
HIJABOPHOBIA: A CLOSED EYE CHALLENGE TOWARDS MUSLIM FRIENDLY HOSPITALITY SERVICES IN MALAYSIA

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ABSTRACT

This research analyses the existence of hijabophobia in relation to Muslim-friendly hospitality services in Malaysia. By looking into the current practices of hospitality industry (specifically by looking into customer services of hotels) in Malaysia, this research investigates: (i) what is meant by hijabophobia? (ii) nature of hijabophobia under the purview of Malaysian laws; (iii) the impacts of hijabophobia in the employments and customer services; and (iv) the countermeasures to eliminate hijabophobia in the hospitality industry in Malaysia. This exploratory research utilises the doctrinal legal methods and the collected real experiences that are obtained through qualitative interviews. Based on the researchers' preliminary investigation, there is existence of hijabophobia in the customer services of hotels and their employment in Malaysia. Such existence of hijabophobia is promoted through the hotels' policies; and sometimes under unwritten but well acceptable standard of operations and practices. Unfortunately, since this research is carried out only based on preliminary findings, the researchers are unable to provide the frequency of occurrences for the hijabophobic practices in their customer services or employments. Here, the researchers suggest for an in-depth investigation on the policies and standard of operation or practices of each and every hotels in Malaysia. This is also necessary to evaluate the extent of Muslim-friendly hospitality services applied in these hotels.

Keywords: *Hijabophobia, Muslim friendly hospitality services, hotels, customer services, employment, and Malaysia.*

1. Introduction

At the beginning of 2018, there has been an apparent increase in the numbers of tourists in Malaysia. It is recorded that the total number of tourists arrived in Malaysia was 2,263,478 as at July of 2017 (Tourism Malaysia, 2017). The average tourist arrival in Malaysia is at 1,643,767.38 from 1999 to 2017 (Tourism Malaysia, 2017). Based on the annual online surveys by CrescentRating of Singapore, it is recorded that Malaysia became the first destination for Muslim tourists from 2011 to 2014 (ITC, 2017). Such record was supported with the benefits of having best hospitality services that cover the availability of *Halal* food, prayer facilities or *surau*, and Muslim-friendly hospitality services in hotels (ITC, 2017). Malaysia was again declared as the number one destination by the Global Muslim Travellers Index in March 2015 that covered over one hundred travel destinations around the globe (ITC, 2017). In 2017, Malaysia is at the top of the list as the first favourite holiday destination based on the Halal Trip Muslim Millennial Travel Report from MasterCard, closely followed by Indonesia (Jakarta Globe, 2017). These abovementioned statistics indicate the high potential of Malaysia in becoming the centre for Muslim-friendly hospitality services at the global scale. Not only blessed with multi-religions, multi-ethnic cultures and backgrounds of the people, Malaysia is also blessed with harmony and security. Additionally, Malaysia is rich with Islamic heritage

and history that has the abilities to attract more tourists and travellers in the future, regardless of their religions.

Recently, a wave of shock electrified the whole Malaysian hotel industry when the Union Network International-Malaysia Labour Centre or UNI-MLC on 6th November 2017 claimed that they received complaints from female hotel employees that they have to take off their headscarves or hijab (Utusan Malaysia, 2017). They complained that they were ordered to do so while they were on duty. In reply to the complaints, the Malaysian Association of Hotels defended the “no hijab” policy as a uniform standard by saying it was consistent with international standards of operation (Malay Mail Online, 2017; Malaysia Insight, 2017; the Star, 2017). By viewing the incident, it is apparent that there is existence of hijabophobic policy in the standard operating practice of hotels in Malaysia. It is claimed that proximately 12 hotels with 5 to 6 stars were involved (Utusan Malaysia, 2017). It is also clear that such hijabophobic policy is opposite and against the Muslim-friendly hospitality services that are encouraged by the Malaysian government.

