

Discursive (de)legitimation Strategies in Malaysian News Media Discourse on Female Circumcision (*Sunat Perempuan*)

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ABSTRACT

This article unpacks the discursive (de)legitimation strategies used by the Malaysian government and Malaysian civil society organisations to construct and contest the legitimacy of female circumcision in Malaysia. This paper examines the ways in which female circumcision in Malaysia is legitimised and contested within the Malaysian news media. Malaysian mainstream and alternative news articles discussing the practice that was published online between the years of 2016 and 2020 were analysed based on previous studies on legitimation (Van Leeuwen, 2008) as the main analytical tools to examine the approaches taken by the Malaysian government and Malaysian civil society organisations to (de)legitimise the practice in Malaysia. Findings reveal that the Malaysian government actively supported the practice of female circumcision using the strategies (1) authority of tradition and authority of conformity, (2) impersonal authority of adat (Malay custom), (3) personal and expert authority (4) denial of female circumcision as a form of FGM/C, (5) mitigation of harm through medicalisation, (6) moral legitimation by cultural relativism, and (7) scientific rationalisation using religion. Malaysian civil society organisations mainly countered the hegemonic discourse using the synergistic strategies of moral evaluation and rationalisation with discourses of health and human rights as the motif of resistance.

Keywords: Female circumcision; female genital mutilation; legitimisation; Malaysia; critical discourse studies

INTRODUCTION

In Malaysia, the terms ‘*sunat*’, ‘*khatan*’ or ‘*khitan*’ are used by the practising Malay-Muslim community interchangeably to refer to the practice that is known as female circumcision. The United Nations (UN) and the World Health Organization (WHO) generally view the practice as one of the types of Female Genital Mutilation (FGM) or Female Genital Mutilation/Cutting (FGM/C). The WHO has established a typology of FGM, categorising it into four main categories (World Health Organization, 2020). In general, Malaysia is known to practise Type IV, which is a broad category that includes procedures with no medical purposes that are considered harmful to the female genitalia such as pricking and piercing. Findings from Rashid et al. (2020) support this but additionally suggest that a sizeable number of medical practitioners practise the damaging

Type I, a discovery that was previously undocumented. Based on the definition provided by WHO, Type I is an invasive form of cutting as it involves a procedure known as clitoridectomy, which involves partial or total removal of the clitoris and/or the prepuce (World Health Organization, 2020). This is a cause for concern because there is a lack of clarity regarding the practice of female circumcision in Malaysia among the doctors who perform the procedure. The medical curriculum in Malaysia is also devoid of any form of training on the practice of female circumcision (Rashid et al., 2020). The elimination has been listed in one of the sub-strategies of the fifth Sustainable Development Goals (SDGs) that focuses on gender equality and empowerment of women and girls.

There are variations of the ways in which the practice is carried out in different regions and cultural groups or communities of practice. In each culture or sub-culture, there are nuanced meanings which have been assigned to the practice by each community of practice. The motivation for this paper stems from the burgeoning national conversations about the practice in the local news in light of the criticism that Malaysia received during the United Nations' Universal Periodic Review (UPR). This is of importance because news articles play a role in the formation of public opinion. The news media feature voices from different social actors and may be recontextualised by the news writers, which means that there is bound to be an ideological struggle. Furthermore, there is a dearth of discussion on FGM in the Asia Pacific region in contrast to the substantial number of works on advocacy and intervention efforts in Africa and Europe (Dawson et al., 2020). More evidence-based data is necessary to understand the practice of female circumcision in Malaysia, and at present, the news media discourse on female circumcision in Malaysia has not been explored. This study sheds light on the ways in which the practice has been justified by the government and contested by civil society organisations in Malaysia as represented by and/or in the news media.

FEMALE CIRCUMCISION IN MALAYSIA

Several reasons have been named to justify the practice, such as customs, religion, and hygienic and sexual benefits (Isa et al., 1999; Rashid & Iguchi, 2019). There is no legal provision on the practice, but the issuance of a non-gazetted national *fatwa* in 2009 decreed the practice as a religious obligation. The *fatwa* also includes a blanket statement at the end that says the practice must be avoided if it brings harm (Jabatan Kemajuan Islam Malaysia, n.d.). A *fatwa* is a religious edict or juristic opinion that functions as a way of providing clarification and coordinating issues related to Muslims in Malaysia (Mehmood, 2015). The issuance of the *fatwa* confers religious merit to the practice and perpetuates the prevailing normative belief among the practising Malay-Muslim community that females must be circumcised. Respondents in Isa et al.'s (1999) study believed that the practice is encouraged in Islam. Twenty years later, there appears to be a shift from the belief that female circumcision is encouraged to it being mandatory in Islam (Rashid & Iguchi, 2019).

