

Who Represents the Muslims? Contesting Identities in  
Malaysia and France

by

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## Introduction

In a verdict given out on May 2007, the Federal Court in Malaysia denied Lina Joy, the right to choose and practice Christianity. Born Azlina Jailani to Malay Muslim parents, she converted at age 26. The Court decided that Muslims could not rely on the provision of Article 11 in the Federal Constitution, which grants every person the right to profess and practice his or her religion. Instead, the Court ruled that one must go to a Syariah<sup>1</sup> court to obtain an exit certificate in order to leave Islam. In other words, there would be no legal recourse available for Joy as the Syariah law forbids apostasy and furthermore, the religious courts would have prescribed punishment that metes out hefty fines, forced rehabilitation or imprisonment. As long as she is officially registered as “Islam” in national records, she would be unable to marry her Christian boyfriend legally without requiring his conversion to Islam. On the other side of the world, the French government passed a law in March 2004 prohibiting from public schools any clothing that clearly indicated a pupil’s religious affiliation. Although the law applied to Jewish skullcaps, Sikh turbans, and large crosses, it was aimed primarily at the Islamic headscarf. This law originated in an event in 1989 when three French girls of North African origin were banned from a public school in Creil, a northern *banlieue* (suburb) of Paris when they

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<sup>1</sup> Although Arabic in origin, the term *shari’ah* is written in Malay as *syariah*. It is Islamic law based on both the Qur’an and the *sunnah* or the *hadith*, the two fundamental religious texts of Muslims. This law functions to govern the modes of behavior by which Muslims are enjoined to seek salvation.

refused to take off their headscarves in class. Public discourse erupted around this *l'affaire du foulard* (the headscarf affair), as it came to be known.<sup>2</sup>

Both cases (and the affected individuals) attained international attention due to the contradictions of the perceived infractions of religious freedom amidst the seemingly tolerant, progressive nature of both countries. The logic of the nation-state prevailed in the public discourse of both cases—measures had been taken to curtail the fundamental right to the freedom of choice and practice of religion in order to preserve a stringent form of citizenship. Lina Joy's application to convert, if successful, would have threatened the sanctity of the constitutional definition that binds Malay language, custom and Islam together under the Malay identity.<sup>3</sup> In Malaysia, the control over Malay identity is tied to political power and material benefits. On the other hand, the public manifestation of the Islamic headscarf contravenes the ideals of French Republicanism, which is premised on secularism, individualism and civic homogeneity. In this light, the two cases are not merely about the right to freedom of religion but rather, are part of a larger, national debate on the nature of citizenship in both countries.

Therefore, this thesis argues that despite the manifest differences between both nation-states, they perceive the management of Muslim<sup>4</sup> identities as a crucial part of their responsibilities as nation-states. Furthermore, the two nation-states facilitate the management of Muslim identities through the nationalization of Islam in

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<sup>2</sup> In accounts and debates about the affair and its role in France, the term "headscarf" is used interchangeably with its Arabic term, "*hijab*" as well as the term "veil" (*voile*). However, for the sake of consistency, the term "headscarf" will be used throughout the thesis.

<sup>3</sup> Article 160 (2) of the Federal Constitution defines a "Malay" as a person who professes the religion of Islam, habitually speaks the Malay language and conforms to Malay custom.

<sup>4</sup> Throughout this thesis, the identity "Muslim" is used to refer to individuals who, by dint of their national origin or ancestry are of Muslim culture or sociological background, and not by their religiosity.

varying degrees. Although Malaysia is a Muslim-majority country and France has the largest Muslim population in Western Europe, this thesis will illustrate that both countries' Islamicization policies were not de facto ones, but rather, were enacted to curb an Islamic resurgence amongst their Muslim communities during specific time periods.

Thus, the purpose of this comparative analysis is to understand the dilemmas that nation-states face in managing a sizable Muslim community in a post-colonial era. From the outset, there are similarities posed by the comparative case studies. By dint of being nation-states, Malaysia and France have enacted common policies because they need to defend their national identities against the transnational threat of Islam posed to their sovereignty. Both countries have a history of co-opting or accommodating the authority of religion, which has influenced the contemporary nature of state-Islam relations. Moreover, the Islamic resurgence in both countries is a microcosm of the global Islamic revival, which Geaves argues, "has to be seen as a response to colonial and post-colonial discourse and conditions."<sup>5</sup> With this framework in mind, the weakened bonds of both countries' national identities can be attributed to the breakdown of former modes of integration that have yet to adapt to the changes in demography or leadership of both countries. At the same time, the existing differences in demography, historical traditions, political regimes, and philosophies of integration have shaped the form and impact of Islamicization in the

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<sup>5</sup> Ron Geaves, *Who Defines Moderate Islam 'post'-September 11?*, ed. Ron Geaves, et al., *Islam and the West Post 9/11* (Burlington: Ashgate, 2004), 71.

societies of both countries. The effects and success of both countries' policies will therefore be evaluated through the aforementioned legal-political outcomes.<sup>6</sup>

This thesis will begin with a discussion of the history of state-Islam relations and the formation of national identities during the period of colonization and nation-building in France (chapter one) and Malaysia (chapter two). The following chapter will explain the rise of Islamic resurgence in both countries by looking at the socio-economic conditions faced by both Muslim communities. Chapter four will discuss the common approaches of the Islamicization policies enacted by the government and will use the two legal-political outcomes to illustrate the consequences of these policies. The last chapter will draw together the consequences of the contemporary and historical chapters as a conclusion.

### **A snapshot of Malaysia and France**

From the outset, there are manifest differences between the nature of government and population in Malaysia and France. Malaysia has a system of constitutional monarchy and parliamentary democracy, much like the British system upon which it is modeled. The administrative system is federal with state governments limited by the federal constitution. The chief of state, the Sultan of Malaysia, is a rotating titular post among the royal families of the nine original Malay royal states. State-appointed governors rule over the other four states of Malaysia, which are Penang, Malacca, and Sabah and Sarawak in East Malaysia. Although not an Islamic state, Islam is Malaysia's official religion, professed by 60.4 percent of the population, of which 50.4 percent are Malays. In 2004, the population of 24 million

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<sup>6</sup> I label Lina Joy's case and the headscarf law as "legal-political outcomes" to describe the factors that influenced the two cases, but also to better distinguish what I am referring to for the rest of my thesis.

comprised of 50.4 percent Malays, 23.7 percent Chinese, 7 percent Indians, 11 percent indigenous people and 7.8 percent other very small ethnic groups such as the Eurasians.<sup>7</sup> The religious demography reflects this complex multiethnic composition; the 2000 census records 60.4 percent are Muslims, 19.2 percent are Buddhists, 9.1 percent are Christians, 6.3 percent are Hindus and 2.6 percent belong to other traditional Chinese religions. The legal system is also pluralistic with three major traditions of law; Malay customary law (*adat*), which pertains only to Malays, Islamic law (Syariah), which is relevant to Malay Muslims and all other Muslims in matters of family law and religion, and national statutory law based on English common law which bears on all inhabitants of Malaysia.

France on the other hand, is a republic with a semi-presidential system that has direct presidential elections for the president and the parliament. The administrative structure is unitary, with a bicameral legislature. The judiciary is composed of administrative, criminal and civil courts. With a semi-presidential system, the executive and legislative is fused, similar to the parliamentary system. Moreover, the French constitution renders the president powerful and parliament relatively humble and weak. It is significant to note the expanded authority at the behest of the executive powers in both countries, as the result of the constitutional dominance of the French president and the parliamentary dominance of the ruling party since independence, the National Front (BN) in Malaysia.<sup>8</sup> There are no official statistics on religious and ethnic affiliation in France because the French Republic

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<sup>7</sup> "World Factbook: Malaysia." (Place Published: Central Intelligence Agency, 2007), <https://www.cia.gov/library/publications/the-world-factbook/geos/my.html> (accessed 10 November 2007).

<sup>8</sup> This parliamentary dominance have only recently been overturned in the outcome of the general elections on March 8, 2008, which abolished the two-thirds majority of the BN.

considers ethnic and religious affiliation a private matter. Nevertheless, the majority ethnic groups are Celtic and Latin while the minority groups are Teutonic, Slavic, North African, Indochinese, and Basque minorities. Informal polls and surveys suggest that 83 percent to 88 percent is Roman Catholic, followed by 2 percent Protestant, 1 percent Jewish, 5 to 10 percent Muslim and 4 percent unaffiliated.<sup>9</sup>

### **Significance of Islam in Malaysia and France globally**

Despite Malaysia's small population size (less than half of France), the Malaysian case is more significant than its numbers might suggest. Malaysia is among the most successful of the "non-Confucian" Asian tigers and has experienced an economic boom in the last two decades, except during the 1997 Asian financial crisis, which was soon overcome by effective governmental measures. The former Prime Minister Dr. Mahathir Mohamad (r. 1981-2003) was an effective ambassador for Malaysia, promoting it as an example of an alternative to Western-style development in other Muslim-majority nations.<sup>10</sup> Therefore, for most of the last decade, Malaysia was long seen as a model of a multicultural, prosperous, outward-looking modern Muslim nation. Upon coming into office, the current Prime Minister Abdullah Badawi promoted *Islam Hadhari*, a progressive, tolerant form of Islam, locally and internationally. On the other hand, France is long credited as the intellectual birthplace of human rights, espousing the values of liberty, equality and fraternity. However, these values have consistently been challenged by France's

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<sup>9</sup> "World Factbook: France." (Place Published: Central Intelligence Agency, 2007), <https://www.cia.gov/library/publications/the-world-factbook/geos/fr.html> (accessed 30 November 2007).

<sup>10</sup> Michael G. Peletz, "Islam and the Cultural Politics of Legitimacy: Malaysia in the Aftermath of September 11," in *Remaking Muslim Politics: Pluralism, Contestation, Democratization*, ed. Robert W. Hefner (Princeton: Princeton University Press, 2005), 244.

contradictory policies towards its domestic and immigrant populations. The growing significance of Islam in France parallels the growth of the religion in the country. Islam has already become the second largest religion in France despite the comparatively recent arrival of its North African community. There are approximately 8 percent residents of Muslim descent in France, 5 million out of 64 million, which is in some part, the reason for the state's promotion of an Islam *of* France, on par with the other recognized religions, Catholicism and Judaism. At present, the fast-growing population of the immigrants of Muslim background has led to French politicians' consideration of a Muslim vote, despite the heterogeneity of the Muslim community.

However, despite or rather, in spite of, both governments' promotion of Islam domestically and internationally, the resurgence of a transnational, nongovernmental form of Islam posed significant challenges in both countries. In the context of domestic and global threats to their sovereignty, these legal-political outcomes have occurred. Thus, this thesis echoes and attempts to answer the questions that observers have asked, is the headscarf law the result of a post-9/11 world? Does Lina Joy's case exemplify the trend of increasing Islamicization in many Muslim-majority countries? This comparative analysis is therefore grounded in an Islamic context because Islam has dramatically caught attention has always been presented as a captured global attention, appearing first as an outright oppositional force to Western values and traditions, then later, as a nuanced religion with varying interpretations and implications for its adherents. Furthermore, by illustrating the similarity in the approaches taken by a Muslim-minority and a Muslim-majority country, this thesis

seeks to discount the traditional perspectives of the East-West divide as well as the “clash of civilizations.”<sup>11</sup> Rather, this thesis argues that both legal-political outcomes are the culmination of the political, historical and legal forces that characterize the relationship between state and religion.

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<sup>11</sup> Huntington’s “clash of civilizations” theory was first posited in a Foreign Affairs article in 1993, arguing that cultural and religious identities will be the primary source of conflict in the post-Cold War world. See Samuel Huntington, *The Clash of Civilizations and the Remaking of the World Order* (New York: Simon & Schuster, 1996).

## Chapter 1: France

The national identities of both countries have been redefined and shaped throughout history. However, they were both enshrined in the founding texts of both countries based on the best formulae of state-church relationship in France and of the cooperation between the ethnic groups in Malaysia. Nevertheless, these national models have been contested since their enshrinement, which is inevitable, considering that a national identity could be comprised of the identity of any “imagined” political community based on selected cultural, ideological or religious group as an alternate to the “national” model.<sup>12</sup> This chapter will show the history of the formation of these national identities as well as shed light on how the legal-political outcomes have contested them.

In France, the concept of the Republican citizenship has been shaped by its history of state-church relations. At the same time, France’s colonization of Algeria contradicts the principles of Republican citizenship. This chapter will show how the motivations behind the headscarf ban were rooted in a post-colonial mind-set, and the constant reinterpretations of *laïcité*.

### The formation of Republican citizenship

The 1905 law had mandated the separation of the state and religion, purposefully maintaining the neutral concept of the public space while at the same time, has ensured the freedom of religion.<sup>13</sup> Advocates of the headscarf ban have thus

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<sup>12</sup> See Benedict Anderson, *Imagined Communities*, 2nd ed. (New York: Verso, 1991).

<sup>13</sup> On one hand, the principle of religious freedom is enshrined in Article 1, “The Republic assures the freedom of conscience,” while on the other hand, the principle of the mandated separation of religion and state is defined in Article 2, “The Republic does not recognize, nor remunerate or support any religion.”

pointed out the sacred concept of neutrality in this French version of secularism (*laïcité*). According to them, the public display of religion, such as the Islamic headscarf should not be exhibited “conspicuously,” especially on school grounds—the age-old battleground of republican values.<sup>14</sup> However, exceptions are allowed in private schools where state-subsidized Christian and Jewish schools allow students to display crosses and *kippas*, and teach them religious texts. These exceptions suggest that it is the public space that needs to be protected; and perhaps it is better to see *laïcité* not as a strict rule but as a political tool instead. Looking at its historical background, political scientist Olivier Roy redefines *laïcité* as he saw it: the sum total of a long history of experiments with state-church relations.<sup>15</sup> Since the formulation of the Gallican church in the 13<sup>th</sup> century, when the French king Philip IV the Fair gained political control of the Catholic Church, the turbulent state-church relationship has been characterized by the alternation between state suppression and recognition of the Church. The French Revolution had inculcated the view that the Church was repressive, as all other traditional powers, and had to be overturned.

The tension between Church and Republic culminated in the 1871 Commune, the uprising in Paris that followed France’s defeat by Prussia. As the last bastion of traditional authority was swept away, there were debates on excluding religion from school with the growing desire to see a new universal social morality in the minds of French pupils. The desire to stake out a realm of civic culture that belonged uniquely to the state extended to public schools, which became known informally as “citizen

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<sup>14</sup> Joan W. Scott, *The Politics of the Veil*, ed. Ruth O'Brian, *The Public Square Book Series* (Princeton: Princeton University Press, 2007), 15.

<sup>15</sup> John Bowen, *Why the French don't like headscarves: Islam, the State, and public space* (New Jersey: Princeton University Press, 2007), 29.

factories.”<sup>16</sup> During this era, “peasants were turned into Frenchman,” through the brutal repression of regional languages and identities for a national identity.<sup>17</sup> This illustrates the truth of French philosopher, Renan’s argument, that the concept of nation is based on half-truth narratives where, “all its individuals have many things in common, and also that everybody has forgotten many things.”<sup>18</sup>

With this in mind, Jules Ferry, the Republican patriot enforced the exclusion of the Church from school grounds through implementation of a series of laws from 1882 to 1886. Primary education was made compulsory and the laws also banished religion as a subject and priests and nuns as teachers from the classroom.<sup>19</sup> Christian Joppke points out that Ferry had intended to apply this neutrality component of *laïcité* to teachers and not to schoolchildren, as had happened during the headscarf law.<sup>20</sup> During the deliberations for the law, then-Interior Minister Nicolas Sarkozy argued that the traditional French concept of *laïcité* consisted of “recognizing the right of religion” so that “it isn’t the child that has to be laic but the school.”<sup>21</sup> Nevertheless, *laïcité* is a politicized tool, mediating the struggle between the Church and the Republic, which had passed on through the medium of school as exemplified in the headscarf law.

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<sup>16</sup> Jonathan Laurence and Justin Vaïsse, *Integrating Islam: political and religious challenges in contemporary France* (Washington D.C.: Brookings Institution Press, 2006), 10.

<sup>17</sup> See Eugen Joseph Weber, *Peasants into Frenchmen: The Modernization of Rural France, 1870-1914* (Stanford, Calif.: Stanford University Press, 1976).