Pursuant to such event, this research is carried out to analyse the existence of hijabophobia in relation to Muslim friendly hospitality services in Malaysia. By looking into the current practices of hospitality industry (specifically by looking into customer services of hotels and their employment) in Malaysia, this research stands with four main objectives. They are: (i) to understand what is meant by hijabophobia; (ii) nature of hijabophobia under the purview of Malaysian laws; (iii) the impacts of hijabophobia in the hotel employments and customer services; and (iv) the necessary countermeasures to eliminate hijabophobia in the hospitality industry in Malaysia. This is an exploratory research that depends on the doctrinal legal methods and collected real experiences that are obtained through qualitative interviews. It is important to note here that this research is based on preliminary collected data and not to be taken to represent the entire practices of hotel industry. Hopefully, this research is a small step that can be used as a stepping stone for an in-depth research in the future, especially in promoting Muslim friendly hospitality services in Malaysia. It is important to alert here that this research is looking into both sides from the hotel counter. Not only from the perspective of a person who stands at the frontline of the hotel i.e. the female hotel employees, but also the Muslim female tourists or travellers that stand before the counter.

After this introductory section, the second section explores the hijabophobia and the meaning behind it. The third section examines the nature of hijabophobia under the purview of Malaysian laws. The fourth section investigates the impacts of hijabophobia in the hotel employments and customer services. The real experiences from the collected data through qualitative interviews are presented here. The fifth section searches the necessary countermeasures to eliminate hijabophobia in the hospitality industry in Malaysia. The sixth section provides the findings of the research and the seventh section gives the conclusion of the research.

2. Hijabophobia

Hijab literally means veil. It refers to the Islamic dress code where certain parts of the bodies (aurah) must be covered properly in accordance to the Quranic verses and practice of Prophet Muhammad (bless and peace be upon him). The meaning of the word hijab can also be referred to the manners and behaviours that are appropriate to be practised. Hijab is not only need to be applied by Muslim women, but also Muslim men. Nowadays, the word hijab tends to be used to indicate the head covers that are used by Muslim women. In Malaysia, it is called as *tudung*. Hijab must not be confused with purdah or the face cover. Hijab is constantly misunderstood as a symbol of oppression towards women. Instead of that, hijab is basically a choice for Muslim women. As a part of divine revelation, hijab cannot be dismissed as a mere cloth. It is a part of a Muslim woman’s identity. It also eliminates the objectification of women. In an earlier research done by Zine (1997) in Canada, a respondent was asked about hijab and she said:

“The dress symbolizes modesty. It symbolizes "I don't want your attention in the wrong way. I'm a person before I'm a body." It symbolizes my respect for my body and I don't

want to flaunt myself everywhere just to satisfy some man's lust. I mean if you look at the society here. Why are men always dressed so well and the women so naked? I mean you really have to ask yourself that question, and why does a woman always have to worry about how she dresses? That shouldn't be our concern. If you want to look good you want to look good for who you want to look good for not the whole society. We're not objects." (Zine, 1997).

Hijabophobia forms a part of Islamophobia. The discussion on Islamophobia gains momentum especially after 9/11 attack (Bleich, 2011). Just like anti-Semitic movement, Islamophobia is a campaign of anti-Islam. According to Bleich (2011), Islamophobia refers to indiscriminate negative attitudes or emotions directed at Islam or Muslims. In the same notion, hijabophobia is a discriminatory attitude or emotions directed to persons who wear hijabs. Since only Muslim women wear hijabs, the act of hijabophobia can also lead to act of sexism or prejudice towards female gender.

The anti-hijab movement is not a new incident. Hijab tends to be misunderstood by the West and it is often treated as a threat and dangerous, especially when it clashes with their orientalist belief and culture. According to Mohd. Zain et. al (2016), these irrational phobias (either Islamophobia or hijabophobia) can be divided into levels: (i) individual level; (ii) institutional or organisational level; (iii) state level. While the individual level is only causing harm or emotional distress between persons, more damage can be done towards a Muslim as a person when it reaches the institutional or state level. According to Geisser (2010), France is a good example for having Islamophobia at the state level. France also has treated hijab as a real threat for the French culture by banning it in schools and government offices. France's anti hijab movement even goes up to absurdity degree when they disallowed Muslim women to wear full-body swimsuit that called "burqini" in the beaches (Gatestone Institute, 2017). Such anti-hijab movement spreads across Europe. It sparks a strong feminist movement seeking for women's rights to dress based on their choices, while the State has no right to interfere with their wardrobes.

