

Islamic Feminism's relation to the Western Feminist movement and Sharia Law

Aryan Chaudhary, Umang Dhingra
Ryan International School, Noida, India
aryan.chaudhary010505@gmail.com

Abstract

The ever-growing Feminist movement seeks to dismantle the status quo of the existing unjust patriarchal system. To further understand the effect and extent of the feminist movement, it is essential that we move away from the Western Feminist movement and see how the movement has transformed into different shades, also covering the issue of religious derived Islamic Law (Sharia Law), as discussed in this paper. The current structure of Sharia Law and the fatwas (formal rulings/interpretations given by Islamic Scholars in response to questions from Islamic courts) given in legal systems that follow Sharia Law has been seen to clearly in support of the existing patriarchal system the feminist movement seeks to dismantle (Asokan, 2019). Hence, this paper explores how women part of the Islamic Feminist Movement are changing Islamic Law and how the Islamic Feminist movement compares with the Western Feminist Movement. A comprehensive review of literary material has been done on the Qazi court system and kinship laws in India, Sharia Law's relation and advancement in the feminist movement. In addition, literary works that seek to relate the Western Feminist movement and the Islamic Feminist Movement have been read and analysed.

Keywords: Feminism, Islam, Sharia Law

Introduction

Islam is a religion that began around 1400 years ago with the Prophet Muhammad, and currently is the second most followed religion around the world with around 1.2 Billion (Table: Religious Composition by Country, in Percentages, 2012) people identifying themselves as Muslim. With Western (the word Western in the paper is used to include countries from both Europe and the Americas, with the primary focus covered in North America, in the form of discussions of multiculturalism in Canada etc.) portrayals of the feminist movement being largely secular, we often struggle to see the middle ground between religious values and the secular feminist perspective. It cannot be denied that the western media often seems to portray Islam as a religion dominated by patriarchy (Sugianto et al., 2021). Muslim males are often portrayed as inherent predators (Wigger, 2019), and we can see how this generalisation can lead to not only social misconceptions, but also institutional structural stratification unjust for Muslims, for example, after the unification of Germany. After the unification of West and East Germany, many German politicians like Vera Lengsfeld, who despite being in the Liberal Party after the unification, has been quoted to have said,

“The newspapers and television stations say that I have a pathological fear of Islam. The truth is that I really am afraid of Islam. But why is that pathological and not reasonable? Most Muslims are peaceful, it's said. That is true. And yet, every time I pass a woman wearing a headscarf, I ask myself, what are you trying to tell me? That you're

different than me? That you're better than me? That my granddaughters are going to be walking around like that one day."

Furthermore, this narrative is evident in the development of the 'Leitkultur' debate in Germany and the interpretation of the 'Alternative for Germany' party (Lewicki, 2019). Many Islamic Feminists' like Aabiya Baqai, argue that Islam is already feminist and that the way Islamic leaders have interpreted the Holy Quran and Hadiths is in such a way that they can easily assert their patriarchal norms, and that the feminist lens of the Holy Islamic texts show a picture that is polar opposite to what we think it of as today (TEDx Talks, 2017). The method that Islamic Feminism takes is where the patriarchal interpretations of the Holy Islamic texts are challenged and thus, this method is where the religious values and the objectives of the western feminists come together. Below is presented an in depth analysis of the differences and middle ground between Western and Islamic Feminism, and ways how female Muslim scholars are challenging interpretations of the Sharia Law, and a very creative example of how women are stepping up in India and taking control of Personal Islamic Law against the unjust concept of Triple Talaq (also known as Talaq-e-Biddat), and giving judgements that hold adjudicatory power in the Indian plural legal system to not only female kinship disputes, but also providing counselling for the cases where there is even a slight hope of reconciliation between Muslim couples (Dutta, 2021). I argue that by further exploration of the link in Islamic Feminism and its interpretation of the Holy Texts, that a healthy link relation between religious beliefs and the feminist movement can be established, and in turn, challenging the various radical violent Islamists groups and their claim of 'following the word of Allah', which they use as a justification for violence.

