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〈シンポジウム〉

〔特集：多民族・多宗教のマレーシアにおけるムスリムの社会移動〕

The Study of Muslim Intention to Become Muslimpreneurs

-----Salmah S., Kalsom A.W., Asmaddy H. & Nordin A.R. 2

The Originality of *Qard* and its Implication on the Loan Theory: Does Intention Matter?

-----Wan Nor Aisyah Wan Yussof, Abdul Ghafar Ismail, Shofian Ahmad & Sanep Ahmad 13

MH370 Press Conferences: Interaction and Institutional Power Relation

-----Asniah Alias, Sharifah Nadia Syed Nasharudin & Marlyna Maros 29

〈論説〉

Controversial Boundary: The Construction of a Framework for Muslim Law

in Singapore in the Period of Decolonization -----MITSUNARI Ayumi 41

〈研究ノート〉

移送文書群の「発見」について

ーイギリス国立文書館の利用方法を考える -----鈴木 陽一 62

〈エッセイ〉

知識探訪ー多民族社会マレーシアの横顔を読む（エッセイ 12 編） ----- 76

英文要旨 ----- 94

日本マレーシア学会

〔特集:多民族・多宗教のマレーシアにおけるムスリムの社会移動〕

特集にあたって

本特集は、2014年度の研究大会2日目に開催された国際シンポジウム『『教育立国』を目指すマレーシア——ムスリム・コミュニティにおける女性・英語・大学』(2014年12月14日、於:東京大学本郷キャンパス、山上会館会議室201、202)における報告内容をもとに書かれた英語による投稿原稿を、本誌の査読過程を経て掲載したものである。

特集に含まれる論考は、いずれも「教育立国」をめざすマレーシアの大学の博士課程で学ぶムスリム女性を中心に執筆された最新の研究成果をまとめたものであり、幅広い分野にわたって意欲的なアプローチがみられる。所収の3編は、(1)ムスリム起業家を通してみた宗教とビジネスの関係、(2)イスラーム無利子金融の一種であるカルド(*Qard*)に関するイスラーム法学、金融、経済学、心理学などからの多面的解釈、(3)マレーシア航空MH370便失踪事件をめぐる記者会見のあり方にみる参加アクター間の力学をそれぞれテーマとしており、各視点から現在のマレーシアの多民族・多宗教社会におけるムスリムの社会移動を描いている。日本のマレーシア研究者にとっても多くの示唆的な内容を含む論考といえよう。

なお、「論説」の欄に掲載されている光成歩会員の論考も、同シンポジウムで報告された内容をもとにしており、シンガポールの脱植民地化期におけるムスリムと非ムスリムの法制度の二分化を含めた制度改革の展開を扱っているが、査読の結果、論文としての水準の高さから別途、論説として載せることとした。

(編集委員会)

【Symposium】

The Study of Muslim Intention to Become Muslimpreneurs

Salmah S.¹, Kalsom A.W² & Asmaddy H³. & Nordin A.R⁴

Introduction

Becoming an entrepreneur is not a fate but a decision made by individuals. Despite the common challenges such as uncertainties, barriers, failure in making decisions and risks that may lead to the failure of the entrepreneur growth in their business (Nandan, 2007), people still have intentions and determinations to become entrepreneurs. The core intention covers the motivational factors that influence individuals to perform certain behaviours (Ajzen, 1991). Literature shows that many reasons influence the intention of individuals and amongst other factors, religion is regarded as a core factor. Religion influences the attitude, values, behaviors of people at both the individual and the societal levels (Safiek Moklis, 2009 & Khraim, 2010); their way of life (Oukil, 2013); and entrepreneur's activities in terms of their decision to become entrepreneurs or select their jobs (Dodd et al., 1999). However, Basu and Altinay (2002) stated that the influence of religion needs to be studied further, especially focusing on the aspect of Muslim entrepreneurs as it is contrary to the conventional ways. Carswell (2007) supported this view and strongly suggested that further studies on religion and entrepreneurship are needed and that these two studies are relatively still untouched. In addition, Ali (2009) lamented that, there are lots of literature highlighting the contribution of religion and its impact on behaviour and performance, but unfortunately the contribution of the Islamic elements was ignored even though Islam shared many thoughts with other religions and also offers a very unique perspective on balancing work and life, and on the nature of organizational work and activities. Kaye et al.

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(2010) also stated that the discussion on Islam and entrepreneurship is under presented and not well discussed. From these analogies and suggestions, one could assume that there is a huge study gap in the study of Islamic entrepreneurship, especially within the Islamic countries themselves. Thus, in Malaysia, where Islam is the official religion, the intention of Muslims to become entrepreneurs is interestingly to be understood and explored.

I Overview on Islamic Entrepreneurship

1. The Islam and Entrepreneurship

Islam is a way of life (*Ad din*), encompassing all parts of human life, such as economic, social, political, and moral, where all aspects are interrelated (Pramanik, 2002 & Ahamad Asmadi et al., 2012). The way of doing Islamic business is inclusive in the *Fiqh muamalat*⁵, which is related to the social relationship between human and others inclusively (Abdullah et al., 2011). In fact, the Prophet was once an entrepreneur before he became a prophet.

For Muslims, things that are allowed and prohibited are clearly stated in the Shari 'ah or Islamic Law. Muslims believe that man is the best form of creation as compared to other creations as stated in the Al-Qur'an (Surah At-Tiin (95):4; & Surah Al-Isra' (17):70) and is appointed as a *khalifah or caliph*; entrusted as the caretaker of the earth, to not destroy or cause any damage to the environment (Surah Al-An'am (6):165, Surah Al Baqarah (2):30 & Fatir (35):39). Indeed, man holds three main duties which are: responsibility to Allah The Almighty (*Hablumminal' Allah*), responsibility between mankind (*Hablumminan nas*), and responsibility to the earth (*Hablummin alam*) (Surtahman Kastin, 2001).

All human actions if they are performed according to the principles are taken as acts of worship (*ibadah*) to Allah The Almighty (Yusuf Al Qaradawi, 1998). Therefore, doing business and complying with the Islamic lawful manner are also considered an *ibadah* (Syahida et al., 2013). Muslims were asked to prosper their basic survival and physical needs as well as to accumulate wealth (Kriger & Seng, 2005 & Yusuf Al-Qaradawi, 1988). However, in Islam, a small portion from the wealth created must

⁵ *Fiqh muamalat* related to the social relationship between a person and others including the way of business (Abdullaah et al., 2011 & Surtahman, 2001)

be contributed to help the poor and or the less fortunate. The need to perform this responsibility has been emphasized by the Prophet, peace upon him, as he stated that a relationship between one Muslim and another Muslim is a relationship that of brothers and sisters. Muslims are not to hurt the feeling of other Muslims and whoever helps other Muslims, easing them from any problem or difficulty, Allah The Almighty will help this person in hereafter (Shahih Bukhari. Book 29. Hadith #2262). Provisions for the poor can be provided through alms, givings (*sadaqah*), and taxes.

2. The Understanding of Muslimpreneur

Not all Muslims conducting business activities can be categorized as Muslim entrepreneurs. Some Muslims adhere and apply the Islamic principles yet some Muslims only perform a partial act, while some others may not perform nor comply to them at all (Oukil, 2013). As an example, a study amongst Muslim immigrants in London showed that, there are many Muslims who actually disobey the Islamic principles in their business premises by selling and even serving alcohol or pork because such acts would bring more business profits (Basu & Altinay, 2002). How can we find the element of Muslim entrepreneurship in the cases like these? Vargas-Hernandez et al. (2010) stressed that a Muslim entrepreneur is a person who always acts according to the Islamic principles and values regardless of place and time. Muslim entrepreneurs are concerned with permissible profits and their main motive of doing business is to achieve something beneficial to himself, to enhance the economy of the society, and to aspire good deeds for hereafter. In the same vein, Oukil (2013) defined a Muslim entrepreneur as a person who will and shall always act according to the Islamic principles and values.

Researchers chose to refer to Muslim entrepreneurs as Muslimpreneur. As mooted by Umami Salwa et al. (2013), Muslimpreneurs are described as “Muslims who perceive an opportunity and create an organization to pursue it” (page 62) and M. Faizal et al. (2013) defines Muslimpreneurs as “Muslims who are involved in entrepreneurial activities, perceive an opportunity and creates organization to pursue it based on the Islamic principles” (page 4). The crucial aspect of becoming a Muslimpreneur is that one needs to obey the Islamic principles.

3. Intention to become Muslimpreneurs

From the Islamic perspective, the intentions is more essential than the outcomes (Syed & Ali, 2010) as referring to The Prophet saying,

“All action is based on niyyah (intention). The reward of deed depends upon the niyyah and every person will get rewarded according to what he has intended”

Narrated by Umar bin Al Khattab (Sahih Bukhari. Book 1. Chap.1. Hadith #1).

A correct *niyyah* in pursuing economic activities is also stressed by Imam Al Ghazali (Muslim scholar), in which he states that the intentions are consistent with the Shari 'ah, such activities are similar to worship and consistent with one's religious call (S. Mohammad Ghazanfar, 1997). Thus, the *niyyah* with the core purpose of obtaining the blessing from Allah The Mighty will lead to positive behaviors.

The conventional studies on the intention highlighted few factors that encourage individuals to become entrepreneurs mainly for the feeling of independence, income, and security. Some of the studies can be summarized as shown in Table 1.

From a study conducted by Ahmad Zaki & Mohd Fadzely (2006), besides all those motivational factors discussed earlier, they added another important element, the existence of spiritual liability amongst Muslims in Malaysia. They stressed that spiritual liability was the most influential factor that motivated Malay entrepreneurs to start their own business (other factors are financial security and personal satisfaction). Their Islamic beliefs created the feeling of responsibility for their development, family, and the Malay Muslim community, and ensured the compliance to the Islamic rules and regulation. This finding showed that Muslims are inspired by both the materialistic and the spiritual motivation forces. Nevertheless, a recent study by Chong (2012) indicated different findings whereby Malays, mostly Muslims, are more inspired by income, and an attitude of proving they could do it, own satisfaction, and personal freedom. Furthermore, Rosnia et al. (2012) stated religion becomes less significant, listed as the number eight reason next to passion, interest, money, independence, and freedom working time. So, does this mean that the intention of Muslims in Malaysia has taken a major change towards more materialistic factors? This research will further explore this matter.

Table 1: The Summary of Entrepreneur Motivation Factor

Researcher	Most significant motivation factor
Basu et al. (2002)	To be independent, greater control of life, improve social status, and make best use of their expertise.
Alstete (2002)	Greater control of their destiny, greater satisfaction, more money, and leave a legacy for children and family.
Swierczek et al. (2003)	Challenge and achievement than necessity and economic security.
Benzing, Chu & Callanan (2005)	North Vietnam - Hanoi: creating job opportunity for themselves and family. South Vietnam - Ho Chi Minh City: for their own satisfaction and growth.
Robichaud et al. (2010)	Own satisfaction and growth, to have fun, to prove one can do it, and to be own boss.
Stefanovic et al. (2010)	Greater business achievement, independence factor, intrinsic factor, and job security factor.

II Methodology

In order to understand the actual intention of Muslims to become Muslimpreneurs, five young emerging entrepreneurs were randomly selected. Interview sessions were conducted with all of them individually and their respective identities were marked and labelled as R1 to R5. They were asked two questions which became the focus of this study. The questions were:

- i) How do they understand the term Muslimpreneur; and
- ii) What are the basic motivations and or intentions of Muslims to become Muslimpreneurs?

III Finding and Discussion

1. The Understanding of Muslimpreneurs

For the first question, which is about their understanding on Muslimpreneur, the respondents clearly mentioned that Muslims can be identified as Muslimpreneurs if

they practice their business according to the *Shari 'ah* law which includes the element of the do's (*halal*) and don'ts (*haram*). Their responses are listed in Table 2.

Table 2: The Understanding on Muslim Entrepreneur

Respondent	Statement	Main ideas generated
R1	<i>"In the context of Islamic business, the attention should be given to halal (allowed) and haram (not allowed). We should know allowable and prohibited business activities."</i>	Attention should be given to the allowed and prohibited activity.
R2	<i>"Whatever they do in the business must be according to the Islamic Principle".</i>	Business must be according to Islamic Principle.
R3	<i>"Must obey all the Allah The Almighty instructions and our behavior also must show as a Muslim".</i>	Must obey to the Islamic rules and behave like a Muslim.
R4	<i>"Entrepreneur is relating with the effort. For Muslim entrepreneur, it means Muslim entrepreneur who put their effort and hope to Allah The Almighty".</i>	Must put an effort and hope to Allah The Almighty.
R5	<i>"Muslim entrepreneur is entrepreneur who operate their business according to Shari 'ah which mean particularly about the halal and haram."</i>	Must operate business according to Shari 'ah.

Analyzing the statements of the respondents, the researcher found some similarities with the definition provided by M.Faizal et al. (2013) which is, they both stressed on the need to pursue entrepreneurial activities based on the Islamic principle. Therefore, this study suggests that the definition of Muslimpreneurs as those who are involved in entrepreneurial activities in line with the Islamic principles. The entrepreneurial activities may refer to "the enterprising human action in pursuit of the generation of value, through the creation or expansion of economic activity, by identifying and exploiting new products, processes or markets" (Nadim et al. in OECD, 2008). Thus, for Muslims, Muslimpreneurs must perform their entrepreneurial activities according to the Islamic principles, which is basically to follow the Islamic do's and don'ts as according to Shari 'ah and to seek blessing from Allah The Almighty.

In order to comply with Shari'ah, Muslimpreneurs must have knowledge of the Islamic business principles.

2. The Intention of Muslim Becoming Muslimpreneurs

Answers to the second question on the intention of Muslims to become Muslimpreneurs are summarized in Table 3. Despite the wealth creation, time for family and for better standard of living which are stated in many conventional studies, the respondents emphasized few factors that relate closely with the religious needs. The respondents stressed that, their intention to become entrepreneurs are: to perform their worship (*ibadah*) to Allah The Almighty (R5), feeling of the responsibility to help provide halal products for the Muslim community (R4), and for future Muslim economic development (R3 & R4). Besides that, helping others such as poor people and establish a care centers for less fortunate children (R1, R3 & R5) were recognized as a part of their intention.

Table 3: The Summary of the Intention to Become Muslimpreneurs

Respondent	Main idea generated
R1	For the betterment of living standard, family and helping other people.
R2	To help and provide all the family needs, to be a family's example, have ample time for family.
R3	For the personal economic and the goodness of individual and Muslim society.
R4	The feeling of responsibility to provide <i>halal</i> products for Muslim; good information on product and sell if it is needed by the right customer, eg. It is unethically to sell to the drug addict; and have free time for family.
R5	Wealth creation Helping poor people through the wealth created. Helping family members for medical treatment. Leave wealth to the next generation. Besides that to help other Muslims to be successful in business too. Establish care centre for handicap kids Whatever business is <i>ibadah</i> as long the intention from the beginning is for Allah The Almighty.

IV Conclusion

The intention of Muslims to become entrepreneurs has coincided with the findings from the conventional study. The factors relevant are as such for them to gain their respective wealth. This notion of achieving the wealth can be related with the spirit of one Muslim to help other Muslims. Furthermore, this relationship between gaining the wealth and worshipping can be related to one another as well. The notion of worshipping is important for attaining the blessing from Allah The Almighty. For these reasons, the findings of this study provide us with some clues, in finding out the intentions of Muslims to pursue the way of becoming Muslimpreneurs. This conclusion leads us to think that it is important for Muslims to gain related knowledge when attempting to establish a new business. A new business must be established according to the Islamic ways of doing business.

V Limitation of study

Though the findings from this study are limited to the perspectives of Muslims in Malaysia, they can help to build the fundamental frameworks and structure for better research with larger number of respondents in the future.

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【Symposium】

The Originality of *Qard* and its Implication on the Loan Theory: Does Intention Matter?

Wan Nor Aisyah Wan Yussof¹, Abdul Ghafar Ismail², Shofian Ahmad³ & Sanep Ahmad⁴

Introduction

Islamic Jurisprudence comprises *Usul al-Fiqh* and *Fiqh*. *Usul al-Fiqh*, the bases or roots of Islamic Law, expound the methods by which *Fiqh* is derived from their sources. In this view, *Usul al-Fiqh* is the methodology and *Fiqh* is the product. *Usul al-Fiqh* covers the primary sources of Islamic Law, the Qur'an and Sunnah and what are the methods of deduction of law from the Qur'an and the Sunnah. *Usul al-Fiqh* develops together with *Fiqh*, as *Usul al-Fiqh* is the collection of principles pertaining to the methodology for the extraction of *Fiqh*. The concept of *Usul al-Fiqh* is comparable to adhering to a methodology when conducting a scientific experiment. Similarly, adhering to a methodology in deriving *Fiqh* (rulings) is referred to as *Usul al-Fiqh*. This methodology provides a way for jurists to derive Islamic rulings from the legislative sources in Islam.

In Islam, *Fiqh* can be divided into 4 categories: (i) *Fiqh al-'Ibadat*: The rules of ritual purification (*taharah*), prayer (*solat*), pilgrimage (*hajj*), fasting (*sawm*), almsgiving (*zakat*), *jihad* and some other forms of worship are dealt with under this heading. (ii) *Fiqh al-Mu'amalat*: it covers with commercial transactions and property such as contracts, business organisation, security of debts and insolvency, pre-emption, gifts, bequests and *waqf*. (iii) *Fiqh al-Munakahat*: it deals with marriage, divorce, inheritance, guardianship and related matters. (iv) *Fiqh al-Jinayat*: it deals with

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criminal offences like unlawful sexual intercourse (*zina*), theft and others.

Fiqh Muamalat covers all the contract of Islamic Finance such as *Musyarakah*, *Mudarabah*, *Murabahah*, *Tawaruq*, *Ijarah*, *Wadiah* and etc. *Qard Hasan* is one of them which means a kind of gratuitous loan that can help the fellow Muslim brothers who need money, especially in times of need. Thus, *qard* enhances brotherhood among the Muslims. The main objectives of *qard* are: To help the needy fellow people, to establish better relationship among poor and the rich, the mobilization of wealth among all people in the society, to perform a good deed that is encouraged and appreciated by the Allah Almighty and His messenger, to strengthen the national economy, to facilitate the poor to create new jobs market and business ventures by using their merits, skills and expertise, to establish a caring society, to eradicate unemployment problem from the society, it can remove social and economical discrimination from the society, and obviously there is a great reward in the Hereafter for giving *qard al-hasan*. Hundreds of verses of the Qur'an deal with the spending of money, trade, social class, charity and other forms of economic transactions. While there are six places in the Qur'an that mention on *Qard al-Hasan*.

The purpose of this paper is to discuss the spirit (*ruhiyyah*) and originality of *qard* that will affect the purpose of giving loan. This discussion enables us to re-visit the loan theory, and also to determine what are the factors that triggered behavior of loan repayment. The remaining discussion of this paper will be divided into four sections. Section two will discuss *qard* from the original sources and the views of several scholars and the current practices. Section three will describe the Theory of Planned Behavior and Ethical Philosophy by al-Ghazali. The conclusion will be presented in section four.

I An Insight into the Theoretical Foundation of *Qard*

1. What is *Qard Hasan* (Benevolent Loan) ?

In Islam, the principle of *Qard al-Hasan* is a mechanism for welfare and not for purposes of business transactions. It is a loan that is free from usury, and given to charitable causes. The borrower is only required to repay the amount borrowed. (Ahsan 2007) *Al-Qard* in Arabic or *al-Qat`u* means the deduction. It is called *qard*, as it cut a certain portion of property lender. *Hasan* is also the Arabic word, which comes from grace. *Ihsan* means loving others. *Qard al-Hasan* is a loan which is returned at the end

of the agreed period without any interest or share in profit or loss.

Qard al-Hasan is a noble act because of non-profit material returns. It is highly encouraged in Islam because it can help people in need from being oppressed by the borrower. It aims to foster love, brotherhood and unity. According to Farooq (2007), in financing *Qard al-Hasan*, an additional amount that is required is prohibited. However, the borrower can pay more if not specified in the contract. While there are some differences of opinion on some issues regarding the implementation of this principle such as the issue of management costs, early repayment according to demand of creditors, the need for guarantors and others.

There is little difference between Islamic banks all over the countries in the use of this principle. Faisal Islamic Bank of Egypt provides a courtesy loan interest (*Qard al-Hasan*) free of charge to holders of investment accounts and current accounts, in accordance with conditions set by the board of directors. Banks also lend to any other person under specified conditions.

Instead, the Jordan Islamic Bank law provides loans for productive courtesy in various fields to enable the borrower to start an independent life or to increase their income and living standards.

In Iran's banking sector, they allocate a portion of their resources (i.e., from other alternative sources) to the interest-free loans *Qard al-Hasan*. These loans can be given to small producers, entrepreneurs, farmers and consumers in need. Iranian banks are allowed to impose a minimum service charge to cover the costs of administering this fund.

In Pakistan, *Qard al-Hasan* is included in the mode of loans financing and the distinctiveness of this loan is, there is no service fee charged on *Qard al-Hasan* and *Qard al-Hasan* operations performed on each bank's headquarters and branch offices are not allowed to extend loans given on compassionate grounds. However, this loan to be repaid, if and when the borrower can afford to pay.

While, financing of *Qard al-Hasan* in Indonesia was conducted by Microfinance Institutions of Baitul Mal Wat Tamwil (BMT) and executed in Pakistan by Al-Akhawat and Islamic Relief in Kosovo (Widiyanto 2011).

In Malaysia, *Qard al-Hasan* application is account at the small percentage. *Qard al-Hassan* is given to poor people especially in microfinance institution as it aim to provide credit to poor people.

2. Qard from the Original Sources

In Islam, since interest is prohibited, a new view of Islamic loan theory needs to be discussed. In discussing *qard*, several studies, among others include Farooq (2008), Atia (n.d), Mirakhor and Iqbal (2007) refer to several verses in the Holy Qur' an. They refer to the following verses, i.e., Chapter al-Baqarah: verse 245, Chapter al-Maidah: verse 12, Chapter Al-Hadid: verse 11 and 18, Chapter al-Taghabun: verse 17 and Chapter al-Muzammil: verse 20. In those studies, they refer to the verses and also al-hadith as to define, and validate the approval of *qard*. In this section, we will use the interpretation of those verses in achieving similar objectives.

The theoretical foundations from these sources, later, were expanded by many scholars such as Tabari, Ibnu Kathir, al-Suyuti, al-Qurtubi, al-Baidhowi and al-Jalalyn (Az-Zahabi, 2000). The practices have been reported during Prophet's time, the reign of the eighteenth Abbasid Caliph Muqtadir (908 A.D. to 932 A.D.), in the period of 300 AH to 333 AH that was ruled by four Abbasid Caliphs, Muqtadir, Qahir, Radi and Muttaqi and also in the early fourth century A.H.⁵ During this period, lending was given without charge.

In a conventional way, a similar model (known as benevolent loan) had been introduced in France since the early 14th century. In Netherlands, it was also introduced in the 14th century (G.L. 1963). The aim was intended as a gift of aid or money for the war and later it was intended to serve as an aid to other persons or an aid in place of a parliamentary subsidy (G.L, 1963). However, due to the industrialization era in the 17th century, it created business-minded people . Therefore, the facility, later led to the owner of the property (such gold and later known as fiat money) being rewarded with interest rate, as was introduced in Netherlands in the 12th century. Here, the money was lent with interest.

However, recent practice shows that *qard hasan* has been used as a commercial facility (with some returns) in financial transactions. For example, in Malaysia, it has been practised in business activities and it becomes the business model as witnessed in the operations of pawnbroking (via *Ar-Rahnu* scheme), Amanah Ikhtiar Malaysia (an Islamic microfinance institution) and Microcredit Scheme Selangor (SKIMSEL - one of Islamic microfinance institution). Other countries such as Iran, Indonesia, Pakistan, Bangladesh, Vietnam and others also introduce the same

⁵ Siddiqi, Muhammad Nejatullah, "Public Borrowing in early Islamic History: A Review of Some Resources", in *Third International Conference on Islamic Economics*, (Kuala Lumpur, 1992). AH as after *hijrah*.

business model.

