



## ENCYCLOPEDIA OF WOMEN AND ISLAMIC CULTURES

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Kinship, Descent Systems: East Asia,  
Southeast Asia, Australia, and the Pacific

2005 EWIC Volume II  
"Family, Law and Politics"  
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This entry discusses kinship, descent, and inheritance systems in Southeast Asia, East Asia, and the Australia-Pacific regions. Due to the multiplicity of ethnic groups with varieties of local customs in these regions, the entry focuses on certain ethnic groups that exemplify how Islamic rule is in conflict with, or has adapted to or co-opted local pre-Islamic laws. The argument is that the acculturation of Islamic law and local customary laws has had different effects on the women living in these regions.

### Southeast Asia

Although as early as the seventh and eighth centuries Arab Muslim traders traveled throughout the islands of Southeast Asia, Islam started to affect the region after the first settlement of a Muslim town, established around the late thirteenth century, in the Pasai region of North Sumatra (Reid 1993, 133). It is said that Islam's popularity and its acceptance by local people was due to the Islamic propagators' ability to syncretize Islamic ideas with existing local beliefs and display tolerance toward local pre-Islamic practice (Osman 1985, 44). The dissemination of Islam into Southeast Asia has significantly affected the structures of its social organization, especially in relation to its gender relations and inheritance systems. The fact that Islamic principles of descent and inheritance favor men has led to conflict with more gender-equal customs in many places in Southeast Asia. The entry here focuses on the Minangkabau social organization that favors women in order to explore ramifications of the integration of Islamic rules into a pre-existing matrilineal society.

The acculturation of adat (a collective term for Minangkabau laws and customs) and Islam in the Minangkabau culture of West Sumatra is expressed in the ideological aphorism: Adat basandi syarak, syarak basandi Kitabullah. Syarak, mangato, adat mamakai. Alam takambang jadi guru, which roughly translates as "Minangkabau customary laws are based on religious laws; the religious laws are based on the Holy Book, the Qur'ān. For religious law, orders, adat applies. Nature is the teacher of humankind."

The integral impact of Islam on the practice of Minangkabau adat in daily life can be seen from the fact that there is a modification of the standard norm for a family pattern in Minangkabau society. Matrilineal Minangkabau kinship system considers a husband/father as an outsider ( orang lua ) to his wife's family. His children will automatically become part of their mother's family, and will bear the mother's clan name rather than their father's. Furthermore, it is a mamak 's (maternal uncle) responsibility to take care of his sisters' children. The relationship between a mamak and his kamanakan, niece/nephew, is close and is perhaps even stronger than that between a father and his own son with mamak representing the "sociological father" of his sisters' children. A mamak also bequeaths his wealth to his kamanakan. His sako , inheritance of position, will pass to his nephews, while his pusako , inheritance of wealth, will pass to his nieces. According to adat , traditionally the smallest family unit is a mother and her children, known as samande (one mother) and is headed or owned by a woman as a mother. However, based on research undertaken in West Sumatra by the Indonesian Supreme Court in 1976, samande has now been modified to refer to a nuclear family, consisting of mother, children, and the father who is regarded as the family's head. This modification may partly be influenced by Islamic rule that positions the man as the head of the family (Qur'ān 4:34). However, in practice a woman (as a wife or mother) is still

the de facto leader of the family, notwithstanding the fact that de jure a man (as a husband or father) is the head of the family. This situation is also found in Acehnese society.

While the Acehnese kinship system, like the Malay, is bilateral, tracing descent through both male and female sides, the residence system is matrilineal. The implementation of the matrilocal residence system requires that a married couple lives in the household or place of the bride's kin. This marginalizes men's role and authority within households (Siegel 1969). Despite the influence of Islamic law, the concept of household is still the domain of women (Siapno 2002, 63).

Another impact of the imposition of Islamic values on adat can be seen from the change of the inheritance system in Minangkabau society. In order to integrate adat with Islamic laws, the Minangkabau assembly, which consists of the representatives of Minangkabau clan heads, village leaders, religious scholars and intellectuals, and an Indonesian government representative who functions as a witness, was held in Bukit Tinggi on 2–4 May 1953. The assembly members, most of whom were men, launched a regulation that while pusaka tinggi (ancestral property) is still inherited based on matrilineal principle, pusaka rendah (self-acquired property) is inherited based on syariah (Islamic law) (Hamka 1963, 7). According to syariah, sons inherit twice as much as daughters. This consensus was made in order to avoid dispute between the rights of a person's own children and that person's sisters' children. But in practice, the matrilineal system is still very influential. Maila Stivens's research on the Rembau of Negeri Sembilan, Malaysia, whose ancestors are from Minangkabau, suggests that there has been a reconstitution of the inheritance system there. She terms this shift a feminization of property relations. It means that female-centered inheritance practices are not confined to ancestral land but also operate in a new way in relation to acquired property land, which is frequently registered under women's names, sometimes passing on occasion from parents to daughters, or from brothers to sisters (Stivens 1996, 6).