The actions taken by the government authorities as an attempt to regulate the practice of female circumcision in the country seem to be at odds with the zero-tolerance policy undertaken by the United Nations (Dawson et al., 2020). This explains the lack of guidelines on the practice from the *Jabatan Kemajuan Islam Malaysia* (Department of Islamic Development Malaysia) and/or the Ministry of Health after the issuance of the national *fatwa*. Despite criticism from the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) committee in 2018, the Malaysian Minister of Health asserted that female circumcision in

Malaysia is a cultural obligation and is not considered a form of FGM (Astro Awani, 2018). This stance is consistently maintained by other Malaysian government authorities and representatives. Ainslie (2015) argues that the government was trying to assert control using Islamic discourses to appeal to Muslims, who make up most of the Malaysian population. Additionally, Hoffstaedter (2011) says that their ethnic and religious status allows them to act as gatekeepers in the privileged spaces that afford them political power and economic benefits. These are the complex power dynamics that are interwoven in the fabric of Malay society and the hegemony of Islam among the elite Malay Muslims, which also include members of the government. Within this complex power dynamics, there are also voices that contest the mainstream ideologies and beliefs. As noted by Foucault (1978), the presence of power means that resistance also exists. Thus, it is important to examine the legitimisation of female circumcision in the Malaysian news media by the Malaysian government and the contestation of the legitimacy of the practice by Malaysian civil society organisations as a form of resistance.

APPROACHES IN THE STUDY OF LEGITIMATION

Legitimation has been studied through the lens of various disciplines, and it has increasingly received the attention of linguists and discourse analysts, especially to study issues that are related to politics and different social practices. Although it was primarily studied from a sociological standpoint in the past, legitimation studies have increasingly been done through linguistic approaches, particularly under the scholarship of Critical Discourse Studies (Mohammed Said, 2017). The role that language plays in constructing legitimation has been studied extensively, and understandably so, considering that it is "an instrument of power", as noted by Bourdieu (1977, p. 648). Language can be used to construct or contest legitimacy (Van Leeuwen, 2008). The act of (de)legitimation is achieved through the use of argumentation by providing arguments to justify a notion for a certain purpose or set of purposes (Reyes, 2011). The premise behind each social practice is fundamentally shaped or constructed using strategies of (de)legitimation, mainly manifested through linguistic realisations although that is not always the case.

Several works that have studied legitimation by using linguistic approaches have focused on various genres, such as political speeches (Reyes, 2011; Rojo & Van Dijk, 1997), government-issued notices (Van Leeuwen & Wodak, 1999), ministry press releases (Simonsen, 2019), newspaper articles (Alonso-Almeida & Carrió-Pastor, 2019; KhosraviNik, 2015; Manosuthikit, 2021) and social media (Ross, 2019). However, most of the work is heavily oriented towards political discourses and political legitimation. This study adopts the framework of studying legitimation using linguistic approaches to look at female circumcision as a social practice that has become the subject of contention between the Malaysian government and Malaysian civil society organisations.

The work by Van Leeuwen (2008), which is considered seminal for the study of legitimation from a linguistics lens, has demonstrated the use of four strategies of (de)legitimation, namely authority legitimation, rationalisation legitimation, moral evaluation legitimation and 'mythopoesis' by providing granular examples and analysis. Authority legitimation involves the legitimation of an institution or action using different authorities evoked through powerful individuals, tradition, or law. Legitimation of practice through rationalisation is achieved by reference to their goals, uses and effects or "natural order of things" (Van Leeuwen, 2008). Moral evaluation legitimation is evoked through certain value systems, and mythopoesis focuses on narratives that have the protagonist receiving positive or negative consequences depending on their

involvement in the legitimised social practice. Building on the work by Van Leeuwen (2008), Reyes (2011) proposed five strategies for the legitimisation of social practices, namely legitimisation through emotions, legitimisation through a hypothetical future, legitimisation through rationality, legitimisation through voices of expertise and legitimisation through altruism. In the same vein, the work by Rojo and Van Dijk (1997) also used the four main categories of legitimisation first proposed by Van Leeuwen and Wodak (1999) and expanded the strategies based on the findings from their dataset by looking at micro-level analysis of speech events. Manosuthikit (2021) has also expanded on the four main strategies proposed by Van Leeuwen (2008) by looking at discourses as an instrument of legitimisation and how those discourses played into the legitimisation of Myanmar's ASEAN membership.

Departing from Van Leeuwen's work, Alonso-Almeida and Carrió-Pastor (2019) have taken on the pragmatics approach in studying (de)legitimation. (De)legitimation may be constructed and manifested through epistemic stance devices such as epistemic modality and evidentiality derived from Hallidayan textual metafunction. However, the use of Hallidayan grammatical concepts is not novel. Van Leeuwen's inventory of construction of legitimisation (2008) also draws on some Hallidayan grammatical concepts, such as verbal process clauses. Over the last decades, most linguistic-oriented studies on legitimisation have widely used and expanded Van Leeuwen's main strategies in constructing legitimisation, attesting their replicability with different datasets and genres of discourse. This study has also used Van Leeuwen's (2008) work as a guide for analysing the texts.