Originally, the owner in *qard* transactions is allowed to lend the property. It raises the following related questions. What types of property that can be lent? There must also be reason(s) for lending. What are they? How could we say that lending must have a purpose? Since, the *qard* is meant for lending, would it bring any monetary rewards? If not, what are the incentives for the owner? The above questions have motivated us to explain the loan theory and the relationship between the lender and borrower; especially in searching the factors of repayment behavior.

In interpreting these verses, we will adopt the Quranic commentaries⁶ by al-Tabari, Ibnu Kathir and al-Suyuti who used the form of *al-tafsir bi al-ma'thur*⁷ specifically using the method of *al-tahlili*.⁸ We also add some Quranic commentaries by al-Qurtubi, al-Baidhowi and al-Jalalyn that use the form of *tafsir bi al-ra'y*⁹ and also the *al-tahlili* method. We also add some Quranic commentary by al-Zuhaili in his book *al-Munir* that combines the form of *al-tafsir bi al-ma'thur* and *tafsir bi al-ra'y* using *al-tahlili* and *semi thematic* methods.¹⁰ The word *qard* (loan)s appears in several verses in the Holy Qur'an. One of the intrepetation from the Chapter Al-Baqarah, verse 245, mentions that Allah decrees:

"Who is it that (will) grant Allah a goodly (sincere) loan so that He will repay him many

⁶ Al-zahabi, Muhammad Hussain, *al-tafsir wal-mufasssirun*, (Qaherah: Maktabah Wahbah, 2000), vol 1, pp.105-257.

⁷ *Tafsir bi al-Ma'tsur* is interpreted based on the *Sahih* collection that is interpreting the Qur'an with the Qur'an, the Sunnah with Qur'an because it serves as clarifying the Qur'an, with the word of Companions because they were most in the know of the Qur'an, or the words of great *tabi'in* because they generally receive from his companions.

⁸ *Tahlili* means the interpretation is done verse by verse and then sequentially letter by letter from beginning to end according to the order of the Qur'an. It explains vocabulary and wording, which are required to clarify the meaning, the intended target and content of a sentence, namely the elements *i'jaz*, *balaghah* and the beauty of the arrangement of sentences, explain what can be taken from the text that is the law of *fiqh*, evidence *syar'i*, meaning in language, the norms of morality and so forth.

⁹ *Tafsir bi al-ra'y*: This interpretation enlarges the role of *ijtihad* in comparison with the use of *tafsir bi al-Ma'tsur*. With the help of Arabic knowledge, *qiraah* knowledge, the knowledge of Al-Qur'an, hadith and Science of Hadith, *ushul fiqh* and other sciences, mufasssir will be using their *ijtihad* ability to explain the meaning of the text and expand it to support the development of knowledge.

¹⁰ *Semi thematic* (method of *al-maudhu'i*) because he interprets the Qur'an from al-Fatihah letter by letter until an-Nas and put the themes in each study according to the contents of the verse, as in the interpretation of the letter al-Baqarah, verse one through five, he gave the theme attributes of believer and the reward of the righteous.

times over? And (remember) it is Allah who decreases and increases (sustenance), and to Him you shall all return."

The reasons on why the verse 245 of al-Baqarah was revealed, ¹¹ was due to the story of Abu al-Dahdah. Abu al-Dahdah al-Ansari said: O Messenger of Allah, does Allah want a loan from us? He replied: "Yes, O Abu Dahdah." He said, "Give me your hand, O Messenger of Allah: Then he held the hand of Prophet (*s.a.w*) and said: "I lend to the Lord my garden which there is six hundred palm trees, his wife and family. "Then Abu al-Dahdah went into his garden and he called: "O Umm al-Dahdah!" She replied: "Yes", Abu al-Dahdah, said: "Since I have lent to Allah, so let us leave this garden".¹² The interpretation from the verses have led us to describe several topics, which are the purpose of loan, purpose of reward, default risk and repayment of debt.

3. The Purpose of Loan

As discussed from several verses and al-Hadiths, people need something to continue life, such as food, housing, transport and etc. However, with the lack of property or money, they are not able to get these basic needs and also other necessities. Therefore, they are required to buy something on credit and sometimes give something as a mortgage to get money. The practice takes place since the time of Prophet Muhammad (*s.a.w*).

For example, narrated by Jabir bin 'Abdullah in Sahih al-Bukhari,' while I was in the company of the Prophet in one of his *Ghazawat* (war), he asked, "What is wrong with your camel? Will you sell it?" I replied in the affirmative and sold it to him. When he reached Medina, I took the camel to him in the morning and he paid me its price'.¹³ Narrated by al-A'mash in Sahih al-Bukhari, 'When we were with Ibrahim, we talked about mortgaging in deals of *Salam*. Ibrahim narrated from Aswad that 'Aisha had said, "The Prophet bought some foodstuff on credit from a Jew and mortgaged an

¹¹ As noted from Said bin Mansur, Ibn Sa'd, al-Bazzar, Ibn Jarir, Ibn al-Munzir, Ibn Abi Hatim and al-Hakim al-Tirmizi, in several *al-usul*, and al-Tabrani, al-Baihaqi in discussing the topic of al-Iman, from Ibn Mas'ud.

¹² al-Suyuti, *Dar al-Manthur fi al-tafsir al-ma'thur*, (Beirut: Dar al-Kutub al-Ilmiyah, 2000) vol.1, p.554.

¹³ Sahih al-Bukhari, Quoted in Al-Kutub al-Sittah, Bukhory, Muslim, Abu Dawud, An-Nasa'I, Ibnu Majah, At-Tirmizi, Ibnu Majah, Ahmad, (Riyadh: Dar al-Salam, 1999) Hadith no.570 (Buy something on credit).

iron armor to him.”¹⁴

4. Purpose of Reward

The act of Abu al-Dahdah was recognized by the Prophet (pbuh) who said great reward for Abu Dahdah in paradise when he contributed his land as a charity in the path of Allah in Chapter al-Hadid, verse 11. There are various interpretations from at-Tabari, al-Baidhowi and al-Jalalyn. From At-Tabari, he interprets *Qard al-Hasan* as anyone who makes spending in the cause of Allah in this world, to achieve the blessing from Allah, and Allah will reward more on what you have given (loan) to Him, such as spending in the way of Allah. Allah will reward one with seven hundred.¹⁵ From al-Baidhowi, “Whoever lend to Allah a good loan, meaning that who spends his money in the process hope of compensate, it is like someone who lends and spends the money sincerely, and give the best property in his best sides.”¹⁶

Al-Jalalayn commented, “Who is it that will lend God, by spending his wealth in the way of God, a goodly loan, by virtue of his expending it towards God’s sake, so that He may multiply it for him, from tenfold up to more than seven hundredfold - as stated in chapter al-Baqarah, verse 261, and [so that] there may be for him, in addition to the multiplied [reward], a generous reward, coupled with satisfaction and prosperity”.¹⁷ Meanwhile, in Chapter al-Hadid: 18. From Tafsir al-Jalalyn, the verse means “Indeed men who give voluntary alms and women who give voluntary alms and [those of them] who have lent God a goodly loan ‘it will be multiplied namely, their loan [will be multiplied], for them and they will have a generous reward”.¹⁸ In Chapter al-Taghabun, verse 17, from al-Jalalyn, he said that if you lend God a good loan, by giving voluntary alms out of the goodness of [your] hearts, He will multiply it for you, from tenfold up to seven hundredfold or more for each one - this [loan] being the giving of voluntary alms out of the goodness of the heart - and He will forgive you, whatever He will, and God is Appreciative, rewarding of obedience,

¹⁴ Ibid, p.571 (mortgage).

¹⁵ al-Tabari, *Jami` al-Bayan fi Takwil al-Quran*, (Beirut: Dar al-Kutub al-Ilmiah, 1992) vol.11, p.675.

¹⁶ al-Baidhowi, *Tafsir al-Baidhowi al-Musamma bi Anwar al-Tanzil wa al-asrar al-takwil*, (Beirut: Dar al kutub al-Ilmiah, 2003) vol 2, p.468.

¹⁷ Abd al-Qadir al-Jailani, *Tafsir al-Jalalyn*. (Beirut: Al-Markaz al-Raisi Istanbul, 2009) vol.6, p.11.

¹⁸ Ibid., p.16.

forbearing, in refraining from [always] punishing disobedience.¹⁹ And in Chapter al-Muzammil, verse 20, from al-Baidhowi, {And lent Allah a good loan} wants up in all other expenditures in the ways of good things, or by performing Zakat in the best way, and seeking the promise of reward.²⁰

From a hadith, it was narrated from Isla'il bin Ibrahim bin 'Abdullah bin Abi Rabi'ah, from his father, that his grandfather said: "The Prophet borrowed forty thousand from me, then some wealth came to him, and he paid me back and said: 'May Allah bless your family and your wealth for you: the reward for lending is praise and repayment' " (Hadith Hasan) ²¹

There is the supplication (*dua*) from the prophet (*s.a.w*) that Allah will forgive his sin until he reached the city of Madinah. It was narrated that Jabir bin 'Abdullah said: "I was with the Prophet (*s.a.w*) on a military campaign, and he said to me: 'Will you sell this camel of yours for a Dinar?' I said: 'O Messenger of Allah, it is yours when I get to Al-Madinah.' He said: 'Then sell it for two Dinar, may Allah forgive you.' And he kept increasing the price for me, saying: 'May Allah forgive you,' each time, until the amount reached twenty Dinar. When I came to Al-Madinah, I took hold of the camel's head and brought it to the Prophet (*s.a.w*) and he said: 'O Bilal, give him twenty Dinar from the spoils of war.' And he said: 'Take your camel away and go to your people with it.'" (Hadith Sahih)²²

5. Default Risk

In certain cases, the borrower could not repay the principal. How could this be solved? From a hadith, I heard Abu Umamah Al-Bahil say: "I heard the Messenger of Allah (pbuh) say: "The guarantor is responsible and the debt must be repaid" (Hadith Hasan) ²³

Narrated by Jabir bin 'Abdullah, 'My father was martyred on the day (of the battle) of Uhud, and he was in debt. His creditors demanded their rights persistently. I went to the Prophet (and informed him about it). He told them to take the fruits of my

¹⁹ Ibid., vol.6, p.106.

²⁰ Supra Note 28 at p.539-540.

²¹ Sunan al-Nasai, *Book of transaction*. Quoted in Al-Kutub al-Sittah, Bukhory, Muslim, Abu Dawud, An-Nasa'I, Ibnu Majah, At-Tirmizi, Ibnu Majah, Ahmad, (Riyadh: Dar al-Salam, 1999).Hadith no.4687.

²² Sunan Ibnu Majah, *Book of tijarah*. Quoted in Al-Kutub al-Sittah, Bukhory, Muslim, Abu Dawud, An-Nasa'I, Ibnu Majah, At-Tirmizi, Ibnu Majah, Ahmad, (Riyadh: Dar al-Salam, 1999).Hadith no.2205, vol.3.

²³ Ibid., Vol.3, Book 15, Hadith 2405.

garden and exempt my father from the debts but they refused to do so. So, the Prophet did not give them my garden and told me that he would come to me the next morning. He came to us early in the morning and wandered among the date palms and invoked Allah to bless their fruits. I then plucked the dates and paid the creditors, and there remained some of the dates for us.²⁴ It shows that debts must be paid.

6. Repayment of Debt

The borrower may pay the debt with an increase (it is also referred as 'paying debt handsomely') as it is not prescribed in the contract. The Prophet (pbuh) owed a camel of a certain age to a man who came to demand it back. The Prophet (pbuh) ordered his companions to give him. They looked for a camel of the same age, but found nothing but a camel one year older. The Prophet (pbuh) told them to give it to him. The man said, "You have paid me in full, and may Allah pay you in full." The Prophet (pbuh) said, "The best amongst you is he who pays his debts in the most handsome manner."²⁵

II The Relationship between Intention and Repayment Loan Behavior

Religion and economy are interrelated. According to the contemporary rational choice approach as suggested by Lavric and Flere (2011)²⁶, people engage in religion predominantly because they expect to maximize their perceived rewards/cost ratio. In rational choice theories, individuals are seen as motivated by the wants or goals that express their preferences. They behave within a specific manner, given the constraints and on the basis of the information that they have about the conditions under which they are acting. The relationship between preferences and constraints can be seen in purely technical terms of the relationship whereby it is a means to an end. As it is not possible for individuals to achieve all of the various things that they want, they must also make choices in relation to both their goals and think of the means for attaining these goals.

Rational choice theories hold that individuals must expect the outcomes of alternative courses of action and calculate those which will be best for them. Rational

²⁴ Supra Note 25 at vol.3, book 4, Hadith 580.

²⁵ Ibid., vol.3, Book 41, Hadith 578.

²⁶ Lavric M. and Flere S. (2011) "Intrinsic religious orientation and religious rewards: An empirical evaluation of two approaches to religious motivation", *Rationality and Society*, (23), pp.217-233.

individuals would choose the alternative that is likely to give them the greatest satisfaction (Heath, 1976: 3; Carling, 1992: 27; Coleman, 1973).²⁷ *Qard* is an action. By giving *qard*, the lender has two choices whether the loan he gives is based on benevolent loan or monetary rewards. The outcome is either a reward from Allah (which is unseen and postponed), or monetary reward such as interest in conventional view. However, the choices will be based on the satisfaction he will get. In Islam, how this reward will satisfy him is subject to the principles of ethical philosophy by al-Ghazzali which is: The end, Knowledge of God, Love of God, and The Vision of God in his book *Kīmīyāyē Sa'ādat* (The Alchemy of Happiness).

Abū Hāmid Muḥammad ibn Muḥammad al-Ghazālī (1058–1111), known as Al-Ghazali or Algazel to the Western medieval world, was a Muslim theologian, jurist, philosopher, and mystic of Persian descent. Al-Ghazali contributed significantly to the development of a systematic view of Sufism and to its integration and acceptance in mainstream Islam. As a scholar of orthodox Islam, he belonged to the Shafi'i school of Islamic jurisprudence and to the Asharite school of theology. In Islamic logic, Al-Ghazali had an important influence on the use of logic in Islamic theology, as he was the first to apply the Avicennian system of temporal modal logic to Islamic theology. Al-Ghazali wrote more than 70 books on the sciences, Islamic philosophy and Sufism. Al-Ghazali wrote most of his works in Arabic and few in Persian. His most important Persian work is *Kīmīyāyē Sa'ādat* (The Alchemy of Happiness). It is al-Ghazali's own Persian version of *Ihya'ul ulumuddin* (The Revival of Religious Sciences) in Arabic, but a shorter work. It is one of the outstanding works of 11th-century-Persian literature. The book was published several times in Tehran by the edition of Hussain Khadev-jam, a renowned Iranian scholar. It is translated to English, Arabic, Turkish, Urdu and other languages.

1. Theory of Planned Behavior

In Psychology, the theory of planned behavior link between beliefs and behavior. The concept was proposed by Icek Ajzen (1991) to improve on the predictive power of the theory of reasoned action by including perceived behavioral control. The theory states that attitude toward behavior, subjective norms, and perceived behavioral control, together shape an individual's behavioral intentions and behaviors. People can hold a

²⁷ Quoted from John Scott (2000) *Rational Choice Theory, From Understanding Contemporary Society: Theories of The Present*, Sage Publications.

great many beliefs about any given behavior, but they can attend to only a relatively small number at any given moment (Miller, 1956). The theory of planned behavior (TPB) which is extended from the theory of reasoned action has been used extensively to explain socially significant behaviors. Besides attitude and positive norms, Ajzen adds perceived behavioral control as another factor that influence someone intention to do certain behavior.

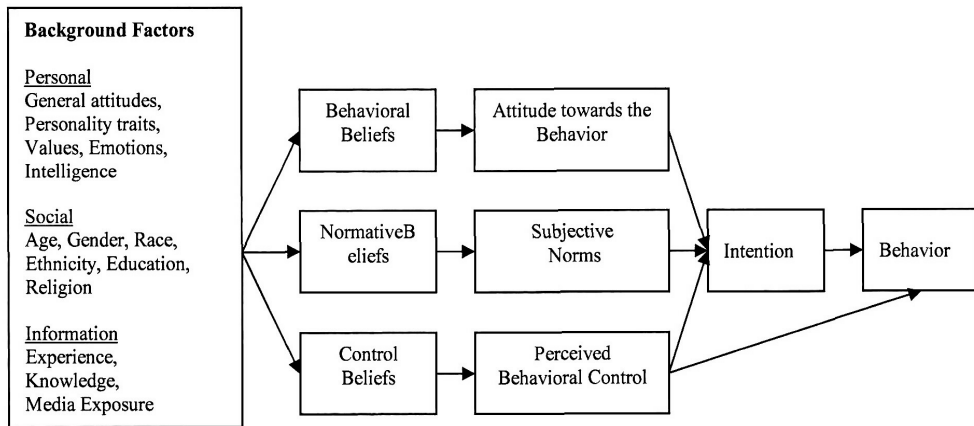


Figure 1: Theory of Planned Behaviour
Source: Ajzen (2005), p. 135

The Loan Theory from Islamic perspectives encourages its followers to practice good behavior. Basically the borrower will pay more as a symbol of renewed self-esteem, the obligation to pay the debt, (if not paid upon death, the soul will be suspended) and believers will pay off the debt.

Spiritually, the lender will lend only on the path of Allah. *Qard hasan* is given to people who cannot afford, and it is even better if the borrower cannot pay the loan and if the lender postpones and justifies the loan. The conventional view of lending is based on monetary reward. However, the *qard* is meant for lending. As discussed in section 2, it would bring reward and love of God to the owner because the action is done for the cause of God.

However, the action will only happen, if the owner knows the philosophy of both reward and *fisabilillah*. Therefore, the understanding of the ethical philosophy and metaphysical philosophies are crucial in explaining the loan theory from an Islamic perspective. By knowing this philosophy, it will affect the intention towards giving loan and also repayment of loan behavior. Therefore, we will explain the ethical philosophy of *qard*. The division of philosophy covers practical and theoretical foundations.

Qard is an action. By giving *qard*, the lender has two choices whether the loan

he gives is based on benevolent loan or monetary rewards. The outcome is either a reward from Allah (which is unseen and postponed), or monetary reward such as interest in conventional view. However, the choices will be based on the satisfaction he will get.

2. Ethical Philosophy by Al-Ghazzali

In Islam, how this reward will satisfy him is subject to the principles of ethical philosophy by al-Ghazzali which is: The end, Knowledge of God, Love of God, and The Vision of God.

a. The End

All individual activities are directed towards some end. By knowing that this world works only for a temporary period, one should know that the everlasting happiness lies in the next world. Thus, good deeds in this world will ensure the achievement of greatest happiness. By lending a property to someone, the borrower (who are in need) will be happy and lenders will also be happy, as they can anticipate the reward that will be granted by Allah later. According to Imam al-Ghazali, the *Alchemy of Happiness* or *as-Sa'ada al Haqiqia* by Imam al-Ghazali, clarifies that happiness is necessarily linked with the knowledge of God.

b. Knowledge of God

The perfect knowledge is only possessed by Allah. Knowledge about *qard* might lead us to know more of Allah's commands and see the beauty of His orders. Suffering in the next world will be experienced by an individual who has an excessive love for this world (having more wealth without helping others), for example loving the *mal* (wealth).

“O believers! Indeed, many are the (Jewish) rabbis and the Christian (monks) who defraud men of their possessions and hinder (people) from Allah? Path (the religion of Islam). And (remember) those who hoard up gold and silver and do not spend it in the Path of Allah - proclaim to them a painful punishment”.²⁸

c. Love of God

Love of God is the supreme end of all individuals, in this world.

“Verily, your Wali (Protector or Helper) is Allah, His Messenger, and the believers, - those who perform As-Salat (Iqamat-as-Salat), and give Zakat, and they bow

²⁸ Chapter al-Taubah, verse 34.

down (submit themselves with obedience to Allah in prayer).”²⁹

The proof that we love Allah is by following the commandment and abstaining ourselves from the forbidden.

d. The Vision of God

The phrase “the face of Allah”, for example in the Holy Qur’an, Chapter 6:52; chapter 13:22, which occurs frequently in al-Qur’an was interpreted as the sight or vision of God which is the high end of an individual.

And that which you give in gift (to others), in order that it may increase (your wealth by expecting to get a better one in return) from other people's property, has no increase with Allah, but that which you give in Zakat seeking Allah's Countenance than those, they shall have manifold increase.”³⁰

Thus, anyone who believes and loves Allah genuinely, will sincerely do not mind lending his property to someone, without bearing and holding any negative feelings. For example feeling doubtful about the period of payment, fearing the risk and etc. The alchemy of happiness by al-Ghazzali, may be briefly described as turning away from the world to God, and its constituents are as follows; i) The knowledge of self ii) The knowledge of God iii) The knowledge of this world as it really is and iv) The knowledge of the next world as it really is. However, different stages of individual faith will affect different degrees of acceptance on lending. Therefore, one’s knowledge on *qard* and God is one step towards one’s readiness to lend something they own to others. Therefore, philosophically, an individual must have strong principles when dealing with *qard*.

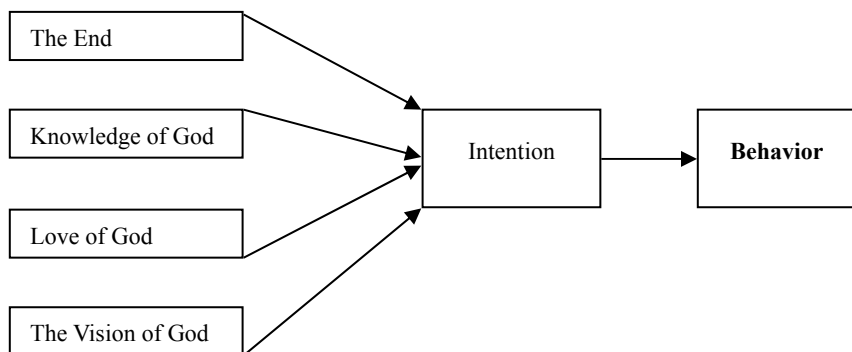


Figure 2: Ethical Philosophy by Al-Ghazali

²⁹ Chapter al-Maidah, verse 55.

³⁰ Chapter al-Rumm, verse 39.

III Conclusion

The Theory of Planned Behavior link between beliefs and behavior. While by knowing the philosophy by Al-Ghazali, it will encourage motivation and intention to do something. Basically the borrower will pay more as a symbol of renewed self-esteem, the obligation to pay the debt, (if not paid upon death, the soul will be suspended) and believers will pay off the debt. The Loan Theory from Islamic perspectives encourages its followers to practice good behavior. The borrower will pay more because of the obligation to pay the debt, (if not paid upon death, the soul will be suspended) and those who believe so will pay off the debt.

Spiritually, the lender tends to agree to lend because of Allah. *Qard hasan* is given to people who cannot afford, and if the borrower cannot pay the loan and if the lender postpones and justifies the loan, it is better. The conventional view of lending is based on monetary reward. The *qard* is meant for lending. Lending would bring reward and love of God to the owner because the action is done for God's cause. However, the action will only happen, if the owner knows the philosophy of both reward and *fiabilillah*. Therefore, the understanding of ethical philosophy is crucial in explaining the loan theory from an Islamic perspective.

This paper has explored into the ethical philosophy of *qard*, where we have found that the love for Allah will encourage the act of giving *qard*. Reward thus, affects one's motivation to do something, especially if the reward is very much linked with the end of life, which is the Day of Judgement (hereafter) and it still affects one's belief despite being unseen.

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【Symposium】

MH370 Press Conferences: Interaction and Institutional Power Relation

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Introduction

A press conference is a systematic form of public presentation and the questioning of all classification of public personalities which usually organized for the purpose of distributing information to the media. A press conference or media event is commonly held to broadly deliver important information about certain issues such as new political programs and also in connection with a crucial event like a national catastrophe.

The most recent issue in Malaysia that creates extensive polemic is the Malaysia Airlines flight MH370 bound for Beijing which was reported missing on 8th March 2014. Starting from the day of the incident, a series of press conferences were held in broadcasting the latest progress of the crisis. Due to the controversy it created, the matter was reported widely all around the world. Being an unusual incident in aviation history, the press conferences were extensively covered by local and international media. As it was an international event, the press conferences were organized following the standard format and procedures despite having a different political system compared to other countries mentioned in the previous studies such as US and Canada.

