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Conversion to Islam and Ethnic Nationalism in Malaysia

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Abstract

This paper is a segment of a larger research project that focuses on the rise of ethnic Malay nationalism and supremacy in Malaysia. While the rise of ethnic Malay nationalism can be attributed to various factors, this paper specifically focuses on the Islamic conversion law in Malaysia and whether or not it has reinforced the sentiment of ethnic Malay supremacy. Malaysia is a multi-ethnic and multi-religious country which gained its independence in 1957 from the British. The Malays being the largest ethnic group have always regarded the religion of Islam as part and parcel of their identity which separates them from other ethnic groups that were brought into the country during British colonial rule. While Islam is the official religion, the Constitution allows other religions to be practiced peacefully by non-Malay Malaysians, namely the ethnic Chinese and Indians. However, the Islamic law that governs Muslim marriages in Malaysia has mandated that non-Muslims must convert to Islam should they wish to marry Muslims. In this paper, I argue that the Islamic conversion law has been used as a tool to strengthen the sentiment of ethnic Malay nationalism in Malaysia. Preliminary data were collected based on interviews with Malay Muslims who are married to non-Malays. The results have shown that majority of Malay interviewees consider conversion to Islam as imperative as required by the Islamic religion and the state law. In addition, they also see no reason why non-Malays would object to converting to Islam, as upon marriage, the children will automatically be considered Malays as per the Constitution, which also comes with status and privileges. Views of non-Malays who have converted to Islam were based on secondary interviews that have been conducted by other scholars. As being a Muslim is associated with being a Malay, many non-Malays that converted feel robbed of their sense of religious and ethnic identity and feel pressured to embrace the ethnic Malay culture. While changing the conversion law might be difficult, open interfaith dialogues in schools and in public sectors might be the first step to tackle this problem.

Keywords: Constitution of Malaysia, Conversion to Islam, Ethnic Malays, Islam, Malay Nationalism, Islamic Law in Malaysia

Introduction

The complexities and intricacies of ethnic relations and political make-up of Malaysia can be traced back to the British colonial rule in the 1800s. The three main ethnic groups in Malaysia are the Malays, Chinese and Indians. The Malays being the largest ethnic group have always considered themselves as the indigenous[1] people of the land. According to Mauzy (2006), prior to British colonial rule, the Malay Peninsula was relatively ethnically homogenous area, governed by a number of Malay Sultans/rulers and powerful feudal lords residing in well-defined territorial units. Malay language was the common language and Islam the predominant religion.

The separation or distinction between Malays and non-Malays has always been constructed on the ideas of race, religion, and culture, which is in alignment with the primordial or cultural theories that hold that ethnicity is based on fixed characteristics of individuals and communities. According to primordialists, ethnicity is embedded in inherited biological attributes, with a long history of practicing cultural differences or both (Kataria, 2018).

The British divide and rule policy which governed Malaya and other British colonies was instrumental in the construction and reconstructions on ethnic identities which became the structural foundation that influenced the relations between ethnic groups in Malaya and the present-day Malaysia. There is a consensus among sociologists who study race and ethnic relations that the terms race and ethnicity are social constructions (Aguirre, 2017). Sociological framework on internal colonialism is best suited to explain the divide and rule policy which will be covered in the historical part of this paper. Briefly, this can be seen in the construction and reconstruction of the Malay identity during the British colonial rule. Although Islam has always been a significant part of the Malay identity even prior to the British rule, this identity was enhanced further when the British had left matters of religion and tradition to the Malay Sultans/Rulers. As the Malay Sultans were the head of religion, Islam provided legitimacy for the ruler as well as the Malays. This Islamic-Malay identity was strengthened further with the arrival of Chinese and Indian immigrants brought in by the British for labor supply and to work in different economic sectors. Islam as a religion then became a very powerful tool and a marker of distinction between the Malays and other ethnic groups and also a unifying element for the Malays to fight for independence from the British[2] (Mauzy, 2006).

After Malaya[3] gained its independence from the British in 1957, Islam was enshrined as the official religion of the country in the Malaysian Federal Constitution. Although Islam is the official religion, the constitution also provides religious freedom where other religions may be practiced in peace. In principle, everyone has the right to practice, profess and propagate his or her own religion. Though in reality the situations are not always clear cut. The country recognizes two legal systems: the civil law and the Islamic/Syariah law that has jurisdiction over Muslims, particularly with regard to family matters such as divorce, marriage and issues of conversion. The Syariah law that governs Muslim marriages in Malaysia has mandated the conversion of non-Muslims to Islam for those who wish to marry Muslims. Failure to do so would result in the marriage not being legally recognized by the civil and Syariah laws in the country (Subramaniam, 2018).

[1] Other than the Malays, there are other indigenous people that belong to different tribes such as the Orang Asli which is described later in the paper.
[2] There exist different Malay factions due to the British divide and rule policy but Islam as a religion is what unifies all the Malays. Islam also unifies the Malays against the Chinese and Indian immigrants that were brought in by the British.
[3] Malaysia was formerly known as Malaya, under the British rule.

As the concept of Islam and Malays are intertwined, I argue that the Islamic conversion law indirectly has strengthened the sentiment of ethnic Malay nationalism in Malaysia which is most often referred to as Ketuanan Melayu or literally translated as Malay dominance/Malay supremacy. The conversion law has been used as a political tool by certain Malay elites and its implementation has shaped the way many non-Malays view Islam as a whole. Many non-Malays who have converted to Islam, particularly due to marrying a Muslim spouse, are also expected to embrace the Malay culture and feel robbed of their ethnic identity. The Islamic conversion law has also resulted in ethnic tensions and certainly disrupted national integration among all the ethnic groups in the country.

