Islam, Women and Gender Justice:
A Discourse on the Traditional Islamic Practices
among the Tausug in Southern Philippines

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Introduction

In southern Philippines, where a significant number of Muslim minority populations (Muslim Filipinos or the Bangsamoro) are found, Islam is generally perceived to treat women unfairly and that gender justice is difficult, if not impossible, within Muslim societies as in many parts of the world.

Traditionally, the Tausug, one among the 13 ethnolinguistic groups that comprise the Bangsamoro people has been practicing Islam as a religion and a way of life. Their family and community relations have been guided by their own understanding of Islamic law based on the Quran and the Sunna’ of the Prophet, although in an informal and unofficial manner, because they are generally governed by the Philippine law system that is based on western and secular traditions. Furthermore, their understanding and practice of Islam is also heavily influenced by their pre-Islamic traditions popularly known in the community as Adat or customary laws. These traditional Islamic practices have been attributed to by not few social analysts as among the many reasons for the continuing marginalization of the Tausug women.

With this in mind, it would be very significant to document the traditional Islamic practices of the Tausug in relation to marriage, divorce, polygamy, custody of children, inheritance and property rights; and to find out whether or not these practices enhance or promote women’s rights and gender justice in the community. The choice of this topic is basically influenced by the reality that in the Tausug community especially in the rural areas, people would prefer to adjudicate problems and cases related to marriage, divorce, polygamy, custody of children and inheritance within the framework of their traditional practices of Islam rather than the regular Philippine national legal perspective. In most instances, cases are presented to the traditional adjudicators like the imam (religious
leaders) and recognized *taumaa* (elders) of the community rather than to the regular courts in the area. People in the community find it very practical and economical to bring their problems and cases to the traditional adjudicators compared to the cumbersome and economically draining judicial processes of the formal court system. The decisions of the traditional adjudicators on the cases presented to them are final and binding. The decisions are usually made in oral and not in written manner. The formal court cannot intervene in any decision where women’s rights are violated, since these traditional practices of adjudication function independently and beyond government supervision and control.

The findings of this study would be useful in an advocacy for social change and in the promotion of women’s rights and gender justice in a Muslim society marching along the strong tide of the exigencies of modernization amidst the pressure of the requirements of traditionalism, like the Tausug Muslim society in southern Philippines.

**Objectives of the Study**

*General:*

This study aims to document and analyze the influence of the traditional Islamic practices of the Tausug in relation to women’s rights and gender justice in marriage, divorce, polygamy, custody of children, inheritance, property rights and leadership; and proposes recommendations on some reform initiatives aimed at improving the status of women and gender justice situations in the Muslim communities in southern Philippines.

*Specific:*

The study envisions doing the following:

1. Document the traditional Islamic practices of the Tausug in southern Philippines that affect women’s rights and gender justice especially those related to marriage, divorce, polygamy, custody of children and inheritance, property rights and leadership;

2. Analyze the influence of the Tausug traditional Islamic practices to marriage, divorce, polygamy, custody of children and inheritance and property rights on women’s rights and gender justice; and
3. Draw up some reform initiatives in the Tausug traditional Islamic practices aimed at improving women’s rights and gender justice in the community.

The findings of this study would be very useful to advocates of human rights, academicians, students of human rights, ulama (teachers/learned in Islam), imam (religious leaders), taumaas (elders), Shari’a law practitioners, NGO workers, media practitioners, policy makers and most especially, to the Bangsamoro women in their continuing struggle for a just and more humane Islamic communities in southern Philippines.

Data Collection

In the gathering of data for this study, the researcher employed a combination of qualitative research methods such as library or documentary analysis, intensive interviews and case studies. These were conducted in three phases, as follows:

Phase 1: Library/Documentary Analysis

- Library/Documentary analysis was conducted to gather data on Islam, women’s rights and gender justice. A review of related literature was also made during this phase. This research activity was conducted in select libraries such as the Institute of Islamic Studies Library of the University of the Philippines in Manila, Philippines as well as the Emory University Law School Library in Atlanta, Georgia, USA; and from documents available at the Internet.

Phase 2: Key Informant Interviews and Focus Group Discussions

- Intensive interviews through focus group discussions [FGD] and key informant interviews [KII] particularly with the Tausug men and women, imam (religious leader), taumaas (elders), advocates of women’s rights, NGOs, and others who are working to promote women’s rights and gender justice were undertaken. These particular activities were conducted in the Tausug community in Sulu in southern Philippines.

The KIIIs were conducted from March 16 to April 11, 2004 in seven (7) municipalities of Sulu. The key informants are listed in
Appendix A of this report and the profiles of the respondents are shown in Tables 1-3.

Table 1. Distribution of Key Informants (KI) by Municipality

<table>
<thead>
<tr>
<th>Name of Municipality in Sulu</th>
<th>Number of KI</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Jolo</td>
<td>11</td>
<td>40.7</td>
</tr>
<tr>
<td>2. Tapul</td>
<td>3</td>
<td>11.1</td>
</tr>
<tr>
<td>3. Luuk</td>
<td>1</td>
<td>3.7</td>
</tr>
<tr>
<td>4. Parang</td>
<td>6</td>
<td>22.2</td>
</tr>
<tr>
<td>5. Patikul</td>
<td>2</td>
<td>7.4</td>
</tr>
<tr>
<td>6. Inadanan</td>
<td>1</td>
<td>3.7</td>
</tr>
<tr>
<td>7. Maimbung</td>
<td>3</td>
<td>11.1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>27</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

A total of twenty-seven (27) key informants were the respondents for this study taken from seven (7) of the nineteen (19) municipalities of the province of Sulu. Table 1 show that majority or 40.7% of the respondents were from Jolo, the capital of Sulu, while the rest are distributed to the municipalities of Tapul, Luuk, Parang, Patikul, Inadanan and Maimbung.

Table 2. Distribution of Key Informants by Gender

<table>
<thead>
<tr>
<th>Gender</th>
<th>Number of KI</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Female</td>
<td>13</td>
<td>48.2</td>
</tr>
<tr>
<td>Male</td>
<td>14</td>
<td>51.8</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>27</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

Table 2 reveals that there were more male respondents than the female respondents in the key informant interviews. Although this study is primarily focused on women, more men respondents were considered to be able to know their perceptions on the advocacy for equality between men and women in the Islam religion among the Tausugs. This is based on the contention that if you want to advocate and promote gender justice in a Muslim community, it must have to start with men.

The representation by ages among the respondents was chosen to draw up a picture of the current traditional Islamic practices among the Tausug community of Sulu. As shown in Table 3, respondents were aged below thirty to above seventy years old. More than fifty percent or 59.2% of the respondents are aged.
40-59 years old, while the rest are either below or above this age bracket.

Table 3. Distribution of Key Informants by Age

<table>
<thead>
<tr>
<th>Age Bracket</th>
<th>Number of KI</th>
<th>N</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Below 30 years old</td>
<td>1</td>
<td>3.7</td>
<td></td>
</tr>
<tr>
<td>30-39 years old</td>
<td>3</td>
<td>11.1</td>
<td></td>
</tr>
<tr>
<td>40-49 years old</td>
<td>7</td>
<td>25.9</td>
<td></td>
</tr>
<tr>
<td>50-59 years old</td>
<td>9</td>
<td>33.3</td>
<td></td>
</tr>
<tr>
<td>60-69 years old</td>
<td>4</td>
<td>14.8</td>
<td></td>
</tr>
<tr>
<td>Above 70 years old</td>
<td>3</td>
<td>11.1</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>27</strong></td>
<td></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

On the other hand, four FGD sessions were conducted from March to April 2004. One was an all-male session, another was an all-female session, and two sessions were a mixture of male and female participants. These focus group discussions (FGD) were held to supplement the secondary data collected and primary information gathered through key informant interviews. The conduct of the focused group discussions were done during times convenient to the randomly selected participants, i.e., times not in conflict with their work and other activities. This is why some of the schedules were irregularly arranged.