Existing studies on power relation in press conference basically came to a conclusion that either politicians or journalists have higher degree of control over the interaction. For example, Bhatia (2006) asserted that power imbalance among the interactants and the nature of press conferences which is institutionalized and

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formalized benefit the politicians to control the interaction while Clayman and Heritage (2002a, 2002b, 2006) suggested that live event like a press conference gives advantage to journalists pressing questions to limit politicians' response. However, Eshbaugh- Soha (2003) noted that press conference is an uncontrolled setting that neither politicians nor reporter can be presumed to have control over the interaction.

Research on the press conference interaction is very limited though. This study was intended to fill in the gap of the existing studies by looking at the press conferences in a different context especially press conferences organized by Malaysian government. The aim is to investigate how the access to the floor is decided and regulated in MH370 press conferences and how it is related to territorial power of the participants involved. In achieving this objective, seven (7) video clips of MH370 press conferences were analyzed guided by the following research questions:

- i. How is turn-taking decided and regulated in MH370 press conferences?
- ii. How is territorial power portrayed in MH370 press conference?

I The conceptual framework

This study was conducted based on two main concepts (i) Conversational Analysis (CA) of institutional interaction and (ii) Fairclough's power behind discourse. The study focused on turn-taking and how it relates to power representation of the discourse. Figure 1 below illustrates the conceptual framework underpinning the study:

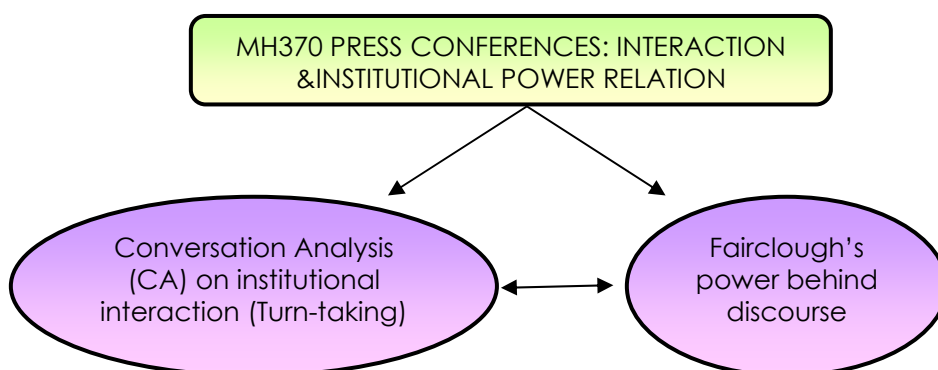


Figure 1: The conceptual framework for interaction and institutional power relation in press conference.

1. Conversation Analysis (CA)

Conversation analysis (CA) is one of the popular approaches to the study of discourse. CA is the study of natural talk in interaction and aimed to see how people communicate, either casual or institutional (in the school, government office or any other establishment). Developed by Harvey Sacks (2000) in the 1960's, and historically predating CDA, CA draws from ethnomethodology and tends to focus solely on participants' own sense making of their talk, and does not consider the broader influence of cultural discourses. Ethnomethodology was developed by the sociologist Harold Garfinkel (1967) to explain and study how social order is constructed and maintained (quoted from Gale, 2010). Conversation analysis (CA) draws its focus primarily on talk, but integrates also the nonverbal aspects of interaction in its research design. According to Woofit (2005), "the analysis of CA is always based on audio or visual recordings of interaction, which are carefully transcribed in detail. The research should be "data-driven" in the sense that concepts and hypotheses should be based on careful consideration of the data, recordings and transcript, rather than drawn from theoretical preconceptions or ideological preferences". Based on the above premises, CA approach suits this study well.

2. Fairclough's power behind discourse

The idea of 'power behind discourse' is that the whole social order of discourse is put together and held together as a hidden effect of power. Fairclough (1989) has suggested three aspects of 'power behind discourse', i.e. of hidden effects of power which are; (i) standard language, (ii) particular discourse types which can be considered 'effects of power' (e.g. medical, education, law, religious discourse types), and (iii) access to discourse and the power to execute and impose constraints on access.

3. Press Conference

A press conference is an institutionalized form for meetings between politicians and journalists. It is used usually by the Government to announce policies, programs, decisions, etc. Clayman (2006), who focuses on US presidential press conferences, claims that in comparison with the news interviews the press conference is a situation which favours the public figure. On the other hand, Swales (1990) and Bhatia's (1993)

definition of genre found ‘press conference’ as constituting a broad category of conventionalized communicative events covering many domains, such as sports, religion, business, law, and medicine, among many others. In recent days, press conference is a very important platform for politicians to bridge them with the public. Supporting this is as stated by Eshbaugh-Soha (2003) that “press conference is one of the most important vehicles by which presidents communicate to the media and public”.

Suggested by Ekstom (2006), many press conferences are governed by four conditions which are; (i) it often happens that numerous journalists who take part in a PC allowed to ask questions and follow them up, (ii) the talk in press conferences is organized according to the general principles of turn-taking that participants talk one at a time (cf Sacks, Schegloff and Jeffersson 1974 p 699), (iii) there are deadlines in time that limit the room for questions and (iv) the political press conference is an arena where two institutions meet (politics and journalism) with partly conflicting missions, and competing claims of representing the general public.

Previous studies on press conference indicate that there are conflicting and complicated relationships between the participants. Clayman and Heritage (2002a) claimed that “politicians’ competence to answer pressing and tricky questions is tested, at the same time as hierarchies between journalists and media organizations are negotiated and demonstrated”. In different research on American press conferences, Clayman and Heritage (2002b) developed a unique conceptualization for the study of question strategies focusing on various forms of adversarialness. Based on the studies, the overall issues that have been analyzed are the ways presidents reacted in various situations and possible factors influenced when and how often press conferences are arranged (Eshbaugh-Soha, 2003; Kumar, 2003; Manheim & Lammers, 1981; Lammers, 1981).

Looking at power relation in press conferences, Eshbaugh-Soha (2003) in his study came to a conclusion that press conference is “an uncontrolled setting that presidents will avoid” and in other contexts as “unique public events over which presidents have substantial discretion and control”. This finding was reinforced by Bhatia (2006) and Clayman and Heritage (2006). Bhatia (2006) in his study of two-party press conferences draws to a close that the political press conference is marked by power asymmetry that benefit the politicians. He also claimed that press conferences at their core are pervaded by the politicians’ power to control the interaction. On the contrary, Clayman and Heritage (2006) suggested that pressing

questions in the press conference limit politicians' room for action.

In conclusion, the aforementioned studies have shown how complicated and different each press conference can be for the participants to establish their roles.

II Methodology

This study is qualitative in nature where a combination of two approaches was applied; Conversational Analysis (CA) of institutional interaction and Fairclough's power behind discourse theory.

1. Sample

Seven (7) press conferences regarding the incident of the missing Malaysia Airlines flight MH370 dated from 8 March 2014 to 16 March 2014 were downloaded from *astroawani.com* and *Youtube.com*. The reason of choosing online recourses is due to their easy access. They were analyzed making it possible to observe the pattern.

2. Participant

The participants of the study are the spokespeople who are also politicians (prime minister and minister) and journalists who involve in the interaction during MH370 press conferences.

3. Research procedure

In conducting this research, the procedures implemented were:

- (i) Collecting the online video-taped data.
- (ii) Transcribing the videos using Jefferson's transcription convention.
- (iii) Analyzing the transcribed data for recurring pattern by applying the proposed framework.

4. Data analysis

The transcriptions of those seven (7) press conferences followed the system developed

by Gail Jefferson that is predominant in studies utilizing conversational analysis approach. According to Ekstrom (2006), research in this tradition has resulted in extensive knowledge regarding the organization of talk, turn-taking, sequencing, the “one-at-a-time” rule in conversation, pre- and local allocation of turns, specific interactional mechanisms, invitations, next-speaker selection devices, overlapping talk and interruptions making it a strong reason for the choice of this approach. The framework of Conversation Analysis of institutional interaction based on the work of Harvey Sacks (Jefferson 1992) was central to the analysis. The main focus was on the various interactional mechanisms and techniques for the allocation of turns.

III Findings and Discussion

This section presents the findings based on the two research questions followed by the overall discussion of how power is portrayed in the press conferences through turn-taking and mechanism of interaction.

RQ1: How is turn-taking decided and regulated in MH370 press conferences?

Based on the seven (7) MH370 press conferences, there was a consistent and fixed format implemented in the interaction. It followed the following common order:

- (i) Opening
- (ii) Individual voice
- (iii) Interactional phase
- (iv) Closing

These overall phases match completely with what Bhatia (2006) identified. He categorized the press conference’s interactional format as (1) The opening phase, during which the host of the conference welcomes the attendants; (2) The individual voice, during which the politicians make their statements; (3) The interactional phase, during which the journalists ask questions and the politicians answer; (4) The closing phase, during which the chairperson who has served as host for the conference rounds it off and thanks the attendants.

This following section looks at some of the existing techniques used when turns are allocated, given and taken. It is through these techniques that pre-established

roles, and an asymmetrical distribution of turns, can be reproduced (Thornborrow, 2002: 4). The way turn-taking is decided and regulated in MH370 press conferences will be explained following the sequence of the phase mentioned above.

(i) Opening

During the opening, the chairperson welcomes the audience and explained the purpose of that particular session of press conference. He will then pass the floor to the minister involved. The chairperson was not interrupted by anyone during this phase.

(ii) Individual voice

During this phase, the minister or authority involved made statement. In all seven (7) PCs examined in this study, the minister gave statement on the current progress of the SAR mission. After he has finished, he signalled to the chairperson to continue with the next phase.

(iii) Interactional phase

The interactional phase is the most complex phase of the four pre conferences studied. During this phase, a question and answer (Q&A) session was held for journalists to have opportunities posing their questions to the minister or authority involved (in this case the CEO of Malaysia Airlines and DCA officer). There were three types of turn-taking techniques used by the spokespeople and journalists:

- Partly gestures and body language

A number of different next speaker selection techniques are used by the spokespeople in MH370 press conferences. As mentioned by Schegloff (1996), gestures in conversation are mainly a speaker's phenomenon. Pointing with the hand, nodding combined with eye contact, and partly verbal expressions, in which name is the most frequently used technique for addressing the next speaker (cf SSJ 1974 s 717). Body language and verbal expressions are used in combination. For example, during this session *Prime Minister turns his gaze, nods at a journalist, pointing his finger and says "Yes, Siva"*. This technique has given a clear cut that the journalist named Siva has the next turn to speak.

- Self-select

Another technique of turn-taking used by the participants in MH370 press conferences is self-select. Usually done by the journalist, he/she self-selected him/herself by starting the conversation or asking question without having to wait for instruction of the next-speaker selection. This resulted in either (i) the person receives a turn and the opportunity to ask a question without competition; (ii) Competition (simultaneous talk) arises but the person receives a turn; or (iii) Competition arises and the person loses the turn.

• Interruption

Interruption is one of the acts that have been relatively analyzed within CA. The study conducted by Esaiasson and Håkansson (2002) indicated that starting in mid-1970s, journalist interruption of politicians is much more frequent than the other way around. However, in the recent study, it was not very obvious that the journalist interrupted a lot. However, there was still evidence of interruptions done by a few journalists in an attempt to gain the floor to ask question.

(iv) Closing

During the closing session, the chairperson concludes and closes the press conference.

Apparently, the journalists have restricted access to question during MH370 press conferences. There was limited chance for them to do a follow-up question due to time constraints. The allocation of a turn (by spokesperson or chairperson) was aimed at ensuring fairness, efficiency and harmony but these were seen as incompatible demands. However, the journalists, especially local journalists, seemed to cooperate one another and use their turns to press a spokesperson on a certain question even though they were competing turn with each other and have an interest in asking their own questions. This gives the impression of adhering to the cultural norms and rules in Malaysia that members of all ethnic group accord primacy to the group rather than to the individual, and work steadfastly to promoting group harmony and solidarity more than individual success (Jamaliah Mohd. Ali, 2000).

RQ2: How is territorial power portrayed in MH370 press conference?

Answering the second research question, there were two elements that can be used to symbolize power which are; (i) allocation of turn, and (ii) the use of pronouns.

These can be seen as follows:

- (i) The power of the ministry/authority talking without being interrupted when answering questions (most of the time).
- (ii) The power of the chairperson in controlling the event. The chairperson has the power to close the press conference despite the fact that journalists were still trying to take turns for additional questions.
- (iii) The power of the authorities in-charge of certain issue to respond when the respective ministers did not attempt to answer.
Dato Seri Hishamudin: "...that the DCA officer will have to answer"
- (iv) The power of the ministry to select next speaker. Verbal selection technique is used in which name and formal identity is preferred to give a stronger control than partly gestures and body language.
Prime Minister: "Okay Siva" (while nodding and pointing his finger to the journalist)
- (v) The power of journalists to take to the floor or compete for the turn through overlapping talk and self-select turn taking.
- (vi) The power of ministry to insist on taking more questions. The Prime Minister interrupted the flow of the press conference and approved to accept another one question.

Prime Minister: "Ok. I'll take one more question"

The findings in this study show that even though turn is tied to a respective journalist and spokesperson at one time; interruptions, overlaps and latching seemed readily tolerated. It is because, various level of power representation overlapping the role of all participants involved in MH370 press conferences. The common handling of MH370 press conferences is complex in nature as it includes many competing participants. However, it can be said that the spokespeople appears to have higher degree of control over the interaction. The interaction was dominated by the spokespeople as they were the authorities who have an exclusive access to the institution. The spokespeople power over the institution has somehow restricted the

journalists from controlling and creating controversy on the issue.

4. Discussion

The findings are in line with what have been suggested by Ekstrom (2006) which stated interaction and territorial power relation can be seen through these elements:

①Institutional arrangement

The territorial power in institutional interaction is closely related to the formalized arrangements that distinguish what had been recognized as a certain type of interaction and that participants do not argue or challenge (with few exceptions) but instead cooperatively obey the arrangement. MH370 press conferences followed closely the arrangement of the institution.

② Techniques of distributing/taking turns

Turn-allocating resources have been described as one of the basic resources in the organization of turn-taking (Schegloff, 2000: 42) and through this, it can be seen that the power represented by both spokespeople and journalists.

③Interruptions & overlaps in interaction

In public events like press conference, interruptions can show intentional demonstrations of power. By interrupting, one does not only stops the other person from continuing, but also shows one's power to take the floor, to influence and even oppress other people. However, in this study, interruptions amongst spokespeople is generally not viewed as encroaching the verbal territory of another but rather joint presentation of their views.

IV Conclusion

This study was conducted with the main aim to investigate how the access to the floor is decided and regulated in a press conference and how it is related to institutional power of the participants involved. Although this study is only limited to the press conferences which were held during the entire reporting of MH370 incident that took

place in Malaysia, it provides evidence supporting the notion that turn taking has a strong relation to representation of power in an institutional interaction such as press conferences as implied in Bhatia (2006).

With respect to how power over the public talk is regulated, the results of this study show that institutional power and the turns allocation in MH370 press conferences is closely related to each other. Besides, press conference is considered as a platform of the struggle between politicians, journalists and the media they represent. Therefore, it can be concluded that press conferences are used by politicians as a tool to communicate with the public. Through press conferences, politicians exercise what they want people to believe hence this has been translated into distrust among people in relation with MH370 issue.

Other than that, the findings derived from this study are also beneficial for the language experts in private sectors as well as associated authorities as a guideline to determine what type of turn-taking strategies and arrangement are suitable to be used in organizing press conferences especially in relation to a worldwide issue such as the incident of MH370. This effort is believed enables to restore Malaysia's reputation in managing press conferences during crisis. Future research should acknowledge different type of interaction element other than turn-taking so that it can help researchers to observe power representation in a different context.

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【論 説】

Controversial Boundary: The Construction of a Framework for Muslim Law in Singapore in the Period of Decolonization

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要 旨

植民地から独立国家への移行期にあった 1950～1960 年代、シンガポールでは婚姻法改革が進められ、非ムスリムの婚姻法は、一夫一婦制と婚姻における女性の権利と地位を保護することを謳う女性憲章（1961 年制定）に統一された。一方、ムスリムは独自の法枠組みを維持し、1957 年ムスリム条例（Muslim Ordinance, 1957）以降、複数回の改訂を経て、1966 年ムスリム法施行法（Administration of Muslim Law Act, 1966）制定で締め括られた。婚姻法枠組みは女性憲章とイスラム法制とに二分されたが、いずれの改革も婚姻における女性の権利と地位の改革を焦点としていた。このことは、改革論議において法枠組みの二分が必ずしも前提とされず、これを乗り越える動きが現れうること、それによって法枠組みの境界が固定的なものではなく、議論と見直しの対象として動的なものになりうることを意味する。本論文は、脱植民地化期という社会再編期の制度変革の議論の中で、ムスリムと非ムスリムを二分する法枠組みの境界の展開を検討する。特に、改革をめぐる議論を牽引した人物として、シンガポール生まれでマレー人女性福祉協会を創設したチェ・ザハラ（Che Zahara）、ボンベイ生まれのパハイー教徒でシンガポール女性会議を立ち上げたシリフ・フズダー（Shirin Fozdar）、南カリマンタン出身のアラブ系ムスリムでムスリム同胞団を結成したアフマド・ルトフィ（Ahmad Lutfi）、シンガポール生まれのインド系ムスリムの法律家アフマド・イブラヒム（Ahmad Ibrahim）の活動と構想に焦点を当てる。

Introduction

The decolonizing period of Singapore was a period of reorganization of family law systems. In Singapore, the Women's Charter has been enacted in 1961 which replaced existing marital ordinances¹ and introduced a prohibition on plural marriage, except

¹ At that time, Christian Marriage Ordinance, and Civil Marriage Ordinance were in force.

Muslim population. In other words, a separate framework for Muslim law was retained without subsumed into the national family law system, and developed as a part of national law. Nevertheless, the contents of Muslim legislation also underwent essential changes in this period that mirrored changes in non-Muslim family legislation, the Women's Charter went through; a series of Muslim legislations introduced the control of divorce, the restriction on polygamy, and the lowest marriageable age and lengthened the period of maintenance for divorced women. In short, Muslim family law reform attempted to improve women's status by tightening marital ties. The Administration of Muslim Law Act (AMLA) in 1966 was the finishing touch on this reformation; it was advocated as 'the Muslim side of Women's Charter'. The course of legislation, however, was criticized both by Muslim and non-Muslim activists. The debate primarily pertaining to the boundary between Muslim and non-Muslim family law frameworks.

The intention of this paper is to trace debates over Muslim family law reforms in the 1950s and 1960s in order to understand the formation of the Muslim law administrative system from the perspective of the formation and development of definitive boundaries between the Muslim and non-Muslim legal frameworks. The protagonists of this debate were Che Zahara², a pioneering Malay Muslim women's activist who established the Malay Women's Welfare Organization in 1947; Shirin Fozdar³, a Bahai woman born in India who set up the Singapore Women's Council, which strongly advocated for the prohibition of polygamous marriage; Ahmad Lutfi⁴, Arab-descendant Muslim from Kalimantan who founded Qalam Press in 1948 and published a monthly *jawi* magazine, *Qalam* for 20 years from 1950 to 1969; and

² Che Zahara binti Noor Mohamed (1907-1962) was Malay Muslim born in Singapore. Her father, Noor Mohamed was of the first generation educated in English and worked as revenue officer. Che Zahara was a member of AWAS (Angkatan Wanita Sedar), which was formed as women's section of Malay Nationalist Party to 'arouse in Malay women the consciousness of equal rights they have with men, free them from the old bonds of tradition, and to "socialise" them'. After World War II, Che Zahara opened an orphanage to help orphans and prostitute girls (Manderson, 1980: 55,62; *The Straits Times*, hereafter *ST*, 1947.10.12: 5; *ST*, 1950.10.1: 5; Sham, 3-5).

³ Shirin Fozdar (1905-1992) was born from Persian-Bagai parents in India. She took part in activities to help women from her teenage and got close with Mahatma Gandhi. With her husband, Khodadad Fozdar, a medical practitioner of Bahai faith, she moved to Singapore in September 1950 and established the Singapore branch of 'Bahai National Assembly of India and Burma' at that year (Chew, 1994: 114-115; Ong, 2000: 11; *ST*, 1950.10.16: 7).

⁴ Ahmad Lutfi was the pen name of Abdullah bin Hamid al-Edrus (1911-1969), an Arab-Muslim born in Kalimantan. As an editor and the main writer of *Qalam*, a monthly Jawi-language periodical published from 1950 to 1969, he had broad outlook over politics, culture, social problems, as well as religious issues. He also founded the Muslim Brotherhood in 1956 (Yamamoto, 2003: 59-64).

Ahmad Ibrahim⁵, born in Singapore to Indian Muslim parents and became a top legal officer in decolonizing period as a common law expert.

I The Aim of this Paper

This study intends to describe the formation of Muslim legal framework through 20 years, by examining a controversy undertaken by four activists over family law reforms. But the Muslim legislation in Singapore in the 1950s and 1960s failed to attract much academic interest. Syed Muhd Khairudin Aljunied and Judith Djamour are of few made reference to this topic.

Aljunied investigated the aftermath of the Maria Hertogh riots in 1950 and assumed that a change in the colonial authorities' non-interventionist attitudes toward religious matters led indirectly to the enactment of the Muslim Ordinance in 1957. Prior to this, there had been repeated Muslim demands for systematic reform and they skilfully took advantage of the authorities' bafflement (Aljunied, 2009: 2-20, 119-126).

Djamour, who researched on Malay marriage and the kinship system in Singapore around 1950 (Djamour, 1959) conducting a survey of trial hearings immediate aftermath of the introduction of *Shariah* court⁶. As an account of Muslim law administration in Singapore at that crucial time, her study describes the administrative conditions of the *Shariah* court and Muslim marriages in rich detail. She argued that divorce rates among Muslims in Singapore declined dramatically thanks to the procedural rules enacted in Muslim Ordinances and the function of the *Shariah* court (Djamour, 1966: 172-182). It is regrettable, however, Djamour treated the convergence of the critical awareness of the high divorce rate and the course of legislation as a natural outgrowth, thus the formation of the system was described linearly. By contrast, Aljunied suggested that Muslims' approach toward legal reform was not monolithic, rather it was based on activities undertaken by diverse participants, including those in the women's movement and male leaders of the Muslim Advisory Board⁷, while his study doesn't cover the detail of such multiple

⁵ Ahmad bin Mohamed Ibrahim (1916-1999) was Indian Muslim born in Singapore. His grandfather was from North India and his mother was also from Indian family (Abdul Monir Yaacob et al., 2007: 13-17).

⁶ *Shariah* court had been set up by the provision of Muslim Ordinance of 1957 and began to run in November 1958.

⁷ The board was established on June 10, 1915, as an emergency measure during the Muslim

debates (Aljunied, 2009: 119-124).

It is Ahmad Ibrahim whose proliferated studies which traced the development of family law and Muslim family law in Singapore (Ahmad, 1965a; Ahmad, 1965b; Ahmad, 1965c). As an expert on law as well as a moderate Muslim leader, he successively held various posts such as Vice Chairman of the Muslim Advisory Board (1947–1968), a nominated member of the Legislative Assembly (1951–1955), Singapore's first Advocate General (1959–1963) and Attorney General (1963–1967). He drafted many Muslim legislations and also the Women's Charter. While his essays are rich in information from a legal perspective, it does not elucidate the debates in the course of the legislation. But as some of his essays show that he took part in debates over Muslim family law reforms and eloquently states his conception for legislations, this paper examine those essays as primary sources.

Biographical studies have not so thick in comments on the legal reform. Phyllis Chew Ghim Lian picks up Shirin Fozdar as a driving force in the promulgation of the Women's Charter. She described that how Shirin Fozdar urged leaders of religious and ethnic groups to enhance women's status in marital law, and also refer to her cooperation with Muslim women activists such as Che Zahara and K. M. Siraj⁸ (Chew, 1994: 116). But since she concentrates on the promulgation of the Women's Charter, she did not pay much attention to the Muslim side of legal reformation and disputes over it. Talib Samad, who wrote a biography of Ahmad Lutfi, made analysis on Lutfi's understandings of old-fashioned religious customs and negative influence of Western culture, but made no mention to his commentaries over actual legislation (Talib, 2002: 17-43).