This paper looks at nationalism as largely to be an elite driven or constructive process. This is not to reject "primordial" characteristics proposed by cultural theorists which includes traits such as language, religion, myths, and cultural values. Rather, this paper seeks to take a middle ground where it takes into account factors such as collective origins, religion and cultural differences of ethnic groups in Malaysia but at the same time focuses on how the elites manipulate these factors and construct differences through nationalist sentiments using their ideas, policies, creation of new laws, media, and education.

Modernist theorists like Hobsbawm have shown how "traditional" practices have been modified to promote new national purposes. Due to this, when conflict arises, it generally comes from elite initiation as a result of political, economic or status competition, or rational responses to incentives, rather than from the existence of cultural differences (Mauzy, 2006). This is very much in line with the situation in Malaysia where so-called traditional practices like the absence of wearing hijab or headscarf in schools and public places in the past have been modified where hijab/headscarf is now being encouraged and is the law in some states in Malaysia. This is attributed to competition among the different factions of Malay elites in a quest for power and status.

This paper mainly draws from the ideas of institutionalist theorists like Lijphart and Horowitz that look at the interaction of cultural characteristics, religious beliefs, elite manipulation and current institutional arrangements in order to evaluate how identity, status, and power can all be reshaped and changed by elites and events. Both Lijphart and Horowitz focus on self-interested institutional powers and partisan politics which can be applied to the ethnic relations and political situation in Malaysia.

In order to highlight this, this paper is divided into several parts. The following section will provide the methodological framework that is used for this research. The second section includes a historical background of the formation and development of the Muslim-Malay identity in Malaysia. This section also includes the evolution of ethnic Malay nationalism and the origins and meaning of the term *Ketuanan Melayu* or ethnic Malay supremacy. Understanding the meaning of the term and the evolution of Malay nationalism is crucial as the term depicts the mindset of some Malay elites and how this has influenced the dynamics of ethnic relations in the country. The third section will explain the Islamic conversion law in Malaysia and the roles of the civil as well as the Syariah courts. The fourth section provides results and findings of the preliminary interviews conducted on the experiences of Malays married to non-Malays in Malaysia who converted to Islam. This section will highlight the experiences of the Malays, their views on the Islamic conversion law, and what it means to be a Malay. The second part of this section will also include perspectives of non-Malays based on secondary data. The final section analyzes the findings and concludes the paper by offering suggestions on how to resolve the ongoing ethnic and religious crises.

Methodology

In order to answer the research question on whether or not the Islamic conversion law has reinforced the sentiment of ethnic Malay supremacy[4], a mixed method approach which includes interviews and focus group survey had been adopted. Indicators of ethnic Malay supremacy can be seen in the feeling of superiority or having more power over other ethnic groups.

A total of 15 preliminary interviews were conducted in 2019 with Malay Muslims who were married to non-Malays. These interviewees comprised 5 females and 10 males between the ages of 30 and 40 years old. Another 20 more interviews that were scheduled had to be postponed due to the Covid-19 pandemic. These interviews will resume in December 2023.

During these interviews, Malay Muslim participants were asked the following questions:

1. In your opinion, what does it mean to be an ethnic Malay in the Malaysian context?
2. In your opinion, how important is it for couples to practice the same religion?
3. Do you think the religion of Islam has a higher status in Malaysia? Why?
4. How important is the Islamic conversion law for a Muslim living in Malaysia?
5. In your opinion, is the Islamic conversion law fair towards Muslims and non-Muslims living in Malaysia? Why?
6. In your opinion, do ethnic Malays have a higher status in comparison to other ethnic groups in Malaysia? If yes, in what way?

In order to get the perspectives of non-Muslims on the issue of the Islamic conversion law, this paper has relied on secondary interviews that had been conducted by other scholars. As this research is an ongoing project, primary interviews with non-Muslims and other ethnic groups in Malaysia are expected to be conducted by the end of 2023.

Historical Background and the Evolution of Ethnic Malay Nationalism

According to Mauzy (2006), nationalism in Malaysia has always been associated with the Malays. As an indigenous race, Malay nationalism has evolved due to different threats and external influences. The first threat came from the British rule, second was the influx of Chinese and Indian immigrants into the country, and years later the Islamist influence from the Iranian Revolution.

Having been brought into Malaya by the British, the ethnic Chinese and Indians have always been referred to as the "immigrant races" by the Malays (Mauzy, 2006, p. 45). With the influx of immigrants into the country, the Malays have always felt the need to emphasize the fact that they were the original people of the land and thus have authority and more rights over lands and natural resources. It did not help that the Chinese ethnic groups had accumulated wealth from the tin mining industry thus making the ethnic Chinese community well off economically in comparison to the Malays and Indians. This marked the beginning of the sentiment of ethnic Malay dominance. There was no assertion of power, authority, and dominance by the Malays during the colonial period as the British had complete control over all lands and natural resources, but the sentiment of *Ketuanan Melayu* or ethnic Malay supremacy had already existed.

The Institute for Language and Literature in Malaysia defines Ketuanan Melayu or Malay supremacy as the right to rule or control a country (negara), state (negeri), or a district (daerah) on

[4] In this paper, the term Malay supremacy and Malay dominance is used interchangeably.

the basis of the principle of sovereignty (kedaulatan). Other books have often referred to the term as "the passion for anything related to the Malay race, such as political rights, language, cultural heritage and customs, as well as homeland" (Liow, 2015, p. 1).

Its root word, tuan, in this context means "lord" or "master" (in relation to a servant) or "owner" (in relation to property). Hence, literally, Ketuanan Melayu means Malay sovereignty, or the lordship claim of "the Malay" on the "Tanah Melayu" - the land belonging to the Malays and everything in/on it. Underlying this logic is the romanticism of Malay heritage whereby the Malay Peninsula (Semenanjung Tanah Melayu) is regarded as the ancestral land of the Malays (Liow, 2015, p. 1)[5].

