics: Australia, India, Malaysia, Philippines, Thailand”, by UNESCO Principle Royal Office for Asia and the Pacific, Bangkok (1993), maintained that the current position of Malay women in political parties like Parti Islam Se Malaysia (PAS) which uses Islam as their ideological base is significantly different from the Islam which was used hitherto as a part of the national movement. In PAS, women are not allowed to stand for elections; they support women only to use them to assist men in their political campaigns. In order to create Malaysia as an Islamic state, PAS followed the concept of “restructuring society” which supports male leadership and women’s domestication. This party rejects Malay *adat* as the legitimate basis of social organization. They also reject the leadership roles of women⁴⁴.

5. Inadequate Financial Resources

The Willingness of the women’s participation in political activities is related to her economic, social and domestic status. Apart from these, limitations of funds, human

⁴² Maznah Mohmad, “Women’s Engagement with Political Islam in Malaysia”, *Global Change, Peace and Security: Political Islam in Southeast Asia* (UK), Vol. 16, no. 2, 2004, p. 133.

⁴³ Ibid., p. 134.

⁴⁴ A report on “Women in Politics in Malaysia” in Latika Padgaonka ed., *Women in Politics: Australia, India, Malaysia, Philippines, Thailand*, n. 13, p. 106.

resources, and inadequate media exposure are further obstacles before women's political participation. Lack of financial support for a woman, is one of the biggest obstacle so far in activating the party in their favour because women are generally dependent on the male members of the family as they are the head of the family. But in the conservative society of Malay, people are not willing to support women's participation in the field of politics⁴⁵.

Inadequate financial resource is one of the biggest obstacles in activating the party in women's favour. Besides being sort of capital, they are also powerless. Poverty is more than a problem of income and consumption on shortfalls. It is about powerlessness which includes the inability to influence decision making process. The multiple dimensions of powerlessness create a vicious circle of poverty. In the case of poor women, the degree of powerlessness is even greater because of the gender-based discriminatory factors and other social and cultural barriers that limit their participation in the political sphere. We may say that there is a close linkage between low level of political representation of women and increasing level of poverty among women. Moreover, women, if these women are not from political elite families, they often need to cultivate the patronage of a senior male politician. This in effect makes them permanently beholden to their patron. They are also likely to be compromised because of lack of adequate personal resources to cultivate the electorate or because their gender indirectly disqualifies them from accessing party funds⁴⁶.

7. Performance of Dual Role

Women who involve in the politics are required to balance their time in the various roles as homemakers, mothers, wives, and leaders. This multiple role is a burden on them and creates conflict in their performance as leaders in the political arena⁴⁷.

⁴⁵ Mahfudzah Binti Mustafa, *Women's Political Participation in Malaysia: The Non-Bumiputra's Perspective*, n. 14, p. 35.

⁴⁶ Rashila Ramli and Saliha Hassan, "Trends and Forms of Women's Participation in Politics", in Syarifah Zaleha Syed Hassan, ed., *Malaysian Women in the Wake of Change* (Kuala Lumpur: Gender Studies Programme, Faculty of Arts and Social Science, University of Malaysia 1998), pp. 91-92.

⁴⁷ Mahfudzah Binti Mustafa, *Women's Political Participation in Malaysia: The Non-Bumiputra's Perspective*, n. 14, pp., 32-33.

It is considered that the most important work of women is the household unpaid work. Even if they have prospect for entering in the public sphere, they nevertheless need to perform their basic unpaid work at home. Malaysia has ratified substantially all of the fundamental International Labour Organization (ILO) Conventions, which relate to freedom of association, equality, forced labour, and child labour. But the ILO Convention on Maternity Protection (No. 103), Workers with Family Responsibilities (No. 156), Part-time Work (No. 175), or Home Work (No. 177) were not yet ratified by the Malaysian government⁴⁸. All these, create a tough situation for the women.

Women need to balance their time to perform her various roles as wife, mother, daughter, leaders, if she is to involve in politics. Because of this double burden on their shoulder, they could not perform well as a leader in the political arena. They are physically and geographically less mobile than man. It is often implied that women cannot indulge in or develop an interest in political and public activity to the same extent as man. If a woman involves herself actively in any public work, she will be rejected. Quite often she loses the support of her family or her husband if she is married. It is for this reason that politics is not considered as a woman's right and is deemed as a waste of energy and time for her as she will not be able to concentrate on the needs of the household. Such disturbing cultural notions towards women have limited their involvement in politics. A persisting lack of confidence in women's ability to lead presents a formidable problem in their political advancement.