Elsewhere, one sees little discussion of Islamic legislation in Singapore in the 1950s and 1960s⁹. However, developments in Singapore was important for both

rebellion in India, and was changed into a standing committee after the end of World War I. The original name was the Muhammedan Advisory Board. English official R.J. Farrell served as the chair, alongside Muslim leaders representing in 'each clan' who were appointed to the board member. Muslims saw the board as a quasi-official body that issued recommendations to the government, and whose recommendations and advises toward Muslim general were not particularly welcomed (Yegar, 1979: 99-109). The board was dissolved during World War II, and reorganized and renamed to be Muslim Advisory Board in October 1947 with its membership composed solely of Muslims (Ahmad, 1979: 13).

⁸ Khatijun Nissa Siraj (1925-) is Singapore born Muslim with mixed origin. Her father, T. K. S. Dawood was rich merchant from Madras and her maternal grandfather was Turkistan Muslim moved to Singapore and made a fortune. Siraj studied in Methodist Girls School and in 1952, established Young Muslim Women's Association, which later joined the Singapore Women's Council led by Shirin Fozdar. When *Shariah* court has been set up in 1958, she appointed as social worker after broke down the opposition of Chief *Kadhi*.

⁹ Hickling situated the legislation of 1950-1960 as an extension of the process started in 1880,

Singapore and Malaysian legal history for some reasons. First, the family law system in Singapore and Malaysia share a common origin in the context of British colonialism and in post-colonialism¹⁰. For constructing the system of Muslim family law administration, Singapore was a model for Malaysia in the first decade of 20th century and then, in the decolonizing period, institutions developed in Malay states were taken as models by Singaporean legislators. It is worth noting that this cross reference continued since the political independence of each. As Horowitz pointed out, the Administration of Muslim Law Act (AMLA) in 1966 of Singapore became one of the models for legal reform undertaken in Malaysia in the 1980s (Horowitz, 1994a: 292-293). This has been promoted because Ahmad Ibrahim, a drafter of AMLA later moved to Malaysia and involved in the reformation of the Muslim family law administration¹¹. Ahmad Ibrahim, in his advocacy statement for Muslim family law provisions as well as for Women's Charter, had shown his basic ideas regarding the construction of 'modern family' through legal measures. This is the second reason why this study emphasizes the importance of legislation in decolonizing Singapore.

Given the relationship in the early period and the legal development, this paper argues that legislation enacted in Singapore in the 1950s and 1960s was an intermediate point in the history of Muslim Law in Singapore and Malaysia. In

with the enactment of Muslim (Mahomedan) law. Hickling saw that this set out the legal precedents set by British judges, who applied Islamic law as an extension of common law, and shaped the position of Islamic law in Singapore's judicial and legal institutions (Hickling, 1992: 157).

¹⁰ The Straits Settlements was the heart of the administration in English-occupied Malaya, and served as a model for Islamic administration in British Malaya. Yegar argues that the enactment of Muslim law in 1880 as a precedent for all Malay states, thereby providing a framework for application of Islamic administration to Muslims. However, since the position of religious administration and Sultanate authority were significantly different in Singapore (the Straits Settlement) and in Malay States, this led different standard of institutional development in those region. For example, the *Kathis* in Singapore were only to register the marriage and divorces and seen as government officials who had no expert knowledge of Islamic law, where in contrast, the Malay *Kathis* were given wide latitude in terms of authority up to hold court with jurisdiction (Yegar, 1979: 94-109, 150-159). In Singapore's legislation of the 1960s clearly articulates the construction of institution in accordance with Malaya (*ST*, 1961.5.15: 4).

¹¹ Ahmad Ibrahim moved to Malaysia in 1969, at which point he played a critical role in the creation of a law department at the University of Malaya, in addition to his work in reforming the country's Muslim legal system. Although Ahmad Ibrahim has been a subject of discussion among theorists, very little academic analysis has been done of his ideas or the concepts for the legalization. Horowitz has written most about Ahmad Ibrahim's contributions to legalization; he also assesses Ahmad Ibrahim's influence—as he was involved in similar reforms in Singapore—on the legal reforms enacted in Malaysia in the 1980s, and with reference to the legal rules of Pakistan, British India, and Singapore. He alludes to the rules that largely gave rise to common law, which are employed in procedural law, and how such procedural laws became a point of advocacy for Ahmad Ibrahim, who himself was an expert in common law (Horowitz, 1994a: 292-3). For other analysis on the Ahmad Ibrahim's work in Malaysia, see (Hamayotsu, 2003; Hooker, 1984).

reviewing the content and contested points of debates surrounding legislation in the two decades, this paper will clarify aspects of Ahmad Ibrahim's legislative thinking and form the basis for further analysis of the subsequent development of Muslim law in this region.

II Debates in the 1950s: The Rise of Women Activism

1. Activity of Che Zahara and Nadra case

One of the earliest women's activists urged the Muslim family law reform was Che Zahara, who established the Malay Women's Welfare Association in October 1947. As an ex-member of AWAS Singapore branch, Che Zahara criticized Malay customs like easy divorce and child marriage as these customs led Malay women into financial difficulties until they forced to live immoral lives. She tackled with this issue through various activities; performing educational sketches; establishing a women's school to teach English, *Jawi*, sewing and domestic science; advising for marital conflict; and supporting to remarriage for young divorcees. Che Zahara's activities were frequently covered by English press as 'sophisticated', while some of her activities such as procession, sketches and her sheltering of runaway couples induced severe critiques from the Muslim Advisory Board (*ST*, 1947.11.27: 6; *ST*, 1948.6.9: 3; *ST*, 1954.10.23: 7). Tension between Che Zahara and the Muslim Advisory Board reached critical level when Che Zahara supported a bill to ban the marriage of person under 16 years old irrespective of his/her religion in 1950. The bill had been brought to the Legislative Assembly as a reaction to the marriage of Nadra, then 13 years old Dutch girl whose custody rights were disputed by her biological parents in Holland and her Malay foster mother.

Nadra was a Muslim name of Maria Huberdina Hertogh. She was born to a Dutch father and an Eurasian mother in the Dutch East Indies in 1937 and was baptized in the Roman Catholic Church. In 1942, during the Japanese military invasion, Maria was entrusted to a Malay woman called Aminah, and Aminah raised Maria in Muslim faith naming her Nadra. After the Japanese surrender, Aminah brought Nadra to her birth village in Terengganu. In 1950, since the Dutch Consul General demanded that Nadra be handed over to her biological parents, Aminah brought Nadra to Singapore to settle the dispute. Though the High Court in Singapore ordered Nadra to be handed

to Dutch parents, in July 1950, the Court of Appeal rescinded the order on the ground of a legal procedural error. Upon receiving the verdict, Aminah arranged for Nadra, who was 13 years old at the time, to be married to a Malay Muslim man, Mansoor Abadi, a teacher in training from Kelantan. The marriage incited debate because of her age. Nadra's marriage was problematized as 'child marriage' and Muslim leaders expressed that child marriage was oppose to modern society, while they stood that marriage already took place under the Muslim law should be left untouched. Shortly thereafter, John Laycock, a member of the Legislative Council, began a move to ban the marriage of person under 16 years old (*ST*, 1950.8.28: 5; *ST*, 1950.9.2: 7) ¹².

Che Zahara welcomed this move and when Laycock announced that the bill would be revised not to include Muslims since the original bill received united opposition from the Muslim Advisory Board, she held a mass meeting calling for inclusion of Muslims into the application of the bill (*ST*, 1950.9.5: 7; *ST*, 1950.10.16: 7). Che Zahara also urged to look up the problems faced by Malay young divorcees because of another child marriage (*ST*, 1950.10.1: 5). Shirin Fozdar, who had arrived in Singapore just one month prior undertook Che Zahara's deed. The allegation of Che Zahara, however, as well as Shirin Fozdar, met strong opposition from members of the Muslim Advisory Board (*ST*, 1950.10.19: 5; *ST*, 1950.11.13: 4). The bill submitted was revised that Muslims excluded from its application. Furthermore, the bill itself did not bear fruit due to continued opposition from Muslim members of Legislative Council (*ST*, 1950.10.25: 6).

On Che Zahara's allegation, Ahmad Lutfi also countered in his essays in *Qalam*. Ahmad Lutfi argued that in Islam, ability of marriage of a girl is determined based on whether she has attained puberty (*baligh*), not by fixed age. But the attitude of Ahmad Lutfi was not simple. He presented his interest on the same topic as Che Zahara, in criticizing 'forced Marriage'. Forced marriage is the marriage of virgin girl solemnized by her guardian (*wali mujbir*) without consent of bride. While the orthodox view of *Shafi'i* school recognize the right of guardian to do so, Ahmad Lutfi condemned the view as baseless in *Quran* and *Hadith* of Prophet and tried to conceptualize 'women's right' in the context of Islam. Ahmad Lutfi argued that women and girls, once they're attained puberty, were independent from their parents and had the right to consent to marriage, thus her guardian's right to marry her out should depend on it.

¹² For chronological event and judicial disputes, see (Hughes, 1980; Haja, 1989).

The religion affords woman who has already attained puberty freedom and independence according to logic and in practice, so our woman who has already attained puberty has the freedom with her and that freedom including the rights of marriage. Therefore, according to *al-Quran* and *Hadith* it is illegal to marry a virgin girl to a man without her consent. Asking for her consent is not a matter of recommendation (*sunat*) but an obligation (*wajib*), because if she does not consent, the marriage straightly illegal and if she got pregnant, her child becomes illegitimate (*haram*) child (*Qalam*, 1950.11: 14).

By conceptualizing women's right, Ahmad Lutfi reacted to Che Zahara's allegation, but also tried to counter the course of court procedures which trying to determine Nadra's religious and marital status through custodial argument, not through Nadra's own confession notwithstanding the fact that she already attained puberty (Tsuboi, 2013). Ahmad Lutfi's critique of forced marriage also went to condemn *ulamas* who had recognized such customs. His stand on forced marriage issue and his conception of women's rights caused criticism from the Mufti of Johor, who argued the Lutfi's idea was deviate from Islam. Ahmad Lutfi insisted his view.

In the court, Nadra's natural parents claimed that the marriage was invalid since her biological father did not give consent to his daughter's conversion to Islam, and the High Court applied Dutch law on the grounds that legally speaking, Nadra's domicile was the Netherlands according to her father. As a result, the marriage was deemed invalid and a verdict was handed down declaring that custodial rights of Nadra rested with her natural parents. Seeing emotional ties between Nadra and Aminah, and Nadra herself strongly resisted to be separated from Aminah, the case attracted broad public interest from the first moment. This escalated into deep dissatisfaction when Nadra's marriage incited legislative effort to ban similar marriages and when court issue developed to question her Muslim status and legality of her marriage. The verdict instigated Malay riots resulted in 18 deaths.

2. Disputes over Muslim Divorce

After the riot, neither Che Zahara nor the Muslim Advisory Board slackened their requests for Muslim law reform. Che Zahara claimed to check Muslim divorce, as easy divorce was the biggest cause of Muslim divorcees' difficulty, while the Muslim Advisory Board requested the establishment of Muslim court with special jurisdiction

to deal with Muslim matrimonial issues in along with the laws of colony, criticizing *Kathis*, including the one that solemnised marriage of Nadra, neglecting legal procedures in the administration of Muslim law. At their first point, the Muslim Advisory Board did not weight the divorce rates and they did not refer to the necessity to check Muslim divorce by establishing the court. This attitude changed once the discourses regarding Muslim divorce trend as problem began to attract public interest. Its leading actor was Shirin Fozdar, founder and the radical leader of inter-religious and inter-ethnic women's body, Singapore Council of Women (SCW). As soon as SCW was founded in April 1952, Fozdar put up the marital law reform for all Singaporean women. Fozdar criticized the authority's inaction toward Muslims divorce trend adopting sensational terminology such as "two marriages, one divorce" (*ST*, 1952.12.31: 5), "divorce rate here is higher than in Hoollywood" (*ST*, 1954.1.29: 1).

Beside this, SCW drafted monogamous bill as Fozdar thought that polygamous marriage symbolically present the unequal status of women. Up to December 1953, SCW drafted the bill to ban polygamous marriage and sent it to colonial authorities, members of the Legislative Council, represent bodies of ethnic/religious communities including the Muslim Advisory Board. In their letter, SCW claimed that monogamy ~~is~~ was the only way to relieve misery and unhappiness condition of married women.

(...) We are confident that our appeal to you to assist the women to get better marital treatment and rights will not go unheeded. The greatness of a nation is often measured by the caliber of its women. What greatness can we expect for this country where in every home, the women live in a state of constant fear of being deprived of home, security and everything that goes to maintain a happy family. All advanced nations including Islamic countries like Persia and Turkey have granted similar rights to their women and progressed through the efforts of these same women who strove to offer their mite to the cause of human progress. It is very unfortunate that in this country the women are very backward and their marital ties insecure.

Nowhere in the world is divorce so easy as in this country, but all the facilities of divorce are enjoyed by men. Those who indulge in this practice are governed by a Book which to them should be the word of God. Therein it laid down, "And if you fear a breach between the two, then appoint a judge from his people and a judge from her people if they both desire agreement, Allah will effect harmony between them surely Allah is knowing aware". Again it is said "of all things permitted to men divorce is the most hated by Allah." (...) Our contention is that the condition laid down about doing

"justice between them" makes polygamy impossible. Justice does not consist in giving them equal share of the material wealth of a man, but equal share of the affection as well. Is such a thing possible that a man can show the same degree of affection to more than one woman? The other alternative therefore, in order to please God is monogamy, "this is more proper that you may not deviate from the right course."(...) (SCW, 1953.12.14)

But the Muslim Advisory Board opposed the SCW that their claim was against Muslim law and unacceptable to both Muslim men and women. Not only the Muslim Advisory Board challenged SCW's view. Che Zahara, a founding member and once a vice president of SCW but soon withdrew from her post in SCW (SCW, 1952.4.24), opposed to the SCW's plea to apply the 'one man one wife bill' to all the marriages including Muslims with reasoning that high rate of divorce among Malay Muslims had relevance to polygamy. Che Zahara denied the argument and commented that Muslim law sanctioned the polygamous marriages (ST, 1953.5.19: 3).

Around nearly the same phase, arguments of Che Zahara and the Muslim Advisory Board getting closed in urging to setting up of Muslim court to deal with divorce. The Secretary general of the Muslim Advisory Board clearly connected two issues when he stated to the press that "There is nothing wrong with our divorce laws, but we certainly do need better machinery to administer them" (ST, 1953.11.19: 5). Ahmad Lutfi also took this opportunity to welcome the move to set up *Shariah* court:

...The divorce cases of the last several years in Singapore, which show no sign of decreasing, are creating an atmosphere that demands the establishment of *Shariah* court. Because this is a public matter, in-our opinion, it should be administered by the government and the government should deal with the matters that are not to be left out like this. It is desirable to be brought to the government by Muslim members of Legislative Council (*Qalam*, 1953.11: 4).

He goes on to argue that the administration of Muslim marriage and divorce laws is a public matter, and that the government should bear expenses of setting up and running courts (*Qalam*, 1953.11: 4). Behind such arguments was the fact that the Muslim community had sought, for many years, to set up appeal institutions for the *Kathis*.

The Muslim Advisory Board pointed *Kathis* as the main cause for the high divorce

occurrence. In the Legislative Council, Ahmad Ibrahim appealed the necessity to have a 'Kathi Court', since 'at present matters of Muslim marriage and divorce are dealt with by individual *Kathis* who are to a large extent unfettered by any control or rules' (LC, 1954.7.20). He also pointed that 'the *Kathis* in Singapore had in effect a free hand in the solemnisation of marriages' and that 'the ease with which divorces were granted by *Kathis* in the past has been the principal defect of the administration of Muslim law in Singapore'. For him, this caused by the fact that '*Kathis* in their eagerness to earn the fees for the marriage have been too ready to accept the statement of parties' (Ahmad, 1958.12: 75).

By asserting 'high divorce rate' as problem, the Muslim Advisory Board adopted the position of Che Zahara. The time was ripe; problematic recognition for Muslim divorce had established through high coverage of press, and this gave the colonial authority a ground to establish the Muslim court. By the Muslim Ordinance of 1957, *Shariah* Court has been set up first in history of Singapore and it administered the stricter divorce procedures embedded in the Muslim Ordinance.

Fozdar's claim to ban the bigamous marriage, on the other hand, received support from the People's Action Party government, and in September 1961, it bear fruit as a provision in the Women's Charter¹³. The preamble of the Women's Charter declares that the charter is 'An Ordinance to provide for monogamous marriages and for the solemnization and registration of such marriages; to amend and consolidate the law relating to divorce, the rights and duties of married persons, the maintenance of wives and children and the punishment of offences against women and girls; and to provide for matters incidental hereto', thereby outlawed polygamous marriages among non-Muslims. Parts of the charter such as marital provisions including monogamous marriage, were not applicable to Muslims¹⁴. Thus, Muslim side of reform became a continuous issue. In 1960, before the Women's Charter passed by the Legislative Assembly, the Muslim Ordinance was amended to restrict polygamous marriage by legal procedures; the applicants of polygamous marriages were required preliminary inquiry by Chief *Kathi* so that make sure that the marriage have no legal obstacles in regard to Muslim law. In August 1966, a year after the sudden independence from

¹³ It repealed the Christian Marriage Ordinance, the Civil Marriage Ordinance and other Ordinances related to the status and properties of girls and women.

¹⁴ Part II to IV (provisions of monogamous marriages and its solemnization and registration) and part IX (provisions of divorce) and section 166 (provision that assure marriages contracted before the date of 2nd March 1961 deemed valid) of the Ordinance shall not apply to any person who is married under the Muslim law. See Women's Charter Section 3, Item 1, 2.

Malaysia, the Administration of Muslim Law bill, which introduced the extension of custodial period, the minimal age for marriage, the prohibition of registration of triple talak, and so on passed by the Parliament. Othman Wok, then Minister for Culture and Social Affairs, advocated for the bill.

While it has not been possible to please everybody and to accept all the representations made, it is hoped that the Bill will be welcomed as one more step - a significant step - in the regulation of affairs and in the proper administration of law in Singapore. The Bill also represents a significant advance in social legislation for the protection of women, and it is hoped that women will, in particular, welcome the Bill. The Bill has not, it is true, given the women all the benefits of the Women's Charter, 1961, but in itself and within its limitations it represents a charter which has restored to women their rights of which for long they have been deprived (*SP*, 1965.12.30).

Between five years since the Muslim Ordinance was amended, there were another debate between Ahmad Lutfi and Ahmad Ibrahim, a legislator and advocator for both the Women's Charter and Muslim family legislations.

III Debates in the 1960s: Ahmad Lutfi and Ahmad Ibrahim

1. Disputes over Divorce Provisions

Seeing that Muslim Ordinance imposed substantial restrictions on divorce, Ahmad Lutfi abandoned its supportive attitude toward Muslim Ordinance and sought the repeal of such laws. The dissatisfaction with the set of legislations first appeared in a discussion opposing the Administration of Islamic Law Bill¹⁵ in 1960:

...(according to the articles,) unless a *Kathi* or Assistant *Kathi* has affirmed, upon inquiry, that both husband and wife have reached an agreement, no divorce or

¹⁵ Released by the Singapore government in January 1961 and withdrawn in the same year because of the strong opposition from Muslim community. The bill introduced the stipulations to establish the Singapore Muslim Religious Council (*Majlis Ugama Islam Singapura*) to administer Muslim fund and trust, to issue fatwa and to collect and distribute *zakat* and *fitra*. Since the bill combined the existing Muslim Ordinance, it also introduced further marital reform in the custody rights of divorced women or in other topics.

reconciliation (*rujuk*) may be registered. Only in cases where both husband and wife have agreed to a divorce may a divorce be legally registered. In short, a husband may not divorce unless his wife has given consent (*Qalam*, 1961.3: 40).

Ahmad Lutfi argued that the necessity of petitioning the *Shariah* court to register a divorce due to the inability to obtain an individual to register their divorces, was tantamount to being 'unable to divorce', which goes against Islamic law. He further criticizes the legislation as contradicting Islamic law:

...if it (the right of *talak* statement) cannot be exercised freely...then regardless of whether you can get a divorce through law of *Shariah*, the divorce will be held in limbo due to national laws, thus creating a situation in which the husband is committing adultery with his wife (*Qalam*, 1962.6: 5).

Ahmad Lutfi's position on divorce was expressed very clearly.

The aspects in this legislation we must pay the most attention to are the divorce and the attendant payment thereto (with regards to the waiting period), and the enforcement of child support payment for children. The reason is that many males fail to fulfil this obligation, leaving the children entirely to the divorced wife. This legislation would make such payments obligatory, a critical element in stabilizing our society (*Qalam*, 1956.1: 3-4).

He did not advocate for the suppression of divorce; rather he was putting emphasis on legalizing the husband's obligation to provide for his dependents. Ahmad Lutfi repeated same point that 'such reform would improve the lot of mothers in society and prevent harm to the weaker sex' (*Qalam*, 1962.6: 4-5).

There were no significant difference between Ahmad Lutfi and Ahmad Ibrahim on the issue of the divorce rate and economic and social difficulties of divorced wives and their children. On the other hand, there was a gap between them over the measures to address those problems. Ahmad Lutfi was reluctant to change the 'rights' of husbands but attempting to solve problems related to divorce by strengthened obligations and responsibilities of husbands such as providing for dependents. By contrast, Ahmad Ibrahim claimed that restricting the power of divorce would benefit the Muslim community in Singapore:

The Women's Charter, 1961, permits divorce on grounds which are substantially common to the husband and to the wife. It is only the Muslims in Singapore who claim that the Muslim husband should have an unrestricted right of repudiating his wife. Is this freedom really beneficial to the Muslims? Is it to the interest of the Muslim community that a husband should be able to abandon his wife and children for no fault of the wife and to leave the wife without support after three months of *eddah*? Again in most countries the right of the Muslim husband has been restricted and it is only bigoted fanaticism and a lack of social consciousness which leads the Muslim men in Singapore to claim their exclusive rights in this matter (Ahmad, 1964.5: 15).

Ahmad Ibrahim also broached the subject of legal reform in Arab countries, Indonesia, and Malaysia, and positioned Singapore's reform as part of the tide of reform in these countries.

Recent legislation in the Arab countries based on the Muslim law have decreed that where the three *talaks* are pronounced at once, this will only take effect as one *talak*, but in Singapore the views of the orthodox School are still followed. It is possible however by the influence of the *Shariah* Court and the *kathis* to encourage the Muslims to use only the *ahsan* (or best) form of *talak* (Ahmad, 1962.2: xv).

By referring to the movements in Arab countries, Ahmad Ibrahim claimed legitimacy for similarly conceived policies. Responding to criticism that legal reform in Singapore as oppressive towards divorce and polygamous marriage, he argued that 'In many respect, indeed, the AMLA is moderate and even conservative when compared with similar legislation in other Muslim countries' (*ST*, 1966.11.17: 8).

2. Polygamous Marriage and the Women's Charter

Ahmad Lutfi complained that since the condition imposed in the inquiry were too severe, 'only three instances of polygamous marriages that successfully met this condition in 1960'. He claimed that although the Chief *Kathi* was charged only with 'confirming that there were no lawful obstacles according to the law of *Shariah*', he actually imposed four requirements; the capacity of the husband to maintain his wives, approval of the first wife, approval of the second wife's guardian, and approval of the

second wife. According to Ahmad Lutfi, the preliminary inquiry was ‘seen by Muslims as a rule going against Islamic law that was being implemented through stealth’ (*Qalam*, 1962.8: 6).

Ahmad Lutfi’s criticism of the marriage and divorce rules reached a pitch beginning in January 1961. He came not only argued that the repressive administration of divorce and polygamous marriage was ‘against Islamic law’ but also criticized the law for being ‘Christian law’ (*Qalam*, 1962.8: 40) or an ‘intrusion of the Women’s Charter:’

Currently, the shrewd members of the Advisory Board are scheming to incorporate section 4 of the Women’s Charter¹⁶ into Muslim law (*Qalam*, 1962.10: 6, 40).

