

# Islamic Feminism in India

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## Abstract

This article discusses Islamic feminism and the importance of Islamic feminism in its history. What is Islamic feminism, and how does Islamic feminism differ from the feminism of other religions and feminist moments? What is the influence of feminism in India? Muslim feminism and how can political, legal, economic and social rights be changed in the lives of Muslim women or is feminism already embodied in Muslim personal law? What are the changes and reforms in Muslim private law after Islamic feminism in India? In this article, I report on the emerging "Islamic feminist" movement in India, which has dedicated itself to achieving gender equality under Muslim private law. In this article, I will argue that a clear distinction needs to be made between Islamic feminism as a discursive movement and the individual local, national or transnational social and political movements that increasingly rely on this discourse.

**Keywords:** Gender; Feminism; Islamic Feminism; Reform.

## INTRODUCTION

Feminism is a set of movements and ideologies that aim to define, establish, and protect equal political, economic, cultural and social rights for women. This includes the search for equal opportunities for women in education and

employment. Feminists defend or support women's rights and equality. Feminism gives our society a new perspective when it reduces the old theory of why things are the way they are and views it from the perspective that women are not inferior and men are not ordinary.

### *Understanding the Islamic feminism*

The discussion on Islam and modernity rejected the above approaches and pushed for a real Islamic framework for social organization. "Islam is the solution" has become an appeal by Islamists and encapsulates the extent to which Islam is understood as a comprehensive system of thought, values and guidelines for the management of the modern state. In terms of women's rights, Muslim actors share the same diversity of opinion as above. Islamic feminists tend to rely on the intellectual foundation

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of Islamism and link particular views of Islam as a source of knowledge on topical issues, including women's issues. Of course, not all Muslim women identify with this view. According to the Moroccan feminist Fatima Mernisi, who traced her view on advocating a secular reconstruction of Muslim societies to positions similar to those of Islamic reformism. Muslim feminist theory has responded to this disease. Islamic feminists aim to "establish women's rights within an Islamic framework by reinterpreting Islam's sacred sources".

In contrast, secular feminists have questioned the particularist nature of the Islamic framework and advocated the adoption of severalist and universal rights for Muslim and non-Muslim women. Islamic feminism in general is a form of feminism that discusses the role of women in Islam. It aims for full equality for all Muslims, regardless of gender or gender, in public and private life. Islamic feminists advocate for women's rights, gender equality and social justice based on an Islamic framework. One of the leading figures in Islamic feminism is Margo Badran, a historian who specializes in Islamic feminism and is the author of many essays and books interpreting Islam from a feminist perspective. According to Badran, Islamic feminism is a feminist discourse and practice that derives its understanding and mandate from the Qur'an and seeks justice and justice within the framework of equality between women and men throughout its existence. Discourse (Islamic feminism) clarifies the idea of gender equality as part of the Koranic idea of equality for all sane people (the people) and calls for the implementation of gender equality in the state, civic institutions and everyday life.

He rejects the idea of a public/private dichotomy (which incidentally was lost in early Islamic fiqh) and conceptualizes a holistic ummah in which the ideals of the Qur'an are effective in all fields. Therefore, Islamic feminism aims to restore the idea of gender equality from the revelation of the Qur'an which was introduced to patriarchal Arab society in the 7th century (AD). The equality of the Qur'an, from which gender equality cannot be separated, is incompatible with the patriarchal culture in which Islam was first introduced and propagated. Overtime, patriarchal thought, institutions and behaviour remained largely resistant to the Koran's revolutionary notion of gender equality.<sup>2</sup>

Islamic feminism, according to Zainab Alumni, "Islamic feminism is the idea of realizing that men and women have equal rights based on re-reading the Koran, studying religious texts and

asking people to practice them."<sup>3</sup> According to Arshad Hiba Islamic Feminism and the Role of UNESCO, Islamic Feminism distinguishes three types of feminist movement theory in Islam. First, Islamic Feminism theory, their opinion is Islam and its teachings; Pursuing a theory of full equality between women and men Muslim feminist beliefs in Islam and feminism use non-Islamic arguments as international human rights treaties to combat gender inequality. And Islamist feminists are defenders of political Islam, the idea that the Koran can impose Islamic rule; they protect women's rights in public, but do not combat gender inequality in the private and private sphere.<sup>4</sup>