The limitations of the social interaction between women and men, acceptance of women in the society as wives, mothers, housekeepers, importance of gender factors and femininity in society, their religious cultural values, lack of party support, family support and the masculine model of political life are some of the reasons adduced to limit the participation of women in active politics. Coupled with this, lack of funds, human resources and inadequate media exposure are other obstacles before women's political participation.

⁴⁸ A report on *Sociolegal Status of Women in Indonesia, Malaysia, Philippines and Thailand*, n. 1, pp. 55-57.

The difference between the roles based on gender in the Malay society especially on political participation is more sharpen by the concept of division between private and public sphere where women belong to the latter category. This distinction reproduces female powerlessness in the realm of governance and political life⁴⁹.

Since independence, Malaysian women enjoy the political rights as voters, candidates, and holders of the public offices. Yet their number is hardly extended beyond the voters as they are out of the governing structure. In 1969, only one cabinet minister, three members of parliament and seven members of state legislative assemblies were women. Truly speaking, their influence in the political arena is very poor. Some of the women members who are somewhat active in this field are from the elite class - either their father or husband was active in this field. Thus they are often used to collect funds, campaign and mobilize for the party⁵⁰. The entry of women in the formal politics is under the political paradigm of ethnic elite sponsorship fed in to the overall project of ethnic accommodation, or consociational democracy, design for the country's post-colonial survival⁵¹.

Women's Movement

Many of the Malaysian Women's organization started many campaign for the improvement of women's position in the country. Their campaign for eradication of violation of women has not only challenged the popular perception of sexuality, the family, women's rights, but also the power of the state to repress criticism of the political status quo. The Malay society carries the conservative views of the women. But women have not remained in silence. Historically women's groups have been involved in many works especially for improvement of the status of women, such as fighting for education, eliminating poverty and prostitution, and more expressly

⁴⁹ Amrita Basu et al. eds., *Essays on Gender and Governance* (UNDP: Human Development Resource Centre 2003), p. 10.

⁵⁰ A report on *Achievements of the United Nations: decade for women in Asia and the Pacific*, n. 6, p. 192.

⁵¹ Maznah Mohamad, "The politics of Gender, Ethnicity, and Democratization in Malaysia: Shifting Interests and Identities", in Maxine Malyneux and Shahra Razavi, eds., *Gender, Justice, Development, and Right*, n. 26, p. 349.

political matters such as the political position of the Malays. Women have been trying their best by organizing themselves to influence the government to consider their issues since World War II.

Some of the issues which are really important to discuss in public are band in the Malaysian society like the issues of sexuality. Some of the women organizations which are taking active part are Kuala Lumpur Based All Women's Action Society (AWAM), Women's Aid Organization, Penang's Women's Crisis Centre and Sister in Islam. Among the Malaysian women the status of the Malay women are considered to be the lowest because of the many restrictions in their ethnic bondage. Very few of them are active in the women's organizations that were active in demanding their rights. Most of the Malay women are absent from the women associations. It is believed that their absence is because of the ethnic politics and divisions. The feminist movement was also unable to built even the weakest of alliances with rural, peasant women because they are completely hegemonized by the political forces of either ruling or the opposition for gaining their majority. Thus, state maintained tight control over Malay village⁵².

The state almost all the time ignored about the issues and demands of the women especially of their political rights. Despite using many terrible technologies to suppress the public discourse, state government using many of the women organization in their favour, as other civil society with the concept that women are safe only inside the four walls. But some of the women organizations are really working hard for the improvement of women's condition in the society. There have been successful outcomes such as the Domestic Violence Act and the Rape Law Amendments. But they are still facing problems as it has not been properly implemented by the state. Domestic Violence is not specified as a separate crime with its own penalties and enforcement procedures.

Since the racial integration and unity was the major concern of the government during NEP time, women's contribution to politics was regarded as essential. In fact it

⁵² Ibid., p. 361.

received greater recognition than before. But somehow the state and political parties which were mainly lead by the males ignored and did not take seriously. Here we can mention that the initiative for the formation of an all women's party, specifically focused on women's interests, as pioneered by Khalijah Sidek, was looked down upon or completely ignored. Therefore, till today women continued to stay in their customary style of political participation, i.e. supporting and supplementing the party's main ideological thrust⁵³.

A significant non-governmental multiracial women's organization, the National Council for Women's Organization (NCWO) was formed only after six years of independence. NCWO's leadership structure mirrored the ethnic elite accommodation model of the ruling party. Most of the chairpersons of the NCWO's are generally of the ministers in the cabinet. That is why; they make this organization a close allays of the government as almost a surrogate of the 'consociational-democratic' state⁵⁴. Women's NGOs are not under one banner because of the race and ethnic division and different views in the society. But particularly in the 1980s and 1990s, a number of women's NGOs and other like minded ad-hoc groups joined the feminist struggle. These organizations, including WAO, SIS, Joint Action Group on Violence against Women (JAG), All Women's Action Movement (AWAM) and National Women's Coalition, became more articulate and vocal on women's issues, rights, exploitation, and abuse. They injected a new vigor in the struggle for gender equity⁵⁵.

