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Company Rules: *Sharia* and its Transgressions in the Malay-Muslim Corporate Workplace

Patricia Sloane-White

Abstract: How have premises concerning *sharia* been worked into discursive Malaysian space that exists beyond the courts, the bureaucracy, the home, and public and private space to exert authority and control over corporate workaday identities and behaviours? Some 21st-century Muslim company directors and owners have ‘Islamised’ the workplace, implementing *sharia* transformations of *ibadat* and *munakabat* to normalise and enforce among Muslim corporate employees the rules of what I call ‘personnel *sharia*’. Using two stories of workplace *fitna* (sexual harassment), I provide a lens to view the changing *sharia* environment in Malaysia over the course of nearly two decades and explore the lived reality of corporate interventions over Muslim personnel. The premise of this article is that as certain workplaces in Malaysia become increasingly regulated by Islamic laws, work has become a *sharia* realm that is neither fully public nor fully private but borrows moralities and enforcements from both; in other words, a third space for *sharia* that affects employees in multiple ways, bridging their private and public lives and acting upon them both personally *and* as personnel. Thus, *sharia* in the corporation extends the state’s bureaucratic authority over Muslim compliance into corporate space and relies on a premise that corporations, like religious officials and institutions, can enforce pious practice and even adjudicate *sharia* outcomes.

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Over the past few decades, *sharia* in Malaysia has reflected increasingly rigid and orthodox interpretations concerning the practice of worship and belief (*ibadat*) and those concerning marriage, divorce and polygamy (*munakabat*). Over the same period, the increasing intrusiveness of the religious authorities policing the rules in both public and private lives has been normalised in Malaysia. The amount of bureaucracy and the number of institutions overseeing Muslim lives and enforcing *sharia* has expanded dramatically. Many scholars have discussed these moves, their impact on the personal lives of Muslims in Malaysia, and the political interests they reflect at length (for some examples, see Liow 2009; Ahmad Fauzi Abdul Hamid and Che Hamdan Che Mohd. Razali 2015; Maznah Mohamad 2011; Hamayotsu 2012; and Chin 2015). In the present article, I address the ways in which these shifts have registered in a less-studied space; that is, within contemporary Muslim corporate life. As an anthropologist who has studied the role of religion in Muslim-Malay workplace settings for over two decades, my concern here is to show how present-day premises concerning *sharia* have been worked into a discursive Malaysian space that exists beyond the courts, the bureaucracy, the home, and public and private space to exert authority and control over corporate and workaday identities and behaviours.

Scholars have noted that *sharia* easily penetrates the boundary between public and private in Muslim life (see, for example, Mohsen Kadirvar 2003: 670). The premise of this article is that as certain workplaces in Malaysia become increasingly regulated by Islamic law, work has become a *sharia* realm that is neither fully public nor fully private, but borrows moralities and enforcements from both; in other words, it is a third space for *sharia* that affects employees in multiple ways, bridging their private and public lives and acting upon them both personally *and* as personnel.

I argue that *sharia* transformations of *ibadat* and *munakabat* have entered 21st-century corporate space, where they normalise and enforce among Muslim corporate employees the rules of what I call ‘personnel *sharia*’. I suggest that personnel *sharia* is a congeries of post-NEP¹ Malay-

1 NEP refers to the New Economic Policy, a programme in place from 1970 to 1990 but extended indefinitely, that focused on Malays’ economic development. The concern of NEP was to provide rural and poor Malays with access to quality education and create income equity between Malays and the other ethnic groups. However, it also gave Malays preferential treatment in all spheres of public life, such as reserving senior positions in civil service, building schools and universities, funding educations, and providing discounts on houses and cars to them alone.

sian Muslim ideals that reflect principles in contemporary, ‘corporatized’ (Peletz 2013; 2015) and neoliberal Malaysian management culture (Rudnycky 2010) – an acceptance that companies can and will inculcate in personnel ‘proper’ workplace behaviour for a capitalist economy. It also demonstrates that there are additional sites and agents – beyond religious bureaucracies, *sharia* courts, and institutions, but borrowing moral authority and reach from them – enforcing Malaysian *sharia*-isation or ‘Islamisation’.² Finally, I argue that personnel *sharia* extends to new sites and spaces key principles from domestic and private space to establish how Muslims in the workplace should dress, act, and interact, stating what is permissible and prohibited in their gendered behaviours as people. Thus, personnel *sharia* is the Islamic regulation of workplace roles and relations in corporate modernity, flowing from managerial premises, procedures, and regulations, shaped by Malay-Muslim company directors and *sharia* bureaucrats. It is both recast as obligatory human-resource policy and presented as divine law. These rules are present at a substantial and growing number of Muslim-owned and managed Malaysian companies that I have studied since the turn of the century, and represent the emergence of what I call ‘corporate Islam’ – the contemporary emplacement of Islamic norms, ethics, hierarchies, practices and gendered identities in corporate life.³

Sharia Lives, Enforcements and ‘Personal Status’

There are many Muslims in Malaysia who advocate that *sharia* should structure all aspects of private and public life for Muslims, and perhaps also non-Muslims: effectively the implementation of the Islamic state. Although successive prime ministers and a growing Muslim public have insisted (based on vague and contested language in the Malaysian Consti-

2 I define ‘Islamisation’ here as the growing conviction among a broad range of Malaysian Muslims that *sharia* must guide their behaviour at all times.

3 The fieldwork for this article was conducted during 1996–1998 and 2007–2014 as part of a long-term study of Malay-Muslim-owned and managed companies and therefore builds on over 20 years of connection to and familiarity with Malaysia and relies on field research both new and old. The ethnographic data in this article reflects conversations and intensive participant observation conducted with and among many dozens of people over the course of two decades: company owners, chief executive officers, chief financial officers, senior and junior managers, everyday employees, clerks and secretaries, cleaners, messengers, and drivers.

tution) that Malaysia is an Islamic state, it is *not* one, as *sharia's* jurisdiction is relatively limited there. *Sharia* remains confined to Muslims alone and only concerns personal-status law, charitable property (*waqf*), religious revenue (such as alms or *zakat*), places of worship, and religious offences such as adultery and forms of sexual and pious misconduct, defamation, non-payment of alms and consumption of liquor (Ahmad Fauzi Abdul Hamid 2009: 6). Beyond these realms, civil law applies in all cases.

While the scope of *sharia* in Malaysia may be narrow, its character has changed dramatically in recent decades. Concerning *ibadat* (pious practice and belief), which is understood to be solely a matter between the believer and God and adjudicated by God on Judgment Day, the Malaysian state today seeks to monitor and enforce many of its premises. In the past decade, Muslims “suspected of running afoul of Malaysian-style *sharia* by subscribing to unorthodox beliefs and flouting regulations on morality” have been more actively pursued and prosecuted (Ahmad Fauzi Abdul Hamid and Che Hamdan Che Mohd. Razali 2015: 310). In 2005, the Religious Department of the Federal Territories raided a nightclub in Kuala Lumpur and arrested over a hundred Muslims, claiming they were “dressed indecently or had consumed alcohol” (Mohd Azizuddin Mohd Sani 2015: 17). Other incidents have included stepped-up patrols of hotels where unmarried Muslim couples were arrested for *kebahwat* (close proximity), arrests of Muslims seen to be eating during the fasting month of Ramadan or drinking alcohol, and raids on nightclubs where gambling was thought to occur. Concerts by Western pop stars are now regularly banned for contributing to the moral decay of Muslims; a ‘beer fest’, previously permitted for non-Muslims, was banned in 2017 for its presumed negative impact on the status of Islam in Malaysia, even though Muslims were not permitted to attend.