METHODS

This study deployed Van Leeuwen's (2008) legitimisation strategies and Hansson's blame avoidance (2015) as analytical tools, progressively expanding based on empirical textual data to examine the construction and contestation of the legitimacy of the practice in Malaysian mainstream and alternative online news articles. The blame avoidance framework is also integrated into the analysis to understand the ways in which the government legitimised the practice. The data for this study comprised 62 news reports published in English mainstream and alternative online news sites. The English news sites that were selected consisted of both mainstream (*New Straits Times* and *The Star*) and alternative (*Free Malaysia Today*, *MalaysiaKini*, and *The Malay Mail*) ones. Acknowledging the blurry lines in the distinction between mainstream and alternative media, the news sites are distinguished into the categories based on the parameters used widely among media scholars, according to Rauch (2016), namely, organisational structures, processes or forms, and content. *New Straits Times* and *The Star* are considered mainstream news media as it is a long-established corporation that has previously been known to be linked to powerful political units or parties historically. According to Dettman and Gomez (2019), the Malaysian government is known to possess interests in businesses, controlling the corporate sector that, includes the media. The mainstream media often have political patronage; *Barisan Nasional* (National Front), for instance, has "owned or controlled the traditional print and broadcast media" in Malaysia (Wong, 2017). *Free Malaysia Today*, *MalaysiaKini*, and *The Malay Mail* have considered alternative news media based on their frequent coverage of neglected issues (such as female circumcision) and inclusion of dissident perspectives instead of relying on 'official' sources only. They are not linked to political patronages, too, and are either independently run or have collective ownership and/or management.

The data were sourced through keyword searches on search engines and individual news sites through a trial-and-error approach and the use of a time filter. The keywords used in the search are “female circumcision malaysia”, “female genital mutilation malaysia”, “female genital cutting malaysia”, “female genital mutilation/cutting malaysia”, “female genitalia mutilation malaysia”, “fgm malaysia”, “fgm/c malaysia”, and “fgc malaysia”. The finalised set of data comprised thirteen articles from *Free Malaysia Today*, fourteen articles from *The Malay Mail*, twelve articles from *The Star*, sixteen articles from *MalaysiaKini*, and seven articles from the *New Straits Times*. The textual analysis was conducted abductively in reference to Van Leeuwen’s (2008) inventory of legitimation.

FINDINGS AND DISCUSSION

There are two opposing blocs that appear to support and challenge the legitimacy of the practice of female circumcision in Malaysia, namely, the Malaysian government and Malaysian civil society organisations. In constructing and contesting the legitimacy of female circumcision in the news media, these proponents and opponents of the practice have used different linguistic strategies.

THE USE OF LEGITIMATION STRATEGIES BY THE GOVERNMENT

As key decision-makers, government-related authorities, such as ministry representatives and ministers, are almost always given access to news media, forming and reinforcing hegemonic discourses of female circumcision in the public sphere. Excerpt 1 focuses on statements from an unnamed representative from Malaysia's Ministry of Women, Family, and Community Development during the Universal Periodic Review (UPR).

Excerpt 1

At Malaysia’s Universal Periodic Review (UPR) on human rights last night, a representative of the Women, Family and Community Development Ministry defended the ongoing practice of the circumcision of female infants in the country as a “cultural obligation”.

[...]“Malaysia objects to any practices that are harmful to young female babies and children.

“Malaysia does not practise female genital mutilation (FGM), but the practice of female circumcision on babies is allowed as it is part of a cultural obligation.

“[...] The type of circumcision practised is very mild and does not involve any cutting.

“The Health Ministry provides a guideline which specifies only accredited medical professionals are allowed to perform the procedure,” the representative was reported to have said at the review in Geneva, Switzerland, which was broadcast live.

(*MalaysiaKini*, 9 November 2018)

The ministry's representative attempted first to represent Malaysia's image positively with a reassurance that Malaysia is against harmful practices against young female babies and children, parallel to the stance of the United Nations that FGM is a harmful practice. What comes after is a two-fold strategy of denial, the claims that 1) female circumcision is not FGM, and 2) female circumcision is a cultural obligation. Firstly, female circumcision is detached from the concept of FGM, evident in the lexical choice of the term 'female circumcision' that seemingly acts as a binary to the practice of male circumcision. The choice of the term 'female circumcision' draws a sense of normalcy and parallelism to the practice of male circumcision. It is an effort to deflect blame, especially with the knowledge of the stance of the United Nations on FGM. The statement that 'Malaysia does not practice female genital mutilation (FGM)' is an act-denial strategy, a total

problem denial strategy that is supported by the second clause that talks about 'cultural obligation', a form of blame avoidance strategy that is labelled as justification by Hansson (2015), obliquely evoking the authority of tradition and impersonal authority legitimation.

