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Mahmood Kooria

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Center for Southeast Asian Studies, Kyoto University



Women and Sharia Law in Northern Indonesia: Local Women's NGOs and the Reform of Islamic Law in Aceh

DINA AFRIANTY

London and New York: Routledge, 2015, viii+194p.

One of the earliest Islamic legal texts available to us from the Malay world was written in Aceh at the request of its female ruler: *Mir'āt al-tullāb fī tashīl ma'rīfat al-aḥkām al-shar'iyyat lī malik al-wahhāb* of 'Abd al-Ra'ūf al-Sinkilī (d. 1693) commissioned by the contemporary sultana Ṣafiyat al-Dīn Tāj al-'Ālam (r. 1641–75). The book and its author, as well as the sultana, have been enjoying a memorable position in the historical memory of Aceh, appealing equally to its learned and unlearned classes. In present-day Aceh, Sharia law has generated much debate for almost last two decades especially with regards to the “oppressive” attitude of Islamic law towards the women, and one might wonder why a female ruler should ask a member of her religious elite to write a book about “oppressive” Sharia law. Although the answer might be a concern of historical enquires, the book under review gives an answer through ethnographical research. A rather provocative answer comes from a reputed pious activist at Banda Aceh who says: “There is something about the Acehnese that connects us with sharia and the people from outside Aceh will never be able to understand that connection.” Putting to one side any judgment, the book does try to understand the connection in a fascinating way.

Dina Afrianty's *Women and Sharia Law in Northern Indonesia: Local Women's NGOs and the Reform of Islamic Law in Aceh* conveys the nuances of women's lives under Sharia law. One of the major contributions of the book is implicit in its title itself: Aceh's differentiation between Sharia law and Islamic law, which might sound synonymous at a first glance. But Afrianty substantiates how both should be understood differently. Taking cue from the earlier arguments of Hooker (1983), Mir-Hosseini (2006), and others on the division between Islam and its law, she tells us how the Acehnese distinguish between the sharia as divine law based on such foundational scriptures as Quran and Hadith, and the Islamic law implemented as Qanuns. The latter is only a “Fiqh of Aceh,” which is “a product of Acehnese ‘ulamā’'s interpretation of Islamic scriptures that is then used by politicians” (p. 78). It would have been even more insightful if the author had elaborated

on this division and its conceptualization by local women activists in the following chapters.

Based on her six-months of fieldwork in Banda Aceh (the capital city of Aceh Province, north-western Indonesia), Afrianty investigates the responses of Acehnese women towards the implementation of Islamic law, the roles of their indigenous identity and local culture, and most importantly, the ways in which “religious Acehnese women activists reconcile their understanding of gender, equality, women’s rights with those of Western/international values” (p. 3). Afrianty conducted interviews, attended seminars and workshops, and utilized archival materials and the book is composed of five chapters (including one case-study), together with an introduction, conclusion, and a postscript.

In the first chapter titled “Women’s Movements in Muslim Societies,” Afrianty contextualizes her work within three broader concerns: the existing literature on the Muslim women’s movements across the Islamic world, their encounters with Sharia and Islamic law, and their collective attempts to engage with Islamic law that often resulted in “Islamic feminism.” She argues that since Muslim female intellectuals and activists understood gender inequality and repression towards Muslim women as deriving from the misuse and misinterpretation of scriptures by male rulers and religious elites, they turned towards the original scriptures to reinterpret those while being more sensitive to gender equality and women’s rights. This global movement has influenced Southeast Asia too, particularly Malaysia and Indonesia. Towards the end of the chapter, Afrianty focuses on Indonesian Muslim women’s initiatives, which resulted to the birth of individual and collective attempts strongly expressing the “need for a contextualized interpretation of Islamic texts” (p. 42). In this broader picture, Aceh gets only a passing reference, but she takes up that in the next chapter.