Malaysia’s *sharia* concerning *munakabat* has changed as well, in contrast to other Muslim nations that have instituted reforms to family and personal-status law that respond to more progressive definitions of justice and the economic and social demands of local lived realities of married couples, such as rebalancing or even removing the premise of absolute male authority and female obedience in return for maintenance (Welchman 2011). In contemporary *sharia* legislation in Malaysia, however, the trend has moved in the opposite direction, in ways that diminish men’s responsibility to shoulder women’s traditional maintenance rights (and women’s contestations) in marriage, divorce, and polygamy but demanding wives’ absolute obedience (Shahirah Mahmood 2014; Maznah Mohamad 2011). Many family law protections that had been granted

to Muslim women by the Islamic Family Law Act 1984, reflecting a spirit of reform and justice, were, state by state, amended, ignored, or reversed between the 1980s and the mid-2000s in multiple *sharia* jurisdictions of Malaysia (Norani Othman 2008).⁴

There has been little resistance to these moves. Ordinary Malay Muslims I have interviewed in the past decade, both men and women, believe that Malaysia's current position on *sharia* now more accurately reflect a woman's place in Islamic life and insist women must understand that obedience to husbands and fathers is their absolute duty before all else (cf. Tong and Turner 2008: 52). Women I met in the 1990s believed wearing a veil or *hijab* was their choice to make; today most say they must veil if their male guardian (a father, husband, or son) insists. Many educated, urban Malay Muslims embrace the increasingly conservative *sharia* principles and moral codes for their public and private behaviour and for family life.

In the next section, I describe the increasingly *sharia*-influenced Malay-Muslim corporate workplaces I have encountered in 21st-century Malaysia, where I argue these changes echo in personnel *sharia*.

The Malay-Muslim Workplace as a *Sharia* Space

Unlike the *sharia* that is adjudicated in Malaysia's *sharia* courts where cases concerning religious compliance and family life are heard, the *sharia* of the corporate workplace I analyse here – that is, personnel *sharia* – exists in a supra-legal, even perhaps pseudo-legal realm. Employment law in Malaysia and the relationship between workers and companies is a matter of civil law, the terms of which are stated in Malaysian Employment Act 1955. However, if, as many Malay Muslims state, *sharia* reaches into all spaces and determines all practice, to them, there is no space where it should not be enforced. *Sharia* premises for corporate life have been put in place by Muslim company directors and owners I studied between 2007 and 2014, who, in association with experts (that is, *sharia* scholars), claim to have 'Islamised' both the financial aspects of their corporations and the workplace.⁵ The experts providing the *sharia*

4 Matters concerning *sharia* are adjudicated by *sharia* courts in the individual state-based jurisdictions, not at the federal level.

5 The material in this article that describes 'personnel *sharia*' is based upon interviews conducted between 2007 and 2014 with executives and personnel at 21 companies. Some were Islamic banks and *takaful* (Islamic insurance) companies;

knowledge are known as ‘*sharia* advisors’ and are highly trained in *sharia* and in Islamic finance and serve as bureaucrats vetted by the Central Bank of Malaysia, Bank Negara. Not only do they supervise Islamic banks and financial companies in Malaysia and advance its booming Islamic market, but they also enter corporate Islamic space as ‘business consultants’ and ‘management advisers’, providing crucial *sharia* business knowledge and scholarship to Malay-Muslim corporate executives, owners, and managers, who in turn regulate and monitor Muslim personnel. Together, they have fashioned personnel *sharia*.

When I asked Malay-Muslim corporate executives what made their companies’ personnel policies ‘*sharia*-compliant’ or Islamic, many referred to the obligations of *ibadat* – the mandatory practices of piety required of individuals on behalf of God. Prayer is *ibadat*; thus, they stated that prayer should be part of every Muslim’s workday. At all of the companies I studied, Muslim personnel were expected to pray; men and women left their desks regularly to do so. Some company executives, when interviewing recruits, asked them to recite prayers and enquired about their family life; for example, whether single women lived at home and whether young men had girlfriends. Employment decisions were often made based on such factors. Most companies sponsored *ceramah agama* (religious talks), Quran recitations, religious classes, and discussions; studying Islam was understood to be a crucial part of modern work. By increasing the Islamic knowledge of personnel, executives stated, they believed they would be rewarded by God – evidenced by blessings (*baraka*) now in the form of corporate profit, and later, in what some called the ‘bank of the hereafter’ – Judgement Day.

Some companies, referring to the requirement that Muslims must pay alms, required salary-deducted *zakat* (the pillar of Islam stating that 2.5 per cent of wealth must be donated annually) and gave them time off for approved Islamic charity work; this action was also believed to be blessed by God. Moral and ethical principles from *sharia* were made explicit: most companies I studied had *sharia*-based policies about accepting and giving gifts and entertainment to limit the possibility of a conflict of interest or bribery and other forbidden practices in Islam. Many com-

others were companies run in line with what their management called full *sharia* compliance. Some companies were well-known public-listed enterprises, while others were small privately owned companies. I also spent a considerable amount of time at several government-linked corporations – Telekom Malaysia, and Tenaga Nasional, and at Khazanah Nasional, the GLIC or government-linked investment company – and at government-owned Petronas; these are all bastions of Malay-Muslim employment.

panies deposited employee salaries in Islamic banks and provided employees with what they called Islamic benefits, such as *sharia*-compliant mortgages and even car loans. Some expressly prohibited personnel from smoking cigarettes, determined by the National Fatwa Council in Malaysia to be *haram* (forbidden in Islam; more recently, the Council prohibited ‘vaping’ or the use of e-cigarettes). Company executives described themselves as deeply engaged in their employees’ personal lives, concerned with knowing that the children of personnel were receiving suitable Islamic instruction. They paid close attention to the behaviour of spouses and children at company family days to ensure that these were ‘pious and obedient’ families.

Several companies I studied had implemented a rigorous ‘*sharia* curriculum’ – with workbooks to study and exercises and lessons to complete; the curriculum concerned employees’ *sharia*-compliant practice both at work and in everyday life beyond the workplace. The requirements of personnel *sharia* reminded personnel of their obligations to God through *ibadat*, telling them to pray, focused them on *sharia*, and emphasised their responsibilities as moral worker/believers. None of the employees I met resisted these requirements; most said that they were grateful to work in an atmosphere where Islam was a key factor in their work lives. Employers I spoke to were proud of the fact that their personnel complied with these expectations and requirements and stated that those who did not want to demonstrate their faith and piety willingly ‘exited’ from the workplace. Personnel *sharia* also had much to say about gender roles and gendered bodies, which I turn to next.