It is misleading to assume that the practice of Islamic values has categorically disadvantaged women. On the contrary, these practices have given benefits to women such as in the modification of the customary law among the Batak Karo of North Sumatra who mark their ethnicity by clan identities. The five-clan social system distinguishes the Batak Karo from the Malays, their closest neighbors, who do not have a clan system. Clan membership is assigned unequivocally and automatically through patrilineal descent into one of its five clans. In order to be able to trace clan membership unambiguously through father only, the Batak Karo practice exogamic marriage and prefer matrilineal cross-cousin marriages (Kipp 1996, 33). At some points Islamic law conflicts with Batak Karo adat law, for example, in marital and inheritance law. According to the practices of patrilineal descent system and patrilocal residence, inheritance, specifically land, also goes through a father to a son. Traditionally, a daughter will not inherit from her parents as after marriage she belongs to her husband's family. Although receiving unequal shares under Islamic law, a daughter has a right to inherit her parents' property.

The Batak Karo concept of marriage is also in conflict with Islamic marital law. The Batak Karo consider marriage within the same clan as incest and punish it severely by exclusion from the Batak Karo world. Islamic law, on the other hand, allows marriage within one clan as long as the persons are not closely related by blood. Islamic rule only prohibits a man from marrying his own mother, daughter, sister, parent's aunt, or niece. This prohibition is extended to include to step, foster, and in-law relations (Qur'ān 4:23). Among the Batak Karo, the Malay system is partly identified with Islam and the practice of "incest." Because of that Batak Karo refer to a person who has committed incest as having becoming Malay (menjadi Melayu), therefore ceasing to be Batak Karo. Like Christian Batak Karo, Muslim Batak Karo, who are a minority, try to reconcile their religion and adat law by obeying religious rules as well as whatever norms are appropriate for their society (Kipp 1996, 234).

### East Asia

China, Korea, and Japan are considered to be most typically patriarchal and patrilineal among East Asian societies. Chinese, Korean, and Japanese cultures are rooted in Confucian principles, founded in China by Kung-futze, "Master Kung" or Confucius (551–479 B.C.) (Hwang 1979, 11). These principles, incorporated into Chinese law in 210 BC and adopted as the state ideology by the Japanese Tokugawa Bakufu dynasty (1603–1868) and the Choson dynasty in Korea (1392–1910), form a code of conduct by which to live (ibid.). Confucianism had a tremendous impact on the social systems in these communities. It is fundamentally patriarchal: the sole authority in the family rests with the father and only those on the paternal line are considered relatives. Social class and rights are transmitted only from fathers to sons

who have higher status than daughters, and first-born males hold the right to lineal succession. Its residence pattern is patrilocal. After marriage, a woman forfeits her natal family membership and becomes a member of her husband's family, joining them in their family ancestral ceremonies. A woman does not have rights to inherit family property. However, as a housewife, she can control the family property and manage the family household, although this may not be seen outwardly (Lee 1997, 52).

Islam is a relatively new religion in Japan and Korea, whereas China has known Islam since as early as the seventh century. There are some Islamic rules that differ from local customs in these countries. For example, Islamic law decrees that a married woman can hold two agnatic group memberships. She can retain her natal family membership while she is also part of her husband's. Moreover, women as daughters and wives have a right to inherit property from their parents and husbands. Islam has not yet greatly affected these communities, especially in relation to women's rights. In order to survive over the centuries Chinese Muslims, known as Hui, while maintaining their identity as devotees of Islam, have had to become increasingly integrated into Han Chinese society (Voll 1987, 141).

There have been some changes that benefit women. For example, the Korean government launched the Family Law Act of 19 December 1989, which states that all property is divided equally between all children regardless of sex in the absence of a will (Hampson 2000, 175). Although in modern times in most East Asian societies women's status has been made to equal that of men by regulating non-gender-bias law and constitutions, to some degree women still face inequality in both the public and private spheres as it is difficult to change a culture that favors men.

#### Australia-pacific region

As in the East Asian region, Muslims are also a minority in the Australia and Pacific region. According to the census taken in 2001 the number of Australian Muslims was approximately 1.5 percent of the total population. The majority of the Australian Muslim population were born overseas in countries such as Lebanon, Pakistan, Bosnia, and Indonesia (Saeed 2003, 1–2). The fact that these people come from different social and ethnic backgrounds is reflected in the way they apply Islamic values, which are varied and rooted in their own cultural traditions.

There are some social and legal problems surrounding the practice of Islamic laws that are in conflict with Australian law or mainstream culture, for example, child custody and property settlement in divorce cases. Australian law tends to favor an equal division of assets, irrespective of whether both parties have earned income, while under Islamic law division depends on the amount of contribution of each party during the duration of the marriage. Moreover, Australian mainstream norms favor the mother's role in child rearing. In contrast, in Islamic law the father generally gains custody of children once they reach a particular age (Humphrey 1984, 43).

Traditionally, mainstream Australia is a bilateral society and the concept of the family is that of a nuclear family consisting of a husband and his wife who live with their children apart from the relatives of either spouse. One-parent families, de facto couples, heterosexual or homosexual, with or without children, and childless couples are becoming much more common as family units. This concept is at variance with Islamic family law, which strictly prohibits both de facto and homosexual relationships and prevents illegitimate children from inheriting wealth from the father. In Australia, most Muslim migrants try to maintain their traditional values, although some of them are being affected by Australian values. This has led to conflict between spouses, parents and children, as well as relatives in Australia and abroad (Hussain 2001, 163).

#### Conclusion

As a result of the adaptation of Islamic law alongside local customary law, women often act or are treated differently from their traditional roles. It seems that the implementation of Islamic law in patriarchal societies tends to give more benefit and advantages to women than they have previously experienced. However, the dissemination of Islamic law in matrilineal societies such as the Minangkabau of West Sumatra has adversely affected women in relation to materialist concerns such as inheritance and social position.

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