It is important to stress that the term *Ketuanan Melayu* does not appear in the Federal Constitution of Malaysia. It is a sentiment and belief based on an interpretation of the Constitution on the special rights of the Malays. Within the Constitution, the Chinese and Indians were given citizenships but in turn they also have to accept the Malays' special position, rights, and privileges that are outlined and protected by the constitution[6]. This was considered by many as a "social contract" between the different ethnic groups in the country (Shamsul, 1997, p. 244; Mohammad Caezar, 2020, pp. 8-10).

There have been many interpretations on the "special rights" of the Malays and many have perceived it as a form of Malay dominance or Malay supremacy. However, the constitution also guaranteed the right of citizenship and freedom of speech to all citizens (Shamsul 1997; Mohammad Caezar, 2020).

The concept of *Ketuanan Melayu* has often been used by Malay political leaders to garner support and votes from the Malay community. It has become the narrative of special birthright and ethnic supremacy when in reality the rights of all ethnic groups in Malaysia are protected by the constitution. With this interpretation, the issue of special rights and privileges became one of the central issues of contention in Malaysian interethnic relations. As this narrative continues to be echoed by Malay leaders, it has become an accepted idea by many Malays.

Malay-Muslim Identity, Ethnic Malay Nationalism, and Special Rights of the Malays

Pre-Independence from British Colonial Rule

The Malay-Muslim identity had already existed even before Malaysia gained its independence from the British. The British colonial rule had created different factions in the Malay community through the divide and rule policy (Mauzy, 2006). The first faction consisted of Malays who were administrator-aristocrat or traditional elite who had close ties with the Malay rulers and worked within the British sponsored bureaucracy (Mauzy, 2006). Majority of the traditional elite were British educated and were given privileges under the British rule. The second faction included the Malay Islamic group who were trained in Malay and religious schools in Malaya, and later in the Middle East (Mauzy, 2006). As a result, majority of them were heavily influenced by Islamic scholars and ideas from the Middle East. Even though all the different factions had studied under different educational systems and different political views, Islam became the unifying factor which was instrumental to fight for independence from the colonial rule.

[5] Malaysia is comprised of Peninsula Malaysia (Semenanjung Malaysia) & Sabah & Sarawak (East Malaysia) . Semenanjung Tanah Melayu was an old term to describe Peninsula Malaysia prior to independence from the British.

[6] The Malays being the majority ethnic group in the country strongly believed in the idea of *Ketuanan Melayu* or Malay Supremacy as they were the original people of the land/ "sons of the soil" and therefore should have more rights and privileges in comparison to other ethnic groups in the country that were brought in during the British rule.

These different Malay factions emerged from different educational backgrounds. They established two Malay political parties: United Malay National Organization (UMNO)[7] and Malaysian Islamic Party (PAS)[8]. United Malay National Organization comprised mainly the Malay political/traditional elites who had close ties with the Malay rulers and were mostly British educated. Malaysian Islamic Party on the other hand comprised Malay conservative Muslims who were educated in Malay and Islamic schools and had later pursued their studies in the Middle East. The founding ideology for Malaysian Islamic Party was Malay conservatism with a strong Islamic identity. In addition to being a gathering of Malay conservatives, the founding ideas of Malaysian Islamic Party also revolved around Malay nationalism and Malay unity, similar to United Malay National Organization's founding principles (Jan, 2018).

Laying out the proposal for nation building after independence, these two major factions had agreed that the Malay language should be the sole medium of official communication and education (Shamsul, 1997; Mohammad Caezar, 2020). They, however, disagreed in other areas. The administrator-aristocrat or the traditional elite emphasized the symbolic importance of royalty as custodian of Malay culture and the religion of Islam. The Malay left faction recognized the importance of Islam as a religion but not royalty, and the Islamic faction felt that the ultimate form of a Malay nation should be Islamic (Shamsul, 1997; Mohammad Caezar, 2020).

Islamic-Malay/Malay Muslim identity was strengthened further in 1946 when the British decided to implement a new and strikingly altered political system in Malaya called the Malayan Union. The Malayan Union outlined and called for liberal citizenship terms for the non-Malays, the end of Malay "special rights,"[9] and the elimination of the powers and status of the rulers (Mauzy, 2006, p. 49). The Malays reacted with bitterness and anger which incited the rise of nationalist movements.

The struggle to defeat the Malayan Union brought all the different factions of Malays together against the British. This marked the beginning or the birth of Malay nationalism. The Malay traditional elites believed that a political system that offered a common citizenship and equal political rights for all would destroy the Malays and unjustly strip them of their inherent rights as the historical community (Mauzy, 2006). The Malay congress held in 1946, to ward off the prospect of "racial extinction," pushed United Malay National Organization into becoming the primary organization and later a political party for protecting and promoting Malay interests. The English-speaking traditional elites, formerly supportive of British rule, now led the struggle against the Malayan Union (Mauzy, 2006).

At the same time, United Malay National Organization which consisted of the Malay elites was getting worried that it was losing support from conservative Malay-Muslims and it saw the need to reposition itself as a defender of Islam. Thus, United Malay National Organization sponsored the first Ulama Congress[10] (Perjumpaan Alim Ulama Tanah Melayu) on February 20-22, 1950, and the second one on August 23, 1951. The purpose was to bring together conservative Muslim scholars to discuss steps that they needed to take in moving towards independence. When the Ulama Congress was held for the third time on November 24, 1951, the delegates agreed to the formation of the Persatuan Islam Se-Malaya (Pan-Malayan Islamic organization) or PAS which later became a political party representing the Malay Islamic faction (Jan, 2018). The creation of

[7] United Malays National Organisation (UMNO)
[8] Malaysian Islamic Party (PAS)
[9] The Malays being the majority ethnic group in the country strongly believed in the idea of *Ketuanan Melayu* or Malay Supremacy as they were the original people of the land/ "sons of the soil" and therefore should have more rights and privileges in comparison to other ethnic groups in the country.
[10] They belonged to the Malay Islamic factions mentioned earlier.