<sup>18</sup> Ernest Renan, *Qu'est-ce qu'une nation?*, vol. 1, *Œuvres Complètes* (Paris: Calmann-Lévy, 1947-61), 892.

<sup>19</sup> Religious education was taught after school hours and school would recess one day during the week to allow children to attend catechism. Bowen, *Why the French don't like headscarves: Islam, the State, and public space*, 25.

<sup>20</sup> Christian Joppke, "State neutrality and Islamic headscarf laws in France and Germany," *Theory and Society* 36, no. 4 (2007): 321.

<sup>21</sup> Sarkozy’s testimony before the Débre Commission. *Ibid.*: 326.

During this period, French intellectuals and politicians came to understand political philosopher Jean-Jacques Rousseau's political vision of the state, concocted an entire century ago. The French Revolution had abolished corporate bodies that once intervened between the state and the individual because it was fearful of the threat of other sources of political power. However, according to French historian Marcel Gauchet's interpretation of Rousseau's philosophy, the Republican state realized it could retain its sole monopoly over society if the bodies were voluntary associations that had been freely chosen by individuals.<sup>22</sup> This view also interpreted that individuals could recognize the overarching importance of the general interest without sacrificing their distinct interests in civil society. The Republican model of the state was thus able to coexist with intermediate associative bodies. In this era, the state underwent a profound transformation from being thought of as despotic to becoming a "moderator of the arrangements among individuals in civil society."<sup>23</sup>

In the wake of this change, public status was taken away from Catholic Church with the passing of two fundamental laws regulating social institutions: the 1901 law permitting citizens to form voluntary associations and the 1905 law relegating the Catholic Church (and other religions) to the same status as private associations in civil society to which individuals can choose to participate. The establishment of the 1905 law officially marks the end of the regime of recognized religions that had started under Napoleon, with the termination of state funding to religion.<sup>24</sup> Instead, religion was seen as part of civil society and the state was

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<sup>22</sup> Marcel Gauchet, *La religion dans la démocratie*. (Paris: Gallimard, 1998), 83, quoted in Bowen, *Why the French don't like headscarves: Islam, the State, and public space*, 185.

<sup>23</sup> Ibid.

<sup>24</sup> Ibid., 26.

responsible for establishing what the Catholic Church could or could not do in the “public space.”<sup>25</sup> Nevertheless, the Church refused to accept the law until a compromise was reached between the Vatican and the French government in 1923-1924. The Vatican accepted the 1905 law in exchange for the French acceptance of “free schools,” which were formerly religious schools reorganized under new laws regulating education.<sup>26</sup> The alternating power struggles between the Church and Republican interests have similarly shaped subsequent contradictory policies under the current regime of state regulation of *culte* (organized religion). Thus, this historical account helps to explain the existing exceptions to *laïcité* in France, which include state funding of private Catholic schools,<sup>27</sup> state’s maintenance of religious buildings,<sup>28</sup> the financing of chaplains’ offices and the training of chaplains for each of the major religions. It is evident therefore that the 1905 concept of *laïcité*, the strict separation of church and separation has been modified. The headscarf ban, a demonstration of Muslims’ demands to make their religion public, exposes these contradictions once more in the 1905 version of *laïcité*. Furthermore, the ban is justified on the basis of preventing the breakdown of society into ethnically defined communities. This idea, known as communalism, contravenes the notion that the Republic should be “one and indivisible” but instead separates citizens by placing

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<sup>25</sup> Olivier Roy elaborates on this, “The law provides for and organizes the conduct of worship in public space, religious edifices are public, processions are conducted in public, chaplains also carry out their activities in public places (schools, prisons, barracks). Furthermore, protocol assigns a place to representatives of religions, and priestly dress is not prohibited in public places.” Roy, *Secularism Confronts Islam*, 28.

<sup>26</sup> Bowen, *Why the French don't like headscarves: Islam, the State, and public space*, 27.

<sup>27</sup> Bowen describes the current status quo regarding schools: The 1959 Debré law allowed private schools, including religious ones, to retain their “particular characteristics” and to remain funded by the state on the condition that they taught the national curriculum and accepted students without regard to “origin, opinions or beliefs.” Ibid.

<sup>28</sup> For example, Christian churches and the Paris Mosque, which was built in 1926 to commemorate the deaths of Muslim soldiers in World War I.

their affiliation to communities over their collective participation in the nation. The primary place of integrating future citizens would occur through education, which helps to explain the justifications to narrow the 2005 ban's jurisdiction to public school grounds only.

That is why the French census makes no record of the religion, ethnicity, or national origin of its population as the data would represent contradictory evidence to the myth that France is a united, singular entity.<sup>29</sup> The notion that sameness is the basis for equality was articulated at the time of the French Revolution. During this time, a republic with "free and equal" individuals replaced the feudal corporate regime characterized by hierarchies of privilege based on birth and wealth. However, there were cracks in this idea of "one and indivisible" from the beginning of its conception with women and slaves lacking the requisite qualities to be considered individuals with the same rights. Hence, the French philosophy of universalism complicates matters for groups that demand recognition for social difference. Challenges to this hard-line assimilation have repeatedly resurfaced from groups demanding recognition of their differences, as exemplified by previous reform movements by women, homosexuals and people of North African origins.<sup>30</sup> In the eyes of Revolutionary leaders and Republican thinkers, the problem with communities is that they separate their members from others in the society with the endowment of false illusions of superiority. Furthermore, they also lay claim to authority independent of the state.<sup>31</sup> In the same manner, there are criticisms leveled against the religion of the schoolgirls of North African origin that employ this

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<sup>29</sup> Scott, *The Politics of the Veil*, 12.

<sup>30</sup> Ibid.

<sup>31</sup> Bowen, *Why the French don't like headscarves: Islam, the State, and public space*, 161.

argument; Islam is a closed order that persuades and enforces rules on their members, such as the wearing of headscarves for girls. Through this interpretation, the law would not only curb these dangerous forms of Islamic influences but would also be regarded as a measure of protection for schoolgirls who chose in good conscience *not* to wear a headscarf.<sup>32</sup>

### **Exceptions to Algeria**

However, measures to distinguish “good” Muslims from “bad” have originated since the French colonial era. As France acquired colonies and protectorates that had Muslim-majority populations, France found itself aiming to encourage “moderate” forms of Islam,<sup>33</sup> which is also the contemporary strategy in state-Islam relations. However, during their colonization period from the late nineteenth century, France found itself supporting Islam in order to rule Muslims, which was contrary to the provisions of secularism back in French society. At the same time, Islam was used as a marker of discrimination in its colonies. From the start, Islam marked the colonized as a race apart, enunciated in policies such as the law of 1919 which extended naturalization only to those Arab men who were willing to relinquish their “indigenous” status, such as following the Islamic law. Moreover, in Algeria, a colony in 1830, which became part of France in 1871, Muslims were relegated to the bottom of the social hierarchy. Even within this distinction, the indigenous people of North Africa, the Berbers, were deemed superior to Arabs because of their European looks and their greater tendency to convert to

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<sup>32</sup> Laurence and Vaisse, *Integrating Islam*, 169.

<sup>33</sup> Bowen, *Why the French don't like headscarves: Islam, the State, and public space*, 34.

Christianity.<sup>34</sup> This social and interethnic organization is based on communalism and discrimination, one that is anathema to the notion of French republicanism.

These legacies of colonial rule shaped the society in mainland France long after decolonization period and the loss of Algeria in 1962 after a protracted war. As the Algerians who came to resettle in France increased in number and became permanent citizens in society, disaffected *pied-noirs* (French settlers who were forced to leave Algeria during the war) among many others, resuscitated themes of irreducible difference and the inassimilability of Islam to French ways.<sup>35</sup> The *pied-noirs* would later form one of the main constituencies for National Front (FN), the extreme-right political party that consistently advocates anti-immigration policies in France, exacerbating xenophobia. The national identity of Republican citizenship has therefore become a tool for demarcating the boundaries of the recent immigrants and the French population.<sup>36</sup> However, the truth is that the French national identity has always been contested and reinterpreted on many grounds, as this chapter has shown. Therefore, the headscarf affairs represent the latest debate about the place of Muslims in the French Republic and the meaning of Republican citizenship. Likewise, the next chapter on Malaysia will also illustrate the historical revisions of Malay identity, and the ways that Lina Joy's case has contested the dominance of a majority-defined Malay identity.

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<sup>34</sup> Scott, *The Politics of the Veil*, 48.

<sup>35</sup> *Ibid.*, 45.

<sup>36</sup> Richard L. Derderian, *North Africans in Contemporary France* (New York: Palgrave Macmillan, 2004), 12.

## **Chapter 2: Malaysia**

On the other hand, in Malaysia, the prominent language of discourse on religion and state is not based on intellectual philosophy but rather, on ethnic difference. Malaysia's "ethnically differentiated citizenship"<sup>37</sup> is one that is the polar opposite of France's republican version. Therefore, Lina Joy's individual appeal to change her religion is controversial because it challenges the narrow constitutional definition and solidarity of the Malay identity. According to Article 153 in the Constitution of Malaysia, a Malay is one who professes the religion of Islam, habitually speaks the Malay language, and conforms to Malay customs. However, Malaysia's present reality is in stark contradiction to the pre-colonial history of mutual tolerance and respect among the different groups where there was a proliferation of ethnic and religious pluralism. Furthermore, there were multiple origins and existing boundaries of Malay identity, which were not quite isomorphic to Islam at that point.

### **The formation of Malay identity**

Despite the constitutional definition of a Malay as Muslim, Islam has not always been the predominant religion in the Malay peninsula. From the 7<sup>th</sup> to the 14<sup>th</sup> centuries, the Srivijaya civilization based in Sumatra had ruled most of the Malay-Indonesian area, importing its legal and political systems from animist and Hindu-Buddhist principles that came from India. Islam arrived to Malaya through Arabic and Indian traders who had frequented the trade routes of maritime Southeast Asia

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<sup>37</sup> Robert W. Hefner, "Introduction: Multiculturalism and Citizenship in Malaysia, Singapore and Indonesia," in *The Politics of Multiculturalism* (Honolulu: University of Hawaii Press, 2001), 28.

since the 8<sup>th</sup> century. This gradually led to the conversion of most of the Malay-Indonesian world and the breakup of the Srivijayan empire into many smaller sultanates, the most prominent of which was the trading port of Malacca, dubbed the 15<sup>th</sup> century “Venice of the East.” From the 14<sup>th</sup> to 15<sup>th</sup> century the ruling elite, including the sultans and the royal courts, took the lead in adopting Islam, subsequently incorporating Islamic principles of law and administration.<sup>38</sup> Islam was similarly embraced by laypeople and traders alike because of the advantages that came with identifying oneself with the ruler’s religion. This was one of the first recorded instances of ethnic and religious pluralism in Malaysia, as Islam was not imposed upon the multi-religious population of inhabitants and traders in the kingdom of Malacca.<sup>39</sup>

However, the adoption of Islam by the Malay ruler brought new dimensions to the relationship between the citizens and the ruler. Before religion became influential in the Malay peninsula, *Melayu* (Malay) status was conferred on the principle of lineage or descent and this was restricted to those of royal origin. However, with the sultanate’s adoption of Islam, the political relationship gradually became an “ethnic” bond instead. As Islam is a religion with its own ritual-cultural domain, it encourages the self-sufficiency of each congregation in matters of religious observance.<sup>40</sup> This developed the “horizontal” solidarity of the rulers’ subjects. The widening of the Malay identity through Islam includes the language as well. Malay was propagated

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<sup>38</sup> Gordon P. Means, "Public Policy Toward Religion in Malaysia," *Pacific Affairs* 51, no. 3 (1978): 385.

<sup>39</sup> Christopher Rodney Yeoh, "Malaysia, Truly Asia? Religious Pluralism in Malaysia," in *The Pluralism Project* (Harvard University, 2006), 4.

<sup>40</sup> Judith Nagata, *The Reflowering of Malaysian Islam: Modern Religious Radicals and Their Roots* (Canada: The University of British Columbia Press, 1984), 5.

through the spread of Islam, incorporating not only words from the former Sanskrit influence but also theological Islamic concepts from Arabic. The historian Anthony Milner sums up that during the period between the 16<sup>th</sup> and 20<sup>th</sup> centuries, the conception of Malayness crystallized within all the sultanates of the Malay peninsula with the growing awareness of a shared language, culture and faith.<sup>41</sup>

Religion and culture had fused to the extent that an adage at that time described the fact that the conversion of an outsider to Islam would make the outsider automatically eligible for Malay status (*masuk Islam, masuk Melayu*).<sup>42</sup> Admittedly, there was no pressure from immigration as of yet as there were only a few non-Malay Muslims, most of which were Indians, Arabs or groups from the Indonesian archipelago who quickly assimilated into the Malay community through intermarriages. There was also evidence of loose racial boundaries through intermarriage between the Chinese and the Malay communities known as the Baba or Straits Chinese communities in Penang and Malacca. As a whole, peace existed within these inter-ethnic relations as shown by instances of traditional Malay elites and Chinese interests working together for mutual gain. Another important aspect was also that the Malay identity had no outstanding political or economic privileges attached, an issue which later became one of the sources of inter-ethnic tension.

However, with the advent of colonialism and immigration, the ethnic boundaries were gradually tightened and solidified. During their colonial rule, the British had designated ethnic groups in Malaya as Chinese, Indian and Malay through census categories, disregarding the complicated realities of intermarried or sub-ethnic

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<sup>41</sup> Ibid., 12.

<sup>42</sup> The Malay equation “masuk Islam, masuk Melayu” is literally translated as “enter Islam, enter Malay (status).” Ibid.

groups.<sup>43</sup> For example, the Malays were not a homogenous ethnic group as there were distinct cultural differences between the Malays in Kelantan and Kedah in the northeast, the Buginese in Perak, the Minangkabau in Negri Sembilan and the Malays in Johor.<sup>44</sup> The common aspect among the different Malay groups was their shared orientation towards Islam. At this point, inter-ethnic alliances and acculturation was still possible prior to British expansion in 1850 despite the occasional hostilities and cultural stereotyping. However, British rule developed the ideology of inherent “racial” differences, permanently altering the shape of ethnic and religious pluralism in Malaysia.<sup>45</sup>

### **Competing ethnicities in colonial Malaya**

The artificial demarcation of ethnic boundaries and the British divide-and-rule policy of the different ethnic groups sharpened inter-ethnic tensions. The status of inter-ethnic relations was transformed as the British drew upon European racial theory and reproduced a social and economic order structured by “race.” Furthermore, as Malaysian anthropologist Zawawi Ibrahim points out, British rule had divorced the traditional ruling class, the Sultans, “from their ‘feudal’ rights of surplus appropriation over the subject class,” only allowing them to maintain their sovereignty over Malay traditions comprising customs (*adat*), language (*bahasa*), and Islam.<sup>46</sup> Furthermore, the British were wary of teaching useful skills related to mining

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<sup>43</sup> Other intermarriages besides those described above, include the offspring of Malay-Chinese alliances- the Baba and Nonya Chinese who had lived in Melaka for centuries. Furthermore, the Cantonese, Hakka, Hokkien or Teochew Chinese do not see themselves as belonging to the same ethnic group. Rüdiger Korff, "Globalisation and Communal Identities in the Plural Society of Malaysia," *Singapore Journal of Tropical Geography* 22, no. 3 (2001): 5.

<sup>44</sup> Ibid.

<sup>45</sup> See Charles Hirschman, "The making of race in colonial Malaya: Political economy and racial ideology," *Sociological Forum* 1, no. 2 (1986).

<sup>46</sup> Yeoh, "Malaysia, Truly Asia? Religious Pluralism in Malaysia," 6.

and plantation to the Malays for fear of their eventual revolt after mastering them.<sup>47</sup>

To compensate for the labor shortage, they imported many Chinese and Indian workers, changing the demographic trend of Malaya, as the Malays became the minority population in the four federated states, Perak, Selangor, Negeri Sembilan and Pahang.<sup>48</sup> Socio-economic instability was further compounded by the implementation of the ethnic division of labor in order to efficiently manage people and possessions. This divide-and-rule policy segregated the three races from each other physically and socially: Chinese immigrants were largely confined to tin mines and trade industries in the cities, the Indians in plantation sector and the rural Malays in agricultural sector while most of the educated Malays were hired as government servants.