The *Munakahat*-Inflected Masculinity of Personnel *Sharia*

In Malaysia, while all citizens are entitled to basic health care at government hospitals, many employers provide varying degrees of additional private health benefits. This allows employees to seek medical care in better facilities within government hospitals or visit private ones. In all of the companies in which I conducted interviews in between 2007 and 2014, employees were covered by private benefits to some degree. Furthermore, in all cases, a (female) spouse of a male employee, as well as his children, was covered. In many companies, however, the spouse of a *female* employee was not provided coverage. As one human resources director explained to me, it is a fact in *munakahat* that is ‘clearly understood – a husband must provide financially for a wife, but a wife is not required to do so for her husband’ (*bagi nafkah*). Moreover, many corpo-

rations had an additional rule that provided benefits not just to a man's wife but, in the case of a Muslim man, to his *wives*. Whereas a man in a polygamous marriage can have coverage for up to four wives, women, as stated above, can never extend her coverage to any man. Again, when I asked company executives about the polygamy clause, they answered with reference to *munakabat*, quoting the Prophet's saying that a man must treat all wives equally; thus, the benefits policies of their companies must reflect that principle.⁶

Munakabat assumptions also dictate the career paths of women personnel in corporate settings. When I asked executives and company owners – all of whom were male – whether the sexes were treated equally in their corporations, they insisted that they were, within the contexts of gender as it is expressed in *sharia*. Women, they said, are not equal; they are under the guardianship and guidance of men. Women worked when husbands and fathers permitted it. Therefore, if a husband complained to an employer about a wife's overtime obligations, as occurred several times in companies where I conducted interviews, the husband had the right to withdraw his wife from employment. However, that premise – that men are women's guides and guardians – seemed to also be reflected in the corporate hierarchy, where they are women's bosses and supervisors. When I asked why few women (and more often, no women) in the companies I studied had been promoted to top management positions, the answer was uniform: there is no reason stated in Islam why women *couldn't* staff the top offices, but no woman appeared either to want such a job or be suitable for it. A small number of women of many dozens to whom I spoke disagreed but said they would never register their disappointment at being overlooked; many more accepted the idea that 'top jobs' would never be theirs. The women in these companies had 'caring' kinds of jobs, such as working in human resources, training, public relations or marketing departments. Both men and women felt that these jobs matched women's gendered temperaments and time-management needs. Women were different from men in all ways, even in their ability to conform to the demands of piety: on Fridays, when men went to the mosque for Sabbath prayers, women tended to use that extra time to perform their gendered chores, like grocery shopping; as such, their 'weaker' spiritual natures were often commented on (see discussion of '*lemah semangat*' in Müller 2018: 167).

6 Regulation of Islamic banks does not permit coverage of multiple wives; a bank executive decried this as compliant with "corporate governance regulations, not Islamic ones".

For public space, Islam, as understood by most Malay Muslims today, has explicit rules about female dress; these premises are fully present in personnel *sharia* as well. A woman's body must be covered in the presence of any man who is not a close relative (*mabram*). Many of the companies I studied enforced a *hijab* (head covering) policy for females. In the 1990s, when I first started exploring the question of the Islamic workplace, the term *hijab* (of Arabic origin) was rarely heard in Malaysia and a head covering, or *tudung* (a Malay term), was, in many non-government offices, considered to be *sunnab* – a positive choice for Muslim females – but not *wajib* or mandatory. Many Malay-Muslim women outside the government sector then also wore Western-style clothes. By the 21st century, scores of Malay-Muslim-owned and -managed companies I visited required women to wear the *hijab* and traditional Malay-Muslim dress (a loose-fitting neck-to-ankle garment called *baju kurung*) as a condition of employment. “This is *sharia*”, a company director told me; it is non-negotiable. His company's policy stated that any woman appearing for an employment interview not wearing the *hijab* and *baju kurung* would not be interviewed; at others, she would be told that her employment was contingent upon it. Women I met felt that Malay Muslims were ‘incorrect’ in the past in believing that wearing the veil was optional; now a husband, a father, a son, or corporate policy can dictate that it is obligatory.

Sharia also regulates physical proximity among unrelated men and women. In all the companies I studied, men and women worked on projects, attended meetings, and served on work teams together, and therefore had explicit rules structuring intersexual mixing. Many companies ensured that a man and woman were never in an office with a closed door or in one without a clear glass wall. In some companies, there was an explicit policy forbidding men and women from eating together in a restaurant, coffee shop, or street stall at lunch.

Perhaps there is no more obvious place in which *sharia* has registered in the corporate zone than in the realm of touch. When I first investigated Islamic workplaces in the mid-1990s, it was common for a Malay-Muslim man and woman who had just been introduced to one another to ‘*salaam*’ each other – that is, to grasp hands and then draw them towards their heart, a traditional Malay greeting. Men and women would sometimes also shake hands. However, in nearly every company I studied in the present decade, any touching was either forbidden or implicitly understood to be wrong. The prohibition against touch is so clearly part of personnel *sharia* that, in my very first conversation with a manager or executive, in response to my question, “What makes this an

Islamic company?” the answer was often that ‘*sharia* policies’ prohibited all forms of physical contact between men and women, including handshaking. It was understood that these provisions – from dress, mixing, and touch and as a consequence of the pious and *sharia*-reflected atmosphere of the workplace – would ensure that no personnel would ever misbehave by inciting sexual desire from the opposite sex or acting on such feelings. In other words, using a contemporary referent, there would and *could* be no ‘#MeToo’ moments in a proper Muslim company. (When the international #MeToo movement swept social media in 2017, several Malaysian journalists wrote about the need to speak out, claiming that sexual harassment in Malaysia was too “often [a] hushed-up subject” [*The Malaysian Insight*]).

But what happens if Muslims *do* misbehave? Religious authorities in Malaysia today police and monitor public space and even enter private space to enforce *sharia* – but the *sharia* of the corporate workplace I have just described is controlled by executives, managers and supervisors. Despite the claim that Muslims who could not comply with personnel *sharia* willingly ‘exited’ themselves from the workplace, and the statements made by personnel I met that they were eager and grateful to work in companies that emphasised Islam, I learned of a case of sexual transgression in a *sharia*-ised company I studied in 2014. I encountered a similar case in a corporation I studied nearly two decades earlier. I suggest that these two stories of workplace *fitna* – discordant dramas of sexual discord – from my longitudinal research provide contrasting corporate responses to transgressions of Muslim personnel from two very different moments in Malaysian Islam. Before discussing these further, I must first take a detour to the West, to discuss how the American concept of ‘sexual harassment’ law and ‘sexual harassment’ has become understood and reinterpreted over several decades in Muslim Malaysia, and their present iteration in personnel *sharia*.

‘Globalising’ Sexual Harassment: Sex and Law

Many people believe that sexual harassment law in America pivots on sex – that is, they presume that ‘bad behaviour’ on the part of men, such as staring, joking, and so on, is what defines the crime of sexual harassment. In fact, the crime of sexual harassment, built on Title VII of the Civil Rights Act of 1964, concerns not sex but *discrimination*. Sexual harassment law prohibits discrimination by race or sex and provides redress to victims who have “suffered a loss of opportunities” (Williams, Giuffre, and Dellinger 1999: 76). Despite being grounded in a very specific Amer-

ican-shaped premise, sexual harassment is now a global concept. It was on the agenda of the 1995 United Nations Fourth World Conference on Women, where it was described as embedded in global patriarchy, a universal crime against the dignity of women (Ng, Zanariah Mohd Nor, and Abdullah 2003). However, the term ‘sexual harassment’ is anthropologically problematic because the process of defining it depends on interpreting words, meanings and gestures and perceptions of intent within particular contexts and cultures (Yelvington 1996; Osella and Osella 1998). Sexual harassment (and certainly its American relationship to *discrimination*) is not, to use another legalism, culturally fungible (Kennedy and Gorzalka 2002).