Most of the women who are active in the political organizations were from the elite class-highly educated, wealthy or influential families. Some of them were educated in Indonesia, during the time of Indonesian Nationalist movement and were aware of the ideas of anti-colonial and concepts of nationalism. All of these give them a strong

⁵³ Mahfudzah Binti Mustafa, *Women's Political Participation in Malaysia: The Non-Bumiputra's Perspective*, n. 14, p. 18.

⁵⁴ Maznah Mohamad, "The politics of Gender, Ethnicity, and Democratization in Malaysia: Shifting Interests and Identities", in Maxine Malyneux and Shahra Razavi, eds., *Gender, Justice, Development, and Right*, n. 26, p. 353.

⁵⁵ Dr. Rajendra Muthu, "Gender in Malaysian Society: Issues, Responses and challenges", *Journal of Asian Women's Studies*, n. 9, p. 59.

sense of confidence to develop a political consciousness for the rejection of colonial power structures⁵⁶.

Women and gender factor is always used as a weapon for their own benefit by different groups in the field of politics. Gender issues have been politicized in many occasions by political parties for political benefits. Malaysia's experience with the Anwar crisis and its tenth general elections was one of the most significant instances where gender interests were being intensively or fully 'instrumentalized' by the political forces. The fact that women's structure could either be enhanced by appreciating the differences in the sexes or by minimizing of these differences enabled political forces to play the game of "pandering" to women's interests and identities by adopting one prerogative over the other⁵⁷.

Despite ratifying the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Malaysia lacks adequate legislation and policies to ensure the rights and dignity of women. The lack of legislation enabled the government to take advantage of the division of public and private sphere regarding gender inequality question in the fields of women's progress, development and empowerment. A larger woman representation would help to discuss the issues which they have interest on and gather more support among themselves.

One of the major problems in the road of improvement of women's position in various fields in Malaysia especially in the political sphere is that, the law governing authorities are dominated by males. Thus, it is not surprising that all the laws are made in favour of them. Women are always lacking behind in the political participation of the country. So, it is suggested very often to support women and allow them to enter the decision making process, because they easily understand what women wants and can implement the laws in the proper manner.

⁵⁶ Jennifer Sleboda, "Islam and Women's Rights Advocacy in Malaysia", *Asian Journal of Women's Studies*, n. 41, p. 107.

⁵⁷ Maznah Mohamad, "The politics of Gender, Ethnicity, and Democratization in Malaysia: Shifting Interests and Identities", in Maxine Malyneux and Shahra Razavi, eds., *Gender, Justice, Development, and Right*, n. 26, pp. 369-370.

Even the 1955 elections (a prelude to independence in 1957) that accorded suffrage to women for the first time in the Malaysian history did not alter the status quo of women. However, access to ballot boxes did not translate into political and decision-making powers, which is still a male domain⁵⁸.

The limited social interaction between men and women is limited by the importance of the gender factor or femininity, religious and cultural values: and women's traditional roles as wives, homemakers, and mothers. All these reasons limit the participation of women in political parties⁵⁹.

In Malaysia access of girls to all levels of formal education and the expansion of educational facilities has raised the overall formal literacy to over 90%⁶⁰. But most of them are in such streams which is suitable to their societal conception of the women. Therefore, very few Malay women have come up as a political representation at the local, state and national level. So, we can say that higher number of literacy of the women does not help to increase the level of political participation of women at various levels.

Though women are bound by customary laws and enlightened by western education, Islamic and state ideologies make Malay (Muslim) women subordinate to men in every department. This imposition of patriarchal interpretation of Islam in Malaysia is a compelling indication of a contemporary Muslim's response to modernity and social change. Even within the Malay federal constitution gender based discrimination is not prevented. It clearly shows that it is permissible to discriminate on the basis of the person's sex.

⁵⁸ Dr. Rajendra Muthu, "Gender in Malaysian Society: Issues, Responses and challenges", *Journal of Asian Women's Studies*, n. 9, pp. 44-45.

⁵⁹ Mahfudzah Binti Mustafa, *Women's Political Participation in Malaysia: The Non-Bumiputra's Perspective*, n. 14, p. 35.

⁶⁰ A report on *Sociolegal Status of Women in Indonesia, Malaysia, Philippines and Thailand*, n. 1, p. 43.