Ahmad Ibrahim said of the Women’s Charter: ‘It is an exemplary rule of law from the perspective of a human rights charter’. He argued that the charter’s exemption of Muslims from the monogamy rule should be revised:

Another major reform in the Women’s Charter, 1961, is the abolition of polygamy, which again is made applicable to everyone but the Muslims. Is it really to the benefit of the Muslims that they should be allowed to practice polygamy? Polygamy is not enjoined in Islam but permitted subject to strict conditions. Only a person who is blind to the facts of modern social life will deny that polygamy causes the disruption of a happy family life and brings about hardship to the wife and the children of the marriages. It is difficult enough for the ordinary Muslim to give the comforts of life and a good education to his children. To allow him to practice polygamy is in effect to allow him to neglect the happiness and education of his children (Ahmad, 1964.5: 15).

Arguing that the Women’s Charter’s ban on polygamous marriage was a model for modern society, Ibrahim cited other Muslim countries like Turkey and Tunisia as countries in which ‘polygamy has in fact been abolished’ and added that ‘(polygamy) has been subject to strict control in many other Muslim countries’. His stance was confront to that of Ahmad Lutfi, who said of the Women’s Charter had originated in specific religion or ethnicity, such as Christian law or Buddhist law, and therefore denies its applicability to Muslims. Ahmad Ibrahim countered such critiques:

¹⁶ Section 4 of the Women’s Charter stipulates the person of disability to contract marriages (and this included person who already married).

„the Government of Singapore is not a Christian Government. It is not the policy and never has been the policy of the Government to impose a Christian or Buddhist form of life on the peoples of Singapore. Rather because of the division between religion and State, the government does not purport to deal or interfere in religious matters. ...It has been stated for example that the Women's Charter, 1961, is a Christian law, because it imposes monogamy and because it restricts divorce. This is clearly absurd for it is clear that historically neither monogamy nor divorce were parts of Christian teachings. It is as absurd to say that the legislation as regards monogamy or divorce is Christian as to say that the lounge suit or the motor car is Christian. The Women's Charter, 1961, in fact repealed the Christian Marriage Ordinance and its provisions override some of the teachings of Christianity, Hinduism, and Buddhism. It is a State law designed for the welfare of all citizens and it should be judged on the basis 'Is it a good law or a bad law?' rather than on the basis 'Does it comply with this or that provision of Christianity or Islam?' (Ahmad, 1964.5: 12)

While championing legal reform by using the examples of other Muslim countries, Ahmad Ibrahim also discussed Muslim welfare in Singapore. For this reason, Ahmad Lutfi's position, which opposes to the preliminary inquire for polygamous marriage on the ground that Singapore government was 'interfering with religious faith'¹⁷, comes under fire from Ahmad Ibrahim who criticized the position for neglecting the benefits to citizens' welfare and the community and for merely proclaiming 'orthodoxy'.

In rejecting welfare legislation and measures which are introduced by the State on the plea that they are contrary to *orthodox Shafii beliefs*, are the Muslims really benefiting themselves or are they rejecting benefits which they should share with their fellow citizens? Should a legislation be rejected merely because it does not follow the orthodox *Shafii* beliefs as understood in Singapore or should the question be asked will it benefit the Muslims or not? ...In all the criticisms by Muslims of the Women's Charter, 1961, it has never been suggested that it is not beneficial. (Ahmad, 1964.5:

¹⁷ 'When the Singapore government enacted the law banning polygamous marriage, the government declared that it did not apply to Muslims. However, in fact, the monogamy law was indirectly applicable to Muslims... In response to this situation, some people asked whether Muslims would be compelled to follow a law that was in breach of *Shariah*. Muslims ...were indirectly affected for saying that the government should not interfere with the Islamic religion' (*Qalam*, 1961.4: 3-4).

13-14)

Ahmad Ibrahim insisted that Muslim law should be reinterpreted along the concept of '*maslahah*' or the principle of doing the most benefit to the peoples of that period or country'¹⁸. His tribute to the Women's Charter was based on the notion that provisions for the control of marriage and divorces were the product of progress of the society of the time.

...it might be questioned whether in fact the demand for special rights and privileges for the Muslims is beneficial to them. First it is necessary to emphasize the fact that the ideal modern state is a welfare State whose policy is to safeguard and improve the welfare of its citizens. The considerations which influence policy and legislation must be the welfare of the inhabitants. ...Singapore is a welfare state and its legislation is designed to improve the welfare of all its citizens, whether they are Chinese, Indians or Malays or whether they are Christians, Muslims or Buddhists... (Ahmad, 1964.5: 11-12)

Ahmad Ibrahim's concept of 'welfare', as might be surmised from the terms 'welfare of all citizens', included both Muslims and non-Muslims. But '*maslahah*' of his usage exhibited same orientation; rather than the specialist discussions centred on interpretation of Islamic law and discussions involving Muslims in particular. For Ahmad Ibrahim, 'Islamic legislation' was a framework to provide the welfare for the Muslim fellows in the ethnically and religiously plural society.

There has recently been a tendency in Singapore among Muslims to demand that Government should not interfere in matters affecting Muslims and that Muslims should be allowed to follow their own practices and laws. It is difficult to know what the self-appointed champions of the Muslim way of life really desire... Such a demand is clearly absurd and dangerous in a State where Muslims are a small minority and where it is necessary in the context of not only Singapore but of Malaysia to create a

¹⁸ *Maslahah* is a concept that can be deduced from Islamic law, and means public welfare. It has become the basis for legal scholars politically sidestepping a strictly speculative conclusion. The concept of *maslahah* served as the basis for wide-ranging reforms in Islamic law in Southeast Asian Muslim intellectual currents from mid-20th century on. Thereafter (after mid-twentieth century), general recognition of *maslahah* as one goal of *Shariah* expanded, and questions began to be asked how *maslahah* would affect legal decisions (Feener, 2007: 49-50).

national consciousness transcending racial and religious groups...(Ahmad, 1964.5: 11-12)

In short, Islamic law in Singapore was conceived and realized as something compatible with the Women's Charter and as a model for equal rights for men and women. It was a system akin to the modern judiciary within an administrative framework. It may be that what Ahmad Ibrahim created in pursuing legal equality under the law was not simply an institution for registering marriage and divorce, but a modern judicial framework for Muslims.

Conclusion

The Muslim family law reform in decolonizing period was essentially the legislation for women. It is worth pointing that Muslim family law reform in Singapore modelled on that in Malay states as well as Muslim countries like Egypt, Pakistan and secular India which introduced family law reforms in the 1950s also. However, the most influential model was the Women's Charter as it was the counterpart in terms of family legislation.

In the 1950s, where the future course of legislative reform was not so clear, both Che Zahara and Shirin Fozdar demanded unified reform law for women. Their allegations were similar but left one point. While Fozdar thought that the prohibition of polygamy should be applied irrespective of religion, Che Zahara refuted this and asserted that cause of high divorce rate were not polygamous marriages. Rather than advocated for 'one man one wife bill', Che Zahara supported the establishment of a Muslim court to control Muslim divorce. But in anyway, it seems certain that the discourses both by Che Zahara and Shirin Fozdar attracted public attention to the divorce trend of Muslims and prepared ground for establishment of first *Shariah* Court in Singaporean history.

In 1960s, criticisms of the administration of the *Shariah* court and Kathis, and the Muslim Ordinance surfaced. These criticisms were strongly conscious for contents of the Women's Charter. Initially supported the legislation, Ahmad Lutfi's attitude stiffened when he realized that its provisions 'essentially' changed the marital rights of Muslims and follow the Women's Charter. His expressed allegation for 'women's rights' stopped to appear after the debate with Che Zahara, and coincidentally with this, he began to emphasize the responsibilities of men. This change evidences the fact

that Ahmad Lutfi wrote his essays in reaction to issue of the times. His emphasis on men's responsibilities mirrored his understanding that he had to recognize women's rights in the rhetoric of Islam in competence with the one outlined in the Women's Charter.

Ahmad Ibrahim took a moderate course. He advocated for provisions that the quest for similar provisions as in the Women's Charter was a universal trend that already introduced in Muslim countries in the Middle East and South East. Thus, he adopted the similar reforms in the framework of Muslim legislation without hesitation. In reacting to criticism, Ahmad Ibrahim repeatedly stated the concept 'modern society', arguing that the interpretation of Muslim law had to be in line with the times and condition of the society. For him, as 'welfare' was a borderless concept that should be appreciated in a plural and modern society, the control of divorce through legislation was a means of providing welfare of his fellow Muslims.

The framework for Muslim law was developed coincidentally with that of non-Muslim fellow. As energetic debates above indicate, the border between 'Muslim' and 'non-Muslims' was not previously fixed or just an inheritance of colonial rule but was very controversial and by such controversy the framework reached a balance: a balance of different quests to become equal to others and to be different from others, quests came together with living in a multi-ethnic society.

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【研究ノート】

移送文書群の「発見」について イギリス国立文書館の利用方法を考える

鈴木陽一

はじめに

2012年10月5日、イギリスのメディアは、旧植民地で行われたとされる反政府活動家への拷問をめぐる裁判において政府が敗訴したことを一斉に報じた。ケニアにおける反植民地武装集団・ケニア土地自由軍——一般にイギリスからの呼称マウマウ団が使われる——元団員の起こした訴訟にイギリス高等裁判所は政府の控訴を認めず、これに賠償を命じたのである。非常事態の下、捕まった団員たちは語るのもおぞましい虐待を受けた。高裁はこれに時効を認めなかったのである (*The Guardian*, 6 October 2012)。

注目すべきはこの訴訟の過程において、弁護団、さらにこれをサポートする研究者たちの働きによって今まで知られていなかった大量の文書の存在が明らかになったことである。ケニア脱植民地化の過程においては、大量の現地公文書が破棄、またはイギリス本国に移送され、多数の犯罪・不法行為が隠ぺいされた。それゆえ、原告側は残された文書の所在を突き止めて開示させ、これら史料を用いることで訴訟に勝利したのだった。しかも、訴訟の過程においてケニアに限らずほぼ全てのイギリス植民地において同様の植民地文書の破棄・隠ぺいが行われていたことも判明した。イギリス政府を困惑させる文書、その植民地支配に協力した人々を困惑させる文書等は後継政府に渡さないとの植民地相の決定が各地植民地に周知され、大量の植民地文書について破棄または本国への移送の措置が採られていたのだ。長きにわたる年月を経て、破棄を免れ本国に移送された文書——通称、移送文書群 (migrated archives) ——はイギリス国立文書館 (The National Archives of the United Kingdom) において公開されることになった¹。そして、これら文書群がイギリス帝国植民地支配に新しい光を投げかけることになったのである。

本稿の目的は、日本の東南アジア研究者のあいだでは必ずしも頻繁に使われていないイ

¹ 裁判所からの文書開示命令に対して、最初、外務コモンウェルス省はその不存在を主張したが、歴史学者の証言などもあってか後にこれを覆した。なぜそのような事態になったのか、外相の要請に基づいて移送文書群の由来などについて調査が実施され、レポートが出されている (Cary, 2011)。

植民地文書の組織的な破棄・隠ぺい工作は「遺産作戦 Operation Legacy」と呼ばれた。この作戦については、日本でもすでに詳しい論考が出されている (佐藤, 2015, 齋藤, 2015)。

ギリス国立文書館を利用した研究の在り方について、公開された移送文書群の例も踏まえながら論考することにある。本論でも述べるように、近年、文書館の利便性の著しい向上に伴い、逆説的ながら、誤った研究方法——例えば、キーワード検索にかかったファイルをデジタルカメラで写真撮影して持ち帰り、そうして得た史料にある情報をうまく組み立てていけば歴史が描けると単純に考えているような——をとる研究者も出現している。どのような調査を行い、どのように研究成果に繋げていったらよいのか。また、上記移送文書群は何を明らかにしてくれるのだろうか。ますます価値を高めつつあるイギリス国立文書館の利用に向けて若干の案内になればと思う。

I イギリス国立文書館と東南アジア研究

イギリス国立文書館は世界で最も有名な文書館の一つとなっている。かつては公文書館（The Public Record Office : PRO）とも呼ばれた。日本人研究者も訪れるがその多くは外交史や経済史の研究者であり、地域研究の対象として東南アジアを扱う研究者はそのなかでは少ない。これには日本の東南アジア研究がフィールドワークを中心とする独自の地域研究の伝統をつくりあげてきたことが影響しているのかもしれない。ただ、イギリス国立文書館における調査は決してそうしたフィールド中心の研究と矛盾するものではない。むしろいろいろな点で補ってくれる。イギリスと東南アジアの関わりは深い。18 世紀末以来長く、イギリスは主要なアクターの一つとしてこの地域の歴史に関わった。そのイギリスの理解のためにはこの文書館の史料が欠かせないはずである。また、イギリスが直接関わらなかった事象を明らかにしようとするにあたっても同国人が収集した情報は役に立つはずである²。

実のところ、東南アジア研究者向けのイギリス国立文書館利用の手引書としてはすでに清水元氏によって『英国立公文書館の日本・東南アジア関係史料』が著されている（清水, 1992）。原則論的な記述に加え、日本・東南アジア関係史を研究するにはどのような利用方法があるのかといった点にまで考察が加えられ、一般の東南アジア研究者も活用できる手引書となっている。筆者自身も同書に大変に助けられ、影響を受けてきた。ただ、同書の出版からは 20 年以上が経っている。その間、文書館がますます使いやすくなり、新しい史料も出るようになった半面、それに伴った問題も出るようになっている。本章ではそうした点を中心に同書を補っていきたい。

² 同様な理由からアメリカ国立文書館（The National Archives and Records Administration : NARA）において調査することも東南アジア研究者にきわめて有用と言える。NARA はアーカイブズ学的な文書整理が徹底されていないなど使いづらいところが多いが、日本人研究者向けの手引書も出ている（仲本, 2008）。

1. アーカイブズの構成原理を理解する

日本において史学系大学院で訓練を受けた研究者も、欧州で発達したアーカイブズ学の前にときに過つ。近年、文書館の利便性が向上し、コンピューターによる文書検索が容易になった。そして、そのことに伴い、文書館の端末に座ってキーワード検索で史料を探すことに熱中する、それが史料収集の王道であるとばかりに錯覚に陥っている若い研究者に出くわすことが多くなった。しかし、これは危うい。初歩でよいからアーカイブズ学を学び、アーカイブズの構成原理を理解すれば、そのことに気づくはずである。

一般論としてアーカイブズの資料の収集・整理には次の四原則があるとされている（小川ほか, 2007: 43-44）。

1. 「出所の原則」：出所が同一の記録・資料をほかの出所のそれらとは混同させてはならない、という基本原則。
2. 「原秩序尊重の原則」：単一の出所を持つ記録・資料の出所によってつくられた秩序は保存しなければならない、という基本原則。
3. 「原形保存の原則」：保存処置にあたって資料の原型をできる限り変更しないこと。
4. 「記録の原則」：資料の現状に変更を加える場合、または資料に修復措置を施す場合、その原型及び処置の内容を記録に残すこと。

アーカイブズは、以上のような原則に基づきながら、具体的にはおおよそ次のような手順で資料を収集・整理し、それらを保存する。文書の作成・評価・選別・移管・整理・配架の過程は「文書のライフサイクル」とも言われる³。

1. 評価・選別：資料を評価・選別し、不要なものは破棄する。
2. 移管：官庁など出所から資料を引き継ぐ。
3. 整理・配架：アーカイブズ独自の番号を付与するなど資料を整理したうえで配架する。
4. 公開：秘密文書は文書作成から起算して一定年限ののちに公開する。

ポイントは、アーカイブズの資料は、図書館のように書かれた内容によって整理・配架されているのではなく、出所の原秩序を反映して整理・配架されているということである。これをイギリス公文書に当てはめれば、たとえば、植民地省極東局（1954-1963）の文書

³ 文書の「移管」を受けてから「評価・選別」を行うこともあるが、最近では「移管」の前の早い段階で「評価・選別」を行うことが多くなってきているようである。

「FED59/4/01, Part C: Proposed State of Greater Malaysia」は、上記の手続きを経て、現在、国立文書館に「CO1030/979: Proposed State of Greater Malaysia」として配架されている。CO1030/979 のファイル番号を請求すれば閲覧できる。ファイル番号は国立文書館によって与えられたものであるが、大まかに言えば、CO は植民地省文書であること、また 1030 はその極東局文書であることを示している。植民地省極東局で使われたその他の文書も CO1030 のあとに番号が付されて配架されている。

四原則（とくにそのうちの 1 と 2）と「文書のライフサイクル」を通じて各アーカイブズはそれぞれが固有の資料の体系を持っている。国立文書館の利用にあたっては、以上のことを意識しながら、自分のテーマにあった調査方法を確立していく必要がある。そのなかで、比較的単純な調査方法が有効なのは、イギリスを第三者として歴史を記す場合である。アーカイブズ史料の示す情報をイギリスという第三者が得た情報として、すなわちアーカイブズ史料を現地新聞などと同様の史料として扱うことになる。この場合、オーソドックスな調査方法は、調査事項の情報を入手したであろう出所のファイル・リストを手に入れ、そのなかから関連すると思われるファイルをしらみつぶしに見ていく、というものになる。たとえば、独立後 1960 年代前半までのマラヤ連邦・マレーシアの政情（マレーシア形成前のシンガポール、北ボルネオ、サラワクの政情を除く）について調べようと考えた場合、次のコモンウェルス関係省極東東南アジア局のファイル・リストに載っているファイルが随分と参考になるはずである。

DO169: Commonwealth Relations Office and Commonwealth Office: Far East and Pacific Department: Registered Files (FE Series)

キーワード検索に引っかからなかったファイルであっても、自分のテーマと関連してそうであればできれば見たほうがよい。イギリスが現地社会に食い込んだ情報網から得た様々な情報が出てくることがある。

他方、複雑な調査方法が必要になるのは、イギリスを主要なアクターの一つとして歴史を記す場合である。アーカイブズ史料の情報を第三者が得た情報としてだけでなく、意思を持ってその物語に関わる者の情報として扱うことになる。政策決定過程の分析も必要となってくる。この場合、最もオーソドックスな調査方法は、調査事項の情報を入手したであろう出所のファイル・リストのみならず、イギリス政府の意思決定に関わったであろう出所のファイル・リストも手に入れ、そのあいだにどのようなやりとりがあったか全体の構図を考えながら、関連すると思われるファイルをしらみつぶしに見ていく、というものになる。たとえば、マレーシア形成——マラヤ連邦とイギリス保護下のシンガポール、サラワク、北ボルネオの合同——の過程をイギリスの政策の展開に注目しながら見るとなると、最少でも次のファイル・リストをチェックする必要があるだろう。

CAB128: Cabinet: Minutes (CM and CC Series)

CAB129: Cabinet: Memoranda (CP and C Series)

CAB130: Cabinet: Miscellaneous Committees: Minutes and Papers (GEN, MISC and REF Series)

CAB133: Cabinet Office: Commonwealth and International Conferences and Ministerial Visits to and from the UK: Minutes and Papers (ABC and other Series)

CAB134: Cabinet: Miscellaneous Committees: Minutes and Papers (General Series)

CO1030: Colonial Office and Commonwealth Office: Far Eastern Department and successors: Registered Files (FED Series)

DO169: Commonwealth Relations Office and Commonwealth Office: Far East and Pacific Department: Registered Files (FE Series)

FO371: Foreign Office: Political Departments: General Correspondence from 1906-1966

PREM11: Prime Minister's Office: Correspondence and Papers, 1951-1964

CAB128、CAB129、PREM11 などには広範な事項にわたったファイル群を形成しているが、これらについても該当しそうな部分のリストをつくることが望ましい。上記のほか、さらにインテリジェンス関係、国防省関係の文書をチェックすることが望ましい。

ここ 20 年、イギリス国立文書館の利便性は大きく向上した。コンピューターによる検索システムが登場し、デジタルカメラによる写真撮影も可能となった。それに伴って、調査のスタイルも劇的な変化を見せた。しかし、アーカイブズの構成原理は変わっていないし、従って、調査の基本も変わるべきではない。アーカイブズのなかでの史料の位置付けを意識せず、史料のなかの情報——しかも抽出しやすい情報——だけを集めて歴史を記すのは危うい。キーワード検索によって検索できるのはファイル名などデータベース上の事項だけである。キーワード検索は、調査の始めに手掛かりをつかみ、調査の終わりに漏れがないかを確認する、そのための補助的ツールとして使うべきなのである。完璧な調査は不可能なのとしても、どこが不足しているのか自覚する必要がある。

2. 帝国の終焉に関するイギリス文書プロジェクト

アーカイブズの利用にあたっては、研究者たちが編集・公刊した史料集があれば、これを用いてより効率的な調査ができる。それでは、東南アジア研究者向けのイギリス国立文書館の史料集はあるのだろうか。この点、助けとなるのが、帝国の終焉に関するイギリス文書プロジェクト (British Documents on the End of Empire Project : BDEEP) である。

イギリス国立文書館の文書全般について東南アジアに特定した史料集は存在しない。しかし、イギリス植民地全般の脱植民地化に特定した史料集がここ 20 年のあいだに充実するようになっており、東南アジア研究者もこれを活用することができるようになってきているのである。

BDEEP は、指導的立場にあるイギリス帝国史研究者らが名を連ねたプロジェクトで、協力して『帝国の終焉に関するイギリス文書 (British Documents on the End of Empire : BDEE)』と題する史料集を刊行しようというプロジェクトである。範囲としてはイギリス帝国の脱植民地化に関わる主要な史料 (インド・パキスタンを除く) を網羅しようとしており、極めて野心的なプロジェクトとなっている⁴。2015 年 9 月現在、以下の 3 シリーズ全 18 巻 (本にして全 36 冊) が出版され、同年 7 月からはウェブ上でも無料公開されている⁵。

Series A: General Volumes (5 Volumes, in 14 Parts).

Series B: Country Volumes (11 Volumes, in 20 Parts).

Series C: Sources for Colonial Studies in the Public Record Office (2 Volumes, in 2 Parts).