Another Islamic feminist writer, Malk Hafni Nasif, said: "Critical tensions also arise in feminist discourse; of the two distinct voices of feminism in Egypt and the Arab Middle East for much of this century, and the latter remained a marginal alternative voice, generally not even recognized as the voice of feminism, until the last decades of this century. The dominant feminist voice that followed with a western voice, secularized, cautious and ultimately even directed against the western path, she seeks ways to articulate female subjectivity and to establish herself in local, customary, Islamic discourse usually in the sense of social, cultural and religious reform. Renewal is seen as regeneration for society as a whole, not only for women, then women's rights, then women's rights are not the only or even the main goal of reform, but one of several."<sup>5</sup>

Today the most dominant and popular movement is the Islamic feminist movement. Islamic feminism, we must consider the meanings of the two words that make up this term: Islam and feminism, Muslims number more than a billion people today and live on every continent of the world under the political, social, cultural influence and although we don't pay much attention to the religion, diversity. Therefore, it is reasonable to assume that Muslim women will have different types of worries depending on where they live and under what conditions. At the same time, however, it is very clear that, despite the diversity of Muslim cultures and societies, women in many societies must endure such forms of inequality and sexual discrimination.<sup>6</sup>

Denominational differences in Islamic beliefs and practices, especially among Shiites and Sunnis, creates complexities that need to be taken into account. In addition, geographically and historically, Islam has been and is practised in various cultural contexts around the world.<sup>7</sup> But nowadays women

can act as judges in Muslim societies such as Iran, Egypt, Sudan and Morocco, and more recently as a result of the constant struggle by feminist activists among Muslim women.<sup>8</sup>

### *History of Islamic Feminism*

Two of the most well-known global women's liberation movements are the 7th century prophetic women's liberation movement and the 18th-century feminist movement. In the early days of Islam in the 7th century, women's rights reforms had an impact on marriage, divorce, and inheritance. Before Islam, women in Arab culture and the West did not have such legal status.

The western feminist movement and the Muslim women's liberation movement are different and result from the western feminist movement. The reason for the feminist movement in Europe lies mainly in the opposition to religious scriptures and unfair social practices against women. Islamic feminism is generated by Muslim women from the majority and minority communities in Africa or Asia and immigrant and transforming communities in the West.

Classical Islamic feminism is the classical Islamic methodology of *Ijtihad* and *Tafsir* (interpretation of the Qur'an). *Ijtihad* is a technical term in Islamic law that describes the process of a legal decision through independent interpretation of the legal sources of the Qur'an and Sunnah. Muslim feminists have emerged and adapted their issues to work in an Islamic context so that women can challenge gender domination and expectations as part of their faith. Like the Egyptian reformers, "Abduh's thoughts (1849-1908) then focused on social issues and changes in Islamic society. The first Arab feminist and book on the role of women in Muslim society by the early 20th-century Tunisian writer and reformer Tahir al-Hadad.

Misconceptions in areas such as the veil, polygamy, marriage, divorce, and inheritance. Al-Haddad rightly emphasizes that the interpretations of classical Islamic scholars are closely related to the traditions and conditions of their times, which are not by the present.

Islamic feminists have written extensively on understanding Islamic gender and asserting equality for Muslim women using arguments drawn from the Qur'an. The main problem is that both educated and uneducated Muslim women are not aware of all the rights that Muslim women have in the Qur'an, but which largely undermines the power of Muslim men in the name of Islam, it is

a difficult thing. In Egypt, which is at the forefront of feminism in the Muslim world, the struggle for women's rights is combined with the rise of secular nationalism and social justice. A global movement called *Musawah* which means "equality" began suggesting that women could fight for justice and equality in the Islamic tradition. For many Muslim women, this has been a revelation. Mousavi was led by twelve women from countries such as Egypt, Gambia, Turkey and Pakistan, who spent two years explaining the movement's guiding principles.

Misawa is based on the belief that Islam is not inherently prejudiced against men: patriarchy in Muslim countries is the result of the way male interpreters read Islamic texts, and then demand legal reforms in their respective countries. Muslim women associate this new ideology with regimes that oppress their people.<sup>9</sup>

Feminism as a new awareness of gender and the subordination of women is developing in the uneven cracks of modernity at different times in different Middle Eastern countries for the first time in the upper and middle classes.<sup>10</sup>

### **ISLAMIC FEMINISM IN INDIA**

An Islamic feminist movement in India that aims to achieve gender equality under Muslim personal law. The Qur'an, which they claim offers political, economic and social rights, is a sign that Islamic feminism is theoretically an approach to empowering Muslim women.