PAS strengthened and formalized all the ideas and visions of the local Islamic movements or the Malay Islamic faction in Malaya.

The Malayan Union sparked a strong sense of nationalism among the Malays where they strived to define who belonged to the nation in order to set boundaries. Moving towards independence, it was crucial to define who was considered Malay to ensure the preservation of Malay special rights. Thus, the issue of "who was a Malay" was worked out on the basis of culture, religion, and language. As many Malays have ancestry derived from other groups—Thais, Burmese, Bugis, Acehnese, Minangkabau[11], as well as Chinese and Indian, the religion of Islam was crucial and was a stronger distinguishing marker that separates the Malays from other ethnic groups namely the Chinese and Indians who were brought into Malaya by the British (Mauzy, 2006).

Independence from British Rule

The Malay-Muslim identity was further reinforced when the Malay ethnic group and Islam were institutionalized in the Constitution. The Constitution of Malaysia defines a Malay as a Malaysian citizen, who professes the religion of Islam, habitually speaks the Malay language, adheres to Malay customs, born in Malaysia and where one or both parents belong to the Malay ethnic group (Federal Constitution of Malaysia). The emphasis here is very much on the religion of Islam and the Malay culture and customs.

The Malay ethnic group is also often referred to as the Bumiputeras which literally means sons of the soil, or in other words, the original people of the land. As bumiputeras, the Malays are afforded certain privileges under the New Economic Policy (NEP). The initial aim of the New Economic Policy was to eradicate poverty irrespective of ethnic groups. However, as the economic condition of the Malays were much lower, in comparison to other ethnic groups, they were provided with more benefits through the New Economic Policy.

This 'restructuring' of the economy has come to be associated with "positive discrimination" or "affirmative action" on behalf of the Malays in particular (Jomo, 2009, p. 182). Such state interventions have resulted in significantly greater Malay wealth ownership, business participation, education opportunities, public sector employment and promotion, as well as representation among professionals and managers/administrators (Jomo, 2009).

While the New Economic Policy had significantly improved the economic conditions of the Malays in general, there were other negative ramifications, as the policies were implemented hand in hand with the Islamization policies introduced by the government. In the 1980s, the government introduced various policies and measures with the declared intention to "inculcate Islamic values in the administration of the government" and to "Islamize" the state institutions (Ting, 2009, p. 39). Islamization in Malaysia originated from external and internal forces. Internally, it can be attributed to the Muslim-Malay identity and the idea of *Ketuanan Melayu.* As the idea of being a Muslim is associated with being a Malay continues to develop, so does the idea of *Ketuanan Melayu*. These ideas were continuously echoed by Malay politicians and Malay political party that were holding majority positions within the government.

The mainstreaming of the idea of Islamization of state institutions as a matter of policy had legitimized personal initiatives of government officials who wanted to affirm a dominant role of Islam in the conduct of public affairs. This influenced the way of thinking of many civil servants

[11] During this time, Bugis, Southern Thais, Minangkabau, Acehnese, and Burmese were predominantly Muslims particularly those that came to live in Malaya at the time.

in the government where the concept of *Ketuanan Islam*[12] now grew in parallel with the idea of *Ketuanan Melayu* that first had its foundation before independence.

This new way of thinking created a renewal of the *Ketuanan Melayu* with a new combination of *Ketuanan Islam*, where the Malays feel a sense of superiority in comparison to other ethnic groups in the country. This was made even more serious with the Islamic religion conversion law that requires non-Muslims to convert to Islam in order to marry a Muslim.

Religion and Conversion Law in Malaysia

The topic of Islamic conversion in Malaysia have often raised controversies and sparked criticism in public discourse and academic debate. This is mainly due to the fact that Islamic conversion is often seen as a sensitive issue as it is always intertwined with ethnic identity and politics in the country (Moustafa, 2018).

The Federal Constitution provides for a dual system of civil and religious or Syariah courts. Civil courts exercise general jurisdiction over all civil and criminal matters as well as non-Islamic customary laws where applicable. Syariah courts are state courts created by statute and apply Syariah law to Muslims only with respect to a limited range of matters relating to marriage, inheritance, and other personal laws (Ling, 2006). This dual system was further entrenched by the adoption of Article 121(1A), Federal Constitution in 1988, which reads: "The [High Courts] shall have no jurisdiction in respect of any matter within the jurisdiction of the Syariah Courts"[13]. Over the years, the two separate laws have come under criticisms due to the confusions and overlapping of the two systems particularly when it comes to the issues of marriage and conversion to Islam.

For example, a non-Muslim who was first married under civil law, then later decides to convert to Islam, has two choices: either to invite his or her spouse to convert to Islam as well, so as to enable the continuation of their civil marriage, or to dissolve the marriage if his or her spouse refuses to convert to Islam within three months from the date of the individual's conversion (Samuri & Khan, 2020). The reason for this is that Malaysian law does not recognize interfaith marriage, especially between a Muslim and a non-Muslim.

Islamic law in Malaysia succinctly provides for the legal rules pertaining to the marriage of Muslims and prohibits any marriage between a Muslim and a practitioner of another religion (Samuri & Khan, 2020). Therefore, when an individual converts to Islam and the partner is a Christian, Buddhist, Hindu, or belonging to any other religions, and refuses to convert to Islam, the marriage must be dissolved because the status of the religion is not recognized by Islamic law in Malaysia.

The above-mentioned case is just one of the many examples of the legal complexities and problems that has arisen due to the Islamic conversion law. Other implications can also be seen from the political and social aspects, particularly in terms of ethnic nationalism and interethnic relations in Malaysia. The next section aims to elucidate how the Islamic conversion law has contributed to the strengthening of the *Ketuanan Melayu*.