A シリーズでは、イギリス帝国の脱植民地化政策全般に関する史料が年代ごとに編纂され、B シリーズでは、主要な植民地への脱植民地化政策に関する史料が植民地ごとに編纂されている。C シリーズは、どのような文書がどのように文書館に整理・配架されているか、文書の在り方についての手引書になっている。

マレーシア関連では、B シリーズの第 3 巻マラヤ、第 8 巻マレーシアがある。いずれもストックウェル (A. J. Stockwell) 教授によって編纂されており、これらは極めて有用である。内容はマレーシアの脱植民地化についてきわめて広い範囲の文書をカバーしており、目配りは心憎いばかりである。このほか、A シリーズ、C シリーズも有用である。マラヤ連邦・マレーシアの脱植民地化の背景にはイギリス帝国全般の政策変容がある。A シリーズはそのことの理解のための格好の材料を提供してくれる。さらに、C シリーズは脱植民地化に限らずイギリス帝国植民地文書全般の手引書となっている。手拔きのない、イギリス人研究者たちの仕事に敬意を抱かざるを得ない。

なお、同史料集についてよく出される疑問は、脱植民地化についてこれだけの史料集が出されたわけであるから、もはや文書館調査は不要なのではないか、あるいは似たようなことを逆に言って、史料はほぼ発掘し終えたようなので、この分野の研究は終息に向かうのではないか、というものである。確かに、脱植民地化についてはこれらを繋げればある

⁴ インド・パキスタンの脱植民地化については史料集『権力移譲 1942-7 (The Transfer of Power 1942-7)』全 12 巻が編まれている。BDEEP はその成功を受けて進められた。

⁵ <http://bdeep.org>, 2015 年 9 月 30 日閲覧。

程度の論文が書ける。もっともな疑問のように思える。

ただ、こうした疑問に対しては、筆者は否と答えざるを得ないと考えている。歴史研究を登山に例えれば、史料集はハイライト部分の写真だけを集めた登山ガイドブックのようなものである。個々の頂のあいだの尾根がどう繋がっているのか。山の植生はどこでどう変化しているのか。山を東や西から見たらどう見えるのか。写真だけのガイドブックを読んだだけでは、そういったことまではわからない。ましてや、山がなぜつくり出されたのか、そういったことは記されていない。同史料集をよく読み込んで全体の構図を理解し、そのうえで個々の問題意識をもって文書館調査を行う。これが望ましい研究姿勢である。この分野の研究はまだ始まったばかりなのである。

II FCO141 が描く世界

実のところ、マウマウ事件訴訟が契機となり、移送文書群のほかにも外務コモンウェルス省が大量の文書——特別コレクション special collection——を滞留させてきたことが明らかとなった。その数は 60 万ファイルに及ぶとされる。とりあえず、大法官からこれらを保持する許可を得て、これらを調査するための独立委員会を設けたが、すべての文書を公開するには 10 年以上の作業を要するとみられる⁶。世紀転換期に起きたインテリジェンス文書の解禁に匹敵する文書公開の一大変革期を迎えようとしているのかもしれない。

ただいづれにしろ、すでに移送文書群は国立文書館に移管され、これらは FCO141 として公開されている。これらに基づく新しい研究も出されるようになってきた。まずは、『帝国コモンウェルス史誌 (The Journal of Imperial and Commonwealth History)』が 2011 年にマウマウ事件に関わった研究者たちによる論文を並べた事実上の特集号を組んだ (Vol.39, No.5)。ケニアにおける暴力の実態などについて論考が施された。さらにその後、ケニア以外の地域の歴史についても、FCO141 文書を用いて植民地支配に新しい光を当てようとする研究が出されるようになってきた。

前述のように、アーカイブズの史料は出所の原秩序を反映して整理・配架されており、史料調査にあたってはそこから単に情報を取り出そうとするのではなく、アーカイブズのなかでの史料の位置付けを意識しながらこれを読み込んでいくことが望ましい。それでは、これら FCO141 文書はどのような類の文書なのだろうか。ここで参考となるのは植民地文書の破棄・移送を指示した 1961 年の植民相の周知文である。後継政府に渡してはならないものとして次のものが挙げられているのである (Cary, 2011: 1)。

⁶ Foreign and Commonwealth Office, “Guidance: FCO Special Collections,” 29 July 2014 (<https://www.gov.uk/fco-special-collections>, 2014 年 10 月 10 日閲覧)。

- ・「イギリス政府あるいは他の政府を困惑させる可能性がある」もの
- ・「警察、軍、公務員あるいは警察への情報提供者のような人々を困惑させる可能性がある」もの
- ・「インテリジェンスの情報源を損なう可能性がある」もの
- ・「後継政府の閣僚による非道義的な使用の恐れがある」もの

支配者に不都合な文書、その現地協力者たちに不都合な文書、後継政府の人々が邪悪な目的で使用しかねない文書は破棄・移送された。注目すべきはイギリスは支配者としての悪行のみならず支配の協力者たちの秘密までも現地の記憶から消し去ろうとしたことである。植民地支配は支配者と現地協力者との支配・協力関係から成り立っていたと解されているが、脱植民地化はこの支配・協力関係の再編として説明され得る⁷。かつての協力者たちのなかには後継政府を静かに去る者もいたが、後継政府を主導する者もいた。しかし、後継政府がナショナリズムを掲げて独立し、イギリスもこれと新しい関係を築こうとしている以上、かつての協力者たちとの秘め事は誰にとっても不都合な事実となった。イギリス帝国は文書の破棄・移送によって植民地支配と脱植民地化の本質的部分の記録を表世界から消し去り、帝国の遺産を邪悪な人々から守ろうとしたのである。FCO141 文書はそうした観点から収集された文書なのである。

それゆえ以下では、こうした性格を持つ FCO141 文書が東南アジア史についてどのようなことを明らかにしつつあるのか、シンガポールの事案を中心に新しい知見を紹介したい。戦後から 1960 年代にかけてマラヤ・シンガポールにおいては政府と地下の共産党とのあいだに暗闘——いわゆる国内冷戦——が続き、そうしたなか、最終的にはイギリスと協調関係にあるナショナリストたちが台頭し、彼らが新国家の舵を握ることになった。FCO141 文書はこの暗闘と脱植民地化の過程の解明にどのような寄与をしてくれるのであろうか。

実のところ、この点、筆者が本稿主要部分を脱稿後、板谷大世氏が FCO141 文書を用いた論考を発表している。シンガポール国憲法（1958 年）制定の過程で表の政治とは随分違うことが裏では行われていたというのである。そうしたことも踏まえて、以下では FCO141 文書の世界を提示したい。

1. リム・チンシオンとマラヤ共産党

FCO141 文書は戦後 1960 年代にかけてのマラヤ・シンガポールにおけるイギリス帝国とマラヤ共産党の国内冷戦の一部始終を明らかにしてくれる。マラヤ共産党は 1948 年に

⁷ 脱植民地化の帝国主義と呼ばれる議論である（Louis and Robinson, 1994）。

武装闘争路線を打ち出したものの、1950 年代に入るとこれに限界を見出し、ほかの反植民地主義勢力と連合戦線を組む方向へと闘争方針を転換した。マラヤの社会に広く浸透することで、影響力拡大をはかろうとしたのである。対して、イギリスはそうしたマラヤ共産党の戦略をよく把握して時宜を見ては弾圧を謀ったものの、華人社会から一定の共感を得ていた共産党の影響力を根絶することはできなかった。そして、そのことは華人が多数派を形成するシンガポールにおいては顕著であった。同島の政情不安はイギリス帝国をしてマレーシア形成へと向かわせる契機ともなった。シンガポールにおける国内冷戦については、シンガポール政府文書に基づく研究 (Lee Ting Hui, 1996)、マラヤ共産党側の人々の回想録に基づく研究 (原, 2009) などがすでに公表されているが、移送文書群――支配の協力者たちがときに身を挺して獲得した情報が記されている――はこの暗闘にさらに新しい光を当てるだろうことと期待される。

それゆえここでは上記事情を踏まえ、シンガポールにおける連合戦線の中心人物リム・チンシオン (Lim Chin Siong) とマラヤ共産党との繋がりを FCO141 文書がどう描いているか紹介したい。リムは、よく知られているとおり、人民行動党 (PAP: People's Action Party) 左派に所属し、右派を率いるリー・クアンユウ (Lee Kuan Yew) のライバルであった。リーは PAP を設立する際に党の支持層を拡大するため、華人に厚い支持層を持つ左派をあえて取り込んだのであった。しかし、リムは 1956 年に暴動に加担したとして逮捕された。その後、1959 年には出所したものの、1961 年、マレーシア構想の在り方をめぐってリーと再び対立し、PAP を離脱。対抗勢力バリサン・ソシアリス (Barisan Sosialis) を指導して大衆からの支持を求めたものの、結局、マレーシア構想の是非をめぐるレファレンダムに敗北。1963 年、後述の冷凍庫作戦で再逮捕された⁸。

実に、このリムは、前述の国内冷戦の観点から見ると、マラヤ共産党がとった連合戦線の戦術の要となる人物であったと位置付けられるが、謎も多い人物と言うこともできる。確かに彼は PAP 内にいたときもバリサンの書記長となったときも広い範囲の勢力と組んで反植民地主義闘争を実施していた点で一貫している。また、彼が強力な指導力を発揮したのも彼の背後に共産党の支持があったからだと考えられている。ただし、彼には謎もある。彼と党の関係がどの程度のものであったかがわからないのである。端的に言えば、リム自身が共産党員であったかどうかかわからないとされてきたのである。今となってはどちらでもよいことのようにも思えるが、戦後 1960 年代初頭にかけてのシンガポールの政治をいわば国内冷戦として理解しようとすれば、これはやはり明らかにしておいたほうがよい重要な論点と言えよう。

1960 年代初頭、シンガポール政府がマレーシア構想へ市民の支持を拡大するために出版した文書『統合への闘争 (Battle for Merger)』では、リムはマラヤ共産党がつくりあげ

⁸ リムの行跡については一冊が編まれている (Tan and Jomo, 2001)。

た最も重要なフロントのリーダーであると断言されている (Lee Kuan Yew, 1961: 27)。しかし、研究者たちのあいだでは、リムとマラヤ共産党とのあいだに一定の協力関係があったことは認めつつも、彼がマラヤ共産党員であったことについては懐疑的な見方を強調する傾向があると言える (竹下, 1995: 183)。

この点、新たに公開された文書で注目されるのは警察特務部 (Special Branch) が制作した『警察インテリジェンス誌』別冊第 1 号 (1957 年) である。同書はリムとマラヤ共産党とが一体となって連合戦線を形成していたとの見方を明確に示しているのである。警察は公共秩序維持令などによって逮捕した者たちを尋問した。同書にはリムが彼らを共産党系組織である反英連盟 (Anti-British League : ABL) へ勧誘したこと、党員名を付与したこと、教育のため党機関誌を配布したこと、細胞で会議を行っていたことなど生々しい証言が掲載されている。フロント組織におけるリムの役割の大きさを強調している点が印象的である⁹。前記『統合への闘争』の下敷きの一つとなったようにも思われる。

それでは、リムはやはり党員であったのか。ここでは、イギリス文書をいったん離れ、マラヤ共産党指導者であったチン・ペン (Chin Peng) の証言に注目しつつ議論を補いたい。1999 年、彼はキャンベラにおいて各国の学者たちとワークショップを行った。そのなか、リム・チンシオンは南タイの党と連絡をとったことがないのか、との質問に対して、彼は次のような微妙な言い回しで答えているのである (Chin and Hack, 2004: 190-191)。

I don't think so. I don't think so. Lim Chin Siong never admitted he was Communist Party member.

チン・ペンはリムが党員ではなかったとは言っていない。党員であると認めなかった、というリムが展開した主張を繰り返しているだけなのである。

リムとマラヤ共産党とは研究者たちが考えてきた以上に緊密な協力関係にあったと考えるべきであろう。

2. リー・クアンユウについて

リー・クアンユウがシンガポールの国内冷戦において果たした役割については、理解が深まったものの、謎も深まった。筆者が常々注目してきたのは当時のプレスが報じたリーの言動とイギリス文書の描くリーの言動とのあいだの乖離である。1963 年 2 月、シンガポール政府はリム・チンシオンら 100 名以上の左翼活動家の逮捕——冷凍庫作戦 (Operation Coldstore) ——に踏み切った。このとき、リーは、プレスに対し、外部の要因

⁹ Supplement No.1 to Police Intelligence Journal for 1957, FCO141/14775, the National Archives of the United Kingdom(NAUK).

なしには作戦を実施しなかったであろうことを示唆したとされる (*The Straits Times*, 4 February 1963)。しかし、これは誤解を与える報道であったかもしれない。イギリス文書を読む限り、彼は作戦の実施に積極的で、イギリス現地代表のほうがむしろ消極的であった、というようにも読めるからである。1990 年代のイギリス文書公開に伴い、このことについては研究も出されている (Harper, 2001: 40-42)。リーは表向き以上にイギリスと親密な関係にあり、その存在を巧みに利用する立場にあったのだ。

今回の移送文書群公開で改めて注目したいのは、1957 年 8 月の一斉逮捕事件をめぐる経緯についてである。よくリーは 1954 年から 1992 年まで書記長を務めたとされるがそのような言説は便宜上のものであり正確ではない。1957 年 8 月、PAP 党大会の後、左派が執行部を握ったことがあるからである。このとき、左派が大挙して党大会に参加したため選出された中央執行委員会は半数が左派に占められることになった。左派は体裁を整えるためリーら右派を党委員長、書記長に推したが、リーたちはこれを固辞した。その後、政府が新たに選ばれた委員長ら (左派) を逮捕、執行部が崩壊。結局、リー一派が復帰し、こうした事態を踏まえて、党執行部に忠実な現在の党組織をつくりあげていくことになった。そうした経緯があるのである (板谷, 2014, 215-216) ¹⁰。

リーたちは逮捕を事前に知っていて職を固辞したのではないかとの疑義が当時から論じられ続けてきた。この点、今回公開された当時の総督の覚書にはこの頃の政府内のやりとりについて興味深いことが記されている。少し長くなるが、ニュアンスが誤って伝わるとうけないので、これも原文のまま以下に引用する¹¹。

He said that in his recent talk with the C.P. and D.S.B. and Mr. Khaw, they had all been a little bit hesitant about the action to be taken. I said that I had conversations with them and that I knew they were completely satisfied that action must be taken and, indeed, that they would be recommending this. I suggested that the hesitation was related to their concern about the possibility of suggestions being made that The C.M. was taking action in order to help Lee Kuan Yew pull his chestnuts out of the fire, that is, to eliminate some of the opposition within the P.A.P. The C.M. said that Lee Kuan Yew had not specifically asked him for help of this kind, but, from their conversations, he knew that Lee Kuan Yew would like him to do this. He assured me that he was on top in these negotiations and it was he who would be obliging Lee Kuan Yew, and not the other way round. He was prepared to assume full responsibility for the action taken, and considered it essential to do it

¹⁰ 翌年、PAP は党規約を大幅に変更した。中央執行委員会が幹部党員を指名し、幹部党員が中央執行委員を選出することになった。

¹¹ Note by Governor, 8 August 1957, FCO141/14774, NAUK.

comprehensively and soon.

引用文最初の He は C.M.で、C.M.は首席大臣を務めていたリム・ユウホック Lim Yew Hock、C.P.は警察庁長官、D.S.B.は警察特務部、Mr. Khaw は特務部にいた許啓謨 (Khaw Kai Boh) であったと考えられる。リーは政府の措置を知っていて役職を辞したわけではなさそうであるが、逮捕劇の経緯は以上のようなものであったと推察されるのである。

なお、すでに述べたように、リー・クアンユウとイギリス当局との関係については板谷氏がすでに FCO141 文書を用いた論考を出している。シンガポール国憲法（1958 年）制定の過程において、リーは表向き破壊条項——過去に治安を乱す破壊活動を行った者には、内政自治権が認められた後の最初の議会選挙に出る資格を与えないとする条項——の挿入に反対したものの、別の場面ではイギリスとそのことで合意していたというのである（板谷、2014、212）。結局、この条項は枢密院令として施行された。その結果、PAP 左派指導者らが 1959 年選挙に出られず力が殺がれたのは、よく知られているとおりである。

2015 年 3 月、リー・クアンユウは 91 歳で死去した。同年 9 月現在、かつて彼の回りにあった人々の多くもすでに鬼籍に入っている。過去のことが完全な歴史となってしまうと、その後、修正主義が台頭することであろう。そうしたなか、移送文書群を始めとするイギリス文書が果たす役割は今後ますます大きくなると思われる。

おわりに

以上、イギリス国立文書館の利用上のいくつかの論点について論じるとともに、FCO141 が描く世界を紹介してきた。

筆者は、ここ 20 年近くのあいだ、マレーシア、シンガポール、ブルネイの脱植民地化の研究を進めてきた。本論考を記したのは、研究に一区切りをつけたいという思いもあったが、不完全なものであれ研究の方法論やあり方に関して記す時期に来ている、という判断もあったからである。そのきっかけはやはり冒頭に記したマウマウ団事件判決であった。BBC が速報でこれを流したとき、真っ先に研究者がその解説を行ったことに、筆者は二重の衝撃を覚えたのである。

衝撃の第一は帝国支配における暴力の問題についてであった。実のところ、現在のイギリス帝国史研究の主流——前記 BDEE を編纂した研究者ほかアカデミック・コミュニティの主流——においては、イギリス帝国は現地社会の同意やイギリスの文化的な力によって成立したとする考えが根強い。わずかの数の欧州人がその数千倍のアジア・アフリカの民を治めることができたのは、暴力だけでは説明できない。イギリス人は暴力の限界をよく自覚し、スマートに植民地帝国をつくり出したというのである。しかし、そうした論理に

は危ういところもある。日常的な同意や文化的な力はその背景に非日常的な究極の暴力があって成り立つものであった。主流の研究は潜在しつつも、ときに噴出する暴力への問題意識が弱い。研究者はこの問題にもっと真剣に取り組むべきなのだ¹²。マウマウ事件訴訟はそのことを改めて想起させてくれた。

衝撃の第二は研究者の果たす役割についてであった。マウマウ団事件訴訟においては、研究者たちが史料の所在を突き止めるなどして大きな役割を果たした。また、訴訟を通して知られていなかった巨大な文書群の存在も明らかにし、その開示に道筋をつけた。研究者——昔のことを詮索する歴史学者も含め——は、今少し前屈みになれば、社会にもっと大きな貢献をすることができる。さらに言えば、そうした姿勢がなければ、偏狭な研究に陥ってしまうのかもしれない。本論ではあえて触れなかったが、ケニアの独立は1963年でマレーシアの設立も1963年、ケニアの非常事態の時期(1952-1960年)とマラヤの非常事態の時期(1948-1960年)は重なっており、内戦の規模もほぼ同規模であった。同様の虐殺事件が起きたものの、ともにこれまで深くは追及されて来なかった。当然、判決はマレーシア社会にも大きな関心を持って迎えられた。

至らなかったという自省の念も込めて本論考を閉じたい。

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¹² この点、木畑洋一氏は帝国支配における暴力の問題を常々強調してきた(木畑, 2008)。

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(すずき・よういち 下関市立大学)

【エッセイ】

知識探訪——多民族社会マレーシアの横顔を読む

マレーシアは、世界のさまざまなものを内に取り入れ、新しいアイデアを常に世界に向けて発信している社会です。

植民地化やそれ以前の経験から民族混成社会として形成されたマレーシアは、世界遺産として認められるほどの民族的多彩さを持つとともに、イスラム経済の分野で世界を先導しようとする積極性も備えています。国内では、ブミプトラ政策によって安定と成長をはかる一方で、教育を通じて人材育成の努力を重ねてきました。多数派であるマレー人はイスラム教を日々の暮らしの参照点としていますが、主要三民族のほかに多彩な民族世界があり、また、近隣諸国出身の外国人も成長と多様化をもたらす存在としてマレーシア社会に欠かせない存在です。このように多種多様な人々が集まるマレーシアでは、いろいろなメディアを利用して意見の調整がはかられてきました。

「知識探訪——多民族社会マレーシアの横顔を読む」では、マレーシアの日常生活で見られるものごとを切り口に、多民族社会マレーシアの横顔を紹介します。

■生物と環境——豊かさを支える多様性

ボルネオゾウの旅路の果て (井口次郎)

ルアックコーヒーの真実 (長谷川悟郎)

■政治と経済——ブミプトラ政策という挑戦

内閣改造と「華人代表者不在」の解消 (篠崎香織)

■イスラムと宗教——日々の暮らしを支える参照点

バトゥパハツ (ジョホール州) のハリラヤ・ハジ (田村慶子)

■文化とメディア——民族混成社会に公共圏を作る

マレー語月刊誌『カラム』の復刻 (山本博之)

非マレーシア語映画が新たな歴史 (戸加里康子)

■教育と研究——国際化と競争で人材育成

マレーシアAPEX大学：世界的研究大学に向けた取組みの行方 (黒田清彦)

マレーシア社会科学学会と国際マレーシア研究会議 (吉村真子)

■外国人——マレーシアに成長と多様化をもたらすもの

ミャンマーを離れクアラルンプールで働く人々 (水野敦子)

■近隣諸国——近しき仲にも垣を結え

マレーシアでのシンガポール映画上映の意味 (舩谷鋭)

転換しつつあるシンガポールの文化制度 (川崎賢一)

■日本との関係

日本人学生のASEAN短期留学と日本語学習環境の変化 (木村かおり)

このコラムは、JAMSの協力による『The Daily NNAマレーシア版』の月刊コラム「知識探訪—多民族社会の横顔を読む」(2014年3月～2015年2月掲載分)を再掲したものです。再掲にあたり表現を一部変更し、写真や図表は割愛しました。執筆者の所属先は原稿発表時のものです(原稿発表日は本文の末尾参照)。過去の記事はJAMSHPで閲覧できます。

ボルネオゾウの旅路の果て

井口次郎

東マレーシアのサバ州には1000頭以上の野生のゾウが生息し、キナバタンガン川下流等では人目に触れることも多く、自然観光の目玉の一つにもなっています。野生の象徴とも見えるこれらのゾウたちが、実はボルネオ島にもともと生息していた動物ではなく、かつて人間により連れてこられた「外来種」かもしれないことをご存じでしょうか。

ボルネオゾウの起源については、在来説と外来説の間で長い間議論が交わされてきました。在来説はゾウが先史時代から当地に生息していたとするもので、外来説は人間によりボルネオ島に移入されたゾウの子孫とするものです。2003年、この議論に答を出すべく、ボルネオゾウのDNAの分析がなされました。その結果ボルネオゾウは他地域に生息する最も近縁なアジアゾウ集団とも30万年前に分かれており、「亜種」とみなして良い遺伝的特徴を持っていることが分かりました。

これは、他のアジアゾウと比べてボルネオゾウが固有の外見的特徴（小さい体、大きい耳、長い尾、真っ直ぐな牙）や、行動（比較的小となしい）を持つこととも一致します。そして、もしボルネオゾウが人間により他地域から移入されたゾウの子孫であるならば、遺伝的に近い母集団が島外のどこかにいるはずですが、しかし、現存する他のアジアゾウ集団との間に30年以上の遺伝的隔離があることから、同分析ではボルネオゾウの外来説を否定しました。起源論争は在来説で決着がついたとも思われました。

他方、在来説で説明できない謎が依然として残りました。ボルネオ島では先史時代のサイ、バク、ヤギウウの化石・遺物が出るのですが、ボルネオゾウの祖先と思われるゾウの化石・遺物がほとんど出ないのです。ボルネオ島産とされるわずかなゾウの化石にしても、出所の信憑性が疑われるものでした。

2008年にこれらの事実や謎を全てうまく説明する仮説が発表されました。それは外来

説を採り、すでに絶滅したジャワ島のアジアゾウ（ジャワゾウ）が人間によりボルネオ島に持ち込まれ、それが野生化したとするものです。これによれば、ボルネオ島にゾウの化石が出ないことの説明がつきます。また同時に、先史時代にジャワ島に隔離されてきたゾウが起源であり、それがすでに絶滅しているならば、ボルネオゾウが他地域のゾウと遺伝的に離れていることにも説明がつきます。

14世紀頃から、東南アジア地域の諸王国の間では寄贈品としてゾウを送ることが一般的でした。ジャワ島のゾウはまず現在の南フィリピンにあったスールー王国に送られました。王国で飼われていたゾウはやがて野生化し、18世紀には王国中心地のホロ島の森でゾウの群れが観察されています。そして、当時スールー王国の支配はボルネオ島北西部（現在のサバ州）にも及んでいました。彼らは自らの領土を示すため、あるいはホロ島にこれ以上ゾウを増やさないためにゾウをボルネオ島に放したという記録があります。また、16世紀半ばブルネイ王国では外国の賓客を王宮までゾウに乗せて迎えました。なお英領北ボルネオ（現在のサバ州）やサラワクでは19世紀末～20世紀半ば木材伐採等の重労働への使役のため島外からゾウを輸入しました。これらのどれかがジャワゾウの子孫であり、それが野生化したものが現在のボルネオゾウと考えられるのです。他方、起源地ジャワ島では18世紀までにゾウは絶滅し、ホロ島で野生化したゾウも19世紀には絶滅しています。

これが事実だとすれば、ロマンさえ感じさせる、まことに数奇な運命をこれまでボルネオゾウは辿ってきたことになります。有名なジャワ島のボロブドール遺跡の壁面には、戦闘用の衣装をまとったゾウが彫られています。彫刻にその姿を残すのみのこのゾウが、ボルネオゾウの祖先に他ならないということになります。突飛な仮説にも聞こえますが、今のところこの仮説に対する説得力のある反論は

ありません。

そして今日、ボルネオゾウはまた運命にも
あそばれています。彼らが生息するサバ州
の森林は、この40年間でその40%近くが減少
し、多くの森がアブラヤシ農園に転換されま
した。ゾウの生息地は分断され、農園を荒ら
すため「害獣」として駆除されることさえあ

ります。起源地で絶滅しているので、ボルネ
オゾウは30万年にも渡って固有の進化を遂
げてきた「亜種」の唯一の生き残りです。保
護すべき価値のある希少な動物と言えるでし
ょう。[2014.8.26]

(いぐち・じろう 株式会社パデコ)