In the context of the legal reform controversy, an important development in recent years has been the emergence of Muslim women's activism, which seeks to promote women's rights rather than focusing all of its energies on changing personal laws for better rights. Muslim women in India face great challenges as citizens and as members of the largest minority. Their poor socio-economic situation reflects a lack of social opportunities, which, although not a feature of Muslim women, is exacerbated by their marginal status in the context of the general social disadvantage of most Indian women.

Muslim women suffer from many shortcomings in areas such as education, employment and access to social programs. The status of Muslim women broadly indicates a lack of three main elements: knowledge (measured in terms of literacy and average study time), economic power (employment and income), and autonomy (measured in decision-making and physical mobility) as defining

characteristics.<sup>11</sup> Muslim women's rights active is to defend their right to read the Koran themselves and interpret it in a women friendly way. The Qur'an clearly states that there is no such thing as a scholar. So the scholars have no right to tell me anything. Your job is to get women to read the Koran, not to tell women what the Koran says.

The Muslim women's movement in India publicly supports the commitment to reform of Muslim private law in India. A confirmed increase in awareness raising campaigns that help educate Muslim women about the rights guaranteed to them in the Qur'an and it and to stimulate new impetus for debate on Muslim personal rights reform. The main women's movements, Muslim women from Gujarat, Mumbai, Rajasthan, UP, Tamil Nadu and Karnataka, have previously led in many organizations. Like Hukuk-e-Niswan, minority women in Madhya Pradesh, Tehrik, Bharatiya Muslim Mahila Andolan etc.<sup>12</sup> All over the world today Muslim women want their rights in Islam. From Pakistan to Nigeria, women spoke of the need to interpret Islamic law or Sharia or ijthihad to narrow the gap between the rights of men and women in Islamic societies. Many argue that the Prophet Muhammad himself was Islam's first feminist.<sup>13</sup> During the time of his prophet, many radical reforms were introduced which affected the treatment and status of women.

## SHAH BANO CASE

The 1985 Shah Bano case eventually led to the Supreme Court ruling in the Shah Bano case with the passage of the Muslim Women Act in 1986.<sup>14</sup> In the Shah Bano case, after forty three marriages, Shah Bano's husband, Mohammed Ahmed Khan, a wealthy lawyer and famously, forced his wife, Shah Bano, to leave their marital home. Then, in the 1960s, Shah Bano was evicted with their five children. Shah Bano has requested maintenance under Section 125 of the Indian Criminal Procedure Code (Cr.PC).

Article 125 of the Criminal Procedure Code states that if "a person with insufficient assets abandons his wife or refuses to provide for his wife it is considered good." The Supreme Court's decision caused several reactions. Many conservative Muslim leaders opposed the decision, saying it violated the rights of the Muslim community. They saw the decision as an attack on Muslim private law. They said the decision affected their religious affairs. Shah Bano will be tried under the Criminal Procedure Code, which applies equally, rather

than being placed under an un-codified personal law, which is often interpreted in a discriminatory manner.

However, following the decision of the Muslim led opposition, the INC-led government passed the Muslim Women Act of 1986 (herein after referred to as the Muslim Women Act). This law abolishes judicial actions that prioritize secular law over private law by enacting a new law. Shah Bano is not only a Muslim, he is a Muslim. Muslim religious leaders reacted this way because the decision had the potential to transform Muslim women: the embodiment of Islamic values and a culture that those who wished to defend their religion should not interfere. If the judiciary undermines the scope of the Muslim civil service law, the Muslim leadership interprets this as a betrayal of the ideals of secularism, because secularism, as they see it, is a country that adopts different religious practices. While the Muslim leadership sees Shah Bano as an example of a Muslim woman, the Supreme Court sees her as an Indian citizen whose position should be judged on the basis that she is an equal citizen and is entitled to equal rights regardless of religious identity.

In other cases, Latifi's condemnation is a step towards gender equality because it provides a social rather than a religious basis for maintenance arrangements. Despite this liberal interpretation, the issue of discrimination based on religion has not disappeared: it remains significant. Only Muslim women are denied custody according to the Criminal Procedure Code. Today 30 years ago a lawsuit was filed against Shah Bano, today another lawsuit was filed, the case of Shaira Bano. In this case, the issues of divorce, lawful, and polygamy are discussed. In this case, is the question of this type of divorce unlawful and unconstitutional? And its violation of Articles 14, 15, 21 of the Constitution, and after 70 years India gained independence, but Muslims face the same problem, be it the case of Shah Bano or the case of Shaira Bano. The very important question is how do legal and religious issues become political? Some people support it while others are against it. Have any of us ordinary people ever wondered why such issues are advertised? Muslim clerics completely forgot about this issue, arguing that some supported the Congress, others supported the BJP and others the Samajwadi Party, all without solving the problem before them. Why don't the scholars give answers in the light of the Qur'an and tell people on a wide scale?