Phase 3: Case Studies

- Case Studies were conducted to highlight the current situation of women as reflected in the traditional Islamic practices of the Tausug in southern Philippines. Primary data collected were based on the life story and history of the respondents involved in the cases, through observation and informal and non-structured interviews while secondary data were taken from sermons and testimonies during marriage ceremonial rites.

**Brief Ethnographic Background of the Tausugs**

Tausug derives from the words tau meaning “man” and sug meaning “current,” and translates into “people of the current.” Historically, the Tausugs are considered the original inhabitants of the islands of Sulu.

Sulu is situated at the southernmost tip of the Philippine archipelago. It lies midway between the provinces of Basilan and
Tawi-Tawi and surrounded by the Sulu and Mindanao seas on the west and north and the Celebes on the east. Over 157 islands and islets, some of them still unnamed, composed the province. Its total population stood at 619,550 with an annual growth rate of 3.15%, the third largest population among the five provinces of the Autonomous Region for Muslim Mindanao (ARMM). The female population in the area dominates the male at the male-female ratio of 49:51. [NSO: 2001]

The Provincial Capitol building of Sulu located at Jolo, Sulu

Figure 1. Map of Sulu
Before the coming of Islam, the Tausugs were organized into banua or kauman (community) and were governed by a patriarchal form of government with the individual datus as the heads of their own communities. [Rasul: 1982, 31 & Esmula: 1982, 17.] Laws covering the “broad subjects” of family relations, property rights, contracts, crimes and other penalties were orally promulgated by these datus and orally transmitted from generation to generation. [Kamlian: 1999, 125]. The source of law of the pre-Islamic Tausug was the Adat or their customary laws. The Tausugs, like the other cultural minority groups in the Philippines, hold on to their custom and Adat laws faithfully as ever. In Southeast Asia, there are specific Islamic courts, but people are often guided by Adat, which has also influenced them together with modern demands. [An-Naim (ed.): 2002, 253]

The Islamization of Sulu began with Karim ul-Makhdum, a Muslim missionary who came to Sulu in 1380 and introduced the Islamic faith as he settled in Sibutu until his death. After Makhdum’s death, other missionaries including Raja Baguinda and the Muslim Arabian scholar Sayid Abu Bakr, continued his missionary work. The latter had consolidated the different principalities in the place and became the first Sultan of Sulu, an Islamic power with trade links with China, the Middle East and Southeast Asia.
The Tausugs are practicing folk Islam which is called traditional Islamic practices in this paper. Folk Islam is the blending of normative beliefs and rites with pre-Islamic beliefs and customs that can be found in Muslim communities throughout the World of Islam. This is the same phenomenon as the co-existence of the “Great Tradition” and the “Little Tradition” that is found in the Christian World. “Folk Islam” like “folk Christianity” is to be understood as an indigenous response to, and accommodation of a great faith introduced from outside the indigenous culture.” [Gowing: 1979, 59]

Tan [1984, 2] defines folk Islam as the integration or the synthesis of the Islamic concepts and practices and the indigenous cultures, where culture is understood to mean beliefs, customs, practices and institutions which have been acquired and adopted as traditions. He further stresses that the development of the folk Islamic traditions in the Philippines can be attributed to the fact that when Islam was introduced into the archipelago, it has already gone through several phases of development and had already been liberated from the narrow “aristocratic” and “rigid” character of Arabian societies. Moreover, it had already assumed the more accommodative and mystical nature of Indian Sufism. In other words, the kind of Islam which came to the Philippines from India and Southeast Asia carried folk Islamic elements. [Tan: 1984, 3] The indigenous cultures of the Tausugs in particular, and the Muslims in the Philippines in general, were able to survive even after they had accepted Islam. Islam, by its very nature is very tolerant and its approaches in the Far East were not as militant as when it was propagated among the Arabs. [Rasul: 1979, 3] The extent of the folk Islamic traditions among the Tausugs and other Muslim communities in the Philippines and elsewhere in the world can be seen in almost all aspects of their social, religious and cultural mores.

Thus, the modern-day Tausug can be characterized as a Muslim practicing the Islamic faith, imbibing his traditional culture but slightly liberalized as influenced by modernity.

Review of Literature

Religious Rights, Women and Gender Justice in Islam

There is a vast array of works on religious rights, Islam and gender justice, and Islam and women in the international context but quite a few on specific studies of these aspects on the Tausug Muslims in southern Philippines.
The work of the distinguished Israeli jurist, Lerner (2000), provides an authoritative distillation and analysis of modern international norms on religious rights and liberties with particular attention to modern controversies over: 1) religious and racial discrimination, 2) genocide and group libel, 3) proselytism and conversion, and 4) religious group rights and their limits.

Hawley (ed., 1994) presents a concise treatment of fundamentalism from a comparative perspective, examining the American Christian, Indian Muslim and Hindu, and “new Japanese religious” contexts. It also contains a relevant introduction explaining the characteristics of fundamentalisms as related to gender construction.

The comprehensive collection and analysis of texts and traditions gathered by Young (1994) uncovers the male-centered bias of most studies of religion and corrects this trend by focusing on women. It looks at Judaism, Christianity, Islam, the Ancient Near East, Greece, and Rome, Northern European Paganism, shamanism and Tribal Religion, Hinduism, Buddhism, Confucianism, Taoism, and alternative religious movements.

Islam teaches that there is no hierarchical structure among Muslims, i.e., all are equal before God. Muzaffar (2002) posits that Islam is committed to justice because according to the Qur’an – Islam’s primary source of guidance and wisdom – justice was the goal of each prophet since the beginning of time as it is the human being’s mission on earth. In adhering to this belief, Munir (2003) advocates that Islam has a very fundamental concern for peace, justice, and well-being therefore these values should be internalized by each and every Muslim.

As Akbar (1994) examines the cultural responses of Muslims to the transformations, contradictions and challenges confronting contemporary Islam as it moves towards the twenty-first century, he observed that the diffusion of populations, the globalization of culture and the forces of post-modernity have shaken the world like never before. These developments have generated a debate among Muslims which will have far-reaching consequences not just for the Muslim world, but for relations between Islam and the West more generally. Akbar’s discussion will help in understanding the dynamics of contemporary Muslim society and provide insight into the direction in which the Muslim world is moving.
On the other hand, the challenging book of El Fadl (2001) reviews the ethical foundations of the Islamic legal system, suggesting that an authoritarian reading of scripture has often have grave consequences for some parts of the Muslim society. Drawing upon both religious and secular sources, Islamic legal expert El Fadl argues that divinely ordained law is frequently misinterpreted by Muslim authorities at the expense of certain groups, especially women. Citing a series of injustice in Islamic society, from ban on women driving to the restrictions governing female clothing, El Fadl’s thoughtful and cogent study proposes instead a return to the original ethics at the hearth of the Muslim legal system.

A rich anthology of Islamic teachings on the nature of the relationship between God and the world, the world and human beings, and human beings and God, done by Murata (1992) stresses gender symbolism. It argues that Muslim authors tend to analyze divine and human realities with a view toward complementarities that is similar to the Chinese idea of yin/yang.

The book of An-Naim (2002) on Islamic family law in a changing world is uniquely comprehensive and up-to-date that spans nine regions and 38 Islamic countries around the world. An-Naim advances that more than a billion Muslims have their lives in such matters as marriage, divorce, maintenance, paternity and the custody of children governed by certain aspects of the Shari`a, commonly known as Islamic Family Law. The scope and actual manner of application of Islamic law worldwide is particularly documented here.

Complementarily, Badlishah (1998) seeks to provide a concise yet comprehensive description of the principles and provisions of the Islamic law on marriage and divorce. It looks at the sources of Islamic family law in the Qur’an and the Sunnah of the Prophet (s.a.w.), as well as at the modern legislative provisions and judicial decisions on issues relating to marriage and divorce under Shari’a law.