Contextualising Islamic Feminism in Relation to Western Feminism

Defining Islamic Feminism

To really grasp the complexity and different opinions in this area of study, it is essential to analyse what the extreme sides in both Islamic Communities and in the Feminist movement think. To start off, let us further analyse how Western Media defines Islam. You can often see people in Western Media refer to the radical branch of Islam as 'Fundamentalist'. The first search on Google on the meaning of Fundamentalism gives us a result where Fundamentalism is defined as 'relating to or advocating the strict, literal interpretation of scripture', and we can see how calling radical Islamists fundamental is false, as the interpretation of Islamic scripture is highly subjective in nature as mentioned above, and this association calls Islam as inherently something that supports radical ideas like Jihad and flawed interpretations, which is very wrong, as we will see throughout this paper (Irawan & Arifin, 2021). On the other side of the spectrum, we see how current patriarchal communities in Islamic societies see the Feminist movement as a threat and thus naturally seeks to impose ideas that are in opposition of the Feminist movement, as seen in Post-Revolutionary Iran, for example. (Asokan, 2019) Now that we have explored the polar opposites of this crossroad of intersectionality, we can see how when both sides merge, there is bound to be conflict in people's minds, however, if we were to really define the scope of Islamic Feminism as a movement, it would be accurate to note that it is an extension of the feminist movement against patriarchal structures, which takes ideals from Islamic religious texts, namely the Quran and the Hadith, with their own interpretation of scriptures.

Contrasts with Western Feminism

Islamic Feminism, which has roughly been defined in the previous paragraph shows the basic difference of the movement even within majority Muslim populations. The dimensions of Feminism in Muslim population are something that is key to

note as there is a very big distinction between 'Secular Muslim Feminism' and 'Islamic Feminism' where Islamic Feminism finds the Holy texts to be the primary source of their feminist value, where the Secular Muslim Feminist movement, as the name suggests, doesn't rely on religious affiliations for their values. The Secular Muslim Feminist takes many perspectives from the Western Feminist movement while keeping their experiences as a Muslim in mind, and thus the distinction between the two subgroups is important (Akalay, 2021). The Secular depiction of wearing a hijab, for example, takes on a different discussion between the Islamic Feminists and not just Western Feminists, but Western depictions in general, with one side debating it to be a part of their culture and the latter debating and showcasing it as a part of oppression (Kasiye, 2021). This is one of the issues that causes the Islamic Feminists to move away from Western Secular Feminism, as the hijab they argue is very important to Islamic culture and in actuality enhances their beauty (Shikha et al., 2020). However, this is not to confuse that the end goal of both shades of the Feminist movement are same, i.e., equality, but the methods of both groups achieving their goals is the where the difference lies.

Irshad Manji's Canadian Islamic Feminism

Irshad Manji's case study of trying to balance the Western and Islamic ideas of feminism is a very controversial yet interesting example. After viewing many interviews and book excerpts from Irshad Manji's works, it is best that we start by understanding her situational context, i.e., multiculturalism in Canada, as Irshad herself describes Canadian Multiculturalism in an interview as essential to her migration from Uganda to Canada (The Agenda with Steve Paikin, 2014). One of the landmark laws in multiculturalism in Canada can be seen in the form of the Canadian Multiculturalism Act (1988) established two fundamental principles, which were that – a) all citizens have the freedom to preserve, enhance and share their cultural