In India, Sharia, which is pronounced as a Muslim



personal right, regulates the above and similar issues related to the Muslim community in India. Private Muslim law in India is governed by the provisions of the law on the Application of Muslim Personnel Law (Sharia) of 1937. Triple talaq is a matter considered jinn for the Muslim community. There is a lot of controversy on this issue. Different things are often said and have happened in recent days.

## NIKAHNAMA

The model Group in Mumbai, consisting of several lawyers, scientists and NGO leaders, has been trying since the early 1990s to develop and publish the Nikahnama model in 2005, which demonstrates this possibility. Muslim scholars, lawyers, activists and clerics took part in the debate to discuss the introduction of the Nikahnama model and the prohibition of triple talaq. The four page Nikahnama, available in a book in Hindi and Urdu versions, lists 17 points for the couple to remember. Not only does it prohibit dowry and domestic violence, but it also stipulates the conditions under which religion directs the groom to treat his wife. The publication of the Nikahnama documents was approved in 2005. The marriage approved by him abolished the mandatory clause in the Triple Talak; replace it with a simple warning against it and maintain a clause about more benefits in kind, without dowry and violence.<sup>23</sup> But he introduced something new: a conservative code of conduct for women not to go out without their husband's permission and soon.

## CONCLUSION

A serious problem faced by Muslims in India in the past was that they studied the Koran in Arabic while their mother tongue was Hindi, Urdu or other regional languages. Such situations lead to problems of understanding and interpretation. Although translations are now available, some well-read or upper class Muslims (Shurfa) still read and there are too few women. However, after the 1950s this was a major change in the situation as some women and men started reading the Koran in their language and thus understood the Koranic text with meaning. Even so, it is safe to say that Indian Muslim women are now aware of their Qur'anic rights for them. Such awareness is reflected in the case of Shah Bano and the 2005 Nikahnama model in the 1960s, making it accessible to ordinary Muslims. Today at least 22 Islamic countries removed three

hostages outright. Sharia law was reformed in Muslim countries such as Egypt, Turkey, Iran and Iraq. Even our neighbours Pakistan and Bangladesh have explicitly or implicitly abolished such Talaq. In India, the case of the three direct hostages was highly politicized, heavily debated, turned into a media and propaganda monster and ultimately poorly understood and misunderstood.

Islamic feminism tries to question the traditional understanding of the verses of the Qur'an in the light of gender equality. They contributed to the debate about the need for reform. Not much has changed at the site, as the community does not have educational opportunities and is therefore left behind. Reaching a large number of community members is a difficult task and a slow painful process, but education will improve the patriarchal perspective in which people understand the Qur'an.

Islamic feminism in India does not speak of legal reform in the light of the Qur'an. Islamic feminism in Muslim countries and we have never tried to interpret Islamic verses in terms of gender. There, any interpretation is made Islamic feminism says that we should go back to the Quran to make it more gender just. This is not happening in India so we won't call it Islamic feminism. Some groups try to emulate Islamic feminism, but the intention to interpret and reread the Qur'an is not here.

Islamic feminism calls for equal rights for women. He fought for equal rights for all Muslims. The main principle that Islam holds is equality and how can women be different? This is the question that Islamic feminists ask. They created a separate Nikahnama and are now challenging the Muslim Council over private law.

Islamic feminism is a term used in various countries since the Islamic revolution. Islamic feminists are not against Islamic Sharia, they are not against the Islamic text, namely the Koran. They are for the Quran, but they are against the scriptures and teachings and they are against the comments of the people. So basically the theme of Islamic feminism is that women should be given the same status as men, and Islam has provided that equality. That is, they support the teachings of Islam. You are for Islamic Sharia law. It is said that Islam does not view women as something different, making them secondary or inferior. It is said that the law was created by men and that this training (taalimat) was given by men which somehow made women dependent on men. Islam says more than that she has her own identity and that a woman should have an equal position in society. This is the main agenda of Islamic feminism.

Feminists are trying to get the same rights mentioned in the Qur'an and hadith. Islamic feminists try to revive this. And this is their fight; it is their voice that we want the rights that were given in the time of the prophet. So, as Islamic feminists, they are not against Islam and want to revive the teachings of Islam that have been given by Allah and the Qur'an. When we look at the effects of Muslim private law, we have seen good effects. Feminism means improving the situation of women, improving the situation of women. So, we are given by Islam, but in India the application is wrong.

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