In 14th March of 2017, the European Court of Justice made their first decision concerning to hijab. The said Court held that any customer cannot simply orders the worker to remove her hijab, if there is no policy of the company (the employer) that barring such religious symbol. The said Court held:

"The prohibition on wearing an Islamic headscarf, which arises from an internal rule of a private undertaking prohibiting the visible wearing of any political, philosophical or religious sign in the workplace, does not constitute direct discrimination based on religion or belief within the meaning of that directive" (European Court of Justice, 2017).

That is to say, if the company places a policy that barring the hijab at the first place, it cannot be considered as a direct discrimination. It seems that they allow indirect discrimination towards Muslim women who wear hijab. According to Shebaya (2017), the said Court gives a priority for freedom to conduct a business but not considering the freedom to exercise religion. By doing so, this decision of the said Court allows the hijabophobic policy. By undermining the freedom to exercise religion, it seems that the said Court is also undermining the United Nation's Declaration of Human Right (UNDHR) of 1948. Moreover, it seems that the said Court allows discriminatory action at the institutional level that can cause more damage in comparison to the individual level.

3. Hijabophobia under the Malaysian laws

Different from Europe, France and even United States of America, Malaysia is a Muslim country that recognises Islam as the official religion (Article 3 (1) Federal Constitution or FC). The Federal Constitution of Malaysia or FC is the highest law of Malaysia and can be considered the applicable *lex loci* of this country. This is confirmed by virtue of Article 4 (1) of FC. Moreover, the spirit of Malaysian

Federal Constitution does not allow any form of discrimination on the basis of religious belief. Article 3(1) FC states:

“Islam is the religion of the Federation; but other religions may be practised in peace and harmony in any part of the Federation” (FC).

This Article 3 (1) FC places Islam with highest respect as the official religion of Malaysia, while other religions can be exercised in peace and harmony without any discrimination. When comes to the issue of discrimination, Article 8 (2) of FC stipulates that:

“there shall be no discrimination against citizens on the ground only of religion, race, descent, place of birth or gender in any law or in the appointment to any office or employment under a public authority or in the administration of any law relating to the acquisition, holding or disposition of property or the establishing or carrying on of any trade, business, profession, vocation or employment” (Article 8 (2) FC).

Article 3 (1) and Article 8 (2) of FC are further supported with the right to freedom of religion as stipulated under Article 11 (1) of FC. Article 11 (1) FC states:

“Every person has the right to profess and practise his religion...”

As mentioned by Datuk Seri Mohamed Nazri Abdul Aziz, the respected Minister of Tourism and Culture, it is inexcusable for the hotels to practice a hijabophobic policy, regardless whether it is based on the so-called claims of international practice in hotel industry. Such hijabophobic policy and standard operating procedure are against and insults to the Federal Constitution of Malaysia. Voicing their agreements on this matter, it seems that all political parties in Malaysia regardless whether they are from the ruling or the opposition parties stand to uphold the Federal Constitution and call for the rights of women in choosing their attires. Among those who voice their concerns on the hijabophobic policy and standard are:

- Nurul Izzah Anwar, the Vice President of Pakatan Keadilan Rakyat (PKR), where she said:
"If indeed a ban on workers wearing hijabs is a company policy especially in international hotels, the ministry should consider revoking their operation licences," (Malaysian Insight, 2017).
- Datuk Seri S Cell Paari, the Malaysian Indian Congress (MIC) Treasurer-General in denying that Malaysia is becoming conservative by allowing Muslim women to wear hijab, he stressed that:
“There has never been any issue on this and until now no tourist, upon seeing our women immigration staff wearing a headscarf, has decided to not enter Malaysia. ... One’s professionalism does not drop just because one is wearing a headscarf and observing her religious requirements. ... I also call upon the government to request MAH to disclose which five-star hotels in this country do not allow Muslim women to wear a headscarf. ... There is no place for discrimination against any religion in this country.” (NST, 2017).
- Mr. Govind Singh Deo, the MP from Democratic Action Party indicated that legal aid will be provided for women that want to file lawsuits against the hijabophobic policy and standard. He quoted to say:
“There is no reason as to why there needs to be in place any policy which bans the use of the *tudung* in that industry. Such a ban is to my mind arbitrary, discriminatory and unconstitutional. It offends against the constitutional right of a person to profess and practice his or her religion ... It is also highly insensitive to the religious belief of Muslim women, which right we should

respect and uphold. To my mind an outright ban on the *tudung* in this instance is unreasonable. ... If there is a need for a court ruling on the matter, I am prepared on behalf of the DAP, to offer legal assistance to those affected to challenge such a ruling in court as to the legality or otherwise of such policies” (Malay Mail Online, 2017).