Hence, it can be concluded that the federal constitution of Malaysia does not protect the inequality based on gender. We cannot however deny that in some cases the constitution has provided equality for both men and women. Most of the national economic and social policies of the Malaysia provide the chance of favourable development and protection of the women and their rights. But here the major problem is that, those laws do not translate into justice. Therefore, we can say that the constitution of Malaysia have the provision to safeguard, to some extent the women's rights and equality of gender. However, due to weak legislation- where there is lack of women's representation- the laws do not enforce well and bring into practice. So, we need women's political representation at various levels, proportionate to their voting strength, only then there will be equality between men and women in the patriarchal society of Malaysia.

CHAPTER – 5

CONCLUSION

In almost all the societies of the world, women have proportionately less power than men, receive less opportunity than men and are rewarded lesser than the men. Even though the women population comprises the major support group of the family and society in various ways, they are represented in minority in the corridors of power and decision-making, both nationally and internationally. Both unfortunate and true is the United Nation's 1994 report on women. Even the then United Nation's Secretary General Boutros Boutros Ghali maintained that, the proportion of women in decision-making positions is "insignificant".

Women's issue in Malaysia is a complex phenomenon to study owing to its deep influence by the patriarchal traditions of cultural and religious values. This is further complicated by the interrelated political, economic, and social developments which must be seen in the background of tensions between colonialism and ethnicity. In the 15th century with the establishment of the Malacca Sultanate, political configurations and power were largely subjected to exclusion from mainstream society although they were active in the peasant as well as the informal economy. With the change of time in this modern world, the question of gender equality is being raised throughout the world. Many of the women associations and NGO's are working for the improvement of the status of women globally. The initial phases have seen active participation. Women are quite active in the earlier periods in one way or the other. Malaysia is one of the countries where women were quite active since the very beginning. The active role played by women in the Malaysian history of nationalist movement is a clear indication of this. But unfortunately, notwithstanding their importance they were left unrewarded even after independence was achieved. This is an injustice towards women of Malaysia. From many angles, women have been suppressed in every pace of life. They are not allowed to participate in the public affairs especially in the field of politics partly because of the patriarchal structure of the society. But today gender

justice is an important area of study as; the political representation of the women is considered as the measure of the development of the country.

The status and roles of Malaysian women are defined by their ethnicity, traditions, and religions but mostly by their rights, as conferred by secular and non-secular legislation. After the announcement of International Year of Women in 1975 by the United Nation, the Malaysian government took somewhat seriously the women issues in order to save from the mark of the gender neglected countries. They therefore supported various women oriented programmes to improve the status of women and attract foreign investors which help them in their development process. However women have been affected more negatively than men by the rapid growth of globalization of the economy, armed conflict, international migration and financial crisis. There are still some issues that are not understood or remain unresolved as under-representation of women in the decision-making process of the government, political bodies, feminization of poverty, crime against women, domestic violence, unequal access for men and women in business opportunities, and laws dealing with work, marriage, divorce, child care and inheritance that do not favour women.

Very few women are represented in the Malaysian parliament where laws are made and major decisions are taken. Their representation is therefore needed in every level of the decision-making process. Otherwise all the departments where major decisions are made will be in the hands of the male members. That is why it is not surprising that all the laws are made in favour of them. Women have been ignored in every stream.

No doubt, the constitution of every country grants equality between men and women. But Malaysia is one country which allows certain discrimination based on gender as has been already discussed in the previous chapters. Despite contributing half of the population and registered voters very few women are seen in the decision-making process. Women's voice have always been suppressed in various ways and also all the programmes and policies which are concerned to women are almost all the time ignored by the male headed institutions. That is why; to increase the role of women in

the political activities and as a political representative is really an important matter to discuss in this patriarchal world.

A small number of women candidates are supported to contest elections by the political parties which were headed by the male leaders. The societal and cultural system still favours male candidates instead of women in the political matters. Above all women have been facing the problem of inadequate resource to contest election, so they have to obey the senior male political leaders. According to Ackelsberg and Diamond observed that a woman's political ambition is shaped by both domestic division of labour and the gendered political opportunity structure. This is absolutely true in case of Malay women even after residing in one of the most developing countries in Asia. The majority of women in the political parties still continue to be assistant, supporters. But their sub-group or auxiliary branch which is inseparable from the main political parties because it helps to the maximum extent in various fields like increasing the members of the parties, collecting funds, campaigning during elections etc. The male political leaders are still strongly felt that women's involvement in the country's politics is still regarded as complementary.

To secure a secure place in the higher post in the political arena and even inside the political parties is very difficult for women as compared to men. This process has hindered women in competing democratically and so they continue in their struggle to be treated as equal partners. This is due to the gender issue in the society which place women in a complementary role to men, rather than an equal one. The perception is that, politics is a male domain with little space for women. Therefore, such constraints impede potential women candidates from fighting elections and occupying positions of power.