heritage; b) multiculturalism in Canada promotes the full participation of individuals and communities in all aspects of Canadian society (Canadian Ministry of Justice, 1985). This Act was in direct correlation with Former Canadian Prime Minister Pierre Trudeau's declaration of Canadian Multiculturalism long before in 1971 (Banting, 2010). We can see how the differentiation between 'full participation of individuals' as mentioned earlier and cultural participation of groups are essential. This distinction between individual views and the views of the groups can be related to the idea of 'group honour' that is prevalent not only Islam, but can also be seen in Indian Hindu communities to what we refer nowadays as 'honour killings', for example, the 2009 Shafia Family Murders in Canada (Jiwani, 2017), which showed in its fullest, the flaws of groupthink of cultural participation in Canadian Multiculturalism. However, it is of use to note over here that culture and real Islamic Holy Texts are very different from each other, as culture is a result of the development of the Islamic Holy Texts, and these developments have already discussed to have been supporting patriarchal norms, and thus, a different interpretation of the Holy Texts can gradually change culture as well. Irshad Manji goes on to say that Canada in its specificity to being really good at multiculturalism (Brosseau & Dewing, 2018), has unfortunately created a space where people are so afraid of being called racists, and thus, they go on not opposing even the customs that are evil and require changing. Irshad Manji adds on by saying how there needs to be a safe space to discuss and support critical thinking in contrast to what is actually occurring currently, i.e., just being nice to one another (The Agenda with Steve Paikin, 2014).

Shariah Law and Islamic Feminism

While the meaning of the word 'Shariah' has evolved overtime, In the 7th century, during the lifetime of the Prophet Muhammed, the word roughly translated to 'the way'. This meaning can lead to the clear definition of what Sharia really is.

Sharia is not a set of fixed rules, but rather a series of moral and ethical principles derived from the Quran. Sharia Law on the other hand, is an interpretation of these moral and ethical principles which has been turned into a legal code. Thus, it is essential that we understand that Sharia Law in itself is based on interpretation and can be changed. As this paper is being written, the importance of this relation with Sharia Law and Islamic Feminism is of more importance than ever, with the Taliban recently capturing Kabul in Afghanistan and declaring their intention to rule according to their interpretation (“What Is Sharia Law? What Does It Mean for Women in Afghanistan?” 2021). It provides a different way of attacking radical Islamist ideals, by attacking their interpretation of the Holy Texts itself, a method that will question the very ideals of such extremist groups.

Feminist interpretation of Sharia Law

Among the differences in the Feminist movement in Muslim countries, as discussed above in the form of Secular Muslim Feminism and the Islamic Feminist movement, we can see how the approaches of these subgroups are very different when it comes to dealing with the Patriarchal interpretations of Islam and countering them to achieve women’s rights. The Secular Muslim Feminist movement often questions the very legitimacy of Sharia in the legal systems in countries, whereas the Islamic Feminist Movement challenges those patriarchal interpretations of the Quran, and provide their own perspective to the issue (Dalaman, 2021). One example can be seen in the huge difference in interpretation in the Quran about the controversial legality about male figures “justified” use of abuse on their spouses. The argumentation of radical Islamists lies in the 34thth verse of Surah An-Nisa which states –

“Men are the caretakers of women, as men have been provisioned by Allah over women and tasked with supporting them financially. And righteous women are devoutly obedient and, when alone, protective of what Allah has

entrusted them with. And if you sense ill-conduct from your women, advise them ‘first’, ‘if they persist, ’ do not share their beds, ‘but if they still persist, ’ then discipline them ‘gently’. But if they change their ways, do not be unjust to them. Surely Allah is Most High, All-Great.” (Surah An-Nisa - 1-176, n.d.).

We can clearly see how the verse is very subjective in its interpretation like many other verses in the Quran. First, the word ‘gently’ creates subjectivity as to the magnitude of punishment, and at the same time, the verse doesn’t define a type of punishment. Despite these gaps, radical Islamists seek to justify domestic violence and other horrific acts, which in actuality, holds less to no basis in interpretation of this specific verse. This is only one of the verses that hold a lot of subjectivity in Islam, and this is what Islamic Feminists seek to use to dismantle patriarchy and achieve equality, which is the ultimate goal of even feminism, while at the same time, Islamic Feminists achieve a balance between their religion and identity, while fighting the evils of the Patriarchal system. It is not difficult to see how the theological base of Violent Islamist groups like Al Qaeda can be challenged, and once the Islamic Feminist approach gains traction and relevance in the Muslim communities, there will be no base for such groups to grow on.