Education under the British reinforced the ethnic disparity. The majority of Malays were insulated from educational influence of the British, which fitted well with the interests of both sides. With the exception of an elite school for the children of noble birth,<sup>49</sup> the predominant perception of the colonialists believed that the teaching of English language was unnecessary and even undesirable for the rest of the Malay masses, possibly leading to the rise of discontent and natives who did not know their rightful place.<sup>50</sup> On the other hand, the Malays themselves were suspicious of the English-medium schools, some of which had been set up by missionaries. As a result, few Malays attended these Christian schools, and were not exposed to the

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<sup>47</sup> Ibid., 7.

<sup>48</sup> Due to the influx of Chinese migrants, the Chinese outnumbered the Malays in peninsular Malaysia by the early 1920s. The Chinese population in the four federated states comprised 64 percent of the population. In other states under the indirect rule of the British, the Chinese comprised only 27 percent. Ibid., 8.

<sup>49</sup> This was the exclusive Malay College at Kuala Kangsar (MCKK) in Perak built in 1905.

<sup>50</sup> Hirschman, "The making of race in colonial Malaya," 350.

rigorous academic curriculum of these schools. Moreover, the majority of children were separated into vernacular schools that were ethnically homogenous with the exception of the English language schools in urban areas. As a consequence, ethnic disparity was also enforced in the economic sector. However, the inability of Malays to compete was more than offset by a system of special privileges and rights for Malays, which persists today in modified versions. During the colonial era, exclusive rights for the Malays were given in three main areas: land law, recruitment in the public services and education. The definition of Malay was used to determine eligibility for these privileges and rights. This was guarded during the colonial period as the British carved out the symbolic role for the sultans as “Heads of Malay religion and custom,” in exchange for taking away their real political rule.<sup>51</sup> This was part of a communalist strategy of the British who saw the advantage of maintaining the titular authority of Malay rulers.

Consequently, as the Sultans were bereft of their former authority, what little power they had over their Malay constituency, religion, was consolidated and enhanced. In their autonomous capacity over the Malays, the sultans were able to utilize bureaucratic and legal machinery to implement their directives in a more systematic and invasive manner than previously.<sup>52</sup> Prior to British intervention, each state had practiced a mixture of Malay customary law (*adat*) and a selection of Islamic laws. Under the British rule, there was a trend towards bureaucratization of

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<sup>51</sup> In contrast, the Dutch colonial power removed the power from the monarchy in Indonesia, symbolizing not only the loss of the monarchy’s sovereignty, but also the loss of their control over Islam.

<sup>52</sup> Yeoh, "Malaysia, Truly Asia? Religious Pluralism in Malaysia," 6.

the states' religious courts, partly as a means of control.<sup>53</sup> Besides enforcing Muslim tax collection,<sup>54</sup> the state under the sultans' rule implemented a code of moral and religious obligations for all Muslims. For example, fines were enforced for any Malay's lack of observance of religious duties.<sup>55</sup> Furthermore, Islamic courts protected and enforced Islamic practices and doctrine, particularly in matters of marriage, divorce and inheritance rights. The sultans' autonomy paved the way for the post-colonial government to continue controlling religious beliefs through censorship and control over religious behavior and instruction. This behavior would also be witnessed in the post-colonial era, when the authoritarian rule of the "secular" elite sought to increase their invasive policing and bureaucratic measures over their Malay Muslim constituency as a way of increasing their ruling power.

The prerogative of the sultans' rule over Malay tradition further perpetuates the hegemony of Malay Muslim identity over other Muslims, simultaneously making Islam the exclusive feature of Malays. This was influenced by the pressure of growing immigration as well, as the Malays sought to differentiate themselves from the other Muslims. At the same time, in the post colonial era, in order to preserve their majority status over non-Malays, a new ethnic marker was invented in the form of the *Bumiputera* (son of the soil).<sup>56</sup> This term refers to anyone of Malay or other aboriginal descent, including tribal peoples of the Malay peninsular and the natives of Sabah and Sarawak. This new category helps to further separate the "true" indigenes

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<sup>53</sup> Judith Nagata, "How to be Islamic without being an Islamic state: Contested models of development in Malaysia," in *Islam, Globalization and Postmodernity*, ed. Akbar S. Ahmed and Hastings Donnan (London, New York: Routledge, 1994), 66.

<sup>54</sup> In contemporary times, Malaysia is one of the few Muslim countries that use the power of the state to enforce the prescriptions of the Koran and the Hadith for Muslims, for example in state enforcement of Muslim taxes. Means, "Public Policy Toward Religion in Malaysia," 10.

<sup>55</sup> *Ibid.*

<sup>56</sup> Nagata, *The Reflowering of Malaysian Islam*, 4.

from the immigrants, even when Muslim, giving the ruling elite further justification for their “native” right to receive the material privileges that would be attached to the Malay identity later on.

Thus, the history of British colonization and the growing pressures of immigration have shaped and sharpened the awareness of differences in the ethnic groups. In retaliation, the perception that Malay status has to be protected led to the tightening of the boundaries of religious and/or ethnic identity of the Malays. Moreover, the attachment of social and economic privileges to the Malay status has contributed to the defense of the Malay identity. The role of the Sultan carved out by the British has also led to the fusion of Malay and Islamic identity, where their autonomy has led to the increase of state-enforced religious obligations under their rule. Thus, when the Federal Court denied Lina Joy the ability to change her religion, it is continuing the legacy of enforcing the dominance of the Malay status while simultaneously tightening its boundaries. Nevertheless, despite the history of fluctuating tensions in inter-ethnic relations in Malaysia, the compromise found at Independence specifically sought to address and resolve them, which will be described below.

When British colonizers returned to Malaysia in the aftermath of the Japanese occupation during World War II, they took the opportunity to compose a post-colonial formula of political accommodation in order to deflect potential dissidents.<sup>57</sup> The Japanese occupation had exacerbated communal relations; all Chinese were seen as anti-Japanese and together with the Indians, many were victims of the large-scale massacre that took place. By contrast, the Japanese saw the advantage of maintaining

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<sup>57</sup> Anne Munro-Kua, *Authoritarian Populism in Malaysia* (New York: St. Martin's Press, 1996), 17.

the British divide-and-rule strategy, which perpetuated the rule of the Malays. After the nationalist war to evict the Japanese, the first serious communal riots in the nation's history erupted, prompting the British to declare a state of emergency, known as the Emergency, which lasted from 1948 to 1960 in Malaysia.<sup>58</sup> It must be noted here that the preventive detention act, the Internal Security Act (ISA), which would be later employed to suppress political dissension, was borne out of this period of expansive authoritarian measures.

When the British returned to Malaysia during the era of decolonization, they wanted to ensure racial harmony in order to maintain the security of foreign investments long after their departure. The Alliance formula emerged out of these concerns. It was formed with the assumption that the traditional rule of the Malays was to be maintained, with the cooperation of the upper-strata of the non-Malay groups. Thus the Alliance comprised of the United Malays National Organisation (UMNO), the Malay Chinese Associations (MCA) and the Malayan Indian Congress (MIC). As part of the concessions made in order for their cooperation, non-Malay ethnic groups were granted citizenship rights in exchange for Malay political hegemony and special rights. The special rights perpetuate the continuation of material and social privileges given to Malays during the British era. The protection of Malay identity is further enshrined in Article 153 where the Malay identity is officially defined as Muslim, conforming to Malay customs and speaking the Malay language. Running on this platform of inter-ethnic cooperation, the Alliance won 51 out of 52 Parliamentary seats in the first elections, illustrating the success of the communal pact. The Alliance went on to negotiate independence with the British for

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<sup>58</sup> Ibid.

independence, and has continued to rule over Malaysia ever since through its successor, the National Front (*Barisan Nasional*—BN). Political scientist Donald Horowitz argues that this political bargaining is the largest factor for the relative stability and peace in Malaysia's inter-ethnic relations.<sup>59</sup> According to Horowitz, the political ties between the different races have forced BN's political candidates to seek the large middle electoral ground of compromises between the ethnic groups, decreasing the possibility of ethnic outbidding seen elsewhere.<sup>60</sup> Nevertheless, the outcome of cases such as Lina Joy's in 2007 illustrate that the Malay rulers continue to perceive threats (real or imagined) to Malay special rights, and choose to appeal to Malay identity, rather than to appeal to a more communal identity. This is due to the fact that the definition of Malay identity has become tied to material privileges, which will be discussed later on.

Nevertheless, even if premised on the constitutional definition, Lina Joy is not considered a Malay because she has decided to renounce Islam, one aspect of the three-legged stool of Malay identity. Therefore, the constitutionally-defined Malay identity would not be applicable to her, which is not perceived to be the case by Malay nationalists. Her case therefore is not only about individual rights but represents a larger debate of the meaning of Malay identity. This chapter has therefore shown that both identities—the Malay identity and the notion of French Republican citizenship—have been contested by the two legal-political outcomes. The contestation of identities is crucial in the undertakings of both nation-states because their national identities have been used to invoke unity and support for state

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<sup>59</sup> See Donald Horowitz, *Ethnic Groups in Conflict* (Berkeley: University of California Press, 1985).

<sup>60</sup> *Ibid.*, 420.

cohesion and mobilization in the past. Political philosopher Isaiah Berlin explains this power of nationalism:

By nationalism, I mean something more definite, ideologically important and dangerous: namely the conviction, in the first place, that men belong to a particular human group, and that the way of the group differs from that of the others; that the characters of the individuals who compose the group are shaped by, and cannot be understood apart from, those of the group, defined in terms of common territory, customs, laws, memories, beliefs, language, artistic and religious expression, social institutions, ways of life, to which some add heredity, kinship, racial characteristic; and that it is these factors which shape human beings, their purposes and their values.<sup>61</sup>

Nevertheless, the next chapter will show that the bonds of these national identities—the Malay and Republican identities—are being challenged by the rise of other loyalties of their Muslim community in the present day.

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<sup>61</sup> Isaiah Berlin, *The Proper Study of Mankind: An Anthology of Essays* (London: Pimlico, 1998), 590.

### **Chapter 3: The failures of integration**

As the post-colonial era ushers in modernity and globalization, the relevance of national identities are further undermined by the lack of effectiveness of former modes of political and social integration. The level of alienation experienced by the Muslim communities in both countries was further heightened by the realities of post-colonization, as Muslim migrants moved into the Western colonial homeland and the Muslim world experience conflicting reactions to Western dominance in the Muslim world.<sup>62</sup> Chapters three and four will explore the post-colonial challenges of integration for the Muslim communities into their nation-states as well as for the nation-states themselves who have to accommodate them vis-à-vis global terrorism and a multi-ethnic citizenry.

In the face of these domestic and global occurrences and other country-specific factors, the Malays and French of North African origin experienced an increasing affiliation to their Muslim identity amidst a background of global Islamic resurgence. This chapter argues that both nation-states have failed to adapt their former modes of integration to the new socio-economic realities and this has led to the increased alienation felt within both Muslim communities in the background of globalization. In Malaysia during the 1970s, pro-Malay policies led to the transformation of the Malay traditional culture from peasant society and feudal relations to the urban, secular world. The government's policy of Malay special rights was also accompanied by religious obligations as Islam is perceived to be the last

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<sup>62</sup> Ron Geaves and Theodore Gabriel, *Introduction*, ed. Ron Geaves, et al., *Islam and the West Post 9/11* (Burlington: Ashgate, 2004), 3.

bastion of Malay identity, and must therefore be defended against the other non-Malay populations. On the other hand, the French government has continued to expect Republican integration of the Muslim community, which has alienated segments of the Muslim population that are prevented by institutional obstacles. These alienated segments of the population are more likely to turn to Islam to seek more emancipatory discourses. This chapter will also illustrate that there were varying expressions of Islamic identity within both communities, despite the homogenizing language of public policies and/or discrimination that took place in both countries.

## **France**

Evidence for the level of integration of French Muslims is contradictory; on one hand, violent riots in the French version of ghettos have demonstrated the failure of integration among its young population of Muslim origin. On the other hand, there is an overwhelming majority of self-declared Muslims who state their desire to integrate, their confidence in French institutions and their attachment to France in various polls. Their declared optimism is markedly higher than those of other religious groups in France.<sup>63</sup> The paradox between the different levels of integration of French Muslims can be explained by studying their geographical and social differentiation. Nevertheless, media sensationalism and political rhetoric continue to simplify the complex realities of Muslim heterogeneity in France.

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<sup>63</sup> One of these studies conducted between 1998 and 2001 found that 21 percent of Muslims were “very optimistic” about France’s future, more than twice the number of Catholics (8 percent) and Protestants (9 percent). Laurence and Vaisse, *Integrating Islam*, 46.

For example, the media coverage of the 2005 outbreak of violence in the French suburbs<sup>64</sup> portrayed a dire picture of the problem of Islam and unchecked immigration. The 2005 riots were not religious in nature but were instead, a sober reflection of policy failures to “integrate” certain populations of immigrant origin with Muslim backgrounds. The history of France’s contradictory reception to the advent of Muslim immigrants reveals that French policies have encouraged the very differences that have become the grounds for their discrimination. French Muslims, of which nearly three-quarters have origins from the countries of the Maghreb (North Africa)—Algeria, Morocco and Tunisia—have continued to be associated with their immigrant origins.<sup>65</sup> The perception that the North African Muslim population was unable to assimilate began from the first moment they arrived on French soil. The Algerians arrived after a 1914 law was passed to allow them to emigrate to France in order to fulfill the labor shortage during the war. However the jobs and social conditions they found when they arrived in France were of the worst sort. During the 1920s, the colonial lobby and the French government officials both contributed to the climate of racism towards the migrants: the former was eager to keep cheap labor working in Algeria while the latter was worried about security in the nation’s cities.<sup>66</sup> Their response was to implement segregation at every level; in Paris, Muslims not

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<sup>64</sup> I use “*banlieue*” and suburb interchangeably. However, cultural distinctions must be noted: the French “*banlieues*” are often associated with concentrations of poor and often, minority populations and ghettos which is starkly different from the visions of middle-class stability of the American suburbs.

<sup>65</sup> As mentioned in the first chapter but worth repeating: despite being first- or second-generation French, the term “immigrants” still lingers on in public discourse when referring to the French Muslim population. There is no possibility for hyphenated identities, in contrast to the philosophy of the American melting-pot.

<sup>66</sup> Scott, *The Politics of the Veil*, 51.

only lived apart but they were provided with separate hospitals.<sup>67</sup> Tunisians and Moroccans soon joined Algerians, and all of them occupied what sociologist Pierre Bourdieu referred to as a “liminal” status, as they were neither citizen nor foreigner.<sup>68</sup>

The government’s neglect could be attributed to the lingering colonial mindset of racism, but also stemmed from the lack of coherent policies towards this immigrant population. Therefore the immigrant populations were expected to integrate through the Republican model, yet received no institutional support. Families increasingly arrived together in the 1970s, but their migration was considered temporary by the government who provided social services to children in public school, including Arabic language classes and religious instruction. During this period, the French tolerated the religious activities of foreign governments and international Muslim organizations, which managed the religious affairs of the immigrant populations. The government was also uncertain of the permanence of the Muslim minority population’s stay in France and thus, wanted to encourage their bonds to their home country. After France’s borders were closed to immigration in 1975 in an attempt to curb their growth, the Algerians began to settle in large numbers—even those who had previously considered their stay temporary. Public resentment against them grew during the economic downturn of 1977-78, as communists, trade unionists and populists accused them of displacing French workers.<sup>69</sup>

International events exacerbated their social discrimination, preventing them from the possibility of ever achieving a Republican identity. During the 1980s,

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<sup>67</sup> Ibid., 53.

<sup>68</sup> Ibid., 68.

<sup>69</sup> Ibid., 69.

external events were the most influential in shaping the French's perception of North Africans as primarily Muslim. The 1979 Iranian Revolution and the 1983 death order issued against Salman Rushdie<sup>70</sup> abruptly changed public discourse's focus on them from the problem of immigration to the problem of religion. The presence of North Africans suddenly signified that the Muslim enemy was within the boundaries of France too. The media onslaught of distorted images of Iran during the revolution heightened the sense of an impossible divide between France and its immigrants. Muslims were seen as a homogenous entity, dictating the lives of its female members, which were juxtaposed in stark contrast to the French notion of individualism and gender equality.<sup>71</sup>

The social marginalization was reinforced by institutionalized discrimination in areas such as housing, employment, educational opportunities and political representation. The marginalization of specific portions of the Muslim community was enforced by the process of "ghettoization," which occurred when "*les Français de souche*" (the native-born French people) began to abandon the housing projects as soon as they could.<sup>72</sup> Although the French government have designed these *banlieues* and schools in these areas as "high priority urban zones" (ZUP) and "high priority zones of education" (ZEP) respectively, the overall effect has led to the reinforcement of the negative image of these "territories of identities," as termed by French scholar

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<sup>70</sup> Rushdie is the author of *The Satanic Verses*, which caused great controversy in the Muslim community for spreading what they believed were blasphemous references. In mid-February 1989, Khomeini, Supreme leader of Iran issued a *fatwa* calling on all good Muslims to kill Rushdie and his publishers.