Women have been major victims and measures of the entire society, state and nation. They are sometimes represented as a symbol to safeguard the identity of their ethnic group and religion. Malay women in this regard are facing extremely serious problem in the Malaysian society. During the Islamic revivalism of the 1970s, women have been targeted as the major victim to show the identity of the Islam as against the west.

But this has been shaped in the proper manner by the male religious leaders in the name of re-educating the Malay women about their traditional society.

The national, indeed neonationalist emphasis on corporate Islam in some of the discourse about *Malayu baru* seems similarly to exclude women. At the same time, new Malayness locates itself discursively in the field where women are specifically posed as bearers of families, moral and religious worth and tradition of the nation. The assumption that the public sphere is coded as masculine is too clear. Women, moreover, are deployed as metaphors for often conflicting aspects of modernity in popular, religious and official discourse.

The socialization process which transmitted their patriarchal form of culture and tradition to the women, restricted women to enter in the political arena, as they make it clear that women should take care of the family as mother, wife, daughter, sister etc. By these, we can clearly see the significance of gender aspect in the political participation in Malaysia. Although some of the women are very active in politics and are coming up with high position in parties and in the parliament and take part in the decision-making process of the country. But here the point is, most of them are from the elite class and are allied to powerful men, as daughters and wives.

In Malaysia, politicians especially women who are aligned to the ruling party generally, are not vocal enough about their representation. Calls for equal opportunities are done behind 'closed door' meetings and dialogues with their political leaders. On the other hand, women organizations and NGO's are more vocal and focused on women issues rather than on gender opportunities in politics.

Due to the cultural or religious principles, men encourage and sometimes demand that their wives should stay at home taking care of home and children. They put women in a very difficult position, as it is quite hard to rebel against those principles. As a result of these, women who are interested to enter in the public sphere activities especially in the political participation are afraid of doing so because they believe that their husbands and families will abandon them if they do. Moreover, the fear increases

when they know that the possibilities of succeeding in a male dominated patriarchal notion of society and especially in the field of politics where they tried to maintain their authority and power by suppressing women.

Apart from this, women are facing the problem of balancing their dual role both at home and outside too. It has become a big headache for the women who work outside home especially those who are active and have potential to become a leader of the society. The societal system already set the mind and acceptance that women should do the household work in the private sphere and men are responsible for the outside works including all the matters of the society. So, it is a big problem for the working women to balance their dual duties. That is why some of the women who have the potential could not come out with better results. Therefore, we can say that gender does play a role in women's political participation in Malaysia, especially among Malay community.

Malay women are also facing the problem of safeguarding their identity of being Malay and Muslim in the multi-ethnic society. The system of ethnic system and conflicts between them which has been once used by the British colonialist to retain their rules in the country, are still practiced in Malaysia. But the problem here is that such conditions severely affect women in the present Malaysian society. One of the visible evidence is the increasing number of Malay women putting veil. And another problem is that, due to this, the women organizations cannot bind together and forcefully demand the gender issues. Every ethnic group has their ideologies and cannot combine together for one particular issue. That is why, only some common issue is left for the women associations to demand like ,domestic violence, employment rights etc.

The policies and practices of the British colonial government have led to the current ethnic tensions, namely the policy of importation and recruitment of Chinese and Indians labour and the official policy of "Malaya for the Malays" which privileged Malays in the accumulation of political power while encouraging Chinese entrepreneurial activities which would generate revenue for British coffers.

Malaysia is a striking example of a plural society, but in which strong social process, such as Islamization, has played a distinct role in the construction of a national polity. Most importantly, ethnicity has been the basis upon which political divisions are promoted, while ethnic identity is prioritized over all other identities/in the realization of economic, social and cultural interests. Women's political parties and movements are un-problematically organized along ethnic lines, but feminist movements are formed only when ethnic lines are contentiously traversed.

Legal system of a country is a powerful social institution, which can either enable or constrain women's full enjoyment of their rights and control over their bodies and lives. The legal system of the Malaysia is very weak regarding the gender equality in various fields like on the issues of land, citizenship, heritage, religion, child custody etc. Due to the weak legislature and lack of women in the legislature, the legislature does not take up seriously the programmes and activities by which women can solve their problem. The male leaders are concerned about their own benefits and tried to maintain their authority over women.

By the implementation of the New Economic Policy (NEP), the opportunities of the women's education, especially of Malay women are increasing in various sectors. The Universities and University and College Act of 1991 specify admission to all regardless of gender. In 2000, the literacy rate was 91.4 percent for men and 83.4 for women. But here the problem is that, most of the women who enroll in the various levels of educations are in the streams of vocational and arts streams. Very few of them are in the technical and in higher study where there are chances to become the leaders and hold the good positions.