That this is true is well evidenced in Malaysia, where women’s groups have attempted to influence Parliament to enact a sexual harassment law modelled on America’s that addresses what they believe is a pervasive workplace problem in Malaysia.⁷ The Malaysian government has resisted the implementation of a Western-style sexual harassment law in Malaysia, much to the dismay of women’s groups, who see in their reluctance a strong and persistent bias against women (Ng, Zanariah Mohd Nor, and Abdullah 2003). Some companies (particularly government-linked corporations or GLCs) have adopted an optional policy concerning sexual harassment that was developed by the Ministry of Human Resources in 1999: The Code of Practice on the Prevention and Eradication of Sexual Harassment in the Workplace. However, none of the privately owned companies I studied had done so. By 2010, according to the Malaysian Employers Federation, only 400 out of 450,000 registered companies had adopted and implemented the optional Code (*New Straits Times* 2017). Both *sharia* advisors and corporate executives insisted to me that no such secular or civil law was necessary in their companies, claiming that *sharia* addressed relations between men and women better than any civil law could, and moreover that the *sharia* personnel policies they had put in place provided up-to-the-minute and modern corporate redress to the timeless problem of male-female interaction outside of domestic space. Still, the subject of sexual harassment is well recognised in Muslim Malaysia, albeit often in a particularly culturally indigenised and gendered manner, as we shall now see.

I first heard the term sexual harassment in Malaysia in 1994, when a newspaper described how a female Malay-Muslim athlete, Rabia Salam, committed suicide after a scandal emerged about her “alleged sexual

7 In Malaysia, there are no specific laws against sexual harassment, although Section 509 of the Penal Code covers “words or gestures intended to insult the modesty of a person”.

harassment” by her track coach (*Sunday Times* 1994: 12). The members of the middle-class Malay-Muslim household where I was staying at the time did not view Rabia as a victim, convinced instead that her suicide was likely a consequence of her own guilt at having responded to her coach’s overtures. This theme mirrors a traditional Malay-Muslim representation that constructs women with their *nafsu* (passionate; irrational) nature as more sexual and sexually aggressive than men (Peletz 1996), as well as their diminished self-control and their spiritual inferiority, which, people have told me, is often the source of their perceived lesser piety and less single-minded focus on the obligations of *ibadat* (such as prayer). As transformations of this idea – that ‘spiritually weak’ women might play the significant role in the sexual acts that they may claim were committed *against* them – took on additional resonance in the 1990s, and the term sexual harassment became more familiar in Malaysia, I began to track instances where it captured Malay-Muslim interest.

Workplace sexual harassment was the theme of a Hollywood film entitled *Disclosure*, which was released in Malaysia in 1996. In this film, an aggressive career woman makes sexual advances to her former lover, now her subordinate, and he rejects her. To punish him, she accuses him of sexual harassment, while he maintains, to widespread doubt, that it was she who harassed him. The film was a hit in Malaysia, in part because Malaysia itself featured in the movie. However, it was also popular because it struck a local chord: my friends claimed to have heard stories about similarly sexually aggressive Malay-Muslim businesswomen and their multiple moral transgressions in the pursuit of men and money.

Members of my Malay-Muslim social circle saw female culpability in another case of sexual harassment when, a year later, newspapers reported a case brought before the Malaysian Industrial Court. Lilian Theresa De Costa had brought charges of sexual harassment against her Muslim boss. My friends, discussing the news reports, were disturbed that a Muslim man would dare to kiss and fondle a woman, as De Costa had alleged happened. They admitted that ‘certain types’ of Muslim men do commit adultery, but suspected that the claimant, herself not a Muslim, had dressed and acted provocatively and could not be assumed to be innocent.

In 1998, when a charge of workplace sexual harassment was made by a Muslim woman against a Muslim man in a Muslim-owned company where I was conducting ethnographic research, it was the first time anyone in the company had ever been *directly* connected to such an episode. However, although the experience was novel to everyone in this setting, their understanding of why it happened was not. Its drama relied on

traditional tropes about female sexuality and *nafsu*, and like *Disclosure* and track-star Rabia's story before it, took a familiar turn towards blaming the woman. As will be seen later on, the second drama, which occurred over a decade later, and in an era of personnel *sharia*, ended differently.

The Setting: An Islamic Corporation in 1998

I was engaged for an extended period of ethnographic participant-observation in an enterprise whose director, Tan Sri Hassan (this name and all the names that follow are pseudonyms), described as a fully "Islamic corporation". To him, this meant an ultra-modern workplace and profitable company that always reflected good and ethical business behaviour. More than once I heard him in deep conversation on the telephone with an *ustaẓ* who guided him on spiritual, business, and financial matters, but the idea that *sharia* could be recast as personnel policy had not yet been articulated either in his corporation or in any of the others where I conducted interviews in the late 1990s. There were few premises in place that might define any of the workplaces I studied as 'Islamic'; if anything, during the Mahathir years, Malay-Muslim-run corporations were seeking to become fully 'global' in their corporate outlook and practice, to compete, as was the spirit of the times, with the West.

Some women who worked in the company fulfilled traditional professional roles in the corporate hierarchy, working as secretaries and clerks, and some held lower-level administrative positions. Only one woman in the company wore a veil. No Muslim woman in the corporation held a powerful executive position. One exception was Mariam. Educated as an architect, she had been hired as a project manager in the company's engineering division. Tan Sri Hassan was proud that he had given Mariam a senior position and hoped that she could succeed in project engineering, a male-dominated profession. She was, he admitted, a symbol and a token of what Muslim women could accomplish in the corporation; he was, he said, 'testing' her to see how she interacted and related to the men who were superior to her in the organisation, as well as those she supervised in her role as manager. Tan Sri Hassan believed that women could and should reach the top in his organisation in a male-dominated department and he was proud that Mariam had been given a chance to prove herself.

Mariam's Story

Early one business day, I was summoned to Tan Sri Hassan's office, where he and several senior executives stood, grim-faced. He described how the previous day there had been a physical assault of a junior engineer, Abdullah, who worked in another building. While the details were unclear, the attacker was said to be Mariam's husband. According to Mariam's secretary, Abdullah had made several provocative comments to Mariam and Mariam had summoned her husband who then had assaulted Abdullah.

While the subject of sexual harassment had been written about in the Malaysian news, as I indicated above, Tan Sri Hassan was disbelieving that "something like that could happen among Muslims in a *Muslim* corporation", *his* corporation. He appointed four of the people in the room to an investigation committee: Mariam's and Abdullah's manager Ismail, two female employees, and myself.⁸ Our objective was to build an understanding of the events that led to the physical assault of Abdullah and weigh Mariam's claim of sexual harassment. Over the course of that day, in an order determined by Ismail, we interviewed employees who had witnessed the events. In the late afternoon, we interviewed Abdullah, who showed us his neck – bruised, he said, by the strangulating hand of Mariam's husband. Finally, we interviewed Mariam. Telling her side of the story, she sobbed and trembled. The narrative that follows summarises what we learned during these interviews.

"Mariam wore a short skirt to work"

This was the first statement made by each of the employees interviewed. Everyone we interviewed said it was strange that Mariam, a married woman, a mother of three, would suddenly, one day, appear in the office wearing a short skirt. Previously, they said, she had always worn modest, loose-fitting Western clothes to work. To everyone who came to understand the story, the skirt was crucial not so much because it revealed Mariam's legs, but because it revealed even more about her state of mind, a point whose importance will become clear later on.