ルアックコーヒーの真実

長谷川悟郎

いま世界で最も高価なコーヒーとして、インドネシアのルアックコーヒー（Kopi Luwak）が広く知られるようになった。クアラルンプールのカフェでも、一杯の値段が100リンギット（リンギ）以上もするとして、マレーシアメディアもこの数年話題にあげている。

その話題性は値段の高さだけでなく、なんといっても豆の工法であろう。ルアックコーヒーはルアック（ジャコウネコ）に食べさせ排泄させた発酵した糞の豆から作られる。ジャコウネコについては、その分泌液はムスクの香水にも使われるなど、これまでも意外な用途が知られてきた。しかしコーヒーについては、最近ではエレファントコーヒーやパンダコーヒーなど、近隣国にて何やら話題性だけを狙ったかのような、面白おかしい生産も行われているらしい。こういったルアックコーヒーにあやかった商売の新たな出現も、ルアックコーヒーの真価を見えにくくさせ、またなにやら安っぽいイメージへと追いついてしまう。ただ高いだけのインチキじみたもののように、「飲んだけど、まったく普通だった」との声も少なからず聞く。

私は2014年2～3月にインドネシアに滞在した際、ジャカルタ市内のある店でルアックコーヒーの味を初めて経験した。一杯500円と当地のコーヒーとしては破格の値段であるが、それは私が今まで飲んだことのない驚くほどの美味しさだった。店主の話では、ルアックを少しだけ混ぜたルアックブレンドが多く出回っているそうで、100%のものを選ぶのがよいという。その味覚は言葉では表現しきれないが、とにかくうまいものだった。そこでさらに関心は高まり、今回バンドゥン市での滞在時に、郊外の山の中にルアックコーヒーの生産農家があると聞きつけ訪問した。

当農家では、ユーカリと松が植栽された12ヘクタールの政府所有地にコーヒーを栽培し、毎年5月から9月に地域の農家の働き手を10

人ほど雇用して豆の収穫にあたる。当山間地には、同じような数軒のルアックコーヒー農家があるそうだが、お茶および野菜の栽培が主だった地域である。

ルアックの飼育では、当農家では1年を通して繁忙期には300匹程を使う。アメリカの取引先からは、エシカルな面においてルアックは1年だけ使い、その後は山にリリースすることが求められているという。そのため、毎年収穫期にあわせてルアックを捕獲することだ。

ただし収穫期外の10月から4月までは、ルアックを飼っていてもコストがかかるので、いずれにしてもルアックは毎年新しく捕まえるのがよい。また収穫期外でもある程度の収穫があるため、3月の私の訪問時にも30匹ほどがそれぞれの檻のなかに飼育されていた。人になつくことなく比較的獰猛な性格で、ルアック同士でも殺しあうため、一匹ずつ檻に入れないとならない。

飼育には餌代が一匹につき毎月およそ3500円もかかるという。朝9時の朝食では、卵、ニンジン、ハチミツ、粉ミルクをまぜたものを与え、1時の昼食には肉や地元でとれるウナギやナマズなどの魚を与える。そして夕刻6時には、おやつとしてパイアやバナナもしくはコーヒー豆を一匹につき1～3キログラムを与える。

胃腸のなかでの発酵時間はおおよそ8～12時間で、それを考慮してコーヒー豆は週に3回のみ食べさせて収穫する。ルアックは10年ほど生き体重10キロにも成長するが、子供のほうが食欲が旺盛で豆の発酵もよいそうだ。またおいしいコーヒー豆を選ぶのを経験的に覚える1歳半ほどの子供を最適とする。熟した赤い実は、果肉はとろりと甘く、ルアック以外でもネズミやコウモリなど多くの害獣が好んで食べるそうで、森のなかにはそれらの糞が多く混在して見つかるという。飼育せずに森のなかでルアックの糞を拾い集める方法

もかつて行われたが、現在は品質の確保の点からより生産的な方法としてルアックの飼育がおこなわれるようになったとのことだ。

そしてルアックの糞の収穫は、1回(えさ1キロ分)につき400グラムほどで、洗浄し豆の皮等をむくと200グラムになる。この農家ではルアックコーヒーの豆を、10グラムで230円(非ブランド品)から330円(ブランド品)で直接販売もおこなっていた。私がジャカルタで飲んだ一杯(10グラムを使用)500円よりは確かに安い、それもブランド品となって海外へ輸出されると、なんとニューヨークでは1万円にもなるということだ。

今まではロコミレベルでビジネスをやってきたが、今後は生産販売を拡大してゆくことが現在の課題であると農主はいう。現在のところは需要に生産が追いつかない状況だそう

だが、マニュアルな経験知がもとめられるコーヒー生産において、生産量を容易には増すことができない状態にあるという。つまりコーヒー生産の熟練者が欠乏している状況だそう。

以上、ルアックコーヒーの生産者側を垣間見て、都会におけるコーヒーの値段をめぐる奇妙な事象に迫ってみた。ジャコウネコの飼育コストにおいて、流通末端の価格がある程度説明できただろう。確かに美味しいものであれ、残るは、一杯数千円も出してコーヒーを飲むかという、私たち消費文化への疑問である。ルアックコーヒーの怪しさや不可解さとは、なんのことない、結局私たち側にあったということだった。[2014.3.25]

(はせがわ・ごろう 筑波大学)

内閣改造と「華人代表者不在」の解消

篠崎香織

2014年6月25日にナジブ首相は内閣改造を発表した。改造前からの閣僚の異動はなく、新たに6名の閣僚が追加されたのみであった。今回入閣したのは、与党・国民戦線（BN）の構成政党であるマレーシア華人協会（MCA）とマレーシア人民運動党（Gerakan：グラカン）の幹部であった。MCAからは大臣2人（運輸省と首相府）と副大臣3人（財務省、貿易産業省、女性・家族・社会開発省）が、グラカンからは大臣1人（首相府）が任命された。これにより、過去1年間にわたり発生していたマレーシア史上初の政治状況が解消した。それは政府における華人代表者の不在であった。

BNはマレー人政党・統一マレー人国民組織（UMNO）を中心に、華人、インド人、サバ、サラワクの政党により構成される。BNおよびその前身の連盟党は、特定の民族が高い関心を寄せる案件を扱う省庁の大臣に、その民族の代表者を充ててきた。与党内においても、また華人社会においても、MCAとグラカンは華人の代表者を送る母体として認識されてきた。華人が重視する閣僚ポストは、華人の21%が居住する新村を管轄する都市福祉・住宅・地方政府省と、華語教育の存続を左右しうる教育関連省のポストである。

政府における華人代表者は、地方の末端に至るまで存在する。マレーシアでは郡・市議会の議員は任命制であり、これら議員や新村の村長の大部分をMCA党員が務めてきた。地方官職の任命権は州政府にあるため、野党・人民同盟（PR）が政権にある州では官職をPRが任命している。しかし都市福祉・住宅・地方政府省の助成を新村が受けるうえで与党員の村長のサインが必要とされることがあるため、1つの新村に野党が任命した村長と与党が認知する村長が併存するケースも多い。

こうしたなかで、政府における華人代表者の不在という状況が2013年5月以降発生した。MCAとグラカンは「華人の信任を失った」と

して、官職を辞したためである。2008年の総選挙以降、MCAとグラカンは華人有権者が多い選挙区で苦戦している。総選挙でのMCAの獲得議席数は、2004年31議席、2008年15議席、2013年7議席と減少し続けている。グラカンの獲得議席数も、2004年10議席、2008年2議席、2013年1議席と大きく減少した。

MCAは2011年の党中央代表大会で、来たる総選挙の結果が2008年総選挙の結果に劣る場合、官職を辞すると決定した。この決定は、MCAに投票しなければ華人は政府内の代表者を失うという「脅し」だと批判された。この決定に基づきMACが実際に官職を辞すると、MCAは華人の利益を手放したと批判された。華人の代表者はMCAやグラカンである必要はないという声も上がった。

こうしたなかでMCAは、方針を転換することとなった。2013年10月に党員が閣僚以外の官職に就くことを認めた。2013年12月にリウ・ティオンライが会長に就任し新体制に移行すると、2014年2月に党員が閣僚職に就くことを認めた。リウ会長は同年4月に閣僚候補者のリストをナジブ首相に提出した。グラカンでは、同年5月の補選で会長が当選して以降、党員の官職就任に方針転換した。

華人が代表者に求めていたことは、政府から資源を獲得し華人に分配することであった。MCAやグラカンはこれに応え、政府奨学金の華人枠の拡大や連邦政府から新村への助成の確保など、それなりに成果を上げてきた。しかし2008年総選挙以降は、UMNO中心の既存の政治構造の変革を求める声が都市部の若年層を中心に強まりつつある。今回の内閣改造で華人は、既存の政治構造の変革を声高に叫ぶ野党に投票し、既存の政治構造に圧力をかけつつも、政府内に代表者を確保することとなった。華人のBNに対する交渉力は強まったと言えるかもしれない。[2014.7.22]

（しのぎき・かおり 北九州市立大学）

バトゥパハッ (ジョホール州) のハリラヤ・ハジ

田村慶子

イスラム教徒にとって、イスラムのお正月 (ハリラヤ・プアサ) と同じくらい犠牲祭 (ハリラヤ・ハジ、聖地巡礼祭とも訳される) は大事な祝日である。メッカに巡礼する月の最終日を祝うのがハリラヤ・ハジで、ハリラヤ・プアサの約2カ月後にハリラヤ・ハジがやってくる。なお、2015年のハリラヤ・プアサは7月17日、ハリラヤ・ハジは9月24日である。

ハリラヤ・プアサはテレビなどで大々的に報道されるが、ハリラヤ・ハジの様子はあまり知られていないように思われる。ここではジョホール州第二の都市バトゥパハッ (Batu Pahat) のイスラム教徒がどのようにハリラヤ・ハジを祝ったのかを、2011年の事例であるが紹介したい。

2011年のハリラヤ・ハジは11月6日で、マレーシア政府公務員である私の友人は4日から5連休を取って、クアラルンプールから故郷バトゥパハッに帰省した。友人は、研究休暇で当時シンガポールに滞在していた私をハリラヤ・ハジに誘ってくれたので、私はシンガポールから高速バスで5時間かけてバトゥパハッに向かい、彼の地域のハリラヤ・ハジに参加させてもらった。

この年は彼の地域では近隣住民が共同で6頭の牛を購入、10日間ほど協力して飼育したそうである。ハリラヤ・ハジの早朝、みなでお祈りをした後に、空き地にブルーの大きなビニールシートを敷いて牛の解体が始まった。解体作業に従事するのは男性ばかり20人ほど、毎年このことで慣れているのか、それぞれの役割分担が決まっていて作業は流れるように進み、6頭の牛は4時間ほどで解体された。皮や角、骨、頭は業者が引き取るのだそうで、

食用に適さない一部の内臓はそのまま地中に埋められた。小分けされた肉は小さなビニール袋に入れて各世帯に配るほか、作業に参加できない母子世帯や障害者世帯にも配るという。

夕方、友人の家で新鮮な牛肉を野菜とともに煮込んだシチューを食べた。味付けは少量の塩だけであったが、これまで食べたどのシチューよりも美味しかった。その後は近所の家に次々と招待され、お腹が破裂するのではないかと思うほど美味しい肉をたらふく食べたことは、今でもいい思い出である。

このようにマレーシアの地方都市では未だに地域社会のつながりが強く、ハリラヤ・ハジは地域住民が互いの絆を確認し、親睦を深める機会にもなっている。

一方、隣国シンガポールのハリラヤ・ハジはモスクのなかで行われる。この年はオーストラリアから空輸された200匹の羊と1500匹のヤギが、24のモスクと2つのイスラム教徒団体の敷地で解体され、国中のモスクで待つイスラム教徒に配られた。もっとも一部の羊が暑さのために飛行機の中で衰弱死してしまい、同じ飛行機で運ばれて生き残った羊が何らかのウイルスに感染しているのではないかという不安が起こったり、不足分をどこから緊急輸入するのかという問題が起こった。都市化が進み、バトゥパハッのように地域住民が短い期間ながら飼育した家畜でハリラヤ・ハジを祝うなどということが不可能になったシンガポールならではの事件であった。
[2015.2.24]

(たむら・けいこ 北九州市立大学)

マレー語月刊誌『カラム』の復刻

山本博之

Facebookなどのソーシャルネットワークの普及が著しいマレーシアで、伝統的なメディアである雑誌にも再び熱い視線が向けられている。一部は新たな装いで復刻され、時を超えて人々の思索を結びつけるとともに、過去の記事をローマ字化して電子書籍で復刻するという新しいビジネスモデルも生み出している。その例の1つである『カラム』の復刻では、創刊者の遺族たちが四十数年の時を経て亡き父親の仕事と対面する機会となった。

『カラム』(Qalam)は、1950年にシンガポールで創刊され、創刊者のエドルス(1911~1969)が亡くなる1969年まで20年続いた長命のマレー語月刊誌だ。アラブ系のムスリムとして生まれたエドルスは、1930年代のマラヤやシンガポールで「マレー人」という民族アイデンティティーが強まり、アラブ系やインド系のムスリムが排除されていったことに対し、民族や国境を越えたムスリム同胞の団結を『カラム』誌面を通じて訴えた。

『カラム』は、表紙や誌面に写真を多く使って親しみやすい体裁を取っていたが、内容は硬派の雑誌として知られていた。エドルスは権威や権力に批判的で、特にマレー人政治家やイスラム指導者たちを正面から批判したため、マレー人政党である統一マレー国民組織(UMNO)の総裁であるアブドゥル・ラーマンが人々の前で『カラム』を燃やし、UMNO党員が経営する喫茶店に『カラム』を置くことを禁じるまでになった。

このような『カラム』は、政府の成功物語として描かれがちなマレーシアやシンガポールの現代史を裏側から知る格好の資料だが、

これまであまり注目されてこなかった。体制に批判的だったためマレーシアやシンガポールの公立図書館に体系的に所蔵されてこなかったことに加え、誌面がジャウィで書かれていたこともその理由の1つに挙げられる。

ジャウィとはアラビア文字を用いたマレー語の表記法で、かつてマレーシアやインドネシアで広く使われていたが、20世紀前半までにローマ字表記が普及し、現在では日常生活でジャウィを目にする機会はほとんどない。マレー語雑誌も1960年代までにジャウィからローマ字に切り替えていき、そんな中で『カラム』は停刊までジャウィを維持した。

京都大学地域研究統合情報センターでは、「ジャウィ文献と社会」研究会と合同で、マレーシアのクラシカ・メディアやコタブクとの協力のもと、『カラム』の記事を収集し、オンライン・データベースを作成するとともに、記事本文をローマ字に翻字して『カラム』を復刻するプロジェクトを進めてきた。

2013年9月11日、クアラルンプール市内で行われた『カラム』復刻記念ワークショップでは、幸運にもエドルスのご遺族の出席を得た。最年長のアフマド・ルトフィ氏は、亡き父が残した仕事と44年ぶりに対面し、自分が7歳のときに亡くなった父親に想いを馳せるとともに、それが今日のマレーシアで意義を持っていることを喜んだ。

『カラム』記事データベースは<http://majalahqalam.kyoto.jp/>で公開されている。
[2014.5.27]

(やまもと・ひろゆき 京都大学)

非マレーシア語映画が新たな歴史

戸加里康子

2014年はマレーシア映画の歴史に新たな一歩を刻む年になった。1月に公開された「The Journey (一路有你)」が3年ぶりに歴代興行収入の記録を塗り替えたのだ。これまでの興行収入第1位は2011年に公開された「KL Gangster」の1174万リンギ(約4億1000万円)だったが、それを大きく引き離す1717万リンギのチケット売り上げを達成した。興行収入自体はいずれ塗り替えられるもので驚くことでもないが、特筆すべきは「The Journey」がマレーシア語ではなく中国語の映画だったことだ。

「マレーシア映画」における中国語映画の存在感が増している。FINAS (マレーシア映画振興公社) がホームページ <http://www.finas.gov.my> で公表しているデータによると、2012年に公開された73本の「マレーシア映画」のうちマンダリン (華語) の映画は6本、広東語の映画は2本、2013年は71本のうちマンダリンの映画が6本、広東語の映画が1本。2014年は11月14日までに67本が公開され、そのうちマンダリンの映画が15本、広東語の映画が3本となっている (ちなみに「The Journey」は広東語の映画に分類されているが、実際にはマンダリンや福建語、英語、マレーシア語など様々な言葉が話されている)。金額でみると、2014年の全体の売り上げ6721万リンギのうち、マンダリンと広東語の映画の合計は3728万リンギと半分を超えている。

「Dewan Masyarakat」2014年4月号の記事によると、商業公開される中国語の映画の増加にはいくつかの理由があるという。一つはデジタル技術の普及。これまで非マレーシア語の映画は、デジタル形式で撮影されることが多かった。デジタル技術の進展は、少ないコストでの映画製作を可能にし、数多くのインディーズ作品が製作されるようになった。2000年代の初めには、こうした映画の多くが海外の映画祭に招待されたり、賞を獲得し、マレーシア映画の新潮流などと呼ばれていた。

しかし、記事によると、国内の映画館の多くはデジタル形式での上映が難しかったため、国内での上映機会は限られていたという (本当にそれだけが理由だったのかは定かではないが)。デジタル映写機の普及により、そうした状況が変わりつつあるのだそうだ。

そしてそれに伴い、十分な資金を持った企業やプロデューサーが、非マレーシア語の映画の製作に関わるようになってきた。「The Journey」の製作会社も、アストロの子会社アストロ・ショーである。

だが、最も大きい要因はやはり、非マレーシア語映画が「マレーシア映画」と認められるようになったことだろう。以前「マレーシア映画」は会話の60%以上にマレーシア語が使われるものに限られていた。しかし2011年に規則が変更され、全体の50%以上がマレーシアで製作され、権利の51%をマレーシア人が持つものであれば、使用されている言語にかかわらず「マレーシア映画」と認められることになった。

「マレーシア映画」と認められることによって、非マレーシア語の映画も「上映義務スキーム」と娯楽税の還付金を受け取ることができるようになった。上映義務スキーム (Skim Wajib Tayang) は、承認を受けた映画を、観客の多少にかかわらず、映画館側は少なくとも2週間上映しなければいけないと定めた規則で、シネプレックスでは最も大きいスクリーンを割り当てなければいけないことになっている (観客数が一定数より少なければ、話し合いの上、小さいスクリーンに変更することもできる)。娯楽税の還付金は、映画のチケット代に含まれている税金から一定の割合を製作者に還付するというものである。

このスキームは中国語の映画だけでなく、タミル語や英語の映画にも適用され、タミル語の映画は2012年には2本、2013年に6本、2014年は10月までに7本が公開されている。8

月に公開された「Maindhan」は、マレーシア・タミル映画の興行成績記録を塗り替えたという。

今後ますます非マレーシア語映画の製作が盛んになり、それがマレーシア語の映画にもよい刺激を与えて、ジャンルの異なる様々な

「マレーシア映画」を観ることができるようになるかもしれない。それを期待したい。
[2014.11.25]

(とがり・やすこ 一橋大学大学院社会学研究科・博士課程)

マレーシア APEX 大学 世界的研究大学に向けた取組みの行方

黒田清彦

2007年にマレーシア政府(当時の高等教育省、現在は教育省)が発表した「National Higher Education Strategic Plan (PSPTN)」の7つの重点施策の一つとして、研究およびイノベーション力の強化が取り上げられており、マレーシアの大学のうち、Universiti Malaya (UM)、Universiti Kebangsaan Malaysia (UKM)、Universiti Putra Malaysia (UPM)、Universiti Sains Malaysia (USM)、Universiti Teknologi Malaysia (UMT)の5大学は、法人化した研究大学として、研究・イノベーション施策推進大学となっている。

PSPTNを実現するためのアクションプランとして、「National Higher Education Action Plan 2007~2010(第1フェーズ)」が策定され、国内トップの大学として国際的に認知されうる研究重点大学を「Accelerated Programme for Excellence (APEX)」大学として育成することを掲げ、国内の1~2校をAPEX大学として指定することとした。このAPEX大学構想は、その後、若干軌道修正され、長期展望に立ったプログラムであるAPEXを主導する大学として指定されることとなった。

2008年、国内10大学がこのAPEX大学指定に申請したとされるが、国内トップ大学とされていたUMではなく、ペナン島に本部がある総合大学のUSMがAPEX大学に選定された(USMは、1967年に設置された24学部、学生数約3万人を擁する総合大学)。

USMのAPEX第1期(2008~2013年)の成果として、USMデータによれば、APEX指定前の5年間と比較で、研究グラント数1.8倍、論文引用率(ISI/SCOPUS)3倍、大学院生数1.6倍、博士号取得者2.5倍、特許申請数7倍など、研究力強化を着実に進めていることに注目したい。

各種国際的な大学ランキング(THE、QS、ARWU)では、UMなどの他のマレーシア研究大学の後塵を拝しているが、現在、USMでは、APEX第2期(2014~2025年)を開始しており、第1期の成果を踏まえ研究力強化以外にも、教育改善、学生の海外派遣・受入れ増加、地域貢献推進など、大学活動の諸領域にわたり、いわば大学活動全般の改革の取組みを進めていくことを目指している。

研究面では、5年後に世界の研究大学400位以内に入り、10年後には200位以内に入ることなど、第2期での具体的な数値目標を設定しており、目標の中には、大学財政の自己財源増加の目標も示され、5年後には40%の運営費の自己財源化を図るとしている。このことは、PSPTNおよびアクションプランにおいて大学ガバナンス改革の一環として、USMのみならず、国立大学全体の自主性向上が掲げられていることに関係しているが、USMでは、授業料以外でも、大学外のパートナーと連携してUSMの教育プログラムを提供するフランチャイズ教育プログラムの提供、USMが設置する民間企業(USAINS)活動の充実等による自己財源確保の充実を図ろうとしている。

マレーシアの5研究大学は、日本の国立大学より早く、1998年から法人化しているが、APEXプログラムを主導する立場となったUSMとして、名実ともにマレーシアの他研究大学を凌駕し、世界の研究大学に比肩する大学として発展していけるかは、研究力強化のみならず、政府主導の色彩が強い国立大学の法人化による大学ガバナンスなどの自主性拡大のメリットをどれだけ他大学に先導して生かせるか、という日本の国立大学法人と共通した課題があるように思える。[2014.9.30]

(くろだ・きよひこ 豊橋技術科学大学)

マレーシア社会科学学会と国際マレーシア研究会議

吉村真子

マレーシア社会科学学会 (Persatuan Sains Sosial Malaysia: PSSM、英語名称は Malaysian Social Science Association) は、1978年に設立された学会で、マレーシアの主だった社会科学系の研究者が参加している。

初期の会長Syed Husin Ali (当時、マラヤ大学: UM) はマレーシアのエスニック問題を論じる優れた社会学者で、社会・政治運動でも有名である。次の会長Jomo K.S.はUM教授から国連に転身。彼はUM時代から国際的に著名な経済学者で、国内で影響力もある有名人ただけに政府に煙たがられていたが、ILO (国際労働機関) 事務局長の候補となった時にはマレーシア政府も全面支援していた。

その次の会長Abdul Rahman Embong (マレーシア国民大学: UKM、現在は名誉教授) はアジア新中間層の研究で有名な社会学者で、長年UKMのIKMAS (マレーシア・国際研究) 研究所の運営と研究活動を担い、マレーシア研究におけるUKMの地位を築いたとも言える。後を引き継いだMohd Hazim Shah (UM) は理学部の教授で自然哲学も含めてPSSMの幅広さと奥行きを示す存在であり、長年PSSMに貢献してきた静かな思索型の彼のスタイルはダイナミックなRahman Embongとは対照的でもあった。

そして2014年、会長に就任したRashila Ramli (UKM) は政治学・ジェンダー研究の教授で、PSSM初の女性の会長である。彼女はUKMのIKMASとIKON (西洋研究) 研究所の所長を兼任。国連本部の女性の地位向上の会議 (CSW) でも国の代表として出席し、東南アジア・アジア太平洋のジェンダー団体の連合でも役職に就き、国際的なネットワークと大学行政の手腕も認められている。

PSSMは学会として年次総会や折々の講演・ワークショップなどを実施するほか、隔年で国際マレーシア研究会議 (The International Malaysian Studies