- Datuk Seri Bung Mokhtar MP Barisan Nasional (BN) indicated for a serious measure to be taken for those hotels that implemented the hijabophobic policy and standard. He was quoted to say:

“What is the problem in wearing *tudung* (hijab)?” (The Star, 2017)

- Mr. Hishammuddin Abdul Karim, the Information Chief of Malaysian Islamic Party (PAS) regarded such policy and standard by the hotels are not only hijabophobic but it is also Islamophobic. He was quoted to say that:

“Allowing female hotel workers to wear headscarves during work could help set an example for the industry and boost business. ... We could actually become a pioneer and earn the respect of others... this is especially true as women and Muslims now form the world’s biggest population. ... Even though they deny it is discrimination or Islamophobia that is actually the reality that cannot be hidden,” (Malay Mail Online, 2017).

By referring to the Convention on Elimination of all Forms of Discrimination Against Women (CEDAW), Rohani Abdul Karim, the Minister of Women, Family and Community Development stated that such hijabophobic policy and standard are against the women’ rights that are so well protected and respected in Malaysia. She said:

“I was shocked with the news (on the hijab ban), this (wearing hijab) is a woman’s right. This issue has never cropped up before. Why has it become an issue in our country now?” (The Malaysian Insight, 2017).

The above mentioned statements by those influential political figures in Malaysia indicate the high alert against hijabophobia in practice. Their statements also portrayed the Malaysian public interest of cultural and religious tolerance. Moreover, different from what are happening in Europe, France and United States of America, women’ rights to their hijab or wardrobes are protected and highly respected. When comes to hijab, it is treated as a part of their identity and choice.

When comes to the issue of professionalism, many professional practitioners in Malaysia such as from legal and medical fields are wearing hijab in daily basis and becomes part of their uniforms. Even, there are court judges that holding highest positions wear hijab. There is no tangible evidence indicated that hijab can cause their decline in their performances. In Malaysia, there are political figures that are able to perform their duties excellently while wearing hijab.

4. Impacts of hijabophobia in the hotel employments and customer services

In this research, the researchers are not only looking to the impacts of hijabophobia policy and standard towards the hotel employment, but we are also tracing any hijabophobic treatment especially from the hotels’ customer services. We believe such hijabophobic policy and standard more or less can influence the hotels’ customer services. Based on our preliminary qualitative interviews with 33 respondents (both local and international tourists), they collectively reluctant to go to hotels that practice hijabophobia policy and standard. Majority of the female respondents (with hijab) considered that staying in such

hotels is not safe. Some of our female respondents (without hijab) considered not to go to such hotels because they considered by doing so they are supporting discrimination towards their own gender. Some of the incidents are recorded here:

- Respondent X is a Master holder seeking for a job at a customer service unit of a hotel. The hotel stands with 3 to 4 stars. After Respondent X passed through the test provided by the hotel and went through an interview, she was informed by the Manager that she managed to get the job with RM3500.00 as the salary. She was happy with the result. Suddenly, the Manager informed her that it is necessary for her to take off her hijab as a condition for the job. Such condition was mentioned to her verbally and not written in the employment contract or in the hotel's employment advertisement. She rejected the job. She said hijab is a part of her identity. She felt that her time was wasted and utterly shocked. She cannot believe that this situation happened at the heart of Kuala Lumpur.
- Respondent Y is a father with two daughters. During a school break, he brought his family to stay in a hotel. The hotel stands with 3 to 4 stars. After he made the check-in into the hotel, he brought his two daughters to the hotel's swimming pool. Raising his daughters in Islamic environment, the daughters were wearing hijabs, T-shirts and long trousers. When his daughters started to swim, suddenly the hotel's worker came to them and asked them to leave the swimming pool. They were told that they were not allowed to use the swimming pool, unless they wore swimming suits or bikinis. When Respondent Y asked why, he was told by the worker that they were contaminating the swimming pool. Respondent Y said that is the last time he went to that hotel.
- Respondent Z is an international tourist from one of Gulf countries. She wore not only hijab but also purdah or the face cover. While staying in one of hotels at the heart of Kuala Lumpur, she said that the hotel employee treated her indifferent. In one occasion while at the dining table, she had to call them several times and treated last upon making a request. She said that she refused to go back to the hotel, unless it is the last hotel in Kuala Lumpur.