In another approach, Barlas (2002) develops a believer’s reading of the Qur’an that demonstrates the radically egalitarian and anti-patriarchal nature of its teachings. Beginning with a historical analysis of religious authority and knowledge, Barlas shows how to read the inequality and patriarchy into the Qur’an to justify existing religious and social structures; and demonstrates that patriarchal meanings ascribed to the Qur’an are a function of who has read it, how, and in what specific contexts. She goes on to reread the Qur’an’s position on a wide variety of issues in order to argue that its teachings do not support patriarchy in theory or practice. In support of this, Wadud-Muhsin (1992) concisely argued that in order to
maintain its relevance on the question of women’s role in society, the Qur’an must be continually reinterpreted.

An unpublished paper of Munir (2003) explores the impact of Islamic fundamentalism on sexual and reproductive health and rights by studying the literature and observing the realities in the current Indonesian context. It focuses on five crucial relevant issues: violence against women, safe abortion, and treatment of drug users, child prostitution, and stigmatization of HIV/AIDS victims. It made an identification of the gap between the ideals of Islam and their realities among Muslim societies and unfolded an alternative discourse, which promotes tolerance, justice, and a more peaceful aspect of the religion.

Delving into specific cases, Cook, et al. (2003) leading international authorities on reproductive medicine, human rights, medical law, and bioethics, integrate their disciplines to provide an accessible but comprehensive introduction to reproductive and sexual health. They analyse fifteen case studies of recurrent problems, focusing particularly on resource-poor settings. Approaches to resolution are considered at clinical and health system levels. They also consider kinds of social change that would relieve the underlying conditions of reproductive health dilemmas. Supporting the explanatory chapters and case studies are extensive resources of epidemiological data, human rights documents, and research materials and websites on reproductive and sexual health. Omran (1992) on the other hand, presents a detailed study of the Qur’an, the Hadith, and commentaries by Muslim scholars on issues of family planning such as abortion, contraceptive use, and sterilization.

Among the studies on women and gender justice in Islam, Karmi (1996) gave a concise essay that examines the status of women before and during the birth of Islam. The essay argues that the Qur’an should be understood as two documents: one that is eternal and another that is spiritual in content. She then concludes that the development of Muslim law on women epitomizes use of the Qur’an for practical legitimization.

Mernissi’s Islamic texts as translated by Lakeland (1991) particularly presents a feminist reading of Islamic texts that focuses on the issue of veiling to draw broader implications for women’s roles in society. In another work, Mernissi (1987) argues that the present conservative wave against women in the Muslim world is a defense against recent profound changes in sex roles and in perceptions of sexual identity. Sexual inequality is a prominent feature of both Western and Islamic societies, but the underlying concepts of female
sexuality in Christian and Muslim traditions are very different. The Islamic view of women as active sexual beings resulted in stricter regulation and control of women’s sexuality, which Muslim theorists regarded as a threat to civilized society. But the requirements of modernization are incompatible with traditional Muslim strictures, and the ensuing contradictions pervade nearly all Muslim countries. Drawing on popular source materials, the author explores the disorienting effects of modern life on male-female relations, looks at the male-female unit as a basic element of the structure of the Muslim system, and explores the sexual dynamics of the Muslim world.

Engineer (2001) however contends that generally, it is thought that Islam treats women unfairly and gender justice is not possible within the Islamic law known as the Shari’a law. Nevertheless he justifies that this is so because the existing laws were codified during the 2nd and 3rd centuries of Islam when the general perspective of women’s rights prevailing then was very different from today’s perspective.

Albeit there are many positive ideas and lessons to be drawn and constructive precedents to call upon in the shari’a as it is understood by a modern Muslim, it must also be recognized that there are limits to what it has envisaged and to what it may be invoked to endorse. This is the argument of An-Na‘im (1994) when he presented his view on the general preclusion of women from public office and public life in the shari’a and said that “even the most progressive and enlightened interpretations of the views towards women, their social role and rights.....are for me simply unacceptable.”

According to Wadud-Muhsin (1994) within historical shari’a, Muslim women are simply appendages to their men, first their fathers and brothers, later their husbands, and (possibly, at the end of a long life) finally their sons. In other words, Muslim men exercise domination over women and enjoy a monopoly of political power and force. But pamphlets of the Sisters in Islam (1991) examine those verses from the Qur’an on men’s treatment of women and conclude that Islam prohibits mental and physical cruelty by men against women and that Islam considers men and women equal in the eyes of God.

Afkhami (ed., 1995) documents that today, there are about over half a billion women living in the Muslim world. Despite, the rich complexity of their social, cultural and ethnic differences, they are often portrayed in monolithic terms. Such stereotyping, fueled by the resurgence of Islamic fundamentalism, has proved detrimental to
Muslim women in their campaign for human rights. Afkhami’s book emphasizes Muslim women’s rights as human rights, and explores the existing patriarchal structures and processes that present women’s human rights as contradictory to Islam. Academics and activists, most of them living in the Muslim world, discuss the major issues facing women of the region as they enter the twenty-first century. They demonstrate how the cultural segregation of women, contradictory and conflicting legal codes, and the monopoly on the interpretation of religious texts held by select group of male theologians have resulted in domestic and political violence against women and the suppression of their rights. The focus is on ways and means of empowering Muslim women to participate in the general socialization process as well as in implementing and evaluating public policy. Supplementing this is Ahmed’s (1992) presentation of a historical survey of the roots of Islamic discourses on women from ancient to modern times in her study of the historical roots of a modern debate on women and gender in Islam.

Sonbol (1996) gathers an excellent collection of articles drawing on archival sources, aiming to achieve four goals: to focus on the history of women, family, and divorce in order to assess gender relations in Muslim societies; to raise questions about this history that have received little scholarly attention—such as the issue of domestic violence and laws regarding children; to examine non-Muslim communities within Ottoman empire in order to expose the fallacy of separating them analytically from Muslims; and to propose new methodologies and theories for understanding women and the family.

The work of Stowasser (1994) narrates a detailed study of women’s roles as presented in the Qur’an, the hadith, and commentaries and interpretations and focuses on how modernists, conservatives, and fundamentalists have understood Islam’s female images and models according to their own socio-political agenda. It contains excellent bibliography and a glossary of terms related to Islam.

Hassan (1996) has enumerated the human rights of women based on Qur’anic ideals and argued that Islam indeed, has given more rights to women than has any other religion if by Islam it is meant “Qur’anic Islam”. But the cumulative biases which existed in the Arab-Islamic culture of the early centuries has infiltrated the Islamic tradition that undermined the intent of the Qur’an to liberate women from the status of inferior creatures and make them free and equal to men. He concluded that “if human beings can learn to order homes justly so that the human rights of all within its jurisdiction –
children, women and men – are safeguarded then they can also order their society and the world at large, justly.” In furtherance, he stipulated that “…the Qur`an regards the home as a microcosm of the “ummah” and the world community, and emphasizes the importance of making it “the abode of peace” through just living.”

Islamic reformists endeavor to provide new outlooks in advocating equality between genders and convince without offending fundamentalists to recognize women’s rights. Engineer (2001) refuted thus, “… If one goes by the verses of the Qur`an which belong to the normative category or which are of the nature of laying down principles and givers of value, men and women should enjoy equal rights in every respect. It would be necessary to reread and re-interpret many verses which were used for centuries to subjugate women in Muslim societies. This subjugation was more cultural and patriarchal than Islamic or Qur`anic. The whole corpus juris of Islam relating to women needs to be seriously re-thought on the basis of Qur`an.” Because he believes that what was thought to be just in respect of women’s rights in medieval ages, is no longer so today. The idea of justice also changes with changing consciousness and what is just in one age may not necessarily be just in the other. In addition, An-Naim (1995) cites the teaching of Sudanese religious leader Mahmoud Mohamed Taha which is a work arguing that many intellectual and historical foundations within Islam are more appropriate to modern times than the experience of Medina. Thus, Esposito (1982) made a comparative study of the evolution of law in relation to women in Muslim societies.