Chapter two, “Women and the Implementation of Islamic Law in Aceh,” explains how Sharia was formalized and institutionalized in Aceh, and how Acehnese people perceive it. The author demonstrates the varied responses among people towards implementation of Islamic law, and almost all of them criticize the failures in execution processes. The majority believes that this is not a problem of sharia as such and it is not a rejection of Islamic law; rather, it is a critical engagement with the ways and modes in which the law has been articulated and implemented. The former chairman of the Office of Islamic Sharia, Professor Alyasa Abubakr, admits that there are “weaknesses and mistakes” in the drafting, enactment, and implementation of Qanun (p. 80) and he hopes to rectify these in the future for a better implementation of Islamic law. His viewpoint reflects the stance of many Muslim women activists, who do not completely reject Islamic law totally, but only resent the discriminatory characteristics of existing legal code(s). This argument stands in line with what Michael Feener (2013) has demonstrated, as Sharia law in Aceh aims at the larger social wellbeing of its people, despite having many problems in its implementation.¹⁾

1) It is surprising to see that the author does not refer to Feener’s book, despite it being one of the ↗

Although the chapter claims to focus on women with regard to Islamic law, the impacts on women as such do not stand out in its argument or articulations. On the contrary, it only shows in effect how new laws have affected both men and women (as Afrianty aims to demonstrate “discriminatory Qanun” through the example of caning). Those who violate the regulations governing Muslim clothing, Friday prayer for men (both Qanun No. 11/2002), and *khalwat* or “close proximity of opposite sex who are not clearly related” (p. 71) (Qanun No. 14/2003) are to be punished by caning. In all the violations except Friday prayer, both men and women are to be caned and we do not see a clear discrimination between the genders here. Dressing would have been a possible realm for women’s issue to stand out, but then the author says: “. . . no women have been reportedly caned” on this issue (p. 74). Thus, discrimination appears to be more of a class issue in which the poor are targeted, and an attack on gender is less obvious with regard to the caning or the aforesaid Qanun. At least, its negative impacts on women’s social, religious, and economic lives have not been pushed to the front. However, the author’s own bad experience at the Grand Baiturrahman Mosque (a young man holding rattan cane prevented her from entering the mosque for wearing pants) indeed sheds light on the problem of patriarchal Islamic societies in general and Acehese community. In particular, this episode shows “how some men consider that they have absolute authority to judge women’s religiosity” (p. 78).

The following three chapters focus more on women in Aceh and their individual and collective attempts to engage with women’s issues over the last two decades. Chapter three, “Gender and Women’s Movements in Aceh,” draws close attention to historical aspects, especially the political, economic, and religious backgrounds that have compelled a few Muslim women to extend helping hands to their neglected sisters in the community. Afrianty enlightens us on how Acehese Muslim women enjoyed “high status” and “respected positions” in society, thanks to the matrifocal *‘ādāt* (customs) that facilitated social, economic, and even religious empowerment. But these were drastically interrupted through constant military conflicts and the Tsunami of 2004. During such critical situations, only a few women were able to initiate projects to address women’s issue. After the Tsunami and conflict, however, there have been more local, national, and international initiatives. The chapter hardly discusses legal issues (save a fewer passing references), let alone Islamic legal aspects. Also, it does not explain the abrupt transition, if any at all, from the matrifocal *‘ādāt* to the author’s taken-for-granted idea of contemporary Aceh where patriarchal Islamic law and socio-cultural norms arguably dominate.²⁾

The fourth and fifth chapters are dedicated to three women’s movements: Women’s Network

↘ latest studies on Islamic law in Aceh. She does refer to one article he wrote on the issue, yet offers only a confusing reference (see p. 86).