Each of the seven people interviewed admitted they had, upon first seeing her in the office that day, commented to Mariam about her skirt. However, a secretary, whose desk was near to Mariam's, said she heard

8 Concerned that I might influence them, I suggested to my fellow committee members that my role should be to take notes. I remained largely silent during the interviews and discussion.

Abdullah tell Mariam it was “difficult to concentrate on work” when her legs tantalised him. The secretary heard him imploring Mariam to “Please stand up”, “so I may see your lovely legs one more time”. “Please bend down”, Mariam claimed he said so she alone could hear it, “so I might have a better show”. Abdullah admitted commenting on Mariam’s skirt that day, as did others in the office; he denied that he had made more suggestive comments. Other women we interviewed agreed that “Abdullah is a flirt” and “tease”, but none felt there was anything in his behaviour that was threatening or frightening.

However, Mariam felt differently. She said that Abdullah made unnecessary visits to her desk. Once, she said, he touched her on the shoulder. Other times he walked slowly past, in her words, “staring so much ... almost *raping* me with his eyes”. “You must show respect for me as a Muslim woman”, she finally said to Abdullah. “You must show respect for me as a *married* woman!” What if she were to call her husband, *right now*, she asked him, to tell him that a stranger touched her and stared? “I would then tell him the truth”, Abdullah told us he replied. “That his wife was wearing a short skirt, inviting the men in the office to look at her!” At this, Mariam admitted becoming extremely angry. “You bastard”, she screamed, audible to everyone. Abdullah went back to his desk, suddenly aware that he had “gone too far”. Calling Mariam on the intercom, he apologised. “I am stupid”, he said, “forgive me”. “Never”, Mariam screamed.

Mariam reported she tried to calm herself but began to shake. She thought about several other times when Abdullah had spoken intimately to her, commenting on her body and her clothes. She sought comfort from the secretary, who said, dismissively, “Abdullah is just that way. It’s harmless”. No, it’s not harmless, Mariam retorted, “It is *sexual harassment*”. But “no one understood my fear”, she told us.

“I must leave the office”, she told us she thought then, physically afraid of Abdullah. But “too upset to drive”, and weeping, she described how she called her husband to come for her. He arrived shortly thereafter. Witnesses said he dashed past the receptionist. “To see me so upset”, Mariam said, he “just snapped”. “*Where is that dog?*” people heard him ask. Mariam pointed out Abdullah. Mariam’s husband pulled Abdullah into an empty office and slammed the door. Through it, witnesses heard the sound of blows and screams. The door banged open. Now Mariam’s husband left the office dragging Abdullah by the arm. Mariam picked up her handbag and walked silently out of the office behind them. Abdullah told us that in the lobby of the building, Mariam’s husband held him by the neck while hitting him in the genitals; then Mariam and her husband

got in a car and drove away. When he could, he picked himself up and drove to the doctor, where he was treated for bruises and physical trauma. It was at that point that an employee in the department called Ismail, Mariam's and Abdullah's manager, who had not been in the office that day; Ismail later called Tan Sri Hassan.

Mariam's 'Secret'

After several of the interviews were completed, the committee took a break for lunch. It was then that Ismail received a phone call from Tan Sri Hassan, revealing information he had learned from another employee. Ismail drew us back into the conference room after lunch and told us, "Now everything is clear". Mariam, he said, was a *second wife* in a polygamous marriage. Ismail and the two other committee members started to laugh, and then turned to me to explain why. Second wives, they said, are often "hungry", as well as jealous and manipulative. It was now clear in their minds that Mariam's sudden appearance in a short skirt was, as Ismail said, "a woman playing with fire", asking for attention and welcoming it. By the time Mariam appeared before the committee – the last interviewee of the day, and clearly with the weight of opinion already against her – it was well understood through information gleaned from rumours alone that she was unhappily married to a much older man who had another wife with whom she was in competition. Mariam had laid a plan to make him jealous. When she broke down in hysterical sobs during the interview, Ismail and the other two committee members stared at her coldly, unmoved by her tears, by her claims of fear, sexual harassment, and her need for her husband's support on the day of the attack. Soon afterward, she slumped back in her chair, and one of the women then led her from the room.

The interviews finished, the committee members discussed what they had learned. Little was now said about Mariam's 'secret', for to them it spoke volumes on its own. They described instead their 'shock' at how Mariam chose to resolve her conflict with Abdullah. Given her education and her seniority, Ismail said, it was difficult to understand how she could act like a 'factory girl'. Ismail said, "no professional man or woman would be unclear about what kind of action would be appropriate in this situation, especially with a junior staff member". Instead, she sat at her desk and worked herself into a state of near-hysteria. Using the term *nafsu*, they pointed bluntly to Mariam's irrational passions.

Nor did they believe that Mariam asked her husband only to pick her up from work. Instead, they were convinced that she incited her husband's rage. That she did not intercede in the assault against Abdul-

lah, sitting calmly at her desk to the sound of screams and blows, was proof that she had got precisely what she had wished – the intercession of a jealous husband. Mariam, they concluded, was complicit in the attack of Abdullah by her husband. None of the employees, when asked by Ismail, concurred with Mariam's charge of sexual harassment by Abdullah. In fact, they speculated that it was more likely that she had sexually harassed *him*. There was a sense among the witnesses that Mariam had *chosen* Abdullah as the focus of her sexual attention; she desired him. By late that same day, everyone in the company had heard the 'secret' about Mariam, and the consensus painted Mariam as the perpetrator rather than the victim. People began to say that they had long suspected she was a 'certain type' of a woman, who used sex as a way to entrap men.

Ismail wrote up a report that detailed the factual events of the story but omitted all discussion of Mariam as a second wife, her hysteria, jealousy, passion, and out-of-control sexuality. I hasten to add that it was never actually confirmed that Mariam was in a polygamous marriage. (Tan Sri Hassan, to whom the report was submitted, of course, already knew those 'facts'.) The report made explicitly clear what the committee members believed: that this was not a case of sexual harassment of Mariam by Abdullah but perhaps the reverse. It was recommended that further steps be put in motion that could result in Mariam's dismissal. Awaiting further action against her by the human resources department, Mariam was transferred to another division of the company. Mariam later told a secretary that her husband blamed the incident on her, felt she had solicited Abdullah's attentions, and wanted her to leave her job. Those of us who worked in the corporate headquarters never saw Mariam again, for within weeks she had resigned. Abdullah, however, remained.

The Setting: An Islamic Corporation in 2014

Years later, while conducting a study of Malaysian corporations practicing *sharia*-compliant operations and configuring the policies of personnel *sharia*, I encountered another case of alleged workplace sexual harassment. This company, where I spent several months conducting interviews and participant observation, was vastly different from Tan Sri Hassan's organisation. The enterprise in this episode, which I will call 'Khalifah', was a large corporate firm. Not only did it operate voluntarily and fully under the principles of Islamic finance; it was, in the words of the company director, a fully *sharia*-compliant organisation. It had set in

place the rules and regulations of what I call personnel *sharia*, which had been developed in close consultation with *sharia* advisors to the CEO. Khalifah provided what it called *sharia* benefits to employees: direct deposit of employee wages in an Islamic bank, Islamic mortgages, *munakahat*-inflected spousal benefits (for wives but not husbands), and salary-based *zakat* deductions, and required mandatory prayer and Islamic instruction and training. To ensure that all potential employees shared the same knowledge about their faith, people were given Islamic ‘tests’. They had to be able to recite key prayers. They were also watched and evaluated for their Islamic compliance. Managers of divisions proudly told me that they knew all the personal problems of their employees and saw themselves as *khalifah* – stewards of Allah looking after the people under their charge, especially in terms of Islamic behaviour and compliance. Women were required to wear the *hijab*, a ‘no-touching’ policy prohibiting hand-shaking was in place, and men and women were never allowed to be in the same room together with a shut door. Private offices had a glass wall so that if a mixed-sex meeting were to occur, it would be in plain view of observers.