The lexical choice of 'cultural obligation' implies the view that culture is viewed as a rule that governs the society; thus, the word 'obligation' is perhaps used as a cognate word that indirectly relates to the Malay notion of *adat*. This notion of *adat* refers to “the traditional customs of Malays” that involves preparing “young women from girlhood to be good, and to be loyal wives and competent mothers” (Omar, 1994, as cited in Muhamad et al., 2018). Besides custom, *adat* has been defined to mean customary law or traditions (Hoffstaedter, 2011). There is an insinuation of the notion of *adat*, although it was not explicitly stated, deployed as a form of justification to legitimise the practice of female circumcision while at the same time, positively presenting the government (‘Malaysia objects to any practices that are harmful to young female babies and children’) and avoiding the blame from Universal Periodic Review delegates. By representing female circumcision as a ‘cultural obligation’, the ministry representative is averting the blame, drawing legitimation from the moral value of cultural relativism.

Historically, Malaysia is known as one of the countries that adopted a cultural relativist stance, contesting the universality of human rights (Blackburn, 2011). Malaysia objected to the idea of universal human rights at the 1993 World Conference on Human Rights in Vienna (Blackburn, 2011). Therefore, the justification provided through the reference to female circumcision as ‘part of a cultural obligation’ is founded in the moral value of cultural relativism that has seemed to be upheld by the Malaysian government for a long time. In supporting the act-denial strategy, the ministry representative also used a mitigating strategy of representing female circumcision as ‘mild’ and not involving ‘any cutting’. The deployment of the relational clause ‘is very mild’ and ‘does not involve any cutting’ describes female circumcision as practised in Malaysia, mitigating the factor of harm potential. The legitimation of personal authority is also implied by drawing reference to the ‘Health Ministry’, again giving the government a positive self-representation by crediting the ‘Health Ministry’ for what it has done, which is to provide a guideline which specifies only accredited medical professionals are allowed to perform the procedure’. Although the medicalisation of female circumcision has been argued as a concern (Rashid et al., 2020), here, in this excerpt, the ministry representative has represented the medicalisation of female circumcision in Malaysia positively. Additionally, there is legitimation by expert authority, citing ‘accredited medical professionals’ as the only individuals allowed to perform the procedure, as opposed to traditional midwives. This gives the impression that medical professionals in the country also view the practice as legitimate.

Next, Excerpt 2 demonstrates the response by the then Deputy Prime Minister, who was also the Minister of Women, Family, and Community Development, Datuk Seri Wan Azizah Wan Ismail, in relation to her representative’s statements during the Universal Periodic Review.

Excerpt 2

Deputy Prime Minister Datuk Seri Wan Azizah Wan Ismail has reiterated the government's stand on female circumcision, calling it a part of Malaysian culture.

The Women, Family and Community Development minister also said her ministry is holding discussions with the Health Ministry to look at the benefits and downsides of the practice.

She was commenting on a statement by Malaysian delegates during the Universal Periodic Review (UPR) on human rights in Geneva, Switzerland, last week, in which they defended the practice of infant female circumcision as a "cultural obligation" in Malaysia.

"We are in discussions with the Health Ministry because so far, it is actually something that is cultural, which we had since before, and this is one of the things they (the delegates) actually said.

“But we are not the same as Africa, all the mutilation (there). If it doesn’t give any benefits, then we should do something,” she told reporters at the Parliament lobby today (Thursday).

(*New Straits Times*, 15 November 2018)

Wan Azizah has supported the stance taken by her ministry representatives during the Universal Periodic Review by describing it as ‘something that is cultural which we had since before’. The same lexical choice was made, legitimising female circumcision using the authority of tradition because keywords such as these presume a truth is taken for granted, that everyone within the cultural circle practices and believes it (Van Leeuwen, 2008).

Culture, customs or tradition have been cited as one of the reasons for carrying out female circumcision among the Malay-Muslims (Isa et al., 1999; Rashid & Iguchi, 2019; Rashid et al., 2020). Culture may be realised or manifested through different symbols. It can be manifested differently at different levels of depth, and often, what is known as practices are the visible part of culture, although their cultural meanings are invisible (Hofstede et al., 2010). At the core of it, there is a value system that informs the practices of human groups.