The New Economic policy introduced by the Malaysian government to eradicate poverty and especially to improve the position and status of the Bumiputras-"son of the soil". It gives many opportunities to the Malay communities and that are enjoyed even by the Malay women in various field. It compels to improve the conditions of women in the fields of education and employment. But women are mostly engaged as

unskilled labour in the factories. The level of economic development appears to influence the distribution of the female labour force. Women, therefore, are often found in occupations that are losing prestige and command less income, while occupations of higher status are dominated by men. Women are underrepresented in administrative and managerial positions, while they predominate in clerical, service and low level professional and technical occupations. Women are paid less than men for the same category of work. International Labour Organization's aspect of 'equal pay for equal work' is not implemented in Malaysia both by government and private sectors. Women's earnings are less than half of men's earnings because of occupational tracking, whereby women are encouraged to follow careers with lower earnings and wage discrimination. The United Nation's Development Programmes (UNDP) estimates that in 2002, women earned \$5,711 compared to \$12,338 for men. Women in Malaysia earn 1/3rd less than male workers with otherwise identical characteristics. Gender inequality would be even higher if domestic employees were included. Here briefly we can say that, the contradictory effects of the globalization have been both empowering and disempowerment for women. On one way, it gives women a chance of earning and gives hand in the family by representing as a cheap labour where there is full of problem like insecurity, low payment as compared to men, absence of promotion etc. Most of the women are engaged in the low unskilled works in the factory and very few of them are engaged in the high level categories of work, especially they are poorly represented in the parliament.

Malaysian women's status is quite high compared to their counterparts of other Southeast Asian women's status. But as far as Malay Muslims are concerned, they are lagging behind the other ethnic women groups in Malaysia because they are very much bound by the customary laws and also they have lots of problems in the fields of culture, tradition and religion. In the Malay society, women are considered to be the second class member of the society. They are advised to stay at home and take care of the family and children. In the name of religion many restrictions are imposing on Malay women. Women have been discriminated in the religion which is totally contrary to the Holy Quran. These have been done by few male religious leaders in

order to maintain their authority in the society and over the women by interpreting wrongly the Holy Quran, where women and men are given equal status. In order to show their distinctness from the rest of the religion or as against the west, Muslim leaders imposed many rules on the Muslim women because women are more visible victim from every angle. Therefore, instead of growing up with the process of modernization, the status of Malay women are facing more and more problems and loosing their freedom which they used to enjoy in their traditional Malay society. Thus, at the end, Malay women are the major victims as they neither enjoy the opportunities of the modernization and freedom and security of their traditional Malay society.

The process by which the modernizing agenda dealt with the question of women's rights and roles was in many ways based on western women's reality rather than the grass-roots experience of women in the region. In other words, the discussion of women's role in the public was based on an imported notion of women's role, and private was left to be regulated by religious traditions. This has led to the creation of multiple layers of challenges faced by women-- those inherited by traditions that maintained certain practices and expectations despite the change in circumstances, and those imposed by an alien notion of the meaning of women's emancipation.

Malaysian women still face considerable legal, social, religious, and attitudinal barriers in accessing resources and economic opportunities, in their community activities and personal lives, and in their interactions with government institutions. These constraints intensified the impact of the 1997 crisis on women, especially poor women, and continue to limit their options and prospects. All these situations somehow directly or indirectly affect women's political participations.

There are a number of reasons by which the status of women is very low and that adversely affect the political representation of women, which is very low. But the major cause of the entire problem is patriarchal character, which is not only cultural and socio-economic but very much political in nature. The legal reform and its related gender issues are hampered by the scarcity of female legislators. Therefore, it is

becoming an important issue to increase the number of female political representation in various levels of governance starting from local level to national level. Only then, gender issues and programmes will take serious turn and women's position in the society will improve.

There are various ways, which may lead the way to improving the status of the women in Malaysia. Women citizen and women politicians can together play a leading role in restructuring public opinion and action in the direction of overcoming formal and informal gender discrimination and inequality—which is why larger representation of women has become even more necessary. There are four main areas which are pivotal in eliminating gender inequality in public and political activity. These areas are—

The Integration of the National Policy for Women within National Planning

This approach of integration should advocate the following:

- a) involvement of women in the earliest possible stage of programme or project related to them which will thereby help them to maximize their contribution to and potential in those projects. They can thus play a major decision making role in developing and improving their participation in public and political activities.
- b) giving access to resources (both human and social) which are usually denied to them, including formal education, training and technology transfer and leadership training.
- c) spreading awareness of women's contribution to national development in all sections of society. To this effect the Malaysian five year plans should incorporate and propose a clearer view of women's role in long term plans of social, economic and political developments.
- d) widening the scope and purpose in training government agents and extension workers to encourage innovative and participatory approaches to community development, with more attention being paid to the potential of women in public and political activity.