All the employees at Khalifah to whom I spoke – numbering several dozen – knew, understood and welcomed personnel *sharia* as a guide to workplace behaviour. They embraced the experiences that conjoined the pieties and ethical norms of Islam with their workaday lives, “living Islamically,” one woman told me, “not just in our hearts but in every act of the day”. Ordinary employees, executives and the *sharia* advisors who helped shape human-resource policies there told me that work is a key way in which humans honour God; that work celebrates humans’ capacity to serve God. Therefore, work must be structured, people said, in a way that it reflects upon His expectations for human beings.

Based on the sheer amount of Islamic materials and Islamic consciousness that appeared everywhere in the company – a Quran on every desk, posters with Quranic sayings, Islamic calendars on the wall, Islamic training courses, prayers at prescribed times, a full schedule of talks and sermons by religious experts – this was a markedly different corporate Islamic environment than the one that Tan Sri Hassan sought to create. Unlike Tan Sri Hassan’s company and others I studied in the 1990s, at Khalifah, like all of the companies I studied in the 2000s, few women were supervisors of staff and no woman had a high-ranking position like

Mariam⁹. It was within this setting that I encountered the second drama of sexual harassment.

Unlike in Mariam's story, I was not present at Khalifah when it occurred, for it had happened some months earlier. My telling of this story, Norida's, is based on interviews I conducted with the director of human resources who was charged with investigating it, with several employees who had played minor roles in both the events and the investigation, and uninvolved others who nonetheless felt able to comment. All of the people I spoke to were eager to share with me how it had been resolved.

Norida's Story

Norida, everyone said, was a young, pretty, single girl who dressed as Khalifah's *sharia* policy required, fully covered and wearing a *bijab*. In fact, 'prettiness' became Norida's leitmotif, paralleling, in Mariam's story, the unanimously noted 'short skirt' but with a very different outcome. Norida worked as a clerk and her job sometimes required her to stay late to submit reports at the end of the month. On the day of the incident, she was still at her desk at 7 pm, alone in the division, when a male co-worker from another division of the company approached her desk. The man, Hamid, employees told me, was over 40 years of age, married, and a father of four. According to Norida, Hamid approached, then stood behind her chair, pushing it towards her desk, trapping her. She said Hamid touched and stroked her shoulders. Panicked, Norida thrust her chair back roughly; Hamid was pushed off balance and she now had room to flee. But her long *sarong* was caught under the wheel of the chair and she fell down.

Hamid, Norida said, picked her up from the floor, putting his arms around her. Grabbing her cell phone off her desk, she ran out the door and into the stairwell. There, she dashed into the women's washroom, locking herself into a stall. She made two phone calls: first to her parents and then to a friend in the human resources department, who was also working late. Screaming "I have been attacked!" to both her parents and the friend, Norida now was hiding in the washroom several floors down.

In the human resources department, several other employees were working late. The friend and her co-workers rushed down the stairwell to

9 While many Malay-Muslim women today have high-ranking supervisory and technical positions in many businesses such as Petronas (the government-owned oil company), government, and academia, no women in the *sharia*-ised corporations I studied did.

find Hamid standing outside the door of the women's washroom. Seeing them, he began to run down the stairwell. Two male employees chased him, while Norida's friend ushered Norida from the stall. She also called the guard at the building entrance and said, "A man – he attacked a girl – catch him!" When Hamid attempted to run from the building, the guard grabbed him and punched him in the face. The men from human resources and the guard took Hamid back up to the human resources department and forced him into a chair. There, he made a call on his cell phone to an unknown person. Downstairs, Norida was led, sobbing, into her parents' arms.

The 'Domestic Inquiry'

The next day, the head of human resources reported to Khalifah's managing director that there had been an incident concerning sexual harassment the evening before. The director asked the head of human resources to conduct a 'domestic inquiry', a term used in Malaysian employment law to refer to the investigation of infractions of company rules. The head of human resources and his employees conducted the inquiry, which focused on interviewing Norida, Hamid, the guard, and the employees who had assisted Norida, as well as the supervisors and co-workers of Norida and Hamid. Norida, accompanied by her parents, who reported that they were there to ensure her safety, wept quietly as she was questioned, her responses nearly inaudible.

Norida's co-workers and male supervisor described her as a quiet young woman, a 'good girl'. But Hamid's male supervisor was suspicious of Norida, reporting that he had once seen her hopping on the back of a boy's motorbike at the end of a workday. He suggested that Norida knew "just how pretty she was" and that she "flaunted" it to male co-workers outside of her own department. He described Norida as a "pretty girl who takes pleasure in men's attention". Hamid could not help but be drawn to her seductions. But the members of the inquiry did not find it difficult to reconcile these different judgments (and also saw no point in blaming Norida for her prettiness, as she wore the *bijab* and covered her body appropriately; moreover, no one had ever seen her flirting). What compelled them to distrust Hamid was his very behaviour, which was not a matter of opinion but of fact. Why, they wondered, had he approached Norida at a time of day when the office was empty? Why had he run down the stairwell, if he was innocent? Why would the guard beat him if he were not trying to escape? These details seemed to confirm Norida's story. Similarly, they were moved by the stance taken by her parents, who said they knew about Norida's boyfriend and said she

was engaged to marry him shortly. However, Hamid maintained that nothing at all happened. He claimed he had come to Norida's desk merely to ask her, as he had done many times before in the course of his work, a work-related question. Although he concurred that he may have startled her by coming up quietly, he had no idea why she had run into the stairwell. He was concerned when she fell. He had followed only to see if she was hurt.

But the young employees who had assisted her reported how upset Norida was, and that she was dishevelled and trembling. Her *hijab* was in disarray. One of the men who brought Hamid to the human resources department claimed he had heard Hamid on the phone saying that he had "done something stupid". The people I interviewed said that Hamid clearly knew he was in trouble. Indeed he was – and his troubles mounted. People began talking about how he rarely showed up for noontime prayer at the company *sura*. Rumours circulated that he had affairs with female entertainers. Soon everyone seemed to know one or more pieces of evidence that proved he was neither a pious nor compliant Muslim. When the domestic inquiry produced a report saying that Hamid was guilty of sexual harassment and the company director consulted with his *sharia* advisors, the decision seemed clear: Hamid should be terminated. Although he acknowledged my statement that the evidence in this case (as well as the spreading rumours) was circumstantial, the company director said to me,

It is important to remember in understanding our choices that this is an Islamic organisation. We treat each other well and respectfully. We follow *sharia* – whether we are bosses, secretaries, or drivers. We must see that justice is served according to our values and principles. That means a company will protect a girl's virtue like a parent would. Her parents had no question about her virtue and we could find no reason to question it either. We heard about and we saw the behaviour of the man and learned much more about him than we knew before. He violated the Islamic principles of Khalifah. He must be terminated.