The concept of *habitus* could be useful in understanding the authority of tradition evoked by these words. As defined by Bourdieu (2013), “the *habitus* could be considered as a subjective but not individual system of internalised structures, schemes of perception, conception, and action common to all members of the same group or class” (p. 86). A form of authority may be placed and enacted by tradition and, when endorsed by leaders, has a greater legitimising effect. This could be considered as part of the socialisation process, active perpetration of the legitimacy of the practice, and reinforcement of underlying cultural meanings. The cultural explanation seems to have stopped there without further elaboration despite knowing that the scrutiny does not come from the practising community but from the international community and people who are uninitiated on the Malay culture. Datuk Seri Wan Azizah seems to have viewed it as a blameworthy situation, too, evident in the way she constructed her responses. Although it was not explicitly mentioned, there is an attempt to make excuses when she said, ‘This is one of the things they said’, referring to the delegates as the sources of her information. This could be an attempt to diffuse the personal blame on her as the individual leading the Ministry of Women, Family, and Community Development. There is also a denial strategy of intention-denial (Hansson, 2015), a caveat given that even though female circumcision is a cultural practice in Malaysia, it is ‘not the same as Africa, all the mutilation’. There is the implication that since female circumcision does not involve ‘mutilation’, it is not intended to harm. This comparison to the practice in Africa is also a form of legitimation through moral evaluation because the practice in Africa is represented negatively, with ‘all the mutilation’. Unlike the practice in Africa that is associated with negative values, the practice in Malaysia is represented as ‘not the same’.

Excerpt 3 shows another comment on the practice of female circumcision made by a Member of the Parliament who was the chairman of the Parliamentary Select Committee for Rights and Gender Equality. The stance taken by the government remained the same, as she echoed similar views with Malaysian delegates at the Universal Periodic Review and the Minister of Women, Family and Community Development.

Excerpt 3

However, the chairman of the Parliamentary Select Committee for Rights and Gender Equality, Nor Azrina Surip, said female circumcision was often misunderstood as female genital mutilation.

She added that female circumcision in Islam was allowed but not mandatory.

“Actually, it is a tradition only in some parts of Malaysia. However, a lot of Malays do partake and have placed it as something that must be done.

“I understand their concerns, but the practice in Malaysia is not female genital mutilation,” she said.

She also argued that the method of female circumcision practised in Malaysia was not as extreme as genital mutilation, whereby some part or the whole external female genitalia, including the labia and clitoris, are removed.

“The medical operation is minor and often does not draw blood,” she said.

(Free Malaysia Today, 23 January 2019)

At the onset, an intention-denial strategy was deployed when she was reported to have said that ‘female circumcision was often misunderstood as female genital mutilation’. The denial was again reiterated in her following statement, ‘I understand their concerns, but the practice in Malaysia is not female genital mutilation’, which is an act-denial strategy that absolves the blame on the basis of the argument that Malaysia does not practice FGM. Then, religion was also brought into the discussion as a scientific rationalisation strategy when she explained the religious ruling on the practice, saying that in Islam, the practice ‘was allowed, but not mandatory’. In this context, religion seems to have been used as a systematic body of knowledge that legitimises the practice of female circumcision. This is, however, an oversimplification of the discussion because she had cherry-picked one of the many religious views on the practice of female circumcision. As established earlier, the national *fatwa* ruled that female circumcision is ‘obligatory’. However, Malaysia has many *fatwa*-issuing institutions, and several *fatwas* have been issued on the practice of female circumcision with different views; some scholars and jurists have attributed the practice as mandatory (*wajib*), some have attributed it as encouraged (*mandoob*), and some have attributed it as allowed (*mubah*). In Egypt, FGM was ruled as forbidden (*haram*), and it was banned from practice (Gomaa, 2013). There has not been a unanimous view among Islamic jurists on the practice of FGM (Munir, 2014). Despite the use of religion as a scientific rationalisation to legitimise the practice of female circumcision, there is no breadth of discussion on the religious views. She has also omitted a piece of key information from the national *fatwa*, which stated that the practice is obligatory and not "allowed," as she has mentioned.

There is also a presupposition of an impersonal authority because even though it is not mentioned here, there must be an institution or an authoritative body that makes the practice permissible. However, due to the passive-agent deletion of this authoritative body, no further examination or contestation of the practice is allowed by the chairman. The chairman attributed the practice as ‘a tradition only in some parts of Malaysia’, but ‘a lot of Malays do partake’ in the practice and ‘have placed it as something that must be done’. In that part of the statement, the chairman has legitimised the practice using the authority of tradition and the authority of conformity. The use of the high-frequency modality and indefinite quantifier ‘a lot of Malays’ is a form of aggregation that suggests a treatment of people as statistics, used to create the impression of unanimity of opinion in legislation (Van Leeuwen, 2008). This is connected to the authority of conformity in the sense that it presupposes the sentiment, “If most people are doing it, it cannot be wrong and should be legalised” (Van Leeuwen, 2008). As seen in Excerpts 1 and 2, there is also a form of mitigation in Excerpt 3. The chairman stated that ‘the method of female circumcision practised in Malaysia was not as extreme as genital mutilation’, which reaffirms the view of the Minister of Women, Family and Community Development in November 2018, as seen in Excerpt 2. Female circumcision is referred to as a ‘medical operation’, attributed as ‘minor’, and ‘often does not draw blood’. This echoes the statement made by a Malaysian delegate at the Universal Periodic Review, as seen in Excerpt 1. Female circumcision is positively represented as a medicalised practice and is, therefore, considered legitimate. The following sub-section will look at the de-legitimation strategies that are used by Malay civil society organisations to contest the legitimacy of the practice in Malaysia.