The essays collected in the book of Haddad (1998) place the issue of religious resurgence in the Muslim world in its historical context and present case studies of Muslim societies from North Africa to Southeast Asia. These fascinating studies shed light on the impact of the Islamic resurgence on gender issues in Iran, Egypt, Jordan, Pakistan, Oman, Bahrain, the Philippines, and Kuwait. Taken together, the essays reveal the wide variety that exists among Muslim societies and believers, and the complexity of the issues under consideration. They show that new things are happening for women across the Islamic world, and are in many cases being initiated by women themselves. This volume as a whole militates against the stereotype of Muslim women as repressed, passive, and without initiative, while acknowledging the very real obstacles to women’s initiatives in most of these societies. Another work of Haddad & Banks (1985) focuses on how women from numerous traditions have effected social change, and on how faith has motivated women’s participation in this process.
An-Na`im (1996, 55) citing Verse 4:34 (chapter of the Qur`an known as Surat al-Nisa or the chapter on women) states that “men have qawama (guardianship and authority) over women because of the advantage they [men] enjoy over them [women] and because they [men] spend their property in supporting them [women]” This general principle was taken as authority for a wide variety of rules of public law among which is that women are disqualified from holding general public office involving the exercise of authority over men because, in accordance with verse 4:34, men are entitled to exercise authority over women and not vice versa.

According to Ustadh Mahmoud, An-Na'im added, the qawama of men over women is made conditional by the express terms of the verse and upon the security and economic dependence of women to men. Because this is no longer the case in a society in which both men and women are dependent for their security on the rule of law and women are, as a general rule, more capable of being economically independent, the rationale of qawama has been repudiated in practice.

In contradiction, Ilkkaracan (ed., 2000) argues that the control of women’s sexuality remains to be one of the most powerful tools of patriarchy in most societies. The essays in this volume show that the sexual oppression of Muslim women is not the result of an “Islamic” vision of sexuality, but a combination of political, social and economic inequalities throughout the ages. However, within this context religion is often misused as a powerful instrument of control, with the goal of legitimizing violations of women’s human rights.

Wanyeki (ed., 2003) compiles original studies of the changing situations that rural African women are experiencing in relation to land rights. The authors link research and analysis with advocacy and action with the purpose of contributing towards equalizing gender relations and promoting the ability of African women to achieve greater economic independence as well as other human rights.

In her works (1991 &1999), Mayer, a sophisticated critique of Islamic Human rights schemes in comparison with universal standards of human rights offers a critical assessment of recent human rights schemes proposed by Muslim conservatives as alternatives to the International Bill of Human Rights. She examines conceptions of human rights in the Egyptian, Iranian, Pakistani, and Sudanese contexts. She argues that these schemes possess no direct antecedents in the pre-modern Islamic tradition but are legal hybrids of Islamic and international principles. Mayer contrasts the position of Muslim conservatives with that of Muslims who endorse
international human rights standards as fully compatible with Islam and offers evidence that the provisions of Islamic human rights schemes tend to dilute and nullify rights guaranteed by international law. She persuasively demonstrates that it is not Islamic tradition that discourages respect for human rights but the selective interpretation and application of Islamic law and tradition by Muslim groups who are threatened by the demand for democratic freedoms throughout the Muslim world. She further laments that those who selectively interpret and apply Islamic law and tradition do so to reinforce hierarchical vested interests.


*Tausug Traditional Islamic Practices*

The thesis of Jundam (1983) emphasizes that *Adat* law is conceived as an element of the Tausug culture that serves as one of the basic principles which shapes, supports and rationalizes the Tausug personal, familial and institutional behavior. The Tausugs, like the other Muslim tribes in the Philippines, have their own beautiful and colorful culture. This culture has been the showcase of the Tausug society since time immemorial. It is impressively the source of reference for their socio-economic and spiritual undertaking for it has absorbed and is colored by Islam through the centuries. Hapas (1993) explains the Tausug *Adat* within an ever changing environment which he called Folk Islam.

Family is the basis of Islamic society, as Hassan claims in Adjerol-Morados (2003). Thus if a wife is deprived of her rights she cannot perform her prescribed role to form an ideal family. The society will lose its balance if the foundation of the family is weak and not rightly constructed.

The formation of a family is institutionalized by marriages. The traditional Tausug marriage is called *pagtiyaun*. Bruno (1973) who has written about Tausug culture and society says that marriage is conceived not only for love and sexual satisfaction but as a vital way of widening their family relationship and increasing their tribes thus expanding kinship relation.

In the past, marriages in Sulu are celebrated according to Tausug customary and Islamic law. Kiefer (1972) noted that the influence of the Philippine national law is negligible. The Tausugs
recognize three distinct transactions leading to a legally binding marriage. These are: a) arranged marriage by negotiation or *pagpangasawa*, b) marriage by abduction or *pagsaggau*, and c) elopement or *pagdakup*. Jundam (1983) who had discussed a lot of case studies on marriage among the different types of the Tausug marriages including contemporary practices describes *pagpangasawa* as “a formal way of getting a bride for marriage. Many stages have to be undergone before a groom successfully takes a bride. Each stage is so well defined that failure to carry it out accordingly would lead to postponement of marriage.” The basic distinction around the three depends on who desire the marriage. *Pagpangasawa* is said to be the desire of the parents who negotiate the marriage. *Pagsaggau* is said to be the desire of the groom while *pagdakup* is said to be the desire of the woman.

Abubakar (1977) discusses how the Tausug practiced marriage based on *Adat* in the early days. He says that marriages by elopement and by abduction were rare occurrences because they were socially unaccepted and prohibited by religion. Even if the boy and the girl happened to fall in love with each other, their parents managed their formal engagement and wedding. The *Adat* of the Tausug strictly prohibited girls from talking and much more going out with boys who were not their immediate blood relatives. Sometimes while the boys were still very young it was their parents who choose their brides.

According to Ahajul (1987), Tausug Muslim marriage practices are syncretized. Islam is invoked in the rituals, especially in the solemnization state, side by side with the *addat-tabiat* (custom/traditions) of the Tausug which are of Hindu origin and other influences. These are by large associated with lavish expenses and high dowry. Most Tausug females together with their parents demand high dowry, especially those belonging to the highest socio-economic and political status. By and large the prescription of a high dowry becomes a problem and a deterrent to the Muslim males’ choice in marrying a Muslim female in the Tausug society. The Tausug Muslim males favor lower dowry that is in accordance with their financial capability and in conformity with Islamic practices. Ahajul though says that this is a blatant *bida`a* (innovation) which is not along the teaching of Islam.

Bruno (1973) describes how the Tausug observes wedding celebrations. “… it is a strange but unique, for in those varying stages the cultural traits and romantic arts, which are truly Tausug’s very own custom, once more unfurl themselves like the unwinding of a silk
cocoon, tedious but rewarding, because romance and drama of the artistic Tausug then unfurled.”

Tagayan (2003) however observed that nowadays, a Tausug marriage has become an admixture of Adat, Islam and westernized elements manifested in the new practices or changes such as the use of hotel or gymnasium as venue for pagtiyaun, the holding of a two-day lavish celebration, getting non-Muslim witnesses, among others. The modern way of celebrating pagtiyaun is a deviation from Islamic and adat marriage principles.

The bond between husbands and wives in marriages is extremely close in both ideal and actual phenomenon. Kiefer (1972) found that the rate of divorce is probably less than 10% but he stresses that a low divorce rate does not necessarily indicate a high degree of happiness in marriage; rather it may indicate a low level of expectation from marriage. He continues to say that while many couples have considerable affection toward each other, marriage will usually only break up for the non-fulfillment of other more practical obligations.