Sharia* at Work: *Munakahat* and *Ibadat* in Personnel *Sharia

I suggest that these two stories provide a lens to view the changing *sharia* environment in Malaysia over the course of nearly two decades and to understand the lived reality of the corporate interventions of personnel *sharia*. I do not presume to suggest that either drama could not have

occurred or ended differently in a different time. Nor do I know how each case would have been handled in a *sharia* court if either woman attempted to accuse their alleged attackers there.¹⁰ (All Malaysian cases of sexual harassment to date have been heard in the industrial court, as dictated by Malaysian labour law [Ng, Zanariah Mohd Nor, and Abdullah 2003]). However, it is precisely because sexual harassment cases like those recorded here remain in the hands of corporate executives that I seek to understand the shifting outcomes for Muslim personnel under workplace-enforced *sharia* and, more broadly, how *sharia* perspectives today frame and generate corporate identities.

I point first to key differences in the two workplace dramas narrated here. Mariam and Norida were protagonists who seemingly had little in common. Mariam, a (polygamous) wife and mother, was a high-ranking employee in her company. Norida, an *anak dara* (maiden), was a clerk in a company with no high-ranking women. Norida remained, to most of her co-workers and in contrast to Mariam, a 'good girl': naïve, innocent, and victimised. Mariam was, as her story played out, assumed to be none of those things. Women wore the *hijab* and the *baju kurung* at Khalifah; there were no rules prohibiting 'short skirts' at Tan Sri Hassan's company. At Tan Sri Hassan's company, there was frequent and often flirtatious 'teasing' or joking between men and women; at Khalifah, men and women were bound by a *sharia*-based moral code to never interact in ways that might imply sexual interest or have close contact. As such, the antagonists in the two women's stories were perceived differently: Abdullah's flirting and teasing were easily overlooked as unthreatening office banter; Hamid was a married man whose *haram* behaviour, approaching a female co-worker and touching her, clearly imputed to him lustful motives. Finally, the stories ended in markedly different ways: Mariam, perceived to be a sexual 'harasser', ultimately left the company of her own accord. Hamid, when it became clear that he was the harasser, was sacked.

But there are also similarities in the stories that address (and 'dress') women's sexuality. People made sense of Mariam's 'transgression' of sexual harassment by applying age-old Malay-Muslim theories that women are, by nature, more passionate, dangerous and sexual than men (Peletz 1996). It was obvious to them that Mariam used her body and clothes as a sexual trap; she 'hungered' for sex as women – who are spiritually 'weaker' than men – are known to do. Pretty Norida was also

10 In fact, both cases might have had different outcomes in court, given *sharia* jurisprudence norms for fair procedures that make it difficult to prove an accused person's guilt without a confession or proper witnesses.

inherently dangerous to the male personnel around her who could *potentially* harass her; as such, she had to veil and keep her distance from men who had to also steer clear of her. Norida was literally ‘covered’ by the rules, which insisted that her body and head be fully shielded from the eyes of men. In both cases, the lesson was clear: women had to cover up or beware. (Again, using a contemporary referent, Muslim women are responsible for preventing their own ‘#MeToo’ moments.) This is precisely the conclusion drawn by several Malaysian scholars about workplace sexual harassment – an improperly dressed Muslim woman *naturally* incites men’s *nafsu* and is asking to be sexually harassed (Mohd Nazari Ismail, Lee Kum Chee, and Chan Foong Bee 2007).

In one sense, then, it can be argued that the dress, piety and comportment codes of personnel *sharia* protects women from men’s desire and men and women from their own weaknesses, which, in the realm of *nafsu*, is precisely what Muslims argue *sharia* is for.

However, I suggest that hidden in Norida’s story, and in the gendered realities of personnel *sharia*, is a cost that goes beyond the one levied on Mariam, which fashioned her, as Malay-Muslim women generally are, as more ‘sexual’ and sexually aggressive than men (Peletz 1996: 27–31). Here I point to the sharp differences between Muslim men’s and women’s rank in the corporate settings that Mariam and Norida occupied, and the toll that two decades of *sharia* conservatism have brought to female Malay-Muslim employees.

At Khalifah, there were no women being ‘tested’ for an executive job (and moreover, one in a traditionally male field), like Mariam was. In the 1990s, I met many Malay-Muslim women in positions of significant executive power; Mariam was being ‘tested’ in such a role. Perhaps in their personal lives, their husbands demanded their obedience and subordination; Mariam’s husband ultimately demanded that of Mariam. By 2014, women I met in the corporations I studied were treated more like wards under guardianship, now fathers, husbands, *and the corporation itself*. This was reflected in the gendered corporate hierarchy: a handful of women held supervisory positions at Khalifah, but the vast majority consisted of women like Norida; that is, clerks and secretaries. At the many other *sharia*-ised companies I studied, while male leaders insisted women could *possibly* have positions equal to theirs, they asserted that no woman had yet shown herself *capable* of such responsibility. They remained, as in Mariam’s day, sexual beings, but now, more contained and less capable than men. They could never be men’s equals at work or work in a ‘man’s job’ like Mariam. But perhaps Mariam’s fate had already been sealed two decades earlier.

In 1998, high-powered professional Malay-Muslim women I knew were facing increasing pressure from the government and Islamic officials about the role they were playing in family life. The media endlessly reported on the tragic state of Malay-Muslim children, whom government ministers declared were “unsupervised,” “lonely and unloved,” and unschooled in “traditional values”¹¹ and Islamic morality. Highly educated and career-focused Malay-Muslim women increasingly became the target of Islamic groups, which claimed they no longer understood their primary role as Muslim females, were too liberated and autonomous in their careers and lifestyles, and consequently had brought harm to the Muslim family and community. By 2014, these premises were fully accepted by all the women I met, who felt their jobs must take a distant second place to their greater responsibilities as wives and mothers. Today, in corporate life, as in *munakabat*, Malay Muslims insist that the greater choices, opportunity, and rights granted to men over women are natural features of the Islamic way of life.

However, when comparing the different outcomes for Abdullah and Hamid, I think we can see how *sharia* premises have pressed down on men as well. In a company enforcing personnel *sharia*, Hamid’s behaviour could not be seen – as Abdullah’s had been in an earlier era – as mere ‘flirting’ and ‘teasing’. Abdullah was blameless for falling into Mariam’s web of seduction that was initiated by improper dress. However, Hamid could no longer be rendered blameless for his actions – he, like Mariam, evidenced *nafsu*, being guilty of acting on his desires in an atmosphere where *sharia* required women to cover their bodies in full. *Sharia* required Hamid to follow rules of comportment and religious practice that the company made explicitly clear. His choices could not be written off; a man without proper piety and morality did not belong at Khalifah.

Studying *sharia* in the workaday practices of professional, urban Malay Muslims elaborate ways in which understandings of Muslim private lives (Tucker 2008: 28) and the Muslim “public sphere” (Eickelman and Salvatore 2002) fail to account for what I call the third space of *sharia*; that is, the *sharia* of neo-liberal corporate life. Islamic corporate space, where the human-resource policies of personnel *sharia* are presented as divine law, represents a sphere that is neither fully public nor fully private, a space beyond the official reach of the state and *sharia* courts in which individuals, corporate leaders, and *sharia* advisors shape religious

11 These descriptions came from speeches made by Malaysian government officials in the 1990s (Zeenath Kausar: 2005).

ideas and practices. *Sharia* in the corporation extends the state's bureaucratic authority over Muslim piety and compliance into corporate space and relies on a premise that corporations, like religious officials and institutions, can enforce pious practice and even adjudicate *sharia* outcomes.