THE USE OF DE-LEGITIMATION STRATEGIES BY MALAY CIVIL SOCIETY ORGANISATIONS

The common strategies used to delegitimise or contest the practice of female circumcision by Malay civil society organisations is through moral evaluation and rationalisation using discourses of health and human rights as the basis of argument. This is a consistent motif in the counterhegemonic discourse of female circumcision in the public sphere. Excerpt 4 illustrates the strategies of de-legitimation used by local activists to challenge the dominant discourse that legitimises female circumcision.

Excerpt 4

At a UPR viewing session in Kuala Lumpur last night, the daily reported that several activists had condemned the ministry representative's response about female infant circumcision in the country.

Justice for Sisters researcher S Thilaga said that the UN Convention on the Elimination of All Forms of Discrimination Against Women (Cedaw), which Malaysia has signed, ruled that the practice was indeed FGM.

"We do not want any kind of cutting, nipping of the (female sexual) organ as a whole.

"I think that is the basic idea of what was recommended by some delegates (from other countries)," she had said.

Persatuan Kesedaran Komuniti Selangor communications manager Mastura M Rashid questioned why the practice was allowed to continue.

"It was created to suppress the supposed sexual urges of women, and in 2018, as a society upholding gender equality, we should move away from cutting genitals.

"Reports from around the world have stated there is no medical benefit to FGM. If so, why is it then continued just on a cultural basis?" she was quoted as saying.

(*MalaysiaKini*, 9 November 2018)

S. Thilaga cites a United Nations treaty that 'Malaysia has signed', the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), to contest the legitimacy of the practice using the strategy of impersonal authority. There is a presupposition that the international treaty is a legally binding agreement that is expected to be respected by its signatories, including Malaysia, in the case of CEDAW. This elicits the view that the authority of an international treaty is supposed to override any state law, including the national *fatwa* that declares female circumcision an obligatory practice in Islam. S. Thilaga also recontextualised what was said by delegates from other countries during the Universal Periodic Review, saying, 'We do not want any kind of cutting, nipping of the (female sexual) organ as a whole' to happen in Malaysia. This shows that other countries are viewed as external entities providing check-and-balance, and as such, their recommendations should be considered by the Malaysian government. The reference to the recommendations made by delegates from other countries implies that she validates their views, therefore delegitimising the practice of female circumcision using the role model authority strategy by referring to other countries as role models in terms of their views on female circumcision. Mastura M. Rashid contested the practice of using moral evaluation based on gender equality. This is related to the larger discourse of the United Nations' Sustainable Development Goals (SDGs) because gender equality is one of the SDGs, Goal 5, which aims to "achieve gender equality and empower all women and girls" (United Nations, n.d.). The United Nations views FGM as a harmful practice that must be eradicated, alongside the practice of child, early and forced marriage. In the effort to delegitimise female circumcision using moral evaluation, she mentions one of the purposes behind the practice, which was 'to suppress the supposed sexual urges of women'. According to Baker (2006), "resistant discourses often have the effect of reproducing the hegemonic discourse" because "they have to state what they are against" (p. 114-115). There is a reproduction of the legitimisation of the practice here, but it is countered by the moral evaluation strategy. There is also de-legitimation through the expert authority manifested through the use of

verbal process clause 'reports from around the world have stated there is no medical benefit to FGM'. No specific report was named, but generalising it to 'reports from around the world' manufacturers, the view that FGM has no medical benefit is universally shared, thus implicating invalidity in the view that FGM has any medical benefit. There is a challenge posed to the authority of tradition, enacted through the question, 'Why is it then continued just on a cultural basis?'. There is a contestation of the practice on the grounds that cultural reason is an unacceptable justification for continuing the practice. This is a shared view among the opponents of female circumcision in Malaysia, and Excerpt 5 illustrates a similar sentiment.

