Women's Studies International Forum 52 (2015) 1–9

Contents lists available at ScienceDirect

Women's Studies International Forum

journal homepage: www.elsevier.com/locate/wsif

The 2009 Malaysian Female Circumcision Fatwa: State ownership of Islam and the current impasse

Mary J. Ainslie *

School of Modern Languages and Cultures, University of Nottingham Malaysia Campus, Jalan Broga, 43500 Semenyih, Selangor Darul Ehsan, Malaysia

ARTICLE INFO

Available online 15 July 2015

SYNOPSIS

In 2009, the National Council of Islamic Religious Affairs (JAKIM) in Malaysia introduced a surprising and controversial Fatwa declaring female circumcision to be obligatory (wajib) for all Muslim women. This article addresses the issuing of this Fatwa in Malaysia and the circumstances that led to such a move. It provides an overview of Female Genital Cutting (FGC) as it exists in Malaysia and Southeast Asia and indicates how officially positioning FGC as a compulsory religious practice ultimately functioned to reclaim Islam and Islamic doctrine for current ruling Malaysian political organisations at a time of potential political change. It further argues that opposition to the Fatwa within Malaysia was actually a manifestation of internal frustrations with the current regime and an attempt by liberal forces to use globally dominant and reductive constructions of FGC as a means to reject and 'other' such developments.

Introduction

In May 2009, the Malaysian Fatwa Committee of the National Council on Islamic Religious Affairs (JAKIM) (which regulates Islamic religious affairs within the country) introduced a Fatwa declaring female circumcision to be obligatory (wajib[12]) for all Muslim women in Malaysia.[3] This was the first form of official legislation on the practice in this predominantly Islamic country and such a move was highly antithetical to contemporary global attitudes and actions towards this practice worldwide, which has been the subject of a vigorous policy of zero tolerance from the World Health Organisation (WHO).[4] Subsumed under the WHO's term Female Genital Mutilation (FGM) (and often referred to by scholars as the more neutral term Female Genital Cutting — FGC — which is the term that this article will adopt),[5] the WHO affirms that this practice of cutting women's genitalia for non-medical reasons "reflects deep-rooted inequality between the sexes, and constitutes an extreme form of discrimination against women", as well as violating the rights of the child and "the rights to health, security and physical integrity of the person, the right to be free from torture and cruel, inhuman or degrading treatment, and the right to life when the procedure results in death" (World Health Organization, 2008:1). In keeping with such a definition, the term FGM has become a catch-all, gloss term that subsumes many different kinds of procedures globally and now also encompasses an "emotional force" (Newland, 2006: 395) that drives a policy of zero tolerance towards any form of such cutting.

Given this worldwide movement, the issuing of a Fatwa that declares female circumcision to be compulsory by a Malaysian government department seems very surprising and also appears to constitute a step backwards in the global fight for women's rights. Very quickly the issue became noticed internationally, immediately subjecting Malaysia to a barrage of critique. The Women News Network (WNN) website, an organisation affiliated to over five hundred UN agencies, NGOs, and other international movements, stated "We are [also] concerned about recent development in

* Corresponding author.
E-mail address: Mary.Ainslie@nottingham.edu.my.

http://dx.doi.org/10.1016/j.wsif.2015.06.015
0277-5395/

Malaysia … The Malay Minister for Health is keen to formalise and legitimise the 'medicalisation' of FGM, despite the fact that there is absolutely no benefit or necessity to do so. This ignores both UN and WHO guidelines, which recognise it as a severe form of violence and child abuse against girls.[6]" (Mohamed, 2013) The issue was also reported by ABC News in Australia, in an article which describes a 'raging debate' in the country. Non-Malaysian blogs and websites also begin to pick up the story, with one American contributor stating "Rather than re-classifying the procedure they should do some heavy duty re-education, but that will never happen because FGM is just another means of controlling women" (Malaysia Poised To Re-Classify Female Genital Mutilation As Medical Practice, 2012).