<sup>71</sup> Scott, *The Politics of the Veil*, 70.

<sup>72</sup> Their social immobility reflects their social immobility. In contrast, in Berlin, Germany, social mobility did not seem to be a reason to leave the ghetto. Riva Kastoryano, "Territories of Identities in France," in *SSRC Riots in France* (2006).

Riva Kastoryano.<sup>73</sup> She argues that these policies are couched in the language of affirmative action, which has paradoxically led to the confinement of social and cultural categories in disadvantaged areas.<sup>74</sup>

Immigrant origins are also frequently discriminated against by employers; a study by SOS Racisme, an antiracism organization, revealed that non-Europeans on average are one and a half times as likely to be unemployed on the basis of their names on the CV.<sup>75</sup> Furthermore, the trends of exclusion is perpetuated in low school attendance (roughly 31 percent high school dropout rate)<sup>76</sup> and crime rates of children of immigrants (roughly 25 percent of prison inmates have a father from North Africa).<sup>77</sup> Political discourse and the media continue the symbolic ghettoization of these neighborhoods as teenagers of the suburbs have been portrayed as “budding terrorists, rapists in the gang-rape controversies in the past ten years, and as their sisters’ oppressors” after the debates over the headscarf.<sup>78</sup> Thus, in political and social discourse and practices, it has become commonplace to conflate issues of suburbs, immigration and exclusion.<sup>79</sup>

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<sup>73</sup> Ibid.

<sup>74</sup> For example, Hubert Prévot, secretary of state for Integration wrote, “the project of the ZEP.. must emphasize concerns about foreign children and children of foreign origin.” Ibid.

<sup>75</sup> Laurence and Vaisse, *Integrating Islam*, 35.

<sup>76</sup> This is from a number of studies on immigrant youth from underprivileged neighborhoods cited in a 2004 report by the High Council on Integration. Jocelyne Cesari, "Ethnicity, Islam and les *banlieues*: Confusing the issues," in *Riots in France* (SSRC, 2005).

<sup>77</sup> This value is estimated by noted sociologist and expert on Islam, Farhad Khosrokhavar as French authorities do not report crime rates by ethnic or religious group. He also estimated that between 50 percent and 80 percent of French inmates are Muslims, which is a very high proportion from the 7 percent to 8 percent of France’s overall Muslim population. Laurence and Vaisse, *Integrating Islam*, 40.

<sup>78</sup> Ibid.

<sup>79</sup> Cesari, "Ethnicity, Islam and les *banlieues*: Confusing the issues."

## **From religion to identity**

This perpetual discrimination compounds the growth of “feelings of hopelessness and exclusion” that many Muslims, especially the young, struggle with across Europe, according to a 2006 report by the European Monitoring Center on Racism and Xenophobia.<sup>80</sup> French’s strict assimilation policies have made it very difficult for second or third-generation French Muslims in a country that does not allow hyphenated identities—they are not accepted as French by French society at large. At the same time, they do not identify with their ancestral homeland; their concerns in French society are different from those of the previous generations who fought for legal rights of citizenship and later on, for integration into mainstream French society in the civic-minded *beur* movement.<sup>81</sup> As a consequence, societal participation for many French Muslims is obstructed due to the vicious cycle of institutionalized discrimination and the high standards required for assimilation to the French republican notion of citizenship.

Socially and/or economically discriminated against, Islam becomes an avenue of participation and expression for a large portion of French Muslims who remained on the margins. Various observers have explained the appeal factor of the different variants of Islam: the fundamentalist Wahhabism strand posits the Western world as one of moral depravity, which is an appealing view to young people facing societal discrimination and rejection.<sup>82</sup> On the other hand, neo-fundamentalism presupposes a break with previous forms of religious observance—the rite, dogma and norms of

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<sup>80</sup> Reuters, "Europe's Muslims face 'Islamophobia', Study Says," *The New York Times*, 19 December 2006.

<sup>81</sup> “*Beur*” is a slang word for second-generation Arab immigrant. The *beur* movement began in 1983-4 in response to racism, discrimination and the early electoral victories of the Front National. Laurence and Vaisse, *Integrating Islam*, 89.

<sup>82</sup> See Roy (2007), Kepel (2004).

code. Through neo-fundamentalism, knowledge is immediately accessible and therefore, acquiring it seems a sort of revenge against the difficulty of mastering knowledge in school and university.<sup>83</sup> Re-Islamicization—the increased religious consciousness among younger generations is also the result of foreign imams teaching young Muslims about their culture of origin.<sup>84</sup> As a result, their search for identity often turns to an abstract and globalized Islam rather than the Islam of their parents' culture on account of proselytizing efforts that raised awareness of a new, distinctly European Islam or international Muslim causes.<sup>85</sup> Furthermore, in the wake of the explosions of September 11, 2001, the French Muslims, particularly among the younger generation, searched for ways to define Islam that could exonerate them from the crimes and massacres committed in its name.<sup>86</sup> During this period, the veil became more visible in the schools (since the first affair in 1989) and attendance soared at congress of grassroots Islamist organizations such as UOIF, as compared to those perceived to be associated with a European state such as the GMP (Grand Mosque of Paris).

Overall, the effects of re-Islamicization have led to the increase in personal identification and manifestation of religious identity among younger generations, even among those who are non-practicing and moderately observant Muslims. This reflects the emerging community identity as a whole, as revealed by several studies

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<sup>83</sup> Olivier Roy, *Secularism confronts Islam*, trans. George Holoch (New York: Columbia University Press, 2007), 74.

<sup>84</sup> Laurence and Vaisse, *Integrating Islam*, 92.

<sup>85</sup> Proselytizing occurs through various methods such as through the efforts of numerous Muslim religious leaders on speaking tours and the distribution of recorded sermons. Also, satellite dishes are a common sight in the neighborhoods of Maghrebin immigrants, which broadcast images and news from the Middle East.

<sup>86</sup> Gilles Kepel, *The War for Muslim Minds: Islam and the West*, trans. Pascale Ghazaleh (Cambridge: Harvard University Press, 2004), 270.

conducted where poll respondents have increasingly stated that they “feel Muslim” first and then French or their other identities second.<sup>87</sup> However, the assertion of religious identity is not an accurate reflection of their religiosity itself. For example, French authorities estimate that roughly 10 percent of Muslims regularly attend religious services and less than 5 percent attend a mosque each Friday.<sup>88</sup> Just before its passage in 2003, the law banning headscarves was estimated to apply to a meager amount of roughly 1,254 of 250,000 schoolgirls of Muslim origin, estimated by the Ministry of the Interior in the French government.<sup>89</sup> Thus the growth of religious identification is more of an expression of Muslim social and political solidarity rather than overt piety. This Muslim backlash is revealed in a study conducted among school students that shows the Muslim students’ growing identification with Islam as the result of being, first and foremost, defined as Muslims by non-Muslim peers.<sup>90</sup> Even the segment of the Muslim population who has achieved a higher level of integration has been affected by re-Islamicization. Their form of Islam is more attuned to European secular culture. This form of Islam is “moderate” and compatible with secular European culture, exemplified in secular organizations such as the “French Council of Lay Muslims” and the promotion of a “cool Islam.” According to French scholar Amel Boubekeur, a “cool Islam” is being led by a generation of new

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<sup>87</sup> The first study was conducted by French sociologists in several French high schools in 2001-02, and the other was conducted by the U.S. Department of State poll in 2005 that reported 34 percent of respondents felt Muslim first and then French versus 21 percent who felt French first, then Muslim. Laurence and Vaisse, *Integrating Islam*, 75.

<sup>88</sup> That is roughly the same proportion as that of French Catholics who attend mass once a week, according to a CSA poll. *Ibid.*, 76.

<sup>89</sup> *Ibid.*

<sup>90</sup> This study was conducted by Mohsen-Finan and Geisser in “L’islam à l’école” quoted in *Ibid.*, 95.

Muslim elites that promotes moderate Islamic values through business and performance, striving to make a positive contribution to their secular society.<sup>91</sup>

However, the prevailing concern of the French state is the negative consequences of the lack of integration of Muslim immigrants. Nicolas Sarkozy as then-Minister of Interior urged in 2003 for more efforts to be taken to integrate Muslims because “an identity denied is an identity that radicalizes.”<sup>92</sup> The prevalent view as observed in a terrorist article is that disenfranchised poor youth are more at risk of succumbing to a violent, confrontational version of Islam, and hence become a potential generation of terrorists.<sup>93</sup> The common characteristic often found among known terrorists is a personal identity crisis borne out of feelings of humiliation and victimhood, oftentimes experiencing a general hatred of “Western arrogance.”<sup>94</sup> Furthermore, when an identity crisis is converted to radical Islam, the rebellion is akin to an ideological and political protest against “Western oppression,” generally inspired by Salafism, the rigorous and puritanical version of Islam. This ideological religious movement is a combination of anti-Western anger and deracination from one’s own traditional or native Muslim culture, offering instead a strict communal identity that connects to a global, fundamentalist, and “pure” Islam. Nonetheless, not all Salafists are “jihadists” who challenge political authorities. In fact, the phenomenon of converted “jihadists” is marginal, numbering just a few dozen cases a

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<sup>91</sup> Amel Boubekeur from the School of Social Studies in Paris was quoted in Robert Pigott, "French Muslims promote 'cool Islam'," *BBC*, March 5 2008.

<sup>92</sup> In fact, Sarkozy’s cabinet after his election as President of the Republic reflects his philosophy of integration with diverse representatives from different “minority” backgrounds. His quote is taken from an interview in *Le Nouvel Observateur*, October 14, 2003 quoted from Laurence and Vaisse, *Integrating Islam*, 90.

<sup>93</sup> Pascale Combelles Siegel, "Radical Islam and the French Muslim Prison Population," *Terrorism Monitor* 4, no. 15 (2006).

<sup>94</sup> Laurence and Vaisse, *Integrating Islam*, 248.

year out of France's 5 million Muslims.<sup>95</sup> Nonetheless, the small percentage of terrorists and infrequent (but brutal) incidences of global terror have unfortunately served to contribute to negative stereotypes of Muslims in France.

Thus, the lack of integration of the Muslim community could be attributed to the French state's lack of a coherent policy for them. This has fuelled racism and socio-economic marginalization as the Muslim community is expected to conform to the French Republican way of life without a coherent policy to support them. This has led to a growing identity in Islam, even amongst those who have achieved a higher level of integration. Furthermore, the realities and stereotypes of French Muslims have converged to create an emerging community identity of "Muslims" in French society.

The perception of a growing Muslim community has therefore led the French state to manage them based on their religion, in order to ensure that they do not pose a threat to the national security and the values of French society. Their revised strategy to nationalize Islam will be further discussed in the next chapter.

## **Malaysia**

We saw in the historical portion of chapter one that becoming Muslim was tantamount to "becoming Malay." During the post-colonial period, this process has been reversed and the trend could be more accurately described as "a Malay in Malaysia is a Muslim."<sup>96</sup> As other components of the "Constitutional Malay," notably language and custom, are either unreliable or being eroded as distinctions, Islam is increasingly taking on the full burden of embodying the Malay identity. This section

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<sup>95</sup> Ibid., 245.

<sup>96</sup> See Korff, "Globalisation and Communal Identities in the Plural Society of Malaysia."

will illustrate that like France, re-Islamicization among segments of the Malay Muslim population was a way to seek more emancipatory discourse as they felt alienated from the processes of integration.

### **Post-colonial identity of Malay**

In the post-colonial era, the British had left behind a legacy of highly stratified inter- and intra-ethnic relations in Malaysia. This has contributed to the ways that poverty was interpreted during the period of Independence in 1957, at a time when poverty was prevalent, especially in the rural areas. Economic inequality existed within all the groups, but was exacerbated for the Malay community, which began to articulate their frustrations in ethnic terms, as they demanded their “special rights” to an increase in the share of the economic output.<sup>97</sup> The immigrant communities had settled in the urban areas, where commerce and modern industry proliferated, while the Malays remained in the rural areas. Thus, the bulk of the Malay community remained poor, while many amongst the rich were of Chinese origin, reflecting the effects of this uneven level of economic development that occurred under the British rule. The racial riots that erupted in 1969 were the result of the perceived socio-economic disparities between the Malay and Chinese communities. The perception of the “market-dominant” Chinese minorities has long been perpetuated by political rhetoric in the post-colonial era; political scientist Chua argues that the presence of successful ethnic minorities have often fuelled ethnic violence in a feudal society where ethnic identity is strong such as in Malaysia.<sup>98</sup>

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<sup>97</sup> Shanti Chakravarty and Abdul-Hakim Roslan, "Ethnic Nationalism and Income Distribution in Malaysia," *The European Journal of Development Research* 17, no. 2 (2005): 271.

<sup>98</sup> See Amy Chua, *World on Fire: How Exporting Free Market Democracy Breeds Ethnic Hatred and Global Instability* (New York: Doubleday, 2003).

The 1969 riots were the watershed in the history of UMNO as well as inter-ethnic relations in Malaysia. The internal power struggle in UMNO resulted in the replacement of Prime Minister Tunku Abdul Rahman and his Malay aristocrat faction by the Malay state capitalist faction, headed by Tun Abdul Razak. This new leadership took the opportunity to launch affirmative action policies for the Malay, enshrined as the New Economic Policy (NEP) in 1971. It intended to provide the *Bumiputeras* (sons of the soil) with the necessary competencies and resources in order to improve their socio-economic status vis-à-vis the Chinese who had previously dominated the economic spheres.<sup>99</sup> Its 30-year implementation, followed by successors under different names, has significantly shaped and solidified the Malay identity as well as affected inter-ethnic and intra-ethnic relations among the Malays and non-Malays. The impact of NEP has changed Malay identity in several aspects, but it is significant to note as well that it has given increasing legitimacy for political rulers to evoke ethnic nationalism.

Firstly, the Malay identity broadened under a new census classification, *Bumiputera* (sons of the soil) that included ethnic Malays, the indigenous ethnic groups such as the *Orang Asli* (original peoples) in Peninsular Malaysia, and the tribal peoples in Sabah and Sarawak. The Constitution and the existence of a Malay sultanate as state rulers have already reinforced the Malay claim as the dominant group, entitled to special rights. However, this new classification put to rest any opposition to the Malay myth of indigenesness, and furthermore, in 1980, gave the

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<sup>99</sup> The specific goal of NEP was to allow the Malays to gain control of 30 percent of the national wealth, with 1990 as the deadline for achieving this target. See Raymond Lee and Susan Ackerman, *Sacred Tensions: modernity and religious transformation in Malaysia* (Columbia, South Carolina: University of South Carolina Press, 1997), 35.

combined number of “indigenes” a small numerical edge (53 percent) over the “immigrants.”<sup>100</sup> However, this classification is largely carved out for the purposes of the ethnic Malay majority group. The Malay Muslim Bumiputera in particular, has more specific rights than the others who are included in the category of Bumiputera.<sup>101</sup> For example, the *Orang Asli* have remained largely economically and politically marginalized.

Furthermore, the “ethnic” distribution of privileges exacerbated tensions between the Malays and the non-Malays, polarizing society in a two-tiered citizenship with non-Malays occupying the minimal rung of citizenship in almost all aspects of society.<sup>102</sup> Racial distinction became politically and economically salient in its usage as a criterion in allocating government loans and subsidies and other scarce resources such as university scholarships, contractors’ licenses, start-up funds for businesses, and many others. As the NEP took hold and became a style of interethnic relations in Malaysian society, its ethos became so pervasive that the myth of “Malay special rights” (*hak istimewa Melayu*), and subsequently, of Malay dominance (*ketuanan Melayu*) came to be part of the justification for the social dominance of the Malays.

The NEP had also exacerbated class antagonisms within the Malay community. Despite the rise of a Malay middle class and the enrichment of a select

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<sup>100</sup> Judith Nagata, "Elusive Democracy: Appropriation of "Rights" Ideologies in Malaysian Ethnic and Religious Political Discourse," in *Democratization and Identity: Regimes and Ethnicity in East and Southeast Asia*, ed. Susan J. Henders (Lanham, MD: Lexington Books, 2004), 230.