Findings: How Do Malays Perceive the Conversion Law in Malaysia?

[12] Ketuanan Islam refers to Islamic dominance or Islam having a higher status in the country in comparison to other religions. This is of course an interpretation by many Malays since to be a Malay is also to be a Muslim.

[13] Federal Constitution (Amendment) Act 1988, Akta A 704; *see also* A. Ibrahim, 'Amendments to Article 121 of the Federal Constitution: Its Effect on the Administration of Islamic Law', 2 *Malayan Law Journal* (1989) xvii.

Interviews with Malay Muslims that are married to non-Malays have shown the following results. When asked what it means to be a Malay in Malaysia, the immediate answer from all the participants was being a Muslim. In other words, to be a Malay is to be a Muslim. The two concepts are inseparable according to 3 male participants. Whether one is a practicing Muslim or not is another matter (Participants 3 & 4, personal communication, 2019, January 6). When asked to describe themselves in the order of whether they consider themselves Malaysian first or Malay first or Muslim first, all 10 participants replied that they were Malays.

The interviewees also feel strongly about the conversion law and that couples in Malaysia should practice the same religion particularly if one spouse is a Muslim. According to all the 5 Malay female participants, it is vital for the male spouse to convert to Islam if he is not a Muslim as the religion requires it. In the religion of Islam, the husband has a specific role as the head or leader of the household to provide for his family not just in terms of material things but to lead in spiritual and religious matters (Participants 6, 7 & 8, personal communication, 2019, January 10). So, it does not matter whether it is the law of the state or not, the religion requires it (Participants 6, 7 & 8, personal communication, 2019, January 10). The fact that it is the law in Malaysia only makes it easier and clearer for both Muslims and non-Muslims (Participants 6, 7 & 8, personal communication, 2019, January 10). Easier in the sense where there should not be any dispute on the status of the children from the marriage and whether they should be raised as a Muslim or not.

For the male interviewees, the conversion law is important as it is the state's law. Two interviewees said that it is important for a non-Muslim to be converted to Islam if he or she wants to marry a Muslim, otherwise the marriage will not be recognized under the law and the children will be considered illegitimate and this will have huge implications on them later on especially when they attend school. "We do not want our children to be humiliated or bullied at school so it is important to go through the conversion process" (Participants 1 & 2, personal communication, 2019, January 6).

As to whether the conversion law is fair or not towards non-Muslims, there were mixed responses among the interviewees. For some of the male Malay Muslims, they have stated that according to the religion of Islam, there is no coercion in Islam. Conversion is only necessary for non-Muslim men that wish to marry Muslim women. For a Muslim man, as long as the non-Muslim woman belongs to the "people of the book[14]" marriage is permissible (Participants 3 & 4, personal communication, 2019, January 6). But the law in Malaysia does not allow this. So, in some respects, it can be seen as unfair to the non-Muslims. However, some male interviewees do not fail to see why non-Muslims would object to conversion as conversion would mean that upon marriage, the children will automatically be considered Malays as per the Constitution which comes with special rights and privileges.

When asked whether Islam has a higher status in Malaysia in comparison to other religions, some participants replied that Islam is not higher but has a "special status" as the Ruler/Sultan is also the head of the Islamic religion in the country which is enshrined in the constitution. All participants agreed that all religion teaches people to be good and therefore ought to be respected. Islam also has a special status as the majority of Muslims in the country are Malays.

The responses to the question on whether the Malays have a higher status compared to other ethnic groups in the country are divided but do indicate some level of ethnic superiority. Some interviewees stated that historically, the Malays were the original people of the land and therefore have more rights in comparison to other ethnic groups in the country. This is also

[14] People that belong to the religion of Christianity, Judaism and Islam are referred to as the people of the book.

institutionalized in the Constitution. Some other interviewees have a different view. They feel that "the special rights of the Malays" in the Constitution does not imply that the Malays have a higher status but rather to ensure that the Malays are protected due to the sharp economic and political division created during the British rule. In other words, the term was put in place so that the Malays do not "lose out" since majority of Malays were in poverty and lived in the rural areas at the time of independence from the British (Participants 1, 2, 3 & 4, personal communication, 2019, January 6). Based on the interviews, the Malay interviewees do not see themselves as superior to other ethnic groups but differ in their interpretations of the term "Malay special rights" in the Constitution.

Findings: Perspectives of Non-Malays on the Conversion Law

Based on cases cited by other authors, this section provides the feelings and sentiments of non-Malays on the issue of conversion law and ethnic Malay dominance. This section also highlights how the Islamic Conversion law in Malaysia and its implementation by religious officers as well as the Syariah courts have reinforced the ethnic Malay nationalism or *Ketuanan Melayu* in Malaysia.

Conversion to Islam and the Orang Asli Community

Politically, there have been many cases where conversion to Islam has been used as a tool by certain parties that want dominance. Such cases can be seen where the "Orang Asli"[15] or the Aboriginal People in Malaysia have been tricked or forced to convert to Islam due to the status and benefits that come with being a Malay.