On the other hand, Adjerol-Morados (2003) interposes that in Islam divorce is always considered a last resort. Being a practical religion, Islam provides an alternative to the couples who found themselves trapped in unhappy married conditions. Divorce is considered a remedy for miserable married life rather than severing marital bonds. Resolution of marital disputes in accordance with Islam must restore to both parties the principles of equality, sense of accountability and social justice that can actually justify why divorce is allowed. This study presented a good number of cases of life after divorce. The stories narrated affirmed that divorce was a better recourse. The informants shared the same feelings of relief from the relationship that is not working for them. All agreed that they find happiness, contentment, justice and a brighter future in their present lives sometimes with new partners. For those who married the second time, majority agreed, they have found true love, contentment and real companionship and are now happily married. This is the very purpose of divorce to restore to the divorcing parties their equal rights and ensure social justice.
Research Findings

Tausug Courtship and Marriage

Tausug traditions (*adat*) do not allow courtship before marriage. What is practiced is courtship after marriage. Marriage is usually fixed and arranged by parents. In most cases, the grooms and brides do not even know each other before marriage. Pre-marriage courtship is *makasipug* (shameful) and a taboo within a traditional Tausug community. Both male and female of marrying age are not allowed to choose their future husband or wife. It is the parents who usually make the choices for their children. This is based on the traditional family and cultural belief that parents usually know what is best for their children’s interests including the choices of their better half.

Presently however, this marriage and courtship practice is already a thing of the past. Most of the respondents claim that in the contemporary Tausug society, fixed marriages are not anymore the norm of the Tausug culture. The children are now allowed by their parents to choose their future husbands/wives. Pre-marriage courtship is also already tolerated and accepted by the majority of the people in the community, and therefore, taboo no more. Nowadays, the Tausugs are already given freedom by their parents to choose their lifetime partners.

In this study Tausug men and women have given the following reasons for marrying:

1. *Mag-anak* --- to produce children and to raise a family.
2. *Magipatipati* --- to mutually take care of each other (husband and wife)
3. *Magpaluwag halaman* --- literally means expand backyard, but here they mean to expand family.
4. *Magagad sin napsu* --- to satisfy sexual desire and avoid *jina* (adultery)
5. *Maglasaliyasahi* --- to love each other (husband and wife)
6. *Magtuman sin kawajiban* --- to follow religious obligation. In Islam marriage is obligatory to all believers.

According to traditions, a Tausug can marry anyone regardless of tribe, race, place of origin and faith. The Tausugs had strong belief in “*suratan*” which means fate or destiny or the will of Allah. The saying “You cannot predict your *suratan* or destiny” is common among the Tausugs. One just has to accept what Allah has planned
for him. If Allah wants him to marry a Tausug then it should be the ideal, but if Allah wills him to marry somebody from another tribe or of another faith, so be it, one cannot just do anything about it, he just have to accept his suratan. This is the reason why marrying a non-Tausug or non-Muslim is acceptable within the Tausug community. In other words, there is no limitation or restriction as to the choice of husband or wife among the Tausugs. However, as in many tribes in the Philippines, younger Tausugs are encouraged to marry if possible men/women of their tribes and of their faith.

According to Islamic teachings, only men can marry women of different religion. Women are generally, not allowed to marry non-Muslims. Only in exceptional cases are Muslim women, like the Tausugs, allowed to marry men of other faiths and only if they will be able to convert these men to Islam.

In contemporary times however, a close observation of the Tausug traditions reveals that there are several cases of Tausugs, both men and women, marrying people of other tribes, races, places and/or faiths. This practice of taking a husband or a wife from people of other tribes, races, places or faith is commonly accepted within the Tausug Muslim community. It is not a taboo anymore.

Ideal Age of Marrying:

The concept of akkilbalig or the age of puberty is the common age in marrying among the key informants. When a Tausug woman reaches akkilbalig she is already allowed to marry. So it is not uncommon to find among Tausugs, girls getting married at very young ages (14-15 years old or even younger). However, there are already many cases of Tausugs marrying at a later age, particularly after having finished college education.
Ideal number of children:

Traditionally, Tausugs prefer more children from five to more than ten. Some of the reasons they have cited for having more children are:

1. Children are considered precious wealth by Tausug parents
2. Tausug family would have a good future if they have many children
3. For security reason, if they are many in the family they feel secured
4. Political interests- more children can develop strong voting block.

However, most of the respondents of this study prefer to have lesser number of children as against the traditions of having more children.

Tausugs do not and will not practice unnatural family planning methods such as the use of contraceptives, pills and others, not only because of its side effects but, more importantly, because it is not allowed by their faith. However, they do practice natural family planning like the use of piil - similar to the rhythm method. The respondents describe this family planning method as pagpalahang sin paganak— or in English, spacing of birth. Some of them use local medicinal roots and herbs for avoiding pregnancy. In case the family will decide to practice family planning, the decision is usually consensual. It is usually decided by both the husband and the wife.

Most of the respondents however, prefer fewer numbers of children in contrast to the traditional practice of having many children due to the economic difficulties nowadays. They also strongly recommend for the Tausugs to practice family planning and endorsed the use of any family planning method as long as it will not affect the health and well-being of the mothers and their children provided that it is not forbidden by Islam. Incidentally, the majority of the respondents have fewer numbers of children.

It can also be observed presently, that wedding ceremonies among the Tausugs, have become a remarkable blending of traditional, Islamic and modern practices (western). For those who can afford to spend more money for a wedding celebration, the usual practice is to have two kinds of ceremonies. The first one, the pagkawin (solemnization), is a rite usually held in a hotel or gymnasium. The couple are dressed in modern wedding attires such as wedding gown for the bride and
The groom is doing the **kawin** (touching of the bride’s forehead with the groom’s thumb) that symbolizes the seal of marriage. This is part of one of the two kinds of wedding ceremonies celebrated in the Tausug folk Islamic marriage.

The cutting of the cake during the **Pagkawin** held at a hotel where the bride is wearing a modern wedding gown and the groom wearing a barong tagalog. The ritual of the ceremony is patterned with the Filipino Christian wedding ceremony.
(Philippine national costume) for the groom. The rituals of the ceremony are patterned with the Filipino Christian wedding ceremonies, where there are principal sponsors, secondary sponsors and wedding entourages. This rite will start with a wedding processional followed by wedding sermon and pagkawin before finally culminating with the signing of the marriage contract. The Imam or Ustadz is the officiating person in the wedding ceremony. After which is the wedding reception with the setting quite similar to the Christian Filipino wedding reception with sumptuous meal of delicious food, the slicing of the wedding cake, and opening of gifts.

A Nika Hutba` (Marriage Sermon)

[Excerpts from a nika hutba` (marriage sermon) of an Imam to the married couple narrated by a woman key informant while recalling her wedding day celebration.]

1. You should now declare independence from your parents and secure your own livelihood.
2. The wife should always listen to her husband as long as he is right.
3. The wife is the keeper of the husband’s income.
4. The wife should help her husband in the pursuit of earning a living for the family.
5. You should love and respect your parent-in-laws.
6. You should help one another in your activities, both at home and outside.
7. You should love and respect one another.

Author’s Note: Based on the above sermon we can say that no men domination over women is tolerated among the Tausugs. It is just but right therefore for Hassan in Adjerol-Morados (2003) to stipulate that in a Muslim family, a Muslim wife provides prosperity balance and care for the coming generation so if she is ensured of her proper right and status as a wife and free from all forms of persecutions, a better future with a sound and well-disciplined generation can be hoped for.