<sup>101</sup> See Korff, "Globalisation and Communal Identities in the Plural Society of Malaysia," 276.

<sup>102</sup> For example in the field of education, current Malaysian educational policies have prioritized the success of Malays at the peril of all other ethnic groups. A growing number of non-Malays, especially Chinese who can afford to go overseas for their tertiary education. Furthermore, the government has perpetually frustrated attempts for the development of Chinese-language or Indian-language schools. The national educational policy allows for the most part streaming in the vernacular languages (Chinese, Tamil and Malay) at the primary school level only. Nagata, *The Reflowering of Malaysian Islam*, 175.

few Malays, the rest were left no better off than before in terms of material standing and access to social justice.<sup>103</sup> In fact, studies have shown that the NEP had increased inequality among the Bumiputeras more than it decreased the disparity between the Bumiputera and the Chinese, an obscure fact that is often glossed over due to the general focus on the distribution between ethnic groups.<sup>104</sup> Furthermore, in order to systematically direct allocation of privileges, an enlarged bureaucratic structure was created. Consequently, Malay ethnicity came to be defined through the presence of these government and semi-government agencies, which represented the “institutional regulators of privilege, progress and possessions” for the Malays.<sup>105</sup> In parallel with the industrialized culture, the elite implemented efforts for a “mental revolution” that could instill the appropriate work ethic in the Malay community.<sup>106</sup> These public campaigns were reinforced by a “highly Protestantized form of Islam” through a government-sponsored program to expand Islamic institutions and intensify Muslim piety.<sup>107</sup> The consequences of secular control over Islamic institutions in conjunction with the expanded bureaucratic functions of the state agencies are powerful and intimidating for both Muslim and non-Muslims alike. For the former, Muslim morality is an issue of public concern as expansive powers are given to the enforcement division in the Islamic institutions to arrest and prosecute Muslim offenders.<sup>108</sup> For the latter, the threat of Islam lies in its direct access to state power,

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<sup>103</sup> Opposition to the NEP is manifested through active and passive resistance to the Green Revolution, a key feature of the NEP, as well as increasing dislike for the central clique of the ruling political party and from the party in its entirety. Peletz, "Islam and the Cultural Politics of Legitimacy," 245.

<sup>104</sup> Chakravarty and Roslan, "Ethnic Nationalism and Income Distribution in Malaysia," 3.

<sup>105</sup> Lee and Ackerman, *Sacred Tensions*, 36.

<sup>106</sup> Ibid.

<sup>107</sup> Ibid.

<sup>108</sup> Ibid., 39.

which gives it a commanding position over other religions and characterizes the hegemonic nature of Islamic institutions.

### ***Dakwah: a religious resurgence***

The increased state control over socio-econ opportunities and over the moral lives of Malay citizens gradually led to a general dissatisfaction in the Malay community.<sup>109</sup> It is significant to note that at the height of the NEP in the mid-1970s, Malaysia witnessed the widespread resurgence of Islamic fundamentalism, popularly known as *dakwah*.<sup>110</sup> The word *dakwah* derives from Arabic, *da'wa* (call to Islam) and calls on Muslims to live more in the spirit of Islam and urge non-Muslims to convert. In Malaysia, worldwide Islamic revivalism filtered through society as disparate urban groups with diverse goals were formed, and eventually they established networks throughout the peninsula and among Malay students abroad.

The diverse demographic of *dakwah* supporters shed some light on the appeal of the *dakwah* movement. According to a Malaysian anthropologist, *dakwah* supporters were mainly “middle-level urban workers, student groups or professionals without social status or power, who are marginally involved with modern development processes and generally incapable of acquiring an important platform in decision-making concerned with the government machinery or economy.”<sup>111</sup> Through participation in the diverse range of *dakwah* groups, they are part of a revitalized Islam and Muslim community as they try to follow a more Islamic way of life

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<sup>109</sup> Ibid., 37.

<sup>110</sup> Ibid.

<sup>111</sup> Wazir Jahan Karim, *Women and Culture: Between Malay Adat and Islam* (Boulder: Westview Press, 1992), 175.

(*din*).<sup>112</sup> However, the objectives of *dakwah* organizations are in certain respects mutually incompatible with each other due to their eclectic range; the main *dakwah* organizations during the 1970s were Darul Arqam, a communal, land-based organization, striving for economic self-sufficiency and modest living in the footsteps of the Prophet, ABIM (Angkatan Belia Islam Malaysia—the Malaysian Youth Organization), which emphasizes formal education among its younger-generation adherents and participates actively in party politics and Jemaat Tabligh, a worldwide movement headquartered in India that engages in proselytizing, particularly among “lapsed” Muslims. Constituting roughly 60 to 70 percent of Malay university students, *dakwah* adherents are especially visible in university settings and easily identified by the distinctive Arab-inspired dress that many of them wear.<sup>113</sup> Nevertheless, *dakwah* adherents actually constitute a minority of urban Malays as a whole, albeit a powerful and vociferous one.

On the other hand, the majority of the remainder—the ordinary, especially rural Malays—were hostile both to various elements of the movement and to the state agents and others who endorsed them.<sup>114</sup> A point to note is that the ordinary Malays experience Islam as central to their daily lives and cultural identities and in general, are not against the primacy of Islam in Malaysia. However, the *dakwah* movement sparked off an intrusive attack on sanctified elements of their basic values and cultural identities in their Islamic fervor. In the rural areas, the Islamic resurgents—comprising both state and non-state actors—were clearing the local religion of its

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<sup>112</sup> Peletz, "Islam and the Cultural Politics of Legitimacy," 246.

<sup>113</sup> Michael G. Peletz, "'Ordinary Muslims' and Muslim Resurgents in Contemporary Malaysia," in *Islam in an Era of Nation-States*, ed. Robert W. Hefner and Patricia Horvatich (Honolulu: University of Hawaii Press, 1997), 235.

<sup>114</sup> *Ibid.*, 242.

“parochial accretions,” which ranged from banning ritual practices such as spirit cults and shamanism, to cultural cleansing of regional Malay performing arts.<sup>115</sup> Ironically, the resurgents were undermining the legitimacy of some of the very core symbols of Malayness that have long been subsumed under the rubric of *adat* (customs), and in some cases, that of Islam as well.<sup>116</sup> Furthermore, the dissatisfaction of the rural Malays exposed the glaring neglect of their actual pressing concerns of the ongoing socio-economic marginalization. This will later form one of the reasons for UMNO’s unpopularity amongst the rural, religious Malay folk that perceive its Malay leaders as urban, secular folk who have more in common with the urban population than with themselves.

By analyzing the growth of the pluralized and radicalized *dakwah* movement, we can understand the parallel sets of developments in Malaysia during that time period. The *dakwah* movement attained national-political consciousness when leaders from ABIM staged a massive street demonstration against peasant hunger and poverty. By the end of the 1970s (which also marked the end of the “independent” *dakwah* movement before government’s efforts to “mainstream” the movement), the movement had pluralized into groups with competing views that increasingly undermined the government’s authority. For example, the fundamentalist Islamic Representative Council (IRC) accused it for upholding a secular and infidel system of rule.<sup>117</sup> The ideology of sectarian Islamic groups based in the Middle East and South Asia had filtered through the members of IRC, who were Malay Muslim science

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<sup>115</sup> Ibid., 245.

<sup>116</sup> Ibid., 256.

<sup>117</sup> A.B. Shamsul, "Identity Construction, Nation Formation, and Islamic Revivalism in Malaysia," in *Islam in an Era of Nation-States*, ed. Robert W. Hefner (Honolulu: University of Hawaii Press 1997), 215.

undergraduates but more importantly, whose studies were sponsored by the Malaysian government. Thus even universalism Islam Foreign Islam revivalism was now posing a direct challenge to the specifically Malaysian Muslim stance of the government.

Thus, the *dakwah* movement revealed the effects of several shifts in Malaysian society. Firstly the aforementioned protests symbolized the growing anti-Western and anti-capitalist sentiments by the Malays in reaction to the rapid development policies of the NEP and the path of economic progress that the government was pursuing. The newfound activism of the Islamic student groups, although not representative of the entire range of the *dakwah* groups and the Muslim population, revealed the sudden discrepancy that Malays found between their traditional Malay culture and the modernization policies. Moreover, the components of the “constitutional Malay,” notably, language and custom have slowly been eroded or becoming unreliable as ethnic distinctions. This is in part due to the NEP policies; initially it was anticipated that the NEP provided an opportunity for the Malays to transcend the colonial stereotype of the lazy, backward native but unintentionally had created cultural tensions with the traditional rural Malay culture.<sup>118</sup>

Secondly, the impact of NEP has also led to the widening socio-econ disparity between the rural and the urban populations especially among the Malays. The protest of ABIM against rural poverty symbolizes the ability of *dakwah* ideology to transcend the widening urban/rural divide. Thirdly, the *dakwah* student groups’ general opposition stance against the government revealed the simultaneous shifting and hardening of tensions among the different Malay class, especially the newly

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<sup>118</sup> Lee and Ackerman, *Sacred Tensions*, 55.

emerged middle class and an entrenched ruling class. Since Independence, the role of the Sultan had declined as the secular Malay party (UMNO) replaced its role as protector of Malay interests and also emerged as the dominant power in the coalition government, National Front (BN).<sup>119</sup> The *dakwah* movement political stance is therefore a backlash as well to UMNO and its Malay-centric policies, which has increasingly intruded into the lives of its Malay citizens through moral policing.

Lastly, the fourth development in this era was the tightening of ethnic boundaries between the Malays and non-Malays due to NEP policies. This is reflected by the efforts of *dakwah* groups that largely aimed for internal conversion among Malays, reinforcing a certain “cultural assertiveness” as regards to Islam vis-à-vis non-Malays.<sup>120</sup> This occurred in the background of the homogenizing process of western scientism, technology and overall style of life that has eclipsed the subtler cultural distinctions between the Malays and non-Malays of “middle-class” status.<sup>121</sup> The question of language as a focus of Malay identity has also eroded through the national language policy whose aim is national integration.<sup>122</sup> Therefore, the *dakwah* movement has pushed Islam to centre stage as the most visible pillar of Malay identity. It is also a contradictory process of internal conversion of Malays, simultaneously reinforcing the boundaries between Malays and non-Malays yet allowing Malays to become part of the network of international religious community

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<sup>119</sup> *Barisan Nasional* (BN) is mainly composed of the three race-based parties United Malays National Organization (UMNO), Malaysian Chinese Association (MCA) and Malaysian Indian Congress (MIC).

<sup>120</sup> Peletz, "'Ordinary Muslims' and Muslim Resurgents in Contemporary Malaysia," 234, Shamsul, "Identity Construction, Nation Formation, and Islamic Revivalism in Malaysia."

<sup>121</sup> Nagata, *The Reflowering of Malaysian Islam*, 71.

<sup>122</sup> Thus, Malay (*Bahasa Malaysia*—BM) has gradually been phased in at all levels in education to replace both English, and the other vernacular languages. However, the downgrading of the importance of Malay language is further reinforced by its replacement with English in technical subjects taught at Malaysia's colleges in 1994, and subsequently, at secondary schools (high schools) in 2003.

with its universalizing experience.<sup>123</sup> At the same time, the Malay bourgeoisie are able to find a sense of belonging in a moral identity without actually resolving the contradictions between modern state capitalism and the aspects of their traditional cultural identity.<sup>124</sup>

This chapter has illustrated the uneven levels of “revival” experienced across the communities of Malay and French of Muslim origins. In the face of societal shifts and global events, the consequences of affirmative action policies in Malaysia and socio-economic exclusion in France have left segments of both communities disenchanted with the state, thus searching for other avenues of participation in society. Participation in their religion, Islam, allows the *dakwah* adherents and the discriminated French of Muslim origin to belong to another community, the *ummah*, and reformulate their identities. Their religious expression differs according to the specific Islamic strand as well as according to the social class of the members of both communities, which reveal the inherent heterogeneity of both communities.

Furthermore, there are internal class differences within both communities; the rural Malay and the inhabitants in the impoverished *banlieues* remain the most alienated from integration policies enacted by both states as minorities within their own ethnic groups; ironically, these segments of both communities are regarded as potential threats to the sovereignty of the ruling elite. The crucial rural Malay vote is not guaranteed for the urban, ‘secular’ UMNO that leads the ruling coalition, BN and these insecurities have fuelled the perpetual contestation of Islamic authority with another political party, which will be further discussed in the next chapter. On the

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<sup>123</sup> Nagata, "How to be Islamic without being an Islamic state: Contested models of development in Malaysia," 84.

<sup>124</sup> Lee and Ackerman, *Sacred Tensions*, 55.

other hand, the marginalized youth are viewed with trepidation by the French state as it is wary of an extremist Islamic influence over this population. The next chapter will show the strategies that both the French and Malaysian state adopt in order to stem these threats.

## Chapter 4: Nationalizing Islam

For the Muslims in both countries, their ethnic identity has been increasingly delegitimized in the background of global capitalist forces and external social changes. Chapter three illustrated that the appeal of *dakwah* during the 1970s in Malaysia and Islamic radicalism in modern-day France correlates to the lack of integration or the feelings of discordance felt by a small portion of the Muslim population. However, regardless of the heterogeneity of the Muslim community in cultural origin, piety and religious affiliation, policymakers have come to regard Muslims as a collectivity in their public policymaking. Therefore, despite both nation-states' distinctive differences, they both aim to promote a “moderate” form of Islam while repressing “dangerous” or “deviant” forms of Islam. This chapter will explain the policies and its consequences through the discussion of the two legal-political outcomes.

Both the headscarf affairs and the apostasy cases have occurred in the past before; however those cases did not receive the legal sanctions that had occurred in the contemporary examples. In Malaysia during the 1980s, exit orders from the Syariah court were not required in order to leave the religion of Islam. This requirement had been proposed by ABIM, one of the earliest *dakwah* groups, but was not entertained at that time.<sup>125</sup> Furthermore, before and after the 1989 expulsion of the three French Muslim girls who wore headscarves, girls had been showing up at

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<sup>125</sup> This was based on my interview with Malik Imtiaz Sarwar, a human rights lawyer and activist that was one of the organizers of protest rallies by Article 11, in order to defend the rights of Lina Joy at the time of her 2007 hearings.

schools with headscarves for years and either attended the school with their scarves or agreed to remove them during class.<sup>126</sup>

Moreover, according to a news article, the number of Malaysian Muslims renouncing Islam is only a fraction of the number of people converting to Islam: between 1994 and 1997, 519 Muslims applied to change their religion, while over 11,000 people in Malaysia converted to Islam.<sup>127</sup> Similarly, the individuals affected by the headscarf ban were not significant, as revealed in the findings by the state-appointed Debré Commission that only five percent of all French schools in the *banlieues* with a disproportionate concentration of Muslims were affected by the phenomenon of veiled students.<sup>128</sup> This chapter will illustrate that the two legal-political outcomes were influenced by the approaches taken in the institutionalization of Islam, alongside other country-specific factors.

### **Party Competition**

Both legal-political outcomes can be understood through an analysis of political party competition in both countries. In Malaysia, the government in the 1980s was increasingly concerned about challenges to its leadership of the Muslim community. On the other hand, the French government has had to balance between the extreme-right tendencies and “republican” concerns of its constituency. Thus, for the executive powers in both countries, the first challenge in their efforts to nationalize Islam was to assert their right to represent or legislate the Muslim community.

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<sup>126</sup> Bowen, *Why the French don't like headscarves: Islam, the State, and public space*, 83.

<sup>127</sup> Abdullah Saeed and Hassan Saeed, *Freedom of Religion, Apostasy, and Islam* (Burlington, VT: Ashgate, 2004), 147.

<sup>128</sup> Joppke, "State neutrality and Islamic headscarf laws in France and Germany," 324.