Excerpt 5

Sisters in Islam executive director Rozana Isa said the practice was nothing more than a cultural tradition. "It is a cultural tradition. It is something that we can change because culture can change for the betterment of women and girls," Rozana said at a press conference after the launch of a report on gender equality. She, along with other women's rights groups, urged the health ministry to educate people about the practice of not serving any medical purpose. She added they would welcome engagement with the ministry and relevant religious bodies towards implementing a policy to protect Malaysian girls from this. Meanwhile, Mary Shanthi Dairiam, founding director of International Women's Rights Action Watch Asia Pacific (IWRAP), said even though the practice in Malaysia might not be harmful, it perpetuated a "harmful ideology" that women were not equal to men. "It may not be seen to be harmful, but there may be an ideology behind it that perpetuates the inferior status of women. And female genital mutilation comes in this category. "It may seem like a minor thing – it doesn't hurt, it has no repercussions, it has no harmful effect on the body – and therefore, some people may be questioning why we want to get rid of it," she said. The bigger issue, she said, was the belief that female circumcision would prevent a woman from having sexual urges and "going wild". "This is very, very dangerous. It shows that women and men are not equally valued, and it perpetuates that inequality."

(Free Malaysia Today, 23 January 2019)

Rozana Isa also challenged the authority of tradition by acknowledging female circumcision as a 'cultural tradition' and highlighting that 'culture can change for the betterment of women and girls'. The latter action is a delegitimising strategy through instrumental rationalisation. The clause 'culture can change for the betterment of women and girls' exemplifies means orientation that foregrounds the action of cultural change as a means that leads to an end, which is 'the betterment of women and girls'. This indirectly elicits discourse of human rights because the end goal is parallel to the fifth SDG on gender equality and empowerment of women and girls. There is also an insight into the dynamics of NGO-government relations in this because she 'urged the health ministry to educate people about the practice not serving any medical purpose' and 'would welcome engagement with the ministry and also relevant religious bodies towards implementing a policy to protect Malaysian girls from this'. The difference in their preferred end goal and means of achieving those end goals has caused what Najam (2000) called a "confrontational relationship" through "policy defiance and opposition by NGOs" (p. 385-386). In this case, although the government has a clear stance on the practice, there is an absence of a policy framework besides the issuance of the national *fatwa* that declares the practice obligatory. The government endorses the practice on the basis of culture and religion, and the civil society organisation opposes the practice due to concerns related to sexual and reproductive health. In mitigating the confrontation, she attempts to bridge the differences and shift the confrontational relationship to a non-confrontational one by inviting engagement with authorities such as 'the ministry' and 'relevant religious bodies' to establish a policy that will serve to 'protect Malaysian girls' from the practice of female circumcision. On a different note, Mary Shanthi Dairiam opposed

the practice by evoking the discourse of human rights through the notion of gender equality. She stated the belief underlying the hegemonic discourse of female circumcision, such as female circumcision, prevents women from 'having sexual urges' and 'going wild' as 'very dangerous' and 'perpetuates the inferior status of women'. This reaffirms the view undertaken by the United Nations, evident in one of the targets under Goal 5, which situates FGM as a "harmful practice" (United Nations, n.d.). Therefore, instead of physical harm, there is an instigation of ideological harm in the practice of female circumcision in Malaysia.

Excerpt 6 is a direct response towards the statement made by the Deputy Prime Minister as seen in Excerpt 2.

Excerpt 6

Seen under the light of the WHO definition, the statement by Wan Azizah, a medical doctor herself, is even more shocking for its apparent display of ignorance on a key health issue.

The deputy prime minister showed no leadership at all for the vulnerable community her ministry should oversee and protect.

We note further that after her ministerial representative denied that acts of FGM occurred in Malaysia and that only "female circumcision" was practised as "a cultural obligation," the minister also described the act as cultural practice in Malaysia.

Bersih Sydney points out that "female circumcision" - partial or total removal of the prepuce (the fold of skin surrounding the clitoris) - is also considered FGM by the WHO.

Bersih Sydney stands united with the Human Rights Commission (Suhakam) in taking Wan Azizah to task for saying FGM is "part of Malaysian culture."

It is misguided, irresponsible and dishonest to suggest this barbaric practice is 'cultural' and therefore arguably acceptable.

Anything short of condemnation of such a practice amounts to a quiet endorsement of the continued violation of the rights of vulnerable infants and women – the very people Wan Azizah was entrusted to protect by her ministerial portfolio.