The Islamization policies by the ruling government in the 1980s also included assimilation of the Orang Asli into the Malay community through the process of conversion to Islam. The Orang Asli that agreed to be converted were offered various kinds of governmental assistance. For the policymakers and Malay-Muslim politicians, conversion of these Orang Asli would mean more Malay political votes from them, as their children would later be considered as Malays in accordance with the Federal Constitution of Malaysia. The ruling government at the time, practiced what they referred to as a positive discrimination policy where the non-Muslim Orang Asli did not get as much governmental assistance in comparison to the Muslim Orang Asli, or, even if they could, they would have a lower priority than the Muslim Orang Asli. Many religious departments across Malaysia had set aside funds for Orang Asli children. This monetary assistance was to be given only to those Orang Asli children who had recently been converted to Islam (Nicholas 2000). This political and religious situation showed that Islamization of the Orang Asli was closely connected with development and material benefits. This clearly shows how the Islamic conversion law in Malaysia has been used to strengthen the number of ethnic Malays in the country which would inevitably result in *Ketuanan Melayu.*

Even though the Malaysian government provide assistance for Orang Asli children in terms of primary education, majority of these children faced economic difficulties pursuing their studies at the tertiary level as there is no government scholarships available unless they are Muslims. If they are not Muslim, they are sometimes persuaded to convert to Islam by the government officials from the Orang Asli state department in order to obtain a scholarship. Therefore, most Orang Asli students with the ability to enter university gave up the idea for economic reasons, while others

[15] The Orang Asli or the Aboriginal People in Malaysia also belongs to the bumiputera category but do not have the same privileges as the ethnic Malays.

decide to convert to Islam in order to obtain a scholarship. In future, the Muslim Orang Asli students will become the elite of the Orang Asli society[16] (Nobuta, 2007).

The employees at the Orang Asli state department also consist of many of the so-called elite Orang Asli. Nobuta's research and fieldwork had revealed that the elite Orang Asli were implicitly and explicitly persuaded to convert to Islam in order to obtain promotion. Those who refused to be converted had to abandon the idea of promotion (Nobuta, 2007).

Orang Asli in the village that have converted to Islam have been given many benefits from the government. For instance, one man who had recently converted to Islam was given a house through a governmental development project. After conversion to Islam, each convert was given financial aid of RM 150 every month. RM 150 was enough to live in a village for a month (Nobuta, 2007). In other cases, Islamic converts were given televisions in order to watch Islamic worship programs. In certain places in Malaysia, Islamic converts were given motorbikes to go to the mosque of a neighboring Malay village (Dentan et al., 1997).

The conversion law has been misused by both the Malay politicians in the government and the Orang Asli people solely for material benefits. Malay politicians in the ruling government use the banner of *Ketuanan Melayu* to continue to spread influence and to stay in power by getting more Malay votes from the Orang Asli. The Orang Asli on the other hand convert to Islam solely to gain the benefits and privileges that come with being a Muslim and a Malay. Most are mostly Muslim in name only as they are non-practicing Muslims. For example, they often ate the meat of wild animals, such as monkey, squirrel, and pig, which are strictly forbidden in Islam (Nobuta, 2007). Likewise, they do not observe religious obligations of a Muslim such as daily prayers and fasting during the Muslim months of Ramadan. Some of them also have been seen to spend financial aid money on alcohol. Some Islamic converts, who could not endure the strict religious obligations, have sought to leave Islam, however, apostasy is strictly prohibited according to the Syariah laws in Malaysia (Nobuta, 2007).

Certain officials from the Islamic religious departments in Malaysia have revealed that most of them feel obligated to spread the religion of Islam to the Orang Asli community. One official stated: "It is our duty as Muslims to guide the Orang Asli people to the right path (which is the Islamic path)" (Nobuta, 2007, p. 490). Many also believe that the Islamic path is the only correct path to live one's life despite living in a multi-ethnic, multi-religious country.

Conversion to Islam Among the Chinese and Indian Ethnic Groups in Malaysia

The Islamic Conversion law in Malaysia has threatened the delicate balance of accommodation between ethnic communities and national unity. Non-Muslims are concerned about these movements towards Islamic supremacy which threaten their rights as well as their culture. Malay nationalism and religious supremacy therefore pose serious difficulties to long-term unity and integration in Malaysia, as non-Muslims/non-Malays fear their civil rights as citizens are increasingly eroded (Ling, 2007).

As mentioned at the beginning of this paper, non-Muslims in Malaysia are required to convert to Islam if they wish to marry Muslims. This law has posed various difficulties for both Muslims and non-Muslims in Malaysia. Even though Malaysia is not an Islamic state, and the constitution has allowed religious freedom, in reality, this does not seem to be the case. Muslims, namely the Malays are not allowed to leave Islam or convert to other religions. The same goes to the non-Muslims that have converted to Islam. There have been many cases where non-Muslims

[16] Nobuta refers to the elite Orang Asli as the Orang Asli individuals that had received formal education through the government school system and most importantly those who had also been Islamized and converted to Islam.

convert to marry a Muslim and later divorced but were not allowed to go back to their original religion. In recent years, there have been many applications by Muslim converts to revert to their original religions but were rejected by the Syariah court. In most cases the court would order that the applicants be placed under religious counselling (Ling, 2007).

These restrictions on Muslim renunciation of faith appear to run contrary to the Article 11 of the Federal Constitution which guarantees religious freedom. Unfortunately, there has been judicial bias particularly when it comes to the interpretation of freedom of religion and conversion. Malaysian courts have held that Article 11 does not extend to freedom to convert out of Islam (Ling, 2007). According to a judge, the court justified the court's refusal to allow conversion out of Islam on the basis that Islam, being the religion of the Federation, must be given special status (Ling, 2007). Lina Joy's request that her status of religion on her national identity card should be changed after renouncing her Islamic faith was denied by the court. The High Court Judge that presided over her case held that by virtue of Article 160 of the constitution, "the plaintiff is a Malay and therefore as long as she is a Malay by that definition, she cannot renounce her Islamic religion at all. As a Malay, the plaintiff remains in the Islamic faith until her dying days" (Ling, 2007, p. 112).

The cases above have clearly shown how the conversion law reinforces ethnic Malay nationalism through its implementation. Due to the law, many have interpreted that Islam has a special and higher status in comparison to other religions in the country. As Islam and Malay are interwoven in Malaysia, this would also mean that the Malays are entitled to privileges even when it comes to the issue of inheritance. For example, the Syariah law in Malaysia has clearly stated that a non-Muslim has no right to inherit any properties left by a Muslim.