Although Malaysia's official religion is Islam, it is maintained by a Malay-dominated secular government, and not by an Islamic clergy.<sup>129</sup> Thus, the *dakwah* problem is very much rooted in issues of political power and authority, conceptualizing the processes of the role of Islam in the modern Malaysian state. The tensions between the *dakwah* bodies and the government have continued to fuel the Islamicization process. Both sides equally claim to represent Islam and the restoration of religious and moral values as they perpetuate a public discourse that is sheathed in religious symbolism. The pervasive ideal of the unity of the *ummah* contained in Islam is particularly attractive to politicians to invoke in their effort to mobilize mass support.<sup>130</sup> Thus the assertion of the undisputed leadership over the Muslim community is essential, which includes asserting authority over Islam itself. This tension is perpetuated in the political arena, where the major Islamic opposition party, Pan-Malaysian Islamic Party (Parti Islam Se-Malaysia—PAS) has a populist orientation and espouses many of the same *dakwah* objectives, such as the creation of an Islamic state with the Qur'an and the Sunnah as its constitution.<sup>131</sup>

However, the power struggle between PAS and UMNO was first fought along class lines. The language of their political rhetoric has gradually changed from advocating Malay rights to Islam due to the influence of the *dakwah* movement. PAS is most successful in the northern, rural states, such as Kelantan, where the non-Malay population is the smallest in the entire country. Clive Kessler points out that in the absence of non-Malays, there is less opportunity to deflect the grievances of

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<sup>129</sup> Lee and Ackerman, *Sacred Tensions*, 21.

<sup>130</sup> Gordon P. Means, *Malaysian Politics: The Second Generation* (New York: Oxford University Press, 1991), 124.

<sup>131</sup> Peletz, "'Ordinary Muslims' and Muslim Resurgents in Contemporary Malaysia," 235.

dispossessed or dissatisfied Malays on to another ethnic community, thus exposing intra-Malay inequalities more blatantly.<sup>132</sup> PAS in Kelantan and other strongholds, have taken the opportunity to appeal to the “marginalized” Malays in opposition to the more advantaged bourgeoisie, landowners, aristocracy, and royalty, most of whom are associated with UMNO.<sup>133</sup> It is significant to note that many of the PAS leaders have more in common economically and socially with their UMNO counterparts than with the average village dweller. Nevertheless, as PAS continually promotes a very Syariah-oriented vision of Muslim society and politics in its strongholds,<sup>134</sup> UMNO is prompted to “out-Islamicize” their political rival—a manifestation that has at times, the qualities of an arms race. Thus, in order to mitigate factionalism within the Muslim community, UMNO capitalizes on common cultural identities, as exemplified in the self-righteous rhetoric of Malay superiority (*ketuanan Melayu*) and Malay unity at further cost of alienating the non-Malays.

The outcome of Lina Joy’s case reveals these tensions—the discourse surrounding apostasy and apostasy laws is part of the out-Islamicization race as UMNO and PAS attempt to win votes by manipulating the debate on apostasy laws. PAS’ approach to apostasy is consistent with its vision for an Islamic state, as it calls for the implementation of *hudud* laws, which include the death penalty for apostasy.<sup>135</sup> However, PAS’ attempts to make apostasy punishable by death have previously failed, as it is unable to enact *hudud* laws without the necessary

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<sup>132</sup> Clive Kessler, *Islam and Politics in a Malay State: Kelantan 1938-1969* (Ithaca: University of Cornell Press, 1978), quoted in Nagata, *The Reflowering of Malaysian Islam*, 219.

<sup>133</sup> Ibid.

<sup>134</sup> For example, the media is constantly reporting on the newest restriction approved by PAS for the Muslims under its rule, such as recently, where separate lines for men and women have been enforced at checkout counters at supermarkets in Kelantan on pain of fines. "Religion News in Brief," *New York Times*, January 24 2008.

<sup>135</sup> Saeed and Saeed, *Freedom of Religion, Apostasy, and Islam*, 132.

amendments to the Constitution and federal laws. While the UMNO-led coalition in the federal government has refused to cooperate with PAS, UMNO's own response to PAS-sponsored *hudud* laws remains unclear and scattered. UMNO is in a dilemma because opposition to *hudud* laws could be interpreted as opposing the introduction of Islamic law, which could alienate the more religious Malays from Kelantan and Terengganu.<sup>136</sup> At the same time, some within and outside UMNO fears the repercussions of such a harsh law internationally, such as the possibility of scaring away potential foreign investors, as suggested by International Trade and Industry Minister Rafidah Aziz in March 1994.<sup>137</sup> Thus, consistent with the previous attempts to strike some middle ground, UMNO has aimed instead for a "moderate" position as it enforces relatively "lighter" apostasy laws.

In France, the headscarf law was also an outcome of competing political factors. There already existed a strong legacy of racialized discourse that has been shaped by the extreme-right political spectrum and past colonial policies towards their North African populations in particular. The National Front and its leader, Jean Marie Le-Pen was instrumental in catapulting immigration into the limelight of the national policies during the 1980s. Prior to that, immigrants had largely been a technical affair excluded from the realm of electoral competition.<sup>138</sup> Le Pen had provided a simple yet appealing racial reading and solution to the problems besetting France at that time, which were high unemployment, the process of deindustrialization and the economic downturn at the end of the miracle years. He proposed an overly simple answer: expelling immigrants or at least depriving them of

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<sup>136</sup> Ibid., 138.

<sup>137</sup> Ibid.

<sup>138</sup> Derderian, *North Africans in Contemporary France*, 10.

simple benefits. Le Pen and his extreme-right party continued to exacerbate French xenophobia by tapping into the memories of the Algerian past and harping on differences between Islam civilization and the Judeo-Christian traditions of France. Although this appealed to the native-born citizens on the margins of French society as well as the *pied-noirs* (former French colonists),<sup>139</sup> his party has consistently garnered between 10 and 15 percent of the national vote over the past two decades, making it as far as the second and final round of the presidential elections in 2002.<sup>140</sup>

Le Pen's influence soared during the headscarf affairs when it first erupted in October 1989. As the issue quickly escalated into a national debate, mainstream politicians were quickly adopting anti-immigrant positions. In the wake of Le Pen's strong showing in the 2002 elections, many politicians within the Union for a Popular Majority (UMP), then-President Jacques Chirac's political party, saw the law as a way to neutralize the radicalism of Le Pen.<sup>141</sup>

Furthermore, Bowen points out that the Left's disillusionment with politics in the 1980s had sparked off political attention to Islam.<sup>142</sup> The Left had been looking for new sources of political direction in the wake of Communism's pending collapse in 1989 and the growing trend of capitalism under Mitterand's Socialist government, among other things. When the headscarf issue escalated in 1989, they jumped to the defense of Republican ideals against the headscarf. For example, when then-Prime Minister Lionel Jospin advocated for "dialogue" and accommodation of the headscarf

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<sup>139</sup> This term is best known in reference to colonists of Algeria who returned to mainland France after the end of the Algerian War in 1962.

<sup>140</sup> However, when he ran again for president in 2007, his vote sank back to 10 percent, and he came in fourth. Derderian, *North Africans in Contemporary France*, 10.

<sup>141</sup> Bowen, *Why the French don't like headscarves: Islam, the State, and public space*, 106.

<sup>142</sup> *Ibid.*, 82.

in the interest of the schoolchild, the Republican intellectuals were quick to compare his lax approach to Islam with the infamous appeasement policy of France and Britain towards Nazi Germany in 1938.<sup>143</sup> The Republican's denunciation of Jospin's misguided toleration marked a new separation between the "liberal" version of *laïcité* in contrast to the "Republican" version.<sup>144</sup> This reveals that the idea of republican citizenship is frequently the middle option that unites most of those who vote for the moderate Left or Right, at certain key moments.<sup>145</sup> Thus, Christian Joppke argues that the 2003 headscarf ban was the outcome of the victory of the "Republican" version of *laïcité* over the "liberal" version.<sup>146</sup>

### **Developing and expanding Islamic institutions**

In such a religious and political climate, the ruling parties of both countries have had to work overtime to validate their credentials in society, which involves going forward with their own far-reaching but ultimately, comparatively moderate Islamicization programs. The development of Islamic institutions is a sign that both governments are keen to accommodate and appease the Muslims in order to retain their loyalties to the ruling government. However, both policies are also shaped by the nature of the governing power or national tradition—the authoritarian nature of Malaysian politics under Mahathir and by the adherence to *laïcité* in France.

For UMNO, the strategy to "out-Islamicize" the opposition has included the development of a research center and of Islamic education, an Islamic system of banking and finance, the building and refurbishing of prayer houses and mosques,

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<sup>143</sup> Joppke, "State neutrality and Islamic headscarf laws in France and Germany," 320.

<sup>144</sup> Ibid.

<sup>145</sup> The other key moments include the debates before the referendum on the European Constitution in 2005.

<sup>146</sup> See Joppke, "State neutrality and Islamic headscarf laws in France and Germany."

among many others.<sup>147</sup> However, in Malaysia, the potential threat to democracy is not the domination of Islam per se, but the growing encroachment of executive monopoly on ideological control. This in turn, allows the extreme Islamist groups to proliferate in the absence of a weakening apparatus of secular state control. The dilemma of the weakening secular civil courts in Malaysia exemplifies this case.

Since British colonization, efforts have been taken to upgrade the administration of Islamic courts in order to make them more compatible with secular courts. According to the Constitution, an individual is ruled under civil or statutory law, but for Malays as Muslims, they are also held under the rule of the Syariah (within the purview of the state), which is mainly confined to matters regarding family and inheritance. The secular courts have continued to handle most of the civil and criminal offenses of Muslims and non-Muslims alike. However, the politics of Islamic law, as well as of Malaysian society, is always subject to and exacerbated by the ongoing social construction of authority in Muslim societies. Under former Prime Minister Mahathir's government, a series of events culminating in a constitutional crisis have since taken away the independence of the judiciary. The Lord President of the Supreme Court, Tun Salleh Abbas was sacked in 1986 for refusing to comply with the Prime Minister's attempts to use the courts to silence his own political rivals. Since then, Mahathir has steadily increased his control of the judiciary system through appointments at the Supreme Court and of the judges. Furthermore, the

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<sup>147</sup> Various other measures are the establishment of the Southeast Asian Islamic Research Center, the introduction of Islamic religious knowledge as a subject in national education, the creation of International Islamic University, the official launching of the National *Dakwah* Month, the sponsoring of a plethora of Islamic seminars and conferences, and the passage of myriad legislative measures bearing on Islam. Peletz, "'Ordinary Muslims' and Muslim Resurgents in Contemporary Malaysia," 236.

Constitution was amended in 1988 to ensure that the secular courts “shall have no jurisdiction in respect of any matter within the jurisdiction of the Syariah courts.”<sup>148</sup>

Although the Syariah courts were still left inferior to the secular courts, the demarcation between the two courts was no longer as clear.

This accounts for the existing brittle state of civil liberties in Malaysia, manifested in the judiciary’s inability to pass decisions over politically sensitive matters that are in their constitutional jurisdiction such as apostasy and the *hudud*-Islamic criminal law, as exhibited in Lina Joy’s case. This further exacerbates the encroaching power of hard-line Islamists as secular civil courts are no longer able to legislate on these crucial “sensitive” matters, which are increasingly seen as some sort of religious litmus test for Muslim authenticity. Furthermore, the authoritarian expansion of the Malaysian executive power over the Islamic sphere sheds light on the manifold ways in which the constitutional separation of powers in Malaysia is constantly undermined and negotiated.

In France’s efforts to promote a “homegrown” Islam, the state has increased its efforts to support the development of Islamic institutions in order to reduce the foreign influences of Islamic countries. This marked a shift from its previous policies, where the first fifteen years of state-Islam relations in France from 1974 to 1989 were characterized by toleration and minimal accommodation of the immigrant populations’ religious needs.<sup>149</sup> However, the exclusive reliance on foreign representatives during this period undermined integration by allowing foreign

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<sup>148</sup> From Clause (1) in Article 121 (1A). "Malayan Constitutional Documents," (Kuala Lumpur: Government Press, 1962).

<sup>149</sup> Laurence and Vaisse, *Integrating Islam*, 137.

consular control over immigrant populations.<sup>150</sup> The authority of foreign representatives also stifled the burgeoning French Muslim federations and local associations that had emerged in the wake of the 1981 law of the “right to be different.”<sup>151</sup> These French Muslim associations often had a worrying political Islamist bent as well. Since 1989, the government has acknowledged the necessity of recognizing Islam by placing it within the framework of national church-state relations, on par with the officially represented Jewish and Christian faiths. The development of national institutions and the creation of centralized interlocutors for religious affairs was therefore pursued in order to reduce the risks of radical anti-state influences and to shape the religious person as a better citizen.<sup>152</sup>

In practical terms, this means that the state accommodates Muslims, or rather, more specifically, Muslim practitioners, by fulfilling material needs for Islamic practices in terms of mosque funding, cemeteries, *halal* slaughter, religious education, and so forth.<sup>153</sup> From the vantage point of the French state, these measures favor the transparency as well as the weakening of community ties with foreign governments and international NGOs, who previously comprised the main sponsors of Islamic religious needs in France.<sup>154</sup> Therefore, the development of Islamic institutions is achieved through a complex and vague legal pattern, following and enlarging the scope of the old political pattern by which the state promoted and controlled other religious organizations. According to French legal scholars, the law of 1905 prevents

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<sup>150</sup> Riva Kastoryano, *Negotiating Identities: States and Immigrants in France and Germany*, trans. Barbara Harshav (Princeton, NJ: Princeton University Press, 2002), 138.

<sup>151</sup> Laurence and Vaisse, *Integrating Islam*, 138.

<sup>152</sup> Jonathan Laurence, "Managing Transnational Islam: Muslims and the State in Western Europe," in *Immigration and the Transformation of Europe*, ed. Craig Parsons and T.M. Smeeding (NY and Cambridge: Cambridge University Press, 2006), 257.

<sup>153</sup> Laurence and Vaisse, *Integrating Islam*, 136.

<sup>154</sup> Laurence, "Managing Transnational Islam: Muslims and the State in Western Europe," 256.

the state from simply building and financing a mosque for a community—with the exceptions of Alsace and Lorraine that were outside of France in 1905, and several overseas territories.<sup>155</sup> Nevertheless, two options are available to circumvent the law: the state may directly fund nonreligious associations, formed according to the law of 1901, or it may take other measures to aid the religious association, formed according to the law of 1905.<sup>156</sup> Thus it is becoming increasingly commonplace for a Muslim community to create cultural associations (also known as 1901 law associations) alongside a mosque, which would receive funding for parking lots, cultural centers and annexes to Muslim prayer halls amongst other things. The second option, on the other hand, provides tax exemptions and long-term rent such as 99-year loans for symbolic sums to religious associations.

The concessions made in the arrangements points to a greater willingness by local and national governments in France for the funding of mosques. The former concept of *laïcité* has therefore, been expanded to “recognizing” religion in order to regulate and protect it from the public space.

### **A state-sponsored Islam**

Another common tactic is that both governments endorse and sponsor a “legitimate” form of Islam that serves to demarcate the extremist from “moderate” stances. In Malaysia, UMNO has established a number of competing *dakwah* institutions as well as empowered existing institutions in order to propagate its official messages of Islam and *dakwah*. This strategy aims to counteract the inculcation of the ideas of social and political change among young Malays by the

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<sup>155</sup> Bowen, *Why the French don't like headscarves: Islam, the State, and public space*, 39.

<sup>156</sup> *Ibid.*

non-governmental *dakwah* groups. For example, the government infiltrates the organizations that already have a monopoly on the “information market” by focusing their counteracting influence to the *dakwah* movement.<sup>157</sup> Due to the autonomy of the state governments from the federal governments, the Grand Mufti of the Federal District Religious council has at various times, been “pressed into service” by government interests to try to persuade the states to denounce Nasrul Haq, one of the *dakwah* movements, as well as to participate in the national *Dakwah* month.<sup>158</sup> The national-level Islamic Educational Centre since 1969 has also intensified its publishing and dissemination activities to outpace those of *dakwah*, although this strategy does not necessarily guarantee success for the government body.<sup>159</sup> The Centre also focuses on non-Malays and non-Muslims as well, propagating its programs through other languages such as Chinese and English. Furthermore, the ministry collaborates with the Centre to dispatch to all Malaysian National schools a contingent of official religious teachers (*ustaz*), who are partly responsible to counter the influence of other *dakwah* ideas through their classes and religious clubs. However, as the *dakwah* movement grew in the 1970s, the government decided to create two new institutes specifically designed to propagate the “true” Islam and its vision of society imbued with spiritual values, the Institute of *Dakwah* and Islam Training (Institut *Dakwah* dan Latehan Islam) and the *Dakwah* Foundation (Yayasan *Dakwah*). Both organizations have various functions, such as offering training

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<sup>157</sup> Nagata, *The Reflowering of Malaysian Islam*, 159.