Conference: MSC) を1997年から隔年で開催。マレーシア国内はもちろん欧米・豪州・日本などの研究者も集うマレーシア研究では最も重要な国際会議となっている。

2014年8月には第9回のMSC9が東海岸のトレンガヌ大学 (UMT) で開催された。48パネル、200以上の論文報告という規模で、テーマもマレーシアの社会、政治、経済・貧困、国際関係、ジェンダー、教育、先住民、農村、メディア、人材育成、環境など多様で、半島部のケースに限らずサバ、サラワクの問題もさまざまに議論された。同会議の使用言語は英語とムラユ (マレー) 語で、PSSMも現地の大学院生も含む若手研究者が国際会議で発表する良い機会と位置付けている。

基調報告は3名で、Rahman Embong元会長がマレーシアの発展と社会科学について講演をしたほか、Hans-Dieter Evers名誉教授 (独のボン大学) がマレーシアと南シナ海について、Rashidah Shuib教授 (USM、ジェンダー研究) がマレーシアの発展とジェンダー問題について話された。とくに基調報告でジェンダーに関するテーマが取り上げられたのはMSC初であり、ジェンダー研究者から大きな拍手が上がった。

同会議では大学の研究所などが組織した企画パネルのほか、個人報告はテーマでまとめてパネルを組む形になっているので、海外からの参加も比較的しやすい形になっている。今回、企画パネルは17と多く、UKM、UM、UMSなどマレーシアの大学の研究所のほか、ドイツの大学などもパネルを組んだ。

日本の国際交流基金 (JF) のパネルで筆者も報告、会場での議論も活発だった (多謝!)。

PSSM初の女性の会長Rashilaの下で初のジェンダー問題の基調報告や数多くの海外の研究機関の企画パネル、ユネスコ支援の若手研究者パネルなども組まれ、彼女の国際的ネットワークの手腕も示された会議となり、開会と閉会での彼女の会長挨拶を聞きながら、

長年の友人としても感慨深いものがあった。

今回は東海岸初の開催となり、**Rahman Embong**元会長のご厚意で海外からの参加者はトレンガヌ州のスルタンのハリラヤ祝賀会に招かれるなど、温かいホスピタリティにあふれた運営であった。

MSCは、国内外のマレーシア研究者が一堂に会し、マレーシア研究の動向や研究者の近況を知り、交流や意見交換を行う貴重な場である。「No Paper, No Presentation」の原則も研究重視の方針がうかがわれる。会議後には大学院生など若手の論文執筆のワークショ

ップを開催するなど、次世代の研究者の育成・教育も重視しているPSSMの理念もうかがわれる。

PSSMは、マレーシア研究の学会として学術研究の振興のみならず、若手研究者の教育や国際学術交流に取り組み、そして研究・教育の自由や大学自治の問題などについても発言している。そうした積極的な取り組みがあってこそ、さまざまな学術研究の議論の場が確保されることになるのだろう。[2015.1.27]

(よしむら・まこ 法政大学)

ミャンマーを離れクアラルンプールで働く人々

水野敦子

ミャンマー文字の看板が溢れミャンマー語が飛び交うクアラルンプール市内のミャンマー街は、訪問者にヤンゴンの下町にいるような錯覚さえ抱かせる。市内の商店や飲食店、建設現場、近郊の工場地域では、実は大勢のミャンマー出身者が働いている。

長く暫定軍事政権の抑圧下に置かれたミャンマーからは、多くの移民、難民が周辺諸国へ移動してきた。経済格差を背景にして、より良い賃金を求める出稼ぎが後を絶たない。2011年の民政移管以降も、少数民族やロヒンジャー(ロヒンギヤ)に関わる問題は存続し、難民が生み出される状況も解消された訳ではない。現在、総人口の10%近くが国外に移動していると推測されるミャンマーは、東南アジア大陸部で最大の移民・難民の送り出し国である。マレーシアは、タイに続く移動先となっており、合法労働者、難民が各々十数万人、それを上回る数の不法滞在者を合わせれば、推定数十万人のミャンマー出身者がマレーシアに住んでいる。一方、300万人とも推測されるタイでは、合法・不法の出稼ぎ労働者が圧倒的多数を占め、マレーシアほどに難民の割合は高くない。

マレーシアとタイは、共に1990年代に外国人労働者の受入れ制度を設け、労働集約型産業や都市雑業部門を外国人労働者に依存するようになって久しい。両国は、外国人労働者受入れ制度を整備するとともに不法就労者の取り締まりを繰り返し行ってきた。しかし、皮肉にも不法就労者が増加している点でも両国は似た現状にある。

ミャンマーからの難民については、国境を接するタイでは1980年代末から流入が拡大してきたが、マレーシアで顕著に増加したのは2000年代以降である。両国は難民条約を締結しておらず、難民の定住を認めていない。

タイ政府は、国境沿いのキャンプから難民が移動することを制限し、労働を禁止している。対照的にマレーシアでは難民キャンプは設置されておらず、ほとんどの難民は都市部で自活せざるをえない。

国連難民高等弁務官事務所 (UNHCR) から難民認定者に交付される身分証 (ミャンマー出身者は「UNカード」と呼称) は、多くの難民にとって数少ない身分保障の手段となっている。難民の医療費負担は減免され、逮捕、拘束と強制送還を免れ、第三国定住の対象とされる。また、UNHCRとマレーシア政府間で難民保護に関する協議もなされており、黙認されてきた就労を追認する動きもある。

実際、「UNカード」の交付を受けた難民の多くは、合法外国人労働者と遜色ない待遇での就労が可能となっているようだ。外国人労働者の雇用が法的に認められない業種や小規模な事業主にとっても、「UNカード」所持者は何の保証もない不法滞在者よりも安全な被雇用者となり得るのであろう。一方で、法的保護の外に陥った不法滞在者の多くは、労働市場の底辺で劣悪な労働環境に耐えるほかない。

不法滞在者の中には、ミャンマー街で100リンギット (約3300円) を支払えば簡単に入手できる「偽造UNカード」を身分保障代わりに所持している者も少なくない。この事例が映すのは、単に不法滞在者のしたたかさや狡猾さではなく、マレーシア都市部の外国人労働市場において、第三国定住までの数年間滞在する難民が重要な構成員を成している現実と、「偽造UNカード」に頼らざるをえない最底辺の労働者を生み出す制度の歪みである。[2014.10.28]

(みずの・あつこ 九州大学)

マレーシアでのシンガポール映画上映の意味

舩谷鋭

シンガポール映画「To Singapore with Love」が2014年9月以降、ジョホールバル、ペナンなどで上映されている。ポスターにはアラブ首長国連邦(UAE)・ドバイや韓国・釜山の映画祭での評価を示す印と、シンガポールで上映禁止になった印が並ぶ。

国外追放され、海外生活を送る元マラヤ共産党員らが祖国シンガポールへの思いを語るドキュメンタリーだが、建国50周年の節目、反共の道を取った与党指導者の選択を脅かすテーマは過敏に反応され、上映不可となった。タン・ピンピン監督は再審議を申し立てた。シンガポールはマレーシアと違い元党員の帰国を許しているものの、リー首相は「正史と対立する」と発言し、条件付きで認める意見を退け、レイティングは変わらなかった。その後、同映画は英国、ドイツ、エジプト、トルコなどで上映され、国内でも「冷戦後の共産主義はもはや脅威でない」「騒いだせいで注目された」「若者に歴史を知らせるよい機会」など冷静な意見もあった。

シンガポールが規則と罰則満載の「Fine country」なのは公文書館オンライン(NAS)のポスターコレクションを見ればわかるが、奇妙なゆるキャラの宝庫でもあったことを今さらながら発見した。それはさておき、新聞についてはマレーシアより先に、すべてシンガポール・プレス・ホールディングス(SPH)傘下で規制下にある。

シンガポールを代表する劇作家である故クオ・パオクンは1980年まで4年7カ月拘留され、左翼系モダニスト作家の英培安も1978年に数カ月拘留されている。「1カ月に1度、牢屋から出され、また連れ戻された」という証言は生々しい。いずれも裁判なしに拘禁可能な国内治安法による。日本で戦後も数カ月は効力のあった治安維持法同様で、英植民地時代に制定されたマレーシアの国内治安法(ISA)と同根だ。

マレーシアの治安立法は国内治安法と扇動法(SA)のほか、国家機密法(OSA)、印刷機・出版物法(PPPA)も関連する。国内治安法と扇動法は、安全保障や民族関係などを取り締まる法律だ。国家機密法は日本の国家機密保護法同様で、印刷物を対象とする。印刷機・出版物法は情報そのもののほか、伝達の課程も含んだ広い適用範囲を持つ。

1987年の大量逮捕は国内治安法発動だったが、この法律は2012年に廃止され特別措置法(SOSMA)に置き換わっている。扇動法も廃止され、国民和合法(NHA)に置き換わる予定だったが、ナジブ首相自ら前言を撤回し、継続の目算が強くなっている。国内分裂のほか、東南アジアからイスラム国(IS)への参戦を、マレーシアとして法規制するためもあるようだ。

「映画は同じ形態のメディアで反論が難しく、影響も大きい」と、リー首相は語ったが、今はパオクンの全集が刊行され、英の拘留の一因だった1970年代のエッセー集も草根書室などで買うことができる。これはマレーシアも同様で、書籍、特にマレー語、英語以外の出版物には、あからさまに民族、宗教、言語等のセンシティブイシューに触れた作品が散見される。

国境なき記者団による報道の自由度ランキングで、マレーシアは120位前後、治安法・扇動法維持のシンガポールは130位前後で下回る。2014年末にもミュージカル喜劇「シンガポールの歴史2」が16歳以下入場禁止となった。宗教、社会不安を与えた事件を示唆するのが理由と言うが、最後に観客と小旗を振って「シンガポール万歳」を叫ぶ喜劇もこうした扱いを受けるとは、細かい気配りに驚くばかりだ。[2014.12.23]

(ますたに・さとし 立教大学)

転換しつつあるシンガポールの文化制度

川崎賢一

今回はマレーシアの隣国、筆者のメインフィールドであるシンガポールの文化制度について紹介したい。シンガポール社会において、建国以前・建国以後においても、(芸術文化や文化産業などの)文化制度は展開が遅れていた。経済発展の最後の段階として、芸術文化制度のインフラ作りを1990年代初頭から始め(芸術文化協議会(NAC)の設立など)、1990年代半ばには、中期的目標を設定した(芸術のためのグローバル都市)。21世紀に入ると、3度にわたり、集中的に予算を投下し、芸術文化制度を整えてきた(ルネッサンス・シティ・レポートないしプロジェクト)。そして、2012年1月末に、今後15年間に及ぶ基本的・具体的な芸術文化政策(Arts & Culture Strategic Review, ACSR)を開始し、国民各人の芸術文化リテラシーレベルを大幅に向上しようとしている(新動向を要約すると、<アートの日常化>を目指すことである)。

国民の文化レベルや基本枠組みだけではなく、例えば小規模だったアート市場も拡大を続け、日本貿易振興機構(ジェトロ)担当者によれば、2011年から始まった「アートステージ」やアフォーダブル・アート・フェア、アート・オークションなどが興隆し、富裕層の関心が集まり始めた。

これらの動きは、制度レベルでもはっきりしている。一つは、NACと並んでシンガポールの文化制度を引っ張ってきた文化産業が、2000年代に入ってその政策が本格化し、経済発展庁(EDB)などを中心にして、ICT(情報通信技術)化や創造産業として確立するようになった。つまり、エンターテインメント産業としての発展が見られるようになったのである。これは単に、マリーナ・ベイ・サンズやセントサ島に限った話ではなく、総合的な経済政策にもなっている。つまり、フェインアート系(ビエンナーレ・アートステージなど)、エンターテインメント系(カジノなど)、巨大イベント系(F1レースなど)、スポーツ

系(ユースオリンピックなど)を連携させて経済効果を高めている。しかも、これらのエンターテインメント産業は、観光産業とリンクしており、90年代から伸び悩んだ新しい観光振興にも有効な結果を残している。

もう一つの制度レベルの変化は、その制度を支える文化的アイデンティティの再構築である。芸術文化政策などは、2012年10月まで情報・コミュニケーション・芸術省(MICA)によってシステムティックに管理されてきた。12年11月にMICAの再編成により、創造産業・メディア産業・エンターテインメント産業を核とした新しい文化政策は、コミュニケーション・情報省(MCI)の手にゆだねられることになり、その一方で、従来の芸術文化政策は文化・コミュニティ発展・ユース省(MCYS)のもとで、文化的アイデンティティのインフラの役割を与えることとなった(なお、シンガポールの文化遺産は国立遺産庁(NHB)により、この省内に再配置された)。

ここ四半世紀にわたる文化制度の確立・展開は、シンガポールを大きく変えようとしている。シンガポール建国の祖リー・クアンユーは、ここ数年様々な公式な席で、将来歩むべき都市モデルを4つ(ベニス・パリ・ロンドン・ニューヨーク)提言している。そして、それらを参考にして、「A Tropical Global Creative Art City-State」を作るべきだと提案している。確かに、一方で、国内的階層的格差の増大や残存する検閲制度などの問題を抱えながら、シンガポールの文化制度は、改めて、新しい段階に入ろうとしている。2015年の建国50周年を迎えて、新国立美術館がスタートし、また、国立博物館が再スタートする。いろいろなところで、文化制度とナショナリズムの繋がりが見え隠れしてきている。
[2014.6.24]

(かわさき・けんいち 駒澤大学)

日本人学生の ASEAN 短期留学と日本語学習環境の変化

木村かおり

マレーシアの名門校マラヤ大学には学部以外に予備教育部というものがあり、この1コースで学んだ学生が政府派遣で日本へ留学する。最近では逆の動き、つまり来馬する日本人学生が急増している。本稿では、マラヤ大学で日本語教育に携わる者の視点で、このような学生の動きを観察し、学生の動きに関わる日本語学習ニーズと派遣元派遣先への課題を共有したい。

国際交流基金の調査からマレーシアの日本語学習目的の特徴として、「日本への留学」が世界平均数値より高いという点があげられる。実際に高等教育機関における日本語教師の約45%が留学準備のための4つの日本語予備教育機関に所属している。その配置から高等教育機関は最大の日本語学習ニーズを日本留学のための日本語予備教育と考えていることがわかる。

これらの外国政府派遣留学生を含めた日本の留学生数は12万3829人（文部科学省2008年調査）で、その後も数を伸ばしている。これに対し、日本から海外に留学する日本人学生は6万6833人（同）で、対前年比約11%減という状況である。しかし、その減少傾向は欧米圏への留学で起こっており、アジアへの留学は増えているという試算もある。

短期派遣に関しては、2012年に安倍首相がその任に戻り、新たな動きが起こっている。まず、「Japan-East Asian Network of Exchange for Students and Youths プログラム」（外務省）が復活し、「2014年日本語パートナーズ派遣事業」（国際交流基金アジアセンター）が始まった。「トビタテ！留学JAPAN 日本代表プログラム」（文部科学省）など留学を後押しする動きが活発化している。

多くの大学間では、このようなプログラムを待たなくても協定を結んでおり、相互に行き来する機会がある。しかし学生の動きは鈍かった。その理由の一つに費用の問題があったと考えられる。ところが、2012年に採択さ

れた「大学の世界展開力強化事業：東南アジア諸国連合（ASEAN）諸国等との大学間交流形成支援」をはじめASEANとの協定を生かしたプログラムを作ることで、文部科学省を通して教育機関に助成金等予算がつくことになった。これにより、現在多くの教育機関がグローバル人材の育成という目的を持ってマレーシアの教育機関を訪問している。

グローバル人材育成は、大学のみならず高校にも重要な使命であり、見学中心であった高校生の修学旅行は国際交流を目的とした研修を付加しはじめた。この研修先の一つに選ばれているのがマラヤ大学というわけである。研修の主目的が英語教育、理系教育であっても、何らかの形で訪問先に日本語教育実施機関が選ばれることが多い。これは訪問先に日本人学生のパディーになれる日本語学習者、日本人もしくは日本語を話す教員のいる機関を希望するための方である。グローバル人材育成には、対人の国際交流が必要であると考えられているからである。さらには高校の修学旅行だけでなく、県職員や日本の企業の研修でもマラヤ大学に声がかかっている。

日本人の訪問により、教室にオーセンティックな（真正の）日本語学習の機会が生まれた。「留学のために日本で必要な日本語力」が大きな学習ニーズであることには変わりがないだろうが、「マレーシアで日本人と交流するために必要な日本語力」という学習ニーズも増した。マレーシアの日本語教育を考えると、このニーズの増加は喜ばしいことである。

しかし、これらの訪問は、未だ学習環境構築という点で二つの課題を抱えている。一つ目は、マレーシアの日本語教育の現場の課題である。既にあるカリキュラムに日本側のプログラムをどう取り込むか受け入れ方を調整する必要がある。また、これらの訪問を「生の日本人とおしゃべりするだけの機会」で終わらせず、「オーセンティックな生の日本語

学習の機会」とし、日本語学習者が最大限学べるようにするにはどのような参加の仕方がふさわしいか考える必要がある。グローバル人材育成という目的で来る日本のプログラムを中・長期的に有効に活用することを考えなければならない。

二つ目の課題は日本側のものである。受け入れ先にただリクエストだけするのではなく、受け入れ先がどの程度、プログラム内容を受け入れられるかを十分考えなければならない。ASEANのホスピタリティとして、実行が難しくても受け入れを断らない可能性があるからである。日本出発前に入念に計算された計画の一部が実行できずに終わってしまったプ

ログラムがすでにある。受け入れ先の受け入れレディネス（準備状態）を把握しながら計画をしなければ、日本側としては失望感を味わうことになるだろう。

最後に日本側に要望を述べる。自分たち日本人の育成だけを考えて研修プログラムを作るのではなく、機関間のやり取りを通じて、ASEANの学生や教育機関のグローバル化、育成に貢献するプログラムを考えてほしい。国際交流基金アジアセンターの考える「学びあい、成長し合う、アジア」の実現のために。
[2014.4.29]

(きむら・かおり マラヤ大学)

【Summary】

On “the Discovery” of the Migrated Archives:

A Guide to the Research in the National Archives of the United Kingdom

SUZUKI Yoichi

(Shimonoseki City University)

This article is prepared as a guide to conduct research activities in the National Archives of the United Kingdom. Although the research environment improved remarkably and it is much more convenient to use the Archives now, some researchers still take wrong approaches when conducting historical research. How can we conduct proper yet successful research in the Archives? This article presents some research tips for scholars of Southeast Asian Studies.

Chapter 1 introduces the basic principles for organizing and keeping the documents in the archives. Each group of records in the archives is maintained in the same order as they were originally stacked by the creator of the groups. By keeping the groups of records in the original order, the creator's additional contextual information and the original environment of the creation are preserved. When establishing their methods of research, researchers must take these basic principles into their consideration.

Chapter 1 also introduces the significance of the compiled sourcebooks of historical documents titled British Documents on the End of Empire (BDEE). This series of volumes contains an annotated selection of official documents from the National Archives, charting British withdrawal from its colonial territories. The C series of BDEE can be regarded as a guidebook for British colonial documents in general.

Chapter 2 introduces the Migrated Archives. Sensitive and incriminating collections of documents from Britain's former colonial governments were sent back to Britain (hence migrated) on the eve of decolonization, to be stored in the Foreign and Commonwealth Office archives, in order to prevent their disclosure. If these documents were disclosed to the public, the British Government and the local collaborators could have faced subsequent embarrassments. These documents, recently "discovered" and released, provide deep insights into the studies related to the decolonization of Malaysia and Singapore. From the documents, it was discovered that more so than the previous studies revealed, Lim Chin Sion and the Communist Party of Malaya were in close cooperation. Furthermore, the same observation can be made for the relationship between Lee Kuan Yew and the British Government.

編集後記

『マレーシア研究』第4号が完成しましたのでお届けします。本号では、2014年12月のJAMS研究大会における国際シンポジウムでの報告を基にした英語の投稿論文を、査読過程を経て特集記事および論説として掲載したほか、研究ノート1編と学会ホームページの「知識探訪」欄でも公開されている12名の会員によるエッセイを載せました。

次号についても、下記のとおり会員のみなさまからの積極的な投稿をお待ちしております。（金子芳樹）

〔編集委員会〕

金子芳樹（委員長）、田村慶子（副委員長）、山本博之、坪井祐司

第5号の投稿募集

2016年前半期発行の本誌第5号への投稿を募集します。下記の投稿要領およびJAMSウェブサイトに掲載されている募集要領に沿って原稿をお送りください。

- ・第5号掲載分の締め切り：2016年1月31日
- ・投稿先：編集委員会
(malaysia_studies@jams92.sakura.ne.jp)

投稿要領

『マレーシア研究』は日本マレーシア学会の会誌であり、広い意味での「マレーシア研究」に関する論説、研究ノート、書評論文、および書評を掲載する。刊行は1年に1回とし、投稿は随時受け付ける。

1. 投稿資格：会費を納めた会員および編集委員会が依頼した執筆者とする。
2. 投稿内容：未発表のものに限る。ただし、学会、研究会での口頭発表はこの限りではない。また、同一の原稿を本誌以外に同時に投稿することはできない。
3. 使用言語：投稿原稿で使用する言語は日本語とする。ただし、注記などにおいてはその他の言語を使用できる（日本語・アルファベット以外の文字を使う場合は編集部と相談すること）。また、採用された原稿については英文要旨を併せて掲載する。
4. 原稿の種類：論説、研究ノート、書評論文、書評の4種類とする。投稿原稿の枚数は40字×30行を1枚と換算して、論説が15～20枚、研究ノートが10～20枚、書評論文が5～10枚、書評が2～5枚とする（いずれも注・図表・参考文献を含む）。原稿に挿入される図表については、大小にかかわらず3点を1枚と換算する。
5. 執筆要領：投稿に際しては、本学会のホームページ

に掲載された「執筆要領」に準拠した完成原稿を提出する。また、論説、研究ノート、および書評論文については、論文要旨（1200字程度）を提出する。

6. 査読制度：投稿された原稿は、レフェリーによる審査結果を考慮の上、編集委員会が採否を決定する。
7. 英文要旨：採用された場合には約400語の英文要旨を提出する。英文要旨は提出前にネイティブ・チェックを受ける。ネイティブ・チェックにかかる経費は投稿者が負担するものとする。また、編集委員会が必要と考えた場合、同委員会は投稿者の経費負担によりネイティブ・チェックをかけることがある。
8. 著作権：本誌に掲載されたすべての原稿の著作権は日本マレーシア学会に帰属する。なお、原著者が本誌に掲載された文章を他の出版物に再録しようとする場合には、編集委員長に申請し許可を得る。
9. ホームページ上での公開：『マレーシア研究』に掲載されたすべての原稿は、日本マレーシア学会のホームページにて公開する。
10. 投稿先：投稿先および問い合わせ先は下記のとおりとする。なお、投稿に際して、投稿者は、氏名（ふりがな）、所属、連絡先の住所・電話番号・E-mailアドレス、投稿題目、原稿の種類を明記する。

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Malaysian Studies Journal

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CONTENTS

〈Symposium〉

Social Mobility of Muslims in Multi-ethnic Malaysia

The Study of Muslim Intention to Become Muslimpreneurs

----- Salmah S., Kalsom A.W., Asmaddy H. & Nordin A.R.

The Originality of *Qard* and its Implication on the Loan Theory: Does Intention Matter?

----- Wan Nor Aisyah Wan Yussof, Abdul Ghafar Ismail, Shofian Ahmad & Sanep Ahmad

MH370 Press Conferences: Interaction and Institutional Power Relation

----- Asniah Alias, Sharifah Nadia Syed Nasharudin & Marlyna Maros

〈Articles〉

Controversial Boundary: The Construction of a Framework for Muslim Law

in Singapore in the Period of Decolonization----- MITSUNARI Ayumi

〈Research Note〉

On “the Discovery” of the Migrated Archives: A Guide to the Research

in the National Archives of the United Kingdom ----- SUZUKI Yoichi

〈Essays〉

Malaysian Bricolage ----- 12 Short Essays on Multi-Ethnic Society

〈Summaries in English〉

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<http://jams92.org/>