Understanding the Basis of Formation of Social Sentiments and Attitudes:

The pluralistic and multi-ethnic social structure of the Malaysian society results in problems relating to gender inequality in public and political life. It will therefore be necessary to understand the problems arising from its sentiments and values.

- 1) Sexism exists in Malaysian society. But often, in public and political activity, it is given secondary importance.
- 2) Action against discrimination in gender should transcend ethnic differences although priorities should be given to gender relations in sub-cultures of underdevelopment, example, rural and urban poor, discrimination of unskilled workers and labourers in the estate and plantation sectors.
- 3) Explore the effects of mass media in promoting the sexist image of women and men, so that public programme can rectify this damage by promoting images of women which are free from existing stereotype and prejudice. Films and other audio visual materials documenting women's contribution to social and political activities should be produced and distributed on national channels.
- 4) Legislation which is conducive to the formulation of a non-sexist society will enhance women's participation. Women and men must constantly be made aware that legal reforms are always effective if public opinion leads them in a particular direction.
- 5) Parental and peer-group socialization may be free from sexual discrimination but the formal code of social relations may be more constraining for women than men, forcing them to evaluate success and achievement in more modest ways. Women have a need to prove success in both spheres unlike men who might place professional achievement before domestic success.

Restructuring Leadership Strategies

National bodies should expand the opportunities for women to find positions of leadership, so that they can exercise a greater and fairer influence on the decisions affecting themselves and the future development of their society. This will enable to bring about an atmosphere in which women can play an equal and complementary role to men in all public decisions.

Inter-organizational Co-operation

Adopting specific policies in maximizing the contribution of women within formal groups, within political and non-political organizations in order to improve women's leadership at all levels. Such policies should actively promote continued liaison between women's groups and political organizations at national and international levels to support women's issues in an integrate way.

Further research in these areas may need to be carried out in order to understand the complexities and interrelated of such issues in Malaysian society. Moreover it may be mentioned that government can play a major role in bringing about concrete improvement in their respective legal regimes. The following recommendation may be made in various spheres of legislation:

Institutional and Policy Framework

Some of the recommendations for reform in the sociolegal institutional and policy framework in Malaysia are:

- a) Development of integrated family court system: various women's organizations should review the need for an integrated family court to handle both Muslim and non-Muslim family matters, including divorce, custody and guardianship, domestic violence, alimony and maintenance, adoption and juvenile cases. Based on such reviews analysis must be made regarding the cost and benefits of moving towards an integrated family court system, including the appointment and training of judges in an integrative family law approach. Hereafter a proposal may be prepared including the required resources and submit it to the government for action and implementation.
- b) Incorporate gender prospective in land and environmental legislation: study and review must be made on the land rights of women in indigenous community, as well as on all native land policies both the federal and state governments. Independent commission must be set with the proper representation of women and indigenous people, to investigate and resolve the conflicts of interests and rights to land and forest between indigenous and aboriginal people and government or private interests.

Legal Reforms

- a) Violence against women: the Malaysian government, through an inter-ministerial committee, must review all legislation pertaining to social matters. Prosecution for domestic violence must be ensured whether or not a woman withdraws her charge. Perpetrators from shared residences must be excluded thereby removing the onus on victims to find alternatives and safe shelters rules and regulations also need to be strengthened by making all domestic and marital violence subject to investigation. It must also be ensured that police investigation occurred within 24hrs. of the violence. Responsibilities of the police and welfare officers need to be clearly streamlined. Rape and incest laws need to be reviewed with concrete alternative recommendations on matters such as marital rape, rehabilitation treatment, court discretion in sentencing and punishment, differentiation between first time and repeat offenders, expert consultation, privacy consideration and evidentiary rules, and broaden definition sexual intercourse. Incest law should broaden the present definition of incest by including child abuse and abuse of authority over a child by a person in power. A comprehensive study of prostitution and trafficking in women must be undertaken to handle the ambiguities surrounding prostitution and trafficking in both women and minor children.
- b) Land and Properties Law: in order to improve the social legal status of women, property and land policies in Malaysian society should be reformed. This can be done by introducing legislation that requires the registration of all land title, share certificates, equity holdings, and unit trust in the name of both the men and women in a household. When women are co-heads a household they must be included in all development activities and consultations, so that they will be able to own their own assets, and that they be allocated resources on an equal basis with men. In case where native lands are under consideration for development, legislation requiring consultation with both husband and wife need to be introduced, so that both the parties must be privy to and sign any agreement in order for it to be

valid. Existing laws must be amended to bring about assistance to facilitate agreement among urban settlers face with relocation, to avoid forced eviction and related attentions, and provide alternative housing and fair compensation.