<sup>158</sup> Ibid.

<sup>159</sup> Nagata points out that the state’s initiation of a religious programs may ironically sensitize a local population to religion sufficiently for them to become more receptive to other kinds of *dakwah*. Ibid., 160.

courses, sending out lecturers throughout the country to duplicate those of other *dakwah* groups, publishing the widely circulated Malay language journal, *Dakwah*.<sup>160</sup>

In France, the part of the strategies of state-Islam relations is to immerse the education and teachings of religious leaders in the secular precepts of French society. Moreover, the training and presence of homegrown or “moderate” imams is seen as a crucial measure to combat the growing threat of the hard-line Islamist variant in France. The government has long been concerned that the imams spread radical ideas in France that they pick up through short courses in Muslim countries such as Saudi Arabia.<sup>161</sup> This is exacerbated by the fact that three-quarters of the roughly 1,200 imams in France are not French citizens and one-third do not speak French.<sup>162</sup> Despite having little or no formal training, the functions of the imams are to lead prayers and offer spiritual and practical advice to the faithful. Thus, to combat this problem, a distinct French Islam is slowly carved out through the education of homegrown imams. This is exemplified in the unlikely recent coalition between the Paris Grand Mosque and the Catholic Institute of Paris to collaborate in a civics training experiment for imams and Muslim chaplains. The aim is to promote moderate Islam but also to help integrate foreign-born Muslim prayer leaders in France. Through this course, they will be exposed to Catholic Institute’s political science courses on democracy, human rights and the French republic, alongside theological courses by the Paris mosque.<sup>163</sup> This collaborative effort symbolizes the French policy of integration as it ensures that the message from the mosques stick by Republican

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<sup>160</sup> Ibid.

<sup>161</sup> "Mosque in Paris, Catholic university join to train imams," *Reuters*, October 4 2007.

<sup>162</sup> Ibid.

<sup>163</sup> Elizabeth Bryant, "Catholic school teaches Muslims national norms," *The Washington Times*, March 12 2008.

values and not radical Islam. Thus, as exemplified above, both nation-states are vigilant in propagating a compliant form of Islam that allows them to co-opt the authority of non state-sponsored forms of Islam.

### **Administration of Islam through national councils**

In France, the urgency of the fundamentalist Islamic threat has sparked off state's efforts towards the institutionalization of religious representation for Muslims within France. The creation of a single, national body consisting of "official" Muslim interlocutors would be able to endow and expand the legitimacy of the French state over the sphere of Islam. In Malaysia, the national religious councils are utilized to expand the power of the executive (as headed by UMNO) over the sphere of Islam in response to state/federal politics and the threat of multiple Islamist groups. A mixed strategy of cooperation and co-optation is witnessed in both countries' efforts of institutionalization of Islam.

The strategy of cooperation in Malaysia is utilized on a very superficial level, for the most part. At the early stages of the *dakwah* movement, the Institute of *Dakwah* and Islam Training attempted to encourage "unity" between all the *dakwah* groups in Malaysia by regularly inviting representatives from ABIM, Darul Arqam, and other influential *dakwah* groups to sit on grand councils (*syura*) during this period.<sup>164</sup> However, in large part, this was a symbolic gesture by the government who regularly utilizes and depends on the state and federal religious councils to propagate official messages about Islam and *dakwah*.

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<sup>164</sup> Nagata, *The Reflowering of Malaysian Islam*, 160.

On the other hand, the authoritarian executive as headed by UMNO has sought to expand its powers over the constitutional sphere of the state and the Sultans in the matters of religion. The Sultan of each Malay state was originally vested with authority over Islamic affairs, each of whom was aided by a Council for Islamic Affairs that provided advice to the ruler. Their powers originated from the colonial era, which created a decentralized system in Malaysia where the administration of Islam differed from state to state. In the early years, the established National Council for Islamic Affairs was primarily consultative and depended on persuasion and collaboration with state authorities.<sup>165</sup> However, as Islam became more of a concern to the Federal Government, it excised a new Federal Territory in 1974 under its direct administration in which to cultivate its own religious council and the Office of Islamic Affairs (*Pusat Islam*).<sup>166</sup> This newly-formed Religious Council of the Federal District was created to supplement the National Council for Religious Affairs, in order to invest the federal council with a territorial base and increase federal control over religious policies and its jurisdiction of matters that previously existed on the state level only. By doing so, this has successfully led to the erosion of the traditional powers of the sultans over Islam, which increased the power of the federal government over the states.

Through relatively less authoritarian measures, the French government also created and utilized a “national” Islamic council in order to promote its vision of Islam and rid France of all other sorts. Despite efforts to create a democratic and legitimate body that could act as an intermediary between the Muslim practitioners

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<sup>165</sup> Means, *Malaysian Politics: The Second Generation*, 125.

<sup>166</sup> Nagata, "How to be Islamic without being an Islamic state: Contested models of development in Malaysia," 67.

and the French state, the process of the formation of CFCM revealed the strongly invested and active role of French authorities in the body, effectively making it a state-sponsored body.

Since the 1980s, successive governments of both the Left and Right have tried to create a “representative body” for the Muslim religion. The latest effort has resulted in the 2003 creation of the French Council for the Muslim Religion (*Conseil Français du Culte Musulman*, CFCM) and regional councils (*Conseils Régionaux de Culte Musulman*, CRCM). The difficulties in creating the previous and current councils were the result of deep divisions amongst the Muslim practitioners, characterized by Islam’s multiplicity of authorities with cultural, national, ethnic, and Islamic differences.<sup>167</sup> In fact, the French administrators faced an array of more than 1,600 prayer space associations and dozens of elites claiming leadership roles in the Muslim community. Faced with a seemingly endless struggle for power among the various associations, ministry officials including then-Minister of Interior, Sarkozy, actively intervened in CFCM’s formation and the elections of its members. At its inception, one of the Ministry of Interior’s goals was to ensure that the two associations with the strongest control over participating mosques, both of which are “more religion-minded” groups, Union of Islamic Organizations of France (Union des Organisations Islamiques de France--UOIF) and the National Federation of Muslims of France (Fédération Nationale des Musulmans de France- FNMF) did not end up controlling the Council.<sup>168</sup> This was eventually achieved by French authorities who

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<sup>167</sup> Laurence and Vaisse, *Integrating Islam*, 99.

<sup>168</sup> The representatives of the CFCM were elected on the basis of administrative divisions, each mosque receiving a certain number of votes according to the space it occupied on the ground. This election policy inevitably favored the UOIF –the only organization with numerous local franchises

counterbalanced electoral power with slots set aside for the various types of Muslim federations.<sup>169</sup> To further counteract their power, the Ministry under Sarkozy ensured that Dalil Boubakeur, the rector of the “moderate” Great Mosque of Paris (Grande Mosquée de Paris-GMP) was appointed president of the CFCM. In fact, Sarkozy not only designated the rest of the Council’s leadership, but he did so in consultation with the governments of those countries from which the leaders had come.<sup>170</sup>

In addition, the functions of the CFCM are integral to French’s nationalization project, as its state-designated functions aim to remove the financing and influences of homeland governments and foreign donors. The purposes of CFCM are comparable to those of other religions,<sup>171</sup> as it centralizes the administration of Islamic material needs. Furthermore, the government is able to utilize CFCM to channel funds for, and carry out projects such as the direct training of imams, and the regulation of mosque funding from foreign sources, which the government cannot do itself due to the 1905 law.

Thus, both countries utilize national councils to increase their control over, as well as to centralize religious policies and non-state religious authorities under its aegis. They have demonstrably invested a lot of effort to develop and support the creation of these national councils, which were not intended to be politically-oriented. However, by co-opting the religious authorities under these national councils, both governments have also expanded their powers beyond their own jurisdiction; the Malaysian federal

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permeating the fifteen hundred Muslim prayer rooms across the country. Kepel, *The War for Muslim Minds*, 274.

<sup>169</sup> Bowen, *Why the French don't like headscarves: Islam, the State, and public space*, 56.

<sup>170</sup> The appointment of one of the state’s favorite ‘moderate’ Muslim from the Algerian-populated GMP continued the French policy since 1921 of working with the Algerian government to regulate Muslim affairs in France. *Ibid.*

<sup>171</sup> For Catholics, that body is the Bishops’ Conference of France; for Protestants it is the Protestant Federation of France; and for Jews it is the central Consistory.

government has overstepped into the sultans' traditional rule over their state's religious affairs while the French government is able to circumvent the 1905 law of secularism.

### **Co-optation and suppression of “deviants” and “religious extremists”**

Furthermore, the efforts to identify “moderate” Islam are not new. In the wake of global terrorism, Muslim-minority Western countries have been attempting to differentiate between “terrorists” and the majority “moderate” Muslims. On the other hand, in Muslim-majority countries where Islam is part of the state's apparatus, such as in Malaysia, the state has to constantly re-define its own state-sponsored Islam while denouncing all others that do not conform to its “mainstream” Islamic practices as “deviant.”

Both governments have also managed to co-opt prominent members of the Islam opposition forces; these co-opted individuals have since, helped in the propagation of the state-sponsored Islam. In Malaysia, the government's Islamicization strategy includes co-optation or if failing that, will turn to measures of repression of even the smallest manifestation of radical Islamic movements. The co-optation strategy aims to domesticate Islam but also bestows authority and legitimacy to the executive power. In France too, the co-optation of Muslim leaders into what was in effect, a state-run body, may have legitimated public policies but has inevitably neglected the remainder of the Muslim population that is not represented under the council.

The strategy of co-optation of the *dakwah* movement is best exemplified by the 1982 appointment of Anwar Ibrahim into the government under Prime Minister

Mahathir. Anwar was previously the charismatic co-founder and leader of ABIM who was once jailed for his student activism for two years under the Internal Security Act (ISA).<sup>172</sup> Anwar accepted Mahathir's invitation on the understanding that he would play a major role in the formulation of a new Islamicization policy. His appointment as Deputy Prime Minister within the Prime Minister's Department for Islamic Affairs consequently fractured a major part of the Islamist opposition and marked the beginning of the intensified campaign of the aforementioned Islamic symbols, ideals and policies in its competition with PAS and the *dakwah* movement.<sup>173</sup>

Since Mahathir's rule from 1981 to 2003, the state has observably reserved and exercised the right to define all alternative religious discourse as counter-hegemonic and subversive. There is a range of instruments that the government could use to enforce the prosecution of individuals alleged to be guilty of what is referred to as "deviationist teaching," or "unorthodox" religious beliefs such as state-level religious councils, *fatwa* committees, local Islamic courts or the draconian Internal Security Act (ISA).<sup>174</sup>

However, the Malaysian government strikes a middle-ground stance between toleration and suppression. It is cautious of politically-oriented *dakwah* groups and NGOs as well as their potential adherents and monitors their discourses and

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<sup>172</sup> Later, he assumed full and more powerful ministerial positions, eventually becoming deputy prime minister under Mahathir, which he held until he was ousted and jailed in 1998. He had been charged with corruption and dubious sodomy claims in the wake of the 1997 financial crisis. He became the symbol of "retribution" and "justice" against the ruling government and after being released from jail, was reclaimed once more by ABIM and other Islamic NGOs. See Meredith Weiss, "What Will Become of Reformasi? Ethnicity and Changing Political Norms in Malaysia," *Contemporary Southeast Asia* 21, no. 3 (1999).

<sup>173</sup> Means, *Malaysian Politics: The Second Generation*.

<sup>174</sup> Peletz compares the Internal Security Act to the U.S. Patriot Act, which has been used to quell real or imagined dissent cast in religious or other terms. It is used to charge anyone to indefinite detention without specific charges or even the pretense of a trial. Peletz, "Islam and the Cultural Politics of Legitimacy," 262.

activities.<sup>175</sup> For example, the *dakwah* group, Darul Al Arqam was eventually banned by the government because it questioned the political system, the Malay national leadership and Malaysian socioeconomic practices from an Islamic perspective, thus threatening the secularist Malay leadership, especially in UMNO.<sup>176</sup> By contrast, the government has remained benevolent to Sisters In Islam (SIS), an Islamic NGO formed in 1985 by Malay Muslim women professionals. According to Malaysian political scientist Saliha Hassan, SIS poses no threat to the government as they will likely remain exclusive and intellectual, and furthermore, boost the government's international image as a progressive, modernist and moderate Muslim country.<sup>177</sup>

Furthermore, legal and political initiatives are taken to homogenize and reinforce the orthodox, state-sponsored Malay and Islamic identity. The evisceration of many of the rituals and symbols that long constituted Malay cultural identity are justified on the basis of nationalist and transnationalist discourses emphasizing Islamic nationalism and reform.<sup>178</sup> The ordinary, especially rural, Malays perceived these measures as serious attacks on their basic values and key features of their Malay cultural identities. The media regularly reports on this suppression of "folk religion" detailing the various ritual specialists and religious scholars who are charged with possessing prohibited pamphlets and prayer mats, or misusing Qur'anic verses for the purposes of multiplying money or predicting lottery results.<sup>179</sup> Moreover, the

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<sup>175</sup> These measures include monitoring susceptible students who are overseas and transferring *dakwah*-sympathizing lecturers to more remote campuses in East Malaysia. Nagata, *The Reflowering of Malaysian Islam*.

<sup>176</sup> Saliha Hassan, *Islamic non-governmental organizations*, ed. Meredith Weiss and Saliha Hassan, *Social movements in Malaysia: from moral communities to NGOs* (New York: RoutledgeCurzon, 2003), 108.

<sup>177</sup> *Ibid.*, 109.

<sup>178</sup> Peletz, "'Ordinary Muslims' and Muslim Resurgents in Contemporary Malaysia," 238.

<sup>179</sup> *Ibid.*

introduction and spread of any other strands of Islam besides the official Sunni version is prohibited, and furthermore, all dissent cast in religious terms is stifled.<sup>180</sup> The Arab-influenced brand of religiosity in clothing is also not condoned by the government. For example, women civil servants are prohibited from wearing attire that covered their faces, such as the *purdah* (a body-length veil with an eye slit). Similarly, unorthodox religious clothing, such as the *serban* (turban) is prohibited from school grounds because it is not part of the conventional Malay Muslim attire.<sup>181</sup>

The price of cultural and religious unification of Malays also comes at a cost of marginalizing non-Malays and non-Muslims. Another common theme in the media and in national political discourse is the effort to protect Muslims and their religion from the proselytizing of Christian and other non-Muslim missionaries. State vigilance toward Christian missionaries has increased due to fears that they create multiethnic political alliances (among Chinese, Indian and other non-Malay Christians) that would be capable of challenging the political supremacy of Malays vis-à-vis non-Malay Others.<sup>182</sup> Thus, legislation has been passed to make it a criminal offense for non-Muslims to use Muslim-associated words and phrases (as perceived by authorities) such as “*assalamualaikum*” (“peace be with you”), lest it confuses local Muslims. The banning of non-Islamic religious texts is also another recurrent

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<sup>180</sup> Ibid.

<sup>181</sup> A case similar to the French headscarf affair in 1989 occurred in Malaysia; three primary schoolboys were expelled for breaching their school dress code when they wore the *serban* (turban), which they believed was religiously mandated.<sup>181</sup> The headmistress had informed the boys to wear a *songkok* (Muslim velvet hat) instead because it was an accepted aspect of Malay cultural identity. Moreover, as Sikh but not Muslim boys may wear turbans, scholars have inferred that the courts who upheld the expulsion of the school boys did not wish to promote religious manifestations that are unorthodox to the specific Malay Muslim culture. Li-Ann Thio and Jaelyn Neo, "Religious Dress in School: The Serban Controversy in Malaysia," *International and Comparative Law Quarterly* 55, no. 3 (2006).

<sup>182</sup> Peletz, "'Ordinary Muslims' and Muslim Resurgents in Contemporary Malaysia," 239.

theme in Malaysia. These measures have inevitably alienated the non-Malay religious minorities, in addition to encroaching on what individual rights of Malays that they have left.

Furthermore, a scholar attributes UMNO's motivations to increase the measures of apostasy laws to two events; their perception that non-Muslims, especially Christians, were taking a more active role in spreading their religion among Muslims, as well as the increasing numbers of government- and self-sponsored Malay students abroad coming into contact with other faiths.<sup>183</sup> Lina Joy's decision is therefore not only about the conflicting relationship between Islamic law and secular law but is also the result of the measure to safeguard a stringent ethnic formula that has perpetuated the rule of a small section of the Malay political elite.