(*MalaysiaKini*, 19 November 2018)

Excerpt 6 is extracted from an open letter by Bersih Sydney published in *MalaysiaKini*, an alternative news site. Letters to the editor can be a resistant genre in public discourse through the use of rhetorical questions, emotive and evaluative stances, epistemic claims, and the use of personal pronouns in manifesting resistance (Ashraf, 2014). Although the delegitimisation of the practice is placed at a peripheral point to the blame directed towards the government in this excerpt, the authority of tradition is dismantled, too, similar to Excerpts 5 and 6. Female circumcision is described as 'barbaric', connoting a backward tradition that does not have a place in the modern world. The government, and specifically Wan Azizah, were accused of being 'misguided, irresponsible and dishonest' for making the claim that female circumcision is a cultural practice in Malaysia. This is a predication strategy that highlights the negative qualities of the action undertaken by the government, thus reinforcing a negative-other representation as the focus and evoking an emotion of outrage. There is also an intensification strategy using the discourse of sexual and reproductive health to delegitimise the practice through the attribution of the claim made by the Malaysian government as an 'apparent display of ignorance on a key health issue'. Viewed as a key health issue, they also stated that female circumcision is 'considered FGM' according to the definition provided by the World Health Organization and is a 'violation of the rights of vulnerable infants and women', similar to the stance taken by the United Nations, contesting the legitimacy of the practice. The de-legitimation attempt is, therefore, centred on moral evaluation and the larger discourse of human rights. Again, this foregrounds the clash between the ideology of universalism and cultural relativism. There are also intense overtones of emotions that designate personal blame to Wan Azizah as the Deputy Prime Minister and the Minister of Women, Family and Community Development as she is said to have 'showed no

leadership at all for the vulnerable community her ministry should oversee and protect’, and ‘anything short of condemnation’ of female circumcision is described as a quiet endorsement for the continued violation of the rights of vulnerable infants and women – the very people Wan Azizah was entrusted to protect by her ministerial portfolio’. Overall, appeal to emotions of outrage and blame is evident in the ways Bersih Sydney manifested their role in providing checks and balances to the government and condemning the Malaysian government’s legitimation of the practice.

DISCUSSION

The textual analysis shows the ways in which the Malaysian government gives legitimacy to the practice of female circumcision using the strategies of authority of tradition, impersonal authority of *adat* (customs of the Malay), personal and expert authority, denial of female circumcision as a form of FGM/C, mitigation of harm through medicalisation, and moral legitimation by cultural relativism. All these strategies are rooted in the hegemonic discourse surrounding female circumcision in Malaysia and reinforce the systemic problem underlying the issue. It seems to have created a disjointed discourse because, on the other end of the spectrum, Malaysian civil society organisations provided a counter-hegemonic discourse using the strategies of moral evaluation and rationalisation supported by discourses of health and human rights. The oversaturation of the human rights perspective as the main argument in delegitimising the practice may translate as “an attempt to force Western culture and values on them and an attack on their beliefs, identity and religion resulting in defensive and counterproductive reactions from the communities including driving the practice underground with serious consequences” (Rashid & Iguchi, 2019, p. 9). Ultimately, the practice of female circumcision remains an ambivalent issue in Malaysia because the government itself gives legitimacy to the practice without creating any coherent regulations. There is a lack of political will among the authorities in Malaysia to abandon the practice.

CONCLUSION

The findings reveal that the Malaysian government supported the practice of female circumcision using the strategies of authority of tradition and authority of conformity, impersonal authority of *adat* (Malay custom), personal and expert authority, denial of female circumcision as a form of FGM/C, mitigation of harm through medicalisation, moral legitimation by cultural relativism, and scientific rationalisation using religion. Malaysian civil society organisations contested the hegemonic discourse using the strategies of moral evaluation and rationalisation with discourses of health and human rights as the motif of resistance. The findings indicate that the Malaysian government generally denies that female circumcision is a form of FGM and that Malaysia practices FGM. In so doing, they appear to be legitimising the practice of female circumcision using medicalisation of the practice and the argument of cultural and religious relativism as a shield against condemnation of the practice. This encapsulates the complex power dynamics in Malaysia; the institutionalisation of Islam affects policymaking, and issues deemed related to religion are often avoided by the federal government because they fall under state jurisdiction and legislature. This, however, proves to be problematic because, for issues such as female circumcision that face attention and pressure from international bodies, no coherent solution can be implemented. There are many factors at play regarding institutional barriers, unresolved conflicting views among

policymakers, and the prevailing beliefs on the ground. The lack of a cohesive view among religious leaders probably influences the continuation of the practice as well because the government seems to cherry-pick religious evidence and views based on what suits their agenda.

Contestation of the practice from activists in Malaysian civil society organisations draws on discourses of sexual and reproductive health and human rights. To deal with a society that places great importance on cultural and religious identity, such as the Malay-Muslims, there is a need to engage policymakers, both the government and the religious authorities, to appeal to the masses. Policies related to female circumcision should be culturally appropriate and sensitive to prevent the aforementioned reaction from the Malay-Muslims, consistent with suggestions by Rashid and Iguchi (2019) and Dawson et al. (2020). Contestation of the practice in both mainstream and alternative news media that use English as their medium may also be lost in the echo chamber of the readership of people who already share the same beliefs and views.

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