The second one is a ceremony celebrating the Tausug traditional wedding practices. This particular wedding rite is usually held at the residence of the bride. The couple is dressed up in the Tausug traditional wedding costumes. This rite will culminate with presentation of the couple to the public and end with partaking of the
traditional *dulang pagkawinan* - a tray of food consisting of steamed yellow rice, fried chicken, hard boiled eggs and other Tausug delicacies. These native foods are eaten by the couple while the viewing public looks on as they partake of their first meal as husband and wife. The Islamic elements of the two ceremonies are the officiating person, the *imam* or *uztadz*, a religious and learned man in Islam, and the prayer and marriage sermon that are taken from some verses of the Qur’an.

There are some respondents who believed that the above-mentioned changes have both good and bad implications on the Tausug society. It is good because it allows, especially the women, to freely choose their husbands. It is bad because it goes beyond the accepted cultural norms of the community.
A Case of Pagbugit and Custody of Children

(This is the story of the couple Jayyani 76 (husband), and Jumharija 73 (wife), of Kutah Maas Parang, Sulu narrated by Jumharija to the researcher on March 18, 2004 at her residence.)

Our marriage was a fixed marriage. We got married in the mid-40s. Our parents, without our knowledge, arranged the marriage. We didn’t know each other then, though we were distant relatives. During that time, men and women were not allowed to mingle with each other and courtship was a taboo. The cultural norm at that time was so stringent such that the women were especially not given freedom to choose their future husbands. In our case, courtship happened only after our marriage. However, despite such beginnings of our relationship, we managed to fall in love with each other. Our marriage was blessed with 4 beautiful children, 2 male and 2 female. When our young children started going to school, it even made our marriage wonderful and strengthened our love for each other. The unexpected twist in our marriage happened sometime in the late 50s, when my husband decided for our family to look for greener pastures outside Sulu. We went to Tawi-Tawi and worked as farmers in a family purchased agricultural land. We were very successful and find our stay in Tawi-Tawi a rewarding venture. Our farm had been very productive and our monthly income was more than enough to support our growing children.

After about 10 years of our venture in Tawi-Tawi, Jayyani decided to visit his parents and other siblings in Sulu leaving me with the children behind in Tawi-Tawi. While in Sulu, he met and secretly married Arida Bawian of Pantao, Sulu, without my knowledge and consent. He never returned to Tawi-Tawi since then and abandoned us. After waiting in vain for several years for him to return to us, his family, I decided to complain and filed a divorce with the traditional community leaders who decided in my favor after hearing both our sides of the issue. There was no written document made, all agreements even those pertaining to our properties were done orally, with both of our parents as witnesses. The custody of the children was granted to me while Jayyani was required to give financial support.

After that, I decided to return to Sulu and lived with my parents. With their moral and material supports I was able to raise and send my children to school. Luckily, all of them have now finished college education. I did not marry again. Taking care of my children had made me a happy and fulfilled woman.

Incidentally, I had decided to file the divorce because I could not accept my husband having a second wife. I believe the divorce had liberated me from the material and emotional pains that my husband had inflicted on me and on my children. Jayyani is now happily married to his second wife and is living with their 6 grown up children. I will recommend divorce to those Tausugs who have problematic marriages. It will free them not only from the bond of marriage but more importantly from emotional and economical hassles.
On *Pag-asawa Mataud* (Polygamy)

*Pagasawa Mataud* (polygamy) -- is the Islamic practice of Muslim men marrying more than one up to four wives. It is practiced by the Tausugs because it is allowed and sanctioned by Islam. Surprisingly however, most respondents claimed that there are only very few among the Tausugs who are actually practicing polygamy. The majority of the Tausugs are monogamous. Polygamous marriages are more the exception than the rule in the Tausug community. Both male and female respondents believed that polygamy, though allowed by Islam, will cause more harm than good to the community. Most of them said that one wife and one family is still the ideal norm and it remained *makasipug* (shameful) for Tausug men to have more than one family. In fact, only few are polygamous and only among the Tausug elites, since they are the ones who have the power, the economic resources, influences, and other means to afford and maintain more than one family.

On *Pagbugit* (divorce):

*Pagbugit* or divorce, like *Pagasawa Mataud*, is practiced by the Tausug because it is allowed and sanctioned by Islam. Common reasons for divorce among the Tausugs are:

1. Economic difficulties especially if the husband has no stable job and income to support his family
2. Incompatibility
3. Maltreatment of wife
4. Abandonment of the family
5. Husband will take another wife
6. Drug addiction that is very common in Sulu
7. Serious differences with in-laws
8. Husband is heavily gambling and engrossed with vices
9. Sickness

Women respondents claimed that divorce is not a violation of women's rights instead it is an institution that empowers women to liberate themselves from problematic and miserable marriages. To most of them, divorce should be an option to a marriage not made in heaven. They also mentioned that in Sulu women are allowed to file a divorce.
This story is narrated by Ulanghutan, one of the key informants. He said he divorced his first wife and took a second wife several years after various attempts of reconciliation failed.

I cannot anymore remember the exact date of my first and second marriages because we did not have any written marriage contract. Both of my marriages were officiated by our traditional Imam and not registered, so there were no marriage contracts. Our agreement to divorce with my first wife was also not written.

My first wife was my second cousin. Our marriage was arranged and fixed by our parents. Although, we are relatives, we really do not know much about each other. Our courtship happened only after our marriage. Our marriage was immediately blessed with a son and we have learned to love one another.

Immediately, after the birth of our son, my wife started to be different in her dealing with me. She became a nagger and was always not in good mood. Later, I realized that it was really her parents who turned sour on me. The reason was due to the incidence when a relative of my wife, through his parents, offered a marriage proposal to one of my female relatives. For some reasons the proposal was refused and not accepted. The relatives of wife (including her parents) felt insulted and advised her to divorce me until we finally separated from each other. I went to my parents leaving our only son with her. I made several attempts to reconcile with her but to no avail. I was really in love with my wife and wanted very much to live with her again and raise our son together.

I waited some more for a much longer time. Then, later on when our son was already in high school, I decided to take a second wife and got married with another second cousin. It was again a marriage fixed by our parents. This marriage was blessed with 3 children, a son and 2 daughters. These children are now grown up and have their respective families with beautiful and growing children.

Indeed, for me, my second marriage is a happy and successful one. My first wife did not marry again and she is now also living happily with our son’s family.
Male respondents believed that divorce is an alternative to a problematic marriage, but it should only be used as an option of last recourse. All recourses for reconciliation of the troubled family should be exhausted first before opting for divorce. Divorce is also considered by the respondents as a solution to social problems than as an institution that destroys marriage, which is one of the basic foundations of the society.

On the Custody of Children in Case of Pagbugit (divorce)

The most common practice in divorce cases is for the woman to take custody of the children while the husband continues to give financial supports. This practice is premised on the belief that mothers know best in the taking care of the children’s welfare.

There are instances, however, when the couple will agree to divide the children equally between them for custody. Sometimes the children would be asked to decide whom they prefer to live with, their father or their mother.

There are also some cases when the husband takes all the children to live with him, especially if the cause of the divorce involved a third party on the side of the wife.

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**Case Study on Inheritance and Property Rights**

*This is a story of the Jukoy family of Kalang, Tapul, Sulu. The case was narrated by Warina Jukoy, 37 years old, female, single and an NGO worker.*

“Our parents had some inherited and family acquired properties, the value of which I am not authorized to mention because it might attract bad elements,” she laughingly narrated. “We are six in the family, 3 male and 3 female. Just recently, our parents decided to divide their properties among us, their children while they are still living. Initially, our parents invoked the Islamic principles of sharing properties, which is basically giving more to the male and little to the female siblings. Hence, they told us that following Islamic teachings the women would only get half share of the men, i.e., in a family of two children (one male and one female) the female would only get one-third because two-thirds would go to the male heir. Protesting to this unfair sharing mode, we, their daughters insisted that we should get the same shares as our brothers. We wanted to use the Tausug traditional sharing of 50-50 bases. To the delight of us, their daughters, our parents as well as our brothers agreed to our request. We finally divided our parents’ pusaka (inheritance) and family properties on equal sharing regardless of gender. We believe it to be more just and moral than any other mode of sharing.
On Inheritance and Property Rights

Most of the respondents claim that Tausug women are afforded equal sharing with men in relation to family property as well as equally allowed to inherit pusaka (inheritance). In fact in some instances, they have more shares than the male members of the family. The usual mode of sharing of inheritance and family properties among the Tausug families is 50-50 or equally shared among the male and female siblings.