For France, the co-optation of UOIF into CFCM was both Sarkozy's major challenge as well as his major success. Sarkozy had been criticized for his shameless strategy of garnering Muslim votes yet his success at co-opting UOIF gave him credence. The Paris Mosque (GMP) had traditionally enjoyed a special relationship with the political leadership, particularly the right, but it was not attuned to the young people in the outer cities.<sup>184</sup> By contrast, UOIF's claim to legitimacy derived from a support base influenced by populist preachers, its oppositional stances, (for example, UOIF was in defense of the wearing of the veil) and its clear ties to international Islamic movements.<sup>185</sup> In the wake of September 11, the UOIF's public, communalist agenda especially appealed to the French authorities, who were searching for Muslim negotiators in return for their community policing. The UOIF was hence chosen to

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<sup>183</sup> Saeed and Saeed, *Freedom of Religion, Apostasy, and Islam*, 146.

<sup>184</sup> Kepel, *The War for Muslim Minds*, 274.

<sup>185</sup> Bowen, *Why the French don't like headscarves: Islam, the State, and public space*, 100.

play a leading role, as it seemed more capable than the Paris Mosque of imposing social constraints at a time when law and order were critical.<sup>186</sup> Later, when the CFCM was finally established, the secretary-general of the UOIF, Fouad Alaoui was appointed to the Vice-President post in what was effectively, a state-sponsored body.

However, UOIF have since faced the dilemmas of the top-down legitimating process, where it must reconcile the conflicting demands of a support base influenced by populist preachers and the leaders' desire to follow the official French line of authority. This has negatively impacted the relevance of CFCM, as it has left out other factions that have since grown in popularity, such as the partisans and disciples of Tariq Ramadan, a popular preacher among young Muslims. In contrast to UOIF, Ramadan was able to make alliances with the far left, "working a territory" that has since been abandoned by his rivals."<sup>187</sup>

Nevertheless, the threat of Islamist recruitment efforts in this "abandoned" territory has prompted state's efforts to closely monitor and preempt future terrorist attacks. In the wake of the London bombings, France expelled its first two radical preachers and has continued to expel any others who have praised violence, called for assassinations, or otherwise expressed "hatred."<sup>188</sup> Furthermore, the French government closely monitors the radical Islamist milieu, as French police and justice officials have worked steadily to reduce terrorist attacks on national territory. One such example is the continued state funding for prison imams in an effort to curb proselytizing by imprisoned radical Islamists to petty criminals of Muslim origin. It is

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<sup>186</sup> Kepel, *The War for Muslim Minds*, 274.

<sup>187</sup> *Ibid.*, 282.

<sup>188</sup> Between fall 2003 and fall 2005, thirty-five imams have been expelled and that another dozen were in the process of being deported. Laurence and Vaisse, *Integrating Islam*, 245.

feared that the ‘radical’ form of Islam is easily spread to the Muslim prisoners, who generally share many of the same aspects of the socio-economic profile of the violent rioters from the suburbs: young, male, poor and in the prisoners’ case, cut off from all familial support.<sup>189</sup>

Nonetheless, as the much-publicized profiles of global terrorists have shown, there is no automatic link between an individual’s lack of socioeconomic interaction and subsequent involvement in terrorism. Paradoxically, it has been observed that the most “Westernized” of Muslims are more likely to become prey for recruiters of radical Islam. The few French-born terrorists are usually educated young men of Arab origin who hail from the lower middle class (although some are working-class dropouts or juvenile delinquents).<sup>190</sup> Thus, the lesson learned from previous terrorist attacks was that stopping such attacks required not just intelligence about terrorist networks but also surveillance of the range of Muslim communities. Nonetheless, the increasingly strict counterterrorism measures have raised concerns about its impact on civil liberties, especially those of the large French Muslim community. The tactics of the preventive roundups and the associated indiscriminate detention of suspects in particular, have contributed to further frustration built up in the French Muslim community over its treatment by the police and by society.

Furthermore, this has increased the automatic tendency to link religious practices to transnational influences. For example, part of the debates over the headscarf law was on the possible influences of foreign Muslim extremists over

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<sup>189</sup> The statistics gathered by French sociologist, Khosrokhavar show that the overwhelming majority of Muslim convicts are males between 20 and 30 years old and who belong to the underclass. Two-thirds of the prisoners were unemployed. From Siegel, "Radical Islam and the French Muslim Prison Population."

<sup>190</sup> Laurence and Vaisse, *Integrating Islam*, 246.

Muslim schoolgirls. Advocates for the law saw it as a way to curb these dangerous forces but would also provide a measure of protection for schoolgirls who “chose in good conscience” not to wear a headscarf.<sup>191</sup> Thus, the law can be interpreted as a largely symbolic effort to remove the Muslim population’s potential conflicting loyalties between the French Republic and their religion.

### **Consequences**

On one hand, the process of “nationalizing” Islam in both countries has enhanced both nation-states’ abilities to assert and defend their sovereignty from threats to political power (such as Malaysia’s banning of Darul Arqam) and to national security (such as France’s counterterrorism measures). This is achieved as well through their attempts to control and “mainstream” the ideological content of Islam through the propagation of “moderate” Islam and the expulsion or banning of radical, unorthodox Islamic practices. On the other hand, the executive powers of both states have encroached into the realms beyond their jurisdictions. The negative consequence of these strong, robust policies is the lack of individual autonomy as the state increasingly becomes the ultimate arbiter of faith, as exemplified in the two legal-political outcomes.

In Lina Joy’s case, the 1957 constitutional demarcation of the jurisdiction between the civil and secular courts has been undermined by the Islamicization policies and the weakened judiciary powers since the 1988 Constitutional crisis. Although Islam was enshrined as the official religion in the Constitution, the intention of its framers was to confine its public role to ceremonial purposes and public

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<sup>191</sup> Ibid., 169.

occasions as part of Malay culture.<sup>192</sup> Although this left intact the administration of Syariah law by the religious courts under the authority of the Sultans in their states, it was made clear in Article 4(1) that the Constitution is the supreme law of the federation and that any law passed subsequently, if inconsistent with the Constitution, would be void.<sup>193</sup> Furthermore the provisions include the fact that all state laws must be consistent with the federal law and where the power of the religious and secular courts conflict, the former shall be subordinate to the latter.<sup>194</sup> The jurisdiction of the Syariah courts was largely confined to matters of personal civil law such as marriage, family property, religious rituals and all other aspects pertaining to a Muslim. Thus, matters of Islamic criminal law (*hudud*), which includes apostasy, remain outside the authority of the religious courts.

Nevertheless, in Lina Joy's case, one out of the three ruling judges in the Federal Court case declared that the civil court had no jurisdiction in the case and that instead, the Syariah court should deal with the case because apostasy was under its jurisdiction.<sup>195</sup> Although Lina Joy claims that she is now a Christian and does not have to submit to the Syariah court, the weakened judiciary and the proportion of the Malays who supported the outcome of the case refuted this claim. The religious authority of Islam has since encroached into the originally secular public space of Malaysia. In parallel to this, the exclusivity of the Malay Muslim identity has

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<sup>192</sup> Matters of religious liberty were eventually covered in Articles 3 and 11 of the constitution, such as the freedom to practice other religions besides Islam.

<sup>193</sup> Nagata, "How to be Islamic without being an Islamic state: Contested models of development in Malaysia," 67.

<sup>194</sup> Ibid.

<sup>195</sup> Jalil Hamid and Syed Azman, "Malaysia's Lina Joy loses Islam conversion case," *Reuters*, (2007), [http://www.boston.com/news/world/asia/articles/2007/05/30/malaysias\\_lina\\_joy\\_loses\\_islam\\_conversion\\_case/](http://www.boston.com/news/world/asia/articles/2007/05/30/malaysias_lina_joy_loses_islam_conversion_case/).(accessed 10 April 2008).

gradually increased since British colonization, thus robbing Lina Joy from the ability to decide her own faith.

In France, the government has constantly justified its policies based on the 1905 law of *laïcité*. In the same manner, the government's decision to take away the right to choose the headscarf echoes the previously manifested logic of *laïcité*: it was acting to preserve the "public order" or the "freedom of conscience" from the influences of religion. Therefore, the headscarf law would not only curb these dangerous forces but was regarded as a measure of protection for schoolgirls who chose in good conscience not to wear a headscarf.<sup>196</sup>

Nevertheless, the law remained largely, a public statement on the macro level, for there were difficulties in its translation and implementation. The conditions of their national loyalty were up to the discretion of the school principal as the ambiguous wording of the law is subject to interpretation. The Education Ministry had restated the law on May 2004, where the prohibition applies to the signs and clothing that are "immediately recognized for a religious affiliation, such as the Islamic voile, by whatever name, the *kippa*, or a cross of excessively large size."<sup>197</sup> However, this "recognition" remained subjective and one consequence of its general wording is that turban-wearing male Sikhs were unintentionally affected by the law as well. The largest union of school principals (SNPDEN) instructed compliance to the law but left it up to individual schools to pass their own internal regulations, which legally could only be stricter than the law itself.<sup>198</sup> In addition to the lack of

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<sup>196</sup> Laurence and Vaisse, *Integrating Islam*, 169.

<sup>197</sup> Bowen, *Why the French don't like headscarves: Islam, the State, and public space*, 140.

<sup>198</sup> Some schools did pass internal rules that banned all head covering, thus taking away the need to choose among headscarves. *Ibid.*, 144.

uniformity across school, the Muslim schoolgirls were subjected to the varied voices of the local *ummah*. The members of the CFCM disagreed with each other on this issue (as it often did on others): UOIF urged the girls to test the new law while the Paris Mosque and its allies directed Muslims to follow the new law.<sup>199</sup>

Just as in the Lina Joy's case, the political and social actors involved in the debate had swallowed up the voice of the affected individual. The possibility that the headscarf could be a free outward expression of identity during a young woman's exploration of her religious commitment was not even brought up during the deliberations of the Stasi Commission.<sup>200</sup> Furthermore, this possibility was overruled amongst the Muslim community as well, as Rachel Bloul reveals in her study that women played a limited role during this debate that was dominated by Muslim men.<sup>201</sup>

This chapter has illustrated that both nation-states have high stakes in the formation of religious identities of their Muslim citizenry, and have attempted to facilitate this ideological process through the nationalization of Islam. The bureaucratization and centralization of Islam has allowed the Malaysian government greater autonomy over religious affairs, and consequently, over Malay identity, which serves as a means of obtaining economic and political power. Similarly, the French state's efforts reveal an overarching desire to formulate Republican citizens amongst their Muslim community by controlling what kind of Islam they discover. The long-

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<sup>199</sup> Ibid., 145.

<sup>200</sup> The Stasi Commission declined to evaluate specific reasons why individual French girls wore the headscarf and did not conduct any sociological surveys. It was reasoned that the headscarf wearing should be examined in terms of external factors, as the issue was its presence in the public space. Laurence and Vaisse, *Integrating Islam*, 169.

<sup>201</sup> See Rachel Bloul, *Engendering Muslim Identities: Deterritorialization and the Ethnicization Process in France*, ed. Barbara Daly Metcalf, *Making Muslim Space in North America and Europe* (Berkeley: University of California Press, 1996), 234-48.

term success of their efforts hinges on whether or not they have obtained the legitimacy to do so by both their Muslim and non-Muslim populations.

## **Conclusion: The story of two nation-states**

This thesis sheds light on some of the challenges faced by both nation-states in the integration of their multi-ethnic, and multi-religious populations. In the first two chapters, I showed that both nation-states have had a history of the co-optation of the sovereignty of religious authorities —France has banished religion to the private sphere through the 1905 law of *laïcité* while the advent of colonial powers in Malaysia has taken away all of the Sultans' ruling powers except for authority over Malay religion, language and customs. Since then, the constitutionally-defined Malay identity and the Republican citizenship have been redefined by political rulers and civil society, but the bonds of these identities have been weakened by post-colonial discourses and conditions. In Malaysia, the multi-faceted Malay identity increasingly hinges on its religious component, Islam, for definition vis-à-vis the growing population of non-Malays and non-Muslims. In France, successive governments have failed to enact a coherent, efficacious policy towards the steady growth of North African immigrants in France. Nevertheless, both governments continue to pursue their original modes of integration as the constitutionally-defined Malay identity is used to justify Malay special rights and their moral obligations to Islam, and North African immigrants are expected to assimilate to the values of Republican citizenship. This has resulted in the alienation of the Malays and the North African immigrants and their descendants to varying degrees, prompting them to turn to more emancipatory discourses available in their religion, Islam.

As Geaves argues, the challenge of these nation-states in a post-colonial world is to provide an entry into “the globalised market that restores economic parity.”<sup>202</sup> This should also be accompanied by the search for political solutions to redress the uneven balance of power shaped by the past, notably, the colonial era for both nation-states. The internal minorities are one example of the ongoing marginalization in both communities; the rural Malays and the inhabitants of the *banlieues* are not politically powerful yet they suddenly merit the attention of the ruling powers in the wake of the re-Islamicization in both communities. The appeal of political opposition, PAS, to the rural Malays, and the influence of radical Islamists to the marginalized youth largely influenced both states to co-opt these religious influences through a state-sponsored nationalization of Islam. Their “moderate” policies should be more aptly named “middle-ground” as both governments retaliate in response to political opposition and national security threats, but are still catering to their perceived constituencies and international reputation. Their attempts to institutionalize Islam can only be successful as long as they are matched by efforts to integrate their minority populations of both the Muslim community and the non-Muslim community.

The increasing Islamicization of the UMNO-led government’s policies, among other things, has gradually led to the alienation of the non-Malay constituency as well as the anger of both secular-oriented and rural Malays. The perpetuation of pro-Malay policies, rampant corruption, and socio-economic disparities are among some of the other reasons for anger towards the government. On March 8, 2008, the long-time ruling coalition, the National Front (BN) suffered unprecedented losses in

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<sup>202</sup> Geaves, *Who Defines Moderate Islam 'post'-September 11?* , 70.

the general elections,<sup>203</sup> as opposition parties appealed to the national constituency with their non-Islamic communal stance, suggesting that in the long-term, religion-based politics cannot sustain BN's political agendas. On the other hand, in France, the policy to institutionalize Islam has become a central tool of immigrant integration, and has been accompanied by efforts in the socio-economic and political arena as well. Besides the CFCM, the symbolic appointments of French people of North African origin have been made to diversify the government under Chirac's center-right coalition, a move that has also occurred in Sarkozy's current government.<sup>204</sup> In the aftermath of the 2005 riots by young French of North African origins in the *banlieues*, the government has enacted a set of "equal opportunity" measures and has tried to promote new policies aimed to address the fundamental integration problems, namely, schooling discrimination, the ghetto phenomenon, and unemployment. The effects of these policies remain to be seen but they reflect the government's increasing awareness of the magnitude of the challenge in French civil society.

### **Lessons learned**

Thus, this thesis has revealed that the institutionalization of Islam has become part of the two nation-states' core duties of maintaining stability and security, whether as a Muslim-minority or Muslim-majority country. Their nationalization of Islam reflects the realities of a globalized, post-9/11 world, as they pay attention to the transnational as well as domestic loyalties of their Muslim populations. However, the two legal-

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<sup>203</sup> Although the BN was able to return to power and form the next government they only won a simple majority without the crucial two-thirds majority in parliament while the opposition gained almost 40% of the seats in the national legislature. This was BN's worst performance in Malaysia's general elections since independence in 1957.

<sup>204</sup> A notable example is Sarkozy's appointment of Rachida Dati as his minister of Justice in 2007. She is the first woman with a non-European immigrant background and the first French of North African origin to enter a key ministerial position in the French cabinet.

political outcomes reveal the dangers of the nation-state in becoming the ultimate adjudicator of personal faith. The gradual institutionalization of Islam will increasingly lead to political authorities becoming the final arbiter of personal matters such as religion, which might lead to the infractions of individual rights. If there are inadequate modes of integrating the populations, there might be a tendency for grassroots or transnational religious resurgence, which would in turn, undermine nation-states' sovereignty and national security even further. Thus, the challenge for both Malaysia and France lies in reducing their dependence on the co-optation of ideological identities as a means of claiming sovereignty. Instead, they should move the emphasis of their policies to providing institutional and socio-economic participation for their ethnic and religious minorities as a means towards fostering national unity, solidarity, and security.





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