2) In this regard, Srimulyani’s (2010) revisit of Acehese matrifocal tradition and its transition into “new matrifocality” in a contemporary context is worth looking at—especially as the author does not address the arguments of this article.

for Policy (Jaringan Perempuan untuk Kebijakan, JPUK) and Gender Working Group (GWG) in the fourth, and True Partner of Indonesian Women (Mitra Sejati Perempuan Indonesia, MISPI) exclusively in the fifth. The JPUK focuses on policies and legislations, and it has been successful in bringing in a few radical amendments to the drafts of Qanun. It has also worked towards ensuring that the women's gender interests are not ignored and they are not discriminated in the Qanuns. GWG has seemingly functioned as an "extension of bureaucracy," and a bureaucrat herself has casted doubts on "the level of commitment of women activists to the cause of women's movements when it was under the government apparatus" (p. 129). Nevertheless, GWG has been organizing quite a number of events while being "extra cautious" about the resistance they have had to face while disseminating ideas such as gender equality. The main resistance has been from the traditional scholars ('*ulamā*') and religious educational centers (*dayah*) which had more appeal among villagers in Aceh. Yet, its activists aim to show that terms like "gender" or "feminism" need not be controversial because of their Western-ness or foreign-ness; instead these are "no different to 'burgers,' 'Kentucky Fried Chicken' or 'Pizza Hut,' all Western products that have increasingly become popular in Aceh" (p. 134). On the other hand, MISPI's initiatives towards the promotion of gender equality and women's status have found almost no resistance from the traditional religious community. It has attained wider acceptability among both government officials and religious leaders due to the traditional notions of piety it maintains in its leaders' and members' activities and appearances.

The book, as the author herself admits, is very much centered on urban women activists hailing from the middle and upper classes of Banda Aceh. It hardly goes beyond the city, save for a few fleeting references. Many women working within the Islamic-legal frameworks, like the female '*ulamā*' and women sharia-police do not get due reference in the book. After reading this book, one might wonder if the academic focus on the lives of Muslim women is now moving from mosques (Mahmood 2005) to women's NGO offices. The everyday lives of Muslim women from lower classes and unprivileged backgrounds still await attention. Nevertheless, it is quite intriguing to see how the women activists work with, under, against, and for the implementation of an Islamic legal system in Aceh through a number of platforms. Their collective or individual initiatives to ensure gender equality and women's rights stand as an exemplary model for Muslim women elsewhere who are forced to live under patriarchal interpretations and implementations of Islamic law. In many such places, women are even prohibited from active participation in the public sphere and are not allowed to freely express themselves. Women's NGOs in Aceh thus offer many models for dealing with resistance from traditional religious realms. As such, this book stands out as a good read for all those who are interested in the anthropologies of NGOs, women's activism, Southeast Asia and Aceh, and everyday lives under Islamic law.

Mahmood Kooria

Leiden University Institute for History

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Remembering the Samsui Women: Migration and Social Memory in Singapore and China

KELVIN E. Y. LOW

Vancouver: University of British Columbia Press, 2014, xiv+252p.

The term “Samsui” refers to a specific location in the Pearl River Delta region in Guangdong province, the southern part of China, where many members of the Chinese diaspora trace their ancestral homelands. While the geographic benchmark is certain, the history of Samsui women is open to interpretation and representation from many angles. On the one hand, it is a matter of fact that a significant number of women migrated from that particular place to work in Singapore, largely in the construction industry and to a lesser extent in households and factories. On the other hand, this migration is a subject of imagination and deliberation as to who should be included under the category “Samsui Women” and the kinds of roles they have assumed in relations to Singapore and China. There were women, who hailed from elsewhere in China, taking advantage of the label of “Samsui” in order to gain access to job markers where “Samsui” was a niche. Also, there have been various state projects focusing on Samsui women and their contribution to shaping identities of Singapore as nation.

This book is laudable research on how issues and discourses have been revolving around Samsui women. The author, Kelvin E. Y. Low, is a sociologist at the National University of Singapore. He has succeeded in meeting the objective he sets in the book, revealing the experiences of Samsui women and arguing that “the many reconstructions of their past are utilized by the state, other institutions, and stakeholders towards achieving vested interests in the promotion and maintenance of a national identity” (p. 7).

The primary sources Low has collected are rich, including interviews with Samsui women,