Reflecting on two contrasting cases of workplace *fitna* that bracket years of increased *sharia*-isation of everyday public life in Malaysia reminds us to move cautiously in our characterisation of what the term 'public' actually means in Islam. Just as there is little that is strictly 'private' in *sharia*, off-limits for the state and its legal institutions (Tucker 2008: 28), when *sharia* emerges to structure behaviour and gendered relations in the corporate workplace it easily merges personnel policy with the personal, rendering women as men's natural subordinates and monitoring employee morality and piety. In the years bracketing the two *fitna* dramas recorded here, not only has *sharia* promulgated by state-based bureaucrats taken on an increasingly orthodox position regarding *ibadat* and *munakabat*, but, I contend, so has *sharia* reframed *outside* the state, in corporate settings like Khalifah, acted forcefully on Muslim lives as well. Personnel *sharia* at companies like Khalifah ensured that Muslims comply with Muslim norms: that women at work, as at home, would know their proper place in the corporate 'family' and that only pious men belonged. By drawing together the threads of meaning between the two dramas presented, I have aimed to show how the workplaces I have studied have changed over time, how (and why) personnel *sharia* works, and why it has been so easily accepted in Malay-Muslim work lives as law.

References

- Ahmad Fauzi Abdul Hamid (2009), *The Implementation of Islamic Law in Contemporary Malaysia: Prospects and Problems*, RSIS Working Paper, 169, Singapore: S. Rajaratnam School of International Studies.
- Ahmad Fauzi Abdul Hamid and Che Hamdan Che Mohd. Razali (2015), The Changing Face of Political Islam in Malaysia in the Era of Najib Razak, 2009–2013, in: *SOJOURN: Journal of Social Issues in Southeast Asia*, 30, 2, 301–337.
- Chin, James (2015), *Malaysia: Clear and Present Danger from the Islamic State*, Southeast Asia View Series, 12, 16 December, Brookings Center for East Policy Studies, online: <www.brookings.edu/opinions/malaysia-a-clear-and-present-danger-from-the-islamic-state/> (17 April 2018).
- Eickelman, Dale F., and Armando Salvatore (2002), The Public Sphere and Muslim Identities, in: *European Journal of Sociology*, 43, 1, 92–115.

- Hamayotsu, Kikue (2012), Once a Muslim, Always a Muslim: The Politics of State Enforcement of Syariah in Contemporary Malaysia, in: *South East Asia Research*, 20, 3, 399–421.
- Kennedy, M. Alexis, and Boris B. Gorzalka (2002), Asian and Non-Asian Attitudes Toward Rape, Sexual Harassment, and Sexuality, in: *Sex Roles*, 46, 7/8, 227–238.
- Liow, Joseph Chinyong (2009), *Piety and Politics: Islamism in Contemporary Malaysia*, Oxford; New York: Oxford University Press.
- Maznah Mohamad (2011), Malaysian Shariah Reforms in Flux: The Changeable National Character of Islamic Marriage, in: *International Journal of Law, Policy and the Family*, 25, 1, 46–70.
- Mohd Azizuddin Mohd Sani (2015), *Islamization Policy and Islamic Bureaucracy in Malaysia*, Trends in Southeast Asia 5, Singapore: Institute for Southeast Asian Studies.
- Mohd Nazari Ismail, Lee Kum Chee, and Chan Foong Bee (2007), Factors Influencing Sexual Harassment in the Malaysian Workforce, in: *Asian Academy of Management Journal*, 12, 2, 15–31.
- Mohsen Kadivar (2003), An Introduction to the Public and Private Debate in Islam, in: *Social Research*, 70, 3, 659–680.
- Müller, Dominik M. (2018), Hybrid Pathways to Orthodoxy in Brunei Darussalam: Bureaucratised Exorcism, Scientisation and the Mainstreaming of Deviant-Declared Practices, in: *Journal of Current Southeast Asian Affairs*, 37, 1, 141–182.
- New Straits Times* (Malaysia) (2017), Time for a New Sexual Harassment Act?, 13 July.
- Ng, Cecilia, Zanariah Mohd Nor, and Maria Chin Abdullah (2003), *A Pioneering Step: Sexual Harassment and the Code of Practice in Malaysia*, Petaling Jaya, Selangor Darul Ehsan, Malaysia: Women's Development Collective.
- Norani Othman (2008), Religion, Citizenship Rights and Gender Justice: Women, Islamization and the Shari'a in Malaysia since the 1980s, in: Norani Othman, M. Puthuchery, and C. Kessler (eds), *Sharing the Nation*, Petaling Jaya, Malaysia: SIRD, 29–58.
- Osella, Caroline, and Filippo Osella (1998), Friendship and Flirting: Micro-Politics in Kerala, South India, in: *Journal of the Royal Anthropological Institute*, 4, 2, 189–206.
- Peletz, Michael G. (2015), A Tale of Two Courts: Judicial Transformation and the Rise of a Corporate Islamic Governmentality in Malaysia, in: *American Ethnologist*, 42, 144–160.

- Peletz, Michael G. (2013), Malaysia's Syariah Judiciary as Global Assemblage: Islamization, Corporatization, and Other Transformations in Context, in: *Comparative Studies in Society and History*, 55, 3, 603–633.
- Peletz, Michael G. (1996), *Reason and Passion. Representations of Gender in a Malay Society*, Berkeley: University of California Press.
- Rudnycky, Daromir (2010), *Spiritual Economies: Islam, Globalization, and the Afterlife of Development*, Ithaca: Cornell University Press.
- Shahirah Mahmood (2014), *The Politics of Shari'ab Reform and Its Implications for Muslim Women in Malaysia*, Intersections: Gender and Sexuality in Asia and the Pacific 36 (September) (on-line resource).
- Sunday Times* (London) (1994), Sex-Harassment Claims Threaten Games, 13 March, 12.
- The Malaysian Insight* (2007), Malaysians Say #Me Too, Share Experiences of Sexual Harassment, 17 October, online: <www.themalaysianinsight.com/s/18876/> (17 April 2018).
- Tong, Joy Kooi-Chin, and Bryan S. Turner (2008), Women, Piety and Practice: A Study of Women and Religious Practice in Malaysia, in: *Contemporary Islam*, 2, 4, 41–59.
- Tucker, Judith. E. (2008), *Women, Family, and Gender in Islamic Law*, Cambridge: Cambridge University Press.
- Welchman, Lynn (2011), A Husband's Authority: Emerging Formulations in Muslim Family Laws, in: *International Journal of Law, Policy and the Family*, 25, 1, 1–23.
- Williams, Christine L., Patti A. Giuffre, and Kirsten Dellinger (1999), Sexuality in the Workplace: Organizational Control, Sexual Harassment, and the Pursuit of Pleasure, in: *Annual Review of Sociology*, 25, 3–99.
- Yelvington, Kevin A. (1996), Flirting in the Factory, in: *Journal of the Royal Anthropological Institute*, 2, 2, 313–333.
- Zeenath Kausar (2005), *Social Ills in Malaysia: Causes and Remedies*, Kuala Lumpur: International Islamic University Malaysia.