- c) Societal (Environmental) Laws and Policies: better monetary and management of environmental resources can lead to improvement of the sociolegal status of women in Malaysia. For this collaboration and coordination on environmental issues between the federal and state governments should be strengthened. This can be done by establishing a special committee composed of government experts including qualified women and environmentalist, whose mandate would be to protect and preserve the environment. Such committees should be strengthened through a systematic approach to policy making, planning and programming. Independent environmental audit teams should be established composed of NGOs, scientists, government officials, women's organizations and progressive business people.

Legal Awareness and Gender Sensitization Programmes:

- a) Women's organizations, police and social welfare representatives should review and evaluate gender sensitization training and workshops. It should also develop the training programme, action programme and time frame, training modules geared to different needs and levels, identify and train trainers, institute and carry out a nation wide gender sensitize programme for police and social welfare workers. It should also include a monitoring and evaluation component to determine the programme's effectiveness. Nationwide legal awareness and literacy programme such as the Legal Aid Centre, Women Studies Centre and Law Faculties at the Universities, need to be developed. Media and schools should be involved to the extent possible to gain maximum exposure for its legal literacy campaign and materials. Necessary information, materials as well as trainers should be

provide to the women of indigenous communities, who are face with major legal problems in terms of both land and labour.

- b) Legal awareness, gender sensitization and indigenous women: additional programmes may be recommended so as to better serve the interests of public and private sector and unions, should be undertaken through indigenous women. In order to enhance knowledge and raise consciousness about the linkages between women and social environment, extensive dissemination of information and education of the general public and specific groups, including women's organizations, NGOs, academe, conferences, workshops, seminars the media, schools and universities. The administrative, monitoring and enforcement role of government officers responsible for land development should be strengthen through more training and education, better technology and data collection, a greater allocation of resources and increased institutional support. They should be charged with the priority of giving better attention to native land claim applications, and their processing and title registrations, as well as in gender sensitization.

Legal Institution-Building, Capacity-Building, Training Activities

- a) Capacity building and Joint Action Group (JAG) against violence against women and women's affairs division: recommendation may also be made to augment the capacity of JAG in order to improve the legal status of women. Since legal institutions have not adequately handle women's issues, it may be proposed that JAG take the lead in setting up a forum to formulate a plan of action for establishing legal aid centres for women, and linking these to the proposed integrative family court. These centres would deal with family law and violence against women by undertaking to provide legal advice, information and aid; take on legal test cases; monitor the legal situation and evaluate progress in terms of existing laws and law reform; identify gaps and constraints; develop nationwide strategies and action plans; institute training and develop training modules for use at

different levels of knowledge and expertise. Counseling sessions also need to be provided to women in need.

- b) Capacity building in the area of societal (environmental) law and policies: given that the need for the enforcement of laws is vital to both women and environment, and that most government departments lack enough qualified staff to undertake enforcement on a regular basis, government should not only increase the numbers of enforcement personnel but also increase their expertise and effectiveness. Women's organization and environmental NGOs should be consulted on an involved in enforcement.

Indicators, Monitoring and Evaluation

The lack of monitoring has undermined the protection of women's rights and the systematic application and enforcement of laws and regulations design to protect women and give them equality. In order to alleviate this problem it is recommended that the proposed women's legal aid centres undertake the monitoring task systematically. Among other things this would entail, collection of information and statistics from police reports, welfare cases, court cases, women's organization's files, and enforcement records and proceedings; observations of the treatment of women by police, court officials, welfare officers, hospital staffs, councilors, and lawyers; in that analysis of the data and findings; and periodic evaluation studies to assess progress and protecting women's rights and improving their situation. Part of the monitoring programme include and in-depth review and analysis of educational curricula, text books and teacher training materials, that often contain and give biased, false and inaccurate sex stereotyping and contradictory messages about women and girls, gender equality and sex education.

With the expansion of government machinery after independence, political power and influence spread gradually amongst men and women. However the participation of women in public and political life in Malaysia reflects a closed restrictive circuit of patrons and leaders. The majority of rural women continued to function as followers notwithstanding their leadership qualities or potential skills of leadership and decision-

making. They may be able to express their interest and motivation by joining village-based organizations, but their opportunities for upward mobility depend on the support from a political party. These women however formed the backbone of Malay politics. Their keen interest in party politics and their active participation in the electoral system implied that they were the determinants of leadership patterns amongst women and men. The time is therefore ripe to give due weightage to various policies and programmes recommended in order to improve the sociolegal status and legal empowerment of women. This will bring about reduction of poverty and improvement in the quality of life of the general population and women in particular. The present study recommend a number of concrete actions that can be taken by governments, civil society groups and other assistance providers to further these goals.

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