There are also some respondents who had experienced dividing inheritance and family properties based on Islamic principles, which is basically favoring the male children. The common Islamic principle of sharing practiced in Sulu is two shares for male and only one share for the female. In Islam men get more shares than women in the inheritance of family properties. Among the Tausugs however, the traditional practice of equal sharing of inheritance and family properties is the common practice. These phenomena were corroborated during the focus group discussions. In effect therefore, women in the Tausug community in Sulu are allowed to own and inherit properties equally as men do.

In divorce cases, the common practice among the Tausugs is the equal division of land and real properties of the family between the couple. But the house, where they had lived as a married couple and everything in it (appliances, furniture, etc,) as well as jewelries, goes to the wife. Some male respondents claimed that it is makasipug (shameful or degrading) for a man to take these kinds of properties in case of divorce.

A Case on the Division of Family Properties in Pagbugit

This is a story narrated by Alling Arsad, one of the key informants for this research. He mentioned that he was a witness to an agreement that divided the properties of his uncle and his wife when they decided to be divorced. The uncle agreed to a negotiated formula of dividing their land and other properties equally with his wife. But when he left their home to live with his parents, he decided to bring some of their appliances and pieces of furniture. Having learned of what the uncle did, his parents, some relatives and not just a few friends strongly advised him to return all of those things to his ex-wife and their children because it is makasipug or degrading for a man in the Tausug community to take those kinds of properties with him in divorce cases. To avoid being socially ostracized, he had no option but to return the said properties to his ex-wife.
On Leadership:

Practically all of the respondents, both male and female, volunteered the information that women are given equal access to public office and public life in the Tausug community. The women are recognized and allowed to become leaders of the community. Presently in fact, there are women who are incumbent local government officials such as barangay captain, councilor, vice mayor and mayor. Likewise, there are several Tausug women who are holding top positions in the national line agencies like, the Department of Education, Department of Interior and Local Government and others.

Hadji Sugula A. Tingkahan, a Tausug woman leader who is the incumbent mayor of Parang, Sulu and who is running for reelection in the coming election, poses with the researcher during the graduation rites of the Parang National High School.

Surprisingly also, because this is very uncommon in other Muslim communities in southern Philippines, the women are allowed to participate actively in the planning and decision making within the Tausug community. Their ideas and decisions are considered and carry the same weight as those presented by the men folks. It was universally manifested by all the respondents that in some instances, women decisions are even more sound and appropriate than those thought of by the men in certain problems of the community.

It may be worthwhile to mention that this research was conducted at the height of the Philippine elections 2004 campaign for both local and national officials. Remarkably, it is observed that several women candidates are actively vying for national and local
official elected positions. To mention a few of these Tausug women: Aminah Rasul-Bernardo, a Tausug woman from Siasi Island of Sulu and daughter of former Senator Santanina Rasul is currently running for senator; Lady Ann Sahidulla, incumbent mayor of Tongkil, Sulu is running for provincial vice-governor; Dr. Indah Kumalah-Amin, a medical doctor of Jolo, Sulu is vying for provincial board member for the 1st district of Sulu; Hadji Sugula A. Tingkahan, is incumbent mayor of the municipality of Parang, Sulu and running for re-election while Hadja Julia Gonzales, a Tausug businesswoman is her strong contender in the opposition; Hadja Delma Ynawat, incumbent vice-mayor of Jolo, the capital town of the province of Sulu, is also running for re-election; and Jazmihar S. Anni, incumbent councilor of Jolo is running for reelection.

The Tausug practice of allowing women to participate in all aspects of decision making in the Tausug society and recognizing them as leaders as well, is contrary to Islamic teaching according to one Imam in Jolo, who finished his Islamic Studies in the Middle East. He said “in babae di manjari magnakura subay ha bay sadja siya. Subay di manjari magkita iban magsumadja iban kausugan pasal mangi in kasungan” [In Islam, women are forbidden to become leaders. They [women] should always be confined to the premises of
the home only. They should not be allowed to mingle freely with men because something bad might happen). On the contrary however, another Imam claimed that it will not affect the dignity of the women as well as ruin the well-being of the Tausug Islamic community.

**Are women allowed to help their husbands to earn a living?**

Yes, Tausug women are allowed by their parents and their husbands to work and help earn a living for the family. It was indeed very prevalent in Jolo, the capital town of the Province of Sulu, where women are actively visible everywhere. You can find them in the market places, in the sidewalks, in the public offices and other places of commerce and trade.

![Tausug women earning their living at Tanjung Flea Market in Jolo, Sulu as the researcher tries to bargain with the Tausug women vendors in the left photo.](image)

For the Tausugs, it is not *makasipug* or taboo to allow women to help the men of the family in earning a living. To most respondents, to allow women to work is more practical than for any other reasons especially considering the present economic instability. Allowing women to work will also afford them the opportunity to utilize their potentials as human beings. Several Tausug women have enough knowledge and skills to compete in a world dominated by men. It was mentioned during the focus group discussions and confirmed by the data on populations of the province available at the National Statistics Office for year 2001, that more than 50% of the populations of the Sulu Province are women. An observation that was lengthily discussed during the FGD sessions was the notion that confining women at home in compliance with the norms of the Islamic society is
just like wasting more than 50% of the Tausug precious human resources.

A Tausug businesswoman interviewed by the researcher at her store.

On Women Subjugation and Violation of Women’s Rights:

Both male and female respondents of this study unanimously claimed that there are no such things as women’s rights violation happening among the Tausug women. The Tausug women are not subjugated nor oppressed by their male counterparts. This claim was significantly corroborated during the focus group discussions where men and women actively participated and openly shared their observations and experiences in relation to the status of women in Sulu.

All women respondents proudly claimed that they did not experience any violation of their rights. According to them, “Since we are not subjugated therefore our rights are not violated.” The enlightened and liberal family and cultural orientation of the Tausug that enabled them to treat women on equal terms with men is actually the Tausug interpretation of Islam, which they also believed to be the right interpretation, and not a misinterpretation, of Islam. The true practice of Islam is allowing women to be free and be afforded the same rights as men. They punctuated this declaration with the statement “That is why we are very proud that we are Muslims and very happy also that we are Tausugs living in Sulu rather than in any other Islamic society, because the rights and freedom we are enjoying here and now will be difficult to enjoy elsewhere in the Islamic world.”
When asked of the reasons why these changes happened within the traditional, conservative and Islamic communities of the Tausugs in southern Philippines, among the responses the following are common:

1. Education -- the Philippine public and private educational systems which are basically western in orientation, have taught them liberal ideas and promote freedom and democratic choices among the students. It had also given the Muslim students the opportunity to mingle freely with the opposite sex since most of the schools where they study are co-educational.

2. Mass media (like cable TV, movies, newspaper) must have exposed the younger Tausugs to western practices of courtship and have enabled them to assert their rights to choose their future husbands/wives without the traditional restriction from their parents.

3. Mainstream culture of the majority Filipinos- the constant exposure of the younger generation of the Tausugs to the westernized and modernized culture of the majority Filipinos is recognized by the respondents as one of the influential factors in the liberalization of the courtship and marriage practices of the Tausugs.

These factors that were enumerated have seemingly changed gradually and bit by bit, the stringent traditional Islamic practices of the Tausugs to what it is now, with a liberal interpretation of Islamic teachings that allow women to exercise their human rights and enjoy gender justice.