Therefore, if the husband is a Muslim whereas the wife is a Buddhist or Hindu or belonging to any other religions other than Islam, then the wife has no right to receive inheritance from the husband. The same law applies when a husband who was formerly a non-Muslim, but later converted to Islam and soon after became deceased. The wife, children and relatives have no part in the inheritance unless they also became Muslims. The non-Muslim heirs cannot be the beneficiaries of the inheritance even if he amassed the fortune prior to becoming a Muslim (Hassan et al., 2014). In another scenario whereby a Muslim is an heir to a non-Muslim, he or she still cannot inherit from a deceased non-Muslim. This is in line with the prohibition of inheritance between people of different beliefs.

In addition, the Syariah law in Malaysia has also stated that an apostate cannot inherit properties from any Muslims because a condition for allowing inheritance is that the heir must be a Muslim whereas in apostasy the beneficiary has become a disbeliever (Hassan et al., 2014). Therefore, if the deceased was a Muslim while the heir is an apostate, the heir is forbidden from receiving the deceased's property. The same goes for the case in which the deceased was a non-Muslim and the heir was an apostate during his or her lifetime. The apostate's heir is not entitled to any portion of the inheritance (Hassan et al., 2014).

The above scenario has not only caused inter-ethnic tensions among Malay Muslims and other ethnic groups in Malaysia, but it has caused family rifts within other ethnic communities where one or more family members have converted to Islam. The Chinese and Indians that have converted to Islam, for example, often feel that the law is unfair to their children, spouses and parents who are non-Muslims. Because Islam is also associated with being a Malay, other ethnic groups now feel that Malay-Muslims have taken away their rights to receive inheritance and everything that is due to them. This has created a very negative image towards the religion of Islam.

Conversion to Islam in Malaysia also brings about a change of identity. '*Masuk Melayu'* is a term that refers to this change of identity. The term *'Masuk Melayu'* literally means 'becoming Malay'. King (1989) specifically argued that "in the island world[17], religious conversion to Islam has usually resulted in former non-Muslims not only becoming Muslim but also over time ultimately changing their ethnic identities to become Malay" (p. 239).

But the above scenario can be very challenging for the new converts and their families. Some families may feel that they have lost their sons or daughters when they marry into a Malay-Muslim family. According to Rosey Ma, Chinese converts generally struggle to be accepted both by the Malay Muslim community and by their own Chinese community. Many members of the ethnic Chinese and Indian communities see conversion to Islam as an ethnic issue that pressures the convert to embrace Malay culture over Chinese or Indian cultural heritage. Moreover, converting to Islam is "often described as an act of becoming Malay or, as described earlier, Masuk Melayu" (Paoliello, 2019, p. 475). This has created an identity crisis for many of the newly converts. Many from the ethnic Chinese community has confessed that embracing *Malayness* has placed Chinese converts in a blurred territory between the predominantly Malay Muslim community and the mainly non-Muslim Chinese community. They are Muslims but not Malay, Chinese yet Muslims, although not by birth (Paoliello, 2019). These new converts are also called Mualaf by the Malays which literally means new converts, emphasizing that they are Muslims through conversion and not by birth like the Malays. This has made it difficult for some Chinese and Indians to feel a sense of belonging to the Muslim community in Malaysia (Abdullah & Shukri, 2018).

It was a common practice for new converts to change their names to Muslim names even before 1999. Many in the ethnic Chinese and Indian communities see the act of changing names as a way for the new converts to relinquish ties with their community and heritage (Zhong, 2015). As a result, many new converts sometimes decide not to inform their families about their conversion to Islam to avoid any friction within the family.

However, this has created other problems such as 'body snatching'. This occurs when Islamic authorities would suddenly appear at the mortuary or the funeral home to take a body away for an Islamic burial, claiming that the deceased had converted to Islam (Chin, 2019). Often this is the first instance where family members find out that the deceased had converted secretly (Chin, 2019). In some cases, the deceased never actually practiced Islam and had often converted for a practical reason (i.e., to get married to a Muslim or to fit into an organization). Others left Islam when their marriage broke down and secretly reverted to their original faith (Chin, 2019).

In one such case in 2005, Maniam Moorthy, an ethnic Indian who was the first Malaysian to scale Mount Everest, was alleged to have secretly converted to Islam while serving in the armed forces and took the name of Mohammad Abdullah. When he died, the Islamic authorities insisted on an Islamic burial despite declarations from his wife, and supported by other evidence, that he continued to take part in Hindu festivals, ate pork and drank alcohol. The family then went to the High Court but lost their case when the High Court ruled that the Federal Territory Islamic Religious Council had obtained a ruling from the Syariah High Court that Moorthy was a Muslim and that was it. The anger was compounded when death benefits were given to Moorthy's brother, also a Muslim convert, rather than his family because they were not Muslim and death benefits cannot be awarded to non-Muslims (Chin, 2019).

[17] The island world here refers to parts of Southeast Asia such as Malaysia, Indonesia, Brunei, Singapore and Southern Phlippines where there are many Malays that are Muslims.

The 'body snatching' practice not only divides Malaysian multi-ethnic and multi-religious society, but the act itself is complete evidence of how the conversion law has contributed to the strengthening of *Ketuanan Melayu* as well as *Ketuanan Islam.*

There have also been many cases where non-Muslims have misused the Islamic conversion law to gain full custody over children during divorce battles. For example, the husband may convert to Islam and then secretly convert the children as well in order to win custody battle. The most famous case is that of Shamala Sathiyaseelan, a Hindu mother whose two children were converted into Islam by her convert husband, Dr. Muhammad Ridzwan Mogarajah (Jeyaganesh C. Mogarajah), without her knowledge or consent. A few months after converting to Islam, he was awarded custody of the two converted children by the Syariah court without any representation by Shamala in 2003 (Chin, 2019). Knowing that she cannot appear or win in a Syariah court, she had since fled Malaysia with the children.