Based on our preliminary investigation, we also found that the hijabophobic policy and standard are not written. However, it is applied as an understandable and acceptable practice. If it is written, it is much closely related to the attires or uniforms of the employees. In relation to customer services, there is no stipulated guideline found that against the wearing of hijab by the tourists as guests in the hotels. Exception can be found for certain guidelines provided in the entertainment section of the hotels such as the hotel pub. Such exception is considered nominal since the function of hijab itself is close to modesty and Shariah compliance attires.

5. Countermeasures to eliminate hijabophobia in the hospitality industry in Malaysia

It is identified that the necessary countermeasures should be taken in eliminating hijabophobia in the hospitality industry, while promoting Muslim-friendly hospitality services.

- a) The hijabophobia can be eliminated by making a serious step in promoting Muslim friendly hospitality services in the chains of hotels around Malaysia. Such step can be done by imposing the standard code of Muslim-friendly hospitality services through the Malaysian Association of Hotels.
- b) Any hotel that is proven to practice hijabophobic policy and standard, they should be warned at the first step or by imposing them penalty. If they do not take any initiative to change, their license should be cancelled.
- c) A channel of redress should be promoted to the public, especially to make reports concerning to hijabophobic incidences, not only for the hotel employee but also for the tourists. SUHAKAM should able to play an active role here.

- d) The system of KPI on Muslim-friendly hospitality services should be implemented by the Ministry of Tourism and Culture among the hotels in Malaysia. The hotels that reach high KPI should be promoted to the Muslim tourists through their website.
- e) The Malaysian Association of Hotels should promote awareness campaign concerning to Malaysian culture and Muslim-friendly hospitality services to their members, regardless whether they are locally or internationally based.

6. Findings

From this research, we found that:

- a) Based on the researchers' preliminary investigation, there has been an existence of hijabophobia in the customer services of hotels and their employment in Malaysia. Such existence of hijabophobia is promoted through the hotels' policies; and sometimes under unwritten but well acceptable standard of operations and practices. Unfortunately, since this research is carried out only based on preliminary findings, the researchers are unable to provide the frequency of occurrences for the hijabophobic practices in their customer services or employments. Here, the researchers suggest for an in-depth investigation on the policies and standard of operation or practices of each and every hotels in Malaysia. This is also necessary to evaluate the extent of Muslim-friendly hospitality services are applied in these hotels.
- b) It is also found that the hijabophobic policy in the customer services of hotels and employments do not has any ground to stand except based on the orientalist/colonial perceptions. Moreover, it is also related to profit making perception that the hoteliers believed that their staffs with hijabs are less attractive to their potential customers. The researchers also found that there is a claim that staffs with hijabs looks less professional. While basically majority professional practitioners such as lawyers and medical doctors in Malaysia cherish hijabs as a part of their daily uniforms.
- c) Such hijabophobic policy is discriminatory in action and completely against Federal Constitution of Malaysia. Moreover, such policy is totally against the Government's initiative in making Malaysia as the centre for Muslim-friendly hospitality services at the global scale. It is also against the Malaysian public interest of cultural and religious tolerance that exists since time immemorial.

7. Conclusion

This is the first attempt of research that explores the existence of hijabophobia in relation to Muslim-friendly hospitality services in Malaysia, with examples from collected real experiences from qualitative interviews. Hijab should be celebrated as a choice of a woman to her wardrobe. It is absurd to treat this piece of cloth as a treat of modern practices of hotel industry. Hijab concerns modesty. The researchers believe that by having modest staffs in their hotel employment and customer services, the hotels can increase their reputations among the Muslim tourists; while not affecting their professionalism. A success story of Japan that is able to implement Muslim friendly hospitality services should be considered. Their success is entirely depended on their respects to others. Moreover, hijabophobic policy and standard are discriminatory towards Muslim women and cannot be considered as international benchmark.

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