Conclusions

Prior to the study, we had hypothesized that the traditional Islamic practices of the Tausug may have violated women’s rights as reflected in marriage, divorce, polygamy, custody of children, inheritance, property rights and leadership, and that gender justice is difficult, if not impossible, within the Tausug Muslim society. The findings of the study have proven otherwise. There is no violation of women’s rights in the Tausug Islamic community and gender justice actually exist within it.

The Tausugs believe that because of their strong and dynamic traditions, their practice or interpretation of Islam is more liberal and
accommodating. This is reflected in their day-to-day dealings with their women. The Tausugs accord their women the same rights and privileges that their men may have and treat them as co-equal with men. The Tausug women are free to go to school and choose their own courses. They are free to mingle with men, be it in the workplace, market place or any other public place. The Tausugs believe that this is what makes them somewhat unique and different from other Islamic communities, here in the Philippines and abroad.

There may have been some conflicting notions on the Tausug adat relating to women’s rights and gender justice. Some say it is un-Islamic while others say it is not against Islam. According to the former, the Tausug adat goes beyond the bounds of Islamic teachings that just indicate the little knowledge the Tausugs have about Islam as their religion. They are therefore, more westernized rather than Islamized. The latter, on the other hand, defend their stand by the fact that it is accepted and practiced by the majority of the people of the Tausug Islamic community. It does not do any harm to the dignity of women as well as to well-being of the Tausug Islamic community. And because it is fit and useful to the society and does not in any way violate Islamic teachings then it is not against Islam.

Generally, compared with other Islamic communities in the area, the situation of the women in Sulu are more or less good in terms of assertion of their rights, enjoying freedom and access to public office and public life.

Based on the findings of this study, it can be concluded that the Tausug Islamic community is a good example of an Islamic community where women’s rights are respected and gender justice prevails. What remain to be done are for human rights advocates to sustain this favorable environment for Muslim women in the Tausug community and to safeguard it from whatever elements that threaten its very existence. There are certain sectors of the Islamic society and some male chauvinists who are not happy with this situation in the Tausug community and who seem to undermine gender justice in the area.
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Appendix “A”

Focus Group Discussions:

There were four focus group discussions (FGD) held to supplement the secondary data collected and primary gathered through key informant interviews. The conduct of the focused group discussions were done during times convenient to the randomly selected participants, i.e., times not in conflict with their work and other activities. This is why some of the schedules were irregularly arranged.

FGD-1

[It was conducted on March 17, 2004 at Umurqura, Jolo, Sulu. The session started at 8:00 in the evening and ended at 12:00 midnight. It was attended by 10 all male participants.]

The highlights of the discussion are the following:

1. Tausug courtship and marriage practices are basically a blending of adat (traditions or customary practices), Islamic and western traditions.
2. Fixed or parentally-arranged marriage that was the traditional practice of the Tausugs is no longer done in contemporary times, except may be in the rural areas.
3. In contemporary period, parents had given their children the freedom to choose their future husband/wife. This is a change from the Tausug practice of parental fixing estimated to have been happening until the late 70s.
4. The all-men FGD participants believe that there is no women subjugation in the Tausug community. Tausug women are treated equally with men. They are not confined to the four corners of the home but instead they are visible everywhere. As they have testified, “We do not have any experiences of women’s rights violation especially those against the basic human rights of our wives.
5. We allow our wives to help in the pursuit of earning a living to augment family income.
6. We recognize the great potentials of our women and allow them to become leaders in our community.
7. We also believe that our liberal attitude in the treatment of our women is not a violation of Islamic teachings on women’s rights and gender justice.
The following are the important issues related to Islam, women and gender justice profoundly articulated by the women group.

1. Traditional Tausugs do not allow women to choose their husband but now starting the late 70s, Tausug parents had become more liberal and allow their children decide whom and when to marry.

2. The Tausugs allow their women to marry people from different place, race, tribe or faith. There are no limitations. Although, we are encouraged to marry, if possible, a Tausug and Muslim man, and if we were to marry men of other faiths we should convert them to our religion.

3. Our family and *pusaka* (inheritance) properties are divided equally among us by our parents.

4. There is no women subjugation in Sulu. We cannot remember any instance when we are subjugated by our parents, our brothers and most especially our husbands.

5. Similarly, our rights have not been violated either at home or at the work place.

6. Women are also recognized as leaders and at the same time, are allowed to lead our community. In fact, there are women who are active in politics. The Vice Mayor of Jolo and the Mayor of Parang, Sulu are women. There are also several women candidates now running for national and local officials for the 2004 National and Local Elections.

The highlights of the discussions are the following:
1. The Tausug community recognized the rights and freedom of women. The Tausug women are not subjugated and they have the same access as men to government and public life.

2. Tausug women are not confined only to their homes. In Sulu, women are seen everywhere. They can mingle with men freely. There is no women and men segregation in public places.

3. We recognize the rights of our children to choose their future husbands or wives.

4. We allow our women to go to school and work after finishing their chosen courses.

5. Our understanding of Islam is that it is a religion and a way of life that protects and upholds women’s rights.

FGD-4

[It was conducted on April 5, 2004 at Kasanyangan, Jolo, Sulu. It started at 11:00 a.m. ended at 2:00 in the afternoon. It was attended by 12 participants, 7 females and 5 males.]

Among the most important issues highlighted during the discussion are the following:

1. All the participants acknowledge that there is no women subjugation and women’s rights violation in Sulu.

2. The Tausugs are more liberal in their attitude toward women as compared in other Muslim communities here and abroad.

3. Tausug women are allowed to work and help their family earn a living.

4. The women participants are happy with traditional Tausug practices of dividing family and pusaka properties equally among the children.

5. Some of the male participants had insisted that family and pusaka properties must be divided based on Islamic teachings where the women received only half of the men’s shares. They further claimed
that the traditional sharing practices of the Tausug are not Islamic, therefore forbidden by Islam. Their women counterparts on the other hand, insist that these should be divided equally and women should have equal shares with men. There was a heated discussion and argumentation in this aspect of women rights.

6. In the end, however, a consensus was reached among the men and women participants that the Tausugs should treat their women fairly, they should not be subjugated and their rights should not be violated.

7. In fact, the women especially those that have worked with NGOs are very proud that they are Muslims and happy, too, that they are Tausug women living in Sulu rather than in other Islamic countries because the rights and freedom they are enjoying here and now are very difficult to enjoy within other Islamic communities here and abroad.

8. The participants all claim that the liberal attitude of the Tausugs in relation to women rights and gender justice is the right interpretation of Islam not misrepresentation of Islam. That the Islam they know is women friendly, liberating and empowering.
LIST OF KEY INFORMANTS:

1. Abdulmutalib Ismi------- male, 49 years old, married with 3 children, Arabic Teaching Coordinator, Division of Sulu, Department of Education. Hometown, Maimbung, Sulu. Date of interview: March 16, 2004.


3. Alling Arsad---------male, 49 years old, married with 7 children, University Professor, Hometown: Kasalamatan, Jolo, Sulu. Date of interview: March 17, 2004.


PHOTOGRAPHIC DOCUMENTATION

Interview with male Key Informants in Jolo, Sulu

Interview with an Imam who finished his Islamic Studies in the Middle East in Jolo, Sulu
An interview with a traditional Imam in Indanan, Sulu

An interview with a Tausug farmer couple in Tapul, Sulu
Interview with a government employee in Jolo, Sulu

An Interview with a Schoolteacher of Maimbung, Sulu
Focus Group Discussion (FGD) with Tausug women

Interview with Tausug traditional Imams
Interview with an Arabic Teacher Coordinator of ARMM

Interview with an Arabic Teacher
Interview with an Ustadz who graduated from the Middle East

An Interview with a Tausug couple who are professors of a University in Jolo, Sulu
An interview with a Traditional Imam

Key Informant who is a Traditional Tausug Imam