Qazi All Female Muslim Court System

Perhaps the most standout of all the proofs of the rapid evolution of Islam’s interpretation to be more female-centric comes from the establishment of the ‘Bhartiya Mahila Muslim Andolan’ (Literal translation- Indian Muslim Women Revolution) in 2007.

An autonomous, secular-rights organisation based in Mumbai, India that works for the citizenship rights for Muslim women, with the hope of tackling secular issues in the form of their inclusion outside personal Muslim Law as well. The organisation began training women Qazis in 2012 (BMMA, n.d.). The Qazi is a name given to a judge in the Sharia Law who plays several key roles, including legitimising marriages.

While the organisation's work, when put into a broader timeframe, seems strange (women have historically been prohibited from being Qazis), it is actually well founded in Islam's very roots. According to Ebrahim Mossa, Professor of Islamic Studies at the University of Notre Dame, "There are no teachings in either the Quran or the prophetic tradition that prohibits women from being Qazis. Even the wife of the Prophet Muhammad, known as Sayyida Aisha, performed and solemnised the nikah of several people." (The Rise of Female Sharia Judges in India, 2019). To also combat against the traditional material taught to 'Qazis-in-training' that has traditionally been centric of the masculine world view, the BMMA has developed its own syllabi for female Qazis (Bhatt, 2017). BMMA's sociological study, extensively written about in 2015 and 2016, revealed that over 95% of poor Muslim women hadn't even heard of the All India Muslim Personal Law Board (Niaz & Soman, 2015), an independent organisation that is responsible for the continuity and implementation of Muslim Personal Law in India (All India Muslim Personal Law Board, n.d.). This puts the need for female Qazis in the limelight- if women are not even aware of the decision makers, how can they be assured that their woes would be heard and their needs adequately represented at the highest levels? While the BMMA still continues to be criticised by some Islamic leaders who deem women being Qazis is against Sharia Law, the positive response for the female judges has been incredible- with over 150 cases for the 15 judges and numerous multicultural weddings being legitimised by them (Mohta, 2019). It is important to note that while the female Qazi is not recognised by the state, it runs on its legitimacy in the neighbourhood, taking the example of Khatun Shaikh, a female Qazi judge who created a network with local police, lawyers and civil servants to create a legitimate backing from the neighbourhood. This system of connections gives authority to the Qazi judges and makes their judgements carry heavy weight in those societies

despite not being recognised by the state (Dutta, 2021).

Conclusion

This literary review establishes the relationship between three main issues, these are, the Islamic Feminist Movement, the Western Feminist Movement and Sharia Law, while further providing examples and arguments to explore the polar opposites and relations between these parts that can be related to each other. The western portrayal of Islam, and the subsequent analysis of how Islamic verses' when viewed from a feminist perspective shows a very different story from what the Islamic customs and structure of Sharia Law that exists in the contemporary world. Further exploration has revealed how Irshad Manji, a Canadian educator on issues like Islam and Feminism, analyses the relationship between multiculturalism in Canada and the reality of what extreme Canadian multiculturalism can translate into, and how this issue can be tackled. The paper also explored the feminist perspective on the Quran in the form of verse 34 of Surah An-Nisa in the Quran. The Qazi courts in India shows us the Islamic Feminist movement in action, an interesting example of Feminist Islamic Law in action. The implications of this research is to facilitate a discussion to form a bridge between religious values and the Feminist issues, as mentioned before, and using the Feminist interpretation to challenge the radical Islamist consensus that leads to many forms of Gender-based discrimination.

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