The Fatwa was also met with confusion in Malaysia. After reading about the controversy, one person tweeted "any idea what this kind of sunat entails?" (Sya Taha, 2012) As an academic specialising in cultural studies based in Malaysia and Southeast Asia for many years, the Fatwa was also a surprise to me. The aim of this article is therefore to address the issuing of the 2009 Fatwa in Malaysia and the circumstances that led to such a move. It will first provide an overview of FGC as it exists in Malaysia and Southeast Asia, highlighting the minor nature of the practice and its connection to Islamic notions of bodily purity and cleanliness. It will then indicate how positioning FGC as a compulsory religious practice ultimately functioned to reclaim Islam and Islamic doctrine for current ruling political organisations and should be situated within a recent political move to reassert traditional Malay dominance (ketuanan Melayu) at a time when this is being both promoted and questioned. It will further argue that opposition to the Fatwa within Malaysia was actually a manifestation of internal frustrations with the current regime and an attempt by liberal forces to use globally dominant constructions of FGC as a means to reject and 'other' such developments, so continuing to ignore those for whom circumcision remains an important but largely silenced part of religious and cultural identity. Methodologically the article depends upon existing wider research conducted into FGC in Southeast Asia, the small number of studies conducted upon FGC in Malaysia since the late 1990s as well as conversations with Malay women, medical practitioners, and representatives from NGOs involved in responding to the Fatwa who were kind enough to assist me with my research.

The homogenization of Female Genital Cutting

Discourses around FGC have existed long before the 21st century and there is a wealth of creative and academic texts addressing the issue from women and men whose communities practice and experience it. Bekers indicates that African women have continuously and vocally discussed the practice since the early 1960s and "manifested themselves as (re)inscribing subjects, as (re)writers of texts" (Bekers, 2010:202) throughout the last decade of the twentieth century.

The topic gained prominence after the United Nations International Conference on Population and Development (ICPD) in 1994 in Cairo, which led to the active condemnation and discouragement of the practice, subsequently referred to by the UN and WHO as the dominant term FGM. In recent years FGC has become an issue of importance within Europe (and, to a lesser extent, America), something that UK Clinician Harry Gordon attributes to the recent arrival of increased numbers of individuals from parts of Africa that practice severe forms of FGC and continue such procedures in the UK (Gordon, 2005:29).[7] Such developments have spawned campaigns that seek to highlight the practice and elevate it in terms of social significance as a means to prevent it. They reflect the genuine need for clarity and guidance by teachers, midwives, nurses, the police, and other professions coming into contact with new practices and beliefs that urgently require sensitivity and understanding.[8]

However, the wealth of scholarly analysis and research into FGC indicates that the practice is also diverse, contested, highly emotive and has been politicised to a significant extent. Despite deploying the catch-all term FGM, the official WHO definition indicates that this is actually extremely complex and can differ substantially. It is split into four broad categories which range from medically inconsequential to a life changing and life threatening procedure.[9] Likewise, scholarly research also indicates that such practices do not necessarily equate with the 'suffering' and patriarchal abuse that the term FGM suggests but are actually part of very complex structures of social organisation and the position of women within these (Boyle, 2002; Pisani, 2013; Silverman, 2004).

While academic debate may be nuanced and the definition complex, the WHO and NGO-led eradication movement has also introduced and inserted a very simplistic construction of FGC into popular discourse in wider society, all of which is part of a strategic 'emotional force' to drive "a policy of zero tolerance towards any form of cutting" (Newland, 2006:395). Reductive popular and journalistic accounts sensationalise and homogenise FGC as a practice, so erasing the understanding and analysis propagated by academics and campaigners in favour of catering for what appears to be a populist obsession with an exoticized foreign and intimate topic. Such depictions further hyperbolic, emotive, and reductive colonial-inflected depictions that construct non-white (and particularly African) people as barbaric, uneducated, impoverished, and primitive. They almost exclusively deploy the term FGM and cement its practices as wholly synonymous with mutilation, abuse, and suffering all of which is motivated by a disparaging attitude towards female genitalia and the suppression of women's sexual agency.[10] All of this must be eradicated, such texts maintain, by a strict policy of zero tolerance and corresponding prosecutions. This concentration upon notions of primitivism, lack of consent, and victimhood notably excludes agency from the women themselves as well as the global diversity that is officially recognized in the WHO's definition and other medical agencies.

Such a position is not only deeply offensive to those whose perspective is ignored but can also actually subvert efforts to eradicate damaging practices. Research argues that the definition FGM itself and the zero tolerance policies operated by organisations such as the WHO are significantly misguided and even potentially damaging to women and communities, leading to lengthy debate over the practice and the corresponding attitudes and actions that it has spawned (see, for example, Boyden, 2012). Analysis therefore suggests that while there are many genuine attempts to engage with FGC as a practice, as a