Solution: Interfaith Dialogue in Malaysia?

Due to all the different cases mentioned earlier concerning conversion and its implications, there have been a rise in demonization and hate speech in the media against the different religious and ethnic groups in Malaysia. Standardizing the legal systems – both civil and syariah – might prove nearly impossible at this stage but there is an urgent need to have open discussions about freedom of religion in the country as has been stated in the constitution.

There have been efforts by certain organizations and academics to create an interfaith dialogue in 2005 but it faced serious opposition from certain quarters of society. Although interfaith dialogue may not stop forced conversion, it is the first step to ameliorate and heal inter-ethnic tension in Malaysia. There has been so much fear and hurt around the issue of conversion particularly when it has been done in a coercive manner. For decades, open discussion concerning religious and ethnic issues has been absent due to the fear that it might cause ethnic and/or religious conflict. But history has shown that suppressing such issues might have serious repercussions in the future[18]. The fear surrounding interfaith dialogue in Malaysia has been propagated by extremist groups as well as ethnic based political parties. Certain quarters of Islamist groups fear the dialogues might influence the Muslims in Malaysia to divert from their faith.

In 2005, the Human Rights sub-committee of the Bar Council in Malaysia had initiated the Interfaith Commission of Malaysia. The main objective of the formation of this commission was to act as an independent advisory body, conciliatory body, and a consultative body to deal with issues pertaining to freedom of religion and belief. For the first time, a two-day meeting was held comprising NGOs, representatives of different faiths, lawyers as well as academics. The commission was also intended to promote awareness of the tenets and beliefs of the diverse religions and faiths of the world and to act as a conductor to highlight problems to the relevant authorities for a solution.

It was unfortunate that the Commission had died a natural death due to criticisms and flawed arguments from parties that were worried that the Commission will carry out verdicts and act as a decision-making body and would single out any particular religion, be it Islam or any other religions. The ruling government at the time, although was very supportive of the idea of open interfaith dialogue at the beginning, retreated due to the pressures from the Islamic religious departments.

[18] Examples from the former Yugoslavia show that when ethnic problems are supressed, it will eventually erupt in a vicious manner.

While this has been the case, there are many moderate Muslims and moderate individuals from other faiths that are willing to continue to have open discussions about religious issues in Malaysia. Many in the academia continue to have forums and discussions among students and likeminded academics. The goal is to reach a wider audience to create an understanding among the different religions in the country in order to achieve tolerance in a multi-ethnic and multi-religious society.

There are also various NGOs like the Sisters in Islam (SIS) that have been very vocal about the mistreatment of both Muslim and non-Muslim women in Malaysia. Sisters in Islam was founded by a group of professional women who came together to address the injustices faced by women under the Syariah law in Malaysia.

More efforts need to be carried out by the government in order to encourage tolerance and ethnic harmony in the country. Part and parcel of the problem lies in the fact that many politicians often resort to using the religion and ethnic card to gain easy votes and support. While the public can do very little to control the actions of politicians, they can voice their opinions and speak up for those who do not have the power to do so. There have been many Malay-Muslims who have defended other ethnic groups that suffered mistreatment due to conversion and other religious matters. The public can also be active participants in their own ethnic and religious communities, encouraging dialogue, tolerance and understanding.

Conclusion

This paper examined whether the Islamic conversion law in Malaysia has contributed to the strengthening of ethnic Malay nationalism often referred to as *Ketuanan Melayu* or *Malay supremacy*. *Ketuanan Melayu* is understood from the point of view of the sentiment of superiority in comparison to other ethnic groups in the country. In a country where being a Malay is also associated with being a Muslim, the idea of *Ketuanan Islam* or Islamic dominance is intertwined with *Ketuanan Melayu*.

I argue that the conversion law in itself does not directly contribute to the feeling or sentiment of Malay superiority; rather the conversion law has been used as a political tool by certain Malay elites to raise the sentiment of Malay superiority or dominance. This can be seen in the Islamization policies created and implemented by the ruling government.

Based on all the cases mentioned in this paper, the Islamic conversion law has been used as a tool to push the Orang Asli community to convert to Islam. While it has been pointed out that not all the natives from the Orang Asli community converted to Islam, the conversion law has made it possible for some Malay politicians to increase the number of Malays in the country and simultaneously increase the number of votes from the Malays. Some of the Orang Asli that converted to Islam have also taken advantage of the conversion law to gain the benefits and privileges of becoming a Muslim.

The implementation of the conversion law has caused inter-ethnic tension in the country. Non-Malay individuals that convert to Islam feel pressured to also embrace the Malay culture. This has caused family friction in the different ethnic communities. Similar to the Orang Asli case, there have been situations where some individuals from Indian and Chinese ethnic communities convert to Islam to gain custody over children in divorce cases. In terms of legal matters, some judges as well as government officials have been known to show biases when it comes to cases concerning conversion to Islam. Some judges also have been quoted to say that Islam should take precedent over other religions as it is the official religion of Malaysia.

The implementation of the law as a political tool has strengthened the idea that Malay and Islam are one and the same. In addition, it has created the idea that the religion of Islam is superior to other religions in Malaysia. This, I believe, is a mistake because the constitution supports freedom of religion in the country. The strengthening of Ketuanan Melayu and Ketuanan Islam will continue to divide Malaysian multi-ethnic and multi-religious society. As the Interfaith Commission that was set up in 2005 was disbanded, it is up to the Malaysian public to play active roles through civil society groups and other lawful channels to create awareness, tolerance, and understanding among all the different religions in the country.

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